



Cheshire East Local Plan

Site Allocations and Development Policies Document

Cheshire East Council Hearing Statement

Matter 3: Housing

Hearing dates: Fri 15 & Tues 19 Oct 2021

Introduction

1. This hearing statement has been prepared by Cheshire East Council in response to the Inspector's Matters, Issues and Questions for the Examination Part 1 [INS/08] and addresses Matter 3: Housing.
2. The abbreviations used in this hearing statement are as defined in the Inspector's MIQs.

Key Documents

3. The following key documents are relevant to this response:
 - Local Plan Strategy [BD 01]
 - Authority Monitoring Report 2019/20 [BD 04]
 - Council response to Inspector's initial questions [CEC/01]
 - Revised Publication Draft SADPD [ED 01a]
 - Revised Publication Draft SADPD Sustainability Appraisal [ED 03]
 - SADPD Habitats Regulations Assessment [ED 04]
 - Gypsy, Traveller and Travelling Showpeople Accommodation Assessment 2018 [ED 13]
 - Gypsy, Traveller and Travelling Showpeople Site Selection Report [ED 14]
 - Cheshire East Residential Mix Assessment 2019 [ED 49]
 - Local Plan site allocations and development policies viability assessment [ED 52]
 - Regulation 20 Representations Statement (Consultation Statement Part II) [ED 56a]
 - Nationally Described Space Standards Justification Paper [ED 57]

Accommodation for Gypsies, Travellers and Travelling Showpeople (Policies HOU 5a, HOU 5b and HOU 5c; and Site Allocations G&T 1-5, G&T 8 and TS 1-3)

Q42 Does the Gypsy, Traveller and Travelling Showpeople Accommodation Assessment 2018¹ (GT&TSAA) provide a robust evidence base to establish the need for Gypsy and Traveller and Travelling Showperson (GT&TS) accommodation, including the needs of unknown households and households that do not meet the definition of gypsies and travellers in Annex 1 of the Planning Policy for Traveller Sites (PPTS)?

4. The GT&TSAA [ED 13] was prepared by Opinion Research Services on behalf of Cheshire East, Cheshire West and Chester, Halton, and Warrington Council's. In line with Policy A of the PPTS, the GT&TSAA [ED 13] has identified the likely permanent and transit accommodation needs of the area over the lifespan of the Local Plan, working collaboratively with neighbouring local planning authorities.

¹ Core document ED13

5. The GT&TSAA [ED 13] should be seen as a robust and comprehensive evidence-based assessment of the current and likely future need for accommodation for Travellers in Cheshire East who meet, or who may meet (unknown/undetermined households) the current planning definition of a Gypsy or Traveller as set out in the PPTS. The approach taken is consistent with ¶61 of the NPPF (2021) that asks that the housing need for different groups be assessed and reflected in planning policies. Footnote 27 of the NPPF (2021) confirms that Travellers housing needs should be assessed for those covered by the definition in Annex 1 of the PPTS.
6. As highlighted in the GT&TSAA ([ED13], ¶¶1.11, 1.12 & 1.13, pp7), the need of households who do not meet the planning definition but who may still require culturally appropriate accommodation should be addressed as part of general housing need in the Local Plan. An assessment of households who do not meet the planning definition was also completed in the GT&TSAA. The GT&TSAA provided advice on how the Council should seek to address accommodation need arising from households that did not meet the current planning definition of a Traveller through separate Local Plan Policies ([ED 13], ¶¶8.2-8.4, pp76).
7. The Council has, in policy HOU 5a 'Gypsy and Traveller site provision', defined the likely permanent and transit accommodation need in the area as defined through the GT&TSAA; included allocations to ensure a deliverable supply of pitches and set out a criteria-based approach to decision taking. The supporting information to policy HOU 5a ([ED 01a] ¶¶8.28a & 8.28b) also confirms the likely identified pitch requirements for households who may need cultural appropriate accommodation but do not meet the definition set out in Annex 1 of the PPTS and confirmed that proposals for sites arising in the Plan period will be considered according to the policy approach set out in policy HOU 5a 'Gypsy and Traveller site provision'.
8. Opinion Research Services have also noted that since the changes to the PPTS in August 2015 their GTAA methodology has been repeatedly found to be sound and robust through Local Plan Examinations held in Bedford, Cambridge, Central Bedfordshire, Chelmsford, Cheltenham, Cotswold, Daventry, East Hertfordshire, Gloucester, Hart, Maldon, Milton Keynes, Newham, South Cambridgeshire, South Northamptonshire, Tewkesbury, and Waverley; see for example ¶¶3.3 & 3.29 of the GT&TSAA [ED 13].

Q43 With particular reference to the GT&TSAA and the Council's answer to Initial Question 7², will the committed supply of sites and the proposed allocations for GT&TS accommodation, as listed in Policies HOU 5a and HOU 5b, provide a supply of specific deliverable sites sufficient to meet 5 years' worth of sites against the identified annual need from the adoption of the plan, and a supply of developable sites for the remainder of the plan period?

9. Policies HOU 5a and HOU 5b set out that sites will be allocated or approved to meet the needs set out for GT&TS accommodation in line with the requirements of the GT&TSAA [ED 13].
10. As highlighted in the Council's answer to Initial Question 7 [CEC/01] (p19), the Council has set out an annualised requirement for pitches and plots from the base date of the GTAA. For the five-year period from the expected date of adoption of the SADPD (2022/23-2026/27) there is a locally set target to provide 26 permanent pitches, including a 10% allowance for 'unknown' households (where it has not been determined through the GTAA whether the household meets the definition set out in annex 1 of the PPTS) and taking account of any backlog. For Travelling Showpeople there is a target of four plots, again taking account of backlog. For transit Gypsy and Traveller site provision a target of between 5 and 10 pitches is included [see CEC/01] (¶178). Across the Plan period up to 2030, a total of 32 pitches are required along with 5 plots for Travelling Showpeople.
11. As set out in Appendix 1 of the Council's answer to Initial Question 7 [CEC/01], there are:
 - 10 permanent Gypsy and Traveller Pitches that have been completed between May 2017 (after the GTAA) and 31 March 2020.
 - 23 permanent pitches that, in the Council's view, form part of the 'deliverable' supply from April 2020 to 31 March 2027.
 - Five Travelling Showpeople plots that, in the Council's view, form part of the 'deliverable' supply over the period 2022/23 – 2026-27.
12. For transit Gypsy and Traveller pitch provision, a transit site at Cledford Hall, Cledford Lane, Middlewich has been identified in the SADPD (Site G&T5). Further to the completion of the Council's Response to the Inspector's Initial Questions, the Strategic Planning Board, on 18 August 2021, resolved to approve, subject to several planning conditions, a planning application (ref 21/1205C) for 10 Gypsy and Traveller Transit pitches and associated amenity block at the Cledford Hall site. This allocation is therefore now a planning commitment.
13. In respect of 'developable' supply, the Council, in the response to Initial Question 7 [CEC/01] identified a further 7 pitches as part of the 'developable' supply for permanent pitch provision up to the end of the Plan period.

