



## Matter 3 Hearing Statement

D T Joseph Developments Ltd – Top Farm, Higher Lane,  
Lymm, WA13 0RW

Emery Planning project number: 20-528

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Tel: 01244 732 447



unlocking development opportunities

Project : 20-528

Client : D T Joseph Developments  
Ltd

Date : July 2022

Author : Gareth Salthouse

Approved by : Forename Surname

#### Important notes:

This report has been prepared for the client by Emery Planning with all reasonable skill, care and diligence.

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## 1. Introduction

- 1.1 We are instructed by our client, D T Joseph Developments Ltd, to submit a Matter 3 Hearing Statement. We submitted detailed representations on behalf of our client to the Submission Version Local Plan in November 2021 and these representations related to Draft Policy GB1 and the Draft Policies Map.
- 1.2 The purpose of this brief Hearing Statement is to provide supplementary information in relation to our client's site at Top Farm, Higher Lane, Broomedge. This information has only come to light since our representations were submitted to the Submission Version Local Plan.

## 2. Matter 3 Issues and Questions

2.1 We do not wish to repeat any points already made through our previous representations as the Local Plan Inspectors will already be aware of these points. These representations relate to question nos. 28 and 29 as outlined through the Local Plan Inspectors' Matters, Issues & Questions Note.

2.2 Our representations submitted in November 2021 were based around the following sub-topics:

1. Reference to national planning policy guidance.
2. The correct approach to interpreting limited infill development within villages.
3. The identification of a limited number of 'washed over' settlements.
4. The consequences of the Council's approach.
5. Whether Top Farm forms part of the Broomedge village.

2.3 In terms of point no. 5 above, we set out how our client's site at Top Farm very much forms part of the built-up envelope of the village of Broomedge in spatial, visual and functional terms. Our points were supported by a technical note produced by Barnes Walker (landscape specialists) and this was appended to our representations.

2.4 Since our previous representations, the Council has granted prior approval for the conversion of one of the former agricultural buildings at Top Farm to 2 no. dwellings and residential garden land (LPA ref: 2021/40462). The decision notice is dated February 2022. The approved plans are enclosed with this Statement:

- Approved site plan – **EP1** (Barn 1 to be converted and the other former barn buildings beyond the red edge area to remain in-situ as shown on this plan).
- Approved elevations and floorplans – **EP2**.
- Decision notice – **EP3**.

2.5 The approved scheme, which remains extant until 2025, will further consolidate the inherent relationship of the land at Top Farm with the built-up envelope of Broomedge once the scheme is constructed. It will further strengthen the visual, functional and spatial relationship between our client's site and the village and will support the points made through our previous representations and the position taken by Barnes Walker. If the Local Plan Inspectors consider one to be justified,

we consider that any settlement boundary for Broomeedge should incorporate the land at Top Farm as we previously set out.

- 2.6 There is also a pending planning application for the demolition of all the former agricultural buildings at Top Farm and the construction of 2 no. dwellings with associated works (LPA ref: 2022/41470). The proposed site layout plan is enclosed at **EP4** for information. This application was validated by the local planning authority in April 2022 and it remains undetermined.

