

## Comment

Agent	[REDACTED] (1335033)
Email Address	[REDACTED]
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Consultee	[REDACTED] (1335035)
Email Address	[REDACTED]
Company / Organisation	Tim North & Associates Limited
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Proposed Submission (Reg 19) West Berkshire Local Plan Review 2022-2039
Comment by	Tim North & Associates Limited ([REDACTED] - 1335035)
Comment ID	PS521
Response Date	02/03/23 19:20
Consultation Point	Policy DM 1 Residential Development in the Countryside ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.3
Bookmark	Tim North & Associates Limited

### 1. Do you consider the Local Plan Review is legally compliant?

*Please see the guidance note for an explanation of what 'legally compliant' means*

Yes

### 2. Do you consider the Local Plan Review is sound?

*Please see the guidance notes for an explanation of what 'soundness' means.*

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF).

*Please tick all that apply:*

**Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.** . No

**Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.** . No

**Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.** . No

**Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF.** . No

#### **Please give reasons for your answer**

The Local Plan Review (LPR) strategy where it relates to specialist older persons accommodation has not been positively prepared, is neither justified nor effective, nor is it consistent with national policy. Policies SP18, DM1, DM4, and in particular Policy DM19 of the LPR when read as a whole have not fully taken into account the fact that the population of older people in England is growing rapidly, with the consequence that ensuring future housing supply is met on the basis of "Lifetime Homes Standards" will not of itself be either suitable or capable in meeting the accommodation requirements of various types of specialist older households.

The need to consider specialist older persons accommodation in adjoining authorities to assess the extent to which they can meet their own requirements; considerations relating to changes in the type of care home accommodation; attrition levels seen in terms of the reasons behind the closure of care homes; viability issues which can result in substantially different characteristics relative to general housing, and lessons to be learnt from the recent Covid-19 pandemic, with consequences for the design and access to communal open space of specialist older persons accommodation; all play an important role in the need for, and hence the likely future provision of this form of housing. It is contended that these material considerations effecting specialist older persons accommodation have not been fully met in the policies in the LPR, being considered in greater detail later in these representations.

The ONS 2019 Mid-year population estimates indicate that over the past 20 years (1998-2018) the number of residents aged 65 and over in England increased by approximately 31%; more than double the rate of growth than the total population over the same time period (15%).

This ageing trend is expected to accelerate in that the 2018 base i.e: the ONS 2019 National Population Projections, reveal that the older population in England could increase by some 41% over the 20 year period between 2018 and 2038, meaning that by 2034, almost 1 in 4 (24%) of the population in England are expected to be aged 65 or over. The rate of growth in West Berkshire over the period 2022 to 2039 for residents aged 75 or over, is projected to increase by 64%.

Current national policy as set out at paragraph 62 of the NPPF 2021 requires local planning authorities to consider inter alia:-

*"... the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities ..."* (my emphasis)

The NPPG at paragraph 001 Reference ID: 63-001-20190626 states

**"The need to provide housing for older people is critical."** (underlining as per the NPPG; my emphasis)

Government guidance concerning older persons specialist housing refers to there being a “critical need”, a term absent when describing all other forms of housing need, emphasising the importance to be attached to specialist older persons housing provision.

The Guidance goes on to explain in paragraph 006 Reference ID: 63-006-20190626 that :-

**“... These policies can set out how the plan-making authority will consider proposals for the different types of housing that these groups are likely to require. They could also provide indicative figures or arrange for the number of units of specialist housing for older people needed across the plan area throughout the plan period.”** (my emphasis)

Whilst paragraph 013 Reference ID: 63-013-20190626 states:-

**“It is up to the plan-making body to decide whether to allocate sites for specialist housing for older people. Allocating sites can provide greater certainty for developers, and encourage the provision of sites in suitable locations. This may be appropriate where there is an identified unmet need for specialist housing. The location of housing is a key consideration for older people who may be considering whether to move (including moving to more suitable forms of accommodation).”**(my emphasis)

The same NPPG sets out at paragraph 010 Reference ID: 63-010-20190626 the different types of specialist housing for older people; all of which have differing consequences seen in terms of delivery; whilst the contents of paragraph 016 Reference ID: 63-016-20190626 are of relevance, highlighting the fact that:

**“Decision-makers should consider the location and viability of a development when assessing planning applications for specialist housing for older people... Where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need.”**(my emphasis)

The West Berkshire Housing Needs Assessment Update published by Icen Projects Ltd on behalf of your Council states in paragraph 5.35

*“It can be seen by 2039 there is an estimated need for 1,137 additional dwellings with support or care across the whole study area. In addition, there is a need for 1,032 additional nursing and residential care bedspaces. Typically for bedspaces it is conventional to convert to dwellings using a standard multiplier (1.80 bedspaces per dwelling for older persons accommodation) and this would therefore equate to around 573 dwellings. In total, the older persons analysis therefore points towards a need for around 1,710 units over the 2021- 39 period (95 per annum) – the older person need equates to some 19% of all homes needing to be for some form of specialist accommodation for older people.”*

These provisions are similarly reflected in the Housing Background Paper prepared by your Authority in January 2023.

