

Land at Warburton Lane, Trafford  
Appeal by Redrow Homes Limited  
LPA Ref: 98031/OUT/19

Statement of Case on behalf of the Appellant

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Appellant**

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### Statement of Case on behalf of the Appellant

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Appendices

**Appendix 1**

Site Location Plan

**Appendix 2**

Revised Parameters Plan (Ref: A16942.010)

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# 1. Introduction

## Context

- 1.1. This Statement of Case (SoC) is submitted on behalf of Redrow Homes Limited ('the Appellant') and relates to an appeal against Trafford Metropolitan Borough Council ('the Council' or 'TMBC') and their non-determination of an outline planning application pertaining to land at Warburton Lane, Trafford ('the Application Site'), for:

*"Residential development of up to 400 dwellings, including the creation of new points of access, provision of formal and informal open space, ancillary landscaping, car parking and highway and drainage works"*

- 1.2. A Site Location Plan is provided at **Appendix 1**.
- 1.3. The appeal site comprises two separate parcels of land which are situated to the east and west of Warburton Lane. Combined, they comprise 24.97 Ha of greenfield land, located adjacent to existing residential development on the edge of the urban area of Partington in Trafford.
- 1.4. A full description of the appeal site and surroundings is set out in the Draft Statement of Common Ground (SoCG) for agreement with the Council.
- 1.5. Furthermore, a draft list of Core Documents that will be referred to during the course of the appeal is appended to the submitted draft SoCG. These documents may be added to by the Appellant or the Council during the course of the appeal.

## Background to the Application

- 1.6. An outline planning application was submitted to TMBC on 31 May 2019 seeking to deliver up to 400 residential dwellings across the application site.
- 1.7. The application was formally validated by TMBC on 25 June 2019 and the target date for its determination was 18 October 2019. An extension of this date to 31 October 2019 was subsequently agreed between the Appellant and the Council. No further extensions of time have been agreed.
- 1.8. Notwithstanding this, on 14 November 2019, the Appellant formally requested an amendment to the description of development (as stated on the submitted application form) to omit reference to '*up to 400 dwellings*'. It is considered more appropriate that the maximum quantum of each part of the appeal site be determined by reference to condition (tied to the parameters plan). This requested amendment was accompanied by an updated

Parameters Plan (Ref: A16942.010) (**Appendix 2**) which sought to address matters arising from consultation responses received to date. The changes included:

#### **Site 1**

- The pulling back of the proposed development area from adjacent Birch Farm;
- The introduction of a potential pedestrian crossing point along the northern boundary (across Red Brook) to connect to the existing footpath further north;
- The pulling back of the development area adjacent to the public right of way that crosses the site between Moss Lane and Chapel Lane to create a wider green infrastructure corridor;
- Extension of the development area towards Moss Lane to reflect local character whilst retaining existing vistas to heritage assets;

#### **Site 2**

- The pulling back of the proposed development area from adjacent Heathlands Farm and preservation of the existing vista across to the Warburton Toll Bridge;
- The introduction of an additional north-south green infrastructure connection across the site;
- The introduction of a potential pedestrian crossing point along the northern boundary (across Red Brook) to connect to the existing footpath links further north;
- Insertion of explicit references to Coroners Wood and area of Ancient Woodland to the north west of Site 2 in addition to references to Heritage Assets; and
- Omission of reference to the residential development area accommodating 'up to 400 dwellings' on the Parameters Plan.

- 1.9. The revised Parameters Plan was accompanied by a request that the Council proceeds to determine the application on the basis of these revised details. To date, the Council has refused to agree to this request, nonetheless the request will be renewed to the Secretary of State (SoS) in determining the appeal.
- 1.10. The Appellant also put information in the 14 November submission to confirm the extent of further ongoing work in support of the submitted details (prior to submission of this appeal).
- 1.11. A copy of all documentation submitted to TMBC in support of the application (at the time this was made) and subsequently, prior to the submission of this appeal, has been submitted in support of this appeal.

- 1.12. Additionally, some new information has been prepared, in support of the appeal. Full details are set out in the Covering Letter submitted with the appeal documentation to the Planning Inspectorate.
- 1.13. As this appeal is against the non-determination of the application, the position that the Council will adopt in respect of the acceptability of the development proposal is unknown at this stage. Accordingly, the Council could either support the proposals or provide putative reasons for refusal. In the case of the latter (which is presently anticipated), the Appellant reserves the right to adduce additional material necessary to address issues raised in any such reasons for refusal.

