

**TIMBER GROVE, LONDON ROAD**  
**RAYLEIGH SS6 9DT**

**ERECTION OF REPLACEMENT CARE HOME (CLASS C2)**  
**AND 43 DWELLINGS**  
**(Revised Scheme)**

**Planning Statement**

**1 May 2012**



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**FitzRoy**  
transforming lives

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# 1 Introduction

- 1.1 This Planning Statement has been prepared by Weston Homes to set out the justification for the approval of a full application for the demolition of an existing residential care home (Class C2) and erection of a replacement residential care home together with 43 dwellings, (Class C3). Of these dwellings, 29 would lie within land currently designated as Metropolitan Green Belt on the Rochford Replacement Local Plan 2006 Proposals Map, which is yet to be replaced in the Local Development Framework (LDF) documents, but which is identified in the adopted Rochford LDF Core Strategy 2011 as within a general location for re-defining of the Green Belt boundary to allow an urban extension for housing and related community facilities.
- 1.2 Fitzroy (F) and Weston Homes (Housing) Ltd (WH), have jointly submitted this planning application to Rochford District Council (RDC) for the site at Timber Grove, London Road Rayleigh, Essex, as a Revised Scheme following refusal by RDC of planning permission for a similar proposal on 5 March 2012, (Ref 11/00492/FUL). In summary, the 5 reasons for refusal related to 1) the fact that the site is partly in the Green Belt and thus that element of the scheme would cause harm to openness and by resulting in piecemeal development in an unsustainable form lacking connectivity, and would fail to contribute to the community infrastructure provision needed for the urban extension; 2) lack of evidence that no affordable housing could be provided with the scheme; 3) the lack of pedestrian and cycle connectivity with existing and proposed neighbouring development; 4) the detailed design of spaces and buildings failing to provide a high quality design for the site; and 5) the tree report failing to provide an assessment of the existing trees to be removed and retained nor a tree protection plan, thus impeding an assessment of the impact of the scheme upon existing trees.
- 1.3 The Design and Access Statement (DAS) now submitted with this Revised Scheme application addresses the revisions to the development to counter the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Reasons for Refusal, and an Affordable Housing Statement responds to the 2<sup>nd</sup> Reason for Refusal. Accordingly this Planning Statement addresses the 1<sup>st</sup> Reason for Refusal to explain why the Council should now review the circumstances pertaining to this reason and support the scheme at the current time.
- 1.4 The full wording of the 1<sup>st</sup> Reason for Refusal was:

*"The site is partly located within an area of Metropolitan Green Belt, as defined in the Council's saved Local Plan (2006). Within the Green Belt permission will not be given except in very special circumstances for the construction of new buildings, other than the reasonable replacement of existing dwellings, as defined in policies R2 and R6, or necessary for agriculture or limited recreation that would keep land open. The proposal represents inappropriate development and no very special circumstances have been demonstrated by the applicant that would outweigh the harm to openness and other harm caused by the piecemeal ad hoc development of small parcels of land on the fringe of the settlement in a resulting unsustainable form, lacking pedestrian and cycle integration with*

*neighbouring and proposed adjoining development. If approved, the proposal would fail to ensure the comprehensive treatment of the greater land release and would fail to bring forward the proportionate contribution such releases ought to make to community infrastructure provision contrary to policy H2 and appendix H1 to the Rochford District Council adopted Core Strategy (2011) and policy CLT1."*

## 2 Policy Context

### National Policy

- 2.1 Since the refusal of the previous planning application on 5<sup>th</sup> March 2012, the Government has published the National Planning Policy Framework, (NPPF), which replaces previous guidance in the PPS and PPG documents. The following paragraphs are considered to be relevant to the case for the application.

#### *Framework Material to Decisions on Applications*

- 2.2 The NPPF applies with immediate effect, and is to be used as a material consideration in decisions on planning applications. It reiterates that planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise (NPPF paragraph 2). Specifically, until 27 March 2013, full weight may be given to relevant policies of Development Plan Documents (DPD) **adopted since 2004 in accordance with the Planning and Compulsory Purchase Act 2004**, even if there is a limited degree of conflict with the NPPF. The 2004 Act defines a DPD as a "local development document which is specified as a development plan document in the Local Development Scheme" [section 37(3)].

