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# 1 Consultation Details

## SPD Consultation

**1.1** Your views are invited on the content of this final draft Housing Supplementary Planning Document ("SPD") and accompanying report of consultation, which details comments received during the consultation on the initial draft Housing SPD and any subsequent changes made to the document. Consultation is taking place between 24 November 2021 and 22 December 2021. Comments must be received by the council no later than 8pm on 22 December 2021.

**1.2** The consultation documents can be viewed online at <https://cheshireeast-consult.objective.co.uk/portal/planning/spd/>

**1.3** There is no legal requirement for SPDs to be accompanied by Sustainability Appraisal, and this is reinforced in national planning guidance. However, "in exceptional circumstances" there may be a requirement for SPDs to be subject to Strategic Environmental Assessment (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 LPS. A screening assessment has been undertaken and concludes that further assessment is not necessary.

**1.4** A screening exercise (see Appendix 3) has been also carried out to determine whether the document gives rise to the need for Appropriate Assessment (under the Habitats Regulations). This similarly concludes that further assessment is not necessary.

**1.5** An Equality Impacts Assessment Screening Exercise has been undertaken on the content of this SPD. It concludes that the SPD provides further guidance on the policy approach set out in the Local Plan Strategy. No negative impacts are identified following consultation on the initial draft SPD

**1.6** These screening assessments have been published and are available to read alongside the final draft Housing SPD and you can give your views on their findings too.

## Submitting Your Views

**1.7** The council's online consultation portal is our preferred method for submitted responses, but you can also respond by e-mail or by post, details below :-

- Online: Respond via the consultation portal at <https://cheshireeast-consult.objective.co.uk/portal/planning/spd/>
- By e-mail: To [planningpolicy@cheshireeast.gov.uk](mailto:planningpolicy@cheshireeast.gov.uk)
- By post: Strategic Planning (Westfields), C/O Municipal Buildings, Earle Street, Crewe CW1 2BJ.

**1.8** Please make sure that your comments reach us by 8pm on 22 December 2021. We are not able to accept anonymous comments and you must provide us with your name and contact details. Your personal data will be processed in line with our Strategic Planning Privacy Notice, which is available on the council's website ([www.cheshireeast.gov.uk/localplan](http://www.cheshireeast.gov.uk/localplan)). Your name and comments will be published and made available to view on the council's online consultation portal.



## What happens after the consultation?

**1.9** Following consultation, the council will carefully consider all comments received to the final draft SPD and accompanying consultation report before deciding whether any further amendments to the SPD are needed before the SPD is considered for adoption. Once adopted, the SPD will be formal planning guidance and will be considered as a material consideration in decision taking.



## 2 Introduction

**2.1** Policies in the Local Plan guide development and provide a framework to determine planning applications in the borough. Supplementary Planning Documents (“SPDs”) add further detail to planning policies contained within the development plan and are used to provide detailed guidance on particular issues. SPDs do not form part of the adopted development plan but once adopted, they are a material planning consideration in decision taking.

**2.2** The Local Plan Strategy (“LPS”) was adopted in 2017. It sets out a vision and strategic priorities for the development of the area along with planning policies and proposals. A key priority of the LPS, is to create and maintain sustainable communities by supporting the delivery of an appropriate mix of house types, sizes and tenures including affordable housing to meet the borough’s needs. It also seeks to support vulnerable and older people to live independently, and for longer. (LPS Strategic Priority 2, point 1 (ii & iii)).

**2.3** 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. This SPD sets out guidance on policies contained in the Local Plan Strategy (“LPS”) that will support delivery of this ambition.

**2.4** The LPS anticipates the production of an SPD <sup>(1)</sup> to provide additional policy guidance, focused on LPS policies SC4 (residential mix), SC5 (affordable homes) and SC6 (rural exceptions housing for local needs). This SPD aims to give greater clarity to developers, landowners and communities, focused primarily on affordable housing and specialist accommodation, including older persons accommodation.

## 3 Policy Background

**3.1** Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise<sup>(2)</sup>. Material planning considerations can include national planning policy and adopted supplementary planning guidance, where relevant.

### National planning policy

**3.2** The **National Planning Policy Framework (“NPPF”)**<sup>(3)</sup> sets out the Government’s planning policies for England and how these should be applied. The NPPF provides the national policy context for affordable housing and other housing matters.

1 ¶12.32, ¶12.53 & ¶12.61

2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

3 <https://www.gov.uk/guidance/national-planning-policy-framework>



**3.3 National Planning Practice Guidance (“PPG”)<sup>(4)</sup>** provides guidance on several housing related issues and includes a section relevant to affordable housing and housing for older and disabled people. There is also a section in the PPG on planning obligations (setting out further details on the approach to contributions and other topics such as Vacant Building Credit), First Homes and on viability, amongst other policy areas.

## Local planning policy

**3.4** Planning policies are set out in the development plan for the area. The development plan for Cheshire East currently comprises the LPS and ‘saved’ policies within previous local plans which remain in effect until such time as they are replaced. Neighbourhood Development Plans which have been made (adopted) also form part of the statutory development plan.

## Cheshire East Local Plan Strategy

**3.5** The LPS is the strategic plan for the borough. The LPS contains policies of relevance to this draft SPD, including:-

- **Policy PG1: Overall Development Strategy** – sets out the overall development requirements in the borough. The LPS seeks to accommodate a minimum of 36,000 homes between 2010-2030 (at an average of 1,800 per year). The objectively assessed need for affordable housing is for a minimum of 7,100 homes over the Plan period (at an average of 355 dwellings per year).
- **Policy PG3: Green Belt** – sets out the policy approach to Green Belt. The policy includes several listed exceptions to where the construction of new buildings is inappropriate to the Green Belt, the list includes limited affordable housing for local community needs under policies set out in the Local Plan.
- **Policy PG6: Open Countryside** – defines the open countryside and seeks to restrict development to that which is essential for uses appropriate to a rural area. The policy makes several exceptions to this general restriction, including rural exceptions housing for local needs (as set out in policy SC6 (rural exceptions housing for local needs) of the LPS).
- **Policy PG7: Spatial Distribution** – The policy provides an indicative distribution of development by settlement and tier of the settlement hierarchy of centres set out in the LPS.
- **Policy SD2: Sustainable Development Principles** - the policy sets out several principles, on matters including design, energy efficiency and other matters that development in the borough is expected to deliver.
- **Policy IN2: Developer Contributions** – the supporting text to the policy makes clear that the provision of affordable housing or other financial contributions will be secured through S106 agreements.
- **Policy SE2: Efficient Use of Land** - the policy encourages the appropriate redevelopment / re-use of previously developed land and buildings. It also lists several factors that windfall development proposals should consider including landscape / townscape impacts.

4 <https://www.gov.uk/government/collections/planning-practice-guidance>



**3.6** There is a raft of other policies in the LPS that are also relevant to housing proposals. The focus of this SPD will be on providing additional guidance on the following LPS policies:

- **Policy SC4: Residential Mix** – the policy seeks to provide for an appropriate mix of housing tenures, types and sizes in residential developments. It also includes policy requirements relating to specialist and older person housing.
- **Policy SC5: Affordable Homes** – includes the relevant thresholds and policy requirements for affordable housing provision in the borough.
- **Policy SC6: Rural Exceptions Housing for Local Needs** – the policy sets out the circumstances where rural exceptions affordable housing will be permitted as an exception to other policies concerning the open countryside.

### **'Saved' policies from previous Local Plans**

**3.7** There are a few 'saved' policies that remain part of the development plan from the Crewe and Nantwich, Congleton and Macclesfield Local Plan. The primary policy position on affordable housing and rural exception sites for affordable housing is now included in the LPS. However, 'saved' policies contained within previous local plans in relation to matters such as design, amenity etc will still be of relevance.

### **Neighbourhood Development Plans**

**3.8** Cheshire East is one of the most active neighbourhood planning areas in the country. There are several Neighbourhood Development Plans (NDPs) in the borough. NDPs form part of the development plan and may contain local and non-strategic policies and therefore, it is important that these are considered alongside the policies of the LPS and the content of this SPD. Further information on neighbourhood plans in Cheshire East can be found on the [council's website](#).

### **Supplementary Planning Documents**

**3.9** The council has adopted several SPDs to provide additional guidance on the implementation of planning policies in the borough. Further details on this SPD and others can be found on the [council's website](#).

### **Emerging Plans**

**3.10** The council is currently preparing Local Plan documents which, once adopted, will form part of the adopted development plan. These include the Site Allocations and Development Policies ("SADPD"), the Minerals and Waste Development Plan Document and the Crewe Hub Area Action Plan.

### **Cheshire East Site Allocations and Development Policies Document**

**3.11** The SADPD will form the second part of the Local Plan. It will set non-strategic and detailed planning policies to guide planning decisions and allocate additional sites for development to assist in meeting the overall development requirements set out in the LPS.



**3.12** The SADPD, once adopted, will contain detailed non-strategic planning policies on matters including housing mix and specialist housing for older people to complement policies contained in the LPS.

### **Cheshire East Minerals and Waste Development Plan Document**

**3.13** The Minerals and Waste Development Plan Document is currently in preparation. It will set out the council's planning policies on minerals and waste.

### **Crewe Hub Area Action Plan**

**3.14** The Crewe Hub Area Action Plan (CHAAP) is currently in preparation and considers a planning framework to facilitate and manage development around Crewe Railway Station, in response to HS2 and other matters.

## **4 Applying for Planning Permission**

**4.1** Applicants should engage with the council, the local community and relevant statutory consultees at the earliest opportunity in order to make sure that new development responds appropriately to the unique character and quality of place in the borough. Before making a planning application, applicants are strongly encouraged to use the council's pre-application service<sup>(5)</sup>, particularly for larger schemes, to discuss aspects of a planning proposal including the affordable housing requirements.

**4.2** For complex, major developments, the council may also work with applicants to negotiate and enter into a planning performance agreement. Planning performance agreements set out an agreed and realistic timetable for processing and determining an application<sup>(6)</sup>.

**4.3** Where schemes involve the provision of affordable homes, the council also recommends approaching Registered Providers as early in the process as possible (where relevant) as their input at the design and concept stage can simplify the process of transferring built affordable homes at a later date.

**4.4** Applicants promoting schemes involving specialist (including supported living) or older persons housing are advised to make early contact with the council's adult social care contract and commissioning team and the strategic housing team. One way of doing this is to indicate that you require their advice at the pre-application service stage.

**4.5** Applicants should also refer to the requirements of the council's Statement of Community Involvement<sup>(7)</sup> and the publicity on planning application(s) protocol<sup>(8)</sup> to ensure appropriate engagement takes place on schemes prior to their submission through a planning application.

5 [https://www.cheshireeast.gov.uk/planning/view\\_a\\_planning\\_application/pre-application\\_advice/pre-application\\_advice.aspx](https://www.cheshireeast.gov.uk/planning/view_a_planning_application/pre-application_advice/pre-application_advice.aspx)

6 [https://www.cheshireeast.gov.uk/planning/view\\_a\\_planning\\_application/pre-application\\_advice/development\\_team\\_service.aspx](https://www.cheshireeast.gov.uk/planning/view_a_planning_application/pre-application_advice/development_team_service.aspx)

7 [https://www.cheshireeast.gov.uk/planning/spatial\\_planning/cheshire\\_east\\_local\\_plan/sci.aspx](https://www.cheshireeast.gov.uk/planning/spatial_planning/cheshire_east_local_plan/sci.aspx)

8 [https://www.cheshireeast.gov.uk/planning/view\\_a\\_planning\\_application/making\\_a\\_planning\\_application/the\\_decision\\_process.aspx](https://www.cheshireeast.gov.uk/planning/view_a_planning_application/making_a_planning_application/the_decision_process.aspx)





**4.6** The council's website includes forms and guidance on making a planning application including a validation checklist <sup>(9)</sup>. The validation checklist includes documents that should be completed with an application to ensure all the required information is submitted and the application can be made valid.

**4.7** The Community Infrastructure Levy ("CIL") is a planning charge based on the size and type of new development. It is mandatory charge and non-negotiable. CIL charging rates, for use class C3 'dwellinghouses' can be found on the council website <sup>(10)</sup> alongside information on mandatory and discretionary CIL relief for certain types of affordable housing. It is important that applicants complete the relevant CIL forms, found on the council's website at: [www.cheshireeast.gov.uk/cil](http://www.cheshireeast.gov.uk/cil).

## 5 Housing Mix

**5.1** Applicants are encouraged to provide information on housing mix at the pre-application stage, particularly on sites of 10 or more dwellings. The Council at this stage will be able to provide feedback on the proposed housing mix, with consideration of a number of site, market and other relevant matters.

