



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**

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

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1.0 OVERVIEW

- 1.1 The relevant appeal relates to the non-determination of outline planning application ref. 98031/OUT/19 for up to 400 dwellings (including consideration of access) on land at Warburton Lane.
- 1.2 The appeal was submitted at a time when negotiations were continuing in an attempt to resolve outstanding issues. The local planning authority (Trafford Council) subsequently resolved that it would have refused the application.
- 1.3 Separate rebuttals have been prepared to respond on highways matters and on viability and costs.
- 1.4 Despite the appellant's evidence and the position established through statements of common grounds, it remains the case that only one putative reason for refusal 'RfR' (from an initial list of ten) has been satisfactorily addressed. The refusal reasons are cited in Appendix A of my main evidence.
- 1.5 The key purpose of this rebuttal is to respond to matters that have come to light following a review of the appellant's evidence. More specifically it:

- Comments on the appellant's provision of a plan as part of its evidence which purports to show that the Southern Link Road (SLR) could be accommodated within Site 1 if required;
- Responds to commentary in the appellant's evidence regarding the characteristics of the site's location (in it seeking to make the case for the location being reflective of a Partington housing market); and
- Presents an adjusted planning balance when having regard to the appellant's confirmed position on matters relating to essential junction improvements, and financial contributions to highways infrastructure and public transport.

1.6 In accordance with the Inspector's indication that rebuttals should be as limited as possible, I do not comment on all matters where I disagree with the approach of the appellant. I am of the view that on most issues the position of the parties is clear from the main evidence and the statements of common ground.

2.0 THE SOUTHERN LINK ROAD

2.1 As mentioned in my main evidence, the allocation of the appeal site is contemplated as part of the draft GMSF's 'New Carrington' allocation. Masterplan work to support this allocation is ongoing and it currently identifies a requirement for highways infrastructure (the SLR) within the appeal site at Site 1. The inconsistency of the proposed development with

the SLR gives rise to RfR 9. It is part of the Council's case that the proposal, in view of this failing, could undermine the delivery of wider sustainable development.

2.2 Within the evidence of Mr David Roberts on highways matters, the appellant has provided a new plan (previously unseen) which it states shows the potential for a link road (the SLR) to pass through the appeal site from the proposed Warburton Lane access. Mr John Morley is considering this plan from a technical highways perspective.

2.3 Given the critical importance of *only* considering this site as part of a wider masterplanned approach (rather than as an isolated development), the appellant's plan is welcomed *in principle* (and with it evident that such a plan would need to be tied to any permission). However, upon further review there are some serious drawbacks with the appellant's attempt to address the SLR in this way.

2.4 In simple terms, the proposed SLR plan is not compatible with the parameters plan on which this outline proposal, *for up to 400 dwellings*, is based. The new plan would suggest a greater land-take for the necessarily higher specification and longer SLR than would the internal estate road shown on the parameters plan. A consequence of this is that the number of dwellings proposed might have to be reduced or alternatively the density/height of the development – in another part of the site – would need to increase.

- 2.5 However, beyond a brief comment in the design evidence of Mr Narada Haralambous, the appellant's evidence makes no allowance for these knock-on changes which would clearly arise from a major road passing through the site. There is no corresponding re-working of the parameters plan or an explanation about what it might mean for unit numbers, densities or building heights, or indeed consideration of the implications for the overall layout in accommodating this significant new infrastructure.
- 2.6 With the exception of the point of connection on Warburton Road, the appellant's SLR alignment is different to that of the proposed internal access road shown on the parameters plan. Other design impacts are therefore left unspecified: the subsequent distribution and layout of the houses, and the revised internal road network and cul-de-sacs that would then lead to/from this proposed main road, for example. The impact that would then arise on heritage assets (on both built and potential below-ground remains), which has already been identified as a major Council concern, is not known; nor is the impact on the arrangement and extent of landscaping which is acknowledged to be an essential requirement in the appropriate development of this site. Similarly, the impact on open space and on pedestrian routes within and to/from the site is an unknown. What can be discerned from the submitted SLR plan is that a road of this order, when proposed alongside this number of units, is likely to push areas of built development out towards sensitive site boundaries.

