

LANCASHIRE COUNTY CRICKET CLUB

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**REPRESENTATIONS IN RESPECT OF AN APPEAL BY ACCRUE (FORUM) LLP
IN RESPECT OF THE FORMER B&Q SITE, GREAT STONE ROAD, TRAFFORD**
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APPEAL REFERENCE APP/Q4245/W/20/3258552

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1 INTRODUCTION

1.1 This statement is submitted on behalf of Lancashire County Cricket Club (“LCCC”) in respect of an appeal (“the Appeal”) by Accrue (Forum) LLP (“the Appellant”) for the non-determination by Trafford Council (“the Council”) of an outline planning application relating to the former B&Q site, Great Stone Road, Trafford (“the Appeal Site”).

1.2 The 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 3) 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” (“the Appeal Proposal”).

1.3 LCCC objects to the Appeal for the reasons set out in this statement. In summary the principal objections are that:-

- The Appeal Proposal will conflict with LCCC’s operations through noise;
- The Appeal Proposal will have an unacceptable impact on LCCC’s fine turf training facility;
- The Appeal Proposal will have an unacceptable impact on LCCC’s ability to use its existing access and will cause adverse road safety issues in terms of vehicular and pedestrian conflict;
- The Appeal Proposal will have a dominating and adverse impact on LCCC and its setting as an internationally significant sporting venue/visitor attraction, cultural and tourism venue;
- The Appeal Proposal will be detrimental to the promotion and enhancement of EOT as an international sporting venue and leading cultural/tourist venue and to the achievement of those objectives which are strongly supported by local planning policy; and
- Development of the Appeal Site should be a leisure led development to enhance LCCC as an international sporting venue and heritage asset and support LCCC’s ongoing ability to trade.

2 THE APPEAL SITE

- 2.1 The Appeal Site comprises the former B&Q store, an area of car parking and associated structures which extends to c.1 hectare.
- 2.2 Vehicular access to the Appeal Site is currently taken over land which is in the ownership of LCCC and over which the Appellant has a right of way. Access to the Appeal Proposal is dealt with at section 8 below.
- 2.3 The Appeal Site fronts Great Stone Road to the west. To the south it is bordered by the Metrolink tramline. To the north and east, the Appeal Site adjoins land owned by LCCC which forms part of its Emirates Old Trafford cricket complex.

3 LCCC/EMIRATES OLD TRAFFORD CRICKET GROUND

- 3.1 Emirates Old Trafford (“EOT”) has been the home of LCCC since 1864. The original cricket pavilion was built in 1895. EOT is the second oldest test match cricket venue in England and hosted the second Ashes Test in England in 1884.
- 3.2 Since that time, EOT has been a regular test match venue for international cricket. It has also been one of the venues for five cricket world cups in 1975, 1979, 1983, 1999 and 2019.
- 3.3 In 2009, EOT lost its status as a test match venue due to the outdated sub-standard facilities. Since that time, LCCC has undertaken extensive redevelopment/regeneration of EOT to enable it to regain its status as a test match venue and to underpin its role as an international sporting venue. Some of the key developments that have taken place include:-
 - Refurbishment/redevelopment of the pavilion;
 - Redevelopment of the playing surface with the installation of new drainage/new flood lights and video screen;
 - New spectator stands/facilities;
 - New players and media facilities;
 - Construction of an outdoor/indoor cricket training facility for elite level cricket capable of supporting the test match status of EOT;

- The development of the Point Conference Centre which is one of the largest multiple conference facilities in the northwest region;
- Development of a Hilton Garden Inn on site;
- LCCC is currently in the process of securing planning permission for the demolition of the Red Rose Suite and its replacement with a new hotel extension building and grandstand with associated facilities.

3.4 EOT is now not only a leading international sporting venue, it is also of significant cultural value both locally and worldwide contributing in particular to the vibrancy of the area on international match days and concert/music events – by way of example see the photographs at appendix 1.

