

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of Meeting: 26 January 2011
Report of: Strategic Director - Places
Subject/Title: Interim Planning Policy on Release of Housing Land

1.0 Report Summary

- 1.1 At its meeting on 18 October 2010, Cabinet considered the requirement to maintain a five year supply of housing land and approved the draft Interim Planning Policy on the Release of Housing Land to manage the release of additional land as an interim measure pending the adoption of the Local Development Framework Core Strategy. This report considers the responses that have been received to the consultation that took place on the draft policy and proposes revisions to the draft Interim Planning Policy in the light of the comments made.

2.0 Recommendation

- 2.1 That Strategic Planning Board recommends that Cabinet recommends that Council:
1. approves the housing requirement figure of 1150 net additional dwellings to be delivered annually, to be used pending the adoption of the Local Development Framework Core Strategy;
 2. adopts the Interim Planning Policy on the Release of Housing Land as set out in Appendix 2 and agrees that it be used in the determination of planning applications.

3.0 Reasons for Recommendations

- 3.1 To ensure that the Council has appropriate planning policies in place to guide the release of additional housing land to ensure the availability of five years supply of deliverable housing land in a manner that will not prejudice the preparation of the Local Development Framework.

3.0 Wards Affected

- 4.1 All wards

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications including – Carbon Reduction

- 6.1 The proposed interim policy will seek to focus new development in the principal town of Crewe where there are a good range of jobs, shops and services and a high standard of accessibility by means of travel other than the car. The policy also encourages the redevelopment of previously developed land within settlements for mixed uses including housing. New housing will be required to be energy efficient.

- Health

- 6.2 New housing developments will be required to include affordable housing which will be available for people in housing need, providing them with improved healthier living conditions. Sites will also be required to provide open space.

7.0 Financial Implications 2010/11 and beyond (Authorised by the Borough Treasurer)

- 7.1 The implementation of the policy will not require any additional staffing or financial resources.
- 7.2 The policy will require developers to contribute to strategic and local highway improvements, affordable housing, open space and community infrastructure required to serve the development through legal agreements.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 Planning Policy 3 Housing sets out a requirement for local planning authorities to maintain a five year supply of deliverable housing land. The inability of the Council to demonstrate a five year supply of housing land carries a high risk that land owners/developers will submit speculative planning applications for their development on sites outside settlement boundaries. Such applications would have to be determined through the planning process in the usual way. In the case of refusal of planning permission, appeals may be upheld on the grounds that there is not a 5 years supply of housing land.
- 8.2 The Town and Country Planning Act 1990 requires that, in dealing with a planning application, the authority shall have regard to the provisions of the development plan and to any other material consideration. Although there may be arguments over the status of the Interim Planning Policy it will be promoted as a material consideration in determining planning applications for new housing development. It will provide a clear policy position for the local planning authority and planning inspectors considering appeals on applications for housing development outside Local Plan settlement boundaries.
- 8.3 Widespread consultation has been carried out on the draft policy with town and parish councils, stakeholders, the local community and the Housing Market Partnership in accordance with the Statement of Community Involvement. Although it has not been through the full process of an LDF document, the consultation process and its adoption following amendments due to that process will give weight to the policy and it will be a matter for both Members and, on appeal, the Planning Inspectorate or the Secretary of State to judge that balance in considering individual applications.

9.0 Risk Management

- 9.1 As the Council is unable to demonstrate that it has a five year land supply of deliverable housing sites, there is high risk of planning appeals for housing development being upheld on greenfield sites outside settlement boundaries which may prejudice the preparation of the Local Development Framework and affect the Council's ability to objectively determine the most appropriate strategy and sites for future housing development.

