

Appeal Decision

Site visit made on 25 April 2017

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31.05.17

Appeal Ref: APP/U4230/W/16/3162263

Land at Station Road and Swinton Hall Road, Swinton M27 4UB

- 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 KFC (GB) Ltd against the decision of Salford City Council.
 - The application Ref 16/68528/FUL, dated 12/07/2016, was refused by notice dated 5/09/2016.
 - The development proposed is development of a drive through restaurant (Use Class A3/A5) with associated access, car parking and landscaping, including demolition of existing units located at 12-14 Station Road, Swinton.
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Decision

1. The appeal is dismissed.

Procedural matter

2. A minor revision to the above description of the development was made during the course of the application to 'Demolition of existing units 12-14 Station Road, erection of a drive through restaurant (Use Classes A3/A5) with associated access, car parking, and landscaping [resubmission of ref: 15/67497/FUL]'. No prejudice would arise in dealing with this appeal on this basis.

Main Issues

3. These are; the effect of the proposal on the character and appearance of the area, the effect of the removal of five protected trees, and whether the proposal is justified having regard to the reasons put forward in support of it.

Reasons

Character and appearance

4. The site formed part of the employment exchange which has been demolished and is now an informal car parking area. It also includes a landscape strip with five protected trees a central footway and a pavement adjacent to Station Road. Two retail units would be demolished adjoining the shopping centre, and the appeal site area would be re-developed to build a drive through restaurant.
 5. To the east is ASDA supermarket with associated parking. To the north on the opposite side of Swinton Hall Road is B&M store with parking area in front. To the west on the opposite side of Station Road is a landscaped area. North of which are residential properties situated close to the footway edge of Station Road, and to the south of the landscaped area on the west side are commercial
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properties also positioned near to the footway edge of Station Road. To the south of the appeal site is the large shopping centre of Swinton Square. The shopping centre is largely inward looking and does not address the street other than that of a projecting canopy which identifies the main pedestrian thoroughfare into Swinton Square from Station Road.

6. The built environment in the immediate context of the appeal site has no unifying design or distinctive identity. The shopping centre comprises large blocks of undistinguishable buildings of varying design and materials. The proposed units identified for demolition as part of this appeal are similarly unremarkable in terms of design and appearance. The ASDA supermarket has no street scape presence and the B&M store is set-back behind a large car park with grass embankments and shrubs levelling-down to Swinton Hall Road and Station Road wide pavements.
7. The proposal would take-up the whole landscaped strip between the temporary car park and the pavement on Station Road. Five protected trees would be removed and the proposed building would sit far forward of the shopping centre building, apart from the Swinton Square canopy.
8. The appellant indicates that there is only a notional building line in this area. The Council disagrees. It asserts that the landscaped areas and the affected trees are important townscape features of the area, and that the proposed building would be positioned forward of the established building line. Further, it is also concerned about the appearance of two elevations which are largely windowless, facing the pedestrian footway heading north and the side facing Station Road.
9. I consider the landscaped strips have a design and purpose to off-set the dominance of the shopping centre, but also to provide a wide secure thoroughfare for pedestrians to walk alongside the green space which separates it from the pavement next to Station Road. The landscaped strip extends to Swinton Hall Road and is dominated by the maturity and stature of protected trees. An amenity area on the west side of Station Road also has mature trees and as a result both sides of the road amenity areas frame the vista looking south.
10. Apart from the loss of the mature trees on the appeal site and the removal of the landscape strip the proposed building would sit far forward of the shopping centre building. It would appear incongruous because the visual experience for pedestrians would be a building sited across the walkway with a drive through access road largely causing pedestrians to divert from their direct desire line heading north-south from the pedestrian crossing on Swinton Hall Road to the proposed widened footway on Station Road. Although I accept that the canopy to Swinton Square projects far forward its design and function is to guide pedestrians into the shopping centre and differs from the notable building line of the shopping centre. The buildings north and east of the appeal site donate a different character of area, and do not, in my view, influence the importance of the design and function of the landscaped strip and the visual amenity of the protected trees.
11. The Council indicates that the connection between the train station and the town centre is important and that the landscaped strips facilitate a pivotal link between the two and will be the focus of capital investment through a detailed masterplan of the retail centre and key connections. However, that might be

the case in the future it is yet to be formalised and is an emerging plan. In my view, the landscaped strip functions as an important feature complimenting the amenity area on the opposite side of the road and facilitate a direct desire line for pedestrians, and acts as a buffer from the heavily trafficked Station Road. Although the pavement north of Swinton Hall Road continues towards the station this area is different in character, but it does not alter my opinion that the landscapes strip and the protected trees are important visual features in the area.

12. In summary, the removal of the landscaped strip would be detrimental to the character and appearance of the area. The proposed building line would appear incongruous in this street scene and to pedestrians walking north-south on the eastern side of Station Road and would disrupt their natural and most direct desire line. Whilst I note the appellant indicates that the pedestrian through route is privately owned and could be closed-off, planning permission is sought for re-development of the whole site area which incorporates town scape features worthy of retention.
13. Adding to my concern is the appearance of the rear elevation of the proposed building and the location of the bin store which would be in the direct line of sight of pedestrians. The rear elevation is essentially a service area for the building and one counter for drive through customers in vehicles. I consider it would have a detrimental effect on the visual experience of pedestrians walking north towards the proposed elevation.
14. I therefore conclude for the reasons I have outlined above the proposal would harm the character and appearance of the area.

