
Appeal Decision

Inquiry Held on 21 – 24 and 27 November 2023

Accompanied site visit made on 20 November 2023¹

by David M H Rose BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th December 2023

Appeal Reference: APP/Q4245/W/23/3325034 35 Oakfield, Sale, M33 6NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by McCarthy and Stone Retirement Lifestyles Limited against the decision of Trafford Council.
 - The application Reference 109745/FUL/22, dated 25 November 2022, was refused by notice dated 5 May 2023.
 - The development proposed is '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'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

The Inquiry

2. Prior to the opening of the Inquiry, the Council confirmed that it did not intend to defend reason for refusal 7 based on Greater Manchester Ecology Unit's endorsement of an updated bat survey and report.
3. Additionally, during the Inquiry the Council confirmed that it was not seeking on-site affordable housing in light of evidence heard and the submission of a signed Unilateral Undertaking providing an 'Affordable Housing Contribution' for off-site affordable housing to be provided in the borough of Trafford.

Main Issues

4. The main issues are the effect of the development on:
 - 1) The heritage value of 35 Oakfield and the effect of its demolition.
 - 2) The character and appearance of the area, including the scale and design of the proposed building and its effect on trees and landscaping.
 - 3) The living conditions of future occupants with regard to external amenity space.
 - 4) The living conditions of neighbouring occupants at 41 Ashlands with regard to privacy and visual dominance.
 - 5) The viability of providing affordable housing.

¹ I made a further unaccompanied visit to the locality on 24 November 2023

Reasons

Issue One:

The heritage value of 35 Oakfield and the effect of its demolition

5. The starting point is the extent to which there has been an appropriate identification of 35 Oakfield as a non-designated heritage asset.
6. In brief, the Council resolved, in August 2019, to prepare a local heritage list as a Supplementary Planning Document which would be subject to a sequence of publicity and consultation. Historic England's Advice Note 7 (Second Edition)² supports the introduction of local heritage lists, noting that *'the value of a local heritage list is reinforced when its preparation is informed by selection criteria'* and *'local heritage lists provide a consistent and accountable way of identifying local heritage assets'*
7. The Planning Practice Guidance on the Historic Environment confirms that *'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'*.
8. Out-with this process, *'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'*. I do not consider this to be a closed list.
9. In terms of the local heritage list, 35 Oakfield has been nominated by GMAAS³ for inclusion on Trafford's draft local heritage list, following agreement at the validation panel on 18 April 2023. It was included on the list on 6 May 2023 with the following justification:

'Whilst no date of construction for 35 Oakfield has been determined, it is shown on the Ordnance Survey 1st Edition 1:2500 map of 1877 and was seemingly amongst the first wave of residential villas to be erected in the area, marking the important transformation of the area from an agricultural landscape to a desirable residential suburb to Manchester. It is also one of the oldest surviving buildings on Oakfield, with most of the other villas shown on the 1877 map having been either replaced or subject to considerable remodelling with a resultant loss of significance. Whilst there have been various extensions and alterations to the building, the front elevation seems to be largely unchanged. This is asymmetrical using full-height bays on either side of the entrance porch, with the southern part having its second-floor windows the full width of the bay under a hipped roof; this part features a very large area of window openings for a building of this age. Both gables use red-brown fish scale vertical tile hanging'.
10. The Appellant contends that the inclusion on the draft heritage list, a day after the appeal application was refused, cannot amount to formal identification by the Council as a non-designated heritage asset. Further, the unilateral declaration by the officer delegated to determine the application, in identifying 35 Oakfield as a non-designated heritage asset, was to circumvent due process of proper consultation and scrutiny as provided for by the preparation of a Supplementary Planning Document.

² CD F07 Local Heritage Listing: Identifying and Conserving Local Heritage

³ Greater Manchester Archaeological Advisory Service

11. The Council relies on its scheme of delegation as officer authorisation. The specific heritage section is silent on the matter and recourse is made to the general provision *'to determine all planning applications except for those falling under the provisions in 1 (b) 'Applications to be determined by Committee''*. I note that the express delegated powers and functions are extensive and those matters to be determined by Committee are comparatively limited. Neither category includes unambiguously the designation of non-designated heritage assets.
12. The Council has not provided any evidence of a formal power delegated to officers, and argues that such action falls within the scope of determining planning applications, having regard to the anticipation in Planning Practice Guidance that assets might be identified through the decision-making process.
13. Whilst it is clearly preferable for non-designated heritage assets to be identified on a comprehensive and transparent basis, provision exists for *ad hoc* additions. In this case, it appears that the identification of 35 Oakfield was following the former, and it was the planning application that precipitated the latter. I do not see the two as mutually exclusive.
14. Whether or not the actions of the officer were lawful remain in dispute. Based on the evidence before me, I cannot reach a definitive conclusion. Without that, there is no foundation to move on to consider the second strand of this issue, namely the nature and extent of the heritage significance of the building.

