

DOCUMENT CG1

TOWN & COUNTRY PLANNING ACT 1990

APPEAL

ON BEHALF OF

SATNAM MILLENNIUM LIMITED

IN RESPECT OF

LAND AT PEEL HALL, WARRINGTON

PUBLIC INQUIRY 14 – 25 SEPTEMBER 2020

PLANNING INSPECTORATE REF:

APP/M0655/W/17/3178530

LOCAL AUTHORITY PLANNING APPLICATION REFERENCE: 2016/28492

OUR REF: 430SBCGWARR

PROOF OF EVIDENCE

OF

COLIN GRIFFITHS BA (HONS) MRTPI

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PREAMBLE

My name is Colin Griffiths. I have a BA Honours Degree in Town and Country Planning and I am a member of the Royal Town Planning Institute. I have over 30 years' experience gained in the Local Authority, Consultancy and Development sectors. I am a Director of the Appellant Company Satnam Millennium Limited and a Director of Satnam Planning Services Limited. I am responsible for all planning and real estate matters relating to the companies' affairs (and those of the other private landowners within the appeal site). I am familiar with the Appeals and Plan making processes generally and have been involved in numerous Hearings, Inquiries and Examinations including Warrington and elsewhere. I have presented evidence on behalf of local residents' groups, developers and landowners.

I am familiar with Warrington and have been involved in the Warrington Local Plan, UDP and Core Strategy process since the beginning of 1994. I was engaged in the Satnam Millennium Ltd quashing of the housing sections of the Core Strategy in 2015. I am involved in the preparation of the current replacement local plan for Warrington regarding this and other sites.

I am familiar with the SHLAA for Warrington and have been involved in the consultation on that document for many years.

I have acted in relation to this site since 1994 and have submitted numerous applications and representations regarding its suitability for housing. I have given evidence at appeal and plan review inquiries and examinations regarding this site.

I gave evidence to the most recent inquiry on this site in 2018 and other inquiries prior to that. I was engaged in the quashing of the of the 2018 appeal decision.

I led the preparation of and submitted the application the subject of this appeal.

I have responsibility for the day to day conduct of liaison and negotiations with Homes England and their professional team of advisors regarding their land at Mill Lane (within the appeal site).

My evidence at this Inquiry is in respect of planning matters and comprises:

- CG1 Full Proof of Evidence (with summary and conclusions)
- CG2 Volume of Appendices
- CG3 Site Location Plan
- CG4 Parameters Plan
- CG5 Illustrative Site Master Plan
- CG6 Illustrative Scheme for Sports Facilities Hub
- CG7 Housing land Supply Report
- CG8 Socio Economic Report

- CG9 Health Impacts Report
- CG10 Impact on Character Report
- CG11 Illustrative Layout for the Local Centre

My evidence is to be read alongside the following documents:

- Statement of Common Ground; Planning (SoCG:P)
- Environmental Statement 2016 together with the 2018 and 2020 Addendum (ES/ESA and 2)
- Section 106 Agreement (S106)

SECTION 1 – INTRODUCTION TO THE APPEAL

1.1 I submitted the application which is now the subject of this appeal on 11 July 2016. It is an outline application with means of access for determination at this stage. The appeal was heard at Inquiry in spring / summer 2018 and was dismissed by the Secretary of State in December 2018 ([CD OD15](#)). This decision was subsequently quashed by the High Court in October 2019 ([CD OD16](#)). The Secretary of State ordered a re-hearing of the appeal on 18 December 2019 ([CD OD17](#)).

1.2 The agreed (amended) description of the application for this appeal is as follows,

“Outline planning application for a new mixed use neighbourhood comprising residential institution (residential care home – use Class C2); up to 1200 dwelling houses and apartments (Use Class C3); local centre including food store up to 2000 square metres (Use Class A1); financial & professional services; restaurants and cafes; drinking establishments; hot food takeaways (Use Classes A2-A5 inclusive); units within Use Class D1 (non-residential institution) of up to 600 sq m; and family restaurant / pub of up to 800 sq m (Use Classes A3/A4); primary school; open space including sports pitches with ancillary facilities; means of access (including the demolition of 344; 346; 348; 458 and 460 Poplars Avenue) and supporting infrastructure. (All detailed matters other than access reserved for subsequent approval.) (Application is accompanied by an Environmental Impact Assessment)”.

1.3 The application is supported by various technical reports and plans, together with an Environmental Statement (now with 2 Addendum, 2018 and 2020).

1.4 The application was reported to the Development Management Committee on 23 February 2017. The report and Minutes are attached at [Appendix 1](#). The recommendation was that the application should be refused for 2 reasons; both broadly relating to lack of information. The recommendation was accepted, and the Decision Notice was issued on 24 February 2017 ([Appendix 2](#)). The refusal reasons are as follows,

“It is considered that insufficient information has been submitted to enable the local planning authority to confirm that the potential impacts of the proposed development on the transport network would not be severe, in the terms set out in paragraph 32 of the National Planning Policy Framework. In the absence of adequate information to accurately forecast potential impact, it is not considered possible to design and deliver suitable highways / transport mitigation nor, consequently, to confirm that the proposal would be acceptable in terms of its air quality and traffic noise effects. The submitted information contains no agreed base year model, forecast year models, or Local Model Validation Report. In these circumstances, therefore, the local planning authority cannot confirm that there would not be serious conflict with the following policies in the Local Plan Core Strategy for Warrington: - CS1 (seventh and eleventh bullets); - QE6 (fifth, sixth and

tenth bullet); - QE7 (third bullet); - MP1 (All bullets); - MP3; - MP4; - MP7 (both bullets); - MP10 (first, second and third bullets).

The proposal would not deliver the range of measures required to support a development of this nature and scale, with regard to the provision of school places; healthcare facilities and sport and recreation provision required by the Council's adopted Planning Obligations Supplementary Planning Document, in support of policies CS1 (second and seventh bullet points) and MP10 (first, second and third bullets) of the Local Plan Core Strategy for Warrington. In the absence of such provision it is considered that the proposed development would not be sustainable in the sense intended by paragraph 7 (second bullet) of the National Planning Policy Framework."

- 1.5 I submitted this appeal against that refusal on 22 June 2017.
- 1.6 Prior to the 2018 inquiry on 31 January 2018, an Environmental Statement Addendum and a revised Transport Assessment, together with associated revised plans, were submitted onto the appeal. This Addendum related largely to the creation of a through route to access the scheme, prepared at the request of the Council (now not forming part of the scheme). The decision of the 2018 inquiry was subsequently quashed (see paragraph 1.1). On 24 March 2020 a second Environmental Statement and further revised Transport Assessment, together with associated revised plans were submitted to the appeal. This second Addendum relates largely to the updated traffic assessment (based on the Council's traffic model) on the basis of a non-through route traffic solution and associated updating of air quality and noise assessments. Updated ecology information is also included.
- 1.7 The current application plans are listed in the SoCG:P.
- 1.8 The ES Addendum 2 includes the Parameters Plan CG4 which is to be approved by means of a condition. This plan is the base for the Illustrative Master Plan CG5. This plan shows how the site is able to be developed, respecting the important key features and characteristics of the site (as shown on the Parameters Plan) for a housing led development scheme suitable to the location of the site and its surrounding land uses.
- 1.9 A revised site location plan was submitted to this appeal in January 2018, CG3. This plan is identical to the originally submitted application plan, save for the inclusion of one additional property, 462 Poplars Avenue, within the red line.
- 1.10 The Appeal scheme was reported to Development Management Committee on 1 July 2020. The report, attached as Appendix 3 sets out the Officers professional opinion that the areas of objection to the scheme are reduced and that matters relating to social infrastructure/ S106, Air Quality and Noise were agreed as acceptable and would not form part of the Councils opposition to the scheme at this Inquiry. Furthermore, whilst the report confirms Highways remains a matter not agreed, it sets out the significant progress made in that regard and the limited scope of their continued highways objection. The report also confirms

the agreement of Sport England for the development. The recommendation was agreed by the committee despite wide ranging representations by the Rule 6 Party and local residents and a transcript of the debate at the committee is also attached.

- 1.11 The site is made up of a number of different land parcels and ownerships, all under the control of or associated with, the ultimate owners of the Applicant Satnam Millennium Ltd, with the exception of the land owned by Homes England and WBC. A letter from the real estate lawyers to Satnam setting out the contractual arrangements regarding these properties is at [Appendix 4](#).
- 1.12 Homes England wish to develop their own land for housing following permission, subject to agreeing the relocation of the Mill Lane playing Fields and the creation of the access road across the site as set out in this application. Homes England agree the inclusion of their land within the application (as confirmed by the Council at paragraph 9.6 of [Appendix 3](#)). Discussions are on-going between Homes England and Satnam regarding the commercial aspects of an agreement for access over that land; the principle of the Homes England land being available for access purposes having been established and agreed.
- 1.13 The WBC land is located off Windermere Avenue is recreational land, to be improved for formal sports recreation by funding arising from the S106 for the development. The SoCG:P confirms the Council's agreement regarding the inclusion of their land.

SECTION 2 – THE APPEAL PROPOSALS

2.1 The appeal proposals are able to be summarised as follows.

General Approach

2.2 An organic growth area for Warrington is proposed, made up of a series of separate development areas with pedestrian and cycleway links between them, with only bus and emergency vehicles having through access on the site. This is in contrast to the large, single access point growth areas which have characterised much of suburban growth in Warrington over the past 40 years. The aim is to achieve smaller, more resilient community neighbourhoods, aligned as much as possible with the existing areas and communities surrounding the site.

2.3 The Master Plan for the site CG5 shows the illustrative layout for the site.

Housing

2.4 The housing proposals are for up to 1,200 apartments and family homes on the application site. The Illustrative Master Plan (CG5) shows how the housing areas can be located on the site. All matters are reserved for subsequent approval, save for means of access.

2.5 The proposed mix (not fixed) of residential units includes a mixture of 2, 3, 4 and 5 bedroom homes, mostly houses (with scope for bungalows) together with 1 and 2 bedroom 4 storey apartments (ridge height of 12m, arranged in zones south of the motorway). Clearly this mix of unit sizes and styles is able to be changed to suit market conditions and demands prevailing at the time of subsequent reserved matters applications on a phase by phase basis over the life of the development.

2.6 The appeal proposal includes 30% affordable housing, mix and tenure to be agreed at the Reserved Matters stage.

2.7 The housing areas are located in relation to the land uses surrounding the site and the proposed distributor road through the site. All housing areas will have safe and easy sustainable forms of access to local services and facilities, both within the existing built up area and those proposed as part of this scheme.

Local Centre / Community Facilities

2.8 The local centre proposed comprises a mixture of different sized retail units together with a family pub and possible health and community use buildings.

2.9 It is located within easy walking distance of the proposed and existing housing to the south of the site.

- 2.10 The range of possible uses for the local centre and the maximum floor space for each are set out in the following table,

PROPOSED USE	USE CLASS	MAXIMUM SIZE (GIA)
Food store	A1	2,000m ²
Financial and Professional services	A2))) 600m ²)))
Restaurants and Cafes	A3	
Drinking establishments	A4	
Hot Food Takeaway	A5	
Leisure and Assembly	D1	
Family Pub	A3/A4	800m ²

- 2.11 The local centre will be worked up in detail at the reserved matters stage, but an illustrative layout is submitted to this appeal ([CG11](#)).
- 2.12 An update to the originally submitted RIA was submitted to PINs on 3 April 2020 at the request of the Inspector ([CD APN 12/A](#)).

Education

- 2.13 The proposals reserve a site for a primary school (single form entry) shown in illustrative form at [CG11](#). This is in the centre of the site, adjacent to the proposed Open Space Sports Hub to the south, so shared use of pitches and other sports facilities can be achieved. This central location means it will be easily accessible by pedestrians and cyclists from within the development and the surrounding existing housing. In addition a nearby primary school, Meadowside Primary School (within walking distance from the site) is nominated for expansion.
- 2.14 The S106 sets out the details and timing for the transfer of the primary school site and the funds for the expansion of Meadowside Primary School. During the course of preparing for the 2018 and this inquiry the Applicants have been approached by Free School Trusts wishing to develop the Primary school (see letter at [Appendix 15](#)). I understand the Council have received similar approaches. There is, therefore, interest in the proposal which will lead to a bid for the establishment of a Free School Primary School on this site following the grant of planning permission.

- 2.15 Secondary school provision is provided off site, with the expansion of one or both of two nearby secondary schools, Padgate Academy and Beaumont Collegiate Academy (owned by the same Academy Trust, see [Appendix 15](#)). Both schools are within walking distance of the site.

Formal Sports Provision

- 2.16 An Open Space Sports Hub is proposed in the southern section of the site, on land partly controlled by the Appellant and partly by the Council, Radley Common Recreation Ground. This will satisfy the two aspects of need arising from the development: firstly, for formal sports and related open space arising from the new residents of the development, and secondly the replacement / relocation of the current pitches at Mill Field (in the eastern portion of the site). This Open Space Sports Hub is located adjacent to the existing built up area and the proposed primary school site as shown on [CG6](#). It will be accessible from all parts of the development scheme and the existing neighbourhoods of north Warrington by existing and proposed footpaths and cycle routes. Its proximity to the proposed primary school will enable community shared use.
- 2.17 The table below sets out the maximum range of formal sports facilities planned for the Open Space Sports Hub, to be funded via the S106, and shown for illustrative purposes on [CG6](#). In discussions with the Council it is clear that this may not be the final range of uses on the site, and a future Reserved Matters application will determine precisely the range of facilities required.

Full size grass pitches	3
Youth pitches 9 v 9	1
Your pitches 7 v 7	1
Changing facilities	4 teams
Community Building	1
Car Parking	100 spaces
LEAP	Existing
MUGA	Existing

Informal Open Space

- 2.18 In the central part of the site a spine of informal open space is to be created, as an extension to the existing Peel Hall Park, stretching from the southern boundary of the site, alongside

the proposed school site to the northern boundary, where it links with an existing PROW that leads to the open countryside over the motorway. Further areas of informal open space are to be created to the south of the motorway, creating a series of spaces and routes available to access from all directions and the surrounding areas. This large public open space area will therefore link Peel Hall Park, Radley Common, and Radley Plantation Woods to the wider countryside beyond.

- 2.19 This is able to be used for walking, fitness, dog walking and other forms of informal recreation, as well as convenient routes to cross the area to reach the various land uses and facilities both within the site and beyond.

Highways

- 2.20 The development proposals were originally submitted with a non-through road access strategy, with the development served off 6 separate access points as currently proposed at this appeal (see paragraph 2.2 above).
- 2.21 As part of the discussions for the 2018 inquiry the Council Officers (Highways) indicated that a through route (creating a road running east / west through the scheme) would be of interest to them and the Councillors of the local area. This option was presented at the 2018 inquiry.
- 2.22 However, due to persistent concerns with the through route being expressed by both Council and Highways England, this alternative option was withdrawn at the 2018 inquiry and no longer forms part of the scheme. I note the Rule 6 Party and local residents are opposed to this route being reintroduced into the scheme (see "*Traffic Issues 2 – 'Option B' proposals*", page 4 of the Rule 6 Party Statement of Case).
- 2.23 It should be noted however that if the Council wish to again consider a through route in the future, there is nothing within the proposals that would prevent such a route being further considered and, if deemed required and appropriate, created in the longer term.

Environmental Assessment

- 2.24 The development proposal is accompanied by an Environmental Statement, which has been updated in the first and second ES Addendum to reflect the updated materials since the application was submitted.
- 2.25 The Environmental Statement and both Addendum confirm the proposed development will have little or low impact on the locality or features within the site. This is dealt with in other evidence to this appeal.

Matters that have been agreed in the application thus far

2.26 As set out in the report for DMC of 1 July 2020 ([Appendix 3](#)) and in the SoCG:P a significant measure of agreement now exists between the Council and the Appellant relating to this appeal. In summary these include:

- Ecology matters
- Landscape impact matters
- Site layout matters
- Drainage / flooding matters
- Infrastructure and utilities matters
- Suitability of the site in physical terms for housing development.
- Retail impact and sequential matters.
- Planning Policy / Development Plan considerations.
- The location of the site within the suburban built-up area of Warrington (outside of the green belt).
- The ability of the site to “*deliver substantial transformative benefits*” to an area categorised to be in the 10 / 20 / 30% most deprived parts of England.
- Noise impact matters.
- Air Quality matters.
- Social infrastructure matters (schools/ open space/ affordable housing and other matters within the S106 Agreement).

2.27 The original Committee Report of February 2017 ([Appendix 1](#)) confirms the acceptability of the proposals as set out below:

- (Page 5)

“In principle, the proposal is undoubtedly capable of bringing significant potential benefits as a sustainable “urban extension” to the northern edge of Warrington, without intruding into Greenbelt. It is therefore important to consider the application on its own merits and in the wider context in order to ensure that a truly sustainable balance of new

homes, jobs, local services and supporting social and other infrastructure could potentially be delivered. It is considered that the application could potentially make a valuable contribution in these regards,"....

- (Page 6)

"The proposal is considered to be a sustainable urban extension, albeit onto "green field" land, which would bring investment, new housing and other new activity and facilities into an area bounded by parts of Warrington which are among the 10, 20 and 30 per cent most deprived in England."....

- (Page 23)

"the ability of this proposal at Peel Hall to accommodate supporting land uses and the absence of a demonstrable five-year housing supply means that the use of the site for residential development is considered acceptable as a matter of principle."....

- (Page 35)

"Very substantial, positive weight is given to the range of potential benefits which the proposed development might bring."....

"There is considered to be, therefore, the potential for very substantial, positive transformational change."....

"The principle of a substantial amount of new housing on part or all of the application site has been mooted in various Development Plan drafts in the past, and finds expression now in the 2016 SHLAA, against the background of housing need in the Borough – where an adequate five year supply of housing cannot currently be demonstrated."

2.28 The 2018 Inspector (CD OD15) also accepted the suitability of the site for housing development stating at paragraph 13.46 of his report "there is no reason why a well-designed scheme on the appeal site should appear at odds with the wider area. Nor was there any substantive argument to the contrary". Further paragraph 13.87 states "the site is in an area of Warrington that the Core Strategy regards as appropriate for new development and, the town centre aside, no other areas were suggested as being better in public transport terms".

SECTION 3 – THE APPEAL SITE AND THE SURROUNDING AREA

- 3.1 The appeal site is circa 68 ha, located in north Warrington south of the M62, known as Peel Hall (see plan CG3).
- 3.2 The site falls from north to south and rises gradually from the west to a high point and then falls away again to the east. All the falls on the site are within a 3-metre range east to west and a 10-metre range north to south. The general impression of the site is that it is flat with minor undulations.
- 3.3 Agreed matters relating to the site description are set out in the SoCG:P.
- 3.4 There are no Listed Buildings or conservation areas within or close to the site.
- 3.5 The appeal site is urban fringe land, visually influenced by the adjacent housing areas of Warrington. The M62 is a strong physical boundary to the north visible from most parts of the site.
- 3.6 The site, as a consequence is readily capable of absorbing development in an acceptable manner. The site is not countryside and is located within the suburban area on the Local Plan Key Diagram. It is a proposed housing allocation in the Proposed Submission Plan. The site is not within the green belt.
- 3.7 The appeal site can be divided into 4 parts, described as follows,
- 3.7.1 The western part of the site, Adjacent to Birch Avenue and Elm Road, is former farmland, previously owned by the Regional Health Authority. There is a CAMHS (Child and Adolescent Mental Health Services) centre, The Alders, within this portion of the site. The boundaries are the motorway to the north, and existing housing to the west and south. It connects to the remainder of the site to the east. This portion of the site is visually well contained and relates well to the built-up area.
- 3.7.2 The area is an enclave of residential development in suburban Warrington of approximately 50 semi-detached houses and bungalows. Birch Avenue is to be used to access a small proportion of the development proposals, some 20 homes (maximum) with no vehicle through connection proposed into the wider site (either for day to day or occasional use). Pedestrian and cycle links will be provided, together with off street parking for residents. Footpath and cycle links will be created from Elm Road. A separate access onto Poplars Avenue will provide vehicular access into the majority of this area of the site.
- 3.7.3 The central portion of the site is again former farmland, previously owned by the New Town Corporation. It has been in the ownership of Satnam Millennium (or

predecessor Satnam Companies) for over 30 years. The boundaries are the motorway to the north and existing housing to the south. Again, this part of the site is visually well contained and relates well to the built-up area.

- 3.7.4 Within this portion of the site two properties are surrounded by the application proposals. The first, at the western end of the PROW which crosses the northern section of this part of the site (Radley Lane) is Peel Hall Kennels, a former farmhouse now run as a dog kennels and cattery business (the owners of which have expressed interest in selling their land for development in the past). The second is Peel Cottage, close to Radley Lane, a private house on a reasonably large plot. In the recent past the owners have applied for further residential plots on their garden area and this is a site referenced in the SHLAA as suitable for housing development.
- 3.7.5 This area of the site runs close on its southern boundary to Poplars Avenue which will form one of the access points into the scheme.
- 3.7.6 Poplars Avenue is characterised by 1940's – 60's council house development of family homes with gardens, interspersed with more recent private development.
- 3.7.7 The eastern portion of the site comprises an area of open land with one marked out and sporadically used playing pitch. The area holds standing water and the pitch is not used for competitive play due to its extremely poor condition. There are no floodlights nor changing facilities. The land is owned by Homes England, who wish to develop this part of the site for housing following planning permission being granted for this scheme. This portion of the site is contained by residential development to the south (Ballater Drive) and an enclave of residential development known as Houghton Green to the north. To the east is located a large new town suburb of 1980s housing known as Cinnamon Brow (built on what was green field land). As such this portion of the site is visually well contained and relates well to the built-up area. An access road from the east will be constructed through this area to access the development.
- 3.7.8 Houghton Green was once a village separate from Warrington. It has now become absorbed into the existing built up area with the development of the housing at Cinnamon Brow and Ballater Drive. It comprises approximately 55 residential properties and a public house. The area was included within the New Town Plan area and is shown as part of the Warrington urban area on the Local Plan / UDP Proposals Maps. The main access way into this area – Mill Lane – will be used as one of the access routes into the appeal site.
- 3.7.9 Houghton Green is characterised by a mixture of residential properties mostly built from the inter-war period onwards. There is no village character to Houghton Green and the area now reads as part of built up suburban Warrington.

- 3.7.10 The southern portion of the site comprises an informal recreation area, off Windermere Avenue / Grasmere Avenue, called Radley Common Recreation Ground. This is a relatively flat grassed area owned by the Council.
- 3.7.11 At one stage it was used for formal recreational purposes (with pitches) but these have long since been abandoned. There are no floodlights for the area and no formal sports activity is undertaken on the site. The area holds standing water on a regular basis as the drainage system has not been maintained over the years. The facility requires significant works to bring it back to formal playing pitch standards.
- 3.7.12 There is an existing building on the site (portacabin) which has the role of a local community centre and provides facilities for the local community. There is a MUGA and LEAP in this area (to be retained). There is a rough hard surfaced area for parking adjacent to this building. There is a narrow track which gives vehicular access into the area from Grasmere Avenue.
- 3.7.13 The recreation area lies on the edge of north Warrington and adjacent to residential properties. As such it is visually well contained and relates well to the housing adjacent to it.
- 3.7.14 Access to this area will remain from Windermere Avenue. The area will be linked, once laid out, to the open spaces within and adjacent to the development site.

The Surrounding Area

- 3.8 The area to the south of the site is residential with supporting commercial outlets, formerly a large estate of council housing, now a mixture of rented and owner-occupied family houses. These homes for the most part have front and rear gardens, some with off road parking.
- 3.9 The area is classified as being amongst the 10%, 20% and 30% most deprived Wards in England (for education, employment, health and other key indicators).
- 3.10 The Officers Report to Committee confirms this (Appendix 1, page 6) and that the appeal proposals *“clearly has the potential to deliver substantial transformational benefits”* to the existing neighbourhood.
- 3.11 The area to the east of the site comprises newer New Town Corporation housing, together with Houghton Green (see paragraphs 3.7.8 and 3.7.9). These areas are typical owner-occupied suburban developments.

- 3.12 The area is well served by public transport, as described by Mr Tighe in his evidence. These routes give good access to the town centre, nearby transport interchanges and the many employment areas of the town.
- 3.13 There is a good range of local facilities and services in the area, including doctors, dentists, churches and other activities. There are local primary and secondary schools within walking distance.
- 3.14 Shopping in the local area is limited to mostly convenience outlets, in older premises, with limited servicing and parking.

SECTION 4 – THE PLANNING HISTORY OF THE APPEAL SITE

- 4.1 The history of the site is set out in Appendix 5 and is a relevant material factor in the consideration of this appeal site.
- 4.2 The Warrington 2019 SHLAA was published in March 2020 (CD LP36). It notates Peel Hall as site 1506 and considers the site to be suitable, likely to become available and achievable. The site is listed as having potential to contribute 1,200 dwellings in total. The SHLAA confirms there is no active use on the site, it is developable now, is being promoted by the owner, is of interest to developers and in an area with known demand for housing. The SHLAA anticipates development from the site in the period 6 – 10 years, with a development rate of 110 completions per year. The delay in the delivery from the site relates to the position at the time of preparing the SHLAA when there was no agreed access solution. Once the access solution is agreed there is no issue with earlier dwelling completions.
- 4.3 The SHLAA lists other sites in the vicinity of the appeal site, close to Houghton Green, as suitable sites for housing, (contained in the extracts at CD LP36).
- 1647 (Mill Lane),
 - 2716 (Peel Cottage),
 - 3309 (Plough Public House); and
 - 2720 (Radley Lane).
- 4.4 The following principles are established by virtue of the planning history of Peel Hall,
- 4.4.1 Peel Hall is the only area allocated for development in the New Town Outline Plan and the Padgate District Area Plan which remains undeveloped.
- 4.4.2 Peel Hall has never been located within the approved green belt and has been repeatedly found to lie outside the general extent of the green belt in this area.
- 4.4.3 The 1990, 2013 and 2018 appeal decisions, the Inspector's Report into the Warrington Local Plan Inquiry, the draft allocations of the UDP and Core Strategy and the 2019 SHLAA demonstrate the site is capable of residential development, will not seriously affect the character and amenity of Houghton Green, is not unduly affected by constraints and is compliant with relevant planning standards and requirements.
- 4.4.4 Within the "*Development Plan*" i.e. the Warrington Local Plan, Peel Hall is shown outside the general extent of the green belt, within the urban area. It is not affected by any Development Plan constraints. It is land regarded as being within suburban Warrington.

- 4.4.5 Within the evidence base for the new draft local plan the site is confirmed as suitable for housing as now proposed and is a proposed allocation for development in the Proposed Submission Plan (Appendix 7).
- 4.4.6 The 2019 SHLAA (CD LP36) concludes that Peel Hall is a residential site.
- 4.5 I note the Officers Report (Appendix 1) confirms this (page 24),
- “the use of the site for residential development is considered acceptable – as a matter of principle”* (page 23).
- 4.6 Further, the report states on page 6 that,
- “the proposal is considered to be a substantial urban extension, albeit onto green field land, which would bring investment, new housing and other new activities and facilities into an area bounded by parts of Warrington which are amongst the 10, 20 and 30 percent most deprived in England”*.
- 4.7 As noted at paragraph 2.28 the 2018 Inspector regarded site as suitable for housing in principle.
- 4.8 In summary, Peel Hall has consistently been regarded as an appropriate location for future housing development, leading to its notation as a housing allocation in the Proposed Submission Plan. It is agreed between ourselves and the Council in the SoCG:P that the site is suitable in principle for the development proposed.
- 4.9 As such, there should be no issue regarding the suitability of the site for residential use as proposed at this appeal.

SECTION 5 – THE POLICY CONTEXT

- 5.1 Section 38(6) sets out planning law for the consideration of planning decisions. This requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Framework is a material consideration.
- 5.2 It is necessary therefore to begin a consideration of policy and whether the application accords with the Development Plan, before considering other material considerations.

The Development Plan

- 5.3 The Development Plan for Warrington comprises the Core Strategy adopted in July 2014 (CD LP1). The housing policies of this Plan have been quashed by a ruling of the High Court in February 2015 (CD OD1). This ruling quashed the housing requirement for the plan period (policies W1 and SC2), other locational housing guidance, the single housing allocation in the Plan (policy CS8), together with other related policy references and passages of supporting text.
- 5.4 The Peel Hall site is not notated or proposed for any specific use within the Development Plan. It is included within the built-up area of suburban Warrington on the Key Diagram for the Development Plan. (See SoCG:P and Officers Report, Appendix 1, page 23).
- 5.5 As such there are no site-specific policies which can be raised against this proposal.
- 5.6 For the purposes of analysis, it is appropriate to test the proposals against two parts of the Development Plan,
- Policies relating to the need for housing development and its distribution, and
 - Policies relating to the environment, transport and other topics relevant to development management.

Need for and Distribution of Development

- 5.7 There are general aspects of the Core Strategy that are relevant to these considerations:

5.7.1 The Key Diagram

- Reference to the Key Diagram (page 21) shows the application site as being within suburban, built-up Warrington. It will be noted that the site is not shown as being subject to any Greenbelt, open countryside or other open urban land notations. It is without notation on the Policies Map. Therefore the countryside, urban open space and green belt policies of the plan do not apply in this appeal.

- The 2012 SHLAA that supported the 2014 plan (CD LP53) assessed Peel Hall, along with other large sites, as a strategic reserve of 1,550 possible future housing plots, to be called upon if required, but not forming part of the deliverable supply for the plan period (due to the low requirement figure, now quashed).

5.7.2 Strategic Vision in 2027

- The Plan sets out (page 20) the 2027 Strategic Vision for Warrington: this states the town *“continues to be a key economic driver for the surrounding area”* and that *“the focus on regeneration has limited outward growth of the town and has enabled the continued protection of the green belt”*. The continued protection of the green belt around Warrington is now under review in the draft local plan and substantial areas of green belt to the south of the town and at the surrounding villages are proposed for housing. However, the proposed development of Peel Hall will minimise the amount of green belt land required to be released to provide for development needs (see paragraph 5.29 later).
- The Vision further states that *“new housing has focused on achieving the outcomes of regeneration and creating sustainable communities and has delivered the homes needed to meet identified, general and specialised housing needs. This has helped reduce commuting and has contributed to the population growth that was necessary for Warrington to sustain and enhance its economy and services”*. Again, the provision of new housing at Peel Hall will assist in achieving this vision of providing the homes Warrington needs.
- Finally, page 120 of the Core Strategy sets out the Vision in 2027 for inner and north Warrington (the appeal site lying in north Warrington). This states:

“Development has brought improvements to inner and north Warrington which have reduced environmental, accessibility and quality of life disparities in the area. There are good local facilities and open spaces that link to a wider walking and cycling network of infrastructure which is beneficial for health and recreational purposes.....

5.8 Therefore the locational strategy of the plan supports the development of the site.

5.9 There are a number of policies contained within the Core Strategy (see agreed list in the SCG:P) concerned with development and its distribution. The appeal is compliant with them as set out below.

- **CS1 – Overall Spatial Strategy** - This is the strategic policy for the delivery of sustainable development. It includes reliance on the planned provision for housing growth, meeting identified development needs and the protection of the green belt as a priority. The appeal site is not part of the (then) proposed housing growth

(though see the comments under **CS3** below). The proposed development will materially assist in the provision of identified needs for affordable housing, and will significantly assist in the protection of the green belt. By providing those benefits, in a development agreed to be sustainable development, there is compliance with this policy.

- **CS2 – Overall Spatial Strategy** – This policy seeks to protect the green belt, and identifies suburban Warrington as one of the preferred locations for housing development. The appeal development clearly meets these objectives. However, the distribution in the policy is based on the now quashed housing requirement of the Plan. The policy is of reduced weight, therefore, in the planning balance.
- **CS3 – Overall Spatial Strategy-Maintaining forward supply of housing land** – This policy requires that where it appears from monitoring that housing needs (including a 5 year supply) are not being met, the policy “... will bring on-stream additional housing sites as required ... avoiding sites in the green belt where possible”. As noted above, the 2012 SHLAA supporting the Plan assessed the appeal site as a strategic reserve for just such a purpose (the submission draft of the Development Plan did contain a reserve site allocation policy for Peel Hall (CS9) but the Inspector recommended its deletion on account of the (then) low housing requirements). The appeal development fully complies with this policy.
- **SN1 – Distribution and Nature of New Housing** – This policy reflects and endorses the requirement of policy **CS2**. It requires 40% of new homes to be located primarily in suburban Warrington. Proposals will be supported where they present an opportunity to widen the type, size and affordability of housing in sustainable locations well served by existing infrastructure making specific note of accommodation for the elderly and the infirm. The appeal proposals clearly comply with these objectives. However, the same comment as under **CS2** above of reduced weight equally applies.

5.10 Accordingly, the development of the appeal site for 1,200 dwellings fully accords with the strategy and related policies in respect of the need for development and its planned distribution in the Development Plan.

Environmental and Related Policies

5.11 The policies relating to environmental, traffic and other development management topics are also respected by the appeal proposals. These are listed in the SoCG:P. In summary,

- **CS4 – Overall Spatial Strategy** – This policy seeks to achieve sustainable transport development solutions, highlighting that people’s needs should be met locally (such as the school, local centre, leisure and recreational aspects of the development proposed) and the emphasis on strengthening the public transportation links between areas of deprivation (such as the area immediately to the south of the

appeal site) and the town centre (as proposed in the agreed bus mitigation strategy). As such the application has at its heart sustainable travel and public transport improvements and will meet relevant objectives of the policy. The layout and form of the development will discourage private vehicle trips wherever possible. There is no conflict with this policy.

- **Policy PV4** – This policy seeks to strengthen and protect the established town centre retail area and a full impact and sequential analysis ([CD APN12](#)) demonstrating the appropriateness of the proposed local centre forms part of this appeal (page 24 of the Committee Report at [Appendix 1](#)), together with an update note supplied to the Inspector March 2020 ([CD APN12/A](#)). There is no conflict with this policy.
- **Policy SN2** – This policy seeks to secure an appropriate amount of affordable housing. The application is policy compliant at 30%, including shared equity ownership and rented accommodation. This will be provided in a variety of unit sizes and styles. The market housing will be provided in a wide range of styles and sizes, by a number of housebuilders over the lifetime of the development. Therefore with the organic nature of the development mixed and inclusive neighbourhoods, blending existing and new properties, will be created. There is no conflict within this policy.
- **Policy SN7** – This policy seeks to enhance healthy lifestyles. A significant extension of the green network is proposed, including an extension from Peel Hall Park northwards through the site. Informal areas of open space continue alongside the motorway and through the development, and a new hub site of formal sports pitches is to be created. In this way a network of footpaths, cycleways, informal and formal recreational areas will be created. The major new sports hub to be created as part of the development gives new and existing residents access to modern sports pitches and changing facilities. There is no conflict with this policy.
- **Policy QE1** – Relates to securing low carbon developments. These matters will be considered at the building regulations and reserved matters stages and incorporated into the overall scheme, thus no conflict arises.
- **Policy QE3** – Relates to the protection and enhancement of the green network of public open spaces in the Borough. As set out above (Policy SN7) a significant extension of the green network is a central part of the development proposals and so no conflict arises.
- **Policy QE4** – Relates to flood risk. An FRA is included in support of the application and this confirms the site is located in the lowest flood risk area (see also page 22 of the Committee Report at [Appendix 2 and the SoCG:P](#)). There is no conflict with this policy.

- **Policy QE5** – Relates to biodiversity and geodiversity and seeks to protect and enhance sites of recognised value for nature. The only such site relevant to the appeal site is the adjoint LWS of Radley Plantation (P.87 and 169). The evidence of Ms. McKee demonstrates compliance with this policy.
- **Policy QE6** – This policy seeks to reduce conflicts such as traffic, noise, air quality (with specific reference to this appeal) arising from new developments. The application does not have an unacceptable adverse impact on the amenities of neighbouring properties or residents and the surrounding area, as set out in the ES accompanying the application. The concerns of the 2018 Inspector, with regard to the impact on the area to the south of the site, is dealt with in other evidence to this appeal and in my report CG10. The reserved matters applications will ensure detail layouts will respect the adjoining area in these regards. The traffic impacts are dealt with by Mr Tighe but if these must be read in the context of the “severe” test in NPPF. There is no conflict with this policy.
- **Policy QE7** – This is essentially a development design policy. The concerns of the 2018 Inspector with regard to this policy is dealt with in my report CG10. The requirements of this policy are able to be integrated into the reserved matters applications subsequent to the outline consent. There is no conflict with this policy.
- **Policy QE8** – Relates to the protection of heritage assets. No harm is caused to historic assets around the site.
- **Policy MP1** – Seeks to secure sustainable transport use in new developments. The development of this site achieves sustainable travel modes. There is no conflict with this policy.
- **Policy MP3** – Specific mention is made in this policy of creating pedestrian and cycle routes and links in areas of deprivation (such as the area adjacent to the appeal site) and the Health Impacts Report at CG9 demonstrates the advantages and benefits that this new provision will bring to the area. These are shown in principle at this outline stage and can be successfully integrated at the Reserved Matters stage. There is no conflict with this policy.
- **Policy MP4** – Seeks to secure public transport improvements. The appeal proposes significant public transport improvements on a phased basis over the life of the development. These will provide enhanced opportunity to use public transport and other sustainable means of movement. These are set out in the S106 Agreement. There is no conflict with this policy.
- **Policy MP7** – This policy requires the submission of sufficient assessment material with applications. This policy must be read in context of NPPF and its “severe” test. This is dealt with in the evidence of Mr Tighe.

- **Policy MP10** – Requires strategic development to be supported by transport, utility, social and environmental infrastructure. An appropriate package is provided for in the S106 for this scheme (see SoCG:P), as such there is no conflict with this policy.

5.12 Accordingly, subject to demonstrating that the development will not have unacceptable or severe impacts on the surrounding environment and its highway network, the proposals comply with the development management policies of the Development Plan.

5.13 As such,

- Those policies of the Development Plan that have full weight are supportive of the application proposals: there are no conflicts.
- The Development Plan contains no policies with regard to the site itself.
- The Development Plan has no housing requirement policies (as these have been quashed and do not form part of the plan), and
- The housing location policies that remain in the Plan are out of date by virtue of paragraph 11(d), on account of being based on the now quashed requirement figure, the lack of a 5 year supply of housing land in the Borough and the changed planning circumstances where significant releases of green field and green belt land are required to satisfy OAH needs. They carry significantly reduced weight as a result. The objective or vision of these policies however are not harmed or compromised by the application proposals in any event and compliance is achieved.

5.14 As such the application is in accordance with the Development Plan for Warrington as a whole and there are no meaningful policy conflicts to weigh against the proposals when undertaking the planning balance.

National Policy

5.15 The National Planning Policy Framework (February 2019) sets out national planning policy for consideration of the appeal proposals and is supplemented by the NPPG.

5.16 The Framework confirms the achievement of sustainable development as a central objective of the Government's aims (paragraph 7) and this has economic, social and environmental aspects (paragraph 8). NPPF states (paragraphs 12 and 47) that the Development Plan is the starting point for decision making (as 38(6)) and development that accords with an up to date local plan should be approved; and proposed development that conflicts should be refused, unless other material consideration indicate otherwise.

5.17 Paragraph 11 is of major importance in the decision-making process. It supports the grant of planning permission for sustainable development and states that:

“...decisions should apply a presumption in favour of sustainable development....this means....”:

- *c) approving development proposals that accord with an up to date Development Plan without delay; or*
- *d) where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless,*
- *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*

5.18 As set out above, the application is in accordance with the Development Plan taken as a whole and so the application should be approved (s. 38(6) of the 2004 Act). Further, it is agreed between the Council and the Appellants that the tilted balance is engaged by virtue of relevant policies of the Development Plan being out of date and the lack of a 5 year land supply.

5.19 Paragraph 59 relates to housing development and confirms the Governments objective “*of significantly boosting the supply of homes.....and that land is developed without unnecessary delay*” and paragraphs 59 and 67 set out the requirement to maintain 5 years’ worth of housing sites (plus an appropriate buffer) at all times.

5.20 The Council cannot demonstrate a 5 year supply of housing land as it has no housing requirement, but in any event, when set against the recently assessed OAN the current supply equates to only circa 3.79 years on an optimistic scenario basis as recorded in the SoCG:P. I submit an in-depth analysis of housing land supply at CG7. In essence, I regard the land supply position to be lower, in the region of 3.3/3.4 years.

5.21 Guidance regarding residential amenity is set out in Section 12 “*Achieving well-designed places*”, as one of the fundamental core principles of planning to be used to under-pin decision making. This stated general requirement is summarised in paragraph 127 which requires developments to “*function well and to add to the overall quality of the area*”, “*are visually attractive*”, “*are sympathetic to local character and history...while not preventing or discouraging appropriate innovation or change*”, “*establish or maintain a strong sense of place*”, “*optimise the potential of the site*” and “*create places that are safe, inclusive and accessible and which promote health and well-being*”. The appeal proposals will achieve these requirements.

- 5.22 The Framework sets out advice regarding landscape at Section 15, *“Conserving and enhancing the Natural Environment”* and this refers to national designations such as National Parks, The Broads and Areas of Outstanding Natural Beauty. No such areas are affected by the application proposals. There is no advice within the Framework relevant to sites which are not notated for landscape or ecological value or merit within local plans, such as the application site. The 2018 Inspector confirms at paragraph 13.86 that *“the appeal site is largely unremarkable in appearance and situation, and there was no suggestion that it met the Framework’s definition of a valued landscape”*. Paragraphs 174/175 relate to Biodiversity and the application is fully supported by relevant studies and recommendations in that regard.
- 5.23 Paragraph 94 relates to proposals which create, expand or alter schools, and urges Councils to *“take a proactive, positive and collaborative approach”* in that regard. The appeal proposals contain such aspects at both primary and secondary levels. The site for the new primary school is adjacent to the local centre and off site schools will receive investment.
- 5.24 Paragraphs 96 and 97 relate to outdoor space for recreation and sports, emphasising the importance of such spaces to local communities, and setting out guidance in relation to development on sites that currently contain sports pitches at paragraph 97. Part of the application site is currently used as playing fields, Mill Lane. This will be replaced on a like for like basis within the development site. Pre-application consultation with Sport England has taken place on this issue and Sport England have no objection in that regard. A significant improvement to Radley Common Recreation Ground is proposed as part of the scheme.
- 5.25 The proposals include a local retail and services centre, and as required by paragraph 89, an impact assessment demonstrates the lack of impact on other established centres. This will act as a focus for the development, providing a local scale food store, supporting retail, services, healthcare and other units, together with a family pub and restaurant.
- 5.26 The Framework generally encourages development proposals to be sustainable, and to present opportunities for sustainable travel patterns and for the greater use of public transport (Section 9). This is a central theme of the application transportation strategy.
- 5.27 Section 14 contains the Governments guidance regarding climate change, flooding and, of no relevance to this appeal, coastal change. It states, *“the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change”*. Overall development should be located in areas not regarded as vulnerable in flooding terms (paragraph 155). As confirmed by the FRA submitted with the application and the allocation of the site in the Proposed Submission Local Plan (paragraph 162) the appeal complies with this requirement. SUDs are required for all major schemes, paragraph 165, and these will be a feature in the flooding and drainage scheme to be submitted at the reserved matters stage. The building regulation process will ensure the relevant standards of energy use, and the reserved matters process will provide for the most efficient layout of development.

- 5.28 As agreed by ourselves and the Council in the SoCG:P, there are no policies in NPPF that point to refusal.

The Proposed Submission Local Plan

- 5.29 The Proposed Submission Local Plan for Warrington was published in March 2019 following approval at Executive Board on 11/4/19 (Appendix 6). This is intended to replace the current Core Strategy. As agreed in the SOCG:P since this Plan is at an early stage (not yet approved to be submitted for examination and with major outstanding objections to relevant parts of the plan) the advice in paragraphs 48 and 50 of the Framework indicate minimal weight should be attributed to the proposed policies of the Plan.
- 5.30 The Proposed Submission Plan focuses largely on providing a solution to meeting the increased housing needs for the Borough, largely through two routes,
- 5.30.1 The assumption that all the SHLAA / urban capacity sites are developed for housing within the Plan period (see paragraph 3.10 of the reports at Appendix 7), which includes Peel Hall as a proposed allocation for development similar to the appeal proposals under policy MD4: (Appendix 7); and
- 5.30.2 Large green field green belt releases to the south and west of Warrington together with further green belt releases in the outlying villages. The scale of these green belt releases are calculated with reference to the capacity of the urban area to provide maximum amounts of development.
- 5.31 The inevitable reliance on the SHLAA/ urban capacity sites coming forward for development (and the associated proposed allocation of Peel Hall) is a significant factor in the consideration of this appeal. The reliance of the Council on the release of green belt land to meet OAHN in the light of the very low land supply that exists in the borough at present, demonstrates the necessity of all sites within the built up area, such as Peel Hall, coming forward for development urgently.
- 5.32 Representations by numerous parties to this Plan have been made and in due course it will progress to submission (I understand this is to be considered further in Autumn 2020 with an examination date not yet set). The ability of large-scale green belt sites to contribute meaningful amounts of housing to the Plan period in the early years on these timescales is impossible, assuming, of course, they remain allocations in the Plan at adoption following the assessment of the high number of objections to the proposed releases. The need for major infrastructure required to support these developments will hold up meaningful housing delivery for a significant number of years following the adoption of any plan containing such allocations.
- 5.33 This underlines the importance of allowing development at Peel Hall to commence without delay. It is likely, based on current land supply, that the Council will run out of or be very close to a position of no available housing land prior to these sites coming on stream. The

position of a settlement of the importance of Warrington having no ongoing land supply is simply not a tenable position and sites must be released to mitigate this situation happening. This is a major factor in this appeal.

Land Supply Considerations

- 5.34 The position as recorded in the SoCG:P is as follows,
- 5.34.1 Land Supply: as set out in the report I submit at CG7 there is a serious shortfall in land supply in Warrington Borough when measured against the OAHN (estimated by the Council). The current supply based on the Council's figures is 3.7 years, and between 3.3 – 3.4 years based on sensible concerns that exist over the reliability of the Council's figures (but see paragraphs 3.35 / 3.36 below). Within SoCG:P it is agreed the supply is in the range of 3.33 – 3.7 years. In either case, the shortfall is serious and paragraph 11(d) of the Framework is fully engaged. The appeal proposals make a sizeable contribution to the Council's land supply, both in the 5-year period and over the plan period (see phasing details at Appendix 8).
- 5.34.2 Provision of Affordable Housing: as also set out in the report at CG7 the need for affordable housing in Warrington is 377 homes per annum. This level of need is not being met at present, and the shortfall in supply is severe as agreed in the SoCG:P. The appeal proposes 30% of the total housing proposed will be affordable (policy compliant).
- 5.35 The COVID-19 pandemic has caused and will cause further disruption in national and local housing supply. Construction sites were closed for a considerable length of time and sales halted. The submission and processing of housing applications and appeals has been delayed (as in this case).
- 5.36 This issue was the subject of an appeal decision in April 2020, and I attach the decision at Appendix 14. Here the Inspector considered the impact at paragraphs 109 – 111 and considered that the appellant's conclusions that the effects would be felt for a 3 – 6 month period did "*not seem unreasonable*". On this basis, a further reduction in the amount of housing coming forward was made in calculation land supply. I am of the view similar circumstances apply in this case, but due to the low number of years supply in any event, I do not make the mathematical reduction (and I note anecdotally that in a recent press announcement of the half year results Taylor Wimpey has indicated their house completions will be down 40% this year due to COVID-19).

SECTION 6 – MAIN CONCLUSIONS ON PLANNING POLICY CONTEXT

- 6.1 The appeal proposals are in conformity with the Development Plan taken as a whole.
- 6.2 The Plan has no housing requirement policies nor allocations.
- 6.3 The plan contains no policies specific to the appeal site, it is unconstrained within the suburban built-up area. The site is shown as a proposed housing allocation in the Proposed Submission Local Plan.
- 6.4 The locational housing policies remaining in the plan carry little weight as they are agreed to be out of date due to
- the passage of time since the adoption of the Plan,
 - the new planning context of increased assessed OAHN,
 - the urgent need to develop the SHLAA/ urban capacity sites, and
 - the inevitable release of green belt (let alone green field) land.
- 6.5 It is agreed the site is in a sustainable location and comprises a sustainable development.
- 6.7 There is a severe shortfall in the 5-year land supply when judged against OAHN for both market and affordable housing.
- 6.8 There are no policies contained in the Development Plan that point to the refusal of the appeal proposals. The refusal reasons are not in principle policy objections and rely on a lack of sufficient information in the application as submitted. These have now been addressed in relation to traffic, noise and air quality at this inquiry.
- 6.9 There are no policies in the Framework contravened by the appeal proposals. Therefore there are no harmful Framework impacts that have to be balanced against the benefits of the proposal.
- 6.10 As such the policy context strongly supports approval in this case and it is difficult to contemplate a policy reason why the appeal should not be allowed and planning permission granted for the appeal proposals.

SECTION 7 - THE LOCAL PLAN EVIDENCE BASE

- 7.1 The Pre-Submission Local Plan is supported by an evidence base published in 2019 (i.e. after the date of the December 2018 appeal refusal). Whilst, as agreed in the SoCG:P the policies of the emerging local plan have minimal weight, the evidence base should attract moderate weight in the consideration of this appeal.
- 7.2 There are certain documents within the evidence base I consider relevant in the consideration of this appeal because they give insight and background to the Council's approach to the Peel Hall site (I deal with the 2019 SHLAA at paragraph 4.2). These documents demonstrate
- the acceptability of housing on the site in principle,
 - the necessity that the site comes forward for development quickly,
 - the consequences for further green belt release if the site is not brought forward, and
 - the positive results of the SEA assessments regarding the allocation of the site.

Response to Representations Report (CD LP34)

- 7.3 This report summarises representations received to the earlier Preferred Development Options (2017) regarding the "*Wider Urban Area Development Proposals*" noting "*there were also a notable number of objections to proposals at Peel Hall*". The report makes clear that "*the spatial strategy which underpins the Proposed Submission Version Local Plan is based upon maximising development within the existing urban area as a priority before allowing green Belt release*". It confirms "*The urban area includes the Peel Hall site which has been allocated for residential use within the draft plan...*" It further confirms that the Council's development trajectory "*identifies that most sites within the urban area will come forward within the first 10 years of the plan period*".
- 7.4 Specifically with regard to Peel Hall the report counters the representations objecting to the Peel Hall development by saying "*both the Council and the Secretary of State accept the principle of residential development on the site, subject to highways and access issues being resolved*".

Site Assessment Proformas (CD LP37)

- 7.5 This document assesses various matters relating to potential development sites throughout the plan area, Peel Hall being reference R18/P2/083. It confirms the site area as 60ha, with the development assessed as 1,200 dwellings at an assumed density of 30dph. No constraints are listed but there is a comment under "*access*" stating that "*Radley Lane is the nearest road, there is no road access from the site*". This is a strange statement, as the allocation within the plan assumes access from Blackbrook Avenue in the east, Poplars

Avenue in the south and Birch Avenue to the west (see policy plan at [Appendix 7](#)). However Mr Tighe deals with access matters for this appeal in his evidence.

- 7.6 The SA assessment factors are recited (see paragraph 7.14 following) and confirms the land as suitable for development and available. Within the “*site comments*” section nothing is raised as a constraint or obstacle to development on the site.

Development Options and Site Assessment Technical Report (CD LP27)

- 7.7 This report assesses the appropriateness of the Council’s approach to the selection of the development option now put forward in the local plan. Paragraph 2.9 confirms the basis of the plan’s approach to site selection stating,

“In identifying land to meet the housing requirement, the Council has sought to maximise the capacity of the existing urban area to accommodate new development, in order to demonstrate all reasonable options have been identified for meeting Warrington’s development requirements before releasing green belt”.

- 7.8 At paragraph 2.14 the report confirms that the maximisation of urban capacity is a constant factor in the selection of development sites, stressing there being no viable option than to maximise this resource before extending into the green belt. It states specifically regarding the appeal site,

“the urban capacity includes around 1,200 homes at the Peel Hall site. This is a large green field site and is the largest single site within the urban area. Given the scale of the site, the need for on-site infrastructure and the potential impacts on the local and strategic road network, the draft local plan contains a specific allocation for the site”.....

- 7.9 The remainder of the report then focuses on the proposed green belt release sites.

Urban Capacity Assessment (CD LP52)

- 7.10 This document again confirms the plan strategy to “*maximise the capacity of the existing urban area to accommodate new development*” (paragraph 1.2) emphasising that “*the Council must demonstrate that all reasonable options have been identified for meeting our development requirements before proposing to release any land from the green belt*”. Paragraph 1.4 confirms that the March 2019 Urban Capacity Assessment “*has taken into account responses from the local community, elected representatives, developers and statutory consultees, as well as other relevant information*”. Obviously these responses included those submitted by both local residents and elected members who objected to the allocation of the appeal site as set out in the previous version of the new local plan (i.e. the allocation was proposed and approved by the Council in full knowledge of the range of objections being raised against the site).

- 7.11 Specifically, paragraph 2.1 states “*A large number of respondents also did not believe that the Peel Hall site should be included within the SHLAA.*”

- 7.12 The Council however, again in the knowledge of these objections, confirmed the suitability of the site for housing and retained Peel Hall within the 2019 SHLAA. Paragraph 3.7 in response to the 2018 planning refusal states,

“The Council reviewed the SHLAA assessment for the Peel Hall site following the recent appeal decision. As there is no agreed package of transport mitigation measures, the Council has reclassified the Peel Hall site from “deliverable” to “developable” in the SHLAA. The Council has not therefore included any completions from the site within its five-year land supply”.

- 7.13 The Housing trajectory splits the proposed housing sites into categories with Peel Hall being within the “wider urban area SHLAA Sites (0.25hs and above)”. These sites total 4,133 homes, meaning that Peel Hall represents more than 25% of the total number of houses expected from this important resource over the plan period. Again, the trajectory is very clear. With no development on Peel Hall further green belt land must be developed within the plan period. This would entail, by way of a comparison, another site only slightly smaller than the currently proposed South West Extension, or more than a doubling of the sites proposed for housing in the smaller settlements and villages in the Borough. The trajectory demonstrates that the dwellings anticipated from the appeal site represents almost 30% of the completions expected in the urban area of the Borough in years 6 – 10 and 77% of those completions in years 11 – 15.

The Sustainability Appraisal March 2019 (CD LP39)

- 7.14 The requirement for an SA Report is set out in the SEA Regulations. The Appraisal considers the proposed strategy of the local plan and assesses that against reasonable alternative strategies and sites.

- 7.15 The SA supports the level of housing required in the new plan and states at paragraph 4.3.14,

“The findings demonstrate that the lower growth scenario could have negative effects on housing and economic growth, and this translates into lower overall benefits in terms of regeneration, health and wellbeing and the potential for infrastructure improvements”

- 7.16 The SA also supports the strategic spatial strategy of the plan and the selected broad locations for growth (including Peel Hall) stating at paragraph 4.4.18,

“The SA is broadly supportive of the preferred approach...”

- 7.17 The SA records however at paragraph 4.4.11 that one drawback of the proposed strategy is the relative lack of housing in the early years of the plan, and emphasises the importance of continued development in the urban area,

“The one area where Option 1 does not perform as well as the others is in respect of providing early housing delivery. The Council recognises that housing delivery from

these sites is unlikely within the early years of the local plan period, given the lead in times for required infrastructure to support the two urban extensions. However, incremental growth in the outlying settlements, and continued development within the urban area itself will help to ensure that housing supply is maintained in the short term”.

- 7.18 Thus the importance of continued housing delivery within the urban area (on sites such as Peel Hall) is a key message arising from the local plan SA.
- 7.19 Peel Hall being developed for 1,200 homes in a form similar to the appeal scheme is a constant in all the development scenarios tested in the ES. Put quite simply there is no reasonable alternative. It is important to note that if for some reason Peel Hall was not to come forward for housing as now proposed, then more green belt land would have to be released to make up the shortfall (see paragraphs 4.2.15/16).

Summary

- 7.20 It is clear from the above that Peel Hall is regarded as an important, integral component of the land supply of Warrington that will assist in maintaining an orderly 5-year land supply in the Borough and safeguard green belt land from development.

SECTION 8 – THIRD PARTY/ RULE 6 REPRESENTATIONS

- 8.1 Third party (mostly local residents) representations have been submitted to the application, the 2018 and this inquiry. As set out on page 16 of the Officers Report (Appendix 1) the majority of those submitted to the application were on standard forms, submitted via the Warrington North Labour Party (including some duplicates). The representations to the 2018 inquiry are at CD APP12 and to this inquiry at CD APP22.
- 8.2 The Save Peel Hall Campaign Group are a Rule 6 party to this appeal.
- 8.3 The third-party objections / representations to both the appeal and the application can be summarised as follows, with my commentary following each point.
- i No need for the additional housing - This ignores the OAHN evidence produced by and being worked to by the Council and as evidenced in the latest Council documents forming the evidence base for the replacement local plan, and my CG7. The SoCG:P sets out the housing land supply position based on current methodology,
 - ii Loss of open space - The site is not protected for open space purposes in the Development Plan. Mill Lane planning fields will be replaced and upgraded as part of the proposals and Radley Common Recreation Ground will remain in open recreational use. Public access is limited to these two open areas and the PRoW that runs along Radley Lane / Peel Cottage Lane, then south of Peel Hall Kennels to the motorway bridge. As part of the appeal scheme large amounts of publicly accessible open space will be created for use by existing and new residents to enjoy. The Health Impacts Report CG9 sets out clearly the overall significant improvements gained for personal mental and physical health as a result of the new open spaces created by this appeal scheme,
 - iv Loss of the Mill Lane Playing pitches and lack of open space generally - these are to be replaced at a better standard in the Open Space Playing Pitch Hub proposed and there is no objection from Sport England in this regard. Furthermore, the residents at Mill Lane will benefit from the areas of open space to be created running south of the motorway, the central open space spine and the new landscaped setting of Radley Lane / Peel Cottage Lane. Again, the Health Impacts Report CG9 is relevant in this regard,
 - v Conservation / ecology - the Council take no ecological objection (this is dealt with by Mr Ryding and Ms. McKee),
 - vi Archaeological finds - a comprehensive survey has been undertaken and the Council and their advisors agree there is no harm in that regard,
 - vii Air Quality – the Council agree there is no significant impact in this regard (dealt with by Ms Goodall),

- viii Noise disturbance – the Council agree there is no significant impact in this regard (dealt with by Mr Wilson),
- iii Highways / traffic – the Council agree all but a short list of highways issues (dealt with by Mr Tighe),
- ix Drainage / flood risk - the Council and the statutory agencies responsible for these aspects have considered the Flood Risk Assessment and have no concerns in this regard. This is agreed in the SoCG:P. We have been informed there have been localised instances of flooding at Peel Hall kennels (in the cellar) but understand this to be an isolated and localised issue and will not be exacerbated by the development proposals,
- x Lack of school places - the proposed primary school site and the proposed expansion of Meadowside Primary, Padgate Academy and the Collegiate Academy schools will ensure no strain on local schools is created by this development. This is agreed in the SoCG:P. This is set out in the agreed S106,
- xi Health service matters will be overloaded - the S106 contribution will assist in providing the additional health services required for this development if it is considered to be a legal requirement in the absence of relevant scheme details. If as I consider, the matter is considered to fail the Reg. 122 tests (for the reasons I set out at paragraph 9.12 following) then the matter of health care services becomes a general population growth/ local plan issue for the health services and Council to solve over the next years in an incremental fashion.

8.4 I note none of these concerns (with the exception of Highways) are endorsed or expanded upon by the officers in the committee reports of February 2017 or July 2020 (Appendix 1 and 3) nor in the Council's Advance Statement of Case.

8.5 The in principle objections are noted but in the light of the policy position are of little planning merit or weight. Furthermore, it is clear that the technical evidence, together with the original ES and ES Addendum 1 and 2 for this appeal ensures the impacts foreseen by residents will not arise from the development proposed.

8.6 The Rule 6 Party in their SoC set out the following additional main areas of concern,

- i. Effect on the character of the area – this concern is based on increased noise levels, shown by Mr Wilson's evidence to be well within acceptable limits. My report CG10 sets out a comprehensive assessment of possible areas of impact on character including noise. This concludes there are no justifiable concerns in this regard.
- ii. Public consultation – prior to the submission of the application a full and inclusive consultation exercise was undertaken with local residents and in the wider Warrington area. This was in the form of drop in events and written feedback (both in person and

online). A report was submitted with the application setting out all representations and views expressed by all those who chose to express their opinions (CD APN 22). This was followed by the consultation undertaken by the Council during the consideration of the application (including oral presentations to the planning committee) and the consultations on this appeal in 2017 and 2020. The DCM committee 1 July 2020 also received comments and representations from the public and local residents. Residents also appeared in person at the 2018 inquiry to express their views and no doubt residents will choose to do so at this inquiry. The ongoing local plan review consultation process being run by the Council is also relevant. This plan allocates the site for development as proposed in this appeal, and residents and local Councillors have expressed their views to the Council during this period. The Council is the service provider for services such as roads, schools, open space, sports areas and other day to day services. I note that despite these representations the Council continues to propose the allocation of the site for sound planning reasons,

- iii. The Boarding Kennels – there is specific reference to the boarding kennels and this issue is dealt with by Mr Wilson in his Evidence and in the Noise SoCG. There will be no impact on the continued business at this location from a noise perspective,
- iv. Green infrastructure – Reference is made to the Mersey Forest initiative to plant more trees in the general area. The open spaces to be created at Peel Hall provide an excellent opportunity for such planting and I am sure liaison with this body will take place at the reserved matters stage,
- v. Physiological and physical wellbeing – The Heath Impacts Report CG9 addresses these issues and concerns and concludes that the development scheme provides significant enhancement over the current situation,
- vi. Density – There are references within the SoC to the proposals being too low density for the site, and by inference higher density would be preferred. The proposals are predicated on an approximate net density of 30 dwellings per hectare (13 dwellings per acre), on a range of 1 and 2 bedroomed apartments and 2-5 bedroomed houses. The precise urban form and density of each phase is for reserved matters applications. It should be remembered of course, that the site is located in suburban Warrington, not the town centre, and adjacent to predominantly 2 storey traditional form housing at Cinnamon Brow, Houghton Green, Birch Avenue and Poplars Avenue. There is no prescribed density in the application, save for the maximum limit of 1,200 homes on the whole site, and the reserved matters stage is the time for the Council and its elected Councillors (who represent the local residents) to consider what is an appropriate density for individual phases. In my view the density proposed is fully compatible with the surrounding area and will create a varied and dynamic development.

vii. Housing Requirement – I set out at paragraphs 5.35 / 5.36 my consideration of the COVID19 virus on land supply, it has reduced and slowed the delivery of the supply of housing. There are no circumstances in my view where the impact of COVID-19 has been to reduce the demand or need for housing.

8.7 Again I note none of these concerns, again with the exception of Highways, are endorsed or expanded upon by the Officers of the Council in their Committee Report of July 2020 ([Appendix 3](#)).

Complaints to the Owners

8.8 Over the years I have been responsible for the site numerous complaints have been raised by local residents and politicians regarding antisocial behaviour, trespass and other matters on the Peel Hall site. The owners have always engaged with the complainants and sought to deter such occurrences either with on site clearance / remediation works, increased fencing and site security or by involving the local police. I attach a plan at [Appendix 9](#) that sets out the major instances on the site. The main cause of the complaints is illegal access/ trespass for the purposes of illegal activity. The development of the site will create public spaces with natural surveillance by residents and other users of the space, thereby removing this source of local anxiety and nuisance. This is a topic considered in the Heath Impacts Report [CG9](#).

SECTION 9 – THE MAIN ISSUES IN THIS APPEAL

- 9.1 The original refusal reasons in this case relate to lack of information, on highways and S106 grounds.
- 9.2 As a result of the outstanding information being provided and the S106 which provides for the Council's requirements for social infrastructure associated with this development the ground of resistance by the Council have now been modified to relate to specific highways grounds only ([Appendix 3](#)). I have requested the Council specify the remaining modified Refusal Reason, but at the time of writing this proof this has not been forthcoming ([Appendix 10](#)).

Highways and Transport

- 9.3 The highways matters are set out by Mr Tighe in his Proof of Evidence. In short, the proposals create no unacceptable harmful impacts to the surrounding road network once regard is paid to the improvements set out by Mr Tighe. Furthermore, sustainable modes of transport are encouraged through this development.
- 9.4 As such there is no reason why planning permission should not be granted on highways grounds.

S106

- 9.5 I understand from the Council that the S106 will be in an agreed form for the inquiry, however at the time of writing this proof we are yet to receive final confirmation from the lawyers to the Council on this. This deals with matters as required by this development.
- 9.6 I set out below a commentary on the main matters in the draft S106 for explanation.
- 9.7 Affordable Housing: The proposals will provide up to 360 affordable homes, in different tenures to be agreed at the detail stage. This is agreed as acceptable to the Council in the SoCG:P and is incorporated within the S106.
- 9.8 In addition to on site provision, there is an ability, by agreement of the parties, to provide up to 100 of these units on a site away from north Warrington, in the town centre so the application can, if deemed appropriate, assist the central area of Warrington with housing needs which cannot be assisted by provision at the Peel Hall site. In this way the benefits of the policy compliant affordable housing offer for his site can be extended to other parts of the town. The site proposed in the Town Centre is under the control of the Appellant and is where housing provision of a different nature to that required at Peel Hall can be provided (see [Appendix 11](#)). The 2018 Inspector supported this degree of flexibility.
- 9.9 Education: This appeal proposal contributes to both primary and secondary education as follows,

- 9.9.1 Primary School – land is reserved on the Master Plan for a single form entry school to be transferred to the Council, plus SPD contributions to provide primary school places in the area or to assist with the construction of the school. This is set out and agreed in the S106 (in effect a newly created 1.5 form entry school). The nominated existing school to be considered for expansion is Meadowside Primary School.
- 9.9.2 There has been interest expressed by a number of Free School Trusts to develop a school on the site (see paragraph 2.4 above) and at Appendix 15. This would be developed at no cost to the Council, DfE financing the development of the Free School and the land can be leased to the Free School. Local schools can be expanded with the additional monies the SPD contribution will provide.
- 9.9.3 Secondary Education – is to be directed to improving and expanding nearby schools, Padgate Academy and Collegiate Academy (Appendix 15). These schools are run by an Academy Trust, outside the control of the Council, who plans to expand either one or both these schools over the lifetime of the development. This will enable wider benefits for the quality and range of secondary school education in North Warrington, a significant benefit to the proposals.
- 9.9.4 The S106 ensures this expansion will take place. If for whatever reason the schools decide not to expand the S106 provides for SPD contributions to be paid to the Council.
- 9.10 Sports Provision: The appeal proposals bring forward significant improvements in the number and standard of playing pitches in north Warrington. The Illustrative Plan CG6 demonstrates the quantity, maximum number and layout of pitches that can be achieved. This is agreed with the officers at Warrington Borough Council and the mechanism to achieve the desired mix of pitches and facilities is set out in the S106. The final mix of pitches to be secured at the Reserved Matters stage will be informed by the Warrington Playing Pitch Strategy Action Plan, as requested by Livewire, the Council’s sports and recreation service provider. The creation of the Open Space Sports Pitch Hub in the south of the site will be a major benefit to the residents of north Warrington.

