

Planning Committee 31 July 2008

ITEM	APP/2005/5735	WARD Rock Ferry
Location:	North of 1 Rock Park bounded by Rock Lane East and The Esplanade Rock Ferry Wirral CH42 1PJ	
Proposal:	AMENDED PLANS - Erection of 20 self contained flats in two blocks and car parking (amended description)	
Applicant:	AF Whittingham Jones c/o Guy Williams Layton Pacific Chambers 11/13 Victoria Street Liverpool L2 5QQ	Agent: David Backhouse Architect Old Hall Court South Drive Sandfield Park Liverpool L12 1LQ
Development Plan allocation and policies:	Primarily Residential Area and Rock Park Conservation Area National Policy PPS1 - Delivering Sustainable Development PPS3 - Housing Regional Planning Policy DP1 - Economy in the Use of Land and Buildings DP2 - Enhancing the Quality of Life DP3 - Quality in New Development Wirral Unitary Development Plan Policy HS4 - Criteria for New Housing Development Policy CH1- Development Affecting Listed Buildings and Structures Policy CH2 - Development Affecting Conservation Areas Policy CH8 - Rock Park Conservation Area Policy TR9 - Requirements for Off Street Parking Policy TR12 - Requirements for Cycle Parking Wirral Supplementary Planning Guidance Documents SPD 2 - Designing for Self Contained Flat Development and Conversions.	
Planning History:	15562 - Construction of 2m high wall adjoining The Esplanade - approved with conditions, 9/7/80. APP/96/5108 - Conversion of former bath house to public house, car park and theme park area, refused 5/7/96 appeal dismissed 14/2/97. LBC/96/5347 - Conversion of derelict bath house to public house and play area, refused, 5/7/96 appeal dismissed 14/2/97. APP/96/6349 - Change of use to bistro restaurant and erection of single storey side and rear extension, refused 10/1/97. LBC/96/6350 - Change of use to bistro restaurant and erection of single storey side and rear extension, refused 10/1/97. LBC/97/5909/E - Demolition of a listed building Bath Cottages, approved 18/8/98. OUT/99/5388 - Erection of building to be used as a yacht club, creation of an ancillary car park and associated works, withdrawn The following planning applications relate to the adjacent site, north of 1 Rock Park and are considered relevant: APP/2003/6445 - Erection of 16 flats and associated parking, approved, 17/10/2003. APP/2006/6260 - Alterations to the external elevations of the apartment block approved on application no. APP/2003/6445/E, approved 30/3/07.	

Representations and consultations received:

Representations:

The application was deferred from planning committee on 15th July 2008 to allow further consultation regarding the need for an appropriate assessment of the impacts of the proposed development on the Mersey Estuary Special Protection Area (SPA).

A site notice was displayed on a post at the front of the site. A total of 17 letters of notification have been sent to properties in the area. At the time of writing this report 16 objections have been received, and 2 qualifying petitions, one with signatures from 28 separate addresses and one with signatures from 25 separate addresses although 10 signatures appear on both petitions. The objections list the following grounds:

- Layout of the Park should be set back from the Esplanade
- Covenants state that dwellings should be two-storey
- Breach of other covenants
- The Park's ambience will be destroyed
- Density is too high
- Dominate the river views and change the visual impact along the Esplanade
- Increase in traffic and parking problems
- Development is too large for the plot
- Health and safety concerns due to the close proximity of the oil terminal and the Esplanade which is in poor repair
- Adjacent site has been developed and this building as well as the proposal is out of keeping in the Conservation Area
- Proposed buildings are out of scale and character with the buildings in Rock Park
- To allow the building of two blocks of flats would ruin the ambience of the Park and would lower the tone and value of the existing properties
- Proposal fails to preserve or enhance the character or appearance of the Conservation Area.

Following further consultation as a result of amendments on 14 April 2008 a further objection letter was received stating objection due to two blocks on a small steep site; proposal will not enhance the Conservation Area; information on materials finishes, chimney stacks and boundary treatment should be provided and state that it would be wrong for the occupiers of the newly constructed building and the proposed larger block to have to face each others living space.

Consultations:

Director of Regeneration - Housing & Environmental Protection Division - No objection

Director of Technical Services - Merseyside Environmental Advisory Service - Having undertaken a screening of the application in accordance with the Habitats Regulations (1994 as amended) and the EU Habitats Directive (1992), it is concluded that the proposal would have no adverse effect on the integrity of the European sites adjacent to the proposed development (specifically, the Mersey Estuary Special Protection Area and the Mersey Estuary Ramsar Site). Accordingly, no 'appropriate assessment' is required under Regulations 48,49 and 54 of the Conservation (Natural Habitats & c). Regulations should the Council be minded to grant permission for the proposed development.

