

SECTION 78 APPEAL BY

McCARTHY & STONE RETIREMENT LIFESTYLES LIMITED

STATEMENT OF COMMON GROUND

SITE AT:

35 OAKFIELD,

SALE,

CHESHIRE,

M33 6NB

THE PLANNING BUREAU LTD

TOWN & COUNTRY PLANNING ACT 1990

STATEMENT OF COMMON GROUND

APPEAL BY McCARTHY & STONE RETIREMENT LIFESTYLES LIMITED AGAINST THE REFUSAL BY TRAFFORD COUNCIL FOR THE ERECTION OF RETIREMENT LIVING ACCOMMODATION (CATEGORY II TYPE) WITH ASSOCIATED COMMUNAL FACILITIES, LANDSCAPING AND CAR PARKING FOLLOWING THE DEMOLITION OF THE EXISTING BUILDINGS.

SITE AT:

35 OAKFIELD,

SALE,

CHESHIRE,

M33 6NB

LOCAL PLANNING AUTHORITY REFERENCE: 109745/FUL/22

PLANNING INSPECTORATE REFERENCE: TBC

1.0 INTRODUCTION

- 1.1 The Statement of Common Ground has been prepared by the Appellant but is submitted jointly by the Council and the Appellant. The purpose of this Statement is to set out as much of the agreed factual information about the proposal as is possible.
- 1.2 Where there remains a difference of opinion between the parties; the Council's comments are set out in **bold underlined type**, whereas the Appellant's comments are set out in **bold type**.
- 1.3 The Inspector's attention is also drawn to the documents that were submitted by the Appellant within the Appeal submission and the Council's along with the questionnaire.

2.0 AREAS OF COMMON GROUND

DESCRIPTION OF DEVELOPMENT

- 2.1 The planning application subject of this Appeal Inquiry comprises the erection of a part 2.5, part 3, part 3.5 and part 4 storey building which has been designed for the purposes of retirement living housing accommodation. The proposal would provide a total of 25 age exclusive residential units (Retirement Living units), with a communal lounge, communal gardens, CCTV controlled secure entry system, a guest suite, a House Manager and office facility, landscaping and car parking area with 16 spaces. The proposal would provide 14 x one-bed and 11 x two-bed apartments.

DESCRIPTION OF THE SITE AND SURROUNDINGS

- 2.2 The site is L shaped in form and covers 0.56 Acres /0.23 Hectares in area, it has a wide frontage to Oakfield thinning in width to the rear of the site. The Oakfield site frontage has a mature tree line, hedges and vegetation with a brick boundary wall and railings which is typical of the street and context. Some low-quality trees and vegetation can be found to the central area of the rear gardens.
- 2.3 The site currently contains a large 3 storey Victorian dwelling (now converted into flats) with several outbuildings, garages, and pavilions within the site itself. The main building is primarily rendered with some vertical tiled elements all sat below an overhanging tiled pitched roof. The building has clearly been extended to the rear over the years with a number of varied and less successful additions detracting from the overall character of the building.
- 2.4 Boundary structures vary between brick walls, block walls and fencing with boundary trees and vegetation throughout, the site has 2 vehicular access points onto Oakfield.
- 2.5 Directly to the north of the site is Michael Court, an existing McCarthy Stone Retirement Living development with its car park directly adjacent to the proposed site. The building varies in height between 4 storeys, 3 and 2.5 with the basic form and massing creating a large building mass to the Oakfield frontage with a single storey link to a 3 /2.5 building mass to the rear.
- 2.6 Directly to the south of the site is Forest Park Prep School, in line with the local character this is a large 3 storey Victorian brick building fronting Oakfield. This building has also had numerous extensions over time with pitched roof and flat roof additions to the rear of the site. A playground area can be found to the rear of the site.
- 2.7 To the rear of the appeal site are primarily 2 storey residential properties accessed from Ashlands. The 2 closest properties are detached and the more recent properties are semi-detached dwellings from circa 1940's. Opposite the site frontage to the East

at right angles to the frontage are a row of 2 storey brick semi-detached dwellings circa 1990's.

