
Report to: Planning Committee **Date of Meeting:** 08 February 2012

Subject: S/2011/1368
Land east of Damfield Lane, Maghull

Proposal: Extra Care Development comprising a four storey 90 bedroom extra care housing facility with basement parking, a two storey 44 bedroom dementia / respite facility, 15 independent living lodges, landscaping, parking, access and enhancement of existing greenspace

Applicant: Mr Stuart Grundy **Agent:** WYG Group

Report of: Head of Planning Services **Wards Affected:** (Sudell Ward)

Is this a Key Decision? No **Is it included in the Forward Plan?** No

Exempt/Confidential No

Summary

This application is for the erection of an extra care development comprising lodges, extra care apartments and a dementia care home. The main issue concerns the principle of development on greenspace in the context of the type of development and general housing need. The report examines this issue in some detail. Other planning considerations -design, highways issues, ecology, flood risk and other details are addressed in the report along with the responses from the local community. On balance the application is recommended for approval.

Recommendation(s)

That the application be delegated to the Head of Planning for approval subject to the conditions below following completion of a S106 Agreement in respect of

- provision of 30% affordable housing on site
- provision of public open space on the site in accordance with the approved plans and maintenance of this area as land available for public access maintained in perpetuity by the developer
- payment of a sum of £10,500 as a contribution to the Damfield Lane traffic calming scheme

Reasons for the Recommendation:

The proposed development comprises a type of accommodation which is needed and difficult to locate in sefton and would contribute towards meeting the Borough's recognised housing needs. Whilst not complying with Greenspace policy this is because there is no need for greenspace in the area. It is considered that the benefits of the proposal outweigh the loss of greenspace in this case. All other planning matters

have been considered to conclude that the proposal is an acceptable form of development which otherwise meets the requirements of UDP policies.

Implementation Date for the Decision

Immediately following the Committee/Council/Working Group meeting

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Case Officer: **Mrs S Tyldesley** Telephone 0151 934 **3569**

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Background Papers:

The following papers are available for inspection by contacting the above officer(s).

History and Policy referred to in the report

The Site

This site is located to the east of Damfield Lane, between that road and Whinney Brook. It has formerly been in private agricultural use but has been unused for some while now. It is designated greenspace. The site adjoins Damfield Lane Conservation Area and the stone wall along the frontage and the adjoining Chapel House to the north west are within the Conservation Area. 3 storey apartments are located to the northeast in Chilton Court and houses in Chilton Close adjoin the site to the north. Another area of greenspace lies on the opposite side of Damfield Lane.

Proposal

Extra Care Development comprising a four storey 90 bedroom extra care housing facility with basement parking, a two storey 44 bedroom dementia / respite facility, 15 independent living lodges, landscaping, parking, access and enhancement of existing greenspace (as amended 3/01/2012).

History

None relevant.

Consultations

Highways Development Control –

1. Trip Generation and Impact on the Highway Network - Development proposals of this nature generate relatively low levels of vehicular traffic which can easily be accommodated on the existing highway network, even during the busy periods at school start and finish times.
2. Vehicular and Pedestrian Access - The existing vehicular access on Damfield Lane which currently serves Chapel House will be the only point of vehicular access to the development. The access will be widened to 6.0m to accommodate the additional vehicular traffic that will be generated by this development and enable two vehicles to easily pass one another, such that drivers wishing to enter the site do not have to wait on the carriageway of Damfield Lane whilst another exits from the site. Adequate visibility for drivers leaving the site can be achieved in either direction and there are existing waiting restrictions either side of the access to any prevent parking from taking place that would interfere with vehicles turning into and out of the site.

Notwithstanding the content of the Transport Assessment, that was submitted alongside this application, some further improvement of the vehicular access to the site will be required. Sefton Council's Route Action Programme of Investigations 2010/11 identified Damfield Lane and Hall Lane as a priority for investigation. Having investigated the accident record a route action scheme is proposed to reduce both accidents and speed. The proposals include a series of traffic calming features including speed cushions, speed plateau, mini roundabout and associated traffic signs and carriageway markings.

To ensure the continuity of the route action scheme and ensure safe vehicular access to the site, the developer will be required to construct a 'kerb-to-kerb' speed table/plateau at the main vehicular access to the developments site off Damfield Lane. They will also be required to make a contribution of £10,500.00 towards the approved Damfield Lane/Hall Lane Local Safety Scheme. This has been calculated on the basis of 50% of the cost of the works to Damfield Lane only (not including the speed table/plateau).

There are three separate points of pedestrian access onto the footway of Damfield Lane and a network of pedestrian routes throughout the site that afford safe and direct pedestrian access.

The layout of the access roads, footways and shared surface areas within the development site is generally acceptable. It is understood that all of the carriageways and footways within the site will remain private.

