

## **Matter 6 Housing Need and the Delivery of Quality Housing**

**Issue: Whether the approach to the delivery of housing is justified, effective and consistent with national policy in the NPPF.**

### **Question 6c. Specialist Accommodation – Policy DES7**

#### **Sub Questions 1- 4**

1.1 This matter statement has been prepared by Tetlow King Planning Ltd. on behalf of Retirement Villages Ltd, the provider of age exclusive retirement villages across the UK for 35 years. This statement addresses the question 6c (sub questions 1-4) with regard to **Policy DES7** and in relation to specialist accommodation for older people specifically.

#### **1. Is this policy effective, justified and consistent with national policy?**

1.2 As set out in representations to the Regulation 18 and 19 drafts of **Policy DES7**, national planning policy has been evolving to respond to the increasing need for specialist housing to respond to the ageing population. Successive government consultations on proposed changes to national policy indicated that there was a need to recognise and plan for the needs of older people's housing at a local level and that this should be informed by up to date evidence.

1.3 The NPPF contains an overarching encouragement for LPAs to positively seek opportunities to meet the development needs of their area, and to seek to deliver a wide range of high quality homes (NPPF 2018 Paragraph 61). Given the clear signals given by Government that the need for planning for housing for older people is 'critical' Policy DES7 should seek to encourage the development of such proposals.

1.4 The starting point for sound policy planning must be an up to date assessment of housing needs, in order to address them in accordance with paragraph 15 of the (2018) NPPF. Whilst we note that the DMP refers to data from the Housing for Older People evidence papers from 2017 and 2018 (**Core Documents SD3 and SD4**) it is worth highlighting that the SHMA (2012) **Core Document SD1** is of a considerable vintage, being published in 2012 and based on population data from 2011 and the even older Housing Needs Survey dated 2005.

1.5 Policy DES7 does not currently set out a target for the delivery of housing for older people. The lack of a clear target for the delivery of specialist housing for older people endangers the delivery of such units. The need for a clear delivery target is addressed through the recent updates to the Planning Practice Guidance (PPG) in September 2018 which set out in more detail the priority placed by Government on the delivery of housing for older people. In particular, the changes to the Housing Need Assessment Section, Paragraph 020. Reference ID:2a-0020-20180913 addresses this issue, this paragraph begins:

*“The need to provide housing for older people is critical as people are living longer lives and the proportion of older people in the population is increasing....Strategic policy-making authorities will need to determine in relation to their plan period the needs of people who will be approaching or reaching retirement as well as older people now.*

- 1.5 It continues with the fact that *“strategic policy-making authorities will need to consider the size, location and quality of dwellings needed in the future for older people in order to allow them to live independently and safely.” Furthermore, there is guidance on the allocation of sites for older people’s housing and where this is not deemed appropriate Local Planning Authorities should ensure that there are sufficiently robust criteria in place to set out when such homes should be permitted. This might be supplemented by setting appropriate targets for the number of these homes to be built.”*
- 1.6 Whilst **paragraph 3.2.46** indicates that the 2016 paper forecasts a growth of those over 65 years of between 35% and 50%, and a significant increase in the population over 85 years, there is no mention of a target for the number of care home beds or specialist accommodation units for the borough. This creates a level of uncertainty not only for developers in planning for development, but also for the Council in assessing how suitable proposals are. For the policy to be sound it must enable the effective delivery over the whole plan period of specialist accommodation for older people. The September revisions to the PPG have indicated that there is a need for local planning authorities to count housing for older people (including C2 residential institutions) against their housing requirement. (PPG, Housing and Economic Land Availability Assessment Section Paragraph 043 Reference ID: 3-043-20180913)
- 1.7 Diversity of supply is critical to meeting older people’s housing needs, as **Paragraph 3.2.47 of the DMP** seeks to recognise, there is a wide range of offerings which meet different people’s needs. All of those products are required to cater for individuals need. Choice over accommodation is very important, particularly in older age when the move involves the need for care as well as new accommodation. Reliance on windfall sites or the provision of areas of larger housing developments for care development is at best unrealistic and at worst undeliverable. The evidence presented in our representations for the Regulation 19 consultation go into further detail, indicating that despite the lack of delivery from small, windfall site the council still maintains that this is an appropriate manner to deliver specialist housing for older people. To date no delivery has been achieved through this route, and our knowledge of the industry tells us that this will not change in the forthcoming years.
- 1.8 It is therefore also considered reasonable to suggest that the Council seek to allocate specific sites for the delivery of specialist housing schemes, and not simply expect larger development sites to deliver a proportion of housing for specialist housing or rely on windfall sites. This will ensure that delivery will be secured during the plan period.
- 1.9 The NPPF requires policies to be aspirational but realistic, including only those policies which provide decision makers with clear direction. By failing to include any indication of a target for the

Council's requirements for housing for older people across the Borough, **Policy DES7** offers no such comfort to officers, being reliant instead on reference to increasingly dated housing market evidence. This is not a positively prepared policy, failing to strategically plan to meet the housing needs of older people within the District. In its current form it will be ineffective in the long term in enabling development to come forward to meet specific local housing needs of older people. A further effect of this policy failing to indicate the number of units required, is that there is no way of monitoring progress in meeting the housing needs of older people – clearly defined targets will better enable the Council to respond to shortfalls or surplus of delivery.

- 1.10 As a long-term strategic document, we would expect the Council to ensure that the policy is worded flexibly to encourage a varied supply of specialist housing for older people to come forward, responding to local needs over the whole of the plan period and not just at this single point in time.

