

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

Appeal by Accrue (Forum) 1 LLP

PINS ref: APP/Q4245/W/20/3258552

LPA ref: 100400/OUT/20

Statement of Case on behalf of the Appellant

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**Full Statement of Case on behalf of
the Appellant**

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November 2020



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Exhibits

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Exhibit 2: Vectos
Exhibit 3: O'Connell East
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(24 September 2020)

1. Prologue

- 1.1. WSP has produced this Statement of Case following PINS' confirmation that appeal APP/Q4245/W/20/3258552 will proceed as a hearing rather than a public inquiry.
- 1.2. The appellant respects PINS' decision in this matter, however should circumstances change so that PINS determine a public inquiry may be warranted, then the appellant would be pleased to discuss further with the parties concerned.
- 1.3. As this is an updated version of the original Statement of Case (ref: Rep-HP-28.08.20-SoC), we explain the changes below:
- 1.4. This version of the Statement of Case expands on the case for the appellant. Since the original Statement of Case was prepared prior to the application going to planning committee, the putative reasons for refusal are now confirmed and so there is now clarity on the matters which are in dispute.
- 1.5. The following sections of the original statement of case have been updated as follows. Section 1 (Introduction), 2 (Background) and 3 (Planning policy) have been updated to provide further detail on the discussion and correspondence which has taken place between the LPA and appellant since the application was submitted. The putative reasons for refusal are provided in the 'updated Introduction' (which comprises Section 3 of this document).
- 1.6. The previous Section 4 (The application and appeal) has been updated and included within the new Section 3 of this document.
- 1.7. The previous Section 5 (Anticipated Outstanding Matters) has been replaced with the following sections which consider:
 - Section 6 (Weight to be attributed to the development plan and the paragraph 11 presumption in favour)
 - Section 7 (Principle of development)
 - Section 8 (The urgent need for the development)
- 1.8. New Sections 9 to 15 consider each of the putative reasons for refusal.

- 1.9. The previous Section 6 (Conditions and Section 106 obligations) has been updated and included in Section 16 of this updated document.
- 1.10. The previous Section 7 (Planning balance) has been updated and is found at Section 18 of this updated Statement of Case. The scheme benefits previously considered within Section 7 (Planning balance) are now found in Section 17 (Scheme benefits).
- 1.11. The SoC is also supported by a series of Exhibits prepared by other consultants, in direct response to issues raised by the LPA, namely:
- **Exhibit 1: SRTI Group (impact of the proposed development upon the turf training pitches);**
 - **Exhibit 2: Vectos (impact of the proposed development upon the visitor experience)**
 - **Exhibit 3: O'Connell East (architecture and design);**
 - **Exhibit 4: TPM (townscape and visual impacts);**
 - **Exhibit 5: Alfredson York (education contributions);**
 - **Exhibit 6: Cushman & Wakefield (viability);**
 - **Exhibit 7: AA Projects (daylight and sunlight impacts); and**
 - **Exhibit 8: WSP (heritage impacts).**

2. Executive Summary

- 2.1. The proposed development will deliver 333 much needed dwellings on a brownfield site within a highly accessible part of the built-up part of Trafford. The scheme makes an efficient use of land in a highly sustainable location whilst protecting the living conditions of existing and future occupiers.
- 2.2. The Local Planning Authority (Trafford Metropolitan Borough Council – TMBC) has consistently failed to meet annual housing requirements acknowledging that it can only currently demonstrate a 2.5-year supply of housing against the adopted Core Strategy target. This position will only be further exacerbated when compared against emerging requirements in the draft GMSF and in the standard method.
- 2.3. Against this background, delivery of 333 homes (of which 34 would be affordable) should be attributed very considerable weight in the determination of this appeal. Further, 10% of these houses will be affordable units; these also should be attributed very considerable weight. In circumstances where TMBC is manifestly unable to deliver housing for its residents, the fact that the appeal proposals would deliver such a substantial quantum of housing in an accessible location on a brownfield site is of the very greatest importance in planning terms.
- 2.4. Such circumstances dictate that even in an ‘Orthodox planning balance’, the appeal proposals should clearly be approved. However, given the inability of TMBC to demonstrate a 5-year housing land supply the ‘Tilted planning balance’ for which Paragraph 11(d) NPPF provides is engaged in this case. As such it would only be appropriate to refuse permission for the appeal proposals in circumstances where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. That is evidently not the case.
- 2.5. The only reason to depart from the Tilted balance would be in the event that one of the policies listed in NPPF Footnote 6 was engaged. The only such policy relevant to this appeal is that relating to heritage assets however, as demonstrated within this Statement of Case, the proposed development does not result in harm to identified designated (and indeed non-designated) heritage assets. Indeed, the only allegation of harm (minor harm to the setting of the Conservation Area) is so manifestly ill-founded, it appears to have been included simply with a view to engaging Footnote 6. Further, even in the event the Inspector was persuaded as to

the existence of some degree of harm, that harm would only amount to 'less than substantial' and would lie at the very bottom of that scale.

- 2.6. Any minor adverse impacts of the proposal are substantially outweighed by the myriad scheme benefits; in particular the housing and affordable housing that will be delivered. Such adverse impacts, to the extent they exist certainly do not significantly and demonstrably outweigh the benefits that would be delivered (for the purposes of Paragraph 11 NPPF). This Statement of Case also outlines how the proposal accords with the development plan when taken as a whole, therefore, the decision-taker should determine the application by applying the tilted balance and presumption in favour of sustainable development (and s.38(6)).

3. Introduction

Context

- 3.1. 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 LPA' or 'TMBC') and their non-determination of an outline planning application pertaining to the Former B&Q Site, Great Stone Road, Trafford ('the appeal 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”.

- 3.2. The appeal site comprises a large retail unit with surface level car parking formerly occupied by B&Q. It abuts the 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.
- 3.3. 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

- 3.4. 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.”

- 3.5. The applicant took the decision not to appeal against refusal of the previous 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.
- 3.6. An outline application for the appeal scheme was submitted to TMBC on 19 March 2020.
- 3.7. By way of correspondence dated 3 April 2020, the LPA 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. This letter is provided in **Appendix 3.1**.
- 3.8. 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 LPA 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). A chain of correspondence relating to this is provided at **Appendix 3.2**, with Leading Counsel’s Opinion provided in **Appendix 3.3**.
- 3.9. This resulted in a 13-week target-date for determination of the application of 16 July 2020.
- 3.10. 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.
- 3.11. Given that correspondence with the LPA indicated (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, the appellant decided to appeal against non-determination.

- 3.12. The appellant delayed appealing some way beyond the 13-week date to allow consultees and interested parties to comment on the application; it was 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 in the period between 31 July and 15 October, on which date the application was presented to TMBC Planning Committee.
- 3.13. Following submission of the application and in response to feedback received a series of amendments were made to the proposal.
- 3.14. 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.

Update since submission of the appeal

- 3.15. Since the appeal was submitted, the appellant has continued to liaise with the LPA to assist with queries raised. The correspondence and submissions since the appeal was submitted is presented in Appendices as set out in separate matters below:

Use Class Order

- **Appendix 3.4** – email from TMBC to WSP dated 10 September 2020 – requesting that the description of development is updated to reflect the new Use Classes Order 2020.
- **Appendix 3.5** – email from WSP to TMBC dated 29 September 2020 – responded setting out reasons why it was considered that the old use classes should be used (Regulation 3, Paragraph 4 of the Regulations 2020).
- **Appendix 3.6** – email from TMBC to WSP dated 29 September 2020 – confirmed the relevant legislation would be reviewed. The old use classes remained in the description of development at committee.

Architectural details and materials

- **Appendix 3.4** - email from TMBC to WSP dated 10 September 2020 – confirmed there were no further queries on the materials and detailing information provided on 28 August 2020. Courtyard elevations were requested.

- **Appendix 3.5** – email from WSP to TMBC dated 29 September 2020 – provided courtyard sections AA (1664_PL_221), BB (1664_PL_222), CC (1664_PL_223).
- **Appendix 3.7** - email from TMBC to WSP dated 29 September 2020 – clarifying the requirements for courtyard elevations rather than sections.
- **Appendix 3.8** – email from WSP to TMBC dated 5 October 2020 – providing elevational sheet.
- **Appendix 3.9** – Courtyard Elevation Sheet 2, PL_205 prepared by OEA, as provided on 5 October 2020.

Accessibility

- **Appendix 3.10** – email from TMBC to OEA dated 17 September 2020 – requested additional information relating to the accessibility of the site.
- **Appendix 3.5** – email from WSP to TMBC dated 29 September 2020 – provided a copy of the accessibility report.
- **Appendix 3.11** – Accessibility report prepared by OEA, which describes the access arrangements and levels across the site, including the location of the courtyard and platform lifts was provided on 29 September 2020.
- **Appendix 3.12** – email chain between TMBC and OEA from 30 September to 1 October 2020 – requesting and providing further clarifications regarding wheelchair access routes. A Revised level 0 plan was provided.
- **Appendix 3.13** – email from WSP to TMBC dated 5 October 2020 – providing revised level 0 plan (ref: PL_102 Rev D).

Waste collection

- **Appendix 3.4** – email from TMBC to WSP dated 10 September 2020 – confirmed that there were no further queries regarding the level of waste provision on site.

Heritage

- **Appendix 3.4** – email from TMBC to WSP dated 10 September 2020 – provided a copy the further heritage comments received.

- **Appendix 3.14** – Heritage Comments from Elizabeth Lewis, Heritage Officer, which requested further justification for identified harm.

Trees

- **Appendix 3.6** – email from TMBC to WSP dated 29 September 2020 – requested further details regarding tree planting and root protection areas (RPAs) of trees within TfGM land.
- **Appendix 3.15** – A Tree removal and protection plan (D6370.01.002B) prepared by TEP was submitted with individual RPAs plotted and an accompanying text.
- **Appendix 3.16** – TfGM (Metro) consultation comments dated 30 September 2020.
- **Appendix 3.17** – email from TMBC to WSP dated 30 September 2020 – confirmed that TfGM was of the view that this could be dealt with by a suitably worded condition.
- **Appendix 3.18** - email from WSP to TMBC dated 1 October 2020 agreed that a suitably worded condition would be appropriate and provided further clarification on the impact of RPAs of metrolink trees.

Transport

- **Appendix 3.4** – email from TMBC to WSP dated 10 September 2020 – provided LHA comments.
- **Appendix 3.19** – LHA response to consultation dated 2 September 2020, which requested further information in relation to car parking arrangements, trip generation information and the FTP.
- **Appendix 3.20** – Transport Assessment Addendum Note 2 prepared by Vectos was submitted on 29 September 2020, which provided further clarification with regards to the parking layout, permit system, TRICS exclusions and trip distribution.

Transport (Parking)

- **Appendix 3.20** – email from WSP to TMBC dated 29 September 2020 – requested further clarification on the 1km parking survey proposed.
- **Appendix 3.21** – email from TMBC to WSP dated 29 September 2020 – providing further clarification on the 1km parking survey proposed.

- **Appendix 3.22** – email from TMBC to WSP dated 5 October 2020 – regarding LHA comments.
- **Appendix 3.23** - LHA response to consultation dated 2 October 2020.
- **Appendix 3.24** - email from WSP to TMBC dated 5 October 2020 – which agrees the car parking strategy and seeks an appropriately worded condition.

Transport (Talbot Road / Great Stone Road Junction modelling)

- **Appendix 3.6** - email from TMBC to WSP dated 29 September 2020 requesting a response to latest LHA comments (28 September).
- **Appendix 3.17** - email from TMBC to WSP dated 30 September 2020 – which attaches TfGM Urban Traffic Control feedback.
- **Appendix 3.25** – TfGM response to consultation dated 30 September 2020 - requested that the base model was amended.
- **Appendix 3.26** - email from WSP to TMBC dated 5 October 2020 – provided the data (appendix 2.25) and accompanying explanatory text.
- **Appendix 3.27** – Full Input Data and Results' prepared by Vectos was submitted on 5 October 2020.
- **Appendix 3.28** - email from TMBC to WSP dated 7 October 2020 - TfGM requested that an explanation of the amendments was provided along with the actual model.
- **Appendix 3.29** – email from WSP to TMBC dated 13 October 2020 – submitting the Traffic Modelling response prepared by Vectos.
- **Appendix 3.30** - email from TMBC to WSP dated 14 October 2020 - it was confirmed that TfGM had reviewed the modelling information and advised that the development flows will not have a large negative effect on the operation of the junction.

Sport England

- **Appendix 3.4** - email from TMBC to WSP dated 10 September 2020 - stated that whilst a formal update could not yet be provided, details of the risk mitigation strategy between LCC and B&Q had been requested, and that implementation of a similar strategy may overcome LCC concerns.

- **Appendix 3.6** - email from TMBC to WSP dated 29 September 2020 - TMBC provided a short response from the English Cricket Board (ECB) via Sport England confirming that the English Cricket Board is objecting to the proposed development due to the impact on shadowing on the turf. TMBC had requested further clarification on the objection.
- **Appendix 3.28** – email from TMBC to WSP dated 7 October 2020 – provided a further response from ECB and Sport England which set out issues for sward growth when there is winter shade.

Viability

- **Appendix 3.4** - email from TMBC to WSP dated 10 September 2020 - TMBC confirmed that the submitted FVA has been reviewed and it is considered that the scheme would operate differently to generic developments within Old Trafford. A full independent viability review was proposed.

Developer contributions

- **Appendix 3.6** - email from TMBC to WSP dated 29 September 2020 – provided an update on developer contributions as below.

Contributions – CCG

- TMBC confirmed that further to discussions with the CCG, no development contribution will be sought toward health facilities.

Contributions – education

- TMBC confirmed that a contribution towards primary school provision of £641,973 will be sought.
- **Appendix 3.31** - email from WSP to TMBC dated 5 October 2020 - WSP confirmed that further investigation was being undertaken, to understand whether the requested education contribution meets the tests in Regulation 22, specifically in terms of necessity and in terms of being fairly and reasonably related in scale and kind to the development.

Contributions – sport facilities

- TMBC were still awaiting contribution requests in relation sports facilities on 29 September 2020, but contributions would only be sought towards outdoor sports

facilities.

- **Appendix 3.32** - email from TMBC to WSP dated 1 October 2020 – the sports facilities contributions were confirmed as £242,220.
- **Appendix 3.33** - email from TMBC to WSP dated 2 October 2020 – corrected an error on Appendix 2.31, in that contributions would total £121,110.
- **Appendix 3.31** – email from WSP to TMBC dated 5 October 2020 – WSP confirmed that the applicant could commit to the requested obligation of £121,110.

Contributions – semi-natural greenspace

- TMBC confirmed that no contribution would be required.

Contributions – spatial green infrastructure

- TMBC confirmed that a contribution of £252,836.87 towards spatial green infrastructure would be required.
- **Appendix 3.31** - In an email from WSP to TMBC dated 5 October 2020, WSP confirmed that the applicant could commit to the requested obligation of £252,837.

Contributions – highways

- TMBC confirmed that a contribution of £30,000 towards the improvement of the Great Stone Road / Talbot Road pedestrian and cycle infrastructure is required. The proposed works would comprise signalling the three un-signalised arms and improvements to cycle facilities at this junction.
- **Appendix 3.31** - In an email from WSP to TMBC dated 5 October 2020, WSP confirmed that the applicant could commit to the requested obligation of £30,000.

Contributions – affordable housing

- **Appendix 3.34** - A copy of the Financial Viability Assessment (FVA) review by Trebbi Continuum dated September 2020 was provided by TMBC which outlines why the proposed development is considered by Trebbi Continuum to perform different to generic development in the Old Trafford Market Area. The report requested additional information to be provided.

3.16. The appellant has worked proactively in collaboration with the LPA to promptly provide information and reduce the matters in dispute. Accurate information has

been provided throughout the course of the application, as requested.

Officer's recommendation

- 3.17. The officer's report to committee was published on 6 October 2020. It is provided in **Appendix 3.35**.
- 3.18. The report notes that 284 local persons were consulted on the application, with four letters of objection received.
- 3.19. The report contains the putative reasons for refusal, as recommended to Members of Planning Committee.
- 3.20. An additional information report to committee was published on 15 October 2020 which included a letter of representation received from LCCC objecting to the proposed development. It is provided in **Appendix 3.36** and the LCCC objection in **Appendix 3.37**.

Application documents

- 3.21. All application documents were submitted with the original appeal. However, there are now several further documents that were in front of the LPA at the time of the application being reported at committee. These additional documents are listed in the draft SoCG and are included as a bundle with the submission of this SOC.

Putative reasons for refusal

- 3.22. The appeal is against non-determination.
- 3.23. The council determined at planning committee on 15 October 2020 that had it determined the application, it would have refused permission for the following reasons:
1. *The proposed development would prejudice the use of the fine turf and non-turf training facility at Lancashire Cricket Club. The proposed development therefore conflicts with Strategic Objective OTO11, Policies SL3 and R6 of the adopted Core Strategy.*
 2. *The proposed development would have a dominating and adverse impact on Lancashire Cricket Club (LCC) as well as its setting and cultural character and identity. LCC is an internationally significant visitor attraction, cultural and tourism venue. The impact on the visitor experience is considered to be*

sufficient to weigh strongly against the proposal. The development is therefore contrary to Policies SL3 and R6 of the adopted Core Strategy and the National Planning Policy Framework.

3. *The proposed development would represent poor design as its form, layout, height, scale, massing, density and monolithic appearance are inappropriate in its context and would result in a building which would be significantly out of character with its surroundings. This would have a highly detrimental impact on the street scene and the character and quality of the area. This would be contrary to Policies SL3 and L7 of the adopted Trafford Core Strategy and the National Planning Policy Framework.*
4. *The proposed development would not provide a development plan policy compliant level of planning obligations in relation to affordable housing and education improvements to suitably and appropriately mitigate the impacts of the development. The applicant has failed to demonstrate that there is a robust viability case to demonstrate that the scheme could not offer a policy compliant level of obligations. The proposed development is therefore contrary to Policies SL3, L2 and L8 of the adopted Core Strategy and the Council's adopted Revised Supplementary Planning Document 1 (SPD1) - Planning Obligations and the National Planning Policy Framework.*
5. *The proposed development by virtue of its height, massing, scale and layout would result in a poor level of amenity and unacceptable living standards for future occupiers of the development, by virtue of inadequate daylight and outlook in both apartments and amenity areas. The proposed development is therefore contrary to Policies SL3 and L7 of the adopted Core Strategy and the National Planning Policy Framework.*
6. *The proposed development by virtue of its height, massing, scale and layout would result in harm to the amenity of existing residential properties on Great Stone Road and Trent Bridge Walk by virtue of noticeable reductions in the amount of daylight and sunlight that they receive and would also have an overbearing impact on these properties and other residential properties in the wider 'Gorses' area. The proposed development is therefore contrary to Policies SL3, L3 and L7 and the National Planning Policy Framework.*
7. *The proposed development by virtue of its layout, scale and massing would have a harmful impact on the setting of Longford Park Conservation Area*

equating to 'less than substantial' harm in National Planning Policy Framework terms. The benefits of the scheme are not considered to outweigh the identified harm to a designated heritage asset. The proposed development is therefore contrary to Policies SL3 and R1 of the adopted Core Strategy and the National Planning Policy Framework.

