



# TRAFFORD COUNCIL

## APPLICATION FOR DETERMINATION UNDER DELEGATED POWERS

	Case Officer	Team Leader	Service Head/QP	Decision Type
Checked	CM 02.05.2023	SL 05/05/23		DELE

**APPLICATION NO:** 109745/FUL/22

**PROPOSAL:** Demolition of existing buildings and erection of a part 3 storey part 4 storey building comprising 25no. retirement flats, closure of both existing vehicular accesses and formation of new vehicular access onto Oakfield with associated landscaping and carparking.

**ADDRESS:** 35 Oakfield, Sale,

**APPLICANT:** McCarthy & Stone Retirement Lifestyles Limited

**AGENT:** The Planning Bureau Ltd

**WARD:** Ashton On Mersey

**8 WEEK TARGET:** 8th May 2023

**EXTENSION OF TIME:** N/A

**RECOMMENDATION:** Refuse

### SITE

The application site is located within a predominantly residential area approximately 0.2km to the south-west from the boundary of Sale town centre and sited on the south-west side of Oakfield. The site has an irregular configuration measuring approximately 0.23 hectares in area. The site is occupied by the original Victorian Villa which is three storeys in height plus basement, the property has been extended to the rear at three storey level. There are also a number of ancillary buildings on site. To the rear of the site is a communal garden area.

The main building is currently used for residential purposes comprising 9 flats. A detached garage/store building is located along the north-west boundary, with a further detached store building located to the rear of the main house. To the south side of the main house is an attached single storey extension with a covered walkway linking this extension to a detached two storey building which is understood to comprise five self-contained flats. The application submission states that the site accommodates 14 flats in total with six studio flats, seven 1xbedroom flats and one 2x bedroom flat.

Car parking provision for the site is located along the front of the building in a gravelled

area with no demarcated parking spaces, space is also available along the side of the building to the north-west side. The application submission details parking provision for 16 cars on site. Vehicular access to the site is taken from two access points located at either end of the site frontage onto Oakfield. The front boundary of the site comprises a low level brick and stone coping wall with hedgerow above. There are a number of mature trees along the site frontage. The application site is located within blanket Tree Preservation Order No.70 Oakfield/Ashlands.

To the north-west side of the site is a McCarthy & Stone apartment scheme (The Michael Court Building) which extends between 2.5 and 4 stories in height. To the south side of the site is Forest Park Preparatory School, part of the site also shares a boundary with St Marys Church of England PS to the south-west corner of the site. On the opposite side of Oakfield (east side) is Hunters Mews, a small residential cul-de-sac development circa.1990s. To the rear of the site is 41 Ashlands a detached two store dwelling.

The application site is not located within or adjacent to a Conservation Area nor are there any nearby Listed Buildings within the immediate context of the site.

## **PROPOSAL**

The application submission proposes the demolition of all buildings on site and the erection of a detached 3 and 4 storey building which comprises a total of 25 retirement living apartments for sale to older people (14 x 1 bedroom and 11x 2bedroom apartments).

The application submission details that the proposed development falls within Use Class C3 (dwellinghouses) which are all proposed as market housing specifically for retirement living. The apartments are sold on the basis of a 999 year lease and require the accommodation to be occupied by persons over 60 years. In the case of couples the lease requirements are satisfied were one of the occupants is over 60 years of age and the other is over the age of 55.

Information within the Planning Statement details that the accommodation will include:-

- A residents communal lounge;
- Scooter store (and battery charging facility);
- Lift;
- Secure entrance lobby with CCTV link to individual apartments;
- House managers office;
- A Guest Suite;
- Emergency help line available within each residents apartment and communal areas to summon assistance.
- Garden area

Additional works include the closure of both vehicular accesses and formation of a new centralised access onto Oakfield with additional car-parking space created along the front and south side of the site.

## **DEVELOPMENT PLAN**

**For the purposes of this application the Development Plan in Trafford comprises:**

- The **Trafford Core Strategy**, adopted 25<sup>th</sup> January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19<sup>th</sup> June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L1 – Land for New Homes  
L2 – Meeting Housing Needs  
L4 – Sustainable Transport and Accessibility  
L5 – Climate Change  
L7 – Design  
L8 – Planning Obligations  
R1 – Historic Environment  
R2 – Natural Environment  
R3 – Green Infrastructure

## **PROPOSALS MAP NOTATION**

None

## **PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

None

## **SUPPLEMENTARY PLANNING GUIDANCE/DOCUMENTS**

Revised SPD1: Planning Obligations (2014)  
SPD3: Parking Standards and Design (2012)  
PG1: New Residential Development (2004)  
PG4: Residential care Homes and Nursing Homes for the Elderly (1991)  
Trafford Community Infrastructure Levy: Charging Schedule (2014)

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The DLUHC published the latest version of the National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

### **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

DLUHC published the National Planning Practice Guidance on 6 March 2014, and was last updated on 25<sup>th</sup> August 2022. The NPPG will be referred to as appropriate in the report.

### **NATIONAL DESIGN GUIDE**

This document was published by the Government in October 2019 and forms part of the Governments collection of national planning practice guidance.

### **PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK)**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE was published for Regulation 19 consultation from 9th August 2021 to 3rd October 2021 and was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake an Examination in Public of the PfE Submission Plan and the hearings began in November 2022 and are timetabled to continue until at least April 2023. Whilst PfE is at an advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

### **RELEVANT PLANNING HISTORY**

H/58317 - Demolition of existing outbuilding and erection of a two storey rear extension (including accommodation in a semi-basement) to form 10 service apartments. Erection of a detached building with first floor bridge link to form maintenance and stores on the ground floor with an office over. Provision of 10 additional car parking spaces – Approved 18.03.2004 (approved scheme not implemented)

H/11922 – Erection of extension to form 2 storey apartment suites (6 Units), ground floor lounge and covered way – Approved 10.04.1980

H/00212 – Change of use from residential to hotel and erection of 3 storey hotel extension linked to existing building at ground floor level (total of 20 bed spaces, applicants living accommodation) – Approved 08.08.1974

## **APPLICANT'S SUBMISSION**

The applicant has provided the following information in support of the application:-

- Design & Access Statement
- Demand Assessment for Retirement Housing
- Healthier and Happier Report (Homes for Later Living) (2019)
- Chain Reaction Report (Impact of Specialist Retirement Housing) (2020)
- Silver Saviours for the High street Report (2021)
- Draft Planning Conditions
- Sustainable Living Report
- Phase 1 and 2 Geo-Environmental Site Assessments
- Transport Statement
- Tree Survey and Impact Assessment
- Construction Method Statement
- Energy Statement
- Statement of Community Involvement
- Preliminary Ecological Appraisal & Preliminary Roost Assessment Report
- Planning Statement
- Crime Impact Statement
- Financial Viability Assessment
- Drainage Strategy
- Heritage Assessment

The Planning Statement and Design and Access Statement make the following key points with regards the proposal:-

- McCarthy & Stone was established in 1963 and are widely recognised as the market leader in the provision of Retirement Living for sale to older people.
- 60-70% of occupants are aged 78 years or over.
- Moving into a McCarthy & Stone Retirement living complex, elderly people are freeing up a substantial amount of housing stock which can be used by families, young couples and first time buyers.
- The proposed site is located within easy walking distance of the local town centre shops and facilities and this will contribute significantly to retail viability providing additional expenditure within the local community, shops and businesses.
- We have an opportunity to develop a brownfield site and create a residential development which respects the scale and character of the immediate area, while acknowledging the qualities of the site. We intend to use a palette of traditional external materials with brick/white render.
- The building has been designed as a contemporary interpretation of the local character. Simple brick detailing, soldier heads and feature brick and stone courses provide simple detailing. Large windows reflect the proportions of the character context with smaller windows to the upper floors to reflect the Victorian adjacent properties.

## **CONSULTATIONS**

**Lead Local Flood Authority** – No objections, subject to condition requiring submission of a management and maintenance plan.

**Local Highway Authority (LHA)** – No objections, further comments are discussed in detail in the Observations section of the report.

**Pollution & Housing (Contaminated Land)** - No objections, subject to conditions requiring submission of a remediation strategy and a final verification report.

**Pollution & Housing (Nuisance)** – No objections, conditions recommended for a Construction and Pre-construction Environmental Plan; any external plant to achieve appropriate noise rating level and submission of lighting scheme that complies with industry standards. Applicant has also been asked to provide a strategy for achieving relevant criteria for ventilation, overheating and acoustic comfort, these details were not received at the time of determination of the application, however such a strategy could be conditioned. Further comments discussed in the Observations section of this report.

**Heritage Development Officer** – Main comments incorporated in full within the Heritage section of this report – Conclusion of Heritage Officer as follows:

*The application proposes the demolition of all existing buildings and erection of a part 3 storey part 4 storey building comprising of 25 retirement flats, closure of both existing vehicular accesses and formation of new vehicular access onto Oakfield with associated landscaping and car parking.*

*The demolition of the existing historic dwelling, the redevelopment of its setting and alteration of boundary walls will result in the total loss of this building and its architectural and historic significance. The harm caused to this heritage asset is unjustified and the applicant has failed to address para 195; “to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal”.*

*Notwithstanding the loss of the existing building, I also have concerns regarding the design of the proposed replacement. The design of any new development intended to stand alongside historic buildings, needs very careful consideration and must form a harmonious group as well as making a positive contribution to local character and distinctiveness. New development should respect traditional local building styles and the historic distinctiveness of locations. The proposed apartment block would result in a significant increase in built form with any remaining open space utilised for car parking leaving little scope for landscaping. It is not clear what in the local area has influenced the style of architecture proposed and it is non-descript in its form, appearance, style and materiality. Such infill and piecemeal redevelopment alters the grain of suburban and urban areas, greatly increasing the characteristically low density of dwellings and reducing the area of green space*

*It is not clear from the submission why the existing building cannot be retained, converted and if required extended. Lennox Lea on Charlton Drive in Sale was granted permission for conversion to provide three town houses [102797/FUL/20] & York Lodge Residential Home 54 - 56 Crofts Bank Road in Urmston [03020/FUL/20] are examples of the retention and conversion of Victorian villas.*

*For the reasons above, I am unable to support the proposed demolition of the existing building and the replacement development. The development will result in the harm of this non-designated heritage asset and its total loss of significance. When weighing this application, this should be taken into account in the balanced judgement [203 NPPF].*

**Greater Manchester Ecology Unit (GMEU)** – Object, application is not to be determined until a full bat survey is submitted as per advice within Defra Circular 01/2005. Further comments discussed in the Observations section of this report.

**Greater Manchester Archaeological Advisory Service (GMAAS)** – GMAAS consider the building to be a non-designated heritage asset and defer judgement to the Councils heritage Development Officer with regards the proposed demolition. No below ground assessment of archaeological remains has been undertaken. GMAAS have however concluded that having consulted their records including the GM Historic Environment record, no further consideration of the below ground archaeological resources is warranted.

