

SCHEDULE ITEM 5

TITLE : 09/00032/OUT
DEMOLISH EXISTING BUNGALOWS AND CONSTRUCT PART TWO STOREY, PART THREE STOREY BUILDING COMPRISING 5 NO. ONE BEDROOMED FLATS AND 14 NO. TWO BEDROOMED FLATS WITH ACCESS ONTO HIGHFIELD CRESCENT AND ASSOCIATED PARKING AND AMENITY AREAS
SITE OF 9 AND 11 BULL LANE RAYLEIGH

APPLICANT : SANDHURST NEW HOMES LTD

ZONING : RESIDENTIAL

PARISH: RAYLEIGH TOWN COUNCIL

WARD: WHEATLEY

PLANNING APPLICATION DETAILS

- 5.1 Planning permission is sought for the demolition of two existing semi-detached bungalows and a garage block and construction of a part two storey and part three storey building containing 14 two bed-roomed flats and 5 one bed-roomed flats at 9-11 Bull Lane, Rayleigh.
- 5.2 The application site occupies a corner position to the north eastern side of Bull Lane with a return frontage along Highfield Crescent. The plot has a trapezium outline that tappers towards the Bull Lane frontage. From the junction with Websters Way the road slopes down across the site so that ground level adjacent to 7A Bull Lane is some 1.87m higher than ground level at the carriageway edge in Highfield Crescent.
- 5.3 At present the site is occupied by a pair of semi-detached bungalows facing Bull Lane. In addition there is a small block of four garages adjoining the rear garden to No.11 Bull Lane. The existing dwellings are accessed from Bull Lane and the garages from Highfield Crescent.
- 5.4 Immediately opposite the site is an area of public open space; the King George V Recreation Park. Adjoining the plot boundaries are a pair of semi-detached bungalows to the north east within Highfield Crescent and to the north west a short row of two-storey housing within Bull Lane. Further south in Bull Lane are pairs of semi-detached bungalows. Highfield Crescent is composed of a mixture of semi-detached bungalows and chalet style properties. To the northwest of the site at the junction of Bull Lane with Websters Way there are a variety of larger scale buildings and further to the rear of the site are the Civic Suite and offices at Barringtons, which is a listed building.

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- 5.5 The proposal is an outline application with consideration of layout to be assessed at this stage. Scale, access, appearance and landscaping are reserved matters.
- 5.6 The building proposed is arranged in an L-shaped footprint with a 26m frontage to Bull Lane and a 34m frontage to Highfield Crescent. Within Highfield Crescent the building continues the same building line as the adjacent bungalows whilst it is positioned slightly forward of the adjacent houses in Bull Lane. However due to the tapering nature of the site, the south west corner of the building finishes much closer to the highway boundaries at the junction of Highfield Crescent and Bull Lane than both the existing dwellings and the immediate neighbours.
- 5.7 The frontage in Bull Lane forms a pinch point 1m from the boundary with the adjacent house at No.7a and thereafter steps back to an overall depth of some 14.5m which is 6.5m off the common boundary. To the Highfield Crescent frontage it is positioned 1m from the adjacent bungalow at No.1 and has a depth of 7.9m immediately adjacent to this dwelling.
- 5.8 The proposed layout includes access to a rear parking court with 12 spaces via a carriageway situated roughly a two thirds along the length of the Highfield Crescent frontage from the junction with Bull Lane.
- 5.9 The proposed floor plans show the flats are arranged over three floors as follows:
- 5 two bed and 2 one bed flats at ground floor level,
 - 6 two bed and 2 one bed flats at first floor level: and
 - 3 two bed and 1 one bed flats at second floor level.
- 5.10 The submitted indicative elevations show a predominantly three storey development (max ridge height 11.8m) that reduces to a two storey building immediately adjacent to the neighbouring dwellings (8.6m ridge height to 7a Bull Lane and 9.3m ridge height to 1 Highfield Crescent).
- 5.11 The layout shows an almost continuous building line to both road frontages which is slightly relieved by an undulated façade and changes in the roof profile. The depth of the Bull Lane frontage gives rise to a substantial flat roofed section behind the three storey element.

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RELEVANT PLANNING HISTORY

- 5.12 There have been three previous applications. Two full applications and one outline application.