3. Parking - A total of 75 car parking spaces for staff and visitors to the extra car accommodation will be provided, including 13 spaces for use by disabled persons and 9 spaces with electric vehicle charging points. In addition, each extra care lodge will have an individual parking bay. Whilst the overall number of parking spaces (90) across the whole site slightly exceeds the standards as set out in the Supplementary Planning Document 'Ensuring Choice of Travel' the layout of the development and its location are such that the proposed level of parking provision is acceptable.

A total of 30 cycle parking spaces will be provided across the site. 'Sheffield' cycle stands will be introduced within the undercroft parking area with others located close to the main building and staff entrance. Three motorcycle parking spaces will also be provided.

4. Accessibility - The site is in a fairly accessible location, being just under a kilometre from Maghull town centre. Maghull Rail Station is approximately 800m away on foot and is served by the Merseyrail Northern Line providing connections between Ormskirk-Liverpool City Centre and the regional rail network providing connections to Manchester, Wigan and beyond.

Damfield Lane is a bus route, with the services mainly providing access to Maghull, Maghull Station and Lydiate. There are four bus stops on this section of Damfield Lane, two of which are near Northway and two near to Hall Lane. These are not ideally placed to serve the proposed development as they are approximately 200m away from the main pedestrian entrances to the site. In addition, none of the existing bus stops are fully accessible, DDA compliant, accord with the current specifications or have shelters.

Notwithstanding the above, a modest package of improvements for users of public transport will be required in order to enhance the level of accessibility. The works will consist of significant improvements to the two existing bus stops at the Northway end of Damfield Lane.

The submitted Transport Assessment included an Interim Travel Plan designed to encourage sustainable travel choices. Whilst the document is generally acceptable, an

appropriate condition will be used to secure the further development and subsequent implementation of a Travel Plan.

In view of the above, there are no objections to the proposal subject to conditions and informatives being added to any approval notice.

Environment Agency - We have no objection in principle to the proposed development, but would make the following comments;

We have reviewed the following report with regards to flood risk only;

- Flood Risk Assessment, WYG Engineering, Ref A0656111, October 2011.

The submitted Flood Risk Assessment (FRA) states that an allowance for 20% adjustment for climate change has been incorporated when considering surface water run-off. It should therefore be noted that Planning Policy Statement 25 (PPS25) and section 3.88 of PPS25 Practice Guide requires a 30% adjustment for climate change. This should be finalised in the detailed drainage design along with the methods of attenuation, detailed calculations for storage volumes and areas for exceedence event storage.

Considering the above comment we would therefore recommend a condition be applied to any decision notice.

Built Environment - no objections subject to piling condition. No remediation conditions required in this case.

MEAS – Ecology

1. The applicant has submitted an Extended Phase 1 Habitat Survey in accordance with UDP policy NC1 (*Extracare Development, Damfield Land, Maghull, Sefton, Merseyside, Extended Phase 1 Habitat Survey, WYG Environment, June 2011*). I have reviewed the report and advise that the survey has been undertaken by suitably qualified, experienced ecologists. The survey has been undertaken using appropriate methods at a suitable time of year in accordance with current best practice and is acceptable. The survey data and report will be forwarded to Merseyside BioBank.
2. The report states that no evidence of bat use or presence was found. I advise that no further work is required in respect of bats and the Council does not need to undertake an assessment of the proposals against the three tests set out in the Habitats Regulations 2010. Please note if any changes to the proposal will result in the loss of mature trees, then bat surveys will be required **prior to determination**.
3. A number of ecological issues were considered in reaching the report's conclusions including: proximity and impact to the Local Wildlife Site; loss of a significant area of semi-improved grassland; protected species; retention of mature woodland belts present. The proposal has retained the most significant habitat areas on site and put forward measures to enhance the biodiversity interest of the remaining areas. In my view the proposal accords with UDP Policy NC3, provided the following matters are dealt with by suitably worded planning conditions attached to any grant of planning permission.

4. In section 7, a number of recommendations are made to ensure that the existing biodiversity on site is retained during construction and throughout the lifetime of the development. The following matters can be secured through appropriate planning conditions (or S106 obligation):
- Woodland ground flora to be protected during any works to trees – method statement to include timing of works and how areas with bluebells will be protected from damage
 - Method statement detailing with how Himalayan balsam and rhododendron will be prevented from spread within the site and along that part of Whinny Brook Local Wildlife Site
 - Detailed landscape and habitat creation scheme within the proposed greenspace area, together with a minimum 25 management plan with 5 yearly joint reviews with the Council.
 - No tree felling/scrub clearance/hedgerow removal/vegetation management or ground clearance should take place during the period 1 March to 31 August inclusive to protect breeding birds.
 - Should it be necessary to undertake works during the bird breeding season then all trees, scrub and hedgerows should be first checked by a qualified ecologist to ensure no breeding birds are present.
 - Location plan and design details of at least 4 bat boxes on mature trees, together with a range of bird boxes on the built elements for house martins, swallows, and house sparrows. UDP policy NC3 applies and paragraph 14 of PPS9 is relevant.

