

The Planning Bureau comments

McCarthy and Stone Retirement Lifestyles Ltd. (Gary.Day@mccarthyandstone.co.uk)

Page: [Draft New London Plan](#)

Section: [N/A](#)

Dear Mayor,

DRAFT LONDON PLAN (2018) REPRESENTATIONS

This is a joint representation made on behalf of Renaissance Retirement, Pegasus Life, McCarthy and Stone and Churchill Retirement Living. As the market leaders in the provision of sheltered housing for sale to the elderly, we consider that with our extensive experience in providing development of this nature we are well placed to provide informed comments on the London Plan (referred to as 'the DLP' from here on) consultation, insofar as it affects or relates to housing for older persons. Together we as a group are responsible for developing in the region of 90% of England's specialist owner occupied retirement housing.

Each of the aforementioned companies has historically sought to develop a greater presence in London and in so doing has taken steps to actively engage with the Mayor of London and the London Boroughs in the preparation of planning policy. Regrettably, we have collectively felt that our individual representations voicing concerns over emerging policy and protocol have not been given due regard and as such we are increasingly concerned that we will be unable to provide much needed specialist housing for older persons within London. We are subsequently making this representation collectively which we hope will encourage the Mayor to consider our views more seriously and, if necessary to jointly challenge the DLP should the delivery of housing choices for older Londoners be prejudiced.

The Identified Need for Specialist Owner-occupied Housing for Older People

In terms of the specific need for housing for older people, the 2017 London Strategic Housing Market Assessment states the following:

London is expected to experience substantial growth in its older population over the coming years. The number of people aged 65 or over is projected to increase by 73% between 2016 and 2041, and the number of those aged 75 or more by 94%.

While many older people will continue to live in mainstream housing, a growing number are likely to require specialist accommodation. Research commissioned by the GLA identified a total potential demand across all tenures for just over 4,000 'C3' specialist homes for older people over 60 years of age (both extra-care and sheltered housing) every year between 2017 and 2029.

We do not accept the reference to Extra Care uses under the classification of use class C3 and we have not seen any detailed work to support this amalgamation of targets for specialist accommodation for older persons. The Borough-level benchmarks for the provision of specialist accommodation based on this research are set out in the draft London Plan but do not include a tenure breakdown of need as per the current London Plan's Annex 5. We consider the removal of the tenure breakdown to be ill-advised and contrary to guidance and good practice.

The research also identified a need for 870 new 'C2' care home beds a year, including units designed to support the needs of people with dementia.

The need for specialist housing for the elderly is clear; moreover the fact that previous projections are incorrect by circa 20% does raise serious questions. It is clear that a large constituent of London's population mix will be made up of the elderly and a diverse range of accommodation to meet their needs will be required. Further development must also be encouraged and not stifled with overly prescriptive policies and constraints. It must be remembered that this is a strategic policy document.

A Strategic Plan

The Mayor sets out at paragraph 0.0.20 that the DLP deviates from current national planning policy in a number of respects. The Mayor asserts his local political mandate to further justify these departures. There are instances in the DLP where the deviation from national policy is significant and has much wider consequences for other areas of the country. While the desired outcomes of the DLP are largely understood, deviation from national policies and particularly housing policies to such an extent as proposed in the DLP is problematic for many reasons. The NPPF sets the foundations for establishing planning policies for housing across the country and to an extent provides certainty for the industry to enable investment and growth. The more detailed HBF representations in this respect are supported.

Furthermore, the purpose of the London Plan, or similar document, is set out within Part VIII of the Greater London Authority Act 1999 (Section 334). It is clear that the purpose of the London Plan is to provide an overarching strategic plan, not to impose top down targets, or to provide prescriptive policy, which should be at the auspice of the relevant local authority.

The DLP should only deal with matters of strategic importance to Greater London and as such the prescript detail contained within proposed policies within the DLP is not appropriate in many cases.

The DLP goes significantly beyond its function as a strategic document; the level of detail currently in the policy is more akin to a core strategy or local plan document. In our view, policies are overly detailed and too prescriptive for a strategic document causing the DLP to overstep its remit. Paragraph 182 of the NPPF details the criteria by which the policies of a local plan are assessed in order to be considered to be “sound”. While the soundness tests as set out by the NPPF are not benchmarks by which the London Plan in its position as legislation supported by the GLA Act 1999 (as amended), we believe these are nationally accepted ‘yardsticks’ which provide important guidance to plan-makers. We believe the lack of clarity in the role of the London Plan is such that the policies have not been evidenced to the extent where they can be considered sound, and indeed we consider that a number of policies contradict and conflict with each other.

An example would be the proposed policies in relation to older people’s housing, which on the one hand (DLP Policy H15) promotes a step change in the delivery of this type of housing from an estimated 200 unit per annum to 4,000 units per annum. On the other hand, the Mayor is proposing to make the delivery of older people’s housing consequently more difficult than is already the case in a London context by inflicting even greater risk on developers (DLP Policy H5, H6, H7, H9, H12). This approach is illogical and has been proposed without consultation with the industry as the Mayor expects the industry to increase output in this sector by 2000% per annum (from a current estimated supply annual of 100-200 units).

The review of the London Plan is fundamentally flawed as it exceeds its remit as a strategic document yet does not provide the required level of evidence to be sufficiently robust to justify the detail of the policies proposed.

Summary

In general, the group strongly supports the recognition by the Mayor of the significant need for specialist housing for older people in London. The introduction of a specific policy (H15) is certainly a move in the right direction to achieve the desired outcome of enabling a step change in delivery of this type of housing in London. However, the Mayor needs to go much further in our view to create a policy environment across London which facilitates this growth.

The group do not consider that the current approach to the DLP is fit for purpose. The plan is too prescriptive in nature and insufficiently evidenced to justify such an approach. We consider that the DLP would be deemed unsound during Examination in Public. We consider a radical rethink of the policies is necessary and that the DLP should be comprehensively redrafted to fulfil its role as a strategic plan. Should this not be the case, we would wish to be heard at Examination and formally state our intention to do so.

We have highlighted within our representations, a number of draft policies within the DLP which in our view will negatively impact delivery of housing for older people across London.

Going forward we would be happy to assist in formulating workable policies, which would help with the delivery of the Mayor's housing aspirations. With this in mind the group would be willing to meet with the Mayor and his policy advisors to discuss in further detail how the DLP can be shaped to facilitate growth and address housing need in the specialist older persons housing sector.

We look forward to receiving acknowledgment of receipt of our comments and further contact from the Mayor and his policy advisors on this matter.

Page: [Policy GG1 Building strong and inclusive communities](#)

Section: [N/A](#)

GG1/2 (13 & 15) - Building Strong and Inclusive Communities and Making the Best Use of Land

We support the creation of a London where older people, disabled people and people with young children can move around with ease and enjoy the opportunities the City provides, creating a welcoming environment that everyone can use confidently, independently, and with choice and dignity, avoiding separation or segregation.

We support best use of previously developed land in sustainable locations within and on the edge of town centres, including smaller sites.

We support the intensification of existing sites to increase density to sustainable levels.

There should still be a view towards providing the right type of housing for the need and not just a focus on the provision of affordable housing. Research has shown that the population is ageing rapidly with the population of over 65 year olds in London well over 10% and as stated in the London SHMA, this is projected to nearly double within the plan period. As such the needs of the older population must be addressed now.

We support these policies.

Page: [Policy GG2 Making the best use of land](#)

Section: [N/A](#)

GG1/2 (13 & 15) - Building Strong and Inclusive Communities and Making the Best Use of Land

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We support these policies.

Page: [Policy GG3 Creating a healthy city](#)

Section: [N/A](#)

GG3 (17) - Creating a Healthy City

We support the provision of age appropriate housing for older people to ensure that the environment they live in supports their stage of life by increasing social interaction and by providing housing that is fit for purpose. However, there does not seem to have been any consideration of whether the other policies of the plan (especially DLP policies H5 and H6) undermine the achievement of the objectives here, and therefore whether the plan as a whole makes sense.

We support this policy.

GG4 (19) Delivering the Homes Londoners Need

We support the increased provision of older people's housing from the current supply of 100-200 pa to in excess of 4,000 pa.

Retirement housing providers do not land bank and typically build out planning permissions immediately once achieved due to the nature of the specialist housing and difficulty in securing appropriate and suitable sites for development.

It is important that the provision of specialist housing for older people is fully understood in terms of risk and that this is not held up through policy burdens which do not allow viable retirement developments to come forward. We believe that the level of planning contributions sought from specialist housing, which are increased as a result of the non-saleable communal areas, is impeding the delivery of homes. We have recommended to Government that it creates a sub-category of the C2 planning classification (which currently applies to residential care and nursing homes) for specialist housing which would reduce the contributions required from developers. The creation of a new use class for specialist housing which would have the same effect as recommended in the recent CLG Committee Report[1]

The quantum of provision needs to be split by type and tenure. The current London Plan Annex 5 approach should be duly retained and repeated in this section or as a revised annex. The removal of tenure from Annex 5 is ill-advised and unhelpful in identifying and addressing needs.

We support this policy in principle and subject to the changes we propose.

[1] CLG Committee's report on Housing for Older People

Page: [Policy SD6 Town centres](#)

Section: [N/A](#)

SD6 (78)-Town Centre

We strongly support initiatives which improve mobility, infrastructure and accessibility for older people.

Parts D of the policy notes the suitability of these areas for older people's accommodation but this also needs to be considered in conjunction with the appropriateness of adjacent uses. This would really be demonstrated by Part F which discusses the need for varieties of uses within the town centre.

In terms of the use and legibility of town centres, Part H is to be welcomed but needs to be holistic. Furthermore, there also needs to be a system of maintenance for these elements.

We support this policy.

Page: [Policy SD8 Town centres: development principles and Development Plan Documents](#)

Section: [N/A](#)

Object - SD8 (86) - Town Centre Development Principles

This policy should reflect the advantages of including specialist housing for elderly in and on the edge of town centres. This use is proven to strengthen the local economy due to the tendency of older people to shop locally and use local services.

Redundant commercial space which is suitable for the provision of older people's housing might reasonably be allocated for this use, particularly where it is found that existing town centre boundaries should be reduced in light of capacity and demand as recognised in the DLP.

Objection: This policy is not positively prepared and should be amended to reflect and promote the unique advantages that additional older people's housing can provide for town centres.

Page: [Policy SD9 Town centres: Local partnerships and implementation](#)

Section: [N/A](#)

Object - SD9 (90) - Town centres: Local Partnerships and Implementation

Article 4 directions should only be used where appropriate and justified given the need for housing identified within the DLP. Widespread promotion and use of such restrictive policy is likely to jeopardise the delivery of housing targets.

We support the diversification of housing uses in town centres and edge of centre for the provision of housing for older people (2.9.5)

Para 2.9.5 of the consultation plan implies that older people's housing could act as a catalyst for regeneration. Policies will need to set out how this can happen and how there could be benefits for the risks taken.

Objection: This policy is not positively prepared and should be amended to remove the encouragement of Article 4 directions.

Page: [Policy D1 London's form and characteristics](#)

Section: [N/A](#)

D1 (98) - London's Form and Characteristics

There is likely to be considerable overlap with local design requirements and this is likely to result in duplication or contradictory guidance in some cases. Prescriptive policy such as this should be left to local planning authorities.

Objection: This policy is not positively prepared, and inconsistent with national planning policy as it is overly prescriptive for a strategic document. We respectfully request that it should be amended or removed.

