



Former B&Q, Great Stone Road

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**STATEMENT OF COMMON GROUND  
BETWEEN TRAFFORD COUNCIL  
AND ACCRUE (FORUM) 1 LLP**

APP/Q4245/W/20/3258552



Former B&Q, Great Stone Road

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# QUALITY CONTROL

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# CONTENTS

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<b>1</b>	<b>INTRODUCTION</b>	<b>1</b>
<b>2</b>	<b>APPEAL SITE AND SURROUNDINGS</b>	<b>3</b>
	THE SITE	3
	SURROUNDINGS	3
	HISTORY OF THE SITE	4
<b>3</b>	<b>PLANNING HISTORY</b>	<b>6</b>
<b>4</b>	<b>THE SCHEME</b>	<b>8</b>
	PLANNING APPLICATION SUBMISSION	8
	POST-SUBMISSION CHANGES	8
	TIMESCALES	10
	CONSULTATION RESPONSES	10
<b>5</b>	<b>PLANNING POLICY</b>	<b>13</b>
	NATIONAL PLANNING POLICY FRAMEWORK ( 2021)	13
	NATIONAL PLANNING PRACTICE GUIDANCE	14
	NATIONAL DESIGN GUIDE	14
	NATIONAL MODEL DESIGN CODE	14
	DEVELOPMENT PLAN	14
	UNITARY DEVELOPMENT PLAN (2006)	14
	TRAFFORD LOCAL PLAN CORE STRATEGY (2012)	14
	EMERGING LOCAL PLAN	16
	DRAFT LAND ALLOCATIONS	16
	CIVIC QUARTER DRAFT AREA ACTION PLAN	17



NEW TRAFFORD LOCAL PLAN	18
PLACES FOR EVERYONE	18
<b>SUPPLEMENTARY PLANNING DOCUMENTS</b>	<b>18</b>
PARKING STANDARDS AND DESIGN SPD	18
PLANNING OBLIGATIONS (SPD 1)	18
COMMUNITY INFRASTRUCTURE LEVY	19
<b>OTHER MATERIAL CONSIDERATIONS</b>	<b>19</b>
STRETFORD REFRESHED MASTERPLAN	19
<b>6 AGREED PLANNING MATTERS</b>	<b>21</b>
<b>STATUTORY BASIS FOR DETERMINING APPLICATIONS</b>	<b>21</b>
<b>FIVE-YEAR HOUSING LAND SUPPLY</b>	<b>21</b>
<b>HOUSING DELIVERY TEST</b>	<b>21</b>
<b>HDT ACTION PLAN</b>	<b>22</b>
<b>PRINCIPLE OF DEVELOPMENT</b>	<b>23</b>
<b>SUSTAINABILITY</b>	<b>23</b>
<b>AFFORDABLE HOUSING</b>	<b>23</b>
<b>ACCESS AND PARKING</b>	<b>25</b>
<b>WASTE</b>	<b>25</b>
<b>FLOODING AND DRAINAGE</b>	<b>25</b>
<b>ECOLOGY</b>	<b>25</b>
<b>TREES</b>	<b>26</b>
<b>WIND AND MICROCLIMATE</b>	<b>26</b>
<b>ARCHAEOLOGY</b>	<b>26</b>
<b>LAND CONTAMINATION</b>	<b>26</b>
<b>UTILITIES</b>	<b>26</b>
<b>NOISE AND VIBRATION</b>	<b>27</b>
<b>SECURITY AND CRIME</b>	<b>27</b>
<b>AIR QUALITY</b>	<b>27</b>
<b>HEALTHCARE</b>	<b>28</b>
<b>SCHEME BENEFITS</b>	<b>28</b>

STATEMENT OF COMMON GROUND BETWEEN TRAFFORD COUNCIL AND ACCRUE (FORUM) 1 LLP



	<b>HERITAGE</b>	<b>28</b>
<b>7</b>	<b>MATTERS IN DISPUTE</b>	<b>30</b>
<b>8</b>	<b>PLANNING CONDITIONS</b>	<b>32</b>
<b>9</b>	<b>PLANNING OBLIGATIONS</b>	<b>34</b>

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## ***APPENDICES***

APPENDIX A

SITE LOCATION PLAN

APPENDIX B

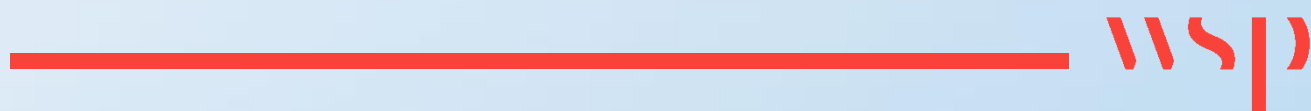
OUTLINE REFUSAL NOTICE

APPENDIX C

COMPOSITE POLICIES MAP

# 1

## **INTRODUCTION**





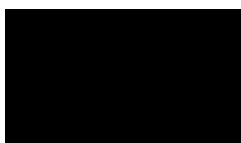


# 1 INTRODUCTION

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- 1.1.1. This is a Statement of Common Ground (SoCG) agreed between Accrue (Forum) 1 LLP (herein referred to as “the Appellant”) and Trafford Metropolitan Borough Council (herein referred to as “the Council” or “TMBC”).
- 1.1.2. It has been prepared in respect of an appeal against the Council’s non-determination of an application (Ref: 100400/OUT/20) for a residential-led mixed use scheme (‘the Scheme’) at the former B&Q store on Great Stone Road, Stretford (“the Site”).
- 1.1.3. It is a written statement containing factual information about the Scheme proposed by the Appellant, which information is not disputed by the Council. Its purpose is to facilitate the narrowing of issues in dispute and the preparation of evidence.
- 1.1.4. Matters which are agreed are set out in Section 6 of this statement. Matters which have not been agreed are outlined in Section 7. These matters will be considered further between the parties and if further areas of agreement can be reached, Addenda to this SoCG will be prepared.
- 1.1.5. The SoCG has been prepared jointly and agreed by:

Signed



Date: 27 October 2021

**WSP (on behalf of Accrue (Forum) 1 LLP)**

Signed

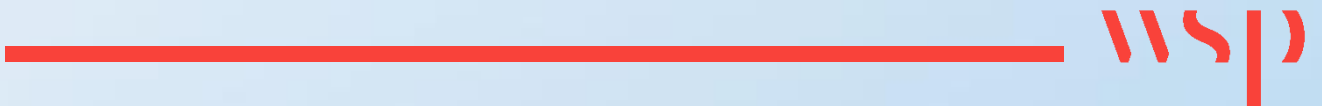


Date: 27 October 2021

**Trafford Metropolitan Borough Council**

# 2

## **APPEAL SITE AND SURROUNDINGS**





## 2 APPEAL SITE AND SURROUNDINGS

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- 2.1.1. The Appellant and the Council are in agreement as to the description of the Site and its surroundings in so far as the following facts:

### THE SITE

- 2.1.2. The Site is located on Great Stone Road (see Site Location Plan at **Appendix A**);
- 2.1.3. The Site measures 1ha in size, is broadly rectangular and comprises the former B&Q store, a large area of car parking and associated structures;
- 2.1.4. Old Trafford Cricket Ground (“the Cricket Ground”), which is home to Lancashire Cricket Club (LCC), adjoins the Site to the north-east and north-west;
- 2.1.5. The Site is defined to the south east by the Metrolink line and to the south west by Great Stone Road;
- 2.1.6. The Site is largely flat however Great Stone Road rises in height on the approach to the bridge over the Metrolink, meaning that much of the southern and eastern part of the Site is set lower than road level;
- 2.1.7. The Site’s vehicular access is in the north-west corner of the Site;
- 2.1.8. There are no listed buildings on or immediately adjacent to the Site. The Site does not form part of a designated Conservation Area.

### SURROUNDINGS

- 2.1.9. The Site is within 3km of the edge of Manchester City Centre, within 2km of Salford Quays, and within 1.6km of Stretford town centre;
- 2.1.10. The Cricket Ground, located to the north of the Site, includes the main pavilion building and new buildings including a new hotel and hospitality and events building on the Talbot Road side, with spectator seating surrounding the field of play. Car parking and ancillary spaces are to the north and west of the stadium;
- 2.1.11. An indoor cricket facility is adjacent to the boundary with the Site;
- 2.1.12. An outdoor cricket training pitch is located to the northwest of the Site within the Cricket Ground;
- 2.1.13. The junction of Talbot Road and Great Stone Road to the north of the Site is occupied by a large office building owned by Bruntwood which consists of a series of six and two storey blocks at right angles to Talbot Road. It is set back from Talbot Road and has extensive car parking in the area to the south between Great Stone Road and the Cricket Ground;
- 2.1.14. The area to the west of Great Stone Road is characterised predominantly by interwar or post war two-storey dwellings;
- 2.1.15. Trafford Town Hall is located approximately 0.4km to the north of the Site and comprises the Town Hall, formal gardens to the west and modern extension to the north. The Town Hall was Grade II listed in March 2007 (list entry number: 1391923);



