

Committee: **PLANNING**

Date of Meeting: **10 March 2010**

Title of Report: **S/2009/0771**
Car Park Pendle View, Litherland
(St Oswald Ward)

Proposal: Erection of a total of 8 two storey dwellinghouses comprising of two pairs of semi-detached dwellinghouses and one block of 4 town houses with associated landscaping and car parking. (Alternative to S/2009/0405 withdrawn 01/07/2009)

Applicant: Baker Properties Limited

Executive Summary

The proposal is for the construction of 8 dwellings on an existing car park on the junction of Pendle Drive and Bowland Drive. The application was deferred following the Planning Committee meeting in December 2009.

The issues relate to the impact of the proposal in terms of layout and design, the relationship of the scheme to neighbouring residential and retail premises, and the issues in respect of highway safety having regard to the reduced car parking available for the retail units as a result of the development. Issues of crime and anti-social behaviour are also relevant.

There has been discussion between the applicant and One Vision Housing (OVH) with regard to the future of Pendle Hall. This is reported in more detail within the main body of the report but it is considered that the previous recommendation of approval should remain.

Recommendation(s) Approval

Justification

The scheme complies with the aims and objectives of the Sefton UDP and in the absence of all other material planning considerations, the granting of planning permission is therefore justified.

Conditions

1. T-1 Full Planning Permission Time Limit
2. X1 Compliance
3. S-106 Standard S106
4. M-2 Materials (sample)
5. M-3 Obscure Glazing
6. L5 Landscaping (scheme)
7. L-4 Landscape Implementation
8. M-6 Piling

9. No part of the development shall commence until details in respect of the following

have been submitted to and approved in writing by the Local Planning Authority.

- a) a scheme for the reconstruction of the existing vehicular/pedestrian accesses onto Pendle Drive and Bowland Drive and the reinstatement of the footway,
 - b) a scheme for vehicular/pedestrian access to the development from Pendle Drive and Bowland Drive, and
 - c) a scheme of highway improvement works for the northern side of Pendle Drive and the eastern side of Bowland Drive together with a programme for the completion of the works.
10. No part of the development shall be occupied until the required highway improvement works as set out within condition 9 have been constructed in accordance with the approved details.
 11. H-6 Vehicle parking and manoeuvring
 12. Height restrictor bar to car park
 13. R-2 PD removal garages/ extensions/outbuildings
 14. No development as defined by Section 56 (a) of the Town and Country Planning Act 1990 shall commence in respect of the two dwellings identified as Block 'C' on drawing no. PH010 until such time as
 - a) a contract has been exchanged for the demolition of Pendle Hall and said building demolished, and
 - b) a full landscaping scheme covering the area of demolition, specific pedestrian links to public highway and steps to the retail parade (including a section drawing) has been submitted to and agreed in writing with the Local Planning Authority prior to the occupation of either dwelling within Block 'C'. The agreed scheme shall be implemented in full within nine months following the first occupation of Block 'C'. The applicant shall provide written notification of the date of first occupation to the Local Planning Authority to inform on the subsequent nine month deadline.
 15. The area to the rear of Block 'A' shall be landscaped as shown on drawing PH009 within nine months of the first occupation of any part of the development unless a material start has been made on Block 'C' following compliance with the requirements of Condition 14. The applicant shall provide written notification of the date of first occupation to the Local Planning Authority to inform on the subsequent nine month deadline.
 16. The proposed dwellings shall meet Code Level 3 Sustainable Homes.

Reasons

1. RT-1
 2. RX1
 3. RS-106
 4. RM-2
 5. RM-3
 6. RL1
 7. RL-4
 8. RM-6
 9. RH-1
 10. RH-1
 11. RH-6
 12. RH-6
 13. RR-2
14. To ensure that the proposal makes appropriate provision for addressing issues of crime and disorder and to comply with Sefton UDP Policies CS3 and DQ1.

