

External Review of Government Planning Practice

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Response to the consultation;

Q1. Do you agree with the recommendations of the Review Group overall?

In theory the principle of streamlining planning guidance into a single source is to be welcomed, however, the assertion that this should be agreed with in totality is considered to be an over simplification of the issues. There exists a significant number of hurdles that will need to be addressed in implementing the proposal and these are discussed in more detail below. Nevertheless the principle of having a streamlined single point of access for all planning guidance across all topic areas is to be welcomed.

Notwithstanding the above this new system should not be used as a method for simply allowing guidance to change on a frequent basis which would further erode certainty and undermine confidence within the system. The government should not be free to change guidance on a continual ad-hoc basis that would undermine any stability in the system. While guidance should be reactive and realistic to the working environment, this should not be seen as an opportunity to continually update and tinker at the margins, thereby eroding any sense of certainty for both applicants and decision makers.



Q2. Do you agree with the proposed recommendations for a much reduced set of essential practice guidance in the format recommended? (Recommendations 1, 2, 3, 5, 6)

Agree - in the sense that the information should be easily accessible, be clear, and contain the most relevant information available. However the above sections cover a large number of areas. In section 1 it is suggested that any examples of best practice should be excluded, it is considered that such guidance should be provided by professional bodies, how would this be determined with no accreditation and no oversight?

The concept of a responsive live resource is commended, however it is critical that this is easy to use, unlike the current .gov system which is not easy to use or intuitive.

One concern is the issue of active and live management, while the DCLG will manage this, concern should be raised as to how reactive this would be, indeed such a facility could be too reactive. A constantly changing system could act as a barrier to development by eroding certainty and in failing to provide clear succinct guidance. While it is noted in section 5 that all guidance should be date stamped, this would only be of so much use, indeed if the system is under constant review, it is unclear how long the periods of change would be. For example how many times could guidance change between, first submission and a public inquiry (This assumes a base line of 1 year in line with the Governments Planning Guarantee). Such continual changes to legislation will lead to uncertainty, and could destabilize the fragile recovery to the UK economy and the construction industry specifically by removing any continuity from the system.

In regards to the concept that the site should be free this would appear to be a fundamental principle of the changes to planning guidance, moreover notifications should also adhere to this. However, there is a danger that changes could lead to a deluge of alerts. This needs to be managed in a sensible and considered manner.

Q3. Do you agree that standards for future Government Planning Practice Guidance should be implemented by the Chief Planner in DCLG, but with decisions on what to include within guidance still taken by Ministers? (Recommendation 4)

Agree in principle, however the information as set out within any guidance needs to be clear and factual based on sound town planning theory and lacking in political bias.

Q4. While access to all planning guidance online will be free of charge, do you think it would be appropriate to offer planning professionals an additional service involving immediate notification of every revision to the guidance, and to make a small charge for this service? (Recommendation 6)

As above a fundamental precept of the service is that it should be free, moreover there are also a number of free alert services that could do this in any event. While a small fee paying service could be useful, it will be important to manage the volume of changes and emails. For example a weekly update could be issued that would save time and also resource to review.

Q5. Do you agree that the new web based resource should be clearly identified as the unique source of Government Planning Practice Guidance? (Recommendations 7-9)

Agree - having a single source for all planning policy guidance would be welcomed; indeed also incorporating PINS guidance within the same framework is to be welcomed. However, it needs to be ensured that this is the only repository for such information, other departments such as DEFRA and the DCMA would need to also abide by this and ensure that their subsidiary divisions (The Environment Agency, Natural England and also English Heritage) do not start publishing their own guidance.

There does exist a potential conflict with concept of best practice guidance and what would constitute this with no formal method of accreditation or acknowledgment. Indeed there could be a danger that the morass of current guidance is simply replaced by any number of self endorsed best practice guidance, some of which could be contradictory.

Q6. Do you agree with the recommended timescales for cancellation of guidance and new/revised guidance being put in place? (Recommendations 10-13)

In principle agree with the concept of amalgamating all guidance within the timescales set out, however, given the short time frames of the proposal (5 months) it will be critical to ensure that nothing is missed. Arbitrarily removing a huge amount of guidance could destabilize the current system and may leave a void in guidance without proper consideration.

Such quick removal of guidance before the system in place to replace it could lead to further confusion in the planning system. Moreover it could also make decision making around this time subject to ambiguity and challenge in that there is guidance being cancelled with little consideration of the impact. Has an assessment been undertaken as to how much of this guidance is still in place? Given the very small demographic that has been consulted in preparing this consultation paper, there is somewhat of a presumption that the main planning body (RTPI) would not have offered constructive advice on the proposals as they have not even formed part of the process of preparing this document. Moreover bodies such as LEP's, civic voice etc do not seem to have formed part of the process. Indeed the majority of consultees don't even to appear to have been Planners, while the relation to land use is clear the consultees will be those using the system and not those operating it.