- 2.3 The Rochford District Replacement Local Plan was adopted in 2006, (RDRLP 2006), and its Introduction advises:

#### **INTRODUCTION**

*1.1 This plan is a replacement of the district-wide local plan prepared by Rochford District Council under the provisions of Section 36 of the Town and Country Planning Act (1990)*

*[ and the various relevant subsequent statutory instruments].*

*1.2 ...*

*1.3 The Rochford District Local Plan was adopted on the 4th October 1988 and a First Review was adopted on the 11th April 1995. This replacement applies to the period 1996 - 2011. Once adopted, the development plan for the area will comprise the Essex and Southend-on-Sea Replacement Structure Plan [RSP] (adopted 9th April 2001) and the Rochford District Replacement Local Plan.*

- 2.4 Accordingly, notwithstanding its date of adoption post 2004, we believe it was **not** adopted under the 2004 Act but rather the Town and Country Planning (Transitional Arrangements) Regulations 2004. It is not listed in the Council's *Local Development Scheme 2009*, (the latest version), as part of the "Adopted Development Plan Documents", (Appendix 1), although certain policies have been 'saved' under the provisions of the 2004 Act. Thus the

Rochford District Replacement Local Plan 2006 was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, as is required by NPPF paragraph 214 Footnote 39 for the provision in NPPF paragraph 2 to apply to its Saved Policies.

- 2.5 In such cases, the NPPF states that "*due weight should be given to relevant policies in existing plans according to their consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*" (p.215). This implies that the Saved Policies of the Rochford District Replacement Local Plan 2006 should not be given significant weight if they are divergent from the NPPF policies.
- 2.6 In contrast, the Rochford Local Development Framework (LDF) Core Strategy was adopted in December 2011, superseding some RDRLP 2006 Saved Policies. This is a Development Plan Document recorded as adopted in the Local Development Scheme, and therefore due weight should be given to its policies in the determination of planning applications where consistent with the NPPF.

#### *Achieving Sustainable Development*

- 2.7 The Framework brings forward the Government's aim in the former PPS1 for delivering sustainable development, the meaning of which is set out within NPPF paragraphs 18 to 219. This involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. (NPPF p.9). We contend that the application proposal represents sustainable development in accordance with the terms set out in the NPPF.

#### *Presumption in favour of Sustainable Development*

- 2.8 The *Presumption in favour of Sustainable Development* means, for decision taking, that development proposals which accord with the Development Plan should be approved. Additionally, permission should be granted where the Development Plan is absent, silent or relevant policies are out of date, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, or specific policies in the Framework indicate development should be restricted. (NPPF p.14).
- 2.9 In respect of the part of the site that would accommodate 14 dwellings and the replacement care home, with the 'Community Use' designation on the RDRLP 2006 Proposals Map, this is **not** designated Green Belt, and the Report to Committee dated 23 February 2012 covering the previous application stated: "*This part of the proposal is consistent with the previous permission granted on 11 September 2007 but which has now lapsed*". That permission was also for a mix of care home and residential accommodation. As explained below, the proposed use is compatible with LDF Core Strategy Policy CLT6 – *Community Facilities*, and thus the Presumption in favour of Sustainable Development applies to this part of the proposal.
- 2.10 The part of this application site which is identified as Green Belt in the RDRLP 2006 Proposals Map lies within an area identified in the LDF Core Strategy 2011 Key Diagram and its Policy H2 as a general location for 550 dwellings on

*'Land to the north of London Road, Rayleigh'* for development between 2015 – 2021. As set out below, the development of the part of the site designated Green Belt in the RDRLP 2006 is not anticipated to come forward within the construction programme until well into 2015, and thus the proposed scheme accords with the Core Strategy policy even if it does not accord with the RDRLP 2006 Proposals Map and Saved Policies R2 and R6. Given the status of the two documents in the context of NPPF rules, significantly greater weight should be given to the scheme's compliance with the proposed housing allocation of the site set out in the adopted Core Strategy than the current designation as Green Belt in the RDRLP 2006, where this is at odds with the NPPF's objective to promote housing on appropriate, sustainable sites identified in adopted LDF documents. Thus we contend that the principle of residential use of this Green Belt land is compliant with adopted LDF policy, even if technically it currently comprises 'inappropriate development' and that the 'harm' caused by development of the Green Belt must be assessed against the future use of the land, as demonstrated by a recent decision by the Secretary of State in Thurrock noted below.

*Promoting Sustainable Transport*

- 2.11 Under *Promoting Sustainable Transport*, a requirement is made for a Transport Assessment (TA) for developments that generate a significant amount of movement (NPPF p.32). A TA was provided for the previous application and endorsed by the County Highway Authority, which had no objection to the previous application, as reflected by the absence of any highway issue in the Reasons for Refusal. The current application is for the same number of dwellings and scale of replacement care home, with a correspondingly similar traffic generation. The TA which has been resubmitted therefore remains valid and confirms no adverse traffic implications of the current proposal.
- 2.12 Decisions on applications should take account of, inter alia, whether the opportunities for sustainable transport modes have been taken up and schemes provide safe and suitable access to the site for all people. (NPPF p.32). Developments should be located to give priority to pedestrian and cycle movements and have access to high quality public transport facilities, and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians (p.35). The current scheme improves the circulation and permeability for pedestrians and cyclists, and to potential new bus services, both to east and west as well as north and south, as explained in the DAS, to counter the Reasons for Refusal.