I have previously referred in these representations to a proposed 64% change in the population of older persons of 75 years + between 2021 and 2039. This figure has to be examined in the context of the need for specialist housing for the elderly set out in paragraph

The LPR is to seek “specialist accommodation” as an integral part of the strategic housing allocations at Sandleford Park and North East Thatcham. The only specialist older persons accommodation being proposed is an Extra Care scheme on land at Stonehams Farm, Tilehurst, being the only allocated site for specialist elderly persons accommodation to 2039.

During the nine-year period commencing 2013/14 leading up to 2021/22, a total of 227 Class C2 rooms were completed, amounting to five schemes, of which 204 comprised three individual schemes in Newbury, revealing why it is considered that either further allocations should be made for specialist older persons housing, and/or the need for flexibility in the location of such specialist housing schemes in Policy DM1.

The Housing White Paper “Fixing Our Broken Housing Market” published by DCLG in February 2017 recognised the importance of “offering older people a better choice of accommodation” at the same time highlighting that “helping older people to move at the right time and in the right way could also help their quality of life at the same time as freeing up more homes for other buyers.” It is noted that the same White Paper recognised the “barriers to people moving out of family homes that they may have lived in for decades” and the “emotional attachment ... which means that where they are moving to needs to be very attractive to them and suitable for their needs over a twenty to thirty year period..”

The Housing White Paper clearly expresses the Government's commitment to "*exploring these issues further and finding sustainable solutions to any problems that may come to light.*"

The Government launched a Select Committee Inquiry into the issue of housing for older people in response to the House of Commons Communities and Local Government Committee (2018). The Inquiry report published in February 2018 aimed to reflect the diversity of older people in terms of their ages, individual circumstances, choices and preferences. It concluded inter alia that:

- . A national strategy on housing provision for older people is needed, and should be introduced in consultation with older people and those who provide for them;
- . Independent research should be commissioned on the wider housing market impact of older people moving to a smaller home that better suits their needs, to further explore frequent claims that this could be part of the solution to tackling the housing shortage;
- . National planning policy should give greater encouragement to the development of housing for older people, ensuring that sites are available for a wider range of developers;
- . The new standard approach to assessing housing need should explicitly address the complex and differing housing needs of older people;
- . Older people should be able to choose from a wide choice of housing which can accommodate their needs and preferences, including smaller general needs housing, accessible housing, retirement homes, extra care housing and cohousing;
- . Local authorities should produce strategies explaining how they intend to meet the housing needs of older people, with Local Plans identifying a target proportion of new housing to be developed for older people as well as suitable well-connected sites close to local communities; and
- . Local authorities should be more receptive to private developers who wish to build housing for older people in their area, and appreciate the potential health and wellbeing benefits leading to reduced need for health and social care

Knight Frank in their 2021 Research Paper entitled "*Health Care Development Opportunities*" found that the UK health care market needs upgrading, with 71% of homes older than 20 years; at least 40% of homes having been converted from other uses and many be outdated, with 29% of beds lacking en-suite facilities. They forecast that the Covid-19 pandemic was likely to accelerate the closure of outdated homes and replace them with high quality assets. They went on to add that the Covid-19 pandemic would no doubt prompt a change in the way care homes are designed and configured, with particular emphasis placed on internal circulation, air quality and ventilation, with further focus directed towards transitional and communal space, with a view to maintaining an element of social distancing. A similar shift in preferences with greater attention is anticipated in respect to important outdoor and breakout spaces.

Levels of attrition involving the closing of care homes needs to be assessed in the future, with the average size of newly registered care homes across the country, i.e. those constructed in the last 56 years being 62 beds, contrasting with the average size of care homes closing over the same time period amounting to 29 beds.

It is also important to consider that there are a number of factors which affect the viability of developments relating to specialist housing for older people, one of the most significant being that they incorporate a significant provision of communal space and on-site facilities, in addition to individual rooms/units, and common parts evident in general need apartment blocks. As a result, the efficiency of age restrictive developments seen in terms of the floorspace of individual units (net) to the total floorspace (gross) is significantly poorer than in traditional or general needs housing. In short traditional general needs housing uses 100% in terms of net:gross efficiency, with a figure of 84% net:gross efficiency envisaged for apartments. Care homes, Extra Care facilities and sheltered living/retirement living apartments in contrast are only able to achieve between 40 and 75% net:gross efficiency.

In addition to these design considerations, there are higher construction costs, with greater requirements in terms of achieving higher accessibility requirements, comprising lifts, specially adapted bathrooms, treatment rooms, with those providing these important facilities relying on third party building contractors who are unable to secure the same economies of scale as volume housebuilders.

