



**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeal by: Accrue (Forum) 1 LLP**

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

**LPA reference: 100400/OUT/20**

**PINS reference: APP/Q4245/W/20/3258552**

**PROOF OF EVIDENCE OF MS DEBRA HARRISON ON BEHALF OF THE LOCAL  
PLANNING AUTHORITY REGARDING PLANNING MATTERS (DECISION  
TAKING AND DESIGN)**

*My name is Debra Harrison and I am a Major Planning Projects Officer within the Planning and Development Service of Trafford Council. I have thirteen years' experience in the field of town and country planning in both the public and private sector. I have previously worked at three other UK Local Planning Authorities and for one private consultancy. During the course of my professional career I have been involved in various aspects of town and country planning, including the assessment and submission of numerous major planning applications and the handling of appeals. I worked closely with the urban design team in one of my previous roles.*

*I have been in my present role, and employed by Trafford Council, since January 2018. The work of the Major Planning Projects Team is to support the bringing forward through the planning process complex major planning proposals, including strategic and corporate applications. In this role I have dealt with a number of large-scale major applications for residential development and as part of the Council's in-house design team, lead on in-house design training sessions and provide design guidance to other officers on development proposals. I am also co-lead in the development of Trafford's own Design Guide. I am the case officer for the appeal proposal.*

*I hold an MPlan (Property Development) from the University of the West of England.*

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## 1. PRELIMINARY MATTERS

- 1.1. The appeal is made against the non-determination by the Local Planning Authority (Trafford Council) of application ref. 100400/OUT/20 which proposes: *The demolition of existing retail unit and associated structures; erection of buildings for a mix of use including: 333 apartments (use class C3) and communal spaces ancillary to the residential use; flexible space for use classes A1, A3, D1 and/or D2; undercroft car parking; new public realm; and associated engineering works and infrastructure.*
- 1.2. The application sought permission for the access, layout, scale and appearance with landscaping being a reserved matter. It is essentially a full planning application in all but name.
- 1.3. The application was received by the Local Planning Authority (LPA) on 19 March 2020. The application was considered to be invalid upon receipt for the three reasons outlined in the letter included in Appendix 3.1 of the Appellant's Statement of Case. The Appellant has accurately set out the background to the validation of the planning application which is the subject of this appeal in paragraphs 3.4 to 3.14 of their Statement of Case.
- 1.4. On 15th October 2020 the appeal scheme was presented to Trafford's Planning and Development Management Committee to determine the Council's position to adopt at the appeal hearing had they been able to determine it. This officer report to Committee, referred to as 'the OR' throughout this Statement of Case (CD-F68), along with the Additional Information Report (AIR) (CD-D6). The Committee endorsed officers' recommended putative reasons for refusal, cited in CD-D5.
- 1.5. It should be noted that following the submission of additional information in the form of verified views, the LPA has reassessed the impact of the proposed development upon the cultural character of LCC and Longford Park Conservation area and are no longer seeking to defend putative RFR 2 and RFR 7.

- 1.6. Following the consideration of a peer review into the additional noise information received from the appellant and Rule 6 party a report was taken to Planning and Development Committee on 9<sup>th</sup> December 2021 (CD-D7) recommending the addition of an additional putative reason for refusal in relation to noise. This was endorsed by Committee.
  
- 1.7. A consolidated list of reasons for refusal as amended is attached at Appendix A, and as requested by the Inspector sent to PINS on the 10<sup>th</sup> December 2021.

## **2. THE DECISION TAKING FRAMEWORK**

### **Purpose of this Evidence**

- 2.1 I have been the case officer for the appeal proposal since the submission of the planning application. The Council's case is set out in eight Proofs of Evidence.
- 2.2 My evidence deals with general planning matters, the design of the proposed development and amenity impacts. This includes the relevant decision-taking and planning policy framework that should be applied. It also considered the relevant planning balance test to be applied. This evidence serves to bring together the principal arguments and to draw overall conclusions regarding the proposal's acceptability.

### **Accompanying Council Evidence**

#### **Sport England (RFR 1)**

- 2.3 The evidence of Miss Pudge states that under a memoranda of understanding between Sport England (SE) and the England and Wales Cricket Board (ECB), the ECB were asked to comment and provide technical advice on whether the development would have a prejudicial impact on the use of the Fine Turf Playing Field (FTPF) given the proximity to the development. On the basis of advice received from the ECB, SE lodged a statutory objection on the grounds that the negative impact of overshadowing from the Appeal Proposal on the adjacent LCCC high quality FTPF, will be prejudicial to the use of that sports facility. This impact could be mitigated through the use of Growth Lights. No mitigation strategy has been submitted by the appellant.
- 2.4 The evidence of Mr. Musson states that high quality fine turf practice facilities are required to enable LCC to secure High Profile Venue status, which in turn has led to recent successful bids for packages of major matches. A review of the evidence provided by the appellant (STRI report) has led ECB to the

conclusion that there is a significant risk of impairment to the fine turf practice facility (by overshadowing) and it would be essential that this is mitigated by the introduction of growth lights. As highlighted by SE, no mitigation package has been proposed by the appellant.

- 2.5 At paragraphs 6.8 and 6.9 of Miss Pudge's Proof there is reference to the sport contribution and the difference between SE's request and the request from the LPA during the application. This discrepancy is also noted in the Inspectors Pre CMC note at paragraph 13.
- 2.6 Sport England's recommended contributions to off-site sports facility improvements were assessed against the evidence base provided by the adopted Playing Pitch Strategy, along with consideration of committed council capital programme improvement schemes and funding bids in the local area of analysis.
- 2.7 At the time of discussion, a scheme for improvements to changing facilities at Turn Moss Playing Fields, Stretford, was in the detailed design and tender phase, with council capital and external grant funding committed via The Football Foundation. Taking this planned scheme into account, it was agreed between the council's Strategic Planning, Sport and Physical Activity and Development Management officers that the figure requested for outdoor sports facilities improvements would be £121,110 – the cost of grass and artificial pitch improvements plus the associated lifecycle cost (£107,153 + £13,957) as provided by Sport England, with Turn Moss Playing Fields identified as a potential recipient site for qualitative pitch improvements.
- 2.8 St Bride's Fields (Old Trafford) and Seymour Park pitch (Old Trafford) were also suggested as potential sites for grass pitch improvements within the North (Old Trafford/Stretford) study area, whilst Stretford Grammar School would be a potential site for artificial turf pitch provision in line with Trafford's Local Football Facilities Plan, with further potential for improvements at Stretford High School/Sports Village and Seymour Park Sports Barn, subject to further discussion and agreement with the developer/applicant and Sport England in the event that the application was approved.

- 2.9 The Turn Moss changing facilities refurbishment project, which commenced on site in September 2021, includes four new refurbished changing rooms, two new referee rooms, a new spectator WC and a disabled shower room with WC at a cost of over £500k. This scheme addressed the key demand for changing facility improvements in the North area of Trafford.
- 2.10 The Playing Pitch Strategy and Action Plan are due to be updated early in 2022, within which sites such as Old Trafford Sports Barn may figure in terms of demand for additional changing facility improvements, subject to further consultation and survey.
- 2.11 Due to the lack of a detailed evidence base for indoor sports facility provision, currently under development, no contributions were sought for indoor facilities.

#### Viability (RFR 4)

- 2.12 The evidence of Mr. Lloyd advises that the proposed development would not perform 'generically' when compared against other developments in the Old Trafford Market Area. The Council consider that in situations such as this the 4<sup>th</sup> bullet point of CS Policy L2.12 is relevant and that the appropriate level of affordable housing should be determined via a site specific viability assessment (FVA). Despite the requests of the inspector no full FVA has been provided at the time of preparation of proofs. It is not understood how the Appellant can assert no more than 10% is viable at this time without having already produced a full FVA and allowing it to be tested by the council. I will update the Council's position on viability in rebuttal once the FVA is received. As things stand I am advised that the approach of the Appellant to costs is wrong and that its previous approach to BLV and values is also wrong - all serving to seriously understate viability and thus the ability to provide AH.

#### Education Contributions (RFR 4)

- 2.13 The evidence of Ms. Butters sets out that the primary and secondary schools within the catchment area of the appeal site do not have surplus capacity to



accommodate the pupils that would be generated by the appeal scheme. The evidence sets out the well established methodology used in determining pupil yield and the contribution required to mitigate the impacts of the appeal scheme on the local school system.

### Housing Land Supply

- 2.14 The evidence of Ms. Coley shows that the 5 year Housing Land Supply is 4.41 years and that the shortfall is not a consequence of any failure by the Council to allocate sufficient land or to grant sufficient planning permissions. Rather it is a function of developers and landowners failing to deliver on sites, delaying whilst seeking to reduce Section 106 obligations, and refusing to implement permissions until others (mainly public authorities) provide the necessary infrastructure required by their developments. The issues she identifies have been especially problematical in Trafford, where land and property prices are high and where there are a relatively small number of large sites. In this context landowners and developers seek to inflate land values by putting forward hugely and inappropriately dense development schemes. The Council has taken assertive action in the last two years in order to address these issues inherent in the land market in Trafford and this is now starting to have effect. The housing land supply position, is much improved as a result. However, it remains a snapshot in time, and does not yet properly reflect the sites now coming forward into the supply. It is anticipated the Council will, without this site, have a five year supply of deliverable housing land well within the next twelve months and well in excess of that beyond that. In my analysis I however adopt the tilted balance because of the lack of a 5 year HLS and my overall judgment as to the acceptability of this scheme does not change depending on the weight to be attached to the 5 year HLS shortfall.

