



**CHESHIRE EAST LOCAL PLAN SITE ALLOCATIONS AND
DEVELOPMENT POLICIES DOCUMENT (SADPD)
SEPTEMBER 2020**

LOCAL PLAN EXAMINATION

MATTER 3 – HOUSING

ON BEHALF OF THE TATTON ESTATE

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Pegasus Group

Queens House | Queen Street | Manchester | M2 5HT

T 0161 393 3399 | **W** www.pegasusgroup.co.uk

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1. INTRODUCTION

- 1.1 Pegasus Group has been instructed on behalf of their client, The Tatton Estate, to prepare Hearing Statements to the Cheshire East Site Allocations and Development Policies Document (SADPD) in support of their land interests in the Borough.
- 1.2 This Hearing Statement has been prepared for **Matter 3- Housing**.

2. ISSUE: OTHER TYPES OF HOUSING (POLICIES HOU 1-4)

Housing Mix (Policy HOU 1)

Question 47 - 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 (Core document ED49), clear and unambiguous, and consistent with the LPS and national policy?

- 2.1 Yes. The policy wording allows for sufficient flexibility to take account of the site-specific characteristics and local demand for the area, allowing for the housing mix of each site to be appropriately assessed on a case by case basis. Tatton are supportive of the policy which does not impose a prescriptive requirement for housing mix percentages and makes it clear that Table 8.1 is a starting point for analysis.

Question 48 - 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?

- 2.2 No particular comment, albeit the inclusion of a clear definition of intermediate housing within Table 8.1 would remove any potential ambiguity.

3. ISSUE: SPECIALIST HOUSING PROVISION (POLICY HOU 2)

3.1 No comment.

4. ISSUE: SELF AND CUSTOM BUILD DWELLINGS (POLICY HOU 3)

Question 53 - 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 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?

4.1 No, Policy HOU 3 as currently worded is not justified. There is insufficient justification in support of the requirement for sites of 30 dwellings or more to provide a proportion of serviced plots. Requiring private developers to provide service plots available for sale within every housing scheme will place unnecessary constraints and burdens on those housebuilders and could potentially lead to delays in delivery while those plots are being marketed; particularly where there may be little market demand. Such demands also raise complications over how affordable housing, infrastructure and other financial planning obligations are delivered on a wider scheme.

4.2 Instead, the most appropriate mechanism to deliver self-build and custom-built homes is through specific allocations, which will identify the most suitable sites which have considered a number of key matters, including locational attributes and market demand, and are of a scale that is more fitting for individuals or smaller developers to take advantage of (for instances sites of 1 ha or less).

4.3 That said, we note that the Council are already providing a surplus in total serviced plots relative to expressions of interest on the Self-Build register¹:

Table 9.2 Plots permitted

	Base period 1 (ending 30/10/16)	Base period 2 (ending 30/10/17)	Base period 3 (ending 30/10/18)
Part 1 registrations	34	91	17
Plots permitted Y/E 30/10/17	20	-	-
Plots permitted Y/E 30/10/18	9	9	-
Plots permitted Y/E 30/10/19	54	54	54
Plots permitted Y/E 30/10/20	-	51	51
Plots permitted Y/E 30/10/21	-	-	TBC
Total plots permitted	83	114	TBC
Surplus/shortfall	+49	+23	+88

¹ Core document BD04 - table 9.2 and paragraph 9.8

- 4.4 Given the plot surplus, it is clear that a windfall approach to serviced plots has been successful in the Cheshire East context to date. This provides further evidence that the requirement to provide specific plots on sites of 30 dwellings or more (criterion 2 of the policy) is not justified.
- 4.5 Reference to the need for sites of 30 dwellings or more to provide self-build plots (criterion 2 of the policy) should be removed. The evidence base does not support or justify this approach- the Council should instead continue to rely on a windfall approach which has been successful to date or identify additional sites specifically for self-build if necessary, through the ongoing monitoring of self-build demand.

5. ISSUE: HOUSING DEVELOPMENT STANDARDS & REQUIREMENTS (POLICIES HOU 6 – 14)

Accessibility & wheelchair housing standards (Policy HOU 6)

Question 54 - 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?

