

**Cheshire East Local Plan Site Allocations
Development Plan Document Examination
Hearing Statement on behalf of David Wilson
Homes North West**

Matter 3: Housing

September 2021

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Our reference

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1. Introduction

- 1.1 This Hearing Statement is prepared on behalf of David Wilson Homes North West (hereafter referred to as DWH).
- 1.2 They are made in respect of land it is promoting in Chelford and Alderley Edge. The land in Chelford is located within the Land east of Chelford Railway Station, Chelford site, which is proposed to be designated as Safeguarded Land by Policy PG12 in the Site Allocations Development Plan Document (SADPD) Revised Publication Version (ref: Safeguarded Land CFD2). The land in Alderley Edge is referred to as Land at Whitehall Meadow. The site was promoted for designation as Safeguarded Land, but has not been designated in the Revised Publication Draft SADPD.
- 1.3 This Hearing Statement should be read alongside DWH's representations to the Revised Publication Version SADPD.
- 1.4 DWH will attend the Matter 3 hearing session. This statement provides written responses to the following questions in the Inspector's Matters, Issues and Questions for the Examination Part 1 (MIQs):
 - Housing Mix (Policy HOU1)
 - Q47 and Q48
 - Self and Custom Build Dwellings (Policy HOU3)
 - Q53
 - Accessibility and Wheelchair Housing Standards (Policy HOU6)
 - Q55, Q56 and Q57
 - Housing Density (Policy HOU12)
 - Q64 and Q65
 - Housing Delivery (Policy HOU13)
 - Q66 and Q67

2. Response to the Inspector's Questions

Housing Mix (Policy HOU1)

Q47 Is the requirement of Policy HOU1 for all major housing development 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 evidence, clear and unambiguous, and consistent with the LPS and national policy?

- 2.1 DWH's previous representations on Policy HOU1 generally supported the aims of the policy to provide a range and choice of homes to meet the needs of the local area. However, previous representations have sought to ensure that the policy offers sufficient flexibility and is not overly prescriptive and does not require the submission of significant amounts of evidence to demonstrate need for a certain housing mix.
- 2.2 Changes to the policy in the Revised Publication Version now recognise that need and demand will vary. However, DWH still considers that the policy is unsound as it still requires the submission of a significant amount of evidence with planning applications to justify the proposed mix of housing proposed. The policy is not therefore considered to be positively prepared.
- 2.3 Additionally, DWH considers that the additional requirement to consider the requirements of Policy HOU3 (Self and Custom Building Dwellings) in providing a justification for the proposed housing mix in planning applications adds to the overly prescriptive and restrictive nature of the policy. As set out below, DWH considers that Policy HOU3 is also unsound.
- 2.4 DWH therefore requests that Policy HOU1 is amended to so that the requirement to provide a housing mix statement does not apply to all major housing applications. Such statements should only be required where the proposed housing mix deviates significantly from the most up to date evidence of housing mix need. That most up to date evidence should be provided by the local planning authority as part of its annual monitoring.

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 to react to proposals?

- 2.5 DWH considers that a definition of the tenures that would be considered "intermediate housing" should be included in the SADPD to provide clarity. The definition in the Residential Mix Assessment Report provides a suitable definition.

Self and Custom Build Dwellings (HOU3)

Q53 Is Policy HOU3 justified and consistent with national policy in seeking serviced plots for self and custom-build housing on housing developments of 30 or more homes?

- 2.6 This policy requires that housing developments of 30 homes or more provide for self or custom build homes. While DWH is not opposed to this as a matter of principle, it is concerned that CEC's approach is restrictive rather than permissive by requiring the inclusion of such housing on sites of 30 dwellings or more. Such requirement is overly prescriptive and as such the Policy cannot be considered to be sound given it has not been positively prepared.
- 2.7 Paragraph 57-025-20210580 of the PPG states that relevant authorities should consider how local planning policies may address identified requirements for self and custom housebuilding to ensure enough serviced plots with suitable permission come forward. It gives examples of how this may be addressed, including identifying the number of units required as part of certain allocated sites or on certain types of site. It is considered clear that the PPG refers to a requirement for certain sites to provide self and custom build plots, not a blanket requirement across all development sites over a certain size.
- 2.8 DWH considers that the need to accommodate self-build plots should be assessed on a site-by-site basis dependent upon local demand and viability considerations
- 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 Report, is criterion 2 of the policy justified?**
- 2.9 DWH considers that the requirement for the provision of self-build plots on all development sites over 30 dwellings is not justified, particularly given the limited number of applicants on Cheshire East's Register.
- 2.10 Paragraph 57-023-2017060728 of the PPG states that authorities must give permission for enough suitable serviced plots to meet the demand for self-build and custom housing building in their area, and that this level of demand is established by reference to the number of entries on the authority's registered at the relevant base period.
- 2.11 Given that the supply of self build plots exceeds the number of applicants on the self-build register in Cheshire East, requiring provision of self-build plots on all developments of over 30 dwellings would result in a significant oversupply and is not justified.
- 2.12 The policy should be amended to require the provision of self-build plots **only** where the self-build register shows an unmet need for self-build plots at the time of the application. This would be more consistent with national policy.