To these considerations should be added slower sales, given they are directed at a specialist older persons market, with the inability to phase flatted schemes to sales rates, resulting in higher finance costs for developments.

It is for a combination of these reasons that it is contended the LPR needs to be more proactive in delivering development to meet specialist older persons housing, which it is contended is not being

met through the allocation of sites to meet these specialist housing needs. If this process is not addressed, with authorities relying on the market to bring forward sites, with viability assessments at the decision-taking stage, it is considered less likely that sites will come forward for this much needed use, although this situation can be alleviated by incorporating into Policy DM1 an exception in respect of specialist older persons housing subject to a quantitative and qualitative need accompanying any such submission.

These considerations which affect specialist older persons housing were accepted by the Inspector Harold Stephens in an appeal decision concerning land at Sonning Common (PINS Ref. No. APP/Q3115/W/20/235861), viz:-

*“117. Extra care housing undoubtedly operates in a very different market. Mr Garside provided detailed evidence to the inquiry how the market for land operates to the detriment of extra care operators. Extra care housing providers cannot compete with house builders or with other providers of specialist housing for older people because of the build costs, the level of the communal facilities and the additional sale costs including vacant property costs. The communal facilities must be provided before any units can be sold and sales tend to be slower. However, I accept that extra care schemes can charge a premium for the specialist accommodation provided and also benefit from an income from deferred management fees.*

1 *It seems to me that these factors, all mean that age restricted developments and in particular extra care communities are less viable than traditional housing schemes. Ultimately, age restricted developers are less able to pay the same price for land as residential developers and it is much harder for age restricted developers; and in particular those seeking to deliver extra care, to secure sites for development and meet the housing needs they aim to supply. Viability is clearly a relevant factor which supports the case under paragraph 172b) of the NPPF. There is also a strong case for the appeal scheme given the lack of alternative sites in the light of Policy H9 of the SOLP.”*

### **3. Do you consider the Local Plan Review complies with the Duty to Co-operate?**

*Please see the guidance note for an explanation of what ‘Duty to Cooperate’ means.*

No

#### **Please give reasons for your answer**

There is a need in the evidence base to provide a detailed assessment of the different types of specialist housing for older people, which for various reasons cannot be successfully accommodated in adjoining authorities, in order to evaluate whether there are certain diverse links for older persons accommodation which are more likely to be met in West Berkshire. To consider housing solely from a generic basis where the form of housing in critical need is not considered satisfactory, and more importantly, will only exacerbate the need in the future for older persons accommodation.

### **4. Proposed Changes**

**Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).**

*You will need to say why this change will make the Local Plan Review legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.*

There is a need to adopt a more flexible approach towards specialist housing for older people, for which the Government confirms there is a critical need, so that emphasis can be placed on ensuring that their requirements are met, in the same way as is the case for the housing needs of travellers. Both travellers and older people comprise different groups within the community which are required to be assessed and reflected in planning policy, in accordance with paragraph 62 of the NPPF 2021.

This means encompassing specialist housing for older people as a category which exceptionally may be provided as a form of residential development in the countryside, in accordance with Policy DM1, subject to a quantitative and qualitative need being shown. The significance of this proposed policy change is evident in appeal decisions where care proposals, both Extra Care and care homes, are being allowed in the countryside in locations not normally considered acceptable in planning terms, such as in the Metropolitan Green Belt; Area of Outstanding Natural Beauty and sites on the edges of small villages, as well as next to listed buildings and conservation areas. This is a reflection of Inspectors consistently recognising the national imperative of providing more care facilities in the light of the very clear instruction that the need is now critical. It is also the fact that a number of local authorities are failing to properly address or recognise that need.

There is also a requirement to look at the qualitative need for specialist housing for older people, meaning an examination of the District's current care home stock, which includes converted buildings, along with attrition rates, i.e. the loss of care home facilities. The requirement in this respect should be based on an appropriate standard room, being a single occupancy room with en-suite toilet, wash basin and flat floor shower, i.e. a wet room, the latter being particularly important to avoid the risk of elderly people tripping or falling in the shower. It also requires a shower stool or seat to be placed within easy access in the shower. The appropriate standard in this respect is that envisaged by the Care Act 2014 Section 5 paragraph 1(b).

This requirement is now all the more persuasive following the shocking evidence of those who have passed away in care homes due to the Covid-19 pandemic. It is not difficult to see why when so many people who passed away lived in accommodation focused on sharing facilities, which, post Covid, is now completely unacceptable. The extent to which there is an appropriate standard of accommodation should dictate the need in the future for all forms of specialist older persons housing in the LPR. In addition, there is a need to carry out an assessment as set out in answer to Question 3 above.

