

Former B&Q Site, Great Stone Road, Stretford, M32 0YP

Appeal by Accrue (Forum) 1 LLP

LPA ref: 100400/OUT/20

Statement of Case on behalf of the Appellant

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Stretford, M32 0YP**

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Appellant**

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Contents	Page
1. Introduction	1
Context	1
Background to application	1
Justification for an Inquiry	3
2. Background	6
Site and surrounding area	6
Planning history	6
Previous application	6
The proposal	6
Other matters	7
3. Planning Policy	8
The Development Plan	8
Other material considerations	10
Emerging policy position	11
Other material considerations	12
4. The application and appeal	14
Validation dispute	14
5. Anticipated Outstanding Matters	15
Overview	15
Design, scale, massing	15
Heritage	15
Landscape and visual	16
Daylight / sunlight	16
Landscaping	16
Highways	16
Sport England objection	17
Viability and planning obligations	18
Other matters	19
6. Conditions and Section 106 Obligations	20
Planning Conditions	20
Section 106 Obligations	20
7. The Planning Balance and Conclusions	21
The Planning Balance	21
Conclusions	22

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Appendices

Appendix 1

LCCC objection to refused application ref: 94974/OUT/18

Appendix 2

Sport England Objection

Appendix 3

Rescinded draft Land Allocations DPD

1. Introduction

Context

- 1.1. This Statement of Case (SoC) is submitted on behalf of Accrue (Forum) 1 LLP ('the Appellant') and relates to an appeal against Trafford Metropolitan Borough Council ('the Council' or 'TMBC') and their non-determination of an outline planning application pertaining to Former B&Q Site, Great Stone Road, Trafford ('the Application Site'), for:

“The demolition of existing retail unit and associated structures; erection of buildings for a mix of use including: 333 apartments (use class C3) and communal spaces ancillary to the residential use; flexible space for use classes A1, A3, D1 and/or D2; undercroft car parking; new public realm; and associated engineering works and infrastructure”.

- 1.2. The appeal site comprises a large retail unit with surface level car parking formerly occupied by B&Q. It abuts Old Trafford Cricket Ground and is situated on a quadrant of commercial and large scale uses encircled by Great Stone Road, Talbot Road, Brian Statham Way and the Metrolink.
- 1.3. A full description of the appeal site and surroundings is set out in the Draft Statement of Common Ground (SoCG) for agreement with the Council.

Background to application

- 1.4. This application followed the refusal of a similar (but larger) application by TMBC on 29 March 2019 (LPA ref: 94974/OUT/18) submitted by the same applicant on 28 June 2018.

“Outline application sought for the demolition of existing retail unit and associated structures; erection of a building ranging in height from 5 to 13 storeys for a mix of uses including: 433 apartments (use class C3) and communal spaces ancillary to the residential use; flexible spaces for use classes A1, A3, B1, D1, and/or D2; undercroft car parking; new public realm; and associated engineering works and infrastructure. Consent is sought for access, appearance, layout and scale with all other matters reserved.”

- 1.5. The applicant took the decision not to appeal against refusal of the application in favour of working with the LPA to bring forward a revised scheme which sought to address the previous reasons for refusal. The Appellant engaged extensively at pre-application stage with the LPA to discuss options for the scheme prior to submission of the appealed scheme, however no agreement was reached on what was a suitable scale of development on the site.
- 1.6. An outline application for the appeal scheme was submitted to TMBC on 19 March 2020.
- 1.7. By way of correspondence dated 3 April 2020, the Council informed the applicant that it would not validate the application until further information was provided. In particular, the Council indicated that the application would not be progressed unless and until a “...*Viability Appraisal which complies with the requirements of Appendix 1 SPD 1*” was submitted.
- 1.8. That information (save for a Financial Viability Assessment) was provided on 14 April 2020, with the application fee being paid on 16 April 2020. However, the applicant disagreed that a Financial Viability Assessment was required to constitute a valid planning application. Following exchanges of communication, including the Appellant providing the Council with Leading Counsel’s Opinion, the LPA acquiesced to the validation of the application without submission of a Financial Viability Assessment, backdating the validation to the date the application fee was paid (ie 16 April 2020).
- 1.9. This resulted in a 13-week target-date for determination of the application of 16 July 2020.
- 1.10. Due to the LPA’s failure to validate the application in a timely manner, the application has inevitably not been determined in accordance with the statutory target date.
- 1.11. With previous correspondence with the LPA indicating (without prejudice) that they would not support this planning application, the clear delay to the determination of the application that has arisen from the LPA’s failure to validate it expediently, and recent correspondence indicating that the LPA will not be approving the submitted application, the Appellant has decided to appeal non-determination.
- 1.12. The Appellant has delayed appealing some way beyond the 13-week date to allow consultees and interested parties to comment on the application; we understood from the LPA that the last of the consultation periods expired on 31 July 2020. The applicant has continued to address and respond to comments received from the LPA between 31 July and the submission of this appeal.
- 1.13. It should be noted that the LPA requested agreement to an extension of time until September 2020, but this has not been agreed to.
- 1.14. Following submission of the application and in response to feedback received a series of amendments were made to the proposal.

