



Appeal Decision

Site visit made on 5 July 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2022

Appeal Ref: APP/U4230/W/21/3288957

Land off Cromwell Road, Castle Irwell, Salford M6 6DA

- 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 Lidl Great Britain Limited against the decision of Salford City Council.
 - The application Ref 21/77381/FUL, dated 26 March 2021, was refused by notice dated 6 July 2021.
 - The development proposed is erection of a new Lidl foodstore (Use Class E) with associated car parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. After refusal of the planning application, the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In this instance, both parties have referred to the revised version in their respective appeal statements regardless. I am therefore satisfied that there was no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
3. The emerging Salford Local Plan (ELP) was not referenced in the reasons for refusal but has since advanced in terms of its preparation. In accordance with paragraph 48 of the Framework, weight may be given to relevant policies in emerging plans according to the stage of preparation of the emerging plan (and the more advanced its preparation, the greater the weight that may be given). Given its more advanced stage, I will attribute moderate weight to the relevant policies.
4. Amended plans relating to the proposed vehicular access were submitted with the appeal and included within the 'Full Highways Statement of Case document (Doc Ref: JRB/200546/SOC/02). The Council has questioned the need for the wider access (9m) proposed, which includes two exit lanes for left and right turners, when a single lane exit could be implemented that would result in an overall narrower junction (7m) as shown in JRB5. I understand that the purpose of the amended drawings as explained by the appellant was to show the scheme could work with a narrower junction if this was required.
5. The 'Procedural Guide – Planning Appeals – England' advises that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal, they should normally make a fresh planning application (Annexe M.1.1). If an appeal is made, the appeal

process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought (Annexe M.2.1).

6. Notwithstanding that, in deciding whether to accept these revised plans, I have given consideration to the 'Wheatcroft Principles'¹ and whether any prejudice would occur. The Council, and in particular its highways officers, have not had an opportunity to comment upon the amended scheme prior to the appeal being lodged and, for that reason, I consider that they would be prejudiced if I determined this appeal on the basis of the narrower 7m access. Accordingly, to avoid confusion given the numerous drawings I have before me, I have determined this appeal on the basis of the plans originally submitted with the planning application, on which the Council made its decision.
7. The Council also requested that a drawing sent to the consultants undertaking the Road Safety Audit (RSA) was made available as this were not appended to the HSoC. This was attached to the 'Rebuttal Proof of Evidence' (Document Ref: JRB/200546/RPoE/00) submitted with the appeal as Appendix 1 and the Council was asked for any comments as it relates to this drawing only.
8. The third reason for refusal given in the decision notice includes reference to the proposed solar panels for the rooftop of the supermarket building. The Council was concerned that there was a lack of clarity on glare from the panels which could have harmed the living conditions of occupiers of the adjacent housing development. Following the receipt of further information submitted with the appeal, the Council are agreeable to conditions which would secure further details and ensure harm would not occur. As such I have not assessed this matter further.

Main Issues

9. Based on the above, the main issues are as follows:

- Whether the proposal represents an appropriate design for the area
- The effect of the proposal on highway, pedestrian and cyclist safety
- The effect of the proposal on the living conditions of occupiers of nearby dwellings, with particular regard to visual impact.

Reasons

Design

Introduction

10. The appeal site comprises a roughly rectangular parcel of land which forms part of a larger site subject to recent large-scale redevelopment. This has been approached as a transformative initiative for the Charlestown area of Salford. The appeal site has historically formed part of a racecourse and, more recently, student accommodation. Outline planning permission was granted² in 2020 for a mixed-use development, which included up to 500 dwellings, a school and two areas with provision for commercial floorspace, one of which is subject to

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

² 18/71890/OUTEIA

this appeal. Evidently, two phases of dwellings have since been granted permission³ adjoining the appeal site and I observed on the site visit some of these properties are now completed and occupied, while work was ongoing elsewhere. The site has retained the former racecourse's red brick boundary wall, which lines the footpaths along Cromwell Road and Littleton Road.

