

**Maldon District  
Specialist Needs Housing Supplementary Planning  
Document (SPD)**

**September 2018**



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## **FOREWORD**

I am delighted to be introducing the Council's new Specialist Needs Housing SPD.

This important Supplementary Planning Document (SPD) provides more detailed guidance about key Local Development Plan Policy H3: Accommodation for Specialist Needs, as well as Policy H1: Affordable Housing and Policy H2: Housing Mix.

Maldon District like many parts of the country has an increasing, older population. Generally, older people are those over retirement age, but in some cases can mean people aged over 55. However, not all will require specialist needs housing - many of our older residents may wish to remain in their own homes and 'age in place' - but for those who wish to move, some may prefer to live in a home that is smaller and easier to look after, while others may wish to move to an environment with more support and care available. It is important that a mix of housing products is available in the District to address the different needs these residents can have, as well as for those of all ages with disabilities.

Traditionally, specialist needs housing has been thought of as bungalows and apartments, but the range promoted continues to grow and evolve. As the Local Planning Authority, an important role of ours is to ensure that our residents are able to live in well-located, accessible, affordable, safe and comfortable homes, throughout their life, and are able to live independently for as long as they wish to do so.

The policies in the Local Development Plan, together with this Specialist Needs Housing SPD, will be the key mechanisms used to deliver suitable, quality market and affordable housing on sites identified by the Local Development Plan and in other appropriate locations. So, this new SPD intends to help landowners, developers, providers, agents and planners develop 'age proof' specialist needs housing that meet the right design and quality standards, in appropriate locations where residents are able to continue to be part of a community.

The Council hope that this SPD will encourage a wide range of quality specialist needs homes to be delivered so that our residents continue to enjoy living in the District.

Cllr Mrs PA Channer CC  
Chairman, Planning and Licensing Committee,  
Maldon District Council

## 1.0 INTRODUCTION

### Why is this document important?

- 1.1 The Maldon District Local Development Plan (LDP) (2017)<sup>1</sup> seeks to deliver market and affordable housing that meets the needs and aspirations of existing and future residents, of different demographic groups and needs, over the plan period (2014-2029). Specifically, this Supplementary Planning Document (SPD) is guided by the policy framework of key LDP Policy H3: Accommodation for 'Specialist' Needs, as well as Policy H2: Housing Mix and Policy H1: Affordable Housing.
- 1.2 The Maldon District Strategic Housing Market Assessment<sup>2</sup> (SHMA) concluded that 67.3% of the projected growth of the District's population over the next 15 years (2014-2039) will be people aged 65 and over and that a priority is to ensure that the future supply of homes meet the housing needs of this group. This is not a problem unique to the District - addressing the needs of an ageing population is a national challenge.
- 1.3 Many older people will wish to remain in their homes and receive services as their needs change. There will, however, be many residents who either choose to move (to downsize) from larger accommodation, seek the safety and security of a building with a staff presence or need to move due to poor accessibility or poor condition of their current accommodation.
- 1.4 Adapting older peoples' homes can help meet some residents needs but providing a wider choice of specialist needs housing options better suited to their requirements is more important - it creates the greatest range of positive outcomes – it helps to incentivise owner occupiers to move, and in most cases downsize to market or affordable homes and stimulates the overall supply and mix of housing in the District, whilst improving the quality of life for residents as well.
- 1.5 The SHMA<sup>2</sup> identifies a need for 374 new sheltered units by 2018: of these 254 are in the affordable sector and 120 in the private sector, as well as 138 extra care units. Since 2014, only 30 private rented affordable properties have been developed, significantly less than the requirement. Additionally, a care home has closed and the District has no independent living schemes in place. There is also a requirement for homes for residents with disabilities. Even with some of this need (particularly in the affordable sector) being provided in the Garden Suburbs and at the strategic sites there will still be an acute need for specialist needs housing in the District and an urgent need for this SPD to be implemented to facilitate delivery through other new development.
- 1.6 This SPD provides additional detailed guidance to developers, providers and the community on the Council's approach to assist in the delivery of specialist needs housing, ensuring that approved LDP policies H1, H2 and H3<sup>1</sup> are as effective as possible. This includes:
  - Providing greater clarity about the different types of specialist needs housing sought in the District for older people and for those with disabilities;
  - Locational and accessibility guidance for specialist needs housing schemes;
  - Providing more guidance about the supporting information that is likely to be sought for different specialist needs housing proposals;

- Setting out how the Council will work with partners to deliver specialist needs housing.

- 1.7 Whilst this SPD is intended primarily to provide guidance for older peoples' accommodation and for housing for those with disabilities, it is also relevant to planning applications relating to housing for the care of younger people who are in need of specialist accommodation similar to that needed by older people to meet their medical needs.
- 1.8 The SPD has been prepared in accordance with the provisions set out in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning)(England) Regulations 2012.
- 1.9 It is also set within the context of adopted and emerging national policy (and has regard to the revised draft National Planning Policy Framework<sup>3</sup>, March 2018), local housing needs and the Council's strategic housing objectives. This SPD does not and cannot introduce new planning policy. This SPD is a material consideration in determining planning applications.

### **What is specialist needs housing?**

- 1.10 The National Planning Policy Framework<sup>4</sup> provides the following definitions of:
- **'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;*
  - **People with disabilities:** *People have a disability if they have a physical or mental impairment, and that impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. These persons include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs; (2012, Annex 2)'*
- 1.11 The draft revised NPPF<sup>3</sup> only changed the definition of older people slightly to:
- People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.*
- 1.12 The Council's Housing Register recognises older people as being over 55, and some operators in this niche-market set a minimum age requirement of 55 years old. Where necessary to secure funding the over 55 limit will apply.
- 1.13 The LDP<sup>1</sup> reflects this, defining specialist needs housing as *'meeting the needs of older people, people with physical disabilities, people recovering from mental illness, people with limited mobility and people with a learning disability'*.

1.14 Specialist needs housing can take many forms. Understanding the range of housing options, how they are funded, how they are accessed or allocated and the type of services they offer is the first step to understanding whether that type of housing will meet the District’s housing needs. Table 1 sets out a range of products, including homes that are restricted to people over a certain age, to accommodation that provides services complementary to nursing and residential homes. Not all of the housing or support are available in the District, or in some cases, may be inaccessible because there are no vacancies. Appendix 3 provides specific guidance for those products expected to be required in the District in the next few years: independent living, extra care housing, retirement housing, dementia care housing, care homes and retirement villages.

Continuum of care	Accommodation type	Definition
Low  High	General needs housing	Self-contained general needs stock with no age or care level. Market housing.
	Age restricted/age exclusive independent housing	Self-contained accommodation for sale or for rent. Can be provided on a large scale as a retirement village (100 units or more) Occupation restricted to people above a specified age, usually 55 or 60. Can provide a range of services on site. Market /affordable housing.
	Retirement housing	Self-contained accommodation designated for older people (usually aged over 55) with local connection. May provide care alarm. Mostly affordable: social/affordable rent Enhanced: Mixed tenure as specified by LDP policy H1
	Sheltered housing	Self-contained accommodation designated for older people (usually aged over 55) with local connection. On-site warden service. Affordable: social/affordable rent
	Independent Living	Self-contained accommodation designated for older people (usually aged over 55) with local connection. At least 6 hours of care and support each week. Market/affordable housing.
	Extra care housing	Self-contained accommodation designated for older people (usually aged over 65) Varying level of personal care and domestic support. Usually designed for wheelchair use. Affordable/market housing. Also known as very sheltered housing, assisted living.
	Residential care	Private or shared en-suite rooms within a care facility. All receive domestic care and some personal care.
	Nursing care	Private or shared en-suite rooms within a care facility. All residents will receive domestic, personal and nursing care.
	Close care	Private self-contained accommodation linked to a nursing home

Table 1: Types of Older Peoples Housing

- 1.15 Residential, Nursing and Close Care Homes play an important role in meeting needs but their focus is the provision of care rather than accommodation. They are usually commercial enterprises which make it difficult to commission new developments strategically, or regulate in terms of meeting local need. For this reason they are not considered as part of the housing supply although their contribution is important to meet the needs of the District's most vulnerable older people, so guidance is provided for this type of housing.
- 1.16 The market for specialist needs housing is evolving. New products will be considered as long as they meet identified local needs for residents of the District.

**Strategic Environmental Assessment and Equalities Impact Assessment**

- 1.17 A Strategic Environmental Assessment Scoping Report<sup>5</sup> has been carried out for the SPD (see [www.maldon.gov.uk/spd](http://www.maldon.gov.uk/spd)). The Council carried out an extensive Sustainability Appraisal for the LDP and this SPD only provides detailed guidance to support the delivery of the LDP, AND does not set new policy. Therefore, it has been concluded that a SEA of the SPD is not required.
- 1.18 An Equalities Impact Assessment<sup>6</sup> is available at [www.maldon.gov.uk/spd](http://www.maldon.gov.uk/spd)

## 2.0 POLICY CONTEXT

### National policy context

#### National Planning Policy Framework (NPPF)<sup>4</sup>

2.1 The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. Paragraph 50 of the NPPF (2012) aims to promote the delivery of a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities by:

- *[Planning] for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as families with children, older people, people with disabilities and people wishing to build their own homes);*
- *Identifying the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and*
- *[Where there is an identified need for affordable housing], setting policies for meeting this need on site, unless off site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be flexible to take account of changing market conditions over time.'*

#### Revised Draft National Planning Policy Framework<sup>3</sup>

2.2 This consultation document (2018) gives a clear idea of the Government's thinking for planning and development in England in the future. Paragraph 60 recognises that it is important that the *'needs of groups with specific requirements are addressed.'* Paragraph 62 adds that *'policies should identify the size, type and tenure of homes required for different groups in the community (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).'*

2.3 This SPD will highlight where emerging national guidance could have an impact upon specialist housing provision.

2.4 This SPD uses the definition of affordable housing set out in the NPPF (2012), which differs to that proposed by the draft NPPF. This SPD cross references to the Council's Affordable Housing and Viability SPD. The definition and guidance used in that SPD will reflect the published revised NPPF so in relation to affordable specialist housing that document will take precedent, being based on the most up to date guidance available.

#### Planning Practice Guidance (PPG)<sup>7</sup>

2.5 The Government's Planning Practice Guidance provides more detail on a range of planning matters identified by the NPPF. A web-based resource, first published in 2014, guidance is regularly updated to reflect the current policy position. The consultation for the revised draft NPPF and associated documents did not indicate that there was to be significant changes to guidance on specialist needs housing. Therefore, the SPD will continue to reflect that in the existing PPG.

- 2.6 When addressing housing needs, the Housing and Economic Needs Assessment PPG (2014, 021) requires that Strategic Housing Market Assessments consider the current and future trends of a range of data including different age profiles, type of households, the current housing stock size and the tenure composition of housing. This provides an understanding of how age profile and household mix relate to each other and how this may change in future. See paragraphs 2.22 – 2.26 for details about the Maldon District SHMA<sup>2</sup>.
- 2.7 The Housing and Economic Needs Assessment PPG (2014, 022) recognises that *‘the need to provide housing for older people is critical given the projected increase in the number of households aged 65 and over accounts for over half of the new households (DCLG Household Projections 2013) ... The size, location and quality of dwellings needed in the future for older people should be considered in order to allow older people to live independently and safely in their own home for as long as possible, or to move to more suitable accommodation if they so wish. Supporting independent living can help to reduce the costs to health and social services, and providing more options for older people to move could also free up houses that are under occupied. The future need for specialist accommodation for older people broken down by tenure and type (e.g. sheltered, enhanced sheltered, extra care, registered care) should be assessed ... The assessment should set out the level of need for residential institutions (Use Class C2).’*
- 2.8 It adds that planning for the needs of disabled persons is important, including those who require adaptations in the home, either now or in the future.

**The Town and Country Planning (Use Classes) Order 1987 (As Amended)**

- 2.9 The Use Classes Order puts uses of land and buildings into various categories known as 'Use Classes'. Older people's housing can fall within the following classes:

**Class C2. Residential institutions**

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

**Class C3. Dwellinghouses**

Use as a dwellinghouse (whether or not as a sole or main residence) by —

- a) a single person or by people to be regarded as forming a single household;
- b) not more than six residents living together as a single household where care is provided for residents; or
- c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

**Interpretation of Class C3**

For the purposes of Class C3 (a) “single household” shall be construed in accordance with section 258 of the Housing Act 2004.

Class C3 dwellinghouses are referred to in this SPD as residential development/housing or dwellings

The Use Classes Order adds that: *'care' means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment.'*

2.10 Relevant appeal decisions (APP/X1545/A/08/2081888 Disused Nurseries, Mayland, Essex, APP/Q3115/A06/2024775 Abbeycrest Nursing Home, Sonning Common, Reading and APP/ W1145/A/09/2106479 Land at Raleigh Hill, Northam, Bideford) and legal opinion (Barchester Healthcare Ltd v Secretary of State for Communities and Local Government) address the distinction between Class C2 and C3 uses. These indicate that if accommodation includes an independent front door, a kitchen, bathroom, living room and a bedroom and is capable of being used as a dwelling house, whether this is the current intention or not, then it qualifies as C3 use. This is because residents can effectively live without needing to interact with others to achieve their basic daily living requirements. This includes 'extra care' housing.

2.11 For a development to be considered a residential care home or nursing home it must be laid out to allow unimpeded access by trained medical staff to the patient's home/room. It should also be registered with the Care Quality Commission (CQC) and the care package applied to the patient must include a daily element of:

- administering medication (as set out the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 12);
- treatment of any medical problem which require the attention of trained nursing staff.

2.12 Therefore, housing that offers a minimum care package which is limited to the following, will be treated as Class C3:

- domiciliary care: health care or supportive care provided in the patient's home by healthcare professionals, including support in daily living activities such as bathing, dressing, transferring, using the toilet, eating, and walking; (excluding any administration of medication); and/or
- assistance in carrying out activities of daily living: such as, light housework, preparing meals, taking medications, shopping for groceries or clothes, using the telephone, and managing money; and/or
- supporting rehabilitative care: such as podiatry, physiotherapy, or sensory stimulation.

