

ASDA STORE, PILSWORTH ROAD, BURY, BL9 8LS

PROPOSED COFFEE SHOP DRIVE-THRU UNIT

PLANNING STATEMENT

Incorporating Sequential Test Assessment

26202
FINAL
September 2022

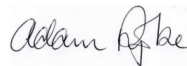
PLANNING STATEMENT

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1 INTRODUCTION

- 1.1 This Planning and Sequential Test Statement has been prepared by RPS Group Limited on behalf of EG Group Limited ("the applicant"), the owner of Asda Stores Ltd. in support of a full planning application being submitted to **Bury Metropolitan Borough Council** relating to land which currently comprises part of the Asda store car park at **Pilsworth Road, Bury, BL9 8RS** (the application site).
- 1.2 The EG Group was founded in 2001 by brothers Mohsin and Zuber Issa with the acquisition of a single petrol filling station in Bury, Greater Manchester. In October 2017 the company rebranded its Europe Wide operations to the EG Group since establishing itself as one of Europe's fastest growing and most recognisable forecourt operators, with an expanding portfolio of 341 freehold-owned petrol stations located throughout mainland UK and a large number of separate roadside welfare facilities (roadside restaurants and motorway service areas). The company operates approximately 2,500 sites across Europe (including the UK) and employs approximately 12,500 people.
- 1.3 EG Group has forged high-profile relationships with nationally and globally recognised retail and convenience brands and, in June 2021, completed the purchase of Asda Stores Ltd. EG Group make sustainability a key consideration. To that end, in 2014 they invested £2.6m in providing solar panels for over 20% of the EG sites. In May 2017, it was announced that they would be providing an additional £6m into reducing their carbon footprint. Additionally, six motorway service stations feature rainwater harvesting systems, collecting rainwater which is then filtered to be used on site.
- 1.4 In 2014, EG Group invested £3.2m in the installation of LED lighting on sites throughout the estate. As well as consuming less energy than incandescent and high-intensity discharge (HID) lights, LED lights use only 2-17 watts of electricity, which is 25%-80% less energy than standard lighting systems, decreasing cost and impact significantly.
- 1.5 As a responsible developer, EG Group have investigated and implemented a series of core sustainable design principles within our project design, delivery and operation that align with a number of the UN Sustainable Development Goals (2015). Our developments also reduce potable water consumption through high quality water saving technologies within WC and Shower areas, where possible looking for opportunities to recycle / reuse water. This includes providing additional facilities for passing motorists badged as 'Food to Go' which form a vital element of the business operation and a key element of ensuring the viability of sites.
- 1.6 The application proposes the erection of a single storey building for the provision of a drive-thru hot drinks takeaway, incorporating the associated reconfiguration of the existing car park layout.
- 1.7 This statement details the nature of the application site and the surrounding area, the site history, and relevant development plan policies and associated guidance, followed by an assessment of the proposals against those policies, guidance and any other material planning considerations. It should be read in conjunction with the application drawings and other technical reports which make up the submission as listed in the covering letter.

2 SITE AND SURROUNDINGS

- 2.1 The application site currently comprises part of an Asda retail store (current Use Class E) with an ancillary surface car park consisting of c.533 spaces and petrol filling station.
- 2.2 The site of the proposed drive-thru development lies in the store car park and is situated in the south-east corner currently laid down as car parking and circulation. The proposed development occupies part of the car park comprising 47 parking spaces. The location of the application site is shown in Figures 2.1 below and 2.2 overleaf.

