

# Warrington Local Plan Examination

## Matters Statements

### MATTER 6d – MAIN DEVELOPMENT AREA: PEEL HALL

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July 2022

## **MATTER 6d – MAIN DEVELOPMENT AREA: PEEL HALL**

### **Issue**

Whether the Peel Hall Main Development Area (Policy MD4) is justified, effective and consistent with national policy.

(NB. Examination Library reference numbers are provided in brackets after each document referred to in the Matters Statement)

### **Questions**

- 1. What is the background to the Main Development Area and how was it identified?**
  - 1.1 Peel Hall Main Development Area is a large Greenfield site within the existing urban area of the Borough. The site has been included in numerous iterations of the Council's SHLAA (Site Reference: 1506) as a site suitable for residential development of circa 1,200 dwellings. The site was also submitted as part of the Council's Local Plan Review Call for Sites exercise (reference: R18/P2/083) as a site suitable for a residential development.
- 2. What is the basis for the scale of development proposed and is this justified?**
  - 2.1 The scale of development has been confirmed through the Council's Strategic Housing Land Availability Assessment Report 2021 (H4), and by way of planning approval 2016/28492. The scale of development reflects the site's urban fringe location and making the most efficient use of a site within the main urban area.
- 3. What is the status of the site in terms of planning applications/permissions and how does this relate to the proposal and policy requirements in the Local Plan?**
  - 3.1 The site has a history of planning applications and currently has the benefit of Outline planning permission (2016/28492). Granted at appeal in November 2021, it consists of a new mixed use neighbourhood comprising residential institution (residential care home - Use Class C2); up to 1200 dwelling houses and apartments (Use Class C3); local centre including food store up to 2000 square metres (Use Class A1); financial & professional services; restaurants and cafes; drinking establishments; hot food takeaways (Use Classes A2-A5 inclusive); units within Use Class D1 (non-residential institution) of up to 600 sq m total with no single unit of more than 200 sq. m; and family restaurant/ pub of up to 800 sq. m (Use Classes A3/A4); primary school; open space including sports pitches with ancillary facilities; means of access (including the demolition of 344; 346; 348; 458 and 460 Poplars Avenue) and supporting infrastructure. (All detailed matters other than access reserved for subsequent approval.)
  - 3.2 With regards to Local Plan policy requirements and the extant permission, there are some differences; however, the planning permission has yet to be implemented. It is therefore considered that given the size of the site and the infrastructure

requirements generated from it, that the Council needs to maintain control of the development through an appropriate Local Plan policy in the UPSVLP 2021.

- 3.3 This would address the potential of a further Outline Planning or full planning application requiring determination or the approval of Reserved Matters to follow the Outline consent granted at appeal.
4. **What is the background to the specific policy requirements in Policy MD4.3? Are they justified and consistent with national policy? Do they provide clear and effective guidance on constraints and suitable mitigation?**
  - 4.1 The specific policy requirements either relate to the Council's planning policy objectives - for example the type, tenure, mix and density of new homes - or to ensure appropriate mitigation in bringing the site forward for development and addressing site constraints. This includes requirements for on-site infrastructure provision including a new primary school and local centre.
  - 4.2 The requirements have been established taking into account the Council's evidence base and site assessment work, engagement with the site promoters, engagement through the Duty to Cooperate and feedback from previous rounds of consultation. The Council considers the requirements are clear, justified and consistent with national policy.
5. **Does Policy MD4 identify all appropriate and necessary infrastructure requirements? How will these be provided and funded? Is this sufficiently clear?**
  - 5.1 Infrastructure requirements and associated costs have been established through working closely with internal Council services and partner service providers, taking into account the signed S106 agreement for the site. The Council services of particular relevance to the allocation are Transportation, Education and Environmental Services. The key service partner and infrastructure providers, include the NHS, National Highways and United Utilities.
  - 5.2 All infrastructure requirements are set out clearly in the Policy.
  - 5.3 The infrastructure is intended to be funded by the developer bringing the allocation forward through s106 contributions in line with planning approval 2016/28492. The Local Plan Viability Assessment August 2021 (V2) base testing results indicated Peel Hall was not a viable site based on full policy requirements. However, additional sensitivity testing on selected inputs demonstrates that the site is viable.
6. **Are there potential adverse effects not covered above, if so, what are they and how would they be addressed and mitigated? N.B. The Council's response should address key issues raised in representations.**
  - 6.1 **Objections were raised regarding the loss of a large greenspace, increase congestion and air pollution levels and impacts on the lives of nearby residents.** Since the publication of and during the consultation period on the UPSVLP (2021), the Secretary of State has granted outline planning permission for the development

of the site. This is subject to a number of planning conditions and the requirements of a S106 agreement which requires measures to mitigate impacts on the transport network and in respect of wider social infrastructure.