In those cases where developers consider that a scheme (or part of) falls within Use Class C2 detailed evidence will be required in support. This will include, but not limited to: the proportion of non C3 uses; relationship with other elements of the scheme (e.g. traditional care home places); the approach to control occupancy and care provision through legal obligation. These are interdependent and their validity may vary on a site-by-site basis.

#### **Care Act 2015**

2.13 Under the Care Act the Council must ensure there are a range of providers offering a choice of quality care services in the District. The Act expects the Council to integrate

care and support functions with those provided by the NHS and any other health-related services such as housing.

**Health and Social Care Act 2008 (Regulated Activities) Regulations 2009 and Care Quality Commission (Registration) Regulations 2009**

- 2.14 Under this legislation care providers are required to register with the Care Quality Commission (CQC). The CQC regulates care provided by the health authorities, local authorities, private companies and voluntary organisations, including residential care homes for adults, nursing homes, domiciliary care providers and others. The CQC has standards of quality and safety which care providers must comply with.

**Local Planning Policy**

**Maldon District Local Development Plan<sup>1</sup>**

- 2.15 The LDP was approved by the Secretary of State in July 2017. This is part of the development plan for the District, covering the period 2014-2029. Policy H3 sets out the overarching framework for the provision of specialist needs housing. Other policies in the LDP set out more specific requirements on matters such as Housing Mix (Policy H2) and Affordable Housing (Policy H1). **These key policies are re-produced in Appendix 2.** See [www.maldon.gov.uk/LDP](http://www.maldon.gov.uk/LDP) for further information.

**Neighbourhood plans**

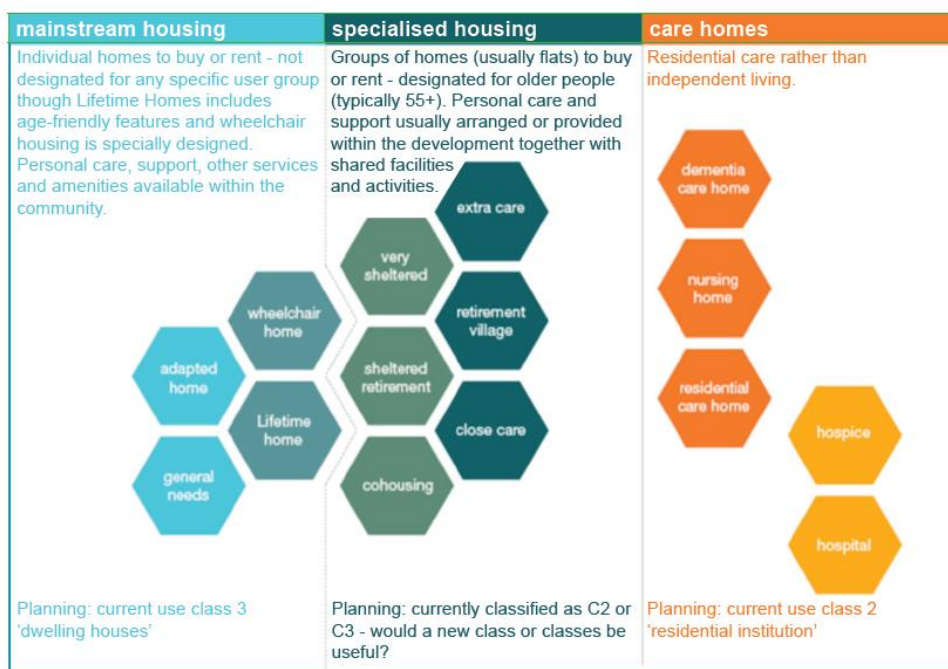
- 2.16 Neighbourhood plans that are ‘made’ are part of the development plan for Maldon. All planning applications should be in accordance with the development plan, unless material considerations indicate otherwise. Neighbourhood plans may contain policies relating to housing for older people or for those with other specialist needs in a particular area. Further information on the status and content of neighbourhood plans is available at [www.maldon.gov.uk](http://www.maldon.gov.uk).

**Maldon District Draft Affordable Housing and Viability SPD<sup>8</sup>**

- 2.17 The consultation draft of the SPD was published in April-May 2018. This covers all matters relating to specialist affordable housing and viability assessments. Following consideration of representations made and the outcome of the revised draft NPPF consultation, relevant changes will be made to that SPD. It will then be adopted as a SPD by the Council. See [www.maldon.gov.uk/spd](http://www.maldon.gov.uk/spd)

**Maldon District Design Guide SPD<sup>9</sup>**

- 2.18 The SPD (2017) provides further details on LDP Policy D1, identifying the principles that should be followed to deliver good quality design of new development in the District. These principles apply equally to all forms of housing.
- 2.19 Recognising the role older persons housing is expected to play in the longer term in the District, Appendix A of the SPD provides specific guidance for older persons housing (see [www.maldon.gov.uk/mddg](http://www.maldon.gov.uk/mddg) ). The diagram overleaf includes the three types of housing categorised by the Housing our Ageing Population: Panel for Innovation (HAPPI), 2014: mainstream housing, specialised housing and care homes. Within these categories are products which correlate with Table 1 of this SPD:



2.20 Similar guidance is also set out in the **Essex Design Guide, 2018**<sup>10</sup> ([www.essexdesignguide.co.uk](http://www.essexdesignguide.co.uk)). This is a useful guide but to ensure that all new development reflects local character, the SPD should be used to inform applications.

2.21 Where sites or areas are subject to other guidance prepared by the Council e.g. a master plan or strategic design codes, developers must consider housing requirements carefully to reflect all appropriate guidance. Further information is available at [www.maldon.gov.uk/mddg](http://www.maldon.gov.uk/mddg)

### **Maldon Strategic Housing Market Assessment (SHMA)<sup>2</sup>**

2.22 LDP Policy S2 identifies a need for a minimum of 4,650 dwellings from 2014-2029 (310 per annum)<sup>1</sup>. However, the LDP plans for a slightly higher target of 5,108 dwellings to provide for a better mix and choice and to enable the delivery of affordable housing, housing for older people and housing for other specialist needs<sup>1</sup>.

2.23 The SHMA (2014)<sup>2</sup> identifies that the most significant feature in population change in the District over the plan period is the expected growth of the over 65 age group. This is reinforced by the ONS<sup>11</sup> which shows a comparable increase of the same age group at around 27%, for 2011 - 2021. The SHMA<sup>2</sup> sets out the growth by age group for the same period:

- The largest increase across all age groups and the largest proportionate growth is in the 90+ age bracket (35.6% increase);
- The 65-74 age group is expected to increase by 20.2%;
- The 75-79 age group could increase by 35.1%; and
- The 80-89 age group by 33.6%.

2.24 This reflects data from the Projecting Older People Population Information System (POPPI) which projects the changes for the over 65's to 2020 in the District<sup>12</sup>. A 26.3% increase is expected between 2012 and 2020, higher than that for Essex, the East of England region and England overall<sup>12</sup>. Given the resource demands often associated

with older people, these comparable figures are very significant and will impact on the demand for different house types and tenures in the District, from those wishing to move.

2.25 The SHMA<sup>2</sup> indicates a need for 374 new sheltered homes by 2018: 254 in the affordable sector and 120 in the private sector. Since 2014, only 30 private rented units have been developed, significantly less than the 374 required. Although some will be addressed by the flow of the existing sheltered stock this demonstrates an acute need for specialist housing in the District and an urgent need for this SPD to be implemented to enable delivery either within the market housing and affordable sectors, as bespoke schemes or through new development.

2.26 Other key SHMA<sup>2</sup> findings are:

- The increase in the 65+ age group will increase the demand for specialist market and Extra Care/Independent Living and sheltered accommodation;
- Providing a better supply of specialist homes for older people could improve the availability of larger family market homes as well as general needs, affordable homes;
- There is a growing trend of under-occupation in the market and affordable sectors of around 12,673 households in the District with around 756 dwellings in the social rented sector - a significant proportion are likely to be older people – many will remain in their family home and receive support - but at least 17.1% of households would consider downsizing (129 households);
- Demand from those considering moving is highest for 1 and 2 bed bungalows (62.2%) and then supported housing (23.3%);
- In terms of tenure, the greatest need is for owner occupation but 41.5% would prefer affordable housing to rent. There is a slight demand for more specialist accommodation including a private retirement village and residential care;
- Many older people will move in with family which can have implications for extending, adapting or providing annexes to properties;
- Many types of older persons housing are relatively new (such as independent living and extra care) and the increase of those aged 75+ may increase the need for this type of accommodation. Demand may also rise as understanding of this sector increases;
- The significant increase in older householders (i.e. 80+) will have implications for support services, options for housing with support, long term suitability of accommodation, equity release schemes, adaptations and other age-related health and social care requirements;
- The preference of disabled households without specific support needs was for bungalows particularly in Maldon/Heybridge, followed by the Rural South sub area. This includes 56.5% of the 'younger' disabled group (under 64);
- Bungalows could help meet the needs of both older people and those with specialist needs, but these are not as readily available in the general housing stock and are often more expensive due to their limited availability.

### **Local Housing Policy**

2.27 Providing suitable, specialist needs homes for existing and future communities will play a significant role in achieving the Council's corporate goal of 'meeting housing needs'. Increasing the mix of housing products available to older residents and those with other

specialist needs in both the market and affordable sectors will help achieve this ambition. It may also help address other housing needs by freeing up existing properties for those wishing to move home or buy a property in the District.

**Maldon District Draft Housing Strategy<sup>13</sup>**

- 2.28 The draft Housing Strategy (2017) recognises the demands and needs of older people and those requiring specialist housing in the District by setting out plans to manage growth and meet the changing needs of residents over their lifetime or as their circumstances change. This will be achieved by promoting a choice of housing products including Independent Living, Extra Care housing and affordable housing, as well as securing market housing designed to be accessible for a range of people and providing ways of helping residents move through different types of tenure where necessary. The Strategy also seeks to secure homes that can be more easily adapted to meet specific needs, thereby 'age proofing' housing stock for the long term.

**Maldon District Older Peoples Housing Strategy<sup>12</sup>**

- 2.29 The Strategy provides a framework to help improve the links between commissioners and planners of services, housing providers and support providers to ensure that the increasing number of older people in the District improve their longer term prospects for independence, reducing the risk of chronic and acute health problems and demand on other services, but have a variety of homes available to meet their different needs.

- 2.30 Building on the SHMA<sup>2</sup> the Strategy considers the increase in demand for care and support to provide a housing based assessment of need. This identifies a need for an additional 909 new homes for older people by 2029. Although this need is different to that in the SHMA<sup>2</sup> it covers a different time period and is based on a different methodology. What is clear from all sources is that there is a significant need for older peoples housing in the District – the purpose of this SPD is to provide guidance on delivering this type of specialist housing.

- 2.31 To address this significant need the Strategy identifies a pragmatic solution: turnover in the local housing market will be stimulated by promoting a greater range of housing products to encourage residents to move to an appropriate form of housing. HAPPI 3<sup>14</sup> suggests that every downsizer move triggers a further 3 moves and releases more starter homes for people looking to enter the housing market. This will generate secondary benefits by making more general market and affordable homes available, helping to re-dress the balance in the housing market. The Strategy identifies the following need: 138 extra-care units, 235 retirement units for rent, 211 sheltered dwellings and 325 retirement units for ownership.

**Maldon Tenancy Strategy<sup>15</sup>**

- 2.32 The Maldon Tenancy Strategy (2017) sets out how the Council expects Registered Providers and other approved providers should operate affordable housing tenancies and how affordable homes should be managed in future. All new affordable homes must be delivered in accordance with this guidance.

### **3.0 MALDON'S SPECIALIST HOUSING NEEDS AND PRIORITIES**

- 3.1 The LDP<sup>1</sup> plans for 5,108 dwellings from 2014 to 2029. Informed by need and demand, the SHMA<sup>2</sup> indicates that 374 sheltered units are required by 2018: 254 in the affordable sector and 120 in the private sector, as well as 138 extra care units. Since 2014, only 30 private units have been developed, significantly less the 374 required. Additionally, since 2010, a residential home has closed, support has been withdrawn from approximately 600 sheltered properties and the District has no independent living schemes in place.
- 3.2 The expectation is that the majority of this significant older persons housing shortfall will be delivered where the greatest demand is, in Maldon, Heybridge and Burnham-on-Crouch where residents benefit from good access to public transport, shops and other key services<sup>2</sup>. Access to local amenities and the surrounding community helps older people, particularly those in 'active' retirement remain connected to the area where they have been or are living. It is therefore appropriate for the LDP's Garden Suburbs and strategic sites as well as other major new housing developments to provide for, or incorporate provision specifically for older people. The availability of funding for specific products such as independent living may also lead to bespoke schemes being delivered on suitable sites by Providers in these locations.
- 3.3 Securing the level of specialist needs housing identified by the SHMA<sup>2</sup> and the Council's Older Persons Housing Strategy<sup>12</sup> is essential to ensure that local people are able to afford to remain living independently in the District should they wish to do so, in the house of their choice, whether market or affordable housing. In all cases, the purpose is to facilitate self-care, independence and to provide a secure home for life.
- 3.4 A significant 43%<sup>2</sup> increase in older people is expected over the lifetime of the LDP, therefore it is unlikely that the District's 1,091 dwellings specifically designed for older people<sup>12</sup> (excluding owner occupied properties) and that planned for in the LDP Garden Suburbs and strategic sites will be sufficient to meet needs both in the immediate and longer term, in both the market and affordable sectors. This trend is likely to present some challenges, particularly in terms of ensuring that appropriate accommodation in suitable locations is available or that residents are able to 'age in place'. There is also a necessity to consider the requirements of people with other specialist care needs.
- 3.5 Many older people are owner occupiers: It is easy to assume that home ownership will be the preferred tenure for older people if moving to another home, but nearly 50% of those considering moving would like to rent rather than buy<sup>12</sup>. Many are 'asset rich but cash poor' and need to complete the sale of their existing home to be certain of moving. The comparatively higher cost of retirement housing, with limited choice and the need to sell the current home make this an option which is less convenient and explains why the market has been slow to respond despite the potential growth in need. Renting of specialist needs housing can be easier to access (with the option of selling after, rather than before, moving), creates greater financial independence and does not incur responsibility or costs associated with the maintenance of the property.