15. To ensure that the proposal makes appropriate provision for addressing issues of crime and disorder and to comply with Sefton UDP Policies CS3 and DQ1.
16. To provide sustainable development and comply with UDP Policies CS3 and DQ1 and the South Sefton Interim Planning guidance.

Notes

1. 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@technical.sefton.gov.uk for further information.

The applicant is advised that agreements are required under Section 38 and Section 278 of the Highways Act 1980 will be required for all works to the adopted highway.

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.

Drawing Numbers

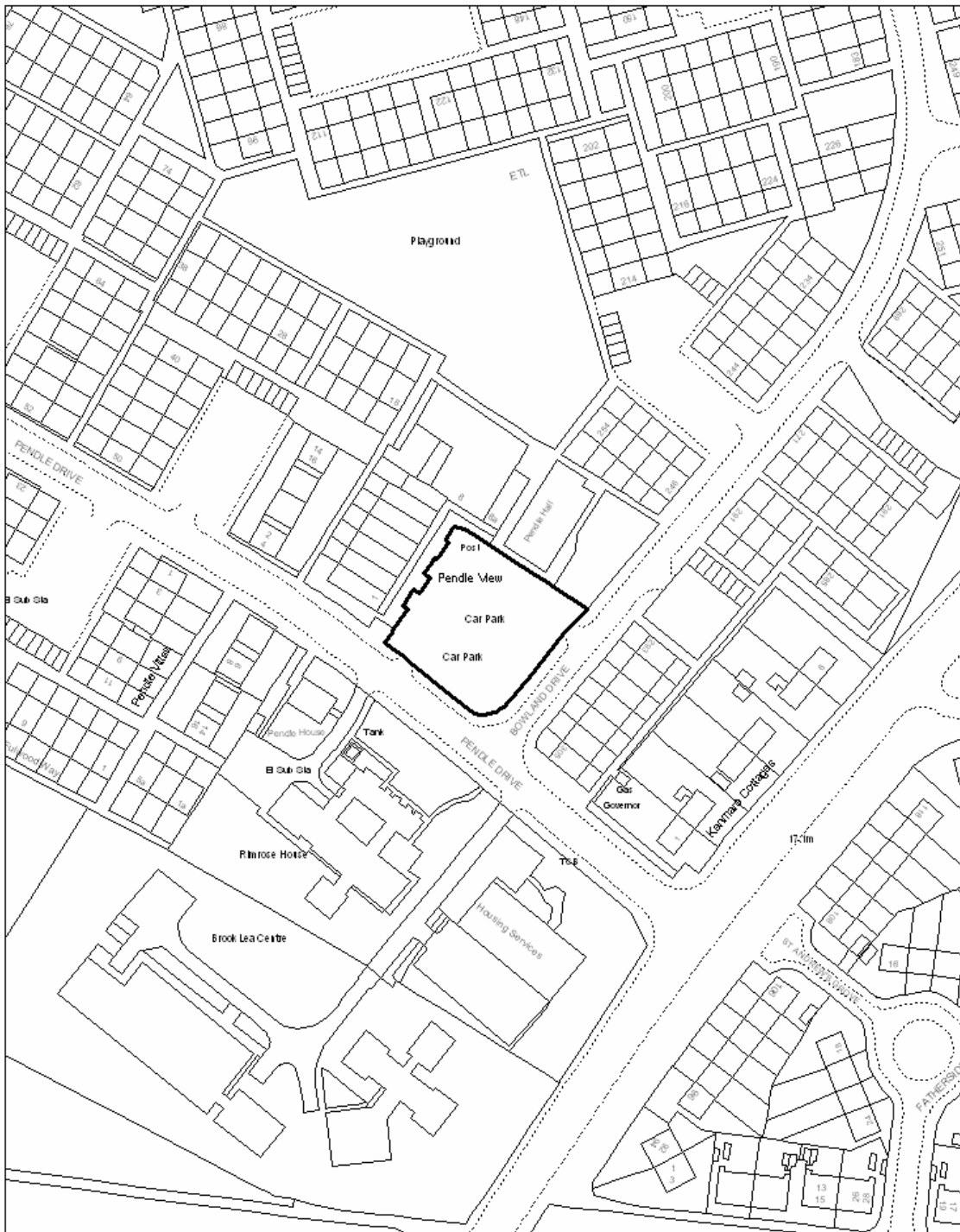
Location Plan, drawings PH001, 002, 003, 004, 005, 008, 009, 010, 011, coloured site plans, height restriction barrier detail.

