



TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: McCarthy and Stone Retirement Lifestyles Ltd

SITE: 35 Oakfield M33 6NB

LPA REFERENCE: 109745/FUL/22

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

**SUMMARY PROOF OF EVIDENCE OF MR CORMAC MCGOWAN ON BEHALF OF THE
LOCAL PLANNING AUTHORITY REGARDING PLANNING MATTERS**

SUMMARY

1.0 Introduction & Policy Overview

1.1 This appeal arises against the refusal of planning permission by the Local Planning Authority (LPA) Trafford Council under reference: 109745/FUL/22 which proposes: *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.*

1.2 The application was refused for seven reasons, the reason for refusal (RFR) as follows:-

- RFR 1 – Loss of Non-Designated Heritage Asset (NDHA) and its setting;
- RFR 2 – Design;
- RFR 3 – Streetscene and character of the area;
- RFR 4 – Quantity and quality of external amenity space;
- RFR 5 – Impact upon Residential Amenity (41 Ashlands);
- RFR 6 – Viability Matters; and
- RFR 7 – Status of Protected Species (Bats)

1.3 The Council's case is covered in five proofs of evidence. My evidence deals with general planning matters. This includes the relevant decision-taking and planning policy framework that should be applied, it also addresses the Council's case in relation to two of the seven reasons for refusal with regards to lack of appropriate quantity and quality of external amenity space (RFR.4) and adverse impact on residential amenity of occupants at 41 Ashlands (RFR.5). The evidence of Murray Lloyd will address matters in relation to viability and affordable housing provision (RFR 6). The evidence of Elisabeth Lewis will address matters in relation to heritage (RFR.1). The evidence of Sarah Lowes will address matters in relation to design and streetscene (RFR 2 & 3). The evidence of Caroline Wright will address matters in relation to the Council's Housing Land Supply (HLS) position.

- 1.4 With regards RFR.7 in relation to the status of bats. On the basis of the new updated bat survey findings and the acceptance of the report findings by Greater Manchester Ecology Unit (GMEU), the Council are now satisfied that this reason for refusal does not require defending at appeal and is a matter of common ground between the Council and the Appellant.
- 1.5 My evidence (along with my colleagues evidence) serves to bring together the principle areas of dispute and arguments and I shall draw overall conclusions, carrying out the overall planning balance.
- 1.6 My evidence references the Trafford Core Strategy which is the primary development plan document used to guide development over the plan period to 2026 (including relevant Supplementary Planning Documents and Guidance). The Composite Policies Map shows sites that have been allocated for specific uses. Where appropriate reference is made to the Revised Unitary Development Plan (UDP) which has mostly been superseded by the Core Strategy. Relevant sections of the NPPF, NPPG and the National Design Guide will be referenced where appropriate. Of relevance is the emerging development plan Places for Everyone which is currently out for consultation on the main modifications, adoption of the plan anticipated in 2024.

My Evidence

Quantity and Quality of External Amenity Space for Future Residents (RFR 4)

- 1.7 In relation to reason for refusal 4 (RFR 4) my evidence will demonstrate that the excessive footprint and design layout of the building has restricted and dictated the amount and location of external space around the building that would provide sufficient good quality space for residents to enjoy. The areas within the site that have been shown to be used for communal use, particularly to the north and west side of the site are extremely restricted in terms of functioning as amenity space and are dominated by the extent and scale of the building. The area of external space to the south side is located adjacent to

areas which are subject to noisy activity, impacting on residents enjoyment of the limited area of external space.

- 1.8 It is my view that the proposed development would fail to adequately provide a good standard of private amenity space for future residents, to the detriment of their health and wellbeing contrary to advice within Core Strategy Policy L7, the NPPF, National Design Guide and Trafford PG1:New Residential Development.

Impact on Residential Amenity (RFR 5)

- 1.9 The fifth reason for refusal relates specifically to the impact of the development proposals with regards the occupants of 41 Ashlands located beyond the rear boundary of the site (south-west side).
- 1.10 I consider that the resulting building would have a detrimental impact on the amenity of the occupiers at 41 Ashlands with regards the overbearing and intrusive nature of the new building due to its greater height and close proximity to the residents garden boundary.
- 1.11 The building also has a number of projecting balconies on its side elevations, whilst a privacy screen could be conditioned to the side of these, occupiers can easily lean forward and view around such screens.
- 1.12 The appeal proposal details that the balcony to apartment 16 will retain approximately 6.5m to the shared garden boundary of 41 Ashlands. Advice within PG1 New Residential Development states that a distance of at least 13.5m be retained to private rear garden boundaries from windows of flats of 3 storeys or more.
- 1.13 During the determination of the planning application the occupants of 41 Ashlands objected to the proposed development including reference to the overbearing impact of the building and overlooking from balconies.

1.14 My evidence will demonstrate that the appeal proposals would result in an adverse impact upon residential amenity of the adjacent occupants at 41 Ashlands in relation to undue overlooking and the intrusive and overbearing nature of the proposed building in close proximity to the neighbours boundary.

Planning Balance and Conclusion

1.15 In weighing up the relevant factors arising from the appeal proposal and concluding upon the Council's case, I am required to have regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004 which confirms the priority of the development plan. Other material considerations which I shall take into account include the NPPF and the substantial weight now apportioned to the emerging PfE Development Plan.

1.16 I accept that the Council cannot demonstrate a five year housing land supply. NPPF paragraph 11d(ii) applies and the tilted balance is engaged.

1.17 I acknowledge that appropriate weight should be afforded to the benefits of the appeal proposals. These include contributing to the Councils housing land supply; providing accommodation aimed at older persons; release of local housing stock from people moving to the proposed development; wider social and economic benefits and a financial contribution towards off-site affordable housing provision.

1.18 My evidence details the adverse impact of granting planning permission, include total loss of a Non-Designated Heritage Asset; failure to provide a policy compliant level of affordable housing on-site; adverse impact upon residential amenity; poor design response; adverse impact upon streetscene in regards to loss of trees/soft landscaping and inappropriate boundary treatment; inadequate quality and quantum of external; amenity space and insufficient space within the site for appropriate mitigation for the loss of trees. I attach appropriate level of harm with regards these matters.

1.19 The evidence that I provide will demonstrate that the identified harm significantly and demonstrably outweighs the identified benefits, this harm

conflicting with sustainable development principles which underpin the NPPF and development plan.

1.20 On this basis it is considered that the appeal should be dismissed