- 5.1 No. The PPG identifies the type of evidence² that is required to introduce such a policy, including likely future need, the size, location, type and quality of dwellings needed, how needs vary across housing tenures and overall viability considerations. The onus is therefore on the Council to provide a local assessment which clearly evidences the specific case to introduce optional higher standards for accessible and adaptable homes in the Cheshire East context.
- 5.2 The evidence provided to date does little to support the need for introducing additional optional standards in Cheshire East. The June 2019 Cheshire East Residential Mix Assessment (ED 49), at Figure 28, indicates that the Cheshire East rate of disability benefit claimants in receipt of mobility is below the national average. This evidence does not point towards a clear justification to introduce higher accessibility standards and a strong need in the Cheshire East context.
- 5.3 The evidence base also fails to comprehensively assess size, location, type and the quality of dwellings needed, as per the PPG guidance.
- 5.4 Until the evidence base is updated and provided, Policy HOU 6 is not justified and reference to 30% M4 (2) provision and 6% M4 (3) provision should be removed.

Question 55 - 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?

- 5.5 No. Again, the PPG is also clear that these are optional, not mandatory, standards. The PPG³ is also clear that where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. This evidence needs to clearly take account of need, viability and timing.
- 5.6 The Council have produced a 2020 Nationally Described Space Standards Justification Paper (ED 57). The paper considers 135 recently granted planning applications to gauge how they perform against the criteria of NDSS. On the basis of GIA, it is noted that 49% of the assessed dwellings fell below the NDSS requirement. Whilst the failure to comply with these standards is documented, this is not translated into evidence which suggests that this has caused particular issues in the

² Paragraph: 007 Reference ID: 56-007-20150327

³ Paragraph: 020 Reference ID: 56-020-20150327

Cheshire East context. Furthermore, on other aspects such as bedroom widths, 83% of the surveyed dwellings exceeded the requirements.

- 5.7 Of particular note, the information provided does not indicate what need there actually is for properties to be built to the national standards, given that there is no evidence to suggest that smaller properties are not selling, or that customers are not satisfied with these properties. There is therefore little evidence to justify the introduction of national space standards in Cheshire East.
- 5.8 The introduction of national space standards can at times lead to viability issues, not just in isolation but especially when combined with the application of standards such as for wheelchair adaptability. Given the viability implications, it is clearly necessary to provide a strong evidence base to introduce such standards (as confirmed by the PPG). This has not been provided.
- 5.9 Until further evidence is provided to fully justify the introduction of the NDSS requirement, this should be removed from Policy HOU 6.

Question 56 - 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?

- 5.10 No and we have previously raised concerns in relation to this. Paragraph 5.1 of the 2020 NDSS Paper (ED 57) states that as the introduction of the standard is not predicted to have a significant impact on the viability of most developments, it should not have a significant impact on decisions that have already been made by land purchasers and developers. We disagree with this approach, as until the Plan has been adopted, there is no certainty that the policy will be taken forward and therefore Developers will often not factor this into viability and costing considerations until this point.
- 5.11 This matter is particular pertinent given that CIL is in place in Cheshire East. We do not believe viability considerations, in tandem with CIL costings, have been robustly tested. The Council will need to revisit their CIL charging schedule so the costs of this policy and other policies adopted as part of the SADPD are fully considered.

Question 57 - Would a transitional period for NDSS be justified to enable developers to factor the cost of the space standards into future land acquisitions?

- 5.12 Yes. Given our concerns regarding viability testing above, should the Council provide additional and robust evidence to demonstrate need, a transitional period should be included for the introduction of NDSS.

6. ISSUE: SUBDIVISION OF DWELLINGS (POLICY HOU 7)

6.1 No comment.

7. ISSUE: BACKLAND DEVELOPMENT (POLICY HOU 8)

7.1 No comment.

8. ISSUE: EXTENSIONS AND ALTERATIONS (POLICY HOU 9)

8.1 No comment.

9. ISSUE: AMENITY (POLICY HOU 10)

9.1 No comment, as this wording allows for planning judgement.

10. ISSUE: RESIDENTIAL STANDARDS (POLICY HOU 11)

Question 62 - 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?