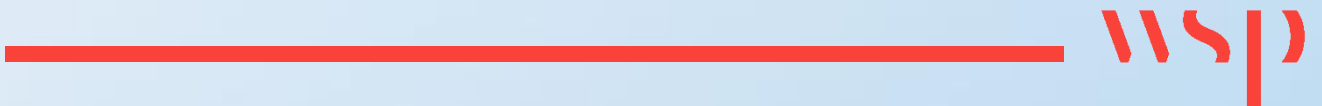
- 2.1.16. The other designated heritage assets in the local area comprise a small cluster of listed buildings at the entrance to Gorse Hill park, and the Longford Conservation Area, which at its closest is 251m to the south;
- 2.1.17. There is a parade of local shops (designated as a Neighbourhood Shopping Centre on the Policies Map) at the junction of Great Stone Road and King's Road, circa 200m from the site; this includes a pub, launderette, pharmacy, salon, takeaways and a convenience store. There are five existing bus stops within 400m of the Site which provide bus services to Sale, Stretford and to Manchester City Centre;
- 2.1.18. The Old Trafford Tram stop is located 190m to the east of the Site with direct connections to Stretford, Altrincham and both Manchester Piccadilly and Manchester Victoria. Old Trafford Metrolink is one stop on the Metrolink from Stretford on the line from Manchester to Altrincham;
- 2.1.19. The Trafford Bar tram stop is the next stop on the Metrolink, located 1.1km to the north, from which passengers can change trams for a direct service to Manchester Airport and East Didsbury. There are bus connections from Trafford Bar to Flixton, Partington, Altrincham, Pendleton, the Trafford Centre, Piccadilly Gardens and Cheetham Hill and Trafford Bar is marked as a local interchange to the Transport for Greater Manchester public transport network maps.
- 2.1.20. Cornbrook Interchange is two stops on the Metrolink from where passengers can change tram for services to the Trafford Centre, Eccles, Ashton-under-Lyne. There are bus connections from Cornbrook to Piccadilly Gardens and Partington;
- 2.1.21. The Wharfside tram stop is located 1.3km to the north, which provides a direct tram service to the Trafford Centre, via Trafford Park;
- 2.1.22. Local facilities within walking distance of the Site include Stretford High School, Trafford College, primary schools including Gorse Hill, King's Road and St Teresa's, Go Local and Quadrant convenience stores, Tesco and Lidl supermarkets, Stretford Sports Village Leisure Centre, and local parks including Gorse Hill Park and Longford Park.

## HISTORY OF THE SITE

- 2.1.23. Historical mapping of the Site indicates that from circa 1894, the site formed part of a gun club.
- 2.1.24. The building currently on site formerly operated as a concert venue and bowling alley, until it was converted to a DIY store.
- 2.1.25. B&Q operated the store until it ceased trading in January 2016.
- 2.1.26. The building has been vacant since B&Q ceased trading.

# 3

## PLANNING HISTORY





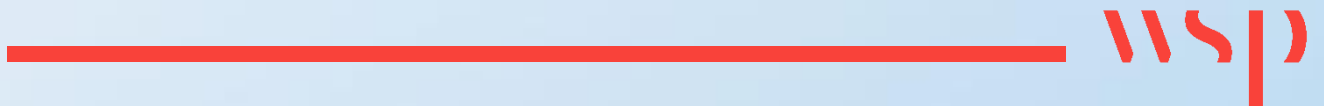
### 3 PLANNING HISTORY

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- 3.1.1. The planning history of the Site available to access on the Council's online records, dates back to 1974.
- 3.1.2. On 15 November 1978 planning permission was granted for the use of the Site as a B&Q (ref: H/04717), prior to that the building on the Site had been in use as the Hardrock concert venue. Planning permission H/04717 included a condition restricting the use of the of the site to a *“Do-it-Yourself’ Homes and Garden centre for the supply of home and garden maintenance and improvement materials and for no other purpose (including any other purpose in Class 1 of the Schedule to the Town and Country Planning (Use Classes) Order 1972)”*
- 3.1.3. Various applications for external alterations to the building and its ground were granted between 1979 and 2003 including new pedestrian access arrangements (Ref: H/17007) and the erection of perimeter fencing (ref: H/56699).
- 3.1.4. Prior approval was granted on 8 June 2017 for the demolition of all buildings including the vacant unit (91337/DEM/17).
- 3.1.5. A Request for a Screening Opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for up to 450 residential apartments (up to 13 storeys in height) was submitted to Trafford Council on 5 April 2018 (Ref: 94209/EIASC/18). The Screening Response was received from the Head of Planning and Development on 26 April 2018 which confirmed that an Environmental Impact Assessment was not required.
- 3.1.6. On 27 June 2018, the Appellant submitted an outline planning application (94974/OUT/18) for: *“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.”*
- 3.1.7. The application was refused on 29 Mar 2019. There were nine reasons for refusal listed on the decision notice. A copy of the decision notice is included as **Appendix B**.

# 4

## THE SCHEME





## 4 THE SCHEME

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### PLANNING APPLICATION SUBMISSION

- 4.1.1. An application was submitted in outline for a residential-led mixed use scheme, with approval for detailed landscaping to be sought at reserved matters stage.
- 4.1.2. The application was submitted to the Council on 20 March 2020.
- 4.1.3. On 3 April 2020 the LPA wrote requesting further information before the application could be validated. That information (save for a Financial Viability Assessment) was provided on 14 April 2020, with the application fee being paid on 16 April 2020.
- 4.1.4. The Council maintained that a Financial Viability Assessment should be provided as a condition of validation. The appellant disagreed that a Financial Viability Assessment was required to constitute a valid planning application. Following exchanges of communication, including provision by the appellant of Leading Counsel's Opinion, the Council agreed to validate the application without a site-specific Financial Viability Assessment. The application was backdated to the date that the application fee was paid (16 April 2020). The appellant subsequently provided a Financial Viability Assessment on 30 June 2020 to assist in the determination of the application.
- 4.1.5. The description of development proposed pursuant to the Scheme is as follows:
- 4.1.6. *"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."*
- 4.1.7. The application was given the following reference number: 100400/OUT/20.

### POST-SUBMISSION CHANGES

- 4.1.8. Following the submission of the original application and in response to feedback received, amendments were made to the Scheme as set out below:

Date	Amendments
14 April 2020	Affordable Housing Statement (updated) to increase provision from 5% to 10% Planning Statement (updated) to reflect Affordable Housing changes Affordable Housing Plans (level 0-3) prepared to identify affordable housing units Cover letter
30 June 2020	Viability Assessment





	Cover letter
15 July 2020	Education and health capacity assessment (updated population yields)
23 July 2020	Red line on floor plans updated to reflect the Site location plan and ownership boundary following comments from Transport for Greater Manchester (TfGM)
5 August 2020	Sun Study in response to Sport England objection
6 August 2020	Level -1 plan annotated to confirm access width of 5.5m
10 August 2020	Transport Assessment Addendum Note – relating to access and servicing, parking arrangements and transport assessment
24 August 2020	Further sun studies in response to Sport England objection
26 August 2020	Basement Plan amended with additional bin storage and new disabled parking designations, plus platform lift Ground Floor Plan amended with platform lift Views of the proposal from the Cricket Ground Updated LVIA with new viewpoint from Longford Park Conservation Area
28 August 2020	1664_PL_115 Feature brick panel and terracotta baguette details 1664_PL_116 Brick Feature panel details 1664_PL_117 Raked panel details 1664_PL_118 Set back balcony details SK_004 Materials
<b>Additional information submitted between submission of the appeal and reporting the application to committee</b>	
29 September 2020	Tree removal and protection plan (D6370.01.002B) Accessibility Report 1664_PL_221 Courtyard Section AA 1664_PL_222 Courtyard Section BB 1664_PL_223 Courtyard Section CC Transport Assessment Addendum Note 2 – relating to parking layout, permit system, TRICS exclusions and trip distribution
5 October 2020	Level 0 Plan (1664_PL_102) Courtyard elevations (1664_PL_205) Talbot Road Great Stone Road Junction input data and results
13 October 2020	Great Stone Road, Trafford - traffic modelling response to TfGM



## TIMESCALES

- 4.1.9. The target date for determination of the application was 16 July 2020. No extension of time was agreed in respect of the appeal proposal.
- 4.1.10. The Council carried out its statutory notifications and consultations for the planning application. The Council have also consulted more widely than required by law.
- 4.1.11. The latest date for comments on the application, as per the Council's notifications and consultations, was 31 July 2020.
- 4.1.12. It is agreed that comments received in respect of the application after 31 July 2020 can still be taken into consideration in the context of the appeal.

## CONSULTATION RESPONSES

- 4.1.13. Table 4.1 below provides a summary of the organisations which have been consulted with regards to this application, and a short summary of the responses received.