- 1.15. A copy of all documentation submitted to TMBC in support of the application (at the time this was made) and subsequently, prior to the submission of this appeal, has been submitted in support of this appeal.
- 1.16. As this appeal is against the non-determination of the application, the position that the Council will adopt in respect of the acceptability of the development proposal is unknown at this stage. Accordingly, the Council could either support the proposals or provide putative reasons for refusal. In the case of the latter (which is presently anticipated), the Appellant reserves the right to adduce additional material necessary to address issues raised in any such reasons for refusal.

Justification for an Inquiry

- 1.17. The Appellant considers that a public inquiry would be the most appropriate forum in which to consider the appeal proposal. The justification for this request is set out below in accordance with Annex K of the 'Procedural Guide' of the Planning Inspectorate (19 March 2019).
- a) This is a major application that has attracted considerable local interest; a previous application for a larger development on the site attracted significant public attention, including the neighbouring landowner (Lancashire County Cricket Club) paying for an advert in the local newspaper objecting to the application and speaking against the application at committee; that original application was not appealed, but this new application will also be of similar public interest; LCCC has previously instructed consultants to prepare their objections to the scheme (**Appendix 1**) and it is anticipated that LCCC may seek Rule 6 status;
 - b) LCCC has communicated with Sport England with the result being an objection to the proposal from Sport England, ostensibly as a statutory consultee; There also remains an outstanding objection from Sport England (**Appendix 2**) on the basis that the proposed development will prejudice the use of the Lancashire County Cricket Club (LCCC) training facility to the north east of the site by virtue of overshadowing and risks to pedestrian safety and access to the ground on match days;
 - c) Sport England refer to case law in their objection, meaning that detailed legal submissions will be necessary, as well as testing through formal questioning by an Advocate in support of their respective positions;
 - d) This application raises complex issues of a technical nature, including but not limited to, impacts on the significance of heritage assets, viability considerations, daylight and sunlight calculations as well as more orthodox matters associated with design and associated impacts on townscape and residential amenity. These will all need the cross-examination of witness evidence by an advocate;

- e) The LPA is preparing a new development plan for the area, including both a Local Plan and an Area Action Plan. The draft Area Action Plan proposes an alternative use for this site (a leisure centre and car park); this escalates the importance of examining evidence presented by witnesses about the proposal;
- f) There is a fundamental disagreement over the scale of development that might be appropriate on this site; witnesses will likely need to give evidence on design, scale and visual impact matters, particularly in light of development plan policy, material considerations including NPPF, Planning Practice and National Design Guide, and the housing situation noted in point b above;
- g) There have been disputes in the past about the viability of the proposed development, the policy position for determining affordable housing requirements, and the overall level of planning obligations; as noted above there is likely a need for technical evidence to be given and tested under examination regarding viability and planning obligations;
- h) The LPA has previously commissioned consultants to review the applicant's previous application on the site, referred to their consultants' findings in their report committee, but refused to share that information, despite FOI requests; if this information is to be relied on then it will need to be disclosed and potentially the subject of cross-examination;
- i) The previous application was refused for nine reasons, including matters relating to heritage, highways and planning obligations. These matters are likely to be relevant in this appeal.

Complexity of issues

1.18. The Appellant anticipates disputing putative reasons for refusal in relation to:

- Design including scale, height, massing;
- Heritage;
- Townscape;
- Visual effects;
- Residential amenity through daylight and sunlight effects;
- Landscaping;
- Planning obligations; and

- Viability.

1.19. The majority of these matters are complex and inter-related and will need to be dealt with through detailed examination of evidence provided by both parties. As such, it is the view of the Appellant that these matters will require cross examination for each party, the Inspector and SoS to fully understand the basis of the Council's objections and how respective witnesses have reached different conclusions.

