

Hearing Position Statement

Submission Details

Question: MIQs 1-7, Housing Density (Policy HOU 12), No. 65

Cheshire East SADPD ID: 1254824

Cheshire East SADPD Comment ID: RPD408

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No comments from the Council were available in response to the Inspectors MIQs Part 1 at the time of submission.

Statement

The current draft of the Cheshire East SADPD Policy HOU 12 states:

3. *In determining an appropriate density, the following factors will also be taken into account:*
 - i. *the mix and type of housing proposed;*
 - ii. ***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;***
 - iii. *the nature, setting and scale of the proposal including site constraints and local context;*
 - iv. *the character of the site including its topography and biodiversity value;*
 - v. *local market conditions and viability;*
 - vi. *the need to preserve the amenity of existing or future residents; and*
 - vii. *availability and capacity of local services, facilities and infrastructure*

But nowhere are the locations of the referenced low-density areas defined, there is no definition of what “protecting” a low-density area means, and how in practice low-density areas would be protected.

During the last consultation phase for the Draft SADPD these points we raised and submitted by many within the local community.

At a Special Meeting of the Council, 19th April 2021 ¹ feedback was provided in response to the consultation on Policy HOU12:

¹ [\(Public Pack\)Item 7 - SADPD Appendix Agenda Supplement for Council, 19/04/2021 11:00 \(cheshireeast.gov.uk\)](#), page 262

Policy HOU 12 is consistent with ¶123 of the NPPF (2019) and LPS Policy SE 2 'Efficient use of land'

The approach set out in Policy HOU 12 would encourage the efficient use of land within the authority area, whilst also allowing for consideration of other appropriate factors. As noted above, additional text has been added to criterion 3(ii) to note that there are some areas of the borough with an established low-density character that should be protected. Neighbourhood Plans policies are also able to provide additional detailed policies relevant to local areas, where evidenced and justified.

NPPF (2019) has been superseded by NPPF (July 2021). Paragraph 123 of NPPF (2019) has become Paragraph 125 of NPPF (2021), which states that:

Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site

No evidence however has ever been offered or provided that there is an existing or anticipated shortage of land for meeting identified housing needs within low-density areas.

It has similarly been asserted that some of the existing conditions related to development within low-density areas weren't in alignment with the NPPF, and that NPPF (2012) states that planning rules shouldn't be "overly prescriptive".

NPPF (2012) is a very old version of the Framework with the text about being overly prescriptive having been removed. NPPF (2021) now states:

To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place, and should allow a suitable degree of variety.

NPPF (2021) goes on to state:

Design guides and codes can be prepared at an area-wide, neighbourhood or site specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. Landowners and developers may contribute to these exercises, but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes.

Now a degree of prescription is positively encouraged to guide decisions, and that engagement with local neighbourhoods can be part of that process. Policy GEN 1 within the current draft of the Cheshire East SADPD similarly states:

In line with LPS Policy SE 1 'Design', development proposals should:

- 1. contribute positively to the borough's quality of place and local identity through appropriate character, appearance and form in terms of scale, height, density, layout, grouping, urban form, siting, good architecture, massing and materials. Development that fails to take the opportunity to support the quality of place of the local area will be resisted;*

A significant amount of feedback for Policy HOU12 from residents within low-density areas was provided, the majority of which indicating a desire for a greater degree of prescriptive criteria within Policy HOU12 than what was proposed. For those H12 low density areas, the proposed HOU 12 is a significant backwards step, a step it seems for which no evidence has been provided that the current policy H12 wasn't compliant with the latest National Planning and Policy Framework.

Recommendations

I am not a planning officer, nor am I professionally qualified in any way to suggest alternative wording for policy HOU12, but given that the current National Planning and Policy Framework asserts that it perfectly acceptable for a more prescriptive approach to be taken regarding low-density areas, it would be logical that the housing densities for each low-density area are ascertained, and these are used as a ceiling against which future applications are judged. Only applications within low-density areas which either retain or reduce the housing density for that low-density area should then be considered. For those areas that currently have specific low-density planning criteria, some of which having been constructed in conjunction with the local community, e.g., H12, should be retained.

In its current form, Policy HOU 12 in relation to low-density areas is vague, and consequently very open to interpretation and possible abuse. The very act of being more prescriptive within Policy HOU 12 would remove some areas of ambiguity, improve the overall quality of the Cheshire East SADPD and provide greater certainty and clarity for potential future developments.