- 2.7 Thus, ensuring any permission here is consistent with the SLR would raise additional significant issues or would further impact on issues already raised. The basic point is one of an obvious inconsistency with the parameters plan and of the proposal that has been assessed to date and to which Mr Haralambous covers in his evidence.
- 2.8 The appellant was aware of the Council's position on the possible SLR since December 2019 at least. Despite that, its indications as to how the SLR could be accommodated have not been adequately worked through, and the consequences of its provision within Site 1 therefore remain to be assessed. Furthermore, the implications of the newly proposed SLR route have not been tested in all areas of the appellant's evidence (on heritage, on landscape and on viability for example).
- 2.9 Coupled with this, the appellant's SLR proposals have been put forward before the New Carrington masterplan exercise is completed, and before crucial decisions regarding the SLR's location, alignment, required capacity, relationship to other potential new road infrastructure, how it could be used to secure necessary integration between land parcels, and its method and programme of delivery are confirmed. The masterplan is also likely to indicate what might be an appropriate development quantum for the site when having regard to the need to accommodate the SLR (as well as other design considerations). Indeed, it is noted that the appellant's plan does not allow for any onward highway connections to the east/north-east of Site 1 since the appellant's plan has not been prepared as part of, and consistent with, any

masterplan. The consequences of pre-empting these decisions in this *otherwise inherently unsustainable location* have already repeatedly been made clear in Council evidence.

2.10 Overall, therefore, I attach very little weight to the new plan presented, and the concerns and policy conflict identified in RfR 9 remain.

3.0 THE CHARACTERISTICS OF THE APPEAL SITE

3.1 Within the appellant's viability evidence, Mr Derek Nesbitt seeks to make the case that the appeal site is part of Partington. This is in order to support his position regarding 'realistic achievable values' for the proposed development. It is noted that Mr Doug Hann, in his planning evidence, tries to make a similar argument; that the development would perform in market terms as an extension to Partington.

3.2 Within his Appendix 5, Mr Nesbitt includes a series of photographs which purport to show the appeal site's surroundings. However, I do not accept that these are an accurate representation of site context; they do not show the site from all approaches but are instead focussed on the northern Partington location and seem to be made up entirely of images of housing on the side-street of Oak Road, which residents approaching the development from Warburton Lane (from both north and south) would not use. Most notably, his photographic record fails to acknowledge the site's intrinsic rural

characteristics and its countryside location, which in fact is more comparable to the images of the Glazebrook Meadows development (which he also includes in this appendix and which he suggests is very dissimilar). Indeed, in my main evidence I refer to the site having the characteristics of a countryside location. I reference the evident leaving of Partington (which happens to the north of the appeal site on Warburton Road) and of the significant green gap formed by Red Brook, its floodplain and its dense wooded valley. I refer to the agricultural landscape which includes the appeal site and which continues to the site's south and beyond, and to the rural attributes of Moss Lane as a narrow country lane.

3.3 The nature of the housing stock that Mr Nesbitt seeks to depict is also very one-sided with his images not including the larger, detached owner-occupied properties that exist even closer to the appeal site (and which are more akin to what the appellant is proposing at Warburton Lane).

3.4 Furthermore, in response to claims that the development would be integral to Partington, in my main evidence I have made it clear that the site is physically and functionally divorced from Partington, and that the proposed development – in view of site constraints and physical characteristics - could never appear as a natural extension to the urban area. Furthermore, the appellant no longer has a strategy for providing footbridges over Red Brook, which it had previously accepted (at the first pre-inquiry conference in February 2020) as essential in making vital connections to the existing settlement to the north.

3.5 Overall, when having regard to the site's physical and visual disconnect from Partington coupled with its rural setting and the nature of built form in its immediate locality, I am of the view - from a planning rather than a valuation perspective - that the development is not part of Partington. It is separate from it and is orientated towards the countryside beyond. Partington is not such a significant influence on the character and nature of the proposed development.

