

Committee: **PLANNING**

Date of Meeting: **02 June 2010**

Title of Report: **S/2010/0075**  
**Land to Rear Kensington House**  
**Sports & Social Club Station Road, Maghull**  
(Sudell Ward)

Proposal: Construction of 6 no. semi-detached two storey dwellings and access road

Applicant: Mr Graham Barlow

### **Executive Summary**

This application proposes development on an area of private greenspace adjoining the bowling green at Kensington social club and extends the existing cul-de -sac at Gatley drive. The main issue concerns the acceptability of development on this greenspace in the context of the existing use and benefits of the greenspace and the greenspace system of which it is part. Other issues concern housing need, trees and ecology, residential amenity, access, design drainage and compliance with SPG guidance.

**Recommendation(s)                      Approval**

### **Justification**

The proposed development on greenspace for housing which is needed in the area has been justified in terms of retaining the visual benefits of the greenspace and providing compensatory provision. In other respects the proposals meet UDP policies. Taking these and all other material considerations into account ,the development is acceptable.

### **Conditions**

1. T-1 Full Planning Permission Time Limit
2. M-2 Materials (sample)
3. L-1 Protection of trees
4. H-2 New vehicular/pedestrian access
5. H-6 Vehicle parking and manoeuvring
6. The provisions of the submitted Construction Management Plan shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.
7. M-6 Piling
8. NC-5 Japanese knotweed scheme
9. NC-6 Japanese knotweed eradication

10. L5 Landscaping (scheme)
11. L-4 Landscape Implementation
12. NC-4 Protection of breeding birds
13. NC-2 Species Survey
14. Any fencing provided within 3 metres of the canal bank shall be restricted to a picket fence not exceeding 1metre in height
15. S106 Agreement
16. The agreed actions set out in the memo from Leisure and tourism dated 21/04/10 shall be implemented in full except that the marketing shall be paid for by the applicant and not taken from the S106 contribution.
17. The access gate to the adjacent bowling green shall be used for maintenance access for the bowling green only and shall be kept locked at all other times.
18. X1 Compliance
19. No development approved by this permission shall be commenced until a detailed scheme for the disposal of foul and surface water drainage based on the SUDS review document has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the drainage system has been constructed and completed in accordance with the approved plans.

## **Reasons**

1. RT-1
2. RM-2
3. RL-1
4. RH-2
5. RH-6
6. RH-11
7. RM-6
8. RNC-5
9. RNC-6
10. RL1
11. RL-4
12. RNC-4
13. RNC-2
14. to protect the visual character of the canal and comply with UDPpolicy G4
15. R106
16. To provide compensatory provision in respect of UDP Policy G2
17. To protect the amenity of nearby residenta in accordance with UDPpolicy CS3
18. RX1
19. RE-1