10.0 Background and Options

- 10.1 The Government's planning policies for housing are set out in Planning Policy Statement 3 Housing (PPS3), the latest edition of which was published in June 2010. The PPS has to be taken into account in the preparation of the Council's Local Development Framework and in the determination of planning applications which involve new housing development.
- 10.2 Paragraph 10 of PPS3 sets out the housing policy objectives that provide the context for planning for housing through development plans and planning decisions. It states that the specific outcomes that the planning system should deliver are:
- High quality housing that is well designed and built to a high standard.
 - A mix of housing both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.
 - A sufficient quantity of housing taking into account need and demand and seeking to improve choice.
 - Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.
 - A flexible and responsive supply of land – managed in a way that makes efficient and effective use of land, including the re-use of previously – developed land, where appropriate.
- 10.3 Clearly one of the Government's priorities is for the planning system to deliver an adequate supply of suitable land available for housing development. In terms of the longer term delivery of housing, through its Local Development Framework Core Strategy and Site Allocations documents, the Council has to identify broad locations and specific sites that will enable the continuous delivery of sufficient housing for at least a fifteen year period.
- 10.4 The overall level of housing that the Council has to deliver over that fifteen year period has been set out in the Regional Spatial Strategy. As Members will be aware, the Government has written to Local Authorities setting out its intention to revoke Regional Spatial Strategies on 6th July this year. However following the judgement on the judicial review for CALA Homes in November 2010, Regional Spatial Strategies will remain as part of the development plan until formally revoked through the Localism Bill. Once Regional Spatial Strategies have been revoked when the Localism Bill is enacted, references in the Interim Planning Policy Statement to the RSS will no longer apply. As a consequence of this, the

annual housing supply figure for Cheshire East as set out in RSS will continue to be relevant. This figure will be reviewed a part of the preparation of the Local Development Framework. The Government has said that local planning authorities 'should continue to collect and use reliable information to justify their housing supply policies and defend them during the LDF examination process. They should do this in line with current policy in PPS3'¹.

- 10.5 The Council is at a relatively early stage in the production of its Core Strategy which will identify the level of new housing development that should take place in the Borough up to 2030. In accordance with Government advice, the level of new housing development upon which the Council decides must be based on robust evidence and be defensible at public examination.
- 10.6 Stakeholder consultation on the Issues and Strategic Options for the Core Strategy took place during November and December 2010. One of the key options consulted on was the proposed level of housing growth for the Borough. These options took into account the findings from the Council's Strategic Housing Market Area Assessment and the projections for population and employment growth.
- 10.7 In the shorter term, PPS3 requires the Council to ensure that a continuous five years supply of deliverable housing sites is maintained. To be considered deliverable, sites should:
- be available now
 - offer a suitable location for development which would contribute to the creation of sustainable, mixed communities
 - have a reasonable prospect of delivering houses within five years.
- 10.8 Generally to be considered deliverable within five years, sites should have the benefit of planning permission or should be allocated in a Local Plan or should be specific, unallocated brownfield sites within settlement boundaries that have the potential to make a significant contribution to housing land supply in the five year period.

The Annual Housing Requirement

- 10.9 The accepted methodology for determining the total five year supply requirement has been based on figures from the Regional Spatial Strategy. The Regional Spatial Strategy housing requirement figure for Cheshire East is an average of 1150 net new dwellings per annum and this reflects the average level of house building in the Borough that was being delivered in the ten years up to April 2010.
- 10.10 **It is recommended therefore that until the future housing requirement has been agreed through the Local Development Framework Core Strategy, the housing requirement for Cheshire East should be set at a minimum of 1150 net additional dwellings per annum.**

Five Year Housing Land Supply

¹ Letter from DCLG to all Chief Planning Officers dated 6/7/10

- 10.11 The Local Development Framework Annual Monitoring 2010 report calculated the Council's five year supply of housing land at 1 April 2010 as 4.58 years. This figure was calculated following a full review of potential sites carried out in parallel with the preparation of a Strategic Housing Land Availability Assessment for the whole of Cheshire East.
- 10.12 The failure to be able to demonstrate a five year supply of available housing land has implications for the Council. PPS3 states that "where local planning authorities cannot demonstrate an up to date five year supply of deliverable sites they should consider favourably planning applications for housing, having regard to the policies in this PPS".
- 10.13 The inability of the Council to demonstrate a five year supply of housing land carries a high risk that land owners/developers will submit speculative planning applications for their development outside settlement boundaries. Such applications would have to be determined through the planning process in the usual way. In the case of refusal of planning permission, appeals may be upheld on the grounds that there is not a 5 years housing land supply. Nevertheless whilst there is less than a 5 year supply of deliverable housing sites, there is a high degree of risk that planning permission may be granted on appeal for housing on greenfield sites outside settlement boundaries in conflict with the policies of the three Local Plans. Such decisions would also prejudice the preparation of the Local Development Framework and affect the Council's ability to objectively determine the most appropriate strategy and sites for future housing development.