### **Justification for an Inquiry**

- 1.14. The Appellant considers that a public inquiry would be the most appropriate forum in which to consider the appeal proposal. The justification for this request is set out below in accordance with Annex K of the 'Procedural Guide' of the Planning Inspectorate (19 March 2019).

### **Need for the evidence to be tested through formal questioning by an Advocate**

- 1.15. Matters in relation to planning, housing need and land supply, design and heritage, highways and viability are presently strongly contested between the Council and the Appellant as well as by the Parish Council who are anticipated will become a principal party at the event (having already instructed relevant expertise) – see below.
- 1.16. Case law in relation to the interpretation of national policy means detailed legal submissions will be necessary, as well as testing through formal questioning by an Advocate in support of their respective positions.

### **Complexity of issues**

- 1.17. The Appellant disputes objections made by the Council in relation to;
- planning policy,
  - design,
  - heritage,
  - housing need and land supply,
  - affordable housing,
  - highways,
  - viability and

- sustainability.

All of these matters are complex and inter related and will need to be dealt with through detailed examination of evidence adduced by both parties. As such, it is the view of the Appellant that these matters will require cross examination for each party, the Inspector and SoS to fully understand the basis of the Council's objections and how respective witnesses have reached different conclusions.

#### **Public interest**

- 1.18. There has been a considerable level of interest in the application from Warburton Parish Council (WPC), the local Ward Councillor (previous Conservative Leader of the Council and Greater Manchester Mayor candidate) and local residents. WPC has formally appointed a planning consultancy practice (Steven Abbott Associates LLP) to make objections on its behalf. Additionally, nearby landowner and developer HIMOR (Carrington) Ltd (part of the HIMOR Group) has objected to the proposals on traffic and transport grounds.
- 1.19. There are therefore expected to be a number of interested parties who will wish to speak against the proposals. It is likely to be difficult to manage these many interests within the time and procedural constraints of a hearing.

#### **Likely length of Inquiry**

- 1.20. It is considered that having regard to the above, to address all matters eight sitting days will be required. This exceeds the time normally set aside for a hearing, reinforcing why a public inquiry would be the most appropriate procedure for determination of the appeal.



## 2. Background

- 2.1. The Appellant will provide a detailed account of the principal factual matters relevant to the appeal site and proposal, which will include those matters set out below:

### **Site and Surrounding Area**

- 2.2. The Appellant will provide a full physical description of the appeal site and its surrounding environment.
- 2.3. The location of the site and its relationship to surrounding development, the urban area of Partington, the historic landscape and wider countryside will also be described and analysed. It is the Appellant's firm position that whilst the site lies in the ward of Bowden, that it will function as a sustainable urban extension of Partington.

### **Planning History**

- 2.4. Information relating to the planning history of the appeal site will be provided, including detail about how the appeal proposal has been informed by discussions with the Council, statutory and non-statutory consultees and key stakeholders.
- 2.5. Details will also be provided on the relationship of the appeal proposal to two separate applications for development of the same land. These applications were submitted in full detail to the Council and are currently pending determination by officers. Additionally, the appeal will draw on the significance of a further two separate full applications for new footbridge connections (one pertaining to each of the land parcels east and west of Warburton Lane), which are in preparation and are to be submitted imminently.

### **The Proposal**

- 2.6. A full explanation of the proposal will be provided. This will include details of how the scheme has evolved over time, information submitted throughout the application process and the overall benefits that the development will give rise to.
- 2.7. Evidence will be provided to demonstrate that the proposal represents a sustainable form of development, in accordance with the three dimensions as set out in Paragraph 8 of the National Planning Policy Framework (NPPF) (2019); economic, social and environmental.
- 2.8. The Appellant will demonstrate the suitability of the site for housing and the sustainability of new housing development in this location, with reference to the application documents, planning policy and the Council's evidence base supporting emerging planning policy.

