

November 2024



Planning, Design & Access Statement

Units 1 & 2 Victoria Retail Park

Alterations to Unit 1 to provide associated bin store, loading & servicing area together with partial demolition of Unit 2 to provide drive-thru coffee shop



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1.0 INTRODUCTION

- 1.1 This Planning and Design & Access Statement has been prepared by Urban Future Planning Consultancy Ltd on behalf of the Applicant, Lion Share Properties Ltd, to accompany a planning application seeking consent for alterations to Units 1 & 2, Victoria Retail Park. The alterations to Unit 1 would comprise an associated bin store, loading and servicing area together whilst at Unit 2; a partial demolition to provide a drive-thru coffee shop, car parking, access and landscaping. This Statement should be read alongside the other supporting documentation and information submitted as part of the application.
- 1.2 The application site is located within a readily accessible location and within an existing commercial area. A coffee brand considers the location as an ideal setting to expand its hot beverage offer and seeks to bring to fruition a high-quality development which promotes consumer choice and creates jobs for local people.
- 1.3 This application is a resubmission of a recently refused application which sought consent for a similar scheme (LPA ref no. 69299/FUL). During the course of the assessment, the Council confirmed that the proposed use of the unit as a coffee-shop/drive-thru would be in accordance with the uses granted consent in 2016¹ and thus does not require planning consent. However, the external reconfiguration to bring to fruition a drive-thru with associated parking does require planning consent and the Council raised a number of concerns which resulted in the refusal of LPA ref no. 69299/FUL.
- 1.4 The refusal reasons primarily related to highways/servicing arrangements. In recent discussions with the Council, it is apparent concern surrounds the proposed servicing arrangements for both Units 1 and 2 as identified on the accompanying site layout plan. The revised scheme now refers to both units and now includes alterations to both units (which are in sole ownership of the Applicant) and details of the scheme's compliancy from a highways/servicing perspective will be set out in subsequent sections of this Statement as well as in the accompanying Transport Statement.
- 1.5 Since the previous refusal, the Applicant has revisited the proposals and has employed a qualified Transport Consultant to design a scheme

¹ See Planning History section of Chapter 2

which would be highways compliant. This Statement will set out how the resubmission addresses each of the previous refusal reasons and should be read alongside the accompanying Transport Assessment which fully addresses the Council's previous concerns. Concern was also raised regarding a lack of information on sustainability measures; this submission is now accompanied by a Sustainability Statement. Concern was also raised regarding the lack of information on noise for the proposed air-conditioning units; this submission is now accompanied by a Noise Assessment.

- 1.6 This Statement describes the application site and its surroundings as well as the proposed development. The relevant local and national planning policy will be set out before an assessment of the material planning considerations. The Statement concludes that consent ought to be granted.

2.0 SITE & SURROUNDINGS

- 2.1 The application site comprises Units 1 and 2 of Victoria Retail Park. The site is located with Victoria Street to the east, Bolton Road to the southeast and Ainsworth Road to the south, and is bounded by the elevated Manchester, Bolton and Bury Canal feeder to the west. Within the wider site is also a retail unit occupied by Lidl.



Figure 1. Application site



Figure 2. The site features a generous parking area shared with the adjacent Lidl

- 2.2 The wider locality surrounding the site largely comprises mixed commercial/retail development to the north-east, east and south of the site, with residential developments located to the south-west. Access to the site is provided from Victoria Street via a two-way priority junction, to the north-east of the application site.

Planning History

- 2.3 The development of the site for the mixed-use scheme was granted in 2014 (LPA ref no. 56249). A subsequent application to vary the approved plans to increase the footprint of the bulky goods/retail unit (A1) (unit 1) and reduce the floorspace of the industrial unit (B1/B8) (unit 2) was granted approval in 2015 (LPA ref no. 58382). A further application to vary the uses of unit 2 to include any use within B1, B8, A1, A3 or A5² was approved in March 2016 (LPA ref no. 59488).

