
19/00335/FUL

LAND REAR OF 98 TO 128 HIGH STREET RAYLEIGH

PROPOSED DEMOLITION OF EXISTING BUILDINGS. RE-DEVELOPMENT OF THE SITE TO PROVIDE 2 NO. COMMERCIAL UNITS AND 35 NO. RESIDENTIAL APARTMENTS WITH ASSOCIATED LANDSCAPING

APPLICANT: **EDEN LUXE LTD**
ZONING: **TOWN CENTRE**
PARISH: **RAYLEIGH TOWN COUNCIL**
WARD: **WHEATLEY**

1 RECOMMENDATION

1.1 It is proposed that the Committee RESOLVES

That planning permission be approved subject to the following conditions (including some Heads of Conditions):

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).

- (2) The development hereby permitted shall not be carried out other than in strict accordance with the approved plans listed below:-

E-100 rev P1, P150 rev P2, P200 rev P3, P201 rev P3, P202 rev P3, P203 rev P3, P204 rev P3, P400 rev P1, P450 rev P3, P451 rev P3, E – 100 rev P1, 3D Renders

REASON: To ensure that the development is carried out in accordance with the provisions of the development plan.

- (3) The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed in the application, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy DM1 of the Development Management Plan.

- (4) Screening shall be provided to the flank edges of each individual balcony and shall only be glazed in obscure glass (unless alternative material is agreed in writing by the Local Planning Authority) and will have a minimum height of 1.8m from finished floor level of the balcony and shall be retained in perpetuity.

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

- (5) Before the first occupation of the building hereby permitted the windows(s) at second floor (unit 2.6 on plan no. P202 rev P3) shall be fitted with obscure glazing and shall be permanently retained in perpetuity thereafter.

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

Landscaping

- (6) Prior to first use of any of the buildings hereby approved plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:-

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- paved or otherwise hard surfaced areas;
- existing and finished levels shown as contours with cross-sections if appropriate;
- means of enclosure and other boundary treatments;

The landscaping as agreed shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become

seriously damaged or defective within five years of planting shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area in accordance with DM25 of the Development Management Plan.

Sustainable Energy

- (7) Prior to commencement, precise details of the equipment to be installed to achieve a minimum 10% of energy from decentralised and renewable or low carbon sources shall have been submitted to and agreed in writing by the Local Planning Authority. The equipment as agreed shall be provided prior to the first occupation at the site and retained in perpetuity.

REASON: To ensure the development secures at least 10% of its energy from decentralised and renewable or low carbon sources in accordance with policy ENV8 of the Core Strategy.

- (8) Part G (water efficiency) of the Building Regulations (2010) shall be met for the dwellings on the site and be permanently retained thereafter.

REASON: In order that the development achieves compliance with the national water efficiency standard as set out in the Building Regulations in light of existing policy ENV9 of the Core Strategy and the advice contained in the Ministerial Statement 2015.

Highways

- (9) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.

- (10) No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development

- iv. wheel and underbody washing facilities.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- (11) There shall be no discharge of surface water onto the highway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- (12) Prior to first occupation of the proposed development, the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

SUDs

- (13) No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:-
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
 - Limiting discharge rates to 2.5l/s for all storm events up to an including the 1 in 100-year rate plus 40% allowance for climate change.
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - Final modelling and calculations for all areas of the drainage system.

- The appropriate level of treatment for all run off leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- (14) Prior to first occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall have been submitted to and agreed in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- (15) The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan in perpetuity. These must be available for inspection upon request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk. The development hereby permitted shall not be commenced until the pipes within

the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

- (16) The development hereby permitted shall not be commenced until the pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

REASON: To ensure that the drainage system implemented at the site will adequately function and dispose of surface water from the site.

Archaeology

- (17) No development or preliminary groundworks 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.

REASON: To enable the recording of any items of historical or archaeological interest.

- (18) The vehicle parking and turning areas as shown on the plans hereby approved shall be surfaced and marked out in accordance with details agreed in respect of condition (5) prior to first occupation of the development hereby approved and shall remain for use solely for the parking and turning of vehicles in perpetuity.

REASON: In the interests of securing appropriate parking to accord with policy DM30.

- (19) The refuse stores and cycle stores as shown on the plans hereby approved shall be provided prior to first occupation of the development hereby approved and shall remain in the approved form and available for the sole use for refuse storage and cycle storage respectively in perpetuity.

REASON: To ensure ongoing provision in the interests of residential amenity and in the interests of promoting sustainable transport.

- (20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that order with or without modification), the two commercial units at ground floor level hereby approved shall only be used for purposes within either Classes A1 (Retail), A2 (Professional and Financial Services) or B1 (Business) and no other use as defined within Schedule 2, Part 3 shall be carried out on the site.

REASON: To enable the Local Planning Authority to regulate and control the development of land.

2 PLANNING APPLICATION DETAILS

Site and Context

- 2.1 The site is situated to the north of High Street, Rayleigh to the rear of properties No's. 98 to 128 High Street. The site is accessed via a road to the south, located between No's 108 and 110 High Street. The site is approximately 0.25ha. The site is currently occupied by existing vacant commercial buildings which are a mixture of single storey open sided sheds, single storey enclosed sheds and a two storey building. The buildings housed either milk floats or storage and staff. These units are located around the perimeter of the site with a central area formed of concrete/tarmac hardstanding.
- 2.2 The buildings on the site are a mixture of materials. Predominantly a buff coloured brick is used in the exterior finish of the buildings and perimeter walls with more recent additions to the site clad in corrugated metal with small areas of timber cladding. Roofs are a mixture of flat and pitched being finished in asphalt or corrugated fibrous cement/asbestos sheet roofing.
- 2.3 The site is enclosed on the southern perimeter by a galvanised steel fence and gates, with the remaining boundaries being enclosed by brick walls and a mix of single and two storey buildings.
- 2.4 The site is located within the town centre of Rayleigh and within part of Rayleigh's Conservation Area. The site is bounded by a mixture of existing commercial, educational and residential properties to the north, east, south and west. The buildings range between single and three storeys in height.

Proposal

- 2.5 The proposal entails the demolition of the existing buildings on the site and the construction of a part two, three and four storey building comprising 35 self-contained flats with two commercial units at ground floor. The proposed layout incorporates car parking and landscaped areas within the site. The proposed development would utilise the existing vehicular access from High Street.
- 2.6 The housing mix would comprise 14, one-bedroom self-contained flats and 21, two-bedroom self-contained flats. Two commercial units are proposed to the entrance of the site at ground floor and would either be used for A1 (Retail), A2 (Professional and Financial) or B1 (Business).

