

**Item 2**  
 11/00492/FUL  
 Elizabeth Fitzroy  
 Homes, London  
 Road, Rayleigh

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- 1. Extract from Appendix H1 to the Rochford District Council – Local Development Framework Core Strategy**

This lists the infrastructure that the 550 dwellings, in the general location of North of London Road, Rayleigh, are required to provide:-

<b>Location</b>	<b>New infrastructure and Services to Accompany Residential Development</b>
<b>North of London Road, Rayleigh.</b>	<ul style="list-style-type: none"> <li>○ <b>New primary school</b></li> <li>○ <b>Local highway capacity and infrastructure improvements</b></li> <li>○ <b>Public transport infrastructure improvements and service enhancements, including link between Rawreth Lane and London Road</b></li> <li>○ <b>Link and enhancements to local pedestrian/cycling and bridleway network</b></li> <li>○ <b>Link to Green Grid Greenway No. 13</b></li> <li>○ <b>Public park land to provide buffer between the built environment and A1245</b></li> <li>○ <b>Youth and community facilities</b></li> <li>○ <b>Play space</b></li> <li>○ <b>Sustainable drainage systems</b></li> </ul>

**2. South Essex Primary Care Trust Response to Consultation**

Assuming that the nursing home re-provision is like for like, the increase in dwellings is 43. Using the model, and assuming that these dwellings are all market housing, a S106 contribution of £26,741 would be requested by the PCT; equivalent to £622 per dwelling. The PCT makes its claim under the pooled contributions arrangements set out in the Planning Obligations Circular 05/2005.

*Officer comment:* This request is for a financial contribution towards the provision of health care in the area arising from the 43 dwellings.

*Applicants' response:* The applicants have advised orally in the lead up to the Committee that, as this matter has been raised so late, they are not willing to provide this funding.

### **3. Conservation Area Credits – Biodiversity Offsetting Scheme**

Essex is one of 6 national biodiversity offsetting pilot projects being launched, which are aimed at sites involving large scale loss of farm land to housing developments of relatively low grade habitat value. This is to apply to the residual impact of the scheme after planning conditions and other mitigation first address such effects. Rochford District Council is a partner to this scheme. The Environment Bank Ltd is a national broker who will, at no cost to the applicant or Local Planning Authority, calculate the value of appropriate conservation credits that a developer needs to purchase to be spent elsewhere, preferably locally, on habitat restoration schemes.

This launch has come late in the life of this application, but if it had been a favourable recommendation the issue would have been explored as a clause in a Section 106 legal agreement to:-

- Secure the acquisition of conservation credits for the residual impact to habitat arising from this development. Such credits purchased are used to invest in habitat restoration schemes and shall not exceed £30,000.

*Applicants' response:* The applicants have advised orally in the lead up to the Committee that they would not be prepared to fund towards this scheme. They are committed to establishing habitat at Sweyne Park for translocated slow worms on the site as part of the application for consideration.

### **4. Essex County Council Highway Response to Consultation**

The 4.8m minor access way would limit any future development at this location with a single point of access permitting up to 100 units. This layout could not offer any form of bus penetration into the development, should further phases be submitted. A bus network would require a minimum carriageway width of 6.75m. The site also fails to integrate with surrounding networks to offer improved connectivity and sustainability in the area.

The Highway Authority would not wish to raise an objection to the above application, subject to the following:-

1. Prior to commencement of the development, the road junction shall have appropriate kerb radii and shall be provided with a clear to ground

	<p>visibility splay with dimensions of 2.4 metres by 120 metres to both the east and west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.</p> <p>2. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.</p> <p>3. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic, shall be identified clear of the highway, submitted and approved in writing by the Local Planning Authority.</p> <p>4. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.</p> <p><b>Additional Note:</b> With reference to the above condition the applicants' attention should be drawn to the recent alterations to householder "permitted development" insofar as there is now the need to provide a permeable solution (SUDS) for the hard standing to reduce the cumulative impact of surface water run off and overloading of sewers.</p> <p>5. Prior to commencement of the proposed development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided at the commencement of the development and maintained during the period of construction.</p> <p>6. Prior to commencement of the development details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>7. All independent paths to be a minimum of 2 metres wide, with details of lighting and drainage to be submitted to and approved in writing by the Local Planning Authority.</p> <p>8. Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme.</p>
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All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.

9. All parking shall conform to the EPOA Parking Standards Design and Good Practice September 2009. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres. All single garages should have a minimum internal measurement of 7m x 3m.
10. Prior to occupation of the proposed development, the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include 10 (Ten) All Essex Scratch Card tickets.