Full size pitch	3
9 v 9 pitch	1
7 v 7	1
Changing	4 teams
Parking	100 spaces
Community Building	1

- 9.11 Open Space: The appeal proposals bring forward significant areas of public open space, on a site that is private with very limited public access at present. I attach a report at CG10 setting out the health benefits of the scheme, associated with the provision of open space this appeal scheme brings for the current and future residents of this part of north Warrington.
- 9.12 Healthcare Facilities: The S106 sets out an agreed contribution towards health care improvements to improve local facilities. The Council propose this by means of a proposal to move 2 local GP practices into one building. With this contribution the Council are confident sufficient GP and other healthcare facilities can be provided for the residents of the site. The Council agree that other facilities such as dentist and so on can be accessed without contribution.
- 9.13 The proposals for the creation of these new premises are, however, vague and not finalised. There is no costed plan or funding stream identified. Updated information has been requested but no detail has been provided at the time of writing this proof beyond that submitted to the 2018 inquiry.
- 9.14 The 2018 Inspector deals with this issue at paragraph 12.47 – 12.53 (CD OD15). In 2018 the Inspector considered the evidence to show a *“clear, active strategy in place to address the need arising from the proposed development and, in my judgement, the obligation can be regarded as being directly related to the development”*. However, there is no evidence that the strategy has been moved on from the 2018 position, despite the 2 years that have elapsed and the allocation of the site in the local plan. This lack of progress demonstrates there is no *“clear, active strategy in place to address the need arising from the proposed development”*.
- 9.15 As such, the proposed contribution should be regarded as failing the requirements of Regulation 122: there has been no evidence to demonstrate how the contribution to this vague proposal can be regarded as directly related to the development proposed. Nor can the scale or kind of the proposed healthcare scheme be considered with certainty as being fairly and reasonably related to the development. This issue was the subject of consideration in an appeal decision (Appendix 12) paragraphs 27 - 31) where it was held that the lack of a definite, costed, known plan to improve the provision of healthcare facilities failed these tests.
- 9.16 Besides the S106 there are other matters that have to be defined so the scheme is able to provide in a meaningful way for its residents. I describe these in the following paragraphs.
- 9.17 Local Centre: The proposed retail centre lies in the south of the site linked via footpaths and cycleway to the rest of the site. It lies within easy reach of the existing built up area.
- 9.18 The provision of modern and up to date convenience shopping in the Peel Hall area will be of major benefit to the existing residents. All existing food stores are small and old, without

the attractions of sustainable footpath routes and easy car parking for those less mobile. This is a benefit to the range and quality of the retail offer in the area.

- 9.19 As set out in the impact assessment and the update supplied to the Inspector, the proposed new local centre has no harmful effect on current provision and will add variety and choice to the current offer. The range of shops and their sizes will be controlled via planning condition on the approval sought.
- 9.20 Housing Delivery: Peel Hall makes a valuable and significant contribution to the supply of housing for market and affordable tenures in Warrington over the life of the proposed local plan. The supply of adequate housing has a real impact on the quality of people's lives, both for market and affordable housing. It is significant that the provision of affordable housing depends very largely on the supply of market housing to support and cross subsidise its provision. Without Peel Hall it is unlikely that this amount of affordable housing would ever be provided in north Warrington.
- 9.21 Nursing Home: The proposals seek permission for a 60-bed nursing home on the site, to cater for the growing demand for residential care for the elderly. The size of the home is regulated by condition and its location is set out on the master plans, in the southern part of the site, close to the current community of north Warrington, where I am sure a number of its early residents will already live. I attach a letter from commercial agents setting out interest at Appendix 13.

Summary

- 9.22 The application proposals, regulated by means of the Parameters plan, planning conditions and the S106 will create a sustainable and vibrant community on the Peel Hall site. The various elements of the scheme will interact and provide genuine options for residents to shop, use local facilities and enjoy a sustainable lifestyle.

SECTION 10 – IMPLEMENTATION

- 10.1 The Appellant is not a housebuilder; they own the land and will deal with the construction industry to bring forward the scheme in its constituent parts. This is the way the wider group has brought forward other schemes of a similar size in the recent past and are doing so in the north east region currently. On that site for 950 homes, detailed consent was granted for the first phase in 2014, and the enabling highway and infrastructure works, together with first phase of housing began in 2015. The first phase included a new build 750 pupil Secondary Free School which is now open to students. The first phase of housing (80 units) is now completed and occupied with a second phase (60 units) nearing completion (part occupied). A Reserved Matters for the third phase of residential is expected to be submitted shortly (currently delayed due to COVID19 situation).
- 10.2 The process at Peel Hall will be that Satnam in consultation with Homes England and the Council will prepare and submit the various overall plans and strategies required for open space, drainage and phasing, to set the structure for the development as a whole, whilst marketing the initial phases for sale to housebuilders, who would then develop the associated infrastructure and housing on individual parcels. I would anticipate because Warrington is a buoyant housing market, phases of 200 - 250 houses would be able to be sold on the basis of 1 such parcel every year or so, so a number of different housebuilders would be competing on this site. The access strategy involving a number of access points into the site will enable multiple sites of varying character to be developed.
- 10.3 Homes England intend to bring forward their land to the market in their usual way following outline planning approval being granted and the various site wide strategies approved. Funds from Homes England may be used to provide upfront infrastructure but no firm decision on this has yet been made. Homes England have agreed their land is available for such access. Commercial discussions regarding the access right are progressing.
- 10.4 As done elsewhere, Satnam would transfer the open space areas to a management company who then assumes the responsibility for the open space long term maintenance once the parcels are laid out by the housebuilders concerned. Each property on the development will pay an annual fee to the management company to fund the maintenance works. Access roads will be adopted by the Council as public highways. Footpath routes will be marked and maintained throughout the open space areas by the management company.
- 10.5 The local centre and Nursing Home may well be constructed by Satnam, and either leased or sold individually to occupiers following construction.
- 10.6 In this way a coordinated and orderly development of the site can be achieved, with a unified design and quality running through the various phases and developments.
- 10.7 The scheme is large and has a number of access points, enabling a number of housing and development starts to be made simultaneously.

- 10.8 This will enable a rapid delivery and build out, essential to sustain local housing market demand and to ensure the build out of the site at a pace that meets local expectations and requirements.
- 10.9 Because Satnam will remain in charge of the development process, the delivery of the various component parts, such as local centre, school and other essential matters, can be easily enforced and monitored via the S106 and subsequent phasing plan.
- 10.10 I see no reasons at this stage why this site, with a planning permission, would not be brought forward quickly and effectively to the housing market.

SECTION 11 – THE PLANNING BALANCE

- 11.1 As agreed with the Council paragraph 11(d) of the Framework is engaged (the “*tilted balance*”) which requires granting permission subject to the tests set out at i and ii.
- 11.2 The first test requires consideration of “*the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*”. There is agreement with the Council there are no other policies contained in the Framework that protect areas or assets of particular importance that are relevant to this appeal. This test is passed.
- 11.3 The second test requires consideration of “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*”.
- 11.4 This test involves an assessment of the adverse impacts against the benefits the proposal would bring. I set this out below,
- 11.4.1 **Adverse Impacts:** as set out by myself and other witnesses for the Appellant, there are no significant or demonstrable adverse impacts created by the appeal scheme. The area to the south will become busier with more activity, but this does not equate to significant or severe harm.
- 11.4.2 **Benefits:** include the following (with my assessment of the weight to be associated with those benefits in brackets),
- a. The provision of market housing in an area which has less than 5 years supply (significant weight).
 - b. The provision of affordable housing in an area which has under delivered affordable housing over the last decade (significant weight).
 - c. The provision of a new sports pitch hub (significant weight).
 - d. The provision of large areas of open space for formal and informal recreation (significant weight).
 - e. The provision of additional and enhanced bus services in the local area (moderate weight).
 - f. The provision of new and up to date shopping and other facilities in an area where there is a lack of such outlets (moderate weight).
 - g. The provision of landscape and transportation improvements in the area to the south of Poplars Avenue (moderate weight).
 - h. The provision of an extension to the 20mph speed limit area in Poplars Avenue (moderate weight).

- i. The provision of off-street parking for residents of Birch Avenue (moderate weight).
 - j. The creation of ecological enhancements in the area (moderate weight).
 - k. The economic benefits of the proposal (moderate weight).
 - l. The provision of new and improved school facilities (limited weight).
 - m. The removal of site conditions that presently attract unneighbourly and antisocial behaviour (limited weight).
- 11.5 The balancing of the lack of significant or adverse harm, the compliance with the Development Plan as a whole and the substantial combined weight of the benefits arising from the proposals, demonstrate in my view that planning permission should be granted.

SECTION 12 – SUMMARY AND CONCLUSIONS

- 12.1 Within this proof of evidence I have established the Peel Hall site,
- Is one of the few remaining undeveloped New Town Plan housing allocations, and
 - Has remained throughout the period since as a suitable and recognised housing site, recently confirmed in the 2019 SHLAA as a suitable, viable and available housing site and allocated for housing in the Proposed Submission Local Plan.
- 12.2 The officer's report confirms the site is an appropriate housing site in principle and should be regarded as a sustainable urban extension. The Officers' Report further confirms the sustainable nature of the site, and the ability of the proposals to provide transformational benefits to an area of noted deprivation. The Officers Report 1 July 2020 confirms there are no remaining reasons for refusal save for limited highway grounds.
- 12.3 The evidence base for the replacement local plan clearly sets out the appropriateness of development on this site as currently proposed.
- 12.4 It is agreed with the Council there are no site-specific objections to the proposal by virtue of landscape, drainage, noise, air quality, ecology, archaeological or site layout matters.
- 12.5 The Development Plan is the Warrington Core Strategy, as partially quashed. This plan contains no relevant housing requirement nor allocation policies. The appeal proposals are in conformity with the remaining locational policies of the plan.
- 12.6 The plan has no constraints relating to the site itself, being white land not allocated for any use nor protected for any purpose in the plan. It is confirmed to lie within the suburban area, not within the countryside or in the green belt.
- 12.7 Warrington is not able to demonstrate a 5-year supply of housing land as there is no housing requirement policy figure in the plan following the quashing of the housing sections of the plan. At best when measured against the emerging OHAN the supply is 3.79 years, at worst it is 3.3, including Peel Hall (without making necessary allowances for the impact of COVID-19 on the supply of new permissions and construction). In terms of affordable housing, the supply is woefully short of the required amounts on an annual or cumulative basis. The supply shortfall is acute in both market and affordable housing supply.
- 12.8 This scale of shortfall is not able to be remedied in the foreseeable future, the replacement local plan being at least 1.5 to 2 years away from adoption. Even if the major green belt sites proposed in this plan remain in the final plan, it will be at least 5 years before meaningful completions are expected from these sites, even assuming major infrastructure items required to support these sites are approved and funded. Warrington faces a real prospect of running out of housing land in the meantime unless Peel Hall is released as now proposed.

- 12.9 In policy terms it is agreed with the Council that paragraph 11(d) is engaged in this appeal. It is contended that any adverse impacts of the development do not outweigh the substantial benefits, let alone are they severe, significant or demonstrable impacts.
- 12.10 The continued resistance of this appeal by the Council is now limited to narrow highways grounds, all other matters being agreed. Mr Tighe sets out why in highways and transportation terms the appeal should be allowed.
- 12.11 The S106 will regulate the development in matters including affordable housing, education, health and recreation and open space matters.
- 12.12 The concerns raised by the 2018 Inspector regarding air quality are now overcome in the SoCG on that issue.
- 12.13 The concerns raised by the 2018 Inspector regarding the harmful possible impact of the development on the area to the south of the appeal site have been addressed in evidence to this appeal. This evidence demonstrates there are no unacceptable or severe harmful impacts that will arise.
- 12.14 Taken together, the proposals for Peel Hall (supported by the various application / appeal reports and S106) will create a sustainable and liveable urban extension, which will invigorate this part of north Warrington, an area of deprivation and need.
- 12.15 I urge the Inspector to recommend to the Secretary of State to allow this appeal.

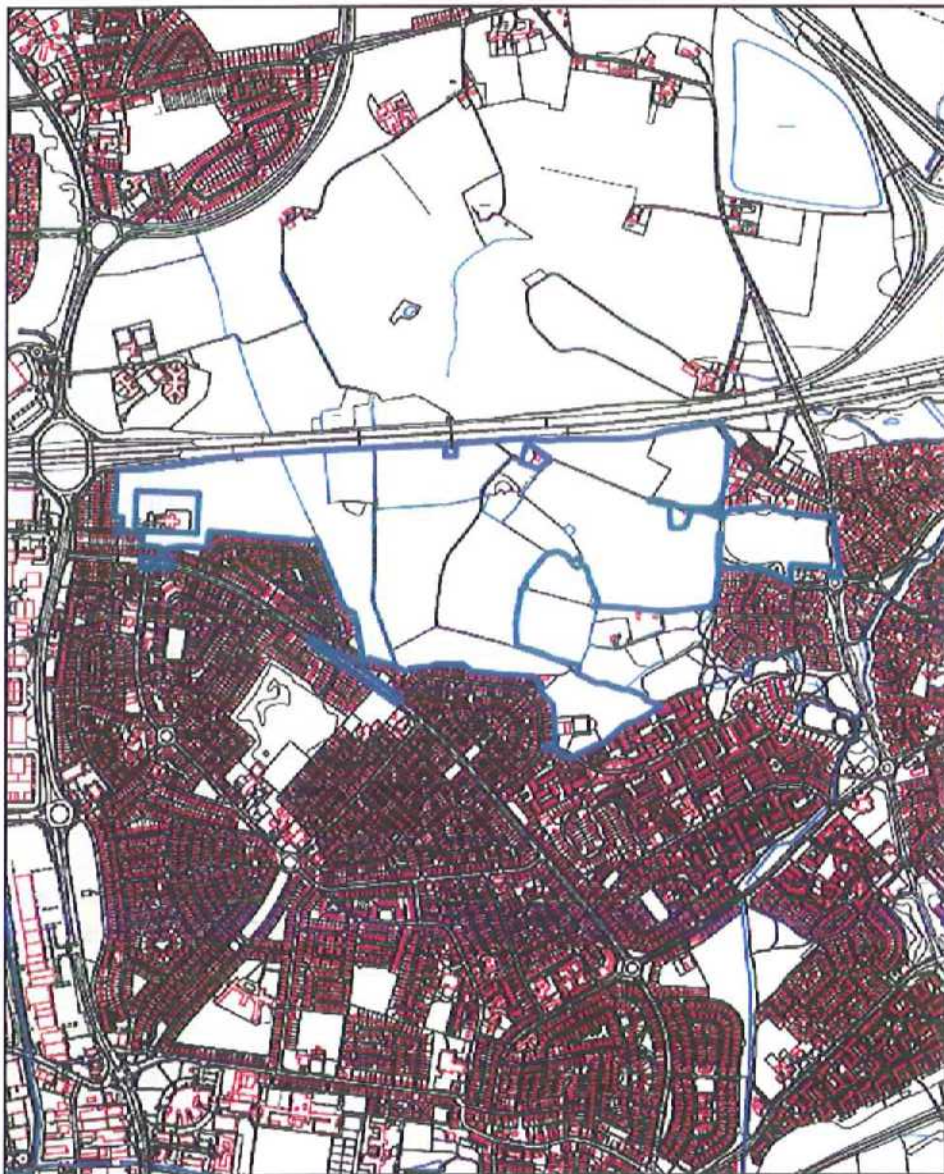
DEVELOPMENT MANAGEMENT COMMITTEE



Thursday 23rd February 2017

Start 18:30

<u>Item</u>	<u>Page</u>	<u>App number</u>	<u>App Location/Description</u>	<u>Recommendation</u>
1	2	2016/28492	<p>Land at Peel Hall; Land South of M62 bounded by, Elm Road; Birch Avenue; Poplars Avenue; Newhaven Road; Windermere Avenue, Grasmere Avenue; Merewood Close, Osprey Close Lockerbie Close, Ballater Drive and Mill Lane, Poplars & Hulme, Warrington</p> <p>Major Development: Outline planning application for a new mixed use neighbourhood comprising residential institution (residential care home - Use Class C2); up to 1200 dwelling houses and apartments (Use Class C3); local centre including food store up to 2000 square metres (Use Class A1); financial & professional services; restaurants and cafes; drinking establishments; hot food takeaways (Use Classes A2-A5 inclusive); units within Use Class D1 (non-residential institution) of up to 600 sq m total with no single unit of more than 200 sq m; and family restaurant/ pub of up to 800 sq m (Use Classes A3/A4); employment uses (research; assembly and light manufacturing - Use Class B1); primary school; open space including sports pitches with ancillary facilities; means of access (including the demolition of 344; 346; 348; 458 and 460 Poplars Avenue) and supporting infrastructure. (All detailed matters other than access reserved for subsequent approval.) (Application is accompanied by an Environmental Impact Assessment)</p>	Refuse

2	52	2016/28807	Land Bounded By Pewterspear Green Road, Ashford Drive, Stretton, Warrington Outline Application (Major) - Outline planning application for up to 180 residential dwellings (access only - all detailed matters are reserved for subsequent approval).	Approve
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<p>WARRINGTON Borough Council</p> 	<p>Warrington Borough Council Planning Department</p>  <p>2016/25492 DMC Thursday 23rd February 2017</p> <p>© Crown copyright. Warrington BC 100022843</p>
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DEVELOPMENT CONTROL COMMITTEE DATE 23rd February 2017

ITEM 1

Application Number:	2016/28492
Location:	Land at Peel Hall; Land South of M62 bounded by, Elm Road: Birch Avenue; Poplars Avenue; Newhaven Road; Windermere Avenue, Grasmere Avenue; Merewood Close, Osprey Close Lockerbie Close, Ballater Drive and Mill Lane, Poplars & Hulme, Warrington
Ward:	Poplars and Hulme, Poulton North
Development	Major Development: Outline planning application for a new mixed use neighbourhood comprising residential institution (residential care home - Use Class C2); up to 1200 dwelling houses and apartments (Use Class C3); local centre including food store up to 2000 square metres (Use Class A1); financial & professional services; restaurants and cafes; drinking establishments; hot food takeaways (Use Classes A2-A5 inclusive); units within Use Class D1 (non residential institution) of up to 600 sq m total with no single unit of more than 200 sq m; and family restaurant/ pub of up to 800 sq m (Use Classes A3/A4); employment uses (research; assembly and light manufacturing - Use Class B1); primary school; open space including sports pitches with ancillary facilities; means of access (including the demolition of 344; 346; 348; 458 and 460 Poplars Avenue) and supporting infrastructure. (All detailed matters other than access reserved for subsequent approval.) (Application is accompanied by an Environmental Impact Assessment).
Date Registered:	15-Aug-2016
Applicant:	Satnam Millennium Ltd
8/13/16 Week Expiry Date:	04-Dec-2016

Executive Summary

The proposal is an outline application for up to 1,200 new homes together with a new neighbourhood comprising the mix of uses set out in the full description of development above.



Extract from submitted illustrative Masterplan, showing areas proposed for residential and other development

In principle, the proposal is undoubtedly capable of bringing significant potential benefits as a sustainable “urban extension” to the northern edge of Warrington, without intruding into Green Belt. It is therefore important to consider the application on its own merits and in the wider context in order to ensure that a truly sustainable balance of new homes, jobs, local services and supporting social and other infrastructure could potentially be delivered. It is considered that the application could potentially make a valuable contribution in these regards, and proposes the following:

- The delivery of up to 1,200 new homes, including a minimum of 30 per cent of site capacity to be affordable housing, to include Starter Homes; discount purchase and rented accommodation
- A new local centre, including a food store, eateries and services to serve the new homes as well as adding to choice and availability for existing residents across north Warrington;
- The delivery of local highway improvements aimed at mitigating the new vehicular trips generated by the development and to improve the wider local highway network in north Warrington
- A travel plan bus pass system for new residents and cycle voucher scheme
- The reservation of a suitable site for a new primary school adjacent to the proposed local centre shown on the submitted Masterplan, or a financial contribution to the expansion and improvement or other

primary schools in the area, or a combination of both

- The provision of a new 100 bedroom care home for the elderly
- The replacement of the existing playing fields (ie the Homes and Communities land at Blackbrook Avenue) on a like-for-like basis elsewhere within the development site
- The laying out of new playing fields on the Council's land at Windermere Avenue prior to the closure of the Mill Lane playing fields
- The landforming and planting of a substantial lands cape buffer to the northern edge of the site, alongside the M62, with public access

Members will be aware that - in the absence of a confirmed housing target figure for the Borough or a demonstrable five year housing land supply, the National Planning Policy Framework (NPPF) makes it clear that there should be a presumption in favour of sustainable development.

The proposal is considered to be a sustainable urban extension, albeit onto "greenfield" land, which would bring investment, new housing and other new activity and facilities into an area bounded by parts of Warrington which are among the 10, 20 and 30 per cent most deprived in England.

No development is proposed within the confines of the existing Peel Hall Park area.

By reason of the scale and range of the proposals, the scheme clearly has the potential to deliver substantial transformational benefits. The proposal reinforces the evidence that Warrington is capable of attracting large scale new mixed use development, and is a desirable location of choice for land developers, businesses and for those wishing to base themselves in Warrington, as new or re-locating residents.

The potential impact of the proposal obviously includes that of access and impacts on the existing road and transport infrastructure. Assessment of these impacts has been the subject of detailed work and review by the applicant and by the Council's teams. Following work by both parties to assess and to formulate potential mitigation measures to support the scheme with new or improved infrastructure and/ or other transport-related measures since before the submission of the application, such mitigation has not been finalised or agreed. In these regards, it is considered that insufficient information has been submitted to enable the local planning authority to confirm that the potential impacts of the proposed development on the transport network would not be severe - should the full development proceed. In the absence of adequate information to accurately forecast potential impact, it is not considered possible to design and deliver suitable mitigation. The insufficiency of such information also does not make it possible to accurately model the impacts on air quality or road noise. In the absence of the known financial costs of mitigation, it is not clear either whether the proposed development could be reasonably expected to bear the costs of delivering the range of other measures required by the Council's Planning Obligations SPD, as set out in this report. Nonetheless, the range of "social infrastructure" requirements expected by Core Strategy policies and by the adopted Planning Obligations SPD – namely schools places, health care and

sport and recreation provision - are not considered to have been met. Failure to provide such contributions are considered to detract from the overall sustainability of the scheme, in conflict with the thrust of the National Planning Policy Framework, and in particular paragraphs 7 (second bullet point) and 8. The refusal of planning permission is recommended in the light of this, as it is considered that without known and agreed mitigation, the potential benefits of granting permission would be significantly and demonstrably outweighed by the negative effects of the likely impacts.

Human Rights

The courts have held that in planning matters - as there are inherent measures to protect an individual's interests - it is unlikely that a planning decision will result in such an impact that the harm caused is disproportionate to the goal to be achieved. This application should be considered in the light of the provisions of the Human Rights Act 1998. Under Article 6, the applicants [and those third parties, including local residents, who have made representations] have the right to a fair hearing - and to this end the Committee must give full consideration to their comments. Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the adopted Warrington UDP and the emerging Local Plan Core Strategy for Warrington, the Strategic Director for Economic Regeneration, Growth & Environment has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the wider public interest - and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights - posed either by the grant or refusal of the application - would be within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Reason for Referral to Development Management Committee (DMC)

It is considered expedient and appropriate to refer this application to DMC by reason of the significant scale of the proposal. The application is "major" according to the government's classification, and has attracted a high number of objections.

Application

This is an outline application – with details of access to be determined now. The proposals show the general extent and availability of areas for landscaping – although the detailed treatment of landscaping is a reserved matter. The general proposed extent and distribution of land in the each of the proposed uses is also shown for illustrative purposes. Also shown for illustrative purposes are suggested layouts for each of the phases and sub-phases. Understandably, there is very little certainty over the detailed final form of the proposed development at this point in time. This is because the

applicant will seek to put the site on the open market should outline permission be forthcoming - with the intention that individual volume housebuilders and other developers will then put forward their own detailed schemes for each part of the Masterplan area.. At this stage, the applicant is seeking an outline permission which is as "open" and consequently as flexible as possible – in terms of details of layout, landscaping *et cetera*. Notwithstanding this, 840 open market houses and 360 affordable homes have been proposed by the applicant.

The application has been submitted with an Environmental Statement, as the project is subject to Environmental Impact Assessment (EIA), and with a comprehensive suite of other documents and supporting material, as follows:

- Detailed access plans covering Birch Avenue; Poplars Avenue West; Blackbrook Avenue; Mill Lane; Poplars Avenue; Grasmere Avenue;
- Environmental Statement (3 volumes including non-technical summary)
- Design and Access Statement
- Planning Context Assessment Report
- Transport Assessment
- Landscape and Visual Assessment Report
- Ecology Reports
- Retail Assessment
- Phase One Desk Study Report
- Technical Paper on Housing Issues
- Flood Risk Assessment
- Utilities Report
- Air Quality Assessment
- Noise Assessment
- Archaeology Assessment
- Pre-Application advice letter
- Draft Heads of Terms for S106 agreement
- Statement of Community Involvement
- Parameters plan
- Landscape Masterplan (illustrative)
- Site Masterplan (illustrative)
- Layout for local centre, family pub and school (illustrative)
- Sports and recreation plan (illustrative)

Site

No part of the application site is allocated for any particular use or purpose by the Local Plan Core Strategy for Warrington.

No development is proposed within the confines of the existing Peel Hall Park area.

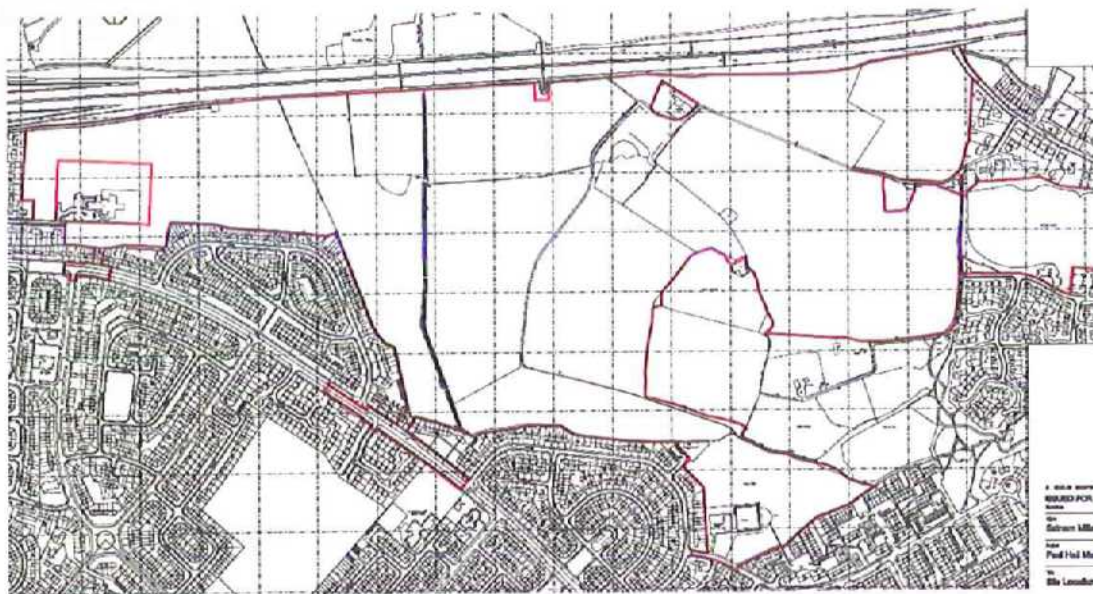
No part of the site is Green Belt. The entire 69 hectare site is within the confines of the built up area boundary of Warrington.

In general terms, the 69 ha site is bounded by the urban area of Warrington to the west, south and east, and the M62 to the north. Approximately 4 ha of the site is Council operated recreational open space.

The great majority of the site has not been previously developed, is therefore “greenfield” and is composed of largely dis-used arable fields sub-divided by ditches and largely fragmented hedgerows. There are some relatively small stands of mature broad-leaved plantation woodland and several small ponds. There are substantial stands of immature broad-leaved woodland on the southern boundary of the site. The open fields have been ploughed and left to grow and are now composed of a mix of grasses and tall herbs. The lack of land management has also allowed scrub saplings to establish here and in certain areas the cessation of management has also allowed the growth of common reed.

In contrast to the rest of the site, the easternmost part includes a recreational area with playing fields, formal footpaths and is landscaped with immature woodland and shrubs.

The northern boundary is largely formed by the M62, while to the south, west and east the land is predominantly residential housing – the exception being Radley Wood and the grounds and houses at the end of Radley Lane.



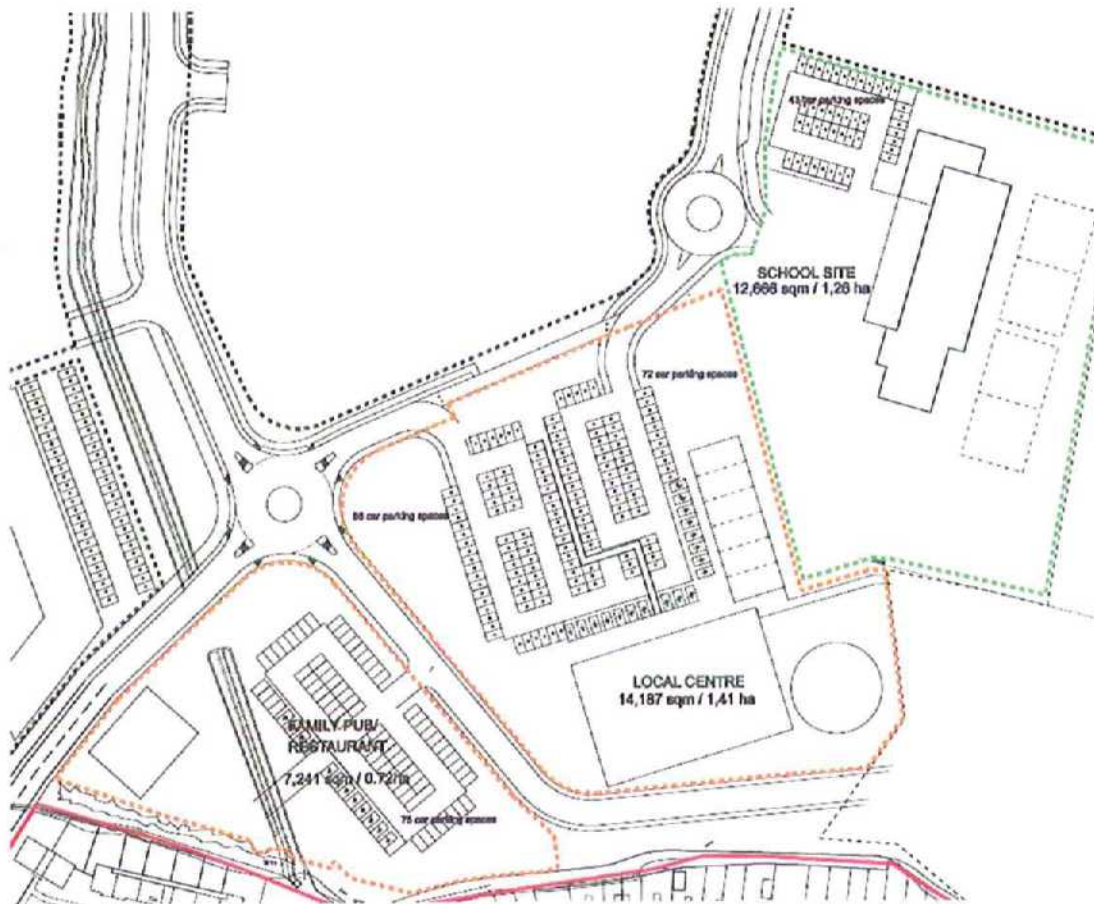
The application site “red edge” boundary



Extent of Application Site

Elements of the Proposals

Satnam propose 30 per cent of total site capacity as affordable housing, with at least half of that being in the form of Starter Homes – with the remainder as shared ownership and/or rented housing. The focus of the new community would be a local centre - serviced from Poplars Avenue - with an anchor food store, and smaller units comprising retail; services; fast food; restaurant; health care uses and family pub/ restaurant.



Illustrative plans for local centre, family pub and school layout

It is proposed to re-locate the Mill Lane playing fields close to the edge of the site with the Council's Windermere Avenue recreation area - to deliver a significant new sporting facility to help serve northern Warrington. Site specific proposals such as this, although relating to the layout of the part of the application site, could be set as a "parameter" as part of this application – so that it would inform the detailed, "reserved matters" proposals later.

Satnam propose the re-provision of the Mill Lane pitches on a like-for-like basis in terms of the number playing pitches and site area – but to a higher standard than the current provision- and would be linked to the Council-owned Radley Common recreation area at Windermere Avenue. It is intended that these two facilities would combine to create a new, high quality facility for outdoor sports in north Warrington.



General arrangement of re-located & improved sports provision

Similarly, the proposed local centre is shown near the southern edge of the application site, near to existing residential development on Newhaven Road, Poplars Avenue and Windermere Avenue – so that these facilities would occupy quite a central location between large areas of existing and proposed housing. It is the applicant's intention to bring the local centre forward early in the development of the site, so as to deliver the benefits of new shops *et cetera* as soon as possible.

The site for the proposed primary school would be next to the local centre. The provision of employment land in the extreme north west of the site, seeks to take advantage of the ability of potentially larger buildings to act as noise shields for other neighbouring uses, with the potential to benefit residents of Elm Road and Birch Avenue, as well as some of the proposed new housing. Satnam suggest a range of potential activities such as research and assembly and light manufacturing - rather than offices – in small and medium size units, not exceeding 500 sq m.

Satnam propose a network of open space within and surrounding the site, which would extend northwards from Peel Hall Park, through the centre of the site and then east/ west along the M62, feeding into the surrounding areas. This open space would provide a network of areas for a range of passive and active recreational pursuits.

Satnam set out that the proposals could bring opportunities to improve the following:

- Market housing choice

- Affordable housing choice
- Local employment
- Local retail centre and other services
- Education improvements (financial contributions to secondary schools in the area and new primary school accommodation)
- Recreational, informal and formal sports provision and community facilities
- Bus service improvements
- Health care improvements

Relevant Application History

Outline applications for housing across the Peel Hall site were withdrawn by Satnam in August 2002.

An outline planning application for up to 150 dwellings in the north eastern section of Peel Hall, off Mill Lane (2012/20610) was the subject of a non-determination appeal decision in July 2013. The appeal was dismissed, the Inspector agreeing with the Council that this site was too far from local amenities and facilities and - since there was no need for additional housing to be released at that time - the proposal should be resisted.

Planning Policies

National Planning Policy Framework

Matters relating to the delivery of sustainable housing and other forms of development.

Paragraphs 12; 13; 14; 17; 47; 49; 72; 73; and 74 of NPPF have been identified by the applicant as of particular relevance.

Local Plan Core Strategy

CS1 – Overall Spatial Strategy – Delivering Sustainable Development

CS2 - Overall Spatial Strategy - Quantity and Distribution of Development

CS3 - Overall Spatial Strategy – Maintaining a 10 Year Forward Supply of Housing Land

CS4 – Overall Spatial Strategy - Transport

CS8 – Omega and Lingley Mere

QE1 – Decentralised energy Networks and Low Carbon Development

QE3 – Green Infrastructure

QE4 – Flood Risk

QE5 – Biodiversity and Geodiversity

QE6 – Environment and Amenity Protection

QE7 – Ensuring a High Quality Place

MP1 – General Transport Principles

MP3 – Active Travel

MP4 – Public Transport

MP6 – Transport Infrastructure

MP7 – Transport Assessments and travel Plans

MP10 - Infrastructure

PV1 – Development in Existing Employment Areas

SN1 – Distribution and Nature of New Housing
SN2 – Securing Mixed and Inclusive Neighbourhoods
SN4 – Hierarchy of Centres
SN7 – Enhancing Health and Well-being

Supplementary Planning Documents

Design and Construction
Environmental Protection
Standards for Parking in New Development

Notification Responses

Warrington North Labour Party (WNLP)

During the summer of 2016 WNLP consulted with residents on the application; collated these responses and has submitted them for consideration at DMC.

WNLP seek the Council's commitment to:

- (a) Logging each of these objections as part of the planning consultation process;
- (b) Informing, in writing, each individual objector of any forthcoming meetings of the Development Management Committee at which the Peel Hall application will be discussed/determined; and
- (c) In the case of members of the Development Management Committee, taking account of the views and comments submitted by residents in respect of this application.

Ward Councillors

Objection from Cllr Cathy Mitchell and Cllr T O'Neill:

1. The proposed access arrangement to serve the proposed development are inadequate and will cause severe traffic problems and congestion in the narrow roads leading to the development; some of the access roads are already narrowed by parked cars belonging to the properties there. This would give rise to significant difficulties to both residents and emergency vehicles attempting to reach or leave the proposed development.
2. For such a major development, the number of access points is woefully inadequate.
3. There are insufficient safe pedestrian access points to serve such a large development.
4. Traffic generated by 1200 new homes plus commercial outlets would cause significant negative impact on highway safety and would cause traffic gridlock throughout Winwick Village; the roads through Winwick are already critically overloaded.

5. There would be inadequate provision of open space / sports facilities for all of the surrounding areas which would be affected by this development. In fact, green space already available for local residents within walking distance of their homes would be lost.
6. In the area of this proposed development, school places are already oversubscribed. It is unclear whether the phasing of the school in this development will satisfy the requirements of the number of children accommodated in the new 1200 homes.
7. The proximity of the proposed development to the motorway means that the air quality in the area is already poor. Increased development will simply exacerbate the situation.
8. In light of the above, non-exhaustive, list of difficulties relating to the development proposed by Satnam, we would urge that the application for outline planning permission be refused.

Objection from Cllr R Purnell objects:

My main objection to the plans proposed by Satnam is their effect on the local infra structure. The roads in this area will not sustain the increased traffic the development would bring. As a resident of the area I see first-hand the traffic chaos in the area at peak times, which are increasing week on week. As arterial roads in the area become more congested more and more residential roads are being used as rat runs and diversions. I also have serious concerns regarding the environmental impact of the development. Developing the area would detrimentally affect local wildlife, which has been flourishing for a number of years.

Parish Council (s)

Poulton with Fearnhead Parish Council: Object:-

1. Contrary to policies which support regeneration and restructuring of older parts of the town
2. Contrary to policies to prevent expansion into open land.
3. No evidence to promote a significant development of a greenfield site
4. The development is not led by a proper planning process and is piecemeal
5. Transport issues in the area would be exacerbated by the large scale development
6. The site is poorly located to public transport and local amenities
7. The alternative to the original proposal to use Mill Lane is totally inadequate to service the site nor are any of the other alternatives

Winwick Parish Council: The parish council wish to lodge what they refer to as an initial objection, on three grounds:

1) In relation to land use the Council is not convinced that the release of this site is required in order to meet the reasonable housing needs within the Borough. The Parish Council has however asked the Borough Council to confirm its position on what it considers to be a reasonable housing need

given the challenge that was made to its proposed core strategy and is in effect seeking an update from the Borough in relation to its view on the need to release this site. The Council is extremely concerned (see points 2 and 3) that the release of this site would have a negative impact on; the local highway network, local ecology around its Radley Common and Radley Wood reserves and the local 'greenbelt' and 'greenfield' land within the Parish

2) The applicant's traffic study appears to do little more at this stage than present some junction designs. The Council is very concerned in relation to the detail of the traffic and highways information supplied. The Council is concerned that given the lack of public transport links to the site the impact on local roads and the wider network would be unacceptable at peak flows and would fail any basic sustainability test under the NPPF. Those heading south will cause a severe strain on small local roads and those heading west and north can only do so by using parts of the network that are already congested (Birchwood Way) or have a poor safety record (Delph Lane). Those heading west will be using a junction off the A49 that does not meet modern highway's standards. The applicant seeks to mitigate this impact by offering bus infrastructure but there is no guarantee an operator would run services along this infrastructure given such services are deregulated

3) Ecological impact: The Parish Council owns and manages two land assets in the area (Radley Wood and Radley Common) as nature reserves as such there are many species of bird including raptors that nest in our assets but forage for food across the current area proposed for development. This does not appear to have been accounted for in the ecological report. The Council also disputes the findings of some of the surveys as species marked as absent have been recorded as present by our local volunteers. As a minimum, the applicant's experts should be asked to obtain the species lists known to be present and reconsider the impact of the development on local species. The Council would like to reserve right to comment further as more information on these three areas becomes available and does not rule out commissioning its own studies into these issues.

Neighbours – Objections from circa 2250 individuals, which are summarised under the following headings. It is acknowledged that circa 2000 of these objections were received on standards forms, via Warrington North Labour Party, and includes some duplicates.

NB: Individual grounds of objection are demarcated with the # symbol, and are grouped together under the following headings:-

Principle; Need

Warrington has enough housing already and it is not required in this area # already local shops and schools in place, what is the requirement to add more # this is the only remaining greenspace/farmland in Warrington North # there is significant land already set aside for development; this area is used often for children to play on, dog walkers and nature lovers # there are many brownfield sites suitable for development across Warrington # nothing to do with satisfying housing demand and everything to do with Satnam making a

profit out of cheap land # north Warrington has already contributed more than its fair share to the economy of the town # no shortage of housing for sale at all price points # north Warrington is at saturation point # more pubs and takeaways are not needed #

Highways/ Traffic

Access arrangements are not deliverable or sustainable # applicant does not own and is not in discussion with relevant owners to guarantee sustainable delivery # without access through the playing fields the whole development becomes piecemeal planning # safety risk along Peel Cottage Lane and Radley Lane as pedestrians would compete with vehicles for extremely limited access with inadequate visibility # appeal inspector recognised that footway/ cycleway links to Radley Lane would be unattractive to users in winter and after dark # this would be worse if proposal would give access to 850 new dwellings to a small country lane, single width, no street lighting, no drainage, no pavements, is unsuitable for pushchairs or wheelchairs; subject to flooding; pedestrian conflict with traffic travelling through Radley Lane to Peel Cottage Lane and to Peel Hall Farmhouse/Kennels and vehicles using Peel Cottage lay-by as a turning point # if allowed, primary school age children would walk over Peel Cottage Lane and onto Radley Lane # no changes for this area which was dismissed at appeal # three arm roundabout would mean four major access roads competing for access within a distance of 180 metres # 700 dwellings etc. using one access point in such close proximity to a further 150 dwellings joining the same road would compromise highway safety #

Delph Lane and Winwick village and Mill Lane/ Enfield Park Road/ Crab Lane could not cope with traffic flow # design and layout of road network and proposed pedestrian/ cycle access are flawed and will not promote pedestrian safety # all passing points on Peel Cottage Lane and Radley Lane are proposed for removal; these have been used for 25 years; without these the vehicles would need to reverse 150 metres to the junction with Mill Lane and then reverse into Mill Lane at the T junction # no reference in submitted safety audit to audit at Radley Lane/Peel Cottage Lane which is only access to Peel Hall Farmhouse/Boarding Kennels and is subject to a restrictive covenant # significant highway and pedestrian safety issues on the proposed access road and at the junction of Mill Lane and Radley Lane # Elm Road is too narrow and already suffers # significantly with tight approach angles and narrow routes through; any increase in traffic is sure to damage both vehicles and property # the local infrastructure off the motorway junction to the town centre already struggles with the enormous levels of traffic # any incident on the motorway or across town can add significant delays both in and out of Warrington; Elm Road & Birch Avenue are already at the mercy of the motorway traffic, surrounding businesses and residents # traffic from 1200 new dwellings gives an extra 712 cars am and 776 cars pm; this would adversely affect highway safety to all areas of the development including Houghton Green Village, Cinnamon Brow, Poplars and Hulme, Winwick Village, Croft Village, Fearnhead # increased congestion would deter future investors in the Borough

Sport/ Recreation; Playing Fields; Open Space

Proposal to move playing fields from Mill Lane to Windermere Avenue is the same as the 2013 appeal proposal for 150 dwellings off Mill Lane # current proposal is not increasing the number of pitches/ open space # 3000 more people squashed in with less open space # irreparable loss of green space # existing provision at Mill Lane is not owned by the applicant and the Council have confirmed that they have negotiated a 7 year lease for the fields to continue in their present use# no increase in number of sports pitches to accommodate 576 extra children # insufficient sports pitches/ open space for all areas affected by the development #

Nature Conservation; Ecology

Loss of wildlife, habitat and greenery # children love to watch wildlife # many varied and often rare species of wildlife and birds # Satnam have already started ripping out trees and shrubs when birds were nesting #

Archaeology

I am not aware that any archaeological surveys have been undertaken; this site is adjacent to a major Civil War battle site # a number of early modern pathways and cottages (dating to the eighteenth century) at the Houghton Green side of the site #

Air Pollution/ Noise

Increase in traffic will increase pollution# people who live within 500 m of a motorway grow up with significantly reduced lung capacity and even children who never experienced asthma are at risk # this is the last green lung # building so close to M62 is thoughtless and selfish

Drainage/ Flood Risk

It is highly likely that this will affect local drainage, increasing the flood risk as this land is low lying # increased pressure on poor drainage system #

Schools

By year ten of the development, 984 dwellings would be completed before the primary school; this is not sustainable development # in the 9 years before completion of the school, which school will the children attend # already a shortage of primary school places # 2013 appeal inspector noted that nearest primary school was 1275m from centre of the 150 dwelling site and so would only score 9 out of 35 according to a good practice example # strain on infrastructure provision # unacceptable phasing for school build to accommodate 576 extra school children in an area already oversubscribed

Other Services

Added pressure on GPs, dentists, hospitals, refuse collection and other services would be immense # will have a large effect on the community like our bus routes, schools, roads, doctors and traffic

Other Matters

Area cannot cope with many years of construction traffic, noise and activity # don't understand why Satnam are constantly trying to get planning permission

for this same area over and over again when they have been refused so many times # Warrington has too many bars and fast food places as it is # the proposal to build yet another fast food outlet is outrageous when surely it is our duty to be addressing growing obesity and its associated diseases such as diabetes; for many low income families in the area who don't own a vehicle Peel Hall provides an opportunity to walk and improve fitness, the last thing they need is another fast food outlet # yet another pub in the area will decrease security # a number of early modern pathways and cottages (dating to the eighteenth century) at the Houghton Green side of the site # would spoil views # contrary to Warrington's Health and Well-being Strategy (2015-2018)# Poor planning to allow the development without confirmation of land ownership

Two comments of support for the proposal have been received:-
Decent site for housing as long as traffic is thought about # there is a real need for housing # very few people use this park even in summer # it'll make a few bob for the Council, no cuts#

Consultation Responses

WBC Highways – In early August 2016, the applicant agreed to submit, by 14th October 2016, an Addendum TA which would detail, amongst other things, the impact of the development traffic and the full extent of proposed mitigation. The Planning Authority agreed to extend this deadline until 18th November 2016 and again, finally, until 2nd December 2016.

The current position is that whilst a Local Model Validation Report (LMVR) for the base model has been submitted by Satnam (on 6th January 2017), this does not progress matters significantly further as a number of issues will need to be addressed before this report can be signed off. The information needed for the Council to meaningfully assess the proposal was to be contained in the Addendum TA, which was to include an analysis of the impact of the development on the wider highway network in 2019 and 2029 and the full extent of proposed mitigation.

It is considered that a significant amount (realistically several months) of work is needed to complete the following stages of assessment:

Highways review and agree the revised, resubmitted base year LMVR;

- Applicant to then apply future year flows and development traffic to the model to identify 'with-scheme' operation and where relevant junctions where further detailed analysis would be required;
- WBC to review and agree any such locations;
- Where necessary, the applicant will identify mitigation options and agree with WBC.
- Applicant to undertake detailed analysis of junctions with mitigation;
- Subject to WBC approval, applicant to re-run network model to include agreed mitigation;
- Design of, and safety audit of mitigation measures at junctions by applicant, following by costing of measures;

- Applicant to address remaining detailed layout comments raised by Highways.

Notwithstanding the information submitted by Satnam on the 6th January, there is still no agreed forecast year model or proposed mitigation measures and this still falls short of what is required for the Highways team to make a meaningful assessment - or to have an understanding of what potential financial contribution might be required.

Moreover, this work would cover only physical 'highways' infrastructure – the model output would also have to inform the level of sustainable transport / Travel Plan requirements et cetera. Also, as set out elsewhere in this report, without certainty concerning the required mitigation measures it is also not possible to confirm air quality / noise impacts.

Detailed advice from the Council's Highways/ Transportation team is set out below in Appendix 1.

WBC Environmental Protection – Cannot support the proposal due to lack of information to assess noise and air quality effects.

WBC Schools – In summary, in addition to suitable land within the application site to accommodate a primary school, the build cost of a new one form entry primary school is needed to meet demand. The expansion of at least one existing primary school in the area is also required. In addition, funding for the expansion of one or a number of existing high schools would be needed.

WBC Public Health - The Council's Public Health Team have concluded that a financial contribution of £759,600 is required. This is based on the formula set out in the Planning Obligations Supplementary Planning Document (SPD), but excluding the provision of additional community space. The community space has been excluded as the Clinical Commissioning Group are seeking to expand existing facilities - rather than to provide a new hub. This gives a cost per dwelling of £633 - as opposed to the £943 set out in the draft SPD.

£633 x 1,200 homes = £759,600.

This money would be used to expand the existing practices at Padgate and Fearnhead.

WBC Flood Risk (Local Lead Flood Authority) – No objection, subject to conditions.

WBC Nature Conservation – Advise, in summary, as follows:-
Being an outline application, and the limited availability of information concerning the quantity and quality of Green Infrastructure (GI) that may finally be incorporated into the scheme makes it difficult to assess whether off-site compensation for ecological impacts should be made a *requirement* of any approval that may be granted to the application, and if so how much and of what quality this off-set should take.

The Illustrative Masterplan shows an application site dominated by built development plots, although it ought to be possible to incorporate GI into these plots.

The species and habitat assemblage present is not exceptional, although the site forms an un-fragmented large area of semi-natural habitat that does have some local ecological value that the Council should be looking to retain (NPPF para. 109.) For the level of distinctiveness of the habitats present, (low), taken with the condition of the habitats (moderate) and the difficulty of providing replacement habitats (low) and using a Biodiversity off-setting matrix I would expect about 12% of the site to incorporate habitats and features of value for wildlife. On this measure between 7-8 ha of the site should in my view be set aside as meaningful GI that could be managed with wildlife conservation as a primary 'ecosystem service'. Currently, although approx. 14 ha of the site is shown on the Masterplan as greenspace, more than a third of this is formal sports pitches and public open space that will have limited ecological value, and the landscape buffer along the northern boundary abutting the motorway will also have limited wildlife value, so in my view there is currently a habitat deficit within the site.

I would accept that there will be scope to incorporate further GI into the development plots shown on the Masterplan, which would deliver the required GI provision, and the applicant has indicated that landscape 'buffer zones' and 'wildlife corridors' will be incorporated into more detailed proposals. I would therefore re-iterate part of my previous response to the application –

- That space be set aside [within the site] for a new, un-fragmented area of semi-natural greenspace that could be managed for people and wildlife.
- That a comprehensive, holistic Landscape and Habitat Creation and Management Plan should be prepared for the site. Once agreed, this Plan should be implemented in full. The Plan should include biodiversity enhancement measures and proposals to retain and/or create meaningful green corridors through the site to allow for species movement.
- That important habitat features (hedgerows, trees, woodlands, ponds and water courses) should be retained and protected as part of the scheme, or if lost, replaced. The Radley Plantation woodland and the Spa Brook should be 'buffered' with landscape screens of 8 -- 10 metres.

Providing these recommendations are adopted the required ecological compensation could be delivered on-site I would not consider that off-site compensation would be required.

The consultants working on behalf of the applicant have suggested conditions relating to Landscape and Ecology. While regarding these conditions as

reasonable I have suggested some additions/amendments.

WBC Social Regeneration – No objection. Support possibilities of job and training opportunities during construction phases and the use of local labour and supplier linkages.

WBC Archaeology – No objection subject to condition:

"No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme."

Sport England (SE) – No objection, subject to conditions, as set out in Appendix 2 below:

Environment Agency (EA) – No objection in principle, subject to conditions. The EA have no objection in principle and welcome the aspirations to retain and enhance key wildlife corridors, and integrate new sustainable drainage systems as part of overall scheme.

By condition, the EA request that a scheme be agreed to ensure that the landscape within the site is managed in such a way as to protect the ecological value of the site including the Spa Brook watercourse and interconnected pond landscape.

United Utilities (UU) – No objection in principle.

Following discussion of the proposed development with the Lead Local Flood Authority (LLFA) at Warrington Borough Council, UU has no objection to the planning application at this stage. In accordance with good practice, UU suggests that if the Council is minded to grant planning permission that the approved plans are clearly referenced within the decision notice within a condition to avoid any ambiguity.

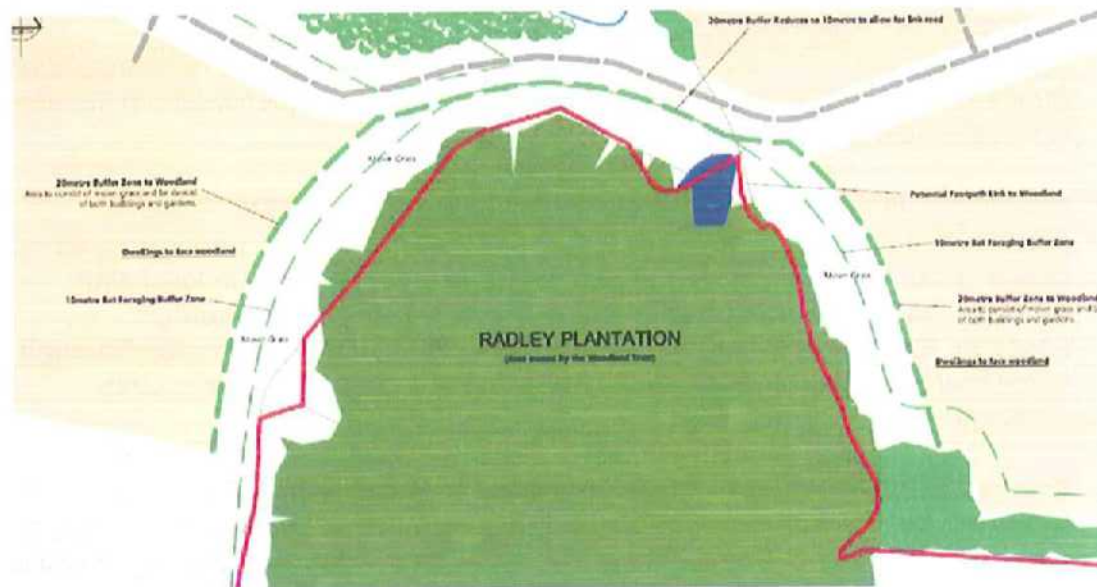
UU do not wish to object to the scheme, and have suggested a number of conditions aimed at ensuring foul and surface water drainage remain a key consideration as the design and layout of the scheme develops. These will be requested by the LLFA who would have the responsibility for advising on the discharge of the majority of the conditions, should planning permission be granted. The conditions reflect the strategic nature of the proposed development.

Highways England (HE) – HE have made a holding recommendation which currently expires on 14th March 2017.

Health and Safety Executive – Do not advise against the grant of planning permission on safety grounds.

Woodland Trust (WT) – Following discussions with the applicant's agents, the WT have withdrawn their initial objections concerning potential impact (on Radley Plantation) on the basis of the revised arrangements for buffer planting around the edge of Radley Plantation.

If approved, the Trust requests a commitment from the developer to provide funding to mitigate the effects of increased public usage of their site. It is unlikely that this request would meet the tests concerning the strict need for S106 contributions in NPPF (para 204).



Observations

Principle

Members are aware that the overall Local Plan housing target was quashed by the High Court in February 2015 – and that in the absence of a housing target the Council is not currently able to demonstrate a 5 year housing land supply.

Until the Council can demonstrate a 5 year housing supply, paragraph 49 of the National Planning Policy Framework (NPPF) confirms that relevant policies for the supply of housing should not be considered up-to-date. This means that presumption in favour of sustainable development as set out in paragraph 14 of the NPPF applies.

Notwithstanding the High Court ruling, the ability of this proposal at Peel Hall to accommodate supporting land uses and the absence of a demonstrable five year housing supply means that the use of the site for residential development is considered acceptable – as a matter of principle.

The application has no particular designation for use or development according to the Proposals Map which accompanies the Local Plan Core Strategy for Warrington. No part of the site is in Green Belt and the site is regarded as being within the general built up extent of Warrington, rather than

in countryside, insofar as the Core Strategy is concerned.

The land is “greenfield”, in the sense that it has not been previously developed. Following the quashing of the Borough’s housing target however, the Council currently does not have an up-to-date “locally appropriate target”, as required by NPPF, in terms of the proportion of new housing to be built on previously developed land. In these circumstances, it is considered that that presumption in favour of sustainable development as set out in paragraph 14 of the NPPF applies.

The 2016 Strategic Housing Land Availability Assessment (SHLAA) concluded that Peel Hall is a suitable, available and achievable residential site for immediate development, and anticipates housing completions from the site within the next five year period.

Historically, in the Warrington New Town Outline Plan and the Padgate District Area Plan, Peel Hall was shown partly as residential, partly as open space. Peel Hall has previously also had some recognition – in local plan making – as its previous notation as an “Area of Search” or “Strategic Location” for future development during the course of the Warrington Borough Local Plan; the First Deposit Draft UDP and the draft of the current Core Strategy.

It is acknowledged that extensive areas of green infrastructure and soft landscaping would be provided as part of the proposal, but that large areas of green open space – albeit largely in private ownership and control – would also become developed. The Masterplan shows clear scope to retain the existing greenway network and routes, shown as part of policy MP3 in the Core Strategy, through the site - so that public access would be provided between the proposed new areas of open space within the site; with the proposed new development itself; and with the nearby parts of the existing urban areas of Warrington.

With regard to the retail, hot food and hotel uses, it is considered that the proposals satisfy the requirements of the sequential and impact tests, as set out in the NPPF and policy SN5 of the Core Strategy. The assessment demonstrates that there are no sequentially preferable sites and there would be no significant adverse impacts as a result of the proposals.

Affordable Housing

The Council’s affordable housing policy in the context of the Peel Hall site has a requirement for 30% affordable housing provision of which half should be affordable housing for rent and half for intermediate provision. The Council’s Planning Obligations SPD has confirmed that the Council will accept Starter Homes to contribute towards affordable housing provision as part of the intermediate proportion of provision. The SPD also reconfirms the Council’s requirement for rented affordable housing, reflecting the findings of the 2016 Mid-Mersey Strategic Housing Market Assessment.

The application proposes 30% affordable housing of which 50% will be starter homes and 50% affordable for rent. This is conditional to the requirements of the forthcoming Starter Homes regulations. If the regulations require a higher percentage of Starter Homes to be provided on site then this will result in a corresponding decrease in affordable homes for rent. The applicant has also confirmed the final mix of affordable housing will be dependent on the financial arrangements and settlements for tenure types available to Housing Associations at the time of the particular development phase.

In the period since the applicant confirmed their affordable housing offer, the Government has published its Housing White Paper. This is proposing a broader approach to affordable housing provision, including recognition of the importance of rented affordable homes as well as promoting low cost home ownership. The Government has also confirmed that whilst it will support the development of Starter Homes as a mainstream home ownership product, it has decided not to implement a compulsory Starter Homes requirement at this point in time.

This means that the Starter Homes regulations when published are unlikely to require a change to the applicant's affordable housing offer. The applicant's affordable housing offer is therefore considered to be compliant with the Council's planning policy, subject to ensuring that any variation in the affordable housing provision of individual phases does not comprise the affordable housing provision of the overall development.

Highways & Transportation Matters

Notwithstanding the information submitted by Satnam, there is still no agreed forecast year model or proposed mitigation measures and this falls short of what is required for the Highways team to make a meaningful assessment of impact - or to have an understanding of what potential financial contribution might be required to provide mitigation.

Moreover, modelling and forecasting work would cover only the potential, physical 'highways' infrastructure – the model output would also have to inform the level of sustainable transport / Travel Plan requirements et cetera. Also, as set out elsewhere in this report, without certainty concerning the required mitigation measures it is also not possible to confirm air quality / noise impacts.

Detailed advice from the Council's Highways/ Transportation team is set out below in Appendix 1.

Environmental Matters

The Council's Environmental Protection (EP) team gave detailed advice in the proposal at pre-application stage, and at a meeting in January 2016 with the applicant regarding requirements in relation to environmental protection matters including air quality, noise and contaminated land.

The below is a summary of the advice of the EP team with regard to the application which has now been made:-

Air Quality: An air quality assessment has been provided with the application. Queries have been raised by the Council's Transport team regarding the traffic assessment provided. Until these queries have been addressed and the traffic assessment has been agreed, then a suitable air quality assessment based on an agreed traffic forecast cannot be produced. When agreed traffic data has been provided, the consultant carrying out the air quality assessment should contact the EP team to agree the scope and methodology. Until an acceptable air quality assessment is provided then the EP team cannot confirm that the impact of the proposal would be acceptable in terms of its air quality effects.

Noise: There are two elements of potential noise impact; namely the impact of noise from the existing local road network (primarily the motorway network) that would affect amenity of future occupiers – and secondly the potential, slighter impact from the finished development affecting residential properties along the access routes.

It is anticipated that conditions could be used to ensure that noise from the motorway network could be suitably attenuated, and that the proposed layout of new dwellings *et cetera* could also be undertaken with this in mind. The EP team cannot recommend approval of the application until such time that suitable traffic assessment data is available – to potentially confirm that the impact of traffic generated by the proposed new development itself is acceptable. The EP team advise that the contribution to noise levels from traffic travelling to and from the proposed development is likely to be slight – but that in the absence of agreed traffic data – they can not confirm that there would not be an unacceptable impact on the living conditions of those living in existing properties along the main access routes to the proposed development.

It is considered that a condition to ensure adequate noise attenuation for new properties – in terms of maximum permitted internal noise levels in new dwellings and external amenity areas – could be applied to mitigate potential harm in this particular regard.

In terms of construction noise, controls can be imposed to control overall noise impacts from the construction process and to mitigate potential harm via a condition.

In terms of the impacts on noise arising from new traffic flows from this development – the increase in noise presented so far is likely to be lower than the threshold of perception in the worst cases but the actual levels cannot be stated at this time based on lack of agreed traffic data to inform noise predictions.

Land Quality; External Lighting; Details of Food Premises Cooking Equipment; Subject to conditions and assessment of detailed layout *et cetera* as part of reserved matters application, there is no objection on these grounds.

Public Health

According to the Council's adopted Planning Obligations Supplementary Planning Document (SPD), a financial contribution of £759,600 would be generated by a housing development of the size proposed. This figure is based on the formula set out in the SPD, but excluding the provision of additional community space. The community space has been excluded as the Clinical Commissioning Group are seeking to expand existing facilities - rather than to provide a new hub.

Overall therefore, this gives a cost per dwelling of £633 - as opposed to the £943 set out in the SPD (i.e. £633 x 1,200 homes = £759,600). This finance would be used to expand the existing practices in Padgate and Fearnhead. The development is also providing a site for a residential care home, to provide specialised accommodation for the elderly - potentially for 100 beds. According to the Council's 2016 Strategic Housing Market Assessment (SHMA), there is a need for an additional 60 bed spaces per annum of such specialist care provision, reflecting Warrington's ageing population. The development is therefore making a positive contribution to meeting this need.

Schools

The following primary schools are within 1 mile of the Peel Hall site:- Brook Acre CP; Cinnamon Brow CE; St Bridget's; Meadowside CP; St Margarets CE; St Andrews CE; St Stephen's ; Winwick CE.

Whilst the Council's projections for primary school places are only valid for four years, the primary schools listed above have historically been relatively full and are likely to remain so. There is also only limited spare capacity in primary schools that are within 1 – 2 miles of the proposed development. In this context, any housing development has the potential to impact on these existing schools. To provide phasing for additional school capacity, therefore, details of the rate at which new dwellings would be built and occupied would need to be agreed.

The Council's schools team have advised that the Council should seek to secure land for a new primary school on the Peel Hall site at no cost to the Council, and that land for a one form entry primary school would be sufficient. In addition, the Council should also seek a financial contribution for the construction of a new 1.0FE primary school on the site and for the expansion of at least 1 nearby existing primary school by 0.5FE.

Whilst Satnam have agreed to the principle of the reservation of a site suitable for a primary school within the site, or a financial contribution towards the expansion and improvement of other primary schools in the area – or a combination of both – Satnam have not agreed to fund the construction of a new primary school.

The impact of the proposed housing at Peel Hall cannot be mitigated solely by the expansion of existing local schools. Currently there are 8 primary schools within 1 mile of the development and only 2 of these could be comfortably expanded (by up to 0.5 form entry), with the 3 nearest schools all being unsuitable for expansion. Also, only 2 of these schools are non-faith, with the

4 nearest to the site all being faith schools, so it would be beneficial for the provision of a non-faith school to serve the needs of the development. In these circumstances, a new build primary school would be required in addition to the expansion of at least one existing school – the cost of which would be circa £4.5 million.

The following high schools are within 3 miles of the Peel Hall site:- Birchwood High Academy; Cardinal Newman; University Academy (formerly Padgate High School); Sir Thomas Boteler CE; St Gregory's; Beamont Academy; The Kings Free School; University Technology College. Satnam have suggested that the mitigation of impact on secondary school provision should take the form of financial contributions to the expansion and improvement of existing secondary schools in the area.

The Council's schools team have advised that a new high school would not be needed – provided that the expansion of one or a number of existing high schools took place. To provide phasing for additional school capacity, details of the rate at which new dwellings would be built and occupied would need to be agreed.

The cost for high school places, to be provided at expanded nearby schools would be circa £3.5 million.

The Proposed Mixed Use Hub

These uses are "town centre uses", according to the NPPF – and so the sequential and impact test have been applied. The key local policies in this regard are CS2, CS8 and SN5.

CS2 aims to ensure that defined centres – such as local and neighbourhood retail centres – maintain their role and status by being the focus for further retail development, and by strictly controlling inappropriate out of centre retail development.

