

CD/APP 5

TOWN & COUNTRY PLANNING ACT 1990

**APPEAL
ON BEHALF OF**

SATNAM MILLENNIUM LIMITED

**IN RESPECT OF
LAND AT PEEL HALL, WARRINGTON**

PUBLIC INQUIRY 23 APRIL 2018

**PLANNING INSPECTORATE REF:
APP/M0655/W/17/3178530**

LOCAL PLANNING AUTHORITY: WARRINGTON BOROUGH COUNCIL

LOCAL AUTHORITY PLANNING APPLICATION REFERENCE: 2016/28492

OUR REF: 238SBCGWARR

STATEMENT OF COMMON GROUND, PLANNING MATTERS

STATEMENT OF COMMON GROUND ON PLANNING MATTERS

(A separate Statement of Common Ground on Highways matters will be presented to the inquiry)

Address of Appeal site:

Land at Peel Hall; 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 Land at Peel Hall, Warrington, WA2 9TY.

Description of Proposed 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).

<u>SECTION</u>	<u>CONTENTS</u>	<u>PAGE</u>
Section 1	Description of Appeal Site and Surrounding Area	4
Section 2	Planning History of the Site	6
Section 3	Planning Policy	8
Section 4	The Form of the Application	10
Section 5	Areas of Agreement and Disagreement	11
	Areas of Agreement	
	- Housing Land Supply	
	- Affordable Housing	
	- Sport & Recreation	
	- Local Retail / Community Centre	
	- Employment	
	- Open Space	
	- Ecology / Biodiversity	
	Areas of Disagreement at this Stage	
	- Healthcare Matters	
	- Schools Matters	
	Areas of Disagreement	
	- Air Quality	
	- Noise	
Section 6	Signatures	17

1 DESCRIPTION OF THE APPEAL SITE AND SURROUNDING AREA

The following site and surrounding area description is agreed:-

- 1.1 The appeal site, is located approximately 5km to the north of Warrington town centre and is circa 69 ha in extent. It is broadly rectangular in shape and is bounded by the M62 to the north and existing residential properties to the east, west and south.
- 1.2 Access to the site is from Poplars Avenue to the south (2 proposed access points), Blackbrook Avenue, Mill Lane (both to the east) and Birch Avenue (to the west).
- 1.3 The site generally falls from north (circa 20.5m) to south (circa 10m). The changes in level within the site are not anticipated to be of a scale to pose difficulties for development.
- 1.4 There are no listed buildings, conservation areas or scheduled ancient monuments within or adjacent to the site. There are no designated wildlife areas contained within the site. It is agreed there are no designated or natural features within the site that are not able to be satisfactorily protected, managed or resolved at the reserved matters stage.
- 1.5 The site is “green field”, and is not within the definition of previously developed land. It is agreed the site can be regarded as “urban fringe” land. The site is within the settlement limit of Warrington, with the M62 motorway running close to its northern edge, and does not form part of the open countryside or Green Belt. The site is regarded as being within the Warrington urban area, for planning policy purposes; the boundary of the built up area follows the motorway, along the northern boundary of the site.
- 1.6 Part of the appeal site includes a recreation site, owned and managed by the Council, to the south east of the proposed residential site. This is a flat area of grass land, 3.6ha in extent, formerly used as formal sports pitches, now used for informal recreation. This part of the site is bounded by Grasmere Avenue to the south, the rear of residential development on Windermere Avenue to the west, residential development to the south west (Quail Close) and natural hedgerows and trees to the north. Access to this part of the site is from Grasmere Avenue.
- 1.7 Measures in the Section 106 Planning Obligations document, submitted with this appeal, relate in part to works to improve this area of recreational land.
- 1.8 The adjacent residential areas to the east and south – Houghton Green and Poplars and Hulme are part of the existing built up area of Warrington. The latter is an established suburb of Warrington, developed mainly as council housing in the post war years, and is now in mixed tenure.
- 1.9 The residential area to the west includes Birch Avenue, a cul de sac of 50 or so mostly semi detached post war properties also within the built up area of Warrington.
- 1.10 Accessed from the end of Birch Avenue, and wrapped around by the application site, is an NHS care facility for children and adolescents called The Alders. This is a 1990s, 2-storey

building with car parking. There is further land, owned by the Health Authority, to the north of the buildings which is unused at present.

- 1.11 The area surrounding the open space and recreation land is residential to the south, west and east, with trees and hedgerows to the north.
- 1.12 The proposed development area abuts the edge of Warrington, principally the administrative ward of Poplars and Hulme; close by are the wards of Orford and Poulton North. These are areas of deprivation (see CD APP 6).

