



21st October 2021

Response To The Points Raised On Heritage Grounds In The Proof Of Evidence By Martin Guy Robeson, Of Martin Robeson Planning Practice From SLHA On The Appeal Of The Broadheath Retail Park Application

Introduction

This report has been written by Stephen Levrant Heritage Architecture Ltd (SLHA), a specialist practice of conservation architects, surveyors, planners and heritage consultants which specialises in the historic environment.

The responses put forward by SLHA within this letter relate to the appeal (Ref. APP/Q4245/W/21/3267048) against refusal of planning permission (Ref. 98127/FUL/19) in July 2020. Specifically, this report responds to the points raised on heritage grounds in the Proof of Evidence of Martin Guy Robeson, of Martin Robeson Planning Practice (town planning consultants development advocacy).

Background to scheme and SLHA's involvement

SLHA were originally commissioned by Rapleys LLP (on behalf of Orchard Street Asset Management) in November 2019 to assess the visual, indirect impact of the proposed extension to the Broadheath Retail Park, Altrincham, on the settings of two nearby Grade II listed buildings; the former Lloyds Bank (marked B in **Figure 1** below), and the Railway Inn Public House (marked A in **Figure 1** below).



Figure 1: Aerial view looking north-west across the Broadheath Retail Park, showing the Grade II listed Railway Inn Public House marked 'A', and the Grade II listed former Lloyds Bank (Broadheath Branch) and Post Office marked 'B'. The current Homebase store is marked by the red star, the approximate Homebase garden centre extension is shaded green, whilst the location of the proposed Lidl Store is shaded red.

The proposals comprise the construction of a single-storey Lidl store (on the current site of the Homebase store's outdoor garden centre), the part-reconstruction of the current, Homebase store and the construction of a new outdoor garden centre on the site of the current area of surface car parking fronting Manchester Road (**Figure 1**).

The original Planning Application (LPA Ref. 98127/FUL/19) was submitted on the 26th June 2019, and subsequently refused. The Decision Notice was issued on the 17th July 2020, stating the two reasons for refusal below:

“There is a sequentially preferable site which is available within a reasonable period and also potentially suitable to accommodate the proposed foodstore development. When demonstrating flexibility on issues such as format and scale, it has not been adequately demonstrated by the applicant that this alternative site is not suitable. As such, it is considered that the application proposal fails to satisfy the sequential test at paragraph 86 of the NPPF and thus a reason to refuse the application at paragraph 90 of the NPPF applies. The proposal is also contrary to saved Policy S11 of the Revised Trafford Unitary Development Plan and Policy W2 of the Trafford Core Strategy.

The proposed development involves the introduction of a new point of egress for customer traffic onto George Richards Way which has the potential to introduce significant vehicular conflict. It has not been adequately demonstrated by the applicant that this would not have an unacceptable impact on highway safety and thus a reason to refuse the application at paragraph 109 of the NPPF applies. The proposal is also contrary to Policy L4 of the Trafford Core Strategy.”

Notably, the above reasons for refusal did not include any related to heritage issues, which had been resolved prior to determination as being outweighed by the public benefits of the proposed development.

Consequently, an appeal against the refusal of the original Planning Application was lodged by the joint Appellants on the 15th January 2021, followed by a revised application in a similar form and description of development. The revised application sought to respond to the reasons for refusal, principally the design of the vehicular egress and the level of safety risk arising. The revised application was submitted by the joint Appellants on the 8th February 2021, and was ultimately approved on 8th April 2021 (LPA Ref. 103414/FUL/21).

SLHA's Assessment (from our 2019 Heritage Statement report)

Historic background of the Site

The Site, on which the Broadheath Retail Park is constructed, originally formed the Broadheath Railway Station, goods shed and viaducts, which opened in 1853. The station closed to passengers in 1962 and was entirely demolished by the late-1980s/early 1990s. The Railway Inn was statutorily listed at Grade II on the 21st July 1993, shortly before the current retail park was developed.

The current Broadheath Retail Park was subsequently constructed on the site in the mid-1990s, with approval for all remaining structures across the Site to be demolished being granted on the 07th October 1994: *“Outline planning permission for the demolition of existing buildings and structures and redevelopment of site as a retail warehouse park including non-food retail units, garden centre, 2 restaurants, and associated parking, employment development and new access road”* (Ref: H/OUT/38342).

On the 15th February 1995 additional works to demolish the six 19th century terraced shops to the immediate north of the Grade II listed Railway Inn Public House was granted in order to construct the current large area of surface car parking which exists today (Ref: H/OUT/39995). The demolition of these

adjacent buildings adversely altered the original historic context and setting of the Grade II listed Railway Inn.

