

Independent Living for Adults with Disabilities

Planning Position Statement

October 2016

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Essex County Council

Version history

Version	Date issued	Brief of summary change	Owner's name
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1 Introduction

1.1 Introduction

- 1.1.1 This Planning Position Statement sets out how planning policy and development control decisions can support the provision of Independent Living for Adults with Disabilities (AWD) across Essex County Council (ECC) areas.
- 1.1.2 It is intended as a guide for Local Planning Authorities (LPAs) and ECC and district stakeholders, particularly the Independent Living Programme team, Essex Housing and district councils who are actively pursuing the development of sites for AWD.
- 1.1.3 The Independent Living for AWD Position Statement sets out a definition of this type of housing, and outlines the strategic context, demand and barriers to supply. An Independent Living for AWD Design Guide is also being produced. These documents will enable LPAs to make more informed development control decisions, and will result in better quality outcomes in terms of the developments that are delivered.
- 1.1.4 It should be noted that, as a two-tier authority, ECC is not the planning authority. ECC works closely with all of the district councils, who are the LPAs, on planning matters.
- 1.1.5 When development management staff have discussions with developers interested in developing Independent Living for AWD (or specialist housing that could potentially provide this type of housing), they should:
- Send them a copy of the Independent Living for Adult with Disabilities Market Position Statement
 - Inform the Independent Living Commissioning Delivery Manager at ECC about the potential development (currently: Eda Niland: Eda.Niland@essex.gov.uk)
 - Encourage the developer to send details of their proposed development to lgateway@essex.gov.uk, as they may be able to benefit from market insight and/or ECC grant.
- 1.1.6 The Independent Living Programme team within Commissioning Delivery at ECC requests that it is an official consultee on all relevant planning applications. This would need to be set up on a discretionary basis, as ECC would not benefit from statutory status as a consultee within existing legislation and regulations. Any housing intended to be supported housing (even if the resident could potentially be those other than AWD) should be referred to the ECC Independent Living Programme Team – the team can then decide whether they should be an official planning consultee on the development in question.

2 LPA consultations

2.1 LPA consultations in June and July 2016

- 2.1.1 After consulting with LPAs in June and July 2016, it is evident that the need for Independent Living for AWD should be reflected in specialist housing policy and site allocations in local plans. This requires ECC to update and maintain evidence of current and projected housing need among adults with disabilities.
- 2.1.2 Evidence on Independent Living housing need for AWD is supplied in this document in section 4, broken down at LPA level. However, some local plan processes have gone beyond the stage that would allow site allocations and/or specialist housing policies to be changed. Despite this, the evidence can still be used to inform and defend future development management decisions in response to planning applications.
- 2.1.3 In addition to the required evidence of need, LPA consultations identified some of the significant factors likely to influence the ability of LPAs to approve planning applications for this type of housing, including:
- Overall housing targets
 - Affordable housing targets
 - Strategic growth areas and large development sites
 - Site allocations
 - Housing Mix policy
 - Specialist housing policy
 - Use class designations
 - Wheelchair accessibility targets
 - Section 106 contributions
 - The viability of development and the ability of developers to be able to negotiate out of their affordable housing commitments
 - Planning constraints such as Green Belt, flood risk, designated heritage assets and in some cases, the best and most versatile agricultural land
 - Political context.

3 Local plan timescales

3.1 When evidence of AWD housing need is required to inform local plan policies and site allocations

- 3.1.1 The Planning Inspectorate supports the government's aim for every area in England to have an adopted local plan. A local plan sets out local planning policies and identifies how land is used, determining what will be built where. Adopted local plans provide the framework for development across England and development should be consistent with the National Planning Policy Framework.
- 3.1.2 All local plan timetables are under review following the government's announcement that a local plan needs to be produced by 2017.
- 3.1.3 Local Plan stages are:
- **Issues and options (discretionary)**
 - To consider what the main aims and objectives are going to be for the Local Plan
 - **Preferred Options / Draft Plan** (statutory document stage – reg 18)
 - Provides a first draft of the Local Plan, with specific policy proposals and sites for particular uses, including areas identified for future new homes, employment and green space.
 - Consultations are invited on the Draft Local Plan at this stage.
 - **Pre-submission** (statutory document stage – reg 19)
 - Takes into account changes made following consultation on the Draft Local Plan
 - Consultation is again invited at this stage
 - **Submission to / examination by Secretary of State and Planning Inspector**
 - The inspector examines the 'soundness' of the Local Plan in a series of roundtable discussions on different issues, giving individuals and organisations the opportunity to challenge or support the Local Plan
 - **Adoption**
 - If the Planning Inspector is content that the Local Plan is sound, then the council can adopt the Local Plan taking on board any relevant recommendations from the inspector to change the Local Plan.
- 3.1.4 Most local plan policies are written to allow for up-to-date evidence to be referred to when the policies are used in practice. The demand evidence in this document and the accommodation definition in the Independent Living for AWD Programme Position Statement can be referred to when making development management decisions. Any local plans still in development can use the demand evidence to inform site allocations.