### 3. Appendices

**EP1** - Approved site plan 2021/40462.

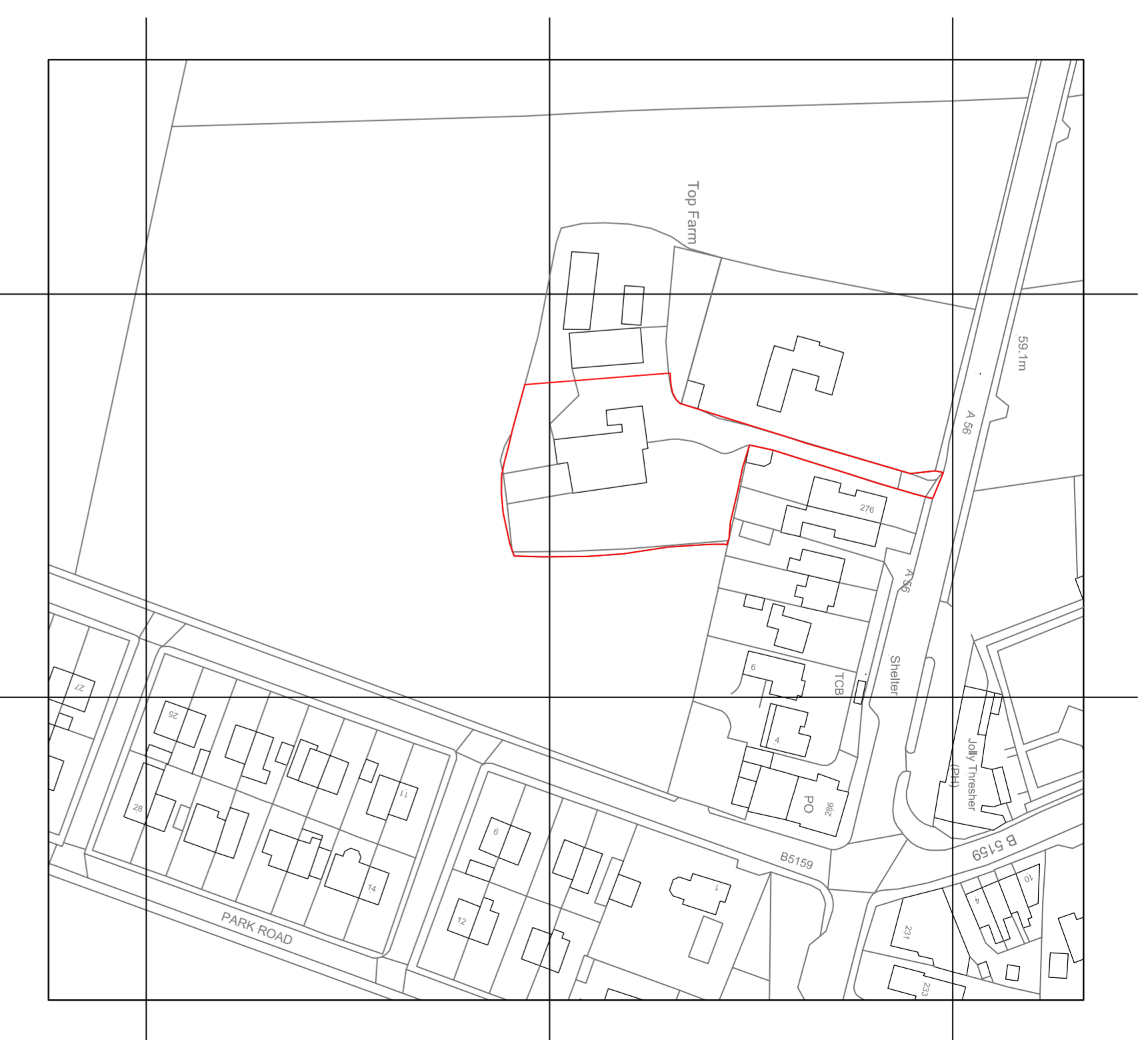
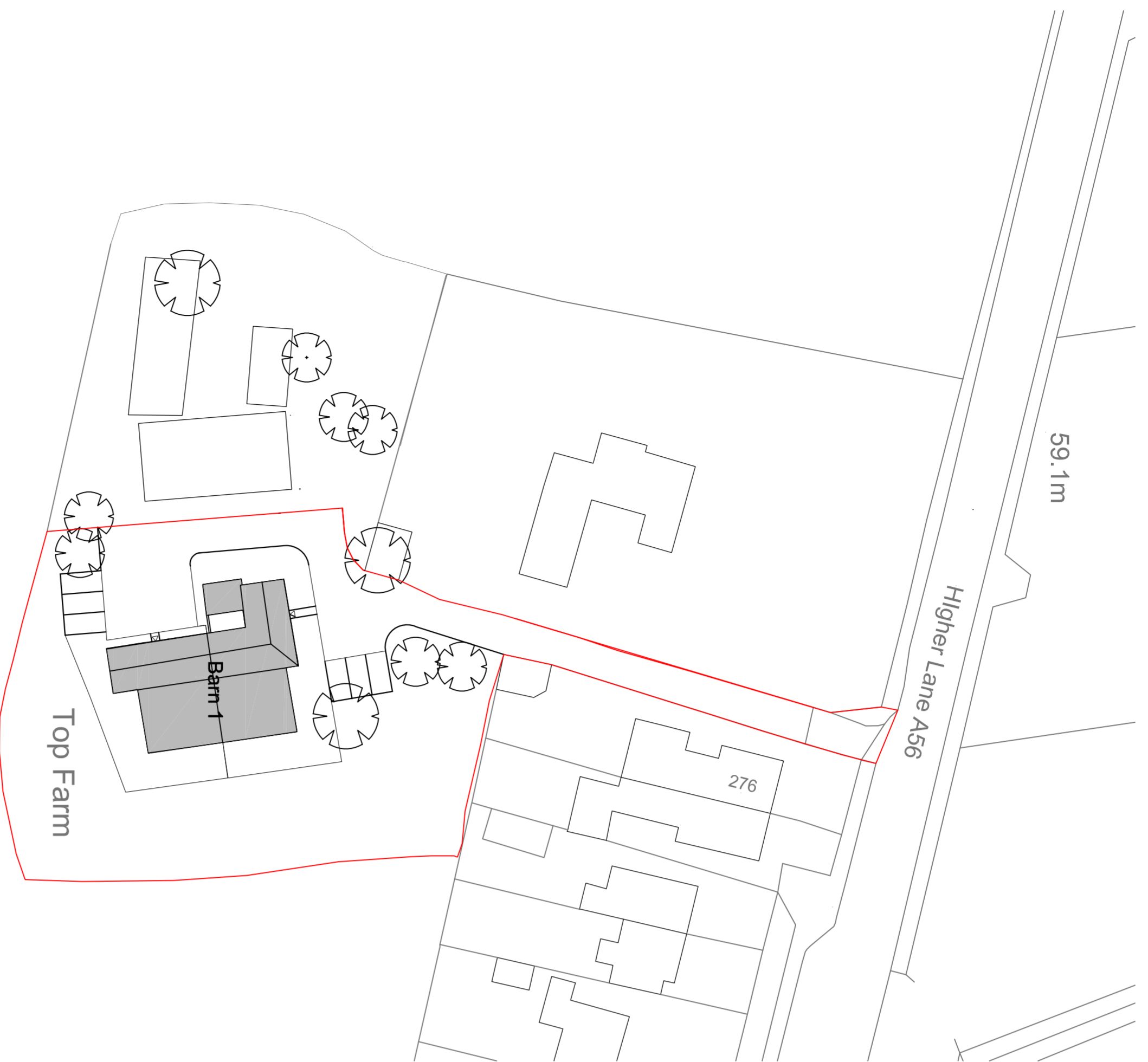
**EP2** - Approved elevations and floorplans 2021/40462.