2 PLANNING HISTORY OF THE SITE

The following is agreed:-

- 2.1 The New Town Outline Plan 1973 indicated residential use on part of the wider Peel Hall site, including the Appeal Site. The suitability of the Appeal Site for housing was also confirmed in the mid-1990s by the Inspector who reported on the Warrington Local Plan and recommended in his report of September 1998 the allocation of the site for housing. This was not confirmed however, and the extant Unitary Development Plan, approved in 2006, became the operative plan for Warrington.
- 2.2 In terms of relevant planning applications – a series of concurrent housing-led mixed use proposals on various parts of the current Appeal Site were each withdrawn by the applicant in 2002 (submitted following the recommendation of the Local Plan Inspector to allocate the site for housing development).
- 2.3 The following planning applications have been determined in relation to the site,
 - 2.3.1 89/23848 – Outline for residential development on an 8.9ha portion of the site; a non-determination appeal was “recovered” by the Secretary of State. The appeal was dismissed on the grounds of prematurity and the prejudicial effect of the proposal on the wider Peel Hall area as part of the local planning process. This site is incorporated in to the Appeal Site as now submitted.
 - 2.3.2 89/23984 – An outline application for residential development. The application site was identical to 89/23848. Refused on grounds of prematurity.
 - 2.3.3 92/29239 – An outline application for residential development, roads, local centre (school, shops) and associated open space. Refused on grounds of prematurity and insufficient detail to assess traffic impact.
 - 2.3.4 93/31332 - An outline application for residential development, roads, local centre (school, shops) and associated open space. Virtually identical site and proposals to 92/29239. Refused on ground of the need to safeguard the Area of Search; prematurity and impact on the use of junction 9 of the M62.
 - 2.3.5 2012/20610 - APP/M0655/A/13/2192076 - An appeal against the non-determination of an outline application for up to 150 homes on part of the current appeal site (accessed off Mill Lane) was dismissed in July 2013 – on grounds including that the limited size and location of the site offered limited scope to achieve sustainable development. (Virtually the same site as 89/23848 above). This site is incorporated within the appeal site as now submitted.
- 2.4 It is agreed that previous applications are of limited relevance to this appeal due to the need to assess the proposals in the light of up-to-date national and local policy other circumstances. It is agreed that the previous Inspectors have not dissented from the

general view that the principle of the use of the site for residential development is acceptable.

3 PLANNING POLICY

The Development Plan

- 3.1 The Development Plan is the Local Plan Core Strategy for Warrington (LPCSW). The LPCSW was quashed in part by order of the High Court in February 2015, which effectively removed the housing requirement and reference to 1,100 homes in the Omega and Lingley Mere Strategic Proposal.
- 3.2 Due to paragraph 49 of the National Planning Policy Framework (NPPF) (the “Framework”) being engaged the policies relevant to the supply of housing remaining in the LPCSW are out of date. Paragraph 49 is engaged as firstly, there is no housing requirement against which a supply can be measured and secondly the Council is not able to demonstrate a 5 year supply of housing land. Policies CS2; CS3 and CS9 fall into this category. Consequently the council has identified sites outside the built up area suitable for housing development mainly in the green belt.
- 3.3 The Council contend that, save for the particular conflicts with LPCSW policies set out on the Notice of Decision, it is agreed that the appeal proposal is Development Plan compliant.
- 3.4 The Appellant contends that the appeal proposal is Development Plan compliant.
- 3.5 It is agreed that paragraph 14 of the NPPF advises that where the Development Plan is absent, silent or 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 taken as a whole”, or “specific policies in this Framework indicate development should be restricted.”
- 3.6 The Council has commenced a review of its Local Plan (the LPCSW) in order to ensure it is able to plan for Warrington’s future development needs. Consultation on the Preferred Development Option (PDO) for the Local Plan was undertaken between July and September 2017. The PDO has very little if any weight in decision making at this stage. The PDO makes reference to the Peel Hall site at para 5.22.

Other Policy Considerations

- 3.7 It is agreed that the Framework (2012) and the recent White Paper “*Fixing our Broken Housing Market*” are relevant material considerations.
- 3.8 The following parts of the Framework are agreed as relevant;
- Paragraph 2 – For decisions to be made in accordance with the Development Plan.
 - Paragraphs 6 / 7 - The attainment of sustainable development. It is agreed that the proposals comprise sustainable development
 - Paragraph 14 – Where Development Plan policies are “*absent, silent or relevant policies are out of date*”; with regard to this proposal, site specific policies are absent from the Plan and the remaining housing policies are out of date.