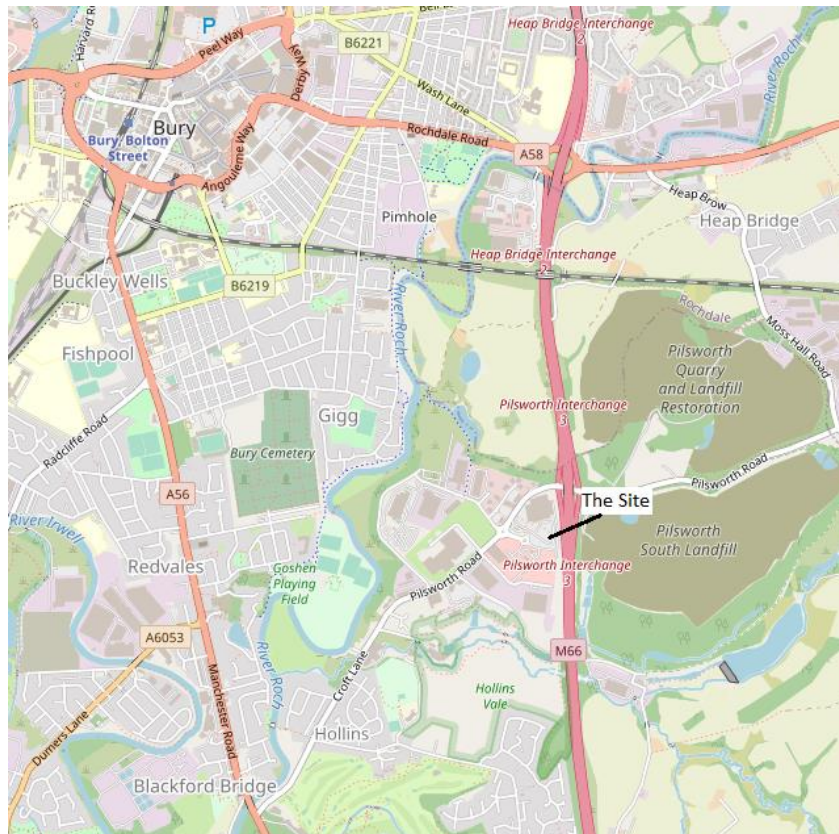


Figure 2.1: Site Location

- 2.3 The Asda stores lies adjacent to the M66 motorway with the Park 66 retail park situated immediately to the south, incorporating both Costa Coffee and KFC drive-thru units, together with two recently constructed employment/distribution units. Further to the south, beyond the retail park, and to the west on the other side of Pilsworth Road, the predominant land use is industrial and distribution. A McDonalds restaurant and drive-thru, a pub-diner (the Paper Mill) and Travelodge hotel are situated immediately west of the Asda on the other side of the junction with Pilsworth Road. There is no residential development in the vicinity of the store.
- 2.4 The area benefits from extremely good access to the M66 with the full access Junction 3 being situated 400m north of the store measured along the road.
- 2.4 The Asda Store and petrol filling station trade 24 hours daily, except for the store on Sunday when it trades 11.00am – 5.00 pm. The store provides a range of goods and services including pharmacy, opticians and café, which provides a takeaway service.



Figure 2.2: Aerial View of the Application Site

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Figure 4.1: Proposed Site Layout

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3.7 Waste and recycling storage is provided in the external yard for the unit and will be collected by private contractor twice weekly.

3.8 A full assessment of the transport and highways impacts of the proposed development is contained within the Transport Statement prepared by Dynamic Transport Planning which forms part of this planning application submission.

The proposal includes additional areas of landscaping of areas presently used for car parking. It is requested that approval of detailed landscaping and planting be conditioned.

4 PLANNING POLICY

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the statutory development plan unless material considerations indicate otherwise.
- 4.2 The Local Planning Authority is **Bury Metropolitan District Council**, and the Development Plan consists of:
- Bury Unitary Development Plan (1997);
- 4.3 There is no neighbour plan relating to this location.
- 4.4 The Council has also produced Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPGs) to provide more detailed information and guidance on specific policy aspects and which can be a material consideration in determining planning applications.
- 4.5 The Council is currently preparing a new Local Plan. Consultation on the Policy Directions for the emerging local plan ended on the 30 November 2018.
- 4.6 The Places for Everyone Joint Plan, which forms a joint plan for jobs, new homes and sustainable growth across nine Greater Manchester local authorities (excluding Stockport Council), was submitted to the Secretary of State on 14 February 2022.
- 4.7 The revised National Planning Policy Framework (2021) (NPPF) is a material consideration in the determination of planning applications. It states that planning decisions should apply a presumption in favour of sustainable development and for decision taking this means, approving development proposals that accord with an up-to-date development plan without delay.

4.1 National Planning Policy

- 4.8 The National Planning Policy Framework (NPPF) was first published by the Government in March 2012 and has subsequently been revised. The latest edition was published in July 2021 and sets out the Government's planning policies for England and how these are expected to be applied. The document is a material consideration that is afforded significant weight in the determination of planning applications. It is supported by National Planning Practice Guidance which provides more detailed advice on the application of the policy.
- 4.9 The key element running through the NPPF is the presumption in favour of sustainable development, of which there are three interdependent dimensions which should be sought jointly and simultaneously through the planning system: economic, social and environmental.
- 4.10 Paragraph 11 is very clear in saying that proposals that accord with the development plan should be approved without delay. Permission should also be granted where there are no relevant development plan policies or the policies most important for determining the application are out of date unless specific policies in the NPPF indicate development should be restricted or there are adverse impacts which outweigh its benefits.

Building a strong, competitive economy

- 4.11 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 (paragraph 81).

Ensuring the vitality of town centres

- 4.12 Planning decisions should support the role of town centres and take a positive approach to their growth, management and adaptation (paragraph 86). Local policies should define the extent of town

centres and make clear the range of uses permitted in such locations. They should also allocate a range of suitable sites to meet the scale of development likely to be needed (paragraph 86).

- 4.13 The PPG indicates that the sequential test supports the Government's 'town centre first' policy but recognises that as promoting new development on town centre locations can be more expensive and complicated than building elsewhere, local planning authorities need to be realistic and flexible in applying the test (Paragraph: 013 Reference ID: 2b-013-20190722 Revision date: 22/07/2019).
- 4.14 A sequential test should be applied 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 (paragraph 87). 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 (paragraph 88). Main town centre uses are defined in the Glossary and include retail and recreation uses, the latter including restaurants and drive-through restaurants but not takeaway/delivery facilities.
- 4.15 The PPG makes clear that the onus is on the applicant to demonstrate compliance with the sequential test and that wherever possible the local planning authority is to support the applicant to undertake the test. (Paragraph: 011 Reference ID: 2b-011-20190722 Revision date: 22/07/2019).
- 4.16 The PPG also states that the use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification will need to be provided where this is the case, and land ownership does not provide such a justification (Paragraph: 012 Reference ID: 2b-012-20190722 Revision date: 22/07/2019).
- 4.17 The guidance confirms that the application of the sequential test will need to be proportionate and appropriate for the given proposal (Paragraph: 011 Reference ID: 2b-011-20190722 Revision date: 22 07 2019).