### Noise (RFR 8)

- 2.15 The evidence of Mr Robinson reviews the information submitted by Holtz Acoustics on behalf of the appellant and Vanguardia on behalf of the Rule 6 party LCCC in respect of the appeal scheme. It concludes that this scheme is

unacceptable in noise terms - given the noise levels which will be experienced during music events at LCCC. Applying the agent of change principle, it is considered that bringing such intense development so close to such high noise sources is unacceptable. I note that the scheme has not been designed to minimise exposure to such noise but to maximise the extent of views to LCCC and thus maximise such exposure. A redesign to move habitable rooms away from this elevation would be required to address this issue.

### Heritage

- 2.16 The evidence of Ms Lewis sets out the statutory duty of the LPA to consider the impact of the appeal scheme upon heritage assets and the conclusion of the LPA in relation to harm to the setting of the Longford Park Conservation Area. Following the submission of additional information during the course of the appeal, it was demonstrated that although the development will be visible from the northern aspect of the Conservation Area, it is not as prominent as depicted in the previous TVIA view and will be partially obscured by the treeline even in winter months. It is therefore considered that sufficient information has been provided to substantiate the development will have a neutral impact on the setting of Longford Park Conservation Area.

### **Decision-Taking Framework**

- 2.17 Section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is the Government's expression of planning policy and how this should be applied.
- 2.18 The NPPF (paragraph 11) introduces 'the presumption in favour of sustainable development.' Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-

date, paragraph 11d advises that planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

2.19 For applications involving the provision of housing, Footnote 8 confirms that 'out-of-date' includes situations where the LPA cannot demonstrate a five year supply of deliverable housing sites. This Council does not have a five year supply, and this automatically triggers paragraph 11d. I consider that this is the starting point for the decision-taking structure that should be applied.

2.20 However, as shown by Ms Coley, the Council is in fact granting more than enough residential permissions (albeit often outline) to meet the supply but this does not translate to delivery for the reasons she explains. The supply shortfall is to do with planning permissions being treated, by developers and by landowners, as speculative land valuation assets to be improved in value and flipped. In order to achieve the highest possible land value, any constraints or obligations required by planning policy are sought to be removed, and sites are maxed out rather than aiming to secure optimal or efficient use of land. The appellant in responding to the Council's updated housing land supply position in November 2021 objected to the inclusion of this site even at only 163 units. Therefore, by their own admission they do not believe it will contribute to the Council's housing land supply shortfall. This is contradictory to the position taken in viability and planning arguments elsewhere and they cannot argue this position both ways. Through the appointment of Mr Lloyd as advisor to the Council a concerted effort is being made to address the misconceived approach to viability and delivery by developers in this area, as demonstrated by the Council's success in defending a refusal of planning permission for the Warburton Lane scheme, because (among other things) the Inspector did not

accept the appellant's position on viability or costs. The Warburton Lane decision is explained in more detail in the proof of Ms. Coley.

2.21 Turning to subsection (ii) of paragraph 11d, this requires me to take into account all the advantages of the appeal scheme. In summary, the advantages are considered to be (these are outlined in full in the 'Planning Balance' section of this report):

- The appropriate re-use of a redevelopment of a derelict former retail brownfield site to deliver an increased supply of housing which would contribute towards the Council's housing land supply;
- The provision of affordable housing units – albeit this advantage is considered to be limited due to the Council's consideration that the provision of 10% affordable housing does not reflect a policy compliant contribution;
- The economic benefits of the appeal scheme to the local economy during construction and through increased household expenditure;
- Developer contributions towards off-site works.

2.22 Notwithstanding these benefits, including most obviously the delivery of housing (and other benefits as will be outlined in due course), I consider that the harms caused by the proposed development clearly and demonstrably demonstrate that permission should not be granted and I reach that conclusion giving full weight to the tilted balance and applying it irrespective of Ms Coley's assessment. In summary, the harms are considered to be (these are outlined in full in the 'Planning Balance' section of this report):

- The design, scale and massing of the appeal scheme resulting in an overbearing and dominating effect on the surrounding residential properties and street scene;
- Poor outlook for residential occupiers of the appeal scheme;
- Poor levels of amenity for occupants of the appeal scheme in terms of outlook and quality of the amenity areas;
- The appellant failed to demonstrate that a development plan policy compliant level of planning obligations could not be delivered in relation to affordable housing and also fails to provide a development plan policy compliant level of planning obligations in relation to education provision.

2.23 These matters will be returned to as my evidence makes its conclusions.

### **3. PLANNING POLICY OVERVIEW**

#### **National Planning Policy and Guidance**

- 3.1 The NPPF, PPG, the National Design Guide (NDG) and the National Model Design Code (NMDC) set out the Government's planning policies and guidance on matters of design. The current version of the NPPF (20 July 2021), highlights the increased importance given to the consideration of design by the Government – design is now an integral part of the NPPF. The Government has stated that the design quality of new development is all too often mediocre and that systemic change is needed to ensure that design and beauty is a core part of the planning process. It is clear from policy and guidance, and recent planning appeals that a shortfall in housing land supply should not result in a 'development at any cost' approach to decision making.
- 3.2 The NPPF, PPG and NDG make clear that local authorities are expected to provide clarity about design expectations at an early stage and prepare design guides and codes which reflect local character and design preferences. Early pre-application discussion is encouraged to clarify expectations, whilst LPAs are expected to make use of tools and processes for assessing and improving the design of development. It is clear that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF 134).
- 3.3 Great emphasis in the PPG and the NDG is placed on the importance of context and identity. This is of course set against the need to support development that makes efficient use of land taking into account inter alia the desirability of maintaining an area's prevailing character and setting (NPPF 124).
- 3.4 PPG advises local planning authorities on how to secure well-designed places and the processes and tools that can be used (Paragraph: 001 Reference ID: 26-001-20191001). The Council has followed this recommended approach in

the preparation of its Civic Quarter Area Action Plan (CQAAP) – please see below at paragraph 3.21 – 3.30.

- 3.5 Great emphasis is placed in the NPPF, PPG and the NDG on the importance of context and identity. This is set out at paragraph 128 of the NPPF - to provide maximum clarity about design expectations at an early stage, LPAs should prepare design guides and codes consistent with the principles set out in the NDG and NMDC which reflect local character and design preferences. (Please refer to Paragraph 3.21 – 3.30 of this proof which sets out how the Council has done this through the CQ AAP). Paragraph 130 of the NPPF says that planning policies and decisions should ensure that developments add to the overall quality of an area, are sympathetic to local character and history, including the surrounding built environment and landscape setting, establish or maintain a strong sense of place, using the arrangement of streets, spaces, buildings types. Paragraph 131 of the NPPF says trees make an important contribution to the character and quality of an area and should ensure that new streets are tree lined and that opportunities are taken to incorporate trees elsewhere in developments.
- 3.6 The NDG (CD-G2) repeatedly emphasises the importance of context and identity and at C1 and paragraphs 41- 43 says that well-designed new development should understand and relate well to the site, its local and wider context, and respond well to the features of the site itself and the surrounding context beyond the site boundary. It should enhance positive qualities and improves negative ones. Those features include the existing built development, including its layout, form, scale, appearance, details, and materials, local character, and, views inwards and outwards. Well-designed development proposals are shaped by an understanding of the context that identifies opportunities for design as well as constraints upon it. This is proportionate to the nature, size and sensitivity of the site and proposal. Paragraph 43 says that well-designed new development is integrated into its wider surroundings, physically, socially and visually and is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including

patterns of built form including local precedents for routes and spaces and the built form around them, to inform the layout, grain, form and scale, the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development.

3.7 The importance of identity is set out at paragraphs 51-60 of the NDG, and this again emphasises the importance of the existing context. It says that well-designed places buildings and spaces have a positive and coherent identity that everyone can identify with, including residents and local communities, have a character that suits the context, are visually attractive to delight their occupants and other users. Paragraph 52 says that local identity is made up of typical characteristics such as the pattern of housing, and special features that are distinct from their surroundings. These special features can be distinguished by their physical form and design. Paragraph 53 says that well-designed new development is influenced by an appreciation and understanding of vernacular, including existing built form, the characteristics of the existing built form, the elements of a place or local places that make it distinctive, the height, scale, massing and relationships between buildings, views, vistas and landmarks, roofscapes and the scale and proportions of buildings.