Likely length of Inquiry

1.20. It is considered that having regard to the above, to address all matters seven to eight sitting days will be required. This far exceeds the time normally set aside for a hearing; a public inquiry would be the most appropriate procedure for determination of the appeal.

2. Background

- 2.1. The Appellant will provide a detailed account of the principal factual matters relevant to the appeal site and proposal, which will include those matters set out below:

Site and surrounding area

- 2.2. The Appellant will provide a full physical description of the appeal site and its surrounding environment. Where possible, much of the factual description of the site and surrounding environment will be agreed in the SoCG.

Planning history

- 2.3. Information relating to the planning history of the appeal site will be provided. The factual aspects of this will be agreed in the SoCG.

Previous application

- 2.4. The background and context to the previously refused planning application including discussions with the Council, statutory and non-statutory consultees and key stakeholders during the course of determination will also be provided.
- 2.5. The Appellant took the decision not to appeal against refusal of the application in favour of working with the LPA to bring forward a revised scheme which sought to address the previous reasons for refusal.
- 2.6. The nine reasons for refusal will be set out and detailed explanation will be provided outlining how the Appellant has taken account of and sought to address the reasons for refusal in the preparation of the appeal scheme.
- 2.7. The Appellant engaged extensively at pre-application stage with the LPA and an independent design panel to discuss options for the scheme prior to submission of the appeal scheme. Details of these discussions will be provided to demonstrate that the Appellant's proposal is compliant with policy and that the LPA's stated preference for how the site is to be redeveloped is not justified by policy.

The proposal

- 2.8. A full explanation of the proposal will be provided. This will include details of how the scheme has evolved over time, information submitted throughout the application process and the overall benefits that the development will give rise to.

- 2.9. Information will also be provided to explain how the proposal sought to address the reasons for refusal of the previous application.
- 2.10. The Appellant will demonstrate that the development proposals accord with an up-to-date development plan and there are no material considerations which indicate that planning permission should not be forthcoming.
- 2.11. It will be demonstrated that the scale, massing and height of the development is appropriate for the site and will not result in an unacceptable impact on the amenity of existing and future residents.
- 2.12. It will be demonstrated that the tilted balance of Paragraph 11 of NPPF is engaged because the council cannot demonstrate a 5-year supply of housing. The presumption in favour of sustainable development set out in the NPPF is engaged on this basis.
- 2.13. Evidence will be provided to demonstrate that the proposal represents a sustainable form of development, in accordance with the three dimensions as set out in Paragraph 8 of the National Planning Policy Framework (NPPF) (2019); economic, social and environmental.
- 2.14. Evidence will identify where relevant policies are out-of-date and the weight that can be afforded to these in determining the appeal (further information in this regard is contained in **Section 3** of this Statement).

Other matters

- 2.15. The Appellant will refer to the documentation submitted as part of the application and the subsequent chronology of correspondence, supplementary submissions and discussions held between the Appellant and the Council up to the date of submission of the appeal.

3. Planning Policy

- 3.1. The Appellant will refer, in evidence, to national and local planning policy and guidance and any other relevant documentation.
- 3.2. In particular, the Appellant will review and assess the proposal in the context of the Development Plan and other material considerations, as set out below. It is anticipated that the policy framework will be agreed in the SoCG, albeit there may not be agreement over the weight to be attributed to different policies and how they are to be interpreted.

The Development Plan

- 3.3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that determination must be made in accordance with the development plan unless material considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.
- 3.4. At the time of writing, the adopted Development Plan for the purposes of the determination of the appeal proposal comprises:
 - Saved policies of the Unitary Development Plan (UDP) (2006); and
 - Trafford Local Plan Core Strategy (LPCS) (2012).

Unitary Development Plan (2006)

- 3.5. The UDP is gradually being replaced by the Trafford Local Plan. The LPCS details those policies within the UDP which have since been superseded.
- 3.6. The UDP Proposals Map does not allocate the appeal site for any specific use or development.

Trafford Local Plan Core Strategy (2012)

- 3.7. 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.
- 3.8. The LPCS contains a number of strategic policies focusing on delivering sustainable economic and housing growth.
- 3.9. A list of the planning policies relevant to the appeal proposal is enclosed in the submitted

SoCG for agreement with the Council.