Issue Two:

The character and appearance of the area, including the scale and design of the proposed building and its effect on trees and landscaping

15. The Design and Access Statement correctly records that the appeal site is primarily set within a residential context. Further, whilst acknowledging a varied mix of buildings *'..... the overwhelming character of Oakfield is one of substantial Victorian dwellings sat behind a treelined street with brick boundary walls prevailing'*.
16. It continues:

'The Victorian buildings are primarily red brick in construction with elements of render and tile hanging with feature bays, vertically diminishing window heights and proportions, stone detailing and pitched tiled roofs. Many of the Victorian buildings have been extended to the rear with primarily lower mass elements of varying styles and forms.

There are numerous infill developments some of which take reference from the above character summary including the adjacent Michael Court whilst others are of an architectural style typical of their time including 1960s' apartments to modern apartments and houses'.
17. Looking first at the Victorian villas, 35 Oakfield, now converted into flats, is three-storeys in height. The vertical proportions of its full height asymmetrical bays, either side of a compact porch and narrow upper floor link, together with the heavy framing of the windows, appears to give disproportionate height to an otherwise comparatively narrow façade when viewed from Oakfield.

18. The building sits in the midst of a wide and lengthy plot with a former stable set well back on its northern side and a single-storey link pavilion and a detached two-storey residential building to the south. Apart from single-width vehicular accesses at each end of the plot, the frontage is marked by a low brick wall with stone copings, backed by hedgerow and trees.
19. A second Victorian villa is located immediately to the south, now in use as a preparatory school. It is similarly three-storeys in height with a façade of pronounced twin gables either side of a narrow central recess and modest open porch. It sits within a spacious plot occupied by a number of single-storey accretions to the principal building. The school and the appeal building are seen in succession, rather than together, due to the bend in Oakfield and the presence of intervening side boundary trees.
20. The remaining Victorian villas, of individual design but with identifiable period characteristics, are dispersed along the street and form part of the wider context to the appeal site. Modern infill development takes various forms, as alluded to in the Design and Access Statement.
21. Michael Court, a McCarthy and Stone retirement development, dating from 2010, lies immediately to the north of 35 Oakfield and is highly relevant, contextually, to the appeal site. It replaced a poorly designed vacant and dilapidated building with the contemporaneous officer report opining that '*..... the design and external detail of the proposed development is acceptable and would complement that of the surrounding residential properties. The application is therefore considered to be acceptable in this respect in accordance with Proposal D1 of the Revised Trafford Unitary Development Plan*'.
22. Although the subsequent development is now much maligned by the Council, its street façade is well mannered and articulated. It has a primary central focus with lower wings each side. The principal element presents two gables to the road, with the southern one stepped slightly forward with added emphasis from its bold window proportions and expressed stone dressings. This gives the distinct impression of taking a cue from the equivalent bay of no. 35.
23. Turning to the appeal proposal, I acknowledge that McCarthy and Stone developments are designed on an individual basis and that there is no evidence of a 'pattern book' approach. Indeed, the Design and Access Statement amply illustrates a contrasting range of alluring projects.
24. Taking first the front elevation, it is, in my opinion, ill-proportioned in the sense that its single strand building line lacks rhythm, presence and focus. In particular, it is devoid of any interest and expression as evidenced in neighbouring buildings.
25. Although the façade is configured of stepped height, with the northern segment having a slightly lower eaves and ridge, I perceive this as no more than tokenism in that it does nothing to articulate the elevation as a whole or to reduce the effective mass of the building.
26. Whilst the dormers are used, according to the Design and Access Statement, to reduce the building mass in key areas and to reflect the adjacent Michael Court development, those to the front elevation neither achieve that purpose nor have any prompt from the front elevation of Michael Court.

