

Shropshire Local Plan 2016-2038  
Examination in Public  
Hearing Statement by  
Planning Issues on behalf of Churchill Living Ltd

Issue

Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the approach towards the provision housing and affordable housing

Specifically relating to policies:

Draft Policy DP1A: Housing Provision for Older People and those with Disabilities and Special Needs

And

Draft Policy DP3 Affordable Housing

September 2024

Appended – Original Representations from Churchill Living

And

Part M4(3) Space Requirements

## Draft Policy DP1A: Housing Provision for Older People and those with Disabilities and Special Needs

Proposed new Policy DP1A - Housing Provision for Older People and those with Disabilities and Special Needs (see MMs33-35)

1. Is the policy justified, effective and consistent with national planning policy?

No.

The evidence base supporting the policy requirements is incomplete and does not support the requirement that:

*All specialist housing for older people or those with disabilities and special needs will be built to the M4(3) (wheelchair user dwellings) standard within Building Regulations and must also be designed to be 'friendly' to those with dementia and to those with disabilities and special needs.<sup>1</sup>*

The PPG requires that in order for a plan to introduce policy requirements such as the above, an assessment of the financial viability of doing so should be undertaken (with no exceptions highlighted).

The PPG sets out the following pertinent points in this regard:

**How should plan makers set policy requirements for contributions from development?**

**Plans should set out the contributions expected from development.** This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure).

**These policy requirements should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability that takes into account all relevant policies, and local and national standards, including the cost implications of the Community Infrastructure Levy (CIL) and section 106.** Policy requirements should be clear so that they can be accurately accounted for in the price paid for land. To provide this certainty, affordable housing requirements should be expressed as a single figure rather than a range. Different requirements may be set for different types or location of site or types of development.

See related policy: National Planning Policy Framework [paragraph 34](#)

Paragraph: 001 Reference ID: 10-001-20190509

Revision date: 09 05 2019 See [previous version](#)

And

**What evidence should local planning authorities use to demonstrate a need to set higher accessibility, adaptability and wheelchair housing standards?**

Based on their housing needs assessment and other available datasets it will be for local planning authorities to set out how they intend to approach demonstrating the

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<sup>1</sup> [gc4m-sd00302-updated-schedule-of-proposed-main-modifications-july-2024.pdf \(shropshire.gov.uk\)](#)

need for Requirement M4(2) (accessible and adaptable dwellings), and/or M4(3) (wheelchair user dwellings), of the Building Regulations. There is a wide range of published official statistics and factors which local planning authorities can consider and take into account, including:

- the likely future need for housing for older and disabled people (including wheelchair user dwellings).
- size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes).
- the accessibility and adaptability of existing housing stock.
- how needs vary across different housing tenures.
- the overall impact on viability.

And

**How should local planning authorities establish a clear need?**

It will be for a local planning authority to establish a clear need based on:

- consideration of the impact on viability and housing supply of such a requirement

Paragraph: 015 Reference ID: 56-015-20150327

Revision date: 27 03 2015

Finally

**Should plan-making bodies set minimum requirements for accessible housing?**

Where an identified need exists, plans are expected to make use of the [optional technical housing standards](#) (footnote 46 of the National Planning Policy Framework) to help bring forward an adequate supply of accessible housing. In doing so planning policies for housing can set out the proportion of new housing that will be delivered to the following standards:

M4(1) Category 1: Visitable dwellings (the minimum standard that applies where no planning condition is given unless a plan sets a higher minimum requirement)

M4(2) Category 2: Accessible and adaptable dwellings

M4(3) Category 3: Wheelchair user dwellings

Planning policies for accessible housing need to be based on evidence of need, viability and a consideration of site-specific factors.

Paragraph: 009 Reference ID: 63-009-20190626

Revision date: 26 June 2019

### **Viability Evidence Base**

The viability evidence base includes the Local Plan Delivery and Viability Study published in July 2020.

