



Matter 2: Planning for Growth

Examination of the Cheshire East Local Plan Site
Allocations and Development Policies Document

for Emery Planning and Clients

Emery Planning project number: 17-087

Emery Planning
1-4 South Park Court,
Hobson Street
Macclesfield, SK11 8BS
Tel: 01625 433 881

www.emeryplanning.com

Emery Planning
Regus House,
Herons Way
Chester Business Park, CH4 9QR
Tel: 01244 732 447



unlocking development opportunities

Project : 17-087
Site address : Representations to the
Cheshire East Site
Allocations and
Development Policies
Document, .
Client : Emery Planning and
Clients
Date : 01 October 2021
Author : Ben Pycroft

This report has been prepared for the client by Emery Planning with all reasonable skill, care and diligence.

No part of this document may be reproduced without the prior written approval of Emery Planning.

Emery Planning Partnership Limited
trading as Emery Planning.

Contents:

1. Introduction	1
2. Matter 2 – Planning for Growth	1

1. Introduction

1.1 This statement addresses the Inspector's questions in relation to Matter 2. It should be read alongside Emery Planning's general representations made to the revised publication draft SADPD and those specific representations made by or on behalf of the following clients: Boars Head Estates LLP, William Beech Skip Hire, Mr G Jackson, Harwil Development Co. Ltd, Henderson Homes, HIMOR, Elle R Leisure, Mr C Matchett, Mr C Brennan, Mr B Batley, MSB Developments, QDOS Developments, Messrs Silvester & Rigby, JJJ Heathcote, Simply UK, Somerford Park Farm, Mr and Mrs Dixon, Mr T Hill, Mr & Mrs Jones, Wainhomes, Jones Homes and Warford Park.

2. Matter 2 – Planning for Growth

Development at Local Service Centres (Policy PG 8 and Site HCH 1)

11. Is Policy PG 8 consistent with the strategy in the LPS for growth and the spatial distribution of development at the LSCs, and with the relevant provisions of national policy? In particular:

a) Should it include a disaggregation of the indicative levels of development for the LSCs, of 3,500 dwellings and 7ha of employment land, to individual settlements, in order to ensure decisions are plan-led and that the needs of individual settlements are met?

2.1 Yes:

- Paragraph 66 of the Framework explains that a housing requirement for designated neighbourhood areas should be set out in strategic policies;
- Paragraph 8.72 of the CELPS explains that *“given the diverse nature of settlements in Cheshire East, each with different needs and constraints, it is appropriate to set indicative levels of development by settlement”*;
- The CELPS was found sound partly based on a commitment to disaggregate the 3,500 dwelling figure through the SADPD as set out in paragraph 90 of the CELPS Inspector's Report;
- There is no justification for departing from the previous approach which was to disaggregate the 3,500 figure as set out in paragraphs 2.8 to 2.18 of our general representations; and
- Without disaggregating and then allocating a spread of housing sites across the borough, it may lead to a disproportionate amount of development in certain parts of the borough, thus exacerbating affordability and availability problems in other areas.

b) Should it set out indicative housing levels for designated neighbourhood areas, to provide an effective framework for neighbourhood plans?

2.2 Yes – this would be in accordance with paragraph 66 of the Framework and the Council has not demonstrated why it would not be possible to do so in the context of paragraph 67 of the Framework.

c) Is it positively prepared and justified in relying on existing commitments and windfall development to meet the indicative level of housing development for LSCs, set in Policy PG 7, rather than allocating additional sites at the LSCs?

2.3 No. The SADPD should allocate land for at least 1,125 dwellings in the LSCs. That was the commitment by the Council at the time the CELPS was examined as set out in paragraph 88 of the CELPS Inspector's report and in table A.3 of the CELPS.

2.4 Reliance should not be placed on windfall sites coming forward, securing planning permission and delivering dwellings. Very few dwellings have been approved and completed on sites which were not already included in the supply at the time the CELPS was adopted.

2.5 Within this context, we note that table 1 (p.2) of CEC/01 (the Council's response to the Inspector's Initial questions) answers Q1a of INS/02 and states that:

- 411 dwellings remain on windfall sites in LSCs which were granted permission on or before 26/07/17; and
- 782 dwellings remain on windfall sites in LSCs which were granted permission after 26/07/17.