4 Demand evidence

4.1 Overall demand

1.1.1 Current demand (as of 2016) factoring in existing and pipeline supply¹

District	Estimated no. of required units currently (2016)			
	Type 1 – self-contained housing in a development	Type 2 – shared housing	Type 3 – individual self-contained property	Total
North	87	108	22	217
Colchester	53	67	13	133
Tendring	34	42	8	84
Mid	56	70	14	141
Braintree	22	27	5	55
Chelmsford	25	31	6	62
Maldon	10	12	2	24
West	62	77	15	154
Epping	30	38	8	76
Harlow	19	24	5	47
Uttlesford	13	16	3	32
South	91	113	23	227
Castle Point	23	29	6	58
Basildon	40	50	10	99
Brentwood	15	18	4	37
Rochford	13	16	3	33
Total	296	369	74	739

1.1.2 The target is for at least 100 category 3 wheelchair user dwellings M4(3) to be provided within five years (61m² for a self-contained flat). A wheelchair user bedroom within a wheelchair user ground floor of a shared house will count as one dwelling for this purpose.

1.1.3 Demand numbers by district should be viewed flexibly. They are predominantly based on the district individuals were resident in at the time demand was assessed. Evidence shows that about 20% of individuals request to change districts when they move. There may also be opportunities for a council to meet some demand of neighbouring districts.

See the appendix of the Independent Living for Adults with Disabilities Programme Position Statement for full details of the demand methodology.

4.2 Overall demand up to 2021/22

1.1.4 Demand factoring in annual population growth and existing and pipeline supply to 2021/22²

District	Estimated no. of required units by 2021/22			
	Type 1 – self-contained housing in a development	Type 2 – shared housing	Type 3 – individual self-contained property	Total
North	90	112	22	225
Colchester	55	69	14	138
Tendring	35	43	9	87
Mid	58	73	15	146
Braintree	23	28	6	57
Chelmsford	26	32	6	64
Maldon	10	12	2	25
West	64	80	16	160
Epping	31	39	8	78
Harlow	19	24	5	49
Uttlesford	13	16	3	33
South	94	118	24	235
Castle	24	30	6	60
Basildon	41	52	10	103
Brentwood	15	19	4	38
Rochford	13	17	3	34
Total	306	383	77	766

4.3 Demand for supported housing beyond 2021/22

1.1.5 For some LPAs, demand needs to be calculated up to 2025, 2030 and 2036 to be in keeping with local plan timescales. The baseline number of 739 (and its breakdown by districts on the previous page) for current need for supported housing among working age adults with disabilities in 2016, should be used to calculate future demand, based on whichever projection methodology is being used within the local plan to calculate the increase in the population of working age adults with disabilities.

² POPPI and PANSI predict an increase of 500-600 in the volume of working age adults with disabilities in Essex between 2015 and 2025. This equates to a total 10-year increase of 7.3%. This percentage has been calculated over 5 years from 2016, equalling 3.65%.

5 Housing and Planning Act 2016

5.1 Housing and Planning Act 2016 and other welfare reforms

5.1.1 The Housing and Planning Act 2016 and national welfare reforms have introduced a number of changes that are likely to diminish the amount of traditional affordable housing available, which, in turn, will impact on a LPAs ability to support the provision of supported housing. These include:

- the extension of Right to Buy to housing association tenants,
- the sale of higher value council homes that become vacant,
- the promotion of home ownership products such as Starter Homes,
- 1% rent cut per year for four years (April 2016 – April 2020) within social housing (reduction in the Local Housing Allowance (LHA) rates),
- the move to single room rent for the majority of single people under 35.