**5.2** Applicants should then provide information with their planning application on the approach to housing mix and how the proposal responds to the longer-term needs of residents in the borough. The council will require an appropriate range and mix of housing. Housing Mix will be considered on a case by case basis but development proposals are not likely to be supported when dominated by large dwellings (four or five bedrooms) which are unlikely to meet the borough's housing needs.

**5.3** Schemes should also consider the inclusion of Key Worker Housing <sup>(11)</sup> and people wishing to commission or build their own home in the overall housing mix. Additional guidance on specialist accommodation and Custom and Self Build are provided in this SPD.

**5.4** To meet the needs arising for older persons housing, applicants should demonstrate how their proposal will be capable of meeting, and adapting to, the long-term needs of residents as they grow older. Steps to achieve this could include the appropriate design, space, layout and functionality of homes to allow residents to adapt their living environment to meet their own needs as they grow older, including through assistive technology.

## 6 Environmental Impacts of Housing

**6.1** The Climate Change Act 2008 introduced a legally binding target for the UK to reduce greenhouse gases by 80% by 2050 against a 1990 baseline. The UK government, on the 20 April 2021, set out its intention to set into law a climate change target to cut emissions by 78% by 2035 compared with 1990 levels. The council has recognised that there is a Climate Emergency and is aiming to be Carbon Neutral by 2025. Applicants are encouraged to reduce their carbon footprint where possible in the design, construction and occupation of homes and follow the energy hierarchy set out in LPS policy SE9 (energy efficient development), namely: -

<sup>9</sup> [https://www.cheshireeast.gov.uk/planning/view\\_a\\_planning\\_application/making\\_a\\_planning\\_application/making\\_a\\_planning\\_application.aspx](https://www.cheshireeast.gov.uk/planning/view_a_planning_application/making_a_planning_application/making_a_planning_application.aspx)

<sup>10</sup> [https://www.cheshireeast.gov.uk/planning/view\\_a\\_planning\\_application/making\\_a\\_planning\\_application/community-infrastructure-levy.aspx](https://www.cheshireeast.gov.uk/planning/view_a_planning_application/making_a_planning_application/community-infrastructure-levy.aspx)

<sup>11</sup> A key worker dwelling is defined in the LPS as a public sector employee who is considered to provide an essential service including health; education; emergency services and social workers





- Reducing the need for energy and then ensuring the efficient use of energy supply;
- Maximising the potential for energy supply from decentralised, low carbon and renewable energy sources, including community-led initiatives; and then
- Efficiently using fossil fuels from clean technologies, where possible.

**6.2** New housing development should achieve Building for Life 12 Standard <sup>(12)</sup>. Using this ‘traffic light’ design led framework, development should seek to maximise the number of green ratings. If amber is achieved for an essential criterion then the design should be revisited to seek to address any issues raised. Red ratings should be avoided. Planning conditions may be attached to a scheme to ensure the delivery of matters arising from the Building for Life Assessment. Opportunities should be taken to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example, through green infrastructure provision, the maintenance of important hedgerows and Trees (particularly those with a Tree Preservation Order) and access to and contact with nature.

**6.3** The Cheshire East Environment Strategy 2020 – 2024 <sup>(13)</sup> notes how homes account for 20% of greenhouse gas emissions in the UK. Alongside responding to LPS SE9 (energy efficient development) schemes are encouraged to consider LPS policy SE 8 (renewable and low carbon energy) which includes the policy context for renewable and low carbon energy schemes in the borough outside of permitted development. The justification text to the policy makes reference to sources of renewable and low carbon energy including solar thermal and photovoltaics (particularly on southern facing roof slopes) alongside other technologies including heat pumps. The views of the Aerodrome Safeguarding Authority should be sought in respect of wind-turbine or solar photo-voltaic installations, where necessary.

**6.4** LPS Policy SD2 (sustainable development principles) sets out several principles that development proposals will be expected to consider. These include appropriate design, construction, insulation, layout and orientation to create developments that are resilient to climate change, minimise energy use, promote the use, recovery and recycling of materials, are water efficient and minimise waste and pollution. Further guidance on many of these factors are included in the Residential Design Guide SPD, volume 2, section v|22 – V|56 , available on the [council’s website](#).

**6.5** Policy SD2 (sustainable development principles) also expects residential development to provide for appropriate open space, provide access to public transport, open space and nature, key services and amenities and incorporate measures to encourage travel by sustainable modes. The policy includes recommended distances to services and amenities (having regard to proposed improvements that are to be brought forward as part of the development). Applicants are also encouraged to consider concepts including the 20-minute neighbourhood which seek to support access to services and facilities for communities without having to use the car.

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<sup>12</sup> Building for a Healthy Life (2020), David Birkbeck, Stefan Kruczkowski, Phil Jones, David Singleton and Sue McGlynn  
<sup>13</sup> <https://www.cheshireeast.gov.uk/environment/carbon-neutral-council/environment-strategy.aspx>



**6.6** Access to high quality digital infrastructure should be delivered, in accordance with LPS policy CO3 ‘digital connections’ to accommodate broadband connectivity and allow residents to utilise ‘smart’ technology in their homes and facilitate home working, where appropriate, to reduce the need to travel and the overall carbon footprint.

**6.7** ‘Major’ housing schemes of 10 or more homes (or a site area of 0.5 hectares or more) should provide on-site electric vehicle charging infrastructure in safe, accessible and convenient locations across the site. This should include the provision of in-curtilage plug-in points, subject to feasibility and viability.

**6.8** New development should also aim to secure ecological enhancements by providing nesting / roosting opportunities for bats and nesting birds. This could take the form of integrated opportunities for bats and nesting birds (such as roosting / nesting within part of the roof space). Provision should be informed by a trained ecologist in discussion with the Councils Nature Conservation Officers. Further guidance is contained in the Council’s Residential Design Guide SPD in section iv | 16 & iv 17. Lighting schemes should take reasonable steps to avoid night-time light pollution.

**6.9** Development should avoid and, where necessary, mitigate against environmental impacts of development. Residential development will be expected to address the requirements of LPS policy SE12 (pollution, land contamination and land instability) in any development proposals.

**6.10** Development proposals should also integrate measures for sustainable water management, reduce flood risk and avoid an adverse impact on water quality and quantity in the borough. Residential development proposals should address the requirements of LPS policy SE13 (flood risk and water management). The Residential Design Guide includes additional guidance, on the importance and potential of SUDS to manage surface water in a sustainable manner <sup>(14)</sup>. The views of the Aerodrome Safeguarding Authority should be sought if the SUDS provision is within the 13km bird-strike hazard consultation zone for Manchester Airport or other relevant safeguarded interests identified in regulations <sup>(15)</sup>.

**6.11** In accordance with policy IN 2 (developer contributions) suitable arrangements will be secured, through mechanisms including a S.106 agreement including ongoing revenue towards the management and maintenance of services and facilities. This may include, for example, the ongoing management and maintenance of public open space and landscaped areas.

## 7 Affordable Housing

### Definition

**7.1** The NPPF in Annex 2 ‘Glossary’ (and reproduced in the Glossary of this SPD) defines affordable housing as “housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)”. There are four broad types of affordable housing:

<sup>14</sup> Volume 2, section iv|64 – iv|75

<sup>15</sup> Town and Country Planning (Safeguarded aerodromes, technical sites and military explosives storage areas) Direction 2002 (DfT/ODPM Circular 01/2003) and safeguarding maps



- Affordable housing for rent;
- Starter Homes;
- Discounted market sales housing;
- Other affordable routes to home ownership.

## Affordable Housing Thresholds and Targets

**7.2** The LPS identifies a need for a minimum of 7,100 affordable homes (an average of 355 affordable homes each year) across the borough for the twenty-year Plan period (2010 to 2030).

**7.3** LPS policy SC5 (affordable homes) sets out the thresholds for affordable housing provision in the borough. In residential developments, affordable housing will be provided as follows: -

- i. In developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable;
- ii. In developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sqm) in Local Service Centres and all other locations at least 30% of all units are to be affordable;

**7.4** The NPPF (2021), in paragraph 64, states that the provision of affordable homes should only be sought for residential developments that are major developments <sup>(16)</sup>. However, as the LPS is a recently adopted Plan, planning decisions should be made in accordance with the thresholds included in policy SC5 (affordable homes).

**7.5** On sites below the site size thresholds set out in LPS policy SC5 (affordable homes), affordable housing will not be required by policy, but developers are still invited to consider making provision for an element of such housing as part of the overall scheme.

**7.6** In applying the size threshold for affordable housing, site areas will normally be measured to the natural, physical perimeters of the site. It will not be acceptable for sites to be artificially divided into smaller components in order to take a site below the stated affordable housing threshold.

**7.7** There will be occasions where meeting the affordable housing requirement on residential sites would not result in a 'round' number of dwellings. In such cases, the number shall be rounded up to the nearest whole number. This is to ensure that the full 30% requirement for affordable housing is met on-site.

**7.8** Affordable housing can also be provided on rural exception sites where there is a proven need and in accordance with LPS policy SC6 (rural exceptions housing for local needs). Further guidance on the provision of rural exception sites are included in this SPD.

<sup>16</sup> Major developments are defined in the NPPF as housing sites of 10 or more homes, or where the site has an area of 0.5 hectares or more.



## Tenure of Affordable Homes

**7.9** Affordable homes provided must be of a tenure, size and type to help meet identified housing needs and contribute to the creation of mixed, balanced and inclusive communities (point 3 of LPS policy SC5 affordable homes and policy SC4 residential mix).

**7.10** The council's initial preference, based on current evidence on tenure, is for a mix of 65% affordable (or social) rent housing and 35% (intermediate affordable housing (paragraph 12.48 of the LPS)). The council will, however, seek the balance of housing that best meets local needs and the characteristics of the site.

**7.11** Applicant's should provide justification if they seek a different tenure mix (than 65% affordable (or social rent) and 35% intermediate housing). Applicants are also expected to set out circumstances where different affordable housing products are involved.

**7.12** There will be occasions where meeting the affordable housing tenure on residential sites would not result in a 'round' number of dwellings. In this situation, when determining the 65/35% tenure split, the council will round up or down the number of units to the nearest whole number.

**7.13** In line with paragraph 65 of the NPPF (2021), where major development involving the provision of housing is proposed, decisions should provide at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:-

- Provides solely Build to Rent homes;
- Provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
- Is proposed to be developed by people who wish to build or commission their own homes: or
- Is exclusively for affordable housing, an entry-level exception site or a rural exception site.

## Affordable Housing Products

**7.14** Affordable housing includes housing for sale or rent, for those whose needs are not met by the market. There are several definitions and types of affordable housing as set out in the following section which build upon the definitions provided by the NPPF.

**7.15** Cheshire East does not currently maintain any council housing of its own. There are several Registered Providers (RP), who operate in the borough including a number of housing associations. Registered Providers support the provision of affordable housing, are independent companies and are controlled by the Regulator of Social Housing.



## Affordable housing for rent

**7.16** Affordable housing for rent must meet the NPPF definition - (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a Registered Provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a Registered Provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

**7.17** In Cheshire East, rented accommodation for affordable housing should be provided at levels no higher than Regulator for Social Housing target rents. The council will normally require all social rented housing to be developed and managed by Registered Providers. All nominations for rented affordable housing are provided through the Cheshire East Homechoice Choice Based Lettings <sup>(17)</sup> system via the Common Allocations Policy. Allocations for rented housing will be completed in accordance with a Section 106 agreement produced for the specific scheme, however most agreements specify 100% nominations at first let and 50% thereafter.

**7.18** There is a clear need to ensure that rented affordable dwellings can be let at rent levels which are truly affordable. Whilst housing schemes across the borough have previously been let at social rent or affordable rent (up to 80% of market rent), Cheshire East Council have an ambition and are now seeking to support rent levels which do not exceed either the Local Housing Allowance (LHA) for the area, or Regulator for Social Housing target rent amounts – whichever is lowest. This total rent amount is inclusive of additional service charges which are added to rent schedules. LHA rates are subject to change throughout the lifetime of this document, therefore it is recommended that the most recent figures are obtained and observed when providers are securing housing schemes. The purpose of the change to LHA or target rental rates is to ensure that rented accommodation remains truly affordable, across the borough, for those in housing need. A clear viability justification will be required where applicants seek to demonstrate that LHA rates are not deliverable for a scheme, but it is deliverable at 80% of market rent.

## Build to Rent

**7.19** Build to rent schemes are defined as those which are purpose built for the provision of rented accommodation, including both affordable and market units. Build to Rent schemes can either be standalone, or form part of a wider multi-tenure site. The affordable provision on a Build to Rent scheme should consist entirely of affordable rented dwellings and in this context is referred to as Affordable Private Rent. The landlord for the affordable housing provision on Build to Rent schemes does not need to be a Registered Provider.

