



Appeal by Redrow Homes Limited

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# **LAND AT WARBURTON LANE, TRAFFORD**

LPA Ref: 98031/OUT/19

Appeal Ref: APP/Q4245/W/19/3243720

Summary Planning Proof of Evidence by Doug  
Hann BA (Hons), MTPL, MSC, MRTPI

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# 1. Executive Summary

## Introduction

- 1.1. The application seeks outline consent for residential development of up to 400 dwellings, including the creation of new points of access, provision of formal and informal open space, ancillary landscaping, car parking and highway and drainage works". Access is sought from Warburton Lane, with all other matters reserved.
- 1.2. The appeal is against non determination. The Council determined at committee in February 2020 that had it determined the application it would have refused consent and outlined ten putative reasons for refusal.
- 1.3. Of the current ten putative reasons for refusal, as set out in the Inspector's note from the Pre-Inquiry Meetings (PIM) (paragraph 10 and 14), the Council and Appellant agreed that the main considerations are likely to be as follows:
  - a) Whether this would be an acceptable location for housing development, having regards to the spatial strategy in the development plan and the location of the site relative to nearby settlements.
  - b) Whether an appropriate design could be achieved within the context of the submitted Parameters Plan without unacceptable harm to the landscape character of the area.
  - c) Whether the location is accessible to allow occupiers of the proposed development real choices to travel by modes other than the private car.
  - d) The effect of the proposed development on congestion and highway safety.
  - e) Whether the proposed development would meet local housing needs and whether the lack of affordable housing provision would be acceptable.
  - f) The effect of the proposed development on heritage assets.
- 1.4. My evidence mainly addresses points a) and e) above. Matters of heritage, landscape and accessibility/traffic are dealt with in separate proofs of evidence.

## The Development Plan

1.5. The adopted Development Plan comprises:

- Saved policies of the Unitary Development Plan (UDP) (2006); and
- Trafford Local Plan Core Strategy (LPCS) (2012).

### Unitary Development Plan (2006)

1.6. The appeal site was expressly identified as ‘**Protected Open Land**’ pursuant to **UDP Policy C8**. This policy seeks to protect areas of land, excluded from the Green Belt and not allocated for development elsewhere in the Plan, but may be required to meet development needs beyond 2016. Development on Protected Open Land will be accepted by the Council if it is regarded as necessary to meet exceptional need and which cannot reasonably be accommodated elsewhere. We are now beyond the end of the UDP plan period.

### Trafford Local Plan Core Strategy (2012)

1.7. The Trafford LPCS is part of the Council’s Local Development Framework (LDF). It provides the overall spatial strategy for the LDF and covers the period 2012 to 2026.

1.8. The site is identified as 'Protected Open Land' on the adopted policies map (2013). **Policy R4: Green Belt, Countryside and other Protected Open Land** seeks to protect the Borough's Green Belt, countryside and other protected open land from development pressures. The policy protects the land in Warburton (immediately to the south of Partington). This, as the reasoned justification confirms is “*to allow them to make a contribution to meeting future, as yet unquantified, needs*” (paragraph 24.19). The Warburton land, until such time a strategic review of green belt takes place, is to be protected for potential future residential use.

### Greater Manchester Spatial Framework (2019)

1.9. The latest draft GMSF continues to promote land around Partington, Carrington and Sale West as a strategic location for new housing and employment growth through the proposed GM Allocation 45: New Carrington.

1.10. The allocation is for a minimum of 410,000sqm gross employment floorspace and 6,100 new homes within the plan period, together with supporting infrastructure. The appeal site is entirely included with the allocation boundary.

### Weight to policy

1.11. The UDP was adopted in 2006. Policy C8 is a policy for the supply of housing as it safeguards the site for potential future residential development. The plan was prepared 14 years ago in the context of the now abolished Regional Spatial Strategies and pre NPPF. It

is therefore not consistent with the policy framework, and the policy designation is more so as it is based on a former housing requirement which was substantially lower than it is today. This alongside the lack of 5 year land supply and failed Housing Delivery Test (HDT) renders the settlement boundaries out of date and the weight to be attached to safeguarded land very limited.

