

By Email Only
consultations@canterbury.gov.uk

18th May 2026

Dear Sir/Madam,

CHURCHILL LIVING AND MCCARTHY & STONE RESPONSE TO THE DRAFT CANTERBURY LOCAL PLAN TO 2045 (REGULATION 19) CONSULTATION

Churchill Living and McCarthy & Stone are the largest providers of newbuild older persons housing in the UK, delivering approximately 90% of all new older persons housing each year. The companies are well positioned to advise in respect of planning policy for older persons housing.

Please find below our comments on the draft policies within this consultation insofar as they impact the delivery of specialist accommodation for older persons.

Policy DS1 – Affordable housing

The consultation document proposes a district-wide affordable housing rate of at least 15% on brownfield land and at least 30% on all other sites.

It is noted that an update to the plan wide viability was published in early 2026. In respect of housing for older people, the study undertakes a comprehensive review of the viability of older person's housing which is subsequently ignored within the draft policy.

Paragraph 10.48 of the study concludes that:

Based on this analysis, greenfield Sheltered housing sites are able to bear a modest element of affordable housing and CIL and the increased levels of developer contributions, however this is unlikely to be at 30% nor to be the case on brownfield sites. The Extracare housing is not able to bear affordable housing on either greenfield or brownfield sites. In considering this analysis it is important to note that this type of development is most likely to come forward on brownfield sites within the towns or on the Strategic Sites, rather than on smaller greenfield sites.

Table 10.7 Older People's Housing, Appraisal Results (£/ha) – With SPA Payments

			EUV		BLV/Residual Value (£ per gross ha)							
			Affordable Housing		0%	5%	10%	15%	20%	25%	30%	
Site 1	Sheltered Green 60	CCC	25,000	375,000	1,559,933	986,263	410,061	-189,699	-791,628	-2,026,339	-2,026,339	
Site 2	Sheltered Green 50	CCC	25,000	375,000	1,309,876	838,975	364,250	-128,582	-622,680	-1,634,315	-1,634,315	
Site 3	Sheltered Green 30	CCC	25,000	375,000	991,324	633,890	264,213	-110,828	-485,869	-1,254,570	-1,254,570	
Site 4	Sheltered Brown 60	CCC	1,000,000	1,200,000	487,073	-118,771	-728,302	-1,343,244	-1,973,473	-3,239,663	-3,239,663	
Site 5	Sheltered Brown 50	CCC	1,000,000	1,200,000	417,411	-79,919	-579,563	-1,082,878	-1,598,596	-2,636,577	-2,636,577	
Site 6	Sheltered Brown 30	CCC	1,000,000	1,200,000	299,968	-78,938	-457,945	-840,001	-1,231,623	-2,018,797	-2,018,797	
Site 7	Extracare Green 60	CCC	25,000	375,000	-830,925	-1,469,801	-2,122,952	-2,780,553	-3,438,153	-4,753,354	-4,753,354	
Site 8	Extracare Green 40	CCC	25,000	375,000	-560,275	-987,874	-1,425,057	-1,865,135	-2,305,212	-3,185,367	-3,185,367	
Site 9	Extracare Brown 60	CCC	1,000,000	1,200,000	-2,219,353	-2,880,936	-3,545,474	-4,210,012	-4,874,550	-6,203,626	-6,203,626	
Site 10	Extracare Brown 40	CCC	1,000,000	1,200,000	-1,484,350	-1,927,396	-2,372,383	-2,817,369	-3,262,356	-4,152,330	-4,152,330	

Source: HDH (October 2025)

The study goes on to conclude that:

When considering the above, it is important to note that paragraph 10-008-20190509 of the updated PPG specifically anticipates that the viability of specialist older people's housing will

be considered at the development management stage. It is therefore not necessary to differentiate within policy for this sector, and it may be necessary to consider the viability of specialist housing schemes, including within the Strategic Sites, at the development management stage.

As a result of the above recommendation within the plan wide study, there is no specific policy proposed in respect of housing for older people within Policy DS1.

