
Sandbrook Retail & Leisure Park Rochdale

Planning and Retail Statement

Prepared on behalf of AIG Holdings Ltd

January 2023

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Project Ref:	26235
Status:	Final
Issue/Rev:	01
Date:	30 January 2023
Prepared by:	DM
Checked by:	PN
Authorised by:	PN

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Ref: 26235/A5/DM/PN
Date: 30 January 2023

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1.0 INTRODUCTION

1.1 This Planning and Retail Statement has been prepared by Barton Willmore, now Stantec on behalf AIG Holdings Limited ("AIG") to accompany the submission of a Planning Application for erection of a new drive-thru coffee shop unit ("the Proposed Development"), at Sandbrook Retail & Leisure Park, Rochdale ("the Site" or "the Park").

1.2 This Statement has been completed in order to explain the nature of the Proposed Development and demonstrate its acceptability against the Development Plan and other material considerations.

1.3 The Description of Development is as follows:

"Erection of a drive-thru coffee shop (Use Class E) unit with car park, landscaping and associated works".

1.4 The proposed drive-thru coffee shop unit is intended to be occupied by Starbucks, who would operate as an ancillary facility to the existing main retail and leisure facilities on the wider retail park.

1.5 The scheme represents an important opportunity to deliver enhancements to the existing offer of the Sandbrook Retail Park, contributing to a complementary and beneficial mix of uses.

1.6 The Planning Application comprises of the following:

- a. Completed Application Forms and Ownership Certificates;
- b. Application Drawings (July 2022) prepared by RGP Architects;
- c. Design & Access Statement (July 2022) prepared by RGP Architects;
- d. Planning and Retail Statement (September 2022) prepared by Barton Willmore LLP;
- e. Transport Statement (August 2022) prepared by Vectos;

1.7 Full details of the scheme and justification against other issues is provided in the other documents submitted as part of the planning application.

2.0 SITE LOCATION AND CONTEXT

- 2.1 The boundary of the wider Sandbrook Retail Park and the Application Site is identified in on the Site Location Plan (Drawing Ref: 9973-L050-D) provided in Appendix 1. The Park extends to approximately 4.2 hectares.
- 2.2 The Retail Park is approximately 1.6 kilometres to the south of the Rochdale Primary Shopping Area so in retail policy terms, lies in an 'out-of-centre' location.
- 2.3 The Park is strategically positioned in the Rochdale area due to its proximity to the surrounding road network with linkages to the Town Centre. Access is taken from Sandbrook Way onto the A664 Edinburgh Way and the A267 which connects to junction 20 of the M62 Motorway.
- 2.4 The wider Park to the north east consists of a range of commercial and leisure units in an L-shaped terrace which face onto a surface level car park (799 spaces). The occupiers include Odeon Cinema, Pure Gym, Strike Ten Bowl, Pizza Hut, Frankie & Benny's and Subway drive-thru. These uses are open and trading and fall outside of the Application boundary.
- 2.5 The Application Site comprises the area of existing car parking to the south of the existing Pizza Hut and Pink Drips Units, and to the north of the existing McDonald's Unit. At present the site is utilised as car parking and accommodates 48 parking spaces, circulation roads associated with the wider car park, adjacent Subway Drive Thru and associated landscaping.

Planning Background and History

- 2.6 There is an extensive planning History pertaining to the Site. The Retail park was first established by permissions 93/D30059 for the erection of non-food retail store, fast food outlets, hotel and leisure facility, including multi-screen cinema and ten pin bowling and 96/D32931 – Erection of non-food retail unit, fast food outlets and leisure uses in 1993 and 1996 respectively.
- 2.7 More recently, permission was granted (16/01284/FUL) in July 2017 for:

"Part demolition of the former B&Q Unit and subdivision to create two retail units (use class A1) and one leisure unit (use class D2); Erection of a drive-through cafe/restaurant unit (use class A3) and hotel (use class C1) within the car park together with associated car parking, landscaping and other works/improvements".