*Delivering a wide choice of High Quality Homes*

- 2.13 Under *Delivering a wide choice of High Quality Homes* Local Planning Authorities are required to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional 5% buffer (NPPF p.47). The Council's Annual Monitoring Report (AMR) for 2010 - 11 advises that for the 5 year period 1 April 2012 – 31 March 2017, the supply of ready to develop housing sites represents 111% of the required figure. The Committee Report to the previous application did however state that "*it is noted that the 14 units on the part of the site not in the Green Belt are counted for delivery in 2013/14 as shown in the 2010 amendments to the Strategic Housing Land*

*Availability Assessment – page 75 (SHLAA)*” (para. 2.67). Consequently they form part of that 5 year supply.

- 2.14 In terms of the 29 additional units sought, whilst the Committee Report to the previous application noted that *“the housing trajectory set out in the Council’s latest Annual Monitoring Report shows none of the total quantum of 550 units being delivered before 2018/19, and thus the general location, [land north of London Road Rayleigh], does not appear in the 5 year land supply”*, we note that this is reliant on a rapid increase in projected house completions this year (2011/12) compared to last year, followed by completions amounting to 3½ times as many in 2012/13, nearly 3 times as many in 2013/14, nearly twice as many in 2014/15 and 4 times as many in 2015/16 and again in 2016/17, as set out at AMR 2011 Figure 4.4. It is contended that this is a very ambitious expectation by Rochford DC as justification that a *specific, deliverable* 5 year supply is more than provided, especially since that provision relies on 725 units out of 1387 (52%) for the 5 year period coming from just 3 other Green Belt release sites that have not yet started and could have infrastructure requirements or other issues that compromise viability or delay construction programmes. Thus the Council’s confidence that the 5 year supply would not benefit from provision of 29 units identified in Core Strategy Policy H2 early in the post 2015 period is, we contend, open to question at the current time. We would argue that where a site that will form part of the necessary housing land supply is currently available, suitable and deliverable (with a pressing current need due to the care home requirement), and is located contiguous to the existing settlement boundary, it should be allowed to proceed ahead of sites that are not ready to proceed, located further from existing settlements, which can be moved slightly later in the housing trajectory. It is not a question of adding to the overall housing land supply identified in the LDF Core Strategy, but ensuring that it is indeed delivered at the rate proposed.
- 2.15 The application site is, as noted, well located in terms of proximity to the town centre, local facilities, and public transport, being contiguous with the existing settlement. It already contains open land to enable construction of the replacement care home which will unlock the development of the remainder of the site, and the complex issues relating to covenants and ownership of the access drive which previously thwarted schemes such as the 2007 consent have now been addressed by the joint efforts of Fitzroy and Weston Homes. Therefore, subject to this application being approved, the development could commence immediately, thus forming an assured part of the provision of the five-year housing supply over other sites which may not score as highly in terms of deliverability.
- 2.16 To deliver a wide choice of high quality homes, Local Planning Authorities should, inter alia, identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand and, where affordable housing is needed, meet this on site if possible (NPPF p.50). In this case, the Reasons for Refusal did not indicate that the proposed mix of dwellings was inappropriate to local requirements, and therefore this is brought forward with just minor adjustments arising from design changes. Consideration has been given by both applicants to the criticism in Reason for Refusal 2 relating to the previous scheme of the absence of any affordable housing from that

scheme, and now affordable housing is proposed on site. The viability of the level of provision proposed has been assessed independently, as is set out in the Affordable Housing Statement supporting this application. This accords with the provisions of LDF Core Strategy Policy H4 which allows for proportions below the 35% target to be negotiated reflecting economic viability considerations. The proposal is therefore in compliance with NPPF and LDF Core Strategy requirements in this regard, which are mutually compatible.