**Greater Manchester Police Design For Security** – No objections, main comments incorporated into report.

**Greater Manchester Fire Authority** - No objections. The Fire Authority have provided general informative comments which include the criteria for requirement for fire hydrants. Information is also provided with regards widths of access roads and the installation of domestic sprinklers is strongly recommended.

**Trafford Council Strategic Growth** – No comments received at time of report preparation

**Trafford Council Strategic Planning & Growth** – No objections, main comments incorporated into report.

**Trafford Council Housing Strategy & Growth** – No objections, main comments incorporated into report

**Trafford Council Waste Management** - No comments received at time of report preparation

**Trafford Council All Age Commissioning** – Adult Social Care object to the proposal. The Council has significant numbers of such sheltered accommodation for older people, but lacks extra care provision. Further comments discussed in the Observations section of this report.

**NHS Commissioning** – No objections, a financial developer contribution would not be sought as there is not considered to be any material impact on GP practices. Further comments discussed in the Observations section of this report.

**Trafford Council Sustainability & Climate** – No objections, comments incorporated into report.

**United Utilities** - No comments received at time of report preparation

**Electricity North West** - No objections. Development is shown to be adjacent to or affects ENW operational land or distribution assets. Applicant to contact ENW to verify details of development.

**Transport for Greater Manchester (TfGM)** – No objections, comments incorporated into report.

## **REPRESENTATIONS**

Neighbours: - 6 letters of objection have been received from five separate addresses, the issues raised as follows:-

- Overdevelopment of the site, footprint too large for the site
- New building higher than nearby residential house (41 Ashlands) and will be overbearing
- Overlooking to 41 Ashlands and 48 Ashlands from walkout balconies
- Inaccurate plan (does not reflect 41 Ashlands south facing bay missing and trees between in wrong location)
- Insufficient parking (16 spaces for 25 flats)
- Loss of another traditional building in Sale would be detrimental to the area.
- More nursing homes/flats in Sale instead of traditional housing to match existing properties in the area.
- Transport Statement does not refer to road configuration, particularly the bend in the road which obscures site entrances at the site
- Proposal will result in an increase in traffic
- Oakfield is a rat run with double yellow lines both sides, cars speed and park on double yellows picking up school children another block of flats is not needed.
- Residents find it difficult to access Washway Road because of the volume of traffic on Oakfield

Sale Civic Society have objected to the proposal, the issues raised as follows:-

- The existing building is a large substantial merchants house dating back to the 1860s
- Villas such as this building are not now so common in Sale many having been lost to development.



- If permission was to be granted it is requested the front of the property is retained. Any redevelopment of the site must explore retention of the property with possible sympathetic extension to the rear.
- Concern also regarding increase in traffic at a dangerous bend next to a primary school
- Size, scale and density of development is over intensification of the site and will result in loss of light and privacy to some surrounding properties

One letter has been received from a resident who references the loss of an old property, has no objection to improving the site but asks that the front boundary can be retained and any new building to be at the rear of the site.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. S.38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for decision making. The NPPF is an important material consideration.
2. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process. The NPPF sets out a presumption in favour of sustainable development. Paragraph 11(c) says for decision taking development proposals that accord with an up-to-date development plan should be approved without delay. Paragraph 11 (d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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.
3. The Councils current housing land supply figure is in the range 3.47 to 3.75 years and the most recent Housing Delivery Test figure (2021) is 79%. This housing supply and delivery position automatically triggers Paragraph 11d) but does not automatically render development plan policies out of date. It is for the decision maker to determine what weight to give to development plan policies and this can take into account the specific characteristics of the housing land supply position such as the extent of the shortfall and the steps being taken to remedy it.

4. Footnote 7 of Paragraph 11(d)(i) is clear that the application of policies in the Framework that protect areas or assets of particular importance includes those which relate to designated heritage assets. It is not triggered by an identified impact on non-designated heritage assets. Consequently, there are no protected areas or assets affected by the proposals and therefore 11(d)(i) is not applicable in this case.
5. Paragraph 11(d)(ii) requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This exercise is set out within the 'Planning Balance and Conclusion' section of this report. Paragraph 11(d)(ii) of the NPPF, the tilted balance, is therefore engaged.

#### Suitability of the Location

6. Advice within the NPPF states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes (Paragraph 105). The policy objectives within the NPPF include providing new housing and other development in suitable locations which offer a good range of community facilities and with good access to jobs, services and infrastructure, including public transport. The Core Strategy, Policy L4 in particular, promotes development within the most sustainable locations, or where development comes forward in less sustainable locations in the Borough will deliver, or significantly contribute towards the delivery of measures to improve the sustainability of the location.
7. The site is considered to be in a sustainable and accessible location, close to public transport infrastructure and a range of retail, community and leisure facilities in Sale Town Centre. There are a number of bus routes nearby which are within walking distance from the site including Washway Road to the south-east and Ashton Lane to the north-west. The site is within walking distance of Sale town centre boundary (approximately 0.4km being the shortest route), Sale metrolink station is located approximately 1km from the site. In addition to proximity to public transport, walking and cycling would be a realistic travel option for some residents, staff and visitors to the site.

#### Housing Land Supply Position

8. The NPPF places great emphasis on the need to plan for and deliver new housing throughout the UK. The Government's current target is for 300,000 homes to be constructed each year to help address the growing housing crisis. Local planning authorities are required to support the Government's objective of significantly boosting the supply of homes. With reference to Paragraph 60 of the NPPF, this means ensuring that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, and that land with permission is developed without unnecessary delay.

9. Policy L1 of the Core Strategy controls the number and distribution of new homes across the Borough. The latest housing land supply calculation suggests that the Council's supply is in the range of 3.47 to 3.75 years (which includes a 20% buffer for historic under delivery). Given the lack of five year housing land supply, and the age of this policy (including the need to use the more recent 'standard method' of calculating housing need), it is now out of date and should be given limited weight.
10. Policy L1 states that there is an indicative 80% target of new housing provision to use brownfield land and buildings. The NPPF also requires policies and decisions to support development that makes efficient use of land and states that planning decisions should "*give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs*" (paragraph 120c). The application site is previously developed land and would therefore contribute to the 80% target of new housing provision to use brownfield land. The site is also considered to be in a sustainable location as described above.
11. Policy L2 of the Core Strategy indicates that all new residential proposals will be assessed for the contribution that would be made to meeting the Borough's housing needs. Policy L2 remains up to date in respect of the requirement for the amount of affordable housing and in terms of site specific requirements for development (L2.2). Full weight can be given to this part of the policy. Other parts of this policy, for example in relation to dwelling mix, are not up to date and should be given limited weight.
12. It is acknowledged that the Council cannot demonstrate a five year supply of deliverable housing sites and that this site constitutes previously developed land in a sustainable location and within a predominantly residential area. However the NPPF also makes it clear at Paragraph 119 that the requirement to make efficient use of land must take into account, amongst other matters, the desirability of maintaining an areas prevailing character, and also the importance of well designed, attractive and healthy places. A shortfall in housing does not equate to development at any cost. Consideration of these issues is covered further later within this report.

#### Housing Type and Mix

13. The NPPF at paragraph 62 requires the size, type and tenure of housing for different groups in the community to be assessed and reflected in planning policies. This approach is supported by Core Strategy Policy L2, which refers to the need to ensure that a range of house types, tenures and sizes are provided. Policy L2 indicates that the proposed mix of dwelling types and sizes should contribute to meeting the housing needs of the Borough as set out in the Council's Housing Strategy and Housing Market Assessment.
14. The Trafford Housing Needs Assessment (HNA) 2019 provides the latest available evidence to shape the future housing related strategies and policies in Trafford. This study complements the Greater Manchester (GM) Strategic Housing Market

Assessment (SHMA) by providing detailed local information and supports the development of the new local plan for Trafford. The HNA predicts that the population of over 65s will increase from 41,600 in 2019 to 57,500 by 2037 (an increase of 38.5%). For those aged over 85, the predicted increase is 65.6%. The HNA also demonstrates that within Trafford most households over 60 currently live in owner occupied accommodation (77.1 % aged 60-84 years and 70.4% aged over 85) and that 61.2% of older households currently live in a house with 3 or more bedrooms.

15. Analysis within the HNA suggests that across the borough there is a need for 1,402 more units of specialist older person (C3) dwellings such as extra care and retirement housing (which is part of the overall housing need); and an increase of around 541 units of residential care dwellings. Annex 2 of the NPPF defines older people as *“people over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing can encompass accessible, adaptable general needs housing through to the full range of retirement and specialist housing for those with care and support needs.”*
16. The Councils Adult Social Service has raised concerns about the proposal stating that they consider there to be sufficient levels of sheltered accommodation for older people within the Borough and that there is a shortage of Extra Care accommodation to meet the demands of the older population. The proposed accommodation comes under use class C3 and would therefore contribute towards addressing the Councils current housing land supply position, this carries significant weight in considering the merits of the proposal. Whilst there might be surplus provision of retirement living accommodation on the market currently, there is no policy requirement that would allow the LPA to refuse planning permission based on market conditions. The evidence as stated above from the HNA identifies an ageing population in Trafford and as such carries weight in consideration of this form of accommodation.
17. Adult Social Care have also stated that such a proposal would put pressure on local primary care, particularly GP services. The NHS Commissioning team have however advised that the proposed development would not have any undue material impact. Patients are registered with GPs no matter where they live. Retirement accommodation does not put additional strain on GP practices in the same way as a care home and the commissioning team have suggested there would be no impact.

### Affordable Housing

18. The NPPF confirms that affordable housing is required for major developments and Policy L2 of the Trafford Core Strategy seeks to secure appropriate levels of affordable housing in new developments. Policy L2 sets out the specific requirement for each part of the Borough; Sale is within a ‘moderate’ market location where the policy states a 20% contribution will be sought under normal market conditions. With

the Borough now in 'good' market conditions the affordable housing requirement is 25%. However, advice within SPD1 states that where the nature of the development is such that, in viability terms it will perform differently to generic developments within a specified market location, the affordable housing contribution will be determined via a site specific viability study and would normally not exceed 40%.

19. The NPPF defines affordable housing as: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers). It includes affordable housing for rent (including affordable rented and social rented), starter homes, discount market sales housing, and other affordable routes of home ownership (including shared ownership and rent to buy). Paragraph 65 indicates that with major developments, at least 10% of the homes should be available for affordable home ownership as part of the overall affordable housing offer, whilst the NPPG advises that 'First Homes' should account for at least 25% of all affordable units delivered. However as the proposed scheme is for retirement living accommodation the First Home initiative would not be relevant.
20. Given the specific nature of this development directed at open market apartments aimed specifically at a certain demographic, the development will perform different to unrestricted open market apartments. The applicants Financial Viability consultant has stated within their Financial Viability Assessment a number of reasons why they consider the proposal would operate differently to that of a generic development including a different risk profile, different costs associated and a different approach to values (substantially higher than a normal apartment). The level of provision for this site would therefore be 40% which equates to 10 units. The units would be required to be on site, previous discussions with Registered Providers is that they are willing to purchase onsite retirement living affordable housing within the Borough.
21. The applicant has submitted a viability assessment which concludes that the proposed scheme would not be viable if affordable housing was required to be provided. Further detail on this is covered at paragraph 168 of this report.
22. The main building 35 Oakfield has been identified as a non-designated heritage asset. The proposed development would result in the total loss of the building and therefore in accordance with the advice contained within Paragraph 203 of the NPPF *'In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*. This is considered in further detail within the heritage section of this report.