Planning History

- 2.7 83/00442/FUL - Change of use to office with ancillary printing facilities – Approved.

3 MATERIAL PLANNING CONSIDERATIONS

Principle of Development

- 3.1 The proposed development involves a comprehensive re-development of the entire site to include the provision of a part two, three and four storey building comprising 35 residential flats and two commercial units.
- 3.2 The application site was formally occupied by Dairy Crest and has been vacant since 2014. Whilst the site is designated as being within the town centre of Rayleigh, the site is without formal allocation on the proposals map accompanying the Allocations Plan (2014), i.e. neither residential nor employment. The site does, however, form part of Rayleigh's Conservation Area and is situated within the boundary of the Rayleigh Centre Area Action Plan (RCAAP).
- 3.3 Whilst the site is vacant, its last known use was a commercial business that distributed milk and groceries. The loss of an existing business here is a material consideration and whilst no specific policy seeks to retain this area for employment use, such loss must be considered and weighed against policies that encourage development for housing.

Housing

- 3.4 The National Planning Policy Framework (NPPF) encourages the effective use of land to provide much needed housing. However, additional housing should not be to the detriment of the character and appearance of the locality. The creation of high quality buildings and places is fundamental to what the planning process should achieve. Good design is a key aspect of sustainable development. The design, form and layout of buildings and the spaces between them is of great importance. Paragraph 127 of Section 12 of the NPPF sets out criteria for new developments which should:-
- Function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - Be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - Be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- Establish or maintain a strong sense of place, using the arrangement of streets, spaces building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks and;
 - Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion and resilience.
- 3.5 Additionally, the NPPF sets out the requirement that housing applications should be considered in the context of the presumption of sustainable development. Good design is a key aspect of sustainable development and is indivisible from good planning. Proposals should contribute positively to making places better for people.
- 3.6 The NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.
- 3.7 A report entitled 'High Streets and Town Centres in 2030' published by Government in February 2019 discusses the importance of residential developments in town centres and the role residential developments play in generating additional footfall and spend in town centres as they are considered to significantly support the existing retail and commercial businesses. This point is also reiterated in the NPPF at paragraph 85 (f) which states that planning policy should recognise that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites.
- 3.8 The report does also warn against the ongoing loss of commercial space through permitted development rights, which can reduce the overall vitality of town centres. The proposal does involve new commercial space on a derelict site, rather than a conversion of existing commercial space. This is considered a positive contribution in this respect.
- 3.9 At a local level, policy H1 of the Core Strategy states that in order to protect the character of existing settlements the Council will resist the intensification of smaller sites within residential areas, although limited infill will be considered acceptable if it relates well to the street pattern, density and character of the locality.
- 3.10 Policy CP1 of the Core Strategy and policy DM1 of the Development

Management Plan both seek to promote high quality design in new developments that would promote the character of the locality and enhance the local identity of the area. Policy DM3 of the Development Management Plan requires that proposals for residential intensification demonstrate that key criteria have been carefully considered and positively addressed. Supplementary Planning Document 2 (SPD2) for housing design states criteria that new housing development should meet including for flatted schemes.

Commercial

- 3.11 Section 7 of the NPPF at paragraph 85 confirms planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. At criterion (a), (b) and (d) of paragraph 85 in the NPPF it states that policy should: -
- (a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
 - (b) define the extent of town centres and primary shopping areas and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre; and
 - (d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary.
- 3.12 The Council has defined Rayleigh as the district's leading town centre and the Rayleigh Centre Area Action Plan (AAP) defines the extent of the town centre and the primary shopping area and also allocates a range of suitable sites and uses to continually develop Rayleigh.
- 3.13 The site falls within the boundaries of the AAP but outside the primary and secondary shopping area. The site has been identified to fall within Character Area C – High Street South and Eastwood Road. Policy 7 of the AAP states *“Development in the High Street south and Eastwood Road area will support the retail function of the central High Street area, with an emphasis on the provision of secondary retailing and complementary uses, including service and office uses and community facilities.”* This policy establishes five principles and describes the Dairy Crest site as a busy depot site and a going concern. Since the AAP has been adopted by the Council, the use of the site

has diminished and ceased and this site is no longer a going concern. The current use of the site is one not normally found in a town centre location and it was considered that in the longer term the site may have the potential for mixed use re-development.

- 3.14 The Core Strategy's approach to centres and retail development is set out in policies RTC1 and RTC2. Respectively, these seek to strengthen and improve the retail offer of the District's main centres and direct new retail development and other main town centre uses towards these locations through a sequential, town centres first approach. The proposal includes two commercial units and as the site is situated in Rayleigh's town centre, there is no requirement for a sequential test.
- 3.15 Policy RTC4 of the Core Strategy seeks to ensure that Rayleigh town centre's role as the District's principal town centre is retained through the production and implementation of an Area Action Plan which delivers among other things a predominance of retail uses, a range of evening leisure uses and promotes provision of community facilities. Although the site is situated within a town centre, part of the town centre falls within Rayleigh Conservation Area. It is an important consideration when assessing the above proposal to have special regard to the preservation and enhancement of the conservation area in accordance with policy CP2 of the Core Strategy.
- 3.16 Additionally, policy ED1 of the Core Strategy advises that the Council supports the protection and enhancement of the role of small and medium sized businesses. The Council's Economic Growth Strategy 2017, part of the evidence base for the future Local Plan, also commits the Council to support business growth and investment, whilst resisting residential conversions of business spaces.
- 3.17 The site was formerly the Dairy Crest site and comprises derelict buildings. The use of the site ceased in 2014 and has remained empty. A business use would be lost as part of this development but the majority of the buildings on site are not suitable to be converted. Nevertheless, there would be an introduction of two commercial business units at ground floor level at the entrance of the site. It is proposed to use these units as either class A1 (Shop), A2 (Professional and Financial Services) or B1 (Business).
- 3.18 A search of the Rightmove commercial property website on 12 August 2019 revealed a total of two A1 (retail) units currently available to let in Rayleigh and the vacancy rate on and around the High Street is generally low. The same search revealed a total of five units available to rent across Rayleigh, which were both under 2,000 sq ft and suitable for B1/A2 use, with this number being nine across the whole Rochford District. Five of these were in Rayleigh itself, although four of these were the ground and first floors of the same properties, indicating there is not a considerable variety of office properties available. It should be noted that Rayleigh has already lost office space to residential through 'permitted development' in the town centre, whilst a small industrial

estate on Castle Close, to the rear of Eastwood Road has received consent for re-development to residential, further reducing the amount of employment space in the town centre.

