

# **EiP Statement**

## **Cheshire East Site Allocations and Development Policies Document**

### **Story Homes**

### **Representor ID: 1255389**

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**Our ref** 42155/11/CM/MGR  
**Date** September 2021

#### **Subject Matter 3 - Housing**

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#### **1.0 Introduction**

- 1.1 Lichfields is instructed by Story Homes [Story] to make representations on its behalf to the emerging Cheshire East Site Allocations and Development Policies Document [SADPD].
- 1.2 This Statement has been prepared in response to the Matters, Issues and Questions raised by the Inspector for the Matter 3 Examination in Public [EiP] hearing session.
- 1.3 Separate representations have been submitted in respect of the following Matters:
- 1 Matter 1 – Legal Compliance and Duty to Co-operate
  - 2 Matter 2 – Planning for Growth
  - 3 Matter 6 - General Requirements
  - 4 Matter 7 - Transport and Infrastructure
  - 5 Matter 8 - Natural Environment, Climate Change and Resources
- 1.4 These Matter Papers representations should be read in conjunction with previous submissions on the SADPD [Representator ID 1255389].
- 1.5 Story is seeking to bring forward a sustainable and high-quality residential site (including affordable homes) at Ryleys Farm, Alderley Edge.
- 1.6 This statement expands upon Story’s previous representations made throughout the Local Plan preparation process in light of the Inspector’s specific issues and questions. Where relevant, the comments made are assessed against the tests of soundness established by the National Planning Policy Framework [the Framework] and the National Planning Policy Practice Guidance [Practice Guidance].

#### **2.0 Planning Issues**

##### **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)**

- 2.1 Story has no comment on this matter.

## 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 evidence, clear and unambiguous, and consistent with the LPS and national policy?*

- 2.2 Story **objects** to Policy HOU 1 as it is worded.
- 2.3 Story recognises the importance of providing an appropriate housing mix that meets the local requirement, and always seeks to provide a range of home sizes when delivering new development. Policy HOU 1 describes the mix in Table 8.1 as the 'starting point' for the analysis of housing mix which is ambiguous and it is unclear how this will be applied. In this regard the policy fails to meet the Framework [para.16 (d)] as it could be interpreted that proposals need to accord with Table 8.1, unless other considerations indicate otherwise (which is how development plans should be used in decision making under the Town and Country Planning Act 1990). As a result, Story is concerned that other important factors may not be given enough weight in decision making, such as the likely market demand, resulting in proposals that are overly restrictive in terms of market choice. In addition, using a high level 'snap shot' in time for the next 11 years is not considered to be reasonable.
- 2.4 It is considered that developers are well placed to analyse market demands and will not build housing they cannot sell. We consider that a flexible approach should be taken regarding housing mix which recognises that need and demand will vary from area to area and site to site according to the character and design of the site and local area. The mix of homes in Table 8.1 should be presented as indicative to ensure likely market demand is given equal importance.
- 2.5 In a similar vein, HOU1 requires information from various sources to be considered and does not indicate how these sources will be weighed against one another. This will lead to housing mix statements that are lacking in clarity and cause them to be unduly onerous in preparation and as a tool in decision making, which could hamper the delivery of development.
- 2.6 Since the submission of the SADPD the Council has prepared a Supplementary Planning Document which provides further detail on the HOU1 policy and mix. A consortium of housebuilders, of which Story Homes is a part of, have prepared a representation which sets out the concerns with the approach being taken by the Council.
- 2.7 The report finds that there is evidence of market demand for a wider range of size of homes including larger homes in the area. There is a disparity between what developers are delivering when led by market demand without a prescriptive housing mix policy, and what the council are proposing. This is supported by sales feedback, with demand for 1 and 2 bedroom properties very location/site specific. The demand for 3 and 4 bedroom housing is relatively high across all sites. There is an overestimation of demand for 1, 2 and 3 bedroom properties and an underestimation of demand for 4 and 5+ bedroom properties in the proposed housing mix.
- 2.8 The proportion of sales agreed, property preferences of movers to the area, distribution of sales and current market mix delivery all show a broader mix including larger homes will be required to meet demand. Policy HOU1 is not justified and based on robust evidence and therefore fails to meet the tests of soundness contained in the Framework [para.35].