- 2.9. Evidence will identify where relevant policies are out-of-date and the weight that can be afforded to these in determining the appeal (further information in this regard is contained in **Section 3** of this Statement).
- 2.10. It will be demonstrated that the tilted balance of Paragraph 11 of NPPF is engaged because important policies are out of date, that the settlement boundaries were established under a different assessment of need and therefore out of date and that the council cannot demonstrate a 5 year supply of housing. The titled balance is not then disengaged and significant and demonstrable harm does not arise.
- 2.11. To the contrary, evidence will also be presented in relation to the economic, social and environmental benefits of the proposal. Such evidence will be considered in the context of Paragraph 11 of the NPPF and to demonstrate that the impacts of the scheme are a) not adverse, and b) do not significantly and demonstrably outweigh the benefits of the proposal.

### **Other Matters**

- 2.12. The Appellant will refer to the documentation submitted as part of the application and the subsequent chronology of correspondence, supplementary submissions and discussions held between the Appellant and the Council up to the date of submission of the appeal.

### 3. Planning Policy

- 3.1. The Appellant will refer, in evidence, to national and local planning policy and guidance and any other relevant documentation.
- 3.2. In particular, the Appellant will review and assess the proposal in the context of the Development Plan and other material considerations, as set out below.

#### **The Development Plan**

- 3.3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that determination must be made in accordance with the development plan unless material considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.
- 3.4. At the time of writing, the adopted Development Plan for the purposes of the determination of the appeal proposal comprises:
- Saved policies of the Unitary Development Plan (UDP) (2006); and
  - Trafford Local Plan Core Strategy (LPCS) (2012).

#### **Unitary Development Plan (2006)**

- 3.5. The UDP is gradually being replaced by the Trafford Local Plan. The LPCS details those policies within the UDP which have since been superseded.
- 3.6. The appeal site was expressly identified as 'Protected Open Land' pursuant to UDP Policy C8. This policy seeks to protect areas of land, excluded from the Green Belt and not allocated for development elsewhere in the Plan, but may be required to meet development needs beyond 2016. Development on Protected Open Land will be accepted by the Council if it is regarded as necessary to meet exceptional need and which cannot reasonably be accommodated elsewhere. We are now beyond the end of the UDP plan period.

#### **Trafford Local Plan Core Strategy (2012)**

- 3.7. The Trafford LPCS is part of the Council's Local Development Framework (LDF). It provides the overall spatial strategy for the LDF and covers the period 2012 to 2026.
- 3.8. The LPCS contains a number of strategic policies focusing on delivering sustainable economic and housing growth. There are key policies of relevance to consideration of the appeal proposal, including Policy R4 (Green Belt, Countryside and Other Protected Open

Land) which effectively replaces UDP Policy C8 (above).

- 3.9. A list of the planning policies relevant to the appeal proposal is enclosed in the submitted SoCG for agreement with the Council.

#### **Weight to be attributed to the Development Plan**

- 3.10. The weight to be attributed to the policies of the Development Plan should be determined according to their consistency with the NPPF as outlined in paragraph 213; the greater the degree of consistency, the greater the weight that can be attached.
- 3.11. The Trafford LPCS was adopted in 2012 and therefore the policies contained within are now more than seven years old. Whilst the plan policies cover the period to 2026, the LPCS was prepared in the context of the now abolished Regional Spatial Strategy for the North West and the (then) draft NPPF (July 2011). Since then, the NPPF has been published (2012) and subsequently and significantly refreshed (2019). Further settlement boundaries are demonstrably out of date therefore since they do not provide for up to date development needs. Key changes of relevance to consideration of the weight to be afforded to the LPCS policies include the introduction of a Standard Method for calculating local housing requirements.
- 3.12. Pursuant to NPPF paragraph 73, where strategic policies are more than five years old (as is the case here), local housing need should be calculated using the Standard Method. The Government's latest published Local Housing Need (LHN) figure for TMBC is 1,335 net homes per annum (based on the 2014 household projections). This figure far exceeds the requirement for 578 net homes per annum currently set out in the LPCS.
- 3.13. Additionally, TMBC forms part of the Greater Manchester Combined Authority (GMCA) which is made up of the 10 Greater Manchester local authorities. They are currently working together to prepare a Greater Manchester Spatial Framework (GMSF).
- 3.14. The latest draft GMSF (2019) requires delivery of 1,015 new homes per annum in Trafford between 2018 and 2037.
- 3.15. Whilst the GMSF is yet to reach an advanced stage, the evidence base supporting its preparation alongside the Government's LHN data, indicates that the housing requirement in TMBC is far greater than that which is currently set out in the LPCS. It clearly indicates the direction of travel that unmet housing need is substantial and increasing.
- 3.16. Additionally, the Council accepts that in meeting this requirement, it cannot demonstrate a five-year housing land supply. Its reported supply position is 2.6 years supply.
- 3.17. On this basis, the Appellant considers that relevant policies for the supply of housing should