Flood risk and Drainage

5. The flood risk assessment (FRA) complies with the general requirements of Planning Policy Statement 25 (PPS25) and forms an acceptable basis on which the risk of flooding can be assessed. A range of mitigation measures and recommendations have been put forward which are welcome, including proposals to reduce surface water run-off. While most of the site is located in flood zone 1, there is a small area towards the south-east, adjacent to Whinny Brook, which is classified as flood zone 2 and 3. The applicant has adopted a sequential approach to the design of the scheme where the more vulnerable uses are located in areas with the lowest risk of flooding (flood zone 1). We fully support the approach.
6. The FRA report states that the drainage strategy for the site will be finalised at detailed design stage. The drainage strategy should clearly set out how the recommendation and proposed mitigation measures within the FRA have been taken into account at detailed design stage. This should also include firm proposals for the type of SUDS to be incorporated within the scheme. The Council should secure the preparation and submission of a finalised drainage scheme by a suitably worded planning condition.

Renewable Energy – comments made encouraging use of renewable energy.

Capita Team Leader Drainage - I checked on line on the drainage proposals submitted by the developer in particular the FRA, and would make the following comments:

1 - Sefton's Surface Water Management Plan (SWMP) identifies the site to fall within one of the 22 Critical Drainage Areas- areas of significant flood risk in the Borough.

2 - The SWMP identifies the pathway of Whinny Brook as forming a clear Local Flood Risk Zone that extends from the headwaters of the catchment down to where it meets Dovers Brook.

3 - South of Chapel House up to Whinny Brook, the Environment Agency's Flood Maps for Areas Susceptible to Ground Water Flooding show the site to lie in areas with more than 75% likelihood of flooding from ground water,

4 - North and North East of Chapel House, the Environment Agency's Flood Maps for Areas Susceptible to Ground Water Flooding show the site to lie in areas with less than 25% likelihood of flooding from ground water,

5 - On Section 3.31 of the FRA, I would add that the 1994 Canal breach in Maghull occurred when the culvert carrying Maghull Brook collapsed under the canal. This resulted in significant inundation of properties in Maghull with the affected area extending from Southport Road South, Green Bank Avenue up to Bells Lane in Lydiate. It is not clear whether the brook then contributed to this flooding or whether the inundation was due entirely due to the water within the canal.

6 - The areas of much concern for local flooding immediate to the site are:

- Where Whinny Brook crosses Damfield Lane, there have been two major incidents of flooding reported in 2011 alone due to blockages and incapacity of the culverts carrying the brook under the road.
- Section of Hall Lane between Northway (A59) and the Leeds and Liverpool Canal, it frequently floods in this location affecting the highway and properties following heavy rainfall.
- The junction of Damfield Lane and the A59, the junction frequently floods in heavy rainfall.

7 - The developer has to clearly indicate how he will address the issues in 6 above and the general flooding concerns of residents.

8 - I note Section 4.18 of FRA that, suitability and detailed design and specification of infiltration techniques (SUDS) will be subject to further detailed assessment including intrusive investigations and permeability testing. Notwithstanding the provisions of the Environmental Permitting (England and Wales) Regulations 2010 (Regulation 38(1)), the Council encourages the use of SUDS where the opportunity arises.

9 - At the detailed design stage, the developer will have to submit calculations and details that show and support that:

- There is no flooding on any part of the site for a 1 in 30 year rainfall event,
- The proposal does not cause flooding to buildings, infrastructure (e.g. pumping stations) or neighbouring sites during a 1 in 100 year event.

- Climate change is considered ie 1 in 100 year event plus 30%
- Show how flows that result from rainfall exceeding the above specifications are managed including any flood conveyance routes that minimise the risks to people and property both on and off the site.

The drainage principles outlined in the developer's FRA are acceptable and on that basis the scheme is capable of being developed without causing flooding on or off site, although some details would need to be addressed including point 6 raised above

Merseytravel - standard response; wish to ensure that traffic will not impede bus services, travel plan required, enhancement of bus stops, dial a ride.

Fire and Rescue - access should comply with Building Regulation requirements; water supplies should be risk assessed and hydrants provided where needed.

United Utilities - no objections to submitted drainage details.

English Heritage – no objections.

Police ALO – I have looked at crime statistics and conclude that this is a low to medium crime risk area. I am in support of this application. The Design and Access Statement indicates consideration of an acceptable level of access control both in and around the development.