## **2. What is the evidence of the need for specialist accommodation in the borough?**

- 1.11 The Submission Draft Development Management Plan (DMP) contains references to the importance of providing for the ageing population, in particular it refers to evidence contained within **Core Document SD4** the Housing for Older People document (October 2016) at **paragraph 3.2.46**. There is a more up to date study, dated October 2017 which has been submitted as **Core Document SD3** however, this up to date evidence has not been referenced within the DMP. The evidence presented within Core Document SD3 and SD4 also seems to contradict each other. Whilst the 2017 Housing for Older People paper acknowledges a target of 392-408 extra care dwellings the 2018 update appears to argue for additional provision of no more than 80 units based on current provision and geographic variance. This target seems at odds with the supporting paragraphs to Policy DES7 which states there is a *"prominent under supply of extra care"* (Paragraph 3.2.49)
- 1.12 We would like to draw the Inspector's attention to a recent appeal by McCarthy and Stone in the Borough (Appeal Reference APP/L3625/W/17/3182379 decided 27 September 2018). This appeal whilst focussing on design; noted the importance of the need for specialist housing to meet the needs of older people within the Borough. The requirement to plan for the need was acknowledged by the Inspector in paragraphs 38 and 39 of the Inspector's report, the Inspector also cited the benefits of such provision in freeing up family housing and providing social and economic benefits. The Council also recognised the benefits of specialist housing for older people within their Statement of Case. This recognition should be fully translated through to **Policy DES7**.
- 1.13 There are a raft of benefits that arise from the provision of appropriate housing for older people these have been recognised in the PPG and will benefit both the NHS and Adult Social Care budgets. These benefits should not be ignored, and instead should be welcomed through the provision of supportive and flexible policies for the provision of specialist housing for older people.

**3. What viability evidence supports part d) of the policy relating to affordable housing provision in specialist accommodation? Is it robust? Does it take account of the different types of specialist accommodation and their respective viabilities?**

- 1.14 We consider that part d) of the policy is currently ambiguous and ought to confirm in more detail that Class C2 developments (even when there is an element of self-containment within the individual units) should be exempt from the provision of any affordable housing contributions or provisions. The encouragement, should instead be placed within the accompanying text for Class C3 developments only.
- 1.15 The evidence base at **Core Document S3** The Housing for Older People Report (October 2017) simply states at paragraph 5.21 that applicants should be encouraged to provide financial contributions towards affordable care rooms or packages. This therefore indicates a reference to care homes only. There is no further consideration of the different viability issues arising from C3 or C2 uses and there appears to have been no viability testing to support the request.
- 1.16 To deliver mixed and balanced communities, policies must take account of the wide variety of housing needs in each market area, as well as the constraints on the delivery of specialist housing which includes significant expenditure on communal facilities which generate no revenue. There are distinct and great differences between the provision of general needs housing, extra care housing (care and support in addition to individual accommodation units) and a care home bedroom which the Council seem to have failed to understand. They cannot and should not be treated as one entity.
- 1.17 The policy fails to differentiate them for the purposes of the provision of affordable housing which will have serious implications on delivery. We believe that section (d) of the policy should be re-written so that it states only where specialist accommodation falls within Use Class C3 should affordable housing be required. There should be no subsequent reference to C2 Use Class and contributions to affordable rooms or care.

**4. Is the policy sufficiently flexible?**

- 1.18 As discussed above, the policy is not sufficiently flexible in terms of the requirement for affordable housing from Use Class C2 schemes. The policy as worded sets out to require a significant amount of affordable housing from schemes which are very different from C3 general needs housing. Specialist housing for older people when offered with care shoulders a larger financial burden through the care elements and communal areas which are provided and are non-saleable floor area. Therefore, there should be more flexibility built into the policy for C2 uses which should not be required to provide affordable housing.
- 1.19 Flexibility of the policy is also discussed under sub-question 1 above and will not be reiterated here.
- 1.20 **Policy DES7** should be amended to reflect the importance of addressing older people separately from housing for those with other support needs. We recommend that the policy is split to address each element separately:

*1. Caravans*

*2. Older People*

*3. Development of other supported housing*

**Conclusions**

- 1.21 **Policy DES7** is not considered sound on a number of grounds. The first is that it fails to positively prepare to meet specialist housing needs for older people by failing to set out the Council's expectations on delivery of units through a target and not allocating sites for this specialist form of housing. The second is that it is ineffective; this lack of direction will not enable developers to plan properly to deliver appropriate schemes tenures to meet local needs without significant pre-application advice (which is increasingly difficult to access and non-binding). The policy will also restrict decision makers' (at officer and member levels) ability to make efficient and effective decisions in relation to individual development proposals. This will delay the delivery of schemes and tie officers up in negotiating on individual schemes, wasting precious local authority resources while local needs remain unmet.
- 1.22 The lack of commitment to ensuring delivery within the policy fails to recognise the wider health and social care benefits of specialise housing for older people. The current policy approach also fails to note the benefits of locating a care home on the same site as extra care provision, in the form of a care village. The care village approach has been demonstrated to reduce the cost to NHS and social care budgets (ILC and Aston University).
- 1.23 Finally, the policy is not consistent with the requirements of the NPPF and PPG which seek to increase delivery of specialist housing for older people to meet the needs of the ageing population. We recommend that **Policy DES7** and supporting paragraphs be amended to include a target, and a more flexible approach on affordable requirements on C2 uses so that it can be found sound and provide a more effective development management policy.
- 1.24 Furthermore, we recommend that the Council seek to allocate specific sites for the delivery of specialist housing for older people rather than unrealistically relying on portions of housing developments coming forward or windfall sites being delivered.

Prepared by Tetlow King Planning Ltd.

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