

Unrestricted Document Pack

APOLOGIES Committee Services
Tel. 01621 875791

Council Chamber 01621 859677

CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

11 July 2018

Dear Councillor

You are summoned to attend the meeting of the;

PLANNING AND LICENSING COMMITTEE

on **THURSDAY 19 JULY 2018 at 7.30 pm.**

in the Council Chamber. Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'F. R. Marshall', enclosed within a large, loopy oval shape.

Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor Mrs P A Channer, CC

VICE-CHAIRMAN

Councillor A K M St. Joseph

COUNCILLORS

B S Beale MBE
R G Boyce MBE
M F L Durham, CC
A S Fluker
M R Pearlman
R Pratt, CC
S J Savage
Mrs M E Thompson

Please note: Limited hard copies of this agenda and its related papers will be available at the meeting. Electronic copies are available via the Council's website.

THIS PAGE IS INTENTIONALLY BLANK



AGENDA
PLANNING AND LICENSING COMMITTEE
THURSDAY 19 JULY 2018

1. **Chairman's notices (please see overleaf)**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 5 - 22)

To confirm the Minutes of the meeting of the Committee held on 5 June 2018, (copy enclosed).

4. **Public Participation**

To receive the views of members of the public on items of business to be considered by the Committee (please see below):

1. A period of ten minutes will be set aside.
2. An individual may speak for no more than two minutes and will not be allowed to distribute or display papers, plans, photographs or other materials.
3. Anyone wishing to speak must notify the Committee Clerk between 7.00pm and 7.20pm prior to the start of the meeting.

5. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

6. **Planning Policy Update** (Pages 23 - 30)

To receive and comment on the report of the Director of Planning and Regulatory Services, (copy enclosed).

7. **Maldon District Specialist Needs Housing Supplementary Planning Document**
(Pages 31 - 118)

To consider the report of the Director of Planning and Regulatory Services, (copy enclosed).

8. **Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS) Update**
(Pages 119 - 218)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed).
9. **District Licensing for Great Crested Newts** (Pages 219 - 222)

To consider the report of the Director of Planning and Regulatory Services, (copy enclosed).
10. **Flood Appraisal Study for the Central Area Masterplan for Maldon and Heybridge** (Pages 223 - 226)

To consider the report of the Director of Planning and Regulatory Services, (copy enclosed).
11. **Any other items of business that the Chairman of the Committee decides are urgent**

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

Fire

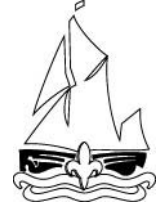
In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Television (CCTV)

This meeting is being monitored and recorded by CCTV.



**MINUTES of
PLANNING AND LICENSING COMMITTEE
5 JUNE 2018**

PRESENT

Chairman	Councillor Mrs P A Channer, CC
Vice-Chairman	Councillor A K M St. Joseph
Councillors	B S Beale MBE, A S Fluker, M R Pearlman, R Pratt, CC, S J Savage and Mrs M E Thompson
Substitute Member	Councillor E L Bamford

118. CHAIRMAN'S NOTICES

The Chairman welcomed all to the first meeting of the municipal year. She introduced Mr Graham Thomas, Head of Planning and Development at Essex County Council who was attending the meeting in his role as Chairman of the Essex Planning Officers Association and in relation to Agenda Item 6 – Essex Coastal Recreational Avoidance and Mitigation Strategy Update.

The Chairman then drew attention to the list of notices published on the back of the agenda.

119. APOLOGIES FOR ABSENCE AND SUBSTITUTION NOTICE

Apologies for absence were received from Councillor M F L Durham CC. In accordance with notice duly given it was noted that Councillor E L Bamford was attending as a substitute for Councillor Durham.

120. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 17 April 2018 be received.

Minute 1003 – Disclosure of Interest

Councillor Mrs P A Channer advised that in respect of her declaration she was appointed to the River Blackwater Coastal Community Team by Maldon District Council in her capacity of Chairman of this Committee and not Essex County Council as detailed in the Minutes.

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 17 April 2018 be confirmed.

121. DISCLOSURE OF INTEREST

Councillor R Pratt declared a non-pecuniary interest as a Member of Essex County Council and in any item of business that was pertinent to that Authority.

Councillor A S Fluker congratulated the Chairman on her reappointment and declared in the interest of openness and transparency that in relation to Agenda Item 19 – Preferred Site Options for Maldon Enterprise Centre he knew some of the owners of the identified sites.

Councillor Mrs P A Channer declared a non-pecuniary interest as a Member of Essex County Council and any item of business that was pertinent to that Authority and commented that the County Council were referenced in a number of reports. She also declared a non-pecuniary interest in Agenda Item 19 – Preferred Site Options for Maldon Enterprise Centre as she knew some of the owners of the identified sites.

122. PUBLIC PARTICIPATION

No requests had been received.

123. ESSEX COASTAL RECREATIONAL AVOIDANCE AND MITIGATION STRATEGY (RAMS) UPDATE

The Committee received the report of the Director of Planning and Regulatory Services providing an update on the Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS) and seeking Members' views on matters which may affect future planning policies and procedures.

The report provided background information regarding the RAMS which was a joint initiative between 11 Essex authorities to identify the recreational impacts new homes would have on the international and nationally protected sites along the Essex Coast. These sites were set out within the report.

Members noted the progress to date, as outlined in the report, and Appendix 1 to the report set out the revised timetable and identified key milestones. The project was moving towards the end of the evidence gathering stage with second stakeholder workshops due to take place. The outputs from the first stakeholder workshops were set out in Appendix 2 to the report.

Following a request at the last meeting of this Committee for a Members' Forum to ensure Members from participating authorities had the opportunity to engage in the RAMS process. The draft Terms of Reference and governance structure for this Forum were attached as Appendix 3 to the report.

The Chairman welcomed Mr Graham Thomas, in his capacity as the Chairman of the Essex Planning Officers Association, who were sponsoring the RAMS project.

Members raised a number of points which are detailed below along with additional information provided by Officers:

- The information detailed in Appendix 2 to the report was the notes of stakeholder workshops and not Officer proposals. The Director of Planning and Regulatory Services agreed to feed back to the Steering Group that there was a need to ensure that any such notes were accurate.
- Clarification was sought on the ‘spreading room’ referred to in the appendix.
- Reference was made to whether Northey Island would be included in the National England changes to pathways.
- Osea Island – although there was public access to the island below the high water mark it was felt that the shingle above the high water mark could be a very important nesting site for wild birds.
- It was commented that it would be beneficial to receive a summary of the information in respect of the Blackwater Estuary summer and winter surveys.
- Summer Survey – Concern was raised that the survey points were some distance from critical disturbance points.
- Members’ Forum – It was questioned who the decision making body would be in respect of this.
- Further questions were raised regarding approval of mitigation measures, how monies were to be spent and the process for collecting and spending in other authorities. In response the Chairman advised that she understood the decision making process would come back to this Authority and any Supplementary Planning Document (SPD) would have to be agreed by the Council. Mr Thomas informed Members that in respect of the decision process the SPD (one document owned across the 11 Local Authorities) would respond to the draft Strategy and the proposed Member Forum would assist in this process.
- It was noted that the date relating to the drafting of the RAMS mitigation as detailed in the report should refer to 21 June 2018.
- In response to a question regarding the options regarding mitigation, habitat creation etc., Mr Thomas advised that this would come about as the technical work progressed and that locations would be variable in terms of mitigation packages.

The Chairman thanked Mr Thomas for attending the meeting.

RESOLVED

- (i) that the Recreational Avoidance and Mitigation Strategy (RAMS) update outlined in the report be noted;
- (ii) that the comments raised by the Committee are noted and taken forward by Officers, where appropriate.

124. REVIEW OF PERFORMANCE 2017 / 18

The Committee considered the report of the Director of Planning and Regulatory Services giving details of performance against targets set for 2017 / 18 and to ensure that progress was being achieved towards the corporate goals and objectives detailed in the Corporate Plan 2015 / 19 adopted by the Council.

The Key corporate activities assessed as being “behind schedule” or “at risk of not being achieved” along with indicators which had not achieved their end of year target were set out in Appendix 1 to the report. A summary of the complaints and compliments received during 2017 / 18 were set out in the report.

A lengthy debate took place during which Members raised a number of points and information was provided by Officers in relation to the following:

- Complaints received – It was noted that of the complaints received 50 related directly to a single application. Members requested that they be provided with details of the complaints received. The Director of Planning and Regulatory Services agreed to provide this information.
- Planning application acknowledgements - In response to a question the Director of Planning and Regulatory Services outlined work being undertaken to address and meet targets in respect of acknowledging planning application.
- Empty Home return to use – It was noted that the reporting methodology would be change for the forthcoming year.
- Validation of planning applications - Members were advised that validation of planning applications were carried out in two stages, the first, acknowledgement of the application, by Planning administrative Officers and then the validation by Planning Officers.

RESOLVED that performance against the targets set for 2017 / 18 be noted.

125. UPDATE ON APPEAL DECISIONS (OCTOBER 2017 - MARCH 2018)

The Committee received the report of the Director of Planning and Regulatory Services informing Members of planning appeal performance on appeal decisions from October 2017 to March 2018.

It was noted that the Council’s performance at appeal was relatively consistent but the last six months had seen a continued increase. It was considered that the adoption of the Local Development Plan put the Council in a stronger position when defending appeals.

The Director of Planning and Regulatory Services drew Members’ attention to the Council’s performance against the government target and how there had been a significant reduction.

In response to a question regarding planning decisions made under delegated powers, the Director of Planning and Regulatory Services advised that some benchmarking was required against other Local Authorities to look at what further actions could be adopted to reduce the number of overturned appeals. The Director agreed to provide Members with details of the applications decided under delegate powers.

RESOLVED that the contents of the report be noted.

126. APPOINTMENT OF REPRESENTATIVES ON LIAISON COMMITTEES / PANELS

The Committee considered the report of the Chief Executive seeking Members' consideration of appointment to the Committees / Panels as set out in the report for the ensuing municipal year.

The Chairman proposed and it was agreed that the Recreational Avoidance and Mitigation Strategy Member Forum be added to the list and that Councillor A K M St. Joseph be appointed as the Council's representative.

RESOLVED that the appointments to the following bodies for the municipal year 2018 / 19 be agreed:

Body	2018 / 19 Representative(s)
Blackwater River Member Task and Finish Working Group	Councillors H M Bass, B S Beale MBE, R G Boyce MBE, S J Savage, A K M St. Joseph and Mrs M E Thompson
Bradwell Power Station Working Party (politically balanced)	<u>Conservative Group:</u> Councillors R G Boyce MBE, A S Fluker, R Pratt and <i>one vacancy</i> . <u>Independent Group:</u> Councillor B S Beale MBE Chairman and Vice-Chairman of the Planning and Licensing Committee and Ward Member for Bradwell-on-Sea
Maldon and Blackwater Estuary Coastal Community Team (Management Team)	Chairman and Vice-Chairman of the Community Services and Planning & Licensing Committees <i>Substitutes: Councillors A S Fluker and R Pratt</i>
Member representative for Heritage and Design	Chairman of the Planning and Licensing Committee (or their substitute)
Place Board (Minute 704 – 17/12/15)	Chairman of the Planning and Licensing Committee
Recreational Avoidance and Mitigation Strategy Member Forum	Councillor A K M St. Joseph

Body	2018 / 19 Representative(s)
River Crouch Coastal Community Team (Management Team)	Chairman and Vice-Chairman of the Community Services and Planning & Licensing Committees <i>Substitutes: Councillors A S Fluker and R Pratt</i>

127. **BURNHAM-ON-CROUCH TOURIST INFORMATION CENTRE PROVISION UPDATE**

The Committee considered the report of the Director of Customers and Community updating Members on the performance of the Burnham-on-Crouch Tourist Information Centre (TIC) and seeking agreement to operate for a further two years.

The report provided background information regarding the agreement in 2016 to undertake a two year trial to operate a TIC in Burnham-on-Crouch. Appendix 1 to the report provided key statistics from both the Maldon and Burnham-on-Crouch TICs and this information was further highlighted in the report.

It was noted that the Burnham-on-Crouch TIC had been delivered on budget and subject to the continuation of the partnership with Burnham-on-Crouch Town Council and retail sales was set to continue without need for further investment.

The Chairman advised that any reference within the report to seeking agreement for operation of the Burnham-on-Crouch Tourist Information Centre (TIC) for a further two years should be amended to one year.

Some concern was raised regarding the costs relating to the Burnham-on-Crouch TIC and the savings required by the Council over the next few years.

Councillor A S Fluker advised that he could not support the Officers' recommendations and highlighted a number of concerns he had regarding the proposal, referring specifically to paragraphs 3.1.5 and 3.1.6 of the report and the high cost disproportionate to the number of visits to the TIC. He informed the Committee that based on the figures in the report, he could not support the proposed investment into the TIC.

The Chairman at this point made reference to the total income from the TIC not being detailed within the report. The Director of Planning and Regulatory Services, in response to a question, commented on value for money and to enable judgement of this, in his view, felt that further information was required.

Councillor Fluker then proposed that the decision to extend the current arrangements be deferred until the next meeting of this Committee, as further detail was required, including income figures. He also proposed that the Chairman of the Committee and himself should meet with the Director of Customers and Community to discuss the additional information to be included in the report. This proposal was duly seconded.

Councillor R Pratt indicated that he was totally against this proposal and fully supported the Officers recommendation, as set out in the report. Speaking as a Burnham-on-Crouch Ward Member he commented that Burnham-on-Crouch was the second jewel in the Maldon District, highlighted the tourism in and around the town and need for a TIC in the town.

The Chairman then put the proposal of deferral in the name of Councillor Fluker and upon a vote being taken this was agreed.

RESOLVED that the decision to continue the Burnham-on-Crouch Tourist Information Centre for a further year be deferred to the next meeting of this Committee pending further information including income figures.

128. MALDON DISTRICT STATEMENT OF COMMUNITY INVOLVEMENT

The Committee considered the report of the Director of Planning and Regulatory Services seeking Members' approval for public consultation of the draft Statement of Community Involvement (SCI), attached as Appendix 1 to the report.

It was noted that the current SCI required updating to take into account changes to national legislation and planning practice guidance and to reinstate the Council's commitment towards transparency and engagement with the community it serves. The report provided detailed information regarding these changes.

In response to a question regarding the inclusion of the Community Infrastructure Levy (CIL) within the Statement of Community Involvement, the Planning Policy Manager advised that the CIL would be included at this time and until a decision on its future had been made.

A comment was raised regarding Officers attending Parish / Town Council meetings and in response the Planning Policy Manager advised that Officers had and were happy to attend such meetings, as this was part of the engagement process. It was noted that Officers were in attendance at the Parish Clerks Forum meetings.

RESOLVED that the draft Statement of Community Involvement be approved for six weeks' public consultation starting in June 2018.

129. MALDON DISTRICT SELF-BUILD AND CUSTOM HOUSE BUILDING REGISTER

The Committee considered the report of the Director of Planning and Regulatory Services seeking Members' views on a proposed local connections eligibility test for applicants seeking entry onto the Self-Build and Custom Housebuilding Register.

The report provided detailed information regarding the Self-Build and Customer Housebuilding Register and how the amendments to the 2015 Act and information contained in the Regulations 2016 would affect the Council's review of the Self-Build and Customer Housebuilding Register.

National guidance advised that the Council could establish local connections criteria for entry onto the register. Given the significant affordability issues in the District and the evidenced demand for smaller market and affordable properties in the Strategic Housing Market Assessment it was suggested that an eligibility test be introduced to ensure that local people who live and work in the District are prioritised on the Register.

RESOLVED

- (i) that the report be noted and the Committee supports the need for a review of the Maldon District Self-Build and Custom Housebuilding Register;
- (ii) that the addition of a local connections eligibility test for applicants seeking entry onto the Maldon District Self-Building and Custom Housebuilding Register, be agreed.

130. DRAFT MALDON DISTRICT VEHICLE PARKING STANDARDS SUPPLEMENTARY PLANNING DOCUMENT: STAKEHOLDER AND PUBLIC CONSULTATION

The Committee considered the report of the Director of Planning and Regulatory Services seeking Members' approval for public consultation of the draft Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD), attached as Appendix 1 to the report.

Members were advised that consultation on SPDs was a requirement of Section 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Draft Vehicle Parking Standards SPD set out the Council's approach to securing vehicle parking provision in development in the Maldon District. It also provides clarification on Policies D1, H4 and T2 and support implementation of the Local development Plan. The report provided detailed information regarding these.

It was noted that the aim of the Parking Standards was to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This would enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

In response to a number of questions the Planning Policy Manager provided Members with the following information:

- A further explanation regarding Electric Vehicle Charging (EVC) points was provided and it was noted that the proposals for EVC reflected the number of registered electric vehicles within the District which it was thought would increase in the future.
- The consultation document included a proposed increase to the size of garages and car parking spaces to facilitate larger vehicles.
- In response to a question regarding including enforcement within the document, the Planning Policy Manager advised that this could be looked at as part of the consultation process.

- Members were also advised that they could submit representations during the consultation period.

RESOLVED that the draft Maldon District Vehicle Parking Standards Supplementary Planning Document be approved for six weeks' public consultation starting in June 2018.

131. COMMITTEE TERMS OF REFERENCE AND SCHEME OF DELEGATION UPDATE

The Committee considered the report of the Director of Planning and Regulatory Services seeking consideration of some minor changes to the classification of 'Development of Strategic Interest' in the Terms of Reference of the Area Planning Committees, and the designation of Officers in the Scheme of Delegation for the Licensing function of this Committee.

The report set out the reasons behind the proposed changes to the Area Planning Committee Terms of Reference and the Scheme of Delegation for the Licensing function.

Some concern was raised regarding the proposed removal of reference to Planning Performance Agreements (PPAs) from the list of 'Development of Strategic Interest'. Particular reference was made to Members being consulted about particular PPAs and it was suggested that some PPAs could be considered by Area Planning Committees. It was noted that the proposed removal did not provide clarification in respect of which PPAs would be brought before the Council for consideration. The Director of Planning and Regulatory Services advised that the proposed change only related to PPAs and the other criteria for strategic development would not change and therefore be brought before the Council.

Councillor A S Fluker proposed that the changes to the classification of 'Development of Strategic Interest' in the Terms of Reference of the Area Planning Committees not be agreed. This was duly seconded and agreed. The proposed changes to the delegation of Officers in the Scheme of Delegation for the Licensing function of the Committee were agreed.

RESOLVED

- (i) that the classification of 'Development of Strategic Interest' in the Terms of Reference remain unchanged;

RECOMMENDED

- (ii) that the designation of Officers in the Scheme of Delegation for the Licensing function of the Planning and Licensing Committee (as set out in **APPENDIX 1** to these Minutes) be agreed.

132. LICENSING ACT 2003: DRAFT STATEMENT OF POLICY AND CONSULTATION

The Committee considered the report of the Director of Planning and Regulatory Services, seeking Members' approval for consultation of the reviewed and updated Statement of Licensing Policy, attached as Appendix 1 to the report.

Members were advised that the Licensing Act 2003 required each Licensing Authority to publish a Statement of Licensing Policy and to periodically review that policy at least once every five years. The current Statement had been updated and Appendix 1 showed key changes tracked. A two month consultation period was suggested and the results of this would be reported back to this Committee.

The deletion of paragraph 4 under the introduction of the document (Appendix 1 to the report) was questioned and where reference to open air concerts was now referenced. In response, the Director of Planning and Regulatory Services agreed to look into this and advise Members accordingly.

RESOLVED

- (i) that the reviewed and updated Statement of Licensing Policy be agreed as a consultation draft;
- (ii) that Officers proceed with a low key consultation as described in the report.

133. GAMBLING ACT 2005: DRAFT STATEMENT OF POLICY AND CONSULTATION

The Committee considered the report of the Director of Planning and Regulatory Services, seeking Members' approval for consultation of the reviewed and updated Statement of Gambling Policy, attached as Appendix 1 to the report.

Members were advised that the Gambling Act 2005 required each Licensing Authority to publish a Statement of Gambling Policy and to periodically review that policy at least once every five years. The current Statement had been updated and Appendix 1 showed key changes tracked. A two month consultation period was suggested and the results of this would be reported back to this Committee.

RESOLVED

- (i) that the reviewed and updated Statement of Gambling Policy be agreed as a consultation draft;
- (ii) that Officers proceed with a low key consultation as described in the report.

134. EXCLUSION OF PUBLIC AND PRESS

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it

involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

135. PREFERRED SITE OPTIONS FOR MALDON ENTERPRISE CENTRE

The Committee considered the report of the Director of Planning and Regulatory Services providing an update on work undertaken on the feasibility study for delivery of an Enterprise Centre in the District and seeking Members' endorsement of the four selected preferred sites.

A summary of the brief on which the feasibility study work was commissioned was attached as Appendix 1 and Appendix 2 detailed the interim findings.

Councillor Mrs P A Channer highlighted her interest in this item of business as a Member of Essex County Council.

It was discussed whether the Committee, under its Terms of Reference, could make a decision on this item of business or if it required a recommendation to the Council for decision.

It was requested that in respect of the report provided by the external consultants they be asked to provide an executive summary.

Following further discussions, Councillor S J Savage proposed that consideration of this item of business be deferred until a Member seminar was arranged for all Members and following this a report is taken to a meeting of the Council for decision. This was duly seconded and agreed.

RESOLVED that consideration of this item of business be deferred until a Member seminar was arranged for all Members and following this a report is taken to a meeting of the Council for decision.

There being no further items of business the Chairman closed the meeting at 9.43 pm.

MRS P A CHANNER, CC
CHAIRMAN

This page is intentionally left blank

PUBLIC LICENSING FUNCTION:

LICENSING ACT 2003

REVISED SCHEME OF DELEGATION

1. Licensing Act 2003

Environmental Health Manager - Commercial:-

1. The grant of a Premises Licence or Club Premises Certificate where no representations are made by a Responsible Authority or Interested Party.
2. In consultation with a Legal Advisor, a determination that representations made by a Responsible Authority or Interested Party regarding an application for the grant of (or a variation of) a Premises Licence or Club Premises Certificate or for the grant of a Provisional Statement are frivolous or vexatious.
3. The grant of an application to vary a Premises Licence or Club Premises Certificate where no representations are made by a Responsible Authority or Interested Party, and in the case of an application for a Minor Variation to determine that application having taken into account any representations received.
4. The grant of an application to transfer a Premises Licence where no Notice has been given by the Chief Officer of Police.
5. The determination of an exemption from the requirement to obtain a Personal Licence holder's consent for an application to transfer a Premises Licence.
6. The issue of a Notice specifying the date of entry and inspection (or any extension of that date) where a Club applies for a Club Premises Certificate, a variation of a Certificate or on a review of a Certificate.
7. In consultation with a Legal Advisor, a determination that an application for a review of a Premises Licence or Club Premises Certificate on the grounds that the ground for review is not relevant to one or more of the Licensing Objectives or is frivolous, vexatious or repetitious.
8. In consultation with a Legal Advisor, a determination that a Club is not a Qualifying Club or has ceased to be a Qualifying Club.
9. The grant of an application for a Provisional Statement in respect of a premises which are being or are about to be constructed or extended where no representations are made by a Responsible Authority or Interested Party.
10. The determination of an application to vary the Designated Premises Supervisor where no Notice has been given by the Chief Officer of Police.
11. The issue of a Notice granting or rejecting an application to vary the Designated Premises Supervisor.

12. The receipt of a Notice requesting the removal of a person as a Designated Premises Supervisor.
13. The determination of whether or not a Temporary Event Notice is void.
14. The acknowledgement of receipt of a Temporary Event Notice.
15. Where appropriate, following consideration of any Objection Notice to a Temporary Event Notice, the issue of a Counter Notice where it is considered necessary for the prevention of the crime prevention objective.
16. The issue of a Counter Notice where any of the Permitted Limits are exceeded in any Temporary Event Notice.
17. The rejection of applications for Personal Licences where applicants have failed to meet the statutory conditions.
18. The grant of an application for (or the renewal of) a Personal Licence where no Objection Notice has been given by the Chief Officer of Police.
19. The issue of a Notice to the Chief Officer of Police that an applicant for the renewal of a Personal Licence has a Relevant or Foreign Offence.
20. To issue Notices to the Chief Officer of Police where a Personal Licence holder has been convicted during the application period of a Relevant or Foreign Offence after the grant or renewal of a Personal Licence.
21. The issue and certification as a true copy of any Premises Licence or Club Premises Certificate (or a summary of either) or any Temporary Event Notice or Personal Licence where it has been lost, stolen, damaged or destroyed.
22. Unless specified to the contrary, the issue of all Licences, Certificates, Notices and any other formal notifications required under the Licensing Act 2003.
23. In consultation with a Legal Advisor and the Chairman of the Planning and Licensing Committee, the institution of legal proceedings in respect of any of the Council's powers under the Licensing Act 2003.
24. To keep the Licensing Register and any Central Register prescribed by the Secretary of State.
25. In consultation with the Service Manager – Environmental Health, to authorise Officers and duly appoint Contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Service Manager- Environmental Health.
26. To determine, as part of applications by a management committee of a community premises for a new Premises Licence, whether the alternative licence condition in relation to the sale of alcohol should apply instead of the mandatory condition, provided that no representation is received from the Chief Officer of Police.

27. To suspend premises licences and club premises certificates for non-payment of the annual fee.
28. To make representations on behalf of the Licensing Authority in respect of all applications for premises licenses or club premises certificates and to apply for reviews of the same.

To the Group Manager - Planning Services and the Environmental Protection Team Leader:-

1. To respond to the Licensing Authority on behalf of the Council (as a Responsible Authority) to applications for (or variations of or reviews of) Premises Licences or Club Premises Certificates.
2. To respond to the Licensing Authority on behalf of the Council (as a Responsible Authority) to applications for Provisional Statements in respect of premises.
3. To make applications on behalf of the Council (as a Responsible Authority) to the Licensing Authority for a review of Premises Licences or Club Premises Certificates.
4. In consultation with the Director to authorise Officers and duly appoint Contractors who are appropriately qualified and experienced to discharge the delegated powers and duties set out in 1. – 3. above.

To the Environmental Health Manager – Commercial (MOVE to previous section):-

2. Gambling Act 2005

To the Environmental Health Manager - Commercial

1. Consideration and determination of applications for the following matters where no objections have been received or any so received have been withdrawn:
 - (a) premises licences;
 - (b) variation to licences;
 - (c) transfers of licences;
 - (d) provisional statements;
 - (e) club gaming / club machine permits.
2. Consideration and determination of applications or decisions on the following matters:
 - (a) other permits;
 - (b) cancellation of licensed premises gaming machine permits.
3. Consideration of Temporary Use Notices and Occasional Use Notices.

3. Other Licensing Functions

(Hackney Carriage Drivers and Vehicle Licences; Private Hire Drivers, Vehicle and Operators Licences; Street Collections; House to House Collections; Registration of Society Lotteries; Sex Establishments and Scrap Metal Dealers)

To the Environmental Health Manager - Commercial:-

1. Subject to no objections being received, the grant and issue of licences and permits for:-
 - Charitable Collections (Street Collections and House to House Collections);
 - Registration of Society Lotteries;
2. The issue of Hackney Carriage and Private Hire Vehicle, Drivers and Operators Licences, except in the case of Drivers Licences where the applicant has unspent convictions or endorsements exceeding six points accrued on his/her Driving Licence.
3. The refusal of an application for a Drivers Licence on the recommendation of the applicant's GP in a medical report.
4. With regard to the Carriage of Assistance Dogs in Taxis:-
 - The issue of Exemption Certificates under Section 37(5) of the Disability Discrimination Act 1995 where satisfactory medical evidence is provided by the applicant's GP of relevant medical grounds.
 - The determination of whether the exemption is to apply to a 'specified taxi' or a 'specified type of taxi'.
5. In consultation with the Chairman of the Planning and Licensing Committee, the suspension or revocation of Hackney Carriage and Private Hire Drivers' licences.
6. To authorise Officers and duly appoint Contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Service Manager – Environmental Health.
7. The grant, issue, renewal or variation of a Scrap Metal Dealer Licence where the applicant is deemed to be a suitable person and no objections are received.
8. The refusal or rejection of an application for a Scrap Metal Dealer Licence where no representations are received.
9. In consultation with the Chairman of the Planning and Licensing Committee, the revocation of a Scrap Metal Dealers Licence where no representations are received.
10. To ensure all Scrap Metal Dealer Licences are reported to the National database.

To the Director of Planning and Regulatory Services:-

1. In consultation with a Legal Advisor and the Chairman of the Planning and Licensing Committee, the institution of legal proceedings in respect of any of the Council's licensing powers.
2. To authorise Officers and duly appoint Contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Chief Executive.

This page is intentionally left blank



REPORT of DIRECTOR OF PLANNING AND REGULATORY SERVICES

**to
PLANNING AND LICENSING COMMITTEE
19 JULY 2018**

PLANNING POLICY UPDATE

1. PURPOSE OF THE REPORT

- 1.1 This report provides an update on local, sub-regional and national planning policy matters including Duty to Cooperate and Essex Local Plans, and legislative changes as they affect planning policy.
- 1.2 A separate report has been prepared for this Committee on:
- Specialist Housing (Supplementary Planning Document (SPD))
 - Recreational Avoidance and Mitigation Strategy (RAMS)
 - Great Crested Newts Licensing
- 1.3 The wide range of policy matters in this report may affect the policies of the Council, procedures and decision making. Therefore, further reports may need to be made to the Committee for decision. The Committee's attention is drawn to paragraph 3.1.7 and that a report will be made to the September meeting of this Committee on the various reports from the Essex Planning Officers Association.

2. RECOMMENDATION

That Members review and comment on the contents of this report.

3. SUMMARY OF KEY ISSUES

3.1 Duty to Cooperate and other Essex Plans and Strategies

- 3.1.1 The Essex Planning Officers Association Planning Policy Forum monitors the production of Local Plans. Below is a table of the stage each plan has reached, where known.

Council	Plan	Stage
Basildon	Basildon Local Plan 2014-2034	Draft Local Plan approved for publication in March 2018. However, the Council subsequently resolved on 7 June 2018

Council	Plan	Stage
		that it ‘wishes to review the Publication Local Plan approved at its meeting held on March 22, 2018.’ The review will take in a number of site allocations and the gypsy and traveller policy.
Braintree	Braintree District Local Plan	See main report
Brentwood	Draft Local Plan Preferred Site Allocations	Consultation undertaken in March and April 2018. (Source: Council website)
Castle Point	Castle Point Local Plan	The Secretary has intervened in the production of the Local Plan. The Council launched a public consultation exercise on 4 July 2018 that seeks views on what should be included in the Local Plan. The consultation runs until 15 August 2018.
Chelmsford	Chelmsford Local Plan	On 7 June 2018 the City Council’s Development Policy Committee resolved to approve the Local Plan for Submission to the Secretary of State on 29 June 2018. No date has been given for the Examination.
Colchester	Local Plan 2017 – 2033	See main report
Epping Forest	Epping forest District Local Plan	The Council was successful in defending a Judicial Review against this plan.
Harlow	Harlow Local Development Plan	Pre-Submission Publication of the Local Plan consultation closes on Friday 6 July 2018.
Rochford	Rochford Local Plan	Issues and Options consultation closed March 2018. Call for sites closes 31 May 2018.

Council	Plan	Stage
Southend	Southend Local Plan to 2034	Call for sites in May 2017. Issues and Options – Autumn / Winter 2018 Preferred Approach - Autumn / Winter 2019 Pre-submission – Autumn / Winter 2020 Submission – Spring 2020 (Source: LDS April 2018)
Tendring		See main report
Thurrock	Thurrock Local Plan	No information available.
Uttlesford	Uttlesford Local Plan	On 19 June 2018 the Council approved the Local Plan for Regulation 19 Consultation and post that submission to the Secretary of State for Examination.

- 3.1.2 With regards to the **Part One (strategic) local plan for the North Essex Authorities – Braintree, Colchester and Tendring** – The Inspector has published a letter to the authorities dated 8 June 2018. This letter is not the Inspector’s final report. However, the Inspector has found that parts of the Plan need to be reviewed by the Council. This includes the delivery of the garden communities (of which there are three); transport investment associated with those, including the implications for the A12; employment; and the sustainability appraisal.
- 3.1.3 The authorities are preparing a joint Strategic Plan (Section1) and individual local plans (Section 2). The Section 1 has been subject to Examination, but not the Section 2 Plans, but both have been Submitted.
- 3.1.4 The Inspector has offered the authorities three courses of action: delete the garden communities and submit a revised plan within an agreed timeframe – he suggests ‘within two to three years;’ or the authorities to carry out the necessary work on the evidence base and sustainability appraisal which will require suspending the examination and reopen to consider the work at a later date; withdraw the plans from Examination.
- 3.1.5 The Council has made representations to these Plans in the past, and it is clear that the Inspector’s comments have significant implications. At this stage no announcements have been formally made by the Authorities into the option they will take.
- 3.1.6 The **Essex Planning Meeting** (previously the Essex Planning Portfolio Holder and Committee Chairman meeting) was held on 4 July 2018. The purpose of this meeting is to bring together the relevant Members to discuss cross boundary issues relating to

planning – strategic, policy or operation such as resources. The meeting is attended by the Chairman of this Committee, supported by the Planning Policy Manager. The meeting is chaired by Councillor Mohindra the Cabinet Member for Economic Development at Essex County Council. Items discussed at the meeting included:

- 3.1.7 EPOA (Essex Planning Officers Association) Planning Protocol – a protocol which sets out how developers and local planning authorities will work on development proposals, covering the role of members at the pre-application stage, planning performance agreements and negotiations. **A report will be made to the next meeting of this Committee on this protocol and other EPOA matters.**
- 3.1.8 EPOA Viability Protocol: This is in draft and sets out an approach to viability assessments associated with development proposals.
- 3.1.9 Broadband and 5G: A presentation on the roll out programme for superfast broadband across Essex. According to the data, Maldon is achieving 95% coverage of properties which could achieve 30mdps. There are a number of technical reasons why properties which are in areas with potential coverage cannot achieve such speeds. An overview was also provided on the roll out programme for 5G mobile coverage which is due to start in 2020. The two key areas are the need for enhanced or new antennae and the use of public land for new antennae.
- 3.1.10 NPPF (National Planning Policy Framework) - An overview of the NPPF changes was provided. The Secretary of State has indicated that the publication of the NPPF is due shortly.
- 3.1.11 Local Plan updates were provided – see above.
- 3.1.12 South Essex Strategic Plan: this is a joint plan between Basildon, Brentwood, Castle Point, Essex, Rochford, Southend and Thurrock that will set the long term development and strategic infrastructure requirements that will inform future local plans. The first draft is due to be published in early 2019. Duty to cooperate meetings will be arranged in the meantime.
- 3.1.13 Essex Housing provided an overview of their work and projects for information.
- 3.1.14 It was agreed that recruitment and retention issues will continue to be discussed at the EPOA but reported back to the Essex Planning Meeting.

3.2 Supplementary Planning Documents and other policy documents

- 3.2.1 A report on the consultation on the draft Specialist Housing SPD is presented in a separate report to this Committee.
- 3.2.2 The consultations on the draft Affordable Housing SPD closed at the end of May 2018. A number of comments have been raised by developer respondents recommending that the Council delays on the final SPD until the National Planning Policy Framework (NPPF) and associated changes have been finalised given the range of proposed changes to affordable housing. Whilst these changes were highlighted in the draft SPD, as with Community Infrastructure Levy (CIL), it is prudent for the Council to wait until the NPPF has been confirmed.

- 3.2.3 Consultation started 14 June 2018 on the draft Vehicle Parking Standards SPD and Draft Statement of Community Involvement. Both close on 26 July 2018 and reports will be made to this Committee on the representations received, and any amendments to the documents.

3.3 **Community Infrastructure Levy (CIL)**

- 3.3.1 The Community Infrastructure Levy work on updating the evidence base is nearing completion. This includes an update of the Infrastructure Delivery Plan (2104) in particular, revised costs and an update to the viability appraisal.
- 3.3.2 The Government consulted on changes to CIL alongside the recent NPPF consultation. The outcome of that is not known, so further progression on CIL should be held back until the Government have announced the final structure, policies and regulations.

3.4 **National Planning Policy**

- 3.4.1 Following the Town and Country Planning (Permission in Principle) Regulations 2017 coming into effect, the Government has revised guidance on the implementation as set out in the Permission in Principle PPG.
- 3.4.2 The Government has extended the circumstances of when Permission in Principle can be applied for. Previously it was restricted to sites identified only for sites on Part Two of a Brownfield Register. The new Regulations take account of the wider opportunity – for example, self and custom build (see Planning and licensing Committee report June 2017 (Draft Minute No. 2018/129). They also clarify the two stage process – granting of Permission in Principle and then granting of details in a Technical Application.
- 3.4.3 The principle changes include:
- Permission in principle can be applied to non-residential development albeit as part of a wider residential scheme – i.e. employment within a mixed use residential led development.
 - Permission in Principle is followed by a technical permission stage, similar to a Full Application.
 - Promotion of discussion with the Local Planning Authority (LPA) before a submission of an application and the need for the LPA to refer to the NPPF at pre-app stage.
 - There are changes to consultation procedures for local planning authorities.
 - Changes to time limits for dealing with applications and the time limits for which a Permission in Principle is valid for.
 - Clarification on how the LPA should stipulate on the Permission in Principle decision notice to be submitted in the follow up Technical Application.
 - A fee of £402.00 per 0.1 hectare of a site has been introduced for Permission in Principle applications.

- 3.4.4 The Council will need to reflect these changes in its planning application guidance and in the final draft of the Statement of Community Involvement.
- 3.4.5 On 24 May 2018, the Government Published the latest dwellings stock data (including vacant units) for each local authority for 2017. For Maldon District this showed:

	Local Authority (incl. owned by other LAs)	Private Registered Provider	Other public sector	Private sector	Total
Maldon	0	3,020	0	25,050	28,070

- 3.4.6 On 28 May the Government published the latest Land Value Data (albeit for 2017). The Government only have residential land values for Maldon District, which in 2017 averaged £3.61m per hectare. This compared with an Essex average of £4.29m.

4. CONCLUSION

- 4.1 This report provides an update to Members on planning policy matters that will or may affect the policies of the Council, procedures and decision making. Planning policy is constantly being updated and this report provides an overview of the key issues nationally and within Essex which could affect the future of the District. Therefore, reports on matters for decision that arise from new planning policy will be made to this Committee as required.

5. IMPACT ON CORPORATE GOALS

- 5.1 The preparation and adoption of the LDP, including supporting evidence and other supplementary planning documents, support corporate goals which underpin the Council's vision for the District and in particular protecting and shaping the District and balancing the future needs of the community and meeting the housing needs of the District.

6. IMPLICATIONS

- (i) **Impact on Customers** – This report provides customers with the most up-to date progress on planning policy matters. Clear policy and strategy working with other authorities in Essex provides certainty to residents and businesses in the District.
- (ii) **Impact on Equalities** – Planning policy documents, including new regulations and policy documents prepared by the government, are subject to equality analysis.
- (iii) **Impact on Risk** – Up to date planning policy and a five year supply of housing land is required in accordance with the National Planning Policy Framework in order to enable the Council to strategically plan for future

needs, growth and sustainable development. The implementation of new legislation will need to be taken after consideration of the risks for the Council and stakeholders.

- (iv) **Impact on Resources (financial and human)** –Any significant change in policy direction would be likely to require additional work or alterations to the evidence base which may have significant financial and human resource implications for the Council. The government have indicated that additional funding may be available to local authorities to implement some of the regulatory and legislative changes.
- (v) **Impact on the Environment** – Up to date planning policy and a five year supply of housing land will enable the Council to promote sustainable development and safeguard the local environment in accordance with the local priorities for the District.

Background Papers:

Permission in Principle Planning Practice Guidance (PPG)

<https://www.gov.uk/guidance/permission-in-principle>

Chief Planners letter dated 30 May 2018 on Update on financial support for neighbourhood planning in 2018/19

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/717060/180605_Chief_Planner_Letter_NPG_18-19_-_revised.pdf

Enquiries to: Ian Butt, Planning Policy Manager, (Tel: 01621 876203).

This page is intentionally left blank



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**to
PLANNING AND LICENSING COMMITTEE
19 JULY 2018**

**MALDON DISTRICT SPECIALIST NEEDS HOUSING SUPPLEMENTARY
PLANNING DOCUMENT**

1. PURPOSE OF THE REPORT

- 1.1 To present the findings of the comments received through public consultation on the Specialist Needs Housing Supplementary Planning Document.
- 1.2 To outline the proposed amendments and additions to the draft Supplementary Planning Document following public consultation.
- 1.3 To seek endorsement by the Committee and subsequent recommendation for the Supplementary Planning Document to be presented to Council for Adoption.

2. RECOMMENDATIONS

- (i) that the proposed amendments to the draft Maldon District Specialist Needs Housing Supplementary Planning Document, following the public consultation be approved.

To the Council:

- (ii) That subject to amendment, the Maldon District Specialist Needs Housing Supplementary Planning Document (**APPENDIX 1**) be adopted.

3. SUMMARY OF KEY ISSUES

- 3.1 This Committee approved the draft Maldon District Specialist Needs Housing Supplementary Planning Document (SPD) for public consultation as set out in a report to Committee on the 17 April 2018 (Minute No. 1009 refers).
- 3.2 Supplementary Planning Documents provide additional detailed guidance and clarification on Approved Local Development Plan (LDP) policies. In this case, key policies H1: Affordable Housing, H2: Housing Mix and H3: Accommodation for 'Specialist' Needs.
- 3.3 Paragraph 5.23 of the LDP states that a SPD will support the implementation of Policy H3 by providing further guidance for developers and stakeholders. The SPD is also identified in the Maldon District Local Development Scheme, February 2018

(agreed by this Committee on 25 January 2018) as being necessary to help deliver the LDP. The SPD will be reviewed and updated as necessary to ensure that it remains relevant and effective.

- 3.4 In order to be adopted as a SPD, public consultation needs to be undertaken. This took place over six weeks between 19 April and 31 May 2018, in accordance with Regulation 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation material included the draft SPD; a Strategic Environmental Assessment Screening Report; and, an Equalities Impact Assessment.
- 3.5 The consultation material was made available on the Council's website, with a dedicated consultation web page provided. Hard copies were available at Burnham-on-Crouch, Southminster, Wickham Bishops and Maldon libraries and were also available at the Council offices for inspection during the six week period. Stakeholders and the public could also visit the Council offices and speak to officers, alternatively phone or email queries were answered. Some 1,143 statutory consultees and individuals listed on the SPD consultation database were also contacted to ensure the consultation was known to a wide audience. A statutory notice was published in the Maldon and Burnham Standard on 26 April 2018.
- 3.6 Eleven representations were received in response to the public consultation. These included statutory consultees, developers and agents. All of the salient points from the consultation responses have been logged and considered against the LDP, relevant national guidance, the revised draft National Planning Policy Framework (NPPF) and other relevant statutory authorities and organisations' documentation.
- 3.7 The representations, policy response and proposed amendments to the SPD are set out in **APPENDIX 2**.
- 3.8 The final SPD, incorporating these changes is set out in **APPENDIX 1**.
- 3.9 **Amendments to the Specialist Needs Housing SPD**
- 3.9.1 The Amendments proposed are set out in the following table and are taken directly from **APPENDIX 2**.

Draft SPD	Chapter	Proposed Amendment
1.1	Introduction	To clarify that the SPD applies to market as well as affordable specialist needs housing amend first sentence of paragraph 1.1 to: <i>The Maldon District Local Development Plan (LDP) (2017)¹ seeks to deliver market and affordable housing that meets the needs and aspirations of existing and future residents, of different demographic groups and needs, over the plan period (2014-2029).</i>
Table 1	Introduction	To clarify that the SPD applies to market as well as affordable specialist needs housing add new row to include reference to age restricted / age exclusive independent housing (which can include retirement villages).

Draft SPD	Chapter	Proposed Amendment
Table 1	Introduction	Amend Table 1, Independent Living, Definition: to refer to market housing as a potential product.
Table 1	Introduction	Amend Table 1, Retirement housing, Definition, so that it is consistent with Policy H1: <i>Enhanced: mixed tenure as specified within Policy H1.</i>
2.33	Policy Context	To clarify that the priorities are taken from the Council's Older Peoples Housing Strategy add sentence to Paragraph 2.33: <i>The Strategy identifies the following need.</i>
Section 3	Maldon's Specialist Housing Needs and Priorities	Amend paragraphs 3.3; 3.4; 3.5; 3.6; 3.8; and, 3.12 to include greater appropriate reference to the provision of specialist needs market housing.
3.1	Maldon's Specialist Housing Needs and Priorities	Add new paragraph 3.2 to better reflect the way specialist housing is expected to be promoted in the District in the short term: <i>The expectation is that the majority of this significant older persons housing shortfall will be delivered where the greatest demand is, in Maldon, Heybridge and Burnham-on-Crouch where residents benefit from good access to public transport, shops and other key services². Access to local amenities and the surrounding community helps older people, particularly those in 'active' retirement remain connected to the area where they have been or are living. It is therefore appropriate for the Garden Suburbs and strategic sites in the LDP as well as other major new housing developments to provide for, or incorporate provision specifically for older people. The availability of funding for specific products such as independent living may also lead to bespoke schemes being delivered on suitable sites by Providers in these locations.</i>
3.4-3.5	Maldon's Specialist Housing Needs and Priorities	Amend paragraph 3.5 to better reflect the importance of market housing for specialist needs in the District in the short term: <i>A priority, therefore, is securing a higher proportion of new homes for older people to rent. Delivery of rented accommodation can take a variety of forms: private rented age restricted/age exclusive 'retirement' accommodation, independent living or extra care homes as well as affordable housing. Ownership remains important, being a tenure that may help improve the viability of new development, which may help secure affordable housing for the District's older people. The SHMA² indicates about 100 existing older residents annually would require rented housing, with a similar demand from those who are considering moving into the District over the next few years.</i>

Draft SPD	Chapter	Proposed Amendment
4.2	Providing Specialist Needs Housing	Amend 4.2 to read <i>‘that provides for, or includes an element of housing designed for older people or those with a disability ...’</i>
5.3, bullet point 1	Delivering Specialist Needs Housing	Amend paragraph 5.3 bullet point 1 to: Well served by public transport: bus stops - with a frequent and daily service to main centres where a wide range of shops and services are available – should be within 1km of the development. <i>This may be reduced to reflect site specific constraints such as the topography of the area, or where it can be demonstrated that the future occupiers are expected to be less mobile. Evidence will be needed in support.</i>
5.3, bullet point 3	Delivering Specialist Needs Housing	Amend paragraph 5.3, bullet point 3 to: Close to local facilities: <i>housing should ideally be within an 800m walk of local shops, bank/cashpoint, GP Surgery/Health Centre, post office, community facilities and open space, unless it can be demonstrated that the majority of future occupiers are expected to be ‘active’ and regularly able to walk up to 1km.</i>
5.6	Delivering Specialist Needs Housing	Amend first sentence of paragraph 5.6 to read <i>‘... support of the CCG because these are the most sustainable locations where residents are better able to access a range of everyday services and meet their social and housing needs (criteria 2, 4 and 5 of Policy H3).</i>
5.10	Delivering Specialist Needs Housing	Add to 5.10 <i>‘This could, for example, be in a viability assessment or through paragraph 5.24).’</i>
5.13	Delivering Specialist Needs Housing	Amend paragraph 5.13, bullet point 4 to: The basic operating costs of the scheme and resulting service charges <i>(to fulfil policy H3 (7)) ...</i>
5.22	Delivering Specialist Needs Housing	Add sentence to Paragraph 5.22 to refer to developer contributions may be sought to: <i>Developer contributions to mitigate adverse impacts upon health care may be sought from all schemes of more than 10 dwellings or more (see LDP Policy II).</i>
5.25	Delivering Specialist Needs Housing	Add sentence to paragraph 5.25 to highlight the link between the Maldon District Design SPD and the Essex Design Guide: <i>The Essex Design Guide also provides information relating to future proofing and adaptability of housing.</i>
5.43	Delivering Specialist Needs Housing	Add new paragraph 5.43 to refer to potential benefits to health services of installing telecare: <i>As with all homes, a connected home – of technological advances and connectivity to the internet - is of increasing importance to residents. For specialist needs housing a connected home can provide many benefits relating to automation and building management control, improved energy efficiency, managing care needs (telecare), achieve health</i>

Draft SPD	Chapter	Proposed Amendment
		<i>improvements (telehealth) and home comforts that meet a range of lifestyle choices.</i>
5.51	Delivering Specialist Needs Housing	Add new bullet point 5: <i>rent deduction scheme: The resident could rent their chosen property within the scheme whilst they are attempting to sell their existing property. The amount of rent accumulated would be deducted from the purchase price prior to completion</i>
7.3, bullet point 8	Procedure for Negotiating Specialist Needs Housing	Amend paragraph 7.3 bullet point 8 to: Market assessment for the scheme, including long-term viability of the scheme <i>(in the form of revenue funding as required by Policy H3 (7))</i>
Appendix 3	Appendix 3: Housing Specific Features	Amend Position Statement date to: from October 2016.

3.9.2 Consequential changes resulting from each amendment, such as to paragraph numbers and page numbers have been amended as a matter of course.

4. CONCLUSION

4.1 The Maldon District Specialist Needs Housing Supplementary Planning Document provides additional detailed guidance to landowners, developers, Registered Providers and the community on the Council's approach to specialist needs housing provision in the District. This includes:

- Providing greater clarity about the different types of specialist needs housing required in the District for older people and for those with disabilities;
- Identifying the locational and accessibility requirements for specialist housing schemes;
- Providing more guidance about what supporting information will be required for different specialist housing proposals;
- Setting out how the Council expects specialist housing to be delivered.

4.2 Once adopted, the Maldon District Specialist Needs Housing SPD will become a material consideration in making decisions on planning applications.

5. IMPACT ON CORPORATE GOALS

5.1 The Specialist Needs Housing SPD will have a positive impact on the corporate goals of protecting and shaping the District and balancing the future needs of the community.

6. IMPLICATIONS

- (i) **Impact on Customers** – Planning applications for specialist needs housing proposals will be determined in accordance with the SPD ensuring delivery of quality; sustainable housing which meets identified local housing needs.
- (ii) **Impact on Equalities** – All specialist needs housing should be designed to meet local housing needs. An Equalities Impact Assessment identifies that the SPD will have a positive impact upon the District's communities.
- (iii) **Impact on Risk** – The draft SPD has been prepared in accordance with the approved LDP and national planning policy. It will provide greater certainty to the Council, developers, Providers and the local community in relation to appropriate specialist needs housing development. The SPD has been reviewed since the publication of the draft revised NPPF and PPG.
- (iv) **Impact on Resources (financial)** – The preparation of the SPD will not accrue any financial costs.
- (v) **Impact on Resources (human)** – Project management of the SPD is in-house by the Principal Planning Policy Officer. The SPD, through its detailed guidance, should enable resources to be better managed and ensure that staff is used in a flexible way to support the wider Planning Service as well as other key services, such as Housing.
- (vi) **Impact on the Environment** – The SPD promotes high quality, inclusive and sustainable development and safeguards the character and distinctiveness of the District. A Strategic Environment Assessment (SEA) Screening Report has been undertaken: this shows that the SPD is expected to generate no significant effects on the environment.

Background Papers:

- Maldon District Local Development Plan (2014-2029) – www.maldon.gov.uk/ldp
- Burnham-on-Crouch Neighbourhood Plan
- Maldon District Design Guide www.maldon.gov.uk/mddg
- Maldon District Affordable Housing Guide, 2005 www.maldon.gov.uk/spd
- Planning & Licensing Committee, Minute No. 2018/1009
- Draft revised National Planning Policy Framework, March 2018
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/685289/Draft_revised_National_Planning_Policy_Framework.pdf

Enquiries to: Karen Johnson, Principal Planning Policy Officer, (Tel: 01621 876283).

**Maldon District
Specialist Needs Housing Supplementary Planning
Document (SPD)**

July 2018



Contents

1.0	Introduction	4
2.0	Policy Context	8
3.0	Maldon's Specialist Housing Needs and Priorities	15
4.0	Providing Specialist Housing	18
5.0	Delivering Specialist Housing	21
6.0	Annexes, Extensions and Conversions	34
7.0	Procedure for Negotiating Specialist Housing	36
8.0	Monitoring and Review	39

	Glossary and Abbreviations	40
--	----------------------------	----

APPENDICES

Appendix 1	References	45
Appendix 2	Local Development Plan Policies	46
Appendix 3	Housing Specific Features	49

FOREWORD

I am delighted to be introducing the Council's new Specialist Needs Housing SPD.

This important Supplementary Planning Document (SPD) provides more detailed guidance about key Local Development Plan Policy H3: Accommodation for Specialist Needs, as well as Policy H1: Affordable Housing and Policy H2: Housing Mix.

Maldon District like many parts of the country has an increasing, older population. Generally, older people are those over retirement age, but in some cases can mean people aged over 55. However, not all will require specialist needs housing - many of our older residents may wish to remain in their own homes and 'age in place' - but for those who wish to move, some may prefer to live in a home that is smaller and easier to look after, while others may wish to move to an environment with more support and care available. It is important that a mix of housing products is available in the District to address the different needs these residents can have, as well as for those of all ages with disabilities.

Traditionally, specialist needs housing has been thought of as bungalows and apartments, but the range promoted continues to grow and evolve. As the Local Planning Authority, an important role of ours is to ensure that our residents are able to live in well-located, accessible, affordable, safe and comfortable homes, throughout their life, and are able to live independently for as long as they wish to do so.

The policies in the Local Development Plan, together with this Specialist Needs Housing SPD, will be the key mechanisms used to deliver suitable, quality market and affordable housing on sites identified by the Local Development Plan and in other appropriate locations. So, this new SPD intends to help landowners, developers, providers, agents and planners develop 'age proof' specialist needs housing that meet the right design and quality standards, in appropriate locations where residents are able to continue to be part of a community.

The Council hope that this SPD will encourage a wide range of quality specialist needs homes to be delivered so that our residents continue to enjoy living in the District.

Cllr Mrs P A Channer CC
Chairman, Planning and Licensing Committee,
Maldon District Council

1.0 INTRODUCTION

Why is this document important?

- 1.1 The Maldon District Local Development Plan (LDP) (2017)¹ seeks to deliver market and affordable housing that meets the needs and aspirations of existing and future residents, of different demographic groups and needs, over the plan period (2014-2029). Specifically, this Supplementary Planning Document (SPD) is guided by the policy framework of key LDP Policy H3: Accommodation for 'Specialist' Needs, as well as Policy H2: Housing Mix and Policy H1: Affordable Housing.
- 1.2 The Maldon District Strategic Housing Market Assessment² (SHMA) concluded that 67.3% of the projected growth of the District's population over the next 15 years (2014-2039) will be people aged 65 and over and that a priority is to ensure that the future supply of homes meet the housing needs of this group. This is not a problem unique to the District - addressing the needs of an ageing population is a national challenge.
- 1.3 Many older people will wish to remain in their homes and receive services as their needs change. There will, however, be many residents who either choose to move (to downsize) from larger accommodation, seek the safety and security of a building with a staff presence or need to move due to poor accessibility or poor condition of their current accommodation.
- 1.4 Adapting older peoples' homes can help meet some residents needs but providing a wider choice of specialist needs housing options better suited to their requirements is more important - it creates the greatest range of positive outcomes – it helps to incentivise owner occupiers to move, and in most cases downsize to market or affordable homes and stimulates the overall supply and mix of housing in the District, whilst improving the quality of life for residents as well.
- 1.5 The SHMA² identifies a need for 374 new sheltered units by 2018: of these 254 are in the affordable sector and 120 in the private sector, as well as 138 extra care units. Since 2014, only 30 private rented affordable properties have been developed, significantly less than the requirement. Additionally, a care home has closed and the District has no independent living schemes in place. There is also a requirement for homes for residents with disabilities. Even with some of this need (particularly in the affordable sector) being provided in the Garden Suburbs and at the strategic sites there will still be an acute need for specialist needs housing in the District and an urgent need for this SPD to be implemented to facilitate delivery through other new development.
- 1.6 This SPD provides additional detailed guidance to developers, providers and the community on the Council's approach to assist in the delivery of specialist needs housing, ensuring that approved LDP policies H1, H2 and H3¹ are as effective as possible. This includes:
 - Providing greater clarity about the different types of specialist needs housing sought in the District for older people and for those with disabilities;
 - Locational and accessibility guidance for specialist needs housing schemes;
 - Providing more guidance about the supporting information that is likely to be sought for different specialist needs housing proposals;

- Setting out how the Council will work with partners to deliver specialist needs housing.

- 1.7 Whilst this SPD is intended primarily to provide guidance for older peoples' accommodation and for housing for those with disabilities, it is also relevant to planning applications relating to housing for the care of younger people who are in need of specialist accommodation similar to that needed by older people to meet their medical needs.
- 1.8 The SPD has been prepared in accordance with the provisions set out in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning)(England) Regulations 2012.
- 1.9 It is also set within the context of adopted and emerging national policy (and has regard to the revised draft National Planning Policy Framework³, March 2018), local housing needs and the Council's strategic housing objectives. This SPD does not and cannot introduce new planning policy. This SPD is a material consideration in determining planning applications.

What is specialist needs housing?

- 1.10 The National Planning Policy Framework⁴ provides the following definitions of:
- **'Older people:** *People over retirement age, including the active, newly-retired through to the very frail elderly, whose housing needs can encompass accessible, adaptable general needs housing for those looking to downsize from family housing and the full range of retirement and specialised housing for those with support or care needs;*
 - **People with disabilities:** *People have a disability if they have a physical or mental impairment, and that impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. These persons include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs; (2012, Annex 2)'*
- 1.11 The draft revised NPPF³ only changed the definition of older people slightly to:
- People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.*
- 1.12 The Council's Housing Register recognises older people as being over 55, and some operators in this niche-market set a minimum age requirement of 55 years old. Where necessary to secure funding the over 55 limit will apply.
- 1.13 The LDP¹ reflects this, defining specialist needs housing as '*meeting the needs of older people, people with physical disabilities, people recovering from mental illness, people with limited mobility and people with a learning disability*'.

- 1.14 Specialist needs housing can take many forms. Understanding the range of housing options, how they are funded, how they are accessed or allocated and the type of services they offer is the first step to understanding whether that type of housing will meet the District's housing needs. Table 1 sets out a range of products, including homes that are restricted to people over a certain age, to accommodation that provides services complementary to nursing and residential homes. Not all of the housing or support are available in the District, or in some cases, may be inaccessible because there are no vacancies. Appendix 3 provides specific guidance for those products expected to be required in the District in the next few years: independent living, extra care housing, retirement housing, dementia care housing, care homes and retirement villages.

Continuum of care	Accommodation type	Definition
<div> <div>Low</div> <div></div> <div>High</div> </div>	General needs housing	Self-contained general needs stock with no age or care level. Market housing.
	Age restricted/age exclusive independent housing	Self-contained accommodation for sale or for rent. Can be provided on a large scale as a retirement village (100 units or more) Occupation restricted to people above a specified age, usually 55 or 60. Can provide a range of services on site. Market /affordable housing.
	Retirement housing	Self-contained accommodation designated for older people (usually aged over 55) with local connection. May provide care alarm. Mostly affordable: social/affordable rent Enhanced: Mixed tenure as specified by LDP policy H1
	Sheltered housing	Self-contained accommodation designated for older people (usually aged over 55) with local connection. On-site warden service. Affordable: social/affordable rent
	Independent Living	Self-contained accommodation designated for older people (usually aged over 55) with local connection. At least 6 hours of care and support each week. Market/affordable housing.
	Extra care housing	Self-contained accommodation designated for older people (usually aged over 65) Varying level of personal care and domestic support. Usually designed for wheelchair use. Affordable/market housing. Also known as very sheltered housing, assisted living.
	Residential care	Private or shared en-suite rooms within a care facility. All receive domestic care and some personal care.
	Nursing care	Private or shared en-suite rooms within a care facility. All residents will receive domestic, personal and nursing care.
	Close care	Private self-contained accommodation linked to a nursing home

Table 1: Types of Older Peoples Housing

- 1.15 Residential, Nursing and Close Care Homes play an important role in meeting needs but their focus is the provision of care rather than accommodation. They are usually commercial enterprises which make it difficult to commission new developments strategically, or regulate in terms of meeting local need. For this reason they are not considered as part of the housing supply although their contribution is important to meet the needs of the District's most vulnerable older people, so guidance is provided for this type of housing.
- 1.16 The market for specialist needs housing is evolving. New products will be considered as long as they meet identified local needs for residents of the District.

Strategic Environmental Assessment and Equalities Impact Assessment

- 1.17 A Strategic Environmental Assessment Scoping Report⁵ has been carried out for the SPD (see www.maldon.gov.uk/spd). The Council carried out an extensive Sustainability Appraisal for the LDP and this SPD only provides detailed guidance to support the delivery of the LDP, AND does not set new policy. Therefore, it has been concluded that a SEA of the SPD is not required.
- 1.18 An Equalities Impact Assessment⁶ is available at www.maldon.gov.uk/spd

2.0 POLICY CONTEXT

National policy context

National Planning Policy Framework (NPPF)⁴

- 2.1 The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. Paragraph 50 of the NPPF (2012) aims to promote the delivery of a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities by:

- *[Planning] for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as families with children, older people, people with disabilities and people wishing to build their own homes);*
- *Identifying the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and*
- *[Where there is an identified need for affordable housing], setting policies for meeting this need on site, unless off site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be flexible to take account of changing market conditions over time.'*

Revised Draft National Planning Policy Framework³

- 2.2 This consultation document (2018) gives a clear idea of the Government's thinking for planning and development in England in the future. Paragraph 60 recognises that it is important that the *'needs of groups with specific requirements are addressed.'* Paragraph 62 adds that *'policies should identify the size, type and tenure of homes required for different groups in the community (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).'*

- 2.3 This SPD will highlight where emerging national guidance could have an impact upon specialist housing provision.

- 2.4 This SPD uses the definition of affordable housing set out in the NPPF (2012), which differs to that proposed by the draft NPPF. This SPD cross references to the Council's Affordable Housing and Viability SPD. The definition and guidance used in that SPD will reflect the published revised NPPF so in relation to affordable specialist housing that document will take precedent, being based on the most up to date guidance available.

Planning Practice Guidance (PPG)⁷

- 2.5 The Government's Planning Practice Guidance provides more detail on a range of planning matters identified by the NPPF. A web-based resource, first published in 2014, guidance is regularly updated to reflect the current policy position. The consultation for the revised draft NPPF and associated documents did not indicate that there was to be significant changes to guidance on specialist needs housing. Therefore, the SPD will continue to reflect that in the existing PPG.

- 2.6 When addressing housing needs, the Housing and Economic Needs Assessment PPG (2014, 021) requires that Strategic Housing Market Assessments consider the current and future trends of a range of data including different age profiles, type of households, the current housing stock size and the tenure composition of housing. This provides an understanding of how age profile and household mix relate to each other and how this may change in future. See paragraphs 2.22 – 2.26 for details about the Maldon District SHMA².
- 2.7 The Housing and Economic Needs Assessment PPG (2014, 022) recognises that *‘the need to provide housing for older people is critical given the projected increase in the number of households aged 65 and over accounts for over half of the new households (DCLG Household Projections 2013) ... The size, location and quality of dwellings needed in the future for older people should be considered in order to allow older people to live independently and safely in their own home for as long as possible, or to move to more suitable accommodation if they so wish. Supporting independent living can help to reduce the costs to health and social services, and providing more options for older people to move could also free up houses that are under occupied. The future need for specialist accommodation for older people broken down by tenure and type (e.g. sheltered, enhanced sheltered, extra care, registered care) should be assessed ... The assessment should set out the level of need for residential institutions (Use Class C2).’*
- 2.8 It adds that planning for the needs of disabled persons is important, including those who require adaptations in the home, either now or in the future.

The Town and Country Planning (Use Classes) Order 1987 (As Amended)

- 2.9 The Use Classes Order puts uses of land and buildings into various categories known as 'Use Classes'. Older people's housing can fall within the following classes:

Class C2. Residential institutions

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by —

- a) a single person or by people to be regarded as forming a single household;
- b) not more than six residents living together as a single household where care is provided for residents; or
- c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Interpretation of Class C3

For the purposes of Class C3 (a) “single household” shall be construed in accordance with section 258 of the Housing Act 2004.

Class C3 dwellinghouses are referred to in this SPD as residential development/housing or dwellings

The Use Classes Order adds that: *‘care’ means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs*

or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment.'

- 2.10 Relevant appeal decisions (APP/X1545/A/08/2081888 Disused Nurseries, Mayland, Essex, APP/Q3115/A06/2024775 Abbeycrest Nursing Home, Sonning Common, Reading and APP/ W1145/A/09/2106479 Land at Raleigh Hill, Northam, Bideford) and legal opinion (Barchester Healthcare Ltd v Secretary of State for Communities and Local Government) address the distinction between Class C2 and C3 uses. These indicate that if accommodation includes an independent front door, a kitchen, bathroom, living room and a bedroom and is capable of being used as a dwelling house, whether this is the current intention or not, then it qualifies as C3 use. This is because residents can effectively live without needing to interact with others to achieve their basic daily living requirements. This includes 'extra care' housing.
- 2.11 For a development to be considered a residential care home or nursing home it must be laid out to allow unimpeded access by trained medical staff to the patient's home/room. It should also be registered with the Care Quality Commission (CQC) and the care package applied to the patient must include a daily element of:
- administering medication (as set out the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 12);
 - treatment of any medical problem which require the attention of trained nursing staff.
- 2.12 Therefore, housing that offers a minimum care package which is limited to the following, will be treated as Class C3:
- domiciliary care: health care or supportive care provided in the patient's home by healthcare professionals, including support in daily living activities such as bathing, dressing, transferring, using the toilet, eating, and walking; (excluding any administration of medication); and/or
 - assistance in carrying out activities of daily living: such as, light housework, preparing meals, taking medications, shopping for groceries or clothes, using the telephone, and managing money; and/or
 - supporting rehabilitative care: such as podiatry, physiotherapy, or sensory stimulation.

In those cases where developers consider that a scheme (or part of) falls within Use Class C2 detailed evidence will be required in support. This will include, but not limited to: the proportion of non C3 uses; relationship with other elements of the scheme (e.g. traditional care home places); the approach to control occupancy and care provision through legal obligation. These are interdependent and their validity may vary on a site-by-site basis.

Care Act 2015

- 2.13 Under the Care Act the Council must ensure there are a range of providers offering a choice of quality care services in the District. The Act expects the Council to integrate care and support functions with those provided by the NHS and any other health-related services such as housing.

Health and Social Care Act 2008 (Regulated Activities) Regulations 2009 and Care Quality Commission (Registration) Regulations 2009

- 2.14 Under this legislation care providers are required to register with the Care Quality Commission (CQC). The CQC regulates care provided by the health authorities, local authorities, private companies and voluntary organisations, including residential care homes for adults, nursing homes, domiciliary care providers and others. The CQC has standards of quality and safety which care providers must comply with.

Local Planning Policy

Maldon District Local Development Plan¹

- 2.15 The LDP was approved by the Secretary of State in July 2017. This is part of the development plan for the District, covering the period 2014-2029. Policy H3 sets out the overarching framework for the provision of specialist needs housing. Other policies in the LDP set out more specific requirements on matters such as Housing Mix (Policy H2) and Affordable Housing (Policy H1). **These key policies are re-produced in Appendix 2.** See www.maldon.gov.uk/LDP for further information.

Neighbourhood plans

- 2.16 Neighbourhood plans that are 'made' are part of the development plan for Maldon. All planning applications should be in accordance with the development plan, unless material considerations indicate otherwise. Neighbourhood plans may contain policies relating to housing for older people or for those with other specialist needs in a particular area. Further information on the status and content of neighbourhood plans is available at www.maldon.gov.uk.

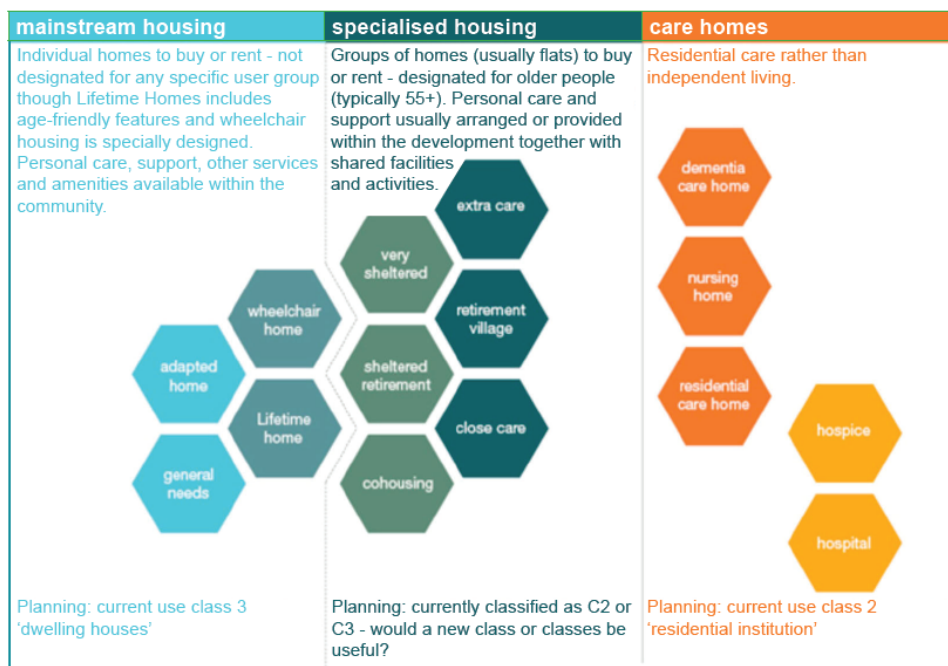
Maldon District Draft Affordable Housing and Viability SPD⁸

- 2.17 The consultation draft of the SPD was published in April-May 2018. This covers all matters relating to specialist affordable housing and viability assessments. Following consideration of representations made and the outcome of the revised draft NPPF consultation, relevant changes will be made to that SPD. It will then be adopted as a SPD by the Council. See www.maldon.gov.uk/spd

Maldon District Design Guide SPD⁹

- 2.18 The SPD (2017) provides further details on LDP Policy D1, identifying the principles that should be followed to deliver good quality design of new development in the District. These principles apply equally to all forms of housing.
- 2.19 Recognising the role older persons housing is expected to play in the longer term in the District, Appendix A of the SPD provides specific guidance for older persons housing (see www.maldon.gov.uk/mddg). The diagram overleaf includes the three types of housing categorised by the Housing our Ageing Population: Panel for Innovation (HAPPI), 2014:

mainstream housing, specialised housing and care homes. Within these categories are products which correlate with Table 1 of this SPD:



2.20 Similar guidance is also set out in the **Essex Design Guide, 2018¹⁰** (www.essexdesignguide.co.uk). This is a useful guide but to ensure that all new development reflects local character, the SPD should be used to inform applications.

2.21 Where sites or areas are subject to other guidance prepared by the Council e.g. a master plan or strategic design codes, developers must consider housing requirements carefully to reflect all appropriate guidance. Further information is available at www.maldon.gov.uk

Maldon Strategic Housing Market Assessment (SHMA)²

2.22 LDP Policy S2 identifies a need for a minimum of 4,650 dwellings from 2014-2029 (310 per annum)¹. However, the LDP plans for a slightly higher target of 5,108 dwellings to provide for a better mix and choice and to enable the delivery of affordable housing, housing for older people and housing for other specialist needs¹.

2.23 The SHMA (2014)² identifies that the most significant feature in population change in the District over the plan period is the expected growth of the over 65 age group. This is reinforced by the ONS¹¹ which shows a comparable increase of the same age group at around 27%, for 2011 - 2021. The SHMA² sets out the growth by age group for the same period:

- The largest increase across all age groups and the largest proportionate growth is in the 90+ age bracket (35.6% increase);
- The 65-74 age group is expected to increase by 20.2%;
- The 75-79 age group could increase by 35.1%; and
- The 80-89 age group by 33.6%.

- 2.24 This reflects data from the Projecting Older People Population Information System (POPPI) which projects the changes for the over 65's to 2020 in the District¹². A 26.3% increase is expected between 2012 and 2020, higher than that for Essex, the East of England region and England overall¹². Given the resource demands often associated with older people, these comparable figures are very significant and will impact on the demand for different house types and tenures in the District, from those wishing to move.
- 2.25 The SHMA² indicates a need for 374 new sheltered homes by 2018: 254 in the affordable sector and 120 in the private sector. Since 2014, only 30 private rented units have been developed, significantly less than the 374 required. Although some will be addressed by the flow of the existing sheltered stock this demonstrates an acute need for specialist housing in the District and an urgent need for this SPD to be implemented to enable delivery either within the market housing and affordable sectors, as bespoke schemes or through new development.
- 2.26 Other key SHMA² findings are:
- The increase in the 65+ age group will increase the demand for specialist market and Extra Care/Independent Living and sheltered accommodation;
 - Providing a better supply of specialist homes for older people could improve the availability of larger family market homes as well as general needs, affordable homes;
 - There is a growing trend of under-occupation in the market and affordable sectors of around 12,673 households in the District with around 756 dwellings in the social rented sector - a significant proportion are likely to be older people – many will remain in their family home and receive support - but at least 17.1% of households would consider downsizing (129 households);
 - Demand from those considering moving is highest for 1 and 2 bed bungalows (62.2%) and then supported housing (23.3%);
 - In terms of tenure, the greatest need is for owner occupation but 41.5% would prefer affordable housing to rent. There is a slight demand for more specialist accommodation including a private retirement village and residential care;
 - Many older people will move in with family which can have implications for extending, adapting or providing annexes to properties;
 - Many types of older persons housing are relatively new (such as independent living and extra care) and the increase of those aged 75+ may increase the need for this type of accommodation. Demand may also rise as understanding of this sector increases;
 - The significant increase in older householders (i.e. 80+) will have implications for support services, options for housing with support, long term suitability of accommodation, equity release schemes, adaptations and other age-related health and social care requirements;
 - The preference of disabled households without specific support needs was for bungalows particularly in Maldon/Heybridge, followed by the Rural South sub area. This includes 56.5% of the 'younger' disabled group (under 64);
 - Bungalows could help meet the needs of both older people and those with specialist needs, but these are not as readily available in the general housing stock and are often more expensive due to their limited availability.

Local Housing Policy

- 2.27 Providing suitable, specialist needs homes for existing and future communities will play a significant role in achieving the Council's corporate goal of 'meeting housing needs'. Increasing the mix of housing products available to older residents and those with other specialist needs in both the market and affordable sectors will help achieve this ambition. It may also help address other housing needs by freeing up existing properties for those wishing to move home or buy a property in the District.

Maldon District Draft Housing Strategy¹³

- 2.28 The draft Housing Strategy (2017) recognises the demands and needs of older people and those requiring specialist housing in the District by setting out plans to manage growth and meet the changing needs of residents over their lifetime or as their circumstances change. This will be achieved by promoting a choice of housing products including Independent Living, Extra Care housing and affordable housing, as well as securing market housing designed to be accessible for a range of people and providing ways of helping residents move through different types of tenure where necessary. The Strategy also seeks to secure homes that can be more easily adapted to meet specific needs, thereby 'age proofing' housing stock for the long term.

Maldon District Older Peoples Housing Strategy¹²

- 2.29 The Strategy provides a framework to help improve the links between commissioners and planners of services, housing providers and support providers to ensure that the increasing number of older people in the District improve their longer term prospects for independence, reducing the risk of chronic and acute health problems and demand on other services, but have a variety of homes available to meet their different needs.
- 2.30 Building on the SHMA² the Strategy considers the increase in demand for care and support to provide a housing based assessment of need. This identifies a need for an additional 909 new homes for older people by 2029. Although this need is different to that in the SHMA² it covers a different time period and is based on a different methodology. What is clear from all sources is that there is a significant need for older peoples housing in the District – the purpose of this SPD is to provide guidance on delivering this type of specialist housing.
- 2.31 To address this significant need the Strategy identifies a pragmatic solution: turnover in the local housing market will be stimulated by promoting a greater range of housing products to encourage residents to move to an appropriate form of housing. HAPPI 3¹⁴ suggests that every downsizer move triggers a further 3 moves and releases more starter homes for people looking to enter the housing market. This will generate secondary benefits by making more general market and affordable homes available, helping to re-dress the balance in the housing market. The Strategy identifies the following need: 138 extra-care units, 235 retirement units for rent, 211 sheltered dwellings and 325 retirement units for ownership.

Maldon Tenancy Strategy¹⁵

- 2.32 The Maldon Tenancy Strategy (2017) sets out how the Council expects Registered Providers and other approved providers should operate affordable housing tenancies and how affordable homes should be managed in future. All new affordable homes must be delivered in accordance with this guidance.

3.0 MALDON'S SPECIALIST HOUSING NEEDS AND PRIORITIES

- 3.1 The LDP¹ plans for 5,108 dwellings from 2014 to 2029. Informed by need and demand, the SHMA² indicates that 374 sheltered units are required by 2018: 254 in the affordable sector and 120 in the private sector, as well as 138 extra care units. Since 2014, only 30 private units have been developed, significantly less the 374 required. Additionally, since 2010, a residential home has closed, support has been withdrawn from approximately 600 sheltered properties and the District has no independent living schemes in place.
- 3.2 The expectation is that the majority of this significant older persons housing shortfall will be delivered where the greatest demand is, in Maldon, Heybridge and Burnham-on-Crouch where residents benefit from good access to public transport, shops and other key services². Access to local amenities and the surrounding community helps older people, particularly those in 'active' retirement remain connected to the area where they have been or are living. It is therefore appropriate for the LDP's Garden Suburbs and strategic sites as well as other major new housing developments to provide for, or incorporate provision specifically for older people. The availability of funding for specific products such as independent living may also lead to bespoke schemes being delivered on suitable sites by Providers in these locations.
- 3.3 Securing the level of specialist needs housing identified by the SHMA² and the Council's Older Persons Housing Strategy¹² is essential to ensure that local people are able to afford to remain living independently in the District should they wish to do so, in the house of their choice, whether market or affordable housing. In all cases, the purpose is to facilitate self-care, independence and to provide a secure home for life.
- 3.4 A significant 43%² increase in older people is expected over the lifetime of the LDP, therefore it is unlikely that the District's 1,091 dwellings specifically designed for older people¹² (excluding owner occupied properties) and that planned for in the LDP Garden Suburbs and strategic sites will be sufficient to meet needs both in the immediate and longer term, in both the market and affordable sectors. This trend is likely to present some challenges, particularly in terms of ensuring that appropriate accommodation in suitable locations is available or that residents are able to 'age in place'. There is also a necessity to consider the requirements of people with other specialist care needs.
- 3.5 Many older people are owner occupiers: It is easy to assume that home ownership will be the preferred tenure for older people if moving to another home, but nearly 50% of those considering moving would like to rent rather than buy¹². Many are 'asset rich but cash poor' and need to complete the sale of their existing home to be certain of moving. The comparatively higher cost of retirement housing, with limited choice and the need to sell the current home make this an option which is less convenient and explains why the market has been slow to respond despite the potential growth in need. Renting of specialist needs housing can be easier to access (with the option of selling after, rather than before, moving), creates greater financial independence and does not incur responsibility or costs associated with the maintenance of the property.

- 3.6 A priority, therefore, is securing a higher proportion of new homes for older people to rent. Delivery of rented accommodation can take a variety of forms: private rented age restricted/age exclusive 'retirement' accommodation, independent living or extra care homes as well as affordable housing. However, ownership remains important, being a tenure that may help improve the viability of new development, which may help secure affordable housing for the District's older people. The SHMA² indicates about 100 existing older residents annually would require rented housing, with a similar demand from those who are considering moving into the District over the next few years.
- 3.7 Schemes providing affordable housing give a significant opportunity to meet identified local needs. The Council's Housing Register shows that there is a clear demand for affordable housing for older people in the District. As of November 2017 there were 277 older applicants (over 55) on the Register but it is unclear how many are currently living outside the District. The majority of affordable homes are managed by Registered Providers; the average annual supply through re-lets is about 100 homes. As life expectancy increases and without alternative options such as extra-care housing, this 'supply' is likely to reduce as the proportion of older people increase.
- 3.8 To help meet the market and affordable housing requirements of some of the most vulnerable older people in the District, a range of housing products including extra care, independent living and retirement homes, will need to be delivered to address identified needs and meet the aspirations of older people. The predicted growth in those aged 75+ may increase the demand for extra care accommodation (between 138-243 homes) and for independent living (134 units)¹². To this end, funding is currently available to help deliver independent living housing in the District¹⁶.
- 3.9 Some of this identified need will be met through turnover of stock, but not all existing stock will meet relevant standards which could increase the total requirement. The Council's most recent conditions survey showed that there are about 1,000 vulnerable households, many of which are older people, living in properties which fail the Decent Homes standard. Adapting housing stock to extend the housing choice for older people and those with a disability will be encouraged particularly where it can release family sized accommodation. But for many, moving to a home in better condition will be the solution.
- 3.10 It is essential that the District's housing market operates cohesively: Making best use of existing stock is therefore a key priority for the District. New specialist needs housing should help fill identified gaps in housing stock which will help improve flow within the market and affordable sectors. Every downsizer triggers 3 further moves and releases starter homes: A significant proportion of owner occupied properties (with/without mortgages) have two or more spare rooms (around 11,917 households in the District)¹². In the affordable sector, this is about 756 households¹². By helping the flow of family homes and freeing up lower level supported housing in both sectors, a more balanced stock will meet the requirements of future households, including older people and those with specific needs. Need is broadly similar irrespective of tenure: for 1 and 2 bed homes².

- 3.11 According to the SHMA, over 1,000 people² would prefer to move to a smaller home that is better suited to their needs and easier to maintain, and where the right kind of care and support is available. While many older people are active, others have differing levels of health, fitness and ability, and these may change over time. A key principle in meeting their housing needs will be to maximise their ability to live independently for as long as they are able and wish to do so. Ensuring new homes are 'age proof' will be important to maximise the ability of older people to remain in their homes as their needs change.
- 3.12 It is likely that 70% of older people² would prefer to remain in their family home - this could have a significant impact upon support services – as by 2020, it is predicted that another 5,500 older people will need support or assistance to remain independent, particularly for domiciliary and personal care¹³. Alternatively, this could lead to an increase in annexes, extensions and conversions to enable older people to live with family.
- 3.13 The 80+ age group is expected to rise at least threefold by 2039, and the 90+ age group is predicted to increase by 35.6% over the plan period². These are some of the most frail, for some, a care facility will be a necessity. Care homes play an important role by improving health and well-being, reducing the risk of mortality and admission to hospital and helping to meet the care needs of those experiencing mobility, frailty, sensory loss and dementia. This is particularly important as the number of people experiencing dementia is expected to rise by 35% by 2020². But nursing and residential homes are commercially driven, designed to address a specific need or gap in the market, so are not always responsive to the more acute housing requirements of older people. Even so, provision will need to increase significantly to meet this growth, assuming that current facilities are adequate.
- 3.14 Properties designed for those with a disability (or with the ability to be adapted), particularly bungalows, will also help address existing needs for older people. In most cases homes for disabled people are purpose built or adapted to meet their specific support needs. Bungalows are not readily available in the District but given the demands for such properties by older and disabled people, a priority will be securing more bungalows and ground floor accommodation as part of an appropriate mix in new housing schemes.
- 3.15 Given the demographics of the District and the projected ageing of the population, it is reasonable to assume that the health and social care requirements for residents will also grow, placing significant strain on these services within the District. The emphasis in community healthcare has now shifted to enabling people to live in their own homes and communities for longer. This means that all new specialist housing schemes should have the support of the statutory agencies, such as the care commissioners and the CCG who provide care to residents.

4.0 PROVIDING SPECIALIST NEEDS HOUSING

Which developments may require specialist needs housing?

- 4.1 LDP policy H2¹ states all housing developments will be expected to provide a suitable mix and range of housing in terms of size, type and tenure, to reflect local housing need and demand in both the market and affordable sector, particularly the need for an ageing population.
- 4.2 The precise amount and type of specialist accommodation required will depend on a range of factors including the choices of individual people and households. Identifying sites for such provision can be challenging, and it is therefore appropriate - where there is evidence of an identified unmet need in the local area and the location is appropriate in terms of access to facilities, services and public transport - for the Council to work with developers to ensure an appropriate mix is delivered, that provides for, or includes an element of, housing designed for older people or those with a disability, or that can be adapted in the longer term.
- 4.3 Needs of disabled people differ from person to person. Provision is usually made in smaller schemes such as shared housing, individual self-contained housing or in specially commissioned self-contained housing within a development. Opportunities will be taken to secure this provision as part of the affordable housing element of a scheme, where appropriate. See the Affordable Housing and Viability SPD⁸ at www.maldon.gov.uk/spd

Vacant Building Credit

- 4.4 National policy⁷ states that a vacant building credit (VBC) can apply to sites where a vacant building is brought back into lawful use, or is demolished to be replaced by a new building. Further guidance is set out within the Affordable Housing SPD⁸ at www.maldon.gov.uk/spd.

Specialist Needs Housing Mix

- 4.5 There is a demand for a wide range of specialist property types and sizes in the District. LDP Policy H2¹ expects a suitable mix of housing in both the market and affordable sectors to enable a better flow of existing housing stock and to meet the identified housing needs for different demographic groups in the District.
- 4.6 The SHMA² sets out the preferred market housing split: 60%: 1 and 2 bed properties: 40%: 3 and 4 bed properties. The affordable housing mix is set out in the Affordable Housing and Viability SPD⁸ (at www.maldon.gov.uk/spd).
- 4.7 The Council may consider a different mix, for example if local housing needs would benefit from an alternative, the location does not support the delivery of one bedroom homes or a revised mix would help to redress the balance of existing specialist homes in an area.
- 4.8 A second bedroom is a high priority for older residents. It can provide for couples who choose to have their own rooms, often caused due to a medical issue; provision for caring arrangements /sleepover provision; and provides a spare room for family and friends. A third habitable room in older peoples housing is required if the scheme is

receiving grant funding from the HCA. However, one bedroom properties must be considered to ensure that people under pensionable age but over 55 have access to different forms of affordable housing, but not pay second bedroom tax. All schemes providing homes with more than 1 bedroom will be expected to show on their layout plan that a second/third bedroom is capable of accommodating twin beds.

- 4.9 Where affordable housing is being delivered, the Council's starting point for discussion is that 20% of any 1 and 2 bed homes are designed to accommodate older people. 20% of that provision should be designed to Lifetime Homes standards and the Housing Quality Indicator standards¹⁷ (a tool which evaluates housing schemes on quality rather than just cost. They incorporate the design standards affordable housing providers previously receiving grant funding from the Government were required to meet. Even so, they remain appropriate).
- 4.10 Mixed tenure housing, with shared communal facilities and care, requires careful consideration of legal/financial issues, management and marketing. Where promoters are considering this type of scheme, pre-application discussions are recommended.
- 4.11 Creating an oversupply of specific types of accommodation will be resisted - any applications for accommodation which contribute to an oversupply will need to provide robust evidence in support of their proposals. The Council monitors demand and supply on an annual basis and each case will be assessed on its merits.

Affordable Housing and Planning Obligations

- 4.12 LDP Policy H1¹ states that all housing developments of more than 10 units or 1000sqm will be expected to contribute towards affordable housing provision (see the Affordable Housing and Viability SPD⁸ www.maldon.gov.uk/spd). The same threshold is set by national policy⁷ for using developer contributions to secure community infrastructure.
- 4.13 Provision of specialist needs accommodation should not exclude the provision of affordable housing. Affordable housing will be sought for all relevant Class C3 housing schemes such as Sheltered and Extra-Care schemes, and individual, self-contained C3 units, even where the occupants receive care and/or are restricted to occupancy over a particular age and/or are located within a complex which includes some C2 (nursing home) rooms. This will also include proposals for a mix of Class C2 and Class C3 housing where the C3 element meets the threshold. See paragraphs 2.9-2.12 for more information.
- 4.14 It is not always appropriate for design, financial viability or management reasons for affordable specialist units to be located on site. In these cases a financial contribution may be acceptable. This should be agreed with the Council at pre-application stage.