² Pages 17-19 and Appendix 1 of Examination document CEC/01

Appendix 1 of the Council response to Inspector's initial questions [CEC/01] also noted a further 24 pitches that form part of an allocation proposed at the Three Oakes, Site, Booth Lane. It is considered that the allocation of this site would bring certainty to the use of the site, which was the subject of a previous planning permission that has now lapsed. This site has been counted as part of the GTAA figures and therefore does not constitute part of the 'new' supply of sites.

14. With the above in mind, it is the Council's position that the site allocations proposed (listed in Policies HOU 5a and HOU 5b), considered alongside commitments, would provide a supply of specific deliverable sites sufficient to meet 5 years' worth of sites against the identified annual need from the adoption of the Plan, and a supply of developable sites up to 2030. In addition, Policies HOU 5a and HOU 5b, when read alongside LPS Policy SC 7 'Gypsies and Travellers and Travelling Showpeople' provide for a suitable criteria-based approach for proposed sites to be considered in the borough.
15. As set out in ¶¶8.30a and 8.30g of the SADPD, the Council will monitor the provision of additional pitches/plots delivered during the Plan period and the effectiveness of the policy will be kept under review either as part of periodic reviews/updates of the Local Plan or if there are any significant changes in the requirements for pitch / plot provision, identified through monitoring, changes in national planning policy, or as evidenced, for example, through a review of the GTAA.

Q44 Has the selection of sites for allocation for permanent and transit pitches and plots for travelling showpersons been based on a robust methodology? Are the sites proposed for allocation justified by proportionate evidence in terms of their suitability, availability and deliverability, and are they consistent with national policy and with the criteria in Policy SC 7 of the LPS? Is there any substantive evidence to demonstrate that any of the proposed allocations are not suitable or are unlikely to be available?

16. ¶12.67 of the LPS [BD 01] confirms that sites for Gypsies and Travellers and Travelling Showpeople will be allocated in the SADPD. Sites submitted to the Council through a number of 'call for sites' opportunities (detailed in footnote 4 of the 'Gypsy, Traveller and Travelling Showpeople Site Selection Report' [ED 14]) have been assessed in a consistent way against a robust SSM set out in section 3 of the Gypsy, Traveller and Travelling Showpeople Site Selection Report [ED 14].
17. The approach and methodology to site selection set out in Figure 1, ¶3.12 and Appendix 2 of the 'Gypsy, Traveller and Travelling Showpeople Site Selection Report' [ED 14] is largely consistent with the SADPD SSM (set out in the 'Site Selection Methodology Report [ED 07]), except for minor changes made to the traffic light framework to reflect criteria within LPS Policy SC 7 'Gypsies and Travellers and Travelling Showpeople' and the PPTS. The approach to the allocation of sites is therefore consistent with LPS Policy SC7 and the PPTS.

18. Section 4 of the Gypsy, Traveller and Travelling Showpeople Site Selection Report [ED 14] implements the site selection criteria against reasonable and realistic site options. Factors in the site selection process appropriately consider the suitability, availability, and deliverability of sites. For example, stage 2 of the SSM includes a site 'first site sift' that considers matters including sites being available/being actively promoted (Figure 1). Stage 4 of the SSM includes a site assessment implementing a detailed 'traffic light' red/amber/green criteria to consider matters of site suitability, availability, and deliverability. The site selection process has also considered several of the sustainability considerations set out in ¶13 of the PPTS (for example in ¶5.95 [ED 14]).
19. The approach to site selection has also been informed by the SA [ED 03], (including Appendices E and F), and HRA [ED 04] (including table 5.4 and 5.5) on an iterative and ongoing basis alongside proportionate engagement with infrastructure providers/statutory consultees that informed the final site selection. The site selection process has also been informed by consultation stages on the SADPD as set out in ¶¶3.36-3.37 of the 'Gypsy, Traveller and Travelling Showpeople Site Selection Report' [ED 14]. As noted in ¶6.6 of the 'Gypsy, Traveller and Travelling Showpeople Site Selection Report' [ED 14], the decisions as to which sites to allocate or not allocate has been challenging, however, the decisions have involved planning judgement, taking into account all relevant planning factors, and are fully justified through the site selection process.

Q45 Does Policy HOU 5a provide for the accommodation needs of gypsy and traveller households, who are in need of culturally appropriate accommodation, but who do not meet the definition of gypsies and travellers in Annex 1 of the PPTS? Is the requirement for applicants to demonstrate a local connection to Cheshire East justified and consistent with paragraph 24e) of the PPTS?

20. ¶¶8.28a – 8.28c of the SADPD confirms that Policy HOU 5a sets out a criteria-based approach for the consideration of schemes brought forward for the accommodation needs of ethnic Gypsies and Travellers who fall outside of the planning definition (set out in Annex 1 of the PPTS) but still require culturally appropriate accommodation.
21. As noted in the Regulation 20 Representations Statement (Consultation Statement Part II) [ED 56a] (pp250– 51) Policy HOU 5a, when considered as a whole, seeks to make suitable provision for Gypsy and Traveller sites in the borough, in line with national planning guidance, through, for example:
- allocations;
 - the potential for appropriate windfall sites, that are located within the settlement boundaries of PTs, KSCs and LSCs and are in accordance with the Local Plan;
 - sites in open countryside locations, as noted in the first part of criterion 3 of Policy HOU 5a, subject principally to the application of criterion 3i of

LPS Policy PG 6 'Open countryside' and Policy PG 10 'Infill villages' in the SADPD, alongside other Local Plan policies, as appropriate.

22. Policy HOU 5a, when read alongside LPS Policy SC 7 'Gypsies and Travellers and Travelling Showpeople,' seeks to make provision for all Travellers through the means outlined above, not just those with a local connection. However, the Council's policy framework focuses, as a priority, on meeting locally arising need.
23. The second part of criterion 3 (delineated by the word 'or') then provides additional policy guidance for sites in the open countryside (outside the Green Belt) in the spirit of Policy D 'Rural Exception Sites' (¶15) of the PPTS. The policy approach in criteria 3 appropriately seeks, in line with ¶25 of PPTS, to very strictly limit new Traveller site development in the open countryside that is away from existing settlements or outside areas allocated in the development plan. Affording appropriate protection to the countryside is consistent with ¶174(b) of the NPPF which says that planning policies should contribute to and enhance the natural environment by recognising its intrinsic character and beauty of the countryside.
24. The Council's approach follows the spirit of ¶15 of the PPTS and aims to make sure that the accommodation needs of those Gypsies and Travellers who are either current residents or have an existing local family or employment connection can be met. Therefore, the requirement for applicants to demonstrate a local connection to Cheshire East, in the limited circumstances set out above is justified and consistent with ¶24e) of the PPTS.
25. The Council would also highlight that ¶24e) of the PPTS relates to decision-taking and states that Councils should determine applications for sites from any Travellers and not those just with local connections. There is nothing within the policies of the SADPD, including the requirement to demonstrate a local connection in the case of new pitches on 'windfall' sites in the open countryside, that conflicts with this requirement. It is clear, however, that the PPTS allows for a different approach to be taken towards meeting local Traveller needs compared to other Travellers.

