



The Planning Inspectorate

APPEAL REF: APP/Q4245/W/20/3258552

Inquiry Case Management Call (CMC) Agenda

Appeal Site: **Former B&Q site, Great Stone Road, Stretford M32 0YP**

Appellant: **Mr Guy Pearson-Gregory of Accrue (Forum) 1 LLP**

Local Planning Authority: **Trafford Metropolitan Borough Council**

CMC to be held at 15:00 on Wednesday 3 November 2021 (Microsoft Teams)

(Details for logging in to the CMC will be/are set out in a separate note)

AGENDA

1. Introduction by Inspector
2. Purpose of the CMC
3. The Inquiry
4. Likely Main Issues and Other Matters
5. Statements of Common Ground / Position Statement / Addenda
6. Dealing with the evidence/Inquiry programme
7. Timescales for submissions
8. Other procedural points
9. Any other business



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APPEAL REF: APP/Q4245/W/20/3258552

Pre-CASE MANAGEMENT CALL (CMC)/TEST EVENT NOTE

CMC to be held at 15:00 on Wednesday 3 November 2021 - Microsoft Teams

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

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.

Appellant: **Mr Guy Pearson-Gregory of Accrue (Forum) 1 LLP**

Local Planning Authority: **Trafford Metropolitan Borough Council**

LPA application ref: 100400/OUT/20

The CMC

1. The CMC will be led by the Inquiry Inspector, Mr Andrew McGlone BSc, MCD, MRTPI. Attached are instructions for joining the CMC, a conference etiquette¹ to be observed, and the conference agenda.
2. There will no discussion during the CMC as to the merits of the parties' respective cases and the Inspector will not hear any evidence. Rather, its purpose is to set out a clear indication as to the ongoing management of this case and the presentation of evidence, so that the forthcoming Inquiry is conducted in an efficient and effective manner.
3. The Inspector asks that the main parties provide details of those who will be attending the CMC test event, including their respective advocates. **Please ensure that the PINS case officer (Holly Dutton) is notified no later than noon Tuesday 2 November of the CMC attendees** and kept updated of any subsequent changes.

The Inquiry

4. The Inquiry is scheduled to open at **10:00 on Tuesday 11 January 2022**. The Inquiry will, unless circumstances change, take place in person but a virtual element does need to be put in place by the Council. I will wish to discuss the possibility of having a mix of in person and virtual elements on particular days and will invite your views on this having regard to the evidence and how it is best heard.

¹ Annex A

5. Lancashire County Cricket Club (LCCC) has been granted Rule 6 status.
6. The Inquiry has been scheduled to sit for 4 days (11-14 January). The parties are asked to give early consideration to the number of witnesses they intend to call, timings for the formal presentation of evidence and cross examination and provide an indication of whether they still consider 4 sitting days to be suitable or whether further days may be required bearing in mind the number of issues, and the extent and nature of the dispute.
7. I will wish to discuss the possibility of earlier start times for Day 2 onwards following the 10am start scheduled for Day 1. It would be helpful if any limitations on the availability of witnesses could be identified at the CMC.

Likely Main Issues and Other Matters

8. Having read the main parties' statements of case and the various representations made by other interested parties, including LCCC, I consider the main issues in dispute are:
 - Whether the proposed development would preserve or enhance the character or appearance of Longford Park Conservation Area;
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on Lancashire County Cricket Club, a non-designated heritage asset and an internationally significant visitor attraction, cultural and tourism venue;
 - The effect of the proposed development on the fine turf and non-turf training facility at Lancashire County Cricket Club;
 - The effect of the proposed development on the safety of vehicular and pedestrian users of the access to Lancashire County Cricket Club and Great Stone Road, and the Club's ability to use its existing access;
 - Whether future occupants of the proposed development would have satisfactory living conditions, with regards to sunlight, daylight, outlook, noise and vibration;
 - The effect of the proposed development on the living conditions of the occupants of residential properties on Great Stone Road and Trent Bridge Walk, with regards to sunlight and daylight; and
 - Whether or not the proposed development would make adequate provision in terms of affordable housing, a TRO review, a design certifier, and contributions for sports facilities and education, having regard to viability.
9. The procedure for this appeal has been primarily influenced by the dispute between the main parties over planning contributions and viability.
10. Whilst not a matter directly advanced by the Council, LCCC have submitted an alternate noise assessment that will need to be considered insofar as the proposal's effect on future occupiers living conditions. I note the Council's comments on LCCC's assessment in its Statement of Case and the agreed

position in the Statement of Common Ground (SoCG), but I would find it helpful if the appellant could update me on their position in respect of LCCC's assessment.