The applicant has set out that the proposed scale of the proposed local centre is appropriate and would not undermine the status of any existing centres. It is set out by the applicant also that the role of the hub should take account of the need to support the significant residential development now proposed, as well as – potentially – some of the future operators of the new businesses. The provision of a range of shops, services and food & drink uses within the centre would provide a focus for both the future residents of the Peel Hall development and for the nearby large existing residential areas of Warrington. The sequential test is set out in the submitted retail statement. It is argued that there is a need to provide a range of complementary uses, to support the proposed mixed use development at Peel Hall and to ensure a sustainable form of development. The case is made that the new centre would have wider benefits, and so it would not be appropriate to disaggregate any standalone elements of the proposed scheme, by re-locating them to an alternative (sequentially preferable) location. Overall, it is accepted that the proposals could not be accommodated at a sequentially preferable site elsewhere.

In terms of potential impact on existing centres, the assessment concludes that the proposed retail uses would draw trade primarily from within the proposed development itself, and then goes on to assess the potential impact based on the considerations in paragraph 26 of the NPPF – including the impact on existing, committed and planned public and private investment and impact on town centre vitality and viability. The NPPF impact assessment concludes that the scheme will not have an unacceptable impact on any of the defined centres in the catchment area, or any other centre. The proposed local centre, potentially including a food store would inevitably divert some trade from centres in north Warrington. However, it is acknowledged that the retail impact of the application scheme is not at a level that will undermine the performance and viability of other stores or of other centres as a whole.

It is agreed that, overall, the trade impacts of the proposed retail development at Peel Hall would be capable of delivering the scale and type of ancillary facilities required to support an urban extension of this size.

Nature Conservation Matters

In liaison with the applicant's ecologist, both the Council's ecologist and the Woodland Trust have referred to the need for a physical buffer zone – albeit of differing depths – which may impact on the developable area of the Peel Hall site – and possibly therefore the total number of dwellings which potentially might be accommodated.

The Council's ecologist has re-iterated that:-

- space be set aside within the site for a new, un-fragmented area of semi-natural greenspace that could be managed for people and wildlife.
- a comprehensive, holistic Landscape and Habitat Creation and Management Plan should be prepared for the site. Once agreed, this Plan should be implemented in full. The Plan should include biodiversity enhancement measures and proposals to retain and/or create meaningful green corridors through the site to allow for species movement.
- Important habitat features (hedgerows, trees, woodlands, ponds and water courses) should be retained and protected as part of the scheme, or if lost, replaced. - Radley Plantation woodland and the Spa Brook should be 'buffered' with landscape screens of 8 - 10 metres.

The Council's ecologist goes on to stress that if these recommendations are adopted then the required ecological compensation could be delivered on-site and that he would not consider that off-site compensation would be required. The following conditions – which the Council generally sees as reasonable – have been the subject of discussion with the applicant:-

"No development shall take place on any individual phase until an Ecological Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include:

- A. *An appropriate scale plan showing habitats to be created and/or retained and ecological protection zones where construction activities are*

restricted and where protective measures will be installed or implemented.

B. Details of ecological features of importance such as mature trees, woodland, hedgerows, ponds and protected species including bats that will be retained and protected, or if lost, compensated.

C. Details of protective measures (both physical measures and sensitive working practices) to avoid harmful impacts during construction. These to include measures relating to the protection of breeding birds, mammals and amphibians, the throughput of construction and other vehicular traffic, timing of operational activities; the erection of protective fencing at agreed distances from sensitive habitats and wildlife areas.

D. Details of ecology enhancement proposals within the wildlife corridor including details of the wetland areas.

E. A timetable to show phasing of construction activities to avoid periods of the year when activities could be most harmful, including the optimal bird nesting season and other wildlife breeding or hibernation seasons or times at which habitats may be most sensitive for example when setting seed.

F. Persons responsible for;

(a) Compliance with legal consents relating to nature conservation;

(b) Compliance with planning conditions relating to nature conservation;

(c) Installation of physical protection measures during construction;

(d) Implementation of sensitive working practices during construction.

(e) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;

(f) Provision of training and information about the importance of ecological protection zones to all personnel on site.

(g) Species monitoring- All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority.

2 - No development shall take place until a scheme for the provision and management of the 8 metre buffer zones around the watercourses and the Radcliffe plantation woodland has been submitted to and approved in writing by the local planning authority. The buffer zone shall be implemented in accordance with the approved details and retained as such thereafter.

3 - As part of the reserved matters application (s), a landscape and habitat creation and management plan for each phase shall be submitted to and approved by the local planning authority. The plan shall make reference to:

i. Description and evaluation of the features to be managed;

ii. Ecological trends and constraints on site that may influence management;

iii. Aims and objectives of management;

iv. Appropriate management options for achieving aims and objectives;

v. Prescriptions for management actions;

vi. Preparation of a work schedule (including a 5 yr project register, an

annual work plan and the means by which the plan will be rolled forward annually);

vii. Personnel responsible for implementation of the plan;

viii. Monitoring and remedial / contingencies measures triggered by monitoring. The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority.



Pond Locations (blue annotations)

Public Open/ Children's Play Space/ Sport and Recreation

It is accepted that extensive areas of green infrastructure and soft landscaping would be provided as part of the proposal, but that large areas of green open space – albeit largely in private ownership and control – would become developed. The impact on each type of provision is set out as follows:-

Equipped children's play provision; there is currently a deficit of 2.25 ha in Poplars & Hulme Ward. Given that the site is relatively self-contained - being enclosed by the M62 to the north, main distributor roads to the west and east and the rear of the residential area of Orford to the south - and that there are only a few equipped play sites within the aspirational accessibility standards employed by the Council (which would be accessible to the south east part of the application site), the preference would be for new, on-site provision.

Based on the standard of 0.25Ha/1000 population, contained in the Open Space Audit (2015) the requirement at the Peel Hall site would be for the equivalent of 0.7Ha of equipped play space, in a combination of Local and Neighbourhood Equipped Areas of Play (LEAPs/ NEAPs) distributed across the northern and western portion of the site.

The Council's preference would be for the developer to take on the responsibility for the management and maintenance of any new open space – and so the design and future management/maintenance arrangements of the provision is considered capable of being agreed in detail with the Council as part of S106 Agreement.

Formal public open space; there is a deficit in the Poplar & Hulme ward, according to the Council's standards (i.e. a 2.8 ha deficit in informal play space and a 9.5 ha deficit in natural/ semi natural greenspace). However, there are surpluses in some typologies – for example a 3.89 ha surplus for Parks & Gardens.

A 1200 dwelling scheme at Peel Hall would result in increased deficits or changes from surpluses to deficits of all types of open space in the Poplar and Hulme Ward.

A development of 1200 homes would require a total of 11.44 ha of Public Open Space, comprising 1.52ha of informal play space; 4.4ha of Parks and Gardens and 5.52ha of natural/semi-natural green space, based on the Council's standards.

However, there are two substantial areas (11.51ha) of parks and gardens (Site Refs: 243 – Peel Hall Park and 762 – Hulme Park), a large area of natural/semi-natural open space (6.46ha) (Site Ref: 249 – Radley Common) and a small area (0.59ha) of informal play space (Site Ref: 250 - Orford Community Centre) in close proximity to the application site that are available to the public. All of which are within the Council's accessibility standards to at least elements of the southern part of development site.

Accordingly, it is not considered necessary to meet the full requirement for informal play, parks and gardens and natural/semi-natural green space but some provision (in the order of 3ha) should be provided to serve the northern and central portions of the development site. This should predominantly consist of informal play space (and be in addition to the equipped play space). The general distribution of green space shown on the Master Plan (Drg no. 140367-D-001 Rev A) is acceptable as a matter of principle.

Sport and Recreation; The local planning authority have sought to establish if the Council's sport/ recreation provider (Livewire) are supportive of the Peel Hall proposals - in the light of advice from the Council's Environment Services Manager (Parks and Green Spaces) and Sport England.

In terms of the Artificial Grass Pitch (AGP), Livewire will be guided by the Council's Playing Pitch Strategy Action Plan (PPSAP). The PPSAP will

identify strategic locations where they feel AGPs should be sited. The Football Association (who would be the primary source of partnership funding) are clear that they prefer AGPs to be located in an area of need, but most importantly at sites where infrastructure - in terms of access, car parking and management of facilities - already exists. (That way, the required funding would be less - as it would only relate to pitch works and not other elements such as building a car park etc.)

The Playing Pitch Strategy is likely to confirm a need for an additional ten AGPs across Warrington to meet demand – but these will be in as-yet-to-be-identified strategic location, which may include Rylands Sports Club; Dallam Recreation Ground/ Bewsey and Dallam Hub; and Orford Jubilee Neighbourhood Hub (2nd pitch) near to the Peel Hall site – but not the Peel Hall site itself.

In terms of the grass pitches; the principle of the proposed improvements to the existing pitch at Radley Common is welcome, alongside the creation of additional pitches and ancillary facilities, based on these being available for community use. The specific pitch types required (e.g. mini, junior, senior pitches) etc, needs to be informed by the Playing Pitch Strategy. It is likely that Livewire can only confirm this later in 2017 - once the needs assessment has been finalised and their Playing Pitch Strategy Action Plan is developed. Whilst the potential delivery of public open space, recreation and sports facility provision is therefore currently not resolved, it is considered that the proposed provision of the following is acceptable as a matter of principle and capable of mitigating the likely impact of the proposed development, in the light of other existing sports and recreation provision in north Warrington:

- Delivery of a combination of LEAP's and NEAP's distributed across the northern and western portion of the application site along with details of the management and maintenance arrangements;
- Delivery of approximately 3ha of POS, predominantly comprising informal play space, along with details of the management and maintenance arrangements;
- The creation of a replacement playing field immediately to the north of Windermere Avenue (Radley Common) to replace the existing playing fields at Mill Lane;
- Potential improvements in the quality of existing facilities to improve their capacity – such as:
 - potential Improvements to Windermere Avenue (Radley Common) itself that would see the creation of:
 - 1 full size Artificial Grass Pitch (AGP)
 - 1 adult football pitch
 - 1 junior pitch
 - Changing facilities and car parking
- The potential for a contribution from the applicant to help finance the Bewsey & Dallam Hub project in order to mitigate the impact of the development on the level of swimming pool provision in the Central Neighbourhood

Sport England has no objection to the principle of the proposed development, subject to the delivery of measures and contributions set out in their detailed advice – Appendix 2 below.

Section 106 Matters and Other Deliverables

As a result of the inability of the Council and the applicant to identify and agree Highway/ Transport mitigation measures – and consequently the potential cost of such measures – there is little basis to enable agreement of the total potential financial contributions towards required social infrastructure (i.e. schools, health care, sports/ recreation, affordable housing) which might be borne by the development. In summary, however, the up-to-date positions are as follows:-

Affordable housing: The generalities of potential provision (as set out above) are agreed with Satnam - subject to ensuring that any variation in the affordable housing provision of individual phases does not comprise the affordable housing provision of the overall development.

Schools: Satnam have set out that they agree in principle to reserve a site for a primary school within the proposed development and/ or a contribution to the possible expansion and improvement of other primary schools in the area. Satnam have also made the offer to contribute financially to the possible expansion of secondary schools in the area. Overall however, as set out above, advice from the Council's school's team is that developer contributions for a new build primary school – rather than solely the provision of land for this – is required, together with financial contributions towards the expansion of one nearby primary school and secondary schools. The combined cost of this would be approximately £7.97 million, and this has not been agreed with the applicant.

Health: Based on the Council's adopted Planning Obligations SPD, a financial contribution of £ 759, 600 would be required to expand existing health practices in Padgate and Fearnhead. This has not been agreed with Satnam, primarily because no specific schemes of expansion have yet been identified. The aspiration of the Clinical Commissioning Group is to facilitate some amalgamation of existing practices, so it is anticipated that the required SPD contribution would help to finance this.

Sport and Recreation: Satnam have set out that the development would deliver;

- the laying out of new paying fields on the Council's land at Windermere Avenue, prior to the closure of the Mill Lane playing fields
- the laying out and creation of the remainder of the agreed scheme for the Council's land at Windermere Avenue and;
- the laying out of the replacement playing fields within the site prior to the occupation of the 150th house on the site (so all formal open sports space is laid out and improved facilities provided at that stage).

Satnam also undertake to potentially create a new open space area and planted buffer to the north of the site alongside the M62 and to use a

management company or fund the Council to deliver maintenance. As set out in detail above, whilst the potential delivery of public open space, recreation and sports facility provision is currently not resolved, subject to the delivery of the measures identified by the Council it is considered that the likely impact of the proposed development is capable of being suitably mitigated.

Satnam have agreed to provide the necessary equipped play provision and to the provision of circa 3 ha of public open space. In terms of sports pitches, there is some agreement with Satnam that adequate provision could potentially be made. However, detailed agreement has not been reached as to the full delivery of the improvements proposed at Windermere Avenue (ie 1 full size Artificial Grass Pitch (AGP); 1 adult football pitch; 1 junior pitch; changing facilities and car parking) nor for a potential contribution from the applicant to help finance the Bewsey & Dallam Hub project - in order to mitigate the impact of the development on the level of swimming pool provision in the Central Neighbourhood.

The total level of funding required for these projects is not yet known, and so agreement between the Council and the applicant has not been possible. In terms of provision for health care, sport & recreation facilities and school places it is recognised that further detailed discussion with Satnam may potentially reduce areas of known disagreement.

Conclusions: Whether the potential benefits outweigh potential harm

Very substantial, positive weight is given to the range of potential benefits which the proposed development might bring.

The proposal is considered to potentially be capable of forming a sustainable urban extension, albeit onto "greenfield" land, which would bring investment, new housing and other new activity and facilities near to areas of Warrington ranked in the bottom 10, 20 and 30 per cent of the most deprived in England. There is considered to be, therefore, the potential for very substantial, positive transformational change.

The principle of a substantial amount of new housing on part or all of the application site has been mooted in various development plan drafts in the past, and finds expression now in the 2016 SHLAA, against the background of housing need in the Borough – where an adequate five year supply of housing cannot currently be demonstrated.

Notwithstanding this housing land supply position, it cannot be shown that the impact of the quantum of development proposed on the transport/ road network, can be adequately mitigated, nor that the information and modelling conducted by the applicant is sufficient to conclude that such mitigation could be delivered.

The absence of adequate or sufficiently progressed traffic/ transport modelling means it is not possible to be clear on the total potential financial cost to the applicant of possible highways/ transport mitigation. The insufficiency of such information also does not make it possible to accurately model the impacts on

air quality or road noise. In the absence of the known financial costs of mitigation, it is not clear either whether the proposed development could be reasonably expected to bear the costs of delivering the range of other measures required by the Council's Planning Obligations SPD, as set out in this report. Nonetheless, the range of "social infrastructure" requirements expected by Core Strategy policies and by the adopted Planning Obligations SPD – namely schools places, health care and sport and recreation provision - are not considered to have been met. Failure to provide such contributions are considered to detract from the overall sustainability of the scheme, in conflict with the thrust of the National Planning Policy Framework, and in particular paragraphs 7 (second bullet point) and 8.

Overall therefore it is considered that without known and agreed mitigation, the potential benefits of granting outline planning permission would be significantly and demonstrably outweighed by the negative effects of the likely impacts.

Recommendation

It is recommended that outline planning permission is refused, on the grounds set out below.

Should Members elect to approve the application, the matter would then be referred to the National Planning Casework Unit (NPCU) - as a Departure application – under the Town and Country Planning (Consultation) (England) Direction 2009.

Reason for Refusal 1

It is considered that insufficient information has been submitted to enable the local planning authority to confirm that the potential impacts of the proposed development on the transport network would not be severe, in the terms set out in paragraph 32 of the National Planning Policy Framework. In the absence of adequate information to accurately forecast potential impact, it is not considered possible to design and deliver suitable highways/ transport mitigation nor, consequently, to confirm that the proposal would be acceptable in terms of its air quality and traffic noise effects. The submitted information contains no agreed base year model, forecast year models, or Local Model Validation Report. In these circumstances, therefore, the local planning authority cannot confirm that there would not be serious conflict with the following policies in the Local Plan Core Strategy for Warrington:

- CS1 (seventh and eleventh bullets);
- QE6 (fifth, sixth and tenth bullet);
- QE7 (third bullet);
- MP1 (All bullets);
- MP3;
- MP4;
- MP7 (both bullets);
- MP10 (first, second and third bullets).

Reason for Refusal 2

The proposal would not deliver the range of measures required to support a development of this nature and scale, with regard to the provision of school places; healthcare facilities and sport and recreation provision required by the Council's adopted Planning Obligations Supplementary Planning Document, in support of policies CS1 (second and seventh bullet points) and MP10 (first, second and third bullets) of the Local Plan Core Strategy for Warrington. In the absence of such provision it is considered that the proposed development would not be sustainable in the sense intended by paragraph 7 (second bullet) of the National Planning Policy Framework.

Appendix 1

Advice from the Council's Highways/ Transportation Team

General

In early August 2016 when the planning application was submitted a Transport Assessment (TA) was included. This TA however did not include the detailed appraisal information the applicant had agreed to provide. Following this, the applicant agreed to submit, by 14th October, an Addendum Transport Assessment (TA) which would detail, amongst other things, the impact of the development traffic and the full extent of proposed mitigation. The Planning Authority agreed to extend this deadline until 18th November and again, finally, until 2nd December.

The current position is that the Addendum TA has not been submitted, there is no agreed base year model, no forecast year models, no approved Local Model Validation Report (LMVR) or mitigation measures and this falls very short of what is required for Highways to make informed transport comments.

As this critical information has yet to be provided, the Highways comments herein should be seen as a review of part 1 of the TA and the scheme proposals that have been formally submitted.

1 - Comments on Transport Assessment:

The TA states the assessment is presented for the agreed assessment year of 2019, assuming the full build-out of the site. However, in Section 5.2 (Development Phasing & Construction Traffic) the TA states "*It is anticipated at this stage that the development will come forward in 12 phases over a 12 year period with typically around 100 residential units being constructed each year, with the relocated sports pitches in year 1, the local centre and care home opening at the end of year 2, the primary school by the end of year 10 and the distributor road being completed by the end of year 9.*"

Highways would raise two concerns relating to this. Firstly; if the assessment assumes the full build out, the assessment year should be 2028, rather than 2019. Using a 2019 assessment year would exclude a significant amount of background traffic growth and would possibly under report operational levels. Secondly, it is noted that there is no reference in the TA to the assessment of any other years, or indeed of any other scenarios. Typically, an assessment of a +5 or +10 year after opening is required, but no information appears to have (yet) been included.

Furthermore, as the build period is so elongated, with several elements of the overall scheme programmed to be completed at the latter stages of the build, there is a clear impact on other key assumptions made in the TA and a clear need for intermediate assessments.

Highways will therefore require additional assessments to be undertaken on the most likely scenario(s). Highways will confirm these scenarios following

submission of the second TA.

Highways note that the scheme proposes no internal to internal area movements as there will be no physical means of doing so. In latter sections of the TA the concept of internal trips is discussed and the resultant discounting of trip rates to reflect the likely internal trips (i.e. home to school or home to local centre). The lack of internal linkages means that any trip starting in one area and travelling to another area must therefore utilise the external highway network. This undermines the principle of the discounting assumptions and means these trips must therefore be included in the assessment as they will impact on the highway.

Proposed Bus Access

The TA presents proposals for the internal bus routes which will link the various areas of the site, but will introduce a bus gate to control this interlinkage. Highways note that as the application is outline, the detail of the internal area is indicative at this time and is likely to change as the scheme develops.

Trip Generation & Trip Rates

Technical Note 02 presents the assumptions used to derive the trip rates for the different elements of the scheme.

The residential trip rates used have been derived based on 85th percentile rates from the TRICs database. However, the remaining trip rates appear to be average trip rates. Justification of this trip rates particularly in relation to other similar developments will be required to be provided to support the use of non-85th percentile rates.

Whilst the TA states a robust set of assumptions have been adopted, the following stages of the assessment appear to downscale any robustness. Hence, starting with 85th percentile ensures at least a robust starting point.

Trip Discounting

TN06 details the assumptions made on trip discounting. Firstly on this aspect, we would comment that no evidence has been provided to support these key assumptions. Secondly, we would also note that without any certainty of where the key internal facilities will be located within the scheme (given this is an outline application), we would question whether these assumptions can be made without further information (e.g. the 10% external pass-by trips for the food-store may not be realistic if it is inconveniently located or of more concern, if it were located on the periphery of the development, it may attract trips from the external area).

We note that the discounting of trip rates has been done for both the residential trip *AND* the attractors, and would question whether this is correct. We would expect the residential trip rates to remain at 100% and the other elements that might be associated with a trip to / from the residential origin / destination to be discounted.

The TA states that the full-build out of the site may extend to a 10-year period. Given this length of construction period, Highways would require a phased based assessment to determine the intermediate impacts on the local network and sensitivity tests on the trip generation and discounting. This is important because of the length of build and the risk that full-build out will not be achieved. The operation of the network must be safeguarded therefore against any mid-build out changes.

Related to this, we also note that the school is not proposed to be developed until Year-10 and the internal estate road not completed until Year 9. Highways would also require some form of sensitivity assessment to identify what the short / medium term impact of the scheme would be without these two elements. As the school will not be operational until year 10, the sensitivity test must address how the network would operate without the school and with residents travelling to / from other schools in the area.

Similarly, the lack of internal connectivity will significantly affect the assumptions on discounting as there will be a need for development traffic to utilise the external network. These trips must therefore be included as new trips and not unilaterally removed from the network.

Trip Distribution

Highways understand the trip distribution component of the TA has been updated and the submitted information has now been superseded. However, notwithstanding this, Highways would request clarification of what the A49 zone that has been referred to represents. It is unclear whether this refers to the north / south / central as other zones exist in the model that could duplicate this.

It is noted that a number of the destination zones would share similar routes. Highways request clarification on how has this been allowed for?

Section 7.6 states this is the manual interpretation of the gravity model results. It would be helpful to see the model results to allow Highways to review this interpretation.

It would be beneficial if a drawing / figure could be provided that illustrates the routes that have been assumed to be taken between the zones and the development.

Traffic Flows

Traffic flows are only provided for the immediate site access junctions. No information is provided to identify how the development traffic travels onwards from the site to the wider area (and vice-versa). This is a fundamental omission as there is no way for the LHA to understand the routing of traffic to / from the site access points. For instance in Figure 8.7, the majority of the traffic movements are to / from the east. There is no way of identifying where the traffic that turns left out of the site then goes to or indeed whether this is reasonable.

Highways will therefore require an overall flow diagram to be provided, showing the forecast traffic flows for the full area, rather than junction specific diagrams, which are of limited value without the wider context.

Assessment Periods

Given the extensive and significant retail activity on the A49 corridor, the TA should include consideration of the Saturday peak period.

Further to comments made on the assessment year that has been presented in the TA, Highways will require the following scenarios to be assessed, either by use of sensitivity tests, or by revising the main case:

- AM, PM and Saturday* Peak periods
- Do-Minimum (background traffic + growth + committed developments)
- Do-Something (Do-minimum + development trips)
- DM and DS Year of Opening
- DM and DS year of Opening +5yrs

**Unless it can be demonstrated the Saturday impact would be no worse than the weekday day peak period.*

Highways note there may be technical reasons that prevent or limit the modelling of the future year scenario (+5 years). Whilst the reasons for this are understood, Highways will still require the assessment of a future year (possibly by applying additional background growth to the 2028 assessment) to have surety of the future operation of the network with the scheme in place.

Capacity Assessments

The TA presents the results of capacity based assessments for the site access junctions. These assessments are based on existing traffic flows growthed to 2019 and with development traffic added based on manual assumptions. Whilst these results provide an indication of how the site access junctions may operate, there is no certainty that the final model flows will generate similar traffic flows. The value of these assessments is therefore limited.

As stated earlier, Highways will / may require assessments to be undertaken and provided for further, additional locations, where traffic flows are predicted to increase in excess of an agreed threshold. As with many other aspects, the full range of required junction capacity assessments will not be known until the network model data is available. Highways will therefore require 'difference plots' (or similar) to be provided when the modelled data is available to allow this review to take place.

As stated elsewhere in this note, the assessment of a 2019 scenario is at odds with the statements elsewhere that the scheme is unlikely to be fully complete for 12-years. Any assessments should therefore in theory take account of the equivalent period of background traffic growth.

2 - Comments on Proposed Access Junction Arrangements

Junction Proposals - General

Splays demonstrating satisfactory visibility will be required for each new junction / access.

All new junctions / accesses should be provided with dropped kerbs and tactile paving.

Across the scheme there are numerous locations where existing street furniture and / or service or telecoms apparatus will need to be relocated to facilitate the proposals. Any relocation of such equipment must be undertaken at the applicant's expense at nil cost to the Council.

Poplars Avenue (Western Access)

Highways are concerned with the proposal to modify the Cotswold Road / Poplar Avenue bend. This modification is a relaxation of the curve rather than widening and may encourage greater speeds around this corner where forward visibility is already constrained by parked vehicles – a situation that appears likely to be exacerbated by the proposal to introduce a parking bay. Highways also note that the footway in the location of the proposed changes to the kerb appears to contain utilities and / or telecoms apparatus and that this may therefore need to be diverted (at the applicant's expense at nil cost to the Council).

The area around the Cotswold Road / Poplars Avenue bend is extremely heavily parked, with significant on-street and on-verge parking. The introduction of a new junction in this location will have a significant impact by removing a large amount of space currently used for parking. To attempt to compensate for this the proposals include the provision of new parking areas. However, the number of re-provided spaces would not appear to off-set the lost parking area. A row of parking bays, are shown in the stub-end on the western side of the bend. The ability of vehicles to safely enter and exit these bays and re-join the carriageway in a forward gear will need to be demonstrated as the layout of this parking area in relation to the carriageway appears onerous.

A parking layby is proposed on the southern kerb of Poplars Avenue. Highways are concerned that vehicles parked in this layby would affect the forward visibility around the bend and would also affect visibility from the proposed access arm. Highways will therefore require satisfactory forward visibility to be demonstrated.

It should be noted that parking spaces must be designed to the minimum dimensions of 2.5m x 5m with a minimum aisle width of 6m.

Parking prohibition Traffic Regulation Orders (TROs) are proposed around the new access junction. Whilst the reason for these TROs is understood, Highways are concerned about the impact these restrictions will have on parking and that this may force parking to occur in more unsuitable locations.

Furthermore, the introduction of such TROs would be subject to public consultation and given the significant impact these restrictions would have on parking, public objection is likely to be high.

It is also noted that the TROs are shown along the front edge of the proposed parking bays. This would mean vehicles could not legally park in the bays as the TRO is effective to the back of the footway.

Poplar Avenue Central (Residential, Care Home and Local Centre Junction)

Poplar Avenue in the vicinity of Brathay Close and the proposed new access junction (residential, care home and local centre junction) is heavily parked on the northern kerb as a result of the adjacent apartment blocks having no off-street parking. The junction proposals will impact on existing parking and the relocated bus stop and may impact of the operation of both.

Highways are concerned the proposals may lead to an increase in parking on the verge / grassed area. It is noted that a new parking bay is proposed on the southern side of the carriageway, but we are concerned this is unlikely to be used given the location in relation to the apartments.

The right turn movement into the new access road will be provided with a ghost island right turn bay. Highways would require the right turn lane to be of sufficient width such that a large vehicle could wait in the right turn bay and a large vehicle could safely pass either side of the waiting vehicle. The plans of this location do not show the resultant lane widths and we would request the plan be annotated to show this information.

We also note that the hatching for the ghost island on the western side of the junction overlaps with the junction of Brathay Close. Whilst such carriageway marking can be crossed (where necessary) this overlap is not ideal as it could result in driver confusion and will result in accelerated wear of the markings and increased maintenance costs.

The proposals involve the widening of Poplars Avenue to incorporate the ghost island right turn. This widening and the introduction of the parking layby appear to impact on existing services / telecoms apparatus in the southern verge.

The proposed relocated signal controlled (Pelican) crossing appears to be incorrectly shown, with the traffic stop-lines too close to the crossing studs. This should be revised accordingly.

Mill Lane Access (150 residential dwellings)

The scheme plans indicate that the existing alignment of Mill Lane is to be stopped up. A Section 247 agreement will therefore need to be entered into to stop-up the existing highway and a Section 38 agreement entered into to adopt the realigned highway. The highway must therefore be designed to adoptable standards.

It is not clear what the shared surface concept as referred to on the scheme plans is. Highways preference would be for a conventional junction, with a raised table (as shown), with defined priority to one of the arms - preferably the new access having priority over the northern section of Mill Lane.

The northern realigned section appears very narrow considering it *may* need to accommodate 2-way traffic movements, particularly turning through the bend. Highways would require this section to be provided to meet adoptable standards and to accommodate all potential vehicles that may use it up to and including refuse vehicles and articulated HGVs.

Mill Lane New Roundabout

The layout of the proposed roundabout may be subject to change pending the results of the capacity assessments in the second TA, however Highways have the following comments on the proposed layout:

The deflection through the roundabout from the northern arm (in a southbound direction) should be increased. The single lane approach southbound and the angle of approach mean drivers may be tempted to 'straight-line' the junction.

The alignment and positioning of the new development (northwestern) arm means that the northwest to north movement may be onerous given the radius of the turn, particularly for large vehicles. Swept path assessment will be required to demonstrate that all vehicles can negotiate the roundabout in a safe manner.

The new roundabout would also significantly affect the visibility of northbound vehicles for drivers waiting to turn out of the Mill Lane junction, given the acute angle exiting the roundabout.

The capacity modelling of the junction does not appear to have taken account of the unequal lane usage that is likely to occur on each arm. On each arm there is a strong bias in traffic movements which if not modelled correctly can lead to the model overestimating available capacity. This aspect should be addressed when the junction model is re-run with the final model flows.

Birch Avenue Access

The proposals for this access involve the provision of two replacement parking bays. The access road is shown as 4.8m width. This will need to be a 6m minimum width as the access road will need to act as the aisle to accommodate manoeuvres from the parking bays.

Satisfactory visibility splays will need to be demonstrated for this junction. Highways are concerned that the proposed parking area on Birch Avenue will significantly restrict the visibility from the new access arm.

Confirmation should also be provided of what purpose the "proposed shared surface access" to the east will provide.

Proposed Access Junctions – Road Safety Audit (Stage 1)

It is noted that the safety issues identified in the Stage 1 Road Safety Audit appear not to have been incorporated in the scheme proposals. It is also noted that at the time of writing no Designers Response reports have been prepared by the applicant's consultants.

Until the matters raised within the audit have been addressed to the satisfaction of the audit team (separate to the Highways Development Control team), the scheme proposals cannot be accepted.

Summary & Conclusion:

This Highways response presents the review of the submitted Transport Assessment (TA), which was part 1 of the overall assessment that was to eventually include network modelling information on which the final assessment was to be undertaken. As the inclusion of the network model traffic data is critical to allowing a full and comprehensive assessment to be undertaken, the Highways comments herein should be seen as a review of part 1 of the TA alone.

The review of this initial TA has identified a number of matters that require clarification or amendment. To date no formal response has been received on these points.

In early August 2016, the applicant agreed to submit, by 14th October 2016, an Addendum TA which would detail, amongst other things, the impact of the development traffic and the full extent of proposed mitigation. The Planning Authority agreed to extend this deadline until 18th November 2016 and again, finally, until 2nd December 2016.

The current position is that whilst a Local Model Validation Report (LMVR) for the base model has been submitted by Satnam (on 6th January 2017), this does not progress matters significantly further as a number of issues will need to be addressed before this report can be signed off. The information needed for the Council to meaningfully assess the proposal was to be contained in the Addendum TA, which was to include an analysis of the impact of the development on the wider highway network in 2019 and 2029 and the full extent of proposed mitigation.

It is considered that a significant amount (realistically several months) work is needed, to complete the following stages of assessment:

- Highways review and agree the revised, resubmitted base year LMVR;
- Applicant to then apply future year flows and development traffic to the model to identify 'with-scheme' operation and where relevant junctions where further detailed analysis would be required;
- WBC to review and agree any such locations;
- Where necessary, the applicant will identify mitigation options and agree with WBC.
- Applicant to undertake detailed analysis of junctions with mitigation;

- Subject to WBC approval, applicant to re-run network model to include agreed mitigation;
- Design of, and safety audit of mitigation measures at junctions by applicant, following by costing of measures;
- Applicant to address remaining detailed layout comments raised by Highways.

Notwithstanding the information submitted by Satnam on the 6th January, there is still no agreed forecast year model or proposed mitigation measures and this still falls short of what is required for the Highways team to make a meaningful assessment - or to have an understanding of what potential financial contribution might be required.

Moreover, this work would cover only physical 'highways' infrastructure – the model output would also have to inform the level of sustainable transport / Travel Plan requirements et cetera. Also, as set out elsewhere in this report, without certainty concerning the required mitigation measures it is also not possible to confirm air quality / noise impacts.

WBC Highways have no alternative therefore, but to formally object to the scheme proposals due to insufficient information.

Appendix 2

Advice from Sport England

Sport England raises no objection to this application subject to conditions requiring the following matters be addressed prior to any reserved matters application being submitted:

1. Agronomy Report and pitch specifications to meet the Football Associations Performance Quality Standards for the replacement playing field area.
2. Sports Strategy to demonstrate the qualitative improvements to the existing site at Windermere Avenue (Radley Common) will:
 - a. provide the capacity and right pitch facility mix to accommodate the additional demand generated from the housing development
 - b. Meet paragraph 74(iii) of NPPF and Sport England Policy Exception E2 and E5 in the event any ancillary facilities and artificial grass pitches are proposed
 - c. Detailed scale plans of the qualitative improvements at Windermere
3. Management and Maintenance Scheme for the replacement site and Windermere Avenue

Sport England would also wish to be consulted on the wording of the sports section of the s106 agreement.

An assessment of the proposal and wording of the conditions is set out below.

The Proposal and Impact on Playing Fields

The proposal for playing field is in two parts:

- Creation of a replacement playing field immediately to the north of Windermere Avenue (Radley Common). This area of playing field will replace the existing site at Mill Lane.
- Qualitative improvements to Windermere Avenue (Radley Common). Although no information has been provided to confirm what those improvements will be pre application correspondence and appendix 6 of the Planning Statement suggests they will be the same as previous planning application 2012/20610. This will see the creation of:
 - 1 full size Artificial Grass Pitch
 - 1 adult football pitch
 - 1 junior pitch
 - Changing facilities and car parking
-

Mill Lane Replacement Sites

The replacement area to the north of Windermere Avenue has been measured at 3.2ha in area with indicative pitch layouts accommodating two full sized football pitches (60m x 100m excluding run off) and one junior pitch (37m x 27m excluding run off). Relocating the playing field to the north of Windermere Avenue would create a sustainable and functional solution to provide a sporting hub that would benefit from economies of scale, and meet both the quantity and quality requirements of both paragraph 74(ii) of NPPF

and Sport England policy.

However, it is not known what the underlying ground conditions of the proposed playing field site is and whether it is feasible to create new playing field that meets the required performance standards. An Agronomy Report identifying the soil and drainage conditions with recommendations for a schedule of works and costs will be required to ensure the proposed replacement playing field can be implemented. Based on the findings of the Agronomy Report pitch specifications should be provided that meet the Football Associations Performance Quality Standards. In addition consultation with the Football Association and Council should identify what pitch sizes are required to meet the requirements of the existing pitch users relocated from Mill Lane.

Should the findings of the Agronomy Report on this site show construction of a playing field is not feasible then the applicant will need to provide an alternative replacement site within the locality. In the event this happens the applicant should consult with the Council and Football Association to identify an appropriate site.

It is unclear from the s106 Heads of Terms whether the applicant intends to manage and maintain the site or whether the land will be transferred to the Council to manage and maintain as part of the wider Windermere Avenue site. It is important that once the works are carried out there will be an organisation in place to carry out the management and maintenance of the site.

It is also not clear whether the term "laying out of the playing fields" within part 1(a) and 1(b) of the s106 Heads of Terms is the responsibility of the applicant to implement or whether a contribution will be paid to the Council. If the latter then the contribution should be based on the findings and schedule of works with associated costs contained within the Agronomy Report.

It is noted the implementation of the replacement playing field prior to development of the existing site at Mill Lane has been included within the s106 Heads of Terms. This is welcomed and Sport England would like to be consulted on the final wording.

Windermere Avenue/Radley Common Improvements

The information provided by the applicant at pre application stage and within Appendix 6 of the Planning Statement suggests the scheme for improvements to this site are identical to those presented with a previous planning application ref: 2012/20610. Although this application was dismissed at appeal Sport England did not object to the principle subject to further information and consultation being carried out prior to a reserved matters application being submitted. The improvements are considered to create additional capacity within the site to meet the additional demand for sport arising from the housing development. Sport England would not consider the improvements alone as mitigation for the loss of playing field because these are qualitative improvements only and do not provide a quantity replacement as required by paragraph 74(ii) of NPPF and Sport England's Policy Exception E4.

A Sports Strategy for the site should be prepared to show how improvements will:

- provide the capacity and right pitch facility mix to accommodate the additional demand generated from the housing development
- Meet paragraph 74(iii) of NPPF and Sport England Policy Exception E2 and E5 in the event any ancillary facilities and artificial grass pitches are proposed

Although an Artificial Grass Pitch (AGP) contributes to the supply of pitches in the area, it is a fixed structure that cannot be relocated and resized like a grass pitch can. For that reason there must be a clearly defined strategic need for the AGP with clearly defined sporting benefits that outweigh the loss of natural turf playing field. The applicant is strongly advised to liaise with the Council, Live Wire and the pitch sport national governing bodies, in particular the Football Association, Rugby League and Rugby Union. Sport England has provided an advisory note to assist the applicant when gathering information for the Sports Strategy.

Once the Sports Strategy has been undertaken and agreed with the Council, Live Wire and NGB's, and after consultation with Sport England, detailed scale plans of the site should be submitted. Ideally the plans should include technical specifications of all planned improvements although this can be submitted as part of the reserved matters application if required:

- Ancillary facilities – elevations, floor plans with dimensions
- Artificial Grass Pitch/MUGA – cross sections showing sub layer depths and materials, drainage, dimensions, pitch markings, fence height and materials, sports lighting to include Lighting Assessment and Noise Assessment
- Natural Turf pitches – pitch specifications including drainage plans

Any ancillary facilities will need to meet the following exception to Sport England Policy:

'E2 - The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use'.

Sport England has provided guidance on the planning implications of sports lighting and noise which the applicant should refer to when developing the Sport Strategy.

Consultation with National Governing Bodies of Sport

Under the terms of a Memorandum of Understanding Sport England has with the main pitch sport national governing bodies the Football Association (FA) and Rugby Football League have been consulted.

The Regional FA Facilities and Investment Manager has provided the following information on existing use of Mill Lane and comments on the proposal:

1. According to recent data collection we have Winwick Athletic as using the Peel Hall Park for their U13s girls team (match play) and then a further 8 teams aged U8s – U14s using the site for training purposes.

2. The FA supports the proposal in principle notwithstanding the missing technical information. However the PPS for Warrington is currently in development and therefore we would request any proposals for full size 3G FTPs are fed in to this process and action planning to ensure the strategic location is correct. There is a need for up to 5 additional full size 3G pitches in Warrington however the exact locations have not been explored fully. It would be a concern to see a standalone 3G pitch in an isolated area. Evidence and experience suggest these type of pitches need to be situated close to buildings, changing rooms and parking to ensure they are secure.

The national RFL Facilities Manager has commented that if improvements are made to Windermere Avenue there are two local clubs who could benefit especially if any planned AGP had a rugby compliant shockpad.

Health and Well Being

Sport England would wish to see the principles contained within the document 'Active Design' incorporated into this proposal.

We believe that being active should be an intrinsic part of everyone's daily life – and the design of where we live and work plays a vital role in keeping us active. Good design should contribute positively to making places better for people and create environments that make the active choice the easy choice for people and communities. That's why Sport England, in partnership with Public Health England, has produced the Active Design Guidance. This guidance builds on the original Active Design (2007) objectives of improving accessibility, enhancing amenity and increasing awareness, and sets out the Ten Principles of Active Design.

Ten principles

The ten principles have been developed to inspire and inform the layout of cities, towns, villages, neighbourhoods, buildings, streets and open spaces, to promote sport and active lifestyles.

The guide features an innovative set of guidelines to get more people moving through suitable design and layout. It includes a series of case studies setting out practical real-life examples of the principles in action to encourage planners, urban designers, developers and health professionals to create the right environment to help people get more active, more often.

The Active Design Principles are aimed at contributing towards the Governments desire for the planning system to promote healthy communities through good urban design.

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to broadly meet paragraph 74(ii) of NPPF and Sport England Policy Exception E4. The absence of an objection is subject to the following condition(s) being attached to the decision notice should the local planning authority be minded to approve the application:

Conditions Suggested by Sport England

- a) Prior to any reserved matters application being submitted the following documents have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England:

i) Agronomy Report containing a detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and

ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to the Football Associations Performance Quality Standards. The scheme shall include a written specification and detailed plans of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

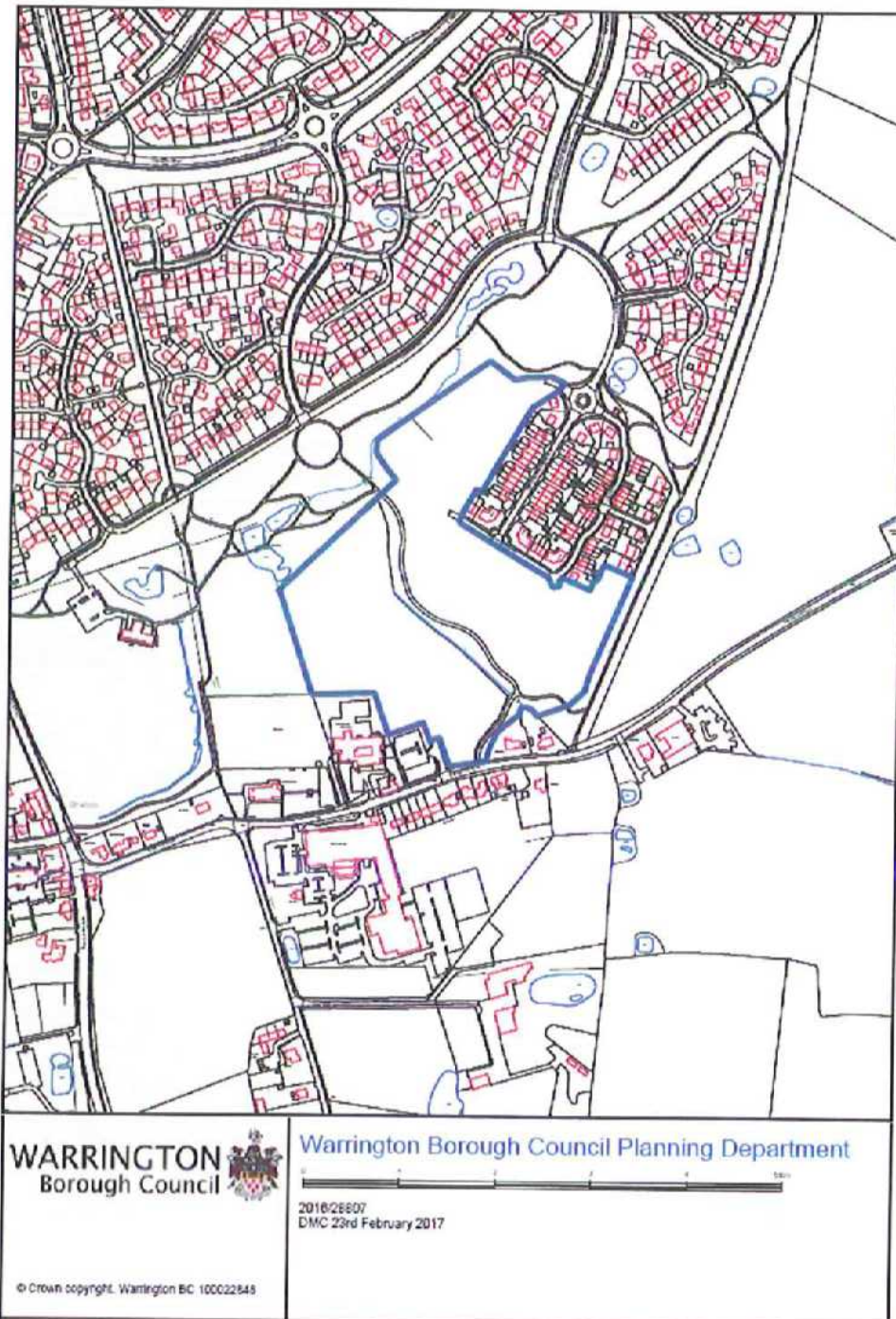
(b) The approved scheme shall be carried out in full and implemented prior to commencement of development of the existing Mill Lane playing fields. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme. The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to the Football Associations 'Grass Pitch Quality Performance Standard' guidance note

Prior to any reserved matters application being submitted a Sports Strategy shall be prepared in consultation with Sport England and has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall apply to the planned improvements at Windermere Avenue/Radley Common and include details of strategic need and sporting benefits of each pitch type and ancillary facility. Based on the agreed findings of the Strategy a scale plan shall be submitted to and approved by the Local Planning Authority, after consultation with Sport England showing the location and dimensions of each sports facility and pitch.

Prior to any reserved matters application being submitted, a Management and Maintenance Scheme for the replacement and improved sports facilities at Windermere Avenue/Radley Common including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. For Artificial Grass Pitches a sinking fund and timescale for replacing the carpet shall be included. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the Windermere Avenue/Radley Common sports facilities.

Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

The absence of an objection to this application in the context of the Town and Country Planning Act, does not in any way commit Sport England or any National Governing Body of Sport to support for any related funding application.



DEVELOPMENT CONTROL COMMITTEE DATE 23rd February 2017

ITEM 2

Application Number:	2016/28807
Location:	Land Bounded By Pewterspear Green Road, Ashford Drive, Stretton, Warrington
Ward:	Appleton
Development	Outline Application (Major) - Outline planning application for up to 180 residential dwellings (access only - all detailed matters are reserved for subsequent approval).
Date Registered:	09-Sep-2016
Applicant:	Homes and Communities Agency
8/13/16 Week Expiry Date:	08-Dec-2016

Reason for Referral

Objection from Stretton Parish Council; Appleton Parish Council and Stockton Heath Parish Council. In addition, the proposal is a major application and has more than ten objections.

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8 - The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1 - The right of peaceful enjoyment of possessions and protection of property.

Site and Proposal

The application site is comprised of open fields between Pewterspear Green Road / Henbury Gardens / Stretton Road. A network of, footpaths/cycleways run through the site, connecting to the adjacent residential developments and green network. The site is not in Green Belt, and is unallocated in the Local Plan Core Strategy Policies Map.

The land was originally acquired by the Commission for New Towns and has

consent under section 7(1) of the New Town Act 1981, for residential development. The land is in the control of the Homes and Communities Agency (HCA) which is an executive non-departmental public body sponsored by the Department of Communities.

The application is in outline form for up to 180 residential dwellings, including access as a detailed matter for consideration. All other matters i.e. scale, layout, appearance and landscaping are reserved for later consideration. The scheme would comprise of two distinct parcels, divided by the existing footway/cycleway which runs almost centrally through the site.

Up to 103 dwellings would be accessed from Pewterspear Green Road / Ashford Drive / Henbury Gardens to the north east; and up to 77 dwellings from Stretton Road to the southwest. Road stubs are already in place from other phases of development in order to facilitate access.

Relevant Planning History

2007/10668 Proposed construction of new footpath / cycleway
Approved with conditions 03/07/2007

New Town Act 1981 section 7(1) consent for residential development.

Planning Policies

National Planning Policy Framework

Paragraph 14 of the NPPF states:

At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through plan-making and decision-taking.

For decision-taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted.

Paragraph 17 sets out the core planning principles which should underpin both plan-making and decision-taking, and these include, amongst other things:

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth
- Always seek to secure high quality design and a good standard of amenity

for all existing and future occupants of land and buildings

- Encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value
- Actively manage patterns of growth to make the fullest possible use of public transport, walking, and cycling, and focus significant development which are or can be made sustainable

At paragraph 47 the NPPF advises Local Planning Authorities to boost significantly the supply of housing.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Relevant sections of the Framework include:

Achieving Sustainable Development

Core Planning Principles

Chapter 4 – Promoting Sustainable Transport

Chapter 6 – Delivering A Wide Choice of High Quality Homes

Chapter 7 – Requiring Good Design

Chapter 8 – Promoting Healthy Communities

Chapter 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 11 – Conserving and Enhancing the Natural Environment

Chapter 12 – Conserving and Enhancing the Historic Environment

Local Plan Core Strategy (adopted 2014)

CS1 (Overall Spatial Strategy – Deliver Sustainable Development)

CS2 (Overall Spatial Strategy and Distribution of Development)

CS4 (Overall Spatial Strategy – Transport)

SN1 (Distribution and Nature of New Housing)

SN2 (Securing Mixed and Inclusive Neighbourhoods)

QE3 (Green Infrastructure)

QE4 (Flood Risk)

QE5 (Biodiversity and Geodiversity).

QE6 (Environment and Amenity Protection)

QE7 (Ensuring a High Quality Place)

QE8 (Historic Environment)

SN7 (Enhancing Health and Wellbeing)

MP1 (General Transport Principles)

MP4 (Public Transport)

MP7 (Transport Assessments and Travel Plans)

MP10 (Infrastructure)

PV3 (Strengthening the Borough's Workforce)

Other Material Considerations

Planning Practice Guidance

Supplementary Planning Document 'Design and Construction'

Supplementary Planning Document 'Environmental Protection' (May 2013)
Supplementary Planning Document 'Standards for Parking in New
Development' (March 2015)
Supplementary Planning Document: Planning Obligations (2017)
Warrington Means Business

Consultation Responses

Highways

No objection to the application subject to a funding mechanism to secure funding to enhance sustainable transport measures in the area of the scheme.

As a minimum, a contribution is required to the upgrade of bus service number 8 to improve the service to a peak time 30-minute frequency, off-peak hourly frequency and to extend evening service times. The cost of this service improvement would be proportionally split between this application and two further major housing applications, as each scheme would require significant public transport support and all would benefit from this specific route enhancement. This contribution will cover a 5-year period, split equally per year.

A sum of approximately £110,000 is required to enhance bus service number 8 to provide half hour service frequencies in the AM and PM peak periods and an hourly service in the off-peak period.

Specific contributions would also be required from this applicant to provide two new bus shelters to upgrade the existing provision adjacent to the Stretton Road access.

A sum of approximately £10,000 will be required to provide two bus shelters and associated hardstanding on Stretton Road adjacent to the applicant site. This sum is an approximation and may change subject to hardstanding / foundation requirements and readily available services connection points that can only be confirmed at the detailed design stage.

Education

Financial contributions for the following are required:

Primary provision: £671/706

Secondary provision: £523,940

Public Health

Financial contribution of £138,780 required.

Based on the formula of to £771 per dwelling x 180 dwellings.

Sports and Recreation

Equipped play – Delivery of provision (aligned to one LEAP including 20 metre buffer) on the application site

Built Sports Facilities – Financial contribution of £140,510 to enhance facilities at Broomfields Leisure Centre.

Pitch and non-pitch sports – No contributions required

Environmental Protection

In summary there are no objections subject to the following conditions:

- Land contamination conditions (characterisation, remediation and verification)
- Noise insulation scheme for proposed dwellings to the south of the site
- Submission of a Construction Environment Management Plan (CEMP).

Flood Risk Team

No objection subject to a condition for the detailed design of the surface water drainage layout and attenuation.

Trees

No objection subject to a condition requiring the submission of a tree protection scheme and construction methodology in accordance with BS: 5837:2012. This shall also include all retained vegetation both within and adjacent to the site that has the potential to be affected by the development in addition to details of construction of hard surface and finished levels within root protection areas.

Ecology

No objection subject to the following conditions:

- No vegetation clearance between 1st March – 31st August
- Method statement for the eradication of *Gunnera Tinctoria* (invasive species)
- Details to be included in a Construction Environmental Management Plan – Tree protection measures and protection of the ditch from spillages, dust and debris
- Landscape and ecological management plan – to include 0.9 hectares of ecological habitat and the following:
 - Descriptions and evaluation of features to be retained and enhanced
 - A plan showing new areas of species rich grassland and wetland
 - Full species/seed mixes for habitat creation areas
 - Details of the location of bat and bird boxes including the height off the ground and aspect
 - Details of the organisation(s) responsible for implementation and management
- Re-assessment if the development does not commence before 1st March 2018.

Archaeology

No objection subject to a programme of archaeological works (for a specific area of the site as identified in the consultation response).

United Utilities

No objection subject to the following conditions:

- (i) Foul and surface water shall be drained on separate systems.
- (ii) Drainage in accordance with the principles set out in the Flood Risk Assessment
- (iii) Sustainable drainage management and maintenance plan

Notification Responses

Ward Councillor (s):

Cllr Judith Wheeler – objection:

"I am expressing concerns that this application does not address the impact of 180 houses and associated vehicle traffic on the wider transport network. There is no evidence to show what effect these extra vehicles will have on the exit points of Stretton Road/London Road; Lyons Lane/London Road and Lumb Brook Road/Grappenhall Road. All these are congestion points and busy at most times of the day. Equally there is no evidence to show what effect additional houses will have on London Road and Stockton Heath where a journey of a mile through the village can take up to 30 minutes. Stress is laid on the sustainability of this development due to the local bus service. There is a bus service but it is hourly at best, has ceased by 7pm in the evenings and doesn't run on Sundays. I fail to see how this is sustainable for anyone apart from those who have the leisure to use it during the day when deadlines do not matter. This development is aimed at families - who use cars - and to working adults who will work in many different areas which are not served by a local bus network. As local Councillors we dread every round of network changes in case of even more severe cuts to the No 46 and the services for Appleton Thorn and Stretton. What is most concerning is that we know that this application is the first of three in the area which will eventually lead to nearly 1000 houses in the area - all using the exit roads previously mentioned but we are being asked to consider them individually, thus the impact of the eventual traffic increase is minimised and will appear more 'acceptable'. So I cannot support this application knowing that is opening up the floodgates of more traffic without any evidence of amelioration measures".

Cllr Brian Axcell – objection:

"The proposed development is for 180 homes on a green field site at the edge of town, where there is no adequate bus service and where there are no amenities. This means that almost all activities by residents away from home will require the use of a car. When this area was first proposed for development more than 20 years ago, one might have expected one or two cars per household. Now the norm is one car per adult. This means that in excess of 400 cars would be added to an already-congested network.

There is serious congestion at the traffic lights in Stretton at peak times. Stockton Heath is now congested throughout the day. There is serious congestion at Lumb Brook Bridge at peak times.

This planning application should not be considered in isolation and it is premature to do so. The Homes and Communities Agency has announced proposals to build 375 houses at Appleton Cross and 400 houses at Grappenhall Heys. This means that there would be nearly 1000 new homes from the three developments and considerably more than 2000 cars coming onto the road network. HCA has not proposed any highway improvements to allow vehicles to by-pass the congestion hotspots mentioned above. At the very least the decision on the Stretton proposal should be deferred until the other planning applications are submitted, presumably in a few months' time.

In conclusion, I object to major developments on green field sites on the edge of the town where there are no amenities. They can only make Warrington's traffic congestion problems worse!"

Parish Council

Stretton Parish Council object to the application and their comments are below.

Firstly, the number of documents submitted as part of this application was significant, with multiple reports and hundreds of pages of documentation. Due to the specialist nature of some of the reports, it would be difficult to imagine all interested parties fully understood the terminology used or indeed have the time to read all documentation submitted in detail. To allow only 21 days for such a large development does not seem appropriate, although the Council appreciates the extension agreed by WBC in considering the application and submitting this response.

The application made is for up to 180 homes (Design and Access Statement suggests mix of 36 x 2 bed terraced/semi-detached affordable homes; 90 x 3 beds and 54 x 4 beds), which seems to be higher than the average UK density for 7.5 hectares. As such, there is concern that the road access points are insufficient to cater for an increase in traffic. For example, Stretton Road could realistically expect an additional 100 cars (60 houses) using the proposed access road, which is already congested at peak school drop off/pick up times, due to insufficient car park spaces, with numerous cars parked on pavements around the entrance.

Stretton Councillors have experienced this car park at school drop off times and do not feel that it is currently fit for purpose, as such any increase is unwelcome. However, despite the above, the report states that they "do not see any issues with obstructive parking at school pick-up/drop off times". Therefore, we would formally request that the applicant consider the wider implications on this access, liaising with owners PGT to alleviate the issues – e.g. enlarged car park to be modified to incorporate separate "in/out" entrance lanes coupled with double yellow lines along the more dangerous areas, to improve the flow of traffic.

The impact on Stretton Road will also be significant. Again, at peak times traffic waiting at the Stretton Road/London Road traffic lights can back up past the school and the access road to the proposed development. This will

exacerbate current issues with increased traffic looking to exit this road. The Highways Statement identifies peak traffic flows at each of the major junctions and notes "Stretton Road is currently close to capacity".

As such, we would formally request that WBC undertake its own report on the above points, taking into account the wider impact on adjoining roads (London Road travelling to Stockton Heath, London Road to Jct 10 of M56, Stretton Road towards Appleton Thorn).

In terms of public transport/pedestrians, the current bus stops are outside St Matthew's C of E School. These buses stop the flow of traffic along Stretton Road. We would formally request that the applicant consider the creation of a pull-in bus stop to replace the current kerbside arrangement outside of the school and consider rebuilding the existing footpaths from outside St Matthew's Church to the footpath which cuts through the proposed site. Both footpaths on the eastern side of the school (either side of the spur road into the HCA land) are wide enough to accommodate a pull-in for buses and still provide adequate pavement space. Additionally, the creation of a pedestrian crossing with lights across Stretton Road would allow safer access to the school for residents on the South side of the road.

The planning application also incorporates 2.5 storey houses – this was queried by the PC as only 2 storey houses had previously been advised. Delyse Bailey, HCA confirmed that the height of the 2.5 storey houses were the same as 2 storey. Therefore, this issue was set aside.

In summary, in view of the above comments Stretton Parish Council formally object to this application.

Appleton Parish Council

Main issues raised:

- Local infrastructure needs upgrading
- Impact of traffic from three HCS sites
- Cumulative impact of all housing developments – busy road network does not have the capacity to cope with additional traffic
- Road and traffic management improvements are essential
- Junction improvements, Howshoots link, new link to motorway to be funded by the HCA / developers and prior to any development commencing
- Health and education resources need addressing – new medical centre is required

Stockton Heath Parish Council

Main issues raised:

- All three HCA sites should be considered at the same time so that the impact on the immediate and surrounding areas including Stockton Heath can be addressed.
- Stockton Heath is already badly affected by traffic congestion and parking issues and the proposals will exacerbate this situation.

- The required infrastructure for new roads, schools, doctors and shops should be included in the plans or any permission be conditional on these fundamentals being implemented.
- Expansion of the bus network is vital and essential to service these new developments and reduce congestion; and to encourage usage one year free bus passes should be issued to new residents.

Neighbours

The application was publicised by way of the erection of site notices throughout the site and boundary; press notice; and neighbour letters.

At the time of report preparation, approximately 75 objections have been received in relation to the proposed development.

Full comments are available to view on the Council's website, however the key issues raised are summarised below under the respective headings.

It should be noted that a large number of objections raise issues specifically in relation to other HCA sites in the area, namely Grappenhall Heys and Appleton Thorn. At the time of report preparation, no planning applications have been submitted to the Local Planning Authority for these sites. The current application relates solely to the proposed development at land at Pewterspear Green, and it is the comments pertinent to this application that will be considered in this report.

Type of housing

Excessive proportion of starter homes
 Concerns over the mix of housing proposed
 2 bed housing is out of scale with the surrounding area

Construction

Disruption during construction – traffic, noise, dust, disturbance

Open space

Loss of open / green space
 Loss of recreational areas for walking, exercise, leisure activities
 A full impact assessment of community facilities is required

Design

No details of the design or appearance of the dwellings
 Visual impacts - adverse impacts on the surrounding skyline
 Poor standard of design

Design should take into account local character, local needs and local problems and not prescriptive design guides inappropriate housing numbers dictated by current political parties

Proposed density is too high

Out-of-keeping with the type of housing / scale in the area / Negative impact on character of the area

The scheme should be reduced to 150 units

The proposal should not repeat the mistakes of the adjacent Ashford Drive development

Highways

Existing traffic issues on the surrounding network / Increased traffic / congestion / travel times - various numbers of additional cars highlighted in objections as between 350 to 500 / estimates of increased traffic are unrealistic

Effect on traffic in surrounding areas / congestion

No public transport in the area / Loss of bus service in the area –bus is not a viable transport option

Existing congestion and parking problems along Ashford Drive / Pewterspear Green Road - cars often double parked, no driveways or parking for existing residents

Inadequate access

Inability of refuse and service vehicles to access the site / Insufficient width of existing roads to accommodate additional vehicles / Ashford Drive was designed to be a cul-de-sac and is not fit to serve the development

Location of access close to the primary school and car park

Cumulative impacts from other developments proposed in the area

Risk of accidents

Capacity issues / impact on junctions in the area

Inadequate parking proposed

The Stretton Road access is almost opposite the Park Royal delivery bay at the rear of the hotel which is a potential hazard /inadequate sight lines of Stretton Road access

Impact on safety of existing network of footpaths / cycleway

Safety of school children at St Matthews Primary School

No highway improvements are proposed

The absence of a new link road in the area

The application should consider the implications of the Runcorn –Widnes Bridge toll and the increased usage of the Manchester Ship Canal
Lack of parking in the village

Traffic associated with football parking at weekends and mid-week evenings
Contributions towards free travel for up to 4 people per household is required
Contributions to divert A49 signage for non-local traffic to use an improved link into the A56 from Daresbury, to the new Mersey bridges, to Slutchers Lane and then the second Mersey crossing.

Ecology

Loss of ecological habitats

Impact on rare and endangered species

Waste

What are the proposals to deal with additional waste?

Trees

Loss of trees

Amenity

Proposed development would be overbearing / unneighbourly / oppressive to surrounding houses and areas

Increased pollution in the area – noise / air – impact on health

Adverse impacts on residential amenities of existing residents

Unneighbourly form of development

Noise and disturbance from additional houses and vehicles

Services

No capacity at / or additional strain on local services such as health care, schools, social care, dentists, tips, emergency services

The houses should not be built until further facilities are provided

Archaeology

Roman remains would be destroyed

Drainage

Viability of drainage systems to cope with increased developed areas

Policy

Loss of Green Belt land

The development is unsustainable

The site is Greenfield / contrary to LPCS policy CS2

Brownfield sites should be developed first – a number of sites have been put forward.

The land within the application site does not form part of the Local Plan Core Strategy (LPCS)

Other matters

Loss of view

Loss of property values

The application is premature and should not be considered in isolation from other HCA development coming forward.

Housing development should be distributed throughout the Borough and not just in the south

Money grabbing exercise by the HCA

The Council holds no value to its residents

Commitments made in previous applications in the area have never been brought forward

Proposal would attract housing association and lower income residents and an entirely different type of individuals which will pose a risk to existing residents

Lack of strategic and holistic planning

Consultation

Lack of consultation / communication to residents

The proposal have not been made fully available for viewing or comment

Appraisal

Principle

The National Planning Policy Framework is clear in its intention to boost significantly the supply of new housing and emphasises that housing applications should be considered in the context of the presumption in favour of sustainable development.

The Council cannot demonstrate a 5 year housing land supply and therefore any relevant policies for the supply of housing as contained in the Local Plan Core Strategy are not to be considered up-to-date. (This includes the targets set out in Local Plan Core Strategy policy CS2 for at least 80% of all new homes in the Borough to be delivered on previously developed land; and the focus of Inner Warrington for the delivery of new residential development at around 60%.)

The land was originally acquired by the Commission for New Towns and has a previous consent under section 7(1) of the New Town Act 1981. This consent is not time limited, and gives consent for the principle of residential development on the site. The site is also included in the Council's housing land supply and is identified in the Strategic Housing Land Availability Assessment (Ref 1650) as suitable, available and achievable.

The NPPF provides that where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework. Local Plan Core Strategy policy CS1 is consistent with this approach.

The principle of residential development on this site has previously been accepted as part of the 1981 Act. The principle of the development is acceptable in policy terms, subject to other considerations set out in the report.

Prematurity

A number of objections consider that the application is premature and that it should be determined at the same time as and when other HCA sites come forward (sites at Grappenhall Heys and Appleton Thorn). At the time of report preparation, the Local Planning Authority is not in receipt of any planning applications for these sites.

The Framework is clear that in the absence of a five year housing land supply, the relevant policies contained in the LPCS are up-to-date. LPAs are required to boost significantly the supply of housing and to maintain a five year supply of deliverable housing sites. The application site is included in the Council's housing land supply and is identified in the Strategic Housing Land Availability Assessment (Ref 1650) as suitable, available and achievable.

Officers do not consider that the application is premature, as making a decision as to the principle of residential development now – either for

approval or refusal – would not substantially prejudice the delivery of core strategy policies, in its own right. In terms of the principle of the delivery of housing at the site, the proposal can be considered on its own merits and does not need to wait for the submission of applications on other HCA sites..

Statement of Community Involvement (SCI)

The application has been advertised by Site Notice, Press Notice and by individual letters in accordance with the Development Management Procedure Order 2015. The public consultation carried out by the Local Planning Authority has been set out earlier in the report.

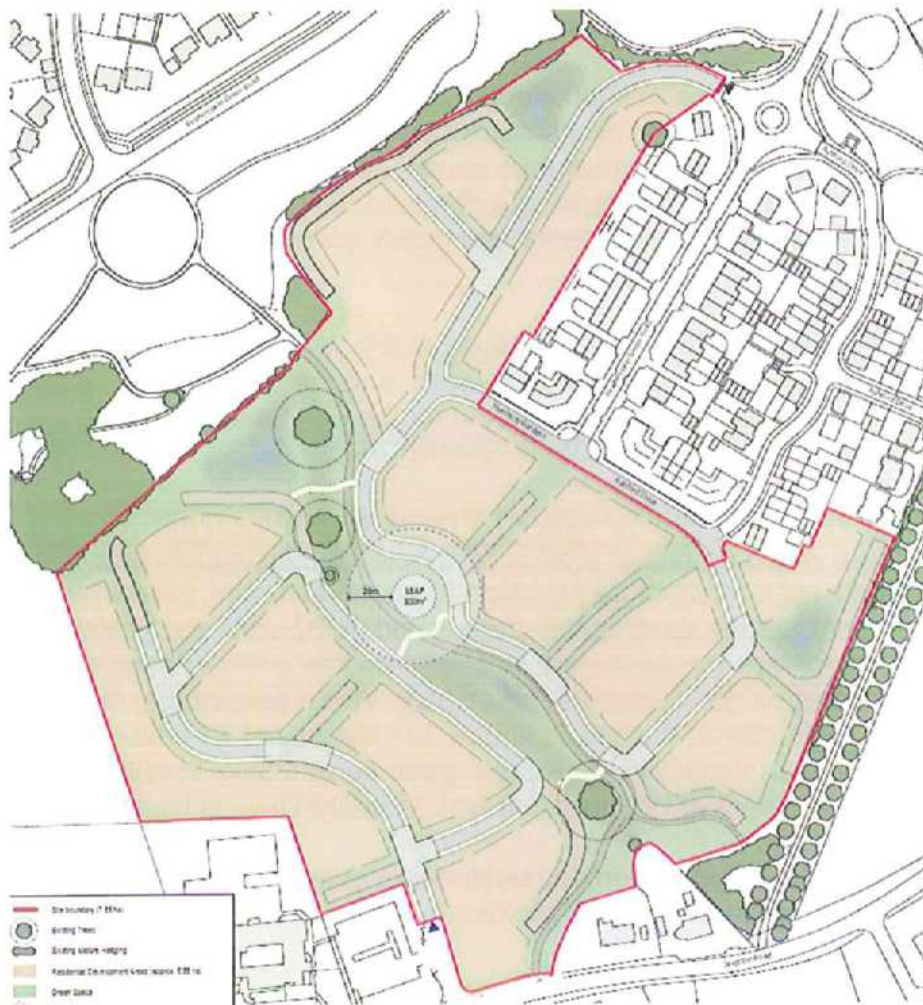
The Council's Statement of Community Involvement encourages developers to engage with the community prior to the submission of major planning applications. Between 2015-2016 the applicant has engaged in a number of discussions with the Council, the Parish Council and a public consultation event on 22 June 2016.

