



TOWN AND COUNTRY PLANNING ACT 1990

**Appeal by: Redrow Homes Ltd
Site Address: Land to east and west of Warburton Lane,
Trafford, Greater Manchester
WA13 9TT**

**LPA reference: 98031/OUT/19
PINS reference: APP/Q4245/W/19/3243720**

**PROOF OF EVIDENCE OF MRS BETHANY BROWN
ON BEHALF OF THE LOCAL PLANNING AUTHORITY
REGARDING PLANNING MATTERS (DECISION-TAKING)**

My name is Bethany Brown and I am a Major Planning Projects Officer within the Planning and Development Service of Trafford Council. I have approaching twenty years' experience in the field of town and country planning in both the public and private sector. I have previously worked at three other UK Local Planning Authorities and for two private consultancies. During the course of my professional career I have been involved in various aspects of town and country planning, including the assessment and submission of planning applications and the handling of appeals.

I have been in my present role, and employed by Trafford Council, since January 2018. The work of the Major Planning Projects Team is to bring forward through the planning process complex major planning proposals, including strategic and corporate applications. In this role I have dealt with a number of large-scale major applications for residential development and have also been involved in application and policy matters relating to the Carrington Strategic Location. I am the case officer for the appeal proposal.

I hold a Bachelor of Arts honours degree in Urban Studies and Planning from the University of Sheffield together with a post-graduate diploma in Town Planning from the same university. I am a member of the Royal Town Planning Institute.

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1.0 PRELIMINARY MATTERS

- 1.1 The appeal proposal seeks outline planning permission with all matters reserved except access. The planning application was validated on 14.06.19. The development proposed is a residential development of up to 400 dwellings with new accesses, open space, landscaping, car parking, and ancillary works.
- 1.2 The appeal site is a greenfield site which extends to 24.8 hectares (see Core Document (CD) A29). It is located to the south of Partington. The site is in two parts bisected by the route of the A6144 Warburton Lane. The land to the east of Warburton Lane is referred to as 'Site 1' whilst the land to the west is known as 'Site 2'.
- 1.3 The appeal is against the non-determination of the application (ref. 98031/OUT/19).
- 1.4 The Council's putative reasons for refusal were confirmed at the meeting of Trafford's Planning and Development Management Committee on 13.02.20 (CD A62, A63). Six deemed refusal reasons were agreed and with a further four potential refusal reasons in the event that the appellant does not agree to suggested conditions/obligations. In the intervening period the appellant has accepted the need for a financial contribution towards expanded/new local primary schools in order to mitigate the development's impact. This issue is therefore no longer contested. The highways position has progressed in that a deliverable off-site highways mitigation scheme has been found for Flixton crossroads. However, the Council's clear preference is the provision of the Carrington Relief Road (CRR) as explained by Mr Morley. The putative reasons for refusal (RFR) are cited in Appendix A.
- 1.5 The appealed application was submitted at the same time as two full applications; for 163 dwellings on Site 1 (ref. 98029/FUL/19) and for 201 dwellings on Site 2 (ref. 98030/FUL/19). On 25.02.20 these applications were withdrawn.

1.6 The development plan for the purposes of this appeal comprises the Trafford Core Strategy (TCS), adopted in January 2012 (CD E2), and the saved policies of the Revised Trafford Unitary Development Plan (RTUDP), adopted in June 2006 (CD E1).

2.0 THE DECISION-TAKING FRAMEWORK

Purpose of this Evidence

- 2.1 I have been the case officer for the appeal proposal since the planning application's submission. The Council's case is set out in nine Proofs of Evidence.
- 2.2 My evidence deals with general planning matters. This includes the relevant decision-taking and planning policy framework that should be applied. This proof also directly addresses specific concerns relating to: (1) the design and its consistency with provisions of the proposed development, and (2) the nature and content of the application. It deals with the relevant planning balance test to be applied. This evidence serves to bring together the principal arguments and to draw overall conclusions regarding the proposal's acceptability.

Accompanying Council Evidence

Strategic Planning (RFR 3 and 9)

- 2.3 The evidence of Ms Todd states that the appeal site is in the wrong location for housing. When considering the site as a potential location for meeting housing needs, an Inspector appointed to review the alterations to the Adopted Trafford Unitary Development Plan observed (in 2003) that he had '*...serious reservations about the suitability of this land [land at Warburton immediately south of Partington] for such extensive development.*' He continued with reference to it being fundamentally poorly integrated with existing housing and community facilities, the road system, public transport and other infrastructure. That Red Brook and its floodplain, along with the associated wildlife corridor, would severely inhibit integration was also referred to. This led the Inspector to state that: '*In my opinion, extensive development of this site would be unlikely to be sustainable.*' At the same

time the Inspector recommended the deletion of the land from the Partington Priority Regeneration Area. Nothing relevant has changed since.

- 2.4 The site is safeguarded land that is not allocated for development at the present time; no development plan review has been undertaken which would allow for its permanent development (NPPF, paragraph 139). The appeal submission has not replicated the rigours of a development plan review.
- 2.5 The site's allocation is contemplated as part of the draft GMSF (CD F1). However, this is predicated on a comprehensive, masterplanned and phased approach linked to infrastructure requirements and development needs over the plan period. This masterplan work is presently taking place and it currently identifies a requirement for highways infrastructure (the Southern Link Road, SLR) within the appeal site. The proposed development has not accounted for this. The proposal could undermine the delivery of wider sustainable development.
- 2.6 The evidence of Mrs Coley shows that the lack of deliverable housing land supply in the next five years is not a consequence of any failure by the Council to allocate sufficient land or to grant sufficient planning permissions. Rather it is a function of developers and landowners failing to deliver on sites, delaying whilst seeking to reduce Section 106 obligations, and refusing to implement permissions until others (mainly public authorities) provide the necessary infrastructure required by their developments. The issues she identifies are especially problematical in Trafford, where land and property prices are high and where there are a relatively small number of large sites.

Viability (RFR 4)

- 2.7 The evidence of Mr Lloyd, as supported by the evidence of Ms Sandford, advises that the appellant's Financial Viability Appraisal (FVA) is flawed. The appellant has not adequately and robustly demonstrated that policy compliant affordable housing cannot be provided. Indeed, just by correcting some basic methodological flaws it can be seen that costs have been significantly

overstated and values significantly understated. By just removing the most obvious errors it has been shown that the development can deliver 45% affordable housing and still deliver a land value above Benchmark Land Value.

Heritage (RFR 1 and 2)

- 2.8 Mrs Lewis identifies that the proposed development would cause harm to designated and non-designated (built) heritage assets, and that the impact of the development on the affected heritage assets has not been sufficiently or accurately assessed.
- 2.9 Mr Redhead states that the archaeological interest of the site has been under-represented. Available evidence indicates that the site contains archaeological features which could be schedulable. The site should be subjected to detailed phased evaluation to identify its archaeological value. The appellant has declined to do such work and is thus denying the Inspector the essential factual knowledge to support decision-making. Until such work is undertaken, it is not possible to assess the degree of harm which would be caused.

Landscape (RFR 2, 5 and 6)

- 2.10 Mr Folland shows that the landscape and visual effects of the proposed development have been understated. The proposals would transform the site's character and appearance (including a former deer park), and the effects would exert themselves adversely upon the wider landscape. The proposed embedded landscape mitigation would be deficient in moderating the effects of this significant change.

Highways (RFR 2, 3, 6, 7, 8 and 9)

- 2.11 Mr Morley shows that the site is at the end of a highly congested transport corridor and has limited public transport infrastructure. Pedestrian and cycle

connections are also deficient. In transport planning terms this is currently a poor location for development.

- 2.12 The CRR is required by policy in order to support the existing Carrington strategic allocation and to unlock severe existing traffic conditions on the A6144 Manchester Road. A proposal has recently been put to the appellant in which it would contribute to the delivery of the CRR and would only deliver the agreed Flixton crossroads mitigation if the Council could not first confirm its commitment to the CRR. In highway capacity terms, the appeal proposal could then be accommodated. Nonetheless, the proposed development is coming forward before a full programme of infrastructure requirements and public transport systems to sustain the draft GMSF allocation is completed. Mr Morley's evidence supports the provision of the SLR within the site.

Poor Design and Integration, and Inappropriate Outline (RFR 2, 3, 5, 6 and 9)

- 2.13 I highlight that the proposed quantity, spread and layout of development would not be compatible with the overriding rural characteristics of the site. Furthermore, I explain that the proposal has failed to make vital connections between the site and existing Partington. The result would be a car-reliant and exclusive residential development.
- 2.14 I also demonstrate that an outline permission here is unacceptable because it is not possible from a parameters plan to assess the impacts arising.

Decision-Taking Framework

- 2.15 Section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is the Government's expression of planning policy and how this should be applied.

2.16 The NPPF (paragraph 11) introduces ‘the presumption in favour of sustainable development.’ Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, paragraph 11d advises that planning permission should be granted unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

2.17 For applications involving the provision of housing, Footnote 7 confirms that ‘out-of-date’ includes situations where the LPA cannot demonstrate a five year supply of deliverable housing sites. This Council does not have a five year supply. Policies of ‘most importance’ comprise policies L1 and R4 of the TCS (which are policies which control the supply of housing). Paragraph 11d is therefore engaged, and I consider that this is the starting point for the decision-taking structure that should be applied.

2.18 However, as shown by Mrs Coley, the Council is in fact granting more than enough residential permissions to meet the supply but this does not translate to delivery for the reasons she explains. The supply shortfall is to do with planning permissions being treated, by developers and by landowners, as speculative land valuation assets to be improved in value and flipped. In order to achieve the highest possible land value, any constraints or obligations required by planning policy are sought to be removed. This is corroborated by the evidence of Mr Lloyd; through his appointment as advisor to the Council a concerted effort is being made to address the misconceived approach to viability and delivery by developers in this area. A grant of this outline proposal would not lead to an adjustment in the supply until subsequent reserved matters approvals. There is no guarantee of delivery at

pace at the site, and phasing conditions have been requested. Any approval could in fact exacerbate this existing problem.

- 2.19 Ms Todd then explains that the housing requirement figure for Trafford, when based on the local housing need (LHN) approach is elevated due to the necessary affordability adjustment when allowing for higher house values in the area. In that context the lack of affordable housing provided here is relevant. In any event, a new strategy to ensure that sufficient amount and variety of deliverable housing land can come forward over the new plan period is emerging as part of the forthcoming Trafford Local Plan. This includes the GMSF New Carrington allocation, linked to a phasing and delivery strategy to ensure the coordination and provision of necessary infrastructure, but also other significant brownfield opportunities in existing urban areas.
- 2.20 This collection of evidence reduces the weight to be afforded to the housing land undersupply (which arises from the above practices and but for those practices would not exist) and to paragraph 11d in the circumstances.
- 2.21 Footnote 6 explains that the NPPF policies referred to in subsection i of paragraph 11d include those relating to designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63). In turn, footnote 63 records that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.
- 2.22 Even if the paragraph 11d approach were to be accepted, the evidence regarding harm to designated heritage assets and to footnote 63 non-designated heritage assets indicates that the appropriate assessment of the appeal scheme could be one in which the application of policies in the NPPF would provide a clear, standalone reason for refusing the development proposed (under subsection i). This alone has the potential to override the engagement of paragraph 11d. In this regard there is ample evidence to be seriously concerned that adequate steps have not been taken to establish the

extent of significant archaeological features here. Case law is clear: where a developer fails to provide adequate investigation in such circumstances, it cannot then assume the footnote is answered in its favour.

