



**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 SARAH LOWES ON  
BEHALF OF THE LOCAL PLANNING AUTHORITY**

## INTRODUCTION AND POLICY OVERVIEW

- 1.1 This proof of evidence relates to the appeal by McCarthy and Stone Retirement Lifestyles Ltd against the refusal of planning permission by the Local Planning Authority (Trafford Council) of application ref. 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 car parking.*
- 1.2 This proof of evidence relates to reasons for refusal 2 (design) & 3 (Landscaping and Trees).
- 1.3 In accordance with section 38 (6) of the Planning and Compulsory Purchase Act the appeal should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 1.4 Relevant core strategy policies for this proof of evidence are Policies L7 and R3.
- 1.5 Other materials consideration include the NPPF, and the guidance contained within the NPPG, NDG and NMDC. The Trafford Design Code (Consultation Draft) is considered to have moderate weight in the determination of the application.
- 1.6 There is a renewed emphasis on the design quality of developments within National Planning Policy, with numerous pieces of national design guidance issued since the NPPF was updated in 2019 and subsequently updated in 2021, and this is detailed within section 4 of my proof. The TDC is Trafford's response to the new national design agenda and will serve to raise design standards across the borough. Following the Levelling up and Regeneration Act, receiving Royal Assent on 27 October 2023, which will requires all Local Planning Authorities to produce a design code, Trafford is at the forefront of this.

## CONSIDERATION OF SITE CONTEXT AND DETAILED DESIGN ANALYSIS

- 2.1 Within section 5 of the proof I consider the context of the application site and wider area setting out that the character and context of the site and its surrounds is that of large buildings set within spacious well landscaped plots. This is common ground with the appellant. Buildings are generally 2/3 storey, set well into the site and screened by extensive mature planting and trees forming substantial boundary treatments along the street frontage. The experience of Oakfield is one of leafy verdant suburbs, offering glanced views of the buildings through the boundary treatments.
- 2.2 The site is characterised by an existing Victorian Villa set within spacious grounds. Extensive mature planting and trees are located within the site and form the boundary treatments along the street frontage, creating an open verdant setting. I consider that the appeal scheme fails to respond to this character and results in harm to the visual amenity of site and wider street scene. The scheme, does not constitute a well-designed development which has been positively shaped by a commitment to 'context'. It is too big, in terms of footprint, height and scale, with an incoherent appearance and would appear out of keeping and over dominant within the street scene (RFR2). Consequently, the lack of space around the building, results in limited opportunities to provide soft landscaping and maintain the spacious nature of the site, failing to protect and enhance existing green infrastructure. The works to the access point and boundary treatment, including the loss of trees are considered to exacerbate this impact of this development (RFR3).
- 2.3 It has been demonstrated that the development in terms of siting, scale, height, massing and appearance is an overdevelopment of the site resulting in an overly dominant and incongruous building, harmful to visual amenity and is out of keeping with the character of the local area failing to respond appropriately to the context of the site.
- 2.4 The landscaping and space left around the proposed building are considered to be limited and of poor quality. The loss of trees would have a detrimental impact on the character and appearance of the site and street scene. The creation of a new centralised access point, the loss of T31 (which has a high level of amenity value within

the street scene) and other trees and the impact on historic boundary treatment is considered to be harmful, failing to respond to the character and appearance of the site and wider context, impacting on the existing green infrastructure within the site and wider network

- 2.5 The overriding design philosophy of this development remains a typical design solution adopted by the appellant on many development sites across the country. There has been little indication of preparedness to depart from the standard model in order to create something distinctive for this location which responds appropriately to the character and context of the application site.
- 2.6 It is my view that the proposal is poorly designed and is a generic response to development by the appellant. The development is not context led, or developed following a detailed character analysis of the site, and is a simple exercise in maximising development on the site. The development is just too big and is not an appropriate response to the site or its wider character and context, contrary to Core Strategy Policies L7 and R3, and emerging PfE policies and the NPPF, NDG and the TDC.

### **3.0 CONCLUSION**

- 3.1** There is clear conflict with Policies L7 & R3 of the Core Strategy on numerous grounds.
- 3.2** Paragraph 134 of the NPPF says 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. I have demonstrated throughout that the development fails to follow the good practice principles set out the NDG, and that it would fail to accord with the emerging TDC.
- 3.3** The appeal scheme does not appear to have been developed around the constraints of the site or its character and context. This is a generic design response in order to maximise the sites development opportunities, with little or no thought in regards to the overall design concept or 'story'. The appeal scheme would replace a historic Victorian Villa in a location where this typifies its character and appearance. No evidence has been provided how this historic context has influenced the design response within this scheme. The development to too big, appears incongruous and incoherent and would be over dominant within the site and wider streetscene. The development would not protect and enhance existing green infrastructure resulting in the loss of numerous mature trees and established planting, which are key to the character of this area and the appeal site. The proposal does not include sufficient mitigation to compensate for this loss nor is enough space proposed around the building to provide an appropriate amenity spaces and soft landscaping scheme.
- 3.4** I consider there is clear conflict with local development plan policies (including the emerging Places for Everyone Plan), and national guidance in the form of the NPPF, NPPG, NDG and the NMDC. I have also demonstrated that the development would fail to accord with the codes within the Consultation Draft of the TDC, which is the direction of travel for design quality within the borough. It is considered to have moderate weight in the determination of planning application following the latest round of consultation.