#### *Requiring Good Design*

- 2.17 Under *Requiring Good Design*, the Framework stresses that "*good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*" (NPPF p.56). Planning decisions are to aim to ensure six objectives for developments, which include establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live; optimising the potential of sites to accommodate development, including green and other public space; and creating visually attractive places as a result of good architecture and appropriate landscaping (NPPF p.58). The DAS submitted with this application demonstrates that the Revised Scheme creates a strong sense of place with its design and streetscape, which comply with the Essex Design Guide, whilst the layout and massing, quantum of surface parking, arrangements for refuse/recycling collection and cycle storage and the proposed arrangement of green public open space appropriately optimises the site's potential. As explained below, the changes have addressed the criticisms in the Reasons for Refusal of the previous application.
- 2.18 To achieve these and other good design aims set out in NPPF paragraphs 59 – 61, Local Planning Authorities are expected to have local design review arrangements to provide assessment and support to ensure high standards of design, with early engagement on design. (NPPF p.62). It is noted that RDC does not have a Design Panel, but does use the services of the Essex County Council Urban Design team. The Committee Report on the previous application noted the comments of that team to be that the layout was generally satisfactory and has been considered in relation to an overall master plan for future development, but that there were a number of unsatisfactory elements relating to the design of the houses and the care home, that the presence of parking within the central open space was unfortunate, and improvements could be made to the landscaping and the site connectivity (Committee Report paras 2.27 – 2.29). As explained in the DAS, these matters have been addressed in the current application. Thus the applicants contend that they have taken account of design comments made on behalf of RDC from prior to submission of the previous application to the evolution that has taken place for this application. The NPPF approach has been followed.

#### Regional Policy

- 2.19 The East of England Plan 2008 (EEP) currently represents the relevant Regional Policy. However it is relevant to note that as a result of the Localism Act 2011, the Regional Spatial Strategies of which the EEP is one are due to be revoked during the summer of 2012, and thus may not be current by the

determination date for this application. Therefore its policies are not reviewed in this Statement, even though its housing land supply figures inform the LDF Core Strategy.

#### Local Plan Policy

2.20 The Local Plan policy position as noted above is that the RDRLP 2006 policies were Saved, where appropriate on 16 June 2009, and are in the process of being replaced as each of the RDC LDF documents is adopted. Currently the relevant status of documents is that:

- the Rochford LDF Core Strategy was adopted on 13 December 2011, thereby replacing some Saved Policies from the Rochford District Replacement Local Plan 2006, including those related to housing land supply, as discussed above;
- the Rochford Development Management and Allocations documents are currently at preferred policy consultation and unpublished stages respectively. This means that they should not be accorded any significant weight in the determination of planning applications. Thus the RDRLP 2006 Saved Policies remain in place, although their divergence from the NPPF should be a factor to consider.
- the Rochford Annual Monitoring Report 2010/11 was published in January 2012, bringing up to date the Council's Housing Trajectory, Five Year Housing Supply and SHLAA, which in combination set out when and where housing is expected to be delivered over the next five years and the plan period.

2.21 The Core Strategy adoption means that this planning application will be determined in the context of the following policies:

**Policy H1 – the efficient use of land for housing (inter alia)**

*The Council will ... prioritise the reuse of previously developed land and ensure the delivery of appropriate sites within existing settlements identified by the SHLAA*

*The remaining housing requirement that cannot be delivered through the redevelopment of appropriate previously developed land will be met through extensions to the residential envelopes of existing settlements as outlined in Policy H2.*

**Policy H2 – extensions to residential envelopes and phasing (inter alia)**

*The residential envelope of existing settlements will be extended in the areas set out below and indicated on the Key Diagram, to contribute a 5 year supply of housing land in the period to 2015, and between 2015 – 2021:*

<i>North of London Road, Rayleigh</i>	<i>Dwellings by 2015</i>	<i>– 0</i>
	<i>Dwellings 2015 to 2021</i>	<i>– 550</i>

*The Council will maintain a flexible approach with regards to the timing of the release of land for residential development to ensure a constant 5 year supply of land.*

**Policy CLT6 – community facilities**

*Community facilities will be safeguarded from development that will undermine their important role within the community.*