Q46 Are the principles in Policy HOU 5c for determining proposals for Gypsy and Traveller and Travelling Showperson sites consistent with Policy SC 7 of the LPS and national policy in the PPTS?

26. The criteria contained within Policy HOU 5c 'Gypsy and Traveller and Travelling Showperson site principles' are to be read alongside the considerations in LPS Policy SC 7 'Gypsies and Travellers and Travelling Showpeople'. The policy criteria in HOU 5c are consistent with criterion 2 of Policy SC 7, in seeking to provide additional guidance on site specific and design factors including ensuring safe access / adequate parking, turning and servicing on the site (consistent with criteria 2 iii and v), appropriate pitch sizes (criterion 2 iv) and the impact on the character and appearance of the surrounding area (criterion 2 viii) amongst other criteria. The criteria listed in Policy HOU 5c are also consistent with the PPTS in ensuring sites are well

planned (PPTS ¶26, b), promote opportunities for healthy lifestyles including access to open space (PPTS ¶26, c) and also ensuring that the scale of sites in rural areas and the countryside do not dominate the nearest settled community (PPTS, ¶14).

Other Types of Housing (Policies HOU 1-4)

Housing Mix (Policy HOU 1)

Q47 Is the requirement of Policy HOU 1 for all major housing developments to provide an ‘appropriate mix’ of housing types and sizes using the figures in Table 8.1 as a starting point, justified on the basis of proportionate evidence³, clear and unambiguous, and consistent with the LPS and national policy?

27. The policy sets out the criteria to be considered when determining the housing mix of planning applications for major housing schemes at reserved matters / full planning application stage, which apply in addition to the other policies in the development plan.
28. Table 8.1 is justified based on proportionate evidence contained within the Cheshire East Residential Mix Assessment 2019 [ED 49] prepared by consultants Opinion Research Services. As set out in the SADPD Regulation 20 Representations Statement (Consultation Statement Part II) [ED 56a] (p240), the Cheshire East Residential Mix Assessment 2019 [ED 49] has been informed by a myriad of relevant information sources. The Cheshire East Residential Mix Assessment 2019 [ED 49] is appropriately informed and consistent with the approach used in the Housing Development Study (2015), similarly prepared by Opinion Research Services, which determined the full objectively assessed need for a minimum of 36,000 dwellings over the 2010 – 2030 period set out in LPS Policy PG 1 ‘Overall development strategy’.
29. The policy wording of Policy HOU 1 is reflective of the intention of LPS Policy SC 4 ‘Residential mix’ [BD 01] in ensuring new residential development maintains, provides, or contributes to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced, and inclusive communities. Criteria 2 & 3 of Policy HOU1 also consider the needs of groups in the borough, including the requirements of an ageing population. The approach in Policy HOU 1 is also consistent with national policy; ¶62 of the NPPF sets out that planning policies should reflect the needs of different groups.
30. The policy is clear and unambiguous. It clearly states the circumstances where a housing mix statement is to be provided and the factors that should be considered in the preparation of the statement. As set out in the SADPD Regulation 20 Representations Statement (Consultation Statement Part II) [ED 56a] (p240), Table 8.1 in the supporting information of the Policy is a ‘starting point’ for analysis to assist the applicant. Criteria 1ii and 1iii

³ Core document ED49

appropriately refer to the housing mix statement including an assessment of how the proposed mix responds to factors including the local housing market (and its characteristics) alongside the character and design of the site and local area.

31. The 'Local Plan site allocations and development policies viability assessment' [ED 52], (¶8.45) reflects the content of Table 8.1 of the SADPD in the viability modelling, although Policy HOU 1 does not prescribe that the precise mix is achieved in every case. Rather, it requires the mix to be the 'starting point' for analysis by developers in promoting an appropriate housing mix for their sites.

Q48 Is it clear which house type tenures are contained within the term 'intermediate housing' in Table 8.1? Would the inclusion of a definition for the term, such as that contained in the Residential Mix Assessment Report, help to remove any ambiguity so decision makers know how react to proposals?

32. As set out in the SADPD Regulation 20 Representations Statement (Consultation Statement Part II) [ED 56a] (p240), the terminology used in the column headings to Table 8.1 are consistent with the terms used in the Cheshire East Residential Mix Assessment 2019 [ED 49]
33. However, for additional clarity to assist relevant stakeholders/decision makers in determining the house type tenures to be considered as a 'starting point' for the preparation of a housing mix statement, the Council would like to propose a Main Modification to the column headings of Table 8.1, as follows:

Market Housing	<u>Intermediate Housing Affordable Home Ownership</u>	<u>Low Cost Rent Affordable to Rent</u>

Table 1: Main Modification proposed to Table 8.1 of [ED 01a]

Specialist Housing Provision (Policy HOU 2)

Q49 Is there a need to allocate specific sites for specialist older persons accommodation to ensure that the SADPD is positively prepared in seeking to meet the needs of an ageing population?

34. There is no need to allocate specific sites for specialist older persons accommodation in the SADPD. As highlighted in the 'SADPD Regulation 20 Representations Statement (Consultation Statement Part II)' ([ED 56a], pp 242-243), the LPS establishes that a minimum of 36,000 homes will be provided in the borough between 2010 and 2030. C2 accommodation forms part of the overall 36,000 figure and is considered as part of the overall housing supply in the borough. There is no distinct 'requirement' figure set in policy, in the LPS or SADPD for C2 accommodation.

