
Appeal Decision

Inquiry held on 27 and 28 September 2016

Site visit made on 28 September 2016

by Diane Lewis BA(Hons) MCD MA LLM MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 November 2016

Appeal Ref: APP/P4225/W/15/3138783

Land to the west of Hollin Lane, Middleton, Manchester M24 5LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Wainhomes (North West) Limited against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 15/00358/OUT, dated 24 March 2015, was refused by notice dated 22 September 2015.
 - The development proposed is residential development of up to 88 dwellings with associated works.
 - The inquiry was closed in writing on 26 October 2016 after the submission of a unilateral undertaking and the opportunity to comment further on place-making.
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Decision

1. The appeal is dismissed.

The Appeal and the Proposed Development

2. The planning application is in outline with approval for access being sought at this stage. All other matters – appearance, landscaping, layout and scale – are reserved. The details of access are limited to the design of a proposed junction on the west side of Hollin Lane, almost opposite Hazelhurst Drive on the eastern side of Hollin Lane. Reference was made to proposed pedestrian linkages through the site to connect with a public right of way to the west but no details were provided.
 3. The Council issued a Screening Opinion dated 8 May 2015 that stated the proposal did not require an Environmental Impact Assessment.
 4. The Council refused the application for three reasons, which centred on harm to highway and pedestrian safety, harm to the safe and efficient operation of the highway network and the inability of the local infrastructure to accommodate the additional demand from new residents. After the appeal was made, a resubmission was made to the local planning authority and the detailed design of the access was amended. The second application (ref 15/01207/OUT) also was refused planning permission. No appeal was lodged.
 5. During the course of the second application an updated transport assessment was submitted. As a result the Council withdrew reason for refusal 2 regarding highway capacity. There is no detailed evidence to contradict the Council's conclusion that the overall cumulative impact of the proposed development on
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the highway network would be significant but not severe. Therefore I do not intend to consider this matter further.

6. The appellant also indicated a willingness to enter into a section 106 planning agreement, which led to the Council to withdraw reason for refusal 3 regarding local infrastructure. A unilateral undertaking dated 7 October 2016 regarding affordable housing, public open space, education and infrastructure provision will be considered later in this decision.
7. The Council's refusal of planning permission was based on a set of plans comprising a location plan which identified the land, a sketch layout of the houses and public open space and the proposed site access as shown on plan ref A089001-001 Rev A.
8. Before the inquiry the appellant confirmed that the appeal evidence related to a proposed site access plan ref A089001-001 Rev C and additional traffic calming shown on plan ref A089001-012. It appeared to me that the plan of the site access was part of the resubmission scheme and not the appeal application. Having heard submissions from the appellant and the Council at the start of the inquiry I decided that I would accept the amended plan of the site access for three main reasons. The location and basic crossroads layout of the access remained the same and the amendments primarily related to the proposed pedestrian crossing facilities. The Council raised no objection to the consideration of the amended scheme and in fact had addressed that proposal in its evidence. No significant prejudice would be caused to interested parties. However, I did not accept the traffic calming scheme because it had formed no part of the appeal proposal and the appellant did not consider it a necessary element of the proposal.
9. The appellant also put forward two alternative proposals - a signalised junction and a compact junction, where the number of exit lanes on Hazelhurst Drive would be reduced from two to one. I decided that these alternatives would not be considered as part of the appeal because to do so would cause prejudice to the Council and interested parties.
10. The ground levels of the land to the west of Hollin Lane are variable and I asked the appellant about the gradient of the proposed access. At the inquiry the appellant produced an additional plan to address this matter and to form part of the proposal. The Council had no objection to the consideration of this plan and I am satisfied that I am able to take these details into account.
11. As a result the appeal is proceeding on the basis of the following plans: location plan 1439WHD/HLM/LP01 rev B; sketch layout 1439WHD/HLM/SK01 rev F (illustrative only); proposed site access ref A089001-001 Rev C, site access level assessment and vertical alignment A089001/P005 rev A.
12. The illustrative layout indicates that the residential development of the land would require the demolition of a group of farm buildings. However, the appeal application did not specifically include the demolition as part of the proposed development.

Planning History

13. Following the refusals of the appeal and the resubmission applications, the appellant submitted a third planning application in respect of the same area of land (ref 16/00725/OUT). The proposed access into the site was from Langley

Lane to the south. Planning permission was granted on 19 September 2016 for up to 94 dwellings. Consequently the issue in this appeal is not the acceptability of the use of the land for housing but whether the submitted details on access are acceptable.

14. The open lands to the west and north of the appeal site and to the east of Hollin Lane, owned by Taylor Wimpey, have been the subject of several planning applications for residential development. The Council resolved to grant planning permissions, subject to section 106 agreements, for a total of up to 420 dwellings. Neither the Council nor the appellant has stated that the planning permissions have been issued but nevertheless have proceeded on the basis that the housing developments are commitments. For example the appellant through Mr Khan's evidence on highway matters consistently refers to 'consented' schemes and the proposals were included in assessing the cumulative impact of developments on the highway network. The Council took account of the schemes when applying policy on Protected Open Land. I will adopt a similar approach.
15. All these housing sites are in the Hollin Lane Masterplan Area. The framework masterplan was prepared by Taylor Wimpey, the most recent version being submitted with the application for up to 65 dwellings on land west of Hollin Lane and north of the appeal site (ref 16/00444/OUT). The Council has relied on the masterplan in assessing the various development proposals. Mr Harris (the appellant's planning witness) noted in his evidence that the 2016 application proposing the Langley Lane access point followed the masterplan. Therefore the main parties have accepted that the masterplan is a relevant consideration and I will take it into account.
16. At my request the appellant produced a plan to show in detail how the proposed access in the appeal scheme would relate to the agreed access arrangements and highway improvements to serve the Taylor Wimpey housing developments to the east and west of Hollin Lane. The third Taylor Wimpey (west of the appeal site) site would be served by an access from Langley Lane.