Page: [Policy D2 Delivering good design](#)

Section: [N/A](#)

Object - D2 (102) - Delivering Good Design

Design principles should be locally derived and inevitably each LPA will apply their own area based design criteria. There is a danger that design requirements will be blurred by both local and DLP requirements.

The Mayor wants to see more details submitted as part of planning applications. While we understand the Mayor's desire to maintain the quality of designs through the planning process, this will add greater pressure to the submissions and programme to prepare additional drawings. Which goes beyond strategic planning and will not, in some instances serve to markedly improve the quality of development but may serve to make it less viable.

Objection: This policy is not positively prepared, nor has the design criteria been found to be viable for development and as such is not justified. We also consider the policy to be inconsistent with national planning policy as it is overly prescriptive for a strategic document. We respectfully request that it should be amended or removed.

Page: [Policy D3 Inclusive design](#)

Section: [N/A](#)

D3 (106) -Inclusive Design

Inclusive design is fundamental to improving the quality of life for disabled and older people in particular.

Use of an inclusive design statement (as part of the D&AS) is supported to demonstrate how proposals address particular needs.

We strongly support this policy to improve accessibility for older and disabled Londoners.

Page: [Policy D4 Housing quality and standards](#)

Section: [N/A](#)

D4 (109) - Housing Quality and Standards

We support a range of housing typologies to meet housing need.

The draft policies are however far too prescriptive for a strategic document and must be removed or amended to reflect site by site considerations as well as local planning authority considerations on a case by case basis.

Requiring minimum standards such as proposed for all self-contained accommodation does not reflect the unique circumstances and design requirements for specialist accommodation for the elderly and instead of increasing supply in London, is likely to reduce it even further.

The Mayor should engage with the retirement industry to fully understand how policies such as those proposed within the DLP can encourage and not restrain supply. Collectively the representors have a wealth of experience in this respect and are well placed to identify the minimum standards that should be applicable to such developments.

Objection: This policy is not positively prepared, nor has the criteria been found to be viable for development and as such is not justified. We also consider the policy to be inconsistent with national planning policy as it is overly prescriptive for a strategic document. We respectfully request that it should be amended or removed.

Page: [Policy D5 Accessible housing](#)

Section: [N/A](#)

D5 (115) - Accessible Housing

The policy states that developments should to be designed to M4(2) with at least 10% of units to be M4(3) 'wheelchair adaptable'.

Para 3.5.3 then states that 'wheelchair user dwellings should be distributed throughout a development to provide a range of aspects, floor level locations, views and unit sizes.'

This is inconsistent with national policy. Paragraph 56-009 of PPG states that: "Local Plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling." The Mayor should therefore not apply the higher level Part M4(3) to market homes. The Mayor should amend this part of the policy and clearly state that this will not apply to market homes.

We support this policy in principle subject to flexibility being applied.

Page: [Policy D6 Optimising housing density](#)

Section: [N/A](#)

D6 (117) - Optimising Housing Density

There is a risk that this policy provides land owners with false land value expectations and that housing supply is held up as a result. The Mayor needs to fully consider the implications of such a policy in a final London Plan.

When assessing density against planned future infrastructure and transport improvements, it must be clear that reasonable prospects of such infrastructure improvements materialising are in place (e.g. funding commitments and programme).

Appropriate design densities for differing residential uses must also be a consideration in deciding optimum density given that optimum density for older person's accommodation will often differ from general needs proposals.

The policy is supported in principle in order to make best use of previously developed land.

Page: [Policy D11 Fire safety](#)

Section: [N/A](#)

D11 (134) - Fire Safety

Policy D11 proposes that the London Plan will require new development proposals to achieve the 'highest standards' of fire safety to ensure the best possible protection for all building users should a fire break out.

Applications for all major developments will have to be accompanied by an independent fire statement, produced by a qualified third-party assessor, setting out how the 'highest standards' will be achieved appropriate to each specific building or development, from a variety of fire safety solutions and measures available.

While we welcome making fire safety a priority during every part of a building's life we submit that the London Plan or any other spatial planning document is not the correct route to introduce new legislation on this matter. It is a general principle that planning should not seek to duplicate other regulatory regimes. Regulations and guidance on such an important matter must be simplified, rather than duplicated and the focus of the planning system is on the development and use of land.

The Building Regulations are statutory documents which are separate and distinct from Town Planning. We understand that in light of the tragic Grenfell Tower Fire, MHCLG is reviewing how the building regulations control how buildings are designed or modified on the grounds of public safety and sustainability. It is considered that the findings of this review need to be complete. Otherwise, if spatial documents are to provide policy and guidance this may be inconsistent with other legislation and regulation on this matter.

It is also submitted that London Fire Brigade and Local Authority Building Control departments are not adequately resourced to accommodate the extra work involved in this regard.

Objection: This policy is not effective as it does not properly consider the capacity of expertise within Local Planning Authority Building Control departments and the national shortage of IFE Inspectors on Fire Safety. This is a matter that is best addressed through the Building Regulations. We respectfully request that it should be removed.

Page: [Policy H1 Increasing housing supply](#)

Section: [N/A](#)

H1 (144) - Increasing Housing Supply

While an increase in targets for housing delivery overall is supported, these targets should be realistically achievable and measured in line with a common methodology nationally. The Mayor has carried out a London Wide Strategic Housing Market Assessment (SHMA) and Strategic Housing Land Availability Assessment (SHLAA). The SHMA claims to cover need for all housing typologies including housing for older people which is included within the overall Objectively Assessed Need (OAN) of 66,000 additional home per year.

The DLP assessment of OAN is inconsistent with both the currently advised methodology within the NPPF and the Government's proposed methodology. This approach sets up a likely inconsistency in approach with neighbouring Local Authorities to London.

The DLP sets out that Boroughs are no longer required to prepare their own individual SHMA but must plan for and seek to deliver the targets set out within the DLP. In general, the DLP sets out more emphasis on the importance of the delivery of significantly increased levels of retirement housing across the plan period.

H1's annual housing trajectory requirement (D of policy) should be updated in respect of specialist housing for the elderly as well as overall housing and split by tenure of provision.

To meaningfully increase the supply of older peoples' housing policy H1 should include reference to the provision of these forms of accommodation housing as a source of overall supply.

Future public transport accessibility housing densities need to be carefully considered in light of likelihood/chances of improvements coming into being, expectations of landowners in terms of land value.

The HBF representation deals with the issues raised in considerably more detail and are supported.

This policy is supported in principle but subject to the necessary amendments as set out in this representation and that of the HBF.

Page: [Policy H2 Small sites](#)

Section: [N/A](#)

H2 (152) - Small Sites

Certain smaller sites may be suitable for the provision of housing for older people if located in appropriate locations. Design flexibility on such sites is welcome, especially so considering the unique design requirements of older people's housing proposals.

The DLP sets out aspirations to increase the supply of housing for older people by 2000% above current estimated supply (based on a current estimated supply across London of 100-200 units per annum). Only by allowing flexibility and by adopting a similar in favour presumption to that proposed in draft policy H2, will the supply of retirement housing increase to sustainable levels.

This policy is supported in principle but the presumption in favour of development should be expanded to include retirement proposals more generally.

Page: [Policy H3 Monitoring housing targets](#)

Section: [N/A](#)

H3 (159)- Monitoring Requirements

There should be an explicit requirement here that older person's housing delivery is monitored on a borough by borough level and by tenure provided.

This should also be measured by type of older persons housing. This information is currently seriously lacking.

Objection: This policy is not positively prepared, nor effective as London has historically under-delivered older persons' housing. We respectfully request that it should be amended.

Page: [Policy H5 Delivering affordable housing](#)

Section: [N/A](#)

H5 (161) - Delivering Affordable Housing

If the Mayor is serious about increasing the overall supply of retirement housing, then an exemption from this policy is required for specialist housing for older people. We submit that this policy is discriminatory, given the unequal effects it has on the ability of elderly people to gain access to appropriate accommodation. Late Review makes most of the schemes we, as a group, are seeking to bring forward in London very much riskier in financial terms to the point that they are currently stalled.

It is considered that the GLA view off-site delivery by retirement housing to be their 'choice'. The evidence presented by the Mayor to justify this statement is considered to be fundamentally flawed. The reality of the situation is that it is impracticable to provide affordable housing on typical older people's housing sites in a London context. There are valid reasons for this including management costs, affordability and site design constraints making it impossible to accommodate separate management arrangements on often small constrained previously developed sites.

Paragraph 4.5.2 demonstrates how the threshold policy was introduced through SPG in advance of the policy through the DLP. The Mayor has therefore introduced policy early through SPG which is contrary to national guidance and unlawful. We have jointly submitted a legal challenge to this effect.

The supporting text of the DLP further demonstrates how the Mayor fails to comprehend the impact the application of this policy has on housing proposals for older people. Again, we have jointly submitted a legal challenge to this effect.

Currently, the retirement sector overwhelmingly agrees with almost all Local Planning Authorities that, where viable, off site contributions in the form of financial contributions are the best solution to addressing housing need.

Paragraph 4.5.6 of the DLP sets out that in respect of cash in lieu contributions, these should be accepted “in even more limited circumstances”. Once again, the DLP appears to promote retirement housing provision on one hand and then misunderstand how it can be viably provided in terms of other DLP policy.

In line with national policy, review mechanisms on single phase proposals should not be promoted as this increases the risk that such proposals will not come forward.

Objection: This policy is not positively prepared. The approach detailed has not been found to be viable for older persons’ accommodation and is neither justified nor effective. We also consider the policy to be inconsistent with national planning policy as it is overly prescriptive for a strategic document. We respectfully request that it should be amended or removed.

Page: [Policy H6 Threshold approach to applications](#)

Section: [N/A](#)

H6 (164)- Threshold approach to applications

As set out above, we believe that retirement proposals should be exempt from affordable housing requirements given the bespoke identified housing need for this type of housing and the very low levels currently being provided.

The fast track route excludes retirement proposals unless affordable housing is provided on site in the exact composition required by each local planning authority. In our experience, Local Planning Authorities in London prioritise general needs affordable housing types. For reasons already explained, it is not possible to provide mixed tenure affordable housing as part of a retirement proposal due to site constraints and affordability issues.

Retirement providers therefore cannot benefit from the fast track route, putting this use at a competitive disadvantage when seeking to acquire land. This approach is likely to further reduce the already low numbers of new retirement housing coming forward in London.

While applicants are strongly encouraged to take fast track route. This is not possible for the retirement sector.

Part B is unsound because it is inconsistent with national policy. The text says that the 35% threshold will be reviewed in 2021 and it may be increased through an SPG. The Mayor cannot introduce new policy, or a revision to an existing policy, through a SPG. If the threshold is to be altered it can only be done through a revision to Policy H6 of the London Plan. The SPG is subject to a legal challenge from the objectors on this basis.

We also consider that a review of the London Plan and policy H6 may be necessary sooner than 2021 if the evidence shows that the target is contributing to a fall in the number of schemes coming forward and consequently a fall in completions overall.

Part E 2) is unsound in terms of early and late stage viability reviews because it conflicts with the Government's advice in its national guidance.

The Policy requires that those applicants who have to go down the Viability Tested Route to commit to Early and Late stage reviews. The Government's guidance in the NPPG considers that reviews after planning permission has been granted should only be considered for multi-phased schemes that will be built out gradually over a long period of time where values may well fluctuate significantly (NPPG Paragraph: 017 Reference ID: 10-017-20140306).

It is not appropriate for the Mayor to expect all single phase developments to submit to an Early and Late Review as this will simply add further delays to implementation and delivery.

The policy seeks to embed affordable requirements in land values. How is the Mayor sure that land owners will not now prefer to dispose of small previously developed sites for non-residential uses?