## **Drawing Numbers**

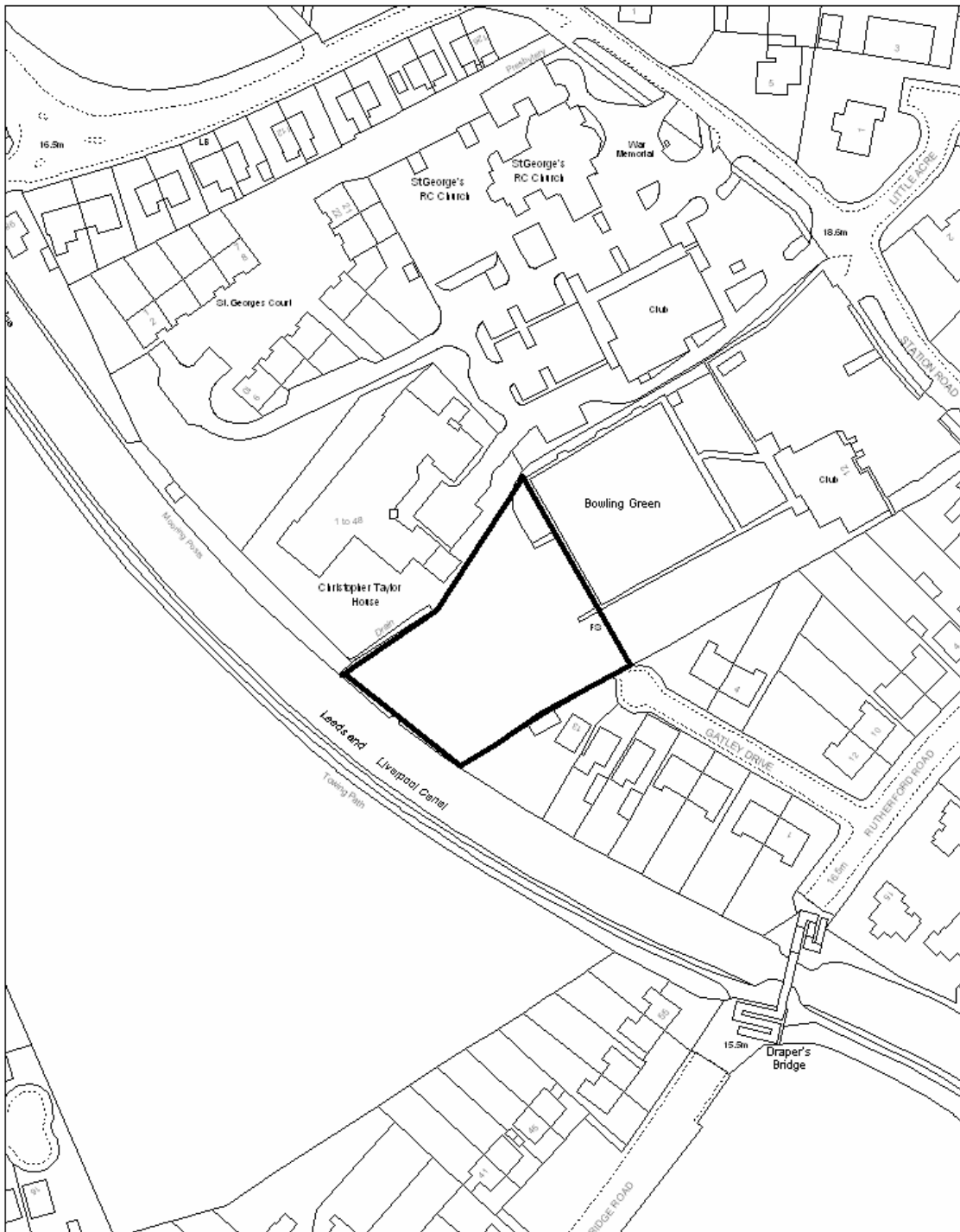
150/1revA, 150/02A,150/3RevB, 150/04 rev A

## Financial Implications

<b>CAPITAL EXPENDITURE</b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b>REVENUE IMPLICATIONS</b>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

## List of Background Papers relied upon in the preparation of this report

History referred to  
Policy referred to



<b>Sefton Council</b> Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning &amp; Economic Regeneration is part of the          Regeneration &amp; Environmental Services Directorate</small>	S/2010/0075 Land to Rear Kensington House Maghull			Standard Site Plan Scale: 1:1250 Date: 20/3/2010 Drawn By: BBERT on
	<small>OSGR: 337998, 401515</small>	<small>Sheet(s): 174B, 173C, 173D, 174A</small>	<small>Area: 2368 sqm</small>	

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S/2010/0075

This application was considered at the Planning Committee Meeting on 7<sup>th</sup> April and the application was deferred to allow Officers to submit further information regarding the impact on greenspace, the highway and flood risk.

## The Site

This application concerns a 0.26 ha site which is within the grounds of the Kensington House Sports and Leisure Club. It has formerly been a practice bowling green but this is not in good condition and is not presently used.

The site adjoins Christopher Taylor Home to the north-west and residential properties in Gatley Drive to the south-east. The Leeds and Liverpool canal lies to the south-west of the site. There are a number of large trees on the boundaries of the site and trees and shrubs adjacent to the canal.

## Proposal

Construction of 6 no. semi-detached two storey dwellings and access road

The proposals comprise the extension of Gatley Drive to provide a small cul-de-sac 6 houses

## History

None relevant.

## Consultations

*Highways Development Control* - no objections as no highway safety implications. The site is in an accessible location close to the station, shops and local facilities. There is existing single yellow line restriction which will need to be extended into the new section of Gatley Drive. Conditions are recommended.

*Environmental Protection* – no objections subject to standard conditions. Floodlights on the bowling green may require reorientation to prevent lightspill/glare onto the proposed new houses.

*Environmental Agency* - the site is located in flood zone 1 and is less than a hectare in size. A formal FRA is not therefore required. Measures should be taken however to ensure that the proposed development can cope with the increased surface water runoff which would result. SUDS would be advised.

No objections in principle but any tree and shrub should take place outside the bird nesting season; lighting should not interfere with bat/bird foraging; landscape planting should use species which encourage wildlife.