All of the above is likely to lead to longer housing register waiting lists for general needs social housing.

5.1.2 In common with most parts of the country, providers of supported housing struggle to move people on from supported housing to affordable rented housing because it is in short supply but demand remains high. Additionally, it is difficult to move people on from supported housing to the private rented sector because Local Housing Allowance (LHA) is much lower than private sector rents.

5.1.3 The cumulative impact of these factors mean that additional supported housing may be required to meet the needs of adults with disabilities due to the diminishing ability for people to 'move on' to general needs housing through the housing register within a suitable timeframe.

6 Planning context

6.1 Planning context to Independent Living for AWD

- 6.1.1 Local authorities are required by national government policy set out in the NPPF (P.47) to significantly boost their supply of new homes and to meet their full assessed need for all types of homes, according to a Strategic Housing Market Area assessment and other evidence.
- 6.1.2 It is very important therefore that the homes that are provided are of a size, type and mix which meet the needs of all those in society including older people, families and people with disabilities and that they are of a high-quality design, set in attractive neighbourhoods that offer good connectivity to places where people work with access to a wide range of community facilities and everyday services.
- 6.1.3 Legislation has been passed stipulating that local authorities require Starter Homes as part of new developments, which will fall under the definition of 'affordable housing'. Starter Homes are new homes available to buy at a 20% discount for first-time buyers aged between 23 and 40. The implications for this policy on traditional affordable housing supply will need to be considered and affordable housing policy reviewed, so that other types of affordable housing need are sufficiently met, including supported housing need. Each district sets out overall housing targets and affordable housing targets in their draft local plans, and these figures may be subject to change if the draft local plan has not yet passed examination.
- 6.1.4 Developers are able to negotiate on the amount of affordable housing they must provide on a specific site if they can prove that the requirements would make a scheme unviable. They may also negotiate to pay Section 106 funds as a planning contribution to affordable housing provision in lieu of providing affordable housing on the development site. However, many LPAs have policies in place to discourage the latter, as mixed tenure developments are advocated by the NPPF (P.50).
- 6.1.5 Increasing the pace, quantity and suitability of Independent Living for AWD in the right locations with sufficient care and support (when classified as C3, dwelling houses) will aid LPAs in meeting their housing requirements as identified in Strategic Housing Market Assessments and housing targets as set out in local plans, specifically through meeting the demographic needs and types of housing which relate to the needs of adults with disabilities.
- 6.1.6 Capital grants or subsidised land provided by ECC (or other public sector bodies) to developers specifically for this type of housing may help to boost the viability of affordable supported housing development that would otherwise not be feasible.
- 6.1.7 More suitable supported housing options may also reduce the number of adults with disabilities applying for housing through district housing registers.

7 Plan-led approaches to delivery

7.1 Housing Mix policy

- 7.1.1 Following NPPF guidance, all local plans contain a policy that promotes balanced and inclusive communities through requiring housing that provides for a mix of needs. This is usually a policy called 'Housing Mix' or 'Housing Types.'
- 7.1.2 This policy usually sets out the wheelchair accessibility minimum requirements. It is best when a policy explicitly requires a minimum proportion of dwellings to meet category 3 of part M of Building Regulations (wheelchair accessible), rather than offering a choice between providing category 2 (wheelchair adaptable) or 3. This is because developers are likely to choose the cheaper category 2 option, which is less likely to meet need.

7.1.3 Example Housing Mix policies

7.1.4 Braintree Policy LPP 28 Housing Type & Density

- 7.1.5 Braintree Policy LPP 28 Housing Type & Density seeks to create sustainable, inclusive and mixed communities 'through providing a mix of house types and size at an appropriate density for the area, which reflects local need.' It also states that:

Housing sizes should be broadly in line with the identified local need as set out in the 2015 SHMA update (or its successor), unless material considerations indicate otherwise.

All new development should be in accordance with the national technical housing standards.

10% of new market homes on sites of 10 or more dwellings must meet category 2 or 3 of part M of Building Regulations 2015 as appropriate.

