

**Statement of Case**  
**on behalf of the Appellants**  
**Satnam Millennium Ltd**

**Application Reference:** 2016/28493 (validated 16 August 2016; Refused 24 February 2017)

**Address of Appeal site:** Peel Hall, Warrington

**Description of the Appeal:** Appeal under Section 78  
Outline application for a new residential neighbourhood including C2 and C3 uses; local employment (B1 use); local centre including food store up to 2000m<sup>2</sup>, A1-A5 (inclusive) and D1 use class units of up to 600m<sup>2</sup> total (with no single unit of more than 200m<sup>2</sup>) and family restaurant/pub of up to 800m<sup>2</sup> (A3/A4 use); site for primary school; open space including sports pitches with ancillary facilities; means of access and supporting infrastructure at Peel Hall, Warrington.

**Appeal by:** Satnam Millennium Ltd

**Local Planning Authority:** Warrington Borough Council

**SPSL Ref:** 236SBCGWARR

**Appeal Submitted:** May 2017

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## SECTION 1 - THE APPEAL

1.1 This appeal follows the refusal on 22 February 2017 of the:

***Outline application for a new residential neighbourhood including C2 and C3 uses; local employment (B1 use); local centre including food store up to 2000m<sup>2</sup>, A1-A5 (inclusive) and D1 use class units of up to 600m<sup>2</sup> total (with no single unit of more than 200m<sup>2</sup>) and family restaurant / pub of up to 800m<sup>2</sup> (A3/A4 use); site for primary school; open space including sports pitches with ancillary facilities; means of access and supporting infrastructure at Peel Hall, Warrington.***

1.2 The application submitted on behalf of Satnam Millennium Ltd was validated on 16 August 2016. The application comprised the following documentation,

- Submission letter
- Application forms
- Certificate B, with requisite notice served on interested parties
- Site location plan (ref 140367-D-002 Rev A) (for approval at this outline stage)
- Site access plans (for approval at this outline stage)
- HTP/1107/08/N Birch Avenue Access
- HTP/1107/09/K Poplars Avenue West Access
- HTP/1107/10/K Blackbrook Avenue Access
- HTP/1107/11/J Mill Lane Access
- HTP/1107/12/O Poplars Avenue Central Access
- HTP/1107/30/E Grasmere Avenue Access
- Environmental Statement (3 volumes, including non-technical summary)
- Planning Context Assessment Report
- Transport Assessment and Travel Plans
- Retail Assessment
- Phase One Desk Study Report
- Technical Paper on Housing Issues
- Flood Risk Assessment
- Utilities Report
- Air Quality Assessment
- Noise Assessment
- Archaeological Assessment
- Pre-Application advice letter 26/2/16
- S106 HOTs
- Statement of Community Involvement
- Parameters Plan (to be the subject of a condition on the approval, see later) ref: 1820-24
- Landscape master plan (illustrative only) ref: 1820-25
- Site master plan (illustrative only) ref: 140367-D-001-REV A
- Layout for local centre, family pub and school (illustrative only) ref: 140367-D-003-A

- Sports and Recreation Plan (illustrative only) ref: 1820-28
- 1.3 The application was accompanied by the requisite planning fee for the application, payable to Warrington Borough Council, in the sum of £86,002 (based on site area of 69 ha).
- 1.4 The application was refused at committee on 23 February 2017. The Officers report is attached at [Appendix 1](#). The Refusal Notice is attached at [Appendix 2](#).
- 1.5 The refusal reasons relate to 2 narrow areas, lack of information regarding highways impacts and the lack of a comprehensive S106 planning benefits package, as follows,

#### 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.”*

- 1.6 The Officers report confirms all other matters and considerations are acceptable or capable of resolution by means of condition and / or inclusion in an appropriate S106 agreement.

## SECTION 2 - THE APPLICATION / APPEAL PROPOSALS

2.1 The application is a comprehensive proposal for a new residential neighbourhood, with ancillary uses, at Peel Hall, Warrington. The permission requested is sought in the following terms,

