



APPEAL BY THOMAS SMITH
LAND AT SPRING LANE, WARRINGTON
APP/M0655/W/25/3367247

PROOF OF EVIDENCE BY MARTHA HUGHES
MA, Dip TP, MRTPI

Martha Hughes Proof of Evidence Appendices

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Appendix 1 – 2024/00668 Decision notice



Town and Country Planning Act 1990

Application for Full Planning

Applicant:

Philip Brown Associates Limited
C/o Philip Brown Associates Limited
Rugby
CV21 2QX

Agent:

Philip Brown Associates Limited
74 Park Road
Rugby
CV21 2QX

Application No: 2024/00668/FUL

Proposal: Change of use of land to use as residential caravan site for 5 gypsy/traveller families, each with two caravans including no more than one static caravan/mobile home, together with the laying of hardstanding and erection of communal amenity building.

Location: Spring Lane Nurseries, Warrington, WA3 7AS

Warrington Borough Council hereby give notice in pursuance of the above Act(s) that permission is Refused for the development referred to above in accordance with the application and plans submitted, for the following reason(s):

- 1 The proposed development by virtue of the introduction of a new permanent building, siting of caravans, car parking and associated surfacing is inappropriate development, which is by definition harmful to the Green Belt and would detract from its openness and conflict with the purposes of including land within the Green Belt. No very special circumstances exist to outweigh the harm caused and as such, the proposal is contrary to Policy GB1 (Green Belt) of the Warrington Local Plan (2023) and the NPPF.
- 2 It has not been demonstrated that adequate drainage would be provided on the site or that the proposal would not increase the risk of flooding on the site and in the local area. It has also not been demonstrated that the proposed caravans would not be adversely impacted by flooding either on the site, at the entrance to the site or on the highway adjacent to the entrance. As such the proposal does not comply with Policy ENV2 of the Warrington Local Plan.
- 3 The proposed development will be located in an area of potentially poor air quality and odours given the close proximity to the M62 motorway and a chicken farm. Insufficient consideration of air quality impacts /odours or assessment has been submitted with the application, therefore it has not been demonstrated that the proposal would provide an acceptable and/or safe habitable environment, and as such the proposal is contrary to Policy ENV8 of the Warrington Local Plan and the NPPF.
- 4 The proposed development will be located in a DEFRA Noise Mapped Area where day and night-time noise levels are up to 70db(A) due to the proximity to the M62 motorway. No noise impact assessment has been submitted with the application. Insufficient consideration or analysis of the impacts from noise have been submitted with the application, therefore it has not been demonstrated that the proposal would provide an acceptable and/or safe habitable environment for the intended occupiers of the site, as such the proposal is contrary to Policy ENV8 and DEV3 of the Warrington Local Plan and the NPPF.
- 5 In line with current Council standards on appraising sustainability, the site would not meet the full range of criteria, especially in terms of access to more sustainable modes of transport. As such, the site is considered to be in a less than sustainable location and would conflict with Policy DC1 and would not provide an acceptable living environment for future occupiers or be well placed to access the full range of key local services as required Part 5 (a), (b) and (g) of Policy DEV3 of the Warrington Local Plan.
- 6 It has not been demonstrated how the proposal would meet the statutory requirements to provide Biodiversity Net Gain (BNG) either on site or at a BNG registered location. As such the proposal is contrary to Policy DC4 of the Local Plan and the NPPF.

INFORMATIVES

- 1
- The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement of the National Planning Policy Framework (NPPF).
- 2
- This decision has been based on the following submitted information and plans received by the Council on the 9th December 2024.
- Spring Lane Nurseries Location Plan
- Spring Lane Nurseries Block Plan
- Spring Lane Nurseries Site Layout Plan
- Spring Lane Nurseries Floor Plan and Elevations
- Spring Lane Nurseries Proposed Parking Plan
- Spring Lane Nurseries Design & Access Statement

Supporting information

- Supplementary Planning Statement
- Statement on implications of NPPF changes
- Arbtech Preliminary Ecological Assessment
- Arbtech BNG Assessment
- BNG Metric
- Flood Risk Statement
- EA Flood Map for Planning 01/12/2024
- Flood Risk Statement

Other

Appeal Decision Shadowbrook Lane

SIGNED:

N. Gallagher

Development Manager
Development Management

DATED: 19 March 2025

IMPORTANT

This decision relates solely to the planning legislation, and does not grant authority under the Building Regulations, nor any other legislation that might be required.

NOTES

1. 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.
2. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
3. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and If you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

4. If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this decision; 12 weeks in the case of a householder application or a minor commercial application; or 8 weeks in the case of an application for advertisement consent.
5. 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 or online at www.gov.uk/government/organisations/planning-inspectorate
6. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
7. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
8. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

Purchase Notices

1. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
2. In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.

APPENDIX 2 - Copy of Enforcement Notice Spring Lane

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(As amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

ISSUED BY: WARRINGTON BOROUGH COUNCIL ("the Council")

1. THIS IS A FORMAL NOTICE

It is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A (1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land on the east side of Spring Lane, Warrington, WA3 7AS, shown edged red on the attached plan.

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, the material change of use of the land to use as residential caravan site for gypsy/traveller families, with associated storage, siting of caravans, vehicles, machinery, laying of hardstanding and construction of buildings / sheds.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the breach of planning control has occurred within the last ten years.

The development conflicts with a key purpose of including land within the Green Belt, that being to assist in safeguarding the countryside from encroachment. It also does not preserve the openness of the Green Belt. There is no demonstrable unmet need for the development, and it not sited in a sustainable location. The development is inappropriate development in the Green Belt.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

With respect to other harm, the development fails to incorporate a sustainable drainage system or demonstrate how surface water runoff will be managed without increasing flood risk elsewhere. The site is also already within an area at risk of surface water flooding, and the introduction of hardstandings and buildings on what was previously undeveloped land as well exacerbating existing flood issues for the local area introduces safety and amenity issues for the users of the site.