07/00582/FUL – Demolition of 9 & 11 Bull Lane, Rayleigh and Associated Outbuildings and Erection of 16 x Two Bedroom and 3 x One bedroom Retirement Apartments in Part 2 Storey and Part 3 Storey Building with 12 Parking Spaces
Refused 11th September 2007

Reason for Refusal:

1. The proposed building is considered to be out of scale with its surroundings and be an overdevelopment of the site. Furthermore, of the excessive depth and flat roofed element, and the relationship of the ground floor units to the footpath on the Bull Lane element of the scheme is considered to give rise to a poorly designed and proportioned building, that would be intrusive and out of character with the site and surrounding area as well as giving rise to a form of development that would result in unacceptable living conditions to the occupiers of these ground floor units.
2. The application is considered to be deficient in detail in respect of the interconnectivity between the site and town centre and other services likely to be used by the users and occupiers of this development. The absence of this information is considered to result in a poorly located and accessible site given the local highway network, pedestrian crossing points and distance to support services (shops and medical facilities).
3. The scheme does not provide any affordable housing units as required by policy HP8 of the Replacement Local Plan and also PPS3 Housing. The failure to provide any affordable housing would result in a lack of affordable housing infrastructure across the District.

08/00078/FUL – Demolish Existing Dwellings and Construct Part Two Storey Part Three Storey Building Containing 13No. Two Bedroomed and 4No. One Bedroomed retirement Apartments with Parking Spaces.

Refused 6th May 2008

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Reasons for Refusal:

1. The revisions to the built form following the previous refusal have not amended the scale and/or design of the building to an acceptable level. It remains a building that is considered poor in terms of massing and proportion to be out of scale with its surroundings. It would be unacceptably dominant both Bull Lane and Highfield Crescent frontages and would be an overdevelopment of the site to the detriment of the established street scene. Furthermore the excessive depth and flat roofed elements are considered to give rise to a poorly designed and proportioned building, that would be intrusive and out of character with the site and surrounding area.
2. The proposal and the details accompanying the application fail to make formal provision for affordable housing contrary to the advice contained at paragraph 29 to Planning Policy Statement 3 Housing (2006) and Policy HP8 to the Rochford District Replacement Local Plan (2006). If allowed the development of the site as proposed would see the loss of an opportunity to provide affordable housing and the effective use of land in accord with national and local planning policy.

08/000795/OUT –

Refused 8th January 2009

Reasons for refusal:

1. The proposed building is considered to be out of scale and an overdevelopment of the site at a density considerably higher than the neighbouring residential area. This would result in a form of development, bulk and massing to the frontage, particularly of Highfield Crescent, incompatible with the prevailing modest domestic scale such that it would be out of character and harmful to the amenity of the area contrary to HP11 (iii) of the Replacement Local Plan.
2. The layout of the development is dominated at the rear by the car parking area which extends close to the site boundaries. Two further spaces, Nos. 13 and 14, are poorly located at the site frontage such that they will be awkward to use and visually unattractive resulting in a cramped form of development contrary to HP11 (iv) of the Replacement Local Plan.
3. There is an under-provision and fragmentation of on site amenity space reducing its functionality. This results in a cramped form of development contrary to HP11 (iv) of the Replacement Local Plan.

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CONSULTATIONS AND REPRESENTATIONS

- 5.13 **Rayleigh Town Council:** Object to application because it does not comply with Policy HP11 of the Rochford District Replacement Local Plan. It has compatibility to its surroundings in terms of bulk and spaciousness and there seems to be insufficient amenity space; furthermore allocated car parking spaces 7-12 are within close proximity to neighbouring properties causing a nuisance and pollution
- 5.14 **Essex County Council Highways and Transportation:** Objection. They advise that as far as can be determined from the submitted information there does not appear to be sufficient parking spaces within the site to accommodate all residents' vehicles. This would cause unnecessary and conflict at the access to the site and Highfield Crescent to the detriment of pedestrian and highway safety. The proposal would therefore be contrary to policy P1 (Safety) of Appendix G of the Local Transport Plan 2006/2011. Furthermore they note whilst it is acknowledged that the development is close to most local services and transport links a minimum of one parking space per unit would be required.
- 5.15 **Environment Agency:** No comment as proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee.
- 5.16 **Natural England:** No objection
- 5.17 **Anglian Water:** Advise that the existing foul and surface drainage networks and existing wastewater treatment capacity are able to accommodate the foul and surface water flows from the development.
- 5.18 **Essex County Council Historic Buildings and Conservation Advise:**
Advises the following observations
- Development on this scale in an area where the predominant building form is the bungalow would be unacceptable in principle – the proposal ignores context
 - A case could be made for a more modest two-storey development because of the character of the houses to the left of the site, but three storeys is out of keeping with the scale of the location
 - The character of the building is quite anonymous and does not really reflect the local building vernacular, in spite of the use of the 'traditional' materials. It is essentially one large box building, as shown by the flat roofed area, and the attempts to disguise it as an incremental group of separate buildings are not successful.
 - If it came in as an application for full permission I would recommend refusal

