



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
30 MARCH 2021**

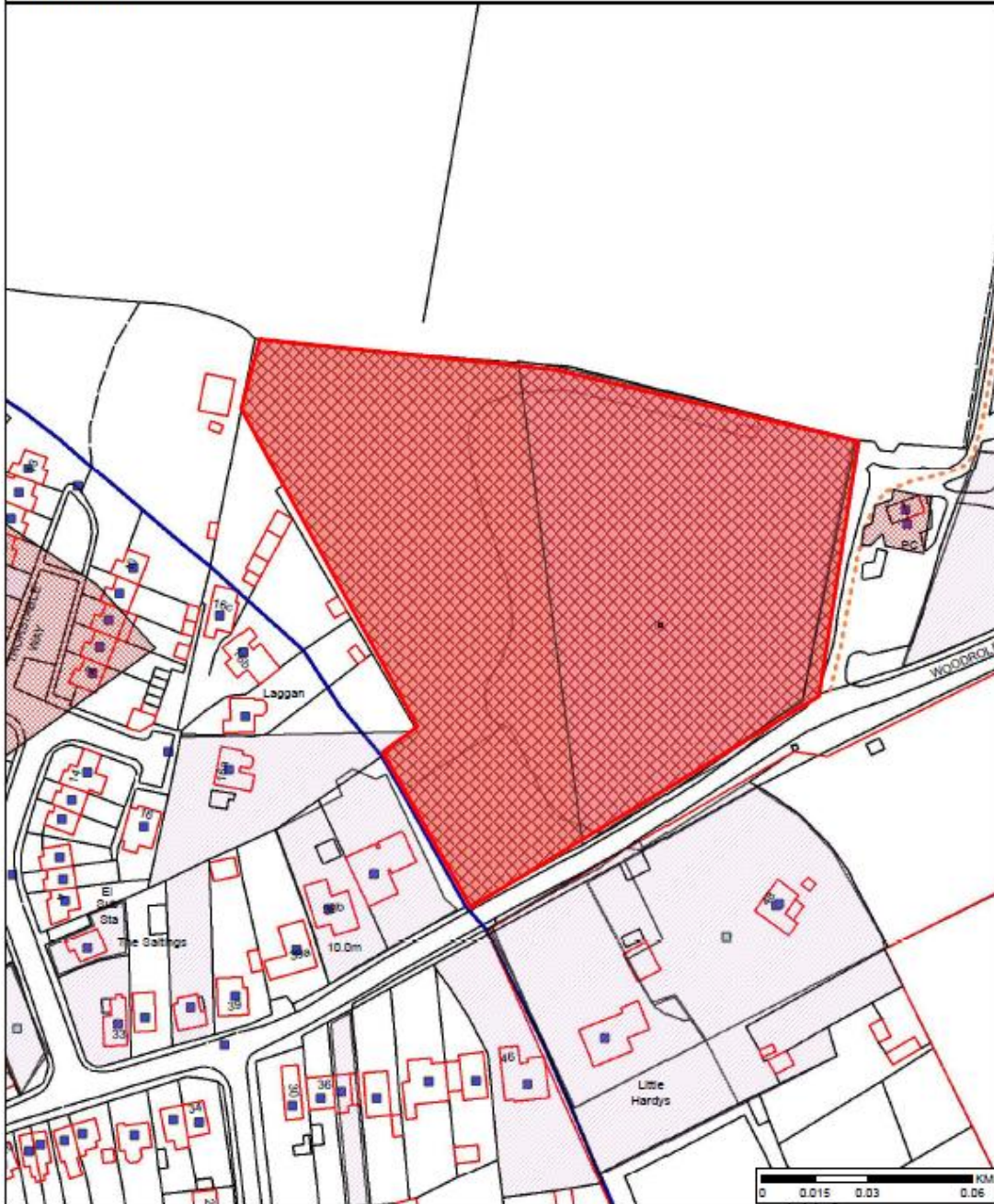
Application Number	21/00702/FUL
Location	Land North Of 48 Woodrolfe Road, Tollesbury, Essex
Proposal	Create residential specialist neighbourhood for older people, consisting of 29 affordable dwellings and community hub building, with associated landscaping and infrastructure.
Applicant	Mr Rob Scott - Lewis & Scott Retirement Living Ltd
Agent	N/A
Target Decision Date	01.04.2022
Case Officer	Anna Tastsoglou
Parish	TOLLESBURY EAST
Reason for Referral to the Committee / Council	Major Application


1. **RECOMMENDATION**

REFUSE for the reasons as detailed in Section 8 of this report.

2. **SITE MAP**

Please see below.



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	Organisation: Maldon District Council
	Department: Department
	Comments: Not Set
	Date: 09/03/2022
MSA Number: 100018588	

SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The site is located on the northern side of Woodrolfe Road, outside the settlement boundary of Tollesbury. The site is an open, fairly flat and undeveloped grass field, bounded by hedgerows to the north, east and south boundaries. To the west the boundary is demarcated by a dense wooded area, which separates the field with the developed area within the settlement boundary of the village.
- 3.1.2 To the east of the site lie some of the village public facilities, including the village hall and public car park and beyond that further to the east is the Tollesbury Marina and the employment estate of Tollesbury. To the north of the site are open fields and the village lies to the south west. The land to the south east is largely undeveloped, apart from two dwellings directly opposite the site (No. 48 Woodrolfe Road and Little Hardys). The development along Woodrolfe Road and within the settlement boundary is linear along the road, maintaining a fairly strong front building line, albeit with a deeper front garden the closer the houses are located to the countryside.
- 3.1.3 The dwellings vary in terms of scale, mass, design and finishing materials, including brown and red brick bungalows, detached chalet style dwellings with accommodation in the roof and a mixture of traditional red brick and rendered finished two storey dwellings.

Description of Proposal

- 3.1.4 Planning permission is sought for the construction of 29 residential properties to provide sheltered accommodation for people over 60 years of age, including community hub building and associated landscaping and infrastructure.
- 3.1.5 The development would be accessed off of Woodrolfe Road, with the main access road heading north and then northeast and at a right angle from the east to the west, around the dwellings nos 15- 25. A secondary access point will be also formed towards the west from the main access point to serve units 5 to 12. Some of the proposed dwellings will be fronting into the proposed estate road, whilst the majority will be fronting the communal garden area, being located centrally and to the north of the application site. An attenuation basin is proposed to be formed along the western boundary of the application site, including a wetland area. The proposed multi-purpose building would be located on the western part of the main road adjacent to and fronting the wetland area. A footpath is proposed to be created within the woodland on the western part of the application site. The documents submitted with the application suggest that the proposed development would incorporate dementia-friendly design principles.
- 3.1.6 The proposed development would include a variety of design and scales of residential properties. The details of the properties are as follows:
- Units 1 and 2: These chalet style dwellings would be located 5 metres away from the public highway and they would be fronting the estate road. The semi-detached properties would measure 19.7 metres wide, a maximum of 13.6 metres deep (excluding the overhang of the roof over the veranda to the rear), 2.3 metres high to the eaves with a maximum height of 7.2 metres. The dwellings would have a main cross-gabled roof, with gabled roof dormers to the front and rear and elements of the roof having a lower ridge height and other elements projecting beyond the main plain of the roof. The properties would have a recessed area centrally to the front to provide off-street parking and with a

rearward projection. Architectural features referencing the sail lofts along the marina have been incorporated.

- Units 3 and 4: This is a pair of semi-detached chalet style bungalows, with a double gable roof and a central gable link, incorporating a recessed section centrally to the front and a projection with verandas to the rear. The dwellings will be located 3.9 metres away from the highway and they would be fronting the estate road. The dwellings would measure a maximum of 19.6 metres wide, 13 metres deep, 2.5 metres high to the eaves, with a maximum height of 7.3 metres. Internally the development would accommodate two bedrooms, a bathroom, a WC and an open plan kitchen/dining/lounge area.
- Units 5 to 7: This is a row of three terraced chalet style dwellings with gable roofs running in an east west direction and central gable roof section. A projecting canopy is proposed to the rear over the verandas, as well as gabled roof porches to the front. The dwellings would maintain a 2.9 metres distance to the southern boundary with the highway and they would be fronting the proposed secondary access. Parking for those properties is provided to the front of the dwellings. The properties would measure 23.7 metres wide, 8.7 metres deep, 2.3 metres high to the eaves, with a maximum height of 6 metres. The dwellings would be one bedroom properties with a separate kitchen/dining/living area, a bathroom and a WC.
- Units 8-12: These units have a crescent-shape and are located on the western part of the application site, south of the woodland. The building would be part single, part two storey in height and it would accommodate five, one-bedroom units, of which two would be at first floor level. The building would measure a maximum of 25.2 metres wide and 13.6 metres deep. The height to the eaves of the single storey element would be 2.9 metres and 4.6 metres of the two storey element, whilst the maximum height would be 5.9 metres to the top of the single storey element and 7.8 metres to the top of the two-storey element. The building would have a main gable roof on both single and two storey elements with cut-slide roof sections to the south and gable features to the north. Parking for these units would be provided to the west of the building. The ground floor residential units will have access to verandas, whilst balconies are proposed for flats at first floor.
- Units 13 and 14: This is a pair of semi-detached units featuring two gable roofs on the north and south sections and a main gabled-roof link between them. Undercroft parking is proposed to be provide centrally between the two, two-bedroom units. The pair of semi-detached chalet style dwellings would measure a maximum of 23 metres side and 13 metres deep, 2.3 metres high to the eaves, with a maximum height of 6 metres. Covered verandas are proposed to the rear of the units.
- Units 15 to 20: This a row of six properties, comprising four single storey units and a two-storey element consisting of two flats. The building would measure an overall 42.1 metres wide and 6.7 metres deep. The height to eaves would be 2.8 metres for the single storey element and 4.3 metres for the two storey element, whilst the maximum height of the building would be 5.7 metres for the single storey element and 7.5 metres for the two storey element. The single storey units would have a gabled roof, with a projecting canopy over the verandas to the rear and the two storey element which will be of a V-shape will have a main gable roof, with gable features to the south east and a cut slide roof to the northwest. All six properties would be one-bedroom units, with parking being provided to the west. The ground floor residential units will have access to verandas, whilst balconies are proposed for flats at first floor.
- Units 21 and 22: This is a pair of semi-detached, two-bedroom bungalows, positioned in the north-eastern corner of the application site. The properties have a C-shape, incorporating a rearward projection. The dwellings have a main gabled roof with a cut slide section over the verandas and a gable projection to

the rear and they measure a maximum of 20 metres wide, 14.8 metres deep, 2.6 metres high to the eaves, with a maximum height of 6 metres. Parking for these properties is provided to the west of the dwellings.

- Units 23 and 24: This is a pair of semi-detached chalet style dwellings with undercroft parking provided centrally. The dwellings will have a rectangular shape and they would measure a maximum of 22.6 metres wide, 12.8 metres deep, 2.6 metres high to the eaves, with a maximum height of 7.4 metres. The dwellings will have a gable roof, with gabled roof dormers to the front and rear. The roof over the undercroft parking would be predominantly flat with a shallow hipped section to the front and rear. The properties would accommodate three bedrooms.
- Units 25 and 26: This is a pair of semi-detached C-shaped bungalows, with a gable roof, incorporating a cut slide section over the proposed verandas. Unit 26 also has a gable projecting feature to the rear. In terms of their size the properties would measure a maximum of 13.2 metres deep, 22.3 metres wide, 2.6 metres high to the eaves, with a maximum height of 6 metres. These are two bedroom properties with parking being provided to the northwest.
- Units 27 to 29: This row of properties would consist of two chalet style dwellings with accommodation provided in the roof (units 27 and 28) and a single storey dwelling (unit 29). The dwellings on plots 27 and 28 are of the same design and scale as units 23 and 24 and attached to them is unit 29, which is a two-bedroom, rectangular, gabled roof dwelling attached to the unit 28 with a part gabled, part flat roof over undercroft parking. The dwelling on plot 29 would measure 11.9 metres wide, 10.1 metres deep, 2.7 metres high to the eaves, with a maximum height of 6 metres.

