

Draft London Plan Specialist Older Persons Housing

M31. Would Policy H15 provide a justified and effective approach to meeting the housing needs of older people in London? In particular:

a) Would the approach to affordable housing requirements be effective and justified in supporting the delivery of housing for older people? Would the definition of the different types of older persons' accommodation in terms of use class (class C2 and C3) be effective and justified? Would it be appropriate in a strategic document?

Definitions

We refer to our original representations but we are concerned that the Mayor's definition of older peoples' housing could be read too narrowly by the Mayor and the London LPAs in determining planning applications. The policy definitions do not refer to specialist retirement housing even though accommodation of this type is a very effective way of encouraging older people to 'downsize' thereby releasing family sized homes back into the market. It does refer to "sheltered housing" also being called "supported housing" but this is a very general and generally outdated term. We would recommend reference to supported housing being deleted in favour of retirement housing.

It is concerning that the Mayor has not made this change in his Minor Amendments. This suggests that provision of this type of product is not supported by the Mayor and will be resisted.

We have recommended on our representations other definitions that should be included in the supporting text.

Affordable housing contributions

We consider that it is inappropriate for the DLP to seek affordable housing obligations from developments involving the provision of older persons specialist housing (applying the full requirements of Policies H5 and H6, and as outlined in paragraph 4.15.7 of the DLP). This is because the standard approach to assessing viability fails to account for the different viability attributes of older persons housing and how the application of such policies will affect delivery. Enhanced communal facilities and additional care services space that generally account for between 25% and 35% of the gross internal area (GIA) and are an upfront cost for these forms of development. The provision of such space does not translate into a 'sales' value in the same way it can be calculated for more conventional housing, i.e. each metre square of space provided in conventional housing can translate into the sales price. This is not the case with older persons housing. It does not generate additional value that can be captured by the Mayor.

It is therefore much harder for providers of older persons housing to meet the minimum 35% affordable housing requirement. This is compounded by the recognised difficulties of providing affordable housing tenures 'in block'. This effectively forces specialist older persons housing down the Viability Tested Route. Providers of older persons housing will be unable to benefit from the Threshold Approach. Policy H6 could render Policy H15 ineffective in terms of

facilitating the supply of older people's housing. The lack of flexibility in the policy could place the providers of older persons housing at a competitive disadvantage when purchasing land.

Whether specialist older persons housing developments should meet the minimum 35% affordable housing requirement should be left to the London LPAs to decide as they prepare their local plans. They would be best placed to judge which policy objective should assume greater importance: the supply of affordable homes or the supply of older persons housing, considering the relative needs for both types of product in the local area as well as local issues of viability. To this end we recommend that Policy H15, Part B 1) and paragraph 4.15.7 should be deleted and replaced with a new reference to the need for the Boroughs, when preparing their own local plans, to assess the need and tenure breakdown for such housing by reference to Table 4.4 (as amended in line with our response to the Panel's question b below).

Part C

We are concerned that the Mayor is determining what Use Class extra care/assisted living accommodation should fall under in the Use Classes Order. We consider this to be unsound because it is unjustified for the Mayor to make his own ruling on this matter.

Older persons accommodation covers a very wide spectrum of care and support provision. As such, it is well established through good practice, guidance, appeal precedent and case law that depending on the nature of the care and support it provides, and the facilities that come with it, older peoples' accommodation can fall within either the C2 or C3 Use Class. The approach of the London Plan as drafted is essentially to unilaterally determine if apartments are self-contained then they must fall within Use Class C3. As well as all the care and support facilities it provides, a key feature of Extra Care Accommodation is self-contained apartments to promote health and well-being but as stated, Extra Care can fall within Class C2 or Class C3 based on a proper assessment of the type of care and support provided.

Therefore, the DLP is wrong in the determination that it makes. The decision as to whether an application for older persons housing is C2 or C3 is a matter for the LPA to decide and it will depend on the specifics of each scheme. Moreover, this cannot be a matter for the London Plan to pre-judge and set as policy. That is a matter for the Town and Country Planning Acts and/or Case Law. This question falls outside of the remit of the DLP.

Part C should be deleted.

b) Would the 'benchmark numbers' set out in table 4.4 be justified?

Yes. We are generally supportive. The provision of indicative, benchmark targets, of the number of older persons housing units to be provided each year in each borough is helpful to encourage the London LPAs to provide for these needs.