2.6 Paragraph 6 of CEC/01 then states that it is evident that further housing supply is still being secured on windfall sites in LSCs. We disagree with this claim. This is because whilst permission may have been granted on these sites after 26/07/17, many of these sites were already included in the supply as commitments. Our analysis demonstrates that at 31/03/20 only 265 dwellings remained on windfall sites in LSCs which were not already included in the supply at 31/03/17 (according to the Housing Monitoring Update with a base date of 31st March 2017) and 928 dwellings remain on windfall sites in LSCs that were already included in the supply at 31/03/17 (i.e. before the CELPS was adopted):

	Already Included in HMU 2017	Not in HMU 2017	Total
Alderly Edge	32	43	75
Audlem	48	4	52
Bollington	114	27	141
Bunbury	19	37	56
Chelford	79	0	79
Disly	22	12	34
Goostrey	1	0	1
Haslington	235	5	240
Holmes Chapel	296	22	318
Mobberly	2	0	2
Prestbury	1	30	31
Shavington	61	82	143
Wrenbury	18	3	21
Total	928	265	1193

2.7 Similarly, table 2 (p.2) of CEC/01 answers Q1b of INS/02 and claims that:

- 32 net dwellings were completed on windfall sites in LSCs in 2018/19 on sites where permission has been granted since the CELPS was adopted; and
- 206 net dwellings were completed on windfall sites in LSCs in 2019/20 on sites where permission has been granted since the CELPS was adopted.

2.8 We have reviewed the net completions in the LSCs in 2018/19 and 2019/20 and compared these with the commitments at 31st March 2017. Most of the sites were already included as commitments at 31st March 2017. Our analysis demonstrates that only 9 net dwellings were delivered in 2018/19 on sites which were not already included in the supply at 31/03/17 and -1 net dwellings were delivered in 2019/20 on sites which were not already included in the supply at 31/03/17:

Settlement	2018/19	Not in supply at 31/03/17	
Alderley Edge	10	1	6196 – Netherbrook = 1
Audlem	51	2	4778 – Kinsey House = 2
Bollington	46	1	3415 – Land adj. Highfield Road = 1
Bunbury	15	0	
Chelford	47	0	
Disley	31	3	5955 – 10, Buxton Old Road = 3
Goostrey	1	0	
Haslington	82	1	968 – 69 Crewe Road = 1
Holmes Chapel	118	0	
Mobberley	1	0	
Prestbury	17	2	2269 – The Horners = 1 4674 – Ash Cottage = 0 5944 – 1, Butley Lanes = -1 5994 – Broad Oak = 1 6051 – Dale House = 1 6340 – Dingle = 0
Shavington	63	0	
Wrenbury	23	0	
Total	505	9	

Settlement	2019/20	Not in supply at 31/03/17	
Alderley Edge	15	-1	6310 – 7A London Road = 1 6382 – 71A London Road = -1 6735 – Stables, Tempest Road = -1
Audlem	60	-2	6538 – 18, Stafford St = -2
Bollington	4	4	3422 – Land at High Street = 1 4014 – 95, Palmerston Street = 1 6229 – Corner of Albert Road and Moss Brow = 2
Bunbury	15	0	
Chelford	70	0	
Disley	26	1	6012 – Disley Autos = 1
Goostrey	1	0	
Haslington	47	0	
Holmes Chapel	113	0	
Mobberley	1	0	
Prestbury	2	-3	4218 – Burley Lane = 0 6234 – Mount View = -1 6435 – Hollybrook House = -1 6450 – 6 Marl Edge = 0 6651 – Greenedge = -1

			6687 – Middlehey = -1 6740 – 1, the Village = 1
Shavington	52	0	
Wrenbury	12	0	
Total	418	-1	

2.9 Paragraph 5.10 of the Council's Report to the Strategic Planning Board (02 October 2020) sets out why the removal of housing allocations at Local Service Centres is justified which is that "There is evidence that now, **arguably**, points to a different conclusion being reached in relation to the allocation of further housing sites at the LSCs". The full reasons are set out and our representations at the Publication Stage addressed each and we will address these at the Examination, but by the Council's own admission, the case is 'arguable' and rests on an increase in the supply of 12 homes. We do not see this as justification to depart from PG7 which seeks to deliver the homes where they are required.