#### **INFRASTRUCTURE IMPROVEMENTS**

11. None required.

#### **CONTRIBUTIONS**

12. A contribution of £6,000 (six thousand pounds) towards infrastructural improvements at the bus stops opposite the site on Little Wheatley Chase.
13. A contribution of £8,000 (eight thousand pounds) towards pedestrian infrastructural improvements on London Road.
14. A contribution of £5,000 (five thousand pounds) towards the Traffic Regulation Order to advertise and introduce, if permitted, the re-location of the 30mph zone along the London Road front of the proposed development site.

#### **INFORMATIVES**

- The requirements above should be imposed by way of negative planning condition or planning obligation, as appropriate.
- Steps should be taken to ensure that the developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site, together with an adequate parking area for those employed in developing the site.
- Prior to any works taking place in the public highway or areas to become public highway the developer shall enter into the appropriate legal agreement to regulate the construction of the highway works. This will include submission of detailed engineering drawing for approval.

**5. Letter from the Diocese of Brentwood**

Writes in support of the application to confirm that the Diocese sold its part of the access road into the site to Elizabeth Fitzroy in 2011 for the sole purpose of enabling the replacement care home.

In conjunction with the Catholic Handicapped Fellowship (who originally owned the remainder of the Timber Grove site) and Elizabeth Fitzroy Support (EFS) we have jointly moved forward on this long term project together because we all accept the same aim: namely, to replace the outdated care home with a much more modern and suitable building for the folks who've lived there for years, or in some cases, decades.

Are aware that Weston Homes' involvement is key to this project proceeding and have made it a requirement of our deal with EFS that they must build the new care home as soon as is reasonably practicable.

**6. Letter from Applicants**

Along with Elizabeth Fitzroy Support, I was dismayed to learn that, despite the Members' site visit on Saturday, 7 January, the application will not now be on the Planning Committee Agenda for 26 January. This is indeed disturbing news because we have been promised each Agenda since September 2011 and we believed all was finally in place for the January meeting. (*Officer comment: This overlooks the request from the applicants' representative back in September 2011 for the application not to be reported to the Committee if it carried a recommendation of refusal*).

The reason for the latest delay is because the Council's advisers on the scheme's viability, a practice called 'Three Dragons', have still not yet provided a final report to officers on our affordable housing statement submitted with the application in August 2011, which demonstrated that funding the replacement care home required only private housing. The timescale taken by Three Dragons has, in our view, been disproportionate to the scale of the exercise, insensitive to the needs of EFS to urgently secure new premises for its residents, and out of kilter with Government guidance that the planning system should be efficient and not delay development.

As I understand the situation, there are two issues that Three Dragons have not accepted:-

**1. Operating Margin**

Our banking covenant requires us to demonstrate a 20% gross margin on every project for which we seek funding. This is to cover our operating overheads, which run at 12%, as well as allowing an adequate return on business activities. Three Dragons believe a 15% gross margin is sufficient, despite the fact that we have advised that this scheme will not be fundable if we can only show a 15% gross return.

2. Basis to Assess Viability

Our two approaches to this viability exercise differ fundamentally. Three Dragons uses a 'Residual Value' appraisal, relying on the very low existing Green Belt value of the land, suggesting scope for including affordable housing. By comparison, we believe that in this case the starting point is that the purpose of the application is to enable the provision of a high quality replacement care home to avoid the current deficient one being shut down. The private housing is required as the only practical means of funding the project. The costs associated with constructing and furnishing the new 14-person home, and securing the land and vehicular access, amount to £1.9m, which is considerably more than the land would be worth just for housing without a replacement care home. These costs are already set and cannot be changed to allow for inclusion of affordable housing. The bulk of this sum must be funded by our banks on the terms that require the 20% gross margin.

Effectively the Council faces two options, being:-

1. Accept our approach to these two issues and approve the application, as proposed. This would secure the new care home, preserve 30 jobs, deliver 43 private dwellings and unlock the access to further housing on the 'land to the north of London Road, Rayleigh', in accordance with the recently adopted LDF Core Strategy.
2. Take the Three Dragons' position and refuse the application due to lack of affordable housing. This would force the closure of the home and the Council could hope that in due course a viable residential scheme incorporating the required affordable housing can be delivered, but without a replacement home.

I understood that initial discussions between EFS and Rochford had established the primacy of replacement of the home, on which basis EFS has expended significant sums to secure the freehold of its land and the necessary vehicular access.

I am therefore writing to request that officers consider our affordable housing statement on the basis of our position on these two issues and that the application is placed on the February 2012 Committee Agenda.