Retirement Living Explained

A Guide for Planning & Design Professionals

Newcastle University | Churchill Retirement Living | Housing LIN *Connecting people, ideas and resources* | planningissues TOWN PLANNING AND ARCHITECTURE

FOREWORD

The Housing LIN takes a leading role in connecting people, exchanging ideas and sharing resources to help shape and influence the way we think about and deliver housing for an ageing population. This project has the same aims so I am pleased to help share the excellent work that Sam Clark, Newcastle University and Churchill Retirement Living have done.

This document not only sets out a comprehensive guide to the latest policy landscape, customer demographics and land and planning issues affecting the retirement living sector. It also provides a fresh and compelling perspective on exactly how retirement living should be defined, getting to the heart of the changing needs and expectations for this type of development, and the wide-ranging benefits it can bring.

I hope you will find this a valuable guide. If you would like to explore any of its topics in more detail you can find further comprehensive learning and improvement resources on the Housing LIN website.

Jeremy Porteus
Director, Housing LIN

housinglin.org.uk

Housing LIN
Connecting people, ideas and resources

INTRODUCTION

In January 2014 Churchill Retirement Living (CRL) teamed up with the School of Architecture, Planning and Landscape at Newcastle University to begin a three year PhD research project exploring what the homes of older people could look like in the future.

The aim of the project was to audit the national need for older people's housing, documenting the ageing population's aspirations and reviewing current practices. By doing so, we hoped to influence the design response to purpose-built retirement housing in the future.

We know the UK population is ageing. The number of households aged 65+ will account for over half of new households in the future. However, there is a chronic under supply of suitable accommodation for older people. Up to 3.5 million older people are interested in buying or renting a retirement property, but the next generation of older people have enjoyed unprecedented improvements in living standards and have alternative expectations. We need to establish what these expectations are so we can drive a step-change in housing choice for older people.

This document summarises a significant tranche of the research, exploring how retirement living is currently defined, the characteristics of our customers, and the benefits this type of housing brings for individuals, communities and society as a whole. More specifically, it sets out some of the key planning and policy issues that are relevant to our specialist sector of housebuilding, and the key considerations that set this type of development apart.

Churchill Retirement Living is a leading developer in the sector and the fastest growing privately owned company in the retirement market. We are proud to have funded this research, which demonstrates our commitment to developing the range and type of retirement housing that we will see in the future.

I would also like to thank Sam Clark and Newcastle University for their excellent work to date on this project.

Spencer J McCarthy,
Chairman & CEO, Churchill Retirement Living

Churchill
Retirement Living

I hope that this report will be helpful to Members of Parliament, Councillors, Architects, Planning professionals and anyone with an interest in commissioning, designing and developing housing for older people. I consider that it explains the wide range of planning issues relating to retirement living in great detail and believe that it will assist in the consideration of planning applications and the development of planning policy both at a national and local level.

Churchill Retirement Living always seeks to work in partnership with Local Planning Authorities to ensure an appropriate range of specialist housing is offered to older people, in a way that satisfies the policies of local planning policy while also satisfying the government's wider planning and housing objectives. I consider that this report will assist in the achievement of this and ensure that everyone is better informed.

If you would like to discuss this report or our approach to planning and design, please contact me via email andrew.burgess@planningissues.co.uk or call 01425 462109.

Andrew J Burgess BA Hons MRTPI FRSA,
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Group Land and Planning Director, Churchill Retirement Living

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TOWN PLANNING AND ARCHITECTURE

SUMMARY OF CONTENTS

1 PRODUCT DEFINITION – WHAT DO WE MEAN BY 'RETIREMENT LIVING'?

Diverse Market

On just one street in a UK coastal town Google maps registers 22 residential 'court' developments, 4 'lodges' and 1 'nursing home'. Here sits one recently completed CRL retirement development; next door to a 'home for clergy pensioners'; opposite a 'luxury residential care home' and 'sheltered accommodation' development; and along the road from a 'residential' care home and various for-sale 'retirement' apartments. Clearly demographic change has had a palpable effect on the built environment of this location, with 'clustering' of specialist housing and care institutions plain to see.

The range of accommodation offers for older people is bewildering to say the least, particularly when comparing associated service options – some with care, some without, and levels in-between. Indeed, it has been said that the waters are 'muddied' by increasingly specialist products that serve very particular segments of the 'downsizer' market[1].

In recent years, within the private sector, we have seen an expansion of developer-providers targeting different lifestyles and/or financial tiers of the market. For example, intentional LBGT communities, asset-rich former chief-execs and mid-market baby boomers. Furthermore, what was once regarded niche, and for others ('elderly housing'), is becoming acknowledged as the new centre ground. Hence we are beginning to see a number of volume housebuilders take an active interest, including household names known for developing 'general needs' housing (so-called 'starter' and 'family' homes). When examining the physical nature of developer retirement products, one finds that they are broadly similar in design typology – grouped apartments – which suggests that it is the softer aspects – brand prestige, marketing, product identity, customer experiences and service packages – that lead to misconceptions of and within the sector.

> "the range of accommodation offers for older people is bewildering to say the least, particularly when comparing associated service options – some with care, some without, and levels in-between

[1] *Friederike Zielger, 'Developing Age-Friendly Housing: DWELL Findings', presented at Fit for Ageing: Applying Design to the Production of Age-Friendly Places, Sheffield, 6 October 2016*

> retirement housing is occupying an 'uneasy space' between general needs housing and residential care, and suffering from association with both


King Edgar Lodge, Ringwood

Related to this diversity of offers is a kind of image problem. Commentators on retirement housing have remarked on its precarious status and position; occupying an 'uneasy space' between general needs housing and residential care, and suffering from association with both[2]. In 2015 the Planning Advisory Service reported that uncertainty continues for some authorities, with particular regard to Use Classes and implications for Section 106 agreements[3]. Indeed, at the time of writing this report, the author observed a planning inquiry in which a local authority design officer repeatedly referred to two sheltered housing schemes for older people as 'care homes' (colloquially, as if short-hand for 'those' places). Both schemes – one proposed and the other built circa 1986 – were specifically designed for independent older persons; that is to say not care environments or so-called Residential Institutions.

[2]Claudia Wood (DEMOS), The Top of the Ladder, (London: DEMOS, 2013) p.9-12

[3]Case Study Planning for Older People's Housing: The Shock of the New, (London: Planning Advisory Service, 2015)

> owners often remark, happily, that the lodge does not share the image of the institutional 'home'; instead regarding it as a means to maintaining an independent lifestyle with the benefits of a 'like-minded' community of older neighbours

Defining Retirement Living

Our research focuses on Churchill Retirement Living (CRL), which specialises in one product: age-exclusive retirement developments made up of one and two-bedroom apartments that are privately owned. A typical development consists of 40 apartments in one building or 'lodge' with the following facilities:

- Concierge reception (staffed by a Lodge Manager)
- Owners' Lounge (communal), coffee bar and accessible toilet
- Guest suite (for use by friends and family)
- Intruder alarm and CCTV entry system
- A central lift serving all floors
- 24-hour care and support system (through Careline)
- Landscaped gardens (with raised planters and potting sheds)
- Free parking (including electric vehicles, cycles and mobility scooters)
- Internal refuse store
- Plant room

Dame Esther Rantzen DBE,
Churchill Ambassador

For the sake of clarity, CRL retirement developments are not designed care environments, nor are staff trained care workers. Some residents or 'Owners' make private arrangements for care when they need it, but otherwise it is a domestic environment. Owners often remark, happily, that the lodge does not share the image of the institutional 'home'; instead regarding it as a means to maintaining an independent lifestyle with the benefits of a 'like-minded' community of older neighbours. CRL chairman, Spencer McCarthy, likens the product to 'halls of residences for the postgrads of life', while brand ambassador Dame Esther Rantzen regards its potential to 'combat loneliness' in later life. In these terms the retirement development is more than just bricks and mortar.

Owners' lounge at Chantry Lodge, Andover

> the product and concept has evolved to 'retirement living'

Design Characteristics

In the UK, private-sector retirement housing evolved from the late 1970's when McCarthy & Stone established its first model for sheltered accommodation for the over fifty-fives, which was later adopted and adapted by competitors over a forty-year period. In this time the product and concept has evolved to 'retirement living' – a lifestyle choice, not just a building. More recently, following the HAPPI inspired reports[4], developers have learnt what makes a successful development, in terms of attracting purchasers, sustaining customer satisfaction over the long term, and maintaining properties in perpetuity. Some of these characteristics are taken from Northern Europe, America and Australia, where retirement living is more established.

[4] *Jeremy Porteus, Housing our Ageing Population: Positive Ideas (HAPPI3)/Making Retirement Living A Positive Choice, (London: All Party Parliamentary Group on Housing and Care for Older People, 2016)*

> characteristics are taken from Northern Europe, America and Australia, where retirement living is more established

CRL understand the following twelve design characteristics to be essential to the success of retirement living accommodation for older people in the UK:

1. Single-building with internal level access (for reasons of economy and end-user accessibility);
2. Mainly single-aspect apartments (double-loaded corridors necessitated by land values/sustainable land use, though double-aspect achieved where possible);
3. Quality amenity space (quantity is less important where there is a shared garden);
4. Parking ratio of one space per three apartments (supported by precedent, research[5] and appeal decisions);
5. Communal space or 'Owners Lounge' (a central feature of sheltered accommodation, providing space for social interaction, helping mitigate loneliness);
6. Manager's office (and apartment for Lodge Manager in developments over 50 apartments);
7. Guest suite (twin bedroom and shower room for visiting friends and family);
8. Plant room (plant is managed centrally, particularly air source heat pumps for energy-efficient heating);
9. One lift (essential for end-user accessibility, albeit developments promote independent living/active lifestyles i.e. not a residential institution);
10. Internal refuse store (for environmental reasons and end-user accessibility/comfort);
11. Mobility scooter store (for protected storage of mobility scooters and bicycles);
12. Target minimum of 30 apartments (to spread cost of management charge for end-users).

Arlington Lodge, Royal Leamington Spa

[5]Mott MacDonald, Lodge Parking Survey Results, (Southampton: Mott MacDonald, 2017)

> a minimum number of apartments are required to form a successful retirement living development

The size of development is particularly critical. In order to ensure the annual management and service charges incurred by the scheme (which is payable by each resident/owner) are set and maintained at a cost-effective and acceptable level to purchasers, and comparable to similar private retirement living housing schemes for sale in the area, a minimum number of apartments are required to form a successful retirement living development.

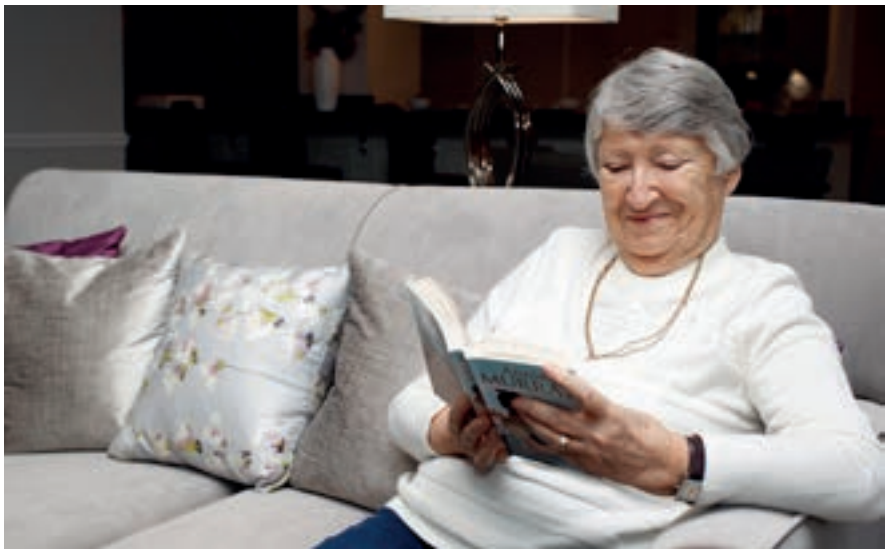
Practice Notes

- There is a bewildering array of names, labels and brands applied to accommodation offers for older people.
- Retirement living developments are primarily designed for independent living – they are not 'residential institutions' or 'care homes'.
- Retirement living developments offer communal living, with associated 'soft' services that help to sustain independence and mitigate loneliness.
- Twelve design characteristics are presented as being key to successful private-sector retirement living schemes for older people.
- The size of development is particularly critical with respect to residents sharing the cost of the annual management and service charges incurred by the scheme.
- Further useful information on housing for an ageing population, including the HAPPI reports, can be found on the Housing LIN's free online 'design hub' at: http://www.housinglin.org.uk/Topics/browse/Design_building/

2 CUSTOMER CHARACTERISTICS – IS THERE A 'TYPICAL' BUYER?

Mid-Market Downsizers

CRL's target customer is a mid-market, owner-occupier over the age of 60 looking to downsize (or 'right-size') to a manageable and secure town-centre property with community benefits. CRL's typical purchaser is a 79-year old widow moving after her husband has passed away; usually leaving an older, larger house – generally a mid-terrace or semi-detached with 2-3 bedrooms and a garden – for a one or two-bedroom apartment that is close to relatives. Historically purchasers have been driven by need rather than aspiration, prioritising location and sustained independence, while gaining the security and support that retirement living brings. At present, 59% of customers are single women, 26% are couples and 15% are single men. Within recent developments there are examples of couples making positive moves 'ahead of time', customers with part time jobs or engaging in third sector voluntary work, and active single men that are keen to garden, potter and mend things (some acting as handymen for their female neighbours).