Additionally, the site is partially located within the Motorway Air Quality Management Area, as well as being close to a poultry farm on the opposite side of Spring Lane. The development has the potential exposes users of the site to poor air quality.

The development is also in a DEFRA Noise Mapped Area where day and night-time noise levels are up to 70db(A) due to the proximity to the M62 motorway. No mitigation has been employed and implemented to prevent adverse impacts on the health and quality of life of the users of the site. The siting and use of caravans which are more acoustically susceptible to noise exacerbates the harm caused, and there are clearly physical constraints and environmental issues that cannot be mitigated to an acceptable level.

The development is an unsustainable form of development with poor access to sustainable modes of transport and key local services.

There is conflict with biodiversity objectives as the development fails to secure a measurable net gain in biodiversity or include mitigation or compensation measures associated with the development.

There are no other considerations that clearly outweigh the harm caused to the Green Belt by reason of inappropriateness, and the other identified harm resulting from the development, and there are therefore no very special circumstances.

The development conflicts with the Warrington Local Plan (2023), Policy GB1 (Green Belt), Policy ENV2 (Flood Risk and Water Management), Policy ENV8 (Environmental and Amenity Protection), Policy DEV3 (Gypsy & Traveller and Travelling Show People Provision), and Policy DC4 (Ecological Network).

5. WHAT YOU ARE REQUIRED TO DO

You are required to:

- a) Cease the use of the land as a residential caravan site as well as the associated storage use.
- b) Remove from the land all caravans, vehicles, machinery, sheds/buildings, and stored materials.
- c) Remove from the land the hardstanding.
- d) Following completion of requirement (c) reinstate the land to its original condition prior to the breach taking place.

6. TIME FOR COMPLIANCE

The time for compliance is 6 calendar months from the date on which this notice takes effect.

7. WHEN THIS TAKES EFFECT

This notice takes effect on **14th August 2025**.



Signed:

Head of Public Protection and Prevention :

Dated: 10th July 2025

On behalf of Warrington Borough Council, Town Hall, Sankey Street, Warrington.

ANNEX

THE RIGHT OF APPEAL

Not everyone who is served with an enforcement notice has the right of appeal; the right of appeal is only granted to those with a legal or equitable interest in the land or who are a relevant occupier at both the time the notice is served and the time of appeal. There may be people who are served as they are affected but they do not meet the legal requirements to grant a right of appeal (e.g. squatters, managing agents etc.).

Any appeal must be received, or posted in time to be received, by the Secretary of State on or before **14th August 2025**.

The enclosed information sheets set out your rights. Please note that a separate appeal form must be completed for each individual person or organisation who wishes to appeal.