² Following changes to the Use Classes Order, these uses would now fall within Class E and the hot food takeaway use would be sui generis

3.0 PROPOSED DEVELOPMENT

- 3.1 Consent is sought for alterations to Units 1 & 2, Victoria Retail Park. The alterations to Unit 1 would comprise an associated bin store, loading and servicing area together whilst at Unit 2; a partial demolition to provide a drive-thru coffee shop, car parking, access and landscaping.
- 3.2 In order to bring to fruition the proposed coffee-drive-thru, some minor modifications, including a reduction in the total floor area of the building, will be undertaken to accommodate the construction of the drive-thru lane. The proposed development will reduce the existing total footprint of the building by approximately 55m² GFA, resulting in a total GFA of 185m² for the drive-thru coffee shop.
- 3.3 The accompanying plans fully demonstrate the Applicant's intentions for the site and should be referred to for further details.

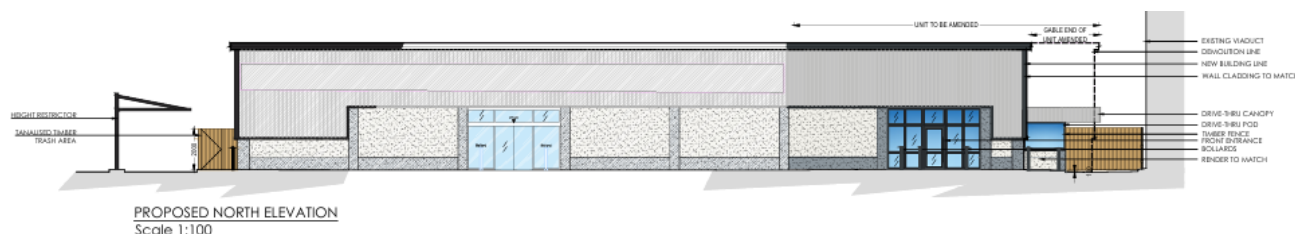


Figure 3. Proposed north elevation showing the locations of the new bin store / servicing arrangements for both units (not to scale)

- 3.4 As illustrated on the accompanying plans, the existing vehicular access arrangements to the site from Victoria Street will be retained to serve the proposed development. The proposed drive-thru lane serving the site would operate in a clockwise direction around the existing building, with access to the drive-thru lane taken from the east of the unit and egress to its north-western corner.