Environment Agency - No objection in principle subject to conditions relating to finished floor levels and drainage systems.

Wirral Wildlife - State concern over any pollution into the Mersey Estuary, Mersey Narrows and North Wirral Foreshore which are SSSI's and SPA's.

Natural England - No comments received at time of writing.

Directors comments:

PROPOSAL

The proposal is for the erection of two buildings, one comprising 6 apartments (Bath Cottages) and one comprising 14 apartments (Bath Mansions) with associated car

parking. The smaller of the two buildings, Bath Cottages will be located partially on the footprint of the former cottages that fronted The Esplanade, which is at a much lower level than road level. The former cottages were demolished in the 1990's. The larger building will be located adjacent to the recently constructed building adjacent to 1 Rock Park facing onto Rock Park.

PRINCIPLE OF DEVELOPMENT

The proposal for residential development is acceptable within a primarily residential area and within Rock Park Conservation Area provided that any development retains the original character, design and layout of the former merchant's estate, preserves access along the Esplanade and retains unifying features. It is considered that the proposal accords with these principles.

SITE AND SURROUNDINGS

The site is within Rock Park Conservation Area and is located at the entrance to Rock Park. The adjacent site (immediately adjacent to 1 Rock Park) has been developed following approval in 2003 and further amendments approved in 2007 for a building comprising 16 flats. The application site is a corner plot that slopes down towards the Esplanade and is currently vacant and relatively unkempt.

POLICY CONTEXT

PPS1 - Delivering Sustainable Development, January 2005

The proposal is to be considered against PPS1's principles (four Sustainable Development principles at para 4). It should also be considered for its ability to create sustainable and inclusive patterns of urban development (five principles at para 5). Planning Policy Statement 1 also requires that proposals achieve protection and enhancement of the environment (paras 19 and 20) and good design (paras 33-39).

PPS3 - Housing

Planning Policy Statement 3 is directed towards the provision of more, better quality housing, in a range of types and tenures, to provide for the new homes required by the community. High design quality and sustainability are essential and are important considerations for the development control process.

Regional Spatial Strategy (RPG13, March 2003)

Policy DP1 - Economy in the Use of Land and Buildings

The site is previously developed land albeit currently vacant. Policy DP1 refers to the need to address the speedy redevelopment of vacant and derelict land and buildings.

Policy DP3 - Quality in New Development

The proposed development has been amended and the design of the proposed buildings is considered to be more sympathetic with the surrounding buildings especially given the location within the Conservation Area.

Wirral Unitary Development Plan (adopted February 2000)

Policy HS4 - Criteria for New Housing Development

The Local Planning Authority has negotiated with the applicant to amend the scheme in terms of the scale of the proposed buildings and details of design. The proposal will make best use of the vacant site with a development that is considered to be a scale and design that relates well to the surrounding area.

Policy CH1 - Development Affecting Listed Buildings and Structures

The site fronts onto The Esplanade, which, is listed. The section of the Esplanade fronting the site is in poor repair and it is recommended that the applicant enter into a Section 106 Agreement to facilitate the repair and upgrade. By achieving this, the special architectural feature of this structure will be preserved and enhance in

accordance with the provision of CH1.

Policy CH2 - Development Affecting Conservation Areas

Development within conservation areas is considered acceptable where the visual and operational impact of the proposal can be demonstrated to preserve or enhance the distinctive characteristics of the area including the design and layout and the setting of period buildings. It is considered that the siting and design of the proposed buildings do not detract from the character of the conservation area and the development of the site goes some way to enhance the appearance of this cleared, unkempt site.

Policy CH8 - Rock Park Conservation Area

Development within rock Park Conservation Area should seek to retain the original character, design and layout of the former merchants' estate whilst preserving public access along the Esplanade and views across the Mersey Estuary. The part of the Esplanade directly fronting the site is in poor repair. The use of a S106 Agreement to fund the repair of this part of the Esplanade will help to not only preserve access but also would improve and encourage the use of the Esplanade.

Policy NC4 - Sites of National Importance for Nature Conservation

The site is adjacent to the Mersey Estuary, which is designated as a Site of Special Scientific Interest (SSSI) and Mersey Narrows and North Wirral Foreshore, which are also Special protected Areas (SPA's). the development is considered not to detrimentally impact on this designation. Having undertaken a screening of the application in accordance with the habitats Regulation (1994 as amended) and the EU habitats directive (1992), it is concluded that the proposal would have no adverse effect on the integrity of the European sites adjacent to the proposed development (specifically, the Mersey Estuary Special Protection Area and the Mersey Estuary Ramsar Site). Accordingly, no 'appropriate assessment' is required under Regulations 48,49 and 54 of the Conservation (Natural Habitats & c). Regulations should the Council be minded to grant permission for the proposed development. However, the integrity of the Mersey Estuary and SPA's should not be compromised and the imposition of an appropriate condition relating to a drainage system (SUD's) safeguarding this designations is recommended.

