



# Appeal Decision

Inquiry opened on 27 March 2007  
Site visit made on 3 January 2008

by **Martin Pike** BA MA MRTPI

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

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9 April 2008

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## Appeal Ref: APP/Q4245/A/06/2023803

### The Square, Hale Road, Hale Barns, Altrincham, Cheshire WA15 8ST

- 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 Citybranch Limited against the decision of Trafford Metropolitan Borough Council.
- The application Ref: H/63898, dated 30 January 2006, was refused by notice dated 19 July 2006.
- The development proposed is demolition of existing buildings and comprehensive regeneration comprising retail (A1, A2, A3, A4, A5) and residential uses, landscaping, car parking, servicing and associated works.
- The inquiry sat for 16 days, on 27-30 March, 18-21 September, 20-23 November and 18-21 December 2007. Site inspections took place on 30 March 2007 and 3 January 2008, and other retail locations in the locality were visited on 3 January 2008.

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## DECISION

1. I dismiss the appeal.

## PROCEDURAL MATTERS

2. At the inquiry two applications for costs were made, one by Trafford Metropolitan Borough Council against Citybranch Limited, and the other by Citybranch Limited against the Council. These applications are the subject of separate decisions.
  3. Various amendments were made to the application plans during the appeal process. These are all relatively minor in nature and have no material effect on local residents affected by the development or on other interested parties. An updated list of the application drawings on which my decision is based, dated 19 November 2007, was submitted as Appendix 2 of the Statement of Common Ground; I have included the list as a separate inquiry document (No 68).
  4. In the lengthy period between the opening and closing of the inquiry, the name of one of the third party objectors changed from United Co-operatives Limited to The Co-operative Group. I have used the abbreviation 'Co-op' throughout the decision.
  5. At the inquiry the appellant produced drafts of a unilateral undertaking made pursuant to section 106 of the 1990 Act which would require the
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developer to provide affordable housing and to make financial contributions intended to mitigate the demands on infrastructure in the locality arising from the development. The means by which the affordable housing would be achieved and the contributions payable in respect of transportation measures, recreation facilities and tree planting for the Red Rose Forest were agreed by the Council to comply with its planning policies and supplementary guidance. The completed version of the obligation was not available by the close of the inquiry, but was submitted shortly after in accordance with the timetable I established. I have taken the provisions of the unilateral obligation into account in reaching my decision.

6. On 31 October 2007 the Competition Commission published a "Provisional findings report" as part of its Groceries Market Investigation. This was the subject of debate during the inquiry and extracts were submitted in evidence (inquiry document 59). On 15 February 2008 the Commission published "Provisional decision on remedies" papers. Because these represent the latest views of the Commission and build on the October 2007 report, I thought it necessary to allow the parties the opportunity to comment before I finalised this decision. I have taken into account the written submissions subsequently made by the four main parties.

## **MAIN ISSUES**

7. The Council refused planning permission for two reasons, firstly that the scale of the development is not in keeping with the character of the area, and secondly that the additional traffic generated by the proposal would be detrimental to the flow of traffic along Hale Road. Shortly before the inquiry opened, the appellant discovered a significant error in the retail study submitted with the application. This caused all parties to reassess the retail aspects of the proposal, and led to the Council resolving that it would also have refused permission on grounds of the excessive scale and impact of the retail elements of the proposal and the failure to justify quantitative need.
8. Although not identified as a main issue by the Council or the appellant, there was considerable debate at the inquiry about the appropriateness of the proposed 51 flats in the light of the generally restrictive approach to new housing provision that applies in many parts of the North West. I believe this is an important matter which merits careful examination. Consequently I consider that there are four main issues in this appeal:
  - (i) whether the proposed retail development is an appropriate scale having regard to the role and function of Hale Barns local centre;
  - (ii) the implications of the increase in traffic on the free flow of traffic along Hale Road and the convenience of road users;
  - (iii) the effect of the proposed development on the character and appearance of the surrounding locality;
  - (iv) whether the proposed residential development would unacceptably add to the current oversupply of land for housing in Trafford Borough.

## REASONS

### *Retail Impact*

#### *Background and existing situation*

9. The recently published Trafford Retail Study confirms the current role and function of the Borough's centres. Altrincham is the sub-regional centre in the south-west part of the Manchester conurbation, with an extensive town centre providing a wide range of convenience and comparison goods and services. In the south-east sector of its hinterland is Hale, which has a range of mainly small shops and is listed as a district centre in the Revised Trafford Unitary Development Plan (UDP). There is a relatively limited convenience goods offer in Hale, so it performs a predominantly top-up role. In the same geographic sector but below Hale in the hierarchy is Hale Barns local centre, which is situated towards the edge of the conurbation. There are also a few small neighbourhood centres scattered about the sector.
10. The appeal site is within the local centre of Hale Barns as defined in the UDP. It comprises the whole of the 1960s shopping precinct and car park that makes up The Square. It includes a small Co-op supermarket of 321 sq m sales floorspace and 18 smaller units providing a limited range of mainly convenience goods, restaurants/ takeaways and other services. The local centre also incorporates a row of 11 shop units on the northern side of Hale Road, opposite The Square, 3 units on the corner with Wicker Lane, and two public houses. The Square currently provides 2,363 sq m gross retail floorspace, representing almost 60% of the total floorspace in the centre (3,973 sq m).
11. Two surveys were conducted to establish the current use of the facilities at Hale Barns – a telephone shoppers' survey and an in-centre street survey. These reveal that the centre performs a limited and predominantly top-up role for convenience goods; the telephone survey indicates that only 4.3% of respondents in the nearest postcode area do their main food shopping at the Co-op, and 31.9% use this local store for top-up shopping.<sup>1</sup> The in-centre survey of users of the Hale Barns shops found that the Co-op and the Post Office were the main destinations, with 11% of respondents using the Co-op for main food shopping. Both surveys clearly demonstrate the pre-eminence of the Sainsbury and Tesco superstores at Altrincham for main food shopping. These stores are also the most important destinations for top-up shopping, though unsurprisingly there is a much wider spread of locations.
12. The appellant, the Council and, to a much lesser extent the Co-op, believe that Hale Barns is underperforming and would benefit from some form of redevelopment. The proposal would provide a supermarket of 3,050 sq m gross, intended for Waitrose, and 14 individual units of varying sizes, totalling 1,433 sq m gross. The total provision of 4,483 sq m gross floorspace would represent a 90% increase in retail floorspace on the site and a 53% increase in the overall size of the local centre.

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<sup>1</sup> The corresponding figures for the 3 postcodes that make up the Primary Catchment Area are 1.6% main food and 14.1% top-up shopping.

13. At issue is the scale of the retail proposal, particularly the amount of convenience floorspace, and the role and function of the centre. In brief, the appellant argues that the supermarket is the minimum size necessary to establish a viable centre which performs a main food shopping role, whereas the Co-op maintains that a much smaller supermarket is needed merely to enhance the role of the centre as a predominantly top-up destination. The Council adopts an intermediate position, accepting that a limited main food shopping role is appropriate, but believing that a supermarket of about two-thirds the proposed size would fulfil this function.

*Retail impact study*

14. A retail impact study was submitted as part of the documentation supporting the planning application. Dealing firstly with the comparison goods sector, the study demonstrated that a substantial quantitative need for comparison goods would remain after the implementation of the proposal. All parties agree that the comparison goods component of the proposal does not raise issues of retail policy, and I see no reason to disagree. Consequently the study and the subsequent debate focus on the convenience goods sector. The original assessment included a major error in the data relating to expenditure per head on convenience items, which led to a finding that after the development there would remain a large surplus or capacity (over £20m) in convenience goods expenditure. This was the information before the Council when it determined the application. The error came to light during the preparation of evidence for this inquiry.
15. In response to criticism from the parties opposing the retail element of the proposal, the impact study has undergone significant changes in both methodology and data. At my request, the main parties were involved in the preparation of a corrected and updated assessment which forms the basis of the Retail Statement of Common Ground (RSCG). The time periods used, the population of the primary catchment area (PCA), the total available convenience expenditure and the proportion of trade from outside the PCA are agreed to be a reasonable basis for assessment, though the objectors, particularly the Co-op, take issue with a number of matters. These are examined below.

*Retail study issue (1) - Extent of Primary Catchment Area*

16. One of the matters disputed by the Co-op is the geographic extent of the PCA. This has been defined on the basis of three postcode areas used in the surveys: WA15 0 which is the core Hale Barns area south of Hale Road between Park Road and the M56, WA15 8 which lies to the north of Hale Road and extends to Altrincham town centre, and WA15 9 which includes the eastern and northern suburbs of Hale, again extending to Altrincham town centre. The boundary has been drawn to exclude the Sainsbury and Tesco on the edge of Altrincham town centre, which are just over 3km (approximately a 6 minute drive) from the site. The Co-op argues that the catchment is both too big for a local centre the size of Hale Barns, and too small for the proposed Waitrose supermarket. It contends that the typical catchment for a local centre is about 1.5km (about as far as Park Road), and that the catchment for a main food shopping store is generally taken as a 10

minute drive-time (which would include all of Altrincham and parts of Timperley, Baguley and beyond).

17. I acknowledge that a PCA which includes more than half of Hale district centre and extends up to the edge of Altrincham sub-regional centre is larger than would usually be expected as the catchment for a local centre. It may be, as the Co-op implies, that a more typical catchment for Hale Barns local centre would be the much smaller 'red-hatched area' shown on the appellant's distance saving note. However, restricting the catchment in this way would make it difficult to explore potential changes to the role and function of the local centre, the very issues that are pertinent to this inquiry. As to a larger, 10 minute drive-time catchment based on the size of the proposed store, this has some merit in that it would model those 'brand loyal' shoppers prepared to make journeys to a Waitrose store that are considerably longer than their present trips to the Altrincham (and other) major superstores. Once again, however, because the crux of this appeal is the suitability of the proposal in relation to the local centre, a larger catchment would make it more difficult to focus on the main issue.
18. The degree to which the chosen PCA is an appropriate starting point for measuring retail need and impact also depends on the methodology used. The original versions of the retail study were based on a closed system, with no account being taken of inflows and outflows; using this methodology for a PCA which extends up to but excludes the two major superstores in Altrincham is wholly inappropriate, in my view. But the final study makes allowances for inflows and outflows, with assumptions about the quantum of these flows being varied in the RSCG to enable different scenarios to be tested. This enables the complex nature of shoppers' habits within the urban area to be modelled. In these circumstances I believe that the chosen catchment is an acceptable basis for analysis. Moreover it is pertinent that the PCA has been agreed by the Council.

*Retail study issue (2) - Measurement of net floorspace*

19. There is a major disagreement about the way in which the net sales floorspace should be calculated. The information submitted with the application states that the net sales area of the Waitrose store would be 1,838 sq m. It emerged at the inquiry that this is a notional figure based on applying to the agreed gross floorspace (3,050 sq m) a ratio based on the Waitrose company average of their UK stores. The Council and the other main objectors believe this is an appropriate way to assess net sales floorspace, and relied upon such a methodology throughout the inquiry. They apply a further company average to this 1,838 sq m figure to deduct the proportion of the net sales area given over to comparison goods; this results in a net sales area for convenience goods of 1,588 sq m.
20. At the inquiry the appellant introduced a net sales figure of 1,542 sq m, based on the actual floorspace measured from plans of the ground and first floor layouts produced in the later stages of the inquiry. The other main parties argue that, firstly, this takes no account of the potential to increase the floorspace within the proposed building, and secondly, that the net sales area has not been correctly assessed. The first point relates to the warehouse, staff and ancillary spaces adjoining the defined retail sales floor.

The first floor comprises a warehouse and staff amenity area; while I accept that it is theoretically possible for alterations to be made enabling part of this space to be used for retail sales, I think this is highly improbable and, in any event, it is controllable by means of a planning condition. The ground floor is divided by a wall into the retail sales floor and a roughly triangular area by the delivery bay for storage, staff offices and so on. Again, though it would be possible to extend the retail sales floor into this triangular area, this could be controlled by a condition.