2.23 Assuming for the moment that these two points are incorrect, I then proceed to apply subsection ii of paragraph 11d and take into account all the advantages of the appeal scheme. Notwithstanding these benefits, including most obviously the delivery of housing (and other benefits as will be outlined in due course), I consider that the harms caused by the proposed development clearly and demonstrably demonstrate that permission should not be granted.

2.24 These matters will be returned to as my evidence makes its conclusions.

3.0 PLANNING POLICY OVERVIEW

National Planning Policy Framework

- 3.1 The NPPF (CD D1) sets out the Government's planning policies for England. The current version of the NPPF was published on 19.02.19. The NPPF is supplemented by the National Planning Practice Guidance (NPPG, CD D2). The NPPF is a material consideration in planning decisions.
- 3.2 Within Appendix B I summarise key NPPF guidance that is relevant to this appeal.

The Statutory Development Plan

- 3.3 The TCS is the primary development plan document used to guide development over the plan period to 2026. It sets out the overall planning policy strategy for the area, describing the spatial direction, strategic objectives and core policies that have been adopted.

The Spatial Strategy

- 3.4 The TCS Vision explains that the focus for economic and housing growth in Trafford will be within the urban area, primarily in the north-eastern areas and the principal town centre. Five 'Strategic Locations' are then identified, which include SL5: Carrington. They each offer an opportunity for major economic and residential development to enable the growth of the Borough.
- 3.5 Each Strategic Location has a particular set of attributes. Some comprise of expansive, degraded former industrial sites, often in single or limited ownership, positioned towards the Borough boundary. Others encompass a series of interspersed, previously-developed sites within existing built up areas. Some seek the provision of significant new infrastructure, provided in parallel, to support development in a new location, whilst others rely on the use and improvement of existing infrastructure. They each share some

fundamental characteristics which supported their identification within the TCS: they embody a brownfield-first approach; they focus development within existing urban areas, thereby preventing sprawl; they provide development in sustainable locations or locations that can be made sustainable; they protect greenfield sites and locations of environmental value; and they assist with wider regeneration objectives.

SL5: Carrington

- 3.6 Carrington is located in the west of the Borough. Traditionally it has been dominated by a long-established petrochemicals works, with only a small residential community. In recent years the petrochemicals operations have declined. As with neighbouring Partington, transport infrastructure is very limited; a single road (the A6144) connects Carrington and Partington to the Carrington Spur off the M60 motorway. Access to Manchester city centre and to the rest of Trafford is poor.
- 3.7 Partington is located to the south-west of Carrington. It was once a small rural village but was transformed when a large number of Council houses were built in the 1960s. Historically there have been a number of underlying difficulties which has resulted in population decline and an inability to achieve sustainable growth. It has been recognised as a settlement in need of a comprehensive regeneration plan.
- 3.8 Under SL5 a major mixed-use development would be delivered principally on brownfield land at Carrington. An important component of the vision for SL5 is the provision of new road infrastructure (including the CRR) and the securing of significant improvements to public transport in order to reduce geographical isolation. Policy SL5 sets out what will be delivered at Carrington and the essential, phased infrastructure requirements to ensure it will be delivered in a sustainable way. The accompanying text refers to the opportunity afforded by SL5 to make a significant contribution to regeneration priorities.

- 3.9 Within the SL5 allocation, HIMOR (Carrington) Ltd are the key landowner and major delivery partner. In August 2017 a hybrid planning application was approved to create a new mixed-use community (LPA ref. 88439/HYB/16) on part of the former Shell site. Involving up to 725 dwellings and 46,450 square metres of employment floorspace, this (known as 'Carrington Village') forms the first phase of HIMOR's redevelopment intentions. There have been two subsequent reserved matters approvals, and one of these (for employment floorspace) is the process of being built out (LPA ref. 94601/RES/18). As of March 2020, there is a resolution to grant an alternative proposal for 'Carrington Village' (LPA ref. 99245/OUT/19). The potential alignment of the CRR requires part of the development to be reconfigured. The amended scheme also involves a reduction in the maximum number of residential units whilst the amount of employment and community/retail floorspace is increased.
- 3.10 Also within SL5 (and simultaneously within the L3 PRA area – see below) there is a resolution to grant a major mixed use development on land at Heath Farm Lane, Partington (LPA ref. 94949/HYB/18). The main bulk of this site, which encompasses 29 hectares, comprises a former natural gas storage facility. 'Full' components of the proposal comprise 148 dwellings following site clearance and remediation, along with the provision of internal estate roads. A further 452 dwellings are proposed under an outline element.
- 3.11 The Council's endorsement of these proposals is reflective of them being consistent with the strategy for the pattern and scale of development as set out in Policy SL5. They offer development on allocated and degraded brownfield sites which are well located relative to both existing built form and to existing/proposed roads, and in locations which are capable of being masterplanned and which can provide regeneration benefits.
- 3.12 It is accepted, however, that the delivery of the TCS vision for Carrington is still in its early stages. As part of its determination to drive forward significant housing development in the SL5 location, the Council is progressing a new

strategy to accelerate the delivery of the CRR. Mr Morley and Ms Todd, in their evidence, provide further detail on this matter.

Appeal Site's Policy Position

- 3.13 On the Proposals Map (CD E3) the appeal site lies within an area designated as 'Protected Open Land,' and Policy C8 of the RTUDP is cited. This annotation is now covered by Policy R4 of the TCS. Policy R4 explains that 'Other Protected Open Land' (OPOL), including 'Land at Warburton (immediately to the south of Partington)' is protected from development. The policy sets out two main categories of permissible development which do not apply here. The supporting text explains that areas of OPOL are excluded from the Green Belt and are not allocated for development but that they may be required to meet development needs post 2026.
- 3.14 The Proposals Map also shows the site as being within the Partington PRA, as originally covered by policies A1 and H11 of the RTUDP and now dealt with by TSC Policy L3. Policy L3 designates PRAs where the Council will support appropriate development that will reduce inequalities, secure regeneration benefits, and create sustainable communities. However, the representation of the site being in the PRA is a graphical error and is directly contrary to the RTUDP Inspector's recommendations (which advised that the site and wider area should be excluded), subsequent Council decision-taking processes which endorsed the Inspector's findings, and the text of the policy itself with which the site plainly cannot and does not comply. Relevant documentation is contained in Appendix D. In essence the site exhibits none of the characteristics of a PRA; it is not a location where the environment and fabric of the area is in need of modernisation or which suffers from economic, social and housing problems. Indeed, in this evidence I demonstrate the point that the development of the appeal site does not and cannot meet the ambitions of Policy L3.
- 3.15 In summary, the appeal site is OPOL covered by Policy R4. It is shown within a PRA but its inclusion is a result of a drawing error and it cannot come within

the words of that policy. Any weight to be attached to Policy L3 should therefore be limited. The Site is not within SL5.

The Core Policies

- 3.16 The TCS also contains a series of Core Policies. Within Appendix C I summarise the policies of relevance to this appeal.

Consistency with the NPPF

- 3.17 The TCS was adopted in January 2012; two months prior to the publication of the original 2012 NPPF. Some policies of the TCS have been formally and individually recognised as not being consistent with the NPPF. For the purposes of decision-taking the NPPF (paragraph 213) advises that due weight should be given to policies according to the degree of consistency.
- 3.18 It has been concluded that the 'severe' reference in the NPPF (paragraph 109) is a more stringent test for residual cumulative impacts on the road network than is the 'significance adverse impact' as referred to by Policy L4. It is the more demanding test that is applied here although obviously the need for the CRR is not subject to the 'severe impact' test and is a requirement of the spatial strategy.
- 3.19 In assessing impacts to heritage assets Policy R1 does not reflect the categories of 'substantial' and 'less than substantial' harm and their corresponding policy tests as set out in the NPPF (paragraphs 195 and 196). These tests provide an opportunity for an applicant to demonstrate that there would be public benefits arising from a proposal which may outweigh heritage harm. Paragraph 197 encourages a similar approach in weighing applications that directly or indirectly affect non-designated heritage assets. On this issue Policy R1 is inconsistent with the NPPF, and again it is the tests of the NPPF which are used here.

3.20 In addition, as a statutory development plan that was adopted in 2012 and with no formal review having been undertaken, it is acknowledged that the housing requirement figures contained within Policy L1 have become redundant and that the LHN approach for calculating housing requirements applies. Policy L1 has already been identified, separately, as being 'out of date' under paragraph 11d.

Emerging Development Plan

3.21 The GMSF, on its adoption, will become part of the statutory development plan for Trafford and will set the framework for individual borough-wide local plans. The Regulation 19 version is due to be published for consultation purposes in November 2020 and submitted for Examination in Spring 2021.

3.22 The emerging GMSF (January 2019, CD F1) includes the Strategic Allocation of 'New Carrington' (GM Allocation 45). It incorporates the existing SL5 allocation but extends beyond it and encompasses land to the east and south of Partington. Its focus is on the extensive former Shell industrial estate, although it includes greenfield land and areas of Green Belt that would be released. The scale of development envisaged under New Carrington is much greater than when compared to SL5 (to be delivered over 2018 to 2037). Consistent with the principles of SL5, relevant emerging policies recognise that major investment in public transport and highway infrastructure (with CRR as just the first essential part of that infrastructure, even just for SL5) would be needed to support the development of New Carrington, and with the need for a properly phased and masterplanned approach to ensure sustainable growth at this location. The appeal site is within the anticipated draft allocation, at its south-western periphery.

3.23 The GMSF is at a stage where only limited weight can be afforded to its policies. A new Local Plan for Trafford is also being prepared but this is even less advanced (CD F2).

Covid-19

- 3.24 It is fully acknowledged that the UK economy is in a more precarious position than when the Committee concluded its consideration of the appeal proposal in February 2020. This is as a consequence of the Covid-19 global pandemic and the effects of lockdown measures introduced in March 2020. We understand that the appellant intends to argue that the economics of housing provision have become worse since Covid-19. No revised FVA has been provided. If such evidence is presented, the Council will provide rebuttal evidence from Mr Lloyd as to the current state of the construction and housing markets. However, I note that in earlier appeal decisions attempts to rely on economic fallout from Covid-19 to justify lower affordable housing have been dismissed as speculative.

4.0 FAILINGS IN THE SPECIFICS OF THE PROPOSED DEVELOPMENT

Introduction

- 4.1 The site is visually and functionally divorced from the nearest urban area. It also has the characteristics of a countryside location and has historic landscape value. Partington suffers from physical isolation, public transport options are extremely limited, and the only vehicular main route in and out of the settlement experiences major congestion. These all serve to illustrate the unsuitability of this site for major development and give rise to objections in principle unless and until the site comes forward as part of a masterplanned whole delivering the infrastructure and securing the integration necessary to make development of this site acceptable. However, at this stage nothing has changed since the RTUDP Inspector gave his observations in 2003. This proposal has not been effective in demonstrating that such problems have been acknowledged by the appellant and successfully overcome. Comparable concerns were raised by an independent panel of built environmental professionals at a specialist design review in September 2019 (CD I1). These design objections fall into two broad areas: *character and context* and, and *integration and accessibility*.

National Design Guide

- 4.2 In October 2019 the Government published its National Design Guide (NDG, CD D3). It expands upon the fundamental principles of good design in the NPPF to define what is expected for well-designed places. The document outlines the Government's priorities in the form of ten characteristics.

Character and Context

- 4.3 The first characteristic is 'context.' This is defined as: 'the location of the development and the attributes of its immediate, local and regional surroundings.' A successful development responds positively to the features of the site itself and also beyond its boundaries.