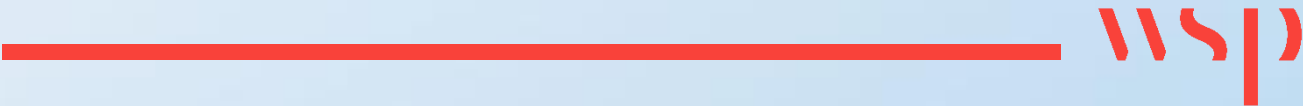
Consultee	Summary of response
Cadent Ltd - National Grid	No objection
Clinical Commissioning Group	No objection
Electricity North West	No objection
Environment Agency, Trafford Metropolitan Borough Council	No objection
GM Archaeology (GMAAS)	No objection
GM Cycling Campaign	No comment received
GM Ecology Unit (GMEU)	Recommended conditions
GM Fire service	No comment received
GM Pedestrian Association	No comments received
GM Police	Recommended conditions
Sport England	Objection
Trafford Council Environmental Health - Air Quality	Recommended conditions



Trafford Council Environmental Health - Land Contamination	Recommended conditions
Trafford Council Environmental Health - Nuisance	Recommended conditions
Trafford Council Education	Requested financial contribution
Trafford Council, Heritage Development Officer	Comments provided, negligible and minor harm identified.
Trafford Council, Housing Strategy	No objection
Trafford Council Local Highway Authority	Recommended conditions and requested a financial contribution
Trafford Council Local Lead Flood Authority	Recommended conditions
Trafford Council Strategic Planning	<p>“Overall, there is no objection to the principle of development Strategic on this site, subject to the issues highlighted being addressed.</p> <p>However, it is considered that the scale of the current proposal may be inappropriate and that the density of the development is too high for the location, whilst the proposals would not be in accordance with the proposed draft Civic Quarter AAP, despite its limited weight.” (Position as at July 2020)</p>
Trafford Council Trees	Recommended conditions
Trafford Council Waste Management	No objection
TfGM	Recommended conditions
TfGM Metrolink	Recommended conditions
United Utilities	Recommended conditions

# 5

## **PLANNING POLICY**





## 5 PLANNING POLICY

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5.1.1. The following national and local planning policy documents are relevant to the appeal proposal.

### **NATIONAL PLANNING POLICY FRAMEWORK ( 2021)**

5.1.2. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied at the local level, both in terms of plan making and decision taking.

5.1.3. The parties agree that the NPPF is a material consideration of significant weight.

5.1.4. It is agreed that the NPPF sets out a presumption in favour of sustainable development which states that development proposals should be approved without delay, unless any adverse impacts of the proposal significantly and demonstrably outweigh the benefits (paragraph 11).

5.1.5. In instances where Local Planning Authorities (LPAs) cannot demonstrate a five-year supply of housing, relevant policies should not be considered up to date and the presumption is engaged. This is one of the ways in which policy may be regarded as out of date.

5.1.6. Relevant local plan policies must be considered in the context of paragraph 219 of the NPPF July 2021, which requires the weight to be afforded to these policies to relate to their degree of consistency with the NPPF.

5.1.7. Paragraph 61 requires strategic plans to be based upon a local housing need assessment (i.e. the 'standard method'), unless there are exceptional circumstances that justify an alternative approach which also reflects current and future demographic trends and market signals.

5.1.8. Section 12 sets out a requirement for the creation of high quality, beautiful and sustainable buildings. Decisions should ensure that developments function well over their lifetime, are visually attractive in terms of architecture, layout and landscaping, establish or maintain a strong sense of place, optimise the potential of the site to accommodate and sustain development, are sympathetic to local character and history and create safe and accessible environments (paragraph 130).

5.1.9. The planning system can play an important role in promoting social interaction and creating healthy, inclusive communities through developments which incorporate active frontages, mixed uses and safe, legible urban environments (paragraph 92). The NPPF requires applicants to describe the significance of any heritage assets affected by development, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance no more than is sufficient to understand the potential impacts of the proposal on their significance (paragraph 194).

5.1.10. Local planning authorities should consider the impact of a proposed development on the significance of the heritage asset. The more important the asset, the greater the weight should be given to its conservation (paragraph 199). Proposals which will lead to less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal (paragraph 202).



## NATIONAL PLANNING PRACTICE GUIDANCE

- 5.1.11. The parties agree that the National Planning Practice Guidance (NPPG) is a material consideration in determining the appeal proposal.

## NATIONAL DESIGN GUIDE

- 5.1.12. The National Design Guide (NDG) was published in 2019 and outlines the Government's priorities for well-designed places and sets out ten characteristics. The parties agree that the NDG is a material consideration in determining the appeal proposal.

## NATIONAL MODEL DESIGN CODE

- 5.1.13. The National Model Design Code (NMDC) expands on the ten characteristics of good design set out in the National Design Guide, published in October 2019. The National Model Design Code forms part of the government's planning practice guidance and should be read as part of the NDG. The parties agree that the NDG is a material consideration in determining the appeal proposal.

## DEVELOPMENT PLAN

- 5.1.14. The development plan for the purposes of determination of the appeal proposal comprises:
- Saved policies of the Unitary Development Plan (UDP) (adopted 2006); and
  - Trafford Local Plan Core Strategy (LPCS) (adopted 2012).

## UNITARY DEVELOPMENT PLAN (2006)

- 5.1.15. The UDP is in the process of being replaced by the Trafford Local Plan. The LPCS details those policies within the UDP which have since been superseded.
- 5.1.16. The UDP Proposals Map does not allocate the Site for any specific use or development. An extract from TMBC's Composite Policies Map is included at **Appendix C**.

## TRAFFORD LOCAL PLAN CORE STRATEGY (2012)

- 5.1.17. The Trafford LPCS is part of the Council's Local Development Framework (LDF). It provides the overall spatial strategy for the LDF and covers the period 2012 to 2026.
- 5.1.18. 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.
- 5.1.19. The Site is not designated for any specific use or development within the LPCS.
- 5.1.20. The policies of the LPCS are relevant to the proposal according to their degree of consistency with the Framework. The LPCS policies relevant to the Scheme are those which were referred to in either the officer's report to committee or the decision notice for application 94974/OUT/18, namely:
- SL3 – Lancashire County Cricket Club Quarter
  - L1 – Land for New Homes
  - L2 – Meeting Housing Needs
  - L3 – Regeneration and Reducing Inequalities
  - L4 – Sustainable Transport and Accessibility
  - L5 – Climate Change



- L7 – Design
- L8 – Planning Obligations
- W1 – Economy
- W2 – Town Centres and Retail
- R1 – Historic Environment
- R2 – Natural Environment
- R3 – Green Infrastructure
- R5 – Open Space, Sport and Recreation
- R6 – Culture and Tourism

5.1.21. Trafford Council undertook a review of their local plan policies in April 2019 to identify compliance with the NPPF (February 2019).

5.1.22. This review found the following in respect of the relevant policies listed above:

Policy	Consistency with NPPF and weight to be afforded
SL3 – Lancashire County Cricket Club Quarter	The policy and aims of the strategic location are generally consistent with the NPPF. 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 considered to be 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.
L1 – Land for New Homes	The Council does not at present have a 5-year supply of immediately available housing land.  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.
L2 – Meeting Housing Needs	This policy is generally consistent with the NPPF however reference to housing number and housing land supply is out of date. Less weight should be afforded to part of this policy.
L3 – Regeneration and Reducing Inequalities	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.
L4 – Sustainable Transport and Accessibility	The aim of the policy to deliver sustainable transport is considered to be consistent with the NPPF.  The key test in this policy (L4.8) is not consistent with the NPPF in that it refers to significant adverse in terms of the test on the highway network as opposed to severe impact, and is out of date and less weight should be afforded to this in the assessment of the impact on the highway network.  <u>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.</u>  In all other aspects this policy is consistent with the NPPF and weight should be afforded to this.



L5 – Climate Change	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.
L7 – Design	This policy is consistent with the NPPF and is considered up to date. Full weight should be afforded to this policy.
L8 – Planning Obligations	This policy is generally consistent with the NPPF, although the reference to circular 5/2005 (superseded by the NPPF) within the policy is out of date. References to S106 contributions are partly out of date since the Council's adoption of CIL. Associated Supplementary Planning Document SPD1 relating to Planning Obligations has been updated following the adoption of CIL by the Council. Less weight can be given to this policy.
W1 – Economy	This policy is consistent with the NPPF and is considered up to date. Full weight should be afforded to this policy.
W2 – Town Centres and Retail	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 reference housing land supply and heritage.
R1 – Historic Environment	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 conservation of heritage asset. Less weight should be afforded to this policy.
R2 – Natural Environment R3 – Green Infrastructure R5 – Open Space, Sport and Recreation R6 – Culture and Tourism	These policies are consistent with the NPPF and are considered up to date. Full weight should be afforded.

## EMERGING LOCAL PLAN

### DRAFT LAND ALLOCATIONS

- 5.1.23. 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 (Draft Policy LAN1).
- 5.1.24. The site was also included in an area identified for Mix Use Development under Draft Policy HO2.
- 5.1.25. 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.





