

PLANNING SERVICES COMMITTEE - 27 July 2004 Item R5 Referred Item

TITLE : **03/01026/OUT
RESIDENTIAL DEVELOPMENT ON SITE
(OUTLINE APPLICATION) VEHICULAR ACCESS TO
BE GAINED VIA BACK LANE CAR PARK
LAND REAR OF 26 SOUTH STREET ROCHFORD**

APPLICANT: **M C O DEVELOPMENTS**

ZONING: **CLASS B1 (BUSINESS) USE**

PARISH: **ROCHFORD PARISH COUNCIL**

WARD: **ROCHFORD**

In accordance with the agreed procedure this item is reported to this meeting for consideration.

This application was included in Weekly List no. 735 requiring notification of referrals to the Head of Planning Services by 1.00 pm on Tuesday, 20 July 2004, with any applications being referred to this meeting of the Committee. The item was referred by Cllrs Mrs M S Vince, Mrs H L A Glynn and K J Gordon, and supported by Cllr Mrs S A Harper.

The item that has been referred is appended as it appeared in the Weekly List, together with a plan.

- 5.1 **Rochford Parish Council – First round** Concerns regarding the possible loss of car parking space in Back Lane Car Park. **Second round** No objections.

NOTES

- 5.2 Outline planning permission is sought for the redevelopment of the site for residential purposes. The application was initially submitted with the means of access only to be considered with the application; the submission has been supported by illustrative plans that indicate possible ways of accommodating development on the site, although no detailed elevations have been submitted.
- 5.3 The application site contains some trees that are covered by County Tree Preservation Order 5/72. The application is supported by an arboricultural report. This report identifies that for arboricultural reasons a number of trees should be felled. In addition, further trees would require work to maintain their health and viability and the remaining trees can be left alone.

- 5.4 The trees outlined to be removed in this report have been felled with the approval of the County Tree Officer, and the site has been turfed and has the appearance of a large domestic garden, incorporating play equipment.
- 5.5 The illustrative layout indicates that potential siting of a new building at the site could be accommodated without significant harm/threat to the remaining trees on the site. It should be noted that, in assessing details at the reserved matters stage, the long term health and vitality of the trees on this site would be of primary importance, as will the overall setting and appearance of the new development . Whilst the illustrative layout helps demonstrate the site's potential, no commitment or agreement is given to the actual details indicated . The layout of the site indicates that 9 TPO trees are to be retained.
- 5.6 Access to the site is from Back Lane car park, between Southwell House and Dolphin House.
- 5.7 There are four main issues to be considered here:-
- Principle
 - Character and appearance of the development/area
 - Trees
 - Access/parking and turning areas.
- 5.8 **Principle:-** Within the adopted Local Plan the site is allocated for Class B1 use and within the Replacement Plan the site is allocated within the residential part of Rochford. The site is also located within the Rochford Conservation Area.
- 5.9 It is considered that the redevelopment of the site for residential purposes would be in accordance with Government advice and the emerging Local Plan in terms of maximising the potential for developable sites within suitable areas. It is accepted that the redevelopment of the site for residential purposes would not be in accordance with the Adopted Plan (Class B1 Business). However, this policy stance (office accommodation for Rochford), has not been carried through into the draft Replacement Plan. Therefore, a refusal based on the development not being in accordance with the Adopted Local Plan cannot in this instance be justified, as both Government advice and the emerging Local Plan highlight the current policy stance with regard to development within this area.
- 5.10 As listed above, this site has a number of development constraints upon it and as such it is considered that the redevelopment of the site for residential purposes would be an acceptable compromise between the desire to develop the site against the loss of trees from the site as well as an acceptable level of activity and vehicle movements to and from the site. An office scheme, for example, may wish to utilise more of the site for accommodation access and car parking and therefore place greater stress/pressure for the trees on the site to be removed.