3.8 Under Built Form, paragraph 65 emphasises how making efficient use of land with a mix of development and open space that optimises density also needs to relate well to and enhance the existing character and context. Paragraph 66 says that built form is determined by good urban design principles that combine layout, form and scale in a way that responds positively to the context. The appropriate density will result from the context, accessibility, the proposed building types, form and character of the development [and not the other way around]. Paragraph 67 talks about using the right mix of building types, forms and scale of buildings and public spaces for the context and the proposed density, to create a coherent form of development that people enjoy. Paragraph 68 says that the built form of well-designed places relates well to the site, its context and the opportunities they present; and the proposed identity and character for the development in the wider place



## **The Statutory Development Plan**

- 3.9 The Trafford Core Strategy (TCS) is the primary development plan document used to guide development over the plan period to 2026. It sets out the overall planning policy strategy for the area, describing the spatial direction, strategic objectives and core policies that have been adopted.

### **The Spatial Strategy**

- 3.10 The TCS Vision explains that the focus for economic and housing growth in Trafford will be within the urban area, primarily in the north-eastern areas and the principal town centre. Five 'Strategic Locations' are then identified, which include SL3: Lancashire County Cricket Club Quarter. They each offer an opportunity for major economic and residential development to enable the growth of the Borough.
- 3.11 Each Strategic Location has a particular set of attributes. Some comprise of expansive, degraded former industrial sites, often in single or limited ownership, positioned towards the Borough boundary. Others encompass a series of interspersed, previously-developed sites within existing built up areas. Some seek the provision of significant new infrastructure, provided in parallel, to support development in a new location, whilst others rely on the use and improvement of existing infrastructure. They each share some fundamental characteristics which supported their identification within the CS: they embody a brownfield-first approach; they focus development within existing urban areas, thereby preventing sprawl; they provide development in sustainable locations or locations that can be made sustainable; they protect greenfield sites and locations of environmental value; and they assist with wider regeneration objectives.

### **SL3: Lancashire County Cricket Club Quarter**

- 3.12 The Lancashire County Cricket Club Quarter is located in the north of the Borough. The SL is a large area located on the suburban edge of Gorse Hill

and urban edge of Old Trafford and is occupied by a range of civic buildings, educational establishments, Emirates Old Trafford (EOT) sports stadium, commercial and business uses, and residential accommodation.

- 3.13 Under SL3 a major mixed use development would be delivered on wholly brownfield land in Old Trafford. Policy SL3 sets out the level of development which it is considered can be accommodated in the SL and the essential, phased infrastructure requirements to ensure that development is delivered in a sustainable way.
- 3.14 SL3 sought to deliver a major mixed use development to provide a high quality experience for visitors balanced with a new high quality residential neighbourhood centred around the cricket ground. Improvements to the cricket ground, Trafford Town Hall, education, community and commercial facilities, including a new retail store, were envisaged in addition to 400 residential units comprising accommodation suitable for families. The Land Allocations DPD (CD-H3) LAN1 – Lancashire County Cricket Club Quarter Strategic Location details how it was envisaged this proposal would come forward. In terms of residential development, it was thought that 400 units would be delivered in the plan period (2012-2027) at densities of between 30 and 150 dwellings per hectare in the form of a number of apartment blocks varying in height, in addition to a range of 2, 3 and 4 bed dwellings provided in well-designed buildings with two thirds of the units suitable for families. LAN2 – Lancashire County Cricket Club Stadium Area, indicated that the Council will support the continued use and improvement of the area identified on the Policies Map for a cricket stadium and associated hospitality, conference, club store, events, hotel and spectator/visitor car park uses by Lancashire County Cricket Club. It indicated that residential development will be supported on sites fronting onto Great Stone Road and Talbot Road, including where it is part of a mixed-use scheme.
- 3.15 The Council also produced a Development Framework for the LCC Quarter in 2011 (the area essentially comprising what is not the southern and western neighbourhoods of the CQ AAP in addition to the former Kellogg's site) which

envisaged a mixed use family orientated, and attractive, safe and welcoming public realm (street environments and defined open spaces). also produced a Development Framework for the LCC Quarter in 2011 (the area essentially comprising what is now the southern and western neighbourhoods of the CQ AAP in addition to the former Kellogg's site) which envisaged a mixed use residential / non-residential development within the area. The emphasis was on a family orientated, and attractive, safe and welcoming public realm (street environments and defined open spaces). The document pointed to a need to push housing design towards a "mid density" range for family housing of circa 50dph, noting that such a density could support place-making objectives, whilst remaining relevant and responsive to context. It noted that Great Stone Road was residential in character and in relation to the B&Q site it was envisaged that the site could accommodate a multi-level car park as part of a comprehensive scheme including 28 apartments.

- 3.16 The SL allocation is the current development plan framework for the site. It is being updated through the development of the Civic Quarter Area Action Plan and covers a larger area as indicated at Appendix B.

#### Appeal Site's Policy Position

- 3.17 On the Proposals Map (CD-H2) the appeal site lies within the Inner Area boundary. TCS Chapter 2 explains that 'the Inner Areas will be a focus for residential development, securing a significant increase in their population to support major regeneration activity and the improvement of community facilities and the creation of sustainable mixed communities'. The site is not covered by any other site specific designations.

#### The Core Policies and Consistency with the NPPF

- 3.18 The appellant and LPA have produced a joint position statement on Local Plan policies which identifies their consistency with the NPPF and whether or not they are considered to be a 'most important' policy (CD-F105)

- 3.19 The appellant and the LPA differ in the interpretation and application of policy L2.12, particularly the 4<sup>th</sup> bullet point, in relation to what constitutes a policy compliant level of affordable housing. It has been confirmed by two leading Counsel (Appendix C) that the Council is correct in their understanding that where a site would perform differently from generic developments in the area, i.e. high density schemes such as this proposal, a FVA should be requested and assessed to determine whether the delivery of up to 40% affordable housing is viable.

#### Emerging Development Plan

- 3.20 Places for Everyone (PFE), on its adoption will become part of the statutory development plan for Trafford and will set the framework for individual borough-wide local plans. The Regulation 19 version was published for consultation purposes from 9<sup>th</sup> August to the 3<sup>rd</sup> October 2021. It is expected that PFE will be submitted for Examination in January 2022.

#### Submission Draft Civic Quarter Area Action Plan

- 3.21 The Council has submitted the Draft Civic Quarter Area Action Plan (CQAAP) to guide development and positive change in this key growth location. The AAP area comprises approximately 55 hectares at the heart of Trafford including Trafford Town Hall, Lancashire County Cricket Club, and a number of major redevelopment sites. The Council has identified the Civic Quarter as pivotal in the regeneration of the surrounding area, in particular Stretford and Old Trafford.

#### Submission Draft Civic Quarter AAP Vision

- 3.22 The Council employed multi award winning architects and designers Fielden Clegg Bradley Studios (FCB) and Planit IE in the preparation of the CQAAP which sets a vision for the area in response to existing development pressure and increased developer interest. The AAP masterplanning process has adopted a place, context and design-led approach to mixed use development

in the area. That is to say that the number of residential units the Council anticipates can be delivered in the AAP area is an outcome of applying the design philosophy and design code incorporated within the AAP, rather than trying to justify accommodating a pre-determined number of units regardless of the impact this would have on the character and identity of the area. Delivering an attractive new place at a significantly higher density than that proposed in the LCCC Quarter Development Framework, SL3 and in line with the NPPF emphasis upon achieving appropriate densities was a key consideration in the development of the AAP.

- 3.23 In preparing the AAP, the Council has followed the approach to securing well-designed places advocated by the Government. The PPG advises that AAP's can be used to provide a policy framework for an area subject to significant change, and incorporating a strong design vision and principles in the form of a masterplan for the area. (Paragraph: 004 Reference ID: 26-004-20191001).
- 3.24 The CQAAP includes parameter plans which focus on area specific proposals such as land use and building heights, and an illustrative masterplan which addresses options for layout, streets and the public realm.
- 3.25 The Council views the regeneration of the area as an opportunity to drive a step change by delivering high quality design both within the architecture of new buildings and in the approach to landscaping and the public realm. The Council expects all proposals to demonstrate adherence to best practice urban design principles, in accordance with the National Design Guide, the emerging Trafford Design Guide and the detailed AAP Design Principles. (CQ AAP page 73 – CD-11).
- 3.26 Policy CQ1 seeks to ensure that development contributes to the vision and objectives of the AAP and accord with the parameter plans. CQ6 High Quality Urban Design seeks to ensure that all proposals demonstrate compliance with AAP Design Code Principles, provide taller buildings in line with the massing principles and specific Neighbourhood Area Policies. (CQ AAP page 73 – CD-11). Based on the detailed design and context led work, the AAP seeks to

consolidate taller scale and massing around Oakland House and northern gateway facing Chester Road and Exchange Quay. (Policy CQ 1 Parameter Plans page 63). The AAP is also mindful of the proximity of and relationships with the surrounding residential communities – these relationships are particularly important along Great Stone Road and Trent Bridge Walk where close relationships to existing residential properties are found.