35. The PPG notes that it is up to the Plan making body to decide whether to allocate sites for sites for specialist housing for older people⁴. The SADPD is the second part of the Local Plan and its purpose and scope are limited. It follows the strategic lead of the LPS and sets out more detailed, non-strategic policies to guide planning application decision-making. Policy HOU 2 'Specialist housing provision' builds on the strategic context of LPS Policy SC 4 'Residential mix' and sets out a clear and specific criteria-based policy approach to the consideration of specialist housing schemes in the borough. In addition, criteria 2 and 3 of Policy HOU 1 'Housing mix' set out how the preparation of a housing mix statement should consider the accommodation needs of groups, including the needs of older residents in the borough.
36. The criteria-based approach set out in LPS Policy SC 4 'Residential Mix' provides a suitable basis for schemes to be brought forward in the borough. This will be further supplemented with additional detail included the criteria set out in policy HOU 2 'Specialist housing provision'.
37. As set out in the supporting information to policy HOU 2, the Cheshire East Residential Mix Assessment 2019 [ED 49] considers the need for specialist older person housing across the borough up to 2030. The report identifies that it is unlikely that all the identified needs for older people will be delivered by specialist accommodation alone. Many householders identified as needing specialist accommodation will choose to remain in their own homes with appropriate assistance from social care providers, assistive technology and appropriate adaptations or downsize to more suitable accommodation. Furthermore, the health, longevity and aspirations of older people mean that they will often live increasingly healthier lifestyles and therefore future housing needs may be different from current identified needs.
38. The Council adopts a 'homes first' focus that supports residents to maintain their independence and remain in their own home (or within alternative settings offering independent accommodation such as extra care housing/retirement living schemes) for as long as possible. Criterion 2 of Policy HOU 2 notes that measures to assist people to live independently in their own homes and to lead active lives in the community will be supported, subject to other relevant local plan policies. Other policies in the SADPD including Policy HOU 6 'Accessibility and wheelchair housing standards' will help to provide a suite of accommodation choices and enable residents in the longer term to maintain their independence.

Q50 Is Policy HOU 2 and its supporting text sufficiently clear and consistent with national policy and guidance in its terminology for and definition of the range of specialist older persons housing?

39. Policy HOU 2 considers a policy approach to several different forms of supported and specialist accommodation, not just specialist older persons housing, as set in ¶8.6 (supporting information to the policy).

⁴ Paragraph: 013 Reference ID: 63-013-20190626

40. There is a significant amount of variability in the types of specialist housing for older people. The PPG⁵ lists 4 examples of specialist housing, but notes it is not definitive. ¶8.9 of the supporting text to Policy HOU 2, recognises that the term ‘older people’ covers a range of people with different needs, which can be addressed through several housing options. Examples are provided in ¶8.9 of the supporting text to Policy HOU 2, which are consistent with those used in the PPG. It is considered that the terminology used throughout the policy and supporting information is sufficiently clear, consistent with national policy and appropriate in this regard.

Q51 At paragraph 8.13, is the supporting text to Policy HOU 2 justified in expecting that all types of specialist older persons accommodation should be registered with the Care Quality Commission, given that some types of age-restricted and sheltered housing do not provide care services?

41. As highlighted in the ‘SADPD Regulation 20 Representations Statement (Consultation Statement Part II)’ [ED 56a] (pp 244), ¶8.13, when read as a whole, sets out that early engagement with the Council, health service and other social care providers is recommended. As a continuation to ¶8.13 reference to “Specialist older persons accommodation should also be registered with the Care Quality Commission” is justified. Also, the use of the word ‘should’ allow for variations in approach, where justified.

42. The Council would like to propose a Main Modification to ¶8.13 to explicitly recognise that some types of older persons accommodation do not provide care services. The Council proposes that the following text is added to the end of ¶8.13 (additional text shown in bold and underline): “Specialist older persons accommodation should also be registered with the Care Quality Commission **where care services are provided**”.

Q52 Is Policy HOU 2 positively prepared and justified in requiring all forms of specialist housing for older people to provide affordable housing in line with Policy SC5 of the LPS, based on the evidence in the Viability Assessment Update and given that some types of specialist housing for older people do not include an element of independent living?

43. The Rectory Homes Limited v SSHCLG and South Oxfordshire District Council (2020) EWHC 2098 (Admin) case highlights that extra care developments within Use Class C2 are not exempt from providing affordable housing solely by falling within that Use Class – whether affordable housing is required will depend on the wording of the relevant development plan policy relating to a site.

44. Policy HOU 2 criterion 3 vii notes that affordable housing provision will be required in line with the thresholds set out in the LPS Policy SC 5 ‘Affordable homes’. LPS Policy SC 5 ‘Affordable homes’ refers to residential developments providing for affordable homes in line with stated thresholds. As such, those forms of older people accommodation that can form a

⁵ Paragraph: 010 Reference ID: 63-010-20190626

dwelling/residential development and trigger an affordable housing requirement will be subject to LPS Policy SC 5 'Affordable homes'. There may be forms of residential development that fall within the C2 use class, where the care needs of residents mean that an independent dwelling is not formed. In those circumstances, affordable housing would not be required.

45. As highlighted in the 'SADPD Regulation 20 Representations Statement (Consultation Statement Part II)' [ED 56a], p243, the SADPD has been supported by a 'Local Plan Site Allocations and Development Policies Viability Assessment' [ED 52], which has considered specialist housing in market led schemes. The results set out in ¶10.78 indicate that including specialist housing in market led schemes would not adversely impact viability in higher value areas but may do in the lower value areas. The viability assessment also assumed that C2 accommodation does not make affordable housing contributions (¶10.77). This may be due, in part, to the Local Plan Site Allocations and Development Policies Viability Assessment' [ED 52] being issued on the 28 July 2020 and the Rectory Court decision being issued on the 31 July 2020.
46. However, and as highlighted in the 'Local Plan Site Allocations and Development Policies Viability Assessment' [ED 52] ¶¶12.90–12.92, the PPG⁶ states that in respect of viability, housing for older people is noted as a circumstance where a viability assessment may be required at the planning application stage, in recognition of the type of development being provided, which may vary from standard models of development for sale. This position would be consistent therefore with the approach in criterion 7 of LPS Policy SC 5 'Affordable homes', which notes that where scheme viability may be affected, developers will be expected to provide viability assessments to demonstrate alternative affordable housing provision.

Self and Custom Build Dwellings (Policy HOU 3)

Q53 Is Policy HOU 3 justified and consistent with national policy in seeking serviced plots for self and custom-build housing on housing developments of 30 or more homes? In particular:

- a. **Given the current excess in the number of serviced plots permitted over and above the number of self-build and custom-build applicants on the register in Cheshire East, as evidenced in the 2019/20 Annual Monitoring Report⁷, is criterion 2 of the policy justified?**
- b. **What is the evidence to support the site size threshold of 30 dwellings?**
- c. **What is considered to be an 'acceptable proportion' of serviced plots?**

⁶ PPG: Paragraph: 007 Reference ID: 10-007-20190509

⁷ Core document BD04 - table 9.2 and paragraph 9.8

47. The Government's intent to support the SACBH sector is well known. Consequently, ¶62 of the NPPF sets out that planning policies should reflect the needs of different groups, including people wishing to commission or build their own homes. The paragraph supports 'Right to Build' legislation⁸ making it a legal requirement for local planning authorities (LPAs) to grant 'suitable development permission'⁹ to meet its 'demand' for SACBH plots as evidenced by its SACBH register¹⁰. Both criteria of Policy HOU 3 are consistent with national policy in this regard as they seek to compliment national policy objectives to deliver more SACBH plots.
48. Criterion 2 is an appropriate strategy to help deliver sufficient SACBH plots. The Government's 'Right to Build Task Force'¹¹ recently recommended adopting percentage-based requirements to deliver SACBH on larger sites. Examples the Task Force cited include reasonable alternatives, ranging from requiring set percentages to percentages including consideration of 'demand' (or similar). Whilst making Criterion 2 a 'requirement' is appropriate, the application of a set percentage presents risks. Without consideration of 'demand', too few plots could be delivered in times of high demand and unwanted plots in times of low demand. Citing a percentage, whilst also 'considering demand' (or similar) meanwhile appears to largely render the percentage element redundant.
49. Criterion 2 is therefore written with the aim of being applied flexibly, mirroring the underlying principles of the 'Right to Build' legislation in that the supply of plots should meet a fluctuating 'demand'. Acting upon representations received, the scope of criterion 2 was clarified so that it seeks to reduce any deficit between registrations and windfall plots (plus any other plots permissioned through the Council's land disposal¹²). This deficit has been defined as 'unmet demand'. Ideally, application of the policy should result in no significant plot excesses (risking delivery of large sites) or shortfalls (risking the Council's legal duties).

