

**RESPONSE TO THE NEW DRAFT LONDON PLAN
REPRESENTATIONS ON BEHALF OF FRIENDS OF THE ELDERLY**

1. Overview

- 1.1. Friends of the Elderly has been supporting and caring for older people since 1905. The charity is working to ensure that all older people have the opportunity to live fulfilled and respected lives, by providing high quality caring services.
- 1.2. At its Woodcote Grove site in Coulsdon Friends of the Elderly provides residential, specialist nursing and dementia care for up to 59 people. Friends of the Elderly would like to expand the facilities to care for more people and provide better facilities which it currently doesn't have the capacity to do, such as provide a private bathroom for every resident and other facilities to ensure that residents are comfortable and are provided with the best care towards the end of their lives.
- 1.3. The Government's report on the "Future of an Aging Population" published 7 July 2016 found that "The UK population is ageing...By 2040, nearly one in seven people is projected to be aged over 75." The policy implication being that "The ageing population will change demand for housing. In particular, it is likely that more adaptable and specialised housing will be needed".
- 1.4. The draft London Plan acknowledges this in the following paragraphs:
 - 1.4.1. Paragraph 4.15.1 of Policy H15 states that London is expected to experience substantial growth in its older population and appropriate accommodation is needed to meet the need of older Londoners.
 - 1.4.2. Paragraph 4.15.4 establishes that the total potential demand in London is over 4,000 specialist older person units each year between 2017 and 2029 (and beyond that the numbers will continue to increase – paragraph 4.15.6). Table 4.4 in Policy H15 sets out the annual benchmark for each borough, citing 100 units per annum for the Borough of Sutton.
 - 1.4.3. Paragraph 4.15.5 provides that Boroughs should plan proactively to meet the identified need for older persons accommodation.
- 1.5. Friends of the Elderly supports the publication of the new draft London Plan and setting the strategic direction for London. Particularly, Friends of the Elderly support the creation of a London where all Londoners, including older people and disabled people 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 (**Policy GG1**). Furthermore, Friends of the Elderly agrees that to create a housing market that works better for London, those involved in planning and development must create mixed and inclusive communities, with good quality homes that meet high standards of design and provide for identified needs, including for specialist housing (**Policy GG4**).
- 1.6. Friends of the Elderly set out below representations in relation to specific policies which are relevant to achieving those Good Growth Policies highlighted above.

2. Policy H15 Specialist older persons housing

Friends of the Elderly supports the acknowledgment of the needs of older persons in London in the Draft London Plan but has the following comments:

- 2.1. Specialist older person's housing is often use class C2 because of the additional services and facilities provided. Policy H15 stipulates that specialist older persons housing would come within Use Class C3. This distinction is significant as in general terms, developments within Use Class C3 are expected to provide affordable housing, whereas developments within Use Class C2 are not.
- 2.2. Friends of the Elderly argue that it is not appropriate for this policy document to seek to determine the use class an activity falls within and answer what is a legal question. The nature of the use and the determination of which use class, if any, it falls into, is and should be a legal question.
- 2.3. Policy H15 explicitly dictates that specialist older persons housing should deliver affordable housing in line with Policies H5 and H6. Policy H6 (the threshold approach) stipulates that if the scheme provides a minimum of 35% affordable housing, without public subsidy and in line with the relevant tenure split then it can use the Fast Track Route and avoid the Viability Tested Route.
- 2.4. Friends of the Elderly considers that it is unlikely that specialist older persons housing would ever qualify for the fast-track route. The economics of specialist housing is such that applying affordable housing requirements in the same way as for market housing will be highly problematic. The kinds of facilities required in a specialist older persons housing, such as accessibility ramps, larger communal spaces and charging facilities for mobility scooters, can mean that this type of housing is less efficient and more expensive to provide than traditional homes. Therefore, on-site affordable housing is not always feasible.
- 2.5. Friends of the Elderly contend that few if any retirement housing schemes will come forward as a result of these policies, creating a barrier or at the very least a delay in providing this type of much needed housing. It is suggested that if the Mayor is to achieve his target of 4,000 specialist homes a year their provision needs to be encouraged and not made unviable by the addition of more onerous provisions.

Supporting commentary

- 2.6. In its recent report Housing For Older People dated 8 February 2018 the Commons CLG Select Committee specifically considered the treatment of specialist older people's housing in the planning system and particularly in the Use Classes Order. Friends of the Elderly sets out the relevant passages of the report below:
 - 2.6.1. "125. We also heard that the "inconsistent and cumbersome" application of the C2 and C3 planning classifications to extra care housing was problematic for developers. Some local authorities apply the C2 classification, applied to residential care homes and nursing homes, to extra care housing which reduces planning charges. Others classify this type of housing as C3, along with mainstream housing, which means full charges apply. Audley Retirement argued that extra care housing should fall within the C2 class:
 - 2.6.2. "Extra care is set up to fulfil many of the functions that care homes can provide in terms of care delivery as and when the resident requires it, monitored by an onsite care team and there is access to communal facilities. There are controls over who can occupy them by age and a need for care that do not exist on C3 standard dwellings."

