

Local Plan
Local Plans and Programmes
Warrington Borough Council
New Town House
Buttermarket Street
Warrington
WA1 2NH
By email only to: [REDACTED]

17 June 2019

Our Ref: 19-019-ltr-002

To whom it may concern,

Re: Representation to the Warrington Draft Local Plan Consultation 2019 - Dingle Farm

We write on behalf of our client, Mr Robert Bilton, the owner of land at Dingle Farm, Dingle Lane, Appleton, WA4 3HR. The boundary Mr Bilton's ownership is shown on the accompanying site plan. This letter has been prepared to respond to the consultation on the emerging Warrington Local Plan. The site has previously been promoted for residential development and is identified within the 2017 Strategic Housing Land Availability Assessment (SHLAA) (site 1885) as being '*suitable, achievable and deliverable*'.

The land in question is identified within the emerging Local Plan to be removed from the Green Belt, and will form part of the proposed wider housing and employment garden suburb that is promoted (as set out in policy DEV1). In this regard, our client is supportive of the Council's intentions and justification to change the planning status of this land, which encourages its development for housing. Notwithstanding our client's support for the draft plan, there are a number of concerns that are worthy of consideration and, if not addressed as part of the redrafting of the plan, may result in the plan being unsound.

It should be noted that whilst this representation has been made on behalf of Mr Bilton, as the land owner, further representations have been made on the 'green field' portion of this site on behalf of local housebuilders and developers. We acknowledge and support representations from other parties, which, from a deliverability perspective should be of some encouragement to the Local Planning Authority (LPA) given that it is intended that this site comes forward for residential development. However, Mr Bilton does intend to pursue and promote the previously developed portion of the land, in order to deliver a range of different sizes and types of homes and has not yet made any formal agreement to sell or option the remainder of this land.

Background to the site

The site, at just over 1 hectare is one of the smaller parcels of land identified to form part of the proposed garden suburb allocation (Policy MD2). The site is currently beyond the settlement boundary and is within the Green Belt, albeit the emerging Local Plan would remove these planning restrictions from this site. It is closely related to the existing built form of Appleton, although separated from existing properties by a 50 metre area comprising the Lumb Brook Valley and semi-mature woodland planting. The site is roughly square in shape and is located to the south of Dingle Lane which connects Appleton with Grappenhall Heyes – one of the major 'villages' mentioned as part of the strategy in Policy MD2. To the north of the site is the former farmstead of Dingle Farm, which occupies an area of flat land, before sloping downwards through small fields and paddocks to the south. The southern boundary is a small

watercourse. This is not identified as being at risk of flooding. A small pocket of surface water flooding is identified to the western boundary but this is unlikely to affect the development of the site subject to careful drainage solutions.

The western boundary is formed by semi-mature woodland managed by the Woodland Trust (Woodland ID 00543), which also forms part of the wider Local Wildlife Site (LWS). The site itself has no trees within it (and therefore no TPOs). The eastern boundary is formed by a mature hedgerow that has some historic credentials. The central field boundary is simply a timber fence and is considered to have no historic or biodiversity value. A full ecological survey has been undertaken of the previously developed portion of the site (as part of the most recent application) and highlighted no matters that would otherwise preclude development

Some 40% of the site is previously developed comprising the former farm complex of Dingle Farm (now in residential retail, commercial and leisure uses) and areas of hardstanding and parking. The remainder is currently being used as horse paddocks and stabling. The previously developed site does benefit from planning permission for a single large dwelling and a small farmshop and apartment, both of which remain unimplemented but these permissions are relatively recent.

Our client is currently exploring his options to imminently bring forward the previously developed portion of the site benefiting from the permissions and notwithstanding the current policy designations which would not preclude this occurring. Any development proposals that are prepared and submitted will not undermine the delivery of the wider site, with the access arrangements being designed to serve the entire site.