In respect of Annex B for example the removal of By Design is considered to be ill advised without assessing its importance. Given the governments push for "good design" it would seem remiss to remove the only document in planning terms that offers design advice. While the document should be updated this should not be at the cost of losing the vast majority of information.

Overall while the principle of reassessing the vast amount of planning guidance, reducing the bulk and making a more responsive system is commendable. Careful consideration needs to be given to the existing and to simply throw away a vast amount of information based on a small consultation group used in preparing the review seems remiss.

Q7. Do you agree with the recommendations for cancellation of existing guidance documents? Are there specific, essential elements of current guidance material that should in your view be retained and considered for inclusion in the revised guidance set? (Recommendations 14 - 16)

Given that the comments made within this response by ourselves will reflect only a very small and limited view of the use of all planning guidance it is not possible to comment on all guidance.

It is noted that some 103 documents contained within Annex A are considered for immediate revocation. For example the revocation of the code for best practice, the tourism annex, playing field guidance along with others can form invaluable information for both applicants and decision makers. To simply state that Planners should know their assets

well enough is misguided in the least, moreover the assertion that the sector should fill the void is not considered sufficient. Firstly such an approach could remove any form of continuity across the system. Secondly how can the “sector” be made to produce guidance? moreover once guidance is produced how can it be guaranteed to be fair and balanced, with no form of review or certification, for example The National Trust could be considered to produce best practice guidance but clearly this itself has an agenda. Finally it may be possible to get sector guidance which is completely contradictory for example if you have best practice guidance from CPRE, Natural England, a Neighborhood plan, and the HBF promoting a site with certain development criteria which of these would form best practice sector guidance? The competing interests of various groups cannot be considered to be both impartial and offer best practice guidance. The decision not to have some form of endorsement or accreditation for guidance and to pass this off to the “sector” appears misguided and ill judged.

While it is noted that a majority of information is out dated and largely irrelevant, to remove everything leaving a policy and practice void is not considered as being sensible or fully considered.

**Q8. Do you agree with the recommended priority list for new/revised guidance?
(Recommendations 17-18)**

Agree – however this should also be expanded, this offers an incredible opportunity to consider planning guidance as a whole. It appears that this is merely refreshing what has already been published and is missing an opportunity to improve the system.

As the review is no doubt aware the issue of housing and housing delivery is critical, More importantly to consider housing as a whole in simple terms is misleading given the significant variants within housing a whole, for example to assume that housing as a whole is the same is misleading. Consideration should be given to break this down to more usable groups such as student or retirement housing, starter housing or family housing. Each of these groups is different and should be considered as such. For example the need for sheltered housing and its delivery will be critical, and is only becoming more urgent.

This year a third of households will be headed by someone aged over 65 and 75% of older people will be owner-occupiers. Over the last two years the industry has only built 500 new homes for older people and with only 100,000 private properties in the UK defined as

retirement, sheltered housing demand and need is increasing exponentially. Good quality retirement housing has important social and health benefits for older people reducing the burden on public services and costs to the Government.

It is a well known fact that the population of Great Britain is ageing as people are living longer and there is a decline in birth rates. The latest 2011 Census statistics show that currently approximately 1 in 6 people in the population of England and Wales are over 65 years of age. Furthermore the census also revealed that there are now nearly half a million people over the age of 90. What is most important to note from the Census information is that the over 65 year old age group is by far the quickest growing age group.

The first detailed analysis of returns from the 2011 census show that the overall number of people turning 65 in 2012 increased by 30 per cent in a single year. Figures published by the Office for National Statistics reveal that there were 726,069 people aged 64 in England Wales in 2011 when the census was carried out.

As the population of the country steadily rises and life expectancy has dramatically improved in recent decades, it means that there are more 65 year olds in the UK than at any point in history.

Next year the rate will be similar with around 720,226 people due to reach state retirement age. Although the numbers retiring will then reduce slightly, there will still be well over 600,000 people turning 65 each year until at least 2018 and overall 3.3 million people are poised to hit state pension age in the next five years. The sudden spike in numbers of people drawing their pensions for the first time reflects a surge in the birth rate after the end of the Second World War.

While the average age of the population of England and Wales has been increasing the average household size has been decreasing. Currently there are 2.4 people for every household in the country. The under occupation and under utilisation of properties pose a very real obstacle to housing delivery, and for the provision of homes for all.

