

**AGREED VERSION**

**TOWN & COUNTRY PLANNING ACT 1990**

**APPEAL  
ON BEHALF OF**

**SATNAM MILLENNIUM LIMITED**

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

**RE-OPENED PUBLIC INQUIRY 14 SEPTEMBER 2020**

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

**LOCAL PLANNING AUTHORITY: WARRINGTON BOROUGH COUNCIL**

**LOCAL AUTHORITY PLANNING APPLICATION REFERENCE: 2016/28492**

**OUR REF: 408SBCGWARR**

**STATEMENT OF COMMON GROUND, PLANNING MATTERS**

**(Separate Statements of Common Ground on Highways, Noise and Air Quality matters are  
presented to the inquiry)**

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## SECTION 1 - APPLICATION ADDRESS, DESCRIPTION OF THE DEVELOPMENT AND THE STATUS OF THE APPEAL PROPOSALS

**Address of Appeal site:** is agreed as,

*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:** is agreed as,

*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)*

- 1.1 The description of development was amended (by agreement of the Council and Rule 6 Party) in March 2020 to remove the proposed employment use. No further increase in the amount of housing or commercial floor space etc is proposed as a result. The change to the proposed development will result in a reduction in the density of proposed housing across the site.

### **Status of the Appeal Proposals:**

- 1.2 The original decision of the Secretary of State on this appeal was issued on 20 December 2018 (CD OD15). This was quashed by the High Court on 8<sup>th</sup> October 2019 (CD OD16) and by letter of 18<sup>th</sup> December 2019 the Secretary of State required the reopening of the inquiry (CD APP 20). The letter of 18/12/19 cites the following matters,

*“The Secretary of State notes that around 18 months have now passed since the Inquiry was completed in July 2018. He considers that there may have been significant changes in circumstances since the inquiry which are material to the redetermination of the proposal. He also notes there are matters where there is disagreement between the parties, including the progress of the emerging Local Plan and the extent to which further transport analysis and further air quality analysis is available. He has also noted that there is disagreement about the need for a reconsideration of the overall planning balance. The Secretary of State considers that reopening the Inquiry would give all parties the opportunity to test any updated*

*evidence and to explain any matters where there is disagreement, including by cross-examination if necessary.*

*The Secretary of State will also consider any other material change in circumstances, fact or policy, that may have arisen since his decision of 20 December 2018 and which the parties consider to be material to his further consideration of this appeal”.*

- 1.3 It is agreed that the Decision Letter of 20 December 2018 is quashed and is not a material consideration (and of no weight in planning terms).
- 1.4 It is agreed the Inspectors report dated October 2018 is a material consideration in this redetermination process and is of weight in planning terms. The precise degree of extent and weight will be a matter for legal submission at the inquiry.

## SECTION 2 - DESCRIPTION OF THE APPEAL SITE AND SURROUNDING AREA

The following site and surrounding area description are agreed:-

- 2.1 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. Currently vehicular access to the site is from Mill Lane and Ballater Drive in the east and Birch Avenue in the west.
- 2.2 Vehicular access is to be created (as part of this development) to the site from Poplars Avenue to the south (2 proposed access points), Blackbrook Avenue, Mill Lane (both to the east) and Birch Avenue (to the west).
- 2.3 Pedestrian access to the site is from Poplars Avenue to the south (alongside the 2 proposed access roads) and at various points along the southern boundary where the site meets open use council land; Blackbrook Avenue and Mill Lane to the east (again alongside the proposed access roads and via Radley Lane where it abuts the site; through Peel Hall Park and Radley Common to the south east of the site; and via Birch Avenue and Elm Road to the west (alongside the proposed access roads at the end of Birch Avenue and along a track to the south of the M62 from the top of Elm Road). These pedestrian routes can also be used by cyclists.
- 2.4 The site generally falls from north (circa 20.5m) to south (circa 10m). The changes in level within the site are not of a scale to pose difficulties for development.
- 2.5 There are no listed buildings, conservation areas or scheduled ancient monuments within or adjacent to the site. There is a Medieval Moat south of Peel Hall kennels and the preservation of this will be secured by condition. 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.
- 2.6 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 as defined in the local plan, which follows the M62 motorway running along the northern boundary of the site.
- 2.7 The council and the Appellant confirm the site does not form part of the open countryside or Green Belt. The Rule 6 Party considers part of the site to be within the Green Belt.
- 2.8 Two parts of the appeal site comprise public open space, one in the eastern section of the appeal site owned by Homes England and managed by the Council (Mill Lane playing fields), and the other owned and managed by the Council in the south east of the appeal site (known as Radley Common Recreation Ground) .
- 2.9 Mill Lane playing fields are 3.2ha in extent.

