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Dear Councillor

PLANNING COMMITTEE - WEDNESDAY 19TH OCTOBER, 2022

I refer to the agenda for the above meeting and now enclose the following report(s) which were unavailable when the agenda was published.

Agenda No.	Item	
8	Late Reps	(Pages 3 - 104)

Yours faithfully,

A handwritten signature in black ink, appearing to be "Ian Barton".

Democratic Services

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Planning Committee: 19th October 2022

Late Representations/Information

Appendix 4

Item 4A

DC/2022/01269: 102 The Serpentine North, Blundellsands

List of documents attached:

Update on the report

Additional petition from David Campbell, 12 October 2022

Letter from Objector Neil Hargreaves, 13 October 2022

Letter from objector, Ms Sass, 14 October 2022

Letter from Jonathan Cocking, 13 October 2022

Comments on Case Officer report from Ms Sass, received on 17 October 2022

Tree Survey Report from Jonathan Cocking 17 October 2022

Councils response

Update on the report

Comments from No.98

Further comments from the neighbour to the south has been submitted, stating that they would not wish to lose the boundary wall between the properties. This however would be a civil matter between the applicant and the adjoining resident, to be dealt with via a party wall agreement. They have also reiterated that they would not wish to lose any trees within their property. Concern was raised that the latest plan shows the root protection areas of these trees as being significantly smaller than they were previously, also that the task is not made any easier by the fact the tree numbers have changed when compared with previous plans.

The applicant's arboriculturists has clarified that the previous plan grouped together two trees within the neighbouring garden of no.98, which shows one larger root protection area, initially labelled as G13. The latest plans revised this to show the trees separated, which involves adding an additional tree number (T34) to the plans and a smaller root protection area for the two individual trees. This approach is considered acceptable and makes a more detailed assessment of each individual tree rather than the group as a whole.

Amended description

The description has been amended to better reflect the proposed development. The description previously described the extension to the south and east as two storey. This has been amended to part single storey, part two storey. The proposed layout has not been amended but the description is considered more accurate. It is not considered that the alteration would unfairly prejudice any of the neighbouring properties, as the amendment describes a reduced scale. The neighbouring properties have also consulted several times and have ample opportunities to make comments on the proposal as described within the amendment.

Error in report

Page 16 of the committee report makes reference to Tree 30 being within the applicant's site.

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However, this is an error, and the Tree Constraints plan demonstrates this tree is within the neighbouring land, at Blundellsands Hall. The report however clarifies that the removal of this tree would not be permitted should the development be approved.

Amendment of Condition 3

Amendment to the proposed condition 3 listed within the report, to include details of the retained and removed trees, rather than just those to be retained, plus a additional point to cover details of any additional services if necessary.

Notwithstanding the details contained in the Arboricultural Report, no development shall take place (including the pre-construction delivery of equipment or materials, creation of site access or clearance of the site) until an Arboricultural Method Statement (AMS) and tree protection plan setting out measures for the protection of retained trees has been submitted to and approved in writing by the Local Planning Authority. The submission must as a minimum include the following:

- i. A Site Plan to identify all the trees to be retained and removed within the site*
- ii. Tree protection fencing details and location;*
- iii. Removal of existing structures and hard surfacing*
- iv. Installation of temporary ground protection;*
- v. Retaining structures to facilitate changes in ground levels;*
- vi. Preparatory works for new landscaping;*
- vii. Auditable system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision including reporting to LPA at appropriate timings.*
- viii. The installation of any additional services.*

The AMS must be carried out by a competent arboriculturist in line with BS5837;2012 (Trees in relation to design, demolition, and construction- Recommendations). Any protection measures detailed in the method statement such as fencing and/or ground protection must be in place prior to the commencement of the works on site and shall be retained in place until the development hereby permitted is complete.

Reason: *The condition is required prior to commencement as it will ensure there is no unacceptable tree damage or loss and is placed to safeguard the appearance of the area.*

Additional petition from David Campbell, 12 October 2022

PETITION

To Sefton Council to request planning application DC/2022/01269 (102 the Serpentine North, which is within the conservation area of Blundellsands) be correctly assessed using accurate information, particularly in relation to trees, in order for the application to be considered in a fair and transparent manner.

Details of the petition:

THE APPLICANT HAS FALSIFIED THE LOCATION AND SCALE OF TREES IN THE ADJOINING NEIGHBOURS GROUNDS TO ENABLE THE DEVELOPMENT. SIGNIFICANT TREES WILL BE KILLED BY THE PROPOSAL. RELIC DUNES, ON WHICH MANY TREES ARE LOCATED, WILL BE DAMAGED.

THE NEIGHBOURING PROPERTY, BLUNDELLSANDS HALL, IS A REGISTERED NON-DESIGNATED HERITAGE ASSET AND A SECONDARY LANDMARK SITE MAKING AN IMPORTANT POSITIVE CONTRIBUTION TO SEFTON.

IDENTIFIED TREES ARE SEEN FROM THE PUBLIC REALM, FORMING A VITAL TREE CORRIDOR, COMMUTING ROUTE FOR WILDLIFE AND SHELTER BELT FOR THE NATURE RESERVE TO THE REAR.

JONATHAN COCKING: PRESIDENT OF THE EUROPEAN ARBORICULTURE SOCIETY, 9-YEARS ADVISOR TO THE PLANNING INSPECTORATE, EXPERT WITNESS, PROFESSIONAL ARBORICULTURE ADVISOR TO THE NATIONAL TRUST, FERPA, DEFRA, ENGLISH HERITAGE, THE FORESTRY COMMISSION, THE WOODLAND TRUST, THE FOREIGN AND COMMONWEALTH OFFICE, THE ROYAL PARKS AND GARDENS, ROYALTY, INTERNATIONAL ROYALTY AND ADVISOR TO THE GOVERNMENT ON POLICY IN RELATION TO TREES, WITH 43 YEARS' EXPERIENCE INCLUDING FOR A PERIOD AS HEAD PLANNING TREE OFFICER AT ONE OF THE LARGEST LOCAL AUTHORITIES IN ENGLAND, HAS REPEATEDLY AND CONCLUSIVELY ADVISED SEFTON COUNCIL THE APPLICANTS TREE REPORT AND TREE REFERENCES ON PLANS ARE INACCURATE. HE HAS PROVIDED ACCURATE LOCATION AND MEASUREMENTS TO WITHIN 1MM ACCURACY.

THE PETITION SEEKS TO REQUIRE SEFTON COUNCIL USE THE CORRECT TREE LOCATIONS AND ACCURATE MEASUREMENTS, EITHER BY VISITING THE PROPERTY AND OBTAINING ACCURATE MEASUREMENTS AND LOCATION OF TREES AND USING THEM IN RELATION TO THIS APPLICATION, OR USING THE INFORMATION SUPPLIED BY JONATHAN COCKING.

THE PETITION ALSO SEEKS TO IDENTIFY FULL ROOT PROTECTION AREAS, SHADING AND CANOPY CLEARANCE ON ALL APPLICABLE PLANS, IN ACCORDANCE WITH BS5837-2012. TREES IN RELATION TO CONSTRUCTION

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	FULL NAME	ADDRESS	TELEPHONE / EMAIL	SIGNED
1	David Campbell	25 Haldon Rd		
2	Victoria Hill	Blundellsands Hall		
3	John Mack	24 Wright Road		
4	Mr. Baker	2 Manor Dr		
5	Timothy	2 Manor Dr		
6	Mr. Hill	20 Wright Road		
7	Mr. Cook	20 Rufford Ave		
8	R. Hill	16 Cambridge Rd		
9	A. Hill	16 Cambridge Rd		
10	John	49 Cambridge Rd		
11	Tom	5 St Albans St		
12	M. Campbell	4 St Albans St		
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To: Sefton Council Planning Department / Planning Committee

Proposed by: David Campbell of Blundellsands Hall, 108 The Serpentine North, Blundellsands, Liverpool L23 6TL. Telephone: [REDACTED]

Signed: _____ Date: 12/10/2022

	FULL NAME	ADDRESS	TELEPHONE NUMBER	SIGNED
1	George Smith	23 Park Drive		
2	John Smith	12 Street Road		
3	John Smith	111 Regent Ave		
4	John Smith	123 Green Lane		
5	John Smith	45 Red Drive		
6	John Smith	123 Blue Ave		
7	John Smith	34 Yellow Rd		
8	John Smith	56 Purple Lane		
9	John Smith	78 White Road		
10	John Smith	90 Grey Ave		
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12	John Smith	123 Orange Ave		
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To: Sefton Council Planning Department / Planning Committee



Proposed by: David Campbell of Sandilands Hall, 208 The Serpentine North, Blundellands, Liverpool L23 6TJ. Telephone [Redacted]

Signed:

Date: 12/10/2022

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	FULL NAME	ADDRESS	TELEPHONE / EMAIL	SIGNED
1	D. Campbell	129 Sefton Rd, Sefton		
2	J. CONNOR	51 The Millside		
3	C. GILSON	34 LINDSAY ROAD		
4	K. McCreath	16 Malvern Road		
5	E. McLean	7 Piddock Chase		
6	Jane Moore			
7	Annelle J	80 Clowell Road		
8	NICK COOK	13 LOCKHART STREET		
9	MILES M. McANDREWS	75 Ashwood Road		
10	N. PEAR	20 WOODHEDD RD		
11	D. KERR	37 WILKINSON AVE		
12	Silviana	21 St Anthony's Rd		
13	K. TYLER	8 ST ANDREW'S ROAD		
14	S. Hussey	3 Lark St		
15	J. Jones	5 Newton Road		
16	S. JAY	3 ROSE ROAD		
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To: Sefton Council Planning Department / Planning Committee

Proposed by: David Campbell of Standish Hall, 108 The Serpentine North, Standish, Liverpool L23 6TJ, Telephone: [REDACTED]

Signed:

Date: 12/10/2012

Letter from Objector Neil Hargreaves, 13 October 2022

Hello Louise

I'm sorry for emailing you directly, but I have not been able to find a way to upload photographs onto the portal. Our covering comment has been uploaded, but not the photographs.

We are posting as a direct neighbour – in 98 The Serpentine North.

We have made reference in a previous comment to the attractive brick wall between the two properties which is under threat of demolition to be replaced by the white-rendered side wall of the new property. I wanted to upload photographs so that you could truly appreciate what I mean.

Below is the covering comment. The photographs are below and attached. Is it possible to upload them please?

*Thank you
Neil Hargreaves*

Further to our previous submissions, I thought you should see the wall we've previously referred to which is adjacent to our courtyard, and forms the boundary with 102 The Serpentine North. Please see the two photographs below. I trust you will appreciate why we do not want to lose this wall, and our established plants, including the wildlife living within them.



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Letter from objector, Ms Sass, 14 October 2022

Lorraine Sass
Blundellsands Hall
The Serpentine North,
Blundellsands
L23 6TJ

14th October 2022

My objection to planning application DC/2022/01269 and the amended plans are as follows:

The Adopted Blundellsands Conservation Area Appraisal (BCAA) makes a clear assessment of the character and appearance of the conservation area, including appearance, materials, windows, roofs etc. The application proposals, including the recent amendments, remains in clear breach of the guidance within that document.

It is acknowledged that the proposal is more in-keeping with the present property (which it is identified and accepted by Sefton Council as not making a positive contribution to the heritage environment). However, the individual new features and aspects that are newly introduced are not in accordance with that which is set out to make a positive contribution to the conservation area – identified in Sefton Councils own guidance. Such conflict will undermine Sefton Councils own guidance and further support a building not making a positive contribution to the environment but potentially causing harm given its new conflicting individual features and significant increase in scale.

The application proposals would be a breach of Sefton Councils own guidance in relation to almost all features and aspects. It is further significantly in conflict with the Blundellsands Conservation Area Advisory Leaflet for Householders.

Replacing a building which is deemed to make a negative contribution to the character and appearance of a conservation area with one that makes a similar contribution – i.e. that also detracts, not making a positive contribution to the historic environment, would certainly meet the tests of the *South Lakeland* Landmark case.

It is suggested the replacement dwelling will actually detract from the character and appearance of the conservation area significantly more than the existing building as the significant increase in size, with features and aspects that, by Sefton Councils own determination, are those that are not characteristic or even acceptable, supports the view that the new proposal, whilst perhaps refreshing the property, actually detracts from making a positive contribution.

For instance, the replacement dwelling stretches the full width of the site (almost from boundary to boundary), which is more than the existing building and is noted by the adopted Conservation Area Appraisal as being a detracting feature. Sefton council officers must assess why they believe it acceptable to go directly against their own guidance and actively accept something that is actually determined to be detrimental and in direct conflict to guidance. This has not been done. The new proposal replaces wooden windows and doors with grey aluminium (not acceptable according to guidance), features a zinc roof which is identified as not in keeping with the character of the area (yet says the character is retained).

Whilst the existing building may detract from the character and appearance of the conservation area, the proposed building would be a far greater detracting feature than the existing, given the use

of inappropriate materials and features and disproportionate increase in scale, masking heritage assets and compromising the spacious planned character of the Blundellsands Conservation Area by building boundary to boundary, taking out trees and therefore exposing the ground floor level. This will appear as a large house squeezed into the plot. On that basis, the proposals would actually harm the character and appearance of the Blundellsands Conservation Area.

The application should therefore be refused.

There is inconsistency between those assessing the merits of the site when introduced new features, suggesting policy and guidance is not being consistently understood or followed by Sefton Council staff. The previous conservation officer stated **‘THE GLAZED BALCONIES SHOWN ON THE PLANS, AND THOSE CERTAINLY POSITIONED TO THE FRONT AND SIDE ELEVATION, ARE AN INDISPUTABLY MODERN INTERVENTION WHICH ARE VISUALLY INTRUSIVE AND NOT IN KEEPING WITH THE CHARACTER OR APPEARANCE OF THE CONSERVATION AREA. THEIR PRESENCE WOULD NOT PRESERVE OR ENHANCE THE CHARACTER OF THE CONSERVATION AREA SO I WOULD SUGGEST THESE BE RECONSIDERED’**. Yet the present conservation report has no issue with this feature meaning officers judgement is inconsistent.

BCAA Guidance for planning decisions: 5.0 TOWNSCAPE AND FOCAL BUILDINGS

5.1 TOWNSCAPE

5.1.1 at the older addresses along the sea-facing part of The Serpentine, the houses have at least their own width between them and their neighbours. There is little visual relationship between wider groups of buildings, only perhaps between neighbouring houses’. **‘Where the existing rhythm set out by the large spaces between the buildings is broken, the results are generally hugely detrimental’**. The suggestion that it is **‘HUGELY DETRIMENTAL’** is significant and should be acknowledged when a building is proposed to be built boundary to boundary (apart from 1m north side). It is of further significance that trees T8 and T9 which the leading specialist, Jonathan Cocking, believes would be unable to be retained (and Sefton Council tree officer also having particular concerns), would mean the ground floor would be exposed and the boundary to boundary build entirely evident. It is therefore determined that by Sefton Councils own assessment, the proposal would be **‘hugely detrimental’** in this important aspect.

‘The rhythm can easily be broken, for instance by a significant extension, that largely fills the gap between the building and its neighbour, and the character and appearance of the streetscape would subsequently change, to the detriment of the conservation area. Appearance of the streetscape would subsequently change, to the detriment of the conservation area’.

There is very clear and robust guidance in Sefton Councils own document that determines the importance of the gaps between buildings and how a significant extension will be detrimental to the character and appearance of the streetscape by filling the gap. In the image below this demonstrated the effect when trees central to this image (T8 and T9) will be destroyed by the proposal – T9 being entirely within the RPA of the tree. Consequently, leaving the building at ground level entirely exposed in views into the conservation area, ensuring the building will appear cramped into the plot and very clearly (as fully set out above) causing some harm to the character and appearance of the streetscape as demonstrated by Sefton Councils own reasoning.

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In addition, Chapter 12 of House Extension SDP denotes that “[extensions in conservation areas should preserve or enhance the character or appearance of the area. In particular: a\) The content of Conservation Area Appraisals \(where available\) will be taken into account.](#)”

Blundellsands Conservation Area Appraisal (BCAA) states:

c) We will carefully assess the architectural appearance, character and history of the building affected, and buildings in the area including their features, layout, [spaces between them](#) and neighbouring buildings and their setting.

d) Extensions or new features must use appropriate architectural detailing, landscaping and **materials that suit the age and style of the building** (e.g., [timber windows instead of PVC.](#))

BCAA recognises that “[inappropriate scale often almost filling the width of their plot, and extension to width impacts spaciousness](#)”, which is a “[defining character of Blundellsands Park Conservation Area](#)”. This is clearly in direct conflict with comments from officers in the assessment of this proposal, further undermining Sefton Councils own guidance.

Blundellsands Conservation Advisory Leaflet states:

[External alterations to existing buildings including extensions:](#)

[The following deals with some of the details of alterations and extensions to buildings.](#)

- [aluminium windows should not be used](#) (the proposal uses aluminium windows)
- [Brickwork and stonework should not be painted or rendered](#) (no existing brickwork will be evident as it is proposed to be entirely covered with render)
- [Cladding of brickwork in stone, artificial stone, pebble dash, render, timber, plastic or tiles is not permitted for practical as well as aesthetic reasons](#) (cladding of brickwork in lower sections is applied)
- [Original roofing materials and existing rooflines and views should be retained](#) (they are not – a new flat roof is introduced, rooflines are made higher, views of heritage assets will be

blocked)

- **Wooden moulded and panelled doors are likely to be the most suitable.** (aluminium windows and doors are proposed)

Blundellsands Conservation Advisory Leaflet states:

'In determining applications for the development of land and alterations or extensions to buildings within the Blundellsands Park Conservation Area the Council will pay special regard to: -

- The retention and enhancement of views into and out of the area, vistas within the area and the general character and appearance of the street scene and roofscape.

External alterations to existing buildings including extensions:

The following deals with some of the details of alterations and extensions to buildings.

- **Original roofing materials and existing rooflines and views should be retained** (the alien roof covering in zinc sheeting is introduced – existing rooflines and views as above)

However, whilst the adopted BCAA aims to guide planners in making appropriate planning decisions, the proposal directly conflicts also with the development plan, including policy EQ2 (Design), NH9 (Heritage Assets), NH11 (Listed Buildings), NH12 (Conservation Areas) and NH15 (Non-designated Heritage Assets).

MASKING HERITAGE ASSETS Conflicts with NH9 (Heritage Assets),

The image below shows the extent of the extension coming forward off the main house elevation to the west (the increase in roof height, addition to the front elevation and massing making this a sizeable extension protruding forward).



Image below shows how the extension both over the garage and to the entire front of the property, plus the increase in scale, would block the historic bay of Blundellsands Hall from road views (and some limited views from along the coast). Permanently blocking an important aspect of a non-designated heritage asset and secondary landmark site is considered detrimental to the historic environment. The featured bay was specifically identified in the NDHA status recommendation.

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The featured bay of Blundellsands Hall has direct correlation to historic buildings eroded by the sea in the immediate area, which are detailed in references of the oldest houses in the region (images below). Blundellsands Hall appears to be the only building, within any of the primary views (including from the coastal pathway) into the conservation area, having such clear historical referencing in style and features.

Early historical images



Blundellsands Hall similar featured bay and chimneys (more viewable from coast)



With reference to the landmark case in the HIGH COURT OF JUSTICE London: 08/09/2015 Obar Camden Limited Claimant-and -The London Borough of Camden Defendant- and –Vidacraft Limited:

‘NPPF 128 and CLARPA both required the applicant to describe the significance of any heritage assets affected including any contribution made by their setting’. ‘it is not possible to come to a conclusion about harm until an assessment has been made of the significance of the asset affected’. ‘that section 12 NPPF (particularly at paragraph 128) required the applicant to describe the significance of heritage assets affected’. ‘officers had come to the conclusion that there was no harm and that the Committee were experienced. One wonders in those circumstances why there is the requirement in CLARPA and NPPF paragraph 128 as stated above. The reality is, in my judgment, that these were material considerations which were not considered and therefore the decision is flawed’.

It is absolutely clear from the images above that the bulk and massing of the northern and front extensions, disrupts key views of the heritage assets. The materiality of the building which afforded it NDHA designation will be blocked from important views into the conservation area. Whilst there was a clear assessment in presenting Blundellsands Hall for NDHA status, highlighting specific features such as the sandstone detailing, the featured bay, relic dunes and trees, which was accepted in confirming the NDHA status, officers have failed to properly highlight these specific features in assessing significance.

POLICY EXPLANATION: SLP NH9 HERITAGE ASSETS: Chapter 11: (Page 158)11.100 'The aspects which contribute to the significance of these assets will be expected to be retained'.

BCAA Guidance for planning decisions states:

4.3 'Perhaps the most important of views to the character of Blundellsands are those INTO and OUT OF the conservation area. Most notably these include views from along the coast and from the water itself'.

'Blanefield' a house being recommended for NDHA status, which is specifically featured in the BCAA in relation to making a positive contribution to views, can only currently be seen across the applicants garage. Reference to Blanefield in the Blundellsands Conservation Area Appraisal (BCAA) 6.4 titled: 'Views across the Key Park showing the contribution which chimneys make to the character of the area'. This historic property will be obstructed by the building on top of the applicant's garage and the increase in mass of the proposed extensions. It is therefore considered there is some detriment to the conservation area by this extension. **The property is most visible during winter to spring when leaves have fallen.** Despite the proposed first-floor extension being stepped in, the angling of the applicant plot means the property will be obscured by the significantly increased massing of the northern extension.



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Historic England Advice Note 1 (Second Edition): Setting and views; 58 ‘Heritage assets can gain significance from their relationship with their setting whilst views from within or outside an area form an important way in which its significance is experienced and appreciated’.

NPF: Glossary Appendix 2

‘Significance: The value of a heritage asset... Significance derived not only from a heritage asset’s physical presence, but also from its setting’.

