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Dear Inspector

Civic Quarter Area Action Plan – Examination
Appeal decision: Former B&Q, Great Stone Road, Old Trafford, M32 0YP
PINS ref. APP/Q4245/W/20/3258552

As requested please find attached the B&Q (Accrue) decision letter in respect of the Great Stone Road site. The appeal was dismissed with the main reasons of the Inspector being focused on the scale and design and consequent impacts on character and appearance of the area and the potential impacts on Lancashire County Cricket Club (LCCC) - under the agent of change principle – in respect of concert noise. 40% affordable housing was found to be viable.

The key conclusions are:

1. The site is not a landmark site but a zone of soft urban transition: para 18 of the Inspector's decision;
2. The key context is the immediate surroundings and any design should recognise the site as transitional: para 19;
3. The total scale, height and massing meant the proposals were not sympathetic to the surrounding built form: paras 25 – 26;
4. There was a direct tension between the quantum of development (density) and the consequent height, scale and massing and the transitional nature of the site: para 29 – 30;
5. Given the noise levels during concerts at the residential units proposed, there was either a prospect of statutory nuisance action or breach of licence condition action being taken against LCCC – paras 67 – 69 and 79-80;
6. The courtyard amenity spaces were excessively shaded by virtue of the scale, height, massing and layout of the development, that space was important to amenity and thus the proposal would not deliver a high standard of amenity - paras 87-89;
7. The proposal would be overbearing on Trent Bridge Walk and Great Stone Road properties; paras 107; 111;
8. As to Affordable Housing:
 - a. Policy L2.12d of the Trafford Core Strategy was triggered (para 120-121);
 - b. Most inputs into the Financial Viability Assessment (FVA) were agreed (para 123);

- c. The Appellant's approach to costs was unjustified: paras 127-130; the Council's approach based on BCIS and other data was preferred (para 134);
 - d. The fact that there was a jump in affordable housing requirements from other sites was because of a more rigorous approach by the Council following changes to the NPPG (pars 135-136); and
 - e. The site could deliver 40% affordable housing (para 153);
9. There was not a 5 year HLS (para 11) and the shortfall was closer to the Appellant's assessment than the Council's;
 10. Even with 40% affordable housing and notwithstanding the 5 year housing land supply position, permission was refused.

The implications of this for the CQAAP are clear.

First, the decision strongly supports the Council's view on the viability of the AAP's requirements for affordable housing and infrastructure contributions and shows that the criticisms of its approach are misconceived. In that case, most inputs were agreed by Cushman and Wakefield – a top consultant on affordable housing in the area. Importantly, the value per square foot was agreed (in a Statement of Common Ground between the viability experts after they had rigorously tested each other's evidence and comparables) at a far higher level than contended for in the AAP FVA. On the values side of the equation, the AAP's FVA is therefore conservative as against the position agreed with a top consultant in a major inquiry where all matters were potentially in dispute. On costs, after a fully contested inquiry with expert witnesses on costs, costs of £156.44 per sq ft (para 134) were accepted. This is, like for like, lower than the costs used in the AAP FVA and therefore shows the costs used in the AAP to be conservatively high. All other agreed inputs in the B&Q case are broadly consistent with the inputs in the AAP FVA. 40% affordable housing was viable. That was so even on a site with an existing lawful use (a retail warehouse) on which the benchmark land value was based. Given that the inputs in the AAP FVA were all similar to, or more conservative than, those adopted in the B&Q decision, that decision strongly supports the position adopted in the AAP FVA.

Second, the reasoning of the decision on scale, height and massing in this part of the AAP strongly supports the AAP's approach to development of this site in the AAP emphasising that it is a zone of transition and focusing on the limited scale of the surrounding development including the LCCC stadium.

Third, the Inspector does not apply the proposed 6 storey limit (para 20) because of the stage the AAP had reached. However, throughout his reasoning the inappropriateness of the height proposed is emphasised as a key part of the scale of the development which was found to be unacceptable. There is no finding that more than 6 storeys can be accommodated here but clear findings that taller buildings of the scale proposed cannot be.

Fourth, the importance of protecting LCCC as a key part of the area underpins the decision, both on agent of change issues and on design, character and appearance, and heritage issues.

In short, it is considered that the decision strongly supports the approach of the Council in the AAP in respect of this site and more generally. There is nothing in it which

detracts in any way from any of the AAP with its proposed Main Modifications or which suggests a need for any further changes.

Please make contact with my colleague, Bethany Brown (bethany.brown@trafford.gov.uk 0161 912 4781), if you have any queries.

Yours sincerely



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