be given limited weight in the decision-making process as they are out of date and not consistent with the NPPF objective to significantly boost the supply of housing. Further there is not a demonstrable five year land supply. The presumption in favour of sustainable development (i.e. NPPF paragraph 11) is therefore engaged.

### **Principle of Development**

- 3.18. Policy R4 of the LPCS (Green Belt, Countryside and Other Protected Open Land) designates the application site as 'Other Protected Open Land' which is 'not included within the Green Belt'. Paragraph 24.19 of the Reasoned Justification states that the land is excluded from the Green Belt as it 'may be required to meet development needs beyond the Plan period'. It continues to state, 'this will reduce the need for the Council to consider alterations to the Green Belt boundary to accommodate the future allocation of land for development in the Borough'.
- 3.19. It is accepted that it is not yet 2026 i.e. the end of the plan period, at which point a review of future development requirements would be undertaken. However, this policy was written at a time when the forecast housing requirement for the Borough was far less than is now required by virtue of application of the Framework policies, and as is indicated through evidence base work in support of an emerging joint plan for Greater Manchester. Indeed, it is for these reason that the local plan policies for the supply of housing, which include R4, are of limited weight as they are out of date.
- 3.20. Furthermore, the purpose of the policy is to effectively 'reserve' this land for future development and in seeking to minimise the need for release of otherwise designated Green Belt land elsewhere in the Borough. It is a positive policy to reserve the land for development when needed and given the significant shortfall in five year land supply, and 47% Housing Delivery Test, this clearly points to the need for the land to provide housing now. Therefore, the policy trigger is out of date.
- 3.21. The conflict between the appeal proposal and this policy should therefore be afforded limited weight; it is clear that this land is intended for release as and when there is a requirement for further development. The Appellant considers that the timing of this release should be now, in light of the more recent aforementioned evidence of housing need and adverse housing land supply position. The designation of the site as 'Other Protected Open Land' should not in itself be a reason in principle for resisting development.

### **Other Material Considerations**

#### **The National Planning Policy Framework (NPPF) (2019)**

- 3.22. The Appellant will demonstrate that, having regard to the proper application of the Framework, the extent to which the appeal proposal addresses the requirements of the

Framework in respect of the following:

Sustainable Development

An economic role

- 3.23. Evidence will be presented to demonstrate the beneficial economic impacts of the appeal proposal. In particular, reference will be made to the likely temporary and permanent construction benefits to arise, as well as estimates of Gross Value Added (GVA), increased Council Tax and estimates of consumer spending in the local area. It will be demonstrated how delivery of new housing in Partington (an identified regeneration area) will help regenerate the local economy and promote its sustainability longer term.

A social role

- 3.24. Evidence will be presented to demonstrate that the proposal will deliver much needed housing in the local area, to help address the identified shortfall in Trafford.
- 3.25. Furthermore, it will be demonstrated how the proposal will deliver the right type of housing to help diversify the local housing market (taking account of existing housing stock) and directly address evidence of local need, thereby enabling local families to stay in the local area.
- 3.26. Evidence will also be presented to demonstrate how the proposal will open up access to and deliver significant new areas of green infrastructure by virtue of new footpath links across Red Brook and provision of formal and informal on-site open space. These linkages will be accessible by both existing and new residents in the area and will help support the health, social and cultural wellbeing of those living in Partington and the wider area.
- 3.27. Additionally, it will be demonstrated that the development of this site will be accessible and sustainable, underpinned by its location in close proximity to services and facilities and through measures to promote linkages between the site and the centre of Partington, and the wider area.

An environmental role

- 3.28. It will be demonstrated that the appeal proposal has no unacceptable adverse effects on the environment. On the contrary, evidence will be presented to demonstrate how the proposal will lead to enhancements in the local environment, including in respect of biodiversity and green infrastructure.

