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Date: 13 November 2024
Our Ref:
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Dear Councillor

PLANNING COMMITTEE - WEDNESDAY 13TH NOVEMBER, 2024

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	
9	Late Representations 2	(Pages 3 - 8)

Yours faithfully,

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

Democratic Services

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Blundellsands Hall
The Serpentine North
Blundellsands
Liverpool L23 6TJ
12/11/2024

LATE REPRESENTATION (DC/2024/01463)

OFFICERS REPORT:

We would like to note an omission in the Case Officers Report which failed to point out our principal objection to the amended plans, which is the colourway. The inappropriateness of the colourway was also highlighted by the Case Officer referencing the earlier submitted plans which was considered out of keeping with the Blundellsands Conservation Area. Notably (quote from the Case Officers Report):

‘The dark grey brick wall and panelling as initially proposed would introduce an additional material / **colouring** along this section of the street. Given the expanse of the boundary treatment and contrasting materials **and colours**, it was considered that the wall would appear out of keeping with the area and would not respect the historic character of the site and Conservation Area’

However, the changed materials to timber are proposed in ‘dark stain’ colour that reads as black yet is found to be acceptable.

The issue in our objection to the amended plans included the following:

- Sefton Council SPD: Conservation areas and listed buildings 9.1 Proposals to amend a boundary treatment within a conservation area will be permitted where they preserve or enhance the character of the area. A black fence does not preserve and cannot enhance the character as it is alien to it.
- The plan shows a more in-keeping brown fence. Detail say it is 'dark stained fence'. We do not understand why the applicants cannot show the proposal in the street scene as they propose it to be.
- Developers have painted other fences on the property black, seen from the road. If the front boundary fence is also black it will be inconsistent with any other boundary treatment in this conservation area.
- The SPD: 3.4 When re-instating a boundary treatment that has been lost, particularly within a conservation area, it is important it reflects the historic character of the area. This proposal if black does not.

Other objectors similarly highlighted the inappropriateness of a significant expanse of black fence including:

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1. A black boundary treatment is out of keeping with the heritage environment and would have a detrimental impact on the street scene.
2. The black or dark stained fence would highlight further in a detrimental way, the white modern building that has been built with many more modern changes from the approved plans. The addition of a black boundary treatment would further highlight the detrimental and out of keeping changes such as the thick black plastic soffit surrounding the building which has been added without planning consent.
3. As the council should pay special regard to 'as a minimum' preserving or enhancing the heritage environment, a black out of keeping boundary treatment would not do this and should be refused.

It is therefore untrue to say (with reference to the re-notification of amended plans) that further objections 'do not raise any substantially different concerns' as this is factually incorrect and clearly highlighted above with the issue of colour not mentioned either in objections to the original submission or the latter now under determination.

MISLEADING PLAN 686-31-C

The proposed West Street View is highly misleading. The plan members are recommended to approve is open to interpretation as it shows a perfectly acceptable light brown timber fence in the image, which is in-keeping with the boundary treatments in the conservation area. However, the detail in the Key 1: of the same plan claims it is proposed as 'dark stained fence'.

One must question, why then it is not shown in the image as such in the plan listed and recommended for approval.

Certainty is a key to successful, unchallenged determination decisions. Uncertainty, misleading information and acceptance of such, is the result of the many necessary, continuing objections and scrutiny of this development.

This includes the demolition of the original boundary, removal of the important front green infrastructure without planning permission – and the multiple, unauthorised changes including reconfiguration of the roof (different from the plans approved by the planning committee and now subject to a further application to be decided by the department, despite 70 petition signatures, without returning to members to decide - DC/2024/01632).

It is also clear from last months committee, members have concerns about clarity with this development, highlighted by Councillor Johnsons need for repeated questioning (with clarity available in Sefton Councils 'Statement of Case' and 'Officers Report' for the earlier lawful development certificate application DC/2023/01326 for the same development being discussed last month). The detail provided to members during determination being contrary to the statements provided to the National Planning Inspector by Sefton Council in that application.

Therefore we would like to ensure absolute clarity in this proposal.

IMPACT OF BLACK BOUNDARY TREATMENT:

The full expanse of the boundary to the rear and front both sides, are indeed in 'dark stain', clearly reading as black, considered 'out of keeping with the area and would not respect the historic character of the site and Conservation Area' by introducing an additional colour to the street scene with no other reference in the area (all as noted in the Case Officers report).

The image below is of the rear garden, showing the dark stain as proposed to the front boundary. It clearly reads as dark black.



In the image below it is evident the side fence in the same dark stain, reads darker than the found to be inappropriate dark grey brick wall and black plastic panels.



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TREES

Protection of the trees in this nature-sensitive environment has been an on-going issues with the development site generally, with conditions not able to be enforced such as removal of protective fencing in order to complete the development and the felling of nearing veteran rare trees without prior notification to Sefton Council (all without enforcement).

The disregard of the natural environment by the developers should be considered in the determination of the current proposal as it is confirmed the unlawfully created brick wall is proposed to remain. It was trenched and built within the roots of the 7 remaining front boundary trees which have been pollarded to a high stump. This exposes the vast white modern building and if it is to be bounded by a black fence, with no green infrastructure visible, it is in marked contrast to the prevailing form.

Whilst the Case Officers report suggests the tree officer claims the front of the property had been maintained as a hedge and is not subject to legislation in a conservation area, we ask members to note the Sefton Council Boundary Treatment SPD:

- 12.1 Your proposal should avoid causing harm to existing mature **trees and hedges**. This could be achieved through a) Providing adequate distance between the development and mature trees and hedges. b) Adopting construction methods that reduce the potential impact on trees.
- 12.2 A boundary treatment that is likely to affect a tree will require an Arboriculture survey as part of a planning application.

Roots of 7 trees on the front boundary, drastically pollarded without a Section 211 notice, have been damaged by the foundations for the long expanse of wall. This should be removed due to continued damage to the roots being inhibited. At the very least, an Arboriculture Survey should be provided (as set out in 12.2 of the SPD), before any determination is made, as damage or potential damage to trees in a conservation area is a material consideration. Whilst the tree officer appears to have no issues with the proposal, this is not reflected in policy or guidance.

Further detailed information is contained with BS5837:2012, which notes the required distance of walls to ensure the safe retention of trees. The unlawfully erected wall is not compliant with this British Standard used by Local Authorities throughout Britain. As Sefton Council note the importance of boundary trees (also highlighted in the Blundellsands Conservation Area Appraisal), we ask officers to note, the proposed fence could still be erected without the necessity of retaining the wall, which is incompliant with policy and was the result of unauthorised works in any case.

Thank you for including this in Late Representations.

Lorraine Sass BCAs

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