21. On the second point, the appellant states that the defined retail sales floor has an area of 1,818 sq m;<sup>2</sup> this is the maximum sales area that is feasible, and includes checkouts and circulation areas. The 1,542 sq m net sales area is derived by subtracting 175 sq m of checkouts, desk and associated circulation space, 71 sq m of service counters (butcher/ fishmonger/ delicatessen), and 30 sq m entrance/ exit from 1,818 sq m. The justification for these exclusions is a recent Competition Commission report, which defined the net sales area as *all internal areas accessible to the customer but excluding checkouts, lobbies, restaurants, customer toilets and walkways behind the checkouts*. A small part (139 sq m) of the net sales area is shown on the plan for comparison goods sales; when subtracted from 1,542 sq m a net convenience goods sales area of 1,403 sq m results.
22. The objective in this case should be to use a definition of net sales area which is consistent with the way in which it has been employed in the Verdict and Retail Rankings turnover figures; without such consistency the value of the 'need' and 'retail impact' analyses is significantly diminished. However, there was no information before the inquiry about the basis on which Verdict or Retail Rankings assess net sales areas. If notional averages have been used, I believe that the Council's approach is reasonable. If, on the other hand, more specific data is available to these companies (which must be preferable as it ensures greater accuracy), then a consistent approach is required in terms of what is included and what is not.
23. The historic approach has generally been to include checkouts within the net sales area, based on longstanding guidance from the Unit for Retail Planning Information. This has some logic because checkouts usually include displays where goods are offered for sale. The Competition Commission's approach, which sets out a precise definition for the purpose of its survey, is very new, and whatever its merits it is unlikely, in my view, to have formed the basis of the Verdict/ Retail Rankings assessments. Indeed, the fact that the Competition Commission felt it necessary to be so specific suggests either that its approach differs from established practice, or at least that past practice has not been consistent. A similar argument applies to service counters. Although the Competition Commission's definition excludes areas to which the public does not have access, service counters are used to display goods for sale and I think it more likely than not that historically such counters have been included as part of the net sales area.

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<sup>2</sup> This figure emerged right at the end of the inquiry, in the re-examination of Mr Stock. Although it was not tested through cross-examination, I have found that it gives the 'best fit' in relation to measurements taken from the scale plan of the ground floor layout.

24. As to the approach to the area beyond the checkouts (including the entrance/ exit), there is a stronger case for exclusion on the basis that this part of the sales floor is generally not used to display goods for sale. On the other hand, I note the recent decision for a Tesco foodstore in Carlisle, in which the Secretary of State does not take issue with an Inspector's view that it is appropriate to include checkouts and the area beyond the checkouts in the net sales area. In practice it matters little which approach is taken. My findings that checkouts and service counters are likely to have been included in the net sales floorspace figures used for the Verdict/ Retail Rankings calculations are sufficient basis for me to conclude that the Council's figure rather than the appellant's is to be preferred.
25. It is apposite to note that if the area of checkouts (about 120 sq m) and service counters (71 sq m) as measured on the actual floorspace plan is added to the appellant's 1,403 sq m net convenience goods sales area, the resulting 1,594 sq m is almost the same as the 1,588 sq m used by the Council and others. Consequently, despite the notional 1,838 sq m figure for the retail sales floor not being achievable in practice, the critical notional convenience sales area that follows from it appears to be an accurate reflection of the actual outcome in this case, based on assessment methods likely to have been used in the past.
26. There is one further point. The Waitrose Board regards the proposal as having a total internal sales area of 1,802 sq m, measured by including checkouts and service departments but not the entrance lobby; this is only marginally short of the 1,838 figure used by the Council. More important still, this is the figure which should be used when comparing the proposed store with other Waitrose stores, for it is reasonable to assume that Waitrose apply their own definition consistently.

*Retail study issue (3) - Expenditure released by redevelopment of Hale Barns*

27. A further but relatively minor difference between the parties is the calculation of the expenditure released by the redevelopment of Hale Barns, estimated to be £1.64m by the appellant and £2.07m by the main objectors. The appellant's figure assumes that 75% of the existing trade comes from the PCA, whereas the objectors put the proportion at 95%. The appellant bases its figure on the results of the in-centre shopper survey, which found that 26% of shoppers lived outside the PCA. The survey results do not correlate the amount spent at Hale Barns with the location of the respondent, so a more accurate assessment is not possible. In the absence of such information, I consider that the appellant's 75% evidence-based figure of £1.64m is likely to be closer to the mark than the £2.07m of the objectors.

*Assessment of quantitative need*

28. Paragraph 3.8 of Planning Policy Statement (PPS) 6: *Planning for Town Centres* states that it is not necessary to demonstrate need for retail proposals within town centres. The term 'town centre' applies to all types of centre, including local centres such as Hale Barns. However UDP policy S10, which seeks to maintain and enhance the retail function of local centres, states that new retail development should be of a scale appropriate to the

centre and (by a cross reference to policy S11) that there must be a demonstrable need locally for further retail development that cannot be met by existing provision in the Borough. Although the UDP was adopted after the publication of PPS6, to the extent that its requirement for a need test does not comply with current Government policy, less weight can be attributed to it.

29. Despite the need test not being a requirement of PPS6, the analysis has been carried out because it provides a useful indicator for assessing whether the scale of the development is appropriate. The starting point, the total available convenience expenditure within the PCA, is agreed to be £34.78m at 2012, based on a mid-point of Experian and MapInfo projections. From this sum the 'claims' on expenditure from within the PCA are deducted; this figure comprises the expenditure that would continue to flow to the existing stores within the PCA and to the 4 superstores which are the main food shopping destinations just outside the PCA (Tesco Extra, Sainsbury and Marks and Spencer at Altrincham and Tesco Extra at Baguley).
30. Dealing firstly with existing stores within the PCA, there is a small difference between the parties in the amount of convenience trade in Hale that would come from the PCA (Table 11 in RSCG). In the absence of any real evidence on which to make a reasoned conclusion, I have adopted the figure of £6.76m used by the Co-op, which is mid-way between the estimates of the other parties.
31. Substantial differences emerged in the proportion of convenience trade that would continue to flow to the existing superstores outside the PCA after the implementation of the development (Table 9 in RSCG). The appellant argues (Table 9A) that the proposed Waitrose store would draw all but 5% of the convenience trade deriving from zone WA15 0, 50% from zone WA15 8 and 40% from zone WA15 9. I share the Council's view that it is wholly unrealistic to expect the supermarket to retain 95% of the convenience trade from its immediate catchment, particularly bearing in mind that the two main Altrincham stores are much larger, provide the opportunity for linked trips and, for those living on the north-western edge of WA15 0, are not much further to travel than Hale Barns. The 50% and 40% figures also seem over-optimistic, given the greater attractions of the sub regional centre and the fact that a very high proportion of WA15 9 residents would live closer to the Altrincham stores than to Hale Barns.
32. The Council puts forward two alternative scenarios, based on the proposed store retaining 75% (Table 9B) and 70% (Table 9C) of trade from WA15 0, and smaller amounts than the appellant from the other zones of the PCA. Whilst it must be recognised that there is limited evidence on which to base any judgement about the proportion of trade flowing out of the PCA, the Council's figures do seem to represent a more realistic outcome. To my mind it could be argued that the 75% retention of convenience trade from WA15 0 is rather optimistic, while on the other hand the scenario C prediction that only 20% of WA15 9 and 35% of WA15 8 residents would do their main food shopping at the proposed store is perhaps a little pessimistic when considering the affluent nature of the catchment and the fact that a significant part of WA15 8 is closer to Hale Barns than Altrincham. Overall

there is not a substantial difference between these two scenarios, and nothing on which I could rely to prefer one over the other.

33. In these circumstances, and following the line adopted at the inquiry, I have taken the mid-point between the Council's scenario B and scenario C. This produces a total figure of £23.44m for 'claims' from within the PCA. Subtracting this from the total convenience expenditure of £34.78m, and then adding in the expenditure released by the redevelopment of Hale Barns (£1.64m), gives a need or capacity of £12.98m. This must be compared with the turnover of the proposed development. Based on a Waitrose store with a convenience sales area of 1,588 sq m (my preferred approach, see above), the scheme would have a convenience turnover in 2012 of £18.77m. The parties agree that 20% of the trade would come from outside the catchment area, so this reduces the turnover arising from within the PCA to £15.01m. This is £2.03m above the estimated need/capacity, suggesting that there is not a quantitative need for a store of the size proposed.
34. The figures I have used represent my 'best estimate' based on conclusions drawn from the evidence at the inquiry. It must be borne in mind, however, that many of the parameters depend on a number of assumptions which, if varied by even small amounts, could significantly affect the outcome. Consequently, rather than placing too much reliance on the accuracy of the £2.03m figure, I regard it as a general indication that there is no quantitative need for the size of store proposed, albeit recognising that the situation is marginal.
35. The Co-op argues that a methodology which looks at the amount of trade that would be drawn from existing town centre superstores is the wrong approach to an assessment of need. It starts from the premise that a conventional need study should look at the existing turnover of convenience stores within and adjoining the PCA, assess the current proportion of turnover derived from the PCA, project this forward to 2012 (making allowances for growth, efficiency savings, special forms of trading and so on), and then compare this with the forecast convenience goods expenditure from residents of the PCA in 2012. This exercise produces a surplus expenditure in the order of £6-7m, depending on the assumptions used. This is substantially below the predicted turnover of £15.01m from the PCA, clearly demonstrating an absence of need.
36. I acknowledge that the Co-op's methodology is often used to assess need, but it does have limitations. Being based on a constant market share analysis, it effectively perpetuates the status quo. Whilst this generally avoids any significant impacts on existing provision, by the same token it fails to allow for a redistribution of market share. In some cases, for example where new town centre provision is proposed which would claw back trade from an out of town facility, there may be positive benefits from redistribution; such a model would not achieve the desired objective. At Hale Barns the position is far less clear cut, for the proposal seeks to bolster an underperforming local centre, which is to be welcomed, but at the expense of trade which currently goes to higher order centres, where the objectors argue it is appropriately directed at present.

37. The methodology used by the appellant and the Council also has drawbacks. Whilst it better reflects the dynamics of the market and, as here, enables different scenarios to be tested, there is a real danger that it becomes self-fulfilling. As the Co-op points out, it would be very easy to start with the turnover of the proposed store, and then deduct sufficient expenditure from the “claims from the PCA” to generate enough need (plus some headroom) for the store that is being promoted. Despite the appellant’s assertions to the contrary at the inquiry, there remains a suspicion that its unrealistically high figures in Table 9A for the retention of trade from the PCA (which would reduce the ‘claims’ from within the PCA by some £4.9m and result in a surplus or unfulfilled capacity of £3.3m)<sup>3</sup> are founded on this premise.
38. How should these contrasting approaches be treated? The Co-op’s analysis indicates that there is an objective need for a supermarket of about half the size proposed when considered solely in terms of surplus convenience expenditure within the PCA. Anything larger would lead to trade being diverted from existing stores mainly beyond the PCA. The Council’s approach suggests that there is also no quantitative need when taking into account the amount of trade that is likely to be drawn from these existing convenience stores once the proposed supermarket is operational, though the situation is marginal. The latter methodology requires a judgement about the appropriateness of trade being diverted from a higher order town centre to a lower order one; I return to this later.
39. The Trafford Retail Study provides a further check. As part of a Borough-wide appraisal, the study examines quantitative need within the Altrincham catchment, a wide zone which extends beyond the PCA to include part of the rural hinterland around the south and west of the town, as well as Broadheath and Timperley to the north. The study concludes that the zone is well catered for in terms of main foodstores, with minimal capacity for new floorspace in the short term. I acknowledge that this strategic approach can mask detailed needs for sub-sectors such as Hale Barns; indeed the study recognises that provision of a size and scale appropriate to its local centre status and catchment would be desirable at Hale Barns. Nonetheless, by demonstrating that there is no widespread shortfall in provision, the study is useful in confirming that this appeal should focus on the need that arises locally.

#### *Hale and Hale Barns centres*

40. Part of the process of determining the appropriate scale of development at Hale Barns involves an investigation of the role of the centres within the catchment. Hale Barns comprises the outer, mostly low density residential suburb that is bounded by countryside and the M56. In general terms the density increases towards the sub-regional centre, while on the western edge of the sector, quite close to Altrincham, lies Hale district centre. In the conventional model, Hale would provide a relatively large supermarket or a

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<sup>3</sup> Based on a 1,838 sq m foodstore sales area (1,588 sq m convenience sales area). The appellant’s preferred calculation in scenario A, based on a 1,542 sq m sales area (1,403 sq m convenience sales) shows a surplus of £4.54m.

small superstore where people could undertake bulk food shopping, and Hale Barns would have a small supermarket mainly for top-up convenience needs.