> "CRL's typical purchaser is a 79-year old widow moving after her husband has passed away

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Group	Type	Name
B: Professional Rewards	B06	Yesterday's Captains
	B10	Parish Guardians
C: Rural Solitude	C12	Country Loving Elders
	C15	Upland Struggle
D: Small Town Diversity	D18	Hard Working Families
	D19	Innate Conservatives
E: Active Retirement	E20	Golden Retirement
	E21	**Bungalow Quietude**
	E22	Beachcombers
	E23	**Balcony Downsizers**
I: Ex-Council Community	I38	Settled Ex-Tenants
J: Claimant Cultures	J42	Worn-Out Workers
L: Elderly Needs	L50	Pensioners in Blocks
	L51	Sheltered Seniors
	L52	Meals on Wheels
	L53	Low Spending Elders
M: Industrial Heritage	M54	Clocking Off
N: Terraced Melting Pot	N58	Asian Identities

Table 1: Older Consumers [Data Source: Mosaic UK, Experian, 2010]
Consumers in highlighted bold type most closely map onto CRL customer profile.

> ‘older people’ is not a meaningful category in lifestyle terms

Wider Market Profiles

The research explored consumer profiles published by Experian, which segments the UK consumer market into 67 types and 15 groups[6]. Of these groups two specifically represent older persons: ‘Active Retirement’ (Group E) and ‘Elderly Needs’ (Group L), which broadly separates consumers with choice from those without or having circumstances that limit lifestyle. These two groups represent eight consumer types or subgroups. A further ten subgroups have been identified, outside groups E and L, and so totalling eighteen that refer to older persons. Of these types CRL customers map most closely onto type E23 ‘Balcony Downsizers’ and E21 ‘Bungalow Quietude’, accounting for 2.3% of the UK population; whereas all 18 types amount to 24.6% of the UK population. These figures serve to remind us of the wider market, which is necessarily broad by socio-economic measures. Indeed, ‘older people’ is not a meaningful category in lifestyle terms.

Reinventing Retirement

Research suggests that we are beginning to see persons with varied and independent lifestyles reach retirement. The generation now entering retirement have experience redefining lifestyles – leaving adolescence in the late 1950s, they were arguably the first generation to take up ‘teenage’ identities in the UK. The same generation, often referred to as ‘baby boomers’, are rejecting established labels, such as ‘Old Age Pensioner’, by extending – or hanging onto – identities and lifestyles created in their middle years. Baby boomers do not associate with old age; considering it far removed and burdensome. Anecdotal evidence suggests that very few people are prepared to self-identify as ‘old’, ever, with many actively rejecting retirement destinations as places ‘not for them’ or ‘not yet’. Few people are prepared for the end of their healthy life, with growing numbers actively denying ageing processes through surgical procedures and pro-euthanasia debate. There is a pressing need for society, including design and planning professionals, to talk about positive routes to accommodating age – what might ‘home’ look and feel like as we age, and how might we get there?

[6]*Experian, Mosaic United Kingdom: The consumer classification of the United Kingdom (Nottingham: Experian Ltd, 2010)*

> campaigners have reported that loneliness is more dangerous than many imagined: 'the equivalent of smoking 15 cigarettes a day in terms of causes of early death'

Accommodating Later Life

The physical set-backs of ageing are largely understood and appropriate responses have been made through legislation, namely through the *Equality Act 2010* (formerly the *Disability Discrimination Act 1995*). This Act is referenced in *Approved Document M: Access to and use of buildings of the Building Regulations*, and forms the underlying logic for other documents, such as *Lifetime Homes Design Guide* and the *Code for Sustainable Homes* that have been shaping the built environment at the level of individual dwellings for the past ten to twenty years. Many local authorities also run home improvement programmes aimed at adapting the homes of older people and people with disabilities to aid independent living or tackle significant disrepair that is having an impact on the households' health and well-being. As a result, the general public are reasonably well versed in knowing what services to seek and/or possible home adaptations that can mitigate loss of mobility.

Whilst physical set-backs associated with ageing are well known, we are just beginning to unpack the challenges brought about by cognitive and psychological set-backs. To some extent these are the new known unknowns. Key areas being explored by research are dementia, loneliness, and obesity linked to depression. The effects of these conditions on physical and mental health are beginning to be mapped, with some surprising parallels being made. For example, campaigners have reported that loneliness is more dangerous than many imagined: 'the equivalent of smoking 15 cigarettes a day in terms of causes of early death'[7]. The baseline report from the Campaign to End Loneliness states that large numbers of respondents aged over 65 reported needing extra support but friends or family did not provide it[8]. CRL, and other leading providers, argue that retirement housing is well placed to mitigate loneliness as its communal spaces and 'soft' services offer opportunities for meaningful interaction[9].

> retirement housing is well placed to mitigate loneliness as its communal spaces and 'soft' services offer opportunities for meaningful interaction

[7] *A Third of Over--50s are 'Lonely' (The Telegraph Online, 11 April 2013)*

[8] *Sally Cupitt, Listening to you: The Baseline Report from the Campaign to End Loneliness, (London: Campaign to End Loneliness, 2011)*

[9] *A Better Life: Private Sheltered Housing and Independent Living for Older People, (Bournemouth: McCarthy & Stone Plc., 2003)*

Positive Choices

CRL recognises a growing desire for more 'boutique-like' services that support residents' well-being. Historically retirement housing providers have made space for visiting hairdressers, beauticians and alternative therapists, though CRL found the take up of these services to be relatively low, perhaps due to proximity to local high streets. CRL continues to explore 'age-friendly' product features that give residents a certain reassurance and 'feel good factor' when purchasing their property. A recent innovation is the communal coffee bar with 'bottomless' coffee machine, which has helped to update the look and feel of the communal lounge; making it a place with a more familiar and contemporary programme, and proving popular with owners and their visitors. CRL has also made provisions for gardeners by introducing raised planters and potting sheds for those that wish to keep on potting.


Wellbeing Suite

Practice Notes

- The research identified 18 Experian consumer profiles that refer to older persons, amounting to 24.6% of the UK population.
- CRL customers map onto types E23 'Balcony Downsizers' and E21 'Bungalow Quietude', accounting for 2.3% of the UK population.
- CRL's typical purchaser is a 79-year old widow moving after her husband has passed away; usually leaving an older, larger house for a one or two-bedroom apartment.
- Research is shifting from physical to cognitive set-backs associated with ageing.
- Retirement living products are evolving to meet lifestyle aspirations, with early signs of customers prepared to move 'ahead of time'.

3 POLICY LANDSCAPE – HOW PLANNING GUIDANCE IS CHANGING

Previous Retirement Housing Best Practice Guidance

In 2003, a good practice guide was written by a joint working party of the Planning Officers Society and the Retirement Housing Group, with an audience of local authority planners and retirement housing developers in mind. It acknowledges that retirement housing is a small part of the total housing stock and therefore many local authority planners will not have encountered planning applications for such housing before; and furthermore may not 'understand its characteristics'[10]. The guide also states that developers are not always aware of the concerns of both planners and local residents when a planning application goes forward, and asserts the need for developers to understand and address those concerns and to communicate more effectively. These positions are still recognisable today, while other aspects of the guide are in need of updating. For example, use of the term 'elderly' and typological definitions such as 'Category 2 housing' have become redundant, and much of the detail of planning policy and guidance has moved on. Similarly, older person population projections continue to grow.


Chantry Lodge, Andover

Since 2003, the abovementioned organisations have generated independent, shorter documents with arguably lower impact. The Planning Officers Society produced manifestos for Community Infrastructure Levy (CIL) and Affordable Housing in 2015 and 2016 respectively. While the Retirement Housing Group produced briefing notes and open letters, including *'Introducing Retirement Housing'* (2015); *'The Case for Reduced Stamp Duty for Downsizers'* (2014); responses to draft and adopted changes to National Planning Policy Guidance (2013, with revisions published thereafter), and a package of information relating to CIL (2013). The activities of both organisations are symptomatic of ongoing challenges in the sector. One planning consultant, reporting on planning issues at an RTPI (Royal Town Planning Institute) conference, remarked on 'the same old chestnuts': intensity of use/density; size and scale of development; car parking provision; assimilation into established communities and inward migration of older people; and Affordable Housing in relation to Use Class designation[11].

[10] *Planning Officers Society/Retirement Housing Group, Planning for Retirement Housing: A Good Practice Guide, (London: The House Builders Federation, 2003) p5.*

[11] *Peter Tanner (Tanner, 'Warden Assisted / Sheltered Housing', presented at Planning for an Ageing Population, RTPI South East Conference, Winchester, 27 September 2012*

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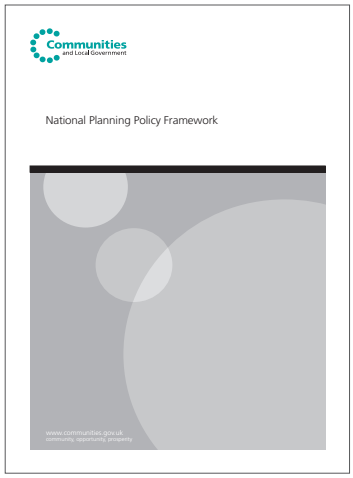


National Planning Practice Guidance Updates

Perhaps the most promising changes are the 2015 updates to sections of National Planning Practice Guidance (NPPG) that purportedly seek to encourage the development of more housing for older people. These were positively acknowledged by the Planning Advisory Service in its case study report in 2015. While planning consultants take a more circumspect view, some suggesting that the changes 'mainly relate to Local Plans' and so at best will take a long time to 'work through the system' or – less positively – Councils can argue they were 'already doing' the things that most of these changes are suggesting.[12]


Grange Lodge, Portishead

[12] *John Sneddon (Tetlow King Planning),'Housing for Older People', presented at Delivering Housing: Needs and Alternatives, RTPI South West Conference, Swindon, 29 January 2016.*

> In 2013 the cross-party think-tank, Demos, found that retirement properties made-up just 2% of the UK housing stock, or 533,000 homes, with just over 100,000 to buy

Government updates to sections of National Planning Policy Guidance (March 2015) in support of housing for older people.

- Added that 'many older people may not want or need specialist accommodation or care', and prefer to stay in general housing 'that is already suitable' or that 'can be adapted to meet a change in their needs'. It says that 'local authorities should therefore identify particular types of general housing as part of their assessment' ('Housing and economic development needs assessments', Paragraph: 021, Reference ID: 2a-021-20150326).
- Inserted the statement that 'evidence that development proposals for accessible and manageable homes specifically for older people will free up under-occupied local housing for other population groups is likely to demonstrate a market need that supports the approval of such homes.' ('Housing and economic land availability assessment', Paragraph: 037, Reference ID: 3-037-20150320).
- Included a new section on how LPAs should 'express the need for different types of housing in their local plan'. The guidance says that authorities should, where appropriate, 'identify specific sites for all types of housing to meet their anticipated housing requirement.' If an LPA does not consider it appropriate to allocate these sites, it should ensure 'sufficiently robust criteria [are] in place to set out when such homes will be permitted', possibly supplemented by targets for the number of homes to be built ('Local Plans: Key Issues', Paragraph: 006, Reference ID: 12-006-20150320).
- Added 'house builders (including those specialising in older people's housing)' to the list of organisations that LPAs should involve as early as possible when preparing local plans ('Housing and economic development needs assessment', Paragraph: 007, Reference ID: 2a-007-20150320).
- Made clear that 'supporting independent living can help to reduce the costs to health and social services' ('Housing and economic development needs assessment', Paragraph 021, Reference ID: 2a-021-20150326).

Source: *Case study Planning for Older People's Housing: The Shock of the New,* (London: Planning Advisory Service, 2015), cross-referenced with the PPG website.