Impact Test

- 4.18 Retail and leisure developments in excess of 2,500 sq m which are on sites lying outside of a town centre or which are not in accordance with an up-to-date local plan should be supported by an impact assessment.
- 4.19 Planning policies and decisions should also aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and which enable and support healthy lifestyles (paragraph 92).

Promoting Healthy Communities

- 4.20 Planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling (paragraph 92).
- 4.21 To provide the social, recreational and cultural facilities and services the community needs, planning decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments (paragraph 93).

Promoting Sustainable Transport

- 4.22 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 (paragraph 111).

Making Effective Use of Land

- 4.23 Planning should promote an effective use of land in meeting the need for homes and other uses. Substantial weight should be given to the use of brownfield land and the development of under-utilised land and buildings should be promoted and supported (paragraphs 119 and 120).

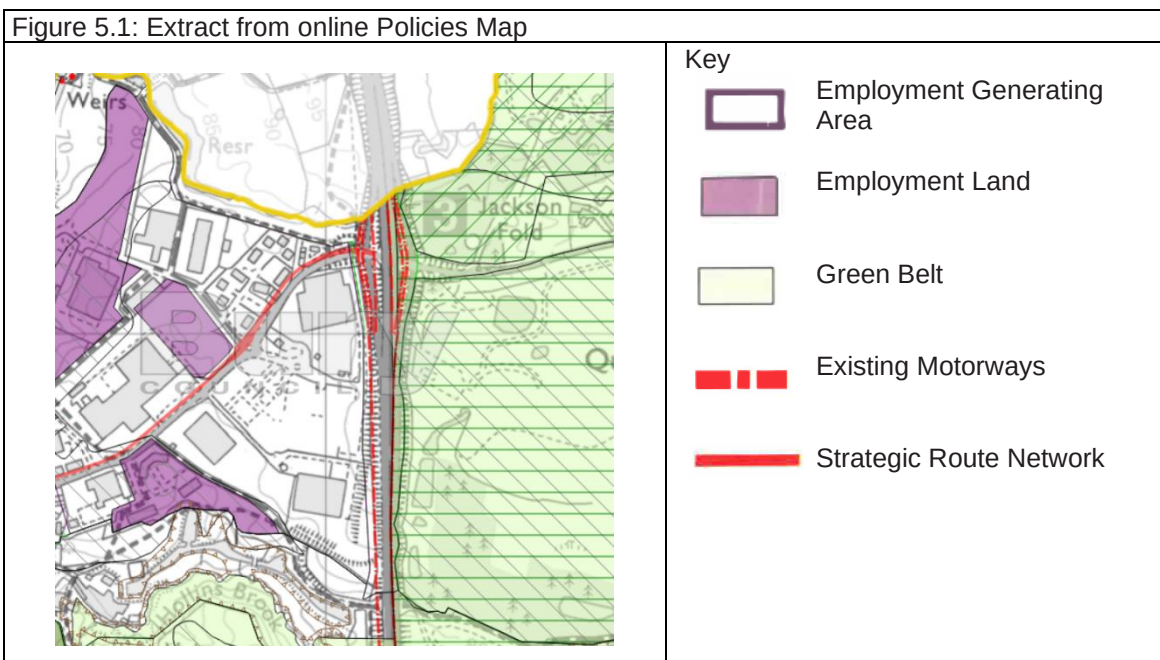
Achieving Well Designed Places

- 4.24 Good design is a key aspect of sustainable development (paragraph 126). New development should, inter alia, function well and add to the overall quality of the area; be sympathetic to local character the surrounding built environment and landscape setting (paragraph 130).
- 4.25 Development should also optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks (paragraph 130).
- 4.26 On the 7 August 2022, changes were made to Planning Practice Guidance indicating that Local Planning Authorities should consider seeking details from applicants, setting out what measures will be put in place to reduce the litter associated with a proposed development, to ensure there is no unacceptable impact from litter on the amenity of the area. Such details can include proposals to install litter bins, commitments to undertake litter picking and advisory signage.

4.2 Adopted Local Planning Policy (1997)

4.2.1 Site Designation

- 4.27 The falls within an Employment Generating Area – Pilsworth Industrial Estate.



4.2.2 Bury Unitary Development Plan

- 4.28 **Policy EC2/1/2 (Employment Generating Areas)** states that the Council will only allow development for the uses specified (B1, B2, B8 and Leisure and Tourism uses) within the Pilsworth Industrial Estate, Bury. Other uses will be permitted where they do not detract from an area's value as an Employment Generating Area.