11. The local area is predominantly residential and densely populated, characterised by streets of red brick terraced properties running off the main roads of Cromwell Road (A576), Littleton Road and Gerald Road. These routes converge at the Charlestown Roundabout which forms an important viewpoint and focal point of the area. The south side of the appeal site faces the roundabout. The appeal site therefore occupies a prominent and important position in the street scene.
12. The Grade II Listed '1 Littleton Road', which formerly served as a Co-operative building, is located at the junction of Gerald Road and Littleton Road opposite the appeal site, while the former racecourse boundary wall is evidently a non-designated heritage asset.

Site Layout

13. Built form along Cromwell Road from the Charlestown roundabout to Seaford Road to the northeast comprises terraced buildings in a mix of uses fronting the road, which are intersected by the junctions of various residential streets. This pattern of development is repeated to the west of the appeal site along Littleton Road. While the appeal site itself may be devoid of built form, the surrounding area has a compact and dense grain of development with the front elevations of properties actively engaging with the street scene.
14. Paragraph 92 of the Framework seeks to ensure design achieves active street frontages, among other things. The 'Shaping Salford' Supplementary Planning Document (SPD) emphasises the importance of the local built character, advising that built form located on Cromwell Road and Frederick Road should be of a scale and massing that creates a strong edge to these important roads. Although the appellant argues the SPD should be given little weight due to its age, the aims of the SPD align with those of local and national policy insofar as it seeks to guide and inform proposals to create well-designed spaces and places at a local level. As such I see no reason not to give it due weight as a material consideration.
15. The proposed site layout (Drawing Ref: 7415-SMR-00-ZZ-DR-A-2003-A3-C7) shows the supermarket building would be positioned adjacent the new housing development and set behind the car park which wraps around the front and one side of the building. This arrangement would be contrary to the prevailing pattern of development in the area, where buildings line the various streets rather than being set-back and distant from them. While this may allow the adjacent Listed Building to retain a prominent position from certain views in the street scene, the proposed building does not establish itself or engage with the context of the area.
16. The National Design Guide (NDG) advises well-designed parking is attractive, well landscaped and sensitively integrated into the built form so that it does not dominate the development or the street scene. As a result of the expanse of

³ 20/75047/REM & 21/77382/REM

hardstanding and parked vehicles, the car park would be very evident in the street scene. Although I understand visibility of the car park may be a commercial consideration, and that it would add natural surveillance for security, as presented it would not respond positively to the prevailing grain of development along both Cromwell Road and Littleton Road, contrary to the SPD.

17. Moreover, because of this set-back behind the car park, the store lacks active frontages and engagement with the surrounding streets which characterise the area. There has clearly been a concerted effort to redevelop the wider site as a catalyst for the regeneration of the area and the plans I have been provided with for the adjacent phases of housing confirm this. I understand that the appellant amended the plans following discussions with the Council to address concerns. This includes incorporating a greater spread of fenestration to the store front but, given this is set back from the street by the car park, I share the concerns of the Council that the proposal would not engage with the surrounding area, would not form a strong edge to Cromwell Road and would otherwise be defined by its incongruity and lack of identity in the local area.

