

Portfolio Holder Decision

Report Title: Draft Housing Supplementary Planning Document

Portfolio Holder: Cllr Toni Fox - Planning

Senior Officer: Frank Jordan, Executive Director - Place

1. Report Summary

- 1.1. This report seeks approval to carry out at least four weeks of public consultation on the draft Housing Supplementary Planning Document (“SPD”).
- 1.2. The preparation of an SPD involves two rounds of public consultation. This is the first consultation stage and will be followed by another opportunity to comment on a final draft version of the SPD, which is consulted upon alongside a consultation statement. Having also considered comments made at that stage, the SPD may then be considered for adoption by the council.
- 1.3. Once adopted, the SPD will provide additional planning policy guidance on the implementation of Local Plan Strategy policies SC4 ‘residential mix’, SC5 ‘affordable homes’ and SC6 ‘rural exceptions housing for local needs’. The SPD, once adopted, will be a material consideration in decision taking and support the delivery of key policies in the Local Plan Strategy.

2. Recommendations

- 2.1. To consider the views of the Strategic Planning Board on the draft Housing Supplementary Planning Document.
- 2.2. Subject to 2.1 above, to approve the draft Housing Supplementary Planning Document (Appendix A) for at least four weeks of public consultation.
- 2.3. To publish the associated Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report (“SEA”) (Appendix B).

- 2.4. To publish the associated Equalities Impact Assessment Screening Report (“EQIA”) (Appendix C).

3. Reasons for Recommendations

- 3.1. The supporting information to policies SC4 (residential mix), SC5 (affordable homes) and SC6 (rural exceptions housing for local needs) in the Local Plan Strategy (“LPS”) anticipate the production of an SPD, to provide additional guidance on the implementation of policies on residential mix, including older persons accommodation and supported housing, alongside the provision of affordable housing in the borough.
- 3.2. An SPD is not part of the statutory development plan. It is a recognised way of putting in place additional planning guidance and a material consideration in determining planning applications in the borough.
- 3.3. Providing clear guidance up front about policy expectations should enable applicants to better understand policy requirements. The SPD should assist applicants when making relevant planning applications, and the council in determining them.

4. Other Options Considered

- 4.1. The council could choose not to prepare an SPD on housing. Any relevant planning application would continue to be assessed against existing planning policies. However, this would not allow the council to provide additional practical guidance to support the delivery of homes, including affordable homes, in the borough.

5. Background

- 5.1. Cheshire East Council’s Corporate Plan sets out three aims. These are to be open, fair and green. In striving to be a fair Council, a key objective is to reduce health inequalities across the borough, addressing issues of poor-quality housing and delivering housing to meet the needs of all residents, including vulnerable and older people. As such, this SPD sets out guidance on policies contained in the Local Plan Strategy that will support delivery of this ambition.
- 5.2. One of the key objectives of the LPS is for the Plan to support the establishment and maintenance of sustainable communities. The LPS seeks to support the delivery of an appropriate mix of house types, sizes and tenures including affordable housing to meet the borough’s needs. The LPS also seeks to support and enable vulnerable and older people to live independently, and for longer (LPS Strategic Priority 2, points 1 (ii) & (iii)).

- 5.3. The LPS includes policy SC4 (residential mix) which sets out how residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes. It also includes reference to the housing 'offer' appropriately responding to the needs of residents as they grow older. The policy includes additional requirements for accommodation designed specifically for the elderly and people who require supported and specialist accommodation.
- 5.4. The LPS establishes the overall need for affordable housing in the borough, that is the need for a minimum of 7,100 homes over the plan period up to 2030, which equates to an average of 355 homes per year.
- 5.5. The LPS contains two policies of relevance to the delivery of affordable homes. Policy SC5 (affordable homes) ensures that new residential development makes an appropriate contribution to the delivery of affordable homes, setting a threshold for when affordable homes are required to be delivered by sites. Policy SC6 (rural exceptions housing for local needs) provides additional guidance on the delivery of rural exception housing sites.
- 5.6. This SPD aims to give greater clarity to developers, landowners and communities, focused on the issues of residential mix and the provision of affordable housing. The draft Housing SPD provides additional guidance to applicants on how they should respond to the policy requirements in the LPS. It also 'signposts' sources of information, including relevant documentation and Council services.
- 5.7. The draft SPD has been jointly prepared by Strategic Planning and Strategic Housing. There has also been input from Adult Services and Commissioning teams.
- 5.8. The SPD contains several updates relating to current policy and housing provision and practice, both within Cheshire East and nationally. It has also been produced within the framework of Cheshire East Councils Housing Strategy [2018 - 2023] and government guidance as expressed in national planning guidance and policy statements.
- 5.9. Subject to the approval of the recommendations of this report, the SPD will be consulted on in accordance with the council's Statement of Community Involvement for a period of a minimum of four weeks.
- 5.10. The process for preparing an SPD is similar in many respects to that of a local plan document. However, they are not subject to independent examination by the Planning Inspectorate. There are a number of stages in their production:

- Publish the initial draft SPD for four weeks public consultation;
- Consider feedback received and make any changes necessary;
- Publish the final draft SPD, along with a consultation statement setting out who has been consulted in its preparation, the main issues raised in feedback and how those issues been addressed in the final draft SPD;
- Having considered representations, the SPD may then be adopted;
- Following adoption, the SPD must be published and made available along with an adoption statement in line with the 2012 Regulations. The adoption of the SPD may be challenged in the High Court by way of judicial review within 3 months of its adoption.