Policy context and our methodology

As required by Historic England's Guidance on producing "Statements of Heritage Significance" (Oct, 2019), our assessment criteria comprised a staged approach, utilising an analysis of both the existing and historic setting of the listed buildings in order to form an evidence based conclusion of the relative contribution of setting to significance of the identified heritage assets which could be affected by the proposals.

The importance of 'setting' lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.

Therefore, it is the contribution of setting to the significance of the heritage asset which should be first established. For the purpose of our assessment, the *contribution of setting* to the significance of any given heritage asset is considered to be either high, medium, low, negligible or neutral (refer to ICOMOS 2011 guide to Heritage Impact Assessments for complete definitions).

Our assessment and conclusions within our original Heritage Statement (20th December 2019) used ICOMOS heritage guidance (2011), which is integral to Historic England's 2019 guidance on the structure and form of heritage statements.

Our assessment

As stated in our original Heritage Statement (20th December 2019), the contribution of setting to significance of the Grade II listed Railway Inn was evaluated as 'low' due to the substantial redevelopment surrounding the pub during the 1980s and 1990s, which removed all of the building's historic context, and as a result, the pub now stands entirely isolated amongst a network of busy multi-lane roads/junctions and the large Broadheath Retail Park.

The setting and heritage interests of the pub are now only understood and appreciated when experienced from the immediacy of the principal front (east) elevation of the building when traveling north and south along Manchester Road, or indeed from inside the building.

Similarly, the contribution of setting to significance of the Grade II listed former bank and post office was evaluated as 'low' due to the fact that the contribution of the building's setting to its significance has been diminished by the busy multi-lane roads, central reservation and surrounding large-scale modern retail developments.

The setting and heritage interests of the former bank and post office are only understood and appreciated from the close environs of its principal elevation (east) when travelling south from the junction of Manchester Road and George Richards Way, and north from Atlantic Street.

Our original conclusions

As the visual impact assessment within our 2019 report demonstrated, the ability to appreciate the relative heritage significance of these listed buildings will remain unaffected by the proposed development, and consequently no harm upon the settings or special interest of the identified heritage assets will be caused by the proposed development.

Conversely, Trafford Council's Heritage Development Officer's conclusion that the scheme would cause *moderate harm* to the setting of the Grade II listed Railway Inn is at odds with ICOMOS guidance, which states that moderate harm means that a development "*erodes to a clearly discernible extent the heritage*

values of the heritage assets in the view, or the ability to appreciate those values”, which we demonstrated in our original heritage statement to not be the case in on this occasion.

Nonetheless, the perceived level of harm that the Council ascribed was found to be outweighed by the public benefits of the proposed development, and consequently the proposed development would not cause any demonstrable, unmitigated ‘harm’ or erosion of the interests of the identified heritage assets.

SLHA responses to Mr Robeson’s Proof of Evidence (October 2021)

The below responses principally respond to the points raised on heritage grounds in the Proof of Evidence of Martin Guy Robeson, of Martin Robeson Planning Practice (town planning consultants development advocacy).

In the introduction of the aforementioned Proof of Evidence, Mr Robeson provides details of his qualifications, which comprise a BA in Town Planning, being a Fellow of the Royal Town Planning Institute and a Fellow of the Royal Institution of Chartered Surveyors. Mr Robeson’s previous and present businesses have *“advised retailers, retail and other developers, financial institutions and others including across a broad spectrum of commercial and other development. But my work has focused, in particular, on retail issues and development.”*

Paragraphs 1.2 and 1.3 of Mr Robeson’s Proof of Evidence further explains his long involvement with a number of Planning and development issues for large supermarkets: *“I have considerable experience in advising on the impact of planning policy on business issues and, in particular, retail development. From 1986 to 1994, I was Sainsbury’s Director of Town Planning within its Development Division. I was responsible for all matters relating to the strategy for the promotion of Sainsbury’s planning applications for new development schemes and for those of its then subsidiary, Homebase Ltd. I was intimately involved in the management and development of consultants who were acting on specific schemes for Sainsbury’s and Homebase”.* Paragraph 1.3 concludes with *“Issues relating to retail assessment were then, as now, at the forefront of that work.”*

It should be noted that Mr Robeson does not hold any qualifications relating to the historic environment, nor does he have any demonstrable experience in this area; a fact that becomes evident in his heritage related points, to which we will respond to in turn below.