- 3.19 The introduction of new employment space would help to redress the loss of employment elsewhere and fulfil a need for the lack of available retail space in Rayleigh. The proposal therefore adequately addresses the loss of a commercial business space on site and in the local vicinity by introducing a diverse range of uses to the site.

Conclusion for Principle of Development

- 3.20 The development is one that proposes a mixed use re-development of the site. The site is not allocated specifically for employment use or any use for that matter but has been identified as an opportunity site within the APP for a mixed use re-development.
- 3.21 National and local policies encourage the vitality and viability of town centres; this includes people living within such centres as town centre uses are commonly supported by inhabitants' footfall. This proposal would enable residents to live and contribute towards sustainable town centre living.
- 3.22 It is considered that there is not strong policy support for retention of employment uses at this site. Nevertheless, the proposal does re-introduce an element of commercial. The Council would not be able to justify refusing planning permission for the loss of employment uses here.
- 3.23 Whilst the principle of housing and commercial development is not objected to at this site, the main issues for consideration relate to the acceptability of the development as an infill development including issues of scale and impact on character, as well as impacts on residential amenity; these and other issues are explored below.

Quantity and Type of Development

- 3.24 Government policy seeks to maximise the use of urban land and advises in the NPPF, which currently states there is generally a presumption in favour of sustainable development, that all sites should be examined in order to determine their potential for re-development for residential purposes.
- 3.25 The proposed development would provide a part two, three and four storey building comprising one and two-bedroom self-contained flats. The proposed dwelling mix is outlined in the table below.

Dwelling Type	Private
One-bed	14
Two-bed	21
Total	35

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- 3.26 The Council has undertaken a full assessment of the Five Year Housing Land Supply in the District and it is considered that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements.
- 3.27 Policy H1 of the Core Strategy resists the intensification of smaller sites within residential areas. However, it goes on to state that limited infilling will be considered acceptable and will contribute towards housing supply, providing it relates well to the existing street pattern, density and character of the locality. Policy H1 does encourage an appropriate level of intensification within town centre areas where higher density schemes 75+ dwellings per hectare may be appropriate. At 0.25ha and with 35 dwellings proposed this would equate to a density of 140 dwellings per hectare. This density is considered acceptable within a town centre location and for a flatted development.
- 3.28 Policy H5 of the Core Strategy sets out the district's housing mix and requires that any new development must contain a mix of dwelling types to ensure they cater for all people within the community, whatever their housing needs. The development of both affordable and market housing should have regard to local need.
- 3.29 The preamble for policy H5 of the Core Strategy reads alongside the evidence base that is the Strategic Housing Market Assessment for Thames Gateway South Essex. This identifies an unbalanced high number of larger dwellings dominating the character of the district. There is a noticeable trend for smaller household size due to social and demographic changes. However, there is also a noticeable high demand for three-bedroom dwellings for families and it should be noted that the demand for house types can change over relatively short periods of time. The Council is therefore encouraged to provide a mix of dwelling types to meet identified needs and demands.
- 3.30 The Council is also encouraged by the NPPF to deliver a wide choice of high quality homes and plan for a mix of housing based on current and future demographic trends, market trends and the needs of the communities and identifies that the type, tenure and range of housing should reflect local demand.
- 3.31 Additionally, an updated Strategic Housing Market Assessment (SHMA) (2016) and the Addendum (2017) still identifies that there is a need for a higher proportion of one and two-bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 3.32 The proposal consists of one and two-bedroom flats. It is considered that the mix of dwellings proposed for this flatted scheme is considered to still enable a mix of potential occupiers and is therefore considered acceptable.

- 3.33 In this respect, the principle of residential development in this location is consistent with policy H5 of the Core Strategy, the NPPF, SHMA (2016) and its Addendum (2017).

Impact on the Character of the Area and the Conservation Area

- 3.34 Policy CP1 of the Core Strategy advises that the Council will promote good, high quality design that has regard to local flavour. The application site forms part of and is adjacent to Rayleigh's Conservation Area which is a designated heritage asset. Paragraph 196 of the NPPF states that where a development proposal will lead to a less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 3.35 The proposed scheme has been designed to be in keeping in terms of scale and massing in relation to the town centre location and the surrounding buildings whilst providing a more contemporary appearance. The proposal would consist of a U-shaped apartment block with two commercial units at ground floor, opposite each other at the entrance of the site. The proposed block is predominantly three storeys with the height reduced at the northern end to two storeys in respect of nearby residential properties. Within the block there would be a four storey element; this would be inset and located in prominent focal positions in line with viewpoints across the site from the south.
- 3.36 The site topography gently slopes in a north-easterly direction and this constraint has influenced the design approach. The buildings have been broken down into various built elements to sensitively deal with the site gradient. The design also takes similar characteristics and materials from other properties in the vicinity and the site in order to blend in with local character whilst retaining a contemporary appearance. External materials have been indicated on the plans and include external brick work (buff brick), grey metal cladding, bronze coloured windows and doors.
- 3.37 To reduce the perceived mass and bulk of the building, a brick elevational treatment would be used up to a height of three storeys, the fourth storey being set back from the line of the main elevations and finished with a grey metal cladding. To break up the massing further a detailed soldier course has been introduced between ground and first floors. This allows the commercial units to adopt a slightly different presence to the rest of the building, whilst reducing the scale of the building further.
- 3.38 Full height openings and detailing to the residential apartments on the upper storeys with a mixture of recessed and semi recessed balconies help to give reference to the storey heights. The articulated form of the proposed building creates visual interest.