Report of Consultation on Interim Policy to Manage the Release of Housing Land

- 10.14 Given the current housing supply position and the timescale for the adoption of the Council's Core Strategy and Site Allocations documents, Cabinet agreed at its meeting on 18 October 2010 to consult on a draft Interim Planning Policy on the Release of Housing Land and to use the draft interim policy in the determination of planning applications for sites which do not form part of its identified supply of deliverable housing sites pending the adoption of the Local Development Framework Core Strategy.
- 10.15 Consultation on the draft Interim Planning Policy was carried out between 8 November and 17 December 2010. Notification of the consultation was sent to all town and parish councils, statutory consultees, organisations, businesses and individuals registered on the LDF database. A press release was issued and publicity given on the Council's website. The document was available for inspection at the Council offices and libraries and on the Council's website.
- 10.16 Comments were received from 70 respondents, many setting out detailed consideration of the wording of the policy. In total over 277 separate comments were made. 61 respondents supported the policy in principle as a means of ensuring that the Council maintains a 5 year supply of housing land and is able to properly plan for the sustainable development of its settlements through the LDF. Appendix 1 sets out a summary of the points

raised and recommendations for revisions to the Interim Planning Policy to address issues of concern.

- 10.17 A full report of consultation setting out full details of the comments received can be viewed on www.cheshireeast.gov.uk/ldf
- 10.18 The revised Interim Planning Policy is set out in Appendix 2.
- 10.19 The adopted Interim Planning Policy will be used in the determination of planning applications and appeals. The Policy will remain in place until additional development sites are allocated through the LDF Core Strategy. The need for and effectiveness of the Policy will be kept under review as part of the Local Development Framework Annual Monitoring Report.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

| | |
|--------------|-----------------------------------|
| Name: | Rosemary Kidd |
| Designation: | Spatial Planning Manager |
| Tel No: | 01270 685921 |
| Email: | rosemary.kidd@cheshireeast.gov.uk |

Interim Planning Policy on Release of Housing Land Responses to comments received during consultation

Abbreviations

LDF – Local Development Framework

SHLAA – Strategic Housing Land Availability Assessment

SHMA – Strategic Housing Market Assessment

The revised wording of the Interim Policy and its explanatory text is shown in ***bold italics***. Text in **bold** is unchanged from the draft.

| Comment | Response and recommendation |
|--|--|
| <p>Contrary to PPS3 guidance; a number of paragraphs are cited in representations in particular 32-35 relating to the assessment of the appropriate level of housing; 36 – 39 providing homes in suitable locations; 60-61, managing flexible and responsive supplies; 62-67 Implementation strategy; 68-74 determining planning applications.</p> <p>Contrary to PPS12 in particular para 6.4 that states that local planning authorities should not produce planning guidance other than SPD where the guidance is intended to be used in decision making or the coordination of development. This could be construed as wishing to circumvent the provisions for consultation and sustainability appraisal which SPDs have.</p> | <p>The underlying concept behind the guidance in PPS3 is that Local Authorities should plan, monitor and manage the supply of housing. Local Development Framework should provide sufficient homes in suitable locations, of a mix of types and tenures to meet the needs of the local area. A five years supply of deliverable sites should be maintained.</p> <p>The delivery of housing development should be monitored to ensure that there is an adequate supply. Appropriate measures should be taken to manage the supply. If there is not an adequate supply, planning applications for housing are to be viewed favourably.</p> <p>The Council has commenced the preparation of its Local Development Framework which will develop a strategy for the planned location of new housing development until 2030 in accordance with PPS3 para 38. Through its monitoring of the supply of deliverable sites as advised in para 60 of PPS3, it is evident that there will not be a 5 years supply of deliverable sites in the period up until the Core Strategy is adopted. The Council has therefore developed the Interim Policy on the Release of Housing Land as a strategy to manage the supply in the meantime, in accordance with advice in para 52, 57 and 64 of PPS3. Should the Council fail to take any action to manage the supply of deliverable sites to maintain a 5 years supply, it would apply the advice in para 71 to view planning applications for residential development favourably..</p> <p>The Council is satisfied that the Interim Policy accords with the advice set out in PPS3 and reflects the “plan, monitor, manage” approach that is advocated.</p> <p>Recommendation 1: No change</p> |
| <p>Contrary to PPS12 in particular para 6.4 which states that local planning authorities should not produce planning guidance other than SPD</p> | <p>The Interim Policy on the Release of Housing Land is to be adopted as Council policy not planning guidance. It has been subject to consultation, sustainability appraisal and Habitats Regulation Assessment.</p> |

