



**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**

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

## **S. SUMMARY**

### Introduction and Policy Overview

- S.1 This appeal arises in relation to the non-determination of an outline planning application (with landscaping the only reserved matter) submitted to this Council by Accrue (Forum) 1 LLP. The application proposes the erection of 332 apartments within two blocks of development ranging from five to nine storeys in height on a brownfield site in Old Trafford.
- S.2 The Council's objection to the scheme relates primarily to the design, layout, scale and massing of the proposed development, amenity impacts, the impact of the proposal on the fine turn playing facility at Lancashire Cricket Club (LCC) and the failure of the appellant to provide a policy compliant level of affordable housing or development contributions towards primary and secondary education facilities. This was reflected in the decision of the Planning and Development Management Committee in resolving that it would have proceeded to refuse the application.
- S.3 Seven putative RFR were advanced and two of these (RFR 2 and 7) have since been fully addressed by the appellant and therefore withdrawn by the Council. RFR's 5 and 6 have been amended following receipt of an independent peer review of submitted daylight and sunlight information. Following the submission of additional noise information by the Rule 6 party and the appellant, an independent review on noise was also sought. It was subsequently considered necessary to introduce an additional putative RFR in relation to noise (RFR 8). The updated list of putative RFR is contained in Appendix A of my main Proof.
- S.4 The Council's case is covered in eight Proofs of Evidence. My evidence covers design and general planning matters. It sets out the decision taking structure, provides a planning policy overview, and sets out the LPA's concerns relating to the design of the appeal scheme, particularly in relation to layout, scale, height, and mass; the appellant's quantum-led approach to design, the impacts of the appeal scheme on the amenity of existing residents in the area and that on future occupiers of the appeal scheme. It acknowledges that the tilted balance set out

at paragraph 11 of the NPPF is engaged because the Council does not have a 5 year housing land supply, but recognises the Council's much improved housing land supply position noted in Ms Coley's Proof and therefore concludes that less weight should be given to it in the planning balance than if it had arisen as a result of the Council not allocating sites or not granting sufficient planning permissions. Notwithstanding this, the proof weighs the main harms and benefits of the scheme as required by paragraph 11 and concludes that the harms significantly and demonstrably outweigh the benefits, whatever level of weight is given to the Council's housing land supply position.

- S.5 The development plan for the purposes of this appeal comprises the Trafford Core Strategy (TCS) (January 2012) and the saved policies of the Revised Unitary Development Plan (RUDP) (June 2006).
- S.6 The spatial strategy of the TCS for the location of new development has been explained. It seeks to deliver sustainable development and urban regeneration by supporting the use of suitably located previously developed land and buildings, and by locating the majority of development within and on the edge of the main urban areas. It seeks to ensure that all new development is appropriately designed and supported by the necessary provision of, or improvements to, service and facilities to make development sustainable. It protects greenfield land and areas of environmental quality.
- S.7 The policies of the TCS provide the means to deliver this spatial strategy, including through the identification of five Strategic Locations where development is to be focussed. This includes SL3: Lancashire County Cricket Club (LCC) Quarter where significant change is proposed to be centred around an improved stadium at LCC. Development in SL3 is expected to deliver a high quality experience for visitors and a new high quality residential neighbourhood. Development in this area is expected to contribute to physical and social infrastructure, including a new school.
- S.8 Building upon the vision of SL3, on 26 November 2021 the Council, submitted to PINS, a Submission Draft Civic Quarter Area Action Plan (SD CQAAP) which

sets out a context and design led masterplan approach to the regeneration of the CQ to deliver a mixed use development in the area. The SD CQAAP seeks to deliver an attractive new place at a significantly higher density than that proposed in SL3. Once adopted the CQ AAP will become the development plan for the Civic Quarter.