- 3.24. This Statement of Case sets out the background and context to the appeal proposal, and the relevant planning policy. It assesses the relevant policies in the statutory development plan to establish the weight that should be attached to the policies when considered in the light of the National Planning Policy Framework (“the NPPF” or “the Framework”).
- 3.25. This statement also has regard to other policy documents including the emerging Greater Manchester Spatial Framework (GMSF) that are material considerations in the determination of the appeal.
- 3.26. It demonstrates that the proposal is sustainable development which meets the criteria that the Framework identifies and which the Government directs should come forward without delay to meet the pressing need for new homes.
- 3.27. It demonstrates that the proposal accords with the development plan, for the purposes of S38(6).
- 3.28. In addition, it demonstrates that the presumption in favour of sustainable development is engaged. As development plan housing policies are not up-to-date, paragraph 11(d) applies. Further, there are no ‘Footnote 6’ NPPF policies which provide a clear reason for refusing consent.
- 3.29. The only policies listed in the Footnote relevant to this appeal are those that relate to heritage assets. As set out in **Exhibit 8** provided by WSP, the proposed development does not result in harm to the identified designated and non-designated heritage assets. If the Inspector disagrees with this assertion and concludes harm arises, the less than substantial harm would be at the very bottom of this scale and as this SoC shows, any harm would be significantly outweighed by the overwhelming benefits. Therefore, the decision-taker should determine the application by applying the tilted balance (and s.38(6)).
- 3.30. This Statement of Case concludes that there are no reasons why the appeal proposal for residential development at Former B&Q Site, Great Stone Road should not be allowed.

4. Background and context

Site and surrounding area

- 4.1. Whilst much of the factual description of the site and surrounding environment will be agreed in the SoCG, further description of the site and the surrounding area is set out below.

Adopted policy designations

- 4.2. The Trafford Core Strategy (2012) sets out the spatial framework for delivering the development and change needed in the Borough up to 2026. Trafford Council undertook a review of their local plan policies to assess compliance with the NPPF in February 2019.
- 4.3. The site is located within the identified 'Inner Area' on the adopted policies map (2013) and falls within the wider area known as the Lancashire County Cricket Club (LCCC) Quarter Strategic Location under Policy SL3 but is not designated for any specific use or development within the Core Strategy.
- 4.4. Policy SL3: Lancashire County Cricket Club Quarter outlines that a major mixed-use development will be delivered in this strategic location to provide a high-quality experience for visitors balanced with a new, high quality residential neighbourhood centred around an improved stadium at Lancashire County Cricket Club. The policy sets out that this location can deliver, amongst others, 400 residential units comprising predominately accommodation suitable for families, improvements to education, community and commercial facilities, and improvements to the local highway network and better linkages with public transport infrastructure. The council's review identified that the policy is generally consistent with the NPPF but the parts relating to housing land supply and heritage are partly out of date due to the lack of a five year housing supply and inconsistency with the assessment of impacts to an asset's significance respectively.

Land Allocations

- 4.5. The Trafford Local Plan: Land Allocations document (published January 2014) identified the site as falling within a wider area known as the Lancashire County Cricket Club (LCCC) Quarter Strategic Location (LAN1) and also specifically land

which is allocated as the Lancashire County Cricket Stadium Area (LAN2).

- 4.6. This draft plan was abandoned on 25 March 2015 as it was agreed by the Council's Executive to delay production of the document until such time that the production of the GMSF is further advanced. This was to ensure the emerging plan aligned with the overarching principles of the GMSF. As such, the document holds very limited weight in the decision-making process. However, it is the only meaningful way to ascertain the extent of the LCCC Quarter, as this had not been defined in the Core Strategy, and also is relevant in signposting the Council's previous 'direction of travel'.
- 4.7. Policy LAN1 stated that within the LCCC Quarter, the council will grant planning permission for a mix of residential uses and a range of supporting commercial and / or community uses (including Use Classes A1, A2, A3, A4, A5 and D1) to serve the needs of the proposed and existing communities within the strategic location.
- 4.8. The policy stated that a minimum of 400 residential units will be delivered over the plan period. Residential development would be encouraged at densities between 30 and 150 dwellings per hectare in the form of a number of apartment blocks varying in height and there will be a range of 2, 3 and 4 bed dwellings provided in well-designed buildings with approximately two thirds of the units suitable for families.
- 4.9. Policy LAN2 focussed on a smaller area than Policy LAN1. Paragraph 4.16, under the heading of LAN2, stated that "residential development will be supported on sites fronting onto Great Stone Road and Talbot Road, including where it is part of a mixed-use scheme."
- 4.10. These policies, although abandoned, was drafted shortly after the adoption of the Core Strategy and the first version of NPPF was published.

Masterplans descriptions / designations

- 4.11. New plans for the "Civic Quarter" area were initially progressed by the LPA as a Masterplan document (which would, once adopted, have SPD status), holding a public consultation event during August 2018. The document is now being developed as an Area Action Plan (AAP), with initial consultation taking place in February and March 2020.

- 4.12. Once adopted, the AAP will be part of the statutory development plan for Trafford, sitting alongside the adopted Core Strategy and the future Trafford Local Plan and GMSF as they emerge. As the document is in early stages of development it currently holds little to no weight in the determination of applications and appeals, especially as it has not yet been subject to examination; a second round of consultation is expected to take place in late 2020. Nonetheless, the rationale for the production of an AAP, and the underlying need for this part of the borough to accommodate a significant and rapid uplift in residential development, is material to the appeal.
- 4.13. Part 3, paragraph 6(2)a(ii) of the Town and Country Planning (Local Development) (England) Regulations 2004 states that an AAP must identify the area as an area of “significant change or special conservation”. The content of the draft AAP shows that the Civic Quarter is an area to undergo significant change.
- 4.14. The AAP’s vision for scale and massing across the Civic Quarter identifies the significance of suburban housing juxtaposed with taller urban buildings. It supports “quality medium-rise development with an emphasis on elegance and proportion” of around 6-8 storeys, preferencing development with reduced exposed parking, active frontages and improved amenity. For the Cricket Club and B&Q sites a limit of 6 storeys is mentioned. This has not been tested at examination and the limit has been objected to. Therefore, no material weight should be attached to this in the determination of this appeal.
- 4.15. The draft AAP recognises the need for homes to come forward within the urban area, currently proposing an allocation of 4,000 homes within the Civic Quarter area in the period 2019 to 2037. To have proposed 4,000 homes within this area, the Council must have relied upon an evidential platform and shows the direction of travel the Council are taking towards delivering a significant number of new homes within the Civic Quarter.
- 4.16. Moreover, the LPA has begun to use a ‘residential allowance’ as a material consideration in the determination of applications within the Civic Quarter, including the appeal scheme. Correspondence included at **Appendix 4.1** of this SoC explains the LPA’s position in this regard:
- 4.17. *“The ‘Residential allowance (revised March 2020)’ is the revised number of units which are expected to be delivered within the strategic locations. This revised number of units was established as part of the evidence base for the GMSF, where*

an urban optimisation process was undertaken which reviewed sites in the urban area and considered what level of development might be possible in these areas. The uplift in the number of units reflects the need to identify additional land for housing to meet the Trafford housing requirement as identified in the GMSF and to minimise Green Belt loss.

- 4.18. *In terms of the amendment to the SL3 boundary, the boundary was established in the adopted Core Strategy (2012). SL3 was then shown in the Land Allocations Plan as LAN1/LAN2, however the boundary was not confirmed in an adopted Development Plan Document as the Land Allocations Plan did not progress beyond Reg 18. Since then the Reg 18 Draft Civic Quarter AAP has been published and proposes a new boundary for the Civic Quarter area. The Civic Quarter AAP will replace Policy SL3 and therefore the AAP boundary has been used to inform the latest Trafford land supply as it reflects the most up to date emerging planning policy. It has been determined that following the publication of the Reg 18 Civic Quarter AAP and ongoing work on urban capacity as part of the GMSF, that the AAP area can accommodate approximately 2,800 dwellings.”*

Planning history for application site

- 4.19. Prior Approval was granted to demolish all buildings on the site on 8 June 2017 (Ref: 91337/DEM/17). Demolition of the Former B&Q has not taken place and the building still stands.
- 4.20. Outline planning consent was sought for the demolition of the existing retail unit and associated structures and erection of a 5 to 13 storey building for a mix of uses (LPA ref: 94974/OUT/18). Consent was sought for access, appearance, layout and scale with all other matters reserved. The application was refused on 29 March 2019.
- 4.21. The appellant sought to revisit the scheme to address the reasons for refusal rather than progress with an appeal against this refusal, including taking a proposal to the regional RIBA Design Review panel. The appellant also engaged extensively at pre-application stage with the LPA to discuss options for the scheme prior to submission of the appeal scheme.

Summary planning history for LCCC

- 4.22. Old Trafford Cricket Ground, which is home to Lancashire County Cricket Club (LCCC) adjoins the site to the north-east and north-west. The planning history of the cricket ground is summarised below:
- H11110 - Erection of 150 bedroom hotel including restaurant, public licensed rooms and associated car park – approved 13 March 1980.
 - H30467 – Erection of three storey extension and refurbishment of new emergency access to Highway – approved 13 December 1989.
 - H45367 – Erection of 70 bedroomed hotel – approved 3 June 1998.
 - H/57772 - Erection of single storey extension to front of Old Trafford Lodge Hotel – Approved 16 December 2003.
 - H/53494 - Change of use of two existing squash courts and erection of first floor extension to form a cricket club souvenir shop and a computer learning centre; formation of first floor terrace – approved 15 April 2002.
 - H/CLD/61055 - Certificate of Lawfulness of Existing Use or Development in connection with the use of the Cricket Ground as a cricket ground, cricket academy and venue for special entertainment events (special events), including concerts and other musical events and car parking – approved 31 January 2005.
 - H/70373 - Demolition of existing County, Jubilee and Tyldesley Suites and associated area of terraced seating and development of a new grandstand comprising a hospitality and events venue and associated section of new terraced seating (with a total capacity of approximately 2,250). Associated alterations to access road layout – approved 25 February 2009.
 - 74393/FULL/2009 - Part Full/part Outline Planning Application for redevelopment of Old Trafford Cricket Ground and erection of food superstore. Full consent sought for the erection of a (Class A1) food superstore (measuring 15,500 sqm gross internal area) incorporating car parking plus associated petrol filling station, landscaping and infrastructure; creation of pedestrian link between Talbot Road and Chester Road; demolition and replacement of existing Old Trafford Cricket Ground stands and other associated buildings/structures to create a new cricket stadium (Class D2) with new media players and education building, extension to existing cricket school, reconfigured and extended members pavilion, spectator seating, hospitality and ancillary facilities including food and non food retail units,

replay/scoreboard screens, sightscreens, 6 no. 60m high floodlighting columns and other associated cricket ground equipment. Outline consent sought for extension to Trafford Lodge Hotel (Class C1) including the creation of a maximum of 82 no. additional hotel rooms, a new fitness suite and a brasserie with details sought for means of access and layout with all other matters reserved for subsequent consideration – Approved 29 September 2010.

- 93286/FUL/17 - Alterations to an external cricket practice facility to include the installation of 4 synthetic practice wickets, a bespoke circle netting system to cover the natural turf area and separated by a green mesh fence line. The external boundary fence line is to be replaced to match and the practice area squared off to utilise the available space – approved 19 March 2018.
- 99105/FUL/19 - Demolition of Red Rose Suite and erection of new grandstand (total capacity 4,935 seats) with associated facilities including museum, retail and ticket sales space; erection of a 6 storey block on eastern side of Brian Statham Way to provide a 109 bed hotel extension and ground floor retail/food and drink use and associated pedestrian bridge structure linking to existing hotel; ground floor and first floor extensions of existing hotel; relocation of existing replay screen and erection of additional screens within the cricket ground; realignment of Brian Statham Way and associated public realm and landscaping works – Minded to grant subject to legal agreement at Planning Committee 16 Jan 2020.

The proposal

Description of the proposal

4.23. The application the subject of this appeal seeks outline planning permission 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”

4.24. The proposed development comprises:

- 333 apartments (a mix of 2 no. studio bed, 108 no. 1 bed, 190 no. 2 bed and 33 no. 3 bed apartments);
- 153 sqm of flexible commercial space A1, A2, D1 or D2 uses;

- 180sqm of café space;
- 133sqm of flexible resident amenity space at ground floor for use by residents;
- Car parking facilities below ground floor providing 98 car parking spaces:
- Cycle parking facilities providing secure cycle storage for 400 bicycles;
- Bin storage facilities at lower ground floor;
- Roof terraces, balconies and 37 private gardens at ground floor; and.
- Landscaped courtyards and new public realm.

Evolution of the proposal

- 4.25. An outline application (94974/OUT/18) was submitted in July 2018 for a mixed-use scheme ranging in height from 5 to 13 storeys (including ground floor). The outline application was refused on 29 March 2019. There were nine reasons for refusal relating to design, planning obligations, amenity, wind, heritage, impact on LCCC as a heritage asset and parking.
- 4.26. Since March 2019, further work had been undertaken develop a revised scheme which addresses the nine reasons for refusal, reducing the scale and massing, and enhancing design.
- 4.27. A revised scheme was presented at an independent, impartial RIBA Places Matter design panel (20 November 2019). The feedback from panel members (comprising an architect, landscape architect and urban designer) was positive, concluding that the scale, height and massing is appropriate for this site, and a rigid limit of six storey as advocated by the council officers in attendance was not necessary or justified. The panel provided constructive comments on how to further improve the scheme which have been incorporated where possible into this re-submission proposal.
- 4.28. The panel's written comments (a to x) are included within their written feedback letter dated 3 December 2019. A copy of the Places Matter feedback is included at **Appendix 4.2** and also enclosed within the submitted Design Access Statement, along with detail on how these recommendations have been incorporated (**Appendix 4.3**).

Addressing the reasons for refusal of the previous application

- 4.29. In preparing the revised scheme, the appellant has sought to fully address the nine reasons for refusal of the previously refused application. The reasons for refusal along with explanation on how the appellant sought to address the matters raised is summarised below.
- 4.30. **Reason 1:** *The height, scale, layout, density, massing and monolithic appearance being inappropriate in its context, which would result in a building which would be significantly out of scale and keeping with its surroundings. This would have a highly detrimental impact on the street scene and the character and quality of the area.*
- 4.31. The height, scale, density and massing were reduced in the revised scheme as compared to the previous iteration, and the layout was revised with the original one-building scheme being divided into three buildings at ground level and two buildings at upper level. The scheme has been reviewed by the Design Panel, which has provided positive feedback and suggestions, which were incorporated into the scheme.
- 4.32. **Reason 2:** *The proposed development would not provide a development plan policy compliant level of planning obligations in relation to affordable housing; spatial green infrastructure and outdoor sports provision; healthcare facilities; and site specific highways improvements to suitably and appropriately mitigate the impacts of the development. The applicant has failed to demonstrate that there is a robust viability case to demonstrate that the scheme could not offer a policy compliant level of obligations.*
- 4.33. A Heads of Terms was submitted as part of the revised application, the various contributions have been discussed and agreed through the course of the application, with the exception of education contribution and affordable housing which are matters not yet agreed.
- 4.34. **Reason 3:** *The height, massing, scale and layout would result in a poor level of amenity and unacceptable living standards for future occupiers of the development, by virtue of inadequate daylight, sunlight and outlook in both apartments and amenity areas.*
- 4.35. Daylight and sunlight assessment work has been undertaken which was submitted with the application to address this reason for refusal. The amenity, outlook and

living standards of future occupiers have been carefully considered, introducing private gardens and implementing the recommendations received during the Design Panel review to maximise liveability and occupier amenity.

- 4.36. **Reason 4:** *The proposed development by virtue of its height, massing, scale and layout would result in harm to the amenity of existing residential properties on Great Stone Road and Trent Bridge Walk by virtue of noticeable reductions in the amount of daylight and sunlight that they receive, and would also have an overbearing impact on these properties and other residential properties in the wider 'Gorses' area.*
- 4.37. Daylight and sunlight assessment work has been undertaken which was submitted with the application to address this reason for refusal. The report concludes that there would be very limited impact of overshadowing to neighbouring properties.
- 4.38. **Reason 5:** *The applicant has failed to demonstrate, through the submission of sufficient information, that the adverse wind related impacts of the development can be adequately mitigated. Based on the information before the Council the proposal would result in an unacceptably windy environment for future occupiers of the development, to the detriment of their amenity and which would not provide acceptable living conditions.*
- 4.39. The submitted wind microclimate report demonstrates that there would not be adverse wind related impacts as a result of development, and that no mitigation is required. It is common ground that this is no longer an issue and there is no putative reason for refusal. As such this issue does not require further discussion.
- 4.40. **Reason 6:** *The proposed development would have a harmful impact on the setting of Trafford Town Hall equating to 'less than substantial' harm in National Planning Policy Framework terms. The benefits of the scheme are not considered to outweigh the identified harm to a designated heritage asset.*
- 4.41. The submitted heritage impact assessment assesses the impact on the setting of Trafford Town Hall and concluded that the proposal would not have a harmful impact on the setting of this asset.
- 4.42. **Reason 7:** *The applicant has failed to provide requested information to allow an informed assessment to be made of the impact of the proposed development on the setting and therefore significance of Longford Park Conservation Area, a designated heritage asset. The applicant has therefore failed to demonstrate the development*

would not harm the significance of the designated heritage asset.

- 4.43. To address this reason for refusal, an assessment of the Longford Park Conservation Area was undertaken within the submitted Heritage Assessment. This concludes that whilst the proposed development may result in a minor change within the setting of the Conservation Area, the small portion of the site which would be visible will be viewed in the existing mixed urban context. As such the impacts will be neutral; the Conservation Area's significance will remain unaffected and would be preserved.
- 4.44. **Reason 8:** *The proposed development would have a dominating and adverse impact on Lancashire Cricket Club (LCC) as well as its setting and cultural character and identity. LCC is a non-designated heritage asset and internationally significant visitor attraction, cultural and tourism venue. The scale of the harm and the significance of the asset, as well as the potential impact on the visitor experience are considered to be sufficient to weigh strongly against the proposals.*
- 4.45. The impact of the proposed development on the LCC has been considered carefully and assessed within the submitted Heritage Assessment. The assessment concludes that the proposed development will result in a change within the setting of the cricket ground, but importantly it will not result in harm to or impact upon the its form or function. It concludes that the proposed development will have a neutral effect on the setting of LCC and will not result in harm to its significance.
- 4.46. **Reason 9:** *No dedicated car parking is provided for the 1,181sq metres of retail and / or commercial floorspace proposed and the applicant has not demonstrated that reasonable and enforceable planning conditions could be used to limit the use of this floorspace to occupants of the proposed development. Failure to provide adequate car parking provision for these uses would result in ad-hoc on street parking to the detriment of highway and pedestrian safety.*
- 4.47. This matter has been addressed to the satisfaction of the LPA and the Local Highways Authority, and is no longer a putative reason for refusal. As such, this issues needs no further discussion.
- 4.48. In summary, the wind and parking issues are no longer in dispute, but the reasons relating to design, amenity, contributions and heritage remain (albeit reworded to reflect the current scheme). In addition, the LPA has introduced a new reason for refusal, not previously relied upon, which relates to the impact of the development on the use of the cricket ground facilities.

5. Planning policy

Development Plan

- 5.1. 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.
- 5.2. 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 (2012).

Unitary Development Plan (2006)

- 5.3. The UDP is gradually being replaced by the Trafford Local Plan. The Core Strategy details those policies within the UDP which have since been superseded.
- 5.4. The UDP Proposals Map does not allocate the appeal site for any specific use or development. No UDP policies are on the decision notice and therefore, it is common ground that the proposed development accords with relevant UDP policies.
- 5.5. There are no UDP policies listed in the reasons for refusal, and therefore the council agree that the proposal accords with the saved policies of the UDP.