27. Further, the false forward-facing 'gable' within the roof lacks corresponding plan form rationale and elevation articulation. It therefore appears as cosmetic adornment rather than integrally justified by design.
28. Similarly, the utilitarian structural steel 'bolt-on' balconies, standing abruptly in advance of the front elevation of the building, lack any form of finesse and are very different from *'the feature bays within the local context'*⁴. Moreover, the aim of providing *'additional depth to the elevations'* is to my mind an unmitigated contradiction as the balconies fail to present positive highlight to the expression of the front elevation.
29. Comparison with Michael Court is of little relevance as the balconies at the northern and southern ends of the frontage are on secondary set-back elevations; and those more centrally, which are enclosed and roofed, can be seen as having some support, consciously or unconsciously, from more traditional bays within the street.
30. In terms of external materials, there is no criticism of the principle of a combination of brickwork and render. Whereas Michael Court uses render as a subtle and minor contrast, and noting a significant presence of render on no. 35, the appeal scheme sweeps render across the entire third floor of the frontage and the return gables. Such banding, carried upward into the false flat gable breaking into the roof, would appear uncharacteristically dominant and fail to offer any form of definition by design.
31. Overall, in my opinion, the principal elevation of the proposed building falls woefully short of being *'..... designed as a contemporary interpretation of the local character*⁵. In this regard, its form, bulk and general composition lacks inspiration and fails to reflect the sense of place arising from surviving Victorian villas and the immediate influence of Michael Court.
32. Moving to the south and north elevations, the four-storey height of the building would be carried round in 'twin' gable formation, each different to the other, divided by a narrow recess. The arrangement on the south elevation, in particular, would be highly pronounced as the 'secondary' gable would project well beyond the line of the primary elevation. It would have further emphasis from the treatment of its integral, unmistakably self-assertive, top-floor balcony/terrace and added dominance arising from rendering of its three upper floors.
33. When considered in the round, it is my view that the resultant building⁶ would lack coherence, clarity, balance and order, and it would appear highly dominant and out of place in its setting, recalling that the Design and Access Statement affirms: *'..... the overwhelming character of Oakfield is one of substantial Victorian dwellings*'.⁷
34. Further, although the scheme is highly reliant on the adjacency of Michael Court, it would not, in my opinion, achieve the second key design principle⁷ set out in the Design and Access Statement and it would be a markedly inferior neighbour in terms of its overall composition.

⁴ CD A07 Design and Access Statement 5.4 Appearance

⁵ CD A07 Design and Access Statement 5.4 Appearance

⁶ I have had regard to the Council's detailed analysis, but I do not need to determine each and every element

⁷ *'To relate to the scale, massing and form of the adjacent forms'*

35. Turning now to scale and plot coverage, many of the traditional buildings in the locality have been subject to additions and free-standing structures within their respective curtilages. Nonetheless, these, and most later insertions, have recognisable rear 'gardens', in one form or another, adding space and separation from the properties in Ashlands.
36. In this regard, it is acknowledged that the 'undeveloped' backlands of Millbrooke Court and Rusland Court are laid out for car parking. Michael Court, in its plot extending to the dual frontage of Ashlands, retains separation from its boundaries, there is a landscaped aspect to Ashlands and the southern side of the building is given over to access and parking.
37. By contrast, the appeal building would extend deep into its garden plot with limited separation from its western, rear, boundary. It would, along with its proximity for notable lengths of the northern and southern boundaries of the site, appear cramped and over-dominant in its plot. Although it would have only 3% more plot coverage than the neighbouring retirement apartments, the proposal would be at odds with the prevailing character of the locality.
38. Looking next at trees and landscaping, several trees in the rear garden would need to be removed to accommodate the building footprint. These are of poor quality and their removal, other than the loss of garden character, would be of little consequence to the wider neighbourhood.
39. Along the frontage, a group of trees and hedgerow, including a significant sycamore⁸, would have to be taken out to accommodate the proposed new vehicular access.
40. The formation of the access would be compensated by the closure of the entrances at both ends of the plot with the opportunity for replacement hedge planting. Due to its position and width, and the loss of trees, the proposed access would inevitably be more prominent than those it would replace. However, whilst Oakfield as a whole has a verdant character, frontage trees are by no means continuous and, in this case, the highway safety advantages, taking account of the guidance in paragraph 131 of the Framework, would outweigh the harm arising.
41. In terms of landscaping, Policy JP-G7(12)⁹ of the emerging Places for Everyone Composite Plan requires '*..... replacement on the basis of two trees for each tree lost, or other measures that would also result in a net enhancement in the character and quality of the treescape*'. In this instance, there would be a net loss of seven trees. Whilst the Appellant considers the landscaping of the site to be adequate to meet the needs of future occupants, its overall nature would not fulfil the second limb of the emerging policy¹⁰.
42. In summary, the Appellant points to the absence of any policy or good practice evidence to support the Council's case in relation to dimensions and the relationship of buildings with each other and their boundaries. Indeed, despite the proximity of the appeal building to its northern boundary, spaces in the Oakfield streetscape¹¹ would not be materially diminished.