41. Hale is an attractive and prosperous district centre which has developed a niche market of small, high quality specialist shops and a range of cafes, bars and restaurants. However, the convenience offer is very limited for the size of the centre, the largest supermarket having a net sales area of 742 sq m. To improve the attraction of Hale as a food shopping destination and to reinforce its position within the hierarchy, the Council argues that part of any convenience goods need identified within the PCA should be directed to this district centre. Although such an approach accords with the conventional hierarchical model, there are two significant problems.
42. The first is the lack of any site capable of accommodating a sizeable supermarket in Hale district centre. There is currently no land or building that is suitable, viable or likely to come forward within the foreseeable future. The Council's suggestion of land around the bowling green, incorporating the existing Somerfield store and town centre car parks, seems to me to be little more than a hasty attempt to support its argument. It is far too early to say whether, in the longer term, there is any realistic prospect of a larger supermarket on this site, particularly as Somerfield appears to have signalled its intent to remain within the centre by extending its lease. In the absence of any meaningful analysis, the inclusion of this suggestion in the Trafford Retail Study does not alter the position. Notwithstanding the advice in PPS6 that a sequential approach to site selection is not required for sites that are in an existing centre, it is clear that a sequentially preferable site in Hale does not exist.
43. The second problem is the likelihood of a retail operator wishing to open a sizeable supermarket in Hale given its proximity to Altrincham. The Sainsbury superstore is little more than 800m (within walking distance) from the centre of Hale, and Tesco is not much further. The recent opening of a small Tesco Express and a specialist food shop 'As Nature Intended' in Hale has helped to improve the convenience offer, but it remains predominantly a top-up destination. Given the strength of competition resulting from the large size of the Altrincham town centre convenience stores and their proximity to Hale, it is questionable whether an operator would be prepared to develop a main food shopping supermarket in Hale.
44. In these circumstances there is no realistic prospect that the Council's preference for the conventional hierarchical solution is capable of being achieved in the foreseeable future. Nor is there any policy support for holding back surplus capacity in case a site in Hale becomes available. Furthermore, there was general agreement that the vitality and viability of Hale district centre would not suffer from the absence of a strong convenience offer; I share that view. This adds support to the contention that, in principle, some form of main food shopping facility would be appropriate at Hale Barns.

#### *Impact on other centres*

45. PPS6 indicates that it is necessary to assess the impact on other centres in cases where a proposal would substantially increase the attraction of a

centre. In this case it is appropriate to examine the impact on the vitality and viability of the Altrincham convenience stores and the sub-regional centre as a whole. All parties accept that although the amount of trade lost by the two main stores would be significant (I estimate it would be over 15% for Sainsbury and just under 10% for Tesco), it would not be so large as to threaten their future viability. The effect on the town centre as a whole would be small in terms of trade loss (about 5%), though there would be a reduction in the potential for linked trips to the comparison goods offer and other attractions of the higher order centre. Whilst losses of these magnitudes are material, they are not sufficient to justify rejection of the proposal on grounds of a harmful impact on Altrincham town centre.

#### *Assessment of qualitative need*

46. The appellant identifies a number of qualitative factors in support of the proposal. Prominent amongst these is consumer choice, which PPS6 states is a key consideration in the assessment of qualitative need. It seeks an appropriate distribution of locations to improve accessibility, and provision for a range of sites which allow genuine choice to meet the needs of the whole community. The White Paper: *Planning for a Sustainable Future* reinforces the Government's desire to promote competition and improve consumer choice, with a strong focus on the 'town centre first' approach. These objectives support the principle of redevelopment of The Square, for it is clear that the local centre is underperforming and not fully meeting the needs of the community; as such consumers have less choice, particularly in relation to main food shopping, than might be expected. This is an important factor in favour of the proposal.
47. The appellant's argument that the proposal would improve consumer choice and competition by introducing a new operator (Waitrose) to the area is true, though no-one is contending that choice or competition are restricted by an unduly small number of convenience retailers within or adjoining the PCA. I note the Competition Commission's recent recommendation that a competition assessment be added to the planning process, but this is a provisional finding that has yet to be considered as part of any revision to PPS6, let alone be adopted, and adds very little to the case. Moreover, there is no reason to restrict the development to Waitrose, for the current planning system does not exist to protect the interests of any one operator over another. Consequently this matter carries limited weight.
48. The degree to which existing shops may be overtrading is another consideration which, according to PPS6, may be an indicator of qualitative need. The Tesco and Sainsbury superstores are busy and thought to be trading slightly ahead of company average turnovers, but there is no evidence of overtrading in terms of the way the stores operate, nor any claim that overtrading adds materially to the qualitative case.

#### *Sustainability*

49. Sustainability is a fundamental principle that lies at the heart of planning policy, and many claims were advanced by the parties regarding the sustainability or otherwise of the proposal. A key issue is the claim that by improving access to convenience provision for residents of Hale Barns, there

would be sustainability benefits in terms of reducing the amount of travel. The appellant contends that minimum annual average distance savings of 67,000km would result from average round-trip savings of 2km, while annual savings of 268,000km would accrue if the average round-trip saving is 8km. Although the Council and HBRR (though not the Co-op) support the broad contention that some distance savings are likely to be achieved, no agreement could be reached on the level of savings despite considerable efforts during the inquiry.

50. Intuitively it would seem that the introduction of a main food shopping destination into a residential area where the existing provision is limited to a small top-up role should produce some distance savings. However the appellant's assessment follows a simple approach, as was readily acknowledged, and while it claims to adopt a 'worst case' position, I am not convinced this is so. It fails to take account of many matters, especially the effect of brand loyalty in terms of the extra distance that customers from outside the PCA would travel to Hale Barns rather than to their nearest store. Other matters not addressed include the loss of linked trips to Altrincham, and vehicle mileage travelled by staff. The assessment also omits to quantify the beneficial effects of increased pass-by trade and the ability of the scheme to bring about modal shift as a result of its accessibility by non-car modes of transport.
51. Assessments of mileage savings are often questionable; in this case the limitations of the analysis mean that I do not have a great deal of confidence in the results. Furthermore, I find it curious that the detailed work undertaken during the inquiry by the parties' highways consultants in an attempt to produce an agreed position on distance savings was abandoned in favour of the simple approach subsequently submitted. As to the calculations, it is difficult to comprehend how average trip length savings of 8km could apply given the limited size of the PCA and the small distances involved, so – notwithstanding the methodological deficiencies - I regard the highest of the annual savings figures as highly improbable.
52. The issue of linked trips is another aspect of the sustainability argument. At present about two thirds of the convenience expenditure from the PCA goes to Altrincham town centre, where there is easy access to a wide range of comparison shops, leisure facilities and services. This would drop to under 40% of convenience expenditure as a result of the proposal. Although there would be an enhancement to the comparison goods offer at Hale Barns, perhaps attracting some national multiples on the back of the Waitrose presence in the centre, the number and range of shops would remain very limited when compared to the sub-regional centre. I recognise that for the sizeable proportion of main food shopping trips that are single purpose, linked trips do not happen. But for those shoppers who do combine a trip to an Altrincham superstore with a visit to other shops, services or leisure activities, in most cases the diversion of expenditure to Hale Barns would result in a separate, additional trip to Altrincham. This is particularly relevant to the large number of top-up shopping trips that are currently made to Altrincham town centre, where linkage is more likely to occur.

53. The appellant argues that the good accessibility of Hale Barns by public transport, and the likelihood that a larger supermarket would encourage greater numbers of local residents to walk or cycle to the centre, would bring about a reduction in car journeys and contribute to enhanced sustainability. I accept that the greater attraction of the centre should increase the number of non-car journeys, though without any assessment of modal shift, it is not known how significant this would be. On the other hand, a high proportion of the additional trips are likely to be made for main food shopping, for which a car is the primary form of transport. In practice, and having regard to the high level of car ownership in the locality, I suspect that any modal shift would be relatively small.
54. In the absence of a thorough and reliable distance savings analysis which takes into account all these matters, it is simply not possible to reach a firm conclusion on the sustainability issue. As a basic premise I think it is reasonable to assume that up to a certain size, the redevelopment of Hale Barns would produce mileage savings and sustainability benefits by providing an opportunity for local residents to reduce the overall distance they travel. But once the supermarket expands to a size where it draws significant levels of trade from outside its natural catchment, thereby increasing the number of longer journeys and diverting higher levels of trade from the sub-regional centre, those benefits may disappear.

*Expenditure from outside the PCA*

55. An important part of the retail analysis is the assumption that 20% of the trade to the Waitrose supermarket would come from outside the catchment; this represents expenditure of about £3.75m. The appellant implies that most of this additional out-of-PCA trade would come, as at present, from people passing-by on their journeys to and from the motorway and the airport. In my view this argument fails to appreciate the difference between top-up shopping, the present function of the centre, and its proposed role as a main food shopping destination. It is reasonable to expect the pass-by top-up role to increase as a result of a much larger supermarket on the site, but as the current spend is less than £0.6m<sup>4</sup>, pass-by top-up shopping is unlikely to represent a significant proportion of the total expenditure. There is no estimate of the amount of trade that would come from passers-by doing their main food shopping, but given the much longer time this activity would take, I think it likely that the proportion would be relatively small. Indeed, the appellant's view that a large majority of main food shopping occurs as a single purpose trip supports this view.
56. The extent to which customers will travel beyond their nearest supermarket to shop at a preferred operator (the brand loyalty point) is relevant to this matter. Based on surveys elsewhere, the appellant assumes that only 6% of shoppers would act in this way, even though it is acknowledged that Waitrose is likely to prove a greater attraction than most because it is currently not represented in the Altrincham area. However, I share the Co-op's view that it is reasonable to interpret the surveys as demonstrating that consumer preference has an appreciably greater role to play, and I therefore think it likely that the proportion would be higher than

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<sup>4</sup> Calculated as 26% of the current total convenience spend at Hale Barns of £2.27m

6%. Indeed, Waitrose itself clearly believes that its brand has a particularly loyal following, as the quote from the Waitrose Managing Director attests.<sup>5</sup>

57. Another illustration of the attraction of a Waitrose store and its ability to draw custom from afar comes from the minute of the Board meeting which approved the project, in which a figure for the diversion of trade from the Wilmslow store was given. For confidential reasons this figure was not made available to the inquiry, so the amount of trade from the PCA which currently flows to Wilmslow is not known. But the fact that it exists clearly demonstrates that some shoppers are prepared to drive 10 minutes or more to a Waitrose store; moreover the fact that it was sufficiently important to be included in a Board minute suggests that the amount is not insubstantial.
58. Brand loyalty is likely to be especially pertinent in this case because the affluent neighbourhoods around Altrincham are a natural catchment for an up-market operator such as Waitrose. In practice, therefore, I think it likely that a substantial proportion of the 20% of convenience trade from outside the PCA would come as single purpose trips from other parts of Altrincham, particularly the south-west and west of the town (Bowdon and the surrounding area). All but a small, very low density part of this area is closer to the Altrincham supermarkets than to Hale Barns, so such a trade diversion would generally involve greater distances being travelled, as well as reducing the prospect of linked trips at the higher order centre.
59. Drawing trade from the wider Altrincham area would increase the amount of expenditure lost to the Altrincham superstores, for in the absence of nearby alternatives it is reasonable to assume that (as with the Hale Barns catchment) a very high proportion of convenience expenditure is currently directed to these stores. In addition, given that many passers-by will be travelling to and from the Altrincham area, it is likely that part of any increase in pass-by trade will represent a loss to the Altrincham stores. There is no evidence on which to base any estimate of the trade diverted in this way, but it is reasonable to assume that a significant proportion of the £3.75m out-of-PCA convenience trade which would be drawn to Hale Barns currently goes to Altrincham.

#### *Role and function of Hale Barns local centre*

60. Paragraph 2.41 of PPS6 indicates that the scale of retail development should be directly related to the role and function of the centre within the wider hierarchy and the catchment served. The appropriate type and scale of development should be located in the right type of centre, to ensure that it fits into the centre and complements its role and function. PPS6 also stresses the importance of an easily accessible network of local centres to meet people's day-to-day needs, and recognises that large centres have in the past been the focus for investment. Paragraph 2.57 states that local centres should be strengthened to ensure that there is a range of facilities, consistent with the scale and function of the centre, to meet day-to-day needs.

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<sup>5</sup> The quote being "We don't so much have customers, as fans"

61. The main characteristics of the different types of centres are described in Annex A to PPS6. This indicates that local centres comprise a range of small shops of a local nature, serving a small catchment. Typically they might include a small supermarket, newsagent, sub-post office, pharmacy, hot-food takeaway and laundrette. The PPS6 typologies also suggest that the upper limit for a 'supermarket' is a trading floorspace (not defined) of less than 2,500 sq m.
62. Whatever method is used to calculate the floorspace of the proposed foodstore, all parties accept that it would be appreciably larger than a small supermarket. I agree with the Council and the appellant that it would best be described as a medium-size supermarket (though I believe it is more towards the upper end of the 'medium' range rather than, as the appellant suggests, towards the lower end). In the Trafford context, it would be significantly larger than any supermarket in other local or district centres in the Borough (the largest is a 1,196 sq m Aldi at Trafford Bar local centre).
63. Clearly the proposal would give Hale Barns a role which exceeds the usual function of a local centre as set out in PPS6, even making an allowance for the objectives of strengthening local centres and improving accessibility. But that does not necessarily make it unacceptable, for not all centres fit neatly into the prescribed typologies. Nevertheless, the size of the development should be determined by reference to the role and function of the particular centre, rather than the demands of an operator. In defining that role, I believe that the supermarket should be large enough to serve as a destination for some main food shopping trips, but not so large as to draw significant trade from beyond its catchment or to divert trade unnecessarily from Altrincham, the higher order centre with the much greater potential for linked trips. This may mean that there would be occasions when a trip to a larger store with a wider range of goods is required, but that would be consistent with the supermarket playing a subordinate role to (primarily) the Altrincham superstores. This is broadly the position adopted by the Council.