- Approval to be related to the site edged red on the site location plan (reference: 140367-D-002 RevA)
- Access to be approved as shown on the 6 access plans, ref
- HTp/1107/08/N Birch Avenue Access
- HTp/1107/09/K Poplars Avenue West Access
- HTp/1107/10/K Blackbrook Avenue Access
- HTp/1107/11/J Mill Lane Access
- HTp/1107/12/O Poplars Avenue Central Access
- HTp/1107/30/E Grasmere Avenue Access
- Conditions are requested to control the main terms of the permission as follows,
  - An upper limit on dwellings to be developed on the site of 1,200 homes (including market, affordable apartments and retirement homes, but excluding care home),
  - An upper limit of 100 bedrooms for the care home,
  - An upper limit on employment floor space to be developed on the site to 7,500m<sup>2</sup> served from Poplars Avenue, with no individual unit larger than 500m<sup>2</sup>,
  - That the Reserved Matters applications be submitted broadly in accordance with the Parameters Plan (ref 1820-24) submitted with this outline application
  - That a phasing plan be submitted and approved prior to the start of construction of the first phase of the development
  - That an Open Space strategy plan be submitted and approved prior to the approval of the first phase of the development at Reserved Matters
  - That foul drainage and surface water attenuation strategies for the relevant parts of the site be submitted and approved prior to the start of construction of any phase of the development.

2.2 A S106 agreement is proposed for the development and this was discussed and partly negotiated with the Council through the determination of the application. The S106 agreement will deal with affordable housing, which is proposed at 30%, compliant with relevant local development plan policies. This provision will include starter homes, as well as shared ownership and rented accommodation.

2.3 A HOTs for the S106 Agreement was submitted with this application which outlines the other matters to be included. For the appeal, this is now in the form of a draft S106 Agreement. This will be finalised between the parties and an executed version will be submitted alongside the appellants' evidence for the appeal.

### **SECTION 3 - THE APPLICATION SITE**

- 3.1 The Peel Hall development site extends to some 65 ha and lies to the north of Warrington, south of the M62. It is bounded by the existing urban area of Warrington to the west, south and east, and the motorway to the north. A council recreation open space is also included within the application site boundary (circa 4 ha), giving a total application site area of circa 69 ha.
- 3.2 The site is unused open land, shown as unallocated land within the suburban area of Warrington in the local plan.
- 3.3 The surrounding area is predominantly residential to the west, south and east, with open land to the north of the motorway. The site has strong visual and physical links to the urban area which surrounds it and the motorway, with its bridge and signage, provide a strong barrier to the north. The site is urban fringe in character.
- 3.4 The site is confirmed to be suitable, available and viable for residential development within the 2016 SHLAA for Warrington.
- 3.5 The Officers report to committee February 2017 confirms the suitability of the site in principle for housing development as proposed.

## SECTION 4 – SITE HISTORY

- 4.1 The history of the site is important to confirm the longstanding view of Inspectors, the Council and other plan makers that the site is appropriate for housing as proposed in this application.

### The Lancashire County Development Plan

- 4.2 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.

### The New Town Outline Plan

- 4.3 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.
- 4.4 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.
- 4.5 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.
- 4.6 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).
- 4.7 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).

- 4.8 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 of Ballater Drive was 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.
- 4.9 In a report to an ad hoc Sub-Committee of the Development Services Committee in December 1986 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.
- 4.10 In respect of the Peel Hall area, the report indicated 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.
- 4.11 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.
- 4.12 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.

- 4.13 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.
- 4.14 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 the Cheshire 2001 Structure Plan 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.
- 4.15 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.

#### The Warrington Borough Local Plan

- 4.16 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.
- 4.17 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.
- 4.18 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).

- 4.19 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.
- 4.20 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.
- 4.21 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.
- 4.22 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 4.18 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.

- 4.23 The revised Consultation Draft of the Warrington Borough Local Plan (the third Consultation Draft) was reported to Committee in October 1992, and published in 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.
- 4.24 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).
- 4.25 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.
- 4.26 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.
- 4.27 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.
- 4.28 The Proposed Changes also de-allocated the long term housing allocation at Bridgewater East, notating it instead as an Area of Search.

#### The Warrington Borough Local Plan; Public Inquiry Report

- 4.29 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.
- 4.30 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".*

4.31 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"*.

4.32 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. It's' 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"*.

4.33 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).

- 4.34 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.
- 4.35 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.
- 4.36 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 resulting from the earlier resolution of mid 1999 that all such sites should be treated as Green Belt.

#### The Warrington UDP; Consultation

- 4.37 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 but was not site specific and has no direct relevance to Peel Hall.
- 4.38 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". The appeal was allowed and the Elders has now been built.

#### The Warrington UDP; First Deposit

- 4.39 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".*

- 4.40 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".*

- 4.41 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 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.

- 4.42 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.

- 4.43 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".*

- 4.44 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"*.

#### The Warrington UDP; Revised Deposit

- 4.45 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.

#### The Warrington UDP – Inspector's Report

- 4.46 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.
- 4.47 The Borough Council proceeded to approve the plan in January 2006 with Peel Hall shown within the greenbelt.

#### The UDP: High Court Ruling

- 4.48 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.

#### The Draft Core Strategy

- 4.49 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.