- 3.39 SPD2 requires flats to be provided with access to suitable amenity space. For flats, when built, the standard shall be a minimum balcony area of 5m², with the ground floor dwelling having a minimum patio garden of 50m²; or the provision of a useable communal residents' garden of 25m² per flat; however, these two methods for flats may also be combined.
- 3.40 The ground floor flats would all be provided with doors leading onto small to medium sized paved patio areas. This would result in each ground floor flat having access to at least some of their own terraced space although not the 50m² minimum patio area sought by SPD2. However, additional amenity value would be provided by the communal landscaping to the front of the block. Together with the amenity area adjacent to the front of the block and the provision of private amenity space this is considered to result in a suitable level of amenity provision. Furthermore, the site is within a short walk of the King George's Playing Field and Rayleigh Mount.
- 3.41 The upper floor flats would all be provided with balconies with some flats having access to two balconies. These flats have all been provided with balconies that have a minimum of 5m² although most exceed this requirement. Two of the flats on the fourth floor would have roof terraces of at least 20m².
- 3.42 The view of the site from the private car park is currently of low level commercial buildings. It is not considered that a greater degree of height and scale at the site would have a detrimental impact on visual amenity when viewed from the car park. The residential scheme would actually provide a degree of security for the car park in terms of overlooking.
- 3.43 It is therefore considered that the scale, bulk, height, appearance and materials of the building proposed have been designed to be in keeping in terms of scale and massing in relation to the town centre location and the surrounding context whilst providing a more contemporary appearance. It is also considered that the proposed development contributes towards Rayleigh's Conservation Area positively. Accordingly, the proposed development complies with CP1 and CP2 of the Core Strategy and DM1 of the Development Management Plan and the NPPF.

Technical Housing Standards

- 3.44 The Ministerial Statement of 25 March 2015 announced changes to the Government's policy relating to technical housing standards. The changes seek to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access and a new national space standard. Rochford District Council has existing policies relating to access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy)

and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement (March 2015).

- 3.45 The Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standards (March 2015) supersedes policy DM4 – Habitable Floor Space For New Developments contained within the Council's Development Management Plan (2014). The dwelling types are consequently required to meet gross floor space and minimum storage requirements for the reasonable needs of future occupiers.
- 3.46 The proposed development comprises self-contained flats comprising of 35 one and two-bedrooms. The standard sets out that those self-contained flats should have minimum gross internal floor areas of 50m², 61m² or 70m² respectively and to include at least 1.5m² or 2m² of built in storage space. The apartments have been designed to meet this standard. Proposed ceiling heights also achieve the minimum height of 2.3m.
- 3.47 The following is a table of the individual apartments, their gross internal floor spaces and compliance.

Flat Number	Type	Area m ²	Area and storage Compliant
0.2, 0.3, 0.4, 0.5, 0.6, 1.5, 1.8, 1.11, 1.12, 2.5, 2.6, 2.9, 2.10, 3.2	1-Bed/2 Person	At least or in excess of 50m ²	Yes
0.1, 0.7, 0.8, 1.3 1.4, 1.6, 1.7, 1.9, 1.10, 2.3, 2.4, 2.7, 2.8, 3.1, 3.3, 3.4	2-Bed/3 Person	In excess of 61m ²	Yes
1.1, 1.2, 2.1, 2.2, 3.5	2-Bed/4 Person	In excess of 70m ²	Yes

- 3.48 Until such time as existing policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015), which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard, as set out in part G of the Building Regulations (2010) as amended. A condition to achieve this is recommended.
- 3.49 Policy ENV9 requires all new dwellings to achieve Code Level 4 of the Code for Sustainable Homes as a minimum. The Ministerial Statement relating to technical standards has not changed policy in respect of energy performance and this requirement still therefore applies; a condition is recommended to achieve this.

- 3.50 Until such time as existing policy H6 is revised, this policy must be applied in light of the Ministerial Statement (2015), which introduced a new technical housing standard relating to access. All new housing developments will be required to comply with Lifetime Homes Standards. Consequently at least 3 per cent of all new housing developments of 30 dwellings or more are required to achieve the building regulation requirement relating to wheelchair access (Part M). In the case of developments comprising 10 to 30 dwellings at least one dwelling is expected to be built to the building regulation requirement relating to wheelchair access. In both cases this requirement applies unless such a proportion can be shown to threaten the viability of a particular development; in which case a lower proportion may be considered. For the proposed scheme, all dwellings have been designed to full wheelchair accessibility standards and Lifetime Homes Standards.
- 3.51 In light of the Ministerial Statement, which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in policy H6 that the Lifetime Homes standard be met are now no longer sought.

Renewable and Low Carbon Energy

- 3.52 Policy ENV8 of the Core Strategy requires developments of five or more dwellings or non-residential development of 1,000m² or more should secure at least 10% of their energy from decentralised and renewable or low carbon sources, unless this is not feasible or viable.
- 3.53 The application has been accompanied by a Sustainability Statement and Energy Statement which relates to the residential element only as there would be only 200m² of commercial floorspace being created by this development. It has been demonstrated that the proposed residential element of the scheme can achieve reduced energy consumption greater than 10% in accordance with policy ENV8 of the Core Strategy.

Impact upon Residential Amenity

- 3.54 The residential premises located close to the scheme include No's. 1 and 7a Crown Hill, two dwellings to the rear (north and north-east) and flats fronting High Street located to the south of the site.
- 3.55 The distances between existing and proposed buildings in the southerly direction are sufficient to eliminate any overlooking issues or loss of amenity to residential properties.
- 3.56 The overlooking to the east is towards the single storey garages and car park next to the site.

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- 3.57 To the west is a playing field and playground attached to Rayleigh Primary School which will only be used during the day during term times.
- 3.58 Towards the north and north east are nearby dwellings that could pose overlooking issues. The massing of the proposed building has been articulated so that the bulk has been reduced away from the closest neighbouring properties to the north. A perimeter wall surrounding the site would be retained, this would assist with screening the site from nearby residential units. Unit 2.6 at second floor would face towards No.7a Crown Hill and would pose an impact upon the property in terms of overlooking. However, it has been confirmed that windows facing this direction would be obscured. A condition would be imposed to ensure the obscuring of these windows. There is foliage contained within the curtilage of this property; the natural screening would assist in reducing the impact.
- 3.59 The design of the proposed development is such that main windows and balcony areas have been orientated to provide direct views away from surrounding dwellings. The massing of the proposed block has also been reduced away from neighbouring properties. It is therefore not considered that the proposed building would have an overbearing impact upon the occupiers of the existing surrounding dwellings. The proposed block would be located in close proximity to commercial premises. It is not considered that the proposal would be detrimental to the occupiers of any adjacent commercial building.
- 3.60 The proposed building is situated in a position whereby there would be sufficient distances between the proposed building and the existing adjacent residential dwellings to the north, east, west and south; it is not considered that the proposal would have a detrimental impact upon the private amenity of the occupiers at these properties in relation to having an overbearing or overlooking impact. The proposed development would comply with the Council's 45° test compliant with policies DM1 and DM3 of the Development Management Plan.