The Mayor should not seek to discount other measures of viability beyond the EUV+ route for this reason. Each site needs to be assessed on its own merits to avoid land being retained by land owners or lost to non-residential uses, such as convenience retail. The Mayor's proposed rigid approach to assessing viability is likely to be detrimental to the DLP's aspiration to increase the supply of housing in general but specifically housing for older people in our view. The NPPF requires plan-makers to ensure viability which includes the need to "*provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable*". The Mayor cannot stipulate EUV+ as the basis for assessing scheme viability.

The London Plan Viability Study, December 2017 concludes that older peoples' housing is unable to provide 50% affordable housing in the lower value zones (D and E) and that while Extra Care housing is able to achieve 35% affordable housing in Zone C it cannot in zones D and E. Since a large element of the proposed new housing supply is hoped to come forward in the outer London Boroughs where development values will be lower – generally corresponding to zones D and E – we question again how a blanket one size fits all approach to the application of this policy will encourage the industry to increase the supply of specialist housing for older people in London. We dispute the findings and approach of the London Plan Viability Study. For example, it fails to take into account that while it might well be that a retirement housing or extra care scheme is viable on its own terms, the main issue is securing the land in the market against schemes which do not have to undertake a Late Stage Review, and are obviously not burdened with the same unsaleable floorspace.

For the above reasons, the large unmet need for specialist housing for older people and the unique nature of such development proposals, housing for older people should be exempt from this policy.

Objection: This policy is not positively prepared. The approach detailed has not been found to be viable for older persons' accommodation and is neither justified nor effective. We also consider the policy to be inconsistent with national planning policy as it is overly prescriptive for a strategic document. We respectfully request that it should be amended or removed.

H7 (169) - Affordable Housing Tenure

As set out above, we believe that retirement proposals should be exempt from affordable housing requirements given the bespoke identified housing need for this type of housing and the very low levels currently being provided.

In general this policy creates a number of questions.

- It creates uncertainty in testing and appraising land prior to purchase as for example, how quickly will boroughs set out their 40% requirement?
- How can land be bought with certainty on this basis?
- If Boroughs are exempt from preparing their own SHMA, how can they accurately determine local tenure requirements and those specific to specialist retirement housing?
- Is there a 50% or even 35% affordable requirement for specialist forms of affordable housing? This is not the case for every London Borough in Annex 5.

- Finally, how has this tenure mix requirement been adequately tested within the DLP viability testing when the borough level tenure requirement is unknown?

All of the above leads to a very confusing picture for developers attempting to purchase land with any certainty and is likely to be detrimental to the DLP aspiration to increase the supply of housing in general.

Objection: This policy is not positively prepared. The approach detailed has not been found to be viable for older persons' accommodation and is neither justified nor effective. We also consider the policy to be inconsistent with national planning policy as it is overly prescriptive for a strategic document. We respectfully request that it should be amended or removed.

Page: [Policy H8 Monitoring of affordable housing](#)

Section: [N/A](#)

H8 (173) - Monitoring of affordable housing

Beyond the requirement set out within this DLP policy, Boroughs should also publish how long they hold cash in lieu payments as well as a planned programme.

Page: [Policy H9 Vacant building credit](#)

Section: [N/A](#)

H9 (174) - Vacant Building Credit (VBC)

The NPPG has distinct criteria for where and how VBC should apply. It does not prescribe a time frame against which individual buildings should be assessed.

The intention of this policy is to incentivise vacant land to be brought forward sooner than it would otherwise have. We believe there are instances in London where this policy would enable vacant buildings to be brought forward for housing sooner than otherwise would be the case and the Mayor should avoid encouraging a wholesale ban on VBC usage across London.

Objection: This policy is not positively prepared. We also consider the policy to be inconsistent with national planning policy. We respectfully request that it should be removed.

Page: [Policy H12 Housing size mix](#)

Section: [N/A](#)

H12 (178) - Housing Size Mix

This policy should be amended to ensure older peoples' housing proposals have a flexible requirement with no prescribed mix of units.

Boroughs should not be prescriptive of unit sizes on retirement proposals and need to consider the economics of provision.

Objection: This policy is not positively prepared. We also consider the policy to be inconsistent with national planning policy. We respectfully request that it should be removed.

Page: [Policy H13 Build to Rent](#)

Section: [N/A](#)

H13 (180) – Build to Rent

This proposed policy creates a further possible ‘route’ for addressing affordable housing policy within the DLP which has not been properly tested within the DLP viability analysis and is inconsistent with the NPPG.

It is proposed that Build to Rent proposals qualify for the ‘fast track route’ as long as they provide 35% affordable housing, of which 30% must be at a ‘discounted rent’ (**preferably** London Living Rent) with the remainder to be determined by the local planning authority. This creates a further ‘tier’ to the tenure requirements set out within DLP policy H7 which creates considerable uncertainty.

The impact of the various approaches has not been adequately tested and puts at risk the delivery of overall housing targets set out within the DLP. This approach is inconsistent with national policy in the form of the NPPG which promotes a comprehensive and consistent approach to the viability testing of local plans.[1] Furthermore, the NPPG advocates the testing of viability for build to rent proposals on a case by case basis due to the unique funding requirements for such proposals.[2]

A recent appeal decision at Cheam[3] reaffirmed the requirement for London Plan policy to retain consistency with national policy with the Inspector in this case highlighting the inconsistency of the Draft (at the time) Homes for Londoners SPG with the NPPG (see paragraphs 40 and 41).

Objection: This policy is not positively prepared and creates considerable uncertainty. We also consider the policy to be inconsistent with national planning policy.

[1] Paragraph: 004 Reference ID: 10-004-20140306

[2] Paragraph: 018 Reference ID: 10-018-20150326

[3] Appeal Ref: APP/P5870/W/16/3159137

Page: [Policy H14 Supported and specialised accommodation](#)

Section: [N/A](#)

Dear Mayor,

DRAFT LONDON PLAN (2018) REPRESENTATIONS

This is a joint representation made on behalf of Renaissance Retirement, Pegasus Life, McCarthy and Stone and Churchill Retirement Living. As the market leaders in the provision of sheltered housing for sale to the elderly, we consider that with our extensive experience in providing development of this nature we are well placed to provide informed comments on the London Plan (referred to as 'the DLP' from here on) consultation, insofar as it affects or relates to housing for older persons. Together we as a group are responsible for developing in the region of 90% of England's specialist owner occupied retirement housing.

Each of the aforementioned companies has historically sought to develop a greater presence in London and in so doing has taken steps to actively engage with the Mayor of London and the London Boroughs in the preparation of planning policy. Regrettably, we have collectively felt that our individual representations voicing concerns over emerging policy and protocol have not been given due regard and as such we are increasingly concerned that we will be unable to provide much needed specialist housing for older persons within London. We are subsequently making this representation collectively which we hope will encourage the Mayor to consider our views more seriously and, if necessary to jointly challenge the DLP should the delivery of housing choices for older Londoners be prejudiced.

The Identified Need for Specialist Owner-occupied Housing for Older People

In terms of the specific need for housing for older people, the 2017 London Strategic Housing Market Assessment states the following:

London is expected to experience substantial growth in its older population over the coming years. The number of people aged 65 or over is projected to increase by 73% between 2016 and 2041, and the number of those aged 75 or more by 94%.

While many older people will continue to live in mainstream housing, a growing number are likely to require specialist accommodation. Research commissioned by the GLA identified a total potential demand across all tenures for just over 4,000 'C3' specialist homes for older people over 60 years of age (both extra-care and sheltered housing) every year between 2017 and 2029.

We do not accept the reference to Extra Care uses under the classification of use class C3 and we have not seen any detailed work to support this amalgamation of targets for specialist accommodation for older persons. The Borough-level benchmarks for the provision of specialist accommodation based on this research are set out in the draft London Plan but do not include a tenure breakdown of need as per the current London Plan's Annex 5. We consider the removal of the tenure breakdown to be ill-advised and contrary to guidance and good practice.

The research also identified a need for 870 new 'C2' care home beds a year, including units designed to support the needs of people with dementia.

The need for specialist housing for the elderly is clear; moreover the fact that previous projections are incorrect by circa 20% does raise serious questions. It is clear that a large constituent of London's population mix will be made up of the elderly and a diverse range of accommodation to meet their needs will be required. Further development must also be encouraged and not stifled with overly prescriptive policies and constraints. It must be remembered that this is a strategic policy document.

A Strategic Plan

The Mayor sets out at paragraph 0.0.20 that the DLP deviates from current national planning policy in a number of respects. The Mayor asserts his local political mandate to further justify these departures. There are instances in the DLP where the deviation from national policy is significant and has much wider consequences for other areas of the country. While the desired outcomes of the DLP are largely understood, deviation from national policies and particularly housing policies to such an extent as proposed in the DLP is problematic for many reasons. The NPPF sets the foundations for establishing planning policies for housing across the country and to an extent provides certainty for the industry to enable investment and growth. The more detailed HBF representations in this respect are supported.

Furthermore, the purpose of the London Plan, or similar document, is set out within Part VIII of the Greater London Authority Act 1999 (Section 334). It is clear that the purpose of the London Plan is to provide an overarching strategic plan, not to impose top down targets, or to provide prescriptive policy, which should be at the auspice of the relevant local authority.

The DLP should only deal with matters of strategic importance to Greater London and as such the prescript detail contained within proposed policies within the DLP is not appropriate in many cases.

The DLP goes significantly beyond its function as a strategic document; the level of detail currently in the policy is more akin to a core strategy or local plan document. In our view, policies are overly detailed and too prescriptive for a strategic document causing the DLP to overstep its remit. Paragraph 182 of the NPPF details the criteria by which the policies of a local plan are assessed in order to be considered to be “sound”. While the soundness tests as set out by the NPPF are not benchmarks by which the London Plan in its position as legislation supported by the GLA Act 1999 (as amended), we believe these are nationally accepted ‘yardsticks’ which provide important guidance to plan-makers. We believe the lack of clarity in the role of the London Plan is such that the policies have not been evidenced to the extent where they can be considered sound, and indeed we consider that a number of policies contradict and conflict with each other.

An example would be the proposed policies in relation to older people’s housing, which on the one hand (DLP Policy H15) promotes a step change in the delivery of this type of housing from an estimated 200 unit per annum to 4,000 units per annum. On the other hand, the Mayor is proposing to make the delivery of older people’s housing consequently more difficult than is already the case in a London context by inflicting even greater risk on developers (DLP Policy H5, H6, H7, H9, H12). This approach is illogical and has been proposed without consultation with the industry as the Mayor expects the industry to increase output in this sector by 2000% per annum (from a current estimated supply annual of 100-200 units).

The review of the London Plan is fundamentally flawed as it exceeds its remit as a strategic document yet does not provide the required level of evidence to be sufficiently robust to justify the detail of the policies proposed.

Summary

In general, the group strongly supports the recognition by the Mayor of the significant need for specialist housing for older people in London. The introduction of a specific policy (H15) is certainly a move in the right direction to achieve the desired outcome of enabling a step change in delivery of this type of housing in London. However, the Mayor needs to go much further in our view to create a policy environment across London which facilitates this growth.

The group do not consider that the current approach to the DLP is fit for purpose. The plan is too prescriptive in nature and insufficiently evidenced to justify such an approach. We consider that the DLP would be deemed unsound during Examination in Public. We consider a radical rethink of the policies is necessary and that the DLP should be comprehensively redrafted to fulfil its role as a strategic plan. Should this not be the case, we would wish to be heard at Examination and formally state our intention to do so.