*MEAS* - highlights the need for conditions in respect of ecology, surveys for invasive species, water vole survey, more details of landscaping scheme, tree and shrub

removal outside the nesting season, provision of nesting boxes. A Bat Method statement has now been submitted and is acceptable.

*British Waterways* - initial objection on land ownership grounds, subsequently removed when additional information provided by the applicant. Now raise no objections but remain concerned that the rear garden areas of Plots 1 to 4 will suffer from a loss of light and outlook as a result of the presence of the trees on British Waterways' land, which may result in pressure from the new occupiers to remove or maintain the trees. Would wish to see trees protected.

Conditions recommended to avoid pollution to the canal, and ensure appropriate surface water drainage.

*Fire and Rescue Service* - access for fire appliances adequate and premises will not cause unacceptable hazard to neighbouring premises.

*Maghull Town Council* - opposes the application for the following reasons

- loss of privacy
- traffic
- noise and loss of rural character
- houses are 3 storey and 1.8m higher than existing properties
- flooding/inadequate drainage
- ecological impact
- site not considered as part of the SHLAA process
- club is not a community resource and its financial difficulties should not justify permission.

*Leisure Services* - I am pleased to set out in more detail the general outcome and conclusions from my recent meeting at the Kensington Club's premises on 15<sup>th</sup> April. The purpose of the meeting was to explore ways in which the club could be helped to develop its community involvement in a way which would not conflict with its constitution or fundamental aims.

The discussions with the club's officers ranged more widely than the issue of the bowling green and I am therefore confident that my recommended way forward, which I set out below, will deliver a significant degree of compensatory provision to the Maghull community.

I found the club to be very receptive to the general issue of increased public use and they are willing to work with me, through the Sefton Sports Council to do this. In addition, I have also gleaned that their constitution is already set up to enable this and the club programme of use also reflects an open and inclusive operation upon which we can build. My observations of the club are one that is; accessible, well run and already a valued part of the local community.

In addition to the issues we discussed, I believe the applicant has also indicated, in principle, that he would make a financial contribution of just under £50,000 which would be used to provide a children's play area at Glen Park, which is around 600m

north of the application site.

The following actions were agreed;

- Club to join and actively participate in the Sefton Sports Council's activities;
- Club to make a small contribution (c to £250) to the Sefton Sports Bursary Scheme, to assist with local sports development or coaching needs.
- Use approx £1,000 to allow the club to prepare or improve its marketing materials.
- Club to actively promote the facility for wider community use (with above funds) by;
  - by offering to existing bowling groups without facilities to hire/use club
  - to produce publicity material promoting club memberships
  - hosting an open day to encourage community interest

We also discussed the possibility of the club making club membership available to special interest groups on a reduced or free basis. However, I understand that this may cause difficulties with the club's constitution, so is unlikely to proceed. However, the annual membership fee for the club is only £60 in any event, which based on what is on offer is both good value and not prohibitive.

In my view, if these elements are agreed, considerable community benefits will be delivered by the club to the Maghull area, over and above the financial contribution which will fund the children's play area at Glen Park. In my view the community benefits which I have described above will more than adequately compensate the planning application also needs to be considered against UDP Policy EDT 18 :Retention of Local Employment Opportunities because it would involve the loss of a local employment opportunity. However, given the site's very small size and restricted nature, the fact that the current and previous activity is undesirable due to its close proximity to neighbouring residential properties and its redevelopment would secure environmental improvements, it is appropriate that this site should be developed for housing.

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## **Neighbour Representations**

Last date for replies: 22/02 Site notice 24/02 Press

A petition of 47 signatures has been received ,endorsed by Councillor Mainey opposing the development but giving no grounds.

Individual objections received from 6,7,11,13, Gatley Drive,

Objections raised are

- loss of green space
- road is narrow and will cause traffic problems—alternative access should be

considered.

- loss of privacy (due to reduction of trees)
- noise and disturbance from increased pedestrian and vehicle movements
- devaluation of property and diversity in population (currently older people)
- visual impact
- loss of trees and wildlife
- concern that sales monies will be insufficient to improve the club and may bring pressure for more development
- gate to the club site from Gatley Drive should be removed
- more planting should be provided to protect neighbours from additional noise if club used more.
- inadequate drainage –possible damage to existing drains, alterations to water table,

A letter has been received from occupiers of 1 Christopher Taylor House requesting proper management of the trees on the joint boundary.

An objection has also been received from 16 Far moss road Blundellsands objecting to the public use of the bowling green as they consider this to be a private members only facility.