Nicholls Lodge, Bishops Stortford

> one in four persons aged over 60 would be interested in buying a retirement property, equating to 3.5 million people nationally

Retirement Housing Demand vs Existing Supply

For decades now the housing market has been a key economic and political driver for the UK. The importance of this is being affirmed by the inclusion of a new statement in NPPG that gives credence to an economic argument predicated on market demand and housing supply: 'evidence that development proposals for accessible and manageable homes specifically for older people will free up under-occupied local housing for other population groups is likely to demonstrate a market need that supports the approval of such homes'[13]. In 2013 the cross-party think-tank, Demos, found that retirement properties made-up just 2% of the UK housing stock, or 533,000 homes, with just over 100,000 to buy. Their research shows that demand outstrips supply – reputedly one in four persons aged over 60 would be interested in buying a retirement property, equating to 3.5 million people nationally. The evidence states that more than half (58%) of people over 60 were interested in moving, with half (57%) of those wanting to downsize by at least one bedroom (rising to 76% among older people currently occupying three-, four- and five-bedroom homes). Their figures suggest that 33% of persons aged over 60 want to downsize, equating to 4.6 million nationally.[14]

Demos combined New Policy Institute analysis (of current market chain effects of older people dying and moving each year) with their own analysis of the English Longitudinal Survey of Ageing (ELSA). They estimate that if all those interested in buying retirement property were able to do so, 3.5 million older people would be able to move, freeing up 3.29 million properties, including nearly 2 million three-bedroom homes. At present older persons are said to be under-occupying their properties. This group – 'the under-occupiers' – above all others has held the attention of the press and industry professionals, and now Government. Thus the problem of accommodating older people has become visible, but what of the solutions?

"While all eyes are on those struggling to get on the bottom of the property ladder, those at the top are often trapped in homes that are too big and unmanageable… A lack of choice of suitable homes to downsize into is having a negative effect not just on older people's health and wellbeing, but on the rest of the housing chain… Enabling this group to move to smaller properties – essentially extending the housing ladder – will have a domino effect down the housing chain, freeing up family homes and in turn freeing up smaller properties for first and second time buyers".[15]

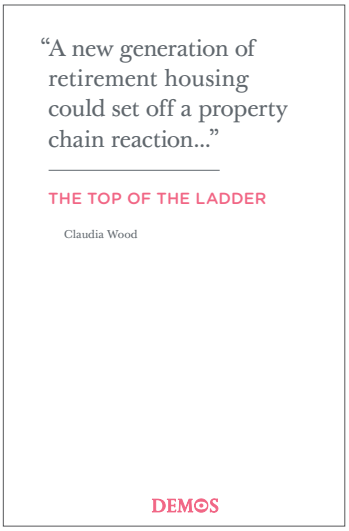
[13] *'Housing and economic land availability assessment', Paragraph: 037, Reference ID: 3-037-20150320. PPG website www.gov.uk/guidance/housing-and-economic-land-availability-assessment [accessed January 2017]*

[14] *Claudia Wood (DEMOS), The Top of the Ladder, (London: DEMOS, 2013)* [15] *Ibid p.9-12*

> In particular, Wood recommends that retirement housing should be given special planning status akin to affordable housing

Defining Retirement Housing

Claudia Wood, deputy director of Demos, argues that we lack a coherent strategy at national level and guidance at local level on retirement housing, and that this shows in everyday planning decisions and the attitudes of those dealing with developers.[16] In particular, Wood recommends that retirement housing should be given special planning status akin to affordable housing.[17] Affordable housing is defined within Annex 2 of the National Planning Policy Framework (NPPF) 2012. No reference is made to 'sheltered' or – even finer grain – 'retirement' housing. However, the term 'sheltered housing' is long established (circa post-World War Two), albeit defined variously and made manifest in wide-ranging built precedent. According to the Planning Officers Society, the most commonly accepted definition was published in 1984 by the House Builders Federation.[18] In fact, there is no statutory definition. The term is often used to categorise 'halfway houses' for those going through gradual processes of rehabilitation and/or reintegration with society. These may be specialist environments taking into account medical or penological considerations. It is therefore necessary to qualify the intended occupants or means of occupation of sheltered housing schemes.



"Housing which is purpose built or converted exclusively for sale to elderly people with a package of estate management services and which consists of grouped, self contained accommodation with an emergency alarm system, usually with communal facilities and normally with a warden."[19]
House Builders Federation, 1984

Historically designers and developers have referred to 'Category 1', 'Category 2' and 'Category 2.5' (or 'very sheltered housing') definitions for specialist housing, as per Circular 82/69, issued by the Ministry of Housing and Local Government in 1969. Category 1 refers to self-contained dwellings designed to Parker Morris Space Standards (1961-1980), whereas Category 2 refers to grouped 'flatlets' (an implicit connotation of reduced space, substantiated by bedsit accommodation of the 1960s) with warden supervision. The latter tended to make greater provision for communal facilities.[20] However, Circular 82/69 was cancelled in 1980, though its influence lives on.[21] Planning barristers advise that developers should stop using these definitions as they are 'out of date' and not based upon extant policy guidance.[22]

[16]*Claudia Wood (DEMOS), The Top of the Ladder, (London: DEMOS, 2013) p.9-12* [17]*Ibid*

[18]*Planning for Retirement Housing: A Good Practice Guide by the Planning Officers Society & Retirement Housing Group (London: The House Builders Federation, 2003) p.9*

[19]*Sheltered Housing for Sale: An Advice Note, (London: House Builders Federation, 1984)* [20]*Ministry of Housing and Local Government, Housing Standards and Costs: Accommodation Specially Designed for Old People, (London: HMSO,1969)*

[21]*(HC Deb 14 June 2000, vol 614, col 265W)* [22]*Neil Cameron QC [Landmark Chambers], pers.comm. [planning inquiry], 9 July 2014*

> Planning barristers advise that developers should stop using these definitions as they are 'out of date' and not based upon extant policy guidance

Use Class

The Retirement Housing Group refer to the problem of the planning Use Classes.[23] It advocates – 'at the very least' – the removal of retirement housing and Extra Care from Use Class C3. Similarly, research by the Joseph Rowntree Foundation identified 'room for debate' when considering whether Continuing Care Retirement Communities (CCRC) should be considered as C2 (residential institution) or C3, or even 'sui generis' (of their own kind).[24] There appears to be a longstanding problem of 'fit' when it comes to planning policy and sheltered housing for older persons. A key question is what value can be placed on communal? We might, for instance, speculate that the communal facilities of future retirement schemes will reach into the public realm. How long will it be before 'foyer' becomes 'coffee shop', and 'TV room' becomes 'cinema'?

How long before planners struggle to spot the difference between C2 and C3? Retirement living schemes are already exploring service menus, and residential institutions looking to soften their image of 'home'. Once distinct accommodation models occupying separate Use Classes – that of 'residential institution' (C2) and 'sheltered housing' (C3) – are beginning to converge and overlap; blurring the boundaries of home and care, public and private. In fact, the breaking down of traditional boundaries is the basis of much current thinking around the delivery of public services, particularly in health and housing.

"These variations [in local authority approaches to CIL] further illustrate the need for a consistent approach based on a new Use Class, to ensure appropriate policies that allow schemes for older people remain viable."[25]
Retirement Housing Group, 2013

"The once sharp divide between 'housing' and 'care' has recently been breached. There are now emerging… models of provision which conform neither to pure sheltered housing nor pure residential care. The blurring is coming from two directions. Residential care is becoming more 'homely' and sheltered housing more institutional."[26]
Heywood et al, 2002

[23] *John Montgomery, Community Infrastructure Levy and Sheltered Housing/Extra Care Developments, (Retirement Housing Group, 2013)*
[24] *Robin Tetlow, Continuing Care Retirement Communities: A Guide to Planning, (York: Joseph Rowntree Foundation/Planning Officers Society, 2006)*
[25] *John Montgomery, Community Infrastructure Levy and Sheltered Housing/Extra Care Developments, (Retirement Housing Group, 2013)*
[26] *Frances Heywood, Christine Oldman & Robin Means, Housing and Home in Later Life, (Buckingham: Open University Press, 2002) p.128*

Certainly new models of accommodation, such as 'Extra Care' are defying existing categories of classification – are they 'housing' or 'care' institutions?[27] Extra care is not one simple concept, with a statutory definition. Schemes vary in scale and nature so it may be – indeed has been the case – that schemes warrant different classification in terms of use class order.[28] Naturally this report could be much extended through consideration of extra care developments. Rather than add to an already well-populated field of literature, this report focuses on independent living retirement products. In particular, it questions what the qualifying features of these products are.

"It is frequently unclear which 'box' extra care housing should be put into. This in itself leads to uncertainty and possibly conflict with developers and other agencies. The Class of a planning approval has a number of significant consequences for all parties…

Extra care housing is akin to very sheltered housing, offering independent living but with the benefit of on-site care provision. If extra care housing is considered as Use Class C3, the developer may be required to include an amount of affordable housing in the scheme. This in turn could have consequences for financial viability."[29]
Nigel King, Housing & Support Partnership

[27]*Moyra Riseborough et al, Extra Care Housing: What is it? (London: Housing LIN, 2015)*
[28]*Nigel King, Planning Use Classes and Extra Care Housing, (London: Housing LIN, 2011*
[29]*Ibid*

Qualifying Features

In a recent *Housing LIN Viewpoint* Nigel King analysed national guidance documents on planning for Extra Care housing. Some of the questions raised chime with those being considered by developers of retirement living products. Of particular note are the identifying features of schemes qualifying for planning Use Class C2. King encourages planners to study developer portfolios and, where possible, refer to recent precedent to determine the average age on entry, and how much care per week was purchased during the first year of operation. King also refers to recent planning appeals, including one case where the Inspector acknowledged that 'the level of care to be provided is not relevant, since the Use Classes Order does not refer to that'. The Inspector took the view that the inclusion of units 'with their own front door' should be classed as C3, even if a significant level of care is provided.[30] So it appears that the front door may be regarded the hallmark of 'independence', albeit there is a big difference between the *house* door and that of (sheltered) *housing*.

Besides typological, architectural or elemental features, housing may be defined by its occupants. A typical condition of planning permission for retirement living accommodation is that occupancy be age-restricted. CRL apartments are sold with a lease that ensures only people of 60 years or over, or those of 60 years or over with a spouse or partner of at least 55, can live in the development. In practice there is a need for flexibility, with individual cases being at the joint discretion of the developer and local authority. Therefore, in legislative terms, occupant age is a qualifying feature of these developments. However, it may be more meaningful to refer to life-course stage, since classification by age alone is problematic. The National Planning Policy Framework (NPPF) defines older people as being 'over retirement age'.[31] This is a bandwidth of 30 to 40 years. Plus 'retirement age' is no longer fixed, and the state pension age seemingly a moving target.

> *"Older people: People over retirement age, including the active, newly-retired through to the very frail elderly, whose housing needs can encompass accessible, adaptable general needs housing for those looking to downsize from family housing and the full range of retirement and specialised housing for those with support or care needs."*[32]
> *National Planning Policy Framework, 2012*

[30] *Nigel King, Planning Use Classes and Extra Care Housing, (London: Housing LIN, 2011)*
[31] *National Planning Policy Framework, (Department for Communities and Local Government, 2012) p.54*
[32] *Ibid*

> owner-occupied retirement housing should be given equivalent status to affordable housing, and given 'enhanced planning status' alongside low-cost home ownership for younger households

Specialist Housing

Demos has reported that the University of Reading and several others producing research in this field have come to the conclusion that owner-occupied retirement housing should be given equivalent status to affordable housing, and given 'enhanced planning status' alongside low-cost home ownership for younger households (i.e. developments of retirement properties should be exempt from paying charges towards affordable housing, and a proportion of the charges levied from other non-retirement private developments put towards helping develop older people's housing).[33] Within their report, 'Top of the Ladder', Demos advocates the 'obvious social value' of building homes that can improve the health and wellbeing of older people. In their view being unable to buy a home should be seen as a crisis not just for tenants seeking affordable rent, but for home-owners too, 'stuck in the wrong property'.[34]

Practice Notes

- Retirement properties are a small proportion of the UK housing stock (2% in 2013)
- Evidence suggests that there is significant and frustrated demand for retirement living products.
- There are no statutory definitions for 'sheltered' or 'retirement' housing, and labels are often misappropriated or misunderstood.
- Planning Use Classes are being tested by contemporary developments that blur traditional divides between dwellings and care environments, housing and health, public and private.
- 'Retirement age' is a bandwidth of 30 to 40 years and is increasingly meaningless as a term or group.
- Given the need, there is a good argument that retirement housing should be identified as a distinct category and be accorded an enhanced planning status; being considered 'sui generis', or a sub-category of housing in the same way that affordable housing is treated as a sub-category of C3 housing.
- Further useful information on planning for an ageing population can be found on the Housing LIN's free online 'portal' at: www.housinglin.org.uk/Topics/browse/Planning/

[33] *Claudia Wood (DEMOS),The Top of the Ladder, (London: DEMOS, 2013) p.52*
[34] *Ibid p.53*

> Demos advocates the ‘obvious social value’ of building homes that can improve the health and wellbeing of older people. In their view being unable to buy a home should be seen as a crisis not just for tenants seeking affordable rent, but for home-owners too, ‘stuck in the wrong property’

4 SITE MATTERS – SECURING SUSTAINABLE LOCATIONS

Attractive, Sustainable Sites

CRL is very specific and disciplined when targeting land. The company explores dozens of potential sites for every one that goes ahead, ensuring that scheme locations are accessible, attractive and sustainable. In fact, an independent design panel found that the development sites were universally well-serviced in terms of proximity to local and national transport infrastructures, local shops and services and amenity spaces (parks, leisure facilities, golf courses, bowling greens and so on). Panellists regarded CRL's site acquisition 'admirable'. A typical site is:

- A high profile location, on active roads with good transport links.
- Within 0.5 miles of town or local centres and amenities.
- On brownfield land, including former industrial or commercial uses.
- 0.4 to 1.5 acres (on average supporting 40 units per development, ranging from 25 to 75).
- Located throughout the South of England and the Midlands, with future expansion into the North of England and Wales.


