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**20/00452/FUL**

**LAND REAR OF 98 TO 128 HIGH STREET, RAYLEIGH**

**PROPOSED DEMOLITION OF EXISTING BUILDINGS.  
REDEVELOPMENT OF THE SITE TO PROVIDE 2 NO.  
COMMERCIAL UNITS AND 24 NO. RESIDENTIAL  
APARTMENTS WITH ASSOCIATED LANDSCAPING**

**APPLICANT: MR DYLAN COLLINS – 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:-

18130 P1150 P3, 18130 P1200 P2, 18130 P1201 P2, 18130 P1202 P2, 18130 P1204 P1, 18130 P1400 P1, 18130 P1401, 18130 P1450 P1, 18130 P1451 P1, 18130 P1500 P1 and 18130 E-100 P3.

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

- (3) Prior to use of any external facing material including but not limited to that relating to external walls (including details of brick bond pattern which should be Flemish unless otherwise agreed in writing), roofs and fenestration including samples where required shall have been

submitted to and approved in writing by the Local Planning Authority. Those materials as agreed shall be used in the construction of the development hereby approved and permanently maintained as such.

REASON: In the interests of visual amenity and the enhancement and preservation of the character and appearance of the conservation area.

- (4) Screening and railings to balconies in accordance with the approved details as shown on the approved plans shall be provided prior to the first occupation of the flats to which the balcony relates and in accordance with materials as agreed in respect of condition (3). The balcony screens and railings shall be maintained in the approved form in perpetuity.

REASON: In the interests of protecting residential amenity.

- (5) Prior to first occupation of each flat served by the windows that are the subject of this condition, the windows corresponding to that flat at second floor level facing the north/north-western boundary of the site (shared in part with No. 7a Crown Hill) shall have been fitted with obscure glazing and shall be non-opening and these 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.

- (6) Prior to first occupation at the site plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted shall 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, 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; including a large feature tree within the central courtyard;
- details of a proposed anchor system such as Platipus or ArborGuy for the large central courtyard tree or other proposed means of effective stabilising of this tree to allow for successful establishment;
- Car park tree planting shall be planted using a soil cell system;
- Submitted details of tree planting must include planting and maintenance specifications, construction details and any other protective measures;

- 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 in the interests of good design and visual amenity and in the interests of the enhancement of the character and appearance of the conservation area with regard to SPD 6 and to accord with policy DM25 of the Development Management Plan.

- (7) The boundary walls as existing shall be maintained in perpetuity unless replacement walls are required in which case details shall have been submitted to and approved in writing by the Local Planning Authority of the replacement walls which shall be of the same height as those existing prior to removal of the existing walls. Boundary walls as approved shall be constructed in accordance with the agreed details prior to first occupation at the site and shall be retained in the approved form in perpetuity.

REASON: In the interests of residential amenity.

- (8) 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. Solar panels shall be positioned in accordance with the positions as shown on the approved roof plan (unless otherwise agreed in writing). The equipment as agreed shall be provided and be operational 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 with positioning to avoid visibility from wider views within the conservation area.

- (9) 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.

- (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.

- (13) 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 (6) 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.

- (14) 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.

- (15) The two commercial units at ground floor level hereby approved shall be used for a purpose within Class E(g).

REASON: In the interests of clarity.

- (16) 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: In the interest of preserving any archaeological asset.

- (17) Prior to the first occupation at the site the vehicular and pedestrian access to the site beyond the adopted highway and including all of the vehicular access edged red and blue on the approved location plan shall have been resurfaced in accordance with details that shall have been submitted to and agreed in writing by the Local Planning Authority. Details shall include delineation of a pedestrian footway to the western side of the vehicular access extending beyond the adopted footway and up to the southern site boundary of the application site (edged red on the approved location plan) in a different surfacing material or colour.

REASON: In the interests of provision of an appropriate vehicular and pedestrian access to the site and in the interests of safety.

- (18) Prior to the formation of parking and turning areas within the site details of six fast (22kW/hr) EV points as shown on the approved layout plan and passive connections to the remainder of parking bays on site shall have been submitted to and approved in writing by the Local Planning Authority. The six fast (22kW/hr) charging points as approved shall be installed and shall be operational prior to the first occupation at the site and shall be retained on the site in the approved form in perpetuity.

REASON: To ensure appropriate mitigation is secured with regard to additional vehicle movements arising from the development and impact on the Air Quality Management Area.

- (19) Installation of fenestration in the development hereby approved shall not commence until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. The rooflights shall be of low-profile conservation type. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

REASON: In the interests of visual amenity and the enhancement and protection of the character and appearance of the conservation area.

- (20) All rainwater goods shall be of black metal and permanently maintained as such.

REASON: In the interests of visual amenity and the enhancement and protection of the character and appearance of the conservation area.

- (21) Prior to first occupation at the site precise details of proposed lighting at the site shall have been submitted to and agreed in writing by the Local Planning Authority and all lighting as agreed shall have been installed and be operational and shall remain so in perpetuity.

REASON: In the interests of residential amenity and safety and in the interests of clarity given the indicative details of proposed lighting provided within the submitted Design and Access Statement.

#### Heads of Conditions

- (22) Insulation of commercial units against the egress of internally generated noise.

REASON: In the interests of residential amenity and given the mix of uses within Class E(g) to which commercial units on site could be put.

- (23) Details of means of odour control in relation to any proposed extraction equipment.

REASON: In the interests of residential amenity and given the mix of uses within Class E(g) to which commercial units on site could be put.

- (24) Dust control measures during construction.

REASON: In the interests of amenity.

(25) Surface Water Drainage Details including Maintenance.

#### INFORMATIVES

1. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developer's cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
2. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 6066087.
3. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
4. A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
5. No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
6. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

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## 2 PLANNING APPLICATION DETAILS

- 2.1 This application seeks planning permission for the demolition of the redundant Dairy Crest buildings and for the redevelopment of the site for residential and commercial use.
- 2.2 The proposed development would consist of two separate buildings. The buildings would be 2 and 3 storeys with dual pitched roofs. Each building would contain one commercial unit at ground floor alongside residential flats at ground, first and second floor level. The dwelling mix proposed is 11No. 1-beds and 13No. 2-beds. The buildings would be sited either side of a centrally positioned green space. Parking would be provided on site in a parking court and at other locations across the site. The site would utilise the existing vehicular access off High Street. The existing sub-station would be re-positioned.
- 2.3 The proposal has been amended in the course of the application and the number of flats proposed reduced from 26 to 24. A re-consultation has been carried out in respect of the revisions and any additional responses received in response of this will be reported in an addendum.
- 2.4 This application is a revised scheme following refusal of application 19/00335/FUL in January 2020. The applicant has sought to address the reasons for refusal which were as follows.
1. The proposal would amount to over-development by virtue of the inability of the site to accommodate sufficient on-site car parking provision and residential amenity space to serve future occupants. Significant under provision of on-site parking would lead to ad hoc parking and the proposal would result in the loss of existing parking serving nearby commercial premises as a result of the need to accommodate access to the site and accommodate turning both to the detriment of amenity of future occupants and nearby commercial occupiers. The proposal would fail to provide parking spaces at the preferred bay size where no exceptional circumstances exist to justify this. The scale of the proposed building including proposed plant installed to the roof would be out of character in this sensitive location. The proposal would fall contrary to parts (v) (vii) (viii) (ix) (xi) of policy DM1 and policy DM30 of the Development Management Plan and policy T8 of the Core Strategy.
  2. The proposal contains inadequate information to determine that the proposed development would be provided with an appropriate means of access for both vehicles and pedestrians in terms of the ability of the applicant to achieve necessary re-surfacing works and management of parking within that part of the existing private access required for turning to allow refuse and recycling and delivery vehicles to enter and exit the site in forward gear and to prevent obstruction of the pedestrian footway along part of the existing access. The Council is not satisfied, based on the information provided, that the proposal would be provided with an



appropriate means of access required in the interests of pedestrian and highway safety. The proposal would be contrary to policy DM31 of the Development Management Plan and policy T8 of the Core Strategy.