Highways

- 3.61 The access into the site is taken from an existing private access off High Road that would lead into a courtyard area with a parking area located to the south west of the proposed building.
- 3.62 The internal courtyard would also provide refuse storage and secure cycle parking spaces in accordance with the Council's requirements. The access road would meet the requirements for site access for refuse collection vehicles and fire tenders.
- 3.63 The existing access has a visibility splay of 2.4m x 43m which complies with Manual for Streets standards for an access off a road which is subject to a 30mph speed limit and has speeds recorded at less than 30mph.

- 3.64 This access has served the former distribution depot which would have generated approximately 58 vehicle trips per day (two-way). The proposed development will not increase this trip generation and is therefore unlikely to create a highway capacity or safety issue on High Road.
- 3.65 High Road has a number of vehicle accesses to car parks set back behind shop frontages via dropped kerb crossovers and formal accesses. This access is therefore in character with the area, nature of the road and considered suitable for the proposed development.
- 3.66 The proposal would provide a total of 21 car parking spaces for the residential and commercial scheme. This will be provided largely in the form of a new parking area created by the removal of the existing units located in the south western part of the site.
- 3.67 The Parking Standards: Design and Good Practice Supplementary Planning Document adopted 2010 requires a minimum of one space for a one-bedroom dwelling and two spaces for a dwelling with two or more bedrooms. In addition, off street visitor parking is required at 0.25 spaces per dwelling.
- 3.68 Therefore, under these guidelines the total requirement would be 56 spaces for the residential development i.e. $[14 \times 1\text{-bed} = 14] + [21 \times 2\text{-bed} = 42]$, total = 56 spaces and nine visitor parking spaces.
- 3.69 The residential development would be provided with 19 spaces (including two disabled parking spaces) for the 35 units.
- 3.70 The proposal would include two commercial units. These units are either proposed to be used as A1, A2 or B1. The floor space for these units would total to 190m². For the purposes of this assessment it is assumed to be a B1(a) use as a worst case scenario (as this type of use would have the higher car parking requirement associated with it).
- 3.71 The Parking Standards for offices would normally require 1 car space per 30sqm but this is subject to an appropriate reduction in highly accessible town centre locations. The development proposes to allocate two further spaces for the offices.
- 3.72 The proposed parking would be less than half of the requirement the Parking Standards require but the Standards Document does state that a lower provision of parking spaces may be appropriate in urban areas where there is good access to alternative forms of transport.
- 3.73 The proposal site is considered to be in a sustainable location within Rayleigh town centre with good access to public transport. It is also adjacent to the Castle Road public car park and close to the Websters Way car park.

- 3.74 In order to improve the landscaping scheme and given the site's sustainable location the minimum parking space standard being 2.5m x 5.0m would be appropriate for this development.
- 3.75 The proposal also indicates four internal cycle storage areas located in positions accessible to the flat entrances that can accommodate 35 cycle spaces.
- 3.76 With no objection from ECC Highways on the quantity proposed and the sustainable location of the site it is not considered that the Council would be justified in refusing the application due to insufficient parking provision. The proposed development provides a level of car parking that is considered acceptable and it is therefore considered to comply with policies DM1 and DM30 of the Development Management Plan.

Refuse and Recycling

- 3.77 The proposal would incorporate two refuse collection points located within the central courtyard area and accessed in line with current refuse strategy in the Development Management Plan. The refuse would be collected therefore from within the site and not from High Road. The Auto-TRACK analysis for the refuse vehicle accompanying this application demonstrates that the vehicle can enter and exit the site in forward gear.

Trees and Ecology

- 3.78 There are no trees on site although there are a number of trees established on adjacent land.
- 3.79 A bat survey has been submitted confirming the lack of reasonable likelihood of bats being present on the site. The Natural England Standing Advice suggests that on previously developed land (brown field sites) there is the potential for breeding bird, reptile, invertebrate and protected plants to be present. The site is entirely hard surfaced, and it is not considered likely that such species would be present on this particular site.

Archaeology

- 3.80 Records show that the application site lies within a potentially sensitive area of medieval Rayleigh. It is possible that medieval archaeological deposits will survive in this area. Essex County Council's Archaeology Service accordingly requests that a programme of archaeological field work should be undertaken prior to construction. This can be controlled by a suitable planning condition to ensure the significance of heritage assets are suitably recorded.

Air Quality Management Area

- 3.81 Policy ENV5 of the Core Strategy, which relates to air quality, requires consideration. This policy states that new residential development will be restricted in Air Quality Management Areas (AQMA). The site is accessed via the AQMA for Rayleigh town centre which includes the section of Eastwood Road from the High Street to Daws Heath Road. The AQMA is required because the annual average level of nitrogen dioxide is above that permitted and the Council must take steps to reduce this where members of the public are present in order to protect their health.
- 3.82 The application site is outside the AQMA and therefore residential development would not in principle be refused under policy ENV5; however, due to its proximity to the AQMA and accessibility directly from the AQMA, it would have direct implications on the AQMA.
- 3.83 An air quality assessment has been submitted with the application. The assessment models the potential impact of nitrogen oxides (NO_x) and particulate matter (PM₁₀ and PM_{2.5}). In addition, the assessment also assesses the potential impact on local air quality from demolition and construction activities at the site.
- 3.84 The assessment considered the impact on NO_x and particulate matter levels to be minimal. In terms of the impact from construction activities the assessment considered that these can be reduced to negligible through appropriate mitigation measures which are listed on pages 25, 26 and 27 of the report. With these mitigation measures enforced the likelihood of nuisance dust episodes occurring at those receptors adjacent to the development site are considered low. Such mitigation could be controlled by planning condition.
- 3.85 Although the site consists of commercial premises it is not suggested within any of the accompanying statements that the land is contaminated and no comments to this effect have been provided by the Council's Environmental Services Team. It is also noted that the area is almost entirely hard surfaced.
- 3.86 Policy DM5 of the Development Management Plan requires that applicants should take into consideration the environmental zone where a development is being proposed and the corresponding lighting thresholds. The site is considered to fall within Environmental Zone 3. Lighting proposals in this zone are only permitted if the applicant can demonstrate that the scheme proposed is the minimum needed. This could be controlled by condition.

Flood Risk

- 3.87 Paragraph 155 of the NPPF seeks to direct development to the lower risk flood zones. This stance is reiterated in policy ENV3 of the Core Strategy which provides local flood risk considerations. The site is located within a lowest risk flood zone (Flood Zone 1) as identified on the Environment Agency flood

maps. This means that the site is subject to a low probability of fluvial flooding. The proposal would involve uses falling within the 'more vulnerable' use based on the National Planning Practice Guidance (PPG) flood table 2 'Flood Risk Vulnerability Classification' and residential development is 'appropriate' based on the NPPG flood table 3 'Flood Risk Vulnerability and Flood Zone Compatibility' in this location.