Q53a

50. Both 'Right to Build' legislation and guidance are silent with regards to whether excess/shortfalls of plots are carried forward from one 'Base period' to the next. Until this is clarified, it must be assumed that each year's performance is considered in isolation. Given this monitoring framework, whilst the Council has exceeded its targets for 'Base Periods' 1-3, it cannot be assumed that the net surplus from previous years can be applied against the 'Base Period 4'

⁸ Housing and Planning Act (2016), Self-build and Custom Housebuilding Act (2015) and associated regulations.

⁹ Defined in Housing and Planning Act (2016), Section 10, 2A (2).

¹⁰ Section 10, 2A (6a) of the Housing and Planning Act defines 'demand' exclusively as registrations during a 'base period'.

¹¹ https://righttobuild.org.uk/editorial_images/page_images/featured_images/planning_good_practice_guidance/delivering_a_sufficient_supply_of_csb_homes/PG2v2.pdf

¹² Self-build and Custom Housebuilding Act 2015, Section 2 states that Councils must 'have regard' to registers when carrying out land disposal.

target. The Council is also mindful of the recent ‘Bacon Review’¹³ and its recommendations. At present, the Council applies a small fee and local connection test (forming a two-part register) that must be met to be entered onto the Council’s ‘Part 1 Register’¹⁴. The term ‘suitable development permission’¹⁵ meanwhile sees applicable SACBH permissions defined quite broadly. The Council’s performance is monitored within this framework. Recommendation 5g of the ‘Bacon Review’ however proposes changes to legislation that include removing fees/eligibility criteria and narrowing the statutory definition of SACBH. Furthermore, Recommendation 2 of the review proposes various measures to raise general awareness of SACBH, including mandating that Councils promote their registers. The report cites research finding that 83% of the public did not know about SACBH registers¹⁶. Collectively, the recommendations, if taken forward, are likely to result in an increase of registrations/targets coupled with a decrease in the variety of permissions likely to meet the new definition of ‘suitable’. The Council would highlight that, unlike other housing targets set in policy, meeting SACBH targets is a legal requirement. Recommendation 5g of the ‘Bacon Review’ proposes “clear sanctions” (assumed to refer to legal penalties) and the ‘presumption in favour of sustainable development’ applied for not meeting demand.

51. Within the context of the existing monitoring framework and ‘Bacon Review’ recommendations therefore, (good) past performance cannot confidently be used as evidence to predict (good) future performance. Furthermore, it is expected that the targets for SACBH will increase, with the Council under increased pressure to meet them. Criterion 2 is therefore needed to help meet this challenge.

Q53b

52. Policies placing a requirement for SACBH on large sites are becoming commonplace¹⁷ and are important tools in helping to create a more diverse housing mix. Criterion 2’s threshold of 30+ dwellings (large sites) was chosen for consistency with Policy HOU 14 ‘Small and medium-sized sites’, which defines small and medium sized sites as ‘up to 30 homes’. The Local Plan Site Allocations and Development Policies Viability Assessment [ED 52] also tested a 5% requirement for sites of 30+ dwellings and concluded that it would be unlikely that a 5% provision would adversely impact on viability¹⁸. Although

¹³ <https://www.gov.uk/government/publications/independent-review-into-scaling-up-self-build-and-custom-housebuilding-report/independent-review-into-scaling-up-self-build-and-custom-housebuilding-recommendations-from-the-report>

¹⁴ Section 9 of Self-build and Custom Housebuilding Regulations (2016) states that once a register has been split, the Council’s duties with regards to permissions/registrations only apply to ‘Part 1’ registrants.

¹⁵ ‘Suitable’ is defined within the Housing and Planning Act (2016), Section 10, 2A (6c) as “development that could include self-build and custom housebuilding”. The interpretation has only been narrowed slightly through NPPG [Paragraph: 038 Reference ID: 57-038-20210508](#)

¹⁶ <https://nacsba.org.uk/news/1-in-3-adults-interested-in-self-building/>

¹⁷ MHCLG’s monitoring data (July 2021) shows that 31 authorities have adopted plot requirements at large sites: <https://www.gov.uk/government/publications/self-build-and-custom-housebuilding-data-2016-2016-17-2017-18-and-2018-19>

¹⁸ See [ED 52] ¶¶10.42-10.47 + 12.82-12.84

a percentage requirement is not specified in the policy, a 5% requirement was modelled based upon the 'Teignbridge rule'¹⁹. Given the non-strategic nature of the SADPD, the evidence presented is considered proportionate.

Q53c

53. An acceptable 'proportion' of plots delivered at a large site is proposed to be negotiated on a case-by-case basis and dependent upon the characteristics of the site and the Council's performance that year. During years of high 'unmet demand', whilst the wording of the policy allows room to negotiate a higher percentage. A 5% requirement has been tested within the Council's evidence (Local Plan Site Allocations and Development Policies Viability Assessment [ED 52]) and is a recognised figure ('Teignbridge rule'). ED52) and is the 'industry standard' ('Teignbridge rule').

Housing Development Standards and Requirements (Policies HOU 6-14)

Accessibility & Wheelchair Housing Standards (Policy HOU 6)

Q54 Are the targets for M4(2) Accessible and Adaptable dwellings and M4(3) Wheelchair user dwellings for all major housing developments and specialist housing for older people set out in Policy HOU 6 justified on the basis of proportionate evidence, deliverable and consistent with national policy?