Neighbour Representations

A petition of 226 signatures objecting on ground of traffic chaos, flooding and environmental issues has been submitted by occupiers of 12 Chapel House endorsed by Councillor Mainey. This is also accompanied by questionnaire results from a survey in the locality.

Letters of objection received from 4,5 and 17 Chilton Close; 1 and 8 the Meadows, 37, 63 Hall Lane; 19, 118, 128 Damfield Lane; 98 Northway; 1,3,5 Brooklands Drive; 8 Fernbank; 1,3,4,8 11,12 Chapel House; 7 and 22 Chilton Court.

Objections are as follows :

- traffic – area gridlocked at times; accidents; inadequate on site parking
- scale and design-size of development and buildings disproportionate; too high; excessive scale close to historic buildings; overbearing impact; out of character;
- greenspace and environment-negative impact on greenspace; contrary to greenspace study; pheasants, owls , squirrels, jays, redstarts and general impact on ecology
- impact on Conservation area; retention of frontage walls important; alteration of gates undesirable

- anti-social behaviour; attract unwanted gangs, security issues with anti-social behaviour already present in the area; cycleway from Chilton Close
- inadequate services (doctors etc) in the area
- concerns about flooding, pollution of Whinney Brook; sewage capacity; water supply
- facility not needed; apartments not needed
- impact on Chapel House -sharing entry/exit; damage to woodlands and ecology; loss of trees;
- loss of privacy to Chilton Close
- devaluation of property
- concern about protracted development period and development being abandoned half built
- consultation process and conclusions not representative
- some detailed queries about the application form

Letter of support from 7 Holliers and support in principle but concerns in detail from 2 and 7 The Meadows, 27 Chilton Close;

In response to the revised application, additional responses have been received from 37, 41 Hall Lane, 98 Northway, 3, 4 and 12 Chapel House, 118 Damfield Lane on the following grounds

- significant concern about the flood risk issues, based on some uncertainties in the 2009 Sefton's own assessment; the applicants admission that overgrown conditions had prevented full inspection of Whinney Brook and lack of full detail and assessment of the development's flood risk implications. It is suggested that the submitted FRA is totally inadequate and that the impact on the wider community has not been fully considered - sewage and surface water flooding are major issues in Maghull.
- issues of traffic and pollution
- scale of development
- loss of greenspace – the Greenspace study concluded that the site has high benefits and that residential development would be inappropriate
- gates are 40 feet into Chapel house land – they should be at the boundary.

A long and detailed assessment of the proposal in relation to Greenspace policy, flood risk, the SHLAA, Draft Greenspace study, sewers / drainage, parking provision, traffic, need for development, pollution, excessive density, inadequate NHS service provision, security, phasing, no track record of applicant; ecology.

Policy

The application site is situated in an area allocated as greenspace on the Council's Adopted Unitary Development Plan.

AD1	Location of Development
AD2	Ensuring Choice of Travel
CS2	Restraint on development and protection of environmental assets
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
DQ4	Public Greenspace and Development
DQ5	Sustainable Drainage Systems
EP8	Flood Risk
G1	Protection of Urban Greenspace
G2	Improving Public Access to Urban Greenspace
G3	Urban Greenspace Systems
H10	Development in Primarily Residential Areas
H12	Residential Density
H2	Requirement for Affordable, Special Needs Housing
HC1	Development in Conservation Areas
HC2	Demolition in Conservation Areas
NC2	Protection of Species
NC3	Habitat Protection, Creation and Management

Comments

This proposal is for the development of an extra care development for older people. It would comprise a variety of types of accommodation from single storey lodges for the more independent residents to extra care apartments and a dementia care facility. All residents will sign up to some degree of care and this can vary to suit their changing needs. With an ageing population in Sefton there is a clearly recognised need for more accommodation for older people.

The application site is however a designated greenspace and the balance between the different planning issues will need to be carefully assessed. The main issues can be summarised as follows

Principle of development

- housing need
- loss of greenspace

Access (vehicle and pedestrian) and traffic

Design, layout and materials

Impact on residential amenity for existing neighbours and future residents

Impact in relation to the Damfield Lane Conservation Area

Environmental issues –ecology and trees

- drainage
- noise/air quality/lighting

Local community response

Principle of development

The principle of this development involves balancing the need for housing, especially for older people, against the harm to the greenspace.

Housing need - Sefton currently faces a very challenging housing land supply when measured against the current five year requirement as set out in Regional Spatial Strategy. A decision on the preferred Option for the Core Strategy has yet to be made by the Council. The present proposals give a potential housing supply of 105 units. This could therefore positively contribute to our five year housing supply position and to making a contribution to meeting longer term housing needs.