## CIVIC QUARTER DRAFT AREA ACTION PLAN

- 5.1.26. Trafford Council published its Regulation 19 draft Civic Quarter Area Action Plan (AAP) for consultation in early 2021. The public consultation ran for 6 weeks between 20 January and 5 March 2021.
- 5.1.27. Once adopted, the AAP will be part of the statutory development plan for Trafford. The Council, intends to submit the AAP in late 2021, with an Examination in Public anticipated to take place in early 2022 with adoption expected following on from the Examination in Public in mid-2022.
- 5.1.28. There are outstanding objections to the AAP from the appellant and LCC. The weight to be attributed to the CQAAP is disputed.
- 5.1.29. The appeal site falls within the “southern neighbourhood” character area within the draft AAP. The draft APP (page 29) identifies the appeal site as offering ‘a significant redevelopment opportunity’.
- 5.1.30. Policy CQ1 Civic Quarter Regeneration, through its accompanying parameter plans, identifies the appeal site as being suitable for predominantly residential use with buildings of up to 6 storeys in height. The Appellant has objected to this height parameter and this objection is unlikely to be resolved until the examination of the plan.
- 5.1.31. Policy CQ2 Housing states that the AAP is expected to deliver up to 4,000 new homes. The policy also identifies a series of principles. The policy provides that if these principles are followed, proposals for new housing will be supported. This in part includes:
- A mix of dwelling size, type and tenure to contribute to meeting the housing needs of the Borough;
  - Compliance with all Development Plan policy requirements including current and any future minimum space standards;
  - The provision of family dwellings and adaptable “lifetime” homes;
  - Housing proposals (including the Private Rented Sector) should comply with affordable housing policy and relevant national guidance;
  - Developments should be of excellent design quality and should demonstrate sound sustainability principles in accordance with Policy CQ4; and
  - Residential development should preserve the residential amenity of existing residents, and deliver high standards of residential amenity to prospective residents (through appropriate siting, scale, massing and design and by ensuring that car parking, service and refuse management arrangements are adequately provided for. All new residential development should also provide useable private amenity space for residents).
- 5.1.32. Other AAP policies relevant to the appeal proposal include:
- CQ3 - Mixed Use Communities
  - CQ4 – Sustainability and Climate Change
  - CQ5 – Conservation and Heritage
  - CQ6 – High Quality Urban Design
  - CQ7 – Public Realm Principles
  - CQ10 – Movement and Car Parking Strategy
  - CQ11 – Infrastructure and Obligations



- 5.1.33. The appellants have objected to Policy CQ11 and this objection is unlikely to be resolved until the plan's examination.

### **NEW TRAFFORD LOCAL PLAN**

- 5.1.34. In February 2021, Trafford Council consulted on a Regulation 18 draft Trafford Local Plan covering the period up to 2037 and beyond. The public consultation ran from 4 February to 18 March 2021.
- 5.1.35. Formal engagement on the draft Trafford Local Plan (Regulation 19) is currently expected to take place in Summer 2022 and submission to the Secretary of State (Regulation 22) expected in Winter 2022.

### **PLACES FOR EVERYONE**

- 5.1.36. The Greater Manchester Strategic Framework (GMSF) is no longer being progressed. Following the decision of Stockport Council in December 2020 to not approve the GMSF 2020 for Regulation 19 consultation or submission, the nine remaining Greater Manchester councils produced a new strategic cross boundary plan known as "Places for Everyone" (PfE).
- 5.1.37. A substantial amount of the work undertaken for the GMSF 2020 has been fed into and informed PfE 2021, and the implications for Trafford have not changed significantly. Regulation 19 (Publication) consultation is taking place on PfE 2021 between 9 August and 3 October 2021 with submission to the Secretary of State planned for Spring 2022.

### **SUPPLEMENTARY PLANNING DOCUMENTS**

#### **PARKING STANDARDS AND DESIGN SPD**

- 5.1.38. The Parking Standards and Design SPD was adopted in 2012 and sets out further detail and explanation relating to Policy L4 of the Trafford Core Strategy, which sets out the maximum parking standards for the borough.

#### **PLANNING OBLIGATIONS (SPD 1)**

- 5.1.39. The Planning Obligations SPD was adopted on 7 July 2014 and sets out the Council's approach to seeking planning obligations in conjunction with CIL.
- 5.1.40. Table 2.1 of the SPD sets out the various requirements likely to be secured and how they may be secured, i.e. through Planning Conditions, S106 and CIL. This list of requirements is not exhaustive.
- 5.1.41. Table 3.1 provides an overview of the types of infrastructure required for a typical development scheme, separated out into certain thresholds of development. This list of requirements is not exhaustive.
- 5.1.42. Revisions to the CIL Regulations in 2019 removed regulation 123 which meant the S106 planning obligations could not be sought for infrastructure types included on the Council's Regulation 123 List. This means that where required, the Council can now secure contributions through S106 Agreements for types of infrastructure included on the Council's Revised Regulation 123 List such as education. In accordance with Regulation 122, planning obligations may only constitute a reason for granting planning permission if it is:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.



- 5.1.43. The following sections of the SPD set out the requirements for Affordable Housing, Transport and Accessibility, Preparation of Travel Plans, Specific and Spatial Green Infrastructure, Local Open Space, Semi Natural Green Space, Sports Facilities, Flood Defence Infrastructure, and Other Planning Obligations including healthcare, community facilities, allotments and cemeteries, public realm and public art and skills development and jobs.

### **COMMUNITY INFRASTRUCTURE LEVY**

- 5.1.44. The Council's CIL Charging Schedule was approved on 26 March 2014 and came into effect on 7 July 2014. The following development types will be liable for CIL:
- Development over 100sqm or more of new build floorspace;
  - Development less than 100sqm of new build floorspace that results in the creation of one or more dwellings;
  - The conversion of an in-use building.
- 5.1.45. The Trafford Charging Schedule Regulation 123 List (adopted 19 December 2016) listed the infrastructure that the Council intended to fund through CIL. As detailed in paragraph 5.42 regulation 123 was removed from the CIL Regulations in 2019. The Trafford Charging Schedule Regulation 123 List (adopted 19 December 2016) acts only as a guide for infrastructure that could be funded through CIL. The list includes strategic transport projects, strategic flood risk and drainage projects, education projects, strategic sport and recreational facilities and strategic green infrastructure. However, the list is not exhaustive and CIL funds may be spent on other appropriate infrastructure projects and may not be available for certain infrastructure included in the former CIL list.

### **OTHER MATERIAL CONSIDERATIONS**

#### **STRETFORD REFRESHED MASTERPLAN**

- 5.1.46. The Stretford Refreshed Masterplan was approved by the Council in January 2018 and builds on the original Stretford Town Centre Masterplan which was approved in 2014. The Refreshed Masterplan provides the strategic framework for the delivery of the emerging investment and regeneration opportunities in the Town Centre and wider Stretford area, identifying areas for future development and the key actions required to deliver major regeneration.
- 5.1.47. The masterplan identifies the Site as falling within the UA92 Campus Quarter.
- 5.1.48. The Stretford Refreshed Masterplan is a non-statutory planning guidance (it does not carry the weight of an SPD) document which provides advice to stakeholders wanting to develop in this area of the borough. The document was subject to public consultation before adoption and is considered to be a material consideration of limited weight when determining applications for planning permission.

# 6

## **AGREED PLANNING MATTERS**

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## 6 AGREED PLANNING MATTERS

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6.1.1. The following matters are agreed between the Appellant and the Council:

### **STATUTORY BASIS FOR DETERMINING APPLICATIONS**

- 6.1.2. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires all applications to be determined in accordance with the statutory development plan, unless material considerations indicate otherwise.
- 6.1.3. The NPPF is an important material consideration alongside the development plan. The NPPF sets out a presumption in favour of sustainable development.
- 6.1.4. The weight to be afforded to policies in existing plans is dependent upon their degree of consistency with the Framework (paragraph 213).
- 6.1.5. 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.
- 6.1.6. 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).

### **FIVE-YEAR HOUSING LAND SUPPLY**

- 6.1.7. Policy L1 of the LPCS 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. Limited weight should be afforded to this policy.
- 6.1.8. The NPPF states that where strategic housing policies are more than five years old and have not been reviewed (as is the case here), local housing need should be determined through the Government's Standard Method. The Government's latest published Local Housing Need (LHN) figure for TMBC is 1,377 net homes per annum (based on the 2014 household projections), which is a considerable increase on the requirement set out in the LPCS.
- 6.1.9. Trafford Council is required to identify land for 8,262 homes in its five year land supply,
- 6.1.10. It is agreed that Trafford Council cannot demonstrate a five year supply.
- 6.1.11. The presumption in favour of sustainable development set out in the NPPF is therefore engaged on this basis.
- 6.1.12. There is a pressing need for housing in the borough.

### **HOUSING DELIVERY TEST**

- 6.1.13. The latest Housing Delivery Test (published 19 January 2021), showed Trafford has achieved 61% on the Housing Delivery Test Measurement 2020. This means that the presumption in favour of sustainable development is engaged when determining planning applications within the borough.