Building and Landscaping Design

18. The Framework seeks to encourage well-designed, beautiful places, which are a key component of sustainable development. Building on this, the NDG advises well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. This includes layout, form, scale, appearance, details, and materials.
19. Although I have had regard to the Design Justification Statement (SMR Architects, September 2021), which explains the design and the process used to arrive at this stage, the proposed store retains an 'off the peg' appearance as described by the Council. There is also a limited materials palette proposed, albeit with some bespoke elements such as the additional facing red brick. However, there remains large expanses of glazing and metal cladding proposed to the south and west elevations, which are the most prominent in the street scene. This would appear incongruous in the established vernacular rather than a positive feature. Although I understand there are commercial considerations for the developer, and there has been concessions to soften the standard appearance of the branded approach, this does not lessen the harm that would be caused by the building design.
20. The submitted 'Landscape Details' plan (Drawing No R/2454/1C) demonstrates that the boundary of the site with Cromwell Road and Littleton Road would be lined by ornamental shrub planting, set behind the former racecourse wall which is to be retained but lowered in height to 450 millimetres with railings above. Although I understand the Council has some concerns regarding the lowering of the wall with railings added, there is a general agreement that this harm is not significant. There are also some trees to be planted, while a deeper landscape buffer comprised of a strip of species rich grass and native species planting and trees is proposed for the rear of the store and between the delivery bay and houses to the north.
21. A standard condition to agree landscaping details if the appeal was to be allowed is suggested. However, there remains outstanding design considerations which have not been addressed and given the importance of the landscaping in other aspects of the scheme, such as the engagement with the

street scene and with regards to living conditions of adjacent residents, the issue is more layered than it would seem. Landscaping is therefore integral to the design as a whole and the way the site would contribute to the area. For that reason, given the uninspiring proposals submitted in this regard, relying on a condition would not suffice as it is not clear whether other matters could be addressed in a more holistic approach to the design. As such, there would be further harm with regards to the proposed building and landscaping design.

Pedestrian and Cyclist Connectivity

22. The Framework seeks through paragraph 92 to promote social interaction through street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, among other things. The NDG seeks to prioritise pedestrians and cyclist movements, creating routes that are safe, direct, convenient and accessible for people of all abilities.
23. The submitted Pedestrian Connectivity plan (Drawing Ref: 7415-SMR-00-ZZ-DR-A-2009-A3-C1) shows one path to the north connecting the Castle Irwell site to Littleton Road, while another to the southeast directly links into the supermarket site. As such, rather than directly connect the proposal to nearby housing, the northern path appears to be a long route past the delivery and servicing bay and out towards Littleton Road. From here, pedestrians and cyclists would then be required to cross the vehicular access to gain entry to the store via the pedestrian entrance to the south. However, there is no pedestrian crossing across the junction. The more likely scenario when approaching from the north would involve pedestrians and cyclists entering the site through the vehicular junction with the road, following the natural desire line and past the delivery and servicing bay. This would not constitute an easy, direct, or convenient connection for either pedestrians or cyclists.
24. The Council has highlighted concern that the southeast entrance to the site from the adjacent housing would be down a narrow path of some 900-millimetre (mm) width between the boundary of the appeal site and the gable wall of plot No 230 of the Castle Irwell development. This would not be of sufficient width to accommodate passing pedestrians, cyclists, wheelchairs or pushchairs.
25. The Council agree that they did not assess the amended plan submitted by the appellants during the application process, and that the correct plan does show a strip of land which is setback from the gable end of No 230 lining the footpath. Be that as it may, this strip extends only part the way up the path adjacent the gable of No 230. Both the Proposed Site Plan (Drawing Ref: 7415-SMR-00-ZZ-DR-A-2003-A3-C7) and the Proposed Masterplan – Phase 2 (Drawing Ref: 19135 (PL) 005 M) show what appears to be a fence or other boundary treatment lining the route of the proposed footpath running from the gable wall of 230 and along the rear of houses to the northwest, ceasing at No 238. As such, while the offset strip may widen the path where it joins and affords entry to the appeal site, there is a lack of clarity before me as to whether the remaining length of the path lined by the fence would be wide enough to accommodate future users. This is of particular concern to those with pushchairs or wheelchairs.
26. Generally speaking, the proposed supermarket site would have insufficient pedestrian and cyclist connectivity with the surrounding area, particularly the housing development at Castle Irwell. While further conditions are suggested to

resolve this issue, there is nothing before me to suggest this could be achieved given the resulting width of the footpath to the southeast and the position of the plant and service area to the north. As such, the proposal is lacking in this regard.

