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**20/00452/FUL – LAND REAR OF 98 TO 128 HIGH STREET,  
RAYLEIGH**

1. Additional Neighbour Comments (summarised)
2. Additional Air Quality Consultation Response (summarised)
3. ECC Urban Design Consultation Response to Re-Consultation (summarised)
4. Amendment to Planning Condition No. 5

1. Additional Neighbour Comments (summarised)

From 7a Crown Hill

I believe it is incorrect to say that the "...proposal falls outside the boundary of the Rayleigh AQMA...". Part of the site (the east-most building) falls within the area marked on the AQMA Order. Section 3 of the order says: "Where the AQMA includes any part of a property, it shall be taken to include the whole of that property (buildings and associated open space) within the same curtilage." Therefore, as I understand it, the whole of the site is within the AQMA and subject to Policy ENV5.

Louvres have been added to the balcony of Unit A-1.6, but a window with a similar outlook in a neighbouring room remains. Similarly, unobscured windows are proposed in this and other units which directly overlook the garden of Smallfield Place. Obscuring glass has been suggested for some windows which directly overlook the house, but this will not help when the windows are opened. Units in Block B have balconies from which it will be possible to see down and into rooms in the existing house.

The proposed development is too large and located too close to the rear of Smallfield Place. The issues with overlooking are symptoms of this and reduction in overlooking does not solve the other problems arising from the excessive size and proximity.

There will be severely detrimental overshadowing, as well as the noise and light which will inevitably arise from 24 new dwellings being placed as close as 15m from the rear of our home.

I am disappointed to see that the architects have not taken the opportunity to modify their incorrect and misleading Sun Path Analysis. Their diagrams place the proposed Block B up to 5m further away from Smallfield Place when compared with its position on other plans. Diagrams are labelled as winter when the shadows are of a length that would be cast in October. Diagrams are presented for dawn and noon, but there is no diagram to show how the light will be affected during the middle of the morning. In addition, the model does not incorporate the change in height between the two sites, producing

shadows which are too short. Overshadowing will be for a greater part of the day than suggested by the applicant.

The revisions do not address the fact that the mass and bulk of the buildings, together with their very close proximity to my property, remain unchanged and continue to represent an unacceptable impact upon my home and garden and those who live there.

It is not acceptable for balconies and windows to be looking over and into my living spaces and private garden and the attempt to screen views from one balcony does not address the real issue which is the overwhelmingly close proximity of the building. This closeness, which does not observe planning guidelines, is fundamental to the unacceptable loss of sunlight and privacy to what should be my private living spaces, both in and outside the home.

#### Other Nearby Occupants

Our objections to the plans remain the same as our previous ones. Access is too narrow to allow two cars to easily pass each other. Cars currently park on the pavement in order to leave a big enough gap for cars to pass by. This is not safe and nor will it be if residential and commercial units were to be built as they would require pedestrian access.

The biggest concern - as previously mentioned - is the direct problem of people using our car park, be they visitors or residents of the flats, as they will quickly learn that our car park is unoccupied at certain periods. I have already detailed that it is not possible to put a barrier across. I feel this would become an absolute nightmare for us; we couldn't appoint anyone to patrol and impose fines as we have clients visiting and friends and family use our car park. We pay a heavy price by way of rent and rates for these parking spaces and to install an electric gate would be at a great expense which we cannot afford to do, nor should we have to.

## 2. Additional Air Quality Consultation Response

The area in the north-eastern most part of the proposal site does fall within the AQMA boundary as appears on the AQMA Order. This does also mean that if the strict letter of the Order is applied, the whole of the proposed development site falls within the AQMA. However, I wish to clarify a few points:

- 1) Following public consultation, the AQMA boundary was based upon where the 36µg/m<sup>3</sup> contour line, rather than the (objective level) 40µg/m<sup>3</sup> line, crossed through premises. This 10% margin of error allowed greater consistency in respect of the properties included along the roads of concern and the final boundary was placed at the outermost edges of those premises which had been bisected. Inclusion of whole premises on

a definitive plan was intended to provide a definitive interpretation of the Order. The boundary line does not go more than one property deep at any other point on the plan. The inclusion of the aforementioned section of the former Dairy Crest site must therefore be considered erroneous.

