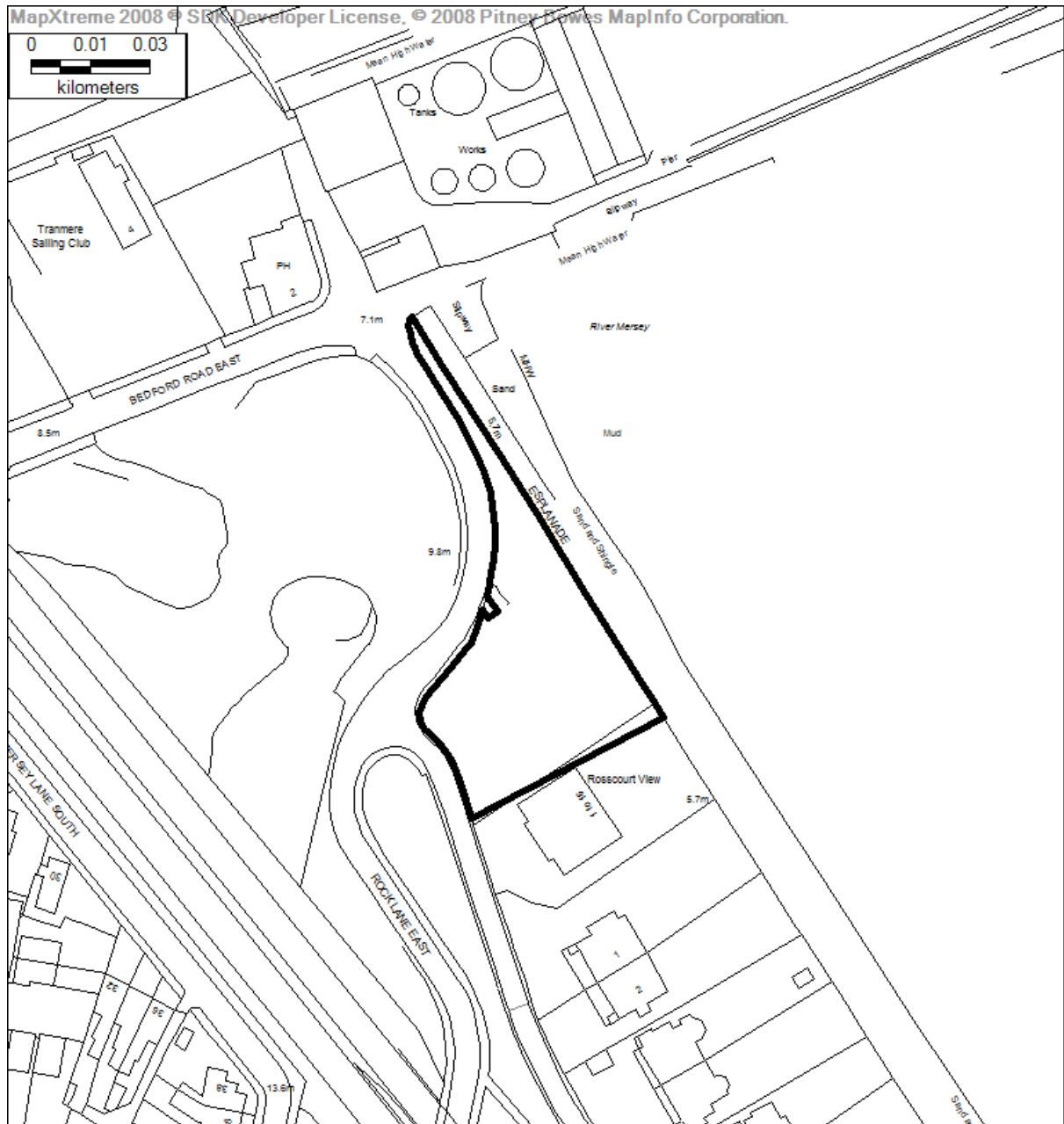


**PLANNING COMMITTEE – 24 JUNE 2015**

**REPORT OF HEAD OF REGENERATION AND PLANNING**

**APP/2005/5735: LAND NORTH OF 1 ROCK PARK BOUNDED BY ROCK LANE EAST AND THE ESPLANADE, ROCK FERRY, WIRRAL, CH42 1PJ**

**Site Plan:**



© Crown copyright and database rights 2014 Ordnance Survey 100019803 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