Financial Implications

CAPITAL EXPENDITURE	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
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



Sefton Council Planning & Economic Regeneration Department Andy Wallis - Director <small>Planning & Economic Regeneration is part of the Regeneration & Environmental Services Directorate</small>	S/2009/0771 Car Park Pendle View Litherland		Standard Site Plan Scale: 1:1250 Date: 23/2/2010 Drawn By: BEERT on	
	OSGR: 334224, 399503	Sheet(s): 1306, 130A	Area: 1311 sqm	
<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sefton Council Licence No. 1000181923</small>			Ward(s): St Oswald Postcode Sector(s): L21 0 Polling District(s): B1 Parish(es): None Found	

original

Received by [unclear] Council Planning & Economic Regeneration Department, Bostle Office
Date 15 OCT 2009

We the undersigned object to the submitted plans for the erection of dwelling homes to be built upon the now car park located upon Pendle Drive.

NEW PETITION 9-10-09

Name RESIDENTS Address Signature RESIDENTS

x CTAYLOR	303 BOWLAND DRIVE	C Taylor
MR CYRIL TAYLOR	303 BOWLAND DRIVE	C Taylor
MISS LYNNE YOUNG	301 BOWLAND DRIVE	Lynne Young
MR DREW D REW	297 BOWLAND DRIVE	Drew Rew
MRS ROSEMARY KELLY	297 BOWLAND DRIVE	R Kelly
DONNA POWER	295 BOWLAND DRIVE	D Power
AMCSWEENEY	293 BOWLAND DRIVE	AMCSweeney
M Eddy	287 Bowland DR	M Eddy
J Eddy	287 Bowland DR	J Eddy
B. Moffett	257 Bowland Drive	B. Moffett
J. Arent	257 Bowland Drive	J. Arent
D. Moffett	257 Bowland Drive	D. Moffett
J. Davies	291 Bowland DR	J. Davies
N. Davies	291 Bowland DR	N. Davies
Jackie Bond	7 Bleasdale Way	J Bond
K Grainger	283 Bowland Drive	K Grainger
T Grainger	" " "	" " "
J Brady	289 Bowland Drive	J Brady
D. Brady	" " "	" Diane Br
M Kenners	246 " "	M Kenners
C. Ewan	248 Bowland Drive	C. Ewan
S. Doull	248 Bowland Drive	S. Doull
M. Devlin	292 Bowland Drive	M. Devlin
K Davies	24, Fatheside Drive	K Davies

original

We the undersigned object to the submitted plans for the erection of dwelling homes to be built upon the now car park located upon Pendle Drive.

Received by Council Planning & Economic Development Office
Scanned by 15 06 2009

NEW PETITION 9-10-09

Name (RESIDENT) Address Signature (RESIDENT)