- 2.10 The land has no formal sports pitch drainage installation and as a consequence, during heavy rainfall the pitches retain surface water which impacts upon use for training and match play. Site maintenance is undertaken at a basic level
- 2.11 The Rule 6 Party consider this area is a locally important sports/ recreation facility and object to their loss. The Council do not object to the relocation of these playing fields subject to the requirements set out by Sport England in their “no objection” response.
- 2.12 There are no changing facilities on site and floodlights are not provided.
- 2.13 This part of the site is bounded by the rear of properties on Mill Lane to the north and Balleteer Drive to the south. Blackbrook Avenue forms the eastern boundary and Radley Lane lies to the west.
- 2.14 Radley Common Recreation Ground is approximately 3.6ha in extent and comprises of grassland together with a visitor car park, community building and children’s play facilities. In the past formal community sports pitches and changing rooms, within the community building were provided on the site. The land is now used for informal recreation. This area is registered as a Fields In Trust site, which links with Peel Hall Park to the south east which is registered as a Fields in Trust parkland. 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 established hedgerows and trees to the north. Access to this part of the site is from Grasmere Avenue.
- 2.15 The appeal proposals propose the development of the Mill Lane site for housing and the relocation/ re-provision of the playing fields (on a like for like area basis, but to a higher standard) elsewhere on the appeal site. The Radley Common recreation ground is not proposed for development and is to be used for informal and formal recreation purposes. The Rule 6 Party do not accept the use of the term “like for like area basis” as they feel this facility should be replaced within the community.
- 2.16 Measures in the Section 106 Agreement submitted with this appeal, relate in part to investment in the facilities and infrastructure on Radley Common recreation ground so that it becomes active formal community sports pitches once again.
- 2.17 The proposed development area abuts the physical 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). The majority of the site is within Winwick Ward, a village lying away from the site (and the built-up area of Warrington) to the north of the M62 motorway. It is agreed by WBC & SML, though not by the Rule 6 party, that Winwick village has no physical relationship or intervisibility with the site. Parts of the adjacent Cinnamon Brow housing area also lie within Winwick Parish whilst forming part of the built up area of Warrington.
- 2.18 The Rule 6 Party contend St Oswalds Church is highly visible from the site and the appeal site and Winwick are intrinsically linked. This is not agreed by the Council nor the Appellants.
- 2.19 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. In this area local services and facilities are located, such as shops, post office, bank, and library and so on.

- 2.20 Further to the east is the suburb of Cinnamon Brow, a New Town development built in the 1980/90s, formerly greenfield land (similar to Peel Hall). This area is predominantly residential with local services and facilities. It is within walking distance of the Peel Hall site.
- 2.21 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.
- 2.22 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.

### SECTION 3 - PLANNING HISTORY OF THE SITE

- 3.1 It is agreed between the Council and the Appellant, though not by the Rule 6 Party, that the 1973 New Town Outline Plan indicated residential use on part of the wider Peel Hall site, including on some of 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. That plan showed the appeal site as white land. This plan has since been replaced with the Warrington Local Plan 2014 (see later 4.1).
- 3.2 The following planning applications have been determined in relation to the site,
- 3.2.1 89/23848 – Outline for residential development on an 8.9ha portion of the site served from Mill Lane; a non-determination appeal was “recovered” by the Secretary of State. The appeal was dismissed 28.2.1990 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 within the Appeal Site as now submitted.
- 3.2.2 89/23984 – An outline application for residential development. The application site was identical to 89/23848 (part of the current appeal site) and was refused 4.10.89 on grounds of prematurity.
- 3.2.3 92/29239 – An outline application for residential development, roads, local centre (school, shops) and associated open space on the whole of the current appeal site. This application was refused 16.12.92 on grounds of prematurity and insufficient detail to assess traffic impact.
- 3.2.4 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 (above). This was refused 2.2.94 due to the need to safeguard the sites notation as an Area of Search; prematurity and impact on the use of junction 9 of the M62.
- 3.2.5 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 served from Mill Lane. This appeal was dismissed in July 2013 on grounds including that the 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.
- 3.3 It is agreed by all three main parties to the inquiry 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 and other circumstances.