Community-led housing

- 4.15 Community-led housing must be affordable housing and is a way for residents and communities to deliver good quality homes, in settlements or as exception sites in the rural area to meet local needs in perpetuity (see Affordable Housing and Viability SPD for details⁸). Community-led housing can be developed and/or managed by local people or residents, by not for profit organisations, such as locally based charities or almshouse

providers. It can also be provided by Registered Providers and owned and managed by them on behalf of a community group.

- 4.16 This type of housing can take a variety of forms: current models include self-help housing, co-housing, co-operatives, community land trusts and community self-build. It can also include the re-use of existing buildings. Community-led housing can also be delivered through Community Right to Bid or the Community Right to Build processes.
- 4.17 Promoters should contact the Council at an early stage if community-led housing is being proposed. Evidence of the need for specialist housing and/or affordable housing in that community will be required including that the proposed type and mix of housing is unlikely to be accommodated through planned development in the locality. The Neighbourhood Plan process provides an opportunity to identify appropriate sites and get community buy-in early for community-led housing. Promoters must agree their nominations policy and future management approach with the Council. This will be set out in a S106 agreement.

Loss of specialist needs housing

- 4.18 Over time, specialist needs housing may no longer be viable, for example due to a lack of revenue funding or lack of demand. Given the significant demand for specialist housing in the District, any loss will not normally be accepted. To ensure the District does not lose housing for a specialist group, any proposal should be informed by viability evidence, which can show that the specialist use is no longer viable. Such details would benefit a planning application. A variation to the S106 agreement for the scheme will be required so that the properties can be converted to general needs affordable housing.

5. DELIVERING SPECIALIST NEEDS HOUSING

Site selection

- 5.1 Ensuring older people and those with specialist needs have good access to shops, public transport, family and friends helps them feel part of a community. Moving home can be unduly stressful and can lead to older people living in unfamiliar surroundings, away from their support network.
- 5.2 HAPPI3¹⁴ identifies that 85% of older people would like to 'age in place', in their neighbourhood. Therefore, a local response to their needs is required to help residents remain in the community they are familiar with. Many older people and others with impaired mobility and cognitive impairment cannot drive and therefore a pedestrian friendly environment close to shops and services is essential for them to maintain mobility and retain independence.
- 5.3 Specialist needs housing (in Class C3) should be in a location which allows residents to live independently, locally if possible or within easy access to their existing support network and which addresses a specific need for that type of housing in that location. LDP Policy H3¹ requires that specialist needs housing is in close proximity to everyday services, preferably connected by safe and sustainable walking/cycling routes or public transport appropriate for the intended occupier. This evidence should be submitted within the Planning Statement or Design and Access Statement for a scheme.
- 5.4 HAPPI3¹⁴ recognises the importance of providing specialist needs housing in the right 'local' locations if it is to generate increased demand. In the District, sites selected for specialist needs housing should be:
- Well served by public transport: bus stops - with a frequent and daily service to main centres where a wide range of shops and services are available – should be within 1km¹⁸ of the development. This may be reduced to reflect site specific constraints such as the topography of the area, or where it can be demonstrated that the majority of future occupiers are expected to be less mobile. Evidence will be needed in support;
 - Accessible: sites and the surrounding area should be relatively flat with drop kerbs and pedestrian crossings (or have the ability to do so) to promote access by ambulant older people, wheelchair users and mobility scooters. Sites should be easily able to connect to the surrounding highway network;
 - Close to local facilities: housing should ideally be within 800m⁹ walk of local shops, bank/cashpoint, GP Surgery/Health Centre, post office, community facilities and open space, unless it can be demonstrated that the majority of future occupiers are expected to be 'active' and regularly able to walk up to 1km¹⁸;
 - Able to be accommodated by local infrastructure;
 - Free from environmental constraints or can demonstrate that these can be mitigated within a viable development;
 - Well-lit and within a safe neighbourhood.
- 5.5 Housing developments at the edge of an urban area may not be particularly accessible and therefore may not be suitable locations for all types of specialist housing.

Developers will be required to demonstrate that the location of a development is suitable for the type of specialist housing proposed and that such provision will contribute to balanced communities.

- 5.6 Accessibility for residents of a care home (in Class C2) will be considered differently as residents tend to be less mobile and consequently more site-bound. Applications will be treated on a case-by-case basis - an appropriate location for these facilities will depend on the level of services and care that each facility provides, and the availability of facilities in the immediate vicinity of the site. The requirements of staff and visitors, particularly to public transport and walking and cycling routes should be reflected in the location of the site and design of a scheme, as required by LDP Policy H3¹.
- 5.7 Independent living is important in Maldon, Heybridge and Burnham-on-Crouch. These are the only locations that have the support of the CCG¹⁶ because they are the most sustainable locations where residents are better able to access a range of everyday services and meet their social and housing needs (see criteria 2, 3 and 5 of Policy H3). See paragraph 5.34 for more details.
- 5.8 To meet the requirements of Policy H3, particularly criteria 2 and 5, the Council will expect developers to submit a site selection assessment for all specialist needs housing schemes. Each assessment must consider a number of potential sites in a locality to ensure that the most sustainable is selected for that type of housing. This is important particularly if the proposed site is detached from a settlement boundary – these are known as rural exception sites – and specific guidance applies (see LDP Policy H5¹ and the Affordable Housing SPD⁸). Previously developed land and conversion of buildings should be considered: the Council's Brownfield Land Register is a good starting point (see www.maldon.gov.uk for more details).
- 5.9 Site availability is a key factor: The willingness of the landowner to make a site available for development at the correct time, on acceptable terms and at fair value will be a key factor in determining viability and deliverability of specialist needs housing.
- 5.10 Once the preferred site has been selected, detailed proposals will need to be worked out with the Council's Housing Officers and the Provider. The number, size and tenure mix of dwellings will vary according to the level of local need, the nature of the site identified and the size of the existing settlement. But, the amount and type of housing proposed should be in keeping with the role, function and sustainability status of that settlement.
- 5.11 All schemes must be deliverable: Policy H3, criteria 7 requires that the long term viability of the scheme be confirmed, (taking account of any planning and financial constraints which exist). This will be a requirement of a planning application. This could, for example, be in a viability assessment or through paragraph 5.32.
- 5.12 It is important that a pre-application consultation is undertaken. This gives the Provider and the local community the opportunity to clarify and confirm local expectations and modify the scheme prior to submitting a planning application.

Market Assessment

- 5.13 Specialist needs housing can displace opportunities for market and consequently, affordable housing, so detailed evidence will be required to support any proposal. To be compliant with LDP Policy H3¹, applicants will be required to submit a market assessment for all specialist housing schemes (including C2 development).
- 5.14 The market assessment should establish:
- There is a need for the housing proposed, in that location that cannot be addressed anywhere else in the District;
 - How the proposal is contributing to the delivery of the LDP¹ and the Older Peoples Housing Strategy¹²;
 - The scheme's location, accommodation and services will have a sufficiently large catchment of people who meet the proposed income;
 - The basic operating costs of the scheme and resulting service charges (to fulfil policy H3 (7)): this is necessary to satisfy funders that potential residents will be able to afford the charges and whether they represent value for money (see paragraphs 5.21-5.30);
 - Any age and needs based eligibility criteria;
 - Any other local market factors that may influence their investment decision; and
 - An early stage review of the scheme mix: this should consider the varying occupancy rates for each unit size and tenure which are evident in completed schemes and general needs housing occupied by older people. This will help show that the scheme is designed and will be managed to provide the most appropriate types of accommodation and support for its residents.
- 5.15 Should the assessment show that the scheme is likely to achieve full occupancy, the market assessment would then provide the basis for discussion with the Council and social care and health commissioners to ensure that the proposal would not adversely impact upon the capacity of public services (see paragraph 5.32). It is also an important tool to aid negotiations with potential funders: it can clarify the offer, who this will be offered to and what proportion of residents will need to take up the offer to fill the scheme.
- 5.16 For C2 development additional evidence must also be provided demonstrating:
- Compliance with the Health and Social Care Act 2008; and
 - Compliance with the CQC Guidance for providers on meeting the regulations: Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (Part 3) (as amended) and Care Quality Commission (Registration) Regulations 2009 (Part 4) (as amended)¹⁹ – see www.cqc.org.uk .

Capital funding**Affordable housing**

- 5.17 Specialist needs affordable housing can be relatively expensive in terms of build cost per unit. In the past, a combination of commercial borrowing, social housing grant from the former Homes and Communities Agency and capital funding for supported housing from the Department of Health was required to deliver affordable housing. This programme favoured shared ownership and low cost homes for sale, with very little grant available for rented accommodation. Social rented housing in mixed tenure schemes were subsidised through the sale of shared ownership and market sale properties. But the reduction of government funding and restrictions on social rent levels mean that cross subsidy has become increasingly difficult. In most cases Providers will be unlikely to favour specialist housing for shared ownership for several reasons, including the limited willingness of mortgage lenders to lend for shared ownership.
- 5.18 Models that do not rely on subsidies will need to be used. This means a wider variety of possible funding routes must be understood and explored by commissioners and providers. This means that Providers may need to consider a different approach to scheme characteristics, e.g. accommodation size, extent of facilities, tenure mix or achievable revenue, or the use of alternative sources of funding, or a mix.

Market housing

- 5.19 Capital for privately developed age restricted/age exclusive independent housing and supported housing is raised from commercial banking and the investment sector. More stringent banking requirements since 2008 mean that developers have become more cautious – they need to achieve higher levels of forecast surplus profit to protect investors from possible losses. The viability of development is essential to the ability to build additional specialist needs housing.
- 5.20 To be compliant with LDP Policy H3¹, all schemes must demonstrate the extent of current subsidy secured as well as non-subsidy funding sources and how the characteristics of the scheme have influenced the available funding.

Cost of occupation

- 5.21 LDP Policy H3¹ requires developers to demonstrate that revenue funding can be secured to maintain the long term viability of a scheme. This is effectively from:
- Purchase price and rents: some forms of private specialist housing can be purchased while others can be rented. Most housing that involves care provision, and affordable properties are only available for rent;
 - Service charges: paid by residents to cover the services and facilities offered compared with those in other forms of housing. These can include the cost of housing related support and services provided on site, such as heating of communal space, grounds maintenance, cleaning and caretaking. Charges must be set at levels that realistically cover operating costs but should not be too high as to remain unaffordable for the target resident;
 - Adult Social Care – and resident – funded care and support services: residents may have to pay for these services, make a contribution or part/all could be covered by benefits – but will reflect the services provided, especially the need to fund 24 hour care.

Market housing

- 5.22 Such homes tend to be purchased outright using equity from the sale of the previous home (because mortgage lending to the older age group is very limited). But reduced costs for items such as heating, maintenance, council tax and insurance may mean that household outgoings are lower than for the previous home, which can prove attractive.
- 5.23 In general, developing and operating specialist market housing with communal facilities, such as age restricted/age exclusive independent housing or homes with care provided costs more than for retirement housing because a larger site is required for more on site facilities, the accommodation may be larger with a higher amount of communal space and more space may be required for care and equipment.
- 5.24 These additional costs can lead to higher purchase prices. In some cases, the cost of supported housing can be on average 25% more expensive than retirement housing²⁰. This could mean that residents who have lived and worked in the District may be unable to purchase a property on the open market.
- 5.25 Some providers seek a premium charge for open market Extra Care Housing, sometimes up to 20% above the most comparable local stock (in terms of accommodation, size and location) to cover the provision of communal facilities and services available to residents. Market assessments that show revenues based on this approach will be subject to challenge by funders and the Council.
- 5.26 As a result, in all cases, detailed evidence will be required to show that the purchase price can be achieved at first sale and that it can be achieved at re-sale, and that a sufficiently large catchment exists for the scheme to operate long term at this level of pricing. In the present economic climate, open market re-sales frequently occur well below the originally achieved sales prices. The Council expects forecast revenue to be based on the values of comparable local stock, allowing for the differences in quality, age and specification.
- 5.27 Consideration should be given to the interrelationship between the different elements of a scheme. Separating housing from care and other facilities may deny the provider an opportunity to pool revenue from several activities and offset the high capital costs of specialist needs housing, as well as spreading operational cost risk across several revenue sources. Schemes that involve one provider delivering several services and/or services that would not normally be associated with specialist housing, will need careful risk assessment in terms of both public procurement and CQC registration.
- 5.28 Service charges will be payable to the manager or agent and support or care fees payable at an agreed rate to the provider. Service charges (excluding care costs) generally reflect the level of services and facilities available on site. For example, McCarthy and Stone's website states that 'for a typical Retirement Living apartment (Based on Emma Court, Basingstoke) the service charge is £35.35 per week for a one bedroom apartment for the financial year of 1 April 2015 to 31 March 2016. For a two bedroom apartment, it is £53.03 per week. For a typical Assisted Living (i.e. supported housing) apartment (based on Lady Court, Basingstoke) the service charge is £118.85 per week for a one bedroom apartment for the same timeframe. For a two bedroom

apartment it is £158.59 per week.’ In this case, the difference in cost reflects the increased staffing costs, the provision of domestic support packages and the table service restaurant provided on site.

- 5.29 In all cases, service charges should be clearly identified to the resident from the outset. Evidence that service charges are expected to be met by the target resident will be expected as part of a planning application.

Affordable housing

- 5.30 Affordable housing tenants will be charged for rent, the cost of housing related support and services provided on site, such as heating of communal space, grounds maintenance, cleaning and caretaking. It is crucial that service charges are clearly understood; calculated correctly and are transparent for the resident – and most importantly are affordable. Personal care and support should be an amount that can be met through the Attendance Allowance or other benefits to those on low incomes. Service charges will be higher in supported housing due to the range of facilities and services provided.

- 5.31 In certain instances, Independent Living housing will be classed as ‘Exempt Accommodation’ which means that rents and service charges (providing they are ‘reasonable’) will be met by housing benefit, even though (due to additional facilities and services) these charges may be significantly higher than in general needs housing. A household will qualify only if they, through means testing, meet the criteria that allow a claim for housing benefit.

- 5.32 To help ensure charges remain affordable, innovative models should be considered. For example, retirement apartments designed to a high standard, with shared communal private space (rather than private amenity space per dwelling) would allow the cost to the resident to be reduced, which means that a greater proportion of their resources can go to paying for their care.

Role of statutory agencies

- 5.33 Specialist needs housing is recognised as less costly than care/nursing homes and results in reduced use of health and social care²¹. In line with Government thinking the delivery of specialist needs housing should promote independent living to help reduce costs on health and social care services – this can be as much as £28,080 per person (annual cost saving of delayed admission to residential care)²².

- 5.34 However, development of specialist needs housing can lead to a potential increase in demand for services in that location, therefore in line with LDP Policy H3¹, all proposals for specialist needs housing must have the support of the relevant statutory agencies that would be expected to commission services or provide ancillary services such as care and support to future residents. This includes Mid Essex CCG, Essex County Council (Public Health and Social Care) and for affordable housing, the relevant Registered Provider, as well as the Council’s Housing Services. Developer contributions to mitigate adverse impacts upon health care may be sought from all schemes of more than 10 dwellings or more (see LDP Policy I1).

- 5.35 Depending on the type of housing provided other agencies including providers of day care, One Support (who provide a floating support service), Swan Housing Association (who provide a home improvement service in the District) may also need to be consulted.

Design and appearance

- 5.36 High quality design can widen the choice of accommodation available to older people and those with other specialist needs who choose to live in the District. Aspiration and expectations relating to their housing choices must be considered, planned and achieved where possible. In order to provide adequate and sustainable housing for residents, each development must offer an attractive alternative to the existing family home and be capable of adaptation over time to meet changing needs.
- 5.37 The design of specialist needs housing will be guided by the principles set out in the Maldon District Design Guide SPD⁹ (see www.maldon.gov.uk/mddg), particularly those relating to adaptability, inclusivity and accessible design. Incorporating these principles can be achieved at relatively little extra cost and are essential to age proof homes, enabling people to live at home independently for longer. For instance, HAPPI¹⁴ recommends an open plan approach to older persons living – utilising the provision of sliding doors and removing barriers within a property - to provide a flexible space for the long term. The Essex Design Guide¹⁰ also promotes future proofing and adaptability of housing.
- 5.38 The Design SPD⁹ expects all homes for older people to incorporate the following HAPPI principles relating to adaptability, inclusivity and accessibility:
1. Homes should have generous internal space standards: to ‘age proof’ homes, sufficient space should be provided to accommodate aids and adaptations in future. As a guide, one bed properties must be designed for 2 people (i.e. have a double room) and all 2 bed properties should be designed for 4 people. This ensures that 2 bed properties can accommodate 2 or more people in the long term. The upper limits of the Nationally Described Space Standard²³ will be the starting point for discussion. Further guidance is set out in the Council’s Housing Strategy¹²;
 2. Design of homes and circulation spaces should ensure plenty of natural light. Low light levels reduce the ability to read, lip read, increase the risk of falls and is not suitable for people with visual impairment. Providing a sun room as an extension to a sitting room can provide a warm and practical area for people to sit and / or eat in the warmth, but with the feeling that they are outside;
 3. Buildings should avoid internal corridors and single-aspect flats and apartments should have balconies, patios or terraces and outdoor space;
 4. To ensure adaptability, all homes must be provided with superfast broadband homes to be able to be ‘care-ready’ to enable emerging technologies, such as telecare and community equipment to be installed (see paragraphs 5.57-5.59);
 5. Building layouts should ensure circulation areas and shared spaces offer connections to the wider context and avoid an ‘institutional feel’. Imaginative use of shared balcony access to front doors and thresholds should be included to promote natural surveillance;

6. At any time it is likely that a proportion of residents will use a wheelchair or walking frame. Housing schemes with communal areas such as lounges, dining areas and refuse/recycling stores, should promote wheelchair access. An induction loop system must be installed in communal rooms and reception areas;
7. Multi-purpose space should be made available with appropriate supporting facilities, which could serve the wider neighbourhood as a community 'hub', particularly where they are lacking in the existing community;
8. Homes should engage positively with the street and the natural environment should be nurtured through new trees and hedges. Where possible, sites should overlook outdoor spaces to provide a stimulating view for residents who may spend a large proportion of their day inside. Further guidance can be found in the Maldon Design Guide, Landscape and Green Infrastructure Technical Guidance⁹;
9. Homes should be energy efficient, well insulated and well ventilated to avoid overheating;
10. Provision for cycles and mobility aids should be made as well as additional storage both inside and outside the home;
11. Shared external areas such as 'home zones' that give priority to pedestrians should be considered;
12. A site should be relatively flat, with properties well linked with public footpaths, and seating, wheelchair ramps, and crossings provided in locations where they are most likely to be needed.

5.39 These principles of good design maximise utility, independence and quality of life, and are reflected in the **Lifetime Homes** standards (see www.lifetimehomes.org.uk/). Although not formally adopted by the Council, the Design SPD⁹ requires developers to take into account these standards in the design of all specialist needs housing to ensure residents can remain in their homes for longer:

- Inclusivity – flexibility and adaptability within the design will meet a diverse range of needs over time;
- Accessibility – inclusive design will provide convenient and independent access in and around the built environment (externally and internally);
- Adaptability – the design should accommodate future provision for adaptation from the outset, including for wheelchair use and for use of mobility aids;
- Sustainability – the accessibility, flexibility and adaptability will ensure long term demand and contribute to the creation of stable and popular neighbourhoods and communities;
- Good value – carefully considered design, incorporating provision for adaptation, will give inherent flexibility and provide better value for the wider community in accommodating the changing needs of older people, thus reducing the future need for specialist housing.

It is a requirement that all independent living schemes incorporate the Lifetime Homes Standards.

5.40 These principles can also help those with other specialist needs: design features that help people with visual impairment can also be useful for people with learning

disabilities and autism, while many features for older people can help those with a physical impairment.

- 5.41 In the District, the number of people with dementia is expected to increase by 35% over the plan period², therefore the Council would encourage all new specialist needs housing to incorporate dementia friendly design principles throughout. The Design SPD⁹ expects principles identified in Dementia and Town Planning – Creating better environments for people living with dementia²⁴ to be reflected in new development.
- 5.42 For homes designed specifically for wheelchair use greater space and increased flexibility and specification will be required to ensure that a wheelchair user has access to every facility inside and outside the dwelling and has a choice on how best to approach that facility to suit their particular needs. Wheelchair housing must also incorporate specialist specification of fixtures and fittings, to provide for more specific individual and/or more complex requirements.
- 5.43 Securing inclusive design and compliance with Category 2 of the Building Regulations, Approved Document M²⁵ as a minimum standard will be essential. Homes designed to exceed this standard will be supported.
- 5.44 Different types of older person housing has different design requirements. Guidance for independent living, extra care, retirement housing, dementia care and care homes is set out in Appendix 3.

Density of new development

- 5.45 The Design SPD⁹ expects the density of development to be appropriate to the location and to respond to and/or enhance the character of the location. Density will be established on the net site area (see www.maldon.gov.uk/mddg for more details). Higher densities must not compromise the requirement for good quality external amenity space for residents.

Security

- 5.46 To ensure that residents feel safe and comfortable inside and outside their properties, development should be designed and managed to promote secure environments, where residents are able to maintain their independence and be part of a community. This is equally important for amenity space which can be a valuable part of a development. The Design SPD⁹ refers applicants to **Secure By Design** for further information.

Amenity space

- 5.47 Access to safe, quality outside space, with good views from inside as well as daily exposure to daylight, improves health and well-being particularly for those who are not as mobile - it also provides an important role in social contacts with other residents/neighbours. Design of specialist housing must encompass not only the aesthetics of the buildings but also the provision of easy access to the outdoor environment.
- 5.48 A well-designed, accessible and integrated outdoor environment will encourage residents to spend more time outdoors: the 'experience' should be designed to meet

their particular needs, which could include gardening and helping to maintain the landscape.

- 5.49 All C3 dwellings will require private external amenity space. Patios, balconies or winter gardens (sheltered external space, glazed, enclosed but not sealed, with opening/moveable elements to avoid overheating in the summer months) are particularly appropriate for older people.
- 5.50 For those that may choose to live in a care home (C2 use) access to private amenity space is just as important. This should be designed to meet the needs of the occupants: landscaped areas, sensory gardens, raised flower beds and seating may all be appropriate to encourage residents to use and enjoy the outdoors. For those that may not be able to use outdoor space as often, the development should be designed to ensure that residents can experience changes in seasons from the inside. Paths and seating areas should ensure access for those with limited mobility and in wheelchairs. The amount of open space will be assessed on a site-by-site basis to reflect the needs of the development.
- 5.51 All C3 housing of more than 10 units may be required to provide for accessible open space to meet the needs of its residents: this should be proportionate to the size of the development, be useable by the age group living there, accessible and located away from roads and parking areas. For example, paths of a suitable material should provide opportunities for gentle walking and exercise, seating should be designed to meet the requirements of all abilities, particularly wheelchair users and those using mobility aids. Fitness equipment should also be considered - it encourages exercise and is ideal for re-ablement.
- 5.52 Where it is not possible to provide open space on site, off site provision may be sought in line with LDP Policy N3¹. The Council does not adopt open space; a management plan including details of how the open space management will be funded will be required as part of the planning application. Management will be secured via a S106 agreement.

Parking

- 5.53 Specialist needs housing often presents a challenge to ensure that the parking needs of residents, visitors and staff (where appropriate) are properly met. Parking must be carefully considered: Sufficient parking for residents, visitors, staff and emergency services should be provided in accordance with LDP Policy T2¹ and the Council's Vehicle Parking Standards SPD²⁶, and any successor document. Where the development provides housing which has a 24 hour warden on site, the parking standards are identified as those for resident staff.
- 5.54 Developers should be clear about the number of residents who are likely to use a car; the number of staff providing housing management and those providing care and support; the number of expected visitors and facilities which may encourage regular external visits e.g. library, doctors, shop. Convenient cycle storage should be provided for any staff and visitors to the development (dependent upon the scale of the building).

- 5.55 All development should include space for the storage of wheelchairs and/or mobility scooters. This will also help age proof the housing. The layout of the development and its relationship to surrounding roads and footpaths should also be suitable for the use of mobility aids.
- 5.56 Some older people's accommodation may require specialised access and parking. For C2 development a drop zone, for use by ambulances, minibuses and taxis, must be incorporated at the main entrance. Facilities for mobility scooter parking should, where possible, be centrally located within buildings.

Internet, Telecare and Tele-Health Ready

- 5.57 As with all homes, a connected home – of technological advances and connectivity to the internet - is of increasing importance to residents. For specialist needs housing, a connected home can provide many benefits relating to automation and building management control, improved energy efficiency, managing care needs (telecare), achieve health improvements (tele-health) and home comforts that meet a range of lifestyle choices.
- 5.58 Telecare safety sensors continuously, automatically and remotely monitor residents over time to manage the risks associated with living alone, providing reassurance and peace of mind to residents and their relatives allowing people to remain living in their own homes for longer.
- 5.59 All specialist needs housing should have superfast broadband to ensure properties are telecare ready, with a hard wired telephone point and adjacent electrical spur to allow for the future installation of a telecare hub. A hard wired connection from a future emergency pull cord in a bathroom to the future telecare hub installation point is also required. This will ensure housing is easily capable of accommodating these facilities, if necessary, in the future. Additional devices can be added to the system (connected by Wi-Fi) to suit the requirements of the individual resident. In retirement housing the dwelling's telecare hub should be linked via a telephone line to a nominated person or call centre. In extra care/independent living housing the telecare hub should be connected to the on site care staff.

Local community interface

- 5.60 It is common for independent living and extra care schemes to incorporate community facilities such as a library, café or shop to make the scheme more financially viable and also to establish a crucial link between the scheme and the community. These could be commercially attractive and run independently (in terms of services, access and tenancy agreements). Other specialist facilities that reflect the primary purpose of the development, such as an intermediate (recuperative) care unit or a base for outreach / home care facilities could also be co-located on site. However, it is important that any community facilities are ancillary to the main use of the building and are consistent with the LDP¹.

Management

- 5.61 Housing at the lower end of the care spectrum (in Table 1) such as general needs housing, age restrictive/age exclusive housing, sheltered and retirement housing, provide no additional services. A resident with support or care needs would need to obtain services via Essex County Council Adult Social Care or privately. The support and care services provided in other forms of specialist needs housing varies between tenures, type of accommodation and between providers. It is not uncommon for residents to 'top-up' care privately.
- 5.62 LDP Policy H3¹ states that all schemes must be managed to provide the most appropriate type and level of support to its target resident. Therefore, where specialist housing schemes provide support and care an operation policy will be required as part of an application. This should set out the care, support and management arrangements that will be provided by the scheme. All operation policies will be assessed on a case-by-case basis by the Council, to establish if the service provision is appropriate for the target resident and can be secured for the lifetime of the scheme. Further information is set out in Appendix 3.
- 5.63 The location, size and number of bedrooms, occupancy capacity and the tenure and phasing of specialist housing should be agreed at an early stage with the Council and the Provider who will purchase and manage the housing. Further details on the management of affordable housing are within the Affordable Housing and Viability SPD⁸.
- 5.64 In all cases, a S106 agreement will be used to confirm the approach and to ensure, where appropriate, that the dwellings will remain available in perpetuity for those in specialist housing need. However, there may be legitimate circumstances where housing can be sold, for example, through right to acquire or staircasing out of shared ownership. The provider will be expected to make every reasonable effort to recycle any subsidy for specialist housing in the District.
- 5.65 All providers of care and nursing homes must be approved by the Care Quality Commission. This means that an assessment must be undertaken in relation to the safety, effectiveness, standard of care, management and organisation of the services provided to ensure residents are well cared for. Evidence of this should be submitted as part of the planning application.

Purchasing Housing Options

- 5.66 The LDP¹ requires that proposals for specialist needs housing must be able to demonstrate their long term sustainability. As the District's population ages and more people have to fund their own care and housing provision, reliable and easy access to information will become more important to older people and their families and carers.
- 5.67 Many older people find moving home difficult. Many have a modest amount of savings and would need to release equity by selling their home in order to move. This could have an impact upon the long term sustainability of a development. To help with this, the Council will expect developers to offer streamlined purchasing options and/or advice and help services to support potential residents to make the decision to move, within a reasonable timeframe. This could include (but is not limited to):

- part exchange: to simplify and speed up the process of selling an existing home and purchasing or renting a specialist home;
- a 'help to move' service: which could be a 'move for free' scheme or a support service that helps with the tasks associated with preparing to move;
- a 'guide to downsizing' service: including practical advice to make a move straightforward;
- a cost comparator tool: to allow potential residents to compare the costs of specialist homes with their current living costs;
- a rent deduction scheme: the resident could rent their chosen property whilst they are attempting to sell their existing home. The amount of rent accumulated would be deducted from the purchase price prior to completion.

6.0 ANNEXES, EXTENSIONS AND CONVERSIONS

6.1 With more older people or those with specialist needs wishing to remain in their own home or intending to move to live with family, the development of annexes, extensions and conversion of buildings within the grounds of an existing dwelling to provide self-contained residential accommodation is becoming more common. Extending a house or converting an outbuilding provides the opportunity to accommodate elderly, sick or disabled relatives in the curtilage of the main dwelling while maintaining some independence.

6.2 The development of such accommodation may result in either a new house (a separate planning unit) or an annex incidental to the main dwelling. They have different planning requirements. LDP Policy H4¹ is the key policy against which such applications will be assessed.

Annexes

6.3 An annex is accommodation ancillary to the main dwelling but should form part of the same planning unit and share its access, parking area and garden. A planning unit usually comprises the dwelling and its garden. This will ensure the annex does not become a self-contained dwelling, separate and apart from the main dwelling, particularly when located in the countryside. A planning condition will be used to ensure that the annex is used solely as accommodation ancillary to the main dwelling and cannot be disposed of separately.

6.4 When considering an application the layout, design and physical relationship between the house and the proposed annex will be important, as will the size and scale of the accommodation to be provided. When considering a planning application for an annex, the Council will expect the development to meet the criteria in LDP Policy H4¹ and also:

- Be subservient / subordinate to the main dwelling;
- Have a functional link with the main dwelling (i.e. the occupants should be a dependant relative(s) or be employed at the main dwelling);
- Be in the same ownership as the main dwelling;
- Be within the curtilage of the main dwelling and share its vehicular access;
- Be designed in such a manner to enable the annex to be used at a later date as an integral part of the main dwelling;
- Have no separate boundary or sub division of garden areas between the annex and main dwelling; and
- Have adequate parking and amenity facilities to meet the needs of those living in the annex and main dwelling.

6.5 Applications for an annex should be accompanied by a plan which includes the whole of the planning unit within the red line site area and not just the annex.

6.6 Applicants should contact the Council for pre-application advice to ensure that all relevant information is submitted. This includes any other material considerations that may be relevant to the application, such as full details of family circumstances relating to dependency or family connection to the intended occupant.

Conversions

6.7 Existing detached buildings within the curtilage of a dwelling such as stables, coach-houses or garages may be converted for accommodation in association with the residential use of the main dwelling. Such buildings can be used as accommodation as long as:

- they do not become a separate self-contained dwelling (primary residential accommodation);
- they do not have separate boundaries to the main dwelling; and
- there is a personal connection between the residents and those living within the main dwelling e.g. a dependent relative or carer.

6.8 The change of use of outbuildings to additional accommodation will not require planning permission provided that any works fall within Permitted Development criteria. All other development would require planning permission – see LDP Policy H4¹.

Extensions

6.9 Some extensions can be built without planning permission, as part of the Permitted Development rights for that dwelling (see www.maldon.gov.uk for more details). All extensions that require planning permission should be consistent with LDP Policy H4¹. Extensions to existing residential institutions will need to demonstrate that there is a need for the extension and that the extension also meets the criteria in LDP Policy H3¹ and the guidance in this SPD.

7.0 PROCEDURE FOR NEGOTIATING SPECIALIST NEEDS HOUSING

- 7.1 Developers are expected to be familiar with the content of the LDP¹ and the guidance contained in this SPD before a planning application is submitted. Therefore, all schemes should be policy compliant. Affordable housing requirements will be identified by the Affordable Housing and Viability SPD⁸.

Pre-application and application negotiations

- 7.2 Developers should discuss their proposals with the Council before submitting a planning application. Pre-application discussions enable developers to positively discuss appropriate provision and justify their approach. This is particularly important in those exceptional circumstances where a scheme is not expected to be policy compliant. Pre-application discussions will highlight the likely impact of development, the amount and type of affordable housing required, and level of other developer contributions likely to be sought. This service is intended to help speed up the development process and avoid unacceptable proposals. Further information on the pre-application and planning application process is available on the Council's website www.maldon.gov.uk

- 7.3 For pre-application discussions to be productive, developers need to ensure that the following information is supplied:

- Total amount of specialist needs housing proposed;
- Total amount of housing proposed in terms of units and habitable rooms;
- Amount of affordable rented and intermediate housing proposed;
- Number of bedrooms, floor areas and number of people able to occupy affordable rented and intermediate housing units;
- For each tenure, the numbers of dwellings of different sizes (i.e. number of bedrooms);
- For extra care and affordable units: the weekly cost to the occupier of the proposed units including realistic and affordable service charges;
- Details of the affordability and tenure of the intermediate homes and how these will provide for a range of income groups;
- Market assessment for the scheme, including long-term viability of the scheme (in the form of revenue funding as required by Policy H3 (7)¹;
- Evidence of support from statutory agencies;
- Assumptions on cost of transfer to a Registered Provider;
- Phasing of delivery and the mechanism for handover of affordable homes;
- Nomination rights;
- Operation policy.

- 7.4 At outline planning application stage it may not be clear how many dwellings are proposed, and potentially this number could change at reserved matters stage. Where the housing mix has not been determined in an outline planning application, the Council will append a planning condition which stipulates that the details of the housing mix are submitted as part of the Reserved Matters application and should be in accordance with the SHMA².

Section 106 agreements

- 7.5 Provision of specialist and affordable housing will be secured by Section 106 (S106) agreement. This is a deed entered into by the Council and the landowner and/or applicant which outlines the details of a planning obligation, such as specialist housing. It is made under the provisions of Section 106 of the Town and Country Planning Act 1990.
- 7.6 S106 agreements run with the land so will bind successive owners. It is recorded as a land charge. If the applicant does not own the land the landowner will need to be party to the agreement. A S106 agreement may contain a number of planning obligations depending on the complexity and scale of the development and what would be necessary in order to grant planning permission.
- 7.7 It is advisable to involve a solicitor because the deed and undertakings can restrict the use of the property or land in the future. Alternatively, some applicants may choose to use their agent or planning consultant. However, a solicitor will be required to confirm title to the land concerned.
- 7.8 The length of time taken to complete a S106 agreement will vary. However, to ensure the S106 agreement process is efficient, draft Heads of Terms should be submitted with the planning application to enable the Council to finalise the agreement as soon as possible after the planning permission has been granted (subject to a S106 agreement) by Planning Committee. But this will depend on the agreement being substantially completed (and where necessary that Committee is aware of its substantive contents) and being capable of being signed by all parties soon after the decision is made. A completed S106 agreement must be agreed and in place before planning permission can be granted.
- 7.9 Clauses will be used to ensure that the housing remains available for its target group in perpetuity. For affordable housing see the Affordable Housing and Viability SPD⁸. The Council uses a standard S106 template, with standard clauses for securing community infrastructure. Triggers will be used to enable delivery of infrastructure or a financial contribution. Appropriate clauses will be included in a S106 agreement to secure interest for late payment from the relevant trigger point in the agreement.
- 7.10 Legal agreements should incorporate mortgagee in possession clauses appropriately, to protect the lender's investment. Where a Registered Provider fails to repay a mortgage and the lender takes possession of the property(s), the lender can then sell the homes as market housing.
- 7.11 The developer will be expected to pay the Council's legal costs for the preparation of a S106 agreement and any deed of variation.

Re-negotiation of a S106 Agreement

- 7.12 A S106 agreement can be re-negotiated at any point, where both the Council and the developer/landowner wish to do so. If there is no agreement to voluntarily re-negotiate, and the S106 agreement predates April 2010 or is over 5 years old, an application will be required to change the obligation where *'it no longer serves a useful purpose'* or would *'continue to serve a useful purpose in a modified way'* (Planning Obligations PPG, 2016,

0097). Guidance concerning applications received before the end of April 2016 still applies and can be found at www.gov.uk

- 7.13 Where a S106 agreement is amended a Deed of Variation will be required to ensure any relevant changes to the planning obligation are captured.

Administration and Enforcement of S106 obligations

- 7.14 Monitoring of S106 obligations will be undertaken by the Council's S106 Monitoring Officer. This will ensure all obligations are secured at the right time and are delivered within the right timeframe by the Council, the developer and the Provider.
- 7.15 If a S106 Agreement is not being complied with, the Council will enforce obligations through the relevant legal channels once all other reasonable approaches have been exhausted. In such cases, the Council will seek to retrieve its legal costs against the party that is in breach of its obligations. The Council also has the power to enter land and carry out any works that are required and, if necessary, recover costs from the developer or landowner.
- 7.16 The Council's Authority Monitoring Report will provide transparency: this will identify specialist and affordable housing/financial contributions negotiated and delivered in the previous financial year, as well as those planned for the coming year. Progress with S106 agreements and expenditure in general will also be reported annually.

8.0 MONITORING AND REVIEW

8.1 Monitoring the delivery of specialist needs housing through new development will take place as part of the Authority Monitoring Report and as required for the completion of other statistical returns. It will enable the Council to identify and monitor the number and capacity of specialist needs housing across the District.

8.2 A review of this SPD will be considered if:

- There are significant changes to local circumstances, or to the Local Development Plan's evidence base that indicate the LDP¹ is unable to deliver the identified level of specialist needs housing;
- There is a significant change in national planning guidance; or
- The SPD is insufficiently effective in enabling specialist needs housing.

Glossary and Abbreviations

Definitions marked * reflect adopted national policy at the time of publication.

<p>Affordable Housing*</p>		<p>Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.</p> <p>Social rented housing: is owned by local authorities and private registered providers (as defined by s80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.</p> <p>Affordable rented housing: is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges where applicable).</p> <p>Intermediate housing: homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.</p> <p>Starter homes: a new build dwelling available for purchase by qualifying first time buyers only (between the ages of 23 and 39) and sold for at least 20% below the market value. Must be sold for less than the price cap - £250,000 outside Greater London.</p> <p>Homes that do not meet the above definition of affordable housing, such as 'low cost market' housing, may not be considered as affordable housing for planning purposes.</p>
<p>Authority Monitoring Report</p>	<p>AMR</p>	<p>A mechanism for assessing performance of policies contained within the Local Development Plan.</p>
<p>Care Home</p>		<p>Use for the provision of residential accommodation and care to people in need of care. In C2 use.</p>

APPENDIX 1

Maldon District Specialist Needs Housing SPD

July 2018

Co-housing		Intentional, self-managed community, made up of single private dwellings and additional shared communal facilities such as a common house with a community kitchen and dining room. Cohousing communities can be mixed tenure.
Community Infrastructure Levy	CIL	A levy allowing local authorities to raise funds from owners or developers of land undertaking new building projects in their area.
Community Land Trust	CLT	Independent local organisations established to tackle housing market issues and create permanently affordable intermediate housing for purchase and for rent. CLTs sometimes own other facilities on behalf of the community.
Community-Led Housing		Development of affordable homes led by local community groups. Can take a number of forms and routes, such as self-build, Community Land Trusts or exception sites. Development must be in addition to developments allocated by the Local Plan.
Community Right to Bid		Community groups can nominate both privately and publicly owned assets to be included on a list of assets of community value. This list is managed by the council. If a landowner wants to sell a registered property, they must tell the council. If a community group wants to buy the asset, they can trigger a 6 month moratorium to give them a chance to prepare a bid for it. During this period, the owner cannot sell their property on the open market. This gives community groups an opportunity to develop a proposal and raise the required capital. At the end of the 6-months, the owner is free to sell the asset to whoever they wish and at any price. Also known as Assets of Community Value.
Community Right to Build		Enables community groups to progress new development without the need to go through the normal planning application process, as long as the proposals meet certain criteria and there is community backing in a local referendum. Communities which wish to use the new powers must produce and submit a Community Right to Build Order. All profits derived from a Community Right to Build Order proposal must be used for the benefit of the community.
Cooperative housing		A housing organisation where tenants democratically control and manage their homes.
Developer contributions		Developer contributions, also known as planning obligations, can be secured via a Section 106 legal agreement or planning condition attached to a planning permission. They help mitigate any adverse impacts generated by new development on infrastructure and facilities.
Extra Care Housing		Self-contained accommodation designated for older people in a setting where care and support can be provided as required from an on-site care provider.

APPENDIX 1

Maldon District Specialist Needs Housing SPD

July 2018

Gross Internal Area	GIA	This is the area of a building measured to the internal face of the perimeter walls at each floor level.
Habitats Regulations Assessment	HRA	Tests the impacts of a proposal on nature conservation sites of European importance and is a requirement under EU legislation for land use plans and projects.
Independent Living		Self-contained accommodation designated for older people (usually aged over 55) with local connection who receive at least 6 hours of care and support each week.
Local Development Plan	LDP	The plan for the future development of the local area, drawn up by the Local Planning Authority in consultation with the community. This is described as a Development Plan Documents adopted under the Planning and Compulsory Purchase Act 2004.
Local Housing Allowance	LHA	Welfare payment for those on low incomes or reliant on benefits to meet the cost of housing.
Major Development		A proposal of 10 or more dwellings or a site area of 0.5 hectares or more, or non residential development is for 1,000 square metres or more of floorspace, or has a site area of 1 hectare or more.
National Planning Policy Framework	NPPF	Sets out the Governments planning policies for England and how these are expected to be applied.
National Planning Practice Guidance	PPG	A web-based resource provides more detailed guidance on the contents of the NPPF.
Neighbourhood Planning		Formally introduced under the Localism Act 2011, neighbourhood planning and, specifically the preparation of 'Neighbourhood Development Plans' is a community-led initiative for guiding the future development, regeneration and conservation of an area.
Older People		People over retirement age, including the active, newly-retired through to the very frail elderly, whose housing needs can encompass accessible, adaptable general needs housing for those looking to downsize from family housing and the full range of retirement and specialised housing for those with support or care needs.
People with Disabilities		People have a disability if they have a physical or mental impairment, and that impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. These persons include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs.

APPENDIX 1

Maldon District Specialist Needs Housing SPD

July 2018

Previously Developed Land*	PDL	Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.
Public Subsidy		Grant, public loans and public land.
Registered Provider	RP	Technical name for a body registered with Homes England so are approved to deliver affordable to deliver affordable housing in England. Most Housing Associations are RPs.
Residential Home		Facility that provides private or shared en-suite rooms. All residents will receive domestic care and some degree of personal care. In C2 use.
Retirement Village		A larger-scale variant of specialist housing for older people involving clusters of accommodation with a central hub providing a range of facilities, including restaurants, cafes, shops, swimming pools, gyms/spa to create a village atmosphere. Can include registered care homes for people with high levels of dependency/health problems so that residents can “age in place”. Usually developed close to existing centres of population and promote the use of village facilities by non-residents, both to enable integration and generate income.
Section 106 Agreement	S106	A legal agreement entered into by the Council and the developer or applicant and Registered Provider which outlines the details of a planning obligation(s), such as affordable housing required to make an application acceptable in planning terms.
Self-help housing		Involves groups of local people bringing empty properties back into residential use. Use varies from long term tenancies to short life housing to meet immediate needs such as move on accommodation and supported housing.
Sheltered Housing		Self-contained accommodation designated for older people (usually aged over 55) with local connection. On-site warden service.
Strategic Environmental Assessment	SEA	Required under European legislation, an assessment of the environmental effects of plans and programmes to be carried out as they are being developed.

APPENDIX 1**Maldon District Specialist Needs Housing SPD**

July 2018

Strategic Housing Market Assessment	SHMA	Assessment of the Council's housing requirements based upon the local housing market, which studies the supply and demand of housing, housing and planning policies, the need for affordable housing and the affordability of the local housing market.
Supplementary Planning Document	SPD	Provide supplementary information to support policies in Development Plan Documents but do not form part of the Development Plan. They carry weight in planning decisions but have less weight than Development Plan Documents. They are prepared in accordance with the Town and Country Planning (Local Planning)(England) Regulations 2012.
Vacant Building Credit	VBC	Allows the floorspace of existing buildings that are to be redeveloped to be offset against the calculations for section 106 affordable housing requirements (whether financial contribution or provision).
Viability assessment		An assessment of all development costs including central and local government policy requirements, regulatory costs and the cost and availability of finance, to determine whether a scheme provides a competitive return to the developer and generates a land value sufficient to persuade the landowner to sell for the development proposed.

APPENDIX 1: REFERENCES

Reference Number	Document	Author	Publication Date
1	Maldon District Local Development Plan	Maldon District Council	July 2017
2	Maldon District Strategic Housing Market Assessment Update	DCA	2014
3	Draft Revised National Planning Policy Framework	MDCLG	March 2018
4	National Planning Policy Framework	DCLG	2012
5	Strategic Environmental Assessment/Habitats Regulations Assessment Screening Report	MDC	2018
6	Equalities Impact Assessment	MDC	2018
7	National Planning Practice Guidance	DCLG	2014
8	Maldon District Draft Affordable Housing and Viability SPD	MDC	2018
9	Maldon District Design Guide SPD	MDC	2017
10	Essex Design Guide	Essex County Council	2018
11	2011 Census	ONS	2011
12	Maldon District Older Peoples Housing Strategy	MDC	2017
13	Maldon District Housing Strategy	MDC	2017
14	HAPPI3 Making Retirement Living a Positive Choice	All Parliamentary Group on Housing and Care for Older People	2016
15	Maldon Tenancy Strategy	MDC	2017
16	Independent Living for Older People Position Statement	ECC	2016
17	Housing Quality Indicators	Housing Corporation	2008
18	LTN 1/04 Policy, Planning and Design for Walking and Cycling	DfT	2004
19	Guidance for providers on meeting the regulations: Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (Part 3) (as amended) and Care Quality Commission (Registration) Regulations 2009 (Part 4) (as amended)	CQC	2015
20	CIL and sheltered housing and extra care developments: a briefing note on viability	Three Dragons	2013
21	Financial Benefits of Investment in Specialist Housing for Vulnerable and Older People	Frontier Economics for the Homes and Communities Agency	2010
22	The Top of the Ladder	DEMOS	2013
23	Nationally Described Space Standard	DCLG	2015
24	Dementia and Town Planning – Creating better environments for people living with dementia	RTPi	2017
25	Approved Document M: Access to and use of buildings	HM Government	2010
26	Maldon District Vehicle Parking Standards SPD	MDC	2006

APPENDIX 2: KEY LOCAL DEVELOPMENT PLAN POLICIES

Policy H1: Affordable Housing

All housing developments of more than 10 units or 1,000 sqm will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objectives on affordable housing.

The affordable housing requirements for each sub-area in the District are as follows:

Sub-area requirements	
North Heybridge Garden Suburb:	
North of Heybridge - S2(d)	30%
North of Holloway Road - S2(e)	40%
West of Broad Street Green Road - S2(f)	40%
South Maldon Garden Suburb	30%
Strategic Allocations at Maldon, Heybridge and Burnham-on-Crouch	40%
All other developments:	
Northern Rural, Maldon Central and South and Rural South*	40%
Maldon North and Rural South East Higher	30%
Rural South East Lower	25%

*As indicated in FIGURE 1 overleaf

Any relaxation of the above requirements will only be considered where the Council is satisfied, on a site by site basis, that such requirement will render any development proposals unviable.

Affordable housing should be provided on-site, either through free serviced land provided to a registered provider or constructed affordable dwellings to be sold to a registered provider upon completion to provide the number, size, type and tenure of affordable homes required by the Council's policies having regard to the SHMA, the Council's adopted Affordable Housing Guide, and the Council's Housing Strategy.

In exceptional circumstances the Council may consider accepting financial contribution from the developer where it is justified that affordable housing cannot be delivered on-site, or that the District's need for affordable housing can be better satisfied through this route. Commuted sums will also be charged for an incomplete number of affordable units provided on site.

The development of any affordable housing and the calculation of any financial contributions should be in conformity with the details set out in the Maldon District Strategic Housing SPD.



Policy H2: Housing Mix

All developments will be expected to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable sector, particularly the need for an ageing population.

Wherever possible affordable housing should be located in a way that ensures the homes are integrated with the rest of the development; in most cases this will mean in clusters of no more than 15 to 25 homes in one part of a development. The design and appearance of affordable housing should also be indistinguishable from those built for the open market, meet standards detailed in the Maldon District Strategic Housing SPD, and be of a tenure recognised by the National Planning Policy Framework.

Where appropriate, the Council will work with developers, registered providers, landowners and relevant individuals (or groups of individuals) to address identified local need for Self Build housing. Any relaxation of the above requirements will only be considered where the Council is satisfied, on a site by site basis, that such requirements will render any development proposals unviable.

Policy H3: Accommodation for 'Specialist' Needs

The Council will support and enable the provision of housing to meet specialised needs in the District where this is consistent with the Council's current strategic requirements.

Proposals for specialist needs housing such as homes for older people, people with disabilities, or homes for other specific groups who may require properties that are specifically designed and/or allocated will be supported where:

- 1) There is clearly identified need that cannot be addressed elsewhere in the District;
- 2) The development is located in an area that is sustainable to meet the social as well as housing needs of the intended residents;
- 3) It will not lead to a concentration of similar uses that would be detrimental to the character and function of an area and/or residential amenity;
- 4) It will not detrimentally impact on the capacity of public services, including health and social care;
- 5) It is in close proximity to everyday services, preferably connected by safe and suitable walking/cycling routes or public transport appropriate for the intended occupier;
- 6) It can be demonstrated that the development is designed and managed to provide the most appropriate types and levels of support to its target resident;
- 7) It can be demonstrated that revenue funding can be secured to maintain the long term viability of the scheme; and
- 8) The scheme is supported by the relevant statutory agencies.

Proposals which may result in the loss of specialist needs accommodation will not be considered acceptable unless it can be demonstrated that there is no longer a need for such accommodation in the District, or alternative provision is being made available locally through replacement or new facilities.

Any relaxation of the above requirements will only be considered where the Council is satisfied, on a site by site basis, that such requirements will render any development proposals unviable.

APPENDIX 3: HOUSING SPECIFIC FEATURES**Independent Living**

- In July 2015, Essex County Council (ECC) endorsed capital investment of about £27 million with enabling revenue investment to facilitate the delivery of 1800 independent living units in Essex by 2020
- Grant funding is available for schemes that meet relevant criteria
- Independent living is a priority for ECC and the Council: ECC have identified a need of 134 units in the District by 2020 (55 for rent, 79 for ownership)

Eligibility

- Independent Living is available to people over the age of 55 who have a connection to the area local to the development and who have a care and support need
- ECC will retain nomination rights
- Depending on the scale, location, and stated purpose of individual Independent Living communities, further eligibility requirements based on care and support needs will be defined
- The eligibility requirements are necessary to make the required 24/7 emergency care and support service affordable and viable
- Care provision can vary to meet the needs of residents but must be a minimum of 6 hours/week of assessed care for an individual to be eligible for a unit. Existing care needs in excess of this will be maintained
- Once living in Independent Living, an individual's needs will be met regardless of changes in their circumstances so the likelihood of a future move is minimised

Management

- The operation policy should identify the following care, support and management arrangements that will be provided:

Service purpose

- Details of how the scheme will meet the strategic housing needs of the District;

Housing management

Proof that the applicant or development partner has:

- Experience of delivering housing management for tenants and leaseholders
- Experience of setting up contracts with both tenants and leaseholders
- Experience of managing and maintaining comparable housing schemes
- Knowledge of relevant health and safety / fire regulations
- Knowledge of assistive technology (AT) services and experience of setting up these schemes
- Experience of working with occupational therapists to install aids and adaptations
- Experience of designing comparable schemes for older people

Staff arrangements / levels

Provide information on the scheme's proposed:

- On site care team and support: this should be 24hour support seven days a week, delivered either through Social Services or a care team to be agreed with ECC Social Services and reviewed every five years
- Domiciliary care provision: should meet the requirements of the Care Quality Commission
- Flexible Care based on individual need to maximise the independence of all residents;
- Staff ratios to support a mixed need client group;
- Dependency mix: should include how care needs will be defined. A useful guideline is 'Low – 0-2.5 hours per week', 'Medium – 2.5-15 hours per week', 'High – 15+ hours per week';

Design Features

- Provide self-contained units that can be adapted
- Schemes should generally be no smaller than 60 units for reasons of affordability and ability to create and support an active community
- Offer a full range of tenures, to appeal to a range of older owner occupiers, and also to meet the needs of those who need or prefer to rent. Tenure mix will be dependent on development viability, local planning requirements and other issues such as whether the scheme has received any grant funding from ECC
- Ensure all developments must be a minimum of Code 3 HCA Sustainable Housing standards and meet all Lifetime Homes standards
- Can include a variety of community facilities depending on the scale, location and purpose of a development, such as: communal space for social activities; a dining room/cafe; amenities such as hairdressing, fitness suite and GP or other health services. Separate access should be provided.

Further guidance

- Independent Living for Older People Position Statement, ECC, 2016¹⁶
- www.essex.gov.uk

Extra care

- Extra Care Housing is designed with the needs of frailer older people in mind, with varying levels of care and support available on site
- Also known as very sheltered housing, assisted living, or 'housing with care' it is a popular choice among older people because it can provide an alternative to a care home
- In addition to the communal facilities often found in sheltered housing, Extra Care often includes community facilities such as a restaurant, health & fitness facilities for public use
- Some extra care schemes include housing specifically designed for people with dementia

Eligibility

- Extra care housing is for people aged 65 and over who want to retain their independence but would otherwise need long-term residential care (domestic support and personal care only)
- Properties can be rented, owned or part owned/part rented
- A care and support assessment will be required, usually undertaken by ECC Social Services
- There are three parts to the cost of living in an extra care scheme:
 - cost of housing, payable to the housing provider - the cost of buying, renting or shared ownership of your home;
 - service charge, payable to the housing provider - for home maintenance and communal facilities;
 - care and support costs, payable to Essex County Council will vary depending on needs. The amount payable will depend on individual circumstances. The Council will do a financial assessment to work out exactly how much each resident can afford to pay
- For affordable properties the Council will have nomination rights. In other cases, eligibility criteria will be set by the Provider.

Management

The operation policy should identify the following care, support and management arrangements that will be provided:

Service purpose

- Details of how the scheme will meet the strategic housing needs of the District;
- If mixed tenure extra care housing (with shared communal facilities and care) is being provided and how it will be delivered;

Housing management

Proof that the applicant or development partner has:

- Experience of delivering housing management for tenants and leaseholders
- Experience of setting up contracts with both tenants and leaseholders
- Experience of managing, planning repairs and maintenance
- Knowledge of relevant health and safety / fire regulations
- Knowledge of assistive technology (AT) services and development, and experience of setting up schemes with AT and existing contracts with AT providers
- Experience of working with occupational therapists to install aids and adaptations
- Experience of designing comparable schemes for older people

Staff arrangements / levels

Provide information on the scheme's proposed:

- On site care team and support: this should be 24hours/7 days a week, delivered either through Social Services or a care team to be agreed with ECC Social Services and reviewed every five years;

- Domiciliary care provision: should meet the requirements of the Care Quality Commission;
- Flexible Care based on individual need to maximise the independence of all residents;
- Staff ratios to support a mixed need client group. If a dementia care or intermediate (recuperative) care unit is provided, the staff levels required will be greater;
- Dependency mix: should include how care needs will be defined. A useful guideline is 'Low – 0-2.5 hours per week', 'Medium – 2.5-15 hours per week', 'High – 15+ hours per week';

Design features

Extra care schemes should:

- Provide self-contained properties that can be adapted;
- Provide for a minimum of 50 units to ensure that revenue costs are viable;
- Offer an appropriate mix of one and two bed dwellings with a mix of tenure. To future proof all units and shared accommodation should be designed to allow for conversion into one or two bedroom dwellings in the future;
- Be able to accommodate a wheelchair;
- Provide a communal space where a range of activities can be delivered to promote older people's well-being;
- Provide a community hub for older people and their carers from the locality;
- Incorporate dementia friendly design principles: Buildings should be designed to accommodate residents with dementia throughout the scheme or have a separate wing for residents with dementia;
- Provide separate ancillary access to the community facilities for safety reasons

Further guidance

www.housinglin.org.uk

<p>Retirement housing</p> <ul style="list-style-type: none"> • Retirement housing is self-contained flats, bungalows or houses in a community setting • Has a 24 hour emergency support call to provide peace of mind • Care and support has been withdrawn to sheltered housing this means that that accommodation is now effectively retirement housing
<p>Eligibility</p> <ul style="list-style-type: none"> • Retirement housing is for people aged 55 and over who want to retain their independence but would benefit from living in a community setting with emergency support available if necessary • For affordable properties the Council will have nomination rights. In other cases, eligibility criteria will be set by the Provider.
<p>Management</p> <p>The operation policy should identify the following care, support and management arrangements that will be provided:</p> <p>Service purpose</p> <ul style="list-style-type: none"> • Details of how the scheme will meet the strategic needs of the District <p>Housing management</p> <p>Proof that the applicant or development partner has:</p> <ul style="list-style-type: none"> • Experience of delivering housing management for tenants and leaseholders • Experience of setting up contracts with both tenants and leaseholders • Experience of managing and maintaining comparable housing • Knowledge of relevant health and safety / fire regulations • Knowledge of assistive technology (AT) services and experience of setting up schemes with AT and existing contracts with AT providers • Experience of working with occupational therapists to install aids and adaptations • Knowledge of designing schemes for older people <p>Staff arrangements / levels</p> <p>Provide information on the scheme's proposed:</p> <ul style="list-style-type: none"> • Emergency call facility;
<p>Design features</p> <p>Retirement homes should:</p> <ul style="list-style-type: none"> • Provide self-contained properties that can be adapted • Offer a full range of tenures, in order to appeal to a range of older owner occupiers, and to meet the needs of those who need or prefer to rent. Tenure mix will be dependent on development viability, local planning requirements and other issues such as whether the scheme has received any grant funding • Future proof all units to allow for conversion into sheltered dwellings in the future should funding be provided • Provide a communal lounge with a tea kitchen linked to external amenity space and a communal WC • Incorporate dementia friendly design principles

<p>Dementia Care Accommodation</p> <ul style="list-style-type: none"> • Dementia care accommodation is designed specifically to meet the needs of those experiencing dementia • Varying levels of care and support available on site based on individual needs, includes medical care • Can be provided as a stand-alone development or as part of other specialist accommodation
<p>Eligibility</p> <ul style="list-style-type: none"> • The Council will undertake a needs assessment to determine if a person is eligible for dementia care placement. This looks at the extent of care and support required with daily living • The cost of living in a care home may require a contribution from the resident involved
<p>Management</p> <p>The operation policy should identify the following care, support and management arrangements that will be provided:</p> <p>Service purpose</p> <ul style="list-style-type: none"> • Details of how the scheme will meet the strategic needs of the District <p>Housing management</p> <p>Proof that the applicant or development partner has:</p> <ul style="list-style-type: none"> • Experience of delivering housing management for tenants and leaseholders • Experience of setting up contracts with both tenants and leaseholders • Experience of managing and maintaining specialist homes • Knowledge of relevant health and safety / fire regulations • Knowledge of assistive technology (AT) services, and experience of setting up schemes with AT and existing contracts with AT providers • Experience of working with medical and occupational therapists to install relevant equipment • Experience of designing schemes for dementia care and/or that provides medical care <p>Staff arrangements / levels</p> <p>Provide information on the scheme's proposed:</p> <ul style="list-style-type: none"> • On site 24hour/7 days a week care team and support, including domiciliary and medical care. Delivered either through Social Services or a care team to be agreed with ECC Social Services and reviewed every five years • Proof that the dementia care provision will meet the requirements of the Care Quality Commission • Staff ratios: this should be higher than that for other types of specialist housing to recognise the differing demands; • Dependency mix: should include how care needs will be defined.
<p>Design features</p> <p>The principles of designing for people with dementia include:</p> <ul style="list-style-type: none"> • Compensating for impairments; • Maximising independence; • Enhancing self esteem and confidence; • Demonstrating care for staff; • Designing for orientation and understanding; • Reinforcing personal identity; and

- Welcoming relatives and the local community.

Dementia care accommodation should:

- Ideally be within a 5-10 minute walk from shops and services;
- Be designed with clusters of studio rooms (bedrooms with en-suite facilities) in house groups with shared living / dining areas. Provision of dementia care or intermediate care units is encouraged within extra care housing schemes;
- Be designed and constructed to allow for conversion into one or two bedroom dwellings in the future;
- Be designed to accommodate a wheelchair in the longer term;
- Provide a communal space where a range of activities can be delivered to health and well-being;
- Provide a visually accessible environment: People suffering from confusion are less likely to become frustrated if they are able to clearly see and understand their surroundings:
 - an environment where there are good visual clues, such as views to the outside and views from circulation spaces into communal spaces
 - Provide glazed screens and doors to communal areas to enable residents to enter a room with the confidence of knowing what is going on inside
 - Design features should be incorporated that will help with orientation, recognition and familiarity. Landmarks (views out, seating bays etc.) are more important than colour in way finding
 - Maximise the amount of natural light in the building, particularly where there is a change in direction or level
- Incorporate smart technology: which can be of particular benefit to residents with dementia;
- Take care when selecting colours and materials. Changes in colour and or tone in floor finishes or contrasting threshold strips may appear as a step or barrier to a resident with dementia and deter some residents from entering a space or even lead to a fall. Ensure clear contrasts are used where the walls and floors meet and on steps.
- Avoid dark or poorly lit areas: well-lit areas are easier and can cause minimal discomfort.

Further guidance

Dementia and Town Planning - Creating better environments for people living with dementia, RTPI Practice Advice (January 2017)²¹

<p>Residential care homes (C2 development)</p> <ul style="list-style-type: none"> • Residential care homes or nursing homes are commercially driven and provide accommodation for the most vulnerable • Provide 24 hour on site personal and medical care.
<p>Eligibility</p> <ul style="list-style-type: none"> • A needs assessment will need to be undertaken by the Council to consider if a person is eligible for a care home placement. This looks at the extent of care and support required with daily living • The cost of living in a care home may require a contribution from the resident involved
<p>Management</p> <p>The operation policy should identify the following care, support and management arrangements that will be provided:</p> <p>Service purpose</p> <ul style="list-style-type: none"> • Details of how the scheme will meet the strategic needs of the District, including: <p>Housing management</p> <p>Proof that the applicant or development partner has:</p> <ul style="list-style-type: none"> • Registered with the Care Quality Commission and met all relevant CQC guidelines • Experience of delivering housing management for care home tenants • Experience of setting up contracts with care home tenants • Experience of managing and maintaining this type of accommodation • Knowledge of relevant health and safety / fire regulations • Knowledge of assistive technology (AT) services and experience of setting up schemes with AT and has existing contracts with AT providers • Experience of working with medical care staff and occupational therapists to install relevant equipment • Knowledge of designing care homes <p>Staff arrangements / levels</p> <p>Provide information on the scheme's proposed:</p> <ul style="list-style-type: none"> • On site care team and support: delivered either through Social Services or a care team to be agreed with ECC Social Services and reviewed every five years; • Medical and domiciliary staff ratios: must provide appropriate support to a mixed need client group. It must meet the requirements of the CQC and meet individual needs. If a dementia care or intermediate (recuperative) care unit is provided, the staff levels required must be greater; • Dependency mix: should include how care needs will be defined. A useful guideline is 'Low – 0-2.5 hours per week', 'Medium – 2.5-15 hours per week', 'High – 15+ hours per week';
<p>Design features</p> <p>Residential care homes should:</p> <ul style="list-style-type: none"> • Have a main entrance visible from the public realm; • Incorporate access control, visual and audio, to all entrances; • Provide reception/manager's office adjacent to the main entrance to enable passive surveillance of arrivals and departures; • Have clearly defined public, semi-private and private space; • Use progressive privacy allowing public entry to communal areas with secure 'fob'

access to the residential accommodation beyond. The following approach should be used:

1. The private zone is the accommodation itself, to which only the resident and invited guests have access;
2. The semi-private zone comprises those circulation areas and communal spaces (assisted bathroom, residents-only lounge, etc.) that only residents and their invited guests may use;
3. The semi-public zone comprises any circulation areas and communal spaces (restaurant, activity space, for example) to which the public have access at certain times;
4. The public zone; for example if the scheme incorporates a drop-in centre which the general public could access without restriction.

Access to zone (3) will typically be controlled by a door-entry system, allowing staff or residents to permit access. Careful consideration should be given to the method of door-entry between zones (3) and (2).

- Provide secure landscaped garden areas and courtyards which cannot be accessed from the public realm;
- Provide a well-lit safe environment, to all communal spaces (including car parking and main entrance);
- Ensure that the main refuse area is accessed directly from the public road;
- Provide easy access to all areas of the building for staff or visiting care providers;
- Ensure that provision is made for a minibus/emergency service and taxi drop off and to allow for the anticipated size and tracking of emergency and service vehicles, turning heads and waiting bay.

Further guidance

- www.cqc.org.uk
- Guidance for providers on meeting the regulations: Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (Part 3) (as amended) and Care Quality Commission (Registration) Regulations 2009 (Part 4) (as amended), CQC, March 2015¹⁹

Designing for people with visual and hearing impairment

Many older people or those with disabilities may experience some form of visual or hearing impairment. The following principles should also be considered to help those living in specialist accommodation. This will also help future proof housing to meet changing needs over time.

Designing for those with visual impairments should:

- Have a logical layout that can be easily understood. Communal areas should be directly linked to the foyer/reception area
- Reduce the effects of visual impairments by incorporating colour schemes that use contrasting tones to highlight features within the building and avoiding 'visual clutter'
- Avoid dark colours or black flooring to lifts as this can appear as a void
- Avoid numerous regimented light fittings, which may cause severe glare as well as a clinical, institutional appearance
- Avoid sharp contrast between highly lit and dark spaces, as the ability eyes to adapt to different levels of light decreases with age

Designing for those with hearing impairments should:

- Provide adequate sound separation and reduction of reverberation: this is important in older people's housing where some, but not all, residents suffer from hearing impairments
- Consider the acoustic separation of noisy rooms, such as laundries, lifts, plant rooms and other communal spaces from residents' living, sitting and sleeping areas
- Specify finishes for large spaces with higher ceilings such as lounges and dining rooms with a high acoustic absorbency, to reduce echoes for the those with hearing impairments
- Install an induction loop system to communal rooms and reception areas

Specialist Needs Housing Supplementary Planning Document (SPD): Consultation Responses

Reference	Name / Organisation	Draft SPD Section	Summary of comments	Officer Response	Change to SPD
SN001	Mrs Montgomery	General	No new housing of any sort until a new doctors surgery and junior school provided. Both surgeries in Maldon have closed their lists and the nearest surgery is in Danbury – if anybody is ill it will take a journey to see a doctor.	<p>This comment is noted, and applies to the general principle of new development, so is outside of the scope of this SPD.</p> <p>However, The level of housing required is identified by the Local Development Plan (LDP) and needs to be delivered to ensure the Council meets its objectively assessed housing need and has a 5 year supply of housing sites. This is a requirement of national policy. The infrastructure required to support this growth is set out in the LDP and the supporting Infrastructure Delivery Plan. For all developments of 11 or more units developer contributions can be sought to help mitigate adverse impacts upon infrastructure such as schools and/or health facilities. The LDP is supported by the Infrastructure Delivery Plan.</p>	No change to SPD required.
SN002	Equality and Human Rights Commission (EHRC) Corporate Correspondence Team	General	The Commission does not have the resources to respond to all consultations, and it is not our practice to respond unless they raise a clear or significant equality or human rights concern. Local Councils have obligations under the Public Sector Equality Duty (PSED) in the Equality Act 2010 to consider the effect of their policies and decisions on people sharing particular	Comments noted.	No change to SPD required.

APPENDIX 2

Reference	Name / Organisation	Draft SPD Section	Summary of comments	Officer Response	Change to SPD
			protected characteristics. Provide advice on how to apply the PSED, which is the mechanism through which public authorities involved in the planning process should consider the potential for planning proposals to have an impact on equality for different groups of people. Refers to technical guidance at https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england		
SN003	Tendring District Council	General	Welcome the introduction of a Special Needs Housing SPD and note the undersupply in this type of housing in Maldon District.	Comments noted.	No change required.
SN004	Historic England	General	Unable to comment at this time. Recommend that the advice of your local authority conservation and archaeological staff is sought as they are best placed to advise on local historic environment issues and priorities, including access to data, indicate how historic assets may be impacted upon by the SPDs, and opportunities for securing wider benefits for the future conservation and management of the historic environment.	Comments noted. The Council's Conservation Officer was consulted on a draft version of the SPD.	No change to SPD required.
SN005	Natural England	General	Welcome opportunity to give views, the topic of the SPD does not appear to relate to our interests to any significant extent. Therefore do not wish to comment.	Comments noted.	No change to SPD required.

Reference	Name / Organisation	Draft SPD Section	Summary of comments	Officer Response	Change to SPD
SN011	Pioneer PS Ltd	General	The SPD seeks to extend the provisions of local plan policy H2 and H3 rather than provide guidance on its application. This issue has been variously explored in the High Court and relevant judgements can be seen by reviewing (Skipton Properties Ltd, R (On the Application Of) v Craven District Council [2017] EWHC 534 (Admin)) and William Davis Ltd et al v Charnwood Borough Council Neutral Citation Number: [2017] EWHC 3006 (Admin), 23 November 2017). The use of SPD to create new policy rather than give guidance on existing is contrary to law and places the SPD at risk of challenge on that basis.	Legal advice has been taken: It is considered that the SPD seeks to explain relevant LDP policies and/or national policy so is not creating new policy or extending adopted policy.	No change to SPD required.
SN009	CODE Development Planners Limited	Paragraph 1.1	Support the intention of the SPD to assist in meeting the requirements of adopted planning policies H3, H2 and H1. Draw attention to the need to consider both affordable housing requirements and market housing requirements. If the SPD is to assist in meeting all requirements it needs to emphasise and recognise that the provision of specialist market housing often delivered by specialist private developers should be encouraged in partnership with relevant agencies. The draft SPD would prove more influential in attracting appropriate specialist developers if it provided greater reference to the positive role of private developers in contributing to meeting the identified district need. Government and health care focus is rightly targeted on the provision of	The SPD applies to both market and affordable specialist housing – paragraph 1.4 emphasises this point. Paragraph 1.15 acknowledges that the specialist needs housing market is evolving and that other products will be considered at the time of the application as long as they meet identified local needs. Table 1 will be expanded to include retirement villages, a predominantly market housing option. It is acknowledged that reference to market housing is not as clear throughout the SPD as it could be. The emphasis of the SPD will be re-considered to provide greater reference to market housing. The Strategic Housing Market Assessment (SHMA) is	To clarify that the SPD applies to market as well as affordable specialist needs housing amend first sentence of paragraph 1.1 to: <i>The Maldon District Local Development Plan (LDP) (2017)¹ seeks to deliver market and affordable housing that meets the needs and aspirations of existing and future residents, of different demographic groups and needs, over the plan period (2014-2029).</i> To clarify that the SPD applies to market as well as affordable specialist needs housing add

APPENDIX 2

Reference	Name / Organisation	Draft SPD Section	Summary of comments	Officer Response	Change to SPD
			market products which allow elderly people to remain independent for longer, thereby limiting any unnecessary strain on public agencies and funding (PPG 2014, 022). The SHMAA identifies both a full open market and affordable housing requirement in this specialist area. The SPD should also note the need for continued flexibility to be judged at the time of applications for planning permission in identifying the scale and nature of the requirements taking full account of forever changing market signals. The current SHMAA was published in 2014 and is already likely to be out of date and 'conservative' in its assessment of need.	the starting point for negotiations relating to an assessment of need – paragraph 5.12-5.15 requires a market assessment to be submitted with any specialist housing application – this should provide the evidence for any mix and type of product identified, particularly if it differs to the SHMA.	new row to Table 1 to include reference to age restricted/age exclusive independent housing (which can include retirement villages). Amend paragraphs 3.3, 3.4, 3.5, 3.6, 3.8, 3.12 to include greater appropriate reference to the provision of specialist needs market housing.
SN010	Essex County Council	Paragraph 1.5	Securing the level of specialist needs housing identified by the SHMA and MDCs 'Older Persons Housing Strategy' is essential to ensure that local people in the district are able to afford to remain living independently should they wish to do so, and is supported.	Support welcome and noted.	No change to SPD required.
SN008	Strutt and Parker on behalf of M Scott Properties Ltd	Paragraph 1.14 (Table 1)	The description of 'Independent living' in Table 1 excludes the provision of this housing as market housing. To provide a deliverable solution that encourages a wide range of older people and those either with, or supporting someone with a disability to 'right-size' there should be a mix of market and affordable housing included within these schemes. Alongside this point, through the provision of market housing, it will allow commercial returns that will meet Landowner aspirations and encourage	Independent living can be provided as market housing. Therefore Table 1 will be amended accordingly. Telecare is covered by paragraphs 5.43-5.44 - the point made that telecare can allow people to receive care without becoming a burden on health services will be added to paragraph 5.43. To clarify the level of affordable housing to be sought reference to LDP Policy H1	Amend Table 1, Independent Living, Definition: to refer to market housing as a potential product. Add new paragraph 5.43 to refer to potential benefits to health services of installing telecare: <i>As with all homes, a connected home – of technological advances and connectivity to the internet - is</i>

APPENDIX 2

Reference	Name / Organisation	Draft SPD Section	Summary of comments	Officer Response	Change to SPD
			<p>developers to deliver this type of housing at a meaningful quantum. It is recommended that the definition for Independent Living also includes the provision of telecare, as this allows people to receive the care they might require without placing additional burden on the local health care service. This is consistent with Planning Practice Guidance: <i>“The size, location and quality of dwellings needed in the future for older people should be considered in order to allow older people to live independently for as long as possible, or move to more suitable accommodation if they so wish. Supporting independent living can help to reduce costs to health and social services, and providing more options for older people to move could also free up houses that are under occupied.”</i> (emphasis added). Recommend altering the wording in Table 1 Retirement Housing, so that it is consistent with Policy H1. Recommend the following amendment to the text: Enhanced: mixed tenure <u>as specified within Policy H1</u>.</p>	will be added as suggested to Table 1 Retirement Housing, Definition.	<p><i>of increasing importance to residents. For specialist needs housing a connected home can provide many benefits relating to automation and building management control, improved energy efficiency, managing care needs (telecare), achieve health improvements (telehealth) and home comforts that meet a range of lifestyle choices.</i></p> <p>Amend Table 1, Retirement housing, Definition, so that it is consistent with Policy H1: <i>Enhanced: mixed tenure as specified within Policy H1.</i></p>
SN009	CODE Development Planners Limited	Paragraph 1.14	<p>It is important to note and agree that while Table 1 identifies ‘accommodation type’ and a ‘continuum of care’ which currently exists in the market, the type of specialist housing continues to evolve and may not always ‘fit’ neatly into the descriptions contained in an SPD adopted at a particular point in time. In these circumstances, decision takers must accept an ‘open mind’ on future types of</p>	<p>Agree. Paragraph 1.15 acknowledges that the specialist needs housing market is evolving and that other products will be considered at the time of the application as long as they meet identified local needs.</p>	No change to SPD required.

Reference	Name / Organisation	Draft SPD Section	Summary of comments	Officer Response	Change to SPD
			specialist accommodation and care packages which will evolve and be equally legitimate and relevant in meeting the requirements of elderly people.		
SN009	CODE Development Planners Limited	Paragraph 2.14	Note the council's interpretation of relevant appeal decisions and legal opinion in the definition of the Use Classes Order. Note the reference to the HAPPI spectrum which projects a more widely researched view that specialised housing is currently classified as C2 or C3. This remains dependent upon the nature and scale of communal facilities and care packages provided within the planning unit. The current status of legal interpretation requires each scheme to be judged as a matter of fact and degree in the particular circumstances of the scheme.	The SPD acknowledges that specialist housing can be C2 or C3 depending on the type of product promoted. Paragraphs 2.12 - 2.13 identify those circumstances when the Council will identify a product to fall within C2 or C3. Should an applicant consider that a scheme is within a different use class to the Council, this would be a matter for discussion at the time of the application.	No change to the SPD required.
SN009	CODE Development Planners Limited	Paragraph 2.17	Support the principles behind Policy H3 section 5.20 that <i>'there is a growing demand for homes with support available on site and homes that are specially designed to meet people's changing needs'</i> and that such facilities are <i>'in close proximity to everyday services, preferably connected by safe and suitable walking/cycling routes'</i> . In supporting policy H3 it is important for the council to 'lead' and encourage the relevant statutory agencies to respond to opportunities in a timely and 'open minded' manner appropriate to the determination of applications for planning permission.	The Council consults relevant statutory agencies in accordance with the Town and Country Planning General Development and Procedure Order 2015. It is important for the Council to assess each application on its merits in a fair and transparent manner. The Council does encourage statutory agencies to respond in a timely manner. It cannot, however, lead them to make a particular response.	No change to the SPD required.

Reference	Name / Organisation	Draft SPD Section	Summary of comments	Officer Response	Change to SPD
SN010	Essex County Council (ECC)	Paragraph 2.22	Makes reference to the Essex Design Guide, 2018 which incorporates guidance on older persons, and is welcomed. One of the themes is the ageing population, with the EDG giving consideration to designing new developments in response to the forecast increased number of older people and those impacted by age-related conditions for example, dementia. The EDG has been formulated so as not to require significant adaptations to design to incorporate these themes, but rather to identify how minor changes during the process can create the conditions to ensure they are effectively represented in development. It is noted that similar guidance is provided elsewhere within the SPD. ECC considers that the above should be highlighted in paragraph 2.22. ECC notes that this SPD will ensure that all new development reflects local character, and the SPD will be the primary guidance document used to inform planning applications in the District.	The Specialist Housing SPD refers to the Maldon District Design Guide SPD as the primary document for design of specialist housing in the District. The Essex Design Guide (EDG) is complementary to the SPD and a weblink is provided for further information. However, in paragraph 5.25 of the SPD reference will be made to the EDG to ensure its principles of future proofing and adaptability are reinforced.	Add sentence to paragraph 5.25 to highlight the link between the Maldon District Design SPD and the Essex Design Guide: <i>The Essex Design Guide also provides information relating to future proofing and adaptability of housing.</i>
SN009	CODE Development Planners Limited	Paragraph 2.27	The draft SPD states that the indication of need in the SHMAA “demonstrates an acute need for specialist housing in the district and an urgent need for this SPD to be implemented to enable delivery either as bespoke schemes or through new development.” Agree with this statement and commend the council for the SPD’s preparation, the urgent need cannot be met and schemes delivered by adopting a	<p>The intention of the SPD is to help facilitate the delivery of a range of homes that are required to meet local needs, and address issues that are commonly raised during the planning application process.</p> <p>The Council will continue to work with developers to ensure that appropriate schemes are delivered.</p>	No change to SPD required.

Reference	Name / Organisation	Draft SPD Section	Summary of comments	Officer Response	Change to SPD
			guidance note. The need can only be met by working with private developers/providers to deliver actual schemes in appropriate locations and with viable funding in place. The SHMAA was published in 2014 and is likely to be out of date in the fast-changing identification of need. The SPD should make clear that individual schemes will be judged against a recognition that market need and demand is dynamic and should be assessed at the time of considering any applications for planning permission. This approach would accord with criteria 1) of policy H3 and would help to maintain and understand an up to date identification of both quantitative and qualitative need.	<p>Paragraph 1.15 acknowledges that the specialist needs housing market is evolving and that other products will be considered at the time of the application as long as they meet identified local needs. Paragraph 4.2 identifies that where there is evidence of an identified unmet need in the local area and the location is appropriate in terms of access to facilities, services and public transport - that the Council will work with developers to ensure an appropriate mix is delivered that provides for, or includes an element of housing designed for older people or those with a disability or that can be adapted in the longer term.</p> <p>The SHMA is the starting point for negotiations relating to an assessment of need – paragraph 5.12-5.15 requires a market assessment to be submitted with any specialist housing application – this should provide the evidence for any mix and type of product identified, particularly if it differs to the SHMA.</p>	
SN008	Strutt and Parker on behalf of M Scott Properties Ltd	Paragraph 2.33 – 2.34	Concerned that the Council's pragmatic solution to meeting the need identified in the SHMA is too prescriptive and unnecessarily focused on meeting one type of housing need prior to another, when all could be pursued as opportunities arise, or	Paragraph 2.33 provides context for the SPD by referring to the Maldon District Older Peoples Housing Strategy. Paragraph 2.34 clarifies that this does not mean that the SPD (or indeed the Strategy) will focus on prioritising one	To clarify that the priorities are taken from the Council's Older Peoples Housing Strategy add sentence to Paragraph 2.33: <i>The Strategy identifies the following need.</i>

Reference	Name / Organisation	Draft SPD Section	Summary of comments	Officer Response	Change to SPD
			<p>simultaneously. The inclusion of a priority list is helpful for the Council's own resourcing, which is presumably the purpose set out in paragraph 2.34, but it is potentially unhelpful and even restrictive to meeting the identified housing needs of the District, in accordance with national planning policies and the Local Plan. The SPD should encourage the delivery of this form of housing at all opportunities. It is recommended that a balanced view is given to prioritising types of specialist accommodation in the District. For example, if too much emphasis is given to the provision of extra-care units, existing residents that are capable of living independently, but may suffer from minor mobility issues, might choose accommodation that provides an unnecessarily high level of care because of a lack of more suitable accommodation being available; therefore, reducing the opportunity for residents that are in need of care to benefit from such accommodation. Recommend that the priorities are either removed or adjusted to confirm that all types of housing within the list will be considered favourably. Alternatively, recommend that retirement housing is moved up the priority list, as it provides the greatest flexibility and could help address the strategic objectives much earlier in the plan period.</p>	<p>type of housing over another. The Older Peoples Housing Strategy has been approved by the Council so it is not possible to change the priorities. However, paragraph 2.33 will clarify that the priorities are taken from the Strategy. Paragraph 1.15 recognises that the market for specialist needs housing is evolving and that new products will be considered as long as they meet identified local needs for residents of the District.</p>	

APPENDIX 2

Reference	Name / Organisation	Draft SPD Section	Summary of comments	Officer Response	Change to SPD
SN006	NHS England (East)	Paragraph 2.9	'Supporting independent living can help to reduce the costs to health....'. Please note that this has an impact on local healthcare services and mitigation will be sought.	Paragraph 5.22 acknowledges the importance of having the support from relevant statutory agencies such as the Mid Essex Clinical Commissioning Group (CCG) for all specialist housing schemes. This will ensure that only appropriate schemes are delivered where the level of care and services likely to be sought can be managed. However, text will be added to clarify that where necessary developer contributions could be sort.	Add following sentence to Paragraph 5.22: <i>Developer contributions to mitigate adverse impacts upon health care may be sought from all schemes of more than 10 dwellings or more (see LDP Policy I1).</i>
SN008	Strutt and Parker on behalf of M Scott Properties Ltd	Paragraph 3.1	Sets out the level of need and the past delivery and closure of homes that can meet that need. However, disagree with the assertion that the Garden Suburbs and Strategic Sites identified in the LDP will make a meaningful contribution towards the supply of specialist housing. Large strategic sites require significant upfront infrastructure costs, and alongside the land purchase, often affordable housing and/or specialist housing becomes unviable or delivered late in the phasing programme. Many older people wish to remain in an area with which they are familiar, close to friends and family. Given these demands, a more suitable delivery vehicle would be to promote development in sustainable locations (well served by public transport and facilities), where it can be demonstrated a localised need is being addressed for that particular demographic. This should be supported by a needs assessment to	<p>The Council agrees that people make choices on the type of housing they need, and amendments to the SPD – see below – recognise this.</p> <p>Although specialist homes are to be provided in the Garden Suburbs and strategic sites e.g. 60 affordable units at S2a Limebrook Way, it is acknowledged that other delivery vehicles including, through small and medium sized schemes, may prove more successful to secure specialist housing, particularly in the short term.</p> <p>The SPD helps to facilitate that process providing site selection criteria and identifying the requirements for an assessment of need – paragraph 5.12-5.15 requires a market assessment to be submitted with any specialist housing application – this should</p>	Add new paragraph 3.2 to better reflect the way specialist housing is expected to be promoted in the District in the short term: <i>The expectation is that the majority of this significant older persons housing shortfall will be delivered where the greatest demand is, in Maldon, Heybridge and Burnham-on-Crouch where residents benefit from good access to public transport, shops and other key services². Access to local amenities and the surrounding community helps older people, particularly those in 'active' retirement remain connected to the area where they have been or are living. It is therefore appropriate for the</i>

Reference	Name / Organisation	Draft SPD Section	Summary of comments	Officer Response	Change to SPD
			demonstrate that the correct quantum is being proposed. It is not recommended that site specific allocations are made, as this could lead to inflated land values and changes in aspirations. Instead, a policy similar to the wording above that allows for a scheme to be judged on its perceived impact on the local environment against the benefits the scheme is delivering would be more appropriate. Small to medium sized independent living and retirement housing schemes that meet the site selection criteria and elements discussed above, could make a significant contribution towards the specialist housing supply within the short term, due to limited on and off site infrastructure constraints.	<p>provide the evidence for any mix and type of product identified.</p> <p>The SPD cannot introduce new policy - that will be the purpose of the Local Plan Review.</p> <p>This SPD which provides guidance on how policy H3 could be delivered should be read in conjunction with all policies in the LDP. It is against those policies, and where, appropriate national policy that any proposals will be considered.</p>	<i>Garden Suburbs and strategic sites in the LDP as well as other major new housing developments to provide for, or incorporate provision specifically for older people. The availability of funding for specific products such as independent living may also lead to bespoke schemes being delivered on suitable sites by Providers in these locations.</i>
SN008	Strutt and Parker on behalf of M Scott Properties Ltd	Paragraph 3.4	Disagree with the limited importance being placed upon providing specialist housing for ownership; both rental and market sale should be considered on their own merits. The SPD should encourage the delivery of all forms of specialist accommodation within the District as a priority, throughout the Plan period.	It is important to achieve a balanced approach to delivering specialist housing in the District. This includes the provision of market housing (for rent and to buy). The SPD will be amended to address the balance between market and affordable housing.	Amend paragraphs 3.3, 3.4, 3.5, 3.6, 3.8, 3.12 to include greater appropriate reference to the provision of specialist needs market housing.
SN008	Strutt and Parker on behalf of M Scott Properties Ltd	Paragraph 3.5	Disagree that the most efficient method of delivering older peoples housing is through the affordable housing sector. If a clear delivery mechanism is in place that specifies the criteria that a scheme has to meet in order for it to be acceptable in planning terms, and is commercially viable, it will encourage a range of developers (outside of		Amend paragraph 3.5 to better reflect the importance of market housing for specialist needs in the District in the short term: <i>A priority, therefore, is securing a higher proportion of new homes for older people to rent. Delivery of rented accommodation can take a variety of forms: private</i>

APPENDIX 2

Reference	Name / Organisation	Draft SPD Section	Summary of comments	Officer Response	Change to SPD
			the affordable housing sector), including smaller builders, to build accommodation for this particular market. This SPD should clarify that all forms of specialist housing, both affordable and market homes, are encouraged.		<i>rented age restricted/age exclusive 'retirement' accommodation, independent living or extra care homes as well as affordable housing. Ownership remains important, being a tenure that may help improve the viability of new development, which may help secure affordable housing for the District's older people. The SHMA² indicates about 100 existing older residents annually would require rented housing, with a similar demand from those who are considering moving into the District over the next few years.</i>
SN009	CODE Development Planners Limited	Paragraph 3.5	While delivery of affordable housing may provide the council with opportunities for providing 'retirement' accommodation it is important that the SPD do not place artificial restrictions or discouragement to the private sector making a valuable contribution to realising opportunities and assisting in meeting identified needs. Successful delivery will see a partnership of scheme provision between the private sector and public agencies.		
SN008	Strutt and Parker on behalf of M Scott Properties Ltd	Paragraph 3.7	As part of delivering homes for more vulnerable people, encourage MDC to actively engage during the pre-application process to ensure schemes are delivered that meet a range of needs, and have the ability to adapt as those needs increase over time.	The Council will continue to be actively involved in the pre-application process for all types of development, including specialist housing to ensure schemes are delivered that address identified local needs.	No change to SPD required.