⁸ The locality is subject to an Area Tree Preservation Order

⁹ CD E01 Places for Everyone (PFE) Page 212

¹⁰ It is agreed that PFE may be given substantial weight due to its advanced stage of preparation

¹¹ CD G07 page 44 Figure 68

43. Nonetheless, assessed in the round, it is my judgement that the scheme, despite a preliminary analysis of context and constraints, has very severe shortcomings in terms of composition, articulation, detail and deployment of external materials. This is compounded by the way the building extends into the plot and those elements which lie especially close to the site boundaries.
44. Lack of meaningful landscaping, to enhance the wider area, is a further factor leading to the conclusion that the scheme represents poor design and over-development which would cause very serious harm to the character and appearance of the area.
45. On this basis, there would be conflict with Policy L7.1 of the Trafford Core Strategy, relating to design quality (bullets 1-3). Whilst the quality of design has always been a material consideration in planning decisions, the Framework exalts the need for good design in tandem with local design guides, the National Design Guide and the National Model Design Code. Paragraph 134 sets out that '*development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'*'.

Issue Three:

The living conditions of future occupants with regard to external amenity space

46. The key starting point is to recognise the nature of the scheme and the specific requirements of typical residents based on the Appellant's experience in providing recreational needs in over 1,300 projects that it has undertaken. The essential component is the residents' lounge and its relationship with secondary external space in the form of a communal patio and communal garden.
47. All three elements would benefit from southerly aspect with boundary trees providing the outdoor areas with sun, shade and dappled light. Established landscaping and new planting would enhance these spaces and the combination of low shrub planting, evergreen hedge and small trees would be sufficient, in my opinion, to offset the proximity of the adjacent car parking spaces.
48. Deferring to the Appellant's experience, I consider that there is nothing of substance to gainsay that the remaining outdoor spaces would not be attractive or would fail to meet the needs of the residents. The pathways around the development, albeit squeezed in places between the building and the plot boundaries, would provide a circular route with landscaped fringes on the western and north-western areas of the site. These residual spaces would provide passive space away from the main communal hub.
49. As to useable external amenity space, the scheme would afford 24 sq. m for each apartment with further provision of individual patios or balconies for all but one of the units. This would exceed the Council's 2004 adopted New Residential Development Planning Guidelines (PG1) which identifies 18 sq. m per flat¹², which can include balconies, as generally sufficient to meet functional requirements. I also note the comparative analysis with a random sample of other McCarthy and Stone developments and find nothing to suggest that provision here would be unusually low.

¹² There is no specific guideline for retirement living schemes

50. Finally, in terms of the relationship with the neighbouring school, I do not regard the noise of children at play to be a marked disadvantage and, for some, it could enliven daily living.
51. Overall, to conclude on this issue, I am satisfied that the scheme would provide sufficient external amenity space, both in terms of quantity and quality, to meet the anticipated needs of future residents.

Issue Four:

The living conditions of neighbouring occupants at 41 Ashlands with regard to privacy and visual dominance

52. Looking first at potential loss of privacy, the west elevation of the proposed building would be devoid of windows. However, first-floor apartment 09, with northerly aspect, and apartment 17 immediately above, would have projecting balconies from where residents could overlook the well-secluded front garden of 41 Ashlands. Similarly, the second-floor balcony of unit 21, on the south elevation, would offer high level outlook over the neighbour's private rear garden.
53. The Statement of Common Ground, signed by the Council and the Appellant, confirms that intrusive overlooking could be ameliorated by the provision of a screen panel to the relevant sides of the offending balconies. These could be secured by condition imposed on any grant of permission and I see no reason to disagree. The remaining balconies that might offer views towards no. 41 would be sufficiently far away to avoid any material loss of amenity.
54. Turning to concerns about visual dominance, the nearest parts of the proposed building would take the form of paired gable walls rising two-and-a-half floors to eaves and situated some 6.7 metres and 7.0 metres respectively from the curtilage of no. 41.
55. Although the initial plans were amended to provide this increased separation, I consider that, taking account of the proximity, height¹³ and width of the building, the proposal would appear unduly dominant and oppressive and overbearing from the adjacent rear garden. This would have an adverse impact on the living conditions of the neighbouring occupants at 41 Ashlands, contrary to Core Strategy Policy L7.3 (bullet 2).