## 5. Independent Examination

**If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?** No

*If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary.*

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

N/A

## 6. Notification of Progress of the Local Plan Review

**Do you wish to be notified of any of the following?**

*Please tick all that apply*

<b>The submission of the Local Plan Review for Independent Examination</b>	.	Yes
<b>The publication of the report of the Inspector appointed to carry out the examination</b>	.	Yes
<b>The adoption of the Local Plan Review</b>	.	Yes

## Comment

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Address	
Consultee	[REDACTED] (1335035)
Email Address	[REDACTED]
Company / Organisation	Tim North & Associates Limited
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Proposed Submission (Reg 19) West Berkshire Local Plan Review 2022-2039
Comment by	Tim North & Associates Limited ([REDACTED] - 1335035)
Comment ID	PS1517
Response Date	02/03/23 19:20
Consultation Point	Policy SP 18 Housing Type and Mix ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
Bookmark	Tim North & Associates Limited

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Yes

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#### **Please give reasons for your answer**

The Local Plan Review (LPR) strategy where it relates to specialist older persons accommodation has not been positively prepared, is neither justified nor effective, nor is it consistent with national policy. Policies SP18, DM1, DM4, and in particular Policy DM19 of the LPR when read as a whole have not fully taken into account the fact that the population of older people in England is growing rapidly, with the consequence that ensuring future housing supply is met on the basis of "Lifetime Homes Standards" will not of itself be either suitable or capable in meeting the accommodation requirements of various types of specialist older households.

The need to consider specialist older persons accommodation in adjoining authorities to assess the extent to which they can meet their own requirements; considerations relating to changes in the type of care home accommodation; attrition levels seen in terms of the reasons behind the closure of care homes; viability issues which can result in substantially different characteristics relative to general housing, and lessons to be learnt from the recent Covid-19 pandemic, with consequences for the design and access to communal open space of specialist older persons accommodation; all play an important role in the need for, and hence the likely future provision of this form of housing. It is contended that these material considerations effecting specialist older persons accommodation have not been fully met in the policies in the LPR, being considered in greater detail later in these representations.

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This ageing trend is expected to accelerate in that the 2018 base i.e: the ONS 2019 National Population Projections, reveal that the older population in England could increase by some 41% over the 20 year period between 2018 and 2038, meaning that by 2034, almost 1 in 4 (24%) of the population in England are expected to be aged 65 or over. The rate of growth in West Berkshire over the period 2022 to 2039 for residents aged 75 or over, is projected to increase by 64%.

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*"... the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities ..."* (my emphasis)

The NPPG at paragraph 001 Reference ID: 63-001-20190626 states

**"The need to provide housing for older people is critical."** (underlining as per the NPPG; my emphasis)



Government guidance concerning older persons specialist housing refers to there being a “critical need”, a term absent when describing all other forms of housing need, emphasising the importance to be attached to specialist older persons housing provision.

The Guidance goes on to explain in paragraph 006 Reference ID: 63-006-20190626 that :-

**“... These policies can set out how the plan-making authority will consider proposals for the different types of housing that these groups are likely to require. They could also provide indicative figures or arrange for the number of units of specialist housing for older people needed across the plan area throughout the plan period.”** (my emphasis)

Whilst paragraph 013 Reference ID: 63-013-20190626 states:-

**“It is up to the plan-making body to decide whether to allocate sites for specialist housing for older people. Allocating sites can provide greater certainty for developers, and encourage the provision of sites in suitable locations. This may be appropriate where there is an identified unmet need for specialist housing. The location of housing is a key consideration for older people who may be considering whether to move (including moving to more suitable forms of accommodation).”**(my emphasis)

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The Housing White Paper “Fixing Our Broken Housing Market” published by DCLG in February 2017 recognised the importance of “offering older people a better choice of accommodation” at the same time highlighting that “helping older people to move at the right time and in the right way could also help their quality of life at the same time as freeing up more homes for other buyers.” It is noted that the same White Paper recognised the “barriers to people moving out of family homes that they may have lived in for decades” and the “emotional attachment ... which means that where they are moving to needs to be very attractive to them and suitable for their needs over a twenty to thirty year period..”

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Levels of attrition involving the closing of care homes needs to be assessed in the future, with the average size of newly registered care homes across the country, i.e. those constructed in the last 56 years being 62 beds, contrasting with the average size of care homes closing over the same time period amounting to 29 beds.

It is also important to consider that there are a number of factors which affect the viability of developments relating to specialist housing for older people, one of the most significant being that they incorporate a significant provision of communal space and on-site facilities, in addition to individual rooms/units, and common parts evident in general need apartment blocks. As a result, the efficiency of age restrictive developments seen in terms of the floorspace of individual units (net) to the total floorspace (gross) is significantly poorer than in traditional or general needs housing. In short traditional general needs housing uses 100% in terms of net:gross efficiency, with a figure of 84% net:gross efficiency envisaged for apartments. Care homes, Extra Care facilities and sheltered living/retirement living apartments in contrast are only able to achieve between 40 and 75% net:gross efficiency.