54. In line with ¶130 (criterion F) of the NPPF, Policy HOU 6 will provide for places that are inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users. Footnote 49 of the NPPF notes that planning policies for housing should make use of the government's optional technical standards, where this would address an identified need for such properties.
55. The Cheshire East Residential Mix Assessment 2019 [ED 49] ¶¶3.51-3.52, considers a myriad of information sources to provide proportionate evidence to support the targets included in Policy HOU 6. As reflected in the supporting text to Policy HOU 6 [ED 01a], ¶8.32 the population of older age groups in the borough is expected to increase substantially during the 12-year period (2018 – 2030). In line with the PPG²⁰, the Cheshire East Residential Mix Assessment 2019 [ED 49] provides a clear understanding of housing needs, including those for people with specific housing needs.
56. The targets included in Policy HOU 6 in relation to accessible and adaptable dwellings are clearly stated. The standards outlined in criterion 1 of Policy HOU 6 for M4(2) and M4(3) are deliverable and will be secured through

¹⁹ Teignbridge adopted a 5% requirement for 20+ dwelling sites in 2014, which has been consequently formed the 'benchmark' for similar policies. For example, a 5% plot requirement has been included in the council's Handforth Garden Village SPD (adopted 2018) – see policy 'Land Uses 1': <https://cheshireeast-consult.objective.co.uk/file/5240684>

²⁰ Paragraph: 006 Reference ID: 56-006-20150327

condition. Criterion 2 of Policy HOU 6 makes clear that the relevant standards will apply unless step-free access cannot be achieved or is not viable. ¶¶8.34 of the supporting information provide examples of factors that may impact upon the ability to provide step-free access.

57. The Council adopts a 'homes first' focus that supports residents to maintain their independence and remain in their own home (or within alternative settings offering independent accommodation such as extra care housing / retirement living schemes) for as long as possible. The targets included in Policy HOU 6a will provide suitable residential accommodation options to support this intention.
58. The Government consulted, in September-December 2020, on options to raise accessibility standards for new homes. This included options around mandating the current M4(2) requirement in Building Regulations. The Government had not responded to this consultation at the time of writing this statement. The outcomes of the consultation on accessibility standards for new homes may indeed supersede some of the requirements set out in Policy HOU6a in due course.

Q55 Does the Nationally Described Space Standards (NDSS) Justification Paper²¹ provide clear evidence of a local need to justify the application of the NDSS in Cheshire East?

59. In line with ¶130 (criterion F) of the NPPF, Policy HOU 6 provides for places that are inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users. Footnote 49 of the NPPF refers to Local Plans being able to make use of the NDSS, where the need for an internal space standard can be justified.
60. A sample of sites are assessed in the NDSS Justification Paper [ED 57], taken from planning applications in the borough and reflecting local circumstances. ¶6.1 of the NDSS Justification Paper [ED 57] acknowledges that the results from any sample will not be able to perfectly represent the exact dwelling and room dimensions of all dwellings constructed in the borough. The NDSS Justification Paper [ED 57] provides for a broad illustration or guide as to how new build properties compare to the NDSS standards and how compliance with these standards varies by dwelling size across the borough.
61. The analysis in the NDSS Justification Paper [ED 57] suggests that when looked at cumulatively, a large proportion measured failed to meet the NDSS requirements. Gross Internal Area measurements for 1-, 2- and 3-bedroom properties and in particular, 3-bedroom properties measured, fell significantly below the NDSS.²²
62. As highlighted in ¶¶ 6.1-6.4 of the NDSS Justification Paper [ED 57], it is considered that the measurements collected provide sufficient evidence and

²¹ Core document ED57

²² See [ED 57] ¶¶ 6.2-6.3

the necessary local justification to support the introduction of the NDSS in line with the PPG²³.

Q56 Does the viability evidence demonstrate that the targets for accessible and wheelchair standard housing and the NDSS could be viably supported by residential development and specialist housing for older people alongside all other policy requirements?

63. A full response on viability is given under question 108 in the Council's Matter 6 statement. The impact on viability of the accessible and wheelchair standard housing and the NDSS have been considered in the Local Plan Site Allocations and Development Policies Viability Assessment [ED 52], ¶¶ 8.24 & 8.50-8.53.
64. The modelling in the Local Plan Site Allocations and Development Policies Viability Assessment [ED 52] (from ¶8.21) assumes that units meet the requirements set out in the NDSS, and the larger market units are assumed to be more than this size.
65. The modelling in the Local Plan Site Allocations and Development Policies Viability Assessment [ED 52] (from ¶8.50) tests the requirements for M4(2), and M4(3). The costs of the NDSS and the accessibility and wheelchair requirements are built into the base policy requirements through the Viability Assessment [ED 52] (from ¶10.6).
66. Specialist housing for older people has also been considered through the Local Plan Site Allocations and Development Policies Viability Assessment [ED 52] (¶¶10.76–10.80). The results set out in ¶10.78 indicate that including specialist housing in market led schemes would not adversely impact viability in higher value areas but may do in the lower value areas. The Local Plan Site Allocations and Development Policies Viability Assessment [ED 53] (¶ 10.80) also notes that the PPG²⁴ anticipates that the viability of specialist older person's housing will be considered at the development management stage in recognition of the type of development being provided, which may vary from standard models of development for sale.
67. The Local Plan Site Allocations and Development Policies Viability Assessment [ED 52] concludes that sites in the SADPD are deliverable when considered alongside the full cumulative impact of the policies in the SADPD and the adopted LPS. Furthermore, the Local Plan Site Allocations and Development Policies Viability Assessment [ED 52] notes in ¶12.98 that additional policies in the SADPD are unlikely to prejudice the SADPD's emerging allocations or allocations in the adopted LPS. The viability assessment was prepared with full consideration of national policy/guidance and best practice guidance.
68. ¶¶4.1- 43 of the NDSS Justification Paper [ED 57] concludes that the modelling included in the viability assessment has considered the impact of

²³ Paragraph: 020 Reference ID: 56-020-20150327

²⁴ PPG: Paragraph: 007 Reference ID: 10-007-20190509

the NDSS. The inclusion of the request for NDSS on new residential dwellings through Policy HOU 6 'Accessibility, space and wheelchair standards' in the SADPD would not impact, in general terms, the viability and deliverability of the overall strategy of the Local Plan. Notwithstanding this, there are existing policy provisions, for example criterion 7 of LPS Policy SC 5 'Affordable Homes' that can allow for the viability of schemes to be a key consideration in demonstrating the overall provision of affordable housing on a case-by-case basis.

Q57 Would a transitional period for NDSS be justified to enable developers to factor the cost of the space standards into future land acquisitions?

69. The Council has signalled that it was considering the adoption of the NDSS since the First Draft SADPD in 2018. When this time is considered alongside the time taken before the Plan is adopted, and that the introduction of the standard is not predicted to have a significant impact on the viability of development(s) then it should not have a significant impact on future land acquisitions. On that basis, there are no issues of timing that affect whether the Council should adopt space standards through the SADPD, as highlighted in ¶5.1 of the NDSS Justification Paper [ED 57].

Subdivision of Dwellings (Policy HOU 7)

Q58 In applying the criteria in Policy HOU 7 to an application for the subdivision of a dwelling, is it evident how a decision maker would determine what is a 'satisfactory living environment', 'sufficient amenity space' and 'adequate provision for waste and recycling'? As such, is the policy clearly written and unambiguous, as expected by paragraph 16(d) of the NPPF?