Protected trees

15. The relevant Tree Preservation Order (TPO) is The Salford City Council (Swinton Shopping Centre, Chorley Road, Swinton) TPO (No. 514), which was confirmed on 9 May 2014. The TPO protects group G1, comprising 4 weeping willows and 1 alder. These stand in the landscaped green area between the footways either side and Swinton Hall Road and the shopping centre. The five protected trees would be removed to allow for the proposed development.
16. The appellant's arboricultural survey (AS) indicates that the collective amenity value of group G1 is moderate to high. It is only Willow T1 which is regarded as a category B1 tree of moderate quality and value. All other trees in the group are graded C1 of low quality and value. The values attributed to the trees are mainly for arboriculture and none are valued for landscape or cultural reasons.
17. The AS describes that the structural condition of T3 and T5 willow trees as showing signs of a decaying cavities. The crown of T3 is sparse lacking considerable leaf coverage as compared to willow T1. T5 willow shows signs of decay down the east side of the stem although the tree has developed new wood in response. T5 is also sparse in leaf coverage and leans to the west. The physiological condition of T3 is noted as fair but the concern about its structural condition has reduced its estimated longevity to about 10-20 years. T1 willow, T2 alder and T4 willow are in reasonable structural and physiological condition with between 20-40 years life expectancy. There are signs of some deadwood in most of these trees but minor remedial work would ensure their continued contribution to the landscaped strip.

18. I consider their collective value as a group is primarily related to their landscape contribution. There are trees either side of the road and when looking south down Station Road both sets of trees either side frame the vista. At the end of Station Road the formal tree planting in front of Salford Civic Centre can be seen in the same context. In my opinion the removal of the protected trees and the loss of the landscape strip significantly diminishes the vista which provides a collective green corridor of trees looking south in an otherwise commercial centre. The TPO trees as a collective group are worthy of retention and I concur with the appellant's AS that they have a high amenity value.
19. Despite that two trees within this group are showing signs of decline, their amenity value as a collective group are high as they make a positive contribution to the area and are highly visible features in the street scene. I conclude that the removal of group G1 trees would have a significant impact on the local environment and its enjoyment by the public.

The reasons put forward in support of the proposal

20. The appellant indicates that the proposal would benefit the area by redeveloping dilapidated retail units, re-use a predominantly brownfield site, deliver a modern, well designed building which would enhance the area, replant 8 new trees alongside landscaping and hedging and would enhance the vitality and viability of Swinton town centre. Furthermore the proposal would encourage linked trips to the town centre. The development would provide a range of environmental sustainability benefits and would provide ecological mitigation such as including bird boxes.
21. The appellant asserts that the scheme when operational will contribute up to £1.8 million in economic output during the construction phase, create between 45-50 jobs for local people (of which on average 25% of new jobs are for local young people), and contribute approximately £77,000 per annum in business rates. The construction would create 140 direct jobs and 100 indirect jobs. It is argued that the proposal would bring much needed investment, footfall and job creation to Swinton.

Planning balance and conclusions

22. The City of Salford Unitary Development Plan (UDP) 2004-2016 was adopted in 2006. Saved Policy DES 1 requires development to respond to its physical context and respect the positive character of the area and contribute towards local identity and distinctiveness. The Council has referred to Policy DES 4 in submissions but the appellant has responded to this additional policy. This policy indicates that development adjoining public space shall be designed to have a strong and positive relationship with that space; in particular, buildings should clearly define the spaces around them through the continuity of street frontages and building lines. Policies EN 12 and EN 13 seeks to protect against the loss of protected trees and where the loss is considered acceptable adequate replacement provision will be required, and in relation to the loss of important landscape features the importance of the development plainly outweighs the amenity value of the landscape feature.
23. The relevant policies of the UDP are consistent with the National Planning Policy Framework (the Framework) and can be given significant weight. I have found that the proposal would harm the character and appearance of the area and

would remove a group of protected trees of high amenity value which contribute to the character and appearance of the area.

24. The benefits of the proposed development include re-using part of the site which is previously developed, and the planting of 8 trees in lieu of 5 protected trees, encouraging linked trips to the town centre and use of a sustainable location and increasing the vitality and viability of Swinton town centre. There would be social and economic benefits arising from the development in terms of job creation and investment and some ecological enhancement. There is also considerable support for the development derived from the community engagement process.
25. The positive case for the development make it consistent with some of the UDP and the Framework policies, but the proposal is contrary to important policies relevant to the main considerations of this appeal, UDP Policies DES 1, DES 4, EN 12 and EN 13.
26. I conclude that the proposed development would therefore be contrary to the UDP as a whole, and the reasons put forward in support of the proposal do not outweigh the harms I have identified. The planning balance is against allowing this appeal.
27. I have considered the objections on highway issues from interested parties but the available technical evidence indicates that the development is acceptable in this respect.
28. For these reasons, I conclude that the appeal should be dismissed.

Iwan Lloyd

INSPECTOR