- 3.4 It is agreed by the Council and the Appellant that the previous Inspectors who have considered proposals for this site have not dissented from the general view that the principle of residential development is acceptable for this site. The Rule 6 Party consider that no previous proposal has been able to demonstrate that it was acceptable in planning terms.
- 3.5 The current appeal application was submitted in July 2016 and was reported to Development Management Committee in February 2017 (CG APPENDIX 1) and refused (CG APPENDIX 2) in accordance with officer recommendation (on lack of information in relation to potential impacts on the transport network and failure to secure planning obligations relating to social infrastructure provision). As set out in paragraph 1.2 the original appeal was heard at Inquiry April – July 2018.
- 3.6 The appeal was reported to Development Management Committee on 1<sup>st</sup> July 2020 (CG APPENDIX 3). That report updates the position of the Council regarding its case against this appeal.

## SECTION 4 - PLANNING POLICY

### The Development Plan

4.1 It is agreed the Development Plan is the Local Plan Core Strategy for Warrington (LPCSW) (CD LP 1). The LPCSW was quashed in part by order of the High Court in February 2015 (CD OD1). This in effect, overturned (and thus removed) the following elements of the Plan:

- The housing target of 10,500 new homes (equating to 500 per year) between 2006 and 2027 (Policies W1/CS2),
- The allocation of 1,100 new homes at the Omega Strategic Proposal (Policy CS8)
- And the supporting text in paragraphs 6.38/ 7.11/ and those parts of Chapter 14 relating to the Omega allocation.

4.2 It is agreed that the following policies are relevant to the consideration of the appeal proposals,

**The Key Diagram:** shows the application site as being within the confines of the suburban built up area of Warrington. This shows the site is not subject to green belt, open countryside or other open land notation. The Rule 6 Party consider part of the site does lie within the green belt.

**CS1 Overall Spatial Strategy:** Delivering sustainable development, and states sustainable development will be approved without delay.

**CS2 Overall Spatial Strategy:** Quality and Distribution of Development, requires “around 60%” of new residential development should be delivered in the defined inner Warrington area, and that “the remainder will be delivered in the town’s suburbs”.

**CS3 OVERALL SPATIAL STRATEGY:** Maintaining a 10 year forward supply of Housing Land, requires that where a 5 year supply of housing land cannot be identified in Warrington, or when it can be demonstrated that housing needs cannot be met within Warrington, the Council will review its land supply and “bring on stream additional housing sites as required”, with priority to the reuse of brownfield land and avoiding sites in the green belt where possible.

**CS4 Overall Spatial Strategy:** Transport, requires development to be located where there is the opportunity to reduce the need to travel, especially by car and to enable people as far as possible to meet their needs locally.

**PV4:** Retail Development within the Town Centre and Primary Shopping Area, and requires that proposals for retail development not located within the Town Centre or primary shopping areas are supported by a sequential analysis which demonstrates that no sequentially preferable locations are available or exist, and there are no adverse impacts on the primary shopping area or wider town center.

**SN1:** Distribution and nature of new housing, and requires 80% of new homes should be focused on previously developed land and 60% within inner Warrington. The remaining 40% should be developed with Warrington's suburbs.

**SN2:** Securing Mixed and Inclusive Neighborhoods, and requires a mix of housing types and tenures including affordable housing.

**SN7:** Enhancing Health and Wellbeing, and seeks to reduce health inequalities within the borough by supporting proposals that promote healthy lifestyles.

**QE1:** Decentralised Energy Networks and Low Carbon Development, and seeks to encourage proposals that will maximize the use of renewable and low carbon energy.

**QE3:** Green Infrastructure, seeking to enhance the borough's green infrastructure.

**QE4:** Flood Risk, and states the council will support proposals where flood risk has been fully assessed and justified in an agreed FRA.