2.9 In addition, we do not believe that the mix is based on typical built forms across housing schemes. This means that less value can be generated by the land, reducing the likelihood of a BLV being met when accounting for CIL, Section 106 contributions, 30% affordable housing and the costs of other policies in some instances. It is also not reflective of market facing delivery across CEC. We would expect developers to be led by market demand to optimise return, therefore meeting housing demand without the need for a specified mix in policy. We therefore believe that the preferred mix has not been thoroughly viability tested, and reference to a specific mix should be removed from policy and SPD wording.

2.10 For the reasons set out in our response to Policy HOU3, Story also objects to Policy HOU1 Part 1(iv) which requires all major housing schemes to provide a statement which responds to demand for self and custom build housing in line with HOU3.

### **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 aging population?*

2.11 Story has no comment on this matter.

*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?*

2.12 Story has no comment on this matter.

*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?*

2.13 Story has no comment on this matter.

*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?*

2.14 Story has no comment on this matter.

### **Self and custom build dwellings (Policy HOU 3)**

*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? 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 Report, 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?*

2.15 Whilst it is accepted that new development should contribute to achieving an appropriate mix of housing, Story **objects** to Part 2 of Policy HOU3 for a number of reasons.

- 1 Councils have a legal obligation to grant sufficient planning permissions to meet the demand for self and custom build properties. Story considers the policy approach in HOU 3 to be ineffective because there is no evidence that the Council's obligation can be met in this way. It is not known what level of provision could be achieved on schemes by market housing developers; no evidence of land owner or developer willingness and ability to deliver has been presented and, therefore, the Council cannot rely on these sites as their supply for self-build and custom-build housing.
- 2 It appears that such an onerous requirement for all sites with over 30 dwellings to make provision for self-build plots is unnecessary. The Council is exceeding demand and has been for all three of the 'base periods' up to October 2018<sup>1</sup>. For the first base period (January 2016 to October 2016) there was a requirement for 34 serviced plots to be granted planning permission by October 2019; the Council exceeded this requirement by permitting 83 plots. For the second base period (October 2016 to October 2017) the requirement was for 91 serviced plots to be granted permission by October 2020; 114 plots were granted planning permission. And in the third base period (October 2017 to October 2018) 17 serviced plots were required to be granted permission by October 2021; so far, 105 plots have been granted. In conclusion, the requirement in Policy HOU 3 is disproportionate to the demand that has been demonstrated since the beginning of 2016.

Even if there was evidence that the requirement in Policy HOU 3 was proportionate and necessary, the Council has not provided any clear evidence to explain why all sites over 30 dwellings would need to make provision for them. The chosen figure appears to be arbitrary and not justified.

- 2.16 There would be serious consequences for the delivery of housing across the district should Policy HOU 3 remain as it is currently written. As noted in the Roger Hannah Viability Note at Appendix 3 of our SADPD Revised Publication Draft representations, Market Housing development and Self or custom build rarely work together. Providing self or custom build on market housing sites is unlikely to work and will severely impact upon a scheme layout. This will create issues with the apportionment of planning obligations between the housing market area and self -build plots. There is a reference to a 5% allowance that has been considered but there is no detail on how this impacts land value and how such provision is treated in relation to other planning obligations when considering viability.
- 2.17 Story recommends that the Council should continue its current proactive and effective approach to meeting the local demand for self and custom build dwellings. In other authorities this is predominantly delivered by identifying stand alone sites which are specifically allocated.
- 2.18 With regard to this matter it is noted that another North West authority, West Lancashire Council, indicated that it did not intend to implement a requirement for self and custom build housing after consultation feedback indicated that it would not be advisable, prior to ceasing work on its emerging plan.