- 1.12. Trafford LPCS was adopted in 2012 and therefore the policies contained within it are now more than eight years old. Whilst the plan policies cover the period to 2026, the LPCS was prepared in the context of the now abolished Regional Spatial Strategy for the North West and the (then) draft NPPF (July 2011). Since then, the NPPF has been published (27 March 2012) and subsequently and significantly refreshed (2019).
- 1.13. Settlement boundaries in the LPCS are demonstrably out of date since they do not provide for up to date development needs as required by the Framework. Key to this is the introduction of a Standard Method for calculating local housing requirements. Policy L2 sought to provide for 12,210 dwellings (578 dpa), based on NW RSS (2008). However, pursuant to NPPF paragraph 73, where strategic policies are more than five years old (as is the case here), local housing need should be calculated using the Standard Method. The Government's latest published Local Housing Need (LHN) figure for TMBC is 1,335 net homes per annum. This figure far exceeds the LPCS requirement meaning more land is needed, and development boundaries and housing policies can thus be afforded very little weight.
- 1.14. The draft GMSF 2019 can only be afforded limited weight at this time as it is at an early stage of preparation and has not yet reached publication stage and been examined. It also has considerable unresolved objections.
- 1.15. On this basis, the relevant policies for the supply of housing should be given limited weight in the decision-making process as they are out of date and not consistent with the NPPF objective to significantly boost the supply of housing.

### **Appropriateness of the Parameters and an Outline Application**

- 1.16. The council alleges that the proposal cannot be properly considered through an outline application, as the parameters plan is not sufficient to assess the acceptability of the scheme and the amount, nature and location of on-site mitigation.
- 1.17. I disagree. The outline application route is completely appropriate and commonly used. The proposal accords with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Article 5 and 7.
- 1.18. The proposed parameters and EIA provide sufficient detail of on-site mitigation, with the

officer's report to committee setting out the various consultee feedback confirming the appropriateness of landscape, ecology, trees and open space as proposed.

## **Principle of Development and Sustainability**

### **Principle of Development and Land Allocation**

- 1.19. The site is allocated as Other Protected Open Land under Core Strategy Policy R4. The policy is clearly set out to safeguard or reserve the land for potential future residential development. By not 'prejudicing future use', policy clearly values the site as one of the only areas (not within the green belt) that could meet future residential needs. Were the site to be as unsuitable it would not have been safeguarded for potential residential use in a series of plans, and they would not have passed examination and been found sound.
- 1.20. The policy justification is very clear that it was reserved to enable the site to make a contribution to meeting future, as yet, unquantified needs. This was adopted in 2012 and the '*as yet unquantified needs*' have now been quantified through the Framework LHN and GMSF green belt and strategic housing work, both of which have concluded that the needs are substantially greater than the LPCS envisaged, and in which R4 was adopted.
- 1.21. R4 was written at a time when requirement over the plan period was 11,800 dwellings, 578 per annum. The housing requirement for the Borough under Framework LHN policies and evidence base work in support of the GMSF, is 1,105 to 1,369 dwellings per annum. R4 therefore, in so far as it's trigger for release of the site for housing, is out of date and can be afforded only very limited weight in the determination of this appeal.
- 1.22. The proposal however accords with the purpose of the policy overall, which is to effectively 'preserve' this land for future development when it is needed, in seeking to minimise the need for release of otherwise designated Green Belt land elsewhere in the Borough. That time is now, given the significant shortfall in five year land supply, and 58% Housing Delivery Test. This clearly points to the urgency of releasing the land to provide housing now.

### **Accessibility and Access to Jobs and Services**

- 1.23. The second strand of the unsuitability argument is that the site lies in an area of poor accessibility to public transport, jobs and amenities. The Council places weight on the 2006 UDP Inspector's comments.
- 1.24. Much has changed since 2006 with a different policy framework which removed brownfield first and seeks greater housing numbers. Further, the regeneration of Partington has progressed and it is now blessed with more shops and facilities. The public transport provision is good and with proposed bus, highway and footpath improvements as set out in the S106, the site sustainability credentials improve.