Policy S2 (Control of New Retail and Non-Retail Development) seeks to control the type and location of retail and non-retail development to protect and enhance the vitality and viability of the Borough's shopping centres.

Policy S2/1 (All New Retail Proposals: Assessment Criteria) states that the Council will support new retail development proposals which accord with the following factors:

- Are within or immediately adjoining the main shopping area of existing centres;
- Sustain or enhance the vitality and viability of a centre;
- Are accessible by and would encourage greater use of public transport;
- Are in conformity with other policies and proposals of the Plan.

Once the principle of development has been established, all retail proposals will be considered with regard to their environmental impact and must take account of the following factors

- They should have regard to their surroundings in terms of design, scale, height, bulk, use and colour of materials;
- The effects on the environment of the area as a result of increased traffic generation and servicing;
- The design of the proposal with regard to safety and security for shoppers, workers, visitors and surrounding occupiers;
- The effects of amenity of nearby residents or businesses by reason of noise, smell, litter or opening hours;
- Access and, where appropriate through negotiation, facilities for the mobility impaired;
- The provision of adequate car parking and servicing.

Policy S2/5 (New Local Shopping Provision Outside Recognised Shopping Centres) states that the Council will support small scale local shopping provision (within Class A1) outside of shopping centres. In determining proposals for new local shops or change of use applications, the Council will assess the balance of advantage and disadvantage of the proposal with regard to;

- whether or not there is a local need that cannot be met by existing provision in the area;
- the effect on the vitality and viability of established local shopping facilities;
- Whether or not the proposed use would be more appropriately located within a recognised shopping centre;
- the availability of alternative vacant shop premises and/or the level of unimplemented planning permissions in the vicinity that accommodate the proposed use;
- the potential nuisance that would be created for neighbouring residents. More specifically, the establishment of shops in terraced properties adjoining residential accommodation will not normally be permitted; and
- the parking and servicing provision associated with the proposed development and its effects in terms of road safety and traffic generation.

Policy S2/6 (Food and Drink) states that the council, in considering all proposals which involve restaurants, hot food takeaways, cafes, snack bars, wine bars and public houses, will have regard to;

- The amenity of nearby residents by reasons of noise, smell, litter and opening hours;
- Whether or not the proposal would result in an over concentration of Class A3 uses, which could adversely change the nature or character of a centre as a whole;
- Parking and servicing provision associated with the proposed development;
- Provision for the storage and disposal of refuse and customer litter; and
- The environmental impact of any ventilation flues and/or ducting.

Policy S4 (New Retail Development Outside Town and District Centres) states that the council will not permit new retail development outside the main shopping area of the Borough's town and

district centres, unless it is to meet purely local needs or satisfies the criteria set out in policy S4/1 or S4/2.

Policy S4/1 (Retail Development Outside Town and District Centres) states that the following retail facilities are considered appropriate outside the main shopping area of the Borough's town and district centre. These include; facilities required to serve purely local needs; outlets providing a service mainly to trade; outlets whose goods are almost entirely related to motoring; nurseries and garden centres; small scale shops catering for tourists; and factory/mill shops or farm shops.

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 effect on, and contribution to, urban regeneration;
- The economic effects
- Environmental and social effects
- Effects on the highway network
- Accessibility by public and private transport
- The feasibility of using any alternative site
- The need for, and suitability of the site for other land uses.

Policy HT2/4 (Car Parking and New Development) indicates that all applications will be required to make adequate provision for car parking and servicing requirements in accordance with the Council's car parking standards. According to Appendix 4 (Car parking standards for development control) for staff/Visitor provision, 1 space per 100 sq. m for staff and 1 space per 25 sq. m for customers is required for retail developments.

Policy HT2/6 (Replacement Car Parking) requires all development proposals to make provision for the replacement of any car parking spaces lost as a result of the development.

Policy HT4 (New Development) states that the Council will encourage proposals which support the principles of sustainable development, assist the implementation of a balanced transportation strategy and minimise the environmental impact of traffic.

4.3 Supplementary Planning Policy

- 5.85 Bury Metropolitan Borough Council adopted the 'Employment Land and Premises' in September 2007 (updated in October 2011) and gives guidance for developers seeking to redevelop existing employment land and premises for uses which do not fall within the B1, B2 and B8 use classes.

5 SEQUENTIAL TEST ANALYSIS

- 5.1 Planning policy adopts a town centre first approach through the application of the sequential test. This approach requires main town centre uses to be located in town centres, then in edge of centre locations; and only if suitable sites are not available, or not expected to become available within a reasonable period, out of centre. 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. Local planning authorities, however, need to be realistic and flexible in applying the test. It is recognised that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.
- 5.2 Main town centre uses are defined in the NPPF as retail, leisure, entertainment, more intensive sport and recreation uses such as cinemas, restaurants – including drive-through restaurants - bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls), offices, and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities). The NPPF defines ‘edge-of-centre’ location, for retail purposes, as a location that is well connected to, and up to 300m from, the primary shopping area. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.
- 5.3 The objective of the sequential test is to locate appropriate town centre uses within central locations which are accessible by a range of means of transport. It is not a tool to simply justify refusing planning permission for developers seeking to develop sites in non-town centre locations. Alternative sites within central areas must be suitable and available for the proposed development to be considered sequentially preferable.
- 5.4 The application site lies in an out of centre location and so a sequential test assessment is required.