### **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?*

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<sup>1</sup> Cheshire East Local Plan Authority Monitoring Report 2019/2020

- 2.19 Story generally supports the provision of homes that are suitable to meet the needs of older people and disabled people. However, we are concerned that the standards proposed for major developments in Policy HOU6 (Parts 1(i)a and 1(i)b) are not fully justified. The Practice Guidance<sup>2</sup> sets out the type of evidence which can be used in order to justify these requirements, including: the likely future need for housing for older and disabled people (including wheelchair user dwellings); size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes); the accessibility and adaptability of existing housing stock; how needs vary across different housing tenures; and, the overall impact on viability. Limited evidence has been provided on the size, location, and quality of dwellings needed to address the need identified and it is not therefore clear what requirements are and how they differ across different parts of Cheshire East.
- 2.20 In addition, the Council's evidence does not appear to consider the potential for the increased proportion of homes built to the M4(1) standards and the contribution of other forms of specialist accommodation (such as retirement homes, sheltered homes or care homes) over the coming years which could reduce the need for adaptable housing.
- 2.21 With regard to this matter, the Residential Mix Study<sup>3</sup> states that the number of households likely to need wheelchair adapted housing in Cheshire East is likely to increase by 1,600 over the 12-year period, equivalent to around 6.2% of the OAN. However, it notes<sup>4</sup> that 80% of the identified growth in households with wheelchair users (1,310 households) are aged 75 or over, and it is likely that many of these households would also be identified as needing specialist housing for older persons. It concludes that it may be appropriate to adopt higher targets for specialist housing for older persons that is wheelchair accessible, and this could reduce the proportion of general needs housing that would need to meet the Category 3 requirements.
- 2.22 Story therefore considers that the most effective way to provide sufficient housing to meet M4(3) category requirements in the correct locations would be to increase the proportion of this type of accommodation in specialist housing for older people. This could involve the allocation of specific sites to help meet this need. We recognise that not all wheelchair housing will be provided through such specialist housing and consider that any requirements for M4(3) dwellings on market housing sites could be based on assessments of local need at the time of a planning application.
- 2.23 For the above reasons, we consider that the percentage provisions for M4(2) housing and M4(3) housing cannot be sought through policy HOU 6 as it is not justified.
- 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?*
- 2.24 Story notes that the Government's decision to make these standards optional suggests that they do not expect all properties to be built in accordance with them. If the standards are to be applied, the Practice Guidance<sup>5</sup> sets out a clear set of criteria local planning authorities should address in order to justify them, these being:
- 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.

<sup>2</sup> Planning Practice Guidance ID: 56-007-20150327

<sup>3</sup> Residential Mix Study (June 2019) §3.50

<sup>4</sup> Residential Mix Study (June 2019) §3.52

<sup>5</sup> Planning Practice Guidance ID: 56-020-20150327

- 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.

2.25 Turning first to need, we consider that the Council’s Nationally Described Space Standards Justification Paper<sup>6</sup> fails to provide sufficient evidence to justify the space standards. The Paper considers 135 applications (1,136 homes) submitted between 2015 and 2019 and notes the following<sup>7</sup>:

2.26 “...of the 1,136 units measured, around 50% failed to meet the NDSS standards in respect of Gross Internal Area.”

2.27 It is therefore clear that a large proportion of properties are not meeting the standard but there is no evidence that these properties are failing to sell or that there is a lack of customer satisfaction with these properties, or there is a need for these types of dwellings. There is also nothing to suggest that these properties are not comparable with other properties in the area. We therefore consider that insufficient evidence of need has been provided to justify this policy requirement. We deal with viability and timing below.