| | |
|--|---|
| <p>where the guidance is intended to be used in decision making or the coordination of development. This could be construed as wishing to circumvent the provisions for consultation and sustainability appraisal which SPDs have.</p> | <p>Recommendation 2: No change</p> |
| <p>The purpose and status of the Interim Policy should be made clearer</p> | <p>Paragraph 2.21 of the Background to the Interim Policy explains the weight to be given to the Interim Policy. It is proposed that the status of the Policy should be set out more clearly in the introduction.</p> <p>Recommendation 3:</p> <p>Revise para 1.4 of the Introduction to the Interim Policy to read:</p> <p><i>“The Interim Policy has been prepared in accordance with guidance in PPS3 to ‘plan, monitor and manage’ the supply of housing to ensure that there is a five years supply of deliverable sites. The Interim Policy has been the subject of consultation, sustainability appraisal and Habitats Regulations Assessment. It was adopted by Cheshire East Council on [date] to manage the release of additional land for residential development through the consideration of planning applications to maintain a five years supply as an interim measure pending the adoption of the Local Development Framework Core Strategy. The policy has been developed in a manner so that it would not prejudice the consideration of alternative options for the development strategy of the Local Development Framework. The Interim Policy is adopted Council Policy and will be used in the consideration of planning applications following its adoption as a ‘material consideration’.”</i></p> <p>Recommendation 4: Delete paragraphs 1.7 to 1.9 and 2.20 to 2.21 of the contextual material to the Interim Policy referring to the consultation on the draft policy.</p> |
| <p>Should include reference to RSS Policies L4, DP5, DP6.</p> <p>The RSS housing provision figures for the three constituent authorities should be retained.</p> | <p>Since the approval of the draft Interim Policy, there has been a judicial review by Cala Homes, as a result of which RSS continues to be part of the development plan until the legislation is passed that revokes it. With the enactment of the Localism Bill, references to RSS policies within the Interim Policy will no longer be applicable.</p> <p>It would therefore be appropriate to include a reference to the RSS Policy L4 that sets out the Regional Housing Provision as the context for the housing requirement. The Council has been advised by the Government Office that it should plan on the basis of the combined figures of the three constituent authorities.</p> <p>Policies DP5 and DP6 relate to the accessibility of development and linking areas of economic opportunity to</p> |