Paragraph 10-008-20190509 of the updated PPG does not propose that all older person's housing is assessed at the development management stage. The intention of this paragraph of the PPG is to cover typologies which might not have been assessed as part of the plan wide viability assessment.

The approach taken by the council creates a circular, risky and expensive approach for providers of housing for older people. The PPG states that where viability assessment is undertaken at the development management stage, the assessment must reference the plan wide viability study and explain and evidence what has changed since the plan wide viability study was undertaken in order to justify why the full policy requirements may not be met. In referencing the plan wide viability study, this immediately points to an unviable position on brownfield land. However, the full policy level will be expected to be provided in spite of this evidence.

This approach is illogical. Having gone to the trouble of testing an older persons housing typology, the findings must be reflected within the policy. Such an approach would be consistent with other emerging and adopted local plans seen recently including Charnwood, Birmingham, BCP, Gosport, North Norfolk, Hyndburn, Fareham, Teignbridge, Swale, Dudley and Great Yarmouth. Each of these authorities has undertaken plan wide testing and found older persons housing viability to be different from non age restricted housing and an appropriate exemption has been applied in policy.

On the basis of the results of the plan wide viability study undertaken in 2026, Policy DS1 should include the following wording.

Specialist housing for older people proposals on brownfield land will be exempt from the affordable housing requirements on the basis of viability. On greenfield land, a 10% affordable housing requirement will be sought subject to viability and housing needs.

Policy DS15 – Infrastructure Delivery

The policy states that where policy requirements are not met due to an agreed viability reason the viability of the proposal will be reviewed every three years with a final review immediately prior to the completion of the development in accordance with the requirements of this policy to seek to achieve full policy compliance in later development phases.

We consider that for a large or multi-phase development which will be delivered over a long period it makes sense to check whether the scheme's viability has changed with market movements. However, for a small single phased site, such as an older persons housing scheme that is built in one phase, the Planning Inspectorate have repeatedly noted that review mechanisms are unnecessary for such schemes. For example, under Appeal decision reference APP/C4235/W/120/3256972 dated 1st April 2021, the Inspector noted in paragraph 17 that:

'as the development would almost certainly be completed in a single phase with an estimated build time of 12-18 months, it is not the sort of large multi-phased scheme where stronger arguments for a review/clawback mechanism may otherwise exist'.

In addition, a number of other Local Plan Inspectors are increasingly recognising this point. For example, the Local Plan Inspectors report for the Amber Valley Local Plan notes the following:

170. The final section of the policy addresses the use of review mechanisms for Section 106 agreements. To provide certainty, and thus the effectiveness of the policy, it is necessary for MM55 to amend the wording so that it clarifies that this relates to larger sites that will come forward over a longer period of time, and not all proposals.

Whilst Cannock Chase local Plan has recently been adopted with the following wording:

'Where sites have a construction programme which is proposed to extend beyond 2 years, the planning obligation will provide for the affordable housing component of later phases to be reviewed based on updated viability evidence which may result in an increase of the affordable housing requirement.'

We therefore recommend that clause 7 of DS15 states that:

Where policy requirements are not met due to an agreed viability reason, on longer term multi phased schemes, the viability of the proposal will be reviewed every three years with a final review immediately prior to the completion of the development in accordance with the requirements of this policy to seek to achieve full policy compliance in later development phases.

Policy DS2 – Housing Mix

It is noted that proposals for older peoples housing will provide a minimum of 15% of new properties to be built to M4 (2) standards, and 5% to be built to M4 (3) standards.

We would remind the council that the NPPG requires the following considerations.

Should plan-making bodies set minimum requirements for accessible housing?

Where an identified need exists, plans are expected to make use of the optional technical housing standards (footnote 46 of the National Planning Policy Framework) to help bring forward an adequate supply of accessible housing. In doing so planning policies for housing can set out the proportion of new housing that will be delivered to the following standards:

M4(1) Category 1: Visitable dwellings (the minimum standard that applies where no planning condition is given unless a plan sets a higher minimum requirement)

M4(2) Category 2: Accessible and adaptable dwellings

M4(3) Category 3: Wheelchair user dwellings

Planning policies for accessible housing need to be based on evidence of need, viability and a consideration of site specific factors¹.