Supplementary Planning Document SPD2 - Designing for Self-contained Flat Development and Conversions, October 2006

Sites for self-contained flats must be accessible by good transport links to and from main employment areas, schools, shops, health, and leisure and entertainment facilities. Walking and cycling are the most sustainable forms of transport but proximity to main bus routes and railway stations is important if public transport is to be a viable option to the motor car for longer journeys. The site is within reasonable walking distance to a railway station and is on a public transport route. The proposed density of the scheme works out at approximately 95 dwellings per hectare. This exceeds the ideal density as stated within Supplementary Planning Document SPD2, however the site is clearly previously developed land and is located within an established urban area with existing facilities, services and utilities all in close proximity. The development of this site is considered to make the best use of the land that meets the need to create a mixed, inclusive community whilst enhancing and preserving the Conservation Area.

Affordable Housing

The application was submitted and validated nearly 3 years before the adoption of the Strategic Housing Market Assessment (SHMA) by the Council's Cabinet on 7th February 2008. Consequently, at no stage after the submission of the application was the applicant was a requirement placed on the applicant to provide affordable housing as part of the scheme. Whilst, therefore, the SHMA is now a material consideration in the determination of planning applications in this instance it is considered unreasonable to negotiate a contribution given the advanced stage of the application.

Members should understand that the circumstances of each application and development proposal differ and that the circumstances of this application should not be taken as a precedent on other applications. Officers will continue to negotiate for

the most favorable solution for the delivery of affordable housing on other qualifying sites as they come forward.

APPEARANCE AND AMENITY ISSUES

The proposal has been amended to reduce the footprint of Bath Cottages and its interface relationship with the proposed Bath Mansions. The proposed Bath Cottages will lie partially on the footprint of the former Bath Cottages and would occupy a much smaller footprint although the building will be two-storey with lower ground floor parking. The relocation of Bath Cottages avoids any potential of overlooking between habitable rooms in the proposed Bath Mansions. The fact that this part of the site is much lower (facing the Esplanade) and it is not directly opposite the proposed Bath Mansions reduces any potential of undue overlooking. The amendments include design alterations following negotiations and include a reduction in the height of this building. The setting of this building will be much lower than the street level and the design makes use of the difference in the site levels so that its impact on the street scene is reduced. Making use of the lower site level results in a building of modest appearance, which partially follows the footprint of the former cottages on this part of the site.

The proposed building comprising 14 apartments Bath Mansions will be located in line with the recently constructed adjacent building and the existing villas along Rock Park. It is a four-storey building similar in design and appearance to the adjacent building. The design of the building includes the provision of chimneys, decorative cornice and sliding sash windows, which reflects a style contemporary with that of nearby properties. The scale of the building in terms of roof form, pitch and height is similar to the adjacent property and the original villas in Rock Park.

The nature of the objections received state that the proposal, in addition to the adjacent building approved under reference APP/2003/6445 and APP/2006/6260 is out of keeping with the existing buildings in the Conservation Area and two blocks would affect the ambience of the Park. It is considered that the proposed design of the buildings complement the classical character and unifying features of buildings in Rock Park. Although one new building is proposed, the formal and classical proportions of the building are considered not to detract from the 19th Century buildings within Rock Park. The siting of Bath Cottages would be located on the site of a former building and the footprint of this proposed building would be reduced to respect the siting of the proposed Bath Mansions to avoid any overlooking between habitable windows. The amendments to the design details and reduction in scale of one of the buildings (Bath Cottages) are considered to overcome the majority of the objections.

The proposal includes the provision of lower ground parking for each building, which alleviates the need for hard surfaced parking within the site and allows for the provision of soft landscaping and amenity areas.

It is considered that the proposal is in keeping with the Conservation Area and the building will not harm the special character of Rock Park Conservation Area.

In addition the proposal will have minimal detrimental effect on residential amenity in terms of any overlooking or overshadowing.

HIGHWAY/TRAFFIC IMPLICATIONS

No highway objection subject to condition requiring passing space and 4.5m radii on access from Rock Lane East. The provision of parking is considered adequate to serve the development.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The proposal represents a sustainable form of development in that it will provide well-designed residential accommodation that will help to create a mixed inclusive community. The development will make the best use of the previously developed, currently vacant site and is located within an area that is easily accessible to public transport. The use of Sustainable Urban Drainage System (SUDS) would protect the integrity of the adjacent Mersey Estuary.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

The principal of residential development is acceptable on this site. Rock Park comprises mainly large residential houses set within large plots. It is fair to state that the character of the Park has been compromised mainly due to the by pass. However, it is important to preserve and enhance the character of the Conservation Area, by providing buildings that would be in keeping within Rock Park would be of a scale and design similar to existing buildings. It is unlikely that buildings of such a scale would be appropriate and able to provide for family housing given current housing market considerations. As such, the design and scale of the proposed buildings must be in keeping with the character of the area and are more likely to comprise apartments. On this basis, the proposed siting, scale and density of the proposal is considered acceptable.

