



The Programme Officer
Via email programmeofficer@carmeledwards.com

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Our Ref: 70093931

18 May 2022

Dear Madam,

Civic Quarter Area Action Plan

Thank you for inviting participants to comment on the implications of the appeal decision at the former B&Q, with respect to the CQAAP.

The Inspector will be aware that WSP appeared at the inquiry and that our clients (Accrue (Forum) 1LLP – ‘Accrue’) are the landowner of the former B&Q and were the appellants at the inquiry.

Firstly, it needs to be noted that the Inspector was considering a specific scheme, which was designed in full apart from the landscaping (which was a reserved matter). Accordingly, his concerns in dismissing the appeal were about the specific scheme, rather than the site itself.

HEIGHT

- 1 The Inspector found that the appeal scheme did not successfully respond to the site and its context, but he did not conclude what would be an acceptable height limit on the site, noting that a suitably designed scheme ‘may or may not involve a development that is above six storeys’.¹
- 2 The appeal decision therefore supports Accrue’s representations that a height cap within the CQAAP is not required or justified.

NOISE

- 3 Whilst it was a surprise that the Inspector concluded the noise impacts from concerts would be unacceptable, it is acknowledged that noise from music events is now a constraint on development; this means that future proposals for development on the site will need to architecturally and acoustically mitigate noise.
- 4 However it should be noted that Trafford Council only introduced noise as a putative reason for refusal on 9 December 2021 (more than 15 months after the appeal was submitted), and hitherto the planning officers and environmental health officers had not raised concerns about noise impact. Due to this being raised at such a late stage, the appellant and their design team had no opportunity to amend the scheme to address such noise concerns.
- 5 Options to design the site whilst mitigating against noise impacts are being considered by the appellant.

¹ Paragraph 20



- 6 The appeal decision does not provide any reason to change the CQAAP in this regard.

LAND USE

- 7 The appeal inspector concluded that the site is brownfield, is close to a range of facilities and in a highly accessible location².
- 8 He concluded that the principle of developing the site for a residential-led scheme is consistent with the development plan and national policy.³
- 9 The Inspector dismissed the appeal due to the scheme (and impacts associated with the scheme), rather than inherent problems with the site itself.
- 10 The appeal decision therefore supports the draft CQAAP's proposed residential use of the site (notwithstanding the CQAAP also proposes sport/leisure as an acceptable use of the site).
- 11 The appeal decision also does not hinder alternative sport/leisure uses of the site.

VIABILITY AND AFFORDABLE HOUSING

- 12 The appeal Inspector was faced with two positions on affordable housing and viability: the Council's and the appellant's. Having disagreed with the appellant's position, the Inspector was bound to accept the Council's.
- 13 The viability was based on a specific scheme, under a specific policy and guidance framework. The appeal decision does not warrant a change from the position the Council has put forward in the CQAAP.

OTHER MATTERS

- 14 The Inspector found that the appeal scheme would not have an unacceptable impact on LCCC as a visitor destination, sport stadium⁴ or heritage asset⁵.
- 15 The Inspector found that negligible harm to the significance of heritage assets would be outweighed by the scheme's benefits⁶.
- 16 The Inspector found no issues with the scheme's access arrangements, traffic generation or effects on safety⁷.
- 17 Nothing in the Inspector's appeal decision rules out redevelopment of the site in principle, nor does anything in the Inspector's appeal decision specifically impose a limit on any intensification of the site.

CONCLUSION

- 18 We now agree in light of the appeal decision the need for flexibility in the proposed land-use for the site and accept that residential and/or sport/leisure would be a suitable land-use allocation.
- 19 Accrue's representations that there is no justification for a height cap of six-storeys on this site (indeed on any site) remain valid.

We hope this is helpful but please do let us know if there are any queries.

Yours faithfully

² Paragraph 211

³ Paragraph 218

⁴ Paragraphs 78 and 172

⁵ Paragraph 176

⁶ Paragraph 216

⁷ Paragraph 182



Matthew Hard
Associate Director

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cc: [REDACTED]