### **Integration with Partington**

- 1.25. The third strand of the Council's case is that the proposal does not sensitively integrate with the existing settlement of Partington.
- 1.26. That the appeal site will form and serve Partington is a long held view. In fact, one held for over 30 years. The rationale for its safeguarding and identification for development in successive local plans and strategies has always been predicated on its role in supporting and meeting the needs of Partington, not Warburton.
- 1.27. The revised parameters plan demonstrates that the proposal will integrate with Partington in a number of ways. Visually the proposal addresses Warburton Lane to create a new boundary and entrance to Partington. It provides development along Warburton Lane to tie in with the existing development.
- 1.28. In functional terms, the proposal creates a new active open space to run along the Red Brook corridor. In connectivity terms, the site has existing footpath and cycle connections to Partington. It provides a new crossing on Warburton Lane and footpath enhancements to further improve this.

### **Affordable housing**

- 1.29. Partington is a 'cold' location where normally 5% affordable housing is sought. Warburton falls into the rural area which is overall classified as a 'hot' location where 40% affordable housing is sought. There is an additional 5% when market conditions are deemed good. Policy L2.13 confirms that in accordance with Policy L8, viability will be considered on a site by site basis, to look at whether it is appropriate to agree a reduction.
- 1.30. Indeed, L2.12 states that "*in areas where the nature of the development is such that in viability terms it will perform differently to generic developments within a specific market location, the affordable housing contribution will be determined via a site-specific viability study and will not normally exceed 40%*".
- 1.31. In viability terms the proposal is physically and functionally an extension to Partington (the longstanding Council reason for reserving the land for development to assist the regeneration of Partington). In market terms it will perform as such, reflecting its deprivation status. It will not perform as an extension to Bowdon, which is set some 5 miles away and has a very different housing market profile, socio-economic characteristics and housing stock. The proposal will therefore perform very differently from generic schemes in the 'hot' location of Bowdon.
- 1.32. A viability study has been undertaken, as Mr Nesbitt's evidence shows, which indicates that allowing for other S106 contributions that no affordable housing can viably be delivered on

site. Therefore, the proposal accords with policy.

### **Mixed Community**

- 1.33. The proposed development of market homes is precisely what is required and policy seeks in Partington. Partington is a Priority Regeneration Area, and has been for a long time. The LPCS sets out in its Spatial Profile for Partington, that it is an area that today has a high level of social housing, relatively high levels of unemployment and is ranked in the top 10% most deprived wards in the country. It states one of the key issues facing Partington is '*widening the housing offer*' (LPCS page 21).
- 1.34. The proposal is designed to meet the well document needs of Partington, to broaden the housing offer (from the predominant social rented and small size stock) and provide larger family homes and market housing.

### **Planning Balance**

- 1.35. The proposal accords with many policies within the development plan, however it is accepted that it gives rise to conflict with certain policies, namely R4 and L2.
- 1.36. However, the weight to be afforded to those policies is limited as they are not consistent with the Framework. The harm derived from such conflict is thus significantly reduced, and more than outweighed by the significant benefits of development. There are also significant other material considerations that weigh heavily in favour of approval.
- 1.37. Policy R4 designating the site as 'Other Protected Open Land' is of weight insofar as the land is reserved to meet future residential development needs. However, it is the trigger point as to when the land might come forward that can be afforded very limited weight as the unquantified needs have now been quantified by NPPF and the plan and green belt review have taken place. There is now a need for the land given the need to accelerate housing delivery across the Borough (in line with the Standard Method and Council's own evidence as part of the GMCA and work on the GMSF).
- 1.38. This is particularly so in the short term, given the Council can only demonstrate a 2.6 year land supply and has a Housing Delivery Test of 58% (February 2020). The magnitude of this shortfall is significant. Not enough homes are being built and therefore needs remain unmet.
- 1.39. The policies of the LPCS and UDP that relate to the supply of housing are therefore out of date for the purposes of paragraph 11 (d) of the Framework.
- 1.40. The appeal proposal will result in significant benefits, which include:
- Provision of up to 400 family homes, to address evidence of local housing need;

