

Gladman Retirement Living Ltd

**Cheshire East Local Plan Site Allocations and Development
Policies Document**

Matter 3 (Housing) - Hearing Statement



September 2021

Matter 3: Housing

Specialist housing provision (Policy HOU 2)

1. Q. 49 - Is there a need to allocate specific sites for specialist older persons accommodation to ensure that the SADPD is positively prepared in seeking to meet the needs of an ageing population?

- 1.1 Yes. It is considered that there is a clear need to allocate specific sites for specialist older persons accommodation to ensure that the plan is positively prepared so that the needs of an aging population are met as set out previously (1254508).
- 1.2 There is an overall unmet need for 12,435 units of specialist accommodation over the plan period – paragraph 8.11 of the Revised Publication Draft Site Allocations and Development Plan Document (SADPD). At the point of the publishing the Cheshire East Residential Mix Assessment 2019, there was a backlog of 6,682 specialist housing units, however this is expected to increase by a further 5,573 dwellings over the 2018-3030 period. Despite this identified need, no specific sites are allocated within the SADPD to provide specialist older persons accommodation.
- 1.3 This need is very likely to go unaddressed over the plan period. The close of paragraph 8.11 notes that: *“the total required additional provision up to 2030 for specialist housing for older people is estimated at 12,435. All of these properties are already counted within the Objectively Assessed Needs identified in the LPS”*.
- 1.4 The housing requirement which is set out in the adopted Cheshire East Local Plan Strategy 2010-2030; Policy PG 1 aims to meet the full objectively assessed need for an additional 36,000 dwellings up to 2030. The Local Plan Strategy allocated significant amounts of development, and the SADPD is dealing with effectively the residual, to ensure that the housing requirement is met in full. Worryingly, current allocations LSP21 for 550 dwellings (Planning Ref: 11/4109C & 15/2101C) and LSP22 400 dwellings (Planning Ref: 15/5222C) should have provided specialist elderly accommodation but the subsequent planning applications did not provide for it. The document submitted for examination does not allocate a single site for specialist elderly accommodation. Some windfall sites will/have come forward, but this is clearly inadequate bearing in mind the significant need identified by the Council. The SADPD therefore cannot be said to be positively prepared so that the needs of an ageing population are/will be met, and the Plan could not be said to be in accordance with paragraphs 60 and 62 of the National Planning Policy Framework (NPPF).
- 1.5 The online Planning Practice Guidance (PPG) sets out that: *“Plans need to provide for specialist housing for older people where a need exists”* (Paragraph: 012 Reference ID: 63-012-20190626). The PPG however does state that it is up to the plan-making body to decide whether to specifically allocate sites (Paragraph: 013 Reference ID: 63-013-20190626). It recognises the benefit of allocating sites in terms of providing greater certainty for developers and encouraging the provision of sites in suitable locations. It also states that: *“this may be appropriate where there is an identified unmet need for specialist housing”*. There is a clear

unmet need for specialist older persons housing and therefore allocating sites is essential to ensure that the SADPD is positively prepared.

2. Q50 - Is Policy HOU 2 and its supporting text sufficiently clear and consistent with national policy and guidance in its terminology for and definition of the range of specialist older persons housing?

2.1 No. Policy HOU 2 and its supporting text is not clear or consistent with national policy and guidance in terms of the terminology/definitions used.

2.2 It is unclear from Policy HOU 2 what constitutes an 'older person' and therefore to which type of schemes this policy would apply to. For example, is this related to applicants targeting over 55s, those approaching retirement age or those over the age of 75? This distinction should be included in the policy or explanatory text. The NPPF glossary contains a useful definition of 'Older People' which could be utilised/referred to.