We note in respect of housing for older people, that the plan wide viability study undertaken in 2026 does not show these requirements to be viable on older persons housing.

We cannot locate within the plan wide study, how the increased unit size and increased cost of the provision of M4(3) units has been factored in. Regardless, the plan wide viability study shows no viable older persons housing typology on brownfield land. The study acknowledges that this is where nearly all delivery of older persons housing takes place.

The evidence base does not therefore satisfy the requirements of the NPPG and the policy should therefore be amended to state:

Proposals for older peoples housing will provide a minimum of 15% of new properties to be built to M4 (2) standards, and 5% to be built to M4 (3) standards subject to viability and housing needs.

¹ NPPG Paragraph: 009 Reference ID: 63-009-20190626

Policy DS5 – Specialist housing provision

The wording of the policy in respect of specialist older persons' housing is considered positive and is supported accordingly. The policy may be improved if paragraph 6.25 is placed within the policy itself.

6.25 states that:

There is a substantial need for older persons housing in the district, so this Local Plan provides a positive framework to support the delivery of additional older persons housing over the period of the plan. In addition, proposals for older persons housing will be supported on sites allocated for residential development within this plan, where they are located within an Urban Area and where other policy requirements are met to help meet needs.

Policy DS12 and DS13 – Net Zero Carbon Ready and Water Efficiency and Sustainable design

We support an approach which follows national building regulation requirements in terms of net zero and other sustainability requirements.

Policies which seek to introduce these standards faster than the national requirements pose a genuine delivery risk in respect of housing of all typologies given immediate strain on development viability. This is a concern in respect of specialist housing for older people given the plan wide viability assessment already shows the typology to be on the edges of viability.

At the time of writing, the Future Homes Standard is due to come into force from March 2027 with transitional arrangements lasting until March 2028. Any approach taken by the council should mirror national requirements and timeline.

Policy SS1 – Supporting biodiversity recovery

The Council's commitment towards biodiversity net gain in the Authority is commendable. The requirement for 20% Biodiversity Net Gain (BNG) however is in excess of the requirements set out in *The Environment Act 2021*.

The 20% BNG requirement appears counterintuitive for urban areas / previously developed sites. Such sites are generally small in area and built to higher densities, with a benefit being a commensurate reduction in the need to bring forward greenfield sites, which is inherently beneficial to biodiversity.

The additional planting required to achieve 20% net BNG requirement in urban areas may require a reduction in densities in sites. While it can be argued that urban sites tend to have lower baseline BNG and so the measures required to achieve 20% BNG may be relatively limited, the benefits are commensurately slight and outweighed by the costs of the associated long-term management and monitoring costs.

We note that the plan wide viability study (2026) does not show the BNG enhancement requirement to be viable on older persons housing schemes so it should not be applied to specialist housing proposals in light of viability constraints. This would be consistent with the Planning Policy Guidance on Biodiversity Net Gain at paragraph: 006 Reference ID: 74-006-20240214 confirms that '*Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage **and any impacts on viability for development**. Consideration will also need to be given to how the policy will be implemented*'.

Therefore a 10% requirement should also be maintained in order to ensure that the requirement is 'fairly and reasonably related in scale and kind to the development' (para 57, NPPF) and consistent with national policy guidance especially in terms of viability.

It is therefore our view that a 20% BNG requirement, if viable, should be limited to sites that are over 1ha in area, so as to not prejudice the efficiency of small and medium sized sites coming forward in urban areas. The policy should be updated to exclude all sites in excess of 1 ha from the requirement.

Conclusions

Thank you for the opportunity for comment. We would be grateful if you could inform us of future opportunities to comment on the emerging plan and evidence base.

Yours faithfully,



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