General points

Whilst many of these points will be specifically considered below in relation to the site and emerging plan, there are some general trends or comments within this plan that are worthy of note before addressing the detail. These can be summarised as:

- The identification of the garden suburb in this location is supported, as is the proposals to remove the area of lad from the Green Belt – this is considered to offer a sustainable approach to delivering new housing in Warrington
- Whilst it is acknowledged that the Local Plan is a strategic document, the plan appears focused on the delivery of large scale development and masterplanning, forgetting that these will form a very small proportion of applications received and the aspirations need translating to the smaller scale
- Many of the policies are overly long and convoluted, with a great many clauses / bullets some of which appear to be more related to a policy commentary than the requirements for development, which makes them difficult to use and interpret
- Many of the bullets / clauses within the policies appear to be instructions to the Council as to the next steps in developing or implementing the policy (in some cases for future review of the Local Plan) which seem superfluous at best, and at worse, means that the policies are not implementable
- The policies typically have strong aspirations and goals but lack any decision making framework and as such it is difficult to understand how any development could respond to these matters

Approach to housing and delivery

As noted, we support the identification of the boundaries for the new garden suburb which identifies this site and the land adjacent as being capable of delivering a proportion of the housing need over the next 20 years. We concur and support the approach taken by the Council as outlined within Policies DEV1 and GB1. This is further detailed within

Policy MD2. The restrictive approach currently taken to deliver housing and release housing land, has in part been responsible for the undersupply of housing in the borough. Having examined the Council's position we agree and support their conclusions that in order to meet their housing supply requirements and to ensure timely delivery of this housing, Green Belt release in the broad quantities set out (outlined under Policy GB1) would have to occur. This approach also allows for growth beyond the plan period to be considered sensibly. The goal of delivering this as part of a strategic and large scale site development is entirely commensurate with the approach taken in paragraph 72 of the National Planning Policy Framework (the Framework).

However, within Policy MD2 there are some serious shortcomings or omissions that call into question the overall delivery of housing on this site. The first phase is reliant on the delivery of housing that current benefits from planning permission and therefore it is unclear how this can make any contribution to reducing the housing shortfall currently being experienced given that the permissions granted were prior to this plan period. Furthermore, Policy MD2 places further restrictions on the delivery of these additional new homes until additional work has been undertaken. This work is highlighted within the policy as being required to determine contributions towards services, green infrastructure and highways (Clauses 14 and 15 of Policy MD2). It further states under clause 16 that the review infrastructure requirements would not be facilitated until a review of the Local Plan has been delivered. This is somewhat surprising and confusing.

As a result, notwithstanding the overall approach and aspiration for the new garden suburb, and the status of the land changing, then the policy itself, will ultimately continue to restrict the delivery of new homes in this area. In the best case (or even worse) would simply allow for ad-hoc and poorly conceived development to be negotiated on a case by case basis. This is an unattractive prospect and simply promotes an approach diametrically opposed to the plan led system. It is also consider that this would make it especially difficult for smaller sites, such as this one from being delivered effectively since they are unable to effectively and sensibly deliver infrastructure (community or green) within their site boundary. This seems to further compound the issues of deliverability that clearly the Council are already experiencing.

Greater support for small sites

Notwithstanding the larger objectives of a strategic garden suburb, there is much more that could be done to diversify the mix of sites that can contribute to towards the overall delivery. One of the ways of addressing this shortcoming is to explore some of this delivery against the guidance in paragraph 68 of the Framework. This states that the role of small and medium sites to the overall housing delivery should not be underestimated. Paragraph 68 states that '*small and medium sized sites can make an important contribution to meeting a housing requirement of an areas, and are often built out relatively quickly*'. This site in particular - which is available, achievable and deliverable (by the Council's own admission in the SHLAA) and reuses a significant proportion of previously developed land - would otherwise be stymied if the clauses within Policy MD2 was not addressed to allow for smaller, less strategic parcels of land to be brought forward independently. In this instance it would be appropriate to link this policy with emerging proposals for CIL or a separate document albeit there is nothing within the draft policy to suggest this.

A policy that restricts smaller sites from coming forward is clearly unsound. We would recommend that the LPA seriously consider a rewriting of the policy covering the garden suburb to encourage smaller parcels to come forward and that the infrastructure requirements are more consistently and clearly set out within the policy. To allow a plan to proceed based solely on the need to 'review the Local Plan' is clearly not the plan led approach. It is therefore considered that this policy framework and overall approach fails to meet the test of 'effectiveness' as outlined in paragraph 35c of the Framework.