Existing Character

- 4.4 The site sits within a wider area of countryside. The Red Brook corridor marks a visual and physical barrier between the site and Partington. This is reinforced by the combining influence of its flood plain, its tree-lined attributes and that it sits within a natural valley. For Site 1, further substantial separation is provided by playing fields to the north of Red Brook. The site is in a physically and visually isolated location away from existing development; the site's development would never be seen as a continuation of the existing settlement.
- 4.5 Travelling south, beyond the brook, as the land rises up and the tree cover diminishes, the impression is one of leaving Partington and arriving in a more rural landscape. Moss Lane, with its narrow winding route, its lack of street lights, and its aligning hedgerows, is clearly rural in character. Site 2, which is open at its boundaries, is especially prominent when travelling northwards from Warburton. The cumulative effect of the extensive green wedge, centred around Red Brook, is to successfully screen the current built up edge of Partington when viewed from the south. The appeal site, in contrast, does not have an enclosed character, most markedly Site 2.
- 4.6 This part of the site also includes the north-eastern section of the former deer park. It is acknowledged that the deer park is not subject to any formal landscape designation. It is also recognised that Mr Folland's evidence ascribes a 'local' value to the landscape of the appeal site and the wider area. However, the presence of the deer park increases the value of the landscape within Site 2 to the upper reaches of the local value range, he concludes. Even though unaware of the deer park constraint, the review panel's response refers to this being: *'....an extremely attractive, open, rural site with a traditional parkland feel.'*

Summary of Shortcomings

- 4.7 Insufficient regard has been paid to this rural character. This failure can be discerned from a review of the parameters plan (CD A46). In supporting 'up to 400 units', this is based on a substantial spread of development. Built form would extend close to the southern and eastern boundaries of Site 1, and to the southern, eastern and western boundaries of Site 2. Mr Folland has identified that the narrow landscape strips that the plan illustrates would not create an effective, robust buffer to a new settlement boundary. The proposed development would present a hard and abrupt built up edge which would not transition well with the adjacent countryside. It would have an unacceptable and substantial suburbanising effect.
- 4.8 Overcoming this problem would involve the introduction of much more expansive landscape buffers to the site's rural edges. This would impact upon the quantity of houses proposed, and this is before other considerations are factored in which would also serve to reduce the quantum of development.
- 4.9 At the site's northern boundary built development is precluded. This is to avoid the flood plain and to allow for a wide services easement. This site constraint is important since it serves to increase the level of disconnect from existing built form.
- 4.10 The submission refers to the site having a developable area of 13.7 hectares, which would provide a density of 29 dwellings per hectare (dph). It is not accepted that 13.7 hectares are properly developable because the figure does not account for meaningful landscape buffers, archaeological mitigation, adequate buffers to listed buildings, mitigation to reflect other landscape assets, and necessary highways infrastructure. Furthermore, whilst this density is lower than the average dph currently suggested by the GMSF over the full allocation, this site warrants a much lower density model. This would involve a more spacious distribution of development, interspersed with landscaping. This would engender appropriate compatibility with the adjacent

rural landscape and enable a better appreciation of aspects of the historic landscape that would remain. The concept of spaciousness is not reflected in the illustrative layout within the revised Design and Access Statement (DAS, CD A51), based on 167 residential units (Site 1) and 233 units (Site 2). This shows a cramped and overdeveloped arrangement in accommodating 400 two to four bedroom dwellings across the site and right up to boundaries.

- 4.11 This is not a site where higher-rise development should be contemplated. Equally, it is recognised that the provision of family homes is consistent with the housing needs of the local area and that a scheme focussed on more one-bed accommodation would not reflect local needs. Overall, it is difficult to envisage how a development of this number of units and of an appropriate housing mix could be successfully provided in a way which would be respectful of the site's character.

Further Design Detail

- 4.12 In the next chapter of this evidence I explain why this outline proposal is the wrong approach. The indicative plans contained within the DAS demonstrate the significance of this concern because when attempts have been made to show how 400 units could be delivered here, the unacceptability of the proposals is plain. In summary, the indicative plans, drawings and sketches confirm:

- A scale of development which represents overdevelopment in this sensitive, transitional landscape location;
- Intense development across a significant section of a former deer park;
- A coverage of development which would provide limited opportunities for visual permeability and 'glimpsed' or 'through' views to the adjacent countryside;
- Landscape buffers of inadequate depth which could not accommodate the required level of tree planting;

- No account whatsoever of the need for archaeological mitigation (including of the historic landscape);
- Insensitive siting of development in close proximity to non-designated heritage assets and with weak landscape buffers used to provide separation;
- Insufficient 'no build' areas within the setting of listed buildings;
- An absence of internal landscaping within, and to break up, building groups;
- A lack of discernible variety in the design and layout of identified different character areas;
- An overly planned and engineered layout centred on a dominant internal estate road with a curvilinear form; and
- An overriding suburban feel to the layout which is evidenced by the road structure described above, the use of cul-de-sacs, the regular spacing of dwellings, and the provision of detached garages, lengthy driveways and parking courts.

4.13 Characteristics of the 'Settled Sandlands Landscape' are outlined in SPG30 (CD E9) and are summarised in Mr Folland's evidence. The proposal is fundamentally at odds with the guidance. The illustrative layout displays a prevailing suburban characteristic. It is reinforced by the housing typologies and the use of entrance pillars. It is acknowledged that there are two small existing developments with some similar characteristics in close proximity, including at Top Farm Close which similarly stands apart from the main urban area. This relatively modern development is a poor response to a rural context and it should not be replicated on a much greater scale here. Its limited scale reduces its extent of visual influence over the appeal site which takes greater cues from the wider countryside landscape.

Most Sensitive Locations

4.14 There are points where the site's rural characteristics are most defined: the Moss Lane boundary (Site 1) and the southern fringe (Site 2). These

locations would become the new settlement edge, and where the visual impact of the development would be most pronounced.

- 4.15 At Site 2's southern periphery the illustrative layout shows that the appellant has sought to apply a lower density of development in this location where principally detached dwellings would be located. However, even this arrangement would be overly dense for an edge of settlement location since there would still be a row of very substantial houses with ineffective intervening landscaping and the sense of a housing development very close to the countryside edge would remain.
- 4.16 For Site 1, one adjustment to the parameters plan has been the provision of vehicular accesses from Moss Lane. This solution was suggested by officers to reflect a more rural attribute, as observed in the surrounding villages with buildings arranged to form small courtyard spaces with short accesses from country lanes. However, the appellant's interpretation of this recommendation in the illustrative layout has not been successful. This shows four housing clusters accessed from Moss Lane, and with the remaining housing development positioned behind it. The concept was intended to include a reduction in development density surrounding the courtyards in order to reinforce rural characteristics. In the absence of this setting, these units would continue to be read against a backdrop of suburban development. Given the density, this proposal for four separate accesses, all in close proximity, would in fact work against the intention to conserve the rural character of Moss Lane; visibility splays, hedgerow removal, external lighting, and hard surfacing would all overly dominate and undermine the rural character.

Generic Response

- 4.17 The overriding design philosophy remains a typical design solution adopted by a volume housebuilder. To date there has been little indication of preparedness to depart from the standard model in order to create something distinctive for this rural site. The landscape value derived from the site's

association with deer park has been ignored. The written responses from the review panel supported the Council's view that a step change in approach for this site is required: [the sites] *'warrant and fully justify a different approach at the strategic level'*. However, whilst there may have been some design refinements to the parameters plan and further baseline and illustrative work, the current proposals do not appropriately respond to its context.

Conclusion

- 4.18 There are strategic design challenges facing this site. These stem from its agricultural, open landscape setting and that it cannot dovetail with the current settlement edge. It also includes a historic landscape. This requires a greater focus on designing well in a sensitive location. The proposal, in outline form, does not constitute a well-designed development which has been positively shaped by a commitment to 'context.' It is my view that a residential development of this quantum, and when distributed according to the parameters plan, would not be compatible with the overriding rural characteristics of the site. It would appear as an isolated suburban add-on.

Integration and Accessibility

- 4.19 Identified as a further characteristic, the NDG explains that patterns of 'movement' are integral to well-designed places.

Existing Problem

- 4.20 The northern boundary of the appeal site is critical in seeking to connect with Partington. Red Brook, as well as it serving to provide visual separation, is a physical barrier to movement.
- 4.21 The main shopping area is located in the northern half of Partington. It is defined as a 'local centre' by TCS Policy W2. Its shops and services are of local significance in seeking to cater for day-to-day shopping needs. From the site's main vehicular entrances on Warburton Lane, the distance to the local

centre is some 1.5 kilometres. There is a neighbourhood shopping parade which is closer to the site (approximately 500 metres to the north). However, its offer is very restricted and low-end. Partington has one secondary school (Broadoak) which is located some 600 metres to the north of the site. It has three primary schools, spread across the settlement, located at distances of between 1.5 and 1.7 kilometres from the sites' entrances.

- 4.22 The nearest bus stops are located on Warburton Lane at an approximate distance of 170 metres from proposed site entrances. There are further stops located adjacent to the Oak Road shops and at the Warburton Lane/Moss Lane junction. There are no other public transport modes.
- 4.23 For Site 1, the length of the proposed access road would be extensive, accessing only the development itself. For the dwellings sited towards its eastern periphery, the distances cited above would be increased by approximately 700 metres. This would mean the main Partington shops would be over 2km away. An arrangement of cycle and pedestrian routes are illustrated in the northern part of the site. However, these would still be funnelled towards the separate access points on Warburton Lane.
- 4.24 A similar position arises in respect of Site 2. Again, the termination of other pedestrian/cycle routes is Warburton Lane. The evidence of Mr Morley identifies that all parts of the development would be well beyond the guideline figure of 800 metres (a 'reasonable walking distance') to Partington local centre.
- 4.25 It is acknowledged that the illustrative layout does define a network of routeways, and that a permeable *internal* grid is indicated for pedestrian and cycle movement. This includes the retention of two existing public rights of way (PROW) within Site 1. However, many of these would have very little, if any, natural surveillance. In any event, it is the crucial *off-site* linkages (north to south) where the movement strategy fails.

Red Brook Crossings

- 4.26 For Site 1 one PROW provides the only existing means of accessing the site from the north (via a small footbridge over Red Brook). The continuation of this route provides a further connection to the local centre. The distance from the development (within the eastern portion of Site 2) to the local centre would be some 1.3 kilometres. Whilst this would be shorter than the Warburton Lane option, it would involve a walk through countryside, and then along Chapel Lane which is a narrow winding country lane without footways or streetlights. There are thus severe functional issues which render it unsuitable as an alternative walking route to the Partington core.
- 4.27 The revised parameters plan indicates two 'potential pedestrian bridge connections' over Red Brook; one serving each site. No further details were provided. On 13.02.20 the applicant submitted two full planning applications which separately proposed: '*a new footpath/cycleway including bridge connection over Red Brook and all associated works*' (see Appendix E). The appellant accepted at the Case Management Conference in February 2020 (CD C8) that there would need to be a Grampian condition preventing residential development until these crossings would be provided. My evidence proceeds on that assumption.
- 4.28 For Site 2, the bridge would connect directly to the informal recreational route of the Red Brook Wildlife Trail and would encompass an existing shortcut up to Oak Road. For Site 1, a new stretch of pathway was proposed to provide a connection to the Broadoak Meadow Walk which skirts the southern edge of the playing fields.
- 4.29 Consultation on the applications identified a series of problems. The Environment Agency (EA) objected because the soffit level of both bridges was too low; this could impede flood flow and could result in the bridges being at risk of collapse during a flood event. An objection from GMAAS referred to the proposed bridge for Site 2 interfering with the likely physical boundary of the deer park. This position was supported by the Heritage Development

officer who was concerned about the prominence of this bridge. The Local Highways Authority also raised concerns; a number of practical difficulties with both bridge proposals meant that they would not provide safe, inclusive, convenient and attractive pedestrian and cycle access. For instance the proposals for both sites relied on gradients which exceeded the desirable maxima for shared pedestrian/cycle routes of 1:33 (and thus should be categorised as 'ramps'), and the Site 2 proposals involved the use of existing steps to climb an embankment, both creating obvious problems for those with prams, trolleys or mobility limitations.