**QE5:** Biodiversity and Geodiversity, seeking to protect sites of recognised value for nature.

**QE6:** Environment and Amenity Protection, and states the council will support development that will not lead to an adverse impact on the environment or amenity of future occupiers or those currently occupying adjoining or nearby properties and does not have an unacceptable impact on the surrounding area.

**QE7:** Ensuring a High Quality Place, is a design related policy and states the council will positively consider proposals that are sustainable, inclusive, accessible and safe environments and reflect the character of their surroundings.

**QE8:** Historic Environment, ensures the fabric and setting of heritage assets are not harmed by development proposals.

**MP1:** General Transport Principles, and seeks to secure sustainable means of travel.

**MP3:** Active Travel, and seeks to secure the needs of pedestrians and cyclists in new developments, including the creation of new attractive safe routes.

**MP4:** Public Transport, and states that the council will aim to secure improvements to public transport infrastructure and services in partnership with operators and delivery partners. The policy requires that development should be located in areas with easy access to public transport.

**MP7:** Transport Assessments and Travel Plans, requires applications to be accompanied by Transport Assessments, Transport Statements and Travel Plans.

**MP10:** Infrastructure, requires the securing and delivery of the necessary transport, utility, social and environmental infrastructure via S106.

### **The Weight of Policies**

- 4.3 It is agreed by the Council and the Appellant that due to paragraph 11(d) of the National Planning Policy Framework (NPPF) (the "Framework") being engaged (paragraph 4.4) the policies relevant to the supply of housing remaining in the LPCSW are out of date.
- 4.4 The Council and the Appellant agree that Paragraph 11(d) is engaged as:
- there is no housing requirement against which a supply can be measured, and
  - the Council is not able to demonstrate a 5-year supply of housing land. Policies CS2; CS3 and CS9 fall into this category.
- 4.5 The Rule 6 Party do not agree paragraph 11(d) is engaged.
- 4.6 It is agreed by the Council and the Appellant that paragraph 11 of the NPPF advises that where there are no relevant Development Plan policies, or the policies which are most important for determining the application 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 this Framework taken as a whole"*, or *"the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed"*.
- 4.7 It is agreed by the Council and the Appellant that, in relation to the second point above, there are no other such policies within the Framework. This is not agreed by the Rule 6 Party as they hold part of the site is green belt.

### **Development Plan Compliance**

- 4.8 The Council contend that, save for the particular conflicts with parts of the policies of the LPCSW as set out on the Notice of Decision (CS1, QE6, QE7, MP1, MP3, MP4, MP7 and MP10) the appeal proposal is Development Plan compliant.
- 4.9 The Appellant contends that the appeal proposal is Development Plan compliant (and there being no conflict with the policies highlighted in the refusal notice).
- 4.10 The Rule 6 Party contends that the development does not comply either with specific or detailed policies of the development plan, and the effects of the Coronavirus Emergency mean that a re-assessment of OAN is needed that takes account of the actual and potential effects on wages, employment and house prices (affordability).

### **The Draft Local Plan Review**

- 4.11 The Council has commenced a review of its Local Plan to plan for Warrington's future development needs. Consultation on the Preferred Development Option for the Local Plan Review was undertaken between July and September 2017. It is agreed that the PDO had minimal weight in decision making at the time of its publication. It made reference to the Peel Hall site at paragraph 5.22.

- 4.12 The Council published a Proposed Submission Plan in March 2019, with consultation in April and May 2019. It is agreed that the Proposed Submission Plan policies have minimal weight in decision making at the present time. Peel Hall is a proposed allocation for 1,200 homes and ancillary uses in the plan, policy MD4.
- 4.13 It is agreed that an evidence base, including ES/SEA supports the Proposed Submission Plan. (Note: this is not intended to imply agreement by all Parties to the Submission Plan itself).
- 4.14 It is agreed the Proposed Submission Plan seeks to establish a housing requirement for the Borough, currently put forward as 18,900 new homes in the proposed submission draft. The scale of this requirement requires the release of green belt land for approximately 7,000 homes within the plan period (in addition to the allocation of other sites within the built-up area including Peel Hall, see paragraph 4.12 above).