It is considered that suitable and proportionate community consultation has been undertaken.

Designation of land

The application site is not designated as Green Belt, as shown on the LPCS Policies Map. As such, Green Belt policies are not applicable in the determination of this application.

The site is unallocated and is not designated as public open space. The majority of the land not publicly accessible, being fenced off and sign posted as private land. The existing footways/cycleways which run through the site would be retained as part of the proposed development. Therefore there would be no loss of public open space or footway/cycleway links as part of this application. This is shown below on the illustrative masterplan:



The land is greenfield which is a reason for objection in a significant number of neighbour comments received. Many objections state that brownfield land should be developed first, and a number of brownfield sites located in the Borough have been suggested, including Stretton airfield and Mr Smiths, amongst others.

The land is “greenfield”, in the sense that it has not been previously developed. Following the quashing of the Borough’s housing target however, the Council currently does not have an up-to-date “locally appropriate target”, as required by NPPF, in terms of the proportion of new housing to be built on previously developed land. In these circumstances, it is considered that that presumption in favour of sustainable development as set out in paragraph 14 of the NPPF applies.

Design

Whilst some objections refer to the lack of detail in the application, the poor standard of design, out-of-scale / out-of-keeping with the character and appearance of the area; the application is in outline form. Accordingly, detailed matters such as layout, scale and appearance are currently unknown

and are reserved for later consideration.

An indicative site plan has been submitted for illustrative purposes to provide an example of how up to 180 dwellings could be achieved on the site. It incorporates the green corridor which runs almost centrally through the site, maintaining existing footpath networks and demonstrating linkages throughout the application site and to the wider area and green space at Pewterspear Green.

The site would essentially be divided into two parcels, with the western side have a sole vehicular access from Stretton Road, and the eastern side being served via the access points currently laid out off the Pewterspear Green Road roundabout and Henbury Gardens/Ashford Drive.

The site covers an area of approximately 7.5 hectares, although the developable area would equate to around 5.65 hectares, taking into account open space and hard infrastructure provision for example roads, footways etc. The average density of the developable area would be 32 units per hectare, although this would vary across the site to accommodate a mix of housing types. This is shown on the illustrative masterplan. When considering the site as a whole i.e. 7.5 hectares, this would equate to a density of 24 units per hectare. The proposed density is acceptable given surrounding densities, although the development at Henbury Gardens /Ashford Drive is higher.

It is considered that the application demonstrates that the site could satisfactorily accommodate up to 180 residential units and that the proposed density of development is acceptable.

The access points into the site are for detailed consideration as part of this outline application. The infrastructure to facilitate the site has been completed as part of previous phases of development as part of the New Town approval and subsequent applications. The illustrative plan shows a layout that would follow the prevailing pattern of development in the area, however this is not a matter for consideration at this stage.

The proposal would result in a change in landscape character of the site through the loss of open fields. There is no doubt that there would be a visual impact from sensitive receptors within and adjacent to the site due to the introduction of residential development on a site which is currently open. A visual key receptor is the footpath/cycleway which runs through the site, however the proposed central green corridor which would follow the route of the footpath, in addition to landscaping and further planting would provide mitigation.

Properties fronting the application suite at Henbury Gardens/Ashford Drive would be highly sensitive to the visual change, as a result of their relationship with the application site and the views of open fields currently afforded to these properties. The magnitude of the visual change is identified in the Landscape and Visual Impact Assessment is categorised as high. Although the impact is recognised in visual assessment terms, the loss of existing

private views through the introduction of residential development adjacent to an existing residential estate is not a sufficient reason for refusal on planning grounds. Matters such as separation distances, scale, siting and relationship of proposed dwellings with existing properties would be controlled at detailed design stage, and is reference in the 'amenity' section of this report.

In terms of overall impact, the application seeks to retain the majority of trees and hedgerow to the boundaries, which would provide some screening in the short term. In the longer term, a robust landscaping scheme with additional tree planting would provide further mitigation through screening/softening of the views once the planting matures.

In landscape and visual impact terms, whilst there are some recognised effects through the development of open land, the site is not isolated and forms the residential edge of the urban area. The proposed residential development is not uncharacteristic of the area and it not is not in itself uncharacteristic of the area, which is predominantly residential.

Amenity

The application is in outline form (including access), with matters such as scale, layout and appearance being reserved for later approval. The submitted illustrative masterplan shows one possible way in which the site could be developed.

A number of objections have been received in relation to the overbearing impacts, loss of privacy, overlooking impacts and the oppressive nature of the proposal on existing residential properties. Any layout would need to achieve appropriate separation distances between existing and proposed dwellings, and this would be secured at the Reserved Matters stage once full design details are known.

Comments have also raised that the proposal would be an unneighbourly form of development, however residential development would be compatible with the surrounding land use which is residential. The level of activity associated with the proposed development would be wholly residential in nature and is not a form of development that would be considered unneighbourly in this area.

The application is accompanied by an acoustic report which identifies that elevated noise levels exist along the Stretton Road edge of the site, due to the road itself and the presence of the M56 motorway to the south. Environmental Protection advise that mitigation measures / noise insulation would be required for those properties along the edge of the site. As the application is in outline form and the detailed design is currently unknown, a phased noise condition has been recommended. Environmental Protection advise that no significant mitigation will be required to the north of the site. Subject to the recommended noise condition, future occupiers of the proposed development would not be adversely affected by noise associated with the proximity to the motorway.

Air quality impacts have also been raised in objections, however air quality at the location of the development is significantly below the limits set nationally, and based on health grounds. Environmental Protection have considered the impact of the proposed development on air quality and have scoped out any adverse air quality impacts.

Whilst objections concerns impacts of the development during construction, in particular noise, dust and disturbance, such matters would be controlled by way of a Construction Environmental Management Plan, as recommended by the Environmental Protection Officer. Noise associated post-development would be of general domestic activity and therefore it is not considered that the proposal would result in adverse impacts of noise and disturbance to the detriment of neighbouring residential amenity.

Housing Mix and Affordable Housing

Local Plan Core Strategy (LPCS) policy SN2 seeks to ensure a mix of housing types and tenures to help secure mixed and inclusive neighbourhoods. Further detail is provided in the Planning Obligations SPD. This is consistent with the Framework at paragraph 50 which seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

The submitted planning documentation identifies a mix of housing, although this is not a detailed consideration at the stage. This suggested mix is set out below: in the form of:

- 2-bedroom properties: 36 units (20 per cent of total units)
- 3-bedroom properties: 90 units (50 per cent of total units)
- 4-bedroom properties: 54 units (30 per cent of total units)

Policy SN2 requires 30% affordable housing provision on this site of which 50% should be affordable for rent and 50% intermediate. Since the LPCS was adopted, the Housing and Planning Act 2016 been published and the National Planning Practice Guidance (NPPG) has been updated in respect of planning obligations. The Council's Supplementary Planning Document: Planning Obligations has now been adopted and this takes into account the new legislation and guidance and is a material consideration in the determination of this application.

For the purposes of Policy SN2, the Planning Obligations SPD confirms that Starter Homes are considered to be an Intermediate form of affordable housing. The SPF also reaffirms that the Council will continue to seek to secure the provision of affordable rented housing as well as fulfilling its duty to promote Starter Homes.

The application proposes 40% Starter Homes, with no affordable rent provision. There is a clear need for affordable rent provision in the Borough. As such the proposal does not accord with the SPD or LPCS policy SN2.

In line with paragraph 14 of the National Planning Policy Framework, it is

therefore necessary to consider whether or not the non-compliance with policy SN2 in terms of not delivering affordable rent provision but delivering intermediate provision in excess of the policy requirement, is an adverse impact that would significantly and demonstrably outweigh the benefits.

Although the Housing White Paper is now proposing a broader approach to affordable housing provision, including recognition of the importance of rented affordable homes as well as promoting low cost home ownership, Starter Homes remain Starter Homes are high on the Government's agenda and the Act places a duty on Local Planning Authorities to promote the supply of Starter Homes in their area. The scheme would deliver up to 72 intermediate affordable housing units which would widen opportunities for home ownership, in particular in the south of the Borough where property values are high in this area. This is a clear benefit of the scheme.

The application would make a significant contribution to the Council's housing land supply with the delivery of up to 180 homes. The Framework is clear that Local Planning Authorities should boost significantly the supply of housing and that housing applications should be considered in the context of the presumption in favour of sustainable development.

Significant financial contributions would be secured via a s106 agreement towards education, sports facilities, primary care and public transport. Whilst the contributions are necessary to mitigate the impacts of the scheme, they are clear benefits.

In addition, the HCA are committed to working with the council on the Authority's wider growth and regeneration aspirations for the borough as outlined in the approved City Centre Masterplan and Warrington means Business (Version 2). As part of The Warrington Growth Pilot (Local Growth Fund 1) the government / HCA committed to use such public sector land assets to enable the development of brownfield / regeneration areas in Warrington. The development of the application site for housing would therefore have wider benefits of investment in Warrington, and is an additional benefit of the scheme.

The policy requirement for affordable rented units would not be met by this application, which is a disadvantage of the scheme. However it is not considered that this would be an adverse impact which would outweigh the benefits of the scheme, which is acceptable in all other manners.

The delivery of 40% Starter Homes would be secured via s106 agreement.

Trees

The Council's Tree Officer has assessed the application and advises that the submitted Tree Report is comprehensive in its findings. The proposal seeks to retain the better quality specimen trees held within the site, although some groups of trees/vegetation would be lost, there wider amenity value is relatively limited.

Tree protection measures have only been considered for trees within the site, and therefore further information would be required for off-site trees which have the potential to be affected.

The Tree Officer raises no objection to the proposed development, subject to a condition requiring the submission of a scheme for tree protection and construction methodology in accordance with BS 5837:2012 which should include all retained vegetation both within and adjoining the site that have the potential to be affected by the development, including details of construction of hard surface and finished levels within Root Protection Areas.

Landscaping is a Reserved Matter, and landscaping details, including size, quantity and locations of plantings would be considered at a later date and would mitigate any loss of trees identified above.

Education

There is insufficient capacity in the area for primary and secondary provision when taking into account committed housing developments and sites which form part of the Council's five year housing land supply. The following financial contributions are therefore required for education and would be used to create capacity in the area:

Primary provision:
£671,706

Secondary provision:
£523,940

This would mitigate the impact of the proposal on primary and secondary schools in the area and would be secured by a s106 legal agreement. This would accord with LPCS policy MP10; the Planning Obligations SPD; and the Framework at paragraph 72.

Public Health

There is insufficient capacity for primary care in the area when taking into account committed housing developments and sites which form part of the Council's five year housing land supply. A financial contribution of £138,780 is required towards the delivery of primary care facilities in the area. This would mitigate the impact of the proposal on primary care and would be secured by a s106 legal agreement. This would accord with LPCS policy SN7 and the Planning Obligations SPD.

Public Open Space, Pitch Sports and Recreation

There is a deficit of equipped play sites in the area and therefore there is a requirement for the application to provide an area of equipped play within the development. In this case, the requirement is for a Local Equipped Area for Play (LEAP) equating to a size of 400sqm, including a 20 metre buffer zone.

The illustrative masterplan provides a LEAP centrally within the site, which has the potential to be easily accessed by all parts of the development,

including connectivity with wider areas of green space, sport or recreation.

There is no requirement for the application to provide public open space as the application is in close proximity/accessible to a number of formal areas of open space in the area, for example Pewterspear Green Road Park and Linear Park.

Within the Hatton, Stretton and Walton Ward, where there is a large surplus of sports pitch provision in quantitative terms and as such there is no requirement for the application to contribute towards sports provision.

The Council's Sports Facilities Strategic Needs Assessment (April 2015) identifies a requirement to reduce the large waiting lists for junior swimming lessons across the borough. The proposed development of up to 180 dwellings would create additional demand on sports facilities in the area. Broomfields Leisure Centre is located under 2 miles from the application site and provides a wide range of sport, leisure, health and learning facilities. It is however identified as being of poor quality, in need of enhancing and is running close to capacity. The Sport England – Sports Facility Calculator (SFC) indicates that the development would generate additional demand for facilities, which is calculated at £140,510.

The financial contribution of £140,510 would mitigate the impacts of the development in terms of additional demand generated for sports facilities, and would be secured by a s106 legal agreement.

Subject to connectivity to the nearby open space, the provision of a LEAP, and a financial contribution to enhance existing facilities at Broomfields Leisure Centre, the proposal would comply with LPCS policies QE3, CS1 (bullet points 11 and 13), and SN7; the Planning Obligations SPD; and the Framework at paragraph 73

Ecology

Neighbouring objections are concerned regarding the loss of ecological habitat and the impact on protected species. The application is accompanied by an Ecological Appraisal which is informed by a desk study to gather pre-existing ecological records; and an extended Phase 1 habitat survey and targeted botanical, great crested newt and water vole surveys. The survey provides that the site has limited potential to support protected and notable species, primarily due to the regular management of the improved and semi-improved grassland habitats that cover the majority of the site. The report also confirms the absence of great crested newts and water voles from the site and surrounding habitats.

The report recognises that three trees (TN2, 3 and 4) were identified that are potentially suitable for use by roosting bats, with habitats around the site margins and central ditch also considered of low suitability for foraging and commuting bats. These individual trees are not identified for removal and would be protected by way of a tree protection condition. The report also provides that scattered trees and hedgerows around the site boundaries also

provide some limited extents of habitat potentially suitable for use by nesting birds.

The Council's appointed ecologist at GMEU has assessed the application and advises that the ecological constraint identified include the scale of greenspace lost, nesting birds, and invasive species. GMEU advise that these issues are not if sufficient ecological value to justify refusal and a number of conditions are recommended in order to mitigate the impact of the development. These are summarised below:

- No vegetation clearance between 1st March – 31st August
- Method statement for the eradication of *Gunnera Tinctoria* (invasive species)
- Details to be included in a Construction Environmental Management Plan – Tree protection measures and protection of the ditch from spillages, dust and debris
- Landscape and ecological management plan – to include 0.9 hectares of ecological habitat and the following:
 - Descriptions and evaluation of features to be retained and enhanced
 - A plan showing new areas of species rich grassland and wetland
 - Full species/seed mixes for habitat creation areas
 - Details of the location of bat and bird boxes including the height off the ground and aspect
 - Details of the organisation(s) responsible for implementation and management
- Re-assessment if the development does not commence before 1st March 2018.

Whilst a condition has been advised to include tree protection measures within the CEMP, these details will be required by a separate condition, as recommended by the Council's Tree Officer.

Re-assessment of the site has been advised if works do not commence before 1st March 2018. This would be difficult to secure by condition, given the trigger of just one year and the timeframes associated with largescale residential developments. As such it is considered to be more appropriate and reasonable to require any future Reserved Matters applications to be submitted with an updated ecological survey.

Although loss of ecological habitat and impact on endangered species has been raised in the public objections received, the submitted ecological appraisal has been carried out by a suitably qualified ecologist and the findings are acceptable to GMEU (the Council's appointed ecologist).

An ecological management plan would be required and this would be expected to include, among other things, the provision of 0.9 hectares of high quality ecological habitat. This would ensure that any habitat lost by the proposal is mitigated in the interests of biodiversity enhancement.

Having regard to the submitted ecological appraisal and the advice and recommended conditions from GMEU, the proposed development would not

adversely affect nature conservation interests and would accord with Local Plan Core Strategy policies QE3 and QE5; and the Framework at paragraph 109.

Flood Risk and Drainage

A number of neighbour objections from the existing estate adjacent to the site have raised issues in relation to the drainage capacity of the area and the inadequacies of the drainage infrastructure.

The site is situated within Flood Zone 1 and a Flood Risk Assessment (FRA) is required due to the size of the site. A Sequential Test is not required as the site is located within Flood Zone 1 (defined as a 'Low Probability' of flooding) and is therefore sequentially preferable. Furthermore, an Exception Test is not applicable as in accordance with PPG Table 3, the development is appropriate for Flood Zone 1

The FRA has been assessed by the Council's Flood Risk Team and United Utilities. There is no objection to the proposal from both consultees and whilst UU are satisfied with the outline drainage strategy proposed, the Council's Flood Risk Team require a detailed design for the surface water drainage layout and attenuation. This would be secured by condition.

Conditions would be attached for foul and surface water to be drained on separate systems, and for a sustainable drainage management and maintenance plan. This would accord with Local Plan policies QE4 and QE6, the Framework and Planning Practice Guidance.

Heritage

The Cheshire Archaeology Planning Advisory Service (CAPAS) advise that the site is situated to the north east of the junction of two Roman roads which are recorded in the Cheshire Historic Environment Records, with the course of one of the roads having run along the south limits of the application area. CAPAS suggest however that the archaeological significance of the road is not sufficient to generate an archaeological objection to the development or to justify further pre-determination archaeological work. A programme of works is however recommended by CAPAS for specific areas of the site which are illustrated on the extract below with cross hatching:



CAPAS advise that the remainder of the application site has very little archaeological potential and therefore no further archaeological mitigation is recommended.

Although neighbour objections state that the proposed development would destroy Roman remains, CAPAS are satisfied that a programme of works for the specified area would be sufficient, it is not considered that the proposal would be detrimental to archaeological interests.

The nearest heritage asset to the site is the Church of St Matthew which is a Grade II listed building; and the locally listed war memorial. The Church lies some 100 metres to the southwest of the application site boundary and would be separated from the site by the existing open playing fields and ST Matthews School, including the grouping of trees which form an established boundary. These trees are also protected by way of a Tree Preservation Order. In addition the site would be landscaped, again a reserved matter, and this would ensure a level of further screening to the site. It is not considered that the development of the application site for housing would adversely affect the setting of the heritage asset or its conservation, and would be subject to appropriate detailed design at reserved matters stage.

Subject to the recommended condition, the proposal would comply with Local Plan policy QE8.

Land Quality

A contaminated land desk study has been submitted as part of the application, which identifies that further investigation will be required to fully characterise the site. Environmental Protection have requested conditions for

a characterisation & remediation Strategy and verification. Subject to the recommended conditions, the proposal would comply with Local Plan Core Strategy policy QE6 (Environment and Amenity Protection) in respect of land quality.

Highways

The scheme would comprise of two separate elements, divided by the existing footway/cycleway which runs almost centrally through the site. The split would be up to 103 dwellings being accessed from Pewterspear Green Road / Ashford Drive / Henbury Gardens to the north east; and up to 77 dwellings being access from Stretton Road to the southwest. Road stubs are already in place from other phases of development in order to facilitate access. The access points are identified on the extract below:



Plans have been submitted for each of the access points, which demonstrate visibility plays. Highways are satisfied that that the necessary levels of visibility can be achieved at each location. The plans also demonstrate how the site would be connected to the adopted highway and this would accord with adoptable standards with a 5.5 metre carriageway and footways of a minimum

2 metres in width on either side.

A number of objections refer to insufficient width of Ashford Drive to support the development with some comments that Ashford Drive was designed as a cul-de-sac. The junction stub-ends are already in place to serve the development due to the intention to develop the land as part of the New Town. Highways have assessed the accesses and the connecting roads of Henbury Gardens/Ashford Drive, and as detailed above no objections have been raised.

Highways do however advise that localised widening of the highway at Henbury Gardens would be required and this could be secured by condition. Other points such as the removal of areas of block paving at the Ashford Drive roundabout and dropped kerb pedestrian crossings would be achieved through a section 278 agreement.

Highways comment that the internal road network would need to be designed and constructed to an adoptable standard and main routes should meet the 'Major Residential Access Road' standards. This would be secured at reserved matters stage when the detailed site layout is determined, including the application of parking standards and 'private roads'.

Objections also highlight that the access to Stretton Road is currently used as informal parking in relation to school pick up/drop off for St Matthews Primary School. The opening of the access from the site to Stretton Road will mean that the informal parking that occurs would no longer be available. Highways comment that it would be advantageous if the future layout of the scheme could include a parking layby. The LPA would seek to achieve this at the reserved matters stage.

During the course of the application process, a revised Transport Assessment has been submitted due to concerns in relation to a number of assumptions that were made in the original assessment. The revised Transport Assessment is now deemed acceptable to Highways.

Highways consider that the identified trip generation rates of the proposed development are acceptable and sufficiently robust. Capacity assessments at a number of junctions have been carried out to identify any impacts of the scheme and the modelling contained in the revised TA is to the satisfaction of Highways. Although a number of neighbour objections consider that other junctions and infrastructure in the area should be considered within the assessment, the scope of the TA has been agreed with Highways. The following key junctions were assessed and their impacts identified:

Junction of London Road/Stretton Road

The TA concludes that the without the development, the junction would already be operating at or just over capacity and that when the relevant development traffic associated with the current application is added to this junction, whilst the operation does deteriorate, this is not of a materially significant level. The TA also infers it is likely that with the junction operating

at these predicted levels, traffic would arguably avoid this junction and choose lighter trafficked alternative routes.

Junction of Pewterspear Green Road / Dippingbrook Lane:

The TA indicates that there is sufficient spare capacity at this location to accommodate the development traffic satisfactorily.

Junction of Longwood Road / Littlecote Gardens:

The TA indicates that there is sufficient spare capacity at this location to accommodate the development traffic satisfactorily.

Junction of London Road (A49) / Longwood Road:

The TA indicates that whilst the junction is predicted to operate at the upper limits of capacity, the addition of the development traffic will not have a materially significant impact.

Junction of A49 / M56 Junction 10:

The TA indicates that whilst the junction is predicted to operate at the upper limits of capacity, the addition of the development traffic will not have a materially significant impact.

A high number of objections raise a wide range of highways related matters, with key issues including over-capacity/congestion of the surrounding network and junctions, increased traffic, increased travel times, no highways improvements/ new infrastructure proposed as part of the application, and that there are no suitable public transport alternatives.

It is clear that the junction assessments identify that London Road. Stretton Road junction would be over capacity, however not to a significant degree, and that the junctions of London Road (A49) / Longwood Road and A49 / M56 Junction 10 would operate at the upper limits of capacity. The junctions of Pewterspear Green Road / Dippingbrook Lane and Longwood Road / Littlecote Gardens would have sufficient spare capacity to accommodate the additional traffic which would arise as a result of the proposed development.

However, the advice of Highways is that no formal junction mitigation is required as part of this application as the impact would not be severe. Highways do however make it clear that in relation to the junction of London Road/Stretton Road, any further major developments in the area are likely to result in an unacceptable impact on this junction and therefore mitigation would be required as part of future schemes. This would however be determined at the relevant time an application comes forward.

As part of this application, Highways specify the need to enhance sustainable transport measures in the area of the scheme. Highways recommend a contribution towards the upgrade of bus service number 8 to improve the service to a peak time 30-minute frequency, off-peak hourly frequency and to extend evening service times. The cost of this service improvement would be proportionally split between this application and two further major housing applications, as each scheme would require significant public transport

support and all would benefit from this specific route enhancement. This contribution will cover a 5-year period, split equally per year.

A sum of approximately £110,000 is required to enhance bus service number 8 to provide half hour service frequencies in the AM and PM peak periods and an hourly service in the off-peak period.

Highways also require a financial contribution to provide two new bus shelters to upgrade the existing provision adjacent to the Stretton Road access.

A sum of approximately £10,000 will be required to provide two bus shelters and associated hardstanding on Stretton Road adjacent to the applicant site. This sum is an approximation and may change subject to hardstanding / foundation requirements and readily available services connection points that can only be confirmed at the detailed design stage.

A particular objection from St Matthews Primary School does however relate to the proximity of the existing bus stop with the Stretton Road access and that this would be hazardous with the increased traffic from the development. Highways are however satisfied with the relationship of the bus stop with the access and the number of trips that would be generated from the development at peak times. It should also be noted that the access at Stretton Road would serve less than half of the proposed development. As requested, highways have looked into the relocation of the bus stop, however do not consider that this would be a feasible option. To the west the footpath terminates at approximately 25 metres from the stop; and relocation to the east is not an option due to the need to ensure visibility splays are kept clear and due to the number of driveways on the southern side of Stretton Road which would prevent westbound buses stopping in this location. Ultimately, Highways are satisfied with the relationship of the Stretton Road access and the existing bus stop next to the school and the levels of increased traffic that would be generated at this junction. A reason for refusal on these grounds could not be warranted.

To conclude, the improvements to sustainable transport as identified in this report would assist in reducing reliance of the car and would aim to make public transport a viable alternative. This would seek to mitigate the impacts of the development and would be secured by way of a s106 legal agreement. This would accord with the LPCS policies MP1, MP3, MP4, MP7, CS4 and QE3; and the Planning Obligations SPD.

In the absence of an objection from Highways and with the measures that would be secured via a s106 agreement, it is not considered that the proposed development would result in severe transport impacts in the context of the NPPF (paragraph 32) to warrant refusal of the application. The proposed development is therefore considered to be acceptable in highways safety terms, having regard to LPCS policies QE6 (bullet point 10), CS1 (bullet point 11) and MP3.

Planning Obligations

The following financial contributions would be required in order to mitigate the impacts of the proposal:

- A financial contribution of £138,780 is required towards primary care in the area.
- A financial contribution towards education:

Primary provision:

£671,706

Secondary provision:

£523,940

- Financial contribution of £140,510 to enhance built sports facilities at Broomfields Leisure Centre.
- A sum of approximately £110,000 is required to enhance bus service number 8 to provide half hour service frequencies in the AM and PM peak periods and an hourly service in the off-peak period.
- A sum of approximately £10,000 will be required to provide two bus shelters and associated hardstanding on Stretton Road adjacent to the applicant site. This sum is an approximation and may change subject to hardstanding / foundation requirements and readily available services connection points that can only be confirmed at the detailed design stage.

The delivery of 40% starter homes would also be secured via a s106 legal agreement and would set out a mechanism for their delivery as part of the scheme.

Other Matters

Loss of property value - This is not a material planning consideration in the determination of this application.

Loss of view - This is not a material planning consideration in the determination of this application.

A number of objections

Waste – Waste collection would be in line with the Council's waste services.

Risk to existing residents due to housing association and lower income residents – it unclear how future occupiers of the development would pose a risk to existing residents.

Conclusions

The delivery of up to 180 would make a significant contribution to the Council's supply of housing land, and is suitable, available and deliverable.

Although there are shortfalls in the application, in terms of the absence of affordable rent provision and capacity impacts at key junctions in the area; these impacts are clearly outweighed by wider benefits in particular housing delivery, and/or mitigation measures which would be secured by a s106 agreement. In the context of the Framework at paragraph 14, there are no identified adverse impacts which would significantly and demonstrably outweigh the benefits of planning permission being granted. The application would accord with the Framework in its clear intention to boost significantly the supply of new housing and the presumption in favour of sustainable development, having regard to the economic, social and environmental dimensions. The application is therefore recommended for approval accordingly, subject to conditions and a s106 legal agreements to deliver the identified planning obligations.

Recommendation

Approve subject to Section 106 Agreement

Conditions & Reasons

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined by condition 3 below, whichever is the later.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 92 (as amended) of the Town & Country Planning Act 1990

2. The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted plans, insofar as they relate to access, and any subsequently approved reserved matters:

Drawing number 50551 SK(90)08 Location Plan
Drawing number 35503/5501/001 Rev A – Site Access Stretton Road (received by the Local Planning Authority on 08/02/2017)
Drawing number 35503/5501/002 Rev B – Site Access Pewterspear Green Road (received by the Local Planning Authority on 07/02/2017)
Drawing number 35503/5501/011 Site Access Pewterspear Green Roundabout (received by the Local Planning Authority on 07/02/2017)

Reason: For the avoidance of doubt and to define the permission.

3. a) Details of the reserved matters set out below (“the reserved matters”) shall be submitted to the Local Planning Authority for approval within three years from the day of this permission:
Layout
Scale
Appearance

Landscaping

- b) The reserved matters shall be carried out as approved.
- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town & Country Planning Act 1990.

- 4. The details submitted in pursuance of condition 3 of this consent shall include plans showing existing and proposed levels across the site and including finished slab levels of all proposed buildings. Proposed plans shall include a level (e.g. highway or footpath) adjacent to the site that will remain fixed/ unchanged and shall include levels adjoining the site.

Reason: No details of these matters have been submitted with the application and bearing in mind the topography of the site and in the interests of neighbouring residential amenity. In accordance with Local Plan Core Strategy (2014) policy QE6 (Environment and Amenity Protection)

- 5. No development on any individual phase (other than demolition and site clearance works) shall take place until the steps in Sections A and B below are undertaken:

A: CHARACTERISATION: With specific consideration to human health, controlled waters and wider environmental factors, the following documents must be provided (as necessary) to characterise the site in terms of potential risk to sensitive receptors:

- Preliminary Risk Assessment (PRA or Desk Study)
- Generic Quantitative Risk Assessment (GQRA) informed by a Intrusive Site Investigation
- Detailed Quantitative Risk Assessment (DQRA)
- Remedial Options Appraisal

Completing a PRA is the minimum requirement. DQRA should only to be submitted if GQRA findings require it.

B: SUBMISSION OF A REMEDIATION & VERIFICATION STRATEGY:

As determined by the findings of Section A above, a remediation strategy (if required) and verification (validation) strategy shall submitted in writing to and agreed with the LPA. This strategy shall ensure the site is suitable for the intended use and mitigate risks to identified receptors. This strategy should be derived from a Remedial Options Appraisal and must detail the proposed remediation measures/objectives and how proposed remedial measures will be verified.

The actions required in Sections A and B shall adhere to the following guidance: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion. In accordance with Local Plan Core Strategy (2014) policy QE6; the Framework at paragraph 121; and Supplementary Planning Document: Environmental Protection Section 4.

6. The development shall not be taken into use on any individual phase until the following requirements have been met and required information submitted to and approved by the Local Planning Authority (LPA):

A: REMEDIATION & VERIFICATION: Remediation (if required) and verification shall be carried out in accordance with an approved strategy. Following completion of all remediation and verification measures, a Verification Report must be submitted to the LPA for approval.

B: REPORTING OF UNEXPECTED CONTAMINATION: All unexpected or previously-unidentified contamination encountered during development works must be reported immediately to the LPA and works halted within the affected area(s). Prior to site works recommencing in the affected area(s), the contamination must be characterised by intrusive investigation, risk assessed (with remediation/verification measures proposed as necessary) and a revised remediation and verification strategy submitted in writing and agreed by the LPA.

C: LONG-TERM MONITORING & MAINTENANCE: If required in the agreed remediation or verification strategy, all monitoring and/or maintenance of remedial measures shall be carried out in accordance with the approved details.

The site shall not be taken into use until remediation and verification are completed. The actions required to be carried out in Sections A to C above shall adhere to the following guidance: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion. In accordance with Local Plan Core Strategy (2014) policy QE6; the Framework at paragraph 121; and Supplementary Planning Document: Environmental Protection Section 4.

7. Prior to the commencement of the development of any individual phase, a scheme for insulating the building(s) envelope from noise sources both within and outside the properties shall be submitted to and approved in writing by the Local Planning Authority.

This scheme shall detail the mitigation measures necessary to achieve the internal noise levels set out below and include noise from any transportation, industrial, commercial and entertainment noise.

The following noise levels will need to be achieved in habitable rooms and outdoor areas as set out in BS8233:2014

Daytime Noise (07:00-23:00) Living Rooms & Bedrooms - 35 dB LAeq, 16hr

Daytime Noise (07:00-23:00) Dining Areas - 40 dB LAeq, 16hr

Daytime Noise (07:00-23:00) Outdoor Amenity Areas - 50 dB LAeq, 16hr

55dB LAeq, 16hr can be accepted in exceptional cases where normal mitigation cannot reach the 50dB level.

Night time Noise (23:00 – 07:00) Bedrooms - 30 dB LAeq, 8hr,

Night time noise (23.00 – 07.00) Bedrooms - 45dBLAmax no more than 10-15 times per night (WHO guidelines)

These levels must be capable of being achieved with windows open. For the purposes of calculation and unless specific window attenuation calculations are provided, noise reduction through a partially open window should be assumed to be 15dBA. If the above levels cannot be achieved with open windows, then the scheme must also include provisions for forced acoustically protected ventilation that will not compromise the acoustic performance of any proposals.

Reason: To ensure a satisfactory standard of living environment for future occupiers of the development due to the effects of nearby motorway noise. In accordance with Local Plan Core Strategy (2014) policy QE6; the Framework at paragraph 121; and Supplementary Planning Document: Environmental Protection Section 4.

In accordance with: Policy QE6 of the Adopted Local Plan Core Strategy (July 2014); and Paragraph 123 of the National Planning Policy Framework (March 2012); and Section 6 of the Environmental Protection Supplementary Planning Document (May 2013)

8. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Local Plan Core Strategy (2014) policies QE4 and QE6 (Environment and Amenity Protection), the Framework and Planning Practice Guidance

9. Prior to the commencement of any development, a detailed surface water drainage and attenuation scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable development, to secure proper drainage and to manage the risk of flooding and pollution in accordance with Local Plan Core Strategy (2014) policies QE4 and QE6 (Environment and Amenity Protection), the Framework and Planning Practice Guidance.

10. Prior to the completion of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and agreed in writing by the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:
 - a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Management Company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be maintained and managed in accordance with the approved plan.

Reason: To ensure that a managing body is in place and to manage flooding and pollution during the lifetime of the development. In accordance with Local Plan Core Strategy (2014) policy QE4, the Framework and Planning Practice Guidance.

11. No development or site works shall take place within the southern section of the site (as shown hatched on the plan which is attached to this decision notice) until a programme of archaeological work in accordance with a written scheme of investigation is submitted to and approved in writing by the Local Planning Authority. Any development or works in this area shall be carried out in strict accordance with the approved programme.

Reason: To ensure that archaeological interests at the safeguarded and recorded, in accordance with the Framework at paragraph 141 and Local Plan Core Strategy (2014) policy QE8.

12. No site or earthworks shall take place until a method statement for the avoidance, control and/or eradication of *Gunnera tinctoria* has been submitted to and approved in writing by the Local Planning Authority. Any site or earthwork shall be carried out in accordance with the approved method statement.

Reason: *Gunnera tinctoria* is an invasive species listed under Schedule 9 Part 2 of the Wildlife & Countryside Act where it is an offense to introduce, plant, or cause to grow this species.

13. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall not be undertaken between 1st March and 31st July inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections approved by the Local Planning Authority.

Reason: In order to avoid adverse impacts on nesting birds and to comply with the Wildlife and Countryside Act 1981 (as amended)] and the Framework.

14. Prior to the commencement of the development hereby approved, full details for the provision of 0.9 hectares of ecological habitat to be provided within the application site and to be incorporated within the development, shall be submitted to and approved in writing by the Local Planning Authority.

The ecological habitat shall be provided in full accordance with the approved scheme and the approved Ecological Management Plan (condition 15)

Reason: In the interests of net biodiversity gains and safeguarding nature conservation. In accordance with Local Plan Core Strategy (2014) CS1 (bullet point 9), QE3, QE5, MP10 and the Framework at paragraph 109.

15. Prior to the completion of the development hereby approved, an ecological management plan for 0.9 hectares of ecological habitat shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following:

Descriptions and evaluation of features to be retained and enhanced
A plan showing new areas of species rich grassland and wetland
Full species/seed mixes for habitat creation areas
Details of the type and location of bat and bird boxes, including the height off the ground and aspect
Details of the organisation(s) responsible for implementation and management
A timeframe for the delivery of the ecological habitat and the implementation of the approved ecological management plan

The ecological habitat shall be implemented in accordance with the approved plan and subsequently retained as such thereafter.

Reason: In the interests of net biodiversity gains and safeguarding nature conservation. In accordance with Local Plan Core Strategy

(2014) CS1 (bullet point 9), QE3, QE5, MP10 and the Framework at paragraph 109QE5, MP10 and the Framework at paragraph 109.

16. An updated Ecological Appraisal shall be submitted with any Reserved Matters application.

Reason: In the interest of protected species and nature conversation, to comply with Local Plan Core Strategy (2014) policies CS1 (bullet point 9) and QE5 and the Framework at paragraph 109.

17. Prior to the commencement of the development hereby approved, a scheme for the protection of all trees/ shrubs/ and vegetation to be retained both within and adjoining the site shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall also include a construction methodology for development and hardstanding within root protection areas and the installation of foundations, utility services and drainage systems in relation to root protection areas, in accordance with BS 5837:2012. Proposed materials, excavation depths and finished levels shall also be detailed in the scheme. The development shall be completed in accordance with the approved scheme and protection measures being in place for the duration of construction works.

Reason: In the interests of safeguarding trees during construction and as part of the development; and to protect the visual amenities of the area. To accord with Local Plan Core Strategy (2014) policy QE7 and Supplementary Planning Document: Design and Construction.

18. Prior to the commencement of the development hereby approved, full details for the provision of a 400sqm LEAP (local equipped area of play) with 20 metre buffer zone to be provided as part of the development shall be submitted to and approved in writing by the Local Planning Authority.

The LEAP shall be provided in accordance with the approved details and made available for use prior to completion of the dwellings, unless any variation to the timeframe is agreed in writing by the Local Planning Authority.

Reason: To ensure that the LEAP is delivered as part of the development to serve future occupiers and due to a deficiency of equipped play in the area, where the development will create additional demand. In accordance with Local Plan Core Strategy (2014) policies QE3, CS1 (bullet points 11 and 13), and SN7; the Planning Obligations SPD; and the Framework at paragraph 73

19. No development shall commence until a local employment scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall outline the means of maximising the local impact from the development in terms of contracting and supply chain opportunities for local businesses and job opportunities for the local community / residents. The approved employment scheme shall be fully implemented.

Reason: To maximise the benefits of the development in terms of the local economy and to comply with Local Plan Core Strategy (2014) policy PV3.

20. Prior to the commencement of any works on site on any individual phase, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP shall review all construction operations proposed on that phase of the site and shall cover as a minimum the following areas of work on a phase by phase basis, identifying appropriate mitigation measures as necessary:

Proposed locations of Site Compound Areas

Proposed Routing of deliveries to Site Compounds or deliveries direct to site

Proposed delivery hours to site

Proposed Construction Hours

Acoustic mitigation measures

Control of Dust and Air Quality on site

Protection of the existing ditch on site from spillages, dust and debris

Consideration for joining a Considerate Contractors Scheme

The CEMP shall consider in each case issues relating to dust, odour, control of waste materials and vibration.

The management plan shall include a restriction on HGV construction vehicles moving to / from the site during school start and end times.

The approved scheme shall be implemented in full on each relevant phase, unless any variation to the CEMP is varied in writing by the Local Planning Authority.

Reason: In the interests of protecting the residential amenity of nearby residents during construction from adverse impacts associated with noise, dust, air quality and construction related activities. In accordance with Local Plan Core Strategy (2014) policy QE6; the Framework at Paragraph 123; and Supplementary Planning Document: Environmental Protection Sections 3 and 6.

21. Prior to the commencement of the development hereby, a scheme to

widen Henbury Gardens to accommodate a large refuse vehicle shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: To ensure that a refuse vehicle can be satisfactorily accommodated in this location without detriment to the safety of other road users or the free flow of all modes of transport. In accordance with Local Plan Core Strategy (2014) policies QE6 and CS1 (bullet point 11) and Supplementary Planning Document: Parking Standards in New Development.

DEVELOPMENT MANAGEMENT COMMITTEE

23 February 2017

Present: Councillor T McCarthy (Chairman)
 Councillors J Grime, J Wheeler, B Barr,
 L Morgan, J Flaherty, S Wright, C Mitchell,
 L Dirir (substituted for D Keane), S Parish
 (Substituted for P Carey) and K Buckley (substituted for S Woodyatt)

DM151 Apologies for Absence

Apologies for absence had been received from P Carey, D Keane, K Mundry and S Woodyatt.

DM152 Code of Conduct – Declarations of Interest

Councillor	Minute	Reason	Action
Cllr C Mitchell	DM154	Cllr Mitchell had campaigned against the application.	Cllr Mitchell stepped down from the committee, she did not take part in the discussion or the vote thereon.
Cllr J Wheeler	DM155	Cllr Wheeler had been campaigned against the application.	Cllr Wheeler stepped down from the committee, she did not take part in the discussion or the vote thereon.

DM153 Planning Applications

Resolved,

That Pursuant to the Town and Country Planning Act 1990 (As Amended) the applications for permission to develop land be considered and dealt with in the manner agreed.

DM154 2016/28492 - Land at Peel Hall, Land South of M62 bounded by, Elm Road, Birch Avenue, Poplars Avenue, Newhaven Road, Windermere Avenue, Grasnere Avenue, Meerewood Close, Osprey Close, Lockerbie Close, Ballater Drive and Mill Lane, Warrington.

Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation of refusal.

Representations were heard in support of the officer recommendation.

Resolved,

That application 2016/28535 be refused as per the officers report.

Reason,

It was considered that insufficient information had been submitted to enable the local planning authority to confirm that the potential impacts of the proposed development on the transport network would not be severe, in the terms set out in paragraph 32 of the National Planning Policy Framework. In the absence of adequate information to accurately forecast potential impact, it was not considered possible to design and deliver suitable highways / transport mitigation nor, consequently, to confirm that the proposal would be acceptable in terms of its air quality and traffic noise effects. The submitted information contained no agreed base year model, forecast year models or local model validation report. In these circumstances, the local planning authority could not confirm that there would not be serious conflicts with the following policies in the Local Plan Core Strategy for Warrington;-

- CS1 (seventh and eleventh bullets)
- QE6 (fifth, sixth and tenth bullet)
- QE7 (third bullet)
- MP1 (all bullets)
- MP3
- MP4
- MP7 (both bullets)
- MP10 (first, second and third bullets)

Additionally, the proposal would not deliver the range of measures required to support a development of this nature and scale, with regard to the provision of school places, healthcare facilities and sport and recreation provision required by the Councils adopted Planning Obligations Supplementary Planning Document, in support of policies CS1 (second and seventh bullet points) and MP10 (first, second and third bullet points) of the Local Plan Core Strategy for Warrington. In the absence of such provision it was considered that the proposed development would not be sustainable in the sense intended by paragraph 7 (second bullet) of the National Planning Policy Framework.

DM155 2016/28807 – Land Bounded by Pewterspear Green Road, Ashford Drive, Stretton, Warrington – Outline Application (Major) – Outline Planning application for up to 180 residential dwellings (access only – all detailed matters reserved for subsequent approval).

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation of approval subject to conditions.

Town and Country Planning Act 1990

Mr Colin Griffiths,
Satnam Planning Services
17, Imperial Square
Cheltenham
Glous
GL50 1QZ

Application for Planning Permission Accompanied by an Environmental Assessment

NOTICE OF DECISION ON PLANNING APPLICATION Application Number: 2016/28492

Professor Steven
Broomhead
Chief Executive

3rd Floor New Town
House
Buttermarket Street
Warrington
WA1 2NH

devcontrol@warrington.gov.uk

01925 442819

PROPOSAL:	Major Development: Outline planning application for a new mixed use neighbourhood comprising residential institution (residential care home - Use Class C2); up to 1200 dwelling houses and apartments (Use Class C3); local centre including food store up to 2000 square metres (Use Class A1); financial & professional services; restaurants and cafes; drinking establishments; hot food takeaways (Use Classes A2-A5 inclusive); units within Use Class D1 (non residential institution) of up to 600 sq m total with no single unit of more than 200 sq m; and family restaurant/ pub of up to 800 sq m (Use Classes A3/A4); employment uses (research; assembly and light manufacturing - Use Class B1); primary school; open space including sports pitches with ancillary facilities; means of access (including the demolition of 344; 346; 348; 458 and 460 Poplars Avenue) and supporting infrastructure. (All detailed matters other than access reserved for subsequent approval.) (Application is accompanied by an Environmental Impact Assessment).
LOCATION:	Land at Peel Hall; Land South of M62 bounded by, Elm Road; Birch Avenue; Poplars Avenue; Newhaven Road; Windermere Avenue, Grasmere Avenue; Merewood Close, Osprey Close Lockerbie Close, Ballater Drive and Mill Lane, Poplars & Hulme, Warrington



DECISION: THE BOROUGH COUNCIL HAS DECIDED
TO **REFUSE** PERMISSION FOR THE
FOLLOWING REASON(S);

REASON(S)

- 1) It is considered that insufficient information has been submitted to enable the local planning authority to confirm that the potential impacts of the proposed development on the transport network would not be severe, in the terms set out in paragraph 32 of the National Planning Policy Framework. In the absence of adequate information to accurately forecast potential impact, it is not considered possible to design and deliver suitable highways/transport mitigation nor, consequently, to confirm that the proposal would be acceptable in terms of its air quality and traffic noise effects. The submitted information contains no agreed base year model, forecast year models, or Local Model Validation Report. In these circumstances, therefore, the local planning authority can not confirm that there would not be serious conflict with the following policies in the Local Plan Core Strategy for Warrington:
 - CS1 (seventh and eleventh bullets);
 - QE6 (fifth, sixth and tenth bullet);
 - QE7 (third bullet);
 - MP1 (All bullets);
 - MP3;
 - MP4;
 - MP7 (both bullets);
 - MP10 (first, second and third bullets).

- 2) The proposal would not deliver the range of measures required to support a development of this nature and scale, with regard to the provision of school places; healthcare facilities and sport and recreation provision required by the Council's adopted Planning Obligations Supplementary Planning Document, in support of policies CS1 (second and seventh bullet points) and MP10 (first, second and third bullets) of the Local Plan Core Strategy for Warrington. In the absence of such provision it is considered that the proposed development would not be sustainable in the sense intended by paragraph 7 (second bullet) of the National Planning Policy Framework.

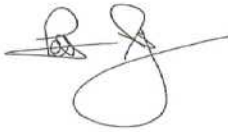
IMPORTANT

Please read the guidance notes enclosed with this decision notice to help you understand the decision, your rights and other things you may have to do.

DATED: 24-Feb-2017

SIGNED:

DNEAR

A handwritten signature in black ink, appearing to read 'Pete Astley', with a large loop at the end of the name.

Pete Astley
Assistant Director
Regulation & Public Protection

DEVELOPMENT MANAGEMENT COMMITTEE DATE 1st JULY 2020

ITEM 1

Application Number:	2016/28492
Description of Development:	Major Development: Outline planning application for a new mixed use neighbourhood comprising residential institution (residential care home - Use Class C2); up to 1200 dwelling houses and apartments (Use Class C3); local centre including food store up to 2000 square metres (Use Class A1); financial & professional services; restaurants and cafes; drinking establishments; hot food takeaways (Use Classes A2-A5 inclusive); units within Use Class D1 (non residential institution) of up to 600 sq m total with no single unit of more than 200 sq m; and family restaurant/ pub of up to 800 sq m (Use Classes A3/A4); primary school; open space including sports pitches with ancillary facilities; means of access (including the demolition of 344; 346; 348; 458 and 460 Poplars Avenue) and supporting infrastructure. (All detailed matters other than access reserved for subsequent approval.) (Application is accompanied by an Environmental Impact Assessment).
Location Address:	Land at Peel Hall; Land South of M62 bounded by, Elm Road; Birch Avenue; Poplars Avenue; Newhaven Road; Windermere Avenue, Grasmere Avenue; Merewood Close, Osprey Close Lockerbie Close, Ballater Drive and Mill Lane, Poplars & Hulme, Warrington
Applicant:	Satnam Millennium Ltd
Ward:	Poplars and Hulme Poulton North
Site Allocation:	Unallocated
Number of representations received:	Approx 2250 (inc circa 2000 standardised forms/ letters).
Reason for Referral:	Appeal relating to previous DMC decision
Statutory expiry date:	N/A
Recommendation:	Continue to defend appeal on highway grounds
Case Officer:	Martha Hughes

SUMMARY OF KEY REASONS FOR RECOMMENDATION

This report is to provide an update on the Council's case in defending the appeal and preparing evidence for the inquiry and seek a resolution on how to proceed based on continued professional objections.

The application and appeal has followed a complex set of proceedings as summarised below;

- Application refused at DMC in Feb 2017 on grounds of insufficient information (highways mitigation, AQ and noise) and lack of provision for social infrastructure.
- Applicant lodged an appeal against the Council's decision.
- The appeal was recovered by the SofS and was heard at a public inquiry in 2018 (between April – July 2018).
- The Council's defended the appeal on the basis of insufficient information in relation to highways mitigation, air quality and noise,
- A s106 agreement was entered into between the Council and the appellant which addressed the requirements for social infrastructure and therefore the second reason for refusal was no longer contested.
- The SofS dismissed the appeal on 20 December 2018
- The SofS decision was the subject of a successful legal challenge by the appellant – Satnam, with the High Court quashing the decision of the SofS in October 2019 and ordering that the appeal be re-determined.
- In December 2019 the SofS confirmed that the inquiry would be re-opened and would be determined by a different inspector.

The rationale for the re-opened inquiry is procedural and does not necessarily mean that the Secretary of State will subsequently reach a different overall decision, although this is a possibility.

The Inspector/Secretary of State will consider any relevant evidence previously submitted, unless directed otherwise by the person making the submissions..

The re-opened inquiry was scheduled for June 2019 however it has now been postponed due to covid 19 restrictions. The new date for the inquiry has not been confirmed but the possible date of 14 – 25 September is being considered by the Planning Inspectorate.

In the intervening time since the inquiry was re-opened, the appellant has submitted new technical information for consideration as part of the appeal (and this has been accepted by the Planning Inspector). This new information has now been reviewed by officers and is the basis for the recommendations in this report.

The resolution of DMC in Feb 2017 provided 2 reasons for refusal, which have been subsequently superseded by the events listed above.

The Council will need to review its case in order to effectively defend the appeal.

It remains the professional opinion of officers that notwithstanding all the additional information provided the appellant still does not demonstrate that the impacts from the

development on the highway network would not be significantly adverse. It is therefore advised that the appeal is strongly defended on this basis.

The Appellant has over the course of the previous Inquiry and preparation for that scheduled later in the year addressed some of the reasons for refusal. Accordingly it is considered that the Council is no longer in a position to defend the appeal for all of the reasons previously agreed by DMC; one of these reasons related to insufficient information; subsequent submissions by the appellants, which have been agreed can be considered through the inquiry process by the Inspector, have addressed this point and sufficient information has now been submitted to allow a view to be reached. A second reason for refusal was overcome through the previous inquiry and, although matters are currently being reassessed in light of material changes, there is no reason to believe at this stage that this matter will not be resolved in advance.

It would weaken the Councils highways case to continue with matters which have been resolved.

It is recommended that the Council continue to defend the decision at Peel Hall on highways grounds.

OFFICER'S REPORT

A full copy of the 23 February 2017 officer report to DMC is appended to this update report. It is not the intention of this report to revisit all matters considered in that application as there have been no significant material changes in circumstance or policy that would require a wider review. This report therefore seeks to provide clarity and a resolution based on those matters that were unresolved.

1. APPLICATION SITE AND SURROUNDINGS

- 1.1 No part of the application site is allocated for any particular use or purpose by the Local Plan Core Strategy for Warrington.
- 1.2 No development is proposed within the confines of the existing Peel Hall Park area.
- 1.3 No part of the site is Green Belt. All of the 69 hectare site is within the confines of the built up area boundary of Warrington.
- 1.4 In general terms, the 69 ha site is bounded by the urban area of Warrington to the west, south and east, and the M62 to the north. Approximately 4 ha of the site is Council operated recreational open space.
- 1.5 The great majority of the site has not been previously developed, is therefore "greenfield" and is composed of largely dis-used arable fields sub-divided by ditches and largely fragmented hedgerows. There are some relatively small stands of mature broad-leaved plantation woodland and several small ponds.
- 1.6 There are substantial stands of immature broad-leaved woodland on the southern boundary of the site. The open fields have been ploughed and left to grow and are now composed of a mix of grasses and tall herbs. The lack of land management has

also allowed scrub saplings to establish here and in certain areas the cessation of management has also allowed the growth of common reed.

- 1.7 In contrast to the rest of the site, the easternmost part includes a recreational area with playing fields, formal footpaths and is landscaped with immature woodland and shrubs.
- 1.8 The northern boundary is largely formed by the M62, while to the south, west and east the land is predominantly residential housing – the exception being Radley Wood and the grounds and houses at the end of Radley Lane.



2. DESCRIPTION OF PROPOSAL

- 2.1. This appeal relates to an outline application – with details of access to be determined now. All other matters were reserved for future consideration. The proposals show the general extent and availability of areas for landscaping – although the detailed treatment of landscaping is a reserved matter.
- 2.2. The description of development has changed since the previous inquiry and employment uses are no longer proposed. The maximum number of dwellings remains as 1200.
- 2.3. The general proposed extent and distribution of land in each of the proposed uses is also shown for illustrative purposes on an updated parameter plan, which is included within the appendices of this report for information.
- 2.4. At this stage, the applicant is seeking an outline permission to maintain flexibility in terms of the reserved matters, in terms of details of layout, landscaping et cetera.

Notwithstanding this, 840 open market houses and 360 affordable homes have been proposed by the applicant (30%), which can be secured through a S106 agreement.

- 2.5. The application has been submitted with an Environmental Statement, as the project is subject to Environmental Impact Assessment (EIA). An addendum to the Environmental Statement was submitted in 2018 (ES addendum 1) and a further ES addendum was received in March 2020 together with a new Transport Assessment (ES addendum 2). The latest ES addendum was publicised in accordance with the relevant legislation¹ on 4th June 2020 ahead of the re-opened inquiry.

3. AMENDED PLANS

- 3.1 The appellant submitted an amended parameter plan in March 2020 which removed the employment use originally proposed, but does not make any changes to any of the other proposed uses or amount of development across the site.
- 3.2 The revised parameter plan has been publicised as part of the ES addendum 2 consultation. The publicity period of 21 days ends on 25th June 2020. As the determination of the appeal is now with the SofS the publicity notices advised interested persons to send all representations to the Planning Inspectorate.

4. LOCAL REPRESENTATIONS

- 4.1. The additional information submitted in March 2020 as part of the appeal process was publicised by way of 1600 + notification letters to neighbours and interested persons as well as site notices and press notice prior to 4th June 2020. The letters and notices advised that any new representations should be sent directly to the Planning Inspectorate. All previous representations have been forwarded to the Inspectorate and will be taken into consideration by her in the decision making process.
- 4.2. A summary of the responses received prior to the Feb 2017 DMC meeting are set out in the officer report appended to this update report. This included objections from MP, Councillors, Parish Council and approx. 2250 letters from members of the public (it is noted that circa 2000 of these letters were standardised forms/ letters).
- 4.3. Rule 6 status (The Town and Country Planning (Inquiries Procedure) (England) Rules 2000) has been granted to the Peel Hall Campaign Group and they will therefore have an active part in the inquiry as one of the main parties alongside the Council and the appellant.

5. CONSULTEES

- 5.1 A summary of all consultation responses for the original application can be found in the 23 Feb 2017 DMC report. Updated comments based on the additional information

¹ Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020

that has been accepted by the Inspectorate in the appeals process have been received from the following internal and external consultees in relation to (summarised):

Warrington BC Transport Planning and Development Control –

The modelling work and new TA submitted by Satnam attempts to overcome the highway reason for refusal and is now sufficient for a view to be made on the impacts of the development of the surrounding highway network.

An objection is maintained to the proposal in respect of the impact of the development on the highway network with the following key issues to be fully examined:

1. Impact on Sandy Lane West arm of A49 Winwick Road/A574 Cromwell Avenue signal junction, particularly queuing.
2. Impact on A50 Orford Green/Hilden Road roundabout.
3. Impact on Poplars Avenue and Capesthorne Road (and surrounding residential roads by association) due to increased level of traffic.
4. Impact on Delph Lane due to level of traffic.

Notwithstanding the objection, it is expected that the appellant will put forward details of intended bus transport infrastructure improvements as part of the s106 agreement. All funding and agreements are to be between Warrington Borough Council and the eventual developer(s) – rather than a specific transport operator.

(See full advice set out in main body of this report.)

Highways England – no further comments received to date

Environmental Protection (summary)

Air Quality:

The submitted modelling work addresses the first reason for refusal in so far as it submits the right level of information to allow consideration of the impacts of the development. An assessment has been undertaken and it is the professional opinion of your officers that the air quality assessment, results and conclusions are now acceptable; the additional traffic generated by the development will not cause a significant, detrimental impact on air quality.

The assessment does show some locations within the development site with a “risk” of exceeding the national nitrogen dioxide objectives up to a distance of 30m from the motorway edge. This does appear in the parameter outline plan as being in the “buffer zone” with no proposed residential. A condition will be sought to ensure that there is no building within 30m of the southern edge of the M62 motorway.

Construction impacts have been assessed. It is agreed that these can be mitigated by means of a detailed Construction Environmental Management Plan (CEMP), which would be conditioned as standard.

Therefore there will be no objections to the development on air quality grounds if the 30m buffer can be agreed.

Noise:

The submitted modelling work addresses the first reason for refusal in so far as it submits the right level of information to allow consideration of the impacts of the development. The information has been fully assessed and it is considered that there would be some very localised impacts which can be largely mitigated against. There would be no significant impacts on existing or new residents as a result.

Implementation of mitigation for all properties shall be sought via condition. Layout and arrangement of site will be key to this:

Acoustic mitigation will be required to accommodate road traffic noise along motorway boundary.

Acoustic assessment for each reserved matters application will be required to detail mitigation proposed.

Further consideration will be needed of appropriate buffer zones around existing kennels to ensure impact to future amenity (and nuisance) does not exist – having regard to NPPF Para 182;

Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

It should also be noted that the previous Inspector's report advised that the future layout would need to address the relationship with the kennels and this would be a matter for reserved matters.

GMEU – no further comments received to date

WBC education officer

The formula for the calculation of the necessary contribution based on yields and costs has not altered since the inquiry and is set out in the SPD.

The primary and secondary education requirements in the area have been reviewed as follows;

- The contributions required are as set out in the 2018 s106 therefore we can confirm no change (£4.5m primary max contribution and £3.492m secondary max contribution).

Primary

The preferred school which has now been identified for the expansion is Meadowside Primary. This is because it is located in close proximity to the proposed development and has some existing capacity as it previously had a larger intake per year group but the decision was taken to reduce its admission number due to a high level of unfilled places at that time (NB - OFSTED has since graded it as a '2' - a good school).

The land for a new primary school on the site would be required at nil cost to the Council in addition to the £4,478,040.

Secondary

It was the case that, previously, the secondary school identified for expansion was Padgate Academy (formerly University Academy Warrington). Padgate Academy has now joined The Challenge Academy Trust (TCAT). It has been noted that numbers on roll here are increasing, due to other local schools being oversubscribed.

Beamont Collegiate Academy is also a member of TCAT and is a suitable location relative to Peel Hall site and therefore should also be considered for expansion.

Given that there are so many variables as current positions regarding popularity and performance can change, it is recommended that TCAT is named in the S106 rather than an individual school. On this basis, the Trust is able to create the additional places required at the most suitable site – whether that be Beamont Collegiate Academy or Padgate Academy.

Sport England (summary)

No objection subject to revisions to draft s106 agreement and conditions.

As statutory consultee Sport England comment on the loss of 3.2ha of playing field land and pitches at Mill Lane, to the east of the appeal site as a result of the proposed housing development.

As of 2019 and confirmed within the Council's Playing Pitch Strategy (2019), the playing field accommodated 2 adult football pitches and 1 7v7 junior football pitch. There are no ancillary facilities present on the existing playing field site.

To mitigate the loss the development includes a replacement area of playing field equal to 3.2ha to the north of Windermere Ave/Radley Common Playing Field which will provide two full size football pitches and a 7v7 junior football pitch. The intention is to use the replacement playing field to the north of Radley Common to provide an extension to the existing, albeit disused, Radley Common Playing Field. Improvements to the existing Radley Common Playing Field are proposed that will see the creation of an adult 11v11 football pitch and a youth 9v9 pitch, along with a community building and changing rooms. The combined Radley Common and replacement playing field land would create a "Sports Hub". The improvements to Radley Common Playing Field

are to accommodate the additional demand for sport arising from the housing development.

It is important the replacement playing field and Radley Common pitch and ancillary facility improvements are designed and constructed to meet the design requirements of Sport England and the Football Foundation; conditions are required to ensure all sports facilities are designed and constructed to meet those standards. The ongoing sustainability of the “sports hub” to meet local sports demand is critical. Sport England will require a Management and Maintenance Scheme to be provided that covers the combined playing field site. It is important the pitches are maintained to a good standard across the hub to meet local demand, and it is likely the Council will require a maintenance contribution to ensure that happens.

The mitigation which will be located on land to the north of the existing Radley Common playing fields, is acceptable subject to the following documents being submitted either by condition or s106 agreement. These were agreed and put forward as part of the 2018 appeal and required (in summary):

- An Agronomy Report and Pitch Specifications
- Management and Maintenance Scheme across the “sports hub”
- A phasing plan that ensures the existing playing field at Mill Lane will remain available for use until the replacement playing field has been implemented
- Sports Strategy – the additional demand for sport element is indicative at this stage.
- Design and layout of the community building and changing rooms

Conclusion

Should the above be secured as part of any subsequent planning approval Sport England has no objection as it meets the requirements of paragraph 97 of the NPPF and the following exception to Sport England Playing Fields Policy:

“E4 - The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- *of equivalent or better quality, and*
- *of equivalent or greater quantity, and*
- *in a suitable location, and*
- *subject to equivalent or better accessibility and management arrangements.”*

Clarification is sought regarding various aspects of the draft s106 agreement.

Sport England also comment in a Non-statutory capacity in relation to the additional demand for sport generated from the housing development;

The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to

accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment. In this case Warrington has recently updated their Playing Pitch Strategy (PPS) and this has been used to help inform this response. In accordance with Section 8 of the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.

The evidence provided by the applicant presents a very confused picture because the requirement for additional capacity to meet demand generated by the development has been combined with the requirement to mitigate the loss of playing field. The applicant needs to clearly present, in separate categories, the mitigation proposal and the additional demand proposal.

To try and assist all parties Sport England's consultation response uses their strategic planning tools to help estimate the additional demand for sport and converted that demand into sport facility requirements with indicative costs. The outputs from the Sports Facility Calculator (swimming pools and sports halls) Playing Pitch Calculator (Pitches/Changing Rooms) and a comparison between the 2018 and 2020 position are summarised in the response from Sport England with the following recommendations;

1. There is an additional requirement for one extra natural turf pitch to meet demand since 2018.
2. The requirement for changing rooms is consistent with what has been proposed, although it should be noted consultation with the Football Foundation is required to ensure the number of changing rooms are sufficient for all 5 proposed pitches.
3. The need for additional capacity for an Artificial Grass Pitch (AGP) has been quantified since 2018. This does not require the appellant to fund a full sized AGP but indicates a contribution is required towards an off-site AGP. The contribution could go towards match funding a priority project set out in the Warrington Local Football Facility Plan (2019) and/or Playing Pitch Strategy Action Plan (2019).
4. There is clear demand for access to swimming pools that current provision cannot meet. However, I understand this element was discounted in 2018 in favour of supporting on-site outdoor sport and community facilities.

Although the additional demand for sport has been quantified with indicative costs associated with providing new/improved facilities, the Council will need to determine how best to accommodate that additional demand. Using the relevant Sports Needs Assessments, they should provide an indication of:

- Whether existing facilities within the Analysis Area have spare capacity and can accommodate the additional demand; or
- Improvements to existing facilities are required to build in capacity to accommodate the additional demand; or
- A contribution towards planned new provision is required.

The above information should be used as the starting point to inform the Sports Strategy required by condition.

Please note, it is not Sport England's role to establish how best to accommodate the additional demand, that should be for the Council and appellant to agree using their own local knowledge and relevant sport Needs Assessments. Sport England have used strategic planning tools cited above to estimate the additional demand for sport to provide a starting point for negotiations.

NHS/ CCG

A position statement from the practices is expected to be provided in June that shows the work that the practices have completed regarding their requirements for the new facility together with their preferred delivery options.

6. RELEVANT SITE HISTORY

6.1 The application subject of the current appeal was refused planning permission for the following two reasons at DMC on 23.2.17:

1. Insufficient information – highways mitigation, AQ and noise

It is considered that insufficient information has been submitted to enable the local planning authority to confirm that the potential impacts of the proposed development on the transport network would not be severe, in the terms set out in paragraph 32 of the National Planning Policy Framework. In the absence of adequate information to accurately forecast potential impact, it is not considered possible to design and deliver suitable highways/ transport mitigation nor, consequently, to confirm that the proposal would be acceptable in terms of its air quality and traffic noise effects. The submitted information contains no agreed base year model, forecast year models, or Local Model Validation Report. In these circumstances, therefore, the local planning authority cannot confirm that there would not be serious conflict with the following policies in the Local Plan Core Strategy for Warrington:

- CS1 (seventh and eleventh bullets);
- QE6 (fifth, sixth and tenth bullet);
- QE7 (third bullet);
- MP1 (All bullets);
- MP3;
- MP4;
- MP7 (both bullets);
- MP10 (first, second and third bullets).

2. Social Infrastructure

The proposal would not deliver the range of measures required to support a development of this nature and scale, with regard to the provision of school places; healthcare facilities and sport and recreation provision required by the Council's adopted Planning Obligations Supplementary Planning Document, in support of policies CS1 (second and seventh bullet points) and MP10 (first, second and third

bullets) of the Local Plan Core Strategy for Warrington. In the absence of such provision it is considered that the proposed development would not be sustainable in the sense intended by paragraph 7 (second bullet) of the National Planning Policy Framework.

