



AGENDA ITEM:

**PLANNING COMMITTEE:
19TH JANUARY 2023**

Report of: Corporate Director of Place and Community

SUBJECT: LATE INFORMATION

1.0 INTRODUCTION

The information below has been received since completion of your Agenda.

2.0 ITEM 7 – PLANNING APPLICATIONS

Application No.	2022/0769/FUL
Location	Bungalow Farm, Heaton's Bridge Road Scarisbrick
Proposal	Variation of Conditions No. 2, 3, 5, 6, 8 and 18 imposed on planning permission 2019/0747/FUL to amend the growing and incubation rooms from portal framed buildings to polytunnels and construction of temporary vehicular access to site (part retrospective).

One additional letter of representation has been received from Mr James Houghton

Further to the above planning application, I would like to object to the draining system that is proposed for the Smithy Mushrooms development.

The holding tank that is to take all the water situated on the boundary of my part of the field, is filling that high with water, it is has raised the water table higher on my land and I have lost some of my potato crop through water lying on my land. After complaining to the developers, they have put in temporary pumps to empty the water into the ditch, that runs through to Heaton's Bridge and beyond.

The effect of this was that the water level in the ditch rose by about 30 centimetres and all the drains belonging to myself at Bungalow Farm: my house no 79, my brother 63, and my sister at 61 Heaton's Bridge Road where below the waterline. As soon as the pumps are switched off, the level of the ditch falls back 30 centimetres. This is totally unacceptable and as the water has considerably increased as concrete is laid over the building site, the amount pumped into the ditch will increase

dramatically our water will not be able to get away and there will then be a very high risk of the three dwellings flooding and the outbuildings at Bungalow Farm.

I need assurances from yourselves that if you agree to pass this planning application that this flooding situation will not happen. You are quite aware of the serious flooding at Heaton's Bridge in the past and it is quite apparent that this problem regularly during periods of wet weather. You have granted planning permission to take the water uphill to the canal. I am under the belief that they own all the land to the canal. I would also point out that these pumps were running day and night, and were keeping myself and my wife awake at night until we complained to the environmental health department at WLBC.

I would also point out to you that they still do not have the correct lines of sight at the entrance site and if passed it will create an increased danger to other road users. They do not own the land in the 160 metre sight lines either way as I have mentioned in previous correspondence.

Observations of the Corporate Director of Place and Community

Matters relating to drainage and flooding have been addressed within the committee report. The applicant has provided details of the proposed drainage systems to be used in the development.

A response from The Lead Local Flood Authority was received on 23rd August 2022 and is published on the Council's website. In summary the response concluded: The Lead Local Flood Authority has no objection to the above variation of conditions application.

Matters relating to visibility from both the temporary and permanent access have been addressed in the committee report. Members will remember the application was deferred to allow further consideration of issues relating to the main (permanent) access, temporary access, and highway safety. An update has been provided at the start of the committee report to further address these matters.

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One letter of representation has been received in respect of planning application 2019/0747/FUL (former application at the above site) which is summarised as follows:

In November I raised our concerns at the planning meeting in my speech regarding the design and positioning of the detention basin used for storage and distribution of surface water off the site. The plans show two outlet pipes from the detention basin to the adjacent ditch. The detention basin has only been constructed with one outlet pipe rather than the two shown on the plans due to the nature of its positioning and having little or no outlet fall to the ditch. This is another clear example of the developer not following the plans laid out, potentially adding to our concerns over flooding, something that we have recently experienced. I attach photos showing the outlet pipe from the detention basin actually under water as it struggles to take water away, and our adjacent field flooding due to this.

The site entrance is another clear example of the developer not following plans, this reason is apparent, as visibility splays cannot be achieved, any deviation from the plans laid out will compromise road safety.

Observations of the Corporate Director of Place and Community

The representation raises issues of an enforcement nature unrelated to the current application that will be investigated by relevant officers within the planning enforcement team.

Application No.	2021/0684/FUL
Location	South West Lancashire Pistol Club, Farley Lane, Roby Mill, Up Holland
Proposal	Retention of Walls (retrospective)

One email was received by all members of the planning committee in relation to the above application dated 17.01.23 and summarised below:

I am writing to again draw your attention to the planning application (2021/0684/FUL) which is due to be discussed Thursday 19th Jan.

The purpose of this email is to highlight information, which is inconsistent with the report you have been provided. I hope this helps inform your decision making.

Here are some examples of the detail which may be pertinent to your decision.

- On 12th September 1980, planning permission was granted for the continued use of land as pistol and rifle range including retention of two shelters and toilet - 8/80/661
- On 9th July 1986, planning permission was granted for an extension of pistol and rifle club range; erection of 'L' shaped clubroom/firing points and laying out of car park - 8/86/449
- On 23rd May 1990, planning permission was granted for Additional target pistol range - 8/89/1314. There were 5 planning conditions attached to this permission:

The officer states in 11.8 that two new shooting ranges have not been created and that the land has been used as a shooting range for a long period of time. According to the planning history presented in the report, there is permission for one shooting range (8/80/661 and 8/86/449). A second shooting range was also approved with time and noise conditions for the whole site (8/89/1314) but was not implemented.