- 3.27 The Design Code attached to Appendix 2 of the Submission Draft CQAAP (CD-I1) encourages variation in scale and massing to create townscape interest, high quality outlook and maximise light penetration, whilst pockets of lower scale 'villages' should be included of 3-4 storeys. Opportunities to improve density are afforded using narrower street patterns following historic precedent. A variety of roof profiles should be considered to add interest, avoiding the monotony of flat roofs to every building.
- 3.28 As I demonstrate in more details below, the appeal site is situated adjacent to suburban housing and the AAP indicates that height should be restricted to be a maximum of 6 storeys, whilst the illustrative masterplan for the Southern Neighbourhood (CD-I1 pg. 104) demonstrates that a series of smaller scale blocks, including apartment blocks and townhouses could be accommodated on the site. The appeal scheme in terms of its height and mass does not reflect the key design principles set out in the AAP.

#### Submission Draft Civic Quarter AAP Progress Update

- 3.29 The Council completed consultation on the Publication draft of the CQAAP (Regulation 19) during January to March 2021. Following two earlier rounds of consultation on the Council's proposals for the Civic Quarter, this last consultation was focussed on the 'soundness' of the CQAAP and its legal compliance. When having regard to the responses received at Regulation 19 stage, Council officers concluded that one main modification is likely to be required in order to make the plan sound. This main modification, for which there would then follow a number of knock-on changes, relates to Policy CQ1

(Civic Quarter Regeneration) and its supporting content. The purpose of this policy – the first in the document – is to articulate the policy basis to development the preceding CQAAP vision and to establish expectations regarding appropriate forms of development. The changes proposed are aimed at reinforcing the Civic Quarter’s unique attributes and maximising their ability to drive wholesale change. A key focus of the renewed Policy CQ1 is the opportunity afforded by the presence of Lancashire County Cricket Club, as well as the adjacency of Manchester United Football Club, to secure a renewed tourism and visitor identity for the Civic Quarter. The adjustments are also designed to afford greater flexibility in the future development of certain key sites within the CQAAP. The extent of the changes, in totality, affect Policy CQ1. However, they do not change the spirit of the policy (or the essence and vision of the CQAAP as a whole) and are intended to address ‘soundness’ concerns.

- 3.30 On 11th November 2021 Trafford’s Planning and Development Management Committee gave its approval to the formal submission of the CQAAP to the Secretary of State pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Submission took place on 26th November 2021. A Programme Officer has been appointed and an Examination webpage is in place. The Plan has a provisional examination date of 21 February 2022, but confirmation from the Planning Inspectorate in terms of the dates for the Examination hearing sessions and the appointment of an Inspector is awaited.

## 4. DESIGN OF THE PROPOSED DEVELOPMENT

### Introduction – Summary of design concern

- 4.1 A more detailed analysis of the design appears at paragraphs xx to xx but a brief summary is included below.
- 4.2 The proposed development is considered to be at complete odds with the character and urban grain of the local area. The context of the site is set by the adjacent two storey residential development located to the south of Trent Bridge Walk and the 'Gorses' to the west of the site. The two storey development spans across a wide area extending back to the Bridgewater Canal and beyond to the west and into Chorlton in the Manchester City authority area to the south. With the exception of the Lancastrian Office Centre which fronts Talbot Road, buildings within these wider areas are two storeys in height and generally semi-detached or terraced dwellings with breaks between the blocks of development.
- 4.3 In contrast, the appeal scheme is between five and nine storeys, with the layout, scale and massing proposed would sit as a large alien feature in the local context and as a dominant mass in the street scene. Development of the scale proposed needs 'room to breathe', however the built mass of the appeal scheme occupies nearly the entire site leading to a cramped development which is tight to site boundaries and results in a sense of over-filling and crowding of the site.
- 4.4 The design of the development is such that views through the site are impossible in the northern courtyard and limited through the southern courtyard, this adds to the sense that the proposed form of development is cramped and inappropriate and presents a continuous visual "wall" of development to the street.
- 4.5 The contrast between the scale, height and massing of the proposed development at five to nine storeys and the adjacent two storey low density residential development is stark, unnecessary and inappropriate. Sound



planning judgment would dictate that in an area such as this, development should transition up in height from the two storey residential development towards the taller structures at LCC. Instead the scheme steps up in height considerably from the permanent stands at LCC (see Courtyard Section BB (CD-A43)) – and does not present as a zone of appropriate transition between the two storey elements and the 6 storeys of the stands. It should be noted that the taller element to the NE of the appeal scheme on Courtyard Section BB (CD-A43), is a temporary stand which is generally erected between May and September only and is at varying heights during this period.

- 4.6 The inappropriateness of the proposed development is clearly demonstrated in the wireframe images, verified views 10, 11 and 13, page 21 of exhibit 3 contained at Appendix C which shows how large and dominant the appeal scheme appears against the two storey setting of the site.
- 4.7 The design approach to developing the scheme has not adopted best practice set out in guidance in that the appellant did not engage in meaningful pre-application discussions until the refusal of the first planning application. Early discussions were focussed on one particular layout with no alternative options considered. When discussions were moving forward in a more positive manner, engagement with the LPA ceased and a variation on the refused scheme was presented to Places Matter. The appellant has focussed on a numbers led design and it is considered that any assessment of the character, setting. Further there are, in my view, no context led design cues for anything like this scale of building and in consideration of the context of the site has been flawed with a focus on the existing taller and denser development at some distance away to the north east of the site as opposed to the immediate lower density residential development to the south.
- 4.8 Overall I consider the proposed development to be wholly inappropriate in terms of context, design, layout, scale, massing and appearance.

#### Pre-application engagement

- 4.9 PPG (para ID: 26-009-20191001) identifies the importance of pre-application advice in achieving well-designed places. The appellant first approached the LPA in 2017 with a scheme for three large scale towers, ranging in height from 12 to 26 storeys and providing 684 apartments in (a scheme identified in the Design and Access Statements submitted with both the appeal scheme and planning application 94974/OUT/18 (excerpt at Appendix D)). The LPA advised that this form of development would be wholly out of context with the character of the area and would be considered unacceptable. The same applicant, architect and consultant team has worked on this project since initial comments were provided.
- 4.10 A revised formal pre-application enquiry was submitted to the LPA in 2018. This sought advice on the development of a single building ranging from 6 to 13 storeys in height to provide 433 residential units. The LPA advised that development should not exceed six storeys in height and that the layout of development should comprise a number of smaller buildings on the site, allowing for the creation of gaps between the buildings to better reflect the context and urban grain of the surrounding residential environment. The Council's formal pre-application advice in 2018 is included at CD-D1.
- 4.11 Application 94974/OUT/18 was later submitted, with no further pre-application engagement from the appellant. This scheme did not take on board LPA design comments relating to context, layout, scale, massing or design approach. The application was subsequently refused.
- 4.12 Following the refusal of 94974/OUT/18, informal pre-application discussions were entered into. The pre-application scheme that was discussed was described as a 'dynamic scheme using diagonal cuts through the site', but described by the appellant's architect in the supporting DAS to the appeal scheme that 'the scheme was not efficient enough at 6/7 storeys to make it viable'. I assume what the appellant meant was that it was not efficient enough when compared to the developer's pre-determined (non-context led) view as to the quantum of development they wanted to secure on the site. This was the only meaningful pre-application engagement undertaken by the appellant in

respect of the appeal site. However, rather than continuing to engage with LPA the pre-application process was abandoned by the appellant. The LPA had provided verbal feedback over a series of meetings, consistent with previous comments - a development in excess of six storeys in height would not be supported by the LPA and a series of buildings of varying heights would be more appropriate to better reflect the urban grain of Great Stone Road.

- 4.13 The LPA were then invited by Places Matter to attend a Design Review Panel 'enabled session', where a scaled down version of the refused scheme was presented. The project brief to the review panel (CD-K1 and CD-K3) outlined the appellant's requirement for a quantum of 350-450 units on site.

#### The appellants approach to design

- 4.14 It was clear throughout the pre-application process in the LPA's view that the appellant had only one approach to the appeal site and that was to maximise dwelling capacity. No reasonable assessment of the context had been undertaken for either of pre-application enquiries or planning application submissions by the appellant, nor has any justification been included in the accompanying Design and Access Statements (DAS) for the development proposed. Other than the final designs submitted in the planning applications, both of which adopt the same or very similar layout, no other options for delivering a contextually appropriate scheme on the site have been meaningfully explored. For any scheme of this scale, indeed for any major planning proposal, the Council would expect to see an options analysis – an opportunity to discuss with an applicant different options for the development of a site. Indeed most developers are keen to do this – it would invariably involve looking at different layout options, housing typologies, and introducing opportunities for greening. Unfortunately the appellant never engaged in any meaningful pre-application discussion prior to the refusal of the first planning application. They did so after this was refused. This again reinforces my view that the appellant is only interested in maximising the development capacity of the site without due regard to the impact of the scheme on the character of the area.

### Places Matter Design Review

4.15 The appellant places great reliance on the response from Places Matter following the 'enabling session' in November 2019.

4.16 The appellant claims the feedback from panel members 'was positive, concluding that the scale, height and massing is appropriate for this site, and a rigid limit of six storey was not necessary with the potential for additional height at the tramline interface adding:

*"Greater height, than currently proposed, adjacent to the tramline is not considered an issue, especially if this maintains a viable development quantum, allows for breaking up the blocks and secures greater liveability".*

4.17 The context in which the enabling session took place concerns both me and the LPA, as does the appellant's failure to take on board several key comments from the Panel in working up the final iteration of the appeal scheme.