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- 5.19 **Essex County Council Archaeological Advice:** Advise the Essex Historic Environment Record identifies the development area as being located on the north eastern side of the medieval town of Rayleigh and that there is the potential for medieval occupation to extend into the development area. In addition within the general area of the proposed development archaeological deposits of a Roman date are recorded.
- 5.20 A condition relating to trial trenching and possible excavation is attached to any approval is recommended as follows:
1. No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.
- 5.21 Further recommendations are made that a professional archaeological team should undertake the archaeological work. The archaeological work would consist of a series of trial trenches to assess the importance, nature and depth of the archaeological deposits followed by any larger scale excavation to record the deposits prior to their destruction.
- 5.22 **Essex Police Senior Architectural Liaison Officer:** Objection. Advises that the Design & Access Statement does not cover the "seven attributes of `safer places`. The supporting document for PPS1. It is noted that the applicant quotes PPS1 but does quote its opening passage for "safe and crime free developments". Mentions that recent appeal decisions support the inclusion of security measures within Design & Access statements and that the application does not include any such guidance or address management and maintenance as required.
- 5.23 **Head of Environmental Services:** No adverse comments in respect of this application subject to the Standard Informative S116 (Control of Nuisances) being attached to any consent granted
- 5.24 **Buildings/Technical Support (Engineers):** No objections or observations
- 5.25 **Woodlands Section:** Advise that no information has been supplied in relation to potential bat roost. The arboricultural officer refers to his comments for the previously refused schemes.

07/00582/FUL & 08/0078/FUL

Recommendation that the privet/hawthorn hedge that runs along Highfield Crescent be retained. If indicated for removal it should be replaced with native species (hornbeam/beechn/yew etc). Applicant should provide details of planting specification etc.

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5.26 In addition it is recommended that adequate space be provided for the planting of 3 trees to the front of this site. The site is in a prominent location that can afford decent space requirement for planting suitable trees. I would recommend 3 Lime trees be planted. The trees should be heavy standard container grown specimens. They should be planted in accordance with BS4428 with suitable aftercare and management programme. The trees should be replaced like for like until the amenity establishes.

5.27 08/00795/OUT
Comments that full details of tree retention and planting should be submitted and approved by RDC.

Response to Neighbour Consultation

5.28 104 letters of objection have been received from occupiers of surrounding dwellings in Bull Lane, Highfield Crescent, Hockley Road, Rectory Garth, Derwent Avenue, Keswick Close and Kings Road. This includes a letter sent by an agent on behalf of the occupier of No.1 Highfield Crescent

5.29 A further 19 letters of objection have been received from occupiers of dwellings within Cheapside East, Willow Drive, Tyms Way, Stile Lane, Belvedere Avenue, Lakeside, Daws Heath Road, Popular Road, Clyde Crescent, Eastview Drive, Clarence Road, Nelson Road, Ferndale Road, Eastwood Road, Scotts Walk, Heron Gardens and Fairland Close.

5.30 In addition a further 8 letters of objection have been received from the occupiers of properties within Southend and Castle Point boroughs, one letter of the occupier of a dwelling in Gosfield and one letter from the co owner of 2a Highfield Crescent from an address in New York USA.

5.31 Summary of main points of objection included:

- Proposal out of character with the area which is predominantly low rise bungalow development
- Insufficient on-site parking for occupiers of flats plus visitors leading to on street parking in area already suffering from restricted parking
- Parking overflow into Highfield Crescent would cause difficulties and annoyance to existing residents
- Dangerous blind bend will be created at junction of Bull Lane and Highfield Crescent with potential for accidents
- Loss of views of the church
- Overlooking of gardens and windows to adjacent dwellings
- Construction work would generate unacceptable noise, pollution and disturbance for a considerable time
- Would create precedent for future schemes of a similar size