In April 2012 the Housing and Homelessness charity Shelter published a report 'A Better Fit' which considered the housing needs of older people and the increasingly ageing population. The report highlights the under occupation of the housing stock by over 55

households and the need for a significant increase in the supply and range of suitable housing for older people. The report recommends that the planning system must support the development of housing for older people.

In 2011, the University of Reading published a report entitled *Housing Markets and independence in old age: expanding the opportunities* which analysed why older people in the UK do not have sufficient choice regarding home ownership and how the challenges of providing more private sector housing can be addressed. The report was produced as a piece of academic research by Professor Michael Ball and highlights how the Government's National Planning Policy Framework and the Localism Agenda could contribute to the changes required to make a real difference to older homeowners now and in the future. The report highlights several key statistics;

“There are currently around 105,000 owner occupied retirement housing (OORH) dwellings in the UK, about 2% of the total number of homes for those aged 65 and over.”

“As the UK's population grows and ages over the next 20 years, the number of households over 65 years old will increase at a particularly fast rate. There are expected to be an extra 3.5 million householders by 2033 in England alone, a 60% increase on today. By then, a third of all households will consist of those aged over 65, up from 23% in 2008.”

In February 2008 the Government published “A National Strategy for Housing in an Ageing Society”. The strategy explains that housing and ageing is a cross government priority and examines the scale of demographic change that will occur in the next twenty five years. Chapter 2 of the strategy states:

“In 2006, there were 3.3 people of working age for each person of pensionable age in the UK. This figure is expected to fall to 2.9 by 2031. Over the next 30 years, the population aged 65 years and over is set to rise from 9.7 million to 17 million, an increase of 76 per cent. The number of people aged 75 years and over is expected to increase by 4.4 million, or 95 per cent, and the number of people aged 85 years and over is likely to rise by 2.3 million, an increase of 184 per cent.

Looking further into the future, a child born today has a one in five chance of celebrating his or her one hundredth birthday.”

In 2001, the then department of the Environment, Transport and the Regions and the Department of Health jointly published a document entitled “Quality and Choice for Older People’s Housing – A strategic Framework” (January 2001). This publication states clearly that only 5% of older households live in a form of sheltered housing, and that of the total stock of approximately 500,000 units of sheltered accommodation less than 6% are private sector – only enough private stock to house around 0.55% of older owner-occupiers.

The spike in the number of people reaching retirement age has long been predicted but the effects are being felt unevenly across the country. A breakdown of census findings by LPA area published in the summer shows a major demographic transformation over the last 10 years with younger people coming to dominate in cities, especially London, and the elderly increasingly concentrated in rural and coastal areas.

The HAPPI report recognises that meeting older people’s housing needs is a national priority. In addition to the ageing population we are also undergoing Demographic and Social Change and states,

“Social and cultural shifts have made it less certain that successive generations will be able and willing to take on the responsibility of looking after others. Some older people who have cared for their own parents expect their children to do the same for them, but others are adamant that they want to avoid ‘becoming a burden’ themselves. Our family structures are now routinely complicated; our days and nights are busier and our household budgets stretched by priorities that are less clear cut.

We have a higher proportion of single-parents and more households in which both partners work, than, say two generations ago.”

“Our tendency to have children later in life, and support them for longer means that there may be no break between raising a family and caring for our parents. With property price rises, few sons and daughters have room to accommodate older relatives; sharing out the load between siblings can cause family conflict especially at the “superdensities” now considered desirable in much urban development. Smaller homes means that just having

our ageing parents to stay can be stressful; the likelihood of getting planning permission for a granny annexe seems more remote than ever.”

It is considered that the concept of “Lifetime Homes” referred to in the HAPPI report is not practical and it will remain virtually impossible for many older people to remain in their own home as they age and their mobility and care needs increase, clearly the majority of these dwellings would not be suited to stair lifts or installation of rails etc. Notwithstanding any of the above such dwellings even if fully compliant with lifetime homes become increasingly difficult for people to manage and maintain. As a result there is a vitally important role for private sheltered housing to support the ageing population, release under-occupied family housing and reduce the burden on infrastructure.

It is undisputed that there is a significant growth in the elderly population at all levels, the majority of whom are owner occupiers who are living in properties which often no longer meet their housing needs. This equates to a pressing need for private sheltered housing for the elderly at both a national and local level. It also further demonstrates that the need should not be considered in accordance with the needs of general housing. The issue of housing need when taken as an overview is misleading. This should be broken down into sub-sectors to enable more appropriate and efficient delivery as well as aiding development proposal assessment by decision takers.