In addition to these design considerations, there are higher construction costs, with greater requirements in terms of achieving higher accessibility requirements, comprising lifts, specially adapted bathrooms, treatment rooms, with those providing these important facilities relying on third party building contractors who are unable to secure the same economies of scale as volume housebuilders.

To these considerations should be added slower sales, given they are directed at a specialist older persons market, with the inability to phase flatted schemes to sales rates, resulting in higher finance costs for developments.

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met through the allocation of sites to meet these specialist housing needs. If this process is not addressed, with authorities relying on the market to bring forward sites, with viability assessments at the decision-taking stage, it is considered less likely that sites will come forward for this much needed use, although this situation can be alleviated by incorporating into Policy DM1 an exception in respect of specialist older persons housing subject to a quantitative and qualitative need accompanying any such submission.

These considerations which affect specialist older persons housing were accepted by the Inspector Harold Stephens in an appeal decision concerning land at Sonning Common (PINS Ref. No. APP/Q3115/W/20/235861), viz:-

*“117. Extra care housing undoubtedly operates in a very different market. Mr Garside provided detailed evidence to the inquiry how the market for land operates to the detriment of extra care operators. Extra care housing providers cannot compete with house builders or with other providers of specialist housing for older people because of the build costs, the level of the communal facilities and the additional sale costs including vacant property costs. The communal facilities must be provided before any units can be sold and sales tend to be slower. However, I accept that extra care schemes can charge a premium for the specialist accommodation provided and also benefit from an income from deferred management fees.*

1 *It seems to me that these factors, all mean that age restricted developments and in particular extra care communities are less viable than traditional housing schemes. Ultimately, age restricted developers are less able to pay the same price for land as residential developers and it is much harder for age restricted developers; and in particular those seeking to deliver extra care, to secure sites for development and meet the housing needs they aim to supply. Viability is clearly a relevant factor which supports the case under paragraph 172b) of the NPPF. There is also a strong case for the appeal scheme given the lack of alternative sites in the light of Policy H9 of the SOLP.”*

### **3. Do you consider the Local Plan Review complies with the Duty to Co-operate?**

*Please see the guidance note for an explanation of what ‘Duty to Cooperate’ means.*

No

#### **Please give reasons for your answer**

There is a need in the evidence base to provide a detailed assessment of the different types of specialist housing for older people, which for various reasons cannot be successfully accommodated in adjoining authorities, in order to evaluate whether there are certain diverse links for older persons accommodation which are more likely to be met in West Berkshire. To consider housing solely from a generic basis where the form of housing is in critical need is not considered satisfactory, and more importantly, will only exacerbate the need in the future for older persons accommodation.

### **4. Proposed Changes**

**Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).**

*You will need to say why this change will make the Local Plan Review legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.*

There is a need to adopt a more flexible approach towards specialist housing for older people, for which the Government confirms there is a critical need, so that emphasis can be placed on ensuring that their requirements are met, in the same way as is the case for the housing needs of travellers. Both travellers and older people comprise different groups within the community which are required to be assessed and reflected in planning policy, in accordance with paragraph 62 of the NPPF 2021.

This means encompassing specialist housing for older people as a category which exceptionally may be provided as a form of residential development in the countryside, in accordance with Policy DM1, subject to a quantitative and qualitative need being shown. The significance of this proposed policy change is evident in appeal decisions where care proposals, both Extra Care and care homes, are being allowed in the countryside in locations not normally considered acceptable in planning terms, such as in the Metropolitan Green Belt; Area of Outstanding Natural Beauty and sites on the edges of small villages, as well as next to listed buildings and conservation areas. This is a reflection of Inspectors consistently recognising the national imperative of providing more care facilities in the light of the very clear instruction that the need is now critical. It is also the fact that a number of local authorities are failing to properly address or recognise that need.

There is also a requirement to look at the qualitative need for specialist housing for older people, meaning an examination of the District's current care home stock, which includes converted buildings, along with attrition rates, i.e. the loss of care home facilities. The requirement in this respect should be based on an appropriate standard room, being a single occupancy room with en-suite toilet, wash basin and flat floor shower, i.e. a wet room, the latter being particularly important to avoid the risk of elderly people tripping or falling in the shower. It also requires a shower stool or seat to be placed within easy access in the shower. The appropriate standard in this respect is that envisaged by the Care Act 2014 Section 5 paragraph 1(b).

This requirement is now all the more persuasive following the shocking evidence of those who have passed away in care homes due to the Covid-19 pandemic. It is not difficult to see why when so many people who passed away lived in accommodation focused on sharing facilities, which, post Covid, is now completely unacceptable. The extent to which there is an appropriate standard of accommodation should dictate the need in the future for all forms of specialist older persons housing in the LPR. In addition, there is a need to carry out an assessment as set out in answer to Question 3 above.