In addition, Sefton has an ageing population (currently one of the oldest in the North West) and this ageing trend is set to increase both locally and nationally. There is therefore an increasing need for specialist accommodation of a range of types for the elderly to better meet their needs and to assist in freeing up family homes for better use. In this regard, Sefton's Older People's Housing Strategy (dated 2005 but still broadly applicable) identified a clear need for specialist elderly person's accommodation including a clear need for additional extra care provision. A key recommendation of this study was to develop at least 300 additional units of extra care housing as a matter of priority. Whilst there have been some modest contributions to this from there remains a significant shortfall in such provision and such schemes are proving very difficult to deliver in Sefton (which is part of a wider national problem) and, accordingly, this site provides one among a very limited number of opportunities to deliver a genuine high quality mixed tenure (see below) extra care scheme for the Borough.

In addition this scheme provides a rare opportunity to deliver genuine mixed tenure (including 30% affordable housing) whereby 31 of the 90 extra care apartments will be offered as affordable units (comprising a combination social rented and intermediate units) in full compliance with Council Policy.

In short, the transparent need for more housing especially more specialist older persons housing in Sefton makes this type of proposal valuable in housing needs terms.

The applicant has undertaken a search for sites within the built up area but the scale of the proposals (for viability reasons) makes the type of development hard to locate. No suitable sites were identified except for a site at Kew which is also being proposed by the same developer.

Moreover the site is very accessible in terms of proximity to public transport networks including rail and local facilities (see below) and therefore performs well against UDP policy AD1.

Loss of greenspace

The application site is designated greenspace in the Adopted UDP and this designation must carry significant weight.

UDP Policy G1 'Protection of Urban Greenspace' sets out the presumption and principles for the protection of urban greenspace, and also sets out a number of exceptions where development on urban greenspace may be allowed. The proposal does not comply with any of the exceptions listed unless it can meet G1(e) in the context of Policy G2 below.

Policy G2 – Improving Public Access to Urban Greenspace - deals in more detail with one of the exceptions in policy G1 (G1e) - where development may be allowed where previously none accessible greenspace is made publicly accessible.

- "1. Development may be permitted on greenspace where there is no public access provided that a substantial percentage of the greenspace is made available for public use.
2. Development will only be permitted if it is demonstrated that the effects of the development on the benefits provided by the greenspace can be offset and that overall the development responds positively to the character and form of the surroundings.
3. Development which is acceptable in principle will only be permitted where:
 - (a) the greenspace is publicly accessible and convenient;
 - (b) there is a local need for recreational open space: and/or
 - (c) there is a local need for nature space."

In this case a substantial amount of the site would be provided as public greenspace with some significant benefits in terms of attractive public open space and ecological benefit. The existing condition of the site contributes little to the local area and the previous use (agriculture) is inappropriate and impractical in this urban location.

However, in terms of section 3 of policy G2, there is no 'local need' for recreation open space or nature space. This site is not in a deficiency area in terms of Sefton's green space accessibility targets, as the whole of the site is within 15 to 20 minutes walk (1 km) of 2 parks, one with children's play, & within 15 to 20 minutes walk (1 km) of the canal and other accessible nature spaces. Also it lies within 1km of pitches. While Sefton East Parishes Area Committee area generally is below target for access to larger parks and accessible nature spaces), this site and local area (locality) has good accessibility to public green space, accessible nature space, and a considerable amount and range of greenspace

On the plus side, the proposal retains most existing trees, and includes substantial landscaping. The proposals are designed to provide an attractive managed greenspace which would benefit the ecology of the area and respect and enhance the SLBI on the site. Overall this would retain the character of the site and not result in any unacceptable impact. In more detail the positive elements would be

- public access to a site previously not lawfully available for public access
- enhancement and creation of wildlife habitats
- visual improvement of the site with significant new tree planting and creation of attractive managed areas of greenspace

Therefore, whilst the proposal fails the policy tests for development on greenspace, this is only because there is already a sufficient supply of greenspace in the locality. In all

other respects the proposals meet Policy G2. In weighing the merits of this application this might be considered to carry little weight when balanced against the very significant benefits offered by this scheme.

This is a difficult balance to consider and the general importance of retaining valuable greenspaces cannot be overestimated. However there is a bigger picture and in this case there is a particular set of circumstances which can justify development on this particular greenspace. These are

- the greenspace itself is of limited value at the present time and for the future. Its benefits are largely visual and ecological and as a contribution to openness. Whilst previously an agricultural gap in an urban area, this use has been discontinued and is not practical for the future given the size and location of the site away from other agricultural land.
- the proposal will provide a specific type of accommodation for which there is a demonstrated need and few sites which can accommodate it
- the proposal would improve the visual and ecological benefit of the site, retaining the openness along Whinney Brook and provide significant public access.

It must be made clear however that this is a particularly unusual and specific set of considerations which justify this conclusion and it should not be interpreted as a loosening of greenspace policy in general terms.