3.1.7 A community multi-purpose building is proposed to be erected, which will measure 9.3 metres deep, 6.7 metres wide, 2.9 metres high to the eaves, with a maximum height of 6 metres. The building would have a gabled roof, with a fully glazed section adjacent to the proposed outdoor area. A mono-pitched roof canopy is proposed at the entrance of the building. The submitted plans show that the building would provide 16 covers (and an additional 16 at the outdoor area), but it is clear from the drawings that more covers could be provided within the building. The building would be located on the south-eastern part of the application site, adjacent to the proposed wetland area of the attenuation basin.

3.1.8 The submitted plans show a pumping station to the west of units 28 and 29 and an electric substation on the north-eastern part of the application site. No further details of the pumping station or the electric substation have been provided.

3.1.9 Although the submitted Design and Access Statement advises that the proposed development would provide 51 parking spaces; this document was not amended following the changes to the layout and the dwellings proposed. From the latest submitted proposed layout plan (SL02 Rev B) appears that a total of 44 parking spaces are proposed. The Design and Access Statement also advises that 44 cycle spaces will be provided; however, the plans show no specific details as to how these cycle spaces will be provided.

3.1.10 Pergolas are proposed to be installed over some of the parking areas and in the central open space; however, no details of the design and size of the pergolas have been submitted with the submission.

3.1.11 In terms of outdoor amenity space, all properties would have access to verandas or balconies. Due to the very nature of the proposed development, no private gardens in their typical domestic form are proposed. Units 15-29 will have access to open communal space provided centrally to those units, measuring approximately 750sqm.

A smaller landscaped area is proposed between units 3 and 4 and 5 to 7, measuring around 200sqm. As noted above, the existing woodland area on the north western part of the application site will be managed and a woodland walk is proposed to be created.

- 3.1.12 It is noted that all dwellings will meet M4(2) – accessible and adaptable dwellings building regulations accessibility standards and some of them will also meet M4(3) – wheelchair user dwellings accessibility standards.
- 3.1.13 It is noted that a number of documents accompany the application, including a Planning Statement; a Design and Access Statement; a Flood Risk Assessment; a Heritage Statement; a Landscape and Visual Impact Assessment; a Preliminary Ecological Appraisal; a Reptile Survey and Mitigation Strategy; a Water Vole Survey; a Needs Assessment; A Specialist Housing Needs Clarification Document; a Concept Plan Review; an Affordable Housing Statement; a Utilities and Wastewater Assessment; a Transport Statement; a Specialist Housing Needs Demand Affordability Assessment; a SuDS form and a Biodiversity Impact Assessment.
- 3.1.14 It should be noted that this application has evolved since the initial submission of the application and also a number of additional documents have been submitted during the process of the application. The main changes incorporated since the initial submission include the design and shape of the northwesternmost and north easternmost units (units 21, 22, 25 and 26) and the change in the housing tenure to provide 5 affordable rent units.

3.2 Conclusion

- 3.2.1 The proposed development has been assessed against the policies in the Local Development Plan (LDP) and has taken into account all material planning considerations, including the previous permissions and appeals for similar types of residential development within the site.
- 3.2.2 The proposed development is to provide residential sheltered accommodation for older persons. The Council cannot demonstrate a 5 Year Housing Land Supply and therefore, the tilted balance is engaged. As such, when the most important policies of the plans are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework (NPPF) taken as a whole.
- 3.2.3 It is stated that the proposed development would provide a 100% affordable sheltered housing scheme for older persons. Assessing the development against the affordable housing criteria, it is concluded that the Applicant has not provided sufficient information to demonstrate that the development would be able to meet the criteria of affordable housing in terms of the affordable sales element, which constitutes the 86.2% of the overall scheme. Furthermore, it has not been demonstrated that the development would be able to provide affordable housing to meet the needs of those that cannot be met by the market within the District. Therefore, the proposal would constitute accommodation based on an aspiration lifestyle choice rather than an actual need.
- 3.2.4 Even if the necessary submissions were able to demonstrate that the proposal constitutes affordable housing in accordance with the NPPF, officers consider that the submitted evidence is lacking in clarity and has not been able to demonstrate that there is a need for this quantum of this very particular type of development, albeit no objection is raised to the provision of affordable housing per se.

- 3.2.5 Furthermore, for a scheme to be considered as a rural exception scheme and be policy compliant, it would be required to provide affordable housing in accordance with the required tenure split as identified by the Housing Senior Specialist (75 affordable rented /30 affordable sales) and the development proposed does not comply with this requirement.
- 3.2.6 The development would have a detrimental impact on the character and appearance of the area, due to the quantum of development proposed, the layout, grain, scale, partial loss of woodland and design of the development. Although, on balance, some sustainability credentials are recognised, in terms of accessibility to local amenities, public transportation and biodiversity enhancement, it is considered that it has not been demonstrated that the overall adverse impact would not be able to outweigh the benefits of the proposed development. Therefore, the development is considered unacceptable and contrary to both the LDP and the NPPF taken as a whole.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2021 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47 – 50 Determining applications
- 54 – 57 Planning conditions and obligations
- 59 – 79 Delivering a sufficient supply of homes
- 81 – 85 Building strong, competitive economy
- 86 – 91 Ensuring the vitality of town centres
- 92 – 103 Promoting healthy and safe communities
- 104-113 Promoting sustainable transport
- 119-125 Making effective use of land
- 126-136 Achieving well-designed places
- 152-173 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment
- 189-208 Conserving and enhancing the historic environment

4.2 Maldon District Local Development Plan (2014 – 2029) approved by the Secretary of State:

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D4 Renewable and Low Carbon Energy Generation
- D5 Flood Risk and Coastal Management

- E1 Employment
- E3 Community Services and Facilities
- H1 Affordable Housing
- H2 Housing Mix
- H3 Accommodation for 'Specialist' Needs
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services
- I2 Health and Wellbeing

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide SPD (MDDG) (2017)
- Maldon District Special Needs Housing SPD (2018)
- Maldon District Vehicle Parking Standards SPD (2018)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its LDP unless material considerations indicate otherwise. This is set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)), and through Government policy, at paragraph 47 of the NPPF.
- 5.1.2 Policy S1 of the LDP states that *"When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF"* and apply a number of key principles in policy and decision making as set out in the policy.
- 5.1.3 Alongside policy S1, policies S2 and S8 of the approved Maldon District Local Development Plan (MDLDP) seeks to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and when it is for a purpose that falls within a defined list of acceptable development.
- 5.1.4 As part of the drive to deliver new homes the Government has stated that there is a need for councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five Year Housing Land Supply (5YHLS).

- 5.1.5 Where a Local Planning Authority (LPA) is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the 'Tilted Balance'. This position is set out in paragraph 11d, together with its footnote 7, of the NPPF which states:

"For decision making this means:

"(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

"(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or

"(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

'Footnote 7 - 7 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73)

- 5.1.6 At the heart of the NPPF is a presumption in favour of sustainable development (*the 'presumption'*) which is central to the policy approach in the Framework, as it sets out the Government's policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces Local Plan policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the LPA in its application of NPPF policies applicable to conditions where the 5YHLS cannot be demonstrated (*Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC [2017] UKSC 37*)
- 5.1.7 It is necessary to assess whether the proposed development is 'sustainable development' as defined in the NPPF. If the site is considered sustainable then the NPPF's '*presumption in favour of sustainable development*' applies. However, where *the development plan is 'absent, silent or relevant policies are out-of-date'*, planning permission should be granted '*unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted*'.
- 5.1.8 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan.
- 5.1.9 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF but there are no specific policies on sustainability in the current Local Plan. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot

demonstrate an up to date five year supply of deliverable housing and on the basis that sites outside of the defined development boundaries could be judged to be 'sustainable development' through the three dimension tests of the NPPF' the LPA is obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.

5.1.10 Paragraph 78 of the NPPF states that:

'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby'

5.1.11 The application site is located outside of the defined settlement boundary of Tollesbury, a town that is classified as one of the 'larger villages' within the district, as detailed within policy S8 of the LDP. The impact of the proposed development on the character and intrinsic beauty of the countryside is assessed below as well as whether the development constitutes sustainable development.

5.1.12 As the Council cannot demonstrate an 5YHLS and the tilted balance is engaged, permission should be granted unless the adverse impacts of the development significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole. In order to be able to assess those the development is assessed below against the three main dimensions of the Framework.

Environmental Dimension

5.1.13 Accessibility is a key component of the environmental dimension of sustainable development and also is the basis of criteria 2 and 5 of Policy H3. Policy T1 aims to secure the provision of sustainable transport within the District and Policy T2 aims to create and maintain an accessible environment.

5.1.14 The application site is located outside, abutting the defined settlement boundary of Tollesbury to the east. Tollesbury is one of the larger villages of the Maldon District providing a limited range of services and facilities and has a lower level of access to public transport. The nearest bus stop to the application site is located 650 metres away from the application site, providing links with Maldon, Colchester and Witham. The site, by reason of its location, has access to both the local amenities provided within the village and the marina. The majority of the services and facilities, including local shops, such as butcher and convenience store, the post office, hairdresser and some cafes and restaurants are provided within walking distance (less than 800 metres). Pharmacy and GP surgery facilities are also provided within 1km. Therefore, it is considered that the development would be able to meet the accessibility requirements as set out in page 21 of the Council's Specialist Housing SPD. Although consideration should be had to the topography of the site, which rises towards the settlement and slopes towards the marina, it is considered unlikely that this incline significant to an extent that would restrict, in principle, people of an older age to walk to the existing services and facilities.

5.1.15 Within the Applicant's submission reference is made to the approved outline application (reference number 14/01202/OUT) for the erection of up to 24 dwellings. It should be noted that this permission was followed by a Reserved Matters application (reference number 19/00197/RES) which was dismissed on appeal. Although in the Applicant's submission it is argued that the principle of development has been set, it should be noted that the outline permission is no longer extant and

therefore, the site does not benefit from a fallback position. It is also important to state that the outline permission was for conventional housing and not for specialist housing, including older people and people with disabilities and therefore, it should be acknowledged that the accessibility threshold is different from that that can be accepted from conventional housing.

- 5.1.16 The Council within the Specialist Housing SPD has identified the main settlements (Maldon, Heybridge and Burnham-on-Crouch) for the delivery of the majority of the older persons housing, 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. The site is not located within one of the main settlements; however, the policy allows a level of flexibility in terms of the provision of older persons housing, when it can be demonstrated that there is an identified need and development would meet the accessibility and design criteria for this type of housing. Although the need for the development is assessed below, it is considered that the Applicant in his submissions has demonstrated that the development has access to a level of services and facilities which can be accessed on foot. Whilst it is considered that this is not an ideal location for this type of development, considering the accessibility of the future occupiers of the development in larger settlements by public transport, due to the frequency of services, as well as health care facilities (e.g. hospital), on balance, it is accepted that the site is located in an area where some day to day services and facilities are provided within walkable distance, without the future occupiers being overly reliant on the use of private vehicles. It is therefore, considered, on balance, that the site is an acceptable location for such a development.
- 5.1.17 Policy D2 requires that all new development minimises its impact on the environment. The Applicant has advised that the development will promote energy efficient construction and use of resources and the dwellings would be energy efficient. However, the proposal does not involve the installation of energy generating equipment (e.g. photovoltaic panels) and therefore, this provision would limitedly weigh in favour of the proposed development.
- 5.1.18 The impact of the proposed development on the character and appearance of the area is further assessed below in the relevant section of the report. However, taking into consideration the recently dismissed appeal for erection of 18 dwellings at the application site, the overall quantum of development, density and layout proposed within this fringe location, initial concerns are raised in relation to the impact of the development on the character and appearance of the area. As noted above when the tilted balance is engaged adverse impacts of the development should weight against the benefits arising for that development. In order to identify the benefits of the development, consideration should be had to the needs that the development would meet, if developed. Within the section below, it will be assessed whether the need of the proposed development in this location has been demonstrated and whether it is able to identify any other adverse impacts.

