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28th February 2022

**CHURCHILL RETIREMENT LIVING AND MCCARTHY STONE RETIREMENT LIFESTYLES
RESPONSE TO THE WANDSWORTH LOCAL PLAN 2021-2036 (REGULATION 19) PRE-SUBMISSION
CONSULTATION**

Policy LP23: Affordable Housing

COMMENT

Affordable Housing requirements in the Wandsworth Local Plan are linked to the corresponding policies in the London Plan – namely *Policy H4: Delivering affordable housing*. This sets a strategic target of 50% of all new homes in London to be ‘genuinely affordable’ with a 35% affordable housing requirement for residential developments that fulfil the requirements of the threshold approach detailed in *Policy H5: Threshold approach to applications*.

The respondents, as part of a Retirement Housing Consortium, have consistently voiced their concerns about the Mayor of London’s threshold approach and the viability evidence underpinning this. These concerns were presented during the EiP, however despite the Examiners acknowledging our concerns the *London Plan Examination in Public: Panel Report* (October 2019) concluded that:

222. *‘The threshold requirements for affordable housing have been challenged, on the basis of the higher build costs compared with mainstream housing. This is reflected in the findings of the LPVS, which indicates that viability for sheltered and extra care housing is more difficult in lower value areas. Further the case studies tested for this type of housing in the LPVS do not reflect industry practice. For these reasons, we are not convinced that viability would not hamper delivery. However, in light of the significant need for affordable homes and given that the “viability tested route” is available to assess the impact of viability on affordable housing requirements, it is worth waiting to assess the impact of this new policy approach. However, close monitoring should take place to ensure that the impacts are properly assessed and fed into any review*

This ‘wait and see’ approach does not accord with the increased emphasis for the viability of planning obligations to be tested, robustly, at the Plan making stage. The London Plan was assessed with regard to the policies in the 2012 version of the NPPF, and other relevant policy under the transitional arrangements detailed in NPPF (2019) paragraph 214 and footnote 69. It was not assessed against the revisions to the NPPF made in 2018, 2019 or 2021.

Notwithstanding the respondent’s concerns with *The London Plan Viability Study*, we note that it concluded that the viability of older persons’ housing was particularly finely balanced in the outer London Boroughs (Value Bands D & E):

Other residential development types

14.2.11 *This group of uses includes specialist provision for the elderly and others needing sheltered or extra care facilities and for care homes. It also includes student accommodation and another relatively new form of provision – Shared Living. Generally, all these types of uses are viable and able to provide affordable housing (when required to do so). However, there are considerable differences in viability between the uses. The policy requirements for student accommodation and Shared Living can be met across the value areas. Sheltered housing is able to provide 50% affordable housing in Value Band C, but not in D or E. Extra care, as was tested for this study, was viable with 35% affordable housing in C but not in D or E. (Emphasis own)*

The London Plan's approach, particularly in respect of development viability and affordable housing contributions, is not considered to be consistent with that of the NPPF (2021). While the respondents will not reiterate the point made in their submissions to the London Plan, they remain strongly of the view that the viability assessments for older persons' housing typologies in the *London Plan Viability Study* were not fit for purpose and substantially overstated the viability of these forms of development.

The affordable housing targets detailed in the *Policy LP23: Affordable Housing* of the Wandsworth Local Plan Review are informed by the *Wandsworth Reg 19 Local Plan Viability Study* (LPVS) by Porter Planning Economics and Three Dragons. We note that the LPVS 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 we consider that some of the assumptions used are not representative of the specialist older persons' housing sector. Our concern is that the LPVS has overplayed the viability of older persons' housing.

Notwithstanding this, we note that the LPVS has concluded that older persons' housing cannot meet the 50% affordable requirement detailed in *Policy H4: Delivering affordable housing* across much of the Borough.