Trafford Local Plan Core Strategy (2012)

- 5.6. The Core Strategy provides the overall spatial strategy for the borough and covers the period 2012 to 2026. It was adopted in January 2012.
- 5.7. The site is located within the identified 'Inner Area' on the adopted policies map (2013) and falls within the area known as the Lancashire County Cricket Club (LCCC) Quarter Strategic Location under Policy SL3.
- 5.8. The site is not designated for any specific use or development.

- 5.9. The policies of are relevant to the proposal according to their degree of consistency with the Framework. A comprehensive list of the planning policies relevant to the appeal proposal is enclosed in the submitted draft SoCG for agreement with the council.
- 5.10. The policies relevant to the appeal proposal are those which were referred to in either the officer's report to committee or the decision notice for application 94974/OUT/18 as set out below. Commentary is also provided on the weight which should be attributed to each policy which, as set out in the SoCG, is based on the review that TMBC undertook of their local plan policies in April 2019 to identify compliance with the NPPF (February 2019).
- 5.11. **Policy SL3: Lancashire County Cricket Club Quarter** outlines that a major mixed-use development will be delivered in this strategic location to provide a high quality experience for visitors balanced with a new, high quality residential neighbourhood centred around an improved stadium at Lancashire County Cricket Club. The council consider that this location can deliver, amongst others, a minimum of 400 residents units comprising predominately accommodation suitable for families, improvements to education, community and commercial facilities, and improvements to the local highway network and better linkages with public transport infrastructure. The council's review identified that the policy is generally consistent with the NPPF but parts relating to housing land supply and heritage are partly out of date.
- 5.12. The policy and aims of the strategic location are generally consistent with the NPPF.
- 5.13. The reference to specific housing numbers and heritage are not consistent with the NPPF. With specific regard to housing land supply and heritage the policy is partly out of date, less weight should be afforded to these parts of the policy. In all other aspects this policy is consistent with the NPPF and weight should be afforded to this.
- 5.14. **Policy L1: Land for New Homes** seeks to protect and promote cohesive, mixed and thriving communities, offering the right kind of homes in the right locations. The scale of housing provision and its distribution is designed to meet the needs of the existing community and to support the economic growth of the City Region (ie the Greater Manchester city region, of which Trafford is one of 10 constituent authorities).

- 5.15. The Council does not at present have a 5 year supply of immediately available housing land – this is common ground.
- 5.16. The parts of this policy which relate to housing land requirements do not generally accord with the NPPF and are mainly considered to be out of date. Limited weight should be afforded to this policy. In all other aspects this policy is consistent with the NPPF and weight should be afforded to this.
- 5.17. **Policy L2: Meeting Housing Needs** outlines the Council's requirement to ensure that sufficient land is made available to maintain a rolling five-year supply of deliverable land for housing, but also to ensure that there is an adequate mix of housing types and sizes to meet the needs of the community. The detail and specifics of this policy are explored further in Section 12 of this SoC.
- 5.18. This policy is generally consistent with the NPPF however reference to housing numbers and housing land supply is out of date. Less weight should be afforded to part of this policy.
- 5.19. **Policy L3: Regeneration and Reducing Inequalities** identifies the importance of improving the Council's Regeneration Areas. Development will be supported which improves the quality of design, construction and range of the Borough's housing stock on offer to residents, improves the access to and between Regeneration Areas; improving facilities for the communities; and providing opportunities to reduce crime and to enhance community safety.
- 5.20. This policy is generally consistent with the NPPF however reference to housing numbers and housing land supply is out of date. Less weight should be afforded to part of this policy.
- 5.21. **Policy L4: Sustainable Transport and Accessibility** recognises the importance of improving accessibility to building sustainable communities and creating a competitive and efficient labour market within the sub-region. Accessibility to housing, employment, health, education, shopping, culture, sports and leisure and other essential facilities is influenced by two factors; where development is located and the quality and choice of transport links available to serve that development.
- 5.22. The key test in this policy is not consistent with the NPPF and is out of date and less weight should be afforded to this in the assessment of the impact on the highway network.

- 5.23. The setting of maximum parking standards as set out in section L4.15 and appendix 3 is inconsistent with the NPPF and in that regard is considered out of date and less weight should be afforded to this part of the policy.
- 5.24. In all other aspects this policy is consistent with the NPPF and weight should be afforded to this.
- 5.25. **Policy L5: Climate Change** identifies the importance of the effects of climate which need to be considered at all stages of the development process in order to ensure that all development minimises impacts and mitigates effects.
- 5.26. This policy is generally not consistent with the NPPF. Less weight should be afforded to this policy in respect of climate change. In all other aspects this policy is consistent with the NPPF and weight should be afforded to this.
- 5.27. **Policy L7: Design** identifies criteria upon which proposed development must adhere to and include; design quality; functionality; protecting amenity; security and accessibility.
- 5.28. This policy is consistent with the NPPF and is considered up to date. Full weight should be afforded to this policy.
- 5.29. **Policy L8: Planning Obligations** states that a proposed development would, if implemented, create a need for a particular facility or generate specific adverse impacts that cannot be provided for, or mitigated against through the use of planning conditions, the Council will seek to negotiate appropriate planning obligation(s) to make the development acceptable and sustainable.
- 5.30. This policy is generally consistent with the NPPF, with some sections out of date (reference to circular 5/2005 and some S106 contributions since adoption of CIL). Less weight can be given to these parts of the policy.
- 5.31. **Policy W1: Economy** identifies that Trafford seeks to remain competitive and contribute to the growth of the economy of the sub-region and in order to do so it needs to continue to diversify its range of employment types. The aim of this policy is to facilitate the continued modernisation and revival of industrial and commercial activity through the release of sufficient land.
- 5.32. This policy is consistent with the NPPF and is considered up to date. Full weight should be afforded to this policy.

- 5.33. **Policy W2: Town Centres and Retail** prioritises the development of town centre and retail uses within the defined town centres, district centres and local centres in the Borough. Outside of these centres, there is a presumption against the development of retail, leisure and other town centre-type uses except where it can be demonstrated that they satisfy the tests outlined in current Government Guidance.
- 5.34. This policy is generally consistent with the NPPF and should be afforded weight. Less weight should be afforded to those parts of the policy which references to housing land supply and heritage.
- 5.35. **Policy R1: Historic Environment** requires all new development to take account of surrounding building styles, landscapes and historic distinctiveness and developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets.
- 5.36. This policy is not generally consistent with the NPPF and in the main is considered out of date. It does not reflect case law or the tests of “substantial” and “less than substantial harm” to the significance of heritage assets in the NPPF. It does not follow the requirement to attach great weight to the preservation, protection and enhancement of heritage assets. Less weight should be afforded to this policy.
- 5.37. **Policy R2: Natural Environment** states that protection and enhancement of the environment is a key element of the Council's Sustainable Community Strategy. This policy requires development to protect and enhance the natural environment of the Borough.
- 5.38. This policy is consistent with the NPPF and are considered up to date. Full weight should be afforded.
- 5.39. **Policy R3: Green Infrastructure** outlines that Trafford contains a range of physical environmental assets, collectively referred to as green infrastructure (GI), which provide multiple social, economic and environmental benefits. The Council is committed to working with local communities, developers and partners to develop an integrated network of high quality and multi-functional green infrastructure.
- 5.40. This policy is consistent with the NPPF and are considered up to date. Full weight should be afforded.

- 5.41. **Policy R5: Open Space, Sport and Recreation** seeks to ensure that where necessary the Council will secure the provision and maintenance of a range of sizes of good quality, accessible, play, sport, leisure, informal recreation and open space facilities to ensure that appropriate facilities are available to meet the needs of its residents across the whole of Trafford.
- 5.42. This policy is consistent with the NPPF and are considered up to date. Full weight should be afforded.
- 5.43. **Policy R6: Culture and Tourism** states that the council will encourage and continue to support the culture and tourism offer; and related developments where appropriate, that highlight and enhance the cultural heritage of the Borough within, amongst others the Lancashire County Cricket Club Strategic Location.
- 5.44. This policy is consistent with the NPPF and are considered up to date. Full weight should be afforded.

The Emerging Local Plan

Trafford Local Plan

- 5.45. 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.
- 5.46. 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.
- 5.47. 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)

- 5.48. Following the agreement of the devolution deal with Government the Combined Manchester Authority and its Mayor (Andy Burnham) have set out to create a regional plan, the Greater Manchester Spatial Framework (GMSF).
- 5.49. A new draft version of GMSF has recently been published. An eight week consultation on the Publication draft is due to commence on 1 December 2020. Upon completion of the consultation on the Publication draft in late 2020, a post-

consultation report will be prepared and then the plan will be submitted to the Secretary of State for Examination in June 2021, with adoption scheduled for 2022.

- 5.50. The distribution of development in the 2020 draft proposes that the minimum number of new homes to be accommodated within Trafford up to 2037 is 21,289; which is an increase in 2,009 over the 19,280 shown in the previous 2019 draft. This equates to an annual average target of 1,091 dwellings, up from 1,015 dwellings in the 2019 draft GMSF.
- 5.51. Like most brownfield land across Greater Manchester, the site remains unallocated/undesigned in the new draft of the GMSF.
- 5.52. A key theme throughout the evolution of the GMSF has been the mantra of prioritising brownfield development, prioritising sustainable transport and accessibility (and associated environmental and health benefits) and limiting the amount of development in the Green Belt.

Other Material Considerations

The National Planning Policy Framework (NPPF) (2019)

- 5.53. Having regard to the proper application of the Framework, the appeal proposal constitutes sustainable development that should be supported.
- 5.54. The revised National Planning Policy Framework (NPPF) was published in February 2019. The NPPF is a key material consideration in the determination of planning applications.
- 5.55. Only those paragraphs which are most relevant to the appeal scheme or those referenced within the putative reasons for refusal have been summarised.
- 5.56. At the heart of the NPPF is a presumption in favour of sustainable development and paragraph 11 states that development proposals that accord with the development plan should be approved without delay. Where there are no relevant development plan policies or the policies most important for determining the application are out-of-date, permission should be granted unless 'the application of policies in this Framework that protect areas or assets of particular significance provide a clear reason for refusing the development proposed' or 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Footnote 6 sets out those policies that protect areas or assets, and footnote 7 sets out that for the provision of housing policies are out of date where the authority cannot demonstrate

a five year supply of deliverable housing sites or where the Delivery Test is substantially below the housing requirement.

Delivery a wide choice of high quality homes

- 5.57. The NPPF is unequivocal in its drive to 'significantly boost the supply of homes (paragraph 59). Paragraph 59 states:

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.

Promoting sustainable transport

- 5.58. Paragraph 111 - all developments that generate significant amounts of movements to be supported by a Transport Assessment and Travel Plan. Decisions on proposals should take account of whether opportunities for sustainable transport modes have been taken up, safe and suitable access can be achieved, and improvements can limit the significant impacts of the development.
- 5.59. Paragraph 110 - developments should be located and designed where practical to give priority to pedestrian and cycle movements and have access to high quality public transport facilities.

Effective use of land / densities

- 5.60. Paragraph 118 - requires policies and decisions to support development that makes efficient use of land; including giving substantial weight to the value of using suitable brownfield land within settlements for homes (c) and to support the development of under-utilised land (d), especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively
- 5.61. Paragraph 122 – decisions should support development that makes efficient use of land, taking into account of (d) the desirability of maintaining an area’s character and setting or of promoting regeneration and change.
- 5.62. Paragraph 123 states that:

“where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid

homesbeing built at low densities and ensure that development make optimal use of the potential of each site.”

Requiring good design

- 5.63. Paragraph 124 stresses the importance of planning positively for 'the creation of high quality buildings and places'.
- 5.64. Paragraph 127 (f) says that decisions should create places that provide a high standard of amenity for existing and future use.
- 5.65. Paragraph 130 says that LPAs should refuse development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standards of design more generally in the area.

Conserving and enhancing the natural environment

- 5.66. Paragraph 193 states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”
- 5.67. Paragraph 196 explains that harm should be weighed against the public benefits of the proposal.

Other material considerations

Stretford Refreshed Masterplan

- 5.68. The Stretford Refreshed Masterplan was approved by TMBC in January 2018 and has evolved from 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.
- 5.69. The masterplan identifies the appeal site as falling within the UA92 Campus Quarter. UA92 is a University Academy that has opened in the former Kellogg’s

building, located off Talbot Road and Warwick Road, ie on the eastern side of the cricket ground.

- 5.70. 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.
- 5.71. The Council stated in the committee report for the application, (page 4) *“though not a Development Plan Document the Refreshed Stretford Masterplan is a material consideration in the determination of planning applications”* but it is common ground that only very limited weight can be attached to it.

Civic Quarter Area Action Plan (February 2020)

- 5.72. The draft 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.
- 5.73. 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.
- 5.74. Once adopted, the AAP will be part of the statutory development plan for Trafford.
- 5.75. The draft AAP identifies the appeal site as an area suitable for a leisure centre and consolidated car parking.
- 5.76. The draft housing policy CQ2 proposes 4,000 new homes would be delivered within Civic Quarter area over the plan period. 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.

6. Weight to be attributed to the development plan and other policies

- 6.1. As noted in the previous section of this Statement of Case, 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.
- 6.2. The decision as to which are the most important policies for the determination of the appeal (paragraph 11) and whether policies are out of date is a planning judgment for the decision maker.
- 6.3. Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or if any specific policies in the Framework indicate that development should be restricted (paragraph 11d).

UDP 2006

- 6.4. The UDP was adopted in 2006. The plan was prepared 14 years ago in the context of the now abolished Regional Spatial Strategies and pre-NPPF. The policy designation in the plan is based on a former housing requirement which was substantially lower than it is today.

Core Strategy 2012

- 6.5. The Core Strategy 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 Core Strategy was prepared in the context of the now abolished Regional Spatial Strategy for the North West and the (then) draft NPPF (July 2011). The LPCS adoption statement is dated 25 January 2012, but the Inspector's report was dated 28 November 2011. Since then, the NPPF has been published (2012) and subsequently and significantly refined (2019).
- 6.6. Policy L2 sought to provide for 12,210 dwellings at an annual requirement of 578. This was based on NW RSS (2008) which required 10,800 dwellings at 578 dpa.
- 6.7. 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 1,369 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 LPC; and represents an increase of more than 100% as compared to the adopted plan requirement.

- 6.8. 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 as set out in the SoCG.
- 6.9. On this basis, the relevant policies for the supply of housing must be regarded as being out of date, and should be given very materially reduced weight in the decision-making process. They are not consistent with the NPPF objective to significantly boost the supply of housing. The tilted balance and presumption in favour of sustainable development (i.e. NPPF paragraph 11) are therefore engaged.

Civic Quarter AAP

- 6.10. The draft Civic Quarter APP is at an early stage of preparation with the Regulation 18 consultation having taken place between February and April 2020. According to Trafford Council's Civic Quarter APP consultation webpages, the council anticipate that the Publication draft (Regulation 19) will be published for consultation later this year.
- 6.11. As set out in the SoCG, the parties agree that the policies contained within can only be afforded very limited weight and the proposed development is not premature.

GMSF

- 6.12. Paragraph 48 of the Framework advises LPAs 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.
- 6.13. The draft GMSF can only be afforded limited weight at this time as it is at an early stage of preparation and has not yet reached publication stage and been examined. It also has considerable unresolved objections.
- 6.14. The evidence base that supports the plan can be afforded limited weight also, as it is emerging and is subject to on-going testing. However, the evidence base

prepared over the last few years has consistently supported maximising the amount of development on brownfield sites in the most accessible locations and minimise the loss of greenfield and Green Belt land as far as possible.

7. Principle of development

Principle of residential use

- 7.1. As set out in the SoCG, the principle of use of this site for residential is agreed between the parties.
- 7.2. 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).
- 7.3. 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 "at least" 400 new properties in the LCCC Quarter.
- 7.4. However, policies for the supply of housing are out-of-date, which gives further reason to not treat the figure of 400 new homes in the LCCC Quarter as a maximum number. Indeed, the council previously confirmed that the 400 new homes should be treated as a minimum in its now abandoned Allocations Plan and Table L1 of the Core Strategy.
- 7.5. In addition, in March 2020, the "residential allowance" that the LPA attributes to SL3 was uplifted by from the Core Strategy target of 400 to a total of 2,800 units. TMBC also explained that for the purposes of this residential allowance, the boundaries of SL3 were effectively amended to match the Civic Quarter AAP boundary.
- 7.6. The contribution of 333 dwellings in this location would contribute significantly to the supply of housing in the LCCC Quarter and within the borough as a whole.
- 7.7. Policy SL3 refers to "a new high-quality residential neighbourhood centred around an improved stadium at LCCC". As the stadium is on the edge of the LCCC Quarter (as defined in the abandoned Allocations Plan), the neighbourhood could only have been intended to be located on its western, northern or eastern edge. Warwick Road / Brian Statham Way to the east of the stadium provides another boundary to the Quarter. On the opposite side of the stadium to the north is the listed Town Hall. Therefore, options to deliver homes within the LCCC Quarter "centred" around the stadium are very limited. The B&Q site now offers such an opportunity.

- 7.8. To date, a large proportion of the homes delivered have been achieved through the conversion of offices to apartments under permitted development rights. As these are not purpose-built residential schemes, some are of poor design quality and comprise units which do not meet recommended minimum sizes and do not provide any open space or amenity space for residents.
- 7.9. **Appendix 7.1** shows a schedule of residential developments in the LCCC Quarter since 2012. 451 homes have been approved, of which 283 are residential units delivered under permitted development rights (which weren't in place and therefore weren't anticipated in 2012). None of these 451 homes have been affordable and only 156 have been 2-bed or larger.
- 7.10. Within the LCCC Quarter there are very limited opportunities for further residential development to provide family homes or provide any affordable housing.
- 7.11. The Draft Land Allocations Local Plan (abandoned) also supported the principle of new residential development within the LCCC Quarter, confirming that the figure of 400 dwellings should be applied as a minimum. It also supported residential development on sites fronting onto Great Stone Road and Talbot Road, including where it is part of a mixed-use scheme (as in this case).
- 7.12. Sites at transport nodes such as this must be capitalised upon to deliver the scale of development needed to meet needs.

Housing mix

- 7.13. Policy L2 (Meeting Housing Needs) states the proposed mix of dwelling type and size should contribute to meeting the housing needs of the Borough, as set out in the Strategic Housing Market Assessment (SHMA).
- 7.14. The policy includes a target split between small and large (ie 3+ beds) homes of 70/30, with 50% of the small homes being accommodation suitable for families. The policy applies this borough-wide, across the plan period.
- 7.15. Paragraph 4.32 of the SHMA states Trafford has a higher proportion of dwellings with 3+ bedrooms than the national average. However, Trafford has the lowest proportion of 2-bedroom properties in Greater Manchester.
- 7.16. The proposed accommodation schedule is included within the table below which sets out the proportion and number of apartments by bedroom size.

Bedrooms	Number of apartments	Proportion
Studio	2	1%
1 beds	108	32%
2 beds	190	57%
3 beds	33	10%
Total	333	100%

7.17. The accommodation mix provides a 90/10 split between small and large homes. Whilst this is lower than the 70/30 target in Policy L2, within the LCCC Quarter, the following small to large home ratios have been approved:

- 87743/PRO/16 - City Point 701 Chester Road - 100% small homes;
- 89414/FUL/16 - Warwick House, 17 Warwick Road, Stretford - 100% small homes; and
- 88792/FUL/16 - 86 Talbot Road, Stretford - 90% small homes.