Social Dimension

- 5.1.19 In terms of the social dimensions of sustainable development, the development would contribute towards the supply of housing within the District. As the proposal is for specialist housing, it should be demonstrated that it would be able to meet an identified need of the District and more particularly, a need that cannot be met elsewhere.

5.1.20 The application is accompanied by a number of supporting documents including an Affordable Housing Statement and an Updated Needs Assessment. The submitted documents state the development would consist of 29 affordable units. According to the Applicant's submission it is suggested that the development would involve 24 affordable sales (100% freehold) and following amendments during the process of the application, 5 affordable rent units.

5.1.21 The site is located outside the defined settlement boundaries abutting the edge of Tollesbury settlement to the west. According to Policy S8, there are circumstances where planning permission for development outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations may be granted provided that the intrinsic character and beauty of the countryside is not adversely impacted upon. One of those circumstances include rural exception sites for affordable housing (in accordance with Policy H5).

5.1.22 Policy H5 states that:

“Outside of the defined settlement boundaries and strategic growth areas, land which may not otherwise be considered appropriate for residential development may be released for a Rural Exception Scheme for affordable housing development where there is an identified need within that parish or community for affordable housing.

Any Rural Exception Scheme must adhere to the following process:

- 1) Engagement with local community and the undertaking of a local needs assessment in accordance with recognised guidelines; and then*
- 2) Selection and appointment of a suitable Registered Provider of affordable housing in association with the Council; and then*
- 3) Agreement with the Council on the quantum and composition of development most suitable to the locality based on an identified need, site availability, and an ‘open book’ viability assessment; and then*
- 4) Identification of a number of potential sites in the locality and selection of the most sustainable site, taking into consideration site availability, condition and capacity of existing infrastructure servicing the proposed scheme.”*

Affordable housing

5.1.23 Before the development is assessed against the above-mentioned criteria, it should be established, due to the Applicant's position, that the scheme is 100% affordable in nature, whether the development constitutes affordable housing. As noted above, following amendments during the process of the application, the development would involve 24 discounted sales units and 5 affordable rent units.

5.1.24 It should be noted that there are two elements for a development to constitute affordable housing; one relates to the affordability of the buildings and the other to the affordability eligibility criteria for people that are going to be able to access the affordable units. The development is therefore assessed against both elements below.

5.1.25 Within the NPPF Glossary it is stated that there are four different types of affordable housing, including those sold at a discount of at least 20% below local market value. It is also stated that *“Eligibility is determined with regard to local incomes and local*

house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.”

- 5.1.26 The documents accompanying the application advise that the proposed discounted sales residential units will cost 19% less than old existing bungalows and 39% less than new-build bungalows. To assess the level of discount the Applicant has considered the average cost of existing (not new-build) bungalows in the wider area of Maldon and new-build bungalows in the local area. No evidence of the real estate market analysis has been submitted with the application and as such, concerns are raised in relation to the comparatives that have been used to calculate the discount percentage. Furthermore, the proposed development would provide sheltered accommodation and it is known that residential properties with restrictions on occupancy, including age restrictions, are lower in price than conventional housing. It appears that for the real estate market analysis the price of conventional bungalows, and not bungalows for age restricted properties, has been used. Therefore, it is considered that the discount percentage suggested does not represent the real discount level of the properties when compared to equivalent type of housing (in this instance retirement or sheltered housing), which for the reasons stated above it is expected to be considerably less. Although the Applicant is willing to enter into an agreement with the Council to ensure that housing remains at a discount for future eligible households, for the reasons stated above, it is considered that it has not been demonstrated that the discount proposed reflects an accurate representation of the discount from the local market value of properties that fall within the category of housing proposed (retirement or sheltered housing).
- 5.1.27 The income level is also a consideration when it comes to eligibility for affordable housing. The Applicant proposes a maximum household pension income of £31,000 from Regional data. This pension income is based on average rather than lower pension income figures and does not make a distinction between the lowest pension income for a single or two persons household. As a result, a single person with a pension income of as high as £31,000 can have access to the proposed units. It is therefore considered that the eligibility criteria in terms of income level are so broad they would not be able to target those whose needs are not met by the market, as required by the NPPF.
- 5.1.28 Although an eligibility criterion in relation to equity level is not explicitly required in the NPPF, consideration should be had to the findings of the Council's Housing Needs Assessment. The Council's *“data shows that the majority of older persons households (81%) are owner occupiers, and indeed 74% are owner occupiers with no mortgage and thus may have significant equity which can be put towards the purchase of a new home.”* (para 9.12 of the Maldon District Local Housing Needs Assessment (LHNA)). It is considered that this is a material consideration as the NPPF requires affordable housing to target those whose needs are not met by the market. It is therefore considered, taking in to account the evidence within the LHNA, that without a restriction on the equity level, the development would not be targeted at those whose needs are not met by the market. This concern is also further exacerbated by a demonstrable number of the properties being two storey in nature and also being three bedroom.
- 5.1.29 For the reasons stated above, it is considered that it has not been demonstrated that the proposed discounted sales element of the development (24 out of 29 dwellings) would be able to meet the affordable housing criteria and therefore, target those whose needs are not met by the market. Subsequently, the development would be able to meet the needs of the district in terms of affordable housing.

5.1.30 Although for the reasons stated above, it is not considered that sufficient evidence has been submitted to demonstrate that the discounted sales element of the development constitutes affordable housing in accordance with the requirements set out in the NPPF, it is considered reasonable that the application is assessed as a rural exception site, given that the Applicant's argument is that the development is 100% affordable and there is a need for this type of development. Therefore, the development is assessed against the criteria of policy H5 in turn, below:

1) *Engagement with local community and the undertaking of a local needs assessment in accordance with recognised guidelines; and then*

5.1.31 The Statement submitted with the application advises that the Applicant during the Pandemic has engaged with a number of people aged 60+ to understand how their current properties were affecting their wellbeing and researched how the existing retirement housing was performing during the lockdowns. Although it is not disputed that the Applicant has made an attempt to engage with the local community, it is noted that no evidence of the research carried out and engagement strategy have been presented to the LPA and therefore, the level of engagement and the number of people that have been approached in comparison to the population of the village are unclear. Due to the lack of evidence demonstrating the research carried out and engagement strategy, it is not possible for the decision maker to conclude in relation to the accuracy of the findings.

5.1.32 The application is supported by a Planning Statement; a Needs Assessment; A Specialist Housing Needs Clarification Document; Specialist Housing Needs Demand Affordability Assessment and an Updated Needs Assessment in order to demonstrate the need for specialist housing for older people and people with dementia, as it is advised that the development has been designed with the dementia-friendly design principles. The assessment is based on Projecting Older Peoples Population Information (POPPI) data for population over 65 within Maldon, including projections. The Experian Data has been used for the assessment of the 66+ population of Tollesbury, including projections. However, given that there is no population data for 65+ with some form of health condition, including dementia, for Tollesbury specifically, the Applicant has used the available data for Maldon as a whole to project the need in Tollesbury considering the percentage of population living in Tollesbury in comparison to the District as a whole. This is an assumption that it is very likely to result in false findings. Therefore, the Applicant has not based the needs assessment on existing data, as these this is not available at this low level (Parish level). Due to the lack of a well-informed assessment, based on a questionnaire to the whole population of Tollesbury, it is considered that the housing need, in terms of number of dwellings, has not been accurately assessed and the outcomes of the assessment are dubious.

5.1.33 The Planning Practise Guidance advises that to identify the housing need of older people "*The age profile of the population can be drawn from Census data. Projections of population and households by age group can also be used. The future need for specialist accommodation for older people broken down by tenure and type (e.g. sheltered housing, extra care) may need to be assessed and can be obtained from a number of online tool kits provided by the sector, for example SHOP@ (Strategic Housing for Older People Analysis Tool), which is a tool for forecasting the housing and care needs of older people.*" Although the Applicant has used Census data and has broken down the need by tenure and type, the approach taken to identify the housing need in the area of Tollesbury by using the percentage of the village's population is a simplistic and inaccurate way of calculating the housing need and therefore, it cannot be afforded significant, if any, weight. The

need is generally calculated at a District wide level than at a Parish level and this is what is reflected in the Council's Housing Needs Assessment.

- 5.1.34 Whilst the high percentage of population of an older age (65+) or the noticeable increase in the projected older population within the District or within the sub-areas of the District (e.g. Rural North) is not disputed, this argument on its own does not justify the housing need of older people. Especially, it does not demonstrate the need for such a quantum of development of such particular type of housing (24 discounted sales units).
- 5.1.35 To assess the housing need per tenure type, the Maldon District Housing Needs Assessment (MDHNA) has used SHOP@ and other resources to compare the findings. For housing with support, namely retirement/sheltered housing, the MDHNA suggests a base level of 125 units per 1,000 population aged 75 and over. The analysis also suggests a shortfall in the market sector (227 units) and a surplus in the affordable sector (426 units). By 2040, the total shortfall of 600 units is estimated which are all in the market sector with an apparent surplus of affordable sheltered housing (189 units).
- 5.1.36 Although it is accepted that the MDHNA has calculated the housing need for people over 75 years of age and the development is for people that are over 60, it is considered that existing surplus is significant and no accurate justification demonstrating a need for further affordable units has been put forward by the Applicant, considering the flaw in the assumptions made for the calculation of the housing need.
- 5.1.37 For the reason stated above and provided that the onus of proof is with the Applicant, it is considered that the evidence submitted cannot satisfactorily demonstrate the need for the 24 sheltered discounted sales units. Further assessment in relation to the quantum proposed in this location is carried out below.

2) Selection and appointment of a suitable Registered Provider of affordable housing in association with the Council; and then

- 5.1.38 Part of the proposed development, as amended, is to provide 5 affordable rented units. The Applicant has not provided evidence of the register provider willing to take over the affordable rent element of the development (5 units), but they have advised that they have applied to Homes England (Regulator of Social Housing) about becoming a Register Provider. Although some concerns are raised in relation to the current uncertainty around the appointment of a suitable Register Provider, the matter of securing these units as affordable rent to be taken over by a Register Provider would be able to be secured through the S106 agreement.

3) Agreement with the Council on the quantum and composition of development most suitable to the locality based on an identified need, site availability, and an 'open book' viability assessment; and then

- 5.1.39 The proposed development would involve 29 sheltered units for older people or people with disabilities, of which 24 are proposed to be discounted sales and 5 are proposed to be affordable rent. For the reasons explained above, in response to criterion 1, and due to the ambiguity of the findings of the calculation of the housing need and lack of clear and accurate assessment of the need to dispute the findings of the LHNA, it is considered that the need for the type of housing proposed has not been demonstrated. Although the need for housing for an older population was never disputed, it has not been demonstrated that there is a need for the quantum of development proposed, primarily that of the discounted sales element.

