

Cannock Chase Council:  
Cannock Chase Local Plan  
Representation Form



Making a representation: We cannot accept anonymous representations. You must provide your contact details but only your name and comments will be published on the website. Your personal data will be held securely and processed in line with our privacy notice [www.cannockchasedc.gov.uk/privacynotices](http://www.cannockchasedc.gov.uk/privacynotices). Once the plan is submitted your comments will be shared with the Planning Inspectorate and an independent inspector will review representations. You have the right to withdraw your representation and your data will be destroyed. Data will only be held until adoption of the Cannock Chase Local Plan.

## Part B: Representation Form

Please complete a separate **Part B Representation Form** (this part) for each representation that you would like to make. One **Part A Representation Form** must be enclosed with your **Part B Representation Form(s)**. We have also published a separate **Guidance Note** to explain the terms used and to assist in making effective representations.

### Part B: Representation

Name and Organisation:	The Planning Bureau on behalf of McCarthy Stone
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#### Q1. To which document does this representation relate? (Please tick one box)

- Cannock Chase Local Plan 2018-2040
- Sustainability Appraisal of the Cannock Chase Local Plan 2018-2040
- Habitats Regulations Assessment of the Cannock Chase Local Plan 2018-2040

#### Q2. To which part of the document does this representation relate?

Para- graph:		Policy:	SO3.2 Housing Choice	Site:		Policies Map:	
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#### Q3. Do you consider the Cannock Chase Local Plan is:

- A. Legally compliant    Yes:                           No:
- B. Sound    Yes:                           No:
- C. Compliant with the Duty to Co-operate                          Yes:                           No:
- (Please tick as appropriate).*

For office use	Part B reference	
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**Q4. Please give details of why you consider the Cannock Chase 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 Cannock Chase Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Thank you for the opportunity to comment on the Cannock Chase Local Plan pre-submission consultation. McCarthy Stone is the leading provider of specialist housing for older people. Please find below our comments, which specifically addresses the need for specialist housing for older people and the benefits such housing can bring.

We note that Policy SO3.2 Housing Choice requires between 20% and 35% affordable housing from sites over 10 homes depending on where the proposal is located and whether the site is on a brownfield or greenfield site. There are no exemptions provided. Para 6.106. of the pre-submission Local Plan states that *'The Viability Assessment prepared to support the Local Plan has demonstrated that the affordable housing provision shown in Table D is viable. All affordable units shall be provided on site unless robustly justified. Where robustly justified the requirement can be met by providing an off-site provision or commuted payment in lieu of an on-site provision to deliver affordable units. Any financial contribution will be calculated by the Council's Valuer prior to the planning permission being issued.'* However, **it is not the** case that the Viability Assessment found the affordable housing provision required in Table D is viable for all types of housing.

We would remind the Council of the increased emphasis on Local Plan viability testing in Paragraph 58 of the NPPF and 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**.....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).

Paragraph 004 Reference ID: 10-004-20190509 of PPG then confirms what is meant by a typology approach to viability:

*'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.....*

*In following this process plan makers can first group sites by shared characteristics such as location, whether brownfield or greenfield, size of site and current and proposed use or type of development.....*

*Average costs and values can then be used to make assumptions about how the viability of each type of site would be affected by all relevant policies. **Plan makers may wish to consider different potential policy requirements and assess the viability impacts of these. Plan makers can then come to a view on what might be an appropriate benchmark land value and policy requirement for each typology.***

*Plan makers will then engage with landowners, site promoters and developers and compare data from existing **case study sites to help ensure assumptions of costs and values are realistic and broadly accurate**.....Plan makers may then revise their proposed policy requirements to ensure that they are **creating realistic, deliverable policies**.*

We note that the pre submission Local Plan is supported by the Local Plan and CIL Viability Assessment, Aspinall Verdi, August 2022 (Viability Assessment). This tests sheltered and extra care housing as its own typology on both brownfield and greenfield sites. This concludes at para 10.32 and 10.33 that:

*'10.32 The following conclusions have been made in respect of specialist accommodation for older people (C3 self-contained Supported Living typologies):*