Priory Lodge, Christchurch

CRL recognise that retirement destinations are no longer limited to coastlines, but also inland and centred on attractive towns throughout the country. For example, its developments are within easy reach of the Brecon Beacons, New Forest, South Downs, Norfolk Broads, Peak District, Yorkshire Dales and North York Moors. Of course finding and securing appropriate sites has its challenges.

The Local Government Association's recent Housing Commission report contained a specific section on housing for an ageing population, recognising a "distinct and urgent need to better provide a range of housing options to meet the wide variety of housing circumstances, aspirations and needs of people as they age."[35]

[35]*The LGA Housing Commission Final Report: Building Our Homes, Communities and Future (London: LGA, 2016) p.45*

> CRL and other key operators in the industry would welcome a range of positive actions, asserting that location is key to the viability and sustainability of retirement living schemes for older persons

Limited Land Supply

A key issue affecting the supply of retirement housing is the availability of land or development sites. In support of future growth, commentators on the *Housing LIN* 'planning resources' portal call for more specific land allocation, separating specialist housing from general needs housing.[36] Furthermore, the *Housing in Later Life* toolkit recommends that local authorities 'consider the need and supply of land for all types and tenures of specialist housing for older people in SHMAs and SHLAAs'.[37] And from a Care Act 2014 perspective, the Housing LIN's SHOP@ tool[38] highlights the wider market shaping role in developing Market Position Statements that take into account the housing needs and aspirations of older people.


Laurel Lodge, Carshalton

In addition, Demos and the Institute of Public Care also suggest that incentives should be provided to local authorities to release land for the development of older people's housing schemes.[39] CRL and other key operators in the industry would welcome a range of positive actions, asserting that location is key to the viability and sustainability of retirement living schemes for older persons. In recent years we have seen an emerging problem of 'difficult-to-let' public sector retirement living schemes, which in part fail to meet modern standards (namely undersized bedsits) but also many schemes are sited in inaccessible neighbourhoods.[40]

Ideally retirement schemes should be within easy walking distance of the town centre or nearest high street. At CRL there is much consideration given to the 'quality of the walk', with staff needing to be 'convinced' of its character, gradient and safety (appropriate street lighting, road crossings, and so on).[41] Sites that are more than half a mile from local facilities are not considered. Such central sites are difficult to come by and leading developers often consider up to 100 locations before settling on 'one that works'.[42] Even then there is no guarantee of purchase, particularly with present competition from budget supermarkets, which ultimately can afford to pay more for sites as their developments are not subject to the same planning obligations, such as contributions to affordable housing.

[36] *Local Plans/Supplementary Planning Documents, (London: Housing LIN, 2016)*

[37] *Housing In Later Life: Planning Ahead For Specialist Housing For Older People (Housing LIN et al, 2012) p12*

[38] *Strategic Housing for Older People Analysis Tool, (London: Housing LIN 2015)*

[39] *Claudia Wood (DEMOS), The Top of the Ladder, (London: DEMOS, 2013) p.53*

[40] *David Clapham, 'Evaluating Supported Housing Options for Older People in Britain and Sweden', in European Network for Housing Research (ENHR) Conference, (Edinburgh: Heriot-Watt University 1-4 July 2014)*

[41] *Land, Design & Planning Meetings (Byfleet: Churchill Retirement Living, 7 July 2014)*

[42] *Charlie Berridge, Building a Billion: The Story of John McCarthy, (Peterfield: Harriman House Ltd, 2011) p.84*

> Ideally retirement schemes should be within easy walking distance of the town centre or nearest high street

Practice Notes

- Retirement housing developers typically invest a lot of work in finding, analysing and testing development sites.
- Retirement housing developers face competition for sites from budget supermarkets that are not subject to the same planning obligations.
- Location is key to sustainable development, particularly with respect to accessibility.
- Further useful information on forecasting the demand and supply of specialist accommodation for older people by local authority area, visit the Housing LIN's free online SHOP@ resources at: http://www.housinglin.org.uk/Topics/browse/HousingExtraCare/ExtraCareStrategy/SHOP/SHOPAT/?

5 RESPONDING TO CONTEXT – CHURCHILL RETIREMENT LIVING CASE STUDIES

St John's Lodge, Timperley

(Trafford Metropolitan Borough Council)

A 'classic' development for CRL comprising of 44 retirement apartments located in Timperley, a residential suburb of Manchester. The area consists of predominantly single and two storey detached dwelling houses in large, leafy plots. The development site is rectangular in shape with a street frontage extending approximately 82m and a plot depth of approximately 79m, and was formerly occupied by a Catholic Church and presbytery. The frontage is screened by a number of mature trees, which extend around the perimeter of the site and create filtered views into the site. The scheme constitutes a T-shaped building footprint that is set back from the road, forming a similar building line to that of the church and presbytery, and retaining the existing tree screening that lends maturity to the new building. The style of the proposed development references the other buildings in the area, and like them uses a broadly traditional domestic vernacular. Key features of this scheme are the tile hung gables.

CRL and its planning consultants worked collaboratively with the planning officer to achieve a successful design that was acceptable to the Council as a whole.

"As Ward Councillor for Trafford Council, I have seen and appreciate the benefits of working on these types of schemes first hand they offer sustainability to a village economy and a huge benefit to local residents redeploying land and buildings appropriate to present day demands. By looking at it from all sides and working collaboratively developments can be built such as The Lodge in Timperley by CRL that define and capture all the needs of all parties."

Cllr Laura Evans Exec Member T&R, TMBC

St John's Lodge, Timperley

Manchester Metrolink

Photo:Tupungato/Shutterstock.com

Site & ground floor plan

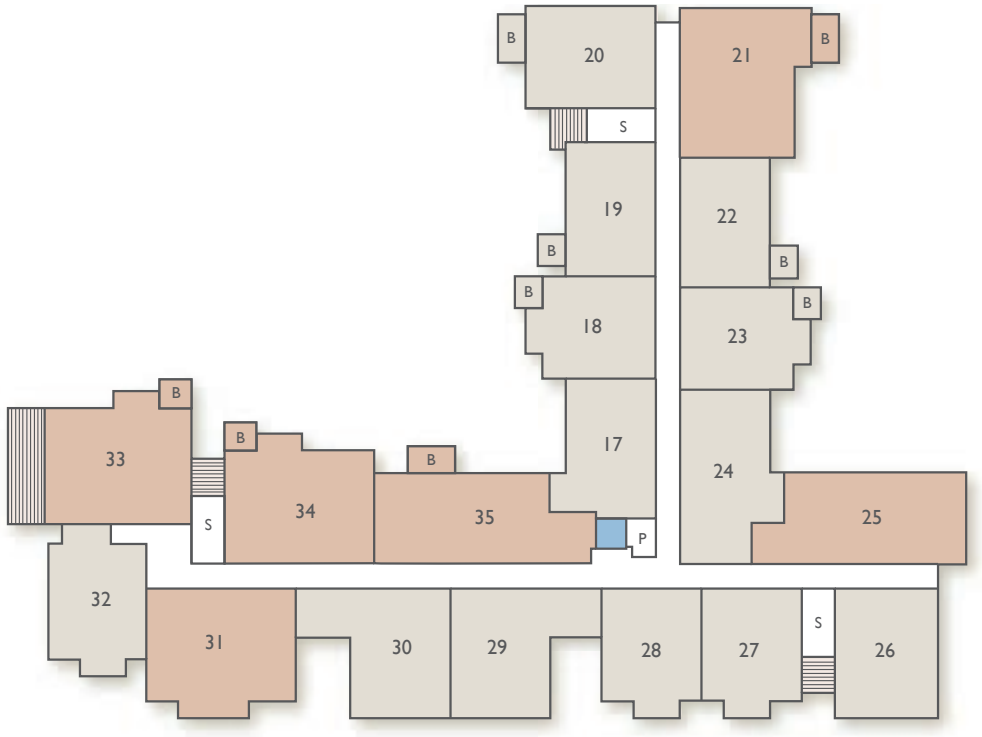
- Reception
- Lift
- Owners' Lounge
- Communal Areas
- One Bedroom Apartment
- Two Bedroom Apartment
- Guest Suite

E	Entrance
OFF	Office
TP	Tea Point
S	Stairs
WC	Communal WC
RS	Refuse Room
P	Plant Room
BS	Buggy/CycleStore
ASHP	Heat Pump Enclosure

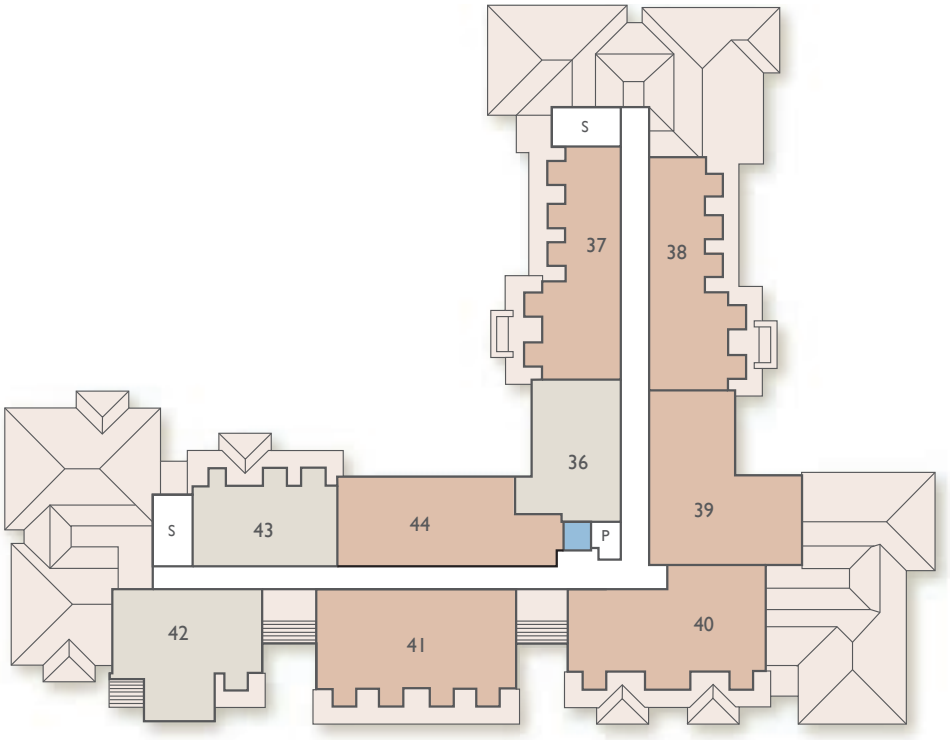
St John's Lodge, Timperley

Owners' Lounge

First floor plan



Second floor plan



Lift
Communal Areas

One Bedroom Apartment
Two Bedroom Apartment

P Plant Room
B Balcony
S Stairs

> There is a warm and relaxed air to the communal atmosphere - a sense of companionship, without losing the privacy and independent identity of individual apartments. Hawthorn Lodge looks good outside; feels good inside and has a robust sense of place and context

Hawthorn Lodge, Farnham

(Waverley Borough Council)

An award-winning 'heritage' development for CRL comprising of 50 retirement apartments located in Farnham, Surrey. It is a town-centre development located within the Farnham Conservation Area, just south of the designated Central Shopping Area. The site was formerly occupied by a police station building, built in the 1960s, which had a bland façade with low pitched tile roof. The quality of architectural features and detailing on the police station was in stark contrast to other buildings in the vicinity. The scheme constitutes an inverted L-shaped building footprint laid out along the north-south axis. The long street façade is broken down by stepping the plan and staggering the building line, and varying the height between two and three storeys. Through consultation with the local authority an approach was agreed to adopt three distinct but complementary types of Georgian-style facades, following the pattern of facades in the historic development in the conservation area.