### **The Framework**

- 4.15 It is agreed that the Framework (2019) is a relevant material consideration.
- 4.16 The following parts of the Framework are agreed as relevant (except where otherwise noted);

**Paragraph 2** – For decisions to be made in accordance with the Development Plan.

**Paragraphs 7 - 10** - The attainment of sustainable development. It is agreed by the Council and the Appellant, though not by the Rule 6 party, that the proposals comprise sustainable development and the presumption in favour of sustainable development applies in this case (paragraph 10).

**Paragraph 11** – Where there are no relevant Development Plan policies, or where the policies which are most important for determining the application are out of date; with regard to this proposal, site specific policies are absent from the Plan and the remaining housing requirement/ location policies are out of date.

**Footnote 7 to 11(d)** -To regard policies relevant to the supply of housing as out of date in the absence of a 5-year supply (amongst other things).

**Paragraph 59** – Confirms the Governments objective of significantly boosting the supply of housing through the planning system.

**Paragraph 80** – 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 89** – Setting out the terms for undertaking out of centre retail assessments

**Paragraph 94** – Support for the expansion and creation of additional school places

**Paragraphs 96/97** – Advising on the process and assessment of development involving playing fields

**Paragraph 103** – Promoting sustainable transport choices

**Paragraphs 144-165** – Meeting the challenge of climate change, flooding and Coastal Change.

**Paragraphs 170/174/5** – Conserving and enhancing the natural environment.

## SECTION 5 - THE FORM OF THE APPLICATION

- 5.1 It is agreed that the application is in outline form with all detailed matters other than means of access reserved for subsequent approval.
- 5.2 The application is for EIA development and is supported by an Environmental Statement (ES) and two ES Addendum: the first Addendum in 2018, the second in March 2019. It is agreed the ES and the two ESA are appropriate to assess the impact of the development.
- 5.3 It is agreed that the principles of the development of the site as shown on the Parameters Plan (CG4) are capable of being developed on the site (subject to detailed assessment on highway and noise/ air quality matters).
- 5.4 The agreed appeal plans are as follows for consideration as part of the appeal. The Appellants request these plans be approved as part of any approval on this 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 Rev B
Birch Avenue Access	HTp/1107/08/P
Poplars Avenue West Access	HTp/1107/09/M
Blackbrook Avenue Access	HTp/1107/10/N
Mill Lane Access	HTp/1107/11/L
Poplars Avenue Central Access	HTp/1107/12/Q
Grasmere Avenue Access	HTp/1107/30/H

- 5.5 It is agreed that the following plan is the Parameters Plan and request this plan be approved by condition if the appeal is allowed.

DESCRIPTION	PLAN NUMBER
Parameters Plan	1820_35 Rev A

- 5.6 It is agreed that an agreed (in so far as is possible) list of conditions to be imposed if the appeal is allowed will be submitted by the Council prior to the opening of the inquiry.

## SECTION 6 - OTHER PLANNING MATTERS

### Housing Land Supply

6.1 The most recent Strategic Housing Land Availability Assessment (SHLAA) for Warrington is 2019 and this forms part of the evidence base for the local plan review. This lists the site as reference 1506. The SHLAA confirms the site as suitable, likely to become available and achievable for housing development. It confirms the site is of sufficient scale to overcome existing constraints and infrastructure requirements, particularly if appropriately phased.

6.2 It is agreed by the Council and the Appellant that paragraph 11(d) of the Framework is engaged in the context of this appeal on account of:

- 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 2015 high court judgement, there is no specified housing supply target in the LPCSW against which a five-year requirement can be calculated in any event.

6.3 The Housing Land Supply position relevant to the determination of this appeal is agreed by the Council and the Appellant as follows,

- The March 2020 HLS monitor produced by the council predicts 3.7 years supply.
- Satnam estimate the supply to be in the region of 3.33-3.42 years supply.
- It is agreed that the Inspector should regard this as the range for land supply within the Borough for the purposes of this appeal (3.33-3.7 years): i.e. below 5 years supply.

6.4 It is agreed between the Council and the Appellant that Policy CS3 is relevant in these circumstances of less than a 5 years supply and that whilst Peel Hall is a green field site (and therefore not brownfield) it is a site not within the green belt. This is not agreed by the Rule 6 Party.