7.18. Moreover, the putative reasons for refusal do not relate to the housing mix.

7.19. There is a great variance in the sizes of apartments provided within the development which will create a genuine mix of homes within the scheme. Dwelling size is summarised within the table below.

Bedrooms	Size
Studios	22 sqm – 31 sqm
1 beds	38 sqm – 57 sqm
2 beds	45 sqm – 80 sqm
3 beds	82 sqm – 95 sqm

7.20. The proposed development will deliver a range of accommodation which will be attractive to and marketed to different demographic sectors, including young couples, new families and downsizers.

7.21. TMBC's Housing Strategy Department commented on the planning application found the mix to contribute positively towards addressing the housing needs of the borough.

7.22. In this regard, the proposed development accords with paragraph 61 of the NPPF and Core Strategy Policies L2 and L3.

Affordable housing

7.23. 10% of the total number of dwellings will be delivered as affordable units on site.

This level of affordable housing is compliant with the requirements of Core Strategy Policy L2 and SPD1 for a “generic” development.

- 7.24. The level of affordable housing is a matter in dispute. Putative reason for refusal 4 states that the development would not provide a policy compliant level of affordable housing.

Draft Allocations DPD

- 7.25. The rescinded draft Land Allocations DPD (**Appendix 7.2**) supported new residential development on sites fronting onto Great Stone Road and Talbot Road, including where it formed part of a mixed-use scheme. Although this DPD was rescinded, this demonstrates that the Core Strategy policy on the LCCC Quarter must also allow for residential development to front onto Great Stone Road, as the Land Allocations DPD would have had to accord with the Core Strategy policy.
- 7.26. Within the LCCC Quarter there are limited locations for development to come forward to deliver 400 homes, particularly locations which front onto Great Stone Road. With limited alternatives in this location, it would support higher densities coming forward on this site.
- 7.27. Furthermore, in terms of the proposed commercial uses, DPD policies LAN1 and LAN2 encouraged a range of commercial and / or community uses (including use classes A1, A2, A3, A4, A5, B1, C1, D1, D2 and “similar appropriate” uses to serve the needs of the proposed and existing communities within the strategic location). In these terms, the proposed ancillary uses which are intended to support the residential development are acceptable in principle.

GMSF

- 7.28. There are 10 overarching objectives of the draft GMSF which include meeting housing need, creating neighbourhoods of choice, reducing inequalities and promoting health.
- 7.29. A key theme throughout the evolution of the GMSF has been the mantra of prioritising the use of brownfield land when meeting development needs, in turn limiting the amount of development in the Green Belt.
- 7.30. The GMSF places a strong and continuing emphasis on directing new development to brownfield land in urban locations. The scale of Green Belt release in the current iteration of the GMSF has been minimised by exploiting opportunities to increase

development densities in well-connected urban locations. Opportunities to deliver housing on highly sustainable sites should as this should therefore be capitalised on to reduce the pressure to build on greenfield and Green Belt sites.

- 7.31. Development is expected to make effective use of land by delivering appropriate densities. The GMSF aims to secure higher densities in the most accessible locations, to help maximise the ability to use active and public transport. The GMSF aims to focus new homes in sustainable locations which are accessible and within 800m of transport hubs.

The Planning for the Future White Paper (August 2020)

- 7.32. The draft White Paper proposes that the role of Local Plans is simplified to focus on land under three categories, Growth areas suitable for substantial development, Renewal areas suitable for some development and Protected areas.
- 7.33. Given the highly accessible location within the existing urban area, it is considered that the appeal site would probably fall within a “growth area”, especially as the area is an area of significant change as per the introduction of an Area Action Plan for the area.

Conclusion

- 7.34. Residential development on this site is acceptable in principle. The LPA has agreed that the sequential test in respect of the ancillary commercial uses is also satisfied.
- 7.35. **Appendix 7.1** sets out the residential development thus far approved in the LCCC Quarter. These developments have all been high-density insofar as they are multi-storey residential blocks.
- 7.36. In addition, TMBC has recently approved subject to a S106 agreement the redevelopment of the former Kellogg’s site, which is located on the corner of Talbot Road, Warwick Road and Brian Statham Way (opposite the Town Hall and on the opposite side of the cricket ground from the appeal site). Outline permission has been granted for up to 750 new homes, a primary school and other uses, in heights ranging in staggered maxima from 6 storeys to 20. This site is outwith the LCCC Quarter but within the Civic Quarter. The site location plan and masterplan are provided in **Appendix 7.3**.
- 7.37. High-density residential development is appropriate and should be accepted in principle, having regard to the site being brownfield and in a highly accessible

location. The proposal is in keeping with its commercial setting; viewed within the context of the cricket ground and associated stands and floodlight columns whilst also protecting the living conditions of existing and future occupiers (discussed further in the supporting Exhibits).

- 7.38. The area is identified as an area for regeneration within the Core Strategy, and by virtue of the AAP it is considered an area of change. With limited other options to provide the residual requirement of at least 400 homes in LCCC, high density development in this location should be considered acceptable in principle.

8. The urgent need for the development

Five-year housing land supply

- 8.1. Policy L1 of the Core Strategy is out of date as the policy is more than five years old. The April 2019 review concluded that the parts of the policy which relate to housing land requirements do not generally accord with the NPPF and are mainly considered to be out of date. Very limited weight should be afforded to this policy.
- 8.2. The starting point for calculating the LPA's housing requirement is the Standard Method set out in the NPPF (2019). The Standard Method identifies a minimum annual Local Housing Need (LHN) figure based on the 2014-household projections of 1,335 homes (net).
- 8.3. The LHN figure of 1,369 very materially exceeds the 578 net homes per annum requirement set out in the adopted Core Strategy.
- 8.4. The Trafford Housing Strategy (2018-2023) acknowledged that an average of fewer than 400 homes have been delivered per annum over the past nine years.
- 8.5. The LPA does not have a five-year supply of housing land. An appeal decision (Ref: APP/Q4245/W/19/3225741) (dated 7 August 2019) (**Appendix 8.1**) confirmed that the accepted position of the council was that it could only demonstrate a 2.5 year housing land supply.
- 8.6. Furthermore, the LPA's "*5 year housing land supply position statement as at 31 March 2020*" (**Appendix 8.2**) sets out that there were 3,870 units considered deliverable over the five year period 2020/2021 to 2024/2025, which is equivalent to 774 units per year. This equates to a 2.4 year housing supply over the 5 year period.
- 8.7. The officer's report to committee for the appeal scheme confirms that the LPA can still only demonstrate a 2.4 year supply.
- 8.8. The presumption in favour of sustainable development set out in the NPPF is engaged on this basis. This is evidently a pressing need for housing in the borough.

Housing Delivery Test

- 8.9. The latest Housing Delivery Test (HDT) (published 13 February 2020), showed Trafford has achieved 58% on the Housing Delivery Test Measurement 2019, resulting in a 20% buffer being applied.
- 8.10. The previous HDT (published 19 February 2019) showed Trafford had achieved 47% on the Housing Delivery Test Measurement 2018, resulting in the need for an Action Plan and a 20% buffer to the five year land supply.

HDT Action Plan

- 8.11. The LPA has recently published its 2020 Action Plan.
- 8.12. The previous Trafford Housing Delivery Test Action Plan (2019) covered the period from 19 August 2019 for a 12 month period up until August 2020.
- 8.13. The Action Plan sets out that “the Council will work with the landowners to prepare an Area Action Plan for the Civic Quarter” and notes that “a number of other sites in the Civic Quarter area are at pre-application or planning application stage.”
- 8.14. The Action Plan sets out that the Council will deploy CPO powers to acquire sites and assets and bring them forward for development, including in the Civic Quarter.
- 8.15. The appeal scheme will assist in delivering the Action Plan, insofar as it will:
- Deliver 333 homes on a brownfield site in a highly sustainable location within the Civic Quarter;
 - Deliver 333 homes without the need for the Council to use its CPO powers;
 - Be able to deliver these homes within the short-term as the site is in one ownership and there are no constraints to development commencing, save for securing planning permission, designing and approving the landscaping details and discharging pre-commencement conditions.
- 8.16. The 5YLS and HDT are enshrined and a central plank of NPPF and Planning Practice Guidance as two measures to make sure sufficient deliverable land is available to meet local needs, adding buffers where appropriate, and to test the actual delivery and allow corrective measures. Their very purpose is to boost housing delivery and meet local needs. Not having a 5YLS sees buffers added to make sure additional land is identified to boost development. Likewise, the HDT is

staged to place greater emphasis on action where the performance is worst. The relationship to the paragraph 11 presumption is very deliberate and clear, that where there is not a 5YLS or the HDT is below 100%, that the plan policies for the supply of housing are out of date and the presumption in favour is engaged.

Trafford Housing Needs Assessment (2019)

- 8.17. The Trafford Housing Needs Assessment 2019 (THNA) was published in December 2019. It shows that from 2013 to 2018, an average of 68 affordable homes were completed each year.
- 8.18. Paragraph 4.10 of the THNA 2019 estimates that 22.2% of Trafford's housing stock is "non-decent", ie does not meet MHCLG's definition of a decent home. This is more than 22,000 homes, which are either/or not meeting the minimum standard, not in reasonable repair, not having reasonably modern facilities and/or providing a reasonable degree of thermal comfort.
- Table 5.1 of the THNA 2019 shows there are more than 7,400 households in housing need, including:
 - 2,495 that are overcrowded;
 - 286 households sharing a kitchen, bathroom or WC with another household;
 - 1,497 households in homes that are too expensive and in receipt of housing benefit or in arrears due to expense.
- 8.19. The two housing sub-areas closest to the appeal site are Old Trafford (in which the site is located) and Stretford; these are the two sub-areas out of Trafford's seven sub-areas with the highest proportion of households in need: both more than 10%; a total of 2,282 households within a radius of little more than 3km from the site.
- 8.20. Paragraph 5.16 states that:
- "In terms of the size of affordable housing required, when the likely annual affordable supply is taken into account, the overall shortfalls are 145 one-bedroom, 241 two-bedroom, 113 three-bedroom, 43 four-bedroom and 3 five or more-bedroom general needs dwellings. It is therefore appropriate for the continued delivery of affordable housing to reflect underlying need and in particular a focus on delivering dwellings with 3 or fewer-bedrooms."*

Trafford Housing Strategy

- 8.21. The Trafford Council Housing Strategy 2018-2023 Annual Statement was published in August 2019.
- 8.22. Trafford's Housing Strategy confirms the Council's commitment to accelerating housing and economic growth. The draft Strategy states that one of the key aims and challenges for Trafford is to develop a more balanced and diverse housing market through a better mix of housing to provide people with better access to homes in all neighbourhoods.
- 8.23. This means developing significantly more homes of the right type, tenure, size and affordability in the right places, as well as enhancing existing homes so that both Trafford residents and newcomers to the borough can find a suitable, desirable home they can afford.
- 8.24. The proposed development would assist in delivering the aims of the housing strategy.

Affordable Housing

- 8.25. There has been a persistent under delivery of affordable housing within the LCCC Quarter. Of the 451 residential units delivered in the area, none have provided any affordable housing.
- 8.26. The proposed development will deliver a policy compliant level of much needed affordable units in accordance with LPCS L1, L2 and SL3 and overarching principles of the TMBC Housing Strategy.

Conclusion

- 8.27. Given the clear, immediate and pressing need for the delivery of housing, the delivery of a significant volume of housing including 10% affordable units should be attributed very considerable weight in the determination of this appeal.

9. Reason for refusal 1

9.1. This chapter should be read alongside **Exhibit 1** prepared by STRI.

9.2. The first putative reason for refusal states:

“The proposed development would prejudice the use of the fine turf and non-turf training facility at Lancashire Cricket Club. The proposed development therefore conflicts with Strategic Objective OTO11, Policies SL3 and R6 of the adopted Core Strategy.”

Local policy

9.3. Policy OTO11 is an objective for the Old Trafford ‘Place’ and states:

“To maximise potential of Lancashire County Cricket Club as a visitor attraction and its potential to lead major regeneration in the area.”

9.4. There is no supporting text to these objectives.

9.5. Page 69 of the Core Strategy confirms that Policy SL3 will partly deliver OTO11. Page 189 of the CS confirms that Policy R6 will partly deliver OTO11. No-other policies are listed as delivering OTO11.

9.6. Policy SL3 includes the following:

“SL3.1 A major mixed-use development will be delivered in this Location to provide a high quality experience for visitors balanced with a new, high quality residential neighbourhood centred around an improved stadium at Lancashire County Cricket Club.”

9.7. Since the adoption of the Core Strategy, an improved stadium has been delivered.

9.8. Since the adoption of the Core Strategy, the only residential developments in the strategic location have been piecemeal apartment schemes, including new-build apartments and apartments created through the change of use from offices to residential under permitted development rights (albeit such PD rights were not in place at the time the policy was written).

9.9. SL3.2 *The Council considers that this Location can deliver (inter alia):*

- A redeveloped LCCC sports stadium with ancillary sports and leisure facilities.
 - 400 residential units comprising predominantly accommodation suitable for families.
- 9.10. The sports stadium has been redeveloped, with further improvements to the stadium proposed on the north-eastern side of the ground, including an extension to the existing hotel and a new stand for spectators.

- 9.11. Supporting paragraph 8.44 states that:

“The redevelopment of the sports stadium at Lancashire County Cricket Club is identified as a priority to ensure that international cricket is returned to this historic venue and to help maintain Trafford’s reputation as a location for national and international sporting events. Not only will this provide an enhanced physical environment but it will deliver additional employment opportunities for local people.”

- 9.12. International cricket has returned to Old Trafford, indeed in 2020 it was one of the few British stadia at which international cricket was played, because players and associated staff could reside in a ‘bubble’ at the hotel that has been built adjacent to the pavilion building.

- 9.13. Policy R6.1 states:

“The Council will encourage and continue to support the culture and tourism offer, and related developments where appropriate, that highlight and enhance the cultural heritage of the Borough, in accordance with national guidance and policies within the Development Plan for Trafford, in the following key areas:

- *The Regional Centre, particularly within the Trafford Wharfside Strategic Location;*
 - *Trafford’s Town Centres, particularly Altrincham;*
 - *The Trafford Centre Rectangle Strategic Location;*
 - *Lancashire County Cricket Club Strategic Location;*
 - *Dunham Massey Park and House; and*
 - *Within the regeneration areas of Bucklow St Martins, Old Trafford and Sale Moor.”*
- 9.14. For the avoidance of doubt, the remainder of the policy is not relevant to this putative reason for refusal.

- 9.15. This is a positively-worded policy. Associated paragraph 26.1 explains the need to improve quantity and quality of cultural and tourism offers in the borough.

National policy

- 9.16. It should be noted that the application has not been refused with reference to NPPF. Nor is the NPPF referenced in the committee report in relation to the discussion about impact on the cricket club as a playing field.
- 9.17. The NPPF is applicable to developments potentially affecting sport and playing fields in the following manner:
- 9.18. Paragraph 83 says that planning decisions should enable the retention and development of sports venues to help support a prosperous rural economy. This is not relevant in this case because the site is urban.
- 9.19. Paragraph 91 says that planning decisions should aim to achieve healthy places that enable and support healthy lifestyles, including for example through the provision of sports facilities. If there is any impact on these training pitches, the ability of the local community to have a healthy lifestyle will be unaffected.
- 9.20. Paragraph 92 says that planning policies and decisions should plan positively for sports venues (and other services) to enhance the sustainability of communities and residential environments. If there is any impact on these training pitches, the sustainability of the community and residential environment would not be affected.
- 9.21. Paragraph 96 notes that a network of opportunities for sport is important for health and well-being. Up-to-date assessments should determine what sport provision is needed, which plans should accommodate. This is not relevant to this appeal.
- 9.22. Paragraph 97 applies to situations where sports land is to be built on. The proposal does not involve building on playing fields or other sports land, and therefore cannot be deemed to contradict the policy.
- 9.23. Paragraph 182 says that planning decisions should ensure that new developments can be integrated effectively with existing facilities, including sports clubs.

Sport England objection

- 9.24. The original application was for a proposal of greater height and mass. TMBC's committee report on 94974/OUT/18 referred to Strategic Planning liaising with Sport

England. Sport England have stated to TMBC that they were not consulted on the application. Clearly therefore the LPA judged that Sport England was not a statutory consultee.

- 9.25. Sport England responded regarding financial contributions towards off-site sport facilities, but made no reference to any concerns about the impact of the development upon the use of any part of Old Trafford Cricket Ground / Lancashire County Cricket Club as a playing field nor, did LCCC themselves, based on their response to the planning application dated 1 November 2018, written by GVA HOW Planning on behalf of LCCC and Bruntwood.
- 9.26. Similarly, impact upon the playing of sport was not mentioned in the reasons for refusal.
- 9.27. Consultants acting on behalf of LCCC and Bruntwood raised “concerns” on the application. This did not comment on any potential for impact on the training pitches or indeed any other part of the cricket club.
- 9.28. An ‘Advertorial’ was subsequently wrapped around the local newspaper, shortly before planning committee (**Appendix 9.1 and 9.2**). Lancashire County Cricket Club set out in that advertorial further concerns about the proposal, including a mocked-up image exaggerating the height and effect of the proposed development. Nowhere did this claim refer to any impact on the training pitches.
- 9.29. Furthermore, impact on the training pitches was not referred to in the reasons for refusal.
- 9.30. On the current application, Sport England made the following comments (in order):
- The DMPO 2015 sets out circumstances in which Sport England must be consulted.
 - Sport England has confirmed in writing to TMBC that they were not consulted on 94974/OUT/18, therefore were not a statutory consultee and therefore there was certainty that none of the triggers in the DMPO were met.
 - The proposal is now shorter in height and no closer to the training pitches. Therefore, any shadowing effects will be lesser than they were associated with the previous proposal.

Basis for consultation with Sport England

- 9.31. Schedule 4 (z) of the DMPO says that Sport England must be consulted on

proposals for development which is “likely to prejudice the use, or lead to the loss of use, of land being used as a playing field...”

- 9.32. However, that an LPA consults with Sport England does not necessarily mean that a development is likely to prejudice the use of land as a playing field; indeed LPAs are encouraged to consult with Sport England on applications comprising more than 300 homes regardless of the potential impact upon a playing field.

Massing and sun path

- 9.33. Sport England report that the ECB commented that “it is highly probably (sic) that the location and height will have a significant impact on the fine turf and non turf training facility located adjacent to the development due to its massing and the sun path. This facility was recently redeveloped at a cost of over £500K and services the elite professional squads (mens/womens and international) alongside the wider cricketing community.”
- 9.34. In response to these objections, various documents were provided to demonstrate the shadowing effects of the proposal in relation to the outdoor training nets.
- 9.35. It should be noted that the training nets are adjacent to the 21m stand that typically is in place throughout the duration of the cricket season.
- 9.36. Sport England requested a 365 day animation of the shadowing effects. The model used and for this exercise and submitted to the LPA dealt with March through to October. It was considered to be sufficient to comprehensively asses shadowing impacts as throughout the winter, pitches will be in darkness more than they will daylight. The model did not include the new stand and temporary stand at LCCC, the latter of which abuts the training pitches. Whilst this was unable to be plotted in the solar study, this will also cast shadows over the training facility.
- 9.37. Notwithstanding, the appellant has subsequently sought the opinion of STRI Group, whose report is provided in **Exhibit 1**. This could not previously have been provided to the LPA, as the appellant only received the final comments from Sport England summarising their precise concerns on 7 October 2020.
- 9.38. The report includes a hemiview analysis of four scenarios: the existing scenario; the existing scenario with the temporary stand; the scenario with the proposed development without the temporary stand; and, the proposed development with the temporary stand.