3. The proposal would partly fall inside a designated Air Quality Management Area and insufficient information has been submitted to demonstrate that allowing the residential development that is proposed partly within this area would be appropriate contrary to policy ENV5 of the Core Strategy.
4. The proposal, given the scale and siting proposed in relation to the nearby residential property, No. 7a Crown Hill, would have a detrimental impact on the amenity of the occupants of this neighbouring property by virtue of increased and unreasonable overshadowing. The proposed building would be of a height and proximity to No. 7a such that it would be overbearing and would give rise to an unacceptable degree of potential for overlooking and perception of overlooking to this neighbour. The proposal would be contrary to parts (ix) (x) and (xi) of policy DM1 of the Development Management Plan.

### **3 MATERIAL PLANNING CONSIDERATIONS**

#### **Site and Context**

- 3.1 The application site is located within the town centre and is a backland site set to the rear of buildings fronting High Street (No's 98 to 128); these neighbouring buildings are in a mix of commercial uses at ground and first floor and some include residential use at first and second floor level. The site has vehicular access between No. 108 and No. 110 High Street, just west of the mini roundabout junction of High Street with Eastwood Road. To the western boundary the site borders land occupied by a library and part of the playing field associated with Rayleigh Primary School. To the northern/north-western boundary the site borders the residential garden of No. 7a Crown Hill whilst to the east the site borders a car park and single storey commercial premises. Other residential properties on Crown Hill are sited due north/north-east of the site but without a direct boundary to the site.
- 3.2 The site is relatively flat and entirely hard surfaced. The redundant buildings which would all be demolished are a mix of single and two storeys. Most of the buildings are sited towards the site boundaries with yard areas between. The site is fenced to part of the southern boundary whilst brick walls form the other boundary treatments.
- 3.3 The site falls within Rayleigh town centre and is subject to the Rayleigh Centre Area Action Plan (RCAAP). A small part of the application site falls within the red lined Air Quality Management Area (AQMA) designated in Rayleigh town centre and part of the site falls within Rayleigh Conservation Area.

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**Principle of Development**

- 3.4 The application site was formerly occupied by Dairy Crest and has been vacant since 2014. The last known use was a commercial business that distributed milk and groceries. The loss of an existing business here is a material consideration; however, some commercial use would be retained at the site as part of the redevelopment proposal.
- 3.5 The site falls within Character Area C – High Street South and Eastwood Road of the Rayleigh Centre Area Action Plan (RCAAP). Policy 7 of the RCAAP 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.”*
- 3.6 The application proposal description does not specify a particular Use Class for the proposed commercial units although the Design and Access Statement refers to the units being suitable for use within Use Classes A1 (shops), A2 (financial and professional services) and B1 (business).
- 3.7 Recent changes to the Use Classes Order has, however, created Use Class E (commercial, business and service) which covers a wide range of uses including retail (the old Use Class A1), office (the old Use Class B1) professional/financial services (the old Use Class A2) but also including cafés and restaurants (the old Use Class A3), as well as non-residential institutions and indoor sport (the old Use Class D2(e) and Class D1(a-b)).
- 3.8 This is of relevance when considering the proposed possible future uses of the commercial units at this site as permitted development rights would allow for change between any of the uses falling within Class E. Any of the proposed uses that now fall within Use Class E are considered uses which would not ordinarily give rise to harm to residential amenity and the use of the proposed commercial units for a purpose within Class E would be considered appropriate. A condition to clarify that the commercial uses would fall within Class E is recommended. Conditions relating to protection of residential amenity with regard to control of odours and noise are discussed below.
- 3.9 No specific planning policy seeks to retain this site solely for employment use and the loss of the entirely commercial site must be considered and weighed against policies that encourage development for housing. No objection was raised in the determination of the previous application (19/00335/FUL) to the principle of redevelopment of the site with a mixed-use scheme including housing and the same conclusion is again reached. The redevelopment would deliver housing to support supply in the district. The mixed-use nature of the proposal would be appropriate in this town centre location and bring a site that has been redundant for some time back into active use, benefitting the vitality and viability of the town centre.

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**Quantity and Type of Residential Units**

- 3.10 Government policy seeks to maximise the use of urban land and there is a presumption in favour of sustainable development. Policy H5 of the Core Strategy 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 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. The mix of one and two-bed flats proposed would meet this policy requirement.
- 3.11 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. Policy H1 encourages an appropriate level of intensification within town centre areas where higher density schemes 75+ dwellings per hectare (dph) may be appropriate. At 0.25ha and with 24 dwellings proposed this would equate to a density of 96 dph. This is a reduced overall density compared to the previously proposed scheme (19/00335/FUL) where the density was 140dph. No specific concern was raised in the determination of the previous proposal with respect to density and the lower density would still achieve an appropriate density in this town centre location.

**Design**

- 3.12 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 that 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.
- 3.13 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.
- 3.14 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. Policy CP1 of the Core Strategy also seeks 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.
- 3.15 The layout proposed would work effectively by positioning the proposed commercial units close to the site entrance, visible from the access to the site for pedestrians using High Street. In this way the proposal would connect with the existing town centre environment. The layout would ensure all residential flats would be provided with some private outdoor amenity space in addition to the central open space which would be landscaped. The revised proposal has increased the central landscaped space and removed the parking spaces that would have intruded into this area. The central area would now not be dominated by parked cars.
- 3.16 The proposal would introduce soft and hard landscaping which would add visual interest to the proposal. The central open space would feature soft landscaping and tree planting as well as a large feature tree which would act as a focal point viewed from the south in the wider locality. Climbing plants are proposed to soften the existing boundary walls.
- 3.17 Tree planting is also proposed to the parking court which is a positive feature and would soften and add visual interest to the scheme. Trees in this location would, however, lack growing substrate and therefore the planting system would be integral to their establishment. A condition is recommended to require that soil cell systems are used here which are load-bearing and

conductive to root growth. They can be laid under the parking area, provide rooting volume and space for utilities, if needed. The two trees shown close to the southern corner close to the boundary with the library would need to be relocated as insufficient separation to the boundary would be achieved. This would be dealt with in the landscaping details planning condition.

- 3.18 The revised proposal would create a well-functioning pedestrian space, which with soft landscaping, tree planting and seating to the central space would be an attractive element of the development which would benefit future residents and the wider public using the commercial units at the site.
- 3.19 The scale of buildings is considered appropriate for the site, as is the proposed form and appearance which is discussed in more detail below.
- 3.20 Appropriate lighting to the site would be provided including to the building entrances, parking areas and the central space and would be a combination of standard lighting columns, low-level bollards and focused lighting within planted areas. A planning condition is recommended which would require precise details to be agreed. The lighting scheme has been developed by the applicant in consultation with the police and seeks to ensure that the proposal would create a safe environment.

