



**Solihull MBC Local Plan**  
Publication Stage Representation Form

**Ref:**  
  
**(For official use only)**

**Name of the Local Plan to which this representation relates:**

Draft Submission Plan

**Please return to [psp@solihull.gov.uk](mailto:psp@solihull.gov.uk) or Policy and Engagement, Solihull MBC, Solihull, B91 3QB BY Monday 14<sup>th</sup> December 23:59**

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This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

## Part A

1. Personal Details*		2. Agent's Details (if applicable)
<i>*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.</i>		
Title	Mr	
First Name	Stuart	
Last Name	Garnett	
Job Title (where relevant)	Planning Director	
Organisation (where relevant)	Inspired Villages	
Address Line 1	The Stanley Building	
Line 2	7 Pancras Square	
Line 3	London	
Line 4		
Post Code	N1C 4AG	
Telephone Number	██████████	
E-mail Address (where relevant)	████████████████████	

## Part B – Please use a separate sheet for each representation

Name or Organisation: Inspired Villages

3. To which part of the Local Plan does this representation relate?

Paragraph  Policy **P4E** Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="text"/>	No	<input checked="" type="checkbox"/>
4.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input checked="" type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 157 recognises 65% of household growth to 2036 is projected to be households aged 65 and over and single households, and by 2036 46% of all households will be single people or couples aged 65 and over; and para 159 recognises "there is a need for more housing that can provide opportunities for households to downsize' thereby releasing family housing for resale and re-letting". In this context therefore it would be expected that this should be a policy of the highest importance in the Local Plan.

P4E(1) refers to meeting the identified needs of older people "in accordance with current assessments of housing need and evidence".

However, the evidence base commissioned by the Council is flawed. SHMA Part 2 used the @SHOP toolkit which is flawed and which was identified at a planning appeal (**see West Malling appeal decision – attached** – reference APP/H2265/W/18/3202040 para's 26 to 40). The SHMA states the unrealistic suggestion that because there is no existing Market Extra Care Housing that this means a future requirement is also zero. Noting the updated HEDNA (Oct 2020) it is acknowledged that the evidence base has been updated in light of the Richmond Villages appeal at Catherine de Barnes (**attached appeal decision – reference APP/Q4625/W/19/3237026**) where para 32 noted the appellant and the Council's respective positions on shortfall of extra care and bed spaces and para 31 states that the Council gave the clear need for older people's housing as of significant weight.

The HEDNA (para 9.30) does seek to suppress housing with care rates stating that 45 units per 1,000 population aged 75 and over "is quite a high figure in the context

of current supply" – however the fact that nil / limited extra care has been delivered to date does not justify this position. Furthermore, it seeks to apply the same tenure split as housing-with-support, which is 50% market housing in more deprived areas up to 67% in less deprived locations, however, this does not correspond with the tenure profile of over-70s which has significantly greater levels of owner occupation to that %. This position is therefore not justified nor based on the evidence and would make it difficult to provide sufficient owner-occupied homes for older persons meaning their needs will not be met in full over the plan period.

The HEDNA (para 9.34) identifies the shortfall of the various typologies of older persons housing, including 469 units of extra care by 2036 "of which 70% is in the market sector". It asserts the current supply in this category (in both tenures) is sufficient with the shortfall emerging in the future. This is at odds with the position accepted by the Council at the Catherine de Barnes appeal and which the Inspector recognised the need was significant. This conclusion by GL Hearn arises from their unjustified position to downplay the prevalence for extra care housing (market) to reflect the actual market demand – historic under supply, ageing population and tenure profile of the borough.

Para 201 states "many will prefer to remain in their own homes", and para 202 says that "an important part of meeting need for older people will be through general purpose new homes built to accessible standards" and "this will include age-restricted general market housing". However, these are subjective statements and is unevidenced.

HEDNA (Oct 2020) lists the 4 definitions of different types of older persons' accommodation from the PPG. P4E references specialist housing – with a cursory definition in the supporting text; age restricted general market housing (para 202); and care homes at P4E(5). However, the policy and supporting text is completely silent on extra care housing which includes retirement communities. There is a lack of extra-care housing in the Borough at present and there is a major need for its provision over the plan period yet this is hampered by an evidence base which has sought to downplay the need and a policy that omits to mention it. Having regard to the significant need for all forms of older persons housing the Council should give consideration to include a requirement for strategic site allocations to make provision for older persons housing.

P4E needs to be explicit on what is or isn't C2 or C3 use class. P4E(5) references care homes as C2 but is silent in respect of other uses – and as already stated is wholly silent on extra-care. Inspired Villages delivers Retirement Communities across the UK. We have received Counsel Opinion on our development which confirms we fall within the C2 Use Class and this is what underpins our applications, including recent consents in Reigate & Banstead, Wealden, Bedford Borough, Central Bedfordshire, Maidstone, etc. It is not acceptable for the Council to be ambiguous on use class as this is not helpful to the sector.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The suggested modifications to the Local Plan are set out below:

1. The 8 recommendations (p5) in the accompanying 'Representation by Inspired Villages: To support the practical delivery of much-needed specialist accommodation to meet the needs of an ageing population (version 2)' must be incorporated within the draft Local Plan, including a clear policy to address older person housing needs; setting figures for the amount of units required; how this will be monitored; inclusion of minimum numbers within the site allocations in the right circumstances; recognising the significant benefits of this form of accommodation (not properly acknowledged in policy or supporting text); and to reflect the use class fully.
2. The evidence base must be updated to properly reflect the ageing demographic and the application of the prevalence rates for all typologies of older persons housing, including extra care. We are prepared to engage with the Council to discuss the appropriate methodology to undertake a proper evidence-based test to ensure older persons housing needs are met over the plan period.
3. P4E should include a figure of how many older persons units are needed over the plan period to ensure that the Council are focussed on providing for this much needed form of accommodation and to recognise the different typologies (i.e. retirement housing; extra care / retirement communities; and care homes). This would ensure consistency with P4E(2) and (3) which express targets for units to be Category M4(2) or wheelchair user dwellings to M4(3).
4. Para 201 must delete the subjective comment which states 'many people prefer to remain in their own home'. This is unevidenced. It is acknowledged that some people may wish to remain in their own home, however, clearly there is also a need to provide specialist accommodation for older people. Para 212 is vague and lacks certainty. This must be updated to reflect the specific housing numbers set out in the para above.
5. Add new paragraph after para 201 to reference extra care housing (which includes retirement communities) and to list what they entail – to ensure consistency with para 202 which talks about 'age restricted general market housing'. Key with extra care (and in contract with age restricted housing) is that it does include communal and care facilities.
6. Para 213 is a vague statement. It fails to define what 'specialist provision' or 'specialist housing' means. This must be defined in the text or in a glossary. Reference to the PPG typologies should be made and as an expansion on para 214 which lacks precision relative to the PPG or ARCO definitions.
7. There is a lack of clarification on the use class. This creates uncertainty from an investor perspective. It is inadequate to express at para 219 that an applicant should seek clarification on use class at the pre-application stage. The Council should engage with ARCO and Retirement Community operators to enable a better understanding of the C2 use class.
8. The plan should make provision for strategic site allocations to include a specific target for older persons housing, e.g. 'at least 10% provision' or a specific minimum number of units, to ensure an adequate supply of potential sites to contribute to meeting older persons housing need over the plan period. As an example Policy KN2: South of Knowle (Arden Triangle) should be amended as follows:

*Policy KN2*

'...2.

*...viii. On site accommodation for older people in accordance with Policy P4E with at least 150 extra-care units (C2 use class);...*

*The provision of 600 dwellings at point 1. Should be expressly related to '600 residential dwellings (C3 use class)...*

(Continue on a separate sheet /expand box if necessary)

## Part B – Please use a separate sheet for each representation

Name or Organisation: Inspired Villages

3. To which part of the Local Plan does this representation relate?

Paragraph **CHALLENGE B** Policy  Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>
4.(2) Sound	Yes	<input type="text"/>	No	<input type="text"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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Challenge B (p13-14) 1<sup>st</sup> bullet seeks "to ensure" the full OAHN for the Borough is met, however the 6<sup>th</sup> bullet in referring to housing for older people merely seeks to "wider the range of options". The Objective should similarly ensure the full needs for older persons housing need is met and this would then be consistent with Policy P4E(1) with the expectation that "new housing developments" "meeting the identified needs of older people".

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Challenge B 6<sup>th</sup> bullet to be amended to ensure housing needs for older people is met in full. Change to read "To ensure that the full housing needs for older people is met with a range of options including retirement housing, retirement communities / extra care and care homes."

(Continue on a separate sheet /expand box if necessary)

## Part B – Please use a separate sheet for each representation

Name or Organisation: Inspired Villages

3. To which part of the Local Plan does this representation relate?

Paragraph  Policy **P4A** Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="text"/>	No	<input checked="" type="checkbox"/>
4.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input checked="" type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 172 says Policy P4A also applies to C2 development that provides individual self-contained units. However, the SHMA Part 2 (Nov 2016) identifies accommodation required for pensioner households in 2033 is 76.6% owner occupation; 13.6% social rent/affordable rent (& similar figures in the HEDNA October 2020).

SHMA Part 1 (Nov 2016) para 6.5 has a lack of understanding of the Use Classes Order, citing "in terms of specialist dwellings for older persons (Use Class C3b), it is evidenced that in Solihull an additional 355 affordable and 870 market sheltered and extra care housing units should be provided over the plan period within the identified OAN." There is no recognition in the evidence base that retirement communities / extra care falls within the C2 Use Class. The HEDNA (Oct 2020) does at least recognise the various typologies however, has made some unjustified assumptions in calculating market extra care housing which suppresses the needs over the plan period.

The Local Plan Viability Study (14 Oct 2020) lacks understanding of extra care developments, other than para 7.1 which includes "additional typologies" tested including "**Typical Retirement Housing Scheme (e.g. McCarthy & Stone type) on previously developed land, for 30 units.**" The evidence base is flawed. A retirement community (extra care), such as that provided by Inspired Villages falls within the C2 use class and due to the minimum scale of development required / land take the evidence base has failed to model this. An Inspired Villages retirement community ranges from 130 to 280 units of accommodation plus communal and care facilities and because of the scale are typically on edge of settlement locations. The Viability Study has modelled a

Retirement Housing development on brownfield land with very few units and few facilities. This is not comparable with an Inspired Villages development which falls under extra care / housing-with-care and the evidence base must be updated to reflect this. To assist the Council with this modelling, they are referred to the ARCO website (Associated Retirement Community Operators) <https://www.arcouk.org/what-retirement-community> to understand the different typologies of housing for older people (and their HEDNA Oct 2020 which does acknowledge these).

In contrast to the Local Plan Viability Study, the HEDNA (Oct 2020) recognises viability as an issue to extra care (para 9.60 to 9.64). The Council must review the HEDNA to note that the Local Plan Viability Study is flawed in respect of the extra care model, is contradictory to the HEDNA which recognises the key issues to the sector including: non-saleable space, higher construction and fit-out costs, sales rates slower and struggle to compete with mainstream housebuilders (see para's 9.60 and 9.92) and para 9.61 says "it may well be that a differential and lower affordable housing policy is justified for housing with care" yet this has been ignored in draft policy P4A.

The Council is referred to the **accompanying Inspired Villages Local Plan representations document** which explains the use classes order / extra care and the recommendations at page 5 of what a Local Plan should include.

P4A seeks 40% affordable dwelling for C3 residential but based on para 172 this would also apply to C2 extra care. However, this is completely at odds with the tenure profile for older people where over three-quarters of homes are owner occupied. It would be unlikely that an owner occupier would be able to qualify for an affordable property and a 40% affordable housing provision is excessive and would result in imbalanced tenure.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The Local Plan Viability Study must be updated to properly assess and model the different typologies of older persons housing. It is completely inadequate at present to have solely modelled a 'McCarthy and Stone type' retirement housing scheme – which is a C3 use, providing few units, limited facilities and on a brownfield site. The modelling should look at not just Retirement Housing, but also Retirement Communities (Extra Care / housing-with-care) and Care Homes on a range of site sizes and scales to inform the Local Plan policy and text.

With the updated evidence base we would expect this to recognise that it is not viable for a retirement community / extra care development to deliver 40% affordable housing. Furthermore, 40% is completely inappropriate given the tenure profile for older people is towards owner occupations.

The supporting text and policy will need to insert specific text for retirement community / extra care development to state that affordable housing is not required.

The policy should be specific to say that it only applies to 'C3 residential' and not



development falling within the C2 use class in acknowledgement of the viability issues faced by C2 uses including extra care housing / retirement communities.

(Continue on a separate sheet /expand box if necessary)

**Please note** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

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

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

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

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

The PPG has identified that there is a critical need to provide housing for older people. As a developer and operator of retirement communities we are concerned with the lack of understanding and lack of provision by the Council of meeting the needs of housing for older people and it is necessary to give evidence to challenge the Council on their evidence base and policy to provide adequate levels of all forms of older persons housing, particularly extra care, over the plan period.

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Signature:

Stuart Garnett

Date:

04/12/20