- 9.39. The report concludes that “the light levels fluctuate naturally throughout the seasons, but we are not going to have a situation where the new proposed development is likely to provide a significantly reduced growth due to shading, as level of shading is minimal.”
- 9.40. Moreover, in response to the final comments received from Sport England, “there will be negligible light reduction during that timeframe due to the proposed apartment blocks, therefore the impact of the proposed building will have a negligible impact on the establishment of grass during that period.
- 9.41. In respect of OTO11, this will not reduce the extent that LCCC is a successful visitor attraction.
- 9.42. In respect of OTO11, this will not reduce the potential for regeneration in the area.
- 9.43. The proposal complies with SL3 because the ground has already been redeveloped. Negligible harm to the training pitches in this manner does not equate to the loss of the pitches or the loss of the use of the stadium. Furthermore, the proposal still complies with R6 because the harm won’t affect the ability of the LCCC Quarter to attract tourists or its cultural or heritage offer.
- 9.44. In regard to the NPPF, Slight reductions in photosynthetically active radiation at the height of winter does not create a situation whereby the proposed development fails to integrate effectively with neighbouring LCCC. The pitches in question will still be playable during the cricket season and will still able to be grown during the grass-growing seasons. **Exhibit 1** explains that sound stewardship and management would likely need to be undertaken during winter months at present in any case.
- 9.45. Even if significant weight is attributed to the negligible effect because the training pitches are used by international cricketers and can be used by community cricketers, the weight has to be tempered by the adverse effect being a slight change to the shading and thus photosynthetically active radiation levels affecting the grass, rather than the ability of the training pitches to be used. Moreover, the effects are experienced only in winter months when the grass is not growing.

Conclusion

- 9.46. **Exhibit 1** shows that there will be negligible reduction in photosynthetically active radiation during the period when the grass is renovated at the end of the cricket season. It also shows minimal shadowing effects during winter would be when the

grass is not likely to be growing.

- 9.47. The use of the cricket ground and the training pitches will not be prejudiced; the potential of LCCC as a cultural and tourist destination will not be reduced; the LCCC stadium will continue to act as a catalyst for regeneration.

10. Reason for refusal 2

10.1. The second putative reason for refusal states:

“The proposed development would have a dominating and adverse impact on Lancashire Cricket Club (LCC) as well as its setting and cultural character and identity. LCC is an internationally significant visitor attraction, cultural and tourism venue. The impact on the visitor experience is considered to be sufficient to weigh strongly against the proposal. The development is therefore contrary to Policies SL3 and R6 of the adopted Core Strategy and the National Planning Policy Framework.”

Local policy

10.2. Policy SL3 includes the following:

“SL3.1 A major mixed-use development will be delivered in this Location to provide a high quality experience for visitors balanced with a new, high quality residential neighbourhood centred around an improved stadium at Lancashire County Cricket Club.”

10.3. Since the adoption of the Core Strategy, an improved stadium has been delivered.

10.4. Supporting paragraph 8.44 states that:

“The redevelopment of the sports stadium at Lancashire County Cricket Club is identified as a priority to ensure that international cricket is returned to this historic venue and to help maintain Trafford’s reputation as a location for national and international sporting events. Not only will this provide an enhanced physical environment but it will deliver additional employment opportunities for local people.”

10.5. LPCS R6.1 states:

“The Council will encourage and continue to support the culture and tourism offer, and related developments where appropriate, that highlight and enhance the cultural heritage of the Borough, in accordance with national guidance and policies within the Development Plan for Trafford, in the following key areas:

- The Regional Centre, particularly within the Trafford Wharfside Strategic Location;

- Trafford's Town Centres, particularly Altrincham;
- The Trafford Centre Rectangle Strategic Location;
- Lancashire County Cricket Club Strategic Location;
- Dunham Massey Park and House; and
- Within the regeneration areas of Bucklow St Martins, Old Trafford and Sale Moor."

10.6. For the avoidance of doubt, the remainder of the policy is not relevant to this putative reason for refusal.

10.7. This is a positively-worded policy. Associated paragraph 26.1 explains the need to improve the quantity and quality of cultural and tourism offers in the borough.

National policy

10.8. The NPPF is applicable to developments potentially affecting sport and playing fields in the following manner:

10.9. Paragraph 92 says that planning policies and decisions should plan positively for sports venues (and other services) to enhance the sustainability of communities and residential environments.

10.10. Paragraph 182 says that planning decisions should ensure that new developments can be integrated effectively with existing facilities, including sports clubs.

Developments at other cricket grounds

10.11. There are many examples of existing cricket grounds that co-exist and successfully operate beside substantial modern development.

10.12. These examples – shown in **Appendix 10.1** - clearly demonstrate that cricket grounds can co-exist alongside substantial modern development without affecting cultural character nor impacting upon visitor experience.

10.13. Lord's is the "home of cricket" and its pavilion is Grade II* listed. The cricket ground falls within the St John's Wood Conservation Area. A typical view of the pavilion from the 'nursery end' or the media centre shows a large residential building immediately behind it to the left-hand side. There are residential buildings on the opposite side of St John's Wood Road, which are between eight and eleven storeys

in height, some of which are visible from within the ground.

- 10.14. Bristol County Cricket Ground (which hosts One Day International matches) comprises a pavilion to the west of the ground, with modern five storey buildings to the east which are directly opposite the pavilion. There are three Grade II listed Bristol City College buildings along the southern boundary of the cricket ground; the new apartments are compatible with both the cricket ground and the listed buildings.
- 10.15. Somerset County Cricket Club in Taunton is bordered by a modern five-storey apartment building to the west. The apartment building can be seen from within the stadium.
- 10.16. Edgbaston Stadium in Birmingham (which also hosts international cricket including Test matches) comprises a modern south stand pavilion which has been built over the previous pavilion. To the west of the grounds, planning consent has been granted for a 17-storey apartment building on the overspill car park (Ref: 2018/05638/PA). At 17 storeys the built scheme will be clearly visible from the grounds.
- 10.17. These grounds are all in their own context, whether historical (Lord's and Bristol), approached through a two-storey residential neighbourhood (Bristol), edge of town centre (Taunton) or in a residential and university suburb (Edgbaston). Whilst some British cricket grounds such as Worcester are famed for their traditional idyllic setting, Old Trafford is clearly in an urban setting.

Former Kellogg's site

- 10.18. It should be noted that application 99795/OUT/20 (submitted by Trafford Bruntwood) was concluded by the LPA to cause "moderate harm" to the significance of Trafford Town Hall, "minor harm" to the non-designated turnstiles at Old Trafford Cricket Ground and "negligible harm" to all other assets. The assets referenced include Longford Park Conservation Area. Officers concluded that these levels of harm all equate to less than substantial harm in terms of the NPPF.
- 10.19. In balancing the less than substantial harm against public benefits, the officers wrote:

"There are considered to be numerous significant public benefits associated with the proposed development which would outweigh the harm to designated and non-designated heritage assets identified above. The proposals would deliver up to

750 no much needed residential units in a highly sustainable location, contributing towards meeting the Council's housing land targets and housing needs. The scheme would also deliver a new school (or equivalent contribution) and supporting local centre facilities and areas of publicly accessible open space.

As set out elsewhere in this report, the construction phase is anticipated to support 2,261 no direct and indirect jobs with a Gross Value Added (GVA) of £18.2m per year. The new households are estimated to spend around £11.2m per year locally, which equates to 87 no local jobs and a GVA of £3.1m per year, whilst the proposed commercial accommodation is expected to facilitate 1,248 no new direct and indirect jobs with a GVA of around £50m per year. The proposals would maximise the benefits associated with a brownfield site in a highly accessible location and would serve as a catalyst for future development within the Civic Quarter. Overall, the scheme is considered to constitute a socially, environmentally and economically sustainable form of development."

Impact on visitor experience

Access / pedestrian safety

- 10.20. Sport England report that the England and Wales Cricket Board do not agree with the conclusion that there will be no impact (albeit there is no clarification as to which conclusion they are referring to) and claim that the development will have a significant impact on the access to the ground and is contradictory to the Club's Master Plan and the Trafford Civic Quarter Plan. There was no mention of the previous proposal conflicting with the Cricket Club's Master Plan in association with the previous application 94974/OUT/18, and there has been no planning permission in the meantime that would change the relationship between the closest part of the cricket club and the former B&Q.
- 10.21. In this regard, it should be noted that a Cricket Club's Master Plan does not have any meaningful weight in the planning process and the Civic Quarter Area Action Plan can only be afforded very limited weight.
- 10.22. Nonetheless the proposal is on the Appellant's land and utilises the Appellant's access, leaving LCCC's access unaffected.
- 10.23. Sport England have not presented any evidence to support their objection nor have they assessed whether the Club's existing vehicle accesses into the site represent a significant risk to pedestrians. The accompanying technical note prepared by

Vectos included at **Exhibit 2** demonstrates this.

- 10.24. In response to the request from Sport England, a mitigation strategy to prevent pedestrian vehicular conflict and risk to pedestrians on matchdays can be provided and agreed after consultation with Sport England and ECB if judged necessary.
- 10.25. There is no reference to the Club's Master Plan in the draft Civic Quarter AAP, so it is not clear how the two are related (or indeed, how the AAP has been developed in conjunction with the Club's master plan; a statutory development plan – as the AAP will be – shouldn't really be prepared "in conjunction" with a private masterplan, regardless of the importance of that institution locally). In reference to the aspirations for the 'Southern Neighbourhood' in the AAP, the proposed development does not hinder the potential for LCCC to provide a new route from Old Trafford Metrolink through to Great Stone Road on its own land. However, the appellant has enabled a route through its own land, to assist in a similar regard.
- 10.26. In these terms, the proposed development will not undermine the objective of OTO11 or hinder the potential of Lancashire County Cricket Club as a visitor attraction and its potential to lead major regeneration in the area. Nor will it conflict with the provisions of LPCS R6.1 in its aspiration to encourage and support the culture and tourism offer of LCCC.
- 10.27. Similarly, in accordance with Paragraph 182, it has been demonstrated that the proposed development can be integrated effectively alongside LCCC.

Views from within the ground

- 10.28. Depending on where a spectator sits, different parts of the ground and the development surrounding the ground is visible. There will be no views from within the ground where the historic pavilion is framed by, interrupted by, or affected by the proposed development. Indeed the historic pavilion is bookended by the bold contemporary The Point and Hilton Hotel, with a modern glazed extension providing a backdrop. A photo taken from the temporary stand on the western side of the ground showing the state of the pavilion is provided in **Appendix 10.2**. From seats on the western side of the ground, buildings such as the Former Kellogg's building, the British gas headquarters, and the Manchester city centre skyline can be seen. Being able to see an external development from within a stadium is not distracting, not detrimental and not harmful to the experience of a visitor.

Shadows and wind

- 10.29. The proposed development's impact on visitor experience has also been considered in terms of microclimatic effect. It is common ground that there are no adverse wind effects associated with the proposed development. The solar analysis videos that have been provided to the LPA, Sport England and PINs shows that across April to September the only occurrence of any shadowing effects upon spectators would potentially be on an evening in September, and only on spectators in the stand closest to the site. This very slight change in shadowing is in no way harmful or detrimental to the visitor experience.

Heritage significance

- 10.30. Accompanying **Exhibit 8** includes a further assessment of the proposed development upon the pavilion, which is the historic part of the cricket ground. There is no harm to the setting of this non-designated heritage asset.

Conclusion

- 10.31. The principle of redevelopment of this site is established. There are several examples of cricket grounds – including one of more sensitivity than Old Trafford (ie Lord's) – that have modern residential developments in and around the grounds. No tangible harm has been caused to the visitor experience associated with such developments. The proposal accords with Policy SL3 because the visitor experience will not be diminished in any way, including safety and accessibility, microclimate, views or appreciation of the historic pavilion. The proposal accords with Policy R6 insofar as the LCCC Strategic Location will continue to be a location where the cultural heritage of the borough is highlighted, and where tourists can enjoy cricket and other events hosted at LCCC.

11. Reason for refusal 3

- 11.1. This chapter should be read alongside **Exhibit 3** prepared by O'Connell East Architects and **Exhibit 4** prepared by TPM.
- 11.2. The third putative reason for refusal states:

“The proposed development would represent poor design as its form, layout, height, scale, massing, density and monolithic appearance are inappropriate in its context and would result in a building which would be significantly out of character with its surroundings. This would have a highly detrimental impact on the street scene and the character and quality of the area. This would be contrary to Policies SL3 and L7 of the adopted Trafford Core Strategy and the National Planning Policy Framework.”

Local policy

- 11.3. Policy SL3 states the Strategic Location will provide a high quality residential neighbourhood centred around an improved stadium. SL3.4 sets out the requirements for development to be considered acceptable, which include providing community facilities, contributions to a processional route, flood risk requirements, protecting and preserving the Town Hall and its setting, contribution to additional utility capacity, enhancing biodiversity and affordable housing provision. There is no design guidance or expectation set out in this policy.
- 11.4. Policy L7 (Design) states that development must be appropriate in its context, make best use of opportunities to improve the character and quality of an area, enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatments and make appropriate provision for open space.

National policy

- 11.5. NPPF stresses the importance of planning positively for 'the creation of high quality buildings and places' (Paragraph 124) and states that decisions should create places that provide a high standard of amenity for existing and future user (Paragraph 127.f). Paragraph 130 states that development of poor design that fails to take the opportunities available for improving the character and quality of an area

and the way it functions should be refused.

Character of area

- 11.6. The character of the Appeal site is intrinsically linked to the commercial, large scale development based around LCCC, the Town Hall and the newly-defined Civic Quarter.
- 11.7. From the creation of the cricket ground, the site was linked to it in terms of function as well as through a shared boundary. In the 1970s, it was used as a bowling alley and concert venue, again befitting its relationship with an adjacent sports ground. Later in the 1970s, B&Q was granted permission to trade from the site, ending the use of the site for leisure-related purposes. This demonstrates that the site does sit in an area whose character switches at Great Stone Road and at the tramline (formerly a railway line).
- 11.8. The character of the residential area on the opposite side of Great Stone Road and on the far side of the Metrolink is different, being more suburban and low-rise. The development helps transition from the residential area to the obvious sports stadium.
- 11.9. The study area has a wide variety of building types and heights with the Cricket Club and residential tower blocks rising up to 14 storeys in height offering an immediate large scale building context. There are currently several tall buildings on Talbot Road, which runs perpendicular to Great Stone Road. Talbot Road is the closest main road linking the site to Manchester City Centre and it has several office buildings of 11-14 storeys high.
- 11.10. All of the buildings above 2 storeys within the immediate vicinity of the proposals site fall to the east of Great Stone Road with only 2 storey residential buildings to the west. Further east and north this pattern of mixed building types and heights continues with a more mixed urban setting of both uses, building forms and heights.
- 11.11. The Metrolink line and Great Stone Road form clear defensible boundaries separating the site, and the wider commercial / civic area from the surrounding low density residential areas to the south, south east and south west.

Design

- 11.12. The appropriateness of the design of the proposed development is explained in **Exhibit 3**, produced by O'Connell East Architects, and **Exhibit 4**, produced by TPM.

Places Matter Design Panel

- 11.13. The appellant sought independent design advice from Places Matter, prior to the submission of the appeal scheme. Places Matter is a bespoke, independent Design Review service based in the North West and are an organisation devoted to generating a strong sense of place and promote good design in living, working and leisure environments throughout the North West of England.
- 11.14. Hosted by the RIBA, the expert Design Review panel provides impartial advice that provides impartial advice with the aim of adding value to the development process.
- 11.15. A scheme was presented at a Places Matter design panel (20 November 2019) to obtain feedback on the revised design. The feedback from panel members was positive, concluding that the scale, height and massing is appropriate for this site, and a rigid limit of six storey was not necessary with the potential for additional height at the tramline interface adding:
- “Greater height, than currently proposed, adjacent to the tramline is not considered an issue, especially if this maintains a viable development quantum, allows for breaking up the blocks and secures greater liveability”.*
- 11.16. The panel provided constructive comments on how to further improve the scheme which have been incorporated where possible into the scheme, including:
- Splitting the proposal into separate buildings;
 - Reducing the number of parking spaces;
 - Private gardens introduced to create defensible space, replacing the service road along the northern boundary;
 - A new direct pedestrian access created from pavement level;
 - Reduced podium area to create level access at courtyard level; and
 - Introducing a double height pedestrian link between buildings.
- 11.17. The accompanying reports which support this application, notably the Design and Access Statement and the TVIA demonstrate how the scheme has been designed to conform to its context in the corner of the LCCC Quarter and the Civic Quarter; the **Exhibits 3 and 4** provide direct response to the putative reasons for refusal.

11.18. Furthermore, at present there is no real streetscene to this part of Great Stone Road. The site itself is a poor quality low-rise retail store that fails to interact with the street. Much of the site is lower than the street, leaving views of the back of the cricket stadium, with an expanse of car park in the intervening area. The proposal will create usable and active public realm that is level with Great Stone Road.

Conclusion

11.19. The resulting proposals are a high-quality design response which proposes development which is appropriate to its setting, cultural character and identity and of a height, mass, density and appearance that will both integrate into the existing townscape character and bring beneficial aspects to the urban block and street scene. These are matters with which the Places Matter panel agreed.

11.20. The Places Matter panel also agreed explicitly that the height and massing of the buildings as now proposed is a strong and appropriate response to the site and they saw no reason to limit the potential height of the development to six storeys, specifically directing the design team to consider taller buildings towards the Metrolink-facing boundary to consolidate the corner of the urban block.

11.21. The proposal complies with Policy SL3 insofar as the scheme is a high-quality residential development in the LCCC Quarter.

11.22. The proposal is consistent with Policy L7 and there are no reasons to refuse permission on design grounds.

12. Reason for refusal 4

- 12.1. This chapter should be read alongside accompanying Exhibits prepared by Alfredson York (**Exhibit 5**) and Cushman and Wakefield (**Exhibit 6**). The fourth putative reason for refusal states:

“The proposed development would not provide a development plan policy compliant level of planning obligations in relation to affordable housing and education improvements to suitably and appropriately mitigate the impacts of the development. The applicant has failed to demonstrate that there is a robust viability case to demonstrate that the scheme could not offer a policy compliant level of obligations. The proposed development is therefore contrary to Policies SL3, L2 and L8 of the adopted Core Strategy and the Council's adopted Revised Supplementary Planning Document 1 (SPD1) - Planning Obligations and the National Planning Policy Framework.”

Local policy

- 12.2. Policy SL3 states the Strategic Location will provide a high-quality residential neighbourhood centred around an improved stadium. Policy 3.2 explains that the Council considers that the location can also deliver improvements to education. SL3.4 sets out the requirements for development to be considered acceptable, including the provision of community facilities including school provision, and affordable housing in accordance with Policy L2.
- 12.3. The associated table notes that education provision will be funded by Private Developer/S106.
- 12.4. Policy L2 concerns housing need; L2.8 states that “in respect of all qualifying development proposals, appropriate provision should be made to meet the identified need for affordable housing.”
- 12.5. L2.9 splits Trafford into three broad market areas: hot, medium and cold. L2.12 states that “under normal market conditions”, a 5% contribution will be sought in “cold market locations” (and 20% in moderate locations and 40% in hot locations).
- 12.6. The fourth bullet point states:

“In those parts of Trafford Park identified for residential development, or in areas

where the nature of the development is such that, in viability terms, it will perform differently to generic developments within a specified market location the affordable housing contribution will be determined via a site specific viability study, and will not normally exceed 40%.”