WHAT HAPPENS IF THERE IS NO APPEAL

If there is no appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

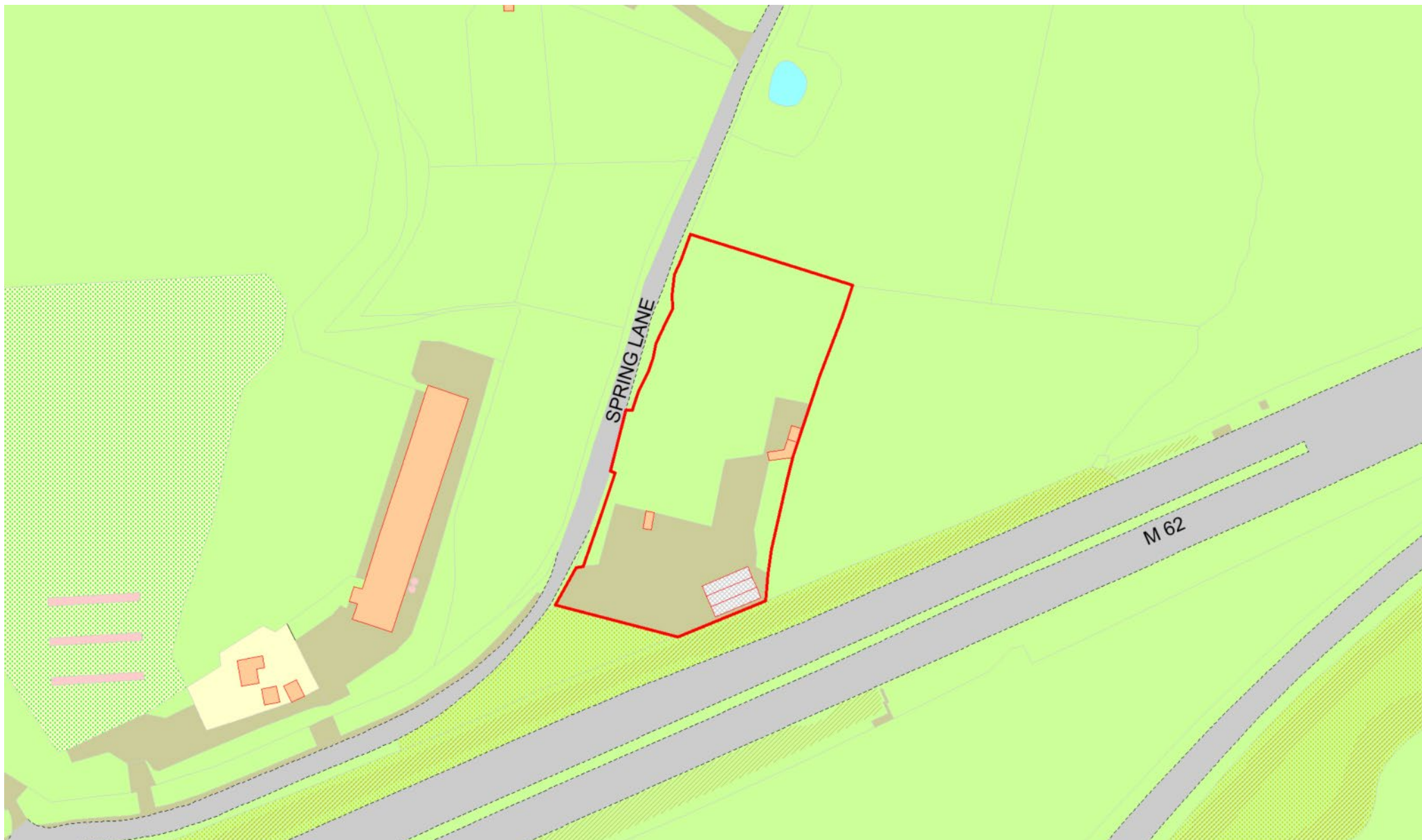
WARNING

It is an offence to contravene the requirements stated in this notice after the end of the compliance period. A person guilty of an offence shall be liable on summary conviction, or on conviction on indictment, to a fine. In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with Jason Lewis, Principal Officer Environmental Enforcement, Warrington Borough Council, Town Hall, Sankey Street, Warrington, WA1 1UH, or by email at jlewis@warrington.gov.uk

If you do need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High

Court for judicial review. A lawyer will advise you on what this procedure involves.

DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE



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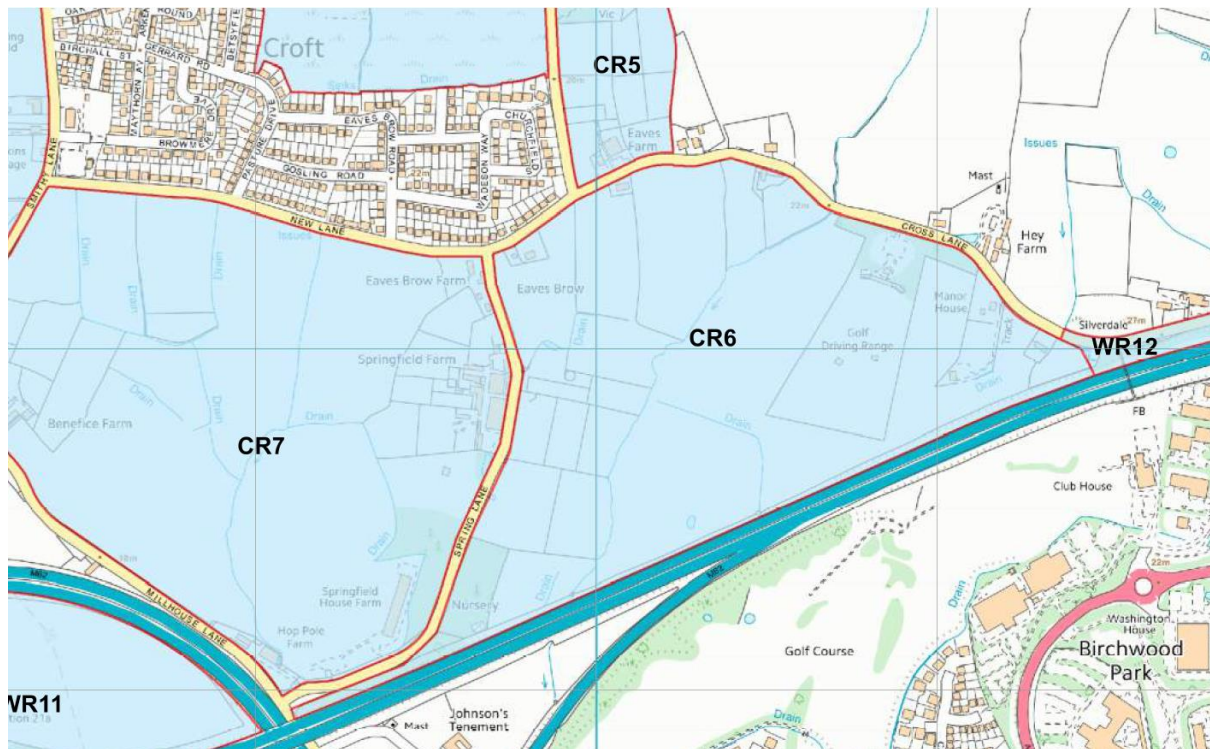
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Enforcement Notice Location Plan ENF/23/09836/EN
Land East of Spring Lane, Warrington