*Whether scale of proposed development is appropriate*

64. Having established what I regard as the appropriate role for Hale Barns local centre, the starting point for the examination of scale is my earlier conclusion on quantitative need. From the Co-op's analysis I determined that by 2012 there will be spare capacity, in terms of surplus convenience expenditure within the PCA, for a store with a turnover of £6-7m from the PCA. Above this level of turnover the store would draw trade from existing convenience stores, mainly those outside the PCA. My preferred version of the Council/appellant's analysis, which models this trade draw, indicates that the forecast Waitrose convenience turnover from the PCA exceeds by about £2m the expenditure that the need/ capacity study predicts would be drawn from the PCA. This indicates that the proposed store is too large for the catchment, though given the inherent imprecision of the methodology, I recognise that the finding is marginal.
65. It is important to understand how the analysis based on the Council/ appellant's approach is derived. It effectively says that the proposed store is likely to divert PCA-based expenditure of about £8-9m from the existing main food shopping destinations outside the PCA (primarily the Altrincham

town centre stores). This trade diversion figure is a post-implementation forecast of consumer preferences based on where they will choose to shop, rather than a prior objective assessment of need arising from a calculation of surplus capacity. At present this expenditure occurs at a sub-regional centre which is highly accessible by a range of transport modes and, for those travelling by car from the PCA, is reasonably close (well within a 10 minute drive-time). As such it sits comfortably within the policy framework; it is hardly appropriate to simply define it, as the appellant does, as 'unmet need'.

66. As I have indicated, there is a case for some redistribution of trade away from Altrincham to Hale Barns, consistent with its role as a limited main food shopping destination. The critical judgement to be made in this case is whether the proposed Waitrose supermarket would significantly exceed this role, and thereby conflict with policy. As well as considering the trade diverted from within the PCA, it is necessary to look at the 20% (£3.75m) of expenditure that would be drawn from outside the catchment. In so doing it is important to appreciate that the geographic extent of the PCA (and therefore the subsequent analysis) is commensurate with Hale Barns having a main food shopping role, because it includes a sizeable part of the catchment of Hale as well as Hale Barns. Indeed, with the PCA extending right up to the edge of Altrincham town centre, it is arguably larger than might be expected, even taking account of this enhanced role. This is exemplified by the fact that after the proposed development, over a third of the convenience expenditure from within the PCA would continue to flow to stores outside the PCA. Given the large size of the PCA, it seems to me that 20% is a high proportion of trade to be drawn from beyond its boundaries, notwithstanding that a proportion of this would be pass-by trade.
67. A further, related factor is the consequence of the large amount of trade that would be lost to the sub-regional centre. As already indicated, this comprises the £8-9m generated from within the PCA plus a substantial proportion of the £3.75m expenditure from outside the PCA. Although this would not threaten the survival of the two main Altrincham superstores or harm Altrincham centre as a whole, it would significantly reduce the opportunity for food shoppers to combine such a trip with other town centre activities. I acknowledge the appellant's point that most main food shopping trips are single purpose events, but the greatest chance of a combined trip exists in a large town centre where the range of options for linkage is substantial. By comparison, even the improved comparison goods offer proposed at Hale Barns is likely to account for only a relatively small number of linked trips.
68. Drawing these threads together, I find that an absence of quantitative need indicates that the proposal is too large for a catchment which, because it has been widely drawn, is consistent with Hale Barns having a limited main food shopping role. Because the quantitative analysis is marginal, and having regard to the fact that PPS6 does not require need to be demonstrated for in-centre proposals, various other indicators of scale have been examined. These show that the development would result in a substantial diversion of trade from the higher order (sub-regional) centre of Altrincham, and would attract a significant amount of trade from beyond its

large catchment. All these indicators point in the same direction, and support the quantitative analysis. For these reasons I conclude that the proposed supermarket is too large to be directly related to the role and function of the local centre and its catchment. The development is thereby contrary to PPS6 and UDP policy S10.

*Feasibility of a smaller store*

69. I have considered the argument that, following the decisions of its Board in 2005, the proposed supermarket is the minimum size acceptable to Waitrose. Those decisions were clearly taken in the context of many factors, including the financial deals that had been negotiated, concerns about car parking and (for the smaller scheme that was not approved) the visibility of the shop. There is no evidence that other schemes were considered which might have provided less floorspace at lower cost – indeed, that would not have been in the interests of either the appellant or Waitrose while the prospect of the preferred, larger scheme remained a possibility, as was the position in 2005.
70. More recent evidence demonstrates that Waitrose are not averse to developing smaller supermarkets, notwithstanding their preference for larger projects. It has opened four supermarkets of around 1,400-1,500 sq m within the last two years; whilst these may not be newly built stores, the company presumably finds it profitable to operate at this size. I note that there is a programme of extension or relocation of smaller stores, but relatively few of these (and only the smallest) are in suburban locations. More importantly, a few months ago the new Managing Director of Waitrose was quoted as acknowledging that, to grow its business, the company would have to be more creative and explore different sizes of store.
71. Even if Waitrose did ultimately decide that it would not build a smaller store at Hale Barns, there must be a reasonable prospect that the opportunity would be taken up by another operator. It was argued that no other operator has shown an interest in Hale Barns, but that is hardly surprising given the contractual relationship between the appellant and Waitrose. There is certainly no hard evidence that another operator would not be interested in building a supermarket of a scale consistent with the function of Hale Barns centre. I note the Co-op's interest, but I gained the impression that they would be seeking a much smaller store than is desirable if the limited main food shopping role is to be met.
72. Another argument is that the proposed store is the minimum size necessary to enable customers to carry out a limited main food shopping trip. The Council argues that a store of about 1,100 sq m (900 sq m convenience sales area) would serve this purpose, but I question whether this would be large enough to carry a sufficient range of goods to meet the objective. On the other hand, the Waitrose data shows that almost half of its stores are below the size of the Hale Barns proposal, with a sizeable cluster approximately 20-25% smaller than the proposal before me. From my knowledge of a number of these stores, I have little doubt that they carry sufficient lines to fulfil the limited main food shopping role envisaged for Hale Barns.

73. The appellant also argues that a smaller supermarket would not provide sufficient range and choice of goods to attract retailers to the other shops in the centre, thereby putting in doubt its future vitality and viability. However there is no evidence to support that contention. Prior to the uncertainty which has accompanied the current proposal, there has historically been a low vacancy rate at Hale Barns, despite the very limited convenience offer. Consequently there is no reason to suppose that a smaller supermarket would fail to draw other retailers.
74. Taking all these matters into account, I reject the argument that the proposed supermarket is the minimum size that would be feasible in this location.

*Change in retail hierarchy*

75. The Co-op argues that a development of the scale proposed would result in a change to the status of Hale Barns, such that it would become a district centre rather than remain as a local centre. PPS6 indicates that any changes to the role and status of existing centres should come through the development plan process rather than through planning applications. When assessed against the typologies in Annex A of PPS6, it seems to me that the expanded Hale Barns would not fit easily into either category. It would be larger than the typical local centre, with its small supermarket and a range of small local shops, yet it would be smaller than a district centre, which usually comprises groups of shops with at least one supermarket or superstore, plus a range of non-retail services and local public facilities.
76. The Council provides the local context, pointing out that the total floorspace of an enlarged Hale Barns (6,094 sq m) would remain slightly below the largest local centre in the Borough, Trafford Bar (6,403 sq m), and significantly below the smallest district centre, Timperley (7,492 sq m). Timperley also has a much larger number of shops than would occur at Hale Barns, and a library. For these reasons the Council argues that Hale Barns would still be classed as a local centre.
77. From my visits to many of the local and district centres in Trafford, I agree with the Council that Hale Barns would not provide the range of shops, services and other facilities found in the higher order centres. I appreciate that the Waitrose supermarket would be much larger than is generally found in local centres, and by drawing trade from beyond its catchment it would change the role and function of the centre insofar as convenience expenditure is concerned. Nevertheless, I consider that Hale Barns as a whole would fall short of the range of opportunities found in a district centre. I therefore conclude that, on balance, there would not be a change in the retail hierarchy in Trafford.

*Conclusion on retail issue*

78. The Square is a tired 1960s shopping precinct which has outlived its usefulness and is failing to meet the everyday shopping needs of the local area. Most trade currently flows to Altrincham, a sub-regional centre that is only a short distance away. The proposed redevelopment would result in a supermarket considerably larger than is typically found in a local centre. However, because there is no realistic prospect that Hale, the nearby district

centre, could accommodate a convenience goods store large enough to satisfy weekly shopping needs, there is a case for an increased scale of provision at Hale Barns. This would involve clawing back trade that currently goes to Altrincham. Because this is the higher order centre, with much greater potential for linked trips, the amount clawed back should not be more than is required for Hale Barns to meet the needs of its catchment.

79. Although PPS6 indicates that a needs assessment is not required for development in an existing centre, it is helpful in establishing the scale of supermarket that would be appropriate at Hale Barns. The study indicates that there would be an unmet need or capacity in 2012 for an additional £6-7m expenditure on convenience goods in the catchment, based on there being no change in the proportions of trade going to the existing stores. When likely estimates of trade draw are factored in, the analysis reveals that the proposed store would draw about £2m more expenditure from the catchment than is available within it. In addition, the model anticipates that 20% of trade at Hale Barns would come from outside the catchment, a significant proportion of which would represent a further diversion of trade from Altrincham. Despite there being significant margins of error in these forecasts arising from the inherent uncertainties of the process, the clear conclusion is that the store is too large for the centre and its catchment. It is therefore contrary to the policies of PPS6 and the UDP.
80. The proposal would increase consumer choice and promote competition, which are important objectives of current and emerging Government policy. The claim that it would represent a more sustainable solution by reducing travel and encouraging modal shift is less clear cut. Undoubtedly there would be some distance savings as a result of residents living close to Hale Barns having shorter journeys for convenience goods, and making some of these journeys by non-car modes. Whether these savings would be cancelled out by consumers travelling from other parts of Altrincham because of the particular pulling power of Waitrose is uncertain. Given the shortcomings of the analysis, I attach little weight to the sustainability benefits of the proposal.
81. The appellant argues that, even if there is no identified need for the proposal, the absence of harm means that the proposal should be approved, particularly in the light of the Government's desire for more positive planning. I have given this careful consideration, for I find that the retail case requires a balanced judgement to be made. But I do not accept there would be no harm. Fundamentally the proposed supermarket is too big for the role and function of the local centre. As a result it would draw trade unnecessarily from a wide area of Altrincham, resulting in longer journeys for many and more trips as a result of fewer linked visits to the higher order sub-regional centre. Whilst the benefits of redeveloping the centre are substantial and should not be lightly dismissed, there is no compelling evidence that they could not be achieved with a smaller scheme which would be better related to the Hale Barns catchment and would thereby avoid the harm of the current proposal. For these reasons I conclude that the proposal is unacceptable.

## ***Traffic flow and convenience of road users***

### *Background*

82. The A538 Hale Road acts as a main arterial route for traffic between the Altrincham area, which includes Hale and Hale Barns, and the M56 motorway, Manchester airport and parts of north-east Cheshire. Through the centre of Hale Barns it comprises a single lane carriageway about 7.5m wide with footways on either side, and is subject to a 30mph speed limit. Hale Road currently carries a two-way flow of just under 1,900 vehicles during both the weekday morning and afternoon peak hours. Flows have decreased slightly in the morning peak since 1998, whereas afternoon peak flows have remained broadly the same. Flows of about 1,400 vehicles are experienced during the Saturday (early afternoon) peak hour. No accidents have been recorded in the immediate vicinity of the site during the past five years.
83. Access to The Square is along a 5m wide one-way private service road which runs around the perimeter of the site, with priority junctions at each end. There is a signalised pedestrian crossing on Hale Road midway between the access and egress junctions, and a bus stop on either side of the road just to the west of the egress. The combined effect of pedestrians using the crossing, buses stopping on the carriageway, and vehicles turning right onto the service road is the main cause of the current congestion on Hale Road during peak periods. Queues form in both directions, which tend to be longest on the eastern approach during the morning peak.