- 3.88 There is a requirement to apply the Sequential Test to new development located within a flood plain, in order to steer them to areas with a lower risk of flooding. The proposed development site would be residential development located in Flood Zone 1 (low risk); therefore, there is no requirement for a Sequential Test. Table 3 classifies the proposed type of development as appropriate for Flood Zone 1 without having to address the Exception Test. It is not considered that the proposed development would cause a risk of flooding and therefore complies with the NPPF and policy ENV3 of the Core Strategy.

Drainage

- 3.89 The site slightly slopes in a north-easterly direction. The existing site has a total contributing area of 2,489m² which is entirely an impermeable hard surface. It is assumed that the site discharges to the public sewer network at an unrestricted rate.
- 3.90 The topography of the site creates an environment where surface water drainage requirements are significant to the site's drainage potential. It is also located within a Critical Drainage Area (ROC6-Rayleigh East), as identified within the South Essex Surface Water Management Plan Phase II, III and IV (2012). Policy ENV4 requires all residential development over 10 units to incorporate run off control via Sustainable Urban Drainage Systems (SuDS).
- 3.91 The applicant has submitted a SuDS report. The site is already entirely hard paved or covered by built development so it is not considered that there would be an increase in run off emanating from the proposed development. The report calculates that the existing development would generate a 1 in 1 year surface water discharge rate of 9.67litres/sec when subject to a rain fall event with a 12.800mm per hour rain fall intensity. The strategy states that post development the discharge rate would be reduced by 74% to 2.5litres/sec. The report also provides existing and proposed reduction rates for 1 in 30 year and 1 in 100 year. These results show a reduction of surface water discharge rate up to 92%.
- 3.92 The SuDS report would incorporate a variety of measures. An intensive green roof system would be used on the roofs to intercept rain water, decrease the speed of flow to the below ground drainage network and provide water quality and ecological benefits. Run off from the green roofs and normal roofs will be discharged to and stored within a below ground storage structure where it will be gradually released into the public surface water sewer.

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- 3.93 The parking areas and shared surface would percolate through the permeable paving surface and would be stored within a stone blanket below. Surface water run off from the stone blanket would be contained with an underground attenuation tank and controlled via the use of protected orifice plates. The tank is underneath the shared surface adjacent to the commercial unit and the apartment block.
- 3.94 Based on a total contributing area of 2,000m² (817m² green roof + 817m² permeable paving + 366 m² roof), the attenuation tank would require an effective volume of 53.4m³. This volume is sufficient to accommodate the critical 1 in 100-year storm event with a climate change allowance of 40%.
- 3.95 Due to the shallow depth of the existing public sewer in High Street it will not be possible to drain the site by gravity. Therefore, the attenuation tank discharge will be controlled by a pumping station. The discharge rate from the pumping station will be set to 2.5 l/s which represents a 74% reduction on the existing peak 1 in 1-year discharge rate from the site.
- 3.96 The Local Lead Flood Authority (LLFA) Sustainable Urban Drainage (SUDs) team has been consulted and raises no objections to the proposed SUDs measures proposed. It is therefore considered that the proposed development complies with policy ENV4 of the Core Strategy.

Contributions

Affordable Housing

- 3.97 Policy H4 of the Core Strategy seeks at least 35% of dwellings on all developments of 15 or more units, or on sites greater than 0.5ha, to be affordable. However, such quantity can be relaxed where the developer is able to demonstrate that 35% provision would be economically unviable, rendering the site undeliverable. As the proposed development is for 35 units this would equate to the need to provide 12 affordable dwellings.
- 3.98 The proposal, as submitted, does not provide for any affordable housing. The applicant has provided a viability assessment for the scheme prepared by Affordable Housing 106.
- 3.99 The recommended approach in undertaking viability assessments is to assess viability based on a residual valuation basis. This means assessing the development value of the proposed scheme and deducting from this the costs of the development, including profit, to leave a residual sum representing the site value. If the Residual Land Value is in excess of the Benchmark Land Value the scheme is considered able to viably provide planning contributions, up to an amount equal to the difference between the two figures. If it falls below the Benchmark Land Value, it could be considered unviable.

- 3.100 The report concludes that the proposed development appraisal is based on a fixed profit assumption of 20% on Gross Development Value (GDV) and a fixed land cost (Benchmark Land Value (BLV) of £700,00). The scheme as put forward by the applicant and their agent produces a deficit of £2,582,026 after a BLV of £700,000 has been included as a fixed land cost (with acquisition costs applied to the land cost).
- 3.101 The Council has commissioned Dixon Searle Partnership to provide an independent assessment of the appraisal received from the applicant. As part of their audit style approach, they run their own appraisal using our revised assumptions. This was based on a development value (commercial), the rental income may have been underestimated and have tested a higher capital value of £330,000 for the two units. Build costs were identified as being outside the expected range (at £2,309/m²) and were revised to a rate of £2,039/m². They applied a reduction in the finance rate to 6.5% inclusive of all ancillary fees; a downward adjustment to the developer's profit to 17.5% on residential units and 15% on commercial units; and a reduction in the sales and marketing costs to 2%. With these adjustments, the scheme produces a deficit of £1,325,815. Whilst their adjustments have shown an improvement in the viability position, the scheme without any affordable housing contribution still demonstrates a significant deficit against the BLV, once a reasonable level of developer profit is taken into account. Further 'stress-testing' has also taken place. A build rate based on the BCIS median of £1590/m² across the whole development, which with allowances for external works and demolition equates to £1,782/m². With this lower build cost, and all the other adjustments applied, the scheme still shows a deficit of £459,883 against the BLV. It has been concluded, that Dixon Searle concur with the Financial Viability Assessment (FVA) that the scheme will not support a contribution to affordable housing.
- 3.102 Given that no affordable housing is intended to be provided, the proposed development is contrary to policy H4 of the Core Strategy; however, it has been demonstrated by an FVA that no such contribution is viable and therefore in this case is considered acceptable.

Education

- 3.103 Policy CLT1 of the Core Strategy explains that the Council will require developers to enter into legal agreements in order to secure planning obligations to address specific issues relating to developments. Policies CLT2 and CLT3 of the Core Strategy expand on the general CLT1 requirement focusing on primary education, early years and childcare facilities and secondary education, explaining that developer contributions may be required.
- 3.104 Essex County Council has reviewed the situation in relation to early years and childcare, primary and secondary provision within the proximity of the site and has decided not to request an educational contribution for the proposed development.