3.5 In addition to the above improvements, it remains a key objective of LCCC to further strengthen the role of EOT as an international supporting venue by enhancing the visitor experience and maximising the leisure/commercial/community opportunities at the EOT. Given the detrimental impacts of COVID-19 on the business it is all the more important for LCCC to be able to maximise opportunities to enable it to secure a strong financial footing and secure/enhance its status as an international sporting venue.

3.6 In this respect, LCCC is actively developing its own masterplan for EOT to maximise the use of its extensive land holding and is actively participating as a key stakeholder in various development plan process initiatives with the Council – most recently through the Council’s Civic Quarter Area Action Plan (“AAP”). LCCC considers it is important that development in close proximity to EOT is consistent with and complementary to these objectives and does not prejudice the overarching objective of enhancing EOT’s status as an international sporting venue. For the reasons set out in these representations, LCCC considers that the Appeal Proposal is development that would be prejudicial to those objectives and submits that planning permission should be refused. Development of the Appeal Site should be a leisure led development to enhance LCCC as an international sporting venue and heritage asset and support LCCC’s ongoing ability to trade.

4 RELEVANT DEVELOPMENT PLAN POLICY

4.1 LCCC considers its objectives set out above are reflected in and supported by local planning policy.

- 4.2 The Trafford Core Strategy (“Core Strategy”) which was adopted by the Council in 2012 identifies one of the place objectives for the Old Trafford area *“To maximise potential of Lancashire County Cricket Club as a visitor attraction and its potential to lead major regeneration in the area”* (OTO 11).
- 4.3 The Core Strategy defines the LCCC quarter as a strategic proposal under policy SL3. Policy SL3 relates to a wider area than just EOT and the Appeal Site. Within that wider area policy SL3 proposes major mixed-use development 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. This includes residential development for 400 units which are stated to be predominantly “suitable for families”. No particular parcel is allocated for the residential development and policy SL3.3 states that allocations will be brought forward through a subsequent land allocations development plan document.
- 4.4 In LCCC’s submission the central objective of policy SL3 is to promote the redevelopment of EOT and to improve the visitor experience in accordance with place objective OTO 11. The driver behind that policy objective was to enable the facilities at EOT to be improved and to enable it to regain its test match status. Policy SL3 remains part of the adopted development plan and continues to support the enhancement of EOT. That policy support is entirely consistent with LCCC’s own stated objectives to further develop and strengthen the role of EOT as an international sporting and tourist/cultural venue.
- 4.5 Consistent with the above, policy R6 of the Core Strategy provides 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, in accordance with national guidance and policies within the Development Plan for Trafford in a number of identified key areas. Policy R6 lists as one of those key areas “Lancashire County Cricket Club Strategic Location”.
- 4.6 In 2014, the Council consulted on a Land Allocations Plan (“LAP”) which was to translate the Core Strategy policies into allocated sites and specific policies. Following a consultation, the Council resolved not to progress the LAP until the production of the Greater Manchester Strategic Framework was further advanced.
- 4.7 Consistent with the Core Strategy objectives referred to above, the LAP identified the LCCC quarter as a strategic location in proposal LAN1.

- 4.8 The LAP also proposed the designation of EOT and the Appeal Site at proposal LAN2 entitled “LCCC Stadium Area”. Policy LAN2 stated that the Council will support the continued use and improvement of the identified area:-

“for a cricket stadium and associated hospitality, conference, club store, events, hotel and spectator/visitor car park uses by LCCC”;

“within this area the expansion of spectator car parking at the cricket stadium and new hospitality, conference, club store facilities will be supported...”;

“a range of commercial and/or community uses A1, A2, A3, A4, A5, B1, C1, D1, D2 and other appropriate uses will be encouraged where they support the operation of the stadium and are consistent with other policies within the local plan...”.

- 4.9 Paragraph 4.16 of the LAP stated that residential development would be supported on sites fronting Great Stone Road and Talbot Road including where it is part of a mixed use scheme.