The Presumption in Favour of Sustainable Development

- 3.29. As set out earlier in this section, it will be demonstrated that the appeal proposal comprises sustainable development that benefits from the presumption in favour of sustainable development, pursuant to paragraph 11 of the Framework. Not only are policies pertaining

to the supply of housing out of date, but the most pertinent policy (R4) for determination of this application can only be afforded limited weight. Furthermore, the impacts of the scheme are a) not adverse, and b) do not significantly and demonstrably outweigh the benefits of the proposal.

- 3.30. There are therefore significant material considerations which outweigh the statutory presumption in favour of the development plan.

### **The Emerging Local Plan**

#### Trafford Local Plan

- 3.31. On 25 June 2018, the Council took the decision to no longer progress work on its Land Allocations Plan and instead the Council is progressing a new Local Plan to replace the LPCS and saved policies of the UDP.
- 3.32. The Council is currently in the early stages of preparing its new Local Plan and undertook an initial 'Call for Sites' consultation in Summer 2018.
- 3.33. The timescale for preparation of a new Local Plan is inextricably linked with progress of the draft GMSF as depending on the nature and form of the final adopted GMSF (as and when this stage is reached), this will influence the nature and form of the Local Plan for TMBC.

#### Greater Manchester Spatial Framework (2019)

- 3.34. The latest draft GMSF (*'Greater Manchester's Plan for Homes, Jobs and the Environment (the Spatial Framework)'*) was published in January 2019. It promotes the provision of 201,000 net additional homes between the period 2018 to 2037. In terms of Trafford's allocation of housing, the draft GMSF requires provision of a minimum of 19,280 new homes to 2037 (an average of 1,015 dwellings per annum).
- 3.35. In meeting this requirement, it promotes land around Partington, Carrington and Sale as a strategic location for new housing and employment development (circa 6,100 homes and 410,000 gross employment floorspace) through the proposed GM Allocation 45: New Carrington. The appeal site is wholly included within the draft allocation boundary of 45: New Carrington.
- 3.36. Paragraph 48 of the Framework advises Local Planning Authorities (LPA's) that they may give weight to relevant policies in emerging plans according to the stage of the plan's preparation (the more advanced, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the relevant policies in the emerging plan to the Framework.
- 3.37. The emerging GMSF remains at an early stage and has considerable unresolved objections.

The relevant policies contained within can therefore only be afforded limited weight on this basis.

3.38. Paragraph 49 of the Framework advises that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) the development proposed is so substantial, or it's cumulative effect would be so significant, that to grant planning permission would undermine the plan making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

3.39. It is clear that the proposal is not so substantial, individually or cumulatively, and would not undermine the plan making process which is at an early stage.

#### **Emerging Neighbourhood Plan**

3.40. The Warburton Parish area was designated as a Neighbourhood Plan area in March 2019.

3.41. At the time of writing, Warburton Parish Council is yet to publish or consult on any draft neighbourhood plan proposals. As such, whilst there is a clear intention that the Warburton Parish area will be covered by a Neighbourhood Plan in due course, there is currently no such plan to which any weight can be attributed in the decision making process of this appeal.

#### **Other Documents**

3.42. The Appellant may also refer to the following documents:

- Supplementary Planning Documents / Guidance;
- Evidence Base Documents;
- Planning Decisions / Appeals.

3.43. These will be agreed with the Council and provided as Core Documents.



## 4. Outstanding Matters

### Overview

- 4.1. This Section sets out the Appellant's position in relation to matters which the Appellant perceives to have resulted in the failure by the Council to determine the application. The Appellant reserves the right to adduce additional material necessary to address issues raised in any subsequent refusal of the application or Statement of Case.