Reference	Name / Organisation	Draft SPD Section	Summary of comments	Officer Response	Change to SPD
SN009	CODE Development Planners Limited	Paragraph 3.10	Provision of specific bespoke accommodation in the right location can assist considerably in providing choice for existing district residents wishing to downsize. Appropriate contributions of private sector schemes should not be underestimated in the aim of making best use of existing housing stock.	It is important to achieve a balanced approach to delivering specialist housing in the District. This includes the provision of market housing (for rent and to buy). The SPD will be amended to address the balance between market and affordable housing.	Amend paragraphs 3.3, 3.4, 3.5, 3.6, 3.8, 3.12 to include greater appropriate reference to the provision of specialist needs market housing.
SN008	Strutt and Parker on behalf of M Scott Properties Ltd	Paragraph 4.2	Recommend that the following change is made to paragraph 4.2 (as underlined): <i>“The precise amount and type of specialist accommodation required will depend on a range of factors including the choices of individual people and households. Identifying sites for such provision can be challenging, and it is therefore appropriate -where there is evidence of an identified unmet need in the local area and the location is appropriate in terms of access to facilities, services and public transport - for the Council to work with developers of more than 10 dwellings to ensure an appropriate mix is delivered that includes an element of / <u>or in its entirety,</u> housing designed for older people, <u>people with, or supporting someone with a disability,</u> or <u>housing that can be adapted in the longer term.</u>”</i>	It is acknowledged that schemes may come forward that are wholly designed for older people or those with disabilities. Amend 4.2 to capture those schemes that are promoted solely for specialist needs housing.	Amend 4.2 to read ‘ <i>that provides for</i> , or includes an element of housing designed for older people or <i>those with a disability ...</i> ’
SN008	Strutt and Parker on behalf of M Scott Properties Ltd	Paragraph 4.13	This paragraph is supported.	Support noted and welcome.	No change to SPD required.

APPENDIX 2

Reference	Name / Organisation	Draft SPD Section	Summary of comments	Officer Response	Change to SPD
SN009	CODE Development Planners Limited	Paragraph 4.13	Support that <i>'it is not always appropriate for design, financial viability or management reasons for affordable specialist units to be located on site. In these cases, a financial contribution may be acceptable'</i> . The relevance of on-site provision versus financial contribution should be judged at the time of considering individual applications for planning permission.	Support noted and welcome.	No change to SPD required.
SN008	Strutt and Parker on behalf of M Scott Properties Ltd	Section 5 – Site selection	The site selection process is supported.	Support noted and welcome.	No change to SPD required.
SN009	CODE Development Planners Limited	Paragraph 5.1	Support the principles set out within this section. Elderly people with specialist needs require good access to shops, public transport links and other local facilities and services. Specialist housing should therefore be located close to town centre areas, having a wide range of appropriate facilities within walking distance and accessed by safe, flat and legible pedestrian friendly footpaths suitable for the less mobile.	Support welcome and noted.	No change to SPD required.
SN009	CODE Development Planners Limited	Paragraph 5.2	Support this statement and echo the sentiments stated for para. 5.1 above.	Support welcome and noted.	No change to SPD required.

Reference	Name / Organisation	Draft SPD Section	Summary of comments	Officer Response	Change to SPD
SN009	CODE Development Planners Limited	Paragraph 5.3	<p>Agree with the site selection requirements set out within this section but:</p> <p>public transport proximity The SPD states that new developments should be located within 1km of bus stops with a frequent daily service to main centres. 1km is too far to encourage elderly, perhaps less mobile residents, to use the bus stops. The Institution of Highways and Transportation 'Planning for Public Transport in Developments' (1999) states within 'the layout of developments' (p.12) that 'it is desirable for bus services to be located no further than a 400m walk for residents, preferably less than 300m'. Elderly residents living in specialist needs housing developments are often less mobile and active than the average person, commonly having a restricted physical ability. The lower end criteria where bus stops on active roads are located within 400m of a development should be reflected in the SPD. Proximity to bus stops is not a sufficient replacement for proximity to local facilities themselves, if a development is to rely on access to public transport then the 400m threshold would be even more important.</p>	<p>1. The 1km distance is taken from the DoT LTN 1/04 - Policy, Planning and Design for Walking and Cycling, 2004, which is considered to be more up to date than the Planning for Public Transport in Developments (1999). Although its Paragraph 5.18 recommends that '<i>residents should not have to walk more than 400m to their nearest bus stop</i>' It adds that '<i>These standards should be treated as guidance, to be achieved where possible by services that operate at regular frequencies and along direct routes. It is more important to provide services that are easy for passengers to understand and are attractive to use than to achieve slavish adherence to some arbitrary criteria for walking distance.</i>' Additional text will be state that the 1km may be reduced where severe gradients exist or where the type of housing provided is for those residents who are less mobile. The development of a retirement village for example could house active over 55's therefore it is not appropriate to suggest that all older people are inactive and have mobility issues.</p>	<p>Amend paragraph 5.3 bullet point 1 to: Well served by public transport: bus stops - with a frequent daily service to main centres where a wide range of shops and services are available – should be within 1km of the development. <i>This may be reduced to reflect site specific constraints such as the topography of the area, or where it can be demonstrated that the future occupiers are expected to be less mobile. Evidence will be needed in support.</i></p>

Reference	Name / Organisation	Draft SPD Section	Summary of comments	Officer Response	Change to SPD
SN009	CODE Development Planners Limited	Paragraph 5.3	Facility accessibility The SPD requires developments to have suitable access to local amenities and facilities for elderly residents, with pedestrian footpaths being relatively flat with drop kerbs and pedestrian crossings (or have the ability to do so). This encourages greater access by ambulant older people, wheelchair users and mobility scooters. Fully support this and acknowledge that this focusses development in town centre (or town centre fringe) areas such as exist at Burnham-on-Crouch and Maldon. The selection of appropriate sites will also require a detailed consideration of accessibility.	Support noted.	No change to SPD required.
SN009	CODE Development Planners Limited	Paragraph 5.3	Agree with the site selection requirements set out within this section but: Specialist needs housing facility proximity requires new developments to be located within 1km of local shops, bank/cashpoints, GP Surgery/Health Centres, post offices, community facilities and open spaces in reference to the Department for Transport's publication 'LTN 1/04 Policy, Planning and Design for Walking and Cycling' (2004). This document states in section 3.10 'Land use planning' (p.15) that 'there are limits to the distances generally considered acceptable for utility walking and cycling', noting that the mean average distance is approximately 1km (0.6 miles). This is caveated, stating that 'the distances people are prepared to walk	The SPD states that development should be within 1km of shops and services. Specialist needs housing does not only apply to residents with mobility issues, it can apply to active older people who may be able to walk 1km comfortably. However, there may be certain types of specialist needs housing which should be located closer to shops and services to meet the needs of future residents, such as dementia care housing. Additional text will be added to state that acceptable walking distances will vary between individuals and circumstances.	Amend paragraph 5.3, bullet point 3 to: Close to local facilities: <i>housing should ideally be within an 800m walk of local shops, bank/cashpoint, GP Surgery/Health Centre, post office, community facilities and open space, unless it can be demonstrated that the majority of future occupiers are expected to be 'active' and regularly able to walk up to 1km.</i>

Reference	Name / Organisation	Draft SPD Section	Summary of comments	Officer Response	Change to SPD
			<p>or cycle depend on their fitness and physical ability, journey purpose, settlement size and walking/cycling conditions'. Further guidance in the LTN 1/04 refers to the Institution of Highways and Transportation's 'Providing for journeys on foot' (1999). This expands stating within the 'Acceptable walking distances' (p.48) that 'an average walking speed of approximately 1.4m/s can be assumed, which equates to approximately 400m in five minutes or three miles per hour. The situation for people with mobility difficulties must be kept in mind in applying any specific figures'. This acknowledges that acceptable walking distances will vary based on potential differences in an individual's circumstances, noting fitness and physical ability, encumbrances (e.g. carrying shopping bags), the availability, cost and convenience of alternative modes of transport, time savings, journey purpose, personal motivation and general deterrents to walking. The Maldon District Design Guide 'Designing for Older Persons' Housing section 5.5.1 refers to the 'RTPI Practice Advice (January 17): Dementia and Town Planning – Creating better environments for people living with dementia'. The Design Guide states that 'the document [RTPI Practice Advice] provides useful design guidance on the provision of adaptable housing for the elderly in sustainable locations'. One of the key design</p>		

Reference	Name / Organisation	Draft SPD Section	Summary of comments	Officer Response	Change to SPD
			principles to be considered in the design of new developments recommends that 'land uses are mixed with shops and services within a 5-10 minute walk from housing' . Feel that specialist housing developments should be located with a maximum of 800m radius for local facility proximity, accounting for between 5-10 minutes walking distance at a maximum of three miles per hour walking speed (400-800m distance) and that the SPD reflects this justification. A proximity radius of 800m (circa. 0.5 miles) is also supported within the Housing LIN 'Retirement Living Explained' guide for design and planning professionals (2017), which states in Section 4 'Site matters – securing sustainable locations' (p.30) that sites should be 'within 0.5 miles of town or local centres and amenities'.		
SN010	Essex County Council	Paragraphs 5.1-5.3	ECC welcomes reference in paragraphs 5.1 - 5.3 to the requirement that consideration be given to the location of specialist needs accommodation (elderly, disabled, young or vulnerable adults). In particular sites will be expected to be well served by public transport; close to local facilities via accessible means and infrastructure; free from environmental constraints; and within well-lit and safe neighbourhoods. Recommends consideration is given to appropriate parking standards, an appropriate level of prime amenity space for residents, the setting of existing	Parking is covered separately in paragraphs 5.39-5.42 and amenity space is covered by paragraphs 5.35-5.38. The other issues are site specific and would be addressed through reference to other LDP policies where appropriate through the planning application process.	No change to SPD required.

Reference	Name / Organisation	Draft SPD Section	Summary of comments	Officer Response	Change to SPD
			buildings, the natural and historic environment and the character of the area, any overbearing effects or disturbance to neighbouring properties, and any overlooking or overshadowing of neighbouring properties. This would also be applicable for permission given for conversions of buildings of previous use to residential care homes for older and vulnerable people. The EDG makes reference to planning and designing new developments with regard to the needs of the ageing population.		
SN009	CODE Development Planners Limited	Paragraph 5.6	Support the statement that independent living will only be considered in Maldon, Heybridge and Burnham-on-Crouch. In our view, it is only in these locations that schemes can be supported by the key services and access profiles required by elderly residents.	Support welcome and noted.	No change to SPD required.
SN010	Essex County Council	Paragraph 5.6	Paragraph 5.6 identifies that Independent living will be prioritised in Maldon, Heybridge and Burnham-on-Crouch as these are the only locations that have the support of the Clinical Commissioning Group. It would be useful to clarify the reasons for their support for these locations, and emphasise they are the most appropriate locations to meet the criteria identified in adopted Policy H3 - Accommodation for 'Specialist' Needs.	The CCGs consider that Maldon, Heybridge and Burnham-on-Crouch should be prioritised for independent living as they are the most sustainable locations for this type of housing. Amend SPD accordingly.	Amend first sentence of paragraph 5.6 to read ' <i>... support of the CCG because these are the most sustainable locations where residents are better able to access a range of everyday services and meet their social and housing needs (criteria 2, 4 and 5 of Policy H3).</i>
SN008	Strutt and Parker on behalf	Paragraph 5.7	It has been acknowledged within the SPD that there are issues associated with the	Maldon has an approved LDP. Therefore new development should be policy	No change to SPD required.

Reference	Name / Organisation	Draft SPD Section	Summary of comments	Officer Response	Change to SPD
	of M Scott Properties Ltd		<p>delivery of specialist accommodation for older people and those either with, or supporting someone with a disability. By limiting the scope to deliver schemes outside of the settlement boundary to affordable housing schemes, the level of delivery will be limited significantly. It is supported that schemes should deliver a policy compliant level of affordable housing, but due to the specialist nature of the product being delivered on site, the associated build cost and land acquisition cost, it is unrealistic and detrimental to the level of delivery to seek greater levels of affordable housing. The following wording is recommended (changes underlined): <i>"The Council will also expect developers to submit a site selection assessment for all specialist needs housing schemes. Each assessment must consider a number of potential sites in a locality to ensure that the most sustainable is selected for that type of housing. This is important particularly if the proposed site is detached from a settlement boundary – <u>such sites will need to be supported by a localised needs assessment and provide a level of affordable housing consistent with Policy H1, unless a viability assessment can demonstrate that the provision of affordable housing on-site would cause the scheme to be unviable, in which case an off-site contribution will be considered.</u> Previously developed land and conversion of buildings should be considered:</i></p>	<p>compliant (within the settlement boundary unless there are material considerations that prevail). Paragraph 5.7 refers to LDP Policy H5 Rural Exception Sites is the relevant starting point, but a wide range of policies must be consider in assessing new development.</p> <p>This includes further information on a needs assessment.</p> <p>LDP Policy H5 limits schemes outside of the settlement boundary to affordable housing unless it can be demonstrated through a viability assessment that an element of market housing is essential to facilitate the affordable housing. The proposed changes seeking off site contributions would require a change to policy which a SPD cannot do. However, the information contained within the LDP and the draft SPDs is sufficient to enable a developer to factor the cost of providing affordable housing in when purchasing land for development. It is agreed that the affordable/market housing split should be agreed at an early stage in the planning process.</p>	

Reference	Name / Organisation	Draft SPD Section	Summary of comments	Officer Response	Change to SPD
			<p><i>the Council's Brownfield Land Register is a good starting point (see www.maldon.gov.uk for more details)." It is important that the level of affordable housing is clarified at an early stage, so that the developer is able to acquire land at a value that is viable and encourages the landowner to sell. It is agreed that a proportion of residents in the District will require affordable housing, but there is a large population that will wish to own their own home, but would downsize to a more suitable property that responds to their needs and aspirations as they age if an attractive option was available. In order to deliver a property and environment that encourages 'right-sizing' a high level of design and appearance will be required; this comes with an additional cost. By making a scheme financially attractive, the quality of scheme will be improved and in turn reduce the demand for future /next-step (higher level of care provision) specialist accommodation.</i></p>		
SN011	Pioneer PS Ltd	Paragraph 5.10	<p>This appears to seek a new test which does not exist in policy, namely to seek a viability assessment to prove that a scheme is viable and therefore deliverable. This is not a feature of the policy framework of the adopted plan and cannot therefore be created via an SPD.</p>	<p>Legal advice has been taken: Policy H3 requires applicants to demonstrate 'that revenue funding can be secured to maintain the long term viability of the scheme.' This could be in the form of a viability assessment or an alternative form of evidence to be submitted as part of a planning application. The approach taken is considered to be appropriate in a SPD.</p>	<p>Add to 5.10 <i>'This could, for example, be in a viability assessment or through paragraph 5.24).'</i></p>

APPENDIX 2

Reference	Name / Organisation	Draft SPD Section	Summary of comments	Officer Response	Change to SPD
SN011	Pioneer PS Ltd	Paragraph 5.13	Implies that a business case is necessary to deal with the provisions of policy H3 of the adopted plan. Policy H3 does not require this and makes no mention of a 'business case'. Part 7 of the policy is not worded in this way (it is by contrast seeking confidence that revenue funding can be secured). This new test being applied via the SPD is significantly beyond the scope of policy and is therefore creating new policy rather than providing guidance against the adopted position.	Legal advice has been taken: This seems to be an explanation of point 7 in LDP policy H3. A business case would show that there is revenue funding as required by H3. The approach taken is considered to be appropriate in a SPD.	Amend paragraph 5.13, bullet point 4 to: The basic operating costs of the scheme and resulting service charges <i>(to fulfil policy H3 (7))</i> ...
SN010	Essex County Council	Paragraph 5.22	Paragraph 5.22 refers to the role of statutory agencies in providing 'specialist' housing needs, including ECC through its statutory responsibilities regarding Public Health and Social Care, including its commissioning of services role. Specific reference to the promotion of independent living to help reduce costs on health and social care services is supported.	Support noted and welcome.	No change to SPD required.
SN011	Pioneer PS Ltd	Paragraph 5.26	Homes England no longer apply the Design and Quality Standard having reverted to Building Regs. The Council may seek the additional floor space of the Nationally Described Space Standards but this must (to accord with national guidance) be a matter tested via examination as a local plan policy amendment.	Paragraph 5.26 states that the national space standards are a starting point for discussion. This is not new policy: the SPD is simply referring to national policy and re-stating national policy on house size . The Design and Quality Standard is not referred to in the Specialist Needs Housing SPD.	No change to SPD required.

Reference	Name / Organisation	Draft SPD Section	Summary of comments	Officer Response	Change to SPD
SN007		Paragraph 5.28	It should be mandatory for all spec housing developments in the District to be built in line with the 'Lifetime Homes' standards. This is the most effective way of keeping aging residents in their own homes without the stress of having to relocate late in life with all of the stress and considerable expense (removal, stamp duties, new furniture and fittings) that this involves. The cost to builders is low, the value to individuals and society is high.	LDP policy D1 encourages inclusive design and the effective use of internal and external space but does not specify any particular design standards. Therefore, it is not possible to require new development to be designed to Lifetime Homes standards. But the Maldon District Design Guide SPD requires developers to take the principles into account when designing new homes. This approach is reinforced by the draft SPD.	No change to SPD required.
SN008	Strutt and Parker on behalf of M Scott Properties Ltd	Paragraph 5.51	The recommendations regarding purchasing options/advice is supported, but recommend another purchasing option. A resident could rent their chosen property within the scheme whilst they are attempting to sell their existing property. The amount of rent accumulated would be deducted from the purchase price prior to completion and would give the resident certainty and a less stressful moving process, in turn encouraging the freeing up of existing (typically underoccupied) housing stock in the locality.	Although the SPD states that the list of purchasing options is not exhaustive, the additional clause is a positive addition and provides residents with another tool to aid their move.	Add new bullet point 5: <i>rent deduction scheme: The resident could rent their chosen property within the scheme whilst they are attempting to sell their existing property. The amount of rent accumulated would be deducted from the purchase price prior to completion.</i>
SN011	Pioneer PS Ltd	Paragraph 7.3	This appears to seek a new test which does not exist in policy, namely to seek a viability assessment to prove that a scheme is viable and therefore deliverable. This is not a feature of the policy framework of the adopted plan and cannot therefore be created via an SPD.	Legal advice has been taken: Policy H3 requires applicants to demonstrate 'that revenue funding can be secured to maintain the long term viability of the scheme.' This could be in the form of a viability assessment or an alternative form of evidence to be submitted as part of a planning application. The	Amend paragraph 7.3 bullet point 8 to: Market assessment for the scheme, including long-term viability of the scheme (<i>in the form of revenue funding as required by Policy H3 (7).</i>)

APPENDIX 2

Reference	Name / Organisation	Draft SPD Section	Summary of comments	Officer Response	Change to SPD
				approach taken is considered to be appropriate in a SPD.	
SN003	Tendring District Council	Paragraph 8.0	Should the undersupply detailed within the document persist perhaps stronger measures will need to be explored.	Noted. If the undersupply continues it is likely that this would be an issue for a LDP Review.	No change to SPD required.
SN010	Essex County Council	Appendix 3 – Housing Specific Features	ECC welcomes reference to ECC's Independent Living Programme in Appendix 3. This encourages the provision of specialist accommodation in Essex as a means by which older people can continue to live healthy and active lives within existing communities, and reduce the demand for residential/nursing home care, which is expensive and restricts independence. At present there are not sufficient numbers of Independent Living units to relieve pressure for residential care placements. ECC assessed a need for 2,825 Independent Living units (available as rental or ownership units) to be delivered by 2020 in the County. In September 2016 ECC assessed a need with Maldon for 134 units to be provided by 2020. The ECC Independent Living programme has been developed by ECC to increase the supply of Independent Living units across Essex. The latest Position Statement is from October 2016, not 2015 as referenced in Appendix 3 of the proposed SPD. A link to the latest document is provided below: ECC Independent Living Programme for Older People - Position Statement - October 2016	Support noted and welcome.	Amend Position Statement date to: <i>from October 2016</i> .



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**to
PLANNING AND LICENSING COMMITTEE
19 JULY 2018**

**ESSEX COASTAL RECREATIONAL AVOIDANCE AND MITIGATION
STRATEGY (RAMS) UPDATE**

1. PURPOSE OF THE REPORT

- 1.1 This report provides an update on the Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS). The matters in this report may affect the Council's planning policies and decision-making. Therefore, further reports will need to be made to this Committee for decision as the Strategy progresses.

2. RECOMMENDATION

That the Committee reviews and comments on the Recreational Avoidance and Mitigation Strategy (RAMS) update outlined in this report. Comments from the Committee are sought as there are matters in this report which may affect future planning policies and procedures.

3. SUMMARY OF KEY ISSUES

3.1 Background

- 3.1.1 There are ten international and nationally protected wildlife sites on the Essex Coast. This includes four wholly, or partly within the District at:
- Blackwater Estuary: Special Protection Area (SPA) and Ramsar
 - Dengie: SPA and Ramsar
 - Crouch and Roach Estuaries: SPA and Ramsar
 - Essex Estuaries: Special Area of Conservation (SAC)
- 3.1.2 These sites are protected by the Conservation of Habitats and Species Regulations 2017 for their exceptional wildlife including large numbers of wintering water birds, a range of breeding species and habitats.
- 3.1.3 These birds, other coastal species and habitats can be vulnerable to disturbance from recreation so there is the potential for conflict with people. This issue is particularly acute along coasts and estuaries which have a strong draw for visitors. In general, the areas attractive to people and wildlife coincide along a narrow strip of land along the water's edge adding to the potential severity of the impacts.

- 3.1.4 The Regulations were originally published in 2010, but were updated and consolidated into the Conservation of Habitats and Species Regulations 2017 which came into effect on 30 November 2017. Both sets of Regulations require Local Planning Authorities (LPA) to demonstrate that their Local Plans will not adversely affect the integrity of a protected site(s) through a Habitats Regulations Assessment (HRA). Similarly, the Regulations require the Council as a ‘competent authority’ to ensure that planning permission is not granted for development that will have an adverse impact upon a protected site in the District, unless appropriate mitigation is sought. Any mitigation is a requirement of legislation so must be delivered.
- 3.1.5 A significant amount of housing is being proposed by the other Essex Local Plans. Of the seven in the public domain at present (Basildon, Braintree, Brentwood, Chelmsford, Colchester, Rochford and Tendring) approximately 94,500 dwellings are identified. Natural England expects this ‘in combination’ to increase recreational activity in or near the Essex coast, including impacting on the integrity of Maldon’s protected sites, which is contrary to national legislation.
- 3.1.6 The seven Local Plans are being produced with broadly similar timeframes. This provides a significant opportunity to deliver a comprehensive, strategic solution to recreational impact on the Essex Coast and influence planning policy which can inform these Plans (and other future plans) and ensure the most appropriate policies are in place to protect areas, understand the likely impact and secure funding and resources to mitigate impacts. Natural England has identified that a Recreation Avoidance and Mitigation Strategy (RAMS) will provide the necessary confidence that mitigation will be delivered in the right places to address the impacts identified, at the right time, as a consequence of new development.
- 3.2 Progress to date**
- 3.2.1 The RAMS is expected to be a lengthy, detailed, technical document and will cover the plan period for all participating authorities Local Plans i.e. to 2038. But the nature of the document means that it is likely to be reviewed every five years and monitored annually.
- 3.2.2 The RAMS will comprise of a Technical Evidence Report and a Technical Mitigation Report. Both will be brought to this Committee in due course. But to aid Members understanding of the process the likely content (that is known to date) is discussed below.

4. TECHNICAL EVIDENCE REPORT

- 4.1 This part of the report will set out:
- why the RAMS is needed;
 - background evidence and analysis;
 - information about the winter and summer visitor surveys: their location, the survey methodology and questionnaire (previously brought to this Committee in March and June 2018). At the request of the Vice Chairman of this Committee, the winter survey results are provided as **APPENDIX 1**. The summer survey results are not yet available (see paragraph 4.2.1 below);

- the approach taken to stakeholder workshops, including comments made at the three events (the outputs of the first two stakeholder workshops were brought to this Committee in June 2018);
- the zones of influence (see paragraphs 4.3.1 – 4.3.9 below).

4.2 Summer surveys

- 4.2.1 In May, summer visitor surveys were undertaken for the Blackwater Estuary at Tollesbury Wick and near Bradwell Marina. This included dates on a weekend and in the Spring Bank holidays. A good response was received and photographic evidence was also secured of other recreational activity, such as watersports. This will be used to inform the mitigation report. The results will be available for September Committee.

4.3 Zones of influence

- 4.3.1 Each protected site currently has a Zone of Influence (ZOI) which is the likely distance visitors are prepared to travel to reach that site for recreation. The zones of influence vary significantly (from, for example, 8km to 24km) and overlap. The purpose of the winter and summer surveys is to confirm the zones of influence of each protected site.
- 4.3.2 The ZOIs are based on the 75th percentile of postcode data taken from the winter surveys for all sites excluding the Blackwater Estuary (where summer surveys have been undertaken – see paragraph 4.2.1 above) – officers are advised this is best practice and Natural England use the 75th percentile for all the ZOIs currently in place across England. The zones are important because they will provide the basis for determining which development is ‘RAMS liable’ and could be required to contribute to mitigation. The new ZOIs for nine sites are set out in Table 1 below and shown in **APPENDIX 2**. Those that cover Maldon are highlighted.

Protected site	Original ZOI (km)	Updated ZOI - raw data	Updated ZOI – refined data	Updated ZOI – raw data	Updated ZOI – refined data	FINAL ZOI (km)
Essex Estuaries SAC	24	9.7	9.7	-	-	9.7
Hamford Water SPA / Ramsar	8	-	-	-	-	8
Stour and Orwell Estuaries SPA / Ramsar	13	-	-	-	-	13
Colne Estuary SPA / Ramsar	24	9.7	9.7	-	-	9.7
Blackwater Estuary SPA / Ramsar	8	14.2	14.2	TBC	TBC	TBC*
Dengie SPA / Ramsar	13	27.3	20.8	-	-	20.8
Crouch and Roach Estuaries SPA / Ramsar	10	4.5	4.5	-	-	4.5
Foulness Estuary SPA / Ramsar	13	-	-	-	-	13

Protected site	Original ZOI (km)	Updated ZOI - raw data	Updated ZOI – refined data	Updated ZOI – raw data	Updated ZOI – refined data	FINAL ZOI (km)
Benfleet and Southend Marshes SPA / Ramsar	10	4.1	4.1	-	-	4.1
Thames Estuary and Marshes SPA / Ramsar	10	8.1	8.1	-	-	8.1

* see paragraph 4.3.5.

4.3.3 Several of the ZOIs have decreased as a result of the up to date dataset. The decrease of the ZOI for the Essex Estuaries was expected – it now reflects only those visitors using the site for recreation, rather than for a range of other reasons. The ZOIs for Hamford Water, the Stour and Orwell and Foulness had recently been agreed through updated visitor surveys undertaken for the North Essex Local Plan so have not been updated by the RAMS.

4.3.4 However, the Dengie ZOI has increased from 13km to 20.8km - the raw data increased the ZOI to 27.3km but this was refined to 20.8km to take account of the number of visitors surveyed who were not expected to have a recreational impact on the protected site (on the day of the survey the questionnaires showed that a concert was being held at St Peter’s Chapel and several respondents were visiting the area to attend the concert only. If these visits had been recorded it would have skewed the survey results and would be open to challenge).

4.3.5 The ZOI for the Blackwater Estuary has not been finalised. Based on the winter survey alone it may have increased, but once the summer surveys for the Blackwater Estuary have been analysed, Natural England will combine the data with that from the winter surveys to produce its zone. The same process will be used as for the other sites.

4.3.6 **APPENDIX 2** shows that the outer extent of the ZOIs for Maldon’s protected sites extend to the centre of Chelmsford, and cover South Woodham Ferrers, Tiptree and Colchester as well as the proposed Garden Communities at Marks Tey and at Colchester /Tendring. Therefore, mitigation projects in these zones could benefit from development taking place both from in and outside the District. It should be noted that the scale of mitigation will not necessarily be proportionate to the scale of each zone. The extent of mitigation in each zone and their priorities will be determined by the Mitigation Report (see paragraphs 4.6.1 – 4.6.2). Further information is expected to be available at September meeting of this Committee.

4.3.7 Once the ZOIs are all known the next step is to identify the amount of housing within the zones. But because many of the ZOIs overlap, the number of RAMS liable dwellings will be the number of dwellings that fall within the overall extent of the zones. This ensures that no ‘double dipping’ takes place - dwellings will only be counted once (i.e. so only one contribution per RAMS liable dwelling can be secured) - this is because a visitor to the coast can only be at one site at any time.

4.3.8 The approach taken to ‘RAMS liable’ housing in Maldon is relatively straightforward: **APPENDIX 2** shows that all of the District falls within a ZOI of a protected site. As

the majority of LDP allocations have planning permission, at this stage, the RAMS will only apply to the two outstanding allocations without planning permission at S2h: Heybridge Swifts and S2k: land east of Burnham on Crouch (191 dwellings in total), the neighbourhood plan allowance (100 dwellings) and the remaining windfall allowance (231 dwellings).

- 4.3.9 For all authorities the number of RAMS liable dwellings will be sites in Local Plans within a ZOI that do not have planning permission at the date the SPD (Supplementary Planning Document) is adopted and windfalls from the date the SPD is adopted. To ensure consistency and transparency between each partner, a detailed methodology for identifying the number of dwellings in these situations is being produced. Prior to the adoption of the SPD the housing figures will be re-considered to deduct any houses that have been granted planning permission in the interim.
- 4.3.10 Further work is also being undertaken to ensure dwelling occupancy is appropriately reflected dependent on the number of bedrooms. This will ensure that the impacts generated by a four bed dwelling when compared to a one bed property are appropriately captured. Exemptions are also being considered. For instance, in RAMS elsewhere, care homes (in Use Class C2) have not been included, as this type of development has not been considered to have a likely significant effect with regard to recreational impacts.

4.4 Second Stakeholder workshop

- 4.4.1 A second workshop was held on the 15 June 2018 at Colchester Borough Council. The Vice-Chairman of this Committee attended along with the Council's Coast and Countryside Manager. The Council's Principal Planning Policy Officer helped facilitate. The focus of the second workshop was to identify appropriate and effective mitigation to address the impacts identified from the first workshops, the survey data, as well as from other evidence base work undertaken to date.
- 4.4.2 The workshop was well attended with over 25 partners from a range of organisations present. Unfortunately several invitees were unable to attend. They will be contacted separately to ensure their views are captured. This means that the evidence will continue to evolve in the coming weeks.
- 4.4.3 A range of site-specific mitigation solutions were proposed for the ten protected sites, but the consensus of the attendees was that the three most common forms of generic mitigation were: habitat creation, education and communication. The outputs of the workshop will help inform the Mitigation Report. The notes of the workshop are being analysed and will be brought to the September meeting of this Committee.

4.5 Elected Members Forum

- 4.5.1 To ensure that Members from the participating authorities have the opportunity to have meaningful engagement in the RAMS process a Members' Forum will be established as part of each Council's Duty to Cooperate requirements. The first Forum is to be held on 31 July 2018 - Maldon District Council will host and administer the Forum meetings.

- 4.5.2 This is timed to enable Members to discuss the emerging Technical Evidence Report and have an early input into the Technical Mitigation Report. Forums are likely to take place at other key milestones, such as when the Technical Mitigation Report and the draft SPD is being finalised, and following the consultation on the SPD. This will ensure that the outputs from the Forum are meaningful and add value to the RAMS process.

4.6 **Technical Mitigation Report**

- 4.6.1 Work has only just commenced on the Mitigation Report. This will cover:

- The amount of new homes likely to contribute and the amount of additional visitor impact this will generate;
- The mitigation projects, priorities and their governance;
- The best way to secure financial contributions from new development, the impact upon the viability of new development;
- How the contributions should be managed and distributed;
- Options for governance; and
- Details about monitoring and review.

- 4.6.2 It is important that each project identified has a measurable outcome to ensure that the RAMS process is meaningful and mitigates the impacts new housing is having on the Maldon environment and the rest of the Essex Coast. However, the Mitigation Report must also be pragmatic and realistic – the projects identified will need to reflect the delivery timescales of new housing development expected to come forward. Although the RAMS must be in place prior to the adoption of the first local plan in the Essex Coastal area (excluding Maldon), the majority of the housing likely to be RAMS liable does not have planning permission yet, and many of the larger allocations and Garden Communities in particular are expected to have long lead-in times. This means that it may take some time for the majority of funding to be generated. The projects identified, particularly in the short term, will need to reflect this.

4.7 **Bird Aware**

- 4.7.1 A key issue that was highlighted at the stakeholder workshop was the importance of communication and education. RAMS is a technical term designed to deliver a specific output in relation to the local planning process, is not particularly user friendly and it is not clear from its name what its purpose is.
- 4.7.2 In response, the Solent RAMS have established Bird Aware, a not-for-profit partnership which is essentially a marketing tool, designed to educate and raise awareness of the birds that spend the winter on the Solent, so that people can enjoy the coast and its wildlife without disturbing the birds. The brand:
- Focuses on the core aim of the organisation – to be aware of waders and wildfowl especially in intertidal areas. The regional element - i.e. Bird Aware Solent - draws focus to the required regional level;

- Is an easy mnemonic – audiences are likely to remember the title, providing much greater word of mouth reach.
- 4.7.3 Bird Aware Solent achieved considerable success from the outset. It has a successful webpage (at www.birdaware.org) and has seen a 2,550% increase in page views online in the first year. It is also achieving positive feedback on other social media channels, for example there has been an 87% increase of Twitter followers within four months. The tool is not solely online, it has had a 93% increase in outreach over the same period and its content is also available in print.
- 4.7.4 Being involved in a national brand would generate greater awareness – by representing more of the environment, more mitigation and a larger public audience means the brand holds more weight in the statements it makes. This could make the process more credible to developers.
- 4.7.5 Natural England and the Royal Society for the Protection of Birds (RSPB) have been involved in developing the brand and recognise it as suitable for representing mitigation partnerships across the country. Attendees of the stakeholder workshop were extremely positive about the initiative and recommended further consideration for the Essex Coast. This will include cost/benefits of the scheme. This will be undertaken as part of the work for the Mitigation Report.

5. NEXT STEPS

- 5.1 There are various work streams underway:
- a) The Technical Evidence Report is being put together, with the next key milestone being its publication in September 2018;
 - b) The first Members Forum on 31 July 2018 will be able to consider the emerging report;
 - c) Work on the Technical Mitigation Report has just started (see paragraph 4.6.1). This will identify mitigation projects and their priorities. Members will have the opportunity to discuss this at a Members Forum later in the year.

6. CONCLUSION

- 6.1 The Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS) is a joint initiative between 11 Essex authorities to identify the recreational impacts new homes will have on the international and nationally protected sites along the Essex Coast. The project is moving towards the end of the evidence gathering stage. Work is ongoing on a range of work streams. Further reports will be brought back to this Committee to provide information updates and also for decision-making, where appropriate.

7. IMPACT ON CORPORATE GOALS

- 7.1 The Recreation Avoidance and Mitigation Strategy will have a positive impact on the corporate goals which underpin the Council's vision for the District, in particular protecting and shaping the District and balancing the future needs of the community.

8. IMPLICATIONS

- (i) **Impact on Customers** – This report provides customers with the most up-to-date progress on RAMS. Clear strategy working with other authorities in Essex provides certainty to residents and businesses in the District.
- (ii) **Impact on Equalities** – The SPD will be subject to an Equalities Impact Assessment.
- (iii) **Impact on Risk** – A RAMS is required in accordance with national legislation. The Council is a competent authority and must ensure that new development does not adversely impact upon protected sites in the District. The RAMS will provide greater certainty to the Council, developers and the local community in relation to the costs associated with development.
- (iv) **Impact on Resources (financial)** – The summer surveys are being undertaken within the Council's identified budget. RAMS is expected to generate financial contributions from new development to help deliver mitigation projects in the District. This resource is not known at this point. Being involved in a strategic project is cost-effective and means that the cost of the project is shared between 11 authorities rather than being funded solely by the Council.
- (v) **Impact on Resources (human)** – Project management of the RAMS is by Essex County Council: Place Services. The Council's project lead is in-house. The SPD will provide a robust and transparent process within which to negotiate financial contributions from new development. The SPD will enable the development management process to be streamlined and be more efficient and effective.
- (vi) **Impact on the Environment** – RAMS promotes sustainable development and safeguards the character and distinctiveness of the District. A Strategic Environment Assessment (SEA) Screening Report will be undertaken for the SPD. By securing financial contributions to deliver mitigation for recreational impacts could generate significant positive impacts for the District's environment.

Background Papers:

Local Development Plan 2014 – 2029.

Maldon District Local Development Plan Post Examination Sustainability Appraisal Report incorporating Strategic Environmental Assessment and Habitats Regulations Assessment, 2017.

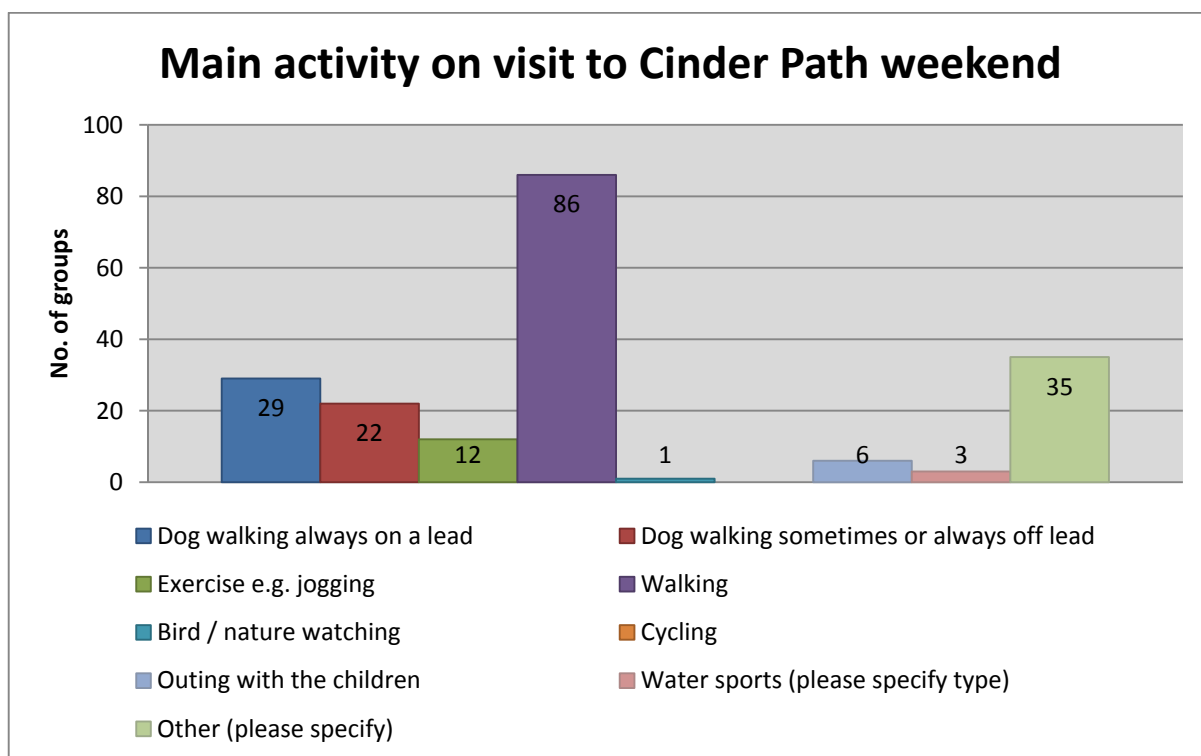
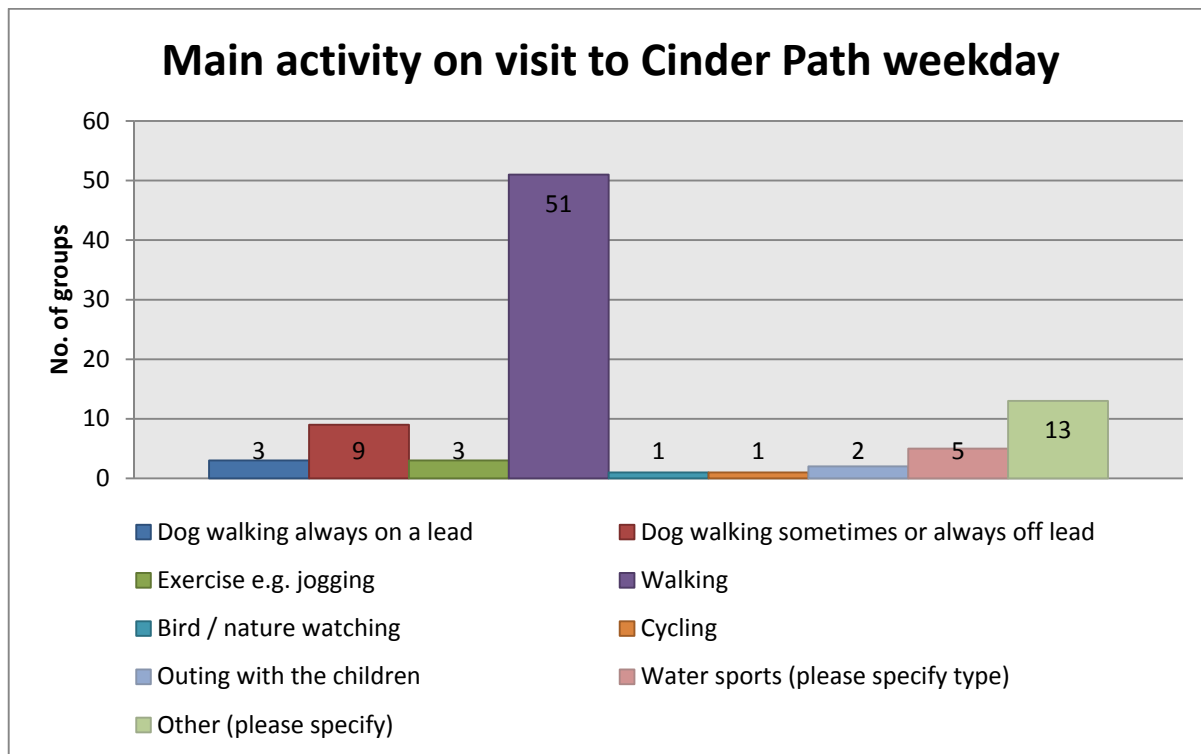
Conservation of Habitats and Species Regulations 2017.

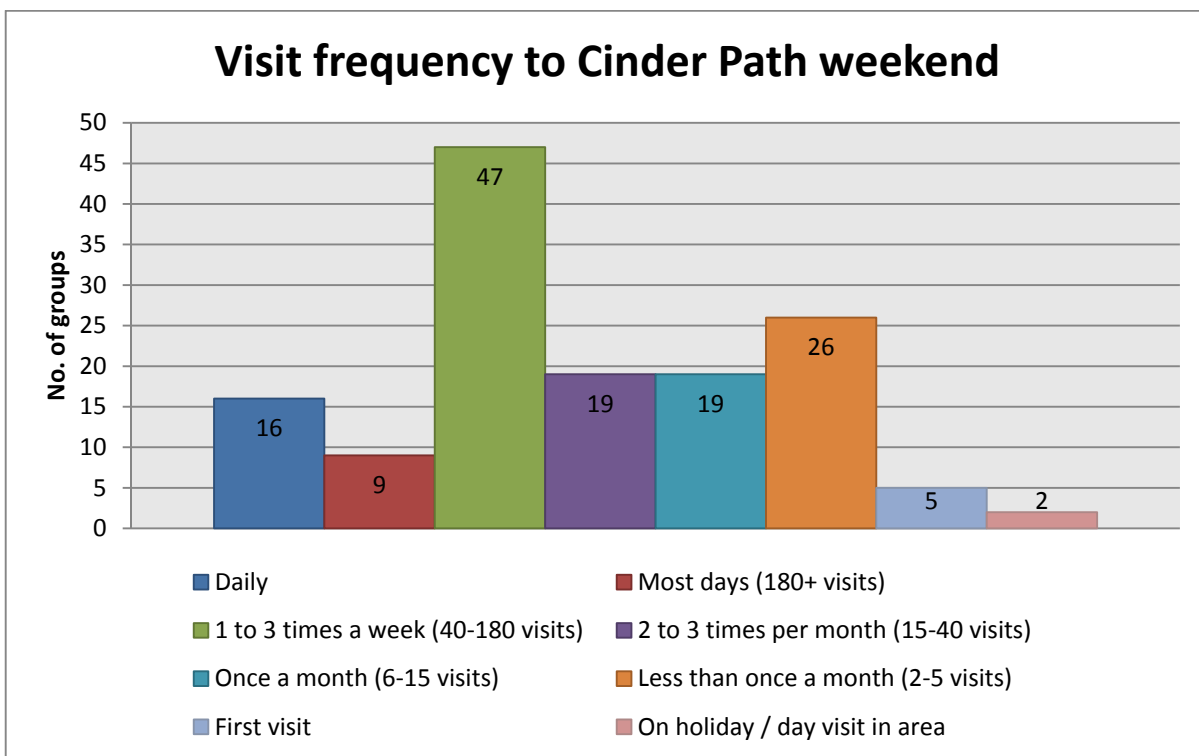
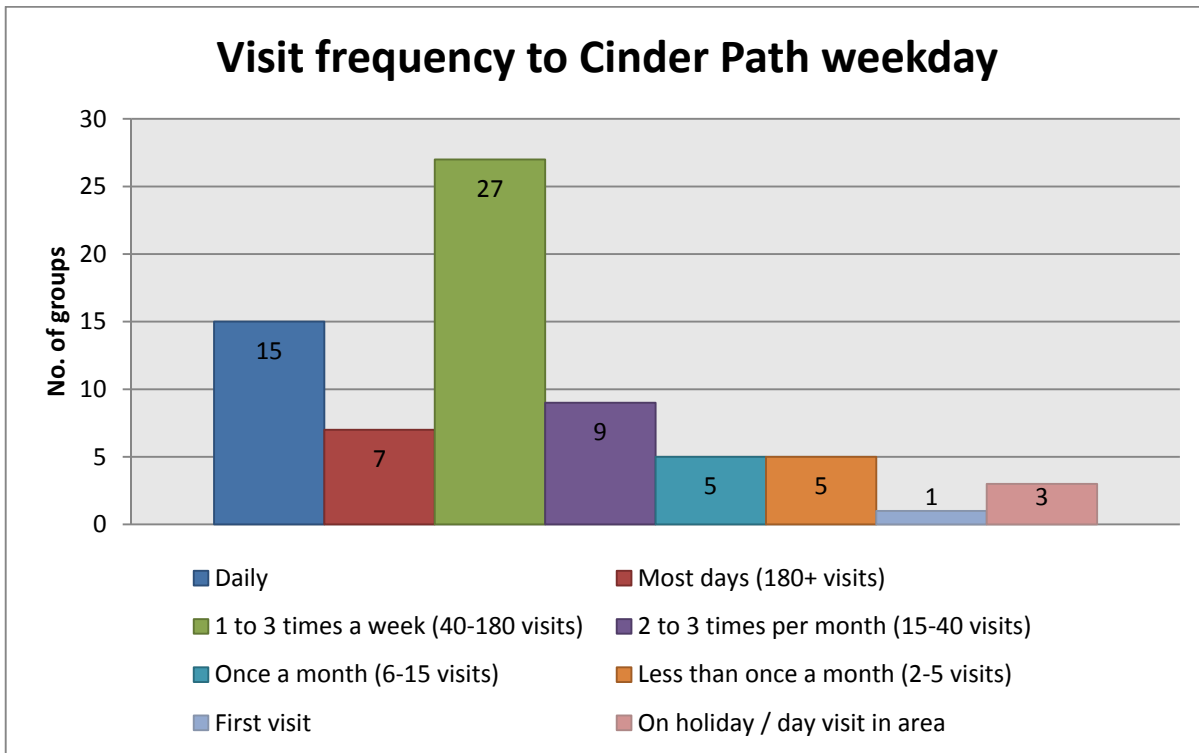
Enquiries to: Karen Johnson, Principal Planning Policy Officer, (Tel: 01621 876283).

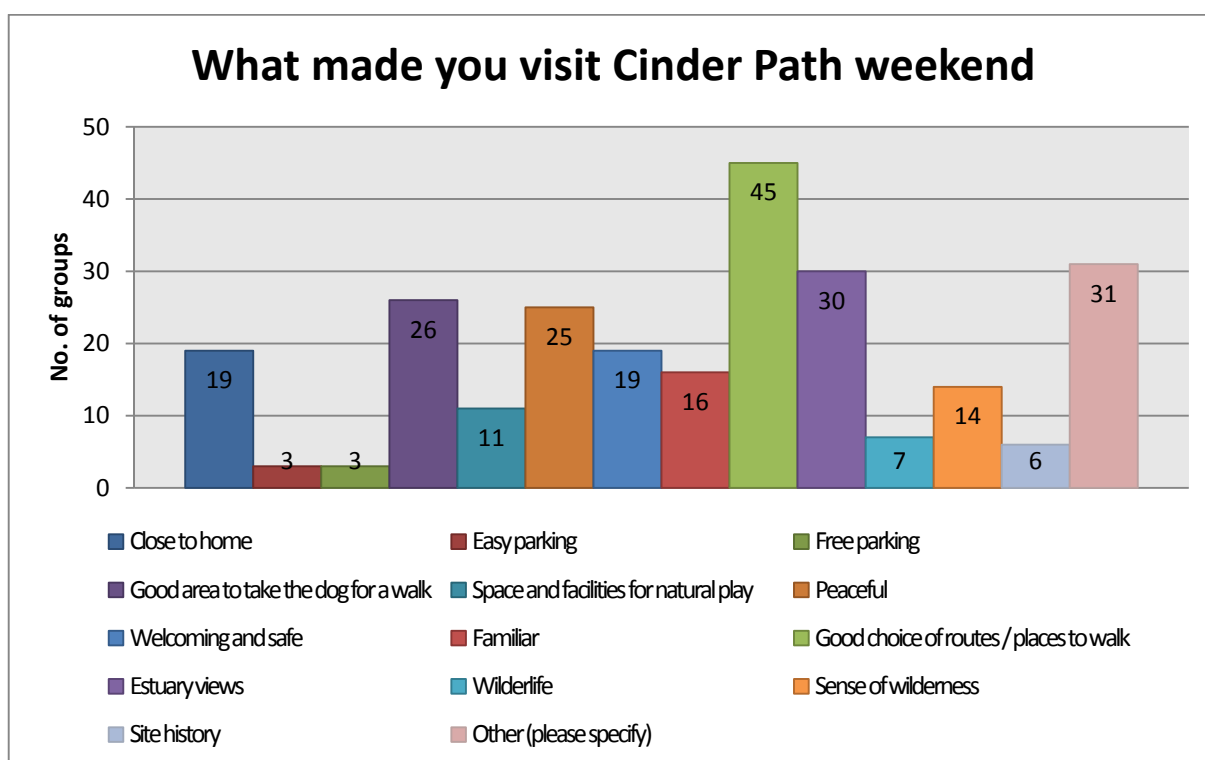
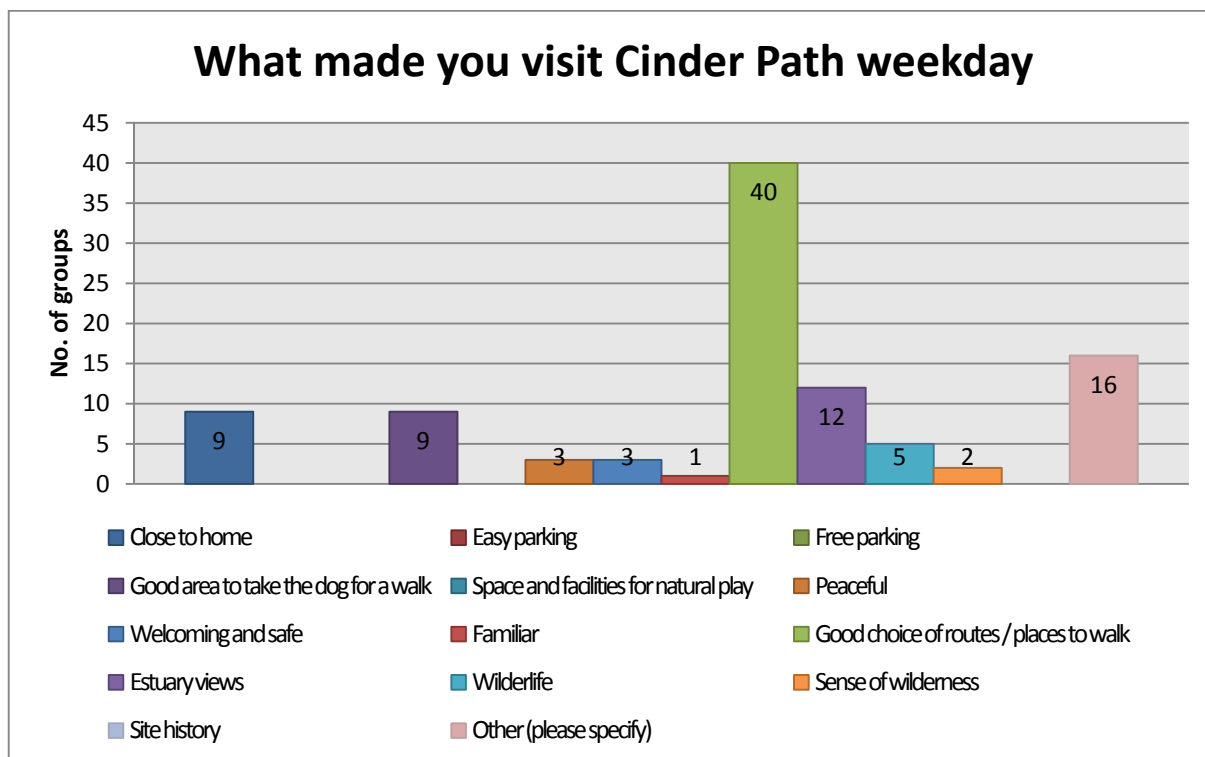
DRAFT RAMS WINTER SURVEY RESULTS

Southend and Benfleet Marshes: Leigh-on-Sea

What is your main activity when using this area?

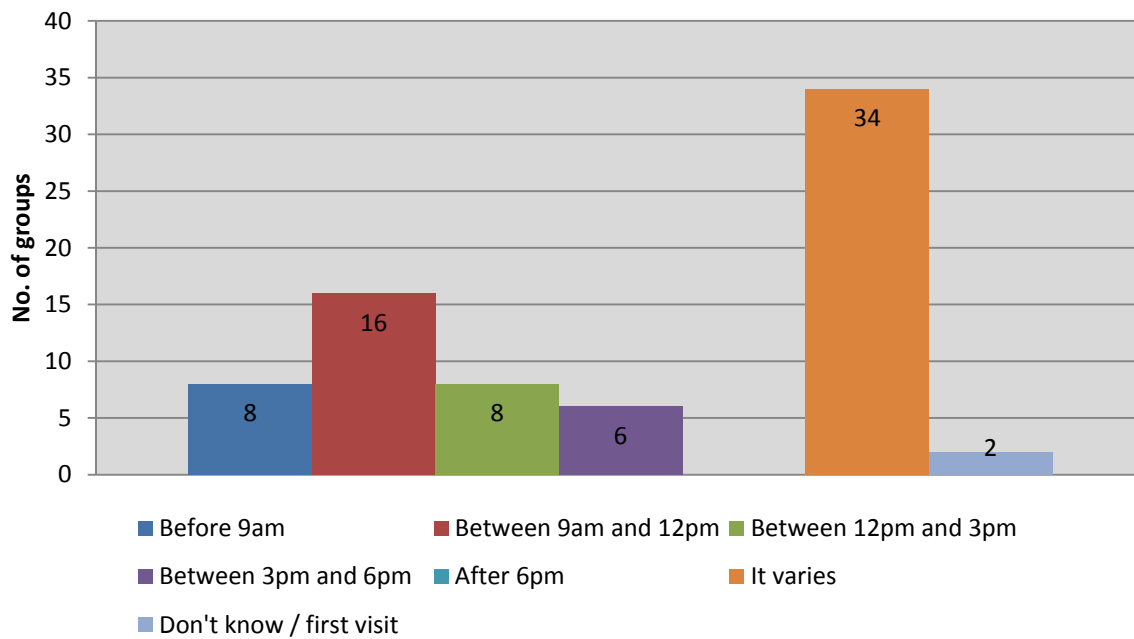


How often do you come to this location?

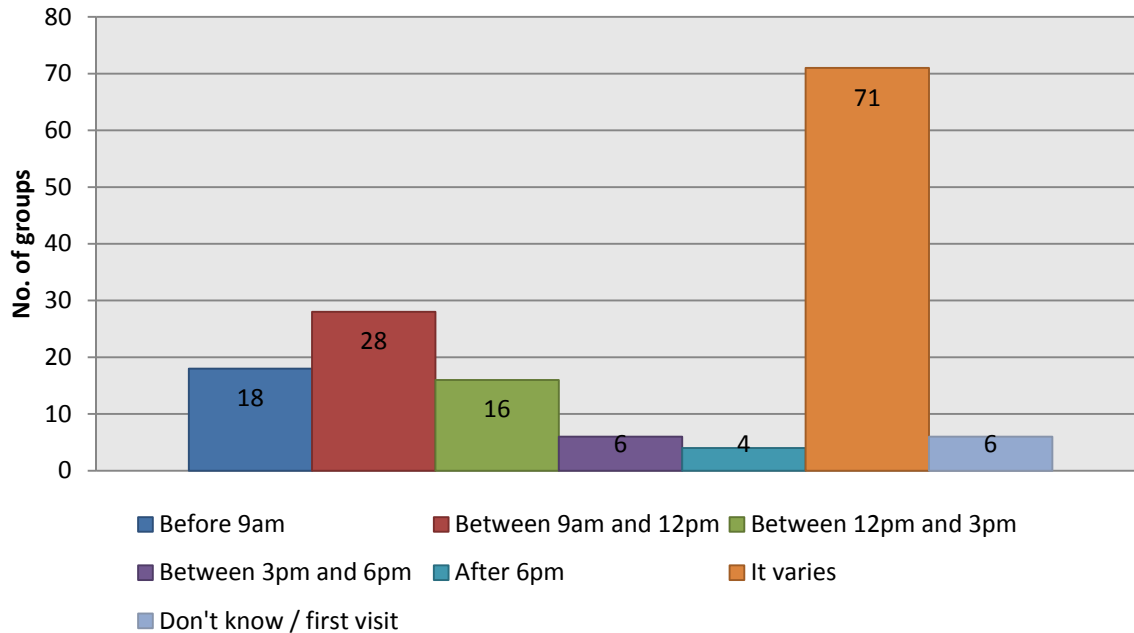
What made you come here today?

Do you normally visit at a certain time of day?

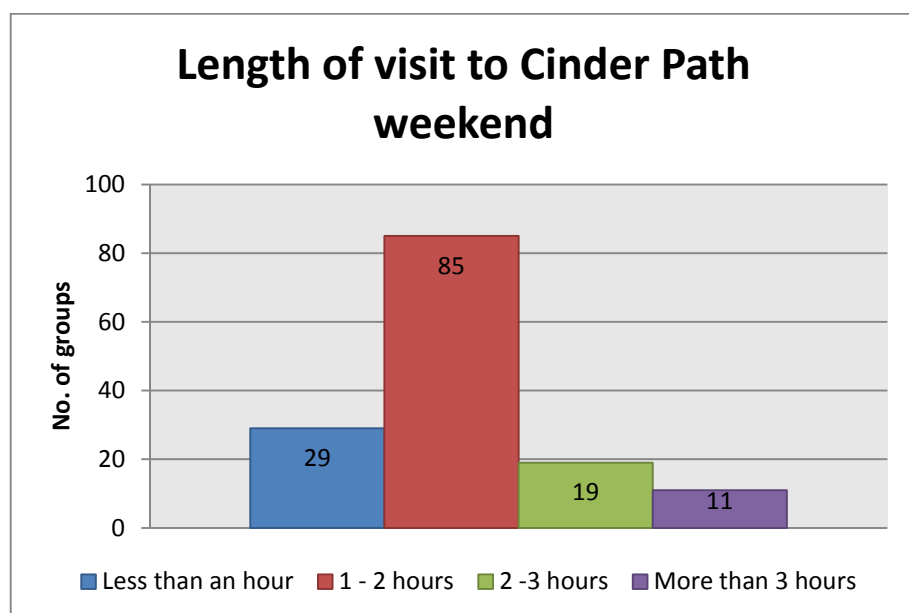
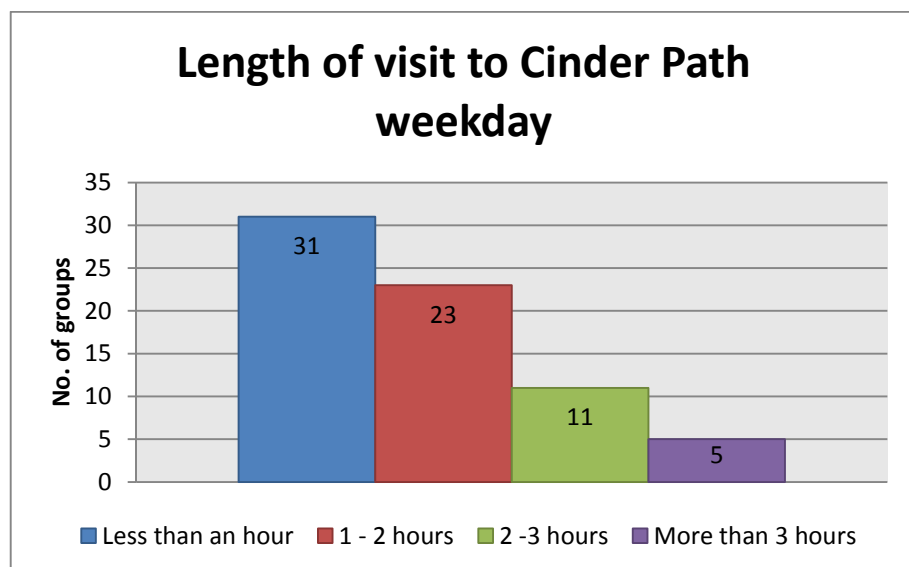
Visiting time to Cinder Path weekday



Visiting time to Cinder Path weekend

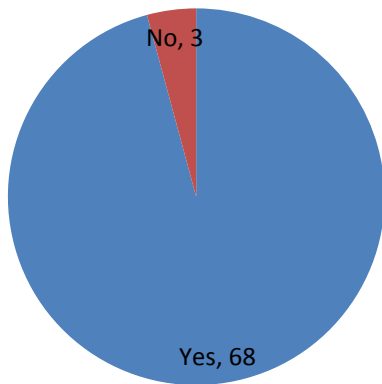


How long have you spent / will you spend along the river today?

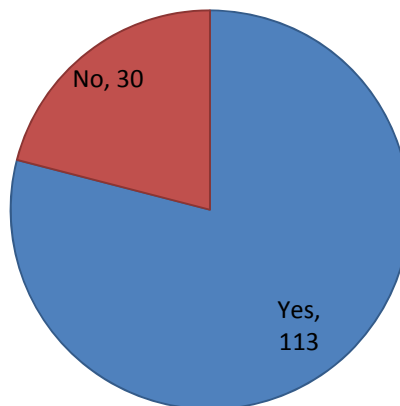


Are you aware that the river and shore are very important for wildlife, particularly water birds for most of the year?

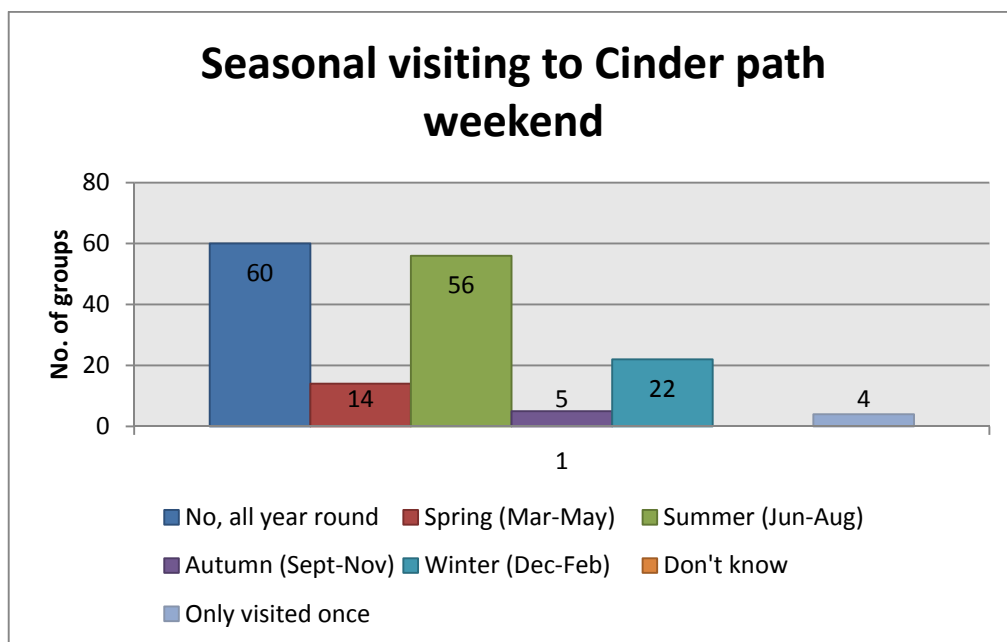
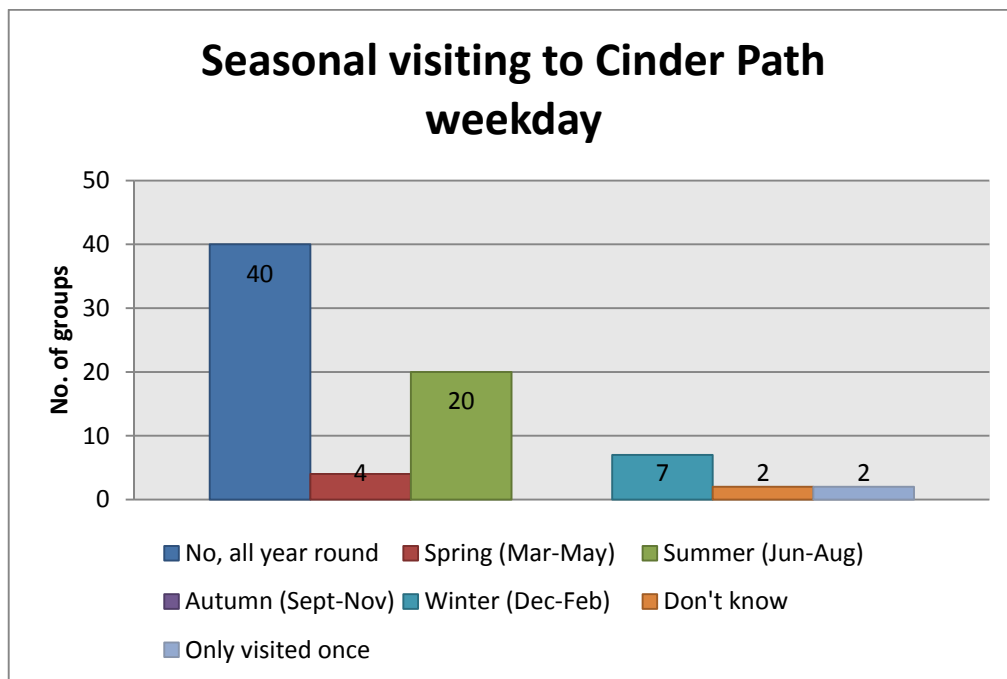
**Aware of habitat
importance at Cinder
Path? weekday**



**Aware of habitat
importance at Cinder
Path? weekend**

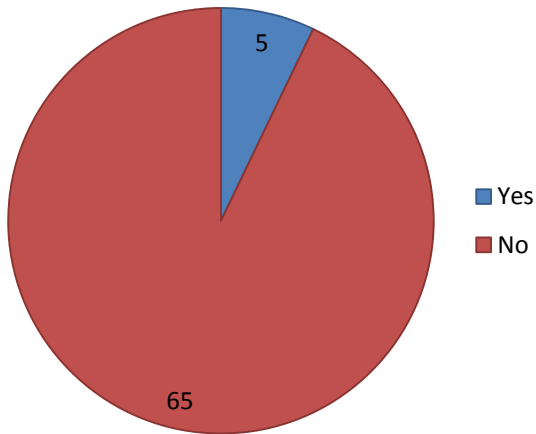


Is there a time of year when you tend to visit more often?

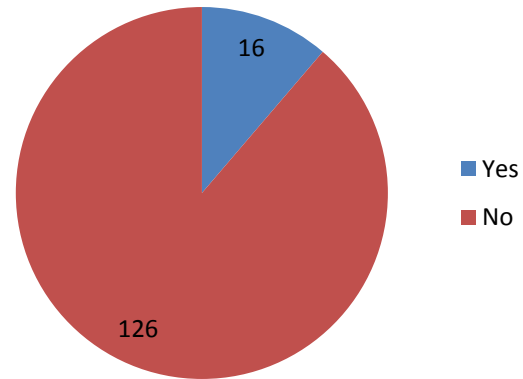


Did you plan visit in relation to the tide?

Plan weekday visit to Cinder Path in relation to tide?

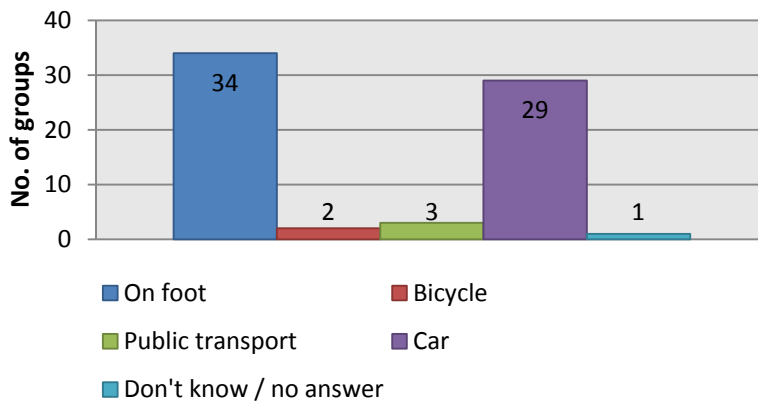


Plan weekend visit to Cinder Path in relation to tide?

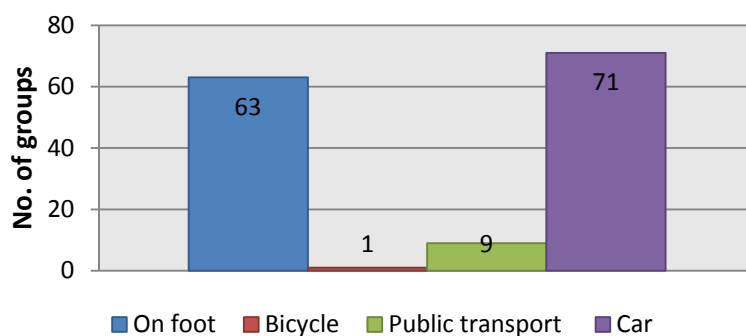


How did you travel here today?

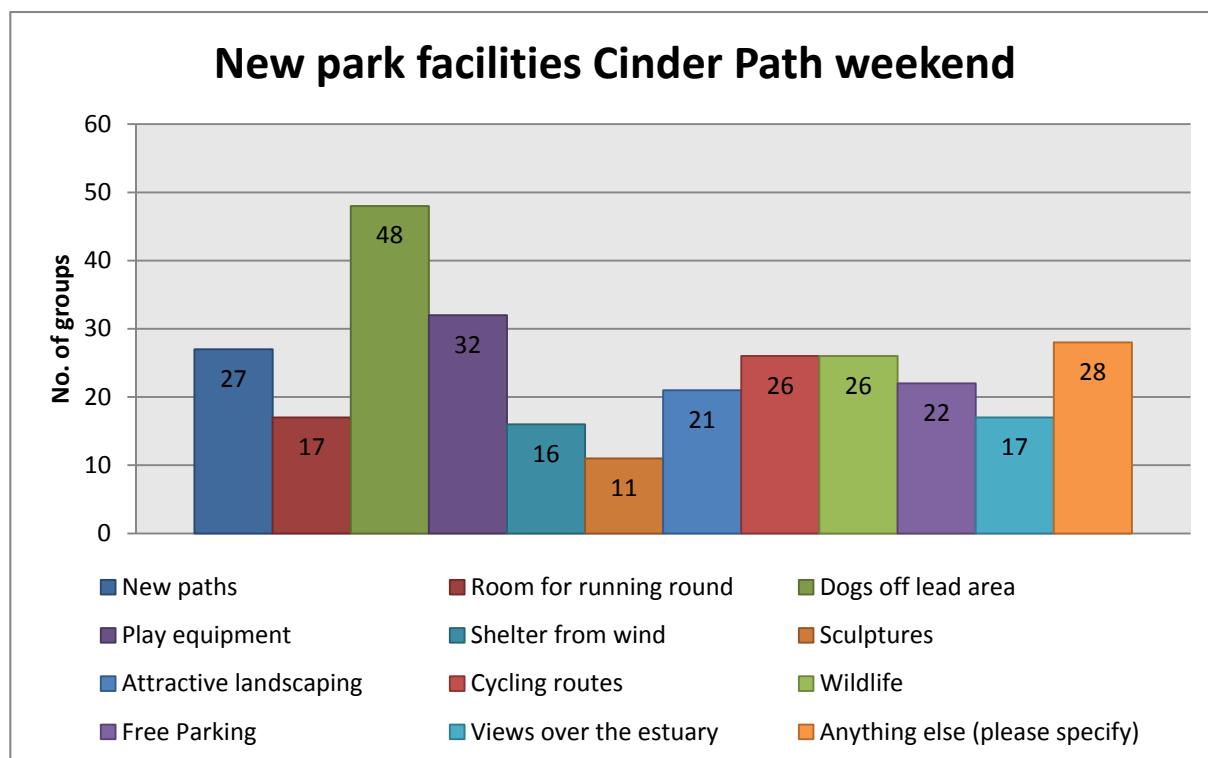
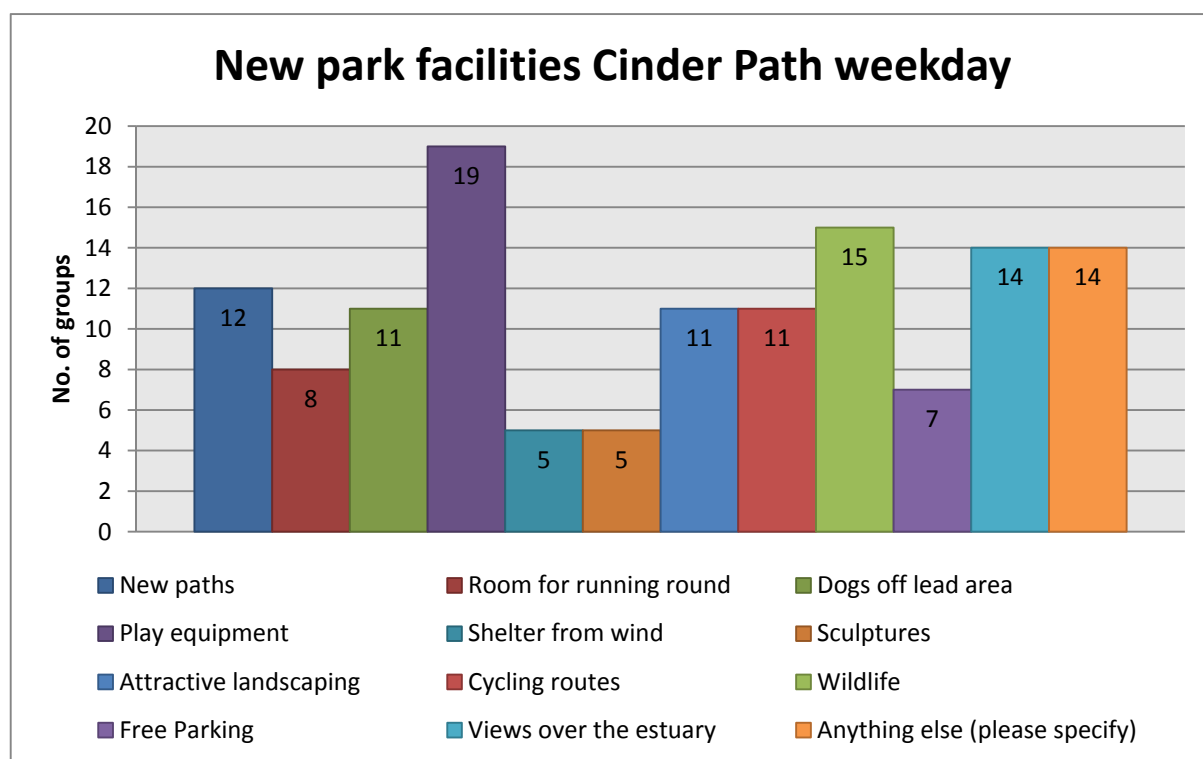
Mode of transport to Cinder Path weekday



Mode of transport to Cinder Path weekend



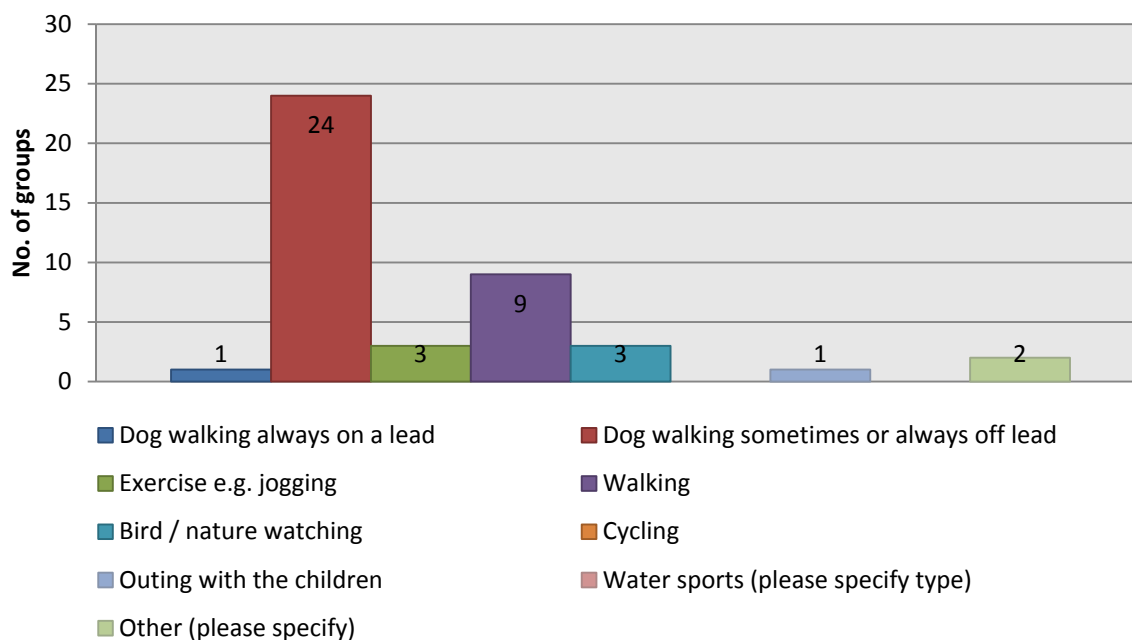
What would make you want to visit a new park if created in the same area (if needed to relieve the pressure on protected sites)?



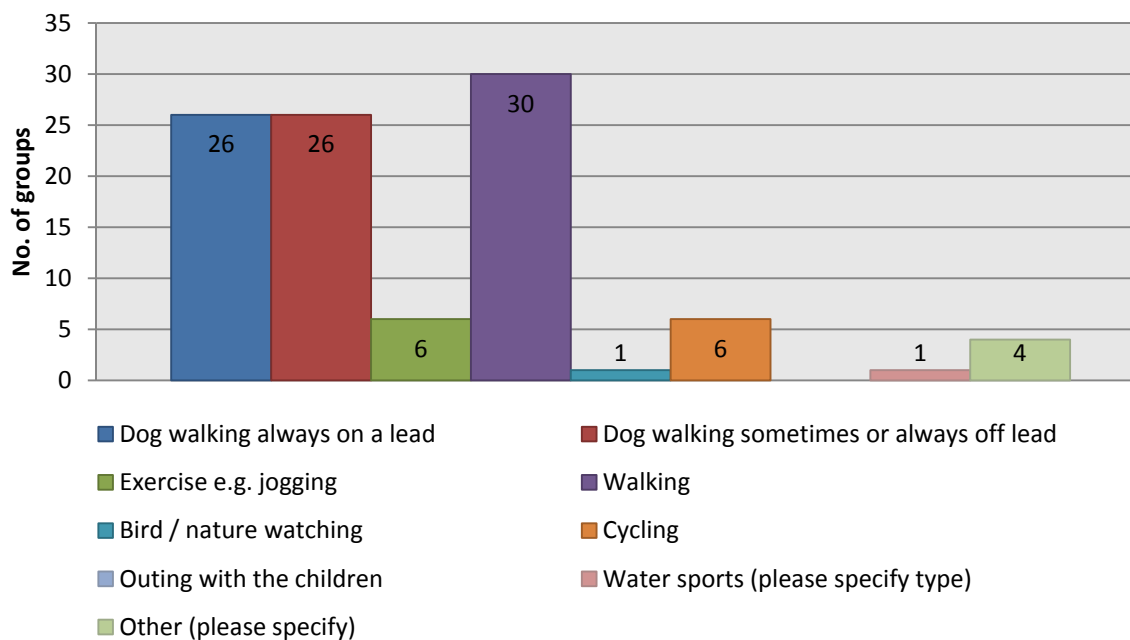
Southend and Benfleet Marshes: Gunners Park

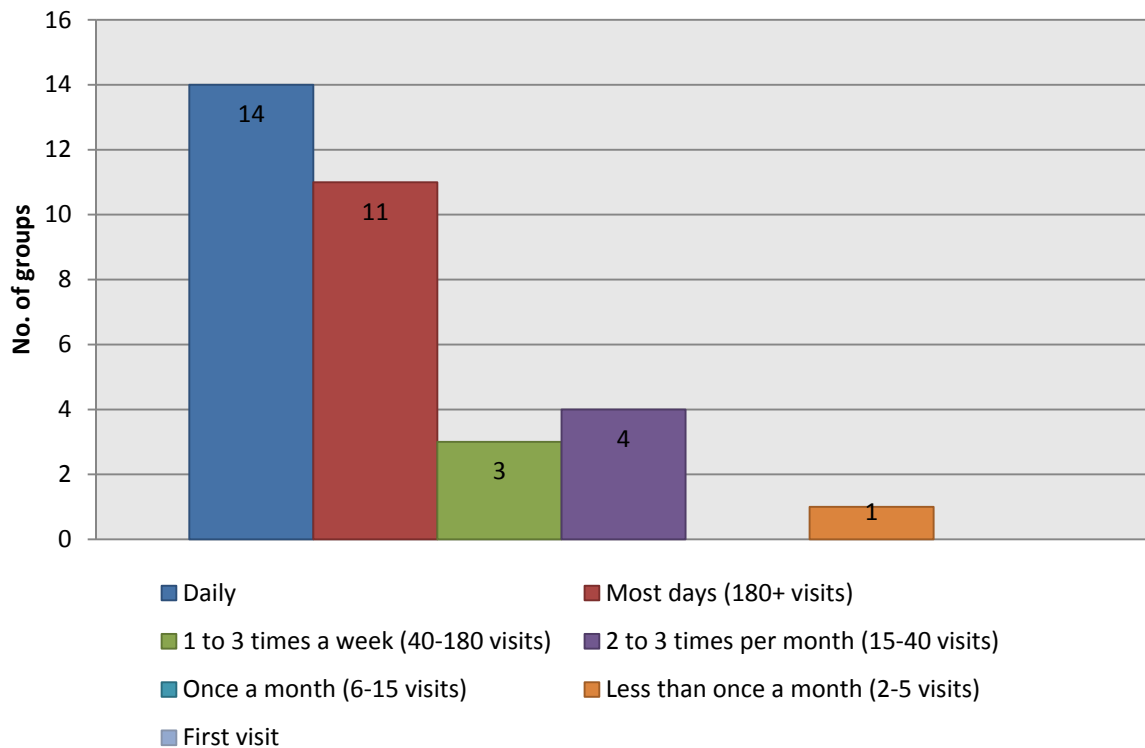
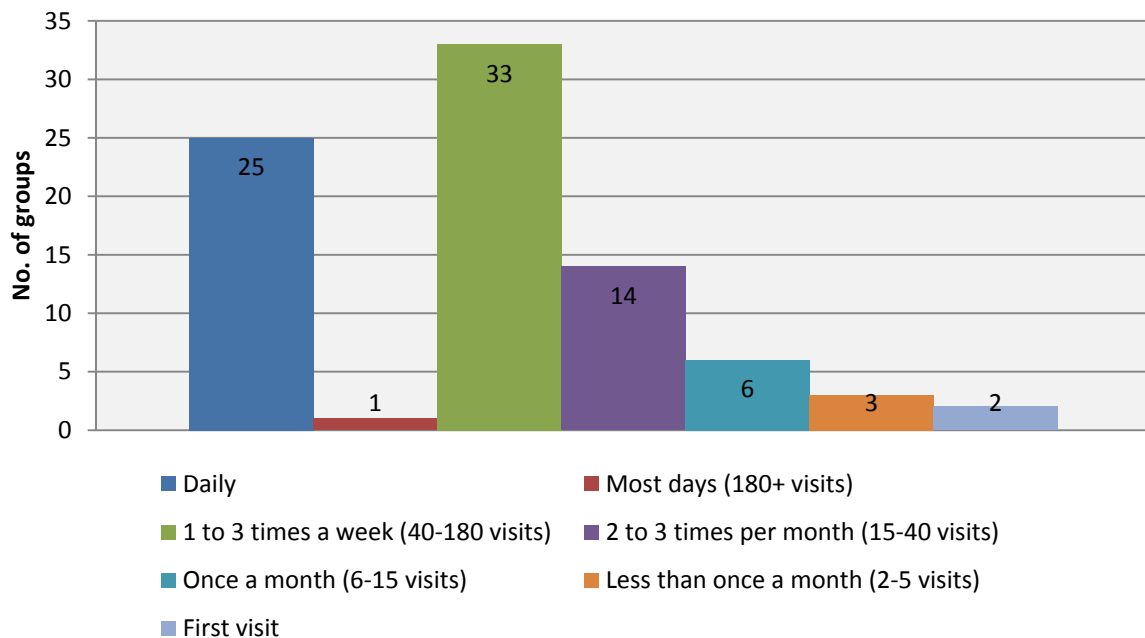
What is your main activity when using this area?