Planning Policy

17. At the time of Council's determination of the Wainhomes planning application the development plan comprised the Rochdale Borough Unitary Development Plan adopted in 2006 (the UDP) and the Greater Manchester Minerals Plan. The relevant policies in the emerging Rochdale Core Strategy were afforded limited weight because modifications might be recommended by the Inspector following the public examination.
18. In August 2016 the Council received the Inspector's report on the examination into the Core Strategy. The Inspector concluded that the Core Strategy provides an appropriate basis for the planning of the Borough subject to a number of modifications. Subsequently, the Council and the appellant submitted comments on the implications of the Core Strategy for the purposes of the assessment of the appeal.
19. On 19 October 2016 the Council adopted the Core Strategy and as a result it is part of the development plan. The Core Strategy sets out the spatial vision and overall direction of growth and the development strategy for the Borough. It is centred around delivering and supporting sustainable development and Policy SD1 sets out how this objective will be achieved in accordance with the

National Planning Policy Framework (the Framework). An Allocations Development Plan Document (DPD) will identify development sites and boundaries for specific policies and provide more detailed policy guidance where appropriate. Certain saved policies in the UDP continue to apply until replaced by the Site Allocations or other DPD¹.

20. The Framework is an important material consideration.

Main Issue

21. In view of the planning history of proposals for the site and nearby lands, the main issue in this appeal is the effect of the proposed access on highway safety and the creation of a sense of place, taking account of the character of Hollin Lane, its function within the highway network and the proposals for residential development of neighbouring lands.

Reasons

Access

Policy and guidance

22. The key theme of Policy T2 of the Core Strategy is improving accessibility. The identified measures include requiring development and infrastructure proposals to satisfy the Council's accessibility hierarchy. Transport user needs with highest priority are people with impaired mobility and pedestrians. Long stay and peak time commuter traffic is lowest in the order. In all circumstances the safety, accessibility and amenity of those who live or have business in the area will have priority while providing reliable journey times for those travelling through.
23. Policy A/24 of the UDP has not been replaced by policies of the Core Strategy and therefore applies. In summary, the policy requires the Strategic Highway Network, as defined on the Proposals Map, to be managed to accommodate main flows of general traffic within and through the Borough, other than motorway traffic. Provision is made for the introduction of physical traffic management measures and to meet pedestrian, cyclist and bus access requirements where necessary.
24. Core Strategy Policy DM1 sets out general development requirements for all development proposals. Of relevance to the main issue, proposals are expected to demonstrate that they are of high quality design and take the opportunity to enhance the quality of the area. Satisfactory vehicular access is required. Policy P3 aims to improve the design of new development by setting out a number of design principles. These include enhancing the Borough's sense of place, ensuring a development is easy to move through and providing a hierarchy of routes, streets and spaces relating positively to visual connections between the development and its surroundings. Developments are required to have regard to the principles set out in various documents including the Urban Design Guide Supplementary Planning Document (the SPD).
25. The Framework in paragraph 32 requires that decisions should take account of whether:
- safe and suitable access to the site can be achieved for all people; and

¹ Appendix 3 in the Core Strategy details the replaced, saved and deleted UDP policies.

- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
26. In considering opportunities for the use of sustainable transport modes, developments are expected to be located and designed to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. The Framework also states that high quality and inclusive design goes beyond aesthetic considerations. In summary, decisions should address the connections between people and places. The aim should be to ensure that developments will function well and add to the quality of the area over the lifetime of the development. Permission should be refused for development which would not fulfil that aim².
27. National Planning Practice Guidance advises that a Transport Assessment may propose mitigation measures where these are necessary to avoid unacceptable or “severe” impacts. The Guidance also indicates that Assessments can positively contribute to creating accessible, connected and inclusive communities, improving health outcomes and quality of life and improving road safety. Measures should not be used to penalise motorists.
28. The appellant and the Council differed in the interpretation of the ‘severe’ test in paragraph 32 of the Framework. The interpretation of policy is a matter for the courts, although the Council’s approach makes more sense to me because it better reflects the wording of the bullet points and is more consistent with policy objectives expressed through the Framework. Whichever conclusion is preferred, the newly adopted Core Strategy is highly relevant now. Policy T2 places priority on safety and improving safety in residential communities.
29. Manual for Streets (MfS1) and Manual for Streets 2 (MfS2) set out principles of inclusive design and include advice on a range of issues. MfS1 focuses on lightly trafficked residential streets. MfS2 builds on that guidance exploring in greater detail how and where its key principles can be applied to busier streets and non trunk roads. The aim of MfS2 is to help bridge the perceived gap in design guidance between MfS1 and the Design Manual for Roads and Bridges (DMRB).
30. DMRB is the design standard for trunk roads and motorways. Within DMRB, the document TD 42/95 gives advice and standards for the geometric design of major/minor priority junctions with regard to traffic operation and safety. MfS2 advises that the strict application of DMRB to non-trunk roads is rarely appropriate for highway design in built up areas regardless of traffic volume.
31. The highways statement of common ground confirmed that the matter in dispute between the main parties is the use of DMRB for designing the proposed site access. Consequently the evidence was very much directed towards DMRB and MfS and the associated issues raised by the guidance in those documents.