6.5 The Rule 6 Party consider that due to COVID19 the base assumptions for land supply should be re-evaluated and the March 2019 figures do not apply.

### Affordable Housing

6.6 Warrington's Local Housing Needs Assessment (2019) assesses the overall need for affordable housing. It is agreed this concludes that the overall need for affordable housing amounts to 377 homes per annum between 2017 and 2037.



- 6.7 The appeal scheme would deliver some 360 affordable units on the appeal site in accordance with the requirement set out in policy SN2 of Warrington's Local Plan Core Strategy (the policy requires on site provision).
- 6.8 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 the Council and the Appellant agree it is a material consideration.
- 6.9 The draft S106 Agreement includes provision for the appellant to deliver some affordable dwellings off-site should the Council agree. The Council's preference is for on-site provision in accordance with Local Plan policy SN2.
- 6.10 The average number of affordable housing units delivered over the past 10 years in the Borough is 156 completions per year. The Council's Local Housing Needs Assessment calculates an overall need for affordable housing of 377 units per annum over the 20-years to 2037 in Warrington. It is agreed this is a significant shortfall. Table 16 of the Council's Housing Needs Assessment sets out how the 377 per annum is derived.

### **Sport and Recreation**

- 6.11 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. It is agreed by the Council and the Appellant these new facilities will result in a significant improvement in recreational facilities for current and future residents of North Warrington (including the appeal site). As such it is a material consideration. The Rule 6 Party do not agree the sports facilities will be an improvement and so do not represent a material consideration.

### **Healthcare Matters**

#### ***Areas of Agreement***

- 6.12 It is agreed that mitigation for the impact of major new residential developments on healthcare provision is set out from p 31 of the Council's adopted Supplementary Planning Document (SPD) "Planning Obligations" (CD LP 14)). In this regard the SPD supplements LPCSW policy SN7 – Health and Wellbeing.
- 6.13 It is agreed that 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.
- 6.14 There is now a further document available since those set out for the 2018 inquiry to describe the proposed new medical facility (funding, site location, and timing) for the Fernhead and Padgate GP practices but this has been submitted too late to assess/ include in the SoCG:P. An addendum will be produced dealing with this documentation prior to the inquiry (the document being the Padgate Medical Centre and Fernhead Medical Centre Option Feasibility Appraisal) .

### ***Areas of Disagreement***

- 6.15 The council contend that the level of detail available regarding the proposed new facility is sufficient to reasonably and legally require the payment of the sum at 6.17 above as part of the S106 Agreement.
- 6.16 The Appellants contend that the level of detail and the lack of any fresh information or detail since the 2018 inquiry is not sufficient to reasonably and legally require payment of the sum at 6.13 as part of the S106 Agreement (subject to consideration of the new material).

### **Schools Matters**

- 6.17 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.
- 6.18 It is agreed that according to the SPD, the following provision is required to mitigate the impact of major new residential development on schools' provision:-

#### **Primary Schools**

- 6.19 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 paragraph 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).
- 6.20 The £4,478,040 figure is derived by applying the cost multipliers set out in paragraph 3.52 of the SPD (i.e. 360 pupils x £12,439 (DfE cost per place) = £4,478,040).
- 6.21 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 an extension to Meadowside Primary School.

#### **Secondary Schools**

- 6.22 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 paragraph 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).
- 6.23 The £3,492,936 figure is derived by applying the cost multipliers set out in paragraph 3.52 of the SPD (i.e. 216 pupils x £16,171 (DfE cost per place) = £3,492,936).
- 6.24 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 expansion is to be at either one or both of the schools operated by The Challenge Academy Trust schools, the nearest secondary schools to the site. These schools are the Padgate Academy and the Beamont Collegiate Academy.

- 6.25 The proposed values of the financial contributions for primary and secondary schools are set out in the submitted S106. The Agreement 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.