5.1 Legal Precedent

- 5.5 The established Supreme Court case law example of Tesco Stores Limited v Dundee City Council provides clear guidance in respect of the application of the sequential test. It is important to highlight at this point that whilst the Dundee case was a Scottish case the Supreme Court’s decision applies in England. This has been confirmed in the subsequent Secretary of State’s ‘Rushden Lakes’ decision.
- 5.6 The decision is helpful in understanding the realism with which Local Authorities should consider sequential assessments. It is also useful in discussing the application of planning policy by LPA’s.
- 5.7 The court held that interpretation of policy was a matter of law, not a matter of judgment, professional or otherwise. Previously the position was that, in effect, provided that the interpretation put on a policy by the decision-maker was not unreasonable, the court would not second guess that approach.
- 5.8 In Paragraph 38, Lord Hope provided important guidance as to the interpretation and indeed application of the sequential test:

“Here too the context indicates that the issue of suitability is directed to the developer’s proposals, not some alternative scheme which might be suggested by the planning authority. I do not think that this is in the least surprising, as developments of this kind are generated by the developer’s assessment of the market that he seeks to serve. If they do not meet the sequential approach criteria, bearing in mind the need for flexibility and realism to which Lord Reed refers in para 28, above, they will be rejected. But these criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest doing so.”

- 5.9 The Tesco v Dundee decision has been reinforced by the Zurich Assurance Limited v North Lincolnshire Council (20 December 2012). The focus of the Appeal was the requirement for LPA's to assess the sequential test within the boundaries of commercial realities. To that end, the decision states:
- "It is also important to mark that developers, and planning authorities, work in the real world. Marks & Spencer had assessed the only available town centre alternative to the site and had concluded that a development that was smaller than that proposed, or one with a more restricted range of goods, was neither commercially viable nor suitable for their requirements."
- 5.10 The Scunthorpe judgement is also helpful in respect of viability. Indeed, para 60 of the decision states:
- "In my judgment, it is simply incorrect to say that there was no evidence before the officer and committee that (i) the T J Hughes unit was too small to create an economically viable Marks & Spencer food and non-food store, or (ii) it was not economically viable to split the operation into two parts, one of which might be housed in the T J Hughes unit. The evidence was that Marks & Spencer had considered the T J Hughes unit, and in their opinion, they could not use that unit (or, indeed, any unit in Scunthorpe town centre) for an economically viable operation. For that reason, they had no interest in any available site other than the Site, as the representative at the hearing made clear. That was evidence that the committee could properly take into account. It is unrealistic to expect a commercial operator to reveal its precise commercially sensitive and valuable calculations as to why it considers possible alternatives to the development proposal not to be commercially viable; and it is unnecessary for them to do so to enable a planning authority to come to a view on viability."
- 5.11 The Mansfield case (Aldergate Properties Ltd v Mansfield DC and Regal Sherwood Oaks Ltd ([2016] EWHC 1670 (Admin)) addressed the issue of the relevance of the individual developer or retailer to the operation of the sequential test and found that (paragraph 35):
- "In my judgement, "suitable" and "available" generally mean "suitable" and "available" for the broad type of development which is proposed in the application by approximate size, type, and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity and personal or corporate attitudes of an individual retailer. The area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based on their content."
- 5.12 This case also indicates that whilst a sequentially preferable site need not be capable of accommodating exactly the same as what is proposed, it must still be capable of accommodating development which is recognisably closely similar to what is proposed.

5.2 Planning Appeal Decisions

- 5.13 The Secretary of State decision upheld the Inspector's recommendation to allow the erection of a mixed-use scheme at Rushden Lakes (ref. APP/G2815/V/12/2190175). Paragraph 2.64 is key in respect of the level of flexibility which must be shown as part of the sequential test:
- "...in terms of the size of the alternative site, provided that the Applicant has demonstrated flexibility with regards to format and scale, the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site."
- 5.14 Paragraph 2.68 identifies that the consideration of disaggregation of specific elements of schemes as part of a sequential assessment is not reasonable:
- "There is no longer any such requirement stated in the NPPF...Had the Government intended to retain disaggregation as a requirement it would and should have explicitly stated this in the NPPF. It is too large a point to rest on implication. If it had been

intended to carry on with the requirement then all that would have been required is the addition of the word “disaggregation” at the end of NPPF [24].”

- 5.15 Finally, at paragraph 8.55, the Rushden decision also provides guidance on when a site can be considered “available”:

“In terms of availability, NPPF [24] simply asks whether town centre or edge of centre sites are “available”. It does not ask whether such sites are likely to become available during the remainder of the plan period or over a period of some years. NBC has previously adopted the same interpretation of “available” as LXB do. Mr Lewin accepted that in the Committee report (24 July 2012) in relation to an application to redevelop the Royal Mail site at Barrack Road for a 5,000+ sq m Tesco superstore, the Council rejected Legal & General’s objection that availability should have been looked at over a longer time frame. The site was not currently available and that was what was required by the sequential test.”