Weight to be attributed to the Development Plan

- 3.10. The weight to be attributed to the policies of the Development Plan should be determined according to their consistency with the NPPF as outlined in paragraph 213; the greater the degree of consistency, the greater the weight that can be attached.
- 3.11. The Trafford LPCS was adopted in 2012 and therefore the policies contained within are now more than seven 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 (2012) and subsequently and significantly refreshed (2019).
- 3.12. 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 (based on the 2014 household projections). This figure far exceeds the requirement for 578 net homes per annum currently set out in the LPCS.
- 3.13. Additionally, TMBC forms part of the Greater Manchester Combined Authority (GMCA) which is made up of the 10 Greater Manchester local authorities. They are currently working together to prepare a Greater Manchester Spatial Framework (GMSF).
- 3.14. The latest draft GMSF (2019) requires delivery of 1,015 new homes per annum in Trafford between 2018 and 2037.
- 3.15. Whilst the GMSF is yet to reach an advanced stage, the evidence base supporting its preparation alongside the Government's LHN data, indicates that the housing requirement in TMBC is far greater than that which is currently set out in the LPCS. It clearly indicates the direction of travel that unmet housing need is substantial and increasing.
- 3.16. Additionally, the Council accepts that in meeting this requirement, it cannot demonstrate a five-year housing land supply. Its reported supply position is 2.5 years supply.
- 3.17. The tilted balance and presumption in favour of sustainable development (i.e. NPPF paragraph 11) are therefore engaged.

Principle of development

- 3.18. The UDP Proposals Map does not allocate the appeal site for any specific use or development.
- 3.19. The appeal site is brownfield and the former retail store is vacant. Reuse of previously

developed or brownfield land is supported in the NPPF (paragraph 117) and in local policy (LPCS Policy L1).

- 3.20. The site is located within the identified 'Inner Area' on the adopted policies map and falls within the wider area known as the Lancashire County Cricket Club (LCCC) Quarter Strategic Location under Policy SL3. Policy SL3 supports residential development of around 400 new properties in the LCCC Quarter. The figure of 400 new properties is not a maximum nor a minimum.
- 3.21. Policy SL3 refers to "*a new high-quality residential neighbourhood centred around an improved stadium at LCCC*".
- 3.22. The rescinded draft Land Allocations DPD (**Appendix 3**) supported new residential development on sites fronting onto Great Stone Road and Talbot Road, including where it formed part of a mixed-use scheme.
- 3.23. Given that the Council is not able to demonstrate a 5-year supply of housing, the tilted balance in paragraph 11 of NPPF is engaged.
- 3.24. Residential development is acceptable in principle. The LPA has agreed that the sequential test in respect of the ancillary commercial uses is also satisfied.

Other material considerations

The National Planning Policy Framework (NPPF) (2019)

- 3.25. The Appellant will demonstrate that, having regard to the proper application of the Framework, the extent to which the appeal proposal addresses the requirements of the Framework in respect of the following:

Sustainable Development

An economic role

- 3.26. Evidence will be presented to demonstrate the beneficial economic impacts of the appeal proposal. In particular, reference will be made to the likely temporary and permanent construction benefits to arise, as well as estimates of Gross Value Added (GVA), increased Council Tax and estimates of consumer spending in the local area.

A social role

- 3.27. Evidence will be presented to demonstrate that the proposal will deliver much needed housing in the local area, to help address the identified shortfall in Trafford.
- 3.28. It will also be demonstrated that the variance in size and mix of units will promote diversity

and variety in the types of future residents, including families, couples and single dwellers. The tenure mix will create a strong sense of community whilst also encouraging and promoting positive integration with other established communities in the area.

- 3.29. Furthermore, it will be demonstrated how the proposal will deliver the right type of housing to help diversify the local housing market (taking account of existing housing stock) and directly address evidence of local need and the demands and needs of contemporary and future populations.
- 3.30. Evidence will demonstrate how the Landscaped amenity areas, meeting areas, residential amenity areas and other on-site facilities will encourage residents to mix and socialise with each other in attractive and comfortable surrounds. The other flexible commercial floorspace also provides benefits to the wider community by providing a range of services and amenities for public use.
- 3.31. It will be evidenced that the creation of a new community will also promote additional footfall in the local area to support the vitality and viability of local businesses in the immediate area.
- 3.32. Additionally, it will be demonstrated that the development of this site will be accessible and sustainable, underpinned by its location in close proximity to services and facilities. The development also includes provisions for a potential future pedestrian link to the Metrolink station promoting accessibility and permeability to the benefit of the wider area.