**EP3** – Decision notice 2021/40462.

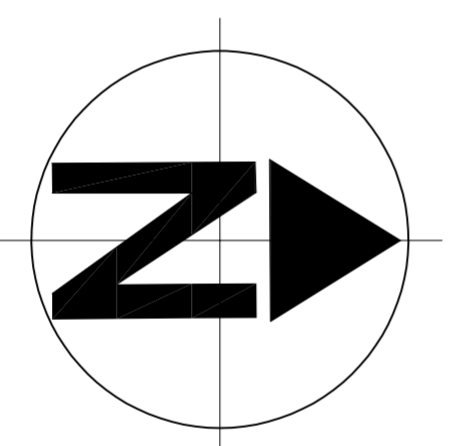
**EP4** – Proposed site layout for planning application 2022/41470.

EP1

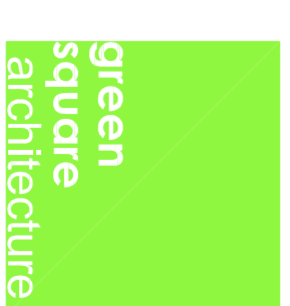




**LOCATION PLAN (1:1250)**  
**(showing existing footprint)**



date	revision	by	no.
14.12.21	Barn 2 removed	KJ	A

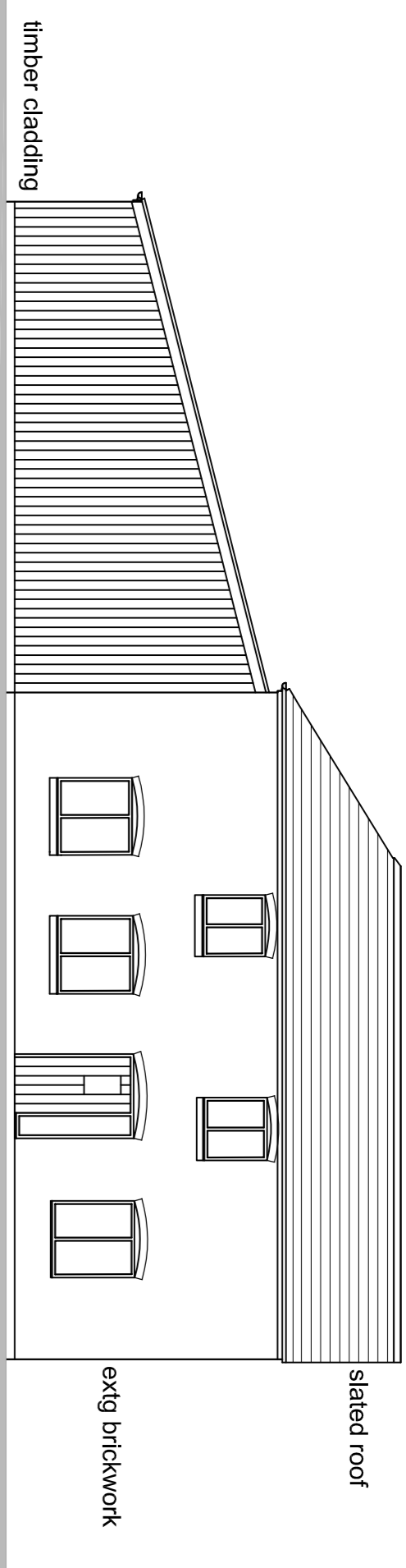


14 KINGSWAY : ALTRINCHAM  
 CHESHIRE WA14 4PJ  
 0161 660 9505  
 info@greensquarearchitecture.com

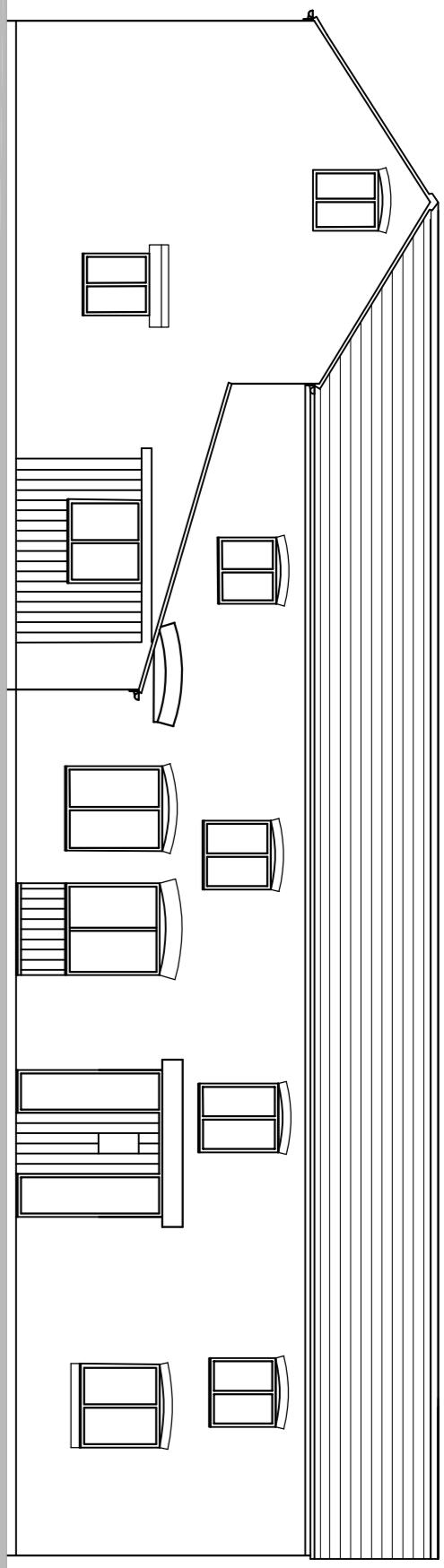
**PROPOSED SITE/BLOCK PLAN (1:500)**

Top Farm Barn Conversion, Lymm		Date	
Site/Block Plan and Location Plan		Dec 2021	
KJ	Planning	Varies @ A2	20145-PL01 A

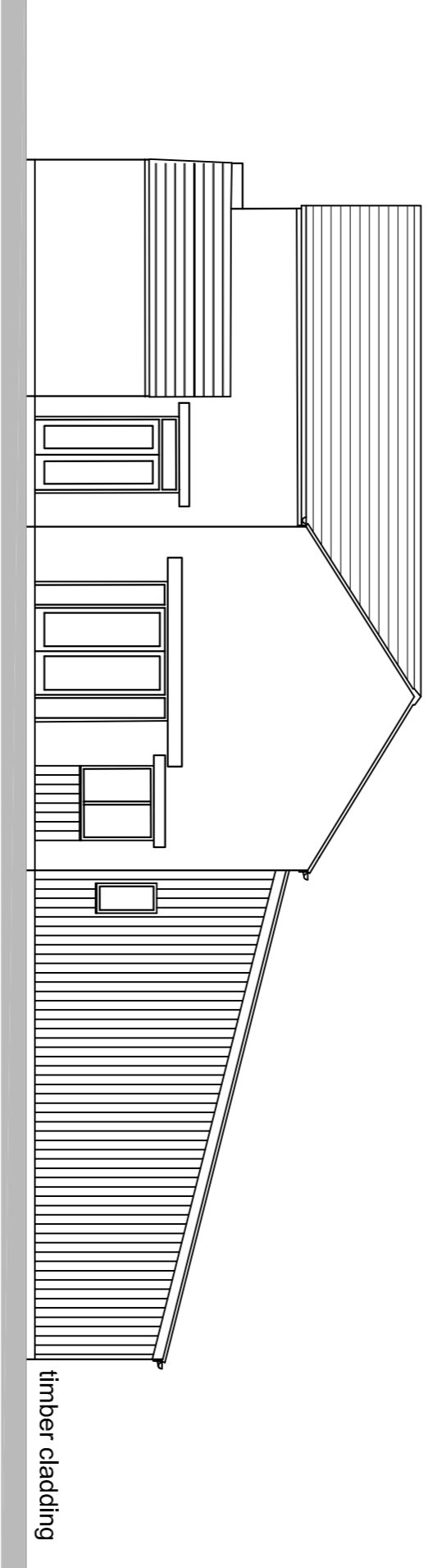
EP2



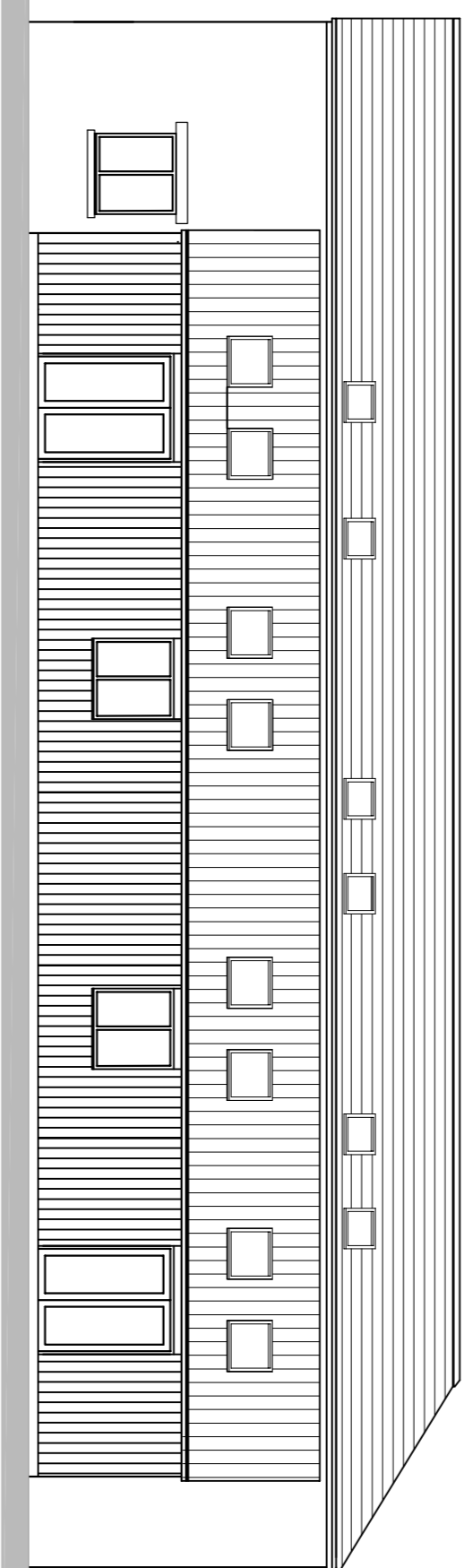
Side (North) Elevation



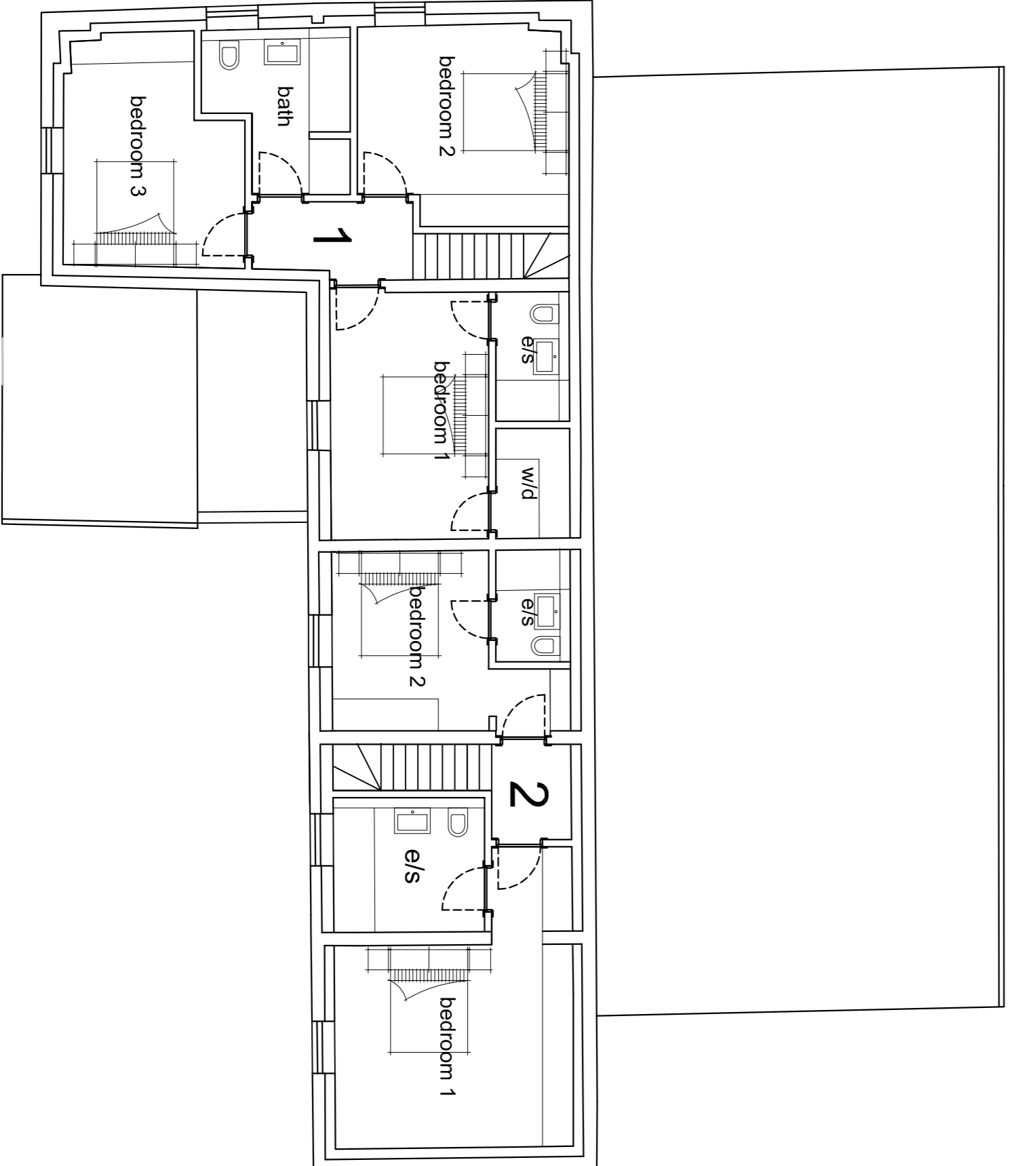
Front (West) Elevation



Side (South) Elevation



Rear (East) Elevation



EP3



# WARRINGTON

Borough Council

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## Town and Country Planning Act 1990

### Class Q – Agricultural building and associated curtilage land TO C3 dwellinghouses of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015

**Application No.:** 2021/40462  
**Proposal:** Conversion of agricultural building to 2 no. dwellings with associated works  
**Location:** TOP FARM BARN, HIGHER LANE, LYMM, WARRINGTON, WA13 0RW

I write further to your recent application under Class Q – Agricultural building and associated curtilage land TO C3 dwellinghouses of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 for prior approval with respect to the above proposal.

It is hereby confirmed that the Council's **prior approval is given subject to condition(s).**

#### Condition(s) & Reason(s)

The development shall be carried out in accordance with the following documents:

- (a) The planning application forms, design and access statement and additional information received by Warrington Borough Council on 1st November 2021.
- (b) Submitted drawing No's 20145 -PL01 Rev A; 20145-PL02 Rev A received on 14th December 2021.

Reason: for the avoidance of doubt and to enable Warrington Borough Council to



adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policy QE7 of the Warrington Core Strategy.

The building to which this permission relates shall not be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and
- iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In order to comply with the NPPF, Policy QE6 of the Warrington Core Strategy and the Warrington SPD: Design and Construction

No development (except demolition and site clearance) shall take place until the works in Sections A and B below are undertaken and completed:

A: CHARACTERISATION: With consideration to human health, controlled waters and wider environmental factors, the following documents must be completed (as required) to characterise potential risk to sensitive receptors and submitted to the LPA for approval: 1) Preliminary Risk Assessment (PRA or Desk Study); 2) Generic Quantitative Risk Assessment (GQRA) informed by Intrusive Investigation; 3) Detailed Quantitative Risk Assessment (DQRA); 4) Remedial Options Appraisal. Submission of a PRA is the minimum requirement. DQRA only to be submitted if GQRA findings require it.

B: REMEDIATION & VALIDATION STRATEGY: As determined by the findings of Section A above, a Remediation (if required) and Validation Strategy shall be submitted in writing to and agreed with the LPA. The strategy must detail the proposed remediation measures and how works will be verified.

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

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion.

In Accordance: Policy QE6 of the Adopted Local Plan Core Strategy (July 2014); Paragraphs 174(f) & 183 of the National Planning Policy Framework (July 2021), and Section 4 of the Environmental Protection Supplementary Planning Document (May 2013).

Disclaimer: Irrespective of any involvement by this LPA, the responsibility to address contaminated land issues, including safe (re)development and secure occupancy, resides

entirely with the Landowner/Developer of the site (NPPF Para184).

The development shall not be taken into use until the works in Sections A and B below are undertaken and completed:

A: REMEDIATION & VALIDATION: Remediation (if required) and validation shall be carried out in accordance with an approved strategy. Following completion of all remediation and validation measures, a Validation Report must be submitted to the LPA for approval. The Validation Report must include information verifying any remedial measures; details of imported fill materials (source/quantity/suitability); details of exported fill materials; and details of any unexpected contamination, as described in Section B below.

B: REPORTING OF UNEXPECTED CONTAMINATION: All unexpected or previously-identified contamination encountered during development works must be reported immediately to the LPA and works halted within the affected area(s). Prior to site works recommencing in affected area(s), contamination must be characterised and risk assessed, with remediation/validation measures carried out as necessary.

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

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion.

In Accordance: Policy QE6 of the Adopted Local Plan Core Strategy (July 2014); Paragraphs 174(f) & 183 of the National Planning Policy Framework (July 2021), and Section 4 of the Environmental Protection Supplementary Planning Document (May 2013).

Disclaimer: Irrespective of any involvement by this LPA, the responsibility to address contaminated land issues, including safe (re)development and secure occupancy, resides entirely with the Landowner/Developer of the site (NPPF Para184).

A scheme for the provision of electric vehicle charging points, or passive provision, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be provided prior to first occupation of each unit and retained as such thereafter.

Reason: To ensure that appropriate provision for current and future electric and electric/hybrid vehicles and encourage more sustainable means of transport and to comply with LPCS Policies MP1 and MP3 and the NPPF.

Before the access is used for vehicular purposes, that part of the access extending from the nearside edge of the carriageway of Higher Lane, for a minimum distance of 10 metres into the site shall be appropriately paved in a bound material such as tarmacadam, concrete, block pavements or other material approved in writing by the Council as Local Planning Authority.

Reason: To prevent loose surface material/debris from being carried on to the public highway thus causing a potential source of danger to other road users in the interests of road safety and to comply with LPCS Policy MP1 and the NPPF.

The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown. The parking and servicing areas shall be retained as such thereafter.

Reason: To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles as well as parking, and that hard-surfaced areas have a satisfactory appearance and to comply with LPCS Policy MP1 and the NPPF.

### **Informative(s)**

The visual assessment found bat droppings in the building and follow up emergence surveys late in the season confirmed that low numbers of bats were roosting in the building.

Despite the lateness of the emergence surveys, when major roosts will have broken up into smaller colonies, the Council's ecology advisers are satisfied that it is highly unlikely that a major roost would be present, given the derelict nature of the building: major roosts occur in structures that are not subject to temperature fluctuations, light penetrations and draughts. It is the opinion of the Council's ecology advisers that Natural England will issue a license, though may require further emergence surveys during the peak activity season and will require mitigation for the loss of the roosts. As such the applicant/developer is advised as follows:

The conversion works are likely to cause harm to bats as identified in the Extended Phase 1 Habitat Survey and Bat Surveys by Rachel Hacking Ecology the applicant/developer should contact Natural England to ascertain whether or not a licence for the works is required.

The presence of several bird nests were located in the building including little owl. No legally protected birds such as bar owl were however found. The applicant should be informed however that:

All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended and that prior approval does not constitute a defence against prosecution.

Works should therefore commence outside the bird nesting season.

Noise Informative: Trickle Vents

In the interests of future residential amenity, the applicant should consider installing trickle vents in bedrooms to reduce the need to open windows in warmer weather.

Contact: For more advice and guidance on noise please contact Steve Smith on 01925 442589.

Noise Informative: Working Hours For Development Sites

In the interests of residential amenity, the applicant/agent/developer is strongly advised to adopt the following recommended construction/demolition hours for all works on site.

Works audible at or beyond the site boundary should not occur outside of Monday to Friday 08.00hrs to 18.00 hrs, Saturday 08.30hrs to 13.30hrs and at no time on Sundays or



Public/Bank Holidays.

Noisy or disruptive works carried on outside of these hours are much more likely to raise objections or complaints by local residents (due to disturbance) to the redevelopment of the site which may, in turn, result in formal action being pursued by Public Protection Services to enforce the recommended hours.

Contact: For more advice and guidance on recommended construction/demolition hours or construction/demolition methods, please contact an officer from Public Protection on 01925 442589.

Information Informative: Environmental Protection Supplementary Planning Document (SPD)

For advice concerning Environmental Protection matters [Contaminated Land Assessments, Air Quality Assessments, Odour Assessments, Noise or Lighting requirements] please refer to the Environmental Protection Supplementary Planning Document on the Warrington Borough Council website:

<https://www.warrington.gov.uk/supplementary-planning-documents>

Contact: For further verbal advice please contact the Contaminated Land team on 01925 442581, Mr Richard Moore regarding Air Quality on 01925 442596 or Mr Steve Smith regarding Odour, Noise or Lighting on 01925 442589.

Lighting Informative: Installation of Lighting Schemes

Any external area lighting should be designed and installed by competent persons. The system should be designed according to best practice in respect of glare, light spill, efficiency and appropriate hours of operation based on the need for the lights. Advice can be obtained from: Institution of Lighting Professionals, Regent House, Regent Place, Rugby, CV21 2PN. <https://www.theilp.org.uk/home/> or other equivalent professional organisations.

1. It is an offence to carry out any works within the public highway without permission of the Highway Authority. This consent requires the construction, improvement or alteration of an access to the public highway. Under Section 184 of the Highways Act 1980 the Highway Authority must specify the works to be carried out and only the Highway Authority or contractor approved by the Highway Authority can carry out the works. Therefore prior to commencing any works that affect the access you must contact the Council's Highway Maintenance Team on 01925 443322 (email [highwaymaintenance@warrington.gov.uk](mailto:highwaymaintenance@warrington.gov.uk)) for further details.

2. The applicant is reminded that it is an offence to allow material to be carried from the site and deposited on or cause damage to the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and will prosecute persistent offenders under Sections 131, 148 & 149 of the Highways Act 1980.

**IMPORTANT**

This decision relates solely to planning legislation, and does not grant authority under the Building Regulations, nor any other legislation that might be required. The guidance notes enclosed with this decision notice will help you to understand this decision, your rights and other things you may have to do.

DATED: 11-Feb-2022

SIGNED:

A handwritten signature in black ink that reads "N. Gallagher." The signature is written in a cursive style with a large initial 'N'.

Niki Gallagher  
Development Manager  
Development Management

## **NOTES**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- This decision is not an approval under the Building Regulations, nor is it a Listed Building or Conservation Area Consent for demolition or other works, consent to display advertisements, consent to lop or fell protected Trees (unless immediately required in connection with the carrying out of the development and the Council has confirmed in writing that all conditions relating to details which affect trees have been satisfied), or authority to close/divert a public right of way. It relates to the development described. Carrying out of a different form of development could result in enforcement action. You should therefore seek advice in writing on any proposed amendment or alteration.
- The formation or alteration of footway crossings and other highway works must be to the specification of the Council as Highway Authority. Please refer to the Highways Department at New Town House, Buttermarket Street prior to commencement.
- The granting of planning permission should not be taken as indicating that the requirements of legislation concerned with public health, public safety, and pollution control or food hygiene have been satisfied. Please refer to the Environmental Protection at New Town House, Buttermarket Street prior to commencement.
- The opening of a place of work, premises into which the public will go or an educational facility gives rise to a legal duty to make provision for the needs of the disabled.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at [www.planningportal.co.uk/info/200207/appeals](http://www.planningportal.co.uk/info/200207/appeals)

EP4

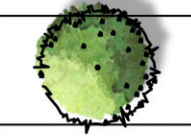
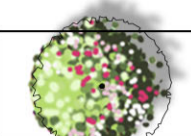
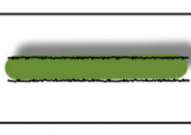