- 4.50 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.

The Pre-Publication Draft Core Strategy

- 4.51 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).

The Submission Local Plan Core Strategy

- 4.52 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”*.

The Mill Lane Appeal Decision

- 4.53 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 1990 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.

The Core Strategy: Examination

- 4.54 The CS9 notation was rejected as a concept by the Inspector and Modifications to remove this notation from the plan were published in 2013.
- 4.55 In addition the part of the Omega site was proposed as an allocation for 1,100 homes.
- 4.56 As a consequence the Examination was reopened and these Modifications, along with other aspects of the Modifications and the plan, were debated.

The Core Strategy: Inspectors Report

- 4.57 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.

- 4.58 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.

#### The Core Strategy: High Court Ruling

- 4.59 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 was handed down in February 2015. This ruling held that the housing requirements of the plan were not properly calculated and as such the housing requirement and certain housing policies of the Plan and the allocation of the Omega site for housing were quashed.
- 4.60 As such the site is shown as white land within suburban Warrington, not allocated for any specific purpose.

#### Local Plan Review (Scope and Contents Document)

- 4.61 The Regulation 18 Consultation on the scope and contents of the Local Plan Review was published in October 2016. This document sets out an increased OAHN of 839 new homes per annum, resulting in a need for “*approximately 5,000 homes and 261 ha of employment land*” to be released from the Green Belt to satisfy assessed needs. This calculation assumes that Peel Hall and other land not within the green belt, is developed.

#### Summary

- 4.62 The history of Peel Hall as set out above demonstrates the longstanding view that the site is suitable for residential development as now proposed in this application.
- 4.63 The resistance to development in the past on the part of the Council has been based on a perceived lack of housing need (rooted in the previous planning context of restricting supply). Now the framework clearly sets out the imperative for authorities to boost significantly supply, and as there is now a significant identified shortfall in meeting OAN within the borough, these earlier considerations fall away.

## SECTION 5 - THE APPLICATION / APPEAL PROPOSALS

- 5.1 The Application / Appeal seeks permission for a comprehensive neighbourhood to be planned and developed at Peel Hall. Up to 1,200 homes will be provided, including apartments, bungalows and houses in a variety of sizes and tenures. Affordable housing at 30% will be provided, with at least 50% of that being Starter Homes, the remainder being shared ownership and / or rented housing. The proportion of each tenure to be assessed and agreed on a phase by phase basis at the reserved matters stage.
- 5.2 The community focus of the development is the local centre, with its anchor food store of up to 2,000m<sup>2</sup> supported by up to 600m<sup>2</sup> of additional units to comprise additional retail, services, fast food, restaurant and healthcare uses. This is to be serviced from Poplars Avenue (goods vehicles) with customer access for pedestrians and vehicles to the car park from both this road and within the development. A family pub / restaurant will provide a further facility at the local centre.
- 5.3 The location of the local centre in the southern portion of the site results in easy access for existing residents of north Warrington, as well as future residents of the development. The provision of a modern convenience store will bring benefits to the area. This location enables the facilities to be provided at an early stage of the scheme.
- 5.4 Next to the local centre is the site for the proposed reserve primary school site. The exact primary school requirements remain to be finalised and will be set out, once agreed, in the S106 Agreement. In essence however, contributions will be paid and if an on-site school is the preferred way forward for the LEA then the applicants will work with the LEA and school promoter to secure funds and provide the school in the location shown. Secondary School places can be accommodated at nearby schools and appropriate contributions can be made as set out in the draft S106 Agreement. A care home is also proposed in this area, again adjacent to the local centre.
- 5.5 In the north western corner of the site an area for local employment is located, to be developed for up to 7,500m<sup>2</sup> of B1 use type buildings. These will be for a range of activities including research and assembly and light manufacturing (not office buildings). These uses will be controlled via planning condition to ensure uses are suitable for this location next to existing and proposed housing. No individual unit is to be larger than 500 m<sup>2</sup>.
- 5.6 The vehicular access points into the site comprise two from Poplars Avenue in the south, one to serve employment (to the western end) and one to serve the local centre and housing (in the centre) and from Blackbrook Avenue in the east. Self-contained residential developments will take place from Mill Lane (east) and Birch Avenue (west).
- 5.7 The distributor road through the development is not intended to be a through route for general traffic but will be accessible as a through route for public transport and emergency

vehicles via a bus gate. We are aware of the desire on the part of the Council to investigate this distributor road as a through route from Blackbrook Avenue in the east to the A49 in the west. The application proposals do not curtail such a through route for all traffic being further investigated.

- 5.8 The scheme on the illustrative masterplan is based on the features set out in the Parameters Plan, which represents those elements that are essential to be incorporated into the final design of the area by virtue of technical standards, ecology or other requirements. The master plan is however, illustrative and the final detailed layout will emerge through the reserved matters applications for the various phases of the development. We request a condition to require future applications to be broadly in accordance with the submitted parameters plan.
- 5.9 An important element of the scheme is the open space within and surrounding the site, which is essentially the creation of a spine or network of open space extending northwards from Peel Hall Park, through the centre of the site and then east / west along the motorway feeding into the surrounding areas. This open space provides a focus for the new neighbourhood, and provides a valuable network of areas for a whole range of passive and active recreational pursuits. This extension to the current green network is a significant benefit of the scheme.
- 5.10 The existing playing fields at Mill House are to be reprovided, on a like for like basis in terms of number of pitches and site area, in the central and southern portions of the site. This relocation will be provided to a higher standard than the current provision, and will be linked to the improved provision on the Council's owned Radley Common recreation area at Windermere Avenue. These two facilities combined will create an exceptional facility for outdoor sports in north Warrington, as set out on the indicative Sports and Recreation plan. Sport England have no objection to the scheme in this respect.

## SECTION 6 - THE POLICY CONTEXT

### Housing Land Supply / OANs

- 6.1 This development proposal responds to the urgent need for additional market and affordable housing within Warrington now and for the remainder of the plan period to 2032 (and beyond). This need is set out in the Council's SHMAA 2016, which upon re-assessment of the housing needs of the Borough (the OAN) following the quashing of the housing requirements of the Core Strategy (see later), suggests an OAN of 840 new additional dwellings pa over the plan period. This level of housing need forms the basis for the housing strategy set out in the emerging Local Plan Review.
- 6.2 The Nathaniel Litchfield Report on demographic and housing requirement/ supply matters submitted with this application concludes in (Section 3) that the true OAN for Warrington should be higher than the Council's suggested 840, in the range 950- 1,150 dpa, *"with greater weight towards the higher end of the range in order to align with the Borough's stated job growth objectives and the approach taken in the 2016 Mid-Mersey SHMA"*.
- 6.3 The NLP report also sets out a critique of the 5 year land supply position (in Section 4). In short, the supply of potential sites indicated by the Council as suitable for housing (which includes Peel Hall) is unable to meet the OAN need, either on the basis of the Council's suggested 840 or NLP's range of 950-1,150. Thus the need for additional sites to be released is urgent and the application site should be released without delay. Again, this forms the basis of the strategy of the Local Plan Review, which seeks to review the Green Belt to provide for the additional element of the assessed needs that cannot be accommodated on non-greenbelt sites.
- 6.4 At present there is no housing requirement within the development plan for Warrington (as it has been quashed). If the current identified supply is set against the suggested SHMA Local Plan Review OAN, the Council are unable to demonstrate a 5 year supply of housing land, the figure being in the order of 3.6 years. If the NLP range is used for measuring the supply, then this falls to between 2.2 and 2.7 years supply (dependent upon which position within the range is measured). The scale of these shortfalls against the 5 year supply (plus buffer) requirement demonstrates that additional sites are urgently needed. The Peel Hall site should be released without delay.
- 6.5 The SHMA sets out the requirements for affordable housing, 220 pa throughout the plan period. The plan requires this provision in the range of 20-30% dependent upon the type of sites being considered. Thus if a mid-point in the range is taken, 25%, the emerging OAN will result in a shortfall on the need for affordable housing over the plan period. Furthermore, one recent large site (1,100 homes) approved for housing has, for viability purposes, reduced the required amount of affordable housing to 20%, making this anticipated shortfall larger.

- 6.6 On the basis of this situation, paragraphs 47 and 14 of the framework are engaged. Since the Development Plan is silent, out of date and absent in respect of these proposals (see 6.27 – 6.30 later) the proposals should be granted permission “*without delay*”.

#### Deprivation Indicators

- 6.7 North Warrington is one of the most deprived areas of Warrington, with indicators showing lack of opportunity in health, employment, housing, community facilities and services, education and recreational matters. The application responds to these failings, and will provide real opportunity to improve the following areas,

- Market housing choice
- Affordable housing choice
- Local employment
- Local retail and other services
- Education improvements (in the form of 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

- 6.8 At a Government level there is significant pressure and focus to provide more housing in sustainable locations, in order to combat the chronic shortage of homes being built nationally and to improve access to facilities and services. This is demonstrated in the language of NPPF and the recent white paper Fixing our Broken Housing Market.

#### Sustainability

- 6.9 New housing should be provided in sustainable locations, close to existing communities and the facilities required to carry out everyday life. Peel Hall is consistently agreed to be a sustainable location, being adjacent to the built up area of Warrington, with various services and facilities, including employment, education, shopping and social opportunities close by. The scheme proposed in this application has sustainability at its heart, maximising the opportunities people have to walk, cycle and use public transport within and away from the site and providing employment, shopping and social uses which will provide opportunities for existing and future residents to satisfy their day to day needs within sustainable distances from their homes and work places.

- 6.10 The proposals will increase the ecological value and biodiversity of the site.

- 6.11 There are significant economic benefits arising from the proposals, both in the construction phases and beyond, giving employment opportunities for a wide cross-section of the local population.
- 6.12 The proposed development is agreed to represent a sustainable urban extension development.

#### The Development Plan

- 6.13 The development plan for Warrington comprises the local plan core strategy, as quashed, 2014. By Order February 2015 most of the housing policies of the plan were quashed, including parts of W1 (housing requirement), parts of CS2 and the corresponding text 7.11 (annual housing requirements), CS8, and the corresponding text 6.38 and 2 references in chapter 14 (relating to the Omega housing allocation). The Order is attached at [Appendix 4](#).
- 6.14 This order has the effect of removing the housing requirements from the plan, and removing the sole housing allocation (since granted planning permission by the council).
- 6.15 As a result of the inability of the council to demonstrate a 5 year supply of housing land (plus buffer) as set out above (paragraph 5.4) paragraph 49 of NPPF is engaged. This requires that *“the relevant policies for the supply of housing should not be considered up to date”*, and thus their weight should be assessed. The housing policies of the plan that remain after quashing the plan are,

CS2: requiring 80% of new homes on brownfield land and 60% on sites in Inner Warrington, and

CS9: also referring to 60% of new homes on sites in Inner Warrington,

- 6.16 These parts of the policies clearly relate to the supply of housing over the plan period, and should be regarded as out of date.
- 6.17 The weight to be applied to these policies is very little or none, as the policies have been made, in effect, redundant by subsequent events. This is due to the size of the shortfall in current provision set against the revised OAHN (see paragraph 6.4 above). The emerging local plan requires green belt (let alone greenfield) releases (see extracts from the draft Review Local Plan at [Appendix 3](#)).
- 6.18 There are two general aspects of the Core Strategy that are relevant to the application:

##### 6.18.1 The Key Diagram

- Reference to the Key Diagram (page 21) shows the application site as being within a suburban area within the built up confines of Warrington, i.e. within the settlement boundary for Warrington (see [Appendix 5](#)). It will be noted that the site is not shown as

being subject to any Green Belt, open countryside or other open urban land notations. It is “white land” on the proposals map.

#### 6.18.2 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 greenbelt”*. The development of the Peel Hall site, as proposed, will support this vision of maintaining the current green belt boundaries around the town.
- 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 on the Peel Hall site will assist in achieving this vision of providing the homes Warrington needs.

6.19 The Peel Hall site is not notated or proposed for any specific use within the Development Plan.

6.20 As such there are no site specific policies which are raised in the context of this proposal.

6.21 There are a number of policies contained within the Core Strategy of general application relevant to the application and these are set out below.

- CS1 – Overall Spatial Strategy - Delivering Sustainable Development – states that sustainable development proposals will be approved without delay. It is agreed this proposal is sustainable development.
- CS2 – Overall Spatial Strategy – Quantity and Distribution Development – requires *“around 60%”* of new residential development should be delivered in the defined inner Warrington area. The policy states that *“the remainder will be delivered in the town’s suburbs”*. This is, of course, a policy relevant to the supply of housing, and in the light of para 49 of NPPF, is out of date. Furthermore, the distribution in the policy is based on the now quashed housing requirement of the plan. Peel Hall is located within suburban Warrington. This policy therefore is of less weight in the planning balance, but the proposals are broadly in compliance in any event.
- 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. The application has at its heart sustainable travel and public transport improvements, and the layout and form of the development will discourage private vehicle trips wherever possible.
- Policy PV4 – Retail Development within the Town Centre and Primary Shopping Area – 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 that there are no significant adverse impacts on the primary shopping area or the wider town centre. A full impact and sequential analysis, demonstrating the appropriateness of the proposed local centre forms part of this application.

- Policy SN1 – Distribution and nature of New Housing – states that 80% of new homes should be focused on previously developed land and 60%, as set out in CS 2, within inner Warrington. It states that the remaining 40% should be developed within the suburban areas. The policy further states that outside inner Warrington (within the suburban areas) the Council will support proposals which provide solutions to *“environmental or social problems”* or *“present an opportunity to widen the type, size and affordability of available housing... in sustainable locations which are well served by existing infrastructure”* or *“support the delivery of or help create the density of population to support the operation of neighbourhood hubs and local shops and services”*. This is, of course, a policy relevant to the supply of housing, and in the light of para 49 of NPPF, is out of date. Furthermore, the distribution in the policy is based on the now quashed housing requirement of the plan. This policy therefore is of less weight in the planning balance and the application meets many of the criteria of the policy.
- The policy then goes on to state that *“the Council will support proposals which .... meet identified specialist needs including units specifically provided to meet the needs of the elderly or infirm”*. The application proposals propose such accommodation.
- Policy SN2 – Securing Mixed and Inclusive Neighbourhoods – requires a mix of housing types and tenures including affordable housing. The application is affordable housing policy compliant by providing affordable housing at 30%, including Starter Homes, 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.
- Policy SN7 – Enhancing Health and Wellbeing – seeks to reduce health inequalities within the Borough by supporting proposals that promote healthy lifestyles. A significant extension of the green network is proposed in this application, including an extension of Peel Hall Park northwards through the site and informal areas of open space continue alongside the motorway and through the development. In this way a network of footpaths, cycle-ways and recreational areas will be created.
- Policy QE1 – Decentralised Energy Networks and Low Carbon Development – the policy seeks to encourage proposals that will maximise the use of renewable and low carbon energy. These matters will be considered at the building regulations and reserved matters stages and incorporated into the overall scheme.
- Policy QE3 – Green Infrastructure – seeks to enhance the Borough’s Green Infrastructure. As set out above, a significant extension of the green network is a central part of the development proposals.

- Policy QE4 – Flood Risk – states that *“the Council will .... support development proposals where the risk of flooding has been fully assessed and justified by an agreed Flood Risk Assessment”*. A FRA is included in support of the application. The site is located in the lowest flood risk area.
- Policy QE6 – Environment and Amenity Protection – states that the Council will *“support development which would not lead to an adverse impact on the environment or amenity of future occupiers or those currently occupying adjoining or nearby properties or does not have an unacceptable impact on the surrounding area”*. 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 reserved matters applications will ensure detail layouts will respect the adjoining development in these regards.
- Policy QE7 – Ensuring a High Quality Place – states that the Council *“will look positively upon proposals that are designed to be sustainable, create inclusive, accessible and safe environments and reflect the characteristics of their surroundings”*. The requirements of this policy are able to be integrated into the reserved matters applications subsequent to the outline consent.
- Policy QE8 – Historic Environment – ensures that the fabric and setting of heritage assets are not harmed by development proposals. As set out in the ES accompanying the application, no harm is caused to historic assets around the site.
- Policy MP1 – General Transport Principles – seeks to secure sustainable means of travel. As set out above, the development of this site places sustainable travel modes at the heart of the scheme.
- Policy MP4 – Public Transport – sets out that *“the Council will aim to secure improvements to public transport infrastructure and services in partnership with operators and delivery partners” and that “development should be located in areas with easy access to public transport”*. The application 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.
- Finally, page 120 of the Core Strategy sets out the Vision in 2027 for inner and north Warrington (the application 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.....”*

*“North Warrington has seen lower levels of development than inner Warrington, but has benefitted from resultant social regeneration initiatives”.*

Both of these vision objectives are supported by the application now submitted.

6.22 As set out above, the remaining policies of the development plan relating to housing delivery and supply are out of date by virtue of para 49, on account of being based on the now quashed requirement figure and the lack of a 5 year supply of housing land in the borough. The objectives or vision of these policies however are not harmed or compromised by the Appeal proposals. The remaining (non-housing) policies of the development plan that have full weight are supportive of the application proposals. **As such the Appeal is in accordance with the Development Plan for Warrington as a whole.**

6.23 This is confirmed in the Officers report to committee February 2017. As such paragraph 14 of the framework is engaged and being sustainable development, the proposals should be *“approved without delay”*.

#### The Framework

6.24 The National Planning Policy Framework (March 2012) sets out national planning policy for consideration of the appeal proposals and is supplemented by the NPPG.

6.25 NPPF confirms the achievement of sustainable development as a central objective of the Government’s aims and this has economic, social and environmental aspects. NPPF states (paragraph 12) 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. Paragraph 13 confirms that NPPF is a material consideration in the determination of planning applications.

6.26 Paragraph 14 is of major importance in the decision making process. It supports the grant of planning permission where possible and states that:

*“at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both 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 the relevant policies are out-of-date, granting permission unless:*
- *any adverse impact of doing so would significantly and demonstrably out-weigh 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”.*

6.27 As set out above, the application is in accordance with the development plan and so, in the light of this advice, the application should be *“approved without delay”*. On a site specific level the Plan is silent or absent, and there are no adverse impacts that outweigh the tilted balance.

- 6.28 Paragraph 47 relates to housing development and requires local authorities *“to boost significantly the supply of housing”* and to maintain 5 years’ worth of housing sites (plus an appropriate buffer) at all times. Paragraph 49 of NPPF states that *“housing applications should be considered in the context of the presumption in favour of sustainable development”*.
- 6.29 Paragraph 49 also refers to situations where a 5 year supply of land cannot be identified, and states that
- “Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites”*.
- 6.30 As set out above 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 suggested OAN the current supply equates to only 3.66 years. Based on the NLP OAN the current supply equates to 2.2 – 2.7 years.
- 6.31 Guidance regarding residential amenity is set out at paragraph 17 as one of the core principles of planning to be used to under-pin decision making. This stated general requirement is to *“always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings”*.
- 6.32 The Framework sets out advice regarding landscape designations at paragraph 115 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 similar advice within the Framework relevant to sites not notated for landscape or ecological value or merit within local plans, such as the application site.
- 6.33 Paragraph 72 relates to proposals which create, expand or alter schools, and urges councils to *“take a proactive, positive and collaborative approach”* in that regard. The application proposals contain aspects which will boost, expand and create local schools at both primary and secondary levels. The site for the new primary school (if required) is adjacent to the local centre, where it is accessible from the existing built up area and the new development.
- 6.34 Paras 73 and 74 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 para 74. Part of the application site is currently used as playing fields (HCA land at Blackbrook Avenue). These existing playing fields 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 (Appendix 4). A significant improvement to the council recreation site at Windemere Avenue is proposed as part of the scheme.
- 6.35 The proposals include a local retail and services centre, and as required by para 26 of the Framework, an impact assessment is provided which demonstrates the lack of impact on other established centres in the plan area as part of the application proposals. 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.

- 6.36 The Framework generally encourages development proposals to be sustainable, and part of this is to present opportunities for sustainable travel patterns and for the greater use of public transport. This is a central theme of the application transportation strategy.
- 6.37 Policy set out in NPPF is a material consideration to be taken into account in the determination of development applications. The advice and guidance supports the grant of planning permission as sought in this application. Paragraph 14 directs the application should be approved “*without delay*”.
- 6.38 The recent Government White Paper, *Fixing our Broken Housing Market*, will be relied upon to demonstrate the ongoing commitment to the provision of new housing as a government priority.

Government Re-statements of Policy and the Confirmation of the Acceptability of Housing in principle on the Peel Hall site

- 6.39 There have been numerous Government and Ministerial Statements confirming the importance of boosting housing development since NPPF was published. The most important of these can be summarised as follows:

Written Ministerial Statement September 2012,

- 6.39.1 This Ministerial Statement sets out the concern of the government to provide homes to meet Britain’s demographic needs and to help generate local economic growth. It acknowledges that the need for affordable homes remains high and the need to accelerate large housing schemes. It acknowledges the need to reduce planning delays in order to get more homes built. It particularly acknowledges that whilst the Localism Act puts power back into the hands of communities, with power comes responsibility to meet their needs for development and growth, and to deal quickly and effectively with proposals that will deliver homes, jobs and facilities.

Fixing the Foundations (July 2015),

- 6.39.2 In July 2015 the Chancellor of the Exchequer presented to Parliament *Fixing the Foundations: Creating a More Prosperous Nation*, which sets out the Government’s vision to make Britain the richest of all the major economies by 2030. It includes, in Chapter 9, a clear indication of the Government’s continuing commitment to build more homes that people can afford to buy. The document notes that the UK has been incapable of building enough homes to keep up with growing demand. This, the report concludes, harms productivity and restricts labour market flexibility, as well as frustrating the ambition of people who wish to own their own home.

Spending Review and Autumn Statement (November 2015),

6.39.3 The 'Blue Book' relating to the 2015 Autumn Statement set out a five point plan to give increased opportunities for home ownership. The first of these relates to a commitment to deliver 400,000 affordable homes, the second extends right to buy. The third is of particular importance and relates to accelerating housing supply and getting more homes built. It specifically notes that the planning reform proposed is to establish a new delivery test on local planning authorities, to ensure delivery against the number of houses set out in Local Plans. In addition it seeks to back SME house builders by amending planning policy to support small sites.

