

STATEMENT

Warrington Local Plan Examination: Ref 1432

Tuesday 13 September 2022

Matter 6d: Peel Hall, Warrington

Satnam Millennium Limited

Essential Reading List:

- a. Representations 1434, Policy MD4- Land at Peel Hall.
 - b. Appeal Decision (APP/M0655/W/17/3178530D) dated 09/11/21.
 - c. S106 Agreement, Peel Hall, dated 10/05/21.
 - d. SP6 (Responses to Representations) Agenda Item 4, Appendix 1 regarding Peel Hall (4 pages, unnumbered).
 - e. NPPF, paragraphs 15-30.
1. The Peel Hall site is the largest green field site within the urban area (not within the green belt) within the Borough. It has been included as a site suitable for housing in multiple SHLAAs over the past years. The site has Outline Planning Permission for 1,200 dwellings, nursing home, local centre, family pub and associated open space. The planning approval includes the principle of access, and the details of the site access points. The associated S106 Agreement deals with funding and provision of infrastructure, education matters, affordable housing, and open space. Full evidence was put forward to the Council, and others, that the site is viable for the development proposed and immediately available.
 2. The planning approval is based on a site wide parameters plan (EA assessed) and full access plans. The conditions require full phasing and master plans to be submitted and approved.
 3. The Council appear to accept that it would be desirable if the policy were to be consistent with the planning permission and the conditions attached to it. For example, in SP6 (at page 311) the Council's response states "*...in line with the conditions set out in*

APP/M0655/W/17/3178530D, the Inspector might be minded to suggest modifications to the current policy / policies as written to reflect the appeal decision". Also, the Council in repeated responses to objections against the allocation cite the appeal decision as support for the allocation "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 conditions" (SP6 page 310).

4. The Council's justification for retaining policy MD4 in the plan is to provide a framework to assess future reserved matters applications and /or any renewal of planning permission (SP6 page 311).
5. Once outline planning permission has been granted, it will not be open to a decision-maker to revisit at the reserved matters stage any matters of principle which ought to have been considered at this earlier stage (***Paul Newman New Homes v. Secretary of State*** [2021] EWCA Civ 15 at paragraph 17). Accordingly, if the purpose and justification for the policy is to guide decisions on approval of reserved matters, it would not be appropriate for the policy to seek to revisit matters of principle which have already been resolved.
6. Thus,
 - a. The policy must be revised so that it does not seek to revisit principles which have been established. This statement applies whether the policy is intended to guide determination of applications for approval of reserved matters, or to guide the determination of further applications for planning permission.
 - b. There is no need for the policy to set out requirements for matters already approved by the outline consent (for example access matters).
7. In its representations Satnam put forward detailed points on the wording of the policy (paragraphs 12-25 of the representations). In SP6 the Council have failed to engage with these suggestions. Therefore, in order to assist the Council and the inspector, Satnam puts forward alternative wording for consideration at **Appendix 1**. This is based on the analysis set out in **Appendix 2** which sets the requirements of the draft policy against the matters already determined or controlled by the outline consent.
8. The Council have not amended the housing trajectory despite planning permission being granted on this site. It is anticipated completions could, in reality, start in year 24/25 (the first 60). However, in concluding that no completions are likely to arise in the first five years of the plan period, the Council's trajectory does not take account of the following factors:
 - a. The site has OLPP, which places it far in advance of the other strategic sites.
 - b. The site is being marketed by a leading National Agent at present, with a timetable that the site be sold by end 2022.

- c. Housebuilders are very interested and initial indications are Reserved Matters applications will be submitted in Spring 2023.
9. As such the position of the Council regarding the development timeline for this and other sites in the plan is not Positive, Justified, Effective or Consistent with National Policy.
10. For the reasons set out within our representations and in this statement therefore, either,
 - a. The Council should put forward a proposed modification to make the policy sound. The proposed modification should be based upon the suggested wording set out in Appendix 1, or
 - b. Alternatively, given that the planning permission is granted for this site, it is sufficient to show the site as a commitment in the Local Plan as the development will be guided by the planning approval in the usual way.

APPENDIX 1

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MD 4.1 Key Land Use and Infrastructure Requirements.

1. Land comprising approximately 69 hectares at Peel Hall has outline planning permission and is allocated to deliver a new sustainable community of a minimum of 1,200 homes, supported by the following range of infrastructure, as set out in the outline consent:
 - a. A range of housing tenures, types and sizes, including affordable homes and a residential care home (use class C2)
 - b. A 1 form entry Primary School on site or contributions to expand primary school provision off site
 - c. A local Centre providing local shops and other appropriate services
 - d. A range of agreed highway works to the local and strategic road networks
 - e. Bus services into the site
 - f. An integral cycleway and pedestrian network within and linking outside the site.
 - g. Sustainable drainage
 - h. A contribution to additional secondary school places
 - i. Open space within the site to cater for formal and informal recreational needs (including the relocation of Mill Lane playing fields)

MD 4.2 Delivery and Phasing.

2. As required by the Outline consent, the landowners / developers will be required to prepare a delivery strategy and phasing plan for the whole site.

MD 4.3 Detailed Site-Specific Requirements.

3. The Layout of the urban extension should maximise the opportunities for walkable neighbourhoods and include a legible hierarchy of footpaths and cycleways that also provide direct links to the existing networks beyond the site.
4. A green infrastructure strategy should demonstrate how development within the urban extension will protect and enhance existing wildlife corridors and provide new corridors to link the site into Warrington's wider ecological network.

5. The layout of the urban extension should take account of existing landscape features, specifically Radley Plantation, as well as including watercourses, woodlands, and significant hedgerows.
6. Development should be designed to mitigate the impacts of climate change; be as energy efficient as possible and seek to meet a proportion of its energy needs from renewable or low carbon sources in accordance with Policy ENV7.

APPENDIX 2

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Plan requirement	Already Approved Matter	Relevant Condition or S106
1.b		S4:3 &4 of S106
1.d	X	5
1.e	X	15
1.f		21
1.h		28
1.i		S4:3 of S106
1.j	Rejected by SoS.	
1.k		S4: 8 of S106
1.l		13
1.m		12/13
2		8
5	X	
6		12
7	X	S4 of S106
8		34
9		S4:1 of S106
10	X	
11	Not Requested by LPA at application / appeal stage.	
12	X @ 1,200	
13/14/15		S4:3 of S106
16	X Parameters Plan	
17	X Parameters Plan	
18		5
19	X	
20	Rejected by SoS	
21	X	15-19

24	X	
25		23/24/25
26/27/28		13
29		49
30		13
31	Not Requested by LPA at application / appeal stage.	
32		5
34	Not Requested by LPA at application / appeal stage.	
35	Not Requested by LPA at application / appeal stage.	
36/37/38		14/37/38/ 39/40/41/42
39		52/53
40/41/42		28/ 29/ 30/ 31/ 32/ 33/