#### Summary on Principle of Development

23. The Council cannot demonstrate a five year housing land supply and the presumption in favour of sustainable development applies. Paragraph 11d (i) is not

relevant in this case since there is no clear reason for refusing the development proposed when having regard to the application of NPPF policies which seek to protect areas or assets of particular importance and the tilted balance is therefore engaged. The proposal would make a moderate contribution towards meeting the Council's housing land targets and an identified need for older persons housing. The existing building is currently used for residential purposes and therefore has an established residential use, as set out elsewhere in the report, the developer has failed to demonstrate that the scheme would be acceptable in relation to other matters including the loss of a non-designated heritage asset. Issues relating to heritage and design, residential amenity, highways impacts, flooding and drainage, contamination and ecology still need to be considered and weighed in the balance. These issues are considered in more detail in the following sections of this report.

## HERITAGE

### Policy Background

24. The Council's Heritage Development Officer has been consulted on this application and their comments are reported in full and incorporated within this section of the report.
25. In relation to heritage assets, paragraph 194 of NPPF states that *"local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."*
26. Also of relevance to the determination of this application is paragraph 195 of the NPPF: *"local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."*
27. Paragraph 197 indicates that when local planning authorities are determining planning applications, they should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - The desirability of new development making a positive contribution to local character and distinctiveness.
28. Significance is defined in the NPPF as 'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be

archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.' Setting of a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'

- 29.35 Oakfield has been identified as a non-designated heritage asset (NDHA) in accordance with Annex 2 of the NPPF and are "*considered to be a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes... assets identified by the local planning authority (including local listing)*". The 'Good Practice Advice Note 2: Managing Significance in Decision-Taking' published by Historic England (2015) clarifies non-designated assets as those "...that have been identified in a Historic Environment Record, in a local plan, through local listing or during the process of considering the application." The NPPG offer further guidance on this matter at Paragraph 039 "*There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence*".
30. Furthermore, the NPPG advises "*that it can be helpful if local planning authorities keep a local list of non-designated heritage assets*". It is therefore not a requirement of the NPPF nor the NPPG to keep a local list in order to identify heritage assets nor is the process of identifying such assets confined to a local list or other repository. Historic England clearly state in Advice Note 7 'Local Heritage Listing: Identifying and Conserving Local Heritage (2021); "*The inclusion of a site or structure in an HER does not itself identify it as a non-designated heritage asset: inclusion merely records valuable information about it, and does not reflect the planning judgement needed to determine whether it does in fact have a degree of heritage significance which merits consideration in planning decisions*".
31. NPPG continues at Paragraph 039; "*In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications, for example, following archaeological investigations*". This clearly states that local planning authorities can identify non-designated heritage assets as part of the decision making process. It is also noted that archaeological investigations are offered as an example and not an exclusive method. The 'Good Practice Advice Note 2: Managing Significance in Decision-Taking' published by Historic England (2015) offers further clarification on this issue describing non-designated assets as those "...that have been identified in a Historic Environment Record, in a local plan, through local listing or during the process of considering the application." Historic England's Advice Note 7 reiterates this at Paragraph 42 stating "*A range of methods can be used to identify non-designated heritage assets, though no single method will produce a definitive local heritage list.*"

32. In January 2021, Trafford Council was selected as a pilot area as part of the Greater Manchester Local Heritage List for The Local List Campaign funded by the Ministry of Housing, Communities & Local Government (MHCLG); the project is also supported by Historic England and managed by GMAAS & University of Salford. 35 Oakfield has been nominated for inclusion on Trafford's Local Heritage List. A selection panel is currently assessing the nominations which along with a draft criteria will go out to a second round of consultation.
33. Advice within the NPPG at Paragraph 203 with regards NDHA states that *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*
34. Policies R1 & L7 of the Trafford Core Strategy 2012 apply. Policy R1 of the Core Strategy does not reflect case law or the tests of ‘substantial’ and ‘less than substantial harm’ to the significance of heritage assets in the NPPF. Whilst R1 is considered to be out of date the policy is still a material consideration. The following is particularly relevant;
35. Trafford's historic environment makes a major contribution to the attractiveness and local distinctiveness of the Borough. Heritage assets are buildings, monuments, sites, or landscapes of historic, archaeological, architectural or artistic interest whether designated or not. The significance, character, and appearance of these heritage assets are qualities that will be protected, maintained and enhanced.
36. Policy R1.1 All new development must take account of surrounding building styles, landscapes and historic distinctiveness.
37. R1.2 Developers must demonstrate how the development will complement and enhance the existing features of historic significance; in particular in relation to conservation areas, listed buildings and other areas of identified heritage assets, and that the proposed development will not have any unacceptable adverse impact on the same.
38. The supporting text under the Justification section Policy R1 states at Paragraph 21.12 that Heritage assets in the Borough contribute to the unique character and quality of the historic built environment. These sites and buildings are an irreplaceable record of the Borough, which can contribute to our learning and understanding of the past including its social and economic history, and are also a resource for the future. It is therefore essential that we seek to preserve, protect and where appropriate, enhance these special buildings and sites, in line with national and regional planning policy guidance.
39. Paragraph 21.13 under the Justification section of Policy R1 states that there is an opportunity for greater understanding, protection and enhancement of the distinctive



characteristics within Trafford through the identification of locally significant historic buildings, structures and designed landscapes. The Greater Manchester Historic Landscape Characterisation Study may provide a useful, but not exhaustive, basis for this process.

40. Paragraph 21.19 under the justification section of Policy R1 states that it is also recognised that society is constantly developing and, as a result, historic assets are always under threat. Whilst it is acknowledged that social and economic development is essential for the Borough, it is important to ensure that this respects the Borough's distinctive historic character and contributes to its sense of place.
41. In 2021, a consultation draft (Regulation 18 Draft) of The Trafford Local Plan was made publicly available. Policies HE1-HE4 are relevant for the historic environment.

#### Significance of the Non-Designated Heritage Asset

42. The application site does not contain any listed buildings and is not located within a conservation area. The nearest listed building is the former Tatton Cinema, Grade II listed, sited on Washway Road. The villa, its spacious setting and historic boundary walls is identified as a non-designated heritage asset in accordance with Annex 2 of the NPPF.
43. 35 Oakfield, is a substantial mid-19<sup>th</sup> [1841 to 1872] century villa designed in a Domestic Revival style. The building comprises of two storeys with attic accommodation and partial cellar. The original plan form is regular with the principal [north] elevation fronting Oakfield and dominated by two, three storey gables which run north to south.
44. The architectural emphasis of the villa focused on the principal elevation, which is a well-balanced, asymmetrical composition. The RHS gable incorporates a canted bay at ground floor separated from the first floor with a stone string course with painted timber sashes (in a two tone revival decoration) sited on the upper floors diminishing in size to the second floor. A covered porch is sited in front of the gable with steps leading to the entrance. The left hand side gable is advanced and includes a three storey box bay with hipped roof and finial. The bay incorporates five light sash windows also painted in a two tone revival style with painted stone cill at ground floor and white painted render on the first floor. Other architectural details include clay fish scale tiles; large overhanging eaves and a heavy painted stone plinth. An east -west ridge joins the two gables with all pitched roofs clad with Rosemary clay tiles.
45. The west and east elevations are plainer and have incurred some alteration with a number of discernible historic windows openings. Late 20<sup>th</sup> century single storey and two storey buildings are linked to the west elevation. Chimney stacks above the eaves have been removed. On the south (rear elevation), a historic outrigger has been extended with flat roofed two storey and three storey extensions. The upper storeys to the historic outriggers have been clad in blue slate with some Cheshire commons to the ground and first floors.

46. The building has been converted to residential apartments and is currently occupied. Despite some alteration and extension there is a good level of architectural integrity and survival of historic fabric and plan form; the house also retains its spacious plot, off set cart entrance and historic brick boundary wall with sandstone shaped coping. There is coherence with the adjoining Forest Prep School [formerly Ellesmere], St Marys C of E to the west and several other substantial dwellings of a similar period along Oakfield which amplify this significance and experience of one another. This is particularly important when taking into account the loss of 19<sup>th</sup> century suburban villas in the area.
47. *Trafford Urban Historic Landscape Characterisation Survey* - The site has been identified in the Trafford Urban Historic Landscape Characterisation Survey [HGM6515]. Villas and detached houses are a distinctive element of Trafford's historic environment and make a significant contribution to the Boroughs character and sense of place. As set out in the HLC, they represent 14.4% (5.22km<sup>2</sup>) of the total area of the Residential broad type in Trafford. Since the 19th century 40% of villas (a 3.40km<sup>2</sup> area) have been lost or are no longer in their original use. These buildings characterise the domiciles of the majority of the middle classes of Trafford from about the mid-19th century onwards and are typically substantial detached or sometimes semi-detached houses set in large gardens. Villas and detached houses represent an early element of suburbanisation, serving as a reminder within the landscape of some of the changes in society that took place in the 19th century.
48. The report provides a summary of the history and significance of the distribution of this HLC type. The development of the villa in the borough was influenced by the introduction of the Bridgewater Canal in the 18th century and by the introduction of railways and tramways in the 19th century, which made it easy for people to travel out from the urban centre of Manchester. Villas typically form late 19th century ribbon developments or discrete suburban clusters, with significant concentrations around Altrincham, Sale, Hale and Timperley. Prior to the mid-19th century the distribution was more dispersed, with functions relating to contemporary settlement cores; the type included houses such as vicarages and the residences of the very wealthy. 35 Oakfield illustrates the historic residential development of Sale & Ashton upon Mersey during the mid to late 19th century following the arrival of the Manchester, South Junction & Altrincham Railway in 1849. The MSJ&AR line is one of the country's earliest suburban railways and was the first in Manchester; contributing to the development of Sale as one of the first areas of residential suburban development in the country.
49. A number of threats to villas/detached housing are identified in the HLC which include Villas and high-status detached houses are usually of a substantial size and can be too large or expensive to maintain as family homes. The report identifies the housing type is vulnerable to subdivision, conversion and redevelopment and large plot sizes make sites attractive for redevelopment; several modern houses or one or more new apartment blocks can be built in the grounds of a single villa.