An environmental role

- 3.33. The evidence will demonstrate that the development represents an efficient and appropriate use for the site as it will provide new housing on previously developed land, reducing the pressure on environmentally-sensitive sites within the borough and more widely.
- 3.34. It will be demonstrated that the appeal proposal has no unacceptable adverse effects on the environment. On the contrary, evidence will be presented to demonstrate how the proposal will lead to enhancements in the local environment, including and act as a catalyst for regeneration in this part of Trafford.

The presumption in favour of sustainable development

- 3.35. As set out earlier in this section, it will be demonstrated that the appeal proposal comprises sustainable development that benefits from the presumption in favour of sustainable development, pursuant to paragraph 11 of the Framework.

Emerging policy position

Trafford Local Plan

- 3.36. On 25 June 2018, the Council took the decision to no longer progress work on its Land Allocations Plan and instead the Council is progressing a new Local Plan to replace the LPCS and saved policies of the UDP.
- 3.37. The Council is currently in the early stages of preparing its new Local Plan and undertook an initial 'Call for Sites' consultation in Summer 2018.
- 3.38. The timescale for preparation of a new Local Plan is inextricably linked with progress of the draft GMSF as depending on the nature and form of the final adopted GMSF (as and when this stage is reached), this will influence the nature and form of the Local Plan for TMBC.

Greater Manchester Spatial Framework (2019)

- 3.39. The latest draft GMSF ('*Greater Manchester's Plan for Homes, Jobs and the Environment (the Spatial Framework)*') was published in January 2019. It promotes the provision of 201,000 net additional homes between the period 2018 to 2037. In terms of Trafford's allocation of housing, the draft GMSF requires provision of a minimum of 19,280 new homes to 2037 (an average of 1,015 dwellings per annum).
- 3.40. Paragraph 48 of the Framework advises Local Planning Authorities (LPA's) that they may give weight to relevant policies in emerging plans according to the stage of the plan's preparation (the more advanced, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the relevant policies in the emerging plan to the Framework.
- 3.41. The emerging GMSF remains at an early stage and has considerable unresolved objections. The relevant policies contained within can therefore only be afforded limited weight on this basis.

Other material considerations

Stretford Refreshed Masterplan

- 3.42. The Stretford Refreshed Masterplan was approved by TMBC in January 2018 and builds on the original Stretford Town Centre Masterplan which was approved in 2014. The Refreshed Masterplan provides the strategic framework for the delivery of the emerging investment and regeneration opportunities in the Town Centre and wider Stretford area, identifying areas for future development and the key actions required to deliver major regeneration.
- 3.43. The masterplan identifies the appeal site as falling within the UA92 Campus Quarter.,
- 3.44. The Stretford Refreshed Masterplan was subject to consultation before its adoption but does not hold the weight of either a Supplementary Planning Document or a development plan.

Civic Quarter Draft Area Action Plan (February 2020)

- 3.45. The Civic Quarter area was initially progressed by the TMBC as a draft masterplan document, and a public consultation event was held on August 2018. This draft masterplan identified the site for a multi-storey car park as part of a mixed-use development, with a leisure centre proposed on land to the north-west belonging to LCCC.
- 3.46. The document is now being developed as an Area Action Plan (AAP), with consultation having taken place between February and April 2020. According to Trafford Council's Civic Quarter AAP Consultation webpages, TMBC anticipate that the Publication draft (Regulation 19) will be published for consultation later this year, with adoption in summer 2021.
- 3.47. Once adopted, the AAP will be part of the statutory development plan for Trafford.
- 3.48. The emerging AAP remains at an early stage of development and the evidence will demonstrate that the policies contained within can only be afforded very limited weight on this basis.
- 3.49. The appeal site falls within the "southern neighbourhood" character area within the draft AAP. The draft AAP identifies the appeal site as an area suitable for a leisure centre and consolidated car parking.
- 3.50. The draft housing policy CQ2 proposes 4,000 new homes would be delivered within Civic Quarter area over the plan period.

Other documents

- 3.51. The Appellant may also refer to the following documents:
- Supplementary Planning Documents / Guidance;
 - Evidence Base Documents;
 - Planning Decisions / Appeals.
- 3.52. These will be notified to the Council and provided as Core Documents.