2.22 Other policy context that is material to the determination of the application is as follows:

- The Rochford District Replacement Local Plan 2006 Proposals Map has not yet been superseded in the absence of an adopted LDF Site Allocations Document, but as noted under NPPF above, it does not now have the same weight as the Core Strategy Key Diagram in terms of proposed uses, given its divergence from NPPF objectives of a presumption in favour of sustainable development, detailed below:
- The current Proposals Map allocates the existing Fitzroy Timber Grove care home as 'CU' ie Community Use. This designation covers the existing building and about half of its curtilage, which would accommodate the site proposed for the **replacement care home and 14 of the new houses** with their car parking. See Drawing WH137/P/12/10.002 Rev A- *Green Belt and Layout (Revised Scheme)*, attached to this Statement;
- The remainder of the planning application site, for 29 houses, is currently designated as Green Belt on the Proposals Map, however;
- The Core Strategy Key Diagram locates a symbol for "Extensions to Residential Envelope pre-2021" in the Green Belt at the western end of Rayleigh in the general location of the application site;
- The Council's AMR 2010-2011 Housing Trajectory Site List includes:
  - (Page 70):
    - 206 London Road (in addition to completion of brownfield):  
14 units
  - (Page 71):
    - North of London Road – Green Belt Release 2018-19:  
100 units
  - (page 75):
    - SHLAA 2010 Amendments:  
206 London Road (in addition to completion on brownfield) - also known as Elizabeth Fitzroy Home, London Road, Rayleigh: Planning application received but has not come forward as earlier as initially indicated. The projected completion schedule has been pushed back one year to 2013 – 14, in order to reflect current situation.

2.23 Overall, WH contends that this policy background produces the following context for the decision on the Timber Grove application:

- The replacement of the existing care home within the area designated 'CU' on the current RDRLP 2006 Proposal Map accords with LDF **Core Strategy Policy CLT6** since the role of the existing facility will be maintained;
- The development of 14 houses on the remainder of the Fitzroy Timber Grove home site and Pannell Developments land designated 'CU' on the current

Proposal Map would also accord with LDF Core Strategy Policy CLT6 since the construction of the houses would **not** undermine the provision of this important community service;

- The 14 houses within the CU designated land would be located within the current Rayleigh settlement boundary, on previously developed land rather than within the Green Belt, and on a site identified in the SHLAA for 14 dwellings. Therefore their construction would fully accord with **Core Strategy Policy H1**.
- The construction of the remaining 29 dwellings on land currently within the Green Belt but identified in Core Strategy **Policy H2** for an extension to the residential envelope of Rayleigh beyond 2015, would fully accord with Core Strategy Policy H2 provided that start on those houses did not precede that date.
- The RDC Housing Trajectory may propose a slower rate of provision of the housing on Green Belt release land than the construction rate likely for the 29 remaining dwellings on the Timber Grove site, but as a monitoring document, the AMR Housing Trajectory table would **not** mean that an earlier completion of the 29 houses had caused the scheme to be **contrary** to Core Strategy Policy H2. It would also be open to RDC to amend the delivery dates of other sites that had not yet come forward to ensure that the housing trajectory corresponded with the 5 year supply requirement, in accordance with the flexibility towards the timing of the release of land to ensure a constant 5 year supply that is embedded in LDF Core Strategy Policy H2.
- The construction of housing on the Green Belt land prior to its removal from that designation in the forthcoming LDF Allocations document, whilst technically comprising 'inappropriate development', must be judged in terms of the actual resultant limited harm in view of the LDF Core Strategy Policy H2 identification of the general location for housing, and the benefit of the special circumstance of the provision of a replacement care home.

2.24 The actual timetable anticipated for the build out of this scheme subject to obtaining a resolution to grant planning approval in June 2012 is indicated here:

<i>Resolution to grant full planning permission</i>	<i>30 Jun 2012</i>
<i>S106 signed and Planning Permission issued</i>	<i>31 Aug 2012</i>
<i>Working Drawings for Care Home</i>	<i>31 Aug 2012</i>
<i>Re-construction of access road, Construction, fitting out, decorating and furnishing new care home – 2 years</i>	<i>31 Aug 2014</i>
<i>Commissioning/Licensing new home – 2 months</i>	<i>31 Oct 2014</i>
<i>Demolition of existing care home – 4 weeks</i>	<i>30 Nov 2014</i>
<i>Formation of estate road, laying of services, ground works and construction of 2 show homes – 4 months</i>	<i>31 Mar 2015</i>
<i>Commencement of remaining 41 dwellings</i>	<i>31 Mar 2015</i>
<i>Completion of 14<sup>th</sup> house on 'CU' land</i>	<i>31 Oct 2015</i>
<i>Completion of 29<sup>th</sup> house on former GB land</i>	<i>31 Mar 2017</i>

- 2.25 This demonstrates that the part of the application site to which Policy H2 applies (as opposed to the part covered by Policy H1), would not be commenced until nearly the end of 2015, thus complying with the Core Strategy policy timetable. The completion of the dwellings is dependent on the sales rate since WH finish each house to the purchaser's specification, and there is a need to marry the construction rate to the rate at which the properties are purchased. The completion of the part of the Timber Grove site that is subject to Policy H2, in 2017, is based on a sales rate of less than one dwelling every 1½ months, which reflects the rate achieved at the adjoining Gunn Close, recently developed by Weston Homes. It is not therefore an unrealistic timetable in the current economic climate, although a later completion date in 2017/2018 is certainly not inconceivable. Thus the completion of the scheme, (which is normally when noted in housing monitoring figures), would not be significantly ahead of the AMR Housing Trajectory currently anticipated of 2018 - 19, and in any event within the 5 year time period indicated in Policy H2.