Hawthorn Lodge, Farnham


William Cobbett Statue

Landmark features were designed at the ends of the building, comprising three-storey circular brick forms with conical roofs. A clock turret from the former police station was installed on the Southern roof, thereby preserving a local landmark. Furthermore, three stone murals depicting Farnham's history were carefully removed from the police station building and set into a brick gable elevation by the lodge entrance. Also adding to the distinctive character of this lodge are the Georgian-style balconies that overlook Gostrey Meadows and the River Wey. Separate to the planning process CRL contributed to funding for a statue of 18th Century political activist and pamphleteer William Cobbett (1763-18), which is sited on a plinth in front of the development. This represented the culmination of several years' work to honour one of Farnham's most prominent historical figures, and is now an important landmark in the town.

Hawthorn Lodge was awarded Silver in the *'Best Retirement Development'* category at the *WhatHouse? Awards 2016*, with the Judges' Report stating: "There is a warm and relaxed air to the communal atmosphere - a sense of companionship, without losing the privacy and independent identity of individual apartments. Hawthorn Lodge looks good outside; feels good inside and has a robust sense of place and context."[43]

[43] *WhatHouse? Awards 2016 Judges Report (London: Globespan Media, 2016) p.36*

Site & ground floor plan

BS Buggy Store
CB Coffee Bar
E Entrance
OFF Lodge Manager's Office
P Plant
RS Refuse Store
S Stairs
ST Statue
WC Communal WC

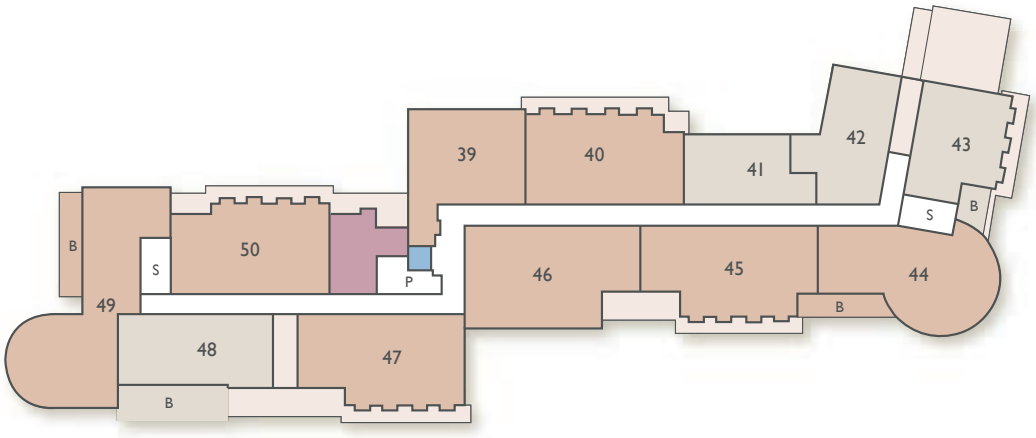
Reception
Lift
Communal Areas
One Bedroom Apartment
Two Bedroom Apartment


Hawthorn Lodge, Farnham

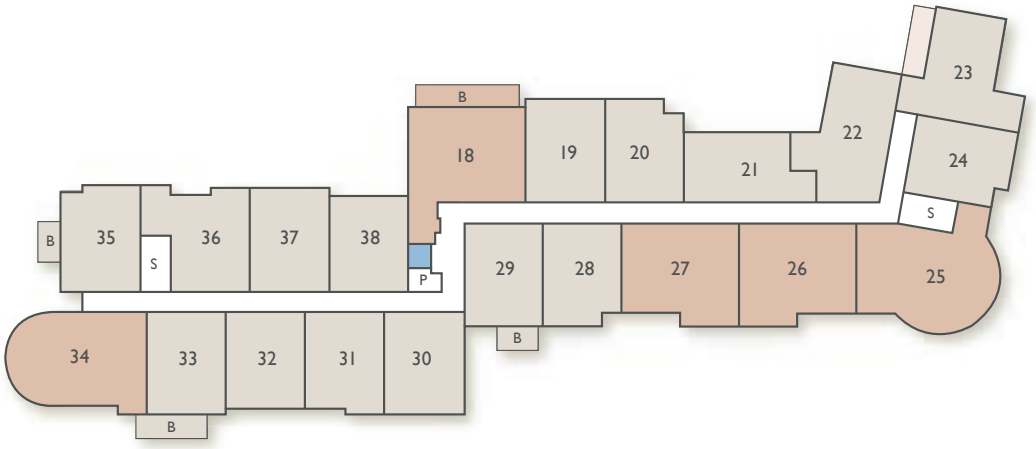

Hawthorn Lodge, Farnham


Coffee bar

First floor plan



Second floor plan



B Balcony
P Plant
S Stairs

Lift
Communal Areas

One Bedroom Apartment
Two Bedroom Apartment
Guest Suite

"Everything is taken care of here so we can just relax and enjoy life. We were the first to move in at Hawthorn Lodge back in May 2016, and we've now made lots of friends amongst our new neighbours. There's a great sense of camaraderie, and we especially enjoy the chance to get together for coffee mornings every week and really get to know each other. We both feel that moving to our new Churchill apartment was an excellent decision, everyone is lovely here and we're very happy with our new home."

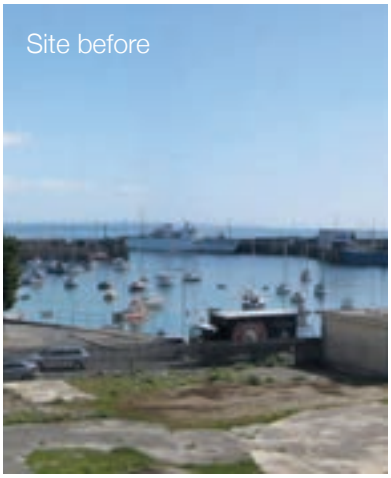
Edward and Janet Searle, Hawthorn Lodge Owners

Mount's Bay Lodge, Penzance

(Cornwall Council)

A 'contemporary' development for CRL comprising of 5 commercial units and 51 retirement apartments located in Penzance, Cornwall (being built at the time of publication). The site is a former gas works directly opposite the harbour, with striking views of the sea, and over to Marazion and Mount's Bay, home to St Michael's Mount. Penzance's topography is such that buildings are set against a rising landscape causing a tiered roofscape with narrow lanes rising up from the harbour to the town above. The Western boundary of the site is necessarily cut into a slope, or cliff foreshore, that requires a tall concrete retaining structure. The site constraints have led to a non-standard scheme for CRL. For example, amenity space takes the form of a landscaped podium over the parking, and apartment plans were adapted to make the most of sea views.

Overall the design has a strong vertical emphasis with gable features reflecting the character of large scale maritime warehousing. In common with neighbouring buildings it adopts a contemporary materials palette, including white render, glass and metal roofing. The application scheme was subject to a planning inquiry due in part to its appearance and prime location, as well as the nature of its intended use. However, the Inspector ruled that the development would address a long standing gap site in the frontage of the Penzance Conservation Area. The Inspector observed concerns regarding further retirement living accommodation in the area, though considered the scheme to represent a viable and sustainable development that accords with the Local Plan and represents positive economic gain to the town centre.


Site before


Site before


Penzance harbour

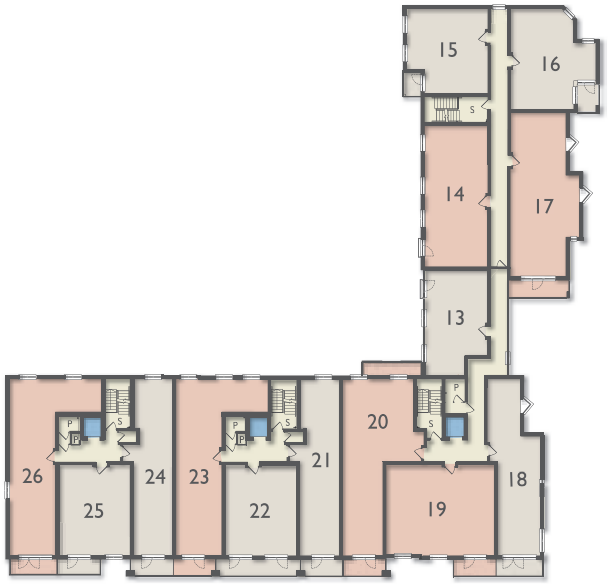
Site & ground floor plan

Commercial unit
Reception
Lift

BS	Buggy Store
CS	Cycle Store
CU/RS	Commercial Unit Refuse Store
E	Entrance
L	Lift
OFF	Lodge Manager's Office
P	Plant
R	Reception
RS	Refuse Store
S	Stair
SS	Sub Station
ST	Store
V	Void

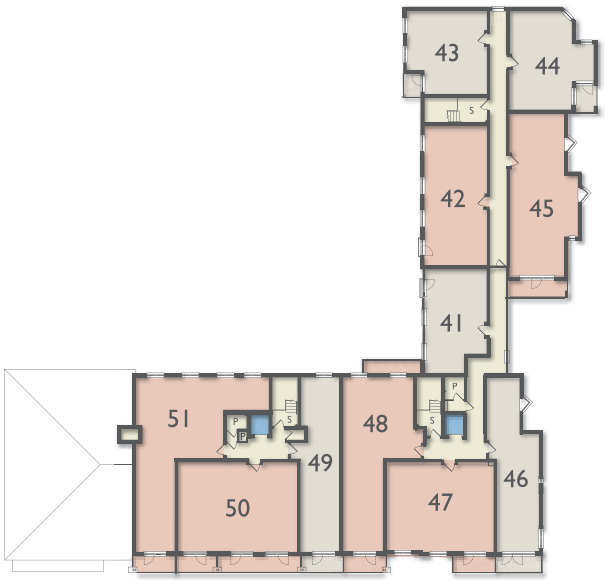
First floor plan

Second floor plan



Third floor plan

Fourth floor plan



One Bedroom Apartment
Two Bedroom Apartment
Owners' Lounge and Coffee Bar
Guest Suite
Lift

OFF	Lodge Manager's Office
OL	Owners' Lounge
CB	Coffee bar
P	Plant
S	Stair
WC	Communal Toilet

Mount's Bay Lodge, Penzance

Practice Notes

- Retirement living developments can be contextually responsive, and sit comfortably within town centre, suburban and coastal locations alike.
- CRL tends toward 'classic' designs, adopting traditional or vernacular building forms and materials, though adapting to 'heritage' or 'contemporary' approaches where the context demands it.
- Retirement living developments have demonstrated an ability to utilise difficult sites, such as former gas works and petrol filling stations and sites within conservation areas.
- Retirement living development can be flexible and respond to planning authorities and local stakeholders on design detail, whilst keeping within the essential attributes outlined in Part 1 of this document.

St Michael's Mount

6 PLANNING PROCESS – OVERCOMING THE OBSTACLES

Common Ground

The research reviewed a number of CRL projects and associated planning application process, including scrutiny of planning correspondence, decision notices and planning appeal documents (Statements of Case, Statements of Common Ground, Proofs of Evidence and Appeal Decisions). Twelve areas of common ground – items of mutual interest/understanding between CRL, local authority planners and Inspectors – were identified in relation to planning policy and decision making criteria.

1. Development – The principle that the site was suitable for retirement living residential development, including situations where there is loss of former employment use (garages, bus stations, light industrial units, etc.).
2. Demand – General acceptance that demand for private retirement living accommodation exceeds the current supply, and that demographic change will continue to add to that demand
3. Age-Restricted – Planning condition that the apartment owner, or at least one of the people living in the apartment, must be aged over 60 with the partner being 55+.
4. Property Market – It is becoming acknowledged through market assessments that 'downsizing' can generate movement by releasing under-occupied properties suitable for families.
5. Location – Sustainable site locations in relation to the town centre where a good range of shops and services are available within easy walking distance for older people.[44]
6. Demolition – The demolition of existing buildings not considered to be of sufficient merit to warrant statutory protection or for inclusion within the local list.