4. The application and appeal

Validation dispute

- 4.1. An outline application for the appeal scheme was submitted to TMBC on 19 March 2020.
- 4.2. By way of correspondence dated 3 April 2020, the Council informed the applicant that it would not validate the application until further information was provided. In particular, the Council indicated that the application would not be progressed unless and until a “...*Viability Appraisal which complies with the requirements of Appendix 1 SPD 1*” was submitted.
- 4.3. That information (save for a Financial Viability Assessment) was provided on 14 April 2020, with the application fee being paid on 16 April 2020. However, the applicant disagreed that a Financial Viability Assessment was required to constitute a valid planning application. Following exchanges of communication, including provision by the Appellant of Leading Counsel’s Opinion, the Council acquiesced to the validation of the application on 25 June 2020, backdating the validation to the date the application fee was paid (ie 16 April 2020).
- 4.4. This resulted in a 13-week target-date for determination of the application of 16 July 2020.
- 4.5. The Appellant has delayed appealing on the 13-week date to allow consultees and interested parties to comment on the application; we understood from the LPA that the last of the consultation periods expired on 31 July 2020. The Appellant has continued to address and respond to comments received from the LPA between 31 July and the submission of this appeal.

Consultation responses and our action/response

- 4.6. Following submission of the application and in response to feedback received a series of amendments were made to the proposal and further information provided, as set out in the draft SoCG.
- 4.7. A copy of all documentation submitted to TMBC in support of the application (at the time this was made) and subsequently, prior to the submission of this appeal, has been submitted in support of this appeal.

5. Anticipated Outstanding Matters

Overview

- 5.1. This Section sets out the Appellant's position in relation to matters which the Appellant anticipates may be relied upon by the Council in resisting the appeal. The Appellant reserves the right to adduce additional material necessary to address issues raised in any subsequent refusal of the application or Statement of Case.

Design, scale, massing

- 5.2. The Council's response dated 20 August 2020 acknowledges that the height, form, massing and bulk of the site has been reduced and broken up across the site in comparison to the previous scheme. However, the LPA apparently still has concerns that the height of the proposed development at 9 storeys is not appropriate within this location.
- 5.3. The LPA maintains that "*the maximum of development which would be considered acceptable on this site is six storeys and the scale of the development should be reduced accordingly*".
- 5.4. Evidence will be presented to demonstrate the revised scheme; having taken into account the feedback received from an independent Design Review Panel, is of an appropriate design, scale, layout and in keeping with the surrounding area. Furthermore, it will highlight that the height allows the density of the site to be maximised in a sustainable manner and facilitates the delivery of significant benefits.
- 5.5. Supporting evidence will demonstrate that visual and sunlight/daylight impacts and changes to views will not be significantly adverse to harm interests of acknowledged importance.

Heritage

- 5.6. The LPA's response dated 20 August 2020 sets out the latest comments from the Heritage Development Officer who raises concern that in the absence of a sufficient assessment of views within the LVIA from Longford Park and from within Old Trafford Cricket Ground towards the proposed development, it is not possible to quantify the level of harm.
- 5.7. Information has been submitted in response to this, including an LVIA viewpoint from the Longford Park Conservation Area and a series of modelled images of how the development will appear from within the cricket ground. Evidence will be submitted demonstrating that there is no adverse impact on heritage assets.

Landscape and visual

- 5.8. In response to the Heritage Development Officer's comments as outlined above, the LPA requested additional information to be provided within the LVIA in the form of portrait photography for a number of views within the LVIA. Additional viewpoints were requested from the northern area of Longford Park and Old Trafford Cricket Ground.
- 5.9. Evidence will be presented that the development will not result in any significant adverse visual impacts.

Daylight / sunlight

- 5.10. The LPA raise concerns over the potential for the development to detrimentally impact on the level of daylight serving a number of existing dwellings, particularly on Great Stone Road and of the units within the proposed development.
- 5.11. Evidence will demonstrate that the appeal proposal does not result in unacceptable impact to the level of daylight serving existing and future residents.

Landscaping

- 5.12. The LPA claim in correspondence dated 20 August 2020 that the proposed layout does not provide sufficient space for adequate boundary landscaping treatments. In particular, it is stated that the planting buffer adjacent to the LCCC building at the rear of the site, is not sufficient.
- 5.13. In addition, further information is requested on "*species, planting methods etc*" for planting along the boundaries of the site.
- 5.14. Landscaping is a reserved matter and further to the information contained within the Landscape Design Statement submitted as part of the original application, evidence will demonstrate that the scheme can accommodate a robust landscaping scheme and the requisite levels of landscaping within the site.

