

Braintree Local Plan – Section 2 Examination

Response to Main Matters, Issues and Questions

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Respondent ID: 1022300 and 607901
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Introduction

1. This hearing statement has been prepared by M Scott Properties Ltd, hereinafter referred to as Scott Properties, in response to the Inspectors' Matters, Issues and Questions on the Braintree Section 2 Local Plan (the 'Plan').
2. Scott Properties has interests in the delivery of housing throughout Braintree within the Plan period and specifically in sites in Silver End, Cressing and Gosfield. Scott Properties delivers all types of housing, including market and affordable properties that are suitable for older residents or those with a disability.
3. Scott Properties' Regulation 19 representations highlighted the need to ensure sufficient sites are included within the Plan to meet the needs of specific groups of the population, including older people, particularly in village locations to ensure that local needs are met. We have concerns that such needs will not be met as a result of a lack of site allocations for this purpose, and, the restrictions posed by Policy LPP35 of the Plan.
4. We acknowledge that the Plan is being examined in relation to the 2012 NPPF under the Transitional Arrangements set out in the 2019 NPPF. Therefore, all references made within this Statement are to the 2012 NPPF unless otherwise stated.

Main Matter 11 – A Prosperous District – Homes – Policies LPP 33 – LPP 43

Policy LPP 35 – Which sites are allocated for specialist housing and does this meet local need?

5. In response to this question, Scott Properties would firstly highlight that the Plan does not specify a need for specialist housing, and in the absence of which, we question how the Plan will be effective at meeting the needs of older people.
6. Table 6.2a of the SHMA (2015) identifies a requirement for 1,730 additional units of specialist accommodation by 2037 within Braintree District, disaggregated into a requirement for 1,682 sheltered housing units and 48 extra care units. These figures are based on a future usage ratio of 123 per 1,000 people aged 75+, to reflect the occupation rates in Braintree at that time. The SHMA also calculates the requirement based on a higher usage ratio of 170 per 1,000 people aged 75+, which is the base recommended within the Strategic Housing for Older People tool (SHOP). This generates a requirement for 3,040 additional specialist units, being 2,446 sheltered and 594 extra care; and is 76% higher than if using the lower occupation rate.
7. The SHMA recommends in Appendix 6 that it would appear appropriate for the Council to pursue a lower requirement figure based on current occupation rates, given the dramatic increase if the higher occupation rate were to be used. In reaching this conclusion, no consideration has been given to the reasons why Braintree has a lower occupation of specialist housing than the recommended rate, at over 38% lower. One realistic explanation for this could be a lack of such accommodation within the District, and we therefore do not consider it appropriate to assume, without additional evidence, that the need figure is the lower of the two calculations. Instead, this figure should be taken as an absolute minimum.

8. We consider that the Plan should specify a housing requirement for older people in order to provide a clear commitment that this will be met.
9. The Local Government Association “Housing our ageing population” reported that nationally, the number of people aged over 65 is forecast to rise from 11.7 million people to 14.3 million by 2025; a 22% rise. This means that one in five of the total population will be over 65 in 10 years’ time, which will rise to one in four by 2050. Between 2008 and 2039, 74% of projected household growth will be made up of households with someone aged 65 or older.
10. Within this national context, it is widely recognised that Braintree has an ageing population. The profile of people living in Braintree (May 2016) authored by Essex County Council predicted an increase of 30% in the number of over 65s between 2015 and 2025, which will represent 23% of the total population. It also acknowledges that the ageing population will put greater demand on health, social care services and housing needs.
11. The SHMA at paragraph 6.5 predicts a dramatic increase in the population aged 65 and over within the Plan period, at 51% in Braintree, further highlighting a critical need to adequately provide sufficient accommodation for this group within the population.
12. Paragraph 50 of the NPPF requires local planning authorities to plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community, including, inter alia, older people. Older people are defined in the NPPF as:

“People over retirement age, including the active, newly-retired through to the very frail elderly, whose housing needs can encompass accessible, adaptable general needs housing for those looking to downsize from family housing and the full range of retirement and specialised housing for those with support or care needs.”
13. Whilst we acknowledge that the Plan is being examined under the 2012 NPPF, we note that the definition of older people included within the 2019 NPPF also includes those approaching retirement. Corresponding PPG ‘Housing for older and disabled people’ identifies a number of different property types suitable for older people, including age-restricted general market housing aimed at people aged 55 and over and the active elderly, who do not require support or care services.
14. The SHMA identifies two types of specialist accommodation only; sheltered housing and extra care housing, and fails to consider any other types of property to meet the diverse needs of older people, and which may enable older people to move to a property which is more suited to their current and future needs.
15. Further, the SHMA calculates a requirement for specialist housing using the SHOP tool, which is based on occupation rates for those aged 75 and over. This excludes a large proportion of the older population, which as the NPPF recognises, can include people at or approaching retirement age, who may also require specialist accommodation.
16. Notwithstanding the requirement figure, the Plan appears to include one site allocation for specialist housing within Policy LPP 25 for 16 units of specialist housing for people with physical

impairments and learning disabilities. Whilst we support the delivery of such housing within the Plan, we would highlight that this allocation does not contain any requirement for specialist housing for older people specifically.