### *Increase in traffic flow*

84. The Transport Assessment (TA) submitted with the application calculated the projected increase in traffic flow along Hale Road by applying TRICS-based data for comparable foodstores. A subsequent review of the TA by the Greater Manchester Transportation Unit (GMTU) raised a number of concerns about the trip rates used in the TA, and further information was supplied to enable sensitivity testing. The Co-op and HBRR (but not the Council) maintain that the trip rates significantly underestimate the likely traffic generation as a result of an inappropriate choice of Waitrose stores for comparison purposes, and concern that Waitrose generation rates are consistently below those of other operators. Both these matters were considered by GMTU in their Report 1260, which concluded that the analysis was robust overall. GMTU had a slight concern about the reliance on Waitrose-specific data should the supermarket be operated by another developer, but further data was produced using non-Waitrose trip rates which showed the amount of additional traffic that would be generated. As a result of the data produced late in the inquiry, I am satisfied that the range of trip rates used provide a reasonably robust basis for assessment.
85. From the various forecasts of additional traffic along Hale Road, I think it likely that peak hour increases would be in the order of 6-7%; in the worst case scenario, increases would be below 10%. A number of off-site measures are proposed which, in the appellant's opinion, would more than compensate for the traffic increase and thereby result in less peak hour congestion on Hale Road. These include traffic signals at the service road

egress, a right turn ghost island for vehicles approaching the site access from the west, relocation of the bus stops and provision of bus lay-bys, and the use of MOVA to vary signal timings at the junction according to queue lengths. I examine these in turn.

*Off-site measures (1) - Traffic signal controlled junction*

86. There was much debate at the inquiry about the operation of the signalised junction proposed at the service road egress. A number of LINSIG analyses were produced by the main parties throughout the inquiry to test the capacity of the junction, using a range of assumptions and different trip rates. The appellant's preferred results show both Hale Road links operating at about 83% of capacity in the morning peak, at 74% (westbound) and 81% (eastbound) of capacity in the evening peak, and 61% (westbound) and 84% (eastbound) during the Saturday peak. The maximum degree of saturation of the site egress is forecast to be 80%. These figures form the basis of the acceptance of the traffic forecasts by GMTU. Sensitivity testing using GMTU 85<sup>th</sup> percentile trip rates (rather than Waitrose 85<sup>th</sup> percentile rates) gives broadly similar results in the morning peak and slightly higher rates (around 86%) on two arms in the evening peak.
87. The Co-op and HBRR contend that these LINSIG analyses fail to properly replicate conditions at the junction, for a number of reasons. These include the use of an out-dated version of LINSIG, the failure to model the Dial Road arm of the junction, the absence of any allowance (in terms of additional delay) for right turn movements from vehicles within the westbound queue, and the modelling of an even split across left and right turn lanes at the site egress. The Co-op submits a LINSIG assessment which purports to address these matters.<sup>6</sup> This shows the westbound arm operating at 101% of capacity in the evening peak, the eastbound arm at 89%, and the site egress at 92%, with queues of 44 vehicles westbound and 28 eastbound forming on Hale Road.
88. In my view many of the criticisms of the appellant's LINSIG analyses have some merit. The latest version of LINSIG takes account of vehicles joining a queue when the lights have turned green, and is clearly pertinent in this case. I believe that some allowance should be made for the effects of right turn movements into the Corbans/ Cottesmore Gardens/ Hollins House junctions, though I feel that the Co-op's assessment of delay may be unduly pessimistic. The failure to model Dial Road is perhaps less significant, in that this arm is called infrequently, though the analysis would clearly be more accurate if this was included. More important is the assumption that there would be an even left:right split at the site egress. Despite the limited 5m width, I think vehicles will almost certainly form two lanes in the approach to the lights unless obstructed by a large vehicle, which would occur relatively infrequently, so in this respect the appellant's assumption is correct. However the evidence suggests a 2/3 left to 1/3 right split, which clearly reduces the capacity of this arm of the junction, particularly given the relatively short length over which two lanes would be able to form.

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<sup>6</sup> The first analysis of Mr Blair's rebuttal

89. The traffic lights would have a cycle time of 100 seconds, and during peak times I think it likely that the pedestrian phase would be called on most occasions. In these circumstances I believe that the appellant's analysis overestimates the ability of the junction to cope with the volume of traffic passing through it, and that significantly longer queues than it predicts would form. Whilst I believe that the Co-op has exaggerated the scale of the problem, I nevertheless consider it likely that at peak times the Hale Road westbound link, in particular, would operate at above the 90% of capacity that is normally considered desirable, causing lengthy queues on the approach to the junction.
90. The objectors argue that the layout and design of the signalised junction would not comply with generally accepted standards, thereby giving rise to concerns about safety. One issue is the forward visibility to the traffic signals, which would be below the stopping sight distance (SSD) of 90m sought by TD 9/93. But this standard is part of *Design Manual for Roads and Bridges* (DMRB) which is designed specifically for trunk roads; it is generally acknowledged that compliance with DMRB is often not possible within an urban area. Moreover, the 90m SSD relates to a design speed of 60kph; in this case, measurements have been taken which indicate that 85<sup>th</sup> percentile vehicle speeds are below 50kph, so I think it reasonable that a lower design speed be adopted. This would require a SSD of 70m, which is met in both directions. The Stage 1 safety audit recommends various measures to enforce the speed limit on the approach to the junction, which could be provided as part of the off-site works.
91. A further concern is intervisibility at the junction, which would be below the standards in TD 50/04 because of the location of existing buildings. This is another standard which cannot always be met when introducing signals into existing urban areas, and in such situations a judgement has to be made about whether the proposed junction would improve safety overall. The safety audit considers that there would be benefits from the introduction of signals on the site egress, in particular, and concludes that the latest design is a reasonable compromise which would result in an acceptable level of safety. I do not take issue with this finding.

*Off-site measures (2) - Right turn ghost island*

92. The right turn ghost island at the service road access was suggested by GMTU. It would be achieved by widening the outside of the curve in Hale Road at the Cottessmore Gardens junction and in front of Corbans public house. The Council and the Co-op point out that the geometry of this refuge is significantly below the standard set out in TD 42/95, causing problems for articulated vehicles and potential hazards to other road users. However, as explained above, the standards from DMRB are frequently not achievable within an urban area. Moreover, as there are already right turn movements at this junction, the real issue is whether or not the ghost island would assist in coping with the increased flow of traffic on Hale Road and into the site, and whether there are any safety implications.
93. At present every vehicle waiting to turn right into the service road interrupts the eastbound flow of traffic along Hale Road. Consequently, despite only having space for three vehicles at most, I think it likely that the

ghost island would at least compensate for the additional traffic, and might well improve the flow. As to safety considerations, I acknowledge that widening the outside of the curve would reduce the horizontal radius to 70m, compared with the existing radius of 85m (which itself is more than two steps below the DMRB desirable minimum). But, again, DMRB standards cannot always be achieved in an urban area, and as speeds are unlikely to exceed 50kph along this section of road, I do not believe this would be unduly hazardous.

94. The main problem arising from the ghost island is the increased hazard for vehicles tuning right out of Cottesmore Gardens and right into the Corbans access, for vehicles occupying this central refuge would mask the through movements of traffic. At present vehicles waiting to turn right into the service road simply hold up the eastbound traffic, making these manoeuvres somewhat easier, though not without risk. The second safety audit recommended that these right turn movements should be restricted, though I do not believe this would be a desirable or practical solution. The appellant argues that because only a small number of vehicles perform these turning movements, the layout is acceptable. I acknowledge that around 30 such movements during a peak hour is a relatively low frequency, and I am also conscious that it is not uncommon for right turning traffic to obstruct visibility at junctions. Consequently, although this arrangement would not be ideal, I do not believe that it would be so hazardous as to make the scheme unacceptable.

*Off-site measures (3) - Bus lay-bys*

95. The bus stops and lay-bys would be positioned in the heart of the centre, directly in front of the shops on both sides of Hale Road. Various detailed concerns have been raised through the Stage 1 safety audits, and it is likely that further minor adjustments to the bus lay-by layout will be necessary. There is criticism that the westbound lay-by would not be wide enough for buses to pull fully off the carriageway, reducing the width of the through running lane. The design has been accepted by Greater Manchester Passenger Transport Executive (GMPTA), however, and there would be sufficient carriageway width for the vast majority of vehicles to pass a stationary bus without going into the hatched area leading to the right turn facility. I accept that stopped buses would impede visibility, but this would only happen intermittently and is not uncommon within an urban area. Moreover, the fact that visibility on the westbound carriageway is not substandard if applying the SSD in the Government's latest guidance, *Manual for Streets*, suggests that this particular problem is not too serious. I also acknowledge the concerns about the rear visibility for bus drivers and the potential for conflict with queuing vehicles.
96. The bus lay-bys would remove one of the main impediments to the free flow of traffic through Hale Barns. In addition, there would be major safety benefits from the relocation of the bus stops. Vehicles would no longer be forced to manoeuvre around buses that are stopped on the highway, and conditions for passengers waiting for a bus would be improved. As an example, on a number of occasions I observed a large group of school children congregating on the narrow pavement by the existing east-bound bus stop at the junction with Dial Road, which would be replaced by a much

safer arrangement. Overall this is another instance where a balanced judgement has to be made, and in my view the benefits of the bus lay-bys would outweigh the shortcomings.

*Off-site measures (4) - MOVA*

97. Very little information was provided on MOVA, and without the results of a modelling process it is difficult to judge how effective it would be. There were claims that it can improve traffic flows by up to 10%, though the appellant accepted that in times of congestion, when there is no spare capacity in the highway network for the variable timing system to work with, its effect would be limited. I think it is reasonable to conclude that, at times, it should assist with the free flow of traffic along Hale Road, though when it is most needed (ie when there are long traffic queues on all three arms of the junction) the benefits would not be significant. Moreover, the very fact that a system typically deployed in larger centres is being suggested for Hale Barns local centre does lend weight to the view that traffic congestion will continue to be a problem at peak times, notwithstanding the potentially beneficial effects of some of the other measures proposed for Hale Road.

*On-site considerations - Car parking*

98. There are currently 103 car parking spaces and 12 garages at the rear of the shops which form The Square, with small service yards for the retail units at the sides and rear, accessed from the service road or the car park. The general form of the access and servicing arrangements for the proposed development would be largely unchanged, though by constructing a basement car park under the buildings, total parking provision would increase to 287, including 17 disabled spaces and 77 dedicated to residents of the 51 flats.

99. Application of the car parking standards set out in PPG13 for the proposed retail development indicates a maximum of 226 spaces for the food element and 70 spaces for the non-food element of the scheme, excluding disabled spaces. Greater Manchester Local Transport Plan (LTP) establishes lower standards; applying these, the maximum provision would be a total of 261 spaces for the retail element, including 12 disabled spaces. The actual provision of 210 spaces (including disabled) would be significantly below these maxima.

100. The appellant argues that the maximum figures fail to take account of linked trips, in terms of the cross-visitation between different elements of the scheme, and the good accessibility by sustainable transport modes. A car park accumulation exercise indicates that there would be a maximum demand for 188 spaces on a Friday and 209 spaces on a Saturday morning; the latter is 1 space less than the retail car park capacity, though it includes persons seeking a space. As a result, the appellant contends that car parking provision would be adequate. A similar accumulation exercise carried out by HBRR predicted a lower level of peak occupancy on a Saturday, with a maximum demand for 195 spaces, though the weekday demand was slightly higher than the appellant's, at 194 spaces.

101. The Council accepts that the level of provision would meet average operational needs, but is concerned that on above-average days the search

for parking spaces would result in circulating traffic causing problems on Hale Road. The Co-op argues that the appellant's car parking analysis is flawed on a number of grounds. The main criticism relates to the selection of TRICS trip rates. The appellant has relied upon average trip rates used in the TA, which are not only below the now preferred Waitrose average rates, but significantly lower than the 85<sup>th</sup> percentile rates considered desirable for sensitivity testing. Using the latter, the Co-op's car park accumulation exercise predicts a peak demand for 244 spaces which, even allowing for those seeking a space, would significantly exceed the available capacity. The appellant argues that the Co-op's TRICS sites are unrepresentative, with a bias towards larger stores. Whilst that is probably true, on the other hand it must be remembered that (1) Hale Barns is an area of high car ownership, and (2) a very high proportion of trips to the Waitrose store would be by car, given the limited prospect of travel by other modes.