We have highlighted within our representations, a number of draft policies within the DLP which in our view will negatively impact delivery of housing for older people across London.

Going forward we would be happy to assist in formulating workable policies, which would help with the delivery of the Mayor's housing aspirations. With this in mind the group would be willing to meet with the Mayor and his policy advisors to discuss in further detail how the DLP can be shaped to facilitate growth and address housing need in the specialist older persons housing sector.

We look forward to receiving acknowledgment of receipt of our comments and further contact from the Mayor and his policy advisors on this matter.

H15 (186) - Specialist Older Persons Housing

We support this policy in principle. Like proposed policy H2, there should be a presumption in favour of specialist older peoples' housing proposals. The recently published CLG Committee Report provides recommendations to increase the delivery of older persons' housing which we feel the Mayor should consider.

The Government has announced through its *Housing White Paper* its intention to improve the supply of older peoples' accommodation and there is a growing realisation that the provision of these forms of accommodation will help address the housing crisis by encouraging older people to move into specialist accommodation, thereby releasing larger homes back into circulation for occupation by families. There are also multiple health benefits (discussed elsewhere within this response) associated with older people moving into more appropriate housing for their needs.

The policy recognition of need for this type of housing in London is welcome. However, despite the considerable identified need, other policies within the DLP neutralise the impact that this policy can have on output for this type of housing.

Having reviewed the viability analysis prepared to support the DLP, it is clear that retirement housing and extra care accommodation have not been adequately tested. We are surprised that the Mayor has not recognised the unique viability considerations that need to be addressed in assessing viability for these uses. The NPPG recognises that housing for older people has unique characteristics which need to be factored into viability testing. We have seen no evidence in the viability analysis that any significant variation has been applied to the testing of housing for older people. Indeed, the analysis suggests that full affordable housing policy requirements can be met in only the highest value inner London locations where retirement providers tend not operate.

In our view, design requirements are overly prescriptive for a strategic document and need to be amended to reflect the flexibility required for this type of housing.

It is also considered that reference to an expectation of the “highest standards of “accessible and inclusive design” is inappropriate. Some quantification must be made of such statements. Otherwise there is no ceiling to expectations and no clear guidance decision takers

C2 Use classes

While we welcome the inclusion of a separate housing policy to promote the delivery of specialist older persons housing we are concerned about Part C of Policy H15 Specialist Older Persons Housing. This states:

Sheltered accommodation and extra care accommodation is considered as being in Use Class C3.

Paragraph 4.15.3, offers definitions of Sheltered Housing, Extra Care Accommodation and Residential Nursing Care accommodation which are generally recognised as being appropriate save for reference to which Use Class Extra Care Accommodation falls into

Extra Care accommodation covers a very wide spectrum of care and support provision and it is well recognised that, dependent on the care and support it provides and the facilities that come with it, it can fall within either the C2 or C3 Use Class. This will determine in the majority of cases whether or not a Council will seek affordable housing contributions from the development. This is a complex issue and there are a number of factors that determine whether or not an Extra Care development is within Use Class C3 or Use Class C2. However a recent Appeal decision (APP/U1105/W/17/3177340, The Knowle, Station Road, Sidmouth, Devon, EX10 8HL dated 22nd January 2018) is very helpful in this regard in succinctly highlighting how the issue ought to be approached. Paragraph 37 states:

The RTPI Good Practice Note 8 and Housing LIN5 deal specifically with Extra Care Housing and offer some guidance on possible distinctions between C2 and C3 Extra Care accommodation. These principles can be applied to the appeal proposal. Key to the distinction is the extent to which communal services are provided and the extent to which care is available to meet the needs of residents.

In concluding that in that case, the proposal fell within Use Class C2, the Inspector concluded at Paragraphs 49 and 50:

For all of these reasons, it is clear to me that the development is offering much more than a dwelling house. Independent living accommodation is one element of the scheme but that would be provided alongside a range of communal facilities that are inextricably linked to an expected way of life. The scheme is designed to meet the needs of the target occupants and facilitate assisted living as well as social well-being and interaction with the outside world. Care would also be provided, specifically tailored to the needs of the occupant. Whilst some primary occupants of the development might, upon taking up residence, require only the minimum level of personal care there is likely to be a mix of care needs at any one time and those with limited need may well require additional care in the future.

I can see no justification for disaggregating different elements of the proposal or seeking to separate the individual apartments from the remainder of the scheme.

It is submitted that as the issue is very much one of Development Management and clearly that each scheme needs to be considered on its own circumstances (as was the case at Sidmouth) that this should not be a matter for the London Plan. If however, it continues to be, it is clear that any policy, commentary or guidance must provide sufficient flexibility to allow for consideration of the specific circumstances of each scheme.

This could be achieved by taking the approach of the former London Affordable Housing SPD, which provided the following helpful guidance at Paragraphs 3.7.17 and 18 and stated:

There has been some debate over how to categorise specialist older person's accommodation in terms of the Use Class Order, not least because some boroughs only apply affordable housing policies to developments classed as C3. While some specialised housing is clearly institutional in character and has a well defined element of 'care' (typically registered with the Care Quality Commission, previously the Commission for Social Care Inspection) and can be readily categorised as falling within Use Class C2, other forms appear to be on the cusp between this and conventional C3 housing, particularly as some developments incorporate elements of both.

Consultants suggest that the most robust way of distinguishing between the two is the 'front door' test – if the unit of accommodation has its own front door then it is usually C3, if not it is C2. However, development management experience suggest in some cases this may require some refinement to take appropriate account of the components of care and support such as those associated with some Extra Care schemes where units may have their own front door but functionally are effectively C2.

If the London Plan is to comment on the issue, the re-instatement of this previous guidance may be appropriate as it provides guidance and flexibility to the Decision Maker.

As drafted, that is not the case and indeed the statement is clearly erroneous. Moreover, it is not for a Development Plan to determine what type of development falls within what Use Class. That is a matter for the Town and Country Planning Acts and/or Case Law. To make such a judgement with no qualification is therefore **absolutely inappropriate. It is inconsistent with national planning policy as a consequence.**

Additionally, the benefits of the delivery of Extra Care accommodation for older people is generally well recognised and lies at the heart of changing accommodation choices for people in old age from institutional forms of accommodation to housing with flexible care, tailored to the needs of individuals built in. Delivering beneficial Extra Care accommodation should be prioritised. For the reasons expressed above we also consider that the DLP's proposed approach will have a disproportionate adverse impact on the delivery of Extra Care accommodation and the likelihood of people making a positive choice to move into this type of accommodation when required.

The Draft London Plan however does not provide any further intimations to Local Authorities on how to distinguish between C2/C3 developments Extra Care accommodation covers a very wide spectrum and can fall within either the C2 or C3 Use Class, which will determine in the majority of cases whether or not a Council will seek affordable housing contributions from the development. This is a complex issue and there are a number of factors that determine whether or not an Extra Care development is within Use Class C3 or Use Class C2.

Additionally, the benefits of the delivery of Extra Care accommodation for older people are generally well recognised and lie at the heart of changing accommodation choices for people in old age from institutional forms of accommodation to housing with flexible care, tailored to the needs of individuals built in. As already stated, most forms of Extra Care accommodation fall within Use Class C2 and Appeal precedent has confirmed that self-containment of accommodation is not the determining factor as to Use Class. Delivering beneficial Extra Care accommodation should be prioritised. For the reasons expressed above we also consider that the proposed approach will have a disproportionate adverse impact on the delivery of Extra Care accommodation.

It also should be noted that as Extra Care accommodation has significantly different characteristics to conventional housing development, it also has different viability characteristics, something which is generally well recognised. However, there has been no attempt to separate these types of accommodation in the viability testing which underpins the affordable housing policies (H5-H6).

The implementation of a policy that impedes the delivery of specialist housing for older people would therefore appear to directly contradict Government initiatives on housing delivery and indeed other policies of the Plan. **It is not effective as a consequence.** The viability of specialist older persons' accommodation is more finely balanced than 'general needs housing' and the delivery of these forms of accommodation will be similar rendered un-viable. The delivery of this should not be compromised by unreasonable or unnecessary demands for affordable housing, **it is not justified accordingly.**

Table 4.4 does not include a tenure breakdown unlike Annex 5 of current LP. LPA's are generally unaware of tenure requirements for retirement and in our experience there is a danger they will continue to apply normal open market tenure requirements as is currently normal practice.

If the Mayor is to meet the identified need for this type of housing, this policy must become a stronger incentive for developers and set out a key message to Local Planning Authorities across London that this type of housing is strongly supported by the Mayor. The current experience of the group in London is that Annex 5 is largely ignored by Local Planning Authorities in determining planning applications for older people's housing. This position needs to be addressed by the Mayor with a stronger policy message within the DLP. Local Planning Authorities must enable and positively encourage the provision of such housing as well as recognise the nature of such proposals which differ from general needs applications.

Objection: This policy is not positively prepared, nor is it effective or justified. We also consider the policy to be inconsistent with national planning policy. We respectfully request that it should be amended.

Page: [Policy S2 Health and social care facilities](#)

Section: [N/A](#)

Policy S2 (204) -Health and Social Care Facilities

DLP should ensure that linkages are made to the provision of retirement housing which can help make considerable savings to the public purse and in particular savings to the NHS.

The Select Committee Report in its recommendations and under the heading “The Link Between Housing and Health” advises:

There is a well-evidenced link between housing and health and wellbeing, and the consequent costs of treatment by the health service. Poor quality, un-adapted, hazardous, poorly heated and insulated accommodation can lead to reduced mobility, depression, chronic and acute illness and falls and social isolation to loneliness and depression. We recommend that prevention, early intervention and promotion of health and wellbeing through housing should be a priority for the national advice service. It should refer people to where they can get practical help to improve the quality of their home and to their local authority and health service if more immediate, direct intervention is needed.

The right kind of housing can keep people healthy, support them to live independently and reduce the need for home care or residential care. The Social Care Green Paper, planned for publication in summer 2018, must consider the range of housing for older people, from mainstream and accessible homes to supported and extra care housing, as well as access to adaptations and repairs. In particular, the Social Care Green Paper should consider the role of Extra Care housing in the provision of social care alongside domiciliary and residential care.

*Without the right physical and mental support in place for older people, there is likely to be increased pressure placed on the health service and adult social care due to an increase in slips, trips and falls as people age in accommodation no longer suitable for their changing needs. A study by the Homes and Communities Agency found for a typical person aged 60 and above, moving to a suitable retirement development generates health and social care savings of £3,500 a year due directly to the benefits of **this** form of housing.[1]*

There are therefore considerable linkages between the provision of housing for older people and health and social care facilities, which the Mayor should focus more closely on in the formulation of policies within the DLP. The Plan ought to be revised to reflect this, in order to encourage the provision of more of the housing that is so clearly required to address the nation’s pressing health needs.

Recommendation: We strongly support the DLP aim to plan for improvements in health and social care facilities. The contribution that Retirement Housing makes in this regard should however be highlighted in order to encourage the further delivery of such development.

[1] A study by the Government body the Homes and Communities Agency in 2010 found for a typical person aged 60 and above, moving to a suitable retirement development generates health and social care savings of £3,500 a year. Figures updated for inflation.

Page: [Policy SI2 Minimising greenhouse gas emissions](#)

Section: [N/A](#)

SI2 (324) - Minimising Greenhouse Gas Emissions

The Mayor must ensure that the cost of this requirement has been fully factored into the viability analysis prepared as part of the evidence base for the DLP.

Objection: This policy is not justified as it is not underpinned by sufficient robust evidence. We respectfully request that it should be amended or removed.

