

BJC/RJR/DP4452

2 March 2018

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Dear Sir,

DRAFT NEW LONDON PLAN CONSULTATION

We are writing on behalf of our client, Red and Yellow, to submit representations to the Draft New London Plan. Red and Yellow is an independent healthcare company which provides specialist, innovative and world class care for older persons specialising in the management of long-term health and social care conditions such as dementia.

We support and welcome the publication of the Draft New London Plan which will set the strategic direction for London. The Draft Plan has set an ambitious target to deliver 65,000 more homes each year which is a significant increase above the current targets and level of delivery. Achieving this target is critical to addressing London's housing crisis. In this context, we would like to comment on Draft Policy H15 which relates to specialist older persons housing.

We welcome recognition of the importance of specialist older people's housing through Policy H15 which is going to become increasingly important with an aging population. This is important in its own right as well as to free up family homes which, in part, will assist in addressing the current housing crisis.

We are however concerned that the Draft Plan's definition of C2 is too narrow. The Town and Country Planning (Use Classes) Order (1987) (as amended) makes it clear that C2 is defined as "*use for the **provision of residential accommodation and care to people in need of care** (other than a use within class C3 (dwelling houses)), use as a hospital or nursing home or use as a residential school, college or training centre*". Care is defined in the Order as "***personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs, or past or present mental disorder and in Class 2 also includes the personal care of children and medical care and treatment***".

Qualification should be a matter of fact and degree in each case as there are many different operational models in the market. We therefore disagree with the proposal that age restricted 'sheltered accommodation' and 'extra care accommodation' should be defined as Use Class



C3. This assertion is at odds with the Order which is the primary reference point for a legally defined use and the use class it falls under. All Londoners would benefit from a time-limited classification of Use Class C2 for all types of housing for older people. This would incentivise a substantial ramp up in delivery with follow-on benefits for the wider property market.

A recent appeal decision, the ‘Sidmouth Decision’ (Ref: APP/U1105/W/17/3177340 - 22 January 2018) sets an important precedent. In particular, the Inspector draws upon the application of statutory definitions and other guidance (including the Mayor’s SPG) with regards to the qualification of the appeal scheme as C2 use. In particular, the Inspector notes that a critical number of residential units are required to support the level of care proposed together with the communal services and facilities that are to be provided by the scheme. This means that an extra care home is purpose designed and built; it is not applicable as a general housing type and requires a critical mass to support the care provision and communal facilities.

A scheme which provides self-contained units and a range of communal facilities / areas (i.e. treatment rooms, gym, pool, communal lounge etc.) whilst also having full time care staff based on site, the sole purpose being to manage care provision and provide diagnostic assessment and monitoring, constitutes C2 use. This goes beyond the general concierge/caretaker provision normally associated with C3 use and requires professional medical/care related qualification.

If the above considerations, along with confirmation on the level of care provision and age qualification, are fully demonstrated as part of a scheme then there should be no doubt that the proposals conform with Class C2. If the target of 4,000 specialist homes a year is to be achieved, this type of provision needs to be encouraged.

We would therefore suggest that a review of Draft Policy H15 is undertaken to secure future schemes providing specialist older persons housing which in turn will ensure that the required level of specialist housing is achieved over the Plan period.

Yours sincerely



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