- 12.7. Policy L8 (Planning Obligations) lists the various contributions that will be sought through new development, and caveats that the list is not definitive.

National policy

- 12.8. The NPPF states that for major development involving the provision of housing, at least 10% of the homes should be available for affordable home ownership.
- 12.9. Paragraph 57 of NPPF states that:

“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable.

It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.”

Sports Facilities

- 12.10. On 18 August 2020, developer contributions were requested by Sport England broken down as follows:

Outdoor Sport

- 12.11. Calculated using an estimated population yield of 873 (rather than the correct yield of 568)

Natural turf improvements to youth pitches (indicative costs)	£88,101
Natural turf improvements to youth pitches (lifecycle	£18,396

costs)	
Improvements to Artificial Grass Pitch (indicative costs)	£73,968
Additional changing rooms	£218,192
Total	£380,260

Indoor Sport

12.12. Calculated using a population yield of 996 (rather than the correct yield of 568)

Sports Halls	£147,050
Swimming Pools	£158,367
Total	£305,417

12.13. An email from TMBC dated 29 September, it was confirmed that contributions would only be sought towards outdoor sports facilities.

12.14. In an email from TMBC to WSP dated 1 October 2020, it was confirmed that an outdoor sport contribution of £121,110 toward pitch provision/improvements would be sought and £121,110 for the associated lifecycle costs. This would total £242,220.

12.15. On 2 October 2020 in an email from TMBC to WSP, it was clarified that this figure was incorrect and the correct contribution being sought is £107,153 towards the cost of pitch provision/improvements and £13,957 for the associated lifecycle costs. This would total £121,110.

12.16. In an email from WSP to TMBC dated 5 October 2020, WSP confirmed that the applicant could commit to the requested obligation of **£121,110**.

12.17. The contribution towards sports facilities is therefore agreed as policy compliant.

Spatial Green Infrastructure

12.18. In an email from TMBC dated 20 August 2020, it was confirmed that using the formula included in SPD 1, a total contribution of £252,836.87 towards spatial green infrastructure would be required based on a population yield of 588 for local open space (LOS) and 425 for provision for children/young people (excludes studio and one bed units):

- Local open space - $£161.59 \times 588 = £91,783.12$
- Provision for children/young people - $£378.95 \times 425 = £161,053.75$

- 12.19. In an email from WSP to TMBC dated 5 October 2020, WSP confirmed that the applicant could commit to the requested obligation of **£252,837**.
- 12.20. The contribution towards sports facilities is therefore agreed as policy compliant.

Highways

- 12.21. The parties have agreed a contribution of £30,000 for off-site highways infrastructure.

Green Infrastructure

- 12.22. Although landscaping is a reserved matter, the application demonstrates that the level of green infrastructure proposed within the development is policy compliant. A financial contribution is not required on this basis.
- 12.23. As set out in the SoCG, this is a matter agreed with TMBC.

Health

- 12.24. In an email from TMBC dated 29 September, it was confirmed that further to discussions between the CCG and TMBC, no development contribution would be sought towards health facilities.

Primary Education

- 12.25. In an email from TMBC dated 7 July 2020, the applicant was asked to check the population yields calculated in accordance with SPD1, and the health and education needs document updated accordingly. This increased the population yield from 432 to 567 new residents.
- 12.26. An updated Education and Health Capacity Assessment prepared by WSP was submitted on 15 July 2020, the updated report confirmed that the development was for 333 homes and 568 new residents (rounded up). The primary pupil yield was calculated as 58 to 120 students, depending on the methodology.
- 12.27. On 3 August a request of £1,233,623 was sought by the Schools Capital Projects Team on the basis that whilst there is capacity in Manchester Schools, Trafford Schools are oversubscribed. The contribution was based on a methodology of 3 pupils per year group per 100 homes:

Primary School Contribution	47 pupil yield	£639,651
Secondary School Contribution	33 pupil yield	£593,972
Total		£1,233,623

- 12.28. In an email from TMBC dated 29 September, it was confirmed that further information had been sought with regards to education and capacity within the local area, and as such TMBC will seek developer contributions towards primary school provision to a total of £641,973 and no contributions towards secondary school.
- 12.29. In an email from WSP to TMBC dated 5 October 2020, WSP confirmed that further investigation was being undertaken, to understand whether the requested education contribution meets the tests in Regulation 22, specifically in terms of necessity and in terms of being fairly and reasonably related in scale and kind to the development
- 12.30. As set out at **Exhibit 5**, work by Alfredson York ascertains the level of contribution required. The submitted Education Impact Assessment concludes that the contribution requested has not been sufficiently justified and therefore fails the tests set out in the CIL regulations. The report concludes that a contribution of £641,937 education is not necessary to make the development acceptable in planning terms nor related fairly and reasonably related in scale and kind to the development. The appellant therefore proposes no contribution toward primary education.
- 12.31. As set out in the SoCG, TMBC and the appellant agree than no contribution is required for secondary education.

Affordable Housing

- 12.32. The NPPF states that for major development involving the provision of housing, at least 10% of the homes should be available for affordable home ownership. In respect of the provision of affordable housing, at the local level, the requirement to secure an affordable contribution is covered by Core Strategy Policy L2.
- 12.33. Core Strategy Policy L2 does not capture the broader range of affordable housing categories advanced by the NPPF and is thus out of date on this point.
- 12.34. Policy L2 and SPD1 go on to explain that *“In areas where the nature of the development is such that, in viability terms, it will perform differently to generic developments within a specified market location, the affordable housing contribution will be determined via a site specific viability study, and will not normally exceed*

40%”. SPD1 also states that this approach to the application of Policy L2 and SPD1 will apply in the case of most of the strategic locations.

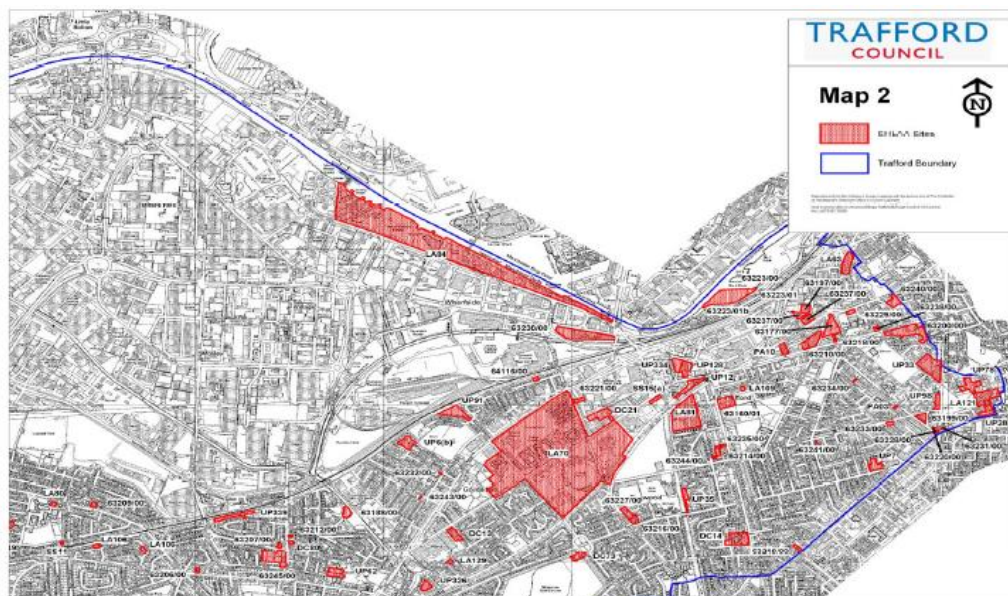
- 12.35. TMBC consider that the Borough does not perform as a single uniform property market hence the policy sets out that Trafford is split into three broad market locations which have different percentage requirements for the provision of affordable housing.
- 12.36. TMBC’s Supplementary Planning Document (Revised SPD1: Planning Obligations, July 2014), draws upon the recommendations of the Trafford Economic Viability Study (2009 and a 2011 update), and shows the application site to be located within a ‘cold market location.’ In such locations, a lower level provision of affordable housing is typically sought than in ‘moderate’ and ‘hot’ market locations. Policy L2 and SPD1 outline that different market conditions can apply throughout a development plan period which also impact upon the level of affordable provision that a new residential development can successfully sustain. ‘Poor market conditions’ had been in force since the Core Strategy’s adoption which was in recognition of the UK housing market undergoing a period of significant downturn following the 2008 recession.
- 12.37. As set out in the committee report included at **Appendix 12.1**, TMBC states that:
- “In recent years the residential market has shown signs of recovery and has now re-stabilised. It follows that in November 2018 a recommendation of officers to accept a shift to ‘good market conditions’ for the purposes of negotiating affordable housing and applying Policy L2 and SPD1 was accepted by the Planning and Development Management Committee. The effect therefore, is, that within this ‘cold market location’ and under present ‘good market conditions’ a 10% affordable housing target will normally be applied. However, in addition to the application of the affordable housing policy on the basis of geographical and market conditions, Policy L2 and SPD1 go on to explain that “In areas where the nature of the development is such that, in viability terms, it will perform differently to generic developments within a specified market location, the affordable housing contribution will be determined via a site specific viability study, and will not normally exceed 40%”.*
- 12.38. Paragraph 3.14 of SPD1 notes that the question of the development performing “differently to generic developments within a specified market location” will “apply in the case of most of the strategic locations.”

- 12.39. Firstly, SPD1 does not have the same weight as development plan policy. Secondly, it does not expand on which of the strategic locations it did and did not expect this to be applied. Thirdly, it does not explain what might constitute “generic” in the case of each market location.
- 12.40. In validating the application, TMBC accepted that no FVA was needed to validate the application and therefore that the fourth bullet of SL2.12 was not engaged. The email accepting this position is provided in **Appendix 12.2**, and the Leading Counsel’s Opinion that was provided to the LPA is appended in **Appendix 3.3**.
- 12.41. TMBC subsequently explained that it considers *“the proposed development will, in viability terms, perform differently to generic development within Old Trafford Market Area.”* This is claimed on the basis of the following, drawn from the comments made by Cushman and Wakefield (viability consultant for the appellant) in the submitted Financial Viability Appraisal that was submitted with the application, ie:
- The existing building would have a higher alternative use value (AUV) if refurbished than the residual land value generated from the proposed residential development;
 - The restrictions on the existing use of the site through a planning condition and the subject property’s current condition mean that the site has a very low existing use value (EUV) when compared to other schemes in Old Trafford; and
 - The total finance costs assumed by Cushman and Wakefield amount to £4,469,377 as a result of the development phasing. It is assumed that the full development would be delivered in one phase which TMBC claim is a *“unique approach to take for a scheme of this scale”*.
- 12.42. As such, TMBC consider that the fourth bullet point of CS Policy L2.12 is engaged *“as it is demonstrated that the proposed development will perform differently in viability terms to generic development in the Old Trafford Market Area and it is appropriate to review the applicant’s Financial Viability Appraisal (FVA) to determine whether the proposed development is capable of supporting up to 40% affordable housing provision”*.
- 12.43. Prior to validating the application, correspondence from TMBC claimed the application would perform differently to the generic two-storey housing stock in the Old Trafford market location. The email of 20 April 2020 stated that *“colleagues in Strategic Planning have confirmed that ‘generic development’ ...does refer to the*

housing stock which existed at the time of the adoption of the Core Strategy and had transactions on the VOA website. In Old Trafford, the viability study tested developments which were small terraced properties, not apartment style developments and that determined the OT market area, in which this site is located.”

- 12.44. This overlooks that the policy wording relates to “developments”, not existing stock, existing homes or existing properties. Indeed, no new development would be comparable to the existing housing stock, which in Old Trafford would be predominantly at least 50 years old (if not older) and as such it makes no logical sense to be using existing housing stock as the example that defines generic in this context. Moreover, nearly all residential development since 2010 in Old Trafford has been in the form of apartments on brownfield land.
- 12.45. Furthermore, the policy refers to “viability terms” and not “sales terms” or “values terms.” Therefore, the statement from the case officer and strategic planning is wholly disputed.
- 12.46. For further explanation, it is helpful to consider the Trafford Economic Viability Study (2009 and updated 2011) that underpinned the Core Strategy policy. In preparing the Trafford Economic Viability Study in May 2009, consultants GVA sieved the SHLAA to produce a sample of 100 sites for development appraisal and market testing (paragraph 3.14). The sample included a mix of sites, including sites likely to be built as apartments (the TEVS does not list the 100 sites themselves). Paragraph 3.18 noted that “the sample contains a substantial proportion of sites that include apartment development. Whilst it is understood that the delivery of flatted development has lessened at present, the model takes a ‘pure’ appraisal and thus does not take account of market demand elements. Under such conditions, this is representative of the development coming forward in Trafford and is representatives of the site densities recorded in the Trafford SHLAA.”
- 12.47. The TEVS also explained that 18% of the sites tested had capacity of more than 50 units, that 21% of sites tested were in the 0.8 ha – 2.5 ha range and that 28% were on occupied previously-developed land (ie a good proportion of the sites shared one or more characteristics of the appeal site).
- 12.48. A SHLAA was produced in July 2008, which underpinned the TEVS.
- 12.49. LA70 Old Trafford Cricket Ground was included in the SHLAA with a capacity of 300 homes in years 5-10, 300 homes in years 10-15 and 900 homes in years 15+, equating to 1,500 homes in total, in an area stated in the SHLAA to cover 32.96

hectares. The extent of the area is shown below. This is similar to, but larger, than the LCCC Quarter's boundaries.



- 12.50. Providing 1,500 homes across a 33ha area, which includes the Town Hall and the cricket ground itself, will result in a need for high density development. Of the 33ha, the Town Hall site is approximately 2 ha and the cricket ground around 6.5 ha.
- 12.51. Avison Young (which now incorporates GVA) acted as planning and viability consultant for the Council in support of the Council's Joint Venture with Bruntwood to redevelop the former Kellogg's site; Avison Young stated that "under current market conditions we understand that a 10% provision of affordable housing would be considered to be policy compliant (page 4, Avison Young Financial Viability Assessment January 2020) – provided in **Appendix 12.3**. This FVA was subsequently deleted from the planning register and replaced with an FVA that removed this reference to policy compliance.
- 12.52. Avison Young also act for the Council in the preparation of the Civic Quarter Area Action Plan and it is to be expected that in writing the first FVA (which the Council accepted when validating the application) they had a good understanding of local policy and viability matters.
- 12.53. In resolving to refuse the Appeal scheme, TMBC concluded that the scheme should be assessed against a target of 40% by virtue of it performing differently to a generic development in this location. However TMBC's rationale has now changed, no longer referring to generic developments being the traditional two-storey housing stock, and now referring to three specific aspects of the submitted FVA.

- 12.54. The applicant only submitted the FVA to guard against the prospect that TMBC might elect to change their position and put the application 'on hold' pending the submission of an FVA, as occurred with the applicant's original application on this site.
- 12.55. Yet the submission of the FVA also demonstrates that the scheme can only provide 10% anyway.
- 12.56. Therefore, the FVA supports the appellant's position that this development does not perform differently in viability terms to other developments in Old Trafford, regardless of what constitutes a "generic" development for the purposes of the policy.
- 12.57. The development plan seeks a 5% affordable housing contribution in cold market locations such as Old Trafford. Material considerations in the form of SPD1 and the Council's understanding of market conditions result in 10% being sought. The applicant is committing to 10%. The evidence that supported the development plan took into account similar types of site and development as the appeal scheme. The evidence might even have included SHLAA site LA70. The nature of the proposed development is not such that it would perform differently in viability terms than the other developments that have taken place in Old Trafford, or differently from the types of development that would have been envisaged in Old Trafford during the preparation of the Core Strategy.
- 12.58. The provision of affordable housing therefore complies with the relevant development plan policies.

Viability

- 12.59. As the proposed development includes a policy-compliant level of affordable housing at 10%, and as the request for a financial contribution to education is not reasonable or necessary to make the development acceptable, there is no departure from policy that triggers the need for viability to be considered as part of this appeal.
- 12.60. In the officer's report's conclusion and planning balance, the provision of 10% affordable housing is stated as a benefit, but also attributes less weight to the provision of the 10% affordable housing (34 homes) than "might otherwise have been the case had the applicant adequately demonstrated through the Financial Viability Appraisal the amount of affordable housing which could be provided."

- 12.61. To aid the Inspector in attributing weight to the provision of 34 affordable homes at a time of great housing need, this Statement of Case is supported by **Exhibit 6**, which has been prepared by Cushman and Wakefield in response to comments made by the Council's retained viability consultant.
- 12.62. The content of the Exhibit demonstrates that the submitted FVA was robust and credible.
- 12.63. Therefore, significant weight should be attached to the provision of 34 affordable homes. As no other developments in the LCCC Quarter have delivered affordable homes, substantial weight should be given to the provision of 34 affordable homes in an area where no affordable homes are being delivered and there is great housing need.

Conclusion

- 12.64. The provision of 34 affordable homes is in accordance with the development plan and NPPF. It represents a very substantial benefit, in circumstances where there is such a pressing need for such provision
- 12.65. There is no justification for a financial contribution towards primary education.
- 12.66. Therefore, the contributions being delivered by the applicant's S106 package are policy compliant; the affordable housing contribution should be attributed very significant weight in the decision-making process.
- 12.67. As there is policy-compliance, viability matters should not need to be assessed in the appeal. However, should the Inspector wish to explore viability matters further, the submitted FVA and **Exhibit 6** demonstrates that the 10% affordable housing provision is wholly justified.
- 12.68. There are no reasons to refuse permission relating to planning obligations.

13. Reason for refusal 5

- 13.1. This chapter should be read alongside the accompanying **Exhibit 7** produced by AA Projects.
- 13.2. The fifth putative reason for refusal states:

“The proposed development by virtue of its height, massing, scale and layout would result in a poor level of amenity and unacceptable living standards for future occupiers of the development, by virtue of inadequate daylight and outlook in both apartments and amenity areas. The proposed development is therefore contrary to Policies SL3 and L7 of the adopted Core Strategy and the National Planning Policy Framework.”

Local Policy

- 13.3. Policy SL3 states the Strategic Location will provide a high-quality residential neighbourhood centred around an improved stadium. Its relevance to the issues listed in this reason for refusal must relate to whether the design is “high-quality”.
- 13.4. Policy L7 (Design) Part 3 (Protecting Amenity) states – that in relation to protecting amenity, development must be compatible with the surrounding area and not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way.

National Policy

- 13.5. The NPPF states that decisions should create places that provide a high standard of amenity for existing and future users (Paragraph 127 f).

Daylight Sunlight

- 13.6. The Daylight Sunlight report (**Exhibit 7**) prepared by AA Projects (AAP) provides substantiation to address reasons for refusal 6 and 7.

Landscaping

- 13.7. Although not forming a reason for refusal, TMBC’s committee report states:

“There is concern that the amount of space potentially set aside for tree planting (0.5 metres) would provide very little room for tree planting which would provide any meaningful softening, nor would it allow room for trees to grow, flourish and mature within the bounds of the application site. The development is considered to be too close to this boundary”. (para 180).