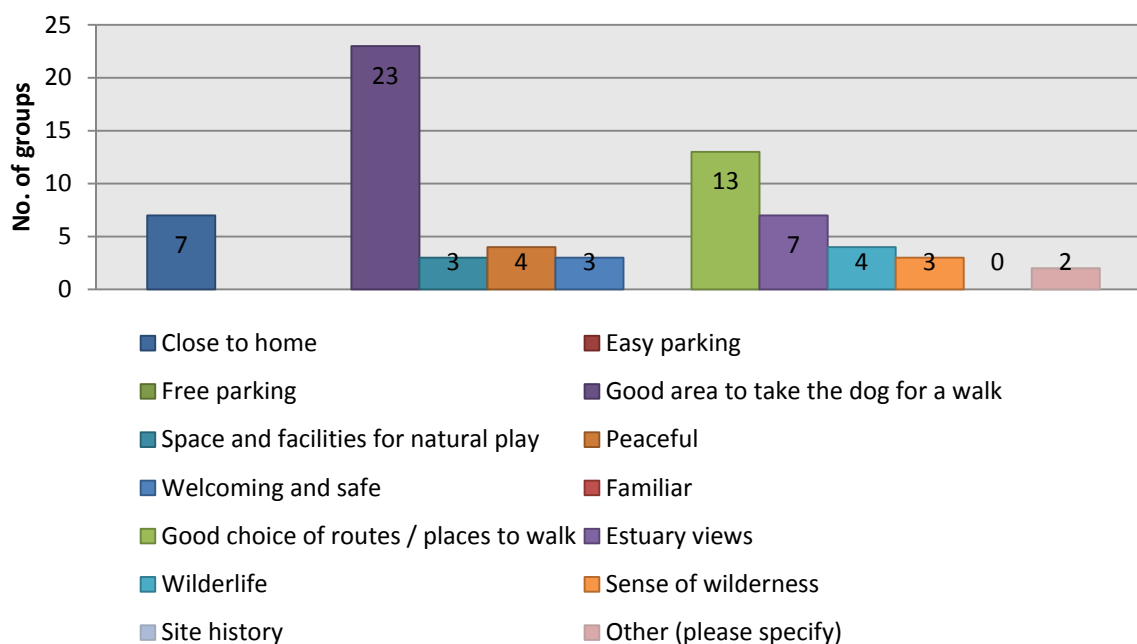
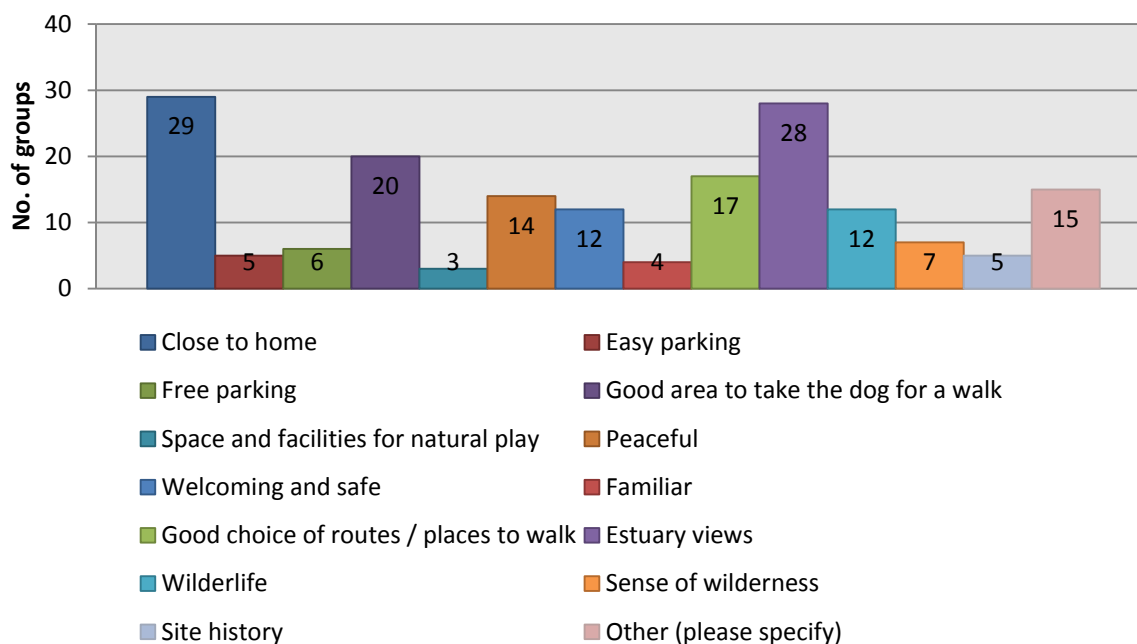
Main activity on visit to Gunners Park weekday



Main activity on visit to Gunners Park weekend

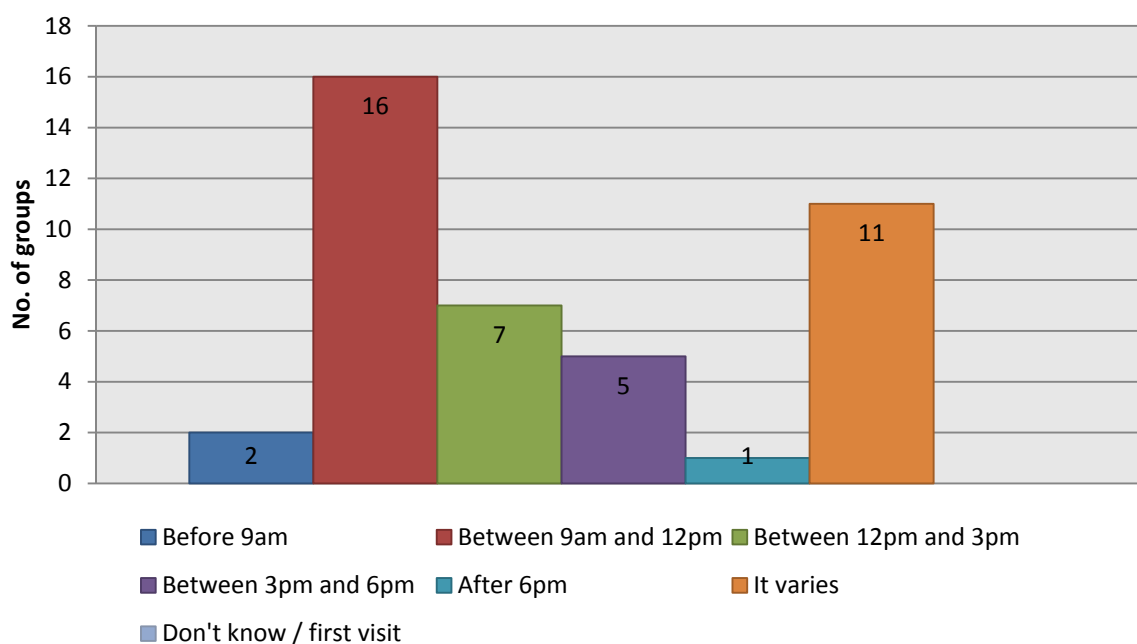


How often do you come to this location?**Visit frequency to Gunners Park weekday****Visit frequency to Gunners Park weekend**

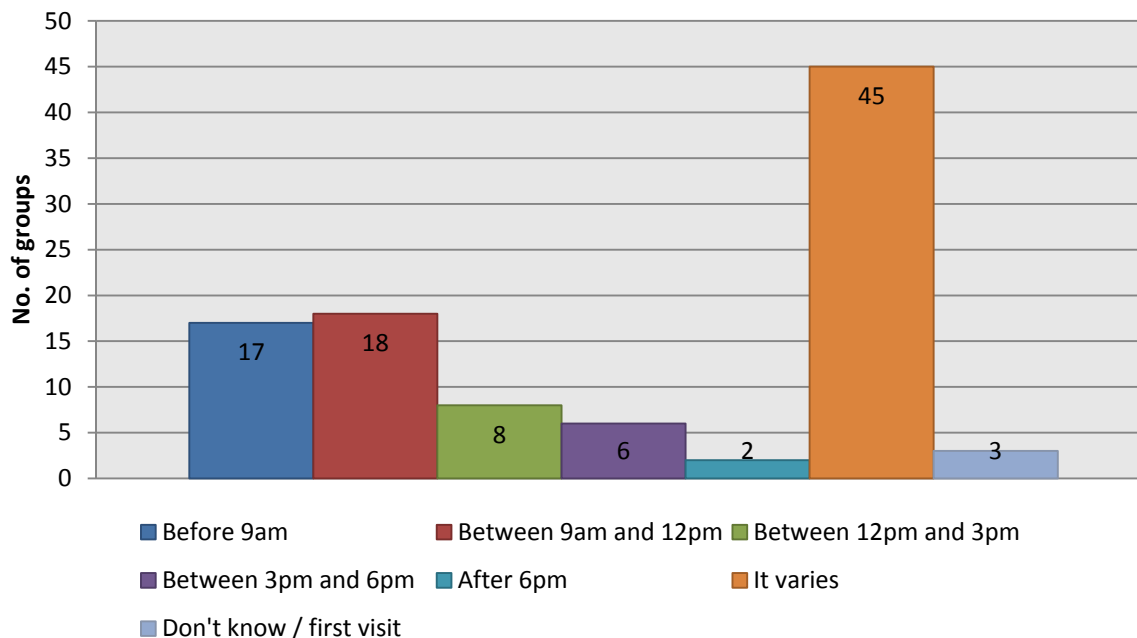
What made you come here today?**What made you visit Gunners Park weekday****What made you visit Gunners Park weekend**

Do you normally visit at a certain time of day?

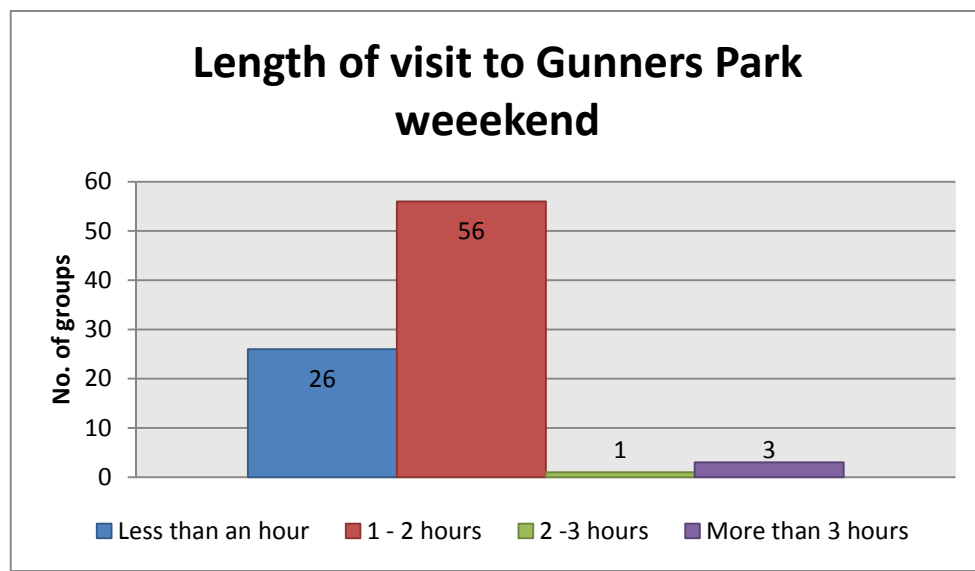
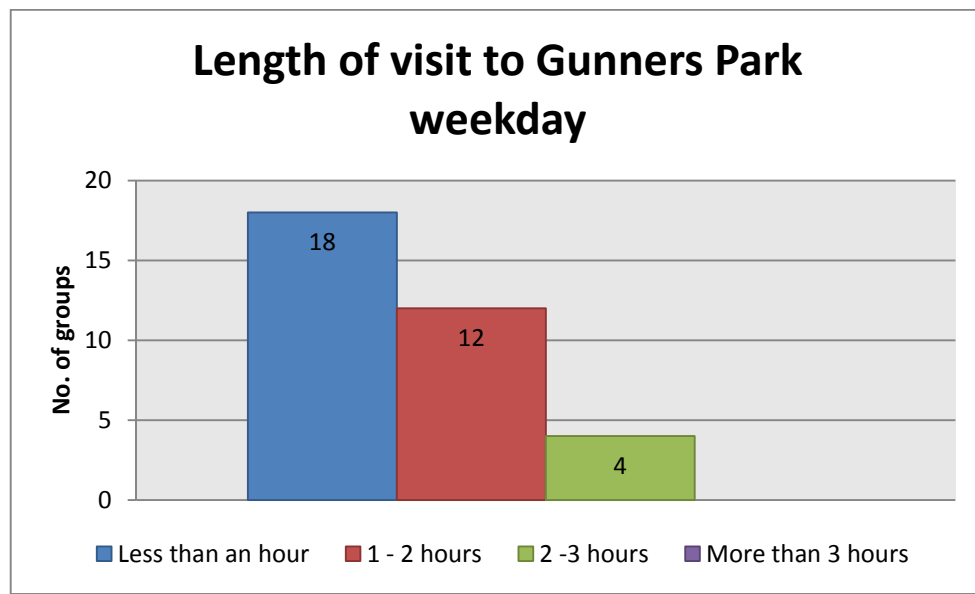
Visiting time to Gunners Park weekday



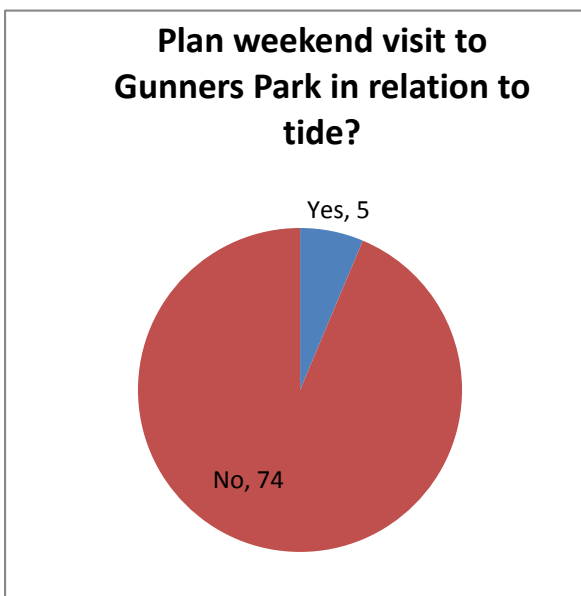
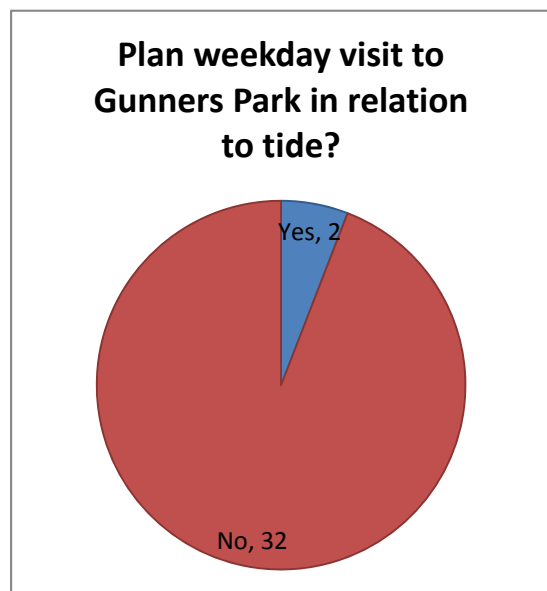
Visiting time to Gunners Park weekend



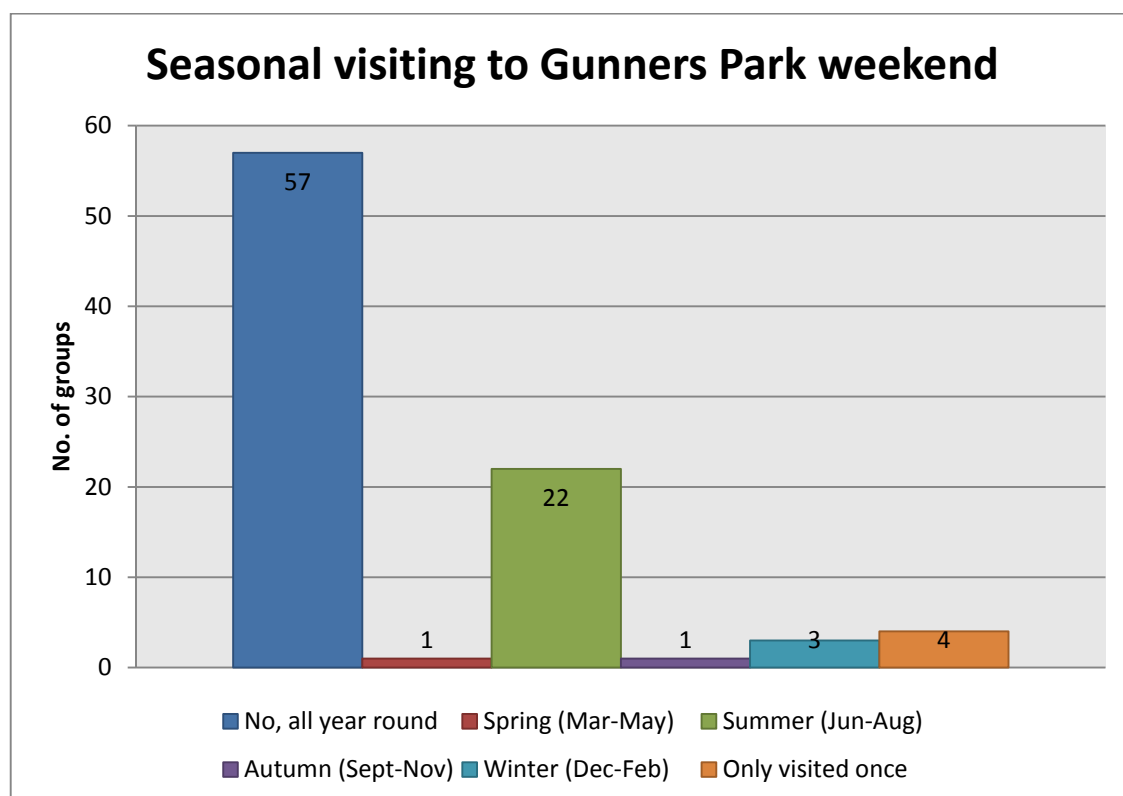
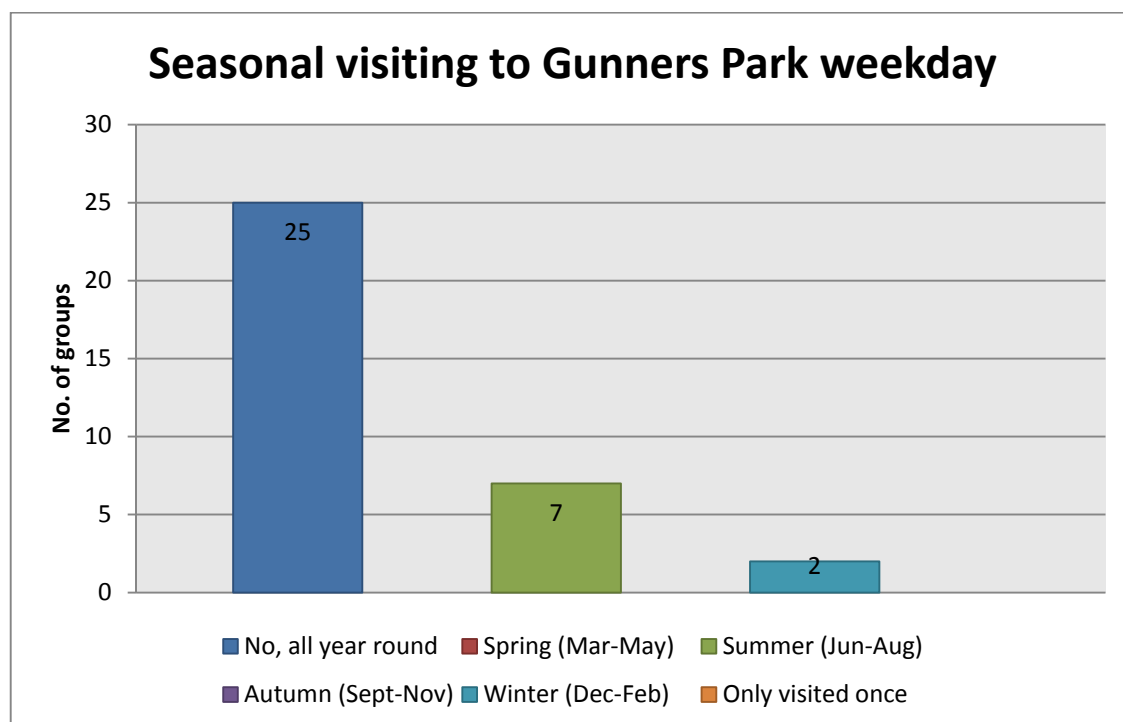
How long have you spent / will you spend along the river today?



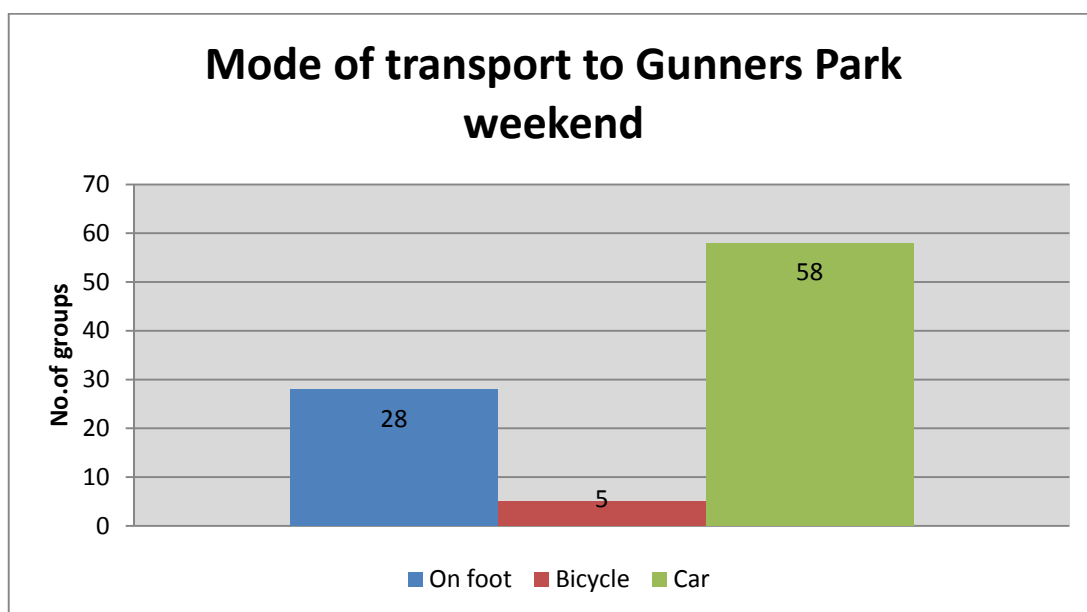
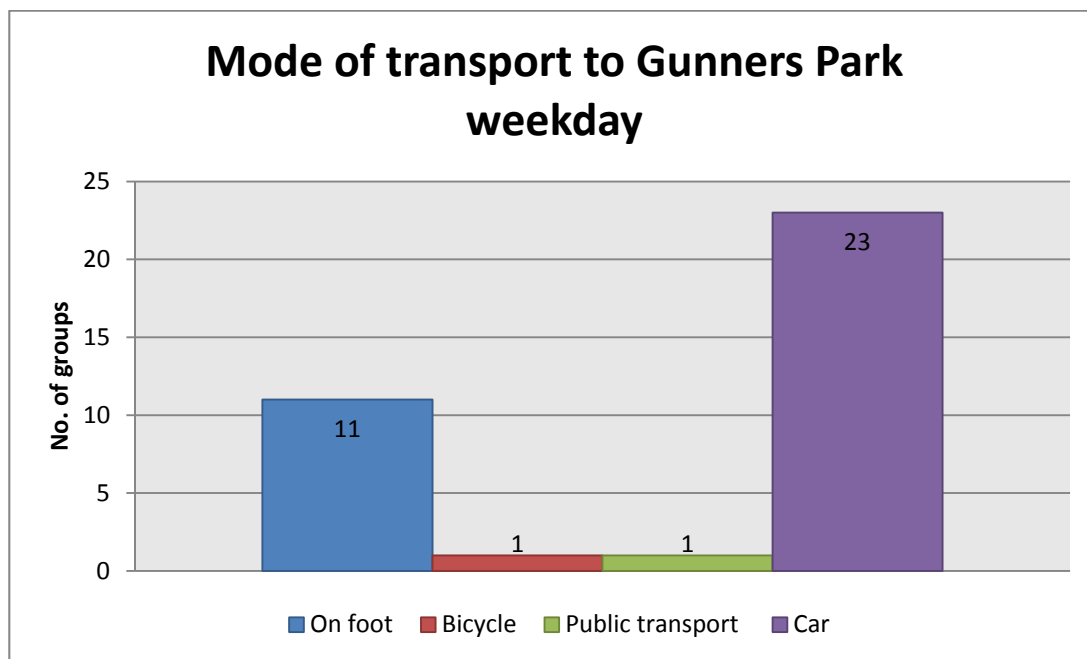
Did you plan visit in relation to the tide?



Is there a time of year when you tend to visit more often?

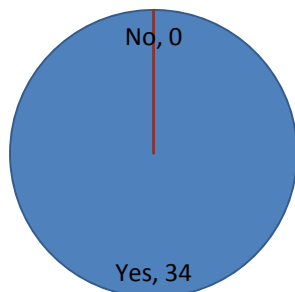


How did you travel here today?

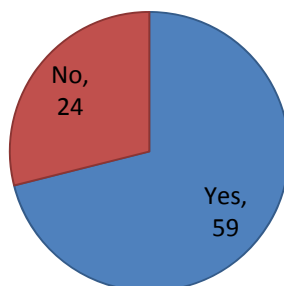


Are you aware that the river and shore are very important for wildlife, particularly water birds for most of the year?

**Aware of habitat
importance at
Gunners Park?
weekday**

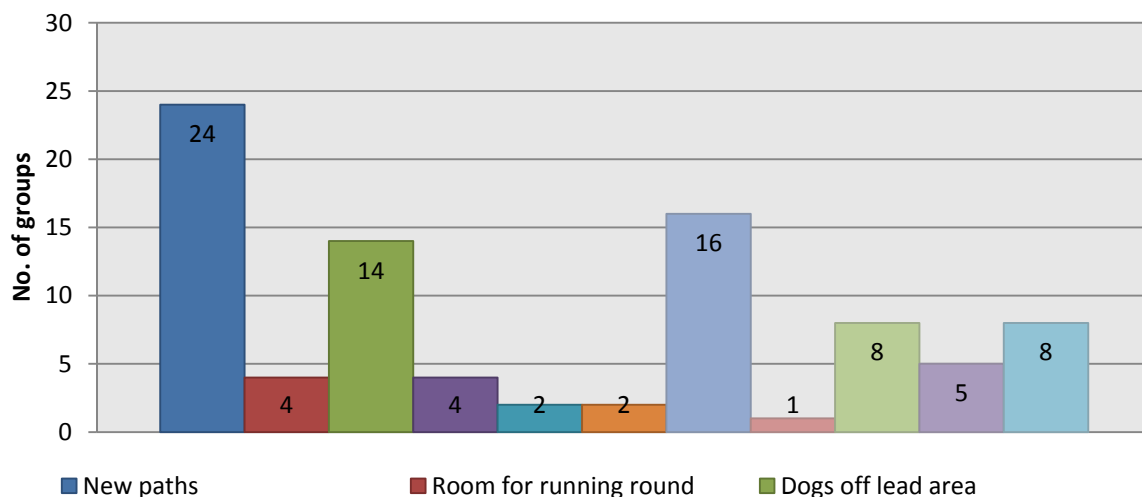


**Aware of habitat
importance at
Gunners Park?
weekend**

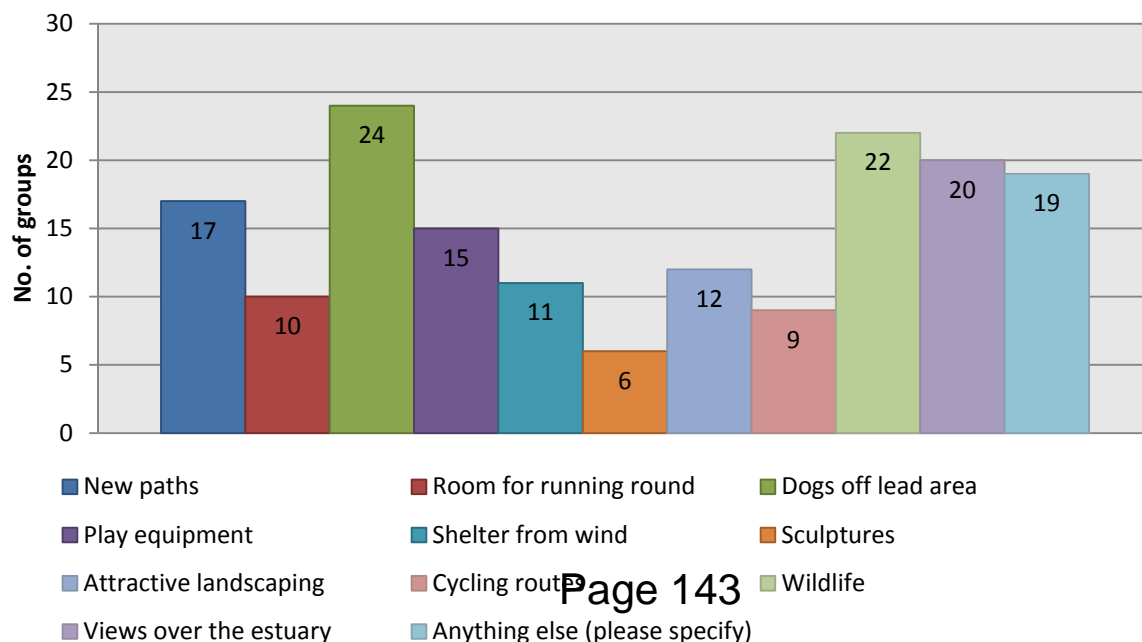


What would make you want to visit a new park if created in the same area (if needed to relieve the pressure on protected sites)?

New park facilities weekday

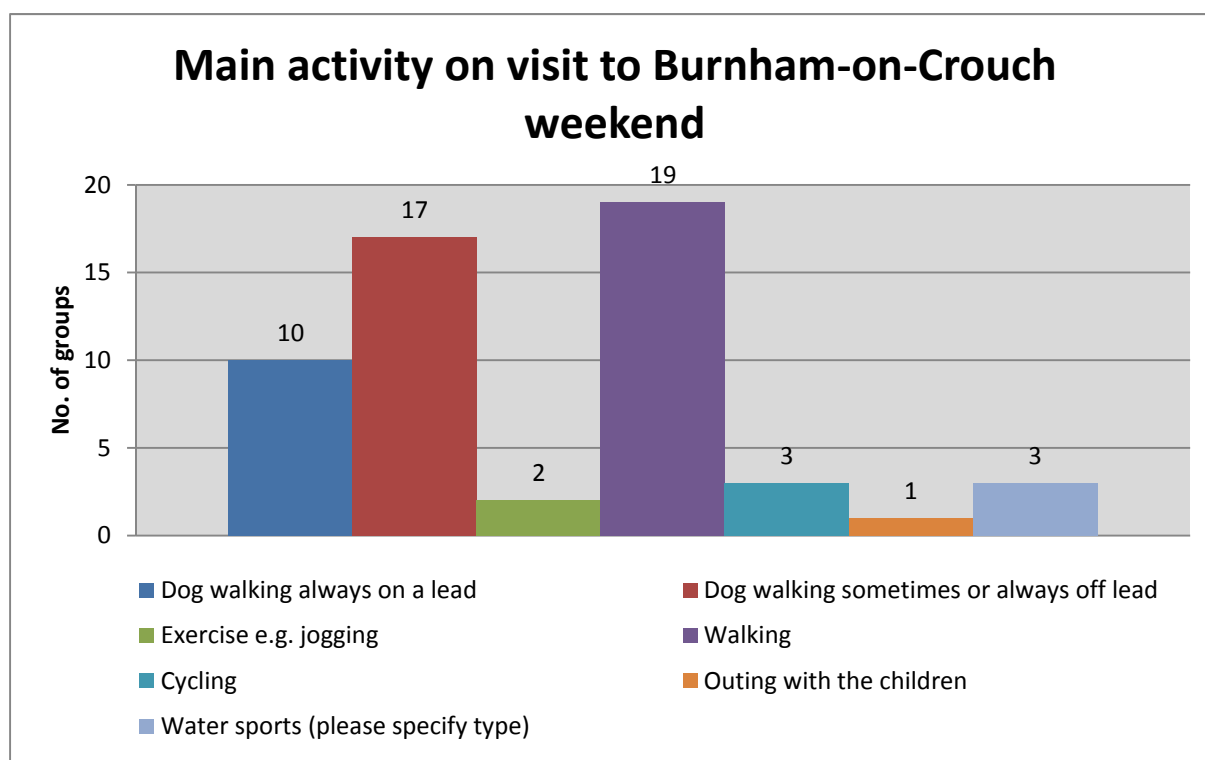
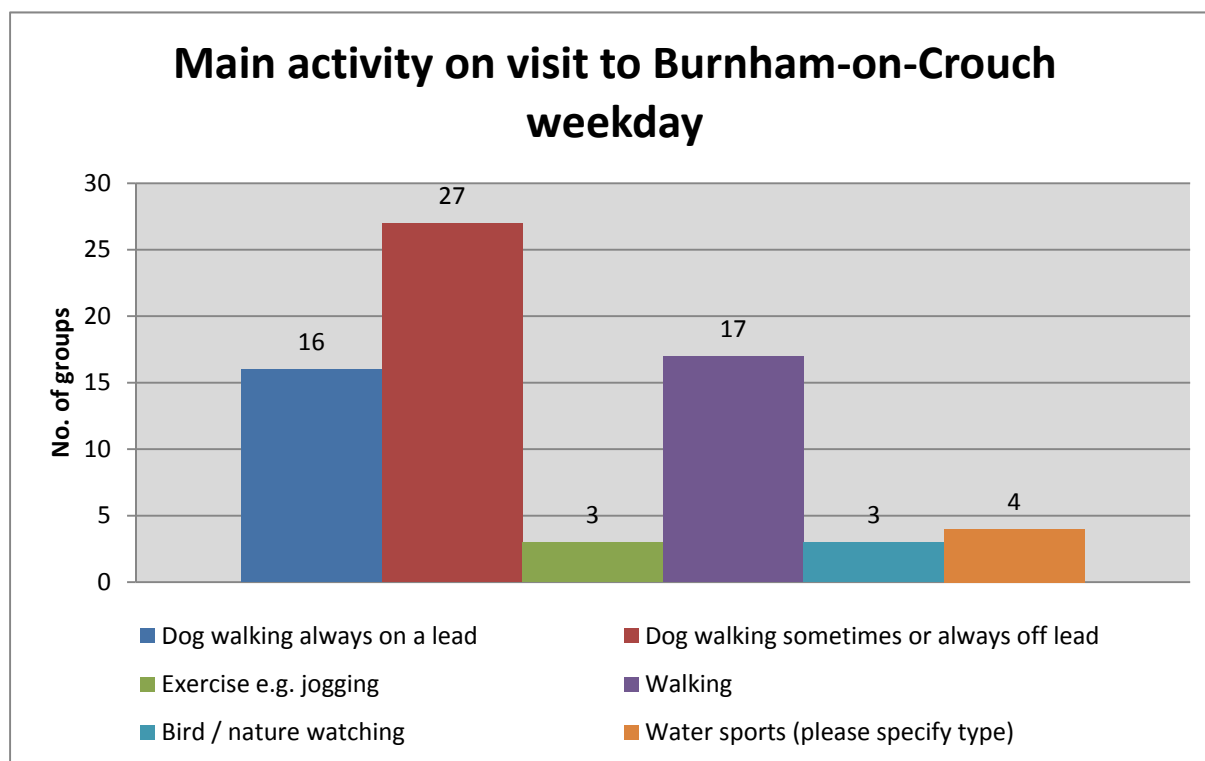


New park facilities weekend

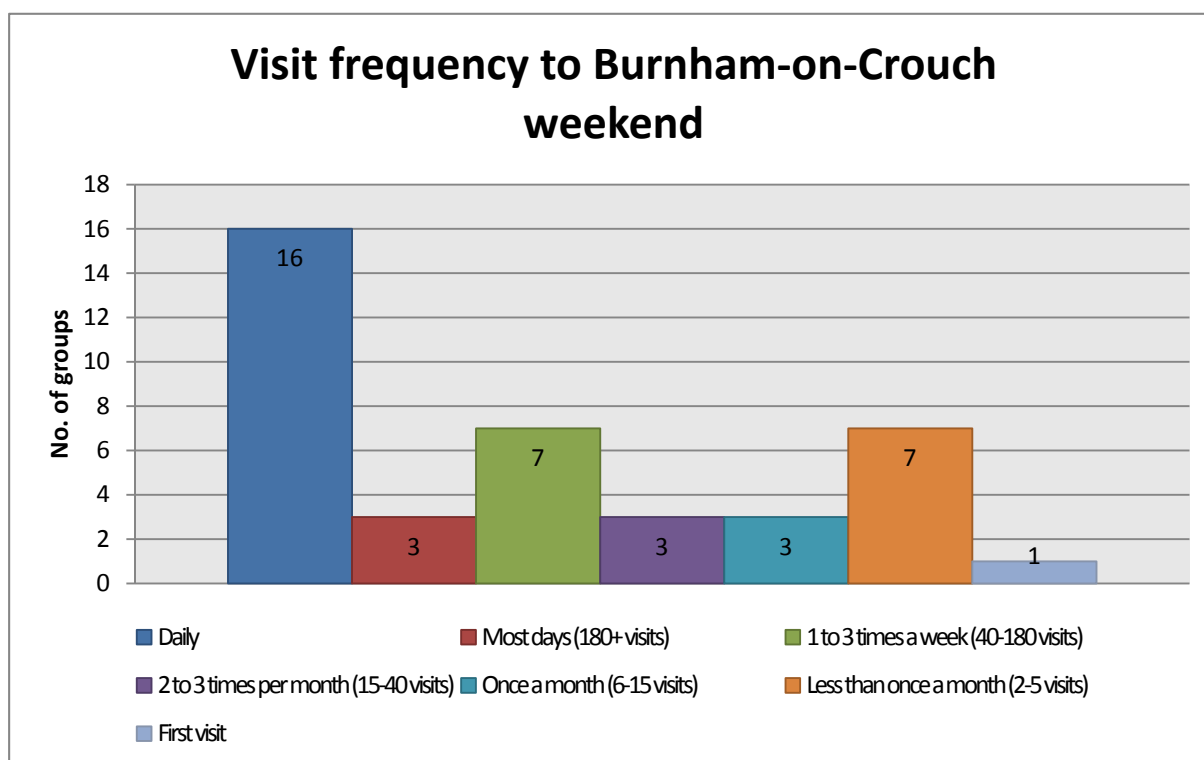
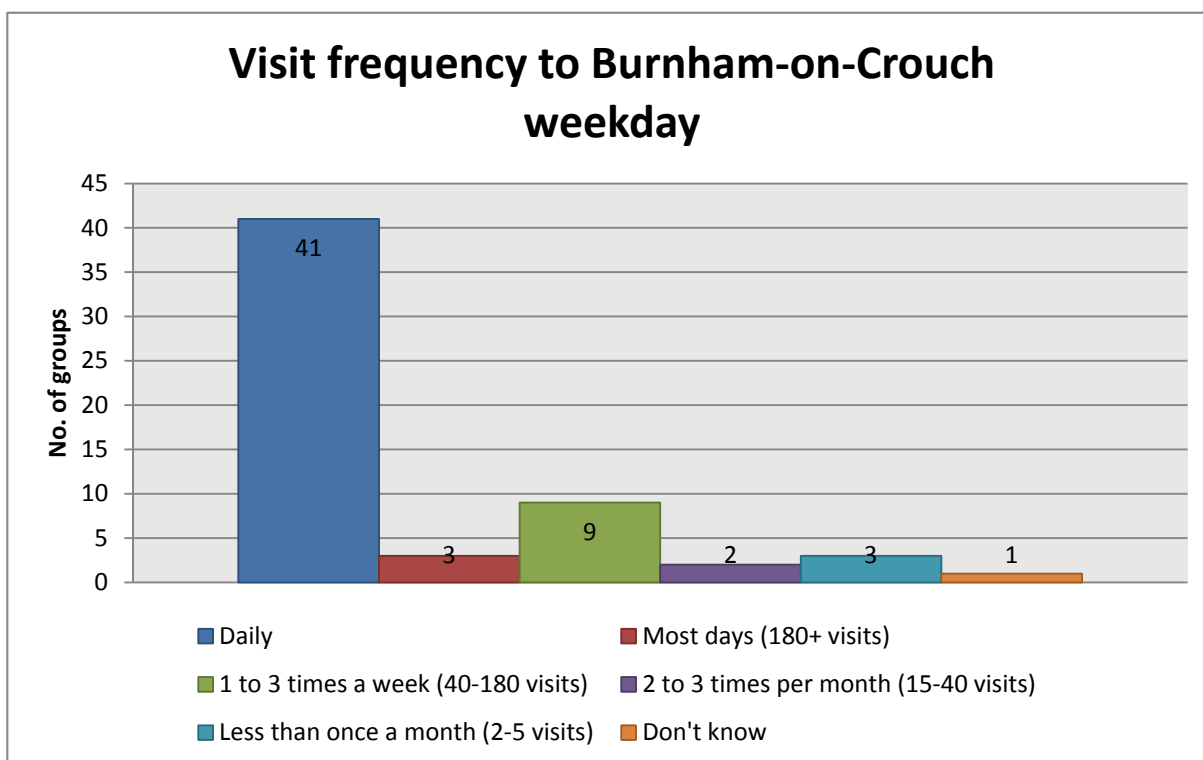


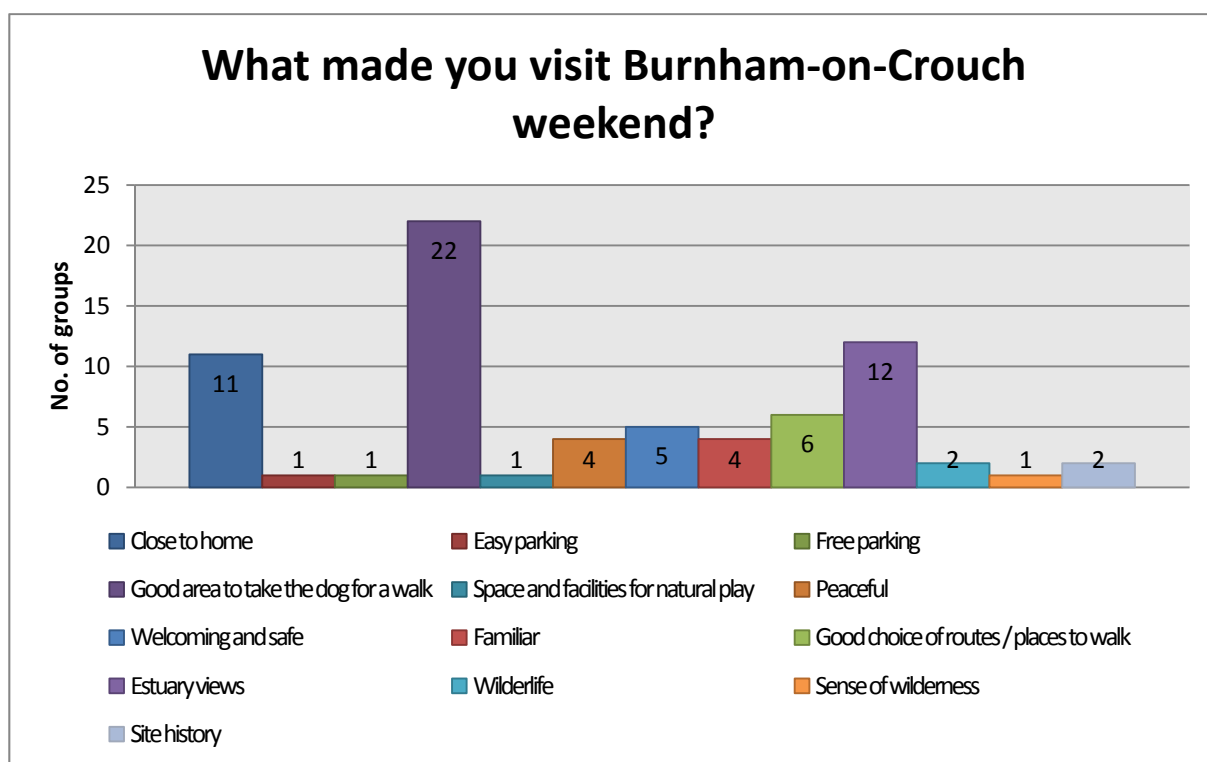
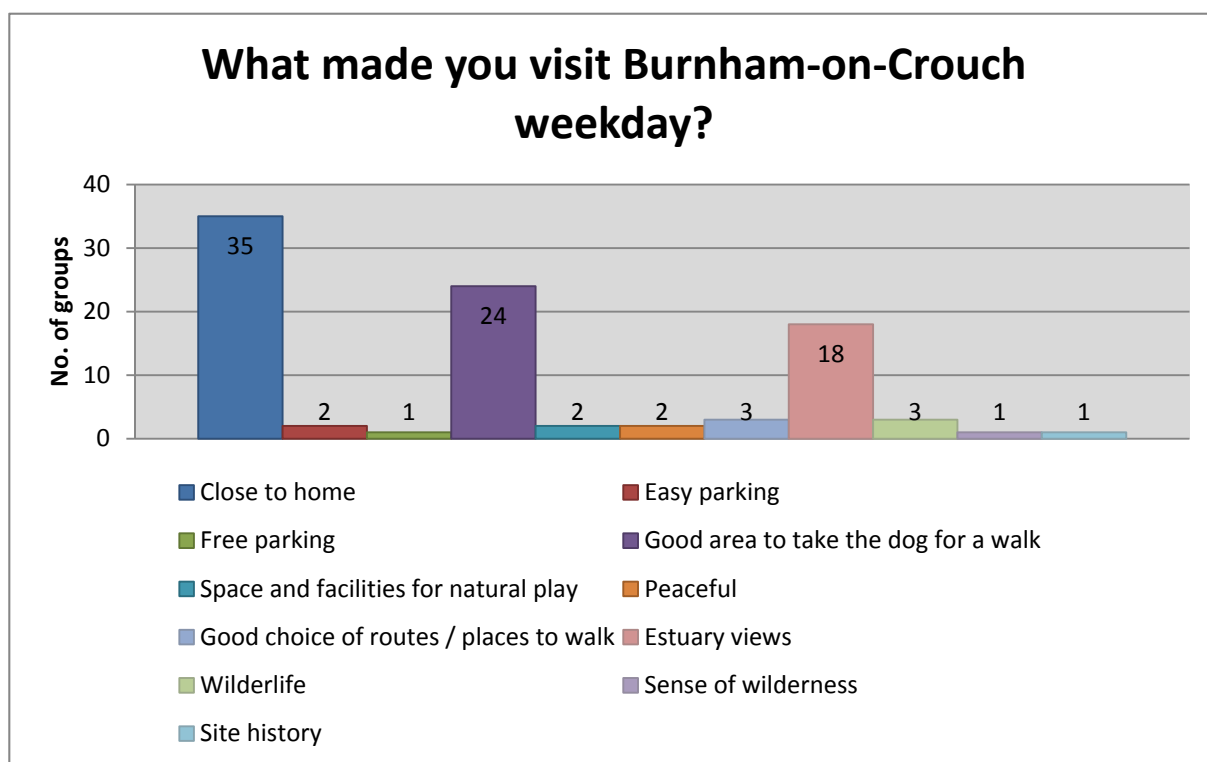
Crouch and Roach Estuaries: Burnham-on-Crouch

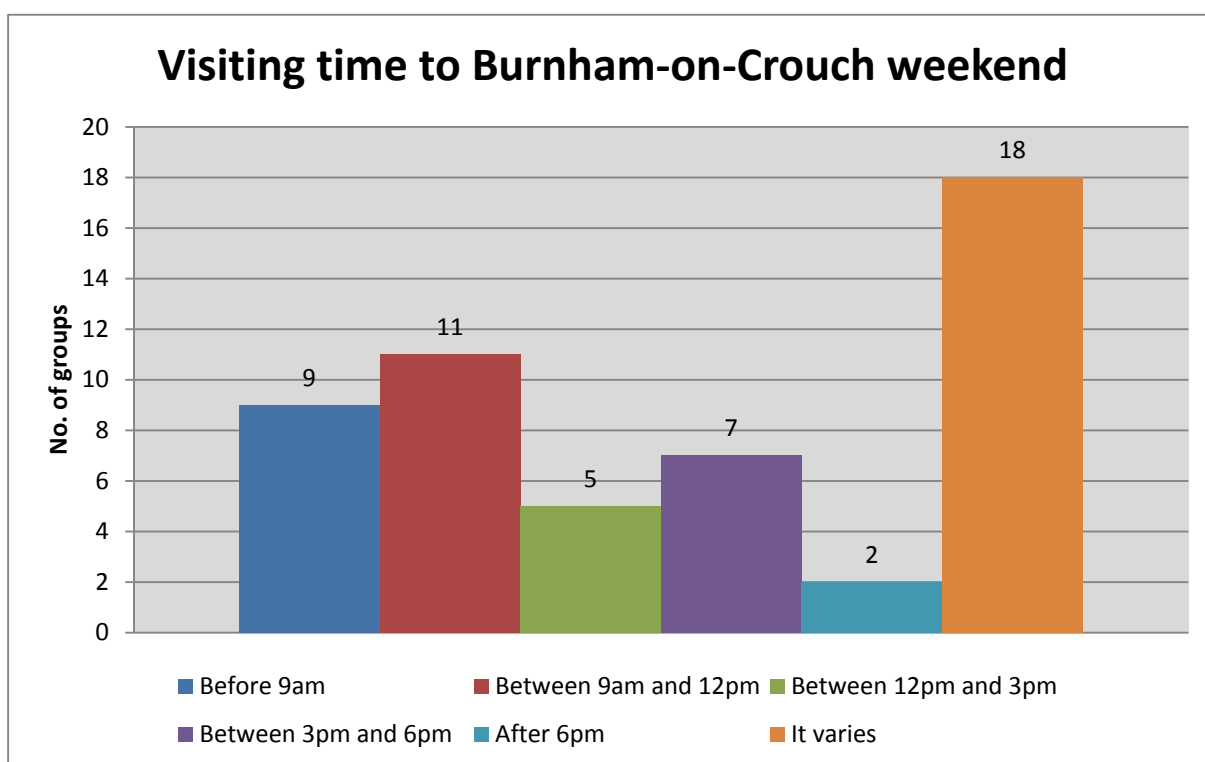
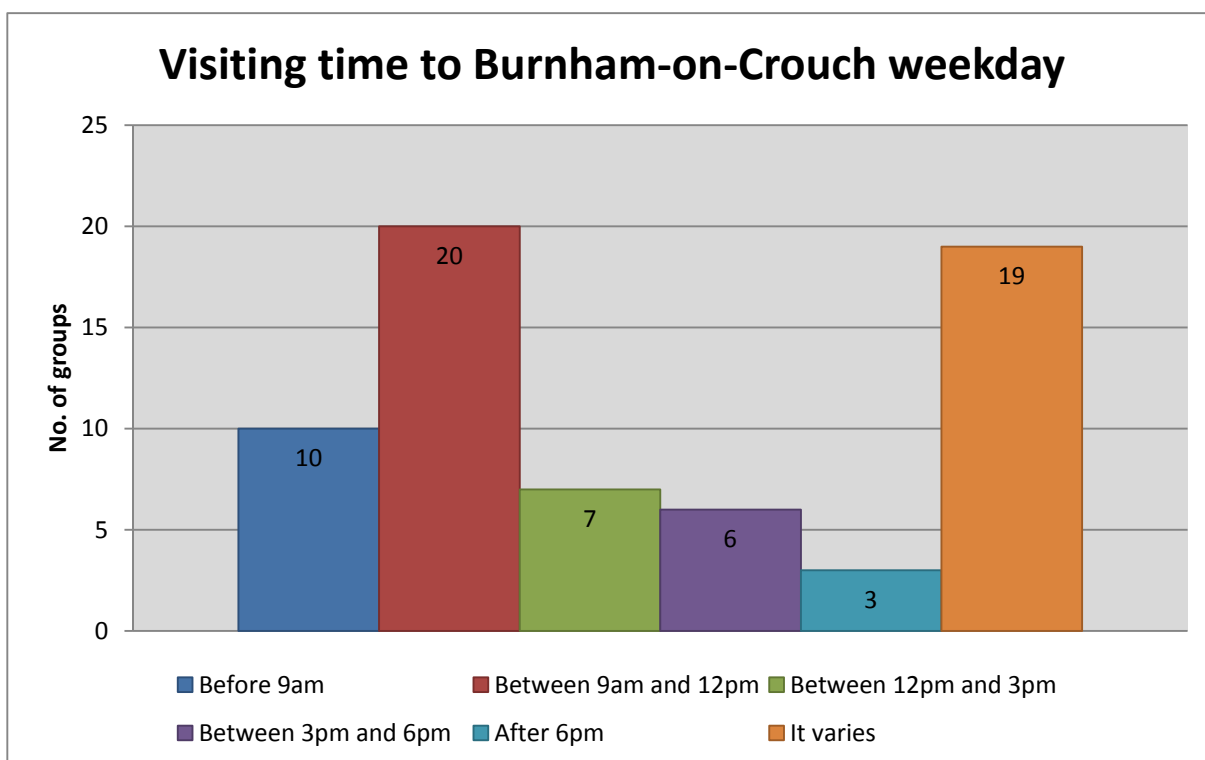
What is your main activity when using this area?



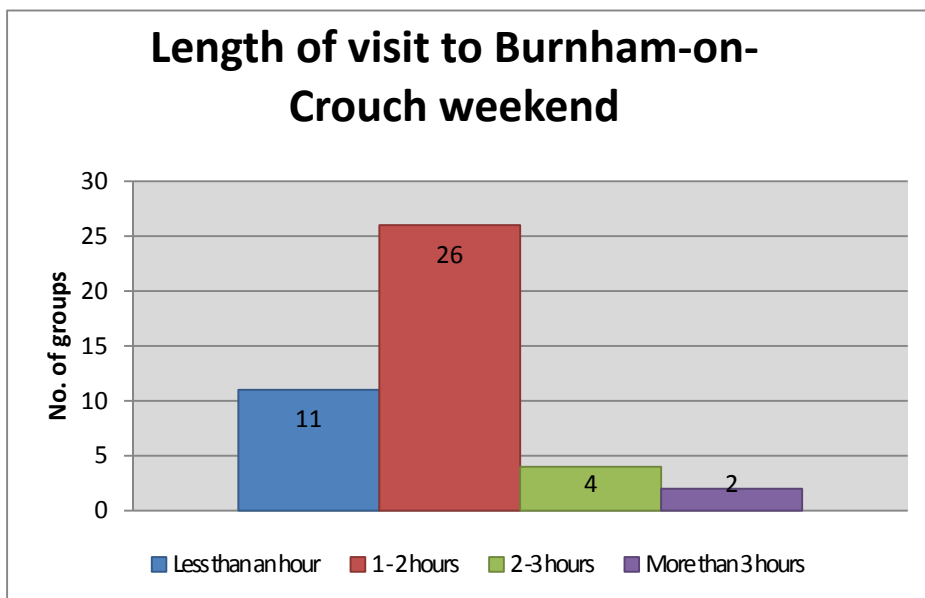
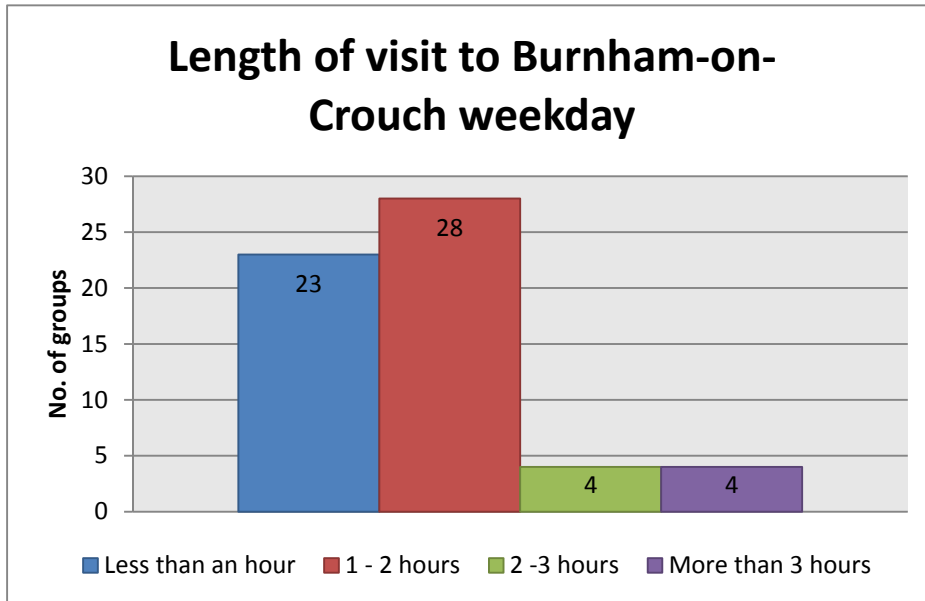
How often do you come to this location?



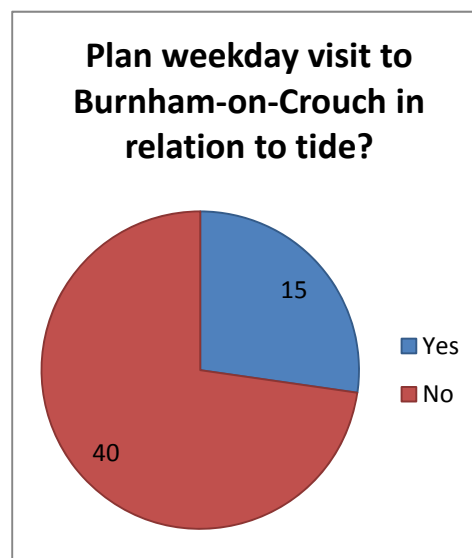
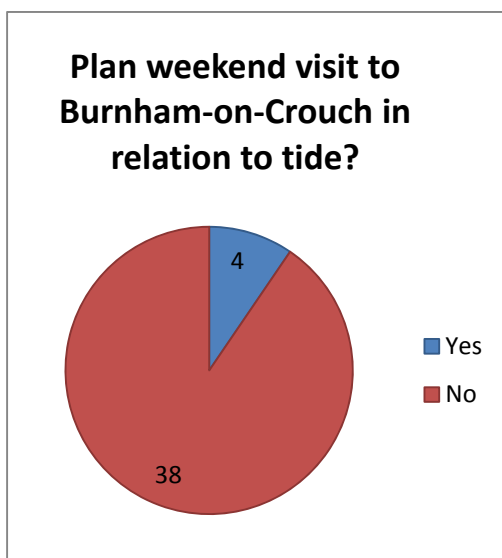
What made you come here today?

Do you normally visit at a certain time of day?

How long have you spent / will you spend along the river today?

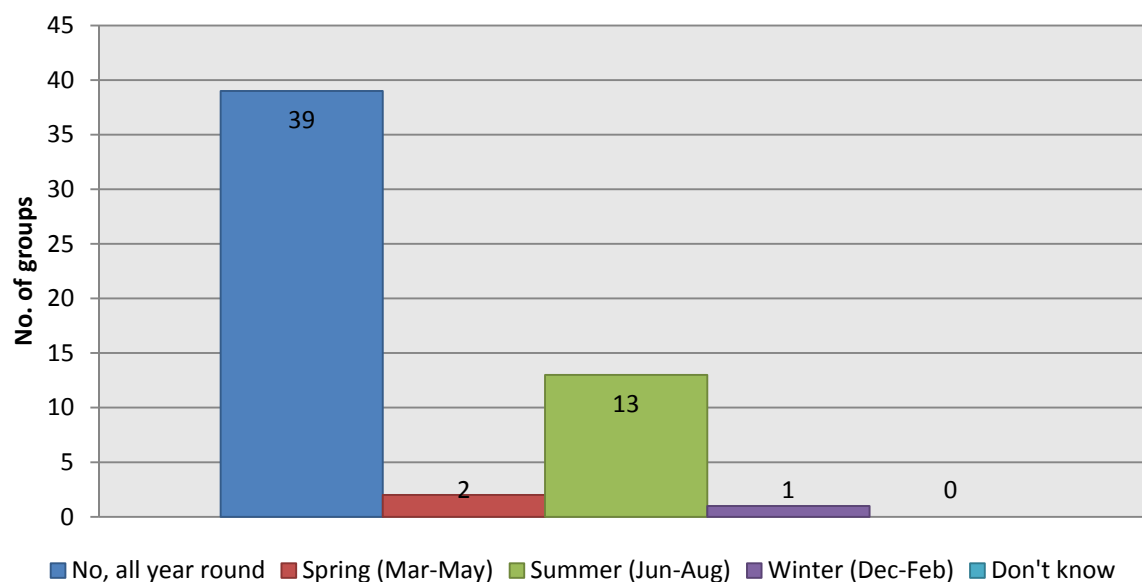


Did you plan visit in relation to the tide?

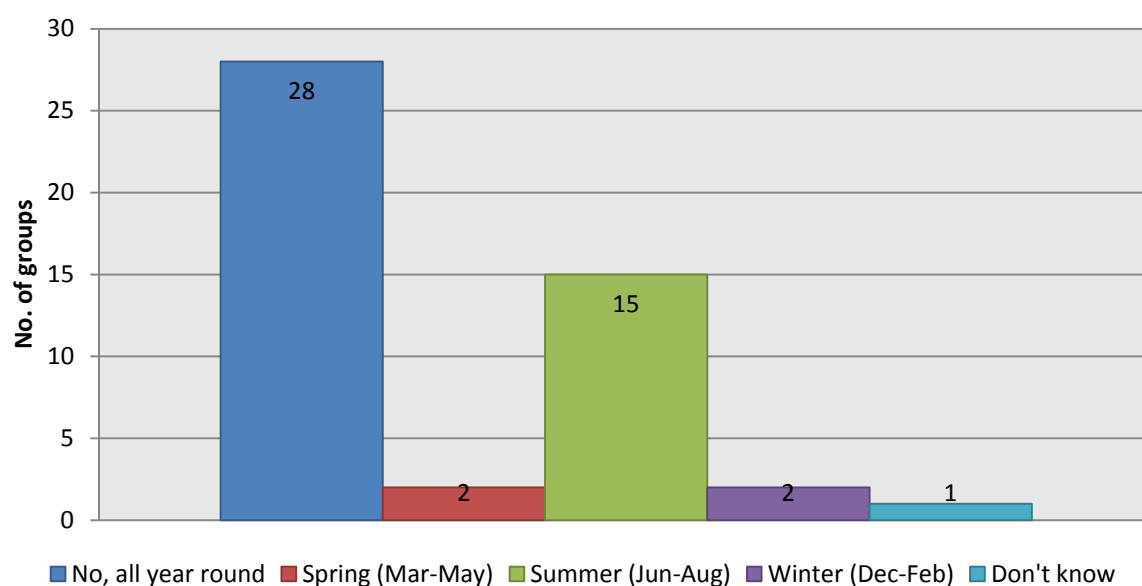


Is there a time of year when you tend to visit more often?

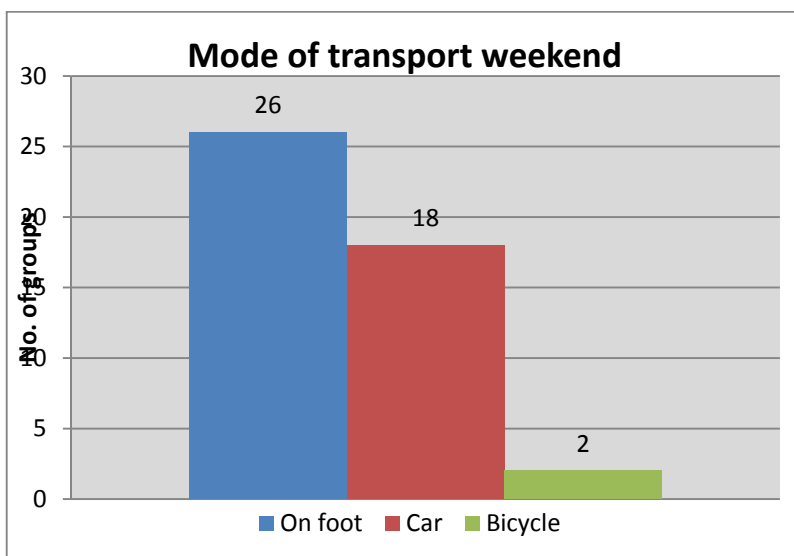
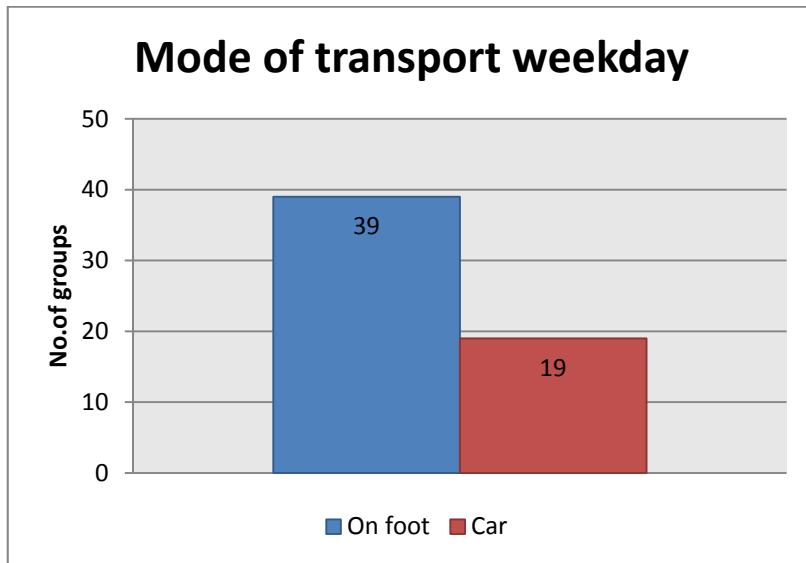
Seasonal visiting to Burnham-on-Crouch weekday



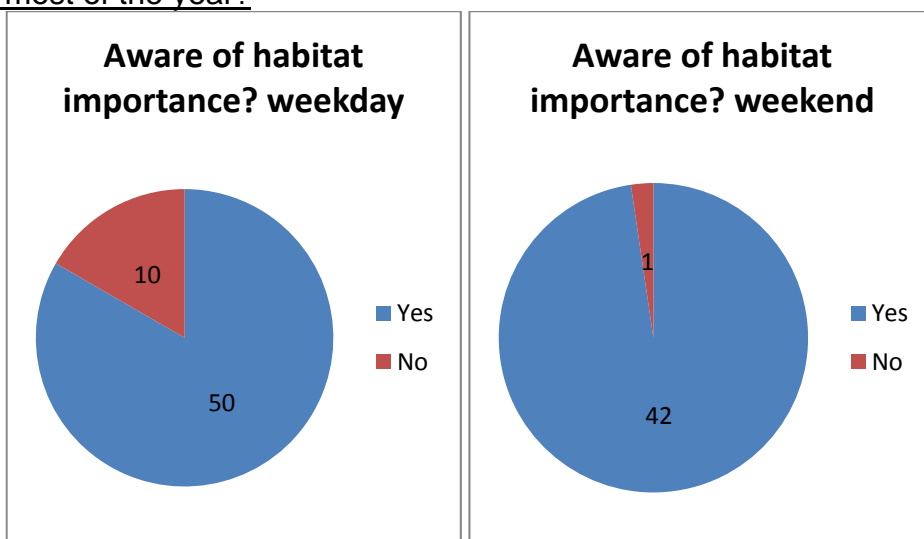
Seasonal visiting to Burnham-on-Crouch weekend



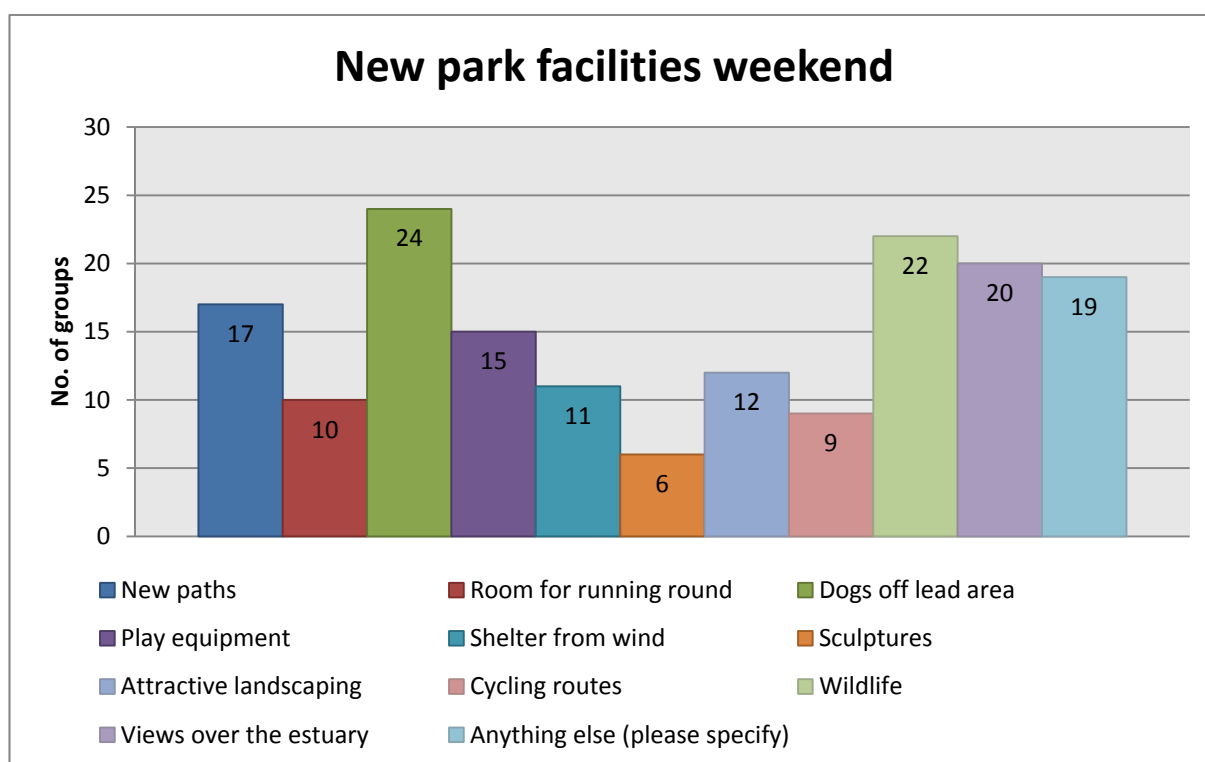
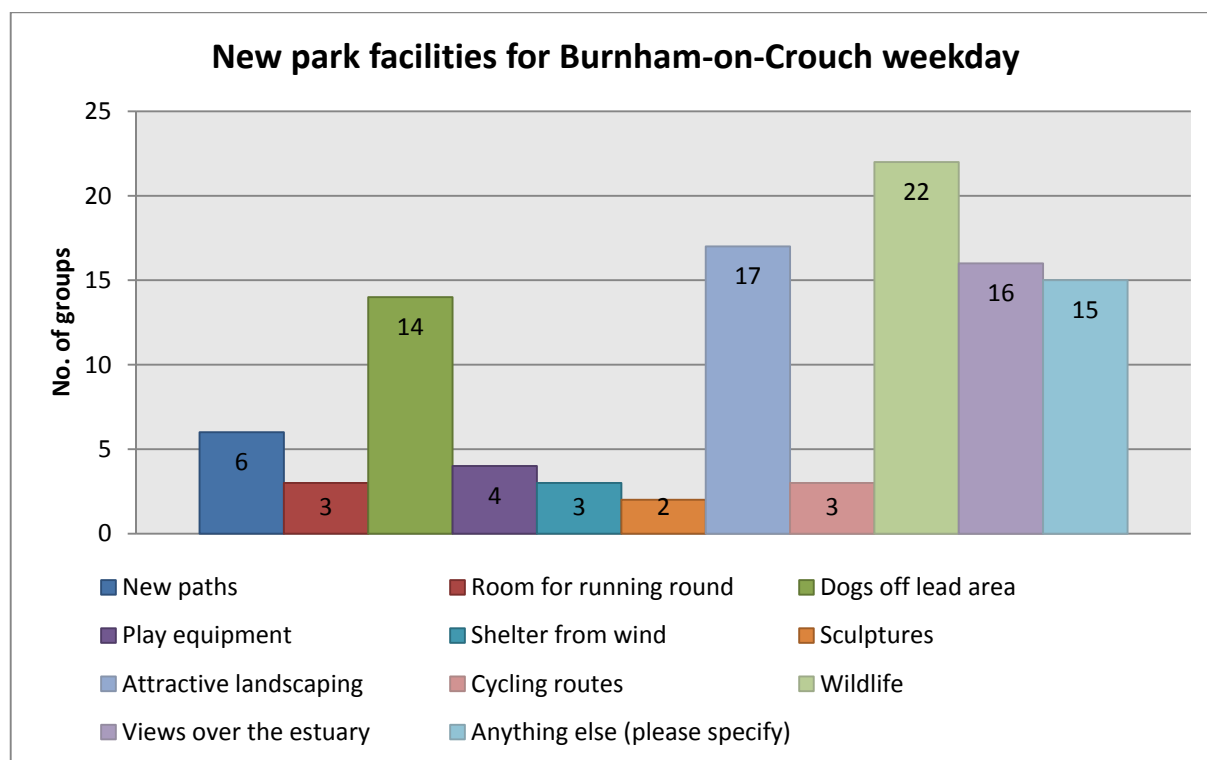
How did you travel here today?

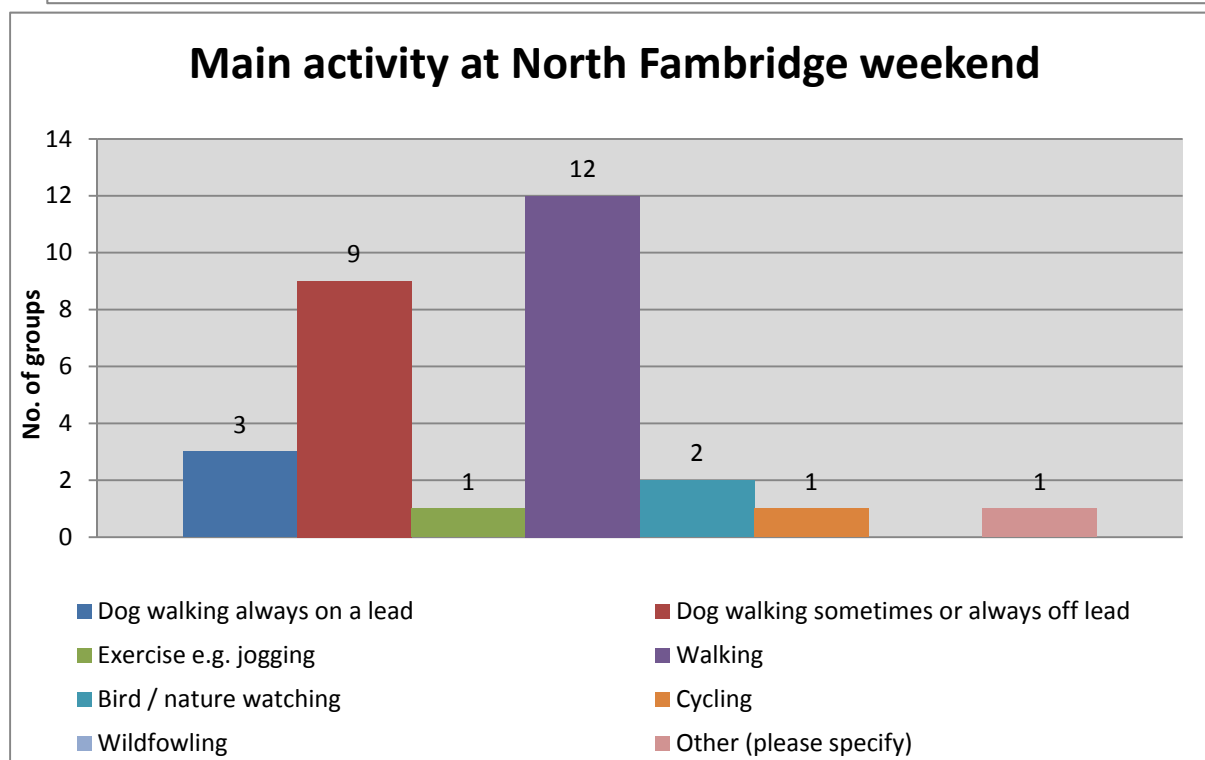
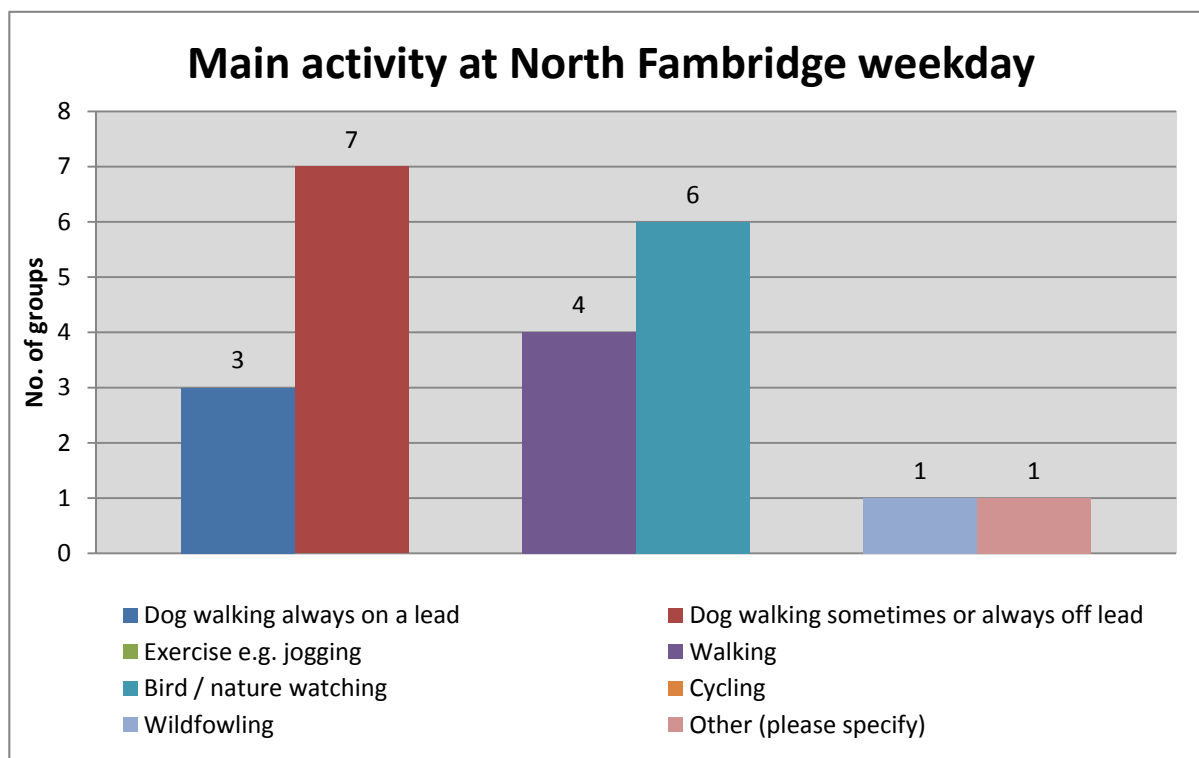


Are you aware that the river and shore are very important for wildlife, particularly water birds for most of the year?

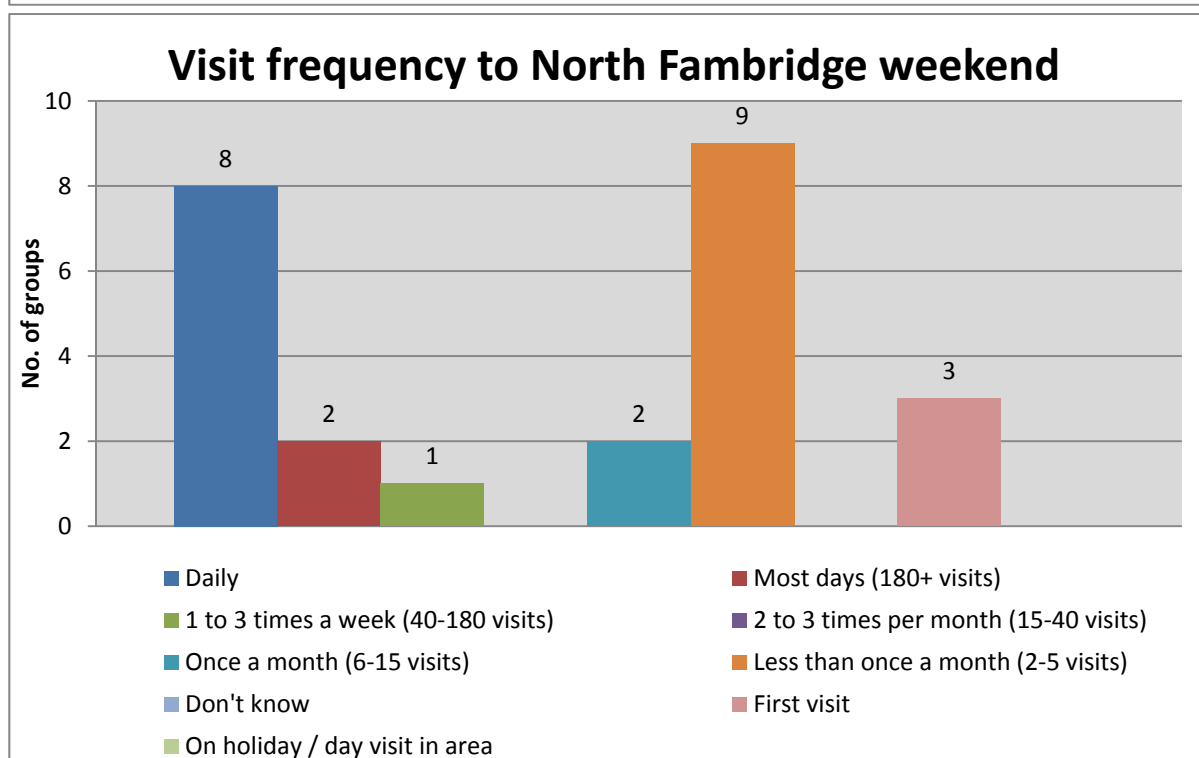
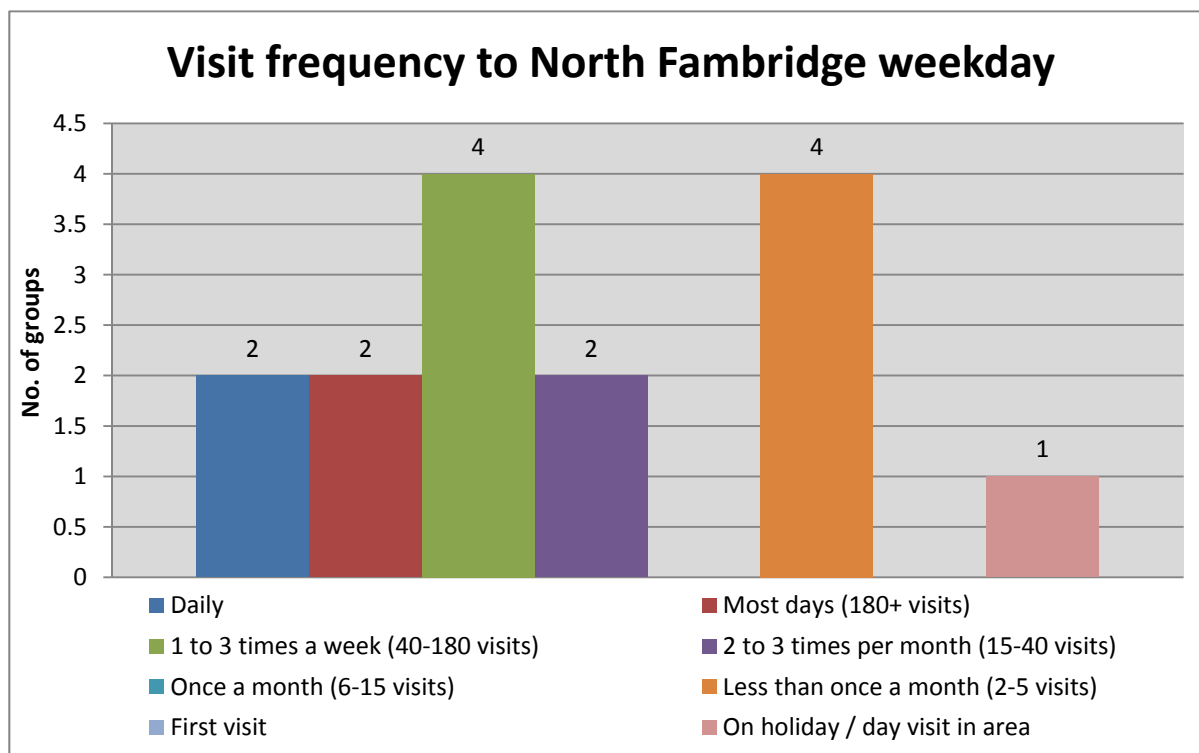


What would make you want to visit a new park if created in the same area (if needed to relieve the pressure on protected sites)?