Open Space and Play Space

- 3.105 Policies CLT5 and CLT7 require open space and play space to be provided within new residential developments. Some open space is proposed although this would be private space. With King George's playing field located so close to the site it is not considered that the lack of open and play space for public use directly on the application site would be objectionable here.

4 CONSULTATIONS AND REPRESENTATIONS

Rayleigh Town Council

- 4.1 The Town Council objects to this application as there are parking and accessibility issues. The design is not in keeping with the area of Rayleigh, there is no social housing and the development is too high. There are concerns with construction vehicles on an extremely busy junction in the high street. The development could have an impact on other proposals for the highway in Rayleigh High Street.

Essex County Council – Highway Authority

- 4.2 The impact of the proposal is acceptable to the Highway Authority, subject to the following summarised conditions: -
- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary;
 - Construction Method Statement;
 - There shall be no discharge of surface water onto the Highway;
 - The developer to provide a Residential Travel Information Pack per dwelling.

RDC Housing

- 4.3 Housing Options would support this application as long as it contains the relevant amount of affordable housing on site (based on the 35% share). The Council is currently experiencing a high demand for affordable Housing in Rayleigh and very few vacancies; any new properties would assist the Council in meeting the growing demand.

RDC Economic Development

- 4.4 There is potential for the proposals to support the current high street functions and provide new business accommodation. However, it cannot be ignored that the scheme could potentially impact upon existing high street businesses in a negative way and we note the letters submitted by businesses such as the Co-operative Funeral Parlour and Eden Independent Financial Advisers regarding privacy and site access/parking issues. In addition, Rayleigh town centre is a known congestion hotspot and the increased use of this access road by vehicles

driving to/from the development has the potential to exacerbate this and affect the local economy. We would request that these concerns are considered and mitigated against before such a scheme is passed.

Essex County Council – Place Services Urban Design

- 4.5 The proposed development is supported from an Urban Design perspective. It is considered that the design development of the application has seen an increase in design quality to where it is considered the proposals would benefit and complement the surrounding context in Rayleigh.

The response raises a series of points relating the following:-

- Boundary Plan – It is unclear on the approach to the site boundaries. It is recommended a boundary plan is submitted as part of the planning application.
- Landscape Proposals – Will landscape details (hard and soft).
- Lighting Proposal – No lighting provision has been proposed. Coordination with secure by design should be held over the lighting of the car park and courtyard area.
- Plant – It is recommended that both roof plant and rainwater goods are shown as part of the planning application. These can influence and impact on a proposal and should be addressed at an early stage.

It is recommended that visualisations are submitted as part of the application to demonstrate the scale and massing of the proposed built form as well as the potential views from High Road. It is felt this will aid in justifying the development to show clearly the application will contribute in a positive manner.

Visualisations have been provided as part of this application. The above points can all be covered by conditions.

Essex County Council – Place Services Archaeology

- 4.6 The Historic Environment Record shows that the proposed development area lies within a potentially sensitive area of archaeological deposits within the historic area of medieval Rayleigh. It is possible that medieval archaeological deposits will survive in this area. A condition has been recommended. The recommended condition insists that no removal of foundations until a programme of archaeological work has been completed. The archaeological works recommends trial trenching following demolition of the existing buildings to ground level. This may be followed by excavation if significant archaeological deposits are found.

Essex County Council – SUDs

- 4.7 No objections, subject to the following summarised conditions:-

- A detailed surface water drainage scheme for the site;
- A detailed maintenance plan;
- Yearly logs of maintenance;
- Pipes within the site are cleared of any blockage and are restored to a fully working condition.

Anglian Water

- 4.8 Anglian Water records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary. The foul drainage from this development is in the catchment of Rayleigh West Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows via a gravity connection regime. The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option.

Essex County Council – Historic Environment

- 4.9 No objection to the principle of re-developing this site. However, a concern over the height of the proposed building has been raised. There is no information provided which shows views of the proposed buildings within the conservation area, and any potential visual impact. I recommend this information is provided as required by paragraph 189 of the NPPF. Based on the information provided there is potential for less than substantial harm to the character and appearance and setting of the conservation area and therefore paragraph 196 of the NPPF may be relevant.

Visualisations have been provided as part of this application.

Essex County Council – Education

- 4.10 ECC has reviewed the local education provision and will not be seeking education contributions.

Essex Police

- 4.11 Essex Police thank you for the opportunity to comment on this application. Rochford Core Strategy, Priority 7 states that new development will be implemented having regard to the need to design out crime. There is no reference to physical security in this application. As such, Essex Police would like to invite the developers to contact us with a view to discussing crime prevention through environmental design.

4.12 Neighbours

Comments have been received from the following addresses and are summarised below:-

Co-Op Funeral Care 1 Angel Square Manchester

The rear of the funeral home is accessed using the same access road that is proposed to access the development site.

While we have no objection to the principle of the development of the former Dairy Crest site, we do wish to highlight the importance of having safe access to the rear of our funeral home at all hours. The deceased are received into the home via a rear access rather than from the High Street and this may take place at any time of the day.

This access road frequently experiences unauthorised parked cars, making circulation and manoeuvring difficult. We are concerned that the likelihood of this occurring will significantly increase as a consequence of the proposed development, in particular as only 19 parking spaces are proposed for the 35 residential units that would be constructed.

The consequence of this could be overspill parking from the new development upon the nearest available land, namely the access road and the service area to the rear of the High Street commercial units, including ours.

7a Crown Hill
Smallfield Place, Crown Hill
Eden Independent Financial Advisers 102 High Street
67 High Road
62 Cheapside West
10 Down Hall Close
25 Little Wheatley Chase
Kelso Close
10 Picton Close
153 Downhall Park Way
17 Derwent Avenue
10 Woodlands Avenue
52 High Mead
Weir Gardens
20 The Laurels
199 Eastwood Road
68 The Approach
10 Spring Gardens
47 Cheapside West
6 Elizabeth Avenue
142 Bull Lane
87 Bardfield Way
Helena Road
7 Whitehouse Court, 158 Eastwood Road
7 Crown Hill
10 Woodlands Avenue

14 Downhall Park Way
148 Kents Hill Road
12 Rowan Walk
24 Bedloes Avenue
Flat 28 Blyth House 535 Southchurch Road
25 Highmead