- 4.10 The LAP set out the justification for policy LAN2 at paragraphs 4.17 to 4.20 that:-

“paragraph 4.17 the Council supports the role of LCCC as a renowned sporting club which is inextricably linked to the borough and Old Trafford, in particular. Recent improvements to the historic Lancashire County Cricket Club Stadium have greatly improved facilities there. The stadium currently has the capacity to accommodate approximately 25,000 spectators with potential to further improve facilities for spectators and visitors. This policy provides a framework to ensure that further expansion of the stadium or the development of supporting facilities for the cricket club or visitors is sustainable and can be properly accommodated without significant adverse detriment to the environment or amenity of surrounding areas/uses”

“paragraph 4.18 necessary public transport, cycle way, footpath and highway improvements to properly service the development should include the contributions to the delivery of the Processional Route (LA policy TR1)”

“paragraph 4.19 the function of the area as a stadium and major tourist destination should not be compromised through significant impact on the operation and/or amenity of the LCCC Stadium or other uses in the vicinity

of the proposal, including issues of security and overlooking”(our underlining)

“paragraph 4.20 for the avoidance of doubt, this policy also applies to applications for both permanent and temporary uses within the stadium area”.

- 4.11 It is clear from the above, that the overarching objective of the Core Strategy (and draft LAP) is the promotion and expansion of LCCC/EOT as an international sporting venue and major tourist/cultural destination and that this objective should not be compromised through development in the vicinity of EOT that would impact on the operation of EOT. In LCCC’s submission, this supports the view that any residential development on the Appeal Site should not only be part of a leisure led development but importantly must be demonstrated to be development which is consistent with the overarching objective of promoting EOT as an international sporting/tourist/cultural venue and must not be prejudicial to that objective or LCCC’s operations. Whilst LCCC recognises that mixed use across the wider area is the Council’s current position, LCCC considers that, in addition to the multiple reasons for objection against residential development on the Appeal Site set out in these representations and the case made by the Council, Sport England and ECB, the priority for this quarter should be the provision of community/ leisure facilities on the Appeal Site consistent with the overarching strategy to promote EOT as an international sporting/tourist/cultural venue. Whilst that may take longer to deliver, that does not mean that the overarching strategy is incorrect and should not be pursued.
- 4.12 In 2018, the Council resolved to prepare a new local plan. The Council undertook a consultation exercise in respect of its regulation 18 draft of the New Local Plan (“NLP”).
- 4.13 The draft NLP identified EOT and the Appeal Site as forming part of a larger Area of Focus referred to as the Civic Quarter. The draft NLP noted that the Council are preparing a Civic Quarter AAP which will form part of the development plan when it is adopted and that the AAP *“presents the opportunity for a refurbished leisure centre, improvements to the facilities at LCCC...”*.
- 4.14 In LCCC’s submission the overriding policy objective of the above development plan policies is the strong support for the enhancement of EOT as an international sporting venue and tourist/cultural destination. Whilst mixed use development can be acceptable within the wider strategic area/area of focus in which EOT and the Appeal

Site is situated, it is also clear that any development must not prejudice the overarching objective/support for EOT and enhancing its status as an international sporting venue and tourist/cultural destination. In LCCC's submission, the Appeal Proposal should have regard to those overarching policy objectives and in order for the Appeal Proposal to be acceptable it must be demonstrated that it would not be inconsistent with the objective of promoting EOT and its role as an international sporting and tourist/cultural venue. In LCCC's submission, the Appeal Proposal fails to do this and would be both inconsistent with that objective and prejudicial to LCCC's operations at EOT. The Appeal Proposal should therefore be dismissed for the reasons set out in these representations.