12. Are the other policies in the LPS and SADPD sufficiently flexible to enable the remaining part of the indicative level of housing development for LSCs, set in Policy PG 7, to be met from further windfall sites? Is there any substantive evidence of opportunities for further windfall development on sites within the proposed Settlement and Village Infill Boundaries?

- 2.10 No. The proposed settlement boundaries for the LSCs largely relate to those set in the previous local plans within the context of an entirely different planning regime which sought to restrict housing growth in Cheshire and increase it in the city centres of Manchester / Salford and Liverpool. These settlement boundaries are not sufficiently flexible to enable the remaining level of housing development for LSCs to deliver dwellings within the existing settlement boundaries.
- 2.11 The proposed amendments to the settlement boundaries have been drawn too tightly around committed development, leaving few if any opportunities for windfall development.
- 2.12 As we set out in our general representations, within the Jodrell Bank Consultation Zone, which affects several of the LSCs, the Council applies a moratorium on house building where there is a net increase of 1 dwelling or more.

13. Is there a need for further site allocations for housing at the LSCs to be included in the SADPD to ensure the indicative level of housing development set in Policy PG 7 of the LPS will be met in full and the need for affordable housing addressed, in particular at settlements within the North Cheshire Green Belt?

- 2.13 Yes. Further site allocations are required and these should set out an indicative level of housing development to deliver both open market and affordable housing. Reliance on windfall sites alone coming forward would not ensure that the minimum housing requirement for the LSCs is met or ensure the delivery of much needed affordable homes in the LSCs.
- 2.14 Further sites are required in the SADPD to assist the Council in delivering affordable housing, including in LSCs. Paragraph 12.44 of the CELPS states there is an objectively assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year. However, the latest data reveals that there are currently 9,389 households on the Cheshire East Homes Choice Waiting List. This compared to 6,018 households on the waiting list in 2014 when the OAN for affordable housing was calculated¹.
- 2.15 Therefore, the number of households on the Council's affordable housing waiting list has increased significantly since the CELPS was prepared and adopted. Whilst it is not the role of the SADPD to re-assess the housing requirements and strategic policies of the CELPS, its function does include the need to allocate sites of less than 150 dwellings / 5 hectares, and to set the distribution of housing and allocate sites in the LSCs and other settlements and rural areas. Furthermore, paragraph 16.7 of the CELPS identifies the bringing forward of new sites through the SADPD as contingency measure for addressing changing conditions. The latest evidence on affordable housing need is therefore a significant material consideration which should be considered and addressed through the SADPD.

¹ Cheshire East Housing Development Study 2015, Figure 36

Settlement Boundaries (Policy PG 9)

26. Is the principle of defining Settlement Boundaries consistent with the strategic policies in the LPS and with national policy in enabling the delivery of sustainable development?

2.16 Yes. However, the SADPD:

- fails to define settlement boundaries for the Other Settlements and Rural Areas (OSRA). This is contrary to footnote 34 (page 70) and paragraph 8.34 of the CELPS, which explain that settlement boundaries will be reviewed and defined through the SADPD;
- fails to logically round off settlements;
- removes settlement boundaries from currently defined settlements. Given that the existing settlement boundaries were drawn at a time when development needs were much lower and the Council is now seeking to deliver a minimum of 36,000 new homes by 2030, it is very surprising that the Council now proposes to remove some of the existing settlement boundaries; and
- therefore provides limited opportunities for windfall development to come forward within settlement boundaries.

27. With particular reference to the Settlement and Infill Boundaries Review (SIBR) and the individual Settlement Reports:

a) Is the methodology for the review and definition of detailed Settlement Boundaries robust?

2.17 Yes.

b) Have the criteria and judgements used to inform the choice of Settlement Boundaries been consistently applied?

2.18 No. Whilst Stages 2 and 3 of ED06 explained that physical features and the built up area boundary would be considered, this has not been consistently applied as set out in our representations on behalf of our clients listed above.

c) Are the proposed Settlement Boundaries justified on the basis of proportionate evidence?

2.19 No. In the absence of further allocations in the SADPD, the settlement boundaries are not justified as they would not ensure that the overall housing requirement would be met in the plan period.

28. Will the Settlement Boundaries defined on the Draft Policies Map be effective in enabling further windfall sites to come forward, to meet the remaining unallocated element of the indicative level of housing development at the LSCs, and elsewhere in the borough?

