

## **Environment and Communities Committee**

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<b>Date of Meeting:</b>	1 July 2022
<b>Report Title:</b>	Housing Supplementary Planning Document
<b>Report of:</b>	Jayne Traverse, Executive Director of Place
<b>Report Reference No:</b>	EC/08/22-23
<b>Ward(s) Affected:</b>	All wards

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### **1. Purpose of Report**

- 1.1. This report seeks approval to adopt the Housing Supplementary Planning Document (“SPD”).

### **2. Executive Summary**

- 2.1. Ensuring the delivery of affordable homes is a priority within the Corporate Plan 2021-2025 which states “enable access to well designed, affordable and safe homes for all our residents”. Providing additional guidance on housing, including affordable housing, contributes to the overall Vision for the Council to be:

Open – the SPD provides additional guidance to support the implementation of existing planning policies.

Fair – the SPD supports existing planning policies on affordable housing, to enable residents to access housing to meet the needs of all residents, including vulnerable and older people.

Green – the SPD, in supporting the delivery of affordable homes should support appropriate housing options for residents to reside close to employment opportunities.

- 2.2. The Housing SPD has been subject to two separate consultation stages, the most recent of which took place in November - December 2021.
- 2.3. The Housing SPD builds upon existing development plan policies found in the Cheshire East Local Plan Strategy (adopted July 2017) focused on policies LPS 4 (residential mix), SC5 (affordable homes) and SC6 (rural exceptions housing for local needs). The report outlines the process that has been

undertaken, the representations received and how they have informed the Housing SPD. Upon adoption, it would be a material consideration in the determination of planning applications and support the delivery of key policies in the Local Plan Strategy.

### **3. Recommendations**

**3.1.** That the Committee:

**3.1.1.** Considers the key issues raised in representations received to the public consultation that took place between November and December 2021 and the corresponding modifications to the Housing Supplementary Planning Document as set out in the Report of Consultation (Appendix 1)

**3.1.2.** Approves the Housing Supplementary Planning Document (Appendix 2) for adoption

### **4. Reasons for Recommendations**

**4.1.** SPDs are not part of the statutory development plan but are a recognised way of putting in place additional planning guidance. They are capable of being a material consideration in determining applications involving relevant planning proposals.

**4.2.** 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.

**4.3.** The preparation of the Housing SPD has been informed by two rounds of consultation in April – June 2021 and more recently in November – December 2021. The next step is to adopt the final version of the SPD considering the representations received.

**4.4.** Upon adoption, the Housing SPD would be a material consideration in the determination of planning applications across the borough. 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.

### **5. Other Options Considered**

**5.1.** The Council could choose not to prepare an SPD on these matters. 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 or give clarity to the approach that should be employed by all parties in a consistent way.

## 6. Background

- 6.1. The Council's Corporate Plan 2021-25 sets out three aims. These are to be open, fair and green. In striving to be a fair Council, a key objective is to deliver housing to meet needs of all residents, including vulnerable and older people. As such, this SPD sets out guidance on policies contained in the LPS that will support delivery of this ambition.
- 6.2. One of the key strategic priorities 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)).
- 6.3. 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.
- 6.4. The LPS also 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.
- 6.5. The LPS contains two policies of relevance to the delivery of affordable homes. Policy SC5 (affordable homes) sets 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.
- 6.6. The Housing SPD aims to give greater clarity to developers, landowners and communities, focused on the issues of residential mix and affordable housing. The 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.
- 6.7. The SPD has been jointly prepared by Strategic Planning and Strategic Housing. It has also been informed by input from Adult Services and Commissioning teams.
- 6.8. 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 several stages in their production:

<b>Stages in producing a Supplementary Planning Document</b>	<b>Timing</b>
Publish the initial draft SPD for public consultation	April / June 2021
Consider feedback received and make any changes necessary	Amendments made June - November 2021

Stages in producing a Supplementary Planning Document	Timing
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 have been addressed in the final draft SPD;	November / December 2021
Having considered representations, the SPD may then be adopted;	Current Stage
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.	

- 6.9.** Public consultation on the initial draft Housing SPD took place between the 26 April 2021 and Monday 07 June 2021. A total of 119 comments were received from 29 parties. A summary of key issues raised in the initial draft and any changes made were included in a Report of Consultation which accompanied the amended final draft of the Housing SPD.
- 6.10.** Representations were invited on the final draft Housing SPD and Report of consultation between the 24 November and 22 December 2021. A total of 107 comments from 27 parties were received in response to the consultation. Several key issues were raised, including: -
- 6.10.1.** The relationship between the wording of the SPD and the emerging Site Allocations and Development Policies Document (“SADPD”).
  - 6.10.2.** References in the SPD to other relevant policies in the Local Plan Strategy, including Heritage Assets such as Listed Buildings.
  - 6.10.3.** Minor modifications to the section on housing mix to be reflective of the policy approach of the Local Plan Strategy.
  - 6.10.4.** The SPD should make reference to the demolition of buildings and the carbon impact this may have
  - 6.10.5.** Reference to fire risk should be inserted in the SPD
  - 6.10.6.** Reference to the Environment Act and associated regulations should be included in the SPD
  - 6.10.7.** Further information required in the SPD about Registered Providers
  - 6.10.8.** Comments concerning the calculation of vacant building credit and the example used in the draft SPD
- 6.11.** Several modifications have been made to the document in the light of comments made, including:

- 6.11.1. The SPD has been updated to remove references to the Crewe Hub Area Action Plan
- 6.11.2. Minor amendments to abbreviations used in the document, updates to the glossary and the removal of details associated with previous consultation stages on the SPD
- 6.11.3. Minor amendments to the section of the document on housing mix to reflect the Local Plan Strategy policy SC4 (residential mix)
- 6.11.4. Additional text added to note that there are other policies in the Local Plan Strategy that may be relevant to the consideration of development proposals in the borough, including on heritage matters.
- 6.11.5. Reference has been added to LPS policy SD1 (sustainable development principles) to support the use of technologies to reduce carbon emissions and to encourage the re-use of existing buildings on the site.
- 6.11.6. Fire risk is predominately a matter considered through building regulations framework. However, references have been added in the SPD to the requirements of the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 ("the 2021 Order") and 'planning gateway one' in respect of fire safety matters for relevant tall buildings
- 6.11.7. Updated references to 'building for a healthy life' assessment standard has been added to the document.
- 6.11.8. Reference to the Environment Act and associated regulations has been added to the document.
- 6.11.9. Further information added on the role of Registered Providers and the relationship to Cheshire Homechoice
- 6.11.10. Amendments made to the example calculation of vacant building credit in the SPD
- 6.12. The SPD has been drafted, primarily in the context of existing policies of the LPS. It is noted that the SADPD is an emerging planning policy document. However, it is considered that the SPD can be read alongside the SADPD, once adopted, and is complementary to many of its policy objectives.
- 6.13. 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.

## **7. Consultation and Engagement**

- 7.1. This is set out earlier in the report and has most recently involved consultation during November / December 2021. Following this, all comments have been considered and modifications proposed to the SPD so that it is ready for

adoption. A Report of Consultation accompanies this report (Appendix 1) which details the key issues raised and any proposed modifications to the final version of the SPD.

## **8. Implications**

### **8.1. Legal**

- 8.1.1.** The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 provide the statutory Framework governing the preparation and adoption of SPDs. 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. 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.
- 8.1.2.** 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.
- 8.1.3.** Regulation 35 (availability of documents) requires the placing of documents on the Council's website plus in principal offices and other locations as considered appropriate. This requirement was amended temporarily through the Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc) (England) (Coronavirus) (Amendment) Regulations 2020 to enable consultations to take place without the need to place documents in Council offices or other locations. Reasonable steps have been taken to advertise consultation on the Housing SPD, in its development, as set out in the Report of Consultation (Appendix 1)
- 8.1.4.** The process for preparing Supplementary Planning Document(s) is similar in some respects to that of a local plan document. However, they are not subject to independent examination by the Planning Inspectorate.

### **Strategic Environmental Assessment**

- 8.1.5.** Strategic Environmental Assessment involves evaluation of the environmental impacts of a plan or programme. There is no legal requirement for Supplementary Planning Documents to be accompanied by Sustainability Appraisal, 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 be subject to SEA where it is considered likely that they may have a significant effect on the environment that has not already been assessed within the SEA of the Local Plan. A screening assessment was undertaken for the final draft SPD which determined that a SEA is not required for the SPD.

**8.1.6.** The screening assessment also addressed whether the SPD has a significant adverse effect upon any internationally designated site(s) of nature conservation importance and thereby subject to the requirements of the Habitats Regulations and concludes that the SPD could not have any conceivable effect on any European site and that a full appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required.

**8.1.7.** The final proposed changes to the Housing SPD are limited in their extent and do not give rise to the need to revisit the SEA (or Habitats Regulations Assessment) screening.

## **8.2. Finance**

**8.2.1.** The costs relating to the production and adoption of the SPD and consultation report, including printing and staff time, are covered from existing planning budgets.

## **8.3. Policy**

**8.3.1.** The SPD will expand and amplify existing development plan policy. It will also support the corporate plan's priorities of creating thriving and sustainable places by ensuring that development is appropriately controlled, reduces impact on the environment and supports safe and clean neighbourhoods.

## **8.4. Equality**

**8.4.1.** 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.

**8.4.2.** The SPD provides further guidance on the provision of affordable homes and additional guidance on policy SC4 (residential mix). The SPD is consistent with the Local Plan Strategy which was itself subject to an Equalities Impact Assessment (EqIA) as part of an integrated Sustainability Appraisal.

**8.4.3.** An EqIA screening assessment has been carried out and this has not identified any actual or potential negative impact on people with protected characteristics that would warrant a full assessment being carried out. It is available to read at:

[https://www.cheshireeast.gov.uk/council\\_and\\_democracy/council\\_information/equality-and-diversity/equality\\_analysis.aspx](https://www.cheshireeast.gov.uk/council_and_democracy/council_information/equality-and-diversity/equality_analysis.aspx)

**8.4.4.** The final proposed changes to the Housing SPD are limited in their extent and do not give rise to the need to revisit the EqIA.

## **8.5. Human Resources**

**8.5.1.** There are no implications for human resources.

## 8.6. Risk Management

8.6.1. 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).

## 8.7. Rural Communities

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

## 8.8. Children and Young People/Cared for Children

8.8.1. The 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.

## 8.9. Public Health

8.9.1. The 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.

## 8.10. Climate Change

8.10.1. The 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.

Access to Information	
Contact Officer:	Tom Evans, Neighbourhood Planning Manager Tom.Evans@cheshireeast.gov.uk 07772629846
Appendices:	Appendix 1: Report of Consultation Appendix 2: Housing Supplementary Planning Document
Background Papers:	Portfolio Holder Decision – CE 20/21-36 Draft Housing Supplementary Planning Document – April 2021 - <a href="#">Decision - CE 20/21-36 Draft Housing Supplementary Planning Document   Cheshire East Council</a> approval to consult on the First Draft SPD.  Environment and Communities Committee Thursday 11 November 2021 - <a href="#">Agenda for Environment and Communities Committee on Thursday, 11th November, 2021, 2.00 pm   Cheshire East Council</a> approval to consult on the Final Draft SPD

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