70. The policy sets out the criteria to be considered when determining applications for the subdivision of dwellings, which apply in addition to the other policies in the development plan. The supporting information (at ¶8.37) confirms that "the usual standards for dwellings will still apply" to subdivided dwellings.
71. In reacting to development proposals, the decision maker would need to exercise an appropriate degree of professional judgement to consider the criteria listed in Policy HOU 7:
- A 'satisfactory living environment' is a well-understood concept, which may well include matters such as size, outlook, privacy, convenience and safety of access, and degree of noise or disturbance from neighbouring properties. As the matters to be considered may depend on the circumstances of each case, it is not considered necessary for the policy to be more prescriptive in this regard.
 - A 'sufficient amenity space' would also depend on the circumstances of the case and would need to be sufficient to allow for the usual domestic arrangements associated with the size and type of dwelling being created, such as hanging washing or providing a reasonable sitting-out area.

- The Council operates a three-bin waste and recycling system. 'Adequate provision for waste and recycling' means providing sufficient space to store a non-recyclable waste bin, a recycling bin, and a garden waste bin (if applicable) in a safe and convenient location where they can be transported to the kerbside for collection.

72. The policy is clear and unambiguous, so it is evident how a decision maker should react to development proposals. The policy is not written in an overly prescriptive manner to allow the decision-maker to exercise an appropriate degree of professional judgement, taking into account the circumstances of each case. Further guidance on these matters is also contained within other development plan policies, including LPS Policy SE 1 'Design' (particularly Criterion 4) and SADPD policies GEN 1 'Design principles', HOU 10 'Amenity' and HOU 11 'Residential standards'. The Cheshire East Borough Design Guide SPD²⁵ and the National Design Guide²⁶ also include guidance covering the matters set out in Policy HOU 7.

Q59 Is Policy HOU 8 clearly written and unambiguous, so it is evident how a decision maker should react to development proposals? In particular how would the following terms and tests be measured in criteria 1 and 2?

- **a 'satisfactory' means of access?**
- **an access with an 'appropriate' relationship to existing residential properties?**
- **'unacceptable' consequences for the amenity of existing or proposed properties?**

73. Whether or not the proposed means of access is 'satisfactory' would be determined with reference to the relevant criteria in Policy INF 3 'Highway safety and access'.

74. Whether or not the proposed access has an 'appropriate' relationship to existing residential properties would be determined with reference to the relevant criteria in other policies, including Policies GEN 1 'Design principles' and HOU 10 'Amenity'.

75. Whether there are 'unacceptable' consequences for the amenity of existing or proposed properties would be determined with reference to the relevant criteria in Policy HOU 10 'Amenity'.

76. The plan is intended to be read as a whole and when read with other relevant policies, HOU 8 is clear and unambiguous, so it is evident how a decision maker should react to development proposals. The policy is not written in an overly prescriptive manner to allow the decision-maker to exercise an

²⁵ https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire_east_local_plan/supplementary_plan_documents/design-guide-supplementary-planning-document.aspx

²⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/962113/National_design_guide.pdf

appropriate degree of professional judgement, taking into account the circumstances of each case. As per ¶72 above, local and national guidance is also available to help define these issues if necessary.

Extensions and alterations (Policy HOU 9)

Q60 Is criterion 3 of Policy HOU 9 clearly written and unambiguous, so that it is evident to a decision maker what is to be regarded as 'suitable provision' for access and parking that 'does not detract from the character and appearance of the area'?

77. The policy sets out the criteria to be considered when determining planning applications for extensions and alterations to existing dwellings and construction of ancillary outbuildings in residential curtilages, which apply in addition to the other policies in the development plan.

78. In reacting to development proposals, the decision maker would need to exercise an appropriate degree of professional judgement to consider the various criteria listed in Policy HOU 9:

- To enable 'suitable provision' for parking, the Council has produced a set of parking standards, which are presented in Appendix C (Table C.1) of the LPS [BD 01]. 'Suitable provision' for access is that which is safe and convenient and may depend on the circumstances of each case. Therefore, it is not considered necessary for the policy to be more prescriptive in this regard.
- To determine if a proposal 'does not detract from the character and appearance of the area', the supporting information (at ¶8.43) sets out the factors that the decision maker will need to have regard to.

79. The policy is clear and unambiguous, so it is evident how a decision maker should react to development proposals. The policy is not written in an overly-prescriptive manner to allow the decision maker to exercise an appropriate degree of professional judgement, taking into account the circumstances of each case. As per ¶72 above, local and national guidance is also available to help define these issues if necessary.

Amenity (Policy HOU 10)

Q61 Is Policy HOU 10 clearly written and unambiguous, so that it is evident to a decision maker what is to be regarded as an 'unacceptable' loss of privacy, sunlight and daylight, and an 'unacceptable' level of environmental disturbance?

80. The policy sets out the criteria when determining planning applications to be considered in relation to amenity, which apply in addition to the other policies in the development plan.

81. In reacting to development proposals, the decision maker would need to exercise an appropriate degree of professional judgement to consider the various criteria listed in Policy HOU 10:
- An ‘unacceptable’ loss of privacy, sunlight and daylight may well include matters such as visual intrusion, overshadowing and overlooking. As the matters to be considered may depend on the circumstances of each case, it is not considered necessary for the policy to be more prescriptive in this regard.
 - The supporting information (at ¶8.45) sets out factors that could result in environmental disturbance. As the matters to be considered in relation to whether the disturbance is ‘unacceptable’ may depend on the circumstances of each case, it is not considered necessary for the policy to be more prescriptive in this regard.
82. The policy is clear and unambiguous, so it is evident how a decision maker should react to development proposals. The policy is not written in an overly-prescriptive manner to allow the decision maker to exercise an appropriate degree of professional judgement, taking into account the circumstances of each case.

Residential Standards (Policy HOU 11)

Q62 Are the residential standards defined in Policy HOU 11 and Table 8.2 justified on the basis of proportionate evidence, and if so, what is the evidence to support each standard? Do they offer sufficient flexibility to allow for innovative urban design and support the efficient use of land in new residential developments, in line with the expectations of paragraph 125 of the NPPF?

83. The spacing standards of the existing local plans within Cheshire East provide a logical starting point for a level of protection required – standards that have been considered reasonable and necessary to protect privacy and living standards by many Planning Inspectors. They incorporate flexibility for innovative design and to align with the ‘The Cheshire East Borough Design Guide Supplementary Planning Document’ (May 2017)²⁷, whilst also ensuring basic protections are in place. The policy outlines that the guidelines should be applied unless the design and layout of the scheme and its relationship to the site and characteristics provides an adequate degree of light and privacy – so the policy builds in the opportunity for reduced distances through innovative design and would be open for interpretation consistent with ¶125 of the NPPF. The supporting information (¶8.46) also sets out that standards should be seen as a minimum in relation to existing property, so the policy does not inhibit innovative design within new residential developments, but it does make sure new developments do not have an unacceptable impact on the existing established residential properties in a particular area.