Issue Five:

The viability of providing affordable housing

(a) Benchmark Land Value

56. The Planning Practice Guidance on Viability explains that '*viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return*'.
57. Existing use value, the value of the land in its existing use, is the first component of calculating benchmark land value. The Appellant's valuation of £1.5 million, is based on the existing property, and its occupied flats, being in '*reasonable condition*'¹⁴. The uninhabitable unit is attributed a nil value.

¹³ I accept the Appellant's assessment that the 'cascade of gables' would not be a factor

¹⁴ CD G11 The valuation report acknowledges that the building would benefit from some modernisation (page 12)

58. Although the Appellant's Statement of Heritage Significance identifies *'the extremely poor physical condition and degraded appearance of two¹⁵ of the three other elevations'*, there is nothing to suggest any structural deficiency or need for major work beyond routine maintenance and repair.
59. The absence of a structural building survey leaves the matter uncorroborated, but, as a predominately occupied building, with two of the flats re-let in the last two years, it would be reasonable to gauge the building to be in *'reasonable condition'*. I therefore firmly disagree with the Council's assessment of the existing use value at £1 million.
60. The second component of benchmark land value is the premium for the landowner (existing use value plus) to *'..... reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while allowing a sufficient contribution to fully comply with policy requirements'*.
61. The Council's position, with reference to the Bathwick appeals¹⁶, is that no premium is due as both the existing and proposed uses are within Class C3, and no material change of use would occur. However, the circumstances of those appeals differ in that the sites already formed part of a much larger consented residential development.
62. Here the landowner has an income-generating asset which, all things being equal, would broadly retain its existing use value and at the same time generate an annual income of more than £90,000. Moreover, whilst the purchase price for the property, some four years ago, is not relevant to the assessment of existing use value, it would be reasonable to assume that, with a net depreciation of £300,000 from that sum, the landowner would likely seek an incentive to sell the land.
63. In the circumstances of this case, I consider that it would be appropriate to allow a premium and move to existing use value plus. That then raises the matter of determining a suitable premium. In this regard, the generally accepted range for premiums is between 10% and 30%. Adopting the mid-point of 20% (£300,000) would appear to be equitable, as applied by the Appellant, to produce a benchmark land value of £1.8 million.

(b) Sales and Marketing Costs

64. Planning Practice Guidance indicates that *'assessment of costs should be based on evidence which is reflective of local market conditions'*. It goes on to say that costs include: *'..... sales, marketing and legal costs incorporating organisational overheads associated with the site'*. The Appellant assesses these at 5% whereas the Council considers 3% to be appropriate.
65. The appeal decisions referenced by the Council¹⁷, where sales and marketing fees were below 3%, whilst illustrative of other schemes, do not provide direct validation in the circumstances of this appeal. The retirement living examples submitted by the Appellant¹⁸, are indicative of a more general acceptance of 5%.

¹⁵ The south and west elevations

¹⁶ APP/F0114/W/20/3256285 and 3256294 – paragraph 15 refers

¹⁷ APP/Q4245/W/20/3258552 – Former B&Q, M32 OYP – mixed use development including 332 apartments
APP/Q4245/W/21/3287401 – Former Urmston Social Club, M41 7AA – 24 2no bedroom apartments

¹⁸ APP/J1915/W/23/3318094 – Hertford, SG14 1BA – Churchill, 34 retirement living apartments
APP/H2265/W/22/3294498 – Tonbridge, TN9 1EE – McCarthy and Stone – 36 retirement living apartments
APP/Q1825/W/17/3166677 – Redditch B97 4BT – McCarthy and Stone – 45 retirement living apartments