Angela Long 254 Bauland Aloney

Alison Sanders 253 Bauland A Sanders

Kath McKenna 251 Bauland Drive K McKenna

Peter Tandy 271 Bauland Drive P Tandy

K. Davies 90 Bauland K. Davies

Irene Long 94 St Philips Avenue I Long

William Long 94 St Philips Avenue B Long

Chris Cassens 25 Amesty Road Cassens

E Sutton 77 Smeadwell E Sutton

L. Dempsey 18 Pend. Drive L. Dempsey

S. Dempsey 18 Pend Drive S. Dempsey

F. Dempsey 18 Pend Drive F. Dempsey

O. Dempsey 18 Pend Drive O. Dempsey

L. Dornity 267 Bauland Drive Lisa Dornity

J. Dornity 158 Bauland Drive J Dornity

A. Dornity 158 Bauland Drive A. Dornity

A. Dornity 158 Bauland Drive AF Dornity

Steven Stephen Davies 93 Bauland Drive Steven Davies

CHRISTINE DAVIES 93 BOWLAND DRIVE CD DAVIES

A. Hollaway 1299 Bauland L Hollaway

D. Hollaway 299 Bauland D. Hollaway

C. LESSEY 250 BOWLAND DR. C. LESSEY

D. COUSINS 14 PENDLE DRIVE D. COUSINS

L. WILDING 20 Pendle Drive L. WILDING

The Site

The site comprises privately owned car park and landscaped area at the junction of Pendle Drive and Bowland Drive. It is accessible from both with no formalised secure boundary but slightly raised from footway level. The site is relatively flat but with a very slight south-north orientation.

There are residential properties to the north and east of the site, with a shopping parade in the applicant's ownership to the west, which has benefited from recent investment, and Pendle Hall to the north which is accessed from the car park and adjacent walkway. Pendle Hall is currently disused and boarded up.

Proposal

Erection of a total of 8 two storey dwellinghouses comprising of two pairs of semi-detached dwellinghouses and one block of 4 town houses with associated landscaping and car parking. (Alternative to S/2009/0405 withdrawn 01/07/2009)

History

S/2009/0405 - Erection of 8 no. two storey dwellings in two blocks comprising: six dwellings in block A and two dwellings in block B, layout of car parking spaces and landscaping works – withdrawn 1 July 2009

Consultations

Highways Development Control – no objection subject to conditions

Environmental Protection Director – no objection subject to piling condition

Merseyside Fire and Rescue – no objection

Merseyside Police ALO – no objection following redesign; see main report.

Neighbour Representations

Last date for replies: 16 October 2009.

A petition has been received containing 48 signatures sponsored by Councillor Mark Dowd. A number of other petitions have been submitted independently containing a combined total of 247 signatures.

Individual objections have been submitted from 1, 2, 3 and 6 Pendle View on the following grounds:

Reduced parking on site causing extra parking pressure on remaining area, in particular loss of parking for staff,

Congestion resulting from reduced levels of parking,

Impact on large goods vehicles,

New build blocking passing trade causing harm to business and prejudicing further investment into parade.

Letters of support have been received from Units 7 and 8 Pendle View – “the private investment by the landowner shows he has faith in the regeneration of our local community and can only help with the growth of our local businesses.”

Policy

The application site is situated in an area allocated as Primarily Residential Area on the Council’s Adopted Unitary Development Plan.

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
DQ4	Public Greenspace and Development
EP6	Noise and Vibration
H10	Development in Primarily Residential Areas
H12	Residential Density
H3	Housing Land Supply
R7	Local Shopping Parades
South Sefton Interim Planning Guidance	

Comments

Members will recall the deferral of this application in December 2009, following concern relating to the implications for the adjacent Pendle Hall. Further discussions have taken place in relation to this which are detailed in a separate section in the report.

The proposal seeks to develop part of the land fronting Bowland Drive with a total of eight two storey residential dwellings.

Two houses front the retail parade directly, with access via the existing car park, four fronting Pendle Drive and the remaining two Bowland Drive. The remaining land would serve as parking space for the retail units fronting the car park at present.

There has previously been a proposal for eight dwellings which was withdrawn. This scheme suffered chiefly from the failure to address key street scenes. In particular, there would be substantial side garden fronting Pendle Drive, houses turned at 90 degrees to Bowland Drive, and a large area of fencing addressing the public car park.

There was also concern raised regarding the loss of informal grassed area to the eastern end of the site adjacent to Bowland Drive, and the creation of a very narrow pedestrian walkway adjacent to Pendle Hall that would be unwelcoming and cause issues of anti-social behaviour.

The small grassed area fronting Bowland Drive is retained in the current scheme, whereas in the previous proposal it was intended to build a pair of semi-detached dwellings in this position.