2.3 It is unclear from Policy HOU 2, part 3, what the Council considers the difference to be between the different forms of specialist older persons accommodation. The wording in criteria 3 is difficult to understand. It states:

"3. Schemes that provide specialised older persons accommodation such as nursing homes and elderly persons accommodation, whilst promoting independent living, will be supported, provided that the following criteria are met"

2.4 Therefore, the two examples provided of specialised older persons accommodation are a nursing home and 'elderly persons accommodation'. It is unclear how 'elderly persons accommodation' is an example of specialised older persons accommodation. It is unclear if it is the intention of criteria 3 of the policy to simply apply to any accommodation aimed at older people, whether they are over 55's flats or dedicated specialist accommodation such as C2 extra care/housing with care schemes.

2.5 An additional issue with criteria 3 is that it states that: *"specialised older persons accommodation such as nursing homes and elderly persons accommodation...whilst promoting independent living will be supported, provided that the following criteria are met"*, one such criteria is to provide affordable housing. A nursing home/care home by its very nature tends to not promote independent living, and they would clearly not provide affordable homes as required by criteria vii) of the policy. It is therefore very unlikely for a care home to ever gain policy support despite it being an example of accommodation which will be supported.

2.6 Paragraph 8.9 comprises a list of housing options and attempts to differentiate between what it terms 'specialist housing' and 'mainstream housing'. The list of various types of accommodation is comprehensive, however, the PPG definitions are clearer and more readily understood. This is set in a clear list in the paragraph: *"What are the different types of specialist housing for older people?"* (Paragraph: 010 Reference ID: 63-010-20190626). It is appreciated that not all the accommodation types in the list provided in paragraph 8.9 are included here, however, the list in the PPG makes clear that there is a significant amount of variability in the types of specialist housing for older people. The list provides an indication of

the different types of housing available (as well as an explanation as to what they are) but is not definitive and that should be the approach adopted in this plan, particularly as older persons accommodation is an ever-evolving model.

2.7 From the definition stated in paragraph 8.9, anything which is not mainstream housing is grouped into specialist housing for older people despite the vast differences between the different forms of specialist older persons accommodation (indeed some is not what GRL would term specialist at all). Residential and care homes are under the same bracket as supported housing for example. An issue here, picked up on detail in response to Question 52, is that all accommodation listed, according to policy HOU 2, will be required to provide affordable housing. This clearly cannot be correct.

2.8 Paragraph 8.6 in the explanatory text to the policy sets out what is supported, and what specialist accommodation could include, which is accommodation for older people. There is no differentiation here between what accommodation is 'supported' older persons accommodation and what is 'specialist' older persons accommodation if indeed a differential was intended.

3. Q51 - At paragraph 8.13, is the supporting text to Policy HOU 2 justified in expecting that all types of specialist older persons accommodation should be registered with the Care Quality Commission, given that some types of age restricted and sheltered housing do not provide care services?

3.1 The supporting text referencing the Care Quality Commission (CQC) is not justified and should simply be deleted as it is unnecessary. Often in the development types listed in paragraph 8.9 and more clearly articulated in the PPG, the care which is provided is not of the kind which is regulated by the CQC. For example, age-restricted general market housing or sheltered housing which is covered by the current definition of 'specialist older persons accommodation' would not provide care services. If no regulated activities¹ are carried out, then you simply cannot be CQC registered.

3.2 Even in more specialised forms of development such as extra care/housing with care, whilst personal or medical care which may require CQC registration is provided, this in many instances is done by an offsite care partner (working in collaboration with the onsite care team (who are registered through the CQC. The development itself is not always CQC registered, but those providing the regulated care are. The care provided in extra care schemes can be significant, but a lot of it is not medical or personal care of a type regulated by CQC – but it is still care that significantly benefits the health and wellbeing of residents. CQC registration is also rightly a complicated matter. As such, the reference to CQC should be removed so that the development of older persons accommodation is not frustrated.

¹ Regulated activities are listed in Schedule 1 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.

4. Q52 - Is Policy HOU 2 positively prepared and justified in requiring all forms of specialist housing for older people to provide affordable housing in line with Policy SC5 of the LPS, based on the evidence in the Viability Assessment Update and given that some types of specialist housing for older people do not include an element of independent living?