102. Other criticisms include the substantial discount made for cross visitation between the non-food stores and the supermarket, which the appellant puts at 67%<sup>7</sup>, the failure to make any provision for visitors to the other facilities around The Square, and the anomaly in the car parking accumulation process whereby 24 more vehicles leave than arrive. All these concerns have some validity, in my view, and are not adequately explained.
103. The overall picture is somewhat confused. The assessments of the appellant and HBRR suggest that the car park would just be large enough (albeit with virtually no spare capacity according to the appellant's study), whereas the Co-op predicts excess demand on the basis of more robust trip rates (though I have some doubts about the choice of 'comparison' stores). The use of average trip rates is of sufficient concern to cause me to question the reliability of the appellant's and HBRR assessments. Accordingly, I think it is likely that at peak times the car park would not provide enough spaces for those wishing to use it. As a consequence there is the potential for problems of congestion and delay within the site.
104. The appellant proposes a number of measures to minimise these problems. I accept that variable message signs which give advance warning of car park capacity might assist, though it is not clear whether shoppers finding the car park full would simply go away, or ignore the sign, or seek to park in nearby streets, potentially inconveniencing local residents. Management of the car park should also help – indeed, this was raised by the Waitrose Board when they approved the project, and is indicative of the concern that the operator has about the adequacy of the car park. As to the notion that people would change their shopping patterns to avoid periods of congestion, while this is possible, I think the likely outcome would be slightly reduced congestion over a longer period (the peak spreading effect). Finally, I appreciate that the Travel Plan would encourage staff to use sustainable modes of transport, but as it is Waitrose policy to discourage staff from parking in customer car parks, it is not clear whether the Plan would significantly increase the availability of spaces for customers.
105. Taken together, it is reasonable to assume that these measures would have some beneficial effect by reducing the peak demand for car parking

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<sup>7</sup> HBRR has assumed a lower discount of 33% in its accumulation exercise.

and maximising the use of the available space. There is no indication of the scale of this benefit, however, so it is unclear whether the measures would be sufficient to ensure that the capacity of the car park is not exceeded. I suspect that there would be occasions (outside the always busy Christmas and Easter periods) when the car park is not big enough, but on balance I think this would be an occasional rather than a regular occurrence.

106. PPG13 makes it clear that lower parking standards than the maximum may be appropriate in some areas (hence the relevance of the LTP standards), and that there should be no minimum standards. It also states that developers should not be required to provide more spaces than they themselves wish, other than where exceptional circumstances arise, such as significant road safety implications. The objectors argue that such circumstances apply in this case, in that the queue of vehicles seeking to enter the car park would back up onto Hale Road and create hazards for other road users. Even if the queue did not reach Hale Road, there is concern at the prospect that those unable to find a space would do a circuit using Hale Road to get back into the site, adding to congestion through the centre of Hale Barns.
107. When assessed against national planning policy, the only basis for concluding that the parking provision is insufficient is if it was clear that those waiting for or unable to find a parking space would cause significant detriment to road safety. There is no evidence of this. Even if the queue for the car park did back up onto Hale Road, which in my view would not happen frequently, there is nothing to suggest that it would pose a significant safety risk. The queues of traffic that currently form through the centre of Hale Barns have not been the cause of accidents in the past, and there is no reason to suppose that a queue for the car park would be any different.

*Other on-site considerations*

108. The objectors raise a host of detailed criticisms of the internal site layout, including the adequacy of the lay-bys for delivery vehicles, the constricted width and the gradient of the service road, the operation of the signalised entry to the Waitrose loading bay, problems caused by refuse collection vehicles, and the geometry of the car park entrances and exits. The general tenor is that whilst individually these matters might not be significant, collectively they would create further congestion and safety hazards within the site. I accept that there may well be occasions when the flow of traffic on the service road is interrupted – indeed, the weekly domestic refuse vehicle would cause one such blockage when collecting refuse from the southern edge of the basement car park. But in my view the design and layout, though constrained, is adequate and should ensure that such interruptions are relatively infrequent and limited to a few minutes at most. Enduring such interruptions is a normal part of urban living, and I find no evidence that undue congestion or risk to safety would result.

*Traffic flow and convenience of road users - conclusion*

109. In coming to an overall conclusion about the effect of the development on the free flow of traffic and the convenience of road users, it is important to

take into account the current congested conditions on Hale Road. There is, however, relatively little information about the existing situation in terms of current flows and queue lengths. Coupled with the limitations of the forecast modelling process that I have identified, this makes it difficult to reach a clear cut conclusion. I have sufficient concerns about the capacity of the proposed signalised junction to doubt the appellant's claim that the proposed measures would not only cater for the increase in traffic but would also improve existing flows on Hale Road. On the other hand, I do not believe that the substantial escalation of congestion forecast by the Co-op and HBRR would materialise in practice, for their conclusions seem to me to be the result of factoring in a series of 'worst case' scenarios without making sufficient allowance for the benefits of the scheme.

110. In these circumstances I believe that the most likely outcome is a small increase in traffic congestion, for short periods, mainly during the peak hours. At other times I think that the package of highway improvements would cater for the increased volume of traffic at least to the extent that the development would not worsen the existing conditions on Hale Road. In making this judgement I draw comfort from the fact that it is broadly consistent with the findings of the local highway authority, albeit that it reached its conclusion in advance of the evidence that is before the inquiry. It is also pertinent to record that the independent expert appraisal conducted by GMTU concluded that whilst the proposal had certain shortcomings, it was nonetheless acceptable. GMTU has been made aware of most of the criticisms of the objectors, but has not resiled from its original conclusion.
111. Highway safety considerations are clearly important, though they were not part of the Council's reasons for refusal. The constraints imposed by the proposed layout and the availability of highway land mean that some of the measures aimed at increasing capacity on Hale Road cannot be designed to the standards set out in DMRB. However, relaxations often have to be accepted in urban areas, particularly when – as here – the measures are designed to improve existing arrangements. Most of the matters of concern have been examined through the Stage 1 safety audit process, and reasonable solutions found. In those instances where concerns remain, a balanced judgement has to be reached in respect of the overall package of measures proposed. In my view the benefits of the proposal in highway safety terms are sufficient to outweigh these remaining areas of concern.
112. UDP proposal D1 requires, amongst other matters, new development to provide sufficient off-street parking and not to generate so much traffic as to prejudice the free and safe movement of traffic on surrounding roads. The notion of "sufficient" off-street parking is always difficult to reconcile with the PPG13 advice and the concept of maximum but not minimum standards. The general thrust of policy has moved away from the 'predict and provide' approach of the past, so it is no longer the case that "sufficient" should equate to provision for the maximum anticipated demand. In these circumstances, and having regard to my finding that vehicles seeking a parking space would not give rise to safety concerns, I conclude that the parking provision would not conflict with proposal D1.

113. That leaves the question of whether the proposal would prejudice the free and safe movement of traffic. It is almost inevitable that the traffic associated with a development of the scale proposed would lead to some additional delay on the road network. In this case I am satisfied that the package of off-site highway measures proposed would, for the most part, mitigate the impact without any material effects on the flow of traffic through Hale Barns. Although I have determined that there is likely to be a small increase in traffic congestion during the peak hours, in my view this would fall far short of the “prejudicial” test. As to safety, whilst concerns remain in some areas, they would be more than offset by the major benefits arising from the provision of a signalised junction and bus lay-bys. I therefore conclude that the proposal complies with proposal D1.

### ***Character and appearance***

#### *Growth of Hale Barns*

114. Much of the objection from the Council and local residents stems from the contention that Hale Barns is a village with a separate identity and an historic village core as its focus. While the evidence tracing its evolution demonstrates that this was once the case, it has long since been engulfed by the suburban housing development that links it to Hale and Greater Manchester beyond. I acknowledge that Hale Barns is still perceived as a village by many residents, but the expert witnesses agree that it is appropriately described as a residential suburb on the edge of the conurbation. The fact that it is surrounded on three sides by open space and countryside undoubtedly contributes to a distinct sense of identity, but that does not make it a village in settlement terms.
115. The historic analysis reveals a small, relatively loose-knit pre-20<sup>th</sup> century settlement focused on the junction of Hale Road and Wicker Lane. Moreover, apart from a small group fronting Wicker Lane, it is remarkable how few buildings over 100 years old exist in the centre of Hale Barns. A high proportion of the commercial and community buildings are less than 50 years old – indeed, most post-date the housing that surrounds the heart of the settlement. Consequently Hale Barns does not have a well-defined historic core. Instead its centre comprises mainly 20<sup>th</sup> century inter-war and post-war development built in response to the needs of an expanding suburban hinterland.
116. The appeal site is one such development. The Square is a typical 1960s pedestrianised shopping precinct, its u-shaped form enclosing a central open space set back from Hale Road with a car park at the rear. The 19 ground floor shop units face the central square and have residential and commercial accommodation above. Two of the three flat-roof terraced buildings are two storeys high, while the eastern block extends to three storeys. Each end of the precinct presents a bland and singularly unattractive elevation to Hale Road, and although the shop fronts and landscaped square are visible in the middle of the frontage, the single storey projecting elements and the distance from the road combine to create a low-key, relatively uninviting shopping centre. As well as being outmoded, the buildings have a somewhat

tired appearance. Because of the shortcomings of The Square, the principle of demolition and redevelopment has wide support.

*The proposal*

117. Two predominantly three-storey buildings are proposed, each extending south from Hale Road and separated by a central pedestrianised street which would widen towards the road frontage. The structures would be significantly longer, deeper and taller than the existing buildings, and would have a substantially greater presence in the centre of Hale Barns. In itself that is to be welcomed, for the existing precinct is a wholly inadequate response to the design principle that buildings in the centre of a settlement should provide a focus and contribute positively to a sense of place. To this extent I share the appellant's view that an analysis which is based on a comparison between the existing and the proposed built form should be treated with caution.
118. The buildings would be a contemporary design, with large areas of glazing and bronze cladding. The fully glazed shop fronts would have signage and security shutters behind the glass. The elevations of the upper floors would be enlivened by panels with a strong vertical emphasis in a composed arrangement of glass, bronze cladding and red brick. These elements are claimed to be inspired by the vertical windows and the small bronze feature window on the adjacent modernist All Saints Church. The curved corner on the easterly approach along Hale Road similarly reflects the plan form of All Saints Church and the circular bay of Corbans public house opposite. Landscaping would comprise peripheral tree planting around the access road and on the bank between the ground and basement level car parks, and hard surfacing with planters, lighting, water features and specimen trees in the space between the buildings and along the Hale Road frontage.

*Scale (height/massing) and appearance*

119. The fundamental question is whether a building of this scale and appearance is appropriate in the context of this suburban centre. Dealing firstly with scale, various analytical techniques have been employed to help assess the detailed impact of the proposal. The figure-ground analysis demonstrates that the proposed buildings would have a substantially larger footprint when compared with the existing precinct and with buildings in higher order (district) centres such as Hale and Timperley. But such a difference, whilst marked, does not necessarily imply harm, for there is no reason why shopping centres should all have the same built form. Indeed, a larger footprint is hardly surprising, having regard to the opportunity that exists for the wholesale redevelopment of most of Hale Barns centre. By contrast, the other centres have grown incrementally over time and are constrained by their historic street patterns and urban grain.
120. The computer generated models are a more helpful analytical tool, especially those which show street level views. They demonstrate that the two blocks would appear appreciably taller than the prevailing two-storey height of most buildings in the locality as a result of the additional floor and the significantly greater height of the ground floor retail units. Despite the flat roof design, this height would be prominent from Hale Road, particularly

as the buildings would be sited at the back of a footway which, for a retail location, would not be very wide. Moreover, the projecting vertical elements on parts of the upper two storeys would be slightly taller still and would increase the perception of height. These elements would, however, provide significant articulation to the main elevations, giving a rhythm and enlivening the Hale Road façade, in particular, thereby precluding any sense of a monolithic slab form.

121. As to massing, the combined height, width and depth of the two buildings would create an imposing development which would fill most of the site. Nevertheless the gap between the blocks would be sufficient, in my view, for them to appear as separate buildings on the approaches along Hale Road, thereby providing visual relief and interest. Though the central open space would be much smaller than the present 'square', I believe it would be adequate to serve as a meeting place and for limited community functions. The substantial depth of the buildings would be glimpsed from Hale Road along the peripheral access/egress route and the central pedestrianised street, giving a clear indication of the overall scale of the development. The massing would be most apparent from within the heart of the site, though the set-back upper floors of the western block means that the development would not be overbearing for users of the pedestrian street.
122. Turning to the matter of appearance, there is no strong or consistent building form or style in the centre of Hale Barns. One characteristic is the way that the few notable buildings reflect, to varying degrees, the contemporary architecture of the period in which they were built – such as the Arts and Crafts influenced 'Quality Fitters' building, the hints of a 1930s style to Corbans, and the modernist ecclesiastical architecture of All Saints Church. Most other buildings, including the existing precinct and the parade of shops on the north side of Hale Road, are also "of their time", though generally of lesser design quality. This evolutionary process has continued with the fashionable design of the Synagogue on Shay Lane. By taking design cues from the better buildings and expressing them in an overtly contemporary style, the proposal builds on and continues this trend. Overall, I believe that the design would achieve high quality buildings and public spaces, using materials that should endure.

#### *Townscape context*

123. The relationship between the development and adjacent buildings is a key component of its acceptability in townscape terms. Local people are concerned that it would dominate All Saints Church, which is set back from the highway and would have a parapet level some 3.5m below that of the proposed building. Whilst the setting of the church would undoubtedly change, and it would be hidden for longer on the approach from the east, I consider that a gap of around 20m is sufficient to ensure that the development would not be overbearing. Though it is debatable whether the claimed synthesis between the concrete bell tower of the church and the articulation on the west corner would generally be perceived as forming a cohesive streetscape, I am satisfied that the setting of the church would be respected.