Sheltered housing produces a plethora of significant benefits which has been proven to help to reduce the demands exerted on Health and Social Services and other care facilities – not only in terms of the fact that many of the residents remain in better health, both physically and mentally, but also doctors, physiotherapists, community nurses, hairdressers and other essential practitioners can all attend to visit several occupiers at once. This leads to a far more efficient and effective use of finite public resources.

Private sheltered housing also helps to address a common and growing problem experienced by many local authorities by releasing family sized housing onto the general market which is currently under-occupied. Such developments help to maximize urban brownfield land which helps to reduce pressure for development on more sensitive sites in Greenfield locations. This further assists in discouraging the use of private vehicles by developments being located within highly sustainable locations in relation to town centres

and public transport routes. Further such developments introduce a neighbourly use of the sites, and moreover this adds to the vitality and vibrancy of town centres.

As part of the evolving National Planning Policy Framework it is essential that a more effective planning policy system is introduced that recognises older people's needs and the delivery of homes for older people in the future. It is recognised that there is already an emphasis on meeting the housing needs of older people at paragraph 50 of the Framework which states,

“ To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

*plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, **older people**, people with disabilities, service families and people wishing to build their own homes);*

However, there is much more the Government can, and should be doing which would benefit all sectors of society by supporting private retirement housing.

In respect of the housing market it is considered that reducing under-occupation of family housing by older people should be an important objective for the Government. Under occupied family housing is one of the root causes of demand for building higher levels of new homes. An older person moving into retirement housing nearly always releases under occupied family housing back into the housing market.

In the current market place there are now only two companies seriously involved in developing private sheltered/retirement housing these being my clients company Churchill Retirement Living, and also McCarthy and Stone, both recognised as market leaders in the field. During recent years other developers of sheltered housing have either gone into administration e.g. English Courtyard, or have stopped building due to their bank managing debt finance and only selling built stock, e.g. Pegasus. One of the reasons for this could be considered to be the onerous nature of obtaining planning consent and the delivery of

“Planning Gains” be they affordable housing, CIL payments or further S106 contributions. This is yet another example of the difference between standard general house builders and developers of private retirement sheltered living developments.

The volume house builders have withdrawn from the market because private sheltered housing development is too specialist and requires substantial upfront investment to develop an entire block and establish the management and services required before the first apartment can be sold. Additional Empty Property Costs are incurred once the development is completed such as Council Tax after six months, electricity to heat each apartment and the service charge to the management company to pay for the communal facilities. As a result the development remains cash negative until sufficient apartments have been sold.

Whereas a volume house builder can sell individual houses by plot and phase the construction thereby managing their cash flow and achieving a financial return much sooner. This is a major constraint to increasing the supply of retirement housing and a barrier to entering the market. In addition the costs of S106 agreements often required to be paid prior to first occupation are a further burden to new entrants to the market.

To reaffirm, private sheltered housing should be considered distinctly from market housing in that private sheltered housing is always of a high notional density due to the need to ensure a “sustainable” scheme in terms of its onward management; the size of apartments; communal areas such as owners lounge and laundry room and its functional characteristics including a reduced requirement for on-site parking that enables a successful high density scheme to be achieved.

The provision of affordable housing on sites for private sheltered accommodation are very likely to significantly reduce the number of apartments in each of the blocks which would have the consequence of increasing the service charge and to prejudice the commercial attractiveness of development of a site for private sheltered housing. A site must therefore be large enough to sustain two independent schemes, each with its own access, parking and amenity space on the site, yet should still remain viable.

In practice, the issue of providing the affordable units amongst the private sheltered housing block is fraught. There are very real difficulties which need to be understood and taken into

account when assessing whether the provision of an element of affordable housing on the site can be successfully implemented and subsequently managed, in a fair and balanced manner without prejudicing those occupants who have brought a property on the open market.

In order to ensure the annual management and service charges incurred by the scheme and which are payable by each resident/owner are set and maintained at a cost effective and acceptable level to purchasers and comparable to similar private sheltered housing schemes for sale in the area, a minimum number of private sheltered apartments is required to form a successful scheme.

The success of a private sheltered housing development depends on many factors, including site size, number of dwellings, the incorporation of successful management arrangements and of course the nature of the environment and surroundings in which it is built and accessed

Mixing affordable sheltered housing within an open market sheltered housing scheme would be problematic, when one bears in mind the implications of the communal facilities and on-going service, maintenance and management arrangements and the need to ensure equitable distribution of those charges amongst the residents.