7.26 *As in Scenario 2, Policy LP23 at a threshold rate of 50% affordable housing across all residential developments with 10 or more dwellings is applied to the older person homes testing. As tested and shown in Table 7.8 Scenario 4, this change similarly affects the older persons typologies as it does for general residential typologies, with both retirement homes and extra-care homes sites in the lower value area 1, and the retirement homes in the mid value area 2 becoming unviable. But such specialist units in the higher value area 3 would be able to afford the 50% affordable housing rate, and the extra-care units in value area 2 would also be marginally viable, albeit marginally so.*

7.27 *Also tested and shown in Table 7.8 Scenario 5 is the impact of the combined influence of a 14.8% sales price increase and 19% build cost increases over the next five years (as tested in Scenario 1c). The results in Table 7.8 show that there would be a slight improvement on the base case position, and an improved overall viability headroom. But overall, the viability of sites is not notably affected by these potential changes in estimated medium changes to local build costs and sales values to the base case.*

In effect a 50% affordable housing contribution is only feasible in the north of the Borough, within the London Central Activity Zone. Properties in Value Zone 2, largely in the middle and eastern parts of the Borough cannot currently support a 50% affordable housing contribution but may be able to if the forecasted increase in sales values and build costs arises. Value Zone 1, to the west and south of the Borough, cannot support a 50% affordable housing contribution either now or with the changes proposed by forecasting.

RECOMMENDATION

As the Wandsworth Local Plan Review will be determined against the NPPF (2021), with its increased emphasis on robust viability assessments at the plan making stage, it is the Borough's responsibility to ensure its planning obligations regime is sufficiently robust and justified.

It is our view that, considering the critical need for specialist older persons' housing, and the findings of the Local Plan Viability Study, it would be appropriate for *Policy LP23: Affordable Housing* to deviate from the generic, high-level affordable housing requirements detailed in the London Plan. We respectfully request a differential affordable housing requirement, that is commensurate with their viability (i.e. under 50%) for these forms of accommodation, outside the London Central Activity Zone.

LP31 Specialist Housing for Vulnerable People

COMMENT

McCarthy Stone and Churchill Retirement Living are independent and competing housebuilders specialising in Retirement Living housing for older people. Together, we are responsible for delivering approximately 90% of England's specialist owner-occupied retirement housing.

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

Table 59 of the *Wandsworth Local Housing Needs Assessment*. (HNA) details that the population aged 65 and over is projected to increase by 14,090 households between 2018 and 2037. The HNA advises that:

11.15 *...the pace of growth in the populations of the recently retired (65-74 age group) in Wandsworth and London is forecast to be faster than in England (47.4% and 51.7% as against 24.1% respectively). Indeed, this trend persists for those in the 75-84 age bracket, although to a lesser degree.*

11.16 *It is only in the oldest age group, those aged 85+ where the numbers for England exceed those for the other geographies, (91.7% as against 79.5% and 81.6% for Wandsworth and London respectively. This would reflect the older starting population nationally but also the likelihood that some elderly will move out of London as they retire*

The HNA advises that there is a requirement for between 1,370 units of specialist older persons' housing and a further 887 care homes spaces to be delivered over the Plan period.

Table 4.3 of the London Plan requires the Borough to deliver 120 units of specialist older persons' accommodation per annum. This generates a requirement of 2,640 units of specialist older persons' housing over the 22-year London Plan period, which is circa 400 spaces higher than the requirements

details in the HNA. It is our view that the figures stated in the London Plan are more proportionate to Borough's ageing demographic profile.

Wandsworth's Annual Monitoring Reports (AMR) do not currently monitor the delivery of specialist older persons' housing in the Borough. The *Knight Frank Senior Housing Update 2021* is however a useful reference in this respect and highlights the London Plan target for an additional 4,115 units of specialist older persons' housing per year across the capital up to 2029. Since the start of the London Plan timeline in 2017 however, only 3,000 seniors housing units have been delivered – less than the requirement for one year. There are a further 1,600 further units either under construction or with planning granted across Greater London, which will do little to address the shortfall.

Notwithstanding the above, commend the way the housing needs of older people have been comprehensively addressed in the *Policy LP31 Specialist Housing for Vulnerable People*.

We do however question the requirement under sub-clause B 1) for applicant's to '*robustly demonstrate that the accommodation meets an identified need, having regard to the evidence set out in the Council's most up-to-date Local Housing Needs Assessment*'. Given the extent of the need for specialist older persons' housing detailed in the Housing Needs Assessment, and the historic under-delivery of these forms of accommodation throughout Greater London – the need is self-evident.