The study makes reference to Housing for Older People as a specific typology. However, the study **does not** then seek to assess the specific viability of Housing for Older People. The study states at paragraph 4.78<sup>2</sup>:

*Shropshire has an aging population and does attract both sheltered and Extra Care developments however it is beyond the scope of this project to test this sector as they will be subject to a viability assessment at the point of a planning application.*

Representations have already been provided by the sector to earlier consultations highlighting the above omission. We would reiterate that this is contrary to both best practice and the typology approach detailed in Paragraph: 004 (Reference ID: 10-004-20190509) of the PPG which states that.

*A typology approach is a process plan-makers can follow to ensure that they are creating realistic, deliverable policies based on the type of sites that are likely to come forward for development over the plan period.*

The approach progressed by the council is entirely inconsistent with the approach taken as part of other local plan preparations we have seen which is now considered best practice. Examples are provided later in this Statement (See Birmingham, Charnwood, BCP and Fareham). If the council continues with this approach then the policies must be found to be inconsistent with the PPG requirements.

Clearly, housing for older people will form part of the housing supply coming forward and should therefore be tested at the plan wide testing stage. To take the approach that such onerous requirements can be determined on a case by case basis is wrong given that no attempts have been made to determine if these requirements are viable.

Such an approach gives zero confidence to providers of housing for older people that investing resources in Shropshire will lead to a satisfactory and deliverable planning permission.

We would remind the council that the PPG states the following in respect of housing for older people and viability:

**How can the viability of proposals for specialist housing for older people be assessed?**

Viability guidance sets out how plan makers and decision takers should take account of viability, including for specialist housing for older people. Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure. **Plans can set out different policy requirements for different types of development. These policy requirements should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability that takes into account all relevant policies and local and national standards, including the cost implications of Community Infrastructure Levy and section 106.**

Viability guidance states that where up to date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. **Such circumstances could include types of development which may significantly**

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<sup>2</sup> [viability-study-2020-ev11501.pdf \(shropshire.gov.uk\)](#)

vary from standard models of development for sale (for example housing for older people).

Paragraph: 015 Reference ID: 63-015-20190626

Revision date: 26 June 2019

The council and their assessor appear to have taken the above PPG guidance as reason for not assessing housing for older people as part of the plan wide viability study. This is a misinterpretation of the PPG which is merely highlighting the difference in viability characteristics of different topologies. The PPG is absolutely clear that in undertaking plan wide viability assessment, the study should test typologies which are likely to be important in addressing housing need over the plan period. The housing for older persons PPG section highlights the typology as one which should be viability tested at the plan making level.

The draft plan supports the provision of housing for older people and acknowledges a housing need for such housing. By loading the policy requirements and subsequent costs associated with these policies and not testing the viability position, the council has not addressed the requirements of the PPG as highlighted within this Statement and previous representations.

Coupled with the unevidenced requirement for all older person's housing to be provided to M4(3) as well as all the other policy requirements set out within the draft local plan, the council has failed to demonstrate that these requirements are financially viable.

By not testing the typology, no certainty is provided for developers of housing for older people in acquiring sites and undermining the delivery of these much-needed forms of housing.

**The draft Local Plan is therefore considered unsound on the grounds the policy targets and standards sought are not justified, positively prepared or effective.**

In the event that financial viability appraisals for specialist older persons' housing typologies are presented to the Examiners, then the respondents are strongly of the view that these should be made publicly available for comment and stakeholder engagement as these should have been earlier in this process.

On the matter of the identified housing need, the council's Strategic Housing Market Assessment (SHMA) states:

*Table 100 shows the projected household need during 2016-2038 for households including wheelchair users in Shropshire. It shows in Shropshire there will be a need to accommodate 2,466 households during 2016-2038 with around 16.7% within the social / affordable rented sector and 83.3% within the private market sector. Overall, 2,466 households represent 12.9% of total projected household growth in Shropshire during 2016-2038. This would suggest future development should aim to achieve 13% of new homes meeting building regulations category M4(3) (Wheelchair User Suitable), although it is acknowledged that a proportion of this need will be met within specialist older person accommodation.<sup>3</sup>*

No evidence base therefore exists to support the requirement that 100% of all older persons housing should be provided to M4(3) standard.