## Starter Homes

**7.20** The definition of Starter Homes is as stated in Sections 2 and 3 of the Housing and Planning Act 2016 and any subsequent secondary legislation made under those sections. Starter Homes are new-build homes which are provided for sale to first-time buyers and

17 [https://www.cheshireeast.gov.uk/housing/housing\\_options/rented\\_social\\_housing.aspx](https://www.cheshireeast.gov.uk/housing/housing_options/rented_social_housing.aspx)





come with at least a 20% discount from the open market value, up to a cap of £250,000 (post discount). There are additional criteria to access starter homes such as age restrictions and a cap on household incomes to ensure that the properties are sold to those with an identified housing need.

## Discounted Market Housing for Sale

**7.21** Discounted market housing for sale is an intermediate product that refers to the provision of subsidised low-cost market accommodation through a re-sale covenant scheme. The principle is that the accommodation is available, at a fixed discount, below the open market value to households in need. The level of discount will be that which is required to achieve the maximum selling price determined by the council for those in need locally who cannot afford to buy on the open market.

**7.22** The individual circumstances of each planning application and the area will be taken into consideration and will need to be negotiated with the council prior to the determination of the relevant planning application. Within Cheshire East, the minimum discount rate is 30%. Evidence has shown that in order to achieve an affordable price, the level of discount will normally be required to be a minimum of 30% and up to 50% of the market price. The discount applies on initial and all subsequent re-sales thus ensuring that the accommodation is retained as affordable. Discounted market housing for sale will normally be provided by a private developer, in which case it should be subject to a satisfactory arrangement to ensure that the benefit of below market price housing is available in perpetuity to future occupants.

**7.23** The house price of each property will be based on the open market value prevailing at the time of marketing the property as agreed with the council, less the appropriate discount to achieve the agreed maximum selling price. Valuations for discounted properties will need to be completed by an RICS qualified valuer, then verified by the council, before marketing of the property can commence. A Section 106 Agreement will be required to ensure that the level of discount remains in force for all initial and subsequent re-sales.

## First Homes

**7.24** A written ministerial statement and Planning Practice Guidance <sup>(18)</sup> set out the government intentions for First Homes from the 28 June 2021.

**7.25** First Homes are a specific kind of discounted market sale housing. They are the government preferred discounted market tenure, are considered to meet the definition of 'affordable housing' for planning purposes.

**7.26** Specifically, First Homes are discounted market sale units which:

- a) must be discounted by a minimum of 30% against the market value;
- b) are sold to a person or persons meeting the First Homes eligibility criteria ;
- c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and
- d) after the discount has been applied, the first sale must be at a price no higher than £250,000. First Homes are the government's preferred discounted market tenure and

18 <https://www.gov.uk/guidance/first-homes>

should account for at least 25% of all affordable housing units delivered by developers through planning obligations (i.e. S106 agreements).



## Application of 'First Homes' in Cheshire East

**7.27** The Cheshire East Local Plan Strategy (“LPS”) was adopted on the 27 July 2017 prior to the written ministerial statement on First Homes. In addition, the second part of the Council’s Local Plan, the SADPD does not directly address affordable housing requirements, contains non-strategic policies and falls within the transitional arrangements for First Homes.

**7.28** Although not part of the Cheshire East Local Plan, the written ministerial statement and PPG are a material consideration in decision taking. The PPG encourages local planning authorities to make development requirements for First Homes clear in their area <sup>(19)</sup>.

**7.29** Under transitional arrangements the Council does not need to require First Homes as part of the affordable housing mix until the requirement is included within an updated and adopted Local Plan /made neighbourhood plan.

**7.30** First Homes will also not apply to the following:

- sites with full or outline planning permissions already in place or determined (or where a right to appeal against non-determination has arisen) before 28 December 2021;
- applications for full or outline planning permission where there has been significant pre-application engagement which are determined before 28 March 2022

**7.31** In the event that an application which includes First Homes is submitted to the Council prior to the update to the Local Plan and / or relevant neighbourhood plan then the council will consider the inclusion of First Homes as a material consideration in decision taking. When determining whether the inclusion of First Homes is acceptable on a scheme, the Council will consider the extent to which the proposal complies with national planning policy and whether the introduction of First Homes has any unacceptable impacts, with reference to existing local plan policies in the borough.

**7.32** In addition, to qualify as a First Home, there should be a section 106 agreement securing the necessary restrictions on the use and sale of the property, and a legal restriction on the title of the property to ensure that these restrictions are applied to the property at each future sale. The price cap of £250,000 (or £420,000 in Greater London), however, applies only to the first sale and not to any subsequent sales of any given First Home.

**7.33** The First Homes Written Ministerial Statement and PPG have also introduced a First Homes Exception sites policy. Full details of the First Homes Exception Sites policy can be found in the Written Ministerial Statement and PPG and are not repeated here. From 28 June 2021, the Council will consider planning applications for the development of First Homes Exception Sites in accordance with the Written Ministerial Statement and PPG as a material consideration in decision making as references are not currently included in the development plan. The Council will consider the extent to which the proposal complies with national planning policy and whether the introduction of First Homes has any unacceptable impacts, with reference to existing local plan policies in the borough.

19 Paragraph: 009 Reference ID: 70-009-20210524





## Other affordable routes to home ownership

### Shared ownership

**7.34** Shared Ownership is an intermediate product and provides a way of helping households to buy a share in their own home when they cannot afford the full market value. The household purchases a share, usually between 25 – 75%, and pays rent on the remaining proportion to the managing Registered Provider. Additional shares can be purchased at 10% at a time (referred to as ‘staircasing’) which will enable a resident to increase their equity share in the property and in many cases buy the final share and own the whole home. Following staircasing to 100% ownership, the affordable element of the property is fully removed, and the property can be resold at 100% of the market value, without restrictions.

**7.35** The Government from the 01 April 2021 has updated the model Shared Ownership lease, which includes several changes to shared ownership properties brought forward by the new Homes England Affordable Homes Programme 2021-26. This has seen a reduction in the initial equity available to buy, reducing from 25% to 10%. Occupiers will also be able to purchase additional equity of their property 1% at a time, reduced from 10% at a time. This aims to support residents to access routes to home ownership with lower deposits. There is an expectation that this new model of Shared Ownership will be incorporated in non-grant funded units as well, following its introduction. This approach is also included in the charter for social housing residents: social housing white paper consultation document published by the government <sup>(20)</sup>.

**7.36** In 2009, the government introduced legislation under which several rural parishes in Cheshire East became ‘Designated Protected Areas’ whereby new affordable shared ownership dwellings in these areas would be subject to requirement that owners are either not able to acquire more than 80% equity in a property or if they acquire 100% equity, it has to be sold back to the managing Registered Provider to retain as affordable housing in perpetuity. When ‘staircasing’ has taken place, the additional payments will be recycled and used for affordable housing in Cheshire East. The council will normally expect all schemes to be transferred to and managed by a Registered Provider. In such cases, legal restrictions on eligibility and rental levels will be necessary. A list of the Designated Protected Areas relevant to Cheshire East can be viewed in the Housing (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009.

**7.37** Where a Registered Provider is involved, the rental element will be set at an affordable level by the Registered Provider itself but will need to be confirmed with the council. For shared ownership offered by other providers this must be in partnership with Homes England and the rental element will also need to be confirmed with the council to ensure they are set at an affordable level. In such cases, a Section 106 Agreement will be required. The house price of each property will be based on the open market value prevailing at the time of marketing the property as agreed with the council, the terms and conditions contained in the shared ownership lease and on the assumption that the leaseholder would acquire a 100% interest in the lease. This is to be assessed by a Royal Institution of Chartered Surveyors qualified independent valuer. As indicated above, in some rural areas of the Borough, the

20 <https://www.gov.uk/government/publications/the-charter-for-social-housing-residents-social-housing-white-paper>



government has applied restrictions on the amount of equity that an owner is able to acquire. The council can apply to Homes England for a waiver for the Designated Protection Area status. However, this is only likely to occur in exceptional circumstances.

## Shared equity

**7.38** Shared Equity is an intermediate product that provides households the opportunity to purchase a share of a property, typically 70%, with the remaining 30% share being retained by the council. After 5 years, further equity can be bought in the property up to 100% ownership. When the purchaser wants to sell the property, they must do so on the same terms as when they purchased the property. This means they must sell it with the same level of discount they received and to someone who meets the criteria for affordable housing. A legal charge is attached to the property to ensure this happens. If the owner buys the remaining share from the council the legal charge is removed.

## Rent to buy

**7.39** 'Rent to Buy' is an intermediate home ownership product which allows households to pay an intermediate rent up to 80% of open market rent, giving the occupant the opportunity to save for a deposit which could enable them to purchase the property after a minimum of 5 years following moving in. Rent to Buy properties are not subject to local authority nominations, however, landlords may wish to work with the local authority to identify potential tenants. Applicants for Rent to Buy properties must be working and either first time buyers or starting a new household following a relationship breakdown. The purchase of the property, if taken forward, following this minimum 5-year period is completed at the market value of the property and the 'Right to Buy' is not applicable on Rent to Buy properties.

## Affordable Housing Site Specific Considerations

### Design and layout of schemes involving affordable homes

**7.40** Point U2 (a mix of home tenures, types and sizes) in the National Design Guide <sup>(21)</sup> encourages schemes to be well-integrated and designed to the same high quality across different tenures.

**7.41** This is consistent with the intention of LPS policy SC5 (affordable homes, point 5), that market and affordable homes on sites should be indistinguishable and achieve the same high design quality. The design, including elevation, detail and materials, should be compatible with open market homes and be regarded as 'tenure blind' ensuring that dwellings are unable to be identified as affordable due to their design and aesthetic. Affordable homes should also have comparable access to local green spaces, open spaces, play and amenity areas as open market homes for health and well-being. It is also expected that affordable homes will have the same level and standard of car parking as for open market homes, in line with the Council's car parking standards set out in Appendix C of the LPS.

**7.42** Design standards of funding bodies such as Homes England should also be referred to, where relevant, in order to satisfy any funding grant requirements.

21 <https://www.gov.uk/government/publications/national-design-guide>



**7.43** The design of new housing developments should ensure that affordable homes are integrated with open-market homes to promote social inclusion. Affordable homes (both rented and intermediate tenure) should therefore be ‘pepper potted’ throughout a development in line with point 4 of policy SC5 (affordable homes) unless there are specific circumstances or benefits that would warrant a different approach. The affordable housing provided on a scheme should not be segregated from the open market dwellings, nor should it be entirely on the periphery of a development. Approval of affordable housing layouts will take into consideration factors including the number of affordable dwellings, site topography and other site characteristics, and whether affordable units are distributed across the entirety of a site. It is acknowledged that Registered Providers favour clusters of units to assist in housing management and repair issues. Clusters should consist of between 6 and 10 dwellings; however, this should not be to the detriment of ensuring the scheme has a wide mix of tenures throughout the site.

## **Delivering Affordable Housing**

### **Affordable Housing Statement**

**7.44** For planning applications of schemes which have an affordable housing requirement, the planning application validation checklist includes the need for an Affordable Housing Statement, which should specify what is being proposed with regards affordable housing and provide justification for the amount and type of affordable housing proposed.

**7.45** The Affordable Housing Statement will need to include the following elements:

- the number of affordable homes / market homes proposed to be provided on site. Indicative information may be provided at outline planning stage;
- any specialist provision which is being provided and who this is for, including the need for such provision in line with the requirements of SC4 (residential mix);
- detail of how the proposed development complies with relevant national (NPPF & NPPG) and local planning policies and guidance (particularly policy SC5 / SC6 (as relevant) in the LPS);
- A plan and supporting information on the timing, location and distribution of the affordable housing within the site, ensuring that the affordable housing is pepper-potted throughout the Site and not segregated from the open market housing (required for full and reserved matters applications only) illustrative plans should be submitted for sites seeking outline planning permission;
- Information should also be provided on the proposed housing mix. This should include sizes, types and tenure of affordable homes proposed (required for full and reserved matters applications only). A guide or illustration of the proposed housing mix should be submitted for sites at outline planning permission stage;
- details of how the proposed design, materials and construction of the affordable housing will ensure that the affordable housing is materially indistinguishable (in terms of design and appearance) from the open market housing of similar size within the development (required for full and reserved matters applications only). A commitment to this approach will be required for sites seeking outline planning permission.