2.20 No. Please see our response to question 12 above.

2.21 If no further allocations are to be proposed, the settlement boundaries should ensure that further windfall sites could come forward. This is for the reasons set out in our overall representations with reference to:

- Providing a realistic prospect of meeting the overall housing requirement – many of the strategic sites have not come forward as they were expected to in the trajectory set out in the CELPS;
- Ensuring that the Council can demonstrate a five year housing land supply;
- Meeting the need for affordable housing in Cheshire East; and
- Providing flexibility to accommodate development needs from HS2.

29. Is there any substantive evidence to demonstrate that any of the proposed Settlement Boundaries are not justified in defining the boundary between the built-up area of the settlements and the open countryside?

2.22 Yes – please refer to our representations on behalf of our clients as listed above.

2.23 Furthermore, we refer to an appeal decision of March 2021 in relation to the land off Crewe Road, Winterley². The SADPD proposes the site's existing designation as open countryside to be retained. The appeal for residential development was allowed, despite the identified conflict with the development plan and the presence of a five-year housing land supply, Inspector Ware noted at paragraph 31:

"In my view, although the site retains some elements of the wider area, it makes almost no contribution to that landscape because of its location and surroundings. It has essentially become a remnant open area, of no particular benefit, in an otherwise largely urban landscape."

2.24 At paragraph 32, the Inspector concluded:

"Overall, the change in land use would be in conflict with the development plan policies referenced above. However the extent of the harm to the

² APP/R0660/W/20/3251104

character and appearance of the area is significantly reduced by the existing enclosure of the site and its relationship to the surrounding built development."

2.25 The appeal decision supports our criticisms as to how the methodology has been applied and the how settlement and infill village boundaries are drawn. Details of the site are provided in Footprint Land's Regulation 19 representations.

30. Policy PG 9 allows for neighbourhood plans (NPs) to define settlement boundaries for settlements in the OSRA tier and Policy PG 10 defines a number of settlements in the OSRAs as Infill Villages with Village Infill Boundaries. To avoid inconsistencies between settlement boundaries defined in NPs and village infill boundaries defined by the Local Plan, and to ensure the SADPD is effective, clear and unambiguous in guiding the locations for development in the OSRA, is there a need for Policy PG 9 to be modified to ensure any settlement boundary defined in a NP is consistent with Village Infill boundaries defined in the SADPD?

2.26 For the reasons set out below and our in our original representations, we object to the inclusion of village infill boundaries.

Infill Villages and Village Infill Boundaries (Policy PG 10)

31. Is the principle of identifying Infill Villages and Village Infill Boundaries justified as an appropriate strategy for managing development in the Open Countryside and providing for proportionate development in settlements within the Other Settlements and Rurals Areas (OSRA) tier of the settlement hierarchy? Is it consistent with the LPS and with national policy in enabling the delivery of sustainable development in the rural areas?

2.27 No. It is a blanket policy, which seeks to restrict housing development in these villages. This is contrary to paragraphs 78 and 79 of the Framework which state that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. It is also contrary to paragraph 67-009 of the PPG.

32. Given that the housing and employment land supply from completions and existing commitments within the OSRA already exceeds the indicative levels of development identified for this settlement tier in Policy PG7 of the LPS, is there a need for these indicative levels of development to be disaggregated to individual settlements or for any further sites to be allocated within the OSRA to ensure the SADPD is consistent with the LPS and national policy?

2.28 Yes. The Council's decision not to disaggregate the housing requirement for the OSRA is contrary to paragraph 66 of the Framework. Without the figure properly disaggregated to at least the neighbourhood plan areas, due to the size of the area involved, it is not possible to know whether the 2,950 dwelling figure is to be met appropriately across the Borough and whether the needs of specific settlements are being met.

2.29 The Council's justification for not disaggregating the requirement rests entirely on the claim that the numerical requirement can be met by existing commitments and completions (paragraph 3.4 of ED46). However:

- Firstly, we do not consider the housing requirement for the borough or the requirement to demonstrate a five year housing land supply will be met as we set out in our representations;
- Secondly, we do not agree that the requirement for the OSRA would be met as this assumes all of the commitments will be built. There is a shortfall of 131 dwellings against the requirement plus flexibility factor of 15%;
- Thirdly, even if the overall requirement for the OSRA were met, the specific needs of each settlement should be assessed and accounted for. It is unclear how housing will be located sustainably in the OSRAs in the absence of a disaggregated requirement

- Fourthly, this approach does not reflect paragraphs 79 and 84 of the Framework and paragraph 67-009 of the PPG which require policies to identify opportunities for villages to grow and thrive, especially where local services would be supported.