Highways

- 5.15. The Local Highways Authority (LHA) disputes the compliance of proposed car parking provision for residential and commercial uses with the adopted parking standards, including accessible car parking spaces, motorcycle parking, cycle parking for commercial uses.
- 5.16. It also raises concerns over the methodology and data used to calculate parking requirements.

- 5.17. Revised information has been submitted to the LHA (dated 10 August 2020) which seeks to address the concerns. The Appellant is continuing to engage with the LHA on this matter to resolve.
- 5.18. However, until such time that an agreed position is reached and the proposal is supported by the LHA, the Appellant will be preparing evidence to demonstrate that the development will not have an unacceptable impact on highway safety, and that the residual cumulative impacts on the road network as a result of parking will not be significant.

Sport England objection

- 5.19. Following receipt of additional information on shadow analysis, Sport England maintain their objection which has been informed by the ECB through consultation with LCCC. Sport England consider that the appeal proposal will impact on the adjacent LCCC training facility to the north east of the site.
- 5.20. In its correspondence to the LPA dated 17 August 2020 (**Appendix 2**), Sport England dispute the conclusions of the sun path and overshadowing analysis provided by the applicant. It considers the shadowing *“has two distinct prejudicial impacts:*
- a. *The current snap shot analysis shows that in September it will cause a contrast between the batters and bowlers making the ball difficult to see.*
 - b. *During periods of time when the facility is not played the shadowing will affect the maintenance of the fine turf. Fine turf cricket surfaces use grasses unsuited to shading. Without external support (for example from stadium grow lighting – expensive to purchase and run) the facility may suffer qualitative issues that also affect capacity and usage.”*
- 5.21. Additional sun path analysis will be presented to demonstrate that the appeal proposal will not result in unacceptable overshadowing to the training facility.
- 5.22. Sport England also raises that *“the access point next to the B&Q site was previously used for heavy goods vehicles and is currently a pedestrian access on match days. It is considered that a vehicular access at this point would create a significant risk to pedestrians on match days because of the volume of traffic entering and existing the development”.*
- 5.23. The evidence provided will explain how the proposed access does not materially differ to the main access point utilised by the former B&Q unit. It will also show that the former B&Q store would generate much higher traffic flows than the appeal scheme during the time periods of spectator movements associated with events at LCCC. In addition, it will demonstrate that the traffic flows and access arrangements will not give rise to unacceptable impacts to pedestrian safety on match days.

Waste storage and servicing

- 5.24. The LPA's correspondence dated 22 August 2020 states that the proposed waste storage is insufficient should the Council be required to make a refuse collection, and requested that the layout be amended to provide additional waste servicing provision.
- 5.25. The Appellant's evidence will demonstrate that acceptable refuse and servicing arrangements can be accommodated within the site and that the intention is for refuse collection to be arranged through a private contractor for both the residential and commercial uses.
- 5.26. Nonetheless the revised Basement Plan submitted to the LPA on 26 August 2020 shows an increased provision for the storage of bins at basement level.

Viability and planning obligations

- 5.27. The LPA has not yet provided any feedback on the submitted FVA, nor has their consultee responded.
- 5.28. The LPA has provided requests for planning obligations to the following:
- 5.29. Education – the Schools Capital Projects Team has requested a financial contribution of £1,233,623 towards primary and secondary education.
- 5.30. Healthcare – the consultation response received from the Trafford Clinical Commissioning Group (CCG) on 29 June 2020 requested that the applicant explore the incorporation of a purpose-built general practice surgery that could accommodate in excess of 12,000 patients; this is not agreed to, and the Appellant instead intends to provide a reasonable financial contribution. The sum of this financial contribution that would be required has not yet been disclosed by the CCG or LPA.
- 5.31. Indoor and outdoor sports – the Sport England consultation response requests a contribution of £380,260 relating to outdoor sports pitches and changing rooms, and £305,417 relating to indoor sports facilities including sports halls and swimming pools. Together this equates to £685,677.
- 5.32. Highways – the Local Highway's final response to the refused application 94974/OUT/18 recommended a contribution of £30,000 for the improvement of the Great Stone Road and Talbot Road Junction. A request for a highways contribution has not yet been requested in respect of this application.