- Paragraph 17 – Core planning principles, such as decisions to improve and enhance places and lives, meeting housing needs, achieving good design, protecting the greenbelt, avoiding flood risk areas, avoiding environmental damage or harm, making the most of public transport and providing for all needs such as health, cultural well-being and other community needs.
- Paragraph 19 – The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system
- Paragraph 26 – Setting out the terms for undertaking out of centre retail assessments
- Paragraph 29 – Promoting sustainable transport choices
- Paragraph 47 – To boost significantly the supply of housing and to maintain a minimum of at least 5 years supply (plus buffer)
- Paragraph 49 – To regard policies relevant to the supply of housing as out of date in the absence of a 5 year supply
- Paragraph 50 – Requires the delivery of a wide range of high quality homes to deliver a wide choice of high quality homes
- Paragraph 72 – Support for the expansion and creation of additional school places
- Paragraphs 73/ 74 – Advising on the process and assessment of development involving playing fields

4 THE FORM OF THE APPLICATION

- 4.1 It is agreed that the application is in outline form with all detailed matters other than means of access reserved for subsequent approval.
- 4.2 The application is for EIA development and is supported by an Environmental Statement (ES) and ES Addendum.
- 4.3 It is agreed that Options A and B for the development of the site are capable of being developed on the site subject to detailed assessment on highway and noise/ air quality matters.
- 4.4 The agreed appeal plans are as follows for approval as part of the appeal. The access plans are for “means of access only”, and will be subject to detailed S278 plans in due course.

DESCRIPTION	PLAN NUMBER
Site Plan	140367-D-002-REVB
Birch Avenue Access	HTp/1107/08/P
Poplars Avenue West Access (Option A only)	HTp/1107/09/M
Blackbrook Avenue	HTp/1107/10/N
Mill Lane Access	HTp/1107/11/L
Poplars Avenue Access	HTp/1107/12/Q
Grasmere Avenue central Access	HTp/1107/30/H

- 4.5 The following plans are to be approved by means of condition on the consent,

DESCRIPTION	PLAN NUMBER
Proposed Alignment for Through Route to A49	HTp/1107/52/F
Western Access at Poplars Avenue West for Through Route	HTp/1107/46/B
Parameters Plan Option A	1820/24 Rev Y
Parameters Plan Option B	1820/30 Rev B

5 OTHER PLANNING MATTERS – AREAS OF AGREEMENT AND DISAGREEMENT

Housing Land Supply

- 5.1 The most recent Strategic Housing Land Availability Assessment (SHLAA) for Warrington is 2017. This lists the site as reference 1506. The SHLAA confirms the site as suitable, available and viable for housing development and is of sufficient scale to overcome existing constraints and infrastructure requirements, particularly if appropriately phased.
- 5.2 It is agreed that para 14 of the Framework is engaged in the context of this appeal:
- There is no strategic housing supply policy in the LPCSW, i.e. the Development Plan is silent / absent in this regard. Therefore, relevant policies regarding the supply of housing are out of date
 - As a result of the quashing of the housing sections of the LPCSW, there is no housing supply target for Warrington, against which a five year requirement can be calculated in any event
- 5.3 The Council calculates Objectively Assessed Need (OAN) for Warrington to be 955 dwellings per annum (dpa) (Mid Mersey SHMA Update – Warrington Addendum 2017). The supply of potential sites identified by the Council as suitable for housing (the 2017 SHLAA which includes the Peel Hall site as a suitable housing site) equal to 2674 units is unable to meet this OAN. If the current identified supply is set against the suggested SHMA Update, the Council calculates the five year housing land supply figure to be in the order of 2.3 years. The Council's emerging Local Plan identifies a housing target of 1113 dpa. This higher target the Council calculates, if adopted, would reduce the five year supply to 1.9 years.
- 5.4 The government have consulted on a new standard methodology for calculating housing need. Under this method the Minister for Homes Communities and Local Government have confirmed that the Council's OAN would be 914 dpa. If this methodology were to be adopted, the Council calculate it would give a supply of 2.9 years. However, it should be noted that the draft Planning Practice Guidance published for consultation in March 2018 proposes that the most recent official projections need to be used when calculating housing need (pages 24 and 25) and that new affordability ratios, population forecasts and household projections (that are informed by the population forecasts and household projections) are due for issue later in 2018, and these projections may give rise to a revised OAN under the proposed standard housing methodology.
- 5.5 For the purposes of this appeal, it is agreed that there will still be a shortfall against the five year supply (plus buffer) requirement.
- 5.6 It is agreed that:
- no weight should be attached to the quashed (former) housing supply policies of the LPCSW

- limited or no weight is attached to the remaining housing supply related policies in the LPCSW, due to paragraphs 49 & 14 of the Framework being engaged
- limited or no weight is attached to the proposed policies of the replacement Local Plan (i.e. the Preferred Development Option) as it is at an early stage of preparation.