7.1.6 Castle Point Policy H13 Size and Type of Homes

- 7.1.7 Castle Point Policy H13 Size and Type of Homes includes provision for extra care, LD and specialist housing. It states:
- 7.1.8 In order to achieve a more diverse local housing supply that responds to local housing need, the following sizes and types of homes should be including within the property mix of housing and mixed use development proposals:
- All sites of 0.5ha in size or greater should provide a minimum of 1 dwelling built to Part M Category 3 - Wheelchair User Dwellings standard. The requirement will increase with the size of the development at a minimum rate of 1 Part M Category 2 dwelling per 50 units. Where such units form part of the affordable housing provision they must be

wheelchair accessible. In all other cases they must be wheelchair adaptable.

- Sites of between 0.5 and 4ha should comprise at least 35% 1 or 2 bedroom homes for general needs, or at least 35% specialist accommodation for older people; and
- Sites over 4ha should comprise at least 25% 1 or 2 bedroom homes for general needs, and at least 10% specialist accommodation for older people.
- Where part 1 of this policy requires the provision of specialist accommodation for older people, it may take one of the following forms:
 - Retirement/Sheltered Housing;
 - Extra care accommodation; or
 - Part M Category 2 - Accessible and Adaptable Dwellings (formerly Lifetime Homes).
- In order to ensure that new homes offer sufficient, well designed living space to meet the needs of residents, the Nationally Described Space Standard will be applied to all new housing developments. New homes arising from the conversion of existing buildings will not be required to meet this standard, but must be designed to provide a good quality living environment, with sufficient space and light, for the level of occupancy intended.
- The requirements of this policy will be weighed against other regeneration objectives where the proposal under consideration is for a mixed use development comprising an element of housing provision and is within either:
 - A town centre location, as identified on the Proposals Map; or
 - Canvey Seafront Entertainment Area.

7.2 Specialist Housing Policy

- 7.2.1 The majority of local plans across ECC have a specific policy on specialist housing. Castle Point does not have a specific specialist housing policy but includes provision for specialist housing in its policy H13 Size and Type of Homes.
- 7.2.2 Most define specialist housing as being homes for older people, people with disabilities, young people, vulnerable adults or other specific groups who may require properties that are specifically designed and / or allocated, and may include some element of care and support for everyone who lives there.
- 7.2.3 The majority of specialist housing policies outline the need for specialist housing to:
- be in a well-served location near shops, good transport links and other necessary facilities, such as leisure and health and possibly employment and day centres
 - be of an appropriate design with appropriate landscaping and sufficient amenity and support-staff space
 - not lead to an over-concentration of one type of provision in an area
 - not negatively impact on neighbouring properties and their amenities (given the intensive use of some sites for this type of scheme).
- 7.2.4 Any evidence referred to in support of specialist housing policy is predominantly about the needs of older people, due to evidence provided in Strategic Housing Market Assessments and the Independent Living Position Statement (2015).
- 7.2.5 Some policies explicitly require there to be clearly identified need that cannot be addressed elsewhere in the district. Maldon's Policy H3 Accommodation for 'Specialist Needs' also states that it '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.'
- 7.2.6 Maldon requires that revenue funding be secured to maintain the long term viability of the scheme and that a scheme will not detrimentally impact on the capacity of public services, including health and social care.
- 7.2.7 Braintree requires parking to be provided in line with its adopted standards. It also makes provision for minor extensions to or the expansion of existing specialist housing in the countryside should certain criteria be met:
- The scale, siting and design of proposals is sympathetic to the landscape character and host property
 - The Council will have regard to the cumulative impact of extensions on the original character of the property and its surroundings

- A travel plan should be provided, which sets out how additional staff, visitors and residents will access the site and ways to minimise the number of journeys by private vehicle

7.2.8 Braintree's policy also makes clear that new specialist housing on unallocated sites in the countryside will not be supported, and that on sites allocated for specialist housing, general needs housing will not be permitted.

7.2.9 Some districts, including Maldon, state that:

- 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.

7.2.10 Brentwood makes allowance, within Draft Policy 7.7, for supported housing to be developed within the Green Belt where proposals are in accordance with Green Belt Policy 9.9, and where other policy criteria are met. Where appropriate, a condition will be imposed restricting occupation to persons requiring supported accommodation.