## 5. Independent Examination

**If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?** No

*If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary.*

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

N/A

## 6. Notification of Progress of the Local Plan Review

**Do you wish to be notified of any of the following?**

*Please tick all that apply*

- |  |   |     |
|--|---|-----|
| <b>The submission of the Local Plan Review for Independent Examination</b>                   | . | Yes |
| <b>The publication of the report of the Inspector appointed to carry out the examination</b> | . | Yes |
| <b>The adoption of the Local Plan Review</b>   | . | Yes |

## Comment

Agent	[REDACTED] (1335033)
Email Address	[REDACTED]
Address	
Consultee	[REDACTED] (1335035)
Email Address	[REDACTED]
Company / Organisation	Tim North & Associates Limited
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Proposed Submission (Reg 19) West Berkshire Local Plan Review 2022-2039
Comment by	Tim North & Associates Limited ([REDACTED] - 1335035)
Comment ID	PS1518
Response Date	02/03/23 19:20
Consultation Point	Policy DM 19 Specialised Housing ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
Bookmark	Tim North & Associates Limited

### 1. Do you consider the Local Plan Review is legally compliant?

*Please see the guidance note for an explanation of what 'legally compliant' means*

Yes

### 2. Do you consider the Local Plan Review is sound?

*Please see the guidance notes for an explanation of what 'soundness' means.*

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF).

*Please tick all that apply:*

**Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.** . No

**Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.** . No

**Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.** . No

**Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF.** . No

#### **Please give reasons for your answer**

The Local Plan Review (LPR) strategy where it relates to specialist older persons accommodation has not been positively prepared, is neither justified nor effective, nor is it consistent with national policy. Policies SP18, DM1, DM4, and in particular Policy DM19 of the LPR when read as a whole have not fully taken into account the fact that the population of older people in England is growing rapidly, with the consequence that ensuring future housing supply is met on the basis of "Lifetime Homes Standards" will not of itself be either suitable or capable in meeting the accommodation requirements of various types of specialist older households.

The need to consider specialist older persons accommodation in adjoining authorities to assess the extent to which they can meet their own requirements; considerations relating to changes in the type of care home accommodation; attrition levels seen in terms of the reasons behind the closure of care homes; viability issues which can result in substantially different characteristics relative to general housing, and lessons to be learnt from the recent Covid-19 pandemic, with consequences for the design and access to communal open space of specialist older persons accommodation; all play an important role in the need for, and hence the likely future provision of this form of housing. It is contended that these material considerations effecting specialist older persons accommodation have not been fully met in the policies in the LPR, being considered in greater detail later in these representations.

The ONS 2019 Mid-year population estimates indicate that over the past 20 years (1998-2018) the number of residents aged 65 and over in England increased by approximately 31%; more than double the rate of growth than the total population over the same time period (15%).

This ageing trend is expected to accelerate in that the 2018 base i.e: the ONS 2019 National Population Projections, reveal that the older population in England could increase by some 41% over the 20 year period between 2018 and 2038, meaning that by 2034, almost 1 in 4 (24%) of the population in England are expected to be aged 65 or over. The rate of growth in West Berkshire over the period 2022 to 2039 for residents aged 75 or over, is projected to increase by 64%.

Current national policy as set out at paragraph 62 of the NPPF 2021 requires local planning authorities to consider inter alia:-

*"... the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including but not limited to, those who require affordable housing, families with children, olderpeople, students, people with disabilities ..."* (my emphasis)

The NPPG at paragraph 001 Reference ID: 63-001-20190626 states

**"The need to provide housing for older people is critical."** (underlining as per the NPPG; my emphasis)

Government guidance concerning older persons specialist housing refers to there being a “critical need”, a term absent when describing all other forms of housing need, emphasising the importance to be attached to specialist older persons housing provision.

The Guidance goes on to explain in paragraph 006 Reference ID: 63-006-20190626 that :-

**“... These policies can set out how the plan-making authority will consider proposals for the different types of housing that these groups are likely to require. They could also provide indicative figures or arrange for the number of units of specialist housing for older people needed across the plan area throughout the plan period.”** (my emphasis)

Whilst paragraph 013 Reference ID: 63-013-20190626 states:-

**“It is up to the plan-making body to decide whether to allocate sites for specialist housing for older people. Allocating sites can provide greater certainty for developers, and encourage the provision of sites in suitable locations. This may be appropriate where there is an identified unmet need for specialist housing. The location of housing is a key consideration for older people who may be considering whether to move (including moving to more suitable forms of accommodation).”**(my emphasis)

The same NPPG sets out at paragraph 010 Reference ID: 63-010-20190626 the different types of specialist housing for older people; all of which have differing consequences seen in terms of delivery; whilst the contents of paragraph 016 Reference ID: 63-016-20190626 are of relevance, highlighting the fact that:

**“Decision-makers should consider the location and viability of a development when assessing planning applications for specialist housing for older people... Where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need.”**(my emphasis)

The West Berkshire Housing Needs Assessment Update published by Icen Projects Ltd on behalf of your Council states in paragraph 5.35

*“It can be seen by 2039 there is an estimated need for 1,137 additional dwellings with support or care across the whole study area. In addition, there is a need for 1,032 additional nursing and residential care bedspaces. Typically for bedspaces it is conventional to convert to dwellings using a standard multiplier (1.80 bedspaces per dwelling for older persons accommodation) and this would therefore equate to around 573 dwellings. In total, the older persons analysis therefore points towards a need for around 1,710 units over the 2021- 39 period (95 per annum) – the older person need equates to some 19% of all homes needing to be for some form of specialist accommodation for older people.”*

These provisions are similarly reflected in the Housing Background Paper prepared by your Authority in January 2023.