- 5.16 Accordingly, any sequential assessment must be undertaken on a flexible basis, both on the side of the LPA and the developer and mindful of relevant case law examples.

- 5.17 It is unrealistic to suggest that the need for the proposed development could be met by disaggregating elements of the scheme across several sites. All that would result, were it ever to be commercially viable (which in our professional experience it would not), is a series of small-scale developments at various locations, both inside and out of centre that poorly relate to each other and the overall planning strategy for the regeneration of the town centres. This view is reinforced by relevant case law examples.

- 5.18 In addition, clarity on what enables a site to be considered available is also provided.

- 5.19 The Secretary of State issued a decision on a proposal at Honiton Road, Exeter for a district centre including uses within Use Classes A1, A2, A3, A5, D1 and D2 totalling some 17,000sq m gea (APP/Y1110/W/15/3005333) in June 2016. It referred to the Tesco v. Dundee judgement, referring to the finding that the question of suitability does require judgement but also that the purpose of flexibility is not to require the application to be transformed into something significantly different (Paragraph IR11.32).

- 5.20 The Inspector also confirmed that drive-thru restaurant format should be accommodated but that there should be flexibility over how they are accommodated. At paragraph IR11.33 he stated:

“To insist on the same requirement for parking and access in a town centre, which has ample existing parking, service roads and excellent links to public transport, would be unreasonable. Drive-through restaurants do feature within the definition of a town centre and so, to be suitable, it must be possible for these to be accommodated. Nevertheless, as with general access requirements for servicing and other vehicular needs, it would be no more than showing reasonable flexibility to accept that existing streets and access arrangements could provide part of the drive element of such a proposal if not the restaurant area.”

5.3 The Nature of the Proposed Development

- 5.21 Drive-Thru restaurants are specifically identified as a ‘main town centre use’ in the Glossary to the NPPF and so are subject to the sequential test when they are proposed outside of a defined town centre. Whilst the proposed development is not a ‘restaurant’, and so it is not clear whether the sequential approach applies, we have nevertheless applied retail planning policy as if it were for the purposes of certainty.

- 5.22 The primary function of the proposed development will be to provide refreshments and hot food for customers either passing by (or nearby) the site by car on the surrounding route network or visiting the other nearby retail and commercial businesses, or employed by those businesses, with a significant proportion of customers utilising the proposed ‘drive-thru’ facility.

- 5.23 The specific site requirements in order to accommodate the proposed development are;

- A broadly level site with a minimum size of c.0.3 hectares, configured in such a way as to allow for the erection of a single storey building, as well as a 'drive-thru' lane, car parking provision and associated vehicular circulation.
- Safe and efficient access onto the strategic road network.
- Sufficient prominence from the nearest road to ensure visibility to passing custom.
- Capable of serving the same purpose and catchment area as the proposed development.

5.4 Location of Application Site

- 5.24 Planning Practice Guidance recognises that the application of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. The extent of the sequential assessment should also be proportionate to the scale of development proposed.
- 5.25 The site is situated out-of-centre adjacent to junction 3 of the M66 within a conglomeration of large foodstores and retail warehouse development, with a range of employment uses nearby. There is a Costa Coffee drive-thru in the retail park to the south and a KFC and McDonald's drive-thru restaurants are situated nearby
- 5.26 The proposed unit will provide an essentially local service for customers of the Asda store or visiting the retail park opposite. It will also provide a valuable service to the employment concerns in the vicinity, increasing the range and capacity of refreshment options. Due to its location, it is will also serve passing traffic on the M66 albeit it will not be signed as services. We have consequently focussed the sequential assessment on the nearest designated town centres but consider that due to their respective locations and distance from the site, they will serve a different catchment and transport route.
- 5.27 The closest town centres are local centres comprising Parkfields, Unsworth Pole/Parr Lane and Sunnybank Road. Whilst the proposals map identifies their general location, the extent of these centres is not defined and so we have focussed on those areas providing retail and related services.
- 5.28 Parkfields local centre lies c.1.8km to the north-west and is primarily comprised of a parade of small unit shops on the south side of Parkfields Road, just east of Manchester Road which, due to its width, traffic volumes and poor crossing facility effectively delineates the western end of the centre. We note that some units turn the corner and face towards Manchester Road, but front onto Heaton Road, a local access road. A car dealership overlooks the junction on the north side of Parkhills Road and there are two retail units adjoining. The area around the centre is densely developed with traditional terraced residential development. There are no units suitable for conversion to a drive-thru operation nor are there any suitable development sites suitable and available for development.
- 5.29 Unsworth Pole/Parr Lane lies about 1.8km to the south lying on the east side of the junction of Pole Lane with Parr Road. Retail provision is anchored by a Nisa Local convenience store and is provided terraces and individual units fronting a small green. There is a limited amount of on-street parking in front of the units and a larger car park to the rear for patrons of the Bay Horse public House. The area around the centre is densely developed with traditional terraced residential development and two large schools. There are no units suitable for conversion to a drive-thru operation nor are there any suitable development sites suitable and available for development.
- 5.30 Sunny Bank Road local centre lies about 1.9km to the south-west of the site and fronts onto both sides of Sunny Bank Road. On the north side, Matins bakery occupies a 1,200 sq m corner site with car parking. Adjacent to this there is an 'L' shaped shopping parade, again with car parking, providing 7 small units with residential and other uses over. Next to this is the Sir Robert Peel

public house with customer car park to the rear. Next to this is the Sunnybank Clinic with the Unsworth Library next to this.