[44]On commissioning this research, representatives from CRL noted that from time to time local authorities will make suggestions for alternative or 'priority' sites, including next to or in place of former nursing homes, regardless of their proximity to shops and services. This approach was not evident within the selected case studies.

7 Enhanced Townscape – Uplift of blighted or problem sites where the ground may be contaminated or redundant/derelict structures are present, and the addition of landscaping e.g. trees and garden frontages

8 Amenity – The amount and quality of external amenity space is appropriate for the residents and the amenities and gardens are maintained to an appropriate standard in perpetuity through a management company.

9 Parking – Evidence suggests that the volume of on-site parking is acceptable, based on the operation of similar schemes elsewhere and the centrality of the sites.[45]

10 Sustainability – The provision of renewable energy features within developments and general sustainability principles such as re-use of brownfield sites, benefits to the local economy and low-impact travel plans.

11 Local Spenders – It is acknowledged that residents tend to use local shops and services e.g. hair dresser, taxis, etc. (an indirect concern for development control).

12 Neighbourly – Developments bring many more 'eyes on the street', and some residents take part in civic engagement. Others may contribute to the voluntary sector or provide extra support to public services, helping to improve community cohesion.

Tregolls Lodge, Truro

[45]*Mott MacDonald, Lodge Parking Survey Results, (Southampton: Mott MacDonald, 2017)*

Hard-To-Reach Experts

Two main observations of local authority planning departments emerged while undertaking this research, concerning contact and access to relevant expertise. The first regards contact. It is apparent that local authorities discourage open or general discussion with planners, to the extent that their infrastructures only permit project-specific enquiries through automated, electronic contact forms (some with prescribed questions). Departmental phone numbers and locations are rarely available on websites and planning staff are protected by anonymity (no online profiles or individual email addresses). Professional staff are apparently kept at arms-length, behind customer relations staff. No doubt this is a symptom of austerity measures and resulting limited resources.[46] The second observation concerns access to relevant expertise, for it was apparent that individual case officers had limited exposure to specialist housing and retirement living products. Indeed, expertise was often cited as being outside the department, be it research platforms such as HAPPI, Housing LIN or Stirling University's Dementia Services Development Centre, or the providers of specialist housing and their consultant designers.

"The spending power of local authorities in England has been cut by 27% since 2010/11, compared to 11% in Scotland. Housing and Planning departments have seen their budgets cut by 45% and 40% respectively."[47]
Joseph Rowntree Foundation, 2015

"…with average submission to determination times increasing by four weeks year-on-year to 32 weeks, this suggests that under-resourcing of LPAs is seemingly having a direct impact on determination times."[48]
GL Hearn, 2015

[46]*Annette Hastings et al., The Cost of the Cuts: The Impact on Local Government and Poorer Communities, (York: Joseph Rowntree Foundation, 2015)*
[47]*Annette Hastings et al., The Cost of the Cuts: The Impact on Local Government and Poorer Communities, (York: Joseph Rowntree Foundation, 2015)*
[48]*BPF/Capita plc, Annual Planning Survey 2015 (London: GL Hearn, 2015) p.13*

Single Point-Of-Contact

Similar observations were made by the Planning Advisory Service in 2015 when it published a case study report containing a number of lessons and tips for local authorities. In particular, it advised identifying a single point of contact in the local authority for older people's housing in the local area, and regularly reviewing information on housing needs and aspirations for older people.[49] Thereby implying that there are deficiencies or missing links with regards to these matters. Nonetheless, it is fair to say that planning authorities show a greater awareness of ageing populations and the need for specialist housing, albeit there is a general emphasis on 'Extra Care' and large-scale 'village' developments. In this respect there has been some progression away from the accusations of 'ghettoes for older people' John McCarthy described in his biography.[50] However, research acknowledges that developers still do a lot of 'educational work' to explain their products, so as to differentiate them from care homes.[51]

"Educating the planners was an all-important task. This was not helped by journalists who described our schemes as "ghettos for old people". The Daily Mail ran with copy that implied too many old people living together wasn't right. We tried to point out that birds of a feather do flock together. When you are in your twenties you socialise and mix with those of a similar age and the same is true of the older generation."[52]
John McCarthy MBE, 2011

John McCarthy MBE

[49] *Case study Planning for Older People's Housing: The Shock of the New, (London: Planning Advisory Service, 2015)*
[50] *Charlie Berridge, Building a Billion: The Story of John McCarthy, (Peterfield: Harriman House Ltd, 2011) p.106*
[51] *Friederike Zielger, 'Developing Age-Friendly Housing: DWELL Findings', presented at Fit for Ageing: Applying Design to the Production of Age-Friendly Places, Sheffield, 6 October 2016*
[52] *Charlie Berridge, Building a Billion: The Story of John McCarthy, (Peterfield: Harriman House Ltd, 2011) p.106*

Planning Education

In preparing this report, a desktop study of the curricula of three leading UK Planning degree courses was undertaken, with a view to locating sector-specific content (housing for older people). No modules were found that specifically targeted housing and therefore specialist housing (sheltered, retirement, and so on). While issues concerning age or older people are located within 'social' modules that deal with 'diversity' or 'change'[53]. In one instance, where there are links to a relevant research institute, 'ageing' is explicitly listed on an outline syllabus.[54] Curricula are necessarily broad so as to reflect the breadth of the profession and the variety of contexts in which planners operate. With respect to the local authority planner, he or she is expected to apply policy to a range of building types and situations, as and when they present themselves. In common with other professions that demand reflective practitioners, much is learnt on the job.

Everyday Practice

On the whole planning officers are not expecting to encounter specialist housing every day. In some settings applications for retirement housing will be very infrequent – perhaps one or two in a year. Adopting the position of a local authority planner, we might imagine the scenario of receiving an application for a scheme of retirement housing within our borough, city or district for the first time. Naturally we would turn to our colleagues who may have prior experience, albeit limited if more than a few years back. Failing that we would turn to an outside source for up-to-date information. For example, accessing Housing LIN in September 2016 and using the search term 'retirement housing' generated 102 'content' and 620 'document' results – a good deal of reference material. With this in mind, providers are advised to regularly publish explanations of their products, including case study material, to help inform planning professionals and the advice they offer.

To assist the process CRL advocate the use of a model age restricted planning condition which states:
Each of the apartments hereby permitted shall be occupied only by:

- *Persons aged 60 or over; or*
- *A spouse/or partner (who is themselves over 55 years old) living as part of a single household with such a person or persons; or*
- *Persons who were living in one of the apartments as part of a single household with a person or persons aged 60 or over who has since died; or*
- *Any other individual expressly agreed in writing by the Local Planning Authority.*

[53]*CP0120: Social, Diversity & Planning, School of Geography and Planning, Cardiff University, 2016; ENVS3044: Cities and Social Change, The Bartlett School of Planning, UCL, 2016; PLAN10041: Cities and Society, School of Environment, Education and Development, The University of Manchester, 2016.*

[54]*TCP1025: Social Worlds, School of Architecture, Planning & Landscape, Newcastle University, 2016*

Planning Advice

Two areas where developers – as professional customers – regularly offer valuable insight into UK planning are (i) the variable quality of service and (ii) the reliability of paid-for advice. In 2015 representatives of the Planning Advisory Service (PAS) reported on customer feedback, stating that in aggregate there were clear messages to planners, paraphrased as: "Talk to us, generally. It's just manners... Talk to us especially when there are issues". PAS research asserts that "Councils (generally) fail on customer care… We fail because we don't communicate and follow a target culture".[55]

CRL can report on a number of positive experiences with local authority planning departments, including instances where there have been genuinely collaborative interactions, leading to mutually beneficial and good quality development. CRL can also evidence instances of unsympathetic officers, general misunderstanding and poor communication. One particular frustration is seemingly 'shifting goalposts' or situations where officers are 'swayed' by local stakeholders and councillors under political pressure.[56] Clearly developers face great uncertainty and risk in their work, and therefore place a high value on pre-application advice; advice they are prepared to pay for and depend upon. But, as previously stated, perhaps the biggest threat to development is protracted negotiations around development contributions, such as affordable housing, which sometimes extend beyond the statutory consultation period.

> "perhaps the biggest threat to development is protracted negotiations around development contributions, such as affordable housing, which sometimes extend beyond the statutory consultation period.

[55] *Martin Hutchings & Toby Hamilton, 'Improving Planning Services', presented at PAS Spring Conference 2015, Birmingham, 9-10 March 2015*

[56] *Spencer McCarthy [Churchill Retirement Living], pers.comm. [meeting], 21 November 2016*

> Furthermore, it is accepted practice that developers can provide financial appraisals that demonstrate the level of affordable housing contribution that they can afford to provide.

Affordable Housing

Current Planning Practice Guidance enables contributions for affordable housing and tariff style planning obligations from non-rural residential developments greater than 10-units or more than 1000 square metres gross floor space ('Planning Obligations', Paragraph: 031, Reference ID: 23b-031-20160519). However, there are exceptions. For instance, starter homes exception sites, as set out in the Starter Homes written ministerial statement of 2 March 2015. Similarly, special provision is made for residential (care) institutions such that schemes falling within planning Use Class C2 are not expected to make a contribution. CRL and other developers providing retirement housing have been lobbying and negotiating for alternative consideration at national and local authority levels respectively. They have argued that retirement living schemes meet a need – not being met by local authorities – and make a positive social contribution to local communities by inclusion of facilities not found within mainstream housing.

Developers argue that it is inappropriate to provide affordable housing as part of private retirement living developments. The service charges associated with retirement housing make it 'unaffordable' for those on lower incomes, and there is potential for conflict when retirees (particularly those not cash-rich and dependent on pensions) are expected to cross-subsidise those with equivalent access to communal spaces and services. As a result contributions are made to off-site affordable housing where it can be shown to be financially viable. Furthermore, it is accepted practice that developers can provide financial appraisals that demonstrate the level of affordable housing contribution that they can afford to provide.

"…there are regulatory burdens which impact even more heavily on housing for older people than they do on mainstream housing, in areas where its provision would otherwise be viable. Historically, affordable housing has been the principal burden and, if demanded by local authorities at their standard rate for mainstream housing, this can affect viability in those markets."[57]
Retirement Housing Group, 2013

[57] *John Montgomery, Community Infrastructure Levy and Sheltered Housing/Extra Care Developments, (Retirement Housing Group, 2013)*

Central Government Policy

In February 2017 the Government's Housing White Paper indicated that a new statutory duty will be introduced through the Neighbourhood Planning Bill on the Secretary of State to produce guidance for local planning authorities on how their local development documents should meet the housing needs of older and disabled people.

Also in February 2017, the Communities and Local Government (CLG) Committee launched an inquiry into whether the housing on offer in England for older people is sufficiently available and suitable for their needs. The Inquiry will consider a range of points, including whether a national strategy for the support of housing provision specifically for older people is needed.

Charlotte Lodge, Eastleigh

Practice Notes

- There are twelve significant areas of common ground between developers of retirement housing and local authority planners.
- The research found that local authority planners were hard-to-reach and apparently at a distance from expertise on retirement living.
- Developers continue to need to explain their products and are advised to use research platforms to do so.
- Assessing contributions toward off-site affordable housing through financial viability appraisals is accepted practice.
- Use model age restricted planning conditions and S106 template to speed up the process and save resources.

7 THE BENEFITS OF RETIREMENT HOUSING

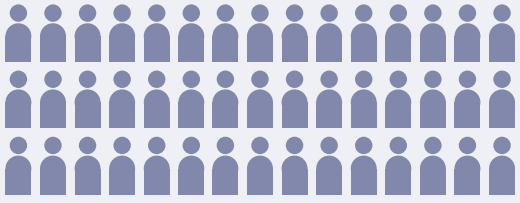
	Economic (growth)	
Individual 	**A smaller home** – reduced energy and maintenance costs. **A whole home** – no redundancy as all areas of the living environment are accessible/safe. **A 'home for life'** – many residents say the move to private retirement living accommodation is the last they will ever make. **'Ageing in place'** – premature occupation of residential care home facilities is avoided.	
Local Community 	**Local spenders** – residents tend to use local shops and services e.g. hair dresser, taxis, etc. Some also have part time 'bridge jobs'. **Property market** (local) – movement generated by releasing under-occupied properties for occupation by families.	
Wider Society 	**Welfare savings** – relieving pressures on publicly funded care homes, health and care services. **Job creation** – construction workers, lodge managers, cleaners, service providers, etc. **Property market** (national) – knock-on effects in terms of the whole housing chain.	