17. The Plan's Housing Trajectory (as contained within Appendix 1 of the Housing Topic Paper) details the specialist housing sites for older people, reproduced below:

Local Plan Site Allocation Reference / Application Reference	Site Address	Supply	Expected delivery
17/1763/FUL	The Mulberries South Street	3 sheltered flats (net gain of 2 dwellings)	Completed 2018/19
17/1681/FUL	Grounds of Massenet Wickham Bishops Road	6 specialist supported housing units	Completed 2019/20
19/02135/FUL	26 Foster Court, Witham	Change of use from warden accommodation to retirement flat (no net gain in dwellings)	Completed
BOCN 134 15/01584/FUL	Polly's Field, Church Lane, Bocking	99 sheltered units for elderly persons	2022
14/0676 20/01667/DAC 20/01528/NMA	Land at Leywood Close	14 sheltered housing apartments	2022/23
18/2304/FUL 20/00820/DAC	Former Bramston Sports Centre, Bridge Street	58 sheltered housing units	2022/23
18/0497	Adjacent to The New Deanery, Deanery Hill	2 specialist independent living homes for the elderly	2022/23
BOCS 700 19/01743/FUL 20/01983/DAC 21/00506/DAC 21/00680/VAR	Land at Braintree College, Church Lane	75-bed care home and 19 sheltered housing units for people aged 55+ or living with a disability	2022/23
KELV332 20/00707/FUL	Land at St Dominic's Care Home adj The Cloisters, Church Road, Kelvedon	21-bed care home, 13 close-care bungalows and 12 close-care apartments	Unknown – pending consideration

18. The above table does not include proposed allocation LPP 25, which we understand has received outline planning permission for 16 supported living homes for people with physical impairments and learning disabilities¹, as opposed to specialist housing for older people.
19. In total, the supply for specialist accommodation for older people identified within the Plan's Housing Trajectory, excluding C2 care use, is 227 units. This equates to 13% of the lower requirement for 1,730 units in the SHMA, leaving a residual requirement of 1,503 units. For the reasons described above, this requirement should be considered as an absolute minimum.
20. In the absence of any additional identified supply within the Plan, we question how local needs will be met. This is particularly given the wording of LPP 35, which restricts specialist housing to sites within development boundaries, providing these met the criteria therein. The comments from the Council's Planning Policy team of 18 June 2020 as a statutory consultee in respect of application 20/00707/FUL (KELV 332) are highly relevant here, and are included at Appendix I. The response acknowledges that the Plan does not directly address the full need for specialist housing through allocations. Further, it states:
- "LPP35 acknowledges that the specialist units requirement in the SHMA are reliant on sites coming forward through windfall development, like at the former Bramstons sports centre in Witham, on strategic sites or garden communities."*
21. Firstly, we would highlight that the removal of the garden communities from the now adopted Section 1 Local Plan, which were expected to provide specialist accommodation, removes this source of supply. Secondly, we question what strategic sites will deliver specialist accommodation in the absence of any policy requirements to do so. Many have also either submitted a planning application or achieved planning permission, which precludes such sites from delivering specialist accommodation.
22. In relation to the reliance upon windfall sites, we note that the expected allowance as set out in Table 3 of the Housing Topic Paper is 750 dwellings between 2023-2033. As calculated above, the minimum residual housing requirement for specialist accommodation for older people is over double this, at 1,503 units minimum. We consider the reliance upon windfall sites to deliver the requirement to be unrealistic and that it will be ineffective.
23. In light of the identified shortfall in the expected supply of specialist housing within the Plan period, combined with the unrealistic assumption that the residual requirement of some 1,503 specialist units minimum will be met through windfall, we consider that Policy LPP 35 should be amended in order for the Plan to be found sound. Currently, this restricts any new development for such accommodation to locations within the settlement boundary, where the principle of development of market housing is established through Policy LPP 1 of the Plan, subject to meeting the criteria therein. As such, due to the costs involved, specialist accommodation is likely to be unable to compete with market housing.
24. The approach in the Policy prevents development on sites which may be located in sustainable areas, adjoining or close to a settlement boundary and capable of fulfilling criteria a-d, yet which are precluded from coming forward because of the restrictive nature of the Policy. Given the

¹ 16/01646/OUT

absence of site-specific allocations and a considerable identified shortfall in the supply, we question how the Policy will be effective in meeting specialist housing needs, and would suggest on the contrary that it will restrict delivery of such accommodation, particularly in areas where there is a high need.