We would, however respectfully, highlight, that despite the largely positive manner which *Policy LP31* addresses the Housing Needs of the elderly, it is undermined by the lack of consideration given to older persons' housing typologies in *Policy LP23: Affordable Housing* and the lack of consideration given to the findings of the *Wandsworth Reg 19 Local Plan Viability Study*. This matter is addressed comprehensively in our representation to *Policy LP23*.

In light of the urgent need to significantly increase the delivery of specialist older persons' housing in the Borough and across Greater London, we consider that it is imperative that the viability of these forms of development is careful robustly against planning obligations and policy requirements.

RECOMMENDATION

To address the concerns detailed in our representation we would suggest the following amendments to *Policy LP31*:

- Sub-clause B. 1) is deleted in its entirety.



Local Plan Review

Consultation on the Publication Draft Local Plan

10 January to 28 February 2022

RESPONSE FORM

The Council is inviting comments over a seven-week period on the Publication version of the Local Plan.

The Draft Local Plan sets out a vision and spatial strategy to guide the development of the borough from 2023, when the Plan is anticipated to be adopted, to 2038. It sets out key objectives for the borough, which are supported by planning policies, area strategies, and – at the smallest scale – detailed guidance for the development of specific sites. Collectively, these identify where development should be targeted and set out how the borough's neighbourhoods and places will change over the next 15 years.

This consultation is the final opportunity to comment on the Local Plan before it is submitted to the Secretary of State for independent 'examination in public'. At this stage in the plan-making process, in accordance with the national guidance, consultation responses should focus on whether the Local Plan has been developed in compliance with the relevant legal and procedural requirements, including the duty to cooperate, and with the 'soundness' of the Plan. Further detail on these concepts is provided in the accompanying guidance notes provided at the end of the form.

How to respond

Please read the consultation documents and other background information made available on the Local Plan website: <http://www.wandsworth.gov.uk/draft-local-plan-publication>

You can respond by completing this form, either electronically using Word or as a print out, and sending it to the Council by:

- Email to planningpolicy@wandsworth.gov.uk
- Post to Planning Policy and Design, Environment and Community Services, Town Hall, Wandsworth High Street, Wandsworth, SW18 2PU.

Alternatively, you can also make comments on the draft Local Plan online via our Consultation Portal, which is accessible at the website listed above.

All responses must be received by **11.59pm on Monday 28 February 2022**. The consultation is open to everyone; however please note that responses will not be treated as confidential and those submitted anonymously will not be accepted.

Part A: Personal Details		
	1. Personal details*	2. Agent's details (if applicable)
Title		Mr
First name		Ziyad
Last name		Thomas
Job title (where relevant)		Associate Director
Organisation (where relevant)	McCarthy Stone Retirement Living & Churchill Retirement Living	Planning Issues Ltd.
Address		Churchill House Parkside Ringwood
Postcode		BH24 3SG
Telephone		
E-mail address		

*If an agent is appointed, please complete only the title, name and organisation boxes for the respondent and complete the full contact details for the agent.

Part B: About You...		
3. Please tell us about yourself or who you are responding on behalf of.		
Do you live in the borough?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Do you work in the borough?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Do you run a business in the borough?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are you a student in the borough?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are you a visitor to the borough?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Data protection

Information provided in this form will be used fairly and lawfully and the Council will not knowingly do anything which may lead to a breach of the General Data Protection Regulation (GDPR) (2018).

All responses will be held by the London Borough of Wandsworth. They will be handled in accordance with the General Data Protection Regulation (GDPR) (2018). Responses will not be treated as confidential and will be published on our website and in any subsequent statements; however, personal details like address, phone number or email address will be removed.

For further details regarding your privacy please see the Council's information published at:
www.wandsworth.gov.uk/privacy