Policy MD2 is an overly complicated policy and unsuitable Dingle Farm

Whilst the overall, approach taken to policy MD2 is welcomed it seems somewhat confused and convoluted. Some 69 clauses or bullets (some with sub-bullets or tasks) make up this policy, which in its entirety is split across nearly ten

pages and ultimately makes the policy unreadable. Therefore the policy does not meet the tests set out within paragraph 16 of the Framework, in particular paragraph 16d, suggests that plans should be '*clearly written and unambiguous, so as to make it evident how a decision maker should react to development proposals.*' It is unclear how this can ever be the case, especially if the decisions making elements that the policy outlines have yet to be even determined by the LPA themselves.

Clauses 6, 9, 12, 14, 15, 16, 17, 38, and 43 all require further work by the Council, or reference the recently published SPD for the garden suburb (its status is currently unclear). As noted, these matters are predominately strategic infrastructure or design matters and this is vital if the development proposed will be truly sustainable that this detail is provided within the policy. It is unclear how the Council can be certain of the deliverability and viability of such aspirations and objectives (at least to the satisfaction of being able to have an operational policy) with these matters unresolved. This lack of clarity on matters of infrastructure seems to run counter to Policy INF4 (Community Facilities) and Policy INF5 (Delivering Infrastructure) which is surprising.

This cannot be the LPA's intention and so it is recommended that additional signposting or rewording is undertaken accordingly. That is unless the intention of the garden suburb is for all of the development to be beyond this plan period. As a result, and in its current status it is considered that the policy is unworkable and undeliverable and whilst the aspiration behind the policy remains sound, the actual application of it requires further work, and clearly and more precise instruction in order to ensure that opportunities for the contribution of smaller sites to be met. As a result it is considered that this policy in particular clearly fails to meet tests of soundness c and d as outlined in paragraph 35 of the Framework.

Delivering a mix of housing and an appropriate design solutions

Attached to this submission is an illustrative coverage plan which has been prepared to consider how the Dingle Farm site could be delivered to provide a mix of types and tenures across the site, whilst reflecting and enhancing the green infrastructure network across the site in line with the aspirations of the policies within the plan. The requirements for housing mix (DEV2) and green infrastructure / biodiversity (DC3 / DC4) are particularly relevant to this site and welcomed. Nevertheless, the site is sufficiently large to provide in the region of 30 - 35 new units of a range of sizes from 2 bed up to 4+ bed roomed units alongside offering maximum use of the previously developed components and a lower density development to the south and the urban-rural fringe (in line with policies in MD2).

It is however unclear as to how the LPA consider that biodiversity net gain can be delivered effectively, as little guidance as to the practicalities of that approach are included (see policy clause DC3.4a), especially with regard to previously developed sites – the context seemingly focused on greenfield sites. Certainly more could be done within the policy to allow for previously developed land (like the northern portion of this site) to demonstrate a contribution to biodiversity and green infrastructure or at the very least how the impact on green infrastructure features would be measured. This is typical of the wording of the plans and policies within the draft local plan, which, whilst laudable in their goals, belie any real consideration of the different types and size of sites that might come forward – instead focusing almost exclusively on the larger strategic locations. These policies need to be reconsidered to more effectively cover a range of different development typologies.

Contrary to the approach taken within other policies, the design and quality of place policy (draft Policy DC6) is well considered and well-articulated and clearly identifies opportunities for development to contribute to creating attractive places. However, it fails to effectively deal with the typical matters of conflict between highways, design and placemaking. Warrington as a highways authority still have very traditional highways standards, which whilst based on historical safety measures seem inappropriate and overly restrictive in the modern design and planning sphere (for example in accordance with Manual for Streets). It is considered that without a commitment within this policy to a step change away from the standard adopted standards, sub-criteria 1a and b are likely to be undermined by highways led, car dominated designs.

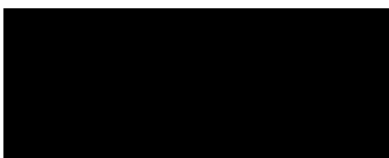
Conclusions

In summary, our client wishes to acknowledge and support the Local Plan as drafted insofar as it identifies that the land at Dingle Farm is suitable for housing and the plan's intention to remove this land from the Green Belt. However, the plan as written has some serious shortcomings. Certainly the operation of Policy MD2 in relation to small and medium sized sites (such as Dingle Farm) is unclear, especially with regard to delivering community and green infrastructure. Without addressing these points the long term deliverability of the policies' wider objectives is unsound.