7.3 Site allocations for specialist housing

7.3.1 LPAs can designate sites specifically for specialist housing. For example, Policy 7.4: Housing Land Allocations in the Brentwood draft local plan contains the following site allocations for specialist housing:

001A & 001B: Land north of Highwood Close including St Georges Court, Brentwood	52 units	Redevelopment to include replacement of lost sheltered housing
098: Ingleton House, Stock Lane, Ingatestone	10 units	Redevelopment to include replacement of lost sheltered housing
099: Victoria Court, Victoria Road, Brentwood	40 units	Redevelopment to include replacement of lost sheltered housing

7.3.2 More sites may be allocated as a result of LPAs having evidence of need for Independent Living for Adults with Disabilities, as of August 2016.

7.4 Strategic Growth Areas / Large development sites

- 7.4.1 Strategic Growth Areas and large development sites may provide the opportunity for some supported housing to be provided, subject to there being sufficient evidence of need.
- 7.4.2 Paragraph 47 of the NPPF requires local planning authorities to set out policies which identify key sites which are critical to the delivery of housing over the plan period.
- 7.4.3 The key issue that spatial growth strategies aim to address is the need to increase the delivery of housing to respond to the projected need over the local plan timespan. The NPPF states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are, or can be made to be sustainable. It also states that the supply of housing can sometimes be best achieved through planning for larger scale development, such as extensions to existing villages and towns that follow the principles of Garden Cities.
- 7.4.4 Ideally, the required provision of some supported housing on large development sites should be stated in draft local plans within site allocation policies. Area / town centre action plans may also be useful to create a locational dimension in seeking to achieve new provision.

7.5 Rural exception policy

- 7.5.1 LPAs are encouraged to consider the option of a rural exceptions policy for Independent Living for Adults with Disabilities (as is provided for in the context of affordable housing by national planning policy and is common practice in local plans). This would require reliable evidence to justify such an approach.

7.6 Use of supporting evidence

- 7.6.1 The use of supporting evidence in planning-related decisions is crucial. Local plan policies tend to develop slowly, may prove inflexible or unresponsive and can be rendered out of date quickly, whereas supporting evidence is non-statutory and may be drawn from various different sources. It is therefore crucial that supporting evidence is kept up to date.

7.7 Design guidance

- 7.7.1 To ensure the quality and suitability of Independent Living for AWD, the guidance should be referred to as set out in the Programme Position Statement. Guidance is provided for three types of accommodation: 1) self-contained housing within a development, 2) shared housing, and 3) an Individual self-contained property.

8 Accessibility and wheelchair housing standards

8.1 Wheelchair accessibility and adaptability

- 8.1.1 Against a backdrop of deregulation in housing standards and associated technical standards, accessibility remains a valid requirement for authorities to seek additional standards – local authorities will need evidence to justify these. However, development viability will have to be considered along with ensuring they do not have detrimental impact on overall housing delivery.
- 8.1.2 The NPPF is clear that local planning authorities should plan to create safe, accessible environments and promote inclusion and community cohesion. This includes buildings and their surrounding spaces. Local planning authorities should take account of evidence that demonstrates a clear need for housing for people with specific housing needs and plan to meet this need.
- 8.1.3 Based on their housing needs assessment and other available datasets it will be for local planning authorities to set out how they intend to approach demonstrating the need for Requirement M4(2) (accessible and adaptable dwellings), and/or M4(3) (wheelchair user dwellings), of the Building Regulations. There is a wide range of published official statistics and factors which local planning authorities can consider and take into account, including:
- The likely future need for housing for older and disabled people (including wheelchair user dwellings).
 - Size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes).
 - The accessibility and adaptability of existing housing stock.
 - How needs vary across different housing tenures.
 - The overall impact on viability.
- 8.1.4 Part M of the Building Regulations sets a distinction between wheelchair accessible (a home readily useable by a wheelchair user at the point of completion) and wheelchair adaptable (a home that can be easily adapted to meet the needs of a household including wheelchair users) dwellings.

8.2 Part M access to and use of buildings Category 2 – accessible and adaptable dwellings M4 (2) optional requirement:

1. Reasonable provision must be made for people to:
 - a. gain access to; and
 - b. use, the dwelling and its facilities.
2. The provision made must be sufficient to:
 - a. meet the needs of occupants with differing needs, including some older or disabled people; and
 - b. to allow adaptation of the dwelling to meet the changing needs of occupants over time.