- 3.6 A priority, therefore, is securing a higher proportion of new homes for older people to rent. Delivery of rented accommodation can take a variety of forms: private rented age restricted/age exclusive 'retirement' accommodation, independent living or extra care homes as well as affordable housing. However, ownership remains important, being a tenure that may help improve the viability of new development, which may help secure affordable housing for the District's older people. The SHMA<sup>2</sup> indicates about 100 existing older residents annually would require rented housing, with a similar demand from those who are considering moving into the District over the next few years.
- 3.7 Schemes providing affordable housing give a significant opportunity to meet identified local needs. The Council's Housing Register shows that there is a clear demand for affordable housing for older people in the District. As of November 2017 there were 277 older applicants (over 55) on the Register but it is unclear how many are currently living outside the District. The majority of affordable homes are managed by Registered Providers; the average annual supply through re-lets is about 100 homes. As life expectancy increases and without alternative options such as extra-care housing, this 'supply' is likely to reduce as the proportion of older people increase.
- 3.8 To help meet the market and affordable housing requirements of some of the most vulnerable older people in the District, a range of housing products including extra care, independent living and retirement homes, will need to be delivered to address identified needs and meet the aspirations of older people. The predicted growth in those aged 75+ may increase the demand for extra care accommodation (between 138-243 homes) and for independent living (134 units)<sup>12</sup>. To this end, funding is currently available to help deliver independent living housing in the District<sup>16</sup>.
- 3.9 Some of this identified need will be met through turnover of stock, but not all existing stock will meet relevant standards which could increase the total requirement. The Council's most recent conditions survey showed that there are about 1,000 vulnerable households, many of which are older people, living in properties which fail the Decent Homes standard. Adapting housing stock to extend the housing choice for older people and those with a disability will be encouraged particularly where it can release family sized accommodation. But for many, moving to a home in better condition will be the solution.
- 3.10 It is essential that the District's housing market operates cohesively: Making best use of existing stock is therefore a key priority for the District. New specialist needs housing should help fill identified gaps in housing stock which will help improve flow within the market and affordable sectors. Every downsizer triggers 3 further moves and releases starter homes: A significant proportion of owner occupied properties (with/without mortgages) have two or more spare rooms (around 11,917 households in the District)<sup>12</sup>. In the affordable sector, this is about 756 households<sup>12</sup>. By helping the flow of family homes and freeing up lower level supported housing in both sectors, a more balanced stock will meet the requirements of future households, including older people and those with specific needs. Need is broadly similar irrespective of tenure: for 1 and 2 bed homes<sup>2</sup>.
- 3.11 According to the SHMA, over 1,000 people<sup>2</sup> would prefer to move to a smaller home that is better suited to their needs and easier to maintain, and where the right kind of

care and support is available. While many older people are active, others have differing levels of health, fitness and ability, and these may change over time. A key principle in meeting their housing needs will be to maximise their ability to live independently for as long as they are able and wish to do so. Ensuring new homes are 'age proof' will be important to maximise the ability of older people to remain in their homes as their needs change.

- 3.12 It is likely that 70% of older people<sup>2</sup> would prefer to remain in their family home - this could have a significant impact upon support services – as by 2020, it is predicted that another 5,500 older people will need support or assistance to remain independent, particularly for domiciliary and personal care<sup>13</sup>. Alternatively, this could lead to an increase in annexes, extensions and conversions to enable older people to live with family.
- 3.13 The 80+ age group is expected to rise at least threefold by 2039, and the 90+ age group is predicted to increase by 35.6% over the plan period<sup>2</sup>. These are some of the most frail, for some, a care facility will be a necessity. Care homes play an important role by improving health and well-being, reducing the risk of mortality and admission to hospital and helping to meet the care needs of those experiencing mobility, frailty, sensory loss and dementia. This is particularly important as the number of people experiencing dementia is expected to rise by 35% by 2020<sup>2</sup>. But nursing and residential homes are commercially driven, designed to address a specific need or gap in the market, so are not always responsive to the more acute housing requirements of older people. Even so, provision will need to increase significantly to meet this growth, assuming that current facilities are adequate.
- 3.14 Properties designed for those with a disability (or with the ability to be adapted), particularly bungalows, will also help address existing needs for older people. In most cases homes for disabled people are purpose built or adapted to meet their specific support needs. Bungalows are not readily available in the District but given the demands for such properties by older and disabled people, a priority will be securing more bungalows and ground floor accommodation as part of an appropriate mix in new housing schemes.
- 3.15 Given the demographics of the District and the projected ageing of the population, it is reasonable to assume that the health and social care requirements for residents will also grow, placing significant strain on these services within the District. The emphasis in community healthcare has now shifted to enabling people to live in their own homes and communities for longer. This means that all new specialist housing schemes should have the support of the statutory agencies, such as the care commissioners and the CCG who provide care to residents.

## 4.0 PROVIDING SPECIALIST NEEDS HOUSING

### Which developments may require specialist needs housing?

- 4.1 LDP policy H2<sup>1</sup> states all housing developments will be expected to provide a suitable mix and range of housing in terms of size, type and tenure, to reflect local housing need and demand in both the market and affordable sector, particularly the need for an ageing population.
- 4.2 The precise amount and type of specialist accommodation required will depend on a range of factors including the choices of individual people and households. Identifying sites for such provision can be challenging, and it is therefore appropriate - where there is evidence of an identified unmet need in the local area and the location is appropriate in terms of access to facilities, services and public transport - for the Council to work with developers to ensure an appropriate mix is delivered, that provides for, or includes an element of, housing designed for older people or those with a disability, or that can be adapted in the longer term.
- 4.3 Needs of disabled people differ from person to person. Provision is usually made in smaller schemes such as shared housing, individual self-contained housing or in specially commissioned self-contained housing within a development. Opportunities will be taken to secure this provision as part of the affordable housing element of a scheme, where appropriate. See the Affordable Housing and Viability SPD<sup>8</sup> at [www.maldon.gov.uk/spd](http://www.maldon.gov.uk/spd)

### Vacant Building Credit

- 4.4 National policy<sup>7</sup> states that a vacant building credit (VBC) can apply to sites where a vacant building is brought back into lawful use, or is demolished to be replaced by a new building. Further guidance is set out within the Affordable Housing SPD<sup>8</sup> at [www.maldon.gov.uk/spd](http://www.maldon.gov.uk/spd).

### Specialist Needs Housing Mix

- 4.5 There is a demand for a wide range of specialist property types and sizes in the District. LDP Policy H2<sup>1</sup> expects a suitable mix of housing in both the market and affordable sectors to enable a better flow of existing housing stock and to meet the identified housing needs for different demographic groups in the District.
- 4.6 The SHMA<sup>2</sup> sets out the preferred market housing split: 60%: 1 and 2 bed properties: 40%: 3 and 4 bed properties. The affordable housing mix is set out in the Affordable Housing and Viability SPD<sup>8</sup> (at [www.maldon.gov.uk/spd](http://www.maldon.gov.uk/spd)).
- 4.7 The Council may consider a different mix, for example if local housing needs would benefit from an alternative, the location does not support the delivery of one bedroom homes or a revised mix would help to redress the balance of existing specialist homes in an area.
- 4.8 A second bedroom is a high priority for older residents. It can provide for couples who choose to have their own rooms, often caused due to a medical issue; provision for caring arrangements /sleepover provision; and provides a spare room for family and friends. A third habitable room in older peoples housing is required if the scheme is

receiving grant funding from the HCA. However, one bedroom properties must be considered to ensure that people under pensionable age but over 55 have access to different forms of affordable housing, but not pay second bedroom tax. All schemes providing homes with more than 1 bedroom will be expected to show on their layout plan that a second/third bedroom is capable of accommodating twin beds.

- 4.9 Where affordable housing is being delivered, the Council's starting point for discussion is that 20% of any 1 and 2 bed homes are designed to accommodate older people. 20% of that provision should be designed to Lifetime Homes standards and the Housing Quality Indicator standards<sup>17</sup> (a tool which evaluates housing schemes on quality rather than just cost. They incorporate the design standards affordable housing providers previously receiving grant funding from the Government were required to meet. Even so, they remain appropriate).
- 4.10 Mixed tenure housing, with shared communal facilities and care, requires careful consideration of legal/financial issues, management and marketing. Where promoters are considering this type of scheme, pre-application discussions are recommended.
- 4.11 Creating an oversupply of specific types of accommodation will be resisted - any applications for accommodation which contribute to an oversupply will need to provide robust evidence in support of their proposals. The Council monitors demand and supply on an annual basis and each case will be assessed on its merits.

### **Affordable Housing and Planning Obligations**

- 4.12 LDP Policy H1<sup>1</sup> states that all housing developments of more than 10 units or 1000sqm will be expected to contribute towards affordable housing provision (see the Affordable Housing and Viability SPD<sup>8</sup> [www.maldon.gov.uk/spd](http://www.maldon.gov.uk/spd) ). The same threshold is set by national policy<sup>7</sup> for using developer contributions to secure community infrastructure.
- 4.13 Provision of specialist needs accommodation should not exclude the provision of affordable housing. Affordable housing will be sought for all relevant Class C3 housing schemes such as Sheltered and Extra-Care schemes, and individual, self-contained C3 units, even where the occupants receive care and/or are restricted to occupancy over a particular age and/or are located within a complex which includes some C2 (nursing home) rooms. This will also include proposals for a mix of Class C2 and Class C3 housing where the C3 element meets the threshold. See paragraphs 2.9-2.12 for more information.
- 4.14 It is not always appropriate for design, financial viability or management reasons for affordable specialist units to be located on site. In these cases a financial contribution may be acceptable. This should be agreed with the Council at pre-application stage.

### **Community-led housing**

- 4.15 Community-led housing must be affordable housing and is a way for residents and communities to deliver good quality homes, in settlements or as exception sites in the rural area to meet local needs in perpetuity (see Affordable Housing and Viability SPD for details<sup>8</sup>). Community-led housing can be developed and/or managed by local people or residents, by not for profit organisations, such as locally based charities or almshouse

providers. It can also be provided by Registered Providers and owned and managed by them on behalf of a community group.

- 4.16 This type of housing can take a variety of forms: current models include self-help housing, co-housing, co-operatives, community land trusts and community self-build. It can also include the re-use of existing buildings. Community-led housing can also be delivered through Community Right to Bid or the Community Right to Build processes.
- 4.17 Promoters should contact the Council at an early stage if community-led housing is being proposed. Evidence of the need for specialist housing and/or affordable housing in that community will be required including that the proposed type and mix of housing is unlikely to be accommodated through planned development in the locality. The Neighbourhood Plan process provides an opportunity to identify appropriate sites and get community buy-in early for community-led housing. Promoters must agree their nominations policy and future management approach with the Council. This will be set out in a S106 agreement.

#### **Loss of specialist needs housing**

- 4.18 Over time, specialist needs housing may no longer be viable, for example due to a lack of revenue funding or lack of demand. Given the significant demand for specialist housing in the District, any loss will not normally be accepted. To ensure the District does not lose housing for a specialist group, any proposal should be informed by viability evidence, which can show that the specialist use is no longer viable. Such details would benefit a planning application. A variation to the S106 agreement for the scheme will be required so that the properties can be converted to general needs affordable housing.

## 5. DELIVERING SPECIALIST NEEDS HOUSING

### Site selection

- 5.1 Ensuring older people and those with specialist needs have good access to shops, public transport, family and friends helps them feel part of a community. Moving home can be unduly stressful and can lead to older people living in unfamiliar surroundings, away from their support network.
- 5.2 HAPPI3<sup>14</sup> identifies that 85% of older people would like to 'age in place', in their neighbourhood. Therefore, a local response to their needs is required to help residents remain in the community they are familiar with. Many older people and others with impaired mobility and cognitive impairment cannot drive and therefore a pedestrian friendly environment close to shops and services is essential for them to maintain mobility and retain independence.
- 5.3 Specialist needs housing (in Class C3) should be in a location which allows residents to live independently, locally if possible or within easy access to their existing support network and which addresses a specific need for that type of housing in that location. LDP Policy H3<sup>1</sup> requires that specialist needs housing is in close proximity to everyday services, preferably connected by safe and sustainable walking/cycling routes or public transport appropriate for the intended occupier. This evidence should be submitted within the Planning Statement or Design and Access Statement for a scheme.
- 5.4 HAPPI3<sup>14</sup> recognises the importance of providing specialist needs housing in the right 'local' locations if it is to generate increased demand. In the District, sites selected for specialist needs housing should be:
- Well served by public transport: bus stops - with a frequent and daily service to main centres where a wide range of shops and services are available – should be within 1km<sup>18</sup> of the development. This may be reduced to reflect site specific constraints such as the topography of the area, or where it can be demonstrated that the majority of future occupiers are expected to be less mobile. Evidence will be needed in support;
  - Accessible: sites and the surrounding area should be relatively flat with drop kerbs and pedestrian crossings (or have the ability to do so) to promote access by ambulant older people, wheelchair users and mobility scooters. Sites should be easily able to connect to the surrounding highway network;
  - Close to local facilities: housing should ideally be within 800m<sup>9</sup> walk of local shops, bank/cashpoint, GP Surgery/Health Centre, post office, community facilities and open space, unless it can be demonstrated that the majority of future occupiers are expected to be 'active' and regularly able to walk up to 1km<sup>18</sup>;
  - Able to be accommodated by local infrastructure;
  - Free from environmental constraints or can demonstrate that these can be mitigated within a viable development;
  - Well-lit and within a safe neighbourhood.
- 5.5 Housing developments at the edge of an urban area may not be particularly accessible and therefore may not be suitable locations for all types of specialist housing.