| | |
|---|---|
| | <p>areas of greatest need. It is considered that they are not significant enough to warrant reference in the context to the policy.</p> <p>Recommendation 5: Revise paragraph 2.7 sentences 2 and 3 to read:</p> <p><i>“The Government has indicated that it intends to revoke Regional Spatial Strategies, however, following a successful legal challenge, they continue to be part of the development plan until the legislation has been passed. Policy L4 of the North West of England Plan, Regional Strategy to 2010 requires local authorities to monitor and manage the availability of land to achieve the housing provision set out in Table 7.1 of the policy. The total for the Cheshire East constituent authorities is 1150 net additional dwellings per annum. This figure reflects the level of house building in the Borough that was delivered in the ten years up to April 2010.”</i></p> <p>Recommendation 6: Delete paragraphs 2.8 – 2.11</p> <p>Recommendation 7: Revise paragraph 2.12 to read:</p> <p><i>“The Regional Spatial Strategy housing provision figure of 1150 net additional houses per annum will continue to be the housing requirement for Cheshire East until it is reviewed through the Local Development Framework.”</i></p> |
| Argues that a higher annual housing target should be set based on evidence in the SHMA | <p>The review of the housing requirement using evidence from projections and the SHMA will be carried out as part of the preparation of the LDF Core Strategy. The RSS housing requirement will continue to be used until then.</p> <p>Recommendation 8: No change</p> |
| <p>Queries the calculations of housing land supply;</p> <p>Need to ensure that assessment of sites is robust and that sites are deliverable</p> | <p>The assessment of sites has been carried out in consultation with the Housing Market Partnership and has been carried out in a robust manner in accordance with a methodology agreed with the Partnership. The calculations have been published. It is acknowledged that the current housing market and difficulties in securing finance may be affecting developers’ ability to commence the development of sites, however, the sites are available for development and should be included in the supply figures.</p> <p>Recommendation 9: No change</p> |
| Queries whether the policy will deliver sufficient land | <p>It is estimated that the policy could enable the release of sites capable of accommodating approximately 1700 dwellings taking the supply to about 6 years. The effectiveness of the policy will be kept under review as part of the LDF Annual Monitoring Report.</p> <p>Recommendation 10: No change</p> |
| Important that the sites released do | Paragraph 2.16 of the context to the Interim Policy explains |

| | |
|---|--|
| not prejudice the preparation of the LDF | <p>how the development of Crewe is fundamental to the strategy for the LDF.</p> <p>Recommendation 11: No change</p> |
| <p>Seeks release of land in Macclesfield and all Key Service Centres;</p> <p>Argues that housing should be delivered where there is most demand in the north of the Borough in towns other than Crewe;</p> <p>A number of Greenfield sites on the edges of towns have been proposed</p> | <p>The purpose of introducing the policy is to secure the managed release of sufficient land for housing development in the short term pending the development of a strategy to guide the development and growth of the Principal Towns and Key Service Centres through the LDF.</p> <p>It is recognised that there are a number of areas within towns of the Borough that may have potential for to support the regeneration of the town. These sites will be considered and determined using policies contained within the existing Local Plans.</p> <p>The LDF will give full consideration to the need for housing development in all parts of the Borough and the suitability and sustainability of potential sites.</p> <p>Whilst the Interim Policy properly gives full endorsement to developments around Crewe, it does not explicitly prohibit development elsewhere. These can be still be considered according to the specific merits of each proposal.</p> <p>Recommendation 12: No change</p> |
| <p>Development should be permitted in other towns where it would contribute to delivery of significant infrastructure to the benefit of the community eg at Middlewich</p> | <p>An Infrastructure Plan is being prepared to support the delivery of the LDF and the introduction of the Community Infrastructure Levy. Full consideration will be given through the preparation of the LDF to the amount and location of development required in other towns to support the delivery on local infrastructure.</p> <p>It is recognised that there are a number of areas within towns of the Borough that may have potential for to support the regeneration of the town. These sites will be considered and determined using policies contained within the existing Local Plans.</p> <p>Recommendation 13: No change</p> |
| <p>The Interim Policy should not be based on the Crewe Vision;</p> <p>The policy could create an oversupply of housing in Crewe;</p> <p>Policy would lead to sites coming forward in an uncoordinated manner.</p> | <p>Crewe is a Principal Town and the Council has agreed that it should be the focus for significant future growth to develop its role as a sub-regional centre. The Crewe Vision has been drawn up to provide an overarching strategy to guide the development of plans and strategies (including the LDF) to deliver this ambition.</p> <p>It will be for developers to demonstrate as part of their planning applications that any sites released under this policy can be delivered within 5 years.</p> <p>The Policy will enable the local authority to manage the release of a limited number of sites around the edge of Crewe as well as redevelopment sites in other towns.</p> |