b) What is the evidence to support the site size threshold of 30 dwellings?

2.13 There is no evidence to support the site size threshold of 30 dwellings. Whether a site is suitable to provide self-build plots should be determined on a site by site basis given regard to numerous factors, including the demand for self-build plots in the particular settlement (with reference to the Self-Build Register) and viability.

c) What is considered to be an ‘acceptable proportion’ of serviced plots?

2.14 The SADPD does not define what the proportion of serviced plots should be provided on development sites. It is considered that this should be determined on a site by site basis given regard to numerous factors, including the demand for self-build plots in the particular settlement (with reference to the Self-Build Register) and viability

Accessibility and Wheelchair Housing Standards (Policy HOU6)

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

2.15 The nationally described space standards (‘NDSS’), as introduced by Government, are intended to be optional and can only be introduced where there is a clear need and they retain development viability.

2.16 PPG (ID 56-020) identifies the type of evidence required to introduce such a policy. It states that where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- **Need** – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
- **Viability** – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- **Timing** – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions’.

2.17 It is noted that the Revised Publication Draft of the SADPD is supported by undated evidence¹ in relation to the use of the NDSS in Cheshire East. This seeks to justify the

¹ Cheshire East Local Plan Site Allocations and Development Policies Document Nationally Described Space Standards Justification Paper

need for the requirement for new dwellings in Cheshire East to comply with the NDSS with reference to the size of dwellings that have been delivered in the Borough between April 2015 and March 2019.

- 2.18 The evidence in the Justification Paper shows a near 50 / 50 split between the numbers of houses delivered that are larger than the NDSS and those which are smaller in terms of Gross Internal Area. Similarly, there is a near 50 /50 split between the number of dwellings that have bedrooms with floorspace above and below the NDSS, whereas the vast majority of houses delivered in Cheshire East between April 2015 and March 2019 exceed the NDSS for bedroom width. The evidence presented in the report therefore shows that, in general, there are just as many homes delivered that comply with the NDSS than those that do not. This is not considered to be sufficient demonstration of the need to make the NDSS compulsory in Cheshire East.
- 2.19 Furthermore, the Justification Paper does not consider the reasoning for why some of the dwellings delivered in Cheshire East over the period April 2015 to March 2019 maybe smaller than the NDSS. It could be that some of these dwellings have been constructed as starter homes, and are therefore smaller in order to deliver a cheaper product to meet the needs of first-time buyers. Alternatively, some dwellings may be smaller due to design constraints or requirements.
- 2.20 CEC has still not therefore provided sufficient evidence or justification for the need to impose the NDSS on new housing development in the Borough for DWH to remove its objection to Policy HOU6. DWH still considers the policy to be unsound as it has not been justified by robust evidence and is contrary to policy in the Framework.

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?

- 2.21 The SADPD Viability Appraisal Update confirms at paragraph 8.24 that the majority of units for sale in the Borough are currently above the NDSS and therefore the viability of the provision of dwellings of such size has been considered.
- 2.22 Regardless of whether or not there is viability evidence to demonstrate that the provision of housing meeting the NDSS standards would be viable alongside other policy requirements, as referred to above, and as confirmed in the SADPD NDSS Justification Paper and the Viability Appraisal Update, as the majority of dwellings in the Borough are being delivered to this standard. There is therefore no justification for the imposition of the NDSS in CEC.

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

- 2.23 As set out in its response to Q55, DWH considers that there is no evidence or justification to impose the NDSS on new housing development in the Borough. Given that there is no justification, there is no need for transitional period to be introduced to the plan. If it transpires that a significant proportion of house sizes in the Borough

fall below the NDSS standards, then consideration should be given to introducing a policy, and a transition period if considered necessary, through a local plan review.

Housing Density (Policy HOU12)

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?

