



**AGENDA ITEM:**

**PLANNING COMMITTEE:  
20 MAY 2021**

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**Report of: Corporate Director of Place and Community**

**Contact: Mrs. C. Thomas (Extn.5134)  
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**SUBJECT: LATE INFORMATION**

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**1.0 INTRODUCTION**

The information below has been received since compilation of your Agenda. The following also includes suggested adjustments to the recommendations further to the receipt of late plans and/or information.

**2.0 ITEM 7 – PLANNING APPLICATIONS**

**REPORT NO.1 – EDEN TEAROOM AND GALLERIES, COURSE LANE, NEWBURGH – 2020/0785/FUL**

A neighbouring objection has been received outlining that the officer's report covers only visual/Green Belt aspects and does not address public safety issues. Matters raised by the neighbour include the following:

- Bin store – no mention of fire risk
- External staircase –
  - No confirmation that the designer is accredited and that the design and fabrication is appropriate
  - Fire risk, flammable materials (waste) and potential ignition source (air conditioning units) underneath the external staircase.
- Air conditioning units – potential fire risk
- Boundary treatments
  - visitors trespassing onto adjacent agricultural land

**OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

The visual appearance of the bin store and staircase are assessed in the agenda report. Safety aspects are covered by other legislative regimes. The agenda report provides commentary on the appropriateness of the proposed boundary treatments.

**Additional Neighbour Representations**

Following publication of the agenda a number of subsequent neighbour representations have been received in relation to the application. A number of the issues relate to those objections previously raised in relation to impact upon adjacent neighbours' privacy, concerns about drainage, parking provision, congestion and over development of the site. Additionally the following concerns have been raised:

- The proposal is not for specialist or affordable accommodation. There is no shortage of market housing in this area.
- Allowing this type of infill development will set a precedent for other property developers to complete similar schemes within the local area and alter the character of the estate.
- The development may result in increased neighbour disputes.

**Correspondence/Supporting Information from Applicant**

In response to concerns raised by neighbours from No 9 and 11 Beechwood Drive at the previous Planning Committee, the applicants have submitted the following information.

**Boundary hedging- Arboricultural Survey and Recommendations**

In respect of concerns raised about the existing privet hedging (which forms the boundary between the application site and properties on Beechwood Drive) not surviving construction works, the applicants state they have no desire to compromise the privacy of neighbours. An Arboricultural Survey and Recommendations (SMN Tree and Landscape Management) Report has been commissioned by the applicant. Its conclusions are summarised as follows:

Privet Hedge (H1) will be approx. 50 years old as is of reasonable quality. It has been maintained at height of approx. 8 feet. The rooting characteristics of privet is that root spread will be minimal but all major roots will be in 1m radius of the tree. It will tolerate a small degree of root loss without issues. Protective fencing is recommended to protect the hedge during the build, which can be secured by an appropriately worded planning condition.

**Ground floor secondary kitchen window**

Following concerns raised about the potential compromise to privacy from the top opening ground floor kitchen window on the southern elevation of the dwelling, the applicants state they would accept this secondary window to be obscured and non-opening.

**Precedent for future development**

The applicant notes there appear to be significant concerns regarding their development proposal setting a precedent for future development by residents who are being approached to sign a petition. They state that a previous similar

development proposal for a dwelling in a residential garden was approved in 2012 (at No 158a Redgate). Furthermore they state their garden is extra-large and unusual in size, compared to other gardens on the estate and believe that any approval of their application would not be a precedent as each application is assessed on its merit against Local and National Policy.

### **OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

Issues relating to design and layout, neighbour amenity, parking provision, and drainage have been addressed in the main report. It is concluded that the impact of the development on the amenities of nearby residents and the character of the area would not be so significant to warrant a refusal of planning permission. Each planning application is judged on its individual merits and any future infill applications would be assessed in accordance with the relevant planning policies at the time of submission.

In relation to the supporting information provided by the applicant, I am of the view that overlooking from the proposed side facing ground floor window will be prevented by the existing boundary treatments. Therefore, I do not consider it necessary to require the side facing kitchen window to be obscure glazed. The following additional condition is recommended to ensure that appropriate temporary fencing is installed to protect the existing boundary hedge during construction:

#### Condition 9

No site clearance, preparatory work or development shall take place until protective fencing has been installed to the root protection zone of the privet hedge to the southern site boundary in accordance with drawing PLA004 received by the Local Planning Authority on 14<sup>th</sup> May 2021. The protective fencing shall remain in situ for the duration of building works.

Reason: To ensure the protection of this boundary treatment in accordance Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.