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East Devon District Council

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By Email Only
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Dear Sir/Madam,

CHURCHILL LIVING & MCCARTY STONE RESPONSE TO THE EAST DEVON LOCAL PLAN 2020-2040 (SECOND REGULATION 19) CONSULTATION

Please find below our comment on the draft policies within this consultation insofar as they impact the delivery of specialist accommodation for older persons.

Comments are submitted on behalf of Churchill Living and McCarthy Stone who together, deliver circa 90% of dedicated older persons housing for sale in the UK each year. The comments reflect the two company's significant experience in delivering specialist housing for older people.

Churchill Living previously made comments on the emerging plan as part of the Regulation 18 consultation exercise and the first Regulation 19 consultation in March 2025.

It is noted that within the Plan Wide Viability Study Addendum, the authors of this report recognise comments made in respect of the original Regulation 19 consultation.

9 EDDC	Older Persons Housing: The LPVA highlights the weak viability of older persons housing in lower value areas, yet this form of development is still subject to blanket requirements.
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In reviewing the second regulation 19 consultation, no reference is made to the above issue, and no policy amendments are put forward in respect of affordable housing and other policy requirements where we have previously highlighted issues of financial viability.

The original comments we made in March 2025 and therefore remain of significant concern and are repeated below for ease of reference. We would encourage the council to note these comments and to put forward amendments accordingly. If the council fail to do this then the plan will be inconsistent with national planning policy

and will not be justified. The Council is ignoring the findings of its own evidence base and creating unnecessary uncertainty for providers of older persons housing as a result.

Viability

Representatives from both Churchill Living and McCarthy Stone attended the joint Exeter and East Devon viability workshop in 2024 and provided feedback for the consultants to consider after the event. The evidence presented by the respondents included detail of recent planning applications within East Devon and the difficulty encountered in addressing affordable housing policy and viability in respect of specialist housing for older people.

The respondents requested that following the completion of the plan wide viability work that the council consider the introduction of a bespoke affordable housing policy for specialist older person housing development which would allow the developers of such housing to confidently invest in and bring forward planning applications for such housing.

The council's plan wide viability study was completed in January 2025 and is included as evidence supporting the draft plan and the policies within. The study examines the viability of specialist housing for older people including sheltered and extra care typologies and arrives at the following conclusions:

Older persons sheltered housing is viable in VA1 with the standard affordable housing requirement for this area. It is not viable elsewhere in East Devon. Extra care housing and care homes are not viable in VA1 or elsewhere in East Devon.

And

Older persons sheltered housing in VA1 is viable as tested with 35% affordable housing. Extra care housing is not viable in VA1 although the extent is limited and suggest that it could be deliverable. Neither sheltered or extra care housing is viable in the VA2-VA5 blended area, even with 0% affordable housing. Separately, an additional sensitivity test was undertaken to explore the viability impact of higher value brownfield sites on sheltered accommodation in VA1. Testing was undertaken with a nominal £1.5m/ha BLV, and the typology remained viable with the headroom reduced from £15436/unit to £3,501/unit.

For context, VA1 or value area 1 consists of small pockets of the market within Budleigh and Sidmouth. Table 4.6 of the study reports that in these areas:

Activity is the lowest of the five value areas.

And

There are currently no new build properties currently advertised in VA1 area - opportunities to develop in these area, given their coastal setting and flood risk have been limited and therefore it is not surprising that there are no current listings. Rightmove suggests that the majority of properties sold are detached or flats, with all average prices above those used in the testing

VA3 East Devon towns and rural is the area reported to have the highest activity

Outside of the proposed new settlement and Cranbrook, this is the area with most future growth. There are both coastal and rural towns and villages and

whilst there are some outliers, and particular locations will attract different mixes, prices are generally similar for new builds

It may be taken from the above key summary points within the viability study that opportunity to bring forward viable older person housing development in East Devon will be constrained by market dynamics and viability but also availability of land. The 35% affordable housing target is clearly unviable in the areas where the study suggests that land will be readily available.

This position contrasts with the wider delivery expectations for housing across East Devon. The viability study sets out that the majority of the site allocations are located on greenfield sites on the edge of towns and villages across East Devon which in turn, the study finds to be viable with 35% affordable housing included.

The council's Housing Needs Assessment was published in September 2022 and looks at current and future need for sheltered and extra care housing within East Devon. Figure 7 of the needs assessment sets out modelled demand for older persons housing over the 2020-40 period based on the Housing LIN Toolkit. In summary, the idealised need outcome applying the Housing LIN Toolkit is for 1,631 units of private sheltered housing for sale and 0 units for affordable sheltered housing due to the existing supply. There is a demand for affordable extra care units.