The Maghull and District Conservative club has written in support of the application, pointing out that whilst the club is unable to offer free and unfettered public access to the community it is keen to work with Leisure Services to promote and develop the facility to the benefit of the local community

## 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
- G1 Protection of Urban Greenspace
- G2 Improving Public Access to Urban Greenspace
- G4 Development adjacent to the Leeds and Liverpool Canal
- G5 Protection of Recreational Open Space
- H12 Residential Density
- NC2 Protection of Species
- NC3 Habitat Protection, Creation and Management

RSS Policy L4 Regional Housing Provision



## Comments

The issues which need to be considered in respect of this application are :

- the principle of development on this greenspace site in the context of greenspace policy
- trees and ecology and relationship to the canal
- recreational facilities
- housing need
- access and parking
- detailed layout and design
- drainage

### Greenspace

The land is designated in the UDP (2006) as being Urban Greenspace and presently comprises a disused small bowling green which is associated with Kensington House Sports and Social club. The site adjoins the Leeds and Liverpool canal and is part of a Greenspace system. The site has a series of mature trees running alongside the canal and northern boundary.

The site was assessed as part of the Urban Greenspace Audit 2007. The site scored as being average in the audit. The trees along the canal contribute towards the visual amenity of the area and provide visual relief on the canal bank from the sites either side which are mainly built up. There are also a number of trees on site that have a visual amenity value.

The site forms part of the wider Urban Greenspace system which runs along the canal from the Green Belt into the southeast edge of the centre of Maghull. This system includes some very large, high quality open spaces including playing fields, schools, sports pitches and open land around Damfield Lane which include the Whinney Brooke SLBI. The system as a whole delivers a wide variety of Greenspace benefits but this particular site does not form a critical part of this system and is in fact a bit detached from the main greenspace areas. The application site is quite self contained as a site, offering mainly visual benefits because of its tree cover.

Overall, the site is not in a Greenspace accessibility deficit area and does not contribute significantly towards the open character of the wider Greenspace system nor towards the publicly accessible Greenspace in the area.

UDP policy G2 allows for some development on sites with no public access where public accessibility is improved to much of the Greenspace site. By itself, this site is not appropriate for public access due to its location but the applicant is seeking to set up a programme of increased public access to the bowling green in conjunction with Leisure Services.

UDP policy G1 also allows for development of sites when replacement provision is provided. The applicant would be required to provide 0.258 hectares of suitable

Greenspace elsewhere. If this is not possible or practical then funding to improve the quality of or accessibility to public Urban Greenspace on another local site may be acceptable and outweigh the loss of part of the Urban Greenspace. In this case the applicant has agreed to provide funding for other greenspace improvement in Maghull in accordance with the priorities identified by Maghull Town Council. The applicant has agreed to provide a sum of £50,000 which is the equivalent cost of providing the proposed play equipment at Glen Park which is relatively close to the site.

### **Trees and ecology**

There are a number of large attractive trees mainly on the perimeters of the site. The applicant has carried out a tree survey and has amended the plans to enable retention of all trees which are of value on the site. Some tree removal is proposed but this is mainly to remove Leyland cypress which are not native and not appropriate in this setting. The other removals are for dead/dangerous trees, those which present structural issues in relation to adjoining property or those which require thinning because of suppression. Only one sycamore is to be removed to accommodate development. All trees removed would be required to be replaced on a 2:1 basis either on site or with a commuted sum for off site provision. Some trees around the perimeter would be pruned. Overall the tree removal/pruning is for good management reasons and is acceptable.

In terms of ecological value, the applicant has submitted an ecological survey report which has been reviewed by MEAS. Subject to the imposition of conditions in respect of invasive species, tree planting scheme, breeding birds and water voles, no issues are raised. A Bat Method statement has now been supplied and is acceptable.

British Waterways raise no objections but are concerned to ensure retention of trees and suggest conditions in this regard, and also conditions to protect the canal bank during construction and for surface water drainage.

### **Recreational facilities**

The proposal technically removes a potential bowling green. The site has, in the past been used a bowling green but this was not full size and has fallen into disrepair. The applicant points out that there is no need for such provision given that there are more than adequate bowling greens in Maghull. The applicant has however offered increased public use of the main bowling green in accordance with a scheme to be agreed with Leisure Services. In addition the applicant indicates that proceeds from the development of the land would be used to ensure the long term retention of leisure facilities on the site.

Since the previous report to committee a meeting has been held between Leisure Services and the applicant to resolve the detail of this wider public access and is reported in detail above. On the basis of implementing this agreement the proposal would offer benefit to sufficiently compensate the loss of recreational facility in terms of the practice bowling green.

