

## Representation on the Sheffield Plan Publication (Pre-Submission) Draft

### Respondent details

**Comment ID number:** PDSP.028.001

**What is your Name:** PlanningIssues

**If you are making this representation as a member of an organisation, what is the name of your organisation:**

Planning Issues Ltd.

**If you or your organisation are making a representation on behalf of another person, organisation or group, please tell us who it is and its role:**

Churchill Retirement Living Ltd.

### Document

**Which document to you wish to make a representation on:**

Part 2: Development Management Policies and Implementation

**Which section of the document is your representation on:**

Policy ES1: Measures Required to Achieve Net Zero Carbon Emissions in New Development

**Which paragraph/site/map layer of the document is representation on:**

N/A

### Representation

**Do you consider the Local Plan is legally compliant:** Yes

**Do you consider the Local Plan is sound:** Yes

**Do you consider the Local Plan complies with the duty to co-operate:** Yes

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate:**

The Council's commitment to meeting both its and the UK Government's target of net zero carbon emissions by 2050 is commendable.

The wording of the policy encourages developers to maximise opportunities to reduce greenhouse gas emissions, however it does not require enhanced standards above those in Part F and Part L of the Building Standards. This is welcomed as there is considerable momentum from Government in preparing enhanced sustainability standards through The Future Homes Standards and it is clear the energy efficiency requirements for domestic and non-domestic buildings will increase sharply in the coming years.

This will be a considerable challenge for the house-building industry who will require time to develop the materials and the skills necessary to build zero carbon homes in the volumes required to meet housing need. Aligning the Council's requirement for carbon neutral development with those of Government is therefore welcomed.

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above:**

Not completed by respondent

**If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s):**

No, I do not wish to participate in hearing session(s)

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

N/A

## Representation on the Sheffield Plan Publication (Pre-Submission) Draft

### Respondent details

**Comment ID number:** PDSP.028.002

**What is your Name:** PlanningIssues

**If you are making this representation as a member of an organisation, what is the name of your organisation:**

Planning Issues Ltd.

**If you or your organisation are making a representation on behalf of another person, organisation or group, please tell us who it is and its role:**

Churchill Retirement Living Ltd.

### Document

**Which document to you wish to make a representation on:**

Part 2: Development Management Policies and Implementation

**Which section of the document is your representation on:**

Policy NC3: Provision of Affordable Housing

**Which paragraph/site/map layer of the document is representation on:**

N/A

### Representation

**Do you consider the Local Plan is legally compliant:** No

**Do you consider the Local Plan is sound:** No

**Do you consider the Local Plan complies with the duty to co-operate:** Yes

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate:**

The Sheffield Plan (Regulation 19) Consultation is one of an alarmingly limited number of emerging Local Plans that have set a differential affordable housing rates with a 10% affordable housing requirement across much of the City. This is, of itself, highly commendable and suggests a greater focus on viability at the Plan making stage.

The affordable housing targets set out in Policy NC3 are informed by the corresponding evidence base – namely the Sheffield City Council Whole Plan Viability Study (WPVS) undertaken by HDH Planning & Development (2022). We note that the WPVS has assessed the viability of older persons' housing typologies, which is welcomed.

In reviewing the methodology for assessing specialist older persons' housing, we note that many of the inputs align with the methodology detailed in the Briefing Note on Viability Prepared for the Retirement Housing Group (hereafter referred to as the RHG Briefing Note) by Three Dragons, although a number do not.

The results of the viability modelling for older persons' housing typologies are provided in Table 10.12 of the WPVA. This concludes that:

10.87 The results for these forms of development follow those for other flatted development, with the delivery of such development likely to be challenging. Based on the above analysis, there is limited scope for Sheltered or Extracare Housing to bear affordable housing. It is recommended that this type of development is not subject to affordable housing. Whilst these results are broadly consistent with those for flatted development in the lower value areas, they are less good than for flatted development in the higher value areas. The reason for this, at least in part is around the assumption for the net saleable area. Sheltered Housing is modelled with 20% circulation space and Extracare Housing is modelled with 30% circulation space, whilst mainstream flatted development is modelled with 10% circulation space.

10.88 When considering the above, it is important to note that paragraph 10-007-20190509 of the updated PPG, specifically anticipates that the viability of specialist older people's housing will be considered at the development management stage. It is therefore not considered necessary to develop a specific policy for Extracare Housing.

Churchill Retirement Living are strongly of the view that it would be more appropriate to set a nil affordable housing target for sheltered and extra care development, at the very least in urban areas. This approach accords with the guidance of the PPG which states that 'Different (affordable housing) requirements may be set for different types or location of site or types of development' (Paragraph: 001 Reference ID: 10-001-20190509).

The guidance in the NPPF and the PPG is that the role for viability assessment is primarily at the Plan making stage:

Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force (paragraph 57.)

Council Members, Officers and the general public will assume that applications for sheltered or extra care housing will be able to support a policy compliant level of affordable housing. This would however be wholly at odds with the viability evidence underpinning the Local Plan.

The requirement for affordable housing contributions from specialist older persons' housing typologies is therefore speculative rather than based on the evidence presented. The Local Plan is therefore considered to be unsound on the grounds the affordable housing targets are not justified, positively prepared or effective.

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above:**

We therefore respectfully request that a new subclause is added stating that: Specialist older persons' housing will be subject to a nil affordable housing requirement

To that end, we would like to draw the Council's attention to Paragraph 5.33 of Policy HP5: Provision of Affordable Housing in the emerging Fareham Borough Local Plan which advises that:

5.33 ...The Viability Study concludes that affordable housing is not viable for older persons and specialist housing. Therefore, Policy HP5 does not apply to specialist housing or older persons housing.