Appeal site and Hollin Lane

32. The appeal site is an area of some 3.6 hectares (ha) of pasture land, located to the west of Hollin Lane and north of Langley Lane in Middleton. The site is

² The Framework section 7 particularly paragraphs 56-58, 61 and 64.

approximately 2 kilometres (km) to the north of Middleton town centre and is adjacent to the residential area of Langley. Junction 19 of the M62 motorway is approximately 1 km to the north. Hollin Lane is the highway connecting the motorway and the built-up area to the south.

33. Hollin Lane is classified as the A6046, which forms part of the Council's Strategic Highway Network (SHN). Hollin Lane is also part of Transport for Greater Manchester's (TfGM) Key Route Network (KRN). The KRN is managed and funded centrally and forms highway corridors and routes across Greater Manchester that will support the Greater Manchester Strategy and enable growth. MfS acknowledges that highway authorities assess the relative importance of particular routes within an urban area as part of their normal responsibilities.
34. On the basis of traffic survey information the typical two way AM peak hour flow on Hollin Lane is 1,233 vehicles and 1,281 vehicles in the PM peak north of the Hazelhurst Drive junction. The two-way flows south of the junction have been calculated to be around 1,500 vehicles in the AM peak hour and 1,430 vehicles in the PM peak hour. The annual average daily traffic (AADT) flow on Hollin Lane immediately north and south of the junction is agreed to be between 12,300 and 15,000 vehicles. Therefore an important purpose of the Hollin Lane, as confirmed by these substantial traffic volumes, is to accommodate main flows of general traffic within and through the Borough.
35. Hollin Lane is a single carriageway with one lane in each direction. There is a cycle lane and footway on each side and street lighting is present. North of the junction with Langley Lane the housing is in the form of frontage development, with driveways having access onto the principal route. There are a few shops at the corner with Langley Lane and a pedestrian crossing just north of the junction. Hollin Drive and Hollinwell Close serve small groups of dwellings and form a crossroads junction with Hollin Lane. At the edge of the built-up area Hazelhurst Drive leads off to the east and serves St Anne's Academy and provides access into the wider residential area. St Anne's Academy is set a good distance back and has very little presence on Hollin Lane. The nearby fields and the long distance views to the hills to the north give the sense of an edge of urban location. To the south of the junction with Langley Lane built development is extensive and Hollin Lane has an urban character.
36. The Transport Assessment (TA) outlines the provision for pedestrians in the locality and the facilities/amenities accessible by foot. The main pedestrian flows (which the appellant's evidence identified by observation rather than a survey) are to St Anne's Academy, with crossing movements over Hollin Lane concentrated between the Langley Lane and Hazelhurst Drive junctions. Hollin Lane is also identified as an on road cycle route with cycle facilities and the surrounding residential areas are described as offering a network of relatively quiet roads for cyclists.
37. I conclude that movement by all modes is a key function of Hollin Lane. On the edge of the built up area, in the vicinity of the site, the road has little by way of a place function at the present time.
38. The character of the section of Hollin Lane, north of Hazelhurst Drive will change if the housing schemes proposed by Taylor Wimpey go ahead. New priority junctions, pedestrian crossings and bus stops are proposed, together with traffic calming measures. The Masterplan indicates greenspace along

Hollin Lane with no buildings addressing the primary route. There is little to suggest the creation of a sense of place. The movement function would adapt to cater more for pedestrian, cyclist and bus access requirements and local accessibility, consistent with development plan policies.

39. The current Wainhomes scheme forms part of this proposed small urban extension and as explained in further detail below would reinforce the movement function. The Landscape and Visual Impact Assessment (LVIA) suggests a design objective is to assimilate the scheme into the landscape and to mirror the density of adjacent housing developments. The overall experience of motorised users is expected by the LVIA to be one of a more urbanising effect in the locality. There is no indication of the scheme contributing positively to the place function of Hollin Lane.

Proposed access

40. The site has a short boundary to Hollin Lane, almost opposite Hazelhurst Drive, with a strip of land behind connecting to the main body of the site to the west. The land slopes quite steeply and the area near the boundary is overgrown with hawthorn scrub, bramble and a number of other species. At one time a Bar House (toll cottage) used to be sited on the frontage.
41. The proposed single vehicular access from the surrounding highway network would occupy this parcel of land, with a retaining wall along the northern side. The gradient of the highway would vary from 2% at the junction to 5% before reducing to 3%. The new access road would be offset from Hazelhurst Drive by 7.5 m or so, in effect creating a slightly off-centre crossroads. The layout would have a right turn facility incorporating ghost islands for traffic turning into the site and Hazelhurst Drive. A new uncontrolled pedestrian crossing would be located to the south of the junction. A signalised pedestrian crossing is proposed an estimated 28 m north of the junction³.
42. Traffic moving from one minor arm to the other would not have to travel any significant distance along the major arm but would simply move from one minor arm to the other. Therefore the proposed arrangement is a crossroads and is not in the form of a staggered junction. The standards in TD 42/95 for stagger distances identified by Mr Crossley (the Council's highway witness) do not apply and he accepted this point at the inquiry.
43. MfS2 describes junctions as critical places. In traffic terms they are a potential source of delay and where most collisions tend to occur. In place terms junctions can be seen as an opportunity because they are good locations for buildings attracting activity and for distinctive features. Achieving a good balance of place and movement functions is considered important, especially in urban areas. In this context crossroads and multi-armed junctions are identified as having much higher numbers of conflicting traffic movements and therefore tend to perform worse in terms of road safety. However, grid type networks with crossroad junctions are described as very legible and encourage walking and cycling. Again striking the right balance is emphasised.
44. The issue is whether the proposed junction would achieve this balance and be an appropriate form of junction in its context. The choice of a crossroads junction should not be ruled out solely on the basis that there would be a