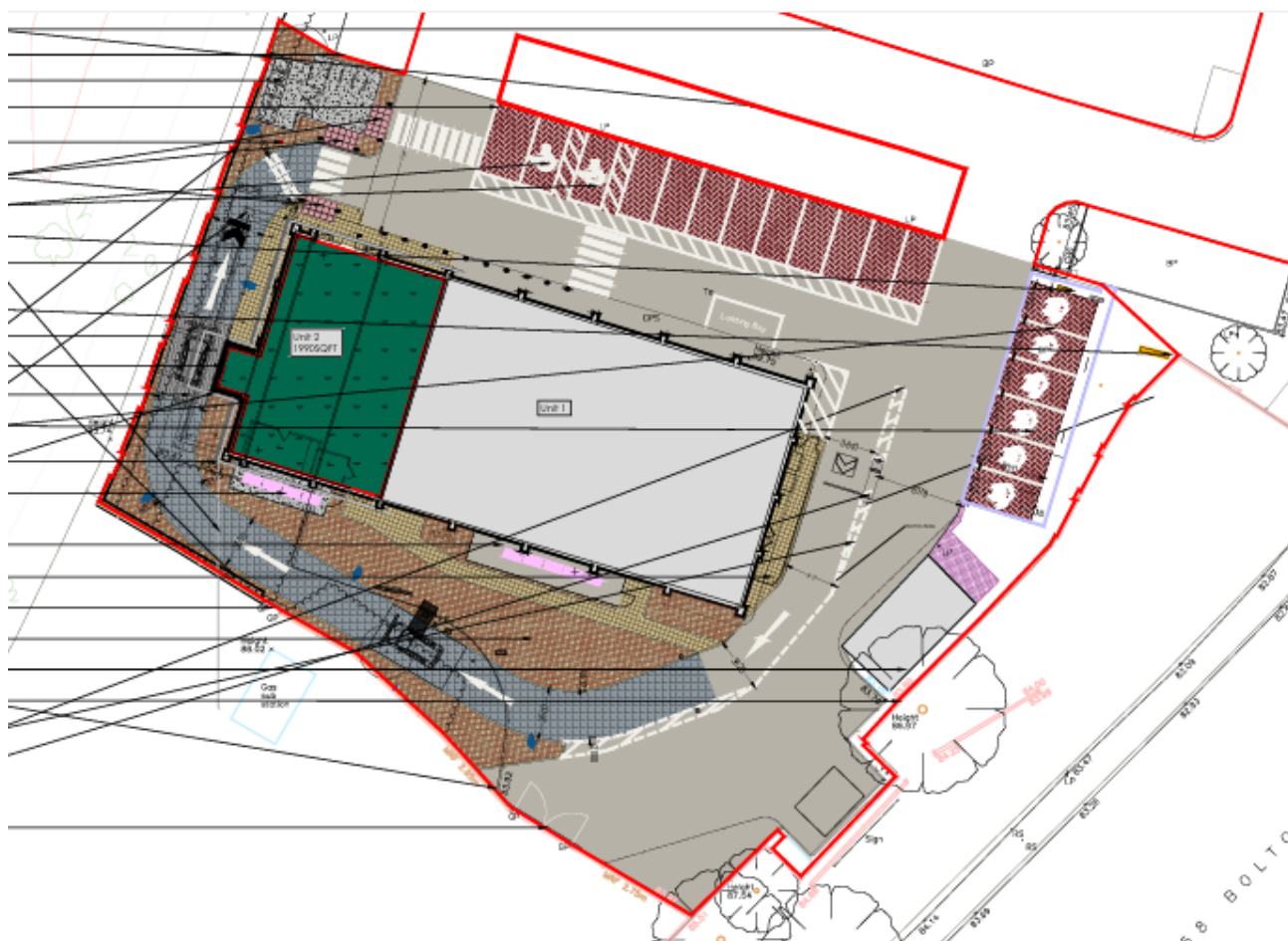


Figure 4. The new servicing bay for Unit 1 is illustrated within the revised site layout and would be located to the front of the unit

3.5 The accompanying Transport Statement sets out further details regarding the proposed parking arrangements and should be referred to for further details.

4.0 RELEVANT PLANNING POLICY

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application. The development plan for the purposes of the application proposal comprises the Bury Unitary Development Plan (UDP) (1997). The National Planning Policy Framework (NPPF) sets out the Government's planning agenda and is also relevant.

Bury UDP

4.2 The following policies from the document have relevance to the application proposal:

- **Policy EN1 – Built Environment** – The Council will seek to protect, preserve and enhance the character, appearance and amenity of the Borough's built environment.
- **Policy EN1/2 – Townscape and Built Design** – The Council will give favourable consideration to proposals which do not have an unacceptable adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements. Factors to be considered when assessing proposals will include the external appearance and design of the proposal in relation to its height, scale, density and layout; the relationship of the proposal to the surrounding area and the choice and use of materials.
- **Policy S4/1 - Retail Development Outside Town and District Centres** - This policy identifies a number of retailing activities which may, in principle, be acceptable in out of centre locations, subject to compliance with other policies of the Plan. This includes petrol filling stations.
- **Policy S4/2 - Assessing Out-of Centre Retail Development** - states that proposals (other than those covered by Policy S4/1) will be assessed according to the following criteria: the effect on, and contribution to, urban regeneration; economic effects; environmental and social effects on the locality; the effects on the highway network; accessibility by public and private transport; feasibility of using any alternative site; the need for and suitability of the site for other land uses.