| | |
|---|--|
| | <p>Without the policy, the Council would be faced with considerable pressure from developers to release sites on the edge of towns and villages throughout the Borough in an uncoordinated manner.</p> <p>Recommendation 14: No change</p> |
| <p>Urban extensions to Crewe need to be masterplanned. The release of smaller sites should not jeopardise the comprehensive planning of larger urban extensions.</p> | <p>A number of potential urban extensions to Crewe have been proposed by developers as long term growth areas. Options for the future directions of growth of Crewe up to 2030 will be considered as part of the LDF.</p> <p>The release of sites under the Interim Policy will have to consider how the site could form part of a possible urban extension in the area.</p> <p>Recommendation 15: No change</p> |
| <p>The release of Greenfield sites on the edge of Crewe is not supported ahead of the development of available brownfield sites.</p> <p>Green Belt sites should not be released</p> | <p>The SHLAA has identified and assessed the potential of brownfield sites within settlements for housing development. Those that are deliverable in the next 5 years have been included in the 5 year land supply figures. The results demonstrate that taking these brownfield sites into account the supply of housing land is less than 5 years and there is therefore a need to identify further greenfield sites to maintain an adequate supply.</p> <p>The Interim Policy does not propose the release of any sites in the Green Belt.</p> <p>Recommendation 16: No change</p> |
| <p>Should define “in and around Crewe”</p> | <p>The policy clearly states that sites will be permitted “adjacent to the settlement boundary of Crewe, subject to 4 provisos.” Para 3.2 confirms this and that the village of Shavington is excluded.</p> <p>Recommendation 17: No change</p> |
| <p>The Interim Policy should refer to the Greater Crewe area as envisaged in the Crewe Vision, including Shavington</p> | <p>A number of potential sites around Shavington have been included in the SHLAA. Shavington has not been included in the Interim Policy to enable consideration to be given to the future role of this settlement and the assessment of the suitability of potential sites through the LDF.</p> <p>Recommendation 18: No change</p> |
| <p>Sites in the Green Gap should not be excluded</p> | <p>The Interim Policy reflects saved policies in the Crewe and Nantwich Local Plan which includes a policy to safeguard the Green Gap between Crewe and Nantwich. It is considered that sufficient housing sites can be made available outside the Green Gap to meet the short term need for additional housing land.</p> <p>Recommendation 19: No change</p> |
| <p>Should exclude land reserved for</p> | <p>It is understood the Leighton Hospital is reviewing its future</p> |

| | |
|--|---|
| <p>“operational need of hospital”</p> | <p>development needs. Until their plans are known, it would be appropriate to continue to safeguard this area of land.</p> <p>Recommendation 20: Add an additional bullet point to section 1 of the Interim Policy to read:</p> <ul style="list-style-type: none"> • “is not within an area safeguarded for the future operational need of Leighton Hospital “ |
| <p>Should explain how infrastructure requirements will be delivered and how contributions will be assessed and secured towards “strategic highway network”</p> | <p>Developers will be required to mitigate for the potential impacts of their proposals through contributions secured under S106 agreements in accordance with Circular 5/2005. The contributions will be subject to negotiation with the developer. They will be required to submit a Traffic Impact Assessment as part their planning applications.</p> <p>Recommendation 21: No change</p> |
| <p>Concerned that the release of sites on the edge of Crewe will lead to congestion and will impact on access to the hospital and other community infrastructure</p> | <p>Developers will be required to mitigate for the potential impacts of their proposals through contributions secured under S106 agreements. They will be required to submit a Traffic Impact Assessment as part their planning applications.</p> <p>Recommendation 22: No change</p> |
| <p>Mixed use developments should not require housing developer to build out employment floor space.</p> | <p>Where housing development is allowed under this policy to enable sites to come forward for development for mixed uses, including employment uses, a legal agreement will be sought to ensure that the housing development makes a contribution to the delivery of other uses on the site. The requirement on each proposal will vary and will be subject to negotiation with developers.</p> <p>Recommendation 23: No change</p> |
| <p>Allocated employment areas at Basford East and West should be included so that housing development can help to deliver these sites</p> | <p>These significant areas of land extending to 150ha are flagship sites of sub-regional importance are allocated for employment development. Any proposals for housing development on these sites need to be considered through existing policies or the LDF as part of the overall strategy for Crewe and should demonstrate how they will support the wider delivery of employment development on these strategic sites. The focus of the Interim policy is to look at areas not currently identified for development and it is criteria based rather than being site specific. As such it would not be appropriate to include detailed proposals for individual sites.</p> <p>Recommendation 24: No change</p> |
| <p>Should indicate which town centres the policy refers to</p> | <p>Town centres are defined in the policies in the three Local Plans.</p> <p>Recommendation 25: No change</p> |
| <p>Should include an explanation of the</p> | <p>Paras 3.5 – 3.6 of the justification to the policy explain that</p> |