Page: [Policy T1 Strategic approach to transport](#)

Section: [N/A](#)

T1 (402) - Strategic Approach to Transport

The Mayor should take note that, in general, retirement proposals are located in accessible locations thereby assisting in reducing reliance on the use of private cars.

Page: [Policy T5 Cycling](#)

Section: [N/A](#)

T5 (414) - Cycling

This policy must include flexibility for various different types of proposals which reflect the requirements of the end user.

The unnecessary imposition of this policy where there is clearly no requirement for such provision would put at risk the delivery of viable older people's proposals in our view. Where specialist accommodation makes provision for mobility scooters, a lower level of discretionary cycle spaces should be considered.

Objection: This policy is not positively prepared or effective as it does not consider alternative housing typologies. We respectfully request that it should be amended.

Page: [Policy T6 Car parking](#)

Section: [N/A](#)

T6 (420) - Car Parking

Flexibility is required for older people's accommodation parking standards to reflect the car use of residents as well as the location of the site. In general, the DLP should apply flexibility for older people's housing proposals recognising the difference between older people's housing proposals and general needs housing. Older people may be more reliant on the car than the younger population and mobility can assist with independence and well-being.

Page: [Policy DF1 Delivery of the Plan and Planning Obligations](#)

Section: [N/A](#)

DF1 (441) - Delivery of the plan and planning obligations

The DLP proposes that where it is accepted that the viability of a specific site should be considered as part of an application, the Borough should determine the weight to be given to a viability assessment alongside other material considerations.

Viability is a material planning consideration in line with NPPF and it cannot be discarded as a consideration in determining a planning application. The DLP should be amended to ensure that this position is fully in line with national policy.

The National Planning Policy Framework is clear that Local Planning Authorities, when requiring obligations, should be sufficiently flexible to prevent planned development being stalled (NPPF, paragraph 205). Decision-takers are encouraged to approach decision-taking in a positive way and to find solutions (NPPF, paragraph 186) and the need to ensure competitive returns to land-owners and developers (NPPF, paragraph 173). This is also reflected in the NPPG at paragraph 006 (Ref ID: 23b-006-20140306) which states that local planning authorities should be flexible in their planning obligation requirements.

As drafted, the DLP encourages local planning authorities to lessen the weight attached to viability assessments. The NPPG sets out that there are two distinct viability assessment types for planning purposes. Firstly, at a plan level, generic viability testing ensures that policies are broadly deliverable. Secondly and crucially, national policy also allows for application specific viability testing ensuring that specific proposals are viable considering site by site considerations.

The *London Plan Viability Study*, December 2017, recognises this problem including the paragraph 14.3.1 which states the diversity of the London market means that viability varies across the City. Therefore, it recommends that individual schemes will face viability challenges.

The DLP viability assessment evidence base does not cover all scenarios and as such it cannot be considered that the policies can be met in every case. Viability consideration on a site by site basis must therefore be allowed to ensure flexibility and so that overall housing supply is not negatively impacted.

Objection: This policy is not positively prepared, nor is it effective or justified. We also consider the policy to be inconsistent with national planning policy. We respectfully request that it should be amended.

Page: [Chapter 12 Monitoring](#)

Section: [H15](#)

M1 (458) - Monitoring

The Key Performance Indicator (KPI) for housing must include detail of annual delivery of older persons' housing by type, size and tenure. The current London Plan Annual Monitoring Report (AMR) does not include any detail on this provision making it very difficult to measure past performance against the 4,000 unit per annum target for the provision of housing for older people.

Objection: This policy is not positively prepared, nor effective as London has historically under-delivered older persons' housing. We respectfully request that it should be amended.

Renaissance Retirement, Pegasus Life, McCarthy and Stone and Churchill Retirement Living (5ad07d2f5538a@example.com)

Page: [Introducing the Plan](#)

Section: [0.0.20](#)

A Strategic Plan

The Mayor sets out at paragraph 0.0.20 that the DLP deviates from current national planning policy in a number of respects. The Mayor asserts his local political mandate to further justify these departures. There are instances in the DLP where the deviation from national policy is significant and has much wider consequences for other areas of the country. While the desired outcomes of the DLP are largely understood, deviation from national policies and particularly housing policies to such an extent as proposed in the DLP is problematic for many reasons. The NPPF sets the foundations for establishing planning policies for housing across the country and to an extent provides certainty for the industry to enable investment and growth. The more detailed HBF representations in this respect are supported.

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The DLP should only deal with matters of strategic importance to Greater London and as such the prescript detail contained within proposed policies within the DLP is not appropriate in many cases.

The DLP goes significantly beyond its function as a strategic document; the level of detail currently in the policy is more akin to a core strategy or local plan document. In our view, policies are overly detailed and too prescriptive for a strategic document causing the DLP to overstep its remit. Paragraph 182 of the NPPF details the criteria by which the policies of a local plan are assessed in order to be considered to be “sound”. While the soundness tests as set out by the NPPF are not benchmarks by which the London Plan in its position as legislation supported by the GLA Act 1999 (as amended), we believe these are nationally accepted ‘yardsticks’ which provide important guidance to plan-makers. We believe the lack of clarity in the role of the London Plan is such that the policies have not been evidenced to the extent where they can be considered sound, and indeed we consider that a number of policies contradict and conflict with each other.

An example would be the proposed policies in relation to older people’s housing, which on the one hand (DLP Policy H15) promotes a step change in the delivery of this type of housing from an estimated 200 unit per annum to 4,000 units per annum. On the other hand, the Mayor is proposing to make the delivery of older people’s housing consequently more difficult than is already the case in a London context by inflicting even greater risk on developers (DLP Policy H5, H6, H7, H9, H12). This approach is illogical and has been proposed without consultation with the industry as the Mayor expects the industry to increase output in this sector by **2000%** per annum (from a current estimated supply annual of 100-200 units).

The review of the London Plan is fundamentally flawed as it exceeds its remit as a strategic document yet does not provide the required level of evidence to be sufficiently robust to justify the detail of the policies proposed.

GG1/2 (13 & 15) - Building Strong and Inclusive Communities and Making the Best Use of Land

We support the creation of a London where older people, disabled people and people with young children can move around with ease and enjoy the opportunities the City provides, creating a welcoming environment that everyone can use confidently, independently, and with choice and dignity, avoiding separation or segregation.

We support best use of previously developed land in sustainable locations within and on the edge of town centres, including smaller sites.

We support the intensification of existing sites to increase density to sustainable levels.

There should still be a view towards providing the right type of housing for the need and not just a focus on the provision of affordable housing. Research has shown that the population is ageing rapidly with the population of over 65 year olds in London well over 10% and as stated in the London SHMA, this is projected to nearly double within the plan period. As such the needs of the older population must be addressed now.

We support these policies.

Page: [Policy GG2 Making the best use of land](#)

Section: [N/A](#)

GG1/2 (13 & 15) - Building Strong and Inclusive Communities and Making the Best Use of Land

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We support these policies.

Page: [Policy GG3 Creating a healthy city](#)

Section: [N/A](#)

GG3 (17) - Creating a Healthy City

We support the provision of age appropriate housing for older people to ensure that the environment they live in supports their stage of life by increasing social interaction and by providing housing that is fit for purpose. However, there does not seem to have been any consideration of whether the other policies of the plan (especially DLP policies H5 and H6) undermine the achievement of the objectives here, and therefore whether the plan as a whole makes sense.

We support this policy.

Page: [Policy GG4 Delivering the homes Londoners need](#)

Section: [N/A](#)

GG4 (19) Delivering the Homes Londoners Need

We support the increased provision of older people's housing from the current supply of 100-200 pa to in excess of 4,000 pa.

Retirement housing providers do not land bank and typically build out planning permissions immediately once achieved due to the nature of the specialist housing and difficulty in securing appropriate and suitable sites for development.

It is important that the provision of specialist housing for older people is fully understood in terms of risk and that this is not held up through policy burdens which do not allow viable retirement developments to come forward. We believe that the level of planning contributions sought from specialist housing, which are increased as a result of the nonsaleable communal areas, is impeding the delivery of homes. We have recommended to Government that it creates a sub-category of the C2 planning classification (which currently applies to residential care and nursing homes) for specialist housing which would reduce the contributions required from developers. The creation of a new use class for specialist housing which would have the same effect as recommended in the recent CLG Committee Report¹

The quantum of provision needs to be split by type and tenure. The current London Plan Annex 5 approach should be duly retained and repeated in this section or as a revised annex. The removal of tenure from Annex 5 is ill-advised and unhelpful in identifying and addressing needs.

We support this policy in principle and subject to the changes we propose.

¹ CLG Committee's report on Housing for Older People

Page: [Policy SD6 Town centres](#)

Section: [N/A](#)

SD6 (78)-Town Centre

We strongly support initiatives which improve mobility, infrastructure and accessibility for older people.

Parts D of the policy notes the suitability of these areas for older people's accommodation but this also needs to be considered in conjunction with the appropriateness of adjacent uses. This would really be demonstrated by Part F which discusses the need for varieties of uses within the town centre.

In terms of the use and legibility of town centres, Part H is to be welcomed but needs to be holistic. Furthermore, there also needs to be a system of maintenance for these elements.

We support this policy.

Page: [Policy SD8 Town centres: development principles and Development Plan Documents](#)

Section: [N/A](#)

SD8 (86) - Town Centre Development Principles

This policy should reflect the advantages of including specialist housing for elderly in and on the edge of town centres. This use is proven to strengthen the local economy due to the tendency of older people to shop locally and use local services.

Redundant commercial space which is suitable for the provision of older people's housing might reasonably be allocated for this use, particularly where it is found that existing town centre boundaries should be reduced in light of capacity and demand as recognised in the DLP.

Objection: This policy is not positively prepared and should be amended to reflect and promote the unique advantages that additional older people's housing can provide for town centres.

Page: [Policy SD9 Town centres: Local partnerships and implementation](#)

Section: [N/A](#)

SD9 (90) - Town centres: Local Partnerships and Implementation

Article 4 directions should only be used where appropriate and justified given the need for housing identified within the DLP. Widespread promotion and use of such restrictive policy is likely to jeopardise the delivery of housing targets.

Objection: This policy is not positively prepared and should be amended to remove the encouragement of Article 4 directions.

Page: [Policy SD9 Town centres: Local partnerships and implementation](#)

Section: [2.9.5](#)

We support the diversification of housing uses in town centres and edge of centre for the provision of housing for older people (2.9.5)

Para 2.9.5 of the consultation plan implies that older people's housing could act as a catalyst for regeneration. Policies will need to set out how this can happen and how there could be benefits for the risks taken.

Page: [Policy D1 London's form and characteristics](#)

Section: [N/A](#)

D1 (98) - London's Form and Characteristics

There is likely to be considerable overlap with local design requirements and this is likely to result in duplication or contradictory guidance in some cases. Prescriptive policy such as this should be left to local planning authorities.

Objection: This policy is not positively prepared, and inconsistent with national planning policy as it is overly prescriptive for a strategic document. We respectfully request that it should be amended or removed.

Page: [Policy D2 Delivering good design](#)

Section: [N/A](#)

D2 (102) - Delivering Good Design

Design principles should be locally derived and inevitably each LPA will apply their own area based design criteria. There is a danger that design requirements will be blurred by both local and DLP requirements.

The Mayor wants to see more details submitted as part of planning applications. While we understand the Mayor's desire to maintain the quality of designs through the planning process, this will add greater pressure to the submissions and programme to prepare additional drawings. Which goes beyond strategic planning and will not, in some instances serve to markedly improve the quality of development but may serve to make it less viable.