25. Policy LPP 35 allows extensions to existing specialist accommodation into the countryside providing the specified criteria are met. We consider the Policy should extend the remit of this part of the Policy to apply to all new specialist housing developments, to boost delivery across the Plan period.
26. Whilst we would also suggest that in order to be found sound, the Plan should make additional allocations for specialist housing to provide more certainty of ensuring needs are met, we also consider Policy LPP 35 should be amended as part of this. This would then enable other sites not immediately identified for such use to come forward in the future to boost the supply.
27. To ensure the necessary safeguards are in place to prevent inappropriate development, criteria a-d could be applicable to new specialist housing sites, which would provide the necessary control for sites outside of the development boundary. Further, the Council could also request that such planning applications are supported by evidence of need, to ensure the right type of homes are being delivered in the right locations.
28. Policy LPP 37 – Housing Type and Density requires 10% of all market dwellings on sites over 10 or more, and 10% of all affordable homes to be provided to M4(2) or M4(3) standards where appropriate. Whilst we acknowledge that accessible and adaptable dwellings form an important part of the overall strategy to ensure the housing needs of all groups within the population are met, we would highlight that this provision does not detract from the Council’s requirement to ensure the housing needs of older people are met. Not only will these requirements fail to generate a considerable amount of accessible and adaptable housing, we would point out that such properties would not be restricted to occupation by older people, and would be available to the general market.
29. Further, Table 6.3 of the SHMA predicts that there will be 2,374 people aged 18-64 with a serious physical disability by 2030 in Braintree. It would be reasonable to assume that some would also require specialist housing, or adaptable and accessible housing built to M4(2) or M4(3) standards, therefore this provision is not sufficient to cover the needs of these and older people within the Plan period.
30. We dispute the conclusions in paragraph 6.21 the SHMA, which states:

“The majority of the Disabled Facilities Grants are given to people aged 55 or over indicating the preference for older people to continue to reside in their own home rather than move to ‘specialist’ older persons’ accommodation.”
31. Not only is this unsupported by any evidence, with a failure to consider any other factor as to why this may be, this again is likely to be reflective of the fact that there is a lack of suitable alternative accommodation for older people available. Therefore, it is unsurprising that the only option available to people is to adapt their existing home. The Plan appears to be predicated on the unsupported and incorrect assumption that older people would prefer to stay in their own homes,

as opposed to move to specialist accommodation. Notwithstanding the identified need for specialist accommodation in the SHMA, which cannot be met through general market housing, this approach will also fail to provide a sufficient amount or choice of homes to meet the diverse needs of older people.

Conclusion

32. Modifications are required to the Plan to ensure it is capable of meeting the identified housing needs of older people. As well as the inclusion of a housing requirement for older people, additional sites for specialist housing should be identified for allocation, in addition to amendments to Policy LPP 35 to be more supportive of suitable sites outside of settlement boundaries, subject to meet the defined criteria. This could be amended to ensure planning applications for such sites demonstrate an identified need.
33. Despite the suggestion in the Housing Topic Paper and the memorandum from Planning Policy in respect of the planning application on allocated site KELV 332 (Land at St Dominic's Care Home²), it is not a realistic expectation that specialist housing accommodation will be met through windfall sites. Fundamentally, the expected windfall within the Plan is almost half of the residual need for specialist accommodation identified in the SHMA, taking into account the supply in the Plan's Housing Trajectory.
34. Currently, we consider that the Plan will fail to meet more than 13% of the specialist housing requirement identified in the SHMA, if this is taken to be the lower of the two figures calculated. In this respect we would reiterate our concerns that this figure may be reflective of a District which currently has an undersupply of such accommodation which has distorted the occupation rates and therefore the actual requirement. Further, this calculation considered people aged 75+ in determining need, and fails to consider those approaching or at retirement age who may also require specialist housing, in accordance with national policy, or recognise the existence of other types of specialist accommodation besides sheltered and extra care, and the respective need for those.