8.3 Part M access to and use of buildings Category 3 – wheelchair user dwellings M4 (3) optional requirement:

1. Reasonable provision must be made for people to:
 - a. gain access to, and
 - b. use, the dwelling and its facilities.
 2. The provision made must be sufficient to:
 - a. allow simple adaptation of the dwelling to meet the needs of occupants who use wheelchairs; or
 - b. meet the needs of occupants who use wheelchairs.
- 8.3.1 Local Plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling.
- 8.3.2 The Building Regulations for accessible and adaptable or wheelchair user dwellings require that these types of dwelling should achieve step-free access. In setting policies requiring M4 (2) and M4 (3) compliant dwellings, local planning authorities will need to assess whether this has an impact on non-lift serviced multi-storey development in their local housing mix. Where step-free access in this type of development is not viable, neither of the Optional Requirements in Part M should be applied.
- 8.3.3 Where there is a very specific and clearly evidenced accessibility need, which is outside of what is provided for by the wheelchair accessible standard, a local planning authority can have different requirements in order to meet that need. This should only be required to meet the needs of a specific individual and therefore should only be required of a home where a local authority allocation policy applies. Such a requirement would also be subject to viability considerations.
- 8.3.4 Example ECC district accessibility policies are in the table below.

District	Policy
Castle Point	H13: All sites of 0.5ha in size or greater should provide a minimum of 1 dwelling built to Part M Category 3 - Wheelchair User Dwellings standard. The requirement will increase with the size of the development at a minimum rate of 1 Part M Category 2 dwelling per 50 units. Where such units form part of the affordable housing provision they must be wheelchair accessible. In all other cases they must be wheelchair adaptable.
Braintree	LPP28: All new development should be in accordance with the national technical housing standards. 10% of new market homes on sites of 10 or more dwellings must meet category 2 or 3 of part M of Building Regulations 2015 as appropriate.
Brentwood	7.2: Requires developments of 20 or more dwellings to provide a minimum of 5% that are suitable or easily adaptable for occupation by the elderly or people with disabilities to the requirements of Building Regulation M4(2) or M4(3).

9 Use class designations

9.1 Use class designations and impact on planning conditions

9.1.1 Use classes for supported housing can vary according to its nature. The Town and Country Planning (use classes) Order 1987 (as amended) provides the following definitions:

Use Class C2 (bold added):	Use Class C3 is a dwelling house and defined as (bold added)
Use for the provision of residential accommodation and care to people in need of care (other than a use within a class C3 (dwelling house)). Use as a hospital or nursing home. Use as a residential school, college and training centre.	<p>C3(a) those living together as a single household – a family</p> <p>C3(b) those living together as a single household and receiving care</p> <p>C3(c) those living together as a single household who do not fall within C4 definitions of a house in multiple occupancy.</p>

9.1.2 Care is defined in the original order as:

- Personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or past or present mental disorder.

9.1.3 All three types of supported housing – as defined in the Independent Living for Adults with Disabilities Market Position Statement (October 2016) – fall within the definition of **Use Class C3(b)**, and will therefore contribute to affordable housing targets. Anything that falls outside of the accommodation definition in the Market Position Statement will require the use class to be determined by the LPA.

- **Self-contained supported housing** – where occupants have their own home within a development (within a block or cluster of the same type of provision or within a larger mixed development). Support is provided as and when required by staff 24/7 (either on site or close by) in addition to a support package based on the care and support needs of the individual tenants.
- **Shared supported housing** – where occupants have their own room (preferably with ensuite bathroom/wetroom and possibly kitchenette), but share kitchen, dining, living and ancillary areas with other residents. Support is delivered by staff who may have an office and/or sleep-in space within the property or visit on a regular basis.
- **Individual self-contained (adapted) property** – could be shared by more than one person in instances where individuals wish to live together and decide to jointly rent or purchase a property in the community. These properties are often located in close proximity to other forms of supported housing as part of a ‘hub and spoke’ model of support and care.

9.2 Houses of Multiple Occupation (HMO)

9.2.1 The shared housing developed to provide Independent Living for Adults with Disabilities across ECC areas will not fall within the definition of an HMO.