#### **Local Retail / Community Centre**

- 6.26 The proposed local centre comprises a food store of up to 2,000m<sup>2</sup>, smaller units of up to 600m<sup>2</sup> total for Uses A1 – A5 (inclusive) and D1 (with no single unit more than 200m<sup>2</sup>), family restaurant / pub of up to 800m<sup>2</sup> (A3 / A4 Use) and car parking. The retail elements are by an agreed Sequential Test analysis.
- 6.27 It is agreed that the retail, hot food and hotel uses of the proposals satisfy the requirements of the sequential and impact tests, as set out in the Framework and policy SN5 of the LPCSW. As set out in the Officer Committee report 23<sup>rd</sup> February 2017 (CG APPENDIX 1), the assessment demonstrates that there are no sequentially preferable sites and there would be no significant impacts as a result of the proposals.

#### **Open Space**

- 6.28 The strategy of the development is to create an open space extension to the existing Peel Hall Park to the south east of the site, up through the centre of the site, to include and adjoin the improved Radley Common Recreation Ground, the new on-site community sports pitches, Radley plantation (woodland), the wood to the south of Peel Hall farmhouse and linking to the pedestrian open space recreational routes alongside and over the motorway to the countryside beyond. These areas will link to Radley Lane and Peel Cottage Lane in the east and Birch Avenue and Elm Road to the west, and Poplars Avenue in the south to the footbridge over the motorway to the north.
- 6.29 It is agreed that this will provide open space areas to Council standards, available for current and future residents as set out on the Parameters Plan. A condition is sought to be imposed that will require the submission of an Open Space Strategy for the site as part of the Reserved Matters. It is agreed by the Council and the Appellant that this level of public access can be compared to the private nature of most of the appeal site at present where no public access is available (except for the Mill Lane playing fields, Radley Common recreation ground and along the PROW). The open space area thus created is a significant material consideration.
- 6.30 It is agreed to be a qualitative and quantitative shortfall in sports provision in this part of the Borough (and qualitative in the Borough as a whole) having regard to the conclusions in section 1.6 of WBC Playing Pitch Strategy 2019 and the appeal proposals would provide an improvement (and thus a material consideration) in that regard.
- 6.31 The replacement of the Mill Lane pitches to the centre and south of the site is agreed as appropriate. It is confirmed that Sport England raise no objection to this aspect of the proposals subject to the imposition of conditions (see schedule to follow).
- 6.32 It is agreed by the Council and the Appellant that the open space will comprise a hierarchy of provision from informal areas for walking to formal areas of paying fields.

- 6.33 The Rule 6 Party regard the whole of the site as open space. The Rule 6 Party also challenge the merit and ethics of a recreational route being located alongside the M62 within an AQMA.

**Landscape / Ecology / Biodiversity**

- 6.34 It is agreed by the Council and the Appellant that the habitat and landscape value of the appeal site has been subject to detailed and ongoing 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 as will be sought by conditions, there is agreement between the Council and the Appellant on ecological/biodiversity matters.
- 6.35 A Biodiversity Offsetting Report for the development has been submitted. Currently there is no numerical standard set for the measure of net gain in national policy. The Environment Bill (which includes a proposed numerical standard for biodiversity net gain) is currently passing through Parliament, however the timing of the passing of the Bill into law is uncertain. If the Environment Bill receives Royal ascent before the determination of this appeal then the Council and the Appellant agree that the eventual numerical measure for net gain set out in that Bill should be used in future studies on this site.
- 6.36 There is no issue taken with regard to the landscape impact of the proposals.
- 6.37 It is agreed by the Council and the Appellant 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 and net gain can be achieved. This is not agreed by the Rule 6 Party.

**Other areas of General Agreement**

- 6.38 It is agreed by the Council and the Appellant 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). The Rule 6 Party do not agree.
- 6.39 It is agreed by the Council and the Appellant, though not by the Rule 6 party, that the drainage and infrastructure requirements of the proposed development are capable of delivery via reserved matters submissions and by condition.
- 6.40 It is agreed by the Council and the Appellant that 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. This is not agreed by the Rule 6 Party.
- 6.41 The Council agree the Appellants estimate of around **315 jobs** (239 FTE) that could be directly supported by the proposed development, as set out in the following table. The Rule 6 Party do not accept these figures, and consider that new residents would still have needed

schools and to eat, wherever they live and that genuine new job creation would be much lower, if any.