³ This facility would be provided by the Taylor Wimpey scheme if that goes ahead first.

concentration of conflicting turning movements and hence a higher risk of collisions. MfS certainly envisages new development embracing and connecting with existing highways and strategic routes, promoting a change to a more humane character.

45. There is little evidence that the basic junction form and location of the proposed access was determined at a masterplanning stage in accordance with MfS advice. The design and access statement and the other initial documents supporting the proposal do not explain the design concept or thinking behind the appellant's stated preferred location of the proposed access off Hollin Lane or how it will relate to and strengthen the movement structure within the site. Whilst the scheme is envisaged to form part a small urban extension the proposal fails to demonstrate how the access arrangement will integrate the new housing with development of adjacent lands. There is no design justification or vision for departing from the Masterplan for the lands north of Middleton, which indicates that access to the appeal site would be via a simple priority junction from Langley Lane and / or via an access from Hollin Lane into the Taylor Wimpey site to the north. The appellant's explanation for continuing to pursue the Hollin Lane access after the 2016 planning permission focused on the range of off-site highway works required in association with the alternative Langley Lane access, rather than any place making/design benefits.
46. Turning to consider how the junction design would work in practice, very little assistance was gained by the appellant's reference to a crossroads junction on the A664 in the locality. I prefer to concentrate on the details of the proposal in question. The Council's primary objection was the use of ghost islands. The main parties focussed a lot of attention on whether reference should be made to DMRB for detailed technical guidance on this specific aspect of the design. MfS is guidance, not policy. MfS does not set out comprehensive detailed guidance on the design of priority junctions and MfS2 does in fact refer to TD 42/95 when considering provision of a right turning lane at priority junctions. In this case TD 42/95 is an information source and has connection to the matter in question. Local context, highway characteristics and the key principles of MfS are factors in assessing how far the advice is suitable to the Hollin Lane junction design. In other words the DMRB guidance should not be applied uncritically, more especially because it is written specifically for trunk roads.
47. Mr Crossley largely confined his attention to Table 2/1 in TD 42/95 and concluded that the Table shows the use of ghost islands is unsuitable at crossroads junctions. The document makes clear that the Table is a starting point and is not a mandatory standard. Elsewhere a wide range of factors are indicated that may be useful when considering junction options for a site such as traffic flow, traffic delays, turning stream capacities, accident costs and overtaking opportunities. There was no consideration or application of the mandatory section that describes ghost islands as highly effective in improving safety because they provide right turning vehicles with a degree of shelter from the through flow. I accept the appellant's submission that the Council did not identify any ground on which the ghost islands would make the junction less safe, given that the number of conflicting movements at a crossroads would remain the same whether or not there is a ghost island. I conclude Table 2/1 of TD 42/95 does not demonstrate that the proposed junction design would be unsafe.

48. In respect of MfS, MfS2 examines the TD 42/95 recommendation that consideration should be given to providing a right turn lane at priority junctions where the side road flow exceeds 500 vehicles per day and considers the effect on pedestrians crossing major roads. The appellant has not presented a similar explicit exercise to justify the inclusion of right turn lanes and carriageway markings as part of the proposal.
49. After the refusal of planning permission in September 2015 two stage 1 Road Safety Audits (RSA) were undertaken on the then proposed site access. In addition a stage 1 RSA was carried out on a composite plan that showed the proposed access for the Wainhomes' site and the proposed site access for the Taylor Wimpey scheme to the east of Hollin Lane.
50. In the first RSA concern was raised about the formation of a crossroad junction and the increase for potential for vehicular conflicts due to the added complexities of additional turning movements, especially during the peak hour. However, information on trip generation and maximum forecast queues satisfactorily addressed the concern. In response to additional concerns the original proposal was amended to increase the lengths of the right turn lanes and to amend pedestrian crossing facilities.
51. Taking account of the improvements to the design through the RSA process and the forecast level of turning movements there is nothing to indicate that the proposed crossroad junction would have an unacceptable effect on highway safety when considered in isolation from the proposed access arrangements to serve development on nearby lands.
52. In respect of the proposed pedestrian crossing facilities, the proximity to St Anne's Academy on Hazelhurst Drive is an important factor to have in mind. Local residents expressed their concern about any increase in the everyday risk to the safety of children. The proposal includes a signalised staggered crossing facility. There is nothing in MfS2 to indicate any inherent safety risk. An advantage noted by MfS2 is that such crossings may also be used by cyclists. The advice is a crossing should be located on or close to desire lines to encourage their use. In this respect the crossing point is displaced to the north away from the probable desire line between the housing site and the Academy. The use of guardrailling or other deterrents may be necessary to increase safety. This matter was raised in a RSA and as a result an uncontrolled pedestrian crossing point was introduced on the south side of the junction. The Council produced no convincing evidence (such as research findings, site specific analysis) to explain why the signalised pedestrian crossing should increase the likelihood of pedestrian vehicle conflicts or why its proximity to the priority crossroad junction would lead to a risk of driver confusion.
53. The reason for refusal of the appeal application refers to the close proximity of the proposed access to the access proposed to serve the Taylor Wimpey site east of Hollin Lane in conjunction with the Hazelhurst Drive junction, access to St Anne's Academy and an existing pedestrian crossing facility. Circumstances have changed since then in so far as an additional new junction to serve the Taylor Wimpey site to the west of Hollin Lane has been approved in principle.
54. The composite plan considered in the RSA was not the same composite plan produced for the inquiry, which included a third junction to serve the Taylor Wimpey site to the west of Hollin Lane. In the event all three proposals went ahead there would be a concentration of ghost island junctions in a short