- 4.1 Policy HOU 2 is not positively prepared or justified in requiring all forms of specialist housing for older people to provide affordable housing and is therefore objected to.
- 4.2 It is not clear why all forms of specialist housing for older people would be required to provide affordable housing. As referenced in the PPG (Paragraph: 010 Reference ID: 63-010-20190626), there is a significant amount of variability in the types of specialist housing for older people. As such, some forms of specialist elderly accommodation, such as C3 retirement living/sheltered housing could reasonably be expected to provide affordable housing. However, those more specialist developments falling into use class C2 where care is provided and those occupying the buildings are in need and in receipt of care, should not be required to provide affordable housing.
- 4.3 The reason that some specialist older peoples housing developments, including those provided by Gladman Retirement Living under the Adlington brand, should not be required to provide affordable housing is set out in detail in our submitted representations (1254508) made to the Revised Publication Draft Site Allocations and DPD. However, to summarise this and to help to explain why the policy should be amended:
- Use Class C2 developments are very different to Use Class C3 developments.
 - Affordable housing need and the percentage affordable housing requirement of 30% in policy SC5 of the Local Plan Strategy is based on C3 dwellings. The Council have no evidence of how many affordable C2 units are required and therefore whether 30% is a suitable requirement for such schemes.
 - Build costs are significantly higher and circa 25% of the building is communal floorspace. The ongoing costs and set up costs of C2 accommodation are significantly greater than other C3 forms of accommodation. Sales profiles are vastly different – very few sales are off plan, occupancy can only occur once a development is complete and generally sales are less than 2 a month (not considered in the Viability Update – July 2020). The PPG recognises that viability for older peoples housing may differ from general needs housing.
 - Practical difficulties with providing affordable housing within a market C2 extra care scheme including the communal nature of such developments and high service and wellbeing charges regardless of purchase price. The buyer (be that the local authority or housing association) would need to meet the full service and care charges making this impractical².
- 4.4 The planning justification for general C3 housing developments to provide affordable housing units is an obvious one. If there is an imbalance in the housing stock and a proposal comes forward which worsens that imbalance, then it should not be permitted unless it contributes to ensure that the imbalance is not materially worsened. As such, where market housing is

² Paragraph 4.78 of the Local Plan Site Allocations and Development Policies Viability Update – July 2020 confirms this.

proposed in an area with a shortfall of affordable housing, to grant permission for a proposal comprising exclusively of market housing would worsen that imbalance and provide a land use/planning justification for refusal. This justification does not exist for C2 extra care. Indeed, the imbalance is the other way round in Cheshire East (see Figure 20 of the Cheshire East Residential Mix Assessment 2019) with more affordable rented extra care than market. Should it therefore be required that affordable schemes provide 30% market housing.

- 4.5 The bottom line is that in many areas of Cheshire East, specialist developers providing Use Class C2 developments will not be able to compete for land if required to provide affordable housing. Ultimately, this will further frustrate the delivery of this much needed form of accommodation which the Council are allegedly seeking to encourage. The publication draft of the SADPD made clear that that affordable housing was only applicable to be supported and specialist housing that would create use class C3 self-contained dwellings. Indeed, this is how the Local Plan Strategy Policy SC5 has operated – if C3, affordable housing is provided and if C2 specialist older persons accommodation, it is not. This is the correct approach.
- 4.6 The question also asks whether Policy HOU 2 is positively prepared and justified in requiring all forms of specialist housing to provide affordable housing given that some types of specialist housing for older people do not include an element of independent living. It is clearly inappropriate for a care or nursing homes to provide affordable housing, whether that be on site or via an off-site financial contribution. However, simply because a proposal provides an element of independent living, this should not mean that the affordable housing policy applies.
- 4.7 In Use Class C2 specialist older persons accommodation, such as housing with care/extra care, whilst an element of independent living is offered and is what most older people would now expect, owing to the nature of these developments, they share many features and offer the care and support that is available in traditional care homes, but offer elderly residents those home comforts and a front door. It is unclear and objected to that any scheme that provides an element of independent living may have to provide affordable housing. Affordable housing should be based on the use class of the development.