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- Loss of existing hedge/vegetation which makes a contribution to character of area
- Building out of scale with adjacent dwelling
- Over development and over intensification of the site
- Visually intrusive and incongruous feature that will be an eye sore
- Loss of light
- Loss of privacy
- Volume of traffic in Bull Lane is already excessive and is used as a rat run for cars avoiding the town centre
- Density too high
- Concern that local infrastructure and facilities will not be able to cope with additional flats being built as well as those recently permitted
- Elderly residents and pedestrians accessing the town centre would face additional difficulties
- Proposal is for a continuous unbroken block
- Application wrongly states no hedges/trees will be removed
- Loss of lock up garages will cause further parking need
- Rayleigh already has significant problems with traffic congestion, the proposal will only make this worse
- Existing bungalows attractive and well maintain, such dwellings are well sought after and there is no need to replace them
- Parking in court to rear of building too close to boundary with No.1 Highfield Crescent to the detriment of residential amenity of the occupiers e.g. noise pollution and disturbance and overlooking to garden area and side windows
- Layout will compromise security of No.1 Highfield Crescent
- Proposal appears to be purely for financial gain of developers rather than any benefit to local community
- Inadequate refuse facilities
- Will be detrimental to ambiance of the area
- The Council's planning department must protect the existing built environment and the amenity of existing residents

Submissions received on behalf of the Highfield Crescent & Bull Lane Residents Group

- 5.32 Firstly:
Re-submission of the Urban Design Consultation Report dated November that accompanied their representation to the previous refused application 08/000795/OUT
- 5.33 However, Officers note that this addresses the merits of the previous scheme as reported to Members as scheduled item 2 to the Development Control Committee of 16th December 2008 and not the current application.

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- 5.34 Secondly:
Revised submission objecting to the current application as summarised below:
- 5.35 Report Summary
1.1 This application can be safely refused as an inappropriate and out of scale and character of development
- 5.36 11.2 The proposals are contrary to the following policies:
- 5.37 Adopted Local Plan: CS6, CS7, CS8, HP3, HP6, and TP8
- 5.38 Adopted Supplementary Policy and Guidance: SPD2 and SPD5
- 5.39 Emerging Preferred Core Strategy: H1, H2 and H4
- 5.40 11.3 Further material considerations indicate a failure to ensure:
- i. Adequate private and useable communal space
 - ii. Safe and practical pedestrian permeability and vehicle access and egress with no on site large vehicle turning space
 - iii. Potential for conflicting vehicle and pedestrian movements
 - iv. Loss of residential amenity due to over-provision of parking too close to habitable rooms and amenity space of both existing and future occupiers
 - v. Inadequately arranged landscaping with no tree survey or guidance as to tree or hedgerow retention
 - vi. A layout that does not give adequate consideration to designing out crime
 - vii. A layout that is cramped to boundaries and gives rise to overlooking and loss of privacy to the existing and future occupiers
 - viii. A loss of residential and visual amenity by size and bulk of the scheme relative to the character of the area
 - ix. Poor articulation of design and design elements out of character of the area by reason of ridge heights; varying ridge heights and overlarge footprint and bulk and so harmful to visual amenity
 - x. Possible loss of sunlight and outlook detrimental to adjoining occupiers without any evidence to demonstrate otherwise
 - xi. This is poor design and so fails to meet PPS1 requirements and the planning design guidance of the local planning authority
- 5.41 11.4 The application can be refused with sound and reasonable grounds based upon national, adopted and emerging local policy and full assessment of all the material considerations
- 5.42 11.5 it is a return to an even more unsatisfactory design arrangement than previously refused and an even greater over-development than previously refused.

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MATERIAL PLANNING CONSIDERATIONS

- 5.43 As stated in the submitted Design and Access Statement the current application “seeks to make the optimum use of the site by securing a higher density of development.”
- 5.44 In comparison with the most recent refusal under 08/00795/OUT it has a slightly larger footprint together with a substantial three storey element resulting from an increase in the number of units proposed from 14 to 19 flats.
- 5.45 **Density**
The site is located within a residential area situated within 24m of the boundary with Rayleigh town centre and it is also on a main bus route. As such the principle of the residential development of the site to a greater density to that which currently exists is in accordance with Government advice and also Local Plan policy which seeks to steer appropriate development to sustainable locations. Similarly, there is no objection in principle to this site being developed as a flatted scheme, notwithstanding an acceptance that the immediate vicinity of the within Bull Lane and Highfield Crescent is predominantly characterised by bungalow and chalet style properties.
- 5.46 The site has an area of 1336m² (some 0.13ha) as measured from the Council’s ordnance survey electronic base map. The development would equate to a density of 146 units per hectare which is considerable higher than that of the neighbouring residential area within Bull Lane and Highfield Crescent. This represents a substantial increase in comparison with the most recent refusal (08/00795/OUT) from a level of 105 units per hectare that was found by Members to be unacceptable
- 5.47 In addition the number of units proposed is above the threshold level requiring affordable housing provision as expressed in PPS3 and Development Plan Policies. In accordance with the 35% requirement within the East of England adopted 12th May 2008. The scheme would therefore require 7 flats to be provided as affordable units. The failure to provide such accommodation would be contrary to the policies of the development Plan.
- 5.48 **Footprint**
The siting of the building close to the boundary site in Bull Lane and Highfield Crescent gives rise to a continuous developed frontage along these roads. This creates a predominantly a new three storey street scene that is not considered to be compatible with the surrounding area. Notwithstanding the presence of three storey buildings in Websters Way, within the wider context of the site, it is felt that the low level development of the immediate neighbours in Highfield Crescent and to the south in Bull Lane precludes the provision of a third storey in this particular location.