## Role of Registered Providers

**7.46** The council's preference is for affordable housing to be provided and managed by Registered Providers. The council regards the involvement of a Registered Provider in any element of affordable housing as a sufficient guarantee of need and affordability without any additional control. In all other cases of affordable housing including Build for Rent, the council will require the S.106 Agreement to contain an obligation to make the affordable housing available to those in housing need and at less than the market price or rent in perpetuity, so far as the law allows.

## Use of Financial and Other Contributions in-lieu of direct affordable housing provision

**7.47** In line with paragraph 63 of the NPPF, the council will normally require affordable housing to be delivered without public subsidy and provided on site. In exceptional circumstances and where it can be justified, as a first alternative, affordable housing will be accepted off-site; this must be robustly justified and on a site that is agreed with the council as being in a suitable location, relative to the housing need to be met.

**7.48** In exceptional circumstances, where suitable sites aren't available, and where it can be justified, as a second alternative, a financial contribution will be accepted. This provision is viewed by the council as a last resort option, as opposed to an alternative method of affordable housing. The council's desire to have all affordable provision on-site is in line with government guidance to encourage the development of mixed and balanced communities. However, there may be physical or other circumstances where an on-site provision would not be practical or deliverable. Such circumstances might include where:

- the provision of the affordable housing elsewhere in the locality would provide a better mix of housing types;
- management of the affordable dwellings on site would not be feasible;
- it would be more appropriate to bring back existing vacant housing into use as affordable units;
- the constraints of the site prevent the provision of the size and type of affordable housing required in the area.

**7.49** In line with paragraph 12.51 in the LPS, there may also be circumstances in Crewe, where it may be appropriate to divert funding for affordable housing into the improvement of existing stock within the urban area, rather than the provision of new affordable homes.

**7.50** Where a financial contribution is offered, the amount of such contribution will normally be expected to reflect the cost necessary to facilitate an equivalent amount of affordable housing as would have been provided on-site. The amount of any contribution will need to be agreed with the council. Where off-site provision is made by the developer or as a result of any financial contribution, this should be in a location elsewhere within the borough where there is an identified need.

**7.51** The basis for calculating the cost to the developer for off-site provision will be the difference between the open market value of the units that would have otherwise been affordable and the average amount a Registered Provider would offer for those units. We would require the applicant to submit an affordable housing mix outlining the type, size and tenure of units which meet the housing need for the locality and the policy requirements of



the LPS, including constructed to national building regulations requirements and provided at 65% rented and 35% intermediate tenure mix. This should include the open market values of the units and details of offers from a Registered Provider to take the affordable units. In order to establish open market values, a valuation will need to be completed by a RICS qualified valuer, then verified by the Council.

### Worked Example

- 12 units on site of 1 hectare in a Local Service Centre
- 30% affordable housing requirements:  $12 \times 0.3 = 4$  units
- in this example, there is 3 x 2 bedroom house at social rent and 1 x 3 bedroom house at intermediate tenure. Using some illustrative values as an example presents the following position:-

Table 7.1 Use of financial contributions in-lieu of direct affordable housing provision

Unit Type	Open Market Value	Tenure	RP Offer	Financial Contribution (per unit)	Total
2 bedroom house (65m <sup>2</sup> )	£100,000	Social Rented	£55,000	£45,000	£135,000
3 bedroom house (70m <sup>2</sup> )	£120,000	Intermediate	£80,000	£40,000	£40,000
					£175,000

**7.52** Where viability is cited as a reason for fewer affordable dwellings being delivered, the developer will be required to submit an open book viability assessment. In such cases, the council will commission an independent review of the viability study, for which the developer will bear the cost. In cases where such affordable housing provision is agreed there may be a requirement for 'overage' payments to be made. This will reflect the fact that the viability of a site will be agreed at a point in time and may need to be reviewed, at set point(s) in the future.

### Phasing of affordable homes

**7.53** In order to ensure the proper integration of affordable housing with open market housing, particularly on larger schemes, conditions and/or legal agreements attached to a planning permission will be required. The actual percentage will be decided on a site by site basis, but the norm will be that affordable units will be provided no later than the sale or let of 50% of the open market homes. However, in schemes that provide for a phased delivery and a high degree of 'pepper potting' of affordable homes distributed across the site, the maximum proportion of open market homes that may be completed before the provision of all affordable units may be increased to 80% following approval from the Strategic Housing Manager.





## Legal Agreements

**7.54** The council will normally require provision of affordable housing and/or any control of occupancy to be secured by means of planning obligations pursuant to Section 106 of the Town and County Planning Act 1990 (as amended). Section 106 agreements are legal agreements made between the council and applicants / landowners and can be attached to a planning permission to make acceptable development which otherwise be unacceptable in planning terms.

**7.55** Section 106 planning obligations can only be taken into account in determining planning applications where they meet the following tests from Regulation 122 of the CIL Regulations:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

**7.56** In respect of affordable homes, Section 106 agreements may cover the following areas:-

- **Tenure:-** Where a development contains an element of affordable housing that is to be available for rent, the council will require the agreement to contain an obligation that any such housing is to be managed by a Registered Provider. Where a development contains an element of affordable housing that is to be available for sale or shared ownership, then the council will require the agreement to contain adequate principles approved in advance by the council or alternatively the agreement may reserve the council's right to approve a specific scheme prior to implementation.
- **Dwelling Types and Sizes:-** If the relevant planning application is in outline only, then the council will require the agreement to stipulate an acceptable range for the number, type, tenure and size of all affordable housing units, as appropriate. If the relevant planning application is a detailed application (reserved matters or full application), then the council may require that the agreement contains an obligation that the affordable dwellings are to be built in accordance with the details comprised in the approved application as regards number, type, design, tenure and size of each dwelling.
- **Price and Rent Control:-** Where a development contains an element of affordable housing that is to be available for sale, the council will require that the agreement sets out the formula to be applied to achieve the desired level of discount in perpetuity. Where a development contains an element of affordable housing that is to be available for intermediate rent, the council will require that the agreement sets out the provisions and safeguards to achieve a rent amount which is affordable in perpetuity.
- **Use of financial and other contributions:-** Where developers offer financial or other contributions towards the provision of affordable housing on an alternative site in the locality, and it is agreed by the council that this is an acceptable means of providing affordable housing, the council will expect the agreement to contain obligations relating to the provision of such contribution. In some instances, the agreement may include viability reviews and 'overage' clauses where a reduced or nil element of affordable housing has been agreed. This will include provisions to secure the amount to be paid, the trigger or date to pay the contribution and any other necessary requirements including any 'overage' payment requirements.
- **Phasing:-** Where any element of affordable housing is to be comprised in a larger development which also includes market housing, the council will expect that provision



of the affordable housing element will be phased. The council will therefore require the Section 106 Agreement to contain an obligation restricting the developer from allowing the sale or letting of an appropriate proportion of the open market housing until the affordable housing element is built and ready for occupation on an agreed basis.

- **Involvement of Registered Provider:-** In all cases where a Registered Provider is to be involved in the provision of any element of affordable housing, then the council will require that the agreement contains an obligation that such housing is transferred to and managed by an Registered Provider and that it should only be used for the purposes of providing housing accommodation to meet the objectives of an Registered Provider as set out in the Housing Act 1996.

**7.57** Applicants are encouraged to provide the necessary information to assist in the production of a Section 106 agreement including: -

- Proposed 'heads of terms' of the legal agreement setting out in broad terms what the main elements that the Section 106 agreement will cover.
- Up to date copies of any relevant title and ownership deeds from land registry.
- An undertaking to pay the council's appropriate and reasonable legal and administrative costs in connection with preparation of the legal agreement.
- In the event that the applicant is represented by a member of the legal profession, the relevant contact details and name of the individual and/or organisation dealing with the matter.

## Viability

**7.58** The affordable housing requirement set out in policy SC5 (affordable homes) of the LPS is considered up to date. The policy requirements have been viability tested, most recently in the process of adopting a CIL Charging Schedule for the borough. Reference can also be made to the viability work prepared to support the emerging SADPD document.

**7.59** It is anticipated that as the LPS policy requirements are clearly stated, then these costs can be accurately accounted for in the price paid for the land by the developer. It is expected that applicants will be aware of their policy obligations at the outset and that the financial implications of these will have taken into account prior to negotiations on the purchase of the land.

**7.60** Planning applications that comply with the policy requirements of SC5 (affordable homes) are considered to be viable. However, and as noted in criterion 7 of policy SC5 (affordable homes), in exceptional circumstances, where scheme viability may be affected, developers will be expected to provide viability assessments when seeking to justify alternative affordable housing provision. Alternative affordable housing provision could include lower provision or provision of alternative affordable housing tenures.

**7.61** National planning policy and planning practice guidance <sup>(22)</sup> details the particular circumstances that justify the need for a viability assessment at the application stage. Such circumstances could include (but not limited to), for example, where development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan; where further information on infrastructure or site costs is required; where

22 <https://www.gov.uk/guidance/viability> - Paragraph: 007 Reference ID: 10-007-20190509





particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people); or where a recession or similar significant economic changes have occurred since the plan was brought into force.

**7.62** Applicants who consider that a viability case for alternative affordable housing exists, will be required to submit an open book viability assessment. In such cases, the council will commission an independent review of the viability study, for which the developer will bear the cost. The applicant will be required to provide a written undertaking to cover the cost of the independent review of the viability study prior to the viability specialist being appointed. Outputs from the viability review process will be shared with the applicant.

**7.63** Any viability assessment should reflect the government's recommended approach to defining key inputs and variables to be included in the viability assessment as set out in national guidance – (<https://www.gov.uk/guidance/viability>). Reference should also be made to best practice, for example RICS guidance and RICS professional standards <sup>(23)</sup>.

**7.64** Viability assessments should be undertaken on the basis of an expected profit of between 15-20% as specified in PPG with profit levels relevant to the scale, complexity and risk of the development. The PPG notes that a lower level of expected profit may be appropriately applied in circumstances where this guarantees an end sale at a known value and reduces risk.

**7.65** In accordance with PPG and policy SC5 (affordable homes) economic viability assessments will be made publicly available along with all information relevant to the planning application. Where an exemption from publication is sought on matters of commercial sensitivity then this will have to be justified and any aggregated information should be clearly set out and be able to be published. An executive summary should also be produced for any economic viability assessments prepared.

**7.66** In cases where such alternative affordable housing provision is agreed there may be a requirement for the provision of 'overage' payments to be made. This will reflect the fact that the viability of a site will be agreed at a point in time and may need to be reviewed, at set point(s) in the future. An overage requirement is a clause in a Section 106 agreement that relates to future profits from a development. Where the viability evidence justifies a lower affordable housing requirement than the policy target, and this is accepted by the council, an overage clause will be inserted into the Section 106 agreement. As viability assessments are relevant to a particular point in time, this would be linked to reviews of the viability assessment, at certain points within the site's lifetime. Such a requirement will be related to the site's size; its characteristics; market conditions and other relevant factors (paragraph 12.52 of the LPS).

**7.67** In the circumstances where a developer makes more profit than expected, a proportion of that 'additional' profit is to be paid to the council to help fund the provision of affordable housing that should have otherwise been provided by the development itself. The level of 'additional profit' is established through a re-assessment of viability after the completion of the scheme using the actual costs and values in the development. The mechanisms of this assessment would be set out in the Section 106 agreement.

23 [www.rics.org/uk/](http://www.rics.org/uk/) and including Financial Viability in Planning (2019) or as updated.



**7.68** In preparing a viability assessment, applicants should provide as full and complete information as possible. This is to assist the independent assessment of the viability appraisal seeking to minimise the time this process could take.

**7.69** Affordable housing and tariff style contributions will not be sought from any development consisting only of the construction of a residential annex or extension to an existing home (in line with point 9 of policy SC5 affordable homes).

### **Vacant Building Credit**

**7.70** To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, the NPPF (paragraph 64) notes that the affordable housing contribution due should be reduced by a proportionate amount equivalent to the existing gross floorspace of the relevant vacant buildings. Affordable housing contributions may still be required for any increase in floorspace.

**7.71** The vacant building credit does not apply to buildings which have been abandoned. As set out in national planning guidance, in deciding whether a use has been abandoned, account should be taken of all relevant circumstances, such as: the condition of the property, the period of non-use, whether there is an intervening use; and any other relevant evidence regarding the owner's intention for the site.

**7.72** Each case is a matter for the council to judge. In considering how the vacant building credit should apply to a particular development, the council will have regard to the intention of national policy. In doing so, it may be appropriate to consider: whether the building has been made vacant for the sole purposes of re-development, whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

**7.73** Any vacant building credit calculation should be submitted to the council at the point of the application. The council will expect the building to be measured in accordance with best practice and guidance documents such as the RICS code of measuring practice.