2.30 The decision not to allocate any sites in the OSRA is contrary to paragraphs 8.34, 8.72 and 8.73 and footnote 35 of the CELPS. It is also contrary to the CELPS in that the flexibility allowance has been removed on the basis that windfall sites will continue to come forward. It is not known whether this will be the case and therefore the flexibility allowance for the OSRA should be re-instated.

2.31 Finally, without allocations through the SADPD the only way land would be allocated would be through Neighbourhood Plans however many Neighbourhood Plans do not allocate any land.

33. With particular reference to the Council's response to the Inspector's Initial Question 5, is the definition of 'limited infilling' in Policy PG 10 consistent with Policy PG6 of the LPS?

2.32 No. The definition of "limited infilling" is inconsistent with that set out in policy PG6 of the CELPS. As set out in our representations, an assessment as to whether a development constitutes "infill development" should not be prescribed through the local plan process and can be made "on the ground" with due regard to site specific circumstances. A blanket restriction is contrary to national planning policy and guidance.

34. With particular reference to the evidence set out in the SIBR, is Policy PG 10 justified in not defining all of the settlements within the OSRA as villages suitable for limited infilling?

2.33 No. The policy is not justified. Whether a settlement is a 'village' is a matter of planning judgment and it is dependent on a wide range of factors. Such assessment can only be properly made on a case by case basis. By restricting limited infilling to only those settlements with an infill boundary would be contrary to national planning policy.

35. With reference to the SIBR, is the methodology used to define Village Infill Boundaries robust? Have the criteria and judgements used to inform the choice of Village Infill Boundaries been consistently applied? Are the Boundaries justified on the basis of proportionate evidence?

2.34 No. The methodology is not robust. The infill boundaries have been drawn so tightly around the settlements that they would allow few (if any) opportunities for any infill development to take

place. The SIBR (ED 06) provides very little detail as to how specific boundaries have been selected. Table 10 (page 45 of ED06) provides little if any description of key features and how the 'built curtilage of the village' has been arrived at.

36. Is there any substantive evidence to demonstrate that any of the proposed Village Infill Boundaries are not justified?

2.35 Please refer to our answer to Q35 above.

37. Have the Village Infill Boundaries defined on the Draft Policies Map been positively prepared and will they be effective in enabling further windfall sites to come forward to support sustainable development in the OSRA?

2.36 Please refer to our answer to Q35 above.

Local Green Gaps (Policy PG 14)

41. With particular reference to the Council's response to the Inspector's Initial Question 6, does Policy PG 14 serve a clear purpose in providing a consistent policy approach to the protection of local green gaps or green wedges identified in Neighbourhood Plans and the consideration of development proposals within them or will it unnecessarily duplicate the policies and proposals of those plans?

2.37 The proposed policy unnecessarily duplicates policies and proposals of Neighbourhood Plans. Please refer to our objections to this policy on behalf of HIMOR (Land) Ltd (pages 15-17). We maintain that there is no reason or purpose for this policy, which simply seeks to defer the issue in relation to Local Green Gaps to Neighbourhood Plans. It should be deleted for the following reasons:

- Firstly, whilst paragraph 8.64 of the CELPS states that the SADPD will consider whether further, more localized gaps are required, no more gaps are proposed. Instead, the SADPD defers to Neighbourhood Plans;
- Secondly, PG 14 seeks to introduce policy for all as yet unidentified prospective green gaps, whereas if they come forward, the Neighbourhood Plans themselves will need to set out policy on a case by case basis.;
- Thirdly, PG 14 simply repeats the restrictive provisions of PG 5 of the CELPS, however PG 5 was based on evidence on the role, nature and specific circumstances of the strategic gaps and this assessment has not been undertaken for local green gaps through the SADPD; and
- Fourthly, PG 14 is unclear that it would not apply to existing green gaps / green wedges in neighbourhood Plans. If that is the intention, it would be illogical to add further policy protection to gaps / wedges that have already been identified and have their own policy wording / provisions.