- 10.1 No. The wording of the policy is onerous, not allowing for flexibility in design on a site by site context. The application of such rigid standards does not allow for pragmatism in terms of creative design solutions which lead to schemes which are acceptable in terms of privacy, lighting etc, but may fall short in achieving such prescriptive standards.
- 10.2 Indeed, there has been an evident move in recent years from blanket, prescriptive standards towards innovative, design-led solutions (as seen in the Manual for Streets guidance). A greater emphasis has also been placed on design in the 2021 NPPF. Paragraph 128 of the NPPF notes how authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code. Design guides should also provide a framework for creating beautiful and distinctive places and should allow a suitable degree of variety.
- 10.3 Notably, the National Design Code outlines how in more urban areas there may be a need for more lighting and shorter privacy distances might be acceptable, while in suburban areas lighting might be more minimal and privacy distance might be greater⁴. This therefore emphasises a more localised, nuanced site by site approach to design and residential standards, as opposed to a standardised, borough-wide approach currently suggested in the SADPD. Such flexibility, as advocated in the National Design Code, also allows for a suitable degree of variety and in turn the delivery of beautiful places.
- 10.4 The proposed standards as set out in Policy HOU 11 and Table 8.2 are not justified or effective and should be deleted.

Question 63 - 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?

- 10.5 No comment.

⁴ Page 28, Part 1 the Coding Process National Model Design Code (June 2021)

11. ISSUE: HOUSING DENSITY (POLICY HOU 12)

Question 64 - 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?

- 11.1 We continue to be support policy HOU 12 as drafted, which does not seek to introduce maximum density requirements on all developments without significant flexibility.
- 11.2 The policy is also in line with paragraph 125 of the NPPF in that it advocates the use of minimum density standards. Policy HOU 12 states developments will generally be expected to achieve a net density of at least 30 dwellings per hectare, a density commonly found across standard residential schemes.

Question 65 - 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?

- 11.3 No- the policy already includes the word 'generally' and also sets out a series of factors that will be taken into account when determining an appropriate density, including local character.

12. ISSUE: HOUSING DELIVERY (POLICY HOU 13)

Question 66 - 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?

- 12.1 No- we have concerns in relation to some of the policy wording, namely how the Council will consider imposing planning condition(s) requiring development to begin within a timescale shorter than the relevant default period. Whilst this is a matter which can be considered by the Council, NPPF paragraph 77 makes it clear that such an approach is not mandatory.
- 12.2 Whilst such an approach may be appropriate for smaller scale schemes, the imposition of a shorter time limits for larger strategic sites would likely actually hamper the delivery of new homes. Generally, larger scale strategic sites give rise to a much more complex and range of issues which need to be dealt with through conditions, or through future reserved matters submissions. The preparation of such work can take a significant period of time especially when teams are under-resourced as Cheshire East have been for some time.
- 12.3 We would also highlight that for any shorter time limits on applications to be remotely workable, a significant level of commitment from the Local Planning Authority will be required to deal with subsequent reserved matter and discharge of condition applications in a timely manner. It is noted that on many applications the delay in the determination of applications is as a result of a failure of statutory consultees to provide a response within the required timescales, something that is largely out of the hands of the local planning authority and applicant.
- 12.4 Part 4 of Policy 4 should therefore be removed, with the view that these conditions can still be applied to appropriate schemes on a case by case basis at the planning application stage.

Question 67 - 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?

- 12.5 Yes. This is considered a far more appropriate way to try and speed up the delivery of housing. This approach would also be in line with NPPF paragraph 56, which states that pre-commencement conditions should be avoided, unless there is a clear justification.

13. ISSUE: SMALL AND MEDIUM SIZED SITES (POLICY HOU 14)

Question 68 - 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?

13.1 No comment.

14. CONCLUSION

14.1 In conclusion, our main concerns in relation to Matter 3 are:

- The reference to self-build plots on sites of 30 dwellings or more in Policy HOU 3 is unjustified and should be removed. Evidence indicates a windfall approach is working well within the Cheshire East context, or alternatively specific sites for self-build plots should be allocated to avoid deliverability issues on larger sites;
- The optional NDSS and Accessibility standards have not been justified, due to an insufficient evidence base and should be removed;
- The residential standards in Policy HOU 11 are not effective, or in line with national policy and the National Design Code to deliver beautiful places and the prescriptive standards should be removed; and
- Reference to shorter timescale conditions in Policy HOU 13 are neither justified or effective and should be removed.