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Date: 15 October 2024
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Dear Councillor

PLANNING COMMITTEE - WEDNESDAY 16TH OCTOBER, 2024

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

Agenda No.	Item	
8	Late Representations Report of the Chief Planning Officer	(Pages 3 - 12)

Yours faithfully,

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

Democratic Services

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Planning Committee: 16th October 2024 Late Representations/Information

Appendix 4 – Petitions

Item 4A: DC/2024/01463 - 102 The Serpentine North, Blundellsands

Additional representation received and case officer response below:

[REDACTED]

14/10/2024

Dear Ian Barton,

I would be most grateful if you include these details in Late Representations for planning application **DC/2024/01463** Erection of an outbuilding to the rear garden (part retrospective) at 102 the Serpentine North, Blundellsands L23 6T, which is to be determined at planning committee this Wednesday the 16th of October 2024.

The reasons for the Late Representation request to include the following information, is that we consider there are errors and omissions in the Case Officers Report, the applicants submitted documents and important information previously submitted to Sefton Council (which has a material implication on the acceptability of the further development) which has not been included to committee members. In the fairness of this consideration for planning, we feel it is important the following information is included to the Planning Committee Members.

1: Case Officers Report:

OMITTED SIGNIFICANT APPLICATION (DC/2024/01632):

- The history of applications related to the site is included at the beginning of the Case Officers Report. However, whilst the erection of a new brick wall is included in this list of application history (following the dismantling of the previous boundary without a planning permission) with '**Under Consideration**' noted, a further application (DC/2024/01632) is also 'under consideration' but is not mentioned.
- The significance of the omitted application and why we believe the details should be known to the committee, is due to the multiple unauthorised changes made to the present development which has added further volume to the scheme (approved by the slimmest of margins by the Planning Committee, due principally to concern over trees and scale of the development). This is directly related to the omitted application, including the **significant** reconfiguration of the roof, creating a substantially longer and higher flat roof section (noted as being detrimental to the conservation area and a marked contrast to the prevailing form by the National Planning Inspectorate in the original dismissed appeal).

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SCALE OF DEVELOPMENT:

- The Planning Committee had substantial concerns about the scale of the main development (DC2022/01269), only approving the scheme on the basis of no more development. The earlier refusal due to HC4 unacceptably large 'extensions' to the original property, was appealed and the decision to refuse was supported by the National Planning Inspectorate who agreed with the Planning Committee in refusing the scheme.
- Any further development under consideration such as the substantial 'Garden Room'/'Outbuilding' as in the present application, must be considered in the context of volume of development on the site, hence the significance of the unauthorised volume changes and the related application that has been omitted from the history of the site.

OMITTED APPEAL APPLICATIONS

- Also not included in the history background are the dismissed appeals which are relevant to this application (including the one related to the application for Permitted Development which is principally the same building as the one under consideration at this weeks committee meeting). This was also dismissed by the National Planning Inspectorate, significantly noting Sefton Councils error in the Approval Notice if, he says, the intention was to restrict ALL Permitted Development. Sefton Council, if they believed they were taking away ALL permitted development rights, were required to give details of exactly what was restricted - and they did not.
- The Inspector commented in his report, Sefton Council should have included '**outbuildings**' and '**extensions**' but had only listed 'extensions'.
- The appeal application was dismissed in any case on the grounds of the unacceptable height of the proposal, with the Inspector noting he could not dismiss the scheme on the basis of Permitted Development Rights because of the wording in the main development Approval Notice.

NEIGHBOUR REPRESENTATIONS:

- The details in the Case Officers Report did not include reference to National Planning Inspectors Report highlighting errors by Sefton Council if it was the intention of restricting all Permitted Development Rights – which was also highlighted in objections.

VIEWS OF ADJOINING GARDENS:

- The Case Officer Report incorrectly suggests given the height of the opening, plus the boundary treatment and vegetation along the boundaries, will not offer direct views of the adjoining gardens. This is incorrect as the substantial rare black poplars nearing veteran status have been removed from the application site, clearly giving unrestricted views into Blundellsands Hall (appreciating this may have been done after the Case Officers visit)
- The tree removal requested to be included in plans under consideration, was not included, giving a false representation of the fact of the site and the exposure to neighbouring gardens. We had asked for this to be included in presented plans and it was not.
- It should be noted that the principal elevation for living rooms is on the side elevation of Blundellsands Hall, directly facing the development.