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

## HDT ACTION PLAN

- 6.1.15. Trafford's latest Housing Delivery Test Action Plan was published in July 2021 and covers a 12 month period up until July 2022.
- 6.1.16. The Action Plan states that the Council is required to find sufficient land over the next five years to deliver 8,262 homes, which includes the required 20% buffer as a result of recent under delivery.
- 6.1.17. Trafford cannot demonstrate a five year housing land supply and as such housing applications within the borough will be determined on the basis of the presumption in favour of sustainable development until such a time that the Council can demonstrate a five year supply. As set out in the 2021 HDT Action Plan as delivery in Trafford over the three year period covered (2017/2018 to 2019/2020) has been below 75% the Council must identify an additional 20% on top of its housing requirement in the first five years of the plan period, publish an HDT Action Plan and determine applications for housing under the presumption in favour of sustainable development.
- 6.1.18. Section 3 of the 2021 HDT Action Plan notes that there was a slow start to completions at the beginning of the plan period, in part to the slow delivery of Strategic Locations. The identified actions are included at Section 4 and include:
- Trafford Strategic Housing Partnership driving forward actions within the Housing Strategy Action Plan 2018-23;
  - Develop a framework for large / strategic sites and work with developers and landowners to deliver new homes, including the production of masterplans;
  - Work with landowners to prepare the Civic Quarter Area Action Plan, with an anticipated submission to PINS in Autumn 2021;
  - Support developers in future bids for Housing Infrastructure Funding (HIF) and use of other funding streams to unlock infrastructure critical to development;
  - Identify, utilise and deploy Council assets (land and buildings) to bring forward more sites for residential development;
  - Identify other brownfield land with redevelopment potential in public ownership, and work with key stakeholders to bring appropriate sites forward for development;
  - Utilise and deploy the Council's CPO powers to acquire strategically significant sites / assets and bring them forward for development;
  - Deliver the Council's own schemes (utilising its investment portfolio) through Joint Ventures or with development partners;
  - Work towards maintaining a five year land supply;
  - Through the housing tracker continue to identify and attempt to resolve barriers to early commencement after planning permission is granted;
  - Through the housing tracker continue to identify and attempt to resolve barriers to early commencement after planning permission is granted;
  - Proactively review the Strategic Housing Land Availability Assessment (SHLAA) to identify sites within years 6-10 and 11-15 years which could be brought forward for early delivery;
  - Impose planning conditions requiring short(er) timescales for submission of reserved matters or commencement of development;



- Prepare PFE to establish strategic policy context for housing land supply and delivery;
- Prepare the Trafford Local Plan to establish the local policy context for housing land supply and delivery; and
- Explore opportunities to deliver more self and custom build properties.

6.1.19. The actions are described as ongoing within the Action Plan 2021.

## **PRINCIPLE OF DEVELOPMENT**

- 6.1.20. The appeal site is brownfield and the former retail store is vacant.
- 6.1.21. Reuse of previously developed or brownfield land is supported in the NPPF (paragraph 119) and in local policy (LPCS Policy L1).
- 6.1.22. 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 (LCC) Quarter Strategic Location under Policy SL3. Policy SL3 supports residential development of around 400 new properties in the LCC Quarter.
- 6.1.23. The figure of 400 new properties is neither a maximum nor a minimum.
- 6.1.24. Following a review of the housing land supply in March 2020 the indicative minimum figure for the Lancashire County Cricket Club Quarter has been increased from 400 to 2,800 (Trafford Council HDT Action Plan, August 2020).
- 6.1.25. Policy SL3 refers to "a new, high quality residential neighbourhood centred around an improved stadium at Lancashire County Cricket Club."
- 6.1.26. The parties are in agreement that the application is not premature with regards to NPPF paragraphs 49 and 50.

## **SUSTAINABILITY**

- 6.1.27. The appeal site is in a highly accessible location, within the urban area.
- 6.1.28. The proposal provides car parking within the maximum car parking standards, and in excess of the minimum standards for cycle parking. The acceptability of the car parking proposed has been agreed and the LPA does not resist the appeal on the basis of any highways-related reason.
- 6.1.29. A Carbon Budget Statement was submitted with the Scheme which proposes a strategy of carbon reduction. No statutory consultees have objected to the information provided in this regard.

## **AFFORDABLE HOUSING**

- 6.1.30. The Trafford Housing Market Bulletin Q4 2020/21 shows that on 31 March 2021 there were 4,156 applicants on the Trafford Housing Register. It also shows that 52% of applicants require a 1-bedroom property and 29% a 2-bedroom property.
- 6.1.31. The Greater Manchester Strategic Housing Market Assessment (updated April 2021 and published alongside Places For Everyone) shows that the total current housing need (gross) in Trafford is 1,369 homes, that there is a committed supply of 124 new affordable homes and that there is a net annual need of 385 affordable homes.
- 6.1.32. An Affordable Housing Statement and corresponding plans have been submitted with the appeal proposal which proposes 10% affordable housing provision. This provision is based on the



proposed development being sited in a “cold” market location under the terms of the Core Strategy and the current market conditions, as defined in the Supplementary Planning Document, being “good.” In this regard, in November 2018 officers recommended that the Council accept a shift to ‘good’ market conditions for the purposes of negotiating affordable housing and applying Policy L2 and SPD1. This recommendation was accepted by the Planning and Development Management Committee. The State of the Economy: Housing Market Conditions (Nov 2018)

- 6.1.33. The Scheme proposes the provision of 10% affordable housing comprising 17 x 1 bed units and 17 x 2 bed units.
- 6.1.34. Policy L2 sets out the following relating to affordable housing in this area:
- 6.1.35. *Appropriate provision should be made to meet the identified need for affordable housing.*
- 6.1.36. *In recognising that the Borough does not perform as a single property market, and to take into account issues relating to viability, the Borough has been divided into three broad market locations (cold, moderate and hot) which have different percentage requirements for the provision of affordable housing. The policy draws upon the recommendations of the Trafford Economic Viability Study (2009 and a 2011 update). As illustrated in SPD 1 and the Application Validation Checklist (November 2018 and as updated in July 2021), qualifying developments related to Full or Outline planning applications for housing developments proposing 10 or more residential units or where the site has an area of 0.5 hectares or more in “hot” market locations (Altrincham and open countryside) and “moderate” market locations (Sale, Urmston and Stretford) and 15 or more residential units in “cold” market locations (Partington, Carrington and Old Trafford) are required to provide an affordable housing contribution.*

*Under normal market conditions a geographically variable target, based on “cold”, “moderate” and “hot” market locations, will be applied to all qualifying developments, (except residential care homes) to assess the appropriate level of affordable housing contribution as follows:*

*Within “cold” market locations, a 5% contribution will be sought;*

*Within “moderate” market locations, a 20% contribution will be sought;*

*Within “hot” market locations, a 40% contribution will be sought; and*

*Within 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%.”*

*The expected delivery of affordable housing will be on site. At least 50% of affordable housing provision will be suitable for families and a split of 50:50 should be provided between intermediate and affordable rented housing.*

- 6.1.37. Adopted Supplementary Planning Document 1 (SPD1) – Planning Obligations sets out that within “cold” market locations no more than a 5% affordable housing target will be applied under normal market conditions, with a flexibility to raise this to a 10% requirement under “good” conditions”.
- 6.1.38. However, in addition to the application of the affordable housing policy on the basis of geographical and market conditions, SPD 1 (paragraph 3.14) also outlines that “In those 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%". This will apply in the case of most of the strategic locations."

- 6.1.39. The application site is located in the Lancashire County Cricket Club (LCCC) Quarter Strategic Location under Policy SL3.

## **ACCESS AND PARKING**

- 6.1.40. It is agreed that pedestrian and cycle access arrangements are acceptable. Further detail has been requested and subsequently provided through the Transport Assessment Addendum Report relating to the new pedestrian link between the Site and Old Trafford Metrolink Stop.
- 6.1.41. The Local Highway Authority (LHA) has sought clarification on the width of the vehicular access, the Appellant has confirmed this to be 5.5m.
- 6.1.42. The Scheme is considered to be acceptable in terms of access, trip generation and overall accessibility in terms proximity to public transport options. The proposed level of residential car and cycle parking is also considered to be policy compliant.
- 6.1.43. A financial contribution of £30,000 is agreed towards highways improvements.

## **WASTE**

- 6.1.44. The appeal proposal has demonstrated that the servicing of the Site can be achieved through a private waste collector. For Council waste collection, the waste vehicle must be able to access the refuse and park within 10m from the collection point
- 6.1.45. The Transport Assessment Addendum prepared by Vectos provides waste refuse vehicle tracking of the waste vehicle specification provided by the Council. The proposed level of bin storage facilities is agreed to be acceptable.

## **FLOODING AND DRAINAGE**

- 6.1.46. A Flood Risk Assessment and Drainage Strategy was submitted with the application. The Site lies within Flood Zone 1 and is at very low risk of flooding.
- 6.1.47. No objections have been raised by the Environment Agency or the Lead Local Flood Authority (LLFA).
- 6.1.48. The LLFA has recommended two conditions are imposed, which would require a drainage scheme and a management and maintenance plan to be provided.
- 6.1.49. On this basis, it is agreed that there are no reasons to refuse the appeal proposal on flooding or drainage grounds.

## **ECOLOGY**

- 6.1.50. The Site is not part of any statutory designations for protected species and the works will not impact upon any internationally or nationally designated sites. Overall, due to its brownfield and industrial nature, the Site has low potential for biodiversity.
- 6.1.51. The Greater Manchester Ecology Unit (GMEU) is satisfied with the findings of the ecology report and has confirmed that the application can be determined without the need for any further ecology work.



- 6.1.52. Any future landscaping and planting schemes will be submitted at reserved matters stage, and this requirement would be imposed as a condition.
- 6.1.53. On this basis, it is agreed that there are no reasons to refuse the appeal proposal on ecological grounds.

## **TREES**

- 6.1.54. The Council's arboriculturalist had no objections to the removal of the 26 trees identified for removal but advised that they would need to be replaced within a robust landscaping scheme. The impact on trees was not a reason for refusal listed on the previous application, and there are no additional impacts resulting from this appeal proposal
- 6.1.55. TfGM has provided a response to the appeal proposal seeking clarification on the root protection areas along the boundary. Further survey work carried out by TEP concludes that the proposal would not adversely impact on the Root Protection Area of trees within the TfGM boundary. TfGM has advised that further information can be secured by condition.
- 6.1.56. TfGM raised concern that the existing trees would cause shading to the proposed units resulting in potential complaints from future occupiers.