### 3 Response to Reason for Refusal 1

- 3.1 There is a very special circumstance that applies to this case for development in the Green Belt. This relates to the special and urgent need to replace the Fitzroy care home, on this site, for which there is no public funding, and the only means open to the Charity to fund the development being this joint venture with Weston Homes. This circumstance is set out in detail in Section 4, paragraphs 1 – 5 below. The Committee Report in respect of the previous application acknowledged that *"there is likely to be public benefit from the provision of a new care home to replace the existing facility ... but there is no specific evidence provided that demonstrates this is a one and only opportunity for the building to be replaced. For example the release of Green Belt land for development in the general location specified in the Core Strategy north of London Road, in itself provides an opportunity, if this site is part of that release, for the likely increase in the value of the land, and to also consider the provision of a new facility within the overall plan for the location rather than the piecemeal proposal presented in this application ...post 2015."* (p.2.77).
- 3.2 The above officers' response thus presents only one option, which is **still based on cross-subsidy from the sale of housing land**, but requiring a wait until the 'land north of London Road', within which part of the Fitzroy site falls, can be granted consent for housing (and other development) in accordance with the future LDF Allocations document, following the trajectory in the AMR, ie from 2018 onwards. This 6 year wait assumes that the LDF Allocations document, for which the Council can currently provide no timetable for preparation in the AMR, is completed in time. Apart from the uncertainty of that date, the previous submission by the applicants made absolutely clear why a 6 year further wait before a new care home is started – so 8 years until available, is just not a feasible option. The current home will either be closed down as operationally unsuitable or through being financially unviable due to falling occupancy due to concerns over the accommodation. Action must be taken sooner, and it is telling that the

Committee Officers' report could identify no other option than cross-subsidy. We therefore reiterate that there is an urgent need to replace this care home, and no other options to funding other than cross-subsidy from housing can be identified. Special Circumstances exist.

- 3.3 The harm to openness of the Green Belt against which the Special Circumstances must be weighed, is, in this case, very modest, since the land in question is already identified in an adopted LDF Core Strategy to be Green Belt land where the boundary will be amended in the LDF Allocations document to allow housing anyway. The Council has already accepted this argument elsewhere, as the Committee Report on the previous application made clear: *"the general location does not feature in the 5 year land supply 2011 – 2016. This is unlike applications for development on sites in other general locations recently considered by the Council at Brays lane, Ashingdon, Rectory Road/Christmas Tree Farm, Hawkwell, and Hall Road, Rochford, where the council accepted that the contribution from those sites was part of the 5 year supply."* In other words, where the general locations to be removed from the Green Belt identified in the Core Strategy but not yet identified in detail in the Allocations document fall within the current 5 year land supply, the Council has accepted that the harm of loss of openness of the Green Belt that permission for housing would cause was outweighed by the need to develop those sites.
- 3.4 A similar decision was made recently by the Secretary of State in approving a called-in planning application in the nearby district of Thurrock, in respect of an outline proposal for 350 dwellings and associated infrastructure on land south of Oxford Road, Stanford-le-Hope, (Ref APP/M9565/V/11/2154021), decided on 22 March 2012. In that case, as with RDC, the Core Strategy is adopted and the site is identified as a broad location for development but without a specified date, whilst the Site Specific Allocations document is not yet adopted. The Special Circumstances relate to the agreed shortfall in the 5 year land supply. The decision letter states: *"The Secretary of State agrees with the Inspector that the proposed housing would be inappropriate development in the Green Belt and he has attached substantial weight to the harm caused due to inappropriateness. He has similarly attached substantial weight to the harm caused to the openness of the Green Belt, and agrees that development of the site would be harmful to the countryside. However he agrees with the Inspector that harm to the Green Belt should be viewed in the context of the harm that the development of the land ... identified as a broad location for development on the Core Strategy Proposals Map... would cause in the future, thereby considerably lessening the overall harm of this proposal."* (p.14).
- 3.5 In the case of this application, it is contended that the urgent need for the replacement care home is the special circumstance; the harm to the Green Belt is considerably lessened given the identification of the land as a general location for housing to replace the Green Belt in the adopted Core Strategy, and the impact on the 5 year housing land supply of bringing forward 29 houses to 2015 – 17 from 2018 – 19 would be modest, given the fact that over 700 of the houses in the 5 year supply rely on 3 large sites being developed to programme despite the current economic climate. Thus in accordance with NPPF paragraph 14, the 'out of date' RDRLP 2006 Proposal

Map designation as Green Belt should carry less weight than the LDF Core Strategy identification as a general location for housing, given the limited harm that the inappropriate development of housing in the Green Belt would cause, in the context of the benefits of meeting a community need for a replacement care home and satisfying the NPPF objectives of providing enough housing in sustainable locations needed for the 5 year housing land supply on a site that is **totally deliverable now** as opposed to one facing major infrastructure works.