- 5.1.40 Initial concerns have been raised regarding the quantum of development, which is considered being unsuitable considering the locality, and the layout and density of the proposal, due to the impact that it is expected to have on the character of the area. These matters are further assessed below in the relevant section of the report. However, when taken together with the issues identified above regarding lack of certainty of the need for this specific type of housing in the area, it clarifies the reasons why officers do not agree to the quantum of development proposed.
- 5.1.41 It should also be noted that during the process of the application, the Applicant has been advised by officers of the concern regarding the above matters and particularly the quantum of development proposed, taking into consideration the ambiguity of the evidence relating to housing need and expected impact on the character of the area. The applicant has advised that they are not able to reduce the amount of development; however, an 'open book' viability assessment was never submitted to the Council for review. It is therefore considered that in the absence of a viability assessment demonstrating that a smaller scheme would not be able to be viable, officers are not persuaded that the need for the quantum of development proposed has been justified.
- 5.1.42 With regard to site availability the Applicant argues that the proposed site is the only one in Tollesbury that has the principle of residential development established. As noted above, the site does not benefit from an extant planning permission and therefore, there is no fallback position to establish the principle of residential development in the site. Furthermore, the previously approved outline permission, which has now expired, was for conventional housing and not for such a specific in nature type of housing (sheltered accommodation for older people or people with disability, incorporating 86.2% of discounted sales element) and therefore, it should not be overlooked that accessibility credentials vary significantly. Moreover, it should be noted that the Council within the Specialist Needs Housing SPD has identified its expectation to deliver the majority of the older persons housing within Maldon, Heybridge and Burnham-on-Crouch, where there is greatest demand and the best accessibility to local amenities and public transport. Given that the site is located outside those areas, a sequential site assessment of all other available sites that are in a more optimal location in terms of accessibility or identified need should have been reviewed, in order to be discounted and conclude that the site is the only available site to provide the proposed development. Although the Applicant has taken into consideration site proposals for specialist housing recently delivered, approved or under determination, no site assessment has been carried out and therefore, alternative sites, with better credentials than the application site have not been considered.

4) Identification of a number of potential sites in the locality and selection of the most sustainable site, taking into consideration site availability, condition and capacity of existing infrastructure servicing the proposed scheme.

- 5.1.43 As explained in paragraph 5.1.40 above, no sequential site assessment has been carried out and therefore, alternative most sustainable sites (considering all three dimensions of sustainability), have not been considered by the Applicant.
- 5.1.44 For the reasons stated above, it is considered that insufficient information has been provided to demonstrate that the development complies with the requirements of Policy H5.
- 5.1.45 It should also be noted that a development for affordable housing should comply with the required tenure split in order to be able to meet the needs of the District.

According to the response being received by the Council's Housing Senior Specialist that would be a tenure mix of 75% affordable/social rented and 25% affordable home ownership. On that basis, 21.75 units should be affordable rented units and only 5 are currently proposed. Although it is acknowledged that the proposed affordable rent units would provide some social benefit to the scheme, it is clear that the development, as proposed, does not comply with the tenure split for affordable housing and therefore, this lack of provision of affordable rented housing results in a significant reduction of the social benefits arising from the scheme.

5.1.46 Policy H3 of the LDP further describes the required accommodation for specialist needs, which derives from evidence contained in the Older Persons Housing Strategy (2010) and SHMA (2012) considered in support of the Local Plan. This states that:

“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 a 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.”*

5.1.47 The above criteria are assessed in turn, below:

- 1) *There is a clearly identified need that cannot be addressed elsewhere in the District;*

5.1.48 The Maldon Council's Specialist Needs Housing SPD identifies an acute need for specialist housing in the District and that the majority of older people would like to live in a bungalow (62.2%). It also states that *“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 services.”*

5.1.49 In light of the above, the Council's need for specialist housing for older people is recognised, as well as a small level of flexibility in terms of the location of this specialist housing. However, criterion 1 of policy H3 requires a clear identification of

the need that cannot be met elsewhere in the District. To identify the need, consideration should be had to the type of the Housing proposed, as well as the need of the locality for this type of specialist housing.

- 5.1.50 The site is located outside the settlement boundaries of Tollesbury. Whilst it is recognised that Tollesbury is one of the larger villages in Maldon, providing a small amount of services and facilities and a low level of accessibility to public transportation, it is clear that there are other areas within the District in much more accessible locations where the specialist housing for older people can be provided and no site assessment has been submitted demonstrating that these sites are not available to deliver a similar type of development.
- 5.1.51 It should also be noted that although there is no dispute regarding the need for older people housing in the District, this argument on its own cannot justify the approval of a scheme that is otherwise unacceptable. Although the Council's Older Persons Housing Strategy (2013) has identified a need for 200 sheltered homes with low level of support, it would be arbitrary to conclude that provision of such type of housing in any area of the District would be acceptable without robust justification that this will meet the needs of the locality. Although the need for the different types of specialist housing has not yet been met in the District and consideration is given to the ageing population and the projection of the older people, this argument cannot justify the approval of schemes, when the need in the locality has not been demonstrated. Furthermore, it should be noted that the Council carried out an LHNA in 2021 and the findings of the assessment regarding needs of older people housing show a high level of surplus on Sheltered housing. Therefore, some weight should be given to the findings of this recent assessment. Most importantly, it is for Applicant to demonstrate the need in the locality and for the reasons explained in paragraphs 5.1.30 – 5.1.35, it is not considered that the assumptions made by the Applicant to demonstrate the need in the locality can conclude to accurate results, in terms of housing need.
- 5.1.52 The quantum of development is also a matter of concern directly related to the identified housing need. This is further discussed within the assessment of the proposed development against criterion 3 of Policy H5 above.
- 5.1.53 It is proposed that the development would be subject to occupation restrictions, so that individuals or couples will have to comply with a cascade provision to target people leave in Tollesbury first, then the Northern Rural part of the District and then the wider area of Maldon. Although this mechanism would be able to target local people first, if there is no need for this particular type of housing then the units would have to be offered to people outside the district and therefore, consequently the Council would have approved a development for 'affordable housing' that would not meet the overall affordable housing needs of the District. Furthermore, whilst not being identical in nature there are already age restricted affordable accommodation within the District that is outside of the main urban areas. If the level of development proposed does not meet an existing need within the District it may just result in people relocating to a newer and more attractive development. This would result in the existing properties being left vacant and it would be possible for people outside of the District to apply for the existing properties; there is no way of ensuring that this does not occur through the planning process.
- 5.1.54 Therefore, for all the above stated reasons, it is considered that it has not been demonstrated that there is an identified housing need in this area, that cannot be met 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;*
- 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;*

5.1.55 The second and fifth requirements of policy H3, which run parallel with policies S1, T1 and D2 of the LDP, seek to make sure that the development is located in a sustainable location to meet the social and housing needs of the future residents.

5.1.56 The accessibility of the site to public transportation and facilities is pertinent to be assessed, as it is one of the requirements of policy H3 and also one of the requirements of local and national guidance for older people housing.

5.1.57 Matters relevant to accessibility of the site are assessed in great detail in the Environmental Dimension above (paragraphs 5.1.13 – 5.1.16). Although it is not considered that the location of the proposed development would be ideal for people of an older age or disabilities and there are other areas that specialist housing would be more appropriate to be delivered, on balance, it is considered that due to the proximity of the development to some services and facilities that can assist in meeting the day to day needs of the future occupiers, no objection is raised against this particular criterion of the policy.

- 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;*

5.1.58 Although there is housing in Tollesbury for retired people, there are no known sites that provide a similar type of housing to that proposed under the terms of this application, including a high level of discounted sales units. Furthermore, officers are not clear as to whether the existing sheltered type of accommodation meets the building regulations requirements for accessible and adaptable homes (M4(2) category), which is currently a requirement for all affordable units. Therefore, it is not considered that the development would result in a concentration of similar uses, albeit there are concerns in relation to quantum of development proposed and therefore, the level of concentration of this use in one location.

- 4) *It will not detrimentally impact on the capacity of public services, including health and social care;*

5.1.59 The proposed development, by reason of its nature, would have an impact on the capacity of the public services. This would include the local GP surgery. Although the development, as sheltered accommodation, would have to provide 24 hour emergency support call, however, this service would only be able to cover emergency calls rather than the day to day health needs of the future occupiers. The development also proposes the erection of a multi-purpose communal building. It is suggested that the building, within other uses could be used for NHS outreach services. It is considered this would be unlikely to be secured through the imposition of a condition or a clause within a S106 agreement and therefore, it will not be able to be afforded significant weight regarding alleviating the impact on the health care facilities. The NHS Mid and South Essex has been consulted and advised that “*the proposed development is likely to have an impact on the services of the Tollesbury Surgery which operates within the vicinity of the application site. The GP practice does not have capacity for the additional growth resulting from this development and cumulative development in the area.*”. To mitigate this impact the NHS has advised that a commuted sum would be expected to be secured through the S106 agreement. It is considered that should permission be granted, this matter would be able to be addressed and secured through a legal agreement pursuant to S106.

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;*

5.1.60 Within the submitted Planning Statement it is highlighted that the development would be designed to a minimum of M4(2) accessibility standards. In particular, it is advised that the proposed affordable rent units will all be designed to M4(3) wheelchair user dwellings standards. Furthermore, all properties will exceed the minimum National Housing Standards and the development would be designed in accordance with the dementia-friendly principles. Overall, it is considered that the development as proposed to be designed will be able to support the needs of the targeted residents.

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.*

5.1.61 The development would provide sheltered rather than extra care accommodation and therefore the Essex County Council Housing Growth Lead has not provided comments in relation to the proposed development. although no adverse comments have been raised by the ECC Social Services Specialist, by reason of the nature of the development, revenue funding would not be able to be secured for the proposed development.

5.1.62 It is also noted that the development is not supported by a viability assessment to ensure the long-term viability of the development without finding. An element of the proposed development (5 units) is to be affordable rented and no justification of interest of a register provider has been expressed. The Applicant has suggested that they are willing to become a register provider; however, no evidence to that effect was submitted at the time of writing the report. It is therefore considered the Applicant has not demonstrated the long-term viability of the scheme.

5.1.63 As a result of the above assessment, it is considered that although some of the criteria of policy H3 are to be met or the impact of the development would be natural, there are still a number of criteria that cannot be met and therefore, when assessing the proposal against policy H3 as a whole, it is considered that the development would be unable to comply with the Policy requirements.

Economic Dimension

5.1.64 With reference to the economic dimension of sustainability, it is reasonable to assume that there may be some support for local trade from the development, and the additional units will potentially support local businesses within Tollesbury, such as shops and services. This would however be limited given the scale of the proposal. Equally, there is no guarantee that the construction would be undertaken by local businesses, with locally sourced materials. Any economic benefits would therefore be considered nominal.

Conclusion

5.1.65 The proposed development is to provide a sheltered accommodation for older persons. The Council cannot demonstrate a 5 Year Housing Land Supply and therefore, the tilted balance is engaged. As such, the development has been assessed against the three dimensions of sustainable development, in order to identify whether the benefits of the development would be able to outweigh any adverse impacts.

- 5.1.66 It is stated that the proposed development would provide an 100% affordable sheltered housing scheme for older persons. For a development to be considered affordable both building criteria and the people's eligibility criteria should be met. Following the above assessment, it is concluded that the Applicant has not provided sufficient information to demonstrate that the development would be able to meet the criteria of affordable housing in terms of the affordable sales element, which constitutes 86.2% of the overall scheme. Furthermore, it has not been demonstrated that the development would be able to provide affordable housing to meet the needs of those that cannot be met by the market but instead it is considered that the proposal would constitute accommodation based on an aspiration lifestyle choice rather than actual need.
- 5.1.67 Even if the necessary submissions have been made to demonstrate that the proposal constitutes affordable housing in accordance with the NPPF requirements and not just discounted market units, officers consider that the submitted evidence is dubious and not able to demonstrate that there is a need for this quantum of this particular type of affordable (25 affordable sales). Although no objection is raised to the provision of affordable housing per se and consideration is given to the fact that the numbers in the Policy are minimum and not a ceiling, it is considered that need for the quantum of development proposed of this very particular type of housing has not been demonstrated.
- 5.1.68 When the tilted balance is engaged, the benefits arising from the scheme shall be weighed against the harm. Although the impact of the development on the character and appearance of the area are further assessed below, it is noted that initial concerns are raised in relation to the quantum of development within this fringe location, as well as the proposed layout and resultant density of the scheme. This judgement is also based on the Inspector's decision to dismiss an appeal for 19 units in the same location (19/00197/RES).
- 5.1.69 Furthermore, for the scheme to be considered as a rural exception scheme and be policy compliant, it would be required to provide affordable housing in accordance with the required tenure split as identified by the Housing Senior Specialist (75 affordable rented /30 affordable sales) and the development proposed does not comply with this requirement.
- 5.1.70 Although, on balance, it has been accepted that site benefits from some sustainability credentials, in terms of accessibility to local amenities and public transportation, it is considered that overall, for the reasons assessed in detail above, including the lack of evidence to demonstrate an identified need of this specific type of development in this location, it is considered that the benefits arising from the development would not be able to overcome the harm caused by the proposed scheme, if approved.