Access(vehicle and pedestrian) and traffic

Traffic and access have been major areas of concern for local residents. This is particularly the case in respect of the traffic problems currently experienced in Damfield Lane at peak hours and at school times.

Highways Development Control have examined the Transport statement submitted by the applicant in the context of the council's knowledge of local conditions. They raise no objections but seek some amendments and a contribution to the proposed traffic calming scheme to Damfield Lane.

On site arrangements for access and parking are acceptable.

The proposals now exclude the provision of pedestrian access passing through the site because of third party land ownership. The scheme originally proposed a through route which would have assisted pedestrian and cycle route to school but this pedestrian/cycle access has now been amended to provide a circular route within the site. The omission of this route through is regrettable in that it is clearly used by school pupils on the school journey, but the legal difficulties prevent this from being achieved and the provision of this route was a source of concern to nearby residents.

Design, layout and materials

The proposals comprise a number of built elements. The overall site layout has been designed to provide an area of public greenspace which can take advantage of the position next to Whinney Brook and enhance the ecology of the area. The small scale lodges would be located on the Damfield Lane frontage and would be 1-2 storeys in

height. They would be grouped in small clusters constructed around a shared private courtyard and with those lodges overlooking the open space having garden areas raised above that space. Materials would be timber with slate/tile hanging and a slate roof. The view of these units from Damfield Lane would be largely screened by existing mature trees which would be retained. Private gardens would be located in areas enclosed by within the clusters and the external areas would be open in character with relatively low fencing. Visually this part of the development is considered attractive and would meet the Council's requirements in the 'New housing Development' SPG.

The proposed extra care apartments would be in a block which varies in height up to 4 storeys. The proposed building would sit in the centre of the site as a pavilion surrounded by green areas and comprising 5 wings. These wings reduce in height away from the centre and only the central area is 4 storeys in height. The form of the building and the variation in height will assist in reducing the visual impact of this scale of building, but there is no doubt that that a building comprising 90 apartments and associated facilities will be very large in relation to nearby property. Materials would be render (more than one colour), timber panelling and some use of grey cladding on the upper floors. The proposed building has a flat roof and its overall height would be less than the maximum height of Chilton Court (but that building has a pitched roof).

This aftercare building is of substantial scale. In footprint it is considerably larger than nearby buildings, but the height of adjoining buildings is not exceeded. There is no doubt that a building of this scale will make a substantial statement. However it is well designed with materials appropriate to the area and well detailed. The design as a series of wings reducing in height does a lot to reduce the visual impact of the proposals and to ensure that only a small part of the development is generally viewed at once. Again this will help to reduce the apparent scale of the proposal. There is no established consistent pattern of development in this area and overall it is considered that the design of this element of the proposals is acceptable.

The proposed dementia care building would back on to houses in Chilton Close. It would be 2 storeys in height with a pitched roof and is designed to read as a number of houses with an area of lower zinc roof between. The materials would be render, timber, zinc cladding with a slate roof. The design of this part of the proposal is appropriate in context.

Residential amenity for existing neighbours and future residents

There are a number of different potential impacts on local residents and these will be discussed in turn.

Chapel House

Perhaps most affected are the residents of Chapel house. The proposed main access to the new development would share their existing access to Damfield Lane. Several residents of Chapel House have raised real concern about the impact of this on their access; about loss of privacy due to use of the adjacent woodland and general opposition to the proposal. There will be no overlooking of Chapel house whose boundary with the development is well planted with planting to be further strengthened. The residents were initially concerned that the bin store was close to their boundary but it has been explained that there was some lack of clarity on the plan and that this area will actually be substation and grounds maintenance store.

In terms of access the applicant has amended his plans on hearing the concerns of Chapel House residents about the access. A gated access on an electronic pad system is now proposed to ensure that no-one mistakenly enters the car park to Chapel House whilst searching for the proposed development.

The area of woodland between Chapel House and Damfield Lane was initially proposed to be opened up for public use. The applicant had to acquire this area in order to achieve the access to the site. He has now amended the plans to fence this area off and leave it much as present as a managed woodland.

With these amendments, the impact on residents of Chapel House is considered acceptable.

Chilton Close

These residents back on to the proposed dementia care home. They have reasonable sized rear gardens and there is an existing planted buffer within the applicant's ownership along the full boundary. The applicant has stated that this buffer will be kept and maintained and it offers a good screen. Distances between windows in houses in Chilton Close and the proposed home are 27-30 metres and meet SPG standards. The height and orientation are such that no undue overbearing impact will occur and significant existing planting will separate the two developments.