Developers will be required to demonstrate that the location of a development is suitable for the type of specialist housing proposed and that such provision will contribute to balanced communities.

- 5.6 Accessibility for residents of a care home (in Class C2) will be considered differently as residents tend to be less mobile and consequently more site-bound. Applications will be treated on a case-by-case basis - an appropriate location for these facilities will depend on the level of services and care that each facility provides, and the availability of facilities in the immediate vicinity of the site. The requirements of staff and visitors, particularly to public transport and walking and cycling routes should be reflected in the location of the site and design of a scheme, as required by LDP Policy H3<sup>1</sup>.
- 5.7 Independent living is important in Maldon, Heybridge and Burnham-on-Crouch. These are the only locations that have the support of the CCG<sup>16</sup> because they are the most sustainable locations where residents are better able to access a range of everyday services and meet their social and housing needs (see criteria 2, 3 and 5 of Policy H3). See paragraph 5.34 for more details.
- 5.8 To meet the requirements of Policy H3, particularly criteria 2 and 5, the Council will expect developers to submit a site selection assessment for all specialist needs housing schemes. Each assessment must consider a number of potential sites in a locality to ensure that the most sustainable is selected for that type of housing. This is important particularly if the proposed site is detached from a settlement boundary – these are known as rural exception sites – and specific guidance applies (see LDP Policy H5<sup>1</sup> and the Affordable Housing SPD<sup>8</sup>). Previously developed land and conversion of buildings should be considered: the Council’s Brownfield Land Register is a good starting point (see [www.maldon.gov.uk](http://www.maldon.gov.uk) for more details).
- 5.9 Site availability is a key factor: The willingness of the landowner to make a site available for development at the correct time, on acceptable terms and at fair value will be a key factor in determining viability and deliverability of specialist needs housing.
- 5.10 Once the preferred site has been selected, detailed proposals will need to be worked out with the Council’s Housing Officers and the Provider. The number, size and tenure mix of dwellings will vary according to the level of local need, the nature of the site identified and the size of the existing settlement. But, the amount and type of housing proposed should be in keeping with the role, function and sustainability status of that settlement.
- 5.11 All schemes must be deliverable: Policy H3, criteria 7 requires that the long term viability of the scheme be confirmed, (taking account of any planning and financial constraints which exist). This will be a requirement of a planning application. This could, for example, be in a viability assessment or through paragraph 5.32.
- 5.12 It is important that a pre-application consultation is undertaken. This gives the Provider and the local community the opportunity to clarify and confirm local expectations and modify the scheme prior to submitting a planning application.

## **Market Assessment**

- 5.13 Specialist needs housing can displace opportunities for market and consequently, affordable housing, so detailed evidence will be required to support any proposal. To be compliant with LDP Policy H3<sup>1</sup>, applicants will be required to submit a market assessment for all specialist housing schemes (including C2 development).
- 5.14 The market assessment should establish:
- There is a need for the housing proposed, in that location that cannot be addressed anywhere else in the District;
  - How the proposal is contributing to the delivery of the LDP<sup>1</sup> and the Older Peoples Housing Strategy<sup>12</sup>;
  - The scheme's location, accommodation and services will have a sufficiently large catchment of people who meet the proposed income;
  - The basic operating costs of the scheme and resulting service charges (to fulfil policy H3 (7)): this is necessary to satisfy funders that potential residents will be able to afford the charges and whether they represent value for money (see paragraphs 5.21-5.30);
  - Any age and needs based eligibility criteria;
  - Any other local market factors that may influence their investment decision; and
  - An early stage review of the scheme mix: this should consider the varying occupancy rates for each unit size and tenure which are evident in completed schemes and general needs housing occupied by older people. This will help show that the scheme is designed and will be managed to provide the most appropriate types of accommodation and support for its residents.
- 5.15 Should the assessment show that the scheme is likely to achieve full occupancy, the market assessment would then provide the basis for discussion with the Council and social care and health commissioners to ensure that the proposal would not adversely impact upon the capacity of public services (see paragraph 5.32). It is also an important tool to aid negotiations with potential funders: it can clarify the offer, who this will be offered to and what proportion of residents will need to take up the offer to fill the scheme.
- 5.16 For C2 development additional evidence must also be provided demonstrating:
- Compliance with the Health and Social Care Act 2008; and
  - Compliance with the CQC Guidance for providers on meeting the regulations: Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (Part 3) (as amended) and Care Quality Commission (Registration) Regulations 2009 (Part 4) (as amended)<sup>19</sup> – see [www.cqc.org.uk](http://www.cqc.org.uk) .

## **Capital funding**

### **Affordable housing**

- 5.17 Specialist needs affordable housing can be relatively expensive in terms of build cost per unit. In the past, a combination of commercial borrowing, social housing grant from the former Homes and Communities Agency and capital funding for supported housing from the Department of Health was required to deliver affordable housing. This programme favoured shared ownership and low cost homes for sale, with very little grant available

for rented accommodation. Social rented housing in mixed tenure schemes were subsidised through the sale of shared ownership and market sale properties. But the reduction of government funding and restrictions on social rent levels mean that cross subsidy has become increasingly difficult. In most cases Providers will be unlikely to favour specialist housing for shared ownership for several reasons, including the limited willingness of mortgage lenders to lend for shared ownership.

- 5.18 Models that do not rely on subsidies will need to be used. This means a wider variety of possible funding routes must be understood and explored by commissioners and providers. This means that Providers may need to consider a different approach to scheme characteristics, e.g. accommodation size, extent of facilities, tenure mix or achievable revenue, or the use of alternative sources of funding, or a mix.

### **Market housing**

- 5.19 Capital for privately developed age restricted/age exclusive independent housing and supported housing is raised from commercial banking and the investment sector. More stringent banking requirements since 2008 mean that developers have become more cautious – they need to achieve higher levels of forecast surplus profit to protect investors from possible losses. The viability of development is essential to the ability to build additional specialist needs housing.

- 5.20 To be compliant with LDP Policy H3<sup>1</sup>, all schemes must demonstrate the extent of current subsidy secured as well as non-subsidy funding sources and how the characteristics of the scheme have influenced the available funding.

### **Cost of occupation**

- 5.21 LDP Policy H3<sup>1</sup> requires developers to demonstrate that revenue funding can be secured to maintain the long term viability of a scheme. This is effectively from:
- Purchase price and rents: some forms of private specialist housing can be purchased while others can be rented. Most housing that involves care provision, and affordable properties are only available for rent;
  - Service charges: paid by residents to cover the services and facilities offered compared with those in other forms of housing. These can include the cost of housing related support and services provided on site, such as heating of communal space, grounds maintenance, cleaning and caretaking. Charges must be set at levels that realistically cover operating costs but should not be too high as to remain unaffordable for the target resident;
  - Adult Social Care – and resident – funded care and support services: residents may have to pay for these services, make a contribution or part/all could be covered by benefits – but will reflect the services provided, especially the need to fund 24 hour care.

### **Market housing**

- 5.22 Such homes tend to be purchased outright using equity from the sale of the previous home (because mortgage lending to the older age group is very limited). But reduced costs for items such as heating, maintenance, council tax and insurance may mean that household outgoings are lower than for the previous home, which can prove attractive.

- 5.23 In general, developing and operating specialist market housing with communal facilities, such as age restricted/age exclusive independent housing or homes with care provided costs more than for retirement housing because a larger site is required for more on site facilities, the accommodation may be larger with a higher amount of communal space and more space may be required for care and equipment.
- 5.24 These additional costs can lead to higher purchase prices. In some cases, the cost of supported housing can be on average 25% more expensive than retirement housing<sup>20</sup>. This could mean that residents who have lived and worked in the District may be unable to purchase a property on the open market.
- 5.25 Some providers seek a premium charge for open market Extra Care Housing, sometimes up to 20% above the most comparable local stock (in terms of accommodation, size and location) to cover the provision of communal facilities and services available to residents. Market assessments that show revenues based on this approach will be subject to challenge by funders and the Council.
- 5.26 As a result, in all cases, detailed evidence will be required to show that the purchase price can be achieved at first sale and that it can be achieved at re-sale, and that a sufficiently large catchment exists for the scheme to operate long term at this level of pricing. In the present economic climate, open market re-sales frequently occur well below the originally achieved sales prices. The Council expects forecast revenue to be based on the values of comparable local stock, allowing for the differences in quality, age and specification.
- 5.27 Consideration should be given to the interrelationship between the different elements of a scheme. Separating housing from care and other facilities may deny the provider an opportunity to pool revenue from several activities and offset the high capital costs of specialist needs housing, as well as spreading operational cost risk across several revenue sources. Schemes that involve one provider delivering several services and/or services that would not normally be associated with specialist housing, will need careful risk assessment in terms of both public procurement and CQC registration.
- 5.28 Service charges will be payable to the manager or agent and support or care fees payable at an agreed rate to the provider. Service charges (excluding care costs) generally reflect the level of services and facilities available on site. For example, McCarthy and Stone's website states that 'for a typical Retirement Living apartment (Based on Emma Court, Basingstoke) the service charge is £35.35 per week for a one bedroom apartment for the financial year of 1 April 2015 to 31 March 2016. For a two bedroom apartment, it is £53.03 per week. For a typical Assisted Living (i.e. supported housing) apartment (based on Lady Court, Basingstoke) the service charge is £118.85 per week for a one bedroom apartment for the same timeframe. For a two bedroom apartment it is £158.59 per week.' In this case, the difference in cost reflects the increased staffing costs, the provision of domestic support packages and the table service restaurant provided on site.

- 5.29 In all cases, service charges should be clearly identified to the resident from the outset. Evidence that service charges are expected to be met by the target resident will be expected as part of a planning application.

#### **Affordable housing**

- 5.30 Affordable housing tenants will be charged for rent, the cost of housing related support and services provided on site, such as heating of communal space, grounds maintenance, cleaning and caretaking. It is crucial that service charges are clearly understood; calculated correctly and are transparent for the resident – and most importantly are affordable. Personal care and support should be an amount that can be met through the Attendance Allowance or other benefits to those on low incomes. Service charges will be higher in supported housing due to the range of facilities and services provided.
- 5.31 In certain instances, Independent Living housing will be classed as ‘Exempt Accommodation’ which means that rents and service charges (providing they are ‘reasonable’) will be met by housing benefit, even though (due to additional facilities and services) these charges may be significantly higher than in general needs housing. A household will qualify only if they, through means testing, meet the criteria that allow a claim for housing benefit.
- 5.32 To help ensure charges remain affordable, innovative models should be considered. For example, retirement apartments designed to a high standard, with shared communal private space (rather than private amenity space per dwelling) would allow the cost to the resident to be reduced, which means that a greater proportion of their resources can go to paying for their care.

#### **Role of statutory agencies**

- 5.33 Specialist needs housing is recognised as less costly than care/nursing homes and results in reduced use of health and social care<sup>21</sup>. In line with Government thinking the delivery of specialist needs housing should promote independent living to help reduce costs on health and social care services – this can be as much as £28,080 per person (annual cost saving of delayed admission to residential care)<sup>22</sup>.
- 5.34 However, development of specialist needs housing can lead to a potential increase in demand for services in that location, therefore in line with LDP Policy H3<sup>1</sup>, all proposals for specialist needs housing must have the support of the relevant statutory agencies that would be expected to commission services or provide ancillary services such as care and support to future residents. This includes Mid Essex CCG, Essex County Council (Public Health and Social Care) and for affordable housing, the relevant Registered Provider, as well as the Council’s Housing Services. Developer contributions to mitigate adverse impacts upon health care may be sought from all schemes of more than 10 dwellings or more (see LDP Policy I1).
- 5.35 Depending on the type of housing provided other agencies including providers of day care, One Support (who provide a floating support service), Swan Housing Association (who provide a home improvement service in the District) may also need to be consulted.