Design Conclusion

27. To conclude, the proposal would not present a suitable design with regards to the site layout, building design, landscaping and pedestrian connectivity. This would be contrary to Policies DES1, DES4 and DES9 of the Salford Unitary Development Plan (UDP) (adopted June 2006) and Policies D1, D2, D3 and D4 of the ELP. These seek to ensure development responds to its context, respects the positive local character of the area and contributes towards local identity and distinctiveness while also minimising the visual impact of car parking. The proposal would also be contrary to the advice in the SPD, NDG and the Framework, in particular paragraph 130 which seeks to ensure development will function well and add to the overall quality of the area.

Highway, Pedestrian and Cyclist Safety

Access

28. The Council has expressed concern regarding the proposed vehicular access, which would be widened from 7m as approved in the outline permission, to 9m to allow the safe movement of HGVs into and out of the site and provide a two-lane exit for left and right turns. The Council's highways team assessed the access, suggesting an RSA is undertaken. This was carried out with the RSA recommending further investigations into the proposed right hand turn facility from Littleton Road, the risk of loss of control due to existing traffic calming and the risk of pedestrian conflict due to the location of the uncontrolled crossing.
29. Having reviewed the traffic model, the appellant advises there would be little additional waiting time for right-turners into the site while waiting for a gap in southbound traffic and provisions for this on Littleton Road would not be required. Furthermore, that the collision risk would be minimal given the width of the northbound lane.
30. However, the drawing submitted at Appendix JRB8 of the HSoC (Drawing Ref SCP/200546/SoC-ATR01) shows that the junction design with regards to the right turn manoeuvre would cause a turning HGV to overhang the right turn exit lane. Although HGV movements would be minimal at 1-2 per day, were a vehicle waiting to exit the store from the right turn lane, the drawing shows that an HGV would not be able to enter the site safely. This would pose a collision risk for both vehicles if they were approaching the junction at the same time or require the HGV to wait for an opportunity to enter the site, impeding the flow of traffic on Littleton Road.
31. I note there is agreement between the parties that existing traffic calming measures on Littleton Road can be relocated satisfactorily as advised by the RSA. However, there is concern regarding an uncontrolled pedestrian crossing. Although the appellant mentions that there are a number of options on where this can be sited, it is omitted completely following the concerns raised in the RSA due to its proposed position between Romney Street and the access location. As demonstrated in the Council's statement, the only other existing

- pedestrian crossings along Littleton Road are 220m north of the proposed access and at the Charlestown roundabout to the south.
32. Given the densely populated areas to the west, provision should be made for safe pedestrian crossing in a more suitable location closer to the proposed store pedestrian entrance south of the vehicular access junction as it is unlikely pedestrians would walk significant distances to either the north or south to use those crossings. This is particularly pertinent given my findings with regards to the insufficient pedestrian connectivity. As such, there would be inadequate facilities to enable pedestrians to cross Littleton Road in a safe and convenient manner.
33. Although it is suggested that these issues could be resolved through technical approvals under a Section 278 agreement with the highways department of the Council, there is nothing before me to show these resolutions are achievable at this stage of the scheme. The Framework requires through paragraph 110(b) that a safe and suitable access should be achieved for all users. As such I have insufficient information in this regard.
34. The likely access point for pedestrians and cyclists entering the site from the north, in the absence of a direct connection with Castle Irwell in this location, would be following the curve of the vehicular access from Littleton Road and across the delivery bay. I understand the concern regarding pedestrians and cyclists crossing this bay. Although there is potential collision risk within this arrangement, the number of HGVs entering the site for deliveries and subsequent removal of waste on the outbound trip is estimated at once per day and twice during busier periods such as Christmas and Easter.
35. Notwithstanding my previous concerns regarding right-turning HGVs and whether this arrangement would be convenient, this would involve an HGV entering the site in a forward motion, turning right into the aisle of the car park adjacent Littleton Road and reversing into the delivery bay area. While there is potential for collision in this manoeuvre, given the low number of daily movements of this type, this risk to pedestrians or cyclists would be minimal. Moreover, I note that the Council agree that this could be mitigated with the agreement of a Delivery Management Plan secured by condition. Given the space available I see no reason why this cannot be achieved. As I am dismissing the appeal on other matters, I have not considered this further.