The focus of Mr Robeson’s Proof of Evidence is stated in Para 2.11 as to *“review all the relevant issues in order to assess the ‘planning balance’, the balance of which was assessed and determined by the Officer’s Committee report where it was “concluded that the proposed development would result in harm of a ‘less than substantial’ nature to the significance of the Grade II listed Railway Inn. **However, the public benefits stemming from the proposal would sufficiently outweigh the harm arising, it is considered.”** (my emphasis)*

And that *“Great weight has been afforded to the heritage harm that would arise when having regard to the statutory duty. However, it is concluded that the policy test at **paragraph 196 of the NPPF has been fulfilled and that the heritage harm would be outweighed.**”* (my emphasis) (Para 73). Consequently, the Officer recommended to grant the application, subject to conditions.

Below are our responses (in red) to each heritage related points within Mr Robeson’s Proof of Evidence in turn.

6.15 *The current retail park car park provides a buffer to the listed building. That is an important part of its setting. It effectively separates the large box-like, shed buildings from the more diminutive and distinctive asset. To the north it maintains a characteristic space between smaller frontage buildings. Outside the site,*

the building's setting is the highway and junction roadway space itself - with the Manchester Road space outside and around about being an important setting to the building's front façade. And the highway space to George Richards Way provides the setting for the building's articulation of gabled roofs and supporting walls. The building therefore has a setting that whilst not historic in itself provides space for its appreciation as a heritage asset.

6.16 *I do not therefore support the application stage Heritage Statement's (CD-B13) finding on 'setting' that the redevelopment of the adjacent properties has "removed all historic context ... and buildings, as a result, the pub stands entirely isolated amongst a network of busy multi-lane roads/junctions and the large Altrincham Retail Park resulting in its setting now entirely lost and shorn of historic context".*

SLHA Response: As we have illustrated in our original 2019 Heritage Statement, and reiterated above, the setting of the Railway Inn is entirely shorn of its historic context and streetscape, and no longer has any relationship to the few remaining, much later, terraced buildings located at a distance further north along Manchester Road.

Historic England's Good Practice Advice in Planning: The Setting of Heritage Assets (2017) defines setting as: *'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral.'*

We therefore do not agree that the retail park car park is *"an important part of its setting"*, nor that *"To the north it maintains a characteristic space between smaller frontage buildings"*. Furthermore, we do not agree with Mr Robeson's assessment that *"Outside the site, the building's setting is the highway and junction roadway space itself - with the Manchester Road space outside and around about being an important setting to the building's front façade. And the highway space to George Richards Way provides the setting for the building's articulation of gabled roofs and supporting walls"*.

Given that the building is now only appreciated and understood in isolation amidst substantial, multi-lane major road infrastructure, pedestrian crossings, street furniture, largescale commercial stores, and mass surface car parking, it is difficult to understand how Mr Robeson has arrived at such a conclusion Mr Robeson does not provide any assessment of how his findings relating to the building's setting contribute to the significance of the Grade II listed Railway Inn, except for simply describing the current appearance of the Railway Inn and its environs.

6.17 *Since the building sits almost on the corner of Manchester Road with George Richards Way, the building's interestingly articulated, gable roof forms and cutaway side to facilitate a pedestrian route (the former recognised in the expert's review (paragraph 65 of CD-I4)) are both seen in a variety of views as one approaches, waits at and passes the junction of Manchester Road with George Roberts Way. But the need for such 'kinetic' views, raised by the advisor (paragraph 66 of CD-I4) were not recognised in the Heritage Statement submitted with the application. Instead, we are shown an 'existing' and 'proposed', with totally different traffic conditions. The 'existing' with an HGV blocking the existing view of the present Homebase building, and the 'proposed' without it whilst missing the listed building's existing projecting rear wing (and without any replacement totem signage). The limited viewpoints and errors frustrate the opportunity to rely on such material to assess the likely harm to the significance of the listed building by virtue of impact on its setting.*

SLHA Response: Again, as per paragraphs 6.15 and 6.16, Mr Robeson has misunderstood the contribution of setting to the significance of a heritage asset with simple descriptions of the Railway Inn's appearance and architectural features, rather than how the surrounds may or may not be beneficial or detrimental to the understanding and appreciation of the listed building and its heritage interests. Majoring on the

“building’s interestingly articulated, gable roof forms and cutaway side” and the locations and directions from where this can be seen along Manchester Road, does not recognise the low contribution of the immediate environs of the Inn to its significance, as these features will not be interrupted or concealed by the proposed development.

Mr Robeson’s point that *“the need for such ‘kinetic’ views, raised by the advisor (paragraph 66 of CD-I4) were not recognised in the Heritage Statement submitted with the application. Instead, we are shown an ‘existing’ and ‘proposed’, with totally different traffic conditions”* is disingenuous as it pays no regard to the methodology used within SLHA’s Heritage Statement. There is no prescribed methodology for assessing heritage impact and the images used allowed for a proportionate response, as recognised within the NPPF.