- 2.8 The application included provision for a drive-thru (Unit H), as shown on the Proposed Site Plan (9973-L-110-T) at Appendix 1.
- 2.9 However, whilst the application was progressed to a point where all of the development management issues were overcome, notably with no objection to the principle or operation of the proposed Unit H, an objection was received by the Environment Agency relating to a water culvert which ran below Unit H (location shown on drawing 9973-L-111 attached at Appendix 2).
- 2.10 To overcome this, the decision was taken to remove Unit H from the proposed drawings entirely and to replace this with an area of car parking (providing 43 additional customer parking spaces).
- 2.11 Accordingly, drawing ref: 9973-L-110-T and all other submitted drawings relating to Unit H specifically, were removed from the application and replaced with revised drawings which included 9973-L-110-AA (revised proposed site plan attached at Appendix 3), removing Unit H. The substituted drawings are those now listed on the decision notice and comprise the approved development.
- 2.12 As such, whilst the assessment of the approved scheme under 16/01284/FUL was carried out with provision for Unit H, the approved scheme, in the interest of overcoming the Environment Agency's objection, is not included within the development permitted under the 16/01284/FUL permission.

3.0 APPLICATION PROPOSALS

- 3.1 Whilst Unit H was removed from the approved 16/01284/FUL scheme, in the interest of reaching a resolution quickly to allow for the remainder of the wider scheme to be built out, the applicant has identified a continued demand for a drive-thru unit in this location and as such, is now proposing to deliver Unit H in a revised format.
- 3.2 As previously proposed, the unit will comprise a coffee shop use which will operate in a drive thru format. This will comprise Use Class E of the Use Classes Order 1987 (as amended), as introduced on 1st September 2020, allowing for sale and consumption of food and drink on and off the premises.
- 3.3 The proposed Unit H is a single storey building with an external seating area by the main entrance that incorporates the utility yard at one end of the building. The Unit itself comprises 171 sqm, whilst the utility yard is 23sqm.
- 3.4 The layout of the scheme has been informed by the operational requirements of the drive-thru coffee shop unit, as well as the constraints of the site, with particular regard to repositioning the unit so as to avoid the water culvert, as well as ensuring that the general function and circulation of the car park is not compromised.
- 3.5 The existing landscaping will be retained and remodelled to accommodate the new pedestrian walkway layout. Drop kerbs with tactile paving will be placed at crossing points. The proposed parking layout will accommodate new pedestrian routes to improve permeability and connections between the units and the surrounding area. The existing trees and plants along Sandbrook Way are also retained to maintain a visual buffer.
- 3.6 A 24 cover external seating area will be provided for customers to the front of the unit, which is enclosed from the drive-thru lane by planters.
- 3.7 The new parking layout will incorporate 17 car parking spaces including 2 disabled parking spaces and 4EV charging point within the application boundary. A customer waiting bay will be allocated just after the pick-up window and a delivery area is reserved by the southern side of the parking.
- 3.8 An additional 3no.bicycle stands accommodating 6 bicycles will be installed.

4.0 PLANNING POLICY AND CONTEXT

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.2 The Development Plan for the Site consists of the Core Strategy for Rochdale (2016), Greater Manchester Joint Waste Development Plan (2012), Greater Manchester Joint Minerals Development Plan, saved policies of the Rochdale Borough Unitary Development Plan 2006 ("UDP") (saved policies May 2009) and Planning Policies Map (June 2006).
- 4.3 The Planning Policies Map 2006 confirms that the Site falls within the Defined Urban Area of Rochdale (UDP Policy G/D/1). The Site falls in an Out-of-Centre location in retail policy terms.
- 4.4 Further material considerations include, inter alia, the National Planning Policy Framework ('NPPF') (latest version published in July 2021) and the Planning Practice Guidance (March 2014), as amended.

NPPF

- 4.5 The revised National Planning Policy Framework (NPPF) was published in July 2021 and sets out the Government's objectives for achieving sustainable development.
- 4.6 Of relevance to this Assessment, Section 7 (Ensuring the Vitality of Town Centres) sets out the retail planning framework. In relation to this type of scheme and location, paragraph 87 requires a 'sequential test' to be applied to planning applications for main town centre uses not in a Centre and not in accordance with an up-to-date Development Plan. This requires an assessment of Town Centre, edge-of-centre, then out-of-centre locations. For edge and out-of-centre schemes, preference should be given to accessible sites well connected to the Town Centre and requires applicants to demonstrate flexibility in terms of format and scale. It should be noted that the term 'Town Centre' also applies to District and Local Centres in the NPPF.