- 2.6.3. Extra care housing developers had a range of suggestions for countering this issue: an “extension and additional clarity” on C2 so that it captures extra care housing; the creation of a sub-section of C2 which attracts lower planning charges; and the creation of a “dedicated use class” for extra care housing which would enable planning contributions to be streamlined.
- 2.6.4. 126. When we asked about this, the then Housing Minister, Alok Sharma, told us that the guidance will look at the “precise terminology that is used to describe the different types of older people’s housing”.
- 2.6.5. The Select Committee concludes:
 “We believe that the level of planning contributions on specialist housing, which are increased as a result of the non-saleable communal areas which are a feature of this type of housing, is impeding the delivery of homes. We recommend either the creation of 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, or the creation of a new use class for specialist housing which would have the same effect.”

Summary of the response to Policy H15

- 2.7. Friends of the Elderly urges the Inspector whose role it is to assess whether the draft London Plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements and whether it is “sound” should consider the following:
 - 2.7.1. Whether a policy document should seek to answer what is a legal question;
 - 2.7.2. Whether, considering the impact of the use class provision, Policy H15 is the most effective and appropriate strategy to achieve and deliver the much needed 4,000 specialist older person units each year; and also
 - 2.7.3. Whether there are implications under the Equality Act 2010 (the “EA”) which places a duty on local authorities to prevent discrimination. Public bodies must consider the needs of people with protected characteristics, which includes older people, when planning or carrying out their public duties or services. S.149 (3) (b) states that a public authority should take steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. Further, whether s.19 EA applies as it could be argued that a practice is being applied which is discriminatory in relation to a relevant protected characteristic (i.e. age). Applying Policy H6 to specialist older person housing could put people with a protected characteristic at a disadvantage when compared to persons without it.
- 2.8. Considering the above, Friends of the Elderly would suggest that Policy H15 is amended as follows:

Policy H15 Specialist older persons housing

A - Boroughs should work positively and collaboratively with providers to identify sites which may be suitable for specialist older persons housing taking account of:

- 1) local and strategic housing needs information and the indicative benchmarks set out in Table 4.4*
- 2) the need for sites to be well-connected in terms of contributing to an inclusive neighbourhood, access to social infrastructure, health care and public transport facilities*
- 3) the increasing need for accommodation suitable for people with dementia.*

B - Specialist older persons housing (Use Class C3) provision should deliver:

- 1) affordable housing in accordance with Policy H5 Delivering affordable housing, and Policy H6 Threshold approach to applications*
- 2) accessible housing in accordance with Policy D5 Accessible housing*
- 3) the highest standards of accessible and inclusive design in accordance with Policy D3 Inclusive design*
- 4) suitable levels of safe storage and charging facilities for residents' mobility scooters*
- 5) pick up and drop off facilities close to the principal entrance suitable for taxis (with appropriate kerbs) minibuses and ambulances.*

C - Sheltered accommodation and extra care accommodation is considered as being in Use Class C3. Residential nursing care accommodation (including end of life/hospice care and dementia care home accommodation) is considered as being in Use Class C2.

3. Policy G2 London's Green Belt

- 3.1. The Green Belt plays an important role in preventing urban sprawl and safeguarding the countryside from encroachment. However, there are parts of the Green Belt that are of poor quality or are not enjoyed or utilised by the public which could be put to use for the benefit of the wider community.
- 3.2. Friends of the Elderly supports the continued protection of the Green Belt, but considers there should be recognition that sites that have no amenity value or are not being utilised could be developed for the benefit of the local community.
- 3.3. The land surrounding the Friends of the Elderly accommodation in Coulsdon is situated within the Metropolitan Green Belt. Here is a clear example where un-utilised land could be used to meet the Mayor's targets and the needs of older persons in the area by providing better facilities and residential, specialist nursing and dementia care for more people.
- 3.4. The Mayor has recognised the growing need for housing to support the older population and so Friends of the Elderly urges the Mayor to work with boroughs in considering opportunities to release poor quality or un-utilised Green Belt in order to try to meet this need.
- 3.5. Friends of the Elderly also suggests that Policy G2 is amended to better reflect the NPPF (paragraph 87), as follows:

Policy G2 London's Green Belt

A - The Green Belt should be protected from inappropriate development:

- 1) development proposals that would harm the Green Belt should be refused **except in very special circumstances.***
- 2) the enhancement of the Green Belt to provide appropriate multifunctional uses for Londoners should be supported.*

*B - The extension of the Green Belt will be supported, ~~where appropriate~~ **in exceptional circumstances.** It's de-designation will not be supported other than in very exceptional circumstances.*