Statements of Common Ground / Position Statement / Addenda

11. An agreed SoCG has been submitted between the Council and the Appellant. Thank you for your collaborative efforts with this document. Importantly, the SoCG identifies areas of disagreement. However, it would be beneficial if the parties could summarise the reasons for those differences in an Addenda, rather than simply stating there is disagreement.
12. The review of relevant policies in the SoCG is noted, but there is merit in the main parties working together to agree a joint Position Statement identifying which are most important policies and policy documents in this case. It should include views on the consistency of all the policies relied on with the current version of the Framework. A table format is probably best for this, setting out for each policy the Council's views and the appellant's views on whether it is a Framework compliant policy, whether it is a most important policy, the weight to be given to any conflict with the policy (expand on 'less weight') and a couple of lines for each explaining your respective positions. For any policy document referred to please outline its status, envisaged progress, the key aspects of it and the weight to be given to any conflict with the document with a brief explanation of your respective positions
13. SoCG's present a good opportunity for the parties to narrow the issues for discussion on each of the main issues and to clarify and refine the fundamental matters in dispute. This may influence how much inquiry time on each and how the evidence is heard. There is merit, in the Appellant and Council working collaboratively on a topic specific SoCG relating to all the planning contributions sought and viability specifically addressing matters in agreement and matters not, with reasoning for the difference of opinion. This should pick up on the evidence of Sport England and the sports facility contribution.
14. Furthermore, topic based SoCG's may have merit in respect of main issues 4, 6 and 7. In respect of main issue 4 and 6 (noise) a SoCG between the Appellant and LCCC is likely to have merit.
15. Paragraph 7.1.13 identifies a dispute around the number of years housing supply that the Council can demonstrate and the weight to be attached to the shortfall. Given this, the parties should seek to agree what the level of supply is, or at the least confirm your respective positions in an Addenda.
16. Despite the list of suggested conditions submitted by the Council in its SoC, an agreed list of suggested conditions should be provided. I note the ongoing work on these. Please submit these in an Addenda along with any justification for any pre-commencement conditions and the appellant's written agreement.
17. Any other matters raised by interested parties may need to be addressed at the Inquiry, but where there is agreement between the parties, this should be addressed within the SoCGs.
18. For the main SoCGs and topic specific SoCG to be purposeful and collaborative, these can be submitted before the preparation and submission of proofs.

Dealing with the evidence/Inquiry programme

19. The Inquiry will focus on areas where there is disagreement. With that in mind, the CMC will explore how best to hear the evidence in order to ensure that the Inquiry is conducted as efficiently as possible.
20. On the first day, the Inspector will start the Inquiry with his opening comments. There will then be opening statements from the main parties: Appellant, Council, Rule 6, followed by any other interested parties.
21. My initial thoughts are that main issues 1, 2, 3, 4, 5 and 7 are best dealt with as part of individual round table discussions, led by me and based on the proofs of evidence. I also initially consider main issue 6 insofar as daylight and outlook could be dealt with by a round table discussion. However, the suitability of a round table discussion does depend on the extent of agreement/disagreement and the substance of the points. It is also likely to have a bearing on the number of sitting days required.
22. I do, however, anticipate more detailed evidence may need to be heard on items 6 (noise) and 8 as well as matters relating to planning policy and given the current housing land supply position, the overall planning balance, including any benefits of the proposal. I expect these are likely to require formal presentation of evidence and cross examination. However, I am hopeful at this early stage that the issues between the parties can be sufficiently narrowed to enable these matters to be dealt with as efficiently as possible. The evidence of the appellant will also need to address any other matters raised by LCCC and interested parties.
23. I anticipate taking a topic led format, hearing all of the evidence on each main issue together before moving on to the next, though I recognise that there is some overlap on a handful of the issues. However, last in terms of evidence, the Inspector will hear the Council and LCCC's witnesses in chief on any benefits and disadvantages of the proposed development, and the overall planning balance, with cross-examination. This would be followed by the appellant's witness on the same basis but with the witness also addressing other outstanding matters raised by interested parties.
24. Should the issue around viability and contributions not lead to the matters being resolved through the submission of an appropriate planning obligation, then the Appellant and the Council will need to submit brief proofs of evidence setting out their respective positions with respect to these issues. The Council should be invited to input into the Unilateral Undertaking (UU). The usual round-table discussions (without prejudice) on planning obligations and possible conditions will be towards the end of the Inquiry.
25. The Inquiry will conclude with Closing Submissions from the Council, LCCC and Appellant. Followed by any arrangements for an accompanied Inquiry site visit by the Inspector. However, I would ask that arrangements are put in place to enable the visit to take in the cricket ground and to view the site from various places within it, noting LCCC's points about spectator experience among others. The parties should in advance of the Inquiry prepare a site plan with suggested locations to visit.

