

Sandwell Local Plan – Regulation Publication Consultation Form

Regulation 19 Publication Consultation

We are inviting your views on the Regulation 19 Sandwell Local Plan and this form should be used to make comments in response to this consultation.

The consultation period begins on **Monday 23rd September 2024** and ends at **5pm** on **Monday 4th November 2024**

Comments can also be submitted online using our website at <https://sandwell.oc2.uk/>. We would encourage you to respond to our Sandwell Local Plan – Regulation 19 Publication consultation using our online form as it saves time and reduces cost.

However, if you prefer, you can use this version of the response form and email it to Sandwell_LocalPlan@sandwell.gov.uk or post it to Sandwell Local Plan, Planning Policy, Sandwell Council House, Freeth Street, Oldbury, B69 3DE.

PLEASE NOTE:

This form has two parts:

- Section 1: Personal details
- Section 2: Your representation/comments on the Draft Plan or Sustainability Appraisal
- Section 3: A declaration which you will need to read and sign

1. Please complete a separate response for each part of the Reg 19 Plan / Sustainability Appraisal that you wish to comment on. If you wish to make comments on more than two parts, please copy and paste the text in Section 2 or complete more than one paper form.
2. Responses must include your name and address.
3. **Your comments cannot be treated as confidential.** By completing this form, you agree to your details being shared and your name and comment (but not your address or other personal details) being made available for public viewing.
4. It is recommended that groups that share a common view send a single response rather than multiple copies of the same response. Please attach a list of the contact details of each person who supports the comments, including their names and addresses.
5. Further paper copies can be provided by emailing Sandwell_LocalPlan@sandwell.gov.uk
6. Completed forms should be received by us no later than **5pm on 4 November 2024**

For official use only:

Respondent No:		Representation Number:	
Date Received:			

Section 1- Your Details		
	1. Personal details	2. Agent's details (if applicable)
Title		Miss
First name		Lauren
Last Name		Bishop
Job Title (where relevant)		Planner
Organisation (where relevant)	Churchill Living and McCarthy & Stone	Planning Issues
House No./Street		Churchill House, Parkside
Town		Ringwood
Post Code		BH24 3SG
Telephone Number		
Email address		

Notes:

1. If you are an agent responding on behalf of an organisation please ensure that your details are in the Agent's details column and give the details of the client you are responding for in the Personal Details column, only the title, name and organisation boxes are necessary.
2. If you are responding as an individual (e.g. a resident) you do not need to fill in the job title and organisation boxes unless you are responding as a member of an organisation.

Please indicate which of this best describes you / your role in responding to this consultation			
Resident or Individual		Local Authority	
Planning Agent or Consultant	/	Public service provider e.g. education establishment, health etc	
Developer or Investor		Public agency /organisation	
Landowner		Community or Organisation	
Business		Charity	
Land & Property Agent or Surveyor		Other (please specify in space below)	

Please note that copies of all comments received, including the name(s) of the respondent(s) will be made available for the public to view. All other personal details will remain confidential. Sandwell Council will process your personal data in accordance with the Data Protection Act 2018. Our Privacy Notice is at the end of this form.

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Section 2: Your Representation / Comments

Please complete a separate copy of this section for each part of the document(s) you wish to comment on (i.e. Local Plan or Sustainability Appraisal)

Title of document you are commenting on	Local Plan
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To which part of the document do your comments relate? Please state the policy number, Sandwell Local Plan reference number, paragraph number, page number or figure number

Paragraph		Policy	SHO4	Policies Map	
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2. Do you consider the Local Plan is:

2.1 Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.2 Sound	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Please provide your comment below:

5. Please give details in the box below of why you consider the Regulation 19 Publication Sandwell Local Plan is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Regulation 19 Publication Sandwell Local Plan please set this out below.

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The Sandwell Local Plan 2024-2041 (Regulation 19 Consultation) is one of an alarmingly limited number of emerging Local Plans that have set differential affordable housing rates. The Lower Value Zones and Brownfield Sites in Medium Zones have an affordable housing requirement of 10% and Higher Value Zones have an affordable housing requirement of 25%. This is, of itself, highly commendable and suggests a greater focus on viability at the Plan making stage. Figure 5 of the Local Plan has been prepared highlighting the affordable housing zones, which have been demarcated through current ward boundaries.

The affordable housing targets as set out in Policy SHO4 Affordable Housing are informed by the evidence base – namely the Sandwell Local Plan Viability Assessment (November 2023) and the subsequent Sandwell Local Plan - Addendum Report (September 2024) undertaken by Aspinall Verdi (hereafter referred to as the Viability Assessment). We note that the Addendum Report has specifically assessed the viability of older persons housing typologies, which is welcomed.