#### **Impact on the Character of the Area and the Conservation Area**

- 3.21 Part of the application site is within the Rayleigh Conservation Area, with the remainder of the site immediately adjacent to it. All conservation areas are designated heritage assets and development should not lead to harm to the significance of such. Indeed, development should seek to preserve and enhance the character and appearance of the conservation area.
- 3.22 The Council's conservation area appraisal identifies those buildings which make a positive contribution to the character and appearance of the conservation area and those which impact negatively. The existing buildings on the site are not identified as buildings which make a positive contribution. The existing buildings are a mix of open-sided sheds with corrugated sheet metal cladding and roofing and two-storey buildings which feature facing brickwork and concrete coping and window reveal details. It is considered that the existing buildings are of no design merit. The appraisal, however, notes the attractive traditional form of No's 110 to 120 High Street which border the application site which feature a series of four gable ended roofs fronting the street.
- 3.23 Supplementary Planning Document 6 provides more detailed advice relating to the design of new buildings within the district's conservation areas and specifically refers to good design in conservation areas being that which leans towards a traditional approach to development utilising appropriate materials and building forms to create a modern reflection of the vernacular architecture rather than a slavish copy. It is considered that the revised proposal would achieve this by proposing buildings with a series of gable ended roofs facing

the central space which would be reflective of this traditional approach and of the attractive building form nearby.

- 3.24 Whilst the previous proposal (19/00335/FUL) was for a U-shaped building of contemporary flat roofed form, the current proposal has sought to revise the form and appearance of the buildings which would now feature more traditional pitched roofs. The proposal would no longer feature any fourth storey element. Views of the proposed buildings from the High Street would be framed by existing buildings which border the vehicular access to the site. It is considered that the scale, form and appearance of the proposed buildings would not give rise to harm to the character and appearance of the conservation area.
- 3.25 Materials proposed for use in the external finish of the buildings include brickwork which the Historic Buildings Officer advises should be in Flemish bond rather than the contemporary brick bond as this would reflect historic brickwork and add to the appropriateness of the external appearance of the buildings in the conservation area setting. Appropriate rainwater goods in the conservation area would be black metal rather than plastic and this again would be required. The proposed use of powder coated aluminium for windows would be accepted providing the finish would not be glossy. Precise details of all external facing materials would be required by condition and would ensure a high quality finish to the development, of key importance given the site's sensitivity.
- 3.26 The redevelopment of the redundant site would introduce activity and well-designed buildings of high quality, as well as introducing a key element of open green space with tree and other planting which would enhance the locality and the character and appearance of this part of the conservation area.

### **Amenity Space**

- 3.27 Supplementary Planning Document 2 requires flats to be provided with access to suitable amenity space consisting of a minimum balcony area of 5m<sup>2</sup>, with the ground floor dwelling having a minimum patio garden of 50m<sup>2</sup>; or the provision of a useable communal residents' garden of 25m<sup>2</sup> per flat; however, these two methods for flats may also be combined.
- 3.28 The ground floor flats would each be provided with a private amenity space. These would vary in size between 18 square metres and 84 square metres, although all but one area would exceed 40 square metres. The one area of 18 square metres would additionally have access to the central open space. All of the first and second floor flats would be provided with a private balcony, all of which would at least meet the minimum 5 square metre area requirement with some significantly greater in area.

**Technical Housing Standards**

- 3.29 The Ministerial Statement of 25 March 2015 announced changes to the Government's policy relating to technical housing standards. The changes sought 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).
- 3.30 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 proposed flats are consequently required to meet the minimum gross floor space and minimum storage requirements, as set out in the Nationally Described Space Standards to ensure that quality accommodation is provided that would meet the reasonable needs of future occupiers.
- 3.31 The standard sets minimum requirements based on the number of bed spaces that would be provided within a flat. The table below sets out how the proposal would achieve at least the minimum requirements.

Floor level	No. of bedrooms	No. of bed spaces	Minimum Gross Internal Floor space (GIA) requirement in square metres	Measured Gross Internal Floor space (GIA) requirement in square metres	Compliance with required GIA Yes/No
Ground	1	2	50	52.18	Yes
Ground	1	2	50	50.68	Yes
Ground	2	3	61	67.23	Yes
Ground	1	2	50	50.54	Yes
Ground	2	4	70	80.29	Yes
Ground	2	4	70	77.0	Yes
First	1	2	50	50.0	Yes
First	1	2	50	52.0	Yes
First	1	2	50	52.68	Yes
First	2	4	70	70.53	Yes
First	2	3	61	66.9	Yes
First	2	3	61	67.22	Yes
First	2	3	61	66.6	Yes
First	2	4	70	81.0	Yes
First	2	4	70	76.43	Yes
First	2	3	61	67.19	Yes
Second	1	2	50	50.48	Yes
Second	1	2	50	52.31	Yes
Second	1	2	50	52.65	Yes
Second	2	4	70	71.36	Yes
Second	2	3	61	67.11	Yes
Second	2	3	61	67.40	Yes
Second	1	2	50	52.5	Yes
Second	1	2	50	50.58	Yes



- 3.32 In addition, minimum built in storage space should be provided which is an area of 1.5 square metres or 2 square metres depending on the number of bed spaces proposed. All of the proposed flats would provide at least the required minimum or be of a gross internal area sufficient to provide the minimum.
- 3.33 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. 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.
- 3.34 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. 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 with regard to the Lifetime Homes Standards.
- 3.35 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.

### **Refuse and Recycling**

- 3.36 Separate bin stores would be provided for the commercial units and both these and the bin stores for the residential units would be provided within the two buildings. All bin stores would be sited to ensure ease of collection and the footprint of the two residential refuse stores would be appropriately sized to meet the storage requirements for the proposed 24 flats.

### **Renewable and Low Carbon Energy**

- 3.37 Policy ENV8 of the Core Strategy requires that developments of five or more dwellings or non-residential developments of 1,000m<sup>2</sup> 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.

- 3.38 The application has been accompanied by a Sustainability Statement and Energy Statement which relates to the residential element only as there would be less than 1000 square metres of commercial floor space created by this development. The scheme would include the provision of solar PV panels to the roofs which would meet the policy requirement of policy ENV8.

#### **Impact upon Residential Amenity**

- 3.39 The residential premises located close to the site include properties fronting Crown Hill with rear gardens extending towards the boundary with the application site and No. 7a Crown Hill, a detached two-storey house sited some 11.5 metres from the north/north-western site boundary. Flats are also found within buildings fronting High Street located to the south and east of the site.
- 3.40 The previous application was refused in relation to impact on the residential amenity of the occupiers of No. 7a Crown Hill; the scheme was considered overbearing and it was considered that unreasonable potential for overlooking and overshadowing would have resulted.
- 3.41 The dwelling house at 7a is sited at a slight angle to the boundary it shares with the application site and an area laid predominantly to paving and forming part of the private garden to this property occupies the area between the rear elevation of the dwelling and this boundary. The ground level of the application site is set approximately 1.5 metres above the ground level of the site of 7a.
- 3.42 The previous scheme proposed a single U-shaped building which would have had a wall adjacent to and extending across most of the north/north-west boundary of the site which is shared with No. 7a. The proposed building was previously proposed to be a mix of 3 and 4-storeys with a central 2-storey section; the flat roofs were proposed at varying heights of between 7.21 metres, 10.6 metres and 13.4 metres from ground level within the application site. The fourth storey had been proposed to be inset. The side wall to the proposed building immediately adjacent to the north/north-west boundary and opposite the rear of No. 7a would have varied in height between 7.21 metres and 10.31 metres.
- 3.43 The revised proposal is now for two separate buildings. Each building would have a side wall adjacent to the north/north-western site boundary shared with No. 7a; the side walls of the two buildings adjacent to the boundary with No. 7a would both now be 2-storey, with a ridge height of approximately 9.5 metres and an eaves height of some 6 metres measured from ground level within the application site. Whilst part of the side wall to one of the buildings would be 3-storey this part would be adjacent to that part of the north-west

boundary shared with the school playing field rather than directly with No. 7a. Both buildings would feature pitched roofs.