| | |
|---|--|
| <p>term “regeneration area”, does this differ to the general term “brownfield land”</p> <p>It is unlikely that additional dwellings will be realised through this source.</p> | <p>“there are a number of areas within town centres and older employment areas throughout the towns of the Borough that may have the potential for regeneration.” Local Plan policies usually safeguard these areas for town centre and employment uses. The Interim Policy will enable consideration to be given to securing the redevelopment of these sites by including an element of housing as part of a mixed use development.</p> <p>“Brownfield land” refers to any site that have been previously developed. Where there are no policy safeguards on the future use of these sites, they may be brought forward for housing development under the current of the Local Plans’ policies.</p> <p>Recommendation 26: No change</p> |
| <p>Developers should be required to demonstrate as part of their planning application that the development is deliverable in 5 years;</p> <p>The size of sites released under the Interim Policy should be limited eg to 100 houses</p> | <p>When considering development proposals brought forward under the Interim Policy, the Council will wish to ensure that the site is capable of being developed within 5 years. This will depend on the developers’ ability to build and market the houses on the site. It is considered that it would be unduly restrictive to set a maximum size for sites to be released.</p> <p>Recommendation 27: Add the following after the first sentence in para 3.3</p> <p><i>“Developers will be required to demonstrate as part of their planning application that the development is deliverable within 5 years. Conditions may be attached to planning permissions to grant consent for a limited period and require that sites to be started within a prescribed period.”</i></p> |
| <p>Site should be “substantially” completed in 5 years.</p> | <p>It is acknowledged that it is difficult to be precise about the rate of development of a site and this will depend on housing market conditions. However, the introduction of the word “substantially” introduces a degree of uncertainty into the policy that will be difficult to define.</p> <p>Recommendation 28: No change</p> |
| <p>The affordable housing requirement should be reduced from 35% to 30% in line with the Interim Planning Statement on Affordable Housing.</p> <p>Some respondents propose a reduction to 25%</p> | <p>Greenfield sites outside settlement boundaries that are to be released for housing development under the Interim Planning Policy will be released as exceptions to the adopted Local Plan policy. In normal circumstances, these sites would be released until they were allocated in the LDF, in 2013 - 2014.</p> <p>In view of the exceptional circumstances around the release of these sites, and the consequential saving in the developers’ time and expenses in seeking the allocation of these sites, the Council is seeking to ensure that sites released under the Interim Policy deliver a high level of affordable housing that is needed under the current market conditions.</p> |

