

MRPP

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**SUMMARY
PROOF OF EVIDENCE
OF
MARTIN GUY ROBESON
BA FRTPI FRICS**

**APPEAL BY LIDL UK AND
ORCHARD STREET INVESTMENT
MANAGEMENT LLP**

APP/Q4245/W/21/3267048

**ALTRINCHAM RETAIL PARK,
GEORGE RICHARDS WAY,
BROADHEATH
ALTRINCHAM**

OCTOBER 2021

Introduction

1. My name is Martin Robeson. My professional credentials are set out at paragraphs 1.1 to 1.4 of my main Proof of Evidence.

Policy

2. Key relevant policies in the development plan generally remain up-to-date. The NPPF has in part brought a more structured and rigorous approach, and more demanding thresholds for decision making, for example in the assessment of design, highway safety or harm to heritage assets. Policy on town centres and retailing remains up-to-date.

Town centres and retailing

3. The foodstore element of the proposed development requires sequential testing since it is not located in a town centre or in accordance with an up-to-date plan. A reconfiguration of the DIY store would be in accordance with policy W2.14. It can be secured other than through this appeal. There is a suitable, available opportunity in Altrincham town centre within the Altair site.
4. Delivering opportunities within town centres invariably requires adaptations to scale and format. And retailers have responded. This is encouraged by national policy. It helps to achieve beneficial investment in the development of more constrained, central sites thus creating sustainable town centres where shoppers can undertake linked trips, have greater opportunity to travel by public transport, benefit from social interaction and thus contribute to “... *the role that town centres play at the heart of local communities...*”.
5. Retailers have responded to this policy initiative. The joint appellant’s proposal for, and commitment to, the sequentially preferable Altair site demonstrates that it is both suitable and available. However, the sequential test has a temporal as well as a spatial dimension. The “Town Centre First” sequence is key to the

government's planning objectives. Reversing the sequence would put town centre investment at risk.

6. The application proposal fails the sequential test, is contrary to the development plan and should be refused.

Design

7. The application proposals have a profound impact on the Manchester Road street scene. This has been far from adequately assessed by the appellants. The Local Planning Authority recorded "...*some departure from policy and (the 2019) guidance, when having regard to local heritage...*"
8. The 2021 NPPF has provided more rigorous and demanding assessment criteria that can be read with the relevant development plan policy. These criteria post date the Council's decision on the second application.
9. The proposed development would have: a fundamental lack of relationship with the Manchester Road frontage; an inappropriate position with regard to the 'building line'; a poor relationship in terms of form and scale with neighbouring development to the north and south on Manchester Road and on the opposite side of the street; inappropriate choice of external facing materials; out of scale elements in its design; a lack of respect for the neighbouring buildings' materials, and a failure to create any visual expression or interest in the street scene.
10. As such the development fails to '*add to the overall quality of the area, be visually attractive as a result of good architecture, be sympathetic to local character and history and establish a strong sense of place to create attractive, welcoming and distinctive places to live, work and visit*'. These are the first four requirements set by paragraph 130 of the NPPF and are to be applied to decision-making in order to achieve well-designed places. The proposed development fails to deliver against these expectations and is in conflict with the development plan policy.

Harm to a Heritage Asset

11. The Railway Inn is a Grade II listed building located within the application site. Its setting extends into the neighbouring highway network and the open adjacent car park of the retail park. As a frontage building it forms part of the original street scene that would have continuously faced Manchester Road. There are remaining examples of this frontage development within which other local heritage assets exist. The recent nursery school development opposite the retail park (on the other side of Manchester Road) provides an example of a successful infilling of a street gap.
12. The proposed development, as assessed above, has poor layout and design credentials. This has consequences to the assessment of harm to the significance of the listed building's setting. The local planning authority's advisor found a "moderate" harm. "Great weight" has to be applied in the assessment of such harm and "special regard" to preserving the setting of such buildings.
13. Public benefits can weigh against the 'less than significant harm'. These have been reviewed. Without exception they are matters that generally arise from new retail development. Some have little or no merit. They are far from adequate to outweigh the significance of the harm to the setting of the listed building.

Highway safety

14. The new egress onto George Richards Way is identified as being unnecessary. Despite minor improvements it remains an unsafe feature.
15. As a priority exit, drivers will wait for a gap in the eastbound flow platooned out of the three available arms to the Retail Park / George Richards Way / Davenport Lane junction. Three factors arise from this manoeuvre. First, entering the flow at a point where approaching vehicles will be straddling lanes as they weave for lane position at the Manchester Road (A56) intersection just

to the east; second, entering the flow with an expectation of not encroaching on road space in the outside lane but not being able to achieve it (compared with the perfection of 'tracking'), and third, moving forward in response to a visible gap in traffic from the driver's right-side view whilst not having awareness of pedestrians walking westwards along the pavement and moving in front of the apparently stationary vehicle.

16. There are then potentially unacceptable impacts on highway safety arising from the mitigation measures. These include traffic using the egress to 'beat' the exit queue at the retail park's light controlled junction but undertaking a U-turn immediately after the end of the proposed short central reservation; pedestrians using the central reserve as a safe 'half-way' refuge in attempts to cross George Richards Way, but finding that there is inadequate space to stand safely away from the carriageway but being hampered by the metal barrier, and vehicles colliding with the central reserve's kerb when seeking to avoid traffic weaving from the inside to the outside lane in advance of the Manchester Road lights.
17. Some of these issues have also been raised by the Local Highway Authority and TfGM. The former "*... remains concerned that the introduction of the proposed new access will still have a negative influence, with the potential for a collision to occur as a direct result of vehicles using it (with or without an injury being sustained)*".
18. The LHA applied the wrong test, i.e. "*a severe detrimental impact to road safety*". Applying the correct NPPF test – whether there would be "*an unacceptable impact on highway safety*" - should undoubtedly lead to refusal.

Noise and other considerations

19. I have reviewed material assessing the potential impact on residential amenity from noise. Having regard to the likely operating regime, restrictions on delivery hours and the requirement for acoustic screening, there should be compliance with development plan policy.

20. Other matters have been reviewed. None raise issues that either conflict with the development plan or provide important material considerations otherwise.

The planning balance

21. The most important policy consideration relates to the sequential test. It is a fundamental plank of national policy. The proposal fails the test. There are failures against the development plan's other key policies on design, heritage and highway safety. The limited public benefits that might exist have been spent in their weighing against the heritage harm. Other policy influences and material considerations do not outweigh the conflict with the development plan. The determination of this appeal should therefore be made in accordance with the plan. The appeal should be dismissed.
22. The local planning authority took the correct approach in its determination of the first application. Bearing in mind the lack of any meaningful change to the second application's proposals, or to the policy context, there was a lack of consistency in the Council's decision-making. There was no justification for reducing the weight to be applied to the failure of the sequential test. No new evidence was adduced. And the continuing 'commitment' by the joint appellant to the Altair site can provide no guarantee of delivery (and even less likelihood (and risk of prejudice to planned investment) if the appeal were allowed) yet confirms the existence of a sequentially preferable opportunity.
23. All that the Council had was what it saw as a slightly less than unacceptable egress proposal. That should have had no bearing on the overall planning balance given that it simply meant that there would be a little less danger in exiting a development which should, in any event, be refused for a totally independent but fundamentally important reason.