5.2 Housing Need and Supply

- 5.2.1 Following a number of recent amendments to the national policy and guidance, the Council has recently reviewed its housing needs evidence to inform the LDP. Although there is no set requirement for market or affordable units for specialist housing for older persons, it is reasonable to accept that people at an older age would expect to downsize/rightsize to smaller (one and two bedroom) units. The proposed development would provide the following housing mix:
- 15 one-bedroom units, of which 5 are proposed to be affordable rent units
 - 10 two-bedroom units
 - 4 three-bedroom units

5.2.2 A relatively small percentage (13.7%) of three-bedroom properties are proposed. Whilst it is accepted that the majority of the older population would prefer to downsize, and this is the aim of the development by providing the largest amount (86.3%) of small (one and two bedroom) properties, there is still the expectation that a small amount of the future occupiers would prefer larger properties, which would meet the special specification of accessible and adaptable homes. Furthermore, at times, a three bedroom property could still be a sustainable downsize or people living in those properties would have a need for a carer. It is therefore considered that, whilst the mix does not weigh in favour of the proposal, on balance, no objection is raised to the proposed amount of larger three-bedroom dwellings to provide a range to the housing mix.

5.3 Design and Impact on the Character of the Area

5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.

5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;

5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).

5.3.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

5.3.6 The application site lies outside the defined settlement boundaries. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden

Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance. It should also be noted that planning decisions must also have regard to any material considerations relevant to the application under consideration.

- 5.3.7 The site is located outside the defined settlement boundaries of the District, adjacent to the eastern boundary of Tollesbury. The site occupies an approximate area of 1.72 hectares and it comprises primarily a pasture field with a native woodland along the western boundary. The site forms the eastern fringe of the settlement and the Inspector assessed an appeal for the erection of 18 dwellings on the same site characterised it as noticeably rural having a clear relationship with the open agricultural fields to the north and south (Appeal Reference: APP/X1545/W/19/3239910, Application reference 19/00197/RES).
- 5.3.8 The proposed development would involve the erection of 29 residential units and a multi-purpose community building. The build form would be erected centrally within the application site, but close to the north and south boundaries. A large part of the woodland to the north western part of the site would be retained, whilst an attenuation basin with a wetland is proposed along the western boundary of the site. Part of the woodland on the southwestern part of the application site abutting the settlement boundary of Tollesbury is proposed to be removed to accommodate the proposed development. The majority of the existing boundary hedges demarcating the south, north and western boundaries will be retained, with the exception of an area on the southern boundary to allow for the formation of the access point.
- 5.3.9 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). Although the submitted LVIA was prepared on the basis of the originally submitted development, given that the amount of the development and the overall position of buildings have not been altered, it is considered that the comments raised would still be relevant. With regard to the impacts on the landscape, the LVIA states that *“The greatest adverse landscape impacts identified were upon the enclosed character of the Site and the overall character of the setting of the Site, both of which are anticipated to experience adverse impacts of Moderate/Minor significance.”* These are anticipated to be reduced to minor impacts over the lifetime of development. Some beneficial impacts have been identified in terms of landscaping, including the retention and management of a large part of the existing woodland and the creation of a stronger boundary hedgerow. In terms of visual impacts, the LVIA suggests that *“The greatest visual impact identified was upon users of Public Footpath 263-18, which lies adjacent to the Site’s eastern boundary and connects to a series of other Public Rights of Way within the Blackwater Estuary, where users are anticipated to experience an adverse impact of Moderate significance as a result of the introduction of structures to views south towards the Site... The pedestrians of Woodrolfe Road and residents of No. 41 Woodrolfe Road were anticipated to experience an adverse impact of Moderate/Minor significance, however over time as the proposed planting matures, this impact is anticipated to be reduced to a Minor significance”*.
- 5.3.10 The findings of the LVIA identifying a moderate/minor landscape impact and moderate visual impact are acknowledged. However, ‘landscape’ is usually only one criterion in a wide spectrum of issues under consideration as part of an ‘on-balance’ decision and therefore, consideration should be had to the impacts of the development on the character of the area, its relationship with its surroundings, including the build-up settlement and the rural area, the density, the grain and the suitability of the quantum of development proposed in this fringe location.

- 5.3.11 The proposed development would accommodate a total number of 30 buildings (29 dwellings), including the community building. Although the submitted Design and Access Statement does not include density details, when calculating the density of the development in accordance with the measuring tools provided within the MDDG SPD (page 49), it appears that the development would result in a gross residential density of 25 dwellings per hectare and a net density of 32 dwellings per hectare (in both calculations the woodland has been excluded; however, all other amenity areas, including the attenuation basin have been taken into account to measure the gross residential density).
- 5.3.12 The MDDG SPD states that “*While it is important to ensure best use of land in an efficient and cost-effective manner, density should be appropriate to the location and respond to and/or enhance the character of the existing settlement and context*”. It is also stated that “*densities decrease the further from the centre of a settlement. Lower densities may be more appropriate in Agricultural or Arcadian settlements and edge of settlement sites.*” The proposal, if development would result in a density higher than that of the areas immediately adjacent to the west of the site, within the settlement boundary which appear to have a net residential density of around 18 dwellings per hectare (there are 19 dwellings within an area of around 10.7 hectares). It is therefore considered that the net density of the site (32 dwelling/hectare) compared to the density within the boundaries of the settlement boundary adjacent to the site (17 dwellings/hectare) would be rather higher, resulting in a very tight grain. Given that the site is located outside the settlement boundary and as the Inspector noted, the site has a clear relationship with the open agricultural fields, it is expected that any future development should preserve the character of this fringe location and have a residential density that reflects the existing context that is contained within. As advised within the MDDG SPD a much lesser density would be expected to the edge of settlement areas, even more to those outside the settlement boundary. Therefore, it is considered that the development would not comply with the guidance contained within the MDDG SPD and it would result in dense development that does not respect the character of the area. This is also indicative of the overdevelopment of the site.
- 5.3.13 Concerns have also been raised to the Applicant in relation to the layout and grain of the development, since the submission of the proposed development. There are several reasons the development is not considered acceptable, in terms of its grain and layout. Primarily, by reason of the amount of development proposed, the layout of the development appears very tight of grain and close knit. Furthermore, the front building line of the dwellings along Woodrolfe Road is well established, with dwellings closer to the edge of the settlement being well set back from the highway. The proposal, in order to achieve the amount of development proposed, has resulted in a layout and build-form being located in very close proximity to the highway, as close as 2.9 metres from the highway. This is 10 metres closer to the public realm than the nearest dwelling to the west. Furthermore, the dwellings located adjacent to the highway are fronting the internal estate road rather than the public highway, appearing disorientated and out of keeping with the prevailing character of the dwellings along Woodrolfe Road, which front the highway.
- 5.3.14 Although consideration is given to the nature of the proposed development and the fact that this would not follow the typical domestic arrangements of conventional housing, including rear gardens and back-to-back/back-to-side minimum distances between the dwellings, it appears that the layout of the development would be contrived and tight of grain. Concerns in that respect were raised with the Applicant and an attempt to address some of them has been made. Following amendments, the north-western and north-eastern dwellings of the development have been

amended to achieve a better relationship with the adjoining properties. However, it is considered that the development would still appear squeezed and as being quantum-led than design-led.

- 5.3.15 It is important to note that the Inspector assessing the development of 18 dwellings in the same application site (Appeal Reference: APP/X1545/W/19/3239910, Application reference 19/00197/RES) found this proposal unacceptable in terms of its impact on the character of the area, considering it tight of grain and close knit for what are distinctly rural surroundings. Like this application the layout of the development is not across the entire site. The proposed development would result in an additional 11 dwellings and a community building in the same site and therefore, this is a clear indication that a much denser development would result in more harmful impacts on the character and appearance of the site. It should also be noted the outline permission for the erection of up to 24 dwellings (14/01202/OUT) is not an extant permission and therefore, the site does not benefit from a fallback position for the erection of up to 24 dwellings.
- 5.3.16 The proposal would also result in loss of part of the woodland, on the southwestern corner of the application site. It is considered that this woodland loss, which currently contributes to the character of the area and demarcates the edge of the settlement, taken together with the amount of development proposed within this part of the development, the layout and proximity of the dwellings on the highway, would exacerbate the impact of the development on the character and appearance of the area. The Applicant in his submission makes reference to the benefits arising from the maintenance of the woodland area to be retained and the woodland walks to be created, but the partial loss of the woodland is not highlighted or clearly addressed. It is also noted that this loss was not part of the dismissed proposal for the 19 dwellings, which the Inspector found unacceptable in terms of its impact on the character of the area. As a result, it is considered that the partial loss of the woodland would impose a further adverse visual impact to that identified by the Inspector for a smaller scheme on the same site.
- 5.3.17 Overall, for the reasons stated above, it is considered that the density, layout, grain of the proposed development and partial loss of woodland would be unacceptable and indicative of the overdevelopment of the site. Furthermore, although from a development of that nature it would not be expected to follow the build-form and grain of the immediate residential area, it is considered that as a minimum the scheme should have been designed in a way that takes into consideration and follows the established building lines along the main road. Moreover, it is considered that the Applicant has failed to consider the existing low-density surroundings and the distinct rural and sparse form of development in the vicinity. The development would therefore appear very urban in comparison to its surrounding, tight in grain and out of keeping with the character of the wider area.
- 5.3.18 In terms of the mass, scale and form of the dwellings it is noted that a variety of designs and styles are proposed, including bungalows, chalet style and two-storey properties. There are also semi-detached and terraced dwellings/flats. Although no objection is raised to the provision of a mixture of dwellings, as there is no prevailing or uniform character in the area in terms of building height, it is noted that majority of the properties in the immediate vicinity are detached properties set within relatively large plots. Although the development, by reason of its nature, is not expected to religiously follow the mass, form, scale and plot arrangements of the residential development in the vicinity, it is considered that the openness of the area, and the gaps between the properties could have been replicated in the development, by providing detached units rather than terraced units. Therefore, although no objection is raised to scale or height of the units when considered individually, when the

development is taken as a whole, considering the mass of the overall terraces and semi-detached properties proposed, in conjunction with their close proximity and lack of gaps, it is considered that the overall mass and scale of the development would be unacceptable and would detract from the scale and mass of the units in the vicinity and the overall openness of the wider area.

- 5.3.19 The Applicant has advised that the reason for the proposed layout, proximity of dwellings, provision terraces and overall close knit build-form of the development is assisting in the design being in compliance with the dementia-friendly design principles. However, it has not been demonstrated that the development of a lesser amount and different layout would be unable to meet those design principles. Therefore, this argument is not considered reasonable to be given material weight.
- 5.3.20 With regard to the detailed design of the proposed dwellings and flats, it is noted that a variety of styles and design are proposed. There is no objection to a mixed character and designs when a level of uniformity and consistency in the design principles is maintained. Although there are some design characteristics that are uniform through the site, such as the prevailing gabled roofs and provision of verandas, it is noted that there are elements that make the development incongruous and convoluted. Whilst the majority of the buildings would have a gabled roof element, they also incorporate other cut-slide, mono-pitched, flat roofed forms, dormers and a variety of canopies that make the overall appearance of the roof forms rather convoluted and the wider development lacking rational and consistency.
- 5.3.21 Concerns have been raised with the Applicant since the submission of the application regarding the terraced properties and in particular the relationship of the two storey with the single storey elements. The proposal would incorporate two rows of terraces (units 8-12 and 15-20) that have single elements attached to two storey elements. The development as design results in a poor relationship between the units, with misaligned eaves and ridge heights and also an overall inconsistent appearance, with design details that do not follow throughout the terraces. It is therefore, considered that these terraced units result in a design and appearance materially lacking architectural merit. This is also indicative of the development being led by the amount of development proposed rather than being design-led.
- 5.3.22 Other design elements that are not considered contributing to the overall character of the proposed scheme, include the provision of undercroft parking. It is considered that undercroft parking, although in some cases is the sole available option to parking provision, should generally be avoided, as it results in large dark voids, that make the frontages of dwellings unattractive. It appears that this parking arrangement has been repeatedly used in the current proposal further impacting on its architectural merit.
- 5.3.23 Although no objection is raised to the provision of architectural features referencing the sail lofts along the marina or the proposed finishing materials and a good level of fenestration has been incorporated to all units, it is considered that these architectural features are not sufficient to overcome the visual harm identified above.
- 5.3.24 No objection is raised to the design or scale of the proposed multipurpose communal building. The building would be of a modern design with a large amount of glazing, which would reflect its multi-purpose functional use. A raised platform is proposed to the southeast of the building next to the proposed wetland, which would be used as an outdoor seating area. It is considered that the platform would be acceptable in design terms.