National Planning Policy Framework (NPPF)

4.3 The NPPF is also relevant and sets out the Government's planning agenda. According to the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The general perspective from the NPPF is that planning should proactively drive growth and support sustainable economic development. It also states that planning should make effective use of land by reusing land that has been previously developed. It is clear from the NPPF that the delivery of sustainable development must take into account the following aspects:

- *Building a strong, competitive economy*
- *Ensuring the vitality of town centres*
- *Supporting a prosperous rural economy*
- *Promoting sustainable transport*
- *Requiring good design*

4.4 '*Promoting sustainable transport*'; according to the NPPF, decisions should take account of whether safe and suitable access to the site can be achieved for all people and development should only be refused where the residual impacts of development are severe. Chapter 9 of the NPPF relates to the promotion of sustainable transport. Para 102 stresses the importance of development proposals addressing transportation issues at an early stage in a development in order to identify the potential impacts of a proposal and look at opportunities to reduce them together with promoting more sustainable methods of transport. Para 103 states that the planning system should actively manage patterns of growth in support of these objectives, focusing on locations that will limit the need to travel offering a genuine choice of travel modes, with the overall aim being to reduce congestion and emissions. Para 105 states that planning policies should support an appropriate mix of uses across an area, and within larger scale sites, minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities.

4.5 The NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 4.6 The general perspective of the NPPF is that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 4.7 Ensuring the vitality of Town Centres is a crucial part of the National Planning Policy Framework (NPPF). At Para 86, the NPPF states that Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- 4.8 Para 87 goes on to state that, when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- 4.9 Paragraph 89 of the NPPF highlights the threshold for an impact assessment for retail development outside town centres, which are not in accordance with an up-to-date local plan, the default threshold is 2,500 sqm of gross floorspace.
- 4.10 At para 115, the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Relevant Documents / Guidance

National Planning Policy Guidance (NPPG)

- 4.11 Further guidance on what is within the NPPF regarding town centre uses outside of town a centre is provided by NPPG (Ensuring the vitality

of town centres). The guidance recognises that it may not be possible to accommodate all forecast needs in a town centre: there may be physical or other constraints which make it inappropriate to do so. In those circumstances, planning authorities should plan positively to identify the most appropriate alternative strategy for meeting the need for these main town centre uses, having regard to the sequential tests. This should ensure that any proposed main town centre uses which are not in an existing town centre are in the best locations to support the vitality and vibrancy of town centres, and that no likely significant adverse impacts on existing town centres arise.

SPD11 Parking Standards in Bury

- 4.12 SPD11 Parking Standards in Bury (May 2007) provides guidance on parking policies contained within the Bury UPD at Appendix 4. The SPD seeks to ensure that the level of car parking associated with a development proposal is appropriate, in order to support a reduction in reliance upon the private car, encouraging the use of more sustainable modes of transport.

5.0 PLANNING APPRAISAL

5.1 The purpose of this section of the Statement is to identify and assess the main planning considerations raised by the application proposals in the context of relevant national and local planning policy and guidance. The key issues are;

- the principle of the development, having regard to the provisions of the adopted Development Plan and other local planning policy documents and;
- the effect of the development on residential amenity
- the effect of the development on character and appearance
- the effect of development on the local highway network.

5.2 Each of these matters is considered below.

The principle of development

5.3 As previously set out, the internationally renowned coffee brand considers the location as an ideal setting to expand its hot beverage offer and seeks to bring to fruition a high-quality development which promotes consumer choice and creates jobs for local people. This application is a resubmission of a recently refused application which sought consent for a similar scheme (LPA ref no. 69299/FUL). During the course of the assessment, the Council confirmed that the proposed use of the unit as a coffee-shop would be in accordance with the uses granted consent in 2016³ and thus does not require planning consent.

5.4 In fact, during the course of the previous application, matters relating to the principle of development were not in dispute.

5.5 The proposal clearly represents sustainable economic development. The general perspective of the NPPF is that planning policies and

³ The development of the site for the mixed-use scheme was granted in 2014 (LPA ref no. 56249). A subsequent application to vary the approved plans to increase the footprint of the bulky goods/retail unit (A1) (unit 1) and reduce the floorspace of the industrial unit (B1/B8) (unit 2) was granted approval in 2015 (LPA ref no. 58382). A further application to vary the uses of unit 2 to include any use within B1, B8, A1, A3 or A5 was approved in March 2016 (LPA ref no. 59488).

decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The NPPF also promotes consumer choice and it is within this context that the proposal ought to be considered. The application proposal will provide notable new jobs (far greater than the current use of the site).

