



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**

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

S.0 SUMMARY

Introduction and Policy Overview

- S.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.
- S.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.
- S.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.
- S.4 The development plan for the purposes of this appeal comprises the TCS (January 2012) and the saved policies of the RTUDP (June 2006).

- S.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.
- S.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.
- S.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.*'
- S.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

- S.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.
- S.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.
- S.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

- S.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.
- S.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.
- S.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.
- S.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.

- S.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.
- S.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.
- S.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.

S.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

S.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.

S.21 A standard planning balance test, without paragraph 11d being enacted, would self-evidently find against the development.

S.22 Accordingly, the Inspector is respectfully requested to dismiss this appeal.