



AGENDA ITEM:

**PLANNING COMMITTEE:
16th MARCH 2023**

Report of: Corporate Director of Place and Community

SUBJECT: LATE INFORMATION

Item 7C

Application No. 2022/1164/FUL
Location 10 Middlewood Road, Aughton, L39 6RG
Proposal Erection of a detached dwelling house and detached garage.
Relocation of rear bedroom window from side elevation to rear elevation on existing dwelling.

Three additional letters of representation have been received from Mr Pauline Hoose and one addition letter from Mr Hesketh as outlined below:

As the owner of 12 Middlewood Road I can confirm that I jointly own the land of the 2 driveways servicing nos. 10 and 12. The front driveway adjacent to the railway car park measuring 10 feet wide and the rear driveway 18 feet wide from our private boundaries as stated in the email sent on my behalf on 17th February.

As previously stated I object to the garage of the new property being sited and accessed half way along this rear driveway and so using private land not owned by the new property.

Do planning laws allow access to a proposed new property by trespassing on private property?

Although I do not have any objections in principle to the house being built on this land I do object to the rear driveway as access to the proposed garage.

Any new property built within the confines of the garden would have to use this private land for access although would not have any requirement to contribute towards upkeep and maintenance

As No 10 is currently up for sale the onus would fall on me and any future owners of No 10. The surface of the driveway is currently in very poor condition after renovations took place at No 10 a few years ago and despite their reassurances that repairs would be done nothing has materialised. Any future work will only exacerbate this problem along with the increased use.

I have informed Mrs Walker (the applicant) that I intend to install a locked gate at the end of the driveway when she moves out meaning the new property would have access to the garage

As stated in the email of the 17th February if the garage was flipped by 90 degrees and so accessed by their own land as was the case in the first set of plans they submitted I would agree to grant access across the rear driveway at the bottom end nearest the road where the current entrance to the site is located

Having read the planning report on the above application I request that you correct a couple of anomalies contained in it as they relate to issues I have requested to speak about at the planning meeting.

(10.24) Parking report states 3 spaces for 3 houses this is incorrect I actually wrote if the garage is sited halfway along the rear driveway the current parking potential of 5-6 cars would be reduced to 3 spaces for the existing 2 properties to allow access to the garage.

The shaded area of the site location report shows the shading covering the front driveway this is incorrect the site does not include any of the land of either driveway the boundary being the area within the confines of the old garden behind both driveways.

I trust that you are able to make these alterations however if this is not possible could you please add notes to the document to cover these concerns.

Would it be possible to arrange a meeting with the planning officer in charge of the above planning application?

There is an issue of importance in connection to potential asbestos residue contamination on the site. I am led to believe that the issue of asbestos contamination has not been taken into consideration during the assessment of plans.

Is this a fact or not? I require assurance in this issue before taking the matter further.

Observations of the Corporate Director of Place and Community

Matters relating to the shared vehicular access which is jointly owned between No 10 and No 12 Middlewood Road are civil matters and need to be resolved independently of the planning application between the respective owners.

As confirmed within the officer's report, Members are advised that during the planning application, upon receipt of Mrs Hoose initial representations about the

ownership of the driveway, the applicant was asked to correct the original 'ownership certification' for the planning application. A revised 'Certificate B' was submitted to the Council and confirmation given that the requisite 'Notification 1' had been served by the applicant upon Mrs Hoose in respect of this matter. In such cases the Council are also statutorily required to reconsult with the affected parties on the amendments to the planning documentation and this has been duly completed.

Any subsequent negotiation or discussions in relation to the maintenance, rights of way and future use of the shared access need to be pursued via civil proceedings between the respective owners as this fall outside the remit of the planning legislation.

The Council has not received the further email dated the 17th of February as referred to above in which it is indicated that a suggestion has been made to make amendments to the siting of the garage in order to address concerns about parking and access. In any case, any such requests for amendments to the scheme in this respect should form part of the direct discussions and negotiations between the respective owners as they directly relate the use and maintenance of a private area of land. LCC Highways have provided a response in respect of the application including the proposed position of the garage and parking arrangements which is published on the Councils Website on 13th December 2022. In summary they have reiterated that the new dwelling will be accessed from a private access/ driveway (for which neither the Council or the Highway Authority have control) Nevertheless overall they have raised no objections in principle to the proposals which they are of the opinion should have negligible impact on highway capacity and safety within the immediate vicinity of the site.

The requested correction to the summarising of the text within the neighbour representation has been noted and will be amended on the final report.