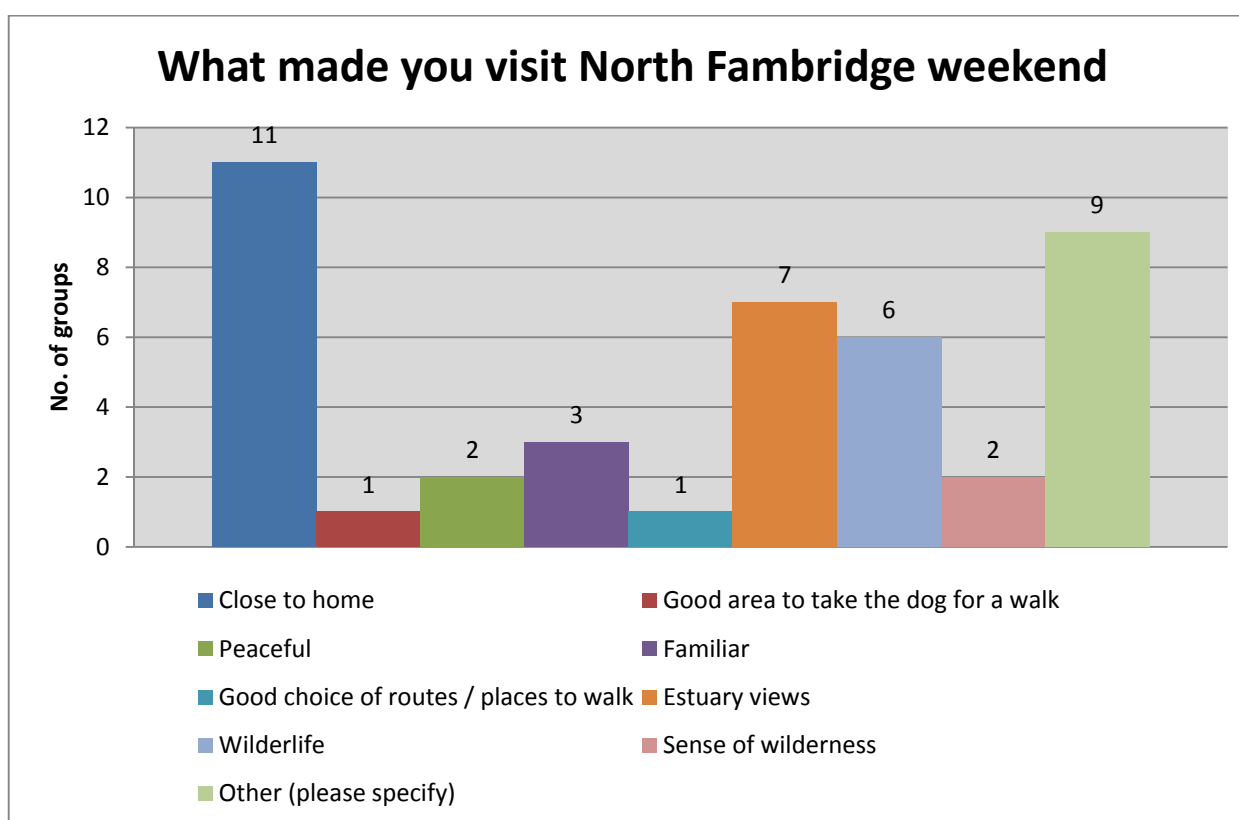
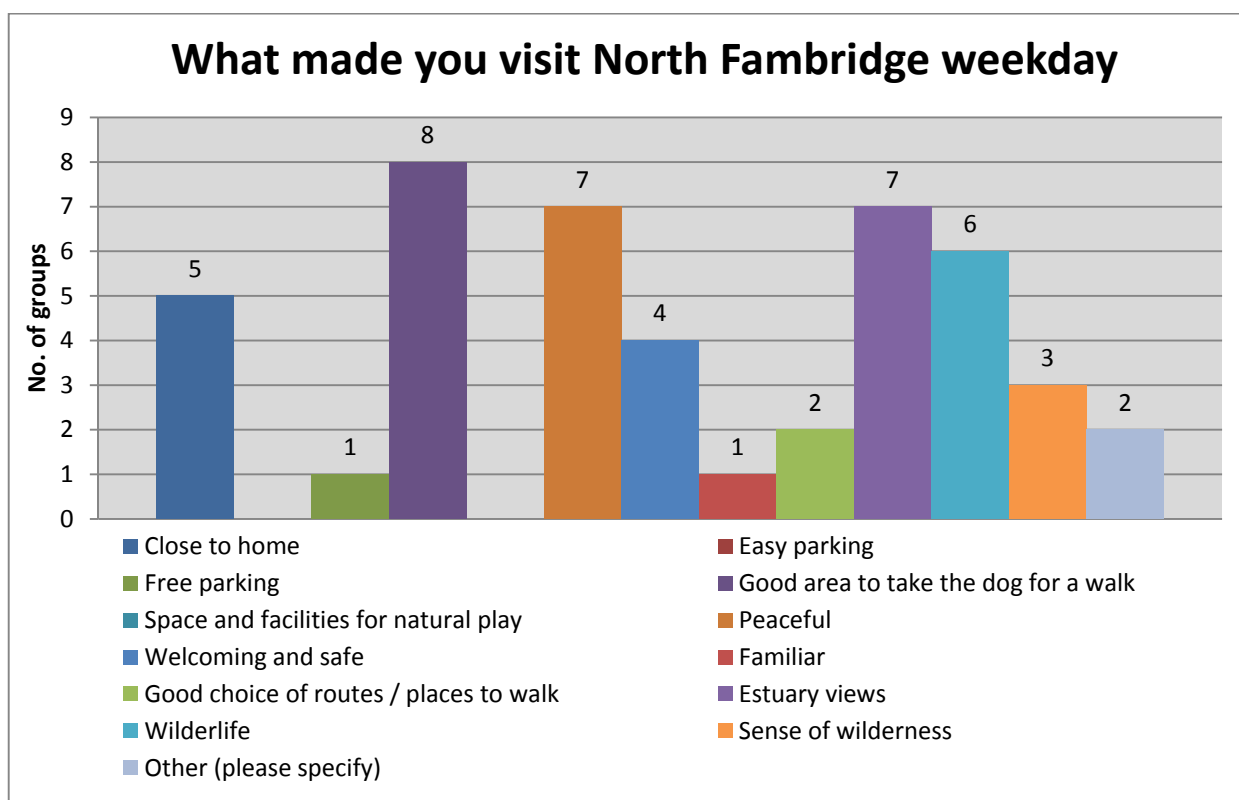


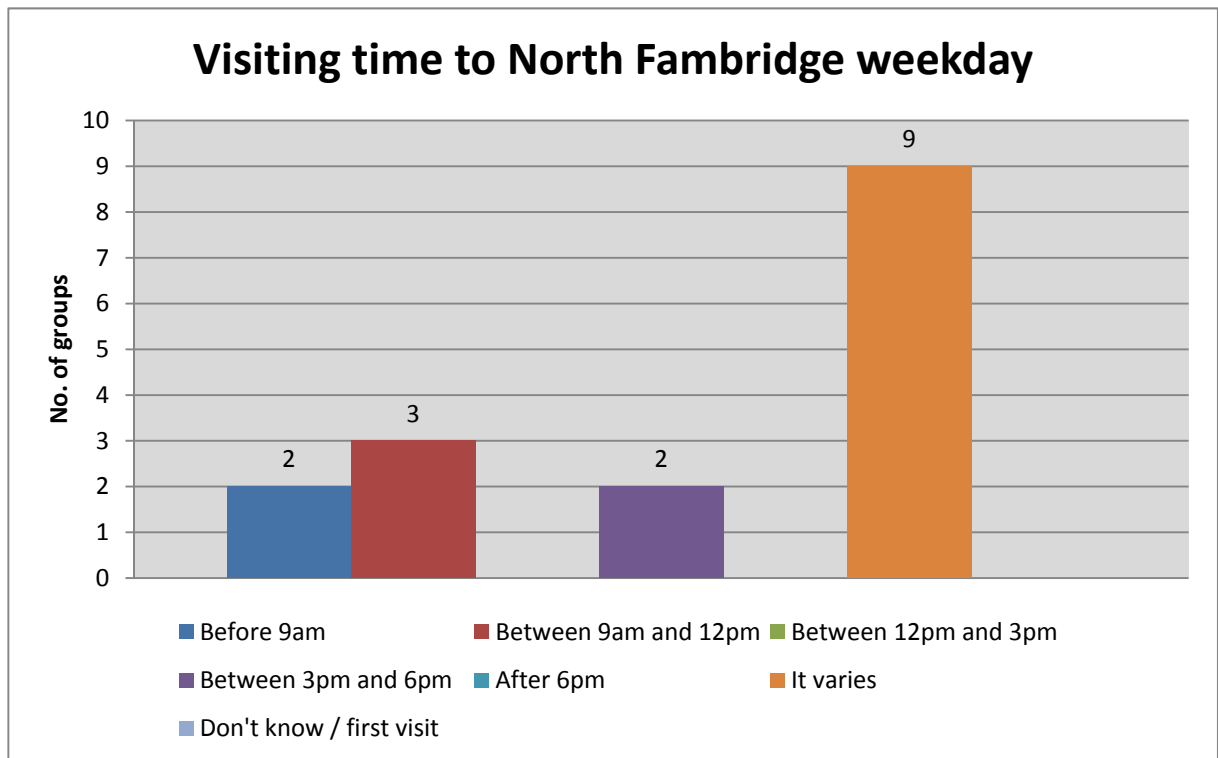
Crouch and Roach Estuaries: North FambridgeWhat is your main activity when using this area?

How often do you come to this location?

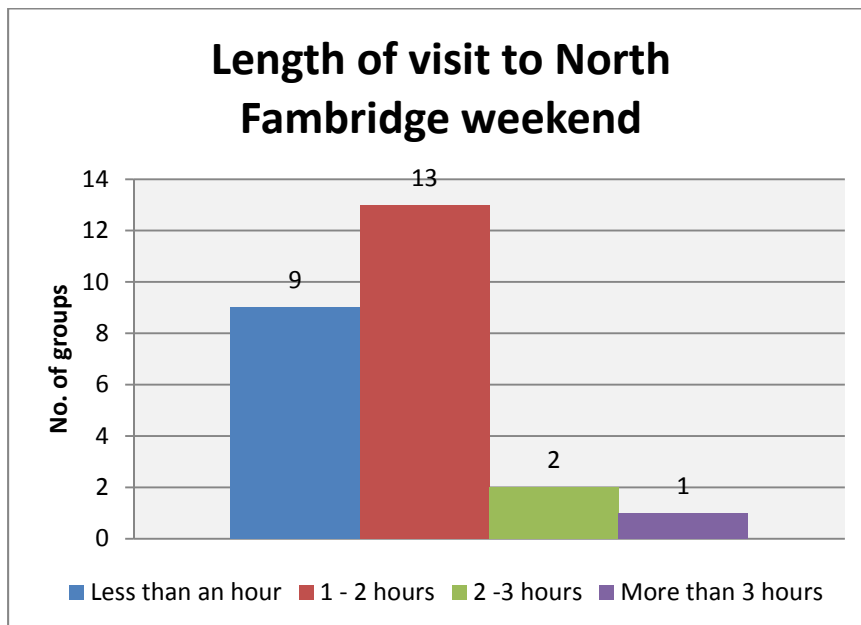
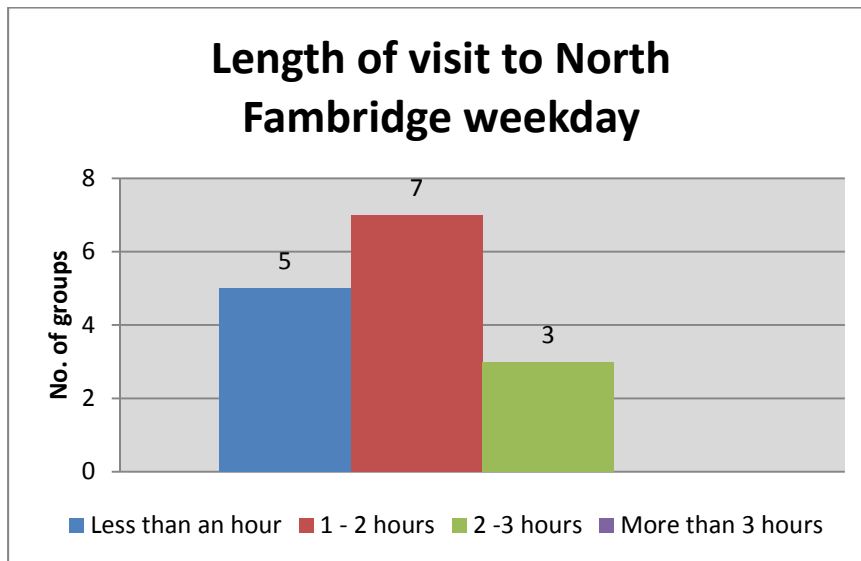


What made you come here today?

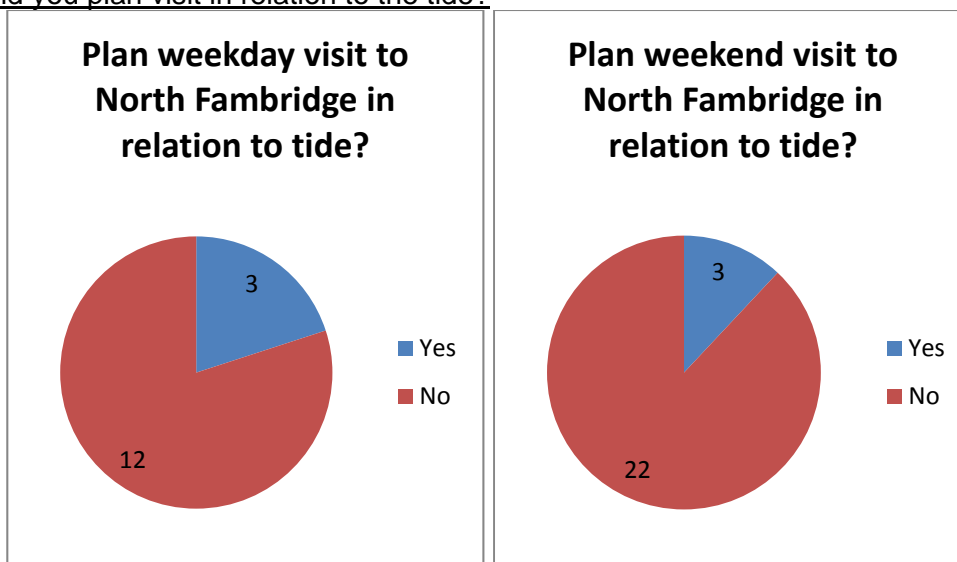


Do you normally visit at a certain time of day?

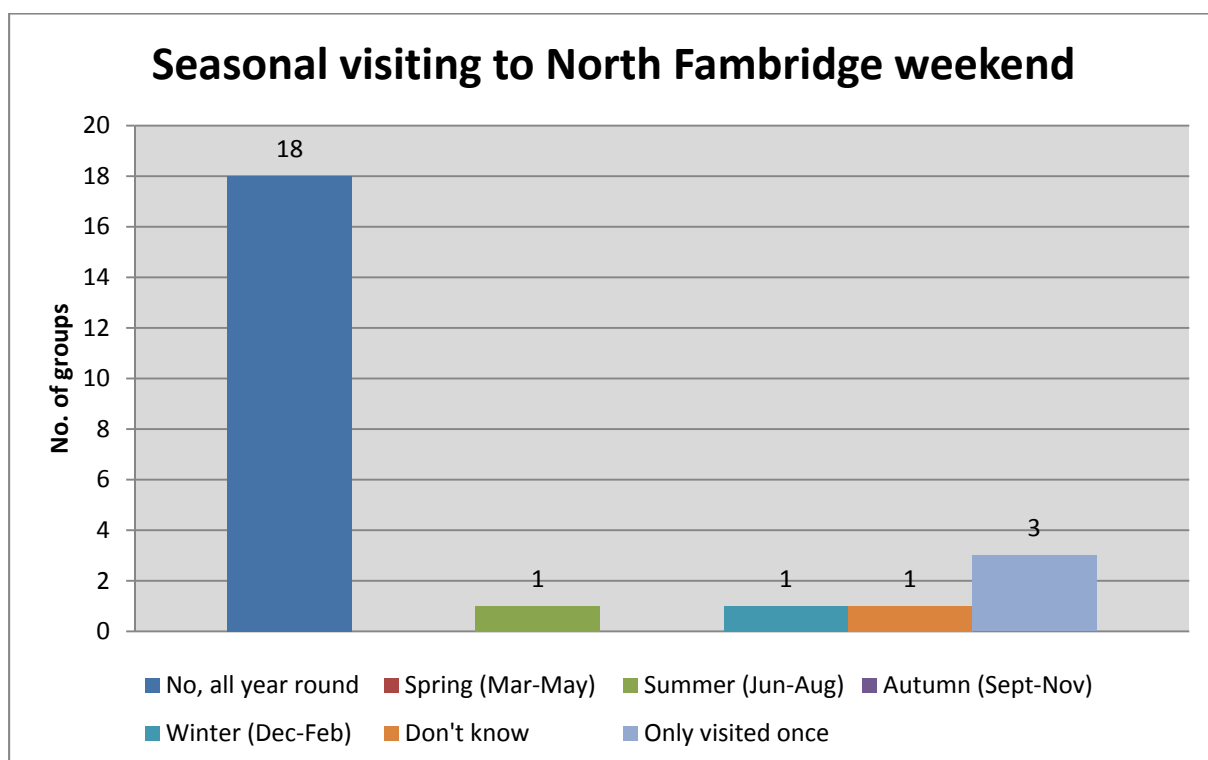
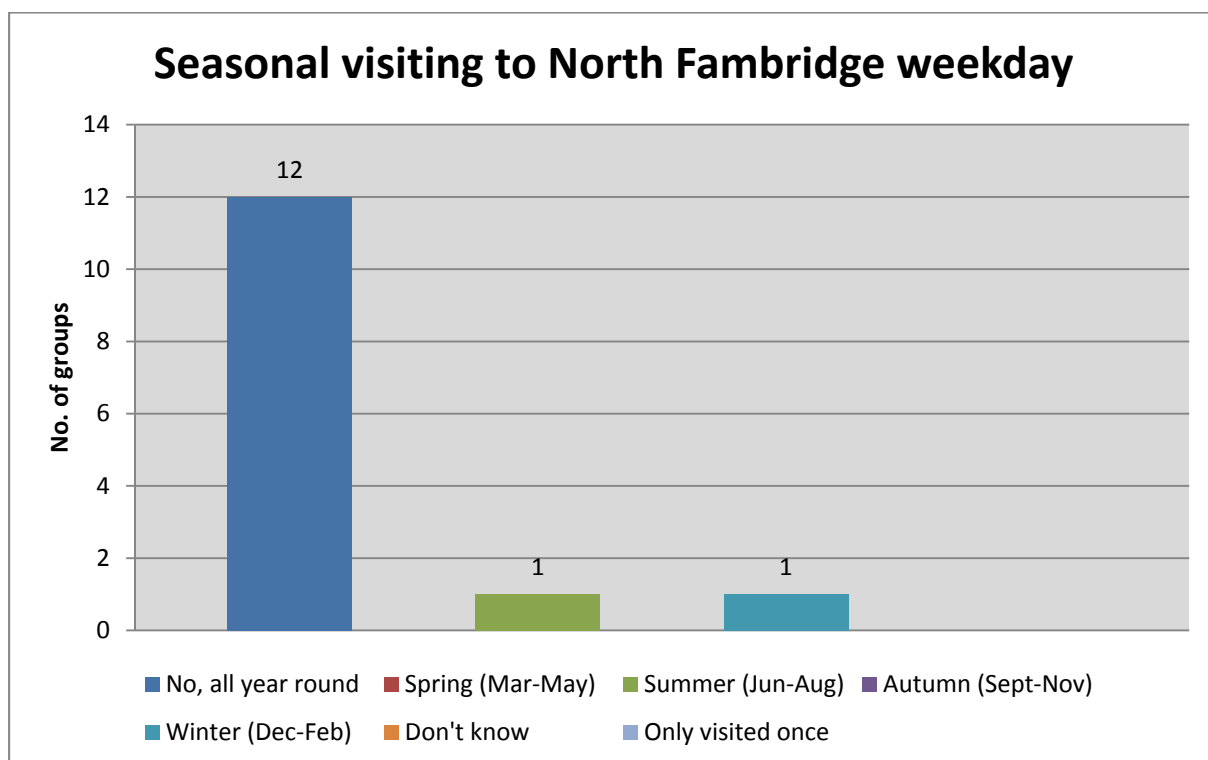
How long have you spent / will you spend along the river today?



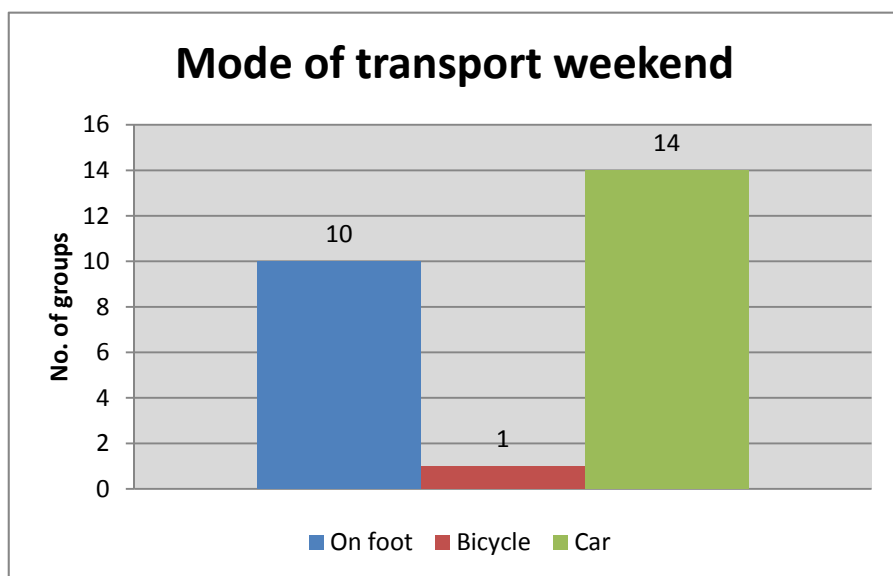
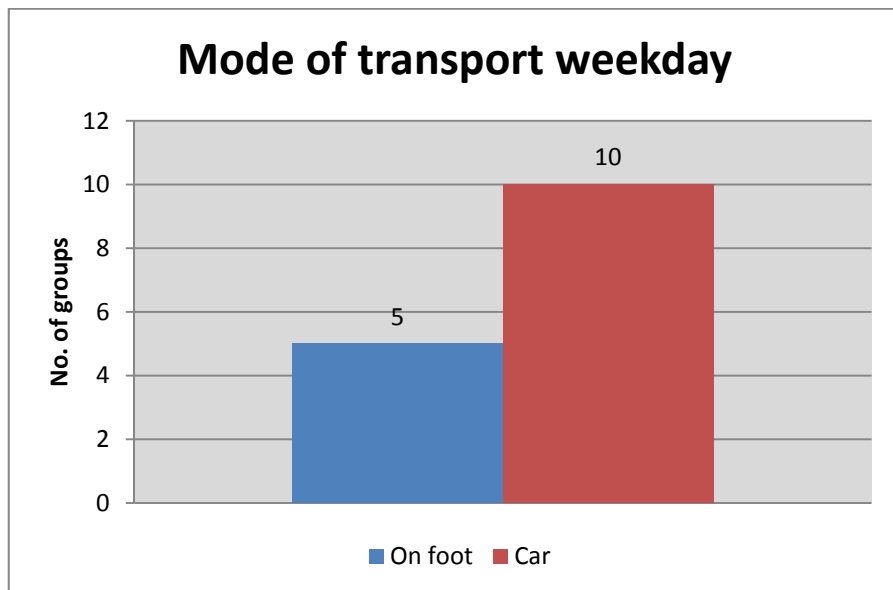
Did you plan visit in relation to the tide?



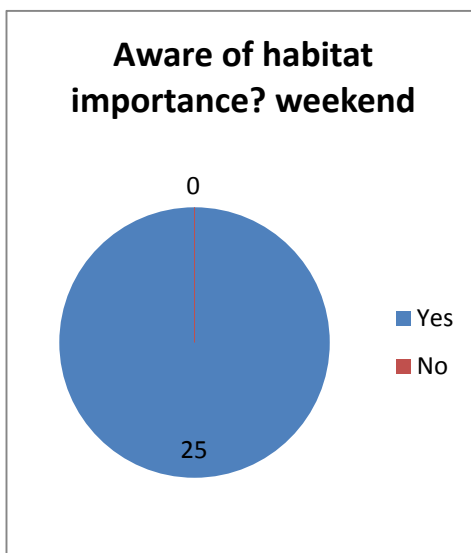
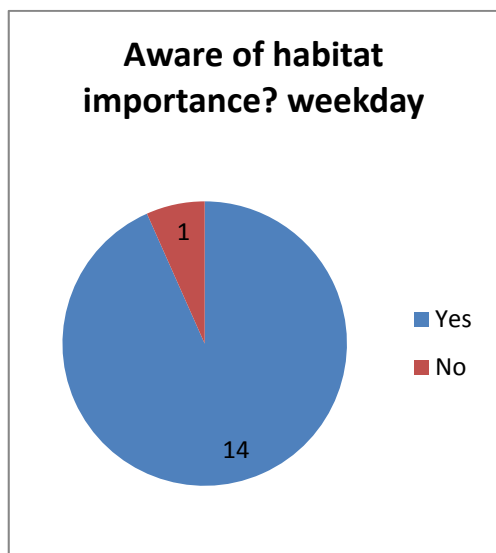
Is there a time of year when you tend to visit more often?



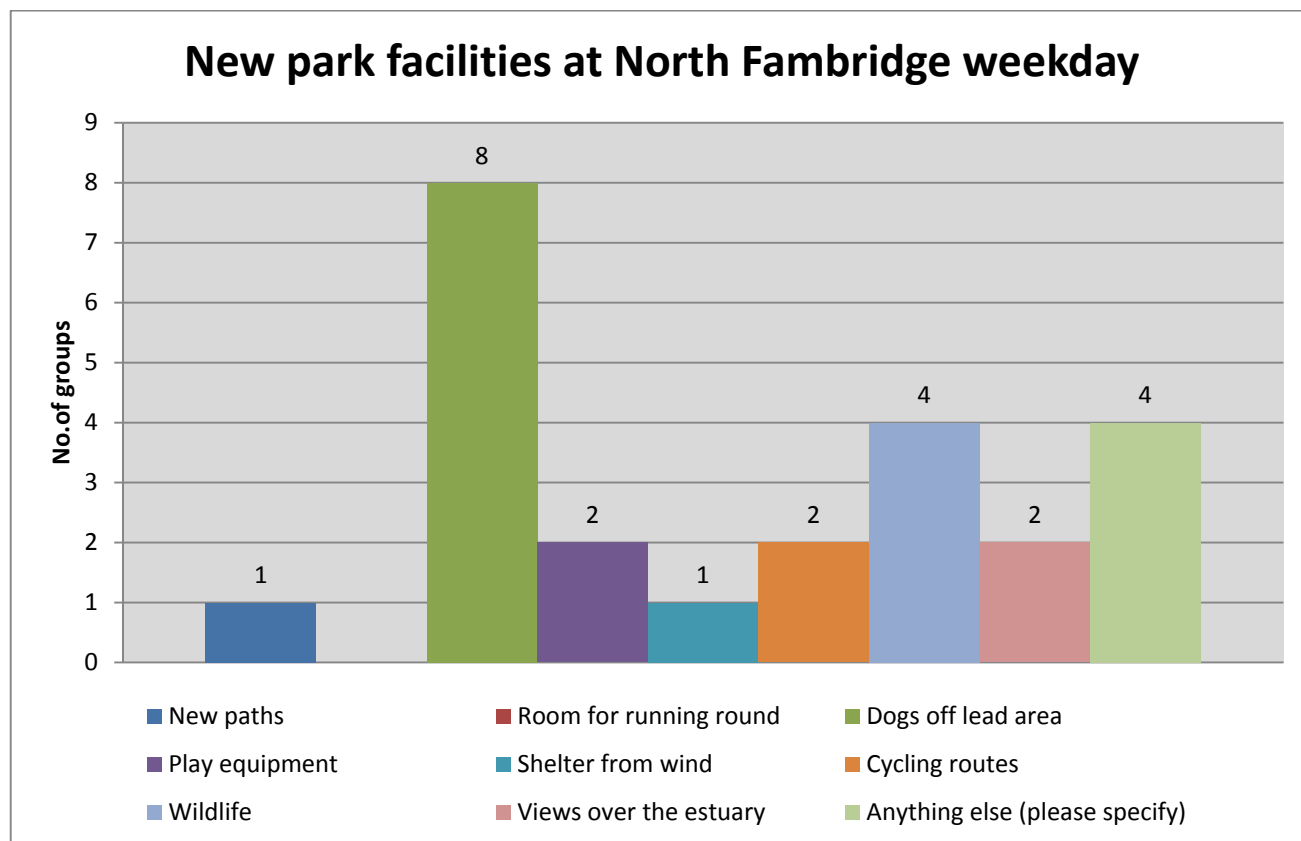
How did you travel here today?



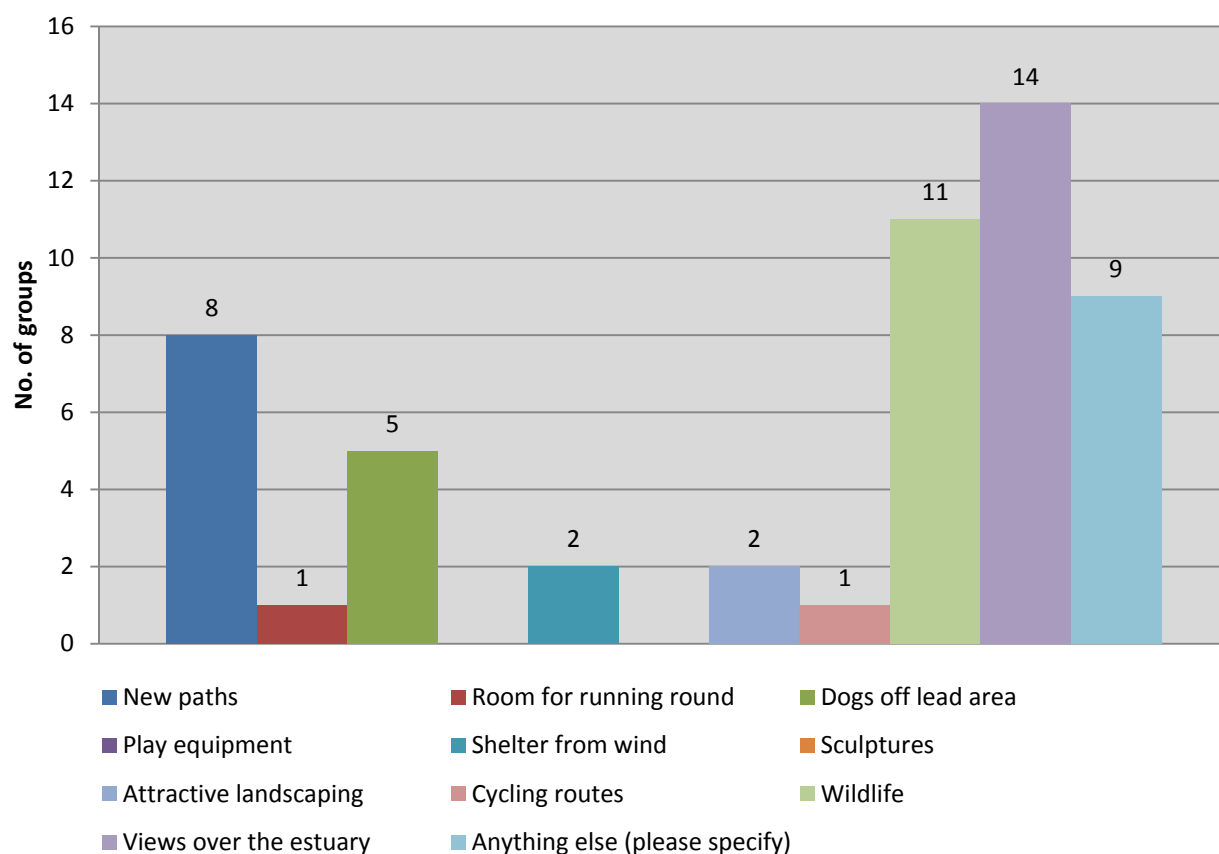
Are you aware that the river and shore are very important for wildlife, particularly water birds for most of the year?



What would make you want to visit a new park if created in the same area (if needed to relieve the pressure on protected sites)?

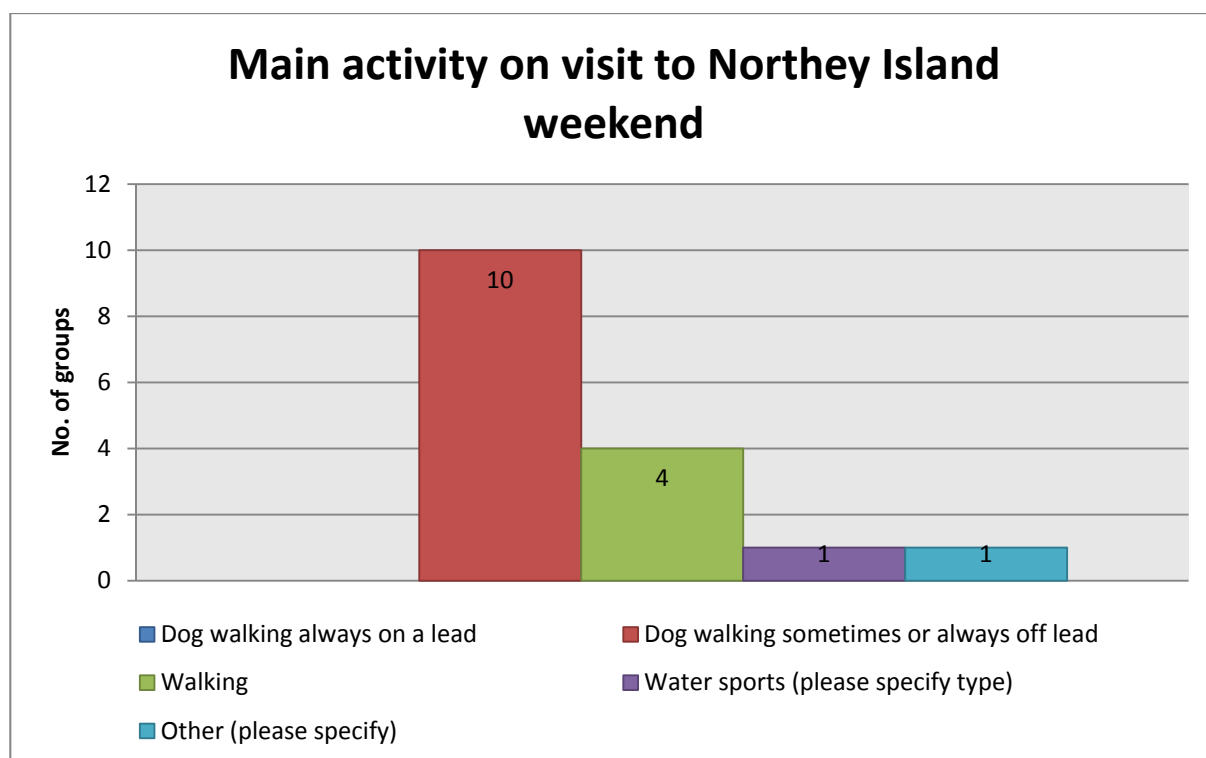
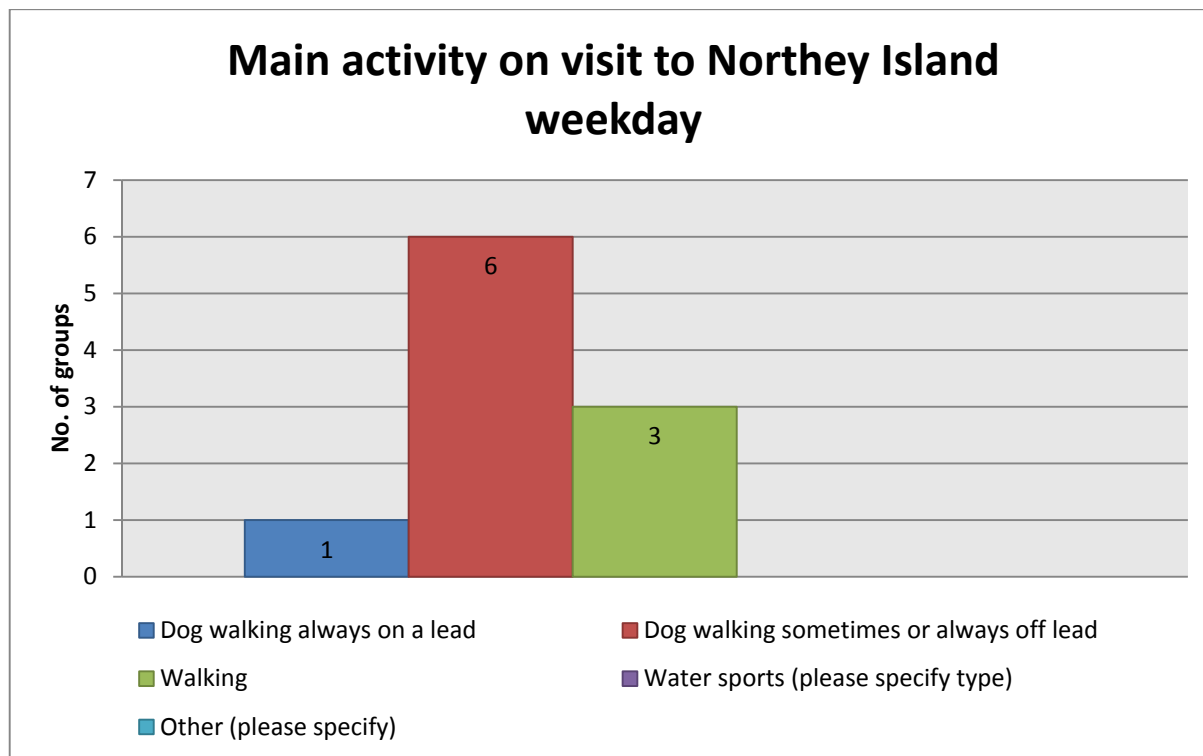


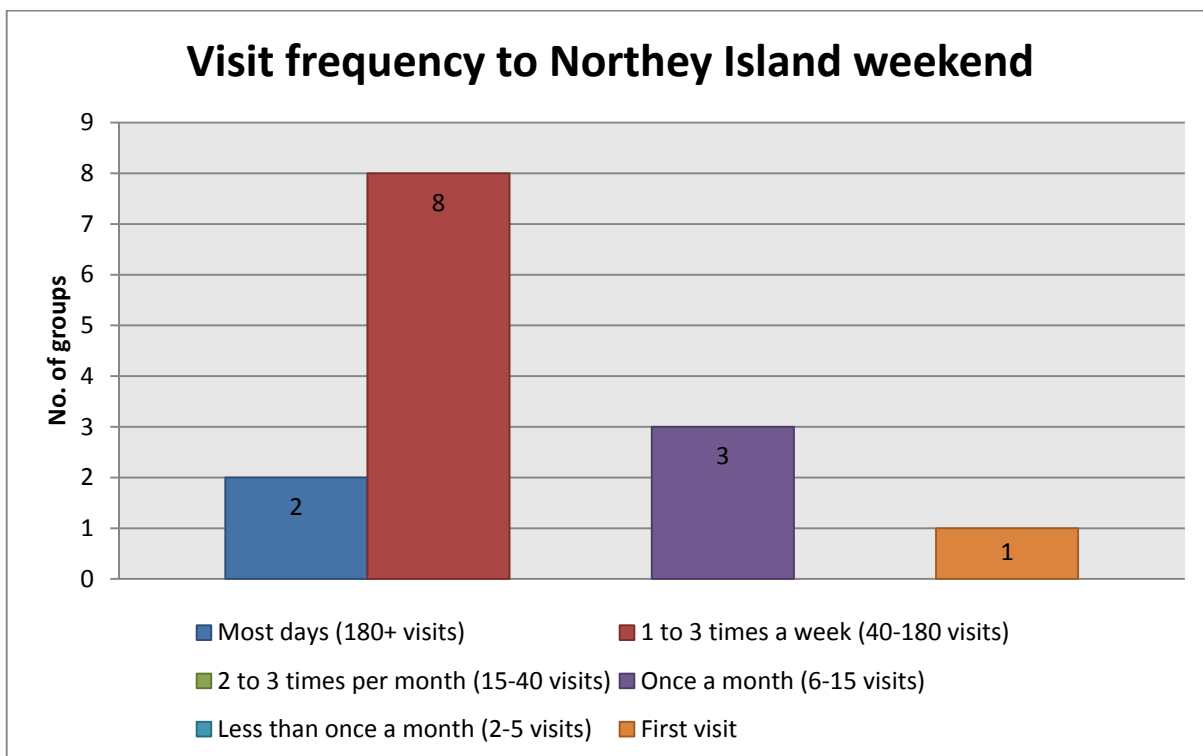
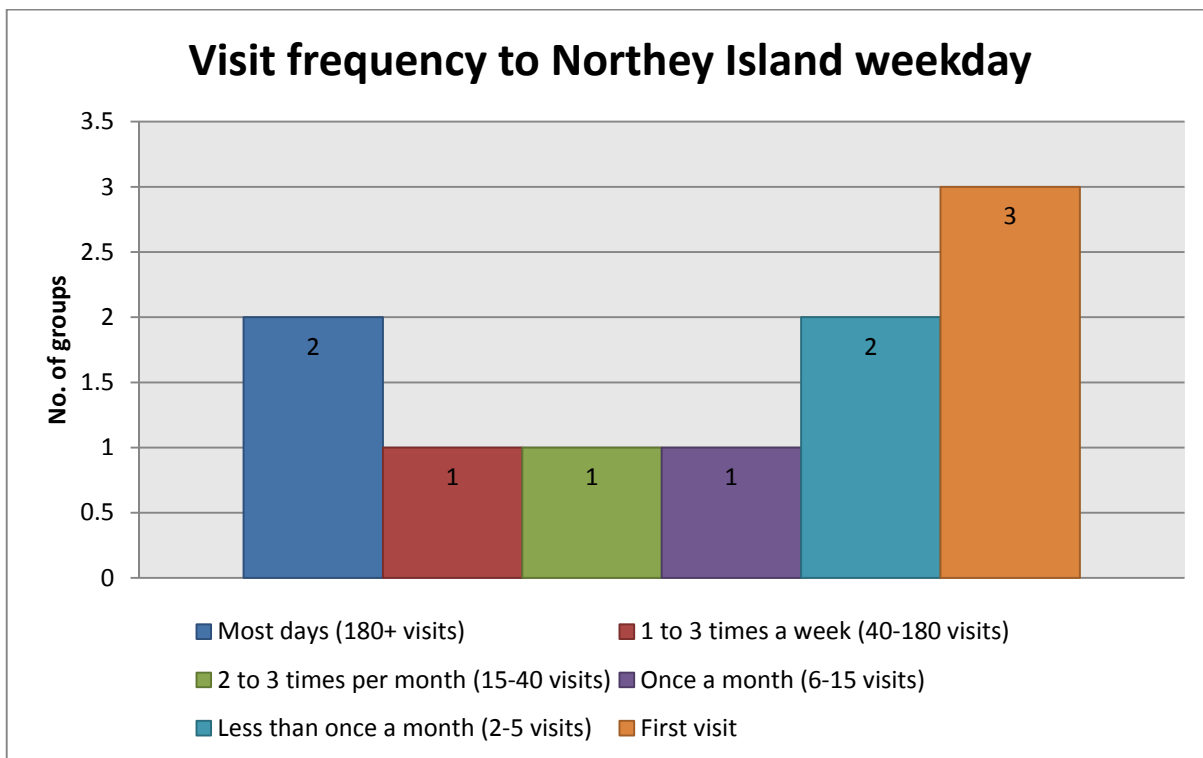
New park facilities at North Fambridge weekend

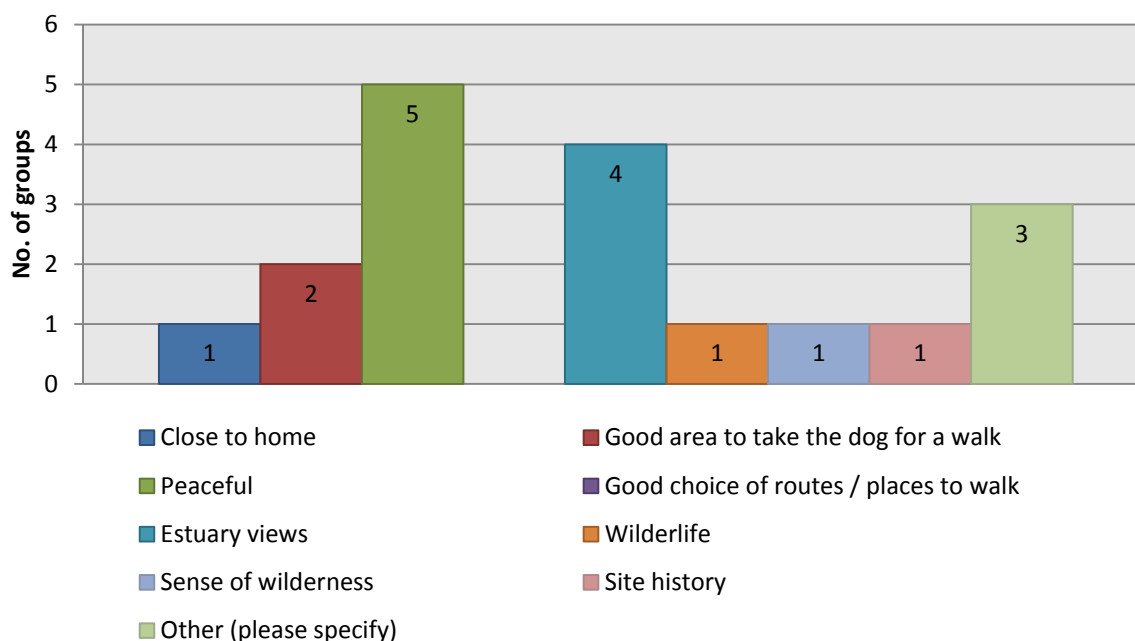
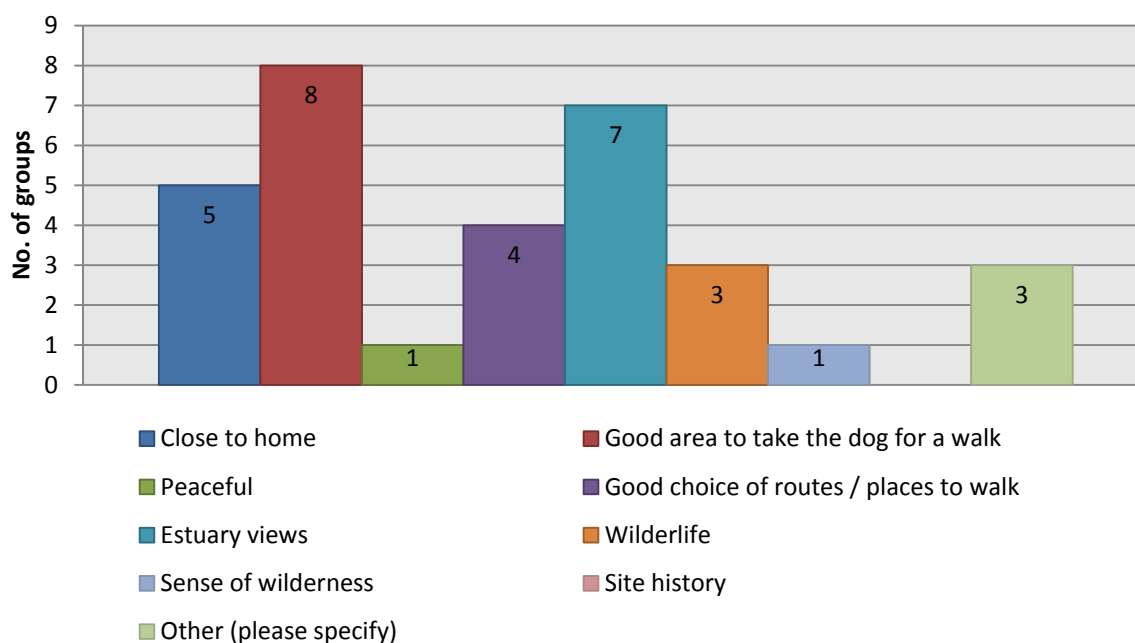


Blackwater Estuary: Northey Island

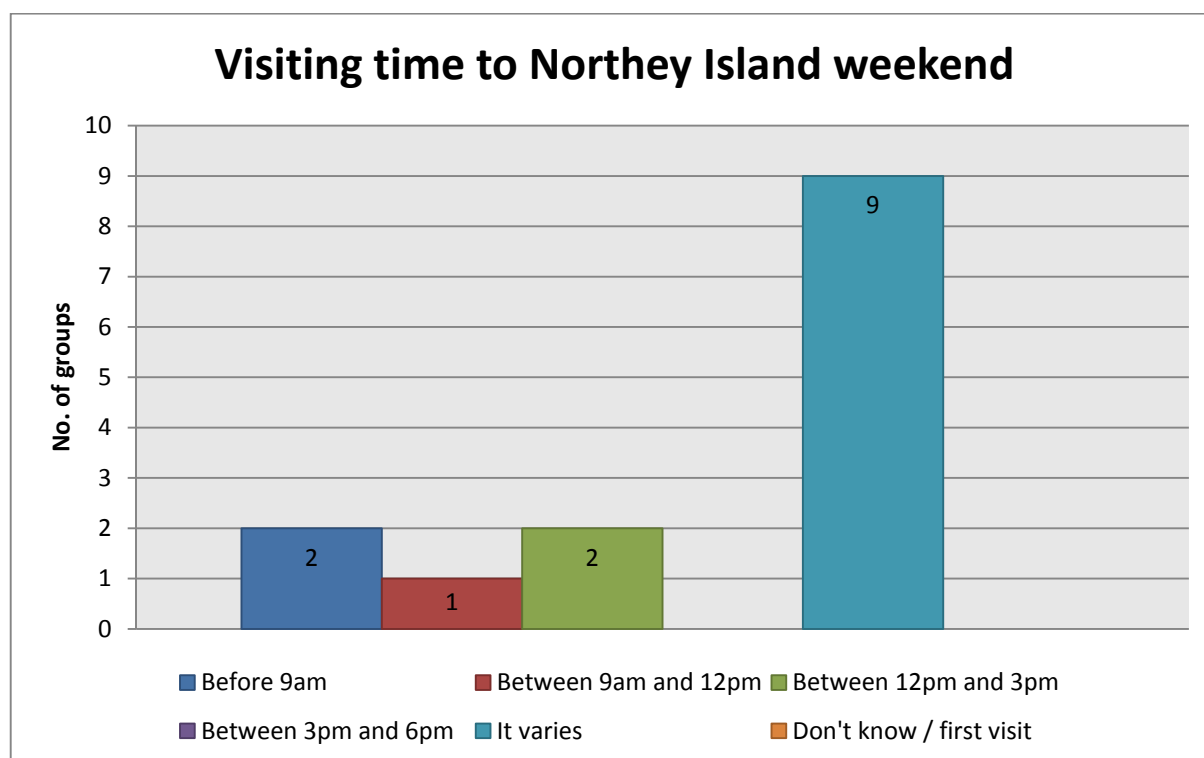
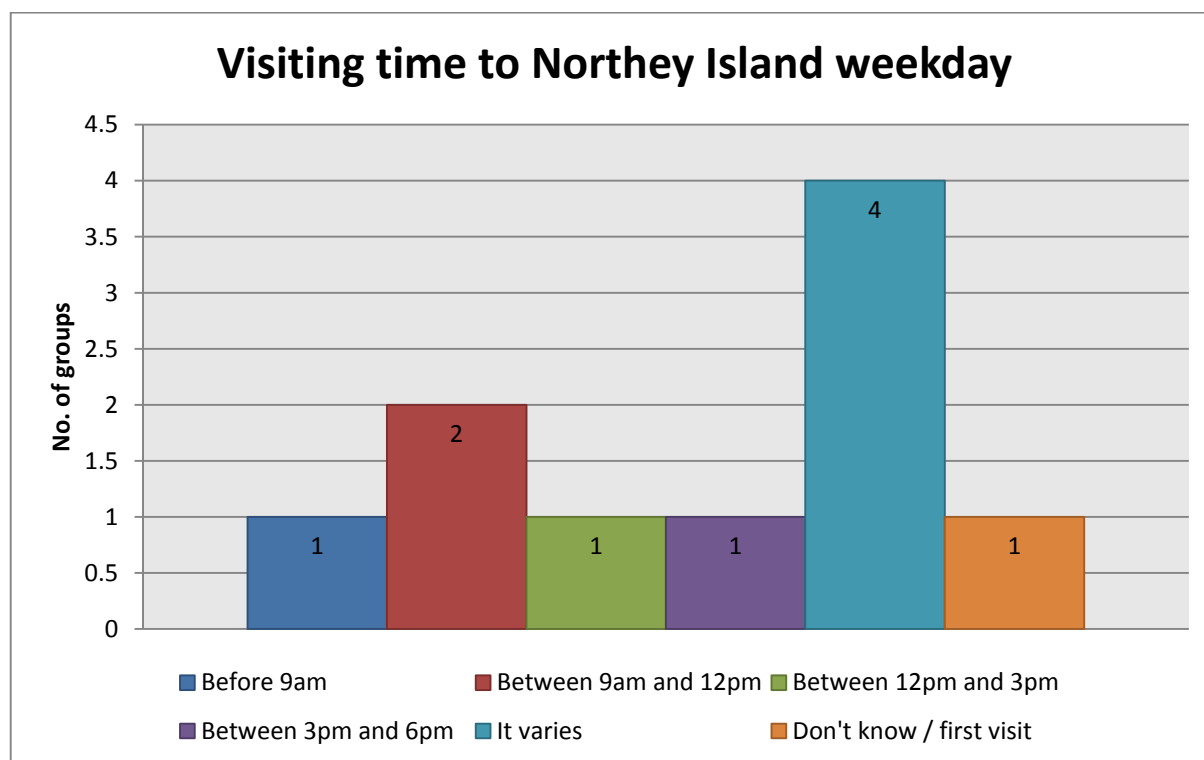
What is your main activity when using this area?



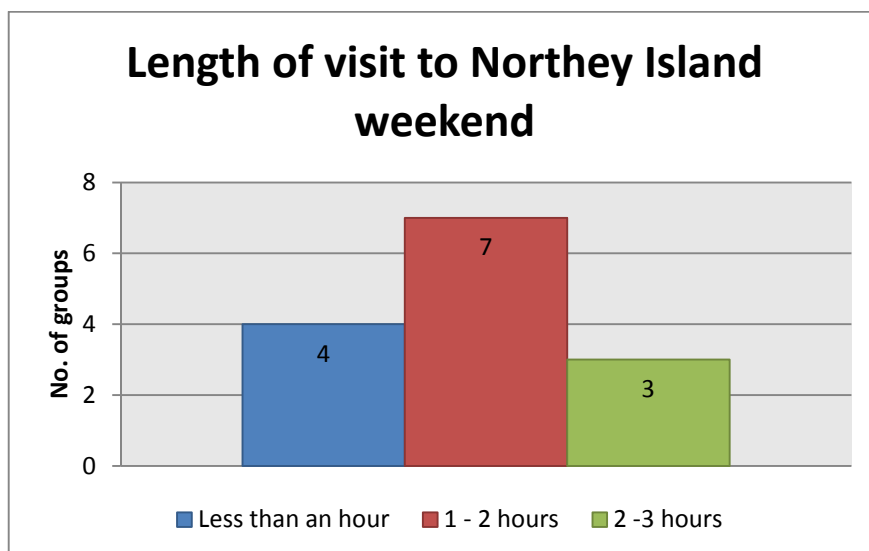
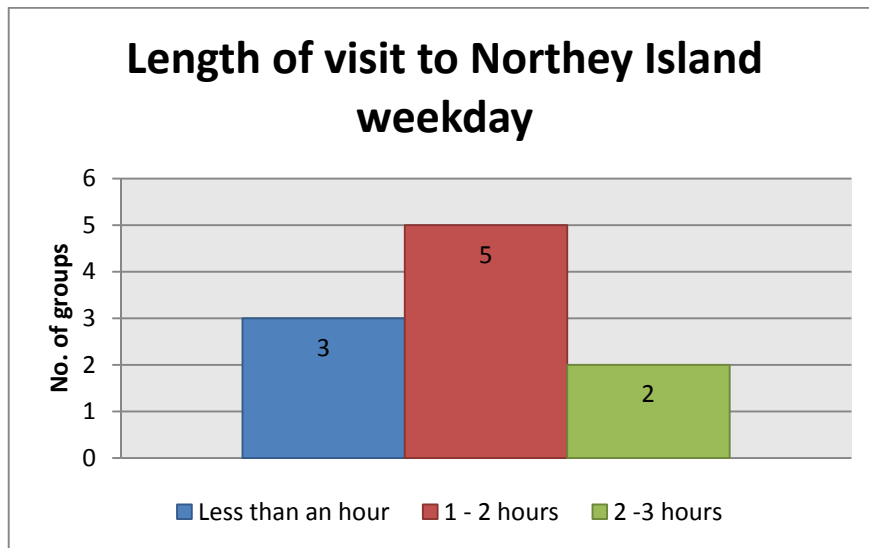
How often do you come to this location?

What made you come here today?**What made you visit Northey Island weekday****What made you visit Northey Island weekend**

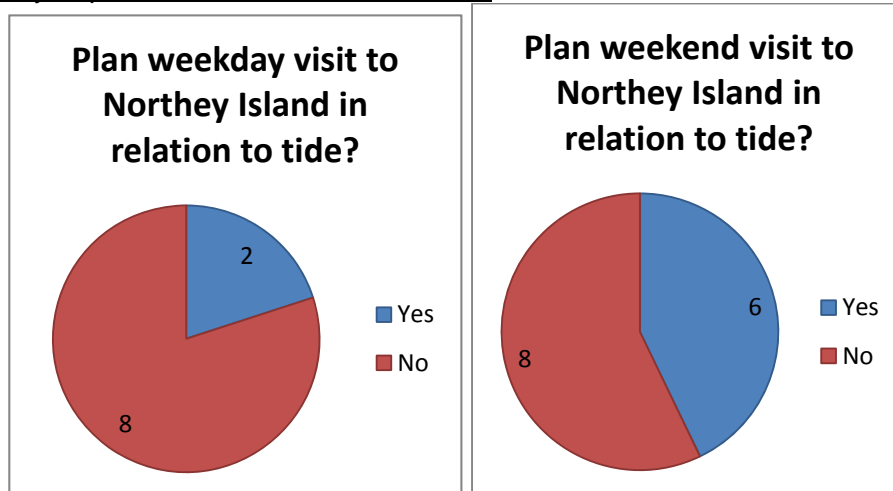
Do you normally visit at a certain time of day?



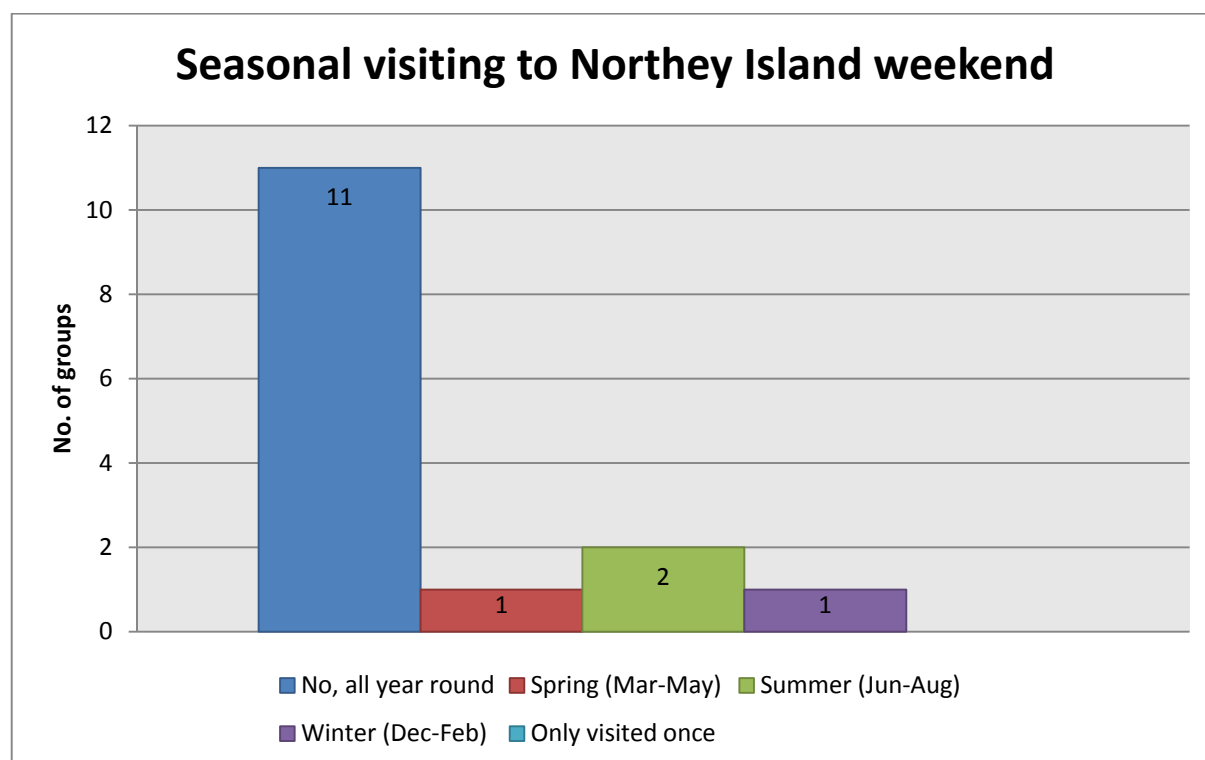
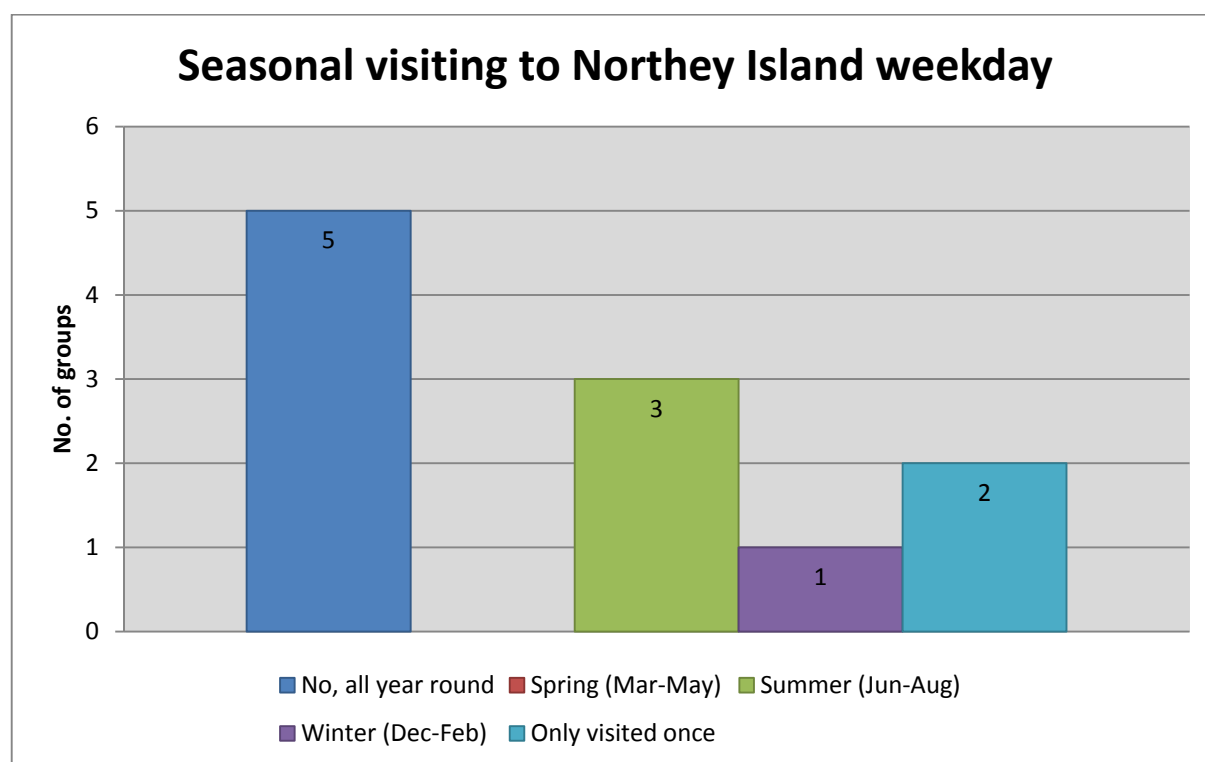
How long have you spent / will you spend along the river today?



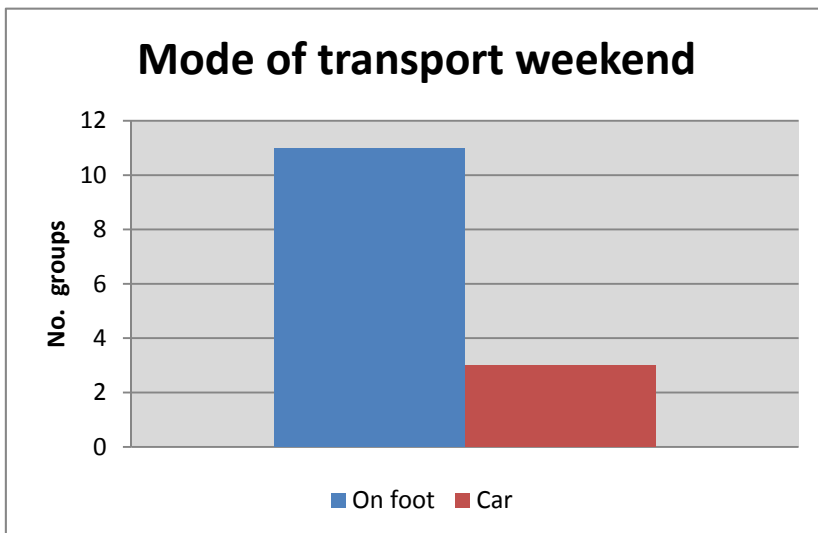
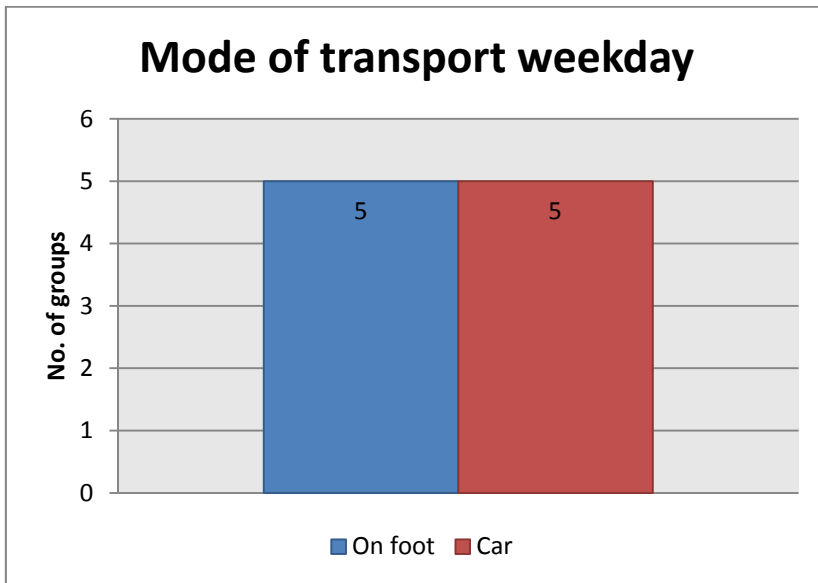
Did you plan visit in relation to the tide?



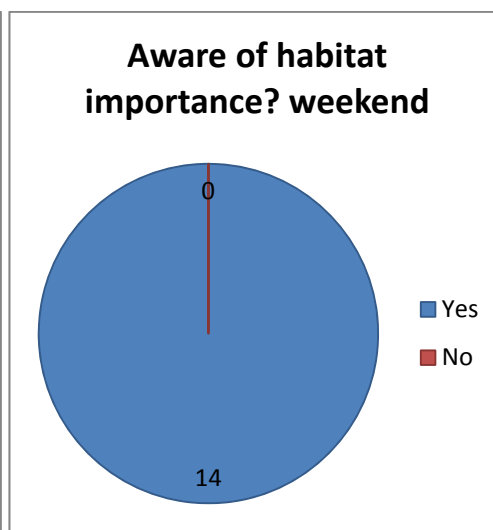
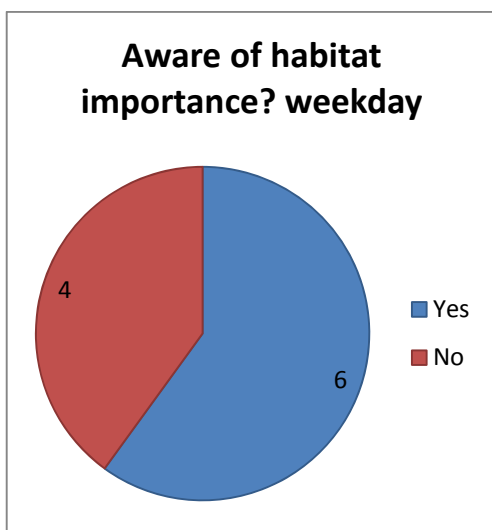
Is there a time of year when you tend to visit more often?



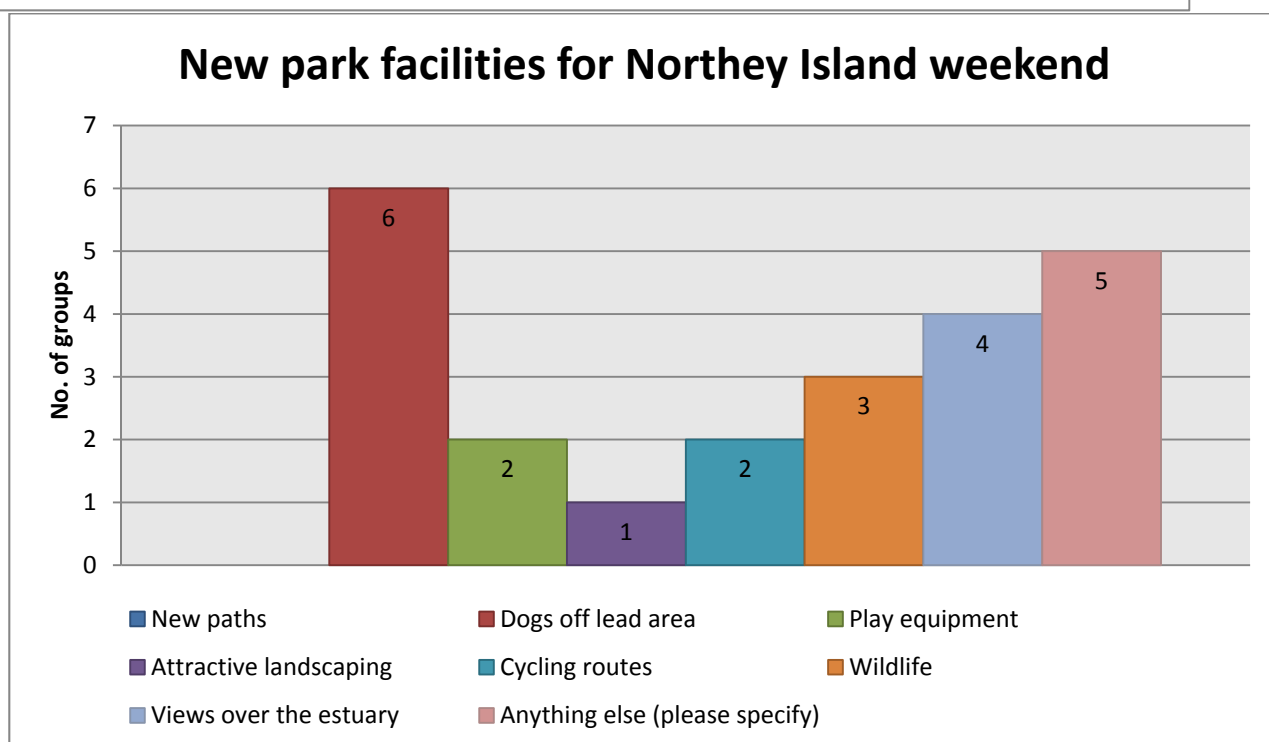
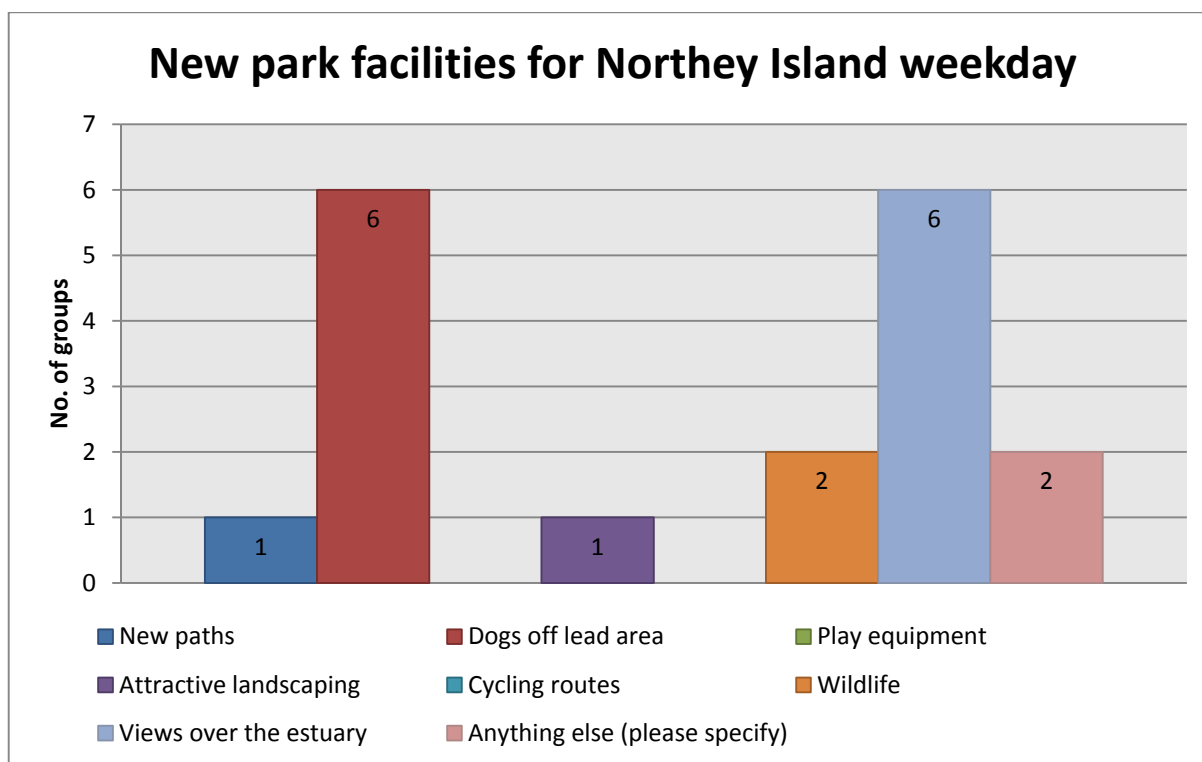
How did you travel here today?

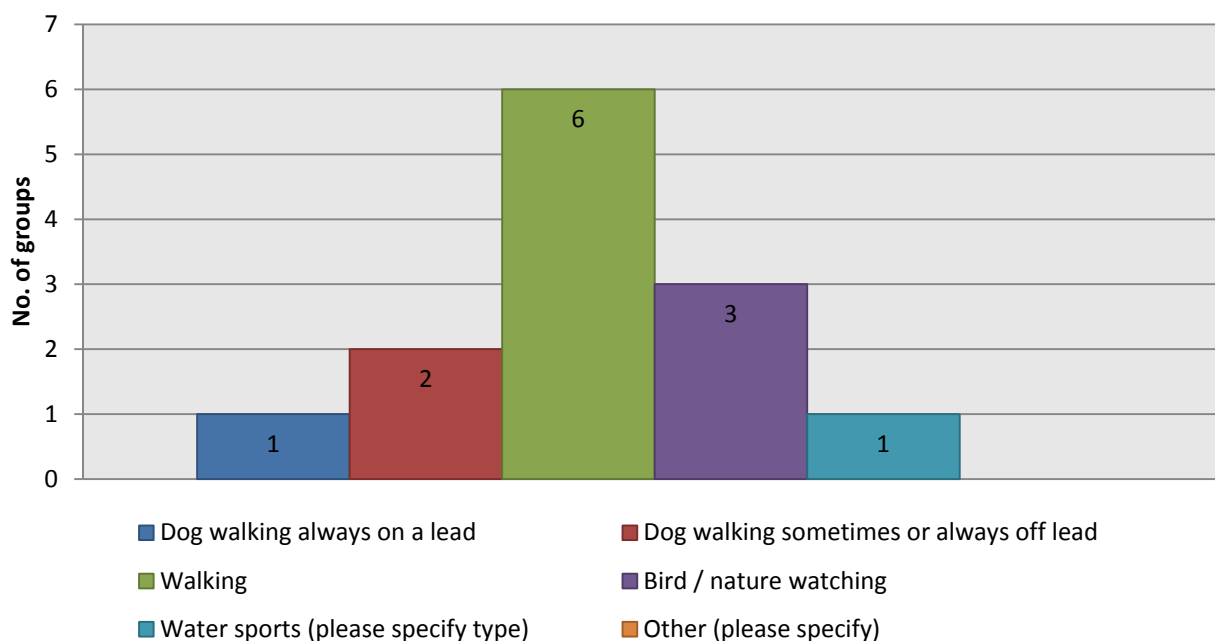
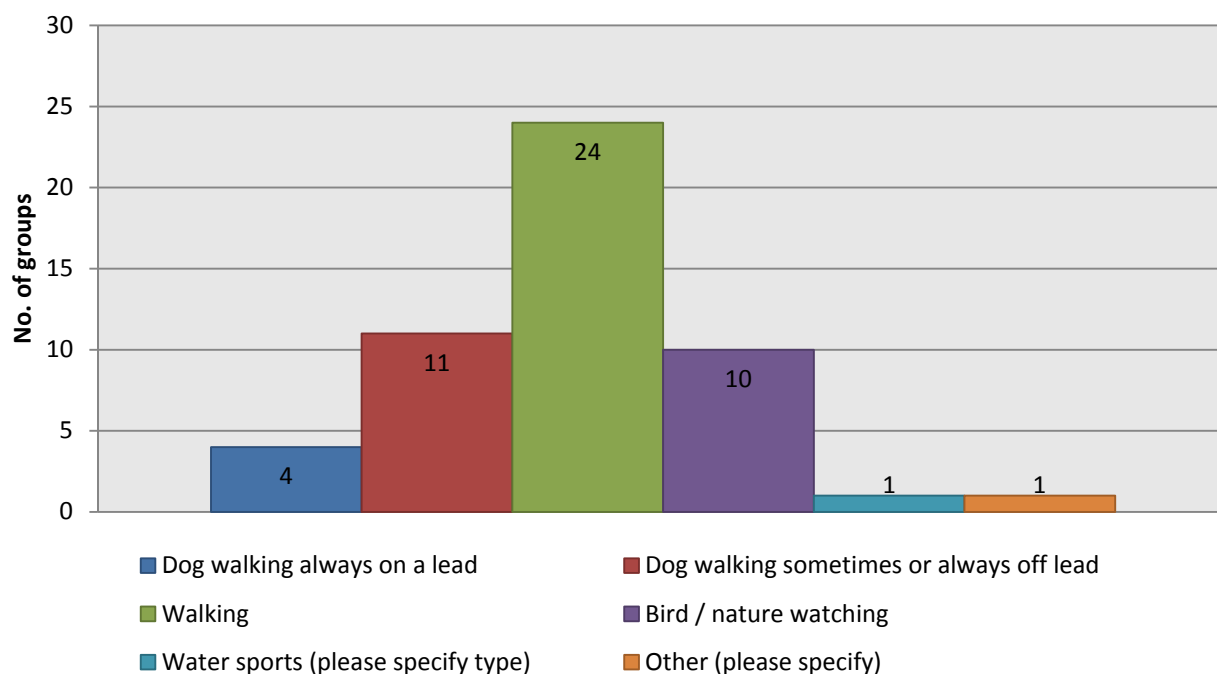


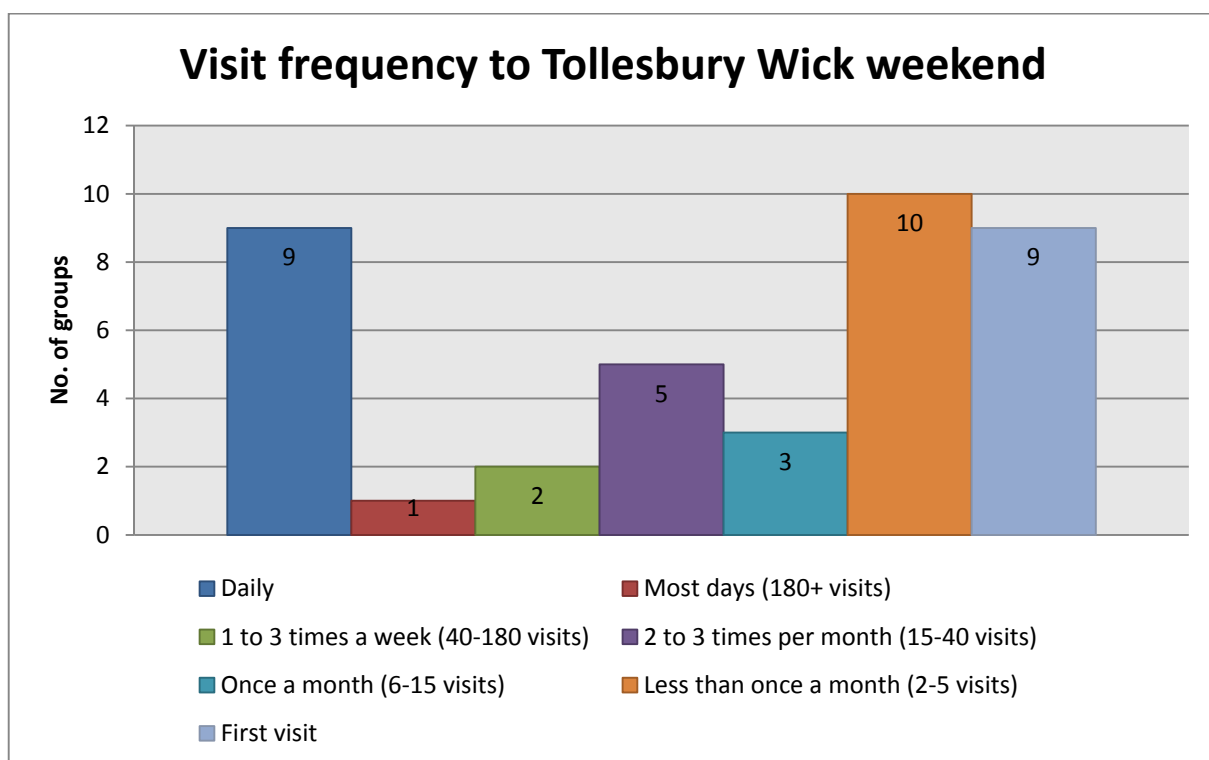
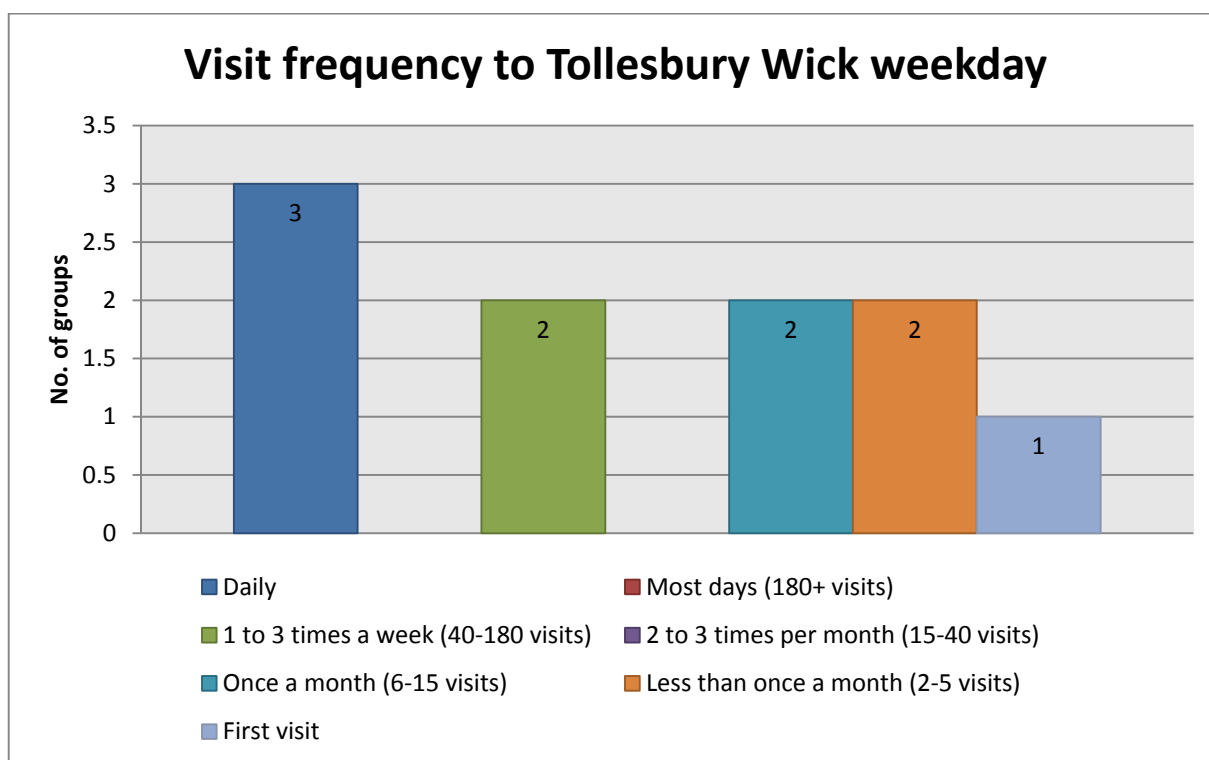
Are you aware that the river and shore are very important for wildlife, particularly water birds for most of the year?



What would make you want to visit a new park if created in the same area (if needed to relieve the pressure on protected sites)?