- 5.6 To conclude, permitting the proposal would see the re-use of a brownfield, readily accessible site to bring about a new business, promoting consumer choice and generating employment opportunities for local people. The NPPF encourages making effective use of land by reusing land that has been previously developed and sets out a presumption in favour of sustainable development. The proposed scheme would not result in any adverse impacts that would significantly and demonstrably outweigh the benefits of its approval and this is confirmed in the following assessment of the detailed material considerations relevant to the application proposal.

The effect of development on residential amenity (Refusal reason 6)

- 5.7 The application site is located within a highly commercialised setting with no residential properties abutting the site. The site has long been in commercial use and those residing nearby are well accustomed to comings and goings associated with the site and the main road in general. The proposed drive-thru is single storey and given its position close to larger buildings, would be acceptable in terms of size and scale and would not be considered to result in overlooking and overshadowing.
- 5.8 No concerns were raised in this regard during the previous application other than some concern raised due to insufficient information in relation to the noise impact of the proposed air conditioning units. The Applicant has since instructed a Noise Impact Assessment which provides the required details. In this respect, the proposed development is compliant with Policy EN1 – Built Environment.

The effect of the development on the character and appearance of the area

- 5.9 As shown on the accompanying plans, an attractive scheme set within a pleasant setting can be achieved which takes into consideration the site's prominent location near to a main road, as well as the site's relationship to adjacent land uses. Compared with the existing situation (a vacant unit), the proposed development will greatly enhance the site and provide an active frontage.
- 5.10 The proposed materials to be used are sympathetic to the adjacent properties whilst providing a modern unit suitable for an internationally renowned coffee-brand. It is considered that the proposed drive-thru unit would be acceptable in terms of its design, given the surrounding mixed character, modestly scaled and displaying the recognised corporate branding required, but nevertheless in keeping with the surrounding built form. The orientation of the different uses would bring about an active frontage which would represent an improvement to the existing situation. A safe and secure environment is provided that reduces the opportunities for crime particularly through the use of natural surveillance from the parking and glazed shopfront areas as well as the use of CCTV necessary for petrol filling stations. In this respect, the proposed development is compliant with Policy EN1/2 – Townscape and Built Design. No concerns were raised in this regard during the course of the previous application.

The effect of development on the local highway network & servicing arrangements (Refusal reasons 1,2,3,4)

- 5.11 It is noted that the Council raised a number of concerns which resulted in the refusal of LPA ref no. 69299/FUL. In relation to highways, the previous application at the site was refused, with four highways reasons for refusal, based on servicing, parking and site access, which have been comprehensively addressed by this resubmission. The Applicant has in fact revisited the proposals and has employed a qualified Transport Consultant to design a scheme which would be highways compliant. This Statement should be read alongside the accompanying Transport Assessment which fully addresses the Council's previous concerns.
- 5.12 Firstly, it is important to note that at para 115, the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. As previously set out, the Applicant considers the site to be an ideal location for a coffee drive-thru, along a main road with sufficient traffic counts. The local highway network has plentiful capacity and there is good visibility on to the highway; the existing access/egress are characterised by good visibility and there is sufficient space on site for internal manoeuvring of both customer and servicing vehicles. A swept path analysis has been undertaken of the site access, egress and internal servicing around the site for the largest expected service vehicles. This is something that did not accompany the previous submission. As a result, concerns regarding the drive-thru lane access and barrier are now no longer given the relocation of the drive-thru lane height restrictor which has addressed concerns regarding this.
- 5.13 In recent discussions with the Council, it is apparent concern surrounded the proposed servicing arrangements for both Units 1 and 2 as identified on the accompanying site layout plan. The revised scheme now includes alterations to both Units (which are in sole ownership of the Applicant). With regards to Unit 1, a new servicing bay is illustrated within the revised site layout and would be located to the front of the unit. A suitably worded condition could be imposed restricting the servicing of 'Unit 1' to be in accordance with the approved drawings and would remain in perpetuity unless agreed in writing by the LPA. Both units are in sole ownership of the Applicant and so such condition

would be readily enforced. This submission is accompanied by a Service Management Plan which demonstrates how both units will be serviced and which has been submitted alongside this Statement.