- 3.44 The revised proposal is for a two-storey building adjacent to the boundary with No. 7a and part of the boundary with No. 7a would now not feature any built form adjacent to it as a central open space is proposed. Whilst parts of the proposed buildings would be 3-storey, at a ridge height of approximately 13 metres from ground level within the site, these parts would be set further from the shared boundary with No. 7a.
- 3.45 The Essex Design Guide contains advice relating to proposed development and impact in terms of daylight and sunlight to existing nearby dwellings and advises that proposed development should not breach a 25 degree angle taken from a height of 2 metres on a neighbouring property. A site section plan has been provided which demonstrates that the closest building to the boundary with No. 7a would not breach angle. The proposed redevelopment would result in some impact in terms of overshadowing to No. 7a, particularly to that part of the patio garden between the rear elevation and the boundary; however, No. 7a does benefit from an unusually large and private garden which also extends to the front of and to the west of the dwelling house. The degree of separation to the shared boundary and to the rear wall of No. 7a is such that it is considered that the proposed redevelopment would not result in a development that would be overbearing or result in loss of daylight and sunlight or unreasonable overshadowing of the rear facing windows or garden to this neighbouring dwelling.
- 3.46 No. 7a currently enjoys the benefit of a high degree of privacy from the south as the existing buildings on the Dairy Crest site are mostly single storey and the other two storey buildings do not give rise to potential for overlooking. In urban areas such as this, this degree of privacy is rather unusual and the Essex Design Guide acknowledges that in dense urban areas such as town centres some degree of overlooking is inevitable. Notwithstanding this, careful consideration should be given to the impact of proposed development on the privacy of existing nearby dwellings.
- 3.47 The revised proposal would feature glazing to the northern elevations of both buildings adjacent to the boundary with No. 7a. At ground floor, views from proposed glazing would be obstructed by the existing boundary wall which is to remain. At first floor level the proposed windows would serve lounge/kitchens but would be secondary windows to these rooms and would be obscure glazed and non-opening. Although the windows proposed to the northern elevations of the buildings would be a visible feature above the boundary wall from No. 7a, they would not give rise to potential for overlooking and loss of privacy.
- 3.48 Balconies are also proposed to the first and second floor flats. The balconies to the flats at first floor adjacent to the boundary with No. 7a would be oriented such that views to the rear of No. 7a and its garden would not result in unreasonable loss of privacy. In the course of the application the applicant

has amended the balcony design to include a louvre detail, which would be full width across the balcony to the first floor flat which would be closest to the northern boundary within the western block; with this feature in place views towards No. 7a would be restricted. The proposal would result in a greater degree of potential for overlooking to No. 7a, given that the site has very little overlooking at present. It is, however, considered that the design and siting of windows and balconies to the eastern elevation of the western block and the western elevation of the eastern block, given the proposed degree of separation and the orientation of the block in relation to No. 7a, would be such that the proposal would not give rise to loss of privacy to existing nearby residents which would be harmful to residential amenity.

- 3.49 The distances between existing and proposed buildings in the north and north-easterly and southerly direction would be sufficient to mean that any potential for overlooking would not result in loss of privacy to existing occupants of nearby flats which would result in unreasonable harm to amenity. The eastern wall of the proposed block which would be sited towards the eastern boundary of the site would contain clear glazed windows and balconies at first and second floor level. The Essex Design Guide provides guidance relating to separation between proposed and existing dwellings in order to achieve appropriate privacy to existing nearby residents. The eastern facing wall of this block would not directly face the rear wall of the nearby dwellings fronting Crown Hill. The separation of the eastern elevation to the eastern site boundary would be between 3.9 and 5.3 metres; however, the nearby dwellings fronting Crown Hill have fairly deep rear gardens, with separation between the rear walls of the dwellings and the site boundary between 26 and 30 metres. The separation between the proposed development and these existing nearby properties would be acceptable with regard to privacy. The rear garden of these nearby properties would experience a greater degree of overlooking; however, no more so than would have resulted from the previous scheme.
- 3.50 To the west of the application site is a playing field and playground associated with Rayleigh Primary School. Whilst some of the proposed windows and balconies would have views across the playing field this is not a private space where the degree of privacy that would be expected within a private garden would be expected. The garden of No. 7a has no enclosed boundary treatment along the direct boundary with the school playing field at present. The previous scheme would have had a similar potential for overlooking to the west and this scheme was not refused on this ground.

#### Residential amenity of future occupants

- 3.51 Given the proximity of the proposed commercial units to the proposed residential flats, particularly those flats which would share a party wall with the commercial units (ceiling or walls) and noting that future use could fall within any of the broad scope of Use Class E, it is considered necessary to require that both commercial units be insulated against the egress of internally generated noise to protect the residential amenity of the occupants of the

neighbouring flats. As the units could also be used as a restaurant it is considered necessary that details of means of control of odour be submitted and agreed prior to installation of any extraction equipment. Planning conditions are recommended accordingly.

### **Car and Cycle Parking**

- 3.52 A total of 26 car parking spaces are proposed on site and all would meet the preferred bay size of 2.9 metres by 5.5 metres. Two of the spaces would meet the width and depth requirements for disabled bays. In addition, space to accommodate motorcycle parking is proposed, as is space for cycle parking.
- 3.53 The adopted parking standard sets out a minimum parking requirement for residential development, consisting of 1 car parking space per 1-bed flat and 2 car parking spaces per 2-bed flat. In addition, the visitor car parking requirement is stated as 1 space per 0.25 dwellings. The cycle parking requirement is set at 1 space per flat and 1 space per 8 visitor car parking spaces. The requirement for space to park powered two-wheelers only relates to visitor parking for flatted development which is set at 1 space per 20 car parking spaces. The adopted parking standard sets a maximum in relation to proposed commercial uses and the standard differs between A1 (shops), A2 (financial and professional services) and B1 (business). As has already been discussed, changes to the Use Classes order would also allow for other uses within the scope of Class E which have other associated parking standards. In summary, in this town centre location the provision of 1 space for each of the commercial units is considered acceptable. Customers visiting the site and the other commercial premises in the town centre in general use nearby public car parks or public transport options rather than specific on-site parking provision.
- 3.54 In terms of the number of bays proposed, all 24 flats would now be provided with 1 car parking space. The adopted parking standard allows for reductions of the vehicle standard to be considered in relation to development within an urban area, including town centres where there are good links to sustainable transport. The site is in a main urban town centre location with good access to sustainable transport links including bus services on High Street and rail a short walk away.
- 3.55 Previously 35 flats and 2 commercial units had been proposed alongside the provision of 19 car parking spaces. In the revised scheme 24 flats and 2 commercial units are now proposed alongside the provision of 26 car parking spaces. The revised proposal provides greater on-site parking provision to serve a reduced quantum of development and in this town centre location the level of car parking provision is considered acceptable.

### **Access**

- 3.56 Vehicular and pedestrian access to the site would utilise the existing access between No. 108 and 110 High Street which is privately owned save for the

junction with High Street which is part of the adopted highway. The applicant has the benefit of right of access over the private section.

- 3.57 The revised layout would introduce parking bays which would be sited perpendicular to part of the southern site boundary and accessed off the existing vehicular access that terminates in a turning head to the east. This car parking arrangement would discourage ad hoc parking on the vehicular access and ensure that this space be kept available for larger vehicles visiting the site to turn and leave the site in forward gear. This change to the layout would address that part of the reason for refusal no. 2 which relates to concern in the previous scheme in relation to the ability of refuse and recycling and delivery vehicles to enter and exit the site in forward gear.
- 3.58 A planning condition is recommended which would require the re-surfacing of the vehicular and pedestrian access to the site beyond the adopted highway. The speed of vehicle movements on the access to the site would likely be very low given the need to turn into the site off High Street or wait for exit onto High Street. There is double yellow lined parking restriction to the adopted part of the vehicular access and then a series of parking spaces perpendicular to part of the existing vehicular access to the western side which would act to discourage parking on the vehicular access at this point. The extent of parking on the existing access which might obstruct the footway would therefore be limited to a short extent. Delineation of the pedestrian footway to the western side of the vehicular access extending beyond the adopted footway and up to the southern site boundary in a different surfacing material or colour would also be required. It is considered that with the redevelopment of the site and the further delineation of the pedestrian footway, ad hoc car parking on the access and overhanging the footway should be discouraged.

