



ROMAN SUMMER

Planning Manager
Sefton Council
Magdalen House
30 Trinity Road
Bootle
L20 3NJ

Our Ref: RG/RG/G267/L001
Date: 5 December 2023

Dear Sir

S73 APPLICATION

VARIATION OF CONDITIONS 1 AND 14 OF DC/2019/02432

1 – 17 ST. ANDREWS CLOSE AND ADJACENT OPEN SPACE, MAGHULL, L31 6LX

On behalf of Damfield Management Company Limited we hereby submit this S73 application seeking the variation of the above conditions in respect of:

The alternative surface treatment of the access road serving the site from Damfield Lane (with the exception of its junction with Damfield Lane) from concrete Block Paving and resin bound gravel (as approved) to tarmac (now proposed); and

The alternative surface treatment of the driveways serving individual dwellings from resin bound gravel (as approved) to tarmac (now proposed); and

An alternative and simplified solution for the treatment of public open space that serves the development.

Background

The LPA and residents of the development are well aware of the background to the proposal. In brief:

Planning permission was granted (at appeal – ref: APP/4320/W/19/3220771) in August 2019 for the erection of 14 x 4 bedroom detached dwellings with garages, driveways, private gardens, bin stores, communal landscaping with pond feature and means of enclosure, a sustainable drainage system (SUDS), and a managed access open space / educational / ecological enhancement zone (with pond and dipping platform) / nature trail (with associated paths, viewing platforms and interpretation boards), all to be accessed from a new single point of access via Damfield Lane.

A subsequent S73 application (DC/2019/02432) was approved in August 2020 for the variation of condition 2 in respect of amendments to the design, materials and internal layout of house types and landscape layout in order to fell 2 trees adjacent to the canal. It is that permission that this application relates to.



A Non Material Amendment application (DC/2020/02023) was approved in November 2020 for design changes to the proposed houses, including the introduction of two new house types and landscaping adjustments.

All 14 houses and the access road have been constructed.

Limited parts of the development have not yet been completed - principally the final surfacing of the access road and private driveways, and the public open space. The reasons for this arise from a combination of economic factors and events that are very well known to the LPA and the residents of St. Andrew's Close.

This S73 application seeks to bring forward a positive solution that – if approved – will potentially facilitate the completion of the road and driveway surfacing, as well as an alternative form of open space to that approved under permission DC/2019/02432.

It is our contention that none of the proposed alterations to the approved scheme will result in any material harm in respect of visual amenity, heritage impacts or any other matter of planning importance.

Proposed Variation of Conditions

Condition 1

Condition 1 lists the approved drawings, namely :

- Proposed Location Plan (A003 Rev P05)
- **Proposed Site Plan (A004 Rev P05)**
- Proposed Block Plan (A005 Rev P05)
- **Landscape Layout (101 Rev D)**
- Access Layout (J977 Access Fig 1 Rev E)
- House Type 1 Plans and Elevations (A101 Rev P02 and A102 Rev P05)
- House Type 2 Plans and Elevations (A103 Rev P02 and A104 Rev P05)
- House Type 3 Plans and Elevations (A105 Rev P02 and A106 Rev P05)
- House Type 2A Plans and Elevations (A107 Rev P02 and A108 Rev P05)
- Material Specifications (A901 Rev P01)
- Site Section A-A (A007 Rev P02)
- Site Section B-B (A008 Rev P02)
- **Landscape Layout (101 Rev G)**
- **Planting Plans 1 and 2 (103 Rev A and 104 Rev A)**
- Archaeological Evaluation at Damfield Land document (ARS Ltd Report 2019/224)
- Otter and Water Vole Survey (Rachel Hacking Ecology, dated October 2019)



It is proposed to substitute those drawings highlighted in red text with the following replacement drawings/ information:

Drawing ref: RBA_272_(2-)_A002 – annotated by hand as “*Proposal for change to tarmac*”

Drawing ref: 492/P/01 – Landscape layout for public open space and hard landscaping (Penny Bennett Landscape)

Landscape Specification for Open Space (Penny Bennett Landscape)

Condition 14

To reflect the substitution of the above drawings, we also seek the variation of Condition 14, which currently states :

‘The approved hard and soft landscaping scheme (Landscape Layout, Drawing Number 101 Rev G and Planting Plans 1 and 2, 103 and 104A) shall be carried out in full within 3 months of occupation.’

We seek the variation of this condition to refer instead to the following:

Drawing ref: 492/P/01 – Landscape layout for public open space and hard landscaping (Penny Bennett Landscape)

Landscape Specification for Open Space (Penny Bennett Landscape)

We also seek the variation of timing of implementation of the newly proposed landscaping works to reflect the position today and a realistic timeframe for completing the works, which we suggest ought to be within 6 months of the date of approval of this S73 application.

Having regard to the above, we seek the variation of wording of Condition 14 to read as below:

‘The approved hard and soft landscaping scheme - ie the combination of works identified on drawing ref: RBA_272_(2-)_A002 (annotated by hand as “Proposal for change to tarmac”) and drawing ref: 492/P/01 ‘Landscape layout for public open space and hard landscaping’ (Penny Bennett Landscape) and ‘Landscape Specification for Open Space’ (Penny Bennett Landscape) shall be carried out in full within 6 months of the date of approval’



Summary of changes to drawings

The table below confirms the current approved drawings (on the left), and the revised / new drawings (on the right) we wish to substitute via this S73 application.

Currently Approved Drawing Ref / Title	Proposed Replacement / New Drawing Ref / Title
A004 P06 - Proposed Site Plan	Drawing ref: RBA_272_(2-)_A002 – annotated by hand as “ <i>Proposal for change to tarmac</i> ” + Drawing ref: 492/P/01 – Landscape layout for public open space and hard landscaping (Penny Bennett Landscape)
101J–Landscape Layout	Drawing ref: 492/P/01 – Landscape layout for public open space and hard landscaping (Penny Bennett Landscape)
103C – Planting Plan 1	Drawing ref: 492/P/01 – Landscape layout for public open space and hard landscaping (Penny Bennett Landscape) + Landscape Specification for Open Space (Penny Bennett Landscape)
104C –Planting Plan 1	Drawing ref: 492/P/01 – Landscape layout for public open space and hard landscaping (Penny Bennett Landscape) + Landscape Specification for Open Space (Penny Bennett Landscape)



We look forward to receiving confirmation of receipt and validation of the application, and if further information is required, please contact Richard Gee at the above offices.

Yours faithfully
for Roman Summer Associates Ltd



Richard Gee
Director