Part C: Your Response		
4. Do you consider the Local Plan is:		
4.1 Legally compliant	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
4.2 Sound	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
4.3 Complies with the duty to co-operate	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Further information on these terms is included within the accompanying guidance note, which can be found at the end of the response form.		
If you have entered 'No' to 4.2, please continue with Q5. Otherwise, please go to Q6.		
5. Do you think the Local Plan is <u>unsound</u> because it is <u>not</u>: <i>(Please tick all that apply)</i>		
5.1 Positively prepared	<input checked="" type="checkbox"/>	
5.2 Justified	<input type="checkbox"/>	
5.3 Effective	<input checked="" type="checkbox"/>	
5.4 Consistent with national policy	<input type="checkbox"/>	
6. Please give details of why you think the Local Plan is not legally compliant and/or is unsound and/or fails to comply with the duty to co-operate.		
<p>Please make it clear which consultation document your comments relate to and, where applicable, please include the relevant policy name/number, the site allocation name/reference, the Policies Map change, and/or the paragraph number. Please be as precise as possible.</p> <p>If you wish to provide comments in support of the legal compliance and/or soundness of the Local Plan, or its compliance with the duty to co-operate, please use this box to set out your comments.</p> <p><i>Please note your response should provide succinctly all the information, evidence and supporting information necessary to support / justify the response. After this stage, further submission will only be at the request of the Inspector, based on the matters and issues they identify for examination.</i></p>		
Please see accompanying Letter.		
<i>Please continue on a separate sheet / expand the box if necessary.</i>		

7. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, when considering any legal compliance or soundness matter you have identified at 5 above.

Please note that non-compliance with the duty to co-operate is incapable of modification at examination.

You will need to say why each modification will make the Local Plan 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.

Please note your response should provide succinctly all the information, evidence and supporting information necessary to support / justify the suggested change. After this stage, further submission will only be at the request of the Inspector, based on the matters and issues they identify for examination.

Please see accompanying letter.

Please continue on a separate sheet / expand the box if necessary.

8. If you are seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)? (Please tick box as appropriate)

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

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

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

9. If you wish to participate in the hearing session(s), 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 in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Viability Arguments are complex and the Companies may wish to present additional evidence to the Examiners.

Please continue on a separate sheet / expand the box if necessary.

If you are not on our consultation database and you respond to this consultation, your details will be added to the database. This allows us to contact you with updates on the progression of the Local Plan and other planning policy documents.

If you do not wish to be added to our database or you would like your details to be removed, then please tick this box.

Signature:

Ziyad Thomas

For electronic responses a typed signature is acceptable.

Date:

28.02.2022



Local Plan Publication Consultation

Guidance Notes to accompany the Representation Form

Introduction

1. The plan has been published by the Local Planning Authority [LPA] in order for representations to be made on it before it is submitted for examination by a Planning Inspector. The Planning and Compulsory Purchase Act 2004, as amended [PCPA] states that the purpose of the examination is to consider whether the plan complies with the relevant legal requirements, including the duty to co-operate, and is sound. The Inspector will consider all representations on the plan that are made within the period set by the LPA.

2. To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. The LPA will therefore ensure that the names of those making representations can be made available (including publication on the LPA's website) and taken into account by the Inspector.

Legal Compliance

3. You should consider the following before making a representation on legal compliance:

- The plan should be included in the LPA's current Local Development Scheme [LDS] and the key stages set out in the LDS should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the plans it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for examination.
- The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement [SCI] (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of plans and the consideration of planning applications.
- The LPA is required to provide a Sustainability Appraisal [SA] report when it publishes a plan. This should identify the process by which SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. SA is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
- The plan should be in general conformity with the London Plan.
- The plan should comply with all other relevant requirements of the PCPA and the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended [the Regulations].

Duty to Co-operate

4. You should consider the following before making a representation on compliance with the duty to co-operate:

- Section 33A of the PCPA requires the LPA to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The LPA will be expected to provide evidence of how they have complied with the duty.
- Non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore, the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector cannot recommend adoption of the plan.

Soundness

5. The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF). Plans are sound if they are:

- Positively prepared – providing a strategy which, as a minimum seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- Effective - 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; and
- Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

6. If you think the content of the plan is not sound because it does not include a policy on a particular issue, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy (or the London Plan)? If so, does not need to be included?
- Is the issue with which you are concerned already covered by another policy in this plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

General advice

7. If you wish to make a representation seeking a modification to the plan or part of the plan you should set out clearly in what way you consider the plan or part of the plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria in paragraph 5 above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.

8. You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.

9. Where groups or individuals share a common view on the plan, it would be helpful if they would make a single representation which represents that view, rather a large number of separate representations repeating the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

10. Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in hearing session(s). Only representors who are seeking a change to the plan have a right to be heard at the hearing session(s), if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.