- 4.30 The submission of amended/additional information by the appellant did not address the crux of the objections. The applications were due to be reported to Planning Committee on 13.08.20, each with a recommendation of refusal, but were withdrawn beforehand. No alternative applications have been received. There are thus no current applications for the bridges, despite them being acknowledged as a central requirement for sustainable development in this location. The previous proposals were unacceptable and there is no material on which I can assess whether appropriate bridge links can be provided.
- 4.31 Added to this there was (and still is) major uncertainty regarding deliverability of the bridges. Land on the northern bank of Red Brook is not in the control of the appellant.
- 4.32 The application process served to highlight the difficulties on a number of different topic areas in seeking to successfully and sensitively forge links across Red Brook. I would imagine that an engineering solution which would satisfy both the EA and LHA is likely to have significant cost and design implications, but whether this would simultaneously address concerns regarding heritage and visual impact is unknown.
- 4.33 The bridge application process also served to demonstrate how, under the appellant's linkage proposals, there would be a lack of passive surveillance. The routes of the Wildlife Trail and Meadow Walk are recreational and

informal in their appearance and function. They are set apart from the existing urban area and have a semi-rural quality, and their surface is uneven and muddy in parts. The lack of any properties overlooking the bridge links, and on their approaches, would not make them feel safe. Whilst some illumination, in parts, may be appropriate, this would not overcome the lack of natural surveillance.

4.34 There remains, therefore, an underlying problem on the issue of linkages. It is my view that the mere facts of the walking distances to be covered, the characteristics of the routes, and the disconnect provided by the Red Brook corridor renders it fundamentally unfeasible to appropriately integrate this site in an effective and sustainable way. The means to achieve the necessary integration through a much wider masterplanning exercise, pulling this site into a wider New Carrington development, are not replicated on this standalone development.

4.35 The routes onto Warburton Lane would therefore remain the main pedestrian desire lines. Even in this location there are constraints with the linkages which would make accessing the facilities in the wider area problematical. On the eastern side of Warburton Lane areas of footway are of reduced width which would make pram and wheelchair access difficult. On the western side, a length of Warburton Lane of approximately 80 metres to the south of Oak Road is without a pavement.

4.36 It is accepted that the proposals for the western side do include an extension of the existing advisory cycle lane. However, there are no dedicated cycle routes in Partington and cycling infrastructure for commuting purposes is deficient when compared with other areas.

The Consequences of an Unintegrated Development

4.37 Integration is one of the most important factors in determining the impact and success of a housing development. Under present policy circumstances, the

only possible scope for integration is over Red Brook. However, the appellant has no strategy for dealing with this.

- 4.38 The availability and quality of amenities for Partington and the likely implications in terms of travelling, in the context of this major weakness, have been considered by Mr Morley. It is concluded that the majority of trips made by future residents would be to destinations beyond the settlement. Given the inadequacies in public transport provision, a very high proportion of these would be made by car. Even when travelling within Partington to access its essential services, with the exception of the secondary school, walking is not considered to be a sufficiently attractive alternative that would be widely adopted. The consequence is that this development would place an additional 519 vehicular trips (approximately) during the morning and evening peak periods on an already congested road network and at the extreme end of the route, approximately 7.5 kilometres from where the traffic first starts to build up.

Conclusion

- 4.39 The development would appear in a visual sense as a suburban add-on. From a functional perspective, the development would chiefly operate as an isolated and car-focused residential destination with very limited interaction with the existing community. The outline design of the scheme - the provision of car parking and garages for all prospective residents - is likely to further entrench reliance on car use.

GMSF

- 4.40 The GMSF has sought to develop a strategy for New Carrington as a whole which attempts to unlock these significant impediments. This is predicated on a properly master-planned major development with associated infrastructure, roads and new public transport. This proposal has been presented in advance of any adoption of a GMSF-type document; without the existing constraints to delivery of sustainable development being addressed; outside

of any master-planning work (which is ongoing); and before any of the currently more sustainable parts of the draft allocation are developed first and any supporting new infrastructure is provided.

- 4.41 Ms Todd's evidence sheds some light on the emerging masterplan and its likely approach to addressing the issues of *character/context* and *integration/accessibility* affecting the appeal site and adjacent land. This could include a much reduced developable area, a lower dph, and phasing in which delivery is linked to the provision of infrastructure and to the ability to present a workable solution to the challenges of integration and to heritage mitigation. This will dovetail with the policy narrative in the November 2020 version of the GMSF.

Conclusions

- 4.42 As an ad hoc and solitary application it has been demonstrated that the appellant's design response is unsuccessful in attempting to resolve the strategic design challenges, particularly facing the northern and southern boundaries. It has been shown that the development would not deliver a well-designed place as sought by the NDG and would not be functionally and visually assimilated into the existing environment. It would also be contrary to policies L4 and L7 of the TCS. The RTUDP Inspector's concerns have been proven; the appeal site is in the wrong location for housing unless and until the GMSF-led transformation takes place.

5.0 INAPPROPRIATE OUTLINE APPLICATION

Introduction

- 5.1 It is considered inappropriate to pursue a very rudimentary outline application for a development proposal at this sensitive site where only 'access' is put forward.

Parameters Plan

- 5.2 With the exception of some technical highways drawings, this outline submission relies on a 'parameters plan' (CD A32) (at a scale of 1:2000). This also forms the basis of the Environmental Statement (CD A25-28). This plan provides a basic level of information regarding the proposal with many of its illustrations identified as 'indicative' or 'potential.' A revised parameters plan (CD A46) was submitted in November 2019.
- 5.3 The plan shows the broad location of the internal access roads leading from Warburton Lane access points, and it also illustrates zones of built residential development as well as areas of the site that would remain as open space. It indicates the general position of attenuation ponds and an area of ecological mitigation. 'Indicative' pedestrian and cycle routes are identified as dashed lines, whilst new accesses for 'emergency/localised vehicles' are expressed as an arrow, and with a similar symbol used for 'potential pedestrian bridge connections.' Areas of play space are not shown. The layout of the residential development and the footprint of buildings is not shown. Whether parts of the site would accommodate differing densities of development, or at different heights or scales, is not presented. With one exception, buffer widths are not set out. The potential to treat different parts of the site as specific character areas is not indicated; the plan merely shows where development would and would not be provided. There is no sense of depth or topography to the plan. It is difficult to use the plan to establish any measurements, and the plan is not designed to be used for this purpose. It is presented as a first stage, two-dimensional visual expression of the proposed

development. Nonetheless, the intention is for it to serve as an 'approved document' and for it to be used to inform subsequent reserved matters applications.

- 5.4 In many situations this high level parameters plan approach can work. This is normally where a site is straightforward and is generally lacking in constraints; where the submission of supporting design material has revealed that the design code established could be carried forward to deliver a well-designed scheme; and where the plan is based on solid baseline evidence covering all relevant technical and detailed matters. None of these situations apply here, and yet under this proposal the appeal site would be subject to intensive development with a great deal of flexibility under the parameters plan.

Inadequate Baseline Assessment

- 5.5 This proposal has not been based on an appropriate baseline assessment on several central topic areas.

Archaeology

- 5.6 From an early stage in the application process, the appellants were told by GMAAS that the archaeological desk-based submission was deficient in its basic content and that on-site investigation was warranted.
- 5.7 The parameters plan is based on the heavily disputed position that the site is of very limited archaeological value. No mitigation has been allowed for. On the contrary, what can be discerned is that built development and a main vehicular access are proposed in the same location as a number of features of potential significant archaeological interest and that any mitigation would have the potential to impact on the deliverability of 400 units.

Built Heritage

- 5.8 The Council does not consider that a 'proportionate assessment' (NPPF, paragraph 189) to enable sufficient understanding of the potential impact of the proposal on the significance of heritage assets has been undertaken. A particular failing has been the lack of consideration of the impact of the proposal on key views towards, and settings of, heritage assets.
- 5.9 The parameters plan includes a number of illustrations which are intended to show that a vista to a heritage asset would be preserved by the arrangement of development adopted. In the absence of supporting graphics and visualisations from agreed viewpoints, together with details of the location of built form, these are claims that cannot be corroborated.

Historic Hedgerows

- 5.10 The plan purports to show the location of historic hedgerows surrounding and within the site. However, this visualisation is inconsistent with the appellant's submitted Heritage Impact Assessment (CD A52) and also when compared with its recent ES addendum (CD B4-B6), and neither is supported by evidence held by GMAAS in its GMSF-led work. The inaccuracy of the parameters plan has led to incorrect claims regarding the impact on historic/important hedgerows.

Historic Landscape

- 5.11 It remains the case that even the recent ES addendum, in its section on landscape and visual impact, makes no reference to the site encompassing a section of the former Warburton medieval deer park. Within the revised DAS, a confused picture is presented regarding whether the deer park is *within* or *adjacent to* the site. It follows that the parameters plan, submitted prior to both, makes no allowance for this historic landscape. There has been ample opportunity for the appellant to undertake its own investigations and interpretations on the subject of both the archaeological and landscape value

of the deer park, and to adjust its evidence base and parameters plan in response.

A Sensitive Site

- 5.12 The site has a level of environmental and physical sensitivity which further renders an unembellished outline application unsuitable. This sensitivity refers to the archaeological and built heritage of the site and the area, and also its landscape value (including historic) and its adjacency to the Green Belt.

Archaeology

- 5.13 There is an expectation that following proper investigation of archaeological interest a mitigation strategy of some form will be required, and which could include design solutions to avoid or protect archaeological remains, including associated with the deer park. This could render portions of the site undevelopable or it could require detailed layout adjustments on a localised scale. Alternatively, it could involve the embedding of a particular archaeological feature into a public realm design. This level of design and layout detail, as derived from the precise location, extent and significance (including their setting) of any particular archaeological site or feature of interest, cannot be incorporated - with any degree of confidence - on a basic plan of the type relied upon here.

Built Heritage

- 5.14 The appellant identified a key amendment of the revised plan being the 'pulling back' of development areas from adjacent listed buildings. This may seem reasonable in principle, however it is simply not possible to form an accurate or meaningful view on the basis of a crude illustration on a basic parameters plan. It cannot be discerned if the area left undeveloped is of sufficient scale and depth or of the appropriate configuration. This revision was not accompanied by a further modification involving a reduced scale of

development; the implications of the adjustment could be to increase densities immediately within the re-sited development area which could worsen the extent of harmful impact. There is simply too much flexibility within the parameters plan to be able to ensure that any such offer of mitigation would be successful.