The existing car park is unrestricted and not marked out, and whilst it is used in conjunction

with the shopping parade, it is believed to be sufficient for the purposes of patrons. It is also used for the servicing of these premises though there is a gated service access to the rear of shops.

The proposal seeks to provide a smaller, but formalised parking layout containing 13 parking spaces (3 disabled), accessed from Pendle Drive. The layout is designed to ensure that the shops continue to benefit from parking provision on site whilst preventing the spread of vehicles onto the surrounding roads within the estate.

The site lies within a Primarily Residential Area and there is no objection in principle to the provision of eight dwellings on site. The key issue relates to their scale, appearance and layout.

Design

The revised scheme maintains eight dwellings, but adopts an entirely alternative approach in terms of the layout and positioning of dwellings. The aim is for this scheme to better address the street scene and to create a "mixed use" approach where the shops are seen to sit comfortably within a residential environment, as opposed to being entirely alienated as the original scheme would have done.

Two dwellings would front Bowland Drive, four would face Pendle Drive and the other two are accessed via the existing car park.

The dwellings are all two storey and meet required interface distances to other residential properties and also comfortably exceed minimum requirements for garden sizes. Side elevations are all designed to address the street scene and there are minimal instances of substantial side walling/fencing fronting the public highway.

In addition, there is low walling provided to front gardens ensuring there are no areas outside the development that would present issues of general maintenance. All public areas outside of the application site are closely overlooked.

Dwellings would be chiefly rendered with brickwork and imitation slate, and are of an attractive and simple design which responds very positively to the character and appearance of the surroundings. All properties are of a size and scale consistent with the prevailing pattern of development in the area.

The amended layout also maintains the informal grassed area above, and affords a reasonable means of access in the event of potential future development of Pendle Hall.

There are no existing residential properties that will be affected by way of overlooking or overshadowing and the scheme complies with policy in this regard.

In line with the requirements of South Sefton Interim Planning Guidance, the dwellings will require construction to Code 3 level Sustainable Homes and a condition is attached to this effect.

Impact on Shopping Parade

There is concern relating to the obscuring of retail premises when viewed from Gorse Lane in particular as a result of the residential layout and the potential for a loss of passing trade. The retail premises have been subject to recent investment and are also within the applicant's control.

Whilst it is correct that the parade may to some degree be perceived differently, the development directly overlooks and addresses the residual car parking area. It is not considered that with the design proposed the layout will compromise the vitality or viability of the shopping parade as it stands at present. A number of retail units have remained vacant for a period of time in any event.

Car parking and Access

The reduced car park for the retail units would accommodate 13 vehicles. The existing car park would appear capable of accommodating more, but is not particularly well marked out and several site observations have demonstrated that there is no pattern to parking and that those using the car park generally park at random in the clearest available space. The existing and proposed car park would be in the applicant's control and are subject to his own management approach.

Having regard to available retail floorspace, the maximum standard for the retail parade is 22. However, the applicant has submitted traffic surveys demonstrating that the parking areas in question are very much underused and bearing in mind that policy requires adherence to maximum as opposed to minimum standards, it is considered that the parking area provided will be sufficient for the purpose of all users and it has been specifically designed to cater for the residential properties who will need access by way of a variance in materials and definable front garden boundaries.

The redesigned car park will be much safer, providing obvious disabled provision and the opportunity for cycle parking. It will also offer an ease of manoeuvrability that doesn't exist at present, and will in addition give rise to a much safer environment for the benefit of both pedestrians and vehicles.

Servicing provision is known to take place both to the front and rear of retail properties at present. However, the reduced car park area would clearly make servicing at the front a less desirable option, in respect of the restricted space available for such vehicles, and in regard to the potential blocking of available spaces.

A height restrictor bar will therefore be provided to prevent larger service vehicles using the car park. It is set back in the street scene and will be painted red and white to minimise its impact whilst making it appropriately easy to see. The measure will encourage retail premises to continue their servicing from the rear whilst ensuring that the car park is free from obstruction.