As explained in our original Heritage Statement, our initial baseline assessment of the settings of the identified heritage assets informed the number and location for heritage view locations, and although Mr Robeson explains that *“The limited viewpoints and errors frustrate the opportunity to rely on such material to assess the likely harm to the significance of the listed building by virtue of impact on its setting.”*, he is still able to confidently come to his own conclusion of the perceived level of harm on the setting of the Railway Inn.

6.19 *However, in particular, it is the wholly unsympathetic incursion into the remaining ‘fragments’ of historic street scene that is particularly harmful.*

SLHA Response: As detailed in an email consultation on the scheme by Trafford Council’s Heritage Development Officer, Elisabeth Lewis, on the 12/08/2019: *“Whilst the current setting of the Railway Inn is defined by an expanse of car park, there is an opportunity to reinforce the historic urban grain and enhance the context of this isolated listed building”*, the chosen location of the proposed development therefore partly responds by re-establishing a sense of the missing and fragmented streetscape.

6.21 *In section 8 I review the approach to design considerations as they impact on the local context (including the setting of the heritage asset). I find that this is a matter that appears to have had little, if any, attention given to the Appellant’s and their Advisors. The Council Officer’s Report on the second application (CD-I4) states “...the area of the new garden centre is more problematic in design terms. This element would be seen in the context of both George Richards Way and the well-trafficked A56 and would encroach into the setting of the Railway Inn. (paragraph 80).*

6.22 *The Officers inclusion states “...it is evident that the proposal has not taken full account of all aspects of context since some harmful impact to a heritage asset has been identified.” (paragraph 80 of CD-I4). It finds that it is a “...development with an identity which would cater for its users...” rather than one that has “taken full account of all aspects of context” or is a proposal that “...would not fully meet all design principals established by Policy L7...”*

SLHA Response: As detailed in an email consultation on the scheme by Trafford Council’s Heritage Development Officer, Elisabeth Lewis, on the 12/08/2019 *“Whilst the current setting of the Railway Inn is defined by an expanse of car park, there is an opportunity to reinforce the historic urban grain and enhance the context of this isolated listed building”*. Again, it is important to note that SLHA did not have any involvement in the commercial design of the proposed development, however, regardless of the preferred design, our findings remain the same, and that the design simply continues the existing style of the surrounding 1990s largescale stores.

6.23 *The Officer concludes that the proposed development is “...therefore harmful to the significance of the listed building by virtue of the impact on its setting” (paragraph 68 of CD-I4). The extent of harm is described*

by the advisor as “moderate”. As such, the Officers Report places that within the “less than significant harm” categorisation.

6.24 As a result, there is conflict with Policy R1. Pursuant to NPPF 199, impact of the proposal on the significance of the listed building needs to be set against the “...great weight to be given to the asset’s conservation” and for there to be a “clear and convincing justification” (200) for any loss of the asset’s significance arising from development within its setting. And the Officer’s Report reminds us of the statutory presumption in the Act that “significant weight and importance should be afforded to heritage harm” (paragraph 69 of CD-14).

SLHA Response: “Less than substantial harm” is defined in the National Planning Policy Framework (NPPF) as having a physical alteration or development affecting the setting of a designated heritage asset which may alter but does not fundamentally compromise its “special architectural or historic interest”.

Therefore, the Council must determine whether a development is mitigated by its balancing ‘planning benefits’. This determination must be made having demonstrably applied the statutory presumption in favour of preservation of listed buildings established in Section 66 of the 1990 Act to the development proposal when making its decision.

Fundamentally, the legislation requires decision-makers to apply proportionate weight to the desirability of preserving the significant fabric, architectural character, and historic interest of designated heritage assets when determining planning proposals, balanced against identifiable public benefits. This requires appropriate analysis of the Site as a whole, and its physical and visual relationship to any neighbouring designated heritage assets.

The key Planning consideration is thus whether the Proposed Development would cause any demonstrable, unmitigated ‘harm’ or erosion of the interests of the identified heritage assets. This is not the case with the proposed development.

Conclusion

It is important to note that the revised scheme gained planning consent on the 8th April 2021, with the Officer making the following remarks regarding the balance of public benefits: para 75 “Accordingly, it is concluded that the policy test at paragraph 196 of the NPPF has been fulfilled and that the heritage harm would be outweighed” (my emphasis).

Having reviewed the above points raised by Mr Robeson, the findings of our original assessment remain unaltered; the current setting of the Grade II listed Railway Inn is considered to be low, and that the proximity of a development to a listed building does not automatically equate to harm.

Kind regards

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