### Principle of Development

- 4.2. The Council's policy response to the application claims that the proposal would be contrary to the Development Plan. Additionally, that the proposal gives limited consideration to how it can contribute to the delivery of the wider New Carrington allocation in terms of provision of infrastructure. The Council recognises that these factors need to be balanced against the Council's historic under delivery of housing and its current lack of five-year housing land supply.
- 4.3. Evidence will be presented to demonstrate that adopted policies relating to the supply of housing are out of date and inconsistent with the NPPF objective to significantly boost the supply of housing. Therefore, they should be given limited weight in the decision-making process. Akin to this, LPCS Policy R4 clearly identified and reserved the appeal site (as part of a wider tranche of land in this location) to meet future development needs, beyond the plan period. Whilst the plan period has not yet expired, evidence base work undertaken by the Council on its Local Plan and in support of the draft GMSF supports not only an increase in housing supply, but the release of land in this location to meet identified housing needs. The introduction of the Standard Method pursuant to the NPPF (which is in itself a material consideration) requires an immediate increase in housing delivery across Trafford.
- 4.4. Evidence will be presented to demonstrate that the conflict between the appeal proposal and this policy should also be afforded limited weight and in the overall planning balance, the weight to be afforded to the benefit of delivering much needed housing in one of the Council's preferred locations for future housing development, far outweighs any conflict with this policy.
- 4.5. Additionally, that the proposal does not give rise to any conflict with the Council's draft proposals for New Carrington (in policy terms of in respect of delivery of infrastructure), particularly in the absence of any formal masterplan proposals for the draft allocation and when the draft GMSF is itself, still the subject of significant outstanding objections and therefore can only be afforded limited weight. No question of prematurity arises.

- 4.6. It will be demonstrated that the appeal proposal benefits from the presumption in favour of sustainable development pursuant to paragraph 11 of the Framework, and that planning permission should be granted as any adverse impacts of doing so are clearly outweighed by the significant benefits of the development.

## **Design**

- 4.7. The Council's policy response claims that the proposal does not represent an efficient use of land.
- 4.8. The Council's design comments (3 September 2019) also make the following claims (in so far as they are relevant to the outline application):
- the proposal doesn't reinforce local distinctiveness or recognise the individual characteristics of either parcel of land east and west of Warburton Lane;
  - the approach to layout and proposed provision of a single distributor road will not lead to a well-structured or connected neighbourhood;
  - the proposal is insular, inward-looking and will not support Partington's regeneration or encourage wider community cohesiveness.
- 4.9. Additional comments provided following a meeting with planning officers (22 October 2019) also claim that the proposal fails to establish different character areas within the site.
- 4.10. Evidence will be presented to demonstrate that the proposal constitutes a high quality design whilst also making an appropriately efficient use of land, taking into account inter alia, the desirability of maintaining the site's prevailing character and setting whilst also supporting nearby regeneration and change. It will be demonstrated that the proposal will result in a well-designed, attractive and healthy place to live, and which by virtue of its design, encourages sustainable travel modes and promotes linkages to services and facilities within the urban area of Partington.

## **Green infrastructure and open space**

- 4.11. The Council's policy response questions the level of provision of Green Infrastructure, including the extent to which the proposal provides for general/amenity open space, local recreational spaces, and satisfies the requirements of Policies R3 and R5 of the LPCS (including provision for outdoor sports); Supplementary Planning Document 1 (SPD1): (Planning Obligations); and draft policies GM Allocation 45 (New Carrington) and GM-G 2 (Green Infrastructure Network) of the emerging GMSF.
- 4.12. Additionally, the response questions how the proposal will protect and enhance the landscape character, biodiversity and conservation value of the site (pursuant to Policy R2.1 of the LPCS and draft policies GM Allocation 45 and GM-G 10 (Net Enhancement of

Biodiversity and Geodiversity).

- 4.13. Evidence will be presented to demonstrate that the proposal meets the requirements of policy in terms of requirements for on-site provision of green infrastructure and open space. Additionally, evidence will demonstrate that by virtue of the proposed design and parameters of development, the proposal will not give rise to any significant adverse impacts on the landscape character.
- 4.14. In terms of biodiversity, it will be demonstrated that the proposed improvements in and around the proposal will conserve and enhance the existing biodiversity value of the site.

## **Heritage**

- 4.15. The Council's design comments (3 September 2019) claim that the proposal would adversely impact upon the historic rural landscape of the area and that harm would arise to the setting of four listed buildings, as well as to the setting of non-designated heritage assets along Moss Lane. The Council's subsequent heritage comments (12 September 2019) confirm that the proposal would cause harm to the significance of a number of designated and non-designated heritage assets and that a recommendation for refusal would be supported on this basis.
- 4.16. Evidence will be presented to demonstrate that the Council's assessment in this regard has been seriously overstated and to the extent that any harm arises then the proposal will lead to at most less than substantial harm to the significance of the identified designated heritage assets. Furthermore, that the public benefits of the proposal far outweigh the level of harm identified, in the overall planning balance required by paragraph 196 of NPPF.
- 4.17. With regards the impact of the proposal on non-designated heritage assets, evidence will be presented to demonstrate the significance of those assets, the extent to which the proposal will directly affect them and the resultant scale of harm arising. It will be demonstrated that the proposal will give rise to only limited harm and that in any event, the benefits of the proposal far outweigh the impacts identified in respect of non-designated heritage assets also.