## **WIND AND MICROCLIMATE**

- 6.1.57. A Wind Microclimate Report was submitted with the appeal proposal which considers the likely wind conditions in and around the proposed development.
- 6.1.58. The parties agree that wind considerations do not form a basis on which to refuse the application.

## **ARCHAEOLOGY**

- 6.1.59. GMAAS has confirmed that the proposed development does not threaten the known or suspected archaeological heritage and therefore no archaeological requirements are proposed.
- 6.1.60. It is agreed that there are no reasons to refuse the appeal proposal on archaeological grounds.

## **LAND CONTAMINATION**

- 6.1.61. A Phase 1 Environmental Risk Assessment was submitted with the application which concluded that there are limited on site sources of contamination.
- 6.1.62. The requirement for further survey work can be dealt with through a suitably worded condition.
- 6.1.63. On this basis, it is agreed that there are no reasons to refuse the appeal proposal on land contamination grounds.

## **UTILITIES**

- 6.1.64. National Grid and United Utilities have been consulted on the appeal proposal and as at the time of submission of the appeal, neither have provided a response.
- 6.1.65. Cadent Gas and Electricity North West have raised no objections to the development on the appeal site.
- 6.1.66. Cadent has identified operational gas apparatus within the site boundary and has provided advice relating to early engagement with Cadent outside of the planning process.



- 6.1.67. Electricity North West has identified that the appeal site is adjacent to or might affect Electricity North West's operational land or electricity distribution assets. General advice has been provided relating to safe working and diverting apparatus which would fall outside of the planning process.
- 6.1.68. On this basis, it is agreed that there are no reasons to refuse the appeal proposal on utility or health and safety grounds.

## **NOISE AND VIBRATION**

- 6.1.69. Acoustic survey work was submitted with the application which demonstrates that adequate internal noise levels can be achieved subject to mitigation measures.
- 6.1.70. Some balconies and roof terraces are likely to be affected by environmental noise which exceeds the recommended noise limits. In accordance with best practice guidance, there is sufficient provision of outdoor amenity areas which are compliant with the requisite limits to offset this. Overall the proposal is acceptable in this regard.
- 6.1.71. Acceptable plant noise limits can be achieved and will be dealt with by condition.
- 6.1.72. The impact of vibration from the Metrolink line is insignificant. TfGM requested a condition requiring a scheme for acoustically insulating the proposed development against noise and vibration from the adjacent Metrolink line to be submitted.
- 6.1.73. No significant impacts have been identified relating to crowd noise and announcements for cricket matches. The potential inconvenience resulting from occasional events at the Cricket Ground can be suitably addressed through a noise management plan (NMP) which can be provided by condition.
- 6.1.74. The Council's environmental health team has confirmed impacts from the proposed commercial uses can be suitably mitigated by conditions.
- 6.1.75. A Construction and Pre-Construction Environmental Management Plan can be provided by condition.
- 6.1.76. On this basis, it is agreed that there are no reasons to refuse the appeal proposal on grounds of noise or vibration.

## **SECURITY AND CRIME**

- 6.1.77. Greater Manchester Police has reviewed the application, the measures set out in the Crime Impact Statement are considered appropriate and delivery of these measures can be dealt with by a suitably worded condition.
- 6.1.78. On this basis, it is agreed that there are no reasons to refuse the appeal proposal on grounds of security or crime.

## **AIR QUALITY**

- 6.1.79. Assessments of potential air quality impacts of the appeal proposal have been undertaken.
- 6.1.80. The Council's environmental team are satisfied with the conclusions of the air quality information provided. It is agreed that further air quality assessment work is not required.
- 6.1.81. The environmental team has recommended a condition to control the provision of electric vehicle charging points.



- 6.1.82. The management of air quality through the construction phase can be suitably dealt with through the provision of a Construction Management Plan via a suitably worded condition.
- 6.1.83. On this basis, it is agreed that there are no reasons to refuse the appeal proposal on air quality grounds.

## **HEALTHCARE**

- 6.1.84. Trafford's Clinical Commissioning Group (CCG) has been consulted on the appeal proposal and has raised no objection. The CCG has requested that the Appellant explore the possibility of incorporating a purpose-built general practice surgery. The Appellant had originally accounted for a financial contribution towards healthcare facilities, but the LPA has since confirmed that this is not required.

## **SCHEME BENEFITS**

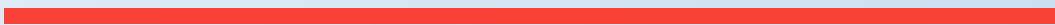
- 6.1.85. The parties accept and agree that the appeal proposal will deliver a range of positive social and economic benefits to the local area arising from the delivery of market and affordable housing. However, the weight to be given to these benefits is a matter in dispute (see Section 7).

## **HERITAGE**

- 6.1.86. The parties agree that the development will result in negligible harm on the significance of the Grade II Listed Trafford Town Hall through the loss of glimpsed views and the non-designated Lancashire County Cricket Club Pavilion through change to its setting.

# 7

## **MATTERS IN DISPUTE**





## 7 MATTERS IN DISPUTE

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- 7.1.1. The following matters are taken from TMBC's committee report and the resolution of the Members of Planning Committee that they would have been minded to refuse the application in line with officers' recommendations:
- 7.1.2. The impact of the proposal on the use of fine turf and non-turf training facilities at the Cricket Ground, the consequential impact upon the use of the Cricket Ground as a playing field and the extent to which the proposal is compliant with Strategic Objective OTO11, and LPCS Policies SL3 and R6;
- 7.1.3. The impact of the proposal on the Cricket Ground, its setting, cultural character and identity;
- 7.1.4. The appropriateness of the proposal with regards to design, form, layout, height, scale, massing, density and appearance;
- 7.1.5. The extent to which the proposal will lead to any adverse impacts on the amenity and living standards for future occupiers, with regards to the adequacy of daylight, sunlight and outlook in apartments and amenity areas and the extent to which the proposal is compliant with LPCS Policies SL3, R3 and L7;
- 7.1.6. The extent to which the proposal will lead to any adverse impacts on the amenity of existing residential properties on Great Stone Road and Trent Bridge Walk with regards to inadequate daylight and sunlight levels and overbearing impact, and the impacts on properties in the wider "Gorses" area;
- 7.1.7. The degree of harm that would be caused to the setting of the Longford Park Conservation Area – the Council does not rely upon any other alleged heritage impacts;
- 7.1.8. The weight attributed to impacts of development and public benefits (NPPF paragraph 11d ii);
- 7.1.9. The impact of the proposal on the street scene and character and quality of the area;
- 7.1.10. Whether 10% affordable housing is a policy compliant level of provision in relation to affordable housing;
- 7.1.11. The viability of the proposal and the level of contributions that can be provided;
- 7.1.12. The amount of contributions that are required to local education provision and the extent to which the proposal is compliant with LPCS Policies SL3, L2 and L8 and Planning Obligations SPD1;
- 7.1.13. The number of years of housing supply that Trafford Council can demonstrate and the weight to be attached to the shortfall in the circumstances;
- 7.1.14. The weight to be attached to the CQAAP; and
- 7.1.15. The weight to be attached to the scheme benefits and harms in the planning balance.

# 8

## **PLANNING CONDITIONS**





## 8 PLANNING CONDITIONS

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8.1.1. The parties will agree a draft schedule of conditions which will follow shortly.