- 5.14 As set out previously, to facilitate the construction of the drive-thru lane, the existing GFA of the unit will be reduced by approximately 55m², with two standard parking bays removed and two mobility standard parking bays to be relocated within the current parking area. At the time of the previous application, concern was raised regarding the level of parking provision needed. The Applicant has since revisited the proposals and has employed a qualified Transport Consultant and a car parking occupancy survey has been undertaken which recorded a peak occupancy of 84 vehicles. According to the Transport Assessment, even allowing for the loss of four parking spaces to facilitate the construction of the drive-thru lane would result in 99 remaining parking spaces at the retail car park. The parking survey undertaken at the site showed a peak occupancy of 84 bays during the Saturday survey, therefore, even with the additional parking demand associated with the proposed development there remains sufficient capacity to serve the wider retail park. Therefore, given the reduction in the GFA of the building and car parking data, the revised parking provision resulting from the proposed redevelopment will have sufficient spare capacity to serve the wider retail park site. A traffic survey and capacity model of the Victoria Street access junction have been undertaken and presented within Chapter 8 of the submitted TA, to demonstrate that the access is able to accommodate any increase in vehicular activity associated with the development proposals.
- 5.15 The proposed number of off-road parking spaces is in line with generic standards seen across coffee-shop drive thrus around the UK. The Applicant operates a number of similar sites and encourages locally sourced staff to attend the site using sustainable modes of travel including cycling⁴, walking and by bus and the site is best placed to do this. The existing operating hours at Unit 1 see the unit close at 17.00; thus provision of parking spaces after this time would be entirely for the proposed coffee shop at Unit 2, which would result in plentiful provision. Such operating hours can be controlled by the LPA by condition.
- 5.16 On balance, the additional information provided as well as the changes made to the scheme since the last submission would result in a scheme

⁴ The proposals also incorporate cycle parking provision in the form of eight 'Sheffield' cycle stands together with a cycle shelter, order to encourage access to the site by bike.

that can be readily accommodated by the local highway network without compromising the intentions of *SPD11 Parking Standards in Bury*. It is concluded that, according to the tests set out in NPPF, it cannot be considered that there is a severe impact as a consequence of the proposed development. The proposed development is complementary and ancillary to the uses already on site, with a concept of development already approved in this location. The site is also situated in a highly accessible location and capacity assessments have shown no material impact on the local highway network.

Sustainability (Refusal reason 5)

- 5.17 At the time of the previous submission, concern was raised of insufficient information in relation to measures to ensure that the development would be net zero with regard to regulated operational carbon emissions. The application is now accompanied by a Sustainability Statement (undertaken by Award Energy) which sets out how the scheme will incorporate energy-saving measures to assist with the local authority's net zero ambitions. In these respects, the proposal would now be compliant with Policy JP-S2 - Carbon and Energy of the Places for Everyone Joint Development Plan.

6.0 CONCLUSION

- 6.1 This Statement has justified the merits and acceptability of the proposed alterations to Units 1 and 2, Victoria Retail Park to enable the conversion of part of the premises into a drive-thru coffee outlet (Use Class E). It has clearly been demonstrated that the application proposal would make effective use of the brownfield plot, would provide a good quality coffee shop/drive thru whilst promoting consumer choice and generating employment for local people. Permitting the proposal would not result in adverse impacts to the local highway network or on amenity and the scheme will enhance the street scene aesthetically. For the reasons provided, the resubmission has adequately addressed the Council's previous concerns.
- 6.2 In relation to highways, the previous application at the site was refused, with four highways reasons for refusal, based on servicing, parking and site access, which have been comprehensively addressed by this resubmission. A lack of information surrounding sustainability and noise has also been addressed within the resubmission.
- 6.3 The NPPF states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. It goes on to state that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.
- 6.3 For the reasons set out, the LPA is kindly requested to grant planning permission.