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## Environment and Communities Committee Report

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<b>Date of Meeting:</b>	11 November 2021
<b>Report Title:</b>	Draft Housing Supplementary Planning Document
<b>Report of:</b>	Paul Bayley - Director of Environment and Neighbourhood Services
<b>Report Reference No:</b>	EC/13/21-22
<b>Ward(s) Affected:</b>	All Wards

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### 1. Executive Summary

- 1.1. This report seeks approval to publish the final draft Housing Supplementary Planning Document ("SPD") along with its Report of Consultation for public representations for a period of a minimum of four weeks.
- 1.2. 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 provide appropriate housing options for residents to reside close to employment opportunities.
- 1.3. The initial draft of the Housing SPD was published for consultation between the 26 April 2021 and Monday 07 June 2021. It has been amended in response to comments received during that consultation. The report of consultation summarises the feedback and explains how comments have been addressed (appendix 1).

- 1.4. A screening exercise has been carried out to determine whether the draft Housing SPD gives rise to the need for further Sustainability Appraisal or Appropriate Assessment (under the Habitats Regulations). This screening assessment was consulted upon, alongside the draft Housing SPD and concludes that further assessment is not necessary (Appendix 3).
- 1.5. Once adopted, the SPD will provide additional planning policy guidance on the implementation of LPS policies SC4 'residential mix', SC5 'affordable homes' and SC6 'rural exceptions housing for local needs'. The SPD will also be a material consideration in decision making and support the delivery of key policies in the Local Plan Strategy.

## **2. Recommendations**

- 2.1. To consider the feedback received to the draft Housing SPD public consultation exercise held between the 26 April 2021 and Monday 07 June 2021 and how it has been addressed in the Report of Consultation (appendix 1)
- 2.2. To agree to the publication of the final draft Housing SPD (appendix 2) and report of consultation (appendix 1) for public representations for a period of a minimum of four weeks.
- 2.3. To publish the associated Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report ("SEA") (appendix 3).
- 2.4. To publish the associated Equalities Impact Assessment Screening Report ("EQIA") (appendix 4).

## **3. Reasons for Recommendations**

- 3.1. An SPD is not part of the statutory development plan. It is a recognised way of putting in place additional planning guidance and is a material consideration in determining planning applications in the borough.
- 3.2. 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.
- 3.3. Public consultation on the 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 Report of Consultation has been prepared summarising the main issues raised and explaining how these issues have been addressed. The next step would be for the Council to publish the final

draft of the Housing SPD and Report of Consultation and seek public representations on them for a period of a minimum of four weeks.

- 3.4. 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 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 on this matter or give clarity to the approach that should be employed by all parties in a consistent way that gives certainty to applicants and decision makers, for example on how financial contributions toward affordable housing are expected to be calculated

#### **5. Background**

- 5.1. 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 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 LPS that will support delivery of this ambition.
- 5.2. 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)).
- 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 informed by input from Adult Services and Commissioning teams.
- 5.8.** 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.
- 5.9.** 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	Current Stage
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.	

- 5.10.** 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 all the key issues raised alongside

a proposed Council response is attached in Appendix 1. Several key issues raised included: -

- 5.10.1.** Progress on the SPD should be delayed until the emerging Site Allocations and Development Policies document (“SADPD”) has been examined and adopted. Alternatively, all references to policies in the SADPD should be removed from the SPD;
  - 5.10.2.** The SPD should consider additional guidance on wildlife, density local character and the historic environment;
  - 5.10.3.** The SPD should be less prescriptive and allow for greater flexibility on matters including housing mix which takes account of up to date market demand and data;
  - 5.10.4.** The viability implications of the SPD need to be considered;
  - 5.10.5.** The SPD needs to be updated to reflect current government guidance on First Homes;
  - 5.10.6.** Given the climate emergency, recognised by the Council, the SPD should go further on improving environmental standards and, for example, supporting well-designed 20-minute walkable neighbourhoods;
  - 5.10.7.** Ongoing impacts of the Covid-19 pandemic on, for example, homeworking, importance of access to green infrastructure should be reflected in the SPD.
- 5.11.** Several amendments have been made to the document in the light of comments made, including: -
- 5.11.1.** References to policies contained in the emerging SADPD have been removed from the SPD. The SADPD, once adopted, will contain policies on housing mix, specialist housing. It will also include energy efficiency, space standards and accessibility and wheelchair standards. There is no need to duplicate or provide additional guidance on these matters in the housing SPD.
  - 5.11.2.** Guidance on First Homes, a specific kind of discounted market sale housing has been included in the SPD. First Homes are considered to meet the definition of affordable housing for planning purposes.
  - 5.11.3.** References to the importance of Green Infrastructure and access to nature have been added to the document.
- 5.12.** 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

## **6. Consultation and Engagement**

- 6.1.** It is proposed that the draft SPD will be subject to a minimum of 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.

## **7. Implications**

### **7.1. Legal**

- 7.1.1.** 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.
- 7.1.2.** 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.
- 7.1.3.** 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.
- 7.1.4.** 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**

- 7.1.5.** 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”.
- 7.1.6.** 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.
- 7.1.7.** 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.

- 7.1.8. A screening assessment has been undertaken (in Appendix 3) which has determined that a SEA (or an appropriate assessment under the Habitats Regulations) is not required for the SPD.

## **7.2. Finance**

- 7.2.1. 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.

## **7.3. Policy**

- 7.3.1. The SPD will expand and amplify existing development plan policies relating to the provision of affordable housing.

## **7.4. Equality**

- 7.4.1. 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.
- 7.4.2. 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. The initial draft SPD was supported by an EQiA. An updated version of the draft housing SPD EQiA has been prepared (appendix 4) and will be published alongside the draft SPD for comment.

## **7.5. Human Resources**

- 7.5.1. There are no direct implications for human resources.

## **7.6. Risk Management**

- 7.6.1. 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).

## **7.7. Rural Communities**

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

## **7.8. Children and Young People/Cared for Children**

- 7.8.1.** 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.

## **7.9. Public Health**

- 7.9.1.** 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.

## **7.10. Climate Change**

- 7.10.1.** 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.

<b>Access to Information</b>	
Contact Officer:	Tom Evans Neighbourhood Planning Manager Tom.Evans@cheshireeast.gov.uk 01625 650023
Appendices:	Appendix 1: Draft Housing Report of Consultation Appendix 2: Draft Housing Supplementary Planning Document Appendix 3: SEA / HRA Screening Report Appendix 4: Draft Equalities Impact Assessment Screening Report
Background Papers:	N/A