# 9

## **PLANNING OBLIGATIONS**

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## 9 PLANNING OBLIGATIONS

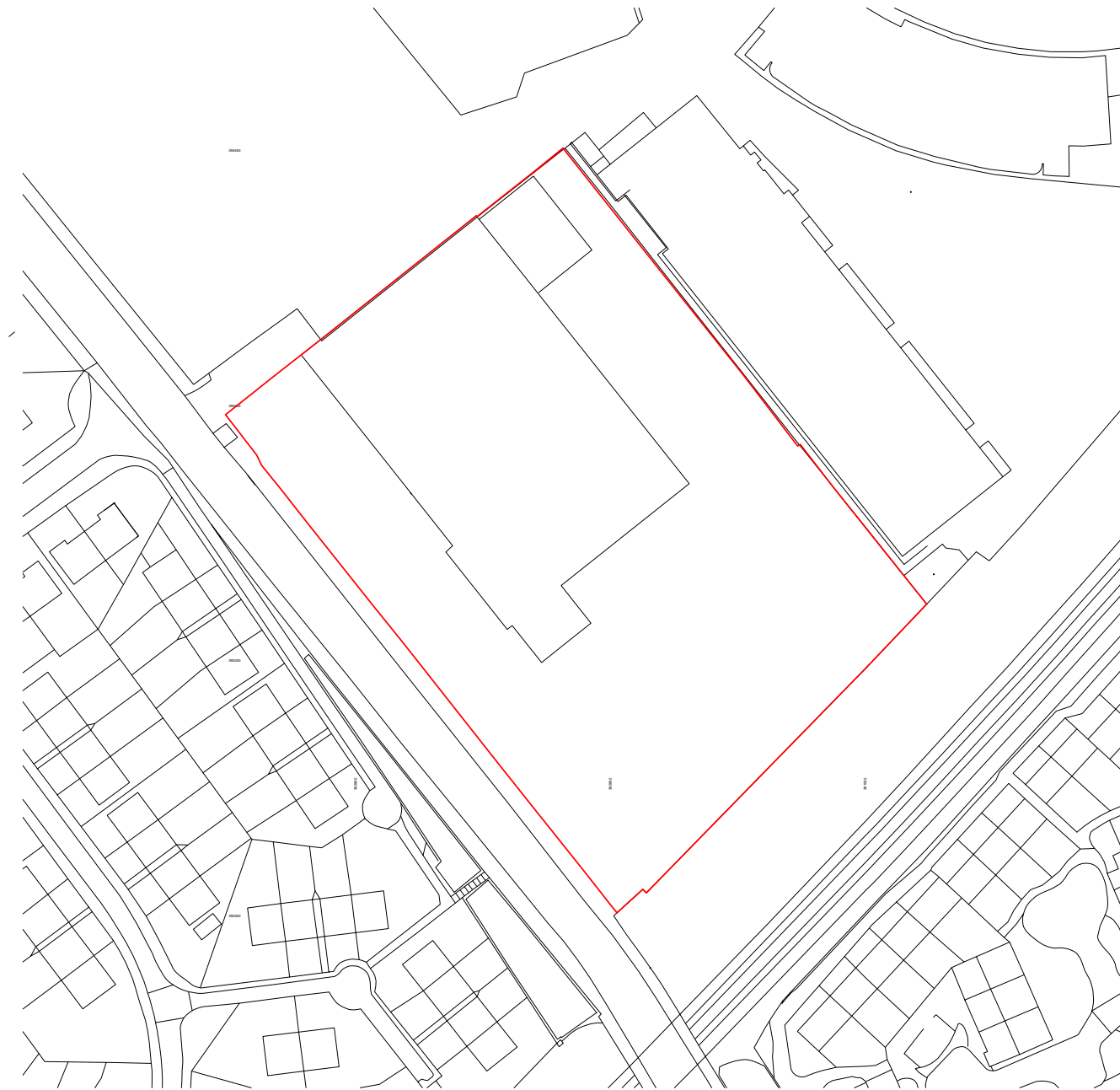
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- 9.1.1. The parties are unlikely to agree a bilateral planning obligation and the appellant intends to submit a unilateral undertaking in advance of the appeal hearing.
- 9.1.2. Without prejudice to the Appellant's case, it is anticipated that the S106 Agreement will address the following heads of terms:
- Affordable Housing;
  - Spatial Green Infrastructure;
  - Sports Facilities; and
  - Highways
- 9.1.3. The Council considers that a S106 should be bi-lateral and should additionally cover the following matters:
- Off-site primary school contribution
  - Off- site secondary school contribution
  - TRO review of surroundings streets to identify and mitigate, if necessary, the requirement for additional TRO's in the area as a result of additional parking demand from the appeal scheme
  - The retention of O'Connell East in the role of design certifier throughout the construction period, or alternatively to secure a commuted sum to cover the professional fees required to enable the local planning authority and developer to work together to secure the involvement of an architectural practice of their choice in the role of design certifier.

# Appendix A

## **SITE LOCATION PLAN**





**1** **Location Plan**  
1 : 1250

**Notes:**

All dimensions are in millimetres unless stated otherwise. No dimensions to be scaled from drawings. All dimensions to be checked on site prior to manufacture.

Any discrepancies between drawings and site conditions are to be reported to the contract manager.

This drawing is to be read in conjunction with all relevant Structural Engineers and Mechanical & Electrical Engineers drawings and specification.

Copyright of this drawing and all the information it contains is the sole property of OEA and may not be reproduced or used for any purpose without the express approval of the authors.

dwg status:

Rev	Description	Date	By	Chk
A	Boundary line amended	21/07/20	AH	

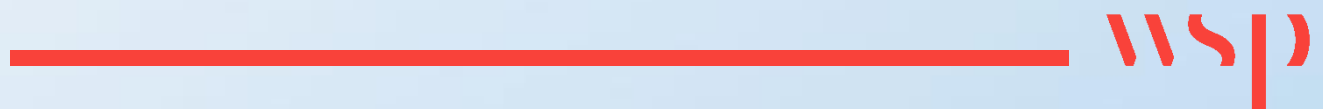
oea

oconnell east architects  
63 Newton Street, Manchester, M1 1ET  
t: 0161 839 9380 f: 0161 833 1638

dwg title: Location Plan	
job title: Great Stone Road	
scale: 1 : 1250 @ A3	drawn: Author
date: 08/07/17	job no: 1664
dwg no: PL_001	rev: A

# Appendix B

## OUTLINE REFUSAL NOTICE





**TRAFFORD  
COUNCIL**

**Head of Planning and Development**  
**Rebecca Coley**  
**Trafford Council**  
 Planning and Development  
 Trafford Town Hall, Talbot Road  
 Stretford, M32 0TH  
[www.trafford.gov.uk](http://www.trafford.gov.uk)

## Town and Country Planning Act 1990

# REFUSAL OF PLANNING PERMISSION

<p><b>Name and Address of Applicant</b>          Accrue (Forum) 1 LLP          c/o Agent</p>	<p><b>Name and Address of Agent</b>          Miss Hannah Payne          Indigo Planning          St James's Tower          7 Charlotte Street          Manchester          M1 4DZ</p>
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### Part I – Particulars of Application

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**Application Number: 94974/OUT/18**

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

**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.**

---

### Part II – Particulars of Decision

That Trafford Borough Council hereby gives notice in pursuance of the Town and Country Planning Act 1990 that **PERMISSION HAS BEEN REFUSED** for the carrying out of the development referred to in Part 1 hereof for the following reason(s):-

#### **Refusal Reason(s):**

1. The proposed development would represent poor design as its height, scale, layout, density, massing and monolithic appearance are inappropriate in its

context and 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. This would be contrary to Policies SL3, R3 and L7 of the adopted Trafford Core Strategy and the National Planning Policy Framework.

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. The proposed development is therefore contrary to Policies SL3, L2, L4, L5, L7 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.
3. 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, sunlight and outlook in both apartments and amenity areas. The proposed development is therefore contrary to Policies SL3, L3 and L7 of the adopted Core Strategy and the National Planning Policy Framework.
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. The proposed development is therefore contrary to Policies SL3, L3 and L7 and the National Planning Policy Framework.
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, contrary to Policy SL3, L3 and L7 of the adopted Core Strategy and the National Planning Policy Framework.
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. The proposed development is therefore contrary to Policies SL3, L3 and R1 of the adopted Core Strategy and the National Planning Policy Framework.

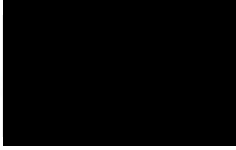
7. The applicant has failed to provide requested information to allow an informed assessment to be made of the impact of the proposed development on the setting and therefore significance of Longford Park Conservation Area, a designated heritage asset. The applicant has therefore failed to demonstrate the development would not harm the significance of the designated heritage asset. The proposed development is therefore contrary to Policy R1 and Place Objective STO22 of the adopted Core Strategy and the National Planning Policy Framework.
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. The development is therefore contrary to Policies SL3, R1 and R6 of the adopted Core Strategy and the National Planning Policy Framework.
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, contrary to Policy L4 of the adopted Core Strategy, SPD3: Parking Standards and Design and the National Planning Policy Framework.

#### **INFORMATIVES:**

1. The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.
2. Street naming and numbering is a legal function of the council to allocate numbers and road names to new developments and conversions. Information is available on our website ([www.trafford.gov.uk](http://www.trafford.gov.uk)) to explain the process for requesting postal addresses and street names. Please note, we cannot be held responsible for any costs that may arise from the use of un-official addresses if, at a later date, we issue official addresses that differ.

**Date of decision: 29th March 2019**





Head of Planning and Development  
**Rebecca Coley**

Please read notes provided

## Town and Country Planning Act 1990 The Town and Country Planning (Development Management Procedure) England (Order) 2015

### 1. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

**Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.**

**If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.**

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local Planning Authority based their decision on a direction given by him.

### 2. Purchase Notices

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subjects to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of the London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

3. In certain circumstances a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
4. Notice is given in accordance with Section 63. Greater Manchester Act 1981 that consideration will be given to means of access for the Fire Brigade when plans are deposited for Building Regulations approval.

Notes continued overleaf

**5. Town and Country Planning Act 1990  
Disabled Persons Act 1981**

If this permission relates to the provision of buildings or premises to which the public are to be admitted, with or without payment, or in which the public are employed: e.g. office, shop, factory, railway premises etc. or of an educational nature: e.g. university, hall of university, college, school, teacher training college etc. the applicants attention is drawn to the provisions and requirements of the above Acts.

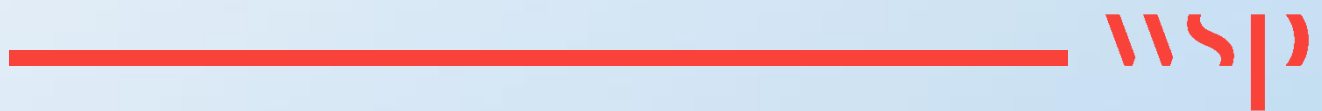
A full list of buildings and premises involved will be found in Section 76 of the Act of 1990 and 83 of the Act of 1981.