Objection: This policy is not positively prepared, nor has the design criteria been found to be viable for development and as such is not justified. We also consider the policy to be inconsistent with national planning policy as it is overly prescriptive for a strategic document. We respectfully request that it should be amended or removed.

Page: [Policy D3 Inclusive design](#)

Section: [N/A](#)

D3 (106) -Inclusive Design

Inclusive design is fundamental to improving the quality of life for disabled and older people in particular.

Use of an inclusive design statement (as part of the D&AS) is supported to demonstrate how proposals address particular needs.

We strongly support this policy to improve accessibility for older and disabled Londoners.

Page: [Policy D4 Housing quality and standards](#)

Section: [N/A](#)

D4 (109) - Housing Quality and Standards

We support a range of housing typologies to meet housing need.

The draft policies are however far too prescriptive for a strategic document and must be removed or amended to reflect site by site considerations as well as local planning authority considerations on a case by case basis.

Requiring minimum standards such as proposed for all self-contained accommodation does not reflect the unique circumstances and design requirements for specialist accommodation for the elderly and instead of increasing supply in London, is likely to reduce it even further.

The Mayor should engage with the retirement industry to fully understand how policies such as those proposed within the DLP can encourage and not restrain supply. Collectively the representors have a wealth of experience in this respect and are well placed to identify the minimum standards that should be applicable to such developments.

Objection: This policy is not positively prepared, nor has the criteria been found to be viable for development and as such is not justified. We also consider the policy to be inconsistent with national planning policy as it is overly prescriptive for a strategic document. We respectfully request that it should be amended or removed.

Page: [Policy D5 Accessible housing](#)

Section: [3.5.3](#)

D5 (115) - Accessible Housing

The policy states that developments should to be designed to M4(2) with at least 10% of units to be M4(3) 'wheelchair adaptable'.

Para 3.5.3 then states that 'wheelchair user dwellings should be distributed throughout a development to provide a range of aspects, floor level locations, views and unit sizes.'

This is inconsistent with national policy. Paragraph 56-009 of PPG states that: "Local Plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling." The Mayor should therefore not apply the higher level Part M4(3) to market homes. The Mayor should amend this part of the policy and clearly state that this will not apply to market homes.

We support this policy in principle subject to flexibility being applied.

Page: [Policy D6 Optimising housing density](#)

Section: [N/A](#)

D6 (117) - Optimising Housing Density

There is a risk that this policy provides land owners with false land value expectations and that housing supply is held up as a result. The Mayor needs to fully consider the implications of such a policy in a final London Plan.

When assessing density against planned future infrastructure and transport improvements, it must be clear that reasonable prospects of such infrastructure improvements materialising are in place (e.g. funding commitments and programme).

Appropriate design densities for differing residential uses must also be a consideration in deciding optimum density given that optimum density for older person's accommodation will often differ from general needs proposals.

The policy is supported in principle in order to make best use of previously developed land.

Page: [Policy D11 Fire safety](#)

Section: [N/A](#)

D11 (134) - Fire Safety

Policy D11 proposes that the London Plan will require new development proposals to achieve the 'highest standards' of fire safety to ensure the best possible protection for all building users should a fire break out.

Applications for all major developments will have to be accompanied by an independent fire statement, produced by a qualified third-party assessor, setting out how the 'highest standards' will be achieved appropriate to each specific building or development, from a variety of fire safety solutions and measures available.

While we welcome making fire safety a priority during every part of a building's life we submit that the London Plan or any other spatial planning document is not the correct route to introduce new legislation on this matter. It is a general principle that planning should not seek to duplicate other regulatory regimes. Regulations and guidance on such an important matter must be simplified, rather than duplicated and the focus of the planning system is on the development and use of land.

The Building Regulations are statutory documents which are separate and distinct from Town Planning. We understand that in light of the tragic Grenfell Tower Fire, MHCLG is reviewing how the building regulations control how buildings are designed or modified on the grounds of public safety and sustainability. It is considered that the findings of this review need to be complete. Otherwise, if spatial documents are to provide policy and guidance this may be inconsistent with other legislation and regulation on this matter.

It is also submitted that London Fire Brigade and Local Authority Building Control departments are not adequately resourced to accommodate the extra work involved in this regard.

Objection: This policy is not effective as it does not properly consider the capacity of expertise within Local Planning Authority Building Control departments and the national shortage of IFE Inspectors on Fire Safety. This is a matter that is best addressed through the Building Regulations. We respectfully request that it should be removed.

Page: [Policy H1 Increasing housing supply](#)

Section: [N/A](#)

H1 (144) - Increasing Housing Supply

While an increase in targets for housing delivery overall is supported, these targets should be realistically achievable and measured in line with a common methodology nationally.

The Mayor has carried out a London Wide Strategic Housing Market Assessment (SHMA) and Strategic Housing Land Availability Assessment (SHLAA). The SHMA claims to cover need for all housing typologies including housing for older people which is included within the overall Objectively Assessed Need (OAN) of 66,000 additional home per year.

The DLP assessment of OAN is inconsistent with both the currently advised methodology within the NPPF and the Government's proposed methodology. This approach sets up a likely inconsistency in approach with neighbouring Local Authorities to London.

The DLP sets out that Boroughs are no longer required to prepare their own individual SHMA but must plan for and seek to deliver the targets set out within the DLP. In general, the DLP sets out more emphasis on the importance of the delivery of significantly increased levels of retirement housing across the plan period.

H1's annual housing trajectory requirement (D of policy) should be updated in respect of specialist housing for the elderly as well as overall housing and split by tenure of provision.

To meaningfully increase the supply of older peoples' housing policy H1 should include reference to the provision of these forms of accommodation housing as a source of overall supply.

Future public transport accessibility housing densities need to be carefully considered in light of likelihood/chances of improvements coming into being, expectations of landowners in terms of land value.

The HBF representation deals with the issues raised in considerably more detail and are supported.

This policy is supported in principle but subject to the necessary amendments as set out in this representation and that of the HBF.

Page: [Policy H2 Small sites](#)

Section: [N/A](#)

H2 (152) - Small Sites

Certain smaller sites may be suitable for the provision of housing for older people if located in appropriate locations. Design flexibility on such sites is welcome, especially so considering the unique design requirements of older people's housing proposals.

The DLP sets out aspirations to increase the supply of housing for older people by 2000% above current estimated supply (based on a current estimated supply across London of 100-200 units per annum). Only by allowing flexibility and by adopting a similar in favour presumption to that proposed in draft policy H2, will the supply of retirement housing increase to sustainable levels.

This policy is supported in principle but the presumption in favour of development should be expanded to include retirement proposals more generally.

Page: [Policy H3 Monitoring housing targets](#)

Section: [N/A](#)

H3 (159)- Monitoring Requirements

There should be an explicit requirement here that older person's housing delivery is monitored on a borough by borough level and by tenure provided.

This should also be measured by type of older persons housing. This information is currently seriously lacking.

Objection: This policy is not positively prepared, nor effective as London has historically under-delivered older persons' housing. We respectfully request that it should be amended.

Page: [Policy H5 Delivering affordable housing](#)

Section: [N/A](#)

H5 (161) - Delivering Affordable Housing

If the Mayor is serious about increasing the overall supply of retirement housing, then an exemption from this policy is required for specialist housing for older people. We submit that this policy is discriminatory, given the unequal effects it has on the ability of elderly people to gain access to appropriate accommodation. Late Review makes most of the schemes we, as a group, are seeking to bring forward in London very much riskier in financial terms to the point that they are currently stalled.

It is considered that the GLA view off-site delivery by retirement housing to be their 'choice'. The evidence presented by the Mayor to justify this statement is considered to be fundamentally flawed. The reality of the situation is that it is impracticable to provide affordable housing on typical older people's housing sites in a London context. There are valid reasons for this including management costs, affordability and site design constraints making it impossible to accommodate separate management arrangements on often small constrained previously developed sites.

Paragraph 4.5.2 demonstrates how the threshold policy was introduced through SPG in advance of the policy through the DLP. The Mayor has therefore introduced policy early through SPG which is contrary to national guidance and unlawful. We have jointly submitted a legal challenge to this effect.

The supporting text of the DLP further demonstrates how the Mayor fails to comprehend the impact the application of this policy has on housing proposals for older people. Again, we have jointly submitted a legal challenge to this effect.

In line with national policy, review mechanisms on single phase proposals should not be promoted as this increases the risk that such proposals will not come forward.

Objection: This policy is not positively prepared. The approach detailed has not been found to be viable for older persons' accommodation and is neither justified nor effective. We also consider the policy to be inconsistent with national planning policy as it is overly prescriptive for a strategic document. We respectfully request that it should be amended or removed.

Page: [Policy H5 Delivering affordable housing](#)

Section: [4.5.6](#)

Currently, the retirement sector overwhelmingly agrees with almost all Local Planning Authorities that, where viable, off site contributions in the form of financial contributions are the best solution to addressing housing need.

Paragraph 4.5.6 of the DLP sets out that in respect of cash in lieu contributions, these should be accepted "in even more limited circumstances". Once again, the DLP appears to promote retirement housing provision on one hand and then misunderstand how it can be viably provided in terms of other DLP policy.

H6 (164)- Threshold approach to applications

As set out above, we believe that retirement proposals should be exempt from affordable housing requirements given the bespoke identified housing need for this type of housing and the very low levels currently being provided.

The fast track route excludes retirement proposals unless affordable housing is provided on site in the exact composition required by each local planning authority. In our experience, Local Planning Authorities in London prioritise general needs affordable housing types. For reasons already explained, it is not possible to provide mixed tenure affordable housing as part of a retirement proposal due to site constraints and affordability issues.

Retirement providers therefore cannot benefit from the fast track route, putting this use at a competitive disadvantage when seeking to acquire land. This approach is likely to further reduce the already low numbers of new retirement housing coming forward in London.

While applicants are strongly encouraged to take fast track route. This is not possible for the retirement sector.

Page: [Policy H6 Threshold approach to applications](#)

Section: [N/A](#)

Part B is unsound because it is inconsistent with national policy. The text says that the 35% threshold will be reviewed in 2021 and it may be increased through an SPG. The Mayor cannot introduce new policy, or a revision to an existing policy, through a SPG. If the threshold is to be altered it can only be done through a revision to Policy H6 of the London Plan. The SPG is subject to a legal challenge from the objectors on this basis.

We also consider that a review of the London Plan and policy H6 may be necessary sooner than 2021 if the evidence shows that the target is contributing to a fall in the number of schemes coming forward and consequently a fall in completions overall.

Page: [Policy H6 Threshold approach to applications](#)

Section: [N/A](#)

Part E 2) is unsound in terms of early and late stage viability reviews because it conflicts with the Government's advice in its national guidance.

The Policy requires that those applicants who have to go down the Viability Tested Route to commit to Early and Late stage reviews. The Government's guidance in the NPPG considers that reviews after planning permission has been granted should only be considered for multi-phased schemes that will be built out gradually over a long period of time where values may well fluctuate significantly (NPPG Paragraph: 017 Reference ID: 10-017-20140306).

It is not appropriate for the Mayor to expect all single phase developments to submit to an Early and Late Review as this will simply add further delays to implementation and delivery.

The policy seeks to embed affordable requirements in land values. How is the Mayor sure that land owners will not now prefer to dispose of small previously developed sites for non-residential uses?