- Overlooking
- Loss of outlook
- Overshadowing
- Loss of natural light
- Scale and massing would cause overlooking and appears out of character
- The amount of additional vehicles would add to the congestion in the area and the air quality
- Loss of privacy
- Inappropriate design not in keeping with the Conservation Area
- Development too close to the northern boundary
- Concerns during the construction phase such as damage to cars parked to the east and south of the development
- Noise and disturbance during construction
- Concern that construction vehicles would use alternative accesses close to the site
- Large construction vehicles blocking the High Street
- Lack of car parking that may lead to residents using alternative car parking in the surrounding area
- Potential damage to surrounding properties
- Out of character with the High Street
- Lack of car parking for residents
- Lack of affordable housing
- Local service already over subscribed
- Traffic and pollution are already above guidelines; the development would exacerbate this
- Rayleigh is already over-populated
- Lack of infrastructure for new development
- The town centre is already congested; the development would exacerbate the situation especially where the junction meets the High Street near the roundabout
- Poor access into the site that has an impact upon highway safety for both construction and residential traffic
- Over-development of the site
- Four storeys to be out of scale with the surrounding area
- The size of the windows and balcony would cause overlooking
- The construction would affect local business and jobs
- Noise would arise from occupiers utilising the balconies

5 EQUALITY AND DIVERSITY IMPLICATIONS

- 5.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

6 CONCLUSION

- 6.1 The re-development of the Dairy Crest site in the form of a mixed use scheme is considered acceptable in principle. The proposed building comprises 35 self-contained flats and two commercial units at ground floor. The scale, bulk, height and appearance of the proposed development is of a design that would not appear out of character with the surrounding context or the wider Conservation Area. Subject to the site being considered to be in a sustainable location, the parking layout and provision proposed is considered satisfactory for this site in Rayleigh's town centre. The impact of the development on residential amenity is considered satisfactory. An independent assessment has established an affordable housing contribution cannot be achieved in this case.
- 6.2 In light of the above considerations, it is recommended that application 19/00335/FUL be granted planning permission, subject to conditions.



Marcus Hotten
Assistant Director, Place and Environment

Relevant Development Plan Policies and Proposals

National Planning Policy Framework 2019

Core Strategy Adopted Version (December 2011) – policies CP1, CP2, RTC1, RTC2, RTC4, T8, T6, H5, H1, H4, H6, ED1, CLT1, CLT3, CLT5, CLT7, ENV4, ENV3, ENV5, ENV8, ENV9

Development Management Plan (December 2014) – policies DM1, DM3, DM4, DM34, DM30, DM27, DM25

Parking Standards: Design and Good Practice Supplementary Planning Document (December 2010)

Supplementary Planning Document 2 (January 2007) – Housing Design

Rayleigh Conservation Area Appraisal and Management Plan

The Essex Design Guide (2018)

Background Papers:-

None.

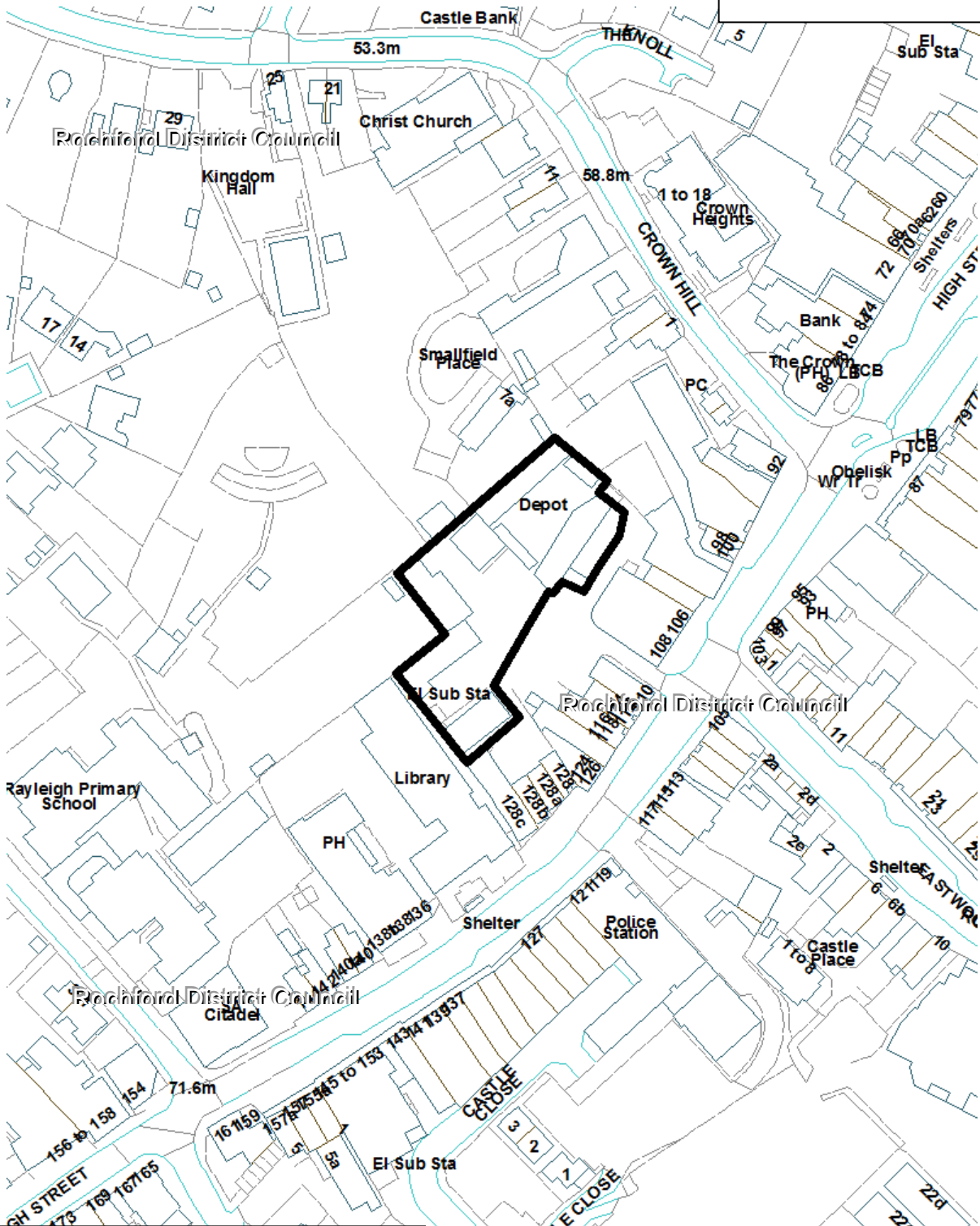
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19/00335/FUL



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