- 6.2 An outline planning application for up to 150 dwellings in the north eastern section of Peel Hall, off Mill Lane (2012/20610) was the subject of a non-determination appeal decision in July 2013. The appeal was dismissed, the Inspector agreeing with the Council that this site was too far from local amenities and facilities and - since there was no need for additional housing to be released at that time - the proposal should be resisted.
- 6.3 Outline applications for housing across the Peel Hall site were withdrawn by Satnam in August 2002.

7. PLANNING POLICY

- 7.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken. Whilst third party representations are regarded as material planning considerations (assuming that they raise town planning matters) the primary consideration, irrespective of the source or number of third party representations received, remains the extent to which planning proposals comply with the Development Plan. The National Planning Policy Framework (NPPF) supports this legislative position and its contents are a material consideration in determining the application.

National Planning Policy Framework 2019 (NPPF)

- 7.2. The Revised National Planning Policy Framework (2019) (NPPF) confirms that decisions should apply a presumption in favour of sustainable development. Paragraph 7 of the document states that the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. This is balanced by Paragraph 9 which states that plans and decisions need to take local circumstances into account, so that they reflect the character, needs and opportunities of each area.
- 7.3. Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development and that for decision-taking this means:
 - c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.4. Footnote 7 to 11(d) advises to regard policies relevant to the supply of housing as out of date in the absence of a 5-year supply (amongst other things).
 - 7.5. For Warrington based on the information contained in SHLAA 2019 it is considered that the council can demonstrate up to a 3.70 year supply of deliverable housing land. Therefore paragraph 11 (d) if the NPPF is engaged.
 - 7.6. Where there are other specific, relevant, material issues raised in the NPPF these will be discussed within the Assessment below.
 - 7.7. As stated above, the NPPF re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan, in the case of Warrington, refers to the Local Plan Core Strategy (2014).

Relevant Policies in the Local Plan Core Strategy (2014)

- CS1 – Overall Spatial Strategy – Delivering Sustainable Development
- CS2 - Overall Spatial Strategy - Quantity and Distribution of Development
- CS3 - Overall Spatial Strategy – Maintaining a 10 Year Forward Supply of Housing Land
- CS4 – Overall Spatial Strategy - Transport
- CS8 – Omega and Lingley Mere
- QE1 – Decentralised energy Networks and Low Carbon Development
- QE3 – Green Infrastructure
- QE4 – Flood Risk
- QE5 – Biodiversity and Geodiversity
- QE6 – Environment and Amenity Protection
- QE7 – Ensuring a High Quality Place
- MP1 – General Transport Principles
- MP3 – Active Travel
- MP4 – Public Transport
- MP6 – Transport Infrastructure
- MP7 – Transport Assessments and travel Plans
- MP10 - Infrastructure PV1 – Development in Existing Employment Areas
- SN1 – Distribution and Nature of New Housing
- SN2 – Securing Mixed and Inclusive Neighbourhoods
- SN4 – Hierarchy of Centres
- SN7 – Enhancing Health and Well-being

Supplementary Planning Documents

- Design and Construction Environmental Protection
- Standards for Parking in New Development

Proposed Submission Version Local Plan & evidence base

- 7.8. The Proposed Submission Version Local Plan (PSVLP) regulation 19 consultation closed in June 19. The current published timetable for this Local Plan Review process expected submission to SoS in October 19 and EIP early 2020. This timetable has slipped and is under review.
- 7.9. It is considered that only minimal weight should attach to the PSVLP.
- 7.10. Since the original inquiry the Council has re-classified the Peel Hall site from 'deliverable' to 'developable' in its 2018 Strategic Housing Land Availability Assessment (SHLAA) (published March 2019). The Council has not therefore included any completions from the site within the first 5 year period of the Plan's housing trajectory. This change is reflected in para 10.4.11 of the PSVLP which now alters the classification of the appeal site and states that 'as there is no agreed package of transport mitigation measures, the Council has re-classified the Peel Hall site from 'deliverable' to 'developable' in its 2018 Strategic Housing Land Availability Assessment (SHLAA)'. The Glossary to the PSVLP includes definitions of deliverable and developable that are reflective of the NPPF.

8. EQUALITIES ACT (2010)

- 8.1. In determining this application, the Local Planning Authority has considered the requirements under S149 of the Equalities Act 2010. It is considered that the application has no differential impacts.

9. UPDATE AND ASSESSMENT

LPA's position at 2018 inquiry

- 9.1 It is considered relevant to re cap on the Council's position during the course of the 2018 public inquiry.
- 9.2 The second reason for refusal (Reason 2) was resolved through a S106 legal agreement securing delivery of relevant matters and therefore was not contested by the Council.
- 9.3 This is likely to remain the position at the re-opened inquiry. Ongoing work is being undertaken to review and update the relevant social infrastructure requirements and it is likely that these will be agreed with the appellant ahead of the re-opened inquiry.
- 9.4 The only outstanding issue from the LPAs perspective at the 2018 inquiry was that contained in Reason 1 (insufficient information – highways, air quality and noise impacts).

Work Undertaken post SofS decision;

- 9.5 Since the SofS decision to dismiss the appeal in Dec 2018 Satnam have engaged with the Council in pre-application discussions to:

1. Undertake the necessary transport modelling using the council's up-to-date transport model.
 2. Agree the scope of the new air quality assessment. This would still rely on acceptable data from the traffic assessment.
- 9.6 It is also understood that there is agreement between Satnam and Homes England to progress the purchase of the necessary Homes England land to enable the necessary access / transportation arrangements.
- 9.7 The re-opened inquiry has enabled this information to be submitted as part of the appeal.
- 9.8 Satnam submitted new traffic modelling data and Transport Assessment at the end of March 2020, as well as an addendum to the Environmental Statement which include Air Quality Assessment and noise reports. The information was accepted by the inspector for consideration at the re-opened inquiry and has now been publicised and is available to view online as of 4th June 2020 in accordance with the relevant legislation.
- 9.9 Since receiving the information at the end of March, officers have been reviewing the technical information and need to provide its formal response to the appellant as part of the appeal process, and consider the up-to-date position and evidence which will be submitted to the inquiry.
- 9.10 A summary of the technical advice is set out below.

Highway impact:

Highway Modelling;

- 9.11 The modelling work and new TA submitted by Satnam attempts to overcome the highway reason for refusal.
- 9.12 The modelling is split into three elements, the Strategic SATURN Model, the VISSIM A49 Corridor Model and individual junction capacity models.
- 9.13 The Strategic Saturn Model now used is based on the Council's multi-modal transport model (WMMTM16) which covers the whole of the Borough and beyond. Work has been undertaken to ensure that the portion of the model representing the specific Peel Hall Study area has been calibrated and validated in line with Department for Transport (DfT) guidance
- 9.14 The Council are satisfied that the Peel Hall WMMTM16 SATURN model accurately represents conditions within the study area and that the outputs are appropriate for further more detailed modelling to understand the development impact.
- 9.15 The Council have also agreed the junctions identified for further detailed modelling following the use of Peel Hall WMMTM16 and discussions with Highgate.

- 9.16 The VISSIM A49 Corridor Model has been produced to assess the development impact on junctions along the A49 including M62 J9 and the A49/A50 junction.
- 9.17 The Council still have some outstanding concerns related to the VISSIM base and forecast models and these are being progressed with the appellant's highway consultants. Highways England are now satisfied with both the base and forecast models. The appellant's highway consultants are to prepare final VISSIM models to address the Council's concerns and these will subsequently be assessed and reviewed.
- 9.18 Notwithstanding the receipt of a final agreed VISSIM model the results indicate a specific impact on the Sandy Lane West arm of the A49 Winwick Road/A574 Cromwell Avenue junction, with significant additional queuing along this arm. The proposed mitigation (which is a change to signal phasing) is not considered appropriate and unless agreement is reached with Highgate to address this issue it will form part of Council's case at the Public Inquiry. This issue was previously raised at the last Inquiry when Highgate proposed some minor lane widening to address impacts (also not considered appropriate) but the lane widening is no longer proposed.
- 9.19 The individual junction capacity models are considered satisfactory but have highlighted a specific impact at the roundabout junction of A50 Orford Green/Hilden Road with no mitigation proposed (the mitigation proposed under the previous assessment was not supported as it involved the removal of a safety/accessibility scheme implemented by the Council). Unless appropriate mitigation measures are agreed with Highgate to address this issue it will form part of Council's case at the Public Inquiry.

Traffic Volume within the Poplars Avenue Area

- 9.20 Analysis of the increased traffic flows on the Poplars Avenue residential area has been provided in Note TN/09 (Appendix 15 of the TA Addendum). The flows have been determined following use of Peel Hall WMMTM16. The Council do not agree with the method of analysis nor the conclusions provided by Highgate within TN/09 and consider that the volume of traffic on the area as a direct result of the development will change the nature and function of the routes with particular emphasis on Poplars Avenue and Capesthorpe Road. Highgate propose mitigation in the form of traffic management/traffic calming including the conversion of verge areas to parking bays. However, it is not considered that the impacts can be appropriately mitigated and this issue will form part of the Council's case at the Public Inquiry.

Traffic Volume along Delph Lane

- 9.21 Highgate have assessed the impact of the development on the junction of Delph Lane/Myddleton Lane using a capacity model and recommended that mitigation in the form of traffic signals be provided to address the capacity issue. They have also re-run the Peel Hall WMMTM16 model to consider the effects that the installation of traffic signals at this location would have on the wider area. However, no analysis has been undertaken of the suitability of Delph Lane to cater for additional traffic; the nature and geometry of Delph Lane already raise concerns in relation to the free and safe movement of traffic and the increased movements as a result of the development and

mitigation scheme exacerbate this. The potential impact on Delph Lane was previously raised as a concern by the Council but no assessment had been made until now.

Highways impact summary;

- 9.22 The Council maintains an objection to the proposal in respect of the impact of the development on the highway network with the following key issues to be fully examined:
1. Impact on Sandy Lane West arm of A49 Winwick Road/A574 Cromwell Avenue signal junction, particularly queuing.
 2. Impact on A50 Orford Green/Hilden Road roundabout.
 3. Impact on Poplars Avenue and Capesthorne Road (and surrounding residential roads by association) due to increased level of traffic.
 4. Impact on Delph Lane due to level of traffic.
- 9.23 The Council's position will be that a new access strategy and significant mitigation is needed to overcome the key issues identified with the appeal proposal.
- 9.24 Point 3 is the most serious impact and the key reason a new access strategy is required.
- 9.25 Nos. 1, 2 and 4 may potentially be addressed by appropriate mitigation secured by condition/S106, this would require the further design work and review of possible mitigation measures and would require agreement with the appellant on how the mitigation is secured and delivered.
- 9.26 A Highways Statement of Common Ground, as required under the inquiry procedures, will be progressed with the appellant particularly having regard to mitigation and conditions relevant to points 1, 2, and 4.
- 9.27 Subject to further discussion regarding points 1, 2, and 4 - the Council's main case will relate to point 3 and unacceptable impact on Poplars Avenue and Capesthorne Road (and surrounding residential roads by association) due to increased level of traffic, contrary to Local Plan policies CS1; QE6 ; QE7 ; MP1; MP3; MP4; MP7 ; MP10.

Review of Air Quality assessment;

Assessment methodology/ model setup

- 9.28 Air quality was an objection under the original planning application and subsequent appeal due to the applicant failing to demonstrate the air quality impacts. This was as a result of a number of errors with the criteria used to set the air quality model up and for the traffic data used.
- 9.29 The criteria used within the model setup was agreed with the applicants' new consultant, Miller Goodall, prior to the modelling being carried out.
- 9.30 The traffic data for the model has now been agreed with the Council's traffic consultant - WSP, who have agreed that the data used is acceptable.

- 9.31 The detailed modelling carried out at junctions that serve the development to take into account queueing traffic has been done in accordance with the relevant guidance within LAQM.TG(16) and is agreed.

Summary of results

Nitrogen dioxide

- 9.32 23 discrete worse case locations where there are sensitive receptors were modelled. 22 of the locations were assessed as having negligible impact (less than 1% increase) due to the site generated traffic. 1 location (R2) has a slight impact (2.25% increase) but the concentrations remain below where there is a risk of exceedance.
- 9.33 On the contour plots (appendix 2), there are small areas to the north side of the development where there is a risk of exceedance. This area though will be in the "buffer zone" where development is unable to be located due to the gas main. The contour plots also show an exceedance at the roundabout junction between Poplars Avenue and Capesthorpe Road, but this exceedance is not at any residential location and is not caused by development traffic.

Particulates PM10

- 9.34 PM10: Airborne particulate matter with an aerodynamic diameter of 10µm (micrometres or microns) or less. All locations would remain below the national standards and impacts are classed as "negligible" as there will be less than a 1% increase.

Particulates PM2.5

- 9.35 PM2.5: Airborne particulate matter with an aerodynamic diameter of 2.5µm (micrometres or microns) or less. All locations have been assessed, without the development, as being slightly above the World Organization Guideline Value. The background data has been assessed using the Council's monitoring station as opposed to the background Defra values which are lower. This represents a worse-case scenario. It should also be noted that there is not a national limit to be used for comparison at a local level. When considering the impact from the development, all locations are modelled as having less than a 1% impact which is considered "negligible".

Air Quality Conclusion

- 9.36 The air quality assessment and results and conclusions are now acceptable and it is agreed that the additional traffic generated by the development will not cause a significant impact on air quality.
- 9.37 The assessment does show some locations within the development red line with a "risk" of exceeding the national nitrogen dioxide objectives up to a distance of 30m from the motorway edge. This does appear in the parameter outline plan as being in

the “buffer zone” with no proposed residential. A condition will be sought that requires no building within 30m of the southern edge of the M62 motorway.

- 9.38 Construction impacts have been assessed. It is agreed that these can be mitigated by means of a detailed Construction Environmental Management Plan (CEMP), which would be conditioned as standard.
- 9.39 Therefore subject to a condition to secure the 30m buffer zone as shown on the parameter plan submitted by the appellant the Council will not raise any objections to the development on air quality grounds.
Review of Noise Assessment;
- 9.40 Traffic data has now been agreed which has been used in the noise assessments and has demonstrated some very localised impacts arise and with mitigation only reach minor adverse impact. Therefore it is now considered that there would be no significant noise impacts arising from the development proposal.
- 9.41 Implementation of mitigation for all properties will be required by condition. Layout and arrangement of site will be key to this. Acoustic mitigation will be required to accommodate road traffic noise along motorway boundary.
- 9.42 Acoustic assessment for each reserved matters application will be required to detail mitigation proposed.
- 9.43 Further consideration will be needed of appropriate buffer zones around existing kennels to ensure impact to future amenity (and nuisance) does not exist – having regard to NPPF Para 182;

Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.

- 9.44 This matter will be raised with the appellant in advance of the inquiry, but it is not considered that it will remain a matter for the re-opened inquiry subject to a suitable buffer zone being put forward and secured by condition.
- 9.45 The Council will not raise any objections to the development on air quality grounds providing the 30m buffer is agreed with the appellant

10. CONCLUSIONS AND RECOMMENDATIONS

- 10.1 Having regard to the review of the new technical information submitted by the appellant, the issues set out in the original reason for refusal relating to insufficient information have been reduced and consideration of highway matters has moved on.
- 10.2 The central part of the first reason for refusal stated that;

‘In the absence of adequate information to accurately forecast potential impact, it is not considered possible to design and deliver suitable highways/ transport mitigation nor,

consequently, to confirm that the proposal would be acceptable in terms of its air quality and traffic noise effects. '

- 10.3 Air Quality and Noise concerns have now been overcome in terms of the outline proposals. Further detail will be required at reserved matter stage and through the design and layout of future detailed proposals.
- 10.4 The Council's highway objection remains. Although the new TA provides the traffic data that was originally sought by the Council, the conclusions are not accepted and the appellant has not demonstrated acceptable mitigation to deal with the highways/transportation impact of the appeal proposals. It is considered that an alternative access strategy is required for the proposed development to be successfully delivered.
- 10.5 It is recommended that the Council continue to defend the appeal at the re-opened inquiry on the basis of the highway impact of the proposed development. It is considered that the appellant has not demonstrated that the impacts from the development on the highway network would not be significantly adverse having regard to local plan policies and guidance contained within the NPPF. It is therefore recommended that the Council continue to defend the appeal on this basis.

Appendix 1

Amended parameter plan March 2020



KEYS

Site Boundary	Boundary between the historic townships of Aburn and Warrick (Important Hedgerow)	Existing Culvert	Edin Foraging Bar Corridor	CH. Location for Care Home
Areas with the Sites Excluded from the development	Peels Hall Manor Farm Must Area (Archaeological Features)	Proposed Alignments	Existing Pond to be retained	LC. Location for Local Centre
Public right of way	Gas Main and Easement	Existing areas of off site vegetation	Proposed Attenuation Pond	S. Location for Primary School
Boundary between the historic townships of Aburn and Warrick (Important Hedgerow)	8m Water Vole buffer zone to Spa Brook	Existing areas of woodland, trees, hedgerows and vegetation to be retained	Proposed Great Crested Newt Mitigation Pond	Location for Community Facility
Location for Bus Gate	Railway Corridor	4metre High Acoustic Barrier (in line with noise assessment)	Proposed Sports Pitches/ Public Open Space	
Developable Land to include for pedestrian and cycle links between plots.	Boundary to Buffer Zone (in line with noise assessment)	Proposed Tree/ Shrub Planting		
Area suitable for apartments (in line with noise assessment)	Boundary to Area Suitable for apartments (in line with noise assessment)			
Indicative Road Line	Proposed wildlife corridor			

*Note: Heights shown are proposed from ground level. Heights shown are fixed and take precedent over number of storeys shown.

Project:
PEELS HALL, WARRINGTON
The Parameters Plan
Client:
Satnam Millennium Ltd
Date:
January 2020
Drawn:
SW/ DS
Checked:
DA/ DS

Scale:
1:2,500@A1
Drawing No:
1820_35
Revision:
A

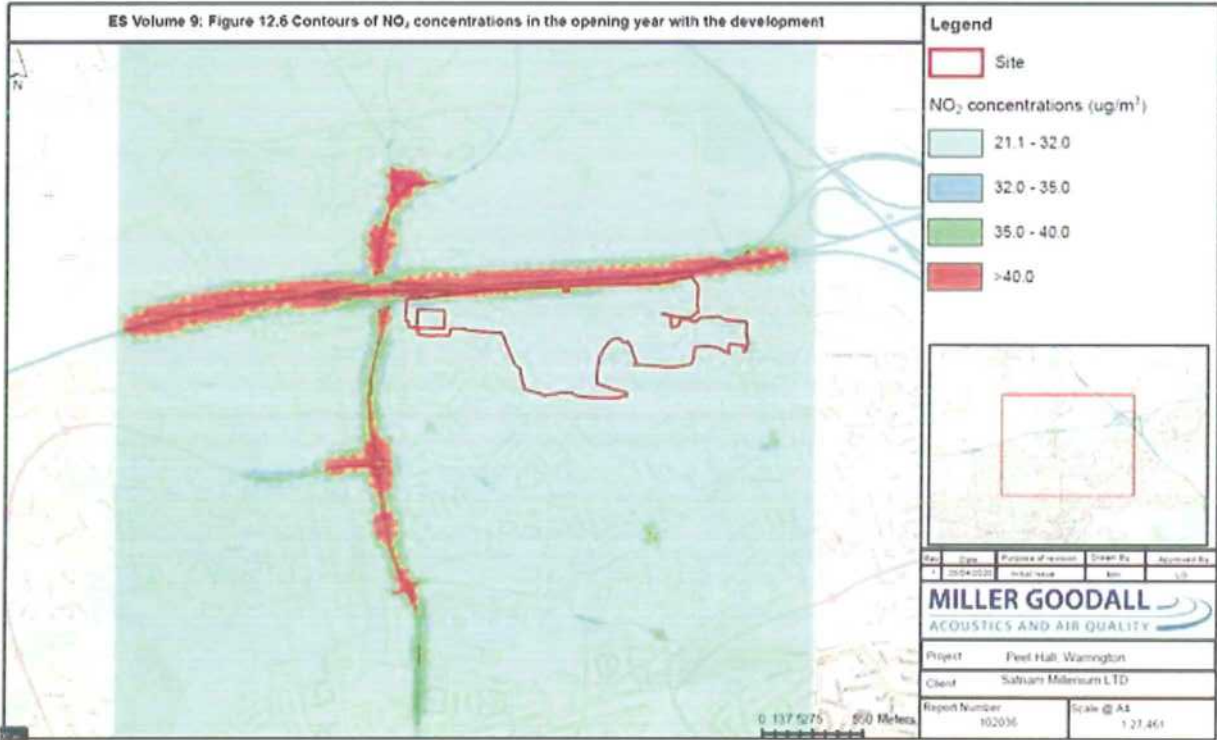


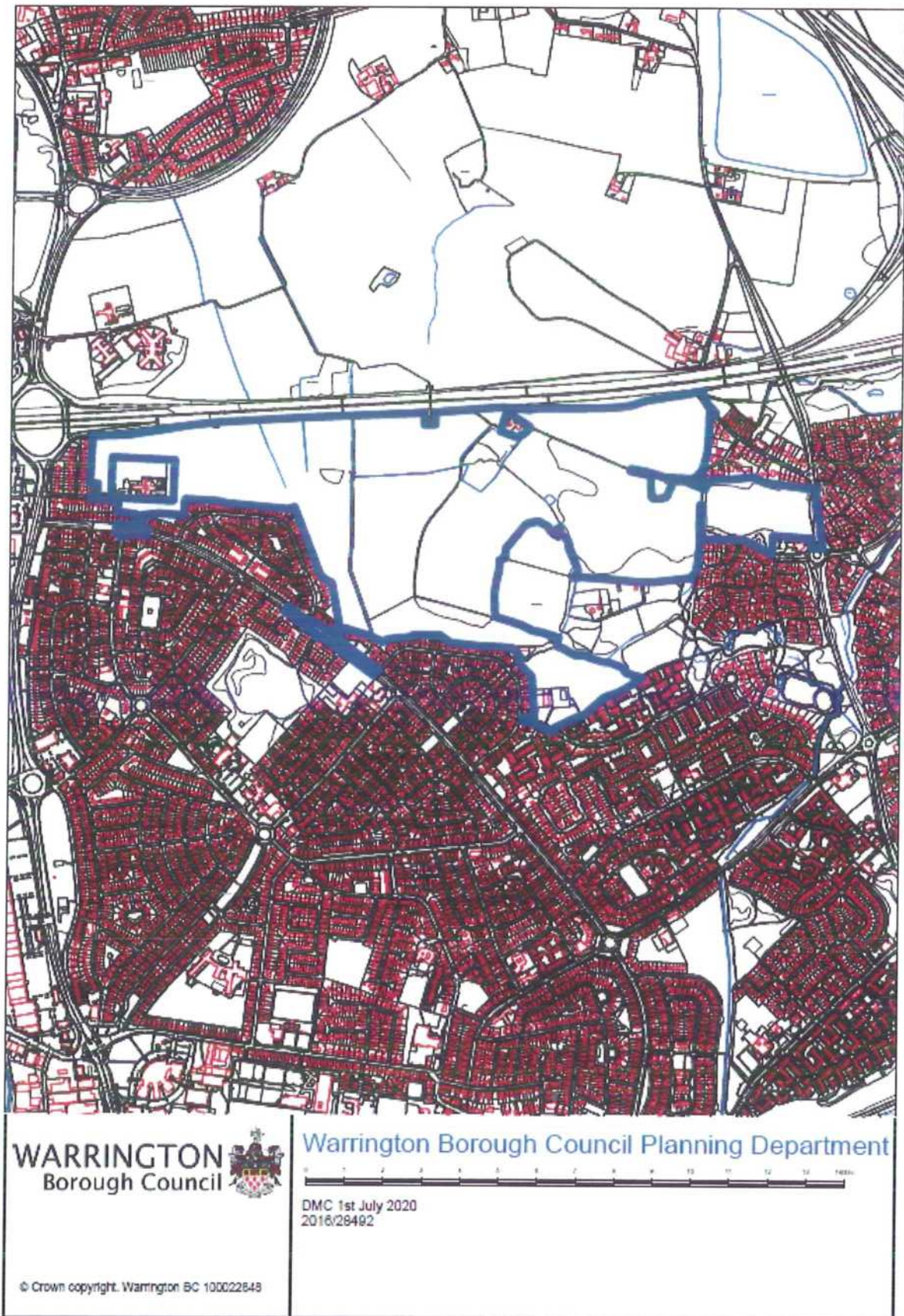
Landscape Institute
Registered Practice

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Appendix 2

Contour Plots (ES volume 9, AQ11, figure 12.6) showing the nitrogen dioxide impacts with the development.





WARRINGTON DEVELOPMENT MANAGEMENT COMMITTEE

VIRTUAL MEETING

Wednesday 01 July 2020 at 18:30

Chair: Cllr J Grime (Culcheth Glazebury and Croft Ward) and 8 elected members:

Cllr B Barr Lymm North and Thelwall

Cllr P Carey Fairfield and Howley

Cllr G Friend Poulton North

Cllr K Mundry Latchford East

Cllr S Parish Chapelford and Old Hall

Cllr J Wheeler Appleton

Cllr S Wright Bewsey and Whitecross

WBC Officers:

Democratic Services, Jenny Connor

Legal Services, Paul Clisby

Development Manager, Planning, Nikki Gallagher

Principle Planning Officer, Martha Hughes

Development Control, Transport, Mike Taylor

Development Management, Director of Growth, Steve Park

Environmental Health, Principle EHO Noise, Steve Smith

Environmental Health, Environmental Protection Officer Air, Richard Moore

Chair – opened the meeting, introductions and confirmation all received documents

ITEM 1

JC: Apologies from Cllr McCarthy and Cllr Morgan

ITEM 2

Chair: Declarations of Interest (standard declaration read out) – proceeded to ask all Counsellors present. All replied – negative – except:

Cllr Friend: Yes Chair Item 1 Planning Application that came up in 2016. I was one of the main speakers against this application when it came before us. But I believe we are just viewing a report tonight so I presume I can take part in the meeting as a lot of the Councillors on the Committee did vote against this application at the time when it came to the Committee.

Chair: (Erm)

Legal Services: As long as Cllr Friend has not made up his mind how he is going to vote this evening and is going to consider all of the information before him and come to a conclusion and vote on that then the fact that he may have a predisposition is not fatal (ermm) as long as he has not made his mind up and is prepared to listen to the arguments then that's fine that's not an interest as such.

Chair: Thank you, yes, I am prepared to do that.

Cllr Friend: Item number 2 is being opposed by Poulton North Parish Council. I'm a member of that Council but I always leave the room when then discuss planning matters. So, I have not had a discussion about that issue. Thank you Chair.

Chair: Cllrs: Mundry, Parish, Wheeler, Wright. All declared no interest. Item 3 is in my Ward Culcheth Place Glazebury and Croft, but I have had no discussion with anyone about and I am also on the Parish Council and left the meeting when it was discussed.

ITEM 3

Minutes of the last Meeting. Chair – went through Minutes of the last Meeting 10 June

ITEM 4

Planning Applications. Chair: We will take items 2 and 3 and then number 1.

Item 1 - APPLICATION 2016 38492 LAND AT PEEL HALL

Chair: Read description of application.

The application is Accompanied by an Environment Impact Assessment and we have a presentation – if we can hand over to Planning for that.

Nikki Gallagher (NG): MH will be leading the presentation but to make you aware this is not an application we are determining tonight we are looking at how we can continue to defend the appeal given DMC's previous resolution which was based on insufficient information, quite a while ago now, that situation has moved on so we are looking to update members on the current situation and how this should be taken forward during the appeals process – so I will just hand over to Martha.

Chair: Thank you. Martha.

Martha Hughes (MH): Thank you Chair. There is a summary of the up to date position in relation to the appeal on page 18 of the Agenda Report that sets out the complicated process that this application and appeal has taken and where we are at present. Members will be familiar with the

site I am sure and there is an aerial photograph on the screen now for and if we move onto the next slide, we have the parameters plan which is also in your Agenda pack.

SLIDE

It is an outline application, and this is the indicative parameters plan which was submitted to the Planning Inspectorate. This is an updated parameters plan, that was submitted in March this year.

The summary on page 18 explains that the Inquiry, in relation to this appeal, has been reopened. But just to go back to the position of the Council in the 2018 Inquiry. If you move on to the next slide please Nikki.

SLIDE

In 2018 the appeal was heard at a Public Inquiry, at that point members of the Development Management Committee had refused the application in 2017 and the Council's position during the 2018 Inquiry is summarised here.

SLIDE

Members had refused the application for 2 reasons and Nikki has just referred to and this was defended at the Inquiry in 2018. The 2nd reason for refusal of the Council related to social infrastructure matters. Now this was resolved before the Inquiry in 2018 through the entering into a legal agreement, a Section 106 Agreement. This assured delivery of relevant matters for social infrastructure provision and therefore the Council didn't contest this reason for refusal at the Inquiry. It was essentially resolved and fell away at the Inquiry. The outstanding issue, from the Council's perspective in 2018, was reason for refusal 1 which related to insufficient information which relating to Highways, Air Quality and Noise Impact. Move onto the next slide please.

SLIDE

The up to date position on these reasons for refusal is set out in the Agenda Report before you tonight. The 2nd reason for refusal, relating to social infrastructure, is being reviewed and matters will be updated in relation to current requirements, current policy and the Section 106 Agreement is being drafted. We have a draft with us now and it is expected that that will be entered into before the Inquiry opens, before a new Inquiry opens. There is ongoing work to review the detail of this but it is not expected that this matter will still be a matter for the new Inquiry and it will be resolved in the same way it was in 2018.

Turning to the first reason for refusal which related to insufficient information for Highways, Air Quality and Noise Impacts. New information has been submitted by the Appellants and that was received in March this year. Just move on to the next slide please Nikki.

SLIDE

Cllr Parish: Chair, can I interrupt? There is a box on the screen about Nikki Gallagher presenting which is obscuring the information. I don't know if this is just me or whether others have got it including the public, but you can't see the whole slide.

Chair: I think that's just you Steve because I've not got it.

Cllr Parish: Can we try and get rid of it?

Cllr Parish: Thank you.

MH: The new information that was submitted in March 2020 is summarised here and summarised in the main Agenda Report. There was traffic modelling data submitted in the new Transport Assessment. An Environmental Statement Addendum was submitted – this included Air Quality Assessment and Noise reports concerning the appeal scheme. The information has been accepted by the Planning Inspectorate for consideration as part of the new Inquiry and the Council have recently publicised this information in accordance with new legislation which allows this to be publicised in a revised way which allows digital copies to be available for members of the public.

SLIDE

The Highways up to date position is set out in the Agenda Report. Just to summarise, there is considered to be 4 key issues relating to the Highways case presented by the Appellants. The Council considers the main issues to be;

Impact on Sandy Lane West on the _____ A49 and A574,

Cromwell Avenue signal junction particularly queuing here,

Impact on A50 Orford Green and Hilldon road roundabout,

Impact on Poplars Avenue and Capesthorpe road and surrounding residential roads due to increased level of traffic, and;

Then fourthly the impact on Delph Lane due to the level of the traffic.

SLIDE

This is a bit difficult to see but if members do need anything pointed out to them we have the slide with the local highway network on and Mike Taylor can come back to you and respond to any specific queries relating to the 4 issues that have been identified.

SLIDE

So the Council's position in relation to the new Transport Assessment that has been submitted by the applicant/Appellants, is that a new access strategy will be required so the Council's position is no longer that insufficient information has been submitted it is that we don't accept the access strategy as proposed. The Council considers significant mitigation is needed to overcome the key issues that were previously referred to – those 4 key issues.

Key issue number 3. The 3rd key issue is the impact on Poplars Avenue and Capesthorpe Road. This is considered by officers to be the most serious impact and the key reason why a new access strategy is required. The other key issues that we referred to on the previous slide may potentially be addressed by appropriate mitigation that could be secured through conditions in the Section 106. That would need further design work and review of possible mitigation measures and it would also require agreement with the Appellants on how and if that mitigation was put forward and how it was secured and delivered.

So, there is some ongoing work in relation to those key issues. So, it is just to bring to attention that there is potential to consider mitigation around those issues. But certainly, for key issue 3, officers

considered that that's insurmountable at this stage and it will be our key argument in terms of the reopened inquiry.

SLIDE

In relation to Air Quality matters the Agenda Report sets out that previously that was an objection due to insufficient information. The appellant didn't demonstrate the air quality impacts clearly enough due to a number of errors with the criteria used to set the air quality model and for the traffic data used.

For the new Air Quality Assessment that's been submitted in March this year the criteria used within the model set up traffic data and detailed model and carried out at the junctions, has been agreed with Council officers – between officers and the Appellants. The Air Quality Assessment, results and conclusions are now considered to be acceptable and it is agreed that the additional traffic generated by the development will not cause a significant impact on air quality. Therefore subject to a condition to secure a 30-metre buffer zone which is shown on the parameters plan submitted by the Appellants this would deal with risk of exceedance of nitrogen dioxide. The Council do not intend to raise any objections to this development on air quality grounds, but the Council's Air Quality Officer has joined the meeting tonight and is available if members have any specific questions on air quality matters and the review of the new information.

SLIDE

Here we have a contour diagram which is in the Agenda Report showing the Nitrogen Dioxide impacts with the development and then – next slide.

SLIDE

Also shows without the development. The Air Quality Environment Protection Officer Richard can give you more information if you need to, we are just showing here a comparison with and without the development.

SLIDE

Similarly noise matters was an issue in relation to insufficient information for the 2018 appeal / Inquiry. Traffic data has now been agreed which has been used in the Noise Assessment and is now considered there is no significant noise impact arising from the development proposals. Implementation mitigation for all properties will be required by condition and also acoustic assessment will be required with each reserved matters application to deal with the detail. Further consideration will also need to do appropriate buffer zones around the existing kennels within the site to ensure impact to future amenity and nuisance does not exist. It is expected that this can be secured by condition.

SLIDE

So to summarise, the Council's case in 2020. The central part of the first reason for refusal related to the absence of adequate information to accurately forecast potential impact that related to Highways and Transport mitigation and also in terms of air quality and noise affects, traffic noise affects. The Air Quality and Noise concerns have now been addressed in terms of the outline

proposals although further detail will be required at the reserved matters stage and through the design and layout of future detailed proposals. The Council's highway objection remains.

SLIDE

So for the reopened Public Inquiry – for which we are still waiting for the date of the new Inquiry the conclusions of the appellants Transport Assessment are not accepted by the Council and it is considered the appellant has not demonstrated acceptable mitigation to deal with the Highways and Transportation impacts of the appeal proposals. It is considered that an alternative access strategy is required for the proposed development to be successfully delivered at the site. It is considered that the appellants have not demonstrated that the impact of the development on the highway network would not be significantly adverse having regard to local plan policies and guidance contained within the NPPF. It is therefore the recommendation that the Council continues to defend the appeal on this basis only. Thank you Chair.

Chair: Thank you. From the point of view particularly of the members of the public, listening in to the meeting, can I just emphasise Martha's first point, that we are not approving or rejecting Satnam's application now / this evening. This is the application that we have rejected already in 2017. There has been an appeal which was not upheld but Satnam then took this to the High Court and as a result we have got a reopened Inquiry which will take place later year probably. The decision we have to make tonight is not about approving or rejecting it is about whether we continue to defend our decision, whether we continue to defend the appeal. If we do decide to continue to defend the appeal, we then have to decide on what grounds we are going to defend it. And we have the officers advice that we defend it on what they think is the one really very strong reason - that this will be the most effective thing to do. So, these are the 2 things we need to discuss.

In addition to the officers recommendations we've got representations from residents. I confirm that we have received written representations from:

Mr D Sawyer Mr J Parr, Miss Johnson-Taylor, Mr J Sullivan, Mr G Seattle, Miss M Steen, Cllrs John Kerr- Brown and Hilary Cooksey, Mr I Webb, Mr G O'Brien, Miss T Dutton and others on behalf of residents of Birch Avenue and Elm Road, Miss G Walker and others on behalf of residents of Harrington Road.

This is an exceptional number of representations and I have decided that we should accept and they are all against the application. However this is a very major application and is the reason there are only 3 items on the Agenda. The perimeter of the site is huge compared to ordinary applications and the representations come from different people at difference places around it who are seeing the situation in relation to their own area, so they are distinctly different. In all these 11 representations there is only a very minor amount of repetition. I am very grateful to the public who have co-operated and made real efforts to write about different points. I regret we are unable to present representations in support, but we have not received any. Of course, Satnam and its representatives have been in extensive communication with our officers as is clear throughout the report. So I take this as balancing information to what we have got from the objectors. I think I need to clarify that we did receive 1 representation that stated it was in support but actually it was a 12th objection written with quite strong irony and I rejected it because it did not raise any new material and in new material planning issues and it did include comments throughout that some

people might find offensive. So, I will ask members of the Committee to confirm that they have read and understood the 11 representations:

Cllr Barr: I have read and understood all the e-representations.

Cllr Carey: Yes Chair I confirm.

Cllr Friend: Yes Chair confirm thank you.

Cllr Mundry: Read and understood Chair.

Cllr Parish: Understood.

Cllr Wheeler? Are you with us? We seem to have lost Cllr Wheeler. Cllr Wheeler - can you hear me?

Cllr Wheeler: Can you hear me Chair. Sorry, yes read and understood Chair.

Cllr Wright: Read and understood Chair

Chair: I also have read and understood. I confirm these 11 representations will be included in the Minutes of this meeting. I will now invite comments and questions to members and officers in turn. Starting with Cllr Friend.

Cllr Friend: I was wondering why the officers were inviting new access strategies from the appellants – surely we should just be opposing the whole application?

Chair: I don't know if that should go to Paul Clisby or Martha Hughes?

MH: It might be me Chair or it might be Mike Taylor can expand.

Chair: OK thank you Mike. Have you got comments to make to us there?

Mike Taylor (MT): Thanks Chair, only in respect of obviously the last application came in was a public Inquiry and we were advised to consider the impacts of that. We didn't have the information available at that time to determine the actual impacts of it and what is now clear is that the impacts in the residential area in the south which is Poplars Avenue, Capsthorpe Road, the proposed access points that loads development traffic directly out of Poplars Avenue caused us concern so if development is to come forward at that site it is felt that a new access strategy is needed. In terms of the plan side of it, it is probably one of the planning officers can give you a clearer steer on the status of that site and whether it is considered as developable land or not. But certainly we are of the opinion that the existing proposals access strategy is not acceptable.

MH: Chair can I just come back? Chair: Certainly.

MH: I think there might be some confusion here, in terms of the appeal and the process we are in now in terms of the lead up to the new Inquiry whenever that is scheduled for. I don't think it is the case that the officers are inviting now, as part of this appeal scheme, a new access strategy to be put forward – we are just pointing out that the Council's case is that this access strategy that is before us now and will be part of the Inquiry and in front of the Inspector, the Council's case is that that isn't a suitable access strategy it doesn't work. So, to summarise the Council's position, it's considered that a new strategy would be needed for this site to come forward.

Chair: Thank you, is that clear Cllr Friend?

Nikki Gallagher (NG): If I could just add something to that as well if you don't mind. Just to make it clear in the run up to an Inquiry there are various meetings that occur with all parties. In this case the Rule 6, the appellants and ourselves and within that it is the Inspector who has confirmed that we are to accept additional information. So, in this particular instance, she has confirmed that she will accept to the Inquiry the additional information, the revised ES, the revised Transport Assessment etc and that we need to continue a dialogue with the appellants towards the Inquiry process. So, it isn't something we have any control over - we need to maintain a dialogue.

Chair: Thank you I think that is very clear. Is that OK Cllr Friend?

Cllr Friend: Yes thank you Chair.

Cllr Parish: Can I just chip in at the start of this because in terms of the whole situation would it be helpful if Officers told us what the Courts have already decided about this site, because I got the impression that the Courts have basically told us that yes it is possible to build on that site and it is just the detail – things like the access and the traffic that we are in and effectively the Courts have decided it is a suitable site – is that right?

Chair: I can confirm that they decided that the site is developable but not currently deliverable for reasons that we gave in 2017 which Satnam have gradually tried to answer but our officers advice is that it is still not deliverable because of the highways issues. Do you want to expand on that Nikki?

NG: Other than to say the original appeal, the decision that was issued by the Secretary of State dismissed the appeal. That decision was subsequently challenged through the Courts and that decision was quashed which means we are in a position that the application is reopened. So in doing that we haven't got a decision and we can't say which way this is going to go at the moment and obviously time has moved on with the additional information that has been submitted but you are absolutely right Cllr Grime that that remains our position at the moment is what we see in front of us it isn't sufficient to allow development on this site in our opinion.

Chair: Thank you. Going back to Cllr Mundry – have you any comments or questions for officers?

Cllr Mundry: Yes I was just wondering if it has got insufficient infrastructure – the problems that we are going to be over-crowded on the local roads?

MH: Chair, I think, just to respond to that – I think the Council's case in terms of summary if Nikki is going back to the slide before the local highway network plan. The summary of the Council's position that officers are recommending is that there will be impact on the local highway network summarised into these 4 issues – there were 3 being the key issue but the other roads and the impacts there also at the moment being issues that the officers Mike Taylor can expand on. To consider the ____ to be unacceptable impact.

Chair: OK thank you. There will be opportunities obviously to come back to that but in the meantime Cllr Wheeler have you got any comments or questions?

Cllr Wheeler: No Chair not at this stage.

Cllr Wright: Not at this stage

Cllr Barr: Just one comment which is a historical comment about site. This site has been subject to appeals through the Courts for over 20 years. It was originally designated by Warrington as

Greenbelt and there was a challenge in the High Court that forced it to be removed from Greenbelt in the Local Plan at that time. And the Council fought in order to try and keep it in the Greenbelt, and we lost in the Courts. Throughout that period it's been felt that the access to the site is inadequate for the proposed development – a development on this scale. And that has been stated regularly over the last 15 years. It seems amazing that in 2020 we are still in front of the High Court with a proposal to develop the whole of this site with an inadequate highways scheme. It is not as though that should have come as news to the landowners or the developers as they have been told that for the last 15 or 20 years. So, this is just a general informative comment for those members of the public who are there. But that's the strange position we find ourselves in that we are being asked yet again – can we develop this site without having good road access and it is our job tonight to say yes or no.

Chair: Thank you. Cllr Carey?

Cllr Carey: Yes Chair I support the officers proposal on the highways situation. This site really is _____ part of what is the largest residential development in north west of the borough. It's hard to imagine how access to this plot at the northern end can be accommodated without some major changes to the present highway strategy. If you look at the outer boundaries of this area you've got the A49 which is really at saturation point, partly because of the retail development that has gone on at Junction 9 and Gemini, so that the points at which this area comes out onto the A49 are already heavily congested, especially at peak times and if you go sort of east west you start at the A49 going down along long Lane through Padgate Lane along to Manchester Road that also is a very congested area at peak times. So, without a proper highways strategy the traffic that comes out of this site is probably going to go towards Manchester Road via Padgate Lane or try to filter through the Orford Estate to get out onto the A49. And there's very limited opportunity for that to happen without exacerbating the present situation which is already, as I say, very congested at times. So, to me a comprehensive highways strategy that looks a bit further afield than the 4 points mentioned on page 20 and on the previous slide. To me it is essential before anybody could even contemplate generating more vehicles onto this road network. It's an area I use every day of the week virtually and it does at times cause major problems. You have to go back on yourself within the housing estates to be able to find a route out of the built-up area and its just untenable really to put another 1,200 properties into the mix with the attendant number of vehicles that will generate. So, I support the strategy being recommended and I think a more comprehensive highways strategy than the one we've got at the present time is needed – that looks at the wider area. That's the way I see it.

Chair: Thank you. Can we go round again and see if people have further points and then we have the officers from Environmental Health here so it would be useful to ask them to comment on what Martha was telling us about those issues having been probably resolved in advance of the reopened application. But let's see if we've got any further comments on what we have discussed so far.

Cllr Friend: Yes, thank you Chair. I would echo everything Cllr Barr and Cllr Carey have just said. It's also very disappointing the amount of time and cost – it has cost this Council over 20 years – in officer time, legal fees etc. It has been a considerable drain on the Council, but I think something really needs to be done about it. Thank you.

Chair: Thank you.

Cllr Mundry: No more comments Chair.

Cllr Parish: Chair yes as members we are always aware of working the tight parameters set by the Government in the National Planning Policy Framework –gosh that starts from the presumption that the answer to any application is yes so you have to have a good reason for refusing but I am just wondering what the impact is of what the Government has just been announcing this week. I mean the Prime Minister has set out his store with his dismissive comment about new counting as part of the red tape stopping development. I just wondered when any new legislation is likely to come in because we could actually be wasting our money on this appeal if the Government are going to rip up the planning system anyway and hand the process over to development corporations and dare I say it, sit next to them at corporate meals.

Chair: very valid points I am sure, but I don't know if there are any possible answers to them. Have any officers got any comment to make in response to Cllr Parish.

NG: Yes thank you. I think at the current time all we can do is work within the parameters of the planning regime that we have and should that change in the course of this Inquiry then we will need to be responsive to that.

Chair: Thank you. Cllr Wheeler do you have any further comments or questions?

Cllr Wheeler: No Chair can you hear me? Just to echo Cllr Carey's comments I mean this site itself around the Orford Estate is a tricky site to navigate. I get lost frequently, I've still not found my way out of Poplar's Avenue so you are adding problems to problems without an adequate highways access proposed by the applicant.

Chair: OK.

Cllr Wright: Yes support everything that's been said and support the recommendation.

Chair: OK.

Cllr Barr: No more comment.

Cllr Carey: No comment.

Chair: OK. I would like to add then, that looking at the mitigation measures that Satnam have suggested for the problems on the roads that have been identified – I didn't think that they were impressive really. There were things like changing the facing of traffic lights, using the grass verges for parking. It couldn't really be called a proper road strategy at all and I think the suggestion that we've got the grounds for defending it is really strong and I hope that will turn out to be so. There were other grounds for opposing the application that came out of the representations. They have been answered by the officers who feel that the Inspector will find that probably these other matters have been resolved but the officers from the Environmental Health have kindly come along and perhaps they could give us a summary of their views on this that might help the objectors who put a lot of work into their representations, to gather where we are coming from. If the officers from EH could give us a brief summary.

Steve Smith Principle EHO, WBC (SS): My primary focus has been looking at noise through this site. Obviously there are a number of different noise constraints and issues that would arise from this development. We have to consider the impact of noise on any future incoming occupiers, however, that can be done quite easily by condition. Primarily the motorway is the main noise source

generating noise around the site. We have to consider the impact of this development for the traffic flows and the changes in traffic flow levels and previously with the submitted information the traffic assessments were not agreed to such an extent that we were able to determine the level of change in noise that would occur for the existing residents, surrounding the site and around the site accesses. Unfortunately in terms of noise you need a very significant increase in traffic flows to make a very minor change in overall noise levels. And on reviewing the data after it has been reviewed by the consultants based on the..... the acoustic consultants have reviewed it based on the traffic data and there have been only one or two areas where a barely detectable change in noise level had occurred. However they have recommended mitigation for that to protect the existing residential properties that will be affected by that.

The final main area is obviously concerning the Kennels which runs in the centre of the site. This obviously is impacted by road traffic noise on the motorway but what we are concerned is the proximity of new residential development to the existing Kennels and how to protect the interests of the Kennels and how to protect the residential amenity. At this stage, with it being an outline permission, with subsequent reserved matters, we will have to address those at reserved matters stage and make provision for those interests to be considered.

In terms of the appeal generally whilst we recommended there was insufficient information previously, all of the elements we have concerns about have now been addressed on a noise basis errm and because of that this is why we are no longer able to sustain the reason for our refusal, which was inadequate information provided with the application. The updated information is of much better quality and we feel addresses those areas of concern that we had and, as indicated, we longer can support acoustically grounds to contest this and subject to implementation and design measures, through subsequent stages, if permission is ultimately granted, we have to go with that recommendation we can't actually fight that.

Chair: Right thank you. Are there any other further comments from officers on this?

I am Richard Moore Air Quality Officer (RM) Chair do you want me to give a quick brief on Air Quality?

Chair: Yes that is a matter a lot of people raised.

RM: Our original reason for refusal was based on lack of information for the air quality so it was never based on the actual impacts because we just didn't have any information so the original assessment that was carried out by Satnam was just not fit for purpose for us to actually be able to tell what the air quality impacts would be from the traffic but also what the existing air quality from the motorway would be on the site. They've submitted the new information that we've reviewed, it's been done by a completely different consultant and the consultant they've used is more of an air quality specialist who's got quite a lot of experience in large developments so we understand the modelling for this site because the size is quite complex. So, we did quite a bit of work with them and liaising with them to agree how the model should be set up which is all being carried out as we would want and meets all the guidance now. To support the modelling because modelling does always have uncertainties with it, it's never accurate, is that they have carried out their own monitoring in the area and that's also been supported by a number of monitoring that we also do down Winwick Road but we have also been doing monitoring up near Peel Hall Kennels just to assess the pollution off the motorway so that's all been built into their models to make it more accurate

and give a more accurate sort of reflection of the current air quality in the area. So we are quite happy with the assessment now as a technical piece and the when we actually look at the results of it, as we would probably expect, because of the traffic levels, you need quite significant increases in traffic to affect air quality and the level of increases on the different roads will have a negligible impact on air pollution in the area and most of the air quality meets the national objectives of the limits that are set and based on health grounds and the only areas we do still have issues with are right against the motorway which is why we recommended a 30-metre buffer zone to protect against that. So, as it stands, we just don't have the evidence anymore that air quality would be an issue on the site that would sort of give us grounds to continue refusal of the application.

Chair: Thank you very much. Do members wish to make any further or comments or questions either in reply to those comments or about any other part of the application. Going back to Cllr Friend?

Cllr Friend: Yes thank you Chair. I am rather concerned about the 4-storey apartments that seem very very close to the motorway. What impact would noise and air quality have for the people who live in those new apartments?

NG: Chair I can come back on that point. It is just at this stage what is subject to the appeal is an outline application with all detailed matters, other than access, reserved. So those indicative 4-storey etc that is all for consideration at the next stage.

Chair: OK. Is there any further you wish to take this, have you any other comments?

Cllr Friend: Yes, I just would have assumed any noise barrier or anything would have to be extremely high to protect a 4-storey building.

NG: So the parameters plans we have in front of us talks about 'up to' so it maybe 4-storey it may not so at this stage we don't know that would come through on the reserved matters application but perhaps Steve could provide some more information on how we could defend, how a building could be defensible in those terms, in noise terms?

SS: Thank you Chair. Yes there is a lot of design mitigation that can be built in the arrangement of buildings around a noise source obviously acoustic barriers, acoustic bunds – combinations of that. You can include significantly uprated glazing to any façade that does face the motorway ermm obviously that is only effective provided the façade is solid. So, if you open a window along that façade then that would obviously introduce noise. So where there are noisy facades we would obviously look to have a ventilation system, we would encourage the arrangement of buildings so that primary rooms do not necessarily face that façade where possible and obviously any external amenity spaces are obviously at a lower level. They would naturally attain more attenuation by the acoustic fence but the imposition of higher storey buildings along the motorway façade would actually create... themselves would become a significant acoustic barrier further to the south across the site, so there maybe some slight sacrificial element by upgrading mitigation along the noisiest facades however, anything beyond that façade then gains additional protection by the bulk of building design whether that be 2-storey, 3-storey or 4-storey or whatever comes forwards.

Chair: Thank you. Does that answer your question Cllr Friend... so far? Cllr Friend: Yes I suppose so, still not pleasant to live in those I would think.

Chair: (in the background) I think not.

Chair: Cllr Mundry have you any further comments or questions for officers.

Cllr Mundry: No comments or questions Chair.

Chair: Cllr Parish? Cllr Parish are you with us?

Cllr Parish: I think it is worth emphasising of course that the Council is at risk of costs at an appeal if we act unreasonably and I am guessing that is part of the reasoning behind the officers saying that these other reasons we can't defend them without risking huge costs but I think there is an argument as well that if we concentrate on the one objection where we really are strong and that is traffic issues and where it all goes we would probably do better just to emphasise that one point.

Chair: Yes I think it is obviously a matter of opinion but certainly it is our officers opinion, that's what they stressed to us. Do you want to come back on that, Martha or Nikki?

NG: I think to go back on the first point the risk of costs of appeal who are unreasonable the case that is now but not associated with costs is purely on the basis – this is the technical information that has been assessed and this is the officers view on the technical information that has been received. As to why we brought it back to Planning Committee now or the previously resolution from DMC is the one that the Inspector will be looking at the moment. That reflects the DMC's resolution pre-Inquiry during which course, the course of the last couple of years the situation has changed significantly on the site and therefore it is right to bring this back to members to keep you fully informed and to give you the opportunity to influence how we take this forward given your previous recommendation.

Chair: Thank you, thank you Nikki. Cllr Wheeler have you got any further comments you want to make or questions? Cllr Wheeler?

Cllr Wheeler: Sorry Chair, strange message just flashed on my screen. No Chair.

Chair: OK thank you. Cllr Wright?

Cllr Wright: No, I think it is right we should put the best defence forward, so I support what the officers are saying.

Chair: OK. Cllr Barr?

Cllr Barr: No further comment

Chair: Cllr Carey? Cllr Carey?

Cllr Carey: Cllr Wheeler suddenly came up on my screen. Yes I am happy to support the recommendations in the report.

Chair: Right are there any other comments or questions at all from Councillors? Do officers want to make any further points of clarification?

NG: No thank you Chair.

Chair: Right then I propose the motion 'that we continue to defend the appeal on highway grounds. Cllr Friend are you prepared to second that motion?

Cllr Friend: Yes I will second that.

Chair: OK so that motion is proposed and seconded. Are there any amendments? OK can I had over then to the Democratic Services Officer to take the vote and state the result.

Jenny Connor (JC): Thank you Chair.

Cllr Barr? : In favour

Cllr Carey : In favour

Cllr Friend : In favour

Cllr Grim : For

Cllr Mundry : In favour

Cllr Parish : In favour

Cllr Wheeler : In favour

Cllr Wright : For

Thank you that is unanimous, the Council have agreed to continue to defend the appeal on highway grounds.

Your reference:

Our reference: 0756/9173/109720.00001

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6 August 2020

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GL50 1QZ

Dear Colin

Various houses at Poplars Avenue, Orford, Warrington.

We understand you wish to set out for the Inspector, in the Planning Appeal into Satnam Millennium's proposals for development at Peel Hall, Warrington, comfort on the ability of the option holders to acquire the land at Poplars Avenue.

We confirm that we have been instructed by the land purchasers (in the case of 348, 458, 460, 462 and 464 Poplars Avenue) and the option holders (in the case of 344 and 346 Poplars Avenue) (Thornton Holdings Ltd (now Thornton Investments Ltd), Brooklyn Holdings Ltd (now Brooklyn Ltd) and Aggregate Developments Ltd, the ultimate beneficial owners of which are the same as those of Satnam Millennium Ltd) in relation to all of the below houses at Poplars Avenue:

- 344 Poplars Avenue – Option Agreement dated 15 May 2015;
- 346 Poplars Avenue – Option Agreement dated 21 December 2015;
- 348 Poplars Avenue – Option Agreement dated 4 August 2015; purchased by our client outside of the scope of the Option Agreement on 3 May 2019;
- 458 Poplars Avenue – no prior Option Agreement; purchased by our client on 5 April 2013;
- 460 Poplars Avenue – Option Agreement dated 3 December 2012; option exercised by our client on 28 November 2017; purchased by our client on 16 May 2018;
- 462 Poplars Avenue – no prior Option Agreement; purchased by our client on 15 June 2017;
- 464 Poplars Avenue – purchased by our client on 10 December 2018

The two subsisting Option Agreements referred to above entitle our clients to acquire the whole of the relevant landowner's land by the service of a notice. The relevant clause in each option is materially in the following form:

“If the Option is exercised in accordance with the terms of this agreement the Owner will sell the Property to the Buyer for the Purchase Price.”

Exercise of each of those options will create a binding unconditional contract between our relevant client and the relevant land owner which will require the relevant land owner to dispose of, and our relevant client to acquire, the relevant property.

Yours sincerely

A handwritten signature in black ink, appearing to be 'D. Slade', with a long horizontal flourish extending to the right.

DAVID SLADE
Partner
WRIGHT HASSALL LLP

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SITE HISTORY NOTE OF PEEL HALL

This note sets out the history of the Peel Hall site through the various non-statutory local and other plans which have affected this part of north Warrington and the main applications and appeals that have an impact on the site.

1 The Lancashire County Development Plan

- 1.1 Peel Hall was originally located within the administrative County of Lancashire and was shown in the 1956 Lancashire County Development Plan as White Land, partly included within the area of the Padgate and Penketh Town Map.
- 1.2 In September 1960, Lancashire County Council submitted an alteration to the Lancashire County Development Plan which was never approved. This proposed an extension to the South Lancashire Green Belt to include Peel Hall. Following the submission of the alteration to the Lancashire County Development Plan in September 1960, a review to the Padgate and Penketh Town Map was submitted in 1963 again showing Green Belt across the eastern portion of Peel Hall. Houghton Green was shown as a settlement washed over by the Green Belt. As with the submitted alteration to the Lancashire County Development Plan however, this Town Map review was never approved. It is noted that the now completed Cinnamon Brow and Ballater Drive housing areas to the east of Peel Hall and the various new houses at Mill Lane / Radley Lane were also shown in the submitted plans as Green Belt.

2 The New Town Outline Plan

- 2.1 Following the designation of Warrington as a New Town in 1968 the Warrington New Town Outline Plan was approved in 1973 and most of the Peel Hall area was located within the New Town area, divided almost equally between residential and open space notations. The remainder was shown as White Land in the Lancashire County Development Plan.
- 2.2 The Warrington New Town Development Corporation prepared a series of District Area Plans for each of the main districts of the New Town in order to show Outline Plan proposals in greater detail. These were not subject to statutory consultation or formal approval. The Padgate District Area Local Plan was produced in 1975 and relates to the Peel Hall and Cinnamon Brow areas. This plan generally confirms the pattern of development proposed in the outline plan and shows housing on part of Peel Hall. Its detailed programmes, however, apply more particularly to the Cinnamon Brow area to the east, which was to be developed within the earlier phases of the overall New Town programme.

- 2.3 In 1977, the Secretary of State reviewed the future of all New Towns in England and Wales. At that stage, he removed Warrington's specific target population growth figure in recognition of a reduced need to accommodate urban over spill within the region, replacing this with a guideline population growth figure which pointed to an expected population of about 160,000 by the mid-1980s with continuing momentum probably taking this to 170,000 by 1990.
- 2.4 As a result of this, it was clear that not all the allocated land would have to be developed by 1990 and the Development Corporation removed certain areas from the development programme. Principally, these were Bridgewater East in the south and most of Peel Hall in the north, except for about 25% of the allocated area to the east of Radley Lane (which is now developed as Ballater Drive). The removal of the majority of Peel Hall was consistent with doubts held by the CNT at that stage regarding the viability of developing the area, at least in the short to medium term, due to the prospect of mining subsidence and problems of foul and surface water drainage (since overcome).
- 2.5 The Outline Plan was not formally reviewed to reflect these changes so in respect of Peel Hall, the 1973 allocations remained intact. It would thus have been open to the Development Corporation (or its successors) to reopen the question of releasing the area for development at a later date (as has occurred in the case of Bridgewater East).
- 2.6 In accordance with the Outline Plan, that part of Peel Hall lying to the east of Radley Lane was committed to housing development in 1980 and approximately 200 houses have now been completed there (Ballater Drive). The Development Corporation's application to the Secretary of State for permission for that development suggested the remaining open land would stay undeveloped with the easterly part having potential for, but no commitment as, public open space and the westerly part remaining in agricultural use. It was in any event the Development Corporation's view at that time that development of the wider Peel Hall area was uneconomical due to drainage problems and mining subsidence. The development of Ballater Drive, approved in 1980, was thus seen as rounding off the Cinnamon Brow area. Its access system was designed to serve only the reduced amount of development being proposed and it was promoted as a self-contained development.

3 The Outer Warrington Local Plan

- 3.1 The Deposit Outer Warrington Local Plan was published in 1984 and this plan dealt with most of the areas within the New Town which were at that stage considered for possible designation as Green Belt, i.e. those areas where there was no firm commitment to future development. Peel Hall fell into this category and was included as such in the plan area.
- 3.2 There were no specific objections regarding Peel Hall to the Deposit Draft OWLP but the Regional Health Authority objected to land in its ownership (the western part of the wider area) being included as Green Belt.
- 3.3 The Health Authority, as did many other objectors, drew attention to their view that the Borough Council had not complied with the then newly published DOE Circular 14/85 (Green

Belts) which stated that boundaries were to be drawn such that they would be capable of withstanding alteration for a long time and certainly beyond 1991.

- 3.4 The Local Authority's response to the Health Authority's objection was to link the planning context of the Authority's land to Peel Hall as a whole by suggesting that the whole Peel Hall area could, if necessary, act as an Area of Search for development land which might be required after 1990.
- 3.5 The Local Plan Inspector recommended that the Borough Council look again generally at Green Belt boundaries with a view to them being capable of remaining unaltered until at least the year 2001. Against this background, the Inspector looked at the Health Authority land and the wider Peel Hall Area together and concluded that it did not, in isolation, serve any significant Green Belt function. The Inspector went on to conclude that it would be preferable to confirm the M62 as the southern boundary of the Green Belt and so designate the wider Peel Hall area as white land i.e. following the boundary set in the Cheshire Structure Plan.
- 3.6 At that stage, the short-term allocation of Peel Hall for housing was not an issue as there was an approximate 10-year supply of available housing land in the Borough.
- 3.7 In June 1986, the Borough Council published Proposed Modifications to the OWLP and proposed the wider Peel Hall area as an Area of Search. The Borough Council noted within the Proposed Modifications that it was important to keep the possibility of future development on Peel Hall Farm as an option since the development of at least part of this area would be preferable to taking areas of open land on the periphery of the New Town which arguably played a strategically important Green Belt role.
- 3.8 The Development Corporation expressed doubts about the feasibility of developing Peel Hall and took the view that it's designation as an Area of Search would contradict the basis on which such areas should be so designated. Other areas of Development Corporation land, of course, were allocated for development elsewhere within Warrington.
- 3.9 As a result, it was acknowledged by the Borough Council that the Areas of Search were identified on the basis of only a general indication as to their potential for development. The implication was that a future review of the Local Plan would have the benefit of more detailed technical evidence so that firm decisions as to firm allocations could be made with greater confidence. The Council did, however, recognise the potential development capacity of the Areas of Search taken together were only a little in excess of the total anticipated requirement to 2001 and that there would be only restricted scope for a choice to be made as to which should eventually be developed.
- 3.10 Objections and other representations to the Proposed Modification were summarised in a report to the Councils Development Services Committee in November 1986. The Development Corporation restated the case for not putting Peel Hall into an Area of Search, whilst the Health Authority took the view that its own land, formerly vested in the Regional Health Authority, should be allocated for development prior to 1991. The Officers recorded a number of questions which they stated needed to be answered before the Council could

respond to these objections. The report also drew attention to the overall need for Areas of Search and indicated that the results of detailed technical studies involving the Borough's Surveyor would be needed before conclusions on particular sites could be reached.

- 3.11 The answers to some of these questions were put forward in a report to an ad hoc Sub-Committee of the Development Services Committee in December 1986 where the acting Planning and Estates Officer evaluated the comparative developability of all possible future development sites taking into account advice on both highway and drainage matters. Each site was considered in turn and a preliminary conclusion reached as to the prospects of development. The sites were then ranked and recommendations made as to which should be established as Areas of Search for the post 1991 period.
- 3.12 In respect of the Peel Hall area, the report indicated that potential difficulties in developing the site were envisaged but that it should not be discounted as an Area of Search until compared with other sites. The report concluded that there appeared to be no alternative provision for substantial amounts of new housing in the northern part of the New Town, once the existing commitments and programme developments at Westbrook had been completed. Although it emerged that there were no other easy developable sites in North Warrington, it was recommended that Peel Hall be dropped from the list of proposed Areas of Search as the likelihood of the development being possible there was seen as remote.
- 3.13 The ad hoc Sub-Committee, whilst appreciating these difficulties, took the view that they did not justify an absolute presumption against development of at least part of the site prior to 2001 (the proposed end date of the Structure Plan). It concluded that in the long term, as land for development became scarcer, the benefits of developing this area, which could not be seen as playing a vital Green Belt role, may outweigh the high infrastructure costs. It was also seen as a means of providing continuing development opportunities in the northern part of the Borough through the 1990s.
- 3.14 A Development Services Committee in January 1987 endorsed the ad hoc Sub-Committee's view in recommending an overall package of further action on the Local Plan. The acting Planning and Estates officer pointed out that it would be necessary to formally deposit for public comment a number of amended or newly proposed modifications on the basis that the public had been unable to comment on these at the earlier proposed modification stage with a view to deciding in the light of any objections which may be made if a second public inquiry was needed. He stressed, however, that further public observations were not to be invited at that stage on the originally proposed modifications which Committee did not wish to alter. These included the proposed Area of Search at Peel Hall.
- 3.15 In late 1986, the Health Authority was refused planning consent for housing on the western part of Peel Hall in its ownership, i.e. off Birch Avenue. This refusal cited reasons of prematurity, the land in question being part of the larger Area of Search, and highways. Since the Borough still had a 7 - 8-year supply of housing land, they saw no pressing need to release unallocated land at that stage. The Borough Council held the view that it was vital that the land be held back from development so that proposed Green Belt boundaries elsewhere could be maintained in the longer term. The Health Authority appealed against this decision and in dismissing the appeal, the Inspector relied entirely on the prematurity

reason. He made it clear that the Health Authority land formed part of the wider Peel Hall area to the north of which the M62 formed the inner Green Belt boundary, and that as an Area of Search, it might eventually be released as part of an orderly programme of phased development.

- 3.16 In January 1988, the Development Services Committee reviewed the OWLP. This was triggered mainly by the fact that the Council had not, by then, published its response to objections to the Proposed Modifications since it had been felt prudent to wait until the County Council had produced a draft of Cheshire 2001 before proceeding. It was thus decided that a revised draft be prepared, looking to an end date of 2001 rather than 1991. Committee accepted that this would mean that at least a large proportion of the previously proposed Areas of Search would have to be firmly allocated for development by 2001.
- 3.17 In January 1988, it was agreed that the draft Local Plan should be put to Committee as soon as possible after the draft Cheshire 2001 had been published. It was also agreed that in the meantime, the proposals of the OWLP should be adopted for Development Control purposes, which followed the established Structure Plan boundary, once again, of the M62 as the inner boundary of the Green Belt in this location.