length of highway, together with bus stops, crossings and traffic calming measures. Mr Khan had argued that the Wainhomes proposal would not create a new junction but would add a fourth arm to an existing junction – therefore the junction spacing argument did not exist⁴. In his oral evidence he considered there would be no interaction with the new junction to the north, some 80 m away. For the Council, Mr Crossley noted that the proposed site access would be out of character with the two proposed reasonably spaced 3 arm priority junctions.

55. MfS2 advises that the provision of additional junctions on existing routes should be assessed in the round, taking account of a wide range of factors such as the need for access at particular locations, the potential for interaction between adjacent junctions and the consequent effect on user delay and road safety. There is no evidence to show that the three new potential junctions and associated crossings and traffic calming measures were considered in any detail by the highway authority or through the RSA process, possibly because of the timing of the various schemes and the refusals of the Wainhomes' applications. The consultation response by the highway authority on the Taylor Wimpey proposal to the west of Hollin Lane anticipated the Wainhomes' site would be accessed via the land to the north, overcoming the need for site access now in dispute⁵.
56. I have concern that the two accesses into the housing lands to the west of Hollin Lane would be in close proximity with the signalised pedestrian crossing in between. Furthermore over the short stretch as a whole there would be several locations with right turning traffic movements – the crossroads junction to the appeal site, the priority junction to the north and the priority junction to the Taylor Wimpey east site, with the right turn lane into Dingle Farm immediately to the north. In the absence of any analysis I am not satisfied that the effect on highway safety would be acceptable.

Place-making

57. MfS1 states that a sense of place encompasses a number of aspects, most notably the street's local distinctiveness, visual quality and propensity to encourage social activity. In new developments locations with a relatively high place function would be those where people are likely to gather and interact with each other. MfS1 reflects and develops guidance in the Council's SPD (of an earlier date) on matters such as character, safety and inclusion, legibility and good streets and spaces.
58. The importance of positively contributing towards an increased sense of place was accepted and promoted by the appellant as an objective, especially in view of the proposals for the residential development of neighbouring lands. Mr Khan believed that the 'consented' and appeal proposals would strengthen the existing sense of place function of Hollin Lane by traffic calming related to the appeal site access, the site accesses to the Taylor Wimpey sites and associated traffic calming, the signalised and uncontrolled pedestrian crossings, and an increase in pedestrian and cycling activity. The proposed crossroads junction was said to provide an element of focus for the development as well as increasing connectivity by all modes of transport.

⁴ Mr Khan's appendices Document B.10 paragraph 2.36

⁵ CD1.30 page 40

59. Providing for street users' needs and encouraging walking and cycling by new crossings and traffic calming are integral to the movement function of Hollin Lane, rather than the place function. MfS1 refers to the choice of surface materials, planting and street furniture having a large part to play in achieving a sense of place but none of these aspects is detailed in the proposal. To the contrary the potential clutter of traffic signage, street furniture and road markings around and especially to the north of the site access would have a negative impact on the success of the street as a place. The site visit was very helpful in appreciating the short distance between the site access and the farm access track to the north, where a lot of infrastructure would be introduced.
60. Establishing a strong sense of place encompasses much more than catering for movement, as explained by MfS1. The Framework also indicates the use of streetscapes and buildings to create attractive and comfortable places to live, work and visit. Visual attractiveness is linked to good architecture and appropriate landscaping, whilst social interaction is associated with active street frontages and neighbourhood centres. None of these considerations were addressed by the appellant, whether in respect of the crossroads junction or the residential layout it would serve.
61. The ability to use the access proposal to enhance a sense of place is heavily constrained by the amount of frontage space available, the shape of the landholding, the ground levels and the depth of existing adjacent residential plots to the south. As the Council submitted, no landmark buildings and in fact no buildings at all are proposed in the vicinity of the junction. The additional plan confirmed that the access road would be bounded by a retaining wall up to 2.5 m in height. Alternatively, the location of the primary site access would conflict with an aim to reinforce the rural character of Hollin Lane (north) by belts of structure planting and strong landscaping along the boundaries to the housing sites.
62. The appellant also argued that the proposed crossroads would be in accordance with the recommended layout in MfS2 that demonstrates how crossroads improve sustainable connectivity in urban extensions, even on strategic highway routes. However, the illustrative layout for the housing site does not support such a conclusion in that the street pattern incorporates a number of unconnected residential culs-de sac⁶. There is no indication that the character of Hollin Lane would change by significantly strengthening the place function. The location of the junction has not been shown to bring the design advantages advocated by the appellant. The alternative conclusion put forward by the Council is more probable, namely that the junction is in the only place it can go on land available to the appellant abutting Hollin Lane.