4.0 THE PLANNING BALANCE

4.1 My view regarding what constitutes the correct approach to the decision-taking process - as set out in my main proof of evidence - is unchanged. Whilst paragraph 11d of the NPPF is engaged, less weight should be given to the lack of a housing land supply for the reasons I have previously explained. It remains the case that the appellant has still failed, including via its evidence, to provide a meaningful and reliable assessment of the significance of heritage assets, particularly regarding archaeological interests. Consequently, it remains my view 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 of the NPPF have not been fulfilled. This provides sufficient reason in itself to override the engagement of paragraph 11d and to refuse planning permission.

4.2 Nonetheless, for robustness sake (and consistent with the approach of my main evidence), I again proceed to the test at paragraph 11d (ii) and with this requiring an all-inclusive assessment based on the ‘tilted balance’. Even when acknowledging the housing benefits of the proposal and the NPPF focus on significantly boosting housing supply, I previously concluded that the collection of adverse impacts would *significantly and demonstrably* outweigh the benefits. This exercise is now updated to account for some changes in the appellant’s position.

4.3 It is updated first of all to account for the fact that the appellant has since confirmed that it does not accept that the agreed mitigation schemes at 1. Moss Lane/Manchester Road and 2. at the Flixton crossroads (the need for which it accepts in principle) would need to be in place before the development was occupied. As repeated in the rebuttal evidence of Mr John Morley, it is in fact necessary that both sets of off-site highway works are in place prior to any residential occupation in order to ensure that the residual cumulative traffic impacts that would arise would not be ‘severe’ in NPPF terms (under its paragraph 109). The planning balance I previously undertook did not account for these harms since it was assumed that the appellant would be accepting of the Council’s proposed triggers. These harms, or adverse impacts, are therefore now included, including the harm arising from further conflict with Policy L4 of the Trafford Core Strategy (which is clear at L4.7 that planning permission will not be granted for development that is likely to have a significant adverse impact on the highway network).

4.4 My second adjustment is to downgrade the weight to be afforded to certain benefits, specifically those arising from the Council's suggested financial contribution package. Whilst the appellant has accepted the principle of the appeal proposal contributing to the delivery of the Carrington Relief Road (CRR), the figure requested (at £1,869,440, based on an established formula for the calculation of highway infrastructure improvements) has been rejected, and an alternative of £400,000 has been offered (which it is claimed is equivalent to the cost of the Flixton crossroads mitigation option). The rebuttal evidence of Mr John Morley explains that a high-level cost estimate for these works is currently being obtained.

4.5 In addition, the appellant has rejected the level (although not the principle) of a contribution that would be used to support public transport improvements. My main evidence made it clear, in view of the acute inadequacies in public transport in the area of the appeal site, that the requested figure of £2,025,000 accounted for the *minimum* necessary improvements that would be required (and with the clear preference of TfGM being for any development in this location to await the setting of a coordinated and masterplanned public transport strategy). Whilst there has been some recent reduction in the Council's request (to £1,750,000) - as covered in the rebuttal evidence of Mr Morley and to respond to the appellant's evidence - the appellant's offer amounts to £1,000,000 only.

4.6 For both the CRR and public transport, the appellant's proposal is significantly below that which the Council is seeking. It follows that the beneficial weight

that I previously afforded to the development's ability to support the delivery of the CRR and to secure some improvements to public transport has, self-evidently, to reduce. The weight to be attached to the public transport benefits was already limited when having regard to TfGM's position, which is maintained.

4.7 It follows, when accounting for an uplift in harm and a simultaneous reduction in benefits, that my updated tilted balance exercise concludes even more forcefully that the adverse impacts arising from the appeal proposal would *significantly and demonstrably* outweigh the benefits. Again, this provides a second reason to resist the grant of planning permission.

4.8 A standard planning balance test, without paragraph 11d being applied, would yield a more emphatic conclusion.

5.0 CONCLUDING REMARKS

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