I have previously referred in these representations to a proposed 64% change in the population of older persons of 75 years + between 2021 and 2039. This figure has to be examined in the context of the need for specialist housing for the elderly set out in paragraph

The LPR is to seek “specialist accommodation” as an integral part of the strategic housing allocations at Sandleford Park and North East Thatcham. The only specialist older persons accommodation being proposed is an Extra Care scheme on land at Stonehams Farm, Tilehurst, being the only allocated site for specialist elderly persons accommodation to 2039.

During the nine-year period commencing 2013/14 leading up to 2021/22, a total of 227 Class C2 rooms were completed, amounting to five schemes, of which 204 comprised three individual schemes in Newbury, revealing why it is considered that either further allocations should be made for specialist older persons housing, and/or the need for flexibility in the location of such specialist housing schemes in Policy DM1.

The Housing White Paper “Fixing Our Broken Housing Market” published by DCLG in February 2017 recognised the importance of “offering older people a better choice of accommodation” at the same time highlighting that “helping older people to move at the right time and in the right way could also help their quality of life at the same time as freeing up more homes for other buyers.” It is noted that the same White Paper recognised the “barriers to people moving out of family homes that they may have lived in for decades” and the “emotional attachment ... which means that where they are moving to needs to be very attractive to them and suitable for their needs over a twenty to thirty year period..”

The Housing White Paper clearly expresses the Government's commitment to "*exploring these issues further and finding sustainable solutions to any problems that may come to light.*"

The Government launched a Select Committee Inquiry into the issue of housing for older people in response to the House of Commons Communities and Local Government Committee (2018). The Inquiry report published in February 2018 aimed to reflect the diversity of older people in terms of their ages, individual circumstances, choices and preferences. It concluded inter alia that:

- . A national strategy on housing provision for older people is needed, and should be introduced in consultation with older people and those who provide for them;
- . Independent research should be commissioned on the wider housing market impact of older people moving to a smaller home that better suits their needs, to further explore frequent claims that this could be part of the solution to tackling the housing shortage;
- . National planning policy should give greater encouragement to the development of housing for older people, ensuring that sites are available for a wider range of developers;
- . The new standard approach to assessing housing need should explicitly address the complex and differing housing needs of older people;
- . Older people should be able to choose from a wide choice of housing which can accommodate their needs and preferences, including smaller general needs housing, accessible housing, retirement homes, extra care housing and cohousing;
- . Local authorities should produce strategies explaining how they intend to meet the housing needs of older people, with Local Plans identifying a target proportion of new housing to be developed for older people as well as suitable well-connected sites close to local communities; and
- . Local authorities should be more receptive to private developers who wish to build housing for older people in their area, and appreciate the potential health and wellbeing benefits leading to reduced need for health and social care

Knight Frank in their 2021 Research Paper entitled "*Health Care Development Opportunities*" found that the UK health care market needs upgrading, with 71% of homes older than 20 years; at least 40% of homes having been converted from other uses and many be outdated, with 29% of beds lacking en-suite facilities. They forecast that the Covid-19 pandemic was likely to accelerate the closure of outdated homes and replace them with high quality assets. They went on to add that the Covid-19 pandemic would no doubt prompt a change in the way care homes are designed and configured, with particular emphasis placed on internal circulation, air quality and ventilation, with further focus directed towards transitional and communal space, with a view to maintaining an element of social distancing. A similar shift in preferences with greater attention is anticipated in respect to important outdoor and breakout spaces.

Levels of attrition involving the closing of care homes needs to be assessed in the future, with the average size of newly registered care homes across the country, i.e. those constructed in the last 56 years being 62 beds, contrasting with the average size of care homes closing over the same time period amounting to 29 beds.

It is also important to consider that there are a number of factors which affect the viability of developments relating to specialist housing for older people, one of the most significant being that they incorporate a significant provision of communal space and on-site facilities, in addition to individual rooms/units, and common parts evident in general need apartment blocks. As a result, the efficiency of age restrictive developments seen in terms of the floorspace of individual units (net) to the total floorspace (gross) is significantly poorer than in traditional or general needs housing. In short traditional general needs housing uses 100% in terms of net:gross efficiency, with a figure of 84% net:gross efficiency envisaged for apartments. Care homes, Extra Care facilities and sheltered living/retirement living apartments in contrast are only able to achieve between 40 and 75% net:gross efficiency.