APPENDIX 3 – GB Assessment – parcel plan CR6

WBC 2016 Green Belt Assessment parcel plan

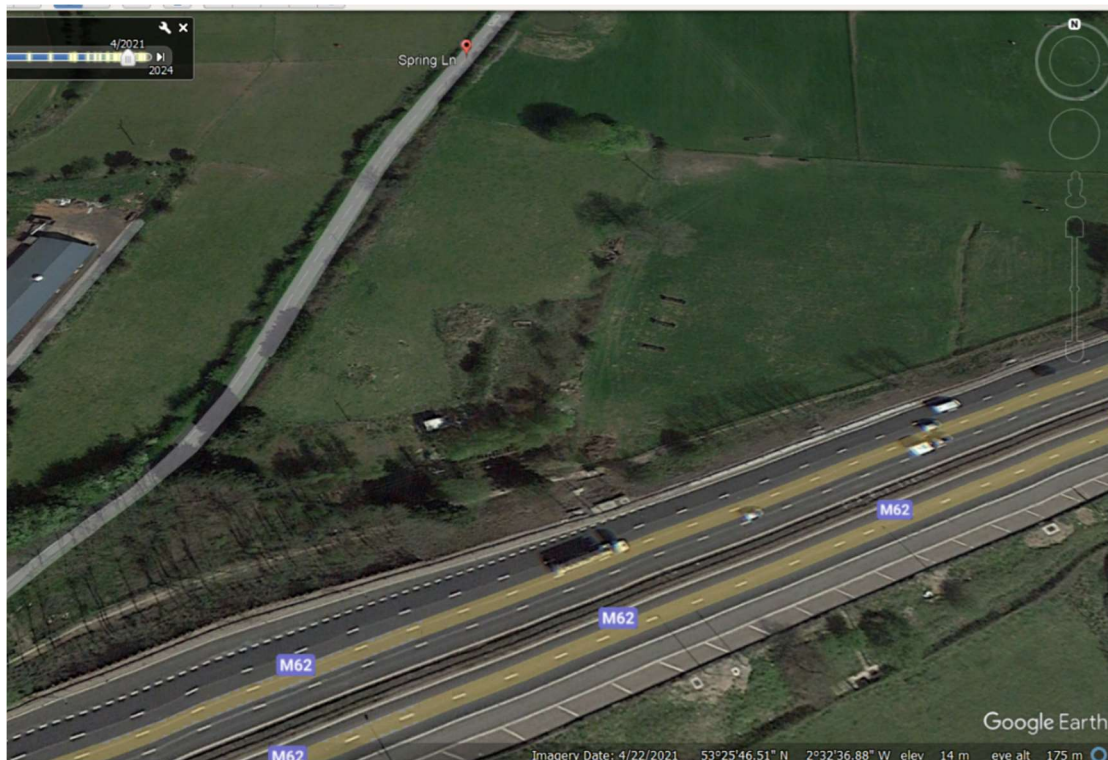


APPENDIX 4 – Aerial photographs

Google earth 2024



Google earth 2021



APPENDIX 5- Manor Park appeal decision January 2025



Appeal Decision

Hearing held on 28 January 2025

Site visit made on 28 January 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2025

Appeal Ref: APP/M0655/W/24/3348526

Manor Park, Fir Tree Close, Stretton, Warrington, Cheshire WA4 4LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Charles Smith against the decision of Warrington Borough Council.
 - The application Ref is 2023/01271/FUL.
 - The development proposed is the material change of use of land to use as a residential caravan site for 10 gypsy families, each with two caravans including no more than one static caravan, together with the laying of hardstanding
-

Decision

1. The appeal is allowed and planning permission is granted for the material change of use of land to use as a residential caravan site for 10 gypsy families, each with two caravans including no more than one static caravan, together with the laying of hardstanding at Manor Park, Fir Tree Close, Stretton, Warrington, Cheshire WA4 4LY in accordance with the terms of the application, Ref 2023/01271/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

Planning background

2. A previous planning permission was granted in 2019¹ for the change of use of part of the current appeal site to a mixed use for the stabling of horses and as a residential caravan site for five gypsy households, along with the laying out of additional hardstanding. It was evident at my site visit that caravans have also been sited outside of the land on which development was previously permitted, but within the appeal site. The appeal submission does not seek to regularise the current layout but instead proposes a different layout and therefore I have made my assessment of the appeal on that basis.
3. The description of the appeal development does not include reference to mixed use including stabling of horses, although both buildings are denoted as being stables on the site layout plan submitted. To change the description from that which was consulted upon would be unfair to interested parties who would be deprived of the opportunity to make representations on the amendment. However, any matters that may arise in relation to the use of those buildings can be addressed between the appellant and the Council.

¹ 2018/33053

Revised National Planning Policy Framework

4. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024 alongside a revised Planning Policy for Traveller Sites Policy Paper (PPTS). As a result of changes brought about in those publications, it is common ground between the main parties that the development is not inappropriate development in the Green Belt. This is by virtue of paragraph 155 of the Framework and the relevant criteria contained therein, those being parts a), b) and c). The main parties agree that the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. It is also common ground that there is an unmet need for the provision of pitches for Gypsy and Travellers in the Borough, that the Council cannot currently demonstrate a five year supply of deliverable traveller sites and that the appeal site is in a sustainable location.
5. Having had regard to the positions of the main parties and to the discussion that took place at the hearing, I concur that the development satisfies each of the relevant criteria set out in paragraph 155 of the Framework and is therefore not inappropriate development in the Green Belt. The Green Belt Planning Practice Guidance was revised on 27 February 2025, however I am satisfied that it does not alter this assessment and conclusion. The relevant development plan policy, Policy GB1 of the Warrington Local Plan 2023 (LP), states that other forms of development defined in national planning policy to be an exception to inappropriate development within the Green Belt, will be supported, subject to meeting other relevant Local Plan policies and any relevant Supplementary Planning Documents. Therefore, I proceed on the basis that the appeal development is not inappropriate development in the Green Belt when assessed against both national and local planning policies.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

7. The appeal site sits in surroundings of a mixed character, close to the M56 motorway and to the road infrastructure associated with its junction 10, to a sizeable private hospital and to the small settlement of Stretton. Notwithstanding this, the area retains a somewhat rural feel including in longer views of the appeal site, some of which are taken across fields. The appeal proposal would however be viewed in the context of the caravan site already permitted which allows for five pitches close to the two large former agricultural buildings which are present on the site. It is intended to provide new landscaping to the east and south boundaries to aid in screening the appeal development.
8. In some longer views, such as from along Hatton Lane, the caravans already present on the land are visible. Not all of those are permitted to be there at the current time, but nonetheless this provides a useful reference for an assessment of the likely visual impact of the appeal development. The proposed development would both extend the site area and the number of caravans present and thus would have a greater visual impact than what has previously been permitted. However, the extension would be in the direction of the motorway and the number of additional caravans would be modest in number. Alongside the screening

provided by the existing buildings on the site and the proposed landscaping, and given also the mixed character of the surroundings, this would ensure that there would not be a harmful impact on the character and appearance of the area.

9. For these reasons, the proposed development would accord with Policy DC6 of the LP where it seeks to safeguard the quality of place.

