

# Cheshire East

## Interim Planning Policy on the Release of Housing Land



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# 1 Introduction

## 1 Introduction

**1.1** This document sets out the Council's policy approach to maintaining a five years supply of deliverable housing land to be used as an interim measure pending the adoption of the Local Development Framework Core Strategy.

**1.2** Planning Policy Statement 3 'Housing' requires local planning authorities to monitor and manage the release of housing land to ensure that there is a five years supply of deliverable sites. This includes sites with planning permission, sites allocated for residential development in the Local Plan and identified redevelopment sites within settlement boundaries.

**1.3** Until the Local Development Framework is adopted, the development plan policies for Cheshire East relevant to the consideration of proposals for residential development are the saved policies of the Crewe and Nantwich, Congleton and Macclesfield Local Plans. The revised timetable for the adoption of the Core Strategy indicates a date for adoption of late 2013.

**1.4** *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'.*

## Sustainability Appraisal and Habitats Regulations

**1.5** The Council has prepared a Sustainability Appraisal (SA) to test and refine the policies and proposals in this document. Sustainability Appraisal is a systematic process, which is carried out during the production of planning documents to ensure that policies and proposals contribute towards relevant environmental, social and economic objectives.

**1.6** In addition amendments made to the UK Conservation (Habitats and etc) Regulations 2006 require a Habitats Regulations Assessment (HRA) under Article 6(3) and (4) of the Habitat Directive 92/43/EEC for all land use plans likely to have a significant effect on a European site. European sites consist of Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Offshore Marine Sites (OMS). ***The HRA has identified the need for mitigation measures to be included in the policy to require the developer ensures that the location and design of new development will not negatively impact upon a designated or candidate European Site.***

## 2 Background

**2.1** Planning Policy Statement 3 (PPS3) was published in 2006 (and amended in 2010) and sets out the national planning policy framework for delivering the Government's housing objectives.

**2.2** 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, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.

**2.3** Paragraph 60 explains the steps local authorities are required to take to maintain a flexible, responsive supply of land. The supply of deliverable sites should be monitored on an annual basis through the Annual Monitoring Report. If a five year deliverable supply is not likely to be available, consideration should then be given to the arrangements necessary to maintain an adequate supply of deliverable sites.

**2.4** In circumstances where the Local Planning Authority does not manage the supply of housing land and cannot demonstrate an up-to-date five years supply of deliverable sites, paragraph 71 requires that they should consider favourably planning applications for housing, having regard to the policies in PPS3 including the considerations in paragraph 69.

**2.5** If the local authority cannot demonstrate that it has a deliverable five years supply, this means that the Local Planning Authority should give favourable consideration to planning applications for housing development on sites outside of settlement boundaries. Providing that developers can demonstrate that they meet the requirements of paragraph 69 of PPS3 (which relate to the quality of development, mix of housing in the scheme, environmental sustainability and meeting housing need without undermining the spatial vision for the area), it will be difficult for a Local Planning Authority to refuse such applications.

**2.6** This leaves the Local Planning Authority having to deal with planning applications without reference to a planned approach to the development of the communities of the Borough. PPS3 states that the authority cannot argue that the release of any particular site is premature and should be considered through the Local Development Framework process. Examples from other local authorities demonstrate that in considering appeals in these circumstances, inspectors have frequently allowed developments, because of the lack of a five year housing land supply. There have been cases of such development being allowed in Green Belt locations.

## 2 Background

### The Annual Housing Requirement

**2.7** The accepted methodology for determining the total five year supply requirement has been based on figures from the Regional Spatial Strategy. ***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.***

**2.8** ***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.***

### Managing the Five Year Housing Land Supply

**2.9** The Local Development Framework Annual Monitoring 2009 report calculated the Council's five year supply of housing land at 1 April 2009 as 5.14 years, based on the RSS figure. Since then a full review of potential sites has been carried out in parallel with the preparation of a Strategic Housing Land Availability Assessment for the whole of Cheshire East. The latest assessment indicates a supply of 4.58 years at 1 April 2010. ***The effectiveness of the Interim Housing Policy will be kept under review as part of the Local Development Framework Annual Monitoring Report.***

**2.10** 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".

**2.11** 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.

### Interim Policy to Manage the Release of Housing Land

**2.12** The Interim Planning Policy on the Release of Housing Land has been drawn up in the context of the work that has been undertaken on developing the Crewe Vision to promote the growth and prosperity of Crewe as a town of sub-regional importance. The development

## 2 Background

of Crewe will be fundamental to the development strategy for the Borough. Development in Crewe will support sustainability objectives as Crewe has a good range of jobs, shops and services and a high standard of accessibility by means of travel other than the car.