Table 4.1 Employment generation from the proposed Peel Hall development during Operation Proposed Use	Proposed New Floorspace (GIA) (sq. m)	Proposed New Floorspace (GEA) (sq. m) + 5%	Average Job Density (GEA basis)	Average FTE Employment Density (GEA basis) (*1)	No. Jobs Generated (*1) (*2)	Table 4.1 Employment generation from the proposed Peel Hall development during Operation Proposed Use
Foodstore	2,000	2,100	1 job per 15 sq. m	1 job per 22 sq. m	140	Foodstore
Local Centre: Financial / Professional A2	200	210	1 job per 17 sq. m	1 job per 19 sq. m	12	Local Centre: Financial / Professional A2
Local Centre: Restaurant / Café A3	200	210	1 job per 16 sq. m	1 job per 22 sq. m	13	Local Centre: Restaurant / Café A3
Local Centre: Fast Food Restaurant A5	200	210	1 job per 11 sq. m	1 job per 14 sq. m	19	Local Centre: Fast Food Restaurant A5
Pub / Family Restaurant	800	840	1 job per 13.5 sq. m	1 job per 18.5 sq. m	62	Pub / Family Restaurant
Residential Care Home	60 beds (approx.)	60 beds (approx.)	0.875 jobs per bed <sup>12</sup>	0.875 jobs per bed	53	Residential Care Home
1 FE Primary School	1FE	1FE	16 jobs per 1FE	10 FTE jobs per 1FE	16	1 FE Primary School
TOTAL					315	239

\*1- This Table estimates the likely employment supported by the retail, community and commercial floorspace at the proposed development. These factors are largely based on the 2015 Employment Density Guide produced by the Homes & Communities Agency [HCA] (specifically Section 4: Employment density matrix). This is a widely used data source for calculating employment densities. However, that Guide only provides employment densities in terms of Full Time Equivalent (FTE) jobs and for a range of different measures of floorspace. For consistency, and since for most planning purposes Gross External Floorspace (GEA) is required, the HCA factors (generally by NIA) were converted to provide employment densities in terms of total jobs per GEA.

To convert NIA into GIA, the factors indicated in the HCA Guidance were used, i.e. 15-20% for offices, retail and leisure uses (see paragraph 2.11 of the HCA Guidance). GIA was then converted to GEA by adding a further 5% to reflect the area of external walls etc (see paragraph 2.12 of the HCA Guidance). To convert FTE jobs into total jobs, the ratios of Full-time and Part-time jobs for the relevant sector nationally in the Business Register and Employment Survey [BRES] were used where available, with 1 part time job taken as equivalent to 0.5 of a full time job (as per paragraph 2.22 of the HCA Guidance).

So, to take one example, an A1 retail foodstore typically has an employment density of 1 FTE job per 15-20 sqm NIA (Section 4 of the HCA Guidance). I took the mid-point (1 FTE job per 17.5 sqm NIA), and converted it to GEA by applying the aforementioned 20% and 5% conversions. FTE was converted to total jobs by using the national BRES ratio of 35:65 FT:PT, resulting in a total density figure of 1 job per 15 sqm GEA, or 1 FTE per 22 sqm GEA (as included in Table 4.1 of my evidence).

In a handful of cases, the 2015 Employment Densities Guide does not provide factors for all types of uses, so additional factors were applied using Lichfields' research and actual job figures for specific facilities based on project experience. For example, for the single form entry Primary School, data from the Department for Education's School Workforce in England data was used, which suggests that 16 direct jobs / 10 FTE jobs were supported by a single Form of Entry school.

\*2- The penultimate column reports the total Jobs (not FTEs) generated by the GEA floorspace. So, for the A1 foodstore, 2,100 sqm GEA / 15 jobs per sqm = 140 jobs. The equivalent figure for FTEs would be 2,100/22 sqm = 95 FTE jobs. The figure would not change if GIA/GEA were used because the average FTE employment density would reduce from 1 FTE job per 22 sqm GEA to 1 FTE job per 21 sqm GIA.



**SIGNED**

**For the Appellant (Colin Griffiths)**

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

Date:- 12/08/20



**SIGNED**

**For the Warrington Borough Council (Martha Hughes)**

Position – Principal Planning Officer, Warrington Borough Council

Date:- 12/08/20



**SIGNED**

**For the Save Peel Hall Campaign Group (Rule 6 Party) (Jim Sullivan)**

Position – Member

Date:- 12/08/20 .