50.35 Oakfield exhibits moderate significance for its architectural, and historic (illustrative)] values. Despite some alteration, the historic plan form is still legible and the villa retains its integrity. There is a still good level of architectural integrity with a well-balanced composition, palette of traditional materials and distinctive architectural features. The villa, its spacious setting and historic boundary walls make an important contribution to the street scene and sense of place. The villa and its setting is one of the last surviving early villas on Oakfield. The building illustrates the historic development of Sale as an early suburban settlement. There is coherence with the adjoining Forest Prep School [formerly Ellesmere], St Marys C of E to the west and several other substantial dwellings of a similar period along Oakfield which amplify this significance and experience of one another.

51. The application is accompanied by a heritage statement undertaken by Beardmore Urban. It is noted that a general description of the building has been undertaken including map regression. The assessment focuses on judging the significance of the building against statutory listing criteria, which the author acknowledges is a higher bar than local listing. The assessment concludes “the significance of this building (even if it is regarded as a non-designated heritage asset) is marginal at best”. The author considers the building has been “severely affected by later changes such as the loss of the main chimney stack and the proliferation of inappropriate windows and external drainpipes. It is noted that the assessment focuses on the architectural interest of the building with limited assessment of other design attributes nor its illustrative historic value as a detached 19<sup>th</sup> century villa in the local context. The assessment identifies the building is in “extremely poor physical condition”, however the application is not supported by any conservation accredited condition survey to substantiate this claim.

52. In summary, the significance of 35 Oakfield derives from its architectural value in particular with regards its principle elevation, which is a well-balanced, asymmetrical composition. Villas such as the application site property are a distinctive element of Traffords historic environment. Furthermore the building illustrates the historic development of Sale & Ashton upon Mersey during the 19<sup>th</sup> Century following the arrival of the MSJ&AR line contributing to the development of sale as one of the first areas of residential suburban development in the country.

#### Impact and Consideration of Harm

53. Considering first the impact of the proposal paragraph 195 of the NPPF is specifically relevant. As detailed above the local planning authority has identified and assessed the particular significance of the heritage asset affected by the proposal. The significance of the asset is considered to result from its architectural and historic value. The proposed development would result in the total loss of the heritage asset and its significance, however the documentation submitted in support fails to provide any alternatives or considered options of how the impact / loss of the heritage asset could be minimised or avoided. Furthermore, the new development makes no

reference, either through use, appearance, scale or siting of the heritage asset. The demolition of the existing historic dwelling, the redevelopment of its setting and alteration of boundary walls will result in the total loss of this building and its architectural and historic significance. The harm caused to this heritage asset is unjustified and the applicant has failed to address paragraph.

54. In respect of paragraph 197 of the NPPF it states that in determining applications, local planning authorities should take account of:

- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

55. With respect to the first bullet point, the appellant has not satisfactorily demonstrated that the retention of the building is unviable, no evidence has been provided to suggest the building is structural unsound and it should be noted that the building is currently used for residential purposes, the Council tax service have confirmed that they currently have 12 residential units liable for Council Tax at the application site.

56. With regard to the second bullet point, the retention of this building would contribute to the sustainability of the community, providing residential accommodation close to Sale town centre.

57. Lastly the design of the replacement development with its undistinguished and nondescript appearance would not contribute to the distinctive character of this area when compared to the architectural and historic significance of 35 Oakfield.

58. The proposed development would see the total demolition of 35 Oakfield and the proposal would result in harm and total loss of significance of this non-designated heritage asset without any demonstrable justification which is considered contrary to paragraphs 195 and 197 of the NPPF and Policy R1 of the Trafford Core Strategy.

## **ARCHAEOLOGY**

59. The Policy R1.8 of the Core Strategy states that in areas of archaeological importance developers will be required to:

- Identify the presence or absence of remains of archaeological significance and take into account the potential for new finds; and
- Set out a framework for dealing with investigation, recording and preservation of any remains.

60. Paragraph 194 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
61. Greater Manchester Archaeological Advisory Service (GMAAS) has been consulted on the application. They advise that contrary to the advice within the NPPF at Paragraph 94 the application is not supported by either a heritage statement *per se* or an archaeological assessment, and the Greater Manchester Historic Environment Record has not been consulted. The application is supported by a document entitled 'Statement of Heritage Significance', which focuses attention initially on the definition of a 'non-designated heritage asset' and the criteria employed when determining a statutory listing. 35 Oakfield does not warrant consideration for statutory listing, as argued in the Statement of Heritage Significance, although contrary to the conclusion drawn in the document, GMAAS considers the building to constitute a non-designated heritage asset.
62. GMAAS advise that the Statement of Heritage Significance makes no reference to designated heritage assets in the locale, their setting and any potential harm to that setting imparted by the proposed new building (designated heritage assets in the vicinity are listed in the Design & Access Statement, but this is limited to just a list). Similarly, there is no mention of potential impact on below-ground archaeological remains in any of the documents submitted with the application. GMAAS have however confirmed that, having consulted their records, including the Greater Manchester Historic Environment Record, that delivery of the proposals will not threaten or damage any known or suspected archaeological remains and that no further consideration of the below-ground archaeological resources is warranted.

#### Conclusion on Heritage

63. The applicants Statement of Heritage Significance Assessment concludes that the significance of this building (even if it is regarded as a non-designated heritage asset) is marginal at best and that there is no case for considering it as worthy of consideration as a NDHA. Contrary to this view, officers consider that the building is of sufficient architectural and historic significance that it should be retained and continue to be used for residential purposes as it is currently.
64. The proposal would result in the total loss of significance of the non-designated heritage asset, an asset which due to its architectural and historic value is considered to be of sufficient architectural and historic significance.
65. Under paragraph 203 of the NPPF, a balanced judgement is required having regard to the scale of harm or loss to the non-designated heritage asset and its significance. In this instance, the total demolition of 35 Oakfield would result in harm

and total loss of significance of this non-designated heritage asset without any demonstrable justification which is considered contrary to paragraphs 195 and 197 of the NPPF and Policy R1 of the Trafford Core Strategy and this will be weighed against this scheme in the planning balance.

## **DESIGN & APPEARANCE**

66. The promotion of high standards of design is a central narrative within the NPPF, and with this message strengthened and reinforced in the July 2021 update. The overarching social objective, which is one of three objectives critical to the achievement of sustainable development, is reliant upon the planning system fostering a well-designed, beautiful and safe built environment, according to paragraph 8. It continues at paragraph 126 that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 134 urges LPAs to refuse development that is not well-designed, especially where it fails to reflect any local design policies and government guidance on design. Conversely – the paragraph continues – significant weight should be given to development which has taken into account local and national design guidance, and/or to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design in an area (provided that they fit in with the overall form and layout of their surroundings).
67. The publication of the National Design Guide (NDG) in October 2019 emphasises the Government's commitment to achieving high quality places and buildings. The document outlines and illustrates the Government's priorities for well-designed places in the form of ten characteristics. These are identified as: context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources, and lifespan. These characteristics can be applied to proposals of all sizes, the document sets out, including new buildings, infill developments, major proposals and larger scale developments such as urban extensions. In a well-designed place an integrated design process would bring the ten characteristics together to create an overall character of place.
68. The Policy L7 of the Core Strategy states that, in relation to matters of design, development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and make appropriate provision for open space, where appropriate, in accordance with Policy R5. Policy L7 is considered to be compliant with the NPPF and therefore up-to-date as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code. It can therefore be given full weight in the decision making process.

69. Paragraph 126 of the NPPF states that *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. Paragraph 130 lists criteria which are necessary for well-designed developments, including ensuring that they add to the overall quality of the area, are visually attractive and are sympathetic to local character and history. Paragraph 134 states that *“Development that is not well designed, should be refused, especially where it fails to reflect local design policies and government guidance on design...”*.

### **Layout, Scale and Appearance**

70. The existing urban grain surrounding the site comprises mainly of detached and semi-detached residential properties situated with spacious plots with a number of apartment developments, including the residential care home to the north of the site. There are also a number of commercial developments to the north-east of the site on the edge of Sale town centre.

### **Layout, Siting and Footprint**

71. The proposed new building incorporates a rectangular configuration and has a footprint measuring approximately 19m (width) x 40m (length). As a comparison the existing main building on site measures approximately 12m in width at the widest point reducing to 5m wide as the rear outrigger narrows. The existing building measures approximately 20m in length. A distance of approximately 15m would be retained to the front boundary, the existing building retains approximately 11m. The new building follows a similar building line to the adjacent retirement living building to the north side of the site.

72. At the nearest point the new building will retain a distance of 1.5m to the northern boundary of the site (at four storey level) this distance increasing to approximately 8m as the property extends back into the site and the boundary widens marginally. The proposed building reduces the sense of spaciousness that one would identify from the existing site layout. To the southern boundary with the primary school a greater distance is retained due to the splayed nature of the boundary retaining a distance of some 19m, similar to the existing arrangement. The new building however retains a distance of some 2.3m to the southern boundary as it extends further back into the site. A distance of approximately 6.5m is retained from the new building to the rear boundary with 41 Ashlands, the existing building retains a distance of approximately 30m.

73. The above parameters illustrate the extent of the new building footprint which is significantly larger than the main building and other smaller out-buildings on site. The existing buildings on site have a combined footprint of approximately 423m<sup>2</sup> this does not include the footprint of remnants of a structure along the rear garden

northern boundary. The new building has a footprint of approximately 719m<sup>2</sup> which equates to an approximate increase of 70% above the existing building coverage on site. The new building covers a larger area of the site and comes closer to all site boundaries at a significantly greater height than the main existing building, this further demonstrates that the proposal significantly overdevelop the site.

#### Landscaping and Boundary Treatment

74. In addition to the larger building footprint is the increase to existing area of car-parking to the front of the site which is proposed to be increased extending from the northern boundary across to the southern boundary. The new car park is dominated by tarmac surface with no soft landscaping breaking up parking spaces. Established soft landscaping is being removed from the front boundary including mature trees to accommodate the new vehicular access and car parking area. The works to the front of the site boundary are considered particularly harmful and would have a detrimental impact on the streetscene which is characterised by large mature trees (protected by blanket TPO) and low level boundary brick and stone walls and hedging. The proposed works would involve the formation of a new centralised large vehicular opening 9m in width with 1.7m high gate piers.
75. A small communal garden area is indicated to the south side of the building. A footpath will extend around the building and an external communal patio also located on the south side of the building.
76. The proposed building occupies most of the site and is unrelenting with little relief in terms of spacing or the form of the building. The site is dominated by the excessive size of the building and the considerable amounts of hardstanding throughout. There are no defined significant breaks in the form of the building which results in an incongruous solid block of development.