*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?*

2.28 We consider that there is a discrepancy between the evidence provided in the Justification Paper for NDSS and the Council’s Viability Update Report<sup>8</sup> which states that an analysis of the sizes of units currently for sale in the CEC area indicates that most units are currently above these sizes. The Justification Report suggests that this is not the case and the sizes of units assessed in the viability report may not therefore provide a true reflection of house sizes across the borough. It is not therefore clear whether the impacts of potentially larger dwellings on affordability and land supply have been properly considered.

2.29 Taking the above factors into account, Story considers that the evidence provided by the Council is not adequate to justify the policy requirement and is therefore not sound.

2.30 We are also concerned that the costs of providing a Category 2 dwelling have not been adequately accounted for in the Council’s Viability Assessment Update (July 2020).. For the reasons set out in the Roger Hannah viability note submitted with our SADPD Revised Publication Draft representations, we consider that the cost for a Category 2 dwelling should be increased from £521 to £7,765 per dwelling in the viability assessment.

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

2.31 In terms of timing, Story consider that a transitional period should be applied if the Council decide to proceed with the policy. From the evidence in the Justification Paper, it is clear that a large proportion of new dwellings do not currently meet the standard, and the cost of such

<sup>6</sup> Nationally Described Space Standards Justification Paper ED57 (2021)

<sup>7</sup> Nationally Described Space Standards Justification Paper ED57 (2021) §3.2

<sup>8</sup> Local Plan Site Allocations and Development Policies Viability Assessment, ED52 (2021)

provision is not therefore being factored into current and past land acquisitions. A reasonable transitional period following adoption of a new policy would help enable developers to factor the cost of space standards into future land acquisitions without compromising timescales given the potential delays caused by viability concerns e.g. renegotiating S106 to account for viability position.

### **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?*

2.32 Story has no comment on this matter.

### **Backland Development (Policy HOU 8)**

*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?

2.33 Story has no comment on this matter.

### **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'?*

2.34 Story has no comment on this matter.

### **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?*

2.35 Story has no comment on this matter.

### **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?*

2.36 Story did not previously object to the Policy in its earlier representations but notes the Inspectors concerns as there is likely to be conflict with the density standards being proposed,

making the best use of land and the desire to have standards for space between buildings. Policy HOU11 as drafted would rely on the Council being pragmatic in its application of the policy and this is unlikely to follow through in reality. In addition, we note that the Cheshire East Design Guide<sup>9</sup> states that within new development there is an opportunity to use innovative, design led approaches to ensure privacy without slavishly responding to the minimum distances approach. Therefore it is requested that flexibility is drafted into the policy wording to state “(3). where it is not possible to meet the standards it will be necessary to demonstrate why these standards would be inappropriate”.

*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?*

2.37 Story has no comment on this matter.

### **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?*

2.38 For the Council to answer; but Story considers that Policy HOU12 as drafted enables the decision maker and the applicant the ability to provide an achievable net density requirement. The supporting text of the policy makes an allowance that there will be sites where higher and lower densities will be 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?*

2.39 Based on experience in the borough, Story considers that it is not necessary to be more explicit in accepting densities below the minimum 30pdh. The policy requirements of HOU12 3i-iv) will dictate the amount of development that can be achieved on each site and this can and should be dealt with on a case by case basis. To make the policy less onerous the wording could be included to state “(5) where it is not possible to meet the density standards it will be necessary to demonstrate why these standards would be inappropriate”.

### **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?*

2.40 Story considers Part 4 of the Policy to be unnecessary as the Framework<sup>10</sup> already sets out that local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability. The provision in the Framework allows a judgment to be made on a case by case basis which is entirely

<sup>9</sup> Cheshire East Borough Design Guide Volume 2 §i36

<sup>10</sup> Framework §77



appropriate given that every site characteristic and development will have varying levels of delivery challenges. It is not necessary to repeat this in the SADPD.

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

2.41 Story has no comment on this matter.

### **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*

2.42 Story has no comment on this matter.