- 13.8. Concern was also raised over the outlook of future occupiers at ground and first floor level in the rear elevation which overlooks the rear of an existing LCCC building.
- 13.9. It should also be noted that landscaping is a reserved matter on which detailed information will be provided under a subsequent reserved matters application.
- 13.10. Nonetheless, the illustrative landscape scheme was revised following the Places Matter Design Review to include garden/terrace areas. The outlook for these properties to the immediate rear at ground floor level is of a private garden/terrace with a hedge boundary.
- 13.11. The rear of the development is surfaced with an attractive block paving to give the impression of a pedestrian-scale courtyard. Room for planting is shown on the new illustrative planting plan. This is wide enough to provide a green outlook. An updated Illustrative Landscape Plan is included at **Exhibit 4 Appendix 1.1**.
- 13.12. As outlined in **Exhibit 4**, future residents living at ground and first floor to the rear of the development will experience a pleasant level of amenity and will enjoy views of garden areas and a planted backdrop to the neighbouring development. The further green infrastructure and amenity space provided across the development, including at roof levels and in courtyards, must also be considered in the context of outlook, aspect and overarching amenity.

Conclusion

- 13.13. Whilst the proposed development does not comply 100% with BRE guidance, the vast majority of rooms fully pass the BRE ADF criteria.

In accordance with national policy, the BRE guidance should be applied flexibly and this is the approach taken by the local authority when approving similar developments previously. The guidance is not law. The guidance is not policy and it is not a mandatory standard. When taken as a whole, the proposed development does not result in unacceptable living conditions for future occupiers.

The very minor harm should be attributed limited weight given BRE's guidance is not policy or mandatory standards. This level of harm is very commonplace and local and national precedents demonstrates much greater levels of harm is acceptable. The proposed living conditions will not be poor and residential amenity will be to an at least acceptable level, further augmented by the architectural approach (lauded by Places Matter Design Review) and the choice of usable semi-private spaces across the development.

14. Reason for refusal 6

14.1. The sixth putative reason for refusal states:

“The proposed development by virtue of its height, massing, scale and layout would result in harm to the amenity of existing residential properties on Great Stone Road and Trent Bridge Walk by virtue of noticeable reductions in the amount of daylight and sunlight that they receive, and would also have an overbearing impact on these properties and other residential properties in the wider 'Gorses' area. The proposed development is therefore contrary to Policies SL3, L3 and L7 and the National Planning Policy Framework.”

14.2. This reason for refusal can be broken down into two elements; firstly harm to the amenity of existing residential properties on Great Stone Road and Trent Bridge Walk, by virtue of noticeable reductions in the amount of daylight and sunlight and secondly an overbearing impact on these properties and other nearby properties. The two matters are discussed below.

14.3. This chapter should be read alongside the accompanying **Exhibit 7** produced by AA Projects.

Local Policy

14.4. Policy SL3 states the Strategic Location will provide a high-quality residential neighbourhood centred around an improved stadium. There are no parts of this policy pertaining to residential amenity.

14.5. Policy L3 relates to regeneration and reducing inequalities. Relevant bullet points include that:

- The quality and construction and range of housing stock should be improved;
- Local environments should be improved;
- Approximately 1,000 (net) new residential properties should be provided in the Old Trafford Regeneration Area;
- Such developments in the Old Trafford Regeneration Area must demonstrate how they make positive contribution to the Objectives for Old Trafford (as were set out in the planning application’s Planning Statement).

14.6. Policy L7 (Design) Part 3 (Protecting Amenity) states – that in relation to protecting

amenity, “development must be compatible with the surrounding area” and “not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way.”

National Policy

- 14.7. The NPPF states that decisions should create places that provide a high standard of amenity for existing and future users (Paragraph 127f).

Daylight sunlight

- 14.8. In respect of light to adjacent properties on Great Stone Road and Trent Bridge Walk, **Exhibit 7** provides a fulsome response to the putative reason for refusal.
- 14.9. These results show significantly greater compliance with the BRE guide requirements than has been accepted on other similar schemes in Trafford in recent years. AAP have compared these results against similar recent applications determined by TMBC which involve multi-storey blocks (3,4,5,6, 7 and 12 storeys) either by checking the daylight sunlight report submitted or creating a 3D model and running calculations where those results were either not requested or missing on the online planning register. The schemes considered are as follows:
- Sale Square (Application ref 94986/FUL/18) – resolution to grant subject to completion of S106 at Planning Committee on 5 March 2019;
 - MKM House/Warwick Road (Application ref: 84703/FUL/15) – approved with conditions 22 March 2016;
 - Wharf Road (Application ref 93153/FUL/17) – appeal allowed with conditions 2 September 2019.

Sale Square

- 14.10. The Sale Square application was accompanied by a daylight sunlight report prepared by BDP Rev P5 dated 2 March 2018 and assesses adjacent two storey residential houses.
- 14.11. The context of this application is especially important, as the new building is proposed on the opposite side of a road from two-storey homes.

MKM House/Warwick Road

- 14.12. This site falls within the LCCC Quarter, opposite Trafford Town Hall.

Wharf Road

- 14.13. The Wharf Road proposal was recommended for approval by planning officers, refused by Members and allowed at appeal.

Summary

- 14.14. It is acknowledged that each development should be assessed on its own merits but the daylight sunlight assessments for the comparative example schemes provided clearly demonstrate that the results in each instance, falls significantly outside the BRE criteria. This shows that TMBC have accepted alternative values which result in a substantially greater impact on neighbouring residential development elsewhere.
- 14.15. The daylight sunlight results for the impact of this proposed development on adjacent properties has been shown to be compliant with the BRE guide to a very substantial level (100% in terms of VSC – daylight and APSH – sunlight) and to a much greater overall level than has already been accepted on several other similar schemes in the area.

Overbearing impact

- 14.16. The nearest existing residential properties are located opposite the site on Great Stone Road. The front façade of the proposed development is located between 34 metres and 42.7 metres from the front elevation of the existing residential dwellings on Great Stone Road. The dwellings immediately opposite the site are set at a lower ground level than Great Stone Road with the road rising in height in front of these dwellings.
- 14.17. The residential properties on Trent Bridge Walk which is located on the opposite side of the Metrolink line adjacent to the site are located between 38 metres and 44 metres from the side elevation of the proposed development.
- 14.18. In the committee report, TMBC, state:

“The proposed development would also result in the introduction of a significant number of new habitable room windows and balconies overlooking the existing

dwellings on Great Stone Road and Trent Bridge Walk. Whilst these residents are likely to feel overlooked as a result of this, particularly as these dwellings are not currently overlooked to their front elevations, the separation distances are considered to be acceptable and it is not considered that the proposed relationship would result in an unacceptable level of overlooking".

- 14.19. Whilst overbearing is a different consideration to overlooking, a minimum distance of 38m, with an intervening tramline and vegetation, is unlikely to cause harm.

Further information on the perception of the overbearing is provided in **Exhibit 3** produced by O'Connell East and **Exhibit 4** produced by TPM.

- 14.20. It should also be noted that Places Matter Design Review endorsed the height and scale of the proposed building, having undertaken their own site visit; indeed the panellists advocated that additional height might be justified, including on the side of the development closest to Trent Bridge Walk.

Conclusion

- 14.21. In terms of Policy SL3, the proposed development will help create the new neighbourhood centred around the cricket stadium; the development complies with this policy in respect of the issues identified in the reason for refusal.
- 14.22. In terms of Policy L3, the development adds to the ongoing regeneration of Old Trafford; it creates new housing stock including 33 affordable homes and apartments ranging in size and configuration. It also contributes to the place objectives in the Core Strategy. The proposal clearly accords with this policy.
- 14.23. The proposal also complies with Policy L7: the change to residential amenity against the BRE guidelines is so slight as to be compatible with its surroundings; the amenity of nearby occupiers will also be maintained sufficiently, with nearby amenity also improved by the development as a whole, eg activating the street scene.

15. Reason for refusal 7

- 15.1. This chapter should be read alongside the accompanying **Exhibit 8** prepared by WSP's heritage team.
- 15.2. The seventh putative reason for refusal states:

“The proposed development by virtue of its layout, scale and massing would have a harmful impact on the setting of Longford Park Conservation Area equating to 'less than substantial' harm in National Planning Policy Framework terms. The benefits of the scheme are not considered to outweigh the identified harm to a designated heritage asset. The proposed development is therefore contrary to Policies SL3 and R1 of the adopted Core Strategy and the National Planning Policy Framework.”

Local policy

- 15.3. LPCS Policy R1 requires developers to demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular, in relation to conservation areas, listed buildings and other identified heritage assets.
- 15.4. TMBC reference LPCS Policy SL3 within this reason however, there are no parts of this policy applicable to heritage impacts on Longford Park Conservation Area. The policy does reference the need to *“protect, preserve and enhance the listed Trafford Town Hall and its setting”* however, impact on the Town Hall does not comprise a reason for refusal.

National policy and legislation

NPPF

- 15.5. The NPPF advises that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance (paragraph 189).
- 15.6. Paragraph 190 states that local planning authorities should identify and assess the

particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 15.7. Paragraph 193 of the NPPF explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, proportionate to the importance of the asset. Any harm to, or loss of, significance of the asset should require clear and convincing justification (Paragraph 194).

Planning (Listed Buildings and Conservation Areas) Act 1990

- 15.8. The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings, structures and areas of special historic architectural or historic interest. Section 66(1) of the 1990 Act requires that, when considering whether to grant planning permission for development which affects a listed building, the local planning authority, "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 15.9. Section 72 of the Act provides a specific, "duty as respects conservation areas in exercise of planning functions". Consequently, the Council is charged with paying, "special attention....to the desirability of preserving or enhancing the character or appearance of that area".

Heritage Assessment

- 15.10. The Heritage Appeal Statement (**Exhibit 8**) prepared by WSP (Heritage) addresses the alleged impacts on the setting of Longford Park Conservation Area.
- 15.11. TMBC's Committee Report references "negligible harm" in heritage terms on the Grade II Listed Trafford Town Hall and the non-designated heritage asset of the Pavilion building at Lancashire County Cricket Club as a result of the development. However, such harm is not relied upon in the reasons for refusal and so forms no part of the council's case.
- 15.12. Notwithstanding, given the reference to harm, consideration is given to the impact

on those assets as part of this assessment.

- 15.13. In this regard, WSP agree with the TMBC assessment that there will be negligible harm caused to the setting of Trafford Town Hall and to the Pavillion at Lancashire Cricket Club. However, WSP consider the harm TMBC attribute to the setting of Longford Conservation Area to be overstated.
- 15.14. As outlined in **Exhibit 8**, against the provisions of the NPPF paragraph 196, it is considered the proposed development would have a neutral impact on Longford Conservation Area rather than the “minor harm” stated by TMBC amounting to “less than substantial harm”.
- 15.15. The Planning (Listed Buildings and Conservation Areas) Act 1990 states that ‘special regard’ must be given to desirability of preserving a Listed Building or its setting or any architectural or historic significance that the building possesses. The same Act states that ‘special attention’ shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In practice this means that ‘considerable importance and weight’ should be accorded to any harm caused by development to the heritage significance of designated heritage assets, within the decision-making process.
- 15.16. In these terms, the Heritage Statement (March 2020) prepared in support of the application concluded that there would be no direct harm to the significance of any designated heritage asset. Further, although it did identify indirect impacts, through setting, to the Town Hall, Longford Conservation Area and Lancashire County Cricket Club, it concluded that such impacts would be negligible if not neutral, meaning no harm to the significance of the heritage assets would be caused.
- 15.17. The application and heritage statement were reviewed by TMBC’s Conservation Officer during the course of the application who responded on the 9th of September 2020 to the effect that there would be a minor change to the setting of Longford Park and that there would be negligible harm caused to the setting of the Old Trafford Cricket Ground.
- 15.18. The main issue is therefore the impact upon the Longford Conservation Area. However, due to the references within the Officer’s report to the impact upon the Grade II Listed Trafford Town Hall and the LCCC Pavilion, **Exhibit 8** briefly reassesses this impact as part of the appeal.

Impact on Longford Conservation Area

- 15.19. The Heritage Statement submitted with the application concluded that the impact on the conservation area would be neutral, due to the area being within a mixed urban context and the location of the proposed development being some distance from the park. In this regard the Conservation Officer acknowledged the conservation area is located within an urban environment and the conservation area appraisal also acknowledges the urban nature of the park's surroundings and the change in character between the formal landscape to the south of the park and the more open fields to the north.
- 15.20. Due to screening in the form of intervening trees and vegetation, views to the site from the conservation area can only be obtained from the northern extremities of the park. As explained in **Exhibit 8**, this area is arguably of less significance to the history of the Longford Estate due to it being located away from the formal grounds of the former hall.
- 15.21. The LCCC floodlights can be seen to roughly mark the position of the site from the park and this illustrates that the experience of the development is likely to be one of peripheral views of the very highest points of the proposed building. It confirms that development will not affect any significant viewpoints. Moreover, in summer, the majority of the building will likely be obscured by trees.
- 15.22. These statements are further bolstered by the findings of **Exhibit 4** and View 15 from the LVIA which comprises a view from the northern part of the conservation area as the only area of the park where the site can be viewed. The report outlines:
- “The view already includes flood lights and glimpses of the LCCC stadium as well as playing pitches in the fore-ground. The surrounding residential properties are evident throughout leading to a clear understanding that this is a park within an urban setting which includes large and small scale leisure and sport infrastructure.”*
- 15.23. The Conservation Officer has identified harm through the potential of light spillage from the proposed building and the impact of such light pollution upon the park. **Exhibit 8** outlines that whilst some windows may be visible, they will be filtered behind trees and, due to the distances involved, will appear very small from the points at which the proposal will be visible from within the park. The existing homes that already provide part of the setting of the Conservation Area will also have domestic lighting. On summer evenings when 'day/night cricket' is being played, it is more likely that the LCCC floodlights cause overspill than any domestic lighting

would.

- 15.24. **Exhibit 8** concludes that whilst some of the proposed buildings may be visible at certain times of the year, and from certain places within the less sensitive, northern area of Longford Park, the actual impact upon the conservation area as a whole would be minimal, indeed insignificant.
- 15.25. In visual terms, the modelled view indicates the proposals being visible above the tree line and leading to a moderate adverse visual effect. This is expected to become integrated into the existing urban edge to the park and change to a neutral effect over time. It is TPM's view (see **Exhibit 4**) that *"this is not a significant or notable effect following gradual integration and an effect which only extends over a small area of the park used primarily for sports and recreation."*
- 15.26. Accordingly, the proposal will not cause harm to any buildings or spaces of particular historic significance associated with the former use of the park, or for that matter, from major routes through the park. Therefore, the assessment concurs with the previous heritage report of March 2020, namely that the impact of the proposed development on the Longford Conservation Area will be neutral.

Impact on Trafford Town Hall

- 15.27. **Exhibit 8** outlines that the proposed development will introduce a larger building onto the appeal site but it will have no impact upon the understanding or significance of Trafford Town Hall. Instead, the proposed building will sit comfortably within the site and mitigate the existing views of the rear of the cricket ground. Even though the minor glimpse of the top of the Town Hall tower will no longer be evident from the very top of Great Stone Road, the impact will be negligible.
- 15.28. The conclusions drawn align with that of TMBC's Conservation Officer.

Impact on LCCC Cricket Club Pavilion

- 15.29. The significance of the non-designated heritage asset in the form of the Muirhead designed Pavilion is largely drawn from its historic use as a cricket pavilion and the associative significance of its use as a facility throughout the life of the cricket club itself by visitors. The wider setting contributes very little to the significance of the asset and the building is presently nearly completely surrounded by modern buildings (including a new hotel and new conference centre with bold bright red

roofs and modern glazing) and grandstands alongside the wider urbanised landscape.

- 15.30. The proposed development will introduce a larger structure upon this site, but it will in no way dominate the Cricket Club but will instead reflect the increasing urbanisation of this area as supported through the emerging Civic Quarter Area Action Plan. The Pavilion itself draws little significance from this site and therefore the asset will be subject to negligible harm. Again, in this regard the conclusion of **Exhibit 8** accords with that of the Council's Conservation Officer.

Conclusion

- 15.31. The proposed development has no material impact on the setting or significance of any nearby listed or no designated heritage assets meaning no material harm would arise. There would be no impact upon Longford Conservation Area; alternatively, to the extent there would be a degree of harm, that would be so minor as to be negligible. The proposed development therefore accords with the provisions of R1, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Paragraphs 184-197 of the NPPF, whilst Policy SL3 provides no policy relevant to the matter of the Conservation Area.
- 15.32. Should the Inspector be minded to conclude that the proposed development would result in less than substantial harm to the setting of Longford Conservation Area, the harm would be at the very lower end of the less than substantial scale.
- 15.33. It is recognised that considerable weight and importance is attached to heritage harm but any impacts are so slight and the need for housing so severe and as demonstrated in subsequent chapters, this slight harm would be clearly and manifestly outweighed by the benefits of the proposed scheme.

16. Conditions and Section 106 Obligations

Planning Conditions

- 16.1. The Appellant will seek to reach agreement on planning conditions (for use in the event that the Inspector allows the appeal) with the LPA in advance of the Hearing.

S106 Obligations

- 16.2. A planning obligation will be drafted and executed prior to the commencement of the Hearing. This table sets out the current proposed contributions:

Scheme	Description	Amount
Highways improvement works		
H1	Financial contribution to improve pedestrian and cycle accessibility to the three un-signalled arms of the Great Stone Road / Talbot Road junction.	£30,000
Sports Facilities		
SF1	Financial contribution towards off-site improvements to outdoor sports facilities.	£121,110
Spatial Green Infrastructure		
SG11	Financial contribution towards off-site improvements to open space and facilities for children/young people	£252,836.87
Green Infrastructure		
GI1	The level of green roofspace offered would meet the green infrastructure requirement, and so a financial contribution is not required.	£0
Health		
H1	Primary healthcare improvements (confirmed not required)	£0
Primary Education		
PE1	Shortfall in Primary Education places within the catchment area	£0
Affordable Housing		
AH	Affordable housing	34 properties
Total		£403,946.87

- 16.3. With regards to triggers to payment, this was a point that the LPA's viability consultant questioned in his response to the application. It is acknowledged that the LPA typically don't request all payments upon commencement of development; therefore, a review of triggers has been undertaken. With no clear consistent approach, the triggers below are based on a combination of the S106 signed at 'Itron Site' in Stretford (LPA ref: 95723/FUL/18) and the triggers requested by the

LPA on a housing scheme at Warburton Lane in Trafford that has gone to appeal (LPA ref: 98031/OUT/19). The Owners shall pay to the Council the Contributions in the following instalments and at the following times for the Sports Facilities and Spatial Green Infrastructure contributions:

- 50% on commencement of development;
- 25% prior to occupation of 25% of dwelling;
- 25% on occupation of 75% of dwellings.

- 16.4. The Highways Improvement Works contribution is proposed to be paid on commencement of development.
- 16.5. The proposal will also pay the Community Infrastructure Levy (CIL) as required. For leisure floorspace this would be calculated at £10 per square meter, and £0 for all other forms of development. The application seeks a flexible use for the commercial units, and so the quantum of leisure floorspace (if any) is not yet known.
- 16.6. The obligations mitigate the proposed development and contribute to improvements to wider infrastructure.