- 5.3.25 The proposed development would also introduce new landscape features, such as a wetland at the south-eastern part of the development, the purpose of which would be dual; to improve the visual amenity and sense of place of the area and to provide a drainage scheme to serve the site. The wetland would be adjacent to the multi-purpose communal building. It is considered that the wetland together with proposed landscaping around the attenuation basin and the proposed communal building, would create a meeting / focal point for the future occupiers as well as people visiting the area. Although it is considered that this element of the development would be beneficial to the scheme in visual and social terms, it is considered that the benefits arising from this element would not be sufficient to overcome the harm identified above from all other elements of the proposed development.
- 5.3.26 It is noted that the submitted proposed site plan shows a pumping station to be located on the southern part of the woodland and an electric substation to the north-eastern part of the application site. No details for these utility stations have been submitted. Although some initial concerns in relation to proximity of the proposed substation to units 28 and 29, it is considered that any such concerns would be able to be addressed by the imposition of a condition, should permission be granted.
- 5.3.27 On the basis of the above assessment, it is considered that the proposal would have a discordant visual impact which would detrimentally impact upon the character and appearance of the area. As such the development would be unacceptable in design terms and in conflict with Policies D1 and H4 of the LDP, along with section 12 of the NPPF. It is also considered that it has not been demonstrated that the adverse impact identified to the environment would not be able to be outweighed by the benefits of the proposed development.
- 5.3.28 The proposed development would have a significant impact on the character and appearance of the area and would not relate to the adjoining urban area or countryside appropriately. Whilst the benefits of the provision of additional residential accommodation is noted it is considered that this harm significantly outweighs the benefits. Furthermore, for reasons discussed above, the benefits of the Applicant's position that the scheme is 100% Affordable Housing is of very limited weight in the balancing exercise.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG.
- 5.4.2 The application site is bounded by residential dwellings to the west and south. The proposed development would result in increased levels of activity, by reason of the increased number of dwellings on site. However, on balance, it is not considered that the development would have a harmful impact on the existing residential amenity of neighbour sites in terms of noise and disturbance, given that compatible residential uses exist in the area.
- 5.4.3 The nearest residential property to the application site would be 39C Woodrolfe Road. The shared boundary with this property is located 14.5 metres away from the nearest proposed residential units (5-7 and 8-12). An additional 5.5 metres distance is maintained to the dwelling within plot 39C. Although units 8-11 are flats contained within a two storey building, incorporating windows at first floor, due to the separation distance between the proposed residential units and the neighbouring dwelling, no objection is raised in terms of the impact of the development on the amenity of the

neighbouring occupiers by way of loss of light or privacy or overbearing impact. Units 5-7 are chalet style dwellings, but with no roof accommodation and thus, their impact on the neighbours' residential amenity would be even lesser than that caused by units 8-11.

- 5.4.4 It is noted that a boundary treatment issue has been raised by the owner of No. 39C due to subsidence. The Applicant has submitted indicative drawings showing structural improvement to the shared boundary. It is considered that these are civil matters and not material planning considerations. Therefore, any agreement between the applicant and the owner of no. 39C would have to be dealt with outside the determination of this planning application.
- 5.4.5 Although the units 8-12 would be located 11 metres away from the shared boundary with 16a Thurstable Road, it is noted that this property benefits from a deep rear garden and therefore, an additional 45.7 metres distance is maintained to this dwelling. This is a sufficient separation distance to prevent unacceptable overshadowing or overlooking.
- 5.4.6 All other nearby properties to the application site, to the south and west are sited further away and therefore, the development would not have a further impact on residential amenity.
- 5.4.7 For the reasons stated above, it is not considered that the proposal will result in any unacceptable harm by way of overlooking, loss of light or loss of privacy nor is it considered that the development would be overbearing or result in unacceptable noise impacts. The development would therefore comply with Policy D1 of the LDP.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

Access

- 5.5.2 Access to the site would be gained off Woodrolfe Road. The Highway Authority was consulted and advised that from a highway and transport perspective the impact of the development is acceptable, subject to a number of conditions including those requiring the access to be formed in accordance with the details of the submitted plans. A 2 metres wide footpath along the northern part of Woodrolfe Road to be connected with the existing footway to the east of the proposed access junction is proposed to be formed. This area appears to be within the boundary of the application site and therefore, compliance with the above requirements would have been secured by the imposition of appropriately worded conditions, should permission be granted.

Trip generation

- 5.5.3 The proposed development would result in a total of 29 residential units and a community hub building. Although the development is expected to result in trip generation, considering the amount and nature of development, it is not considered

that the proposal would result in a material increase that it would adversely impact on the existing highway network.

- 5.5.4 The application is supported by a Transport Statement advising the vehicle trip generation of the type of use proposed is expected to be negligible in the context of the existing operation of Woodrolfe Road. No objection has been raised by the Highway Authority regarding the impact of the development on the capacity of the highway network and therefore, it is considered that the development would be acceptable in that respect.

Parking

- 5.5.5 For retirement living comprising self-contained dwellings, such as the proposed scheme, the Vehicle Standards SPD states that the number of parking spaces proposed would be on individual assessment and justification.
- 5.5.6 Although schemes like the proposed development area assessed individually, consideration should be had to the residential and community building parking space standards. The following standards would generally apply to a conventional housing development:
- Residential element: 1 parking space per one-bedroom dwelling and 2 parking spaces for two and three-bedroom dwellings.
 - Community centre: maximum of 1 space per 22sqm of gross floor space.
- 5.5.7 The proposed development would provide a total of 44 parking spaces, 42 for the proposed residential units and 2 allocated for the community building. To be compliant with the residential parking requirement, the development would require 43 parking spaces for the residential element and three for the proposed community building. Given that all properties will be served by a minimum of 1 parking space and that the purpose of the community building is to be used primarily by the occupiers of the proposed development, and therefore, it is not expected to attract a high volume of visitors, it is considered that a shortfall of 2 parking spaces to the overall scheme would be, on balance, acceptable and it would not result in vehicles being parked on the road, obstructing the free flow of traffic.
- 5.5.8 The development should also be compliant with the provision of charging points for electric vehicles. Given that no details have been submitted regarding this, should permission be granted, provision of charging points for electric vehicles would have been secured by condition.
- 5.5.9 The development would also be required to provide cycle parking in accordance with the following standards:
- Residential element: none if garages are provided, 1 per one bedroom dwelling, 2 per 2+ bedroom dwellings and 1 per eight units for visitor cycle parking.
 - Community centre: 1 per four staff and 1 per 4 visitors.
- 5.5.10 It is noted that no details of cycle parking has been submitted with the proposal. Should permission be granted, the submission of cycle parking details would have been secured by the imposition of condition.
- 5.5.11 It is noted that for independent living, retirement complexes and residential care homes one mobility scooter space per five self-contained residential units or 1 / 5

residents' communal establishment should be provided. As no details have been submitted in that respect, similar to the details for cycle parking, it is noted that should permission be granted, the submission of scooter space details would have been secured by the imposition of condition.

5.6 Private Amenity Space and Living Conditions of the Future Occupiers

- 5.6.1 Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable. In addition, the adopted MDDG SPD which was adopted to support its policies in assessing applications for residential schemes advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.6.2 The proposed development, by reason of its very nature, would not provide amenity space in its conventional domestic form. An open communal area measuring 750sqm would be provided centrally to units 15 to 29. An additional 200sqm of communal amenity space is proposed between units 3 and 4 and 5 to 7. Future occupiers would also have access to the woodland on the north-western part of the application site, which measures around 0.54 hectares, as well as an area to the east, which would have a dual use as attenuation basin and amenity space. Furthermore, all units would have access to a small veranda or balcony. Therefore, although if the development was to provide conventional housing the amenity space requirements would be 1.750sqm overall, in order for the development to be policy compliant, taking into consideration the nature of the proposed development, it is considered that the development would provide sufficient amenity space to meet the outdoor needs of the future occupiers.
- 5.6.3 It is noted that all dwellings will meet M4(2)- accessible and adaptable dwellings accessibility standards and some of them will also meet M4(3) – wheelchair user dwellings accessibility standards.
- 5.6.4 The dwellings will be served by windows which would provide adequate light, outlook and ventilation to all habitable rooms. A good level of accommodation would be provided for the future occupiers and on that basis, it is considered that the development would provide a good level of living environment to the future occupiers.

5.7 Flood Risk and Sustainable Urban Drainage Strategy.

- 5.7.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
- 5.7.2 Policy D5 also states that *“The Council’s approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency”*.
- 5.7.3 The proposed development is located in Flood Zone 1; thus, not in an area at risk of tidal or fluvial flooding. However, the application is accompanied by a Flood Risk Assessment which includes details of how surface water would be managed.
- 5.7.4 The submitted Flood Risk Assessment raises the following conclusive points:
- To assess the surface water flooding which affects the site a site specific model has been used. The model has been used to set flood management proposals (which comprise a floodwater storage basin and finished floor/threshold levels relative to ground level).

- The proposed development is not considered to be subject to significant or unmanageable flooding from the other sources.
- Attenuated runoff from the site will be discharged at the annual greenfield rate (Q1) of 3.0 l/s/ha to the southern boundary ditch.
- The proposed surface water management scheme provides sufficient on-site storage to manage the 1 in 100 annual probability storm plus 40 % climate change allowance.
- Both the surface water and flood management scheme will be maintained by the community owner/operator.

5.7.5 The Lead Local Flood Authority (LLFA) has been consulted having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application and raised no objection to the proposal subject to conditions. Furthermore, the Council has consulted the Environment Agency and given that the site appears to be located within flood zone 1 and there are no known contamination issues or any other constraints, raised no site specific comments. Should permission be granted, the conditions requested by the LLFA would have been imposed.

5.7.6 Concerns in relation to flooding have been raised by the Council's Environmental Health Specialist. In particular it is stated that *"the site currently floods and in our experience is part of a low-lying area of ground subject to flooding where water is channelled from the NW and SW of the site. Water enters the AWS surface water system which discharges to a watercourse along Woodrolfe Road. This subsequently backs up and causes flooding at the Woodrolfe Industrial Estate. We also have evidence of localised flooding that affects residents to the NW because of poor surface water drainage in the location."*

5.7.7 Additional information has been submitted by the Applicant (correspondence from Cannon Consulting Ltd dated 4 November 2021) following the submission of consultation response from the Environmental Health Specialist. The developer has proposed an off-site drainage strategy to improve the situation downstream at the industrial units. On that basis, and subject to a planning obligation pursuant to a S106 agreement the Environmental Health Specialist is satisfied that the impact would be able to be mitigated. In the absence of a signed legal agreement securing this off-site drainage strategy, the impact of the development would be unacceptable, in terms of flooding.

5.8 Impact on Ecology, Biodiversity, Trees and Landscaping.

5.8.1 The application site does not fall within or in close proximity to statutory nature designations. However, a woodland, comprising partially a priority habitat deciduous woodland and a broadleaved area exists on the western part of the application site.