Affordable Housing

- 5.7 The council had previously identified an annualised need (derived from the SHMA 2016 findings) for at least 220 affordable dwellings: expected supply being based on the councils CS policy SN2 which seeks between 20% and 30% depending upon the scale of the housing development and/ or its location: the annual OAHN identified in the 2016 SHMA was for a minimum of 840 dwellings of all types and tenures, and consequently there would be a shortfall in the provision of affordable dwellings against the annualised demand if the building rates in Warrington were at a level of 840 dwellings pa (assuming a mid-point of 25% is taken). The latest 2017 SHMA Addendum now identifies an OAHN of 955 dpa, and a net affordable housing need of 288 homes per annum.

Areas of Agreement

- 5.8 Provision is made in the submitted S106 document - which is agreed by both parties – and is regarded by both parties as complying with the criteria in paragraph N.8.2 in the annex to the PGPA, in terms of the on-site provision of affordable housing.
- 5.9 There is a significant shortfall in the provision of affordable housing in the Borough and the appeal proposal would provide 30 per cent or up to 360 units of such housing. As such it is a significant material consideration.

Areas of Disagreement

- 5.10 The alternative provision in the submitted S106 document to provide some of the affordable housing off-site, at a location in Warrington Town Centre is not presently agreed.

Sport and Recreation

- 5.11 The proposed measures relating to sport and recreation facilities – including new and replacement playing pitches and changing rooms – are set out in the submitted S106 document. The parties are agreed that these agreed measures are justified in the terms set out in para N.3 of the annex to the Procedural Guide Planning Appeals – England 26th January 2018 (PGPA). As such it is a significant material consideration.

Healthcare Matters

Areas of Agreement

- 5.12 It is agreed that mitigation for the impact of major new residential developments on healthcare provision is set out from pp 31 of the Council's adopted Supplementary Planning Document (SPD) "Planning Obligations". In this regard the SPD supplements LPCSW policy SN7 – Health and Wellbeing.

- 5.13 It is agreed that paragraph 3.119 of the SPD sets out a cost per dwelling of £771, from which is derived a maximum contribution of £925,200 – based on the proposed maximum of 1200 dwellings.
- 5.14 The Appellants contend that if account is taken of available capacity this figure is reduced to £709,320 based on the proposed maximum of 1200 dwellings.
- 5.15 There are no definitive details available to fully describe the proposed new medical facility (funding, site location, and timing) for the Fernhead and Padgate GP practices.

Areas of Disagreement

- 5.16 The proposed value of the financial contribution (and whether it is Reg. 122 compliant) as set out in the submitted S106 document is not presently agreed by the parties.

Schools Matters

Areas of Agreement

- 5.17 It is agreed that the Council's adopted Supplementary Planning Document (SPD) "Planning Obligations" supports policy MP10 of the LPCSW with regard to, *inter alia*, school places.
- 5.18 It is agreed that according to the SPD, the following provision is required to mitigate the 5.19 impact of major new residential development on schools provision:-

Primary Schools

- 5.19 According to the SPD, a developer contribution of £4,478,040 relating to the impact on the demand for primary school places is calculated according to likely pupil generation, as set out in para 3.49 of the SPD, based on the proposed maximum of 1200 new homes at the appeal site (i.e., 1200 homes x 0.3 = 360 pupils).
- 5.20 The £4,478,040 figure is derived by applying the cost multipliers set out in para 3.52 of the SPD (i.e. 360 pupils x £12,439 (DfE cost per place) = £4,478,040).

Secondary Schools

- 5.21 According to the SPD, a developer contribution of £3,492,936 relating to the impact on the demand for secondary school places is calculated according to likely pupil generation, as set out in para 3.49 of the SPD, based on the proposed maximum of 1200 new homes at the appeal site (i.e., 1200 homes x 0.18 = 216 pupils).
- 5.22 The £3,492,936 figure is derived by applying the cost multipliers set out in para 3.52 of the SPD (i.e. 216 pupils x £16,171 (DfE cost per place) = £3,492,936).
- 5.23 It is agreed that a new build secondary school would not be needed – provided that the expansion of one or a number of existing high schools is delivered as part of the S106 arrangements. The Appellants propose to focus the expansion on the University Academy School, the nearest secondary school to the site.

