

Lambeth Council response to Mr Kemmann-Lane's questions about nursing home accommodation and associated CIL rates – 11 May 2021

Mr Kemmann-Lane's questions are reproduced below in black text. Lambeth Council's response is given in blue text after each question.

Initial Examiner question 05/05/21

With particular reference to Ms Carney's reply, this is a case where comments from the council would be helpful. She has concentrated on Southwark LB in her response to me (no doubt the CSCB development would serve Southwark residents as well), in particular she refers to a Southwark Cabinet Report of April 2019. This leads me to wonder what consultation the CIL team had with Lambeth's department responsible for adult social services, and whether that department has any views about viability of extra care homes. It seems to me that Ms Carney's paper and attachment demonstrate an overwhelming demand for extra care accommodation, including demand from people rich enough to pay the high charges to cover high development costs. But the adult social service element of the council may regard this as leaving a major problem unsolved. If that is the case, where does any need for that service find expression in terms of the viability of development?

The question of the need for additional nursing home accommodation in the borough of Lambeth was the subject of extensive debate between CSCB and the Council/NHS, supported by opposing statements, during the recent examination hearing for the Draft Revised Lambeth Local Plan (DRLLP). As part of this process, the Council's Local Plan team (which works closely with the CIL team and shares the same evidence on infrastructure and viability) had extensive engagement with Lambeth's department responsible for adult social services – known as the Council/NHS Integrated Commissioning Team. Indeed, the Associate Director of Integrated Commissioning provided written evidence to, and acted as a witness at, the relevant session of the Local Plan examination hearing.

In short, the Council/NHS position is that there is sufficient nursing home accommodation in the borough to meet identified need during the Plan period and therefore planning applications for additional nursing home accommodation in the borough will not be supported. The Council put forward modified wording for inclusion in the DRLLP to make this clear, whilst also giving clearer support for other forms of older persons' accommodation. Please note that the Council/NHS concern relates to the lack of need for additional C2 nursing home accommodation specifically. There is no question with the need for additional C3 extra care accommodation in the borough.

A key part of the Council/NHS position is that the CSCB evidence on need for nursing home accommodation (the evidence cited by Ms Carney in her response to the CIL Examiner dated 23 April 2021) is fundamentally flawed. The reasons for this are set out in detail in the statements made by the Council/NHS to the

DRLLP examination. Links are provided below – see in particular the joint Council/NHS rebuttal statement highlighted in yellow below. This directly addresses the question of engagement with LB Southwark and sets out specific references to recent 2019 Care Quality Commission evidence supporting the Council/NHS position, as well as to the Lambeth SHMA 2017, which was prepared in accordance with the requirements of national planning policy and guidance.

The Local Plan Inspector’s proposed main modifications to the DRLLP, published in January 2021, support the Council/NHS position by including as a main modification the wording put forward by the Council. The main modifications were the subject of public consultation between February and March 2021. CSCB responded to that consultation, continuing to press the arguments they rehearsed during the examination hearing. All responses to the main modifications consultation, including that from CSCB, are now with the Local Plan Inspector for his consideration. We understand he expects to issue his final report by end May 2021.

Regarding the relationship between this debate and CIL, the Council’s proposed CIL rate is necessary because it covers a wide range of specialist housing, including self-contained sheltered housing, self-contained extra care schemes and care homes. Care homes should be included in the rate in the event that a new development comes forward that re-places provision within an existing facility (rather than adding to the total stock of accommodation in the borough).

Please find below the links to the various statements made by the parties to the DRLLP examination on this issue, including a statement of common ground between CSCB and the Council.

Council statement on Matter 3.7 – Older people’s housing (see pages 11-13)

https://www.lambeth.gov.uk/sites/default/files/pl-Matter3_000_LB_Lambeth_0.pdf

CSCB statement on Matter 3.7 – Older people’s housing

https://www.lambeth.gov.uk/sites/default/files/pl-Matter3_R037_CoinStreetCommunityBuilders_%28CarneySweeney%29.pdf

CSCB supplementary statement on Matter 3.7

https://www.lambeth.gov.uk/sites/default/files/pl-Matter3_R037_CoinStreetCommunityBuilders_%28CarneySweeney%29-supplementary.pdf

Council/NHS response to CSCB supplementary statement – **this statement specifically identifies the issues with the CSCB commissioned Kingsbury Hill Fox report and presents alternative evidence from the NHS and Care Quality Commission. It also sets out the position in relation to Southwark.**

<https://www.lambeth.gov.uk/sites/default/files/pl-Matter3 %20LBLNHS response to CSCB supplementary statement 6November2020.pdf>

Statement of Common Ground between the Council, CSCB and Home Builders' Federation in relation to older persons' housing:

<https://www.lambeth.gov.uk/sites/default/files/pl-LBL13 Action 9 SCG Matter 3.7 HBF and CSCB.pdf>

Proposed main modifications - the Inspector's covering note:

<https://beta.lambeth.gov.uk/sites/default/files/2021-02/Main%20Modifications%20note%20from%20the%20inspector.pdf>

The schedule of proposed main modifications – see MM19 and MM20 on pages 14-15:

<https://beta.lambeth.gov.uk/sites/default/files/2021-02/Schedule%20of%20proposed%20modifications.pdf>

CSCB response to proposed main modifications:

https://beta.lambeth.gov.uk/sites/default/files/2021-04/pl_R037MM_CarneySweeney for Coin Street Community Builders.pdf

Further Examiner questions issued with hearing agenda 10/05/21

Representations have been made on behalf of Coin Street Community Builders in respect of its opportunity, from 2025, to develop Prince's Wharf and Gabriel's Wharf to include a 76 bedroom nursing home. The evidence that it provides shows a clear need for such accommodation and the difficulty of making provision for local authority funded residents at fees that are affordable. However, if I have understood correctly, high-income self-funding residents will be willing to pay high fees for high quality facilities and locations, so that the viability of such schemes is not necessarily in doubt. I am far from clear about the implications of this for CIL. I have asked a further question, which at present I am awaiting a reply.

Please see the response above in relation to the need for additional nursing home accommodation in the borough.

The Council has not been presented with information about the proposed business model that CSCB would use for its proposed nursing home. This proposal has not been the subject of any formal pre-application discussions or a planning application. It is therefore not possible to pass comment on whether there would be any viability issues with this model. The Council is not aware of any evidence presented to this CIL examination to that effect. If a proposal came forward that provided subsidised places, that may be eligible for CIL relief (as already stated) – although it is not possible to say for certain absent any detailed information about what might be proposed.

In general terms, the Council is not aware of any evidence that places the viability of new care home accommodation in doubt.

In document LCX 03 Regulation 19 Submission Statement the council also notes that "Where a nursing care home being developed is owned by a charity and will be run for a charitable purpose or to support the charity, the development may apply for charitable relief, either mandatory or discretionary". I presume that this statement cannot be made specifically in respect of Coin Street Community Builders until such time as the precise nature of the development/management of this element of the scheme can be clearly demonstrated.

That is correct – see above. Furthermore, if CSCB do wish to bring forward a nursing care development (contrary to the position set out above), it would be possible to structure the development so that it benefits from charitable relief. CIL would therefore not be an issue for the viability of any scheme.