HARM TO TREES:

- The applicants claim (and the Case Officer Report states), the construction is built directly in line and on top of the swimming pool. The Case Officer Report says (5.1); '**The shell of the swimming pool was kept in tact, in-filled with concrete to form the base of the building**', suggesting there could therefore be no damage to trees and therefore compliant with EQ9. This is incorrect and images have been supplied to Sefton Council clearly showing the walls

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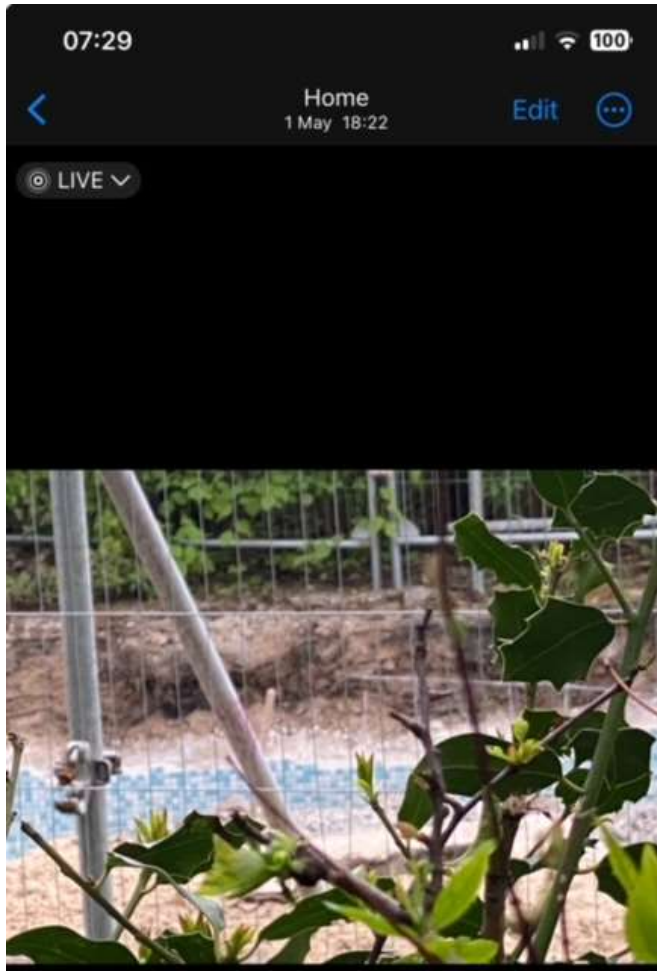
of the pool were dismantled (see images here of before and after the walls of the pool were dismantled).

The image below shown the pool intact.