**7.74** One way of calculating vacant building credit, could be to use the following formula – (net change in floorspace / proposed floorspace) x affordable housing policy requirement. As an illustrative example; -

- Proposed development of 2,000 sqm
- Policy SC5 (affordable homes) requires 30% affordable homes
- There is an existing vacant building on site with a floorspace of 750 sqm
- The difference between the gross floorspace of the existing vacant building and the proposed new build floorspace is 1,250 sqm
- Therefore, the affordable housing requirement for this site is  $(1250/2000) \times 30 = 18.75$  (or 19 dwellings (rounded)).



## Rural and Entry Level Exception Sites

### Rural Exception Sites

**7.75** The NPPF, in paragraph 78, states that rural housing policies “should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this”.

**7.76** As the release of such sites will be an exception to planning policy related to the countryside, to meet locally identified affordable housing need, then the location, scale, layout, density, access and design of any proposed scheme will be critical in determining whether it is acceptable.

**7.77** The LPS in policy SC 6 (rural exceptions housing for local needs) outlines criteria, relevant to rural exception housing sites. The introduction to policy SC6 (rural exceptions housing for local needs) is clear that **all criteria** (points 1-8) need to be met for a site to be considered an exception to other planning policies relating to the countryside. Point 8 of policy SC6 (rural exceptions housing for local needs) also provides further guidance concerning the cross subsidy of affordable housing with market housing and again sets out a number of criteria that should be addressed. Taking points 1-8 of policy SC6 (rural exceptions housing for local needs) in turn: -

- Location – sites should adjoin Local Service Centres or other settlements <sup>(24)</sup> and be close to existing employment and existing or proposed services and facilities. Services and facilities are defined as including public transport, education and health facilities and retail services. Table 9.1 (access to services and facilities) in the LPS provides a guide on recommended distances to services and facilities. Sites which adjoin Principal Towns and Key Service Centres are not considered to be rural exception sites and will not be supported as such. The needs of larger settlements at Principal Towns and Key Service Centres are met through the requirements of LPS policy SC5 (affordable homes).
- Scale – schemes should be small in scale (defined as 10 dwellings or fewer by the LPS). They should broadly reflect the affordable housing need appropriate to the parish in which the scheme is situated. If a higher local housing need is demonstrated (greater than 10 dwellings) then it may be considered appropriate for development of more than one site to meet this need.
- Site Options Appraisal - all rural exception site schemes should be supported by a thorough site options appraisal to demonstrate why the site is the most suitable one.
- Housing needs survey – schemes should be supported by an up to date (within the last five years) housing needs survey that identifies the need for such provision within the parish. The council has published a number of parish level surveys across the borough which can be accessed on the council's website <sup>(25)</sup> . Where an up-to-date survey does not exist, the applicant must conduct a survey, based on the Cheshire East Council model survey, in conjunction with and ensuring appropriate levels of engagement with the

24 This concerns the 'other settlements and rural areas' tier of the council's settlement hierarchy as set out in policy PG 2 (settlement hierarchy) of the LPS

25 [https://www.cheshireeast.gov.uk/housing/affordable\\_housing/rural\\_housing/rural\\_housing.aspx](https://www.cheshireeast.gov.uk/housing/affordable_housing/rural_housing/rural_housing.aspx)



parish council where possible. A copy of the model survey is included in Appendix 2 of this SPD.

- Occupation of schemes – points 5, 6 and 7 of policy SC6 (rural exceptions housing for local needs) refer to ensuring occupancy criteria and the method to the ‘cascade’ approach, generally focused on the parish where the rural exception site is being promoted.

**7.78** Point 8 of policy SC6 (rural exceptions housing for local needs) refers to perpetuity, it is expected that proposals for the affordable homes element of a rural exceptions scheme is to be retained as affordable homes in perpetuity (forever).

**7.79** The provision of a small number of ‘market’ units may help maintain communities where development would not otherwise occur. Such schemes will, however, only be permitted where viability assessments or some other clear reason demonstrates that this is the only way that affordable housing to meet local needs can be delivered on the site. In the instances where cross subsidy of schemes (i.e. market units provided to support the financing of affordable units) would be acceptable, points 1-7 of policy SC6 (rural exceptions housing for local needs) have to be addressed, alongside the requirements of point 8, specifically:-

- Such proposals will only be permitted where it can be demonstrated that the site would not be viable, as a rural exception site, without cross subsidy. The developer will be required to submit an open book viability assessment. In such cases, the council will commission an independent review of the viability study, for which the developer will bear the cost
- aspirational land value is no justification for allowing a higher proportion of market value units;
- The viability assessment must show that the scale of the market housing component is essential for the successful delivery of the rural exception scheme, based on reasonable land values and must not include an element of profit;
- The majority of the development must be for rural exception affordable housing; and
- No additional subsidy (such as government grant) is required for the schemes.

### **Eligibility requirements for affordable homes**

**7.80** The underlying criteria for eligibility to affordable housing is that households must be in unsuitable housing and unable to afford to rent or buy on the open market. This is the council’s definition of housing need for affordable housing.

**7.81** If a Registered Provider is to manage the affordable housing, either for rent or sale, then the council is satisfied that this will be sufficient to control both eligibility and future occupancy.

**7.82** If affordable housing is developed by other housing providers the council will require arrangements in place to ensure that any accommodation is available to those in housing need, as defined by the council. Priority will also be required to be given to persons with a local connection to the scheme – location being defined as the catchment area for the property as agreed with the council. In this respect, local connection would be defined in accordance with the Cheshire East Common Allocations Policy (as updated, most recently 2018) as one or more of the following:



- Currently live, or have lived, within Cheshire East and have done for at least 2 consecutive years
- Have immediate family (mother, father, brother, sister, adult child, adoptive parents) who are currently living in Cheshire East and have done for at least five years or more
- Have a permanent contract of employment based within Cheshire East borough
- Members of the armed forces:
  - (a) members of the Armed Forces and former Service personnel, where the application is made within five years of discharge.
  - (b) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner.
  - (c) serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result.
- Other significant reason

### Occupancy Criteria for Rural Exception Sites

**7.83** In the case of rural exceptions sites, a 'community connection' approach to occupancy criteria will be followed which takes account for the parish, then adjoining parish, ward, then wider areas of the borough. Any criteria will be confirmed through a Section 106 agreement.

**7.84** Occupancy will, in perpetuity, be restricted to a person in housing need and resident or working in the relevant parish, or who has other strong links with the relevant locality in line with the community connection criteria as set out by Cheshire Homechoice on an ongoing basis.

## 8 Self Build and Custom Build

**8.1** Policy SC4 (residential mix) of the LPS states new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes, this could include people wishing to build or commission their own home.

**8.2** The council keeps a register of people and associations who are seeking to acquire a serviced plot of land to build their own home in Cheshire East. The purpose of the register is to help understand the demand for serviced plots in line with the requirements of the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).

**8.3** A 'serviced plot of land' is land that has suitable access to the public highway as well as connections for electricity, water and wastewater. In line with policy CO3 (digital connections) of the LPS encouragement will also be given for schemes to deliver the necessary physical ICT infrastructure to accommodate information and digital communications networks (for example broadband access).

**8.4** 'Self-build' is housing usually built by its final owners/occupiers. 'Custom-build' is housing usually part built by a provider and then customised by its owners/occupiers. In both instances, owners/occupiers are expected to have significant influence over the final design of their home. It is expected that evidence will be provided to the council that this will / has taken place. Owners/occupiers can be individuals or associations of individuals. Each term





is defined in the Self- Build and Custom Housebuilding Act 2015 and associated regulations. The onus is on the applicant to clearly demonstrate that a proposal meets the relevant definitions set out in the legislation.

**8.5** Schemes for self-build and custom-build homes must still comply with policies and guidance in the development plan governing location and design of new homes. The fact that a proposed new home may be self or custom-build will not override these policies. Provision of self and custom-build housing opportunities will be controlled through planning conditions and / or Section 106 agreements as necessary.

**8.6** The council is open to alternative development routes which can contain a self/custom-build element, as well as an affordable housing element, such as community-led housing. The council will consider the provision of affordable and self/custom build dwellings being delivered via this method.

**8.7** Most self-build plots will come forward on an individual plot basis or as a small group of dwellings. However, the Local Plan Strategy and national planning policy does not differentiate between small scale development and self-build schemes in terms of triggering an affordable housing provision, with no specific exemption for self-build schemes from making an affordable housing contribution. Subsequently, self-build sites may still trigger an affordable housing requirement where the thresholds included in policy SC5 'affordable homes' has been met.

## 9 Specialist, Supported Living and Older Person Housing

**9.1** The council's vulnerable and older persons strategy (2020 - 2024) <sup>(26)</sup> has identified three main strategic objectives consistent with the 2014 version of the strategy: -

- That people are supported to live in their own homes independently for longer;
- When required, people can receive the support they need in a wide range of specialist, supported accommodation including those members of the community with specific housing needs within the borough;
- People are able to make informed choices about the accommodation, care, and support options within Cheshire East.

**9.2** Alongside this, there are a number of strategies that the council has put in place relevant to specialist, supported living and older person housing including:

- Cheshire East All Age Autism Strategy (2020 – 2023) <sup>(27)</sup>;
- My Life, My Choice, a strategy for people with learning disabilities in Cheshire East (2019 – 2022) <sup>(28)</sup>;
- Cheshire East All Age Mental Health Strategy (2019 - 2022) <sup>(29)</sup>.

26 [https://www.cheshireeast.gov.uk/housing/strategic\\_housing/vulnerable\\_persons.aspx](https://www.cheshireeast.gov.uk/housing/strategic_housing/vulnerable_persons.aspx)

27 <https://www.cheshireeast.gov.uk/livewell/health-matters/health-conditions/autism/autism.asp>

28 <https://www.cheshireeast.gov.uk/livewell/health-matters/disabilities/learning-disability/learning-disability.aspx>

29 <https://www.cheshireeast.gov.uk/livewell/health-matters/health-conditions/mental-health/mental-health.aspx>



## Definitions

**9.3** For planning purposes, the glossary in the NPPF provides definitions of older people and people with disabilities: -

- Older people for planning purposes are defined as - people over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.
- People with disabilities for planning purposes are defined as - people have a disability if they have a physical or mental impairment, and that impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. These persons include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs.

**9.4** It is recognised that there is a wider spectrum of needs that exist within the above definitions.

**9.5** The Town and Country Planning (Use Classes) Order 1987 (UCO) (as amended) puts the use of land and buildings into various categories known as 'use classes'. Specialist Housing can fall within the following use-classes:-

### **9.6 C2 Residential Institutions**

- Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).
- Use as a hospital or nursing home
- Use as a residential school, college or training centre

### **9.7 C3 Dwelling Houses - use as a dwellinghouse (whether or not as a sole or main residence) –**

- A single person or by people to be regarded as forming a single household;
- Not more than six residents living together as a single household where care is provided for residents; or
- Not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

**9.8** As noted in the introduction to this document, the Community Infrastructure Levy came into effect from the 01 March 2019. Schemes involving planning use class C3 'dwelling houses' can be CIL liable in particular 'zoned' areas of the borough. Further information can be found on the Cheshire East website at [www.cheshireeast.gov.uk/cil](http://www.cheshireeast.gov.uk/cil)

**9.9** The UCO defines care as personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment. For the purposes of this draft SPD, a residential care or nursing home for older people or people with a disability is expected to fall within use class C2.





**9.10** With regards to schemes such as retirement housing/villages or supported housing, these can fall within use class C2 or C3 depending on factors such as the need and availability of care and the type of care products, access and other services and facilities provided on site. Planning Practice Guidance states that it is for the local planning authority to consider which class a particular development may fall.

### **Affordable housing contributions**

**9.11** Recently, some innovative models of private sector housing for older people have been developed. These schemes are characterised by the availability of varying degrees of care, 24-hour staffing and ancillary facilities. The council recognises that such models can contribute to meeting affordable and special needs housing, thus the council will seek an affordable housing contribution from these schemes where the dwellings trigger the thresholds set out in LPS SC5 (affordable homes).

**9.12** Importantly, reference to 'dwellings' in policy is not only confined to C3 uses (termed 'dwelling houses' in the UCO) in applying affordable housing requirements<sup>(30)</sup>. LPS policy SC5 (affordable homes) refers to affordable housing requirements applying to 'residential developments' and this reference can include class C2 (residential institutions) and class C3 (dwelling houses) uses.

**9.13** Consideration will be given by the council to any viability issues which arise from this distinction and will assess these accordingly. Due to the difficulty in providing replicable and repeatable guidance for all housing development sites, each request to the council to reduce the affordable housing provision will be assessed on an individual case by case basis in line with point 7 of policy SC5 (affordable homes).