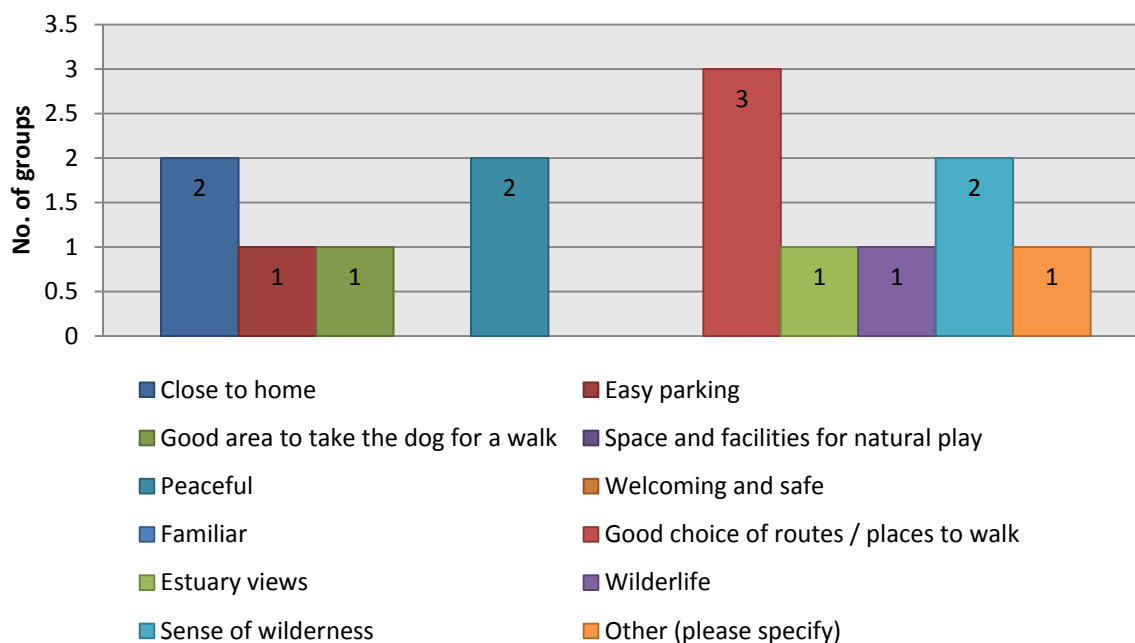


Blackwater Estuary: Tollesbury WickWhat is your main activity when using this area?**Main activity on visit to Tollesbury Wick weekday****Main activity on visit to Tollesbury Wick weekend**

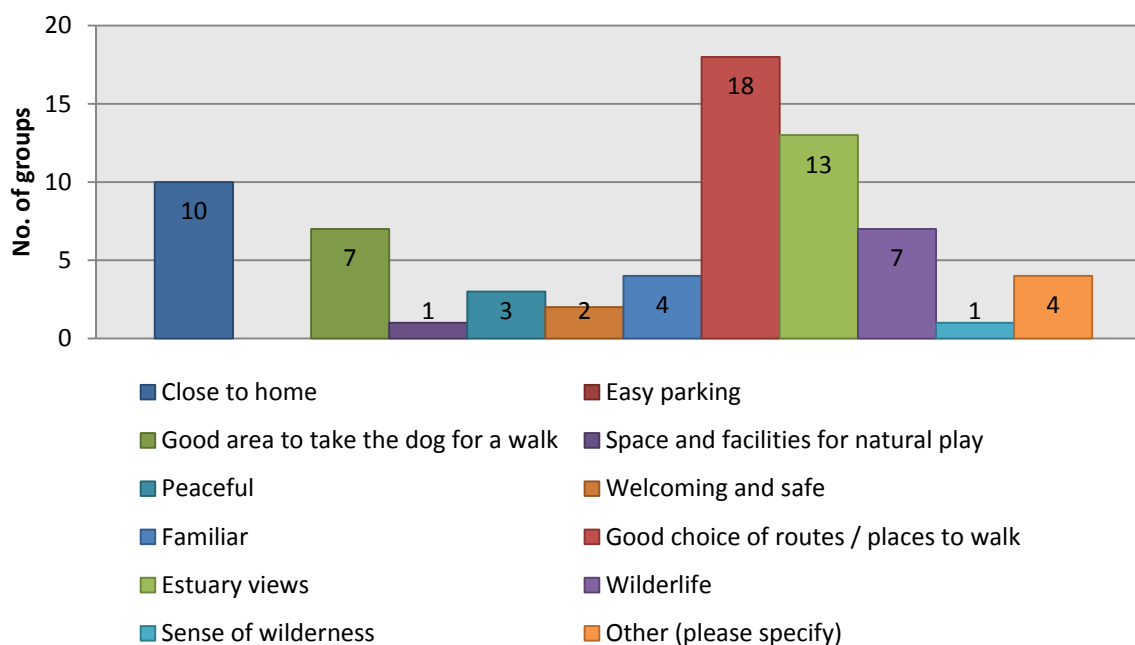
How often do you come to this location?

What made you come here today?

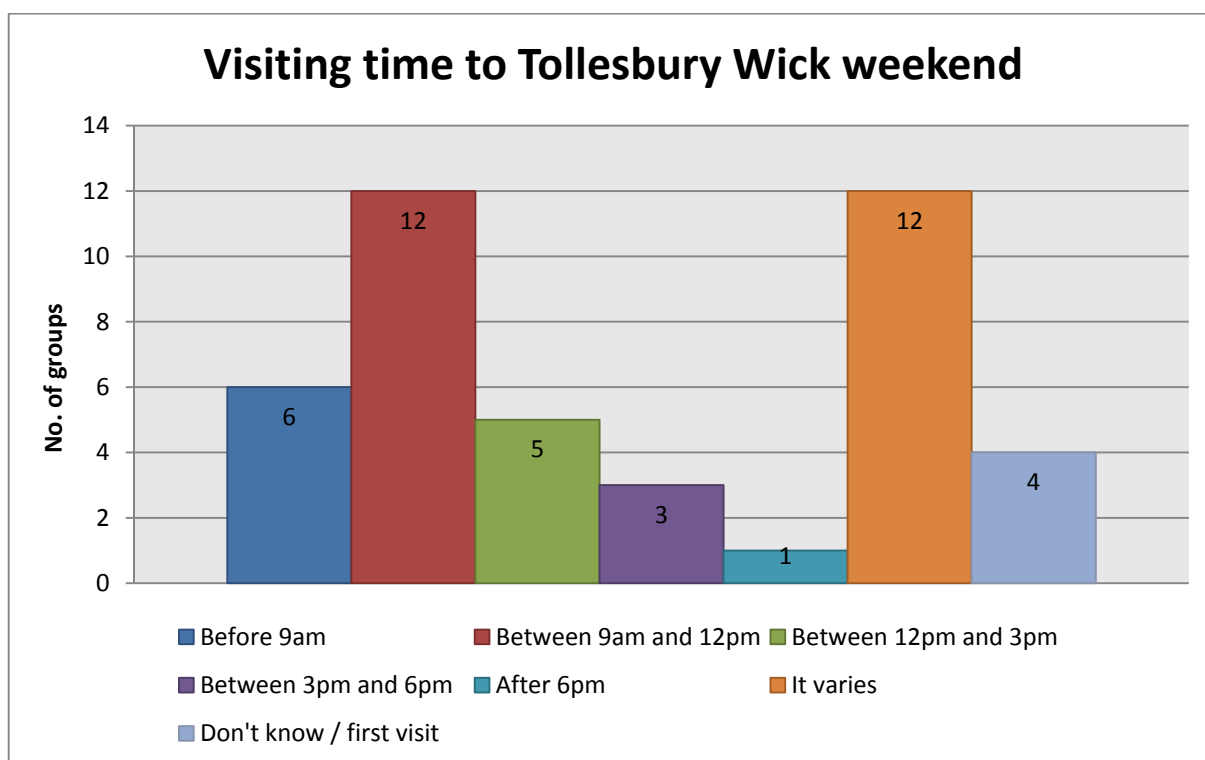
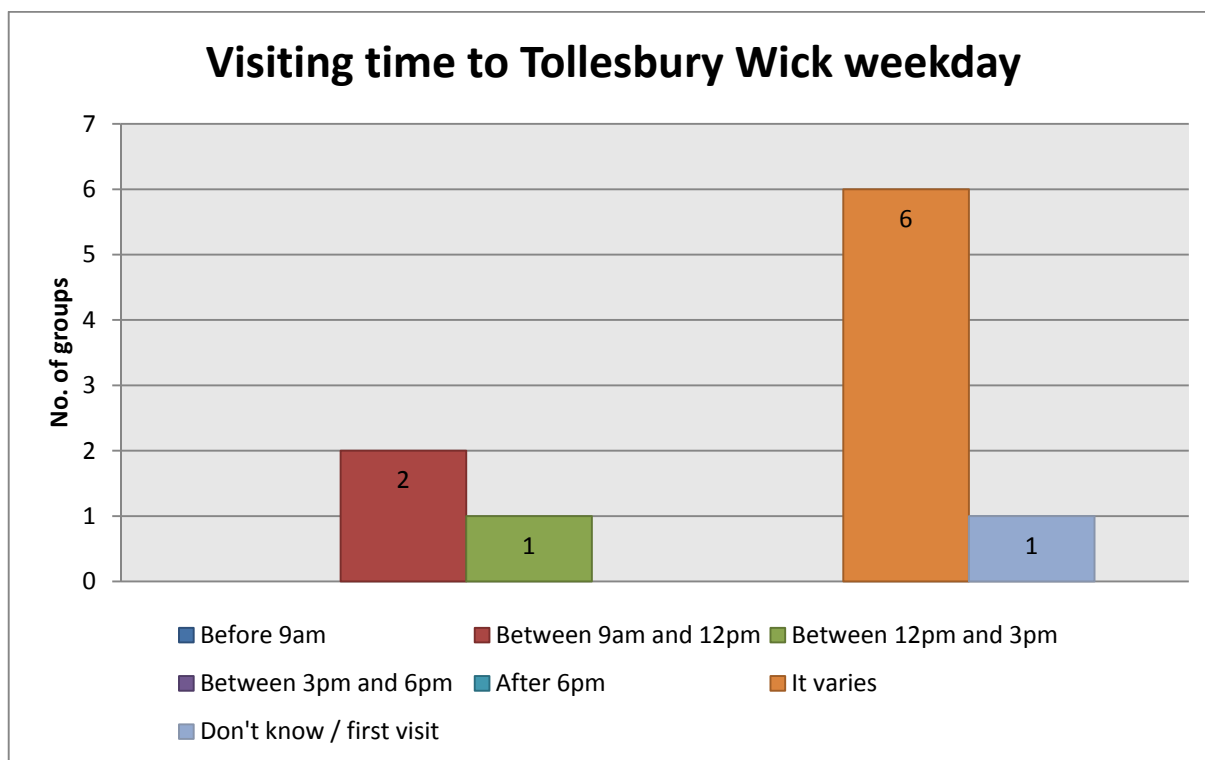
What made you visit Tollesbury Wick weekday?



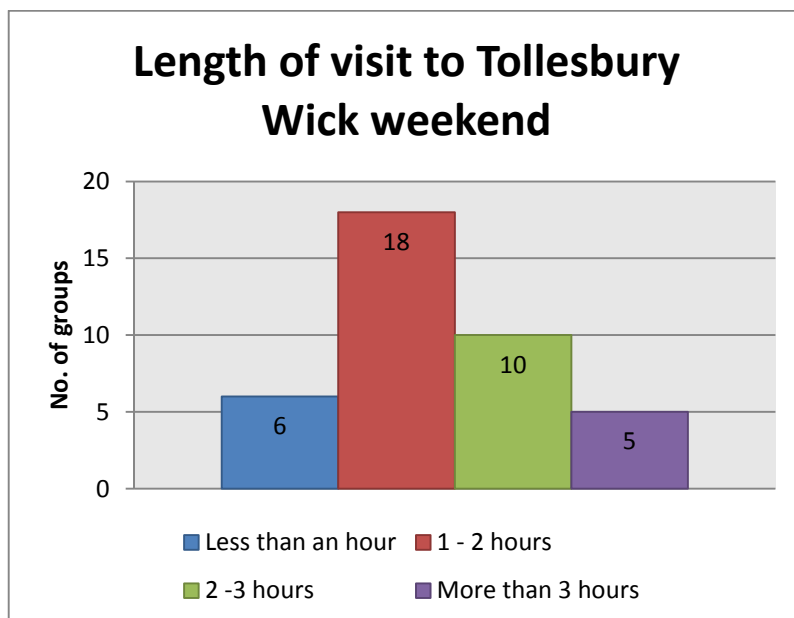
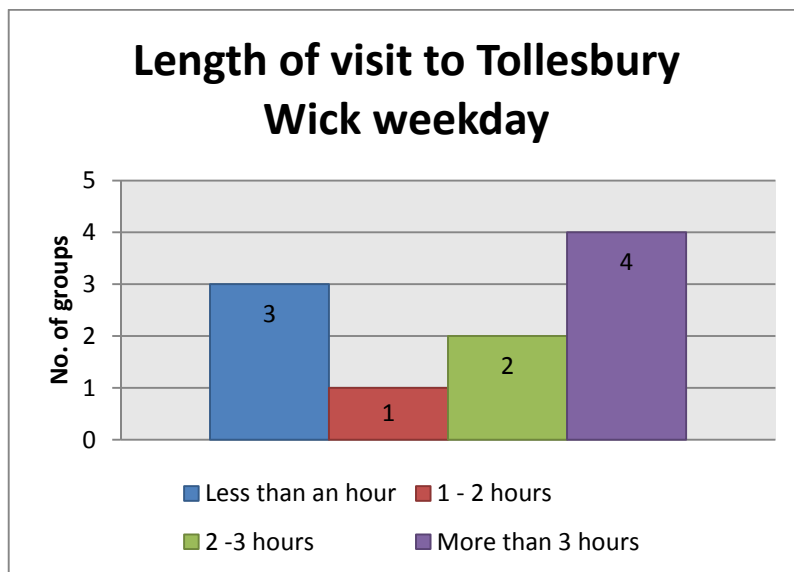
What made you visit Tollesbury Wick weekend



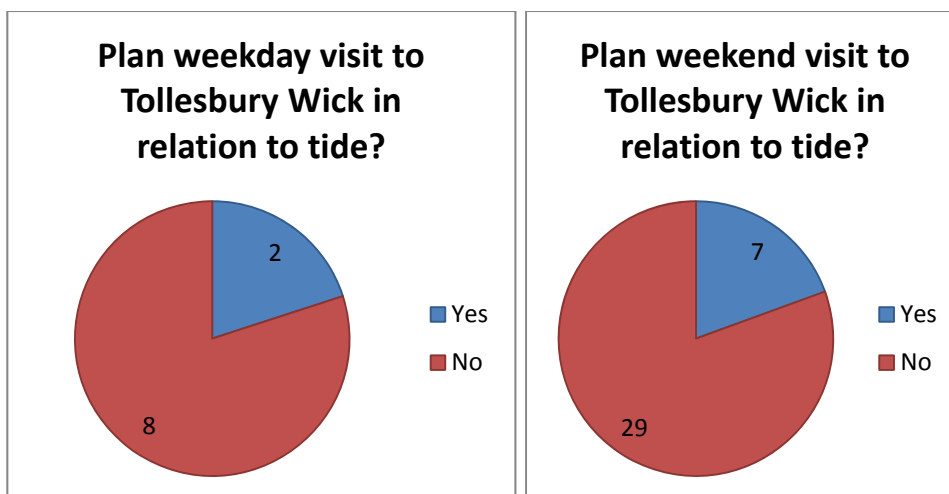
Do you normally visit at a certain time of day?



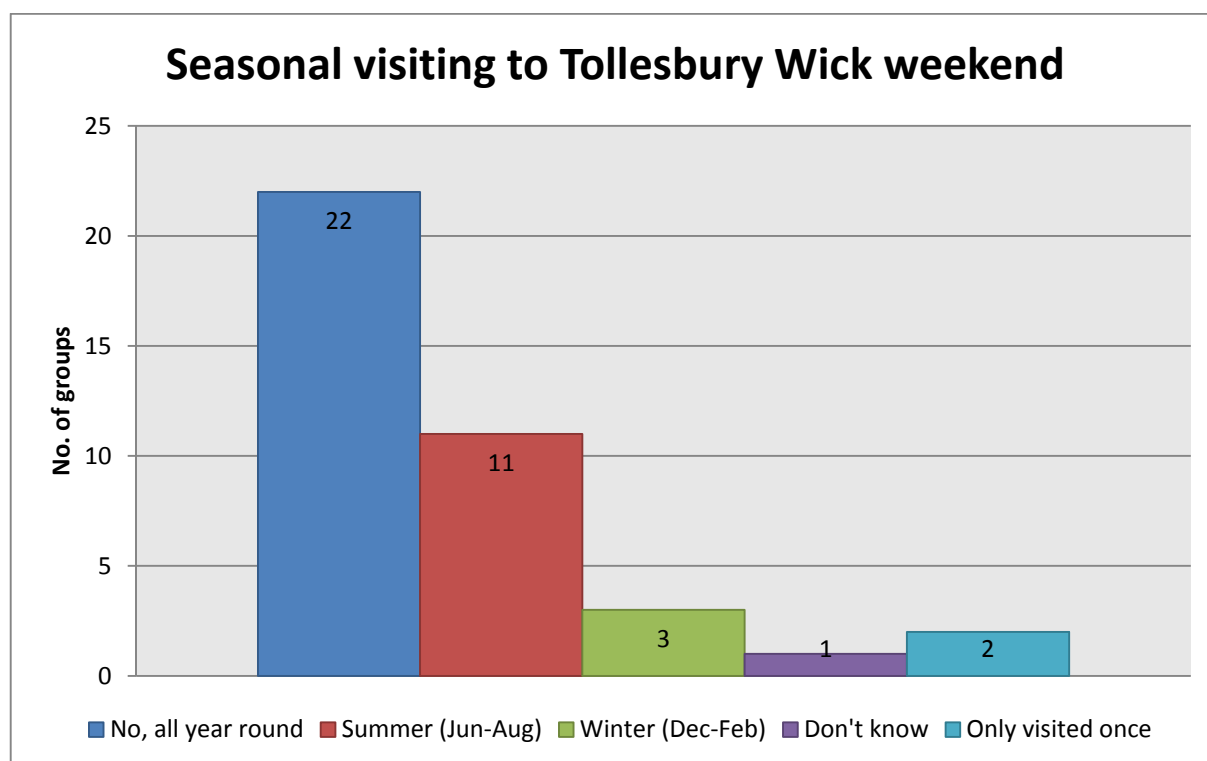
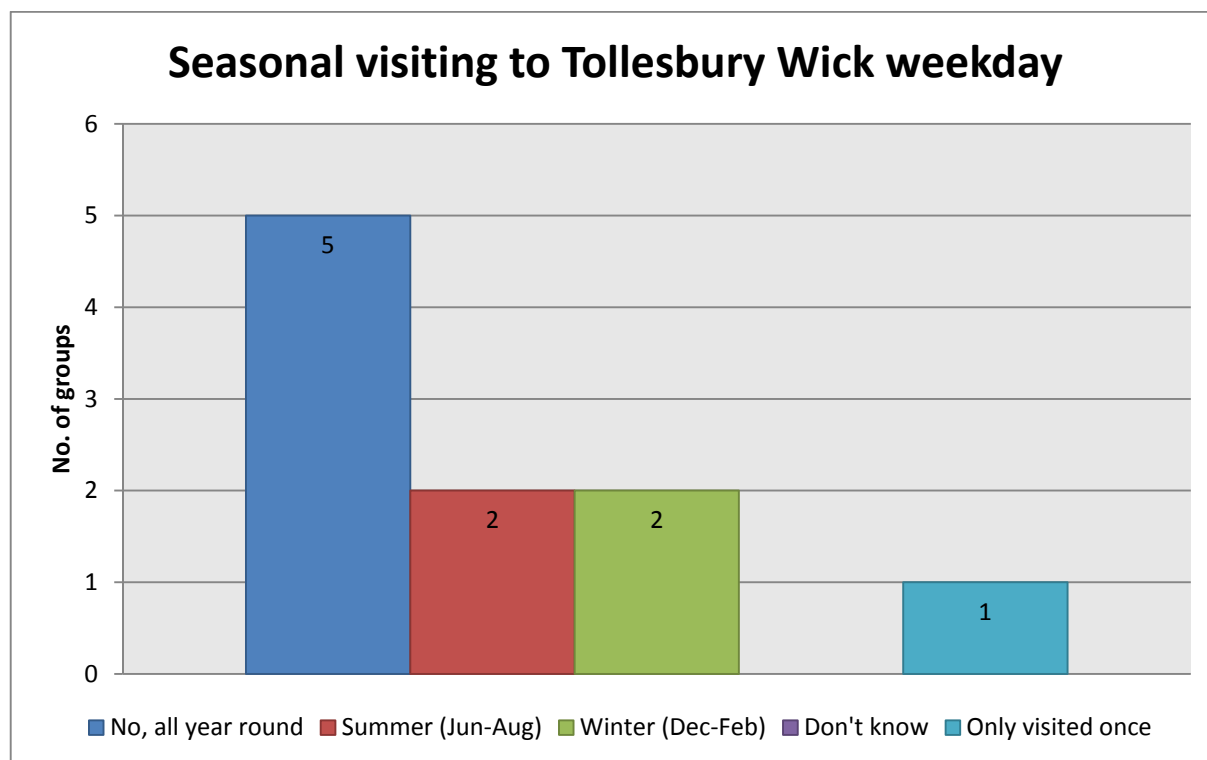
How long have you spent / will you spend along the river today?



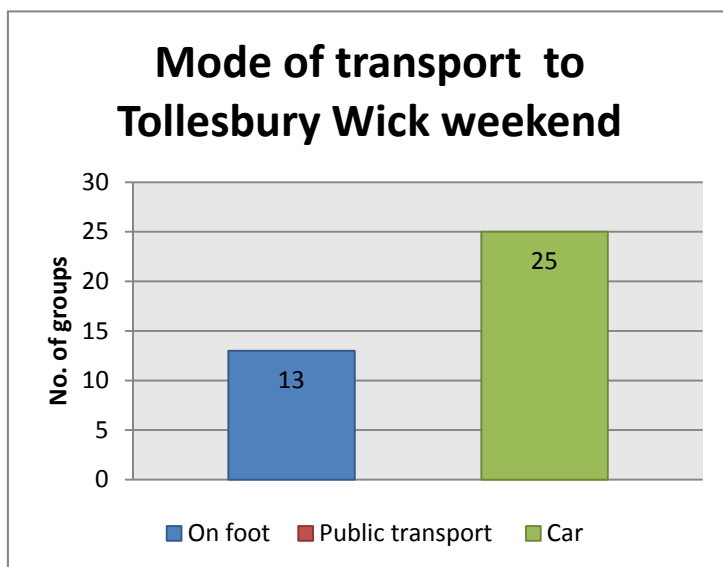
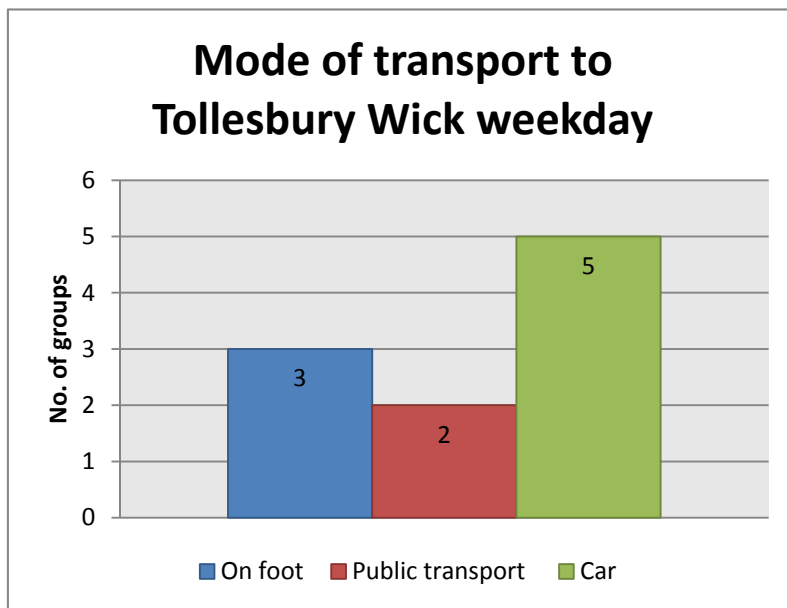
Did you plan visit in relation to the tide?



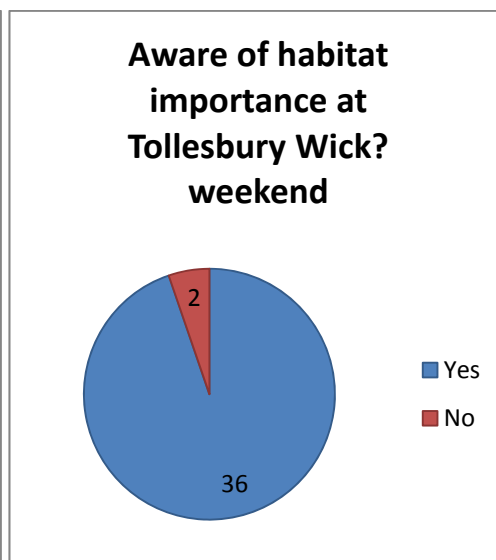
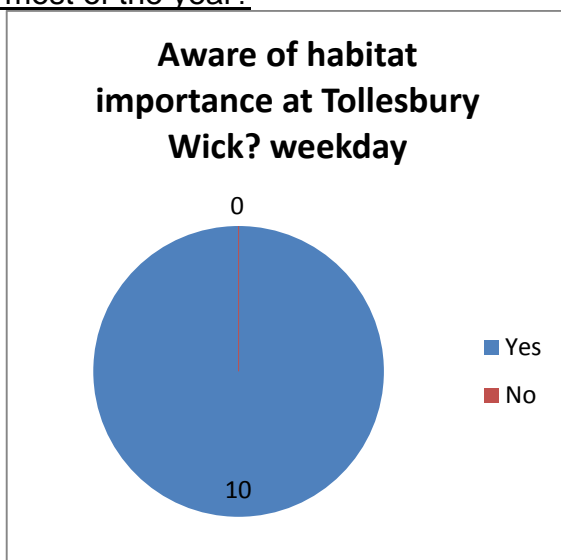
Is there a time of year when you tend to visit more often?



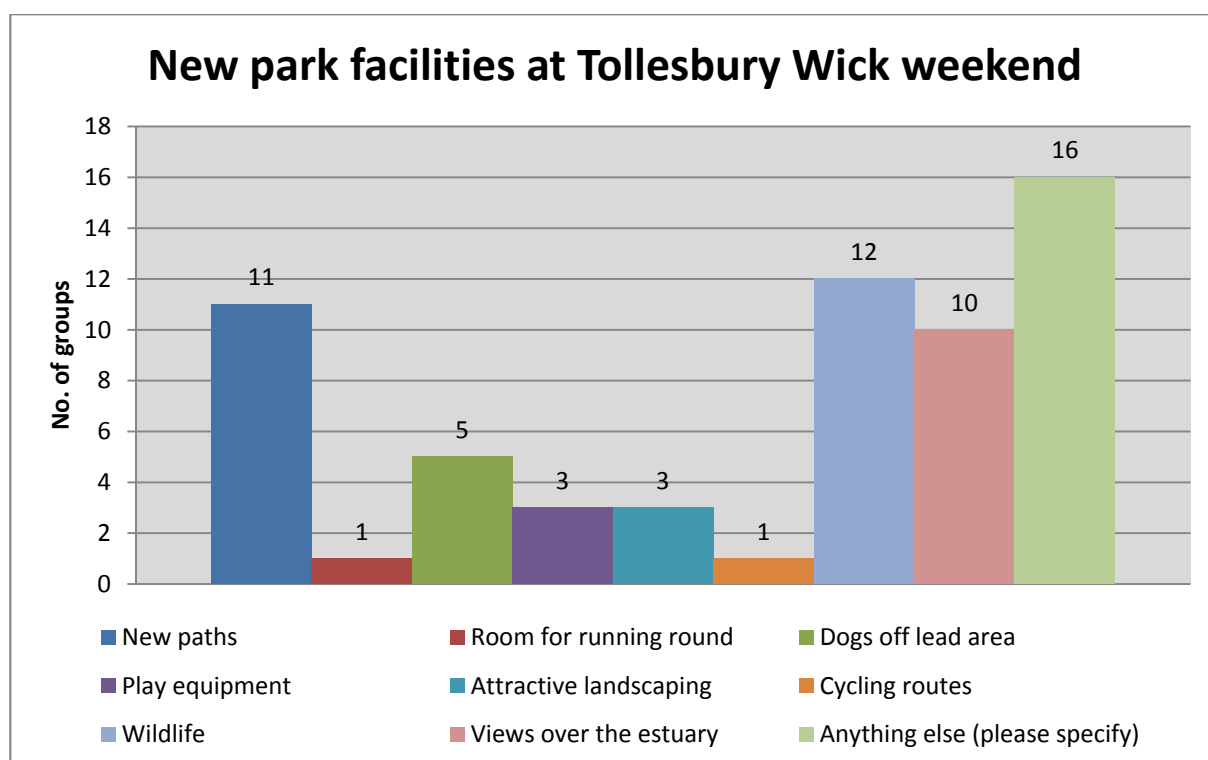
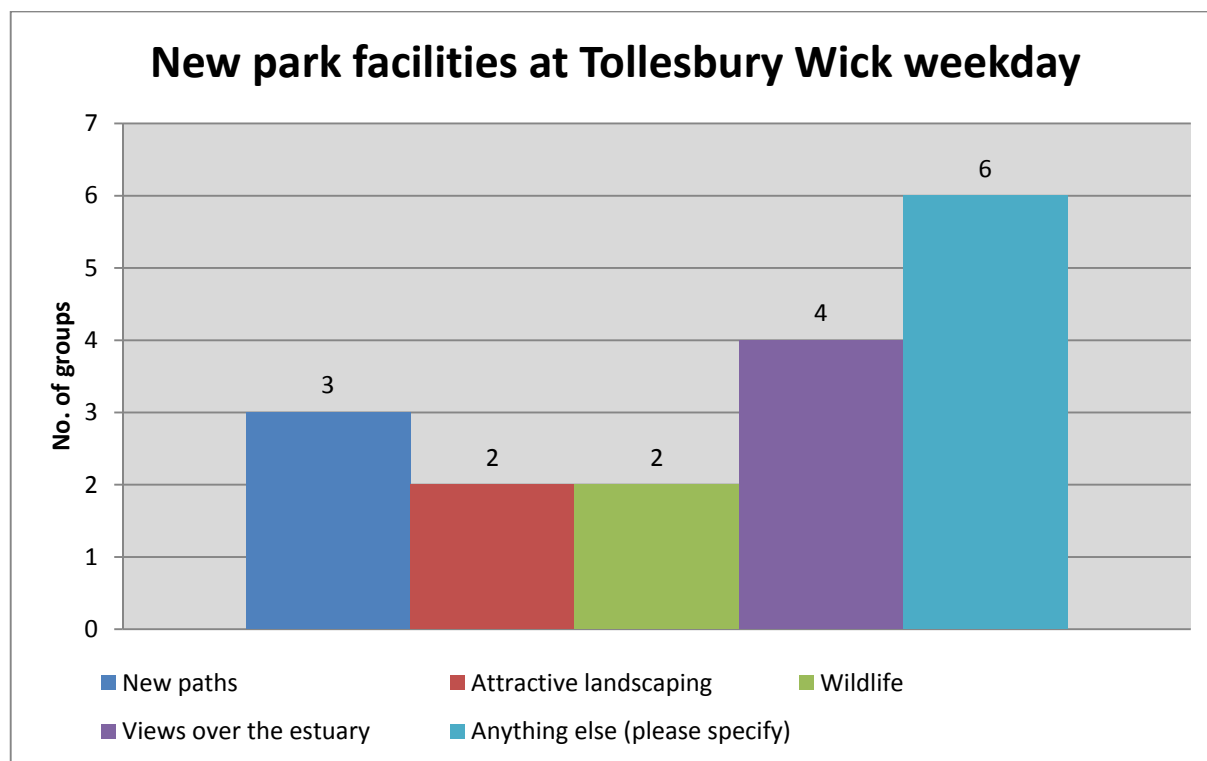
How did you travel here today?

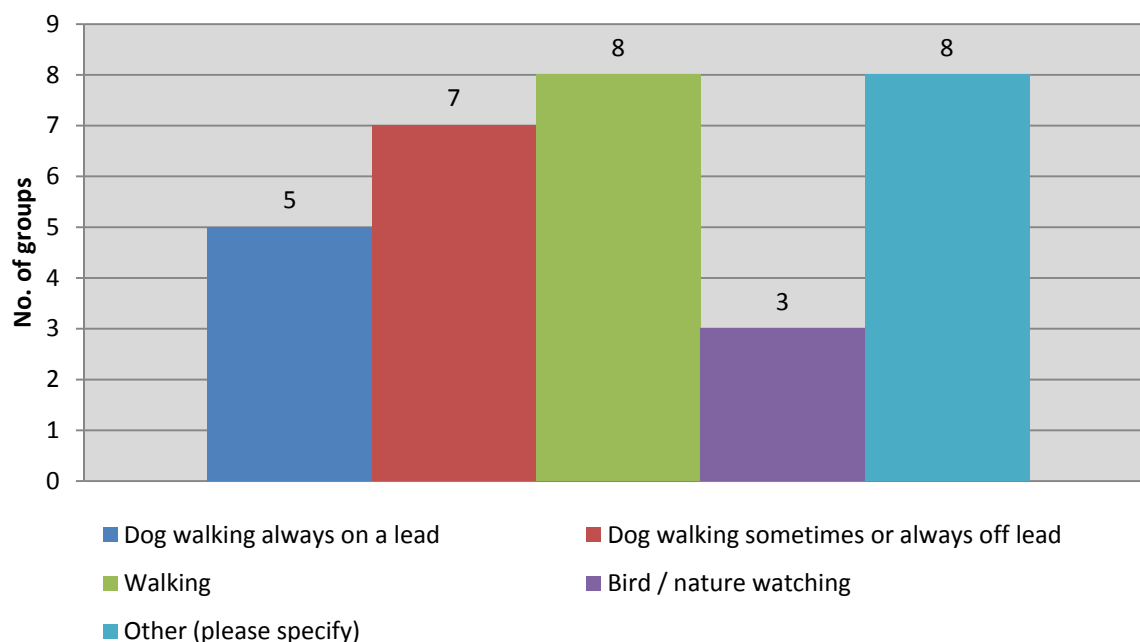
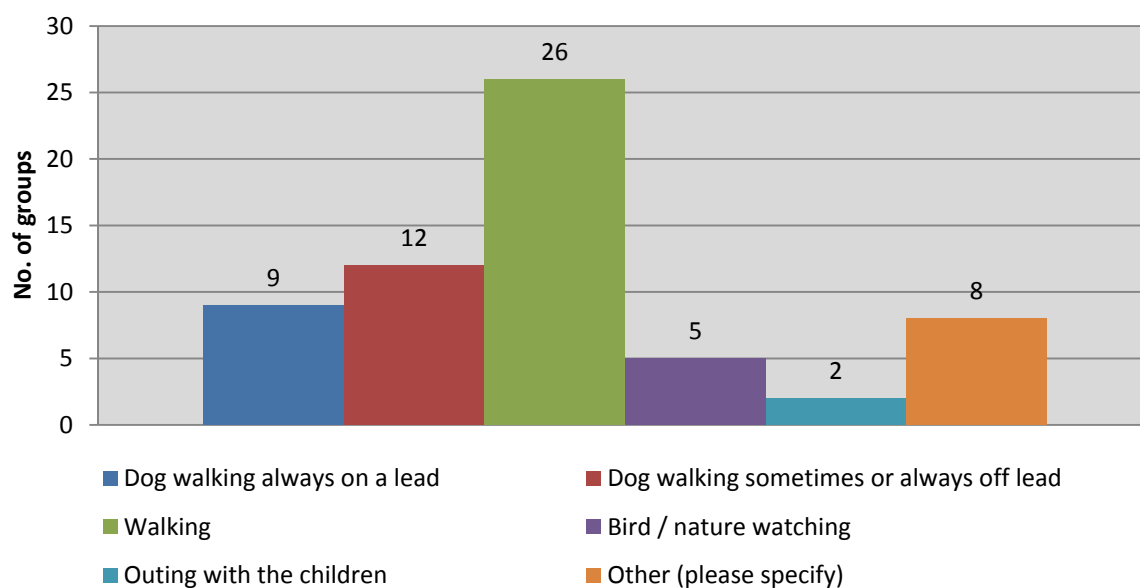


Are you aware that the river and shore are very important for wildlife, particularly water birds for most of the year?

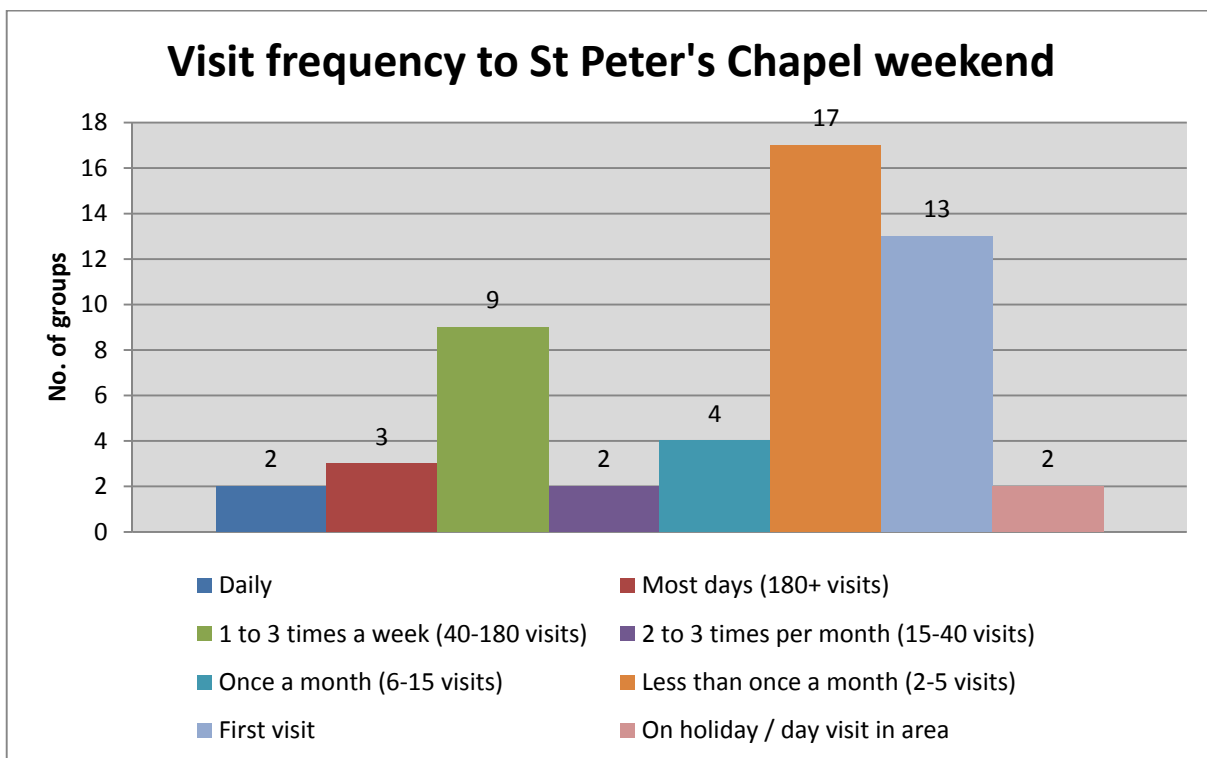
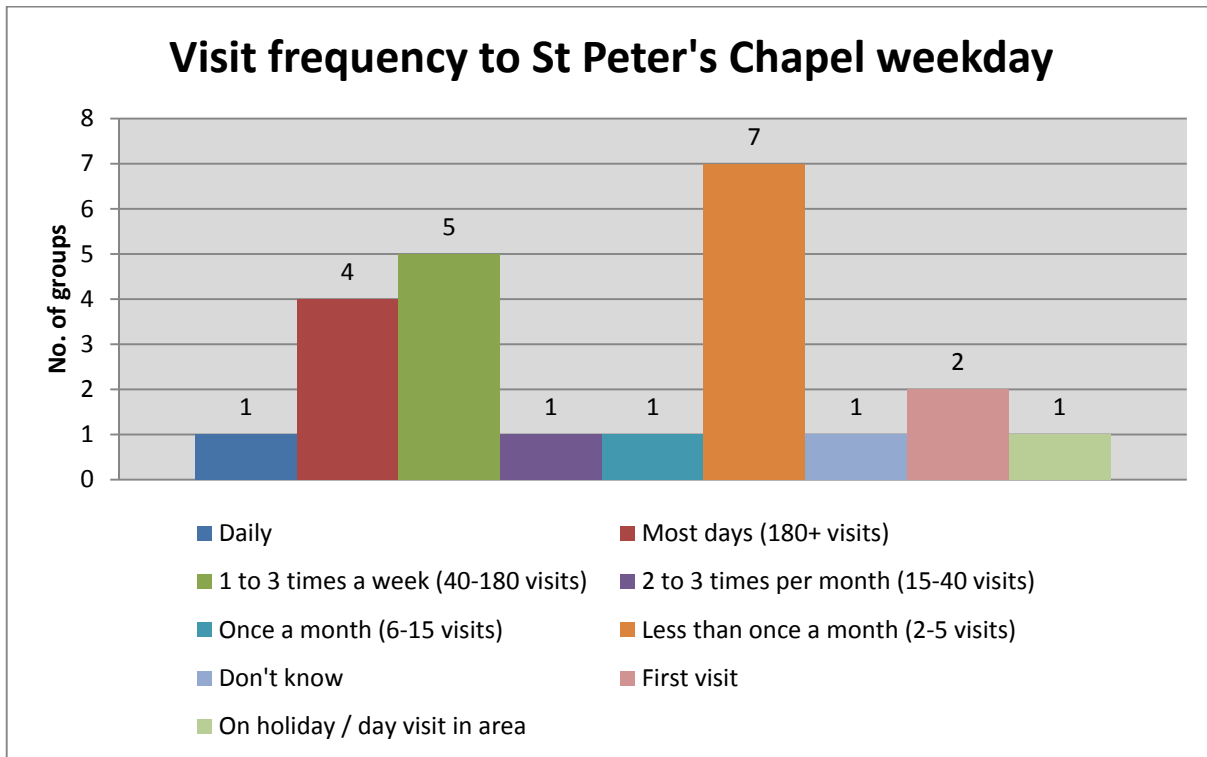


What would make you want to visit a new park if created in the same area (if needed to relieve the pressure on protected sites)?



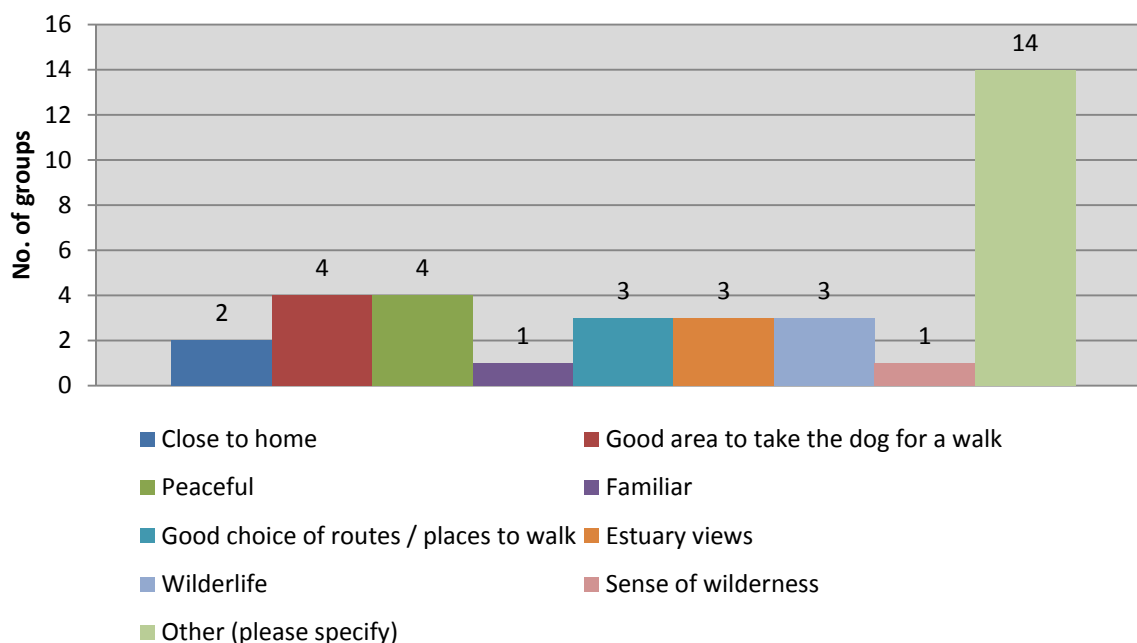
Dengie: St Peter's ChapelWhat is your main activity when using this area?**Main activity on visit to St Peter's Chapel
weekday****Main activity on visit to St Peter's Chapel
weekend**

How often do you come to this location?

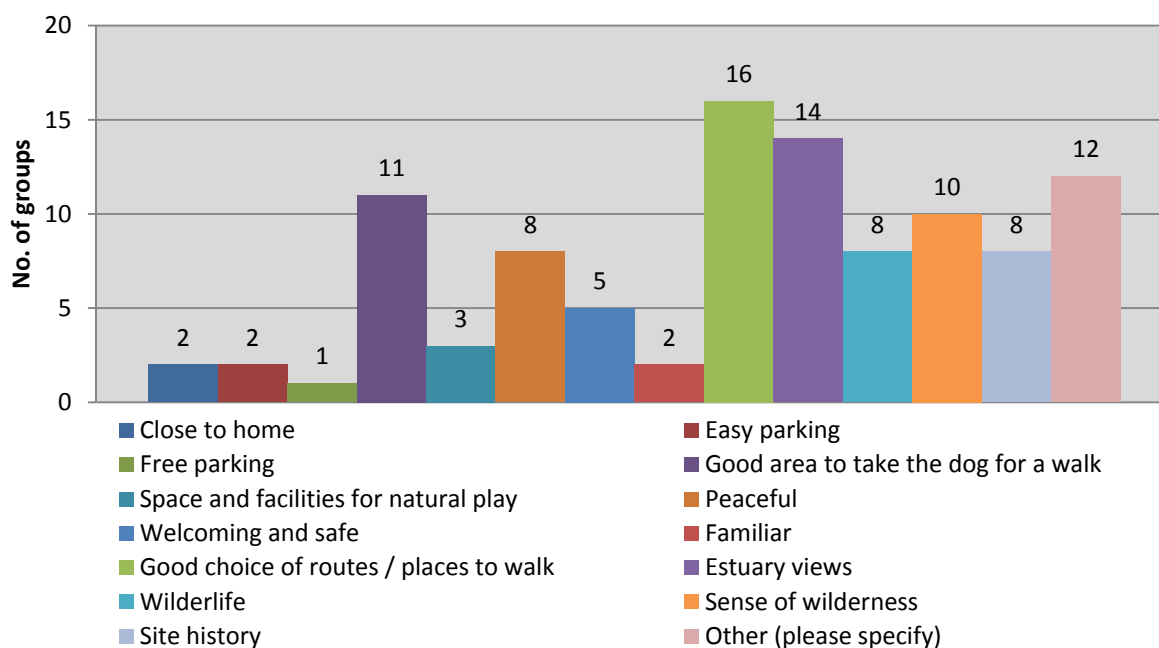


What made you come here today?

What made you visit St Peter's Chapel weekday

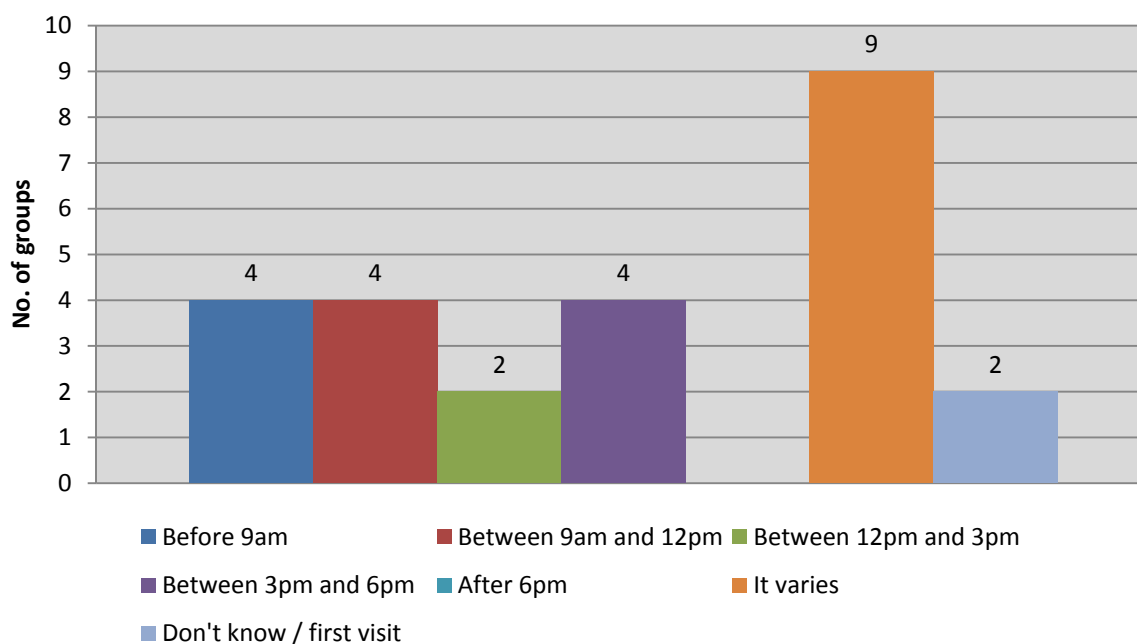


What made you visit St Peter's Chapel weekend

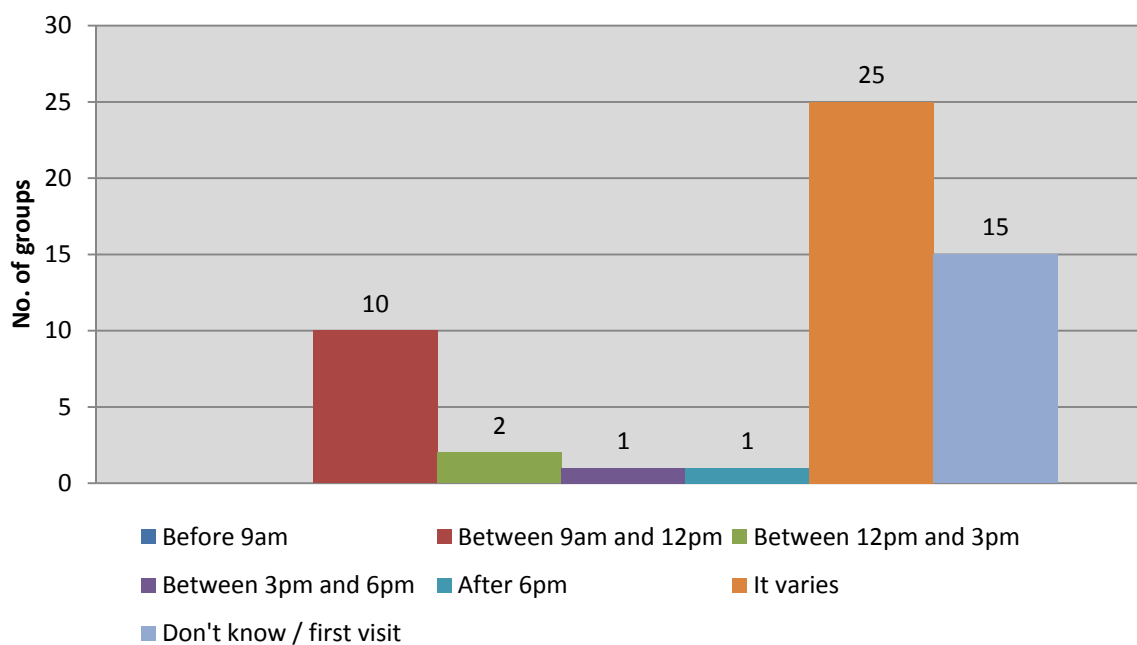


Do you normally visit at a certain time of day?

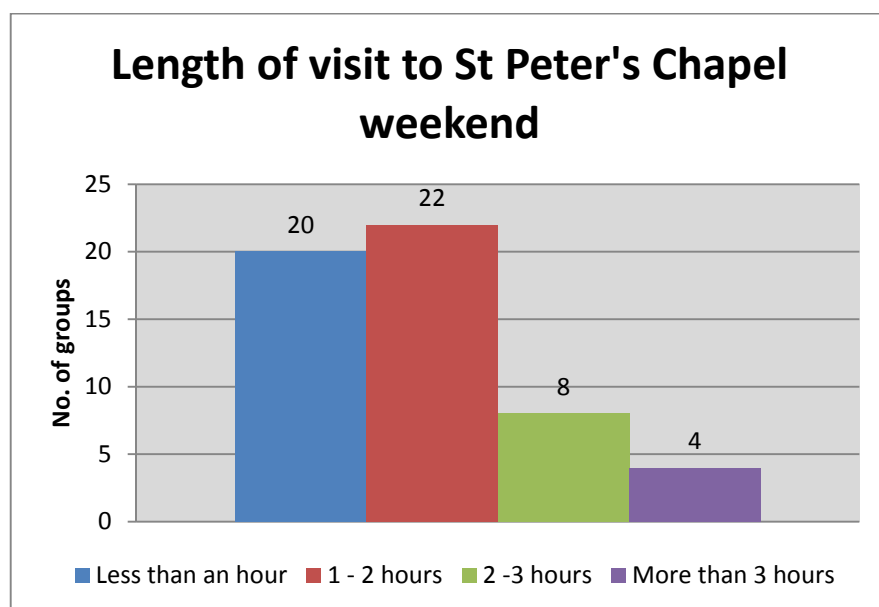
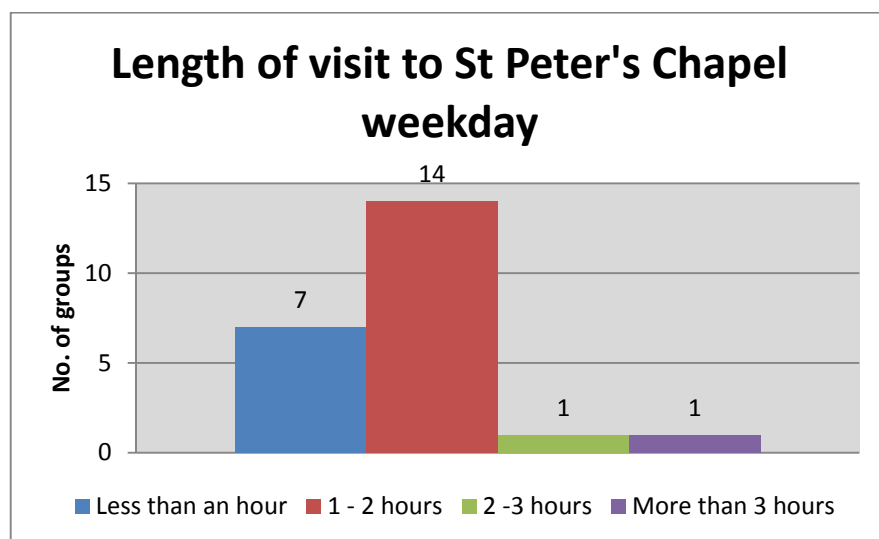
Visiting time to St Peter's Chapel weekday



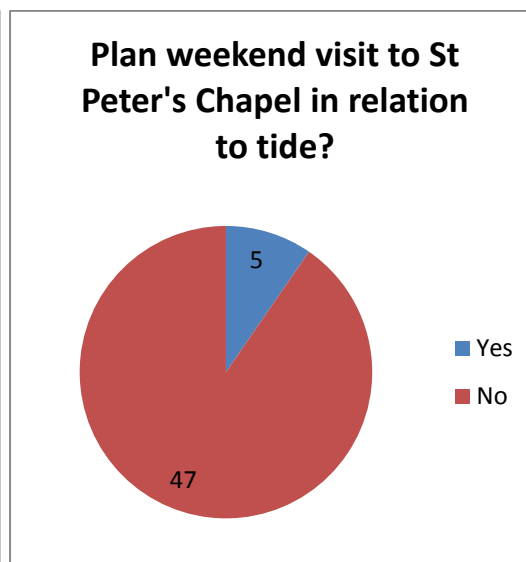
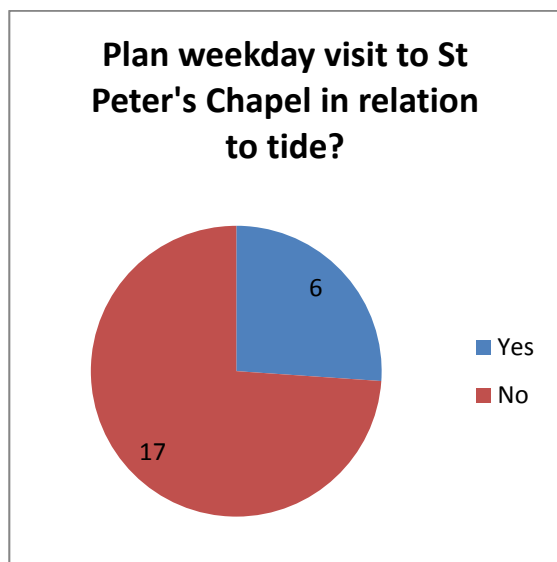
Visiting time to St Peter's Chapel weekend



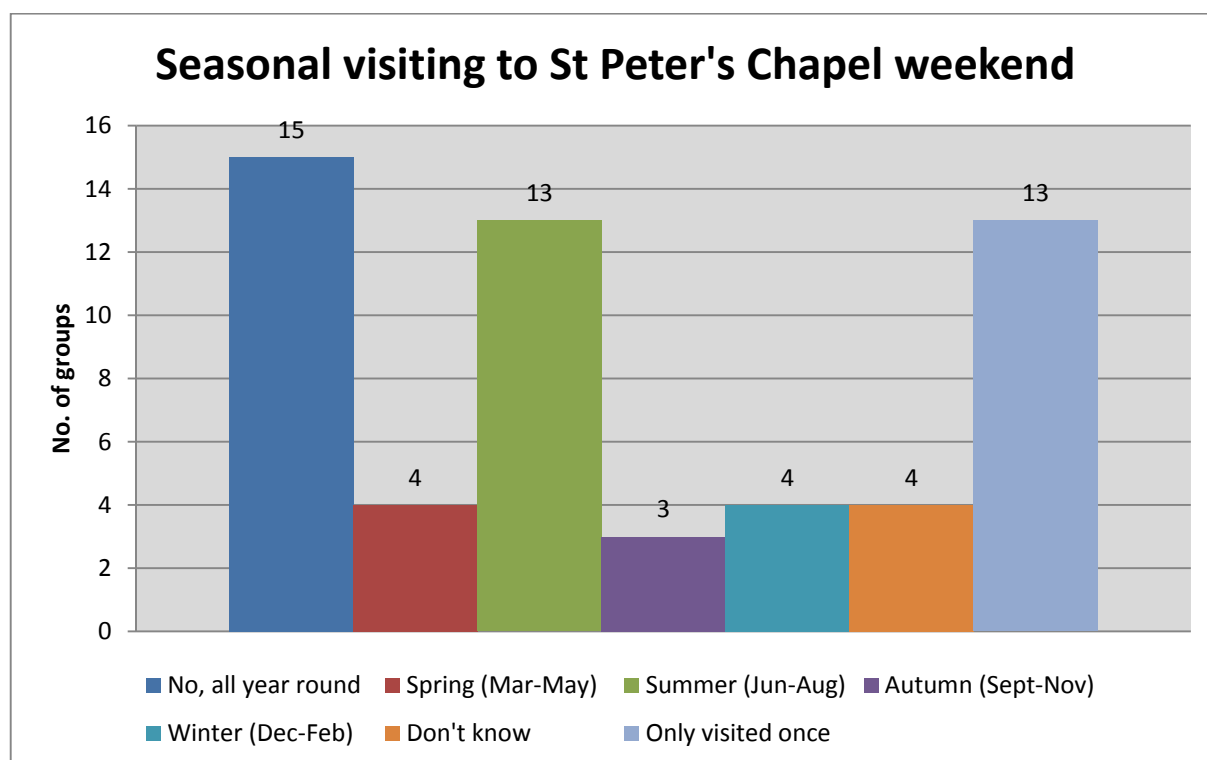
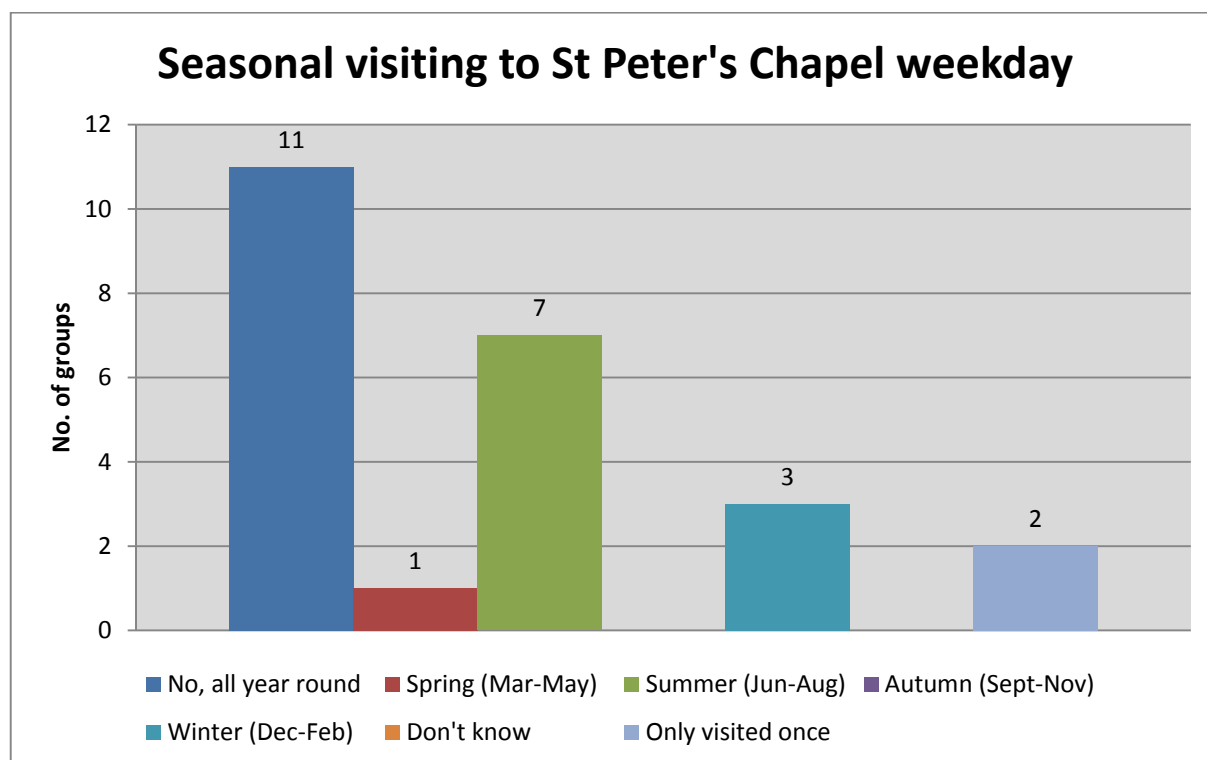
How long have you spent / will you spend along the river today?



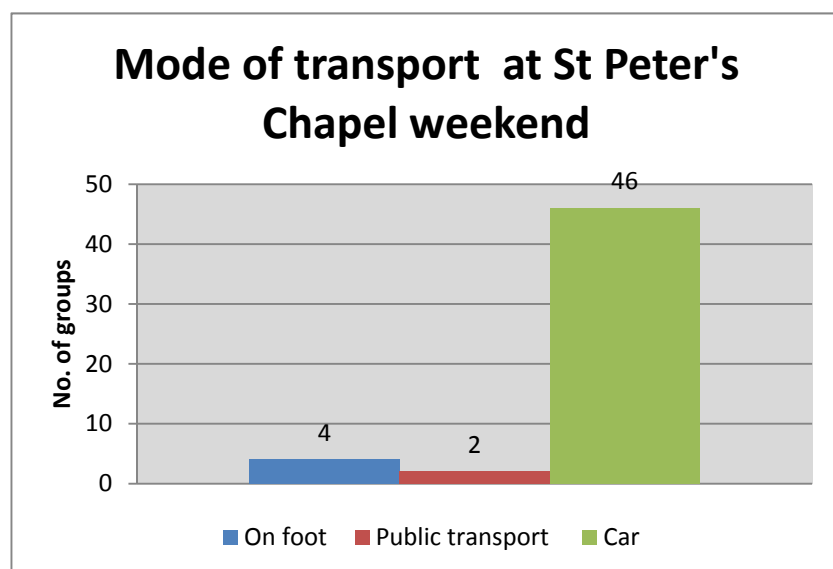
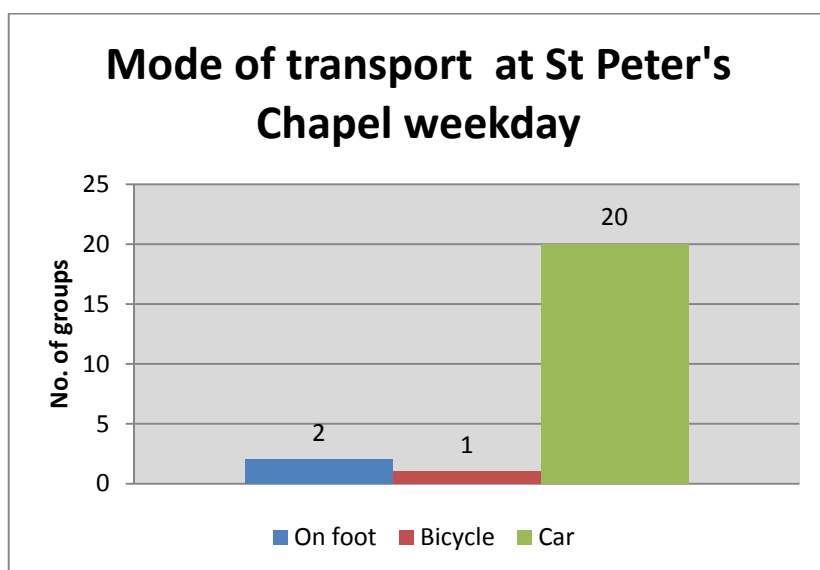
Did you plan visit in relation to the tide?



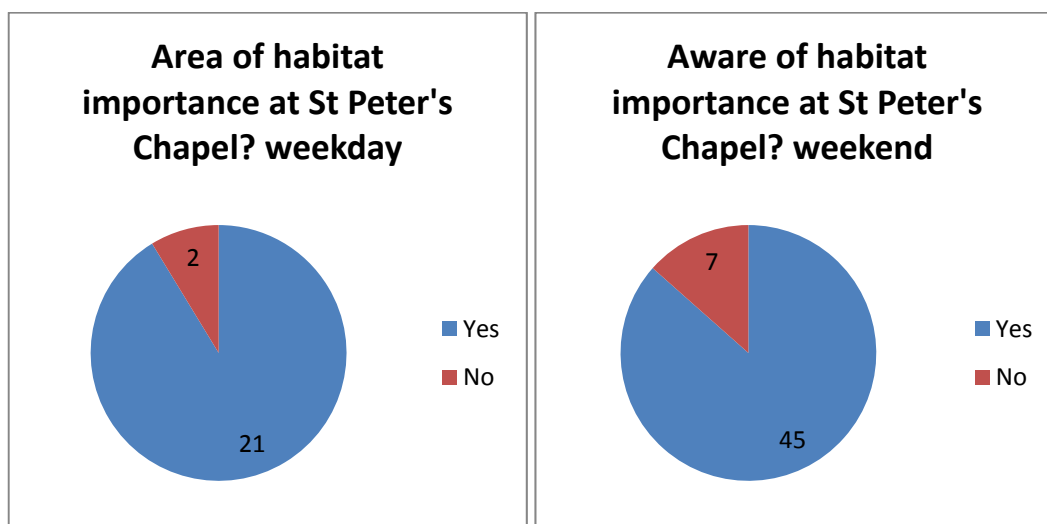
Is there a time of year when you tend to visit more often?



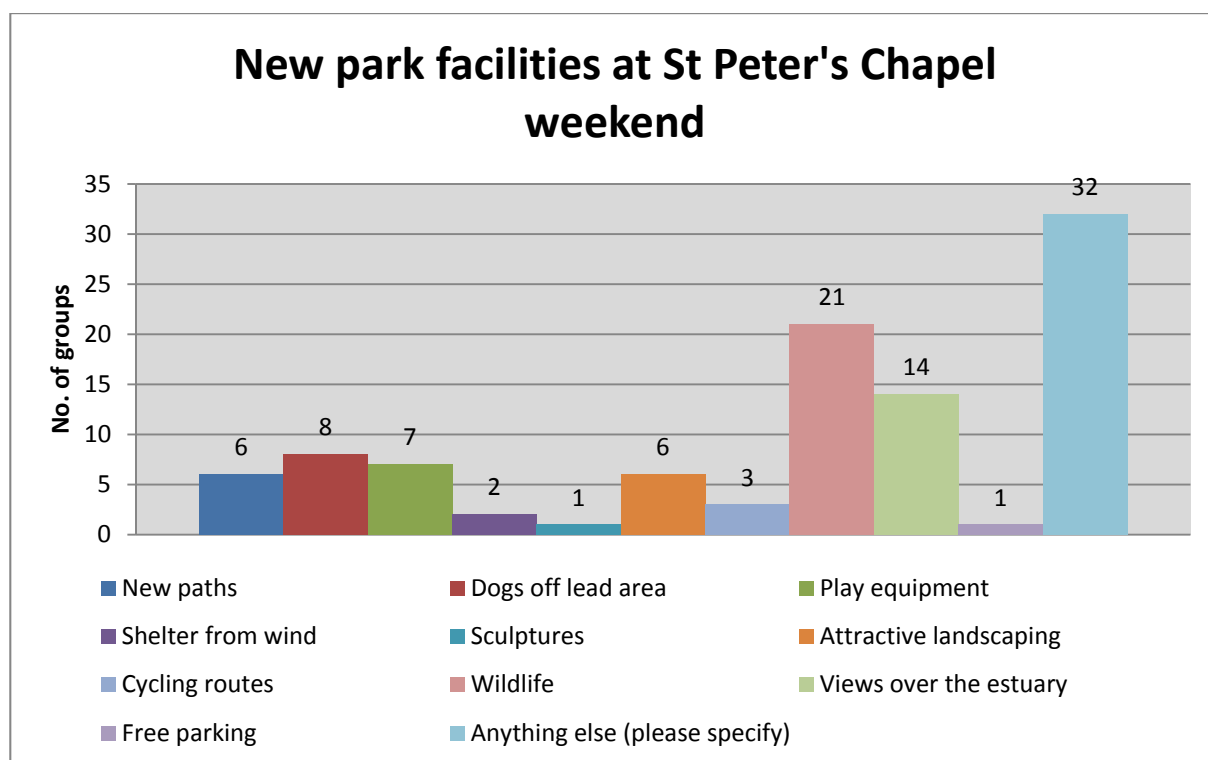
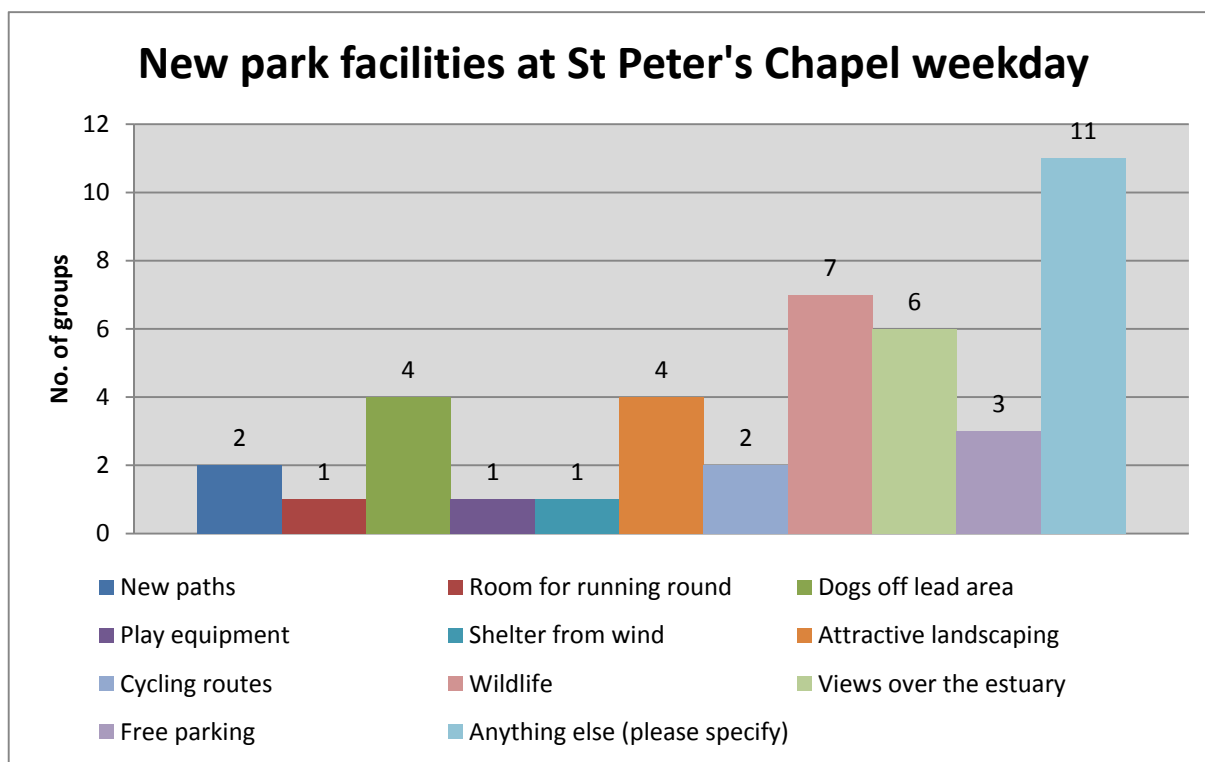
How did you travel here today?



Are you aware that the river and shore are very important for wildlife, particularly water birds for most of the year?

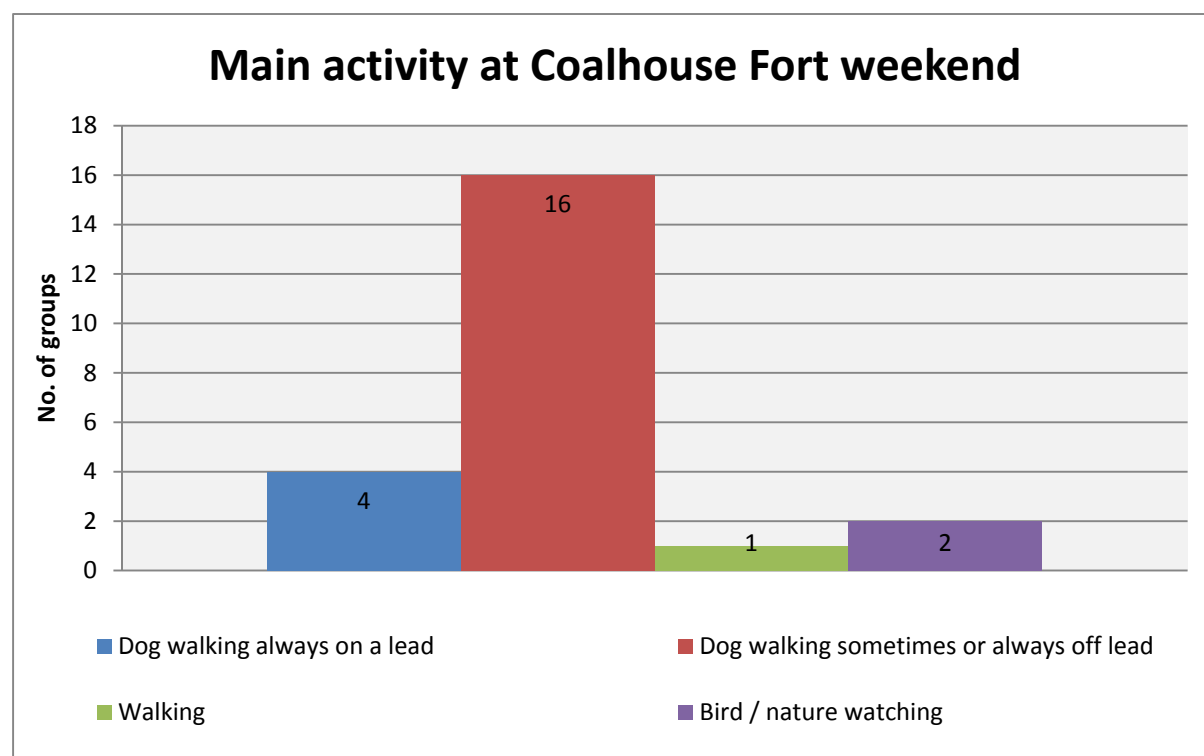
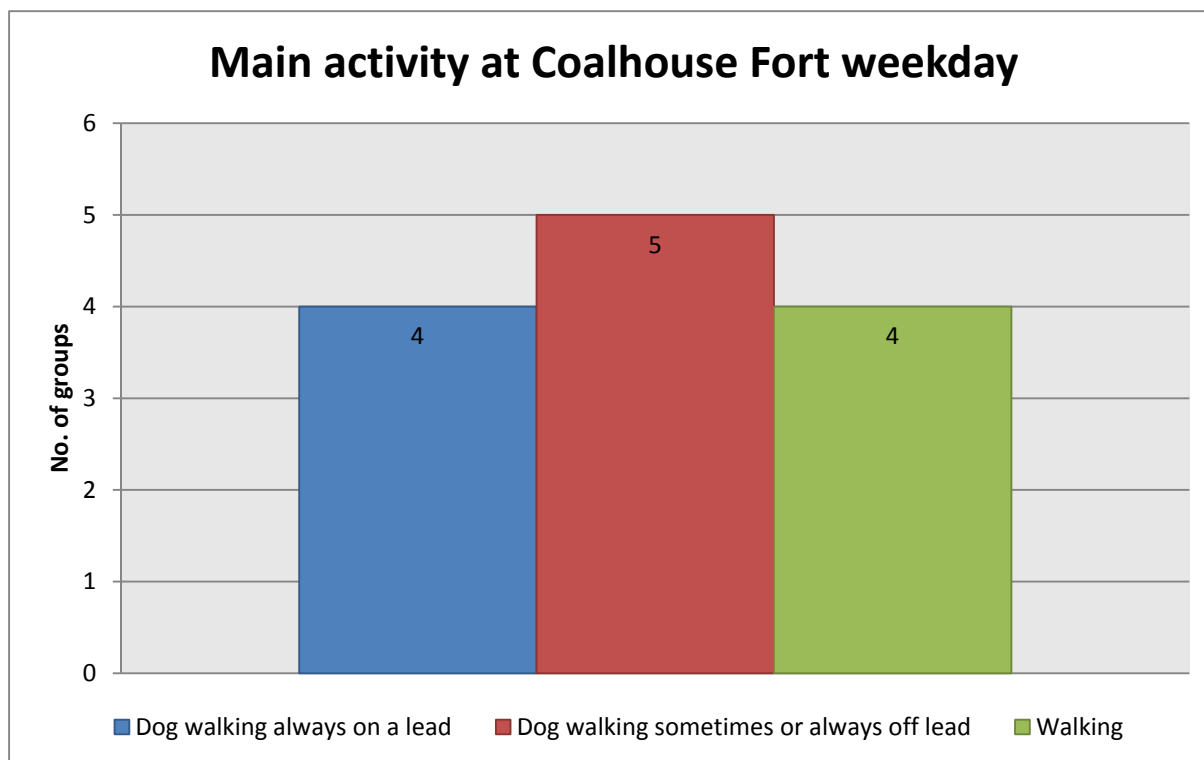


What would make you want to visit a new park if created in the same area (if needed to relieve the pressure on protected sites)?

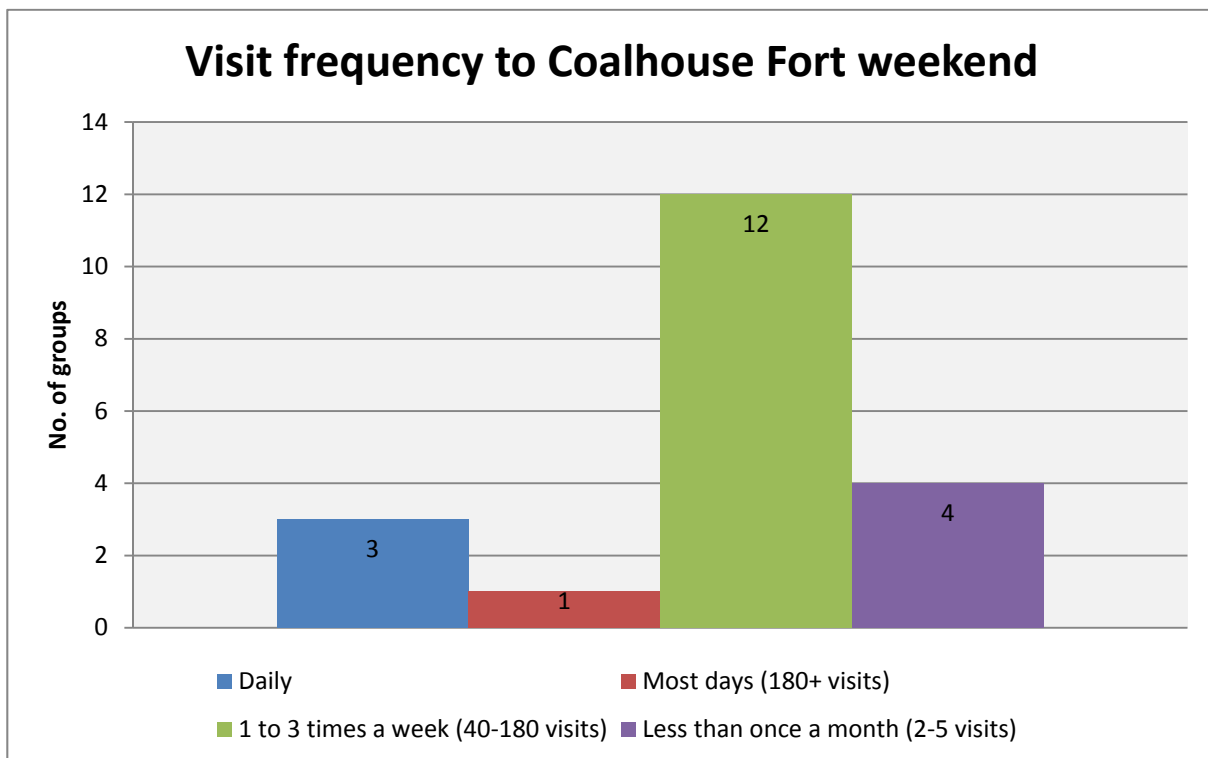
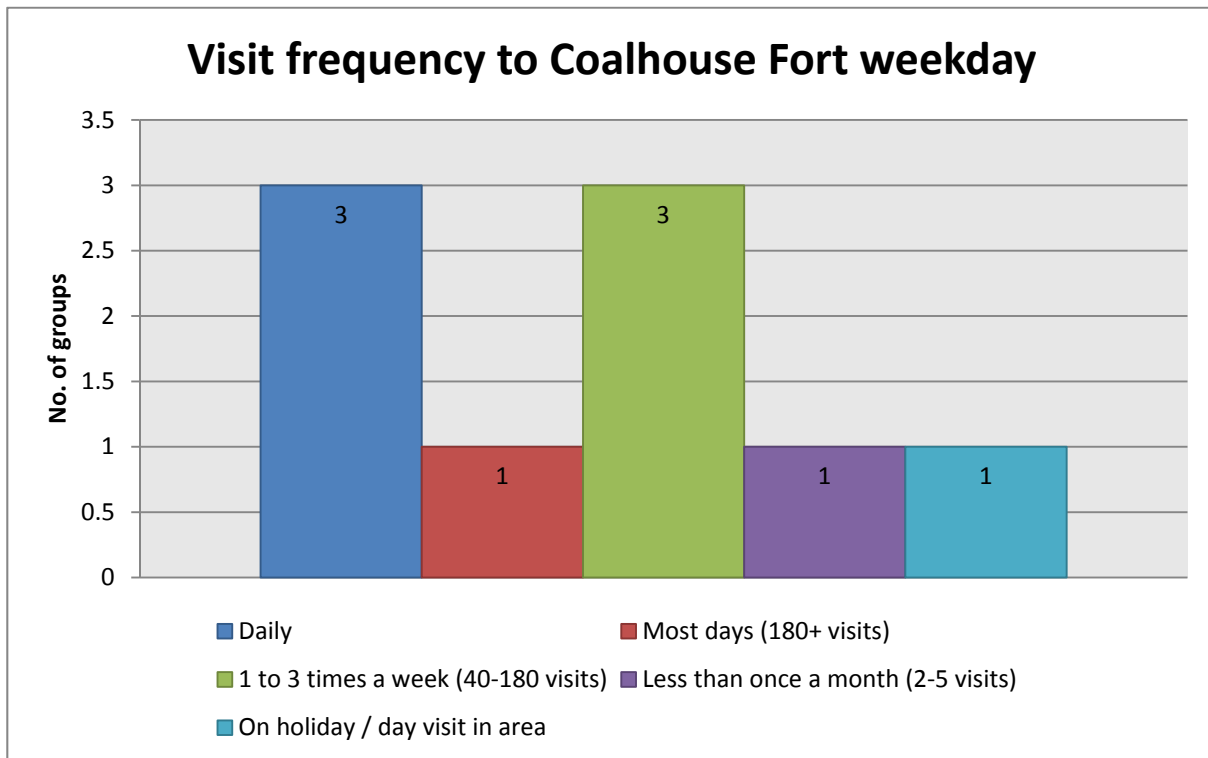


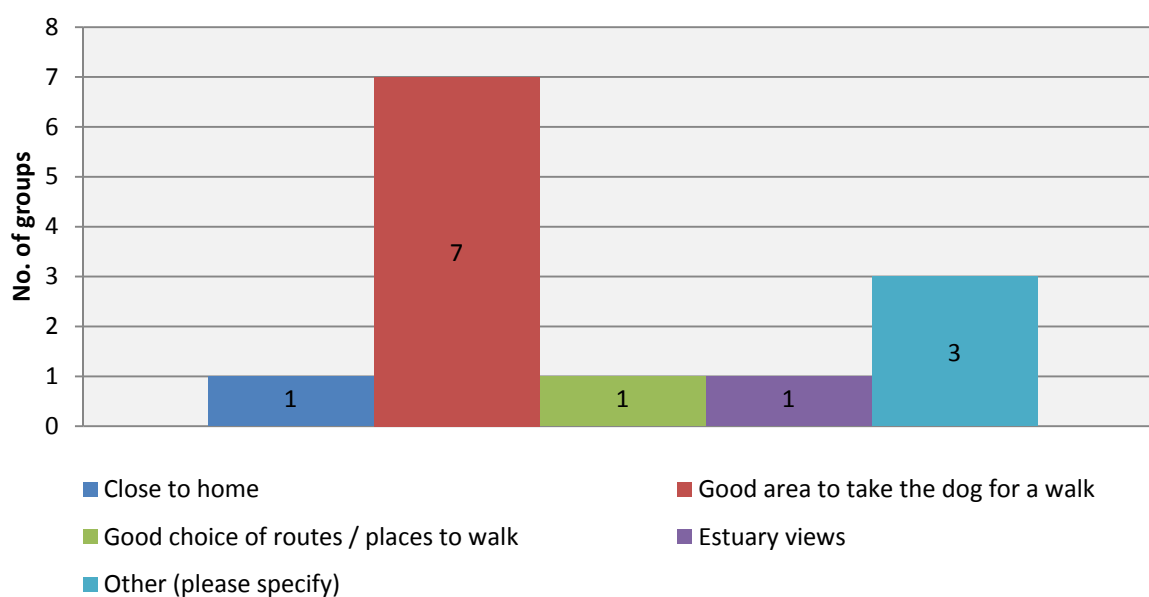
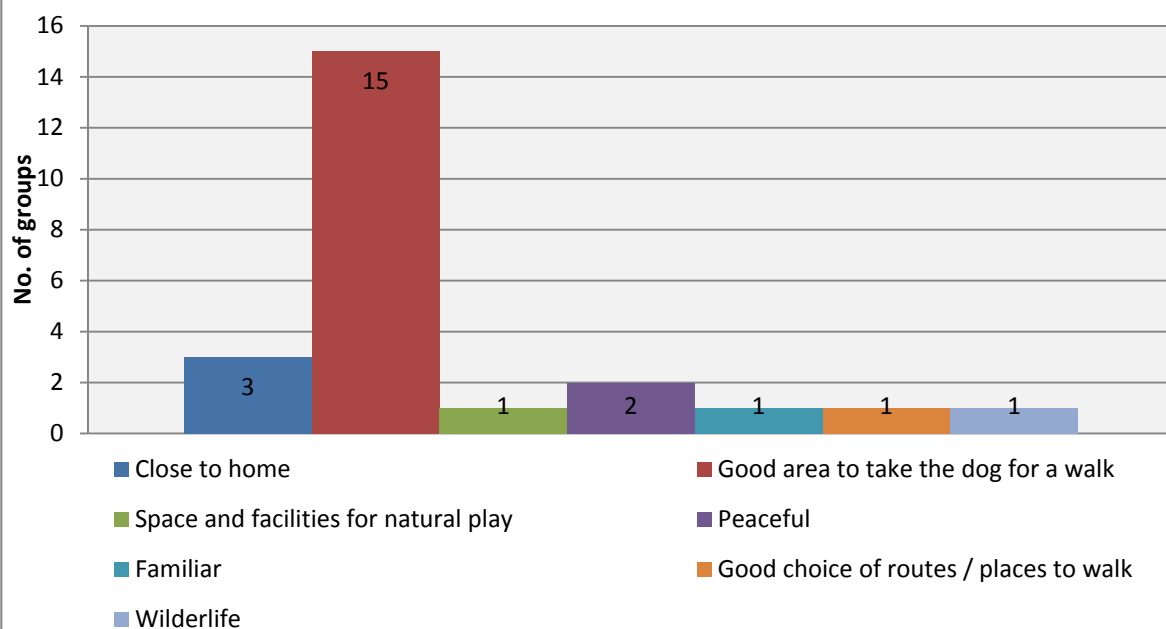
Thames Estuary and Marshes: Coalhouse Fort

What is your main activity when using this area?