Taking the viability study and housing needs assessment together, it is clear that the affordable housing requirements for older persons housing are quite unique and will not reflect general needs developments on greenfield sites which will make up the majority of the housing delivery across the plan period.

Within the context of the above considerations, the following policies are considered to be unsound given the evidence base underpinning each of these has not justified the requirements.

Strategic Policy – CC02: Net-Zero Carbon Development

The viability study assumes residential testing includes costs allowances for Future Homes.

The viability study concludes that the combined policy requirements within the draft local plan are only viable in VA1 in respect of older persons housing.

Given that the policy seeks to mirror building regulation requirements at any given time, we would question why this policy is actually required.

Policy HN02: Affordable Housing

A generic one size fits all approach has not been justified in this case. Yet the introduction to the policy states:

Specifically included under policy are schemes for specialist housing for older people, which must provide affordable housing, where the site is delivering self-contained units (C3 and C2). Provision must accord with the levels set out below.

The above requirements include the percentage target of affordable housing together with the tenure mix of affordable housing including social rented and intermediate forms of affordable housing.

This is quite confusing given the council's own evidence base states this is not required in terms of housing need and unviable in all of the locations where land is considered to be available to deliver overall housing needs.

The policy goes on to state that:

Where the requirements set out in this policy are not proposed to be met, applicants must submit development viability evidence to justify departure. Where a lower percentage level or differing tenure mix of provision is agreed on viability grounds developers will be required to enter into an agreement that allows affordable housing contributions to be made in the future should higher levels become viable (e.g. through an 'overage' clause). The Council will also reappraise viability on subsequent phases of large schemes.

This policy is not considered to be sound and is unjustified.

We recommend that officers reconsider this policy to introduce specific reference as to how specialist housing proposals will be processed in line with affordable housing need and viability.

As per our detailed previous submissions, we will happily engage with officers in order to arrive at a policy which works in practice. It is clearly based upon previous engagement in the area, local registered providers do not wish to manage on site affordable housing on these schemes for management and affordability reasons. To continue to expect this within the emerging policy is unreasonable and unrealistic in our view and a bespoke and workable affordable housing policy for older persons housing is entirely warranted. This is especially the case given that the housing needs for this typology represents broadly 10% of housing requirements over the plan period and the additional focus on Local Plan Viability within the draft NPPF currently being consulted on by government. .

Policy HN03: Housing to meet the needs of older people

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

The delivery of a suitable level of specialist older persons' housing will be a substantial undertaking over the Local Plan period and unless action is urgently taken the Council will struggle to address this need.

This draft policy states that the Council will support development that widens choice by securing a more diverse supply of market and affordable housing for older people in East Devon.

The policy then goes on to prescribe that Any development proposals with housing to accommodate older people will need to:

A. Demonstrate how the design and layout addresses the health and well-being needs of older people including, where appropriate to the proposal, those with dementia and other long-term conditions;

- B. Locate all older person housing within 400 meters walking distance of local facilities and shops;*
- C. Be well-served by public transport;*
- D. Have high levels of accessibility with flat or relatively flat neighbouring topography, dropped kerbs and pedestrian road crossings to promote access by ambulant older people, wheelchair users and mobility scooters;*
- E. Provide adequate communal facilities, including on-site accommodation where required, for essential staff;*
- F. Be supported by a Care Needs Assessment to justify the development proposal's scale, tenure and accommodation type.*

Unfortunately, some of these requirements are overly prescriptive and unnecessary and confuse the differences between types of housing for older people.

We recommend that the above list is condensed to simply say:

Housing designed to accommodate older people should be carefully considered in terms of location and design so that the end user will benefit from a form of high-quality accommodation which will address their specific needs.

It is also worth highlighting that the requirement to provide 10% of dwellings for older people on sites of 50 + dwellings is unlikely to result in older persons housing of a viable scale. Allocating specific sites within the local plan in sustainable town centre or edge of town centre locations for older persons housing is likely to be more successful in delivering this typology.

Policy HN04: Accessible and adaptable Housing

The draft policy states that:

- B. 100% of all new specialist accommodation for older people will meet regulation M4 (3) requirements (a) or (b) (wheelchair user dwellings);*
- C. 100% of new specialist accommodation for older people will meet regulation M4 (3) (2) (b) requirements (wheelchair accessible dwellings) for those dwellings where the local authority is responsible for allocating or nominating a person to live in a dwelling;*

We suggest that the council clarify this position in respect of point B above which presumably should be M4 (2).

Although the plan wide viability study states that it has tested to M4(3) for older persons housing, no adjustments are made for the larger units required to meet this fully wheelchair accessible standard. To provide all units to full M4(3) standard would in our experience, reduce the number of units deliverable by 10-15 units. The testing undertaken by the council's viability consultant is not in our view robust on this point and must be updated to reflect this consideration.