Timescales for submissions

26. The deadline for submitting topic specific SoCG's, Position Statement and an Addenda is 26 November 2021.
27. All proofs of evidence (and summaries if over 1500 words) are to be submitted by 14 December 2021.
28. The Inspector will expect to receive a final draft version of the UU no later than 23 December 2021.
29. The Inspector also requests that the parties given consideration to the provision of core documents in advance of the CMC. An agreed Core Document List is to be sent electronically to the Planning Inspectorate at the same time as the proofs by 14 December 2021. This list should be made available on a dedicated electronic location either on the Council's or an Inquiry website, kept up-to-date and alongside any other Inquiry documents.
30. There is no reference in the Rules or the Procedural Guide to supplementary or rebuttal proofs and PINS does not encourage the provision of such. However, where they are necessary to save Inquiry time, copies should be provided no later than 31 December 2021. It is important that any rebuttal proofs do not introduce new issues.
31. All parties are reminded of the risk of an adjournment and/or award of costs that comes with the submission of late evidence.

Other procedural points

32. The Council must provide a Community Infrastructure Levy (CIL) Compliance Statement, comprising a fully detailed justification for each obligation sought, setting out how it complies with the CIL Regulations, including any policy support and, in relation to any financial contribution, how it has been calculated and on precisely what it would be spent.
33. The parties are requested to give the above careful consideration in advance of the discussion at the CMC. The attached Annex sets out the conference call etiquette and the preferred format and content of proofs and other material, which should be observed.
34. The Council is asked to ensure that a copy of this pre-CMC note is made publicly available along with the other Inquiry documents.

29 October 2021

Andrew McGlone

INSPECTOR

Annex A

Information Regarding Conference Call Etiquette

- Each party should have a single spokesperson nominated to speak.
- The case officer will record the names of those present during the call for each party before the Inspector 'arrives'.
- Please make the case officer aware when joining if you intend to record the conference call.
- Background noise on a conference call can be an issue. You may want to consider putting yourself on mute and then un-muting yourself when you speak.
- Make sure that personal phones are kept away from any speaker phones in order to avoid potential issues.
- Know when, and when not to speak – when you're on a conference call, you can't see the body language of someone who is about to speak. No one likes being spoken over, so make sure you take note of your cues to speak and don't speak over (or louder) than the other participants on the call.
- The Inspector will lead the conference and will invite specific contributors to speak at particular times.
- The Inspector will 'arrive' last and leave first.

Content and Format of Proofs and Appendices

Content

Proofs of evidence **should**:

- focus on the main issues identified, in particular on areas of disagreement;
- be proportionate to the number and complexity of issues and matters that the witness is addressing;
- be concise, precise, relevant and contain facts and expert opinion deriving from witnesses' own professional expertise and experience, and/or local knowledge;
- be prepared with a clear structure that identifies and addresses the main issues within the witness's field of knowledge and avoids repetition;
- focus on what is really necessary to make the case and avoid including unnecessary material, or duplicating material in other documents or another witness's evidence;
- where case law is cited in the proof, include the full Court report/ transcript reference and cross refer to a copy of the report/ transcript which should be included as a core document.

Proofs **should not:**

- **Duplicate information already included in other Inquiry material.** So in respect of items such as the reasons for refusal, descriptions of the site and development and planning history, if they are described in a statement of comment ground, decision notice, committee report or application document, they should not be duplicated in a proof, with crossing referencing back to the source inquiry material; and
- **Recite at length the text of policies referred to elsewhere:** the proofs need only identify the relevant policy numbers, with extracts being provided as core documents. Only policies which are needed to understand the argument being put forward and are fundamental to an appraisal of the proposals' merits need be referred to.

Format of the proofs and appendices:

- Proofs to be no longer than 3000 words if possible. Where proofs are longer than 1500 words, summaries are to be submitted.
- Proofs are to be spiral bound or bound in such a way as to be easily opened and read.
- Appendices are to be bound separately.
- Appendices are to be indexed using **projecting tabs**, labelled and **fully paginated**.