### **Affordable Housing**

- 3.59 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 24 units this would equate to the need to provide 9 affordable dwellings.
- 3.60 The revised proposal, as was the case with the previous scheme, has been accompanied by a financial viability appraisal which concludes that the scheme could not viably provide any affordable housing.
- 3.61 As is standard practice the Council has sought independent assessment of the application viability appraisal and this has concluded that it would indeed not be viable for this scheme to provide any affordable housing. This was the same conclusion reached by a different independent consultant in relation to the appraisal submitted in relation to the previous application.

- 3.62 The proposed development has been considered on the basis of Residual Land Value which is the standard approach where all costs associated with the development, including appropriate profit, are deducted from the value of the proposed development scheme leaving a residual sum. If the Residual Land Value is more than 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. In this case two different independent consultants have reached the same conclusion in relation to very similar schemes and it is therefore accepted that the proposed development could not deliver any affordable housing.

### **Ecology**

- 3.63 The NPPF, policy ENV1 and policy DM27 require that effects on biodiversity are considered in the determination of planning applications. The NPPF requires that distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with status and that appropriate weight is attached to their importance and the contribution that they make to wider ecological networks.
- 3.64 In addition, the Conservation of Habitat and Species Regulations 2017 (Habitat Regulations) require the Local Planning Authority as a 'competent authority' in the exercising of its planning function to undertake a formal assessment of the implications of development proposals before granting consent for any development which is likely to have a significant effect on a European site (either alone or in combination with other development).
- 3.65 The formal assessment is known as a 'Habitat Regulations Assessment (HRA)' which has several distinct phases. The first is a formal 'screening' for any likely significant effects. Where these effects cannot be excluded, assessment in more detail through an 'appropriate assessment' is required to ascertain that an adverse effect on the integrity of the site can be ruled out. Where such adverse effects on the site cannot be ruled out, appropriate mitigation must be secured.
- 3.66 A Local Planning Authority may only agree to grant planning permission after having ascertained that the development will not adversely affect the integrity of the European site; this can include consideration of proposed mitigation secured. The Local Planning Authority is required by law to have regard to guidance provided by Natural England. The closest European designated sites are found along the District's coast, which consist of the Crouch and Roach Estuaries (Mid-Essex Coast Phase 3 (SPA) (Ramsar) (SSSI) and the Essex Estuaries (SAC). Local planning authorities have a duty to consult Natural England before granting planning permission on any development that is in or likely to affect an SSSI, according to criteria for consultation as set out by Natural England. The site is not within a Zone of Influence where the scale/location of development is such that Natural England should be consulted; however, standing advice from Natural England is a material

consideration. In this Natural England has highlighted that it considers that residential development in this location could generate significant impact on one or more European designated sites along the coast resulting from increased recreational activity. It is the Council's responsibility to undertake an 'appropriate assessment', as required by the Habitat Regulations.

- 3.67 The proposal has been considered in respect of the Habitat Regulations, taking account of standing advice from Natural England and the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) developed by Essex County Council which seeks to address impacts (including cumulative impacts) arising from increased recreational activity.
- 3.68 The advice provided as interim advice by Natural England in August 2018 has been followed; the conclusion of the HRA is that, subject to securing appropriate mitigation, the proposed development would not likely result in significant adverse effects on the integrity of the European site along the Essex coastline. The applicant has been advised of the need for appropriate mitigation which usually takes the form of a financial contribution at £123.58 per dwelling to contribute towards longer term monitoring and mitigation along the coastline, to mitigate adverse impact from the proposed development on the European designated sites by way of increased recreational disturbance.
- 3.69 An update with respect to this matter will be reported in the addendum.
- 3.70 There is considered to be no likelihood of harm to protected species on site as a result of the proposed redevelopment, given the site characteristics.

### **Archaeology**

- 3.71 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 the recommended planning condition to ensure the significance of heritage assets are suitably recorded.

### **Air Quality**

- 3.72 Part of the application site falls within the red lined Air Quality Management Area (AQMA) in Rayleigh although the Order is clear that the whole site should be considered to fall within the AQMA given that it is one curtilage.
- 3.73 The proposed residential flats would be sited behind existing buildings fronting High Street and thus shielded from vehicle emissions on this main road through the town centre and there would be no objection to the proposed mix use on the grounds of air quality to future occupants of the site.
- 3.74 Consideration must also be given to the impact that the proposed development would have in terms of vehicle movements and emissions in



relation to the AQMA. When operational, the commercial use at the site had vehicle activity associated with it; however, the AQMA was designated following cessation of commercial activity at the site and it is therefore considered that all vehicle movements associated with the proposed redevelopment would be additional in terms of consideration of emissions and impact on air quality. Although vehicle movements would be associated with the proposed redevelopment the site is in a sustainable location which would enable future residents to access facilities, services and schools within walking distance and public transport options are also readily accessible from the site. The applicant has proposed the installation of 6 electric vehicle charging points at the site which would serve 12 of the proposed parking bays. In addition, below ground infrastructure would be installed to enable future installation of further charging points. It is considered that the proposed installation of electric vehicle charging points would be adequate mitigation with respect to air quality.

### **Flood Risk and Drainage**

- 3.75 The site falls within flood zone 1 which is at least risk of fluvial and tidal flooding where the proposed mixed-use development would be acceptable in principle. Development must, however, also not increase flood risk elsewhere. In this regard the site is at present entirely hard surfaced in impermeable materials, a combination of buildings, tarmac and concrete. It is understood that surface water at the site currently discharges at an unrestricted rate to a public sewer.
- 3.76 The proposed development would introduce a surface water drainage strategy to the site utilising a combination of sustainable drainage techniques to hold surface water on site and then restrict the rate of discharge to the public sewer. Permeable paving would be introduced to pedestrian circulation areas and some of the parking areas which would allow water to percolate through to a stone blanket before being directed to an attenuation tank below ground. The submitted draft drainage scheme proposes that water would discharge from the site at a reduced rate of 2.5 litres per second compared to the existing rate which varies between 9.67 to 30.61 litres per second. The introduction of the proposed surface water drainage would mean that the development would not increase flood risk elsewhere. ECC SUDs team requires further information regarding the proposed treatment of water falling onto roofs before recommended planning conditions relating to surface water drainage can be provided. The applicant intends to provide this detail to ECC SUDs team shortly and a surface water drainage condition is therefore recommended at this stage as a head of condition with full details of the wording to be provided in an addendum.

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## 4 CONSULTATIONS AND REPRESENTATIONS

### Rayleigh Town Council

- 4.1 The Town Council objects to this application due to the contemporary design of the building not being in keeping with the Rayleigh conservation area. Overbearing 3 storey building on properties facing the High Street. Inappropriate access near a busy junction and mini roundabout. Plans show ease of access for two vehicles passing but this is not the case. There is no public footpath, making it a hazard for pedestrians. No affordable housing offered. There is not enough parking on site.