5.8.2 Policy N2 of the LDP states that *"All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance."* Conservation and enhancement of the natural environment is also a requirement of the NPPF.

5.8.3 The application is supported by a Preliminary Ecological Appraisal (PEA) Report Ref: 20-4058 (Lockhart Garratt Ltd, June 2021), Reptile Mitigation Strategy 21-1524 (Lockhart Garratt Ltd, December 2021), Reptile Mitigation Plan 4661/01/21-1565 (Lockhart Garratt Ltd, December 2021), Biodiversity Impact Assessment (Lockhart Garratt Ltd, June 2021), Water Vole Survey Report Ref: 21-0481 (Lockhart Garratt

Ltd, July 2021), Reptile Survey Report Ref: 21-0478 (Lockhart Garratt Ltd, July 2021), Detailed Landscape Design Soft Planting Plan ref: 21-0061, and the Tree Layout Plan ref: 21-0237.

- 5.8.4 The submitted information demonstrated that the site is considered to offer suitable habitat for protected species, including water voles and reptiles. Populations of Common Lizards and slow worms were recorded on site. Signs of Water Vole were detected during the Phase 1 habitat survey carried out in October 2020 and the first Water Vole survey carried out in April 2021. The Ecology Consultant has been consulted and confirmed that subject to the implementation of the development in accordance with the Reptile Mitigation Strategy (Lockhart Garratt Ltd, December 2021) recommended that a Final Reptile Mitigation Strategy for the necessary protection of the reptiles to be secured. With regard to water voles the Water Vole Survey Report advises the proposals will lead to disturbance of a small section of ditch D1 to the south of the site where the new access road to the proposed development will be constructed. To ensure that water voles are protected the Ecology Consultant has advised that a Method Statement to protect Water Vole during the construction phase should be secured as a condition of any consent as part of a Construction Environmental Management Plan (CEMP) Biodiversity. Should permission be granted, these matters would have been secured by condition.
- 5.8.5 The Preliminary Ecological Appraisal advises the proposals will lead to the loss of some woodland to the south-west of the site. Compensatory woodland planting will be provided within the site, and enhancement of the retained woodland to the west of the site to include tree planting to create a more species diverse canopy, in addition to clearing pathways to allow light into the understory creating a more diverse ground flora to ensure there is no net loss of biodiversity. The Ecology Consultant has advised that *“considerations for other protected and Priority species that may currently be present in the woodland should also be included (such as Bats roosting in trees). All habitat management and aftercare should be secured via a Landscape and Ecological Management Plan (LEMP).”* Furthermore, it is recommended that *“due to the presence of Lowland Mixed Deciduous Woodland on site a Wildlife Sensitive Lighting Strategy should be delivered for this scheme to avoid impacts to foraging and commuting bats”*.
- 5.8.6 The application is supported by a Biodiversity Impact Assessment (dated 28 June 2021) which includes a number of biodiversity enhancements to secure net gain of biodiversity. This includes enhancement of the woodland on site with further specimen tree planting, close board fencing to the western boundary replaced with native mixed hedgerow planting, wildflower meadow planting located to the northern and eastern boundaries of the site, a wildlife pond incorporated with marginal planting of native wildflowers and aquatic species, enhancement of aquatic habitats and marginal and aquatic planting of native species within existing ditches, provision of birds and bat boxes, and the provision of suitable gaps in fence lines to allow the movement of species such as hedgehog. It is also identified that offsetting calculations identify a 9.25% gain in habitat biodiversity and 42.05% gain in hedgerow biodiversity. It is noted that should permission be granted, the Biodiversity Enhancement Strategy would have been secured by the imposition of a Condition.
- 5.8.7 As noted above the development would result in partial loss of the woodland (Broadleaved woodland). The Tree Consultant has advised that no objection is raised to the proposed works (formation of paths) within the wooded area, given that this is mainly scrubby woodland and to facilitate this no significant tree will be impacted. No further objection has been raised in relation to the loss of trees.

5.8.8 In relation to the proposed landscaping details, the following concerns were originally raised:

- The proposed planting size of the trees is considered small.
- Similar concerns were raised in relation to the proposed shrubs, requiring the submission of provision of larger plans to offer instant amenity, along with a management plan for at least 5 years.
- A more diverse species of new tree planting in the wooded area was considered necessary, along with a management plan for at least 5 years, to show how the development will improve this part of the site for the benefit of amenity as it matures, wildlife habitat and ecological net gain.

5.8.9 Following receipt of the above concerns raised by the Tree Consultant, the Applicant has submitted a response confirming that the size of the proposed trees will be increased, as well as the shrubs. With regard to the provision of diverse species within the woodland the Applicant has advised that the reason for this single tree species is to create dementia friendly routes and a single species acts as a clear marker route. Confirmation for the submission of a management plan has also been confirmed.

5.8.10 No objection is raised by the Tree Consultant, following the submission of the above information. Should permission be granted the details of trees and shrubs as well as a detailed management plan would have been dealt with by condition.

5.9 Ecology regarding development within the zone of influence (ZOL) for the Essex Coast RAMS.

5.9.1 The application site falls within the 'Zone of Influence' for one or more of the European Designated Sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). This means that residential developments could potentially have a significant effect on the sensitive features of these coastal European Designated Sites, through increased recreational pressure etc.

5.9.2 The development of one dwelling falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice an Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from the HRA Stage 1: Screening Assessment are listed below:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (Zol) for the Essex Coast RAMS with respect to the previously listed sites? Yes (Blackwater Estuary SPA and Dengie SPA)

Does the planning application fall within the specified development types? Yes

HRA Stage 2: Appropriate Assessment- Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No.

5.9.3 Summary of Appropriate Assessment - as a competent authority, the LPA concludes that the project will, without mitigation, have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account NE's advice, it is considered that mitigation, in the form of a financial contribution of £127.30 per dwelling (a total of £3,691.7) is necessary. In the absence of a signed legal agreement to secure the abovementioned contribution, the impact of the development is not able to be mitigated and thus, this would constitute a reason for refusal of the application.

5.10 Developer Contributions

5.10.1 Along with other key principles, policy S1(11) requires decision makers to *"Identify the capacity and constraints of local infrastructure and services and seek to mitigate identified issues through developer contributions including Section 106 agreement and / or Community Infrastructure Levy and other funding sources"*.

5.10.2 A document with the Draft Heads of Terms accompanies the application, which include the suggested developer obligation. It is noted that amendments have been incorporated to the proposed development; however, the document was not revised. Below are detailed the general obligations that the applicant is willing to enter into:

- The discounted sales element would be sold at a 20% discount compared to local market value.
- Occupation is to be restricted through a cascade mechanism, prioritising residents of Tollesbury first. The lead occupier should be aged over 60 years of age.
- A restriction to the income level is proposed. It is noted this changed during the process of the application to be no more than £31,000 pension income per household.
- Upon resale (following the initial sales), owners will restrict sales to people who meet the above occupation criteria to those living within the District of Maldon for the first 13 weeks.
- Formation of a Management Company with responsibility for future management and maintenance of the children's' play area, open spaces, footways, related lighting, street furniture, signage etc and all landscaping.
- Provision of the multi-use community building to an agreed specification before the occupation of the 14th dwelling or 50% occupation of the development and transfer it to a management community.
- Offer the necessary contribution required by the NHS
- Discuss the potential opportunity for the NHS to use the Social Heart Community Building for flexible health care space.

5.10.3 Other necessary obligations which are not mentioned above would include the following:

- Provision of 5 affordable rented units to be taken over by a Register Provider.
- Highways obligations for the monitoring of the Travel Plan.
- The mitigation of the impact of the development on the Essex Coast, as discussed in the relevant section of the report above.
- An off-site drainage strategy to improve the situation downstream at the industrial units.

5.10.4 In the absence of a signed legal agreement to secure the abovementioned developer obligations, the impact of the development is not able to be mitigated and thus, this would constitute a reason for refusal of the application.

5.11 Other Material Considerations

Archaeology

5.11.1 The Historic Environment Officer was consulted, and it has been advised that the proposed development site has the potential to impact on archaeological remains. Archaeological deposits are both fragile and irreplaceable and any permitted development on site should therefore be preceded by a programme of archaeological investigation which should be secured by an appropriate condition. Should permission be granted, this matter would have been dealt with by condition.

Contamination

5.11.2 Policy D2 of the Approved MDLDP states that where appropriate, development will include measures to remediate land affected by contamination and locate development safely away from any hazardous source. The Environmental Health Specialist has advised that "*Historic mapping indicates an unknown tank on the site.*" Therefore, a condition for a discovery strategy is suggested. Should permission be granted, this matter would have been dealt with by condition.

Foul Drainage Strategy

5.11.3 The Environmental Health Specialist was consulted for the purposes of the application and concerns have been raised about the impact of foul drainage and the effectiveness of the Anglian Water main. In particular it is stated that "*There has been at least one incident where the sewage treatment works has become inundated with surface water causing a release into the estuary. This coincided with a sampling failure in one of the estuaries commercial shellfish beds.*" The Environmental Health Specialist would therefore require reassurance that the development would not impact on the shellfish beds and they will remain protected. To do so details of the foul water drainage scheme are requested to be submitted and approved by the LPA. Should permission be granted, this matter would have been secured by condition.

Waste Management

5.11.4 Although a refuse Swept Analysis has been submitted with the application to show the access and movement of refuse vehicles within the site, details of a refuse management plan should be submitted with the application. In design terms, refuse should be integral to the design when no private amenity space is proposed. Although no details of such integral design considering refuse has been submitted, it is noted that details of the position of collection points and provision of retention of waste in areas away from public views would be considered necessary to be secured by condition. Should permission be granted, this matter would have been secured by condition.

6. ANY RELEVANT SITE HISTORY

6.1 The relevant planning history is set out below:

- **RES/MAL/19/00197** – Reserved matters application for the approval of access, appearance, landscaping, layout and scale for 18No. dwellinghouses on

approved planning application OUT/MAL/14/01202 allowed on appeal APP/X1545/W/15/3136324 (Outline application for up to 24No. village houses). – DISMISSED ON APPEAL

- **OUT/MAL/14/01202** - Outline application for up to 24No. village houses. – REFUSED – APPEAL ALLOWED
- **OUT/MAL/13/00869** - Outline application for village housing. - Land North Of 48 Woodrolfe Road Tollesbury – REFUSED

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tollesbury Parish Council	<p>A few responses have been received by the Parish Council. Although a number of positive aspects to the design of the scheme were recognised, the following concerns were raised:</p> <ul style="list-style-type: none"> • Strategic and contextual elements of the proposal • Sustainability • Flooding • Location • Integration <p>Relevant policies highlighted by the Parish include Policies S1, S2, S8, D1, D2, D5, H2, H3, H4, N1 and N3.</p>	Comment noted and addressed within the officer report.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	No objection subject to condition.	Comments noted and discussed in section 5.5 of the report.
Natural England	It has been highlighted that the application site falls within the 'Zone of Influence'. A Habitat Regulation Assessment is required before the grant of any planning permission.	Comment noted and addressed at section 5.9 of the report.
Ecology Consultant	No objection subject to conditions.	Comments raised by the Ecology Consultant noted

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
		and addressed in section 5.8 of the report.
Essex Police Designing Out Crime	No objection raised; reference is made to the need to create safe places stated within the NPPF. It has been also advised that the Applicant has been in contact with the Essex Police Designing Out Crime to request suggestions to provide security.	Comments noted.
Lead Local Flood Authority	No objection, subject to conditions.	The comments raised by the Lead Local Flood Authority are addressed in section 5.7 of the report.
Essex County Fire and Rescue Services	No objection. Following submission of further documents, the EC Fire and Rescue Services considers the Access for Fire Service is satisfactory. Advice in relation to new roads and surfaces, building regulations, water supplies and sprinkler systems are provided within their response from the Applicant's information.	Comments noted.
Tree Consultant	Following clarifications from the Application, no objection is raised by the Tree Consultant. It is advised that the responses to address the comments made are now considered acceptable.	Comments noted and addressed in section 5.8 of the report.
Housing Growth Lead	As the application is for sheltered/retirement housing rather than extra care/independent living the Housing Growth Lead will not be commenting on the proposal as it is outside ECC's remit as adult social care provider.	Comments noted.
Archaeology	The proposed development site has the potential to impact on	Comments noted and addressed in section 5.11 of the report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	archaeological remains. Archaeological deposits are both fragile and irreplaceable and any permitted development on site should therefore be preceded by a programme of archaeological investigation which should be secured by an appropriate condition attached to any forthcoming planning consent.	
NHS	The CCG and the Mid and South Essex HCP has identified that the development will give rise to a need for additional healthcare provision to mitigate impacts arising from the development and requests that these are secured through a S106 legal agreement attached to any grant of planning permission. In the absence of such mitigation the development would impose an unsustainable burden on local healthcare services.	Comments noted and addressed in sections 5.1 and 5.10 of the report.
Environment Agency	The site is in flood zone 1, there appears to be no contamination issues or any other constraints linked to their remit.	Comments noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health Specialist	No objection subject to conditions and offsite development contributions to secure flood mitigation.	Noted and addressed in section 5.7 of the report.
Housing Specialist	The Applicant is looking to create a residential specialist neighbourhood for older people, consisting of 29 affordable	Comments noted and addressed in sections 5.1 and 5.10 of the report.