Trees/Greenspace

The scheme would require £13,472 in greenspace provision (£1,684 per dwelling) at 2009/2010 rates, and a total of 13 trees are proposed on site, 8 of which would be planted in the car park area to enhance the visual amenity in that location. This means 11 are required to be planted off site (£446 per tree) with a commuted sum requirement of £4,917 towards planting off site.

The scheme will therefore derive a total sum at 2009/2010 rates of £18,389.

Pendle Hall and issues of phasing/designing out crime

The application has been subject to detailed discussions relating to some specific design

matters in and around the vacant Pendle Hall ongoing with the Merseyside Police Architectural Liaison Officer.

In addition, following the Planning Committee meeting in December 2009, the applicant contacted One Vision Housing (OVH), the current owners of the hall, but not the grassed verge fronting Bowland Drive, with a view to progressing matters in respect of achieving a more comprehensive form of development incorporating the hall and in potential partnership with OVH. However, this has not proved possible on a reasonable timescale due to consultation requirements.

The applicant owns all of the land surrounding the hall to the south and east, including the grass verge fronting Bowland Drive. He has also made a written offer to OVH for the hall with an undertaking that he would undertake the costs of its demolition.

A number of representations have been received in respect of the potential for crime and anti-social behaviour and there has been significant discussion subsequently with the applicant and the Police ALO to ensure that this issue is appropriately addressed.

The specific areas of concern relate to the walkway dividing the retail units from Pendle Hall on the northern point of the site.

The Police ALO considers that the building of all 8 houses whilst Pendle Hall is in place will give rise to problems regardless of how they are laid out. The presence of the alley and boarded up windows with a handrail running adjacent to new residential properties will in his opinion present a very uncomfortable residential environment. This would exacerbate an existing known scenario where the police are being called on a regular basis to address gathering youth under the sheltered retail parade.

The Director shares this concern. However, to secure residential redevelopment and a suitable compromise, it is accepted that the problems of anti social behaviour can be minimised and issues reduced significantly by splitting the development effectively into two phases.

The pair of semi-detached dwellings fronting the car park would be those most exposed as a result of the issues being raised. Those fronting Bowland Drive and Pendle Drive have been identified not to suffer the same problems if constructed as proposed.

As such, the Planning and Economic Regeneration Director would consider it reasonable for development to proceed on the basis of only those six dwellings being constructed and occupied before Pendle Hall is demolished. The pair fronting the car park could only be commenced when Pendle Hall is demolished, and all debris is cleared.

In the event that the applicant is unable to secure the demolition, it is a requirement prior to occupation of any frontage dwellings that a specific agreed planting scheme is in place adjacent to the existing car park.

The scheme involves turfing the land over and providing robust planting around the edges to the rear of residential properties. The area would not be secluded and would benefit from the overlooking of residents and all retail shops, with the car park adjacent. A low level fence would also be provided to prevent its use as a temporary overspill car park.

Similar planting will also be provided on the land to the north of the northernmost dwelling fronting Pendle Drive and the boundary treatment would be of a railed form.

The package of measures is such that the Police ALO no longer has a objection to the proposal subject to these measures and indeed specifically states that a scheme can be designed allowing a safe and welcoming area leading to the shops that will not be a crime or disorder generator that will allow the 2 houses to be built once the scheme is designed.

It is considered that the applicant is entitled to receive a decision based on the fact that he has a development that is in its own right entirely compliant with planning policy and for which specific safeguards have been built into the decision making process to satisfy the concerns of the Police in terms of crime and anti-social behaviour. The granting of permission will not interfere with the continued appraisal of OVH.

The applicant has been extremely proactive in trying to seek solutions but it must be noted that he has the right to appeal against non-determination of the application at any time until 19 May 2010. It is recommended that planning permission be granted.

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

Case Officer: **Steve Faulkner Telephone 0151 934 3081**