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<sup>3</sup> [Delivering Local Priorities Through Partnership Working \(shropshire.gov.uk\)](https://www.shropshire.gov.uk)

## 2. Are the policy requirements clear?

No.

Our view is that the policy requirements and their practical implications have not been thought through.

The NPPG (Paras 15 and 16) require plans to be succinct. Much of the policy may be streamlined by moving justification to the policy supporting text.

## 3. Is the policy flexible enough?

No.

There is no flexibility offered in respect of accessibility standards. As set out, there is no evidence base supporting the requirements for M4(3) and the lack of flexibility means there is no evidence that the policy will simply stall such development.

The policy offers no flexibility for site specific considerations as required by the PPG.

## 4. Has the policy been viability tested to ensure it does not prevent development coming forward?

No.

The respondents previously made submissions on these points (Appendix 1) and to our knowledge, no response has been received from the council to the issues raised.

We would remind the council that the viability PPG states:

*It is the responsibility of plan makers in collaboration with the local community, developers and other stakeholders, to create realistic, deliverable policies. Drafting of plan policies should be iterative and informed by engagement with developers, landowners, and infrastructure and affordable housing providers* (Viability PPG Paragraph 002).

The issue of requiring M4(3) standards on older persons housing development was discussed at the respondent's site in Penketh in Warrington as part of a planning appeal in February 2024 (appeal reference 3327682). The inspector in this case confirms that the implications of requiring M4(3) standards would include additional development cost **and** a required increase in unit size and communal space dimensions. In this case the inspector concluded that it would be unviable to provide any M4(3) units as part of the proposal due to the likely cost implication. It is noteworthy also that in the case of the Warrington Local Plan (adopted in 2023), the relevant policy recognised that viability would be impacted by such a requirement.

The impact of increased unit sizes and larger communal space will impact on the density of development achievable on constrained brownfield development.

The London Design Standards LPG<sup>4</sup> states.

*Note for M4(3) homes*

*As M4(3) homes **need to be considerably larger than M4(2) homes**, the NDSS is not an appropriate benchmark to take as the starting point for improvement. However, providing*

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<sup>4</sup> [Housing Design Standards LPG \(london.gov.uk\)](https://www.london.gov.uk/development-planning/lpg)

*the relevant extra features listed above will allow these dwellings to claim compliance with the best practice space standard.*

And

*All new dwellings must meet the minimum space standard in Policy D6 Part F(1-8) and Table 3.1 of the London Plan. [All] Note 1: **These space standards should be exceeded for M4(3) homes, which will need to be considerably larger to meet the minimum spatial requirements set out in Approved Document M, Volume 1.***

Churchill's own analysis concludes that a 100% M4(3) building of 40 retirement living units would result in a requirement for a building footprint 26% larger than an M4(2) building. On a typical 0.3 hectare urban site close to amenities, this could reduce the unit numbers deliverable by 10 in order to accommodate all M4(3) requirements including parking (Appendix 2).

None of these implications are assessed within the council's evidence base. We note the only consideration of this point from the council was in response to the most recent consultation. The council state:

*'Shropshire Council would be very surprised if it was suggested achievement of the M4(3) (wheelchair user dwellings) standard constitutes an additional cost for specialist housing specifically designed for older people or those with disabilities and special needs. It is expected achievement of this standard is a default design requirement for any such housing, to ensure it meets the current/future needs of intended occupiers. Particularly as Government is proposing to require M4(2) accessible and adaptable standards as a minimum requirement for all dwellings. It is also important to recognise that much of this form of housing benefits from economies of scale in achieving these design requirements. Finally, the Council would note that this proposed requirement already formed part of the submission version of the draft Shropshire Local Plan'*

The above response is entirely incorrect and seems to confuse all forms of older persons housing as a single entity. Churchill Living currently design their developments to meet M4(2) standards for the active retirement market. We believe that this is a similar position to other such providers in the market.