## **Design and appearance**

- 5.36 High quality design can widen the choice of accommodation available to older people and those with other specialist needs who choose to live in the District. Aspiration and expectations relating to their housing choices must be considered, planned and achieved where possible. In order to provide adequate and sustainable housing for residents, each development must offer an attractive alternative to the existing family home and be capable of adaptation over time to meet changing needs.
- 5.37 The design of specialist needs housing will be guided by the principles set out in the Maldon District Design Guide SPD<sup>9</sup> (see [www.maldon.gov.uk/mddg](http://www.maldon.gov.uk/mddg)), particularly those relating to adaptability, inclusivity and accessible design. Incorporating these principles can be achieved at relatively little extra cost and are essential to age proof homes, enabling people to live at home independently for longer. For instance, HAPPI3<sup>14</sup> recommends an open plan approach to older persons living – utilising the provision of sliding doors and removing barriers within a property - to provide a flexible space for the long term. The Essex Design Guide<sup>10</sup> also promotes future proofing and adaptability of housing.
- 5.38 The Design SPD<sup>9</sup> expects all homes for older people to incorporate the following HAPPI principles relating to adaptability, inclusivity and accessibility:
1. Homes should have generous internal space standards: to ‘age proof’ homes, sufficient space should be provided to accommodate aids and adaptations in future. As a guide, one bed properties must be designed for 2 people (i.e. have a double room) and all 2 bed properties should be designed for 4 people. This ensures that 2 bed properties can accommodate 2 or more people in the long term. The upper limits of the Nationally Described Space Standard<sup>23</sup> will be the starting point for discussion. Further guidance is set out in the Council’s Housing Strategy<sup>12</sup>;
  2. Design of homes and circulation spaces should ensure plenty of natural light. Low light levels reduce the ability to read, lip read, increase the risk of falls and is not suitable for people with visual impairment. Providing a sun room as an extension to a sitting room can provide a warm and practical area for people to sit and / or eat in the warmth, but with the feeling that they are outside;
  3. Buildings should avoid internal corridors and single-aspect flats and apartments should have balconies, patios or terraces and outdoor space;
  4. To ensure adaptability, all homes must be provided with superfast broadband homes to be able to be ‘care-ready’ to enable emerging technologies, such as telecare and community equipment to be installed (see paragraphs 5.57-5.59);
  5. Building layouts should ensure circulation areas and shared spaces offer connections to the wider context and avoid an ‘institutional feel’. Imaginative use of shared balcony access to front doors and thresholds should be included to promote natural surveillance;
  6. At any time it is likely that a proportion of residents will use a wheelchair or walking frame. Housing schemes with communal areas such as lounges, dining areas and refuse/recycling stores, should promote wheelchair access. An induction loop system must be installed in communal rooms and reception areas;

7. Multi-purpose space should be made available with appropriate supporting facilities, which could serve the wider neighbourhood as a community 'hub', particularly where they are lacking in the existing community;
8. Homes should engage positively with the street and the natural environment should be nurtured through new trees and hedges. Where possible, sites should overlook outdoor spaces to provide a stimulating view for residents who may spend a large proportion of their day inside. Further guidance can be found in the Maldon Design Guide, Landscape and Green Infrastructure Technical Guidance<sup>9</sup>;
9. Homes should be energy efficient, well insulated and well ventilated to avoid overheating;
10. Provision for cycles and mobility aids should be made as well as additional storage both inside and outside the home;
11. Shared external areas such as 'home zones' that give priority to pedestrians should be considered;
12. A site should be relatively flat, with properties well linked with public footpaths, and seating, wheelchair ramps, and crossings provided in locations where they are most likely to be needed.

5.39 These principles of good design maximise utility, independence and quality of life, and are reflected in the **Lifetime Homes** standards (see [www.lifetimehomes.org.uk/](http://www.lifetimehomes.org.uk/) ). Although not formally adopted by the Council, the Design SPD<sup>9</sup> requires developers to take into account these standards in the design of all specialist needs housing to ensure residents can remain in their homes for longer:

- Inclusivity – flexibility and adaptability within the design will meet a diverse range of needs over time;
- Accessibility – inclusive design will provide convenient and independent access in and around the built environment (externally and internally);
- Adaptability – the design should accommodate future provision for adaptation from the outset, including for wheelchair use and for use of mobility aids;
- Sustainability – the accessibility, flexibility and adaptability will ensure long term demand and contribute to the creation of stable and popular neighbourhoods and communities;
- Good value – carefully considered design, incorporating provision for adaptation, will give inherent flexibility and provide better value for the wider community in accommodating the changing needs of older people, thus reducing the future need for specialist housing.

It is a requirement that all independent living schemes incorporate the Lifetime Homes Standards.

5.40 These principles can also help those with other specialist needs: design features that help people with visual impairment can also be useful for people with learning disabilities and autism, while many features for older people can help those with a physical impairment.

5.41 In the District, the number of people with dementia is expected to increase by 35% over the plan period<sup>2</sup>, therefore the Council would encourage all new specialist needs

housing to incorporate dementia friendly design principles throughout. The Design SPD<sup>9</sup> expects principles identified in Dementia and Town Planning – Creating better environments for people living with dementia<sup>24</sup> to be reflected in new development.

- 5.42 For homes designed specifically for wheelchair use greater space and increased flexibility and specification will be required to ensure that a wheelchair user has access to every facility inside and outside the dwelling and has a choice on how best to approach that facility to suit their particular needs. Wheelchair housing must also incorporate specialist specification of fixtures and fittings, to provide for more specific individual and/or more complex requirements.
- 5.43 Securing inclusive design and compliance with Category 2 of the Building Regulations, Approved Document M<sup>25</sup> as a minimum standard will be essential. Homes designed to exceed this standard will be supported.
- 5.44 Different types of older person housing has different design requirements. Guidance for independent living, extra care, retirement housing, dementia care and care homes is set out in Appendix 3.

#### **Density of new development**

- 5.45 The Design SPD<sup>9</sup> expects the density of development to be appropriate to the location and to respond to and/or enhance the character of the location. Density will be established on the net site area (see [www.maldon.gov.uk/mddg](http://www.maldon.gov.uk/mddg) for more details). Higher densities must not compromise the requirement for good quality external amenity space for residents.

#### **Security**

- 5.46 To ensure that residents feel safe and comfortable inside and outside their properties, development should be designed and managed to promote secure environments, where residents are able to maintain their independence and be part of a community. This is equally important for amenity space which can be a valuable part of a development. The Design SPD<sup>9</sup> refers applicants to **Secure By Design** for further information.

#### **Amenity space**

- 5.47 Access to safe, quality outside space, with good views from inside as well as daily exposure to daylight, improves health and well-being particularly for those who are not as mobile - it also provides an important role in social contacts with other residents/neighbours. Design of specialist housing must encompass not only the aesthetics of the buildings but also the provision of easy access to the outdoor environment.
- 5.48 A well-designed, accessible and integrated outdoor environment will encourage residents to spend more time outdoors: the 'experience' should be designed to meet their particular needs, which could include gardening and helping to maintain the landscape.
- 5.49 All C3 dwellings will require private external amenity space. Patios, balconies or winter gardens (sheltered external space, glazed, enclosed but not sealed, with

opening/moveable elements to avoid overheating in the summer months) are particularly appropriate for older people.

- 5.50 For those that may choose to live in a care home (C2 use) access to private amenity space is just as important. This should be designed to meet the needs of the occupants: landscaped areas, sensory gardens, raised flower beds and seating may all be appropriate to encourage residents to use and enjoy the outdoors. For those that may not be able to use outdoor space as often, the development should be designed to ensure that residents can experience changes in seasons from the inside. Paths and seating areas should ensure access for those with limited mobility and in wheelchairs. The amount of open space will be assessed on a site-by-site basis to reflect the needs of the development.
- 5.51 All C3 housing of more than 10 units may be required to provide for accessible open space to meet the needs of its residents: this should be proportionate to the size of the development, be useable by the age group living there, accessible and located away from roads and parking areas. For example, paths of a suitable material should provide opportunities for gentle walking and exercise, seating should be designed to meet the requirements of all abilities, particularly wheelchair users and those using mobility aids. Fitness equipment should also be considered - it encourages exercise and is ideal for re-ablement.
- 5.52 Where it is not possible to provide open space on site, off site provision may be sought in line with LDP Policy N3<sup>1</sup>. The Council does not adopt open space; a management plan including details of how the open space management will be funded will be required as part of the planning application. Management will be secured via a S106 agreement.

### **Parking**

- 5.53 Specialist needs housing often presents a challenge to ensure that the parking needs of residents, visitors and staff (where appropriate) are properly met. Parking must be carefully considered: Sufficient parking for residents, visitors, staff and emergency services should be provided in accordance with LDP Policy T2<sup>1</sup> and the Council's Vehicle Parking Standards SPD<sup>26</sup>, and any successor document. Where the development provides housing which has a 24 hour warden on site, the parking standards are identified as those for resident staff.
- 5.54 Developers should be clear about the number of residents who are likely to use a car; the number of staff providing housing management and those providing care and support; the number of expected visitors and facilities which may encourage regular external visits e.g. library, doctors, shop. Convenient cycle storage should be provided for any staff and visitors to the development (dependent upon the scale of the building).
- 5.55 All development should include space for the storage of wheelchairs and/or mobility scooters. This will also help age proof the housing. The layout of the development and its relationship to surrounding roads and footpaths should also be suitable for the use of mobility aids.

- 5.56 Some older people's accommodation may require specialised access and parking. For C2 development a drop zone, for use by ambulances, minibuses and taxis, must be incorporated at the main entrance. Facilities for mobility scooter parking should, where possible, be centrally located within buildings.

### **Internet, Telecare and Tele-Health Ready**

- 5.57 As with all homes, a connected home – of technological advances and connectivity to the internet - is of increasing importance to residents. For specialist needs housing, a connected home can provide many benefits relating to automation and building management control, improved energy efficiency, managing care needs (telecare), achieve health improvements (tele-health) and home comforts that meet a range of lifestyle choices.
- 5.58 Telecare safety sensors continuously, automatically and remotely monitor residents over time to manage the risks associated with living alone, providing reassurance and peace of mind to residents and their relatives allowing people to remain living in their own homes for longer.
- 5.59 All specialist needs housing should have superfast broadband to ensure properties are telecare ready, with a hard wired telephone point and adjacent electrical spur to allow for the future installation of a telecare hub. A hard wired connection from a future emergency pull cord in a bathroom to the future telecare hub installation point is also required. This will ensure housing is easily capable of accommodating these facilities, if necessary, in the future. Additional devices can be added to the system (connected by Wi-Fi) to suit the requirements of the individual resident. In retirement housing the dwelling's telecare hub should be linked via a telephone line to a nominated person or call centre. In extra care/independent living housing the telecare hub should be connected to the on site care staff.

### **Local community interface**

- 5.60 It is common for independent living and extra care schemes to incorporate community facilities such as a library, café or shop to make the scheme more financially viable and also to establish a crucial link between the scheme and the community. These could be commercially attractive and run independently (in terms of services, access and tenancy agreements). Other specialist facilities that reflect the primary purpose of the development, such as an intermediate (recuperative) care unit or a base for outreach / home care facilities could also be co-located on site. However, it is important that any community facilities are ancillary to the main use of the building and are consistent with the LDP<sup>1</sup>.

### **Management**

- 5.61 Housing at the lower end of the care spectrum (in Table 1) such as general needs housing, age restrictive/age exclusive housing, sheltered and retirement housing, provide no additional services. A resident with support or care needs would need to obtain services via Essex County Council Adult Social Care or privately. The support and care services provided in other forms of specialist needs housing varies between tenures, type of accommodation and between providers. It is not uncommon for residents to 'top-up' care privately.

- 5.62 LDP Policy H3<sup>1</sup> states that all schemes must be managed to provide the most appropriate type and level of support to its target resident. Therefore, where specialist housing schemes provide support and care an operation policy will be required as part of an application. This should set out the care, support and management arrangements that will be provided by the scheme. All operation policies will be assessed on a case-by-case basis by the Council, to establish if the service provision is appropriate for the target resident and can be secured for the lifetime of the scheme. Further information is set out in Appendix 3.
- 5.63 The location, size and number of bedrooms, occupancy capacity and the tenure and phasing of specialist housing should be agreed at an early stage with the Council and the Provider who will purchase and manage the housing. Further details on the management of affordable housing are within the Affordable Housing and Viability SPD<sup>8</sup>.
- 5.64 In all cases, a S106 agreement will be used to confirm the approach and to ensure, where appropriate, that the dwellings will remain available in perpetuity for those in specialist housing need. However, there may be legitimate circumstances where housing can be sold, for example, through right to acquire or staircasing out of shared ownership. The provider will be expected to make every reasonable effort to recycle any subsidy for specialist housing in the District.
- 5.65 All providers of care and nursing homes must be approved by the Care Quality Commission. This means that an assessment must be undertaken in relation to the safety, effectiveness, standard of care, management and organisation of the services provided to ensure residents are well cared for. Evidence of this should be submitted as part of the planning application.

### **Purchasing Housing Options**

- 5.66 The LDP<sup>1</sup> requires that proposals for specialist needs housing must be able to demonstrate their long term sustainability. As the District's population ages and more people have to fund their own care and housing provision, reliable and easy access to information will become more important to older people and their families and carers.
- 5.67 Many older people find moving home difficult. Many have a modest amount of savings and would need to release equity by selling their home in order to move. This could have an impact upon the long term sustainability of a development. To help with this, the Council will expect developers to offer streamlined purchasing options and/or advice and help services to support potential residents to make the decision to move, within a reasonable timeframe. This could include (but is not limited to):
- part exchange: to simplify and speed up the process of selling an existing home and purchasing or renting a specialist home;
  - a 'help to move' service: which could be a 'move for free' scheme or a support service that helps with the tasks associated with preparing to move;
  - a 'guide to downsizing' service: including practical advice to make a move straightforward;
  - a cost comparator tool: to allow potential residents to compare the costs of specialist homes with their current living costs;

- a rent deduction scheme: the resident could rent their chosen property whilst they are attempting to sell their existing home. The amount of rent accumulated would be deducted from the purchase price prior to completion.

## 6.0 ANNEXES, EXTENSIONS AND CONVERSIONS

6.1 With more older people or those with specialist needs wishing to remain in their own home or intending to move to live with family, the development of annexes, extensions and conversion of buildings within the grounds of an existing dwelling to provide self-contained residential accommodation is becoming more common. Extending a house or converting an outbuilding provides the opportunity to accommodate elderly, sick or disabled relatives in the curtilage of the main dwelling while maintaining some independence.

6.2 The development of such accommodation may result in either a new house (a separate planning unit) or an annex incidental to the main dwelling. They have different planning requirements. LDP Policy H4<sup>1</sup> is the key policy against which such applications will be assessed.

### **Annexes**

6.3 An annex is accommodation ancillary to the main dwelling but should form part of the same planning unit and share its access, parking area and garden. A planning unit usually comprises the dwelling and its garden. This will ensure the annex does not become a self-contained dwelling, separate and apart from the main dwelling, particularly when located in the countryside. A planning condition will be used to ensure that the annex is used solely as accommodation ancillary to the main dwelling and cannot be disposed of separately.