**9.14** In order to support mixed and balanced communities across the borough, the council will consider proposals for specialist housing provision, including housing for older adults, downsizing opportunities or bungalows. In circumstances, where the type of development (for example, the land take for bungalows) impacts on the viability of schemes, then this may result in a reduction of the overall affordable housing requirements when supported by robust viability evidence which has been independently appraised.

### **Housing for older people**

**9.15** There is a need to provide a choice of accommodation to suit changing needs as people get older. The population projections, which support the LPS, identify that the population of Cheshire East is likely to increase from 383,600 persons to 431,700 persons over the 12-year period 2018-30; a 12-year increase of 48,100 persons. The population in older age groups is projected to increase substantially during this period, with an increase in the population, aged 60 or over of 35,600, of which over 60% are projected to be 75+ (22,250 persons)<sup>(31)</sup>

**9.16** The Cheshire East Residential Mix Assessment (2019) acknowledges that many householders as they get older may prefer to remain in their own homes with appropriate assistance from social care providers, assistive technology and appropriate adaptations or right size (downsize) to more suitable accommodation. Furthermore, the health, longevity

30 Rectory Homes V SSHCLG and South Oxfordshire District Council, 2020

31 Cheshire East Residential Mix Assessment (Opinion Research Services, 2019)



and aspirations of older people mean that they will often live increasingly healthier lifestyles and therefore future housing needs, for example for specialist accommodation, may be different from current identified needs.

**9.17** The council adopts a 'homes first' policy which supports residents to maintain their independence and remain in their own home (or within alternative settings offering independent accommodation such as extra care housing / retirement living schemes) for as long as possible. The council will consider applications to adapt or extend homes in a positive and supportive manner as a means of helping more people to remain living independently in their own home, when consistent with policies in the local plan.

**9.18** There are several different types of housing for older people. There are individuals / households who live independently at home. The PPG also includes the following types and development descriptions: -

Table 9.1 Types of older person accommodation

Type	Description
Age-restricted general market housing	This type of housing is generally for people aged 55 and over and the active elderly. It may include some shared amenities such as communal gardens but does not include support or care services.
Retirement living or sheltered housing	This usually consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services but provides some support to enable residents to live independently. This can include 24-hour on-site assistance (alarm) and a warden or house manager.
Extra care housing or housing with care	This usually consists of purpose-built or adapted flats or bungalows with a medium to high level of care available, if required, through an onsite care agency registered through the Care Quality Commission (CQC). Residents are able to live independently with 24-hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages - the intention is for residents to benefit from varying levels of care as time progresses.
Residential care homes and nursing homes	These have individual rooms within a residential building and provide a high level of care meeting all activities of daily living. They do not usually include support services for independent living. This type of housing can also include dementia care homes.



**9.19** Not all sheltered housing has communal facilities. There may be, for example, a bungalow scheme with an onsite warden and pull cords that would form an example of sheltered accommodation. For extra care or housing with care schemes it may be the case that meals are usually available from an onsite restaurant or bistro.

**9.20** Alongside a number of considerations in bringing forward development for older persons housing, policy SC4 (residential mix) point 3 notes that accommodation designed specifically for older persons will be supported where there is:-

- A proven need – the applicant will be expected to provide an assessment of need for the site. Factors to consider include:-
  1. The need for a site in that location, that cannot be addressed anywhere else.
  2. How a site might contribute to the delivery of published council strategies, including the vulnerable and older persons strategy.
  3. Information on the anticipated local 'catchment' area of the proposal including any age and needs based eligibility criteria.
  4. Any other local market factors.
- A scheme is located within a settlement boundary, as defined on the Policies Map
- Accessibility by public transport
- A scheme within a reasonable walking distance of community facilities such as shops, medical services and public open space. Recommended distances to services and facilities are set out in table 9.1 of the LPS. It is expected that there is a level and safe route of access. Reference will also be given to services and facilities, if proposed to be provided on site.

**9.21** As with other forms of housing, the council will encourage the completion of Building for Life 12 assessments to ensure high quality residential development that meets the needs of all and provides suitable access to open space and nature, where possible.

### **Extra Care Housing or Housing with Care**

**9.22** To be defined as extra care or housing with care scheme, the council will take account of the following considerations: -

- Occupants are expected to have their own self-contained home with a front door and legal right to occupy the property;
- There should be access to a level of care and support, accessible on site and provided 24 hours a day and 7 days a week, as necessary;
- Schemes should facilitate independent and safe living arrangements. There will be positive weight afforded to schemes that apply the accessible and adaptable home standards as set out in this SPD. Schemes will also be encouraged, where possible, to provide accommodation that meets the national space standards;
- Ideally provide access to meals, communal and social facilities on site or facilitate access in the local community. Communal 'lift' facilities should be provided as necessary;



- Schemes will be encouraged to provide for 'step up / step down' accommodation to allow temporary access to such schemes to facilitate discharge from hospital;
- Access to assistive technology, adaptations and specialist equipment to meet needs as necessary. Alarm systems and remote (secure) door entry should be provided as standard. Other personal assistive technology should be available on an individual basis.

**9.23** Schemes will be encouraged to provide for flexible space for mobile / visiting facilities such as a GP/nurse etc, subject to being able to demonstrate the viability of such schemes with the support of the NHS and other appropriate stakeholders. Staff facilities should be considered also in terms of office, rest room and toilet / shower facilities.

**9.24** There are also instances of larger schemes incorporating enhanced facilities such as shops, gyms etc that also provide access from the local community. The preferred location of extra care schemes would associate with the factors identified with policy SC4 'residential mix' of the LPS, that is located within settlements with access to public transport and appropriate facilities including local health and retail facilities.

### **Supporting Living and Specialist Housing Provision**

**9.25** The provision of appropriate housing for people with disabilities, including specialist and supported housing is important to assist residents in living safe and independent lives.

**9.26** The council's document 'my life, my choice – a strategy for people with learning disabilities' (2018-2022) highlights a key focus on the promotion of independence for people with learning disabilities.

**9.27** As with older persons accommodation, policy SC 4 (residential mix) point 3 notes that accommodation designed specifically for specialist housing groups will be supported where there is a:-

- a proven need;
- it is located within settlement boundaries, defined on the Local Plan policies map;
- it is accessible by public transport; and
- within a reasonable walking distance of community facilities such as shops, medical services and public open space.

**9.28** Positive weight will be afforded to schemes which encourage housing that meets optional accessibility and wheelchair housing technical standards. Properties will be encouraged to provide assistive technology, as necessary. Where appropriate, schemes should have lift access and communal areas which facilitate social opportunities.

**9.29** Design should reflect the potential needs of occupants including residents with mobility as well as care and support needs. The council will encourage the completion of Building for Life 12 assessments to ensure high quality residential development that meets the needs of all.

**9.30** As schemes for specialist housing provision cover a range of complex needs, schemes are also encouraged to consider:-

- Robust building materials, where possible, to ensure materials are hardwearing;



- To seek to minimise trip hazards, provide handrails and good lighting, where possible, to provide for a safe built environment;
- Provide clear signage, sightlines and routes around the building; clearly defined rooms so that the activities taking place in that room are understood;
- Reduce noise through location of activities and appropriate soundproofing;
- Provide access to open space.

### **Inclusive Design, including Dementia Friendly communities**

**9.31** An inclusive environment is one that can be accessed and used by everyone. It recognises that every individual experience their environment in different ways and accommodates this through design. In line with the planning practice guidance <sup>(32)</sup>, inclusive design and the experience of the end user should be considered from the outset of the development and design process.

**9.32** Inclusive design should include the building and, its setting in the wider built environment. In line with the PPG, development proposals should consider: -

- Ease of movement including with mobility aids;
- Proximity and links to public transport / local amenities;
- Parking spaces and dropping off points;
- The positioning of street furniture and the design of approach routes;
- Entrance features which are clearly identified, and well lit; and
- Availability of facilities, including public toilets.

**9.33** Design principles such as those set out in the Housing our Ageing Population Panel for Innovation (HAPPI) <sup>(33)</sup> report are also applicable to housing for older people and age-friendly places including:

- integration with the surrounding context;
- social spaces that link with the community;
- space standards that facilitate flexibility;
- enhanced natural light, energy efficiency and sustainable design; and
- priority for pedestrians in outdoor spaces.

**9.34** Planned environments can also have a substantial impact on the quality of life of someone living with dementia. People with dementia need to have access to care and support to enable them to live independently and homes need to be designed with their needs in mind. Characteristics of a dementia-friendly community include, but are not limited to:

- Easy to navigate physical environment;
- Appropriate transport;
- The development of communities shaped around the views of people with dementia and their carers;
- Good orientation and familiarity;
- Reduction in unnecessary clutter; and
- Reduction in disorienting visual and auditory stimuli.

<sup>32</sup> <https://www.gov.uk/guidance/housing-for-older-and-disabled-people>  
<sup>33</sup> <https://www.housinglin.org.uk/Topics/browse/Design-building/HAPPI/>



**9.35** There should be a range of housing options and tenures available to people with dementia, including mainstream and specialist housing. Innovative and diverse housing models should be considered where appropriate. The Royal Town Planning Institute has also published guidance on Dementia and Town Planning which can also provide for additional advice and guidance.

## 10 Monitoring and Review

**10.1** The effectiveness of this SPD will be monitored as part of the Authority Monitoring Report process using information from planning applications and decisions.

## 11 Glossary

Affordable Housing	<p>Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:</p> <p>a) Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).</p> <p>b) Starter homes: is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.</p>
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	<p>c) Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.</p> <p>d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.</p>
Amenity	A positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them.
Building for Life 12	The industry standard endorsed by government for designing new homes in England, based on 12 key criteria.
Cheshire Homechoice	A partnership between the council and registered providers who advertise properties and manage the housing need register and allocation policy.
Community Infrastructure Levy (CIL)	A levy allowing Local Authorities to raise funds from owners or developers of land undertaking new building projects in their area.
Community Land Trust	Non profit community based organisations that develop housing or other assets that meet the needs of the community, are owned and controlled by the community and are made available at permanently affordable levels.
Consultation Statement	A consultation statement is defined in regulation 12(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation statement includes information, in broad terms, of who has been consulted, a summary of the main issues raised by those persons and how those issues have been addressed in the SPD.





Custom and Self-build dwellings	As defined by the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).
Entry Level Exception Sites	As defined in the NPPF, entry level exception sites are suitable for first time buyers or those looking to rent their first home. The NPPF provides more details.
First Homes	First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of 'affordable housing' for planning purposes.
Grant Funding	Public funding used to subsidise the provision of affordable housing, typically from either Homes England or the council.
Key worker dwelling	A key worker is a public sector employee who is considered to provide an essential service; this includes those involved in health; education; emergency services and social workers.
Habitats Regulations Assessment	A Habitats Regulations Assessment (HRA) refers to the several distinct stages of Assessment which must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) to determine if a plan or project may affect the protected features of designated habitats site(s) before deciding whether to undertake, permit or authorise it.
Homes England	The body responsible for providing financial assistance to bodies including registered providers of social housing for the purpose of improving the supply and quality of housing in England now conferred on such body under the Housing and Regeneration Act 2008 (or any successor legislation or body replacing or amending the same).
Local Housing Allowance	The Valuation Office Agency Rent Office determines Local Housing Allowance (LHA) rates used to calculate housing benefit for tenants renting from private landlords. LHA rates are based on private market rents being paid by tenants in the broad rental market area (BRMA). This is the area within which a person might reasonably be expected to live.



National Described Space Standards	The nationally described space standard is not a building regulation and remains solely within the planning system as a new form of technical planning standard if supported by a local plan policy. It deals with internal space standards within new dwellings and is suitable for application across all tenures.
Rural exception sites	Small sites used for affordable housing in perpetuity where sites would not normally be use for housing. Rural exception sites seek to address the needs of the local community by accommodating householders who are either current residents or have an existing family or employment connection.
Self Build	Housing built by individuals or groups of individuals for their own use, either by building the homes themselves or working with builders.
Staircasing	Owners are able to purchase additional equity in the property when they can afford to. In most circumstances, this means that shared owners have the ability to eventually own 100% of the freehold, if they acquire the remaining unowned shares over time.
Vacant Building Credit	National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.
Viability Study	A report, including a financial appraisal, to establish the profit or loss arising from a proposed development. It will usually provide an analysis of both the figures inputted and output results together with other matters of relevance. An assessment will normally provide a judgement as to the profitability, or loss, of a development.