In addition to these design considerations, there are higher construction costs, with greater requirements in terms of achieving higher accessibility requirements, comprising lifts, specially adapted bathrooms, treatment rooms, with those providing these important facilities relying on third party building contractors who are unable to secure the same economies of scale as volume housebuilders.

To these considerations should be added slower sales, given they are directed at a specialist older persons market, with the inability to phase flatted schemes to sales rates, resulting in higher finance costs for developments.

It is for a combination of these reasons that it is contended the LPR needs to be more proactive in delivering development to meet specialist older persons housing, which it is contended is not being



met through the allocation of sites to meet these specialist housing needs. If this process is not addressed, with authorities relying on the market to bring forward sites, with viability assessments at the decision-taking stage, it is considered less likely that sites will come forward for this much needed use, although this situation can be alleviated by incorporating into Policy DM1 an exception in respect of specialist older persons housing subject to a quantitative and qualitative need accompanying any such submission.

These considerations which affect specialist older persons housing were accepted by the Inspector Harold Stephens in an appeal decision concerning land at Sonning Common (PINS Ref. No. APP/Q3115/W/20/235861), viz:-

*“117. Extra care housing undoubtedly operates in a very different market. Mr Garside provided detailed evidence to the inquiry how the market for land operates to the detriment of extra care operators. Extra care housing providers cannot compete with house builders or with other providers of specialist housing for older people because of the build costs, the level of the communal facilities and the additional sale costs including vacant property costs. The communal facilities must be provided before any units can be sold and sales tend to be slower. However, I accept that extra care schemes can charge a premium for the specialist accommodation provided and also benefit from an income from deferred management fees.*

1 *It seems to me that these factors, all mean that age restricted developments and in particular extra care communities are less viable than traditional housing schemes. Ultimately, age restricted developers are less able to pay the same price for land as residential developers and it is much harder for age restricted developers; and in particular those seeking to deliver extra care, to secure sites for development and meet the housing needs they aim to supply. Viability is clearly a relevant factor which supports the case under paragraph 172b) of the NPPF. There is also a strong case for the appeal scheme given the lack of alternative sites in the light of Policy H9 of the SOLP.”*

### **3. Do you consider the Local Plan Review complies with the Duty to Co-operate?**

*Please see the guidance note for an explanation of what ‘Duty to Cooperate’ means.*

No

#### **Please give reasons for your answer**

There is a need in the evidence base to provide a detailed assessment of the different types of specialist housing for older people, which for various reasons cannot be successfully accommodated in adjoining authorities, in order to evaluate whether there are certain diverse links for older persons accommodation which are more likely to be met in West Berkshire. To consider housing solely from a generic basis where the form of housing is in critical need is not considered satisfactory, and more importantly, will only exacerbate the need in the future for older persons accommodation.

### **4. Proposed Changes**

**Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).**

*You will need to say why this change will make the Local Plan Review legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.*

There is a need to adopt a more flexible approach towards specialist housing for older people, for which the Government confirms there is a critical need, so that emphasis can be placed on ensuring that their requirements are met, in the same way as is the case for the housing needs of travellers. Both travellers and older people comprise different groups within the community which are required to be assessed and reflected in planning policy, in accordance with paragraph 62 of the NPPF 2021.

This means encompassing specialist housing for older people as a category which exceptionally may be provided as a form of residential development in the countryside, in accordance with Policy DM1, subject to a quantitative and qualitative need being shown. The significance of this proposed policy change is evident in appeal decisions where care proposals, both Extra Care and care homes, are being allowed in the countryside in locations not normally considered acceptable in planning terms, such as in the Metropolitan Green Belt; Area of Outstanding Natural Beauty and sites on the edges of small villages, as well as next to listed buildings and conservation areas. This is a reflection of Inspectors consistently recognising the national imperative of providing more care facilities in the light of the very clear instruction that the need is now critical. It is also the fact that a number of local authorities are failing to properly address or recognise that need.

There is also a requirement to look at the qualitative need for specialist housing for older people, meaning an examination of the District's current care home stock, which includes converted buildings, along with attrition rates, i.e. the loss of care home facilities. The requirement in this respect should be based on an appropriate standard room, being a single occupancy room with en-suite toilet, wash basin and flat floor shower, i.e. a wet room, the latter being particularly important to avoid the risk of elderly people tripping or falling in the shower. It also requires a shower stool or seat to be placed within easy access in the shower. The appropriate standard in this respect is that envisaged by the Care Act 2014 Section 5 paragraph 1(b).

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N/A

## 6. Notification of Progress of the Local Plan Review

**Do you wish to be notified of any of the following?**

*Please tick all that apply*

<b>The submission of the Local Plan Review for Independent Examination</b>	.	Yes
<b>The publication of the report of the Inspector appointed to carry out the examination</b>	.	Yes
<b>The adoption of the Local Plan Review</b>	.	Yes