



## Matter 3: Housing

Examination of the Cheshire East Local Plan Site  
Allocations and Development Policies Document

for various clients

Emery Planning project number: 17-087

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## 1. Introduction

- 1.1 This hearing statement is submitted on behalf of Dewscope Ltd, HIMOR, Simply UK, Henderson Homes, Mr T Hill, Wainhomes and Warford Park Ltd in relation to Matter 3: Housing.

## 2. Matter 3 Housing

### Other Types of Housing

#### 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?**

- 2.1 No.

- 2.2 The Framework sets out at paragraph 62 that:

*“...the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.”*

- 2.3 Paragraph 124 states that *planning policies and decisions should support development that makes efficient use of land, taking into account a) the identified need for different types of housing and other forms of development...* There is no requirement in the Framework for all major housing developments to provide an ‘appropriate mix’ of housing types and sizes as proposed by Policy HOU1. The policy requirements in Policy HOU1 also go beyond the scope of Policy SC4 of the LPS which requires new residential development to maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. The explanatory text to Policy SC4 at paragraph 12.32 explains that an *“appropriate mix of housing will need to be provided within individual developments, proportionate to the scale of development proposed.”* The proposed policy is not consistent with the LPS or national policy.

- 2.4 As set out in our representations to the Revised Publication Draft in December 2021, Policy HOU1 is not justified on the basis of proportionate evidence, clear and unambiguous or consistent with the LPS and national policy.

## **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?**

- 2.5 Yes, there is a need to allocate specific sites for specialist older persons accommodation as set out below.
- 2.6 Paragraph 60 of the Framework states that:

*"To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay." (our emphasis)*

- 2.7 Paragraph 62 of the Framework states:

*"Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)."*

- 2.8 Furthermore, the NPPG explains that the need to provide housing for older people is 'critical'. People are living longer and the proportion of older people in the population is increasing. Paragraph 63-012 of the NPPG states that:

*"Plans need to provide for specialist housing for older people where a need exists. Innovative and diverse housing models will need to be considered where appropriate".*

- 2.9 The Framework and NPPG are therefore very clear on the need to identify and address the needs of groups with specific housing requirements, including older people and people with disabilities. A key aspect of this is the need for C2 accommodation. However, as discussed below, the SADPD fails to address the need which was identified through the CELPS. Paragraph 58 of the Inspectors Report states:

*“58. In my initial Interim Views (Appendix 1), I highlighted the apparent mismatch between the economic and housing strategies of the submitted Plan, particularly in the constrained relationship between the proposed level of jobs and the amount of new housing. As a result, CEC commissioned consultants to undertake an updated assessment of housing needs in the Housing Development Study (HDS) [PS/E033], with further information provided during the examination. **This establishes an objective assessment of housing need (OAN) of 36,000 new homes, equivalent to 1,800 dw/yr over the Plan period (2010-2030).** This represents an increase from 27,000 new homes proposed in the CELPS-SD, **and now includes 2,185 additional units of elderly persons (C2) accommodation,** a revised assessment of affordable housing need and excludes the previous provision of 500 dwellings for High Peak BC, which is no longer needed. The resulting OAN incorporates an uplift of some 65% above the base demographic need (22,000 homes), to reflect the proposed economic growth rate (0.7% jobs growth/year) and the need to provide sufficient homes for the employees needed to take up the additional 31,400 new jobs proposed; CEC considers that this is more than enough to reflect market signals, the need for affordable housing and other social, economic and housing factors.”*

- 2.10 Therefore, C2 was a critical component of need in the Part 1 Plan. Our representations in December 2020 on behalf of Warford Park set out that the objectively assessed need for Cheshire East includes an element of C2 bedspace provision of 2,180 units (which can be provided as self-contained dwellings or bedspaces)<sup>1</sup>.
- 2.11 The Council's latest published Housing Monitoring Update (HMU) has a base date of 31 March 2020 and the Council has published a Housing and Completions Supply Summary (31 March 2021). For consistency, we would refer to the information included within our representations on behalf of Warford Park which show that from 2010-2020 there has been a total of 361 C2 completions against a requirement over the same period of 1,090, a shortfall of 729. This equates to an annual completion rate of 36, considerably less than the annual requirement of 109. There have been no completions in the rural areas to the north of the borough or Knutsford.
- 2.12 In terms of supply, only one of the strategic sites allocated in the CELPS includes a requirement, albeit unspecified, for the delivery of C2 bedspaces. There are no proposed allocations for C2 uses in the SADPD. Appendix 2 of the Council's Housing Completions and Supply Summary (31 March 2020) provides information on non-strategic sites that are included in the 5 year supply. A total of 7 sites are identified with a total number of 309 units. The supply of C2 bedspaces is