- 3.6 The development of this site would not result in piecemeal development, but rather the logical phased development of the land to the north of London Road, Rayleigh. Recently, the site between London Road and this application site, formerly 208 London Road as identified in the SHLAA, has been redeveloped for 14 houses, now known as Gunn Close. Currently the land immediately east of Gunn Close and the application site, formerly Eon offices at 190 London Road, is the subject of a planning application for residential redevelopment of 103 dwellings. This application site lies to the north of Gunn Close and west of 190 London Road, completely contiguous, leaving no intervening land. Each site has its own access directly to London Road, all acceptable to the Highway Authority. The Committee Report to the previous application confirmed that the layout for the 43 dwellings and care home did not impact on the [development prospects of the] Eon site (p.2.85), and the criticism of lack of connectivity between the sites is addressed in the Revised Scheme, as detailed in the DAS.
- 3.7 If the two current applications are approved and constructed, there would be a contiguous westerly extension to Rayleigh in a logical arrangement, with pedestrian and cyclist permeability. Even if the remainder of the land north of London Road was never developed, there would be no appearance of an unfinished urban extension or inconvenient layout. However the planned further extension would not be harmed in any way by this area of development, not least since it has multiple opportunities for access from both London Road and the road network to the north. Accordingly, the fact that the proposed road through the application site, as an extension of an existing access that has limitations on how wide it can be made, would not be suitable for a future bus route through the general location for the urban extension, does not in any way preclude the provision of such a bus route as part of the larger development. Therefore the development of the application site before other parts of the general location north of London Road should be seen as an earlier phase rather than un-coordinated piecemeal development, with the assurance that it does not harm the development prospects of the remaining land or is in anyway unsustainable in location or scale.
- 3.8 A master plan for the development of the application site and the parcel to the north that can be accessed through it, is submitted in the DAS. This shows that further connections to the north and west could be made as and when proposals for those sites come forward; there would be the potential to link into the Eon site also, although the current Bellway Homes application does not include a road link, in respect of which WH has lodged an objection. Accordingly we contend that approval of this application would not preclude an integrated approach to the planning of the entire general location, and in

fact would bring the benefits of variety stemming from distinct areas being designed and built by different developers.

- 3.9 The Council may not be in a position yet to request a fair payment per dwelling towards the infrastructure works associated with the development of the 550 dwellings in the general location, but from the consultations on the previous application, it is apparent that financial contributions were sought by the PCT (£26,741) and Highway Authority (£19,000) for works associated with the 43 dwellings, of which 14 would anyway not be subject to the community infrastructure payments for the land north of London Road. These sums were requested at a late stage of consultation when the viability assessment had already been undertaken demonstrating a lack of viability for further costs. However, since no education contribution was ultimately sought in connection with the scheme, WH now confirm that the above payments would be accepted in respect of the Revised Scheme. The £30,000 sum latterly sought previously for Conservation Area Credits, to offset biodiversity impact of the development, is however considered to be unnecessary, given the habitat improvement works to Sweyne Park for the translocation of slow worms from the site that WH are prepared to accept as a s.106 obligation.
- 3.10 In addition, WH contend that the overall 'infrastructure payment' associated with the scheme should take account of the £25,000 already expended on refurbishment of the Catholic Church Hall accessed from the same access road, as part of the contract to purchase land from the Diocese. Therefore the scheme does indeed contribute towards the infrastructure requirements arising directly from the development, as is appropriate in the absence of a Community Infrastructure Levy arrangement in RDC.