The query relating to the 'shaded area' of the site location report, it is assumed is in reference to the Site Layout Plan created for the purposes of the Planning Committee. This document plan merely outlines the entire parameters of the affected land owned (or jointly owned) by the applicant. It does not include the more detailed demarcations of red and blue lined ownership contained within the supporting plans submitted as part of the application

Members will be aware that the application site has extensive recent planning history including previous refusal(s) and appeals during which matters relating to allegations of burning of asbestos materials at the site were raised. These relate to Environmental Health matters which are dealt with under separate legislation outside of the scope of the planning application and are investigated by relevant officers from the Councils Environmental Health Team.

Notwithstanding the above, Members are advised that the enquirer has been contacted by the Planning Officer to obtain further details of the outstanding concerns relating to residual asbestos contamination on the site in order that the complaint can be passed internally to the Environmental Health Team for investigation and direct response.

Item 7D

Application No.	2022/0769/FUL
Location	Bungalow Farm, Heatons 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.

Additional consultee response - LCC Highways

Condition numbers 2, 3, 5, 6 and 18 are not highway conditions therefore LCC Highways have no objection to the variation of these conditions.

I can confirm that the applicant has submitted an application for a s278 with the Highway Authority and that the drawings relating to the main access visibility splays, swept path analysis, legal plan, design, site clearance and associated drawings have been technically approved by the Highway Authority and a draft agreement has been prepared although it has not yet been entered into.

Construction of Temporary Vehicular Access (retrospective) - This has now been removed from the description of the development. The applicant has applied for and received a s171 license for the construction of a temporary access (12 month period).

Additional consultee response - Canal and River Trust

No comment to make on the proposal as the amended details relate to the access arrangements

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

Raises concerns in regard to visibility splays and that they cannot be appropriately achieved on site.

Raises concerns in regard to the drainage of the site.

Scarisbrick Parish Council have commented that the temporary access appears to remain in use and that a substation has been erected at the access point without planning permission.

Observations of the Corporate Director of Place and Community

The description has been amended so that the temporary access no longer forms part of the proposed development. The main access has been approved at appeal under previous application ref: 2019/0747/FUL.

Matters relating to drainage have already been addressed within the committee report.

Item 7F

Application No. 2023/0109/FUL
Location Copelands Farm, Drummersdale Lane, Scarisbrick, L40 9RB
Proposal New access track

Observations of the Corporate Director of Place and Community

A further planning condition is recommended as follows:

Notwithstanding the details shown on drawing no. A14437 01, that part of the access extending from the highway boundary for a minimum distance of 6.25 metres into the site as shown on said drawing shall be appropriately paved in tarmacadam, concrete, block pavements or other approved materials prior to the remainder of the resurfaced track being first brought into use.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users and to comply with Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Item 7H

Application No. 2022/1167/FUL
Location Co-op Food 1 Hoole Lane Banks Lancashire PR9 8BD
Proposal Installation of one rapid electric (EV) vehicle charging station within the car park of Co-op foodstore (RETROSPECTIVE APPLICATION).

One additional letter of representation has been received from North Meols Parish Council

They are concerned that the charging station is causing a lot of distress to neighbour whose driveway is next to the foodstore. She has had a problem with (i) vehicles pulling up her driveway then having to reverse out and pull into the carpark and (ii) noise from people pulling up and charging, banging doors at all times of day and night.

They feel that the charger is in completely in the wrong place and should have been placed at the rear of the carpark or anywhere away from a residential property where it is causing upset.

Observations of the Corporate Director of Place and Community

The location of the EV charging station is the same as which was previously approved as part of Appl No: 2020/1217/CON in January 2021 and it is not

considered reasonable to request the applicant to relocate the position of the equipment.

The impact that the development has on neighbouring properties is dealt with in paragraphs 10.5-10.8 of the report.

Item 71

Application No.	2023/0008/FUL
Location	Old Gore Barn, Altcar Lane, Great Altcar, Lancashire, L31 4ET
Proposal	Conversion of barn to dwelling and construction of rear extension including rebuilding of existing outrigger (Resubmission of application 2022/0900/FUL)

One letter of representation has been received in respect of planning application 2023/0008/FUL which is summarised as follows:

I wish to object to the above planning application as described below. I do not object to the principle of conversion of the barn into a house. In fact Mrs Porter has done this to an exemplary standard. Also, I do not object to the principle of the extension as it has done nothing but add to the area. I have been a member of this community for 45 years and have walked past Old Gore Barn and have enjoyed watching the renovation process.

I have not objected to any of the previous applications, however, I am concerned at the current proposals to cover the extension brickwork with timber boarding which to my mind would not be in keeping with the appearance and character of the barn or the surrounding areas. I would much prefer the brickwork to remain as it is which is keeping to the Farm house and Mercer court.

On this basis I sadly must object to the current proposals.

Observations of the Corporate Director of Place and Community

With respect to the above, the objections solely relate to the proposed timber cladding which has been addressed within the report.