Highway Network

36. There were concerns raised by the Council Highways team during the planning application process that the proposal included inadequate information regarding impacts on the local highway network. The HSoC has clarified that while there would be an increase in AM and PM peak trips in comparison to the scale of the commercial site for which outline planning permission was originally granted, the Traffic Flow Diagram (HSoC Appendix JRB 10) demonstrates that the increase in flows at any given junction in the vicinity of the application site, attributable to new trips, would not be more than 30 vehicle trips per hour, which is considered standard and acceptable. I note the Council does not dispute this.
37. Therefore, the development could operate within the capacity of the network, and no concerns were raised regarding this issue within the RSA. I am

therefore satisfied that there are no highway capacity issues and any additional details could be secured via a suitably worded planning condition.

Substation

38. The proposed substation is orientated with its doors facing the proposed vehicular access. I understand this is not on highway land and that access to the substation for maintenance would be rare. There is nothing substantive before me to indicate why the door should be repositioned as there is no reason why maintenance vehicles would be required to park opposite the substation door for this purpose, potentially blocking egressing vehicles. This arrangement would not be ideal for the operator of the site, and I agree details for these rare occurrences could be agreed outside of the scope of this appeal.

Vehicle Parking Provision

39. Notwithstanding the previous concerns with regards to the prominence of the car park in the street scene, the Council has further concern with the dimensions of some of the parking spaces to be provided. This is due to their size falling below that of 2.4m width by 4.8m length and the subsequent effects of cars overhanging spaces on collision risk. However, I note that the Council agree these issues could be resolved by refining the layout of the car park by condition. Given the limited shortfall in some of the space sizes, and the available space within the site by reducing aisle width, I see no reason why this cannot be resolved by further details to be secured by condition. As I am dismissing this appeal on other matters, I have not considered this further.

Motorcycle and Staff Bicycle Parking

40. I note the concerns raised by the Council as to the lack of clarity regarding motorcycle and staff bicycle parking. The appellant has suggested five spaces for motorcycles could be provided as per the proposed site plan extract in paragraph 5.21 of the highways statement of case which is considered acceptable. Moreover, the suggestion that staff bicycles could be stored in the warehouse is also agreeable. Details of both are considered acceptable to be secured by condition and given the site-specific circumstances I see no reason why this cannot be achieved.

Highway, Pedestrian and Cyclist Safety Conclusion

41. To conclude, while some of these issues could be resolved with the agreement of additional details secured via conditions, such as parking bay dimensions, cycle parking and delivery management, there are remaining concerns for which I do not have sufficient information at this stage. As such, the proposal as presented would be detrimental to highway and pedestrian safety with regards to right hand turn provision into the site and the absence of details for the necessary uncontrolled pedestrian crossing. This would be contrary to Policies DES2, A2, A8 and A10 of the UDP. These seek to ensure development minimises potential conflicts between pedestrians, cyclists and other road users. The proposal would also be contrary to paragraph 110 of the Framework which advises development should ensure a safe and suitable access to the site can be achieved for all users.