## **Highways**

### **Local Highway Impacts**

- 4.18. The Local Highways Authority (LHA) has objected to the application pending the submission of further information and amendments to the application (in respect of provision of footways and access to land beyond the application site boundary).
- 4.19. Revised information has been submitted to the LHA (dated 18 September 2019) and subsequent comments from the LHA have since been received. These confirm that many of

the previous issues raised by the LHA have been addressed and identify areas for further work. The Appellant is continuing to engage with the LHA on these matters and in seeking to overcome the LHA's current objection. It is anticipated that these matters will be resolved prior to the Inquiry.

- 4.20. However, until such time that an agreed position is reached and the proposal is supported by the LHA, the Appellant will be preparing evidence to demonstrate that the development will not have an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network will not be severe.
- 4.21. Additionally, evidence will demonstrate that the appeal site is readily accessible by non-car based modes of transport and that the proposed development of the site will encourage use of public transport, provide a network of desirable footpath and cycle routes that facilitate connectivity with Partington and the area more generally.

### **Highways England**

- 4.22. Highways England (HE) has requested that the application be placed on hold until 13 December 2019, to enable further information to be provided by the Appellant and reviewed by HE.
- 4.23. The Appellant provided further detailed comments to HE (dated 6 November 2019) and currently awaits a response.
- 4.24. It is anticipated that outstanding matters with HE will be resolved shortly, enabling HE to lift their current holding request and support the proposal, certainly before evidence needs to be produced for the Inquiry

### **Viability**

- 4.25. The Council's policy response claims that the application site is within the 'Rural Countryside' area which is a 'hot' housing market location. Within such areas, a 40% affordable housing contribution is required in 'normal' market conditions. The Council claims that it is currently in 'good' market conditions and on this basis, the affordable housing requirement in 'hot' locations increases to 45%, in accordance with Policy L2 of the LPCS. This appears to be because the site, which sits adjacent to Partington is being assessed as if it sits alongside Bowden which is the highest value area in Trafford. This arises simply because of the happenstance of where ward boundaries are drawn and not due to the application of informed reasoning and judgement on the part of the Council.
- 4.26. In support of the Appellant's position that the proposal cannot viably deliver affordable housing, a detailed Financial Viability Appraisal (FVA) was submitted. This has since been reviewed by Trebbi (a consultant acting on behalf of TMBC). A number of detailed

responses have been provided by Trebbi on behalf of TMBC, disputing both the approach to and substantive evidence presented within the FVA.

- 4.27. Whilst the Appellant's advisors have prepared a number of responses to Trebbi during the application process, Planning officers have verbally advised that the Council is unwilling to support the application in the absence of any affordable housing provision.
- 4.28. Evidence will therefore be presented to demonstrate why the provision of affordable housing is unviable. Furthermore, that the weight to be attributed to the Council's affordable housing policies in relation to the appeal site is limited because they don't reflect up to date evidence of local affordability in the subject site area. Evidence will demonstrate how the overriding need to deliver new family housing and diversify existing housing stock (i.e. in quantitative and qualitative terms), outweighs the absence of any affordable housing delivery as part of the proposal.

### **Sustainability**

- 4.29. The Council's policy response claims that no consideration has been given to how the site can be better integrated with the Partington urban area (in terms of access to services, facilities and use of public transport). The Council's position is that such linkages, including in respect of Green Infrastructure, are essential in ensuring that the proposal is integrated with Partington. Without such links, the Council claims that the proposal will form an unsustainable and isolated urban extension.
- 4.30. Evidence will be presented to demonstrate that the site is suitable for housing by virtue of its location on the edge of the urban area of Partington and with reference to the need for housing, of the type proposed, in this locality. Evidence will also demonstrate that there are limited or no suitable alternative sites available in the short term in and around Partington, to meet this need.
- 4.31. Evidence will then demonstrate how the proposal will enhance linkages between the site and local services and facilities within Partington (and the wider area), in physical terms and socially and environmentally. When taken together, evidence will demonstrate how the proposal will lead to a well-connected and sustainable urban extension to the urban area of Partington.