- The provision of significant areas of green infrastructure, including publicly accessible areas of informal and formal open space for the benefit of existing and new residents;
- Creation of high quality pedestrian and cycle routes through the site and connecting the site to the local area;
- Improvements to the existing footpath network around the site and reduction in localised traffic speeds;
- New pedestrian crossing facility at Warburton Lane;
- Improvements to existing local bus stops (provision of shelters);
- S106 package of contributions to buss accessibility;
- Other off-site highway improvements in the vicinity of the site;
- Economic benefits in the locality, including creation of new jobs; Gross Value Added; New Homes Bonus payments; additional Council Tax receipts; and, increased consumer spending, thereby supporting the future vitality and viability of existing and new services and facilities, including public transport links;
- Significant enhancements in the ecological value of the site, particularly in the vicinity of Red Brook; and
- Implementation of sustainable drainage features across the site, thereby ensuring better management of surface water in the future.

- 1.41. The harm arising from the appeal proposal is no more than might reasonably be anticipated when developing any green field into built form.
- 1.42. With regards the heritage balance, I assess the proposal against the test at Paragraph 196 of NPPF. As set out in the proof of Ms Kelly, the level of harm caused by the development is less than substantial harm with respect to both the nearby designated and non-designated heritage assets, when assessed against the relevant tests set out at paragraphs 193 to 196 of the NPPF.
- 1.43. This 'less than substantial harm' when weighed against the extensive public benefits of the proposal as set out above, demonstrates the less than substantial harm caused to the designated and non-designated heritage assets is significantly and demonstrably outweighed by the substantial development benefits. It thereby meets the test.

#### **NPPF Paragraph 11 Presumption on Favour**

- 1.44. The proposal comprises sustainable development that benefits from the presumption in favour of sustainable development, pursuant to paragraph 11 of the Framework.
- 1.45. The presumption in favour of sustainable development (i.e. NPPF paragraph 11) is engaged as under 11 (d) the policies most important for the determination of the application are out of date, as under footnote 7, as there is not a 5 year supply of deliverable housing sites and the Housing Delivery Test is failed. Further, not only are policies pertaining to the supply of

housing out of date, but the most pertinent policy (R4) for determination of this application can only be afforded limited weight as I have set out above.

- 1.46. The exceptions set out under Paragraph 11 (d)(i) do not provide a clear reason for refusal, as the only relevant policy that protects areas or assets of particular importance (as set out in footnote 6) concerns heritage, and there are no designated assets on site and limited less than substantial harm is caused to assets near the site. The limited harm to their significance is more than outweighed by the benefits of development. Therefore, paragraph 11 (d)(i) is passed.
- 1.47. Therefore, as the impacts of the scheme do not significantly and demonstrably outweigh the benefits of the proposal (11 (d)(ii)), and there are significant material considerations which outweigh the conflict with policies in the development plan, the presumption is engaged and consent ought to be granted.
- 1.48. The Appeal Site is suitable and appropriate for residential development on the basis that it:
- Has been safeguarded through a series of local plans to keep it free from development to allow it to meet possible future needs;
  - The LPCS specifically reserved it to meet the, at that time unquantified, future needs for residential development. The needs are now quantified by the Framework and GMSF work (GMSF New Carrington);
  - Given the above urgent housing need position, the time is now;
  - The proposed development constitutes sustainable development and its parameters allow for design which can fully accord with local plan policy and the Framework;
  - The proposed S106 package and conditions will appropriately mitigate any adverse impacts of development;
  - There are no material considerations in this appeal which could significantly and demonstrably outweigh the benefits of the proposed development;
  - The contribution that the Appeal Site will make towards meeting the Council's housing requirement is a significant material consideration that weighs in favour of granting planning permission;
  - The proposal brings significant social, economic and environmental benefits;
  - These benefits when weighed against the very limited less than substantial harm to heritage assets in and around the site, means the heritage balance is passed; and

- Therefore, the proposal should be approved without delay.



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