Word Count: 2,744

² 20/00707/FUL

Appendix I – Memorandum from Braintree District Council Planning Policy Department in response to application 20/00707/FUL (Land West of St Dominics Residential Home & The Cloisters, Kelvedon) dated 18th June 2020

MEMORANDUM

Braintree District Council
Planning Services

Our Ref: 1201

Your Ref: 20/00707/FUL

To: Development Control

From: Planning Policy

Date: Thursday, 18 June 2020

Re: Departmental Consultation Response:

Land West Of St Dominics Residential Home & The Cloisters, Kelvedon, Essex

Erection of a two-storey 21 bed care home, 13 x 1 bed close-care bungalows and a two-storey 12 x 1 bed close-care apartment block, together with associated resident and visitor parking spaces, amenity areas and access road.

Thank you for consulting Planning Policy on the above application.

- Part of this proposal is not an allocated site in the publication draft local plan
- Allocation of the site was requested by the applicant in a representation and rejected, thus there are outstanding objections the PD LP
- There is a need for specialist housing in accessible locations
- BDC is unable to demonstrate a 5 year housing land supply
- All residential units should make a full contribution to RAMS

This is a proposal for 25 sheltered housing and 21 extra care units adjoining an existing care home, total 46 units.

Principle of Development

This site lies outside the development boundary of Kelvedon village, i.e. within the Countryside, as defined in Core Strategy policy CS5, the Replacement Local Plan and Insert Map 38 of the Publication Draft Local Plan. The proposed development would extend the built form of Kelvedon westwards onto semi-natural open space at the end of The Cloisters. Paragraph 4.11 of the Core Strategy makes clear that apart from the identified Growth Locations, the open countryside between the Main Towns, Key Service Villages and Other Villages should be kept undeveloped. The aim is to limit development to serve the local area or deal with specific local issues such as regeneration of important sites.

Within the Settlement Hierarchy Kelvedon is one of 6 Key Service Villages (see Local Plan appendix 1) meaning that it has some facilities which could provide basic services and employment, including primary education, a supermarket, a doctor's surgery and community facilities. It also has a mainline railway station with good connections to Colchester, Chelmsford and beyond.

The Publication Draft Local Plan sought to allocate a specialist housing site KELV332 which is adjacent to St Dominic's Care Home – this would allow development of the extra care units but not the sheltered housing/assisted living apartments and bungalows.

There are also residential sites to the north of Kelvedon totalling around 250 dwellings. This site now has outline planning permission, along with an additional site directly opposite, total residential capacity for 285 homes. The Draft Kelvedon Neighbourhood Plan does not seek to allocate any additional residential sites but does identify a number of redevelopment and infill opportunities. Neither plan directly addresses the full need for specialist housing through allocation.

As per the NPPF para 11, the principle of development should turn on the provision of a five year supply or not. At the time of decision making if the Council has a five year housing land supply, the development is not supported as the location is within the open countryside however should the Council not be able to demonstrate a 5YHLS, the tilted balance of the presumption in favour of sustainable development should be applied.

Residential

This site was known to Braintree District Council as it was submitted to the SHLAA call for sites as KELV 331/332. It was considered capable of accommodating 41 units but was only allocated in part at Local Plan Sub Committee (25th May 2017), where KELV331 was allocated for specialist housing, extending the existing care home, but KELV332 which is the sheltered housing component was not.

“KELV331 and KEL332 Land at St Dominic’s Care Home, London Road.”

KELV331 is a site is 1.5ha in size and is being promoted for 32 self-contained apartments and 9 bungalows to be used in association with the existing care home, providing on site medical and other services through the care home as appropriate as ‘extra care’ units.

KELV332 is a 0.8ha site currently part of the garden/grounds of the existing care home. The landowner is proposing a 25 bed unit for specialist and end of life care, linked with the current care home.

Parish Comments - There was no immediate objection to this site, however, the Parish Council would not wish to see the loss of this facility, both as a care home or as a place of employment within the parish.

Officer Comments - In the 2014 Site Allocations and Development Management Plan it was proposed to allocate a small part of this land for specialist housing to facilitate an extension to the existing care home. The full extent of the site is a long, narrow field, separated from the wider landscape by good screening. However, due to the linear nature of the site, development would be some distance from the care home and would be located behind existing properties in ‘The Cloisters’. These properties have rear access and parking courts, separated from the field behind by substantial planting. As such the full extent of the site the landowner is suggesting may not be suitable and would appear separate from the built development of Kelvedon. Access to the current site is also constrained although there is potential that a larger site could be accessed from ‘The Cloisters’, however as already stated there are rear parking courts here which an access would have to go through which are not an attractive entrance to the site. In conclusion it is proposed to allocate part of the site for specialist housing.