As set out at Regulation 18 stage.

Footnote 49 of the Framework clearly sets out that planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties.

Paragraph 002 (Reference ID 56-002-20160519) of the [Planning Practice Guidance \(PPG\)](#) reiterates that local planning authorities have the option to set additional technical requirements for accessibility and adaptability, however, they will need to

gather evidence to determine whether there is a need for additional standards in their area, and justify setting appropriate policies in their Local Plans.

The supporting text for this policy advises that:

8.43 *M4(3) Category 3 Category 3 wheelchair users housing Based on gross modelled need, the ORS study forecasts a net additional 1,010 households over the plan period in East Devon will need wheelchair adapted housing. This equates to about 6% of the local housing need. The 5,119 net adapted need housing already encompasses households counted as having a health problems or disability that affects their housing need. That figure already includes households with wheelchair users so the latter should not be double counted. There's also a very significant overlap between wheelchair users housing need and the forecast additional 6,224 specialist older persons housing need. The study concludes that it may be appropriate to adopt a target of 100% wheelchair accessible housing. This could reduce the proportion of general needs housing that would need to meet the M4(3) Category 3 requirements.*

The *East Devon, Exeter, Mid Devon and Teignbridge Local Housing Needs Assessment* by OBR (Sept 2022) provides the following justification for 100% of specialist older persons' housing to be built to M4(3).

7.56 *Whilst not all over 75 households needing wheelchair adapted housing will live in specialist older person housing, it is likely that at least a tenth of those moving to specialist older housing will need wheelchair adapted homes. It is also likely that some older households will progress to using a wheelchair whilst living in specialist housing due to a deterioration in their health. Considering that a given older persons residence may house multiple residents in its lifetime, it becomes even more likely that at some stage a resident requires a wheelchair. Furthermore, it may be noted that where it is possible to retrospectively adapt residences, this may be costly or difficult.*

7.57 *On this basis it may be appropriate to adopt a target of 100% wheelchair accessibility (where viable) for specialist accommodation for older people to avoid potential inequality of provision. This could also reduce the proportion of general needs housing that would need to meet the M4(3) Category 3 requirements.*

The respondents consider the justification for a 100% M4(3) requirement for wheelchair adaptations is predicated on several flawed assumptions. In the first instance, the rationale that 9.3% of households where the representative was 85 years and older require a wheelchair does not mean that a tenth of those moving into specialist older persons' housing, particularly specialist housing for the active elderly, will require wheelchair accessible housing.

Churchill Retirement Living have been building retirement living apartments since 1994 and have accrued significant expertise in building specialist housing that enables older people to live independently. Recent research into existing Churchill Retirement Living developments has resoundingly demonstrated that there is no need for our apartments to meet M4(3) requirements with less than 1% of our occupiers using a wheelchair full time.

Factors that contribute to the low-level of wheelchair need for retirement living housing are that long-term or lifetime wheelchair users will have moved into suitably adapted homes earlier in their lives and are more likely to remain in these homes.

Individuals who move into a retirement living apartment but then require a wheelchair in the short-term due to a bout of illness or a physical injury, can do so in a home built to M4(2) as rooms and circulation space can accommodate a wheelchair.

Individuals who progress to needing a wheelchair permanently, do so as a result of serious illness or injury in which case specialist accommodation with a greater degree of care, such as a residential care or nursing home is more likely to be appropriate.

People with long term mobility disabilities would be in a different setting and as such would not occupy an independent living retirement development. Given the lack of demand for the requirement for M4(3) in this form of accommodation it would simply be a cost to development and ultimately an increased purchase cost whilst serving no identified need.

Building to M4(2) provides sufficient accessibility and adaptability for all our current users and future users and is very much in keeping with the product of providing an independent retirement living lifestyle for those aged 60 and over.

Additionally, Paragraph 009 (*Reference ID: 56-009-20150327*) of the PPG sets out that local plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling.

There is no policy requirement or control that the LPA can impose over open market private apartments that could mandate that they must be sold to a wheelchair user.

To that end, I refer the Council to Paragraph 67-69 of the attached appeal decision at Stanford Hill, Lymington (APP/B1740/W/20/3265937). This sets out a view on Optional Technical Standards and in particular a Local Plan policy requirement for 100% of specialist older persons' accommodation to be built to M4(3) dwellings, with the Appeal Inspector concluding:

I am mindful also that the design of the appeal scheme seeks to achieve the M4(2) Optional Building Regulations standard for accessible and adaptable dwellings - albeit that without a condition specifying this, I accept that the Council could not enforce this standard. In any event, the proposed development would cater for a range of occupants, and not only those with impaired mobility. Consequently, I am not persuaded that a requirement for the higher optional standards to be deployed in all of the proposed dwellings would be either reasonable or necessary in this case.