TREES:

SEFTON LOCAL PLAN: CHAPTER TEN - DESIGN AND ENVIRONMENTAL QUALITY

Trees and landscaping

7. Development proposals must:

a. Not result in unacceptable loss of, or damage to, existing trees or woodlands or significant landscaping during or as a result of development,

c. Where appropriate, include an appropriate landscape scheme

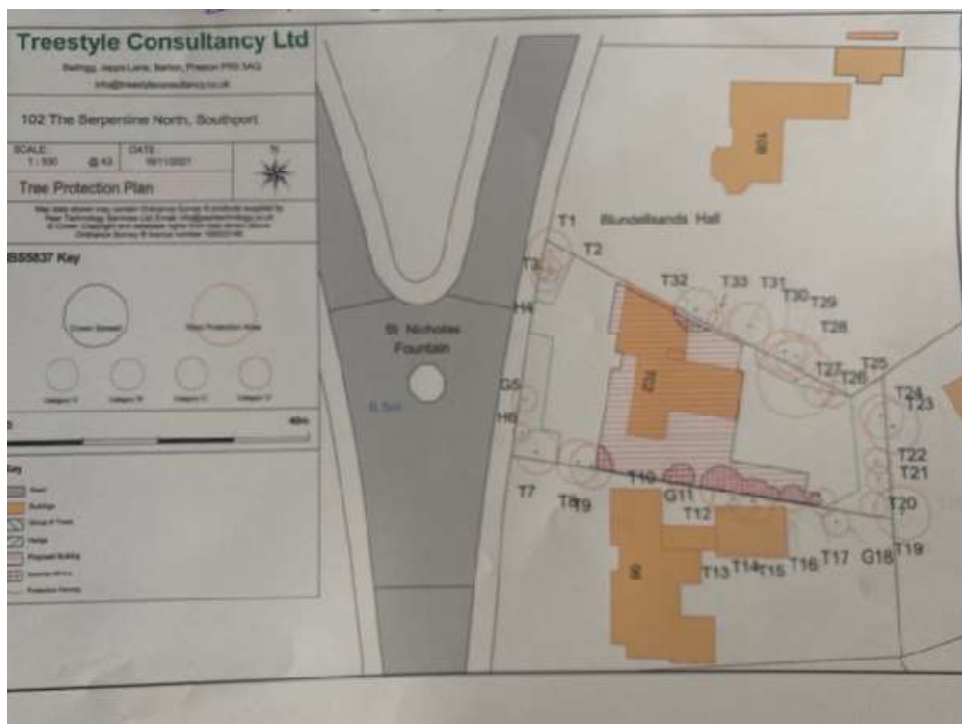
- No landscape scheme has been provided.
- Significant loss of existing trees is anticipated both to enable the development and for the construction (confirmed by Advisor to the Planning Inspectorate and Expert Witness Jonathan Cocking).
- Trees are missed off relative plans where the RPA should be mapped, not only for the development but also for the construction.
- There is no justification whatsoever to exclude trees on plans.
- The crown spread should have been shown on all applicable plans (according to BS5837-2012), including the first-floor plan. Despite numerous requests this has been refused.
- There is no justification whatsoever for refusal to show correct tree constraints - it is a requirement in BS5837-2021 which is the guidance used by Sefton Council.
- Category A1 trees and others are at risk in the neighbouring garden of Blundellsands Hall as are trees in Number 98.
- T30 (A1 category tree) was applied to be removed as part of the application. This tree is not owned by the applicant.
- There has been discrepancy as to the categorisation of trees. The applicant’s category of T32 as U for example means they are not required to show this on plans. This is a Category A1 tree, confirmed by providing extracts from BS5837-2012 and supporting images.
- Rather than acknowledge this inaccuracy, it is suggested a group of trees in which this belongs does not form part of the planning application. However, the trees are still affected by the development with construction traffic and inadequate protection / exclusion zones due to the misidentification of scale and location. Much is unseen and below ground RPA which will be compacted / threatened by leaching or other disturbance by construction traffic with the RPA. Feasibility of any sizeable new structure is in doubt due to extensive influencing of trees.
- Trees in the area around T30/T29 have been excluded on all most recent plans.
- Tree location and RPA on trees within influencing distance of the construction have repeatedly changed or been omitted from final plans. Many have not even match their own Tree Survey. See images below which are plans to show the moving location of trees

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and RPA from the applicants. Note particularly T13 and T31 with other trees within the construction zone now omitted. Also, T8, T9 and T32 on the tree plans which differ.

- All trees on Jonathan Cockings assessment have a within 1mm accuracy in location and scale.

The image on the left is the most recent ground floor plan. The image on the right is the retained walls plan uploaded before. Note the RPA of T13 when it is away from the main development. The RPA 'shrinks' when forced to move the location of the tree nearer its true location.



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Historic England: TREE MANAGEMENT, CONSENTS AND CONTROLS:

'There should be a general presumption to retain trees, especially veteran trees, wherever possible'.

Woodland Tree Guide:

The older the tree the more valuable it becomes. Dying ancient trees may endure for many decades and by still being present in the landscape continue the biological, historical, or cultural connection, as well as providing very valuable habitat for wildlife.

Image below shows roosting habitat for bats in Blundellsands Hall grounds. This tree is in danger due to site traffic and construction, destabilisation due to the location on a large relic dune immediately next to the applicant site with significant overhanging branches. Applicants Tree Survey recommends removal as 'limited life potential'. This is categorised as an A1 tree, a central tree to the tree corridor. Numerous similar roosting habitats are within Blundellsands Hall grounds.



The image below demonstrated the close location to the site boundary of T29, shown some metres away on the applicants plans (when it is shown on earlier plans – curiously omitted from more recent). This is situated on an unsupported relic dune. It is a tree of significant ecological value and is a major tree within the tree corridor.



Blundellsands Advisory Leaflet section: Additional Planning Powers states:

'Determining applications for the development of land and alterations or extensions to buildings within the Blundellsands Park Conservation Area, the Council will pay special regard to: -

'The retention and preservation of existing trees'

SLP: 9 Trees; Sefton is generally relatively sparse and that urban trees are therefore very important because of their green infrastructure benefits. Regarding TPO's, paragraph 10.82 states that 'development that results in a loss of trees which are subject to a TPO will be acceptable only if it is demonstrated that there are no practical alternative solutions and where the need for development outweighs the value of the trees that will be lost.'

Tree T32 (below) described on the applicant's Tree Survey as '4 metres' (12 foot) and 'small'. Note scale in relation to building. This tree is vast and healthy – the first tree in the shelter belt so is smaller than its indicative age due to exposure to continual wind and salt – but it is NOT 4 metres tall.



SLP EQ9:

TREES AND LANDSCAPING

(Page 129) 10.82 'Hence it is important in Sefton to protect existing trees'

'Loss of existing trees on development sites should be avoided'.

'Development that results in a loss of trees which are subject to Tree Preservation Orders will be acceptable only if it is demonstrated that there are no practical alternative solutions and where the need for the development outweighs the value of the trees that will be lost'.

There is clear intent both in policy and guidance that the green infrastructure is extremely important to retain within this conservation location. The challenges of growing new stock to any decent height should not be underestimated in this extremely windy location when

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trees are subjected to continual salt spray. Growing a tree of significant height and girth takes a vast amount longer than in other locations, confirming the necessity to retain tree stock that is already present.

SLP EQ9: TREES AND LANDSCAPING (page 129)10.84 **'The need for a landscaping scheme is set out in the Council's validation checklists'**. No landscape scheme has yet been produced by the applicants.

'The landscaping scheme should include all existing and proposed trees and other planting, hard and soft surfacing, pathways, cycleways and road, means of enclosure and any other relevant information'.

The image below of the existing wall at number 98 which would require rebuilding as part of the party wall to enable the swimming pool complex. The vast, mature ivy and vine is a significant foraging area for bees. This wall is also part of the walled courtyard enjoyed for 40 plus years by the neighbours. Its destruction would be detrimental to the neighbouring property and to the ecology supporting bee population. It appears that the 'wall retained' would need to be reconstructed given the new extension to house the swimming pool so could not feasibly be retained as it is with the mature growth cover. It would be abhorrent to have to lose this important foraging area for bees and a wall of significance for the occupiers of 98.

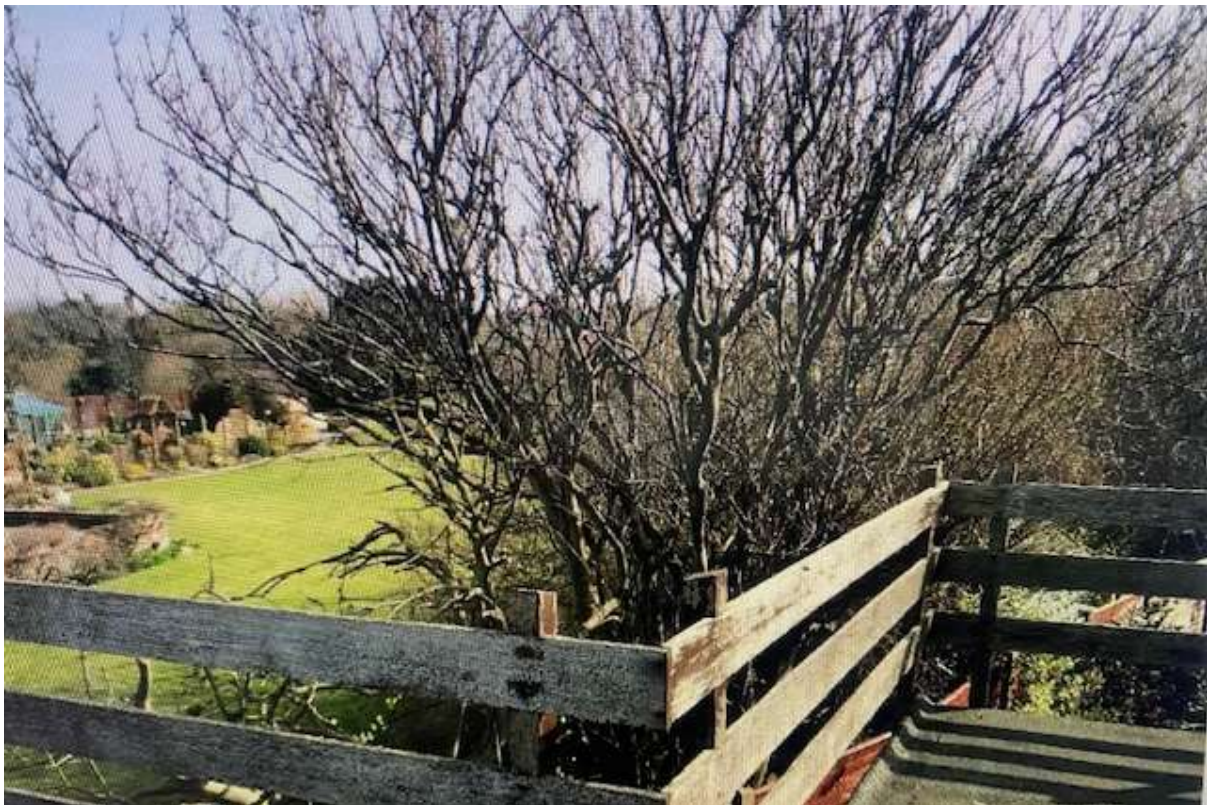


The image below, taken from the applicant's own information, clearly shows the near location of T32. It should be noted that the applicants were observed cutting and snapping branches and were reported to the enforcement team but there was no action following a site visit by Carl Salisbury who said there was only evidence of 'small branches' being removed. This image clearly demonstrates the canopy would be in the way of all site traffic commuting down this route in order to build the construction. This would clearly be impossible without decimating this tree. It should be further noted that this image is taken when the leaves have fallen. This is a significantly large tree full of leaves when in bloom so coming nearer into the proposed development during spring to autumn. The image also demonstrates that the applicants could clearly view into the ground of Blundellsands Hall and

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potentially into the lounge / bathroom (when leaves are lost) from the full-length Juliet balcony. The image below, taken from the applicants' own documents, shows the extremely close proximity of T32.

- It would be impossible to construct the proposal without significant damage to this tree where all site traffic would pass, and an additional floor would be built spanning the entire length of the existing garage and to the most easterly point seen here.
- This demonstrates the introduction of an additional alien full length glass door and Juliet balcony in this position would allow the applicants to view extensively into the grounds and private rooms (including a bathroom with a raised bath and the sitting room) of Blundellsands Hall, following the certain destruction of this tree.
- The refusal to show canopy clearance on any first floor or roof plans is unjustified when it is a requirement of the BS5837-2012 and necessary (as demonstrated here) in order to assess the impact on tree cover.
- The applicants were reported for snapping branches of this tree, yet no action was taken, claiming it was only small branches (despite the trees being protected as part of the conservation area).



The image below shows overhang into the area above the present garage.

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Any detriment to the tree cover in the grounds of Blundellsands Hall is a detriment to a designated NDHA and Secondary Landmark Site. Much of the tree cover in Blundellsands Hall grounds is visible from the public realm, either from the coast / road or from the side.

PRESERVATION AND CHARACTER:

In the case Lindblom J in R (Forge Field Society and others) v Sevenoaks DC and others¹⁰ said at paragraphs 48 – 49 “48. [‘As the Court of Appeal has made absolutely clear in its recent decision in Barnwell, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in Barnwell it has now been firmly dispelled. **When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area. it must give that harm considerable importance and weight.**](#)

49. This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in Barnwell, that **a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted.** The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. [But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the](#)

other if it is conscious of the **statutory presumption in favour of preservation** and if it demonstrably applies that presumption to the proposal it is considering’.

With direct reference in the BCAA (reference to heritage building) ‘Many modern buildings have an additional storey within the same height as their neighbouring historic building. **THIS CHANGES THE ‘GRAND’ APPEARANCE OF THE BUILDING AND THEREFORE IS DETRIMENTAL TO THE CHARACTER OF THE AREA’.**

‘The high-density characteristic of the more modern development is viewed as being generally **DETRIMENTAL** to the area’

In the landmark case, South Lakeland District Council v Secretary of State which concluded ‘**Preserving the character or appearance of an area is achieved either by a positive contribution to PRESERVATION or which leaves the character or appearance from harm’.**

High Court case: *Safe Rottingdean V Brighton and Hove City Council* which quashed the Planners decision - ‘**it is not considered that adequate weight has been given to the aforementioned heritage assets, nor the setting of the Conservation Area’.**

BCAA Material Consideration in Planning Decisions ‘The grain and density is predominantly defined by generous plots’

‘Space between properties contribute to a sense of openness’. ‘Buildings generally fill about 10-15% of their plots. This sense of spaciousness is critical to the character of the conservation area’ ‘sea-facing part of the Serpentine the houses have at least their own width between them and their neighbour’

Planning Policy: (NH12 and NH1 of the Local Plan HC3) ‘Developments which harm elements which make a positive contribution to the significance of a conservation area, or its setting will not be permitted, unless it can be demonstrated that public benefit outweighs the harm’.

Destruction of trees within the grounds of an NDHA (Blundellsands Hall) of which the setting in which the asset is experienced is as important as the building and the spacious character, does not ‘preserve’ Sefton Council have adopted guidance for the conservation area. It is guidance of how to manage the Blundellsands conservation area and must carry weight in the decision-making process.

The case officers report and that of the conservation officer, suggests elements of the proposals are acceptable when they do not form part of the character or appearance of the conservation area. There is no explanation, in many instances, as to why the conservation officer in particular has decided to put that guidance to one side.

- Officers are in direct contrast to their own guidance, which will undermine the decision-making process, and ultimately, the Councils own guidance.
- There should be clear justification for doing so and there is not.
- There is a disparity between Sefton Councils own guidance and that of the officers.
- There is also inconsistency with two conservation officers’ comments in relation to this site.
- The previous heritage at risk officer stated the glazed balconies were ‘**an indisputably modern intervention which are visually intrusive and not in keeping**

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with the character of the conservation area' yet the present conservation officer finds them acceptable.

- The present case officer acknowledges the grey zinc sheet roofing is 'not keeping in character with the Conservation Area' yet finds it acceptable as the applicants have changed the pitch of the roof and extended it higher and states, they are unable to therefore have tiles which is in keeping with the conservation area.

The context of the original planned layout of Blundellsands with the seaward backdrop and '**large villas set in spacious grounds**' characteristic of the Conservation (BCAA 3.2) (not merely 'large plots' as inferred by the conservation officer).

POLICY: SLP NH12 CONSERVATION AREAS Chapter 11 (page 162)

1. **Development which harms elements which make a positive contribution to a conservation area, or its setting will not be permitted, unless it can be demonstrated that public benefits outweigh the harm.**

POLICY: SLP NH9 HERITAGE ASSETS Chapter 11 (page 157)

5. Proposals affecting Sefton's heritage assets and their settings should ensure that features which contribute to their significance are protected from losses and harmful changes. Development should therefore:

2. b. Be designed to avoid harm

c. Be of a high-quality design which is sympathetic to the historic context of the heritage assets affected

SLP; Key policy links • NH9 Heritage assets Explanation 11.138 The policy aims to conserve or enhance the aspects of Sefton's non-designated, locally important, heritage assets. Such assets which are likely to be affected by development proposals should be identified early in the design process, so that the development proposals avoid harm and maximise the heritage benefits.

ROOFS:

(5). BCAA planning guidance 7.4

7.4 'Roofs play a critical role in the character of Blundellsands as they are often the most prominent part of the building, with the rest obscured by trees. Even when roofs are not always completely visible from the street, they nevertheless contribute to long views.

It is established by the Conservation Officer that the proposed Zinc sheeting as a roof cover is not in keeping with the character of the conservation area, yet the writer goes on to say she considers the character to be preserved. Zinc sheeting is required due to the roof pitch, not assisted by the additional height (also conflicting with policy, as extensions cannot have a roof pitch or eaves higher than the original property, and this does).

'Where properties form a run (either as a terrace or a group of the same design), the alteration of one roof seriously detracts from the quality of the street scene'.

Surrounding properties next door and next-door-but-one on both sides North and South and those to the rear are all pitched roofs, including the applicants existing building. The present property also forms a run of 1950's/60's houses with both next door and next door-but-one to the South. No flat roofs are visible, making the large double story flat roof extension incongruous.

SPD – House Extensions 2: 1.1 A **'THE RIDGE OF THE EXTENSION SHOULD BE LOWER THAN THAT OF THE MAIN BUILDING'**. The proposed roof is 1 metre higher than the original building.

SPD – House Extensions 2: 1.1 B. **'DESIGN FEATURES INCLUDING DOORS AND WINDOWS AND ROOFS SHOULD MATCH THE EXISTING BUILDING'**. Doors and windows are changed from wood to grey aluminium. A new oblong window that does not match any existing windows is introduced. Additional windows both front and back do not match existing.

The above proposed features are also not allowable under Sefton Councils own Advisory Leaflet for house extensions which states **'EXTERNAL ALTERATIONS TO EXISTING BUILDINGS INCLUDING EXTENSIONS: ADDITIONAL WINDOWS SHOULD BE RESTRICTED TO THE NON-PROMINENT ELEVATIONS AND ALSO MATCH EXISTING DESIGNS'**. Two additional windows are in the most prominent front first floor elevation, with neither matching any existing. Further prominent new windows of alien design are throughout Juliet balconies are also not a feature seen anywhere within the existing property. The miss-match of windows and the modern grey aluminium finish and design, alien to the existing 1960's building, can not make a positive contribution to the conservation area or preserve or enhance it in accordance with Sefton Councils own guidance.

Sefton Local Plan Policy NH12 (Conservation Areas) states: - a) **REPLACEMENT OR NEW FEATURES ARE OF AN APPROPRIATE STYLE AND USE MATERIALS WHICH ARE SYMPATHETIC TO THE AGE, ARCHITECTURE AND FEATURES OF THE AFFECTED PROPERTY'**. Numerous features are not compliant. A 'brise soleil' and glazed privacy screen are inconsistent with any feature in the historic environment.

Blundellsands Advisory Leaflet for householders also advises **'CLADDING OF BRICKWORK IN STONE, ARTIFICIAL STONE, PEBBLE DASH, RENDER, TIMBER, PLASTIC OR TILES IS NOT PERMITTED FOR PRACTICAL AS WELL AS AESTHETIC REASONS'**. The proposal has the addition of new cladding including over existing brickwork on the front elevation, contrary to Sefton Councils own guidance.

The Blundellsands Conservation Appraisal discusses the importance of chimneys **'CHIMNEYS: IN MOST CASES, THE ORIGINAL CHIMNEY STACKS AND POTS FORM AN INTEGRAL PART OF THE DESIGN OF BUILDINGS'**. The existing chimney will be removed and not replaced.

2nd principle - Effect on street scene 1.3 (SDP – House Extensions)

SPD – House Extensions **1.3 A 'EXTENSIONS SHOULD TAKE INTO ACCOUNT THE SPACING BETWEEN BUILDINGS AND THE FRONT LINE OF BUILDINGS IN THE LOCAL AREA'**. Building boundary to boundary does not agree with Sefton Councils own guidance.

1.4 SPD – House Extensions: **EXTENSIONS SHOULD ENSURE THAT NEIGHBOURS' HOMES AND GARDENS HAVE A REASONABLE LEVEL OF PRIVACY. IN PARTICULAR: 1.4 A WINDOWS AND BALCONIES SHOULD BE POSITIONED SO THAT THEY DO NOT DIRECTLY LOOK INTO NEARBY WINDOWS OF NEIGHBOURING HOMES OR THEIR GARDENS.**

Throughout the BCAA, it is clearly demonstrated what could be determined as making a positive contribution and what is negative to the Blundellsands Conservation Area. Numerous aspects

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proposed in the applicant's construction are contained in this document, identified in almost every aspect as detrimental to the heritage environment.

As clear example, under the section **NEGATIVE FACTORS AND OPPORTUNITIES FOR ENHANCEMENT 7.0 (pages 48-58)**, the BCAA states; **'where properties form a run (either as a terrace or as a group of the same design), the alteration to one roof seriously detracts from the quality of the street scene'**.

Summary

- Whilst the merits of any application affecting heritage assets requires an element of subjective judgement, any decision should be based on a sound justification. As has been demonstrated above, the merits of this application are clear. The application proposals are in clear breach of the statutory duty and the development plan, in that they would contravene the key principles set out in the Council's Conservation Area Appraisal and they would, as a result, cause a greater degree of harm to the Blundellsands Conservation Area than the existing building. On this basis, the application proposals should be refused.

From Lorraine Sass
Blundellsands Hall
The Serpentine North
Blundellsands
Liverpool L23 6TJ

Letter from Jonathan Cocking, 13 October 2022



Lorraine Sass
Blundellsands Hall
The Serpentine North
Blundellsands
Liverpool, L23 6TJ

Date: 13th October 2022
Attention: Lorraine Sass
JCA Reference: 18056 Objection points

Dear Lorraine,

Planning Application: DC/2022/01269 102 The Serpentine North, Liverpool, L23 6TJ.