- 5.31 On the south side of Sunny Bank Road there is a petrol filling/service station and next to this a parade of seven small unit shops with residential accommodation over. The area around the centre is densely developed with traditional terraced residential development and two large schools. There are no units suitable for conversion to a drive-thru operation nor are there any suitable development sites suitable and available for development.
- 5.32 We do not consider it necessary to look beyond these centres due to the local area served by the proposed development.
- 5.33 The NPPF requires a retail impact assessment for developments of 2,500 sq m or more. This proposal is only for 185sq m, less than 10% of this threshold and so is small scale development for which an impact assessment is not required.

5.5 Conclusion on the Sequential Test

- 5.34 The proposed development is situated on an existing retail site in an existing retail location where it is well situated to serve customers to these facilities, passing by the site on the surrounding road network, employed by local businesses or visiting the adjacent retail park. There are no suitable sites available, or expected to become available, in the nearest town centres and even these would not allow a coffee shop to serve the same area as the proposed outlet. It is accordingly concluded that the sequential test has been met.

6 PLANNING ANALYSIS

- 6.1 We turn now to assess the proposed development in the site and policy context, drawing on the supporting technical information provided by others where relevant. We have identified the following issues.

6.2 The Suitability of the Site for the Proposed Development

- 6.2 The application site forms part of an existing retail development situated on 'brownfield' land within the urban area. It will intensify the use of this retail site and will enable a shared use of parking helping optimise the use of this urban site.
- 6.3 The facility will expand the range of services available, providing new employment opportunities on both a full and part-time basis suitable to meet a range of employment needs which is a significant benefit associated with the development.
- 6.4 The application site is well situated to serve visitors to the Asda store, other premises in the vicinity or passing by on the road network. It benefits from good accessibility by a range of means of transport providing a choice of sustainable transport options for both staff and customers..
- 6.5 The proposed unit will be able to operate without harmful impact on local amenity (see below).

6.3 The Design and Appearance of the Proposed Building

- 6.6 It is considered that the form and scale of the proposed building is appropriate for this location and will provide a high quality of design. The single-story construction ensures that the building is of small scale, and the quality of the design and materials ensures it will provide a high-quality appearance which complements the material palette and colour scheme of the Asda store.
- 6.7 The proposed layout provides good access for pedestrians, utilising existing access points to the Asda site. The Asda car park is a low-speed, low volume, traffic area and provides safe cycle access where there are dedicated cycle parking facilities situated outside the unit.

6.4 Sustainable Design and Construction

- 6.8 The materials used in the construction of the proposed building, including cement and wooden cladding panels, concrete foundations and aluminium window frames, are suitable for recycling. It is also intended to use recycled aggregates in the concrete used in the construction of the external sub-base and the foundations.
- 6.9 The materials palette has been selected to provide a high-quality appearance combined with durability and robustness to both maintain that appearance and minimise the need for replacement over time. It is consequently envisaged that the requirement for replacement, maintenance and repair will be minimal during the building lifecycles, thus providing a low level of energy input over the lifecycle of the building.
- 6.10 It is considered that the design of the proposed restaurant is responsive to the context provided by existing nearby buildings and the proposed contemporary style materials and window fenestration patterns are appropriate within the context of the surrounding area. The proposed development overall is considered to represent a visual improvement to the site and would also have no detrimental visual impact on the site or the surrounding area in terms of its height, scale or massing.

6.5 Transport and Highway Impact

- 6.11 The Transport Statement demonstrates the site is capable of accommodating the development proposed taking into account sustainable access and traffic impact.
- 6.12 The site benefits from access to a well-established highway network with good pedestrian and cycle access. It also has good connectivity to bus stops in close proximity to the site. It is proposed that 4 cycle spaces will be provided for customers and staff close to the customer entrance to the restaurant. It is concluded the site offers good potential for journeys to be undertaken, particularly staff, by modes other than car.
- 6.13 The proposed coffee shop shares its access with the Asda foodstore and is accessed from Forty Lane via a signalised junction. Vehicles visiting the restaurant will travel through the store car park, utilising the internal access route. The layout of the car park is unaffected other than on the development site.
- 6.14 A review of Personal Accident Collisions over the period 2018-2020 did not identify any significant pattern or trends of incidents that could be affected by the proposed development.
- 6.15 TRICS data indicates that the maximum car park occupancy for a store of this size will be 373 cars which will occur on a Saturday, equating to 73% occupancy. The proposed development will lead to a net loss of 27 parking bays, reducing provision to 506 spaces.
- 6.16 The anticipated maximum parking accumulation of the new unit is 13 spaces which, when taken in conjunction with the maximum demand for the foodstore identified by the survey, leaves a surplus of some 120 bays following the development.
- 6.17 Trip generation analysis is undertaken on the basis of a survey of a coffee shop of the same size in a similar location and also through the use of the TRICS database. It is anticipated that the majority of trips would be linked with existing uses in the area there would be few new trips generated by the development. Based on the survey of the similar store, an average of 21% of trips would be new trips.
- 6.18 The proposed unit would provide additional facilities for users of the store and would not of itself lead to any significant numbers of additional vehicle movements on the local highway network.
- 6.19 The assessment concludes there are no outstanding reasons why the development should not be granted planning permission.