Name of Internal Consultee	Comment	Officer Response
	<p>dwelling and community hub building, with associated landscaping and infrastructure. The affordable Discounted Home Ownership scheme and the Affordable Rented properties will be for people aged 60 and over/people with a disability.</p> <p>Discussions with the Applicant have confirmed that the following units will be provided as Affordable Rented –</p> <p>5 Affordable Rented units comprising of 3 bungalows and 2 maisonettes, (one ground floor and one first floor).</p> <p>The proposal of Affordable Rented units will greatly assist in meeting the housing needs of older people on the Housing Register in the district. Also, the provision of bungalows and high demand for this type of accommodation as identified in Maldon District Council's Local Housing Needs Assessment 2021, will also help meet the housing needs of older people. The rents for these units will be in line with the Local Housing Allowance level inclusive of Service Charge. These properties will be advertised through the Housing Register System and the Council will have 100% nomination rights to the properties in perpetuity that would be detailed in the Section 106 Agreement. The</p>	

Name of Internal Consultee	Comment	Officer Response
	<p>Applicant has advised that they have applied to Homes England (Regulator of Social Housing) to become a Registered Provider for social housing.</p> <p>The Applicant has also advised with regards to Building Regulations, that the units will be built to Part M4 (3) which will reduce any cost for adaptations from the Council's Disabled Facility Budget.</p> <p>With regards to the sale of the Discount Market Properties, the Applicant has agreed to a cascade mechanism that would be set in perpetuity in the Section 106 Agreement with priority given to residents in the Parish of Tollesbury, then to the Parishes in the rural north of the district and finally to the remaining Parishes in Maldon to ensure the scheme assists people of the district.</p> <p>The Applicant has proposed a maximum household pension income of £31k from Regional data. However this does not identify from their source the lowest pension income figure for a one person household enabling them to access this scheme.</p> <p>Whilst Strategic Housing welcomes the proposal of 5 Affordable Rented units especially as some of the units proposed are bungalows, the Local Housing Needs</p>	

Name of Internal Consultee	Comment	Officer Response
	<p>Assessment 2021 identifies a tenure mix of 75% Affordable/Social Rented and 25% Affordable Home Ownership. Strategic Housing Services would give strong support if developed in the main settlement areas of the district but the proposal still has some value in meeting older persons housing provision within the district</p>	

7.4 Representations received from Interested Parties

7.4.1 Representations received objecting to the application

33 letters of objection have been received.

Objection Comment	Officer Response
Inappropriate location for housing.	Noted and addressed in section 5.1 of the report.
Impact on highway network during the construction and occupation of the development.	Noted and addressed in section 5.5 of the report. It is noted that should development was granted a control of construction would have secured through the imposition of a Construction Management Plan condition.
Impact on wildlife	Noted and discussed in section 5.8 of the report.
Flooding issues	Noted and discussed in section 5.7 of the report.
Inappropriate topography for people with mobility issues	Noted and discussed in section 5.1 of the report.
Impact on existing infrastructure	Noted and discussed in sections 5.1 and 5.10 of the report.
Supports of the scheme are from outside the local area.	Noted.
Concerns regarding protection of the landscape	Noted and addressed in section 5.3 of the report.
If approved, advertisements should be limited.	This is a matter that goes beyond the parameter of the current application and would require the submission of a separate application for advertisement consent.
Affordable housing is not needed in the area.	Comment noted. Matters in relation to affordable housing are discussed in section 5.1 of the report.
Limited access to services and facilities	Noted and discussed in sections 5.1

Objection Comment	Officer Response
	and 5.10 of the report.
The village has need for affordable housing for young people.	Comment noted. However, the LPA is required to assess the application that is in front of them than other speculative proposals.
The scheme does not support mixed communities.	Comment noted.
Less than 30 residents want retirement homes.	Comment noted. However, no evidence has been submitted to demonstrate the suggested demand.
Inaccuracies within the Applicants submission are raised.	Comments noted.
Concerns regarding pretermination, due to the Applicant's engagement with the Council.	It is noted that a Planning Performance Agreement was agreed between the LPA and the Applicant to engage prior and during the process of the Application. It is noted that this is common practice for major schemes and a proactive approach encouraged by the NPPF. However, it should be highlighted that this engagement is to offer advise to the Applicant and not agree the decision of an application.
Concerns regarding the engagement strategy followed by the applicant to inform local residents about the development.	Noted and addressed in section 5.1 of the report.
Concerns regarding maintenance charge, which is considered unrealistic to achieve the necessary maintenance, including lifts.	Comment noted.
Unsustainable development	Noted and addressed in section 5.1 of the report.
Inappropriate housing mix.	Noted and addressed in section 5.2 of the report.
Parking issues.	Noted and addressed in section 5.5 of the report.
There are existing issues with swage overflow.	Noted and addressed in sections 5.7 and 5.9 of the report.
No provision of pedestrian crossing.	Noted and addressed in section 5.5 of the officer report.
Concerns are raised regarding inclusion through the proposed provision of community building, which would potentially used exclusively from the future residents.	Comment noted.
No income restrictions have been set for the for those with disabilities.	Noted and discussed in section 5.1 of the report.
Concerns regarding compliance of the submissions with the Equality Act 2010 regarding people with disabilities	Comment noted.
Concerns regarding the upkeep of the estate roads.	This matter would have to be dealt with by the management company to be set up by the Applicant. Should permission

Objection Comment	Officer Response
	be granted the provision of a Management company to take over the maintenance of the site would have been secured by condition.
The development would not comply with the NPPF.	Noted and addressed through the officer report.
Impacts on pedestrian safety.	Comment noted and addressed in section 5.5 of the report.
Absence of cycle parking facilities.	Comment noted and addressed in section 5.5 of the report.
Concerns regarding contribution towards education.	Be reason of the nature of the proposed development, it is not considered reasonable a contribution for education to be sought and it has been requested by the ECC Education, which are consulted for residential schemes over 50 units.
Concerns regarding the funding on-site warden service.	This would have to be funded by the future occupiers. These matters would have been secured by S106 agreement, should permission be granted.
Concerns are raised around needs assessment and occupation restrictions.	These matters are addressed within section 5.1 of the report.
Several comments are raised around the supporting documents submitted by the Applicant.	Comments noted and addressed within the officer report.
The submitted Updated Needs Assessment is silent on Climate change.	Noted. However, these issues are addressed within other submission document and discussed in section 5.6 of the report.
Concerns regarding liability and costs in case of flooding.	This matter is addressed within sections 5.6 and 5.10 of the report.
Concerns regarding proximity to public transport.	Noted and addressed in section 5.1 of the report.

7.4.2 **79** letters and a petition signed by 144 people were received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
The development is required to free up family homes and properties for young people.	Comment noted. However, due to the adverse impacts identified in the report above, it is not considered the benefits arising from this point would be able to outweigh the harm identified.
The development would offer what older people require.	Comments noted. Matters relating to quality of life are addressed in section 5.6 of the report.
The development would provide quality of life and suit the health problems of the older people.	
Existing available retirement units are not able to provide the same quality of life.	
Suitable properties to downsize.	Comment noted.

Supporting Comment	Officer Response
The development would be suitable for wheelchair users and order people.	
People will be able to stay near their families.	
There is a need for affordable housing in the District.	Comment noted and addressed in section 5.1 of the report.
Street lighting and traffic calming would assist the scheme.	Comments noted. Matters in relation to traffic calming measures are outside the LPA's remit.
Issues in relation to accessibility to pavements applied equally to existing residential of the village.	Noted; however, consideration should be had to the fact the site is outside the village settlement further away from the pedestrian network.
There is no alternative to address the need.	Comment noted and discussed in section 5.1 of the report.
Low maintenance of the properties	Comment noted.
The development is located near services and facilities.	Noted and addressed in section 5.1 of the report.
There are not enough dwellings for older people.	Comment noted.
Prevent people moving to a care home.	
Aging population.	
People of similar age and interest living in the same location.	
Older people will be able to live locally.	
Lack of bungalows.	
Older people will remain independent.	
Many old people live in unsuitable housing.	

7.4.3 4 letters were received **commenting** on the application and summarised as set out in the table below:

Comment	Officer Response
There are other more suitable location within the district for this development.	Comment noted. However, the LPA is required to assess the application that is in front of them.
Request to view the pre-application response.	It is noted that re-application discussions and responses are confidential.
Several comments and weblinks have been provided regarding sustainability and potential flooding.	Comments noted.
Comments are raised regarding the objections of the Tollesbury Parish Council in relation to flood risk, when no objection was raised by the Inspector who assessed the outline planning permission (14/01202/OUT).	It is noted that matters relating to flooding are addressed in section 5.7 of the report.
Issues in relation to residential amenity of the nearby neighbour are raised and mitigation is suggested to overcome those.	The matter is addressed in section 5.4 of the report.

8. PROPOSED REASONS FOR REFUSAL

- 1 The proposal, if developed, by reason of its quantum of development, layout, grain, loss of woodland, scale, design and relationship with the wider area, would harm the character and appearance of the area. Such that there would be a conflict with Policies S1, S8, D1 and H4 of the Maldon District Local Development Plan and guidance contained within Section 12 of the National Planning Policy Framework. Furthermore, insufficient information has been submitted to demonstrate that the development would constitute Affordable Housing in its entirety and that there is an identified need for this quantum and type of development in the area that cannot be met elsewhere in the District and that the proposal would meet the needs of residents of the District that are not met by the market, contrary to policies H3 and H5 of the Maldon District Local Development Plan and guidance contained within Section 5 of the National Planning Policy Framework. Therefore, the development would be unacceptable and the adverse impacts identified would significantly and demonstrably outweigh the benefits, when the development is assessed against the policies of the National Planning Policy Framework as a whole.
- 2 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the proposal includes inadequate provision to secure the delivery of affordable housing and necessary occupation restrictions to meet the identified need in the locality for specialist housing for older people and address the Council's strategic objectives on affordable, contrary to Policies S1, H1, H3 and H5 and I1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
- 3 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing the provision of the necessary contribution towards health care provision, as identified by the NHS Mid and South Essex, the impacts of the development on the existing health care services would not be able to be mitigated contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.
- 4 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1, and I1 of the Maldon District Local Development Plan and the NPPF.
- 5 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the necessary provision Travel Information Pack for sustainable transport and monitoring contribution, the impact of the development cannot be mitigated contrary to Policies S1, D1 and T2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
- 6 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the necessary offsite drainage strategy to improve the situation downstream at the industrial units to the east of the site, the impact of the development cannot be mitigated contrary to Policy S1 and D5 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.