5 NOISE RELATED MATTERS

- 5.1 The Appellant submitted a noise and vibration assessment with the planning application for the Appeal Proposal which was prepared by Holtz Acoustics dated 12 February 2020. The Holtz assessment stated that it had assessed noise from EOT and concluded that planning permission could be granted for the Appeal Proposal subject to the imposition of suitable conditions. The Holtz assessment recommended the imposition of a noise management plan which would be secured by condition. The noise management plan was proposed to address the noise from live concerts held at EOT which the Holtz assessment acknowledged at 4.4.3 that "*it is not possible to fully mitigate*". The assessment noted that whilst the details of any noise management plan were yet to be formulated it was likely to involve the building management notifying residents in advance of forthcoming concerts so that they are fully informed (and could presumably choose to be elsewhere on the evenings of live concerts).
- 5.2 The Holtz assessment was broadly accepted by the Council's environmental health officer who did not object to the planning application for the Appeal Proposal on noise grounds.
- 5.3 Following the submission of the Appeal, LCCC has instructed noise consultants, Vanguardia, to review the Holtz assessment. A copy of the Vanguardia assessment is provided at appendix 2. The key points raised by the Vanguardia assessment are as follows.
- 5.4 The Holtz assessment does not adequately assess all sources of noise from EOT.
- 5.5 The Holtz assessment includes monitoring of noise from a one day 50 over county cricket match. It does not assess the noise from other forms of cricket such as the T20 cricket format, the hundred format or international matches. These forms of cricket

involve larger crowds and the T20 and hundred formats specifically involve lively crowds where there is loud music and where evening matches run until 22.30. By way of example the following link is a recording of the recent England v Pakistan cricket match and provides a good example of the type of noise from noisier forms of cricket:-

<https://protect-eu.mimecast.com/s/7NvVCPNx5fNAW06S0Z6U->

domain=gbr01.safelinks.protection.outlook.com

- 5.6 Vanguardia also point out that the Holtz assessment noise survey was carried out behind the temporary cricket stand in a location which is substantially screened from the noise from the EOT. The first fundamental point is that the temporary stand is exactly that ie it is a temporary stand erected by LCCC for major cricket matches in July/August and is not a permanent construction. The temporary stand is not in situ at other times of the year and importantly it is not in place when concerts take place - the area on which the temporary stand is sited being used for the area of the concert stage. The fact that Holtz have taken into account the temporary stand in their assessment calls in to question the methodology used in Holtz' noise assessment as no assessment has been undertaken without the temporary stand in place when significant noise generating activities take place at EOT.
- 5.7 The second point is that the assessment undertaken by Holtz with the temporary stand in situ means that the Holtz survey data would only be valid for those parts of the Appeal Proposal at and below first floor level. Vanguardia advise that above first floor level, the noise levels at the façade of the Appeal Proposal would increase rapidly until around the third or fourth storey when there would be no screening from the temporary stand and where noise from EOT would be unmitigated. Vanguardia assess that noise levels could be at least 20 decibels (ie four times louder) higher than assessed by Holtz for the majority of the north eastern and northern facades of the Appeal Proposal.
- 5.8 LCCC is also licensed to hold up to seven live music concerts per annum. Holtz did not assess a live concert and proceeded on the basis that there are likely to be 1-2 concerts per annum. On that basis, Holtz proposed the noise management plan.
- 5.9 Vanguardia consider this approach is wrong. LCCC is permitted to hold seven concerts per annum and Holtz' assessment should have considered noise from the live concerts at that level as that is what is permitted. It is LCCC's intention in the future to hold more concerts per annum in order to increase its commercial revenue. For

example, five concerts are already planned for next year. The Holtz assessment therefore materially under assesses the impact of concert noise.

- 5.10 The Holtz assessment recognises that it is not possible to fully mitigate concert noise and proposes the noise management plan. Vanguardia consider that approach is insufficient and will lead to conflict between new residents and LCCC. Vanguardia have set out in their assessment the anticipated noise levels at the north eastern facing façade of the Appeal Proposal and the significant level of noise reduction that would be required to achieve the recommended internal noise levels for living rooms within the Appeal buildings between the hours of 07.00 and 23.00.
- 5.11 Vanguardia have identified an extensive list of mitigation that would be required to ensure that the Appeal Proposal can be built without conflict between the residential use and LCCC's operations. Those extensive mitigation measures do not currently form part of the Appeal Proposal and without them being provided, Vanguardia advise that there will be conflict between the land uses which is likely to lead to complaints from new residents about LCCC's operations and the potential for constraints to be placed on LCCC's operations in the future.
- 5.12 Vanguardia correctly identify that national planning policy in the National Planning Policy Framework ("NPPF") advises at paragraph 187:-

"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the Applicant (or "agent of change") should be required to provide suitable mitigation before the development has been completed".