Thank you for keeping me updated on this matter. I have previously expressed my dismay at the handling of this case in relation to trees and I once again reiterate this.

Objection points

The main issues from a tree point of view are the significant and impactful inaccuracies in the documentation produced by the applicants. Tree positions are inaccurately shown on the plans; many heights, tree diameters and crown spreads are incorrect. Crown spreads are totally missing on the upper floor plans when they should be shown to allow proper assessment.

Inaccuracies in tree positions and diameters have a huge effect on Root Protection Zones giving a false idea of acceptability to decision makers.

Underestimating tree heights misleadingly reduces the impact of overshadowing whilst the underestimation of crown spreads gives a false impression of how overhanging branches will affect a development and vice versa.

If this scheme is approved, it will undoubtedly involve much damage to the important corridor of trees and vegetation on the boundary of Blundellsands Hall and the application site, most of which is in Blundellsands Hall land. This is an important shelter belt for the nature reserve to the rear and is visible from the public realm, adding to the setting of the Non-Designated Heritage Asset and Secondary Landmark site, Blundellsands Hall.

My opinion as a highly experienced leading expert in Arboriculture, is that the proposals will remove T8, T9, T10, G11, T12, T13, and will compromise or damage and potentially destroy many others by both the development and the construction. No construction technical feasibility plan has been produced and the construction exclusion zones are insufficient to protect trees on neighbouring land if the correct location, crown spreads and Root Protection Zones are used. There are some A1 trees situated in the tree corridor which must be preserved intact.

Much of the development activity and traffic will be focussed on the area beneath T29, T30, T31 and T32 putting these trees at risk. T29, T30, T31 and T32 are all in the gardens of Blundellsands Hall land and are much loved and valued by you, the owners. Whilst there is proposed protective fencing, this is again highly inadequate if the true location, Crown Spread and Root Protection Zones are used. Damage to trees on the applicant site nearby would further destabilise these trees which are situated on large relic dunes abutting the boundary.

The LPA have a duty to ensure that they make decisions based on sound information and the idea that tree positions, tree crowns, tree heights and Root Protection Areas are inaccurate is of real concern.

The LPA are not in a position to authorise anything which damages your property, and we wish to ensure that they are aware that damage to your property will be a consequence of approving this application.

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For all the reasons listed above I would respectfully request that the Planning Committee reject this proposal.

Yours sincerely

J. Cocking

Jonathan P Cocking F.R.E.S., P Dip Arb. (RFS), FArborA., MICFor, MBS, CBiol, FLS.
Chartered Arboriculturist / Registered Consultant of the Arboricultural Association.

Comments on Case Officer report from Ms Sass, received on 17 October 2022

From Lorraine Sass and David Campbell

Blundellsands Hall

The Serpentine North

]Blundellsands

Comments using the case officers report. Our comments are in red.

Please include this for Late representations for DC/2022/01269

Therefore, the main issues to consider are design and impacts on the heritage and ecology, alongside matters relating to living conditions of the existing neighbours.

The extensions comprise a significant increase to the existing dwelling.

However, the revised scheme has resulted in a design which is more sympathetic to the original dwelling. The overall scale of the proposals are not disproportionate within the plot or out of

keeping with the character of the surrounding dwellings. No. The character is set out by Sefton Councils own documents that describes the character. This does not comply and spacious planned character is lost by building boundary to boundary and incorporating numerous (all) features that do not comply with those set out for the preservation of the conservation area.

The proposal would not cause harm to the surrounding tree coverage, No. This is incorrect if the true location and scale of the trees are plotted correctly. The proposal needs to be built and site traffic is proposed to come through the route on the northern boundary in a 1m gap. Soil compaction and the reconstruction to build the first floor over the existing garage has not been highlighted. Oxygenation of roots and soil compaction would result in extensive tree loss. The roots come right up to the existing property from trees T29 and T30 even though they appear to be further away from the site (if the true RPA is plotted). No canopy clearance has been shown on any first floor plans. Jonathan Cockings assessment is that this proposal is not possible without destruction of trees in the NDHA site next door. No feasibility Plan has been provided and no assessment of the existing foundations of the garage has been done in order to support as additional floor. No underground services is shown, no soil assessment has been done and no landscaping plan has been provided. nor does it raise any concerns in relation to ecology within the site or the surrounding area. No. This is a longOstanding issue as sand lizards have been observed in the neighbouring land and incorrect descriptions have been provided by the applicant. Relic dunes abut the boundary to the north and there are patches of bare sand and an extensive vast rockery area around T29 and T30 which is ideal habitat for lizards. Relic dunes could / would collapse if there was tree loss. They are not currently supported as the applicant site had previously cut into the relic dunes to enable the prior development.

The proposal would preserve the character and appearance of the Conservation Area in line with local and national policy requirements. No the character is set out and numerous elements of the proposal are not compliant with Sefton Councils own assessment of what is the character to be retained. It would not cause harm to the adjacent NDHA No. Blundellsnads Hall would be blocked

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from views along the road. Images have been provided in earlier objections. The bay of Blundellsands Hall and the tree cover and relic dunes, were features specifically noted in the NDHA status report. As Blundellsands Hall is currently an NDHA, these aspects have been accepted as reasoning of the NDHA status. Blocking out from the public view of these aspects is detrimental to the historic environment and the NDHA. The bay specifically is noted as likened to the historic properties lost to sea and no other house on the coast has this bay. It is most visible from the road but there are also views from the coast or the listed drinking fountain. No harm would arise to heritage assets and as the design is acceptable, No - Listed monuments should retain primacy as noted in Sefton Council and national policy. Increasing the scale so significantly and white rendered frontage (as opposed to brick) would clearly have some degree of taking away primacy to the listed asset.

there is no significant harm to living conditions of the surrounding residents. No. There is harm to the NDHA site by an additional full length opening window and Juliet balcony that would enable overlooking into the NDHA site. The proposal

therefore complies with the development plan No as above and is recommended for approval.

Recommendation: Approve with Conditions

Consultations

Merseyside Environmental Advisory Service

In terms of ecology the relevant amendments include:

- A reduction of the proposed footprint from 422 sq m to 328 sq m; and
- The proposed extensions do not impinge on any root protection zones of the trees in the

neighbouring gardens so impact on trees is no longer an issue. No. This is incorrect (see later and various reports from Jonathan Cocking who has written to Sefton Council to state his dismay at the handling of this application in relation to trees. Extensive damage is anticipated by the proposal and the build.

Habitats Regulations

The proposed development site is approximately 150 metres from the following protected sites and Local Plan policy NH4 applies:

- ☑ Sefton Coast SAC;
- ☑ Ribble and Alt Estuaries Ramsar;
- ☑ Ribble and Alt Estuaries SPA;
- ☑ Sefton Coast SSSI; and
- ☑ Key Park Local Wildlife Site.

Using the source-pathway-receptor model it is concluded that the proposals do not require assessment under the Habitats Regulations for the following reasons:

☑ Qualifying features using the European sites

In addition, the development site is well screened by fences and tall vegetation; **No – trees will be lost for the development and others by destruction. The development will be fully exposed when the tree cover is removed. The property will appear boundary to boundary, taking out the planned character of the area. and**

Protected Species

Bats

The dusk emergence surveys were carried out on 2nd and 16th September. The report acknowledges that this is outside the optimal season for bat surveys. However, the weather was mild and suitable for bat surveys and low numbers (2) of commuting Common pipistrelle were recorded meaning bats were active at this time. No evidence of roosting bats was recorded during the survey. **No – as advised by an independent Ecologist, the report is inadequate as only 2 area of the property were observed and at a sub-optimal time. The key area next to the foraging route of the tree corridor was not assessed at all.**

The June 2022 report refers to the removal of trees, shrubs and hedgerows and acknowledges that these features do provide some commuting and foraging habitat for bats. However, due to the abundance of alternative commuting and foraging habitat in the immediate surrounding area the report concludes that the removal of these features is highly unlikely to harm the local bat population. This is accepted. **No – there is a potential major find in the NDHA site of a vast air raid shelter and possible evidence of bat use. The nearby tree corridor is vitally important if this is to become a major site for bat hibernation or roosting.**

Habitats on/adjacent to the site may provide roosting, foraging, commuting habitat for bats.

Lighting for the development may affect the use of these areas. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the habitats areas, in line with NPPF (paragraph 180). This can be secured by a suitably worded planning condition. It would be helpful for the applicant to refer to Bat Conservation Trust website

<https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

Sand Lizards and Natterjack Toads

The submitted reports state that no evidence of Natterjack toad and Sand Lizard use or presence was found. **No. We were unaware that sightings needed to be uploaded on the records and sand lizards (or lizards) have been observed, specifically in the area around T32.** The nearest confirmed records of these species are beyond 1 km of the site and

habitats within the site are sub-optimum for these species. **No – the applicant's site is accessible from the NDHA site due to fencing and breaks in fencing and extensive relic dunes running almost the full boundary length.** No significant impacts on reptiles and

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amphibians are predicted, however as a precaution, and to avoid harm to other common amphibians or reptile species that could cross the site, I advise that the following Reasonable Avoidance Measures should be secured by a suitably worded condition: **No – what about on the neighbouring site?**

Red Squirrel

The application site is within the Sefton Coast Red Squirrel Refuge and Buffer Zone which has been adopted by the Council. It is advised that any landscaping is with small seed-bearing species which encourage red squirrels and discourage grey squirrels, in accordance with Local Plan policy NH2. **No – the applicant wishes to remove (or would be removed for the development), mature trees that support red squirrel specifically. These have been observed in the area.**

Details of tree planting can be provided within a landscaping / planting plan for the site which can be secured by a suitably worded planning condition. **No A landscape plan should have been provided given the significance of the site and the surrounding habitat.**

Breeding Birds

breeding birds, which

are protected and Local Plan policy NC2 applies. Therefore, a condition relating to vegetation clearance would be required. **No Tree loss in the tree corridor would have a detrimental effect , irrespective of the vegetation clearance on the applicant site.**

Archaeology

The focus of the Heritage Assessment (Landor Planning July 2021) is the history and impact to the Blundellsands Park Conservation Area.

Conservation Officer

Raise no objections regarding the proposed works. However, suggest the following conditions,

- Rooflights should be conservation style installed flush to the roof.
- Samples of proposed materials should be approved before works commence.

The property at 102 The Serpentine North lies within Blundellsands Park Conservation Area, adjacent to what is now considered a Non-designated Heritage Asset, Blundellsands Hall (108 The Serpentine North) and near a grade II Listed Building, St. Nicholas Fountain.

. The proposed erection will not cause any harm to the heritage assets. **No as above. Trees, collapse of relic dunes and blocking out of public views, along with the overlooking to some degree (as sated in this report) will be harm to the NDHA site. The primary issue of both buildings could be compromised to some degree by the proposal – particularly relating to the stark finish which is not in keeping with either assets.**

The proposal will not cause a harmful

alteration to the street scene **No** - it is set out clearly what causes harm to the street scene and this specifically stated (as detailed in previous objections) that large extensions filling the gap between properties is identified as being **EXTREMELY** detrimental to the street scene. The site to the south has a triple garage with only a small walkway to the north which is gated. By the proposal building boundary to boundary (but for a small 1m walkway to the north) with tree cover certain to be removed to the south for the development and to the north, will give full exposure to the building proposed. This will significantly alter the street scene. It should be noted that on the 'existing elevations' plan, the building shown to the south does not actually exist in this location. See also specifically the image in the previous application DC/2021/01739) in the applicants ecology report when it clearly shows this elevation is not present. The applicants removed this image from the present ecology report (despite almost everything else remaining the same). This gives a highly misleading image of what is presently on site as it appears that there is a building going boundary to boundary. It is not helped by the fact that the boundary itself is only shown on the north of the existing elevation plan with the character and rhythm of the application site largely

preserved **No**. The character of the conservation area is clearly set out in Sefton Council's own documents including the conservation area appraisal and the guidance for householders. Almost all aspects are detailed as either not allowed or detrimental (aluminium windows etc.). **IT IS OF SIGNIFICANCE THAT THE CASE OFFICERS REPORT STATES, THE CHARACTER AND RHYTHM LARGELY PRESERVED.** These **MUST** be preserved or else it is considered to be to some level of degree, detrimental to the historic environment. This is clearly seen in Landmark cases when councils are left in no doubt that the aim of conservation is that it remains preserved (not just largely). The scale and mass of the proposal seems acceptable, **No** – it is again described as 'seems acceptable' but does not state why as the acceptability of increase in scale and mass is clearly set out in Sefton Council's own documents – and this does not adhere to those principles it respects the original dwelling's

design. Although the footprint of the construction will be increased, it will have no significant impact on the overall plot size of the development. The Conservation Area is characterized by large plots **No** which enhances the significance of the area. **No** The conservation area is specifically characterised as large villas set in spacious plots. And it is not merely large plots. This is misleading.

The pitched roof is acceptable and encouraged, the flat roof extensions are considered acceptable. **Why are they considered acceptable as this again is clearly defined in Sefton Council's own document to be a detrimental feature.** A small number of buildings built, particularly around the 1960s and 70s have flat roofs inside the

Conservation Area. **No** We have been unable to find any within the conservation area and in any case it is determined that they are out of character and therefore detrimental. The trend in more recent decades has been again towards pitched roofs which is more in keeping with the character of the Conservation Area. The proposed changes are such that they would have the potential to enhance the existing property which is of neutral interest. **No** – the pitched roofs are in keeping and add to the character as set out in the BCAA – but there is the introduction of flat roofs here. It is a concern that the flat roof sections could be used by the applicants as roof terraces and potentially obtained under permitted development.

The roofs of buildings within Blundellsands are a particularly important feature to its special

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character as they are often the most prominent part of a building as the rest can be hidden by trees. Roofing material inside the Conservation Area usually consist of traditional slates or tile.

Grey zinc roofing is not keeping in character with the Conservation Area. This is specified as being out of character so the character cannot be preserved by the introduction of something that is confirmed as being out of character. However, it is

acknowledged that because of the low roof pitch it is not practical to use tiles or slate, No. It is the applicants choice to increase the roof height and to extend and to introduce an element that is strictly not in keeping with the character that must be preserved. It is a choice and is one that will cause harm by the fact it is not in character with the area - or compliant with Sefton Councils own policies so some

form of sheet material would appear to be the best solution. It is inappropriate and should not be allowed – it is alien to the conservation area and will be a significant detriment, appearing a highly modern addition, impractical in the windy location and not being advantageous to the setting of the NDHA whose roof in green Westmoreland slate is of significance It is suggested to use a tile effect

roofing sheet which will be a more sympathetic choice.

Render is featured on some older and

newer developments within the Conservation Area, this would be considered acceptable. No There is no brick left in view whatsoever and policy (HC4 which it was refused on last time) states new additions must not mask the original property. It is accepted there are rendered properties elsewhere in the area, these often look tired if not maintained in a pristine manner due to the harsh winds and coastal location. It is detrimental therefore to completely mask the original brick for render.

The black aluminium windows are considered acceptable. No – these are specified in Sefton Councils own guidance in the BCAA and in the householders guidance as not being allowed and detrimental. There is no assessment as to why the conservation officer finds them acceptable and why she is prepared to go away from Sefton Councils own guidance Sandstone is a building material used inside the Conservation Area, a stone cladding would be considered acceptable, it is recommended to use a buff colour stone. Sandstone is found throughout the conservation area (mainly red sandstone but sandstone is found). However, this building is not proposing to use sandstone but stone cladding. This is strictly determined as not allowed in the guidance for householders and uncharacteristic and should not be used as per the BCAA. The conservation officer has again not correctly assessed why she finds cladding to be acceptable as it is a different medium that actual sandstone which she reference.

The proposal does make a number of substantial changes to the existing property, the unique design would as a minimum preserve the character and appearance of Blundellsands Park

Conservation Area as required by policies NH9 It is impossible to preserve the character by incorporating aspects that are specifically identified as not the character and are detrimental 'Heritage Assets' and NH12 'Conservation Areas'.

The proposal would preserve the character and appearance of the

Conservation Area As above in line with local and national policy requirements. No harm arises to heritage

assets given the design is acceptable and considered high-quality which responds positively to the local area in terms of its scale, height, form and massing. **No – as above – blocking out the aspects of the NDHA that have been determined to make it special and afford it NDHA status** It also has no adverse impact on the

layout and historic pattern of development in the Conservation Area. **No as above**

Due to a recently submitted Heritage Statement the neighbouring property of Blundellsands Hall (108 The Serpentine North) is now considered a Non-designated Heritage Asset. The proposal for 102 The Serpentine North will provide a clear contrast in style with the adjacent historic property.

However, the extension will not detract attention from Blundellsands Hall. **Masking of one of the main features of the NDHA from the public realm must be determined as being detracting from the asset** The building and the

extension are not considered harmful and will not have a negative impact on the settings of the Non-designated Heritage Asset which makes a positive contribution to the character of the

Conservation Area. **They must be harmful if they mask the asset from the public view** The proposed development at 102 The Serpentine North would have no impact on the materiality of 108 Blundellsands Hall, nor would the proposed development impact upon

the setting of the building which would retain its large and spacious plot. **No – building boundary to boundary does not allow it to retain its spacious plot. The conservation officers later offering intimating it retains it's spacious plot by the fact there is still space in the back garden is bizarre.** The development would

not cause any harm to the significance or the settings of 108 Blundellsands Hall. **As above** The proposal

complies with local policy NH15 'Non-designated Heritage Assets'. **No**

In terms of the St Nicholas fountain, a grade II Listed Building, the proposal will not cause harm to the significance of the fountain or affect its character as a building of special architectural or historic interest. The fountain is situated in the middle of a busy 3-way road junction sitting approximately 12 metres in front of the application site.

. The proposal would not harm the setting of the listed

drinking fountain, it will not be affected by the proposed alterations. **As above** The proposal adheres with

local policy NH11 'Works Affecting Listed Buildings'.

The proposal adheres with relevant NPPF, NPPG and local policies NH9 'Heritage Assets', NH11 'Works affecting Listed buildings', NH12 'Conservation Areas' and NH15 'Non-designated Heritage Assets'. **No**

Tree Officer

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The scheme requires the direct loss of trees T10, G11 & T12. It also identifies that trees T7, T27 & T30 should be removed due to their condition. The loss of T7, T27 & T30 is not required for the implementation of the development and as such can not be considered as part of this application. No T8, T9, T32, T29, T30, T31, T32, T13, T14 are all likely to be adversely affected by the proposal, either by the development itself or by the construction. It is of significance that the tree officer suggestion that T29 and T30 are taken out of the application. This is perhaps avoiding confirming that T29 and T30 are both A1 specimens (as identified conclusively by the wording in the BS5837 guidance used by all councils plus supporting images supplied) and not category U (dead) as per the applicant's suggestion. Category U means they are not necessarily shown on plans. They have been removed from recent ground floor plans significantly but remain on the retained walls plans (albeit in a different location from the actual trees). Sefton Councils suggestion that they should be taken out of the application does not mean they are taken off the adjoining site and they are still a major factor in the development. It is important to acknowledge that it is not simply if the canopy misses the building or the RPA similarly, it is oxygenation and compaction and all manner of other aspects that remains a significant influence on the acceptability of the proposal or not. The true location and the scale and assessment of these off-site trees which are nearing veteran status and are enormous, healthy trees, are imperative to acknowledge. T 29 is the primary tree in the tree corridor and an A1 specimen of a rare black poplar. It cannot be destroyed or harmed. The fact it is the major tree in the tree corridor on the site of an NDHA is of major importance and that importance has not diminished because Sefton council wish to take it off the application. It is of note that the applicant said one of these trees is on the applicant site and is to be removed but it is also on for retention. The tree is on the NDHA site. An approval would overturn any TPO on these trees by the fact of a planning approval meaning the applicants could remove the significant overhang without seeking permission. This would destabilise the tree. They wished to remove others in this area which would again destabilise the tree as they are immediately next to the unsupported relic dune.

T10, A large Holly – ideal for red Squirrel G11 & T12 are low to moderate quality trees and it is the view of the Council's Tree Officer

that their loss would not have a significant impact upon the visual amenity of the surrounding area
This is an important tree supporting red squirrel

and could be successfully mitigated by replacement tree planting located to the front of the site.

With this in mind I would have no objections to the proposed development.

To ensure the scheme is implemented without having a detrimental impact upon those trees identified for retention a tree protection plan has been submitted which in principle is acceptable,
The protections is completely inadequate if the true scale and location of the trees is known.

however the Tree Officer is not confident that it would be possible to construct the dwelling with the fencing as proposed in the vicinity of T8 & T9. Retention is impossible – the building would be entirely through at least half of the RPA of T9 and T8 is also destroyed by the building itself being in the RPA. It is of significance that the removal of these trees will fully expose the ground floor, meaning the site will appear cramped within the site with building boundary to boundary (but for a 1m gap to the north. No other property on the Serpentine North is built boundary to boundary meaning this would be detrimental to the street scene.