THE APPLICATION SUBJECT OF THIS APPEAL

2.8 The application subject of this appeal was submitted on the 25th November, 2022 and was validated by the Council on 6th February, 2023. The proposed development was duly assessed by the Case Officer and relevant technical officers. The application was not EIA development and it is agreed that sufficient information was provided to enable the proposals to be properly assessed by the Council.

2.9 The application was refused under the officer's delegated powers on 5th May, 2023. The Council issued a Refusal of Planning Permission in a notice of the same date. The decision was subject to seven reasons for refusal. The reasons for refusal state:

- '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'.*

RELEVANT SITE HISTORY

- 2.10 It is agreed that the site has not been subject to any applications that are relevant to the determination of the current proposal. In the interests of completeness, the site has been the subject of the following planning applications:

H00212 — Change of Use From Residential to Hotel & Erection of 3-Storey Hotel Extension Linked To Existing Building At Ground Floor Level (Total Of 20 Bed Spaces, Applicant's Living Accommodation).

Approved 8th August, 1974.

H10811 — Erection of 2-Storey Extension to Form 5 No. Service Suites, 2 No. Guest Bedrooms and Lounge

Refused 14th February, 1980.

H11922 — Erection of Extension to Form 2-Storey Apartment Suites (6 Units), Ground Floor Lounge and Covered Way

Approved 10th April, 1980.

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 19th March, 2004.

RELEVANT POLICY GUIDANCE

National Planning Policy and Guidance

2.11 It is agreed that the following are the relevant policy/guidance considerations in respect of this appeal: The National Planning Policy Framework (NPPF) was published on the 20th July, 2021. This document sets out the Government's objectives for the planning system.

2.12 The following paragraph/chapters from the NPPF are relevant to the Appeal scheme:

Paragraph 11 presumption in favour of sustainable development

2. Achieving sustainable development
4. Decision taking
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment.

National Planning Practice Guidance (NPPG) (DCLG, as updated).

2.13 The following paragraphs/chapters from the NPPG are relevant to the Appeal scheme:

Housing for older and disabled people:

Paragraph: 001 Reference ID: 63-001-20190626

Paragraph: 010 Reference ID: 63-010-20190626

Paragraph: 012 Reference ID: 63-012-20190626

Paragraph: 015 Reference ID: 63-015-20190626

Paragraph: 016 Reference ID: 63-016-20190626

Viability

2.14 The following national guidance documents:

- National Design Guide

LOCAL PLANNING POLICY AND GUIDANCE

2.15 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan comprises the Trafford Local Plan: Core Strategy adopted January 2012 and the saved policies of the Revised Trafford Unitary Development Plan 2006. The site is not designated by any specific policies or allocations within the existing planning policy framework. Most of the UDP's policies are no longer operational and have been superseded by, amongst others, the Core Strategy

Trafford Local Plan: Core Strategy

2.16 The following policies are agreed as relevant to the Appeal, though only those cited in the reason for refusal are alleged to be breached:

- 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

2.17 The following local 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)

THIRD PARTY REPRESENTATIONS

2.18 A total of 6 representations (from 5 addresses) from 3rd parties were received by the Council setting out objections in response to the planning application. One letter was received from a resident referencing 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. Comments of objection were also received from the Sale Civic Society.

ISSUES TO BE ADDRESSED

2.19 The following issues need to be addressed as between the Council and the Appellant:

- Whether or not the benefits of the proposed development outweigh any alleged harm resulting from the loss of the existing building that is alleged to be a non-designated heritage asset.

- Whether or not the proposed development would have an adverse impact upon the streetscene and character of the area.
- Whether or not the proposed development would provide adequate living conditions for future occupiers.
- Whether or not the proposed development would have any adverse impact upon the amenities enjoyed by the occupiers of 41 Ashlands.
- Whether or not the proposed development can provide any financial contribution towards the provision of off-site affordable housing and remain viable.
- Whether or not the proposed development would have any adverse impact upon protected species.
- Whether there is any policy conflict as a result of:
 - The social benefits of the proposal;
 - The economic benefits of the proposal;
 - The environmental benefits of the proposal.
- Whether on balance the proposal comprises sustainable development i.e. do the (agreed) social and economic benefits outweigh any (disputed) harm which the LPA can demonstrate (Applying s.38(6) P&CPA 2004).