### Context of the design review

4.18 The appellant went to Places Matter after abandoning their pre-application discussions with the Council because they established that the scheme 'wasn't efficient enough at 6/7 storeys to make it viable.' (DAS submitted with the appeal scheme CD-A3).

4.19 The appellant's submission to Places Matter review included a presentation, a drawing pack which included floor plans, a CGI of the development taken from the bridge over the tram line, and a pro-forma.

4.20 The pro-forma made reference to the appellant's aim to deliver a development of circa 350-450 apartments and commercial / community uses on the appeal site.

- 4.21 The enabling session began with a lengthy explanation to the Panel of Trafford's housing land supply position at the time by the appellant's planning consultant, Mr Hard.
- 4.22 The appellant's 'brief' to the Panel concerns me, as did the lengthy explanation relating to the Council's housing land supply position at the time, because the Panel were not given a context led appraisal with which to make their assessment of the scheme but a quantum led starting point. Their starting point was in effect 'we need a high density development on the site that can accommodate circa 350-450 residential units'. The Panel's response letter (the quote at paragraph 4.16 above) also seemed to acknowledge that the Panel were mindful that the appellant's preferred quantum of development for the site was a pre-requisite of the scheme, and that additional height might improve the viability of the scheme. I do not consider this to be an appropriate start point for designing a scheme for the appeal site.
- 4.23 Very little reference was made by the appellant in the enabling session to the Council's vision for the wider Civic Quarter AAP area and how it was considered that the tallest and highest density development should be accommodated around Oakland House on Talbot Road and the northern gateway facing Chester Road and Exchange Quay, whereas close to suburban housing, development should be a maximum of six storeys.
- 4.24 It is also important to note that the appeal scheme is not the one that the Panel commented on, and as far as the Council is aware, the appellant has not taken up the Panel's invitation to see the revised scheme.
- 4.25 Moreover, the Panel did not have the benefit of seeing the verified views of the scheme in context illustrated by wireframe images and later CGIs that show the full impact of the wholly inappropriate height, scale and massing of the scheme in the surrounding two-storey streetscene. Please refer to Appendix D of the proof.

Failure to acknowledge key comments made by Places Matter Panel

4.26 The appellant acknowledges that the Panel's comments have been incorporated into the scheme 'where possible'.

4.27 Notwithstanding my view that the appeal scheme is fundamentally too big for the site (including its excessive height, contrary to the view taken by Places Matter), it is clear that the appellant has ignored a number of fundamental concerns raised by Places Matter, not least that their clear view was 'this development would benefit from being a series of separate buildings'.

4.28 The Panel were also critical of the scheme with reference to the following points taken from Places Matter's 'headline comments'. My comments are made in brackets.

**b) + c) *Fundamental issue to be resolved in terms of whether this is one building or a series of three, or more. The Panel's clear view is that this development would benefit from being a series of separate buildings.***

There are still only two buildings but the development will appear as a single mass.

**d) *The 'edge conditions' and adjacencies are a critical factor. These will determine the amenity of a good number of the apartments, in terms of the width of the perimeter landscaping, the views over car parking and the impact of the noise sand servicing on those apartments.*** The development still sits far too close to the site boundaries creating a poor level of amenity for residents.

**e) *'Cut' some elements out of the northeast facing elevation, to improve the amenity of these units and to get sunlight penetration to the street.***

This has not been done in a meaningful way.

**f) *allow for additional space to be created between the blocks and the adjacent indoor nets.*** The scheme is still far too close to the indoor nets.

**l) Consider how you can create clear and separate entrances to each block.** Detailed internal elevations of the development have not been provided so there is no way of understanding whether the appeal scheme will provide clear legible entrances to the development.

**m) The internal courtyards present an opportunity for you to have small areas of highly valuable private amenity space and perhaps even 'front door' apartments to help animate the courtyard and help ensure its use.**

Detailed internal elevations of the development have not been provided so there is no way of understanding whether the appeal scheme will provide front doors to the courtyards. Moreover, the courtyards are likely to be heavily overshadowed, and therefore not provide valuable amenity space given that the appeal scheme proposes a 7-9 storey elevation to its southerly boundary.

**n) Suggests that the scheme might even create a few special sunny spaces in the courtyards.** The appellant has not undertaken a two hour sun on ground assessment, so it is unclear how much sun the courtyards will benefit from, but it is unlikely to be a significant amount.

**o) northeast elevation as a single continuous entity is considered to be too long and must be broken up.** There is still only one break in this elevation which runs almost the full width of the appeal site.

**p) Reconsider the use of corner entrances to the blocks, as these diminish the amenity of the adjacent apartments.** Entrances still sit next to apartments.

**q) The Council is clear that it is seeking a placemaking approach to this development and the others in the area. The Panel supports this principle, which would suggest separate blocks, lower levels of car parking and higher levels of liveability.** Separate blocks have not been provided – a fundamental point raised by the Panel.

***t) Making a series of individual buildings engage more directly with Great Stone Road will have the beneficial impact of reducing the sense of one large mass, whilst still allowing the opportunity to create a landmark element as you emerge over the bridge from The Quadrant, and help connect to the amenities there. It would also allow you to use three distinct street addresses, help improve wayfinding to individual blocks, which currently feel as if they lack legibility and would perhaps even allow you to introduce different tenures.*** Separate blocks have not been provided, and the block adjacent to the tram line cannot be reasonably described as having landmark qualities other than in its sheer size and mass.

### **Detailed Design Analysis of the Appeal Scheme**

#### **Character and Context**

- 4.29 Good practice dictates that a character study of the surrounding and wider area is required to enable full understanding of the context of a site to be understood and ensure a positive design response is developed.
- 4.30 The appellant has undertaken nothing more than a tick box exercise in terms of design development as is clear from the DAS (CD-A3). There has been no meaningful analysis of context or character – the appellant has looked at existing building heights in the AAP area, the height of recently approved apartment buildings in other parts of Old Trafford – sites that sit in a series of very different contexts to the appeal site - and justified their design approach on that basis. The logic seems to be that the Council considers tall buildings to be appropriate in the AAP area, so tall buildings should be appropriate on this site. No reference or analysis has been put forward to justify this approach. The appellant hasn't demonstrated that they have considered the urban grain or the different character areas within the AAP, particularly that of Great Stone Road, where the AAP makes clear building heights should be more limited to recognise the relationships with adjoining areas outside the AAP area. Other than stepping the height of the development down to the road the scheme would



nevertheless still appear tall and dominant and does not respond to the character or urban grain of the road.

- 4.31 Buildings along Great Stone Road, with the single exception of the Lancastrian office block at the junction of Talbot Road are two storeys in height and the built form is largely that of semi-detached and terraced house with breaks between them. The grain is fine. I acknowledge that the opposite side of Great Stone Road is different in character in that it is largely open, dominated by the car park to LCC and the single storey building on the appeal site. It is not a road that is characterised by tall buildings of considerable mass sitting close to the road. The stands of the cricket ground sit some considerable distance from Great Stone Road itself.
- 4.32 Whilst the Council accepts that there is scope for a high density development on the appeal site, the appeal site relates more closely to Great Stone Road with its mixed two storey suburban and largely low rise / open character than it does to the larger and taller buildings of the cricket ground and Talbot Road to the north.
- 4.33 I consider what is required on the appeal site is a more sensitive approach that delivers a finer grain which sits more comfortably with the rhythm of the houses on the southern side of the road.
- 4.34 Although the appeal site is located in a zone of transition between the urban area of the Civic Quarter to the east and more suburban setting to the south and west, the site is not identified as a landmark site suitable for the development of a large key building of the scale, mass and design proposed. Furthermore, there are no contextual clues within the immediate area that indicate a development of the scale proposed is appropriate.
- 4.35 It is considered that the LTVIA didn't appropriately address the context of the proposed development. It is considered that the LTVIA attached too much weight to the taller buildings to the north of the cricket ground and did not attach enough weight to the immediate context of the site which has a prevailing height of two storeys. It is also considered that the assessment of the effect of the

proposed development on character has generally under-stated the likely scale of the development in comparison with the existing buildings surrounding the cricket club, Metrolink stop and office developments off Talbot Road.

#### Layout, form and permeability

- 4.36 The site coverage of the built form is considered to be excessive, resulting in a cramped layout. The proposed development essentially comprises a perimeter block form of development with insufficient breaks in the built form. The inclusion of courtyard gardens within the development are not sufficient to mitigate the cramped layout.
- 4.37 As noted at paragraph 4.75 of the LPA's SoC (CD-F68), the proposed development is sited too close to the north-western, north-eastern and south eastern boundaries resulting in a cramped layout and detrimental impact on future occupiers of units in these elevation due to oppressive outlook and impacts on the levels of potential daylight serving units in these elevations, particularly on the lower levels of development. The close proximity also impacts on the level of landscaping which can be incorporated into the scheme on these boundaries.
- 4.38 This layout and form of development is not considered to represent good design and is also likely to result in requests to TFGM to fell trees along the common boundary. The proposed building also sits close to the north western site boundary. There is a busy car park to LCC immediately beyond the boundary and it is not considered that sufficient space has been set aside to introduce an appropriate landscape buffer to the cricket ground car park. Aside from amenity concerns which are explored later in this report, it is considered that a wider buffer should be provided along all these boundaries in the interests of good design in terms of preventing the development from looking cramped on its site, creating an inviting and desirable space and the opportunity for a decent landscaping scheme to be provided as well as to enable future maintenance of the proposed development.

- 4.39 The proposed development seeks to create an active frontage to Great Stone Road with pedestrian access points and commercial units at the ground floor. It is considered that this is achieved with a degree of success notwithstanding the Council's wider concerns about the design of the scheme. The proposed development incorporates a gap through the southern courtyard, which creates a sense of permeability, however the northern courtyard has a limited level of permeability with a two storey undercroft providing access through the courtyard.
- 4.40 In design terms, communal entrances should provide an opportunity to bring variation and interest to the building, should be visible from the street and be clearly identified. However, the communal entrances on the appeal scheme are generally proposed within the courtyards. Courtyard elevations were limited in detail and it was not possible to discern where on the elevations the building entrances were located, without cross-referencing the floorplans. Due to the level of information provided it is not possible to discern whether these are appropriately designed – they are not clearly identifiable and do not bring interest and variety to the built form.
- 4.41 The layout of the site, combined with the height of the proposed development results in an overshadowing impact of the building on the internal landscaped courtyards as demonstrated on the OEA transient sun study (Appendix E).
- 4.42 The Submission Draft AAP, in the Southern Neighbourhood illustrative masterplan identifies a different form of development in the 'Area Vision' masterplan, which avoids the use of solid perimeter blocks and instead approaches the regeneration of this area through the use of finger blocks. Where these enclose spaces, gaps are maintained between blocks which seeks to deliver improved permeability and connectivity throughout the site and quality amenity spaces which are not overshadowed. This vision demonstrates that a high density scheme development can be delivered in the Civic Quarter at an appropriate scale, albeit a significantly lower density and scale than the appeal scheme. This form of development also takes account of the sensitivities of the adjacent fine turf pitch facility.

## Density

- 4.43 The NPPF encourages the efficient use of land and specifically mentions that decisions should take into account the desirability of promoting regeneration and change and crucially, ‘the importance of securing well-designed, attractive and healthy places (NPPF para 124 d) and e)). It is clear that the appeal site is located in an area of regeneration and change and this is reinforced by the production of the Submission Draft CQ AAP – a tool advocated by the Government in securing well-designed places.
- 4.44 As outlined at paragraphs 3.17 – 3.23 of this Proof, the Submission Draft CQ AAP seeks to achieve the delivery of an attractive new place at a significantly higher density than that proposed in the adopted Development Plan whilst considering the appropriate locations for the delivery of buildings of height and areas of higher density.
- 4.45 The SD CQ AAP (pg. 63 - CD-I1) does however identify areas where it has been determined buildings of greater height can be accommodated. These areas of suitability wholly lie to the east of Brian Statham Way.
- 4.46 The appeal scheme at 332 dph is ‘superdense’ and whilst elements of future CQ development will likely achieve similar densities, the areas for such development are clearly identified as being located away from the prevailing context of two storey residential dwellings and towards the heart of the CQ.
- 4.47 The prevailing density of residential development around the appeal site is in the region of circa 30-40 dwellings per hectare. The density of the proposed development at 332 dwellings per hectare is clearly out of character and much denser than the existing residential dwellings surrounding the site. There are clear concerns with the design of the appeal scheme and the proposed density does not reflect the Council’s vision for a well-planned higher density community in the CQ where density is concentrated in appropriate locations.

- 4.48 It is considered that the appellant has consistently sought to diminish the value of the development of the SD CQAAP and the Council's ambition to carefully and considerately regenerate the CQ. The appellant has given the document extremely limited consideration throughout the planning process, despite its existence since the inception of the first formal pre-application enquiry on this site.
- 4.49 It is considered that the appeal scheme has not considered Government guidance in relation to density (or achieving well- designed places) and is excessive and inappropriate for the suburban edge location of the appeal scheme. Furthermore, there is no relevant precedent in the immediate surrounding area, i.e. the southern neighbourhood, for higher density residential development such as that proposed.

#### Scale and massing

- 4.50 Overall the massing of the proposed development is considered to be at odds with and has no comparator with the local area and does not represent a suitable form of development. It fails to respond sensitively to the adjacent two storey dwellings or the stands that sit within the cricket ground.
- 4.51 An assessment of the scale and massing of nearby large buildings, demonstrates that the proposal is far in excess of anything within the locality. Whilst the LPA does not seek to 'plan by number' the assessment of building footprints and heights of the nearest large scale buildings is a useful exercise, which in the opinion of the LPA only further demonstrates the inappropriate nature of the proposed development.
- 4.52 As seen in Appendix F the footprint of the proposed development is with the exception of the former British Gas building, UA92 and the Lancastrian Office Centre, far in excess of other larger scale developments within the Civic Quarter Area. It should be also noted that these buildings sit in larger plots, particularly the former British Gas building and UA92 and which are also lower in height.

- 4.53 In relation to the Lancastrian Office Centre, the alternating form and massing of the development is key to the success of the design this building with taller elements blending into the surrounding context. Again, despite the unusually large footprint of the building, the building sits appropriately within the site and wider area. In terms of context, the Lancastrian Office Centre fronts onto Talbot Road, north of the Great Stone Road/Talbot Road junction. The character of the area to the north and north east of this junction changes markedly from that to the south of it and is dominated by a number of large scale developments.
- 4.54 Appendix F demonstrates that where developments in the wider area are of mid to high rise height, the footprints of the developments are significantly smaller than that of the development proposed. Crucially, Appendix F demonstrates that the layout, form, scale and massing of the proposed development would be out of keeping with development in the surrounding area.
- 4.55 The updated wireframe images and verified view 13 included at (Appendix C) demonstrates that the scale and massing of the proposed development is wholly out of keeping with that of the site context and character particularly when viewed from Great Stone Road and Gorse Crescent.

#### Appearance

- 4.56 The application included appearance as a matter to be determined as part of the outline planning application.
- 4.57 The character of the local area is varied but the submitted documentation does not provide a rationale on design cues or influences for the proposed development as one would expect. The submitted DAS (pg.42) simply explains that the elevational treatment has been designed *“to provide texture and depth to the elevation”* (CD-A3).
- 4.58 As noted previously there are concerns regarding the scale and massing of the proposed development. It is also considered that the proposed form of the development is inappropriate in this context. The design approach is

considered to be out of character with both the immediate context and that of the wider area (notwithstanding the presence of buildings of considerable scale within the wider area). The TVIA, updated VP's in the appellants Exhibit 4, and VV13 demonstrate how incongruous this form of development will be and how big it will look in close proximity to and in stark contrast with the two storey dwellings on both Great Stone Road and Trent Bridge Walk. The combined length, height and width of the buildings will appear larger than many of the stands at the cricket ground.

- 4.59 I accept that the front façade includes a number of set-backs at various points along the frontage, recessed windows details and chamfered brick panels and integral balconies which create a depth to the façade and introduce some balance and in this regard the design is well thought through and in this regard this aspect of the design is well thought through but that does not address or compensate for the basic flaws in design consequent on scale, mass and height.
- 4.60 The appellant has used the same approach to elevational treatment across both blocks of development, this results in a series of unrelenting monotonous elevations. The fundamental issue here is that a series of separate buildings should have been provided across the site which would have allowed for a range of different elevational treatments providing variety and interest on the site. The SDCQAAP encourages the use of a common architectural language within development whilst also allowing the character of each building to be developed with a view to delivering variety across a site.
- 4.61 In terms of materials, the development proposes the use of a buff brick throughout the scheme, including the detailed panels, with curtain walled glazing to the ground floor commercial units, warm grey aluminium framed windows and concrete string course, horizontal terracotta baguettes. Whilst materials have not been discussed with the appellant, the LPA do not consider buff brick to be appropriate material in this location, as red brick is the predominant material in the local area.

- 4.62 The detailing shown on the courtyard elevations indicates that in comparison to the external elevations, which are more 'public facing' the level of detail proposed is minimal, with no indication of any relief or texture within the courtyard areas, unlike the external facades, which indicate shading, texture and depth. On the basis of the information submitted, it is not possible to fully discern the details of the elevation treatment of the internal courtyards and there is concern that they would be inferior to that of the 'public facing' elevations. This approach would not be acceptable to the Council and it is considered that a high level of detailing should be used throughout the development.
- 4.63 There is no objection to the contemporary approach to the design in itself, and it is accepted that the proposed detailing will help, in a limited way to add interest to the external facing facades, but this doesn't go nearly far enough to overcome the Council's concerns due to the unrelenting and monotonous appearance of the development and the overly dominant impact it would have on the character of the area.

#### Landscaping

- 4.64 Landscape is a reserved matter, however there are concerns that insufficient space has been set aside to accommodate a robust landscaping scheme, which can appropriately soften, screen and enhance the proposed development.

#### **Amenity of future occupiers**

#### Outlook

- 4.65 Occupiers of the flats located at ground and first floor level in the rear elevation of the proposed development would directly overlook a building which provides an indoor training facility to LCC and is located within the LCC ground. The building is industrial in design, being clad in corrugated metal cladding. A review of the Level 0, Level 1 floorplans and courtyard sections AA and BB indicates that fourteen flats with single north easterly aspects would directly face this unit and a further four units would also look onto this elevation, which



is 12.5m away from the rear elevation of the appeal scheme. These relationships, resulting from the close proximity of the appeal scheme to the northeastern boundary of the site with insufficient room allowed for an appropriate landscaping buffer, are considered to be too tight and will result in a poor level of amenity for future occupiers of the development.

- 4.66 Occupiers of units on the lower floors (up to circa 5<sup>th</sup> floor level) (30 units) of the southern block adjacent to the TfGM Metrolink boundary would have a heavily restricted outlook, resulting in a poor level of amenity, being set only 4m away from this tall dense tree screen. TFGM have expressed concern about the proximity of the appeal scheme to their operational boundary and anticipate complaints from prospective future residents about the impact of the trees. These concerns could be mitigated by moving the development away from this boundary.

#### Daylight and Sunlight, and Overshadowing

- 4.67 The Council commissioned a peer review of the evidence provided in relation to daylight and sunlight matters through the application submission and appellants Statement of Case. This peer review is appended to this proof at Appendix G. Following consideration of the Peer Review, putative RFR 5 was amended as set out at Appendix A. Whilst reference to impact from daylight was removed from putative RFR 5, there are still wider concerns in relation the level of daylight and sunlight future occupiers of the proposed development would receive.
- 4.68 The review identifies a number of shortcomings in the appellant's daylight and sunlight evidence. In relation to the impact on future occupiers of the appeal scheme the key omissions of concern relate to the quality of the amenity spaces provided within the courtyards and at roof top level and the failure to include overshadowing assessments upon these amenity areas. Without this information it is not possible to clearly identify the level of overshadowing or

harm. The peer review (Appendix G) states that the reviewer (Watts) “would expect that areas of the court yards will not receive the amounts of sunlight suggested by the BRE Guide, resulting in areas of the court yards, and private garden spaces feeling gloomy and less inviting”.

- 4.69 The peer review also identifies that ADF plans are required to be submitted to fully understand the impact of the appeal scheme upon Annual Probability of Sunlight Hours (APSH) and whether further elevations, other than courtyard elevations, should have been assessed for initial daylight and sunlight levels.
- 4.70 In relation to amenity areas, the BRE guidelines advise that for external amenity areas to appear adequately sunlit throughout the year, at least half of an amenity area should receive at least two hours of sunlight on 21 March, known as a two hours on ground study. This document was not included in the appellants Daylight /Sunlight Report so it has not been possible to determine whether the proposed scheme passes this test.
- 4.71 However, a transient sun study produced by OEA (Appendix E) indicates that with the exception of May, June and July, the development will be shaded for considerable parts of the day, particularly the courtyards and northern elevations of the central and southern blocks of development, although the areas of shade do of course move throughout the day.
- 4.72 There are therefore concerns that significant parts of the courtyard spaces will, due to the combination of the orientation of the scheme and the height, scale and site coverage be overshadowed for much of the time and will not provide pleasant amenity spaces for residents to enjoy.
- 4.73 The layout of the appeal scheme development would also result in nearly all flats having a single aspect outlook, with 151 residential units having either a north easterly or north westerly aspect. It is considered that this would also result in occupiers experiencing a poor level of amenity.
- 4.74 Therefore notwithstanding the Council’s decision not to pursue concerns in relation to unacceptable BRE technical daylight and sunlight standards, I still

consider that the development will result in a poor level of amenity for many of the future occupiers of the appeal scheme.

### Noise

- 4.75 The evidence of Mr Robinson in respect of noise impacts concludes that the scheme is unacceptable in terms of noise impacts for future residents, given the noise levels which will be experienced during music events at LCCC. Indeed it is likely to result in noise complaints. Applying the agent of change principle, it is considered that bringing such intense development so close to such high noise sources is unacceptable. I note that the scheme has not been designed to minimise exposure to such noise but to maximise the extent of views to LCCC and thus maximise such exposure. A major redesign of the scheme to move habitable rooms away from this elevation would be required to address this issue.

### **Amenity of existing occupiers**

- 4.76 As previously noted the Council commissioned a peer review (Appendix G) of the evidence provided in relation to daylight and sunlight matters through the application submission and appellants Statement of Case. Following consideration of the Peer Review, putative RFR 6 was amended as set out at Appendix A, to remove reference to reduction in daylight and sunlight levels.

### Overbearing Impact

- 4.77 The proposal would introduce a building of significant height, scale and mass to the application site, which is not comparable to the scale of any development within the vicinity, which in itself is generally dominated by two storey residential dwellings.
- 4.78 The proposed development by reason of its sheer scale and mass will form a significant block of development which would be readily visible from the windows, gardens and streets of the surrounding area. The images at Appendix

D demonstrate the sheer scale and mass of the proposed development and the impact the proposed development would have on occupiers of properties on Great Stone Road, particularly those directly opposite and the imposing mass which would be viewed from within the 'Gorses' (Gorse Avenue and Gorse Crescent).

- 4.79 The outlook from some of these properties to the front will directly face the development, whilst for others particularly at ground floor, their outlook is already partially enclosed by the road as it rises over the Metrolink line. The best outlook for this latter group of properties is therefore currently achieved from the first floor windows. The front façade of the development has been broken up in to three blocks of development which allows some views through the two courtyard access points when stood directly in front of them, however the scale and massing of these blocks of development at 16, 33 and 33 metres in width will remain visible to occupiers of Great Stone Road resulting in an intrusive, dominating and overbearing effect.
- 4.80 The south eastern side elevation of the proposed development measures 68 metres in length and is substantial in scale and massing at seven and nine storeys (20 and 26 metres) in height. It is considered that this elevation, with one step in height would result in an overbearing impact to the residents of Trent Bridge Walk / Headingley Drive, particularly when the trees adjacent to the Metrolink line are not in leaf - around 5-6 months of the year. The CGI view from this location at CD-F108 illustrates this point.
- 4.81 It is considered that the proposed development would introduce a dominant and intrusive feature which would appear overbearing to the surrounding residents on Trent Bridge Walk, Great Stone Road and the wider 'Gorses' area and would significantly affect existing views and appear completely at odds with the scale, form and character of the area.

## 5. THE PLANNING BALANCE AND CONCLUSION

### Introduction

- 5.1 The process of weighing up the relevant factors arising from the appeal proposal and to conclude the Council's case falls to myself. I am required to have regard to Section 38(6) of the PCPA 2004 which confirms the primacy of the development plan. Other material considerations which I shall take into account include the NPPF, NDG, PPG and the Submission Draft CQ AAP.
- 5.2 In doing so I acknowledge the three overarching objectives of the planning system in its achievement of sustainable development (NPPF, paragraph 8). I also recognise the premise of the TCS which, in providing the strategic framework to guide development to 2026, establishes a balance between growth, regeneration and environmental protection and improvement.
- 5.3 I also accept that this Council does not have a rolling five year supply of deliverable housing sites. In circumstances where a five year supply cannot be demonstrated, paragraph 11d of the NPPF comes into play. This becomes the framework for assessing residential applications on unallocated sites. It does not however mean that the development plan should be set aside entirely or that the policies within it should carry little or no weight.

### Development Plan Policy Conflict

- 5.4 The appeal scheme is contrary to Policy SL3 in that the proposed scheme does not provide affordable housing in accordance with Policy L2 or contribute towards the provision of school facilities. It would also not provide a high quality residential neighbourhood as required by SL3.1. With specific regard to housing numbers within the SL3 allocation and heritage this policy is considered to be partly out of date and less weight should be afforded to these parts of the policy (albeit the statutory and NPPF duties remain in respect of heritage). In all other

aspects this policy is consistent with the NPPF and weight should be afforded to this.

5.5 The appeal scheme is contrary to Policy L2. This scheme is, in viability terms, considered to perform differently to generic development within the Old Trafford market location (L2.12, 4<sup>th</sup> bullet). This part of Policy L2 is considered to be up to date. In instances such as this, the appropriate level of affordable housing is to be determined via a site specific financial viability appraisal with the appropriate level of affordable housing not normally exceeding 40%. The appellant has offered 10% affordable housing on the basis that they consider the development should be considered as a generic development in a “cold” market location (L2.12, 1<sup>st</sup> bullet). The LPA disagree with this approach and do not consider 10% to be policy compliant. The appellant has indicated that although they will provide a new FVA with their proofs of evidence, this will maintain a position of 10% affordable housing. The FVA submitted during the course of the application was not considered to properly meet the NPPG and RICS guidance on financial viability in planning. There is also conflict with the housing mix required by L2, albeit this is not objected to by the Council on balance. Policy L2 is with regard to matters other than housing numbers considered to be up-to-date and substantial weight is afforded to it.

5.6 There is very clear inconsistency with Policy L7 on numerous grounds. On design quality (L7.1), the development would not be appropriate in its context, it has not made best use of opportunities to improve the character and quality of the area, and it has not appropriately addressed design considerations relating to scale, density, height, layout, elevation treatment, materials and landscaping. In relation to amenity (L7.3), it is considered that the proposed development would prejudice the amenity of future occupiers of the development by virtue of the noise environment from Lancashire Cricket Club, and by a lack of outlook, aspect and overshadowing of amenity areas. Occupants of adjacent properties would suffer adversely by reason of the overbearing and dominating impact. This policy is consistent with the NPPF, and even more so with the most recent strengthening of the approach to design

in national policy, and is considered up to date. Full weight should be afforded to this policy.

- 5.7 In respect of noise impacts on future residents of the development there is also conflict with Policy L5.14 which requires that where development is proposed close to existing sources of noise or vibration developers will be required to demonstrate that it is sited or designed in such a way as to confine the impact of nuisance from these sources to acceptable levels appropriate to the proposed use concerned. This has not been demonstrated by the appellant.
- 5.8 Development plan conflict is found with reference to Policy L8. This is as a consequence of the development failing to provide for all necessary and related planning obligations, (L8.4), such as affordable housing and education contributions. No adequate justification has been provided to support the appellant's position (L8.10). Policy L8 is not fully consistent with the current approach to developer contributions, and thus less than full weight is applied. However, substantial weight should still be afforded to it as it requires development schemes to provide for or mitigate against adverse impacts that cannot otherwise be provided for, and in this sense is consistent with the approach set out in NPPF / NPPG.

#### Planning Benefits

- 5.9 The appellant has indicated that Phase 1 of the scheme would be delivered by 30 June 2024, and Phase 2 by 31 December 2025. The delivery of 332 dwellings within this timeframe would make a significant contribution to reducing the deficit in the Council's 5YHLS. This benefit should be weighed against the appellant's objection to the inclusion of the scheme as deliverable in the Council's 5 year housing land supply calculation – it is either deliverable or it is not, and the fact that it has been demonstrated that the Council's housing land supply position is rapidly improving and it is anticipated that there will be a five year housing land supply within 12 months. Together with the fact that the existing deficit in housing land supply does not arise as a result of the Council

not allocating sites or granting permissions, the Council's housing land supply position (and conversely the potential contribution of the appeal scheme towards it) should be given less weight in the planning balance.

- 5.10 The development would deliver a mix of units: 2 x studio units (1%), 108 x 1 bed (32%), 189 x 2 bed (57%) and 33 x 3 bed (10%). Whilst the proposed housing mix fails to comply with the requirements of Policy L2, the Council's Housing Strategy officer advised that the mix of proposed units is acceptable. The proposed mix of units would provide a range of new homes for families and smaller households and so on balance in terms of housing mix, the scheme is considered appropriate for this Strategic Location. It is considered that moderate – substantial weight should be attributed to this benefit.
- 5.11 The scheme will bring back into use and provide a new active frontage to a vacant and dilapidated brownfield site in a sustainable suburban location. This benefit is given substantial weight.
- 5.12 10 per cent (33) of the total number of dwellings will be delivered as affordable units on site, although it is considered that this is not, firstly, a policy compliant level of affordable housing provision and, secondly, the scheme can support considerably more. On this basis it is considered that the benefit of affordable housing provision can only be attributed limited weight as a non-policy compliant quantum is proposed. Weighed against this is the failure to deliver a fully policy compliant level of affordable housing for no good reason and not based on any assessment of viability. It is considered that the failure to provide policy compliant affordable housing should be attributed substantial weight. There is no contradiction between limited weight to the affordable housing provided and the substantial weight attributed to the failure to meet policy requirements.
- 5.13 The appellant's Statement of Case (SoC) (paragraph 17.10 and 17.14 - CD-E6) outlines that the construction phase of development is estimated by the appellant to generate 186 person years of temporary construction employment, and create a Gross Value Added to the local economy of approximately £11.4



million. It is considered that moderate weight should be attributed to this benefit.

- 5.14 The gross additional household expenditure generated by the new residential population at the proposed development site will be around £8.5 million per annum. It is considered that moderate weight should be attributed to this benefit.
- 5.15 The appellant outlines that the proposed development would deliver economic benefits in the form of New Homes Bonus and Council Tax receipts. The New Homes Bonus does not serve to mitigate the impacts of the scheme on its locality and is not ring fenced for such measures. Council Tax is necessary to fund the local services required by future occupiers. Negligible weight is given to these factors as benefits of the scheme.
- 5.16 The appellant sets out that the scheme would also deliver on site green space and amenity areas but these are necessary to meet the needs of occupiers of the new development and are afforded limited weight.
- 5.17 The appellant also identifies that developer contributions towards spatial green infrastructure, outdoor sports facilities, and highways contributions are benefits of the scheme. These benefits are generally required to make the proposed development policy compliant in order to mitigate the impact of the development and deliver the necessary services and infrastructure to support the new development and thus are given limited weight.

### Planning Harms

- 5.18 The following harms would arise from the appeal scheme.
- 5.19 The proposal would result in significant harm to the character and appearance of the area by reason of a poor and contextually inappropriate design response

in terms of the layout, form, height, density, scale and massing of the proposed development. It will undermine the fundamental premise of the Civic Quarter AAP and fails in terms of a context led approach, the application of a vision or design philosophy, an appropriate urban grain or any acknowledgement of the relationship with surrounding suburban residential development. It is considered that substantial weight should be attributed to this harm.

5.20 The proposed development has failed to demonstrate that a development plan policy compliant level of planning obligations could not be delivered in relation to affordable housing and also fails to provide a development plan policy compliant level of planning obligations in relation to education provision. It is considered that substantial weight should be attributed to this harm.

5.21 The development would cause harm to Lancashire Cricket Club via:-

- A prejudicial impact on the fine turf and non-turf training pitches without appropriate mitigation in the form of growth lights;
- The potential curtailment of their activities via the review of their premises license as a result of noise complaints arising from residents of the new development, contrary to the agent of change principle.

5.22 Equally, harm would be caused to the future residents of the development from concert noise at LCC. The appellant has not demonstrated that this could be appropriately mitigated without design and layout changes to the scheme proposed – effectively rendering the appeal scheme unimplementable. These harms should be given substantial weight.

5.23 The development would result in an overbearing and dominating effect on surrounding residential properties and the area in general. It is considered that moderate – significant weight should be attributed to this harm.

- 5.24 The development would provide a poor outlook and aspect for a number of future residents either by virtue of single aspect north facing apartments, or who would directly overlook a building which provides ancillary facilities to LCC at a separation distance of 12.5 metres or those residents whose outlook would be adversely impacted by being in such close proximity to the trees on adjacent Metrolink land, or a combination of these. It is considered that moderate weight should be attributed to this harm.
- 5.25 The development would provide a poor level of amenity for future residents through the overshadowing of courtyard areas. It is considered that limited weight should be attributed to this harm.

#### Tilted Balance

- 5.26 It is necessary to consider the balance against paragraph 11d) ii of the NPPF, which requires an assessment of the adverse impacts of the development against the benefits, when assessed against the policies in the NPPF as a whole.
- 5.27 The prejudicial impact to the fine turf practice facility and the potential curtailment of LCC's activities conflicts with the policies of the local development plan, Places for Everyone and the New Trafford Local Plan, to which substantial weight is attached. It also conflicts with the agent of change principle in the NPPF.
- 5.28 The failure to deliver a well-designed development which is compatible with the character of the site and its surroundings is an adverse impact to which it is considered substantial weight should be attributed.
- 5.29 It is considered that the proposed development will detrimentally impact on the amenity of future occupiers in terms of poor outlook and poor quality amenity spaces. It is considered that moderate weight should be attributed to this adverse impact. In respect of noise impacts on future occupiers, substantial weight should be attached.

- 5.30 The failure to provide a policy compliant level of affordable housing and education contributions is considered to be a unacceptable and one to which substantial weight should be attributed.
- 5.31 The scheme is contrary to the development plan in a number of ways, where it is, those policies remain wholly or largely up to date. It is considered that the proposals are contrary to the development plan when read as a whole.
- 5.32 The Council acknowledges that it cannot demonstrate a 5 year deliverable supply of land, however rigorous efforts are being made to boost the supply of homes within the Borough and the reasons behind this deficit mean it should be given less weight in the planning balance. Additionally, allowing this appeal would undermine the Council's strategy to boost supply and delivery.
- 5.33 Whilst the appeal scheme would offer a substantial benefit in the form of delivery of housing numbers and other benefits as outlined above, it is considered that there would also be very substantial and significant harm.
- 5.34 It is my view that that the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against Framework policy as a whole.
- 5.35 Even if Ms. Coley's evidence is given no weight and the Council's deficit in housing land supply is given its full and substantial weight, I would still consider that the adverse impacts of the appeal scheme significantly and demonstrably outweigh the benefits.
- 5.36 On this basis it is considered that this appeal should be dismissed.