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<sup>1</sup> Cheshire East Housing Development Study – ORS Report (PS E033), paragraph 3.67

confined to Crewe, Willaston, Macclesfield and Nantwich. In summary, there are no commitments in Knutsford or the rural areas to the north of the borough.

2.13 The table below shows that there is a residual requirement for 1,510 C2 bedspaces between 2020 and 2030. Meeting the requirement for C2 accommodation is critical given the ageing population in Cheshire East.

A	Requirement for older persons' accommodation (2010 – 2030)	2,180
B	Completions (2010-2020)	361
C	Commitments	309
D	Residual requirement (A-B-C)	1,510

2.14 Meeting the requirement for C2 accommodation is critical given the ageing population in Cheshire East. Specific sites should be allocated in the SADPD to ensure the C2 requirement is met.

**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?**

2.15 No.

2.16 First, as set out in the question, C2 specialist housing models vary and may not have the physical characteristics of dwellings with facilities for independent existence. In these cases, it would be unreasonable to seek a proportion of affordable housing in line with Policy SC5. As drafted, the policy is not clear when affordable housing would or would not be sought.

2.17 Second, the viability update includes appraisals for older people's housing comprising Sheltered and Extra Care sectors. We have a number of comments on this as follows:

2.18 First, paragraph 10.77 of the Viability Assessment Update is clear that the requirement for affordable housing would not apply where proposals constitute a Class C2 Use. The requirement for affordable housing for all specialist housing is inconsistent with the evidence base.

- 2.19 Second, it is not clear what level of care has been assumed for the Extracare housing appraisal as this can vary from medium to high level care (see paragraph 63-101 of the NPPG). The level of care will very much influence the characteristics of the accommodation, the extent of independent living and will influence viability.
- 2.20 Finally, paragraph 10.78 of the Viability Assessment Update notes that the Sheltered and Extracare schemes are each for 50 units as the schemes tend to be developed in blocks of this size. The Viability Update provides no assessments of smaller schemes that may be brought forward on an existing specialist housing site for example. Applying affordable thresholds to smaller sites in line with Policy SC5 has not therefore been tested.
- 2.21 In summary, Policy HOU 2 is not 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.

### **Self and custom build dwellings (Policy HOU3)**

#### **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 Report, is criterion 2 of the policy justified?**

- 2.22 The AMR shows that the council has met its legal duty by permitting 72 self build plots in excess of the targets for the base periods i.e. those registered on the self-build register. Our only comment in this regard is that the AMR is not clear on whether there is a direct correlation between the individuals registered on the council's self-build register and the self-build plots permitted.
- 2.23 As set out in the representations, we consider that support should be given towards schemes that deliver self and custom build homes as per part 1 of the policy. Our concerns are directed to part 2 of the policy.

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

- 2.24 Insufficient evidence has been provided to justify the site threshold of 30 dwellings. Please see paragraphs 23.1 to 23.6 of Emery Planning's December 2020 representations in this regard. We consider that point 2 of the policy should be deleted.



### **c) What is considered to be an 'acceptable proportion' of serviced plots?**

- 2.25 There is no evidence to suggest what an 'acceptable proportion' of serviced plots on a larger residential development would be. Furthermore, there is no evidence that an unmet demand for self-build plots could be satisfied through the provision of serviced plots on large residential developments. The requirement for a 'proportion' of plots to be self-build is unclear and ambiguous and should be deleted.

## **Housing Development Standards and Requirements**

### **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?**

- 2.26 No. We consider that the targets for M4 (2) and M4 (3) dwellings are not justified on the basis of proportionate evidence or consistent with national policy. We refer to Emery Planning's representations to the Revised Publication Draft SADPD dated December 2020 in particular paragraphs 24.1 to 24.8 in respect of M4 (2) dwellings and paragraphs 24.9 to 24.13 in respect of M4 (3) dwellings.