Brandon Lewis Letter (9 November 2015),

6.39.4 On 9 November Mr Brandon Lewis MP sent a letter to all local authorities setting out the government's commitment to delivering 275,000 extra affordable homes by 2020. The letter seeks to encourage local authorities to be flexible when dealing with S106 agreements and negotiations regarding affordable housing.

Fixing our Broken Housing Market (February 2017)

6.39.5 In February 2017 the Prime Minister and the Secretary of State for CLG set out the Government's commitment to build and provide more housing, in areas where people want to live, and to broaden access to housing across all sectors. Various mechanisms are proposed for ensuring delays are minimised and appropriate sites and schemes for housing are developed in as short a time as possible.

6.40 In conclusion therefore, since the clear guidance in NPPF to boost the supply of house building the Government has been consistent to reiterate this message to the industry and planning profession. There are countless appeal decisions that underline the importance of increasing the supply of housing, and the housing proposed in this application should be seen in this context.

#### 2016 SHLAA

6.42 The Council's 2016 SHLAA for Warrington and this lists the application site as sites 1506 (main site) and 1649 (HCA land) (Appendix 5).

6.43 Site 1506 is considered to represent a "*suitable, available and achievable*" housing site, with development completions forecast within the next 5 year period. As such the council confirms housing on the site in principle as acceptable.

6.44 Site 1649 is considered to be "*constrained*" due to its use as playing fields. These will be replaced however as part of the application proposals, thereby allowing that site to be regarded as suitable, available and achievable. This has been agreed as acceptable in principle by Sport England (Appendix 4).

- 6.45 It should be noted that the SHLAA also refers to site 1575, an area of land adjacent to the main site (1506) owned by the council. This has access constraints (narrow access way from the public highway), but could easily be accessed from the main site. Thus this site can be made available by the development of the application site (Appendix 5).

## SECTION 7 - CONSULTATIONS ON THE APPLICATION

- 7.1 As set out in the Officer's report at Appendix 1, there are no negative consultation responses to the proposals save for highways issues where further information is requested (HE and WBC).
- 7.2 All remaining matters can be dealt with via planning condition or S106 Agreement.
- 7.3 The application was accompanied by a Transport Assessment that sets out the highways impact of the proposals at the site junction points and this is based on a robust assessment of the trip generation of the scheme and its potential distribution across the network from the site access points.
- 7.4 Work is ongoing with both the HE and WBC to assess the wider impacts of the development, and this will confirm any off site mitigation or improvements that are required. The applicant is confident that the local transport network will be or can be made to operate satisfactorily following development.
- 7.5 A sustainable transport mitigation package is proposed with this development proposal, whereby local bus services are strengthened from the town centre to the site. This involves temporarily extending existing services into the site during the construction phase and once the distributor road is completed a new service will be introduced that connects the site with the town centre to the south and Birchwood to the east. The S106 Agreement allows for these services to be subsidised for the years of development on the site. Once the development is completed the new service is expected to become a self-supporting commercial route.
- 7.6 Evidence will be presented to the Inquiry which will demonstrate the development of the site does not give rise to unacceptable traffic implications and provides a sustainable and real alternative transportation choice in the form of an improved and new bus route for new and current residents.

### Local Representations

- 7.7 A number of local resident's representations have been submitted to the application. These for the most part relate to the principle of development (an issue regarded by the Council as acceptable in a policy context and specifically in respect of this application). These representations raise issues addressed in the Officer's report on the application and in the reports submitted with the proposal.

## **SECTION 8 - SUMMARY OF THE APPEAL**

- 8.1 This appeal relates to application reference 2016/28493 refused on 24 February 2017 (Appendix 2).
- 8.2 The Officers report on this application supports the principle of the development and confirms the suitability of the site in principle for this development. The scheme complies with the Development Plan as a whole and it is agreed the scheme represents sustainable development. Significant benefits arise from the development. No site specific objections have been raised to the proposal site. There is a significant shortfall in meeting OAN and affordable housing needs. Paras 49 and 14 are fully engaged.
- 8.3 The refusal reasons relate to lack of information, regarding highways and S106 issues. The application was accompanied by a Transport Assessment, Travel Plan and a sustainable transport mitigation strategy as set out in Section 5 of that report. Modelling work to quantify the impact on a wider basis is ongoing. The Council however, have refused to engage in this process in a positive manner. The methods and scope of the modelling, together with the results, have been and will be shared with the authority and set out for the decision maker in this case.
- 8.4 A draft S106 Agreement is submitted with this appeal and certain of the matters are now included as agreed between the applicants and the council. This will be further negotiated over coming months and an executed version will be submitted to the Appeal.
- 8.5 We will set out there are strong policy reasons to allow the appeal and no site specific or scheme related impacts that would result in refusal.