- 6.2 **Support was noted for the allocation of the playing fields and the provision of replacement sports pitches, but concerns raised about duplication of the requirement for measurable Biodiversity Net Gain under policies DC3 and DC5.** Since the publication of and during the consultation period on the UPSVLP (2021), the Secretary of State has granted outline planning permission for the development of the site, subject to a number of planning conditions. Therefore, in line with the conditions set out in APP/M0655/W/17/3178530RD, the Inspector might be minded to suggest modifications to the current policy/policies as written to reflect the appeal decision.
- 6.3 **Given that planning permission for the site was granted at appeal the UPSVLP should be amended to notate the site as a commitment rather than an allocation and the Policy MD4 thus deleted. If, for whatever reason the proposed allocation remains relevant, then a number of amendments are required to ensure consistency with the Secretary of State's decision and therefore make the Plan sound.** Despite the site now having outline consent, the Council considers it is essential that the allocation policy remains in the Plan as the basis to assess future reserved matters applications for the site and / or any renewal of planning permission. However, in line with the conditions set out in APP/M0655/W/17/3178530RD, the Inspector might be minded to suggest modifications to the current policy as written to reflect the appeal decision.
- 6.4 **Cheshire Constabulary considers that the impact of this site upon Police and other Emergency services is not recognised or accounted for. The needs of all other services/infrastructure is addressed in the policy and therefore it is requested that the policy be amended to address this additional specific need.** The Council will engage with the Cheshire Constabulary to consider their future needs but there is no evidence to demonstrate that any specific provision needs to be made as part of this allocation.
- 6.5 **Concerns were raised that the site incorporates Radley plantation and pond, a LWS and must be excluded from the allocation to comply with policies DC3 & DC4 and the NPPF. Concerns were also raised regarding the impact on ancient woodland.** Since the publication of and during the consultation period on the UPSVLP (2021), the Secretary of State has granted outline planning permission for the development of the site, subject to a number of planning conditions. Therefore, in line with the conditions set out in APP/M0655/W/17/3178530RD, the Inspector might be minded to suggest modifications to the current policy as written to reflect the appeal decision.

**7. Is the development proposed viable and deliverable as anticipated within the plan period? What is the situation in relation to land ownership and developer interest?**

- 7.1 As noted in par 5.3 above, the Local Plan Viability Assessment August 2021 (V2) base testing results indicated Peel Hall was not a viable site based on full policy requirements. However, additional sensitivity testing on selected inputs demonstrates that the site is viable, and the site now has the benefit of a conditioned planning approval.
- 7.2 At the time of drafting and consulting on the UPSVLP (2021) there was not an agreed package of transport mitigation measures, therefore the Council re-classified the Peel Hall site from 'deliverable' to 'developable' in its SHLAA. The Council has not therefore included any completions from the site within the first 5 year period of the Plan's Housing Trajectory.
- 7.3 Although completions are not included in the first 5 years of the trajectory, the site is actively being promoted through the Local Plan process by a majority land owner and the Plan's Housing Trajectory show the site to be built out in full with the Plan period.
- 7.4 As set out in paragraph 3 above, the site now has the benefit of an Outline Planning permission.

**8. How is it intended to bring the site forward for development? What mechanisms will there be to ensure a comprehensive and co-ordinated approach to development, ensuring that infrastructure requirements are provided?**

- 8.1 As set out at par. 3.1 above, the site now has the benefit of Outline Planning permission, but the Council considers it important to keep a degree of control over the development of the site, should further planning applications require determining.
- 8.2 Therefore, to ensure a coordinated approach to the delivery of the allocation, the landowners will be required to prepare a Development Framework for the development of the site, to include a delivery strategy and phasing plan in order to ensure the comprehensive and coordinated development of the site as a whole.
- 8.3 The Development Framework must confirm to the requirements of Policy MD4, and be agreed by the Council. It should also be subject to consultation with statutory consultees and the local community.
- 8.4 The Development Framework will provide the basis for subsequent planning applications for individual phases of development.

**9. Are any main modifications necessary for soundness?**

- 9.1 As identified above, the Secretary of State has granted outline planning permission for the development of the site, subject to a number of planning conditions.

Therefore, in line with the conditions set out in APP/M0655/W/17/3178530RD, the Inspector might be minded to suggest modifications to the current policy as written to reflect the appeal decision. The Council considers it is essential that the allocation policy remains in the Plan as the basis to assess future reserved matters applications for the site and / or any renewal of planning permission.

- 9.2 As a result of concerns expressed by Natural England regarding the potential in-combination impact of the Local Plan on Holcroft Moss within the Manchester Mosses Special Area of Conservation, the Council is currently working with Greater Manchester Combined Authority (GMCA) on potential mitigation measures for the moss. The Council is therefore proposing a modification to the Plan, and specifically a modification to Part 35 of Policy MD4, which will require a project level HRA to be undertaken and, if required, provide a financial contribution towards appropriate mitigation measures. The mechanism for establishing any required contribution from individual developments and how this will be used to undertake the mitigation could then be set out in an SPD and therefore an addition to the supporting text will need to be made referring to this.