²⁷ https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire_east_local_plan/supplementary_plan_documents/design-guide-supplementary-planning-document.aspx

Q63 Is Policy HOU 11 clearly written and unambiguous, so that it is evident to a decision maker what is to be regarded as an ‘adequate’ degree of light and an ‘appropriate’ quantity and quality of outdoor private amenity space?

84. The policy sets out the criteria to be considered when determining planning applications for housing developments, which apply in addition to the other policies in the development plan.

85. In reacting to development proposals, the decision maker would need to exercise an appropriate degree of professional judgement to consider the various criteria listed in Policy HOU 11:

- The standards for space between buildings set out in Table 8.2 are intended to provide an ‘adequate’ degree of light. The Council also uses the 45-degree rule, which is a well-established rule of thumb that is used to make sure development does not have an unacceptable impact on outlook and light to principal and habitable room windows. This takes a 45-degree splay from the centre point of the window and also a 25-degree vertical splay can be applied – the idea is that development should not intercept the splay. This is in addition and distinct from general spacing standards required to provide appropriate outlook, privacy, light and living standards.
- An ‘appropriate’ quantity and quality of outdoor private amenity space would depend on the circumstances of the case and would need to be sufficient to allow for the usual domestic arrangements associated with the size and type of dwelling being created, such as hanging washing or providing a reasonable sitting-out area.

86. The policy is clear and unambiguous, so it is evident how a decision maker should react to development proposals. The policy is not written in an overly-prescriptive manner to allow the decision maker to exercise an appropriate degree of professional judgement, taking into account the circumstances of each case.

Housing Density (Policy HOU 12)

Q64 Is the minimum density of 30dph for new residential development in Cheshire East specified in Policy HOU 12 justified on the basis of proportionate evidence? If so, what is the evidence to support this minimum density?

87. Density across the borough is currently relatively low. Table 12.50 of the Authority Monitoring Report 2019/20 [BD 04] notes that over the relevant monitoring period, 74% of new housing developments had achieved less than 30dph, 15% were between 30 and 50dph with 10% of housing developments achieving above 50dph.

88. Saved policies within the Council's legacy local plans currently seek densities ranging from 30-50dph²⁸. Policy HOU 12 is consistent with LPS Policy SE 2 'Efficient use of land' and ¶119 of the NPPF, in promoting the effective use of land in meeting the need for new homes. The efficient and effective use of land is important in contributing to regeneration, protecting greenfield sites, minimising Green Belt loss, and supporting the achievement of sustainable development across the borough. It is also noted that 30dph minimum density requirements were adopted as part of several LPS allocations²⁹.

Q65 Should Policy HOU 12 be more explicit in accepting densities below the minimum of 30dph where lower densities are important to local character? Given the diverse character of residential areas in Cheshire East, would setting a range of acceptable densities for new residential development for different settlements be more effective and consistent with national policy?

89. The policy does not mandate 30dph in all circumstances. It refers to sites generally being expected to achieve a net density of at least 30dph. The policy objective is to encourage the efficient and effective use of land when balanced against other design and land use considerations.
90. Criterion 3 lists several factors referenced in ¶124 of the NPPF that should be considered in determining an appropriate density. These include the character of the surrounding area, recognising that the established low-density character of some areas of the borough should be protected. Gross Residential Density maps are also provided for each settlement within the Cheshire East Borough Design Guide SPD Volume 1. Collectively, criterion 3 and guidance, through principally the Cheshire East Borough Design Guide SPD (or appropriate update), should ensure that development reflects the diverse character of residential areas, without the need to include prescriptive density ranges within the policy for different settlements.

Housing Delivery (Policy HOU 13)

Q66 Is Policy HOU 13 justified, based on proportionate evidence of local circumstances affecting housing delivery? Does it serve a clear purpose, avoiding unnecessary duplication of national policy, as expected in paragraph 16f) of the NPPF, given that the provisions of HOU 13 are substantially contained in national policy?

91. Policy HOU 13 brings together in one local policy several aspects of national policy within the NPPF.³⁰ The benefit of a local policy is that it is capable of being applied as a development plan policy in decision making. The policy also includes criterion 3, which encourages Modern Methods of Construction

²⁸ See Congleton Local Plan [BD 06] Policy GR3 and Crewe/Nantwich Local Plan [BD 07] Policy RES.3.

²⁹ See LPS 20, 26, 27, 28, 29 and 30 as examples.

³⁰ Criteria 1,2 + 4 reflect NPPF ¶¶129, 69d + 77.

(MMC). Although the Government support for this sector is well known³¹, it has not manifested in national planning policy. Supporting text at ¶8.54 sets out the Council's commitment to work proactively to support the Government's objectives of boosting the supply of homes and ensuring that land with permission is developed within unnecessary delay (NPPF, ¶60). The policy serves a clear purpose in adding clarity, as development plan policy, for the decision maker regarding housing proposals and should assist in expediting the delivery of housing. This will support the Council in maintaining a five-year supply of housing and ensuring the overall development requirements of the Local Plan including those set out in the Local Plan Monitoring Framework [ED 54] (indicators SC1-SC4, pp 6&7) are met.

Q67 To ensure it is positively prepared, should Policy HOU 13 also include commitments for the local planning authority to minimise the number of pre-commencement conditions imposed on permissions by resolving issues through pre-application discussion?

92. The Council offers a pre-application service, which prioritises major developments. The service helps to ensure a better understanding of planning issues and requirements. Applicants can use the pre-application service to help minimise planning application costs and can consider matters relating to conditions and other relevant matters. There is a clear regulatory framework for pre-commencement conditions (including the Town and Country Planning (Pre-commencement Conditions) Regulations 2018), which requires actions to be undertaken by the applicant and decision taker.
93. Given this context, in the Council's view, there is no need for additional wording to be added to the policy for soundness.

Small and Medium Sized Sites (Policy HOU 14)

Q68 Does Policy HOU 14 serve a clear purpose and how would it be effective in enhancing the supply of small and medium sized sites for housing, alongside all of the other policies in the plan which affect the supply of small and medium sized sites?

The Council considers that this policy serves a clear purpose as explained on page 265 of its Regulation 20 Representations Statement (Consultation Statement Part II) [ED 56a]. It also, for clarity, defines what 'small/medium' sized sites are (which national policy does not do). The policy is positively worded and reflects the emphasis given in ¶68 of the NPPF to the contribution that small and medium sized sites can make towards housing delivery. It invites a decision maker to give positive weight to the benefits of development on small sites in the planning balance when determining applications.

³¹ MMC is promoted within both the Housing ('Fixing our Broken Housing Market' – 2017) and Planning ('Planning for the Future' – 2020) white papers.