It is the responsibility of the applicant to comply with the requirements of the Acts.

(a) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990 namely Sections 70 and 72(1) of the Act.

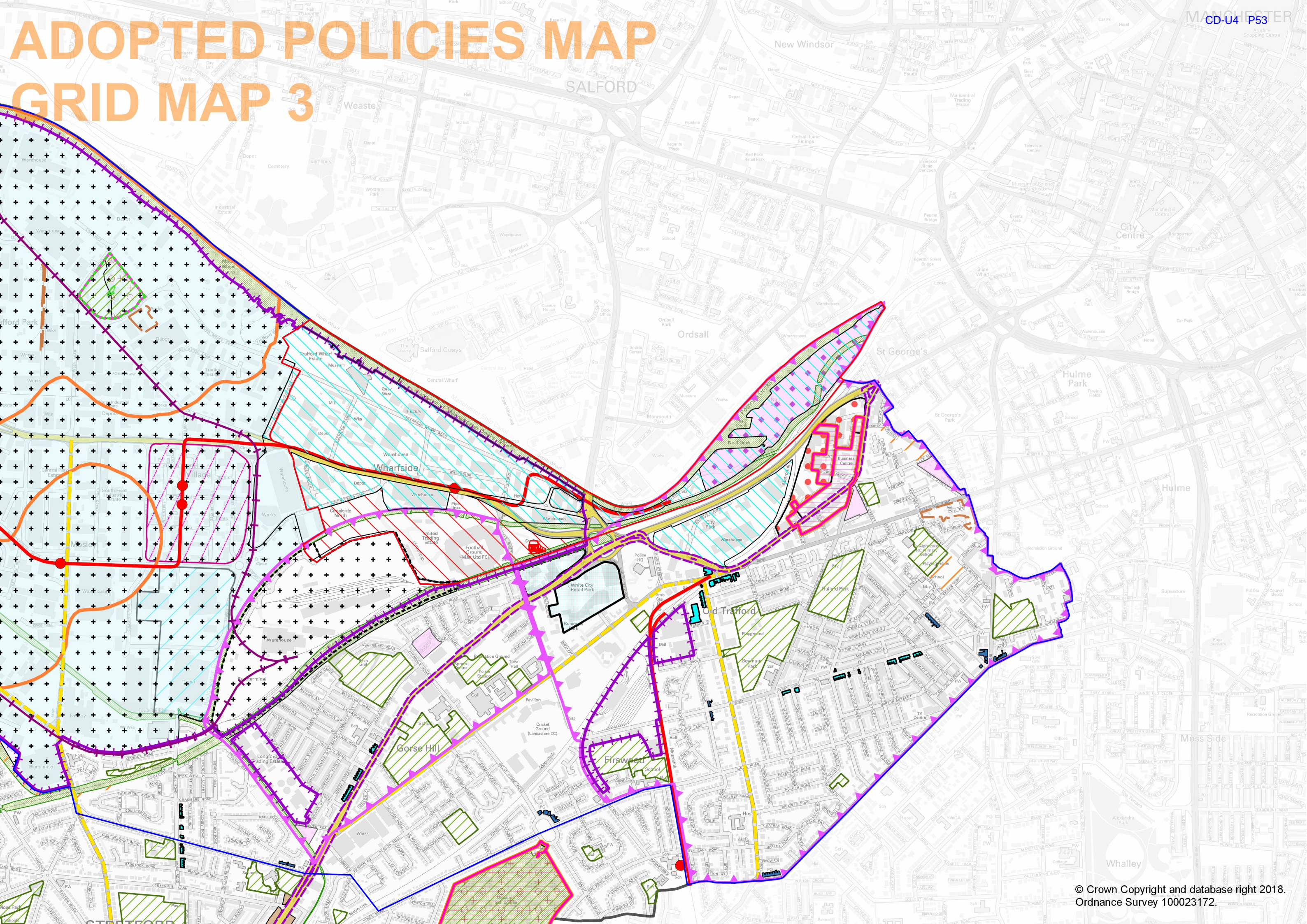
# Appendix C

## COMPOSITE POLICIES MAP



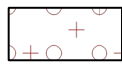
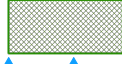






# ADOPTED POLICIES MAP

## GRID MAP 3



# ADOPTED POLICIES MAP LEGEND

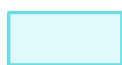



## Environment

-  SITES OF IMPORTANCE FOR NATURE CONSERVATION (ENV9)
-  WILDLIFE CORRIDORS (ENV10)
-  RIVER VALLEY FLOODPLAINS (ENV13)
-  AREAS OF LANDSCAPE PROTECTION (ENV17)
-  CONSERVATION AREAS (ENV21)
-  SCHEDULED ANCIENT MONUMENT (ENV26)
-  PROTECTED LANDSCAPE SITES (ENV27)
-  SITES FOR RECLAMATION (ENV32)





## Employment

-  MAIN INDUSTRIAL AREAS (E7)
-  DAVENPORT GREEN ESTATE BOUNDARY (CS R4.3, R4.4)
-  DAVENPORT GREEN DEVELOPMENT AREA (CS W1, R4.3, R4.4)
-  STRATEGIC DEVELOPMENT SITES (E13, TP2, TP4, TP5, TP7, TP8)

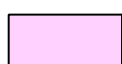


## Trafford Park

-  TRAFFORD PARK CORE INDUSTRIAL AREA (TP1)
-  HADFIELD STREET INDUSTRIAL AREA (TP3)
-  THE VILLAGE BUSINESS PARK AND CENTRE (TP6)
-  TRAFFORD PARK ECOLOGY PARK (TP10)
-  THE WORLD FREIGHT CENTRE (TP9)
-  THE TRAFFORD PARK (FREIGHT) RAILWAY (TP11(a))
-  MANCHESTER UNITED STADIUM AREA (TP13)






## Trafford Centre

-  TRAFFORD CENTRE AND ITS VICINITY (TCA1)
-  REGIONAL SPORTS COMPLEX (TCA1(a))
-  CONSOLIDATION, IMPROVEMENT, MODERNISATION (TCA1(b))
-  NON-FOOD, BULKY GOODS, RETAIL (TCA1(c))




## Housing

-  LARGE SITES RELEASED FOR HOUSING DEVELOPMENT (H3)
-  PRIORITY AREAS FOR REGENERATION (H9, H10, H11, E15)
-  MIXED USE DEVELOPMENT (H3)












## Open Space and Recreation

-  PROTECTED OPEN SPACE (OSR5)
-  PROTECTED LINEAR OPEN LAND (OSR6)
-  NEW OPEN SPACE/OUTDOOR RECREATION PROPOSALS (OSR7, OSR11, OSR12, OSR13, OSR15, CS R4.4)
-  RECREATION ROUTES (OSR15, OSR16)
-  NEW BRIDLEWAY BRIDGE (OSR15)



## Shopping

-  TOWN AND DISTRICT SHOPPING CENTRES (S5, S13)  
*- Altrincham town centre boundary has been updated via the Neighbourhood Plan (2017)*
-  LOCAL SHOPPING CENTRES (S10, S14)
-  NEIGHBOURHOOD SHOPPING CENTRES (S10, S14)
-  RETAIL WAREHOUSE PARK DEVELOPMENT (S12)



## Transport

-  TRUNK AND PRIMARY ROUTE NETWORK (T1)
-  OTHER STRATEGIC ROUTES (for information only)
-  IMPROVEMENTS TO THE TRUNK AND PRIMARY ROUTE NETWORK (T8)
-  OTHER HIGHWAY IMPROVEMENTS (T8)
-  JUNCTION IMPROVEMENTS (T8)
-  M60 MOTORWAY WIDENING (T8)
-  EXTENSIONS TO METROLINK (T11)
-  POSSIBLE METROLINK EXTENSION (T11, TP11)
-  TRAFFORD PARK EXTENSION STATIONS (T11, TP11)
-  NEW RAILWAY AND METROLINK STATIONS (T11, TP11)
-  QUALITY BUS CORRIDOR (T11)


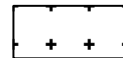
## Countryside

-  GREEN BELT (C4, CS R4)
-  PROTECTED OPEN LAND (C8)

## Minerals (Greater Manchester Joint Minerals Plan 2013)

-  GRAVEL MINERAL AREA SEARCH (MP POLICY 3)
-  GLACIOFLUVIAL DEPOSIT MINERAL SAFEGUARD AREA (MP POLICY 8)

## Waste (Greater Manchester Joint Waste Plan 2012)

-  TRAFFORD WASTE SITE ALLOCATIONS (WP Policy 4)
-  TRAFFORD WASTE AREA ALLOCATION (WP Policy 5)



## Miscellaneous Developments

-  SINDERLAND DEVELOPMENT AREA (MD1)


## Development Control Criteria

-  SPECIAL HEALTH AND SAFETY DEVELOPMENT CONTROL SUB-AREAS (D5)

## Trafford in the Sub Region

-  REGIONAL CENTRE BOUNDARY (CS Chapter 2)
-  INNER AREA BOUNDARY (CS Chapter 2)

## Adopted Neighbourhood Plans

-  ALTRINCHAM TOWN CENTRE NEIGHBOURHOOD BUSINESS PLAN BOUNDARY (2017)



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[wsp.com](http://wsp.com)