## Appendix 1: List of Designated Protection Areas

**.1** List of Designated Protected Areas taken from the Housing (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009 (No.2098)

**.2** Acton, Adlington, Agden, Alpraham, Arclid, Ashley, Aston by Budworth, Aston juxta Mondrum, Audlem, Austerson Baddiley, Baddington, Barthomley, Basford, Batherton, Betchton, Bexton, Bickerton, Blakenhall, Bosley, Bradwall, Brereton, Bridgemere, Brindley, Broomhall, Buerton, Bulkeley, Bunbury, Burland, Calveley, Checkley cum Wrinehill, Chelford, Cholmondeley, Cholmondeston, Chorley (formerly Macclesfield Rural District), Chorley (formerly Nantwich Rural District), Chorlton, Church Lawton, Church Minshull, Coole Pilate, Cranage, Crewe by Farndon, Crewe Green, Dodcott cum Wilkesley, Doddington, Eaton, Edleston, Egerton, Faddiley, Gawsworth, Goostrey, Great Warford, Hankelow, Hassall, Hatherton, Haughton, Henbury, Henhull, High Legh, Hough, Hulme Walfield, Hunsterson, Hurleston, Kettleshulme, Lea, Leighton, Little Bollington, Little Warford, Lower Withington, Lyme Handley, Macclesfield Forest and Wildboarclough, Marbury cum Quoisley, Marthall, Marton, Mere, Millington, Minshull Vernon, Mobberley, Moreton cum Alcumlow, Moston, Mottram St Andrew, Nether Alderley, Newbold Astbury, Newhall, Norbury, North Rode, Odd Rode, Ollerton, Over Alderley, Peckforton, Peover Inferior, Peover Superior, Pickmere, Plumley, Poole, Pott Shrigley, Rainow, Ridley, Rostherne, Siddington, Smallwood, Snelson, Somerford, Somerford Booths, Sound, Spurstow, Stapeley, Stoke, Sutton, Swettenham, Tabley Inferior, Tabley Superior, Tatton, Toft, Twemlow, Walgherton, Wardle, Warmingham, Weston, Wettlenhall, Wincle, Wirswall, Woolstanwood, Worleston, Wrenbury cum Frith, Wybunbury

**.3** There are also part areas of designated protected areas in Bollington, Haslington, Prestbury, Willaston and Wistaston. These mapped areas can be viewed on the Homes England Website:- <https://digitalservices.homesengland.org.uk/designated-protected-areas/>



## Appendix 2: Example of Rural Housing Needs Survey 2021

### Cheshire East Council

#### Introduction

##### The purpose of this survey

Whether you consider yourself to have a housing need or not, the information you provide in this survey is important in helping us understand the housing need within your community – we would much appreciate you completing this survey and returning it to us in the freepost envelope provided. Please read each question carefully and tick in the box to indicate your answer – all instructions are given in italics after each question. This survey should be completed by the householder only.

##### Your confidentiality is assured

We comply with all laws concerning the protection of personal information, including the General Data Protection Regulation (GDPR). Any personal information you supply will remain strictly confidential and anonymous and will be held and used in line with the Data Protection Act 2018. The information you provide will only be used by Cheshire East Council to analyse the results of surveys and inform decision making. We will not pass on your personal information to any other third parties, without your prior consent. Your response will be stored and kept in line with the council's retention schedule. To find out how we use your information see our privacy policy at [www.cheshireeast.gov.uk/privacy](http://www.cheshireeast.gov.uk/privacy).

#### Section 1 – Your current accommodation

##### 1. How many years have you lived in x parish? Please tick one box only

Five years or less		More than five years	
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##### 2. Including yourself, how many people live in your household? Please write a number in each box e.g. "2"

Adults (aged 16+ including yourself)		Children (aged under 16)	
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##### 3. In which of these ways does your household occupy your current accommodation? Please tick one box only

Owned outright		Renting from a housing association	
Buying on mortgage		Tied accommodation	
Renting from a private landlord		Other (please write in)	

##### 4. What type of property do you currently live in? Please tick one box only

House		Flat / Apartment	
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Bungalow		Other (please write in)	
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**5. What is your home postcode?** We ask this so we can be sure we have obtained a range of views from across the parish. Please write in below

## Section 2 – Alternative accommodation

**6. Do you, the householder, currently need alternative accommodation in your local area?** Please tick one box only

Yes		Go to Q7	No		Go to Q8
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**7. Please indicate why you need alternative accommodation:** Please tick all that apply

Need larger accommodation		Need a cheaper home	
Need smaller accommodation		Need permanent accommodation	
Need independent accommodation		Need to be closer to a carer or dependent	
Need level of physically adapted accommodation		Other (please tick and write in below)	
Need to be closer to employment			

## Section 3 – Affordable housing

**8. Would you be in favour of a small development of affordable housing being built in your parish to meet the needs of those having a local connection to the parish?** Please tick one box only

Yes		No		Not sure	
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**9. If you wish to, please give reasons for your answer to the previous question (Q8):** Please write in below

**10. If you are aware of any sites in your local area, including previously developed sites, that might be suitable for affordable housing, please give details below:** Please write in below

## Section 4 – New households for current household members

**11. Apart from yourself, do any current members of your household wish to form a new household within x Parish in the next 5 years (for which they will need their own accommodation)?** Please tick one box only



Yes		à Go to Q	No		à Go to Q
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**12. How many current household members wish to form a new household within x Parish in the next 5 years (for which they will need their own accommodation)? Please tick one box only**

One		Two		Three		Four		Five or more	
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Questions 13 to 19 now ask about the detail of these new households. In this survey it is possible to give the details of four new households. If you wish to give the details of five or more new households, please contact us for extra forms to complete by emailing [RandC@cheshireeast.gov.uk](mailto:RandC@cheshireeast.gov.uk) or by telephoning 0800 123 55 00.

For questions 13 to 19 there is a different column for each new household that you are giving the details about. If you have only one new household to tell us about, you should only complete the details in the “1st new household” columns. If you have two new households to tell us about, you should complete the details in the “1st new household” and “2nd new household” columns.

**13. Who will be forming the new household(s)? Please tick one box only for each new household**

	1st new household	2nd new household	3rd new household	4th new household
A daughter or son				
Other (please tick and write in below)				

**14. When will the new household(s) be needed? Please tick one box only for each new household**

	1st new household	2nd new household	3rd new household	4th new household
Within 1 year				
In 1 to 3 years				
In 3 to 5 years				

**15. How many adults over the age of 16 will there be in each new household? Please tick one box only for each new household**

	1st new household	2nd new household	3rd new household	4th new household
One				
Two				
Three				
Four or more				





**16. How many children under 16 will there be in each new household?** Please tick one box only for each new household

	1st new household	2nd new household	3rd new household	4th new household
One				
Two				
Three				
Four or more				

**17. What type of accommodation would be preferred for each new household?** Please tick one box only for each new household

	1st new household	2nd new household	3rd new household	4th new household
House				
Flat / Apartment				
Bungalow				
Supported housing				
Other (please tick and write in below)				

**18. Would the new household(s) need any support or have any special requirements?** Please tick one box only for each new household

	1st new household	2nd new household	3rd new household	4th new household
No				
Warden assisted				
Care within the home				
Mobility/Disability				

Questions 19 and 20 now ask about the financial status of the potential new households. We ask these questions as they are an important factor in establishing affordability constraints within x parish. This information will be kept strictly confidential, and will only be used by Cheshire East Council for the purposes of assessing affordable housing needs within x. No financial information will be attributed to individuals in any reports.

**19. What will the approximate total annual income of each new household be?** Please tick one box only for each new household

	1st new household	2nd new household	3rd new household	4th new household



Up to £15,000				
£15,001 to £20,000				
£20,001 to £25,000				
£25,001 to £30,000				
£30,001 to £35,000				
£35,001 to £40,000				
£40,001 to £45,000				
£45,001 to £50,000				
£50,001 plus				

**20. What approximate level of savings would each new household have? Please tick one box only for each new household**

	1st new household	2nd new household	3rd new household	4th new household
None				
Up to £5,000				
£5,001 to £10,000				
£10,001 to £15,000				
£15,001 to £20,000				
£20,001 plus				

#### Section 5 – New households for ex-household members

**21. Are there any ex-members of your household, who have moved out of x parish, who would want to return to live in the parish within 5 years if affordable housing was available? Please tick one box only**

Yes		Go to Q22	No			Survey finished, thank you. Please return it in the freepost return envelope provided with the survey.
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**22. How many ex-members of your household, who have moved out of x parish, would want to return to live in the parish within 5 years if affordable housing were available? Please tick one box only**

One		Two		Three		Four		Five or more	
-----	--	-----	--	-------	--	------	--	--------------	--



Questions now ask about the detail of these households for ex-household members. In this survey it is possible to give the details of four new households. If you wish to give the details of five or more new households, please contact us for extra forms to complete by emailing [RandC@cheshireeast.gov.uk](mailto:RandC@cheshireeast.gov.uk) or by telephoning 0800 123 55 00.

For a number of questions, there is a different column for each new household that you are giving the details about. If you have only one new household to tell us about, you should only complete the details in the “1st new household” columns. If you have two new households to tell us about, you should complete the details in the “1st new household” and “2nd new household” columns.

**23. Who will be forming the new household(s)?** Please tick one box only for each new household

	1st new household	2nd new household	3rd new household	4th new household
A daughter or son				
Other (please tick and write in below)				

**24. When will the new household(s) be needed?** Please tick one box only for each new household

	1st new household	2nd new household	3rd new household	4th new household
Within 1 year				
In 1 to 3 years				
In 3 to 5 years				

**25. How many adults over the age of 16 will there be in each new household?** Please tick one box only for each new household

	1st new household	2nd new household	3rd new household	4th new household
One				
Two				
Three				
Four or more				

**26. How many children under 16 will there be in each new household?** Please tick one box only for each new household

	1st new household	2nd new household	3rd new household	4th new household
One				
Two				



Three				
Four or more				

**27. What type of accommodation would be preferred for each new household?** Please tick one box only for each new household

	1st new household	2nd new household	3rd new household	4th new household
House				
Flat / Apartment				
Bungalow				
Supported housing				
Other (please tick and write in below)				

**28. Would the new household(s) need any support or have any special requirements?** Please tick one box only for each new household

	1st new household	2nd new household	3rd new household	4th new household
No				
Warden assisted				
Care within the home				
Mobility/Disability				

Questions now ask about the financial status of the potential new households. We ask these questions as they are an important factor in establishing affordability constraints within x parish. This information will be kept strictly confidential, and will only be used by Cheshire East Council for the purposes of assessing affordable housing needs within x. No financial information will be attributed to individuals in any reports.

**29. What will the approximate total annual income of each new household be?** Please tick one box only for each new household

	1st new household	2nd new household	3rd new household	4th new household
Up to £15,000				
£15,001 to £20,000				
£20,001 to £25,000				
£25,001 to £30,000				



£30,001 to £35,000				
£35,001 to £40,000				
£40,001 to £45,000				
£45,001 to £50,000				
£50,001 plus				
<b>30. What approximate level of savings would each new household have?</b> Please tick one box only for each new household				
	1st new household	2nd new household	3rd new household	4th new household
None				
Up to £5,000				
£5,001 to £10,000				
£10,001 to £15,000				
£15,001 to £20,000				
£20,001 plus				

Thank you for taking the time to complete this survey, we very much appreciate you doing so.

Please return it in the freepost return envelope provided by x. This survey is printed mainly in Ariel font size 12. If you require a copy in larger print please contact customer services on 0300 123 55 00.



## Appendix 3: SEA / HRA Screening Report

### Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report

#### Introduction and Purpose

**.1** Cheshire East Council has produced a final draft Housing Supplementary Planning Document (“SPD”). The purpose of the SPD is to provide guidance on the provision of affordable housing and achieving an appropriate housing mix on development sites proposed in the borough, adding further detail to policies contained within the Development Plan.

**.2** The Development Plan for Cheshire East consists of the Local Plan Strategy (“LPS”) and ‘saved’ policies in the Crewe and Nantwich, Congleton and Macclesfield Local Plans. In addition, made Neighbourhood Plans also form part of the Development Plan.

**.3** The policy framework for the SPD is contained mostly in the LPS, with a particular focus on Policy SC 4 (“Residential mix”), SC 5 (“Affordable homes”) and Policy SC 6 (“Rural exception housing for local needs”).

**.4** The Council is also in the process of preparing the second part of its Local Plan, called the Site Allocations and Development Policies Document (“SADPD”). The SADPD has now been submitted for examination on the 29 April 2021 and an Inspector appointed to assess whether the SADPD has been prepared in accordance with legal and procedural requirements and if it is sound.