#### Height, Scale and Massing

77. The proposed building measures approximately 15m to ridge height towards the front side of the building reducing to approximately 11.5m at the rear. The existing building (35 Oakfield) measures approximately 12m to ridge height. The proposed streetscene submitted by the applicant appears to show the height of the Michael Court building to the north side of the site measuring approximately 14.5m at the highest point, however the approved plans for that scheme H/69568 and 74581/FULL/2010) appear to show a ridge height of approximately 13.5m.
78. The building has been designed to incorporate accommodation over three and four stories. The building has effectively been divided into two sections with the four storey element located towards the front side of the building which faces towards Oakfield. The three storey element includes a section contained within the roof void in order to reduce the scale and massing of the building by dropping ridge heights as it extends further back into the site. This results in a convoluted incoherent roof



scape with high eaves levels, asymmetrical gables to the rear and symmetrical gables to the front and side, the diminutive gable proportions appear out of keeping with the overall size of the building. The building appears excessively bulky and top heavy the extensive footprint of the building across the site exacerbates this impression.

### External Appearance and Design

79. The overall design of the building is not considered appropriate. As stated above there are concerns with the proposed scale and massing of the building, linked to this is the architectural treatment of the proposed development which appears dated and of poor quality. The dominance of render in the scheme is not reflective of the surrounding area particularly in relation to historic buildings. The window proportions throughout do not reflect the scale of the building, they appear small in size and excessive in their numbers across all the elevations, window reveals also appear insufficient. There is an incoherent approach to window position and design which does not result in a well-designed elevation. The overall proportions of the windows and the elevation as a whole are out of keeping with the scale of the building and the surrounding context. The overall appearance of the proposed development is incoherent and considered to be undistinguished and nondescript. Balcony details appear as a 'bolt on' afterthought and have not been designed as an integral part of the building.
80. In design terms, communal entrances should provide an opportunity to bring variation and interest to the building as well as a focal point. Entrances should be visible from the street and be clearly identified. The access to Oakfield is not considered to be legible as a main entrance. In addition there are two utility service doors on the main front entrance serving the scooter storage area and the bin store, further detracting from the front elevation as a clear legible point of arrival.
81. In summary, the proposed development comprises limited space around the building combined with the additional height and building footprint considered to result in the overdevelopment of the site. Combined with the proposed works to the front boundary and the formation of an increased area of car-parking (across the entire frontage of the site) will result in a development with a detrimental impact on the streetscene, being visually intrusive and overly dominant. This would be particularly apparent given the quality of building (35 Oakfield) being replaced and the lack of identity or any detailing or design features in the proposed building which pay regard to this historic or surrounding character, contrary to the National Design Guide characteristic of 'context' or 'identity'.
82. The proposed development, by reason of its scale, height, massing, layout and design would represent an overdevelopment of the site, would be out of character with the surrounding area and would be visually intrusive in the street scene. For these reasons, the application would represent poor design, contrary to Policy L7 of the Core Strategy, Section 12 of the NPPF (in particular paragraphs 126 and 130)

and relevant guidance contained within National Planning Practice Guidance and the National Design Guide.

## **RESIDENTIAL AMENITY**

83. In addition to ensuring that developments are designed to be visually attractive paragraph 130 of the NPPF advises that planning decisions should create places that provide a high standard of amenity for existing and future users.
84. Paragraph 185 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
85. Policy L5.13 of the Trafford Core Strategy states that *'Development that has the potential to cause adverse pollution (of air, light, water, ground) noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place'*.
86. Policy L7.3 requires new development to be compatible with the surrounding area and not to prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion or noise and/or disturbance.
87. The Council's adopted Planning Guidance 1: New Residential Development (PG1) provides guidance on separation distances between proposed development and residential properties. Although this document is of some age (2004), it does still carry some weight in the decision making process. Relevant recommended separation distances are as follows:
- Facing windows – Two storeys: 21m across highways/27m across gardens. Three storeys or more: 24m across highways/27m across gardens;
  - Main windows facing a garden boundary – 10.5m (two storeys)/13.5m (two storey flats, or houses with 3 or more storeys);
  - Main elevation facing a blank elevation – 15m.

### Relationship of Development Layout with Residential Properties

88. The nearest residential properties to the site are located to the rear (south-west) side of the site on Ashlands; Michael Court Retirement Apartments to the north-east side of the site and 40 Oakfield and properties on Hunters Mews, Oakfield to the east side of the site on the opposite side of Oakfield.
- 89.41 Ashlands to the rear of the site is a detached two storey dwelling which has a single storey conservatory extension nearest to the shared boundary with the

application site. The site also comprises front and rear garden areas. The property has a blank gable elevation which faces towards the site, on the rear elevation is a ground and first floor curved bay serving a dining room at ground floor and bedroom at first floor. An approximately 2m high close board timber fence extends along the shared boundary between both sites. There is one tree on the neighbours side and approximately 4 medium sized trees along the application side of the boundary, the trees offer partial screening between sites. The proposed new building will retain approximately 6.5m at the nearest point to the shared boundary and will extend parallel with the majority of the shared boundary, which on the neighbours side is their rear garden area. The applicants Design & Access Statement (DAS) advises that the scheme had been redesigned at design stage (before the application was submitted) to move the new building away from the residents boundary, in addition it is stated that the building has been reduced in mass as it steps back into the site providing a transition to 41 Ashlands.

90. Notwithstanding these design changes as the scheme has evolved, the proposed development is considered to have a detrimental impact on the amenity of the occupiers at 41 Ashlands and would appear overbearing and intrusive due to its height and close proximity to the residents garden boundary. The new building will measure approximately 11.5m to the ridge height nearest to 41 Ashlands and will contain three floors of accommodation, albeit the second floor contained within the roof, 41 Ashlands measures approximately 9m in height. The new building will extend along the majority of the neighbours side garden boundary, this would be extremely overbearing and intrusive and the occupants have raised this as one of their objections to the proposals. The close proximity to the boundary means that the higher sections that step up would still exacerbate the sense of its overbearing and intrusive nature.
91. The proposed building also has a number of projecting balconies on its side elevations, whilst a privacy screen could be conditioned to the sides of these, occupiers can easily lean forward and view around such screens. There is also a third floor balcony integral to the building which faces towards the garden area of 41 Ashlands, whilst this would just retain sufficient distance to the shared boundary having regard to the privacy distance advice in PG:1 it adds to the sense of being overlooked particularly from such an elevated position. This balcony area does not appear to be shown on the floorplans.
92. The Michael Court Retirement Living apartments is a development managed by the applicant. On the opposite side of the shared boundary between both sites is the internal access road and car parking area. A distance of approximately 28m at the furthest point is retained between both buildings. Given this distance and the intervening car-park area it is considered that there would not be any undue impact upon residential amenity. At their closest point 11m would be retained between both buildings. There are no windows proposed on the side elevation of the new building on this part of the building apart from stairwell windows (which can be conditioned to be obscured glazed). The Michael Court building has a number of stairwell windows

and secondary windows to living rooms and kitchen windows over all four levels of accommodation. Whilst the new building would be moving closer to the Michael Court building at this particular location it would not result in any undue impact on residential amenity. The scheme approved at Michael Court includes a condition requiring all lounge windows on this part of the building (Block 1) to be obscured glazed on the south facing elevation towards the application site, a recognition that there would be an element of overlooking without that restriction.

93. It would be unreasonable therefore to penalise this application based on the siting of the adjacent scheme. A distance of 15m is normally required from a blank elevation from a habitable room window, the kitchen windows at Michael Court would have a distance of 11m to the side of the new building. As stated there would be no new windows on the proposed scheme facing Block 1 of the Michael Court building. Given the above it is not considered the proposed development would have any undue impact upon the adjacent occupiers at Michael Court.
94. Number 1 Hunters Mews on the opposite side of Oakfield from the application site, is a detached two storey property with a conservatory extension to the rear. The property has its side elevation facing towards Oakfield, which has a side door and ground floor window, the site includes a side and rear garden area. The building at 35 Oakfield retains a distance of approximately 21m to the side garden boundary which extends along Oakfield, this distance would be increased to approximately 25m as the new building is set further back into the application site. As such it is not considered that the proposed development would have any undue harm upon the residential amenity of the occupiers of 1 Hunters Mews.
95. 40 Oakfield is located to the north-east of the site and comprises a large detached Victorian villa with a detached rear outbuilding used for residential accommodation. The existing property at 35 Oakfield retains a distance of approximately 21m to the front boundary of 40 Oakfield and this would increase to approximately 25m as part of the proposed development. The proposed new building would retain a distance of approximately 44m to the front elevation of 40 Oakfield. As such it is not considered that the proposed development would have any undue harm upon the residential amenity of the occupiers of 40 Oakfield.
96. The applicant has provided a shadow study for different times of a day during March and December. There is no supporting narrative with the study but it does illustrate overshadowing to 41 Ashlands at both times of the year.

#### Future Residents

97. The PG1 seeks to ensure that new dwellings provide some private outdoor space and notes that this does not include front or side garden areas open to view from roads, nor space needed to comply with parking standards. This states that for flats, approximately 18sqm of screened communal space per flat is generally sufficient, with balconies contributing to this provision.

98. Whilst it is acknowledged that the figures set out in PG1 are only intended as guidance, it is clear that the amount of outdoor amenity space to be provided for future residents is insufficient.
99. The submitted Design & Access statement advises that each of the apartments benefits from either private balconies or garden terraces and the communal lounge opens out onto a communal terrace and garden. The balconies generally range between approximately 3.5m<sup>2</sup> - 5m<sup>2</sup> with the largest approximately 9m<sup>2</sup>. The ground floor patios as stated within the DAS offer little privacy, these are located along the north and south elevations with only low level ornamental planting and small sections of grassed areas beside the communal path that extends around the building. The balcony areas and the patio areas have less useable space than indicated due to outward opening doors and are not considered fit for purpose. They would not provide sufficient space to place table and chairs outside to enable residents to enjoy these outdoor spaces.
100. The submitted landscaping plans refer to a communal garden around the north and west side of the building. It is not generally accepted that the grassed areas that are located outside occupants private apartment windows would be considered as communal garden space. It is suggested that these areas are merely soft landscaped areas that form a verge to the pathway extending around the building. A formal communal garden is provided to the south side of the building and measures approximately 194m<sup>2</sup>, a communal patio area (hard surfaced) is also located on this side and measures approximately 32m<sup>2</sup>.
101. The applicant has provided a table demonstrating the proposed accommodation complies with the nationally described space standards with regards internal space of the new apartments.
102. Given the above, it is considered that the apartment scheme would fail to adequately provide a good standard of private amenity space for future residents, to the detriment of their wellbeing and would not meet the requirements of Core Strategy Policy L7, paragraph 130(f) of the NPPF (which seeks to ensure a high standard of amenity for future users), or guidance contained in paragraph 132 of the National Design Guide.

