



Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

Name and Address of Applicant	Name and Address of Agent
McCarthy & Stone Retirement Lifestyles Limited Unit 3 Edward Court Altrincham Business Park Broadheath Cheshire WA14 5GL	Mr Chris Butt The Planning Bureau Ltd Unit 3 Edward Court Altrincham Business Park Broadheath Altrincham WA14 5GL

Part I – Particulars of Application

Application Number: 109745/FUL/22

35 Oakfield, Sale,

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.

Part II – Particulars of Decision

That Trafford Borough Council hereby gives notice in pursuance of the Town and Country Planning Act 1990 that **PERMISSION HAS BEEN REFUSED** for the carrying out of the development referred to in Part 1 hereof for the following reason(s):-

Refusal Reason(s):

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 application site and to the wider 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

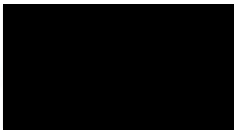
Trafford Core Strategy (2012), the National Planning Policy Framework (2021), National Planning Practice Guidance and SPD1: Planning Obligations (2014).

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.

INFORMATIVES:

1 The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.

Date of decision: 5th May 2023



Head of Planning and Development
Rebecca Coley

Please read notes provided

Town and Country Planning Act 1990

The Town and Country Planning (Development Management Procedure) England (Order) 2015

1. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. However, if this is a decision to refuse planning permission and an enforcement notice has been served for the same or very similar development the time limit is:

- Within 28 days from the date of the local planning authority's decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- Within 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the normal appeal period).

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. Please refer to <http://www.legislation.gov.uk> if you require clarification as to what falls into this category.

Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision>

If you are unable to access the online appeal system, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local Planning Authority based their decision on a direction given by him.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

2. Purchase Notices

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subjects to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of the London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

3. In certain circumstances a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Notes continued overleaf

4. Notice is given in accordance with Section 63. Greater Manchester Act 1981 that consideration will be given to means of access for the Fire Brigade when plans are deposited for Building Regulations approval.

5. Town and Country Planning Act 1990

Disabled Persons Act 1981

If this permission relates to the provision of buildings or premises to which the public are to be admitted, with or without payment, or in which the public are employed: e.g. office, shop, factory, railway premises etc. or of an educational nature: e.g. university, hall of university, college, school, teacher training college etc. the applicants attention is drawn to the provisions and requirements of the above Acts.

A full list of buildings and premises involved will be found in Section 76 of the Act of 1990 and 83 of the Act of 1981.

It is the responsibility of the applicant to comply with the requirements of the Acts.

- (a) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990 namely Sections 70 and 72(1) of the Act.