- 5.13 The advice in the NPPF is expanded upon in the National Planning Practice Guidance in relation to the chapter on noise which refers to this issue as the "agent of change". Paragraph 9 of the noise chapter in the NPPG makes it clear that the onus is on the Applicant (ie the Appellant) as the agent of change to adequately assess the noise from LCCC/ EOT and to *"define clearly the mitigation being proposed to address any potential significant adverse effects that are identified"*. As an international sporting

and tourist/cultural venue, LCCC should be able to expect to be able to continue to operate as permitted without having to adjust its operations/practices to accommodate unsuitable development next door on the Appeal Site or without having to introduce mitigation at its own cost to avoid conflict between its existing permitted operations and the incompatible use being introduced on the Appeal Site.

- 5.14 In accordance with Vanguardia's advice, LCCC submits that the Appellant has failed to assess the noise from EOT sufficiently, has significantly underplayed the impact of noise from EOT on the Appeal Proposal, has failed to propose sufficient mitigation to address those impacts and that as proposed the Appeal Proposal should therefore be dismissed.
- 5.15 LCCC has submitted the Vanguardia assessment to the Council and awaits the Council's updated response.

6 IMPACT OF THE APPEAL PROPOSAL ON THE USE OF THE FINE TURF TRAINING FACILITY AT EOT

- 6.1 The Council resolved at Planning Committee in 2020 that it would have refused the Appeal Proposal on seven grounds. Ground one was that "*the proposed development would prejudice the use of 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*".
- 6.2 The Council's ground of objection to the Appeal Proposal relies largely on the objection by Sport England and the England Cricket Board (ECB) to the Appeal Proposal including a technical report by Dr Iain James of the ECB. LCCC supports the Council/Sport England/ECB in their objection to the Appeal Proposal.
- 6.3 The fine turf training facility forms part of the training facilities at EOT. These facilities are a necessary component of EOT. They support not only LCCC's cricket teams as an elite first class cricket club. The training facilities also need to be of an appropriate standard to support the international cricket teams including both England as the host team at EOT and visiting international teams during test matches and other international cricket matches held at EOT.
- 6.4 The fine turf training facility is an important and necessary part of the training facilities at EOT because it provides a turf (as opposed to artificial) training facility which most closely replicates the conditions of the main playing pitch at EOT. Given its function to support international and first class cricket, it is critical that the fine turf training facility is of the highest standard/condition.

- 6.5 The ECB submission to the Appeal Proposal explains that the fine turf training facility is subject to intensive use particularly at its southern and northern ends (ie at the batting and bowling ends). This involves inevitable significant wear and tear during the cricket season and the need for intensive renovation/reseeding during the out of season winter months.
- 6.6 The report of Dr Iain James of the ECB sets out his view that the Appeal Proposal will result in increased shade of the fine turf training facility during the critical months of October and February and that this will have a detrimental effect on the regeneration and performance of the fine turf training facility unless mitigation of the type proposed in Dr James' report is provided. That mitigation includes the provision of growth lighting and the future operation of the growth lamps/lighting in perpetuity (ie the associated running costs of the lighting and associated labour costs). Whilst the ECB have set out in their representation to the Appeal Proposal the costs for the provision of the growth lighting and their operating costs over a ten year period, the ECB confirm that there is a requirement for this mitigation to be in place in perpetuity.
- 6.7 The detrimental impact of the Appeal Proposal on the performance of the fine turf training facility is not in LCCC's submission, therefore, a matter that can be adequately mitigated through a financial contribution. The detrimental impacts of the Appeal Proposal on the fine turf training facility and the requirement for ongoing mitigation in perpetuity demonstrates that the Appeal Proposal is unacceptable in this location without its scale being significantly reduced. No adequate mitigation is proposed by the Appellant in relation to the Appeal Proposal and LCCC submits that the detrimental effect of the Appeal Proposal on the fine turf training facility, which is a necessary component of EOT's facilities as an international sporting venue, is such that the Appeal Proposal should be dismissed.
- 6.8 As set out at section 5.12 above, paragraph 187 of the NPPF provides clear advice that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities and that existing business/facilities should not have unreasonable restrictions placed on them as a result of new development. In LCCC's submission, the detrimental impact of the Appeal Proposal on the fine turf training facility means that the Appeal Proposal conflicts with policy 187 of the NPPF. It follows that it is also contrary to policy SL3 of the Core Strategy which seeks to achieve an improved stadium at EOT and policy R6 which seeks to enhance the cultural and tourism offer at EOT. It is also contrary to policy R5 which seeks to protect sports facilities. In the absence of the mitigation set