Landscape, Green Infrastructure and Green Belt

- 5.15 The provision of sufficient landscape buffers at the site's periphery is an essential requirement and appears to be accepted as such in principle. This is to assimilate the development into the rural landscape, to sensitively redefine the settlement edge, and to provide a robust Green Belt boundary. The parameters plan does attempt to indicate some (albeit narrow) corridors of 'green infrastructure' at site edges. However, it is not possible to establish with accuracy the depth of the landscape buffers since this is not a plan that can be used for measurement. What the buffers would be comprised of is not revealed, and thus the height, density and effectiveness of any planting is not known. It cannot be assumed that these issues can be resolved through approval of conditions because it first needs to be demonstrated that the landscape strips are of adequate scale to accommodate the necessary amount of planting. The adequacy of buffers would also depend on the scale of the buildings behind them, which again is unknown. The result is that it is not possible to adequately understand from the plan the critical relationship between the site, the adjacent countryside (including parts of the deer park beyond the site) and the Green Belt, and if sufficient mitigation could be provided.
- 5.16 A similar criticism applies in respect of other 'planting buffers' that are proposed; those encircling two built heritage assets. A green line on the plan, and a reference to them being 'approximately 5 metres wide', is not adequate to allow a proper understanding of the appropriateness of this type of mitigation.

Further Design Detail

- 5.17 It is accepted that additional design detail is contained within the revised DAS. This contains an *indicative* site layout which develops the parameters plan. The DAS also shows indicative site sections, indicative sketch sections of streets, and precedent imagery and photographs. The plans are generally not to scale.
- 5.18 The DAS indicative layout is similar to the proposed site layouts supporting the full applications (see Appendix F), and the general design approach is unchanged from them. From the outset of consideration of the full applications, concerns were expressed regarding the design philosophy that had been adopted, which did not *in any way* respond to the site's context.
- 5.19 The design detail embodied in the full applications confirmed that the underlying parameters plan did not support a well-designed development. The shared design concerns were sufficient to warrant refusal, but the full applications were for a reduced scale of development compared to the 400 now sought in outline. It is thus not surprising that the more recent submission of the extra (indicative) design detail for the outline proposal – based on a higher quantum of development – has not helped the appellant's case.
- 5.20 The withdrawal of the full applications must be taken as acceptance that they provided an ill-thought-out and poorly designed scheme. It is to be assumed that the appellant's desire is for this appeal to be determined when fixed only to a parameters plan and without having to bind itself to a detailed design to be subject to appropriate scrutiny and which would reveal what this scale of development would truly mean.

The GMSF

- 5.21 Even in a future situation - if and when the site's development were to take place as part of New Carrington - the appellant's approach would be

inappropriate. This is borne out by the draft GMSF policy which recognises the importance of new development respecting the urban/rural fringe setting, of enhancing landscape features to create defensible Green Belt boundaries, and of protecting and enhancing heritage assets and their setting. I expect that by the time of the inquiry these principles will have been developed and refined in the next version of the GMSF (in response to further baseline work), and reflected in the emerging masterplan. Ms Todd's evidence expands upon the likely content of the next stage GMSF policy, and how the emerging masterplan could work to support this. Satisfactorily addressing these requirements would require a well-researched and comprehensive planning submission.

- 5.22 As part of this draft allocation it is likely that the site may need to accommodate major road infrastructure. Whilst still to be finalised, ongoing transport and masterplanning work supports the location of the SLR through Site 1. The parameters plan does not allow for this potential infrastructure and nor for any wider highway connections beyond the site. The SLR would affect the development layout and developable area, and a different access arrangement to Site 2 may also be required.

Conclusion

- 5.23 In my view, given the sensitivities of this site, pursuing an outline application based on an underprepared and unclear parameters plan is inappropriate because it is not possible to judge the acceptability of the proposals from such a vague base. The level of information has not allowed for an adequate assessment of whether 400 residential units, plus mitigation, could be accommodated. The level of flexibility that the parameters plan would allow is inconsistent with the characteristics of this site and there is no mechanism to assess what the appropriate parameters might be and no ability to put that off until reserved matters stage. The deemed RFR relating to this issue could only be overcome through a much more detailed submission. This would have at its core a properly worked-up parameters plan which would show the layout and scale of development in particular areas and its relationship to key

constraints, which would allow those relationships to be tested, and to which any outline permission could be tied.

- 5.24 The parameters plan approach has not been successful in facilitating the drawing of conclusions regarding the acceptability in principle of this housing development on any scale and certainly not up to 400 homes. On this issue alone it is not possible to conclude that the proposal is compliant with policies L4, L7, R1, R2 and R3 and the parameters plan would appear to allow development which would clearly infringe these policies

6.0 THE PLANNING BALANCE

Introduction

- 6.1 The process of weighing up the relevant factors arising from the appeal proposal and to conclude the Council's case falls to myself. I am required to have regard to Section 38(6) of the PCPA 2004 which confirms the primacy of the development plan. Other material considerations which I shall take into account include the NPPF.
- 6.2 In doing so I acknowledge the three overarching objectives of the planning system in its achievement of sustainable development (NPPF, paragraph 8). I also recognise the premise of the TCS which, in providing the strategic framework to guide development to 2026, establishes a balance between growth, regeneration and environmental protection and improvement (p5).
- 6.3 I also accept that this Council does not have a rolling five year supply of deliverable housing sites. In circumstances where a five year supply cannot be demonstrated, paragraph 11d of the NPPF comes into play. This becomes the framework for assessing residential applications on unallocated sites.

Development Plan Policy Conflict

- 6.4 The appeal site is not an allocated housing site. The proposal is contrary to Policy R4 which protects the site from development (R4.7), and the proposed development does not fall within any of the relevant categories of development permitted by the policy (R4.8). It has, however, been accepted that this policy is 'out of date' for the purposes of NPPF paragraph 11d which reduces the weight to be afforded to it.
- 6.5 The appeal scheme is also contrary on numerous aspects to Policy L1. It is in conflict by seeking to focus development outside of the strategic locations (L1.5) and not on previously developed land (L1.7), and not on sites that would support regeneration (given the degree of severance from Partington)

or which would strengthen town centres (L1.6). It would in fact undermine the strategy that has been established for the strategic locations by being out of sync with the logical order of development and by preceding, rather following, SL5. Again, it is accepted that this is an 'out of date' policy for the purposes of paragraph 11d.

- 6.6 The proposal contravenes Policy L2. This is because the scheme would provide nil affordable housing (L2.8) and the appellant has not justified its stance that the provision of affordable housing is not viable when added to other costs (L2.13). Policy L2 is treated as being up-to-date and full weight is afforded to it. The proposal is also contradictory to the formal guidance in Revised SPD1 (CD E4). This confirms that in this 'hot market location' and in 'good market conditions', the affordable housing target for qualifying developments is 45%. 'Good market conditions' began to be applied in November 2018 and there has been no change in position. Mr Lloyd's sensitivity analysis demonstrates that the provision of 45% affordable housing could be achieved.
- 6.7 The unusual position regarding Policy L3 has been explained. My evidence corroborates the point: a review of the outline design has confirmed that the extent of physical detachment from Partington serves to prevent any meaningful contribution being made to regeneration objectives. In accepting that the site is shown (albeit wrongly) within the PRA, the proposal, nonetheless, is not supported by L3 since it does not comprise appropriate development that would reduce inequalities, secure regeneration benefits and create sustainable communities (L3.2). In any event, the only reason why Policy L3 applies is due to a plan-making error, and this limits the weight to be attached to this policy.
- 6.8 Development plan conflict is found with reference to Policy L8. This is as a consequence of the development failing to provide for all necessary and related planning obligations, (L8.4), such as affordable housing, and to support wider growth, highways infrastructure and public transport (which would be needed to ensure the right conditions for the draft allocation). No

adequate justification has been provided to support the appellant's position (L8.10). Policy L8 is not fully consistent with the current approach to developer contributions, and thus less than full weight is applied.

6.9 In respect of Policy L4, it is accepted that a deliverable highways mitigation solution has been found which would address the 'significant adverse impact' that was previously anticipated at Flixton crossroads (Policy L4.7). However, unless the appellant accepts that this mitigation is in place before any residential occupation of the appeal scheme then conflict with L4.7 remains. In any event, the undertaking of ad hoc improvements to junctions on the A6144, which could become redundant when the CRR is delivered, is an inappropriate approach for the reasons explained. Policy SL5 strongly supports the new approach to the CRR delivery and a proposal has been put to the appellant for it to financially contribute. If accepted, this would also address issues of highway capacity by proportionately contributing to this major piece of road infrastructure (and address the L4.7 conflict).

6.10 Pending a response on the CRR, I identify potential conflict with the following policy requirements (L4.1) since it is not confirmed that the proposal would:

- Bring forward new highway infrastructure schemes that will improve accessibility and address congestion to facilitate the continued safe, efficient and sustainable operation of the network; or
- Support necessary highway schemes which should be in place before first occupation of a relevant phase of development.

6.11 Even if the CRR contribution is confirmed, there remains conflict with these requirements on the grounds that the proposed development, at the same time, is not providing appropriate developer contributions towards new and improved public transport or towards other potential highway infrastructure beyond the CRR. Furthermore, irrespective of the CRR position, I identify conflict on the fundamental cornerstone of this policy (L4.1) since the proposal

does not prioritise the location of development within the most sustainable areas accessible by a choice of transport modes.

- 6.12 In addition, the proposal does not deliver quality walking infrastructure (L4.4), and does not safeguard from development land which may be required for proposed highway infrastructure (L4.10). Whilst the key test of this policy (in its definition of impact) is inconsistent with the NPPF (and with the test at paragraph 109 applied), the remainder of this policy is afforded significant weight. However, I acknowledge that weight is reduced on the issue of developer contributions (in accordance with discussions surrounding Policy L8). In addition, it is accepted that the SLR case is only now emerging, although from a spatial planning perspective if such a road is needed it appears that it will have to go through Site 1.
- 6.13 There is very clear inconsistency with Policy L7 and on numerous grounds. On design quality (L7.1), the development would not be appropriate in its context, it has not made best use of opportunities to improve the character and quality of the area, and it has not appropriately addressed design considerations relating to scale, density, layout, and landscaping. On accessibility (L7.5), it is not a fully accessible development that would be useable by all society groups, it has not provided good connections to adjoining areas, it has not provided streets and public spaces that would be safe and attractive, and adequate provision has not been made for safe and convenient links to public transport and community facilities. Full weight is afforded.
- 6.14 The proposal is at odds with Policy R1. The proposal has not taken account of building styles, landscapes and historic distinctiveness (R1.1), and nor has it been demonstrated how the development would complement and enhance existing features of historic significance. Listed buildings would not be protected, preserved and enhanced (R1.6), and equally in respect of other buildings and structures which make a significant contribution to townscape (R1.6). On archaeology, the appellant has not adequately investigated or identified the presence or absence of remains of archaeological significance

and taken into account the potential for new finds; and set out a framework for dealing with the investigation, recording and preservation of any remains (R1.8). A level of information has not been provided that enables a sufficient understanding of the impact on affected heritage assets (R1.9). Policy R3 is also contravened since the development would not protect existing historic landscape features (R3.1).

6.15 It is recognised that the Policy R1 (at R1.6) is, in part, inconsistent with NPPF guidance which accepts that harm to significance may be outweighed (and with the relevant NPPF tests employed). That being the case, the 'protect, preserve and enhance' approach is in line with the statutory duties in the Planning (Listed Building and Conservation Areas) Act 1990 which are still engaged. This requires decision-makers to pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. In addition, that great importance should be attached to the protection of heritage assets is the essence of Policy R1, which is fully in tune with the NPPF. Nonetheless, the newer NPPF approach (in suggesting that harm may be outweighed) reduces the weight to be applied to this aspect of Policy R1. On other matters, Policy R1 is wholly consistent with the NPPF. I consider that significant weight should be applied to the policy as a whole. There are no reasons why full weight should not be applied to Policy R3.