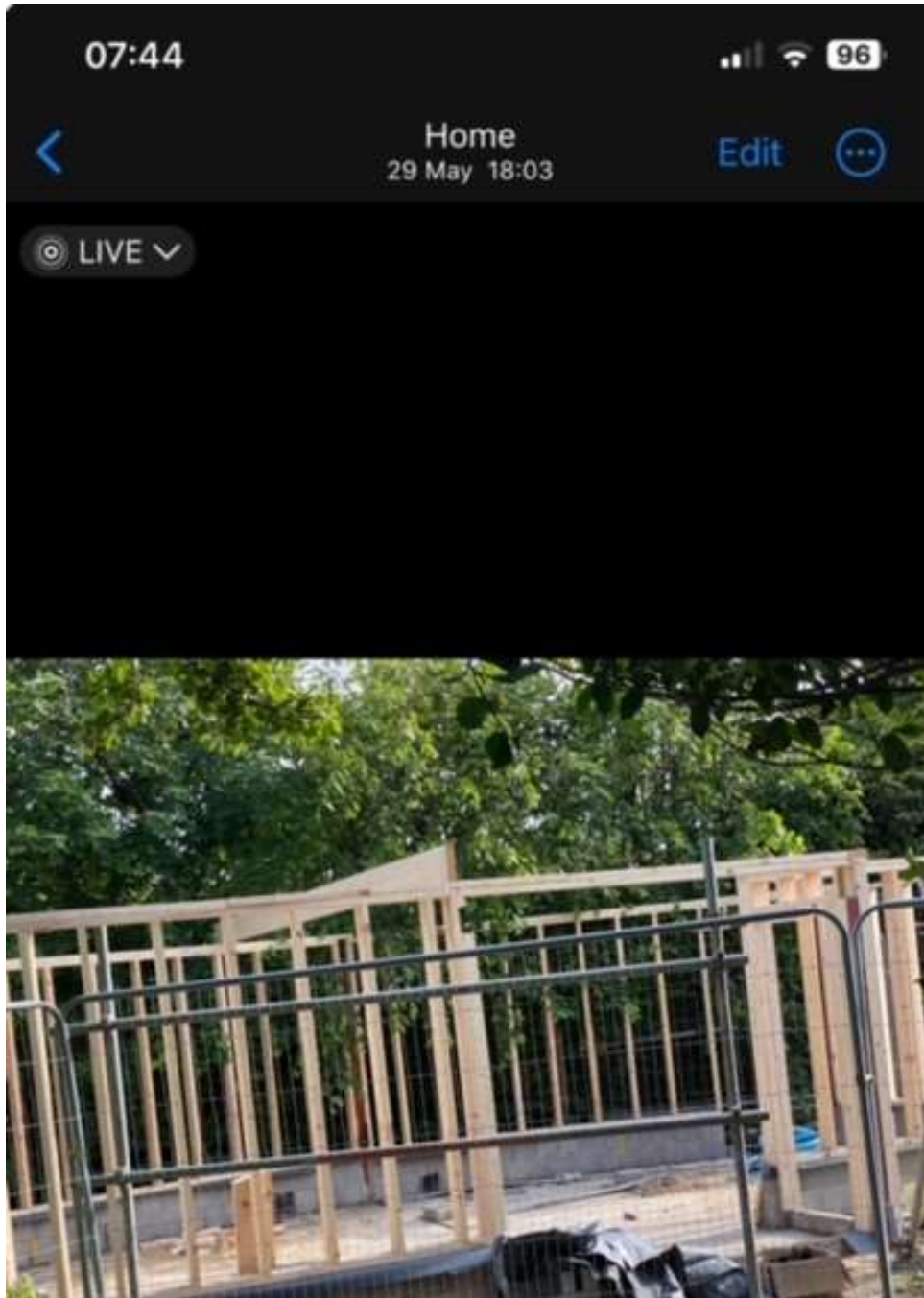


The further image below clearly shown the walls of the pool dismantled. We know the building was build larger and further into the boundary trees, causing root severance and damage.

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Also presented to Sefton Council are images of the frame being constructed. Note the trees coming through the development, clearly showing the close proximity of the trees (which were cut back during bird breeding season).



A request was made to the Tree Officer for an impact assessment and the RPA / Canopy of the trees to be shown on the plans for the Planning Committee consideration. This was ignored. The statement in the Case Officers Report '**As the building has already been built and on the original foundations of the pool and hard standing as witnessed by the Councils Tree Officer, an impact Assessment was not required**'. The clear images of the dismantled walls show the statements to be incorrect.

DISMISSED APPEAL MISLEADING:

- Point 6.2 of the Case Officers Report is not sufficiently informative in including the reasons the Permitted Development Rights were viable. As clearly explained in the National Planning Inspectors Report, the ability to allow Permitted Development Rights was directly due to the error of Sefton Council Planning Department and their lack of specification as to restricting both extensions physically attached to the building and outbuildings (if it was the intention