Just as the Mayor establishes a London-wide strategic target for 50% of all homes to be affordable, it is acceptable for the Mayor to establish targets in the DLP for older persons housing. The Government through the new NPPF is giving increased attention to the need to plan for the needs of groups with specific housing requirements (NPPF 2018, paragraph 59). More detailed guidance from the MHCLG on planning for older people's housing needs is expected soon.

Policy GG1: Building strong and inclusive communities – acknowledges in Part F the need to provide for the needs of older people.

Policy GG4: Delivering the homes Londoners need – Part C acknowledges the need for specialist housing.

The SHMA identifies a growing elderly population with higher household rates for older people (paragraph 3.79). The number of older people aged 65 or more is projected to increase by 73% and the number aged 75 and over by 93% between 2016 and 2041 (paragraph 8.11). This is referred to in paragraph 4.15.1 of the DLP.

We consider that establishing a framework for planning for older people’s housing is a strategic matter that warrants a policy in the DLP.

However, as we have argued in our representations, Part A needs to be strengthened to ensure that the targets in Table 4.4 are accounted for by the London LPAs as they prepare their supporting local plans. This is necessary so that the benchmarks are not ignored and are delivered at least in part if not in whole. The current London Plan includes similar indicative targets in Annex 5 that are broken down by tenure. These have been largely ignored by the London LPAs when local plans are produced as demonstrated by Table 3.38 of the most recent AMR – a shortfall of close to 3,300 units against the annualised target. Many of the London Boroughs provided no housing for older people at all.

Part A 1) of Policy H15 should be strengthened by encouraging the London LPAs to plan for and meet the benchmark targets for older peoples’ housing. To achieve this the Policy should be amended to read (suggested additional text is in italics):

“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 information and the indicative benchmarks set out in Table 4.4. *Where the borough fails to achieve the benchmark in the previous year, then it will operate a presumption in favour of older persons housing in subsequent years until the backlog is addressed.*”

We note that Table 4.4 does not include a breakdown into tenure types of older persons housing unlike Annex 5 of current London Plan. This is disappointing particularly given that many of the LPAs were shown to have a greater need for owner occupied and intermediate tenures of these forms of accommodation. Many LPAs also tend not to understand the range of types of older persons accommodation that can be needed. Annex 5 of the current London Plan understands this better and therefore should be retained in the DLP. There is a danger that local authorities will take a narrow view of the types of older peoples’ housing they should be looking to support.

It would be helpful if the Mayor should provide an indicative breakdown of accommodation options, similar to the breakdown in the current London Plan. This will serve as a guide to the London LPAs so that they are encouraged to provide for the full range of accommodation types needed by older people. This would not be prescriptive, just a guide.

c) What would be the mechanism for monitoring this policy and would it be effective?

There is no formal mechanism for monitoring the effectiveness of this policy in encouraging the provision of older persons housing. The AMR in Table 3.38 records that only 624 units of specialist older persons accommodation was provided in 2016/17. Table 3.21 of the AMR provides data on the number of care home bedrooms have been provided (133 in London in 2016/17). Past delivery has been against the specialist housing for older people targets in the current London plan (adopted 2015), Table A5.1 has been unsuccessful. This required 3,900

units per year, but only 624 were provided. Consequently there is a need for supply to increase by circa 600% to address the need.

If the policy for the supply of older peoples' homes is not strengthened and carefully monitored, the policy will continue to fail. The problem is not dissimilar to the more general concern that the HBF has with the monitoring of the general housing targets in that it is unclear what the Mayor will do to correct a problem with delivery if this is falling short of the target.

We have suggested a change to Part A 1) to give the policy some bite.

The Mayor should also commit to monitoring the provision of older persons housing including the types provided. If by November 2020 delivery has fallen below 75% of the required amount of specialist older persons housing over the previous three years' then the presumption should apply. Under-delivery against the older persons housing target will also be a factor triggering the need to adopt a Replacement London Plan which will need, among other things, to revisit the efficacy of the various other policies that are attached to the supply of older persons housing.

d) Overall, would Policy H15 meet the objective of Policy GG4 in delivering the homes Londoners need?

The HBF welcomes the inclusion of Table 4.4 in the DLP but the policy currently lacks 'bite'. Therefore, the policy will be ineffective in supporting the delivery of the required number of older peoples' homes by 2028/29. We have recommended an amendment to Part A 1) in our answer to question b).

The omission of Annex 5 of the current London Plan in the DLP is a mistake. The division of the supply into type and tenure provided by the current Annex 5 is of benefit for local plan making.

It is our view that the type and tenure split provided by Annex 5 of the current London Plan should be retained in Table 4.4 or included as an annex to the DLP.

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