5.11. Once adopted, the effectiveness of this SPD will be monitored as part of the Authority Monitoring Report, using information from planning applications and decisions. The outcome of this ongoing monitoring work will help inform future decisions about the SPD.

5.12. The Strategic Planning Board, at its meeting of the 24 March 2020, recommended that the Portfolio Holder for Planning approve and publish the draft Housing Supplementary Planning Document and associated documents for public consultation. Questions were asked at the meeting regarding the content of the document and focused on topics including viability, self-build, housing mix, affordable housing threshold, rural exceptions and older person accommodation. Members of the Strategic Planning Board asked that parties who wish to see changes to the document engage with the consultation process.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1 The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012 provide the statutory Framework governing the preparation and adoption of SPDs. These include the requirements in Section 19 of the 2004 Act and various requirements in the 2012 Regulations including in Regulations 11 to 16 that apply exclusively to producing SPDs.

6.1.2 Amongst other things, the 2012 regulations require that an SPD contain a reasoned justification of the policies within it and for it not to conflict with adopted development plan policies.

6.1.3 The National Planning Policy Framework and the associated Planning Practice Guidance also set out national policy about the circumstances in which SPDs should be prepared.

6.1.4 SPDs provide more detailed guidance on how adopted local plan policies should be applied. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan.

Strategic Environmental Assessment

6.1.5 Strategic Environmental Assessment involves evaluation of the environmental impacts of a plan or programme. The requirement for SEA is set out in the European Directive 2001/42/EC adopted into UK law as the “Environmental Assessment of Plans or Programmes Regulations 2004”.

6.1.6 The SEA Directive sets out a legal assessment process that must be followed. Often within the planning context, the SEA requirements are met by incorporating it within a Sustainability Appraisal (“SA”), which is a requirement for development plan documents.

6.1.7 There is no legal requirement for SPDs to be accompanied by SA, and this is reinforced in Planning Practice Guidance (PPG ref: 11-008-20140306). However, “in exceptional circumstances” there may be a requirement for SPDs to undertake Strategic Environmental Assessment where it is felt they may have a likely significant effect on the environment that has not been assessed within the SEA/SA of the Local Plan.

6.1.8 A screening assessment has been undertaken (in Appendix B) which has determined that a SEA (or an appropriate assessment under the Habitats Regulations) is not required for the SPD.

6.2. Finance Implications

6.2.1. There are no significant direct financial costs arising from consultation on the SPD. The costs of printing and the staff time in developing the SPD are covered from existing budgets of the planning service.

6.3. Policy Implications

6.3.1. The SPD will expand and amplify existing development plan policies.

6.4. Equality Implications

6.4.1. The Council has a duty under Section 149 of the Equalities Act to have due regard to the need to: eliminate discrimination; advance equality of opportunity between persons who share a “relevant protected characteristic” and persons who do not share it; foster good relations between persons who share a “relevant protected characteristic” and persons who do not share it.

6.4.2. The draft Housing SPD provides further guidance on the provision of affordable homes and additional guidance on policy SC4 ‘residential mix’. The SPD is consistent with the LPS which was itself the subject of an Equalities Impact Assessment (EqIA) as part of an integrated Sustainability Appraisal. A draft EQiA on the draft housing SPD has been prepared (appendix C) and will be published alongside the draft SPD for comment.

6.5. Human Resources Implications

6.5.1. There are no direct implications for human resources.

6.6. Risk Management Implications

6.6.1. The subject matter of the report does not give rise for any particular risk management measures because the process for the preparation of an SPD is governed by legislative provisions (as set out in the legal section of the report).

6.7. Rural Communities Implications

6.7.1. The draft Housing SPD seeks to provide further guidance on the provision of rural exception sites for local affordable housing needs in the borough.

6.8. Implications for Children & Young People/Cared for Children

6.8.1. The draft SPD seeks to provide additional guidance on the provision of affordable housing in the borough. The appropriate provision of affordable housing can help support sustainable communities that offer a wide range of housing types and tenures and are socially inclusive.

6.9. Public Health Implications

6.9.1. The draft SPD highlights the importance of appropriate residential choices to support and enable residents to live independently and match their current and future aspirations and requirements.

6.10. Climate Change Implications

6.10.1. The draft SPD highlights the importance of applicants for / or including homes to reduce their carbon footprint in the design, construction and occupation of homes (including affordable homes), including through following the energy hierarchy set out in the Local Plan Strategy.

7. Ward Members Affected

7.1. All wards will be affected as the SPD will apply across the borough, once adopted.

8. Consultation & Engagement

8.1. It is proposed that the draft SPD will be subject to four weeks consultation. Following this, all comments will be considered, and changes made to the SPD, as appropriate, before a final version of the SPD is prepared for approval and further consultation.

9. Access to Information

9.1. The following documents are appended to this report

Appendix A: Draft Affordable Housing Supplementary Planning Document

Appendix B: SEA / HRA Screening Report

Appendix C: Draft Equalities Impact Assessment Screening Report

10. Contact Information

10.1. Any questions relating to this report should be directed to the following officers:

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