There is contrary information to the report's contents, where three ranges are on site. It is shown in the Business' own document (submitted at the last meeting) that there are three ranges: A, B, & C, as well as clay stands, a clubroom, a grange and an Altcar hut. Yet only planning permission for 1 range, 'L' shaped clubroom/firing points, carpark and toilet based on the information in the report.

There appear to be only three possible explanations:

1. The business decided to proceed with the construction of a second range and additional developments on site, disregard the noise and time conditions imposed on it by the council. Choosing not to submit an additional planning application to circumvent these conditions.
2. Two additional ranges have been constructed on land that previously held woodland, and the business has submitted an inaccurate planning application that does not accurately describe the plans.
3. These additional developments have been subject to additional planning applications that have not been made public to the planning committee or the general public.

Attached is a marked aerial image illustrating the extent of the current planning permission on site, as well as the unauthorised developments visible from the air.

In spite of these inconsistencies, the officer states that the three ranges have existing approvals, but no evidence is cited in the report.

Some further points of consideration:

- In the report, 11.6 is incorrect. The aerial images submitted (2005, 2015, 2021) are from the winter/spring season, so they can be used to compare changes on the site over the years. A site visit by the planning committee would allow them to confirm these themselves.
- According to the aerial images, 11.8 of the report is not accurate; the walls are not positioned on the same footprint as the original earth banks; thus, a major change has occurred. This is confirmed by the Enforcement Officer's statement, "*The erection of the wall has in effect divided that part of the site into separate areas*" in Dalton Parish Council minutes.
- In the report to the planning committee, the planning history is different and less detailed than that provided to Dalton Parish Council.
- The report submitted by Councillor Juckes contains valid planning material considerations and shows that the information in the application/officer's report was intentionally misleading and contained information that would have been important to making a decision. In the written response to parliament, Bob Neill highlights the correct procedure for dealing with such matters by the local authority.
- There has been no explanation as to why this application has been handled differently from other applications, in terms of the length of time it has been with the planning department, the failure to request a noise study and the failure to assess the suitability of the materials used in construction.

For the Councillors to make an informed decision, the officer involved may need to clarify several inconsistencies in this application and report. I understand that it may be difficult for an elected official to override the recommendations of their professional officers, but the planning process should be viewed as fair and impartial. A business who has already demonstrated a lack of responsibility and respect for authority, having already carried out significant amount of work without planning permission to circumvent conditions they do not agree with should not be allowed to benefit from this practice.

In my opinion, the number of inconsistencies in this case warrants a closer examination by elected officials. If the officer's recommendation is accepted and planning granted, it would be an anomaly with decisions the council have made in other areas of the borough.

Should I be able to further provide a view for consideration, I would suggest that elected officials impose the conditions listed under planning permission 8/89/1314 (when the site was to be expanded from one to two ranges). At the present time, the site has at least three ranges and is open seven days a week from 8am to 10pm. By imposing the same conditions as 8/89/1314 (listed below), it will stop the unsociable hours noise nuisance in the green belt, which is inappropriate for this area and endangers the tranquillity of the area. This would at least provide some relief to the local residents who have been complaining about this site for the last 15 year.

Conditions for ease of reference:

- Condition 2 states: Noise resulting from the shooting activities on both existing and proposed rifle ranges shall not exceed 65 d/BA as measured at points 200 metres from the centre of the site (as defined on the attached plan)
- Condition 4 states: The use shall only take place at the following times: Sundays - 1400 hours to 1700 hours Mondays - 1900 hours until official, lighting up time

Observations of the Corporate Director of Place and Community

Notwithstanding the representation received, officers reject claims that the committee report includes inconsistencies, but is a true reflection of the proposal being considered. It is standard practice to summarise the planning history of a site within both delegated and committee reports, with the full detail available on the Council's website for public view using the reference numbers provided.

The comments raised by the 3rd party have been addressed in the update to members at paragraph 11.1 – 11.12 of the committee report and therefore remain unchanged following receipt of the 3rd party representation dated 17.01.23.

Application No. 2022/0669/FUL
Location Hurlston Hall Golf Club, Hurlston Lane, Scarisbrick
Proposal Retrospective Planning Application of Site No 4 for Change of use of area between ponds and the erection of the marquee for use as a holistic studio.

Observations of the Corporate Director of Place and Community

With respect to the above, this is to confirm to members that the application was formally withdrawn following publication of the committee agenda. Note that the recommendation was to refuse planning permission for the erection of a marquee for use as a holistic studio.

The withdrawal was confirmed by the Planning Agent by email to the planning service dated 12.01.23 for reasons to allow time to review the concerns and requirements raised by officers within the report.