- i Age Restricted / Sheltered Housing is unviable at 20% affordable housing with £0 CIL*
- ii Assisted Living / Extra-Care housing is unviable at 20% affordable housing with £0 CIL*

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*10.33 The sensitivity tables show that there is no green coming though indicating scenarios where affordable housing could be delivered for older persons housing’.*

We then note that the Viability Assessment continues to advise at para 10.35 that:

*‘10.35 The appraisals results do not suggest that older persons development cannot happen across the District. However, in a plan viability study where a typology approach is taken, it requires a more balanced and conservative approach to the assumptions adopted.*

*10.36 We would therefore recommend that the current adopted policy requirements of 20% affordable housing and a CIL payment of £0 psm remain the same for schemes of this nature across the District’.*

The consultants, who undertook the Viability Study, interpretation is that older persons housing, despite its proven lack of viability, can simply be assessed at the application stage and that a 20% requirement should be asked for either though this has been shown to not be viable. This appears to have been accepted without question by the Council as Plan Making body.

The Council have correctly tested the sheltered / retirement housing typology at this plan making stage in line with para 004 Reference ID: 10-004-20190509 of PPG on Viability, but despite sheltered and extra-care housing with affordable housing being found to be substantially not viable the Council have taken the view, that such schemes can be subject to a viability assessment at the decision-making stage. If the Council is going to take this approach, it begs the question why it viability tested retirement housing in the first place? The answer is that it is the right thing to do following PPG guidance and it is perverse to now disregard this.

We welcome that the Council have assessed the sheltered / extra care housing typology through the Viability Assessment, however it shows that sheltered / extra-care housing cannot deliver affordable housing as well as other policy requirements that hold additional costs and remain viable. The Council and its consultant have then ignored the outcomes of the testing in the Viability Assessment with the assumption that schemes proposing housing to meet the needs of older people can simply be viability tested at the application stage. This view as well as ignoring their own Plan Making evidence, contrary to NPPF para 31, will lead to further viability assessment at the decision-making stage and long, protracted, and probably adversarial, negotiations with Council officers and commissioned consultants and resulting difficulties with decision makers expecting policy compliancy and impacting on delivery.

As the older people’s housing typology has been tested through the Viability Assessment supporting the draft Local Plan and the typology found to be substantially unviable, requiring such sites to in effect, go through a Viability Assessment at the application stage is contrary to national policy. Any affordable housing requirement for older people’s housing therefore creates an unrealistic, over aspirational policy requirement that will undermine deliverability. The plan as written, will not deliver much needed older peoples housing in line with need without further viability assessment and is therefore not justified or effective.

The Councils approach is contrary to national policy guidance (NPPF para 31) and given the PPG on viability (Paragraph: 002 Reference ID: 10-002-20190509) the Council have not taken appropriate account of the Viability Assessment and policy SO3.2 should be modified to provide exemption for older persons housing schemes from providing affordable housing. This is to ensure the plan is realistic, sound, deliverable, justified and consistent with national policy. Planning applications for much needed Older Person’s housing can then proceed without the need for further Viability Assessment at the decision-making stage with protracted negotiations. This approach would also be consistent with other Council’s Local Plans. For example, both Swale and Fareham Borough Council’s, based on detailed viability evidence have adopted Local Plan’s that exempts older people’s housing schemes from affordable housing. In addition, Fareham are likely to soon adopt a new Community Infrastructure Levy charge that also exempts the majority of older people’s housing schemes from the CIL charge.

*(Please continue on a separate sheet if necessary)*

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**Q5. Please set out the modification(s) you consider necessary to make the Cannock Chase Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 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 Regulation 19: Pre-Submission Draft of the Cannock Chase 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.

To ensure the policy is justified, effective and consistent with national policy a Main Modification is therefore needed and the following text should be added to the end of policy SO3.2 to read:

**Schemes delivering housing for older people are exempt from delivering affordable housing**

*(Please continue on a separate sheet 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 they identify for examination.***

**Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Cannock Chase Local Plan, do you consider it necessary to participate in examination 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.*

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

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

*(Please tick one box)*

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**Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

To ensure the plan is sound.

*(Please continue on a separate sheet if necessary)*

**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.*

Signature:	
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Date:	18 <sup>th</sup> March 2024
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