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- 5.49 The orientation of the building does not create a back-to-back relationship with any of the existing residential dwellings. Whilst the layout would result in the provision of windows within the rear elevations of the building the position of these windows in conjunction with their distances from adjacent dwellings would not give rise to any significantly harmful amount of direct overlooking.
- 5.50 **Car Parking**
Off-street parking within the site boundaries is shown to provide 12 spaces located in a parking court to the rear of the building. This is very similar to the parking layout proposed to the previous refusal 08/00795/OUT with the exception of two spaces to the front of the site that have been omitted. This reduction in overall provision results in a level of provision of less than 1 space per flat. Notwithstanding the proximity of the site to the town centre this is not considered to be sufficient to meet the likely needs generated by the proposal.
- 5.51 The impact on the adjoining residential amenity of the parking to the rear of the building can be mitigated by appropriate walling and planting that could be the subject of future condition to the reserve matters. However the current layout shows the parking space to be within 0.8m of the boundary and Members will be mindful that in considering the proposed layout of the car park concerns were raised with regard to the proximity to the boundary fence with No.1 Highfield Crescent.
- 5.52 The County Highway Authority does not consider that the level of provision is sufficient.
- 5.53 **Amenity Space**
The amenity space within the layout is provided by three areas of communal garden spaces to the rear of the plot adjacent to the car parking area. In comparison with the refused scheme this represents a reduction in the level provided from 18m² per flat to 10.8m². In addition the reduction in overall size the useable space is further fragmented due to the revised footprint of the building.
- 5.54 The site is located directly opposite the King George V Recreation Park and some of the proposed flats would have windows that overlook this open public space. There is also scope to provide additional amenity for the occupiers of these flats. However, the current level of amenity falls well short of the adopted policy standard and is not considered acceptable.
- 5.55 **Refuse and Recycling**
An area of shared refuse provision is located within the access drive through carriageway.

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CONCLUSION

- 5.56 The site is allocated for residential purposes whereby the further intensification in the use of such land is generally encouraged by National and Local Plan policy, seeking to make better use of previously developed land and providing a range of good quality housing of mixed dwelling types within accessible locations.
- 5.57 The bulk, scale and height of the building proposed and the introduction of a third storey would be out of character with the modest nature of the residential development to the south and east of the site, and would moreover not be compatible in the wider context of this location.
- 5.58 The scheme is not considered to provide a sufficient level of amenity and parking space for a development of 19 units in this location.
- 5.59 The application is not supported by the provision of any affordable housing units as requested by Policy HP8 of the Replacement Local Plan and PPS3 Housing. The failure to provide any affordable housing would result in a lack of affordable housing infrastructure across the district.

RECOMMENDATION

- 5.60 It is proposed that this Committee **RESOLVES** to **REFUSE** the application for the following reasons:-
- 1 The proposed building is considered to be out of scale and an over-development of the site at a density considerably higher than the neighbouring residential area. This would result in a form of development, bulk and massing to the frontage of Bull Lane and Highfield Crescent, incompatible with the prevailing modest domestic scale such that it would be out of character and harmful to the amenity of the area contrary to HP11 (iii) of the Replacement Local Plan. Furthermore the excessive depth and flat roofed elements are considered to give rise to a poorly designed and proportioned building, that would be intrusive and out of character with the site and surrounding area.
 - 2 The layout of the development is dominated at the rear by the car parking area which extends close to the site boundaries, resulting in a cramped form of development contrary to HP11 (iv) of the Replacement Local Plan. Furthermore there is under provision for parking for the residential development proposed contrary to Policy TP8 of the Local Plan which requires generally the maximum standard to be met.
 - 3 There is an under-provision and fragmentation of on site amenity space reducing its functionality. This results in a cramped form of development contrary to HP11 (iv) of the Replacement Local Plan.