| | |
|--|---|
| | <p>The Economic Viability testing of potential development sites demonstrated that under normal market conditions greenfield sites should be able to deliver 35% affordable housing.</p> <p>Recommendation 29: No change</p> |
| The affordable housing requirement should be expressed as a target and not a minimum | <p>There are circumstances where a single target may have advantages over a minimum figure. However the Interim Policy is designed to release land ahead of the normal development plan process and has a particular emphasis on promoting affordability. In these circumstances it is appropriate to be explicitly promotional in encouraging additional affordable homes. As such references to a minimum should remain.</p> <p>Recommendation 30: No Change</p> |
| The viability caveat should relate to greenfield sites as well as brownfield | <p>This caveat recognises that brownfield sites are often subject to exceptional development costs which may affect the viability of proposals.</p> <p>The Interim Planning Statement on Affordable Housing sets out the procedures for assessing the viability of schemes.</p> <p>Recommendation 31: No change</p> |
| Should not require Code for Sustainable Homes Level 4 | <p>Government targets will require all new housing to achieve a Code rating of level 3 by 2010 and level 4 by 2013. The Planning and Energy Act 2008 and the Planning for Climate Change supplement to Planning Policy Statement 1 provide the powers and guidance to local planning authorities in England to impose reasonable requirements for development in their area to comply with energy efficiency standards that exceed the energy requirements of the Buildings Regulations.</p> <p>The Council wishes to ensure that housing built on any sites released as exceptions under this policy is well designed and energy efficient. Most of the houses built under the Interim Policy will be constructed from 2013 onwards and should therefore be designed to comply with the Level 4 requirements. Developers are fully aware of the requirements under the Code for Sustainable Homes and have had time to prepare for its introduction and to include any costs arising from it in their valuations of sites to be developed in the next five years.</p> <p>Recommendation 32: No change</p> |
| Should not require Building for Life Silver standard | <p>Policy BE2 of the Crewe and Nantwich Local Plan sets out design principles that should be taken into account with the aim of ensuring that new development is well designed.</p> <p>“Building For Life” is an accepted national standard for assessing the quality of design of new residential development. Achieving the Silver standard or higher is the</p> |

| | |
|---|---|
| | <p>measure of a well designed development.</p> <p>Recommendation 33: No change</p> |
| <p>It could be construed that the requirements set out in the second and third set of bullet points in the Interim Policy could be applied to all housing development permitted whilst the Interim Policy is in operation and not just the exceptional sites released under the first part of the policy.</p> | <p>The Interim Policy would not be used in the consideration of sites that could be approved under the saved Local Plan policies. However, for the sake of clarity, the following revisions are proposed.</p> <p>Recommendation 34: revise the Interim Policy to read:</p> <p>Housing development on greenfield sites <i>permitted under this policy</i> will be required to deliver:</p> <p>Recommendation 35: revise the Interim Policy to read:</p> <p>Subject to the assessment of the economic viability of the scheme, housing development on mixed use redevelopment sites <i>permitted under this policy</i> will be expected to deliver:</p> |
| <p>Should explain how policy will be monitored and how it will be reviewed</p> | <p>Agreed</p> <p>Recommendation 36: Add the following at the end of para 2.13</p> <p><i>“The effectiveness of the policy will be kept under review as part of the LDF Annual Monitoring Report.”</i></p> |
| <p>The sustainability appraisal only compares the impact of implementing the policy against doing nothing. It should consider other options</p> | <p>Although the guidance states that “the consideration of reasonable alternatives is a legal requirement under the SEA Directive”, guidance also states that “only reasonable, realistic and relevant options need to be put forward”.</p> <p>The only reasonable and realistic option developed was that in the Interim Policy, as this would allow the 5 year supply to be met without compromising the future development of the LDF. It is considered that the sustainability appraisal was carried out in an appropriate manner.</p> <p>Recommendation 37: No change</p> |
| <p>Habitats Regulation Assessment (HRA)</p> | <p>The HRA Screening Report identified that a full HRA was required. Subject to consultation, the HRA has identified the need for mitigation measures to be included in the policy to require that the developer ensures that the location and design of new development will not negatively impact upon a designated or candidate European Site.</p> <p>Recommendation 38: Delete final sentence of para 1.6 and replace with</p> <p><i>“The HRA has identified the need for mitigation measures to be included in the policy to require that the developer ensures that the location and design of new</i></p> |

development will not negatively impact upon a designated or candidate European Site.”

Recommendation 39: Amend section in the Interim Policy relating to Greenfield sites to read:

“Housing development and its infrastructure on greenfield sites will be required to demonstrate that they will not impact on the designated or candidate European Sites (Special Areas of Conservation; Special Protection Areas; Ramsar Sites and Offshore Marine Sites) protected under the European Habitats Directives 92/43/EEC or Conservation (Natural Habitats) Regulations 2007 and to deliver:”