Living Conditions

42. To the north of the appeal site would be dwellings approved under the aforementioned outline and reserved matters applications. These would be on the opposite side of the proposed footpath connecting the wider housing site to Littleton Road. As part of noise mitigation proposed to alleviate potential harm to future occupiers of these dwellings, acoustic fences are proposed to be erected along both the loading bay and plant areas of 3.5m and 3.75m heights respectively.
43. Although I understand these are required for other purposes, and that the Council concurs with the findings of the Noise Impact Assessment insofar as it relates to noise itself, the proposed dwellings north of the appeal site would be subject to views of these tall and uncompromising structures. This would present a visually oppressive and overbearing outlook from windows and doors and from within gardens of several properties.
44. Although landscaping details are suggested to be secured via condition, these would take significant time to mature and in the short to medium term the fences would harm the living conditions of future occupiers of these properties. It is further suggested that alternatives to the fences could be considered, although I have no details of what this would entail or whether these would be practical or less harmful. As such I have not considered this further.
45. Based on the foregoing, the acoustic fences would harm the living conditions of occupiers of properties facing the delivery and plant area. This would be contrary to Policy DES7 of the UDP and Policy D5 of the ELP, which seek to ensure all new development provides satisfactory levels of amenity in terms of aspect, among other things. The proposal would also be contrary to paragraph 130 of the Framework which seeks to ensure a high standard of amenity for existing and future users.
46. Policy EN17 of the UDP is also quoted in the reason for refusal, although given the additional information provided regarding the proposed solar panels, the Council are satisfied this matter can be resolved via condition. As such this policy is no longer relevant to this main issue.

Other Matters

47. My attention is drawn to an approved planning application⁴ for an ostensibly similar scheme at the Mocha Parade site. The operator is the same as this appeal, and I have been provided with the relevant plans and application documents. However, while there are obvious similarities, the approval of the Mocha Parade development does not convince me the proposal before me should be allowed on this basis alone.
48. While consistency in decision making is important, there are differences between the two schemes. Most notably, the built form around the Mocha Parade is not as established or distinctive as the area around the appeal site. Moreover, the store position, while set back from the road, occupied a similar position to that of the former retail units. In any event, the existence of a similar development nearby does not convince me the appeal proposal is acceptable, which has been assessed on its own merits against its site specific circumstances.

⁴ 21/76964/FUL

49. The appeal site is adjacent the former co-operative building at 1 Littleton Road. The significance of the Grade II Listed Building derives from its aesthetic and architectural value as well as its historic association with the development of the area. I note the Council did not find harm to the significance of the heritage asset, despite addressing its prominent position in the street scene as it related to character and appearance. From the evidence before me, and my observations on site, I see no reason to disagree.
50. As such, notwithstanding matters of character and appearance, I am satisfied that the proposal would have a neutral effect on, and therefore preserve, the setting of the Listed Building. Accordingly, it would meet the requirements of S66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require the decision maker to pay special attention to the desirability of preserving the listed building and its setting.

Planning Balance

51. There are clearly some significant benefits to the construction of a supermarket in this location. These are predominantly socio-economic in nature, and the introduction of jobs for workers at the store and during construction would be significant, particularly in light of the ongoing economic recovery from the pandemic. Moreover, the site is brownfield land which has sought to retain part of its heritage, including the former racecourse wall and the plaque, and would, in principle, be within walking distance for a large number of residents, notwithstanding my conclusions with regards to the inadequate and/or inconvenient pedestrian connectivity to the adjacent housing development. This would also increase the choice of retailers for shoppers.
52. The addition of landscaping, albeit not finalised on the plans, could add important green infrastructure to the street scene when matured, while the inclusion of electric vehicle charging points is welcomed. Although I have few details, I am informed of Lidl's charity work in the communities within which it operates which no doubt would be of benefit to some local people.
53. However, I have identified substantial harm with regards to the character and appearance of the area as a result of the site layout, design of the building, highway and pedestrian safety, and harm to future occupiers of adjacent dwelling with regards to an oppressive outlook from the acoustic fences. These would significantly undermine the efforts of the Council and stakeholders with regards to the regeneration of the area. As such, these factors weigh against the proposal considerably.

Conclusion

54. The proposal would conflict with the development plan, the emerging Local Plan, relevant guidance and national policy taken as a whole. Although the material considerations cited in support of the proposal are significant, in this instance they do not outweigh the conflict with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR