

# Warrington Local Plan Examination

## Matters Statements

### MATTER 7D(ii) – SITE ALLOCATION - LYMM

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August 2022



## **MATTER 7D(ii) – SITE ALLOCATIONS - LYMM**

### **Issue**

**Whether the site allocations at Lymm (Policies OS4 and OS5) are 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)

### **Policy OS5 – Rushgreen Road**

#### **Questions**

#### **1. What is the background to the site allocation and how was it identified?**

1.1 The assessment for the high level spatial distribution of options is outlined in Section 2 of the Development Options and Site Assessment Technical Report Sept 2021 (O1) and has been fully documented in response to Matter 3.

1.2 The sites were submitted as part of the Call for Sites as sites for residential development (SAP2 - Pages 477-479, 480-482) in 2019. Section 3 of the Development Options and Site Assessment Technical Report Sept 2021 (O1) outlines the process for how each settlement site was identified. The site boundary was adjusted in the 2021 PSVLP to exclude the area that has been granted planning consent (2017/31816) on Appeal (APP/M0655/W/181).

1.3 The site assessment process considered two parts of the site separately and concluded that:

**Land off Thirlmere Drive** – SHLAA Ref: 1504/Site Ref: R18/018, R18/P2/055. This site is considered to be suitable – unlikely to have a major impact on trends. The site is adjacent to the settlement of Lymm, located to the east of the settlement close to Rushgreen Road (A6144). The site is considered to be in a sustainable location and is available being free from ownership issues. The site is considered to be available as it was promoted by the owner and it is not in active use. The site is considered to be achievable as it is in an area of high viability and there are no known abnormal development costs. There are some suitability issues surrounding the distance to natural greenspace and a train station; and GP services in Lymm have no available capacity. Overall, the site would be in accordance with the objectives set out in the draft Warrington Local Plan including objective W1 to strengthen existing neighbourhoods, W2 to facilitate the sensitive release of Green Belt, W4 to promote sustainable modes of transport, and W6 to minimise the impact of development on the environment.

**Land south of Rushgreen Road (West site)** - Site Ref: R18/118 / Site Ref: R18/P2/054 / R18/P2/133 (**NOTE: This site has been incorrectly referenced as Site Ref: R18/P2/085 in the Local Plan Site Allocation Site Profiles - CD02**). This site is

considered to be suitable – unlikely to have a major impact on trends. The site is adjacent to the settlement of Lymm, located to the east of the settlement close to Rushgreen Road. The site is considered to be in a sustainable location. The site is available, as it is being promoted by the owner. The site is considered to be achievable in that it is in an area of high viability. There are suitability issues due to GP services in Lymm having no available capacity. Overall, the site would be in accordance with the objectives set out in the draft Warrington Local Plan including objective W1 to strengthen existing neighbourhoods, W2 to facilitate the sensitive release of Green Belt, W4 to promote sustainable modes of transport, and W6 to minimise the impact of development on the environment.

1.4 There is now a planning permission for residential development on the site immediately to the east of the proposed allocation site that is currently in the process of being implemented (Ref: 2017/31816). This permission was granted on appeal as referred to in paragraph 1.2 above.

**2. What are the conclusions of the Green Belt Assessment in relation to the contribution of the land in question to the purposes of the Green Belt and the potential to alter the Green Belt in this location?**

2.1 Land off Thirlmere Drive (SHLAA Ref: 1504) - The site was assessed in the Green Belt Assessment Collated Report - Sept 2021 Report (GB4) as making a weak contribution to Green Belt purposes.

2.2 The assessment concluded that the site makes a moderate contribution to two purposes and no contribution to three. While the site makes a moderate contribution to safeguarding the countryside from encroachment due to its moderate openness and non-durable boundaries, it makes no contribution to checking unrestricted sprawl, preventing towns from merging or preserving historic towns. The site also makes a moderate contribution to assisting in urban regeneration. Therefore, in line with the methodology, the site was judged to make a weak overall contribution to Green Belt purposes.

2.3 Land south of Rushgreen Road (West Site) (Ref: R18/118) - The site was assessed in the Green Belt Assessment Collated Report - Sept 2021 Report (GB4) as making a weak contribution to Green Belt purposes.

2.4 The assessment concluded that the site makes a moderate contribution to two purposes, and no contribution to three. The site makes a moderate contribution to safeguarding the countryside from encroachment due to its strong-moderate degree of openness and adjacent development within the Green Belt to the east. The site also makes a moderate contribution to assisting in urban regeneration however it does not contribute to checking unrestricted sprawl or preventing towns from merging. Therefore, in line with the methodology, the site was judged to make a weak overall contribution to Green Belt purposes.

### **3. What would be the effect of developing the site on the purposes of the Green Belt?**

- 3.1 The Green Belt Site Selection – Implications for Green Belt Release - August 2021 Report (GB3) concluded that the removal of the sites from the Green Belt would not harm the overall function and integrity of the Green Belt around Lymm.
- 3.2 **Land off Thirlmere Drive** - The Green Belt Site Selection – Implications for Green Belt Release - August 2021 Report (GB3) concluded that the removal of the site from the Green Belt alongside the adjacent site (Site Ref: R18/P2/085 / R18/P2/132) will not harm the overall function and integrity of the Green Belt around Lymm. Development of the site would entail a relatively small incursion into open countryside, the site is relatively enclosed by the settlement. In combining with the adjacent site a new boundary to the Green Belt will be formed by the Bridgewater Canal.
- 3.3 **Land at Tanyard Farm** - The Green Belt Site Selection – Implications for Green Belt Release - August 2021 Report (GB3) (R18/P2/085/R18/P2/132 see page 30) concluded that overall, the development of the site would not represent encroachment into the countryside as the majority of the site is already developed with a gym and car park, airport car parking, a garage, agricultural buildings, a farm shop and a café, therefore the removal of the site from the Green Belt alongside the adjacent site (SHLAA Ref: 1504 / Site Ref: R18/018 / Site Ref: R18/P2/055) will not harm the overall function and integrity of the Green Belt around Lymm. A new recognisable and permanent Green Belt boundary would be created consisting of the Bridgewater Canal and through strengthening the other existing boundaries.
- 3.4 However, the assessment by ARUP for the Land at Tanyard Farm considered the 2019 allocation boundary and not the new allocation boundary. A new plan has been provided to ARUP who have considered the allocation site for the 2021 Updated PSVLP. They have confirmed that there is no material change to their overall conclusions. Their assessment of the actual allocation site will be published on the Council's Examination Page.
- 3.5 The Council acknowledges that in amending the allocation boundary it did not amend the Green Belt boundary accordingly. As such, the Council is aware that it is proposing Green Belt release to the east of the allocation site without having demonstrated Exceptional Circumstances.
- 3.6 The Council is therefore proposing a modification to Policy GB1 to amend the Green Belt boundary to match the eastern extent of the allocation site.
- 3.7 The Council does however recognise that the northern part of the appeal site is now built out and the Inspector may consider that this should be removed from the Green Belt. The Council considers that the southern part of the appeal site should remain in Green Belt. This part of the appeal site is partly formal open space and partly grassland. The Council does not consider there are exceptional circumstances to remove this part of the appeal site from the Green Belt and recognises that the

appeal Inspector made specific references to its open character and its role in maintaining a gap between Oughtrington and Lymm.

- 3.8 Adjacent to the site and within the built up area is land identified as 78 Rushgreen Road. A representation has been received that proposes to include this in the overall site allocation. It is in the same ownership as the adjoining area of the allocation site. The proposal is that the site would be provided to accommodate the new primary health care facility as specified and required by Part 8 of the allocation policy. The site is not within the existing Green Belt and there are no issues with the proposal. Therefore, it is proposed that a modification is made to Policy OS5 site allocation boundary and the policies map is adjusted to include this area.

**4. Are there exceptional circumstances to alter the Green Belt in this particular case? If so, what are they?**

- 4.1 The site will increase housing choice, provide affordable housing and support the vitality and viability of local services in Lymm. The greenfield and relatively unconstrained nature of the land will enable the site to be delivered in the early period of the Plan meeting identified housing needs in the shorter term.
- 4.2 The site also forms part of a wider spatial strategy that will ensure that sufficient land is provided to meet Warrington's development needs, that housing affordability is addressed and new sustainable communities are created, in a manner that will support the delivery of strategic infrastructure that will also unlock major brownfield development sites.
- 4.3 The site also provides the potential for the development of a new health facility that is required to support new housing development in Lymm. The land for the new health facility on the site will be provided to the NHS at nil cost.
- 4.4 These are considered to constitute 'Exceptional Circumstances'.

**5. What is the basis for the scale of development proposed and is this justified?**

- 5.1 The Council considers that the scale of housing growth is consistent with the Plan's Spatial Strategy of 'incremental growth' in each of the outlying settlements. The outlying settlements were reconsidered in the Development Options Report 2021 (O1) with consideration given to suitability, and achievability of the sites development. The broader sustainability factors as set out in the Council's Sustainability Appraisal SA Report August 2021(SP3) were also assessed including Green Belt issues, flooding, natural environment and local facilities.
- 5.2 The site is currently in two ownerships. Each owner has confirmed their site can come forward for residential development. Applications have been submitted on the two separate parts of the site. The application on the land south of Rushgreen Road (West site) is for residential development for 143 homes, whilst the application on land at Thirlmere Drive is for the erection of a part two/part three storey building comprising 45 apartments (26 1 bed and 19 2 bed) for Retirement Living Housing

(Category II type accommodation) with associated communal facilities, landscaping and car parking.

**6. What is the background to the specific requirements of the policy? Are they justified and consistent with national policy? Do they provide clear and effective guidance on constraints and suitable mitigation?**

6.1 The specific requirements within Policy OS5 either relate to the Local Plan objectives including the type and tenure of homes to be delivered, or to ensure appropriate mitigation in bringing the site forward for development and addressing site constraints. The requirements have been established taking into account the Council's evidence base and site assessment work, engagement with the principal landowner, 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.

6.2 The policies provide clear guidance on what the Council expects will be delivered as part of the development including any special considerations concerning Green Belt, community facilities, climate change and the natural environment.

**7. Does the policy identify appropriate and necessary infrastructure requirements? How will these be provided and funded? Is this sufficiently clear?**

7.1 The Council considers that the level of development proposed in the outlying settlements, including that proposed in Lymm can be accommodated by existing infrastructure provision, with some limited infrastructure enhancements.

7.2 For Lymm this may require the expansion of one of the primary schools in the settlement and contributions towards secondary school provision and to expanding and enhancing existing or planned built leisure facilities and playing pitches. The planning of these additional facilities will be undertaken by the Council in collaboration with relevant providers and will be programmed to meet needs as they arise and increase.

7.3 The provision and support of additional health facilities is identified within the allocation policies for Lymm as it has been identified that current GP provision is at capacity. Policy OS5 (Rushgreen Road) requires the provision of a new Health Facility on this site. The land for the health centre will be provided to the NHS at nil cost. The owner of the site has engaged with the NHS Clinical Commissioning Group, the Council and GP Practices on the delivery of this facility which is seen as key to the development of housing sites in Lymm.

**8. Is the requirement for Green Belt compensatory improvements justified and appropriate?**

8.1 Paragraph 142 of the NPPF requires that where it has been concluded that it is necessary to release Green Belt land for development, local authorities should also set out ways in which the impact of removing land from the Green Belt can be offset

through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

- 8.2 The Council acknowledges that the approach to Compensatory Green Belt improvements could be clearer in the Policy. As such the Council is proposing a modification to clarify that in the first instance improvements should be made in the immediate vicinity of the site and delivered by the developer. The Council will then consider improvements in the wider area where it can be demonstrated that the improvements cannot be delivered in the immediate vicinity of the site or where this will provide greater benefits. Financial contributions will only be considered where this would help to ensure that the benefits of compensatory improvements can be maximised by providing them in a more appropriate location.
- 8.3 The proposed wording for the modification is detailed at paragraph 14.3.
- 8.4 In the case of Policy OS5 (Rushgreen Road), it is anticipated that compensatory improvements will be on adjacent or nearby land as the landowners/developers own land within the vicinity of the site.

**9. Is the Council satisfied that safe access to the site can be secured, and that Lymm has the appropriate transport infrastructure required to support the development?**

- 9.1 Through the site assessment process, the Council's Highways Officers confirmed that appropriate vehicular access to can be provided to the site and that the level of development proposed in Lymm can be supported. Access provision was considered with regard to the comprehensive development of the site and is subject to Parts 15, 16 and 17 of the policy which require a Transport Assessment and associated package of transport improvement measures to support the development. These include requirements for connections into the wider footway network around the site, including the Bridgewater Canal towpath, providing connectivity with the existing community.
- 9.2 The Council considers that the level of development proposed in the outlying settlements, including that proposed in Lymm, can be accommodated by existing infrastructure provision, with some limited infrastructure enhancements, including a new health facility.

**10. 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**

- 10.1 **It has been raised that development could damage the character of Lymm.** The Council considers that the allocations proposed in the outlying settlements, including in Lymm, are of a relatively limited scale which together with the safeguards in the allocations policies will mean that they will not impact on their respective characters. An average minimum density of 30 dph across the whole of the site is considered to be appropriate. The policy at part 2 states the development should be in accordance

with the emerging Lymm Neighbourhood Plan and take into account the Lymm Heritage and Character Assessment.

- 10.2 **Concern has been raised that developments will fill-in the existing green boundary between communities and villages, demarcation between Oughtrington and Lymm will be lost.** As concluded in the Council's Green Belt Site Selection - Implications of Green Belt Release Report 2021, the allocation makes a weak contribution to Green Belt purposes. The removal of the allocation will not harm the overall function and integrity of the Green Belt around Lymm. As stated in question 3 above, the Council is proposing a modification to the PSVLP policy map whereby the whole area to the east of the proposed allocation site is retained in Green Belt. A recognisable and permanent Green Belt boundary would be created consisting of the Bridgewater Canal and through strengthening the other existing boundaries. A swathe of open space would also be secured adjacent to the Bridgewater Canal that would be accessible to the public, visually and ecologically enhanced, remain permanently open and maintain the gap between Oughtrington and Lymm.
- 10.3 **Development is not justified, does not meet the needs of the area and is unlikely to deliver affordable housing.** The development will provide a range of housing tenures, types and sizes in order to ensure it contributes to meeting the Borough's general and specialist housing needs, including family homes with gardens, specific provision for older people and for younger people looking to purchase their first home. 30% of homes will be affordable. Policy DEV2 includes specific safeguards to ensure that affordable housing in south Warrington is genuinely affordable. These safeguards will apply to the allocation sites in Lymm.
- 10.4 **The proposed allocation of land at Rushgreen Road is poorly presented and appears to give limited consideration to the development of adjoining land under planning permission 2017/31816. There are also inconsistencies between the description of the site in the August 2021 Green Belt Assessment and the land proposed for allocation in UPSVLP which does not reference the land now developed but currently in the designated Green Belt.** As stated in question 3 above, the Council is proposing a modification to the PSVLP policy map whereby the whole area to the east of the proposed allocation site is retained in Green Belt. A recognisable and permanent Green Belt boundary would be created consisting of the Bridgewater Canal and through strengthening the other existing boundaries. A swathe of open space would also be secured adjacent to the Bridgewater Canal that would be accessible to the public, visually and ecologically enhanced, remain permanently open and maintain the gap between Oughtrington and Lymm.
- 10.5 **There are concerns over the certainty of whether the health centre will be developed and that this will just replace the existing surgeries in Lymm and will not be in addition to them. Any new health facility must be built before the new homes.** The Policy provides safeguards to ensure the timely delivery of the new health facility. The Warrington NHS Clinical Commissioning Group have undertaken an assessment of the capacity of the existing GP surgeries in Lymm. A new health

centre would replace the two existing GP facilities. It will provide the two practices with capacity to expand their operation to accommodate for new as well as existing patients in a modern purpose built facility. The delivery of a new health care facility is considered to be a key requirement of the allocation.

- 10.6 **It has been raised that the area is prone to flooding and development is likely to increase flood risk.** The Updated PSVLP is supported by a Level 1 (E2) & Level 2 (E3) Strategic Flood Risk Assessment (SFRA) taking into account all sources of flooding across the whole of the Borough. The proposed allocation is within Flood Zone 1 and therefore flooding is not considered to be an issue.
- 10.7 **There is concern that proposed development is not attuned to climate change and no evidence of requirements for better than minimum energy efficient measures in place.** The policy at point 22 states that the development should be designed to mitigate the impacts of climate change; be as energy efficient as possible and meet a proportion of its energy needs from renewable or low carbon sources in accordance with policy ENV7.
- 10.8 **Cheshire Wildlife Trust states that all areas of priority habitats should be excluded from the allocations in order to avoid harm to biodiversity.** Part 11 of the Policy provides protection for any existing habitats on the site, whilst Part 12 of the Policy requires the development to provide biodiversity net gain.
- 10.9 **Cheshire Constabulary requests the addition of text under community facilities of 'Appropriate emergency services infrastructure'.** 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.
11. **Is the development proposed viable and deliverable within the period envisaged, noting that it is anticipated that first homes would be completed in 2024/5?**
- 11.1 The developer and owners of the both sites that make up the allocation have confirmed that their area of the site is available could come forward in the first five years of the Plan if adopted. The Local Plan Viability Assessment August (V2) demonstrates the allocation is viable and all contributions can be met.
12. **What is the situation in relation to land ownership and developer interest?**
- 12.1 **Land off Thirlmere Drive** – The site was promoted by the owner and there are no known ownership issues. The site is in a location of high viability. Developer interest has been expressed.
- 12.2 **Land south of Rushgreen Road (West site)** – The site was promoted by the owner and there are no known ownership issues. The site is in a location of high viability. Bellway currently has an option on the site.
13. **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?**

- 13.1 The policy sets out all the requirements for development of the site. This includes on-site infrastructure requirements and contributions to offsite infrastructure improvements including community facilities; open space and recreation; transport and accessibility; and utilities.
- 13.2 Planning applications have already been submitted on the allocation site, as outlined in paragraph 5.2 above. The policy is written to ensure the comprehensive development of the site as a whole.

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

- 14.1 The Council is proposing a modification to Policy GB1 to amend the Green Belt boundary to match the eastern extent of the allocation site. The Council does however recognise that the northern part of the appeal site is now built out and the Inspector may consider that this should be removed from the Green Belt as well.
- 14.2 It is proposed that the site allocation boundary is also adjusted to include 78 Rushgreen Road which lies adjacent to the site and within the existing built-up area. The land forms part of the ownership of the site promoters of the land south of Rushgreen Road (West site) and can allow for a more comprehensive treatment of the Rushgreen Road frontage and provide for a location for the new primary health care facility as per the policy provision.
- 14.3 The Council acknowledges that the approach to Compensatory Green Belt improvements could be clearer within the Policy. As such the Council is proposing the following modification:

A scheme of compensatory improvements to the environmental quality and accessibility of land remaining in the Green Belt will be required. **In the first instance, the improvements should be made in the immediate vicinity of the site and delivered by the developer. The Council will consider improvements in the wider area where it can be demonstrated that the improvements cannot be delivered in the immediate vicinity of the site or where this will provide greater benefits.** Financial contributions will **only** be considered where this would help to ensure that the benefits of compensatory improvements can be maximised by providing them in ~~the most~~ **a more** appropriate location.