6.6 Potential Impact on Neighbour Amenity

- 6.20 The application site is situated in a retail car park, adjacent to a retail park, industrial and business units and adjacent to the M66. There is no residential development within 600m of the site.
- 6.21 It is intended that It is proposed that CCTV will be installed to discourage anti-social behaviour in the vicinity of the coffee shop. Furthermore, the restaurant operational procedures will require regular litter picking patrols to be undertaken 3 times a day to maintain the quality of the local environment. Litter bins will be provided outside the restaurant and will carry anti-littering symbols to encourage customers to dispose of litter responsibly. A contact point for email and mail contact will be established to allow the local community to contact the restaurant to express concerns about discarded litter or related issues.
- 6.22 It is intended that the Starbucks unit will trade from 07:00am until 11:00pm daily which is considered appropriate in this location. We invite the trading hours to be addressed through condition.

6.7 Flood Risk

- 6.23 The site lies in Flood Zone 1 which means it has a 'Low Probability' of flooding by rivers or sea, defined as less than a 1 in 1,000 annual probability. Such locations are considered suitable for all forms of development, including those categorised in Planning Practice Guidance as 'less vulnerable' such as restaurants, cafes and hot food takeaways. As the application area is also less than 1ha, a Flood Risk Assessment is not required.

6.8 Sustainable Drainage

- 6.24 A separate Drainage Strategy accompanies the application which considers both foul and surface water discharges. This demonstrates that the application site is relatively flat and is connected into the surface water drainage system serving the Asda store car park.
- 6.25 Discharges from the proposed development will be to separate surface water and foul systems. The foul wastewater will discharge directly to the foul system serving the Asda store. Design discharge rates are based upon typical rates observed for similar drive through developments.
- 6.26 A hydraulic design of the proposed site-specific surface water drainage network has been undertaken using Causeway Flow modelling package for all storm events up to and including the 100yr plus 30% climate change event. The simulation of the network's performance has also been carried out with the restricted discharge rate of 16.9l/s (30% betterment of existing unattenuated site area). Attenuation storage of 25m³ in underground crates is proposed.

6.9 Coal Mining Risk Area

- 6.27 We note the application site falls within a location identified as being of 'high risk' in terms of coal mining legacy. However, due to the modest nature of the development and that the proposed works will not require substantial foundations or earthworks, we do not consider that a risk assessment to support the application is necessary or proportionate.

7 CONCLUSIONS

- 7.1 This Planning Statement has been prepared on behalf of EG Group Ltd, the site owner and operator, in respect of the development of a drive thru hot beverage outlet to be occupied by Starbucks and situated within the Asda store car park at **Pilsworth Road, Bury, BL9 8RS**. The unit is intended to provide a complementary facility to the store, to improve the range of facilities available to customers and workers in the surrounding employment uses, and to help optimise the use of this brownfield location.
- 7.2 The proposal will result in significant economic benefits in the form of up to 20 new jobs (13 FTE positions) suitable for a range of skill sets and working hours. This is a significant material consideration in the determination of the application. National policy indicates that significant weight should be placed on the need to support economic growth and productivity.
- 7.3 The application site lies out-of-centre but our analysis has not identified any suitable and available sites in a sequentially preferable location or which could provide the same level of service to Asda customers. The proposal is not of a scale where it would give rise to retail impact considerations.
- 7.4 The site lies in an accessible location and can be accessed through a range of means of transport. The new unit is integrated into existing pedestrian access routes to the Asda store and can be accessed via a segregated pedestrian footpath.
- 7.5 The Asda store benefits from an excess in car parking space, the development of an element of the car park as proposed will have no impact on the day-to-day operation of the supermarket. The restaurant and foodstore will share parking spaces to ensure that both the superstore and the restaurant unit benefit from ample parking provision.
- 7.6 The proposed drive through coffee shop can operate without any harm to the operation or safety of the local highway network. Off-street provision is made for the serving of the unit and for the storage and collection of waste.
- 7.7 This Statement has demonstrated that the development, as proposed, is compliant with relevant national and local planning policies.
- 7.8 In light of the above, we conclude the development will provide a high-quality addition to an existing retail site which accords with planning policy and addresses other material considerations and accordingly it is respectfully requested that permission is granted for the proposed development.