We also fail to see the relevance of the proposed requirement already forming part of the submission version of the draft plan. There is still no justification provided by the council for this overly onerous requirement which would have a serious impact on delivery of older persons housing in Shropshire.

It is obvious that requiring 100% of older persons housing to comply with M4(3) standards will have a material impact on viability due to a loss in number of saleable units and enhanced levels of non-saleable floorspace.

**The draft Local Plan is therefore considered unsound on the grounds the policy targets and standards sought are not justified, positively prepared or effective.**

## Policy DP3 – Affordable Housing Provision

1. Is the policy justified, effective and consistent with national planning policy, including the 2021 Framework (Paragraph 4.53 of the explanation to the policy refers to the 2019 Framework)?

No.

As set out within previous submissions, the council and their advisors have decided not to examine the viability of housing for older people as part of their plan wide viability analysis electing instead to examine the viability of such proposals at the development management stage. Meanwhile, there is no justification for seeking affordable housing and other policy requirements within local plan policy. This approach is completely at odds with the approach applied by other local planning authorities around the country.

As an example, emerging policies in [BCP](#), [Birmingham](#) and [Charnwood](#) propose affordable housing exemptions in respect of proposals for housing for older people having found through their plan wide viability assessments that viability was constrained for these typologies.

### [BCP](#)

*The Local Plan viability assessment indicates that for greenfield sites we can continue to seek 40% affordable housing provision on-site. For brownfield sites we will seek 10-15% affordable housing, but due to viability, this will not apply in Bournemouth and Poole town centres, or for specialist forms of housing (e.g. build to rent, student housing, care/ nursing homes (Use Class C2) or for retirement housing (sheltered housing) and extra care (assisted living) housing (both Use Class C3)).*

### [Birmingham](#)

*Due to the specific viability challenges of delivering older persons' housing, the evidence suggests on the basis of the market research, appraisal inputs and policy requirements, Older Person's Housing is exempted from Affordable Housing provision.*

### [Charnwood](#)

*Our viability evidence shows that neither sheltered housing nor extra care housing developments are likely to be viable if a contribution towards affordable housing is sought.*

[Fareham Borough Council](#) recently adopted their new local plan and Policy HP5 of the plan states:

*The Viability Study concludes that affordable housing is not viable for older persons and specialist housing. Therefore, Policy HP5 does not apply to specialist housing or older persons housing.*

The respondents are of the view that similar conclusions would be made in this case in respect of housing for older people whereby a reduced or even zero affordable housing requirement would be more appropriate.

As a housing typology which the draft local plan clearly assigns priority to as it addresses a housing need, it should be tested as part of the plan wide viability study to ensure it is



deliverable and the policy requirements applied do not make it unviable over the plan period.

The draft plan cannot demand endless infrastructure and sustainability requirements without first understanding if those requirements are unviable. As the viability of housing for older people is more finely balanced in comparison to main stream housing typologies, it is particularly important that plan wide testing is undertaken.

Without this viability evidence base in place it is not justified for the council to expect housing for older people to provide affordable housing.

We would direct the Council towards the Retirement Housing Consortium paper entitled 'A briefing note on viability' prepared for Retirement Housing Group by Three Dragons, May 2013 (updated February 2016 ('RHG Briefing Note')) available from <https://retirementhousinggroup.com/rhg/wp-content/uploads/2017/01/CIL-viability-appraisal-issues-RHG-February-2016.pdf>. The RHG Briefing Note establishes how sheltered housing and extra care development differs from mainstream housing and looks at the key variables and assumptions that can affect the viability of specialist housing for older people. These key variables include unit size, unit numbers and GIA, non-saleable communal space, empty property costs, external build cost, sales values, build costs, marketing costs and sales periods and significantly variable benchmark land values. We are also aware that the RHG Briefing Note is being updated and indeed we are informing that process. This update is needed given the changed circumstances since 2016.

