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Bristol Local Plan
Examination in Public
Hearing Statement
The Planning Bureau on behalf of
McCarthy & Stone Retirement Lifestyles Ltd.

March 2025

Matter 7: Other Housing Policies

Q7.1: Is policy AH1 positively prepared, justified, consistent with national policy and effective?

Q7.6: Is Policy H8 positively prepared, justified, consistent with national policy and effective?

Q7.1: Is policy AH1 positively prepared, justified, consistent with national policy and effective?

Please see our response to Q7.6 in respect to specialist housing for older people including extra care housing, sheltered housing, retirement living housing and age restricted housing.

Q7.6: Is Policy H8 positively prepared, justified, consistent with national policy and effective? In particular:

a) What is the need for older people’s housing and will policy H7 be effective in ensuring this is met?

The need for older persons housing is detailed in figure 49 of the City of Bristol Local Housing Needs Assessment, ORS, November 2023 the extract of which is provided below.

Figure 49: Modelled Demand for Older Person Housing in Bristol 2020-40 based on Housing LIN Toolkit

BRISTOL		Rate per 1,000 persons aged 75+	Gross need 2020	Existing supply	Unmet need in 2020	Additional need 2020-40	Overall need
Sheltered Housing	Owned	120	3,352	1052	+2,300	+1,562	+3,862
	Rented	60	1,676	2604	-928	+781	-147
Extra Care	Owned	40	1,117	191	+926	+521	+1,447
	Rented	31	866	542	+324	+403	+727
TOTAL		251	7,012	4,389	+2,623	+3,266	+5,889

The study at para 5.13 confirms that ‘The projected increase in population results in a need for an additional 3,300 homes by 2040 based on the SHOP formula, resulting in an overall need for around 5,900 specialist homes for older persons’.

Due to the affordable housing and M4(3) requirements discussed below the policy will not be effective at meeting the large need for older persons housing.

b) Is the approach to affordable housing for older people justified and consistent with national policy? Have the affordable housing requirements, including the threshold and requirements set out in the 2nd paragraph, been subject to robust assessment of need and viability?

Policy H8 requires developments of extra care housing or housing-with-care comprising 60 dwellings or more to provide a minimum of 10% affordable housing for older people delivered without public subsidy and then confirms at paragraph 6 that ‘*Development of age-restricted general market housing, retirement living and sheltered housing should provide a contribution towards affordable housing in accordance with policy AH1 ‘Affordable housing provision’.*

Policy AH1 requires development sites to deliver 35% affordable housing. Policy AH1 confirms that where this cannot be met the policy is putting forward a ‘threshold approach’ to delivering affordable housing and for schemes to be subject to viability testing to justify a financial contribution in lieu. Para 6.23 and 6.25 then confirm that, if delivering less than 35% developers will be required to tie into a review mechanism. Details of the threshold approach is referenced as detailed within the ‘*Council’s Affordable Housing Practice Note*’, which is not part of this consultation. This requirement (35% affordable housing plus a review mechanism) also applies to much needed age-restricted general market housing, retirement living and sheltered housing but note extra-care housing (10% requirement) .

Our representation to the 2022 consultation entitled '*Bristol Local Plan Review Additional Draft Policies and Development Allocations - Further consultation*' reminded the Council of the increased emphasis on Local Plan viability testing in Paragraph 58 of the NPPF and that PPG on Viability 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*" and that '*Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision making stage*'. (Paragraph: 002 Reference ID: 10-002-20190509). In addition, we reminded the Council that, once the viability assessment is drafted this must be consulted on alongside any affordable housing requirement to be set prior to any submission draft being published. This has not been undertaken.

We further pointed out to the Council that the viability of specialist older persons' housing is more finely balanced than 'general needs' housing and we are strongly of the view that these housing typologies should be robustly assessed in any forthcoming Local Plan Viability Assessment. In our previous representation we confirmed the view that this would accord with the typology approach detailed in Paragraph: 004 (Reference ID: 10-004-20190509) of the PPG on Viability 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 Plan is supported by the Viability Assessment entitled '*Bristol City Council: Local Plan Viability Assessment, BNP Paribas Real Estate, August 2023*' (Viability Assessment EVEV01)). Whilst we welcome that Extra Care housing has been tested and found to not be viable discussed separately below, within the study. Other forms of specialist housing for older people have not been tested.

Other specialist forms of housing for older people, including retirement living or sheltered housing have similar characteristics to extra care housing that affect viability and it is important that the sheltered housing typology is also tested especially given the older persons housing need identified in the Local Housing Needs Assessment. The key variables and assumptions that can affect the viability of specialist housing for older people 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.