Chilton Court

These existing 3 storey apartments look out over the application site. The nearest part of the proposal is the stairwell to the dementia care development and the nearest bedrooms would be some 15m from the garden and 30m from the building at Chilton Court and not directly overlooking. The extra care apartments are similarly distant and do not directly overlook. There are some roof terraces on the extra care apartments which could afford some distant overlooking but boundary treatment/planting can be designed to minimise this. The applicant has included a bamboo/green screen where there is most possibility of some overlooking.

The main impact on Chilton court had been the proximity of a more formalised link through the land to the side of their apartment block. This aspect of the scheme has now been deleted.

Future residents

The scheme is designed so that all units have reasonable outlook and are not significantly overlooked. There have been some minor amendments made to the lodge layout to eliminate potential overlooking between lodges.

Designing out crime

The principles have been discussed with the Police ALO who supports the proposal.

Impact in relation to the Damfield Lane Conservation Area

The Conservation Area Designation report specifically mentions the sandstone frontage wall as creating a strong visual and physical boundary wall. It goes on to say the stone boundary wall that moves South along Damfield Lane up to Whinney Brook forms an essential element of the setting of the Conservation Area, enough so to include this stretch of wall within the designated Area.

The alterations to this wall are subject of a separate application for Conservation Area consent for works to the entrance gateway and wall. That application is for part demolition of the existing wall only and is elsewhere on this agenda. The pedestrian access through the wall has been amended to reduce its width. It still complies with codes of practice for disabled access but would be visually less intrusive.

This entrance drive of Chapel House was characterised by strong visual and physical boundaries those being heavily enclosed by trees and shrubbery, however over time it has seen some degradation and would need to be reinforced. Landscaping and trees on the eastern side of the entrance road can visually separate the development from Chapel House.

Overall the proposals are considered acceptable in the context of Damfield Lane Conservation Area.

Environmental issues

Ecology

MEAS are satisfied that the ecological work is sound and that the proposal has retained the most significant habitat areas on site and put forward measures to enhance the biodiversity interest of the remaining areas. This accords with UDP Policy NC3, subject to conditions concerning details

Trees

The proposals retain the mature trees on the site boundaries, especially the mature trees on the Damfield Lane frontage. Significant new planting is proposed.

Flood risk and Drainage

MEAS the EA and Capita (Drainage) are satisfied with the Flood Risk Assessment, although conditions are required. The Council's surface water drainage team confirm that the scheme is capable of being developed without causing flooding on or off site, although some details would need to be addressed. The applicant is currently discussing these details with the council and an update will be reported at the meeting

Environmental Protection

Air quality

The applicant is including electric car charging points and a number of electric pool cars for hire by residents. This is to be welcomed.

Planning requirements

S106

The proposal creates a new area of managed public greenspace which is in excess of the area required to serve the proposed development. Given that this is the case the proposals on site can be considered sufficient to account both for the needs of the proposed development and compensation for the loss of some greenspace to development.

In terms of trees, the proposals for new tree planting include more trees than the calculated needs for the development under Policy DQ2.

Departure Application

The application is a departure as the land is designated greenspace. Whilst the proposal strictly fails the tests for development on greenspace this is only because there is no need for greenspace in the area. On balance when considered against all other considerations, approval of this application would not fundamentally impact on the delivery of Sefton UDP Policies and the proposal does not need to be referred to the Secretary of State.

Local community response

There has been significant local opposition. The applicant carried out pre-consultation and has tried to take views into account. In response to this application a petition and objections have been received. A public meeting was held, organised by a ward councillor and the applicant has sought to amend his proposals in the light of these comments, particularly in relation to impact on the residents of Chapel House.

In response to specific objections

- traffic – *views of Highways development control conclude that with the proposed traffic calming the impact of this development would be acceptable*
- scale and design - *more information and 3D images have been requested.*
- greenspace and environment - *positive proposals have been put forward for mitigation/enhancement of ecological value. No harm to species identified.*
- impact on Conservation area; *proposals amended to reduce impact on wall*
- anti-social behaviour-*through route no longer proposed; views of Police ALO awaited*
- inadequate services (doctors etc) in the area - *no evidence of inadequacy*
- concerns about flooding – *no objections from EA and MEAS and the Council's surface water management team*
- facility not needed; apartments not needed-*there is strong evidence of housing need and need for accommodation for older people*

- impact on Chapel House - sharing entry/exit; damage to woodlands and ecology; loss of trees – *plans amended to take on board these concerns and minimise impact*
- loss of privacy to Chilton Close - *plans comply with SPG guidance on distance*
- devaluation of property – *not a planning matter*
- concern about protracted development period and development being abandoned half built – *proposals will be subject to Construction Management Plan. Whilst completion cannot be guaranteed the applicant has been working in detail to achieve a high quality scheme and is confident that it is viable.*
- consultation process and conclusions not representative – *further consultation has been carried out at application stage and developer is trying to engage with the community to resolve issues where possible.*

