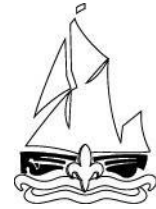


**CIRCULATED PRIOR
TO THE MEETING**



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
NORTH WESTERN AREA PLANNING COMMITTEE
30th March 2022

MEMBERS' UPDATE

AGENDA ITEM NO. 5

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 Choose an item.

5.1 Principle of development

5.1.27. Within paragraph 5.1.27 of the committee report, reference is made to the maximum household pension income level, which is proposed to be £31,000. This maximum income was discussed with the Council's Housing Senior Specialist and it was based on the Applicant's recommendation to change to originally proposed income level. Following the submission of the Council's Housing Specialist consultation response, comments from the Applicant have been received in that respect stating that the maximum pension income for a single household would be £17,833 per annum. This is based on the average income for a single household using the latest ONS data. Even though it is accepted that this a lower figure for a single household than the one previously discussed with the Council's Housing Specialist, it is noted that this figure is based on the average pension income rather than a lower pension income to target those whose needs are not met by the market. Therefore, it is considered that this clarification does not fully address the concern previously raised in relation to acceptability of the eligibility criteria, as set out by the Applicant.

5.11 Other Material Considerations

5.13.5. It should be noted that since the publication of the committee report, the appeal decision in relation to application 21/00075/OUTM relating to a development involving the erection of 232 dwellings to form phase 2 of previously approved retirement community in Burnham-on-Crouch was allowed. Concurrently a cost appeal has been submitted for the same development and awarded full costs.

- 5.13.6. The Inspector in his decision to allow the proposed development has given consideration to the lack of 5 year housing land supply, which is currently 2.92 years and set out the importance of paragraph 11di of the NPPF and the necessity to engage the tilted balance when assessing an application for new housing. the Inspector found out that the benefits of the development would many and substantial and the impact of the development would not significantly and demonstrably outweigh the benefits.
- 5.13.7. Although the officer report does not have reference to the actual number of years that Council's supply is currently, the officer when drafting the report was fully aware of the current position and the current situation was given significant weight to lack of a 5YHLS and has also engaged the tilted balance, assessing the benefits arising from the development and against the harm. The officer report clearly identifies the unacceptable impact of the development that would occur to the character and appearance of the area. Although consideration has been given to the acute need of the District for more housing, material concerns have been raised in relation to the quantum of development, the limited coverage of the site and the resultant impact on the character and appearance of the area. The scheme is for a specific type of development and it is not considered that the need, for the reasons explained in detail within the officer's report, has not been appropriately evidenced and it is not consider targeting what the Applicant is suggesting, namely those whose needs are not met by the market. For those reasons, officers consider that the development has been assessed against the correct test, as set out in the NPPF and this is to weight the benefits of a development against the harm. Therefore, officers disagree with the Applicants comment that the report has not accurately or correctly assessed the proposed development and it clearly states that the harm of the development significantly outweighs the benefits.
- 5.13.8. Furthermore, it is important to be noted that there are material differences between the two proposed developments, including but limiting to the fact that the Council has never objected to the need of the allowed development in Burnham-on-Crouch, as this is a need that has been demonstrated by the Applicant and has been identified within the Council's Specialist Housing SPD. Furthermore, the allowed development is located in one of the three main areas that are considered being the most appropriate to provide specialist housing. The allowed development also involves a financial contribution of £4,207,875 (index-linked) towards off-site affordable provision, which is to meet the general affordable housing needs of the District rather than a need in an area that has not been justified, as that of the currently proposed development. Furthermore, the scheme will be a read as part of 'phase 1' of the retirement village and appropriately interact with the site in its entirety this is significantly different to the concerns raised with the proposed application within the case officer's report.
- 5.13.9. The Applicant during the process of the application has also interrogated the content of the Council's most recent Local Housing Needs Assessment (May 2021). It is important to note that due weight has been afforded by the Inspector assessing the proposed retirement community in Burnham-on-Crouch to the findings of this document. In particular, within the Appeal cost decision it is stated that *"In addition, the appeal proposal is for two types of residential accommodation, older persons and affordable housing, that are most in need in the District, as set out in the Council's own Maldon District Local Housing Needs Assessment Final Report, dated May 2021. The need for both types of accommodation is acute and growing"*. Therefore, it is considered reasonable that weight has been given to findings of this document, which identified a significant surplus on affordable sheltered housing for older people. The Applicant's submissions are not considered to have

demonstrated a different need from that identified in the Maldon District Local Housing Needs Assessment Final Report.

5.13.10. In light of the above, it is considered that the Council, has assessed the proposed development taking into consideration the lack of 5YHLS and against the correct test that the *“benefits of the proposed development do not overcome the harm caused to the character of and appearance of the area and to the amenity of existing occupiers”*.

5.13.11. The Applicant has requested that the application is deferred to a later committee, in order to discuss an amended proposal with the Council. It is noted that the alternative suggestions would not be able to address the objections against the harm identified to the character and appearance of the area, as they have not proposed a reduction to the number of units proposed. Furthermore, it should be noted that in accordance with the protocol it is in the Councillors’ gift to make a proposal for deferment of a committee item than that of the Applicant’s.

7.4 Representations received from Interested Parties

7.4.1. 5 letters of objection and 30 letters of support have been received. The points that have not been covered in the committee report are as follows:

Objection Comment	Officer Response
The proposed housing mix does not accord with the Older Persons Housing Strategy	Comment noted and addressed in section 5.2 of the report.
Concerns have been raised regarding the consultation response received by the Essex County Fire and Rescue Services	Comments noted. It is noted that following the submission of the amended plans an amended consultation response from the Essex County Fire and Rescue Service has been received and no further points of concerns are raised.
Comments in relation to the amended plans, additional supporting information and consultation responses have been raised.	It is noted that these matters have been considered addressed within the officer report and this Member’s Update.
The development would not comply with the Local Housing Needs Assessment.	Noted and addressed within section 5.1 of the report.

Supporting Comment	Officer Response
People will have more money in the bank.	This is not a material planning consideration.
People will be able to live in the homes they want regardless of their budget.	Comments noted. The assessment of the need for the proposed development is carried out in section 5.1 of the report.
There are people that are old and still have a mortgage.	

7.4.2. It is also noted that a letter has been received confirming that the representation previously submitted under their name is not one that has been sent by them or with their authority and want this to be removed. This was a comment of support.