4 The Warrington Borough Local Plan

- 4.1 In spite of this, however the Council's Development Services Committee decided in December 1988 that progress on the OWLP be suspended in favour of the preparation of a single Local Plan for the whole of the Borough, the Warrington Local Plan. This would run to 2001 and would be consistent with Cheshire 2001.
- 4.2 An application for Bridgewater East was made by the CNT in 1989 and sought release of the area for approximately 1,650 houses, business park and a local centre. The Secretary of State approved only a proportion of the development - approximately 810 houses and a local centre.
- 4.3 In October 1989, the preliminary draft of the Warrington Borough Local Plan was reported to Committee. This plan proposed to define the environmentally acceptable limits of growth by setting out realistic and defensible Green Belt boundaries, and the areas of white land excluded from the Green Belt were seen as a means to meet future development needs arising in the Borough after 2001. Peel Hall was notated as such an area and the M62 used yet again as the inner boundary of the Green Belt at this location. The Plan was not however progressed and was superseded by the Consultation Draft Plan of 1990. (See later).
- 4.4 In November 1989 an inquiry was held into the non-determination of an application for residential development on 22 acres of land off Mill Lane, part of the Peel Hall area. This application was submitted by Vale Royal Investments Limited (a subsidiary at the time of Satnam Investments Limited) and the ensuing appeal was dismissed by an Inspector's Report and Decision letter in February 1990.
- 4.5 The Inspector concluded the central issues in the determination of the appeal were firstly, whether the release of this site was unduly premature and in advance of the Local Plan process and secondly, whether the proposed development would seriously affect the

character and amenity of Houghton Green village. In the context of his report to the Secretary of State, the Inspector confirmed that there were no overriding physical constraints preventing the development of the site, that the provision of the necessary infrastructure was viable, that subsidence as a result of mining activities was not a serious problem, and that the proximity of the motorway did not preclude development of the site as noise levels are well below those set in National and Local Guidance.

- 4.6 Setting aside issues of land availability, the Inspector concluded that whilst the appeal proposals would pre-empt decisions on the wider Peel Hall area, which should properly be taken on the context of the Development Plan process, the Peel Hall area should be regarded as an "*important reservoir of land to be considered for development if and when required*". In respect of the impact of the development on Houghton Green, the Inspector concluded that whilst the character and outlook of this close knit settlement would change, the consequences of the development would not, in themselves, be sufficient to justify refusing planning permission for the appeal scheme. The Secretary of State agreed with the Inspector's conclusions and accepted his recommendation. The issue of Green Belt was not raised at the Public Inquiry as the site was outside the extent of the Green Belt as set out in the Structure and local plans relevant at that time.
- 4.7 In April 1990, a Second Consultation Draft of the Warrington Borough Local Plan was prepared, following the publication of the Deposit Draft of Cheshire 2001. The Plan proposed two additional Areas of Search, in addition to the five identified in their preliminary draft plan, which as noted at paragraph 4.3 above, included the Peel Hall area. The Plan noted that the Areas of Search were to provide for possible development after the year 2001 but that their allocation did not imply that the land would necessarily be developed and that no distinction was made between possible future housing or employment allocations. The Green Belt boundary followed that set out in the Structure Plan, the route of the M62 to the north of the area.
- 4.8 The revised Consultation Draft of the Warrington Borough Local Plan (the third Consultation Draft) was reported to Committee in October 1992, although the plan was not published in its Consultation Draft form until May 1993. The Plan was prepared following the approval of Cheshire 2001 and related to the same time period. Within the Plan, long term Green Belt boundaries were set (the relevant policy stating they would remain in force until at least 2016) that to the north assuming yet again the line of M62 as established in the Structure Plan. Peel Hall was allocated as an Area of Search; the policy identifying such areas as land excluded from the Green Belt to meet possible future development needs which may arise after the year 2001.
- 4.9 The Plan designated the land approved by the Secretary of State for 810 houses at Bridgewater East as an existing commitment with the remainder of the CNT land holding (which was also the subject of the 1989 submission for 1650 dwellings) as a housing land allocation for development after 2001 (i.e. not an Area of Search but as a firm commitment).
- 4.10 In December 1992 an outline planning application for the residential development of the whole Peel Hall area was refused planning consent. The refusal related to prematurity and Area of Search issues, together with highway matters. A duplicate of this application was

submitted following this refusal in an attempt to stress the availability and suitability of Peel Hall to the Officers and Members of Warrington Borough Council. This application was again refused, this time in February 1994. The reasons were similar and again related to prematurity, Area of Search and highway matters. No appeals were lodged following these refusals.

- 4.11 The September 1994 Deposit Draft Local Plan confirmed the strategy of the May 1993 Consultation Draft Plan and again notated Peel Hall as an Area of Search, with the M62 forming the inner boundary of the Green Belt.
- 4.12 In October 1995, a series of Proposed Changes to the Warrington Borough Local Plan Deposit Draft were published and these had the effect of confirming the status of Peel Hall as Area of Search with the M62 forming the inner boundary of the Green Belt.
- 4.13 The Proposed Changes also de-allocated the long-term housing allocation at Bridgewater East, notating it instead as an Area of Search, thereby isolating the permitted area of Grappenhall Hayes away from the built-up area.

5 The Warrington Borough Local Plan; Public Inquiry Report

- 5.1 The Inquiry into the Warrington Borough Local Plan was held in 1996 and the Inspector's Report published in September 1998. The Inspector recommended that five of the Areas of Search should be allocated in the Plan for development within the Plan period. One of the sites he proposed for allocation was Peel Hall.
- 5.2 In the section of the Inspectors Report which deals specifically with Peel Hall, the Inspector was asked by the federation of Cheshire Green Parties, Winwick Parish Council and Local Residents that the area should be included within the Green Belt. The Inspector dismissed this suggestion on the following basis:

"The allocation land, due to its sheer scale and nature, clearly possess the characteristic of openness. However, to my mind that alone is not enough to justify its inclusion in the Green Belt. Despite the extent of this site, the environment of this immediate area is strongly influenced by the neighbouring housing development; from most vantage points the presence of the surrounding properties within this landscape is inescapable and this has a noticeable urbanising effect. The same consideration applies to the motorway. The features combine to create an obvious sense of enclosure around this site which accordingly, in terms of character and appearance, is distinctly different from the area of countryside (designated by the Local Plan as Green Belt) to the north. Indeed, the motorway represents a very clear division between these two contrasting areas and it provides the most logical and defensible boundary for the Green Belt hereabouts.

For all these reasons I am convinced that the allocation site would be incapable of serving usefully any of the acknowledged purposes of including land within a Green Belt and there is accordingly no basis for modifying the plan in the manner these objectors propose".

- 5.3 With regard to the suitability of the objection site for residential and other development, the Inspector noted the land was well contained physically and its character and appearance are strongly influenced by the extent of housing development around its periphery. He concluded the size of the objection site was not disproportionate in scale when compared to the very substantial urban area which it adjoins and development on this site would be well related to the existing area and no harm would arise in landscape terms. In his view *"it would represent an entirely logical form of rounding off to a clearly defined very firm boundary, the motorway"*.
- 5.4 The Inspector noted that in evidence,
"the Council itself expressly supports these arguments so far as the merits of Peel Hall Farm for housing are concerned. Its' case for not positively allocating this land for development rests solely on the question of need, or rather the absence of it, at the present time".
- 5.5 The Inspector, when recommending the release of Peel Hall, took into account the respective merits of the other Areas of Search set out in the then Draft Warrington Plan. The Inspector was content however, that *"apart from numbers 1, 16 and 21 which I am similarly recommending for immediate allocation, none measures up to the present site"*. (Since that date, site 1 has been affected by flood issues, and sites 16 and 21 have been released, at appeal, for housing development).
- 5.6 The Inspector recommended therefore, that the Area of Search notation be removed from the site and Peel Hall be specifically allocated for housing development with a specified capacity of 1,100 housing units.
- 5.7 Prior to making any resolution in response to the Inspectors recommendations the Council accepted legal advice that it would be unlikely to be capable of taking the Local Plan to adoption as a Unitary Planning Authority and Local Plan procedures were discontinued with effect from 1 June 1999. On that date the Council's Environment Committee resolved that pending preparation of its first Unitary Development Plan, all greenfield sites outside the built-up areas of the Borough should be treated as Green Belt for development control purposes. That was to be applied irrespective of whether such sites had been proposed as an Area of Search, for inclusion in the Green Belt or had been proposed for an allocation.
- 5.8 In January 2000 that position was reviewed by Environment Committee in the light of a Section 78 appeal Inspectors decision to allow an appeal against refusal for permission for housing on a site (at Lymm) which the Local Plan Inspector had recommended should be confirmed as an Area of Search. Committee resolved in the light of that appeal decision that in dealing with applications and appeals relating to greenfield sites each situation should be addressed on its merits, having regard to a range of criteria including notably housing land availability and the contribution that each site might make to the Green Belt, thereby resiling from the earlier resolution of mid 1999 that all such sites should be treated as Green Belt.

6 The Warrington UDP; Consultation

- 6.1 In Spring 2000 a Strategic Issues and Strategies Options Consultation Document for the first Unitary Development Plan was published by Warrington Borough Council. This raised various alternative strategies and sought views from various organisations and the public. Whilst the document was not site specific and has no direct relevance to Peel Hall, it is relevant in respect of Green Belt matters and the document states on page 7 that:

"Unless there is a situation where all conceivable needs for future development can be met from sources of land supply within existing built up areas, the Green Belt boundary has to be drawn to allow for the possibility of greenfield sites being allocated for development in a future review of the plan without the need for altering the Green Belt".

- 6.2 The Strategy document raised four issues in respect of the Green Belt for consideration in the UDP Process but highlighted that *"the starting point for this will be the conclusions reached by the Local Plan Inspector and a review of his recommendations in the light of current circumstances"*.

- 6.3 In October 2000 a report was presented to Development Control Committee at Warrington Borough Council regarding an outstanding appeal against the refusal of an application for a Learning Disabilities Unit and associated Resource Centre on land at Birch Avenue (which formed part of the western section of the Area of Safeguarded Land at Peel Hall). The Report sets out that, following consultation with the Council's legal advisors, a refusal reason citing that the site should be regarded as Green Belt, should be withdrawn. The Report set out that since the appeal site had been adjudged by the Local Plan Inspector as being incapable of serving a useful Green Belt purpose and that the site lay outside the general extent of the Green Belt as shown on the approved (Cheshire 2001) Structure Plan Key Diagram, the refusal reason was unsupportable. This advice was accepted by the Committee and the associated Proof of Evidence to that Public Inquiry confirmed that the key diagram *"can be readily interpreted as excluding the appeal site from the general extent of the Green Belt, which includes the area to the north of the M62 in this part of the Borough"*.

- 6.4 In late October 2000 the Consultation responses on the Strategic Issues and Strategy Document were reported to Environment Committee at Warrington Borough Council. With regard to Green Belt and Areas of Search the report stated:

"The issue for the UDP is to choose at the extremes between provision for maximum flexibility given uncertainties about future strategic requirements and actual expected requirements arising from the presently proposed RPG figures and consistent with the views expressed by some neighbouring Authorities that minimising the range of long term development opportunities in Warrington will help sustain confidence in their own regeneration strategies".

7 The Warrington UDP; First Deposit

- 7.1 In June 2001 the First Deposit Draft Warrington UDP was published. This Plan looked ahead to 2016 and followed a "low growth" approach as set out in the Draft Review of RPG and the Plan noted that:

"On the basis of an assessment of current commitments and forecast opportunities on presently unidentified 'windfall' sites, the Council is confident that no greenfield sites need be allocated or released for development in order to meet the requirements to either 2011 or 2016".

- 7.2 With regard to the approach of the UDP to Green Belt boundary matters the UDP stated:

"The UDP safeguards the full range of sites which the Borough Local Plan Inspector had recommended be designated as 'Areas of Search' (equivalent to Safeguarded Land). This reflects the view that whilst the Council has not at any previous stage resolved to endorse the Inspector's recommendations, they are a product of the only exhaustive professional assessment that has been carried out to identify land which should not be included in the long term Green Belt".

- 7.3 Thus the Plan proposed policy GRN2 - Safeguarded Land - which included Peel Hall as site number 6. Reference to the Proposals Map shows that the whole of Peel Hall was included within the built-up area of Warrington (see red line notation) and as an Area of Safeguarded Land. The M62 motorway was once again shown as the inner boundary of the Green Belt in this location.

- 7.4 Representations to the First Deposit UDP were reported to Advisory Group at Warrington Borough Council in October 2002. The report set out in respect of the Green Belt and Safeguarded Land that opinions were divided as to whether the inner boundaries of the Green Belt should be drawn into the built up area or whether safeguarded land should be retained to ensure Warrington's growth momentum. The report picked up on the guidance within RPG that once set, generally the Green Belt boundary should not be reviewed prior to 2021, the Local Authority interpreting this to conclude that the Green Belt boundaries set within this UDP should be capable of accommodating development needs until about 2026, i.e. ten years beyond the end of the UDP period.

- 7.5 The report stated that in the light of RPG strategy to concentrate development within the regeneration cores of the conurbations, future rates of growth within Warrington would remain low. After highlighting a number of sources of potential post 2016 housing supply, the report concluded there was no need for Areas of Safeguarded Land and proposed their inclusion within the Green Belt. The report states:

"All of the sites hitherto proposed as Safeguarded Land are judged to perform at least one of the functions of Green Belt as defined in National Guidance, taking account, not least, of the raised significance of its function of supporting urban regeneration".

7.6 The report notes however that the land benefiting from the 7.1 approvals at Bridgewater East should remain as housing land allocations subject to phasing policies which prevent their release "*as long as there is an adequate supply of previously developed land*".

8 The Warrington UDP; Revised Deposit

8.1 On the basis of the above recommendations, the October 2002 Revised Deposit Warrington UDP sought to include all of the Areas of Safeguarded Land within the Green Belt. This included Peel Hall.

9 The Warrington UDP – Inspector’s Report

9.1 The Warrington UDP Inspector’s Report was published in March 2005. The Inspector recommended that the greenbelt boundary as proposed by the Borough Council should be adopted and specifically in respect of Peel Hall, that the new boundary then proposed by the Local Authority was a reinterpretation rather than an alteration to the existing greenbelt boundary.

9.2 The Borough Council proceeded to approve the plan in January 2006 with Peel Hall shown within the greenbelt.

10 The Warrington UDP - High Court Ruling

10.1 Following application to the High Court, a ruling on the proper inclusion of Peel Hall within the greenbelt was given in October 2007. This ruling confirmed that the Peel Hall site had always been located outside the greenbelt and that the proposals by the Local Authority amounted to an alteration to the general extent of the greenbelt which was not supported by exceptional circumstances. Consequently the notation on the proposals map showing Peel Hall as lying within the greenbelt was quashed and the status of the land as not being located within the greenbelt was confirmed.

11 The Draft Core Strategy

11.1 In July 2010 a Core Strategy Objectives and Options was published by Warrington Borough Council. This split the Borough into a number of "*building blocks*" with central and northern Warrington being included within "*The Regeneration Area*". The built-up area / regeneration area was shown as extending up to the M62 and included Peel Hall.

11.2 Due to the low level of expressed housing requirements within the plan, no new housing allocations over and above commitments at that time were contained in the plan.

12 The Pre-Publication Draft Core Strategy

12.1 The Pre-Publication Draft Core Strategy was published in December 2011 and notated Peel Hall as a Strategic Location "*one or a combination of which could be needed to accommodate growth in the longer term to avoid the need to release greenbelt land for development*" (CS9).

13 The Submission Local Plan Core Strategy

- 13.1 As with the Pre-Publication Draft Core Strategy, the submission Local Plan Core Strategy notated Peel Hall (along with other sites) as a Strategic Location for future housing development under Policy CS9 *“to avoid the need to release greenbelt land for development”*.

14 The Mill Lane appeal Decision

In July 2013 an appeal into the development of 120 homes in the north eastern section of Peel Hall, off Mill Lane (the same site as in 4.4 referred to above) was rejected by an Inspector following an Inquiry in May 2013. The Inspector found the site to be located too far from local amenities and facilities and since there was no need for additional housing to be released at that time, and despite a lack of physical harm to the area by the housing development in landscape or highways terms, dismissed the appeal.

15 The Core Strategy: Examination

- 15.1 The CS9 notation was rejected as a concept by the Inspector and Modifications to remove this notation from the plan were published in 2013.
- 15.2 In addition the part of the Omega site was proposed as an allocation for 1,100 homes.
- 15.3 As a consequence the Examination was reopened and these Modifications, along with other aspects of the Modifications and the plan, were debated.

16 The Core Strategy: Inspectors Report

- 16.1 The Modifications to remove the CS9 safeguarding notation from the Peel Hall site, along with the allocation of the Omega site for 1,100 homes, were supported by the Inspector in his report published in May 2014.
- 16.2 Consequently the plan was adopted by the Council on 23 January 2014. This plan contains no notation for the Peel Hall site, and the site is effectively shown as white land within the built-up area of Warrington.

17 The Core Strategy: High Court Ruling

- 17.1 Following an application to the High Court a ruling on the legality of the calculation of the Housing Needs assessment that led to the housing requirements of the plan handed down in February 2015. This ruling held that the housing requirements of the plan were not properly calculated and as such the housing requirements policies of the Plan and the allocation of the Omega site for housing be quashed. In addition, a number of housing policies of the Plan were also quashed, including locational policies relating to housing development. The Court also ruled that SEA on the Plan had not been properly undertaken and consequently quashed those aspects of the Plan, namely the housing allocation at the Omega site.

18 First steps to establish a new housing requirement for Warrington

- 18.1 In mid-2015 the 3 Mid Mersey Authorities, Warrington, St Helens and Halton commissioned consultants to prepare an up to date SHMAA to establish a reliable OAHN for plan making purposes. That study was published in draft in autumn / winter 2015 establishing an OAHN for Warrington of circa 840 dwellings pa. This figure was confirmed in the final report (January 2016) A revised version of this figure (higher) is now being used for plan making purposes by Warrington Borough Council.

19 The Preferred Development Option Warrington Local Plan, July 2017

- 19.1 The Preferred Development Option Warrington Local Plan was published for consultation in July 2017. This plan sets out the Council's approved forward planning strategy for the Borough and,

19.1.1 uses an updated OAHN calculation (May 2017), setting this at 1,113 homes per annum (increased from the 2016 study) with the Council considering 1,332 as an upper option for consideration.

19.1.2 makes an assumption that all the sites included as suitable, available and viable in the 2017 SHLAA (Peel Hall being so included) are to be developed for housing within the plan period.

20 The Proposed Submission Warrington Local Plan

- 20.1 The Proposed Submission Local Plan for Warrington was published in March 2019 following approval at Executive Board. This is intended to be a replacement Plan to eventually supersede the current Core Strategy.

- 20.2 The Proposed Submission Plan focuses largely on providing a solution to meeting the increased housing needs for the Borough, largely through two routes,

20.2.1 The assumption that all the SHLAA sites are developed for housing within the Plan period, which includes Peel Hall which is allocated for development similar to the appeal proposals under policy MD4; and

20.2.2 Extensive greenfield / greenbelt releases to the south of Warrington and the outlying villages the size of which are calculated with reference to the capacity of the urban area to provide maximum amounts of development.

- 20.3 Representations by numerous parties to this Plan and to the allocations made within it have been submitted and in due course it will progress to submission (this is to be considered further in mid-2020 with an examination sometime spring 2021 at the earliest).

21 The 2018 Public Inquiry and Appeal decision

- 21.1 In 2016 an application for the comprehensive development of the Peel Hall site for residential and associated uses was submitted, this was refused by the council in February

2017. The appeal into that refusal was heard in summer 2018 and the appeal was dismissed by the Secretary of State in December 2018. The appeal was dismissed on ground that the traffic modelling was based on out of date assumptions and the XXX model (prepared for Warrington Borough Council) was the preferred method of assess traffic impact). As a consequence, the Air Quality assessment was found to be deficient as it was based on the (not accepted) traffic data. Further the Secretary of State was concerned with the deliverability of the scheme, specifically with regard to the availability of land owned by Homes England and the reliability of bus service improvements.

- 21.2 This appeal decision was quashed by the High Court in October 2019, with the Judge ruling that the decision was deficient with regard to a misapplication or misinterpretation of para 11(d) of the Framework (the tilted balance) and the striking of the planning balance and the unlawful approach to deliverability taken by the decision maker..

22 The 2015 Warrington SHLAA

- 22.1 The 2015 Warrington SHLAA notated Peel Hall as site 1506 and categorised the site as Suitable, Available and Achievable. Consequently it listed the site as having potential to contribute 1,480 dwellings in total, with 150 dwellings in the 1st 5 year period of the plan, 635 in the 2nd 5 year period, 550 in the 3rd 5 year period, and 145 beyond the plan period.
- 22.2 The SHLAA categorised the extreme eastern part of Peel Hall as a constrained site, due to its use as playing fields (site 1649).

23 The 2017 Warrington SHLAA

- 23.1 The 2017 Warrington SHLAA was reported to the Council 10 July 2017. It notates Peel Hall as site 1506 and categorises the site as Suitable, Available and Achievable. The site is listed as having potential to contribute 1,200 dwellings in total, with 135 dwellings in the 1st 5 year period of the Plan (2017 – 2022), 550 in the 2nd 5 year period (2022 – 2027), 515 in the 3rd 5 year period (2027 – 2032). The draft Preferred Development Options (see 19 above) assumes all the SHLAA sites so assessed will be developed over the plan period.
- 23.2 The 2017 SHLAA categorises the extreme eastern part of Peel Hall as a constrained site, due to its current use as playing fields (Mill Lane fields, site 1649), but otherwise suitable for housing development.

24 The 2019 Warrington SHLAA

- 24.1 The 2019 Warrington SHLAA was published in March 2020. It notates Peel Hall as site 1506 and considers the site to be Suitable, Available and Achievable (with a recommendation that it is suitable, likely to become available and achievable). The site is listed as having potential to contribute 1,200 dwellings in total. The SHLAA confirms there is no active use on the site, it is developable now, is being promoted by the owner, is of interest to developers and in an area with known demand for housing. The SHLAA anticipates development from the site in the period 6 – 10 years, with a development rate of 110 completions per year.
- 24.2 The SHLAA also lists other sites in the vicinity of Houghton Green as suitable sites for housing,

- 1647 (Mill Lane),
- 2716 (Peel Cottage),
- 3309 (Plough Public House); and
- 2720 (Radley Lane).

WARRINGTON BOROUGH COUNCIL

EXECUTIVE BOARD – 11 March 2019

Report of Executive Board Member: Councillor J Guthrie, Executive Board Member, Environment and Public Protection (including Climate Change)

Director: Steve Park, Director of Growth

Senior Responsible Officer: Michael Bell, Planning Policy and Programmes Manager

Contact Details: **Email Address:** Michael.bell@warrington.gov.uk **Telephone:** 01925 442795

Key Decision No. 025/18

Ward Members: All

TITLE OF REPORT: REVIEW OF THE WARRINGTON LOCAL PLAN – PROPOSED SUBMISSION VERSION LOCAL PLAN

1. PURPOSE

- 1.1 This report seeks Executive Board’s approval of the Proposed Submission Version Local Plan, prior to a period of statutory public consultation under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012, subject to final agreement by Full Council. The Proposed Submission Version Local Plan (including Proposals Map) is provided at Appendix 1.
- 1.2 The Proposed Submission Version Local Plan sets out the Council’s proposed approach to meeting Warrington’s need for new homes and jobs up to 2037. It identifies the infrastructure which will be required to be delivered to ensure Warrington’s growth is sustainable and provides a comprehensive set of strategic planning policies to assess individual planning applications. It closely reflects the objectives of the Council’s Warrington Means Business regeneration framework and Warrington’s Health and Wellbeing Strategy.
- 1.3 The Proposed Submission Version Local Plan has been prepared taking into account the large number of representations made to the Council following the Local Plan Scope and Contents consultation in 2016 and the Local Plan Preferred Development Option consultation in 2017.

2. CONFIDENTIAL OR EXEMPT

2.1 The report is not confidential or exempt.

3. INTRODUCTION AND BACKGROUND

3.1 The Council has a statutory duty to prepare a Local Plan to ensure sufficient land is made available to meet Warrington's future need for new homes and jobs. The Local Plan also provides the opportunity to ensure that future growth is sustainable through the delivery of infrastructure necessary to support an increasing residential and working population.

3.2 In October 2016, Executive Board agreed to commence the process of reviewing the existing Warrington Local Plan. This follows the High Court ruling in 2015 which quashed the Plan's housing target.

3.3 The Council subsequently undertook a 6 week period of consultation on the scope of the review and the Council's assessment of Warrington's development needs. The Council also invited developers, landowners, the local community and other stakeholders to submit sites they wanted to be considered as part of the Plan review.

3.4 Following this consultation the Council undertook the work necessary to progress to a Preferred Development Option for accommodating Warrington's development needs. This work included:

- Updating the assessment of need for additional homes and jobs in the context of consultation responses and more recent socio-economic data;
- Carrying out a more detailed assessment of the capacity of the existing urban area to accommodate additional development, including the capacity of existing infrastructure;
- Revising the existing Plan's Strategic Objectives to retain the focus on regenerating the town centre and Inner Warrington, whilst recognising the need to accommodate additional growth and release land currently in the Green Belt; and
- Assessing different options for the release of Green Belt to accommodate additional growth across the Borough, including identification of the additional infrastructure that will be required.

3.5 Consultation on the Preferred Development Option was carried out between 18 July and 29 September 2017. The Council held a number of public consultation events across the Borough as well as publicising the consultation in the local press, on the Council's web site, through social media, on local radio stations and through a you-tube video.

3.6 Around 4,500 responses were received to the Preferred Development Option consultation. These have all been taken into account in the preparation of the Proposed Submission Version Local Plan.

- 3.7 The vast majority of representations were made by Warrington residents and campaign groups, together with Parish Councils, MPs, Borough Councillors and community groups, concerned with the scale and location of development being proposed, in particular relating to the release of Green Belt. A petition was also submitted objecting to the proposals in the Preferred Development Option which was signed by over 4,000 people.
- 3.8 The Council also received a significant number of representations from developers and landowners actively promoting sites through the Local Plan process.
- 3.9 In preparing the Proposed Submission Version Local Plan, the Council has completed a number of evidence base studies to ensure that the Local Plan is based on the most up to date assessment of Warrington's development needs; that all options for meeting these needs have been appropriately considered; and that the infrastructure requirements to support new development are understood and can be delivered.
- 3.10 A key focus of this work has been to ensure that every opportunity is taken to maximise the capacity of the existing urban area to accommodate new development.
- 3.11 The preparation of the Proposed Submission Version Local Plan has been overseen by the Local Plan Executive Members Steering Board and an Officers Steering Board which comprised senior officers from across the Council with an interest in the Plan.

4. KEY ISSUES FROM CONSULTATION

- 4.1 A comprehensive list of the issues that were raised during the Scope and Contents and Preferred Development Option consultations and the Council's response to these issues are contained in the Responding to Representations Report provided at Appendix 2 to this Report.
- 4.2 A summary of the key issues from the consultation is provided below.
- 4.3 How we consulted:
- Widespread belief from the public that we should have publicised the consultation more effectively.
 - Criticism of the timing of the consultation over summer holiday period.
 - Criticism we didn't consult more widely on the scale of growth before progressing to a preferred option.
- 4.4 Scale of growth proposed:
- Widespread public concern about level of growth proposed:
 - Objection to concept of Warrington becoming a 'city'.
 - Planning for more homes than the minimum the Council is required to.
 - Questioning the robustness of jobs forecasts in context of Brexit.
 - 20 year Plan period considered too long given economic uncertainties.
 - Objection to proposal to safeguard land beyond the Plan period

- Developers generally supportive of the housing target and amount of employment land as a minimum requirement but a number considered level of safeguarding provision to be insufficient.
- 4.5 Assessment of the existing urban area to accommodate new development:
- Developers objecting to some of the additional urban capacity identified in City Centre / Waterfront masterplans on the basis that the Council cannot demonstrate they will be developed in the Plan Period.
 - A large number of public representations considered that the redevelopment of Fiddlers Ferry should be included in the Local Plan in order to reduce the amount of required Green Belt release.
 - A large number of public representations considered that residential densities should be increased to reduce the amount of required Green Belt release.
 - A large number of public representations objected to Peel Hall being included as part of the identified urban capacity.
- 4.6 Impacts of scale of growth proposed:
- Widespread public concern about increase in traffic and impact on air quality.
 - Concern over the environmental impacts of loss of countryside.
 - Concern about impact on social infrastructure, in particular schools, GPs and Warrington Hospital.
 - Public and some developers expressed concern about the ability to deliver the scale of infrastructure required to support growth.
 - Halton and St Helens Councils concerned that Warrington's proposed growth could impact on their own growth ambitions.
- 4.7 Proposed distribution of new development:
- A number of developers pushing for more growth in the settlements arguing the Plan is too reliant on major urban extensions in the south.
 - Concern over distribution of Green Belt release from residents and Parish Councils in the south.
 - Criticism from public and qualified concern from Highways England that we have undertaken options assessment prior to detailed transport modelling.
- 4.8 Proposal for a Garden City Suburb:
- Widespread public and Parish Council concerns over scale of development in this location, loss of Green Belt / countryside and impact on character of the area.
 - Public and Highways England concerns over impact of traffic congestion
 - Major public concerns over proposal to re-use disused railway line to provide a crossing over the ship canal.
 - Public sceptical that new homes will be affordable for local residents.
 - Developers promoting land within the area questioning phasing of development with concern that it may unnecessarily hold development back.
 - Developers promoting sites elsewhere questioning deliverability of infrastructure and stating that the assumed build rates are not achievable.

- 4.9 Proposals for South West Extension / and Warrington Waterfront (including Port Warrington):
- Widespread public and Parish Council concerns over scale of growth in this location, loss of Green Belt / countryside and impact on character.
 - Public, Parish Councils and Halton Council concerned with loss of Green Belt separating Warrington from Halton.
 - Public, Parish Councils, local nature groups and Halton Council concerned about impact of expanded Port Warrington on function of Green Belt, impact on Moore nature reserve and potential highways impacts.

- 4.10 The Council has taken into consideration all of the issues raised from the consultation undertaken to date in preparing the Proposed Submission Version Local Plan.

5. PREPARATION OF THE PROPOSED SUBMISSION VERSION LOCAL PLAN

- 5.1 Given the number and nature of representations made to the Preferred Development Option consultation, the Council has carried out a fundamental review of the technical evidence base and options assessments that underpin the emerging Local Plan.
- 5.2 The Council has updated its evidence base relating to housing, employment and retail needs to ensure the Plan is based on up to date evidence, meets the requirements of the new National Planning Policy Framework (NPPF 2019) and associated Planning Practice Guidance (PPG) and addresses widespread public concern that the Council was using economic forecasting data that pre-dated the EU Referendum.
- 5.3 The Council has assessed the option of a lower level of growth and considered additional spatial development options looking at the potential of sites in north Warrington and options with lower levels of development in south Warrington. It has carried out an assessment of all individual sites submitted by landowners and developers for consideration as part of the Local Plan process.
- 5.4 More detailed consideration has been given to the development potential of the existing urban area. The Council has reviewed its density assumptions to promote higher density residential development in the town centre and surrounding area. This work acknowledges that certain brownfield sites may not come forward in the Plan period but that they still demonstrate that Warrington will still have significant brownfield capacity over the longer term.
- 5.5 The Proposed Submission Version Local Plan has been prepared at the same time as the new Local Transport Plan to ensure the transport implications are properly assessed and that the development proposed in the Proposed Submission Version Local Plan supports the Council's aim of promoting sustainable transport modes. This work has included testing the transport implications of the emerging Local Plan through the Council's Multi-Modal Transport Model.
- 5.6 Detailed work has been undertaken to demonstrate that the Plan can be delivered. This has included assessing the deliverability of infrastructure required to support

Warrington's growth, assessing the viability of development sites and planning policies and a review of build rates for new development.

- 5.7 The Council has engaged with all neighbouring Boroughs under the 'Duty to Cooperate' process to identify cross boundary issues and agree how these can be resolved. These issues are set out in the draft Statement of Common Ground, which is a background paper to this report. The Council has also engaged with infrastructure providers to ensure that they are able to plan and provide for the needs of new development and statutory consultees - including the Environment Agency, Natural England, Highways England and Historic England - to ensure the Plan addresses their specific concerns.
- 5.8 The Council has engaged with the Central Area Board, who are currently preparing the Central Area Masterplan, and groups preparing Neighbourhood Plans to consider how their plans and proposals relate to the emerging Local Plan.
- 5.9 A list of the evidence base documents which have informed the Proposed Submission Version Local Plan are listed as background papers to this report and will be published alongside the draft Plan as part of the consultation.

6. KEY ELEMENTS OF PROPOSED SUBMISSION VERSION LOCAL PLAN

Scope of Proposed Submission Version Local Plan

- 6.1 The Proposed Submission Version Local Plan comprises:
- An introductory section setting out the purpose of the Plan, summarising Warrington's historic development and identifying the challenges and opportunities for Warrington's future development;
 - A vision and a series of objectives for Warrington's future development and a proposed spatial strategy for the distribution of new development;
 - Strategic Planning Policies which demonstrate how the Council will deliver the Plan vision and objectives and to provide a basis to assess individual planning applications;
 - Site Allocation Policies, providing detailed policy requirements for sites critical to the delivery of the Local Plan, including sites to be removed from the Green Belt; and
 - A framework for Monitoring the Plan and for its future review.
- 6.2 The Plan will replace the Local Plan Core Strategy (2014) in its entirety. It also includes more detailed policies relating to Minerals and Waste and meeting the needs of Gypsy and Travellers. These were originally proposed to be prepared as separate Local Plan documents to the Local Plan Core Strategy.
- 6.3 The Plan includes a comprehensive set of strategic planning policies, but has been drafted to ensure there is scope for the preparation of Neighbourhood Plans to provide more detailed local policies for specific parts of the Borough. Similarly the Plan recognises the importance of the Town Centre Masterplan and Central Area Masterplan in preparing more detailed guidance for the Inner area of Warrington.

- 6.4 The proposed Plan period extends from 2017 to 2037. This was raised as a concern by a large number of residents, Parish Councils and community groups responding to the Plan as the length of the Plan period was seen to directly result in a larger amount of Green Belt release.
- 6.5 Having considered the representations, the Council intends to maintain the proposed Plan period running from 2017 to 2037. This meets the requirement of paragraph 22 of the NPPF for strategic policies to look ahead over a minimum of 15 years from the date of adoption of the Local Plan, on the assumption that the Plan is adopted in 2020, in accordance with the timetable in the revised Local Development Scheme (LDS).
- 6.6 The Council considers that a 20 year Plan Period enables the Council to plan more effectively to meet Warrington's long term development needs and consider more sustainable development options, including the proposed urban extensions. It will also ensure that the revised Green Belt boundaries are capable of enduring over the long term. The Plan will be kept under regular review to ensure that it is able to respond to changes in circumstances

Proposed Level of Development

- 6.7 In determining Warrington's housing requirement, the Council has followed the Government's Standard Housing Methodology and associated Planning Policy Guidance. The Proposed Submission Version Local Plan proposes a minimum housing requirement of 945 homes per annum compared to the 1,113 per annum proposed in the Preferred Development Option. This housing requirement is around 4% above the minimum housing requirement under the Government's Standard Housing Methodology (using the 2014 based Household Projections, in accordance with Government's Planning Practice Guidance). This reflects the Council's growth aspirations and its commitment to address the increasing problem of affordability of housing, particularly for Warrington's younger people and young families. It does however recognise that underlying economic forecasts are showing a slower rate of jobs growth with uncertainties arising from the UK leaving the European Union.
- 6.8 The Council's updated Economic Development Needs Assessment has re-confirmed the scale of employment land that the Council needs to plan for. The Plan makes provision to meet the full requirement of 362ha of employment land.
- 6.9 The Council's updated Retail Needs Assessment identifies the need for only a modest increase in the need for future retail development, primarily to support growth in the proposed urban extensions. It also stresses the threat to Warrington Town Centre of any additional out-of-centre retail development.

Spatial Strategy and Site Allocations

- 6.10 The Plan's main priority remains to optimise the development potential of the existing urban area. This includes intensifying development in the Town Centre, the Inner area of Warrington and opening up the Waterfront as a new urban quarter facilitated by the new Western Link.

- 6.11 It is not possible however to meet all of Warrington's development needs within the existing urban area. The Plan's spatial strategy has therefore been developed in order to meet the need for new homes, employment land and retail supported by wide-ranging infrastructure improvements.
- 6.12 The proposed spatial strategy is for:
- a new Garden Suburb to the south east of the main urban area, which will deliver around 5,000 homes (including 4,200 through Green Belt release) in the Plan period up to 2037, with a potential for a further 2,300 homes from Green Belt release beyond the Plan period;
 - an urban extension to the south west of the main urban area of around 1,600 homes; and
 - 'incremental growth' across the outlying settlements of around 1,100 homes.
- 6.13 The Proposed Submission Version Local Plan's spatial strategy is similar to that proposed in the Preferred Development Option but has been refined to take into account the response to consultation and more detailed evidence base work.
- 6.14 The size and extent of the Garden Suburb has been reduced to reflect the lower overall housing requirement and to address some of the concerns expressed during consultation. Detailed consideration has been given to the rate that new homes can realistically be built. This means that the Garden Suburb will not be completed in full until after the end of the Plan period. The Allocation policy will ensure that development is coordinated with the delivery of supporting infrastructure, that the Suburb is based on an extensive network of green space and that the separate identity of Appleton Thorn is maintained. It also requires that the proposals for the Garden Suburb are developed in more detail through the preparation of a Development Framework, which the Council proposes to prepare as a Supplementary Planning Document.
- 6.15 The South West extension has been reduced in size in order to ensure an appropriate green buffer between the allocation site and Moore Village in Halton. The Allocation policy confirms that development cannot come forward until the funding and the programme for the delivery of the Western Link have been confirmed.
- 6.16 Following a detailed site assessment process, the Proposed Submission Version Local Plan identifies the sites proposed to be removed from the Green Belt and allocated for residential development in the outlying settlements. In total these sites will provide a minimum of 1,085 homes.
- 6.17 With regard to Employment, the Council has confirmed a realistic supply of 118 ha of employment land within the main urban area.
- 6.18 Through the Council's Duty to Co-operate discussions with neighbouring authorities, it has been agreed in principle that a 30 hectare extension to the west of the established Omega employment development, located in the Borough of St Helens, will count

towards Warrington's employment development needs, subject to ensuring appropriate mitigation of highways impacts.

- 6.19 Having reviewed all sites submitted for employment as part of the 'call for sites' the Draft Local Plan is proposing to allocate the following 3 additional Employment Areas:
- Port Warrington (74.36ha) – the principle of expansion of the Port was established in the previous Plan due to the location of the site, the increase in freight on the Manchester Ship Canal and the ability to connect the ship canal to the road and rail network. The Port will form part of the wider Warrington Waterfront allocation and will be accessed by road from the Western Link.
 - Waterfront Business Hub (25.47ha) – a modern business park located within the wider Waterfront Allocation, benefiting from proximity to Port Warrington, but also Bank Quay station and the Town Centre.
 - Garden Suburb Employment Area (116ha) – this is located at the junction of the M6 and M56 and will meet a large proportion of the Borough's identified B8 requirement. It will benefit from proximity to the Garden Suburb's neighbourhood centre and contribute towards planned improvements to road infrastructure.
- 6.20 Given the slowing rate of household growth and job creation over the Plan period, the additional capacity of the Garden Suburb, and the likelihood of substantial additional brownfield capacity within the existing urban area – in particular at Fiddlers Ferry Power Station and sites in and around the Town Centre – the Council is not proposing to remove any additional land from the Green Belt in order to safeguard it for future development beyond the Plan period.

Strategic Policies

- 6.21 There are a total of 24 strategic planning policies grouped under the Plan's Objectives. The policies set out how the Plan's Objectives will be delivered and provide a basis to assess individual planning applications. A number of policies are based on those in the adopted Local Plan Core Strategy (2014) but have been updated to:
- reflect the draft Plan's vision, spatial strategy and updated objectives;
 - to address the requirements of the new NPPF (2019) and associated guidance;
 - respond to issues raised during the consultation; and
 - reflect the emerging Local Plan's evidence base.
- 6.22 More detailed policies have been included in respect of Gypsies and Travellers and Minerals and Waste. These issues were not dealt with in full in the adopted Local Plan Core Strategy (2014).

Local Plan Viability

- 6.23 The Local Plan Viability Assessment is currently being finalised. The Council is confident that the final report will confirm that the Local Plan as a whole and its individual policies and site allocations are viable. An assessment of all of the proposed sites allocations has been carried out together with a range of sites representative of the land supply within the existing urban area. The assessment has considered infrastructure requirements, required S106 contributions, other policy requirements and tested varying levels of affordable housing.

7. NEXT STEPS

- 7.1 The revised programme for the preparation of the Local Plan is set out in the new Local Development Scheme (LDS) which is appended at Appendix 3.
- 7.2 Subject to approval by Executive Board and Full Council the Proposed Submission Version Local Plan will then be published for statutory consultation. This is anticipated to commence in April and extend for 8 weeks. Further detail on the consultation is set out in Section 11 below.
- 7.3 The Council will then need to review all of the representations made during the consultation prior to submitting the Plan for 'Examination in Public' to be carried out by an independent Inspector. Separate Executive Board and Full Council approval will be sought for submission following the conclusion of the consultation. It is anticipated the earliest date for the Examination in Public will be early 2020.
- 7.4 Following the Examination in Public, the Inspector will issue a report setting out their recommendations, including any required modifications to the Plan. The Council must carry out a final consultation on any Main Modifications before formally adopting the Plan. It is anticipated the Local Plan will be adopted during 2020.

8. FINANCIAL CONSIDERATIONS

- 8.1 The proposed development of new homes and employment land through the Local Plan will provide benefits of additional income from council tax and business rates. The scale of development provides a unique opportunity for transformational investment in the Borough's infrastructure.

9. RISK ASSESSMENT

- 9.1 If the Council does not positively plan to meet its development needs then the Local Plan is unlikely to be approved by an independent Inspector. Without a Plan in place there is a significant risk that the Council could lose control over development, with development coming forward in a piecemeal fashion, without the ability to coordinate the delivery of infrastructure to support it. There is also a risk that the Government may take over the preparation of Warrington's Local Plan.
- 9.2 Not planning to meet development needs could also worsen the affordability of housing, particularly for young people and could constrain Warrington's future economic prosperity.

10. EQUALITY AND DIVERSITY / EQUALITY IMPACT ASSESSMENT

- 10.1 The Local Plan is subject to Equality Impact Assessment (EqIA) at key stages of its preparation in accordance with the Council's published practice and guidance on such

matters. The EqIA for the Proposed Submission Version Local Plan is a Background Paper to this Report and will be published ahead of the consultation period.

- 10.2 Development proposed in the Proposed Submission Version Local Plan will provide new employment opportunities, affordable housing and investment in education, health and other community facilities across the Borough. The focus on regenerating the Inner parts of Warrington provides the opportunity to address the relatively high levels of deprivation in these areas and provide more affordable housing for young people. There are specific policy requirements relating to meeting the needs of elderly people and disabled people.

11. CONSULTATION

- 11.1 Consultation on the Local Plan must be undertaken in accordance with the Council's adopted Statement of Community Involvement and the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 11.2 A comprehensive list of the issues that were raised during the Scope and Contents and Preferred Development Option consultations and the Council's response to these issues are contained in the Responding to Representations Report provided at Appendix 2 to this Report.
- 11.3 The Council is aware of criticisms in how it publicised and undertook consultation on the Preferred Development Option. The Council will respond to these criticisms and ensure that all Warrington residents, businesses, community groups and other local stakeholders have the opportunity to have their say on the Proposed Submission Version Local Plan.
- 11.4 The Council will be undertaking a comprehensive programme of consultation on the Proposed Submission Version Local Plan. The Council will be notifying all residents of the consultation in writing as well as advertising the consultation in the local press, on the Council's web site and through social media. The Council will ensure additional notification is provided to engage hard to reach groups, including younger people and BME communities.
- 11.5 The Council will be holding a number of public consultation events, giving people the opportunity to discuss the Proposed Submission Version Local Plan in detail with Officers. The Council will also be publishing an on-line video explaining the key proposals within the Proposed Submission Version Local Plan and how people can make representations.
- 11.6 Given the close relationship between the Local Plan and Local Transport Plan, the Council will be consulting on both documents at the same time.

12. REASONS FOR RECOMMENDATION

- 12.1 To ensure the Local Plan is effective in promoting and guiding Warrington's growth over the next 20 years and that the social and physical infrastructure necessary to support an increasing resident and working population is delivered.

13. RECOMMENDATION

- 13.1 The Executive Board is recommended to:

- (i) approve the updated Local Development Scheme (LDS), setting out the revised timetable for progressing the Local Plan, to come into effect on 19th March 2019.
- (ii) (a) approve the Proposed Submission Version Local Plan for a statutory period of public consultation in accordance with Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012, subject to final approval by Full Council; and
- (b) authorise the Director of Growth, following consultation with the Executive Board Member for Environment and Public Protection (including Climate Change), to make further editorial and technical amendments, which do not materially affect the content of the Proposed Submission Version Local Plan and its supporting documents.
- (iii) refer the Proposed Submission Version Local Plan to Council at its meeting on 25th March 2019 in order to:
- (a) approve the Proposed Submission Version Local Plan for statutory period of public consultation in accordance with Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012.

14. BACKGROUND PAPERS

- Representations on the Preferred Development Option
- Proposed Submission Version Local Plan Sustainability Appraisal (incorporating requirements of the Strategic Environmental Assessment Regulations)
- Proposed Submission Version Local Plan Habitats Regulation Assessment
- Proposed Submission Version Local Plan Equalities Impact Assessment
- Draft Statement of Common Ground
- Duty to Cooperate Statement
- Warrington Local Plan Infrastructure Delivery Plan
- Warrington Local Housing Needs Assessment
- Warrington Economic Development Needs Assessment
- Warrington Retail Needs Assessment Update
- Strategic Housing Land Availability Assessment
- Urban Capacity Assessment
- Options and Site Assessment Technical Report
- Strategic Flood Risk Assessment

- Garden Suburb Development Concept Update
- Local Plan Air Quality Report
- Warrington Multi Modal Transport Model Local Plan Reports
- Heritage Impact Assessments

Appendices

Appendix 1 – Proposed Submission Version Local Plan 2019

Appendix 1b – Proposed Submission Version Local Plan 2019 Proposals Map

Appendix 2 – Responding to Representations Report 2019

Appendix 3 – Local Development Scheme 2019

WARRINGTON BOROUGH COUNCIL

COUNCIL – 25 March 2019

Report of Executive Board Member: Councillor J Guthrie, Executive Board Member, Environment and Public Protection (including Climate Change)
Executive Director: Steve Park, Director of Growth
Report Author: Michael Bell, Planning Policy and Programmes Manager
Contact Details: **Email Address:** Michael.bell@warrington.gov.uk **Telephone:** 01925 442795

Ward Members: All

TITLE OF REPORT: REVIEW OF THE WARRINGTON LOCAL PLAN – PROPOSED SUBMISSION VERSION LOCAL PLAN

1. PURPOSE

- 1.1 This report seeks Council's approval of the Proposed Submission Version Local Plan, prior to a period of statutory public consultation under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012. This is in accordance with the recommendation of Executive Board made at their meeting on 11th March 2019. The Proposed Submission Version Local Plan (including Proposals Map) is provided at Appendix 1.
- 1.2 The Proposed Submission Version Local Plan sets out the Council's proposed approach to meeting Warrington's need for new homes and jobs up to 2037. It identifies the infrastructure which will be required to be delivered to ensure Warrington's growth is sustainable and provides a comprehensive set of strategic planning policies to assess individual planning applications. It closely reflects the objectives of the Council's Warrington Means Business regeneration framework and Warrington's Health and Wellbeing Strategy.
- 1.3 The Proposed Submission Version Local Plan has been prepared taking into account the large number of representations made to the Council following the Local Plan Scope and Contents consultation in 2016 and the Local Plan Preferred Development Option consultation in 2017.

2. CONFIDENTIAL OR EXEMPT

- 2.1 The report is not confidential or exempt.

3. INTRODUCTION AND BACKGROUND

- 3.1 The Council has a statutory duty to prepare a Local Plan to ensure sufficient land is made available to meet Warrington's future need for new homes and jobs. The Local Plan also provides the opportunity to ensure that future growth is sustainable through the delivery of infrastructure necessary to support an increasing residential and working population.
- 3.2 In October 2016, Executive Board agreed to commence the process of reviewing the existing Warrington Local Plan. This follows the High Court ruling in 2015 which quashed the Plan's housing target.
- 3.3 The Council subsequently undertook a 6 week period of consultation on the scope of the review and the Council's assessment of Warrington's development needs. The Council also invited developers, landowners, the local community and other stakeholders to submit sites they wanted to be considered as part of the Plan review.
- 3.4 Following this consultation the Council undertook the work necessary to progress to a Preferred Development Option for accommodating Warrington's development needs. This work included:
- Updating the assessment of need for additional homes and jobs in the context of consultation responses and more recent socio-economic data;
 - Carrying out a more detailed assessment of the capacity of the existing urban area to accommodate additional development, including the capacity of existing infrastructure;
 - Revising the existing Plan's Strategic Objectives to retain the focus on regenerating the town centre and Inner Warrington, whilst recognising the need to accommodate additional growth and release land currently in the Green Belt; and
 - Assessing different options for the release of Green Belt to accommodate additional growth across the Borough, including identification of the additional infrastructure that will be required.
- 3.5 Consultation on the Preferred Development Option was carried out between 18 July and 29 September 2017. The Council held a number of public consultation events across the Borough as well as publicising the consultation in the local press, on the Council's web site, through social media, on local radio stations and through a you-tube video.
- 3.6 Around 4,500 responses were received to the Preferred Development Option consultation. These have all been taken into account in the preparation of the Proposed Submission Version Local Plan.
- 3.7 The vast majority of representations were made by Warrington residents and campaign groups, together with Parish Councils, MPs, Borough Councillors and

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community groups, concerned with the scale and location of development being proposed, in particular relating to the release of Green Belt. A petition was also submitted objecting to the proposals in the Preferred Development Option which was signed by over 4,000 people.

- 3.8 The Council also received a significant number of representations from developers and landowners actively promoting sites through the Local Plan process.
- 3.9 In preparing the Proposed Submission Version Local Plan, the Council has completed a number of evidence base studies to ensure that the Local Plan is based on the most up to date assessment of Warrington's development needs; that all options for meeting these needs have been appropriately considered; and that the infrastructure requirements to support new development are understood and can be delivered.
- 3.10 A key focus of this work has been to ensure that every opportunity is taken to maximise the capacity of the existing urban area to accommodate new development.
- 3.11 The preparation of the Proposed Submission Version Local Plan has been overseen by the Local Plan Executive Members Steering Board and an Officers Steering Board which comprised senior officers from across the Council with an interest in the Plan.

4. KEY ISSUES FROM CONSULTATION

- 4.1 A comprehensive list of the issues that were raised during the Scope and Contents and Preferred Development Option consultations and the Council's response to these issues are contained in the Responding to Representations Report provided at Appendix 2 to this Report.
- 4.2 A summary of the key issues from the consultation is provided below.
- 4.3 How we consulted:
- Widespread belief from the public that we should have publicised the consultation more effectively.
 - Criticism of the timing of the consultation over summer holiday period.
 - Criticism we didn't consult more widely on the scale of growth before progressing to a preferred option.
- 4.4 Scale of growth proposed:
- Widespread public concern about level of growth proposed:
 - Objection to concept of Warrington becoming a 'city'.
 - Planning for more homes than the minimum the Council is required to.
 - Questioning the robustness of jobs forecasts in context of Brexit.

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- 20 year Plan period considered too long given economic uncertainties.
 - Objection to proposal to safeguard land beyond the Plan period
 - Developers generally supportive of the housing target and amount of employment land as a minimum requirement but a number considered level of safeguarding provision to be insufficient.
- 4.5 Assessment of the existing urban area to accommodate new development:
- Developers objecting to some of the additional urban capacity identified in City Centre / Waterfront masterplans on the basis that the Council cannot demonstrate they will be developed in the Plan Period.
 - A large number of public representations considered that the redevelopment of Fiddlers Ferry should be included in the Local Plan in order to reduce the amount of required Green Belt release.
 - A large number of public representations considered that residential densities should be increased to reduce the amount of required Green Belt release.
 - A large number of public representations objected to Peel Hall being included as part of the identified urban capacity.
- 4.6 Impacts of scale of growth proposed:
- Widespread public concern about increase in traffic and impact on air quality.
 - Concern over the environmental impacts of loss of countryside.
 - Concern about impact on social infrastructure, in particular schools, GPs and Warrington Hospital.
 - Public and some developers expressed concern about the ability to deliver the scale of infrastructure required to support growth.
 - Halton and St Helens Councils concerned that Warrington's proposed growth could impact on their own growth ambitions.
- 4.7 Proposed distribution of new development:
- A number of developers pushing for more growth in the settlements arguing the Plan is too reliant on major urban extensions in the south.
 - Concern over distribution of Green Belt release from residents and Parish Councils in the south.
 - Criticism from public and qualified concern from Highways England that we have undertaken options assessment prior to detailed transport modelling.
- 4.8 Proposal for a Garden City Suburb:
- Widespread public and Parish Council concerns over scale of development in this location, loss of Green Belt / countryside and impact on character of the area.
 - Public and Highways England concerns over impact of traffic congestion
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 - Public sceptical that new homes will be affordable for local residents.

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- Developers promoting land within the area questioning phasing of development with concern that it may unnecessarily hold development back.
 - Developers promoting sites elsewhere questioning deliverability of infrastructure and stating that the assumed build rates are not achievable.
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- Widespread public and Parish Council concerns over scale of growth in this location, loss of Green Belt / countryside and impact on character.
 - Public, Parish Councils and Halton Council concerned with loss of Green Belt separating Warrington from Halton.
 - Public, Parish Councils, local nature groups and Halton Council concerned about impact of expanded Port Warrington on function of Green Belt, impact on Moore nature reserve and potential highways impacts.
- 4.10 The Council has taken into consideration all of the issues raised from the consultation undertaken to date in preparing the Proposed Submission Version Local Plan.

5. PREPARATION OF THE PROPOSED SUBMISSION VERSION LOCAL PLAN

- 5.1 Given the number and nature of representations made to the Preferred Development Option consultation, the Council has carried out a fundamental review of the technical evidence base and options assessments that underpin the emerging Local Plan.
- 5.2 The Council has updated its evidence base relating to housing, employment and retail needs to ensure the Plan is based on up to date evidence, meets the requirements of the new National Planning Policy Framework (NPPF 2019) and associated Planning Practice Guidance (PPG) and addresses widespread public concern that the Council was using economic forecasting data that pre-dated the EU Referendum.
- 5.3 The Council has assessed the option of a lower level of growth and considered additional spatial development options looking at the potential of sites in north Warrington and options with lower levels of development in south Warrington. It has carried out an assessment of all individual sites submitted by landowners and developers for consideration as part of the Local Plan process.
- 5.4 More detailed consideration has been given to the development potential of the existing urban area. The Council has reviewed its density assumptions to promote higher density residential development in the town centre and surrounding area. This work acknowledges that certain brownfield sites may not come forward in the Plan period but that they still demonstrate that Warrington will still have significant brownfield capacity over the longer term.

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- 5.5 The Proposed Submission Version Local Plan has been prepared at the same time as the new Local Transport Plan to ensure the transport implications are properly assessed and that the development proposed in the Proposed Submission Version Local Plan supports the Council's aim of promoting sustainable transport modes. This work has included testing the transport implications of the emerging Local Plan through the Council's Multi-Modal Transport Model.
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- A framework for Monitoring the Plan and for its future review.
- 6.2 The Plan will replace the Local Plan Core Strategy (2014) in its entirety. It also includes more detailed policies relating to Minerals and Waste and meeting the needs of Gypsy and Travellers. These were originally proposed to be prepared as separate Local Plan documents to the Local Plan Core Strategy.
- 6.3 The Plan includes a comprehensive set of strategic planning policies, but has been drafted to ensure there is scope for the preparation of Neighbourhood Plans to provide more detailed local policies for specific parts of the Borough. Similarly the Plan recognises the importance of the Town Centre Masterplan and Central Area Masterplan in preparing more detailed guidance for the Inner area of Warrington.
- 6.4 The proposed Plan period extends from 2017 to 2037. This was raised as a concern by a large number of residents, Parish Councils and community groups responding to the Plan as the length of the Plan period was seen to directly result in a larger amount of Green Belt release.
- 6.5 Having considered the representations, the Council intends to maintain the proposed Plan period running from 2017 to 2037. This meets the requirement of paragraph 22 of the NPPF for strategic policies to look ahead over a minimum of 15 years from the date of adoption of the Local Plan, on the assumption that the Plan is adopted in 2020, in accordance with the timetable in the revised Local Development Scheme (LDS).
- 6.6 The Council considers that a 20 year Plan Period enables the Council to plan more effectively to meet Warrington's long term development needs and consider more sustainable development options, including the proposed urban extensions. It will also ensure that the revised Green Belt boundaries are capable of enduring over the long term. The Plan will be kept under regular review to ensure that it is able to respond to changes in circumstances
- Proposed Level of Development
- 6.7 In determining Warrington's housing requirement, the Council has followed the Government's Standard Housing Methodology and associated Planning Policy Guidance. The Proposed Submission Version Local Plan proposes a minimum housing requirement of 945 homes per annum compared to the 1,113 per annum proposed in the Preferred Development Option. This housing requirement is around 4% above the minimum housing requirement under the Government's Standard Housing Methodology (using the 2014 based Household Projections, in accordance with Government's Planning Practice Guidance). This reflects the Council's growth aspirations and its commitment to address the increasing problem of affordability of housing, particularly for Warrington's younger people and young families. It does however recognise that underlying economic

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forecasts are showing a slower rate of jobs growth with uncertainties arising from the UK leaving the European Union.

- 6.8 The Council's updated Economic Development Needs Assessment has re-confirmed the scale of employment land that the Council needs to plan for. The Plan makes provision to meet the full requirement of 362ha of employment land.
- 6.9 The Council's updated Retail Needs Assessment identifies the need for only a modest increase in the need for future retail development, primarily to support growth in the proposed urban extensions. It also stresses the threat to Warrington Town Centre of any additional out-of-centre retail development.

Spatial Strategy and Site Allocations

- 6.10 The Plan's main priority remains to optimise the development potential of the existing urban area. This includes intensifying development in the Town Centre, the Inner area of Warrington and opening up the Waterfront as a new urban quarter facilitated by the new Western Link.
- 6.11 It is not possible however to meet all of Warrington's development needs within the existing urban area. The Plan's spatial strategy has therefore been developed in order to meet the need for new homes, employment land and retail supported by wide-ranging infrastructure improvements.
- 6.12 The proposed spatial strategy is for:
- a new Garden Suburb to the south east of the main urban area, which will deliver around 5,000 homes (including 4,200 through Green Belt release) in the Plan period up to 2037, with a potential for a further 2,300 homes from Green Belt release beyond the Plan period;
 - an urban extension to the south west of the main urban area of around 1,600 homes; and
 - 'incremental growth' across the outlying settlements of around 1,100 homes.
- 6.13 The Proposed Submission Version Local Plan's spatial strategy is similar to that proposed in the Preferred Development Option but has been refined to take into account the response to consultation and more detailed evidence base work.
- 6.14 The size and extent of the Garden Suburb has been reduced to reflect the lower overall housing requirement and to address some of the concerns expressed during consultation. Detailed consideration has been given to the rate that new homes can realistically be built. This means that the Garden Suburb will not be completed in full until after the end of the Plan period. The Allocation policy will ensure that development is coordinated with the delivery of supporting infrastructure, that the Suburb is based on an extensive network of green space and that the separate identity of Appleton Thorn is maintained. It also requires that the proposals for the Garden Suburb are developed in more detail through

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the preparation of a Development Framework, which the Council proposes to prepare as a Supplementary Planning Document.

- 6.15 The South West extension has been reduced in size in order to ensure an appropriate green buffer between the allocation site and Moore Village in Halton. The Allocation policy confirms that development cannot come forward until the funding and the programme for the delivery of the Western Link have been confirmed.
- 6.16 Following a detailed site assessment process, the Proposed Submission Version Local Plan identifies the sites proposed to be removed from the Green Belt and allocated for residential development in the outlying settlements. In total these sites will provide a minimum of 1,085 homes.
- 6.17 With regard to Employment, the Council has confirmed a realistic supply of 118 ha of employment land within the main urban area.
- 6.18 Through the Council's Duty to Co-operate discussions with neighbouring authorities, it has been agreed in principle that a 30 hectare extension to the west of the established Omega employment development, located in the Borough of St Helens, will count towards Warrington's employment development needs, subject to ensuring appropriate mitigation of highways impacts.
- 6.19 Having reviewed all sites submitted for employment as part of the 'call for sites' the Draft Local Plan is proposing to allocate the following 3 additional Employment Areas:
- Port Warrington (74.36ha) – the principle of expansion of the Port was established in the previous Plan due to the location of the site, the increase in freight on the Manchester Ship Canal and the ability to connect the ship canal to the road and rail network. The Port will form part of the wider Warrington Waterfront allocation and will be accessed by road from the Western Link.
 - Waterfront Business Hub (25.47ha) – a modern business park located within the wider Waterfront Allocation, benefiting from proximity to Port Warrington, but also Bank Quay station and the Town Centre.
 - Garden Suburb Employment Area (116ha) – this is located at the junction of the M6 and M56 and will meet a large proportion of the Borough's identified B8 requirement. It will benefit from proximity to the Garden Suburb's neighbourhood centre and contribute towards planned improvements to road infrastructure.
- 6.20 Given the slowing rate of household growth and job creation over the Plan period, the additional capacity of the Garden Suburb, and the likelihood of substantial additional brownfield capacity within the existing urban area – in particular at Fiddlers Ferry Power Station and sites in and around the Town Centre – the Council is not proposing to remove any additional land from the Green Belt in order to safeguard it for future development beyond the Plan period.

Strategic Policies

- 6.21 There are a total of 24 strategic planning policies grouped under the Plan's Objectives. The policies set out how the Plan's Objectives will be delivered and provide a basis to assess individual planning applications. A number of policies are based on those in the adopted Local Plan Core Strategy (2014) but have been updated to:
- reflect the draft Plan's vision, spatial strategy and updated objectives;
 - to address the requirements of the new NPPF 92019) and associated guidance;
 - respond to issues raised during the consultation; and
 - reflect the emerging Local Plan's evidence base.
- 6.22 More detailed policies have been included in respect of Gypsies and Travellers and Minerals and Waste. These issues were not dealt with in full in the adopted Local Plan Core Strategy (2014).

Local Plan Viability

- 6.23 The Local Plan as a whole and its individual policies and site allocations have been assessed to ensure they are viable. An assessment of all of the proposed site allocations has been carried out together with a range of sites representative of the land supply within the existing urban area. The assessment has considered infrastructure requirements, required S106 contributions, other policy requirements and tested varying levels of affordable housing. The Local Plan Viability Assessment is a Background Paper to this report.

7. NEXT STEPS

- 7.1 The revised programme for the preparation of the Local Plan is set out in the new Local Development Scheme (LDS) which was approved by Executive Board on 11th March 2019.
- 7.2 Subject to approval by Full Council the Proposed Submission Version Local Plan will be published for statutory consultation. This is anticipated to commence in April and extend for 8 weeks. Further detail on the consultation is set out in Section 11 below.
- 7.3 The Council will then need to review all of the representations made during the consultation prior to submitting the Plan for 'Examination in Public' to be carried out by an independent Inspector. Separate Executive Board and Full Council approval will be sought for submission following the conclusion of the consultation. It is anticipated the earliest date for the Examination in Public will be early 2020.
- 7.4 Following the Examination in Public, the Inspector will issue a report setting out their recommendations, including any required modifications to the Plan. The

Council must carry out a final consultation on any Main Modifications before formally adopting the Plan. It is anticipated the Local Plan will be adopted during 2020.

8. FINANCIAL CONSIDERATIONS

- 8.1 The proposed development of new homes and employment land through the Local Plan will provide benefits of additional income from council tax and business rates. The scale of development provides a unique opportunity for transformational investment in the Borough's infrastructure.

9. RISK ASSESSMENT

- 9.1 If the Council does not positively plan to meet its development needs then the Local Plan is unlikely to be approved by an independent Inspector. Without a Plan in place there is a significant risk that the Council could lose control over development, with development coming forward in a piecemeal fashion, without the ability to coordinate the delivery of infrastructure to support it. There is also a risk that the Government may take over the preparation of Warrington's Local Plan.
- 9.2 Not planning to meet development needs could also worsen the affordability of housing, particularly for young people and could constrain Warrington's future economic prosperity.

10. EQUALITY AND DIVERSITY / EQUALITY IMPACT ASSESSMENT

- 10.1 The Local Plan is subject to Equality Impact Assessment (EqIA) at key stages of its preparation in accordance with the Council's published practice and guidance on such matters. The EqIA for the Proposed Submission Version Local Plan is a Background Paper to this Report and will be published ahead of the consultation period.
- 10.2 Development proposed in the Proposed Submission Version Local Plan will provide new employment opportunities, affordable housing and investment in education, health and other community facilities across the Borough. The focus on regenerating the Inner parts of Warrington provides the opportunity to address the relatively high levels of deprivation in these areas and provide more affordable housing for young people. There are specific policy requirements relating to meeting the needs of elderly people and disabled people.

11. CONSULTATION

- 11.1 Consultation on the Local Plan must be undertaken in accordance with the Council's adopted Statement of Community Involvement and the Town and Country Planning (Local Planning) (England) Regulations 2012.

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- 11.2 A comprehensive list of the issues that were raised during the Scope and Contents and Preferred Development Option consultations and the Council's response to these issues are contained in the Responding to Representations Report provided at Appendix 2 to this Report.
- 11.3 The Council is aware of criticisms in how it publicised and undertook consultation on the Preferred Development Option. The Council will respond to these criticisms and ensure that all Warrington residents, businesses, community groups and other local stakeholders have the opportunity to have their say on the Proposed Submission Version Local Plan.
- 11.4 The Council will be undertaking a comprehensive programme of consultation on the Proposed Submission Version Local Plan. The Council will be notifying all residents of the consultation in writing as well as advertising the consultation in the local press, on the Council's web site and through social media. The Council will ensure additional notification is provided to engage hard to reach groups, including younger people and BME communities.
- 11.5 The Council will be holding a number of public consultation events, giving people the opportunity to discuss the Proposed Submission Version Local Plan in detail with Officers. The Council will be holding the events in a single central location that is accessible to residents from across the Borough and has sufficient capacity to accommodate the anticipated large number of people who will be attending. The Council will also be publishing an on-line video explaining the key proposals within the Proposed Submission Version Local Plan and how people can make representations.
- 11.6 Given the close relationship between the Local Plan and Local Transport Plan, the Council will be consulting on both documents at the same time.

12. REASONS FOR RECOMMENDATION

- 12.1 To ensure the Local Plan is effective in promoting and guiding Warrington's growth over the next 20 years and that the social and physical infrastructure necessary to support an increasing resident and working population is delivered.

