

## UPDATE SHEET PLANNING COMMITTEE 23 AUGUST 2017

### 07/2017/1864/FUL – 2 Cromwell Avenue, Penwortham

Four late letters or representation have been received, two from the same address. Two of the letters make reference to a planning decision made by Sefton Metropolitan Borough Council which was refused on the grounds of vehicle activity and comings and goings of staff. The reason for refusal: *“When assessed against the 2006 Unitary Development Plan, particularly policies CS3, DQ1 and H10 and the emerging Local Plan, particularly policies SD1, SD2, HC3 and EQ2 it is considered that the proposal through the comings and goings of vehicles and staff will cause detrimental harm to the living conditions of residential properties and is unacceptable.”*

On looking at this particular application, it is considered that, although there are some similarities, the application related to a terraced dwelling with parking for 3 vehicles on the driveway, in a line, and is different from the proposed parking provision for 2 Cromwell Road and therefore not a direct comparison.

Two appeal decisions have also been highlighted which relate to the refusal by Sefton MBC to grant a Lawful Development Certificate for use of a property as a residential care home as the inspector found that, due to the level and pattern of vehicular activity associated with the proposed use, it would result in a material change of use of the premises. However, the refusal to grant a Lawful Development Certificate is not a refusal of planning permission but establishes that the proposal change would not be a Lawful one and would therefore require planning permission. It is considered therefore that this is not a direct comparison.

The letters also quote excerpts from Ofsted inspection reports and government changes to training for staff for residential child care. These are not within the remit of the planning legislation and are therefore not material planning considerations

Comments have also reiterated that work is progressing at the property despite the fact that the official permission has not been granted leading to claims that the applications success is a ‘foregone conclusion’. However, the nature of the works are internal upgrade works and do not require planning permission and there is nothing to prevent such works from being carried out.

Comments also refer to the Rhoden House planning application for a similar scheme which has been approved but the objector notes that it is located in a more rural area and received very few objections. Again, all applications are determined on their own merits and this is not considered a direct comparison.

One letter, addressed to Environmental Health, raises the issue of noise again with the objector considering that the required condition relating to a Noise Management Plan would be ignored. However, once conditions are imposed on a planning approval, they must be complied with and there are mechanism in place to ensure this such as the serving of a breach of condition notice.

Finally, one objector comments that *“during the planning objection period we received a letter from solicitors representing New Horizons Ltd stating that our actions in informing our neighbours about the planning application amount to “wrongful interference with the due process..... We felt intimidated by this letter and believe that it was sent in an attempt to stop us from exercising our right to protest and inform. The risks we identified were taken directly from their own referrals form which is available online. We felt that we must comply with their demands and did so immediately.”*

A redacted copy of this letter was included but it is not considered appropriate for public view.

The applicant has confirmed verbally that their solicitor sent this letter as factually incorrect claims had been made by the objector in site notices posted in the area, and a website being set up with defamatory statements included in its content.