### ECC Historic Buildings Advice

- 4.2 Built Heritage Advice pertaining to an application for the proposed demolition of the existing buildings. This advice follows on from previous, as revised plans have been submitted for the redevelopment of the site to provide two commercial units and twenty four residential apartments with associated landscaping.
- 4.3 The proposed development site is partly within the Rayleigh Conservation Area and the remainder is adjacent, within its setting. Located along the High Street are many buildings of architectural and historic interest; those in close proximity are: Spread Eagle Public House, Grade II listed (list entry number: 1252994); 91 High Street, Grade II listed (list entry number: 1168520) and the designated heritage assets of the Martyrs Memorial Obelisk, Horse Trough and Pump.
- 4.4 A visual assessment of the proposal has been submitted following previous advice; this shows that the proposal will be largely screened by interposing development. Therefore, I do not consider the proposals detract from or harm the setting and significance of the heritage assets affected. Were permission to be granted I request the following conditions are attached:
- Construction of the apartments shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.
  - Construction of the buildings shall not be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges and sills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. The roof lights shall be of low profile conservation type. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

- All rainwater goods shall be of black metal and permanently maintained as such.

### **ECC Urban Design**

- 4.5 Overall, it is considered that there are some elements of this application that require more justification and/or review in order to enhance the quality of design on site. These points are explained within this feedback response.
- 4.6 Firstly, it is appreciated that attempts at mitigating the dominant scale of the building blocks to the surrounding context have been made by reducing the number of storeys from 4 to 3 storeys across the two buildings, as well as dropping down to 2 storeys in some instances, particularly at the north-eastern corner of the site. However, despite this, there are still some concerns with potential overlooking from residents into the neighbouring school playground to the west, due to the location of balconies along that particular facing elevation (west) of Block A. We would still require more justification and assurances on how this potential impact will be mitigated on site as the current 3D visuals illustrate a clear visual link between the school site and the residents' balconies.
- 4.7 Additionally, it is considered that due to the layout of the two buildings located either side of the entrance/exit to the development, there is now a lack of a vista/key view from the High Street looking up the access road into site. There is an opportunity to create a significant view for people located at this junction, in order to connect this development to the local context and create an inviting atmosphere for residents on approach to arrival. The current proposals illustrate parking spaces on immediate arrival and an alternative approach is therefore recommended – viable options such as planting a significant large tree or creative built form are some suggestions for creating a centralised focal point on site.
- 4.8 It is considered that this application demonstrates a highly vehicular dominated street scene, in particular on approach and the immediate surroundings on entrance to the site – it appears that parking spaces have taken priority over the inclusion of pedestrian and cycle friendly infrastructure, which is considered unsuitable for a town centre location with access to established public transport links and public walking routes. It is highly recommended to review this approach again to create a more user-friendly environment. Elements such as a provision of street landscaping along the access road, as well as increased planting beds and street furniture at the entrance in place of parking spaces would help in creating a much more welcoming environment, as well as help signify to visitors that they are entering a residential area.
- 4.9 Furthermore, it is felt that there is a lack of alternative access points into the two building blocks for residents, in particular from the main parking courts. For example, from current plans it appears that residents in Block A, having parked their cars, would have to walk back through the undercroft or around

the building to reach the main access. Therefore, a review into the access strategy would be recommended to ensure the safe passage of pedestrians from their vehicles to their residences.

- 4.10 It is clear that the architectural style of the two buildings on site have been derived from the gable dominated High Street scene. Additionally, there would be no major objections to the proposed materials palette as they have been specified to reflect those existing on site and the local context. With further consideration, however, the building elevations could be enhanced further to portray better quality design. It is felt that there has been a missed opportunity to elevate the main entrances into the residential flats, as the public facing elevations on both building blocks appear quite consistent across the façade in terms of materials and finishes. It is recommended to review this again as alternative forms such as overhead canopies, alternative material finishes, etc. could be applied to achieve a heightened elevation. A similar approach could also be applied to the ground floor commercial units to signify their independence from residential flats.
- 4.11 It was specified within previous responses that the application site borders the AQMA (Air Quality Management Area) and how this development may have an impact on the local air quality. As a result, it is considered that increased green infrastructure would bring a positive impact to the local surroundings. Features such as green roofs and walls should be explored for inclusion within the proposed buildings to help mitigate local air quality and mitigate any potential impacts caused through the development of new built forms on site.
- 4.12 Furthermore, it was also stated within previous comments over the required consideration of Secured by Design elements for this application. Having read through the submitted documents it is not clear where this has been applied, therefore it is highly recommended to consult with Essex Police on this matter to ensure that this application has been suitably approved for safety, surveillance, etc. By analysing the layout plans, there are some concerns over the lack of surveillance for the south-western car parking area, as well as a lack of detail provided on external lighting strategies across the site.
- 4.13 The inclusion of quality outdoor amenity space is crucial in providing spaces of relief for residents in an already highly built-up area. Therefore, it is important that the long-term maintenance of these spaces is considered, to ensure their success within this application site. Landscape proposals such as planting plans, soft and hard material proposals, boundary treatment materials and heights, etc. are required in full detail in order to provide comment on suitability, as well as any opportunities for enhancement in design and layout.

### **Essex Police**

#### **First Response**

- 4.14 The published documents have been studied and, unfortunately, do not provide sufficient detail to allow an informed decision pursuant to the National

Planning Policy Framework, section 12, paragraph 127, (f) Create places that are safe, inclusive and accessible and which promote health and wellbeing, 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. Essex Police would like to see this developer seek to achieve a Secured by Design award in respect of this development as detailed in the Essex Design Guide. Essex Police provide a no cost, impartial advice service to any applicant who request this service; we are able to support the applicant to achieve the requirements to gain the nationally acknowledged Secured by Design accreditation and would invite them to contact Essex Police via [designingoutcrime@essex.police.uk](mailto:designingoutcrime@essex.police.uk)

#### Second Response

- 4.15 Essex Police recently held a constructive consultation meeting with a representative from Open Architecture in relation to integrating crime prevention through environmental design into the proposed housing development at the land rear of 98-128 High Street, Rayleigh. Essex Police would be keen to work with the applicant to ensure this development is a safe place for people to live and visit; we hope to hear from the applicant relating to incorporating Secured by Design accreditation into this development in due course.

#### ECC Archaeology

- 4.16 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, (EHER 13575). It is possible that medieval archaeological deposits will survive in this area. Recommend planning condition. The archaeological work will comprise archaeological trial trenching, following demolition of the existing buildings to ground level. This may be followed by excavation if significant archaeological deposits are found. A professional archaeological contracting team should undertake any archaeological work. An archaeological brief outlining the methods of investigation will be issued from this office (on request) and there would be a cost implication for the developer.

#### Lead Local Flood Authority (LLFA)

##### First Response

- 4.17 We wish to issue a **holding objection** to the granting of planning permission based on the following:
- Discharge rates should be limited to as close as possible to the 1 in 1-year greenfield rate. The closest rate possible for this site without having a high risk of blockage is 1l/s with an outfall diameter of no smaller than 50mm. This is especially important as the site is situated within a Critical Drainage Area. Therefore the discharge rates should be reduced to, or as close as

possible to, 1l/s.

- The surface water deriving from the roof and tarmacked areas is not being treated. All surface water should be treated in line with the simple index approach found with the CIRIA SuDS Manual C753.
- Previously the site had proposed green roofs. It should be explained why this has been removed.

We also have the following advisory comments:

- Infiltration testing will be conditioned to assess the viability of discharging to ground.

#### Second Response

- 4.18 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a **holding objection** to the granting of planning permission based on the following:

- We do not accept catchpits as a suitable form of treatment as they depend too heavily on the regularity of their maintenance and the risk of sediment remobilisation is too high. Treatment for the surface water deriving from the rooftop should be in line with the Simple Index Approach found within the CIRIA SuDS Manual and the Essex SuDS Design Guide.