In assessing the specific housing tenure requirements for older persons housing, it is our experience that this will differ from mainstream housing, and it would be inappropriate for the council to apply generic affordable housing targets to older persons housing. This together with viability considerations is likely to necessitate a bespoke affordable housing policy with a reduced requirement. As and when the viability related evidence is prepared, we would like the opportunity to engage in this process to ensure a workable policy is developed.

## 2. Is the requirement set out in DP3 1a appropriate and justified?

No comment.

## 3. Should reference be made to 'First Homes' in accordance with PPG?

No comment.

## 4. Is DP3 1j necessary?

No comment.

## Conclusions

The representations previously made are appended to this statement for reconsideration by officers and for the information of the Inspector. In summary we would reiterate the following key points.

The requirements of the NPPF and the guidance within the PPG make it clear that the role for viability assessment is primarily at the Plan making stage:

*Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force (paragraph 57.)*

Council Members, Officers and the general public will assume that applications for sheltered or extra care housing will be able to support a policy compliant level of affordable housing. Our extensive experience in dealing with site specific viability discussions is that it is never appropriate to apply generic affordable housing requirements as this leads to confusion, misled expectations and delay.

We would remind the council that the PPG also states in respect of viability that:

*Different requirements may be set for different types or location of site or types of development (Viability PPG Paragraph 001)*

The PPG is clear that in assessing site specific viability considerations, reference should be taken to the plan wide viability informing policy.

*Where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then. (Viability PPG Paragraph 008)*

The inputs and assumptions to the plan wide viability must therefore reflect the typology, and particularly the assumptions agreed amongst practitioners on a consistent basis as part of other plan wide assessments and also site-specific assessments. Otherwise, it is impossible for developers of the typology to bring forward such sites without having a consistent approach around the country. The PPG is clear that consistency matters to ensure that developers can confidently invest in bringing forward development.

The respondent's position is representative of our experience elsewhere as part of site-specific assessments where it is commonly agreed that this typology cannot provide full percentages of affordable housing.

More and more local planning authorities are acknowledging this position within local plans. Links to the previous examples of good practice may be found below (as summarised earlier)

- [BCP](#)
- [Birmingham](#)
- [Charnwood](#)

- [Fareham Borough Council](#)

The respondents are of the view that similar conclusions would be made in this case in respect of housing for older people whereby a reduced or even zero affordable housing requirement would be more appropriate.

We therefore request that the previous evidence submitted by the respondent together with these submissions is reviewed by the council and their assessors and the plan wide viability evidence is updated in respect of housing for older people accessibility standards and affordable housing.

In conclusion, draft Policies DP1 and DP3 are still considered to be unsound on the grounds that the accessibility standards and affordable housing targets are not justified, positively prepared or effective.

The respondents reiterate that they wish to work with the council to ensure that workable policies can be adopted within the Local Plan.



Appendix 1 – March 2023 Reg 19 submission by Churchill Retirement Living  
(‘Churchill Living’ as of 1<sup>st</sup> July 2024)

Planning Policy  
The Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

11<sup>th</sup> June 2024

Via email: [planningpolicy@Shropshire.gov.uk](mailto:planningpolicy@Shropshire.gov.uk)

Dear Sir/Madam,

**Shropshire Older Person's Housing Standards M4(3)**  
**Draft DP Policy: Housing Provision for Older People and those with Disabilities and Special Needs**

These comments are submitted on behalf of Churchill Retirement Living (CRL). CRL is one of the largest providers of housing for older people in the UK and is an active developer within the Shropshire area. As such, CRL is well placed to provide comment on the factors which impact the older person's housing sector and which impact developers bringing forward new specialist housing in the area.