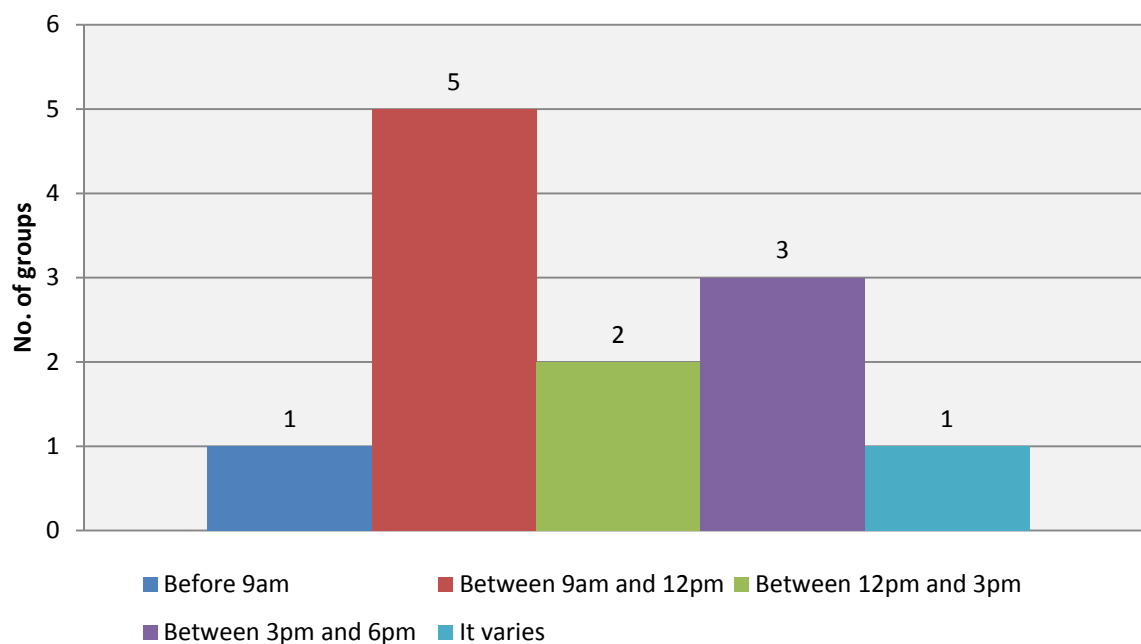
How often do you come to this location?



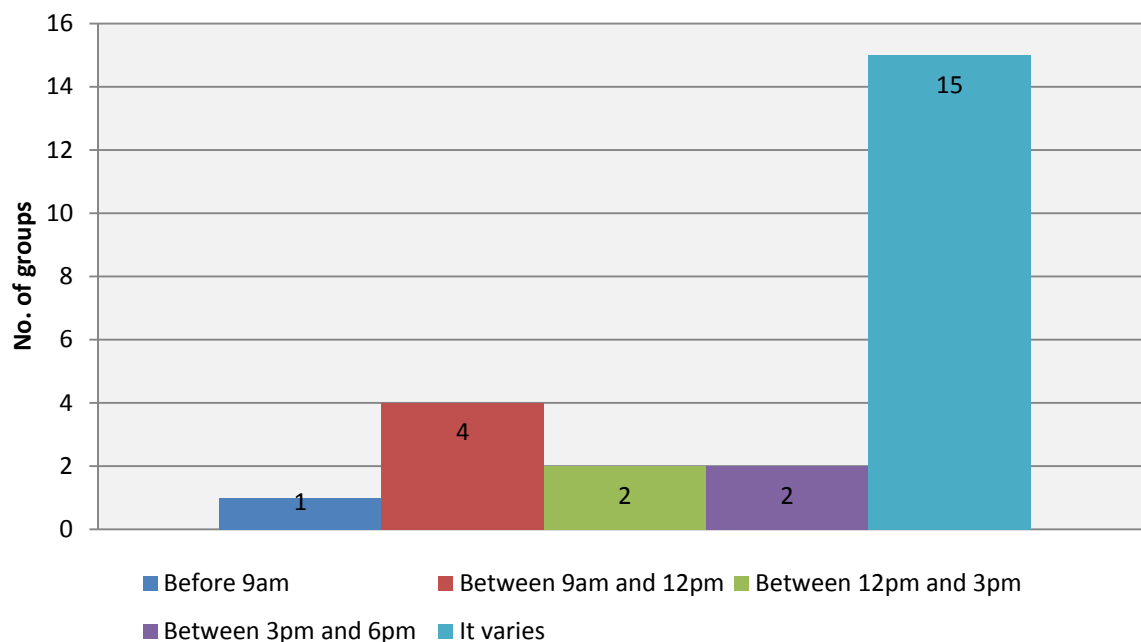
What made you come here today?**What made you visit Coalhouse Fort weekday?****What made you visit Coalhouse Fort weekend?**

Do you normally visit at a certain time of day?

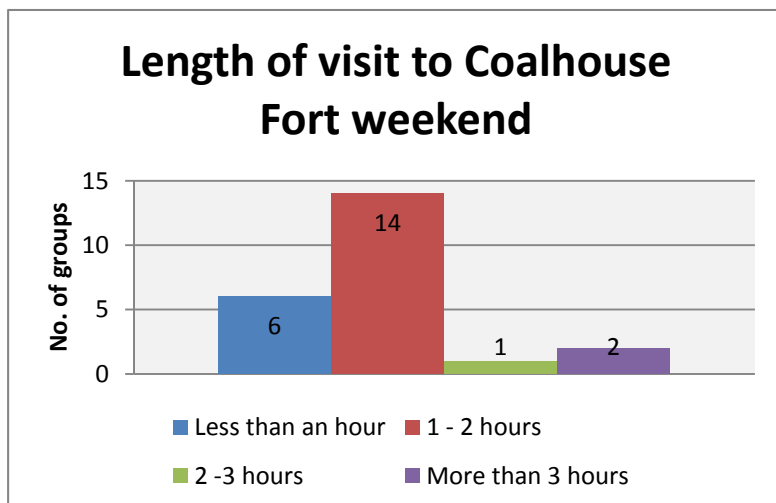
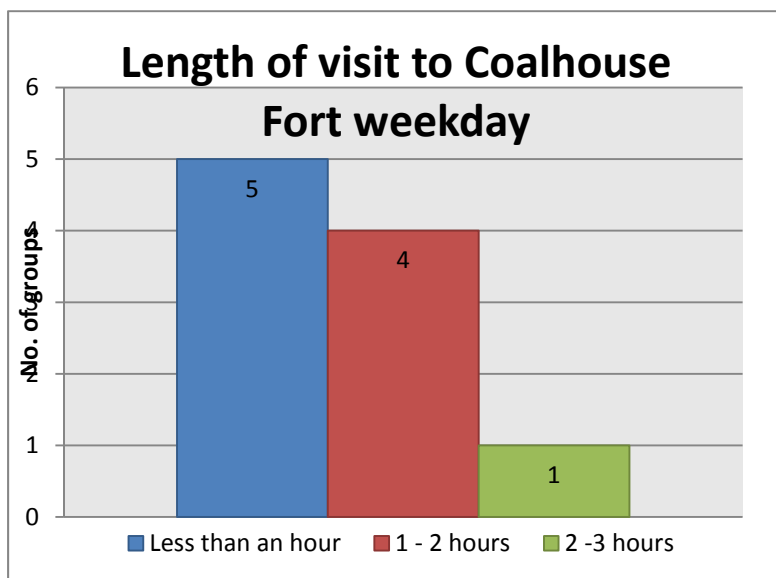
Visiting time to Coalhouse Fort weekday



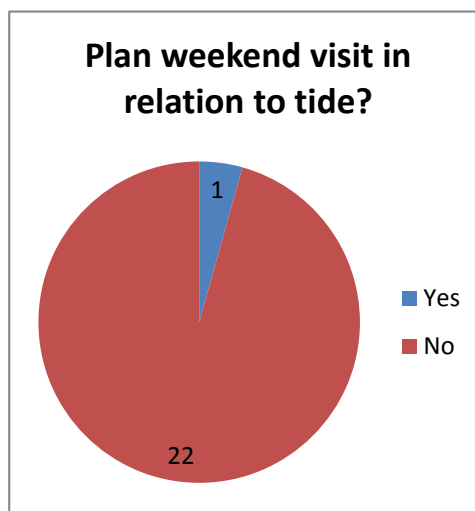
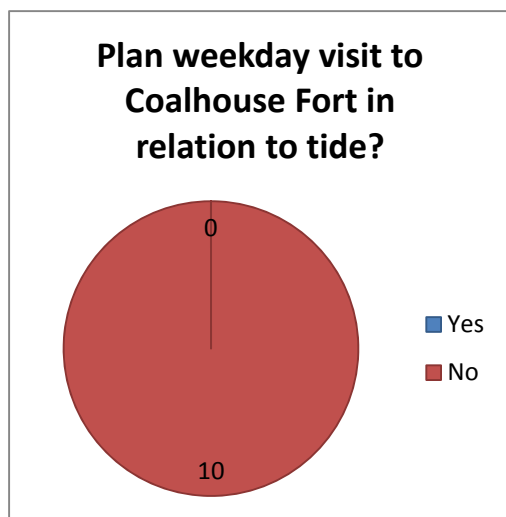
Visiting time to Coalhouse Fort weekend



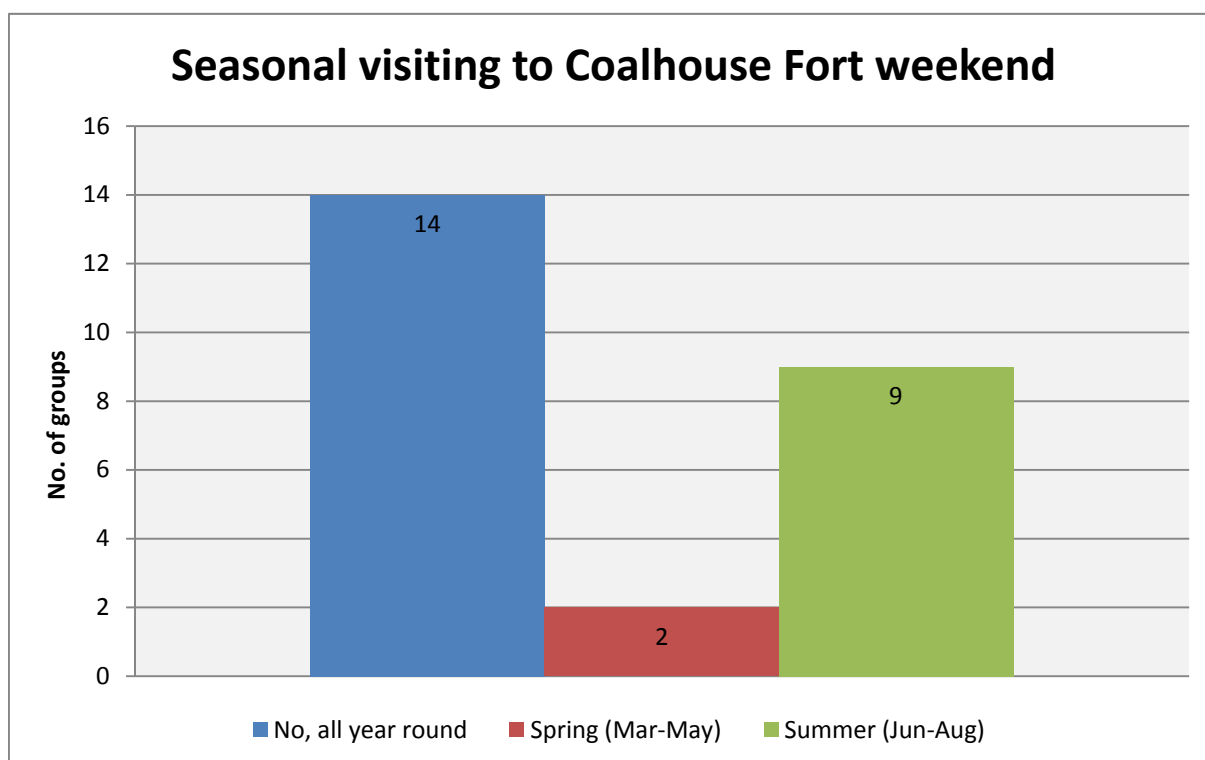
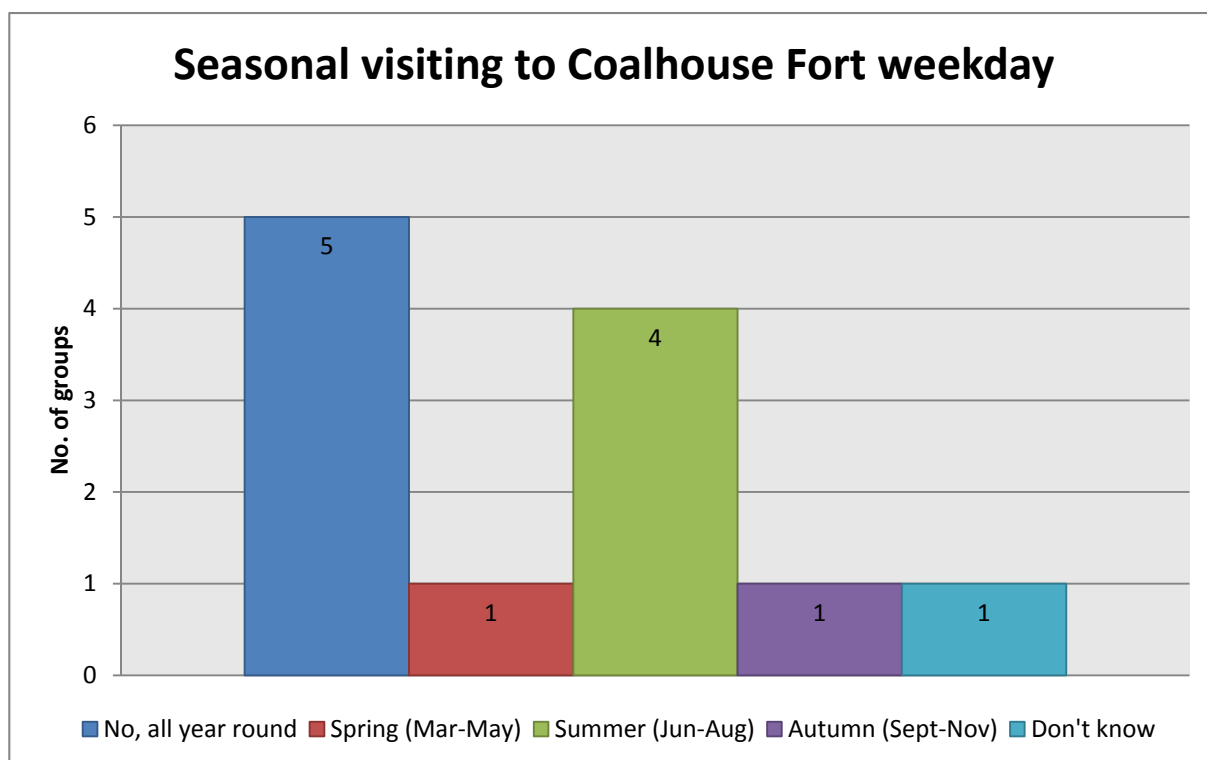
How long have you spent / will you spend along the river today?



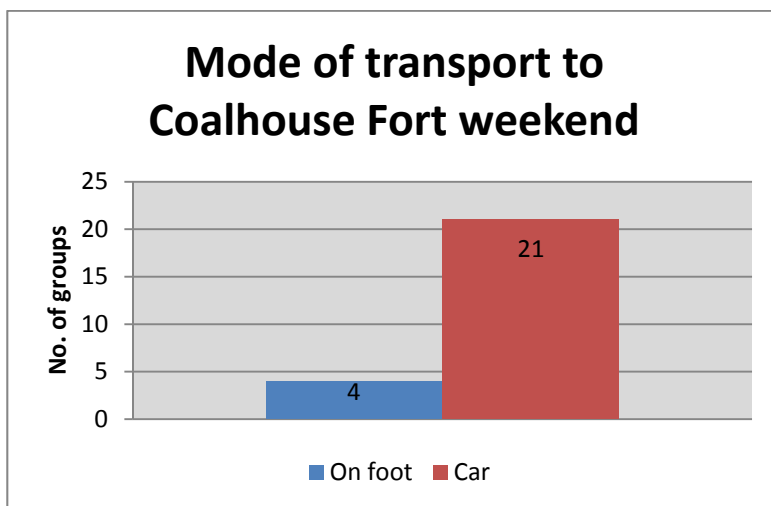
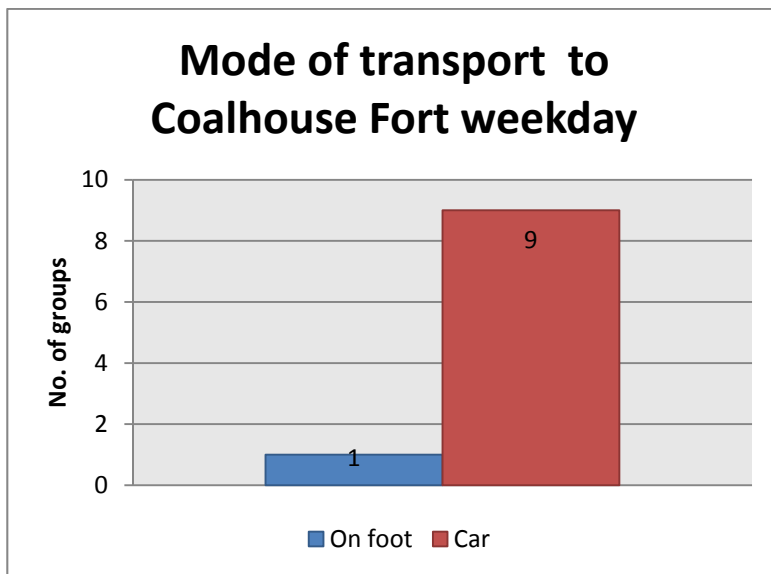
Did you plan visit in relation to the tide?



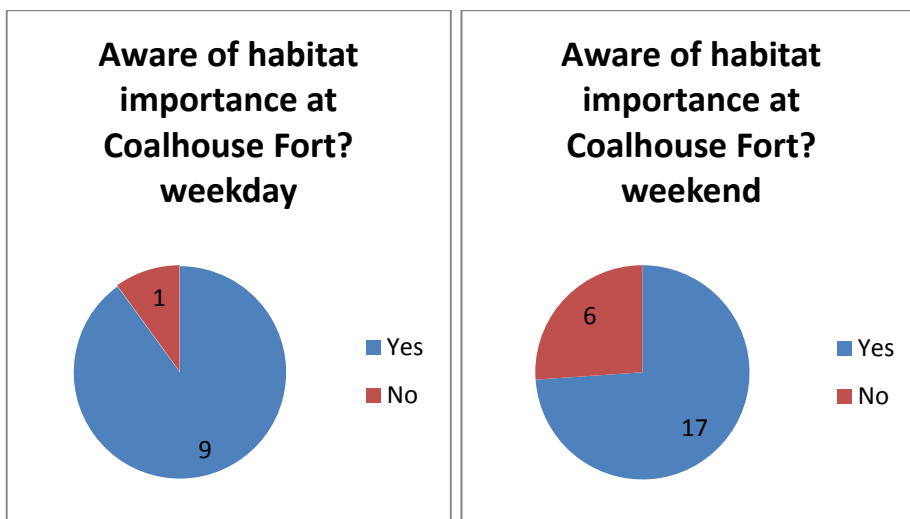
Is there a time of year when you tend to visit more often?



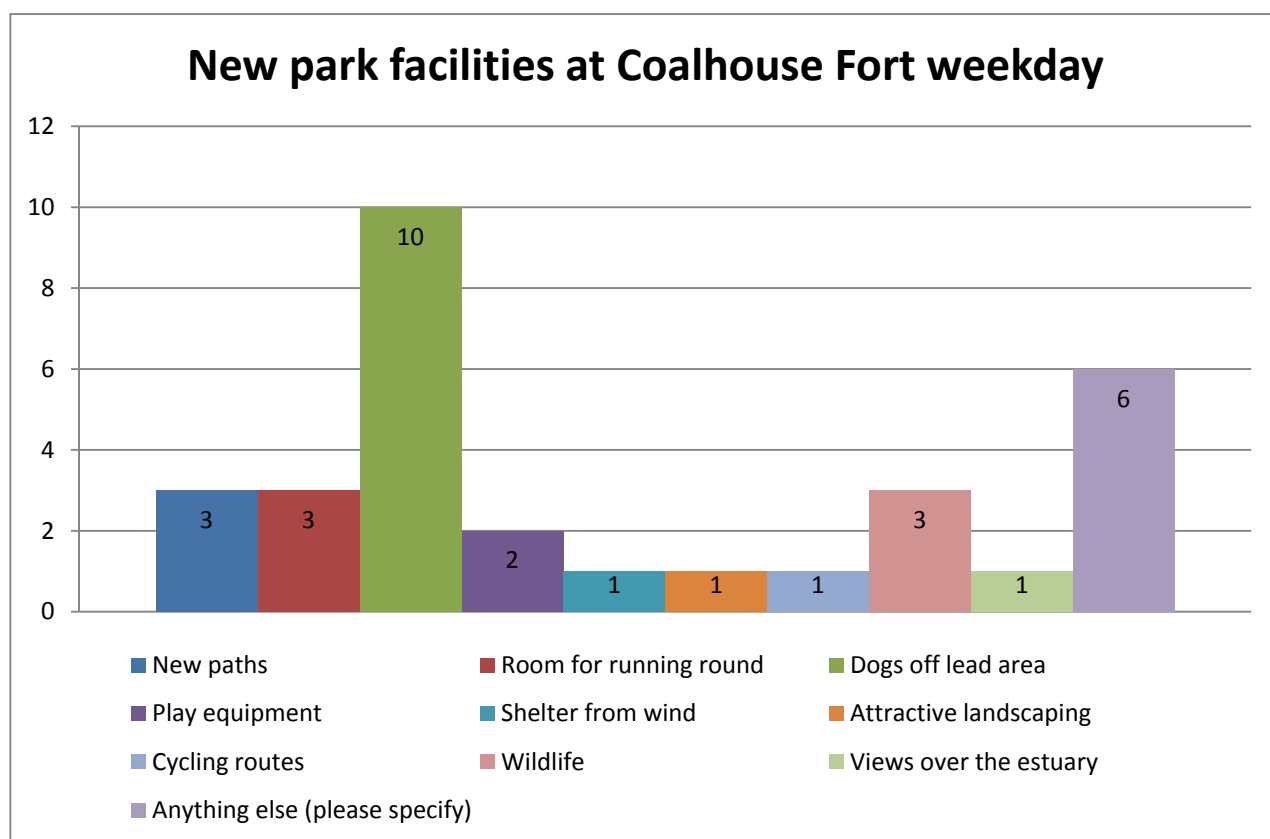
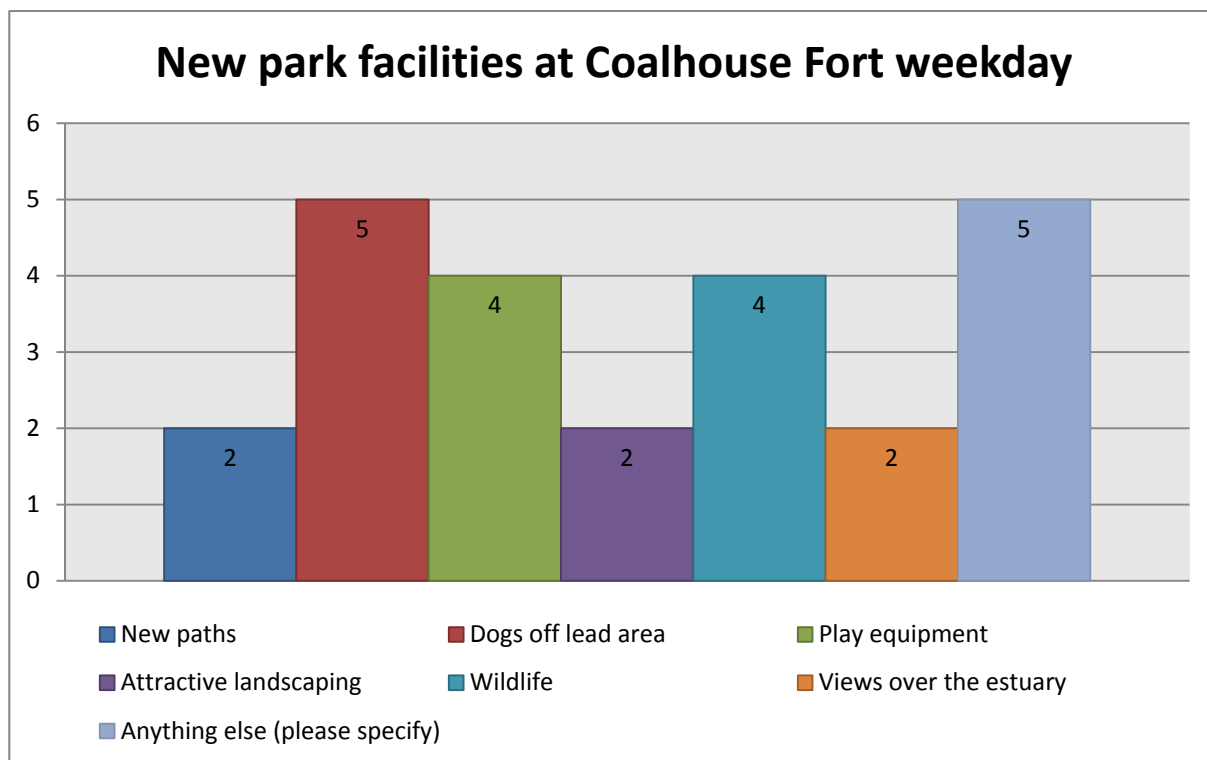
How did you travel here today?



Are you aware that the river and shore are very important for wildlife, particularly water birds for most of the year?



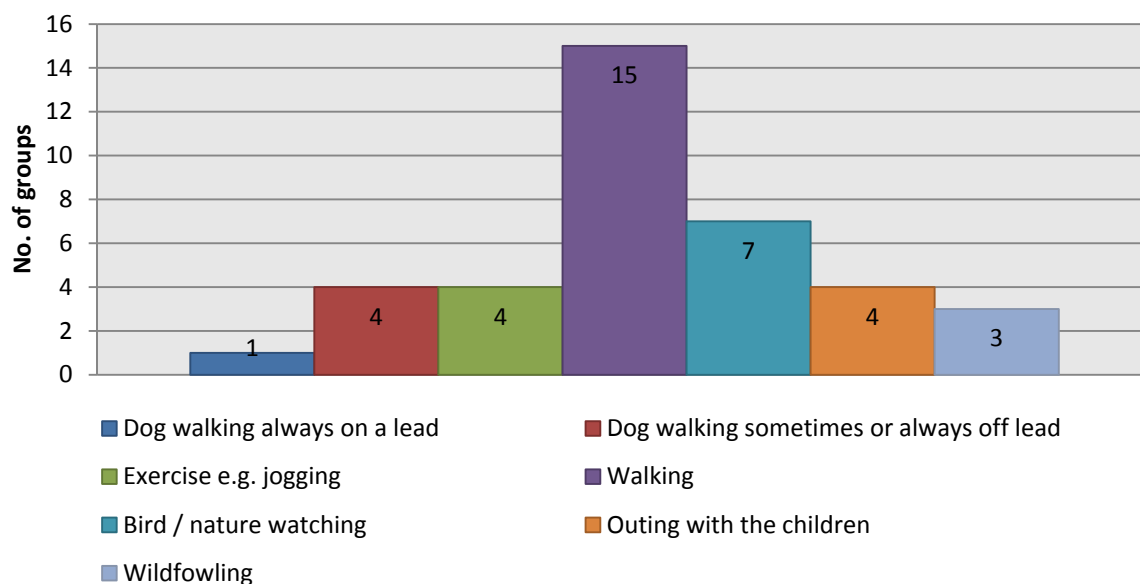
What would make you want to visit a new park if created in the same area (if needed to relieve the pressure on protected sites)?



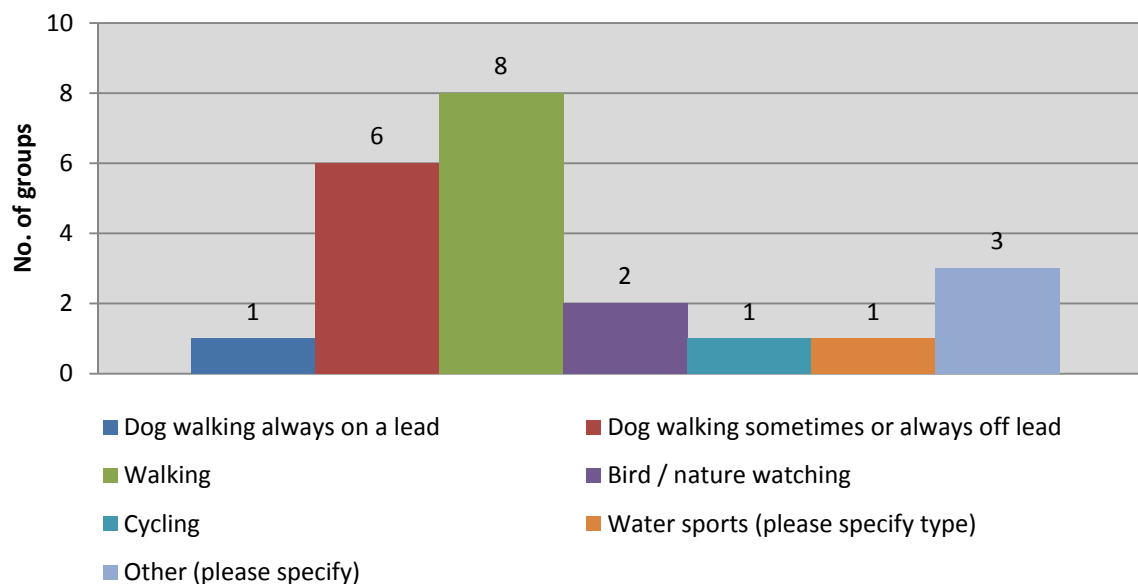
EWT Thurrock: Thameside Nature Park

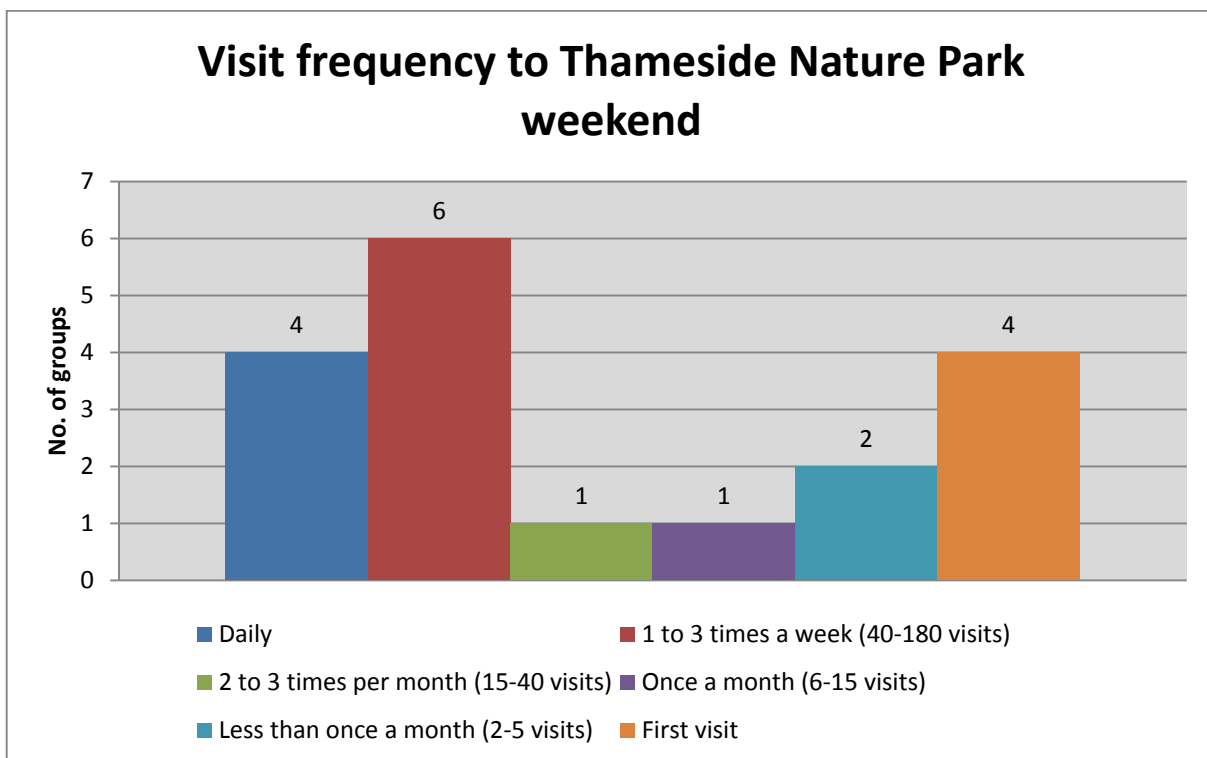
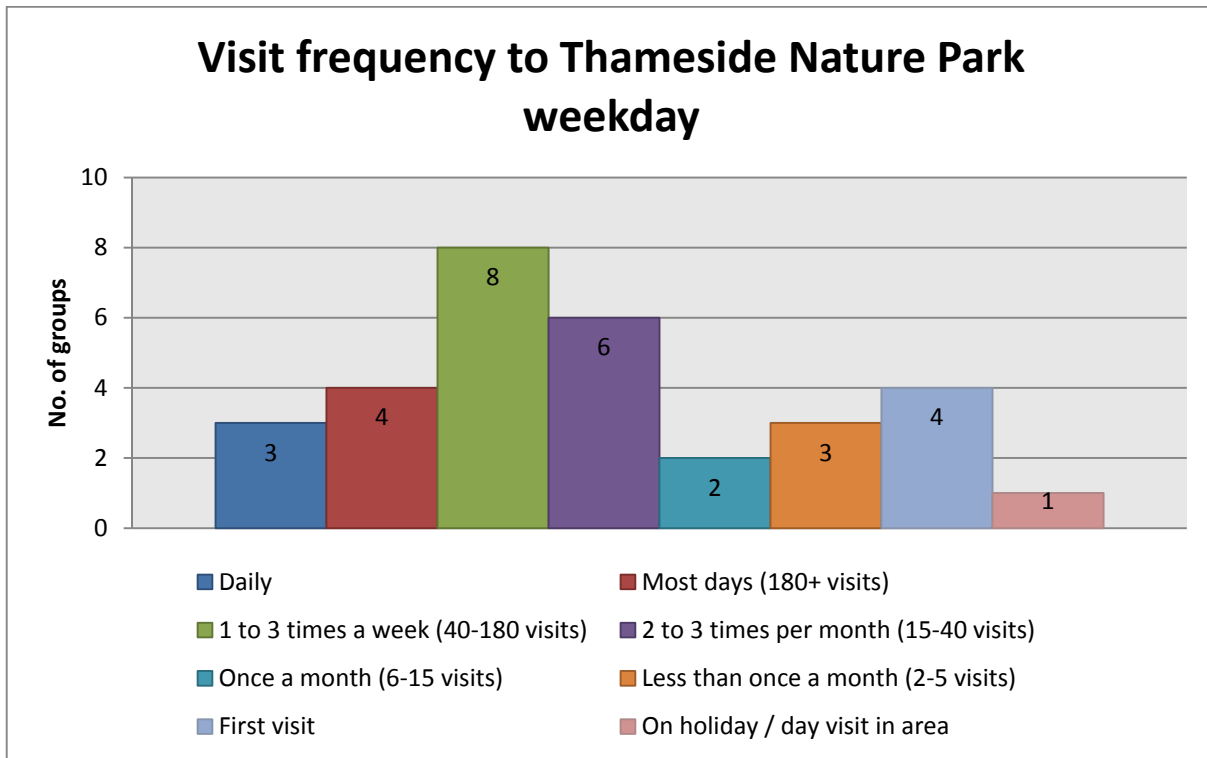
What is your main activity when using this area?

Main activity on visit to Thameside Nature Park weekday

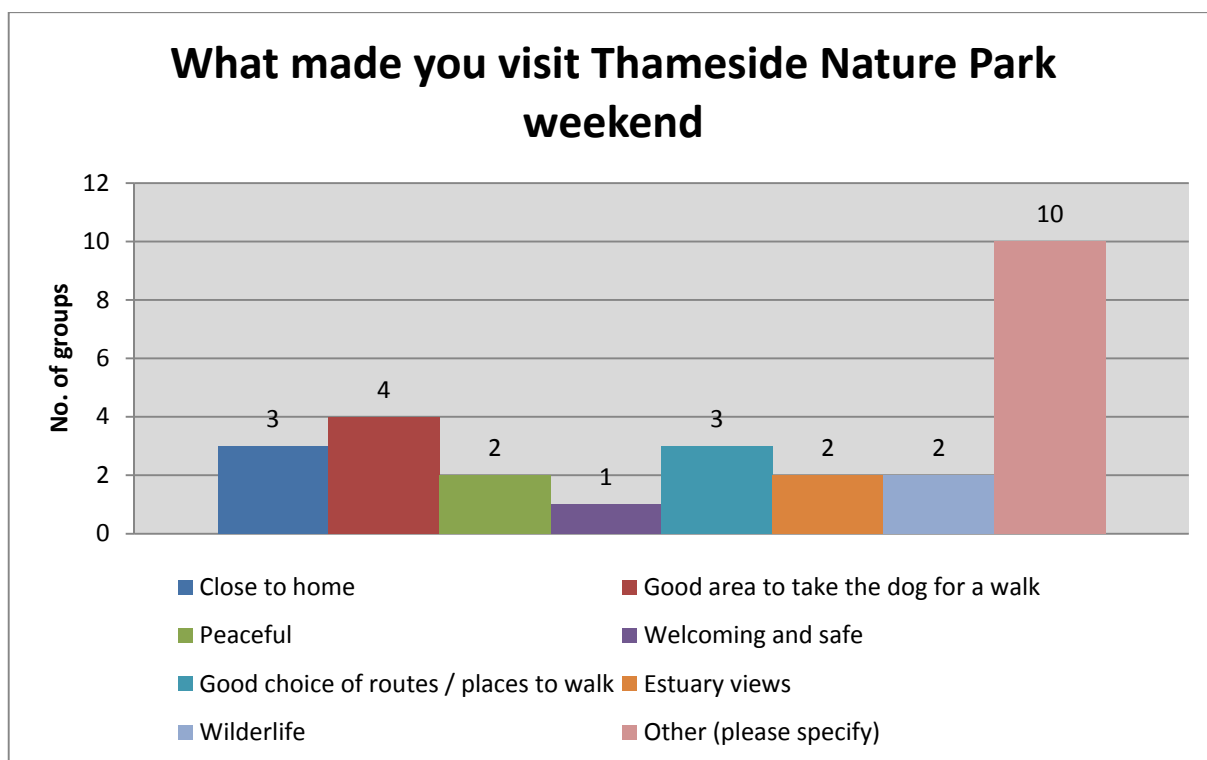
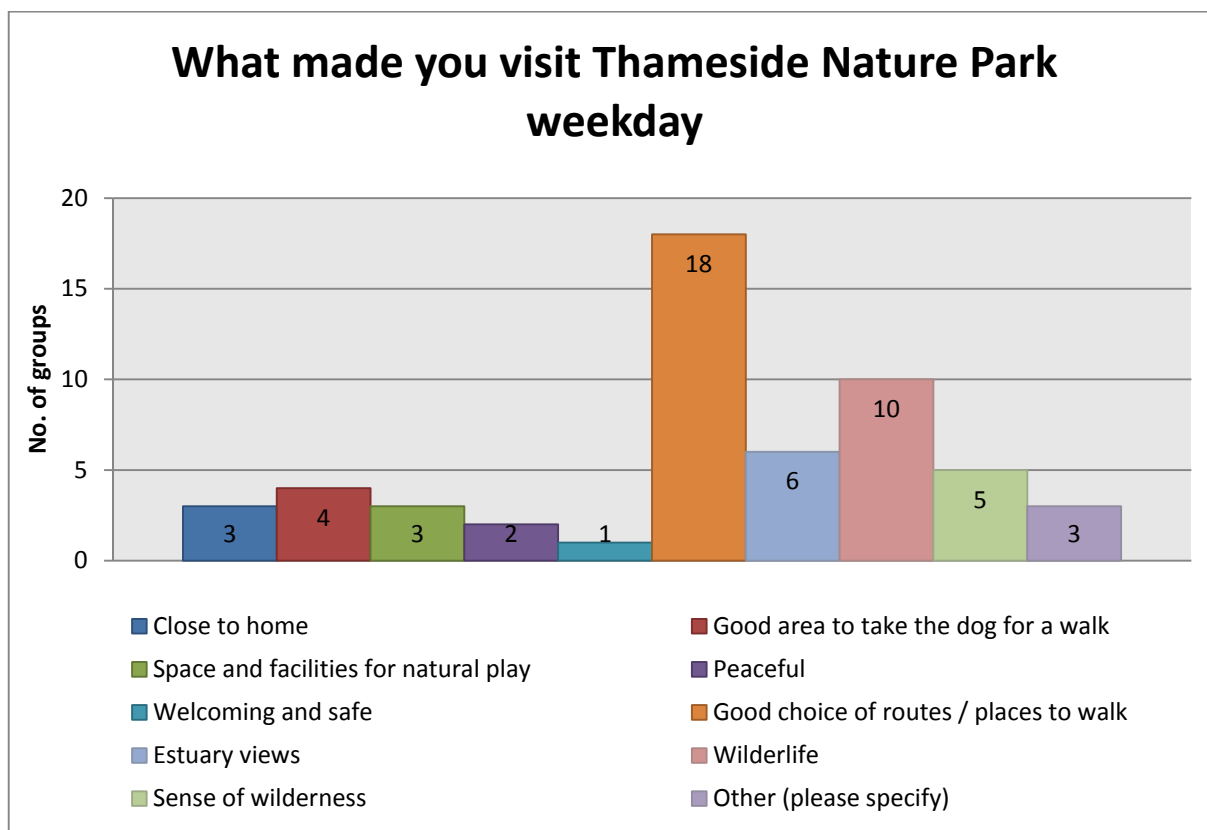


Main activity on visiting to Thameside Nature Park weekend



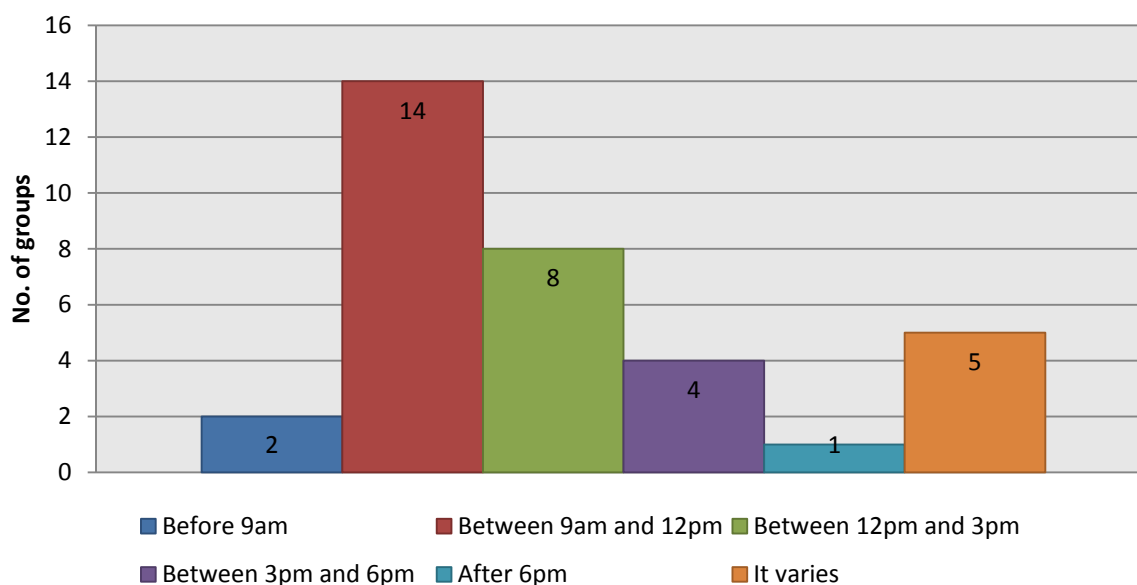
How often do you come to this location?

What made you come here today?

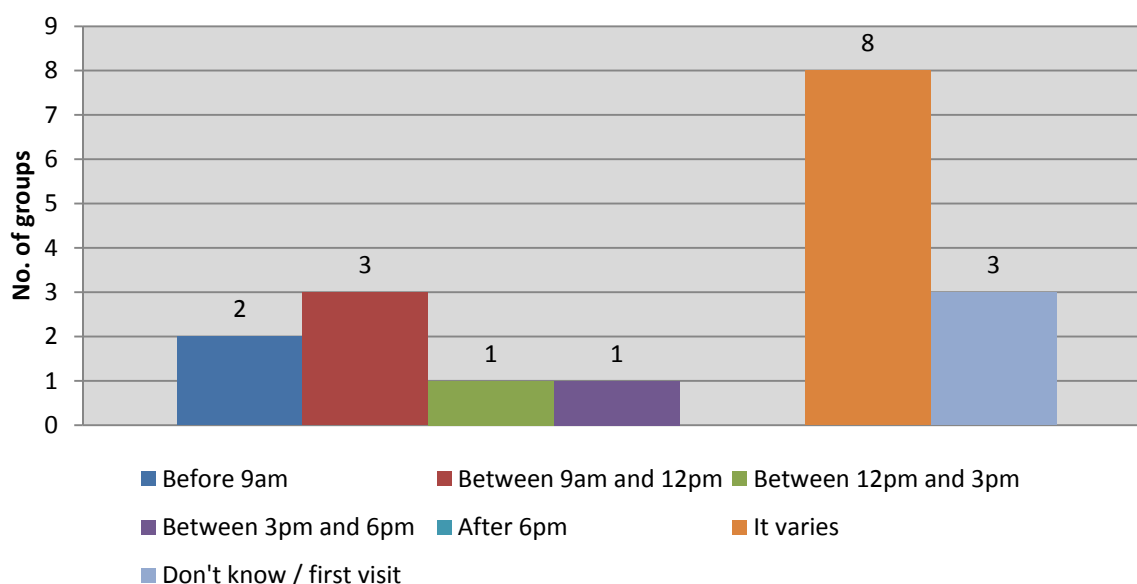


Do you normally visit at a certain time of day?

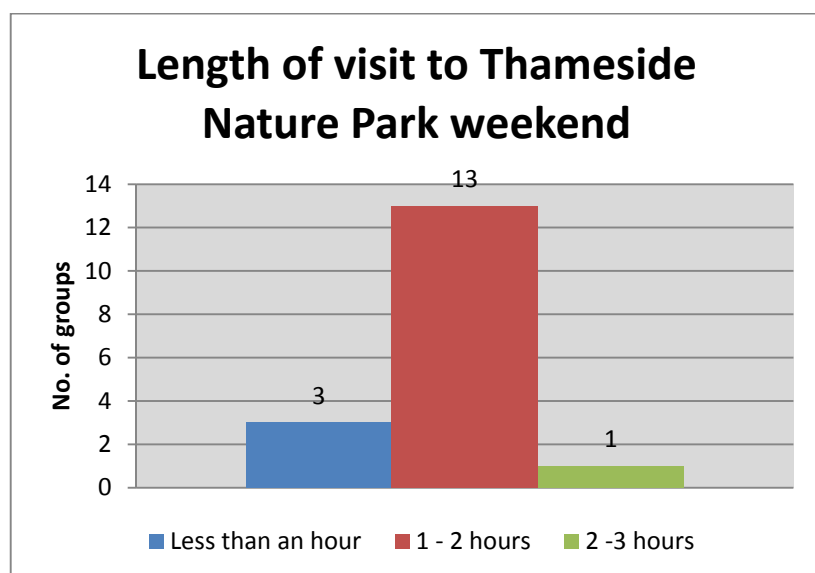
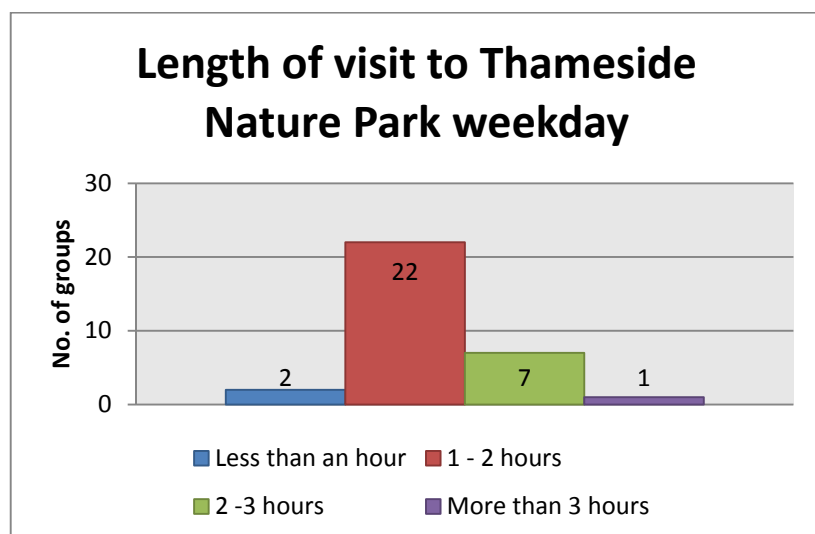
Visiting time to Thameside Nature Park weekday



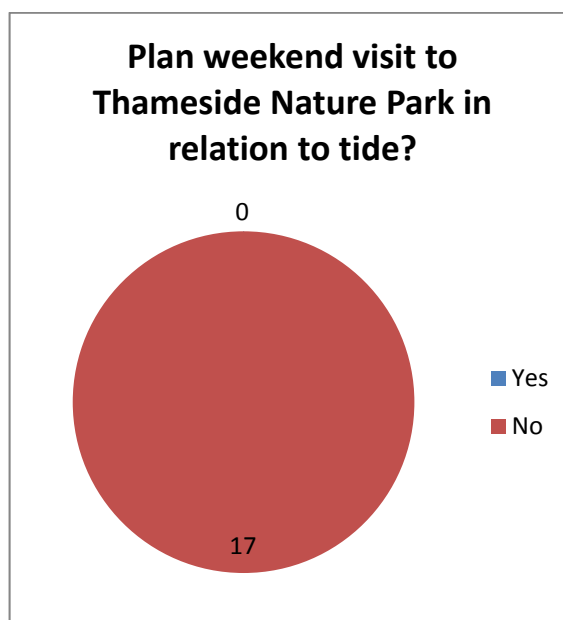
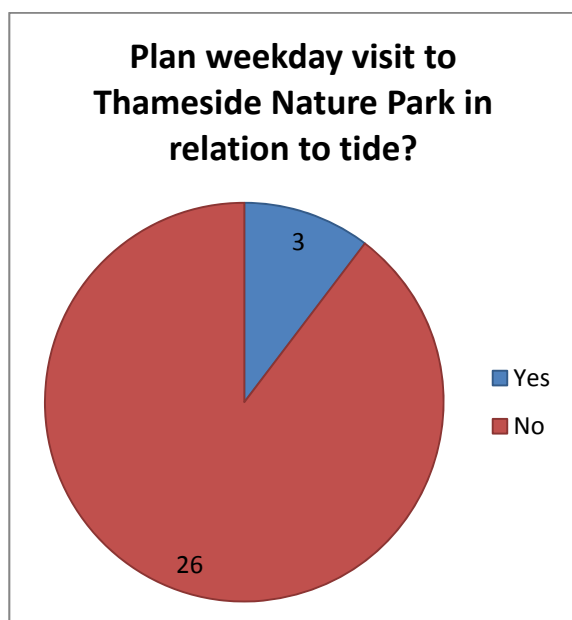
Visiting time to Thameside Nature Park weekend



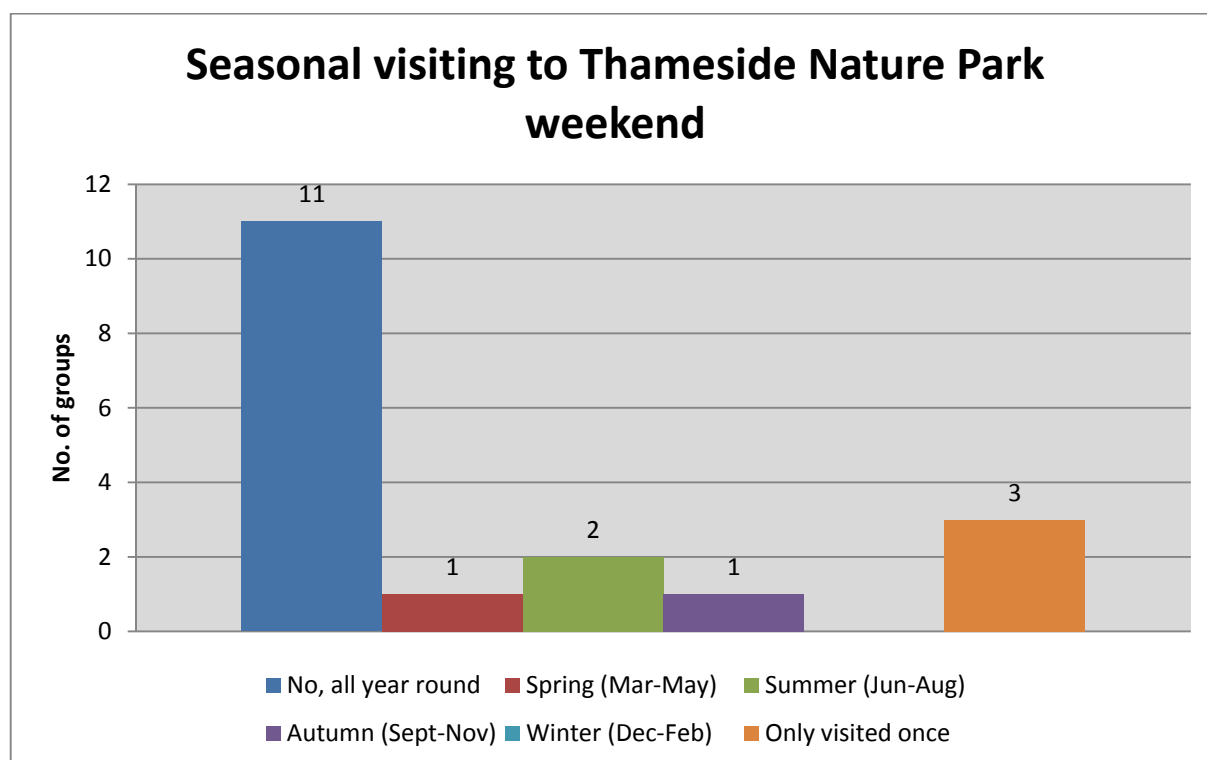
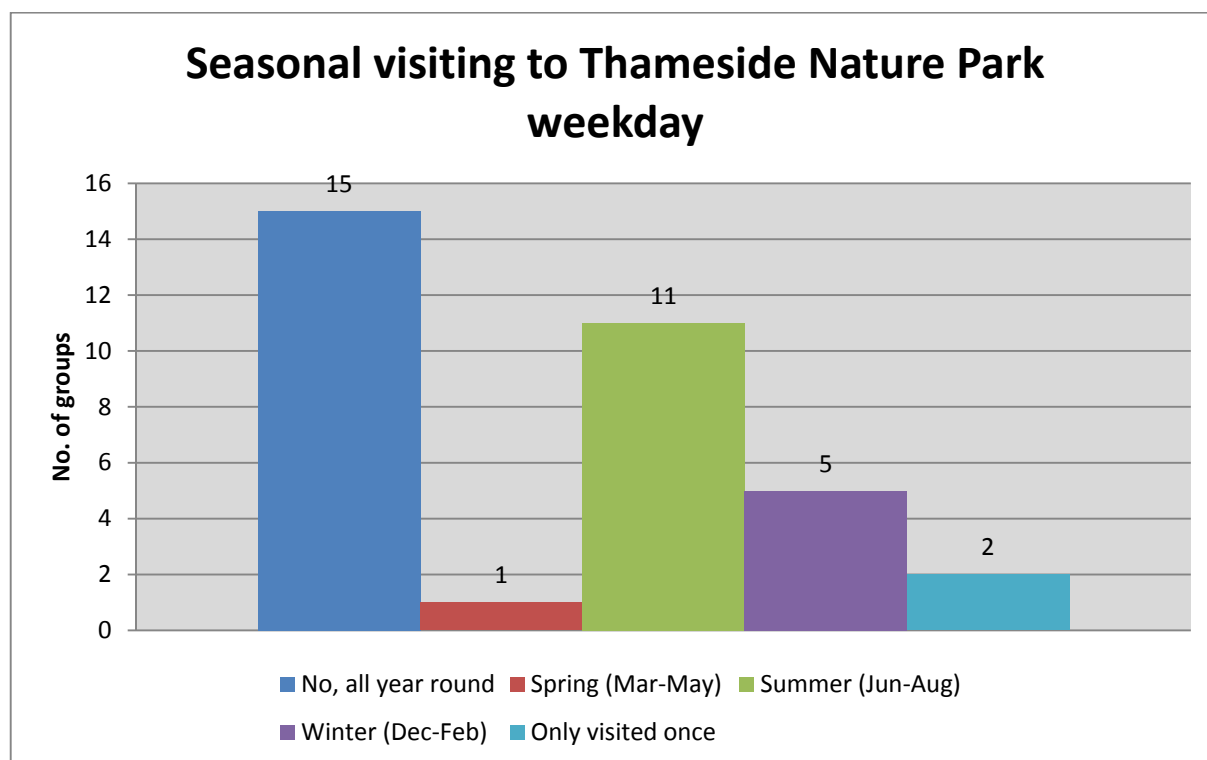
How long have you spent / will you spend along the river today?



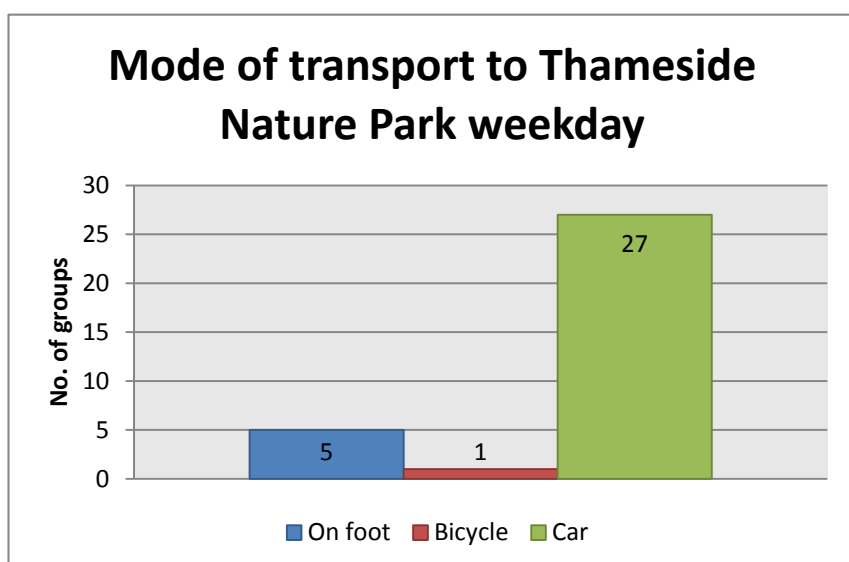
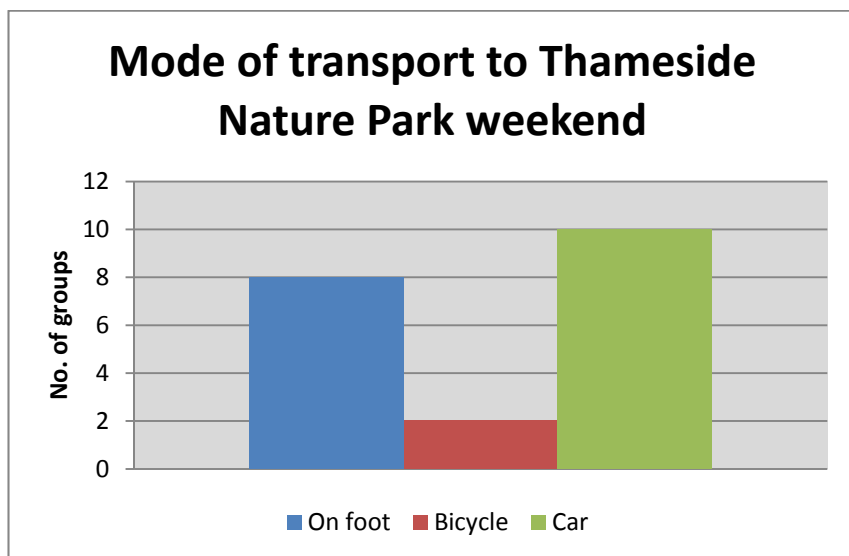
Did you plan visit in relation to the tide?



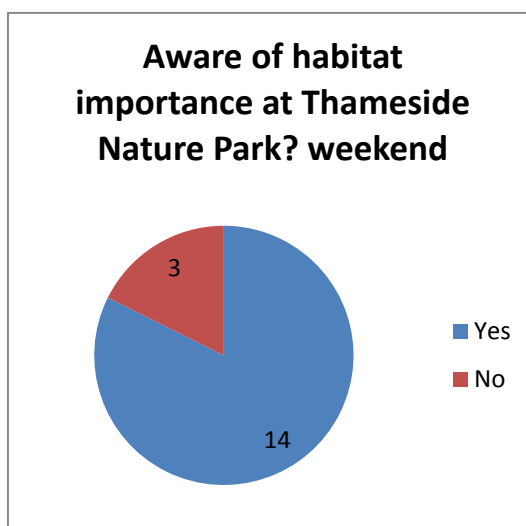
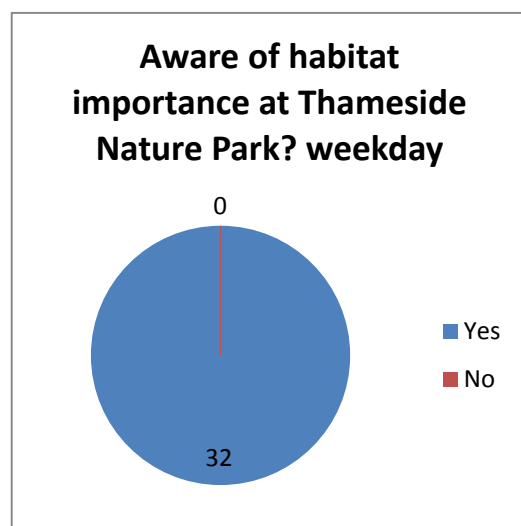
Is there a time of year when you tend to visit more often?



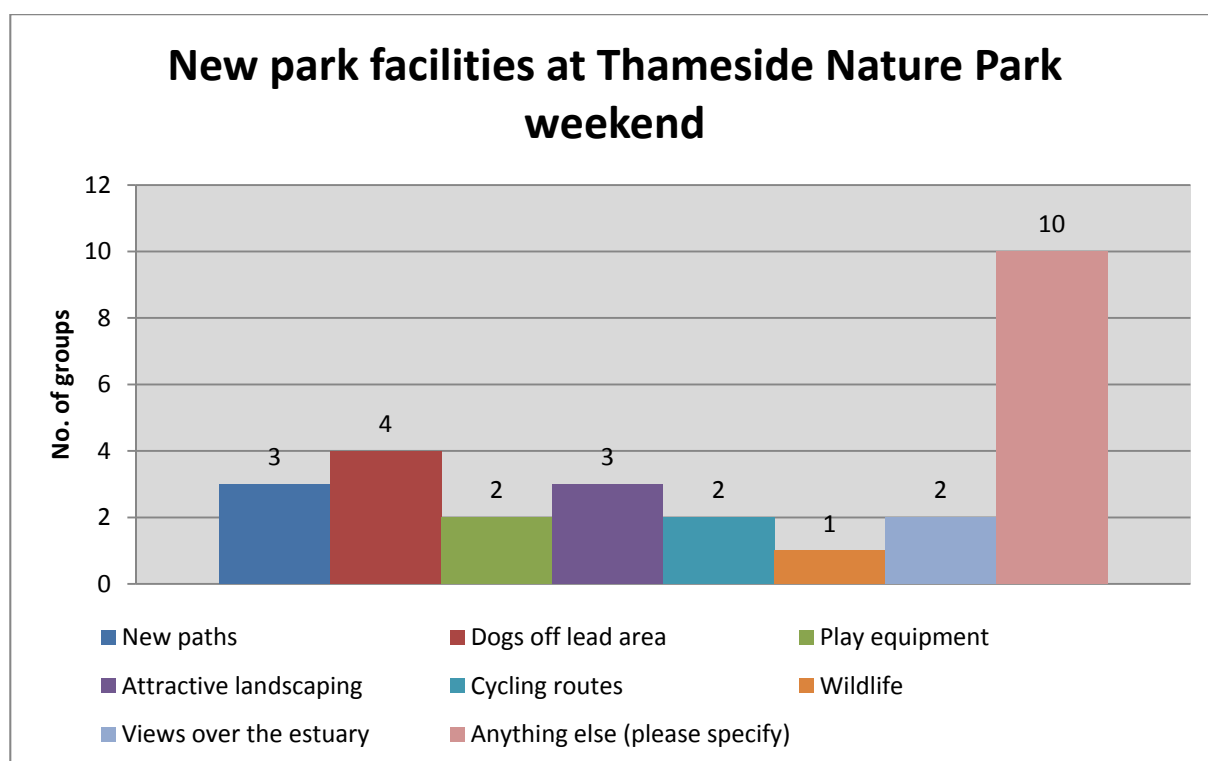
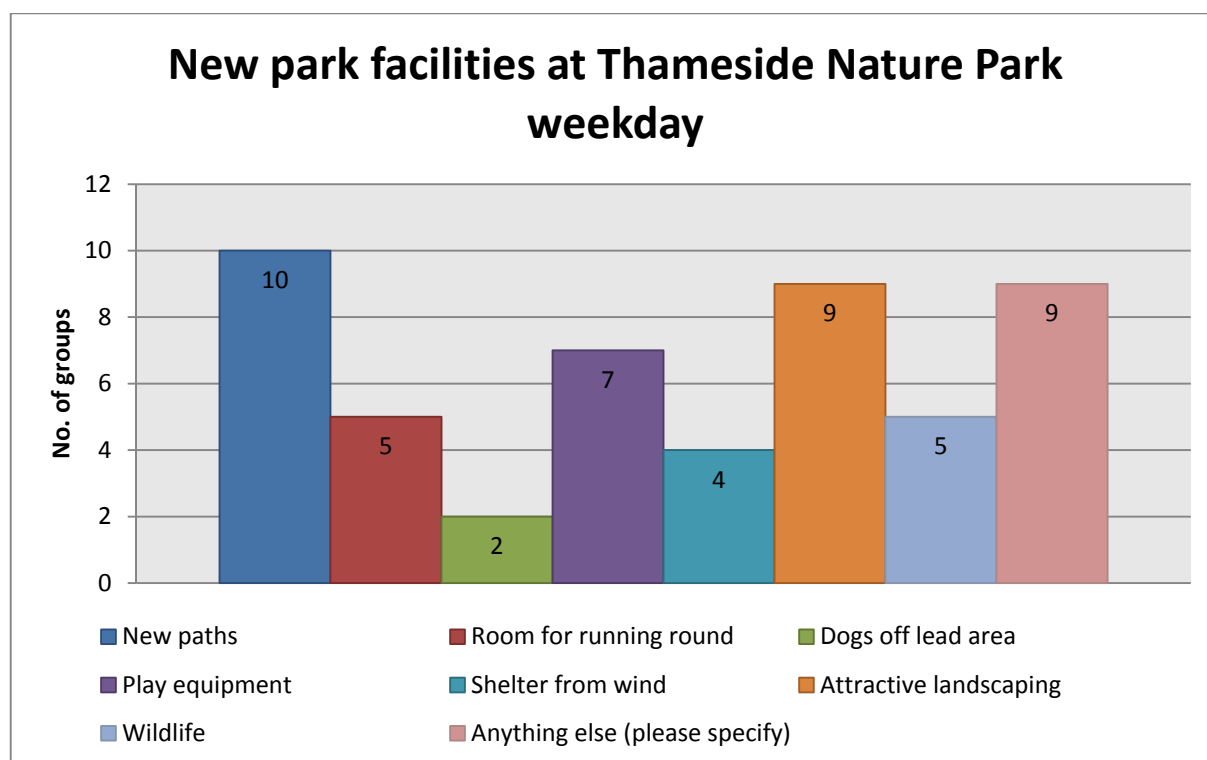
How did you travel here today?

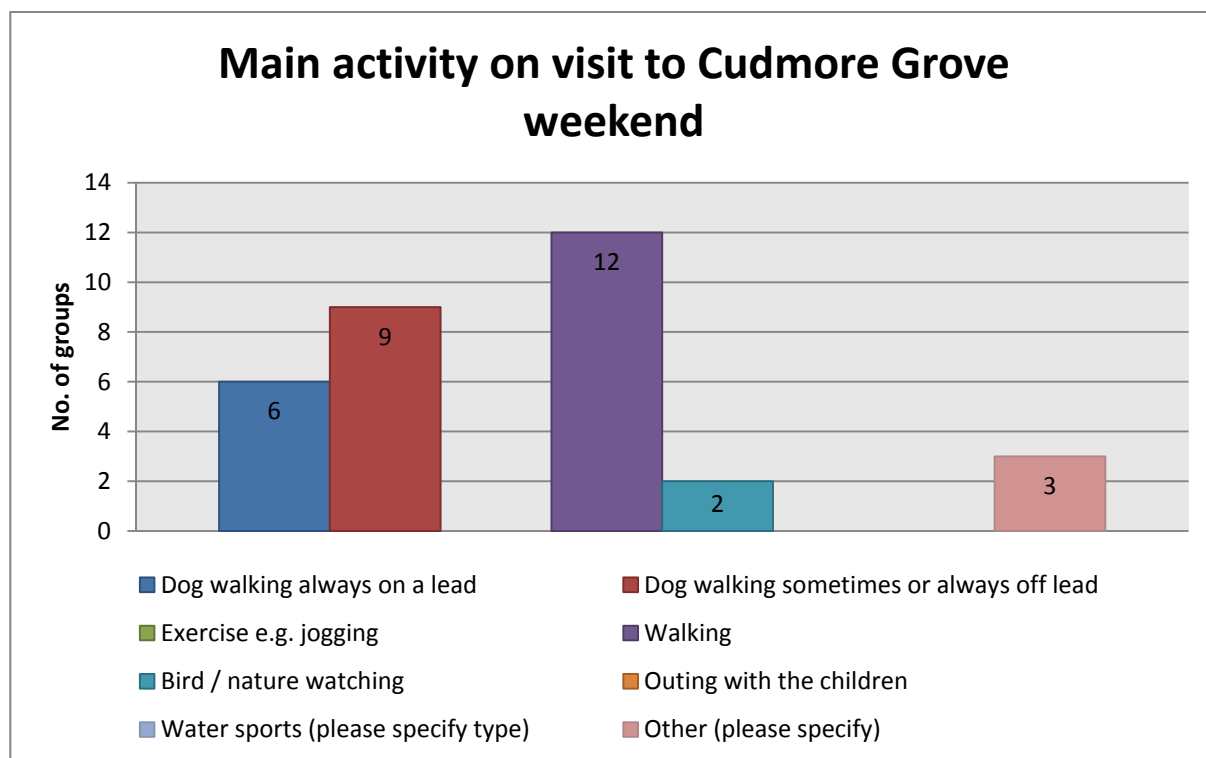
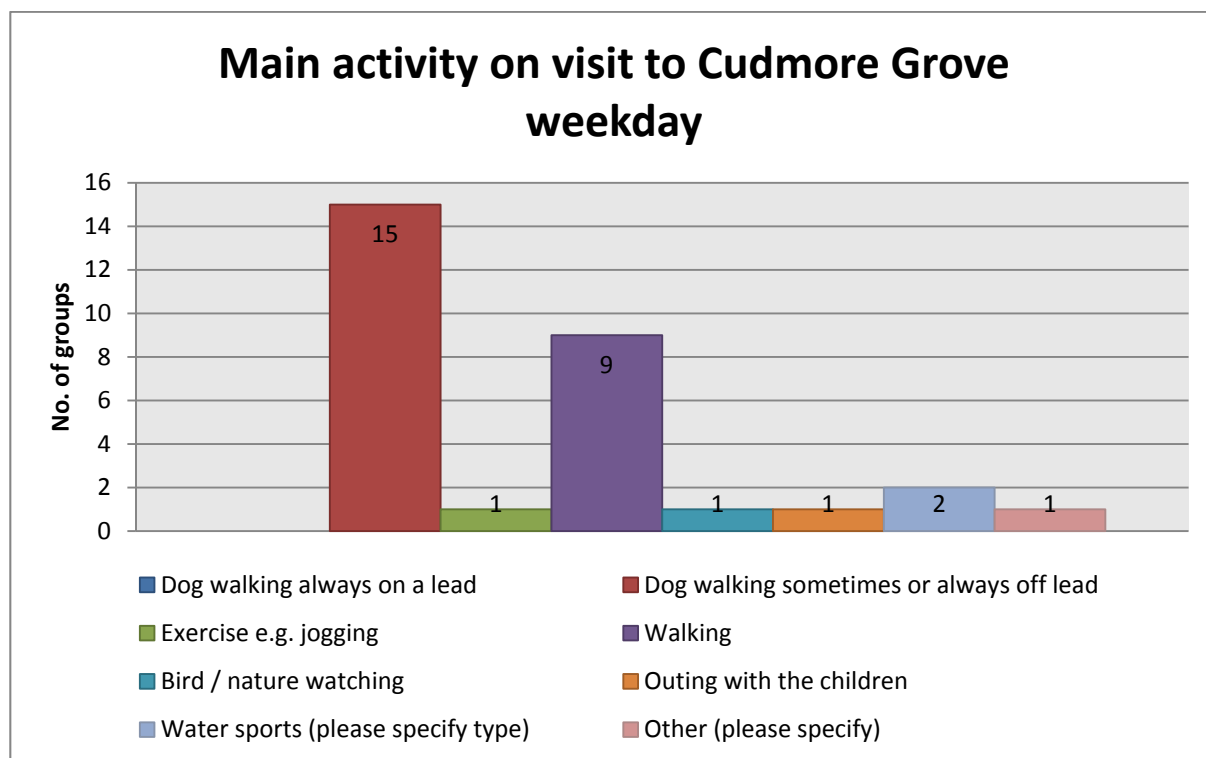


Are you aware that the river and shore are very important for wildlife, particularly water birds for most of the year?

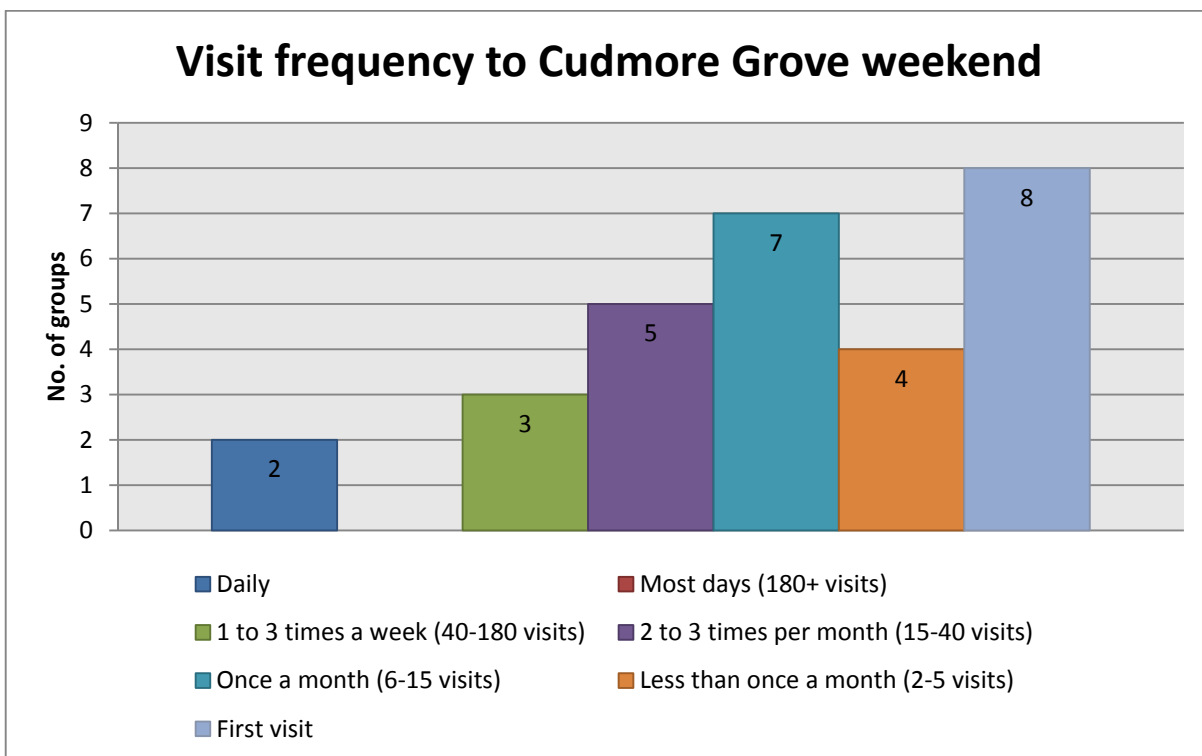
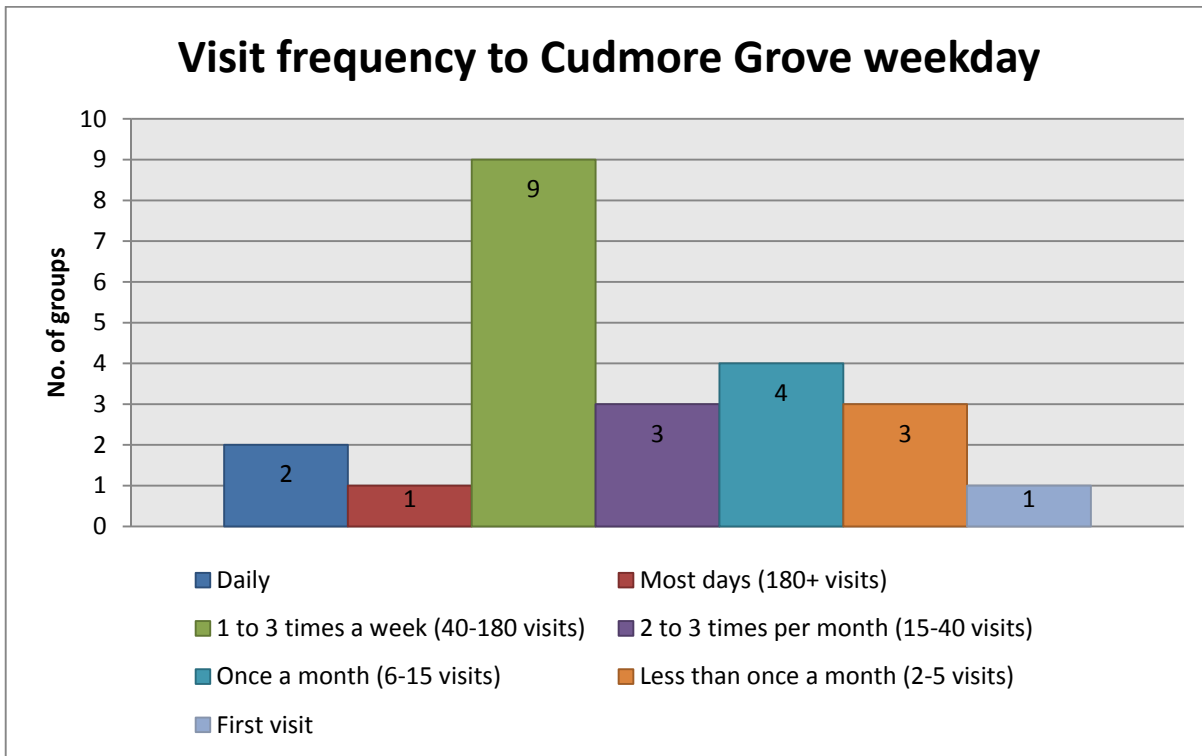


What would make you want to visit a new park if created in the same area (if needed to relieve the pressure on protected sites)?

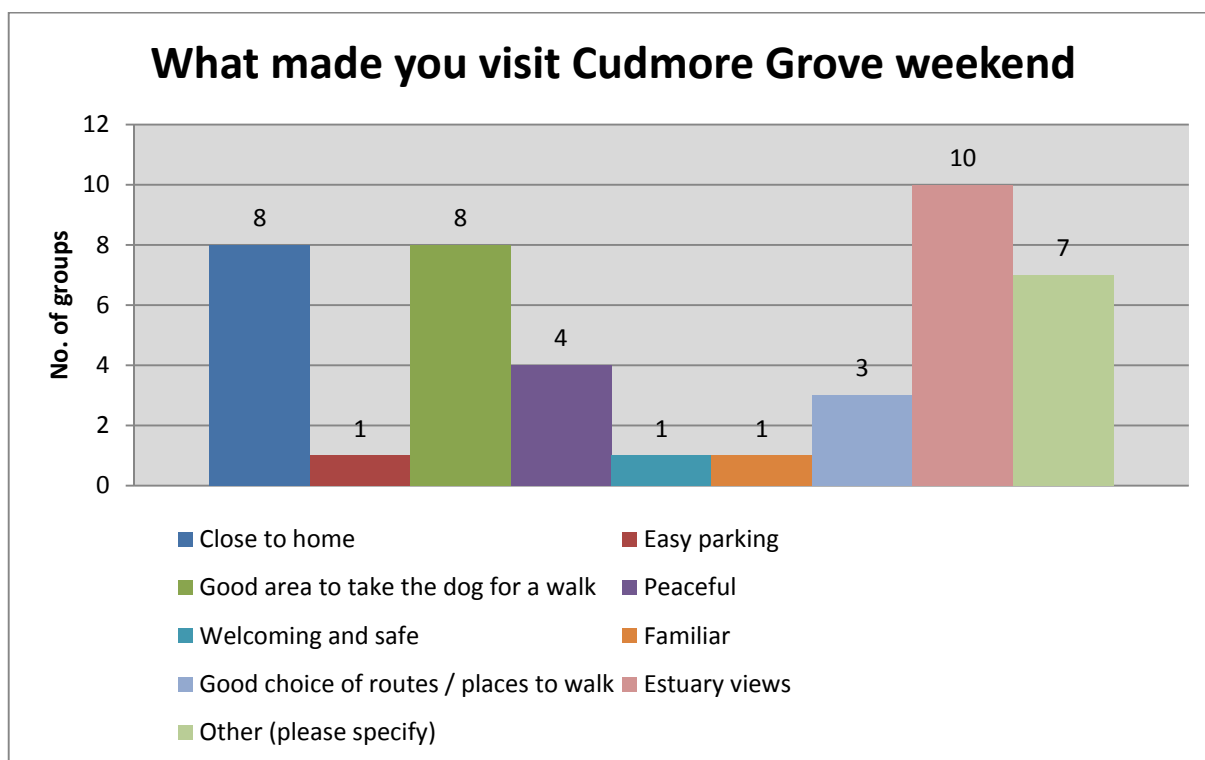
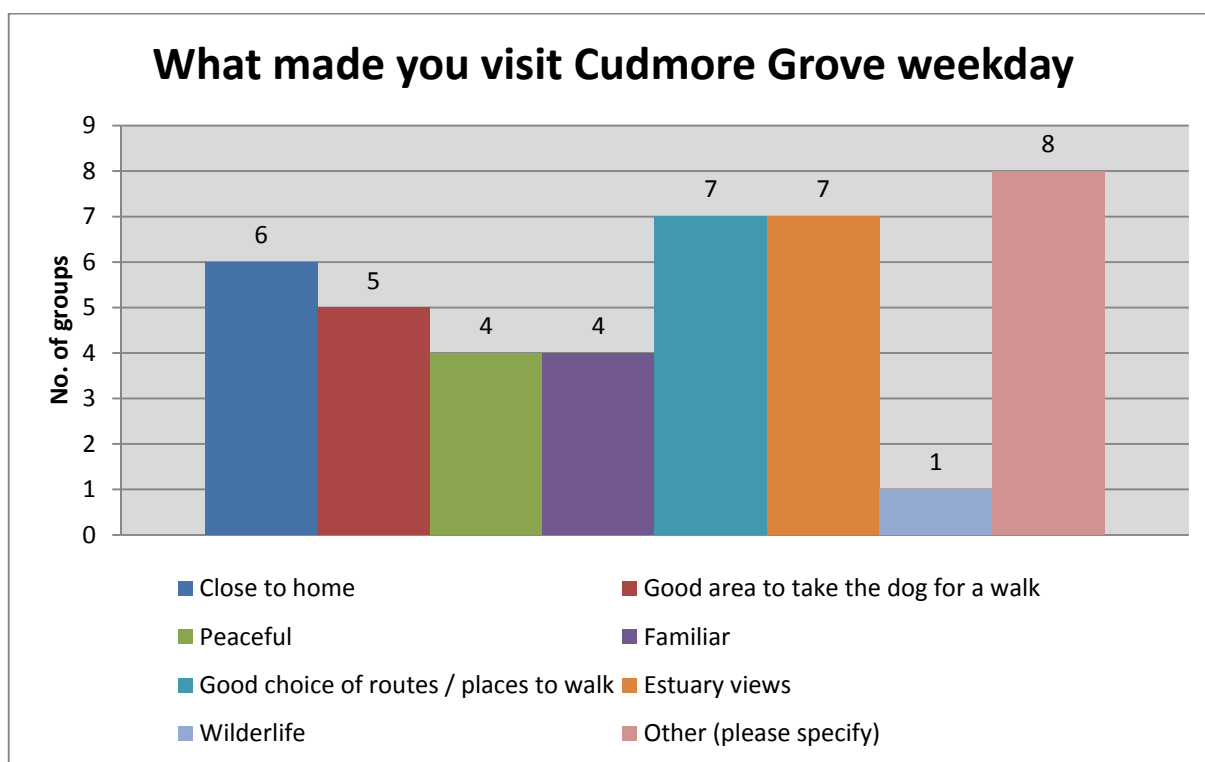


Colne Estuary: Cudmore GroveWhat is your main activity when using this area?