This lack of clarity of approach seems at odds with the wider objectives of the plan, especially in light of a shortfall in housing supply. To have prepared such a vital and strategic policy as the garden suburb and to have the entire delivery of the proposals undermined by a lack of strategic infrastructure arrangements and the ultimate limitation of a requirement for a local plan review to bring forward sites is somewhat concerning. This, when coupled with the way in which the policy is written, means that Policy MD2 is neither accessible nor practicable and therefore cannot be considered to be effective in line with paragraph 35 of the Framework. However, MD2 is not the only policy that suffers from this lack of clarity.

Notwithstanding our comments above, my client would like to extend an invitation to the LPA to enter into detailed discussions on the above matters, both more strategically and with specific regard to this site. We welcome the fact that the draft of Policy MD2 states that the Council will seek to work with landowners and developers to contribute to the preparation of the required masterplans for the 'garden villages'. We look forward to hearing from the LPA as these matters progress.

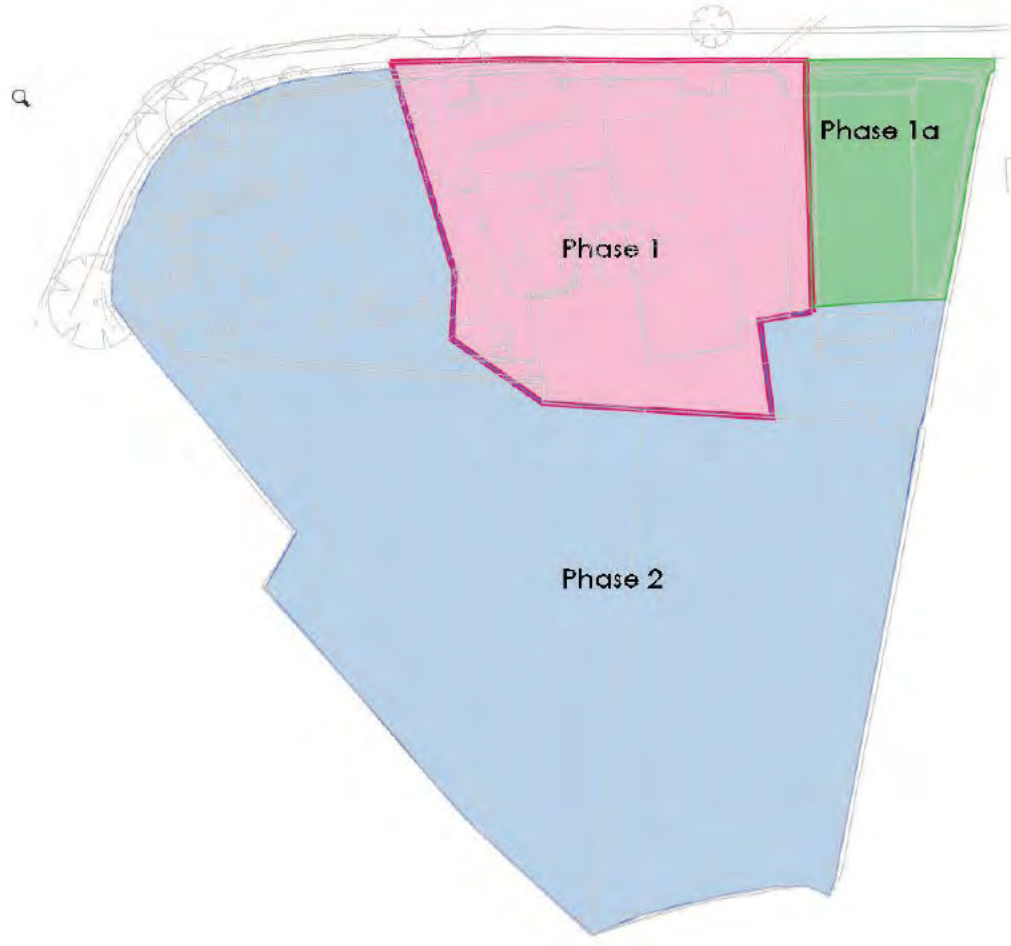
Yours faithfully



Bob Phillips MTCP (*Hons*) MA:UD MRTPI
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Sent via email only
Encs. Illustrative coverage and phasing plan



Phasing

Ownership



Overall Masterplan