We also have the following comments:

- Infiltration testing will be conditioned to assess the viability of discharging to ground.
- Discharge rates will be expected to be 1l/s for all storm events up to and including the 1 in 100 plus climate change storm event if infiltration is not viable.

#### RDC – Waste and Street Scene

- 4.19 Please refer the developer to page 90 of the attached document for details of current recycling scheme requirements. The bin store must be as close to the highway as possible to enable collection to take place at the kerbside. There is a cost of £174 per household for bins.

#### RDC Economic Regeneration

- 4.20 We would continue to support the principle of this proposal, which still introduces 2 business units to Rayleigh town centre in addition to the revised number of flats. The points made in the attached letter for our response to

19/00335/FUL, the earlier version of this scheme, are still relevant, namely the following:

- Contribution to the vibrancy of Rayleigh town centre in terms of potential provision of new retail/leisure/service uses, as well as potential for new residential to support existing town centre retail and leisure.
- Contribution to a shortage of employment space for small businesses at the start-up/grow-on stages.
- We continue to ask that the concerns of existing businesses adjoining the site are taken into account.

We would also add the following points, relating to more recent evidence:

- Since the onset of COVID-19, the situation is arguably more serious for Rayleigh town centre businesses and the potential for the proposal to introduce new businesses and residents to the town centre and make it less reliant on pure retail is in line with Government discourse on the future of high streets, which sees them becoming more mixed-use and oriented around the needs of local communities (see the interesting work of the [High Streets Task Force](#) for further detail).
- Rayleigh has an existing strong community of professional services businesses in sectors such as legal, accountancy and marketing. It is an attractive location for entrepreneurs and business investment, which can be evidenced by the growth of BTMK Todmans' team at the Hockley Road offices despite Covid-19 and the conversion of a retail building at 165-7 High Street to office use by Norwegian digital marketing business Papirfly. The Economic Regeneration team is also aware of further potential interest in Rayleigh by an office occupier.
- We have recently received a new South Essex Grow-on-Space Study (part of the evidence base for the emerging South Essex Joint Strategic Plan), which provides further supporting evidence relating to grow-on space and indicates that across South Essex insufficient supply has been coming forward in recent years for a variety of reasons. This indicates that for offices in Rochford District, there is a 'moderate' level of demand, but that quantity of supply is quite low and quality of the current supply is very low (see attached report, paragraph 4.6).
- The incoming Government legislation on expansion of permitted development rights poses a threat in terms of further loss of existing office stock built before 1 January 1990, therefore an increase in potential employment space that could suit both existing businesses in the district, and new inward investors, is welcomed.

**Anglian Water**

- 4.21 There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Informatives and planning conditions are recommended.
- 4.22 The foul drainage from this development is in the catchment of Rayleigh West Water Recycling Centre that will have available capacity for these flows.
- 4.23 The sewerage system at present has available capacity for these flows via a gravity connection regime. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to water course and then connection to a sewer.

**Affordable Housing Viability Consultant Appraisal – BPS**

- 4.24 We identify that the scheme results in a deficit of approximately £600,000 and therefore we ultimately agree with AH106 that affordable housing cannot viably be provided.

**RDC – Environmental Health – Air Quality**

- 4.25 With reference to previously refused application 19/00335/FUL, this proposal falls outside the boundary of the Rayleigh AQMA ([www.rochford.gov.uk/airquality](http://www.rochford.gov.uk/airquality)) and therefore is not contrary to policy ENV5. However, any future vehicle movements entering/exiting the site would be within the AQMA. It is considered that a clear pedestrian access and roadway is required to make the access free flowing.
- 4.26 At point 5.10, the author claims that the proposal will deliver a positive impact upon the local road network as there are predicted to be fewer vehicle movements generated by the development than were caused by the former Dairy Crest operations prior to its closure in 2014. I contest this claim as Dairy Crest operations ceased prior to the declaration of the AQMA Order in 2015. However, it is noted that the applicant has conceded this point and has recently offered mitigation by way of 6 electric vehicle charging points serving 12 parking spaces, with the remainder all to be supplied with passive connections, ready for any future chargers to be installed. A good amount of cycle storage and travel planning incentives are also offered.
- 4.27 The air quality assessment acknowledges that the site is in an obviously highly sensitive location in respect of demolition and construction dust by virtue of its proximity to Rayleigh Primary School and residences. Accordingly,



dust mitigation measures are proposed. All measures must be assiduously employed throughout the demolition and construction phases.

- 4.28 I therefore do not have any objections to this proposal, subject to conditions being applied to any permission requiring the six fast (22kW/hr) EV points and passive connections; cycle storage and travel planning incentives; plus the implementation of comprehensive dust control measures.

### **Neighbours (summarised responses)**

13 responses received from the following addresses:

Ashingdon Road; 12, Cotswold Avenue; 32, Crown Hill; 7a, Derwent Avenue; 17, High Street; 102, Kelvedon Close; 14, Regent Close; 9, Shannon Avenue; 26, Southend Road; Oshawa, The Spinneys; 29, Wedgewood Way; 59

- 4.29 Concern regarding loss of residential amenity to No. 7a Crown Hill on the grounds of overlooking and loss of privacy, overshadowing through closeness to property and loss of light and sunlight warmth. The development would be overbearing and overly intrusive to outlook and visual amenity. Currently the existing buildings close to the boundary are lower than the height of the boundary wall and no windows overlook. Ten windows that would overlook the boundary with lines of sight from other windows and balconies would enable views of my property that is currently not overlooked. The separation distance would be less than the stated 22 metres habitable room to habitable room. The actual reduction in mass of the revised proposal is less than the change in storeys would suggest as the roof has altered from flat to pitched. The northern block would rise to 3 storeys with a pitched roof above. The feeling of being totally overwhelmed by the proposed development would be exacerbated by the considerable and significant difference in ground levels on either side of the northern boundary wall with levels higher on the application site. Loss of light an open sky offers. No regard to the appropriateness of the bulk and scale in comparison with the existing buildings in this conservation area setting. Traffic increase in an already congested area. Concern about potential flood risk issues to property.
- 4.30 Situated in an Air Quality Management Area where new residential development is to be restricted and additional traffic volume will increase air pollution.
- 4.31 Increased traffic generation. Use of access with poor sight lines.
- 4.32 Negative impact on the conservation area. The proposed design is too big, too tall, employs a solidier course and uses non-traditional materials and patterns for windows and doors and their surrounds.
- 4.33 Policy requires 25 metres separation between rear walls of dwellings whereas only 15 metres would be achieved. The Essex Design Guide states that a separation of a minimum of 15 metres from a proposed rear wall to the

boundary should be achieved but at a point only 1.25m metres would be achieved. Any upper storey living rooms should be no closer to the rear of any other dwelling than 35 metres but only 15 metres would be achieved.