6.4 When considering an application the layout, design and physical relationship between the house and the proposed annex will be important, as will the size and scale of the accommodation to be provided. When considering a planning application for an annex, the Council will expect the development to meet the criteria in LDP Policy H4<sup>1</sup> and also:

- Be subservient / subordinate to the main dwelling;
- Have a functional link with the main dwelling (i.e. the occupants should be a dependant relative(s) or be employed at the main dwelling);
- Be in the same ownership as the main dwelling;
- Be within the curtilage of the main dwelling and share its vehicular access;
- Be designed in such a manner to enable the annex to be used at a later date as an integral part of the main dwelling;
- Have no separate boundary or sub division of garden areas between the annex and main dwelling; and
- Have adequate parking and amenity facilities to meet the needs of those living in the annex and main dwelling.

6.5 Applications for an annex should be accompanied by a plan which includes the whole of the planning unit within the red line site area and not just the annex.

6.6 Applicants should contact the Council for pre-application advice to ensure that all relevant information is submitted. This includes any other material considerations that may be relevant to the application, such as full details of family circumstances relating to dependency or family connection to the intended occupant.

### **Conversions**

- 6.7 Existing detached buildings within the curtilage of a dwelling such as stables, coach-houses or garages may be converted for accommodation in association with the residential use of the main dwelling. Such buildings can be used as accommodation as long as:
- they do not become a separate self-contained dwelling (primary residential accommodation);
  - they do not have separate boundaries to the main dwelling; and
  - there is a personal connection between the residents and those living within the main dwelling e.g. a dependent relative or carer.
- 6.8 The change of use of outbuildings to additional accommodation will not require planning permission provided that any works fall within Permitted Development criteria. All other development would require planning permission – see LDP Policy H4<sup>1</sup>.

### **Extensions**

- 6.9 Some extensions can be built without planning permission, as part of the Permitted Development rights for that dwelling (see [www.maldon.gov.uk](http://www.maldon.gov.uk) for more details). All extensions that require planning permission should be consistent with LDP Policy H4<sup>1</sup>. Extensions to existing residential institutions will need to demonstrate that there is a need for the extension and that the extension also meets the criteria in LDP Policy H3<sup>1</sup> and the guidance in this SPD.

## 7.0 PROCEDURE FOR NEGOTIATING SPECIALIST NEEDS HOUSING

7.1 Developers are expected to be familiar with the content of the LDP<sup>1</sup> and the guidance contained in this SPD before a planning application is submitted. Therefore, all schemes should be policy compliant. Affordable housing requirements will be identified by the Affordable Housing and Viability SPD<sup>8</sup>.

### **Pre-application and application negotiations**

7.2 Developers should discuss their proposals with the Council before submitting a planning application. Pre-application discussions enable developers to positively discuss appropriate provision and justify their approach. This is particularly important in those exceptional circumstances where a scheme is not expected to be policy compliant. Pre-application discussions will highlight the likely impact of development, the amount and type of affordable housing required, and level of other developer contributions likely to be sought. This service is intended to help speed up the development process and avoid unacceptable proposals. Further information on the pre-application and planning application process is available on the Council's website [www.maldon.gov.uk](http://www.maldon.gov.uk)

7.3 For pre-application discussions to be productive, developers need to ensure that the following information is supplied:

- Total amount of specialist needs housing proposed;
- Total amount of housing proposed in terms of units and habitable rooms;
- Amount of affordable rented and intermediate housing proposed;
- Number of bedrooms, floor areas and number of people able to occupy affordable rented and intermediate housing units;
- For each tenure, the numbers of dwellings of different sizes (i.e. number of bedrooms);
- For extra care and affordable units: the weekly cost to the occupier of the proposed units including realistic and affordable service charges;
- Details of the affordability and tenure of the intermediate homes and how these will provide for a range of income groups;
- Market assessment for the scheme, including long-term viability of the scheme (in the form of revenue funding as required by Policy H3 (7)<sup>1</sup>);
- Evidence of support from statutory agencies;
- Assumptions on cost of transfer to a Registered Provider;
- Phasing of delivery and the mechanism for handover of affordable homes;
- Nomination rights;
- Operation policy.

7.4 At outline planning application stage it may not be clear how many dwellings are proposed, and potentially this number could change at reserved matters stage. Where the housing mix has not been determined in an outline planning application, the Council will append a planning condition which stipulates that the details of the housing mix are submitted as part of the Reserved Matters application and should be in accordance with the SHMA<sup>2</sup>.

### **Section 106 agreements**

- 7.5 Provision of specialist and affordable housing will be secured by Section 106 (S106) agreement. This is a deed entered into by the Council and the landowner and/or applicant which outlines the details of a planning obligation, such as specialist housing. It is made under the provisions of Section 106 of the Town and Country Planning Act 1990.
- 7.6 S106 agreements run with the land so will bind successive owners. It is recorded as a land charge. If the applicant does not own the land the landowner will need to be party to the agreement. A S106 agreement may contain a number of planning obligations depending on the complexity and scale of the development and what would be necessary in order to grant planning permission.
- 7.7 It is advisable to involve a solicitor because the deed and undertakings can restrict the use of the property or land in the future. Alternatively, some applicants may choose to use their agent or planning consultant. However, a solicitor will be required to confirm title to the land concerned.
- 7.8 The length of time taken to complete a S106 agreement will vary. However, to ensure the S106 agreement process is efficient, draft Heads of Terms should be submitted with the planning application to enable the Council to finalise the agreement as soon as possible after the planning permission has been granted (subject to a S106 agreement) by Planning Committee. But this will depend on the agreement being substantially completed (and where necessary that Committee is aware of its substantive contents) and being capable of being signed by all parties soon after the decision is made. A completed S106 agreement must be agreed and in place before planning permission can be granted.
- 7.9 Clauses will be used to ensure that the housing remains available for its target group in perpetuity. For affordable housing see the Affordable Housing and Viability SPD<sup>8</sup>. The Council uses a standard S106 template, with standard clauses for securing community infrastructure. Triggers will be used to enable delivery of infrastructure or a financial contribution. Appropriate clauses will be included in a S106 agreement to secure interest for late payment from the relevant trigger point in the agreement.
- 7.10 Legal agreements should incorporate mortgagee in possession clauses appropriately, to protect the lender's investment. Where a Registered Provider fails to repay a mortgage and the lender takes possession of the property(s), the lender can then sell the homes as market housing.
- 7.11 The developer will be expected to pay the Council's legal costs for the preparation of a S106 agreement and any deed of variation.

### **Re-negotiation of a S106 Agreement**

- 7.12 A S106 agreement can be re-negotiated at any point, where both the Council and the developer/landowner wish to do so. If there is no agreement to voluntarily re-negotiate, and the S106 agreement predates April 2010 or is over 5 years old, an application will be required to change the obligation where *'it no longer serves a useful purpose'* or would *'continue to serve a useful purpose in a modified way'* (Planning Obligations PPG, 2016,

009<sup>7</sup>). Guidance concerning applications received before the end of April 2016 still applies and can be found at [www.gov.uk](http://www.gov.uk)

- 7.13 Where a S106 agreement is amended a Deed of Variation will be required to ensure any relevant changes to the planning obligation are captured.

**Administration and Enforcement of S106 obligations**

- 7.14 Monitoring of S106 obligations will be undertaken by the Council's S106 Monitoring Officer. This will ensure all obligations are secured at the right time and are delivered within the right timeframe by the Council, the developer and the Provider.
- 7.15 If a S106 Agreement is not being complied with, the Council will enforce obligations through the relevant legal channels once all other reasonable approaches have been exhausted. In such cases, the Council will seek to retrieve its legal costs against the party that is in breach of its obligations. The Council also has the power to enter land and carry out any works that are required and, if necessary, recover costs from the developer or landowner.
- 7.16 The Council's Authority Monitoring Report will provide transparency: this will identify specialist and affordable housing/financial contributions negotiated and delivered in the previous financial year, as well as those planned for the coming year. Progress with S106 agreements and expenditure in general will also be reported annually.

## **8.0 MONITORING AND REVIEW**

8.1 Monitoring the delivery of specialist needs housing through new development will take place as part of the Authority Monitoring Report and as required for the completion of other statistical returns. It will enable the Council to identify and monitor the number and capacity of specialist needs housing across the District.

8.2 A review of this SPD will be considered if:

- There are significant changes to local circumstances, or to the Local Development Plan's evidence base that indicate the LDP<sup>1</sup> is unable to deliver the identified level of specialist needs housing;
- There is a significant change in national planning guidance; or
- The SPD is insufficiently effective in enabling specialist needs housing.

## Glossary and Abbreviations

Definitions marked \* reflect adopted national policy at the time of publication.

<p><b>Affordable Housing*</b></p>		<p>Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.</p> <p>Social rented housing: is owned by local authorities and private registered providers (as defined by s80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.</p> <p>Affordable rented housing: is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges where applicable).</p> <p>Intermediate housing: homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.</p> <p>Starter homes: a new build dwelling available for purchase by qualifying first time buyers only (between the ages of 23 and 39) and sold for at least 20% below the market value. Must be sold for less than the price cap - £250,000 outside Greater London.</p> <p>Homes that do not meet the above definition of affordable housing, such as 'low cost market' housing, may not be considered as affordable housing for planning purposes.</p>
<p><b>Authority Monitoring Report</b></p>	<p>AMR</p>	<p>A mechanism for assessing performance of policies contained within the Local Development Plan.</p>
<p><b>Care Home</b></p>		<p>Use for the provision of residential accommodation and care to people in need of care. In C2 use.</p>

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<b>Co-housing</b>		Intentional, self-managed community, made up of single private dwellings and additional shared communal facilities such as a common house with a community kitchen and dining room. Cohousing communities can be mixed tenure.
<b>Community Infrastructure Levy</b>	CIL	A levy allowing local authorities to raise funds from owners or developers of land undertaking new building projects in their area.
<b>Community Land Trust</b>	CLT	Independent local organisations established to tackle housing market issues and create permanently affordable intermediate housing for purchase and for rent. CLTs sometimes own other facilities on behalf of the community.
<b>Community-Led Housing</b>		Development of affordable homes led by local community groups. Can take a number of forms and routes, such as self-build, Community Land Trusts or exception sites. Development must be in addition to developments allocated by the Local Plan.
<b>Community Right to Bid</b>		Community groups can nominate both privately and publicly owned assets to be included on a list of assets of community value. This list is managed by the council. If a landowner wants to sell a registered property, they must tell the council. If a community group wants to buy the asset, they can trigger a 6 month moratorium to give them a chance to prepare a bid for it. During this period, the owner cannot sell their property on the open market. This gives community groups an opportunity to develop a proposal and raise the required capital. At the end of the 6-months, the owner is free to sell the asset to whoever they wish and at any price. Also known as Assets of Community Value.
<b>Community Right to Build</b>		Enables community groups to progress new development without the need to go through the normal planning application process, as long as the proposals meet certain criteria and there is community backing in a local referendum. Communities which wish to use the new powers must produce and submit a Community Right to Build Order. All profits derived from a Community Right to Build Order proposal must be used for the benefit of the community.
<b>Cooperative housing</b>		A housing organisation where tenants democratically control and manage their homes.
<b>Developer contributions</b>		Developer contributions, also known as planning obligations, can be secured via a Section 106 legal agreement or planning condition attached to a planning permission. They help mitigate any adverse impacts generated by new development on infrastructure and facilities.
<b>Extra Care Housing</b>		Self-contained accommodation designated for older people in a setting where care and support can be provided as required from an on-site care provider.
<b>Gross Internal Area</b>	GIA	This is the area of a building measured to the internal face of the perimeter walls at each floor

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		level.
<b>Habitats Regulations Assessment</b>	HRA	Tests the impacts of a proposal on nature conservation sites of European importance and is a requirement under EU legislation for land use plans and projects.
<b>Independent Living</b>		Self-contained accommodation designated for older people (usually aged over 55) with local connection who receive at least 6 hours of care and support each week.
<b>Local Development Plan</b>	LDP	The plan for the future development of the local area, drawn up by the Local Planning Authority in consultation with the community. This is described as a Development Plan Documents adopted under the Planning and Compulsory Purchase Act 2004.
<b>Local Housing Allowance</b>	LHA	Welfare payment for those on low incomes or reliant on benefits to meet the cost of housing.
<b>Major Development</b>		A proposal of 10 or more dwellings or a site area of 0.5 hectares or more, or non residential development is for 1,000 square metres or more of floorspace, or has a site area of 1 hectare or more.
<b>National Planning Policy Framework</b>	NPPF	Sets out the Governments planning policies for England and how these are expected to be applied.
<b>National Planning Practice Guidance</b>	PPG	A web-based resource provides more detailed guidance on the contents of the NPPF.
<b>Neighbourhood Planning</b>		Formally introduced under the Localism Act 2011, neighbourhood planning and, specifically the preparation of 'Neighbourhood Development Plans' is a community-led initiative for guiding the future development, regeneration and conservation of an area.
<b>Older People</b>		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.
<b>People with Disabilities</b>		People have a disability if they have a physical or mental impairment, and that impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. These persons include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs.
<b>Previously Developed Land*</b>	PDL	Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill

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		purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.
<b>Public Subsidy</b>		Grant, public loans and public land.
<b>Registered Provider</b>	RP	Technical name for a body registered with Homes England so are approved to deliver affordable to deliver affordable housing in England. Most Housing Associations are RPs.
<b>Residential Home</b>		Facility that provides private or shared en-suite rooms. All residents will receive domestic care and some degree of personal care. In C2 use.
<b>Retirement Village</b>		A larger-scale variant of specialist housing for older people involving clusters of accommodation with a central hub providing a range of facilities, including restaurants, cafes, shops, swimming pools, gyms/spa to create a village atmosphere. Can include registered care homes for people with high levels of dependency/health problems so that residents can “age in place”. Usually developed close to existing centres of population and promote the use of village facilities by non-residents, both to enable integration and generate income.
<b>Section 106 Agreement</b>	S106	A legal agreement entered into by the Council and the developer or applicant and Registered Provider which outlines the details of a planning obligation(s), such as affordable housing required to make an application acceptable in planning terms.
<b>Self-help housing</b>		Involves groups of local people bringing empty properties back into residential use. Use varies from long term tenancies to short life housing to meet immediate needs such as move on accommodation and supported housing.
<b>Sheltered Housing</b>		Self-contained accommodation designated for older people (usually aged over 55) with local connection. On-site warden service.
<b>Strategic Environmental Assessment</b>	SEA	Required under European legislation, an assessment of the environmental effects of plans and programmes to be carried out as they are being developed.
<b>Strategic Housing Market Assessment</b>	SHMA	Assessment of the Council’s housing requirements based upon the local housing market, which studies the supply and demand of housing, housing and planning policies, the need for affordable housing and the affordability of the local housing market.
<b>Supplementary Planning Document</b>	SPD	Provide supplementary information to support policies in Development Plan Documents but do not form part of the Development Plan. They carry weight in planning decisions but have less weight than Development Plan Documents. They

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		are prepared in accordance with the Town and Country Planning (Local Planning)(England) Regulations 2012.
<b>Vacant Building Credit</b>	VBC	Allows the floorspace of existing buildings that are to be redeveloped to be offset against the calculations for section 106 affordable housing requirements (whether financial contribution or provision).
<b>Viability assessment</b>		An assessment of all development costs including central and local government policy requirements, regulatory costs and the cost and availability of finance, to determine whether a scheme provides a competitive return to the developer and generates a land value sufficient to persuade the landowner to sell for the development proposed.