In reviewing the methodology for assessing specialist older persons' housing, we welcome acknowledgment of the Retirement Housing Group value assumptions in premiums on typical private residential apartments, including works undertaken by both Churchill Retirement Living (now named Churchill Living) and McCarthy & Stone (June 2013).

The Viability Study Addendum Report undertakes viability on both older persons housing and extra care schemes comprising of 60 units in each of the value zones.

Paragraph 7.50 stipulates:

Across all the schemes tested, negative RLV's ranging from -£4,003,000 to -£3,070,000 per acre, meaning that all the schemes produce a large deficit when compared to the BLVs. This therefore means that all the schemes are fundamentally unviable. (our emphasis added)

Paragraph 10.10 identifies:

Given the results of our viability appraisals in Section 7 confirming that Older Person's housing to be fundamentally unviable, we recommend that affordable housing provision is not included on retirement living and extra care schemes. (our emphasis added)

The findings of the Addendum Report (2024) are welcomed by both Churchill Living and McCarthy Stone. However, despite the conclusions that affordable housing provision is not included for either retirement living or extra care scheme, Local Plan policy SHO4 Affordable Housing has not taken these findings into account.

It is at this stage we must highlight the guidance in the NPPF and the PPG identifying the role of viability assessment within the Plan making stage:

Where up-to-date policies have set out contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage/ This weight to be given to a viability assessment is a matter for the decision maker having regard to all circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force (paragraph 58).

Council Members, Officers and the general public will assume that applications for retirement living, and extra care housing will be able to support a policy compliant level (10-25%) of affordable housing. This would be wholly at odds with the viability evidence underpinning the Local Plan.

Therefore, as Policy SHO4 does not provide an affordable housing contribution exemption for retirement living and extra care housing specifically, we must consider the Local Plan to be unsound on the grounds that affordable housing targets are not justified, positively prepared, effective or consistent with national policy.

Accordingly, we would like to draw the Council's attention to Paragraph 5.33 of Policy HP5: Provision of Affordable Housing in the now adopted Fareham Borough Local Plan which advises that:

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

Furthermore, policy in Swale exempts older persons housing from affordable housing in light of viability constraints and emerging policy in BCP, Birmingham and Chamwood also exempt older persons housing from the provision of affordable housing.

BCP

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

Birmingham

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

Chamwood

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

Having gone to the extents of testing the typology at the plan making stage, in particular with the additional Addendum Report produced in September 2024, to then ignore the findings seems to be a wasted exercise and contrary to the PPG which clearly requires that local plan policy consider viability at the plan making stage. The above examples of adopted and emerging policy reflect the correct approach in this regard.

A nil affordable housing rate could facilitate a step-change in the delivery of older persons housing in the Borough, helping to meet the diverse housing needs of the elderly as detailed in Local Plan Policy SHO10 Housing for People with Specific Need. The benefits of specialist older persons housing extend beyond the delivery of planning obligations as these forms of developments contribute to the regeneration of town centres and assist Council's by making savings on health and social care.

RECOMMENDATION:

We recommend the following addition to Policy SHO4:

The Viability Study concludes that affordable housing is not viable for retirement living and extra care housing. Therefore, Policy SHO4 does not apply to retirement living or extra care housing.

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Section 4: Declaration

How we will use your personal information

The personal information you provide on this form will be processed in accordance with the requirements of the Data Protection Act 2018. The information you provide will only be used for the purposes of the preparation of the Local Plan as required by the Planning and Compulsory Purchase Act 2004, and may be used by the council to contact you if necessary regarding your submission. Your name, organisation and comments will be made available for public inspection when displaying and reporting the outcome of the statutory consultation stage and cannot be treated as confidential. You will not be asked for any unnecessary information and in order to protect personal data, we will not publish signatures, telephone numbers, addresses or email addresses on the internet. To understand more about why we collect your information, what we do with your information, how you can access your information, your personal information rights, how and to whom to raise a complaint about your information, please visit our privacy notice page at <http://www.sandwell.gov.uk/privacynotices>

Please sign and date this form. Forms signed electronically will be accepted.

Declaration:

By completing and signing this form, I agree to my name, organisation and representations being made available for public inspection on the internet.

Signature:Planning Issues.....

Date:11/11/2024.....

I understand that in submitting my representations, that my details will be added to the Sandwell Local Plan Consultation database and I may be contacted at future stages of the local plan process.

All personal data will be processed in accordance with the Data Protection Act 2018 and the General Data Protection Regulation ('GDPR'). If you do not wish to be contacted further, please advise us.

<input type="checkbox"/>	No, I do not wish to be contacted about the Local Plan
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Thank you for taking time to complete and return this response form.

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