17. Scheme benefits

Overall housing benefits

- 17.1. Considerable weight should be afforded to the delivery of 333 homes on this vacant, brownfield site in a highly sustainable location in scenario of a significant undersupply of homes.
- 17.2. A 2.4 year supply of housing demonstrates that TMBC are failing to not only deliver housing across the borough as a whole but failing to deliver housing in their strategic locations, which is where a significant proportion of new homes were anticipated to be delivered. The strategic locations, including SL3 the LCCC Quarter are catalysts for regeneration. Continued failure to deliver homes in the strategic locations will undermine the regeneration of Trafford, including on an environmental, social and economic perspective. The proposal has benefits of all natures, as set out below.
- 17.3. In terms of delivering much needed homes to meet the necessary five year supply, the scheme will be ready for occupation within the five year period. The appellant anticipates applying for the one reserved matter (landscaping) within a few months of planning permission being granted. An allowance of six months for preparation, submission and determination is reasonable. Assuming the appeal is allowed in Q1 2021, the site should have the benefit of detailed permission by the end of Q3 2021. The appellant anticipates approximately six months for the preparation, submission and approval of details required prior to commencement of development. It is therefore expected that work on site will commence by the end of Q1 2022. Allowing slightly more than two years for the build programme means that homes would be ready for occupation in 2024.
- 17.4. Therefore, 333 homes will be delivered in a timely manner to contribute to the five-year supply of developable and deliverable homes.
- 17.5. The contribution of 34 affordable homes to help meet the pressing housing need is also of substantial weight due to the lack of affordable homes hitherto delivered in the LCCC Quarter.

Economic benefits

- 17.6. Significant weight should be given to the economic benefits of the scheme arising both during construction and following completion of the development, as was awarded for the Kellogg's scheme.
- 17.7. Economic benefits flow naturally from housing development. The weight to be attributed to economic benefits from housing is greater in this location, where housing supply and delivery has not been at the necessary rate, and where there are existing economic problems – characteristic of areas needing regeneration.

Temporary construction employment

- 17.8. The proposed development will include a construction phase which will generate turnover and temporary employment for local construction firms and related trades. The likely total construction cost for the development will be around £30 million with the construction period lasting approximately two years.
- 17.9. The House of Commons briefing paper, "Construction: industry statistics and policy" published in December 2019 reveals that the construction sector contributed £117 billion to the UK economy in 2018, with 2.4 million construction industry jobs in Q2 of 2019. The Office for National Statistics' Construction statistics (2017) put average weekly earnings in the construction industry as £607 per week in December 2017.
- 17.10. Using the anticipated build cost and the average turnover per full time equivalent construction job, WSP estimates that the development proposals will generate 186 person years of temporary construction employment.
- 17.11. The standard convention in economic impact assessment is that ten person years of construction employment equate to one full-time equivalent, permanent job in the construction sector. This means that the construction of the scheme will support the equivalent of around 18 permanent construction jobs.

Gross Value Added

- 17.12. Gross value added (GVA) is a conventional measure of economic well-being. In essence, GVA measures the value of output generated by a producer minus the costs associated with the production of the output.
- 17.13. The Annual Business Survey 2017 provides estimates of the approximate GVA by

different sectors of the UK economy. During 2017, the approximate GVA by the construction sector was £103 billion.

- 17.14. WSP estimates that the temporary employment generated will create Gross Value Added (GVA) of approximately £11.4 million.

New Homes Bonus

- 17.15. The “New Homes Bonus” is a Government scheme which is designed to encourage local authorities to grant planning permissions for the construction of new houses in return for additional revenue. The scheme provides a lump sum payment for each new home built and is payable for a total of four years.
- 17.16. WSP has used the New Homes Bonus Calculator tool, provided by the Department for Communities and Local Government, to estimate the New Homes Bonus payment which could potentially be generated by the development.
- 17.17. The New Homes Bonus payment which will be generated by the proposal (using the New Homes Bonus Calculator tool provided by the Department for Communities and Local Government) based on an overall total of 333 new homes, and assuming that all of the two and three bed homes fall into Council Tax Band D and all of the one bed homes fall into Council Tax Band B, the scheme will generate New Homes Bonus payments to Trafford Council of around £425,000 in year 1.
- 17.18. The New Homes Bonus payment to Trafford Council over a four-year period will be around £1.7 million.

Additional Council Tax receipts

- 17.19. WSP estimates that 333 new households at the proposed development site would generate additional Council Tax receipts for Trafford Council of £466,887.07 per annum at 2019/2020 prices.
- 17.20. This is based on 223 households (the two and three bed properties) at the standard D Council Tax rate (£1,567.47 at 2019/20 rates) equating to a total of £349,545.81. The remaining 108 no. one bed properties and two studio apartments are at the standard B Council tax rate (£1,219.13 at 2019/20 rates). We have assumed that half of the one bed properties will be occupied by one person (a 25% reduction in Council Tax has been applied) and half occupied by two people. The total Council Tax receipts for the one bed properties will equate to £117,341.26.

- 17.21. This additional council tax revenue would be generated in stages as the residential accommodation at the proposed development site is constructed and occupied. The full effect of the increased Council Tax receipts would be felt on full completion and occupation of the 333 homes.

Increased consumer spending

- 17.22. The new residential population deriving from the proposed development site will generate additional demand by increasing household spending in the local area.
- 17.23. The Statement on Family Spending 2019 published by the Office for National Statistics in January 2019 provides data (a three-year average) for the financial year ending 2016 to financial year ending 2018 on household expenditure. The total number of UK households surveyed over this three-year period is 11,689.
- 17.24. Family Spending 2019 reveals that the average weekly household expenditure in the North-West region for the period 2016 to 2018 was £501.20. Since this spending typically goes to major national institutions with only modest impacts on the local economy, WSP has deducted this spending from average weekly household expenditure.
- 17.25. This means that for the period from 2016 to 2018 (net), average weekly household expenditure in the North-West region was £501.20, which is equivalent to an annual figure of £26,062.40.
- 17.26. Based on this analysis and the net addition of 333 new households, WSP estimates that the gross additional household expenditure generated by the new residential population at the proposed development site will be around £8.5 million per annum. This assumes that the scheme's potential 333 households demonstrate spending patterns typical of the North-West region as a whole.

Commercial accommodation

- 17.27. The proposed commercial accommodation is expected to facilitate new direct and indirect jobs with a GVA which will help to support and sustain the local economy.

Social benefits

Delivery of new homes

- 17.28. The proposal will deliver 333 new homes in a highly sustainable location. The

proposal will contribute significantly towards addressing the identified housing land supply shortfall within the borough and substantial weight should be given to this, as was awarded in the Kellogg's scheme.

- 17.29. The new homes will deliver much needed family homes, help to meet an identified need and help to create a balanced community.
- 17.30. 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.
- 17.31. The weight to be attached to the social benefits associated with new homes is accentuated at a time when there is pressing and urgent housing need and there is a significant failure to demonstrate a supply of new homes and a significant failure to deliver the housing required. An under-supply of new homes, allied with a tangible existing problem of overcrowding, concealed housing and other aspects of housing need, means these social benefits are attributed great weight.
- 17.32. Improving housing supply and helping to meet housing need will also have spin-off social benefits because housing conditions are linked to issues associated with deprivation, wellbeing and health.

Affordable housing

- 17.33. A policy compliant level of 10% of the total number of dwellings will be delivered as affordable housing units. The delivery of 34 affordable homes is a substantial benefit given pressing need for affordable housing within the borough. There have been no affordable homes approved or delivered in the LCCC Quarter Strategic Location to date, which adds further weight to this benefit.

On-site green space and amenity areas

- 17.34. The proposal will create 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 uses also provide benefits to the wider community by providing a range of services and amenities for public use.

Environmental benefits

Re-use of a brownfield site

- 17.35. The proposal will positively contribute to the Council's, the GMCA's and the Government's policy aspirations to maximise the use of previously developed land for housing.
- 17.36. The development will provide new housing on previously developed land and reduce the pressure on environmentally-sensitive sites within the borough. The proposal will maximise the benefits associated with a brownfield site in a highly accessible location. Regeneration of this site will also act as a catalyst for further regeneration in this part of Trafford, as required by the Core Strategy and Stretford Masterplan.

Sustainable transport

- 17.37. The proposal provides 400 secure cycle spaces which highlights that the scheme is encouraging and promoting sustainable modes of transport in the borough, prioritising the bicycle over the use of the private car.
- 17.38. The proposal makes provision for a new pedestrian route through the site, to connect in the future with a link to the Metrolink; this is a benefit because otherwise there will be no potential for a public route from Great Stone Road to the Metrolink as envisaged by local masterplans.

Active frontages

- 17.39. The proposed uses at ground floor will improve the active frontage to Great Stone Road, which will increase footfall and activity in the area and in doing so, increase the vitality and viability of this part of Trafford. The active frontages will also increase natural surveillance in to, and out of the site thereby discouraging crime and antisocial behaviour.
- 17.40. The creation of a streetscene, compared with the current slope, car park and vacant DIY store will be of benefit to local residents, insofar as it improves the character and appearance of Great Stone Road at street level.

Greening

- 17.41. Although landscaping is a reserved matter, the illustrative landscape design booklet

shows what is achievable on site, and signposts future expectations. The objective is to incorporate green roofs, provide new planting along Great Stone Road, the rear of the site and parallel to the Metrolink, and provide better green infrastructure than the site currently provides. This will also enhance biodiversity on a site that presently has little ecological value.

- 17.42. The proposal will have more ecological value than the current biodiversity-poor site.
- 17.43. The proposal will introduce a variety of planting and green infrastructure that will help improve air quality and biodiversity.

Developer contributions

- 17.44. In determining the Kellogg's application, TMBC afford substantial weight to the suite of policy compliant developer contributions. Whilst it is recognised contributions are secured as part of a package to mitigate the impact of new development, in accordance with the approach adopted by TMBC, substantial weight is also applied to the contributions secured alongside this proposal as set out in Section 16.

Spatial Green Infrastructure

- 17.45. A financial contribution of £252,836.87 is proposed towards off-site improvements to open space and facilities for children/young people. The financial contribution proposed will add value to the local community and mitigate any additional demand for open space and children's facilities generated by the new population. It will also be public infrastructure, hence additional weight can be attached to this benefit.

Sports contribution

- 17.46. A financial contribution of £121,110 is proposed towards the cost of outdoor sports facilities. The contribution would be used to make improvements to local grass and artificial pitch facilities to increase capacity and address highlighted issues and priorities in the adopted Playing Pitch Strategy and Local Football Facilities Plan. Recipient sites for improvements would include one or all of the following identified sites: St Bride's Fields (Old Trafford); Seymour Park pitches (Old Trafford) and Turn Moss Playing Fields (Stretford) within the North (Old Trafford/Stretford) study area.
- 17.47. The financial contribution proposed will add value to the local community and mitigate any additional demand for outdoor sports facilities generated by the new population. More weight should be attributed than this being solely mitigation, however, because the outdoor sport facilities are public infrastructure; the

improvements will serve the existing community as well as the residents of the new development.

- 17.48. Substantial weight should be afforded to this, and other policy compliant developer contributions, as was awarded for the Kellogg's scheme.

Highways

- 17.49. A financial contribution of £30,000 is proposed towards the improvement of the Great Stone Road / Talbot Road pedestrian and cycle infrastructure. The financial contribution proposed will be of significant benefits to the experience of pedestrians and cyclists within the area.

Conclusion

- 17.50. Substantial weight should be afforded to the suite of policy compliant developer contributions, as was awarded for the Kellogg's scheme.
- 17.51. These contributions not only mitigate the effects of the development, they will be spent on public infrastructure and services therefore the associated benefits will be felt beyond the scheme itself. Local pedestrians, cyclists and motorists will benefit from the upgrades to the Great Stone Road / Talbot Road whilst the wider community will benefit from improvements to open space and facilities for children and young people and outdoor sports facilities.

18. Planning balance

- 18.1. Paragraph 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposed development accords with the development plan

- 18.2. The spatial strategy within the Core Strategy is of weight insofar as it directs development to strategic locations and brownfield accessible locations.
- 18.3. The spatial strategy is out-of-date in terms of the number of homes afforded to those strategic locations.
- 18.4. Policy SL3 is up-to-date in terms of the LCCC Quarter being an area for development and change. However, it is not up-to-date in terms of the quantum of housing, which in any case was always described as a minimum.
- 18.5. This SoC and the accompanying Exhibits demonstrate that the proposal complies with policies relating to affordable housing, design, amenity, heritage and the cricket ground.
- 18.6. The proposal also contributes to the Core Strategy's objectives for Old Trafford.
- 18.7. Therefore, the proposed development complies with the development plan when taken as a whole.

Material considerations

- 18.8. In addition to the scheme complying with Core Strategy policy, consideration should also be given to the pressing need to accelerate housing delivery across the Borough (in line with the Standard Method and council's own evidence as part of the GMCA and work on the GMSF) particularly on brownfield sites, located in highly sustainable locations such as the appeal site which should be attributed considerable weight in the planning balance. This will relieve pressure on housing delivery on greenfield and Green Belt sites.
- 18.9. This is particularly pertinent in the short term, given the Council is not able to demonstrate a deliverable five years' worth of housing against their housing land

requirement, a requirement of paragraph 73 of the Framework. Its most recent reported position states that it can demonstrate only a 2.5 year supply. The magnitude of this shortfall is significant.

- 18.10. The Council has suffered a persistent under supply and therefore must provide a 20% buffer to help stimulate housing development and address the shortfall. The latest Housing Delivery Test shows 58% (February 2020). This demonstrates that not enough homes are being built and therefore needs remain unmet.
- 18.11. The policies of the Core Strategy and UDP that relate to the supply of housing are therefore out of date for the purposes of paragraph 11 (d) of the Framework and considerable weight must be attributed to the provision of 333 dwellings in the planning balance.

NPPF paragraph 11 presumption in favour of sustainable development

- 18.12. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
- 18.13. The proposal comprises sustainable development that benefits from the presumption in favour of sustainable development, pursuant to paragraph 11 of the Framework.
- 18.14. The presumption in favour of sustainable development (i.e. NPPF paragraph 11) is engaged as under 11(d) the policies most important for the determination of the application are out of date, as there is not a 5 year supply of deliverable housing sites and the Housing Delivery Test is failed. This means that policies pertaining to the supply of housing are out of date.
- 18.15. The only protective policies set out in footnote 6 that might be relevant to the appeal are those relating to designated heritage assets. This SoC and the supporting Exhibits demonstrate that there is no harm to the significance of designated heritage assets. If the decision maker considers that there is harm to the significance of the Longford Park Conservation Area (the only designated asset mentioned in the putative reasons for refusal), the harm should be weighed against public benefits as per paragraph 196 of the NPPF. In this instance, such harm would clearly be at the very bottom end of the 'less than substantial' spectrum.
- 18.16. This very little amount of harm to the significance of Longford Park Conservation

Area (if there is any harm at all) should be weighed against the myriad of benefits set out Chapter 16; this weighing exercise gives no “clear reason for refusing the development proposed” (paragraph 11(d)(i)).

The planning balance

Adverse heritage impacts

- 18.17. With regards the heritage balance, **Exhibit 8** concludes there to be no harm to the designated and non-designated heritage assets.
- 18.18. If the Inspector deduces the level of harm caused by the development is less than substantial harm the harm is at the very bottom of that scale when assessed against the relevant tests set out at paragraphs 193 to 196 of the NPPF.
- 18.19. This ‘less than substantial harm’ when weighed against the extensive public benefits of the proposal as set out above, demonstrates the less than substantial harm caused to the designated and non-designated heritage assets is significantly and demonstrably outweighed by the substantial development benefits. It thereby passes the test.

Adverse daylight and sunlight impacts

- 18.20. **Exhibit 7** demonstrates that daylight sunlight results for the impact of the development on adjacent properties to be compliant with the BRE guidance to a very substantial level (100% in terms of VSC daylight and APSH sunlight).
- 18.21. Both impacts on existing and proposed residential are shown to comply with BRE guidance to a much greater overall level than has previously been accepted by TMBC on other schemes in the area.
- 18.22. 98% of the rooms within the proposed development will either be fully compliant or within a negligible/minor amount of the required BRE target.
- 18.23. The NPPF and recent decisions unequivocally emphasise that policies relating to daylight and sunlight should be applied flexibly where; as is the case in this instance, they would otherwise inhibit making efficient use of a site. This very minor degree of harm should therefore be attributed limited weight.

Turf / Shadowing

- 18.24. **Exhibit 1** shows that there will be negligible reduction in photosynthetically active

radiation during the period when the grass is renovated at the end of the cricket season. It also shows minimal shadowing effects during winter would be when the grass is not likely to be growing.

- 18.25. The use of the cricket ground and the training pitches will not be prejudiced; the potential of LCCC as a cultural and tourist destination will not be reduced; the LCCC stadium will continue to act as a catalyst for regeneration. This negligible harm is attributed some weight, however, the weight has to be tempered by the adverse effect being a slight change to the shading and thus photosynthetically active radiation levels affecting the grass, rather than the ability of the training pitches to be used.

Benefits

- 18.26. The appeal proposal will result in a number of significant benefits as set out earlier, which include, *inter alia*:
- The delivery of 333 new homes in a highly sustainable location. The proposals would contribute significantly towards addressing the considerable housing shortfall.
 - 34 affordable homes.
 - The proposals would maximise the benefits associated with a brownfield site in a highly accessible location, re-using previously developed land, including for housing which will contribute positively to the Council's policy aspiration to maximise the use of previously developed land for housing.
 - Introducing active frontages to Great Stone Road which will enhance the experience of the street scene, introduce natural surveillance and increasing vitality and viability in this part of Trafford.
 - Delivery of a high-quality development, regenerating an underutilised site.
 - Social and environmental benefits associated with the provision of shared and private amenity space, green roofs and landscaping on site.
 - The two year construction phase and £30m construction cost is anticipated to support 186 person years of temporary construction employment with a Gross Value Added (GVA) of £11.4m.
 - New households are estimated to spend around £8.5 million per year locally.

- The proposed commercial accommodation is expected to facilitate new direct and indirect jobs, helping to support and sustain the local economy.
 - New Homes Bonus of around £1.7 million.
 - Additional Council Tax receipts of around £466,887.07 per annum.
- 18.27. In compiling this list of benefits from the development, regard is had to the LPA's committee report pertaining to the redevelopment of the Kellogg's site (**Appendix 18.1**), in which the benefits of the scheme were set out along with the weight the council attributed to each. Substantial weight was given to the housing contribution, the quality of development, the regenerative benefits and policy compliant developer contributions. Significant weight was given to economic benefits during construction and operation.
- 18.28. In this regard, it is appropriate to attach the same weight to the same identified benefits delivered for the proposed development.
- 18.29. Substantial weight is given to the contribution the scheme will make to the Council's five year housing land supply, the high quality development of previously developed land in a highly sustainable location and the regenerative benefits of the scheme overall and wider catalytic delivery of a strategic location.
- 18.30. In determining the Kellogg's application, TMBC afford substantial weight to the suite of policy compliant developer contributions. Whilst it is recognised contributions are secured as part of a package to mitigate the impact of new development, in accordance with the approach adopted by TMBC, substantial weight is also applied to the contributions secured alongside this proposal as set out in Section 16. Moreover, these contributions are all to public infrastructure, for use by the community.
- 34 new homes, ie 10% of the total number of dwellings will be delivered as affordable units on site.
 - Financial contribution of £252,836.87 towards off-site improvements to open space and facilities for children/young people.
 - Financial contribution of £121,110 towards off-site improvements to outdoor sports facilities.
 - Financial contribution of £30,000 towards improvements of the Great Stone Road /

Talbot Road pedestrian and cycle infrastructure.

- 18.31. Significant weight is also given to the economic benefits of the scheme, arising both during construction and following completion of the development. Weight is also afforded to the other benefits listed above.

Conclusion

- 18.32. The impacts associated with the scheme do not significantly and demonstrably outweigh the benefits of the proposal (11(d)(ii)).
- 18.33. Indeed, the benefits of the scheme significantly outweigh the adverse impacts identified above. The presumption is engaged and consent ought to be granted.
- 18.34. Therefore, the proposal should be approved without delay in accordance with the NPPF.