The Mayor should not seek to discount other measures of viability beyond the EUV+ route for this reason. Each site needs to be assessed on its own merits to avoid land being retained by land owners or lost to non-residential uses, such as convenience retail. The Mayor's proposed rigid approach to assessing viability is likely to be detrimental to the DLP's aspiration to increase the supply of housing in general but specifically housing for older people in our view. The NPPF requires plan-makers to ensure viability which includes the need to "*provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable*". The Mayor cannot stipulate EUV+ as the basis for assessing scheme viability.

The London Plan Viability Study, December 2017 concludes that older peoples' housing is unable to provide 50% affordable housing in the lower value zones (D and E) and that while Extra Care housing is able to achieve 35% affordable housing in Zone C it cannot in zones D and E. Since a large element of the proposed new housing supply is hoped to come forward in the outer London Boroughs where development values will be lower – generally corresponding to zones D and E – we question again how a blanket one size fits all approach to the application of this policy will encourage the industry to increase the supply of specialist housing for older people in London. We dispute the findings and approach of the London Plan Viability Study. For example, it fails to take into account that while it might well be that a retirement housing or extra care scheme is viable on its own terms, the main issue is securing the land in the market against schemes which do not have to undertake a Late Stage Review, and are obviously not burdened with the same unsaleable floorspace.

For the above reasons, the large unmet need for specialist housing for older people and the unique nature of such development proposals, housing for older people should be exempt from this policy.

Objection: This policy is not positively prepared. The approach detailed has not been found to be viable for older persons' accommodation and is neither justified nor effective. We also consider the policy to be inconsistent with national planning policy as it is overly prescriptive for a strategic document. We respectfully request that it should be amended or removed.

H7 (169) - Affordable Housing Tenure

As set out above, we believe that retirement proposals should be exempt from affordable housing requirements given the bespoke identified housing need for this type of housing and the very low levels currently being provided.

In general this policy creates a number of questions.

? It creates uncertainty in testing and appraising land prior to purchase as for example, how quickly will boroughs set out their 40% requirement?

? How can land be bought with certainty on this basis?

? If Boroughs are exempt from preparing their own SHMA, how can they accurately determine local tenure requirements and those specific to specialist retirement housing?

? Is there a 50% or even 35% affordable requirement for specialist forms of affordable housing? This is not the case for every London Borough in Annex 5.

? Finally, how has this tenure mix requirement been adequately tested within the DLP viability testing when the borough level tenure requirement is unknown?

All of the above leads to a very confusing picture for developers attempting to purchase land with any certainty and is likely to be detrimental to the DLP aspiration to increase the supply of housing in general.

Objection: This policy is not positively prepared. The approach detailed has not been found to be viable for older persons' accommodation and is neither justified nor effective. We also consider the policy to be inconsistent with national planning policy as it is overly prescriptive for a strategic document. We respectfully request that it should be amended or removed.

Page: [Policy H8 Monitoring of affordable housing](#)

Section: [N/A](#)

H8 (173) - Monitoring of affordable housing

Beyond the requirement set out within this DLP policy, Boroughs should also publish how long they hold cash in lieu payments as well as a planned programme.

Page: [Policy H9 Vacant building credit](#)

Section: [N/A](#)

H9 (174) - Vacant Building Credit (VBC)

The NPPG has distinct criteria for where and how VBC should apply. It does not prescribe a time frame against which individual buildings should be assessed.

The intention of this policy is to incentivise vacant land to be brought forward sooner than it would otherwise have. We believe there are instances in London where this policy would enable vacant buildings to be brought forward for housing sooner than otherwise would be the case and the Mayor should avoid encouraging a wholesale ban on VBC usage across London.

Objection: This policy is not positively prepared. We also consider the policy to be inconsistent with national planning policy. We respectfully request that it should be removed.

Page: [Policy H12 Housing size mix](#)

Section: [N/A](#)

H12 (178) - Housing Size Mix

This policy should be amended to ensure older peoples' housing proposals have a flexible requirement with no prescribed mix of units.

Boroughs should not be prescriptive of unit sizes on retirement proposals and need to consider the economics of provision.

Objection: This policy is not positively prepared. We also consider the policy to be inconsistent with national planning policy. We respectfully request that it should be removed.

H13 (180) – Build to Rent

This proposed policy creates a further possible ‘route’ for addressing affordable housing policy within the DLP which has not been properly tested within the DLP viability analysis and is inconsistent with the NPPG.

It is proposed that Build to Rent proposals qualify for the ‘fast track route’ as long as they provide 35% affordable housing, of which 30% must be at a ‘discounted rent’ (**preferably** London Living Rent) with the remainder to be determined by the local planning authority. This creates a further ‘tier’ to the tenure requirements set out within DLP policy H7 which creates considerable uncertainty.

The impact of the various approaches has not been adequately tested and puts at risk the delivery of overall housing targets set out within the DLP. This approach is inconsistent with national policy in the form of the NPPG which promotes a comprehensive and consistent approach to the viability testing of local plans.² Furthermore, the NPPG advocates the testing of viability for build to rent proposals on a case by case basis due to the unique funding requirements for such proposals.³

A recent appeal decision at Cheam⁴ reaffirmed the requirement for London Plan policy to retain consistency with national policy with the Inspector in this case highlighting the inconsistency of the Draft (at the time) Homes for Londoners SPG with the NPPG (see paragraphs 40 and 41).

Objection: This policy is not positively prepared and creates considerable uncertainty. We also consider the policy to be inconsistent with national planning policy.

² Paragraph: 004 Reference ID: 10-004-20140306

³ Paragraph: 018 Reference ID: 10-018-20150326

⁴ Appeal Ref: APP/P5870/W/16/3159137

Page: [Policy H15 Specialist older persons housing](#)

Section: [N/A](#)

The Identified Need for Specialist Owner-occupied Housing for Older People
In terms of the specific need for housing for older people, the 2017 London Strategic Housing Market Assessment states the following:

London is expected to experience substantial growth in its older population over the coming years. The number of people aged 65 or over is projected to increase by 73% between 2016 and 2041, and the number of those aged 75 or more by 94%.

While many older people will continue to live in mainstream housing, a growing number are likely to require specialist accommodation. Research commissioned by the GLA identified a total potential demand across all tenures for just over 4,000 'C3' specialist homes for older people over 60 years of age (both extra-care and sheltered housing) every year between 2017 and 2029.

We do not accept the reference to Extra Care uses under the classification of use class C3 and we have not seen any detailed work to support this amalgamation of targets for specialist accommodation for older persons. The Borough-level benchmarks for the provision of specialist accommodation based on this research are set out in the draft London Plan but do not include a tenure breakdown of need as per the current London Plan's Annex 5. We consider the removal of the tenure breakdown to be ill-advised and contrary to guidance and good practice.

The research also identified a need for 870 new 'C2' care home beds a year, including units designed to support the needs of people with dementia.

The need for specialist housing for the elderly is clear; moreover the fact that previous projections are incorrect by circa 20% does raise serious questions. It is clear that a large constituent of London's population mix will be made up of the elderly and a diverse range of accommodation to meet their needs will be required. Further development must also be encouraged and not stifled with overly prescriptive policies and constraints. It must be remembered that this is a strategic policy document.

Page: [Policy H15 Specialist older persons housing](#)

Section: [N/A](#)

An example [a number of policies contradict and conflict with each other]would be the proposed policies in relation to older people's housing, which on the one hand (DLP Policy H15) promotes a step change in the delivery of this type of housing from an estimated 200 unit per annum to 4,000 units per annum. On the other hand, the Mayor is proposing to make the delivery of older people's housing consequently more difficult than is already the case in a London context by inflicting even greater risk on developers (DLP Policy H5, H6, H7, H9, H12). This approach is illogical and has been proposed without consultation with the industry as the Mayor expects the industry to increase output in this sector by **2000%** per annum (from a current estimated supply annual of 100-200 units).

Page: [Policy H15 Specialist older persons housing](#)

Section: [N/A](#)

In general, the group strongly supports the recognition by the Mayor of the significant need for specialist housing for older people in London. The introduction of a specific policy (H15) is certainly a move in the right direction to achieve the desired outcome of enabling a step change in delivery of this type of housing in London. However, the Mayor needs to go much further in our view to create a policy environment across London which facilitates this growth.

The group do not consider that the current approach to the DLP is fit for purpose. The plan is too prescriptive in nature and insufficiently evidenced to justify such an approach. We consider that the DLP would be deemed unsound during Examination in Public. We consider a radical rethink of the policies is necessary and that the DLP should be comprehensively redrafted to fulfil its role as a strategic plan. Should this not be the case, we would wish to be heard at Examination and formally state our intention to do so.

Page: [Policy H15 Specialist older persons housing](#)

Section: [N/A](#)

H15 (186) - Specialist Older Persons Housing

We support this policy in principle. Like proposed policy H2, there should be a presumption in favour of specialist older peoples' housing proposals. The recently published CLG Committee Report provides recommendations to increase the delivery of older persons' housing which we feel the Mayor should consider.

The Government has announced through its *Housing White Paper* its intention to improve the supply of older peoples' accommodation and there is a growing realisation that the provision of these forms of accommodation will help address the housing crisis by encouraging older people to move into specialist accommodation, thereby releasing larger homes back into circulation for occupation by families. There are also multiple health benefits (discussed elsewhere within this response) associated with older people moving into more appropriate housing for their needs.

The policy recognition of need for this type of housing in London is welcome. However, despite the considerable identified need, other policies within the DLP neutralise the impact that this policy can have on output for this type of housing.

Having reviewed the viability analysis prepared to support the DLP, it is clear that retirement housing and extra care accommodation have not been adequately tested. We are surprised that the Mayor has not recognised the unique viability considerations that need to be addressed in assessing viability for these uses. The NPPG recognises that housing for older people has unique characteristics which need to be factored into viability testing. We have seen no evidence in the viability analysis that any significant variation has been applied to the testing of housing for older people. Indeed, the analysis suggests that full affordable housing policy requirements can be met in only the highest value inner London locations where retirement providers tend not operate.

In our view, design requirements are overly prescriptive for a strategic document and need to be amended to reflect the flexibility required for this type of housing.

It is also considered that reference to an expectation of the “highest standards of “accessible and inclusive design” is inappropriate. Some quantification must be made of such statements. Otherwise there is no ceiling to expectations and no clear guidance decision takers

C2 Use classes

While we welcome the inclusion of a separate housing policy to promote the delivery of specialist older persons housing we are concerned about Part C of Policy H15 Specialist Older Persons Housing. This states:

Sheltered accommodation and extra care accommodation is considered as being in Use Class C3.

Paragraph 4.15.3, offers definitions of Sheltered Housing, Extra Care Accommodation and Residential Nursing Care accommodation which are generally recognised as being appropriate save for reference to which Use Class Extra Care Accommodation falls into

Extra Care accommodation covers a very wide spectrum of care and support provision and it is well recognised that, dependent on the care and support it provides and the facilities that come with it, it can fall within either the C2 or C3 Use Class. This will determine in the majority of cases whether or not a Council will seek affordable housing contributions from the development. This is a complex issue and there are a number of factors that determine whether or not an Extra Care development is within Use Class C3 or Use Class C2. However a recent Appeal decision (APP/U1105/W/17/3177340, The Knowle, Station Road, Sidmouth, Devon, EX10 8HL dated 22nd January 2018) is very helpful in this regard in succinctly highlighting how the issue ought to be approached. Paragraph 37 states:

The RTPI Good Practice Note 8 and Housing LIN5 deal specifically with Extra Care Housing and offer some guidance on possible distinctions between C2 and C3 Extra Care accommodation. These principles can be applied to the appeal proposal. Key to the distinction is the extent to which communal services are provided and the extent to which care is available to meet the needs of residents.