Table 2: The Benefits of Retirement Housing

	Environmental (balance)	Social (equality)
	Central location – reduced reliance on cars due to good access to town and public transport networks. Many residents give up car ownership/driving. **Reduced travel** – residents often move to be closer to family members. **Energy efficiency** – smaller, more efficient homes to heat (only one external wall, modern construction and economy of scale benefits e.g. heating system) and easier to manage.	**Age friendly environment** – communal living akin to university halls of residents. **On-site support** – wide range of organised on-site facilities and services, alleviating social isolation and associated depression. **Own front door** – residents retain identity / independence for as long as possible. **Happy relations** – greater mutuality where residents become less dependent on their children or carers.
	Enhanced townscape – developments often return vacant or 'problem' sites to use (e.g. former petrol stations/ light industrial sites). **Visual amenity** – addition of maintained landscaping to town centre e.g. trees and garden frontages.	**Neighbourhood watch** – developments bring many more 'eyes on the street'. Some residents take part in civic engagement. **Active third agers** – a number of recent retirees contribute to the voluntary sector e.g. charity shops, local community projects.
	Efficient land use – density achieved through collective down-sizing and shared facilities. **Reduced energy consumption** – specialist housing reduces energy loads for heating. **Reduced embodied energy** – more efficient use of raw/building materials.	**More choice** – realising the Government objective of expanding choice for older people. **Family life** – many retirees offer 'grandparental childcare', which has potential benefits for three generations.

> In 2011, Age UK reported that nearly 4.9 million people aged 65 and over in England took part in volunteering or civic engagement.

Wide Reaching Benefits

There are many potential benefits of retirement living accommodation for older people, which are widely acknowledged across a range of academic research and industry publications.[58] A key reference document is 'The Top of the Ladder' report by Demos.[59] It offers a convincing argument for economic benefits in relation to the UK property market, stating that if those wanting to buy a retirement property were able to do so, this would release £307 billion worth of housing. Literature tends to locate so-called wider benefits of retirement living accommodation within classic categories now recognised as the 'three pillars' of sustainable development – economic, environmental, and social.[60] This report adopts these categories, nuancing them with the descriptors 'growth', 'balance' and 'equality', as presented in Table 2. In order to qualify developer claims, that retirement living accommodation makes contributions beyond the needs of its immediate end-user client, the benefits have been tabulated and cast according to a stakeholder hierarchy: the individual, the local community, and wider society.

"…we estimate that the future value of older people's spending power will have grown to £127 billion by 2030 (including multiplier effects), representing growth of around 68% over 2010 levels."[61]

Good Neighbours

In 2011, Age UK reported that nearly 4.9 million people aged 65 and over in England took part in volunteering or civic engagement.[61] There are many reasons to believe that retirement living schemes offer more than an introverted TV room community; many residents are independent, active members of the townsfolk. In short, older people make good neighbours.

[58] *Promoting the Planning Benefits of Schemes and Addressing Concerns, (London: Housing LIN, 2014)*

[59] *Claudia Wood (DEMOS), The Top of the Ladder, (London: DEMOS, 2013)*

[60] *2005 World Summit, United Nations, New York, 14-16 September 2005*

[61] *Royal Voluntary Service, Gold Age Pensioners: Valuing the Socio-Economic Contribution of Older People in the UK, (WRVS: Cardiff, 2011) p.16*

[62] *Age UK, Older People as Volunteers Evidence Review (London: Age UK, 2011)*

Practice Notes

- Retirement housing offers wide-reaching benefits that meet the three pillars of sustainable development – economic, environmental, and social.
- Benefits of retirement housing operate at individual, communal and societal levels.
- Retirement housing regenerates the built environment and supports investment.
- Retirees make important economic contributions through local spending.
- Retirees are active citizens and help to sustain community cohesion.
- Older people make good neighbours.

ANNEX

PhD Project

The research presented in this report is part of a larger PhD by Creative Practice being undertaken by Architect Sam Clark through Newcastle University, supported by supervisors Professor Rose Gilroy and Professor Adam Sharr. The PhD project was launched in 2014 with the aim of exploring what the homes of older people could look like in the future. At the core of this work is a deep inquiry into what older people consider when making choices about their housing and how housing providers can take this information to develop more appealing options. Sam Clark recognises that in the last decade there has been a considerable expansion in the range of choices available and, while there is a growing demand and requirement for specialist housing, it remains true that many older people do not move until they reach crisis point. It is important therefore to gain insight into not just what retirement housing of the future might look like, but also how good design can encourage people to plan earlier in order to make more proactive decisions about their housing.

Methodology

The PhD is fully funded by CRL and thus demonstrates its commitment to reviewing and evolving the type of retirement living housing it will provide in the future. The scope of the PhD study relates to England – referencing CRL's principal area of operation – and focuses on towns and cities to reflect continued migration of older people from rural to urban and suburban areas. Research methodologies include statistical analysis; desktop review of academic and industry literature; case study analysis, including historic precedent; participant observation, involving short-term residencies within retirement lodges; focus groups and in-depth interviews; design review, proposition and testing. The project was structured into the following work packages:

- Older Person Context
- Specialist Housing / Precedent Review
- Fieldwork / Product Review
- Planning Perspectives

This report draws mainly from Planning Perspectives, which involved investigation into the planning context for older person housing, with a particular emphasis on private retirement-living products by CRL and others. A mixed-method approach was adopted with data captured through semi-structured interviews and correspondence with planning professionals; analysis of project-specific documents, including decision notices and planning appeal documents; and a desktop review of planning policy at both national and local levels.

BIBLIOGRAPHY

Age UK, *Older People as Volunteers Evidence Review* (London: Age UK, 2011)

Charlie Berridge, *Building a Billion: The Story of John McCarthy,* (Peterfield: Harriman House Ltd, 2011)

BPF/Capita plc, *Annual Planning Survey 2015* (London: GL Hearn, 2015)

CRL, *Annual Report & Accounts 2016*, (Ringwood: Churchill Retirement Living, 2016)

Sally Cupitt, *Listening to you: The Baseline Report from the Campaign to End Loneliness,* (London: Campaign to End Loneliness, 2011)

DCLG, *National Planning Policy Framework,* (Department for Communities and Local Government, 2012)

DEMOS, *The Top of the Ladder,* (London: DEMOS, 2013)

Experian, *Mosaic United Kingdom: The consumer classification of the United Kingdom* (Nottingham: Experian Ltd, 2010)

Annette Hastings et al., *The Cost of the Cuts: The Impact on Local Government and Poorer Communities,* (York: Joseph Rowntree Foundation, 2015)

HBF, *Planning for Retirement Housing: A Good Practice Guide by the Planning Officers Society & Retirement Housing Group* (London: The House Builders Federation, 2003)

HBF, *Sheltered Housing for Sale: An Advice Note,* (London: House Builders Federation, 1984)

Housing LIN, *Housing In Later Life: Planning Ahead For Specialist Housing For Older People* (Housing LIN et al, 2012)

Housing LIN, *Housing our Ageing Population: Positive Ideas (HAPPI 3)* - Making retirement living a positive choice (London, 2016)

Housing LIN, *Planning Obligations and Community Infrastructure Levy,* (London: Housing LIN, 2014)

Housing LIN, *Promoting the Planning Benefits of Schemes and Addressing Concerns,* (London: Housing LIN, 2014)

Frances Heywood, Christine Oldman & Robin Means, *Housing and Home in Later Life,* (Buckingham: Open University Press, 2002)

Nigel King, *Planning Use Classes and Extra Care Housing,* (London: Housing LIN, 2011)

LGA Housing Commission, *Building our Homes, Communities and Future* (London, 2016)

McCarthy & Stone, *A Better Life: Private Sheltered Housing and Independent Living for Older People,* (Bournemouth: McCarthy & Stone Plc., 2003)

John Montgomery, *Community Infrastructure Levy and Sheltered Housing / Extra Care Developments,* (Retirement Housing Group, 2013)

Ministry of Housing and Local Government, *Housing Standards and Costs: Accommodation Specially Designed for Old People,* (London: HMSO, 1969)

PAS, *Case Study Planning for Older People's Housing: The Shock of the New,* (London: Planning Advisory Service, 2015)

Planning Officers Society/Retirement Housing Group, *Planning for Retirement Housing: A Good Practice Guide,* (London: The House Builders Federation, 2003)

Moyra Riseborough et al, *Extra Care Housing: What is it?* (London: Housing LIN, 2015)

Robin Tetlow, *Continuing Care Retirement Communities: A Guide to Planning,* (York: Joseph Rowntree Foundation/ Planning Officers Society, 2006)

Royal Voluntary Service, *Gold Age Pensioners: Valuing the Socio-Economic Contribution of Older People in the UK,* (WRVS: Cardiff, 2011)

Worthing Borough Council, *Worthing Borough Council Community Infrastructure Levy Schedule Examination: Residential- Questions 4 to 11* (Worthing: Worthing Borough Council, 2014)

APPENDIX - TEMPLATE SECTION 106 AGREEMENT

DATED _____ **20** ____

(1) CHURCHILL RETIREMENT LIVING LIMITED
(2) [OWNER]
(3) [MORTGAGEE]
(4) [COUNCIL]

AGREEMENT
Under section 106 of the Town and Country Planning Act 1990
relating to [ADDRESS]

PLANNING APPLICATION REF [ ]
PLANNING APPEAL REFERENCE [ ]

Shoosmiths LLP
Russell House
1550 Parkway
Solent Business Park Whiteley
Fareham
Hampshire
PO15 7AG
Tel: 03700 866800
Fax: 03700 866801
Ref. [FEE EARNER INITIALS]/[MATTER NUMBER]

TABLE OF CONTENTS

THIS AGREEMENT is made on _____ 20 ____

BETWEEN:

1. **CHURCHILL RETIREMENT LIVING LIMITED** (Company Regn No. 06260373), of Millstream House, Parkside, Ringwood, Hampshire, BH24 3SG (the "**Applicant**");
2. [ ] of [ADDRESS] (the "**Owner**"); and
3. **[[ ]** (Company Regn No. [ ]) of [ADDRESS] (the "**Mortgagee**")]
4. **[ ] COUNCIL** of [ADDRESS] (the "**Council**")

BACKGROUND

(A) For the purposes of the 1990 Act, the Council is the local planning authority for the area within which the Site is located.

(B) The Owner is the freehold owner of the Site registered at HM Land Registry under Title Number [TITLE NUMBER] free from encumbrances that would prevent the Applicant from entering into this Agreement subject to an option to purchase dated [DATE] in favour of the Applicant.

(C) Pursuant to the Planning Application the Applicant applied to the Council for full planning permission for the Development.

(D) [By notice of refusal dated [DATE] the Council refused to grant the Planning Permission for the reasons set out in the notice / the Planning Application was not determined within the statutory 13 weeks. The Applicant has made the Planning Appeal and enters into this Agreement to the intent that any objections of the Council or the Secretary of State to the grant of planning permission are overcome.]

(E) The Council has resolved to grant Planning Permission subject to the prior completion of this Agreement to ensure certain planning obligations are secured, subject to the conditions set out in this Agreement, in respect of the Site.