#### **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?**

- 2.27 No, the application of the NDSS in Cheshire East is not justified by any evidence of need and the requirement should be deleted from Policy HOU6. Please see paragraphs 24.14 to 24.17 of Emery Planning's representations to the Revised Publication Draft SADPD dated December 2020.

#### **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 The Nationally Described Space Standards Justification Paper (ED 57) states that the Site Allocations and Development Policies Viability Assessment (ED 52) has assessed and considered policies contained within the Plan. It states that the modelling included in the viability assessment

has included the NDSS and as such the financial implications and impact on site typologies across the borough has been taken into consideration.

- 2.29 Paragraph 12.98 of the Site Allocations and Viability Assessment concludes that the council can be confident that the sites in the emerging SADPD are deliverable when taking into account the full cumulative impact of the policies in the SADPD.
- 2.30 However, it states that the additional policies are 'unlikely' to prejudice the allocations in the LPS, i.e. there is some doubt. The viability results are not positive for the medium and low value areas and the report recommends that the council should consider a flexible approach to viability and potentially accept a lower level of affordable housing or other policy requirements in these areas (see paragraph 10.14 of ED 52). Furthermore, the viability appraisal only considers allocated sites and does not assess the range of windfall sites that will come forward over the plan period. Such windfall sites may be on previously developed land and subject to other constraints which will not have been taken into account in the viability appraisal.
- 2.31 Finally, Policy HOU6 applies a one size fits all approach and does not take into account bespoke schemes which may include an element of conversion, perhaps of a heritage asset where it would not be feasible to meet the requirements of Policy HOU6. This is not appraised in the evidence base or accounted for in policy.
- 2.32 The viability evidence does not therefore demonstrate that the targets could be viably supported for all residential schemes.

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

- 2.33 Without prejudice to our answers above that the introduction of the NDSS is not justified, should the policy be adopted, it would not be reasonable to apply this to any sites with outline permission or permission in principle at the point of adoption of the SADPD. We would also suggest an 18 month transitional period to take into account land acquired prior to the adoption of the SADPD but yet to obtain planning permission.

### **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?**

2.34 The policy is not clearly written and we would recommend amendments.

### **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?**

2.35 We consider that part 2 of the policy is too prescriptive. Such guidance is already provided in the Cheshire East Design Guide and there is no need to introduce specific policy requirements, given that the necessity and acceptability of set-back distances will always need to be determined on a site-by-site basis.

### **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?**

2.36 Our representations set out that whilst we do not object to the proposed general residential density of 30 dwellings per hectare, the policy is too prescriptive for sites within the existing settlement boundaries or close to existing or proposed transport nodes as it may not be possible to achieve higher densities in these locations due to design or site specific issues. Housing density should be considered on a site by site basis.

**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?**

- 2.37 Yes. In the same way that not all sites within settlement boundaries can accommodate densities higher than 30 dwellings per hectare, it is not always possible for new residential schemes to achieve a density of 30 dwellings to the hectare depending on the site constraints and circumstances. Density should be considered on a site by site basis.

**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?**

- 2.38 Policy HOU13 does not serve a clear purpose in the development management process and duplicates policies within the Framework.

**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 Yes. A commitment to minimising pre-commencement conditions and resolving issues through pre-application discussions would be welcomed by applicants.

**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**

- 2.40 We consider the support for small and medium sites in the Plan reflects paragraph 69 of the Framework and agree that positive weight should be given to such sites in the determination of planning applications. As written, we have concerns on whether Policy HOU14 serves a clear purpose and would play a role in enhancing the supply or securing the delivery of small and medium sized sites for housing. Our representations for Henderson Homes questioned the effectiveness of the policy as that positive weight and the requirement in paragraph 68 (as it then was) of the Framework was missing from the site assessment in ED21. To be effective the policy

should ensure that there is “*land to accommodate at least 10% of their housing requirement on sites no larger than one hectare*” as set out in part (a) of paragraph 69 of the Framework.

2.41 Despite the SADPD being the document which allocates smaller sites, it only seeks to allocate very few sites.