

Barrowford and Western Parishes Committee Planning Update

1st March 2023

One comment from a member of the public has been received as follows:

Due to a prior hospital appointment I am unable to attend the next meeting but want my points duly noted please . 92% of residents have lived on Hamilton for over Twenty years up to Fifty years and as such gives them prescriptive easement to access and usage of the frontage of Hamilton.

Over the years residents have maintained the road and unfortunately the constant stream of water that runs down Hamilton in high water often washes away the hard core placed there by various residents over the years.

Another important aspect of the ownership issues are that I have the original auction sale brochure that clearly states that the land on which the garages are seated on were sold at auction and nothing else therefore when XXXX purchased the land he and XXXX have exaggerated their stake in the land mass to obtain planning.

That in mind makes his proposal impossible as he has no rights to simply claim this land , looking at the plans it leaves no room for the proposed development as this will impose on long term residents access to their homes . The entrance to the proposed site is limited again due to the land adjacent to the house is individually owned by a resident, I will have representatives present at the meeting to make sure my points are delivered within the protocol of the Committee meeting.

Officer Comments

The issue of land ownership is not a material planning consideration in determining a planning application. Any grant of planning permission has no impact on either allowing a developer to own land they do not legally own or affecting rights that third parties have on land. Those are matters for a lands tribunal not a planning committee.

How a site is developed is controlled by the submitted plans and the conditions requiring work to be undertaken.

Committee are advised to give no weight to the comments so far as they relate to issues of land ownership or other easements.

In addition to the condition set out in the report the following condition is recommended to be added:

- 1 Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing; in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so

fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

It is further recommended that the following is added to condition 13:

No other windows or openings other than those shown on the approved plans shall at any time be inserted into the rear elevations of any of the dwellings.