6.16 The proposal is contrary to Policy R2 since the appellant has not demonstrated that the development would protect and enhance landscape character and nor the value of countryside assets (R2.1). These assets comprise: open countryside landscape character areas (R2.3 (a)), hedgerows (R2.3 (b)), and historic landscapes (R2.3 (c)). Policy R2 is aligned with relevant NPPF guidance and full weight can be afforded to it. In failing to protect, promote and enhance distinctive landscape character and quality, the proposal also contravenes the guidance in SPG30. This document was approved for development management purposes in September 2004. It is accepted that SPG30 is somewhat dated and, notably, it doesn't identify the location of the Warburton deer park. This being the exception, other topic

areas covered in the document remain largely unchanged. Weight can continue to be applied.

- 6.17 The proposal is therefore in conflict with multiple individual policies of the development plan.
- 6.18 It is accepted, however, that the site has been earmarked for residential development post 2026 if a need has been demonstrated, and it is acknowledged that the housing land supply position indicates that there is an unmet housing need. I also accept that, given policies for the supply of housing are out of date, reduced weight can be attributed to the harm caused by the proposal being contrary to policies L1 and R4.
- 6.19 It is to be recalled that the site was last identified by an Inspector as unlikely to be sustainable for extensive residential development.
- 6.20 For the reasons given in this evidence and in that of Ms Todd's and Mr Morley's, under present conditions this remains a fundamentally unsuitable site for housing. This is by virtue of this site being unsustainably out on a limb from urban areas where development is to be focussed, and with its location suffering from poor accessibility and significant difficulties with integration. This is the case even if the immediate traffic impacts of the development are mitigated. The site has been excluded from the Green Belt since its inception in 1984 and has consistently never secured an allocation because of: its severance from existing urban areas; its peripheral and remote location; its sensitive, greenfield nature and the existence of other significant constraints, including heritage; its position at the end of a heavily congested route; and the absence of public transport; and which cumulatively make for very substantial impediments that prohibit this from becoming a sustainable location.
- 6.21 The lack of an allocation has been so despite: (1) the TCS and its ambition agenda for housing growth; (2) the designation of the Partington PRA in acknowledging the potential of new housing development to achieve regeneration benefits; and (3) significant development being directed towards

the wider Carrington area, and with that development being expected to facilitate significant infrastructure improvements, including in public transport and new roads. This is because the appeal site is so stranded from existing development and what Policy SL5 sets out to achieve will not rectify this in a location as far removed as the appeal site.

- 6.22 Policy R4 provides the necessary control to prevent housing development in the wrong location unless and until a formal review has been undertaken, whilst Policy L1 still reflects an entirely appropriate distribution of housing to support the growth of Trafford and to create sustainable communities. These exemplify sound and longstanding planning principles which remain highly relevant in the assessment of the appeal; considerable weight should continue to be applied to the basic strategic planning logic for why this site has not been allocated, as conveyed in policies R4 and L1.
- 6.23 The multiple individual policy breaches on other topic areas, including on landscape, heritage, design, and integration, only serve to demonstrate the point that this is a highly complex site with a range of underlying challenges which in themselves elicit objections 'in principle' at this stage. More broadly, therefore, I consider that the proposed development is at odds with the development plan as a whole. The site's development would be in direct opposition with the full framework of sustainability principles which underpin the development plan and which are aimed at delivering sustainable development. The pursuit of sustainable development is at the heart of the NPPF, and the development plan has been prepared to reflect this.
- 6.24 On all these matters the development would conflict with the development plan and, collectively, they attract very substantial weight against the development.
- 6.25 The means of rectifying these issues, in order to turnaround the unsuitability of the appeal site and to deliver sustainable growth, would be via the emerging GMSF strategy. This would be based on a properly masterplanned, serviced, and phased development linked to infrastructure delivery and the

pursuit of integration and a sensitive design. However, the GMSF's future intentions for this site are so very far removed from the appeal scheme, and it is common ground that the GMSF currently carries little weight. Any limited weight that can be applied does not lend any support for the appeal scheme now, in this form and at this quantity.

Planning Benefits

- 6.26 The appeal scheme if built out would deliver distinct benefits, principally the provision of up to 400 homes, which is a substantial figure. The NPPF seeks to significantly boost the supply of housing. Even greater weight is attached to this benefit given that this is a Borough with an acknowledged and sustained shortage of housing. The most up-to-date published information shows a deliverable supply of 2.4 years (CD E14). Against an annual minimum requirement (LHN) of 1,369 new homes (net), the proposal could make a good contribution to addressing the undersupply.
- 6.27 The proposal would also deliver family housing based on a two, three and four bed mix. This is reflective of evidence in the recently published Trafford Housing Needs Assessment, 'HNA' (2019) regarding the size of dwellings most in demand in relevant sub-areas (CD E13). It is accepted that Partington is an area where there is a prevalence of social housing. The ability of this development - in delivering market housing for sale - to contribute to an improved choice in the range of housing is a significant benefit. However, these benefits of new housing are tempered by the acute inadequacies of the scheme in relation to affordable housing. There is a significant need for affordable housing in the area and the undersupply is particularly stark in respect of that. Median house prices in Trafford have been consistently higher than those for Greater Manchester and the North West region since 2000, according to the HNA, and this has pushed up demand for affordable homes. Trafford's elevated LHN has been set at a level to ensure that the overall annual housing need begins to address the affordability of homes. The HNA identifies an annual Borough-wide requirement of 545 affordable homes (net). This development thus relies on

the higher HNA without delivering the affordable housing when affordability issues help drive the high HNA. The lack of affordable housing represents a significant failing of this development and it serves to reduce the benefit of the housing offer overall. The opportunity to widen opportunities for home ownership and to create mixed and balanced communities (NPPF, paragraph 62) would not be achieved. More fundamentally there is no reason why affordable housing should not be provided. Even if it was thought that the paragraph 11d exercise favoured the development, there would be no justification for not requiring policy compliant affordable housing.

6.28 An additional benefit is the provision of 'spatial green infrastructure' (SGI). This is focussed in those areas which cannot be developed. The amount of SGI exceeds the policy requirement set out in TCS Policy R5. The network of footpaths and cycle paths would facilitate improved public access within the site, in building upon two existing PROW. Proposed areas for play would also be available for wider public use. However, lesser weight is attached to these benefits given the problems with connectivity and off-site linkages which reduce the scope for the development to draw existing Partington residents into the site to enjoy its recreational assets. This open space would primarily serve the occupiers of the new houses.

6.29 The development would lead to the loss of farmland bird habitat and the proposal includes a new skylark mitigation area. Whilst welcomed in principle, the Greater Manchester Ecology Unit (GMEU) has advised that the area is too small to be sustainable in the longer-term. According to GMEU, some biodiversity net gain *may be possible* on this site in principle since the arable fields are not of high biodiversity value. GMEU has advised that large losses of low value habitat would need to be suitably compensated for by improvements on a localised scale to retained higher value habitats and supported by the provision of new habitats, whilst also ensuring appropriate connectivity to contribute to wider ecological networks and a commitment to long term management. Biodiversity net gain is empirically measured using a calculation called a 'biodiversity metric'. The appellant has provided no evidence that its proposals would deliver net gains and would address the

issues identified by GMEU, and thus I afford very limited weight to the mitigation as a benefit.

6.30 In my view it is very doubtful that there would be any significant regeneration gain to Partington as a whole. This is by virtue of the fact that the development would not be properly integrated, together with the absence of affordable housing. The new private housing may serve to attract more well-off people into the area. However, the scope for that population to sustain local businesses and support the viability of local services is significantly reduced given the difficulties with connectivity and distance, and the conclusions that the proposal is likely to encourage car-borne travel more than anything else. The site's proximity to the local secondary school, which it may help to sustain, is a benefit. The provision of affordable homes would have secured wider community benefits by delivering a broader range of housing options to reflect the need. The opportunity for this is lost, however, by such an exclusive, market housing-only scheme.

6.31 The financial contributions that have been secured to support new/expanded primary schools and deliver improvements to local sports facilities are treated as benefit neutral given that they are necessary to address specific impacts arising.

6.32 The evidence of Mr Morley accepts that the appellant's proposed improvement scheme at the Warburton Lane/Central roundabout junction would, if implemented, mitigate the development traffic. It would also provide some, albeit limited, additional capacity. Mr Morley makes the same conclusion in respect of the appellant's scheme for the Manchester Road/Moss Lane roundabout junction, although similar mitigation has already been agreed as part of an earlier permission for a development at Lock Lane, Partington (ref. 86160/OUT/15). The former scheme is recognised as a benefit. The same applies for the Manchester Road/Moss Lane mitigation *if* it were secured by the appeal scheme. The extended cycle lane is also a benefit.

- 6.33 Mr Morley's conclusion in respect of the confirmed mitigation scheme for the Flixton crossroads is that whilst it would directly address the impacts of this development, it would not create a position of betterment. This option has therefore been treated as benefit neutral. Furthermore, it has been explained that such an incremental improvement is not the appropriate approach since it would not address the primary strategic issue identified in SL5 of congestion along the A6144. A contribution towards the CRR is preferred. The contribution that has been requested is based on an established formula for the calculation of highway infrastructure improvements, and thus it would capture a proportionate payment based on expected trip generation. However, the very rationale for the CRR is for it to provide a new, high standard, alternative route through Carrington, transfer traffic from the A6144, and to provide *additional* capacity in order to facilitate planned and future growth. A contribution to the CRR would therefore be treated as a benefit, although it is not yet confirmed.
- 6.34 There are two limbs to the proposal's contribution to public transport: direct enhancements near to the site; and a financial contribution towards public transport initiatives. An uplifted contribution has recently been put to the appellant and a response is awaited. Whilst these are intended to address the proposal's travel impacts, they are also likely to have some effect in promoting more sustainable transport choices. In this latter sense they are treated as a benefit. However, Mr Morley has identified some practical difficulties with the new bus stop locations and new bus stop infrastructure that the appellant would provide. Similarly, a solitary financial contribution, attached to this development alone, could not be put to good practical use, TfGM has advised in appended evidence (and with the increased, requested contribution constituting the minimum requirement). This is since it and the resultant population would not be sufficient in themselves to sustain a new bus service – for example - without reliance on external subsidies and without resorting to public funding when the contribution is exhausted. Necessary investment in public transport of the scale required could only be achieved via the masterplanned development of New Carrington as a whole. Therefore, the weight to be attached to public transport benefits is reduced.

6.35 The development would bring economic benefits in terms of employment and the demand for building materials. An increase in Council revenues through increased Council Tax receipts and from the New Homes Bonus is a further economic benefit which weighs in its favour, as are CIL (Community Infrastructure Levy) contributions this proposal would make which may also be directed to the CRR.

NPPF Paragraph 195 and 196

6.36 Mr Redhead's concludes that the proposal fails to provide sufficient evidence regarding archaeological remains affected by the site. The site is ringed by known or possible sites and finds, and it partly covers the Warburton deer park. Further evidence of the archaeological significance of the area has emerged through GMSF-led work which has identified the presence of remains of the deer park boundary and medieval fish ponds abutting the site. Direct access to the site for the purposes of investigation has been hindered by landowners. In drawing on all relevant data sources, Mr Redhead's evidence provides a list of identified and potential archaeological remains within/adjacent to the site, comprising:

- a) Potential prehistoric/Romano-British archaeology alongside Moss Lane and overlooking Red Brook (Site 1)
- b) Features identified in the geophysical survey as agricultural but which may in fact be of archaeological significance (Sites 1 and 2);
- c) A kiln site (Site 1);
- d) The site of a former building and ancient route way (Site 1); and
- e) A variety of features relating to the deer park (Site 2).