## 1 Report

- 1.1 Planning Committee resolved to grant planning permission for this application subject to a Section 106 Agreement at their meeting on 31 July 2008. A copy of the report is attached and minute 58 refers.
- 1.2 The Section 106 Agreement sought to facilitate the upkeep/repair of the section of the Esplanade immediately adjacent to the site.
- 1.3 National Planning Policy Guidance (NPPG) Paragraph: 009Reference ID: 23b-009-20140306 states that 'planning obligations can be renegotiated at any point. Where there is no agreement to voluntarily renegotiate, and the planning obligation predates April 2010 or is over 5 years old, an application may be made to the local planning authority to change the obligation where it "no longer serves a useful purpose'
- 1.4 The section of Esplanade referred to in the Section 106 Agreement is not in the applicant's ownership; it is privately owned by the Rock Park Estate Company. There were several years of negotiations with specifications being prepared, and draft Agreements being drawn up, but no agreement has been reached between the two private owners and it appears, seven years on, that there is little prospect of doing so.
- 1.5 Over the years, the site owners (it is owned by a Consortia of individuals but they are not developers), at their own cost, have sought to maintain the site but despite these efforts it is now overgrown and attracting fly-tipping. Local Councillors and residents have raised concerns about the condition of the site and its impact on the Rock Park Conservation Area.
- 1.6 The site owners now want to sell the site as they do not have the resources or ability to redevelop it, and the best prospect for securing early redevelopment is for them to sell the site with the benefit of planning permission. The owners have confirmed that the site will be sold at a loss when account is taken of the original acquisition price, the amounts spent on the site over the last 15 years or so, and current land values in the area.
- 1.7 As noted above, the Esplanade is in private ownership and it is the Rock Park Estate Company's legal responsibility to repair and maintain it. However, over the years the Esplanade has not been maintained and this has led to a deterioration in its condition. The Council is currently in correspondence with the company regarding this matter.
- 1.8 Work is also underway, by the Council's Engineers, to look at adding a scheme to restore the Esplanade at Rock Park to the Council's future programme of

coastal/river works over the next 6 years or so. This will be dependent on a satisfactory business case being made. Under current arrangements, Government grant funding for coastal/river works is now linked to an assessment of costs and benefits and usually only covers a percentage of the costs of a scheme with funding from other sources being required before a scheme can proceed. Some of these financial sources will be subject to competition from other schemes in the North West Region. As such, at the appropriate time, it is likely that the private owners of the Esplanade will be asked if they wish to put in an application through the Council (as the Local Flood Authority) for funding to restore the Esplanade. They will be requested to make a financial contribution towards these works, as this will strengthen the business case and help to contribute towards the total cost of the project. If a bid for funding is approved the structure can remain in private ownership but the owners will have to meet future maintenance costs as these are not covered by grant funding.

1.9 Changes since the application was last considered by Planning Committee include the:

- replacement of former national policy in PPS1 and PPS3 with the National Planning Policy Framework (March 2012);
- revocation of the Regional Spatial Strategy for the North West on 20<sup>th</sup> May 2013;
- Core Strategy Local Plan Proposed Submission Draft, December 2012 has been approved by the Council as material consideration;
- Rock Park Appraisal & Management Plan has been adopted by the Council as a material planning consideration;
- revocation of the Habitats Regulations 1994, which were replaced with Conservation of Habitats and Species Regulations 2010 as amended in 2012 (SI 2010 No. 490 & SI 2012 No.1927); and
- introduction of the new thresholds for affordable housing the emerging Core Strategy and NPPG. Market housing of 11 dwellings or more are currently expected to make provision affordable housing on site at rate of 10% within areas of greatest need unless an independent assessment shows this would not be viable 20%.

2.0 When determining planning applications, NPPF paragraph 131 makes it clear that local planning authorities should take account of the desirability of sustaining and enhancing heritage assets, putting them to viable use, the contribution to sustainable communities, and the desirability of new development making a positive contribution to local character and distinctiveness.

- 2.1 Mitigation measures were to be imposed under a planning condition to secure a sustainable urban drainage system to ensure the proposal would have no adverse impact on the integrity of European nature conservation sites.
- 2.2 After considering all of the above factors, it is my recommendation that the Section 106 requirement in relation to the Esplanade is removed to allow the granting of planning permission subject to the approved conditions, thereby facilitating the sale of the site with the greatest potential for its early redevelopment. It is considered that such redevelopment will still enhance the Conservation Area with regard to UDP Policy CH2 and CH8 and all relevant material considerations including national planning policy

David Ball  
Head of Regeneration and Planning