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- 4 The proposal and the details accompanying the application fail to make formal provision for affordable housing contrary to the advice contained at paragraph 29 to Planning Policy Statement 3 Housing (2006) and Policy HP8 to the Rochford District Replacement Local Plan (2006).

Relevant Development Plan Policies and Proposals

HP1, HP3, HP4, HP5, HP6, HP10, HP11, HP15, HP21

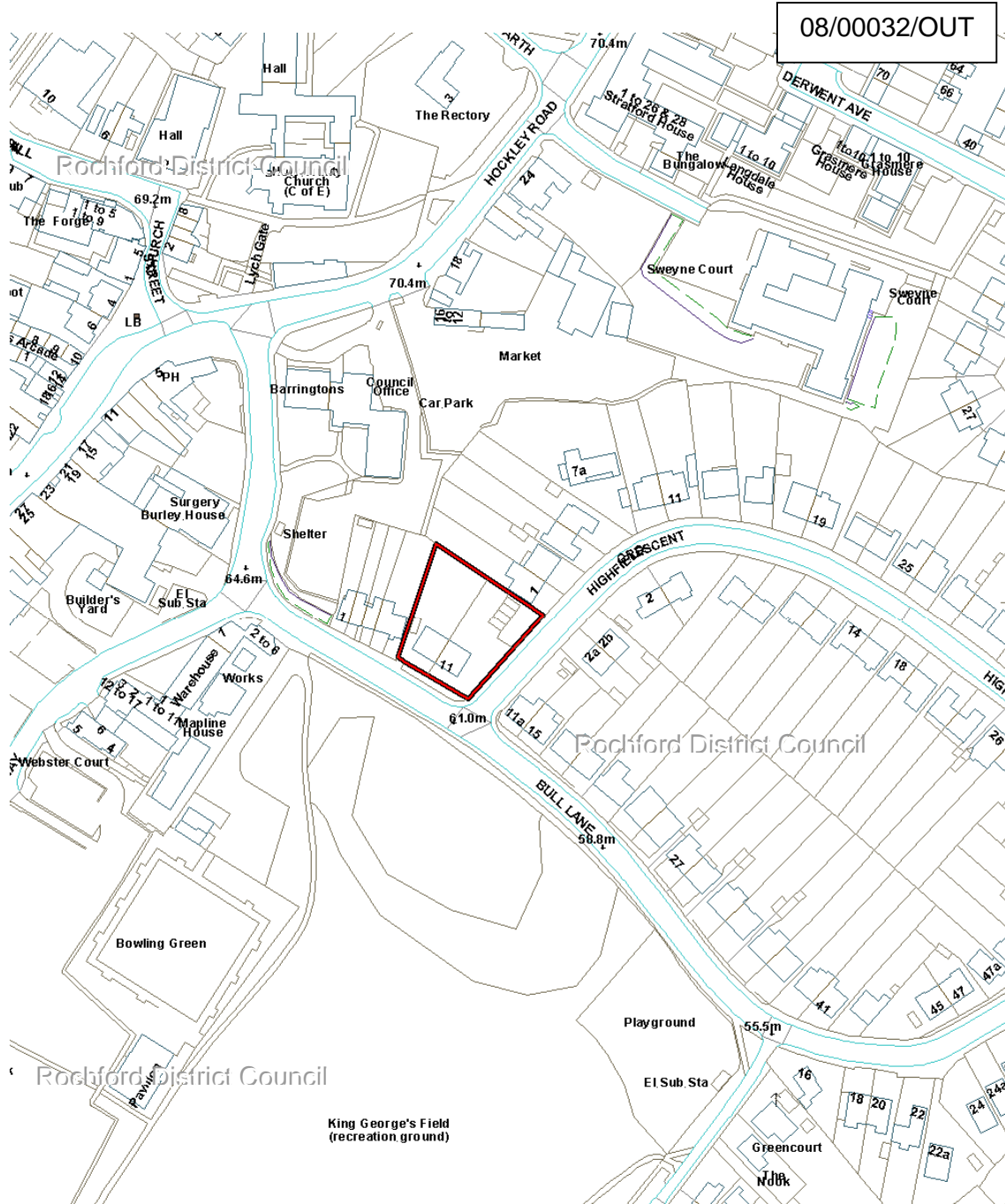


Shaun Scrutton

Head of Planning and Transportation

For further information please contact Judith Adams on (01702) 546366.

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