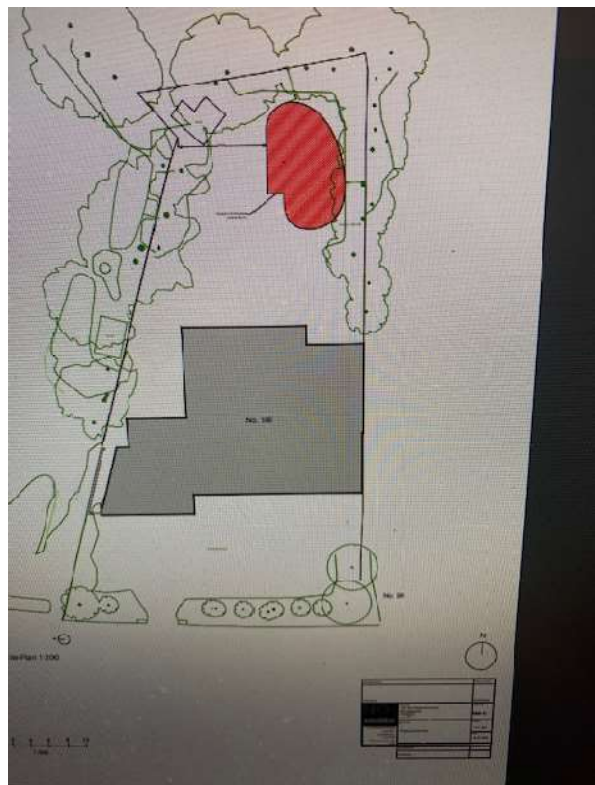
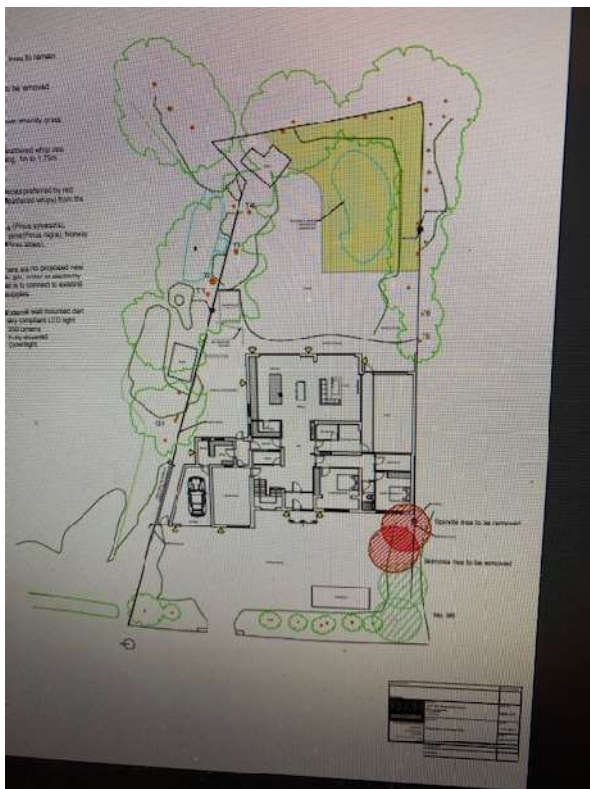
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to restrict all permitted development as was the case detailed to be the case in a complaint response).

EVIDENCE OF LOCATION OF BUILDING NOT AS SHOWN:

- We had requested the Case Officer considers the plans submitted that show the location of the pool/building in two different locations and differing scale (showing the construction proposed and built could not be located directly on top of the existing walls of the pool as alleged). One is the proposed plan 686-52 (the proposal) and another is 686-22 (the discharge conditions for the main development under application DC/2022/01269). The marked difference in the applicants own plans showing the pool / proposed building, make it clear there are inconsistencies and alterations in the location of the building now built.

Images here of the plans (green on left submitted to discharge conditions on the main development showing the pool outline, red plan showing the proposed development which we know is actually nearer the boundary in addition to the change in scale):



ADDITIONAL HEIGHT:

- During the early stages of construction of the additional building, it was noted to Sefton Council that the building appeared higher than PDR allowable. A site visit took place and we were informed, in writing, that indeed the building was too high and the developers had been informed and had agreed to build within the PRD height allowance. They did not. So convinced the additional height would be allowed, they carried on with exactly the same building to completion (other than the black plastic cladding)

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MISLEADING HERITAGE STATEMENT:

- The applicants Heritage Statement (2.0) states '**108 The Serpentine North is NOT considered to be a non-Designated Heritage Asset**'. This statement is false. Blundellsands Hall (108) is both a registered Non-designated Heritage Asset and additionally also a Secondary Landmark site (one of only 2 houses in the Conservation Area so listed).
- 3.0 claims '**The proposal is to erect a single storey, flat roofed garden room utilising the concrete walls, foundations and floor of the former outdoor swimming pool**' and '**utilising the existing concrete structure, there will be no impact on the roots of adjacent trees, no loss of soft landscaping and no loss of bio-diversity or ecological assets**'. This statement is false (see previous images of dismantled walls, clearly affecting the roots of neighbouring trees). The front and back gardens have substantial tarmac which is a non-porous material harming roots of tree roots with bio-diversity and ecological assets loss.
- Claims the proposal has a '**single window facing the garden**'. This is a substantial double sliding glass door.
- Claims '**The outbuilding is obscured by trees and shrubs along all near boundaries so there is no over-shadowing of loss of amenity for neighbours**'. This statement is false as the building is fully exposed to Blundellsands Hall due the removal of the substantial nearing veteran trees along the boundary.