AGREED DRAWING NUMBERS

2.20 The following drawings were those considered by the Council when it considered the application:

Drawing Reference	Drawing Name
NO-2860-3-AC-1001	Site Location Plan
NO-2860-3-AC-1002 Rev A	Site Plan
NO-2860-3-AC-1003	Site Plan with Roof
NO-2860-3-AC-1004	Floor Plans
NO-2860-3-AC-1005 Rev A	Elevations 1 of 2
NO-2860-3-AC-1006 Rev A	Elevations 2 of 2

NO-2860-3-AC-1007	Site Boundary Treatment
NO-2860--3-AC-1010	Shadow Study 01
NO-2860--3-AC-1011	Shadow Study 02
4268 101	Landscape Layout
4268 201	Planting Design
2000-KC-XX-YTREE-TCP01 RevA	Tree Constraints Plan
2000-KC-XX-YTREE-TPP01 Rev0	Tree Protection Plan
McC&S-OR-S-DEV-100-004 Rev C	Proposed Drainage Layout
NO-2860-3-AC-1002 Rev A	Site Plan
NO-2860-3-AC-1005 Rev A	Elevations 1 of 2
NO-2860-3-AC-1006 Rev A	Elevations 2 of 2
NE-2860-3-AC-400	Typical Sections
NO-2860-3-AC-0201	Existing Building, Basement Floor
NO-2860-3-AC-0202	Existing Building, Ground Floor
NO-2860-3-AC-0203	Existing Building, First Floor Plan
NO-2860-3-AC-0204	Existing Building, Second Floor Plan
NO-2860-3-AC-200	Existing Buildings - Site Images
270522JC-01	35 Oakfield, Sale - Site Survey
4400 Rev P2	Drainage Strategy General Arrangement
4000 Rev P1	Areas Plan General Arrangement
SK001 Rev P1	Existing Flow Routes

2.21 In addition, the following documents were also submitted in support of the application:

Document Name	Author	Date Submitted
Planning Statement	The Planning Bureau Ltd	25 th November, 2022

Design and Access Statement	Box Architects	25 th November, 2022
Method Statement for the Construction of the Proposed Site on Land at 35 Oakfield, Sale, Manchester, M33 6NB	McCarthy Stone	25 th November, 2022
Assessment of demand for a Retirement Living scheme of c25 units at 35 Oakfield Sale, Manchester, M33 6NB	Three Dragons	25 th November, 2022
Transport Statement	Transport Planning (York) Ltd	25 th November, 2022
Tree Survey and Impact Assessment	Keen Consultants	25 th November, 2022
Tree Survey (updated)	Keen Consultants	29 th March, 2023
Preliminary Ecological Appraisal and Preliminary Roost Assessment Report	RSK Biocensus	25 th November, 2022
Energy Statement	Focus Consultants	25 th November, 2022
Financial Viability Assessment	Alder King	23 rd December, 2022
Phase 1 Geo-Environmental Site Assessment	e3P	25 th November, 2022
Phase II Site Investigation Report for a Proposed New Care Home at 35 Oakfield Road, Sale M33 6NB	Clancy Consulting Limited	23 rd March, 2023

Statement of Community Involvement	BECCG	25 th November, 2022
Model Conditions Report	The Planning Bureau Ltd	25 th November, 2022
Accommodation Schedule	The Planning Bureau Ltd	23 rd December, 2022
Crime Impact Statement	Greater Manchester Police	23 rd December, 2022
Statement of Heritage Significance	Beardmore Urban	2 nd March, 2023
<i>"Sustainable Living"</i> - How the 'downsizing dividend' can deliver a greener housing future	WPI Strategy	25 th November, 2022
<i>"Healthier and Happier"</i> - An analysis of the fiscal and wellbeing benefits of building more homes for later living	WPI Strategy	25 th November, 2022
<i>"Chain Reaction"</i> - The positive impact of specialist retirement housing on the generational divide and first time buyers	WPI Strategy	25 th November, 2022
<i>"Silver Saviours for the High Street"</i> - How new Retirement properties create more local economic value and more local jobs than any other type of residential housing	WPI Strategy	25 th November, 2022
Existing Run Off Rates (The Wallingford Procedure) 1 in 1 Year	Clancy Consulting	30 th January, 2023
Existing Run Off Rates (The Wallingford Procedure) 1 in 30 Year	Clancy Consulting	30 th January, 2023