Conclusions

63. The details of access concern the accessibility to the site for vehicles, cycles and pedestrians and do not extend to accessibility within the site.
64. A movement function is dominant on Hollin Lane north of the junction with Langley Lane and in the vicinity of the proposed site access.

⁶ The Landscape and Visual Impact Assessment at paragraph 6.8 states that parcels of the development will be accessed via a primary route running generally east to west with branches of smaller access drives into housing culs-de-sac.

65. The use of a crossroads junction would be expected to perform worse in terms of road safety simply because of the much higher number of conflicting traffic movements than at other forms of junctions. Nevertheless scrutiny of the geometric design features of the junction layout has not identified any specific objection on highway safety grounds. Appropriate crossing facilities would enable pedestrian connectivity with the Academy and the residential area to the east.
66. The highway safety performance of the proposed junction should not be considered in isolation but in the context of the proposals for access to the Taylor Wimpey housing sites to the east and to the west of Hollin Lane. Such an analysis has not been carried out and therefore it has not been shown that the effect on highway safety would be acceptable.
67. By reason of the land constraints the junction would not offer an opportunity to locate buildings attracting activity and for distinctive features to promote a sense of place. The proposal would detract from rather than strengthen the place function of Hollin Lane.
68. In the wider context the proposed sequence of junctions and associated infrastructure would be concentrated over a relatively short length of Hollin Lane. The character of the rural route would change fundamentally but the development of a new place function, as advocated by the appellant, is not apparent. The movement function would prevail with greater emphasis on walking, cycling and public transport.
69. The MfS based reasons put forward by the appellant to justify the proposed access proposal into the site have not been substantiated.
70. The proposal complies with Policy A/24 of the UDP in that there would be no significant adverse effect on the function of Hollin Lane as part of the Strategic Highway Network. The proposal also complies with the Council's accessibility hierarchy set out in Policy T2.
71. When considered in isolation the site access proposals would not perform any worse than may be expected at a crossroads junction. However, the relationship to the infrastructure proposals for nearby housing sites has not been adequately addressed. Therefore there is an incomplete picture as to whether safety within the residential community would be improved and that the site access would be safe for all people. This matter precludes a positive conclusion on safety and compliance with Policies T2 and DM1 of the Core Strategy and policy in the Framework.
72. The proposed location for the site access is severely constrained and does not present an opportunity to promote a sense of place. Principles in MfS and the SPD are not reflected in the design of the access. Consequently in this respect the proposal fails to comply with Policies DM1 and P3 of the Core Strategy. Turning to policy in the Framework, at this stage in the design process the scheme has failed to show that the development would function well, add to the quality of the area over the lifetime of the development or create a safe layout which minimises conflicts between all users of the highway.

Other considerations

73. Evidence for the inquiry primarily focused on the main issue of site access. I considered this approach was appropriate because of the very recent grant of

outline planning permission for housing development on the land and the large amount of common ground between the main parties on a range of planning considerations. Against that background the acceptability or otherwise of the access was likely to be a key factor in the success of the appeal. Therefore other considerations will be dealt with relatively briefly.

Housing land supply

74. The Core Strategy in Policy C1 aims to provide sufficient land to deliver at least 460 net additional dwellings per year up to 2028 and to ensure that there is always a deliverable five year supply of land for new homes.
75. The Inspector in his report on the Core Strategy dated 22 August 2016 concluded that the 2014 Strategic Housing Land Availability Assessment (SHLAA) identified there to be sufficient provision to meet the housing requirements of the Core Strategy including a five year supply of deliverable sites for housing in accordance with paragraph 47 of the Framework. Furthermore within the context of the scale of identified housing land supply he found no evidence to suggest that matters have arisen that would cause the Council to be unable to demonstrate a 5 year supply of deliverable sites for housing⁷.
76. In its evidence for this appeal the Council confirmed that the figure of 460 additional homes per year forms the objectively assessed need (OAN), the SHLAA⁸ demonstrates that there is capacity to deliver in excess of the OAN per annum in the first five years and that the Council can demonstrate a five year housing land supply. More particularly on the supply of land, the officer report on the 2016 application stated that the 2015 SHLAA identifies land that could deliver 690 additional dwellings per year in the first five years.
77. The appellant considered that from initial research the Council cannot demonstrate a five year land supply based on the information in the 2015 SHLAA, which superseded the 2014 SHLAA referred to in the Inspector's report. The appellant also noted that a 20% buffer must be applied because the Council had persistently failed to meet its housing target. Therefore the appeal site is said to be important in boosting the supply in Rochdale as required by paragraph 47 of the Framework.
78. The Core Strategy has only just been adopted. The National Planning Practice Guidance advises that the examination of Local Plans is intended to ensure that up to date housing requirements and the deliverability of sites to meet a 5 year supply will have been thoroughly examined prior to adoption in a way that cannot be replicated in the course of determination of individual appeals where only the appellant's evidence is likely to be presented to contest the authority's position. The Inspector was confident that the Council is able to demonstrate a five year housing land supply and it is unlikely that the position would have substantially changed in the course of a few months. The appellant's position, referring to the 2015 SHLAA, was not supported by any detailed evidence because of the main site access issue, the extant planning permission and the planning history of the adjacent lands. I conclude that the Council can demonstrate a five year housing land supply.