A nil affordable housing rate could facilitate a step-change in the delivery of older person's housing in the City, helping to meet the diverse housing needs of the elderly. The benefits of specialist older persons' housing extend beyond the delivery of planning obligations as these forms of development contribute to the regeneration of town centres and assist Council's by making savings on health and social care.

**If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s):**

Yes, I wish to participate in hearing session(s)

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

Matters of development viability are nuanced and it would be useful to articulate these verbally.

## Representation on the Sheffield Plan Publication (Pre-Submission) Draft

### Respondent details

**Comment ID number:** PDSP.028.003

**What is your Name:** PlanningIssues

**If you are making this representation as a member of an organisation, what is the name of your organisation:**

Planning Issues Ltd.

**If you or your organisation are making a representation on behalf of another person, organisation or group, please tell us who it is and its role:**

Churchill Retirement Living Ltd.

### Document

**Which document to you wish to make a representation on:**

Part 2: Development Management Policies and Implementation

**Which section of the document is your representation on:**

Policy NC4: Housing for Independent and Supported Living

**Which paragraph/site/map layer of the document is representation on:**

4.18

### Representation

**Do you consider the Local Plan is legally compliant:** No

**Do you consider the Local Plan is sound:** No

**Do you consider the Local Plan complies with the duty to co-operate:** Yes

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate:**

Churchill Retirement Living are independent housebuilders specialising in sheltered housing for older people.

Paragraph 1 of the PPG Housing for Older and Disabled people states:

“The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. .... Offering older people, a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking”.

Paragraph: 001 Reference ID: 63-001-20190626

In the first instance, we commend the Council for taking active steps to increase the delivery of specialist older persons' housing.

We note however that the accessibility standards for specialist older persons' housing are higher than those for 'general needs' housing, with the policy advising all units must be M4(3).

Footnote 49 of the Framework clearly sets out that planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties.

Paragraph 002 (Reference ID 56-002-20160519) of the Planning Practice Guidance (PPG) reiterates that local planning authorities have the option to set additional technical requirements for accessibility and adaptability, however, they will need to gather evidence to determine whether there is a need for additional standards in their area, and justify setting appropriate policies in their Local Plans.

The supporting text for this policy has limited justification for this enhanced requirement, stating that:

4.18. Improved availability of appropriate accommodation enables older and disabled people to live as independently as possible within their communities. But it is important that such accommodation is close to public transport and local services; this benefits both residents and people providing care (who are often low paid and who often have to work unsociable hours).

The Sheffield & Rotherham Strategic Housing Market Assessment (2018) does not provide evidence of the need for older person's housing to all be built to wheelchair adaptable standards (M4(3)).

While the policy was written with good intentions, we are strongly of the view that the presumption that just because an individual is over 75 they will require a wheelchair is an inappropriate generalisation.

Churchill Retirement Living have been building retirement living apartments since 1994 and have accrued significant expertise in building specialist housing that enables older people to live independently. Recent research into existing Churchill Retirement Living developments has resoundingly demonstrated that there is no need for our apartments to meet M4(3) requirements with less than 1% of our occupiers using a wheelchair full time.

People with long term mobility disabilities would be in a different setting and as such would not occupy an independent living retirement development. Given the lack of demand for the requirement for M4(3) in this form of accommodation it would simply be a cost to development and ultimately an increased purchase cost whilst serving no identified need.

Building to M4(2) provides sufficient accessibility and adaptability for all our current users and future users and is very much in keeping with the product of providing an independent retirement living lifestyle for those aged 60 and over.

Additionally, Paragraph 009 (Reference ID: 56-009-20150327) of the PPG sets out 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.

There is no policy requirement or control that the LPA can impose over open market private apartments that could mandate that they must be sold to a wheelchair user.

To that end, I refer the Council to Paragraph 67-69 of the attached appeal decision at Stanford Hill, Lymington (APP/B1740/W/20/3265937). This sets out a view on Optional Technical Standards and in particular a Local Plan policy requirement for 100% of specialist older persons' accommodation to be built to M4(3) dwellings, with the Appeal Inspector concluding:

I am mindful also that the design of the appeal scheme seeks to achieve the M4(2) Optional Building Regulations standard for accessible and adaptable dwellings – albeit that without a condition specifying this, I accept that the Council could not enforce this standard. In any event, the proposed development would cater for a range of occupants, and not only those with impaired mobility. Consequently, I am not persuaded that a requirement for the higher optional standards to be deployed in all of the proposed dwellings would be either reasonable or necessary in this case. It is clear from this decision that, despite having an adopted policy, the Inspector considered the provision of M4(2) sufficient to cater for a range of occupants and that this technical breach of the policy was not so significant to outweigh the very significant benefits of the scheme.

We are aware that a small number of emerging and adopted Local Plans have introduced policies requiring 100% of specialist older persons' accommodation to be built to M4(3). There may, accordingly, be the mistaken assumption that such policies constitute best practice however for the reasons set out in this representation, we strongly advise the Council that this is not the case. The specialist older persons' housing sector is increasingly challenging such policies at Examination in Public and, in the rare instances they have been adopted, at Appeal. As such I would respectfully highlight that imposing a 100% M4(3) requirement for all specialist older persons' housing would be unlawful and would not meet the tests of soundness in the NPPF accordingly.

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above:**

The removal of the requirement imposing a 100% M4(3) requirement for all specialist older persons' housing.

**If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s):**

Yes, I wish to participate in hearing session(s)

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

The arguments in respect of M4(3) rely on Appeal precedent and the experience of the respondent in delivering older persons' housing. It is our view that these arguments could be best articulated verbally.