### Noise

103. The application has been considered by the Councils Pollution section with regards noise impact.
104. The Councils pollution section have advised that the proposed development is not out of context within this location, albeit there is a school immediately to the south side of the site and an additional school that shares part of the southern boundary. This means that during certain times of the day noise from associated activities will

likely be audible at the proposed development and could impact future residential occupiers, to some degree. The Pollution section do not expect the presence of this type of noise to represent a significant issue in the decision making process, it could be the case that elderly residents may wish to relax within their accommodation during daytime hours without being impacted by noise from children playing outdoors which can be intrusive and difficult to mitigate. The 'agent of change' principle means that the developer should incorporate any necessary mitigating measures at the design stage rather than expect an existing occupier to change their operation (or hinder their potential for expansion) to accommodate the new residential occupiers.

105. The Pollution section have advised that Approved Documents (Building Regulations) impose criteria for ventilation and overheating; however the Acoustics, Ventilation and Overheating Residential Design Guide January 2020 Version 1.1 provides an approach to allow the competing aspects of thermal and acoustic comfort to be managed, acknowledging the interdependence of design for acoustics, ventilation and overheating. Application of the AVO Guide is intended to demonstrate good acoustic design as described in the ProPG: Planning & Noise, May 2017 ('ProPG'), when considering internal noise level guidelines.
106. The Pollution section have advised that it would be useful to see the developer's strategy for achieving relevant criteria for ventilation, overheating and acoustic comfort. If future residents are reliant on closing their windows to achieve a suitable level of acoustic comfort, then suitable provision for ventilation and cooling needs to be incorporated into the design. The request for this information has been made to the applicant but at the time of determination of the application no details had yet been provided. It is considered however that the submission of a scheme of appropriate ventilation can be secured by an appropriate worded condition to ensure details are submitted and approved prior to works commencing on site.
107. The Pollution section have also recommended a condition to ensure that noise from any external plant achieves relevant industry criteria appropriate levels. A condition requesting the submission of a Construction and Pre-Construction Environmental Management Plan (CEMP) is also recommended.

#### External Lighting

108. The Pollution section have also requested that any external lighting scheme complies with ILP Guidance Note GN01/21 'The Reduction of Obtrusive Light' for zone E3 (Surburban) of Table2:Environmental Zones. An appropriate condition to require the submission of an external lighting strategy can be included on any grant of planning permission.

#### Conclusion on Residential Amenity

109. The proposed development is considered to result in an adverse impact upon the adjacent occupiers of 41 Ashlands with regards undue overlooking and the intrusive and overbearing nature of the development. In addition the proposal fails to provide a good standard of private amenity space for future occupants of the development contrary to the requirements of Core Strategy Policy L7 and advice within the NPPG and NDG.

## **HIGHWAY MATTERS**

110. Policy L4 of the Trafford Core Strategy states that *“when considering proposals for new development that individually or cumulatively will have a material impact on the functioning of the Strategic Road Network and the Primary and Local Highway Authority Network, the Council will seek to ensure that the safety and free flow of traffic is not prejudiced or compromised by that development in a significant adverse way”*.

111. Policy also L4 states: [The Council will prioritise] the location of development within the most sustainable areas accessible by a choice of modes of transport. Paragraph 105 of the NPPF states *“Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health”*.

112. Policy L4 is considered to be largely up to date in that it promotes the development and maintenance of a sustainable integrated transport network that is accessible and offers a choice of modes of travel, including active travel, to all sectors of the local community and visitors to the Borough. It is not considered to be fully up to date in that it includes reference to a ‘significant adverse impact’ threshold in terms of the impact of the development on the operation of the road network, whereas the NPPF refers to a ‘severe’ impact’. Nevertheless it is considered that Policy L4 can be afforded substantial weight.

113. Policy L4.14 to L4.16 sets out the requirement to comply with the adopted maximum car and cycle parking standards as set out in Appendix 3 to the Core Strategy and within adopted SPD3. The setting of maximum parking standards as set out in section L4.15 and Appendix 3 is inconsistent with the NPPF and in that regard is considered out of date and less weight should be afforded to this part of the policy.

114. Policy L7 states that development must incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and provide sufficient off-street car and cycle parking, maneuvering and operational space.

115. Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.

116. The applicant has submitted a Transport Statement in support of the application which has been considered by the Local Highway Authority (LHA) and Transport for Greater Manchester (TfGM).

#### Access

117. The proposed development includes the provision of a new centralised vehicular access onto Oakfield, replacing the existing two access points at either end of the front boundary. The new access would be approximately 5.7m in width, both existing accesses would be closed and replaced with a similar low level boundary wall and hedging to matching the existing boundary along Oakfield. The LHA have considered the proposed new access and have raised no objections (notwithstanding the design concerns raised above), advising the applicant that a separate highway application for the new dropped kerb would be required as well as entering into a Section 278 Agreement with regards the highway works. TfGM have raised no objections and recommend that details of swept paths be provided to demonstrate that a refuse vehicle can enter and leave the site in forward gear and that visibility splays are in accordance with Manual for Streets, these details can both be conditioned as appropriate.

#### Servicing Arrangements

118. The refuse store for the development is incorporated within the building footprint with an external access door located on the front elevation adjacent to the new area of carparking. The LHA have raised no objections to this arrangement, waste management services at the Council have been consulted on the proposal but no comments received at the time of the determination of the application. In the event of planning permission being approved an appropriate condition can be included to ensure submission of a waste management strategy for the development.

#### Impact on Highway Network

119. The applicants Transport Statement details that the proposal would be expected to generate up to some 38 vehicle movements per 12 hour day two-way (i.e 19 in and 19 out). The traffic generated by the proposed development will be in part a replacement of traffic associated with the existing residential use of the site. The LHA have considered the details within the Transport Statement in relation to traffic generation and are satisfied that the proposed development will not have a severe impact on the local highway network.

#### Parking

120. The Councils car parking standards as detailed within SPD:3 Parking Standards and Design states that in this location (Sub Area C) a one bedroom dwelling requires one car parking space and a two bedroom dwelling requires two car parking spaces.



The proposed development comprises 14x 1 bedroom units and 11x 2 bedroom units which equates to a total of 36 car parking spaces. The submitted site plan indicates 16 car parking spaces including one accessible space, no Electric Vehicle Charging Points (EVCPs) are indicated on the site plan. The submitted Transport Statement advises that there would be 18 car parking spaces including two accessible spaces and two EVCPs as well as future proofing for installation of further EVCPs when required.

121. The applicants Transport Statement justifies this shortfall referring to a number of relevant factors as follows:-

- Future residents less likely to require car due to age (based on submitted survey data)
- The site is considered to be in a sustainable location, close to bus routes, public transport and nearby services within Sale Town Centre.
- Selection criteria for location of McCarthy & Stone developments requires sites to be located close to public transport and shops and services for ease of access for elderly residents.
- Residents are encouraged to lead healthy lifestyle and walking/cycling are promoted.
- Cycle parking provision
- Providing a Travel Plan

122. The LHA have considered the level of parking and have raised no objections acknowledging that the parking is mainly required for visitors and staff parking. The LHA have also raised no objection to the provision of accessible parking space. It is considered however that given the upper age limit for future residents (average age indicated as 78) that there is likely to be a greater need for more accessible spaces. This additional provision can be secured through an appropriate condition. TfGM have advised they would refer to the LHA with regards the proposed level of parking on site and if a travel Plan is required.

### Cycle & Scooter Parking

123. The site plan details a scooter store within the footprint of the building, accessed from within the building and also from the front elevation. The plan indicates six spaces and considered acceptable by the LHA. No cycle parking provision has been indicated on the proposed plan, however the Transport Statement details that cycling amongst elderly residents is very low, it is still encouraged. Cycle provision will be provided for staff/visitors/residents with details secured through an appropriate condition. TfGM have recommended that any cycle parking is covered, suitable for overnight storage and has lighting and CCTV

### Conclusion on Highways

124. The proposed development is deemed to be in accordance with local and national planning policy in respect of highway impacts and the 'residual cumulative impacts' are not considered to be 'severe' (as set out in NPPF paragraph 109). The Local Highway Authority is satisfied with the proposed development, including parking provision subject to a number of appropriately worded planning conditions. On this basis, the proposed development is considered to be acceptable in this respect.

## **FLOODING, DRAINAGE AND CONTAMINATION**

125. Policy L5.13 of the Trafford Core Strategy states that '*Development that has the potential to cause adverse pollution (of air, light, water, ground) noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place*'. The policy goes on to state at L5.16 that. '*the Council will seek to control development in areas at risk of flooding, having regard to the vulnerability of the proposed use and the level of risk in the specific location*'. At the national level, NPPF paragraph 159 has similar aims, seeking to ensure that development in high risk areas of flooding is safe without increasing flood risk elsewhere.

126. The application site is located within a Critical Drainage Area as specified within Trafford Council's Strategic Flood Risk Assessment. Reference to the Environment Agency Flood Zone maps would suggest the site is within Flood Zone 1.

127. The applicant has submitted a Drainage Strategy and SuDS pro-forma as part of the development proposals. The proposed drainage scheme will include a SuDS system in the form of a soakaway crate and use of permeable paving. The area for use as permeable paving is shown as the entire car park although on the submitted landscaping plans the car park is shown to have a tarmac surface with no reference to permeable qualities or actual paving. However the appropriate permeable surfacing can be secured through a landscaping condition.

128. Following receipt of additional information relating to infiltration rates LLFA have considered the submitted details and have no objection in principle to the proposals. They have requested that should planning permission be granted that a condition is attached to reference the submitted drainage strategy and supporting information and that a condition is included requiring the submission of a drainage management and maintenance plan for the operation of the sustainable drainage scheme throughout its lifetime.

129. United Utilities have been consulted on the proposal but no comments received at time of determination of the application.

130. In relation to land contamination the applicant has submitted a Phase I & II Geo-Environmental Site Assessments. The reports identify presence of contamination heavy metals which will require remediation and further examination required underneath building footprint. The Councils Pollution section have considered the

submitted details and have raised no objections, recommending submission of a remediation strategy and a final verification report.

### Conclusion on Flooding, Drainage and Contamination

131. It is therefore considered that in relation to flood risk, drainage and contamination the development is acceptable and in accordance with Core Strategy L5 and the NPPF.

## **TREES AND LANDSCAPING**

132. Policy R3 of the Core Strategy seeks to protect and enhance the Boroughs green infrastructure network. Policy R5 states that all development will be required to contribute on an appropriate scale to the provision of the green infrastructure network either by way of on-site provision, off-site provision or by way of a financial contribution. Both policies are considered to be up to date in terms of the NPPF and so full weight can be afforded to them.

133. The application is accompanied by a Tree Survey; Tree Protection Plan and Tree Constraints Plan. The application site is located within Tree Preservation Order 070 (Oakfield/Ashlands).

134. The Councils Arboriculturist has considered the submitted details and has confirmed that approximately 15 trees are proposed to be removed. It is noted that a good quality Sycamore (T31) is proposed to be removed to facilitate the formation of the new vehicle access. A prominent Norway Maple (T33) along the front boundary is proposed for retention temporarily as it is in decline. The Councils Arboriculturist has not objected to the proposed scheme but advised that there is limited scope for new tree planting to mitigate the losses because of the size of the proposed new building. Tree and ground protection measures are detailed within the submitted Tree Protection Plan.