66. The Three Dragons *Assessment of demand for a Retirement Living housing scheme at 35 Oakfield*, showed 64 retirement properties listed for sale, within three miles of Sale, and a potential demand for 270 units¹⁹. Whilst this is indicative of a mismatch between demand and supply, I recognise that marketing for retirement living has different characteristics to the sale of general market housing.
67. In this regard, the purchase of a retirement living apartment can often be seen as a needs-based decision that involves acceptance of a different lifestyle occasioned by circumstances, rather than choice, and the emotional journey of accepting the inevitable sale of the family home.
68. In short, I accept that the offer of retirement living is a niche market; the buoyancy or otherwise of the housing market is likely to influence a decision to sell; market conditions have declined over the last year; marketing is highly targeted; and a proportion of the marketing and sales costs are borne locally rather than centrally. The sales and marketing costs extract for the northern division (sold out sites in last five years)²⁰ shows a range between 4.3% and 8.8% with an average of 6.2% (based on 19 sites).
69. On this basis, and from the evidence before me, supported by other appeal decisions, I find the Appellant's case for 5% the more credible and realistic assessment.

(c) Empty Property Costs/Sales Rate

70. Empty property costs reflect the costs that have to be carried by the developer until the scheme is fully sold and correlates with the sales rate. The Appellant has included an allowance of £59,119.00 based on a sales period of 18 months.
71. The Council's analysis of retirement living sale periods in Greater Manchester, over a five-year period, for 12 schemes ranging from 28 to 62 units, is submitted to support the proposition that the 25 units comprised in the appeal scheme could sell within the first year after completion.
72. However, wider analysis reveals significant variation in sale periods, sale rates and the percentage of units selling in the first year. For its part, the Appellant, citing four schemes, 30 to 50 units over a wider region, indicates variation between 0.78 and two units per month (Rochdale and Hazel Grove respectively) and sales periods with no direct correlation to the number of units.
73. Based on its evidence, the Council anticipates that 12.5 units would be sold within the first month, including pre-sale reservations, and thereafter at two per month to give an overall sales period of seven months (approximately 3.57 per month overall average). It points out that only one of the 12 schemes it analysed was in Trafford, dating from 2016. Demand is therefore likely to be high.
74. By contrast the Appellant assumes 30% (7.5 units) sold at practical completion and the remaining 70% over the next 17 months (approximately one per month) with an overall sales rate at 1.38 units per month.

¹⁹ CD A03 paragraph 2.46 (October 2022)

²⁰ CD H06 Appendix 2

75. The disparity is wide and even the analysis relied on by the two parties does not show a clear pattern. For example, the cases cited by the Council show that of two schemes in Hazel Grove, both McCarthy and Stone, the sale period for 31 units was 6 months and 9 days; and a later scheme, for 41 units, was 20 months and 6 days. Sales in the first month were 13 and 19, respectively.
76. However, for a 62-unit scheme in Prestwich the sales period was 30 months and 16 days with only three sales in the first month. Yet for a 40-unit scheme in Bramhall, completed in June 2023, 16 of the units had sold by the end of September.
77. It is clear that for most schemes there is an initial take-up of units which then tails off with the residual period of varying length. Despite a reasonable anticipation of strong demand in this area, the current and perceived general housing market performance is likely to have a dampening effect on overall sales and the sales period.
78. From the evidence before me, I consider that the Council's stance shows a high level of optimism and the Appellant's position a similar level of caution. To my mind, it is likely that the sales rate would be somewhere between the two assessments. On this basis, I conclude that the empty property costs have therefore been overestimated by the Appellant.

(d) Developer Profit

79. Planning Practice Guidance explains that *'for the purpose of plan making an assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers in order to establish the viability of plan policies'*
80. It is apparent that McCarthy and Stone aim for a profit margin of 20% of gross development value, an aspiration that has been confirmed in a range of appeal decisions. This is based on acceptance that such schemes are known to be riskier than general market housing developments. However, each case must be judged on its merits.
81. Looking therefore at the Council's assessment of 18.5%, the starting point is by reference to recent appeal decisions and financial viability assessments in support of planning applications where a profit margin of 17.5% has been found to be appropriate for apartment developments.
82. In short, the Council does not accept the higher risk profile of retirement living schemes when compared to general housing. However, I disagree with its comparison with general market schemes. By way of example, I do not recognise the specific market sector as one of least risk for reasons outlined earlier in this decision. Additionally, although a comparatively small scheme, the category specific additional risk remains; and retirement living developments also have specialised costs associated with the provision of communal facilities and house management.
83. As the Council has failed to account for the particular risks associated with developing a retirement living scheme, I consider that its base line of 17.5% is unsound and the uplift of 1% to reflect 2023 market conditions is no antidote. I therefore agree with the Appellant that a profit of 20% of gross development value should apply.