The parties agree as follows:

1 DEFINITIONS

In this Agreement, unless the context otherwise requires, the following definitions apply:

"1990 Act"	the Town and Country Planning Act 1990;
"Affordable Housing Contribution"	the sum of £[ ] ([ ] pounds) to be paid by the Owner towards the provision of Off-Site Affordable Housing;
"Commencement Date"	the date on which the Development commences by the carrying out on the Site pursuant to the Planning Permission of a material operation as specified in section 56(4) of the 1990 Act other than (for the purposes of this Agreement and no other); (a) site investigations or surveys; (b) archaeological works; (c) site decontamination; (d) the demolition of any existing buildings or structures (e) excavation works; (f) the clearance or re-grading of the Site (g) the erection of hoardings and fences; (h) works connected with infilling; (i) works for the provision or diversion of drainage or mains services to prepare the Site for development; or (j) the construction of access and service roads; and "**Commence**" and "**Commenced**" shall be construed accordingly;

"Committed"	subject to a contract or other legally binding obligation;
"Contributions"	the Affordable Housing Contribution and the [ ] Contribution and "**Contribution**" shall be construed accordingly;
"Development"	redevelopment to form [DESCRIPTION OF DEVELOPMENT] as detailed in the Planning Application;
"Dwelling"	a unit of residential accommodation comprised within the Development and "**Dwellings**" shall be construed accordingly;
"Expert"	a person having appropriate qualifications and local knowledge and experience in the matters in dispute as agreed by the Relevant Parties or failing agreement such person as is nominated by the President for the time being of the Royal Institution of Chartered Surveyors on the application of the Relevant Parties;
"Interest"	interest at 2 per cent above the base lending rate published by HSBC Bank Plc from time to time or if such rate shall not be published at any time such other comparable rate of interest as the Council may then in writing specify having regard to interest rates current at such time;
"Inspector"	the inspector appointed by the Secretary of State to determine the Planning Appeal;
"Occupation"	occupation of the Development for the purposes permitted by the Planning Permission but not occupation for the purposes of construction, fitting out or decoration for marketing or display purposes or in connection with security operations and "**Occupy**" and "**Occupied**" shall be construed accordingly;
"Off-Site Affordable Housing"	social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market and as defined in the National Planning Policy Framework March 2012 or any such successor national planning policy;
"Plan"	the plan attached to this Agreement;
"Planning Appeal"	the planning appeal submitted by the Applicant under Section 78 of the 1990 Act in respect of the [Council's refusal of the Planning Application which has been given reference [APPEAL REFERENCE]]
"Planning Application"	the application for full planning permission for the carrying out of the Development made by the Applicant on [DATE] validated on [DATE] given the reference [APPLICATION REFERENCE] by the Council;
"Planning Permission"	the full planning permission that will be granted by the Council for the Development in pursuance of the Planning Application following the completion of this Agreement or any variation to that permission granted pursuant to Section 73 of the 1990 Act;
"Relevant Parties"	the parties to this Agreement;
"Revised Affordable Housing Contribution"	means a financial contribution towards the provision of Affordable Housing as set out in the Revised Viability Appraisal calculated on substantially the same basis as set out in the Viability Appraisal;
"Revised Viability Appraisal"	means a viability appraisal to be carried out at the expense of the Applicant by an independent Valuer to be agreed and appointed jointly by the Applicant and the Council and submitted to the Council using substantially the same methodology, parameters and general assumptions as agreed for the Viability Appraisal;

"Secretary of State"	the Secretary of State for Communities and Local Government (or such successor Secretary of State or minister of state who shall assume the same decision making powers from time to time)
"Shell and Core Finish"	the stage when the buildings comprising the Development have been constructed to include all structural works with all externals walls and roofs completed and ready to be fitted out internally for use in accordance with the Planning Permission;
"Site"	the land at [ADDRESS] shown edged in red on the Plan against which this Agreement may be enforced;
"Viability Appraisal"	means the appraisal with appendices provided by the District Valuer Services (DVS) on behalf of the Council dated [ ];
"Valuer"	means a Member or Fellow or the Royal Institution of Chartered Surveyors acting in an independent capacity;
"[ ] Contribution"	the sum of £[ ] ([ ] pounds) to be paid by the Owner towards [ ];

2 INTERPRETATION

2.1 The clause headings in this Agreement are for reference only and do not affect its construction or interpretation.

2.2 References to clauses and Schedules are to the clauses and Schedules of this Agreement, unless stated otherwise.

2.3 A reference to a paragraph is to the paragraph of the Schedule in which the reference is made, unless stated otherwise.

2.4 Words importing one gender include any other genders and words importing the singular include the plural and vice versa.

2.5 A reference to a person includes a reference to a firm, company, authority, board, department or other body and vice versa.

2.6 Unless this Agreement states otherwise, any reference to any legislation (whether specifically named or not) includes any modification, extension, amendment or re-enactment of that legislation for the time being in force and all instruments, orders, notices, regulations, directions, byelaws, permissions and plans for the time being made, issued or given under that legislation or deriving validity from it.

2.7 References to the Site include any part of it.

2.8 References to any party in this Agreement include the successors in title of that party and in the case of the Council include any successor local planning authority exercising planning powers under the 1990 Act.

2.9 References to "including" means "including, without limitation".

2.10 Any covenant by the Applicant and/or the Owner not to do any act or thing includes a covenant not to permit or allow the doing of that act or thing.

2.11 Where two or more people form a party to this Agreement, the obligations they undertake may be enforced against them all jointly or against each of them individually.

2.12 If any provision is held to be illegal, invalid or unenforceable, the legality, validity and enforceability of the remainder of this Agreement shall be unaffected.

3 LEGAL EFFECT

3.1 This Agreement constitutes a Deed is made pursuant to section 106 of the 1990 Act and section 2 of the Localism Act 2011 and all other enabling powers and enactments that are relevant.

3.2 To the extent that they fall within the terms of section 106 of the 1990 Act, the obligations contained in this Agreement are planning obligations for the purposes of section 106 of the 1990 Act with the intent that they bind the Site and are enforceable by the Council.

3.3 The Council is the local planning authority having the power to enforce the planning obligations contained in this Agreement against the Owner [and/or the Mortgagee subject to clause 6.1 below] but without prejudice to all and any other means of enforcing them at law or in equity or by statute and a planning obligation not to do any act or thing includes an obligation not to cause or permit or suffer that act or thing to be done by any other person.

3.4 No person constituting the Owner will be liable for breach of a covenant restriction or obligation contained in this Agreement after he has parted with all the interest in the Site or the part in respect of which such breach occurs but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest

3.5 This Agreement will be registered as a local land charge by the Council.

3.6 Nothing in this Agreement:

3.6.1 prohibits or limits the right to develop any part of the Site in accordance with a planning permission, other than one relating to the Development as specified in the Planning Application, granted after the date of this Agreement, whether or not pursuant to an appeal;

3.6.2 shall be construed as restricting the exercise by the Council of any powers exercisable by it under the 1990 Act or under any other Act in the exercise of their functions as a local authority.

3.7 The obligations in this Agreement will not be enforceable against:

3.7.1 the buyers of an individual Dwelling; or

3.7.2 a statutory undertaker which acquires any part of the Site or any interest in it for the purposes of its statutory undertaking of functions.

3.8 [This Agreement shall cease to have effect if in determining the Planning Appeal, the Secretary of State or the Inspector expressly states in his decision letter that this Undertaking does not comply with regulation 122 of the Community Infrastructure Regulations 2010.]

3.9 [If in determining the Planning Appeal, the Secretary of State or the Inspector expressly states in his decision letter that any individual obligation within this Agreement does not comply with regulation 122 of the Community Infrastructure Regulations 2010 that/those obligations(s) will cease to have effect.]

4 COMMENCEMENT

4.1 This Agreement will take effect on the Commencement Date save for clause 14 which shall take effect immediately upon completion of this Agreement.

5 OBLIGATIONS OF THE PARTIES

5.1 The Owner covenants to comply with the obligations expressed to be on their part set out in Schedule 1 in relation to the Development.

5.2 The Council covenants to comply with the obligations expressed to be on its part set out in Schedule 2.

5.3 Within 28 (twenty eight) days of a request from the Owner the Council will certify whether or not an obligation under this Agreement has been satisfied and if not the steps that are required to be taken in order to secure its satisfaction provided that where such obligation is an ongoing obligation this clause shall not apply.

5.4 The Council agrees that upon the Owner's obligations under this Agreement being satisfied and upon receipt of a written request by the Owner the Council will remove all relevant entries relating to this Agreement from the Local Land Charges Register.

6 MORTGAGEE'S CONSENT

6.1 The Mortgagee acknowledges and declares that this Agreement has been entered into by the Owner with its consent and that the Site shall be bound by the obligations contained in this Agreement and that the security of the mortgage over the Site shall take effect subject to this Agreement PROVIDED THAT the Mortgagee shall otherwise have no liability under this Agreement unless it takes possession of the Site in which case it too will be bound by the obligations as if it were a person deriving title from the Owner.

7 TERMINATION OF THIS AGREEMENT

7.1 This Agreement will come to an end if:

7.1.1 the Planning Permission is quashed or revoked before the Commencement Date; or

7.1.2 the Planning Permission expires before the Commencement Date without having been implemented;

7.1.3 [the Planning Appeal is dismissed; or

7.1.4 in determining the Planning Appeal the Secretary of State or the Inspector states in his decision letter that this Agreement is not a material planning consideration or that no weight can be attached to the deed in determining the Planning Appeal.]

8 NOTICES

8.1 Any notice, consent, demand or any other communication served under this Agreement will be effective only if in writing and delivered by hand or sent by first class post, pre-paid or recorded delivery.

8.2 Any notice, consent, demand or any other communication served shall be sent to the address of the relevant party set out at the beginning of this Agreement or to such other address as one party may notify in writing to the others at any time as its address for service.

9 DETERMINATION OF DISPUTES

9.1 Any dispute relating to or arising out of the terms of this Agreement shall be referred to the Expert for determination of that dispute provided that the provisions of this clause shall be without prejudice to the right of any party to seek the resolution of any matter relating to this Agreement by the courts and/or in accordance with Section 106(6) of the 1990 Act

9.2 The Expert shall be appointed jointly by the Relevant Parties who are in dispute

9.3 The decision of the Expert shall be final and binding upon the Relevant Parties who are in dispute and subject to the following provisions:

9.3.1 the charges and expenses of the Expert shall be borne equally between the Relevant Parties who are in dispute unless the Expert shall otherwise direct;

9.3.2 the Expert shall give the Relevant Parties who are in dispute an opportunity to make representations and counter representations to him before making his decision;

9.3.3 the Expert shall make his decision within the range of any representations made by the Relevant Parties who are in dispute themselves;

9.3.4 where there is a dispute as to the amount of any contribution the Owner shall pay its estimate of such contribution to the Council at the time specified in this Agreement and shall pay any difference between that figure and the amount determined by the Expert within 20 working days of the Expert's decision together with Interest thereon calculated (in accordance with this Agreement) from the date the payment was required until the date it is made.

10 CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999

10.1 The parties to this Agreement do not intend that any of its terms will be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1999 by any person not a party to it provided that the exclusion of the said Act shall not prevent all or any future successors in title to any of the parties to this Agreement from being able to benefit from or to enforce any of the provisions of this Agreement.

11 JURISDICTION

11.1 This Agreement shall be governed by the laws of England and Wales and the Courts of England shall have sole jurisdiction in respect of the construction of this Agreement and as to the respective rights and liabilities of the parties.

12 INTEREST

12.1 If any sum due under this Agreement is paid late Interest will be payable from the date the payment is due to the date of payment.

13 FEES

13.1 The Applicant covenants with the Council to pay to the Council prior to the date hereof the Council's reasonable legal fees for the preparation, negotiation and completion of this Agreement.

IN WITNESS of which this document has been duly executed as a deed and delivered on the date stated at the beginning of this document.

SCHEDULE 1

Owner's Obligations

1 CONTRIBUTIONS

1.1 The Owner agrees with the Council to pay the Contributions to the Council on or before Occupation of 50% of the Dwellings.

1.2 The Owner agrees with the Council not to Occupy more than 50% of the Dwellings prior to paying the Contributions to the Council.

PROVIDED THAT

1.3 In the event that development has not reached Shell and Core Finish within [28 months] from the date of the Planning Permission the Owner shall provide the Council with a Revised Viability Appraisal.

1.4 The Owner shall agree and obtain written approval from the Council for the Revised Affordable Housing Contribution and for the avoidance of doubt if the Revised Viability Appraisal cannot be agreed then either the Owner or the Council may at any time refer the matter to an Expert in accordance with Clause [9] of this Agreement

1.5 No Dwelling shall be occupied until the Owner has paid to the Council any Affordable Housing Contribution or Revised Affordable Housing Contribution as appropriate.

1.6 In the event that the Development has reached Shell and Core Finish within [28 months] from the date of issue of the Planning Permission then paragraphs 1.3 to 1.5 of this Schedule shall not apply and shall have no further effect

SCHEDULE 2

Council's Obligations

1.1 The Council agrees to use the Contributions towards the purposes set out in this Agreement and for no other purposes within 5 years of receipt of each Contribution.

1.2 The Council agrees to repay to the party that pays the Contributions any part of the Contributions that have not been spent or Committed in accordance with this Agreement within 50 days of the end of the 5 year period referred to in paragraph 1.1 of this Schedule 2.

Signed as a deed by **CHURCHILL RETIREMENT LIVING LIMITED** acting by:	)))))	..... Director ..... Director/Secretary

Signed as a deed by **[THE OWNER]** acting by:	)))))	..... Authorised Signatory ..... Authorised Signatory

SIGNED as a DEED by)
[Attorney])
As Attorney of)
[MORTGAGEE])
in the presence of:-)

(Full name of witness) .....

(Signature of witness) .....

Address .....
.....
.....

Occupation .....

Sealed as a DEED by affixing the COMMON SEAL of **[ ] COUNCIL** in the presence of:	))))	..... Authorised Signatory

Written by Sam Clark, Phd candidate, Newcastle University.
In association with Churchill Retirement Living, Planning Issues Ltd and the Housing LIN.

For more information please visit:
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April 2017