124. The small block of shops opposite (next to Dial Road) would be marginally closer than the church, but the distance across the main road is adequate to comfortably accommodate the changes in height and massing. The other buildings on the northern side of Hale Road are mostly set back from the highway, providing space which the proposal would exploit. In my view the development would achieve an appropriate balance between the desire to provide enclosure in the centre of Hale Barns, thereby creating a continuous urban form and contributing to a harmonious whole, and the avoidance of a building which dominates the centre.
125. Turning to the relationship with premises around other parts of the site, there are a few buildings at the sides that would be quite close to the flank elevations of the development. However, the successive reduction in the footprint of the upper floors away from the road frontage would minimise the mass of the development at the sides and rear of the site, such that the settings of these buildings would not be unduly compromised. I acknowledge that the projecting south-western segment would be very close to the bowling green at the back of the Bulls Head, causing some loss of visual amenity, though given the presence of mature trees on the boundary and the fact that most participants will use the facility occasionally, I believe it would not cause unacceptable harm. I deal later with the effect of the development on the amenity of those living nearby.
126. A further key consideration is the impact of the development on the approaches to the site along Hale Road. From the east a gradual change in urban form occurs around the petrol filling station as the density of residential development increases, but the development would not be seen until approaching the site access. First views would be largely obscured by the trees around the sub-station, after which the prominent curved corner and the substantial height and length of the eastern elevation would come into full view. By this time it would be clear from changes in the form and use of adjacent buildings, and from sight of the shops on the northern side of the road, that some form of retail centre had been reached. In these circumstances I consider that the development, despite its obvious size, would not appear out of place.
127. The approach from the west is quite different. There is a sense of openness as far as the war memorial, for the golf clubhouse and Holy Angels Church (despite their large scale) are both set back from the road, the latter in well landscaped grounds. The vista then narrows beyond the Wicker Lane junction and it becomes apparent that some form of centre is imminent. The development would come into view framed by the 'Quality Fitters' building and the 2½-storey Regent Court housing opposite. It would clearly be perceived as a large building, but not over-large in the context of the approaching centre. Indeed, from this direction its height and massing would be a far more appropriate response to the central space than the existing precinct, which lacks any real sense of scale or presence.

*Policy framework*

128. UDP proposal D1 requires a high standard of design and layout which, amongst other matters, is compatible with the character of the surrounding area and does not adversely affect the street scene by reason of scale,

height, elevational treatment and materials. This is broadly consistent with Government policy in PPS1: *Delivering Sustainable Development*, which seeks development which is visually attractive, responds to its local context, creates or reinforces local distinctiveness, and takes the opportunity for improving the character and quality of an area. Systematic advice on urban design is given in *By Design - Urban design in the planning system: towards better practice*.

129. The Council points out that Hale Barns is within an Area for Protection where, under UDP policy A3, development is sought which is compatible with, and maintains and reinforces, the present character, appearance and function. The authority accepts, however, that the existing precinct is a poor environment which merits redevelopment, so maintenance of the present appearance is manifestly not supported. As to function, I have already examined the appropriateness of the retail element of the proposal, concluding that an enhanced role would be appropriate; it is not argued that the residential element would undermine the present function of the centre. That leaves character, which is the crux of the design issue.
130. Much is made of the domestic scale of the buildings surrounding the site and the fact that most have pitched roofs. Whilst the predominant character is undoubtedly suburban, the wider context is important - Hale Barns is located on a busy A road, not tucked away in a residential backwater. There is no policy requirement for new development to slavishly adhere to the prevailing built form - indeed, the existing precinct does not, and the main criticisms are levelled not at its scale or flat roof design, but at its poor layout and failure to engage with the rest of the centre. I appreciate that the proposal has a larger, more urban scale, but that is not inherently inappropriate on a busy thoroughfare within an urban area where most vestiges of the former village have long since disappeared.
131. A consistent theme of design advice is that buildings of differing heights and scale can contribute to local character and avoid monotony. *By Design* makes clear that if buildings stand out from their background, they should contribute positively to views and vistas as a landmark. There is little doubt that the development would stand out in this way, and I believe it would be of sufficient quality to function as a landmark. It would go a considerable way towards defining Hale Barns, creating a sense of place that is currently lacking and taking the opportunity that exists to improve its character.
132. Nonetheless it should not be assumed that I regard the design as the perfect solution, for I acknowledge that particular criticisms are not without some substance. For example, I think it would be better in townscape terms if the buildings – especially the eastern block – were set back slightly further from the road frontage, enabling a wider pavement to create a more spacious setting. I also believe that the development could be made less imposing by a slight reduction in height, for the floor-to-ceiling heights (particularly of the shop units) are greater than would typically be found in such a location. But my task is to consider the proposal as a whole and reach a balanced, overall judgement. Whilst the development would be close to the limit of acceptability in terms of height and massing, the high quality design and the contribution it would make to the townscape of the

locality are sufficient for me to conclude that the proposal accords with the design policies of the UDP and Government advice on best practice.

### ***Housing supply***

#### *Policy framework*

133. Policy UR7 of the Regional Planning Guidance for the North West (RPG13 - the Regional Spatial Strategy (RSS)) requires local planning authorities to monitor and manage the availability of housing land to achieve certain rates of housing provision. In Trafford the annual figure is 270 dwellings, net of clearance, for the period 2002-2006 or until such time as RPG13 is revised. The Council manages the supply of housing land by two related mechanisms. The first is UDP policies H1 to H3, which propose 310 dwellings (including clearance) as the average annual rate of provision, list a range of site specific allocations, and indicate that development on windfall sites will only be permitted if it would not result in a significant oversupply as measured against the requirement of RPG13. The second is supplementary planning guidance (SPG): *Controlling the Supply of Land Made Available for New Housing Development*, published in 2004. This states that permission will not be granted for new housing when the scale of committed development exceeds ten times the requirements of RPG13, ie 3,100 dwellings.
134. The Council indicates that commitments at April 2007 are equivalent to 11.6 years' supply; since the ten year threshold is exceeded, there is an oversupply and the restraint control of the SPG is currently in force. The SPG identifies a number of circumstances in which the restraint does not apply. Among the exclusions are replacement dwellings and affordable housing, so in this case 8 of the proposed units and the affordable housing are not contrary to policy. In addition, certain exceptions apply in areas like Hale Barns that are outside Priority Regeneration Areas. The appellant argues that the exception at paragraph 7.3(ii) is relevant; this applies where a proposal would safeguard a retail use within a designated district, local or neighbourhood shopping centre, thereby helping to maintain the retail function and the commercial vitality and viability of that centre.
135. The RSS is being reviewed, and the Submitted Draft RSS for the North West was published in January 2006. For Trafford this proposes an increase in the annual level of provision to 430 dwellings (net) over the 2003-2021 period. The Council advises that completions and commitments currently amount to an 8.8 year supply when assessed against this higher target. The report of the Panel which conducted the examination into the Draft RSS, which was published in March 2007, recommended a further increase in the annual average level of provision to 578 dwellings. In relation to this figure, completions and commitments represent a 6.5 year supply.

#### *Application of supplementary planning guidance*

136. When determining the appeal application, the Council considered that although The Square was outdated and unattractive, the low level of vacancies and the range of traders meant that it was not a failed centre. It believed that The Square would continue to trade reasonably successfully, though it acknowledged that it would not fully meet the basic needs or the

aspirations of the catchment. It determined that although the retail function of Hale Barns centre was reasonable and not in need of safeguarding, the proposed improvements to the retail offer and attractiveness of the centre would be so significant, and the enhancement to the vitality and viability of Hale Barns so substantial, that the concern about adding to the over-supply of housing was outweighed and the exception at paragraph 7.3(ii) was met.

137. HBRR submits that the Council has misapplied its policy. There is some logic to this contention, for if it is decided that a retail use within a centre is not in need of safeguarding, as the Council maintains is the case with The Square, then it could be argued that the exception does not apply. Two matters need to be explored: what is meant by "safeguard", and how should the second part of paragraph 7.3(ii) be interpreted.
138. The obvious meaning of "safeguard" as used in the SPG is to protect a retail use or prevent its loss. This implies that there must be a threat to that use. While I agree with the Council that The Square should not be regarded as failed, that does not mean it is not under threat. I accept that the recent increase in vacancies could be connected to the uncertainty surrounding the redevelopment process, and should therefore carry less weight in any appraisal. Nevertheless, there are clear warning signs of a decline. The physical fabric of the buildings is poor and outmoded, which lessens the attractiveness of the centre to shoppers and deters investment. The evidence suggests that a number of properties have been difficult to let for some years, and rather than leaving them vacant, they are occupied by businesses that pay no rent. There is a suggestion, albeit anecdotal, of a noticeable decline in footfall, and the off-licence has recently stated that it is no longer profitable and the business will be sold or vacated. These are not indicators of a healthy and vital centre, and I think it reasonable to conclude that The Square is under sufficient threat to justify safeguarding.
139. Turning to the second part of paragraph 7.3(ii), it is phrased such that safeguarding a retail use is directly linked ("thereby helping") to maintaining the retail function of the centre. Most parties agree that conditions in The Square have resulted in Hale Barns local centre underperforming in retail terms. This must mean that it is not fulfilling its proper retail function. There is no doubt that both the retail function and the commercial vitality and viability of the centre would be substantially improved by the development. Indeed, my finding that the supermarket would be too large for the centre means that the appropriate retail function would be exceeded, but insofar as paragraph 7.3(ii) is concerned, it would clearly be maintained.
140. I appreciate that if the exception is interpreted too liberally, there is a danger of residential use being deemed acceptable at any small retail centre, thereby breaching the wider regeneration objective behind the housing strategy. However, each case must be determined on its individual merits. On the basis that The Square has reached the point where safeguarding can be justified, and having regard to the fact that the proper retail function of the centre would be (more than) maintained as a result of the development, I conclude that the proposal does satisfy the exception set out in the SPG. Consequently, whilst the development would add to the current oversupply of housing in Trafford, the benefits from the improved retail offer at a local

centre that is in need of investment are sufficient justification to outweigh the conflict with housing policy.

141. The appellant also argues that very limited weight should be given to the Council's SPG because it does not accord with PPS3: *Housing* and a recent Ministerial statement in the House of Lords, and because the broad thrust of emerging RSS policy towards higher annual rates of provision means that it has been overtaken by events. However, as I have already determined that the housing supply restriction does not apply in this case, it is not necessary for me to reach a view on this matter.

## **OTHER MATTERS**

### *Viability*

142. The viability of a development is not normally a planning issue. For much of the inquiry it was unclear what the evidence on viability was seeking to achieve. The appellant submits that viability does not have to be considered if policy is met, but if it is not, then viability is a factor in favour of the scheme to be weighed in the balance with other material considerations.
143. The rationale for this stance is the contention that the proposed store is the minimum size acceptable to Waitrose, the intended operator, and that if the proposal is rejected on the basis that the store is too large, the scheme would founder. With no evidence of another operator being interested in the scheme, it is argued that the local centre would remain in decline and increasing failure, contrary to PPS6, and that the substantial qualitative and quantitative need would remain unmet. In short, the appellant argues that the proposal is the only viable route for safeguarding the retail function of the centre.
144. It is up to the appellant to produce evidence to support these assertions if they are to be given significant weight. The evidence presented was limited and related almost exclusively to the costs side of the equation, primarily the exceptional costs element. No meaningful detail of the capital receipts and revenues side of the equation has been provided, nor has a development appraisal been submitted. In addition, there has been no sensitivity testing to examine the effects of alternative amounts and mixes of retail and residential development.
145. It may be, as the appellant maintains, that the Council is aware of and has accepted viability evidence for the scheme, but that is in its capacity as landowner and under its duty to ensure that it obtains best consideration for the public purse. It acts in a very different capacity as the local planning authority. The appellant went to considerable lengths to ensure that the financial details of the Council's independent appraisal were not put before the inquiry on the grounds of confidentiality. The reason for their absence is largely irrelevant; the point is that I cannot give substantial weight to assertions that have not been backed up by evidence nor tested through the inquiry process. In any event, it is apparent that the Council's appraisal was not based on the scheme before this inquiry, but on an earlier, slightly smaller scheme.