- 5.33. Spatial Green Infrastructure – a total contribution of £252,836.87 is being sought by the LPA. This equates to a contribution of £91,783.12 towards Local Open Space and £161,053.75 towards provision for children/young people.
- 5.34. Evidence will be produced to demonstrate to the Inspector what contributions are needed to mitigate the impact of the development, having regard to the legal tests, planning policy and material considerations.
- 5.35. Evidence will be produced to demonstrate the viability of the scheme and to support a final position on planning obligations to be secured either bilaterally via S106 agreement in advance of the inquiry, or unilaterally in advance of the inquiry if the parties cannot agree.

Other matters

The weight attached to the scheme benefits

- 5.36. The LPA's response dated 20 August 2020 concludes that the appeal scheme in its current form *"cannot be supported by the LPA due to the layout, scale and massing of the proposed development and the impact of the proposal on the amenity of existing a future residents"*.
- 5.37. As outlined within the relevant sections in statement, evidence will be provided to demonstrate that there are no technical or other material considerations which would preclude the grant of planning permission. It will also demonstrate that the appeal scheme complies with the Development Plan as a whole.
- 5.38. Evidence will demonstrate how the overriding need to deliver new housing against the context of a significant under supply of homes in the borough; and diversify existing housing stock (i.e. in quantitative and qualitative terms), outweighs any adverse impacts arising from the development.
- 5.39. In the event that the Council provides reasons for refusal that sit outside the scope of matters dressed above, the Appellant reserves the right to submit additional evidence.

6. Conditions and Section 106 Obligations

Planning Conditions

- 6.1. The Appellant will seek to reach agreement on planning conditions with the Council in advance of the Inquiry. An update will be provided accordingly.

Section 106 Obligations

- 6.2. A planning obligation is currently being prepared and will be duly executed prior to the commencement of the Inquiry. This addresses the following heads of terms:
- Community Infrastructure Levy (CIL);
 - Affordable housing;
 - Education;
 - Healthcare;
 - Sports facilities;
 - Spatial Green Infrastructure;
 - Off-site highways/junction upgrades.
- 6.3. More detailed information regarding the proposed heads of terms is contained within the Draft SoCG submitted in support of the appeal and for agreement with the Council.
- 6.4. The Appellant reserves the right to add or amend the details above as the Council's approach to the appeal becomes clearer through discussions on the Draft SoCG.
- 6.5. The executed planning obligation will be accompanied by a note setting out the compliance of the proposed obligations with the Community Infrastructure Levy (CIL) Regulations (2012), in particular, Regulation 122 and 123.

7. The Planning Balance and Conclusions

The Planning Balance

- 7.1. Taken as whole, the appeal proposal accords with the adopted Development Plan. The tilted balance of Paragraph 11 of NPPF is engaged because important policies for the supply of housing are out of date and the council cannot demonstrate a 5-year supply. The presumption in favour of sustainable development set out in the NPPF therefore applies.
- 7.2. The appeal proposal will also result in a multitude of benefits that will be demonstrated in full in evidence which, in the interests of completeness, can be weighed against potential harm arising from the proposals. These include, *inter alia*:
- Helping to meet housing needs, by providing 333 homes of an appropriate size, at a high density, in tenures suitable to meet identified needs and increasing demands;
 - Providing new housing to help the ongoing efforts to revitalise Stretford town centre, with that housing being located one stop from the town centre on the Metrolink, and by providing a population body who will contribute to the economy of the town through additional expenditure
 - Delivering new homes suitable for people wishing to work locally, as well as generating employment growth;
 - Physically regenerating a vacant and under-utilised brownfield site and bringing environmental benefits through the greening of the site. It will also deliver landscaping to 'green' the streetscene, whilst providing financial contributions towards open space via S106
 - Delivering 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;
 - The proposal represents sustainable development in its truest form in that it will comprise the redevelopment of a vacant, underutilised brownfield site;

- Introducing pedestrian and cycle routes through the site to a future Metrolink stop, increasing permeability and connectivity;
- Delivery of a landmark building to act as a beacon for the ongoing regeneration of Old Trafford; and
- The proposal will work with other proposed developments such as UA92 to provide gravity of development and population to stimulate the mixed-use area to achieve wider ambitions of creating an area where people live, work and spend leisure time.

Conclusions

- 7.3. In accordance with NPPF Paragraph 11, the appeal proposal accords with an up-to-date development plan and the presumption in favour of sustainable development is engaged.
- 7.4. There are no specific policies of the Framework which would either preclude or restrict the development and in these circumstances, the Framework directs that planning permission should be granted.