⁷ The Inspector at paragraph 99 of his report sets out a calculation that results in a housing land supply of 14 years.

⁸ Position as at 1 April 2105

Release of Protected Open Land

79. Areas of land outside the urban area and not in the Green Belt have been protected for over 20 years for their amenity value and in recognition of the need to focus development and regeneration within the urban area and on brownfield sites. The UDP Proposals Map defined the protected areas of land and Policy D/10 set out the policy criteria controlling development. The appeal site is within a designated area near Middleton.
80. The Core Strategy has carried forward the concept of protected open land but in so doing accepts that not all of the land provides a vital green infrastructure resource. Therefore provided there is justification, some protected open land is seen as providing a potential resource and flexibility to meet future development needs which cannot be met within urban areas or on previously developed land. Policy G5 (section 1) identifies similar broad areas to those on the Proposals Map, including land north of Langley/Hollins, Middleton. The current position is that Policy D/10 is saved and should be read in conjunction with Policy G5 until replaced by a Site Allocations or other Development Plan Document. Policy G/5 confirms that where the release of protected open land can be justified the Council will seek to identify it as an allocation in a future DPD.
81. Policy G5, in section 3, states that protected open land will not be released for development unless all of the identified criteria apply. In summary these criteria cover the need for the development and the effect on regeneration, the sustainability of the location, the impact on landscape, biodiversity or wider green infrastructure, and the capability to deliver supporting infrastructure.
82. The grant of planning permission in September 2016 for the 94 dwelling scheme in effect released the appeal site for development. Nevertheless the policy criteria provide a useful structure for considering whether the land should be released for the proposed development currently at issue, which is distinguished by the different means of access.

Regeneration/sustainability

83. The Council concluded that that the release of land was justified because of the need to significantly boost the supply of housing, including affordable housing, the need to deliver a supply of housing sites attractive to the market and the ongoing pressure on delivery in view of the planned demolition of existing units as part of the regeneration programme. It remains the Council's position in light of the adoption of the Core Strategy that the proposal would not undermine delivery of other currently allocated sites because of the location of the site within a wider masterplan area. Local residents had questioned this line of reasoning but without the necessary detailed evidence to substantiate their argument I do not question the Council's conclusion.
84. The location of the site provides reasonable accessibility by a choice of travel mode to a range of services, community facilities and employment opportunities in the locality and the wider surrounding area, including Middleton, Heywood, and Manchester.

Landscape/biodiversity

85. Referring to the LVIA, the site appears as managed grassland influenced by strong urban settlement to the south and east. Therefore there is a visual

association between urban and rural uses. An extended phase 1 habitats survey demonstrated that the site is of low ecological importance.

86. The residential development of this area of open countryside land would alter its character substantially, in effect extending the urban area. The degree of change would be most pronounced for those living near the site, the users of the adjacent footways and public rights of way. Balanced against this negative aspect, the susceptibility of the local landscape to change is generally low. There would be the opportunity through the design of the housing layout and the landscape scheme to incorporate and replicate landscape features that are evident in the local area, to increase biodiversity and to enhance greenspace. These measures also would assist in softening the visual impact in short distance views. Some mid and longer distance views of the development would be restricted due to the topography and screening elements and hence would show no change. In other places where the site is more visible, the new housing would be seen in the context of the settlement edge and no significant adverse change would result.
87. Overall, the evidence indicates that the development could be accommodated without an unacceptable impact on the area's landscape, biodiversity or wider green infrastructure value.

Physical suitability

88. Technical reports were submitted with the application with assessments on flood risk, drainage, traffic noise, air quality, archaeology, minerals and geotechnical and geo-environmental risks. These studies show that the land is physically suitable for the scale and type of development proposed. Planning conditions were proposed to control and ensure outstanding details would be resolved before commencement of development.

Supporting infrastructure

89. The Core Strategy attaches high priority to improving people's health and wellbeing (Policy C6), enhancing green infrastructure (Policy G6) and to improving education and skills (Policy C7). Residential development is expected to provide or contribute financially towards recreational open space, including maintenance, in accordance with the standards set out in a Supplementary Planning Document (the Open Space SPD)⁹.
90. The proposal is for family housing. The development would result in an increase in the local population in an area where there is pressure on some aspects of social infrastructure. In particular, primary and secondary schools in the locality are at capacity and additional school places would be needed within the township of Middleton. The Travel Assessment does not identify any play areas, parks or public open spaces within walking distance. The Council explained that most of the sports facilities within a 2 km distance are educational sports grounds with restricted general public access. Public pitches and facilities are located towards the distance threshold. Therefore new and improved social infrastructure is required to provide new residents with opportunities for healthy lifestyles and education.
91. Planning obligations have been offered in respect of:

⁹ Provision of Recreational Open Space in New Housing Supplementary Planning Document