Other Matters

10. Whilst the Officer Report refers to the imposition of a planning condition requiring a suitable ecological appraisal and necessary mitigation measures if planning permission were to be granted, no such condition was included in the Council's list of suggested conditions submitted with the appeal. The Council further confirmed at the hearing that their position now is that the condition is not required. It is evident that much of the appeal site is already hard surfaced, and it is seemingly for that reason that the previous planning application for 5 pitches attracted no objection from the Greater Manchester Ecology Unit. The additional land was, at the time of my visit, maintained as short cut grass paddock. On that basis, there is nothing before me to suggest that the submission of any ecological survey work is reasonably needed in this instance.
11. The appeal site is located near to Firtree House, a grade II listed building which, although set back from Fir Tree Close, appears prominent from the public domain. However, the additional five caravans that would result from the proposal would be located to the other side of the large brick built buildings on the appeal site, and there would also be a physical separation between what is proposed and the listed building. There is nothing before me to suggest that the appeal site is part of the listed building's setting or contributes to its significance. Therefore, I am satisfied that the development accords with the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in that the setting of the listed building would be preserved.
12. The Highway Authority consider that it would be necessary to undertake works to the existing access to serve the number of pitches proposed. Reference is made in their consultation response to a requirement for a hard-surfaced driveway capable of accommodating two-way traffic. However, the existing access is hard surfaced to the highway edge and back into the site, and from visual inspection appears to be of a width at this point to allow two vehicles to pass. However, even if that was not the case, Fir Tree Close is a very wide no-through road with only two dwellings beyond the appeal site access. I do not consider that in either scenario the use of the existing access to serve the appeal development would result in harm to highway safety.
13. The Written Ministerial Statement of 17 December 2015 sets out changes to national planning policy to make intentional unauthorised development in the Green Belt a material consideration. My attention has been drawn by the Council to a linked appeal decision² where the appointed Inspector afforded moderate adverse weight to this consideration. Even if I were to afford the same weight in this instance, this matter alone would not justify the refusal of a development which I have found to be in accordance with current Green Belt policy and not to result in any other harm.

² Appeal Decisions APP/R0660/C/22/3309004 & APP/R0660/W/22/3308801

14. Interested parties have highlighted the presence of other gypsy and traveller sites in the area. However, even with the addition of the appeal proposal these would not collectively be of a scale or number that would dominate the nearest settled communities or place undue pressure on the local infrastructure.

Conditions

15. Discussions took place at the hearing as to the extent to which the appeal development has taken place, if at all. Whilst there are a number of caravans present on the appeal site, the view of the main parties was that the development has not commenced in the form proposed by the planning application that was made. The main parties shared the view that the standard time period for commencement was required. I shall therefore impose that condition alongside a condition setting out the approved plans, in the interests of providing certainty. With regard to the wording of other conditions, discussion took place as to whether those could be worded as pre-commencement conditions or should be worded to address a retrospective development. Given the position that the development has not commenced in the form proposed by the planning application, I am satisfied that these can where necessary be worded as pre-commencement conditions.
16. A condition restricting occupation to those meeting the definition of Gypsy and Travellers set out in the PPTS is required as this is where the need and justification for the development arises. It is necessary to impose a condition setting out the number of pitches approved to define the permission in accordance with what was applied for. A condition requiring details of landscaping is needed to allow for precise details of the proposed landscaping to be approved in the interests of visual amenity, and details of any external lighting are required for the same reason. A drainage condition is required to ensure that adequate drainage provision is put in place. A condition preventing commercial activity taking place on the land including the storage of materials is needed to define the permission as one for residential use.
17. For the reasons I have set out above it is not necessary to require the widening of the site access onto Fir Tree Close. There is an existing sliding gate set back into the site, and it is therefore not necessary to impose a condition preventing a gate or barrier being erected on the adopted highway or opening onto it, which in any event is a matter that could be addressed by the Highway Authority if this did occur in the future. A condition relating to works to trees during the bird breeding season is not required as this would duplicate the provisions of other legislation.
18. I have reworded the Council's proposed conditions where appropriate, in the interests of precision.

Conclusion

19. For the reasons given above, the appeal should be allowed.

Graham Wraight

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawings: Site Location Plan, Site Layout Plan, Post & Rail Fence and drawing No. PBA4.
- 3) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 4) There shall be no more than 10 pitches on the site and on each of the 10 pitches hereby approved no more than 2 caravan(s) as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, shall be stationed at any time, of which only 1 caravan shall be a static caravan.
- 5) No development shall commence until a landscaping scheme which shall include hard surfacing, means of enclosure, planting of the development (including native species), indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of the development and a timetable for implementation, has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in accordance with the timetable for implementation and any tree or shrub planted which dies or is felled, uprooted, wilfully damaged or destroyed in the first five year period commencing with the date of planting shall be replaced with a tree or shrub of the same species and size in the same place within the first planting season following the death, felling, uprooting, damaging or destruction of the original tree or shrub.
- 6) No commercial activities shall take place on the land, including the storage of materials.
- 7) Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.
- 8) No external lighting shall be installed other than in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

-----End of Conditions-----

APPEARANCES

FOR THE APPELLANT:

Philip Brown – Philip Brown Associates

Charles Smith – Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Gary Earnshaw – Development Management Team Leader

Kevin Usher – Principal Planning Policy Officer

INTERESTED PARTIES:

Councillor Linda Jones – Chair, Stretton Parish Council

Councillor Laura Booth – Warrington Borough Council

Councillor Peter Walker – Warrington Borough Council

DOCUMENTS

Amended Table 4: 5 year supply of Gypsy & Traveller accommodation needs

APPENDIX 6 - Local Plan Sustainability Report – Site Sustainability appraisal criteria

Warrington Local Plan Review

Pre-submission

Sustainability Appraisal: SA Report

August 2021

APPENDIX A: THE SITE APPRAISAL FRAMEWORK

SA objectives	Criteria	Use	Significant positive effects likely	Positive effects likely	Negative effects likely	Significant negative effects likely	Rationale, assumptions and limitations
Economy and regeneration							
Strengthen the local economy and ensure sustainable economic growth	EC1: Would site development lead to the loss of employment land?	Housing and jobs	Employment development proposed	Not allocated for employment	Yes – low quality employment site	Yes – High quality employment site	Creation of employment land will help to encourage investment and job creation. Loss of employment land may not necessarily affect the economy negatively. Low quality / high quality as defined in the Employment Land Review
	EC2: Distance to Principal Road Network by vehicle.	Jobs and housing	<1mile	<3miles	>3miles	>4miles	It is assumed that sites with good access to the principal road network will be more attractive to developers.
Improve the education and skills of the population overall	Not applicable	-	-	-	-	-	The location of development is not considered likely to have an effect on the level of skills and education. New development would be expected to contribute to new school places (if possible) However, accessibility to a school can have an effect on whether pupils can attend the schools they want and can get there in a sustainable, healthy way. Therefore, criteria ACC1 and ACC2 are relevant for this SA objective.
Reduce poverty, deprivation and social exclusion and secure economic inclusion	EC3: How close is the site to key employment sites?	Housing	<1200m away	1.2km – 3km away	3km – 5km	>5km away	It is assumed that access to a job will help to reduce levels of deprivation. The closer job opportunities are likely to be more accessible to communities that do not have access to a car.
Health and Wellbeing							
Improve physical and mental health and reduce health inequalities	Not applicable.	-	-	-	-	-	A range of factors influence health and wellbeing. The location of a site is unlikely to have a major effect, unless this impairs access to health facilities, open space and jobs. These factors are already covered by other aspects of the framework such as accessibility.

Appendix A: Site Appraisal Framework

SA objectives	Criteria	Use	Significant positive effects likely	Positive effects likely	Negative effects likely	Significant negative effects likely	Rationale, assumptions and limitations
Reduce crime, disorder and the fear of crime	Not applicable.	-	-	-	-	-	The location of a site is not likely to have a major effect on crime and the fear of crime. Scheme layout and design can have an effect, but this would be addressed for individual planning proposals.
Enable groups to contribute to decision making and encourage a sense of community identity and welfare.	HW2: Is the area supported by community facilities? (<i>Village halls, places of worship, community centres</i>)	Housing	New facilities could be delivered (only applicable for large scale development that creates critical mass)	Community facilities within 1200m	Community facilities within 1200m-2000m	Loss of community facilities. No community facilities within 2000m	Access to a community facility is considered positive in terms of enabling groups to meet, build identities and engage in decision making. It is recognised that physical access to facilities does not necessarily encourage community development. Qualitative data will also be sought about the usage, condition and capacity of facilities
Provide, protect or enhance leisure opportunities, recreation facilities, green infrastructure and access to the countryside	HW 3: Access to local natural greenspace (ANGST). To what extent do the sites meet the following ANGST ³ standards? 1. <i>Natural greenspace at least 2 hectares in size, no more than 300 metres from home;</i> 2. <i>At least one accessible 20 hectare greenspace site within two kilometre of home.</i>	Housing	Standards met for both criteria.	Standards met for 1 criteria only	Standards not met for either criteria.	Loss of open space on more than 10% of the site	A negative impact is scored where standards are not met as it would require further consideration of mitigation measures. In some instances development could enhance provision, but this is not assumed at this stage. ANGST is considered a useful measure of the sustainability of locations.
	HW4: Access to formal play space	housing	<200m / On site facilities	<400m	<800m	>800m	Play spaces provide opportunities for child and adult interaction. Such sites should be accessible within a short walk, hence the lower thresholds. It should be acknowledged that lack of facilities may actually not be an issue of new development contributes to or creates on site facilities.

³ Natural England (2010) Nature Nearby: Accessible Natural Greenspace Standards (available online) at: <http://publications.naturalengland.org.uk/publication/40004?category=47004>

Appendix A: Site Appraisal Framework

SA objectives	Criteria	Use	Significant positive effects likely	Positive effects likely	Negative effects likely	Significant negative effects likely	Rationale, assumptions and limitations
Accessibility							
Reduce the need to travel, especially by car, improve choice and the use of more sustainable modes Protect and enhance accessibility for all the essential services and facilities.	ACC1: How accessible is the site to the nearest primary school on foot?	Housing	0-5min walk (0-400m) / Site development will provide new school	5 - 12.5 min walk (400m-1000m)	12.5 - 25min walk (1000 - 2000m)	> 25 min walk (2000m)	2000m is considered to be a maximum 'reasonable walking distance' ⁴ which could encourage less car use or shorter journeys by other forms of transport. Distance is measured from site boundary.
	ACC2: How accessible is the site to the nearest Secondary school?	Housing	<1200m away	1.2km – 3km away	3km-5km	>5km away	The capacity of nearby primary schools will also need to be taken into account and further evidence will be sought to establish whether schools are capable of accommodating growth, and if not whether expansion would be possible. 1200m is considered an acceptable walking distance to secondary schools ²
	ACC3: How well served is the site by a bus service?	Housing and jobs	Regular bus service within 200m	Low frequency bus service within 200m Regular bus service within 200m-400m	Low frequency bus service within 200m-400m Regular bus service within 400m-800m	Low frequency bus service more than 400m away Regular bus service more than 800m away	The Manual for Streets suggests that 'walkable neighbourhoods' will typically have access to a range of services and facilities within 800m ⁵ . Inclusive mobility: A Guide to best practice on access to pedestrian and transport infrastructure (DfT, 2005) – suggests that 400m is a desirable distance, and this is reflected in the Warrington Planning Obligations SPD. 'Regular' is considered to be a stop which is serviced 3 times in one hour (i.e. every 20mins). Low frequency is considered to be a stop which is serviced less than 3 times in one hour.
	ACC4: How accessible is the site to the nearest train station?	Housing and jobs	<1200m away	1.2km – 3km away	3km-5km	>5km away	<1200m is considered a reasonable walking distance ⁶ .
	ACC5: What is the overall distance to a GP service or health centre?	Housing	<1200m away	1.2km – 3km away	3km – 5km	>5km away	It is assumed that closer facilities will enable communities to better access healthcare, particularly those without access to a car. If information is available about the capacity of GP facilities, this will need to be factored into the appraisal. If there is limited capacity at a nearby GP for example, then the reality might be that the nearest GP is much further away.

⁴ CHT (2000) Providing for Journeys on Foot

⁵ Department for Transport (2007) The Manual for Streets

⁶ CHT (2000) Providing for Journeys on Foot

Appendix A: Site Appraisal Framework

SA objectives	Criteria	Use	Significant positive effects likely	Positive effects likely	Negative effects likely	Significant negative effects likely	Rationale, assumptions and limitations
Housing							
Ensure access to good quality, sustainable, affordable housing	HO1: To what extent will the development help to meet housing needs? <i>Deliverability and scale</i>	Housing	Site is available for development within the next 5 years Or Site is available for development within the plan period and will deliver over 750 dwellings and a high amount of affordable homes	Site is available for development within the plan period	Site is <u>potentially</u> available for development over the plan period There may be issues with the delivery of affordable housing)	Site not available for development (i.e. screened out)	Provision of a higher level of development would contribute more significantly to the Borough's housing targets and would achieve economies of scale. As per policy SN2 in the Adopted Local Plan, affordable housing targets will be higher on sites on Greenfield and outside of inner Warrington. It is important to recognise that availability may change over time. This assessment does not consider viability.
Natural Resources							
Ensure the sustainable and prudent use and management of natural resources including the promotion of natural resources including the promotion of sustainable drainage and water conservation. Protect, manage and improve local environmental quality including land, air and controlled waters and reduce the risk of flooding.	NR1: What are the potential impacts on air quality?	Housing and jobs	-	Development more than 1km from AQMA	Development within 1km of an AQMA	Development within 75m of AQMA	An Air quality Assessment is generally requested for proposals within 75m of an AQMA. There may be the potential for cumulative effects if more than one site is proposed in any area. These factors will need to be taken into account when strategic options are being assessed. It is recognized that development in areas that are not currently AQMAs could worsen air quality in these areas. If possible a qualitative assessment of the effects on air quality in general will be undertaken to supplement this objective assessment.

Appendix A: Site Appraisal Framework

SA objectives	Criteria	Use	Significant positive effects likely	Positive effects likely	Negative effects likely	Significant negative effects likely	Rationale, assumptions and limitations
	NR2: Could development of the site lead to the remediation of land potentially affected by contamination?	Housing and Jobs	Site is potentially contaminated and could be remediated.	Site is not thought to be contaminated	Site is potentially contaminated but may be difficult to remediate.	-	Most contaminated land is unlikely to be remediated without development funding. The presence of contamination could therefore be viewed positively where viability is not adversely affected.
	NR3: Would allocation of the site result in the loss of High Quality Agricultural Land?	Housing and Jobs	Does not contain any agricultural land grade 1-3b	Contains less than 10 hectares of agricultural land 1-3	Contains more than 10 hectares of agricultural land class 1-2 or a total of 20 hectares 1-3	Contains more than 20 hectares of agricultural land class 1-2	Although there is little guidance, the loss of 20 hectares triggers consultation with DEFRA/Natural England, which can be considered significant.
	NR4: Does the site fall within a Groundwater Source Protection Zone, as identified by the Environment Agency?	Housing and Jobs	-	Falls outside	Site falls within Zone 2 or 3	Site falls within zone 1 (inner protection zone)	Potential for negative impacts in zones 1-3. However, type of use would be important and mitigation would be possible.
	NR5: Is the site (or part of) within an identified flood zone?	Housing and Jobs	-	Site predominantly within flood zone 1 (>70%)	Contains areas of flood zone 2/3 (>30%)	Site contains large areas within flood zone 2/3 (>80%)	Provided that a site is not wholly within a flood zone 2/3 it should be possible to avoid and/or mitigate impacts. However, proximity to zone 1 is preferable as it reduces the risk and potential cost of mitigation. Sites wholly within zones 2 and 3 should be sieved out. However, for those sites where it is considered mitigation could still be implemented a 'red' categorization is given.
	RU3: Is there potential for safeguarded or identified mineral reserves to be sterilised?	Housing and Jobs	-	Not within identified areas / no effects	Within safeguarded / identified areas of importance, but unlikely to be a significant issues / losses	Within safeguarded / identified areas of importance	This will be reliant upon availability of data.

Appendix A: Site Appraisal Framework

SA objectives	Criteria	Use	Significant positive effects likely	Positive effects likely	Negative effects likely	Significant negative effects likely	Rationale, assumptions and limitations
Built and natural heritage							
Protect and enhance places and buildings of historic cultural and archaeological value.	BNH1: Proximity to designated heritage assets - Conservation Area - Nationally listed buildings - Scheduled Ancient Monuments - Registered Park or Garden.	Housing and jobs	Opportunity to protect and / or enhance heritage assets	No heritage assets within or adjacent (50m) to the sites	Site contains or is within 50m from: - Grade II heritage features - Conservation area - Registered park or garden	Site contains or is within 50m from: - Grade 1 and II* heritage assets, - Registered park or garden	The criteria combine a consideration of various heritage features to avoid potential duplication. E.g. an asset could be listed, in a conservation area and also a SAM. Proximity to heritage assets does not necessarily mean that impacts will occur, but it is assumed that they may be more likely as this provides an objective mechanism for identifying potential issues. Will seek to supplement this with a qualitative assessment as outlined below.
	BNH2: Effects upon the significance and setting of heritage assets / the historic environment.		Opportunity to enhance heritage the historic environment	The historic environment is unlikely to change from its baseline position	Development could have negative effects on the historic environment but mitigation ought to be possible	Development likely to have significant effects upon the historic environment that cannot be mitigated	A qualitative assessment of sites will be undertaken if possible. This would involve a more holistic assessment of the potential effects of development on the historic environment, which cannot be achieved through a proximity based criteria alone.
Protect and improve the quality and character of places, landscapes, townscapes and wider countryside whilst maintaining and strengthening local distinctiveness and sense of place.	BNH3: Capacity of the landscape to accommodate development, while respecting its character.	Housing and jobs	High	Medium-high Medium.	Medium-low	Low	Relies upon the findings of Landscape Character Assessments and capacity studies.
Ensure high quality and sustainable design for buildings, spaces and the public realm that is appropriate to the locality.	Not applicable	n/a	n/a	n/a	n/a	n/a	n/a

SA objectives	Criteria	Use	Significant positive effects likely	Positive effects likely	Negative effects likely	Significant negative effects likely	Rationale, assumptions and limitations	
Biodiversity and Geodiversity								
Protect, maintain and enhance biodiversity and geodiversity.	BG1: Could allocation of the site have a potential impact on a European Site SSSI, SPA or SAC?	Housing and jobs	-	Outside catchment area	Within catchment area	Within 400m	The distance thresholds used are greater for European sites, then SSSIs, then local sites to reflect their level of designation. This does not mean that effects are automatically more significant though.	
	BG2: Could allocation of the site have a potential impact on a SSSI	Housing and jobs	-	>400m	<400m	Within or adjacent to a designated site (<50m from site boundary)		
	Protect, maintain and enhance biodiversity and geodiversity.	BG3: Could allocation of the site have a potential adverse impact on designated Local Wildlife Sites, Local Nature Reserve, RIGs, Potential Wildlife Sites or any other site of wildlife or geodiversity value such as Ancient Woodland (including where BAP species and habitats have been recorded)?	Housing and jobs	-	<200m No priority habitats or species recorded	Contains or is adjacent to (50m) a local wildlife site / priority habitats or species have been recorded within 50m of the site. Suitable for biodiversity offsetting.	Contains a locally important site not suitable for biodiversity offsetting	It is assumed that sites within or adjacent to (<50m) a SSSI are more likely to have a direct impact. However, it is recognised that proximity does not necessarily equate to impacts as this is dependent upon the scheme design and type/condition of wildlife sites, <i>Measurements to be taken from site boundaries</i>
		BG4: What is the potential impact on TPOs?	Housing and jobs	-	No TPOs on site	TPOs present that could potentially be protected (i.e. confined to boundaries)	Multiple TPOs that would be difficult to protect (i.e. scattered throughout)	
Climate Change and resource use								
Limit, mitigate and adapt to the impacts of climate change. Increase energy efficiency and production of renewable energy.	Not applicable	n/a	n/a	n/a	n/a	n/a	Site location may present opportunities to develop heat networks. However, the information required to make an accurate assessment of potential is not available.	

Appendix A: Site Appraisal Framework

SA objectives	Criteria	Use	Significant positive effects likely	Positive effects likely	Negative effects likely	Significant negative effects likely	Rationale, assumptions and limitations
Minimise waste and maximise reuse, recovery and recycling.	RU1: Would allocation of the site result in the use of previously developed land?	Housing and jobs	Predominantly brownfield (>70%)	Partial Brownfield (>30%)	Site is predominantly Greenfield (>70%)	-	Brownfield redevelopment is considered likely to have a positive effect on the baseline position by encouraging reuse of land.
	RU2: Is there good access to a Household Waste Recycling Centre (HWRC)?	Housing	<5km	5km-10km	>10km	-	Use of HWRCs is by car. Access by foot is typically prohibited and unlikely.

APPENDIX 7 - GMEU consultation advice – application 2024/00668

Greater Manchester Ecology Unit

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SK16 4LA



Greater Manchester Ecology Unit

Email: gmeu@tameside.gov.uk

Principal Ecologist:
Derek Richardson

Viv Pearson
Development Management
Warrington Borough Council

Your ref : 2024/00668/FUL
Contact : Suzanne Waymont
Date : 6th January 2024

VIA WEB PORTAL

Dear Viv

PLANNING APPLICATION NO: 2024/00668/FUL

Thank you for your consultation on the above application at Spring Lane Nurseries. Ecological Information submitted with the application includes a Preliminary Ecological Appraisal, a Net Gain Assessment and two Metrics.

The Appraisal found the site to have some but limited ecological interest. A number of precautionary measures are recommended to protect species such as nesting birds, hedgehogs and amphibians during construction works. We would therefore recommend that these be included in a Construction Environmental Management Plan for Biodiversity and that the following condition be attached to any permission, should it be granted:

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

GMEU provides an ecological advisory service to and on behalf of the ten district councils of Greater Manchester.
The Unit is attached to Tameside as lead authority.

BOLTON, BURY, MANCHESTER, OLDHAM, ROCHDALE, SALFORD, STOCKPORT, TAMESIDE, TRAFFORD, WIGAN.

The invasive Himalayan balsam was also found on the site. We would therefore advise that the following condition be attached to any permission:

Prior to the commencement of development (including demolition, ground works, vegetation clearance), an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Himalayan balsam on site. The measures shall be carried out strictly in accordance with the approved scheme.

The Appraisal also make recommendations for enhancement measures for species, which are not included within any Biodiversity Net Gain measures. We would therefore advise that the following condition, or similar, be attached to any permission:

A scheme for the Biodiversity Enhancement Measures, as set out in Preliminary Ecological Appraisal by Arbtech dated 22nd July 2024, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.

Biodiversity Net Gain (BNG)

The current plans for the red line boundary will result in a net loss for biodiversity of some 43%. However, the submitted metric does not appear to have been completed correctly. For example, the only scrub species listed in the “mixed scrub” is bramble; if this is the only species present it should be classed as bramble scrub. The “line of trees”, which are all conifers and therefore non-native, are described as being “ecologically desirable” which is clearly not the case. As these calculations affect the number of units required off-site, the metric needs to be completed correctly.

In addition, the ecological consultants state in their Assessment that the loss could be made up by “purchasing conservation credits through a registered provider, habitat creation directly through the client owned or LPA offered land or a financial contribution towards another provider such as a local nature reserve or park”. The latter is no permitted now BNG has become mandatory.

The second metric submitted, called “recommended” includes measures to enhance the adjacent land to obtain the required credits. If this option were to be used habitats would need to be legally secured for 30 years and registered on the Biodiversity Gain Sites Register.

Should you have any queries relating to this advice, please do not hesitate to contact me again.

Yours sincerely

Suzanne Waymont MCIEEM
Senior Ecologist