Should the application be recommended for approval it is advised that a pre-commencement tree

condition is attached which requires the submission and approval of an arboricultural method statement. **A feasibility study should have been provided** This method statement should include any amendments required to the tree

protection and also confirm the proposed trees to be removed (e.g T10, G11 & T12). The Tree Officer also advises the use of a landscaping condition which should include replacement tree planting for the trees to be lost. **No landscaping plan has been provided prior to determination which is unacceptable given the importance of the location. Tree loss is expected on neighbouring land and the NDHA site and this is unlawful if Sefton Council knowingly approve an application that will destroy or damage trees that are neither in the applicants or Sefton Councils ownership.**

Neighbour Representations

A petition of 33 signatures endorsed by Councillor Roscoe has been received by Planning Services opposing the development on the grounds of inappropriate scale of development, impact on trees, design/materials, impact on conservation area and issues unresolved from previous application. **Blocking out of heritage assets (including Blanefield seen only across the application site garage and featured in the BCAA as making a positive contribution to the view), ecology, policy were also mentioned and not included in the case officer report.**

6 objections have been received from 4 individual addresses on the following grounds

Design and Character

- ☐ It would harm the character and appearance of the Blundellsands Conservation Area
- ☐ The impact on the loss of trees and wildlife will be huge in this conservation area
- ☐ The proposed extension are excessively large and disproportionate additions
- ☐ Doors and windows do not match **No they do not match the existing property – this statement is misleading (they should match the existing property according to Sefton Councils own Policy and guidance)**
- ☐ The glazed balconies are not in keeping with the character or appearance of the conservation area. **The previous application the conservation officer specifically noted the glazed balconies were an undoubted modern intervention that were not in keeping with the conservation area and they should therefore not be allowed. The current conservation officer does not even mention them. This shows inconsistency and not following guidance which determines the first officer was correct and that they are not in keeping or characteristic of the conservation area and are therefore detrimental.**
- ☐ Materials would not preserve or enhance the character of the conservation area.
- ☐ The removal of the chimney would not preserve or enhance the character of the conservation area.
- ☐ The proposal is not set back from the main wall
- ☐ The proposal does not take into account the spacing between the properties

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☒ The massing to the north does not make a positive contribution to the conservation area and blocks views of the historic bay of Blundellsands Hall from the road and into and out of the conservation area. Also Blane field – a property specifically features in the BCAA as making a contribution to this specific view where features of chimneys can be seen.

Residential Amenity

☒ The Juliet balconies to the rear elevation means the occupants could look directly into all three neighbouring gardens.

☒ There is a habitable room of a conservatory in the house to the south and the required clearance is, I believe, not achieved in the present proposal.

Trees and Ecology

☒ Location of the trees on adjoining sites are incorrect and do not match the tree survey See specifically the final ground floor plan and the final retained walls plan. T32 and T13 are in completely different locations. When the applicant moved the tree T13 nearer the development (as images were supplied as to the exact location, the RPA had shrunk to about one third in order to still miss the development. It should be noted that the applicants RPA all seem to just curiously skim passed the development. Future growth, compaction, shading etc, all need to be considered as aligned with the national guidance BS5837. The applicants tree information does not comply (please see specifically an email to the case officer with specific detailed information from the BS5837.

☒ Inadequate plans have been provided showing the surrounding trees

☒ The development would cause harm to the neighbouring trees

☒ The retained garage wall is not the existing length of the wall and if allowed to be built it would come within the PRA of a neighbouring tree This has finally been amended after 15 months and shown the true length of the garage wall as identified on the original plans. It should be noted that the garage wall is 6.9m and the applicant on some plans suggested it was 10m meaning the tree location appeared to move accordingly.

☒ Loss of trees will have a significantly impact on foraging and commuting bats

☒ The submitted bat surveys did not follow best practice guidance due to the timings of the surveys The location of where the observers completed the assessment meant that main observational routes were not covered.

☒ The extension to the north will overshadow dune landscaping, a potential habitat for lizards, including sand lizards

10 letters of support have also been received which generally support the investment and renovation of a tired home, believing that it will enhance the area and improve the neighbourhood.

A further petition has been submitted with 60 plus names over two sheets of petitions – specifically requiring Sefton Council to accurately assess the tree cover on the adjoining site.

PLEASE NOTE: on the day of the inspection by the committee, the owner of the NDHA site had incorrectly placed a notice on the wrong tree T32 showing the widely varying stem diameter between the objector and the applicant. The information was always correctly recorded for this tree by Jonathan Cocking to have a girth diameter of 35cm and the applicant says 25cm. The correct tree this notice should have been on where there is the major discrepancy, should have been on was T30 where Jonathan Cocking assesses the girth at 50cm and the applicants assess the same tree as 25cm. Similarly, the girth of T29 is assessed by Jonathan Cocking as 45cm and the applicants as 25cm. The panel should therefore please note that they were asked to measure the wrong tree for the major discrepancy but that the tree they measured was still incorrect. An open invitation to return and measure is offered if they feel it is needed and an apology given for placing the notice on the wrong tree.

Policy Context

The application site lies within a Primarily Residential Area as designated by the Sefton Local Plan which was adopted by the Council in April 2017. The National Planning Policy Framework (revised July 2021) is also a relevant material consideration.

Key relevant policies are explained throughout the report.

Assessment of the Proposal

The existing garage would also

be partially converted and stepped in from the side boundary by 1m, This is where all the site traffic is to pass plus a roof terrace would be

created to the front of the property.

The current proposal is a revised scheme following the refusal of an application at this site in June 2022. The previous scheme proposed much larger extensions to the dwelling and more radical remodelling of its style. The earlier scheme involved a 109% increase in the footprint of the building and 128% increase on the building's volume. It was refused due to the size, scale and materials not being in keeping with the original dwelling. The current proposal has been

significantly reduced in scale from the original refused scheme, the original scheme was vast and more than doubled the present property, therefore the reduction is only on what was a ludicrously large development for the plot in any case approximately halving the size of

the extensions. The resulting footprint and volume increase of the current proposal measures 57% and 60% respectively. This is a sizeable increase and not a 'small addition' as per policy requirements and guidance. The design has also been amended, such that it is more sympathetic to the

style of the original dwelling, Whilst it might appear to have the vague shape of the present building, every element if not allowable according to Sefton councils own guidance and will not look consistent with the present property rather than remodelling the entire property, as previously proposed.

The main issues to consider are the impacts on the heritage assets, design, tree and ecology

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matters, plus the impact on the living conditions of the existing neighbours.

Heritage

National Planning Policy Framework (NPPF) – Relevant Heritage Considerations

Paragraph 195 requires Local authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspects of the proposal.

Paragraph 203 states that the effect of an application on the significance of a Non-Designated Heritage Asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect Non-Designated Heritage Assets, a balanced judgement will be required having regards to the scale of any harm or loss and the significance of the heritage asset. *In order to do this, as seen in various Landmark case, Sefton Council officer must assess the asset and why it has been designated and this should be noted and has not. It is clear why the NDHA status was applied for, and the subsequent approval means this has been accepted. This proposal would specifically harm these aspects including trees, relic dunes and the historic bay being masked from view.*

Relevant Local Plan Policies - Heritage

In terms of assessing the impact on the heritage of the surrounding features and area, a number of Local Plan policies are applicable.

Policy NH9 (Heritage Assets) states at section 3:- 'Key elements which contribute to the distinctive identity of Sefton, and which will therefore be a strategic priority for safeguarding and enhancing into the future, include (3c) the spacious planned character of Victorian and Edwardian suburban conservation areas such as those in Birkdale, Blundellsands, Christ Church, Moor Park and Waterloo Park'. *It is determined according to Sefton Councils own guidance that the spacious planned character will be compromised by building boundary to boundary which is specifically mentioned as being extremely detrimental.*

Policy NH11 (Works Affecting Listed Buildings) states at section 1, amongst other things:- 'Works affecting a Listed Building or its setting will only be permitted where (1a): any alterations preserve the historic fabric and features of the building and /or its setting which contribute to its significance; ... (1c) new development affecting the building's setting respects and conserves

historic and positive existing relationships between the listed building and its surroundings'. **No primacy considerations have been given – as per LA guidance.**

Policy NH12 (Conservation Areas) states at section 1:- 'Development within conservation areas will only be permitted where the proposal is of high quality design and preserves or enhances the character or appearance of the conservation area. **It cannot preserve the character if it has introduced aspects which are established to be detrimental.** Development must ensure that:

- a) Replacement or new features are of an appropriate style and use materials which are sympathetic to the age, architecture and features of the affected property, **They are not**
- b) Extensions, alterations or additions respect the layout and historic pattern of development in the conservation area affected, **They do not as per above.**
- c) Hard and soft landscape features which contribute to the historic value of the site to the conservation area are retained (including historically significant features from previous uses), **Decimation of trees both for the development and the construction do not accord with this requirement**
- d) The character of historic boundary treatments, patterns of trees and planting in the conservation area are retained and enhanced'. **Tree loss is extensive if the true location and scale is assessed according to BS5837 guidance used by LA's through the country and is accepted and used by Sefton Council**

During the assessment period of this application, the owner of the adjacent dwelling to the north, 108 The Serpentine North, has submitted a heritage assessment in support of identifying the dwelling as a Non-Designated Heritage Asset. This has been reviewed by the Conservation team and as a result 108 The Serpentine North has been accepted as a Non-Designated Heritage Asset. Therefore Policy NH15 (Non-Designated Heritage Assets) is also applicable, which states that 'Development affecting a locally listed asset or its setting, or a non-designated heritage asset or its setting, will be permitted where the aspects of the asset which contribute to its significance are conserved or enhanced'. **As above this absolutely does not and Sefton Council have not acknowledged the aspects – but they are there irrespective as the proposal set out clearly the aspects and it was accepted for NDHA status with immediate effect.**

Impact of proposals on Heritage Assets

The Conservation Officer has reviewed the proposal and provided detailed comments on the impacts on the surrounding heritage assets.

With regards to important views into the Conservation area, the extension is not considered to give rise to adverse impacts. The two-storey and first floor side extensions will increase the width

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of the first floor development fronting The Serpentine North, however it is well set back in the street scene and is also set in from the side boundary to no.108, such that views of the neighbouring property from the coastal path to the south and west of the site would remain. **No** This is further emphasised by the substantial distance between the side elevation of no.108 to the boundary with the application site. **No – the development is built forward over the existing garage and a further extension to the front. The site is angled so the large extension will mask.** The bulk and massing of the proposed extensions are not

therefore considered to disrupt key views both into and out of the conservation area. **No as evidenced extensively with images**

The existing dwelling is considered to make a neutral impact on the Conservation Area. The development would modernise the property in terms of materials and would increase the scale, however the overall style of the property would appear similar to that of the existing dwelling. The design is considered to be of high quality

The character and rhythm of the existing property would largely be retained **No** and therefore the development would not appear harmful within the wider street scene. Conditions are suggested to control the materials and roof lights, to ensure appropriate finishes are achieved.

The footprint of the building will be increased, although it will have no significant impact on the surrounding area. The Conservation Area is characterized by large plots which enhances the significance of the area. The existing plot does not contribute positively to the character of the Conservation Area, as it does not have any historic significance having been previously subdivided. This is in contrast with those larger plots that remain which do contribute positively to the Conservation Area. The scale and mass of the proposals is acceptable within this plot and respects the original dwelling design.

In relation to the adjacent St Nicholas Fountain (Grade II listed), the Conservation Officer concludes that there is adequate distance between the proposed development and the fountain (in excess of 12metres) such that whilst the proposed works will fall within the setting of the monument, the works will not have an adverse impact on its setting. **Primacy diminished** There is a variety of property styles which sit within the backdrop of the fountain, including Fountain Court, a three storey flatted development of no discernible merit. The key interest relates to the actual monument itself rather than its wider setting. As such it is considered that there would be no adverse impact on this heritage asset.

The dwelling to the north, 108 Blundellsands Hall is now considered a Non-Designated Heritage Asset (NDHA). The application property currently provides a clear contrast in style with the historic property. It is not believed that the proposed extension to the dwelling, of a similar style, will

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detract from Blundellsands Hall. As above The heritage aspects of Blundellsands Hall appear to be the

Thank you for accepting this as a later representation. We believe there is clearly harm to the heritage environment and to our own property NDHA Blundellsands Hall.

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Tree Survey Report from Jonathan Cocking 17 October 2022



**ARBORICULTURAL REPORT
to BS 5837:2012
at
102 The Serpentine North
Liverpool
Merseyside
L23 6TJ**

Client:
Lorraine Sass

Client Address:
Blundellsands Hall
The Serpentine
North
Blundellsands
Liverpool
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JCA Ref:
18056/JC

JCA Limited
Arboricultural & Ecological Consultants

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1. Introduction

1.1 Purpose of the Report

- 1.1.1 This report is required as an independent appraisal of the development proposal at **102 The Serpentine North, Liverpool**, its effect on Blundellsands Hall, a heritage property adjacent to the applicant site and the wider conservation area.
- 1.1.2 I am asked to provide detailed, independent, arboricultural advice on the trees present, both in the garden of Blundellsands Hall to the north of the application site and in the garden of number 102 (the applicant site), where accessible.
- 1.1.3 The purpose of this report is to summarise my findings, in association with those findings of the applicant's tree surveyor, in accordance with the guidelines contained within BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations'.
- 1.1.4 I am instructed to take my findings and to assess the impact that the proposed development would be likely to have on the vegetation present, the wildlife which inhabits the immediate vicinity, and the visual impact on the Blundellsands Park Conservation Area.
- 1.1.5 Where necessary, this report will outline any tree works which would be required within the current context of the site and its surroundings if the proposals were to go ahead.
- 1.1.6 This report will also grade the trees in accordance with the British Standard and will comment on the suitability of each item for the site and the likely effect of the proposal on the treescape generally.

1.2 Terms of Reference

- 1.2.1 I have been instructed by **Lorraine Sass** to visit the site, survey the trees in number 102 (the application site), where accessible, and the trees affected by the proposal in her garden at Blundellsands Hall (number 108) and assess the likely impact that the scheme would have on these trees.
- 1.2.2 I am to prepare these findings in a detailed report.
- 1.2.3 For this purpose, an existing site plan has been supplied with a paper copy of the plans which accompanied the tree survey prepared by Treestyle Consultancy on behalf of the applicant which forms part of their planning application.
- 1.2.4 The aforementioned plans form the basis for the Tree Constraints Plan at **Appendix 6**.

1.3 Scope of the Report

- 1.3.1 This report is also compiled in accordance with *BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations'*. As a Registered Consultant and Fellow of the Arboricultural Association (member of the Professional Committee), Chartered Biologist, Chartered Arboriculturalist and an Expert Witness with 42 years experience, my findings are based on my independent and objective assessment of all the relevant existing vegetation.
- 1.3.2 My advice and conclusions are given with a view to the short, medium and long-term management of sustainable tree cover.
- 1.3.3 I have also endeavoured to uphold the interests of local amenity, Conservation Area heritage, screening value, wildlife benefits and health and safety.
- 1.3.4 All trees close enough to be affected by the proposed development, are included.
- 1.3.5 The specific details of the proposed development are not generally taken into account in this report, although I have assessed the impact of the development footprint as shown in a hatched black line on the plan.

1.4 Survey Details

- 1.4.1 The survey took place during January 2022 and was conducted by **Jonathan Cocking** *F.R.E.S., Tech. Cert. (Arbor.A), PDipArb (RFS) FArborA CBiol MSB. MICFor., FLS.*
- 1.4.2 During this survey, all trees were inspected from ground level only.
- 1.4.3 Measurements were obtained using clinometers, specialist tapes or electronic distometers.
- 1.4.4 Where accurate measurements were not possible, due to access onto the application site and the adjoining property to the south, measurements were estimated to the best of my ability.
- 1.4.5 We endeavour to provide accurate information and will always take measurements unless inhibited by restricted access or other mitigating circumstances.

2. Site Description

2.1 Land Use

- 2.1.1 The site at 102 The Serpentine North (the application site) is currently a detached dwelling with associated gardens. Accessed from the Serpentine North via a drive entrance and located behind a band of hedging and small trees which are the first items of vegetation that the sea wind hits when it blows landwards.
- 2.1.2 To the north, is immediately the gardens of Blundellsands Hall. The boundary of the two dwellings is demarked by the sand dunes that this area is famous for. On the side of the boundary which is No. 102 a section of the sand dune appears to have been cut away to build the existing garage. A wooden fence surrounds the remainder of the perimeter of the property.
- 2.1.3 On the Blundellsands Hall side, the dunes are still intact. An actual dune runs all the way up the shared boundary in a roughly east west direction protruding out in sections. At the rear end of the garden, the dune widens and becomes taller, swinging in a northerly direction towards the neighbouring property to the north and parallel with Blundellsands Park Nature Reserve.

2.2 Topography

- 2.2.1 The application site at No. 102 is approximately level having been levelled in order to construct the existing dwelling.
- 2.2.2 The dunes which were most likely to have existed on the application site have been dug away as has half of the dune which runs up the shared boundary with Blundellsands Hall.

2.3 Treescape

- 2.3.1 The area generally has a relatively sparse tree cover. To the west of the proposed development is the coast and the trees on the frontage of the applicant's property and its immediate neighbours, including those at Blundellsands Hall, are the first vegetation from the sea.
- 2.3.2 Consequently, as the sea wind is salt laden and inhospitable to trees and most vegetation, whilst acknowledging the value of what vegetation has formed, this is heightened by the difficulties in establishing new vegetation and trees in particular.
- 2.3.3 As one gets beyond the first two properties inward from the coast, the tree cover becomes more dense, less influenced by the sea and enters into Blundellsands Key Park and Nature Reserve.
- 2.3.4 Due to the sparse nature of the local treescape and the difficulties in establishing new trees in these areas close to the sea, the trees, hedges and shrubs that have managed to establish themselves are of great significance and have a massive impact on the local treescape.

2.4 Amenity Value

- 2.4.1 The trees, hedges and shrubs on and behind the application site and adjacent to the site, specifically in Blundellsands Hall, collectively provide an excellent visual amenity to the properties and surrounding area.
- 2.4.2 The main spurs of vegetation which run from the frontages to the rear boundaries of the two properties are of significant value for screenage reasons and visual amenity from the coastal pathway. These two spurs of vegetation are highly significant for wildlife corridors too.
- 2.4.3 Several of the properties on this road and in this vicinity are of heritage importance, the trees, hedges and shrubs which surround and bound these properties become important in the built landscape as well as for screening as they set the properties off, framing them in their location enhancing their significance to the character of the local area.

2.5 Age Class Mix

- 2.5.1 The trees surveyed ranged in age from young, to over-mature and approaching Veteran in character. A significant tree in Blundellsands Hall is approaching ancient status.
- 2.5.2 The tree survey provided by the applicant lists all the trees, with the exception of two specimens within the grounds of Blundellsands Hall which are omitted but still material considerations.
- 2.5.3 However, whilst I consider the trees identified to be predominantly semi-mature there were young specimens and specimens of late maturity approaching Veteran status not correctly identified on the applicants Tree Survey.

2.6 Species Diversity

- 2.6.1 Tree species surveyed on the application site and on the boundary with Blundellsands Hall include Sycamore, Purple Plum, Hawthorn, Holly, Lime, Alder and Black Poplar.
- 2.6.2 Shrubs and hedging surveyed on the application site and on the boundary with Blundellsands Hall, the predominant species were Buddleia, Choysia, Privet, Euonymus, Yew, Blackthorn, Conifer.
- 2.6.3 Notably, the Tree Survey provided by the applicant written by Treestyle Consultancy, lists **T8** as a Eucryphia when in fact it is a Euonymus.
- 2.6.4 Also, **T28**, **T29** and **T30**, in the applicant's Tree Survey showed the largest trees on two sites were misidentified as White Willow when in fact they were Black Poplar.

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3. Status of the Trees in Sefton Metropolitan Borough Council

- 3.1 A check was made in January 2022 with *Sefton Metropolitan Borough Council*.
- 3.2 We are informed that the site is within a Conservation Area.
- 3.3 Before any work is organised for trees within a Conservation Area with a stem diameter of above 75mm, an owner must submit a 'notice of intent' to the Local Authority, outlining all the proposed works along with a suitable justification. A waiting period of six weeks is then required, during which time the Local Authority may or may not decide to afford the trees with further protective status. If, after the required timescale has lapsed and/or the authority does not wish to allocate a Tree Preservation Order (TPO), the works may commence as planned.
- 3.4 *No work must be done to any trees within a Conservation Area with a stem diameter of above 75mm until the above process has been completed and the trees have not been allocated with a TPO.*

4. Tree Descriptions and Recommendations

- 4.1 Full details of all individual trees surveyed are recorded in the tables at **Appendix 1**. A full explanation of the tables can be found at **Appendix 2**. Please refer also to the Tree Constraints Plan at **Appendix 6** for tree locations.

5. Findings of my BS5837:2012 tree survey

5.1 Tree Condition & Recommended Works

- 5.1.1 The tree survey revealed a total of 37 items of vegetation (30 individual trees, 5 groups of trees and 2 hedges) in the location of the site and surrounding the site and applicable to the proposed development.
- 5.1.2 Of these, 7 items were identified as retention category 'A', 14 items were identified as retention category 'B', 15 trees/groups were identified as retention category 'C' and 1 tree was identified as retention category 'U'. Please refer to **Appendix 2** for retention category and definition criteria.
- 5.1.3 Within the survey, I noted that several species had been misidentified in the applicant's Tree Survey and many trees had been underestimated in size, often significantly.
- 5.1.4 I have not focussed on any recommendations but have identified on my plan by a red stem centre, the trees which the developer would like to remove and those which would need to be removed for the purpose of this proposed development.

5.2 Tree Removals for Arboricultural Purposes

- 5.2.1 1 tree (T7) was identified as retention category 'U'. This is due to it being a dead tree.
- T1 has been recommended for removal to prevent it from becoming dangerous. Its removal is of **low priority** at present.

5.3 Site Constraints and General Design Advice

- 5.3.1 The following is an overview of the constraints on this site to development, along with general design considerations relating to the tree cover.
- 5.3.2 The retention categories of the trees surveyed are an indication of their overall values. The category of each item is listed at **Appendix 1** and an explanation of the retention categories is included at **Appendix 2**.
- 5.3.3 As a general rule, those trees listed as retention category 'A' or 'B' are the most valuable items and as such the removal of these should be and is likely to be met with resistance by the Local Planning Authority (LPA). There are a number of A or B specimens on neighbouring sites.
- 5.3.4 Those items listed as retention category 'C' are of lesser value individually but in this case are valued by the neighbouring properties as excellent screening. They are also valuable for ecological reasons due to visiting Red Squirrels, Natterjack Toads, Sand Lizards which exist in the adjacent dunes just 1m away from parts of this proposal. There are trees which the applicant's surveyor has listed as C but which we feel warrant a higher status.