It is noted that comments have been provided historically on the emerging Local Plan by other specialist housing providers. Specifically, it has been noted that the plan wide viability evidence base fails to test the viability of housing for older people. We agree with those comments and repeat them here in that it is inappropriate for the council to avoid testing the policy implications of the local plan on housing for older people. There is a genuine risk that such an approach would put a halt to the delivery of this important housing typology for reasons of economic viability. This also creates delay and uncertainty for developers given the unfounded expectation that such proposals will be assumed to be viable including full policy requirements when they may not be.

The above draft policy states that all housing specifically designed for older people or those with disabilities and special needs will be built to the M4(3) (wheelchair user dwellings) standard within Building Regulations and that all specialist housing for older people or those with disabilities and special needs will be built to the M4(3) (wheelchair user dwellings) standard within Building Regulations and must also be designed to be 'friendly' to those with dementia and to those with disabilities and special needs. We would make the following additional comments on these proposed additional requirements.

**PPG Testing Requirements**

The PPG establishes that in order for a plan to introduce policy requirements such as the above, an assessment of the financial viability of doing so should be undertaken (in general with no exceptions highlighted). The PPG sets out the following pertinent points in this regard:

How should plan makers set policy requirements for contributions from development?

Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure).

These policy requirements should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability that takes into account all relevant policies, and local and national standards, including the cost implications of the Community Infrastructure Levy (CIL) and section 106. Policy requirements should be clear so that they can be accurately accounted for in the price paid for land. To provide this certainty, affordable housing requirements should be expressed as a single figure rather than a range. Different requirements may be set for different types or location of site or types of development.

See related policy: National Planning Policy Framework [paragraph 34](#)

Paragraph: 001 Reference ID: 10-001-20190509

Revision date: 09 05 2019 See [previous version](#)

**What evidence should local planning authorities use to demonstrate a need to set higher accessibility, adaptability and wheelchair housing standards?**

Based on their housing needs assessment and other available datasets it will be for local planning authorities to set out how they intend to approach demonstrating the need for Requirement M4(2) (accessible and adaptable dwellings), and/or M4(3) (wheelchair user dwellings), of the Building Regulations. There is a wide range of published official statistics and factors which local planning authorities can consider and take into account, including:

- the likely future need for housing for older and disabled people (including wheelchair user dwellings).
- size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes).
- the accessibility and adaptability of existing housing stock.
- how needs vary across different housing tenures.
- the overall impact on viability.

**How should local planning authorities establish a clear need?**

It will be for a local planning authority to establish a clear need based on:

- existing sources of evidence.
- consultations with the local water and sewerage company, the Environment Agency and catchment partnerships. See [paragraph 003 of the water supply guidance](#)
- consideration of the impact on viability and housing supply of such a requirement.

Paragraph: 015 Reference ID: 56-015-20150327

Revision date: 27 03 2015

## Should plan-making bodies set minimum requirements for accessible housing?

Where an identified need exists, plans are expected to make use of the [optional technical housing standards](#) (footnote 46 of the National Planning Policy Framework) to help bring forward an adequate supply of accessible housing. In doing so planning policies for housing can set out the proportion of new housing that will be delivered to the following standards:

M4(1) Category 1: Visitable dwellings (the minimum standard that applies where no planning condition is given unless a plan sets a higher minimum requirement)

M4(2) Category 2: Accessible and adaptable dwellings

M4(3) Category 3: Wheelchair user dwellings

**Planning policies for accessible housing need to be based on evidence of need, viability and a consideration of site specific factors.**

Paragraph: 009 Reference ID: 63-009-20190626

Revision date: 26 June 2019

### **Viability Evidence Base**

The viability evidence base includes the Local Plan Delivery and Viability Study published in July 2020. This study assesses the impact of 100% M4(2) requirements together with 10% M4(3) requirements. No testing has been undertaken assessing the impact of 100% M4 (3) on any typology.