13. RECOMMENDATION

- 13.1 Council is recommended to:

- (i) approve the Proposed Submission Version Local Plan for a statutory period of public consultation in accordance with Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012; and
- (ii) authorise the Director of Growth, following consultation with the Executive Board Member for Environment and Public Protection (including Climate

Change), to make further editorial and technical amendments, which do not materially affect the content of the Proposed Submission Version Local Plan and its supporting documents.

14. BACKGROUND PAPERS

- Representations on the Preferred Development Option
- Proposed Submission Version Local Plan Sustainability Appraisal (incorporating requirements of the Strategic Environmental Assessment Regulations)
- Proposed Submission Version Local Plan Habitats Regulation Assessment
- Proposed Submission Version Local Plan Equalities Impact Assessment
- Draft Statement of Common Ground
- Duty to Cooperate Statement
- Warrington Local Plan Infrastructure Delivery Plan
- Warrington Local Housing Needs Assessment
- Warrington Economic Development Needs Assessment
- Warrington Retail Needs Assessment Update
- Strategic Housing Land Availability Assessment
- Urban Capacity Assessment
- Options and Site Assessment Technical Report
- Strategic Flood Risk Assessment
- Local Plan Viability Assessment
- Garden Suburb Development Concept Update
- Local Plan Air Quality Report
- Warrington Multi Modal Transport Model Local Plan Reports
- Heritage Impact Assessments

Appendices

Appendix 1 – Proposed Submission Version Local Plan 2019

Appendix 1b – Proposed Submission Version Local Plan 2019 Proposals Map

Appendix 2 – Responding to Representations Report 2019

Appendix 3 – Local Development Scheme 2019

Contacts for Background Papers:

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Michael Bell	Michael.bell@warrington.gov.uk	01925 442795

Date: Monday 25 March 2019 at 18:30
Venue: Warrington Borough Council – Council Chambers
Reference: 340SBCGWARR
Circulation: CG/ CLM/SR/DGT/FB/DS/LW

ITEM NO.	STATUS / MINUTE
1	Cllr Guthrie introduced the matter, emphasising the need for a plan, the consultation from April for 8 weeks, and the possible Examination early 2010 at the earliest.
2	Cllr???, said the threat to the green belt was in the north as well as south Warrington, but accepted the need for a local plan as otherwise development will be out of control. He accepted other local authority areas have to release green belt. He accepted prices are high and affordability is an issue, and brownfield sites are not enough to secure the homes Warrington needs. He said he has listened to the residents around Peel Hall, feels it is best to allocate to control the type of development here, and if not allocated the plan will be at risk of challenge. The SoS and Inspectors views on Peel Hall have to be accepted, and green belt is a last resort. Land in the ownership of Homes England will be driven to housing, it is inevitable in the south.
3	Cllr??- Why use the 2014 data and not the 2016 data, this has less housing demand/ need? Why are facilities back end loaded at the Garden Suburb, housing will come first.
4	Cllr Barr- Have asked residents what they thought of the proposals months ago, previous version, why give labels that cause offence, Garden Suburb, Warrington city etc.
5	Cllr???- Urgent need for housing and affordable housing. All 3 parties agree this plan has short comings. Welcome focus on the Town Centre, housing for affordable and the elderly. But the scale of housing is not needed, no green belt should be released. Must protect the Green Belt. The western link road is a development road, not a bypass or a relief road, will not provide a link to the town centre. We will end up with commuter estates, not housing for locals. Peel Hall has been allocated to protect it, officers say road network cannot cope there, why not the same words for south Warrington?
6	Cllr John Kerr-Brown- has supported residents for the past 19 years to block the development of Peel Hall, Inspector was clear site is not deliverable, cannot support this plan. Am sure public will make their voices of objection heard.

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7	Cllr Wheeler - Peel Hall has always been defended from development, defended at appeal, but land is developable so cannot leave it out of the plan. But infrastructure has to be provided, if not provided it will be defeated again. Officers will make sure the costs of development are so high that site is undevelopable. South Warrington is wrong. Traffic issues again. Brownfield is the answer.
8	Cllr Friend- fight Peel Hall.
9	Cllr???- Need affordable housing, affordable rent is important. Even affordable housing for purchase in south Warrington is too expensive for people to afford. Must provide houses in areas where they are needed. Lots of houses in Warrington were built on fields, we cannot survive with inner areas alone.
10	Cllr??? There has been no housing figure for past few years and this has caused problems. Should we defy the government, if we do there will be consequences of unwelcome developments being approved. Green belt and Peel Hall will go for development with no council control. Think carefully before you stop this plan.
11	Cllr Mitchell- No alternative plan is being put forward, just objections. Urgent need to take back control. The Tory's did not protect these areas.
12	Cllr Harris- There is no plan B, residents need an alternative plan. Decimation of green belt is not wanted, what happens if western link is not built? Moore Nature Reserve is affected by the road.
13	Cllr???- will vote for the consultation to happen, residents use the 8 weeks to have your voices heard, then council needs to listen.
14	Cllr Parish- most houses in Warrington are built on fields.
15	Cllr Walker- No need for green belt sites, AQMA into Town Centre from the south, more traffic in these areas, not welcome. This argument worked at Peel Hall, should work for south Warrington.
16	Cllr Price- Town Centre proposals are right, council needs to lead this process and demonstrate its thinking.
17	Cllr Wheeler- housing for elderly, disabled and affordable is required. In areas of deprivation help should be given. South Warrington homes are out of reach of most residents, HE land is in

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	expensive areas, not good for the town. The concentration of new housing in the Garden Suburb will be developer led, no guarantee they will provide the infrastructure etc.
18	Cllr Maher objects to Garden Suburb. Lymm sites not acceptable.
19	Cllr Barr- Tories tried to defend Peel Hall and Cllr Mitchell needs to apologise for her remarks. Strongly object to green belt releases in the south.
20	Cllr Froggatt- No amendments have been put forward, just objections.
21	Cllr Guthrie- Stockton AQ is within national limits.
22	Vote, recorded vote, 33 for, 14 against, 6 abstentions.

10.4 Land at Peel Hall

- 10.4.1 The Peel Hall site is a large greenfield site in the north of the Borough covering approximately 69 hectares. It is within the existing urban area, bounded to the north by the M62 Motorway, with residential development to the east, south and west. The A49 Winwick Road also runs parallel to the western side of the site.
- 10.4.2 Development of the Peel Hall site will deliver a new sustainable community of around 1200 new homes.
- 10.4.3 The new community will be supported by:
- A range of community facilities within a Local Centre, including a new primary school, residential care home and local shops;
 - Extensive highways and transport improvements;
 - Extensive open space and recreation provision, including relocated and improved playing fields and associated facilities.
- 10.4.4 The development will be designed to support walking and cycling for local trips. It will benefit from improvements and new linkages to the Local Road Network and improved public transport to enable access to the Town Centre and other key destinations.
- 10.4.5 Community and transport infrastructure will need to be phased according to the requirements of the development and impact on the surrounding transport network. This will ensure that new residents have access to essential local services and facilities and that pressure on existing facilities in north Warrington is alleviated.
- 10.4.6 The existing road network cannot accommodate the level of growth proposed for the site without significant mitigation measures. This means that no development will come forward until such a time as a scheme of highway mitigation measures and timetable for implementation have been agreed by the Council and Highways England.
- 10.4.7 The final form of development across the site will be determined through the preparation of a comprehensive masterplan incorporating a green infrastructure strategy.

Policy MD4 - Land at Peel Hall

MD 4.1 Key Land Use and Infrastructure Requirements

1. Land comprising approximately 69 hectares at Peel Hall will be allocated to deliver a new sustainable community of around 1200 new homes, supported by the following range of infrastructure:

- a. A range of housing tenures, types and sizes, including affordable homes, custom and self-build plots and a residential care home (Use Class C2)
- b. A one form entry Primary School with additional operational land to allow the expansion to a two form entry Primary School;
- c. A further contribution to provide an additional half form entry of primary school capacity off-site;
- d. A mixed use Local Centre providing a range of units within Use Classes A1, A2, A5, B1 and D1;
- e. Junction improvements and new highway connections linking the development to the Local Road Network, and highway works to the Strategic Road Network, as agreed by the Council and Highways England;
- f. Providing bus priority features such as bus gates to ensure that the internal site layout allows efficient servicing by bus services with good access to key facilities and direct links to the external network;
- g. An internal cycling and walking network (with links to the external network) which helps to create accessible neighbourhoods which minimises the need to drive to key facilities such as shops and schools;
- h. The provision of a Sustainable Drainage System (SuDS), in accordance with the Council's adopted (or subsequent updated guidance) Sustainable Drainage Systems (SuDS) Design and Technical Guidance (December 2017);
- i. A contribution towards additional secondary school places;
- j. A contribution to 'off site' Health Care provision within the defined catchment area of the site;
- k. A contribution to deliver bus services to connect to the development to the Town Centre and other key destinations;
- l. Provision of a comprehensive network of open spaces within the development to serve the new community and the wider north Warrington area in accordance with the Council's open space standards; and
- m. The provision new sports pitches and ancillary changing facilities, including the relocation of existing pitches at Mill Lane.

MD 4.2 Delivery and Phasing

2. The Council will require the preparation of a detailed masterplan for the development of the site, together with a delivery strategy and phasing plan in order to ensure the comprehensive and coordinated development of the site as a whole.

3. The masterplan must confirm to the requirements of Policy MD4, be informed by a Green Infrastructure Strategy, a site wide Surface Water and Foul Water Strategy and a Transport Assessment, agreed with the Highway Authority. It should also be subject to consultation with statutory consultees and the local community.

4. The masterplan will provide the basis for subsequent planning applications for individual phases of development.

5. No development will be permitted until a package of highway works have been agreed with the Council and Highways England that mitigate the transport impacts of the development.

6. The replacement playing pitches must be operational before any development can commence on the existing Mill Lane playing fields site.

7. Full details of the programme and funding for delivery of the primary school and other necessary community infrastructure will need to be agreed by the Council before the first phase of the development is permitted to come forward.

MD 4.3 Detailed Site Specific Requirements

New Homes

8. A range of housing tenures, types and sizes, as identified in Policy DEV2, should be provided in order to ensure development contributes to meeting the Borough's general and specialist housing needs, to include housing for families and older people.

9. In accordance with Policy DEV2 a minimum of 30% Affordable Housing shall be provided on site.

10. Specific provision should be made for a residential care facility providing a minimum of 80 bed spaces. This should be located within the Local Centre boundary or in proximity to the Local Centre.

11. Specific provision should be made for self-build/custom-build plots, subject to local demand as demonstrated by the Council's self-build register.

12. To reflect the site's urban fringe location adjacent to established residential development, the development will be constructed to an average minimum density of 30dph.

Community Facilities

13. The development will be required to provide a new one form entry primary school, with additional operational land to allow the expansion to a two form entry Primary School (1.6ha minimum).

14. In order to fully meet the need for primary school places, the development will be required to contribute to the expansion of an existing primary school to provide capacity for an additional half form of entry.

15. Development will be expected to make a financial contribution towards the provision of additional secondary school places through the expansion of existing or planned new secondary schools.

16. The primary school should be located within or immediately adjacent to the local centre.

17. The new local centre should provide a focal point for the new community and should be located in a central position within the site.

18. Local shops and services within Use Class A1, A2, A5 and D1 will be supported in the Local Centre in order to provide for day to day needs. Small scale employment development to meet local need within Use Class B1 will also be supported.

19. Any proposal for retail floorspace in excess of 500 sq.m. will require a retail needs assessment and be subject to the sequential assessment set out in Policy DEV5.

20. Development will be expected to make a financial contribution to the delivery of a new health care facility within the catchment area of the site.

Transport & Accessibility

21. A comprehensive package of transport improvements will be required to support the urban extension. Required improvements will include:

- a. Ensuring appropriate access and egress arrangements for the site as a whole and for individual phases of development.
- b. Junction improvements and new highway connections linking the development to the Local Road Network, and highway works to the Strategic Road Network, as agreed by the Council and Highways England.
- c. Improved cycling and walking routes well related to the green infrastructure network; connecting to the wider network and Warrington Town Centre.
- d. Providing public transport enhancements to connect the new community with Warrington Town Centre and key destinations including the employment areas of Birchwood and Omega.
- e. Other necessary network improvements to the Local and Strategic Road Network as identified by an appropriate Transport Assessment, using the Warrington Multi Modal Transport Model (WMMTM 2016).

22. The layout of the urban extension, including the location of key facilities, should maximise the opportunities for walkable neighbourhoods which would mirror the low traffic characteristics of the neighbouring urban area of Hulme and Blackbrook. This would include a legible internal hierarchy of footpaths and cycle ways that also provide direct links to existing networks beyond the site.

23. Good accessibility to public transport services should be provided by ensuring that the bus routes and bus stops within the site are accessible via effective footpaths and cycle routes.

24. Development should not introduce a level of vehicular activity into the existing surrounding neighbourhoods which would change the character of these established residential areas.

25. The creation of a Transport Steering Group (TSG) is required to co-ordinate the efficient delivery of sustainable transport measures serving the site and to ensure the required network efficiency and safety measures on the wider network are delivered as and when appropriate.

Open Space and Recreation

26. A Green Infrastructure Strategy should be prepared as part of the masterplan for the development in order to ensure the provision of an accessible, comprehensive and high quality network of multi-functional green spaces.

27. In accordance with the Council's open space standards the overall provision of open space for the new residential development should include as a minimum:

a. Public open space – Delivery of a minimum of 12.14ha of open space, comprising 1.52ha of informal play space; 5.52ha of natural/semi-natural green space and 0.19 ha of allotments (comprising 8 plots).

b. Equipped play – Delivery of provision equating to 0.7ha (aligned to LEAP and NEAP's) together with details of the management and maintenance arrangements.

c. Provision of additional 4.4ha of playing pitches and ancillary facilities in addition to the replacement of the existing pitches from Mill Lane.

28. There should be a major new park as part of the development to provide a proportion of the open space and recreational needs of the development as well as providing a wider resource for north Warrington and protecting and enhancing biodiversity.

29. Smaller areas of open space should be provided across all of the residential areas throughout the development.

30. The development will be required to make a contribution to expanding and enhancing existing or planned built leisure facilities that will serve residents of the development.

Natural Environment

31. The Green Infrastructure Strategy should demonstrate how development within the urban extension will protect and enhance existing wildlife corridors and provide new corridors to link the site into Warrington's wider ecological network.

32. The layout of the urban extension should take account of existing landscape features, specifically Radley Plantation, as well as including watercourses, woodlands and significant hedgerows.

33. The impact of the development on the Manchester Mosses Special Area of Conservation must be considered as part of the Air Quality Assessment of the development, with mitigation required to address any significant effects on ecological interests in accordance with Policy ENV8.

Environmental Protection

34. The design of the urban extension must incorporate measures to mitigate air quality and noise impacts from the M62 and the A49.

35. No residential dwellings, care homes, children's nurseries or schools shall be permitted within 50 metres of the M62 Air Quality Management Area unless a detailed air quality assessment (supported by on-site monitoring), concludes that current and future air pollutant levels within 50 metres of the M62 will not have a risk of exceedance of the relevant national objectives for these uses.

36. Any residential development within the vicinity of Peel Hall Farm Boarding Kennels will need to ensure that the living conditions of future occupiers would not be adversely affected by the existing business. Residential development will also need to ensure that it does not have an adverse impact on the operation of Peel Hall Farm Boarding Kennels.

37. An assessment for potentially contaminated land should be carried out to demonstrate that the site is, or could be made suitable for use should it be found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.

Utilities

38. A site-wide surface water strategy is required across the development as a whole, incorporating appropriate Sustainable Urban Drainage Systems (SUDS) and flood alleviation measures. It will be important for this to be integrated with the site's Green Infrastructure Strategy in order to maximise ecological and recreational benefits.

39. Improvements to the water supply and sewerage network will be required, ensuring that surface water drainage is not combined with foul discharge.

40. In accordance with Policy INF3, development within the site must not inhibit the operation of the existing National Grid gas pipeline to the northern boundary of the site, or the United Utilities sewage works located off Elm Road.

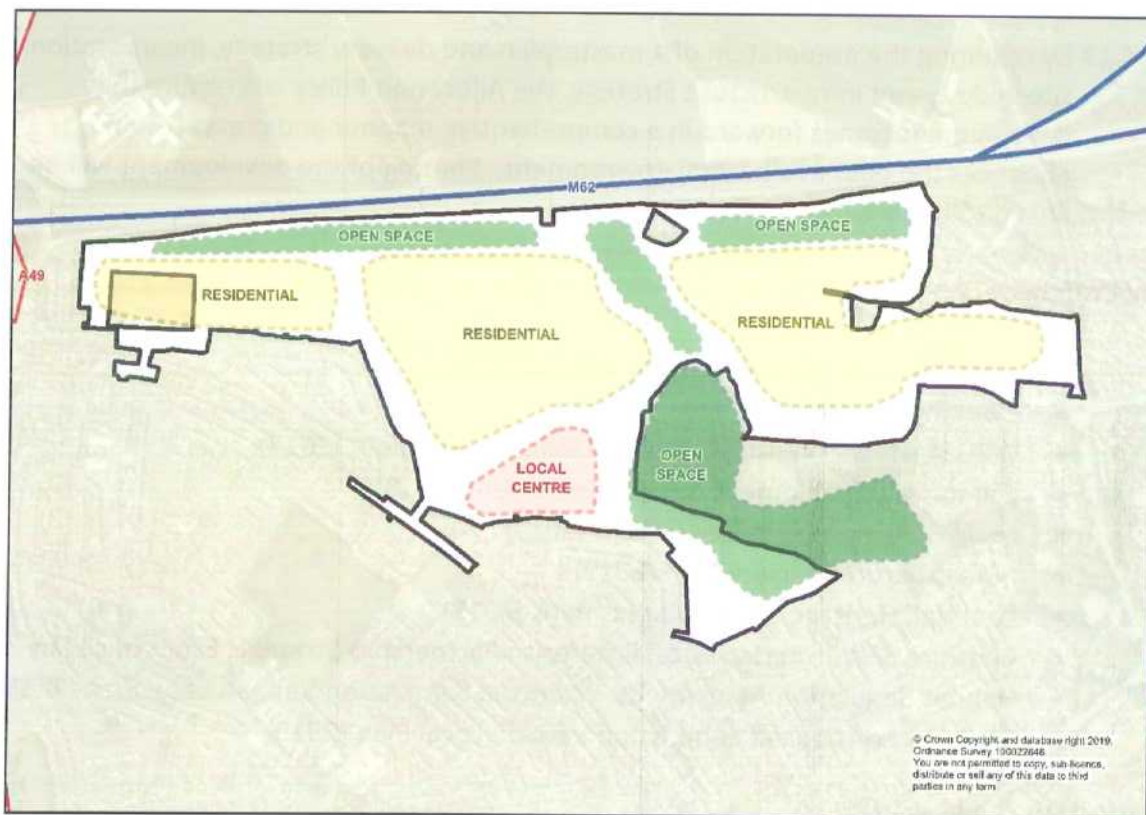
41. Development should be designed to mitigate the impacts of climate change; be as energy efficient as possible and seek to meet a proportion of its energy needs from renewable or low carbon sources in accordance with Policy ENV7.

Why we have taken this approach

10.4.8 The Peel Hall site performs well in terms of the assessment against the Objectives of the Local Plan, the requirements of the Government's National Planning Policy Framework and the Local Plan's Sustainability Appraisal.

10.4.9 Peel Hall presents an opportunity to deliver a high quality, sustainable residential development within the existing urban area of the Borough. The development is of sufficient scale to provide a range of services to support a new residential community in this part of Warrington, including a Primary School, Local centre, Open Space and mitigation measures to the Local Road Network.

Figure 20 – Illustrative Concept Plan for Peel Hall



10.4.10 Access and egress to the site is currently dependent on the Local Road Network, and this cannot accommodate the full scale of development proposed through Policy MD4. This means that it is essential that development is coordinated with the delivery of a new road connecting the development to the Local Road Network.

10.4.11 As there is no agreed package of transport mitigation measures, the Council has re-classified the Peel Hall site from 'deliverable' to 'developable' in its Strategic Housing Land Availability Assessment (SHLAA). The Council has not therefore included any completions from the site within the first 5 year period of the Plan's housing trajectory.

10.4.12 In considering a previous application on the Peel Hall site, the Council accepted the principle of a Local Centre providing a range of local retail and service provision, justified through a retail impact assessment, together with employment floorspace, including:

- A food store (Use Class A1) up to 2000 square metres

- Up to 600 square metres, with no single unit more than 200 square metres of Financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways (Use Classes A2-A5 inclusive) and units within Use Class D1 (non-residential institution)
- Family restaurant/pub up to 800 square metres (Use Class A3/A4)
- Up to a maximum of 7500 square metres of Use Class B1(c) floor space, with no single unit exceeding 500 square metres of floor space

10.4.13 By requiring the preparation of a masterplan and delivery strategy, incorporation a site wide Green Infrastructure Strategy, the Allocation Policy will ensure that development comes forward in a comprehensive manner and preserves and enhances the built and natural environment. Phasing of the development will be linked to the provision of infrastructure.

Key Evidence

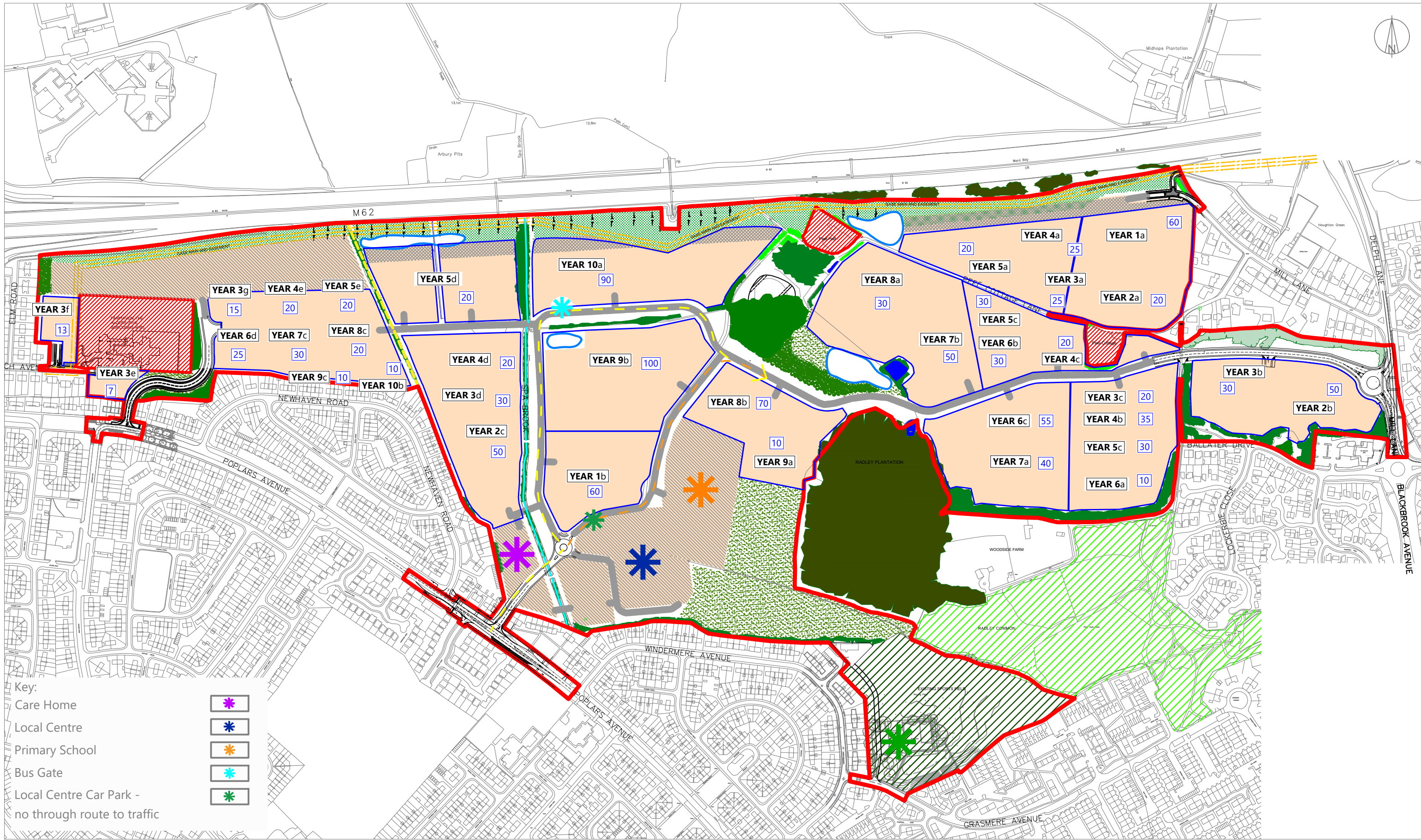
- National Planning Policy Framework (2019)
- Planning Practice Guidance (PPG)
- WBC Strategic Housing Land Availability Assessment (2017)
- Economic Development Needs Assessment (2018)
- Local Housing Needs Assessment (2019)
- Infrastructure Delivery Plan (2019)
- Peel Hall Heritage Impact Assessment (2019)
- Cheshire & Warrington Local Enterprise Partnership-Strategic Economic Plan
- Habitat Regulation Assessment: Proposed Submission Version Local Plan (2019)
- SA Report: Proposed Submission Version Local Plan (2019)

Council Wide Strategies

- Warrington Means Business
- Warrington Town Centre Masterplan
- Draft Local Transport Plan (LTP4)
- WBC Sustainable Drainage Systems (SuDS) Design and Technical Guidance (December 2017)

Delivery Partners

- Private Sector Stakeholders
- Public Sector Stakeholders



- Key:
- Care Home
 - Local Centre
 - Primary School
 - Bus Gate
 - Local Centre Car Park - no through route to traffic



NOTES:
 Reproduced from Appletons Peel Hall Parameters Plan
 © Crown Copyright and database rights 2020 (OS License 100056454).
 KEY:
 Indicative Year Numbering
 Indicative Number of units Completed at Year End
 Initial Bus Link
 End Bus Link



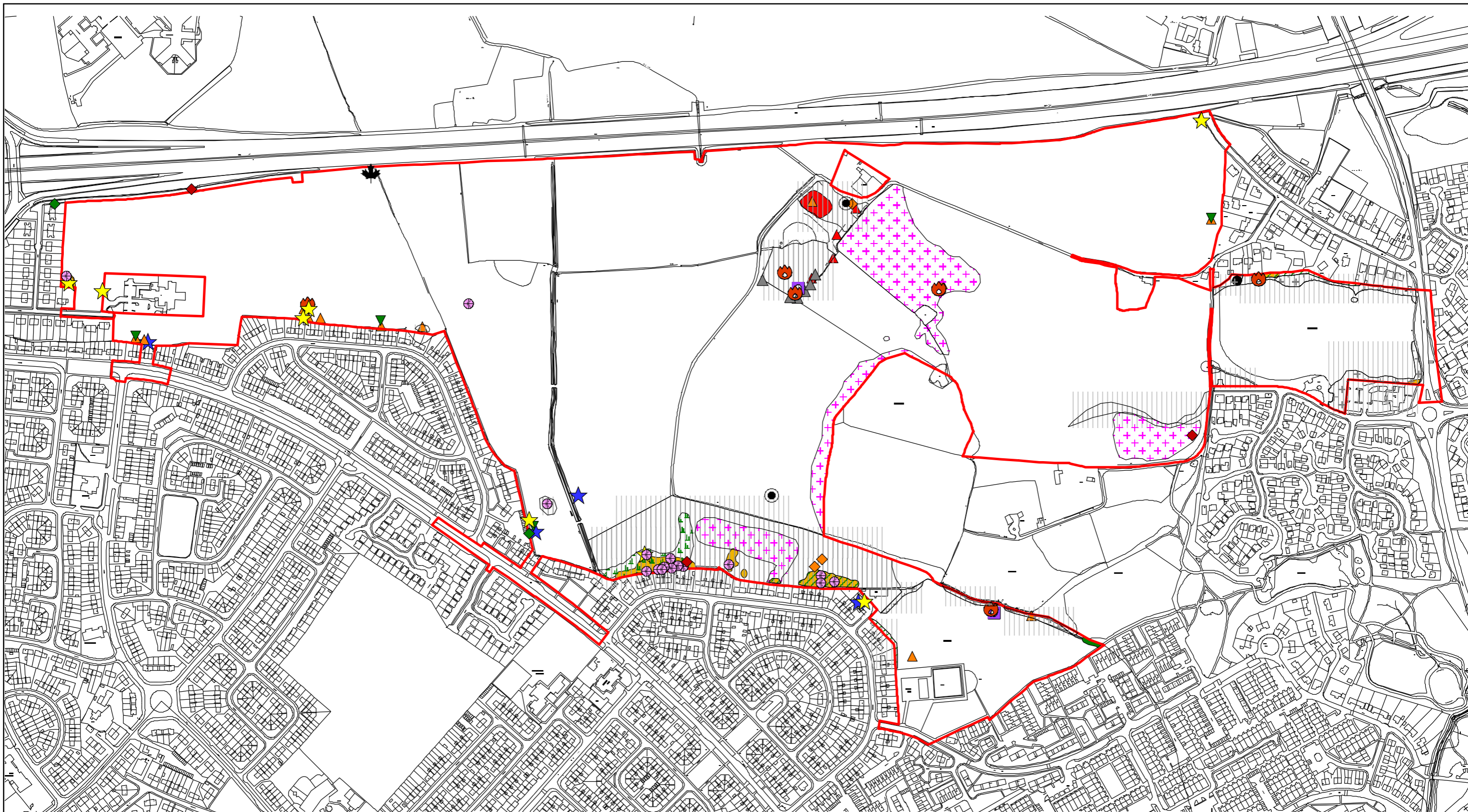
Phasing subject to detailed phasing plan to be submitted at Reserved Matters stage

ISSUE	REASON FOR REVISION	DATE
DATE:	06/03/20	
DRAWN BY:	FB	CHECKED: FB

PROJECT: PEEL HALL, WARRINGTON
 CLIENT: SATNAM MILLENNIUM LTD

TITLE: INDICATIVE HIGHWAYS BUILD OUT PLAN
 PROJECT REFERENCE: 1901
 DRAWING NUMBER: 09
 SCALE: NOT TO SCALE

HighgateTransportation
www.highgatetransportation.co.uk
 First Floor, 43-45 Park Street
 Bristol BS1 5NL
 0117 934 9121
 © Highgate Transportation Limited



Legend

Red line boundary

Anti-Social/Safety Concerns

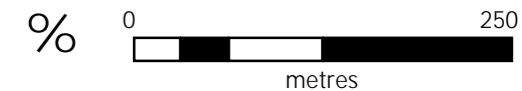
- Air rifle target practice
- Evidence of drug use
- Marijuana growing operation
- Fire damage
- Open manhole
- Asbestos (concentrated)
- Asbestos (area)

Flytipping, Littering, and dumping

- Refurbishing/furniture waste
- Vehicle waste
- Discarded toys
- Non-green garden/household waste (concentrated)
- Green garden waste (concentrated)
- Pile of cans/bottles
- Dog excrement in bags
- Non-green garden/household waste (area)
- Green garden waste (area)
- Area of low concentration food & drink waste

Schedule 9 Invasive Species

- Japanese knotweed
- Giant Hogweed
- Himalayan Balsam
- Montbretia
- Cotoneaster
- Virginia creeper



Peel Hall Farm, Warrington
 Site Concerns Overview Map
 Satnam Millienium Ltd

Drawn by: LM
 Checked by: DS
 Scale: 1:5000 @ A3

Drawing: 1820-T1
 Revision: 0
 Date: 18/10/19



Appletons
 17 Chorley Old Road, Bolton,
 BL1 3AD Tel: 01204 393006
 Web: www.appletons.uk.com
 Email: info@appletons.uk.com

From: Hughes, Martha [<mailto:Martha.Hughes@warrington.gov.uk>]
Sent: 06 August 2020 09:43
To: Skinner, Helen <HELEN.SKINNER@planninginspectorate.gov.uk>; Colin Griffiths <colin@satnam.co.uk>
Cc: Jim Sullivan <jim.sullivan@hotmail.co.uk>
Subject: RE: Peel Hall, Warrington.

Helen

I can confirm that the Inspector's summary is accurate. It is expected that this will be set out in the highways SoCG.

Kind regards

Martha Hughes
Principal Planning Officer

Development Management
East annexe
Town Hall
Sankey Street
Warrington WA1 1UH

01925 442 803

From: Skinner, Helen [<mailto:HELEN.SKINNER@planninginspectorate.gov.uk>]
Sent: 06 August 2020 08:44
To: Colin Griffiths <colin@satnam.co.uk>
Cc: Hughes, Martha <Martha.Hughes@warrington.gov.uk>; Jim Sullivan <jim.sullivan@hotmail.co.uk>
Subject: RE: Peel Hall, Warrington.

Dear Colin,

Thank you for your letter, which has been passed to the Inspector.

The Committee report seems to her to clearly set out where the Council believes the inadequacies of the scheme remain. She does not consider it necessary for the reason for refusal to be formally changed, provided the Appellant is clear on the case it has to address. On her understanding:

1. There appear to still be concerns about the VISSIM base and forecast modelling.
2. There is concern about the highway impact and proposed mitigation at 4 key areas as set out in paragraph 9.22 of the Report.

These seem to be the main remaining areas of dispute between the Council and the Appellant. Obviously the Rule 6 Party and local people have other objections that they will wish to raise.

Perhaps the Council could confirm that the above is a correct understanding in terms of where its evidence will be directed and that this has been agreed by the Development Management Committee.

Clearly it will be advantageous for the Council and Appellant to continue to discuss the highway issues and narrow the areas of dispute if they can. The Highway Statement if Common Ground will be an important document in this regard.

Kind regards

Helen

Helen Skinner

Inquiries & Major Casework Team

The Planning Inspectorate

<https://www.gov.uk/government/organisations/planning-inspectorate>

Twitter: [@PINSgov](#)

Email: helen.skinner@planninginspectorate.gov.uk

Telephone: 0303 444 5531

From: Colin Griffiths <colin@satnam.co.uk>

Sent: 03 August 2020 16:32

To: Skinner, Helen <HELEN.SKINNER@planninginspectorate.gov.uk>

Cc: Hughes, Martha <Martha.Hughes@warrington.gov.uk>; Jim Sullivan <jim.sullivan@hotmail.co.uk>

Subject: FW: Peel Hall, Warrington.

Helen, Martha,

Please see attached my letter from 15th June, to which there has been no reply.

In the interests of having focused evidence for the forthcoming inquiry, could the Council specify the remaining refusal reason wording this week please?

Many thanks,

Regards

Colin

Satnam Group

From: Colin Griffiths

Sent: 15 July 2020 15:34

To: Skinner, Helen <HELEN.SKINNER@planninginspectorate.gov.uk>

Cc: Hughes, Martha <Martha.Hughes@warrington.gov.uk>; Jim Sullivan <jim.sullivan@hotmail.co.uk>

Subject: FW: Peel Hall, Warrington.

Helen,

Letter only, attachment to follow in separate email due to size,

Regards

Colin

Satnam Group

From: Colin Griffiths

Sent: 15 July 2020 15:26

To: 'Skinner, Helen' <HELEN.SKINNER@planninginspectorate.gov.uk>

Cc: 'Hughes, Martha' <Martha.Hughes@warrington.gov.uk>; 'Jim Sullivan' <jim.sullivan@hotmail.co.uk>; Susan Brown <Susan@satnam.co.uk>

Subject: RE: Peel Hall, Warrington.

Helen,
Sending again as attachment was too large,

Regards
Colin
Satnam Group

From: Colin Griffiths

Sent: 15 July 2020 15:04

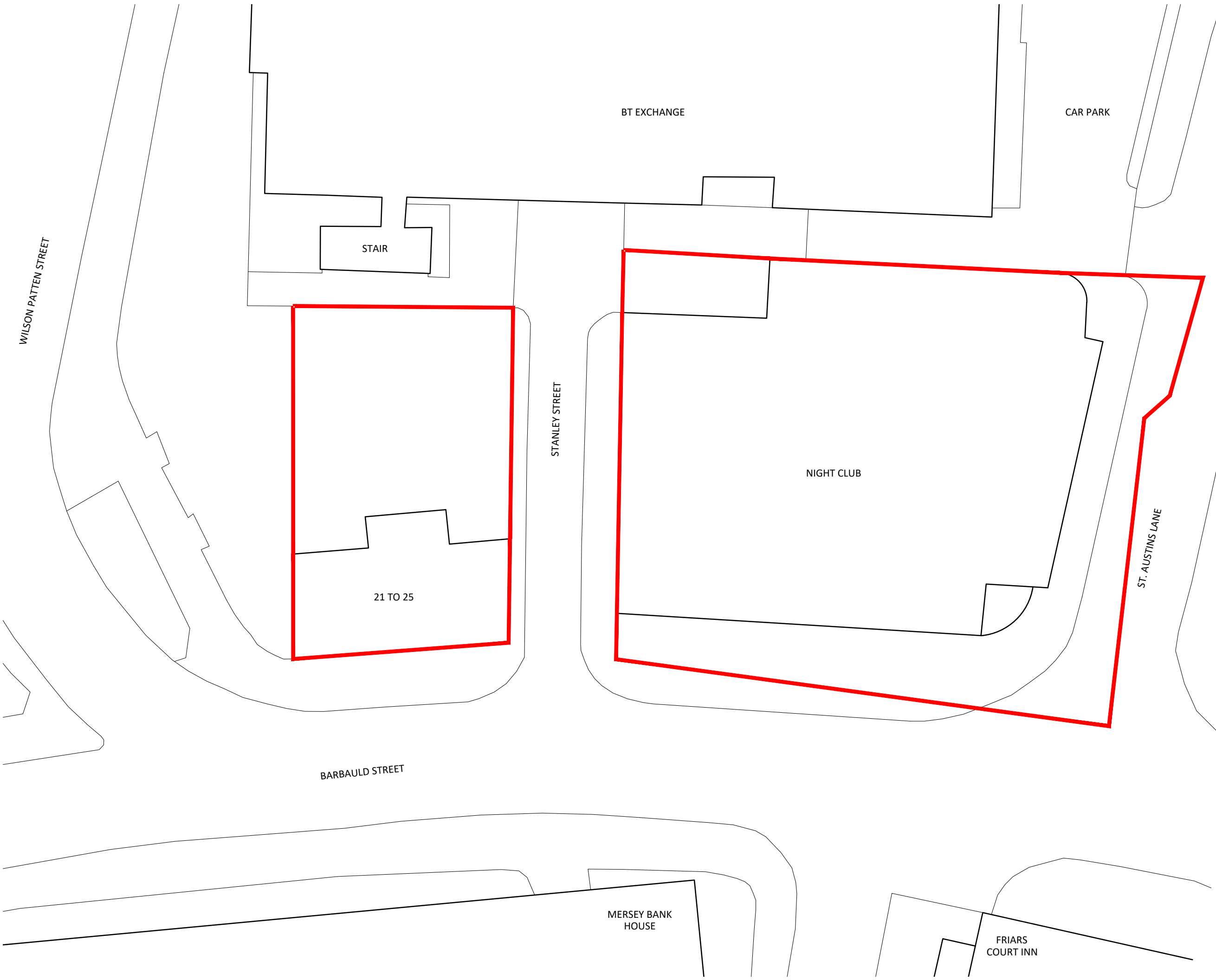
To: 'Skinner, Helen' <HELEN.SKINNER@planninginspectorate.gov.uk>

Cc: Hughes, Martha <Martha.Hughes@warrington.gov.uk>; Jim Sullivan <jim.sullivan@hotmail.co.uk>; Susan Brown <Susan@satnam.co.uk>

Subject: Peel Hall, Warrington.

Helen,
Please find attached my letter of today's date and the associated attachment.
Many thanks,

Regards
Colin
Satnam Group



C Squared Architects Ltd.

Notes

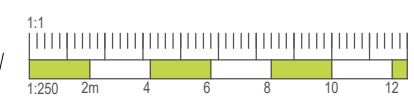
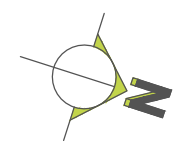
Do not scale, use figured dimensions only.

All dimensions to be verified on site prior to the commencement of any work or the production of any shop drawing. All discrepancies to be reported to the Architect.

This drawing is to be read in conjunction with all related Architect's and Engineer's drawings and any other relevant information.

This drawing is copyright © of C Squared Architects Ltd.

REV	DATE	REVISION	INITIALS	CHECK
P1	07/08/20	Issued for Information.	JAM	AMC



C Squared architects

Address
The Barns
Stretton Road
Warrington
WA4 4NP

Telephone
01925 357555

Website
csquaredarchitects.co.uk

Client
Satnam Property Ltd

Project
Barbauld Street, Warrington

Drawing Title
Existing Site Plan

Scale
1:250 @ A3

Date
07/08/2020

Drawn by
JAM

Checked by
AMC

Drawing No.
S0202 - 001

Revision
P1

FEASIBILITY

Appeal Decision

Inquiry held on 3 February 2015

Site visit made on 4 February 2015

by R J Yuille Msc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 March 2015

Appeal Ref: APP/R0660/A/14/2219069

Land South of Holmes Chapel Road, Congleton, CW12 4QB.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Hourigan Connolly against Cheshire East Council.
 - The application Ref: 14/0134/C is dated 20/12/13.
 - The development proposed is the development of land for up to 70 dwellings and associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for up to 70 dwellings and associated works at land South of Holmes Chapel Road, Congleton, CW12 4QB in accordance with the terms of the application, Ref: 14/0134/C, dated 20/12/13 subject to the conditions set out in the attached annex.

Application for costs

2. At the Inquiry an application for costs was made by Hourigan Connolly against Cheshire East Council. This application is the subject of a separate decision.

The Application

3. The planning application the subject of this appeal was made in outline with all matters reserved apart from access. Subsequently details of the means of access have been withdrawn and, with the agreement of the Council, I will determine this appeal on the basis that all matters have been reserved.
4. The appellant has submitted a Section 106 Agreement in connection with the appeal scheme. This will be discussed subsequently in this decision letter.

Planning History

5. Initially the Council resolved at its Strategic Planning Board meeting of 17 September 2014 that it would have refused planning permission for the appeal scheme for 5 putative reasons. On the 15 October 2014 the Council refused planning permission for a second, duplicate, outline planning application (Ref: 14/2685/C) on the site for the same 5 reasons. On 8 December 2014 a third duplicate outline planning application was validated by the Council (Ref: 14/5675/C).

6. On the 10 December 2014 the Council resolved to withdraw its 5 putative reasons for refusal in relation to the appeal scheme and not to contest the appeal. On the 21 January 2015 the Council resolved to grant planning permission for the third outline planning application on the site subject to planning conditions and the signing of a Section 106 Agreement.

Planning Policy

7. It was agreed at the Inquiry that the saved policies of the Congleton Borough Local Plan Review (the Local Plan) are the most relevant in determining this appeal although it was argued that a number of these, particularly Policies PS8, H6 and GR5, should be treated as being out of date and limited weight given to them. These policies will be discussed subsequently.
8. It was also common ground at the Inquiry that the policies of the emerging Cheshire East Local Plan Strategy should be given very limited weight. I agree. The policies of this plan are in a state of some uncertainty with the Inspector conducting the Examination into the soundness of this plan having issued his Interim Findings, in which, amongst other things, he identified shortcomings in the Council's objective assessment of housing need. The Examination has, therefore, been suspended to enable further supporting work to be done.

Main Issue

9. On the basis of the uncontested evidence before me I am satisfied that the proposed development would not have a severe impact on the local highway network in terms of safety and congestion. That being so I consider the main issue in this appeal to be whether the appeal scheme, which is located in the open countryside as defined in the Local Plan, amounts to sustainable development.

Reasons

10. There are three mutually dependent dimensions to sustainable development; the environmental dimension, the social dimension and the economic dimension.

Environmental Dimension – Open Countryside

11. The appeal site lies immediately outside the Settlement Zone Line for Congleton as defined in the Local Plan. Consequently it is treated as part of the open countryside where Policies PS8 and H6 seek to restrict large scale residential development of the type proposed in the appeal scheme. This scheme would, therefore, conflict with the aims of those policies.
12. However, it was common ground at the Inquiry that these policies should be treated as housing policies. I agree that this is sensible as their effect is to restrict the supply of housing land. It was also common ground at the Inquiry that the Council is not in a position to demonstrate a 5 year supply of housing land. Under these circumstances housing policies, such as policies PS8 and H6, are not to be treated as up to date¹. I will, therefore, attach only limited weight to the fact that these policies would be breached.

¹ National Planning Policy Framework. Paragraph 49.

Environmental Dimension – Agricultural Land

13. The whole of the appeal site, some 3.7 ha, is best and most versatile agricultural land. Such land is a national resource that should be safeguarded. The proposed development would result in the loss of this land to agriculture. However much of Cheshire East comprises best and most versatile agricultural land and the use of such land will be necessary if an adequate supply of housing land is to be provided. In other words this is not a situation in which development could be directed towards poorer quality agricultural land. In these circumstances the loss of best and most versatile agricultural land is a factor that can only be given neutral weight as other potential sites would involve a similar loss.

Environmental Dimension – Location

14. The undisputed evidence at the Inquiry was that the appeal site, which is located on the edge of Congleton, is in a sustainable location with reasonable access to local services and facilities. I see no reason to dispute this evidence. The sustainable location of the appeal scheme is a factor which weighs heavily in its favour.

Environmental Dimension – Landscape.

15. The appeal site is an open, arable field on the western edge of Congleton. The loss of an agricultural field to accommodate development would have some unavoidable adverse impact on the landscape. It would, therefore, conflict with the terms of Policy GR5 which states that development which would impact adversely on landscape character will not be permitted. However, the terms of this policy amount to a ban on anything other than small scale residential development in open countryside and as such are inconsistent with the approach taken in the Framework which requires the benefits of a scheme to be weighed against its adverse impacts². To that extent, therefore, this policy is out of date and only limited weight can be attached to it.
16. Nonetheless, it was common ground at the Inquiry that the objective of directing development towards sustainable locations away from valued landscapes remains relevant. It is necessary, therefore, to evaluate the impact of the proposed development on the landscape.
17. The appeal site is located on the western edge of Congleton. It lies to the south of Holmes Chapel Road and its road frontage is marked by a clipped hedgerow in which a small number of mature trees are set. To the north of this road is a line of predominantly detached, two storey dwellings. The level of the site falls gently away from the road towards Loach Brook beyond which to the south east is Congleton High School and its playing fields. To the south of the site, also beyond the brook, a housing development of some 200 houses at Loachbrook Farm is under construction. Looking from the road across the site to the south west and west there are clear views of the open countryside which rises towards Sandy Lane on the skyline. These views include a wooded mound (a former scheduled ancient monument) which is the most significant landscape feature in the area.

² National Planning Policy Framework. Paragraph 14.

18. While the appeal site forms part of a pleasant rural landscape it is clearly on the edge of a settlement and, being contained by existing buildings and the lie of the land, it is not widely visible. Nonetheless it is set alongside one of the main approaches to Congleton and, even allowing for the benefits of additional planting along the Holmes Chapel Road and for the fact that the site falls away from the road, the presence of a housing development would partially block existing views of open countryside, including the wooded mound, when seen from the road, the footway that runs alongside it and the houses to the north of it. In my judgement the proposed development would, by extending the existing built up area of the town into open countryside, have a moderately harmful impact on the character and appearance of the local landscape.

Environmental Dimension – Trees and Hedges

19. The Council's previous concerns about the loss of trees on the site have now been resolved and no further such problems have been identified. Policy NR3 seeks, amongst other things, to avoid the loss of habitats created by important hedgerows. Hedges bordering the site are defined as having important historic value. However, it is the line of these hedges that is considered to be important rather than the species within them or the habitat they create. The appeal scheme would only require the creation of small gaps in the hedgerow running alongside the Holmes Chapel Road and as long as the proposed footpath/cycleway were constructed behind the hedge its historic line could still be traced in the landscape after development. Given that the route of the footpath/cycleway could be controlled by a planning condition, I consider that the harm that the appeal scheme would cause by reason of its conflict with Policy NR3 would be minimal.

Environmental Dimension - Traffic

20. There would be an increase in the number of vehicles entering and leaving the site but there is no evidence to suggest that this would have a significant effect on the environment. This is, therefore, a matter to which very limited weight can be attached.

Social Dimension – Housing

21. The proposed development would increase the supply of housing, both market housing and affordable housing, in the area. Given that it is Government policy to boost significantly the supply of housing this is a matter which I give very considerable weight.

Social Dimension - Other

22. The appeal scheme would also provide a new equipped play area and provide enhanced footpath and cycle links to the surrounding countryside. Although, arguably, these would be largely for the use of the occupants of the proposed development, particularly the play area, they could be used by the wider community. I will, therefore, attach limited weight to their provision.

Economic Dimension

23. The construction of up to 70 dwellings would provide jobs in the building industry and spending in the building supply chain during the estimated 28 month build period. Once it was completed and occupied its residents would

spend something in the order of £1.5 million gross per annum on goods and services in the local economy. These are matters to which I attach considerable weight.

Conclusions on Sustainability

24. The development plan policies most relevant to the appeal scheme are out of date. Having considered the environmental, social and economic dimensions of the appeal scheme I consider that it does amount to sustainable development. Moreover, in my opinion, the adverse impacts of this scheme, most particularly the moderate harm it would cause to the landscape by developing in open countryside, does not significantly and demonstrably outweigh its benefits, in particular the boost that it would provide to the local economy and to housing supply by developing additional dwellings in a sustainable location. The presumption in favour of sustainable development set out in the Framework³ therefore applies to the appeal scheme.

Other Matters

25. The appellant and the Council submitted a signed s.106 Agreement which contains obligations relating to the provision of affordable housing, open space, highways and healthcare. It is a matter of law⁴ and policy⁵ that such obligations should only be sought where they meet all of the following tests. That they are necessary to make the development acceptable in planning terms, that they are directly related to the development and that they are fairly and reasonably related to it in scale and kind. The submitted agreement contains a clause which provides that if it is determined that any individual obligation does not comply with law and policy then it shall cease to have effect.
26. It was common ground at the Inquiry that the affordable housing, open space and highways obligations do comply with law and policy. I agree. They are necessary to meet the need for low cost housing, access to open space and access to public transport facilities. The affordable housing and open space would form part of the proposed development and the additional bus stop would serve that development: they are all, therefore, directly related to it. The contributions that each of these obligations would require are based on either the number of proposed dwellings or the number of proposed residents. They would, therefore, relate fairly and reasonably to the proposed development.
27. However, the appellant does not consider that the healthcare contribution meets all of these tests. He does accept that the contribution sought towards healthcare provision would be fairly related to it in scale and kind because it has been calculated on the basis of the number of proposed residents on the site. I agree as, clearly, more residents will place additional demands on healthcare facilities and the scale of provision should be related to the number of such residents.
28. He does not, however, accept that the need for such facilities has been demonstrated and points to the fact that the existing General Practitioner practices in Congleton are still accepting patients. The appellant does not

³ National Planning Policy Framework. Paragraph 14.

⁴ Community Infrastructure Levy Regulations 2010. Regulation 122.

⁵ National Planning Policy Framework. Paragraph 204.

consider that it has been demonstrated that the proposed development on its own would stretch the capacity of those practices to breaking point.

29. To deal with this point it is necessary to look more closely at the situation in Congleton. The Department of Health standard for General Practitioner provision is 1,800 patients per doctor. The practices in Congleton have an average of 2241 patients per doctor. These practices are, therefore, operating above capacity and in this context NHS England has confirmed its opinion that the appeal scheme would have a very significant impact on the physical infrastructure necessary to provide health services to the local population. I agree. While the number of additional patients resulting from the appeal scheme would be small (0.5% of the numbers on the existing registers) it is entirely credible that, in a finely balanced situation such as exists in Congleton, this would have a very significant impact on the ability to deliver adequate healthcare. I consider, therefore, that the proposed healthcare obligation is necessary.
30. However, the Council was unable to point to any particular project or area of improvement that the obligation would fund or help fund. Healthcare infrastructure decisions are not taken on an incremental basis and strategic forward planning is essential. To that end a Strategic Health Investment Plan is being prepared which will determine the size, location and configuration of new health infrastructure taking into account national agendas, guidance and regulations. However, no details of when this plan is likely to be finalised or what proposals it will include were available at the Inquiry. In the absence of any details of where and on what the money will be spent it is impossible to conclude that the healthcare obligation is directly related to the proposed development.
31. It is, of course, necessary for the proposed obligations to meet all of the tests discussed above in order to comply with the law and policy. The affordable housing, open space and highways obligations meet all these tests and I will accord full weight to them in making my decision on this appeal. However, the healthcare obligation fails to meet all three tests in that it is not directly related to the proposed development. I will, therefore, give no weight to the healthcare obligation.

Conditions

32. In addition to the standard conditions covering the submission of reserved matters, commencement of development and the approved plans a range of other conditions were discussed at the Inquiry and agreed between the parties.
33. A condition would be needed to restrict the development to no more than 70 dwellings as the restriction inherent in the description of development in the planning application cannot be relied on. A condition dealing with the levels of the proposed buildings would be necessary in the interests of the appearance of the scheme as would a condition requiring the submission of samples of materials to be used in its construction.
34. Further conditions would be needed to ensure that adequate surface and foul water drainage was achieved on the site and the risk of flooding adequately managed. To provide the necessary environmental protection conditions dealing with the following would be required; the investigation and, if

necessary, remediation of contaminated land; the submission of an Environmental Management Plan and a Travel Management Plan; the submission of a Construction Management Statement; the installation of Electric Vehicle Infrastructure; and the submission of a Scheme of Noise Mitigation and a Noise Validation Report.

35. In the interests of ecology and, in some instances, of amenity conditions would be necessary dealing with; the provision and management of an undeveloped buffer zone; the completion of a survey of nesting birds; the incorporation into the proposed development of features suitable for use by breeding birds; and a method for the eradication of Himalayan Balsam from the site.
36. Conditions would be necessary to make provision for the replacement of hedgerows and to provide an Arboricultural Method Statement in order to protect trees and hedgerows on the site. In the interests of amenity conditions requiring the provision and management of open space on the proposed development would be needed. Any highway works that are subsequently approved should, in the interests of highway, safety, be implemented prior to the occupation of the proposed development - a condition requiring this would, therefore, be needed. A scheme of cycle and highway provision would also be needed if safe access to the site were to be achieved. This would also ensure that any such works safeguarded the hedgerow along Holmes Chapel Road.
37. In order to ensure that the proposed development has a satisfactory appearance conditions requiring the submission of details in relation to bin stores and boundary treatments would be necessary.

Overall Conclusions

38. The policies of most relevance to the appeal scheme are out of date. Moreover, the appeal scheme would be sustainable development and its adverse impacts would not significantly and demonstrably outweigh its benefits. The presumption in favour of sustainable development applies to the appeal scheme. For these reasons I conclude that planning permission should be granted.

RJ Yuille

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Graeme Keen of Counsel	Appointed by the Head of Legal Services, Cheshire East Council.
He called Ben Haywood	Major Applications Team Leader, Cheshire East Council.

FOR THE APPELLANT:

John Barrett of Counsel	
He called Keith Nye	Associate Director FPCR Environment and Design Ltd.
Michael Watts	Director, Nathaniel Lichfield and Partners.

DOCUMENTS

Document 1.	Letters announcing the date, time and venue of the Inquiry.
Document 2.	List of those attending the Inquiry.
Document 3.	Planning Statement of Common Ground.
Document 4.	Highways and Transport Statement of Common Ground including appendix and addendum.
Document 5.	Costs Submission, Cheshire East Council.
Document 6.	CIL Compliance Statement, Cheshire East Council.
Document 7.	Opening on behalf of the appellant.
Document 8.	[2014] Anita Coleman v SOS & North Devon DC & N Power Renewables Ltd.
Document 9.	Certified copy of the Section 106 Agreement between the Council and the appellant.
Document 10.	Costs application on behalf of the appellant.
Document 11.	CIL Compliance Statement, appellant.

Annex – Schedule of Conditions

- (1) Details of the means of access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- (2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- (3) The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
- (4) Details of the Reserved Matters and implementation of the details hereby permitted shall be substantially in accordance with the details shown on Development Framework 5912-L03 Rev E.
- (5) This permission shall refer to the following drawing numbers unless any other condition attached to the permission indicates otherwise:
Site Location Plan 5912-L01-B.
- (6) The development hereby permitted shall comprise no more than 70 dwellings.
- (7) No development shall take place until details of existing ground levels, proposed ground levels and the level of proposed floor slabs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- (8) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings to be erected have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- (9) No development shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be implemented prior to the first occupation of the dwellings.
- (10) The development hereby permitted shall not be commenced until such time as a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the dwellings.
- (11) The development hereby permitted shall not be commenced until such time as a scheme for the disposal of foul water has been submitted and approved in writing by the local planning authority. For the avoidance of doubt, surface water must drain separately from the foul and no surface water will be permitted to discharge directly or indirectly into the existing public sewerage system. The approved scheme shall be implemented prior to the first occupation of the dwellings.
- (12) Prior to the development commencing:
 - (a) A Phase II contaminated land investigation shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority (LPA).

- (b) If the Phase II investigations indicate that remediation is necessary, then a Remediation Strategy shall be submitted to, and approved in writing by, the LPA. The remediation scheme in the approved Remediation Strategy shall then be carried out.
- (c) If remediation is required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.
- (13) Prior to the development commencing, an Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. In particular the plan shall include:-
- (i) The hours of construction work and deliveries;
 - (ii) The parking of vehicles of site operatives and visitors;
 - (iii) Loading and unloading of plant and materials;
 - (iv) Storage of plant and materials used in constructing the development;
 - (v) Wheel washing facilities;
 - (vi) Details of any piling required including, method (best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties), hours, duration, prior notification to the occupiers of potentially affected properties;
 - (vii) Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
 - (viii) Mitigation measures in respect of noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
 - (ix) Waste Management: There shall be no burning of materials on site during demolition / construction;
 - (x) A scheme to minimise dust emissions arising from demolition / construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.
- (14) Prior to the first occupation of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include, inter alia, a timetable for implementation and provision for monitoring and review. No part of the development hereby permitted shall be occupied until those parts of the approved Travel Plan that are identified as being capable of implementation after occupation have been carried out. All other measures contained within the approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented, in accordance with the approved scheme of monitoring and review, as long as any part of the development is occupied.
- (15) Prior to the first occupation of the development hereby permitted, details of Electric Vehicle Infrastructure to be installed on the site shall be submitted to and approved in writing by the Local Planning Authority. No property shall be occupied until the approved

- infrastructure relating to that property has been fully installed and is operational. The approved infrastructure shall thereafter be retained.
- (16) Any future Reserved Matters application shall include a Scheme of Noise Mitigation based on the recommendations of the Noise Assessment Report prepared by Wardell Armstrong, December 2013, Job Number: LE12135, Report Number: 002. The scheme shall be submitted to and approved in writing by the Local Planning Authority, and the approved scheme shall be implemented prior to the first occupation of the dwellings.
- (17) Before the use of the development is commenced, a Noise Validation Test of the sound attenuation works (as yet to be finalised and agreed) shall be completed and the results submitted to and approved by the Local Planning Authority. Such validation test shall:
- a) Be completed in accordance with an approved method statement.
 - b) Demonstrate that the specified noise levels have been achieved.
 - c) In the event that the specified noise levels have not been achieved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority.
 - d) Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.
- (18) No development shall take place until a scheme for the provision and management of an 8 metre wide undeveloped buffer zone alongside the waterbodies shall be submitted to and agreed in writing by the local planning authority. This undeveloped buffer zone shall be measured from bank top, bank top is defined as the point at which the bank meets the level of the surrounding land. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens, footpaths, formal landscaping etc; and could form a vital part of green infrastructure provision. The schemes shall include:
- plans showing the extent and layout of the undeveloped buffer zone. Including
 - cross sections.
 - details of any proposed planting scheme (for example, native species).
 - details demonstrating how the undeveloped buffer zone will be protected during development and managed/maintained over the longer term including adequate
 - financial provision and named body responsible for management plus production of detailed management plan.
 - details of any proposed footpaths, fencing, lighting etc.
- (19) Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey shall be carried out by a suitably qualified person to check for nesting birds and the results submitted to the local planning authority. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report

- submitted to Local Planning Authority before any further works within the exclusion zone take place.
- (20) Any future reserved matters application shall include detailed proposals for the following:
- (a) The incorporation of features into the scheme suitable for use by breeding birds including house sparrow and roosting bats. The approved features shall be permanently installed prior to the first occupation of the development hereby permitted and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.
 - (b) A method statement for the eradication of Himalayan balsam from the site. The eradication shall be carried out prior to the first occupation of the development hereby permitted.
- (21) The reserved matters shall make provision for replacement hedge planting for any hedgerows to be removed as part of the development hereby permitted.
- (22) No development shall commence (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development shall take place except in complete accordance with the approved Method Statement(s). Such Method Statement(s) shall include details of the following:-
- (i) A scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site including trees which are the subject of a Tree Preservation Order currently in force, or are shown to be retained on the approved layout, which shall be in place prior to the commencement of work.
 - (ii) Implementation, supervision and monitoring of the approved Protection Scheme. The approved protection scheme shall be retained intact for the full duration of the development hereby permitted.
 - (iii) A detailed Treework Specification.
 - (iv) Foul and surface water drainage where this may affect retained trees
 - (v) Implementation, supervision and monitoring of the approved Treework Specification.
 - (vi) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
 - (vii) Timing and phasing of Arboricultural works in relation to the approved development.
- (23) The first reserved matters application shall include an Open Space Scheme showing all areas of open space to be provided within the site including public amenity open space and an equipped children's play

- area (LEAP). The scheme shall also include details of the location, layout, size, timing of provision, proposed planting, location and specification of boundary structures, play equipment and materials.
- (24) Prior to the occupation of any dwellings on the site, a Management Plan for the future management and maintenance of the open space shall be submitted to, and approved in writing by, the Local Planning Authority. The Plan shall identify the maintenance requirements including all ongoing maintenance operations, and shall be thereafter implemented in perpetuity.
- (25) The approved works to form the site accesses and associated works shall be carried out prior to the first occupation of the development hereby permitted.
- (26) The reserved matters shall include a scheme of pedestrian and cycle provision and signage to be approved in writing by the Local Planning Authority. The scheme shall include shared routes for pedestrians and cyclists through the site, including the proposed route along Holmes Chapel Road (which shall be located within the site behind the existing hedgerow) and a timetable for implementation. The approved scheme of pedestrian and cycle provision and signage shall be carried out in accordance with the approved timetable.
- (27) No development shall commence until details of the proposed bin storage facilities has been submitted to and approved in writing by the Local Planning Authority. The details shall ensure that bins are stored securely, and provide facilities for both recyclable and household waste storage.
- (28) No development shall commence until details of the positions, design, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.

5 August 2020



By Email: colin@satnam.co.uk

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Dear Colin,

Peel Hall - Senior Living Sector

As discussed, I set out below a brief commentary of the current market for “Senior Living” (health care, retirement and care sectors) in the North West, and more specifically considering Warrington as a location.

In the first instance, it is useful to set out the types of care facilities that are available, and the markets they tend to target.

- The most intense care facility is that of a “Care Home”, where the occupants tend to require 24/7 care and where they will likely spend their final days. These facilities deliver single rooms as opposed to self-sufficient apartments but will incorporate communal spaces (lounges, dining rooms etc). As a minimum, these schemes require circa 62 bed spaces to become viable.
- Prior to occupying a Care Home bed, the individuals may take up residence in an Assisted Living/ Extra Care block whereby assistance is available for the majority of routine activities. These blocks can offer as much or as little “assistance” as is required – from simply helping bring shopping bags in to regular cleaning and assistance. These schemes feature self-sufficient apartments but still with communal lounges/ libraries etc where occupants can socialise.
- The least onerous of the care market is Retirement Living. Typically designed for over-55’s, these apartment blocks feature mainly self-sufficient apartments with only a small amount of communal space. Occupants tend to still be active and therefore limited assistance is available.

Clearly, the nature of the schemes is more high density than traditional housing, and therefore suitable sites tend to be brownfield or within urban extension masterplans. In relative terms, the market remains buoyant for Senior Living schemes, largely irrespective of the location. For example, in January this year, we were instructed to market a retirement living scheme on behalf of a retained Client. The scheme had been designed with an operator in tow to deliver 43 retirement living apartments. Having undertaken an accelerated and relatively discreet marketing campaign, we received 4 competitive offers from both retirement living operators, but also “care home” operators seeking a change of use.

In addition, we are poised to release a site in Wirral for the “Senior Living” market. This site does not have a consent in place, but has been identified by the Council specifically for a Senior Living use. Whilst we have not yet launched the site, there are regular enquiries coming through to us from a range of developers/ operators including dedicated Care Home operators and assisted living operators, but also a keen interest from housing associations/ RP’s who are increasingly moving into this marketplace.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East..

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We are aware of existing schemes by Magenta Living, Alpha Living and Torus that are focussed on Senior Living – the latter due to practically complete a scheme in Lostock Gralam (Northwich) this year. I'm sure you are also aware that Torus have a concentration of social and sheltered housing in this part of Warrington. Your Housing Group are also particularly active as we understand they have already purchased a site in Warrington and are considering another that we are currently disposing of.

Considering specifically Peel Hall - the location lends itself more towards Extra Care and Care Home uses due to the relative distance to town centre amenity. It would be fair to comment that Junction 9 Retail Park is within walking distance, however the requirement is more leisure-led as you'd expect of a town centre. Should there be an opportunity within the wider site to consider leisure uses, then Retirement Living may suit however we have assumed this is not possible at this stage.

As above, there are range of potential buyers for Senior Living opportunities. I have provided below some key established players that may consider this location:

Care Homes:

- Liberty Care Developments
- LNT Care Group
- Torsion Care

Extra Care:

- McCarthy & Stone
- Alpha Living
- Jigsaw Homes

Retirement Living:

- Torus
- Your Housing Group
- Onward Homes

We'd be keen to review this opportunity further in due course should the opportunity arise.