## APPENDIX 1: REFERENCES

Reference Number	Document	Author	Publication Date
1	Maldon District Local Development Plan	Maldon District Council	July 2017
2	Maldon District Strategic Housing Market Assessment Update	DCA	2014
3	Draft Revised National Planning Policy Framework	MDCLG	March 2018
4	National Planning Policy Framework	DCLG	2012
5	Strategic Environmental Assessment/Habitats Regulations Assessment Screening Report	MDC	2018
6	Equalities Impact Assessment	MDC	2018
7	National Planning Practice Guidance	DCLG	2014
8	Maldon District Draft Affordable Housing and Viability SPD	MDC	2018
9	Maldon District Design Guide SPD	MDC	2017
10	Essex Design Guide	Essex County Council	2018
11	2011 Census	ONS	2011
12	Maldon District Older Peoples Housing Strategy	MDC	2017
13	Maldon District Housing Strategy	MDC	2017
14	HAPPI3 Making Retirement Living a Positive Choice	All Parliamentary Group on Housing and Care for Older People	2016
15	Maldon Tenancy Strategy	MDC	2017
16	Independent Living for Older People Position Statement	ECC	2016
17	Housing Quality Indicators	Housing Corporation	2008
18	LTN 1/04 Policy, Planning and Design for Walking and Cycling	DfT	2004
19	Guidance for providers on meeting the regulations: Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (Part 3) (as amended) and Care Quality Commission (Registration) Regulations 2009 (Part 4) (as amended)	CQC	2015
20	CIL and sheltered housing and extra care developments: a briefing note on viability	Three Dragons	2013
21	Financial Benefits of Investment in Specialist Housing for Vulnerable and Older People	Frontier Economics for the Homes and Communities Agency	2010
22	The Top of the Ladder	DEMOS	2013
23	Nationally Described Space Standard	DCLG	2015
24	Dementia and Town Planning – Creating better environments for people living with dementia	RTPi	2017
25	Approved Document M: Access to and use of buildings	HM Government	2010
26	Maldon District Vehicle Parking Standards SPD	MDC	2006

## APPENDIX 2: KEY LOCAL DEVELOPMENT PLAN POLICIES

### Policy H1: Affordable Housing

All housing developments of more than 10 units or 1,000 sqm will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objectives on affordable housing.

The affordable housing requirements for each sub-area in the District are as follows:

Sub-area requirements	
North Heybridge Garden Suburb:	
North of Heybridge - S2(d)	30%
North of Holloway Road - S2(e)	40%
West of Broad Street Green Road - S2(f)	40%
South Maldon Garden Suburb	30%
Strategic Allocations at Maldon, Heybridge and Burnham-on-Crouch	40%
All other developments:	
Northern Rural, Maldon Central and South and Rural South*	40%
Maldon North and Rural South East Higher	30%
Rural South East Lower	25%

\*As indicated in FIGURE 1 overleaf

Any relaxation of the above requirements will only be considered where the Council is satisfied, on a site by site basis, that such requirement will render any development proposals unviable.

Affordable housing should be provided on-site, either through free serviced land provided to a registered provider or constructed affordable dwellings to be sold to a registered provider upon completion to provide the number, size, type and tenure of affordable homes required by the Council's policies having regard to the SHMA, the Council's adopted Affordable Housing Guide, and the Council's Housing Strategy.

In exceptional circumstances the Council may consider accepting financial contribution from the developer where it is justified that affordable housing cannot be delivered on-site, or that the District's need for affordable housing can be better satisfied through this route. Commuted sums will also be charged for an incomplete number of affordable units provided on site.

The development of any affordable housing and the calculation of any financial contributions should be in conformity with the details set out in the Maldon District Strategic Housing SPD.

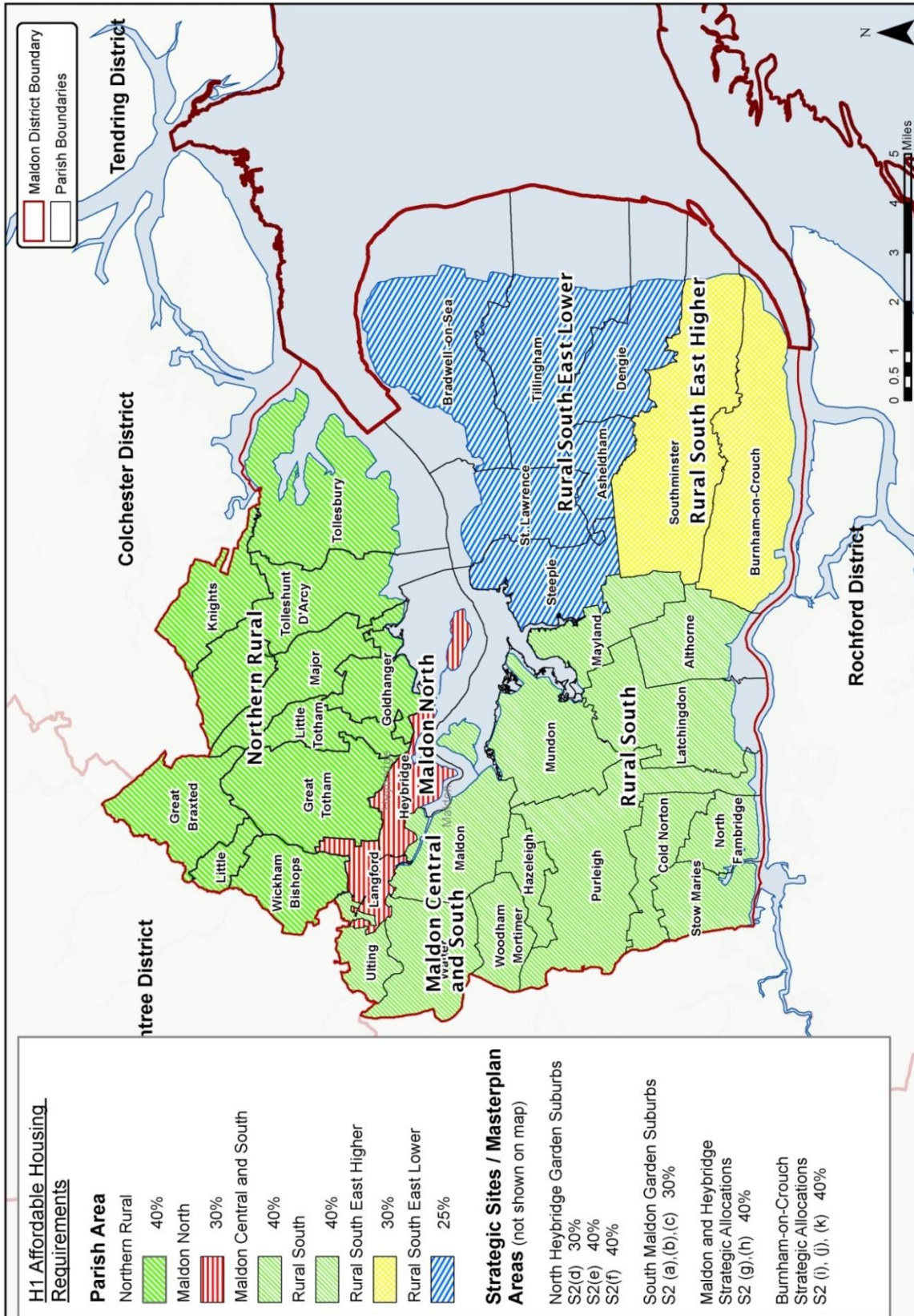


Figure 1: H1 Affordable Housing Requirements

## **Policy H2: Housing Mix**

All developments will be expected to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable sector, particularly the need for an ageing population.

Wherever possible affordable housing should be located in a way that ensures the homes are integrated with the rest of the development; in most cases this will mean in clusters of no more than 15 to 25 homes in one part of a development. The design and appearance of affordable housing should also be indistinguishable from those built for the open market, meet standards detailed in the Maldon District Strategic Housing SPD, and be of a tenure recognised by the National Planning Policy Framework.

Where appropriate, the Council will work with developers, registered providers, landowners and relevant individuals (or groups of individuals) to address identified local need for Self Build housing. Any relaxation of the above requirements will only be considered where the Council is satisfied, on a site by site basis, that such requirements will render any development proposals unviable.

## **Policy H3: Accommodation for 'Specialist' Needs**

The Council will support and enable the provision of housing to meet specialised needs in the District where this is consistent with the Council's current strategic requirements.

Proposals for specialist needs housing such as homes for older people, people with disabilities, or homes for other specific groups who may require properties that are specifically designed and/or allocated will be supported where:

- 1) There is clearly identified need that cannot be addressed elsewhere in the District;
- 2) The development is located in an area that is sustainable to meet the social as well as housing needs of the intended residents;
- 3) It will not lead to a concentration of similar uses that would be detrimental to the character and function of an area and/or residential amenity;
- 4) It will not detrimentally impact on the capacity of public services, including health and social care;
- 5) It is in close proximity to everyday services, preferably connected by safe and suitable walking/cycling routes or public transport appropriate for the intended occupier;
- 6) It can be demonstrated that the development is designed and managed to provide the most appropriate types and levels of support to its target resident;
- 7) It can be demonstrated that revenue funding can be secured to maintain the long term viability of the scheme; and
- 8) The scheme is supported by the relevant statutory agencies.

Proposals which may result in the loss of specialist needs accommodation will not be considered acceptable unless it can be demonstrated that there is no longer a need for such accommodation in the District, or alternative provision is being made available locally through replacement or new facilities.

Any relaxation of the above requirements will only be considered where the Council is satisfied, on a site by site basis, that such requirements will render any development proposals unviable.

## APPENDIX 3: HOUSING SPECIFIC FEATURES

### Independent Living

- In July 2015, Essex County Council (ECC) endorsed capital investment of about £27 million with enabling revenue investment to facilitate the delivery of 1800 independent living units in Essex by 2020
- Grant funding is available for schemes that meet relevant criteria
- Independent living is a priority for ECC and the Council: ECC have identified a need of 134 units in the District by 2020 (55 for rent, 79 for ownership)

### Eligibility

- Independent Living is available to people over the age of 55 who have a connection to the area local to the development and who have a care and support need
- ECC will retain nomination rights
- Depending on the scale, location, and stated purpose of individual Independent Living communities, further eligibility requirements based on care and support needs will be defined
- The eligibility requirements are necessary to make the required 24/7 emergency care and support service affordable and viable
- Care provision can vary to meet the needs of residents but must be a minimum of 6 hours/week of assessed care for an individual to be eligible for a unit. Existing care needs in excess of this will be maintained
- Once living in Independent Living, an individual's needs will be met regardless of changes in their circumstances so the likelihood of a future move is minimised

### Management

- The operation policy should identify the following care, support and management arrangements that will be provided:

#### Service purpose

- Details of how the scheme will meet the strategic housing needs of the District;

#### Housing management

Proof that the applicant or development partner has:

- Experience of delivering housing management for tenants and leaseholders
- Experience of setting up contracts with both tenants and leaseholders
- Experience of managing and maintaining comparable housing schemes
- Knowledge of relevant health and safety / fire regulations
- Knowledge of assistive technology (AT) services and experience of setting up these schemes
- Experience of working with occupational therapists to install aids and adaptations
- Experience of designing comparable schemes for older people

#### Staff arrangements / levels

Provide information on the scheme's proposed:

- On site care team and support: this should be 24hour support seven days a week, delivered either through Social Services or a care team to be agreed with ECC Social Services and reviewed every five years
- Domiciliary care provision: should meet the requirements of the Care Quality Commission
- Flexible Care based on individual need to maximise the independence of all residents;
- Staff ratios to support a mixed need client group;
- Dependency mix: should include how care needs will be defined. A useful guideline is 'Low –

0-2.5 hours per week', 'Medium – 2.5-15 hours per week', 'High – 15+ hours per week';

**Design Features**

- Provide self-contained units that can be adapted
- Schemes should generally be no smaller than 60 units for reasons of affordability and ability to create and support an active community
- Offer a full range of tenures, to appeal to a range of older owner occupiers, and also to meet the needs of those who need or prefer to rent. Tenure mix will be dependent on development viability, local planning requirements and other issues such as whether the scheme has received any grant funding from ECC
- Ensure all developments must be a minimum of Code 3 HCA Sustainable Housing standards and meet all Lifetime Homes standards
- Can include a variety of community facilities depending on the scale, location and purpose of a development, such as: communal space for social activities; a dining room/cafe; amenities such as hairdressing, fitness suite and GP or other health services. Separate access should be provided.