One of the country's largest managers of private sheltered housing for the elderly (Peverel), manage over 45,000 sheltered apartments on nearly 1,100 sites throughout the United Kingdom. None of the 1,100 private sheltered schemes they manage include an element of affordable rented housing and none has a joint management arrangement between the developer and a Registered Social Landlord (RSL). To their knowledge no such mixed scheme exists in this Country. They have publically commented that they anticipate the significant and realistic difficulties that are likely to be associated with such a mixed tenure scheme and which need to be taken into account when assessing whether or not a development proposal could provide affordable housing on site. One difficulty would be trying to mix affordable housing and private sheltered housing in the same building and achieve a successful housing development overall.

Overall the consideration should also be given, to the way in which such a product is distributed and the long lead times this can engender, for example private sheltered schemes can have a significantly longer sales period than what is currently considered as general market housing. This therefore also significantly impacts on the overall viability of affordable housing schemes.

This review presents a real opportunity to develop innovative solutions, to release the wealth in under occupied houses, to help older people better meet their housing, emotional and financial needs in retirement and reduce the burden to the Government.

To summarise set out below are just some of the key benefits of private retirement development;

- Retirement housing helps to reduce anxieties and worries experienced by many elderly people by providing safety, security and reducing management and maintenance concerns;
- Retirement housing provides companionship and creates communities which helps to reduce isolation, loneliness and depression;
- Retirement housing provides a form of housing which addresses the on-set and increasing problems of mobility/frailty;
- Retirement housing is well located in relation to shops and other essential services, being within easy walking distance or readily accessible by public transport which can reduce isolation and reduce the worry of depending on a car;
- Retirement housing helps to maintain an independent lifestyle; and
- Retirement housing helps to maintain health and general well-being. There are also many economic benefits of retirement housing and a typical development contributes significantly more to spending in the local economy than conventional housing.

The social benefits of retirement housing also need to be recognised as it can help to reduce the demands exerted on Health and Social Services and other care facilities as many of the

residents remain in better health, both physically and mentally. Postponing entry into residential care by a year could reduce cost by £26,000 per person (HAPPI report)

To reiterate retirement housing also frees up under occupied housing stock for families and other occupiers, in the majority it releases family houses to the housing market which helps to reduce under occupation of existing homes and aids supply of these types of dwellings to try and meet high demand, thereby making more effective use of the existing housing stock as well as helping to increase affordability of this type of dwelling.

There are also many planning benefits to private sheltered housing which include:

- meeting the housing needs of a sector of society - planning policy seeks to ensure that the entire range of housing needs are met, including those of the elderly whose numbers are predicted to grow substantially in the coming decades;
- releasing under-occupied housing and the 'knock-on' effect in terms of the whole housing chain enabling the more effective use of the existing housing stock – this can reduce the need for building new units of larger housing and can make more efficient use of land resources and reduce the need to develop greenfield sites;
- maximising the use of previously-developed land;
- reducing the need to travel by car (the elderly living in more remote locations will remain far more dependent upon the private car); and
- helping to introduce mixed land uses in town centres and revitalising such areas.
- Private retirement housing is a 'good neighbour' in all respects. There is a very low traffic generation, and the general lack of peak hour traffic movement ensures that conflict does not occur with other traffic movements such as school and work journeys. Noise levels at developments are low and the use of outdoor space is generally confined to sitting outside residents' ground floor apartments in the warmer months.

In addition to the above benefits retirement housing provides a number of key sustainability benefits by:

- Making more efficient use of previously-developed land thereby reducing the need to use limited land resources for housing;
- Providing high density housing in close proximity to services and shops which can be easily accessed on foot thereby reducing the need for travel by means which consume energy and create emissions.
- Providing high density housing in a location highly accessible by public transport thereby enabling longer journeys to be undertaken by these modes thereby reducing the need for travel by car;
- Providing shared facilities for a large number of residents in a single building which makes more efficient use of material and energy resources.
- Providing newer buildings built to highly sustainable developments and allowing older housing stock to potentially be improved.

Finally and by way of conclusion Churchill Retirement Living are about to commission a new research study with a major University that will assess the private retirement housing needs of “Baby Boomers”. This will assist further understanding of the benefits of retirement housing and better refine the design of new developments to this age group.

As market leaders in our sector my client would welcome the opportunity to discuss these matters further and provide further information if required

Q9. Are there any further points you would like to make in response to the Review Group’s Report? Do you have additional ideas to improve and/or streamline planning practice guidance?

The overall concept of streamlining and reducing the amount of guidance is welcomed.

It is considered that the majority of issues have been addressed above.