The SA notes the potential for implications on the historic environment and that a small portion of the site is in an area at risk of flooding.”

As the officer’s comments are dated 2017, I will update them as follows: It would appear that the substantial planting has been lost due to preliminary site works. These works have also

removed much of the ecological value of the semi-natural open space which could be unaccounted for when considering biodiversity net gain/loss in habitat. I note that the submitted ecology report recommends a number of mitigation measures which, considering the loss that has already occurred, should be the minimum.

The officer's comments refers to the effect of development on the character of Kelvedon, poor amenity for new occupiers and poor access, as elaborated in the discussion pertaining distance between the apartments and the care home and unattractive shared access with The Cloisters. I acknowledged that the effect on the open countryside is tempered by strong boundary edges and the effect on the character of Kelvedon remains a weak reason to refuse allocation. Nevertheless, I would request that a condition of this development should be to ensure there is a strong western and northern boundary edge in perpetuity. It should be noted that the recommendation to LPSC is predicated on the higher bar for Local Plan allocation compared to the low bar when paragraph 11d is engaged.

Turning to specialist housing, it should be noted that the Local Plan does not specify need for specialist housing, however population projections for Braintree indicate that there will be an increase in people aged above 65 up to 2037. Paragraph S.44 of the SHMA, takes this into account and estimates that 7,157 additional specialist housing units, the vast majority in the sheltered housing sector, will be required:

"We have used the Strategic Housing for Older People tool developed by the Housing Learning and Improvement Network to consider the future requirement for specialist accommodation arising from this group. If it is presumed that occupation patterns remain at current levels then there is a requirement for 7,746 additional specialist units, of which 7,157 should be sheltered housing and 319 should be extracare housing. The requirement for 7,746 additional specialist units for older people represents 10.4% of the total Objectively Assessed Need for the period to 2037."

LPP35 acknowledges that the specialist units requirement in the SHMA are reliant on sites coming forward through windfall development, like at the former Bramstons sports centre in Witham, on strategic sites or garden communities. The policy states that proposals will be permitted provided that a range of 4 sustainability criteria can be met, with three being close to shops and services, parking and provision of private amenity. The fourth, criteria b. requires health services to be available on site or in close proximity – this would depend on the level of care needed. The nearest doctor's surgery is 0.3km away which is within walking distance, a doctor's room is also proposed onsite.

The 41 units of C3 and C2 residential would be a boost to the housing land supply and provision much needed specialist housing.

Local Plan Update

The Council submitted the Publication Draft Local Plan for examination in October 2017, Section 1 examination is near completion and the Councils are in receipt of the main modifications. A public consultation for the main modification is expected to take place over the summer and adoption will likely follow in due course.

Section 2 examination is estimated to commence in the winter 2020 however paragraph 48 weight may be applied. Outstanding objections where relevant can be viewed on the Council's consultation portal at <http://braintree-consult.limehouse.co.uk/portal>. Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017 policies.

Essex coast RAMS

This site is an allocated residential development site in the Local Plan within the Zone of Influence (ZOI) for the Blackwater Estuary SPA and the Dengie SPA. The Publication Draft Local Plan HRA provides the evidence to show that new residential developments are likely to have a significant effect, in-combination with other plans, on protected Natura 2000 habitats due to increased recreational visitors to the coast.

The flow chart provided in the annex of Natural England's interim advice letter dated 16 August 2018 should be followed and in this case, the proposal is within the scope of the Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (Essex Coast RAMS) as updated. A short Appropriate Assessment should be undertaken by the case officer in accordance with stage 2 of the HRA – template provided if required. The RAMS applies to all residential dwellings of one or more for full or outline applications, this includes C2 Residential Institutions which is specifically listed in Table 3.2 of the draft RAMS SPD. A contribution from this site was accounted for within the calculations for the mitigation package. For residential dwellings granted permission within the ZOIs after 16th November 2017, a tariff in line with that published in the draft Essex Coast RAMS of **£125.57** per dwelling is expected. If a contribution is not secured, the LPA is liable for the cost of mitigation equalling the total number of new residential dwellings.

Natural England recommends the application of this tariff and that a financial contribution 'in-line with' the draft Essex Coast RAMS tariff is sought for all residential dwellings within the ZOI. RAMS is payable on each unit of this development before commencement as the tariff falls under the Conservation of Habitats and Species Regulations 2017 and not the CIL regulations.

The public consultation for the Draft RAMS SPD has concluded and adoption of the final modifications, along with a report of responses received is expected in the summer 2020.