- 5.11 In summary, a refusal based on the development not being in accordance with the allocation within the Adopted Local Plan cannot be justified, no longer pursuing employment type policies within the emerging Local Plan for this town centre site and given the mixed character of the surrounding developments. In addition, the principle of the site being developed for residential purposes is acceptable.
- 5.12 **Character and Appearance:-** The principle of residential development on the site is acceptable. However, the Conservation Officer questions the suitability of detached dwellings on the site (as indicated on the first illustrative plans) given the character of the surrounding conservation area and recommends that small terraced accommodation would be more appropriate. The Conservation Officer also comments that the site would be more appropriate if the development were to face Locks Hill. The applicant indicates that, due to ownership problems, access from Locks Hill cannot be achieved. Notwithstanding the above comments, the applicant has forwarded a revised illustrative layout and, with the guarded comments above relating to the desire to retain a number of trees on the site, a layout along these general principles with fewer properties may be acceptable and also may reflect the wishes of the County Conservation Officer.
- 5.13 Subject to appropriate detailing to the design and external finishes of the proposal, there should not be any material impact upon the character and appearance of the area.
- 5.14 **Trees:-** The application is supported by an arboricultural report and also advice from the County Council Tree Officer. There are no negative comments received regarding the removal of some of the dead and dying/diseased trees from the site. The proposal, as commented above, is considered to be an acceptable compromise between development pressures and the retention of trees. Subject to matters of detail that can be controlled by planning conditions, the Council's Woodland/Environmental consultant supports the potential for residential redevelopment.
- 5.15 It is considered that whilst the illustrative layout does highlight one configuration of properties, the assessment of the suitability of the site for residential purposes is not based solely on this layout. Notwithstanding this, it is considered that the site is of sufficient size to accommodate some form of residential development with access, parking and private amenity space, while at the same time retaining the important trees on the site.
- 5.16 Any further works to the preserved trees shown to be retained on this application would require formal consent. It is a requirement of the TPO that the trees that have been lost need to be replaced. Their replacement and siting is controlled under the existing TPO legislation that is administered by the County Council.
- 5.17 **Access/parking and turning areas:-** Notwithstanding the comments from the County Highways Officer, it is considered that a refusal based on the increased activity at the site and the intensification of the exit onto West Street could not be substantiated given the current level of activity associated with Back Lane car park. The parking and turning areas within the site are acceptable.

- 5.18 Notwithstanding the above, the Council gave the applicant a 'Deed of Grant of Easement' in 1987 which grants him access in any vehicle over/through Back Lane car park to the application site and onto West Street.
- 5.19 **Woodlands/Environmental Officer** Satisfied that the trees being retained are sufficient to maintain the present amenity on the site. Subject to further information regarding any hard surfacing and excavations under the canopy of the preserved trees and also the tree protection during construction, then there is support for the scheme.
- 5.20 **County Surveyor (Highways) First round** recommends that the application be refused due to the lack of information within the proposal in order to determine whether it would have any material impact upon highway and pedestrian safety in the area. In addition, they comment that the proposal may affect the free flow of traffic in the locality. **Second round** recommends that the application be refused as the proposal would, through the additional vehicular movements, cause a danger and obstruction to all users of Back Lane car park; the proposal would, in addition, put greater pressure on a substandard access onto West Street.
- 5.21 **Essex County Council Archaeological Officer** No archaeological recommendations are being made on this application due to the site's location outside the historic core of Rochford.
- 5.22 **Essex County Council Tree Officer**, in responding direct to the agent for the application advises that some trees can be removed without prior consent as they are subject to disease and are likely to be unsafe; also recommend preferred species for replacement trees in accordance with TPO criteria.
- 5.23 **The Environment Agency** - no objection to the proposal and advises the applicant on sustainable construction techniques and also sustainable drainage issues.
- 5.24 **Rochford Hundred Amenities Society** Not in favour of replacing a garden with some pleasant trees by residential development in this part of the conservation area. It is an area that has suffered from creeping urbanisation over the years, and it would be nice to retain some of the charm of what once was a fairly green and rural market town.
- 5.25 **Southwell House Surgery** Object on the basis of limited access to the site from the Back Lane car park. This access should be maintained free from any obstruction and not be impeded, due to the possibility of emergency access for the doctors at the surgery.
- 5.26 **Essex County Council Historic Buildings Advisor:- First round** The application is outline only and contains no information about the number of houses, layout and appearance. **Second round** would not support the proposal as not considered appropriate or desirable in conservation area terms. The scheme is orientated wrongly and should face Locks Hill. The proposed dwelling would not reflect local vernacular style, detached dwelling would be inappropriate; a small run of terrace dwellings would be more in keeping and better reflect the character of the Conservation Area.