It is clear from this decision that, despite having an adopted policy, the Inspector considered the provision of M4(2) sufficient to cater for a range of occupants and that this technical breach of the policy was not so significant to outweigh the very significant benefits of the scheme.

We are aware that a small number of emerging and adopted Local Plans have introduced policies requiring 100% of specialist older persons' accommodation to be built to M4(3). There may, accordingly, be the mistaken assumption that such policies constitute best practice however for the reasons set out in this representation, we strongly advise the Council that this is not the case. The specialist older persons' housing sector is increasingly challenging such policies at Examination in Public and, in the rare instances they have been adopted, at Appeal.

Finally, we would respectfully remind the Council that the PPG states that "*The role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not*

undermine deliverability of the plan” (Paragraph: 002 Reference ID: 10-002-20190509).

Considering the above I would respectfully advise that imposing a 100% M4(3) requirement for all specialist older persons’ housing would not meet the tests of soundness in the NPPF accordingly.

We therefore recommend that officers engage with us on this very important point. If such a policy was adopted in the plan, no older person’s housing schemes will come forward in East Devon over the plan period. We have recently engaged in a Local Plan EiP in Sheffield where officers reduced their 100% requirement to 5% on the basis of the evidence.

Notwithstanding the requirements to retest viability and without making the adjustments as required above, the viability evidence does not demonstrate this requirement is viable.

We recommend that the policy is amended as follows:

B. 5% of all new specialist accommodation for older people will meet regulation M4 (3) requirements (a) or (b) (wheelchair user dwellings);

We would like to engage with officers on this very important issue to ensure a workable policy is brought forward.

Policy HN05: Self-build and custom build housing

It is recommended that specialist older persons housing schemes are exempted from the requirement to provide self-build plots.

Strategic Policy PB05: Biodiversity Net Gain

The policy states:

Major development proposals will need to deliver biodiversity net gain (BNG) of at least 20% to be calculated using the most up-to-date statutory metric. Where there is a demonstrable viability problem to achieve this target, it will be expected that all measures to exceed the national minimum requirements are made, and evidence for not achieving the 20% target is provided in full. Non-major developments will be required to secure at least 10% BNG.

The Council’s commitment towards biodiversity net gain in the Authority is commendable. The requirement for 20% Biodiversity Net Gain (BNG) however is more than the requirements set out in *The Environment Act 2021*.

As highlighted in our original submissions:

The 20% BNG requirement appears counterintuitive for urban areas / previously developed sites. Such sites are generally small in area and built to higher densities, with a benefit being a commensurate reduction in the need to bring forward greenfield sites, which is inherently beneficial to biodiversity.

The additional planting required to achieved 20% net BNG requirement in urban areas may require a reduction in densities in sites. While it can be argued that urban sites tend to have lower baseline BNG and so the measures required to achieve 20% BNG may be relatively limited, the benefits are commensurately slight and outweighed by the costs of the associated long-term management and monitoring costs.

The council's plan wide viability study demonstrates that this requirement is not viable on older persons housing development outside of VA1 of the study.

In addition, the council should note that the draft NPPF that is currently out consultation states at policy N1 para 2 that '*Development plan should only set local standards for biodiversity net gain which are in excess of the statutory net gain requirement where this is for specific site allocations and is fully justified and deliverable*'. The requirement should therefore also be reduced to 10% to ensure the plan is consistent with the draft NPPF on adoption.

It is therefore our view that a 20% BNG requirement is not justified and it is recommended that this requirement is only applied subject to a viability clause and that the minimum percentage is 10% in line with the regulations.

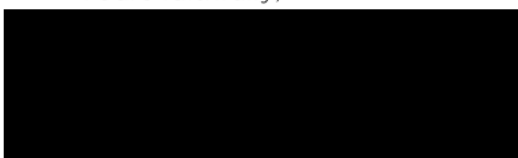
Conclusions

We have previously provided detailed comments in respect of the Regulation 18 consultation and first Regulation 19 consultation and engaged in the viability stakeholder consultation. It is disappointing that these comments were not taken on board given the comments and recommendations are provided with the intention of enabling the council to meet housing requirements for older people across the plan period. We would like to engage with officers to address the issues set out above and welcome the opportunity to engage further.

We have highlighted issues here which will impact on the delivery of housing for older people over the plan period and prohibit the sector meeting housing needs in the area. Given the seriousness of these issues, we would therefore be grateful if we could be notified of the forthcoming examination stages and opportunities to explain these issues further in front of the appointed Inspector(s).

Thank you for the opportunity for comment.

Yours faithfully,



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