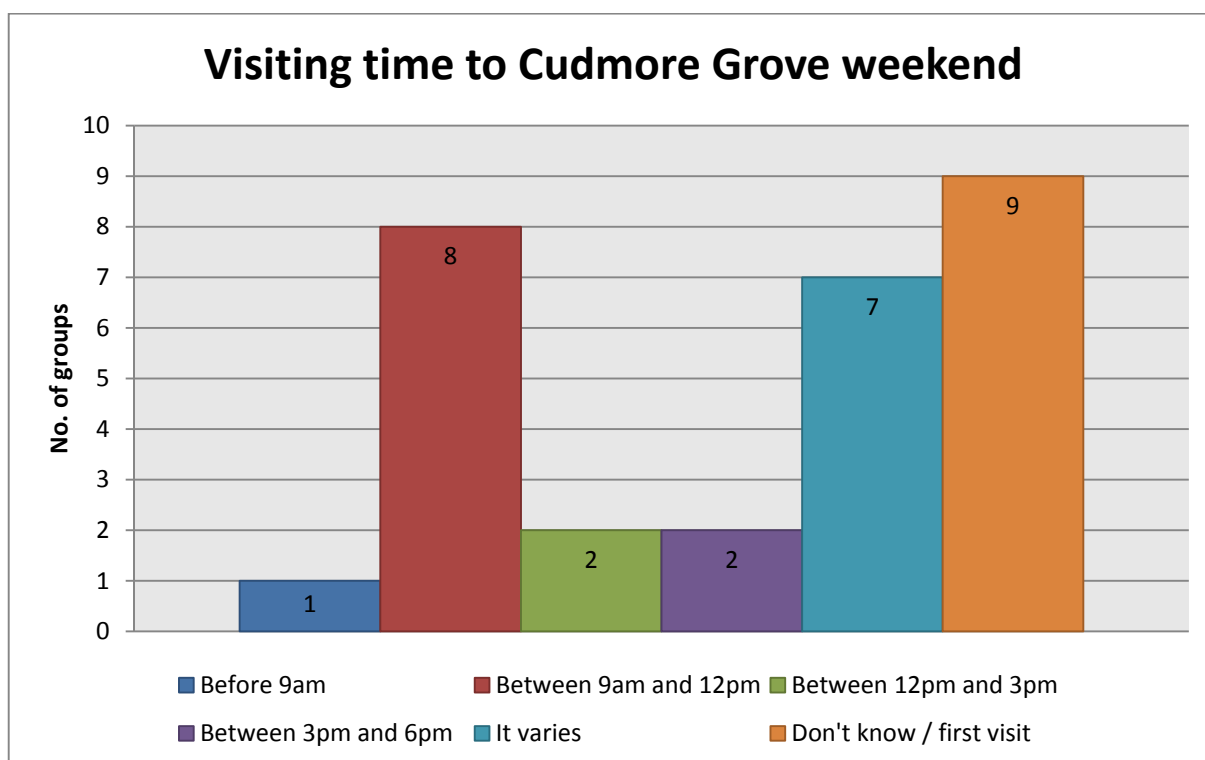
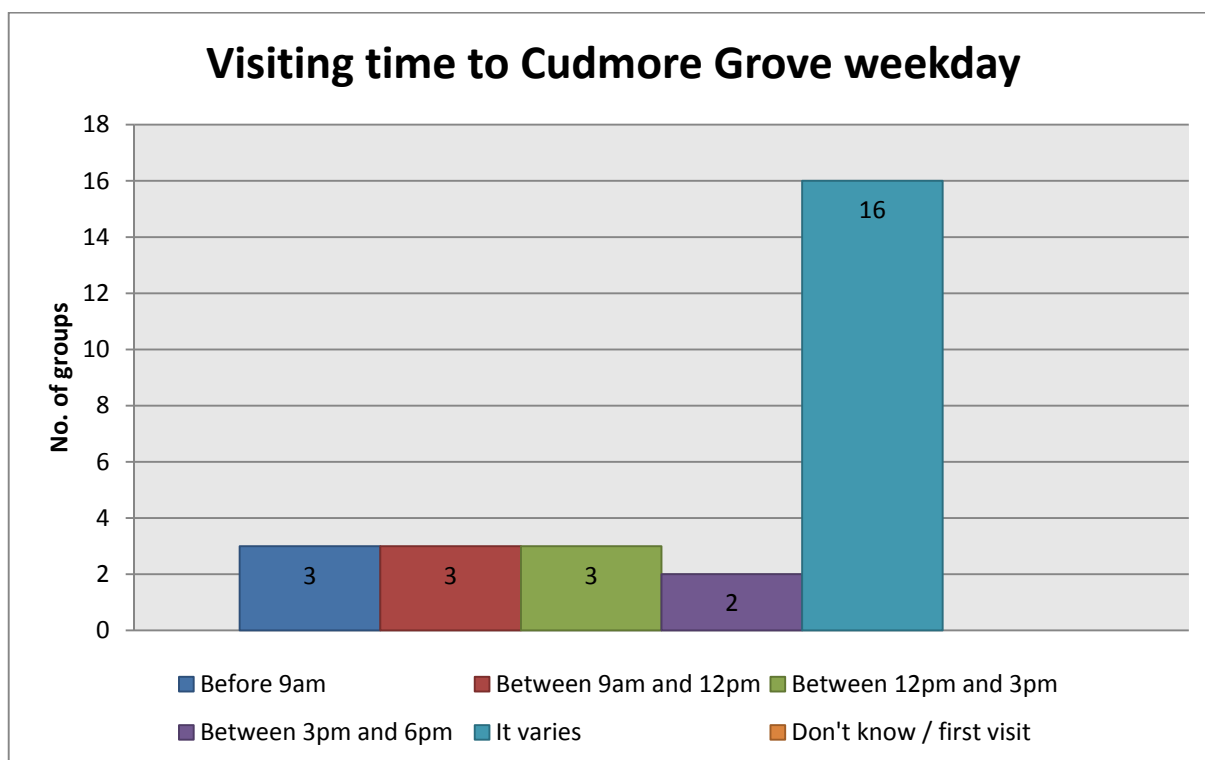
How often do you come to this location?



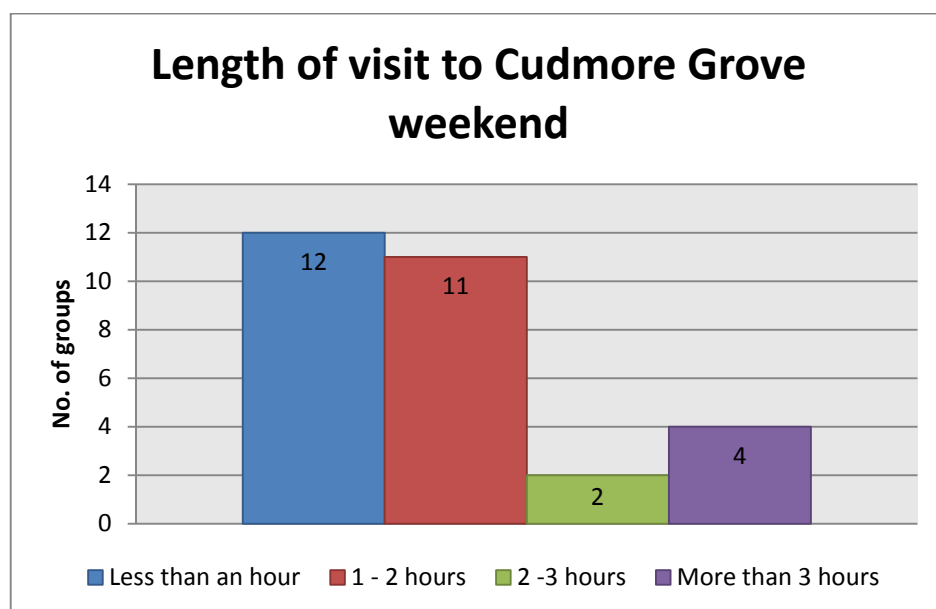
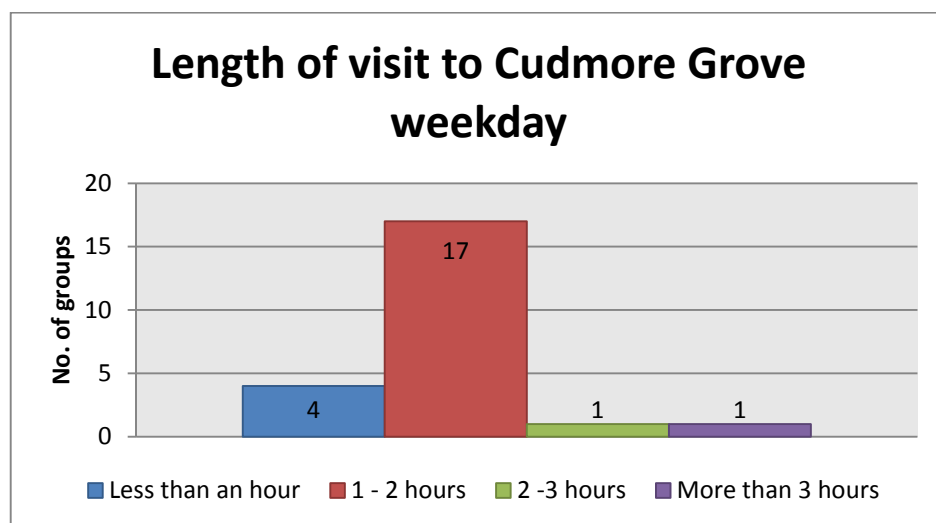
What made you come here today?



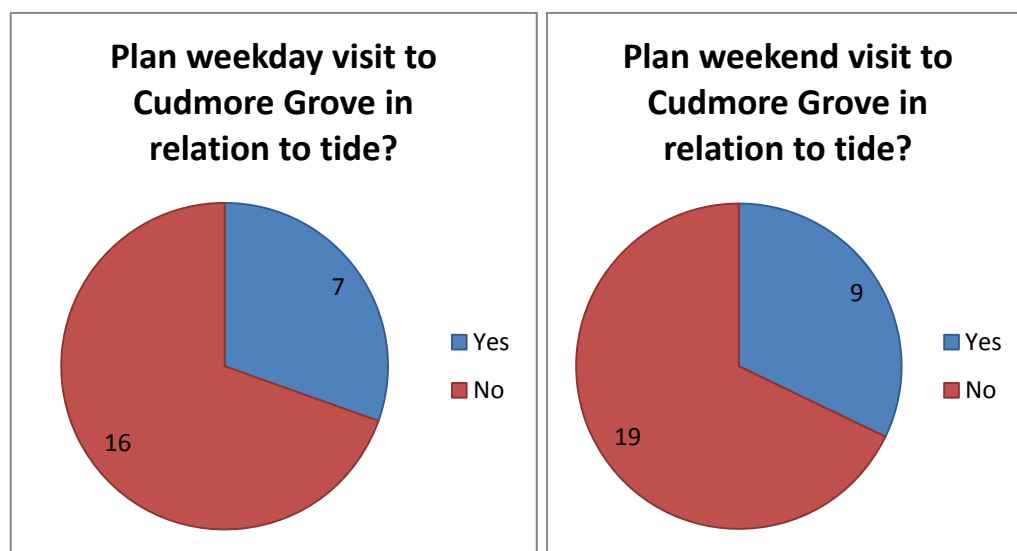
Do you normally visit at a certain time of day?



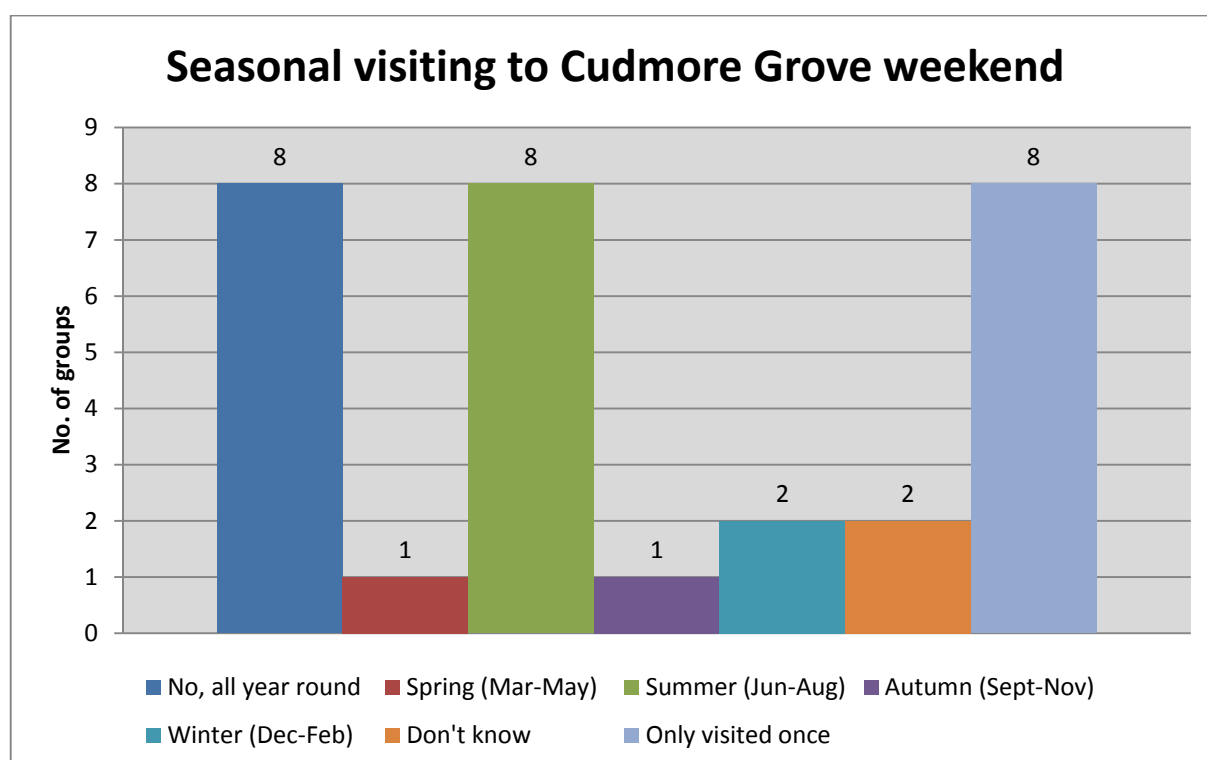
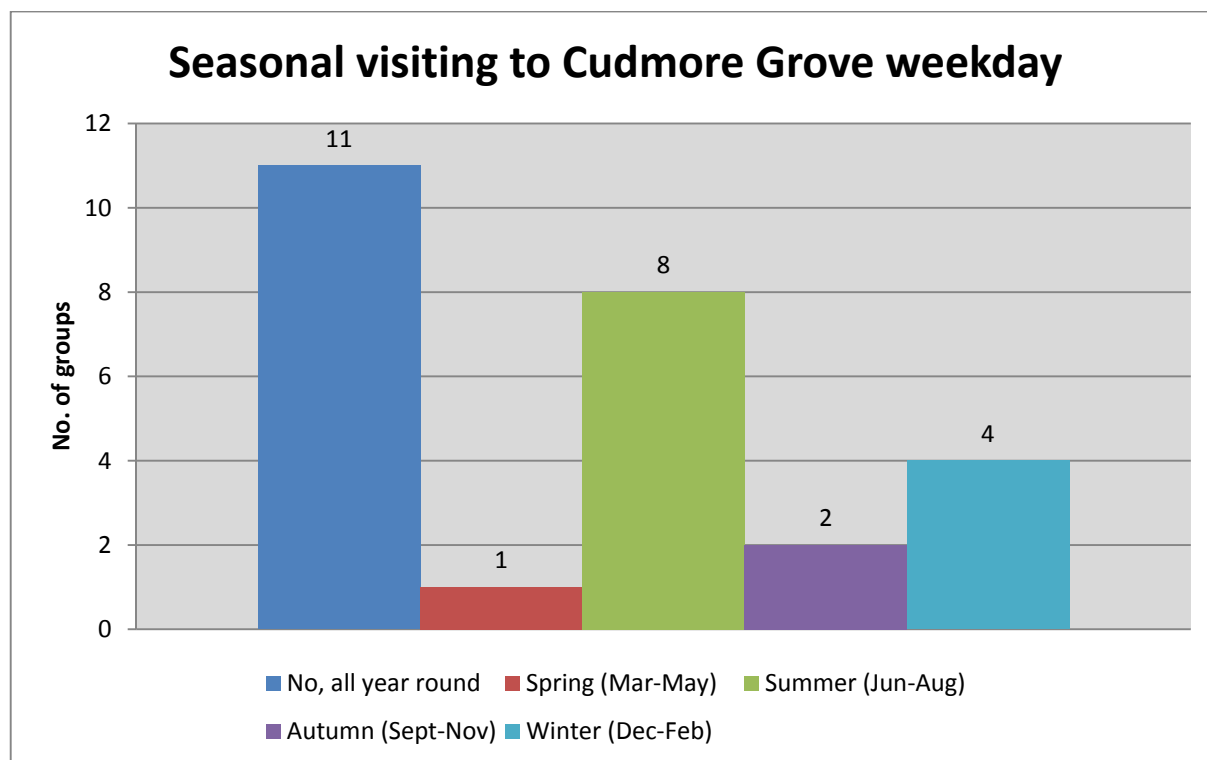
How long have you spent / will you spend along the river today?



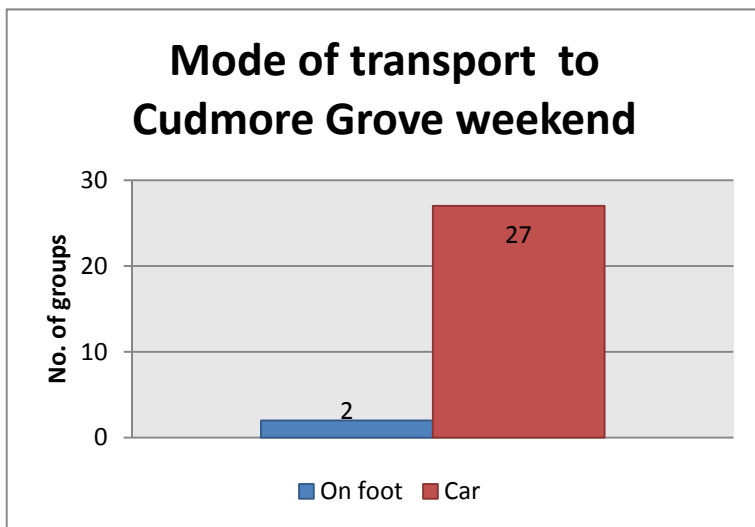
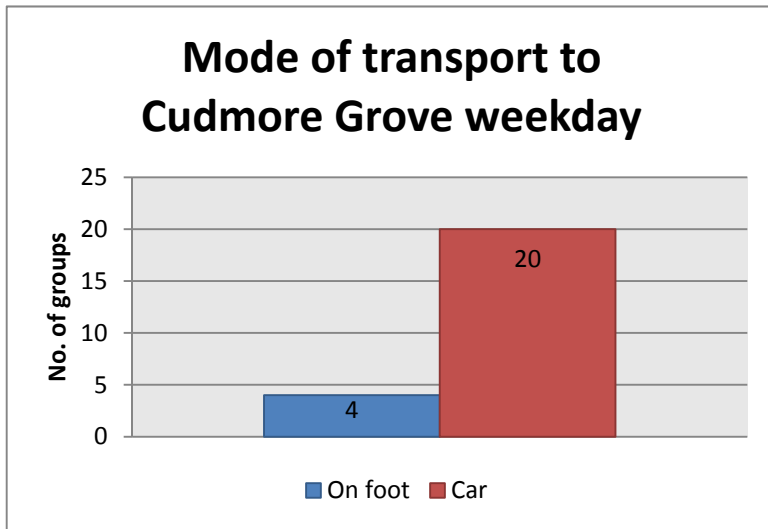
Did you plan visit in relation to the tide?



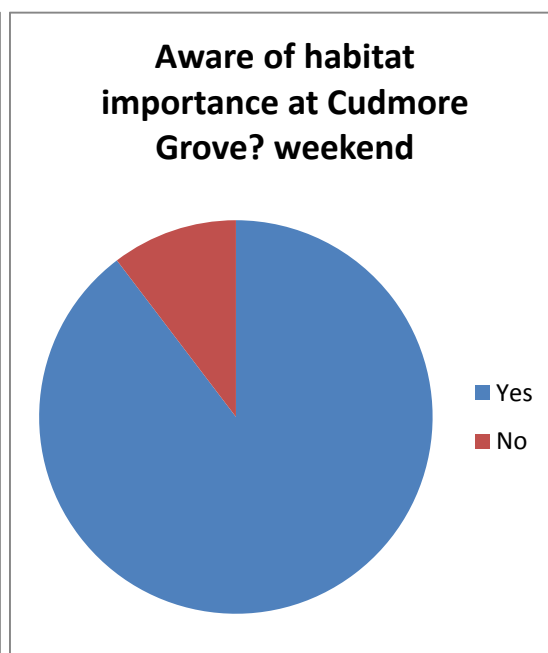
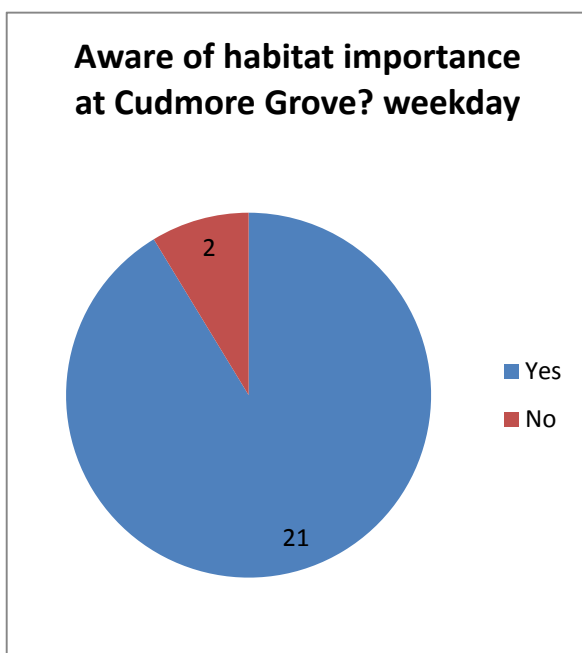
Is there a time of year when you tend to visit more often?



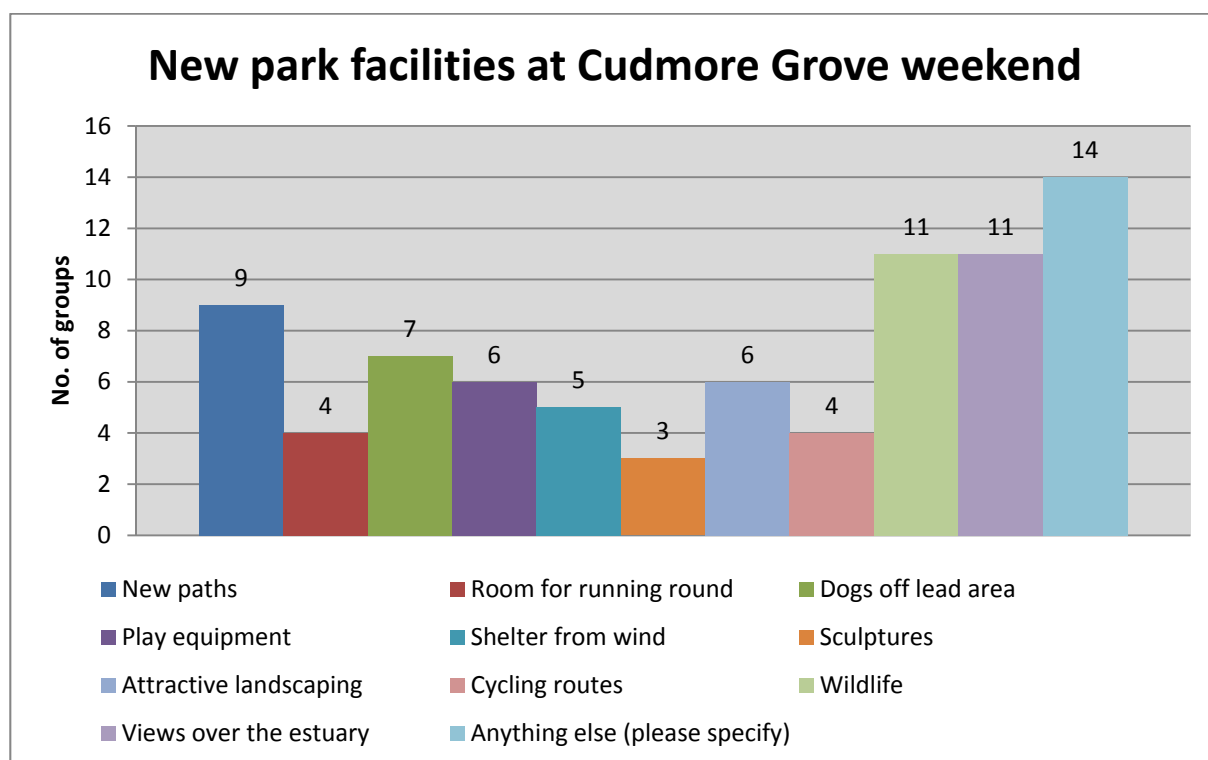
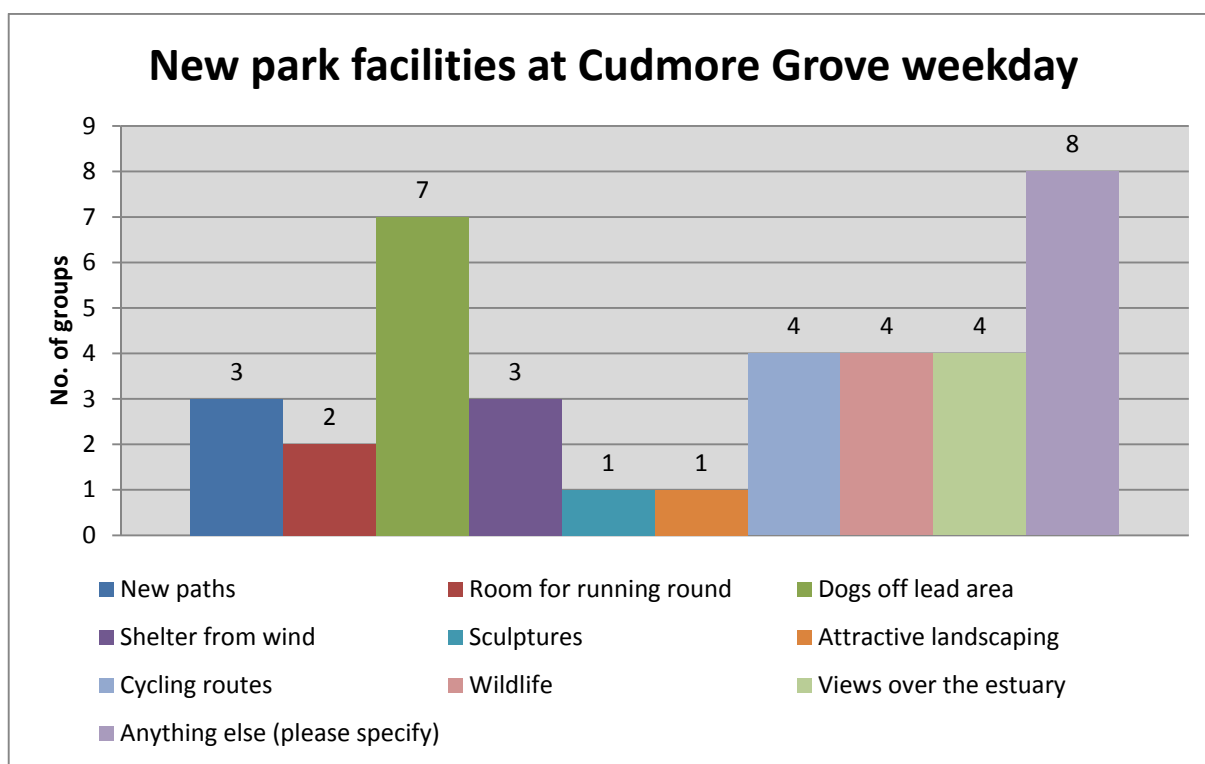
How did you travel here today?



Are you aware that the river and shore are very important for wildlife, particularly water birds for most of the year?



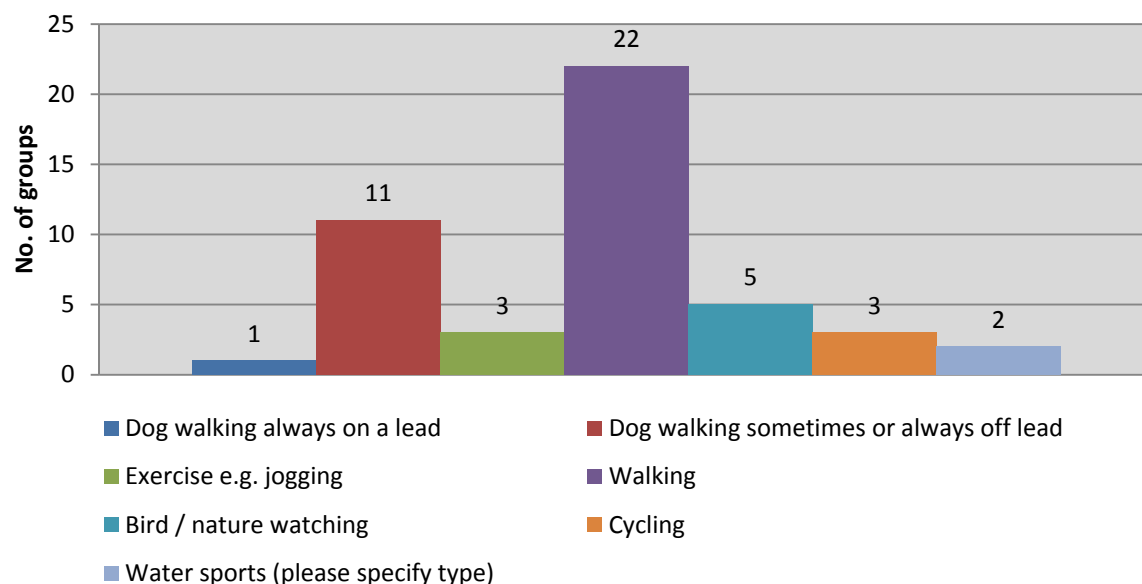
What would make you want to visit a new park if created in the same area (if needed to relieve the pressure on protected sites)?



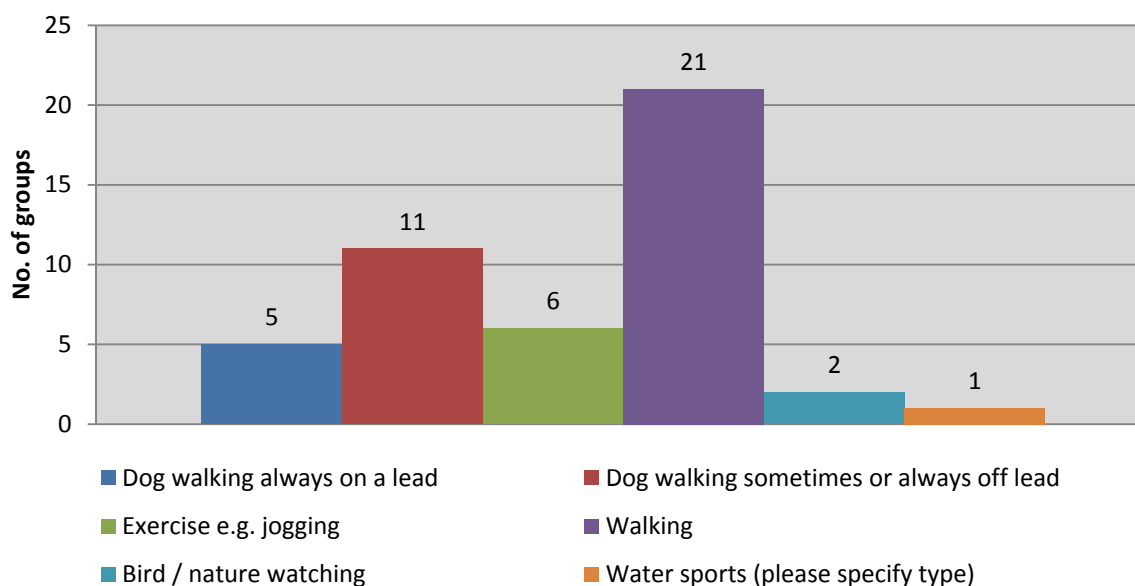
Wivenhoe Barrier

What is your main activity when using this area?

Main activity on visit to Wivenhoe Barrier weekday

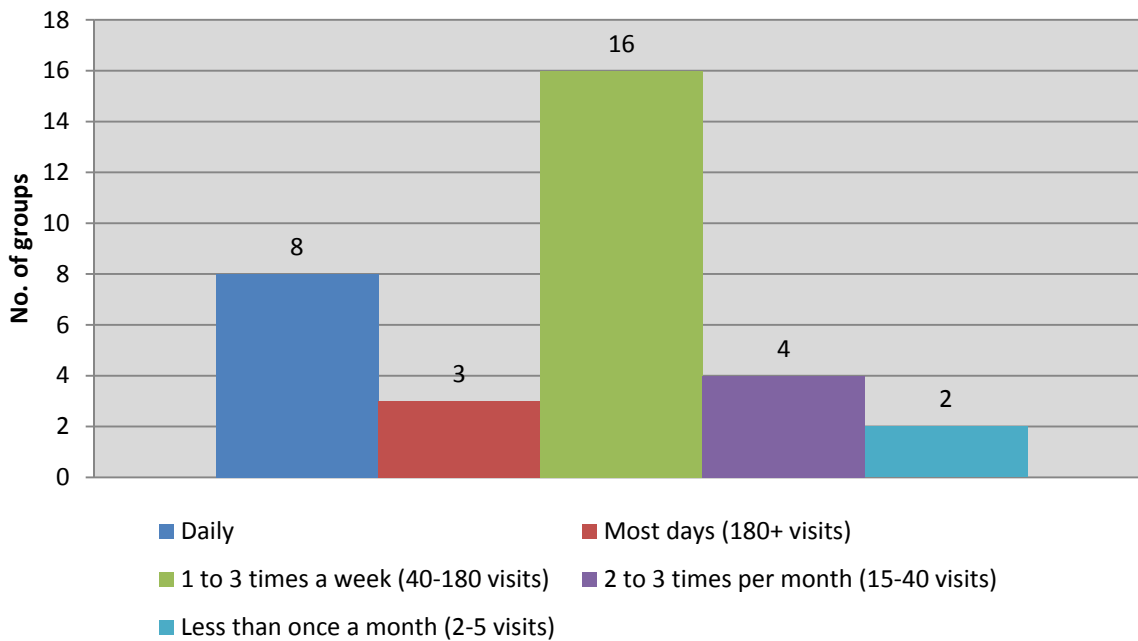


Main activity on visit to Wivenhoe Barrier weekend

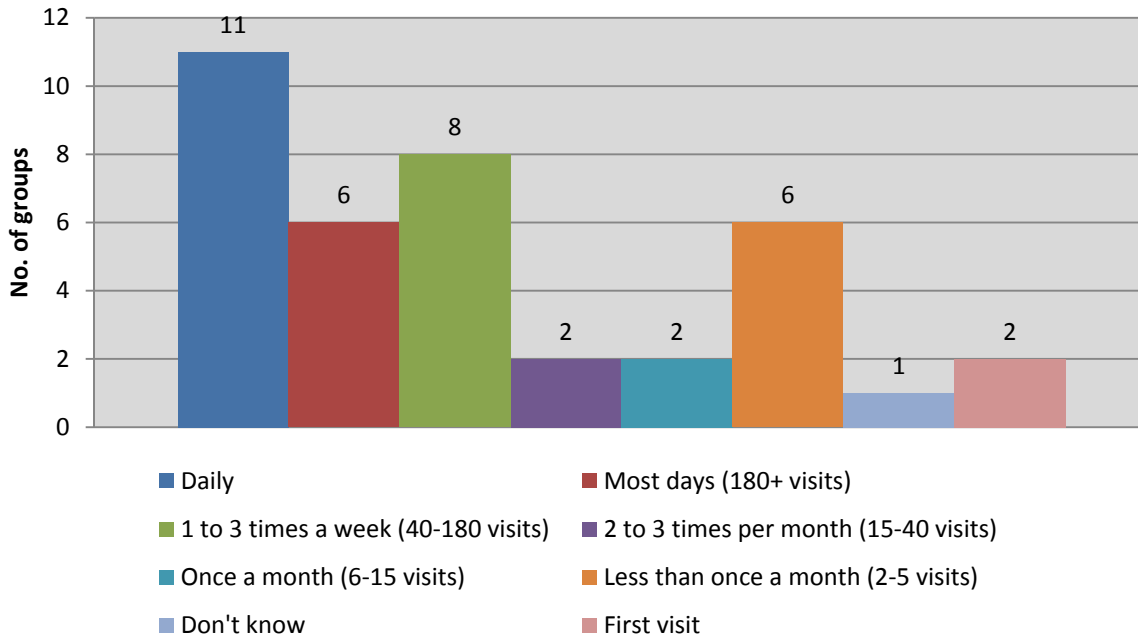


How often do you come to this location?

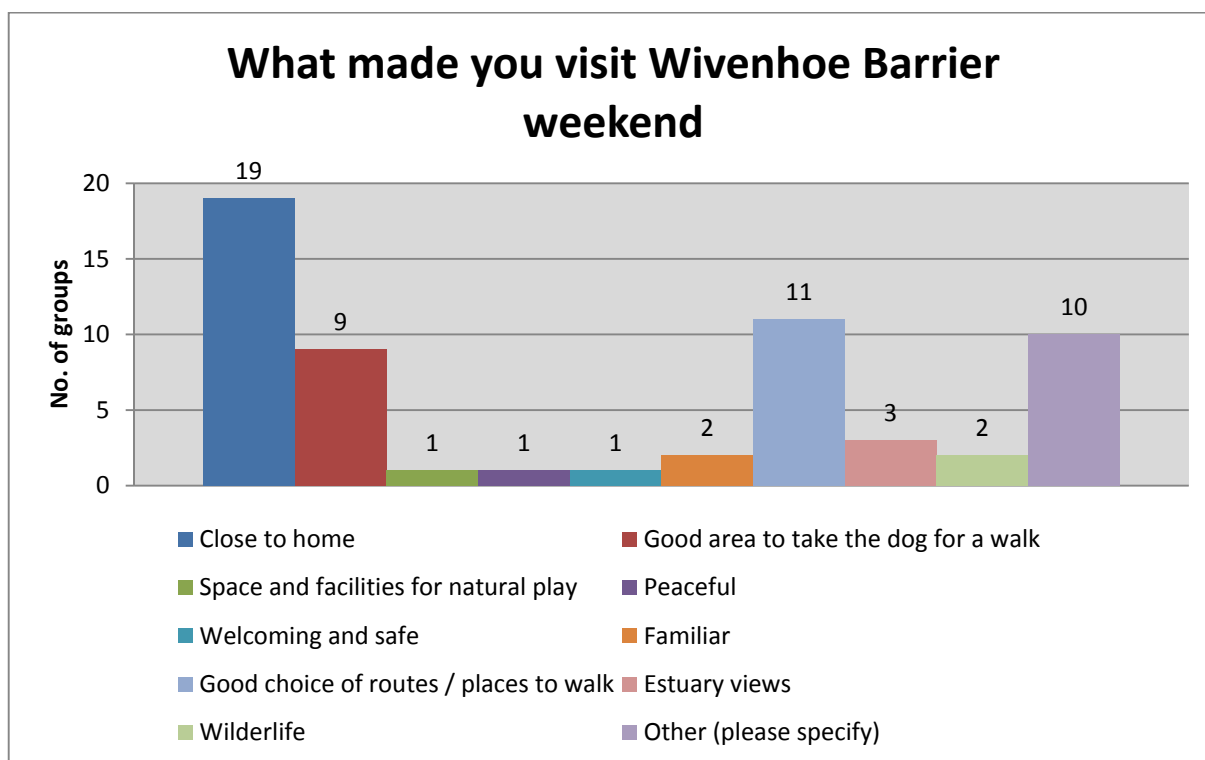
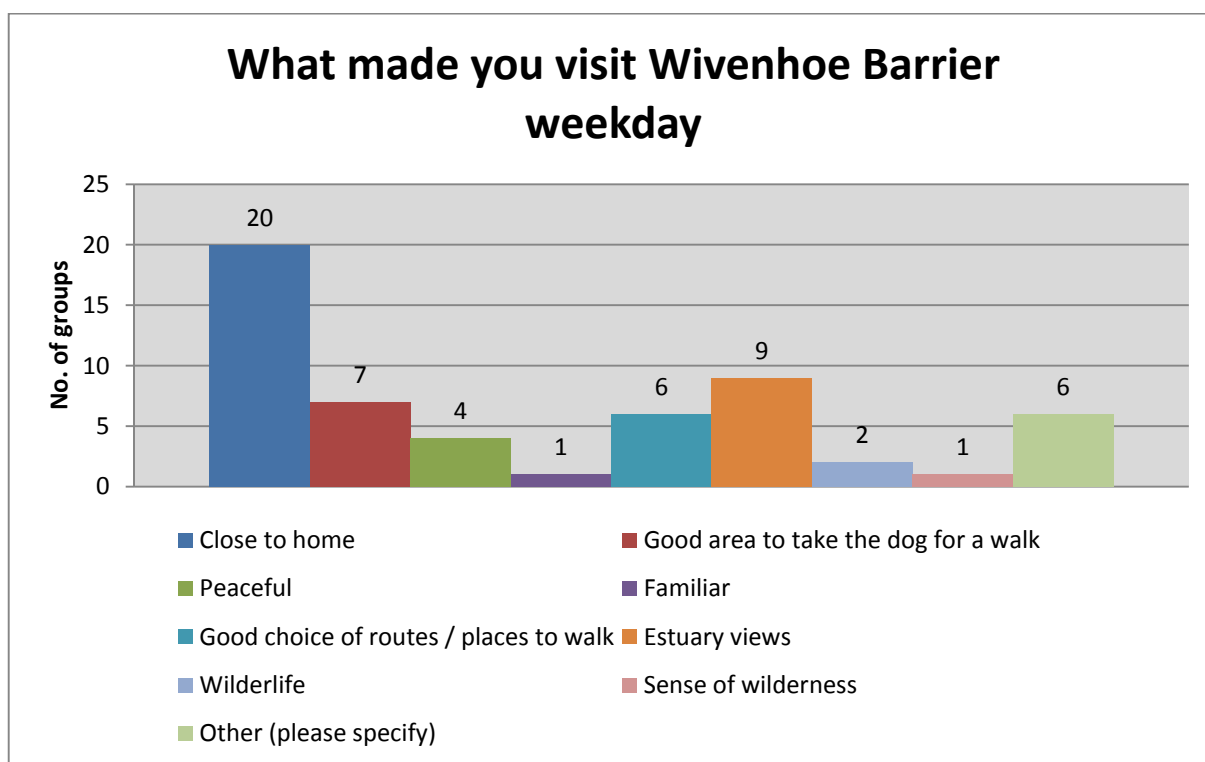
Visit frequency to Wivenhoe Barrier weekday



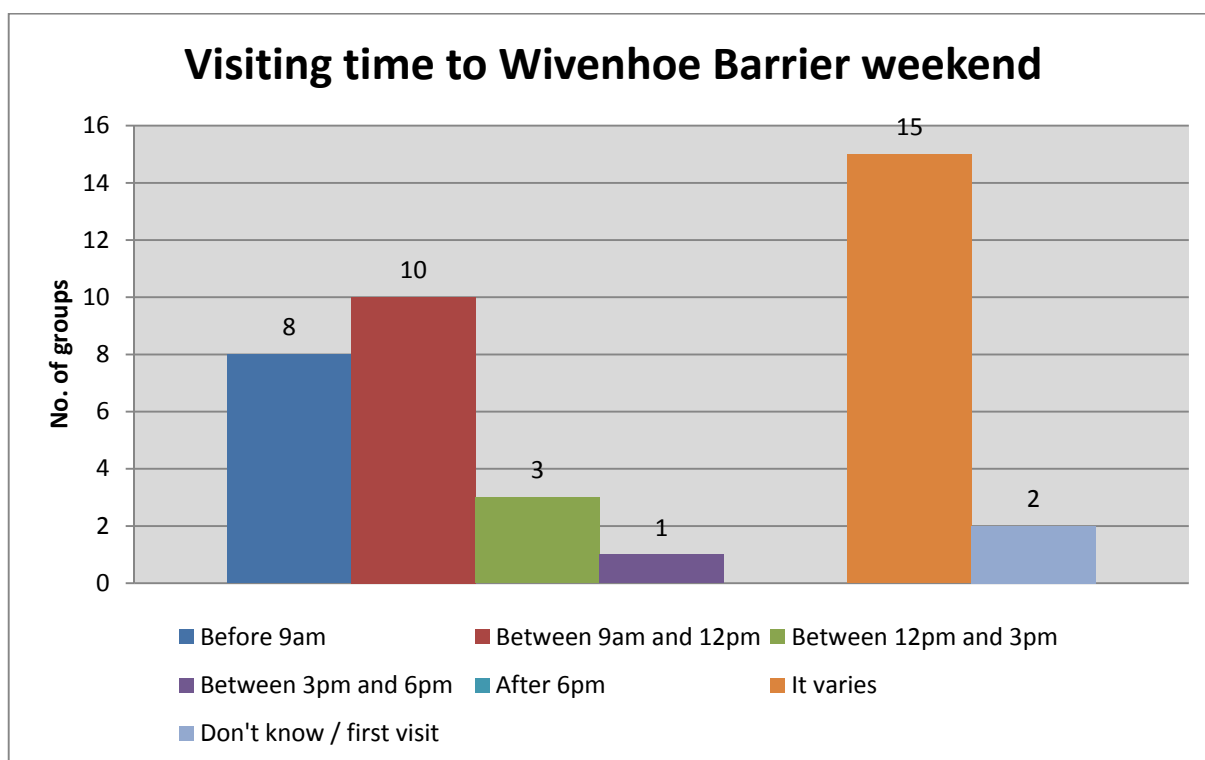
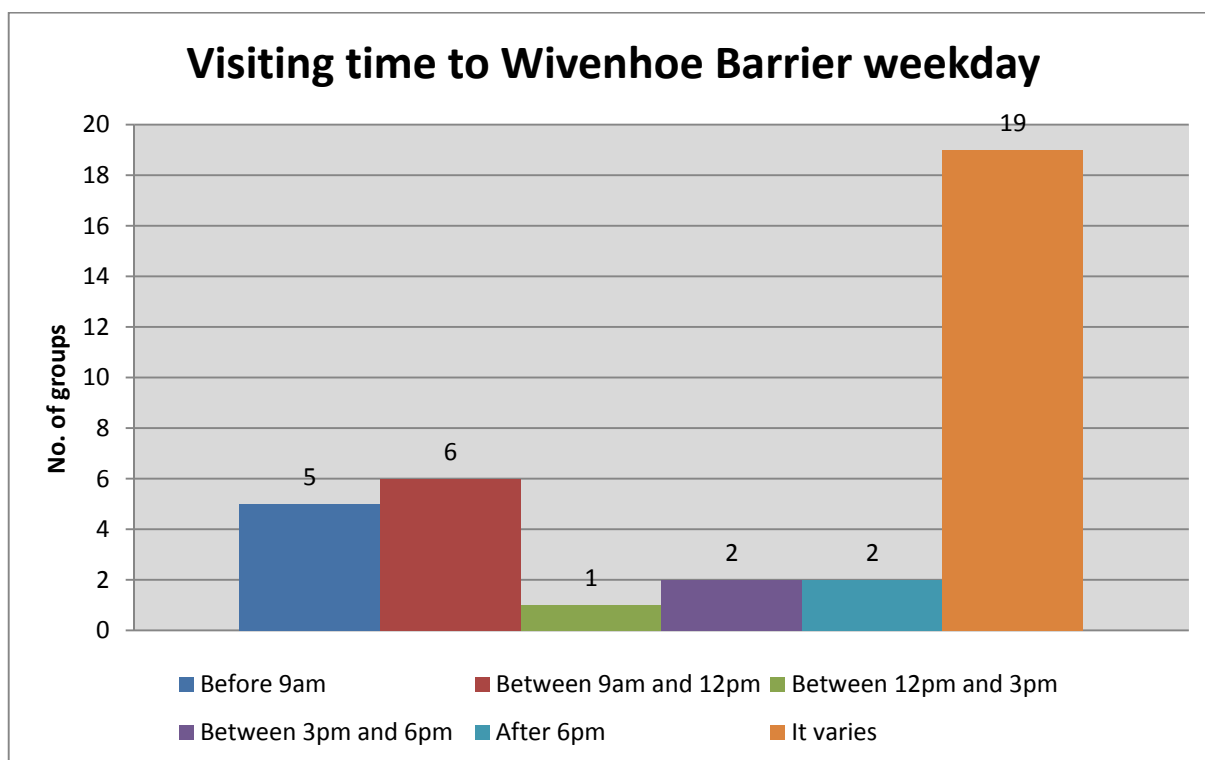
Visit frequency to Wivenhoe Barrier weekend



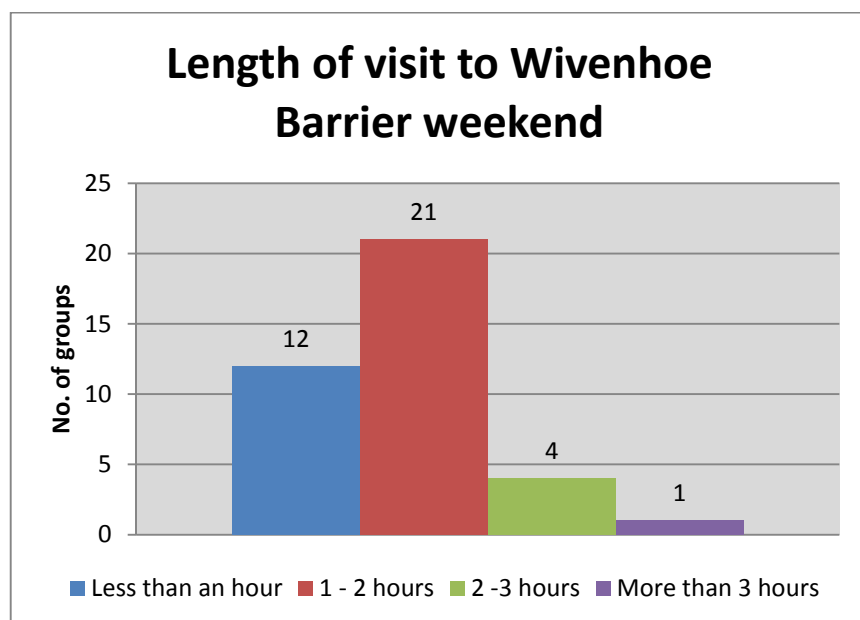
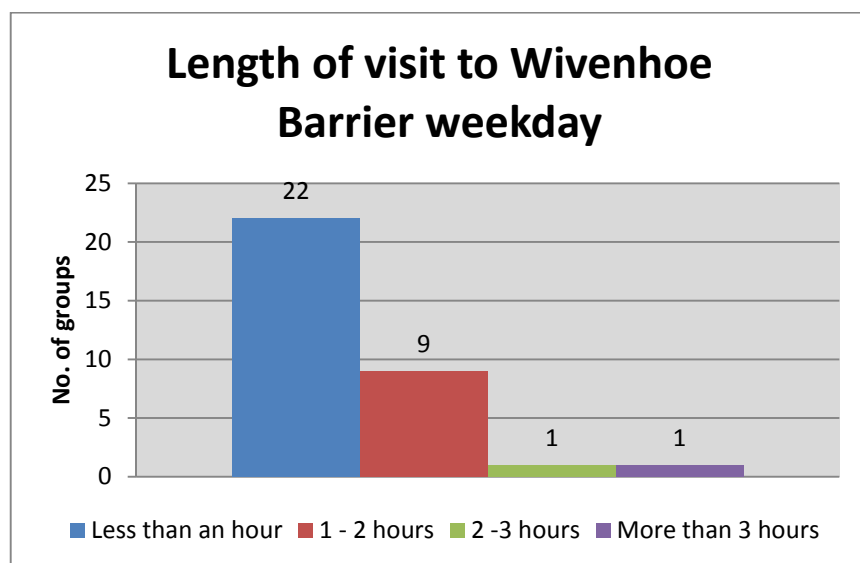
What made you come here today?



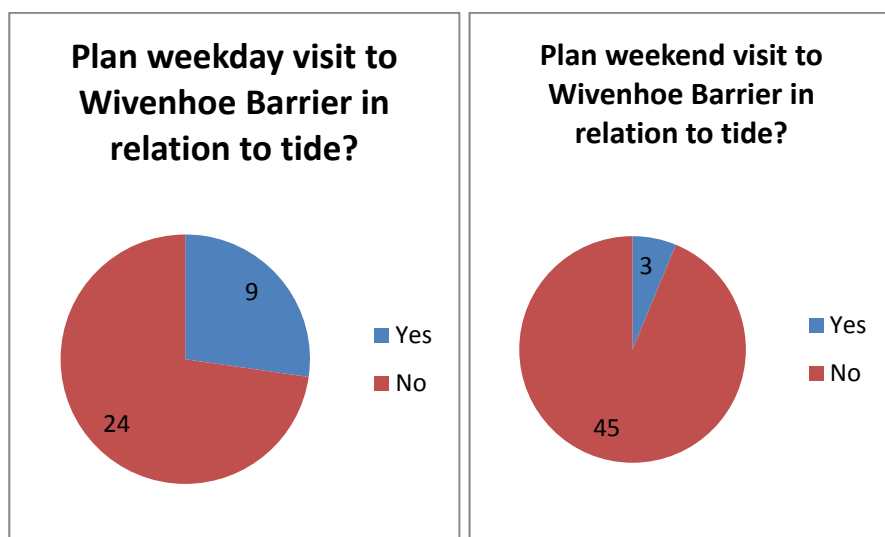
Do you normally visit at a certain time of day?



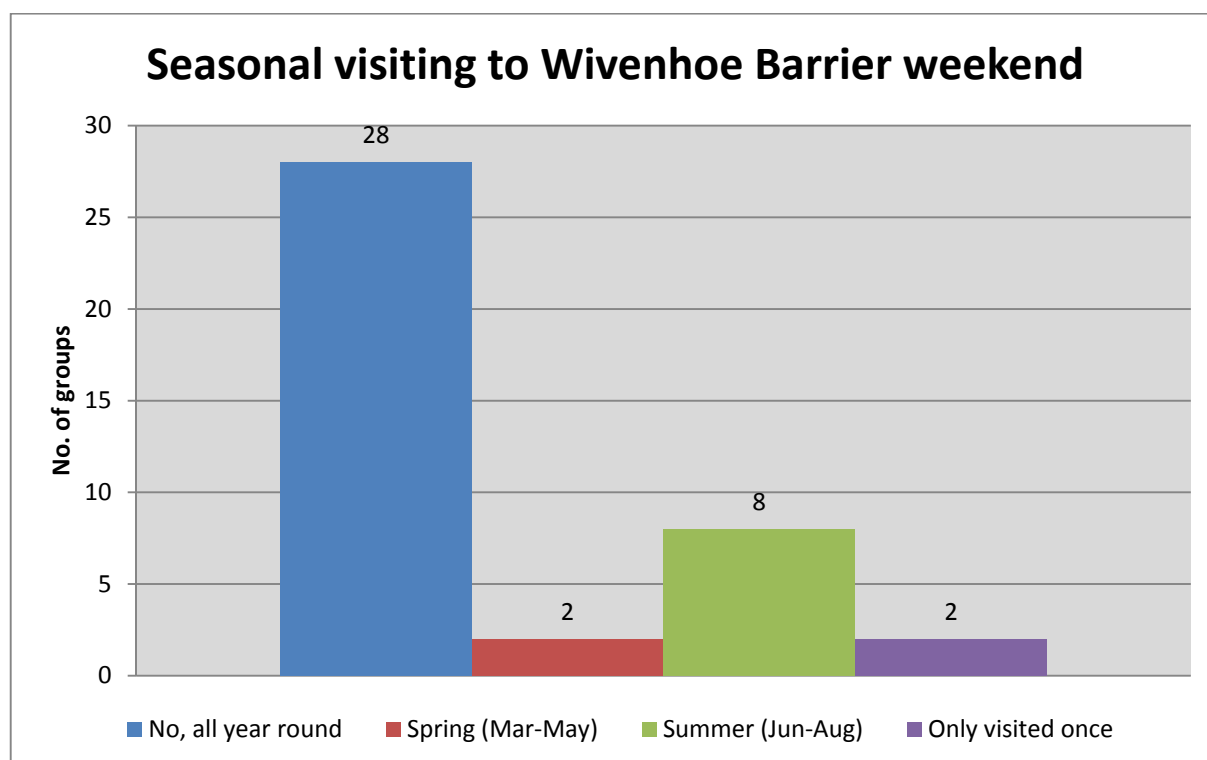
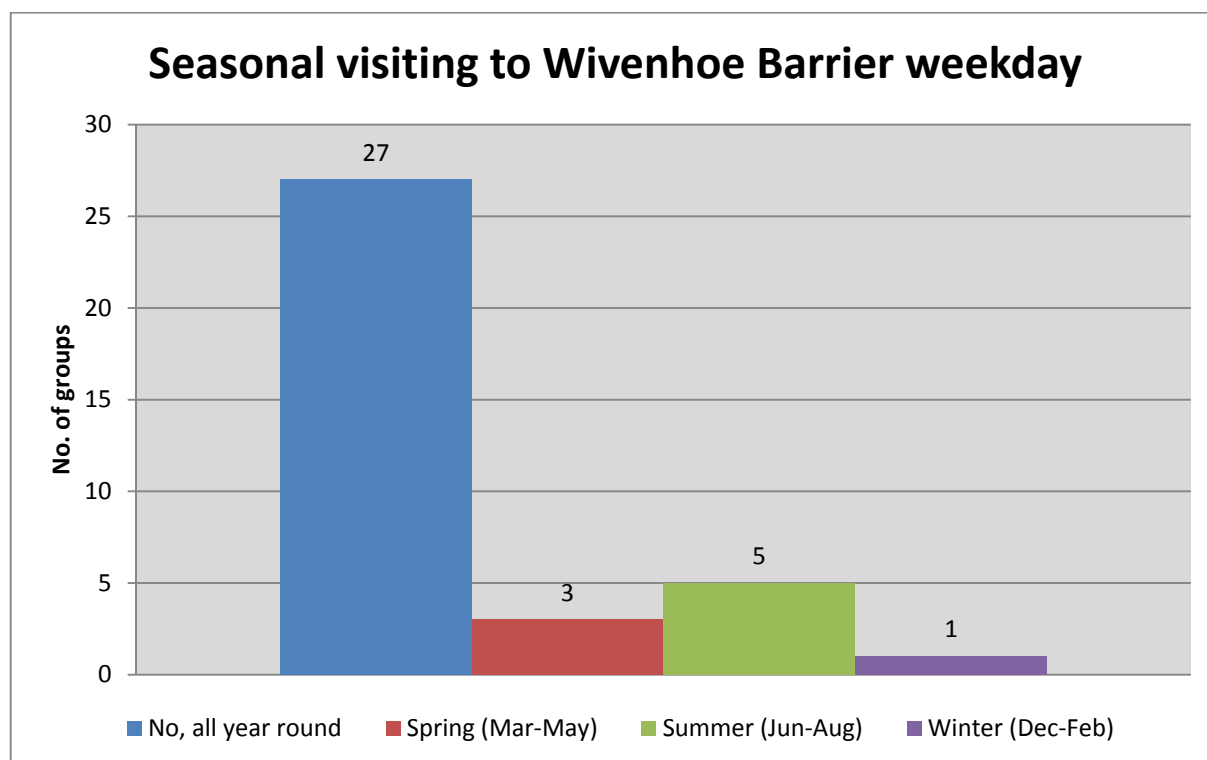
How long have you spent / will you spend along the river today?



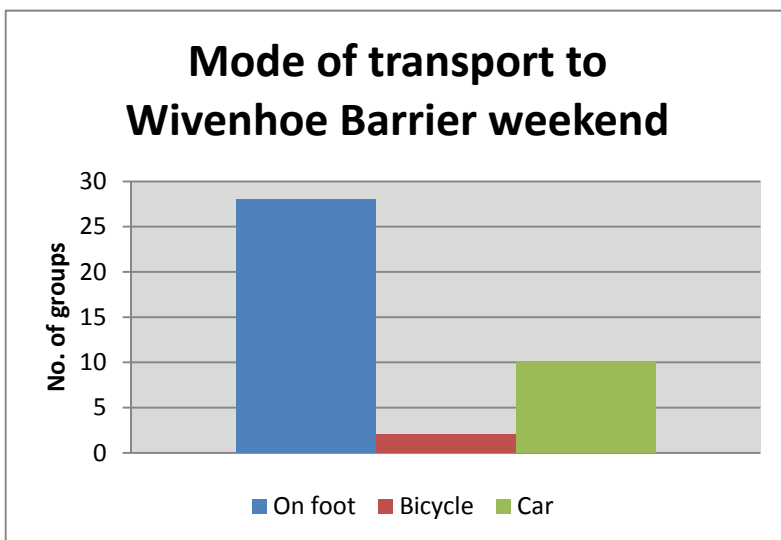
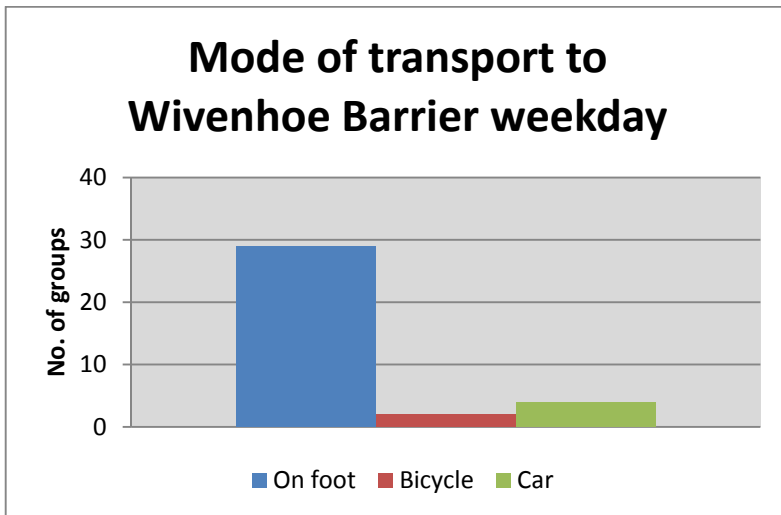
Did you plan visit in relation to the tide?



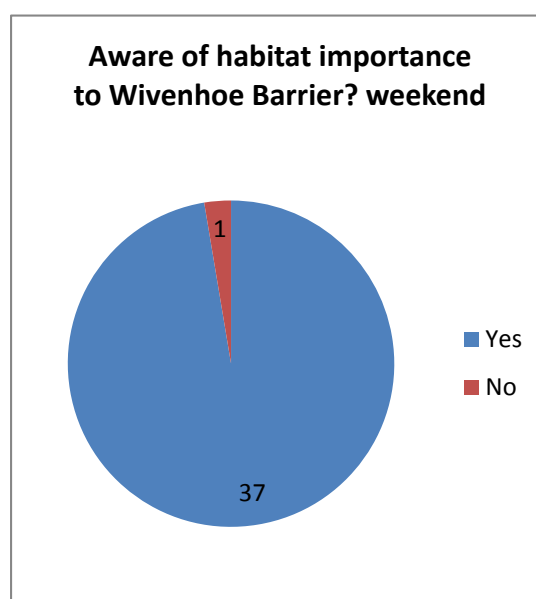
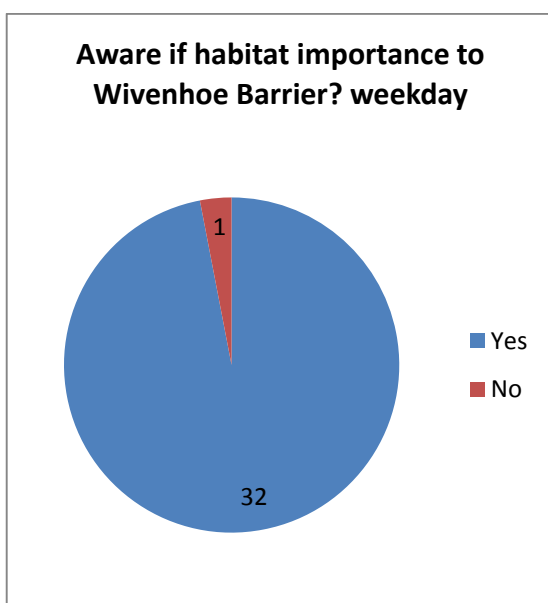
Is there a time of year when you tend to visit more often?



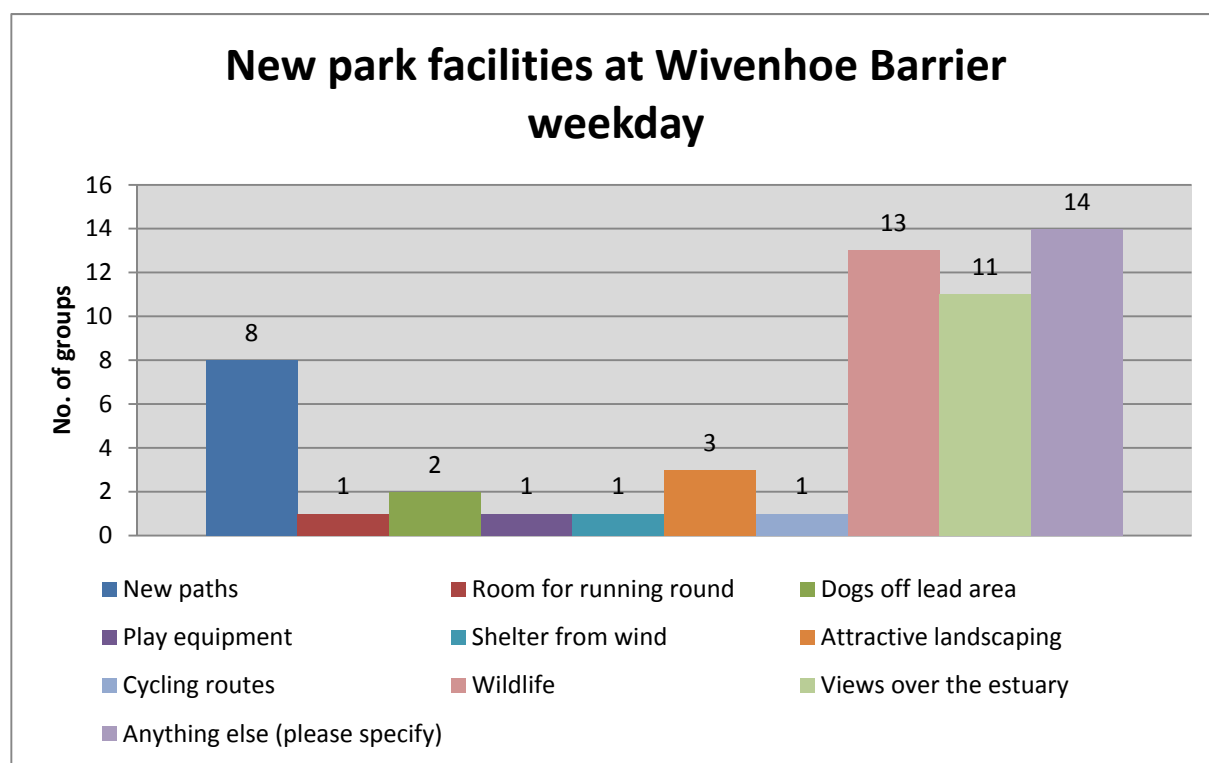
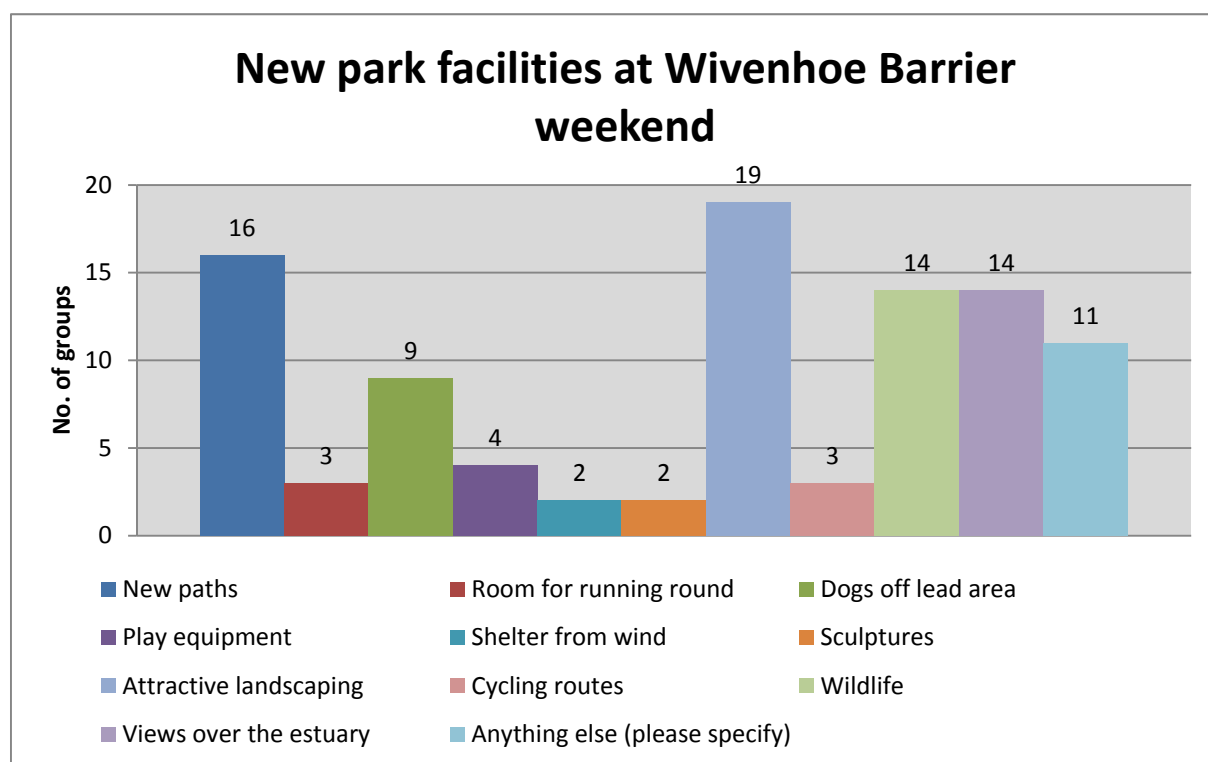
How did you travel here today?



Are you aware that the river and shore are very important for wildlife, particularly water birds for most of the year?

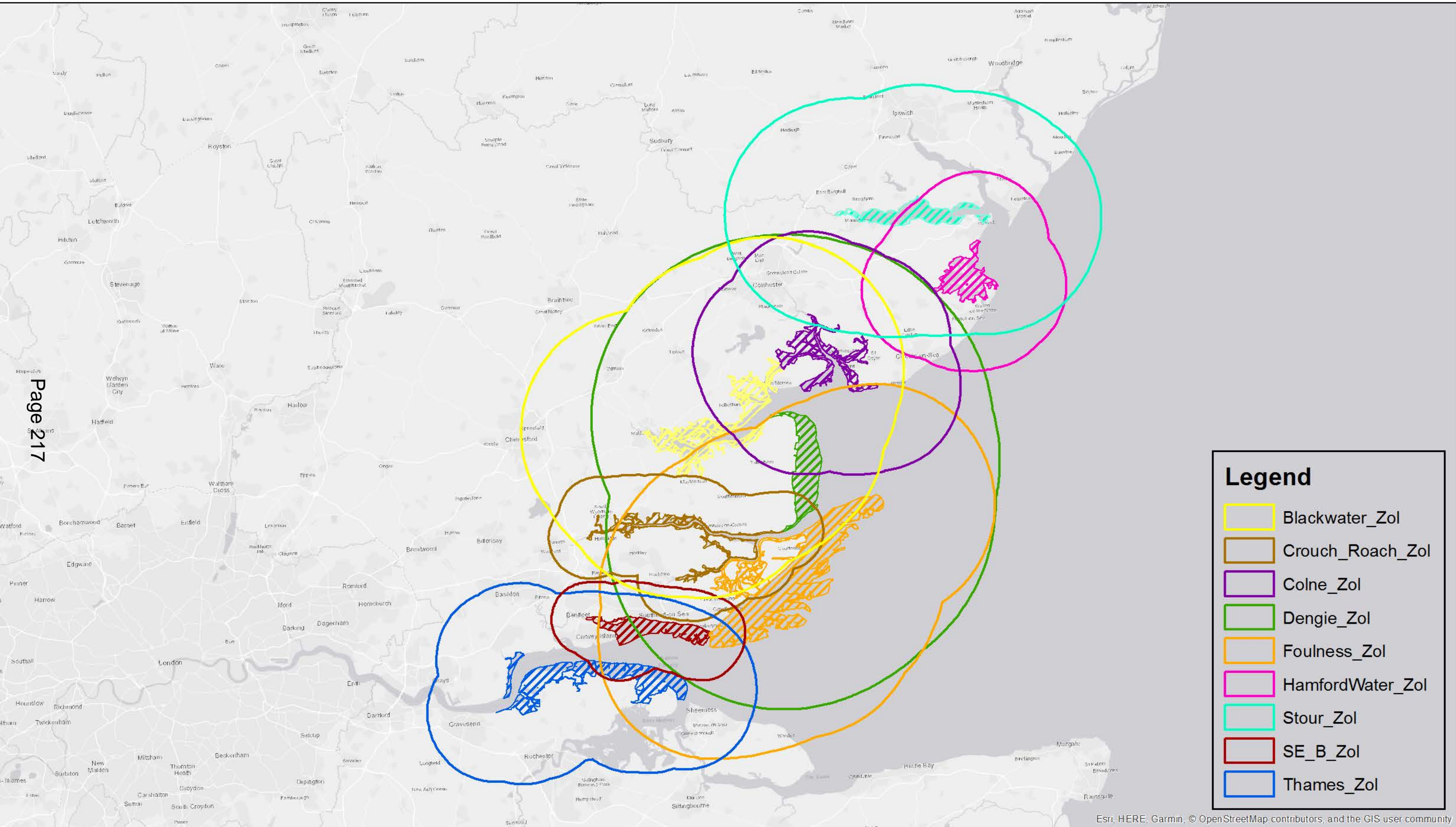


What would make you want to visit a new park if created in the same area (if needed to relieve the pressure on protected sites)?



Essex Estuaries Zones of Influences

APPENDIX 2



Legend

- Blackwater_Zol
- Crouch_Roach_Zol
- Colne_Zol
- Dengie_Zol
- Foulness_Zol
- HamfordWater_Zol
- Stour_Zol
- SE_B_Zol
- Thames_Zol

Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community

This page is intentionally left blank



REPORT of DIRECTOR OF PLANNING AND REGULATORY SERVICES

**to
PLANNING AND LICENSING COMMITTEE
19 JULY 2018**

DISTRICT LICENSING FOR GREAT CRESTED NEWTS

1. PURPOSE OF THE REPORT

- 1.1 To determine whether Maldon District Council should join the District Licensing Scheme for Great Crested Newts or remain with the current site by site mitigation arrangement.

2. RECOMMENDATION

That an 'in principle' commitment to partner with Natural England to develop a District wide scheme by the identified date of July 31 2018 be agreed.

3. SUMMARY OF KEY ISSUES

3.1 Background:

- 3.1.1 There have been enormous declines in Great Crested Newt populations through loss and decline of pond habitats. Great Crested Newts are strictly protected, although populations continue to decline. The deliberate killing of great crested newts or destruction of their habitats is against the law and could lead to criminal prosecutions. However, Great Crested Newts are often affected by new development, which despite protections being put in place by developers, local planning authorities and other agencies, has contributed to the species continued decline.
- 3.1.2 One key problem facing protection of Great Crested Newts within or adjacent to development sites, has been the rapid population decline post development caused by a change in activity around the ponds from domestic pets, recreational activity and changes to nearby habitats which cause disease. The view of Natural England is rather than seek to protect the newts on-site, which is unlikely to succeed in the longer term, it would be preferable to issue a new license regime, which permits the translocation of the newts to locations away from the development providing them with greater protection and increasing survival rates.
- 3.1.3 District Licensing is a new approach to authorising developments affecting Great Crested Newts through strategic habitat improvement, integrated with Local Plans, biodiversity and green infrastructure strategies, rather than the current approach via site based licensing and habitat improvements.

- 3.1.4 The scheme has been developed with environmental bodies such as the Amphibian and Reptile Conservation Trust and is largely supported by developers and energy companies as a way of limiting uncertainty and saving cost in the development process.
- 3.1.5 Natural England has been allocated £7m by government from 2017 - 2020 to set up the scheme. Implementation, maintenance, monitoring and review of the strategy will be funded by developers through contributions, such as via Section 106 agreements. Natural England will fund the surveys and set-up costs directly, but then the habitat creation and maintenance payments come directly to the local council and/or the habitat site provider (e.g. a wildlife trust) via planning contributions. The only other potential cost is if there is no pre-existing suitable site for mitigation at the start of the scheme and funds are needed to create the first one on public or private land.
- 3.1.6 Essex authorities are included in Natural England's Year 2 roll out (2018 / 19). A commitment 'in principle' from the Council is required by Natural England by 31 July 2018.
- 3.1.7 The new scheme is identified in the Housing White Paper (Fixing the broken Housing Market, February 2017) as well as cited in the Government's 25 year Environment Plan (A Green Future: Our 25 Year plan to improve the Environment, January 2018).

3.2 **Changes to the Approach:**

- 3.2.1 The current mitigation system largely focusses on on-site management, through site by site licensing to prevent harm rather than enhancing the habitat in the wider environment.
- 3.2.2 The new approach involves Natural England surveying local authority areas upfront (these surveys are already underway in Essex), and developing risk zone mapping so that future site allocations, for instance, can be made away from the most important Great Crested Newt sites. 'Red' zones will imply that no development is allowed.
- 3.2.3 Financial contributions would be on a sliding scale depending on the risk zone and used to create and enhance ponds and surrounding habitat at strategic locations that can form part of a wider green infrastructure network.
- 3.2.4 Local Planning Authorities (LPAs) will be granted district Great Crested Newt licences allowing them to authorise development affecting Great Crested Newts directly at the same time as planning permission for a development is granted.

3.3 **Benefits:**

- 3.3.1 The majority of set-up costs of strategic surveying, mapping and strategy development are met through the allocation by government of funds to Natural England. This reduces developer survey costs and removes up front risk, thus improving viability which is attractive to developers and house builders.
- 3.3.2 The new approach reduces constraints caused by Great Crested Newts on the footprint of an individual development, focussing mitigation and enhancement off-site at strategic locations instead of being squeezed in around the development.

- 3.3.3 It gives the Council a central role in determining habitat improvement measures, whilst reducing the time spent by officers on Great Crested Newts at individual sites.
- 3.3.4 Crucially, Natural England is confident that the new approach will result in reduced risk of disease in newt populations.

3.4 **Considerations and concerns:**

- 3.4.1 Natural England estimates it will take approximately 12 hours of local authority officer time for the initial set up to develop the local strategy in partnership with Natural England.
- 3.4.2 It is a legal requirement that a functioning Great Crested Newt habitat must be created before any can be destroyed under a licence i.e. before development commences on any of the participating development sites. These mitigation sites need to be identified at the strategy development stage and can be delivered on local authority greenspace or brought forward with wildlife organisations (such as Essex Wildlife Trust) or open market providers. Where there are no alternatives, some of the Natural England funding may be secured for creating compensatory habitat.
- 3.4.3 There are a range of options for Maldon District Council (MDC) to consider with respect to engagement in the process and delivery. These are summarised below:

	Hold Licence	Deliver mitigation	Note: Third Party could be a wildlife organisation e.g. Essex Wildlife Trust, another local authority or group of authorities, or an open market provider e.g. Naturespace (see below)
Option 1	MDC	MDC	
Option 2	MDC	Third Party	
Option 3	Third Party through Legal Agreement	Third Party through Legal Agreement	

- 3.4.4 The viability of which option will work best for Maldon will emerge as the strategy is developed. If Maldon District Council does not opt to be the licensing authority, Natural England can seek alternative providers on an open market basis e.g. Naturespace operating for the South Midlands authorities. The scheme is currently voluntary for developers to join so even though a district licence may be obtained by the LPA, developers can still opt to provide on-site mitigation.
- 3.4.5 At this stage, the Council is being asked whether it wishes to sign up to the scheme so that discussion can start on its implementation. Not signing up could result in a scheme being introduced into which the Council has little input and therefore, little influence.

4. **CONCLUSION**

- 4.1 The District Licensing approach allows the opportunity to provide enhanced Great Crested Newt habitat at a strategic scale off-site in zones of most opportunity to existing Great Crested populations funded by developer contributions whilst reducing

officer time and creating time and cost savings for the developers. The approach fits with the emerging strategy for the Green Infrastructure network.

5. IMPACT ON CORPORATE GOALS

- 5.1 Delivery of Great Crested Newt mitigation at a District-wide scale accords with the emerging Green Infrastructure Strategy and helps deliver the corporate goal of 'Protecting and Shaping the District'.

6. IMPLICATIONS

- (i) **Impact on Customers** – If the aims of the District Licensing approach are successful, our development partners should see a reduction in time spent by them in the planning application process and reduced risk of delays from the discovery of Great Crested Newts at a late stage in the application process when development designs are already well-advanced.
- (ii) **Impact on Equalities** – There are no identifiable impacts on equalities currently although this should be monitored as the District Licensing strategy is developed and delivered.
- (iii) **Impact on Risk** – As identified above, the District Licensing approach should result in a reduction in time spent by both developers and officers in relation to Great Crested Newt mitigation in the planning application process and reduced risk of delays from their discovery at a late stage in the application process, therefore speeding up delivery of housing for the district. There is a risk that some developers may not participate.
- (iv) **Impact on Resources (financial)** – Successful set up of the District Licensing process should be cost-neutral to the local authority as, apart from creation of the initial mitigation site, the cost is covered by Natural England. Once operational, on-going costs of monitoring and maintenance should be covered through developer contributions.
- (v) **Impact on Resources (human)** – There is a short amount of officer time required for partnership working with Natural England in development of the Districtwide Licensing strategy but this should be more than off-set by savings in officer time on each individual development site.
- (vi) **Impact on the Environment** – A strategic approach to mitigation will give the opportunity to create larger and more sustainable areas of Great Crested Newt habitat in zones of highest opportunity instead of small mitigation areas onsite that are often prone to disturbance by recreation and pets.

Background Papers: Natural England – District Licensing for Great Crested Newts

Enquiries to:

Karen Johnson, Principal Planning Officer, (Tel: 01621 876283) or
Catherine Bailey, Countryside and Coast (Major Applications) Officer, (Tel: 01621 875836).



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**to
PLANNING AND LICENSING COMMITTEE
19 JULY 2018**

**FLOOD APPRAISAL STUDY FOR THE CENTRAL AREA MASTERPLAN FOR
MALDON AND HEYBRIDGE**

1. PURPOSE OF THE REPORT

- 1.1 To provide Members with a proposal by Essex County Council (ECC) to undertake a details flood appraisal study of the Central Area Masterplan.

2. RECOMMENDATIONS

- (i) that Members note the contents of the report;
- (ii) that Members approve a contribution of £12,000 towards the detailed appraisal.

3. SUMMARY OF KEY ISSUES

- 3.1 Following public consultation and passage through the Planning and Licensing Committee the Council adopted the Maldon and Heybridge Central Area Masterplan on 2 November 2017.
- 3.2 Project 12 of the Masterplan identifies the requirement to undertake a detailed flood risk appraisal of the area. The appraisal will consider all sources of flooding including coastal, fluvial and surface water and how these interact with each other.
- 3.3 The appraisal will not only examine flood risk from all sources of flooding but will give consideration to existing Strategies, Plans and Assessments from past documents such as Catchment Flood Management Plans, Shoreline Management Plans, Surface Water Management Plans and River Basin Management Plans. In addition, the appraisal will seek to outline the effects of the interaction between different flood risk sources and the impacts on people and property.
- 3.4 The Masterplan aims to ensure the Central Area's role as the focal point within the District for retail, commercial, community and tourism activities supported by its heritage assets, waterways and greenspaces.
- 3.5 As the entire Masterplan area falls within a flood zone this places significant barriers on development and regeneration of the area. To overcome the barriers a detailed flood risk appraisal has been identified. This will provide a robust evidence based

document which will inform the implementation of the Masterplan, future planning policy and where development is proposed, the necessary flood risk assessments. It will also help inform future capital programmes, planning applications, Community Infrastructure Levy (CIL), Section 106 agreements, and any grant fund applications.

- 3.6 In partnership with ECC an application has already been prepared for submission to the Environment Agency (EA) for Flood Defence Grant in Aid funding and Local Levy towards the cost of the appraisal. ECC are proposing to carry out the work using their in-house specialists apart from the high level modelling required. The work can be carried out under a Local Authority Cooperation Agreement.
- 3.7 The total cost of the appraisal is £64,834. The EA have indicated that there would be a combination of Flood Defence Grant in Aid and Local Levy available to fund a total of £52,834 approximately 80% of the costs with a contribution from Maldon District Council of the remaining £12,000.

4. CONCLUSION

- 4.1 It is clear that a detailed flood risk appraisal is required. There are existing barriers preventing regeneration and development in the area. Currently the existing properties are in a flood risk zone particularly along the Causeway as identified in the Maldon and Heybridge Surface Water Management Plan. The Causeway and Benthalls area being predominantly industrial, fall outside of local funding streams as focus is generally given to residential properties. A detailed assessment will help to prioritise hotspots within the location and enable other funding opportunities to come forward. In order to provide protection to existing businesses and homes and minimise disruption of flooding to people and activities within the area, it is important to ensure that future flood risk does not go unmanaged; the risk of flooding will be comprehensively assessed through this project and measures will be identified to minimise flood risk.

5. IMPACT ON CORPORATE GOALS

- 5.1 The detailed assessment will have a positive impact on the corporate goals in particular “Strengthening Communities to be Safe, Active and Healthy” and “Protecting and Shaping the District”. It will assist in the protection of existing properties and business in the location against flood risk and open up the area for regeneration and development.

6. IMPLICATIONS

- (i) **Impact on Customers** – If the assessment is completed it will have a positive impact on customers. It will enable local funding opportunities to be accessed and directed for flood mitigation in the area in question.
- (ii) **Impact on Equalities** – The Council is committed to providing equal opportunities with no discrimination. There are no identifiable impacts.

- (iii) **Impact on Risk** – Failure to manage existing flood risk will impact on residents and businesses and may result in uncoordinated development and missed opportunities for funding as a result.
- (iv) **Impact on Resources (financial and human)** – The proposal is seeking a contribution of £12,000 from Maldon District Council which is expected to come from existing budgets. The Council has flood risk management responsibilities and this work will be a major influence to this function.
- (v) **Impact on the Environment** – Completion of this project will result in improvements to the local environment and support sustainable development that is appropriate for the area.

Background Papers: None.

Enquiries to: Shirley Hall, Environmental Health Manager – Environmental Protection, (Tel: 01621 875817).

This page is intentionally left blank