



APPEAL BY: McCarthy and Stone Retirement Lifestyles Ltd

SITE: 35 Oakfield M33 6NB

LPA REFERENCE: 109745/FUL/22

PINS REFERENCE: APP/Q4245/W/23/3325034

Rebuttal Statement

Cormac McGowan on behalf of Trafford Council.

I have read the Proof of Evidence (POE) of Chris Butt with regards Planning Matters and have the following observations to make:-

- Paragraph 5.8 of the POE refers to the planning permission (H/58317). The suggestion is that this is relevant as a fall-back position as reference is made to the fact that it could be completed. This application was approved in 2004. The development has not been substantially completed. Even if the permission was considered to be implemented by reason of the footings being constructed, the development has not come forward and been completed in almost 20 years. This is not considered to be a realistic fall-back position with any real prospect of being developed given the intervening period of time now elapsed. It is noted that this approval includes the retention of 35 Oakfield. This appears to contradict the findings of the appellants heritage consultant in their heritage statement (CD-A56) paragraph 3.03 which states that *'the likelihood of a viable scheme that would allow the original villa (with or without its outbuildings) to be retained, and its setting improved is negligible'* which provides further evidence that this is an unlikely prospect and not a realistic fall-back position. Limited weight should be afforded to this.
- Paragraph 6.1 refers to the submission of the pre-application that was not responded to by the Council due to an administrative issue. This is not disputed, it should be noted however the applicant did not contact the Council for an update on the pre-application proposals once submitted.

I have read the Proof of Evidence (POE) of Ken Earle (Design & Landscape Matters) with regards reasons for refusal RFR 4 (External Amenity Space) & 5 (Residential Amenity Space) and have the following observations to make:-

- Paragraph 7.3.1 states that all 25 apartments have walkout balconies or terrace, it is noted that Apartment 8 has a 'Juliet' style balcony with a guard rail across the opening, this does not function as a walk out balcony or a terrace.
- Paragraph 7.4.3 states that it is worthy to note that the planning approval (H/58317) includes a bedroom and bathroom window on each floor overlooking the rear garden boundary of 41 Ashlands. The Councils PG1 (CD-D7) was adopted in September 2004, the planning approval Mr Earle refers to (H/58317) was approved in March 2004 before the planning guidance was adopted and therefore was not assessed against that particular guidance.
- Paragraph 7.4.6 states that *'whilst there are no specific distances prescribed for blank to blank gables or main windows to blank gables within the Planning Guidance PG1: New Residential Development a number of Councils have recommendations of 12m between a main window (which would include the conservatory to 41 Ashlands) and a side aspect (which would include*

a blank gable as per the proposed building); the proposed scheme provides 12.5m which is in excess of this commonly used guidance.' Advice within PG1 at paragraph 12.1 requires a minimum distance of 15m (my emphasis) to normally be retained in situations where overshadowing is likely with a main elevation facing a two storey blank gable.