135. The submitted planting plan details nine new trees to be planted along with ornamental shrub planting and hedgerow planting throughout. The level of replacement tree planting is less than the number of trees being removed and this is dictated by the excessive size of the new building.

136. The hard landscaping details include tarmac surface across the new enlarged car-park area and paving flags around the building and new patio area. A pergola type structure and timber gazebo are proposed within the new patio area along with a timber bench and two timber planters.

137. A boundary treatment plan has been submitted which details that the two existing vehicular accesses will be closed with a matching low level wall and coping stone approximately 0.5m high. A new 1.8m close boarded fence is proposed along the northern boundary with the Michael Court development, this will extend from the

front boundary at Oakfield to the rear boundary. An historic boundary wall between both properties is proposed to be retained, however the new fence would fully screen this wall which is lower towards the front boundary with Oakfield and the new timber fencing would be highly visible from the streetscene. There is a planting bed which abuts the wall on the application side and this would be removed as would six trees (3x Holly trees, a Eucalyptus, a Blue Cedar and a Norway Maple) and replaced with the fencing and 'tall shrub mix'. The Eucalyptus and Norway Maple are stated as requiring removal as growing close to and resting on boundary wall and unsuitable for long term retention. The Blue Cedar is stated as an established tree adjoining access and growing between boundary wall and brick pier. Whilst a case can be made for these three trees to be removed from a tree management perspective, there appears to be no justification for the removal of the remaining trees.

138. The fence would have a harsh solid finish and due to its height would be out of keeping in this particular location. The height of the fence is considered acceptable further back into the site where it is less visible from the streetscene. The removal of the raised bed and trees is (along with the removal of established trees and soft landscaping to the front boundary to create a new vehicular access) is considered unacceptable and unnecessary and would have a detrimental impact on the character of the area in a highly visible part of the site as viewed from the street. These works would be done in association with laying out a more formalised and larger area of parking with a tarmac finish. The applicants landscaping plan indicates an existing 1.8m timber fence extending along the northern boundary with the Michael Court site up to the front boundary with Oakfield. This is inaccurate, there is no fence in this location only a wall and soft landscaping as detailed above.
139. It is proposed to retain the existing historic wall along part of the southern boundary and existing fence. The submitted boundary treatment plan indicated a section of this boundary as existing fencing (adjacent to the two storey out-building), however the historic wall extends further along this boundary than is suggested.
140. Along the rear boundary is a close board timber panel fence within concrete posts, it is proposed to erect new timber fencing at 1.8m in height along this section.

#### Conclusion on Trees and Landscaping

141. Whilst the Councils Arboriculturist has not objected to the proposed tree removals it is considered the removal of the trees and landscaping combined with the inappropriate boundary treatment and formation of a new wider vehicular access along with the enlarged car-parking area with tarmac finish would have a detrimental impact on the streetscene, which is characterised by mature tree and soft landscaping and low level boundary treatments, and the character and appearance of the application site which is a spacious verdant historic villa.

## **ECOLOGY AND BIODIVERSITY**

142. Policy R2 of the Core Strategy seeks to protect and enhance the landscape character, biodiversity, geodiversity and conservation value of its natural urban countryside assets and protect the natural environment throughout the construction process. Policy R2 is considered to be compliant with the NPPF and therefore up to date as it comprises the local expression of the NPPFs emphasis on protecting and enhancing landscapes, habitats and biodiversity. Accordingly, full weight can be attached to it in the decision making process.
143. Paragraph 174 of the NPPF identifies that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 180 of the NPPF advises that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.
144. Advice within the NPPG (Paragraph: 016 reference ID:8-016-20190721) advises that LPAs need to consider the potential impacts of development on protected and priority species and the scope to avoid or mitigate any impacts when considering site allocations or planning applications.
145. The applicant has submitted a Preliminary Ecological Appraisal and Preliminary Roost Assessment Report. The Greater Manchester Ecology Unit (GMEU) have considered the application proposals.

### Bats

146. The ecology report states that the exterior of each building on site was inspected using close focusing binoculars and that internal inspections of roof voids was carried out using a LedLenser P74 torch. The conclusion reached was that buildings 1 (35 Oakfield); 2 (two storey outbuilding south side of site); 4 (detached garage north side of site ) and 5 (rear single storey store room) have moderate bat roosting habitat. Building 3 (single storey side extension south side) and the associated walkway was found to have negligible. Buildings 1, 2, 4 and 5 will each need to be subject to two further presence/absence (emergence) surveys.
147. One mature tree was found to have two potential roosting features, the tree is located along the front boundary. The tree has been identified by the ecologist as a Sycamore, however this same tree has been identified in the Tree Constraints plan (T33) as a Norway Maple not being suitable for long term retention.
148. GMEU have advised that if the development is likely to disturb a potential bat roost then a full bat survey should be carried out before the application is determined. If bats are found on site under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, a license is required from Natural England to derogate

the terms of this legislation. Before a license can be granted three tests must be satisfied. These are:

- That the development is “in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment”;
- That there is “no satisfactory alternative”; and
- That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favorable conservation status in their natural range”.

149. Defra Circular 01/2005 provides guidance to local authorities on how these issues should be considered, including that surveys for protected species should not be left to conditions (Paragraph 99 of the Circular). GMEU have therefore advised that this application should not be determined until a full bat survey has been submitted. The bat survey should be undertaken by a licensed bat specialist and at an appropriate time of the year. If bats are found then appropriate mitigation would need to be proposed to demonstrate that the favorable conservation status of bats would be maintained at the site.

150. The applicant was advised early March of the requirement for additional surveys and at the time of report preparation and determination (early May) no further bat survey information had been received. In the absence of further bat survey submissions it will therefore be necessary to include a reason for refusal, whereby the applicant has failed to demonstrate that there would not be any harm to the status of bats as a result of the proposed works.

#### Other Protected Species

151. The site was assessed for its potential for other protected species such as badger, water vole, and otter. With regards water vole and otter no records were returned from within 1km of the site boundary and there are no suitable habitats for these species on site. In relation to badger no evidence was found the habitats of immediate surrounding area generally unsuitable for badger due to the urban character of the area.

#### Nesting Birds

152. Bird nesting habitat would be considered to be lost as part of the proposed development and the removal of trees on site. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. It is recommended that an appropriate condition be attached to any grant of planning permission to ensure that no works to trees or shrubs shall occur or demolition commence between the 1<sup>st</sup> March and 31<sup>st</sup> August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation

provided that no active bird nests are present which has been agreed in writing by the LPA.

#### Hedgehog, other small mammals and other amphibians

153. The developer has a duty of care during site clearance such as a legal responsibility under the Wild Mammal (Protection) Act 1996 (an animal welfare act not wildlife protection) not to inflict unnecessary suffering to wild mammals. Given the overgrown nature of parts of the site there is a high risk of non-protected species being present. An appropriate condition to be attached to any grant of planning permission to ensure that a reasonable avoidance method statement for other mammals and amphibians is submitted and agreed.

#### Invasive Species

154. Two invasive species included within schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended were found on the site, Rhododendron and Cotoneaster. It is therefore recommended that an appropriate condition be attached to any grant of planning permission which will require that prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for these invasive species should be submitted to and agreed in writing by the LPA.

#### Designated Sites

155. Rostherne Mere Ramsar, Rixton Clay Pits Special Area of Conservation (SAC) and Manchester Mosses (SAC) internationally designated sites are located within 2-10km of the proposed site boundary. There is one non-statutory designated site within 1km of the site boundary the Bridgewater Canal (Site of Biological Importance) the site is approximately 560m south-east of the site. The submitted ecology report concludes that given the distances of the protected sites from the application site and the scale of the proposed development it is unlikely the development would have any direct or indirect impact on these sites.

#### Bio-Diversity Enhancement

156. The submitted ecology assessment details a number of bio-diversity enhancement measures that can be incorporated into the proposal, these could be secured through an appropriate condition. These include log piles as 'hedgehog highways', management of areas within the site to benefit common lizard and toad populations; creation of new native habitats through planting and provision of bat and bird boxes.

#### Conclusion on Ecology and Biodiversity

157. As detailed above the applicant has failed to undertake the necessary full bat survey required and is unable therefore to demonstrate that there is no threat to Bats on the application site in advance of the LPA determining the application, contrary to advice

within Core Strategy Policy R2, NPPF and the NPPG this would form a reason for refusal of planning permission.

## **SUSTAINABILITY AND ENERGY EFFICIENCY**

158. Policy L5.1 of the Core Strategy states that new development should maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation. L5.4 goes on to say that development will need to demonstrate how it contributes towards reducing CO2 emissions within the Borough. It is considered that Policies L5.1 to L5.11 are out-of-date as they do not reflect NPPF guidance on climate change, whilst the remainder of the policy is compliant with the NPPF and remains up-to-date.
159. The applicant has submitted an energy statement in support of the proposal. It summarises that the proposed scheme will utilise a good thermal envelope to minimize heat loss, as well as efficient heating and lighting systems which will drive energy efficiency in the building having regard with Core Strategy Policy L5.9 and L5.10's objectives to incorporate sustainable construction and CO2 reduction design techniques. The applicant is proposing to install PV panels with a minimum output of 5,927 kWh/yr which will provide a 5% reduction in carbon emissions.
160. The Council's Sustainability and climate change officer has reviewed the energy statement. They advise that the statement currently refers to the 2013 version of Building Regulations Part L when it should refer to the 2021 version. Clarification is also sought in relation to which software the energy report consultant has used in relation to SAP and SBEM calculations
161. A condition would be required to request an updated energy assessment to include an assessment against the updated Part L of the Building Regulations and also the information required regarding the SAP and SBEM calculations.

## **CRIME AND SECURITY**

162. Core Strategy Policy L7.4 relates to matters of design and security and states that development must be designed in a way that reduces opportunities for crime and that does not have an adverse impact on public safety. Policy L7 of the Core Strategy is considered to be compliant with the NPPF and therefore up to date as it comprises the local expression of the NPPF's emphasis on achieving inclusive and safe places and, together with the advice within the Council's SPG:PG24 Crime and Security, it can therefore be given full weight in the decision making process.
163. The applicant has submitted a Crime Impact Statement (CIS) in support of the proposal. GMP have considered the submitted CIS and have stated that the CIS has made several recommendations designed to enhance the security of the development, principally, controlling front-to-rear access around the sides of the



proposed building by the introduction of a suitably designed boundary fence and the use of access controls at the main entrance door to restrict entry to staff and residents. The proposed site boundary treatment plan does not indicate the inclusion of a fence (or other appropriate boundary) to restrict front-to-rear access but the Design and Access Statement does refer to the inclusion of a secure entrance. The Statement also suggests that a planning condition requiring the development achieves Secured by Design accreditation should be imposed. Such a condition would require the developer to, *inter alia*, install the fencing and access control measures, as would a condition requiring compliance with the recommendations set out sections 3.3 and 4 of the Statement. Design for Security are happy to support the application, subject inclusion one or other of these conditions.