In concluding that in that case, the proposal fell within Use Class C2, the Inspector concluded at Paragraphs 49 and 50:

For all of these reasons, it is clear to me that the development is offering much more than a dwelling house. Independent living accommodation is one element of the scheme but that would be provided alongside a range of communal facilities that are inextricably linked to an expected way of life. The scheme is designed to meet the needs of the target occupants and facilitate assisted living as well as social well-being and interaction with the outside world. Care would also be provided, specifically tailored to the needs of the occupant. Whilst some primary occupants of the development might, upon taking up residence, require only the minimum level of personal care there is likely to be a mix of care needs at any one time and those with limited need may well require additional care in the future.

I can see no justification for disaggregating different elements of the proposal or seeking to separate the individual apartments from the remainder of the scheme.

It is submitted that as the issue is very much one of Development Management and clearly that each scheme needs to be considered on its own circumstances (as was the case at Sidmouth) that this should not be a matter for the London Plan. If however, it continues to be, it is clear that any policy, commentary or guidance must provide sufficient flexibility to allow for consideration of the specific circumstances of each scheme.

This could be achieved by taking the approach of the former London Affordable Housing SPD, which provided the following helpful guidance at Paragraphs 3.7.17 and 18 and stated:

There has been some debate over how to categorise specialist older person's accommodation in terms of the Use Class Order, not least because some boroughs only apply affordable housing policies to developments classed as C3. While some specialised housing is clearly institutional in character and has a well defined element of 'care' (typically registered with the Care Quality Commission, previously the Commission for Social Care Inspection) and can be readily categorised as falling within Use Class C2, other forms appear to be on the cusp between this and conventional C3 housing, particularly as some developments incorporate elements of both.

Consultants suggest that the most robust way of distinguishing between the two is the 'front door' test – if the unit of accommodation has its own front door then it is usually C3, if not it is C2. However, development management experience suggest in some cases this may require some refinement to take appropriate account of the components of care and support such as those associated with some Extra Care schemes where units may have their own front door but functionally are effectively C2.

If the London Plan is to comment on the issue, the re-instatement of this previous guidance may be appropriate as it provides guidance and flexibility to the Decision Maker.

As drafted, that is not the case and indeed the statement is clearly erroneous. Moreover, it is not for a Development Plan to determine what type of development falls within what Use Class. That is a matter for the Town and Country Planning Acts and/or Case Law. To make such a judgement with no qualification is therefore **absolutely inappropriate. It is inconsistent with national planning policy as a consequence.**

Additionally, the benefits of the delivery of Extra Care accommodation for older people is generally well recognised and lies at the heart of changing accommodation choices for people in old age from institutional forms of accommodation to housing with flexible care, tailored to the needs of individuals built in. Delivering beneficial Extra Care accommodation should be prioritised. For the reasons expressed above we also consider that the DLP's proposed approach will have a disproportionate adverse impact on the delivery of Extra Care accommodation and the likelihood of people making a positive choice to move into this type of accommodation when required.

The Draft London Plan however does not provide any further intimations to Local Authorities on how to distinguish between C2/C3 developments Extra Care accommodation covers a very wide spectrum and can fall within either the C2 or C3 Use Class, which will determine in the majority of cases whether or not a Council will seek affordable housing contributions from the development. This is a complex issue and there are a number of factors that determine whether or not an Extra Care development is within Use Class C3 or Use Class C2.

Additionally, the benefits of the delivery of Extra Care accommodation for older people are generally well recognised and lie at the heart of changing accommodation choices for people in old age from institutional forms of accommodation to housing with flexible care, tailored to the needs of individuals built in. As already stated, most forms of Extra Care accommodation fall within Use Class C2 and Appeal precedent has confirmed that selfcontainment of accommodation is not the determining factor as to Use Class. Delivering beneficial Extra Care accommodation should be prioritised. For the reasons expressed above we also consider that the proposed approach will have a disproportionate adverse impact on the delivery of Extra Care accommodation.

It also should be noted that as Extra Care accommodation has significantly different characteristics to conventional housing development, it also has different viability characteristics, something which is generally well recognised. However, there has been no attempt to separate these types of accommodation in the viability testing which underpins the affordable housing policies (H5-H6).

The implementation of a policy that impedes the delivery of specialist housing for older people would therefore appear to directly contradict Government initiatives on housing delivery and indeed other policies of the Plan. **It is not effective as a consequence.** The viability of specialist older persons' accommodation is more finely balanced than 'general needs housing' and the delivery of these forms of accommodation will be similar rendered un-viable. The delivery of this should not be compromised by unreasonable or unnecessary demands for affordable housing, **it is not justified accordingly.**

Table 4.4 does not include a tenure breakdown unlike Annex 5 of current LP. LPA's are generally unaware of tenure requirements for retirement and in our experience there is a danger they will continue to apply normal open market tenure requirements as is currently normal practice.

If the Mayor is to meet the identified need for this type of housing, this policy must become a stronger incentive for developers and set out a key message to Local Planning Authorities across London that this type of housing is strongly supported by the Mayor. The current experience of the group in London is that Annex 5 is largely ignored by Local Planning Authorities in determining planning applications for older people's housing. This position needs to be addressed by the Mayor with a stronger policy message within the DLP. Local Planning Authorities must enable and positively encourage the provision of such housing as well as recognise the nature of such proposals which differ from general needs applications.

Objection: This policy is not positively prepared, nor is it effective or justified. We also consider the policy to be inconsistent with national planning policy. We respectfully request that it should be amended.

Page: [Policy S2 Health and social care facilities](#)

Section: [N/A](#)

Policy S2 (204) -Health and Social Care Facilities

DLP should ensure that linkages are made to the provision of retirement housing which can help make considerable savings to the public purse and in particular savings to the NHS. The Select Committee Report in its recommendations and under the heading “The Link Between Housing and Health” advises:

There is a well-evidenced link between housing and health and wellbeing, and the consequent costs of treatment by the health service. Poor quality, un-adapted, hazardous, poorly heated and insulated accommodation can lead to reduced mobility, depression, chronic and acute illness and falls and social isolation to loneliness and depression. We recommend that prevention, early intervention and promotion of health and wellbeing through housing should be a priority for the national advice service. It should refer people to where they can get practical help to improve the quality of their home and to their local authority and health service if more immediate, direct intervention is needed.

The right kind of housing can keep people healthy, support them to live independently and reduce the need for home care or residential care. The Social Care Green Paper, planned for publication in summer 2018, must consider the range of housing for older people, from mainstream and accessible homes to supported and extra care housing, as well as access to adaptations and repairs. In particular, the Social Care Green Paper should consider the role of Extra Care housing in the provision of social care alongside domiciliary and residential care.

*Without the right physical and mental support in place for older people, there is likely to be increased pressure placed on the health service and adult social care due to an increase in slips, trips and falls as people age in accommodation no longer suitable for their changing needs. A study by the Homes and Communities Agency found for a typical person aged 60 and above, moving to a suitable retirement development generates health and social care savings of £3,500 a year due directly to the benefits of **this** form of housing.⁵*

There are therefore considerable linkages between the provision of housing for older people and health and social care facilities, which the Mayor should focus more closely on in the formulation of policies within the DLP. The Plan ought to be revised to reflect this, in order to encourage the provision of more of the housing that is so clearly required to address the nation's pressing health needs.

Recommendation: We strongly support the DLP aim to plan for improvements in health and social care facilities. The contribution that Retirement Housing makes in this regard should however be highlighted in order to encourage the further delivery of such development.

⁵ A study by the Government body the Homes and Communities Agency in 2010 found for a typical person aged 60 and above, moving to a suitable retirement development generates health and social care savings of £3,500 a year. Figures updated for inflation.

Page: [Policy SI2 Minimising greenhouse gas emissions](#)

Section: [N/A](#)

SI2 (324) ? Minimising Greenhouse Gas Emissions

The Mayor must ensure that the cost of this requirement has been fully factored into the viability analysis prepared as part of the evidence base for the DLP.

Objection: This policy is not justified as it is not underpinned by sufficient robust evidence. We respectfully request that it should be amended or removed.

Page: [Policy T1 Strategic approach to transport](#)

Section: [N/A](#)

T1 (402) ? Strategic Approach to Transport

The Mayor should take note that, in general, retirement proposals are located in accessible locations thereby assisting in reducing reliance on the use of private cars.

Page: [Policy T5 Cycling](#)

Section: [N/A](#)

T5 (414) - Cycling

This policy must include flexibility for various different types of proposals which reflect the requirements of the end user.

The unnecessary imposition of this policy where there is clearly no requirement for such provision would put at risk the delivery of viable older people's proposals in our view. Where specialist accommodation makes provision for mobility scooters, a lower level of discretionary cycle spaces should be considered.

Objection: This policy is not positively prepared or effective as it does not consider alternative housing typologies. We respectfully request that it should be amended.

Page: [Policy T6 Car parking](#)

Section: [N/A](#)

T6 (420) - Car Parking

Flexibility is required for older people's accommodation parking standards to reflect the car use of residents as well as the location of the site. In general, the DLP should apply flexibility for older people's housing proposals recognising the difference between older people's housing proposals and general needs housing. Older people may be more reliant on the car than the younger population and mobility can assist with independence and well-being.

DF1 (441) - Delivery of the plan and planning obligations

The DLP proposes that where it is accepted that the viability of a specific site should be considered as part of an application, the Borough should determine the weight to be given to a viability assessment alongside other material considerations.

Viability is a material planning consideration in line with NPPF and it cannot be discarded as a consideration in determining a planning application. The DLP should be amended to ensure that this position is fully in line with national policy.

The National Planning Policy Framework is clear that Local Planning Authorities, when requiring obligations, should be sufficiently flexible to prevent planned development being stalled (NPPF, paragraph 205). Decision-takers are encouraged to approach decision-taking in a positive way and to find solutions (NPPF, paragraph 186) and the need to ensure competitive returns to land-owners and developers (NPPF, paragraph 173). This is also reflected in the NPPG at paragraph 006 (Ref ID: 23b-006-20140306) which states that local planning authorities should be flexible in their planning obligation requirements.

As drafted, the DLP encourages local planning authorities to lessen the weight attached to viability assessments. The NPPG sets out that there are two distinct viability assessment types for planning purposes. Firstly, at a plan level, generic viability testing ensures that policies are broadly deliverable. Secondly and crucially, national policy also allows for application specific viability testing ensuring that specific proposals are viable considering site by site considerations.

The London Plan Viability Study, December 2017, recognises this problem including the paragraph 14.3.1 which states the diversity of the London market means that viability varies across the City. Therefore, it recommends that individual schemes will face viability challenges.

The DLP viability assessment evidence base does not cover all scenarios and as such it cannot be considered that the policies can be met in every case. Viability consideration on a site by site basis must therefore be allowed to ensure flexibility and so that overall housing supply is not negatively impacted.

Objection: This policy is not positively prepared, nor is it effective or justified. We also consider the policy to be inconsistent with national planning policy. We respectfully request that it should be amended.

Page: [Chapter 12 Monitoring](#)

Section: [H15](#)

M1 (458) - Monitoring

The Key Performance Indicator (KPI) for housing must include detail of annual delivery of older persons' housing by type, size and tenure. The current London Plan Annual Monitoring Report (AMR) does not include any detail on this provision making it very difficult to measure past performance against the 4,000 unit per annum target for the provision of housing for older people.

Objection: This policy is not positively prepared, nor effective as London has historically under-delivered older persons' housing. We respectfully request that it should be amended.

Page: [Multi-policy response](#)

Section: [N/A](#)

Full comments - see attachment