out by Dr Iain James to address the impacts of the Appeal Proposal on the fine turf training facility, LCCC submits that the Appeal Proposal should be dismissed.

7 DOMINATING AND ADVERSE IMPACT OF THE APPEAL PROPOSAL ON EMIRATES OLD TRAFFORD AS AN INTERNATIONALLY SIGNIFICANT SPORTING VENUE, VISITOR ATTRACTION, CULTURAL AND TOURISM VENUE

- 7.1 Ground two of the Council's objections to the Appeal Proposal is that *"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"*.
- 7.2 LCCC supports the Council in relation to this ground of objection for the following reasons.
- 7.3 As with most top class sporting venues, one of the noticeable features for visitors/spectators at EOT is the sense of being in an enclosed sporting arena enabling spectators to become solely focused on and absorbed in the sporting events taking place at the venue. Provided at appendix 3 is a series of photographs taken from within EOT which demonstrates the visitor experience at EOT. What is noticeable from the photographs is the sense of enclosure and the absence of other buildings of significant scale adjoining or abutting EOT. Attached at appendix 4 are several visuals which have been prepared by LCCC's architects to scale. These show the Appeal Proposal intruding into the visitor/spectator view/experience inside the cricket ground. LCCC considers the presence of the Appeal building intruding into these views/setting as detrimental to the visitor/spectator/experience.
- 7.4 The cricket stand in the foreground of the visuals at appendix 4 is a temporary spectator structure which is erected by LCCC for major cricket matches in July/August. At other times of the year the temporary stand is removed. Attached at appendix 5 are further visuals which show the Appeal Proposal in the absence of the temporary stand. In LCCC's submission this demonstrates that the Appeal Proposal will have a dominating and overbearing impact on EOT due to its scale and proximity.
- 7.5 EOT is undeniably the central feature in this quarter/area of focus and the landmark building. The Appeal Proposal which extends at its maximum height to nine storeys

will result in a building which by reason of its scale and close proximity to the cricket ground will dominate and detract from EOT as the landmark building and its setting. Visitors to EOT from the south and west will not be greeted by EOT as the landmark building. Instead they will be greeted by the Appeal Proposal. It will be a case of EOT being located behind and in the shadow of the dominant Appeal Proposal. In LCCC's submission, the Appeal Proposal is, therefore, harmful to the setting of EOT and its role as an international sporting/tourist/cultural venue.