**.5** This screening report is designed to determine whether or not the contents of the draft Housing SPD require a Strategic Environmental Assessment (“SEA”) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. The report also addresses whether the final draft Housing 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. The report contains separate sections that set out the findings of the screening assessment for these two issues.

**.6** The draft SEA / HRA statement, alongside the draft Housing SPD, was the subject of consultation in accordance with the relevant regulations and the Council's Statement of Community Involvement from the 26 April 2021 until the 01 June 2021. This included consultation with the relevant statutory bodies (Natural England, Environment Agency and Historic England). No formal comments on the SEA / HRA screening report were received from the Environment Agency and Historic England to the draft Housing SPD. Natural England responded to the consultation and reinforced the need to consult with Natural England if the SPD required a full SEA or HRA assessment.





## Strategic Environmental Assessment Screening

### Legislative Background

**.7** The objective of SEA is to provide for a high level of protection of the environment with a view to promoting the achievement of sustainable development. It is a requirement of European Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (also known as the SEA Directive). The Directive was transposed in UK law by the Environmental Assessment of Plans and Programmes Regulations 2004, often known as the SEA Regulations.

**.8** Article 3(3) and 3(4) of the regulations make clear that SEA is only required for plans and programmes when they have significant environmental effects. The 2008 Planning Act removed the requirement to undertake a full Sustainability Appraisal for a SPD although consideration remains as to whether the SPD requires SEA, in exceptional circumstances, when likely to have a significant environmental effect(s) that has not already been assessed during the preparation of a Local Plan. In addition, planning practice guidance (PPG – ref Paragraph: 008 Reference ID: 11-008-20140306) states that a SEA is unlikely to be required where an SPD deals only with a small area at local level, unless it is considered that there are likely to be significant environmental effects.

### Overview of draft Housing SPD

**.9** The purpose of the final draft Housing SPD is to provide further guidance on the implementation of the housing mix (SC 4) and affordable housing (SC 5 and SC 6) LPS policies.

**.10** It is important to note that affordable housing policies in the LPS were the subject of Sustainability Appraisal, which incorporated the requirements of the SEA regulations (as part of an Integrated Sustainability Appraisal). The likely significant environmental effects have already been identified and addressed – the SPD merely provides guidance on existing policies. The LPS Integrated Sustainability Appraisal has informed this SPD screening assessment.

**.11** SEA has been undertaken for policies SC 4 (“Residential mix”), SC 5 (“Affordable homes”) and SC 6 (“Rural exception housing for local needs”), as part of the Integrated Sustainability Appraisal that supported the LPS. For the purposes of compliance with the UK SEA Regulations and the EU SEA directive, the following reports comprised the SA “Environmental Report”:

- SD 003 – LPS Submission Sustainability (Integrated) Appraisal (May 2014);
- PS E042 – LPS Sustainability (Integrated) Appraisal of Planning for Growth Suggested Revisions (August 2015);
- RE B006 – LPS Sustainability (Integrated) Appraisal Suggested Revisions to LPS Chapters 9-14 (September 2015);
- RE F004 – Sustainability (Integrated) Appraisal – Proposed Changes (March 2016);
- PC B029 – Sustainability (Integrated) Appraisal - Proposed Changes to Strategic and Development Management Policies (July 2016);



- PC B030 – Sustainability (Integrated) Appraisal - Proposed Changes to Sites and Strategic Locations (July 2016);
- MM 002 - Sustainability (Integrated) Appraisal - Main Modifications Further Addendum Report.

**.12** In addition, an SA adoption statement was prepared in July 2017 to support the adoption of the LPS.

### SEA Screening Process

**.13** The council is required to undertake a SEA screening to assess whether the draft Housing SPD is likely to have significant environmental effects. If the draft Housing SPD is considered unlikely to have significant environmental effects through the screening process, then the conclusion will be that SEA is not necessary. This is considered in Table 14.1 below:-

Table .1 Establishing the need for a SEA

Stage		Decision	Rationale
1	Is the SPD subject to preparation and/or adoption by a national, regional or local authority OR prepared through a legislative procedure by Parliament or Government? (Art. 2 (a)).	Yes	The SPD will be prepared by Cheshire East Borough Council.
2	Is the SPD required by legislation, regulatory or administrative provisions? (Article. 2 (a)).	No	The Council's Local Development Scheme (2020 – 2022) does not specifically identify the need to produce a draft Housing SPD.
3	Is the SPD prepared for agricultural, forestry, fisheries, energy, industry, transport, waste management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Article 3.2 (a)).	No	The SPD is being prepared for town and country planning use. It does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive (Article 3.2 (a)). Whilst some developments to which the guidance in the SPD applies would fall within Annex II of the EIA Directive at a local



Stage		Decision	Rationale
			level, the SPD does not specifically plan for or allow it.
4	Will the SPD, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? Art 3.2 (b)).	No	A Habitats Regulations Assessment has been undertaken for the LPS and emerging SADPD. The SPD does not introduce new policy or allocate sites for development. Therefore, it is not considered necessary to undertake a HRA assessment for the SPD. This conclusion has been supported by an HRA screening assessment as documented through this report.
5	Does the SPD determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art 3.3)	No	The SPD will not determine the use of small areas at a local level. The SPD provides guidance on the provision of rural exception sites for local needs, but it does not specifically determine the use of small areas at a local level. The SPD will be a material consideration in decision taking.
6	Does the SPD set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art. 3.4)	No	The LPS and emerging SADPD provide the framework for the future consent of projects. The SPD elaborates upon approved and emerging policies and does not introduce new policy or allocate sites for development.



**.14** The SPD is considered to not have a significant effect on the environment and therefore SEA is not required. However, for completeness, Table 14.2 assesses whether the draft SPD will have any significant environmental effects using the criteria set out in Annex II of SEA Directive 2001/42/EC and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004.

**Table .2 Assessment of likely significance of effects on the environment**

SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	Summary of significant effects, scope and influence of the document	Is the Plan likely to have a significant environmental effect (Yes / No)
1.Characteristics of the SPD having particular regard to:		
(a) The degree to which the SPD sets out a framework for projects and other activities, either with regard to the location, nature, size or operating conditions or by allocating resources.	<p>Guidance is supplementary to policies contained in the LPS and emerging SADPD, both of which have been the subject of SA / SEA. The policies provide an overarching framework for development in Cheshire East.</p> <p>The draft Housing SPD provides further clarity and certainty to form the basis for the submission and determination of planning applications, consistent with policies in the LPS.</p> <p>Final decisions will be determined through the development management process.</p> <p>No resources are allocated.</p>	No
(b) The degree to which the SPD influences other plans and programmes including those in a hierarchy.	The draft SPD is in general conformity with the LPS, which has been subject to a full Sustainability Appraisal (incorporating SEA). It is adding more detail to the adopted LPS and other policies in the Development Plan which has itself been the subject of Sustainability Appraisal. Therefore, it is not considered to have an influence on any other plans and programmes.	No



SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	Summary of significant effects, scope and influence of the document	Is the Plan likely to have a significant environmental effect (Yes / No)
(c)The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development.	The draft SPD promotes sustainable development, in accordance with the NPPF (2019) and LPS policies. The LPS has been the subject of a full Sustainability Appraisal (incorporating SEA). The draft SPD has limited relevance for the integration of environmental considerations but promotes the 'social' objective of sustainable development by providing guidance on the delivery of affordable housing in the borough.	No
(d)Environmental problems relevant to the SPD.	There are no significant environmental problems relevant to the SPD.	No
(e)The relevance of the SPD for the implementation of Community legislation on the environment (for example plans and programmes related to waste management or water protection).	The draft SPD will not impact on the implementation of community legislation on the environment.	No
2.Characteristics of the effects and area likely to be affected having particular regard to:		
(a)The probability, duration, frequency and reversibility of the effects.	The draft SPD adds detail to adopted LPS policy; itself the subject of SA.	No
(b)The cumulative nature of the effects of the SPD.	The draft SPD adds detail to adopted LPS policy, itself the subject of SA. The SA associated with the LPS and emerging SADPD have considered relevant plans and programmes. No other plans or programmes have emerged that alter this position.	No
(c)The trans-boundary nature of the effects of the SPD.	Trans-boundary effects will not be significant. The draft SPD will not lead to any transboundary effects as it just providing additional detail regarding the	No



SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	Summary of significant effects, scope and influence of the document	Is the Plan likely to have a significant environmental effect (Yes / No)
	implementation of housing policies SC 4, SC 5 & SC 6 in the LPS and does not, in itself, influence the location of development.	
(d)The risks to human health or the environment (e.g. due to accident).	The draft SPD will not cause risks to human health or the environment as it is adding detail to affordable housing policies in the Local Plan.	No
(e)The magnitude and spatial extent of the effects (geographic area and size of the population likely to be affected) by the SPD	The draft SPD covers the Cheshire East administrative area. The draft SPD will assist those making planning applications in the borough.	No
(f)The value and vulnerability of the area likely to be affected by the SPD due to: <ul style="list-style-type: none"> <li>• Special natural characteristics of cultural heritage</li> <li>• Exceeded environmental quality standards or limit values</li> <li>• Intensive land use.</li> </ul>	The draft SPD will not lead to significant effects on the value or vulnerability of the area. It is adding detail regarding the implementation of housing policies SC 4, SC 5 and SC 6 in the LPS, and does not, in itself, influence the location of development	No
(g)The effects of the SPD on areas or landscapes which have recognised national Community or international protected status.	The SPD does not influence the location of development, so will not cause effects on protected landscape sites.	No

### Conclusion and SEA screening outcome

**.15** Consultation on the initial draft of the Housing SPD took place between the 26 April 2021 until the 01 June 2021. No significant issues were raised by the three statutory consultees (the Environment Agency, Historic England and Natural England) during the consultation on the final draft Housing SPD. The SPD is not setting new policy; it is supplementing and providing further guidance on an existing LPS policy. Therefore, it is considered that an SEA is not required on the final draft Housing SPD. This conclusion will be kept under review until after consultation on the final draft of the Housing SPD.





## Habitats Regulations Assessment Statement

**.16** The Council has considered whether its planning documents would have a significant adverse effect upon the integrity of internationally designated sites of nature conservation importance. European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (Habitats Directive) provides legal protection to habitats and species of European importance. The principal aim of this directive is to maintain at, and where necessary restore to, favourable conservation status of flora, fauna and habitats found at these designated sites.

**.17** The Directive is transposed into English legislation through the Conservation of Habitats and Species Regulations 2017 (a consolidation of the amended Conservation of Habitats and Species Regulations, 2010) published in November 2017.

**.18** European sites provide important habitats for rare, endangered or vulnerable natural habitats and species of exceptional importance in the European Union. These sites consist of Special Areas of Conservation (SACs, designated under the EU Directive 92/43/EEC on the conservation of natural habitats and of fauna and flora (Habitats Directive)), and Special Protection Areas (SPAs, designated under EU Directive 2009/147/EC on the conservation of wild birds (the Birds Directive)). Government policy requires that Ramsar sites (designated under the International Wetlands Convention, UNESCO, 1971) are treated as if they are fully designated European sites for the purposes of considering development proposals that may affect them.

**.19** Spatial planning documents may be required to undergo Habitats Regulations Screening if they are not directly connected with or necessary to the management of a European site. As the draft Housing SPD is not connected with, or necessary to, the management of European sites, the HRA implications of the SPD have been considered.

**.20** A judgement, published on the 13 April 2018 (People Over Wind and Sweetman v Coillte Teoranta (C-323/17)) clarified that measures intended to avoid or reduce the harmful effects of a proposed project on a European site may no longer be taken into account by competent authorities at the Habitat Regulations Assessment “screening stage” when judging whether a proposed plan or project is likely to have a significant effect on the integrity of a European designated site.

**.21** The LPS has been subject to HRA.

**.22** The Housing SPD does not introduce new policy; it provides further detail to those policies contained within the LPS. The HRA concluded that policies SC 4 (“Residential mix”), SC 5 (“Affordable homes”) and SC 6 (“Rural exceptions housing for local needs”) could not have a likely significant effect on a European Site. The same applies to the draft Housing SPD. The draft Housing SPD in itself, does not allocate sites and is a material consideration in decision taking, once adopted.

**.23** The draft Housing SPD either alone or in combination with other plans and programmes, is not likely to have a significant effect on any European site. Therefore, a full Appropriate Assessment under the requirements of the Habitats Regulations is not required.



## Conclusion and HRA screening outcome

**.24** Consultation on the initial draft of the Housing SPD took place between the 26 April 2021 until the 01 June 2021. No significant issues were raised. Subject to views of the three statutory consultees (the Environment Agency, Historic England and Natural England) during the consultation on the final draft Housing SPD, this screening report indicates that an Appropriate Assessment under the Habitats Regulations is not required.