6.37 Other, as yet unidentified archaeological remains may also be present.

6.38 In circumstances where there is a clear prospect of archaeological remains which could be adversely affected, then assessment and (if necessary) subsequent evaluation should take place at application stage (NPPF,

paragraph 189). The evidence confirms that a programme of targeted field trenching is fully justified given the strength of archaeological evidence (within and beyond the site) and predictions regarding significance. This is to identify the presence and location of any remains and to further confirm their significance. The desk-based assessment remains deficient, and whilst there has been a recent geophysical survey, the need for field walking and trial trenching has been repeatedly rejected.

6.39 The accompanying evidence gives some indication of potential significance based upon current knowledge. It identifies an obvious prospect of certain features being of national importance. This includes the potential prehistoric/Romano-British archaeology at (a). It also includes the deer park (e), and with several relict features being recognisable within the landscape (including a medieval moated manor, the park pale (boundary), and fishponds. There are a range of examples of scheduled deer parks and scheduled medieval fishponds nationally. Other finds, such as the agricultural features (b) and the kiln (c) are likely to be of more local archaeological interest. However, in relation to all listed features, it is impossible to judge their extent, character, date and significance, which may be local, regional or national, without evaluation trial trenching.

6.40 The position regarding the NPPF's footnote 63 has been explained: non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets. Mr Redhead's conclusions support the categorisation of features (a) and (e), as a minimum, in these terms. It can certainly not be ruled out; and it is therefore incumbent on the appellant to undertake the necessary assessment and evaluation. I consider that the case for the deer park is most compelling, as supported by Mr Redhead's application of the Secretary of State's criteria for scheduling.

6.41 If outline permission were granted on the basis of the proposed vehicular access (to Site 2) and this distribution and scale of development (Site 1 and 2), this arrangement would potentially destroy, or at least severely damage,

key features of archaeological interest. There is a realistic possibility that the proposed development would lead to substantial harm to (or total loss of significance) of heritage assets of equivalent significance to scheduled monuments. Whilst the position is not confirmed, there is no certainty whatsoever that these impacts would not arise. There is sufficient evidence, in my opinion, to justify a cautious approach to decision-taking. Mr Redhead has explained why a pre-commencement condition would not work.

- 6.42 The NPPF (paragraph 195) advises that where a development would lead to substantial harm to (or total loss of significance) then permission should be refused unless it can be demonstrated that this harm or loss is necessary to achieve substantial public benefits that would then outweigh. This test falls to be considered as part of this evidence.
- 6.43 There are benefits to the scheme, as reported above, and these amount to public benefits in paragraph 195 terms as well as general planning benefits. The NPPF (paragraph 194) is clear that substantial harm to or loss of assets of the highest significance should be wholly exceptional. Very substantial weight has to be attributed to the substantial harm or potential loss that could occur. However, the precise balancing exercise required by paragraph 195 is impossible since to attach weight to the significance of the affected asset, it is necessary to fully understand that significance. This cannot be done in the absence of trial trenching and analysis. It is not possible to conclude that substantial public benefits would be achieved which would outweigh the substantial harm or total loss of significance. There is thus conflict with national policy (paragraph 195), as well as with Policy R1.
- 6.44 Mrs Lewis identifies that the development would also cause harm to built designated heritage assets. This impact relates to four listed buildings (Grade II) whose setting would be adversely affected. In the absence of full design details, the impact has been assessed with reference to the amended parameters plan and illustrative layout. Even from this information, it is evident that the development proposed would fundamentally change the landscape character of the site and the contribution that it presently makes to

the setting and significance of the affected designated assets. Separation distances between the listed buildings and the proposed housing would not be sufficient, existing features of the rural landscape which contribute to setting would be removed, and views of the four assets would be restricted. In the case of the listed building at Park Farm, which is presumed to be the site of the moated manor, the partial loss of the former deer park – which forms part of its setting – is referred to. The extent of harm in respect of the four designated assets would be moderate, but it would nevertheless cause harm; harm which falls within the NPPF bracket of ‘less than substantial’. This harm should be weighed against the public benefits, paragraph 196 advises.

6.45 However, this harm (under paragraph 196) would not be experienced in isolation; it would occur alongside the potentially substantial harm to archaeology outlined above. An understanding of the totality of heritage harms is required in order to make a judgement regarding whether harm to significance could be outweighed. To undertake separate assessments would be erroneous and indeed the same public benefits could not be used twice to offset two separate sets of harm. In the same way - and for the same reasons - that it is not possible for me to conclude in respect of whether the harm (of a potential ‘substantial’ or ‘total loss’ order) to the significance of archaeological remains would be outweighed, I similarly cannot complete the combined assessment which would factor in the identified ‘less than substantial’ harm to built heritage. On this basis the proposal is also at odds with the NPPF at paragraph 196 since the test on its own cannot be completed, as well there being further conflict with Policy R1.

NPPF Paragraph 11d

6.46 Failure to comply with the paragraph 195 and 196 tests initiates a further reference to the ‘presumption in favour of sustainable development’. Paragraph 11d applies in this case since a five year housing land supply cannot be demonstrated. The effect is that planning permission should be granted unless either 11d (i) or 11d (ii) applies. These are cited at paragraph 2.16 of my evidence.

- 6.47 However, justification for this apparent lack of supply has been provided. Land in Trafford is subject to endemic issues of overvaluation and land banking. These are not matters which the Council can reasonably address within the powers that it has. Nonetheless, much is being done in an attempt to tackle the problem, including through a more robust analysis of claims that policy-required developer contributions cannot be sustained, through its strategy to secure remaining funding for the CRR to unlock SL5, and by the renewed focus on the redevelopment of brownfield land in existing urban areas and in disparate ownerships. Indeed, the evidence of Ms Todd identifies that the Council will be in a position to demonstrate a five year housing land supply upon adoption of the GMSF.
- 6.48 Approval of this outline scheme would not lead to an adjustment in the supply position in any event, not until any subsequent reserved matters approval. Conditions are being sought by the appellant with the intention of securing a phased approach to delivery. The appellant contends that viability is marginal at best. As things stand there can be little confidence any housing would in fact be delivered in any short term time frame.
- 6.49 Further to this, there is concern that the appeal proposal could in fact serve to impact upon the housing supply going forward by frustrating the objectives of the emerging allocation, as identified by Miss Todd. As with the existing strategic location, development at New Carrington would be fully contingent on major infrastructure and public transport improvements, the full scope of which remains to be confirmed. Allowing this site to come forward now, in isolation, could place an increased burden on brownfield land within the draft allocation where scheme viability may be more marginal.
- 6.50 This represents an inherent contradiction in the application; the claims made by the appellant regarding the ability to contribute to housing supply objectives are misleading and the 400 unit figure needs to be placed in the context of there being no guarantee of delivery apace as well as the potential knock-on effects to delivery elsewhere. Therefore, I consider that the

significance attached to the lack of a five year housing land supply should be reduced.

6.51 Nevertheless, I adopt the approach of paragraph 11d.

6.52 It has been explained that footnote 6 confirms that the NPPF policies referred to in paragraph 11d (i) includes those relating to designated heritage assets as well those referred to in footnote 63. The failure to meet the heritage tests at paragraphs 195 and 196 is a circumstance anticipated by paragraph 11d which could override its engagement. A standard planning balance test would thereby remain to be considered, rather than the 'tilted balance' under paragraph 11d (ii).

NPPF Paragraph 11d (i)

6.53 The failure to comply with the tests at paragraphs 195 and 196 provides clear self-contained reasons for refusing the development proposed and which would take precedence over paragraph 11d. Planning permission should be refused on this basis alone and with no requirement to consider the test at paragraph 11d (ii).

NPPF Paragraph 11d (ii)

6.54 If, however, paragraph 11 d (ii) is engaged it is necessary to consider all benefits and all harms. As part of my undertaking of this exercise, I full acknowledge the approach of paragraph 11d (ii) and the effect of the tilted balance in the sense that I need to be satisfied that the adverse impacts arising would *significantly* and *demonstrably* outweigh the benefits. I interpret this to mean that the extent of harms must - in an obvious, provable and incontrovertible manner – be greater than the full benefits package.

6.55 For the avoidance of doubt, this exercise proceeds on the basis that the appellant will accept the CRR contribution or, at the very least, that the mitigation at Flixton crossroads is required to be in place before the

development's occupation. This would address an otherwise 'severe' impact under paragraph 109 of the NPPF. The harm that would otherwise arise has therefore not been accounted for. The potential benefits arising from the CRR contribution have also been assumed.

- 6.56 The harms to the significance of potentially schedulable archaeological remains and to listed buildings have been set out above; they are not repeated here.
- 6.57 Significant harm would arise since piecemeal development of the type proposed is fundamentally inappropriate in this unsustainable and outlying location. The site can only come forward as part of a development plan review which would give full consideration to the infrastructure requirements of the wider area and how suitable integration could be achieved. The CRR, for which it is accepted the development may contribute, relates principally to SL5 which must come forward first since this represents a logical extension of the existing urban area. The proposal does not allow for potential infrastructure, which may be needed to support the New Carrington allocation, to be included within this site, or for any wider road connections (including to the CRR). This could result in the need to find an alternative location and alignment for the SLR, including potentially into the surrounding Green Belt.
- 6.58 The pressing need for more housing in appropriate locations, and adequately planned, integrated and serviced is fully acknowledged. Other than being an application for housing, the development runs counter to these aims. The development, on its own, would not form a logical and sustainable urban extension of Partington. Housing, on a significant scale, in this unsustainable location is in the wrong place because it is at the end of a highly congested corridor. The development would make more people experience those conditions - even if not making the conditions worse - which is unacceptable in locational terms. Public transport options in the area are considered to be so poor that it has been concluded that a solitary financial contribution towards public transport improvements could not be effective. The road improvements devised for the crucial Flixton crossroads junction would be

sufficient to directly mitigate the potential impact of the traffic to be generated but would provide nothing beyond that. For the avoidance of doubt, a satisfactory resolution on highways is not simply linked to avoiding a severe residual traffic impacts. Rather, it is concerned with pursuing the right spatial strategy to ensure that new housing is provided in an appropriate location at the appropriate time with all supporting infrastructure, including and beyond the CRR, so that development can function sustainably.

- 6.59 The development does not support NPPF and TCS objectives concerning minimising the loss of greenfield land, and it could frustrate intentions to secure the redevelopment of previously-developed land by jumping ahead of the setting of a phasing and infrastructure strategy.
- 6.60 The NPPF is clear that qualifying residential proposals should deliver a maximum reasonable level of affordable housing. The lack of affordable housing in this case is of very considerable importance in the planning balance since it reduces the scope for a more mixed, inclusive and balanced community to be achieved.
- 6.61 The development would result in moderate to major adverse landscape and visual effects (even in the long term due to inadequate mitigation). It would not be well-integrated into the rural landscape and it would fail to safeguard the characteristics of this countryside location. A significant portion of a historic landscape would be built upon. The proposal has not adequately addressed the sensitive relationship between the landscape, the Green Belt and the built edge of the settlement. There has been no interpretation of the historic character of the deer park. The total harms to the character and appearance of the area, including to the deer park, would be significant and long-lasting, and would run contrary to NPPF advice intended to protect and enhance valued landscapes, and to ensure that new developments are sympathetic to local character and setting (paragraph 170). Whilst not a designated landscape, the deer park in particular is a valued element of the local landscape.