164. The LPA would likely support a condition requiring compliance with section 3 of the CIS, which details recommendations such as access through the site from front to rear and access control to all main doors.

## **EQUALITY ASSESSMENT**

165. Policy L7.5 of the Core Strategy requires that development should be fully accessible and usable by all sections of the community and Paragraph 130 of the NPPF reinforces this requirement by requiring planning decisions to ensure that developments create places that are safe, inclusive and accessible.

166. Under the provisions of the Equality Act 2010, specifically Section 149 Public Sector Equality Duty (PSED), all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations. Having due regard for advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. The relevant protected characteristics of the PSED include age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The PSED applies to Local Planning Authorities in exercising their decision making duties with regards planning applications.

167. The applicant has not submitted an Equalities Statement as part of the proposals. The Design & Access Statement (DAS) advises that the entrance will be designed with a level approach with easy access from the car park area via dropped kerbs and level thresholds. The DAS statement advises that approaches would be compliant with Building Regulations Part M although it does not clarify if this will be Category 1 – Visitable dwellings; Category 2 – Accessible and Adaptable Dwellings or Category 3 – Wheelchair user dwellings.

168. A lift is provided in order for residents to access to all floors of accommodation

without use of the stairs. The DAS advises that this type of retirement living would include level floors throughout the building and likely therefore avoiding the need for any steps. It also advises that all the apartments will have doors of sufficient width to allow access by wheelchairs, although no reference that they are Category 3 dwellings.

169. The measures proposed to provide access to all, including those with a protected characteristic, are considered to be, on balance, an appropriate, practical and reasonable response to the equalities impacts of the scheme.

## **DEVELOPER CONTRIBUTIONS**

### Affordable Housing

170. Core Strategy Policy L2, L8 and Revised SPD1 state that in respect of all qualifying development proposals, appropriate provision should be made to meeting the identified need for affordable housing. In order to take into account current issues relating to viability the Borough is split into 3 broad market locations with the application site falling into the “moderate” market location whereby in good market conditions there is a requirement for 25% requirement.
171. However Policy L2.12 advises that in those part of the Borough where the nature of the development is such that, in viability terms it will perform differently to generic developments within a specified market location the affordable housing contribution will not normally exceed 40%. For the purposes of this application this development is considered to be non-generic. This reflects the case advanced by the applicants viability consultant in that the proposed development has a different risk profile, different costs associated and a different approach to values (substantially higher than a normal apartment) and the proposed development would be of a higher density than standard housing within this location.
172. A Financial Viability Assessment dated December 2022 has been submitted with the application undertaken by Alder King and includes a valuation report dated July 2022 undertaken by Matthews & Goodman. The report concludes that the development cannot afford to viably contribute towards any affordable housing. The applicant’s viability assessment has been undertaken at 25% contribution of the 25 units (moderate market) which equates to six units. The applicant’s assessment has calculated a commuted sum figure of £1,009,500 which equates to £168,250 per affordable unit. No reference is made to on-site provision.
173. The Councils viability consultant have independently assessed the viability case made by the applicant and have highlighted a number of areas that they are not in agreement with in relation to the applicants case and it is considered viability can be improved. These are the building costs; profit margin; benchmark land value (BLV); development period/finance costs; sales and marketing fees; empty property costs (EPCs) and guest suite value.

174. Further to this, the Councils viability consultants have undertaken a sensitivity analysis assessment of the proposed development based on their assessment on certain inputs and have tested whether the scheme can support 40% affordable housing as per Policy L2.12, which equates to ten units. The conclusion of their assessment is that the scheme can viably support up to 40% affordable housing contribution. Policy L2.14(a) indicates the expected method of delivery will be on site and this would be the Councils position regarding this site.

175. Given the above, the policy requirement for affordable housing is upto 40% and the applicants offer is that no affordable housing provision can be made due to viability. The applicant's financial viability assessment is not accepted the Council and this development is considered to be able to provide the full policy compliant of affordable housing on-site. As such, the application fails to accord with Policies L2 and L8 of the Core Strategy, SPD1, the NPPF and NPPG and is unacceptable in this respect.

#### Other Contributions:

176. The proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'moderate zone' for residential development, consequently private market apartments will be liable to a CIL charge rate of £0 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

177. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific green infrastructure. In order to secure this, a landscaping condition will be attached to make specific reference to the need to provide additional tree, shrub and other soft landscaping on site as part of the landscaping proposals.

#### Conclusion on Developer Contributions

178. Given the above, the policy requirement for affordable housing is upto 40% and the applicants offer is that no affordable housing provision can be made due to viability. The applicant's financial viability assessment is not accepted the Council and this development is considered to be able to provide the full policy compliant level of affordable housing on-site. As such, the application fails to accord with Policies L2 and L8 of the Core Strategy, SPD1, the NPPF and NPPG and is unacceptable in this respect.

### **PLANNING BALANCE AND CONCLUSION**

179. Paragraph 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

180. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process. As the Council does not have a five year supply of housing land, paragraph 11(d) of the NPPF is engaged. An assessment of the scheme against paragraph 11(d)(i) does not suggest that there is a clear reason for refusal of the application when considering the matters referred to in footnote 7. The application therefore falls to be considered against Paragraph 11(d)(ii): granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

181. The adverse impacts of granting approval for the proposed development are summarised as follows:

- Irreversible harm to the significance of a non-designated heritage asset caused by its total loss;
- Lack of affordable housing provision and unjustified viability position;
- Adverse impact on residential amenity with regards harm to outlook from the overbearing and intrusive nature of the building and harm to privacy from undue overlooking.
- Overdevelopment of the site and poorly designed and incoherent development which would be out of character with the application site surrounding area and visually intrusive in the street scene due to its layout, scale, massing, height, design and external appearance;
- Removal of established trees and landscaping to form new vehicular access as well as inappropriate boundary treatment which is harmful to the character of the streetscene;
- A poor and inadequate level of private amenity space for future residents with consequential impacts on wellbeing;
- Inadequate space within the site to provide an appropriate level of soft landscaping; and
- Failure to demonstrate no adverse impact on a protected species (Bats)

182. The main benefits that would be delivered by the proposed development are considered to be as follows:

- The provision of 25no residential dwellings on a brownfield site within the urban area, contributing towards the Council's housing supply;
- Provision of accommodation aimed at elderly occupants;
- Some economic benefits associated with job creation and increased expenditure.

### Conclusion:

183. The adverse impacts are expansive and are afforded substantial weight in the planning balance. To expand on some of these harms, the total loss of a non-designated heritage asset weighs considerably against the proposal, particularly as the building is currently used for residential purposes. In addition, the clear emphasis in national planning policy on the importance of good design means the lack of a development which reflects local context and is of a high design quality is also afforded substantial weight. Similarly, the need for affordable housing in Trafford and nationally is such that an unjustified under provision weighs strongly against the application.
184. Substantial positive weight is given to the contribution the scheme will make to the Council's five year housing land supply and limited weight is afforded to the other benefits identified above. The applicant has sought to identify additional benefits within the submitted Planning Statement, however these are not deemed to be scheme-specific, many being policy requirements which would need to be delivered as part of any scheme for the redevelopment of the site. The adverse impacts listed above and substantiated throughout this report are substantial and numerous, and having carried out the weighted balancing exercise under Paragraph 11(d)(ii) of the NPPF, it is considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of doing so. There are therefore no material considerations to indicate that the application should be determined other than in accordance with the development plan. As such, it is recommended that the application is refused for the reasons set out below.

**RECOMMENDATION: REFUSE for the following reasons:-**

1. The proposed development would lead to the total loss of a non-designated heritage asset and its setting (35 Oakfield) which would have an adverse and irreversible impact on its significance and as such its demolition would result in unacceptable harm to the character and appearance to the surrounding area. On balance, the benefits of the scheme would not outweigh the severe harm that would be caused to this non-designated heritage asset, contrary to Policy R1 of the Trafford Core Strategy and paragraph 203 of the National Planning Policy Framework. The application also fails to avoid or minimise the conflict between the asset's conservation and the proposal, contrary to paragraph 195 of the National Planning Policy Framework.
2. The proposal, by reason of its incoherent appearance, form, siting, height and layout, would introduce an uncharacteristic and visually inappropriate development which would cause significant and permanent harm to the character of the area and to the street scene. It is wholly inconsistent with the policy objective of delivering well-designed places and fails to respond to the local context and historic character of the site and surrounding area. It is thus considered contrary to Policy L7 of the Trafford Core Strategy, SPG1: New Residential Development, the National Planning Policy Framework, and the National Design Guide.

3. The proposed new vehicular access, car-parking area and the boundary fence to be sited on the north-east boundary of the site will result in the removal of established trees and soft landscaping which significantly contribute to visual amenity and the character of the site in lieu of hardsurfacing and inappropriate boundary treatment. In addition, due to the extent of the proposed development there are limited areas throughout the site for replacement tree planting and soft landscaping. As such the proposed works would be seriously detrimental to the visual amenity of the streetscene and the character of the area contrary to Policy L7 and R3 of the Trafford Core Strategy, the NPPF, and the National Design Guide.
4. The proposed development fails to provide appropriate quantity and quality of external amenity space, to the detriment of the living conditions and the health and wellbeing of future residents, resulting in a poor quality of residential accommodation. As such the proposal is contrary to Policy L7 of the Trafford Core Strategy, the NPPF and the National Design Guide.
5. The proposed building by reason of its scale height and massing in close proximity to the common boundary with the adjoining property 41 Ashlands would give rise to undue overlooking from balconies and would have a visually intrusive and unduly overbearing impact to the detriment of the residential amenity that the adjoining occupants could reasonably expect to enjoy. As such the proposal is contrary to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Guidance PG1: New Residential Development and the NPPF.
6. The proposal would fail to provide the required affordable housing, and the submitted financial viability appraisal has not adequately demonstrated that the affordable housing contributions sought would make the scheme undeliverable on viability grounds. The development would not, therefore, contribute to affordable housing needs and would not support the creation of mixed and balanced communities. The proposal would therefore be significantly contrary to policies L2 and L8 of the Trafford Core Strategy (2012), the National Planning Policy Framework (2021), National Planning Practice Guidance and SPD1: Planning Obligations (2014).
7. The applicant has failed to demonstrate that the proposed development can take place without any harm to the status of a protected species, namely Bats, having regard to the advice contained within Circular 06/2005 (Biodiversity and Geological Conservation). Bats are protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. In the absence of information to the contrary, the proposed development would conflict with the provisions of Policy R2 of the Trafford Core Strategy and advice contained within the NPPF and Circular 06/2005.