Existing Run Off Rates (The Wallingford Procedure) 1 in 100 Year	Clancy Consulting	30 th January, 2023
Greenfield Runoff Rate Estimation for Sites	HR Wallingford	30 th January, 2023
Plane Infiltration System Design	Clancy Consulting	30 th January, 2023
Soakaway Maintenance Regime and Permeable Paving Maintenance Regime	Clancy Consulting	23 rd March, 2023
Surface Water Model Flow Calculations	Causeway/Clancy Consulting Ltd	30 th January, 2023
North West SuDS Pro-Forma	Completed by Clancy Consulting	6 th February, 2023

CONDITIONS

2.22 The following conditions are proposed in the event that the appeal is allowed:

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

Other conditions to be supplied by the LPA.

AGREED MATTERS

2.23 The following matters are agreed between the parties:-

1. It is agreed that the Appeal Site lies within an accessible and sustainable location given its proximity to shops, services and public transport opportunities. It is agreed that the proposals are locationally appropriate for the use proposed. Save for the reasons for refusal there are no other planning and land use objection alleged which warrants the withholding of planning permission.
2. In accordance with the NPPF, the proposed development will:
 - Provide economic benefits, including direct employment and support for the local economy in so far as an increased footfall and local expenditure is concerned
 - Provide social benefits through the provision of specialist accommodation for older people, giving older people housing choice to help maintain their independence, remain within an inclusive community,
 - Provide environmental benefits through making effective and efficient use of a valuable previously developed land resource, assisting with the delivery of housing.
3. The Council cannot demonstrate a five year land supply of deliverable housing sites. The Council can only demonstrate x.x years supply of housing. ?? HDT ???
4. It is agreed that the Council's relevant policies for dealing with the supply of housing are out-of-date.
5. There are no known technical constraints that could not be acceptably overcome by condition and/or s.106 planning obligations.
6. The proposal would provide a housing development on Previously Developed Land (PDL), also known as brownfield land
7. There is no dispute as to the existing and growing need for specialised housing for the elderly as noted in the PPG. It is agreed that there is an existing and growing need for the provision of specialised housing for the elderly in Trafford generally and Sale in particular and that the proposal would contribute to addressing this need.

8. National Planning Practice Guidance has identified that the need to provide housing for older people is 'critical' given that the projected increase in the number of households aged 65 and over accounts for over half of all new households, and the benefits that accrue from "downsizing" in the local housing market. Significant weight should be attached to the need to provide specialist accommodation for older people in the overall planning balance.
9. The occupancy of the proposed development can be appropriately controlled by means of a planning condition, to ensure its continued use as retirement housing for the elderly.
10. It is agreed that the demolition of the existing buildings and the principle of the site's redevelopment for accommodation for older people is acceptable. Will they challenge this on the basis that a non-designated heritage asset should be retained?
11. It is agreed that the existing buildings have no formal designation as heritage assets.
12. It is agreed that the proposed development will not cause any harm to any designated heritage assets.
13. There are no adverse highway issues arising from the proposal. The point of access is agreed and the level of traffic likely to be generated from the proposal is not considered to be significant. The proposed access and parking arrangements are acceptable.
14. The site lies within Flood Zone 1 and there will be no adverse impacts in terms of drainage arising from the development.
15. Save for the alleged impact upon 41 Ashlands as referred to in the decision notice, it is agreed that the proposed development will not adversely harm the amenities enjoyed by the occupiers of neighbouring properties.
16. The principle of the proposed materials is agreed subject to a suitable condition.
17. It is agreed that the development will not have any adverse impact upon retained

trees.

18. The site is generally of low ecological value and there will be no harm to ecological interests arising from the development.
19. The development of the site is capable of generating at least 10% BNG. This issue can be dealt with by means of an appropriately worded condition.

Signed.....

Chris Butt on behalf of McCarthy and Stone Retirement Lifestyles Ltd

Date.....

Signed.....

Cormac McGowan on behalf of Trafford Council

Date.....