Thank you for including this in late Representations.



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Case Officer's Response to Late Reps

OMITTED APPLICATIONS

- The further application for the site, DC/2024/01632 was not a valid application at the time of writing the report and therefore was not included within the history section. The application has since been registered, validated and is now under consideration.

SCALE OF DEVELOPMENT

- The scale of the development has been considered in the context of the site and the previous permission, and also takes account of what has actually been built on the site.

OMITTED APPEAL APPLICATION

- The appeal decision relating to the outbuilding DC/2023/01326 is discussed at Para 6.2 of the committee report.

VIEWS OF ADJOINING GARDEN

- Discussed at Para 4.2 of the committee report. Even with the removal of some trees along the boundary, the distance between the structure and the boundary/neighbouring property do not result in unacceptable overlooking or loss of privacy.

HARM TO TREES

- Discussed within Para 5.1 of the committee report. Both the tree officer and enforcement officer were on site at the time of concrete being poured into the existing swimming pool and confirmed the swimming pool walls remained largely in place, therefore not impacting on the root protection area (RPA)

EVIDENCE OF LOCATION OF BUILDING NOT AS SHOWN

- It is accepted that the building does not exactly match the footprint of the swimming pool, but it is substantially the same.

ADDITIONAL HEIGHT

- Acknowledged the building has not been built within the limits of permitted development and so the current application has been submitted in order to regularise this.

MISLEADING HERITAGE STATEMENT

- The committee report acknowledged that 108 The Serpentine North is a non-designated heritage asset, and the proposal has been assessed on this basis.
- The opening in the side has been confirmed as a door and the report assesses it on this basis.

Appendix 5 –Approvals

Item 5A: DC/2023/01492 – Former Old Roan PH Copy Lane, Netherton

a) Re-word condition 8 (page 50-51 of the agenda) as follows:

8) No development shall commence until the approved scope of works for the investigation and assessment ~~have been~~ ~~must be~~ undertaken by competent persons and a written report of the findings ~~shall be~~ ~~has been~~ submitted to and approved in writing by the Local Planning Authority. The report shall include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. Remediation shall proceed in accordance with the approved details.

b) At paragraph 6.11 (page 42) the report should say that a low percentage of Sefton residents who live in flats own a car (rather than do not own a car).

c) For clarity, the proposal does not conflict with Local Plan policy NH9 'Heritage Assets' which, at part 5e, says "where losses are unavoidable, a thorough analysis and recording of the asset should be undertaken." This aspect is covered in paragraph 3.5 of the committee report and by recommended condition 3 on page 49 of the agenda.

d) Paragraph 13.3 on page 47 of the committee report should be amended to say:

The proposal is for the total loss of the public house, a non-designated heritage asset. Whilst policy NH15 states "Development affecting 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" it does not say that such proposals will be refused. It should also be noted that the policy explanation (para 11.139 of the Sefton Local Plan) advises that "a balanced judgement will therefore be required to establish the scale of harm or loss against the significance of the heritage asset".

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Item 5B: DC/2024/01359 – Dental Surgery 44 Northway, Maghull

Amended plans:

Amended plans have been submitted to demonstrate that the existing railings will be adjusted to suit the new entrance and to ensure a segregated access between the pedestrian walkway and parking area.

Paragraph 4.3 to be amended:

~~As the forecourt is deeper than required for the parking of vehicles, and~~ Amended plans have been received to show that cycle parking for customers could be located between the parking space and the building with cycle storage for and staff would be located to the rear side of the premises.

Therefore it is recommended that the following condition be replaced to read as follows:

Prior to the use of the proposed surgeries, facilities for the secure storage of 12 cycles for the use of staff and customers shall be provided in accordance with details shown on drawing number 694-03-B and they shall be retained thereafter

Reason: To ensure that enough cycle parking is provided for the development in the interest of promoting non-car based modes of travel.

The wording of Condition 2 to be amended:

The development shall be carried out in accordance with the following approved plans and documents:

694-01 – Location and Site Plan

~~*694-03 (dated 02/10/2024) – Proposed Plans and Elevations*~~

694-03-B (dated 15/10/2024) – Proposed Plans and Elevations

Transport Plan (submitted 23/07/2024)

Reason: For the avoidance of doubt