Yours sincerely



Ed Rooney
Director
Development



Appeal Decision

Inquiry held on 4-7 and 11-14 February 2020

Accompanied site visits made on 4, 13 February 2020

Unaccompanied site visit made on 14 February 2020

by Christina Downes BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 April 2020

Appeal Ref: APP/X0360/W/19/3238048

Land north of Nine Mile Ride, Finchampstead, Berkshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Welbeck Strategic Land II LLP against the decision of Wokingham Borough Council.
 - The application Ref 181685, dated 11 June 2019, was refused by notice dated 29 March 2019.
 - The development proposed is the erection of up to 118 dwellings and associated parking landscaping and open space (outline) and change of use of part of the land to form a suitable alternative natural greenspace (SANG), incorporating an outdoor education area (full)
-

DECISION

1. For the reasons given below, the appeal is dismissed.

PROCEDURAL MATTERS

2. The appeal concerns a hybrid application. The residential development relates to the southern part of the site and was made in outline form with access to be considered at this stage. A further plan was submitted with the appeal to show the internal road layout in accordance with the provisions of the *Town and Country Planning (Development Management Procedure) (England) Order 2015*. The SANG relates to the northern section of the site and this part of the application was made in full.
3. At appeal stage the Appellant requested that the red line boundary be changed to omit the gypsy site on the southern part of the site and also a small area of land adjacent to the southern boundary. Minor revisions were also requested to the northern boundary of the SANG. As a consequence, the maximum number of dwellings would be 117. In addition, an uplift of affordable housing from 40% to 50% was proposed, along with the incorporation of 5% Self-Build and Custom-Build serviced plots into the scheme. The Council had no objections to these changes, and I am satisfied that they would not be prejudicial to any third-party interests. I have therefore determined the appeal on this basis.
4. During the inquiry the Appellant submitted a "proving layout". This sought to introduce a layout that provided a better relationship of houses to protected trees, especially on the south-western part of the site. The layout of houses

on this drawing is illustrative of how the site could be developed. Amended SANG Landscape Proposals and Indicative Masterplan drawings have been submitted that include the proving layout and the various boundary changes referred to in the preceding paragraph. For the avoidance of doubt, they are drawing numbers P16-1187_20 Rev F and P16-1187_01 Rev N respectively and I shall take them into account.

5. The proposal is supported by a Planning Obligation by Agreement (S106 Agreement) and a Planning Obligation by Unilateral Undertaking (UU). Due to the large number of signatories it was not possible to complete the Deeds before the close of the inquiry. I therefore allowed a short amount of extra time accordingly. However, due to the illness of one of the freehold owners, 3 of the land parcels could not be included. Both Deeds therefore include a covenant that development will not be commenced until a Confirmatory Deed with these owners has been entered into. I understand that the Council has no objection to this arrangement, and I am satisfied that it would ensure that the covenants would be enforceable.
6. During the inquiry the Appellant also put forward various measures to improve accessibility. These included the widening of the footway between the California Crossroads and Park Lane; the provision of shelters at the two nearest bus stops; and a new pedestrian crossing to Nine Mile Ride. The provisions are included in the UU and were discussed at the inquiry. The Council objected to them and the Appellant did not consider them necessary to make the scheme acceptable. The provisions are considered further below.
7. The application was refused for 10 reasons. 5 of these were not pursued by the Council at the inquiry. These concerned ecology and biodiversity; the Thames Basin Heaths Special Protection Area; archaeology; and the absence of a legal agreement relating to local employment skills and affordable housing.
8. Following the close of the inquiry I asked the main parties whether they wished to comment on any implications that the Coronavirus (Covid-19) pandemic may have in terms of their evidence on housing delivery. I have taken the responses into account accordingly. The Appellant also submitted a further recent appeal decision by the Secretary of State, which was also copied to the Council, relating to residential development at Long Melford Suffolk. I have had regard to its contents, but I am satisfied that it does not necessitate further comment by either party.

REASONS

Planning policy context

9. The development plan includes the *Wokingham Borough Core Strategy Development Plan Document* (the CS), adopted in 2010 and the *Managing Development Delivery Local Plan* (the MDD LP) adopted in 2014. Whilst the 2009 South East Plan has been revoked, policy NMR6 relating to the Thames Basin Heaths Special Protection Area was saved and is also relevant to this proposal. The Council is in the process of preparing a new Local Plan, but this is at a very early stage and has not yet been submitted for examination. It therefore has little weight at the present time.

10. There is no dispute that the appeal site is not within or adjacent to any designated settlement, including Finchampstead North. For policy purposes it is within the countryside.
11. At the inquiry there was a great deal of debate as to whether the most important policies for determining the application are out-of-date. Paragraph 11d) of the *National Planning Policy Framework* (the Framework) is precise in its language. Its reference to "application" rather than "appeal" means that it is those policies relating to the consideration of the whole scheme rather than those matters in dispute at the appeal that should be included. However, "most important" policies do not mean "all relevant" policies and it is a matter of judgement for the decision-maker to decide what these may be. Case law has determined that it is the basket of most important policies as a whole that is the relevant consideration.

The most important policies

12. There was no agreement between the main parties as to what constituted the most important policies in this case. Most of the policies in the reasons for refusal fall within this category although I consider that policy CP4 in the CS relating to infrastructure requirements and policy TB25 in the MDD LP relating to archaeology are relevant but not most important.
13. There is no dispute that the following policies should be considered most important:
 - CS: policies CP1, CP3, CP6, CP9, CP11
 - MDD LP: policies CC01, CC03, TB21, TB 23
 - South-East Plan: policy NRM6
14. There is dispute about the following policies:
 - CS: policies CP2, CP4, CP5, CP7, CP8, CP17, CP18
 - MDD LP: policies CC02, CC10, TB05, TB08, TB12, TB25
15. Although the following policies are relevant, I do not consider that they fall within the category of most important for the following reasons:
 - Policy CP2 has a number of social objectives that would be applicable to the development. However, the gypsy site is now outwith the application boundary.
 - Policy CP4 relates to infrastructure requirements, which would be addressed through the legal Deeds.
 - Policy CP18 is specific to the Arborfield Garrison Strategic Development Location (SDL), albeit that its future development would impact on the proposal particularly in respect of accessibility.
 - Policy CC10 relates to sustainable drainage, which could be addressed through a planning condition.
 - Policy TB12 requires an employment and skills plan. Although it was a reason for refusal it would be addressed through the S106 Agreement.

- Policy TB25 relates to archaeology but the appeal site is not in an area shown to be of high potential and the reason for refusal could be addressed through a planning condition.
16. Policy CP17 relates to housing delivery and sets out the CS housing requirement and how it will be addressed through the supply of sites from various sources. This is clearly relevant to a consideration of any housing proposal. However, I agree with the Inspector in a recent appeal decision relating to a residential scheme in Hurst¹ that it is not a development management policy that plays a significant role in determining planning applications. It is therefore not a most important policy in this case.
17. The most important policies to this application proposal are thus as follows:
- CS: policies CP1, CP3, CP5, CP6, CP7, CP8, CP9 and CP11
 - MDD LP: policies CC01, CC02, CC03, TB05, TB08, TB21, TB23
 - South East Plan: policy NRM6

Whether the most important policies are out-of-date

18. Whether development plan policies are considered out-of-date in terms of paragraph 11d) of the Framework will depend on their degree of consistency with its policies. There is no dispute that policies CP1, CP8, CC03, TB21, TB23, and NRM6 do not fall within this category. Policy TB08 is questioned by the Appellant but I am not satisfied that there is evidence that the open space standards on which it is based are other than relevant.
19. In the CS, policy CP3 has 10 general development control criteria against which proposals should be assessed. The provision setting out open space requirements is not based on a current assessment in accordance with paragraph 96 of the Framework. On the other hand, this is rectified by the more recent MDD LP policy TB08. The provision requiring no detrimental impact on important ecological and heritage features does not follow the wording or approach in paragraphs 175 and 194 of the Framework. However, this is a general policy and all but 2 provisions are agreed to be consistent with the Framework. I consider that it is important to take a sensible and proportionate approach and I conclude that policy CP3 is not out-of-date.
20. Policy CP5 includes a provision that residential proposals of at least 5 dwellings will provide 50% affordable housing where viable. Whilst this part of the policy does not apply to the appeal proposal due its size, it is not in accordance with paragraph 63 of the Framework and therefore is out-of-date.
21. Policy CP6 is a permissive criteria-based policy. It indicates that permission will be granted if road safety is enhanced, adverse effects on the network are mitigated and highway problems are not caused. It does not say that permission will necessarily be refused if these provisions are not met. I appreciate that the wording is different from paragraph 109 of the Framework but the way that it is worded does not make it inconsistent.
22. Policy CP7 relates to biodiversity and seems to me to generally follow the

¹ Appeal decision relating to the erection of 5 dwellings at Lodge Road, Hurst, dated 31 January 2020 (APP/X0360/W/18/3194044).

principles in paragraph 175 of the Framework relating to development management. Reference is also made to enhancement, but this is dealt with in accordance with paragraph 174 by policy TB23, which is also agreed by the main parties to be a most important policy and not out-of-date.

23. In the MDD LP, policy CC01 sets out the presumption in favour of sustainable development. Unsurprisingly it does not set out the wording changes introduced in the 2019 version of the Framework, perhaps most importantly referring to the consideration of relevant rather than most important policies. It is not therefore consistent with paragraph 11 of the Framework.
24. Policy TB05 relates to housing mix. It refers to the *Affordable Housing Supplementary Planning Document* within this context and not in relation to the trigger for affordable housing provision, which is dealt with in CS policy CP5 and referred to above. Policy TB05 is therefore not out-of-date.
25. For the reasons given above I do not consider that policy CP17 in the CS is a most important policy, but I do consider it to have relevance to the consideration of whether policies CP9 and CP11 in the CS and policy CC02 in the MDD LP are out-of-date. The housing requirement in policy CP17 was based on the now revoked South-East Plan and is clearly no longer fit for purpose. In any event, the Framework makes clear that as the strategic policies in the CS were adopted more than 5 years ago and have not been updated, local housing need should be calculated using the standard method set out in national planning guidance. There is no dispute that when applying the relevant 5% buffer the requirement is 844.4 dwellings per annum (dpa). This is significantly more than the 723 dpa in policy CP17.
26. The scale and location of housing and the associated development limits were established to accommodate this lower housing requirement. However, as the Hurst Inspector observed, policy CP17 does not cap housing numbers and includes flexibility to bring land forward in identifying future land supply. Housing land supply is considered later in the decision, but the evidence is clear that this depends on some sites that are outside the development limits. The delivery of a sufficient supply of homes is a fundamental objective of the Framework but cannot be achieved through adherence to policies CP9, CP11 and CC02, which are all dependent on the development limits. These policies are therefore out-of-date. In this respect I disagree with the Hurst Inspector, but I note that there was no dispute about housing land supply in that case and therefore the evidence on which his conclusions were based was materially different.

Conclusions

27. From the above, I have found that 5 of the 16 most important policies are out of date. However, a consideration of whether the basket itself is out-of-date and therefore whether the appeal scheme complies with the development plan as a whole is a matter to which I will return in my final conclusions.

The effect of the proposed development on the character and appearance the area, the landscape and trees

28. The appeal site comprises 17.6 hectares (ha) of land on the northern side of Nine Mile Ride, close to its junction with Park Lane. The residential element of

the proposal would occupy the southern part of the site, immediately adjacent to the existing built-up area. At this point there are detached residential properties along the main road frontage but also driveways leading to individual dwellings to the rear and more substantial private accesses serving small residential clusters at depth.

29. Policy CP11 in the CS seeks to restrict proposals outside development limits other than in limited circumstances. The nearest settlement to the appeal site is Finchampstead North and the appeal scheme does not fall within one of those provisions where development would be permitted under the terms of the policy. The policy purpose is to maintain the quality of the environment and protect the separate identity of settlements.

Separation of settlements

30. The appeal site is within the area between Finchampstead North and the Arborfield Garrison Strategic Development Location (SDL). On the Key Diagram to the CS there is a zigzag line and the key makes reference to policy CP19, which relates specifically to this SDL. It requires, amongst other things, measures to maintain separation from Finchampstead North. The wording clearly indicates that it is the development proposals for the SDL that must provide the appropriate measures. The map of development limits in the MDD shows the two developed areas but does not include any specific gap notation in between. Indeed, the Examining Inspector specifically addressed this matter and considered that additional policy protection over and above that in policy CP11 would be unsound.
31. Gaps are a spatial tool to prevent coalescence between built-up areas and have little to do with landscape character. None of the criteria in policy CP11 are specifically directed towards ensuring that the 2 settlements do not get closer together. To my mind it is a policy that is aimed towards countryside protection and, as the supporting text makes clear, seeks to protect the character and setting of settlements and direct development to them for reasons of accessibility. I do not therefore agree that any development within the space between the Arborfield Garrison SDL and Finchampstead North would be harmful to spatial separation as a matter of policy.
32. In any event, in this case the new houses would not extend further westwards than the Robinson Crusoe park homes or further north than existing development served by the western access. In such circumstances the appeal scheme would not have any adverse effect on the separate identity of the settlements.

Effect on the landscape and trees

33. The proposed housing area mainly comprises grassland and trees. It would be divided into two main sections that would be linked by a pathway for pedestrians and cyclists. The western part is about 1.5 ha in extent and the eastern part is about 3.7 ha. To the north of the latter is a large swathe of woodland with grassland on its eastern side and western edges, which is proposed to form the SANG. The north-eastern portion of this land comprises part of the Longmoor Bog Site of Special Scientific Interest (SSSI) and this adjoins a similarly designated area in the southern part of California Country Park.

34. The *Wokingham District Landscape Character Assessment* (2004) (WDLCA) places the appeal site within the Forested and Settled Sands landscape type, which covers the south-eastern corner of the Borough. In particular it is part of the Finchampstead Forested and Settled Sands landscape character area (LCA). This was originally part of the Royal Forest and its long straight roads follow the line of the historic rides that provided access to the royal hunting grounds. There is a strong linear pattern of mainly post-war detached housing within a woodland setting along with more recent estate infill.
35. The appeal site is representative of many of the key characteristics of the LCA. In particular, the influence of the adjacent built-up area is evident especially in the southern section of the site. The proposed access points link into the long, straight green corridor of Nine Mile Ride and woodland covers large parts of the site itself. The enclosure provided by the dense stands of trees creates a sense of remoteness and isolation. The SSSI is former heathland although it has been invaded with undergrowth and bracken.
36. The WDLCA records that this landscape is of high quality and generally good condition. The overall strategy is to conserve and actively manage the woodland, important wildlife habitats and recreational use. The LCA is considered to have moderate sensitivity to change overall. However, there are some aspects of higher sensitivity, including the influence of the long, straight historic rides, the forest, the ecological habitats and the perceptual qualities.
37. The proposed development would result in a substantial loss of trees. In total more than 1,000 protected trees would be removed. This would amount to about 8% of the total tree cover if the Appellant's assessment is correct². On the face of it this would seem to be a significant loss of one of the key characteristic features of this LCA. However, a numerical assessment is insufficient in itself for several reasons.
38. I observed at my site visits that the quality of some parts of the woodland on the northern part of the site was in poor condition. Some areas were overcrowded with young saplings competing for space. There were also many fallen, windblown or damaged trees. I noted a sense of neglect and this has arisen from a lack of proper management. This is private woodland and there is no reason why judicious stewardship should not take place independently of the development proposals. However, there is no evidence that such an eventuality is likely to happen. In the circumstances, the removal of trees in the interests improving the structure, condition and resilience of the woodland would have qualitative benefits to the LCA. I consider that the tree loss that is proposed for management purposes should not be seen to impact negatively in landscape terms.
39. The proposal would also include restoration of the SSSI, which it currently in unfavourable condition. The heathland habitat has been seriously diminished by the encroachment of undergrowth, in particular bracken, following a wildfire in 2011. The proposal is to clear the area of the invasive species in order for heather and other heathland habitats to re-establish. It emerged

² The Appellant's assessment was that the site contains about 12,000 trees. This did not include the stand of pine trees within the SSSI. It was agreed that the ecological evidence indicated these would be removed. However, the assessment that they amount to 350 trees was not agreed by the Appellant.

during the inquiry that a relatively dense stand of pine trees on the northern part of the SSSI would be felled in order to undertake this work. In terms of the landscape effects, the harm resulting from the removal of the trees has to be balanced against the ecological benefits to the SSSI. Heathland is a characteristic of the LCA along with the rich wildlife habitats, lakes and bogs. Restoration of these areas is part of the overall strategy in the WDLCA. For this reason, I do not consider that the loss of the pine trees would result in overall landscape harm.

40. However, a significant amount of tree loss would be necessary to enable the housebuilding and also to create the eastern access. The proving layout shows how 117 dwellings could be accommodated on the site. Whilst this is illustrative, it indicates that wherever possible housing would occupy the open grassland areas that immediately adjoin the existing built-up area. However, the Appellant's Tree Survey indicates that there would be significant tree clearance. Although there could be tweaks here and there, it is very clear that the residential development could not be accommodated unless a large number of trees were felled. Whilst it is appreciated that the 117 dwellings is expressed in the application as a maximum, there is no evidential basis for assuming a lower number would be built if planning permission were granted.
41. It is appreciated that the Appellant's objective has been to focus on removing the lower quality trees. However, it is relevant that they are all protected by a Tree Preservation Order and there is no evidence that the areas in question would need to be cleared for purposes of woodland management. Indeed, I saw no such indication at my site visit. Some of the trees are assessed in the Tree Survey to be of relatively low value. Nevertheless, they form part of the woodland edge that make an important contribution within the landscape between existing housing and the wider countryside.
42. Furthermore, a significant number of individual trees and tree groups within the area to be cleared are shown in the Tree Survey to be category B2, which BS 5837:2012 *Trees in relation to design, demolition and construction – Recommendations* (BS 5837) indicates have moderate quality with a remaining life expectancy of at least 20 years and collective landscape value. Furthermore, there are also some individual trees classified as category A2, which BS 5837 indicates have higher quality with a life expectancy of over 40 years and landscape importance even though this may be as part of a group.
43. Whilst post-war development and modern estate housing is a characteristic element within the LCA this is typically of a linear nature along the rides. Modern infill between the rides is prevalent in Finchampstead North. However, in the vicinity of the appeal site development has been of an ad hoc nature with low density housing extending behind the frontage housing in an irregular and unplanned way. It seems to me that this creeping urbanisation is one of the key issues that the WDLCA is seeking to rectify.
44. I appreciate that the Appellant considers that this would be a unique development with pockets of housing within a treed setting. Whilst I do not doubt that it would be a high-quality scheme, in my opinion it would essentially be a suburban estate of considerably higher density than its surroundings. New tree planting is proposed along the streets, in amenity spaces and in gardens, but the size and species would be likely to be dictated

by their residential context and the limited availability of space. The built development would not, in my opinion, be reflective of the LCA of which it would form a part and the significant net loss of trees to accommodate it would lead to unacceptable landscape harm.

45. A sense of remoteness and solitude is evident, especially in the woodland on the northern parts of the site. Whilst this cannot be publicly experienced due to the private ownership of the land it nevertheless is reflective of one of the key characteristics of the LCA. Whilst this is said to be a landscape of good public accessibility its very provision through the proposed woodland walks and the like, would undoubtedly diminish the qualities of isolation that are attributable to this particular landscape.
46. BS 5837 indicates that care should be taken to avoid misplaced tree retention or attempts to retain too many or unsuitable trees. None of the protected trees would be in private garden areas and the proving layout demonstrates that it should be possible to avoid undue pressure from future occupiers to seek permission to fell or severely prune remaining trees. There would be some overhang of tree canopies on the parking bays shown on the southern side of the access road on the western section of the site. However, methods could be employed to avoid significant root disturbance. Some gardens would be overhung with tree canopies, but I am satisfied that there would be no excessive overshadowing. The Council highlighted instances where development in close proximity to protected trees had made requests to fell unavoidable. In this case I consider that the scale of tree removal would avoid a situation that could not be reasonably controlled.

Effect on the Green Route

47. Nine Mile Ride follows the route of one of the historic linear rides through the Royal Forest. This section has a typically green character being lined with trees and understorey planting, garden boundary hedges and soft verges. Frontage housing, which at this point is mainly on the northern side of the road, is set back behind generous sized front gardens. The frontage is punctuated by private driveways or narrow roads that serve the houses to the rear. Nine Mile Ride is shown as a Green Route in the MDD LP. This is defined as a road lined with trees and vegetation that makes a significant contribution to the character and environment of an area. Amongst other things, policy CC03 in the MDD LP requires proposals affecting such routes to protect and retain existing trees, hedges and landscape features.
48. The eastern access would be a 6 metre (m) wide roadway with a 2 m footway on the eastern side, a bell mouth and grass verges. The existing unmade driveway would therefore be replaced by a substantial engineered feature, which would lead into the site through a straight corridor some 12 m wide. A significant number of individual trees would be lost, including an English Oak and a Beech close to the road frontage. These are category B2 in the Tree Survey and of good quality with landscape value. The other trees to be felled along the new line of the road include English Oak, Sweet Chestnut and Silver Birch. Although these are category C and less visible, they do make a contribution to the green infrastructure that characterises the Green Route. It is appreciated that there would be a group of Scots Pine, Rhododendron and English Oak behind the felled trees. However, these would be in the garden of

the adjoining property and would not compensate for the significant loss of greenery described above.

49. Even though the new roadway would be flanked by new grass verges, I consider that it would be an incongruous urban element that would be very different in character to most other modest private roads and driveways. Whilst the corridor is not devoid of engineered features, including the existing hard surfaced frontage to Oak Tree Nursery, these are not typical of this stretch of Nine Mile Ride. Reference was made to the larger entrances to California Country Park and Nine Mile Ride Industry. However, these are a long established recreational and commercial facility respectively and neither is within the linear residential frontage.
50. At the inquiry proposals were put forward to enhance accessibility and they are discussed in the following section. However, of particular relevance to the Green Route is the potential widening of the footway to 2 m along the 2 kilometre stretch on the northern side of Nine Mile Ride between California Crossroads and Park Lane. There are mature trees close to the back edge of the footway and it is clear that the proposal would retain a narrower width in places so as to protect tree roots. Nevertheless, the work would remove the soft verges that currently exist between the edge of the footway and individual property boundaries in many places. Whilst these vary in quality, they do provide a soft and in places green edge to the footway. The footway widening would therefore be harmful to the character of the Green Route.

Visual effects

51. Public views into the site are relatively limited due to its location to the rear of established development and the intervening tree cover. It is doubtful whether pedestrians or drivers would see the new houses from viewpoints along Nine Mile Ride. The exception would be along the eastern access where I consider it likely that those walking along the footway would be aware of the houses at the southern end of the site. However, such a view would be at a distance and localised and the adverse effect would be of minor significance.
52. The trees would be retained along the side boundary of the western section of the site. When in leaf they are likely to provide an effective screen from viewpoints in Park Lane. In the winter months there would be greater visibility and the upper parts and roofs of the new houses would be seen. However, this would be at a distance and within the context of the Robinson Crusoe park homes and the lake in the foreground. Pedestrians using the footway, including those walking to Bohunt School or the new District Centre would be sensitive to the changes but overall, I consider the adverse impact would be of minor significance.
53. There is a pedestrian walkway within the southern part of California Country Park from where there are views into the site. At present these are restricted by the dense stand of pine trees at the northern end of the SSSI but as referred to above these are proposed to be removed as part of the ecological restoration work. Viewers within this area would be highly sensitive to change and would be able to see the northern edges of the development parcel on the eastern side of the site. Whilst there would be some remaining intervening trees and the view would be at a distance of some 300 m, it was agreed that the adverse impact would be of moderate-major significance. The landscape

proposals would include new tree planting within the open area of the SANG to the north of the houses. After 15 years when this becomes established the adverse impact would be likely to reduce to moderate.

Overall conclusion

54. Drawing together the above points, the proposed housing development would not adversely affect the separation of Arborfield Garrison SDL and Finchampstead North. Whilst the visual impact would be limited, the views of new housing development from California Country Park would result in an unwelcome intrusion to those enjoying that recreational facility. Just because something would not be widely seen does not necessarily mean that it would be acceptable. For the reasons given above, there would be an adverse effect on the character of the area, the Green Route and the landscape.
55. A large amount of woodland on the overall site would remain and in terms of the LCA as a whole the loss of trees to accommodate the housing would be relatively small. However, the trees in question are protected and have value as part of the woodland edge and also individually and in groups. Whilst housing is a key characteristic of the LCA, outside of Finchampstead North that is particularly attributable to the linear development along Nine Mile Ride. The housing to the rear is ad hoc in nature and relatively low in density. The appeal scheme would further push development northwards into the countryside and would introduce an estate of houses that would fail to integrate successfully with its surroundings. Indeed, such creeping urbanisation is a key issue that is referred to in the WDLCA.
56. There would be benefits, including woodland management, restoration of the SSSI to favourable status and public recreational access to the SANG. These matters will be further considered in the planning balance below. However, for the reasons I have given, I conclude that the proposed development would cause very substantial harm and would conflict with policies CP3, CP11 in the CS, policies CC02, CC03 and TB21 in the MDD LP and the Framework, in particular paragraph 170b.

Whether the site is within an accessible location, which would allow new occupiers a real choice about how they travel

57. The CS indicates that the Borough has one of the highest rates of car ownership in the country. The 2011 Census shows that only about 5% of households in the two wards local to the appeal site do not have access to a car. Policy CP1 in the CS includes a provision that development should demonstrate how it would reduce the need to travel, particularly by car. Policy CP3 includes general principles including that proposals should be accessible, safe, secure and adaptable. Policy CP6 requires development to be located where there are, or will be, available modal choices to minimise the distance people need to travel.
58. Section 9 of the Framework promotes sustainable transport and opportunities to promote walking, cycling and public transport. It also points out that sustainable travel solutions will vary between urban and rural areas, which should be taken into account. In this case the appeal site is within the countryside for planning policy purposes. However, it is not within an isolated

rural area and it is reasonable to bear this in mind when considering what opportunities are available to maximise sustainable travel solutions.

Walking

59. There was much debate at the inquiry about how a reasonable walking distance could be determined. *Manual for Streets* indicates that walking offers the greatest potential to replace short car journeys, particularly those under 2 kilometres (km). Whilst not an upper limit, it indicates that walkable neighbourhoods are typically those where there are a range of facilities within a 10 minute (800 m) walk from home. Similar guidance is provided in the *Borough Design Guide* and *National Design Guide*. *The Institute of Highways & Transportation Guidelines for Providing Journeys on Foot* (the IHTC guidelines) suggest that an acceptable walking distance is 800 m with a preferred maximum of 1.2 km.
60. It should of course be borne in mind that these distances are advisory and there are many examples of housing developments that are further away from local facilities than 800 m. Furthermore, the IHTC guidelines make clear that what is acceptable will depend on a number of factors, including the mobility and fitness of the individual, the purpose of the journey and the convenience of alternative options. The nature, attractiveness and safety of the route are also relevant matters to be taken into account.
61. The Appellant's evidence indicated that apart from the bus stops, Oak Tree Nursery and the Nine Mile Ride Industry, all existing facilities would be between about 1.2-2.2 km from the centre of each section of the site. The nearest existing local shops and facilities are at California Crossroads, which is about 2 km away. The pedestrian journey would be along the north side of Nine Mile Ride where the footway varies between about 1.2-2 m in width. The section between the western access and California Country Park has relatively poor surveillance due to the set-back of the houses and sporadic street lighting. *Manual for Streets* indicates that for lightly used residential streets the footway should have a minimum unobstructed width of 2 m.
62. Nine Mile Ride is not lightly trafficked and the footway between the site and California Crossroads is not ideal for comfortable pedestrian movement. This would not be a walk that I would judge to be pleasurable to undertake, particularly at peak periods when the road is busy, during inclement weather or in the dark. Whilst some would travel on foot, I suspect that most people who have the choice would use the convenience of their car, especially as there is available parking outside the shops.
63. The evidence suggests that existing students do walk in a westerly direction along Nine Mile Ride to Bohunt School. This is on the Arborfield Garrison SDL and a crossing has been provided over Park Lane to make this a safer journey. There is no reason to suppose that children from the new development would also not walk the 1.5 km distance to the secondary school, notwithstanding the limitations of the footway along the Nine Mile Ride section. There are primary schools at Gorse Ride and Avery Corner, which are 1.9-2.1 km away respectively. Both involve walking eastwards and children would therefore encounter the same issues as people walking to the shops. I appreciate that the CS indicates that primary school children should have access to a school within safe walking or cycling distance of 3-4km of their

home. However, in my experience this is a challenging distance to expect young children to walk and, in any event, this takes no account of the shortcomings of the walking route described above.

64. The Appellant is willing to widen the footway between California Crossroads and Park Lane to 2km where possible. This would be implemented by a financial contribution in the UU, which has been costed accordingly. However, it is recognised that it would not be possible to achieve the desirable width along the whole route without an unacceptable loss of trees. It would therefore be necessary to maintain existing narrower sections in places where trees are close to the footway edge. Whilst no detailed survey has been undertaken the Appellant considered that this would affect about 160 m of the 2 km route. This improvement would be the best that could be done but for the reasons given above, it would result in harmful environmental effects to the Green Route. In any event, apart from school journeys to Bohunt School, I am not convinced that the walking environment would be sufficiently improved to encourage a significant increase in walking trips especially in the direction of California Crossroads. Other issues including the length of the journey, poor street lighting and absence of surveillance would still act as a deterrent.
65. New facilities are planned at Arborfield Garrison SDL. This includes a new District Centre, and the approved Development Brief indicates that this will contain an anchor foodstore as well as other shops, facilities and services. The walking route once within the site is presently unclear but it seems likely that the District Centre would be about 1.5 km from the site. The legal agreement attached to the outline planning permission for the northern section of the SDL requires that reserved matters for the District Centre should be approved and 25% of it completed by the occupation of 1,000 dwellings. To date some 287 dwellings have been delivered. For the reasons given below, I consider it unlikely that the trigger point will be met in the next 5 years. However, even if it is, that would only require part of the District Centre to be built. It is thus unclear when the shops and facilities would become available. In any event it seems to me that many would not choose to walk from the site, especially if it entailed carrying heavy shopping.
66. Other proposed facilities at the Arborfield Garrison SDL include an extension to the Hogwood Lane employment area, a new primary school and a Local Centre. Reserved matters approval has been given for the Local Centre, which would be about 1.3 km away from the site. The information suggests that it would include two small shops but there is no clarity as to when these facilities would be provided.

Cycling

67. There are many facilities within a 5 km cycle distance of the appeal site. These include employment opportunities, schools, leisure facilities and shops. Crowthorne Station would also be accessible by cycle and it offers secure cycle parking facilities. However, the Council's Cycling Map indicates that the routes in question contain no dedicated cycling infrastructure, although parts of some journeys could be undertaken on what are termed "quiet routes". There is also a recently introduced route for cyclists between Finchampstead and Arborfield Garrison. Nevertheless, Nine Mile Ride and indeed much of the

local road network carries significant amounts of traffic. I observed on my journeys to and from the inquiry that at peak periods there is considerable congestion, especially along the roads that lead in and out of Wokingham. In the circumstances I consider that cycling would not be for the faint hearted, especially during peak periods.

Bus

68. The site benefits from bus stops close to the western access. The Chartered Institute of Highways and Transportation document *Buses in Urban Developments* provides relatively recent guidance that 300 m is now normally considered to be an acceptable walking distance to bus stops. However, it advises that this will depend on the characteristics of the route, the fitness and mobility of the traveller and the purpose of the trip. In this case the bus stop would be less than 300 m for those living on the western section of the site and 400 m or more for those living on the eastern section. Although the walk would be relatively level and quiet, the distance from the larger eastern residential area is likely to deter some from walking to the bus stops.
69. The CS refers to a "good" public transport service as one at 30 minute intervals during peak times, hourly intervals during off-peak hours and a service on Sundays. The site would be served by Route 3, which runs between Wokingham and Reading and currently provides an hourly service but no buses on Sundays. There are also buses between Shinfield and The Forest School and Bohunt School to convey pupils on Mondays to Fridays during term times. As things stand this is not a "good" level of service that would encourage many people to use it in preference to the convenience of the private car.
70. Improvements to bus services are planned through the *Arborfield SDL Public Transport Strategy*. This will provide an enhanced 30 minute service between Reading and Wokingham and a new hourly service between Reading and Bracknell. The evidence suggests that the improved services will be phased and dependant on the accumulation of sufficient financial contributions as development proceeds. However, the Council emphasised many times during the inquiry that good infrastructure provision was the main strength of focusing development at the strategic locations. In such circumstances it is reasonable to suppose that public transport delivery will be expedient.
71. The appeal proposal includes a financial contribution towards bus improvements, which I was told would be sufficient to fund 5 return journeys between Reading and Wokingham on Sundays for about a year. In such circumstances the future improvements to bus travel is a matter to be taken into account when considering the matter of accessibility.
72. At the present time the nearest bus stops are denoted by pole signs close to the western access to the appeal site. On the south side there is no footway and the bus stop is on the grass verge. The appeal scheme proposes to install a hard-surfaced area leading up to the south side bus stop and bus shelters on both sides. The north side stop would be relocated nearer to the western access to take account of the alterations to the entrance to Oak Tree Nursery. It seems to me that the bus shelters would help encourage new residents to use the enhanced bus service by making their waiting time more comfortable, especially in inclement weather. A similar style of shelter is provided outside

California Country Park. This seems to me to blend satisfactorily into the green environment along Nine Mile Ride. Whilst the Council has raised a number of concerns including the impact on tree roots, available width of verge and interference with sight lines, I am satisfied that a scheme could be designed to adequately address these matters.

73. The Appellant has also proposed a new crossing to allow pedestrians to safely access the southern bus stop. At present there are no other facilities that would require people to cross Nine Mile Ride at this point, not least because there is no footway along this side of the road. Although the plan appended to the UU shows a signal-controlled crossing, this is indicative and the Appellant made clear that a zebra crossing, for example, would be a possible alternative. The implications for interrupting traffic flow have not been assessed and no formal consultation has been undertaken. However, the evidence indicates that a formal crossing would be unlikely to be justified. Even if the modal shifts anticipated in the Framework Travel Plan were to be achieved, the Appellant estimated that only about 6 new residents would use the crossing to reach the southern bus stop in the morning peak and 4 in the afternoon peak. The bus stops outside the entrance to California Country Park provide a dropped kerb and tactile paving rather than a formal crossing and to my mind this would be sufficient in this case.

Train

74. There are direct rail services to Reading and London, Waterloo from Wokingham railway station, which is about 6 km from the appeal site. Crowthorne Station is about 4.5 km away and there is also a service to Reading where trains also run to London, Waterloo. Whilst there are secure cycle parking facilities at both stations, for the reasons given above, the routes are not particularly attractive, especially during peak periods. The bus stops at Wokingham station but although it is a relatively short trip the route is congested at peak times. Car travel would suffer from the same issue but would be more flexible in terms of times of travel and connections and could take advantage of the parking facilities at the station.

Travel Plan

75. The appeal proposal includes a Framework Travel Plan and a planning condition could be imposed to require a full Travel Plan to be agreed prior to first occupation of the development. The anticipated modal share targets would be challenging with a drop of 14% in car travel relying on a significant rise in pedestrian, cycle and bus travel. For the reasons given I do not anticipate that walking or cycling would be particularly popular and therefore such optimism seems unrealistic. However, I appreciate that final targets would be determined when the site became operational and that measures to encourage occupiers to use sustainable modes could include travel packs and free bus passes, for example.
76. The Council operate a Borough-wide travel plan initiative called MyJourney. This aims for a more co-ordinated approach through a dedicated team of officers and provides an alternative to travel plans by individual developers. It has the advantage of being able to apply economies of scale in terms of monitoring, promotions and marketing for each individual site. A cost of £450 per dwelling is charged and this was originally calculated for the SDLs where

the scheme originated. MyJourney is optional and the Appellant is content to provide the requisite contribution as well as fund a Travel Plan. However, there would be considerable overlap between the 2 approaches and requiring both would not pass the test of necessity.

Conclusions

77. The enhanced bus service that will be provided by the Arborfield Garrison SDL, the bus contribution from the appeal scheme, the proposed new bus shelters and the Travel Plan or MyJourney contribution would provide some opportunities for modal shift. However, for the reasons given I consider that this is a site where modal choice is and will remain relatively compromised. Those living on the development would therefore remain largely dependent on the convenience, flexibility and security of the private car for most of their journeys. The appeal scheme would thus conflict with policies CP1, CP3 and CP6 in the CS and with section 9 of the Framework.
78. A great deal of the Appellant's evidence was directed towards comparing the appeal site with others in terms of proximity to services and facilities. However, such an exercise needs to be treated with caution. Most of the sites referred to in the evidence are shown to be close to some facilities than the appeal site and further away from others. In most of the locations chosen it is to be expected that people will meet at least some of their needs through the use of a car. The important point is whether alternative choices are available for as many local journeys as possible.
79. In looking at different sites it is also important to compare like with like. Context is very important and in the grant of planning permission there are likely to be a number of considerations to balance. Also, accessibility is a relative term and depends on context rather than distance alone. For example, the quality of the walk, cycle route or bus journey will be an important factor and its convenience when compared with other modal alternatives. This means that in many cases the judgement will be site-specific. I have considered all of the examples that the Appellant has given but the comparison undertaken does not lead me to alter my conclusions on this issue.

Five-year housing land supply

80. The housing requirement in policy C17 of the CS was based on the now revoked *South East Plan* and is clearly no longer fit for purpose. In any event, the Framework makes clear that as the strategic policies in the CS were adopted more than 5 years ago and have not been updated, local housing need should be calculated using the standard method set out in national planning guidance.
81. There is no dispute that the relevant 5-year period is 1 April 2019 to 31 March 2024. The local housing need based on the standard methodology is 4,022 dwellings. Over the previous 3 years the 2019 Housing Delivery Test shows 175% completions against requirement meaning that the test is passed and that a 5% buffer is applied. This gives an overall figure of 4,223 dwellings. In its latest *Five-Year Housing Land Statement* (July 2019) (HLSS) the Council indicates that its deliverable supply is 5,398 dwellings and that it can demonstrate a 6.39-year supply. The Appellant disputes this and believes that

it is only 4.75 years. This is generally on the basis that delivery rates are overly optimistic, although in some cases the deliverability of the site is questioned.

82. The 2019 Framework includes a much more rigorous approach to the issue of deliverability. It makes clear that the site must be available and in a suitable location for development to take place now and that there should be a realistic prospect that housing will come forward on the site within 5 years. There are 2 closed categories, but the main dispute in this case relates to the second one. These are mainly the large strategic sites with outline planning permission, and it is the Appellant's case that the Council is overly optimistic as to the quantum of housing that will be delivered over the 5 year period.
83. The evidence clearly indicates that historically the Council's record of delivery has not been very good. In the 13 years between 2006/7 and 2018/19 the CS requirement has only been met in 4 years. However, it is relevant that this has improved recently and in the last 3 years the requirement has been exceeded by a significant amount³. This supports the Council's point that a large amount of the supply relies on the SDLs. Housebuilding here has often depended on the early delivery of significant infrastructure and this has meant that it was slower to come forward in the early years. The Council contends that developers are now keen to build at pace and it was pointed out that there are some 2,000 homes currently under construction in the Borough.
84. Nonetheless, the evidence suggests that the Council has often been overly optimistic with its forecasting and that performance has consistently lagged behind prediction. Even in the latest HLSS it is shown that only 35% of the predicted number of residential units were actually built. It is not unreasonable to surmise that in order to successfully function in a very competitive industry housebuilders may be tempted to talk-up delivery. In addition, it is understandable that they would wish to present a favourable picture to investors, shareholders and indeed the Council. However, the market can only absorb a certain amount of new housing and developers are unlikely to build houses if they think they will be standing empty for a long period of time. This is clearly an issue that is very dependent on the buoyancy of the local housing market but also the number of outlets competing for the same slice of the market. Those developers who offer a range of housing products or focus on a particular niche are likely to be able to sustain a higher output.
85. On the other hand, the Council has recently been putting more rigorous processes in place to ensure improved accuracy with assessing future delivery rates on individual sites. There is a specialist team of officers that now deals with SDL delivery with a dedicated officer for each one. Regular contact is maintained between the relevant developers and landowners and the information received is carefully scrutinised using empirical evidence, knowledge of the developer and specific site information. I was also told that the Council is adopting a more cautious approach to build-out rates, including moving sites further on in the trajectory or else removing some altogether if delivery seems to be in doubt.

³ 2016/17, 2017/18 and 2018/19.

86. The onus is on the Council to justify its forecast delivery for sites with outline planning permission. I acknowledge that in a number of recent appeals the housing land supply was not challenged. However, this may have been for a variety of reasons and not just because the appellants accepted that the supply was robust. Whatever the reason, the Appellant has challenged the supply in this case with detailed evidence. Whilst reference has been made to appeal decisions where housing supply was examined, any assessment will be a snapshot in time and depend on the evidence that has been presented. In the circumstances, I have reached my own conclusions on the evidence that I have been given.
87. Since the inquiry the world has been afflicted with the Coronavirus pandemic and this is likely to result in economic repercussions at least in the short term. Bearing all of this in mind I now turn to the disputed sites and my conclusions regarding their delivery.

The Strategic Development Locations

Arborfield Garrison SDL

88. In this SDL the delivery of homes has undoubtedly been much slower to get off the ground than anticipated. However, the development relies on the early provision of infrastructure and this is now well underway with the Nine Mile Ride Extension (north) completed and opened in 2017. Outline planning permission has been granted for 3,500 dwellings and the District Centre. A number of developers are involved, and reserved matters approval has been given on some of the parcels.
89. On the Hogwood Farm part of the SDL, the trajectory indicates that 240 dwellings will be delivered. There is reserved matters approval for 178 and the dispute is with the remaining 62 dwellings. The developer, Legal and General, has just obtained reserved matters approval for the southern extension to Nine Mile Ride and it is understandable that it is keen to deliver the rest of the houses. The Council's information is that a reserved matters application will be made in 2020 and I was told that this developer uses a modular system of housebuilding, which should allow faster delivery. The range of different housing products being proposed would also support the build out rates anticipated. Delivery would not be until the end of the 5-year period (2023/24) and from the evidence I am satisfied that the trajectory is robust.
90. On the northern part of the SDL there is reserved matters approval for all but 652 dwellings and of these 308 are included in the 5-year supply. There is a recent full planning permission for 70 dwellings leaving a disputed 238 dwellings. There are several developers operating on this site and the Council indicated that it has reduced their anticipated supply and so the 308 dwellings in the trajectory was cautious. However, there are no reserved matters applications and the evidence from Savills the marketing agent shows no developer interest in 14 of the 15 parcels. The one where there is a developer involved indicates that 44 dwellings are anticipated. However, Savills cautioned the forecasting as being subject to market conditions and not definite or fixed. There is insufficient evidence to be confident that any of these units will be delivered and the trajectory should be reduced by 238 dwellings.

91. The Appellant considers that the anticipated rate of delivery from Crest Regeneration, who are building out several parcels, is too high. Overall the trajectory shows 357 dwellings over the 5 year period, which averages at 71 dwellings per annum (dpa). This is considerably higher than the 50 dpa that the Council has adopted in its assumptions for larger sites with 2 or more developers. The Appellant considers that 107 of the dwellings should therefore be removed from the supply. However, the 50 dpa is an average rate across the Borough and I note that in 2018/19 Crest Nicholson delivered 63 dwellings from one parcel. Having considered all of the evidence, including the better communication initiated with individual developers and the different products on offer, I do not consider that the rate of delivery here is necessarily unrealistic.
92. The Appellant is also critical of the delivery rate from those parcels with reserved matters approval. This involves 1,059 dwellings and would result in an average delivery of 212 dpa. Whilst this is much faster than has happened in the past, housebuilding only commenced in 2016 and the expectation is that it will ramp up as a result of the completion of infrastructure. There are a number of different developers offering a range of housing products, including affordable housing and private rented accommodation. In the circumstances, there is insufficient evidence to justify the reduction in build-out rates suggested by the Appellant.
93. A condition on the outline planning permission for the northern part of the SDL only permits 1,000 dwellings to be delivered until 25% of the commercial floorspace in the District Centre has been completed. Progress is being made but there is no reserved matters application and the Development Brief does not give specific timescales. It is very difficult to be confident about when the District Centre will go ahead, especially with the present fluctuating retail market. The Council indicates that it could vary the condition. However, on the assumption that it was considered necessary when imposed it is far from certain that such steps would be acceptable. At present the northern part of the site is anticipated to deliver 1,119 dwellings in the 5 year period and only 713 remain to be built before the condition would be breached. Taking account of my conclusions in paragraph 90 above, this would leave 406 dwellings where delivery in the 5 year period is subject to doubt.
94. Drawing together all of the above points, 406 dwellings should be removed from the trajectory.

South of the M4 Motorway SDL

95. This SDL is one of the longer established strategic sites where delivery started in 2012/13. However, it was not until 2017/18 that it reached (and exceeded) the 250 dpa anticipated. This continued the following year and a total of 1,280 homes is forecast over the 5 year period. The Council's own evidence of delivery on 2 parcels⁴, where there were 5 housebuilders involved, was about 39 dpa. The number of active parcels is set to decrease from 10 to 4 by 2021/2022.
96. The land west of Shinfield is being delivered by 3 developers. Linden Homes

⁴ Land south of Croft Road (completed in 2018/19) and Land West of Shinfield (Phase 1) (275 of the 517 completed 2018/19).

have specifically indicated that it will be slowing delivery rates. Each parcel is indicated to deliver 75 dpa in the first 3 years of the trajectory but to significantly increase delivery on phase 2 in the last 2 years once phase 1 is completed. Although both sites are adjacent, the assumption that construction teams will be moved across to ramp up delivery on the phase 2 site does not seem to be based on evidence. In such circumstances I consider that the rates should remain consistent and that 73 dwellings should be removed from the trajectory.

97. Taylor Wimpey are active on 3 parcels and the trajectory shows a total of 346 dwellings being delivered over the 5 years. This indicates a rate of just short of 70 dwellings a year. The evidence on past rates for this developer on the south of Croft Road parcel show a delivery rate nearer the 50 dpa referred to in the HLSS. Overall, I consider that this is more realistic and that 96 dwellings should be removed from the trajectory.
98. I note that the Appellant considers that overall past delivery rates should be applied to this SDL going forward. Whilst as noted above Linden Homes have indicated a slowdown that does not necessarily apply to other housebuilders. It is not considered robust to adopt this approach, particularly when the evidence indicates that delivery has significantly improved since 2017/18.
99. Drawing together all of the above points, 169 dwellings should be removed from the trajectory.

North Wokingham SDL

100. This SDL has made slow progress and consistently failed to deliver in accordance with the trajectory until 2018/19. However, the evidence shows that matters are improving and that in 2019, 438 of the 827 dwellings anticipated over the 5 year period were under construction. The Council indicates that there is a likelihood that the 252 dwellings shown in the trajectory for 2019/20 will be delivered. There is evidence that delivery on the SDL is improving and that the increase shown in 2018/19 is likely not to have been due to a "spike" caused by pent up demand.
101. The trajectory shows that the number of outlets will decrease, but 3 developers remain active over the whole 5 year period. The Appellant's contention that a generic build-out rate of 100 dpa should be applied is based on historic rates and the evidence seems to me to be demonstrating that this SDL is now delivering, albeit after a slow start. In the circumstances I consider that no changes should be made to the trajectory.

Other sites

102. At Auto Trader House, Danehill it is understood that there was prior approval for 26 flats in March 2019 and this can be taken into account as part of the forward supply. On the other hand, there is no evidence that a development of 76 dwellings was being contemplated and indeed the Council refused permission for the scheme. Although this larger development was granted permission on appeal in June 2019 this was well after the base date of 31 March. In the circumstances the trajectory should be reduced by 50 dwellings.
103. At Stanbury House, Spencers Wood outline planning permission for 57 dwellings was granted on appeal in September 2018. It is appreciated that

part of the developer's case was that the site would assist the 5 year supply. However, from the evidence there has been no reserved matters application. The Council indicated it had sought an update from the developer but had received no response. Indeed, an application has now been submitted for 120 units on a larger site. The developer's intentions are thus far from clear. Even though delivery is shown to be in the last 2 years of the trajectory, the evidence does not show that housing completions will begin within the 5 year period. In the circumstances the trajectory should be reduced by 57 dwellings.

104. At Sonning Golf Club an outline planning permission was granted for 13 dwellings in July 2018. Apart from a reserved matters application relating solely to the access, no further approvals have been granted. Whilst this is a greenfield site, there are a number of pre-commencement conditions relating to such matters as contamination and archaeology that have not been discharged. It is understood that a pre-application meeting has been held with the housebuilder, Alfred Homes, but there is insufficient evidence that delivery will take place in the 5 year period. In the circumstances the trajectory should be reduced by 13 dwellings.
105. Outline planning permission was granted for 20 dwellings at Trowes Lane, Wokingham in February 2018. It is understood that a conditions application was approved in August 2018 but since then no further progress has been made. Cove Construction Ltd is the developer and the Council has indicated that the site is flagged on its website as "coming soon". However, the developer has not responded to the Council's enquiries and no reserved matters application has been forthcoming. Although this is a small site and has been placed in the final year of the trajectory, there is insufficient evidence that delivery will take place in the 5 year period. In the circumstances the trajectory should be reduced by 20 dwellings.

Windfalls

106. The small sites windfall allowance is not disputed. However, the Appellant contended that a large sites windfall allowance of 32 dpa from year 3 is not justified. The evidence of windfalls of 10 or more completions on previously developed land between 1999 and 2019 indicates an average of 44 dpa although there is considerable annual variation. The Council therefore consider that its rate is very conservative.
107. However, prior approvals would fall into the category of windfalls but there is no evidence that those identified specifically would all deliver in years 1 and 2. Similarly, there is no evidence that windfall sites with planning permission at the base date would deliver as quickly as the Council contends. In such circumstances I consider it likely that there is the potential for significant double counting. In the absence of any better evidence, the 96 dwellings comprising the large windfall allowance should be removed from the trajectory.

Conclusions

108. Drawing the above points together, I conclude that in my estimation 811 dwellings should be removed from the trajectory. This means that the Council can demonstrate a 5.43 year supply of deliverable sites.

109. The Covid-19 pandemic is likely to have implications for the housebuilding industry as with other sectors of the economy. The evidence indicates that a number of developers are temporarily closing their construction sites to protect employee and customer welfare. For those remaining open, the lockdown will impact on the availability of support services. Customer confidence is also likely to be reduced with a consequent effect on the buying and selling of property.
110. The Appellant has concluded that the effects would be felt for a 3 to 6 month period, which does not seem unreasonable. On that basis the conclusion is that a further 168 dwellings should be removed from the trajectory to take these factors into account. Whilst it is contended that this is an optimistic assessment, it is equally possible that a bounce back will occur once the crisis ends. Indeed, it is reasonable to surmise that housebuilders and their suppliers will be keen to rectify losses if it is possible to do so.
111. At this stage the economic effects of Covid-19 cannot be known. However, even if all of the impacts suggested by the Appellant are accepted, the Council would still be able to demonstrate about 5.2 years supply of deliverable sites.

Other matters

Affordable housing

112. Policy CP5 in the CS establishes a minimum requirement for 40% affordable housing on sites such as this, subject to viability. The *Berkshire Strategic Housing Market Assessment 2013-2036* (2016) identifies a need for 441 dpa. In the 6 years since 2013, 1,317 affordable dwellings have been delivered or an average of 220 per annum. This means that a backlog will accumulate year on year. If this were to be addressed over the next 5 years, delivery would have to amount to over 700 affordable dpa. This is not far off the total annual housing requirement, which demonstrates the scale of the issue and that the need is acute.
113. Wokingham is an expensive area in which to live and incomes are not keeping pace with price rises. The average house price to average income ratio now stands at 12:1. The evidence shows that there were 1,860 households on the Council's Housing Register on 1 April 2019 and that this had risen by 247 from the preceding year. In December 2019, 1,502 households were on the Help to Buy South Register, with 40 specifying a preference for a shared ownership dwelling in Finchampstead.
114. The proposed development would provide 50% affordable housing, which would amount to 59 units and be above that required by policy CP5 in the CS. The S106 Agreement indicates that the mix would be 66% social rented units and 34% shared ownership units with a mix of flats, bungalows and houses. Taking account of all of the above factors the affordable housing provision would clearly be an important benefit.

Self-build and Custom-build housing

115. Under the *Self Build and Custom Housebuilding Act* (2015) local authorities have a legal duty to keep a Register of those who wish to acquire serviced plots. The *Housing and Planning Act* (2016) requires local authorities to grant sufficient permissions to meet the demand on their Register on a rolling

programme of 3 years by the end of each base period. Paragraph 61 of the Framework indicates that the housing needs of different groups in the community should be assessed and reflected in planning policies. This includes people who wish to commission or build their own homes. As this is a relatively new provision, neither the CS nor the MDD LP include policies that relate to this issue. However, the emerging Local Plan does address this type of home provision and will be considered in due course by an Examining Inspector.

116. The evidence shows that in the first Base Period ending on 30 October 2019 there was an overprovision of permissions relative to demand. For Base Period 2 ending on 30 October 2020 the Appellant and Council disagree about the residual requirement is 83 or 62 dwellings. The Council referred to a community-led project of 21 dwellings on its own land, although no planning permissions appear to have been granted to date. The Appellant contends that the Council will fail to comply with its statutory duty within the current base period, on the basis of past provision rates and lack of available sites. That remains to be seen.
117. There is clearly a substantial demand for this type of development. The Council's own Register shows that about 35% of those in Base Periods 1 and 2 had a preference for a serviced plot in Finchampstead. The appeal proposal would help meet this demand through the 6 serviced plots that it proposes to include.

The SANG

118. The SANG is intended to provide mitigation against likely significant adverse effects on the Thames Basin Heaths Special Protection Area. Such impacts would include recreational pressure from the new population and the harm that would arise to the integrity of the interest features of this protected site.
119. It is clear that the size and quality of the SANG would exceed the above requirements. I have already referred to the management of the woodland and this would be secured through a Management Plan in the S106 Agreement. Within this area there would be woodland walks for the public to enjoy. Overall, the SANG would provide a significant recreational resource, not only for the occupiers of the new development but also for existing residents. Even though no parking area would be provided many would be able to walk or cycle from the surrounding area. There would be grassland areas with water features and areas that could be used for informal exercise. The S106 Agreement includes provisions for the future management of the SANG, including funding.

Highway safety and congestion

120. There is no dispute that the local road network, including Nine Mile Ride, is busy especially during peak periods. The indications are that this will get worse once the Arborfield Garrison SDL is built out. Local residents were particularly concerned about traffic impacts and pedestrian safety.
121. At present Nine Mile Ride is operating below a theoretical capacity of about 1,500 vehicles. However, once the Arborfield Garrison SDL comes on-stream it is anticipated that this will change, and that capacity will be exceeded in

peak periods depending on daily variations. This will also impact on California Crossroads where congestion occurs at busy periods around the 2 mini-roundabouts. The Appellant's Transport Assessment includes agreed trip rates and trip assignments. This shows 67 trips generated in the morning peak and 65 trips in the afternoon peak, which would be spread between the 2 access points. The evidence shows that the additional traffic that would be added from the appeal scheme would amount to less than one vehicle a minute and be insignificant when daily variations are taken into account.

122. I note the concern about the safety of the eastern access, which would be opposite a residential entrance on the south side of Nine Mile Ride. However, a Stage 1 Road Safety Audit has been undertaken at this access point and no safety issues were identified. Such arrangements are not uncommon and there is no evidence that this stretch of road is particularly dangerous or has a high accident rate.
123. Paragraph 109 of the Framework indicates that development should only be prevented or delayed if there would be an unacceptable impact on highway grounds or the residual cumulative impacts on the road network would be severe. The Council as Highway Authority has raised no objection to the appeal scheme on this basis. This is a matter of importance because it is the statutory authority responsible for highway safety on the local road network. Bearing all of these points in mind, I am satisfied that there would not be an unacceptable highway impact or that the cumulative effects would be severe.

Planning balance and overall conclusions

124. The appeal site is within a countryside location and outside the development limits for Finchampstead North and the Arborfield Garrison SDL. There would be harm to the character of the area, the Green Route and the landscape. In addition, notwithstanding improvements to the bus service, the opportunities for modal choice would remain limited and it is likely that most journeys would be undertaken by car. These harmful impacts are matters of very substantial weight and importance in the planning balance.
125. I have identified the most important policies for determining this application. Of these the proposed development would conflict with policies CP1, CP3, CP6, CP9 and CP11 in the CS and policies CC02, CC03 and TB21 in the MDD LP. Inevitably there are some with which the proposal would comply, policies CP5 in the CS and TB05 in the MDD LP relating to affordable housing and housing mix being obvious examples. Nevertheless, in my judgement the appeal scheme would conflict with the development plan when taken as a whole.
126. Paragraph 11 of the Framework establishes the presumption in favour of sustainable development. The "tilted balance" may be engaged in 2 circumstances. In relation to housing provision, I have concluded that the Council can demonstrate a 5 year supply of deliverable housing sites to meet its local housing need. In relation to the most important policies I have found that a few are out of date but not the majority. Overall, I consider that the basket of most important policies is not out-of-date in this case. For these reasons the "tilted balance" would not be engaged. Taking account also of my conclusion in paragraph 125 above, the presumption in favour of sustainable

development would not apply. I can also conclude that the proposal would conflict with policy CC01 in the MDD LP.

127. I have concluded that a few of the most important policies are not consistent with the Framework and therefore it is necessary to consider the weight to be attributed to the conflict. As the presumption in favour of sustainable development in policy CC01 is worded significantly differently to the Framework I consider that the conflict with it should be attributed limited weight. Policies CP9 and CP11 in the CS and policy CC02 in the MDD LP rely on the development limits that have been breached in several of the component parts of the 5 year housing land supply. On the other hand, the Council has been able to demonstrate sufficient deliverable sites without the need to include the Appellant's land. In such circumstances I attribute significant weight to the conflict with these policies.
128. The appeal proposal would include a number of social, environmental and economic benefits. Policy CP17 does not cap housing provision but the Council is providing sufficient deliverable sites to meet its local housing need plus a buffer designed to provide choice and competition in the market. Whilst it is not delivering housing wholly in a plan-led way, the appeal site would not be a plan-led proposal either. In the circumstances I give limited weight to the provision of market housing as a benefit in this case.
129. There is an acute need for affordable housing and this would be provided above the level required under policy CP5. The inclusion of 6 Self-Build and Custom-Build serviced plots would be a benefit that would clearly meet a local demand. In the circumstances I give substantial weight to these benefits.
130. The SANG would be a recreational resource for those living on the development and also residents within the local area. The SSSI would be restored to favourable condition and its biodiversity would be enhanced. I give significant weight to these benefits. An open area is proposed as an education area for Oak Tree Nursery. Whilst I have no doubt that this would enhance the facilities of the nursery, I am not convinced that the condition to secure it would be necessary in order for the appeal development to go ahead. In the circumstances I give this very limited weight as a benefit of the proposal.
131. The proposal would have a range of economic benefits. It would, for example, provide new jobs during the construction period and thereafter. There would be a contribution to economic growth and the generation of household expenditure would help support the local economy and provide local jobs. I attribute limited weight to these benefits.
132. Overall, I consider that the package of benefits should be given substantial weight in the planning balance. However, as I have identified above, there would also be very substantial harm. In my overall judgement the positive factors are insufficient to outweigh the negative ones, and do not indicate that the decision should be made otherwise than in accordance with the development plan.
133. In this case it is unnecessary for me to undertake an Appropriate Assessment as I am dismissing the appeal. However, if I had done so and a positive outcome had ensued it would not have affected the planning balance or my overall conclusions. I have considered all other matters raised but have found

nothing to change my conclusion that this would not be a sustainable form of development and that the appeal should not succeed.

Christina Downes

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Sasha White	Of Queen's Counsel
Ms Anjoli Foster	Of Counsel, both instructed by Ms E-J Brewerton, Solicitor to the Council
<i>They called:</i>	
Mr M Croucher BA(Hons) MSc	Principal Planning Officer at Wokingham Borough Council
Mr G Adam BA DipEcon MA FCIHT MILT	Principal Development Control Engineer at Wokingham Borough Council
Mr I Church BA(Hons) MA MRTPI	Team Leader at Wokingham Borough Council
Mr W Gardner BSc(Hons) MSc(Merit) CMLI	Landscape Architect at EDP
*Ms E-J Brewerton	Solicitor to the Council

FOR THE APPELLANT:

Mr Christopher Young	Of Queen's Counsel
Mr Oliver Lawrence	Of Counsel, both instructed by Mr A Meader, the Pegasus Group
<i>They called:</i>	
Mr D Ford MSc	Associate Director of Transport Planning Associates
Ms A Tamblyn MA(Oxon) MSc CEnv MCIEEM FRGS	Managing Director of The Ecology Partnership
Mr A Meader BSc(Hons) DipTP MRTPI	Senior Director (Planning) of the Pegasus Group
Mr J Atkin BSc(Hons) DipLM CMLI	Director (Landscape) of the Pegasus Group
Dr R Curtis BSc(Hons) PgDip PhD MArborA	Associate Director of Aspect Arboriculture Limited
Mr J Stacey BA(Hons) DipTP MRTPI	Director of Tetlow King Planning
Mr A Moger BA(Hons) MA MRTPI	Associate Director of Tetlow King Planning
Mr M Good BSc(Hons) MA MSc MRTPI	Director (Planning) of the Pegasus Group
*Mr B Naish	Solicitor with Osborne Clarke LLP
<i>*Took part in the Planning Obligations and/or the planning conditions sessions only</i>	

INTERESTED PERSONS:

Mr G Veich	Parish Councillor of Finchampstead Parish Council
Mr M Sheehan BEng MSc DIC	Local resident
Mr R Lewis	Local resident
Mr G Anderson	Local resident
Mrs J Joyce	Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Appeal decision: *Land at Lodge Road, Hurst* (APP/X0360/W/3194044), submitted by Mr White
- 2 Oral statement delivered to the inquiry by Mr Sheehan and appended extract from TA 79/99
- 3 Clarification on the Council's position on benefits, submitted by Mr White
- 4 Extract from Assessment of Walked Routes to School, submitted by Mr Young
- 5 Summary of S106 planning obligations, submitted by Mr Young
- 6 Appeal decisions: *Land east and west of Parsonage Road, Takeley* (APP/C1570/W/19/3234530 and APP/C1570/W/19/3234532), submitted by Mr Young
- 7 Appeal decision: *Land off Meadow Lane/ Chessington Crescent, Trentham, Stoke-on-Trent* (APP/M3455/W/18/3204828), submitted by Mr Young
- 8 Plan showing application site, land at Wheatsheaf Close, Sindlesham, submitted by Mr Young
- 9 Statement of Common Ground on sustainability of location matters
- 10 Note on the *My Journey* initiative, submitted by Mr White
- 11 Consultation response from Thames Water on sewage disposal
- 12 Mr Gardner's position statement on landscape and trees, submitted by Mr White
- 13 Note on foul and surface water drainage strategies, submitted by Mr Young
- 14 *Suffolk Coastal District Council v Hopkins Homes Ltd and Another; Richborough Estates Partnership LLP and Another v Cheshire East Borough Council* [2017] UKSC 37, submitted by Mr Young
- 15 Note on the likely use of the proposed pedestrian crossing and its possible impact on traffic flow, submitted by Mr Young
- 16 Note concerning the Education Space S106 planning obligations, submitted by Mr Young
- 17 Confirmation of instruction date of Mr Moger, submitted by Mr Young
- 18 Woodland Management Plan, submitted by Mr Young
- 19 Refusal notice of the appeal application, submitted by Mr Young
- 20 Landscape and visual addendum by Mr Atkin, submitted by Mr Young
- 21 Note by Mr Adam on the proposed bus and pavement improvements, submitted by Mr White
- 22 Extract from the Panel Report into the RSS for South-East England, submitted by Mr Young
- 23 Arborfield Green District Centre development brief, submitted by Mr Young
- 24 Response to Mr Adam's note at Document 21, submitted by Mr Young
- 25 Draft list of conditions and Council's suggested wording for the construction method statement condition, submitted by Mr White
- 26 Progress on the Arborfield Green District and Local Centres, submitted by Mr White

- 27 Appellant's note regarding the delivery of Arborfield Garrison, submitted by Mr Young
- 28 Explanation of the SANG contingency sum and SAMP tariff guidance, submitted by Mr White
- 29 Arboricultural note relating to the proposed footway widening along Nine Mile Ride, submitted by Mr Young
- 30 Consents for work to protected trees at Barkham and Wokingham, submitted by Mr White

DOCUMENTS RECEIVED FOLLOWING THE CLOSE OF THE INQUIRY

- 31 *Written representation from Ms J Joyce (14/2/20)
- 32 *Written representation from Ms C Broad (14/2/20)
- 33 **Decision Notice, Minute (point 83) and Committee Report relating to the Nine Mile Ride extension, submitted by the Appellant.
- 34 ***Note and appeal decision: *Land to the south of Cutbush Lane, Shinfield* dated 10/3/20 (APP/X0360/W/19/3238203), submitted by the Appellant
- 35 Response of the Council to Document 34
- 36 Executed Planning Obligation by Unilateral Undertaking (dated 11 March 2020)
- 37 Executed Planning Obligation by Agreement (dated 12 March 2020)
- 38 Appellant's response to Inspector's question about the impact of COVID-19 on housebuilding
- 39 Council's response to Inspector's question about the impact of COVID-19 on housebuilding
- 40 Secretary of State appeal decision dated 1 April 2020: *Land off Station Road, Long Melford, Suffolk* (APP/D3505/W/18/3214377), submitted by the Appellant

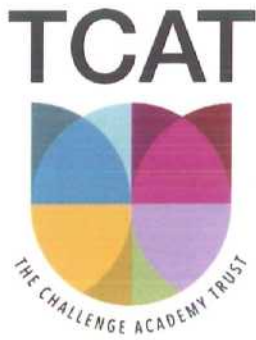
*I agreed to receive representations from these 2 local residents during the inquiry and they were circulated to the main parties subsequently.

**I agreed to accept these documents after the close of the inquiry as they are factual matters, which the Appellant considered material. The Council confirmed it had no objection.

***I agreed to accept this decision after the close of the inquiry on the grounds that it is a relevant material consideration. The Council was given the opportunity to respond.

PLANS

- A/1-A/9 Application plans on which the Council made its decision (A/1-A/9)
- B Internal roads plan
- C Revised indicative masterplan (P16-1187_01 Rev:N)
- D Revised landscape proposals plan (P16-1187_20 Rev:F)
- E Facilities plan
- F Plan showing the built-up area in the vicinity of the appeal site
- G/1-G/6 Plan showing potential footway widening along Nine Mile Ride
- H Plan of potential bus stop improvements on Nine Mile Ride
- I Proving layout (illustrative)



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Mr Colin Griffiths
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24th July, 2020

Dear Colin,

Thank you for the meeting held on Monday 20th July at TCAT headquarters at which we discussed the detail of the Section 106 agreement relating to the Peel hall site.

I am writing to confirm that, following this meeting, we are:

- Fully aware of the plans set out in this scheme along with the concerns and issues raised in the process to date
- Fully aware of the conditions of the 'partnership' as set out in the Section 106 agreement
- Happy to be named as an educational partner within this agreement and to accept the responsibility to provide additional school places
- Happy to be considered to take responsibility for the opening of a new primary academy should one be required in the future

Yours sincerely

Mr A. Moorcroft
Chief Executive Officer