### **Other Matters**

- 4.32. It is understood that there are no other outstanding technical objections from statutory consultees. However, in the event that the Council provides reasons for refusal that sit outside the scope of matters dressed above, the Appellant reserves the right to submit additional evidence.

## 5. Conditions and Section 106 Obligations

### Planning Conditions

- 5.1. The Appellant will seek to reach agreement on planning conditions with the Council in advance of the Inquiry. An update will be provided accordingly.

### Section 106 Obligations

- 5.2. A planning obligation is currently being prepared and will be duly executed prior to the commencement of the Inquiry. This addresses the following heads of terms:
- Community Infrastructure Levy (CIL);
  - Off-site highway works;
  - Improvements to nearby bus stops;
  - Implementation of two new bridge crossings (one each on Sites 1 and 2) over Red Brook and improvements to footpaths (where needed) on the northern side of the bank; and
  - Future management and maintenance of open space.
- 5.3. More detailed information regarding the proposed heads of terms is contained within the Draft SoCG submitted in support of the appeal and for agreement with the Council.
- 5.4. The Appellant reserves the right to add or amend the details above as the Council's approach to the appeal becomes clearer through discussions on the Draft SoCG.
- 5.5. The executed planning obligation will be accompanied by a note setting out the compliance of the proposed obligations with the Community Infrastructure Levy (CIL) Regulations (2012), in particular, Regulation 122 and 123.

## 6. The Planning Balance and Conclusions

### The Planning Balance

- 6.1. It is accepted that the appeal proposal gives rise to conflict with certain policies contained within the development plan. However, the appellant will demonstrate that in the case of housing delivery, the policies are out of date and should be afforded limited weight. Policy designating the site as 'Other Protected Open Land' is of weight given it is specifically designed for the purpose of accommodating future development. However, it is the trigger point as to when the land might come forward that is effectively out of date and only limited weight can be afforded to the degree of conflict between the policy and the proposal, given the need to accelerate housing delivery across the Borough (in line with the Standard Method and Council's own evidence as part of the GMCA and work on the GMSF). This is particularly so in the short term, given the Council's acknowledged absence of a five-year housing land supply and poor Housing Delivery Test result.
- 6.2. On the basis of this last point alone, paragraph 11 of the Framework and the presumption in favour of sustainable development is engaged.
- 6.3. The appeal proposal will result in a number of significant benefits that will be demonstrated in full in evidence. These include, inter alia:
- Provision of up to 400 family homes, to address evidence of local housing need;
  - The provision of significant areas of green infrastructure, including publicly accessible areas of informal and formal open space for the benefit of existing and new residents;
  - Creation of high quality pedestrian and cycle routes through the site and connecting the site to the local area;
  - New footpath links across Red Brook, connecting the development to the existing network of Public Rights of Way and to services and facilities in Partington;
  - Improvements to the existing footpath network around the site and reduction in localised traffic speeds;
  - New pedestrian crossing facility at Warburton Lane;
  - Improvements to existing local bus stops (provision of shelters);
  - Other off-site highway improvements in the vicinity of the site;
  - Economic benefits in the locality, including creation of new jobs; Gross Value Added; New Homes Bonus payments; additional Council Tax receipts; and, increased consumer spending, thereby supporting the future vitality and viability of existing and new services and facilities, including public transport links;
  - Significant enhancements in the ecological value of the site, particularly in the vicinity of

Red Brook; and

- Implementation of sustainable drainage features across the site, thereby ensuring better management of surface water in the future.

6.4. It will be demonstrated that the harm arising in respect of the appeal proposal is no more than might reasonably be anticipated when developing a green field into built form.

### **Conclusions**

6.5. In accordance with NPPF Paragraph 11, it will be demonstrated that there are no material adverse impacts arising from the appeal proposal, which would significantly and demonstrably outweigh the benefits the development will otherwise deliver.

6.6. There are no specific policies of the Framework which would either preclude or restrict the development and in these circumstances, the Framework directs that planning permission should be granted.



# Appendix 1

# Appendix 2