(e) Summary

84. In my assessment of this issue, I have reached the conclusion that the Appellant's viability appraisal is generally to be preferred. However, as the empty property/sales rate is too cautious, there would be opportunity to increase the assessed financial contribution, £287,104.00, for off-site affordable housing set out in the Unilateral Undertaking.
85. Core Strategy Policy L2.8 requires appropriate provision to be made to meet the need for affordable housing with the expected method of delivery on site. The Council acknowledge that such provision was unrealistic and that a financial contribution should be made for off-site provision. In turn, Policy L8.10, in common with L2.13, introduces the concept of viability assessment to determine the level of any contribution and the facility to agree a reduction in the affordable housing contribution.
86. This is consistent with the Framework which confirms that *'where a need for affordable housing is identified expect it to be met on-site unless an appropriate financial contribution in lieu can be robustly justified'*
87. Arising from my conclusion above, the shortfall in the assessed contribution would therefore amount to a conflict with the policy aimed at securing an appropriate contribution to affordable housing.

Other Material Considerations

(a) Potential Fallback Position

88. Planning permission was granted in 2004 to provide a two-storey rear extension and related works to form 10 service apartments at 35 Oakfield. The Council has confirmed that the pre-commencement conditions were discharged. Foundations have been constructed, but there is no evidence as to when these were commenced. Nor is there any indication, after a very long interlude of inactivity, of any indication of an intention to complete the approved scheme. The claimed fallback is therefore not established.

(b) Five Year Housing Land Supply

89. The Statement of Common Ground records that the Council can demonstrate only 3.85 years deliverable supply of housing land. Although the Council contends that the supply situation is improving, and the likelihood of a five-year supply within the next 12 - 24 months, these claims are contested by the Appellant.
90. For my part, I see no merit in detailed analysis. The current shortfall is, in any event, significant and the proposal would make a small net contribution towards addressing the shortfall which I assess as a modest benefit.
91. It is further agreed that the tilted balance in paragraph 11.d) ii. of the Framework is engaged and 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 Framework taken as a whole'*.

(c) Need

92. Core Strategy Policy L2.17 and L2.18, under the heading *'Older Persons Accommodation'* acknowledges related needs arising from the increasing longevity of the Borough's older residents. Places for Everyone and the emerging Local Plan also identify the implications of an ageing population²¹.

²¹ CD E01 paragraph 7.32 and Policy JP-H3; CD E02 Policy HN3 and justification

93. In turn, the Framework recognises that housing is needed for different groups in the community including older people. The Planning Practice Guidance: Housing for older and disabled people explains, amongst other things, that *'the need to provide housing for older people is critical offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems*'.
94. Further endorsement arises from, for example, the Three Dragons study²², commissioned by the Appellant; the government's consultation on proposals to update the Framework; the Council's Older Peoples' Housing Strategy; and the consultation response from the Council's Housing Strategy and Growth Manager.
95. The undisputed need for this type of specialist accommodation attracts significant weight.

(d) Economic, Environmental and Social Benefits

96. The *WPI Strategy report for Homes for Later Living*²³, sets out a summary of benefits. Such developments are recognised as stimulating economic growth and creating economic value. The examples given, for 45-unit schemes, include 85 construction jobs for the duration of the build period and six permanent jobs over the lifetime of the development. These are undoubtedly important to local firms and to the wider economy.
97. The related *Healthier and Happier: An analysis of the fiscal and wellbeing benefits of building more homes for later living*²⁴ demonstrates that *'each person living in a home for later living enjoys a reduced risk of health challenges, contributing to fiscal savings to the NHS and social care services of approximately £3,500 per year'*.
98. The former also reports that people living in retirement accommodation have a greater propensity to shop locally; and retirement properties create more local economic value and more local jobs than any other type of residential development.
99. *Chain Reaction*, part of the trilogy, adds further substance by highlighting that *'..... a healthy housing market should depart from the automatic assumption that older homeowners 'don't need to move''*. The common pattern is of single occupancy in large family homes; and a sizeable proportion of people who wish to downsize and who are unable to do so due to lack of suitable specialist provision. The chain reaction of moving would release owner-occupied homes to the market, often in the locality, with a ripple down effect to first-time buyers.
100. Reverting to *Homes for Later Living*, and the likely environmental benefits, the proposal would have sustainability gains in making more efficient use of urban land, in a sustainable location, and with walkable access to shops and local services. It is recognised that many retirement developments are on the forefront of energy efficiency²⁵ and younger families moving into vacated homes are likely to instigate energy efficiency improvements.