9.2.2 The definition of a HMO from the Housing Act 2004:

- rented to 5 or more people who form more than 1 household
- at least 3 storeys high
- tenants share toilet, bathroom or kitchen facilities

Characteristic	Type		
	Self-contained housing in a development	Shared housing	Individual self-contained property
Type	Purpose-built/remodelled or repurposed accessible, AT-enabled self-contained property, clustered on a site or within a larger mixed tenure development	Purpose-built/remodelled or adapted, AT-enabled property comprising bedrooms plus shared kitchen, dining and living areas	Adapted, AT-enabled general needs house or flat
No. of units	3–12	2–4	1-2
Building storey heights	1–2	1–2	1
Use Class	C3(b)	C3(b)	C3(b)
HMO licence	No	No	No

10 Section 106 contributions

10.1 Section 106 contributions

- 10.1.1 Section 106 contributions are an important mechanism through which Independent Living for AWD is delivered. This is both through providing Independent Living for AWD at affordable rents as part of mixed-tenure developments, and through land or financial contributions through which this type of housing can be delivered by ECC delivery methods.
- 10.1.2 At the time of writing, it seems that LPAs will be able to determine whether developers of Starter Homes should be required to make Section 106 contributions. Given that Starter Homes are likely to reduce the amount of other affordable housing provision, including supported housing, it is recommended that Section 106 contributions are required from developers of Starter Homes, so this can fund other types of affordable housing to meet a wider range of need.
- 10.1.3 Few Essex local authorities yet have Community Infrastructure Levies (CIL) in place. CIL cannot be used (as S106 obligations are) to require particular housing types such as supported housing. Once CIL is adopted by an authority, its implications on supported housing delivery will have to be considered.

11 Practical ways to enable the provision of Independent Living for AWD

11.1 Converting residential care into supported housing

11.1.1 When converting a residential care home into supported housing, the developer will need to consider:

- Alterations and a change of use from an institution to a domestic dwelling
- Building control issues
- General design.

11.1.2 The developer should request a pre-application advice meeting with the LPA to seek guidance on specific proposals regarding the above.

11.1.3 The developer should also regularly liaise with the Care Quality Commission to ensure that the new arrangements will meet the definition of supported living. Key areas to consider are:

- Tenancy rights and responsibilities
- Issues of mental capacity
- Clear partnership arrangements are in place underpinned by a service level agreement between the housing and care and support providers
- In order for a provider of a supported living service to be correctly registered to carry on 'personal care' rather than 'accommodation for persons who require nursing or personal care,' there must be a clear separation between the provision of care and the provision of accommodation, and the provider must maximise the choice and control of the tenants.

11.2 Converting existing housing into supported housing

11.2.1 The majority of interest regarding supported housing is from small developers interested in converting existing buildings, such as bungalows, either into a number of self-contained supported housing flats or into an adapted dwelling for shared or single occupancy.

11.2.2 Through district consultations, a number of sheltered housing schemes were identified as not fit for purpose and could potentially be redeveloped to provide supported housing.

- 11.2.3 Most councils do not offer specific guidance for planning applications of this type however each council offers a pre-application advice scheme for specific proposals.
- 11.2.4 Maldon's LDP Policy H3: Accommodation for 'Specialist' Needs sets out some policy considerations on this. This states that proposals for specialist needs will be supported where: there is a clearly identified need; it is in a sustainable location and close to services, etc; it can be demonstrated that it is designed and managed to provide the most appropriate types and levels of support; long term viability is secured; and the scheme is supported by the relevant statutory agencies. Proposals that result in the loss of specialist needs accommodation will not be supported unless they can demonstrate that there is no longer a need or alternative provision is being made.

11.3 Council-owned small garage sites

- 11.3.1 Due to the small scale of many supported housing schemes, some district councils are keen to develop supported housing, either directly or with partners, on small garage sites. There are often rights of way and privacy issues with these sites, so it would be useful to establish a consistent planning approach for developing this type of site into supported housing.

11.4 Ensuring affordable accommodation in the right locations for health, social care and care workers.

- 11.4.1 Surrey County Council are running a programme to ensure the availability of affordable housing in the right locations for health, social care and care workers. This may be a requirement in Essex that should be reflected in draft local plan policy, though it is not currently.