- 2) The section of the development site that has been included on the AQMA Order's plan is the area proposed for parking spaces, including one of the EV charging points offered in mitigation.
  - 3) It should be further noted that NO<sub>2</sub> levels within the AQMA have been in compliance for the past three calendar years, further reducing the likelihood of any exceedance of the objective within the AQMA or at the development site.
  - 4) Policy ENV5 strongly discourages residential development within an AQMA. As discussed above, the site itself is set back a considerable distance from High Street and is shielded from the vehicles using the road. With the rapid drop off of primary and secondary NO<sub>2</sub> with distance, this site should not be considered at risk of poor air quality.
  - 5) In summary, I consider that this site is not vulnerable to poor air quality and that the mitigation offered is acceptable to counteract the additional vehicle movements it will generate within Rayleigh town centre.
3. ECC Urban Design Consultation Response to Re-Consultation (summarised)

Overall, it is considered that the changes and revisions made to the application since our review in July 2020 are positive in addressing our initial concerns and observations.

It is considered that the response document included as part of the revised pack has addressed and provided further information around the initial concerns from a scale and layout perspective.

The view from the high street was highlighted as maybe not providing a strong enough vista or view from this viewpoint. It is considered that the CGI's included in the response document provide a strong case in that the western elevations of the proposed built form will provide this vista, which we consider to be strong and in keeping with the urban context of the high street. The approach to maintain car parking away from this view will promote a pedestrian priority space and allow the development to be read as this. The reduction in car parking to the courtyard space is encouraging allowing the space to be seen as a pedestrian/home zone area. This space will be successful based on the detail and specification of the hard landscaping to this area. High quality materials and subtle changes in this space will create a welcoming space. The promotion of the central green space is again encouraging through the use of a focal tree. This tree alone will hold a key role in the success of the scheme where the below ground specification and species will be important.

The further amendments to the elevations are noted and address some of our past comments and we consider work well with the scheme. The inclusion of the louvres provides both a practical and aesthetic response where we have seen this work successfully on other schemes. There is a clear increase in the use of greening the proposed elevations in certain locations. This is very much encouraged and works well to address the AQMA and provide some visual relief to the development. We would be interested to see further details in how the climbers and planters would be specified and recommend this information is included as part of the landscaping condition. This should address species, maintenance, wall trellis, watering systems, etc.

Landscaping has been included throughout this response, but we would like to address planting as part of the car parking to the west of the development site. Obviously parking spaces have increased in this space to address the courtyard to the centre, which we support. We would highlight that the car park is showing an approach to soft landscaping to the parameter of the car park. We question the reality of achieving any form of planting or tree planting given the space shown. It is recommended that trees in hardstanding in combination with the parking layout will achieve the tree coverage expected for this space.

In summary it is considered the amendments made to the application provide a positive change to the scheme where we would recommend the minor amendments are reviewed or addressed as part of the conditions.

**4. Amendment to Planning Condition No. 5**

The condition to be amended to read as follows:

The windows at first and second floor level in the side elevations of the two buildings hereby approved which face the north/north-western boundary of the site (shared in part with No. 7a Crown Hill) shall be fitted with obscure glazing to a high level of privacy with details of the glazing and level of privacy having been submitted to and agreed in writing with the Local Planning Authority prior to installation. These windows shall be fitted with the approved glass prior to first occupation and shall be non-opening below 1.7 metres above finished floor level. The windows shall be retained in perpetuity in this approved form.

**REASON:** To safeguard the privacy of the occupiers of the adjoining property having regard to policies DM1 and DM3 of the Development Management Plan.