- 7.6 EOT is recognised as a non-designated heritage asset reflective of its role as an international sporting venue/cultural and tourist venue. In particular, through its hosting of international matches and major concerts/music events, EOT is an important sporting and cultural venue which adds to the vibrancy of the local area.
- 7.7 Paragraph 203 of the NPPF advises that *"the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly affect or indirectly affect non-designated heritage assets, a balance judgment will be required having regard to the scale of any harm or loss and the significance of the non-designated heritage assets"*.
- 7.8 In LCCC's submission, the role of EOT as an international sporting/cultural and tourism venue is such that it is a non-designated heritage asset of some significance. For the reasons set out above, LCCC submits that the setting of EOT which contributes to its significance as an international sporting venue and landmark building in this location will be harmed by the dominant Appeal Proposal extending to nine storeys in such close proximity.
- 7.9 LCCC would also emphasise that the Council has repeatedly through the work it has undertaken on the Civic Quarter AAP and the predecessor Civic Quarter masterplan sought to limit the scale of development on the Appeal Site to no more than six storeys. This limit has been set as part of a comprehensive approach by the Council to the Civic Quarter and in part to ensure that development on the Appeal Site is of an appropriate scale having regard to existing development in the vicinity of the Appeal Site including not only EOT but also the existing two storey residential development in the locality.
- 7.10 The Appellant has disregarded that advice both through its previous scheme for a thirteen storey development on the Appeal Site and the Appeal Proposal itself which extends to nine storeys.

7.11 For all the reasons set out above, LCCC submits that the Appeal Proposal is out of scale and would have a dominating and adverse impact on EOT and its setting as an international sporting venue and cultural and tourism venue.

8 ACCESS

8.1 Vehicular access to the Appeal Site was previously gained over land within the ownership of LCCC over which the Appeal Site has a right of way. This land currently serves as one of the accesses to EOT. Attached at appendix 6 is a plan showing the right of way coloured brown.

8.2 It is LCCC's understanding that as part of the Appeal Proposal, the Appellant is proposing to construct a new vehicular access on land within its control which would be sited immediately adjacent to the existing LCCC access which will continue to remain open and used by LCCC as one of the accesses to the EOT.

8.3 Attached at appendix 7 is a report by Axis which confirms that the proposed changes to the access arrangements in the Appeal Proposal (drawing ref VN201565-D100) would:-

- materially affect the ability for vehicles to turn into and out of LCCC's access, compared to the way in which this currently occurs;

- would cause vehicles to cross over into the opposite carriageway lane of the LCCC access, and more worryingly in terms of road safety, into the opposite carriageway lane of Great Stone Road when turning from LCCC's access;

- would also encourage pedestrians to walk out into the centre of the existing shared junction bellmouth area, which would in turn put these pedestrians (some vulnerable) in direct conflict with vehicles using the LCCC access;

- would effectively reduce the available capacity of the access and thus the ability for LCCC to manage event-related traffic.

8.4 The conclusions of Axis are that the Appeal Proposal would result in adverse road safety impacts both in terms of vehicular and pedestrian conflicts and would have a material detrimental impact on LCCC's ability to continue to use its existing access. For these reasons the Appeal Proposal should also be dismissed.

9 OTHER MATTERS

- 9.1 LCCC has focused principally in these representations on the immediate impacts of the Appeal Proposal on the EOT and the objective of enhancing EOT as an international sporting and tourist/cultural venue. LCCC notes that the Council has also resolved to object to the Appeal Proposal on a number of other grounds and LCCC supports the Council in that regard.

10 CONCLUSIONS

- 10.1 LCCC submits that the Appeal Proposal will have an adverse impact on EOT for the reasons set out in these representations - in particular in relation to noise, access and the operation of the fine turf training facility. In accordance with paragraph 187 of the NPPF, LCCC should not have unreasonable restrictions placed on it and should be able to continue to operate as permitted without having to adjust its operations to accommodate incompatible and unsuitable development. In LCCC's submission this should take precedence in the planning balance.
- 10.2 The Appeal Proposal will have a dominating and adverse impact on EOT as an international sporting and tourist/cultural venue by virtue of its scale and proximity to EOT.
- 10.3 The Appeal Proposal is inconsistent with the promotion and enhancement of EOT as an international sporting venue and leading cultural/tourist venue. It will be detrimental to the achievement of those objectives which are strongly supported by local planning policy. In LCCC's submission this should take precedence in the planning balance.
- 10.4 For the above reasons, LCCC requests that the Appeal is dismissed.