#### 4 Summary of the Special Circumstance that represents justification for approval of the Timber Grove application at the current time

1. The existing Timber Grove care home should have already closed due to inadequate, inappropriate facilities for the community it serves; it has had several temporary reprieves by the authorities in order to enable a replacement facility to be provided. This current condition is resulting in vacancies in the home, which reduce its viability further, with the **risk of closure, which would be a loss to the community;**
2. the most appropriate arrangement by far is the re-provision of the facility within the same grounds, as this would enable the residents to see their new home being built, get used to it and to ultimately simply walk into the new facilities, with the **minimum of stress to this vulnerable population group;**
3. Fitzroy have thoroughly explored all alternative avenues of funding to enable the re-provision of the current facility on the site, including a failed attempt to link with a Registered Social Landlord – Swann Housing Association, (the 2007 permission which proved to be unviable). It is clear to the charity that there is now **no option other than cross-subsidy from private residential development on the remainder of their land to fund the new care home.** This planning application proposes exactly that form of

development, and indeed the Planning Officers' Committee Report on the previous application did not offer any actual alternative route, just a delay until the land is allocated for housing in the LDF Allocations document;

4. a complex set of negotiations were required to secure the freehold of the Fitzroy site and the access road – purchased by Fitzroy from the Diocese, to remove covenants – agreed by Weston Homes, and to incorporate a ransom strip owned by Pannell Developments. This has already committed Fitzroy to considerable capital outlay as well as professional fees. **The previous refusal of planning permission has left the Charity's financial position harmed by the expenditure with the continuing risk of loss of income from the operating care home. This current application for the revised scheme, including an element of affordable housing, represents the last option that Fitzroy believe exists to maintain the home. There is a risk of the residents being relocated separately, with the associated trauma and inconvenience for local relatives;**
5. the continued provision of this care home on the site in new premises would **protect a valuable local Community Facility, in accordance with Planning Policy CLT 6** at the very least, meaning that households needing such accommodation for a family member can be provided for in their locality. **It also provides 30 local jobs.** Both these are **significant public benefits;**
6. the construction of the new care home prior to demolition of the existing one requires the Pannell Development land, rendering the latter essential to control; **if this application failed, the Pannell Development land could be developed in an alternative way, making this scheme impossible to implement as now proposed;**
7. the **rebuilding of the care home and 14 houses on the 'Community Use' land complies with** both the Core Strategy Policy CLT 6 for community uses and **Policy H1 which allows new housing on brownfield land in the existing settlements on sites identified in the SHLAA** – which this is;
8. **the extra 29 houses on the land currently Green Belt accords with Core Strategy Policy H2 because the site is identified in the policy for Green Belt release for housing post 2015,** and that part of the site will not be started before late 2015. The NPPF affords Core Strategy Policy H2 considerable weight compared to the lesser weight of the RDRLP 2006 Proposals Map designation as Green Belt, since the latter Plan's policies should not be accepted to stop sustainable development given its status, where the valid Core Strategy identifies the site within an area for development.
9. the layout has been designed so that it will actually enable (subject to planning), residential development on land immediately to the north of the application site, with use of the new access road to be constructed from London Road, as demonstrated by the Illustrative Masterplan included within

the Design and Access Statement. **This meets the expectations of Core Strategy Policy H2 for the land to the north to accommodate part of the total of 550 new dwellings on Land North of London Road Rayleigh;**

10. the layout ensures that there would **be no limitation on the redevelopment of the E-on site to the immediate east**, which is the subject of a separate planning application for housing. Provision has been made for pedestrian and cycle linkage to that site and westwards to any further development site, along with the road connection to land to the north;
11. The recently **TPO-protected trees along the boundary to the E-on site would not be adversely affected** by the proposed application scheme on Timber Grove;
12. there is ample scope in the layout to accommodate replacement tree planting in the new planting scheme; the new trees will not have the damage that has been inflicted on the existing trees in the past, and thus there will be a good development of tree coverage over time;



In conclusion, there is a clear case that represents a special circumstance to justify the housing as enabling development for the replacement care home, and this Statement has provided reasoning as to why the resultant 'harm' to the Green Belt would be outweighed by the benefits, and should be assessed against the current LDF policies that the scheme does comply with, in accordance with NPPF requirements. Accordingly, there is a presumption in favour of this sustainable development.



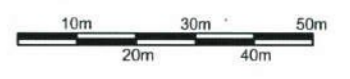
**Key**


Rochford Replacement Local Plan 2006

-  Green Belt
-  Existing Residential Development
-  Community Use

-  Footprint of proposed EFS Care Home
-  Footprint of current EFS Care Home
-  Land owned by Pannell Developments (0.3 ha)
-  Land owned by Elizabeth Fitzroy Support (1.0 ha)
-  Land owned by Weston Homes (Housing) Ltd (0.06 ha)

Total Area - 1.36 ha



Revision		Checked By
Description		Date
<b>PLANNING ISSUE</b>		
Title Land Ownership Green Belt & Layout (Revised Scheme)		
Site Timber Grove		
Drg. WH137/P/12/10.001		
Date JAN 12	Rev A	
Drawn DJ	Scale 1:1250 @ A3	
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