- 6.62 The development has failed to provide important linkages with the existing community and has been unsuccessful in overcoming the physical barrier to the site's north. This is a shortcoming to which significant weight is given since it further reduces the ability to support wider community regeneration. It also runs counter to the NDG which supports well-integrated developments which promote activity and social interaction, and which prioritise walking and cycling over the private car.
- 6.63 Harm to a series of non-designated assets has also been identified (NPPF paragraph 197). This includes major harm to the route of Old Warburton Lane which would be cut across by the new road junction into Site 1. It also includes harm of a moderate to major extent that would be experienced by two cottages on Moss Lane that the development would encircle and a further historic house on Warburton Lane, plus to the deer park in treating this as a non-designated asset irrespective of its archaeological worth. Whilst to a lesser extent, further harm would fall on seven other non-designated heritage assets. The range of non-designated (built) heritage harm is supplemented by the likely harm that would be experienced by archaeological features of more local significance.
- 6.64 The proposal would lead to the loss of an 'Important' hedgerow which the appellant's submission does not acknowledge (at the Warburton Lane boundary to Site 1, in the location of the proposed vehicular access). Sections of other hedgerows on the Moss Lane boundary, which GMAAS evidence indicates could be historic, would also be lost. The proposal would also result in the loss of some Grade 2 and Grade 3a 'best and most versatile agricultural land' (as identified by the NPPF), which would represent a minor economic harm.
- 6.65 The harm referred to above is further raised by the harm arising from the conflict with the development plan as a whole and with its individual policies. The development plan is of continuing relevance. Its locally specific objectives reflect enduring principles of sustainable development which are integral to good planning.

- 6.66 Overall, it is accepted that the provision of housing is of significant weight, and there are other benefits that collectively attract considerable weight. But even so, these benefits would not outweigh the harm arising from the very substantial conflict with key locational and sustainability principles which underpin the NPPF and the development plan. There are multiple other harms on a range of topic areas, and the weight to be afforded to potential benefits for the wider community are significantly reduced given the lack of affordable housing and the absence of off-site linkages. The extent and breadth of harm was indicated in the ten putative reasons for refusal which collectively form the Council's case. Only one of these reasons has since been satisfactorily addressed.
- 6.67 When applying the tilted balance in paragraph 11d (ii), it is concluded that the adverse impacts of this proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF when taken as a whole.
- 6.68 I therefore conclude that the proposal fails both: (1) the tilted balance; and (2) the Section 38(6) approach absent the tilted balance.

Conclusion

- 6.69 The NPPF does not change the statutory status of the development plan. However, the NPPF is a material consideration to which substantial weight has been attached. It has been concluded that the proposal's failure in respect of paragraph 11d (i) provides a standalone reason to refuse this proposal. This is because it cannot be concluded that the harm to prospective designated heritage assets (archaeology) would not be outweighed by public benefits, and nor the combined harm when including designated (built) heritage assets. It has also been concluded, separately, that the very significant accumulation of full harms amounts to a level of adverse impact which would significantly and demonstrably outweigh scheme benefits (under paragraph 11d (ii)). This latter test has been undertaken in the interests of

robustness and completeness. The proposal would not achieve sustainable development.

6.70 For the above reasons, it is concluded that the appeal should be dismissed.

7.0 CONCLUSIONS

Introduction and Policy Overview

- 7.1 This appeal relates to a non-determination planning application submitted to this Council by Redrow Homes Ltd. It is a greenfield site which is positioned beyond the southern edge of the settlement of Partington. The application, which is in outline (including access), proposes the erection of up to 400 homes.
- 7.2 The Council's objection to the proposal spans a series of in principle and detailed concerns. This was reflected in the decision of the Planning and Development Management Committee in resolving that it would have proceeded to refuse the application. Ten putative RFR were advanced and only one has since been fully addressed.
- 7.3 The Council's case is covered in nine Proofs of Evidence. My evidence has covered general planning matters; it has set out the decision-taking structure and has provided a planning policy overview. It has also directly addressed specific concerns relating to the design and provisions of the proposed development, and the type and content of the application. It has dealt with the relevant planning balance test to be applied. In doing so it has pulled together the main areas of contention and drawn some overall conclusions regarding the proposal's acceptability when having regard to the development plan and other material considerations (Section 38(6) of the PCPA 2004). In this respect, it has been acknowledged that paragraph 11d of the NPPF is engaged due to the absence of a five year housing land supply. However, this shortfall is a product of the investment decisions of developers and landowners. A grant of outline permission for the appeal scheme would further exacerbate the supply problem, and therefore the weight to be given to the supply deficit should be reduced.
- 7.4 The development plan for the purposes of this appeal comprises the TCS (January 2012) and the saved policies of the RTUDP (June 2006).

- 7.5 The spatial strategy of the TCS for the location of new development has been explained. It seeks to deliver sustainable development and urban regeneration by supporting the use of suitably located previously developed land and buildings, and by locating the majority of development within and on the edge of the main urban areas. It seeks to ensure that all new development is supported by the necessary provision of, or improvements to, service and facilities to make development sustainable. It protects greenfield land and areas of environmental quality.
- 7.6 The policies of the TCS provide the means to deliver this spatial strategy, including through the identification of five Strategic Locations where development is to be focussed. This includes SL5: Carrington where significant change is proposed, centred on the former Shell industrial estate. Development in this location is expected to contribute to physical and social infrastructure (including new roads and public transport) to better connect Carrington and adjacent Partington to the rest of the urban area and to contribute to long-held regeneration ambitions.
- 7.7 The appeal site is safeguarded land under Policy R4. It is protected from development. It is not allocated. It is not within SL5. Its inclusion within a regeneration area is a plan-making error. Its status would only be changed through a review of the development plan. An Inspector, in 2003 at the RTUDP Examination, concluded that '*extensive development of the site would be unlikely to be sustainable.*'
- 7.8 The emerging GMSF builds upon SL5 in proposing a more much extensive strategic allocation; New Carrington (GM45). The appeal site is within the draft GM45 area at its south-western periphery. The allocation is underpinned by an acceptance that a wholly joined up approach is required in considering the location and scale of housing, employment uses and community facilities, and essential supporting highways, public transport and other infrastructure (to be secured over the next two decades in accordance with an emerging masterplan and phasing strategy). In the area of the appeal site the approach

for New Carrington is based upon a crucial step-change in circumstances occurring in order to deliver development that is sustainable. This could include the provision of major road infrastructure within the appeal site.

This Evidence

- 7.9 Within this evidence I have demonstrated that the appellant's best attempts at matters of design detail, within illustrative material, have raised serious concerns. The proposed scheme, in terms of its development quantum and its distribution, has not accounted for the overriding rural characteristics of the site and area (including its deer park location), and has not sufficiently respected the site's adjacency to the open, rural landscape (which is Green Belt) and country lane to the south.
- 7.10 The scheme has failed to provide a deliverable, practical and inclusive strategy for improving pedestrian linkages to the site's north. Separate planning applications for footbridges have recently been withdrawn; the appellant has previously accepted the need for Grampian conditions to secure these. Because of this the proposal would not sufficiently encourage cross-activity with existing Partington, including to support existing shops and services, and it would not sufficiently promote sustainable transport trips to and from the site.
- 7.11 Furthermore, an outline permission in this case, based solely on a parameters plan, is fundamentally unsuitable. There has been a consistent lack of precision applied by the appellant to its baseline data on a number of different topics. This is a highly sensitive site with a series of constraints, including archaeological, wider heritage, landscape and Green Belt edge. The material available, together with the proposed scale of development, leaves one unable to establish whether an appropriate form of development could be delivered.

The Planning Balance

- 7.12 The starting position to the NPPF's paragraph 11d is that less weight should be given to the lack of a housing land supply for the reasons explained.
- 7.13 I acknowledge that Policy R4, along with Policy L1, is an out-of-date policy under paragraph 11d. However, it has been demonstrated that these policies should still be ascribed considerable weight since they are directed at the same aims as the NPPF in encouraging sustainable development in appropriate locations to meet housing needs. Indeed, the statutory development plan when taken together comprises a full structure of locally-specific sustainability principles which remain of continuing relevance in determining this appeal. They cannot be dispensed with. Individual development plan policy conflict has been found on multiple counts (including with policies R4 and L1), as well as with the development plan as a whole. The extent of conflict, on matters of detail and principle, is indicative of the overwhelming problems at the site.
- 7.14 The contribution that the appeal scheme would make to the availability and supply of housing represents a significant benefit. There are other scheme benefits that also attract, collectively, considerable weight. The benefits are tempered, however, by the lack of affordable housing and of the development's unintegrated nature which significantly limit regenerative effects. Significant issue has been taken by the Council in response to claims that scheme viability, with affordable provision, would be marginal.
- 7.15 Work undertaken to date has revealed features of potential national archaeological significance which warrant on-site investigation. This includes, but is not restricted to, characteristics associated with the medieval deer park located within the site. In the absence of this examination and subsequent research, it has not been possible to ascertain 'significance'. A cautious approach is justified given that the site is surrounded by known findings and sites. Potentially schedulable features within the site could be destroyed or severely affected, which would amount to substantial harm or total loss of

significance (NPPF, paragraph 195). It has not been possible to conclude whether this harm would be outweighed by the public benefits.

- 7.16 Harm of a less than substantial nature (NPPF, paragraph 196) has also been found in relation to the impact on the significance of four listed buildings, whose setting is positively contributed to by the open and rural characteristics of the appeal site. It has not been possible to conclude whether this harm, added to the harm under paragraph 195, would be outweighed by the public benefits.
- 7.17 Consequently it has been established that the development fails under the terms of paragraph 11d (i) of the NPPF on the grounds that the tests in paragraphs 195 and 196 have not been fulfilled. This provides sufficient reason in itself to override the engagement of paragraph 11d and to refuse planning permission.
- 7.18 Nonetheless, for robustness sake, this evidence has advanced to the test at paragraph 11d (ii), and with this providing the opportunity for an all-inclusive assessment which recognises the ‘tilted balance’. Against the accepted benefits, a range of harms would also arise. This includes identified and potential harms to designated and non-designated heritage assets, harm to landscape character (including a historic landscape) and harm arising from an uncharacteristic and inappropriate layout and scale, harm stemming from the creation of an isolated residential enclave which would not support greater inclusivity within Partington and which would place more traffic on local roads, harm by virtue of not accommodating potential new infrastructure to support sustainable growth, harm as a consequence of the loss of high grade agricultural land, and harm from the removal of historic hedgerows. This is supplemented by the harm arising by virtue of conflict with the development plan and with other local and national guidance. For the purposes of this exercise, it has been assumed that the otherwise ‘severe’ harm in relation to traffic impacts would be addressed through a contribution to the CRR or the timely delivery of the agreed mitigation at Flixton crossroads.

7.19 Whilst the position of the emerging GMSF maybe noted, it remains the case that this – presently – is an inappropriate location for housing. As a standalone proposal the 2003 Inspector’s conclusions endure. The development as proposed would put wrong development in the wrong place at the wrong stage without the necessary infrastructure and not as part of a masterplanned approach.

Conclusion

7.20 Even when acknowledging the housing benefits and the NPPF focus on significantly boosting housing supply, it is concluded that this collection of adverse impacts would *significantly and demonstrably* outweigh the benefits. This provides a second reason to resist the grant of planning permission.

7.21 A standard planning balance test, without paragraph 11d being enacted, would self-evidently find against the development.

7.22 Accordingly, the Inspector is respectfully requested to dismiss this appeal.