- 2.24 DWH's previous representations to Policy HOU12 objected to the policy requirement that all developments achieve a net density of 30 dwellings per hectare. Representations stated that were areas of the Borough were it would not be appropriate to achieve such density.
- 2.25 Policy HOU12 is proposed to be amended in the Revised Publication Version to reflect DWH's previous comments. The proposed amendment now inserts text which states than when assessing the appropriate density *"the character of the surrounding area (recognising that there are some areas of the borough with an established low density character that should be protected) and their wider landscape and/or townscape setting"* will be taken into account.
- 2.26 Whilst DWH supports this amendment to Policy HOU12, it is considered that it does not go far enough to make the policy sound.
- 2.27 As currently drafted, part 1 of the policy still implies that all developments would be expected to achieve a net density of 30 dwellings. This is contrary to paragraph 137 of the NPPF, which encourages local plans to include minimum densities for city and town centres or other locations that are well served by public transport. It does not imply that a blanket approach should be taken across the whole of the local plan area.
- 2.28 As currently drafted, by imposing a blanket minimum density requirement across the borough, the policy is not positively prepared and is contrary to national policy. DWH considers that the policy should be redrafted so that reference to a minimum density requirement is deleted from part 1 of the policy. Part 1 should instead clearly state that the density of development proposals should strike an appropriate balance between making an optimum use of land and protecting landscape and townscape character or amenity, and that in achieving this, the factors listed at part 3 of the policy would be taken into account.
- 2.29 If the policy is to still include reference to a minimum density requirement, it should only apply to the Borough's town centres and areas that are well served by public transport. It should be clear in the policy that this requirement does not apply to other parts of the borough, and should also still ensure sufficient flexibility to allow for lower densities where there are other factors that make a lower density more appropriate.

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?

- 2.30 As referred to in the response to Q65, DWH considers that Policy HOU12 does need to be amended to remove the blanket 30 dph requirement. If a minimum density is to be included in the SADPD, in accordance with paragraph 125a) of the Framework, this minimum density should only apply to town centres and other areas that are well served by public transport.
- 2.31 There is no requirement in the Framework for a range of minimum densities to be included in local plan policies. Paragraph 125b) states suggests that minimum densities for other areas (i.e. those outside of town centres and areas well served by public transport) should be considered, and advocates against setting one broad density range.
- 2.32 Given the varying character of Cheshire East, from urban post-industrial towns to medium to small towns and smaller rural villages and hamlets, it is considered that setting a range of minimum densities would not be appropriate as it would need to be a significantly wide range in order to reflect the varied character of the Borough's settlements. It is considered that the most effective approach would be to:
- Include a minimum density for town centre and areas well served by public transport, but still ensure flexibility to allow for lower densities where there are other factors that make a lower density more appropriate; and
 - Assess suitable densities in other areas on a site by site basis, giving consideration to the character of the surrounding area.

Housing Delivery (Policy HOU13)

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?

- 2.33 Policy HOU13 states that CEC will consider imposing planning conditions requiring development to begin within a shorter timescale, reflecting Paragraph 76 of the NPPF. While not generally opposed to accepting conditions requiring early commencement of development, DWH's previous representations raised concerns that this is not always achievable for reasons outside the developer's control. Previous representations states that the Policy is not sound as it is not justified and as such should be removed from the Plan.

- 2.34 Changes are proposed to the policy in the Revised Publication Version that state that the Council will only seek to include conditions requiring development to being in a shorter time scale where it would expedite the development “*without threatening its deliverability or viability*”. Reference to imposing defined timescales for the signing of Section 106 Agreements are also proposed to be removed from the policy.
- 2.35 Whilst DWH supports these proposed changes to Policy HOU13, it still considers that the policy is not effective and therefore remains unsound.
- 2.36 It is not always possible to identify constraints to the commencement of development prior to the grant of planning permission. Various factors could be identified following the grant of planning permission that could result in significant delays to commencement of development. Imposing shorter timescale for implementation of planning permissions runs the risk that certain planning permissions cannot be delivered because unforeseen circumstances result in delays to the start of development beyond the time limits given for implementation of the permission.
- 2.37 No evidence has been provided to demonstrate that there is a necessity to impose conditions requiring development to begin within a shorter timescale than the default period. This policy requirement is not therefore considered to be justified.
- 2.38 Policy HOU13 should therefore be deleted. DWH considers that it would be more effective for CEC to work closely with developers to ensure that delivery targets are not frustrated by procedural matters.

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?

- 2.39 It is not considered necessary to include a commitments in Policy HOU13 for the local authority to minimise the number or pre-commencement conditions. This would be a repetition of paragraph 56 of the Framework.

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