²² CD A03

²³ CD A18

²⁴ CD A10

²⁵ CD A08 sets out the Appellant's approach; CD A19 Sustainable Living How the 'downsizing dividend' can deliver a greener housing future

101. I have also had regard to Professor Michael Ball's report (2011) on *Housing markets and independence in old age: expanding the opportunities* which outlines a number of personal, environmental, social and community benefits. The introduction to Chapter 1 is telling: '*..... far more elderly people would benefit from this type of accommodation than live in it now. Underlying demand is much greater than manifested in current levels of provision*'.
102. In my opinion, significant weight is to be given, individually, to the economic, environmental and social benefits that the proposal would realise.

The Planning Balance

103. The above, many and weighty, benefits cannot be denied. Set against these is the very significant harm arising from the pronounced deficiencies in the design and layout of the scheme, its failure to respond sensitively and appropriately to its setting and the resultant conflict with development plan policy and the suite of national guidance. The adverse impact on neighbouring amenity is a related design shortcoming.
104. Whilst there is a beneficial element to the contribution towards off-site affordable housing, this is limited by viability and resultant shortfall in the policy compliant aspirations of Policy L2.12. There is also one element of the viability assessment which undermines the veracity of the appraisal and the proffered financial contribution by way of Unilateral Undertaking. This therefore restricts the benefit to one of limited weight.
105. Drawing together these threads, the range and magnitude of the benefits, individually and cumulatively, in combination with the tilted balance, represent a very high hurdle in assessing the overall planning balance.
106. In the final analysis, I consider that the aggregate failure of the design response, including the impact on neighbouring residential amenity, against the Framework's declaration that '*the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve*', to be the paramount factor in determining that those adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
107. Having considered these and all other matters raised, the appeal is to be dismissed.

David MH Rose

Inspector

ANNEX A: APPEARANCES

For McCarthy and Stone Retirement Lifestyles Limited

John Barrett, Barrister

Instructed by Carla Fulgoni MSc BSc MRTPI
Group Planning Manager
The Planning Bureau Limited

He called

David Beardmore
MSc MA DipLD (Dist) DipLArch (Dist)
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Phil Wincles
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Head of Northern Valuation Team
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James Mackay
BSc(Hons) MRICS

Partner
Head of Valuation and Development Viability
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Christopher Butt
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For Trafford Council

Ruth Stockley, Barrister

Instructed by Dominique Sykes
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She called

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Heritage & Urban Design Manager
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Sarah Lowes
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Major Planning Projects Manager
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Chris Gardner
BA MA MRICS

Associate Director
Continuum

Cormac McGowan
BSc(Hons) MRTPI

Major Planning Projects Officer
Trafford Council

Interested Persons

Michael Riley

Sale Civic Society

ANNEX B: INQUIRY DOCUMENTS

- ID1 Opening on behalf of the Appellant
- ID2 Opening on behalf of Trafford Council
- ID3 Planning Obligation by way of Unilateral Undertaking
- ID4 Drawings relating to previously approved development (2004)
- ID5 Introductory Statement: Chris Gardner
- ID6 Trafford Council's Officer Scheme of Delegation
- ID7 Note on Affordable Housing Provision
- ID8 Updated Draft Planning Conditions
- ID9 Inspector's Agenda for Round Table Discussion (Issues 3 and 4)
- ID10 Email dated 24 November 2023 confirming depth of 4 storey element of Michael Court + Site Plan
- ID11 Michael Court Floor Plans
- ID12 Closing Submissions on behalf of Trafford Council
- ID13 Closing Submissions on behalf of the Appellant
- ID14 Michael Court Floor Plan and 21m annotation
- ID15 Copies of approved plans for Planning Approval H/58317 (35 Oakfield) (Not to scale)
- ID16 Approved Floor Plans for Planning Approval 74581/FULL/2010 (Michael Court) (Not to scale)
- ID17 Amendment to Mr McGowan's POE at paragraph 6.35 to account for the Council's change in position in not requesting on-site provision of affordable housing
- ID18 Copy of Final draft of planning conditions.

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