The study makes reference to Housing for Older People as a specific typology. However, the study **does not** then seek to assess the specific viability of Housing for Older People. The study states at paragraph 4.78<sup>1</sup>:

Shropshire has an aging population and does attract both sheltered and Extra Care developments however it is beyond the scope of this project to test this sector as they will be subject to a viability assessment at the point of a planning application.

Representations have already been provided by the sector to earlier consultations highlighting the above omission. We would reiterate that this is contrary to both best practice and the typology approach detailed in Paragraph: 004 (Reference ID: 10-004-20190509) of the PPG which states that.

A typology approach is a process plan-makers can follow to ensure that they are creating realistic, deliverable policies based on the type of sites that are likely to come forward for development over the plan period.

This approach is entirely inconsistent with the approach taken as part of other local plan preparations we have seen. Clearly, housing for older people will form part of the housing supply coming forward and should therefore be tested at the plan wide testing stage. To take the approach that such onerous requirements can be determined on a case by case basis is wrong given that no attempts have been made to determine if these requirements are viable. Such an approach gives zero

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<sup>1</sup> [viability-study-2020-ev11501.pdf \(shropshire.gov.uk\)](#)

confidence to providers of housing for older people that investing resources in Shropshire will lead to a satisfactory planning permission.

The PPG states the following in respect of housing for older people and viability:

**How can the viability of proposals for specialist housing for older people be assessed?**

[Viability guidance](#) sets out how plan makers and decision takers should take account of viability, including for specialist housing for older people. Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure. **Plans can set out different policy requirements for different types of development.** These policy requirements should be informed by evidence of infrastructure and affordable housing need, **and a proportionate assessment of viability that takes into account all relevant policies and local and national standards, including the cost implications of Community Infrastructure Levy and section 106.**

Viability guidance states that where up to date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. **Such circumstances could include types of development which may significantly vary from standard models of development for sale (for example housing for older people).**

Paragraph: 015 Reference ID: 63-015-20190626

Revision date: 26 June 2019

The council and their assessor appear to have taken the above PPG guidance as reason for not assessing housing for older people as part of the plan wide viability study. Coupled with the unevidenced requirement for all older person's housing to be provided to M4(3) as well as all the other policy requirements set out within the draft local plan, the council has failed to demonstrate that these requirements are financially viable.

The draft plan supports the provision of housing for older people and acknowledges a housing need for such housing. By loading the policy requirements and subsequent costs associated with these policies and not testing the viability position, the council has not addressed the requirements of the PPG as highlighted within this letter.

By not testing the typology, no certainty is provided for developers of housing for older people in acquiring sites and undermining the delivery of these much-needed forms of housing.

**The draft Local Plan is therefore considered unsound on the grounds the policy targets and standards sought are not justified, positively prepared or effective.**

In the event that financial viability appraisals for specialist older persons' housing typologies are presented to the Examiners, then the respondents are strongly of the view that these should be made publicly available for comment and stakeholder engagement.

**Recommendation**

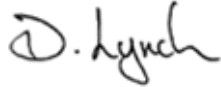
It is recommended that the council update the viability study to assess sheltered and extra care housing typologies. Opportunity for further engagement with stakeholders



on this point should be enabled given that this omission has already been highlighted at earlier consultations.

Given the importance of this issue, CRL would also wish to be notified of opportunities to attend examination sessions where appropriate.

Yours faithfully,

A handwritten signature in black ink that reads "D. Lynch". The signature is written in a cursive style with a large, stylized initial "D".

Damien Lynch MRICS  
Associate Director - Planning Issues on behalf of Churchill Retirement Living  
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Appendix 2 – M4(3) space requirements impact on site capacity

### 40-unit L-shaped configuration, Part M4(2) flats

- Results in loss of 9-12 flats if enlarged to Part M4(3)B flats
- 26% smaller building footprint when compared to Part M4(3)B flats scheme

Blue Line indicates outline of 100% M4(3)A/B scheme