- 4.34 Impact of new development on our business (102), both during construction and when complete. Damage to our car park, vehicles, boundaries and property during the demolition of the existing site (including the dirt / dust which will cover our building, windows and vehicles). Concern regarding vehicles mistakenly using the access between Eden IFA (102) and Mr Simms Sweet shop which cannot support any vehicle bigger than a standard transit van and damage to our property. Noise from construction activity and disruption to business (clients visiting). The detrimental effect on our business during construction with large construction vehicles blocking the High Street, which is already heavily congested with the current traffic levels, causing clients to be late for appointments and staff to be late for work.
- 4.35 People will lose parking spaces behind Superdrug which is especially important for customers and staff.
- 4.36 Rayleigh is a very busy high street with lots of shops including Superdrug which has served Rayleigh well since the 1980's; to lose Superdrug is to put many employees out of work including myself. Many of my colleagues have worked in this shop for years and as the government wants us to work for longer you will be taking away our jobs. Superdrug is part of this community and would be missed by all that live and visit Rayleigh.
- 4.37 This area does not need any more flats or dwellings. We are losing our local high streets with shops closing through these difficult times without closing more because of building. This area of Essex is being swamped with new development with not much thought of schools, doctors, traffic, infrastructure. Also, loss of jobs is prevalent at this present time so do not need more losses.
- 4.38 Concern about parking provision.
- 4.39 Concern about loss of jobs. This will affect the high street negatively. This will ruin the local community spirit. Rayleigh is only a small town and residents want it to stay local.
- 4.40 I work within this vicinity and already there is lack of parking for employees. Car parks are too expensive and access to my place of employment would be severely hampered. The area is already far too over-developed and by building more dwellings would only make an already difficult situation almost impossible.
- 4.41 This is not the type of development needed for this piece of land. The traffic coming out onto the mini roundabout will cause havoc. All that is changed is the number of apartments from 35 to 26 which does not make the proposal acceptable.

- 4.42 Tearing down buildings that make up the community. Less shops and more flats is not good. Traffic and parking is awful in Rayleigh anyway. Schools, doctors' surgeries are full. We do not need any more housing.

The parking allowance on the revised plans still isn't enough for the proposed number of flats, even allowing for the good transport links of the development's situation. We have to pay high rates for our position on the High Street and extra for the parking spaces we have in our car park.

## **5 EQUALITY AND DIVERSITY IMPLICATIONS**

- 5.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- To eliminate unlawful discrimination, harassment and victimisation
  - To advance equality of opportunity between people who share a protected characteristic and those who do not
  - To foster good relations between those who share a protected characteristic and those who do not
- 5.2 The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, pregnancy/maternity.
- 5.3 The Equality Impact Assessment (EIA) indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

## **6 CONCLUSION**

- 6.1 The reduction in quantum of development would allow for appropriate on site amenity space and car parking as well as landscaping to be accommodated and it is considered that the revised scheme could not be regarded as over-development. The scale and form of the revised proposal is considered appropriate in the town centre and the sensitive conservation area location.
- 6.2 The revised proposal and layout would ensure that larger vehicles would have the ability to turn and exit the site in forward gear. The requirement to re-surface the existing vehicular and pedestrian access would ensure that an appropriate means of access would be provided.
- 6.3 The revised proposal would provide appropriate mitigation to mitigate the impact of the proposed development in terms of additional vehicle movements within the AQMA.
- 6.4 The proposed redevelopment of the site would impact on nearby residential properties; however, in a town centre location such as this some impact would be inevitable, especially given the low level built form on the site at present. It

is considered that the revised proposal would not, however, give rise to unreasonable harm to residential amenity given the scale, siting and separation to boundaries and position and treatment of fenestration.

- 6.5 The revised scheme has sought to address Members' concerns relating to the previous proposal at this site and it is considered that the proposal has overcome the reasons for refusal of the previous scheme. The redevelopment of the site would bring a site which has been redundant for some time into active use and the mixed use proposed would be appropriate to the town centre location, supporting housing supply in the District and adding to the commercial offer. It is considered that the design and layout of the scheme would create an attractive development appropriate to this conservation area location and provide future occupants with high quality residential accommodation.



Marcus Hotten

Assistant Director, Place & Environment

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### Relevant Development Plan Policies and Proposals

National Planning Policy Framework

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 (SPD) 2 (January 2007) – Housing Design SPD 6 – Design Guidelines for Conservation Areas.

Rayleigh Conservation Area Appraisal and Management Plan

Natural England Standing Advice

The Essex Design Guide (2018)

### Background Papers

None.

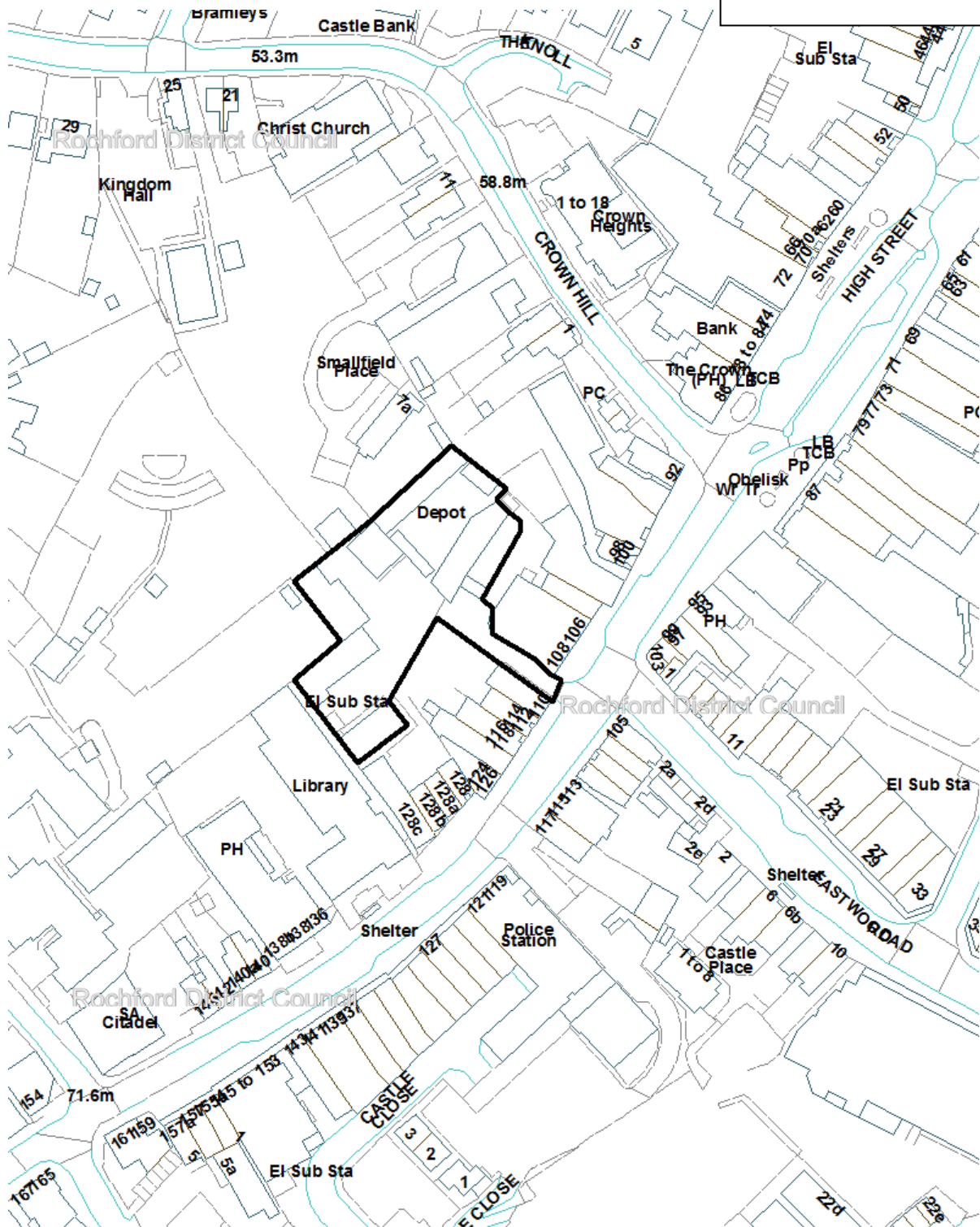
For further information please contact Katie Rodgers on:-

Phone: 01702 318040

Email: [Katie.rodgers@rochford.gov.uk](mailto:Katie.rodgers@rochford.gov.uk)

If you would like this report in large print, Braille or another language please contact 01702 318111.

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