## **Housing need**

There is an identified shortage of housing land throughout the Borough, a position that was confirmed by Sefton's recently published Strategic Housing Land Availability Assessment (SHLAA). With regards to Maghull (inc Lydiate), the SHLAA identified potential for only 143 dwellings to be accommodated within the area over the next 15 years. Sefton's annual housing requirement, as defined by the Regional Spatial Strategy for the NW, is for a minimum of 500 net additional dwellings per year over the plan period. Whilst this is a Borough-wide figure, it is noteworthy that Maghull accounts for 10.1% of Sefton's population; therefore if Maghull were to take a proportionate share of this housing requirement then it would need to accommodate at least 750 dwellings over the next 15 years. This housing need is a material planning consideration which offers some support for new housing development on this site.

## **Access and parking**

The proposal takes access from Gatley Drive but there is significant local opposition much of which centres on the increased traffic on a narrow width of the road and potential for congestion and disturbance. However the Highways Development control team raise no concerns. They point out that there are parking restrictions in Gatley Drive and these would be extended into the new section of road. The development provides appropriate parking for the new houses –drives sufficient for 2 cars.

## **Detailed layout and planning requirements**

The proposed disposition of houses on the site is acceptable in streetscene terms and would provide development at the head of the cul-de –sac. Distances all meet SPG standards in terms of overlooking and the layout is designed to respect the outlook from Christopher Taylor Homes adjacent. Although claims of overlooking are made by local residents,the Director cannot substantiate these.

The design of the houses is traditional with pitched roof and bays. The proposals initially had a strongly asymmetric pitch and were effectively 3 storey at the rear. These plans have now been amended to provide dormers in the rear. The ridge height is 0.10m higher than the existing older houses in Gatley Drive.but 1.5m higher than 9-13 Gatley Drive which are adjacent but have a ridge significantly lower than the older houses surrounding. These details are now considered acceptable.

A commuted sum for off site greenspace is required for all new dwellings where such provision cannot be made on site. In this case the figure is 5 x £1734.50 =£10,407.

The requirement for trees is 3 per dwelling (18) and 24 to replace trees to be removed. 11 new trees are proposed giving a total of 31 to be provided off site at a sum of £460-40 ie £14,272.40

## **Flood risk and drainage**

As the site is located in flood zone 1 and is less than a hectare in size, a formal Flood Risk Assessment has not been required. Local residents are concerned about drainage provision in the area and this was a concern for the committee when the application was previously considered.

Since the previous meeting a SUDS review document has been produced by the applicant. This examines the "runoff rates" for the site and means of storing the volumes of surface water which the proposed development will produce this concludes that "there is more than sufficient space for this volume to be easily accommodated on site, either in a single location, or split into separate units located in different parts of the site." Consequently the development will not increase the risk of flooding in this area. This document has been reviewed by the Capita drainage team who consider that the developer's drainage report is technically acceptable, subject to the detailed design conforming to that report. This can be ensured by condition.

### **Other issues**

Residents have raised concerns about the provision of a gate providing maintenance access to the bowling green. However, such access already exists and its usage is very infrequent. A condition is however recommended that requires this gate to be kept locked except when required for maintenance access. This does not open any prospect for further development as residents fear.

Issues are also raised about the social club. The applicant has put forward the argument that the proposal will provide community benefit by providing much needed finance to enable the club to continue. Residents are concerned that this could result in an intensification of use which could be to the detriment of amenity for local residents. This issue is not one which can be considered as part of this application. The social club has a lawful use for that purpose and any amenity concerns relating to that use are a separate matter.

### **Conclusion**

This is a greenspace site and its development can only be permitted if it can be shown that the need for the development outweighs the need to retain the greenspace and that the benefits of the greenspace are protected and enhanced. In this case the housing need is a significant starting point. However, the consideration of greenspace benefits is very much a site specific analysis. In this case the greenspace benefits of tree cover and visual benefit to the canal is retained and enhanced; the loss of the practice bowling green is fully compensated for by the agreement on increased public use of the main bowling green; the physical loss of greenspace is compensated for by the provision of a commuted sum to provide a necessary upgrade to local greenspace in Glen Park and the existing greenspace itself has no public access and little wider value or value as part of a greenspace system. Taken together there is a strong case to permit development on this site. This would not prejudice the Council's case in resisting development proposals on other greenspace as any other proposals would need to be assessed in a similar

way and could not bring the same combination of benefits.

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