**2.13** The development proposals envisaged for Crewe will require significant investment in the strategic highway network around Crewe, in particular the Crewe Green Link Road and the Barthomley Link Road, to improve accessibility to Junction 16 of the M6. In addition, improvements to the local highway network in Crewe and public transport and cycling provision will be required to facilitate new housing development on the outskirts of Crewe. The Council is currently considering options for securing funding of the necessary strategic and local transport improvements. Once the funding arrangements have been approved by the Council, any new housing developments that impact on the highway network in and around Crewe will be required to make contributions towards both strategic and local transport improvements

**2.14** The Interim Planning Policy will facilitate the release of a limited number of housing sites on the edge of Crewe outside the green gap. Developers of these sites will have to demonstrate that the site can be delivered within five years of the grant of permission and as there are little or no redevelopment costs associated with these greenfield sites, they will be required to deliver high quality, well designed developments with a minimum of 35% of the housing being affordable in accordance with the Interim Planning Statement on Affordable Housing as well as contributions to improve the strategic and local transport networks in accordance with the forthcoming Transport Contributions Levy. In addition, open space and/or community benefits will be required to meet the needs of future residents in accordance with the saved Local Plan policies.

**2.15** The Interim Planning Policy will also enable housing to be brought forward as part of mixed use redevelopment schemes within settlements to support the development of the site for employment, town centres and or other uses, in accordance with the relevant Local Plan policies. Subject to economic viability assessment, a minimum of 30% of the housing should be affordable in accordance with the Interim Planning Statement on Affordable Housing.

### 3 Interim Planning Policy on the Release of Housing Land

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#### Interim Planning Policy on the Release of Housing Land

When it is demonstrated through the Annual Monitoring Report that there is not a five year supply of housing land as defined by PPS3, subject to other saved policies of the relevant Local Plan being satisfied, residential development will be permitted in the following locations:

1. Adjacent to the settlement boundary of Crewe provided that the site:
  - is well related to the built framework of the settlement;
  - is not within the Green Gap;
  - is not within an allocated employment area;
  - **is not within an area safeguarded for the operational needs of Leighton Hospital;**
  - is capable of being fully developed within five years of the granting of outline planning permission;
  - **delivers development that improves the supply, choice and quality of housing in Crewe; and**
  - **supports the delivery of the Council's overall vision and objectives for Crewe.**
2. As part of mixed developments in town centres and regeneration areas to support the provision of employment, town centre and community uses.

Housing developments **and its infrastructure** on greenfield sites **permitted under this policy** 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:**

- a minimum of 35% affordable housing in accordance with the Interim Planning Statement on Affordable Housing;
- open space and / or community facilities in accordance with the relevant saved Local Plan policy
- improvements to the strategic and local highway network, public transport, and pedestrian and cycle routes; and
- a high quality designed development to Code for Sustainable Homes Level 4 or higher and Building for Life Silver standard or higher.

Subject to the assessment of the economic viability of the scheme, housing development on mixed use redevelopment sites **permitted under this policy** will be expected to deliver:

- a minimum of 30% affordable housing in accordance with the Interim Planning Statement on Affordable Housing;
- employment, town centre and / or community uses within the site; and



### 3 Interim Planning Policy on the Release of Housing Land

- a high quality design to Code for Sustainable Homes Level 3 or higher and Building for Life Silver standard.

#### Justification

**3.1** PPS3 states that the Council is required to demonstrate that there is a five year supply of deliverable housing land. Pending the adoption of the Cheshire East Local Development Framework Core Strategy it is likely that there will be insufficient deliverable housing land within the settlement boundaries identified in the three Local Plans of the former local authorities. The Interim Planning Policy on the Release of Housing Land has been introduced as an interim measure to facilitate the release of additional sites on the edge of Crewe and to encourage the redevelopment of sites within town centres and elsewhere for mixed uses including housing development.

**3.2** Crewe is a principal town and will continue to be a focus for future housing development in the Borough as envisaged in the Crewe Vision. Although the overall amount and direction for growth has yet to be determined, it is considered that there is scope for sufficient housing development to be brought forward adjacent to the Local Plan settlement boundary of Crewe (not including the village of Shavington) to meet the short term need for housing land in the Borough in a way that would not prejudice the preparation of the Local Development Framework.

**3.3** Sites that are approved under this interim policy should be capable of being built out within five years of the grant of outline planning permission under average market conditions. ***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.*** For sites that will require a longer period for development, permission will only be granted for the first phase of the site.

**3.4** The development of any greenfield sites adjacent to the settlement boundaries will be considered as exceptional development and will be required to be of a high design standard and deliver 35% of the development as affordable housing in accordance with the Interim Affordable Housing Policy. They will also be required to contribute towards the improvements to the strategic and local transport networks and public transport in and around Crewe.

**3.5** It is recognised that 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. This policy aims to encourage mixed use schemes to come forward which include housing development to support the redevelopment of the site for a range of employment and other uses.

**3.6** Many older areas are designated as conservation areas and include listed buildings. Any scheme should seek to retain and convert existing buildings in these areas. Particular care will be needed with the design of new developments to ensure that they are appropriate to the character of the area.