- financial contributions in accordance with an accepted formula towards additional primary and secondary school places,
 - an employment and skills plan to promote training opportunities and other initiatives,
 - a financial contribution based on Sport England's sports facility calculator towards improving outdoor sports and playing pitches at Bowlee Playing Fields,
 - provision of on-site public open space, including a local equipped area for play (LEAP).
92. These planning obligations are in accordance with Core Strategy Policies DM2, C7 criterion (h), C8 criterion (h) and G6 criterion (d). They are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
93. The obligations are provided through a unilateral undertaking. The wording of the undertaking is such that the owners' compliance with the terms of the obligations is subject to the Council serving a Deed of Covenant. In this case the wording introduces a degree of uncertainty and lack of transparency. There is provision for a public open space management plan but at this stage there is no indication as to who is to undertake and be legally responsible for ongoing maintenance. The Open Space SPD indicates that such matters should be determined before the issue of planning permission. In addition the contribution to off site public open space would not be made before commencement of development, contrary to the Open Space SPD. No justification for this timescale or the staged payments of the education contributions has been provided. Overall I have reservations as to whether certain elements of supporting infrastructure are capable of being delivered through the unilateral undertaking.
94. Planning obligations are also offered to make financial contributions towards new or improved bus stops and cycle lane improvements on Hollin Lane. Such types of improvement to sustainable forms of travel would encourage less travel by car and hence deliver small environmental benefits. There is support for such measures in Policy T2(g) and Policy DM2 and in the consultation advice from Transport for Greater Manchester and Highways England. However, no explanation has been provided to justify the sums stated in the deed and there is no detail of the location / type of works proposed. Therefore I am unable to conclude if the contributions are fairly and reasonably related in scale and kind to the development.
95. I have concluded that the proposed access to the housing site is not acceptable. Therefore criterion 3(f) of Policy G5, regarding infrastructure, is not met for this reason alone. In addition, in relation to criterion 3(g), it has not been shown that the proposal fits into a comprehensive scheme for the delivery of the transport infrastructure to serve the development in conjunction with the development of nearby land.

Conclusion on Protected Open Land

96. All the criteria in Policy G5 (3) have not been satisfied. The protected open land should not be released to enable the housing scheme, with the access now being proposed, to be developed.

Affordable housing

97. The development is for more than 15 dwellings and therefore Core Strategy Policy C4 on affordable housing applies. The appellant has indicated delivery of 15% affordable housing in accordance with development plan policy. However, reliance is placed on a planning obligation in the unilateral undertaking to address this issue. The delivery of affordable housing through the scheme, whether on or off site, is subject to a viability report.
98. The economic viability of the development is recognised by Policy C4 as a factor to be taken into account in negotiating the level of affordable housing and how it is to be provided. At this stage in the absence of any information on viability there is no certainty that any affordable housing would be secured as a result of the development. I would have expected this issue to be dealt with more thoroughly and transparently at the outline stage when the principles of the development should be established. Therefore in this instance the delivery of affordable housing has little weight in the planning balance.

Other matters

99. An Agricultural Land Classification report concluded that the land is grade 3B agricultural land of moderate quality. Policy in the Framework is directed at conserving land of higher quality, categorised as the best and most versatile agricultural land. Accordingly there is no policy reason to resist the loss of this area of farmland.
100. The site lies within a Mineral Safeguarding Area for coal and for brick clay. The need for the residential development outweighs the need to extract the minerals. Accordingly the proposal complies with Policy 8 of the Mineral Plan.
101. The appellant did not argue that the extant 2016 planning permission for housing development of the site is incapable of implementation. It follows that the scheme has a reasonable possibility of being carried out and that new homes could be delivered through that option. There would be the potential for a slightly greater contribution to the Borough's housing supply and there is no firm evidence that the number of affordable homes could be less. The local planning authority concluded that the access off Langley Lane was acceptable. Therefore this fallback scenario does not provide significant weight in favour of the current proposal.

Conclusions

102. The proposed access has not been demonstrated to be acceptable on highway safety grounds and by reason of its location and design it would contribute little to the creation of a sense of place on Hollin Lane. The environmental and social harm weighs strongly against the proposal. Balancing all relevant factors, including the economic considerations identified by the appellant, I conclude the proposal is not a sustainable form of development.
103. In the Core Strategy requirements of Policies SD1, T2, P3, G5, DM1 and C4 are not met. The proposal fails to comply with the development plan as a

whole. Material considerations, including the Framework and MfS, do not indicate a decision other than in accordance with the development plan.

104. For the reasons given above the appeal should be dismissed.

Diane Lewis

Inspector

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr John Hunter of Counsel	Instructed by Mr J Holmes, Planning Solicitor for the Council
He called	
Mr Richard Crossley CEng MICE FCIHT	Senior Technical Director, Mouchel

FOR THE APPELLANT:

Mr Vincent Fraser QC	Instructed by Mr S Harris
He called	
Mr Amjid Khan MSc BSc CEng MICE MCIHT	Director of Transport WYG Group
Mr Stephen Harris BSc(Hons) MRTPI	Director of Emery Planning

INTERESTED PERSONS:

Mr Roger Colson	Local resident
Mr Stuart Meade	Local resident
Mr Kevin Shackell	Spokesperson for People against Taylor Wimpey and Wainhomes

DOCUMENTS & PLANS submitted at the inquiry

- 1 Opening on behalf of the local planning authority
- 2 Proposed site access and highway improvements plan A089001-P016A
- 3 Potential site access level assessment and vertical alignment plan A089001 P005 A
- 4 Application plans for Taylor Wimpey sites
- 5 Desire lines plan
- 6 Closing submissions on behalf of the Appellant
- 7 Closing submissions on behalf of the Appellant