

**TOWN AND COUNTRY PLANNING ACT 1990**

**DECISION NOTICE : REFUSE**

**REFUSAL OF PLANNING PERMISSION 21/77381/FUL**

**Date of Decision:** 6 July 2021

SIGNED



**Date of Issue:** 6 July 2021

On behalf of the Council

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**Applicant:**

Lidl Great Britain Limited  
c/o Mr Jonathan Harper  
Rapleys  
55 Spring Gardens  
Manchester  
M2 2BY

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**Part 1 – Particulars of Application:**

**Date of Application:** 7 April 2021

**Location of development:**

Land Off Cromwell Road  
Castle Irwell  
Salford  
M6 6DA

**Particulars of development:**

Erection of a new Lidl foodstore (Use Class E) with associated car parking and landscaping

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**Part 2 – Particulars of Decision:**

The Council of the City of Salford hereby gives notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **refused** for the carrying out of the development referred to in Part 1 hereof for the following reason(s):-

1. The proposed development, in light of the proposed site layout, building position, boundary treatments & landscaping, the absence of active frontages to the surrounding highway network & **the dominative presence of large expanses of car parking**, and the scale, form and elevational treatment of the store building, fails to respond to and sit sympathetically within its physical context and respect the positive character of the local area and urban form around Charlestown Roundabout. The development would fail to contribute positively towards local identity and distinctiveness, and the proposed site layout and development design fails to provide a suitable counterbalance to the layout of Phases 1 and 2 of the wider Castle Irwell development, thus severely weakening the positive and high-quality urban design attributes of the emerging neighbourhood, and failing to establish a strong sense of place. The proposals are therefore considered to be contrary to Policies DES1, DES4 and DES9 of the City of Salford Unitary Development Plan, the Council's Supplementary Planning Document Design - Shaping Salford (2008) and the National Planning Policy Framework, having

particular regard to the requirement to achieve all three strands of sustainable development set out within Chapter 2 of the Framework and the need to achieve well-designed places set out within Chapter 12.

2. The design and layout of the proposed development **fails to maximise the potential for movement of pedestrians and cyclists to, through and around the site**, in particular failing to provide appropriate, attractive, safe and direct routes to Phases 1 and 2 of the adjacent residential development on the wider Castle Irwell site. **The site layout also fails to minimise potential conflicts between pedestrians, cyclists and other road users within the development itself**. The proposed car parking layout includes provision of car parking bays which fail to meet the required dimensions to safely and fully accommodate parked vehicles. The development also fails to make adequate provision for motorcycle parking and **the application does not provide sufficient information to demonstrate that adequate provision for staff cycle parking has been made within the scheme**. Insufficient information has also been submitted to demonstrate that the proposed development would have an **acceptable impact on the surrounding highway network or that the proposed access/egress point on Littleton Road would provide for the safe interaction of cars, delivery vehicles and pedestrians & cyclists**. The proposals are therefore considered to be contrary to Policies DES2, A2, A8 and A10 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.
3. Insufficient information has been submitted to demonstrate that the proposed development would share an acceptable relationship with neighbouring residential properties in the absence of the proposed dominative, visually unacceptable and over-engineered acoustic boundary treatments, with respect to the potential impacts of noise from the development on the amenity of existing and future residential occupiers. Insufficient information has also been submitted to demonstrate that the proposed photo-voltaic panels to be installed to the store roof would share an acceptable relationship with neighbouring residential properties within Phase 2 of the wider Castle Irwell development, and that their installation would not give rise to adverse impacts on the amenity for occupiers by way of glare from reflected sunlight. In the absence of such evidence, the proposals are considered to be contrary to Policies DES7 and EN17 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.

### **Statement of conformity with Article 35 of The Town and Country Planning (Development Management Procedure) (England) Order 2015**

The Local Planning Authority offered solutions to the applicant in order to make the development acceptable at pre-application and application stage. The applicant was however unwilling to amend the plans. Without these amendments the development would not improve the economic, social and environmental conditions of the area and therefore does not comprise sustainable development. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

### **Important Notice**

1. For the avoidance of doubt, this decision relates to the following plans:
  - o Location Plan ref. 7415 - SMR - 00 - ZZ - DR - A - 2001 - A3 - P1
  - o Proposed Site Plan ref. 7415 - SMR - 00 - ZZ - DR - A - 2003 - A3 - C7
  - o Proposed External Works ref. 7415 - SMR - 00 - ZZ - DR - A - 2008 - A3 - C8
  - o Proposed Elevations ref. 7415 - SMR - 00 - ZZ - DR - A - 8102 - S2 - P3
  - o GA Plans ref. 7415 - SMR - 00 - ZZ - DR - A - 2101 - A3 - C2
  - o Pedestrian Connectivity ref. 7415 - SMR - 00 - ZZ - DR - A - 2009 - A3 - C1
  - o Indicative Levels Strategy ref. 7415 - SMR - 00 - ZZ - DR - A - 8007 - S3 - P2
  - o Proposed Lighting Layout ref. 0400590453 DWG 01 rev. 0

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### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the First Secretary of State under section 78 of the Town and Country Planning Act 1990.

- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice except where one of the following applies:
  - If this is a decision to refuse planning permission for which an enforcement notice has been served for the same or substantially the same land and development either within 2 years prior to the date on which the application was submitted or before the application was determined, if you want to appeal against your local authority's decision then you must do so within 28 days of the date of this notice; or
  - If this is a decision to refuse planning permission and an enforcement notice is served for the same or substantially the same land and development after the date of this notice, if you want to appeal against your local authority's decision then you must do so within 28 days from the date the enforcement notice is served, unless the effect would be to extend the period beyond the usual time limit for cases not involving an enforcement notice (i.e. 6 months of the date of this notice).
- Appeals must be made using a form which you can obtain from either the Customer Support team on 0303 444 50 00 or to submit electronically via the Planning Portal at <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

#### **Purchase notices**

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act

#### **Compensation**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him/her.

These circumstances are set out in section 114 and related provisions of the Town and Country Planning Act 1990.