### This Evidence

- S.9 Within this evidence I demonstrate that the development is fundamentally too big for the site - the appellant's acontextual design approach has merely sought to maximise the development quantum that can be achieved on the site, ignoring the Council's design-led vision for the wider Civic Quarter area. The appellant's approach results in a number of serious harms and fails to deliver a scheme appropriate to its location in terms of design, appearance, scale and massing – failing to take account of the prevailing two storey low density suburban context of the site and wider area. Instead it looks to the taller, higher density developments located some distance away to the north east of the site to justify the scale of development proposed.
- S.10 The development also fails to consider the impact of the design, layout, scale, and massing on the amenity of future occupiers and existing residents. In essence, the majority of the amenity impacts that occur, do so from the inappropriate scale and form of development.
- S.11 In terms of noise impacts, the appeal submission has not correctly assessed music noise from concerts at LCC and further work is required to correctly determine the external noise levels at the proposed facades of the development and internal noise levels, including from low frequency noise - this is likely to require a full re-design of the scheme. It is considered that the noise impacts from activity at LCC (music concerts) would have a harmful impact on the amenity of future residents of the development, resulting in complaints.
- S.12 The scheme has failed to address the statutory objection of Sport England (SE) supported by the England and Wales Cricket Board (ECB), which objects on the grounds that the negative impact of overshadowing from the appeal proposal on

the adjacent LCC high quality FTPF, will be prejudicial to the use of that sports facility, which is required to enable LCC to secure 'High Profile Venue' status, which in turn has led to recent successful bids for packages of major matches. The appellant has not offered any form of mitigation to relieve such impacts.

#### The Planning Balance and Conclusion

S.13 The Council does not have a 5 year housing land supply and so the tilted balance in paragraph 11 of the NPPF is engaged and requires an assessment of the adverse impacts of the development against the benefits, when assessed against the policies in the NPPF as a whole. Rigorous efforts are being made to boost the supply of homes within the Borough and the reasons behind this deficit mean the lack of a 5 year housing land supply should be given less weight in the planning balance, as explained in Ms Coley's proof.

#### *Development Plan Conflict*

S.14 I set out how the appeal scheme conflicts with the Development Plan in numerous ways – there is conflict with SL3, L2, L5, L7, and L8. The scheme also fails to adhere to the vision and policies set out in the Submission Draft CQ AAP. Whilst it is acknowledged that SL3, L2, L5, and L8 are, to a degree, out of date for the reasons given, it has been demonstrated that these policies should still be ascribed considerable weight since they are directed at the same aims as the NPPF. They cannot be dispensed with, whilst the extent of conflict, is indicative of the overwhelming problems with the appeal scheme.

#### *Planning Benefits*

S.15 I acknowledge that the appeal scheme offers a number of planning benefits, not least the significant contribution that the appeal scheme on a brownfield site would make to reducing the deficit in the Council's 5YHLS. However, 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.

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.

- S.16 There are other scheme benefits including a housing mix which is considered appropriate for this Strategic Location. It is considered that moderate – substantial weight should be attributed to this benefit.
- S.17 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.
- S.18 The appellant's estimate that the scheme will generate 186 person years of temporary construction employment, and create a Gross Value Added to the local economy of approximately £11.4 million, whilst the gross additional household expenditure generated by the new residential population is estimated at £8.5 million per annum. It is considered that moderate weight should be attributed to these benefits.
- S.19 Economic benefits claimed by the appellant in the form New Homes Bonus does not serve to mitigate the impacts of the scheme on its locality and is not ring fenced for such measures, whilst 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.
- S.20 Developer contributions towards spatial green infrastructure, outdoor sports facilities, and highways contributions are benefits of the scheme to be given limited weight.

*Planning Harms*

- S.21 The following harms would arise from the appeal scheme:
- S.22 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. Substantial weight should be attributed to this harm.
- S.23 Failure to demonstrate that a development plan policy compliant level of planning obligations. Substantial weight should be attributed to this harm.
- S.24 The development would cause harm to Lancashire Cricket Club via a prejudicial impact on the fine turf and non-turf training pitches and the potential curtailment of their activities as a result of noise complaints arising from residents of the new development, contrary to the agent of change principle, together with harm to the future residents of the development from concert noise at LCC. These harms should be given substantial weight.
- S.25 An overbearing and dominating effect on surrounding residential properties and the area in general. Moderate – significant weight should be attributed to this harm.
- S.26 A poor outlook and aspect for a number of future residents from proximity to boundaries and the orientation of the scheme - moderate weight should be attributed to this harm., and a poor level of amenity for future residents from overshadowing of courtyard areas - limited weight should be attributed to this harm.

*Tilted Balance*

- S.27 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.

- S.28 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.
- S.29 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.
- S.30 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.
- S.31 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.
- S.32 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.
- S.33 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.
- S.34 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.



S.35 It is my view that that the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against Framework policy as a whole.

S.36 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.

S.37 On this basis it is considered that this appeal should be dismissed.