146. Consequently the profitability of the proposal is simply not known, nor can it reasonably be concluded that it is the only viable option. The evidence that Waitrose would not contemplate a smaller supermarket is not convincing in the light of the Managing Director's reported acknowledgement (which was not disputed) of the need to be more flexible in the size of stores, and the obvious synergy between this upmarket operator and the affluent catchment of Hale Barns. But even if this is the smallest store that Waitrose would build, there is no evidence that a smaller scheme would not be attractive to (and viable for) another operator. In my view there must be a reasonable prospect of attracting another operator to such an affluent catchment, for this is a far cry from deprived areas such as Partington where investment is hard to achieve. I appreciate that no other retailer has expressed an interest, but that is hardly surprising given the lengthy involvement of Waitrose and the contractual relationship that exists.
147. Overall, I do not accept the contention that the appeal proposal is the only viable option. Consequently the appellant's case on this issue does not add materially to the factors weighing in favour of the proposal.

*Living conditions of neighbours*

148. Some people living close to the site object to the impact of the development on their outlook and privacy. The most significant impact would be felt by occupiers of the nearby properties on Tithebarn Road, notably Nos 8 and 10. From the rear elevation of No 8 the end of the eastern block would come slightly closer and be taller than the existing flats, though the combined effect of distance and angle of vision is such that no undue overlooking should occur. The building would be quite close to the western boundary of the garden, but the mature trees on this boundary would screen much of the development from view, particularly during the summer months when the garden is likely to be most in use.
149. In my view the greatest change is likely to be experienced by the occupier of No 10, for the additional length of the eastern block would bring it quite close to the rear of this dwelling, albeit at an angle. The design and reduced footprint of the second floor means that only the first floor flat would have the potential to overlook this property at relatively close range; given the angle of vision, I do not believe that a significant loss of privacy would occur between windows of habitable rooms. Although there would be some additional overlooking of the rear garden of No 10, this would be little different to that which often occurs within an urban area. Moreover, the tree planting proposed along the site boundary should, in time, have the effect of partially screening the flats from this property.
150. Some residents of Barns Place object to the visual impact of the larger buildings. Although the south elevation of the development is likely to be visible from the rear of these dwellings, particularly from the upper floor, it would be a considerable distance away (60m or more), and despite the difference in levels I do not think it would have a significant effect on outlook or privacy. The planted bank between the two levels of the car park may be visible just beyond the ends of the rear gardens, but I do not believe that this could be regarded as objectionable.

151. Finally, there is concern at the increased disturbance caused by extra traffic to and from the car park. I appreciate that these additional vehicle movements are likely to lead to some increase in noise and disturbance to the many properties that back on to the access road. An objective assessment of existing and predicted noise levels was submitted with the application; this indicates that the increase in noise levels from car park activity would be low, and that this would result in a slight negative impact at the surrounding residential properties. Effects of this magnitude are not uncommon when new urban development occurs, and in my view do not carry sufficient weight to justify rejecting the proposal.

*Regeneration, employment and other benefits*

152. There would be significant benefits from the wholesale redevelopment of The Square. In addition to the matters already addressed, such as improved shopping provision and enhancements to visual amenity, the proposal would raise the profile and image of the local centre, with the potential to enrich the lives of many in the local community. A substantial number of new jobs would be created, which would clearly be welcome. The appellant argues that the existing centre has been a source of crime and complaints to the police, and that the risks of such anti-social activity would be reduced with a better designed and more secure replacement.

153. I acknowledge that all these matters weigh in favour of the proposal. However, I do not believe that the sense of urgency which underlies aspects of the appellant's case is supported by the evidence. Unlike some other centres in Trafford which are obviously in serious decline, The Square is not in dire need of redevelopment. Nor is regeneration necessary as a means of acting as a catalyst for investment in the wider area, for the surrounding locality appears highly prosperous. And while "Secure By Design" principles should reduce the opportunities for crime, the police indicate that The Square is not a crime hot-spot. In short, the benefits of the proposal do not have the extra weight that would apply in areas where the need is substantially greater.

## **CONCLUSIONS**

154. The policies of PPS6 and the development plan require the scale of retail development within existing local centres to be directly related to the role and function of the centre and its catchment. In quantitative terms the proposed amount of convenience floorspace exceeds, albeit by a small margin, the available expenditure within the catchment, even though the catchment has been widely drawn. Coupled with this, the supermarket would divert a substantial amount of trade from Altrincham, the sub regional centre, and would attract significant custom from outside its catchment. Some claw-back of trade is to be welcomed, in that it would enable the under-performing Hale Barns centre to fulfil a main food shopping role and better meet the needs of the catchment. However, the proposed supermarket would do significantly more, attracting trade that should more appropriately go to Altrincham, where there is much greater potential for linked trips and many journeys would be shorter.

155. The proposal would have substantial qualitative retail benefits, notably improving the vitality and viability of Hale Barns and thereby increasing consumer choice and promoting competition. As to the claimed sustainability benefits, however, the evidence is not conclusive. In addition, I do not accept the contention that the proposal is the only means by which the redevelopment of The Square would take place. Waitrose operate very many smaller stores, and even if the company was disinclined to lower its sights here, there is no evidence that other operators would be unwilling to build a smaller store in this prosperous neighbourhood. In these circumstances I consider that the retail benefits of the proposal are not sufficient to outweigh the scale of the trade diversion from the sub-regional centre and the consequent conflict with retail policy.
156. The development would be accompanied by a series of measures designed to cater for the traffic generated by the enlarged retail provision and to improve the flow of traffic on Hale Road. At most times I believe that these measures would succeed. During some peak periods, however, I consider that there would be additional queuing of traffic on Hale Road, coupled with a small shortfall in the capacity of the car park. This would exacerbate the existing delays experienced by users of Hale Road, though it would not materially increase the risks to their safety. Overall I find the traffic impact not to be so detrimental as to be unacceptable, though as there would be some adverse effects, this cannot be considered as an advantage of the proposal.
157. The residential component of the proposal would add to the current oversupply of housing in the Borough; however, I consider that the benefits of safeguarding an outmoded retail centre are sufficient to outweigh the harm caused by an overprovision of housing in an area not in need of regeneration. As such the proposal accords with the UDP housing policy; whilst this is not a factor that weighs significantly in favour of the proposal, nor does it count against it. The buildings have been designed to a high standard and, notwithstanding their large size and imposing appearance, they would bring about a significant improvement to the character and visual amenity of The Square, thereby enhancing the attractiveness of the site. The redevelopment would also raise the profile and image of Hale Barns local centre. These are factors that weigh in favour of the scheme.
158. The decision requires a balanced judgement to be reached between the merits of the scheme and those aspects which would cause harm. I consider that the improvements to Hale Barns and the other benefits of the scheme are not sufficient to outweigh my finding that the proposal is too large to be directly related to the role and function of the centre and its catchment, and is thereby in conflict with PPS6 and the development plan.
159. For these reasons, and having regard to all the other matters raised, I conclude the appeal should be dismissed.

*Martin Pike*

INSPECTOR

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Tony Taylor	Hale Bank Cottage, Sunbank Lane, Hale Barns, Cheshire WA15 0PZ

**DOCUMENTS<sup>8</sup>**

- 1 Opening statement for Citybranch Limited
- 2 Opening statement for Hale Barns Residents' Response (HBRR)
- 3 Opening statement for United Co-operatives Ltd
- 4 Photo-montage of proposed Hale Road frontage
- 5 Letter from Trafford MBC to Citybranch Ltd relating to costs and returns of proposal, 20.2.2007
- 6 Extract from IHT *Transport in the Urban Environment*
- 7 Extract from DMRB TD 9/93 *Highway Link Design*
- 8 GMTU Report 11/55 *The Square, Hale Barns – Transport Assessment Review*
- 9 Boreham Consulting Engineers drawing AED021.1 – 2 Way Link Flow Data
- 10 Extracts from GMPTE *Bus Stop Design Guidelines*
- 11 Trafford MBC neighbour notification letter, application H/TEL/58212
- 12 Car parking survey conducted by Judge Howarth
- 13 HBRR Hale Barns Square Proposed Redevelopment - Update
- 14 Statement of Mrs Joanne Nicholson
- 15 Extract from *Manual for Streets*
- 16 Extracts from TD 50/04 *Geometric layout of signal controlled junctions and*

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<sup>8</sup> Documents submitted during and after the inquiry, excluding proofs of evidence and Statements of Common Ground.

- signalised roundabouts*
- 17 Boreham Consulting Engineers drawings SK01 and SK07 – Reduced lane widths on Dial Road
  - 18 Boreham Consulting Engineers drawings SK04 and SK05 – Large refuse vehicle swept path analysis
  - 19 Email trail between Tony Dolan and Geoff Williamson, 18.9.2007
  - 20 TRICS trip rate calculation parameters
  - 21 Car park accumulation data
  - 22 CABE press release, 19.5.2006
  - 23 Draft S106 unilateral undertaking
  - 24 Travel Plan
  - 25 Plan showing location of existing major foodstores
  - 26 Note and Board minutes, Waitrose consideration of store size
  - 27 Extract from UDP Appendix K, local and neighbourhood shopping centres
  - 28 Letter from SJ Berwin to Trafford MBC, 9.8.2007
  - 29 Secretary of State decisions: APP/E0915/A/05/1183004 and A/07/1200789 – Victoria Estate Road, Caldew Riverside, Carlisle
  - 30 Plan showing half way point to surrounding stores
  - 31 Secretary of State decision: APP/W1145/V/06/1198267 – Atlantic Village, Clovelly, Devon
  - 32 Extracts from White Paper *Planning for a Sustainable Future*
  - 33 Diagrams of net and gross sales areas
  - 34 Note concerning Trafford UDP saved policies
  - 35 Hale Barns rental figures
  - 36 Full list of Trafford UDP saved policies
  - 37 Plan of potential retail development area in Hale
  - 38 High Court judgement: *Trusthouse Forte Hotels Ltd v Secretary of State for the Environment and Another*, (1987) 53 P&CR 293
  - 39 Extract from *Encyclopaedia of Planning Law*
  - 40 Extracts from *Trafford Retail Study*, 30.11.2007
  - 41 Mr Baker's comments on Trafford Retail Study
  - 42 Mr Stock's note on Distance Saving
  - 43 Update sheet to evidence of Mr Stock
  - 44 Note concerning proportions of proposed new space
  - 45 Waitrose – store extensions and relocations
  - 46 Extract from English Heritage policy statement (consultation draft): *Enabling development and the conservation of heritage assets*
  - 47 List of Waitrose stores
  - 48 Letter from Thresher Group concerning 1 The Square, Hale Barns, 15.10.2007
  - 49 Note from Trafford MBC relating to Submitted Draft Regional Spatial Strategy for the North West
  - 50 Suggested planning conditions
  - 51 Planning Policy Statement: Planning and Climate Change (Supplement to PPS1)
  - 52 Parliamentary Question 4.12.2007 regarding restrictions on planning permission for new housing
  - 53 Mr Stock's notes of telephone conversations with Hale Barns shopkeepers
  - 54 Trafford MBC Committee Report regarding retail impact
  - 55 Appeal decision and Council's statement, APP/Q4245/A/07/2036323 – land between 76 and 80 Grove Lane, Timperley
  - 56 Appeal decision and Council's statement, APP/Q4245/A/07/2045074 – 57 Railway Road, Urmston

- 57 Mr Brookfield's note on Distance Saving
- 58 Mr Budd's note on Distance Saving
- 59 Extracts from Competition Commission report: *The Supply of Groceries in the UK - market investigation*
- 60 Plan of reduced floorspace scheme considered by Waitrose Board
- 61 Notes of Councillor Foster
- 62 Statement of Councillor Mullins
- 63 Statement of Reverend Hinton
- 64 Mr Blair's note on Distance Saving
- 65 Consultation Paper on new PPS4: Planning for Sustainable Economic Development
- 66 Revised draft S106 unilateral undertaking and Council's preferred changes
- 67 Trafford LDF SPD1: *Developer Contributions to Highway and Public Transport Schemes*
- 68 Updated list of application drawings
- 69 Amended list of planning conditions
- 70 Note from Mr Holliss regarding conditions
- 71 Note from Mr Baker – Reworking of Table SS1 of Retail Statement of Common Ground
- 72 Revised version of Condition 15
- 73 Closing submissions for Hale Barns Residents' Response
- 74 Closing submissions for The Co-operative Group
- 75 Closing submissions for Trafford MBC
- 76 Closing submissions for Citybranch Limited
- 77 Completed S106 unilateral undertaking
- 78 Appellant's comments on Competition Commission "Provisional Remedies" report
- 79 Council's comments on Competition Commission "Provisional Remedies" report
- 80 Co-op's comments on Competition Commission "Provisional Remedies" report
- 81 HBRR comments on Competition Commission "Provisional Remedies" report
- 82 Appellant's response to comments on "Provisional Remedies" report
- 83 Application for costs by Trafford MBC
- 84 Response to Council's costs application by appellant
- 85 Application for costs by appellant
- 86 Response to appellant's costs application by Council

## **PHOTOGRAPHS**

- 1-5 Buses on Hale Road and queues at bus stop, 26.3.2007
- 6 Hale Road site egress, 26.3.2007