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- 5.3.5 The location of each tree is plotted on the associated Tree Constraints Plan at **Appendix 6**. This plan identifies the retention category of each tree (Retention A: green canopy, Retention B: blue canopy, Retention C: grey canopy, Retention U: red canopy), the crown spread, and also the associated rooting zone (Root Protection Area or RPA shown in gold).
- 5.3.6 In order to enable the survival of trees shown to be retained within any proposals, both the canopy of the tree and its RPA must be completely avoided wherever possible. This relates to not just the location of new buildings, but also to the location of new areas of hard standing, proposed utility routes and any ground level changes (both excavations and soil piling). There are several trees in this category on the proposed development site.
- 5.3.7 The majority of trees recommended for retention are situated close to the site boundary and many of the trees which will either need to be removed or which would be threatened by the development are in third party land. These third party owners are hostile to the proposals due partly to the effect it will have on wildlife habitat, their screening, shelterbelt disruption and other amenity reasons including public views into the conservation area and through to the Key Park.
- 5.3.8 The application site is already occupied by a building. It is at least partly in keeping with the nature of this area which is large properties in ample garden space. However, the proposal will not only destroy many trees of value but it will change the built character to allow a building to dominate the plot on which it sits which is to the detriment of the local environment.
- 5.3.9 There are a number of high amenity trees along the shared boundaries of this site. They enhance the relationship between the existing properties and should be retained.
- 5.3.10 If this site is to be developed beyond the the existing property size and scale, any retained trees will require adequate protective measures during development. I have indicated the root protection zones on my plan, which dictates the position of the required protective fence. It would be difficult for the existing proposal to achieve this, particularly due to the location of new buildings, but also to the location of new areas of hard standing, proposed utility routes and any ground level changes (both excavations and soil piling).
- 5.3.11 The significant shade that will be cast by the retained trees must also be considered. Where buildings are to be positioned within the shade cast area of trees, these should be designed in order to maximise light levels. Shading by trees retained does not seem to have been considered.
- 5.3.12 Trees, linear groups of trees and hedgerows, provide an important habitat for birds, bats, invertebrates and fungi and appropriate attention needs to be paid to preserving habitats which already exist. The dunes are an incredibly rare and important feature and rare and protected species exist within 1m of these proposals.

- 5.3.13 It is of consequent importance that the dunes are retained intact, that the linear groups of vegetation are retained to maintain the foraging habitat of the visiting Red Squirrels, the resident Bats which forage all summer up and down these features.
- 5.3.14 Sand Lizards are to be found in the dunes of Blundellsands Hall which run up to the boundary and Natterjack Toads are on the site. Both these species are protected and rare in this country.

6 The BS5837:2012 Survey provided by the applicant

- 6.1 The proposal triggered the applicant to request a BS5837 Tree Survey.
- 6.2 This was produced by Treestyle Consultancy in November 2021.
- 6.3 The report contains numerous dimension inaccuracies where many trees, in fact most have been underestimated in height, and diameter – many considerably. This is unfortunate as it gives the reader a false impression of the scale of trees involved and it generates seriously false root protection calculations. The most significant underestimation was for **T30** which had been noted as a 5m tall specimen when it was measured by myself to be 12m tall.
- 6.4 **T8** and **T9** were misidentified as *Eucryphia* whereas they were *Euonymus*. Very different plants.
- 6.5 Another issue with the report is that several species were misidentified. **T27**, **T28**, **T29** and **T30** were identified as White Willow whereas they were actually Black Polar (and quite possibly a very rare *Populus nigra betuifolia*) but this would need DNA analysis to be certain. Suffice however to note that these trees are larger in height and diameter and are a different species to what the original surveyor noted.
- 6.6 The overall impression of this report was that it was a rushed document, produced without proper consideration of the importance of these belts of established trees. It is riddled with technical and scientific mistakes, with underestimations all of which favoured the applicant's case. The report makes no reference to the fact that these are important established trees and that the proposal would mean that many of the trees would be lost with no planting opportunities due to the proposal being boundary to boundary.

7 The likely effect of the proposal

- 7.1 If this proposal went ahead, it would destroy the belts of trees and vegetation along all three of its shared boundaries.
- 7.2 This would be to the detriment of all three neighbouring properties and the area generally as the trees, on and off site, are all well established. Establishing trees in this sea air environment is a challenge. Established trees in this environment are extremely valuable and difficult to replace. These trees and vegetation protect the adjacent nature reserve from sea winds.
- 7.3 Visual amenity would be spoiled by the loss of these tree and vegetation. This would affect the Conservation Area and spoil the character of the area from a visitor's perspective.

8 Ecological effects of the proposal

- 8.1 During the preparation of this report I consulted my colleagues in our Ecological section who have decades of experience in such matters.
- 8.2 Much in the way of special habitat will be destroyed by this proposal. The dunes are of international importance and are an extremely rare habitat in the UK. Every patch is valuable and should be maintained where possible as much has been destroyed in the past.
- 8.3 Bats are known to forage up and down these banks of vegetation and trees all summer. The bat survey completed by the developer was suboptimal as it was carried out at the end of the bat season. There is thought to be a possible hibernation site in an old air raid shelter in one of the adjacent sand dunes in Blundellsands Hall and the property due to be demolished in order to allow the new proposal is highly likely to have bats living behind the soffits around the roof. More bat surveys are essential in the spring and summer of 2022.
- 8.4 Locally, Slow Worms, Sand Lizards and Common Lizards live in the dunes and have been seen in the adjoining garden to the north. The dunes in which they make their home are effectively already cut into by the existing garage on the application side although the proposals risk further destruction which should be avoided at all costs.
- 8.5 The rare Natterjack Toad is present in the garden to the north and will no doubt be in the subject property too. This development will significantly disturb these which are important European species. There are pools present in both the application site and in Blundellsands Hall.
- 8.6 The garden to the north and its bank of trees, many of which will be affected by this proposal is often visited by the rare and protected Red Squirrels. I understand the owners have been working closely with Red Squirrel conservation groups. Several of the species of tree in this area are important to the squirrels and any disturbance will have a detrimental effect and will disrupt their foraging runs, as they do not favour having to run along the ground, preferring to move from tree to tree. This would not be possible if this development was to go ahead.

9. Conclusions

- 9.1 I am appointed to review an application to demolish an existing dwelling and to build a new, significantly larger dwelling on the same site, from an arboricultural and ecological viewpoint.
- 9.2 As part of this process I was provided with a tree survey, an ecological survey and several other surveys which were provided by the developer.
- 9.3 The tree survey contained within it a large number of technical and scientific errors. The main criticism however, were the large number of faulty measurements where diameters and heights of trees were dramatically understated, giving a false impression to the reader of the size of the trees surveyed.
- 9.4 This proposal would have many detrimental effects on the local amenity and the environment. It would impact upon the three adjoining neighbours from a screening and amenity point of view, and it would impact upon visitors to the area from a treescape and natural landscape point of view
- 9.5 Another consequence of this proposal is the effect it will have on the wildlife in the area. The dunes are rare habitat and the nature reserve to the rear of the sites is an area of internationally important habitat. As a consequence, Sand Lizards, Natterjack Toads, Bats, Red Squirrels and Slow Worms will all loose scarce habitat. All these are present in the garden to the north and the nature reserve to the east.
- 9.6 The significant losses of trees and vegetation which would be incurred if this proposal was to go ahead would break up important wildlife corridors, remove any possibility to add new planting, spoil habitat for important species and have a detrimental impact on the visual amenity of the conservation area.
- 9.7 As a consequence of these environmental factors and as an experienced Arboricultural expert, Biologist and Expert Witness, I do not consider to be an appropriate scheme for the site or the area.

Appendices



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Appendix 1

Tree Descriptions and Recommendations

Ref:18056/JC

Tree Ref	Age Common Name Botanical Name	Height (m)	Crown Height (m)	Height (m) and Direction of the Lowest Branch	Diameter (cm)	Crown Spread			Observations	Recommendations	Physiological Condition	Structural Condition	Amenity Value	NHBC Water Demand	Life Expectancy (yrs)	Retention Category
						N	W	E								
T 1	Semi mature Sycamore <i>Acer pseudoplatanus</i>	4	1	1 N	25	3 2	2	2	Recently reduced. Growing back with vigour. In application land. The first tree before the sea so the beginning of a shelter belt for gardens and nature reserve.	Proposed to fell	FAIR	FAIR	MOD	MOD	20+	C 1
T 2	Semi mature Sycamore <i>Acer pseudoplatanus</i>	3	1	1 N	15	2 1	1	1	One of the first trees before the sea so the beginning of a shelter belt for gardens and nature reserve.	Proposed to fell	FAIR	FAIR	MOD	MOD	20+	C 1
T 3	Semi mature Purple Plum <i>Prunus cerasifera 'pissardii'</i>	3	1	1 S	15	1 1	2	1	One of the first trees before the sea so the beginning of a shelter belt for gardens and nature reserve.	No action	FAIR	FAIR	MOD	NO DATA	10+	C 1
H 4	Mature Mixed	3	0	n/a n/a	10	See Plan			One of the first vegetation features before the sea so the beginning of a shelter belt for gardens and nature reserve.	No action	GOOD	GOOD	MOD	NO DATA	10+	C 1
G 5	Semi mature Sycamore <i>Acer pseudoplatanus</i>	3.5	1	1 N	15	See Plan			One of the first vegetation features before the sea so the beginning of a shelter belt for gardens and nature reserve.	Proposed to fell	FAIR	FAIR	MOD	MOD	20+	C 2
H 6	Mature Privet <i>Ligustrum ovalifolium</i>	3	0	n/a n/a	10	See Plan			One of the first items of vegetation before the sea.	No action	FAIR	FAIR	MOD	NO DATA	10+	C 1
T 7	Dead Euonymus	3	1	1 n/a	20	See Plan			Dead tree.	Fell	DEAD	DEAD	DEAD	NO DATA	Dead	U
T 8	Semi mature Euonymus	4.5	1	1 N	25	See Plan			Misidentified as a <i>Eucryphia</i> . A pleasant tree. Evergreen and a good screen. Sea wind hardy species. Good species for visiting Red Squirrels. This tree would be killed by the proposal although the applicants suggested no action.	No action	GOOD	GOOD	HIGH	NO DATA	20+	B 1
T 9	Semi mature Euonymus	4	1	1 N	25	See Plan			Misidentified as a <i>Eucryphia</i> . A pleasant tree. Evergreen and a good screen. Sea wind hardy species. Good species for visiting Red Squirrels. This tree would be killed by the proposal although the applicants suggested no action.	No action	GOOD	GOOD	MOD	NO DATA	20+	B 1
T 10	Semi mature Holly <i>Ilex aquifolium</i>	4	1	1 N	10	See Plan			A good species for Red Squirrel. This tree would need to be removed to develop the proposal although the applicants suggested no action.	Would need to fell	FAIR	FAIR	MOD	10	20+	B 1

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Tree Descriptions and Recommendations

Ref:18056/JC

Tree Ref.	Age Common Name Botanical Name	Height (m)	Crown Height (m)	Height (m) and Direction of the Lowest Branch	Diameter (cm)	Crown Spread N W E S	Observations	Recommendations	Physiological Condition	Structural Condition	Amenity Value	NHBC Water Demand	Life Expectancy (yrs)	Retention Category
G 11	Semi mature Mixed	3	1	1 N	15	See Plan	A feature which I could not properly assess.	Proposed to fell	FAIR	FAIR	MOD	NO DATA	10+	C 1
T 12	Semi mature Euonymus	4	1	1 N	25	See Plan	A feature which I could not properly assess. Good species for visiting Red Squirrels. This tree would be killed by the proposal although the applicant suggested no action.	This tree would need to be felled.	GOOD	GOOD	MOD	NO DATA	20+	C 1
T 13	Semi mature Sycamore <i>Acer pseudoplatanus</i>	4	1	1 N	25	See Plan	A feature which I could not properly assess. Outside the site. This tree would be killed by the proposal.	Applicant acknowledges that this tree needs to be felled for the proposal but it is not their tree to fell.	FAIR	FAIR	MOD	MOD	20+	C 1
T 14	Semi mature Sycamore <i>Acer pseudoplatanus</i>	4	1	1 N	25	See Plan	A feature which I could not properly assess. Outside the site. This tree would be killed by the proposal.	Applicant acknowledges that this tree needs to be felled for the proposal but it is not their tree to fell.	FAIR	FAIR	MOD	MOD	20+	C 1
T 15	Semi mature Hawthorn <i>Crataegus monogyna</i>	3	1	1 N	15	See Plan	A feature which I could not properly assess. This tree would be killed by the proposal although the applicant suggested no action.	This tree would need to be felled.	FAIR	FAIR	MOD	HIGH	20+	C 1
T 16	Semi mature Lime <i>Tilia cordata</i>	3	1	1 N	15	See Plan	A feature which I could not properly assess. This tree would need to be removed to develop the proposal although the applicants suggested no action.	This tree would need to be felled.	FAIR	FAIR	MOD	MOD	20+	C 1
T 17	Semi mature Lime <i>Tilia cordata</i>	3	1	1 N	15	See Plan	A feature which I could not properly assess. This tree would need to be removed to develop the proposal although the applicants suggested no action.	This tree would need to be felled.	FAIR	FAIR	MOD	MOD	20+	C 1
G 18	Semi mature Sycamore <i>Acer pseudoplatanus</i>	4	1	1 S	15	See Plan	A feature which I could not properly assess. Outside the site. This group would be affected by the proposal although the applicants suggested no action.	Would be affected by proposal.	FAIR	FAIR	MOD	MOD	20+	B 1
T 19	Young Lilac <i>Syringa vulgaris</i>	2	1	1 S	15	See Plan	A feature which I could not properly assess. Outside the site.	No action	FAIR	FAIR	MOD	NO DATA	10+	C 1
T 20	Semi mature Sycamore <i>Acer pseudoplatanus</i>	6	1	1 S	30	See Plan	A feature which I could not properly assess. Outside the site.	The applicant proposes to fell this tree but it is not theirs to fell.	FAIR	FAIR	MOD	MOD	20+	B 1
T 21	Semi mature Lime <i>Tilia cordata</i>	3	1	1 S	15	See Plan	A feature which I could not properly assess. Outside the site.	No action	FAIR	FAIR	MOD	MOD	20+	B 1

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Tree Descriptions and Recommendations

Ref:18056/JC

Tree Ref.	Age Common Name Botanical Name	Height (m)	Crown Height (m)	Height (m) and Direction of the Lowest Branch	Diameter (cm)	Crown Spread			Observations	Recommendations	Physiological Condition	Structural Condition	Amenity Value	NHBC Water Demand	Life Expectancy (yrs)	Retention Category
						N	W	E								
T 22	Semi mature Lime <i>Tilia cordata</i>	3	1	1 S	15	See Plan			A feature which I could not properly assess. Outside the site.	No action	FAIR	FAIR	MOD	MOD	20+	B 1
T 23	Semi mature Sycamore <i>Acer pseudoplatanus</i>	6	1	1 S	30	See Plan			A feature which I could not properly assess. Outside the site.	No action	FAIR	FAIR	MOD	MOD	20+	B 1
T 24	Semi mature Alder <i>Alnus sp.</i>	5	1	1 N	25	See Plan			A feature which I could not fully assess.	No action	FAIR	FAIR	MOD	MOD	20+	B 1
T 25	Mature Hawthorn <i>Crataegus monogyna</i>	4	1	1 N	20	See Plan			A pleasant and dense tree in 3rd party land. Located on top of a dune. Good species for visiting Red Squirrel.	No action	GOOD	GOOD	HIGH	HIGH	40+	A 1
G 26	Mature Holly x 2 <i>Ilex aquifolium</i>	4	1	1 N	20	See Plan			2 large, pleasant and dense trees in application site. Located on top of a dune. Good species for visiting Red Squirrel. 1 tree may need to be removed if the development goes ahead.	1 tree may need to be removed.	GOOD	GOOD	HIGH	LOW	40+	B 1
T 27	Mature Black Poplar <i>Populus nigra betulifolia</i>	6	2	2 N	20	See Plan			A slightly scruffy specimen but thought to be of an interesting variety. Misidentified as White Willow. In application site.	Proposed to fell	FAIR	FAIR	MOD	HIGH	10+	C 1
T 28	Mature Black Poplar <i>Populus nigra betulifolia</i>	8	2	2 N	45	See Plan			A good specimen, thought to be a rare species. Underestimated in size. Misidentified as White Willow. In third party land. Nearing veteran status and on top of dune. Important screen. This tree would be damaged by the proposal.	Proposed to fell	GOOD	GOOD	HIGH	HIGH	20+	A 1
T 29	Mature Black Poplar <i>Populus nigra betulifolia</i>	8	2	2 N	45	See Plan			A good specimen, thought to be a rare species. Underestimated in size. Misidentified as White Willow. In third party land. Nearing veteran status and on top of dune. Important screen. This tree would be damaged by the proposal.	Proposed to fell but not in applicants control.	GOOD	GOOD	HIGH	HIGH	20+	A 1
T 30	Mature Black Poplar <i>Populus nigra betulifolia</i>	12	2	2 N	50	See Plan			A good specimen, thought to be a rare species. Underestimated in size. Misidentified as White Willow. In third party land. Nearing veteran status and on top of dune. Important screen. This tree would be damaged by the proposal.	Proposed to fell but not in applicants control.	GOOD	GOOD	HIGH	HIGH	20+	A 1
T 31	Semi mature Sycamore <i>Acer pseudoplatanus</i>	7	2	2 S	30	See Plan			An important tree as part of a dune top corridor. An excellent screen and in third party property. This tree would be damaged by the proposal.	The applicant considers that no action is needed.	GOOD	GOOD	HIGH	MOD	20+	B 1

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Tree Descriptions and Recommendations

Ref:18056/JC

Tree Ref.	Age Common Name Botanical Name	Height (m)	Crown Height (m)	Height (m) and Direction of the Lowest Branch	Diameter (cm)	Crown Spread N W E S	Observations	Recommendations	Physiological Condition	Structural Condition	Amenity Value	NHBC Water Demand	Life Expectancy (yrs)	Retention Category
T 32	Semi mature Sycamore <i>Acer pseudoplatanus</i>	7	4	4 S	35	See Plan	An important tree as part of a dune top corridor. An excellent screen and in third party property. This tree would be killed by the proposal but the applicant said not action.	Would be affected by proposal.	GOOD	GOOD	HIGH	MOD	20+	B 1
T 33	Semi mature Privet <i>Ligustrum ovalifolium</i>	4	0	n/a n/a	10	See Plan	an important specimen as part of a dune top corridor. An excellent screen and in third party property. This tree would be damaged by the proposal but the applicant said not action.	Would be affected by proposal.	GOOD	GOOD	HIGH	NO DATA	20+	B 1
T 34	Semi mature Privet <i>Ligustrum ovalifolium</i>	4	0	n/a n/a	10	See Plan	An important specimen as part of a dune top corridor. An excellent screen and in third party property. This tree would be damaged by the proposal.	Not shown on applicant's survey.	GOOD	GOOD	HIGH	NO DATA	20+	B 1
G 35	Young Yew <i>Taxus baccata</i>	4	1	1 N	20	See Plan	A row of 7 specimens on top of the dune and in 3rd party land. Good species for visiting Red Squirrel. This group would be killed by the proposal.	Not shown on applicant's survey.	GOOD	GOOD	HIGH	MOD	40+	A 1
T 36	Mature Hawthorn <i>Crataegus monogyna</i>	3	0	0 N	10	See Plan	A pleasant and dense tree in 3rd party land. Located on top of a dune. Good species for visiting Red Squirrel.	Not shown on applicant's survey.	GOOD	GOOD	HIGH	HIGH	40+	A 1
T 37	Mature Euonymus	3	0.5	0.5 N	mix	See Plan	A recently reduced tree, growing back well. This tree would be damaged by the proposal.	Not shown on applicant's survey.	GOOD	FAIR	HIGH	#N/A	20+	A 1

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Appendix 2: Explanation of Tree Descriptions

A2.1 Measurements/ Reference Information

A2.1.1 *REF NUMBER*. All items surveyed are allocated a reference number preceded with a letter, identifying the type of vegetation surveyed: T = an individual tree, G = a group of trees or an area of vegetation, W = woodland, H = a hedgerow.

A2.1.2 *SPECIES: COMMON AND BOTANICAL NAME*. The common and botanical names of the species present are noted. If the species is not clear or identifiable, then a general common name and genus will be noted.

A2.1.3 *AGE CLASS* of the tree is described as young, semi-mature, early-mature, mature, over-mature, veteran or dead.

A2.1.4 *HEIGHT* of the tree is measured in metres from the stem base to the top of the crown.

A2.1.5 *CROWN HEIGHT* is an indication of the height above ground level at which the crown begins.

A2.1.6 *STEM DIAMETER* is measured at 1.5 metres above (higher) ground level. Where the tree is multi-stemmed at this point; diameter measurements are taken for each stem. If more than five stems are present, an average stem diameter is taken. If for whatever reason it is not practical to measure multiple-stemmed trees in this way, the diameter is measured close to ground level, just above the root buttress.

A2.1.7 *CROWN SPREAD* is measured from the centre of the stem base to the tips of the branches to all four cardinal points.

A2.1.8 *HEIGHT AND DIRECTION OF LOWEST BRANCH*. The height and direction of the lowest significant branch is noted because of potential issues relating to clearances and the need for tree pruning.

A2.1.9 *NHBC WATER DEMAND*. The water demand of each tree, as listed in NHBC Standards 2010 Chapter 4.2 'Building near trees'. This is included to aid structural engineers, architects and other members of the design team as it determines foundation depth and other considerations with regard to trees.

A2.2 Evaluations

A2.2.1 *PHYSIOLOGICAL CONDITION* is classed as good, fair, poor, or dead. This is an indication of the health and vitality of the tree and takes into account vigour, presence of disease and dieback.

A2.2.2 *STRUCTURAL CONDITION* is classed as good, fair or poor. This is an indication of the structural integrity of the tree and takes into account significant wounds, decay and quality of branch junctions.

A2.2.3 *LIFE EXPECTANCY* is classed as: Dead, less than 10 years, 10+ years, 20+ years, or 40+ years. This is an indication of the minimum number of years before removal of the tree is likely to be required.

A2.2.4 *AMENITY VALUE*. A general indication is given in respect to the amenity/landscape value of the tree/group within the surrounding area.

A2.2.5 *PRIORITIES*. A priority rating is given concerning the time periods in which the recommended works should be undertaken. LOW priority works should be undertaken within 12 months of the survey, MOD (moderate) priority works should be undertaken within 6 months and HIGH priority works should be completed as soon as practically possible. If no works are recommended, N/A (not applicable) will be used.

A2.3 Retention Categories

A2.3.1 *A (marked green on the Tree Constraints Plan) = Trees of high quality.*

These trees are of high quality and value with a good life expectancy (usually with an estimated remaining life expectancy of 40 years).

A2.3.2 *B (marked in blue on the Tree Constraints Plan) = Trees of moderate quality.*

These trees are of moderate quality and value with a reasonable life expectancy (usually with an estimated life expectancy of at least 20 years).

A2.3.3 *C (marked in grey on the Tree Constraints Plan) = Trees of low quality.*

These trees are of low quality and value but which are in adequate condition to remain or are young trees with a stem diameter below 15cm (usually with an estimated life expectancy of at least 10 years).

A2.3.4 Trees categorised as retention category 'A', 'B' or 'C' are then justified by being further divided into 3 subcategories:

1 = Mainly arboricultural qualities.

2 = Mainly landscape qualities.

3 = Mainly cultural values, including conservation value.

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A2.3.5 U (marked in red on the Tree Constraints Plan) = Trees usually unsuitable for retention due to poor condition.

These trees are in such a condition that they cannot be realistically retained as living trees in the context of the current land use for longer than 10 years. This may be due to any of the following:

- 1) Failure is likely due to serious, irredeemable, structural defects.
- 2) Removal of other category U trees will render them exposed and unstable.
- 3) They are in serious, overall decline or are dead.
- 4) They are of low quality and suppressing adjacent trees of better quality.
- 5) Diseases are present which may affect the health of adjacent trees.

These trees are to be removed or managed in a way which reduces their risk of failure, where they have high ecological value, such as in a woodland setting.

Appendix 3: General Guidelines

- A3.1 All tree work should be undertaken to BS 3998: 2010 '*Recommendations for tree work*' or other recognised industry practice.
- A3.2 Staff carrying out the work must be qualified, experienced and ideally be Arboricultural Association approved contractors. They should be covered by adequate public liability insurance.
- A3.3 This report is based upon a visual inspection. The consultant shall not be responsible for events which happen after this time due to factors which were not apparent at the time, and the acceptance of this report constitutes an agreement with the guidelines and the terms listed therein.
- A3.4 Any defects seen by a contractor or the employer that were not apparent to the consultant must be brought to the consultant's attention immediately.
- A3.5 No liability can be accepted by JCA in respect of the trees unless the recommendations of this report are carried out under the supervision of JCA and within JCA's timescale.
- A3.6 It is advisable to have trees inspected by an arboricultural consultant on a regular basis.

Appendix 4: Glossary of Terms & Abbreviations

Arboriculture	The cultivation of trees in order to produce individual specimens of the greatest ornament, for shelter or any primary purpose other than the production of timber or fruit.
Crown lift	The removal of the lowest branches, usually to a given height. It allows more residual light and greater clearance underneath for vehicles etc.
Crown reduction	The reduction of a tree's height and spread while preserving its natural shape.
Crown thin	The removal of some of the density of a tree's crown, usually 5-15% allowing more light through its canopy and reducing wind resistance.
Deadwood	Either dead branches, or a procedure involving the removal of dead, dying and diseased branches.
Dieback	Where branches are beginning to show signs of death usually at the tips in the crown.
Epicormic shoots	Small branches that grow in clusters around the base of the stem of a tree or within the crown. This is usually as a result of bad pruning or some other stress factor, although can be a natural growth pattern for some species of tree (eg Lime species).
Formative pruning	The pruning of a tree to remove weaknesses and irregularities which may lead to future problems. The formative pruning operation is aimed at reducing the potential for future weaknesses or problems within the tree's crown and to encourage an optimal canopy shape.
Pollarding	A method of tree management in which the main trunk and principle branches of the tree are cut to the same height, and the resulting branches are then cropped on a regular basis.
Remedial pruning	The removal of old stubs, deadwood, epicormic growth, rubbing or crossing branches and other unwanted items from the tree's crown. Sometimes referred to as crown cleaning.
RPA	Root Protection Area – Theoretical rooting area of a tree as defined in BS 5837:2012 ' <i>Trees in relation to design, demolition and construction – Recommendations</i> '.
Topping	Topping is a form of pruning that removes terminal growth leaving a 'stub' cut end. Topping can cause serious health problems to a tree.

Appendix 5: Author Qualifications

- A5.1 My name is Jonathan Cocking and my specialist field is Arboriculture.
- A5.2 I am a Chartered Biologist and member of the Institute of Biology.
- A5.3 I am a Chartered Forester and a member of the Institute of Chartered Foresters.
- A5.4 I have 42 years' experience in the Arboricultural and Forestry profession and served for, eight years as Silviculturist with a large local authority before establishing JCA in 1997.
- A5.5 I started my career with trees in 1979 when I trained as a Forester and obtained a Diploma in Forestry from Newton Rigg College, Cumbria.
- A5.6 After passing the Technicians Certificate in Arboriculture in 1987, I studied for and passed the Professional Diploma in Arboriculture in 1992.
- A5.7 I am one of only 43 registered consultants of the Arboricultural Association, the principal professional body in the UK.
- A5.8 During the last 25 years of independent consulting, I have advised many organisations including the Office of the Deputy Prime Minister, English Heritage, DEFRA, FERA, The Forestry Commission, The National Trust, The Health and Safety Executive, The Royal Parks Commission, Universities, Local Authorities as well as many private companies and individual clients.
- A5.9 I recently completed a total of 9 years as an Appeals Inspector for the Planning Inspectorate, with Arboriculture as my specialism.
- A5.10 I have advised the Singapore Government, The Foreign and Commonwealth Office on sites around the world and am actively involved in arboricultural policy advice in many European and Far Eastern countries.
- A5.11 In 2018 I began a term as the President of the European Arboricultural Council, which runs until 2022.
- A5.12 I am therefore well known within my professional field and perfectly equipped to act as an independent expert in my field.



I hope that this report provides all the necessary information, but should any further advice be needed please do not hesitate to contact the author.

Signed




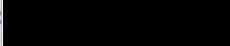
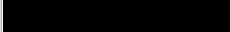
Jonathan Cocking *F.R.E.S., Tech. Cert. (Arbor.A), PDipArb (RFS) FArbor.A CBiol MSB.
MICFor. FLS.*

3rd February 2022

For and on behalf of *JCA Ltd*

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JCA Ltd. Arboricultural and Ecological Consultants Professional Tree and Ecology Advice nationwide

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- Tree Health Checks
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- Phase 1 Habitat Surveys
- Great Crested Newt eDNA Sampling
- Protected Species: Bat, Wintering and Nesting Bird, Badger, Amphibian, Otter, Water Vole, White-Clawed Grayfish, Dormice and Reptile Surveys.
- Preparation for Environmental Impact Assessment (EIA)
- Invasive Species Surveys
- Code for Sustainable Homes

Ecological Post-Planning Services

- Biodiversity Enhancement Plans
- Protected Species Mitigation
- Ecological Management (Bat and Bird box installation and inspection)

HEAD QUARTERS:

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Council Response

INTRODUCTION

102 The Serpentine North lies within Blundellsands Park Conservation Area. It is adjacent to what is now considered a Non-Designated Heritage Asset, Blundellsands Hall (108 The Serpentine North). It is near a grade II Listed Building, St. Nicholas Fountain. The existing post-war property makes a neutral contribution to the character and appearance of the Conservation Area. It is a modern construction which does not possess any architectural merit.

Conservation comments have been provided assessing the proposals against local and national policy. The architectural appearance, character and history of the heritage assets affected, and buildings in the area including their features, layout, spaces between them and neighbouring buildings and their setting were carefully assessed.

CONSERVATION AREA APPRAISAL AND ADVISORY LEAFLET

Within the Blundellsands Park Conservation Area Advisory Leaflet and the Blundellsands Park Conservation Area Appraisal it is important that where it refers to appropriate materials that the advice and guidance is read in full context of the paragraphs and sections in which they are written. They are written in regard to traditional and historic buildings which contribute to the character and appearance of the Conservation Area.

The objector states, **'The Adopted Blundellsands Conservation Area Appraisal (BCAA) makes a clear assessment of the character and appearance of the conservation area, including appearance, materials, windows, roofs etc.'** It refers to features and materials that are a positive contribution to the Conservation Area, which should be retained. These are found on historic properties that contribute positively to the character of the Conservation Area. The objector comments further: **'The application proposals, including the recent amendments, remains in clear breach of the guidance within that document.'** This is inaccurate as 102 The Serpentine North is not a historic property and does not contribute positively to the character of the Conservation Area. The current building is a modern building which is considered to make a neutral contribution to the Conservation Area character. It does not possess any architectural merit or historic features. New alterations are in-keeping with the character of the building and will not cause harm to the Conservation Area, as the overall modern character of the building will be retained as well as its neutral contribution to the character of the Conservation Area.

The objector comments that the proposal involves **'Replacing a building which is deemed to make a negative contribution to the character and appearance of a conservation area with one that makes a similar contribution'** This statement is incorrect as 102 The Serpentine North makes a neutral contribution to the character of the Conservation Area, not a negative one. The neutral contribution will be retained after the proposed alterations as it is a modern building which does not contribute positively to the Conservation Area, but at the same time it does not detract from it. It is therefore not considered to make a negative contribution to the character of the area.

CONTRIBUTION OF BUILDING

102 The Serpentine North is referenced as a building that is of neutral contribution to Blundellsands Park Conservation Area, the extension to the property would be considered neutral also and would not affect the character and appearance of the Conservation Area. The comments received state:

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‘Whilst the existing building may detract from the character and appearance of the conservation area, the proposed building would be a far greater detracting feature than the existing (...)’. Buildings that are of neutral contribution to the character of the Conservation Area are not considered to detract from it. As the extension of the property is considered to be neutral it would not affect or detract from the character of the Conservation Area.

PLOT AND SPACE BETWEEN DWELLINGS

The existing plot does not contribute positively to the character of the Conservation Area, as it does not have any historic significance, as it was previously subdivided by contrast with those larger plots that remain which do contribute positively to the Conservation Area. The plot of the building in which 102 The Serpentine North now sits was subdivided many years ago, therefore any original plot size has lost its significance and commonality with the historic properties within the Conservation Area including any original planned rhythm and spacing between properties. The objection states **‘(..) the replacement dwelling stretches the full width of the site (almost from boundary to boundary), which is more than the existing building and is noted by the adopted Conservation Area Appraisal as being a detracting feature’**. As noted above, the plot has lost its significance, any original planned rhythm or spacing between properties does not possess the same value as with original plots that still retain their original size, character and significance. The spacing alterations will not be a detracting feature and will not impact negatively on the street scene.

The objection states that alterations would be **‘(..)‘HUGELY DETRIMENTAL’ is significant and should be acknowledged when a building is proposed to be built boundary to boundary (apart from 1m north side).’** There is a misunderstanding of the guidance which mentions that those type of alterations would be ‘Hugely Detrimental’ in the older addresses along the sea-facing part of The Serpentine, which means historic properties. 102 The Serpentine North is a modern property in a subdivided plot which does not possess any architectural significance. The comments continue: **‘There is very clear and robust guidance in Sefton Councils own document that determines the importance of the gaps between buildings and how a significant extension will be detrimental to the character and appearance of the streetscape by filling the gap’**. It is clear in the guidance that this is the case for historic properties and plots. This does not apply to 102 The Serpentine North which is a modern dwelling in a subdivided plot.

Blundellsands Park Conservation Area Appraisal states, ‘Where properties form a run (either as a terrace or a group of the same design), the alteration of one roof seriously detracts from the quality of the street scene’. This is not the case for No. 102 The Serpentine North as it is not part of a terrace or a group of houses which present the same design.

VIEWS OF THE CONSERVATION AREA

Views into and out of the Conservation Area will not be significantly altered. Proposed alterations to 102 The Serpentine North will keep the modern character of the current building which makes a neutral contribution to the Conservation Area. Alterations will not cause harm to the main views or rhythms of the Conservation Area. The proposal will not cause a harmful alteration to the street scene with the character of the Conservation Area largely preserved as well as the views into and out of the Conservation Area. The Conservation Area Appraisal states ‘Perhaps the most important of views to the character of Blundellsands are those into and out of the Conservation Area. Most notably these include views from along the coast and from the water itself’. It is acknowledged that alterations will change the current views, however it is considered that the impact will be minimal and not harmful. The objector states, **‘Blanefield’ a house being recommended for NDHA status, which is specifically**

featured in the BCAA in relation to making a positive contribution to views, can only currently be seen across the applicants garage. (...) This historic property will be obstructed by the building on top of the applicant's garage and the increase in mass of the proposed extensions. It is therefore considered there is some detriment to the conservation area by this extension. The property is most visible during winter to spring when leaves have fallen. Despite the proposed first-floor extension being stepped in, the angling of the applicant plot means the property will be obscured by the significantly increased massing of the northern extension.'

The property shown in the Conservation Area Appraisal is No. 72 Warren Road, which is considered to make a positive contribution to the Conservation Area. However, it hasn't been considered to be a Non-designated Heritage Asset. The contribution of the dwelling has also been mistaken. The Conservation Area Appraisal mentions the chimneys of the dwelling as a positive contribution for the Conservation Area, under the section of 'Typical Features and Details'. The property is only visible from The Serpentine North for a short period of time in the year, obscured by the leaves of the trees the rest of the year. The Conservation Area Appraisal does not mention views to the historic house from The Serpentine North or state that they make a positive contribution to the Conservation Area. If it had meant to, this would have been included under the section 'Views and Vistas Within the Conservation Area'. But it is not. The proposal will not cause harm to the significance or settings of the building, which makes a positive contribution to the Conservation Area, however it is not considered a Non-designated Heritage Asset. Alterations may have an impact on the views from The Serpentine North, but these are minimal and considered not to be harmful.

NON-DESIGNATED HERITAGE ASSET

Due to the recently submitted Heritage Statement in support of making the neighbouring property of Blundellsands Hall (108 The Serpentine North) a Non Designated Heritage Asset, it now can be considered as such. The proposal for 102 The Serpentine North will provide a clear contrast in style with the adjacent historic property. However, the extension will not harm the architectural integrity, history of Blundellsands Hall nor its status as a NDHA. The building and the extension are not considered harmful and will not have a negative impact on the setting of the Non-designated Heritage Asset. The proposed development at 102 The Serpentine North would have no impact on the significance of 108 Blundellsands Hall, nor would the proposed development impact upon the setting of the building which would retain its large and spacious plot. The development would not cause any harm to the significance or the setting of 108 Blundellsands Hall.

The objector states, '(...) the extension both over the garage and to the entire front of the property, plus the increase in scale, would block the historic bay of Blundellsands Hall from road views (and some limited views from along the coast). Permanently blocking an important aspect of a non-designated heritage asset and secondary landmark site is considered detrimental to the historic environment. The featured bay was specifically identified in the NDHA status recommendation.' The size of the extension is considered acceptable, the height of the garage will be increased slightly. However, this will not have a big impact on of the bay of Blundellsands Hall which will still be visible from the street as shown on submitted street view plans. The alterations to the views are minimal and will not have any major impact on the views in and out of the Conservation Area. The Heritage Statement provided from Blundellsands Hall describes the significance of the Non-designated Heritage Asset, the significance and the setting of the asset will not be harmed by the new proposed works to No. 102 The Serpentine North. Clear consideration of the significance of the heritage asset has been assessed and it has been provided in the comments from the Conservation Officer.

The objection mentions that 'It is absolutely clear (..) that the bulk and massing of the northern and front extensions, disrupts key views of the heritage assets. The materiality of the building which

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afforded it NDHA designation will be blocked from important views into the conservation area. Whilst there was a clear assessment in presenting Blundellsands Hall for NDHA status, highlighting specific features such as the sandstone detailing, the featured bay, relic dunes and trees, which was accepted in confirming the NDHA status, officers have failed to properly highlight these specific features in assessing significance.' The Conservation Officer has assessed the significance and concludes that alterations to the views will be minimal and will not have a major impact on the street scene, the views in and out of the Conservation Area and the views towards the Non-designated Heritage Asset. Significance and setting of the Non-designated Heritage Asset would be preserved. Proposed works do not affect any of the significance mentioned above, such as the sandstone details or the featured bay. Every feature that adds to the significance of the Heritage Asset would be retained.

CONSERVATION AREA

The proposal does make a number of substantial changes to the existing property. The unique design would as a minimum preserve the character and appearance of Blundellsands Park Conservation Area. The changes are such that they would have the potential to enhance the existing property which is currently of neutral interest and will remain of neutral interest to the Conservation Area after the proposed alterations. No harm arises to the Conservation Area given the design is acceptable and considered high-quality. Although the proposal will enhance the current construction, its contribution to the character of the Conservation Area would continue to remain neutral. The proposal does not detract from the character and appearance of the Conservation Area. The proposal does not cause harm to the Conservation Area. It is acknowledged that when an authority finds that a proposed development would harm the character or appearance of a Conservation Area it must give that harm considerable importance and weight. However, the conclusion after careful consideration was that no harm was caused to the Conservation Area.

LISTED BUILDING

In terms of the St Nicholas fountain, grade II Listed Building, the proposal will not cause harm to the significance of the fountain or affect its character as a building of special architectural or historic interest. The fountain is situated in the middle of a busy 3-way road junction sitting approximately 12 metres in front of the application site. There is an adequate distance between the fountain and the proposed building. The proposal would not harm the setting of the listed drinking fountain, it will not be affected by the proposed alterations. The proposal adheres to local policy NH11 'Works Affecting Listed Buildings'. It is acknowledged that when an authority finds that a proposed development would harm the setting of a Listed Building it must give that harm considerable importance and weight. However, the conclusion after careful consideration was that no harm will be caused to the significance or the setting of the Listed Building.

MATERIALS AND DESIGN

The proposal has been altered since the previous design. A different approach and rationalisation was taken to assess the proposal as it differs from the previous one. The glazed balcony extension has been modified. The current proposal only presents a small section with a glazed balustrade to the front of the property. The glazed balustrade has been assessed in correspondence with the new proposed alterations and extension. They were considered not to be harmful in regard to the overall design of the new extension of the dwelling. The glazed balustrade is in keeping with the character and design of the new proposed extension and alterations of current building. It is considered a modern feature which is sympathetic with the overall modern design of the dwelling. As well as all other proposed materials which are considered acceptable as they correspond to the overall modern design and style

of the building, as the windows and roofing material. As previously stated in the 'Conservation Area Appraisal and Advisory Leaflet', appropriate materials relate to traditional and historic buildings which contribute to the character and appearance of the Conservation Area.

The current building is a modern building which is considered to make a neutral contribution to the Conservation Area character. It does not possess any architectural merit or historic features. New alterations are in keeping with the character of the building and will not cause harm to the Conservation Area as the overall modern character of the building will be retained as well as its neutral contribution to the character of the Conservation Area. The objector states '**The new proposal replaces wooden windows and doors with grey aluminium (not acceptable according to guidance)**'.

Aluminium or UPVC windows and doors are not considered acceptable in historic properties according to guidance and 102 The Serpentine North is a modern property. The Conservation Area Leaflet states, 'Brickwork and stonework should not be painted or rendered'. As mentioned before in the section of 'Conservation Area Appraisal and Advisory Leaflet', appropriate materials in guidance refer to traditional and historic buildings. Render is featured on some older and newer developments within the Conservation Area, and it would be considered acceptable. 102 The Serpentine North is a modern property, the existing brickwork is considered not to have any historical significance.

The leaflet also states, 'Cladding of brickwork in stone, artificial stone, pebble dash, render, timber, plastic or tiles is not permitted for practical as well as aesthetic reasons' this relates to historic and traditional properties as mentioned before. '**(...) features a zinc roof which is identified as not in keeping with the character of the area (yet says the character is retained)**.' Grey zinc roofing is not a usual material used for roofing in the Conservation Area. However, it is acknowledged that because of the low roof pitch it isn't practical to use tiles or slate, so some form of sheet material would appear to be the best solution. It was suggested to use a tile effect roofing sheet which will be a more sympathetic choice. The zinc roof was considered acceptable as it is in keeping with the character of the modern dwelling, and its use is justified in the submitted Heritage Statement. Blundellsands Park Conservation Area Appraisal (BPCAA) states, 'Extensions or new features must use appropriate architectural detailing, landscaping and materials that suit the age and style of the building'. The materials and style of the new extension are considered sympathetic with regard to the current modern building. BPCAA also states, 'Chimneys: in most cases, the original chimney stack and pots form an integral part of the design of buildings'. This is the case for historic properties; 102 The Serpentine North is a modern dwelling, the current chimneys have no significance.

Blundellsands Park Conservation Area Appraisal states, 'Many modern buildings have an additional storey within the same height as their neighbouring historic building. This changes the 'grand' appearance of the building and therefore is detrimental to the character of the area'. The total height of the extension of No. 102 The Serpentine North will be lower than that of the neighbouring historic property and respects the total height of the other adjacent modern property, so it is considered not to have a negative impact on the character of the Conservation Area.

POLICIES AND GUIDANCE

Historic England Advice Notes are meant to provide direction and should not be taken as a directive. The proposal complies with local policies NH9 'Heritage Assets', NH11 'Works Affecting Listed Buildings', NH12 'Conservation Areas' and NH15 'Non-designated Heritage Assets', as well as NPPF, NPPG.

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CONCLUSION

The objection states, **'The case officers report and that of the conservation officer, suggests elements of the proposals are acceptable when they do not form part of the character or appearance of the conservation area. There is no explanation, in many instances, as to why the conservation officer in particular has decided to put that guidance to one side.'** As explained and stated before there has been a misunderstanding of the Conservation Area Appraisal and the Advisory Leaflet. The documents should be read in full context of the paragraphs and sections that they are written, in the contexts previously mentioned they are written in regard to traditional and historic buildings which contribute to the character and appearance of the Conservation Area.

The Conservation Team has taken into consideration the guidance to assess the proposal. The objector continues: **'Officers are in direct contrast to their own guidance, which will undermine the decision-making process, and ultimately, the Councils own guidance.'** We are not in agreement with this as previously was explained and justified all the issues stated by the objector. **'There should be clear justification for doing so and there is not.'** A clear justification has been provided on the comments provided by the Conservation Team as well as in this report. **'There is a disparity between Sefton Councils own guidance and that of the officers'** We do not agree with this statement as we believe there is a misunderstanding of the guidance from the objector. **'There is also inconsistency with two conservation officers' comments in relation to this site'**. A different rationalisation was taken to assess the proposal as the design significantly differs from previous one. The two proposals cannot be compared as the new one has been altered since the previous design and has now been amended to remove the glazed balcony.

The objector continues: **'The previous heritage at risk officer stated the glazed balconies were 'an indisputably modern intervention which are visually intrusive and not in keeping with the character of the conservation area' yet the present conservation officer finds them acceptable'**, this issue has been explained under section 'Materials and Design'. **'The present case officer acknowledges the grey zinc sheet roofing is 'not keeping in character with the Conservation Area' yet finds it acceptable as the applicants have changed the pitch of the roof and extended it higher and states, they are unable to therefore have tiles which is in keeping with the conservation area'**,. This issue has been explained under section 'Materials and Design'.

'Throughout the BCAA, it is clearly demonstrated what could be determined as making a positive contribution and what is negative to the Blundellsands Conservation Area. Numerous aspects proposed in the applicant's construction are contained in this document, identified in almost every aspect as detrimental to the heritage environment.' As previously stated, we identified most of the aspects to have a minimum impact which will not cause harm to the Conservation Area. **'(...) any decision should be based on a sound justification. (...)The application proposals are in clear breach of the statutory duty and the development plan, in that they would contravene the key principles set out in the Council's Conservation Area Appraisal and they would, as a result, cause a greater degree of harm to the Blundellsands Conservation Area than the existing building. On this basis, the application proposals should be refused.'** It was concluded that the current application is not causing harm to any heritage asset. Conservation comments have been provided assessing the proposals against local and national policy and all guidance have been taken into consideration for the comments.

The Conservation Team believes the proposal to be in adherence with relevant NPPF, NPPG and local policies NH9'Heritage Assets', NH11'Works affecting Listed buildings', NH12'Conservation Areas' and NH15'Non-designated Heritage Assets'.

TREES AND LANDSCAPING - RESPONSE

A number of concerns have been raised relating to trees and these are responded to below:

The starting point is the commitment of the Local Planning Authority to retain any trees of value. There are no trees covered by a Tree Preservation Order within this or the adjoining sites.

It is agreed that **“the green infrastructure is extremely important to retain within this conservation location”**. It is also acknowledged that **“the challenges of growing new stock to any decent height should not be underestimated in this extremely windy location when trees are subjected to continual salt spray”**.

It is not a requirement to provide a landscaping scheme as part of the application as this can be addressed through applying a condition to any approval. A tree survey was submitted with the application.

It is not agreed that the scheme will involve the loss of any trees of value. It is entirely appropriate that stringent safeguards are in place to make sure that existing trees are protected during the construction process. These safeguards are set out in condition 3 as follows:

Notwithstanding the details contained in the Arboricultural Report, no development shall take place (including the pre-construction delivery of equipment or materials, creation of site access or clearance of the site) until an Arboricultural Method Statement (AMS) and tree protection plan setting out measures for the protection of retained trees has been submitted to and approved in writing by the Local Planning Authority. The submission must as a minimum include the following:

- i. A Site Plan to identify all the trees to be retained and removed within the site*
- ii. Tree protection fencing details and location;*
- iii. Removal of existing structures and hard surfacing*
- iv. Installation of temporary ground protection;*
- v. Retaining structures to facilitate changes in ground levels;*
- vi. Preparatory works for new landscaping;*
- vii. Auditable system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision including reporting to LPA at appropriate timings.*
- viii. The installation of any additional services.*

The AMS must be carried out by a competent arboriculturist in line with BS5837:2012 (Trees in relation to design, demolition, and construction- Recommendations). Any protection measures detailed in the method statement such as fencing and/or ground protection must be in place prior to the commencement of the works on site and shall be retained in place until the development hereby permitted is complete.

Reason: *The condition is required prior to commencement as it will ensure there is no unacceptable tree damage or loss and is placed to safeguard the appearance of the area.*

It is not accepted that any trees in adjoining properties are at risk. The applicants mistakenly included in their application that a neighbouring tree be felled and this was repeated in the officer report but this is not the case. An application cannot require the loss of a tree in an adjoining property.

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Trees are not shown on all of the plans but they are shown on what are considered to be the relevant plans – i.e. the tree constraints plan and the tree protection plan. The objector considers details of crown spread should be shown on the first floor layout plan but this is not considered necessary. Members visited the site on Monday 17th October and from the garage roof viewed the canopy of tree T32 in the neighbouring garden. This enabled them to judge at first hand any likely conflict with the proposed first floor extension above the garage.

The objector claims discrepancy as to the categorisation of trees. **“The applicant’s category of T32 as U for example means they are not required to show this on plans. This is a Category A1 tree”**. This is incorrect. The applicant’s arboricultural consultant classifies this as Category B.2.

It is acknowledged there have been some discrepancies in the position and measurements of trees outside the boundary of the application site. The applicant’s arboricultural consultant has had to estimate some of the measurements as he has not been able to gain access to the adjoining sites. Corrections have been submitted for those which are critical to understanding the impact of the scheme.

The objector refers to the ecological value of the party wall at number 98 which would require rebuilding to enable the swimming pool complex. This is dealt with elsewhere in these late representations and is a private matter to be agreed between the applicant and the neighbour.

Item 4B

DC/2021/02497: Wadacre Farm Chapel Lane, Melling

Habitats Regulations Assessment

Details of the Appropriate Assessment and comments provided by Natural England have been provided and are attached.

Neighbour representation

Since the completion of the committee report a further neighbour objection has been received but raises no new issues to those already reported.

Revision to conditions

The following conditions are updated and included:

Approved Plans

- 2) The development shall be carried out in accordance with the following approved plans and reports:
 - Site Location Plan Drawing no. R110/1000
 - Planning Layout Drawing no. R110/1 Rev H
 - Illustrative Site Layout Drawing no. R110/1 Rev H
 - Fencing Layout Drawing no. R110/2 Rev D
 - Materials Layout Drawing no. R110/3 Rev D
 - External Surfaces Hard & Soft Landscaping Drawing no. R110/4 Rev D
 - Affordable Housing Layout Drawing no. R110/7 Rev D
 - Site Sections Drawing no.30500/101 Rev B
 - Landscape Proposals no. 418203 Rev D
 - 1.8 m High Close Boarded Timber Fence Drawing no. SD.1A
 - 900 mm Post & Rail Fence Drawing no. SD.21
 - Knee Rail Fence Details Drawing no. SD.23B
 - 1.8 m High Screen Wall Drawing no. SD.46A
 - Preliminary Drainage Layout Drawing no. 30500_100 Revision E
 - Tree Survey and Arboricultural Implications Assessment Issue 6 October 2022
 - Tree Constraints Plan Drawing no. 4182-01 Rev B
 - Tree Protection Plan 4182-02 Rev E
 - Construction Management Plan 11th October 2022 Revision D
 - Flood Risk Assessment 30500 SRG September 2021
 - Foul & Surface Water Drainage Design Drawing no. 30500/100 Rev B
 - E3P (January 2022) Phase 1 Geoenvironmental Site Assessment ref: 14-664-R1-3

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House Types

- Waddington Drawing no. HT117(A) P/117
- Hatton Drawing no. HT139/P/115
- Regency Drawing no. HT142/P/01
- Bonington rear aspect no bay -Floor Plans Drawing no. HT147/P/113
- Bonington rear aspect no bay- Elevations Drawing no. HT147/P/114-2
- Bonington side aspect with bay- Floor Plans Drawing no. HT147/P/112-12
- Bonington side aspect with bay – Elevations Drawing no. HT147/P/110-11
- Lowry- Floor Plans Drawing no. HT164/P/2/V4-2
- Lowry- Elevations Drawing no. HT164/P/2/V1-1
- Gladstone Floor Plans & Elevations Drawing no. HT165(H)/P/3
- Charleston II Drawing no. HT166/P/119
- Brantwood II Drawing no. HT167/P/5
- Aroncroft Drawing no. HT169/P/205
- Kingswood-Floor Plans Drawing no. HT174/P/1
- Kingswood- Elevations Drawing no. HT174/P/2
- Bridewell Drawing no. HT181/P/1
- Bridewell-Bressingham-Floor Plans Drawing no. HT181-182/P/1
- Bridewell-Bressingham-Elevations Drawing no. HT181-182/P/2
- Arley Drawing no. HT186/P/1
- Tatton-Floor Plans Drawing no. 188/P/01
- Tatton-Elevations Drawing no.188/P/02
- Duxbury Drawing no. HT189/P/01
- Ashbury Drawing no. HT190/P/01
- Elworth Drawing no. HT191/P/01
- Rivington Drawing no. HT192/P/01
- Ordsall M4(2) Drawing no. HT194/P/01
- Garage-Single Detached Garage Drawing no. P/SG/1

Reason: For the avoidance of doubt.

During Building Works

- 11) No development shall commence above slab level until a Noise Impact Assessment has been submitted to and approved in writing by the Local Planning Authority to identify any properties which may require acoustic mitigation measures to the building envelope to deliver the internal noise level requirements of Table 4 of BS8233:2014, including the glazing and possible acoustic trickle ventilation. The agreed mitigation measures identified in the Noise Impact Assessment shall be implemented in full prior to the properties being occupied and shall be retained thereafter.

Reason: To safeguard the living conditions of the future occupiers.

Ongoing Conditions

- 37) Within the first planting/seeding season following completion the development, all planting, seeding or turfing comprising in the approved details of landscaping shall be carried out; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure an acceptable visual appearance to the development.

Prior to Commencement

No development shall commence until a scheme of piling methodology, which provides justification for the method chosen and details noise and vibration-suppression methods proposed, is submitted and approved in writing by the local planning authority. The agreed scheme shall then be implemented throughout the development.

Reason: To safeguard the living conditions of the neighbouring/adjacent occupiers and land users during the construction period.

The following informative should also be included:

Informative

There are a variety of piling methods available, some of which cause considerably greater noise and vibration than others. It is common for the prevailing ground conditions to influence the chosen method of piling. Where the prevailing ground conditions would permit more than one piling method, the Council would expect the contractor to choose the method which causes the least amount of noise and vibration, in accordance with the following hierarchy:

- Pressed-in methods, e.g. Hydraulic jacking
- Auger / bored piling
- Diaphragm Walling
- Vibratory piling or vibro-replacement
- Driven piling or dynamic consolidation

Should the contractor propose to use a method which is not the preferred lower impact option, then satisfactory justification will need to be provided in order to demonstrate the piling method that is utilised meets Best Practicable Means (BPM). Please note vibration monitoring will be required for all piling projects. For further advice on what to include in your piling methodology scheme and current standards please contact Sefton's Pollution Control Team.

Appendix 1

Habitats Regulations Assessment

DC/2021/02497

Erection of 147 dwellings, to include demolition of existing buildings, construction of new vehicular access, landscaping and associated infrastructure works

Wadacre Farm, Chapel Lane, Melling, L31 1ED

Report for Sefton Council

25th August 2022

Document Control

Project: Wadacre Farm, Chapel Lane

Prepared for: Sefton Council

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A	August 2022	Draft for internal review
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1	August 2022	Report for Sefton Council and consultation with Natural England

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Summary

1. This document sets Sefton Council's assessment of likely significant effects of the proposed development in accordance with the Habitats Regulations³. It is the Habitats Regulations Assessment (HRA) report for this planning application and it has been prepared for Sefton Council by Merseyside Environmental Advisory Service.

Approach

2. Our approach to HRA follows European Commission guidance⁴ and has been informed by best practice, including The Habitats Regulations Assessment Handbook⁵ and Government guidance⁶.
3. HRA is an assessment of the potential effects of a proposed project or plan - either a Local Plan or a Supplementary Planning Document (SPD) - for example - on one or more sites of international nature conservation importance. Projects and plans can only be permitted where the 'competent authority' (Sefton Council) is satisfied that there will be no adverse effects on integrity of the relevant national and international sites.
4. From 1 January 2021, the UK is no longer a member of the European Union. However, HRA will continue as set out in the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Following the end of the Brexit transition period, these sites of international nature conservation importance are known as the **national site network** (they were previously referred to as Natura 2000 sites). Sites within the national network are of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species and include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).
5. The National Planning Policy Framework (NPPF) (paragraph 181) states that Ramsar sites should be taken to be part of the national site network and treated accordingly. Ramsar sites are wetlands of international importance designated under the International Wetlands Convention, which took place at Ramsar, Iran. NPPF also states that proposed sites should be treated in the same way as designated sites for all practical purposes, including for HRA. We have followed this Government guidance and have used the term 'national and international sites' to refer to all these designations and proposed designations.
6. The 'Precautionary Principle' should be applied at each stage of the HRA process. Plans and projects can only be permitted having ascertained that there will be no adverse effect

³ The Conservation of Habitats and Species Regulations, 2010 (SI 2010 No. 490) and amendments in 2011 (SI 2011 No. 625), 2012 (SI 2012 No. 1927), 2017(SI 2017 No. 1012) and 2019 (SI 2019 No. 579).

⁴ European Commission (2001): Assessment of plans and projects significantly affecting Natura 2000 Sites: Methodological Guidance on the Provisions of Article 6(3) and 6(4) of the Habitats Directive.

⁵ DTA Publications Ltd (2021), *The Habitats Regulations Assessment Handbook*, <https://www.dtapublications.co.uk/>

⁶ DEFRA, Natural England, Welsh Government and Natural Resource Wales (2021), *Habitats Regulations Assessments: Protecting a European Site* <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site#screening>

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on the integrity of the national and international site(s) in question. Plans and projects with predicted adverse impacts on national and international sites may still be permitted if there are no alternatives to them and there are Imperative Reasons of Overriding Public Interest (IROPI) as to why they should go ahead. In such cases, compensation would be necessary to ensure the overall integrity of the site network.

7. Stage 1 of the HRA process is the assessment of proposed plans and projects for likely significant effects (Screening). If there are none, then no further steps need to be taken. Where significant effects seem likely, a more detailed Appropriate Assessment and Integrity Test of the proposed plan or project is necessary. This is known as Stage 2.
8. The 'integrity' of a national and international site is defined as:
'the coherence of its ecological structure and function, across its whole area, which enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified or listed.'
9. The European Commission defined integrity more recently as follows:
'the integrity of the site involves its constitutive characteristics and ecological functions. The decision as to whether it is adversely affected should focus on and be limited to the habitats and species for which the site has been designated and the site's conservation objectives.'
10. Stage 2 will often establish mitigation measures or alternative methods, which can offset all significant adverse effects and enable the plan or project to go forward. This is necessary to conclude beyond reasonable scientific doubt that adverse effects on the integrity of national and international sites has been avoided. Where this is not the case, other more stringent measures need to be considered.
11. Plans and projects with predicted adverse impacts on international sites may still be permitted if there are no alternatives to them (Stage 3) and there are Imperative Reasons of Overriding Public Interest (IROPI) (Stage 4) as to why they should go ahead. In such cases, compensation would be necessary to ensure the overall integrity of the site network.

12. The source-pathway-receptor model is used to assess individual elements of the project likely to give rise to effects on the national sites network and Ramsar sites. In using this method all potential effects are assessed to determine whether there is a pathway which could lead to an effect on the national and international sites. If there is a source-pathway-receptor link for any potential impact, then this effect is assessed for likely significant effects within the HRA. Where no source or pathway is present then these effects are screened out at Stage 1. All potential effects, no matter how small are identified and assessed for their level of significance. Even if the potential effects are small and thought likely to be insignificant, they must be assessed to confirm this is the case. Figure 1 below shows how the model works.

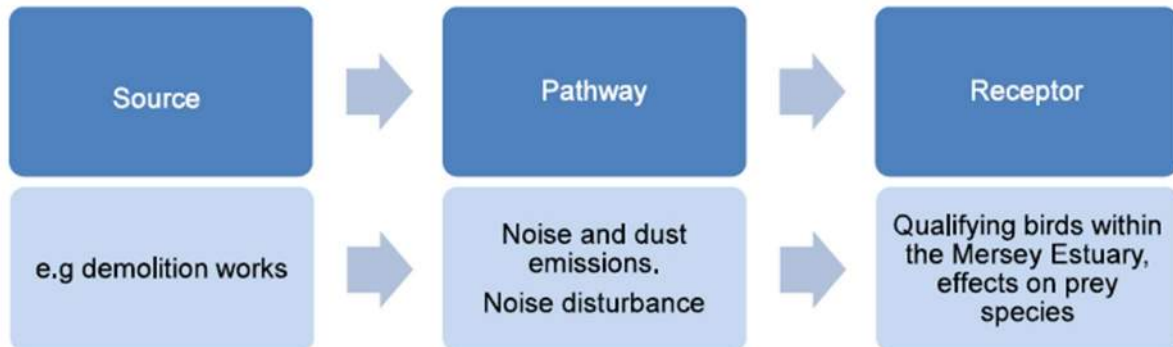


Figure 1 – Source-Pathway-Receptor Model

13. Natural England’s standing advice is that when a finding of no significant effect is reached, consultation is not required. However, Natural England will be consulted on this HRA before planning permission can be granted as Appropriate Assessment is required (amend as appropriate).

Case law

14. A 2018 ECJ judgement, known as *People Over Wind* or *Sweetman v Coillte Teoranta*⁷ ruled that avoidance and mitigation measures included within the proposals solely to avoid or reduce harmful effects on a European site cannot be considered at the Assessment of Likely Significant Effects (ALSE) stage. These measures should instead be assessed within the framework of an Appropriate Assessment. This requires a distinction during the ALSE between essential features and characteristics of a project (e.g. its nature, scale, design, location, frequency, timing and duration) and avoidance and mitigation measures designed solely to avoid or reduce adverse effects on a European site. In accordance with the Sweetman judgement, this HRA only considers mitigation measures which embedded within the scheme during the ALSE.

⁷ *People Over Wind and Sweetman v Coillte Teoranta* (C-323/17)

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15. In 2018 the Holohan ruling⁸ handed down by the European Court of Justice included among other provisions paragraph 39 of the ruling stating that *'As regards other habitat types or species, which are present on the site, but for which that site has not been listed, and with respect to habitat types and species located outside that site, ... typical habitats or species must be included in the appropriate assessment, if they are necessary to the conservation of the habitat types and species listed for the protected area'* [emphasis added].

Recommendations

16. The following matters must be secured by appropriately worded planning conditions:
- Erection of noise/visual screening on fencing along the north-western boundary of the site. These measures form part of the submitted CEMP (*Construction Management Plan – Wadacre Farm, Rowland, 22nd August 2022, Revision: C*).
 - Pollution control measures. These measures form part of the submitted CEMP (*Construction Management Plan – Wadacre Farm, Rowland, 22nd August 2022, Revision: C*).
 - Timing restrictions on any piling works on site, avoiding the period October to March. These measures form part of the submitted CEMP (*Construction Management Plan – Wadacre Farm, Rowland, 22nd August 2022, Revision: C*).
 - Distribution of a colour copy of the Sefton recreational pressure advisory leaflet to all new households.
17. Sefton Council has adopted an Information Note⁹ which sets out the Council's Interim Approach to the mitigation and management of recreational pressure arising from new development in Sefton and this HRA should be read in conjunction with the information note. In this case, the applicant has decided to 'opt in' to the mitigation measures set out in the Interim Approach. The application site is situated within the outer zone. The applicant is therefore to pay a tariff of £66 per new home. As the proposed development will result in an increase of 147 dwellings, the total commuted sum payment required will equate to £9702.00. This sum will be secured by means of an S106 planning obligation.

Conclusions

18. After carrying out the Habitats Regulations Assessment, and provided the above planning conditions are applied, we conclude that Planning Application DC/2021/02497:
- a) is not directly connected with or necessary to the management of the International sites;
 - b) does not intrude into the International sites listed below;

⁸ Case C-461/17

⁹ <https://www.sefton.gov.uk/media/4485/202112-recpressureinforonote-draft.pdf>

c) is not considered, either alone or in-combination with any other plans or projects, to have an adverse effect upon the integrity of the following International sites:

- Sefton Coast SAC,
- Ribble and Alt Estuaries SPA and Ramsar sites,
- Mersey Estuary SPA and Ramsar sites,
- Martin Mere SPA and Ramsar,
- Liverpool Bay SPA.

19. This Habitats Regulations Assessment report has assessed the project as submitted for planning permission. If there are changes to the project e.g. type of build, location, timing, that may affect the conclusions, then the project will require further assessment. This is part of the iterative process of undertaking Habitats Regulations Assessment.

Stage 1: Assessment of likely significant effects

Site Location and Description

20. The project is located at Easting 339340 and Northing 399719 and is 8.5km from national and international sites and is located close (60m) to habitats which have potential to be functionally linked to national and international sites.

21. The application site comprises predominantly horse-grazed pasture fields. To the east of the site is a single residential dwelling and a range of barn buildings which are currently used as a kennels and day nurse. Land outside of the eastern and southern site boundaries is residential. Immediately to the west and north of the site are additional horse-grazed fields. 60m outside of the north-western boundary are arable fields with suitability as functionally linked land.

22. The project involves the following (include details of project area, timing, construction methodologies etc):

- Demolition of the existing buildings to the east of the site
- Construction of site access roads and utilities
- Formation of foundations for new buildings. Driven piles may be required.
- Construction of 147 new dwellings and associated landscaping

23. Existing boundary features including hedgerows and trees will be retained. A Construction Environmental Management Plan (CEMP) has been produced for the works (These measures form part of the submitted CEMP (*Construction Management Plan – Wadacre Farm, Rowland, 22nd August 2022, Revision: C*)).

Brief Description of the national and international sites

24. The application site is located close to the following national and international sites:

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- Sefton Coast SAC,
- Ribble and Alt Estuaries SPA and Ramsar sites,
- Mersey Estuary SPA and Ramsar sites,
- Martin Mere SPA and Ramsar,
- Liverpool Bay SPA.

25. Brief description of International sites are provided below:

Sefton Coast SAC

26. The Sefton Coast in north-west England displays both rapid erosion and active shifting dunes. A substantial stretch of the dune system is fronted by shifting dunes. Marram *Ammophila arenaria* usually dominates the mobile dunes, amidst considerable areas of blown sand. Where rates of sand deposition decline, lyme grass *Leymus arenarius*, sea-holly *Eryngium maritimum* and cat's-ear *Hypochaeris radicata* occur, with red fescue *Festuca rubra* and spreading meadow-grass *Poa humilis* present on the more sheltered ridges. Sea spurge *Euphorbia paralias* and the nationally scarce dune fescue *Vulpia fasciculata* are frequent, while sea bindweed *Calystegia soldanella* is very local.

Qualifying habitats
Atlantic decalcified fixed dunes (Calluno-Ulicetea) (Coastal dune heathland)
Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (Salicion arenariae). (Dunes with creeping willow)
Embryonic shifting dunes
Fixed dunes with herbaceous vegetation ("grey dunes") (Dune grassland)
Humid dune slacks
Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("white dunes") (Shifting dunes with marram)
Qualifying species
Great crested newt <i>Triturus cristatus</i>
Petalwort <i>Petalophyllum ralfsii</i>

Ribble and Alt Estuaries SPA

27. The Ribble and Alt Estuaries SPA lies on the coast of Lancashire and Sefton in northwest England. The SPA encompasses all or parts of Ribble Estuary SSSI and Sefton Coast SSSI. It comprises two estuaries, of which the Ribble is by far the larger, together with an extensive area of sandy foreshore along the Sefton Coast, and forms part of the chain of west coast SPAs that fringe the Irish Sea. Indeed, there is considerable interchange in the movements of birds between this site and Morecambe Bay, Mersey Estuary, Dee Estuary and Martin Mere. A large proportion of the SPA is within the Ribble Estuary National Nature Reserve. The site consists of extensive areas of sand and mudflats and, particularly in the Ribble, large areas of saltmarsh. There are also areas of coastal grazing marsh. The intertidal flats are rich in invertebrates on which waders and some wildfowl feed. The highest densities of feeding birds are on the muddier substrates of the Ribble, though sandy shores throughout are also used. Saltmarshes and coastal grazing marshes support

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high densities of wildfowl and these, together with intertidal sand and mudflats throughout, are used as high tide roosts.

Qualifying Species
Ruff <i>Philomachus pugnax</i> (breeding); Common Tern <i>Sterna hirundo</i> (breeding); Bewick's Swan <i>Cygnus columbianus bewickii</i> ; Whooper Swan <i>Cygnus Cygnus</i> ; Golden Plover <i>Pluvialis apricaria</i> ; Bar-tailed Godwit <i>Limosa lapponica</i>
Migratory Species
Lesser Black-backed Gull <i>Larus fuscus graellsii</i> (breeding); Sanderling <i>Calidris alba</i> (passage); Redshank <i>Tringa totanus</i> (passage); Pink-footed Goose <i>Anser brachyrhynchus</i> ; Shelduck <i>Tadorna tadorna</i> ; Wigeon <i>Anas Penelope</i> ; Teal <i>Anas crecca</i> ; Pintail <i>Anas acuta</i> ; Oystercatcher <i>Haematopus ostralegus</i> ; Grey Plover <i>Pluvialis squatarola</i> ; Knot <i>Calidris canutus islandica</i> ; Sanderling <i>Calidris alba</i> ; Dunlin <i>Calidris alpina alpina</i> ; Black-tailed Godwit <i>Limosa limosa islandica</i> ; Redshank <i>Tringa totanus</i>
Assemblage Qualification
In the non-breeding season, the area regularly supports 323,861 individual waterbirds (5 year peak mean 1993/94 - 1997/98).

Ribble and Alt Estuaries Ramsar

28. The Ribble and Alt Estuaries Ramsar and SPA cover a similar geography and therefore comprise similar qualifying features. A large area including two estuaries which form part of the chain of west coast sites which fringe the Irish Sea. The site is formed by extensive sand and mudflats backed, in the north, by the saltmarsh of the Ribble Estuary and, to the south, the sand dunes of the Sefton Coast. The tidal flats and saltmarsh support internationally important populations of waterfowl in winter and the sand dunes support vegetation communities and amphibian populations of international importance

Martin Mere SPA and Ramsar

29. Martin Mere SPA and Ramsar includes part of a former lake and mire which extended over some 1300 ha of the Lancashire coastal plain during the 17th century. The outstanding importance of Martin Mere is as a refuge for its large and diverse wintering, passage and breeding bird community. Areas of open water with associated muddy margins have been created, as well as seasonally flooded marsh and reed swamp habitats and areas of semi-improved grassland.

Qualifying Species
<i>Cygnus columbianus bewickii</i> ; Bewick's swan (Non-breeding) <i>Cygnus cygnus</i> ; Whooper swan (Non-breeding), <i>Anser brachyrhynchus</i> ; Pink-footed goose (Non-breeding), <i>Anas crecca</i> ; Eurasian teal (Non-breeding), <i>Anas acuta</i> ; Northern pintail (Non-breeding)
Assemblage Qualification
During the non-breeding season the SPA regularly supports an assemblage of waterfowl of more than 20,000 birds. Over winter, the site regularly supports 46,196 individual waterfowl (5 year peak mean 1991/2 - 1995/6) including: Pochard <i>Aythya ferina</i> , Mallard <i>Anas platyrhynchos</i> , Teal <i>Anas crecca</i> , Wigeon <i>Anas penelope</i> , Pintail

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Anas acuta, Pink-footed goose Anser brachyrhynchus, Whooper Swan Cygnus cygnus, Bewick's Swan Cygnus columbianus bewickii.
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Liverpool Bay SPA

30. Liverpool Bay is located in the south-eastern region of the northern part of the Irish Sea, bordering north-west England and north Wales. The SPA is a broad arc from approximately Morecambe Bay to the east coast of Anglesey. The seabed of the SPA consists of a wide range of mobile sediments. Large areas of muddy sand stretch from Rossall Point to the Ribble Estuary, and sand predominates in the remaining areas, with a concentrated area of gravelly sand off the Mersey Estuary and a number of prominent sandbanks off the English and Welsh coasts. The tidal currents throughout the SPA are generally weak, which combined with a relatively large tidal range facilitates the deposition of sediments. The site qualifies under Article 4.1 of the Birds Directive (2009/147/EC) as it is used regularly by 1% or more of the Great Britain populations of species listed in Annex I in any season including Little gull and Common Tern. The site qualifies under Article 4.2 of the Directive (79/409/EEC) as it is used regularly by 1% or more of the biogeographical populations of Common scoter in any season.

Mersey Estuary SPA

31. The Mersey Estuary is on the Irish Sea coast of north-west England. The SPA encompasses all or parts of Mersey Estuary SSSI and New Ferry SSSI. It is a large, sheltered estuary which comprises large areas of saltmarsh and extensive intertidal sand and mudflats, with limited areas of brackish marsh, rocky shoreline and boulder clay cliffs, within a rural and industrial environment. The intertidal flats and saltmarshes provide feeding and roosting sites for large and internationally important populations of waterfowl. During the winter, the site is of major importance for duck and waders. The site is also important during spring and autumn migration periods, particularly for wader populations moving along the west coast of Britain. The site qualifies under article 4.1 of the Directive (79/409/EEC) as it is used regularly by 1% or more of the Great Britain populations of Golden Plover. The site qualifies under article 4.2 of the Directive (79/409/EEC) as it is used regularly by 1% or more of the biogeographical populations of regularly occurring migratory species in any season including Redshank, Teal and Dunlin.

Mersey Estuary Ramsar site

32. The Mersey is a large, sheltered estuary which comprises large areas of saltmarsh and extensive intertidal sand and mudflats, with limited areas of brackish marsh, rocky shoreline and boulder clay cliffs, within a rural and industrial environment. The intertidal flats and saltmarshes provide feeding and roosting sites for large and internationally important populations of waterfowl. During the winter, the site is of major importance for duck and waders. The site is also important during spring and autumn migration periods, particularly for wader populations moving along the west coast of Britain.
33. Descriptions of the International and nationally designated sites plus their conservation objectives and vulnerabilities are available from the websites

www.naturalengland.org.uk and www.jncc.defra.gov.uk or by request from Merseyside EAS.

Data sources used to inform assessment

34. The following data sources were used in order to inform the assessment of likely significant effects (amend as required):
- Biobank;
 - WeBS data;
 - Aerial imagery (Google Earth, viewed August 2022);
 - Preliminary Ecological appraisal – Wadacre Farm, Envirotech, Ref: 7307, 18th October 2021
 - Shadow Habitats Regulations Assessment – Wadacre Farm, Envirotech;
 - Construction Management Plan – Wadacre Farm, Rowland, 22nd August 2022, Revision: C;
 - MEAS, Towards a Liverpool City Region European Sites Recreation Mitigation & Avoidance Strategy –Evidence Report, Version 24, 21 June 2021;
 - Liley, D., Panter, C., Marsh, P. & Roberts, J., Recreational activity and interactions with birds within the SSSIs on the North West coast of England, 30 March 2017;
 - Natural England, Mersey Narrows and North Wirral Foreshore Sites of Special Scientific Interest - Investigation into the impacts of Recreational Disturbance on Bird Declines, NECR201, 18 November 2015

Summary of survey findings

35. No non-breeding bird survey was submitted in support of the planning application. Previous vantage point surveys for a development to the east of the current application (160m) were completed site in 2015 and 2018. The vantage point surveys in part covered potential FLL to the north-west of the proposed development site. Whilst there was overflight by pink footed geese and unknown “grey geese” feeding/ use of the fields was not recorded. This survey information has now dated. However, taken together with data from the County Bird Recorder and MBB it is considered that there is a sufficient evidence base upon which to determine effects upon non-breeding birds
36. The county bird recorder has provided records for non-breeding birds which have not yet been uploaded to the county records centre. This dataset shows records for feeding pink footed geese +1.5km from the site. There is no recorded use of the fields around the site by this species.
37. Merseyside Biobank hold five records of pink-footed geese within 1km of the application site, however these records cover a large grid reference and cannot be specifically pinpointed

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38. Given the available data the sHRA states that it is reasonable therefore to conclude that whilst there may be overflight by pink footed geese of the site and surrounding fields, there are no records of significant feeding activity

Assessment of likely significant effects – Source-Pathway-Receptor model

39. Table 1 below provides a summary of the sources, pathways and receptors identified for this project. Full details are provided within subsequent sections of this report.

Source	Pathway	Receptor	In-combination effects (Y/N)	Likely Significant Effects?
Site construction: habitat loss	Loss of land from the international site, or loss of functionally linked land	Qualifying habitats of: <ul style="list-style-type: none"> • Ribble and Alt Estuaries SPA/Ramsar • Martin Mere SPA/Ramsar • Mersey Estuary SPA and Ramsar site; • Sefton Coast SAC; • Liverpool Bay SPA. 	N	<p>The application site is located over 8km from the international sites. There will be no loss of habitat from within the designated areas. The application site itself comprises predominantly intensively grazed semi-improved grassland which does not represent functionally linked land (FLL) for the qualifying features of the International sites.</p> <p>No likely significant effects</p> <p>Site clearance will involve demolition works however this will occur to the east of the site 160m from any potential functionally linked land and is unlikely to cause noise or visual disturbance to qualifying species.</p> <p>The submitted CEMP shows that the site compound and storage areas will be locate to the east of the site, over 140m from any potential FLL.</p>
Site construction: noise and visual disturbance	Noise, visual disturbance and vibration	Qualifying features of: <ul style="list-style-type: none"> • Ribble and Alt Estuaries SPA/Ramsar • Martin Mere SPA/Ramsar • Mersey Estuary SPA and Ramsar site; • Liverpool Bay SPA. 	N	<p>Large machinery, up to 30t (105 dB), will be deployed on site. This could generate noise and possible visual disturbance which could impact qualifying features of the international sites should they be present within nearby functionally linked land. There will also be a</p>

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<p>Site construction: transfer of construction related pollutants</p>	<p>Transfer of dust and construction-related pollutants, particularly during demolition works</p>	<p>Qualifying features of:</p> <ul style="list-style-type: none"> • Ribble and Alt Estuaries SPA/Ramsar • Martin Mere SPA/Ramsar • Mersey Estuary SPA and Ramsar site; • Liverpool Bay SPA. 	<p>N</p>	<p>general increase in human activity on site during the construction phase.</p> <p>The formation of the foundations of the new properties may require piling, which will generate significant noise and disturbance – this has a high potential to disturb bird species using the adjacent land if undertaken at a sensitive time of year.</p> <p>Likely significant effects</p> <p>Demolition works will be located over 160m from potential functionally linked land, and embedded mitigation to reduce dust levels and other pollutants are included in the submitted CEMP for the project (<i>Construction Management Plan – Wadacre Farm, Rowland, 22nd August 2022, Revision: C</i>).</p>
<p>Operational phase: noise and visual disturbance</p>	<p>Additional recreational pressure at international sites</p>	<p>Qualifying habitats and species of:</p> <ul style="list-style-type: none"> • Ribble and Alt Estuaries SPA/Ramsar • Martin Mere SPA/Ramsar • Mersey Estuary SPA and Ramsar site; • Sefton Coast SAC; 	<p>Y</p>	<p>No Likely significant effects</p> <p>The proposals for the site comprise a residential development of 147 dwellings. The nearby international sites are easily accessible by car (8km), and new residents are likely to visit these sites.</p> <p>Likely significant effects</p>

Table 1: Source-Pathway-Receptor Summary

In-combination effects

40. The in-combination recreational pressure effects have been assessed in relation to nearby residential properties and the quantum of development being brought forward as part of the Sefton Local Plan.

Assessment of significance of effects

41. The likely significant effects identified were as follows:

Site construction – Noise and visual disturbance

42. Large machinery, up to 30t (105 dB), will be deployed on site. This could generate noise and possible visual disturbance which could impact qualifying features of the international sites should they be present within nearby functionally linked land. There will also be a general increase in human activity on site during the construction phase. At 60m, the distance of the potential functionally linked land from the development site, noise levels will reduce to below the threshold of 70dB, however a small risk of disturbance still exists. Existing screening at the site boundaries will be retained as part of the proposals.
43. The formation of the foundations of the new properties may require piling, which will generate significant noise and disturbance – this has a high potential to disturb bird species using the adjacent land if undertaken at a sensitive time of year.

Operational phase – Recreational pressure

44. The proposals for the site comprise a residential development of 147 dwellings. The nearby international sites are easily accessible by car (8km), and new residents are likely to visit these sites.

Conclusion of Test of Likely Significant Effects

45. Without the implementation of avoidance and mitigation measures, the proposals are likely to have significant effects on International sites.
46. Appropriate Assessment is required in accordance with Regulation 63 (Habitats)

Appropriate Assessment

Introduction

47. Appropriate Assessment determines if the proposals will have an adverse effect on the integrity of International sites. A clear distinction has been made between embedded mitigation measures, which are essential features and characteristics of the proposals and additional avoidance and mitigation measures that are solely designed to avoid significant effects on International sites.
48. Assessment of Effects carried through to Appropriate Assessment (*add or amend list as appropriate*)

- **Construction phase - Noise and visual disturbance effects (functionally linked land)**
- **Operational phase – Recreational pressure impacts at international sites**

Additional mitigation

Receptor	Likely significant effect	Proposed Mitigation Measures	Adverse effect on site integrity with mitigation?
Qualifying features of: <ul style="list-style-type: none"> • Ribble and Alt Estuaries SPA and Ramsar site, • Mersey Estuary SPA and Ramsar site; • Mersey Mere SPA and Ramsar site; • Sefton Coast SAC. 	Noise, vibration and visual disturbance of qualifying species on nearby functionally linked land during construction	Construction Environment Management Plan (CEMP) including: <ul style="list-style-type: none"> • Noise reduction measures and visual/noise screening panels attached to heras fencing, as described within the submitted CEMP – screening to be installed along the north-western site boundary, prior to start of works. • The most potentially disturbing works – piling for the new foundations – to be undertaken outside of the non-breeding bird period – ie. Piling works to be undertaken between April and September only 	Provided that the implementation of the submitted Construction Environment Management Plan (<i>Construction Management Plan – Wadacre Farm, Rowland, 22nd August 2022, Revision: C</i>) is secured by a suitably worded planning condition there will be no adverse effect on the integrity of the international sites.

<p>Qualifying species and habitats of:</p> <ul style="list-style-type: none"> • Ribble and Alt Estuaries SPA and Ramsar site, • Mersey Estuary SPA and Ramsar site; • Mersey Mere SPA and Ramsar site; • Sefton Coast SAC. 	<p>Increased disturbance to qualifying species and loss and degradation of qualifying habitats due to higher visitor numbers to the coast.</p>	<p>The applicant has confirmed that they will 'opt in' to the mitigation measures as set out within the Council's Interim Approach.</p> <p>The application site is situated within the outer zone. The applicant is therefore to pay a tariff of £66 per new home. As the proposed development will result in an increase of 147 dwellings, the total commuted sum payment required will equate to £9702.00.</p> <p>In addition to the above, the applicant will also download and distribute a colour copy of the Sefton advisory leaflet¹⁰ within the sales packs of the new dwellings.</p> <p>The leaflet includes details of a 'responsible user code' for visitors to the internationally important sites and provide details of Suitable Alternative Natural Greenspaces away from the coast, where recreational activities could be undertaken.</p>	<p>Provided that the commuted sum payment of £9702.00 is secured through a S106 planning obligation and that and distribution of a colour copy of the Sefton advisory leaflet is secured by a suitably worded planning condition, there will be no adverse effect on the integrity of the internationally designated sites.</p>
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Table 2: Summary of Appropriate Assessment

¹⁰ http://www.meas.org.uk/media/11047/lcr_leaflet_sefton.pdf

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Integrity Test

49. On the basis of the above information, it is Sefton Council's opinion that the proposed project to which this screening opinion relates:
- a) is not directly connected with or necessary to the management of the sites; and
 - b) will not lead to an adverse effect upon the integrity of each of the following International sites:
 - Sefton Coast SAC,
 - Ribble and Alt Estuaries SPA and Ramsar sites,
 - Mersey Estuary SPA and Ramsar sites,
 - Martin Mere SPA and Ramsar,
 - Liverpool Bay SPA.
50. **Accordingly, no assessment of alternatives to the project or consideration of IROPI is required to be made under Regulations 64 of the Habitats Regulations before the Council decides to undertake, or give any consent, permission or other authorisation for this plan.**
51. This HRA report has assessed the project as submitted for planning permission. If there are changes to the project e.g. type of build, location, timing, that may affect the conclusions then the project will require further assessment. This is part of the iterative process of undertaking HRA.

Merseyside Environmental Advisory Service – delivering high quality environmental advice and sustainable solutions to the Districts of Halton, Knowsley, Liverpool, St.Helens, Sefton and Wirral



Date: 15 September 2022
Our ref: 405376
Your ref: DC/2021/02497



Liz Beard
Sefton Council

BY EMAIL ONLY

Customer Services
Hombeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Ms Beard

Planning consultation: Erection of 147 dwellings, to include demolition of existing buildings, construction of new vehicular access, landscaping and associated infrastructure works.

Location: Wadacre Farm, Chapel Lane, Melling, L31 1ED.

Thank you for your consultation on the above received by Natural England on 01 September 2022.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION – SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of:

- Liverpool Bay Special Protection Area (SPA)
- Mersey Narrows & North Wirral Foreshore SPA
- Ribble & Alt Estuaries SPA
- Sefton Coast Special Area of Conservation (SAC)
- Mersey Narrows & North Wirral Foreshore Ramsar
- Ribble & Alt Estuaries Ramsar
- Mersey Narrows Site of Special Scientific Interest (SSSI)
- Sefton Coast SSSI

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured:

- The production of a Construction Environment Management Plan (CEMP).
- Payment of a commuted sum to mitigate against increased recreational pressures in alignment with the Council's Interim Approach.
- Provision of advisory leaflets explaining the sensitivities of the nearby designated sites.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

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Internationally and Nationally Designated Sites

The application site is within 8km of Liverpool Bay SPA, Mersey Narrows & North Wirral Foreshore SPA and Ramsar; and Mersey Narrows SSSI. The application site is also within 8.2km of Ribble & Alt Estuaries SPA, Ribble & Alt Estuaries Ramsar, Sefton Coast SAC and Sefton Coast SSSI.

Recreational Disturbance

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites. It is anticipated that new residential development within this zone is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. Therefore, such development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts through a strategic solution which we have advised will in our view be reliable and effective in preventing adverse effects on the integrity of the relevant European Site(s) from such impacts associated with such development.

Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing adverse effects on the integrity of the relevant European Site(s) from recreational impacts for the duration of the development proposed within the relevant ZOI.

The recently adopted Sefton Council Interim Approach includes provision for mitigation measures of the impacts of additional recreational pressure on the above mentioned designated sites, this has been set out within a Recreational Management Strategy and agreed with Natural England.

Habitats Regulations Assessment (HRA)

Natural England notes Merseyside Environmental Advisory Service (MEAS, September 2022), on behalf of your authority, have undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the overall assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

The following measures should be secured by suitably worded planning conditions:

- The production of a Construction Environment Management Plan (CEMP) including measures to reduce disturbance impacts on nearby functionally linked land. The CEMP is to be produced and agreed prior to the commencement of any works on site and is to include:
 - The installation of visual/noise screening panels along the north-western site boundary prior to commencement of works.
 - Piling works to take place between April and September only, outside of the non-breeding bird season.
- Payment of a commuted sum of £9702.00, £66 per new dwelling in the zone of influence, to be secured through a S106 planning obligation to mitigate against increased recreational pressures in line with the Council's Interim Approach.
- Advisory leaflets to be provided for each of the new dwellings. These should explain the sensitivities of the nearby designated sites, promote the use of nearby SANGs and include a 'responsible user code' to mitigate against disturbance to the designated sites as a result of increased recreational pressures.

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Natural England notes that in terms of Recreational Disturbance, the HRA addresses impacts on nearby designated sites. However, there is no consideration for potential impacts on the surrounding fields which are potentially functionally linked land for some of the above designated sites. We advise that this is considered as an impact pathway in the HRA prior to acceptance by your authority.

Mersey Narrows SSSI and Sefton Coast SSSI

Our concerns regarding the potential impacts upon Mersey Narrows SSSI and Sefton Coast SSSI coincide with our concerns regarding the potential impacts upon the above international designated sites, therefore we are content that providing the application is undertaken in strict accordance with the details submitted and providing the above conditions are secured, the development is not likely to damage the interest features for which the site has been notified.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

If you have any queries relating to the advice in this letter please email consultations@naturalengland.org.uk, quoting the reference number at the top of this letter.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Isaac Lees
Sustainable Development Adviser
Cheshire, Greater Manchester, Merseyside & Lancashire