As the council have not tested the sheltered housing typology for viability the approach to the housing typology within Policy H8 is not justified or consistent with national policy and will not be effective and delivering such housing. The delivery of much needed specialised housing for older people and especially retirement living will be significantly delayed with protracted discussion about other policy areas such as affordable housing policy requirements which are wholly inappropriate when considering such housing need.

Policy AH1 also introduces a 'threshold approach' to delivering affordable housing and Para 6.23 and 6.25 tries to introduce a corresponding affordable housing review mechanism into planning permissions that may be delivering affordable housing below policy requirements. These requirements will also be asked of schemes proposing to deliver age restricted general market housing, retirement living and sheltered housing. Para 6.23 refers to an Affordable Housing Practice Note that is not part of this plan making process. However, in order to introduce such a mechanism, there must be a clear and specific policy basis for any review mechanism being imposed in line with PPG Viability para 009 Reference ID: 10-009-20190509. This states the following:

‘Plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles. Policy compliant means development which fully complies with up to date plan policies. A decision maker can give appropriate weight to emerging policies.

A significant number of recent Planning Appeals and case law have reinforced this point. A review mechanism that sits within a planning obligation also needs to be considered and assessed through the Local Plan process not via a SPD or a Practice Note. Para 004 Reference ID: 23b-004-20190901 of the PPG on Planning Obligations identifies where policies on seeking planning obligations should be set out and states:

‘Policies for planning obligations should be set out in plans and examined in public. Policy requirements should be clear so that they can be accurately accounted for in the price paid for land’.

And

‘It is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination.’

The Council should also consider where review mechanisms and the threshold approach have been introduced, such as London, and identify if such a policy approach has been successful, particularly when few market retirement schemes coming forward in the City Council area currently. Since the London Plan was adopted housing delivery has struggled in London generally with even less retirement housing. The rate of affordable housing requested and the additional policy hurdles bought in within the threshold approach in London has hampered delivery. The introduction of the review mechanism especially where a housing typology has been found to be largely unviable at the plan making stage causes considerable uncertainty and prevents investment. This has impacted housing delivery to a great extent in London and as such the government have set up an independent review of the London Plan to determine how to increase housing delivery.

Therefore, to introduce a review mechanism, there must be a clear and specific policy basis and justification for any such mechanism to be brought in. A significant number of recent Planning Appeals and case law have reinforced this point. A review mechanism and threshold approach and any detail that will form part of it also needs to be considered fully and assessed through the Local Plan process. This should include the consideration of variables such as trigger points, costs, land values, how surplus is split and other definitions.

The plan should also include an exemption from the review mechanism for smaller single phased developments that are built in one phase. The Planning Inspectorate have repeatedly noted that review mechanism for smaller sites, and single-phase developments are unnecessary so this must also be a consideration (eg 3256972 Bramhall, 3259819 Woking, and 3287771 Portsmouth). *Such a review mechanism will otherwise severely impact housing delivery.* The Council should also consider how such a review mechanism and threshold approach will impact housing delivery.

Opportunity to comment on the Viability Assessment

The regulation 19 consultation was the first opportunity that the Council provided to the public to comment on the Viability Assessment. This gives interested parties a limited opportunity to comment and for the Council to consider amendments. We would highlight that Paragraph 58 of the NPPF states that:

'...All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

The PPG makes it clear that Local Plan process is a collaborative process stating that *'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* (Paragraph: 002 Reference ID: 10-002-20190509).

By limiting the opportunities for comment of the Local Plan Viability Assessment to just the Regulation 19 stage of consultation, we are of the view that the Council has deviated from national guidance and the Local Plan is not considered positively prepared, justified, effective and crucially is consistent with national policy.

We highlighted this concern to the Council in our representation to the previous consultation and recommended that the draft viability assessment = must be consulted on alongside any affordable housing requirement to be set prior to any submission draft being published but this has not occurred to our knowledge.

Recommendation:

Given the stage in plan preparation a main modification should be introduced that

- Exempts specialist housing for older people from providing affordable housing.
- Remove the 'threshold approach' and 'review mechanism' or
- Introduce the following wording ***'Single-phased development schemes will not be subject to a review mechanism'***.

- c) Is the requirement in criterion v. that all dwellings to be built to the accessible and adaptable standard in part M4(2) of the building regulations (except those dwellings that are designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users) justified taking account of need and viability?**

It is recognised that the proposed changes in building regulations will require all homes to be built to part M4(2) of the Building Regulations. This will remove the need to reference this in the local plan and point v should be removed.

- d) Is the requirement in criterion iii. that 10% of older people's and other specialised needs housing should be designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users (compliant with M4(3) of the building regulations) justified taking account of need and viability?**

As discussed in our response to e) below.

- e) Is the requirement in criterion iv. that 50% of extra care or housing with care dwellings should be designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users (compliant with M4(3) of the building regulations) justified taking account of need and viability?**

Point iv requires at least 50% of extra care housing to be designed to M4 (3) accessible or easily adaptable standards. However, this element of the policy is not justified or supported by evidence.

The plan with respect to need is supported by the 'city of Bristol Local Housing Needs Assessment, ORS, November 2023 (LHNA). This identifies at Figure 49 a demand for 5,889 units of specialist

housing for older people with 1,477 being owner extra care and 727 being rented extra care. Resulting in a total requirement of 2,174 extra care units. Figure 58 identifies the modelled need for wheelchair adapted housing and identifies that by 2040 there is an additional need for 480 additional market homes and 530 affordable homes to be wheelchair adapted. Paragraph 5.50 confirms that *'This means that there are likely to be some people who are identified in both categories – wheelchair adapted housing and specialist older person housing'*, conversely meaning also that there are people that need wheelchair housing that are not old. Para 5.51 then expresses the view of ORS that undertook the study that *'Whilst not all over 75 households needing wheelchair adapted housing will live in specialist older person housing, it is likely that many of those living in specialist older housing could 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'*. This is the view of ORS and is not supported by any evidence, indeed from our experience the majority of our residents do not progress to using a wheelchair so therefore this is a misconception. Requiring at least 50% of extra care housing to be built to M4 (3) standards is therefore not justified.

With respect to viability the plan is supported by a Viability Assessment entitled 'Bristol City Council: Local Plan Viability Assessment, BNP Paribas Real Estate, August 2023' (Viability Assessment EVEV01)). This concludes at para 8.2 point 6 that 'Affordable housing in older person's housing: Policy H8 seeks to secure an element of affordable housing within extra care and other older persons housing schemes that usually fall within use class C2 or C3. Our appraisals indicate that the viability of extra care housing is challenging and currently unable to provide a significant contribution towards affordable housing'. This it appears was tested with the 50% requirement to meet M4 (3), Table 4.14.1 of the Viability Assessment confirms that a cost of 9.28% of base build costs has been applied, although appraisals don't seem to have been made available to check this. M4 (3) Housing has a large cost implication and also serves to reduce the number of dwellings a site can deliver as the floorspace needs are increase to meet the requirements. This further reduces viability and has not been considered.

The above needs and viability evidence therefore identifies that not only is there not a need for 50% of extra care dwellings to be built to M4 (3) standards but that as the typology has been found to be challenging in terms of viability the additional cost of building to such standards should be remove to assist the viability position.

Recommendation:

Delete point iv of policy H8 as it is not justified

~~At least 50% of extra care or housing with care dwellings designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users (compliant with Building Regulations M4(3) Category 3: Wheelchair user dwellings);'~~

- f) Is the approach set out in criteria iv. and v. to the M4(3) standard consistent with PPG ID: 56-009-20150327 which states 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?**

Notwithstanding our view to e) above, we confirm that the wording of criteria iv and v is not consistent with PPG ID: 56-009-20150327 as this clearly states 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'. It is clearly the intention of the policy wording to apply to all housing not just where the local authority is responsible as this

distinction has not been made. As such it is our view points iv and v as well as point iii should be removed from the plan and the council should instead rely on the building regulations as the requirement have not been justified.

However, if this is not possible a main modification should be introduced that makes it clear that the accessible home requirement only relates to dwellings where the Local Authority is responsible for allocating or nominating a person to live in a dwelling.

- g) Paragraph 6.104 states that all older people's affordable housing secured must be designed to be wheelchair accessible. Is this justified and consistent with the guidance referred to above and, if so, to be effective should this requirement be set out in policy?**

Please see our response to point e). Such a requirement is likely to deem older persons affordable housing schemes unviable given the additional build cost requirements, as identified in table 4.14.1 of the Viability Study. Although the council have the ability to ask for such a requirement, we note that the Viability Assessment has not tested older persons affordable housing schemes to be delivered fully in line with M4(3) accessible standards nor is such a need identified. Para 6.104 should therefore be deleted through a main modification.

- h) Is the approach set out in criteria iii., iv. and v. consistent with PPG ID: 56-008-20160519 which states that local plan policies should also take into account site specific factors such as vulnerability to flooding, site topography and other mechanisms which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is 35 not viable? In this respect, how does Policy H8 relate to Policy H9, the reasoned justification of which refers to circumstances where optional requirements would not be sought?**

Policy H9 appears to repeat the requirements of H8. As discussed in our response to (f) above. it is our view that such points should be removed from the plan and the council should instead rely on the building regulations., if this is not agreed it is recommended that flexibility is applied to the wording of the policy that takes into account site specific factors that may make it impossible or difficult to deliver fully compliant schemes.