- 5.24 It is agreed that the equivalent of an additional 1.5 form entry (FE) of primary school capacity is required to mitigate the forecast impact of the proposed development. This is to be split, into a single form entry new school on the development site and the remainder as extensions to local schools.
- 5.25 The S106 sets out that funding for the provision of school places will be assessed according to the formula set out in the S106 for each Reserved Matters application that is submitted on the site.
- 5.26 The proposed values of the financial contributions for primary and secondary schools are set out in the submitted S106.

Areas of Disagreement

- 5.27 The Council's position that land within the appeal site should be provided at nil cost to the Council (para 3.55 of the SPD) for a new one FE primary school is not agreed. The Appellants maintain this should be provided at development value.

Air Quality

- 5.28 Air Quality matters are not agreed and remain in dispute and will be set out in evidence in relation to Reason for Refusal 1.

Noise

- 5.29 Noise matters are not agreed and remain in dispute and will be set out in evidence in relation to Reason for Refusal 1.

Local Retail / Community Centre

- 5.30 The proposed local centre comprises a food store of up to 2,000m², smaller units of up to 600m² total for Uses A1 – A5 (inclusive) and D1 (with no single unit more than 200m²), family restaurant / pub of up to 800m² (A3 / A4 Use) and car parking. The retail elements are supported by an agreed Sequential Test analysis.
- 5.31 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 LPCSW. As set out in the Officer report put to the 23rd February 2017 meeting of the Council's Development Management Committee, the assessment demonstrates that there are no sequentially preferable sites and there would be no significant impacts as a result of the proposals.

Employment

- 5.32 An area of land is proposed in both Option A and Option B for the provision of local employment space, use class B1(c). The employment provision seeks to appeal to local business ventures, light manufacturing and small scale offices. No issue is taken with this provision by the council.

Open Space

- 5.33 The strategy of the development is to create an extension to the existing Peel Hall Park, to the south east of the site, up through the centre of the site, to include the improved Windermere Avenue recreation area, the on-site playing fields, Radley plantation (woodland), the wood to the south of Peel Hall farmhouse and linking to the pedestrian routes alongside and over the motorway to the countryside beyond.
- 5.34 It is agreed that this will provide a significant open space area, available for current and future residents. This is a significant material consideration.

Landscape / Ecology / Biodiversity

- 5.35 The habitat and landscape value of the appeal site has been subject to detailed surveys by the appellant. The ecology surveys have been reviewed by the local planning authority, via their appointed ecologists (i.e. the Greater Manchester Ecology Unit (GMEU)). Subject to the replacement and management of habitat set out in the detailed ecology advice, and replicated in the draft conditions, there is agreement between the parties on ecological/ biodiversity matters. There is no issue taken with regard to the landscape impact of the proposals.

Other areas of Agreement/ Disagreement

- 5.36 It is agreed that the appeal site is suitable as a matter of general principle for housing development (subject to demonstrating that the site is able to be adequately accessed and that social infrastructure to support the development of the site can be delivered).
- 5.37 It is agreed that the appeal proposals comprise sustainable development (subject to demonstrating that the site is able to be adequately accessed and that social infrastructure to support the development of the site can be delivered).
- 5.38 Paragraph 14 of the Framework is engaged.
- 5.39 It is agreed that there is a qualitative and quantitative shortfall in sports provision in this part of the Borough (and qualitative in the Borough as a whole) and the appeal proposals would provide a significant improvement in that regard.
- 5.40 The replacement of the Mill Lane pitches to the centre and south of the site is agreed as appropriate, as shown on the Indicative Sports and Recreation Provision 1820_28 Rev J. Sport England raise no objection to this aspect of the proposals.
- 5.41 It is agreed that subject to the detailed mitigation set out in the appeal proposals, to be secured by conditions, the potential for harmful impact on the landscape and ecology of the site would be adequately mitigated.
- 5.42 It is agreed that the drainage and infrastructure requirements of the proposed development are capable of delivery via reserved matters submissions and by condition.

3.43 It is agreed the appeal proposal would entail a significant economic inward investment, including – for example - positive employment effects and increased spending in the local area by new residents.

SIGNED

For the Appellant (Colin Griffiths)

A handwritten signature in dark ink, appearing to read 'Colin Griffiths', with a large, stylized flourish at the end.

Position – Director, Satnam Planning Services Limited / Satnam Millennium Limited

Date 27 March 2018

A handwritten signature in dark ink, appearing to read 'M Davies', with a small flourish at the end.

SIGNED

For the Warrington Borough Council (Michael Davies)

Position – Principal Planning Officer, Warrington Borough Council

Date 27 March 2018