APPROVE

- 1 SC1 Reserved Matters – Standard
- 2 SC3 Time Limits Outline - Standard
- 3 SC49A Means of Enclosure - Outline
- 4 SC60 Tree and Shrub Protection (TPO)
- 5 SC73 Access Ways - Surface Finish
- 6 Prior to any development commencing at the site a plan indicating the 'runs' for all service trenches, as well as a method statement outlining their construction (depth, width means of excavation (mechanical or by hand)), shall be submitted to and approved in writing by the Local Planning Authority. The proposed service trenches shall be fully implemented in accordance with these approved drawings. The 'runs' should not pass to any extent under the canopy spread of the preserved trees to be retained as part of this proposal.
- 7 SC58 Landscape Design - Details (RM)
- 8 SC14 Materials to be Used (Externally)

Relevant Development Plan Policies and Proposals:

H11, UC3, UC1, of the Rochford District Council Local Plan First Review

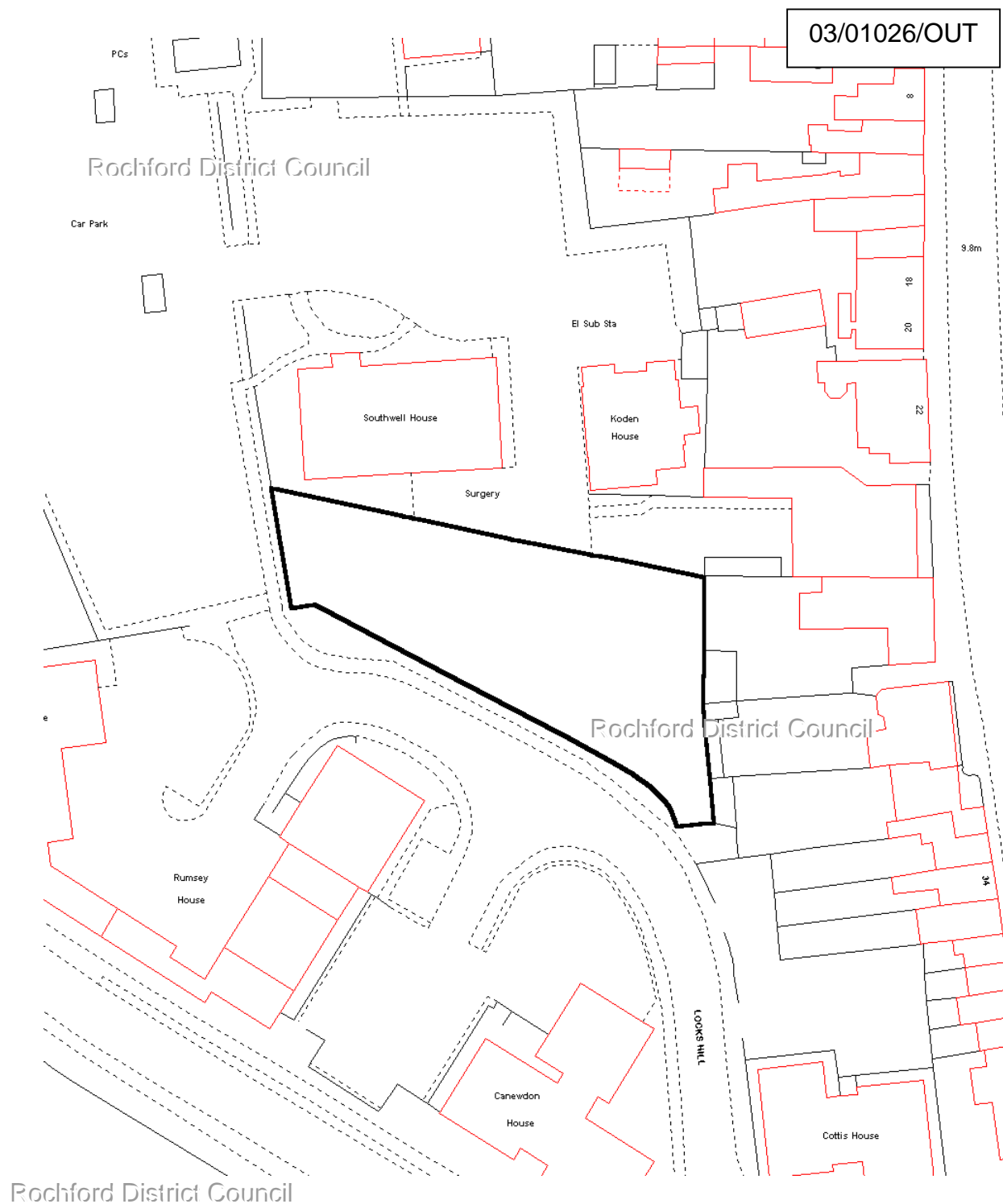
CS1, CS2, HC1, HC2, of the Essex Structure Plan Adopted 2nd Alteration



Shaun Scrutton
Head of Planning Services

The local Ward Members for the above application are Cllrs K J Gordon, Mrs S A Harper and Mrs M S Vince.

For further information please contact Leigh Palmer on (01702) 546366.



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