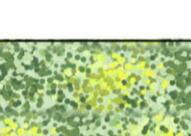
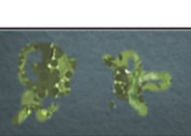

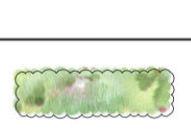






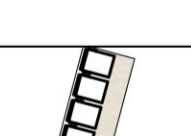


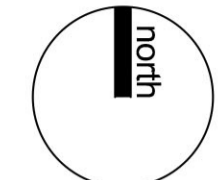
INDICATIVE ORNAMENTAL PLANT SCHEDULE

ORNAMENTAL SHRUBS	Size in cm	Root Condn
		Pot size (C)
<b>10L SHRUBS</b>		
Euonymus alatus 'Compacta'	30-40cm	10L
Chaenomeles x superba Jet Trail	30-40cm	10L
Cornus alba	30-40cm	10L
Euonymus 'Gaiety'	30-40cm	10L
Euphorbia x martini	30-40cm	5L
Geranium x oxonianum 'Wargrave Pink'	30-40cm	5L
Heuchera villosa 'Palace Purple'	30-40cm	5L
Hydrangea arborescens 'Annabelle'	60-80cm	10L
Hydrangea macrophyllum 'Blue Wave'	40-60cm	10L
Hydrangea Paniculata 'Vanille Fraise'	60-80cm	10L
Hytotelephium (Herbstfreude Group)	30-40cm	5L
Lavandula angustifolia 'Hidcote'	30-40cm	10L
Liriope muscari	30-40cm	5L
Polystichum aculeatum	30-40cm	5L
Persicaria affinis	30-40cm	5L
Pennisetum alopecuroides 'Little Bunny'	40-60cm	5L
Rosmarinus officinalis	30-40cm	5L
Tiarella cordifolia	30-40cm	5L
Skimmia japonica 'Fragrans'	40-60cm	10L
Skimmia japonica 'Rubella'	40-60cm	10L
Skimmia x confusa 'Kew Green'	40-60cm	10L
Spirea japonica 'Goldflame'	40-60cm	10L
Viburnum davidii	40-60cm	10L
<b>5L HERBACEOUS PLANTS</b>		
Ajuga reptans	N/A	10L
Astrantia major		
Bergenia cordifolia	N/A	10L
Saxifraga x urbium	N/A	5L
Persicaria affinis	N/A	5L
<b>5L CLIMBING SHRUBS</b>		
Hydrangea petiolaris	30-60cm	5L
Hedera helix	30-60cm	5L
Euonymus fortunei 'Silver Queen'	60-80cm	10L



KEY/NOTES

-  Proposed tree planting to be semi-mature, native species, rootballed stock. All trees to be pit planted and secured with stakes.  
Species to include:
  - Quercus robur 18-20cm girth
  - Crab Apple 18-20cm girth
  - Hazel 18-20cm girth
-  Proposed fruit trees. Species to include:
  - Crab Apple
  - Pear
  - Plum
-  Proposed instant native mix hedgerow 1.5m high.  
Species mix to include:
  - Blackthorn 15%
  - Hawthorn 35%
  - Holly 20%
  - Guelder Rose 10%
  - Hazel 10%
  - Dogwood 5%
  - Elder 5%
-  Proposed native understorey mix to ecology area. 5no/m2 (305m2 total) comprising of 90-120cm bare root stock and container grown holly. Plants to be notch planted (apart from holly which is to be pit planted) secured with a single cane. Mix to include:
  - Hawthorn 40%
  - Holly 25% (3L container stock)
  - Blackthorn 15%
  - Hazel 10%
  - Elder 10%
-  Proposed Meadow  
EM2 Standard General Purpose Meadow Mix by Emorsgate or similar approved
-  Proposed Pond with Aquatic Plants  
Species to include:
  - Water Mint
  - Water Forget me not
  - Hornwort
  - Frogbit
  - Broad leaved Pondweed
  - Water Plantain
-  Proposed Pond edge Habitat with Semi-Aquatic Planting and Marginal Plants.  
Species to include:
  - Marsh Marigold
  - Purple Loosestrife
  - Reed Sweet Grass
  - Lesser Spearwort
  - Bogbean
  - Water Forget Me Not
-  Proposed Lawn
-  Proposed Ornamental Shrubs (see schedule of Indicative Ornamental Plants)
-  Proposed Built Form and Hardstanding
-  Existing/Reintroduced Field (Semi-Improved Grassland)
-  Existing Soft Landscape Verge
-  Proposed Sawn Sandstone Footpath
-  Proposed Sawn Sandstone Patios
-  Proposed Gravel Driveway with Stone Setts
-  Proposed Bin Storage Areas



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DWG TITLE: LANDSCAPE LAYOUT  
 PROJECT TITLE: Top Farm, Lymm  
 CLIENT: Mr S. Williams  
 DRAWN BY: AC/HB  
 CHECKED BY: MW  
 DATE: 04.2022  
 SCALE: 1:250@A1  
 WORK STAGE: PLANNING  
 UNIT 6, Longley Lane  
 Northenden, Manchester  
 M22 4WT  
 T: 0161 946 0808  
 E: design@barneswalker.co.uk  
 W: www.barneswalker.co.uk