The proposal includes a building, which partially follows the footprint of a former building on the site and a proposed building of similar design to the adjacent original Villas and a newly constructed building. The siting of the proposed Bath Cottages will be located partially on the site of a former building fronting onto the Esplanade and given that there was a building sited at this location, the erection of a new building is considered acceptable. The location of Bath Mansions fronting onto Rock Park will provide a feature on entering Rock Park, which will serve to enhance the character of the Conservation Area. The site is currently vacant and unkempt and the proposed development would make beneficial use of this vacant site. As part of the development will face directly out onto The Esplanade and this part is in a poor state of repair, it is recommended that the applicant enter into a Section 106 Agreement to facilitate the upkeep/repair of the Esplanade. This will further enhance and improve the character of the Conservation Area whilst improving access onto The Esplanade in line with the provisions of CH8 - Rock Park Conservation Area

It is considered that the proposal is in keeping with the Conservation Area and the building will not harm the special character of adjacent listed buildings or Rock Park Conservation Area. In addition the proposal will have no detrimental effect on residential amenity.

SUMMARY OF DECISION

The site is designated as a Primarily Residential Area and is within Rock Park Conservation Area. The proposal is of a scale and design that is appropriate for the area and helps to enhance and preserve the special character of the Conservation Area. The proposal will not result in any loss of amenity. It is considered that the proposal is therefore in accordance with Planning Policy Statement 1 and Planning Policy Statement 3, Regional Planning Policies DP1, DP2, DP3, Wirral Unitary Development Plan Policies HS4, CH1, CH2, CH8 and TR9 and TR12. The proposal is recommended for approval subject to conditions and Section 106 Agreement for upgrade of The Esplanade.

Recommendation: Approve subject to a Section 106 Legal Agreement

Condition(s):

- 1 Full planning permission: standard commencement date. (C03A)
- 2 No development shall commence until full details of the gates, railings and all boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The agreed boundary treatment shall be implemented before any of the flats are occupied.
- 3 No development shall commence until cross sections and full stucco details and details of: all materials including external render, roof materials, rainwater goods, all stonework, entrance door surrounds, pilasters, cornices, string courses, balustrade and chimneys are submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise

- agreed in writing by the Local Planning Authority.
- 4 No development shall commence until details of the sliding sash windows including reveals at a scale of 1:20 are submitted to and agreed in writing with the Local Planning Authority.
- 5 No development shall be commenced until details of the materials to be used for the surfacing of the car park area adjacent to Bath Cottages have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 6 Detailed landscaping scheme to be agreed prior to commencement (C71A)
- 7 Landscaping works to be carried out in accordance with the approved details as set out in Condition 6. (C71J)
- 8 Before the development hereby permitted is first commenced, a datum for measuring land levels shall be agreed in writing. Full details of existing and proposed ground levels and proposed finished floor levels shall be taken from that datum and submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 9 Archaeological scheme to be agreed and implemented before commencement. (C23C)
- 10 No development shall take place until details of passing space on access to bath Mansions underground car park and detail of minimum 4.5 metre radii on the access to Rock Lane East has been submitted to and agreed in writing by the local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 11 No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include Sustainable Urban Drainage systems and shall incorporate oil interceptors to avoid pollution going into the Mersey Estuary, New Ferry, Wirral Foreshore and Mersey Narrows SPA's and SSSI.
- 12 Cycle parking scheme to be submitted and completed prior to occupation (C61L)

Reason for conditions

- 1 Standard (CR86)
- 2 In the interests of visual amenity of a conservation area. Policies CH2 and Policy CH8 (Rock Park Conservation Area) of the UDP (CR67)
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- 6 In the interests of the visual amenities of the area. Policy GR5 of the UDP (CR79)
- 7 In the interests of the visual amenities of the area. Policy GR5 of the UDP (CR79)
- 8 To ensure satisfactory appearance and prevent overlooking. Policies HS4 (Criteria for New Housing Development) and CH8 (Rock Park Conservation Area) of the UDP (CR76).
- 9 In the interests of archaeological research. (CR29)
- 10 Highway safety (CR13)
- 11 In the interest of proper drainage and to protect the Mersey Estuary, New Ferry, Wirral Foreshore and Mersey Narrows SPA's and SSSI.
- 12 To promote more sustainable forms of transport. Policy TR12 of the UDP (CR69)

Last Comments By: 01 August 2008

56 Day Expires On: 25 May 2005

Case Officer: Ms C Berry