Conditions

1. T-1 Full Planning Permission Time Limit
2. X1 Compliance
3. M-2 Materials (sample)
4. M-6 Piling
5. M-8 Employment Charter
6. L-1 Protection of trees
7. L-3 No felling
8. L-4 Landscape Implementation
9. L-5 Landscape Management Plan
10. NC-3 Biodiversity enhancement
11. H-1 Remove existing vehicular/pedestrian access
12. H-2 New vehicular/pedestrian access
13. H-5 Off-site Highway Improvements
14. H-6 Vehicle parking and manoeuvring
15. H-7 Cycle parking
16. H-8 Travel Plan submitted
17. (a) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall also include details of how the scheme shall be maintained and managed after completion.
(b) The approved scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
18. H-8 Travel Plan submitted
19. H-10 Mud on carriageway
20. H-11 Construction Management Plan
21. The proposed gate to Chapel House shall be erected in accordance with details to be agreed in writing with the Local Planning Authority before the gate is erected.
22. In the event that previously unidentified contamination is found at any time when carrying out the approved development immediate contact must be made with the Local Planning Authority and works must cease in that area. An investigation and risk assessment must be undertaken in accordance and where remediation is necessary a remediation scheme must be prepared which is subject to the approval

in writing of the Local Planning Authority.

Following completion of the remedial works identified in the approved remediation strategy a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority

23. The boundary wall to Damfield Lane shall be reconstructed in stone to match the existing and shall be pointed and constructed to visually match the existing.

Reasons

1. RT-1
2. RX1
3. RM-2
4. RM-6
5. RM-8
6. RL-1
7. RL-3
8. RL-4
9. RL-5
10. RNC-3
11. RH-1
12. RH-2
13. RH-5
14. RH-6
15. RH-7
16. RH-8
17. To prevent the increased risk of flooding, improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.
18. RH-8
19. RH-10
20. RH-11
21. To protect the amenity of occupiers of Chapel House and accord with UDP policies CS3 and DQ1
22. RCON-5
23. In the interests of visual amenity and to comply with UDP policies DQ1 and HC1.

Notes

1. The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Highways Development Control Team on Tel: 0151 934 4175 to apply for a new street name/property number.
2. The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Section on 0151 934 4175 or development.control@sefton.gov.uk for further information.

Drawing Numbers

To be advised.

Existing site plan



Sefton Council

**Department of the
Built Environment**
Jane Gowing
Head of Planning Services

S/2011/1368
Land east of Damfield Lane
Maghull

OSGR: 337799, 401917

Sheets: 1930, 173C

Area: 44292 sqm

Standard Site Plan

Scale: 1:2000
Date: 30/1/2012
Drawn By: ROBIDON



Ward(s): Sudell
Postcode Sector(s): L31 3, L31 6
Polling District(s): A2, A3
Parish(es): Maghull CP

Proposed site plan



Application No: S/2011/1347
S/2011/1368

LETTER TO SEFTON COUNCIL.

PROPOSED DEVELOPMENT OF DAMFIELD LANE SITE.

We the undersigned object to this development for the following reasons:

TRAFFIC CHAOS!!! Extra traffic may cause delays along Damfield Lane and create further delays along Northway, Hall Lane, Old Hall Road, Melling Lane and Station Road...main commuter routes to Maghull Station.

FLOODING!!! Overloading existing sewage and drainage systems may create an occurrence of the flooding to roads and gardens experienced in recent years.

ENVIRONMENT!!! Continual depletion of open spaces may lead to the the area's fragile wildlife.

Initial	Surname	Address	Postcode
L	Daly	58 Grosvenor road	L31 5NN
M	Carver	5 Claremont ave	L31 8AD
M	Pennington	43 Hall Lane	L31 3DY
G	Stuart	114 Northway	L31 5NF
G	Stuart	114 Northway	L31 5NF
D	Wood	116A Northway	L31 5NF
J	Miller	118A Northway	L31 5NF
A	C. Williams	126 Northway	L31 5NF
J	C. Stanley	147 Northway	L31 5NF
J	M. Chubb	130 Northway	L31 5NF
M	M. Hester	140 Northway	L31 5NF
J	C. G. T.	144 NORTHWAY	L31 5NF
J	GOWER	152 NORTHWAY	L31 5NF
R	GOWER	13 COPPILL RD	L31 2LH
E	TOMLINSON	162 NORTHWAY	L31 5NQ
J	TOMLINSON	" "	" "
E	Clark	168 "	L31 5NQ
N	Clark	168 "	" "
T	French	170 "	L31-5NQ
S	French	170 "	" "
M	Willcock	182 Northway	L31 5NF
P	Muro	4 SANKY RD	L31 5NR
M	Muro	" "	" "
S	Muro	" "	" "
A	Muro	" "	" "
J	Racey	18 Sanky	

(25)