**Further guidance**

- Independent Living for Older People Position Statement, ECC, 2016<sup>16</sup>
- [www.essex.gov.uk](http://www.essex.gov.uk)

### **Extra care**

- Extra Care Housing is designed with the needs of frailer older people in mind, with varying levels of care and support available on site
- Also known as very sheltered housing, assisted living, or 'housing with care' it is a popular choice among older people because it can provide an alternative to a care home
- In addition to the communal facilities often found in sheltered housing, Extra Care often includes community facilities such as a restaurant, health & fitness facilities for public use
- Some extra care schemes include housing specifically designed for people with dementia

### **Eligibility**

- Extra care housing is for people aged 65 and over who want to retain their independence but would otherwise need long-term residential care (domestic support and personal care only)
- Properties can be rented, owned or part owned/part rented
- A care and support assessment will be required, usually undertaken by ECC Social Services
- There are three parts to the cost of living in an extra care scheme:
  - cost of housing, payable to the housing provider - the cost of buying, renting or shared ownership of your home;
  - service charge, payable to the housing provider - for home maintenance and communal facilities;
  - care and support costs, payable to Essex County Council will vary depending on needs. The amount payable will depend on individual circumstances. The Council will do a financial assessment to work out exactly how much each resident can afford to pay
- For affordable properties the Council will have nomination rights. In other cases, eligibility criteria will be set by the Provider.

### **Management**

The operation policy should identify the following care, support and management arrangements that will be provided:

#### **Service purpose**

- Details of how the scheme will meet the strategic housing needs of the District;
- If mixed tenure extra care housing (with shared communal facilities and care) is being provided and how it will be delivered;

#### **Housing management**

Proof that the applicant or development partner has:

- Experience of delivering housing management for tenants and leaseholders
- Experience of setting up contracts with both tenants and leaseholders
- Experience of managing, planning repairs and maintenance
- Knowledge of relevant health and safety / fire regulations
- Knowledge of assistive technology (AT) services and development, and experience of setting up schemes with AT and existing contracts with AT providers
- Experience of working with occupational therapists to install aids and adaptations
- Experience of designing comparable schemes for older people

#### **Staff arrangements / levels**

Provide information on the scheme's proposed:

- On site care team and support: this should be 24hours/7 days a week, delivered either through Social Services or a care team to be agreed with ECC Social Services and reviewed every five years;
- Domiciliary care provision: should meet the requirements of the Care Quality Commission;

- Flexible Care based on individual need to maximise the independence of all residents;
- Staff ratios to support a mixed need client group. If a dementia care or intermediate (recuperative) care unit is provided, the staff levels required will be greater;
- Dependency mix: should include how care needs will be defined. A useful guideline is 'Low – 0-2.5 hours per week', 'Medium – 2.5-15 hours per week', 'High – 15+ hours per week';

**Design features**

Extra care schemes should:

- Provide self-contained properties that can be adapted;
- Provide for a minimum of 50 units to ensure that revenue costs are viable;
- Offer an appropriate mix of one and two bed dwellings with a mix of tenure. To future proof all units and shared accommodation should be designed to allow for conversion into one or two bedroom dwellings in the future;
- Be able to accommodate a wheelchair;
- Provide a communal space where a range of activities can be delivered to promote older people's well-being;
- Provide a community hub for older people and their carers from the locality;
- Incorporate dementia friendly design principles: Buildings should be designed to accommodate residents with dementia throughout the scheme or have a separate wing for residents with dementia;
- Provide separate ancillary access to the community facilities for safety reasons

**Further guidance**

[www.housinglin.org.uk](http://www.housinglin.org.uk)

<p><b>Retirement housing</b></p> <ul style="list-style-type: none"><li>• Retirement housing is self-contained flats, bungalows or houses in a community setting</li><li>• Has a 24 hour emergency support call to provide peace of mind</li><li>• Care and support has been withdrawn to sheltered housing this means that that accommodation is now effectively retirement housing</li></ul>
<p><b>Eligibility</b></p> <ul style="list-style-type: none"><li>• Retirement housing is for people aged 55 and over who want to retain their independence but would benefit from living in a community setting with emergency support available if necessary</li><li>• For affordable properties the Council will have nomination rights. In other cases, eligibility criteria will be set by the Provider.</li></ul>
<p><b>Management</b></p> <p>The operation policy should identify the following care, support and management arrangements that will be provided:</p> <p><b>Service purpose</b></p> <ul style="list-style-type: none"><li>• Details of how the scheme will meet the strategic needs of the District</li></ul> <p><b>Housing management</b></p> <p>Proof that the applicant or development partner has:</p> <ul style="list-style-type: none"><li>• Experience of delivering housing management for tenants and leaseholders</li><li>• Experience of setting up contracts with both tenants and leaseholders</li><li>• Experience of managing and maintaining comparable housing</li><li>• Knowledge of relevant health and safety / fire regulations</li><li>• Knowledge of assistive technology (AT) services and experience of setting up schemes with AT and existing contracts with AT providers</li><li>• Experience of working with occupational therapists to install aids and adaptations</li><li>• Knowledge of designing schemes for older people</li></ul> <p><b>Staff arrangements / levels</b></p> <p>Provide information on the scheme's proposed:</p> <ul style="list-style-type: none"><li>• Emergency call facility;</li></ul>
<p><b>Design features</b></p> <p>Retirement homes should:</p> <ul style="list-style-type: none"><li>• Provide self-contained properties that can be adapted</li><li>• Offer a full range of tenures, in order to appeal to a range of older owner occupiers, and to meet the needs of those who need or prefer to rent. Tenure mix will be dependent on development viability, local planning requirements and other issues such as whether the scheme has received any grant funding</li><li>• Future proof all units to allow for conversion into sheltered dwellings in the future should funding be provided</li><li>• Provide a communal lounge with a tea kitchen linked to external amenity space and a communal WC</li><li>• Incorporate dementia friendly design principles</li></ul>

## **Dementia Care Accommodation**

- Dementia care accommodation is designed specifically to meet the needs of those experiencing dementia
- Varying levels of care and support available on site based on individual needs, includes medical care
- Can be provided as a stand-alone development or as part of other specialist accommodation

### **Eligibility**

- The Council will undertake a needs assessment to determine if a person is eligible for dementia care placement. This looks at the extent of care and support required with daily living
- The cost of living in a care home may require a contribution from the resident involved

### **Management**

The operation policy should identify the following care, support and management arrangements that will be provided:

#### **Service purpose**

- Details of how the scheme will meet the strategic needs of the District

#### **Housing management**

Proof that the applicant or development partner has:

- Experience of delivering housing management for tenants and leaseholders
- Experience of setting up contracts with both tenants and leaseholders
- Experience of managing and maintaining specialist homes
- Knowledge of relevant health and safety / fire regulations
- Knowledge of assistive technology (AT) services, and experience of setting up schemes with AT and existing contracts with AT providers
- Experience of working with medical and occupational therapists to install relevant equipment
- Experience of designing schemes for dementia care and/or that provides medical care

#### **Staff arrangements / levels**

Provide information on the scheme's proposed:

- On site 24hour/7 days a week care team and support, including domiciliary and medical care. Delivered either through Social Services or a care team to be agreed with ECC Social Services and reviewed every five years
- Proof that the dementia care provision will meet the requirements of the Care Quality Commission
- Staff ratios: this should be higher than that for other types of specialist housing to recognise the differing demands;
- Dependency mix: should include how care needs will be defined.

### **Design features**

The principles of designing for people with dementia include:

- Compensating for impairments;
- Maximising independence;
- Enhancing self esteem and confidence;
- Demonstrating care for staff;
- Designing for orientation and understanding;
- Reinforcing personal identity; and

- Welcoming relatives and the local community.

Dementia care accommodation should:

- Ideally be within a 5-10 minute walk from shops and services;
- Be designed with clusters of studio rooms (bedrooms with en-suite facilities) in house groups with shared living / dining areas. Provision of dementia care or intermediate care units is encouraged within extra care housing schemes;
- Be designed and constructed to allow for conversion into one or two bedroom dwellings in the future;
- Be designed to accommodate a wheelchair in the longer term;
- Provide a communal space where a range of activities can be delivered to health and well-being;
- Provide a visually accessible environment: People suffering from confusion are less likely to become frustrated if they are able to clearly see and understand their surroundings:
  - an environment where there are good visual clues, such as views to the outside and views from circulation spaces into communal spaces
  - Provide glazed screens and doors to communal areas to enable residents to enter a room with the confidence of knowing what is going on inside
  - Design features should be incorporated that will help with orientation, recognition and familiarity. Landmarks (views out, seating bays etc.) are more important than colour in way finding
  - Maximise the amount of natural light in the building, particularly where there is a change in direction or level
- Incorporate smart technology: which can be of particular benefit to residents with dementia;
- Take care when selecting colours and materials. Changes in colour and or tone in floor finishes or contrasting threshold strips may appear as a step or barrier to a resident with dementia and deter some residents from entering a space or even lead to a fall. Ensure clear contrasts are used where the walls and floors meet and on steps.
- Avoid dark or poorly lit areas: well-lit areas are easier and can cause minimal discomfort.

**Further guidance**

Dementia and Town Planning - Creating better environments for people living with dementia, RTPI Practice Advice (January 2017)<sup>21</sup>

### **Residential care homes (C2 development)**

- Residential care homes or nursing homes are commercially driven and provide accommodation for the most vulnerable
- Provide 24 hour on site personal and medical care.

#### **Eligibility**

- A needs assessment will need to be undertaken by the Council to consider if a person is eligible for a care home placement. This looks at the extent of care and support required with daily living
- The cost of living in a care home may require a contribution from the resident involved

#### **Management**

The operation policy should identify the following care, support and management arrangements that will be provided:

##### **Service purpose**

- Details of how the scheme will meet the strategic needs of the District, including:

##### **Housing management**

Proof that the applicant or development partner has:

- Registered with the Care Quality Commission and met all relevant CQC guidelines
- Experience of delivering housing management for care home tenants
- Experience of setting up contracts with care home tenants
- Experience of managing and maintaining this type of accommodation
- Knowledge of relevant health and safety / fire regulations
- Knowledge of assistive technology (AT) services and experience of setting up schemes with AT and has existing contracts with AT providers
- Experience of working with medical care staff and occupational therapists to install relevant equipment
- Knowledge of designing care homes

##### **Staff arrangements / levels**

Provide information on the scheme's proposed:

- On site care team and support: delivered either through Social Services or a care team to be agreed with ECC Social Services and reviewed every five years;
- Medical and domiciliary staff ratios: must provide appropriate support to a mixed need client group. It must meet the requirements of the CQC and meet individual needs. If a dementia care or intermediate (recuperative) care unit is provided, the staff levels required must be greater;
- Dependency mix: should include how care needs will be defined. A useful guideline is 'Low – 0-2.5 hours per week', 'Medium – 2.5-15 hours per week', 'High – 15+ hours per week';

#### **Design features**

Residential care homes should:

- Have a main entrance visible from the public realm;
- Incorporate access control, visual and audio, to all entrances;
- Provide reception/manager's office adjacent to the main entrance to enable passive surveillance of arrivals and departures;
- Have clearly defined public, semi-private and private space;
- Use progressive privacy allowing public entry to communal areas with secure 'fob' access to the residential accommodation beyond. The following approach should be

used:

1. The private zone is the accommodation itself, to which only the resident and invited guests have access;
2. The semi-private zone comprises those circulation areas and communal spaces (assisted bathroom, residents-only lounge, etc.) that only residents and their invited guests may use;
3. The semi-public zone comprises any circulation areas and communal spaces (restaurant, activity space, for example) to which the public have access at certain times;
4. The public zone; for example if the scheme incorporates a drop-in centre which the general public could access without restriction.

Access to zone (3) will typically be controlled by a door-entry system, allowing staff or residents to permit access. Careful consideration should be given to the method of door-entry between zones (3) and (2).

- Provide secure landscaped garden areas and courtyards which cannot be accessed from the public realm;
- Provide a well-lit safe environment, to all communal spaces (including car parking and main entrance);
- Ensure that the main refuse area is accessed directly from the public road;
- Provide easy access to all areas of the building for staff or visiting care providers;
- Ensure that provision is made for a minibus/emergency service and taxi drop off and to allow for the anticipated size and tracking of emergency and service vehicles, turning heads and waiting bay.

**Further guidance**

- [www.cqc.org.uk](http://www.cqc.org.uk)
- Guidance for providers on meeting the regulations: Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (Part 3) (as amended) and Care Quality Commission (Registration) Regulations 2009 (Part 4) (as amended), CQC, March 2015<sup>19</sup>

## **Designing for people with visual and hearing impairment**

Many older people or those with disabilities may experience some form of visual or hearing impairment. The following principles should also be considered to help those living in specialist accommodation. This will also help future proof housing to meet changing needs over time.

### **Designing for those with visual impairments should:**

- Have a logical layout that can be easily understood. Communal areas should be directly linked to the foyer/reception area
- Reduce the effects of visual impairments by incorporating colour schemes that use contrasting tones to highlight features within the building and avoiding 'visual clutter'
- Avoid dark colours or black flooring to lifts as this can appear as a void
- Avoid numerous regimented light fittings, which may cause severe glare as well as a clinical, institutional appearance
- Avoid sharp contrast between highly lit and dark spaces, as the ability eyes to adapt to different levels of light decreases with age

### **Designing for those with hearing impairments should:**

- Provide adequate sound separation and reduction of reverberation: this is important in older people's housing where some, but not all, residents suffer from hearing impairments
- Consider the acoustic separation of noisy rooms, such as laundries, lifts, plant rooms and other communal spaces from residents' living, sitting and sleeping areas
- Specify finishes for large spaces with higher ceilings such as lounges and dining rooms with a high acoustic absorbency, to reduce echoes for the those with hearing impairments
- Install an induction loop system to communal rooms and reception areas