4.7 Paragraph 90 requires an impact assessment for retail and leisure development which is over a locally set floorspace threshold (or the default threshold of 2,500 sqm gross in the absence of a locally set threshold) outside of Town Centres and not in accordance with an up-to-date Development Plan and should assess the impact on:

- existing, committed and planned public and private investment in a Centre(s) in the catchment area of the proposal; and
- Town Centre vitality and viability, including local consumer choice and trade in the Centre and wider retail catchment.

Core Strategy

4.8 Sandbrook Park forms part of an Economic Growth Corridor along with Castleton and Crown Business Park. Together these areas will deliver new employment development and jobs due to its accessibility to the motorway network and public transport facilities (Policy E2 – Increasing Jobs and Prosperity). It is proposed to improve the appearance of Edinburgh Way as a key gateway into Rochdale and improve highway and pedestrian linkages into the Town Centre.

4.9 Policy E3 (Focusing on Economic Growth Corridors and Areas) sets out RMBC's aspirations for the Economic Growth Corridor for office and commercial development and identifies the potential for the site to provide leisure and tourism uses. RMBC are seeking to improve access and links to the Town Centre and improve the overall appearance of the Site as a key gateway into Rochdale.

4.10 The wider Site is also recognised as an area where tourism opportunities should be promoted due to the existing leisure uses on site and high accessibility to the surrounding major road network (Policy E5 – Encouraging the Visitor Economy).

4.11 The spatial strategy for Rochdale is defined through Policy SP3/R (The Strategy for Rochdale). The Town Centre will be the focus for growth and major retail, leisure and office developments. East Centre Rochdale is identified as a key regeneration area.

- 4.12 The retail hierarchy within the borough is confirmed by Policy E1 (Establishing Thriving Town, District and Local Centres). As the borough's principle town centre, Rochdale will be the focus for retail, leisure, cultural, office, residential and other development. The sequential approach will be applied to proposals for retail development in out-of-centre locations and in Rochdale, an impact assessment will be required where the floorspace exceeds 2,000 sqm. Comparison and convenience floorspace will be delivered in the east of the Town Centre.
- 4.13 A high quality, innovative design will be expected in key gateway locations such as the subject site (Policy P1 – Improving Image). RMBC will promote the development and reuse of underused land and buildings. Urban design principles will be applied in terms of scale, density, height and layout; maximising accessibility, permeability and sustainability (Policy P3 – Improving Design of New Development).
- 4.14 RMBC are seeking to minimise the impact on climate change through Policy G1 (Tackling and Adapting to Climate Change). This will be achieved through a number of measures such as locating development in sustainable and accessible locations; and promoting the efficient reuse of buildings. New development will be expected to be zero carbon in line with national targets.
- 4.15 Sustainable transport networks are promoted through Policy T1 (Delivering Sustainable Transport). Accessibility will be improved by locating development where there is good access to public transport thus reducing the need to travel by car.
- 4.16 Development is guided by Policy DM1 (General Development Requirements) to ensure a high standard of design and sustainability; and the amenity of residents is protected.

Policy Conclusions

- 4.17 The sequential approach will be applied to proposals for retail development in out-of-centre locations and in Rochdale, in accordance with NPPF Paragraph 87 and Local Plan Policies SP3/R and E1. However, the scope of the sequential assessment is set by the specific circumstances of the application. With the starting point for being the type of identified 'need'. The function of the proposal is intrinsically linked to the existing retail park and the proposed development could not logically be located elsewhere and accordingly, the requirement for the application of the Sequential Test is considered in further detail below, in section 5 of this report.

- 4.18 The new floorspace proposed falls below the locally set threshold of 2,000 sqm and accordingly, an Impact Assessment will not be required.
- 4.19 Nevertheless, the scheme still needs to accord with other Development Management policies and this is considered in detail in section 6 of this report.

5.0 RETAIL POLICY CONTEXT

- 5.1 Adopted Policy E1 outlines that the Boroughs Town Centres are the preferred location for a range of town centre uses and those associated or connected with them. The policy requires the application of the sequential test for any proposals outside of the existing centres, in accordance with the hierarchy of retail centres in the borough defined in Policy E1.

Sequential Test

- 5.2 In accordance with the NPPF Paragraph 87 and Local Plan Policies SP3/R and E1, the sequential test requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out-of-centre sites be considered.
- 5.3 The question of interpretation of 'suitable' in the context of the sequential test is addressed by the decision of the UK Supreme Court in *Tesco Stores Limited vs Dundee City Council* [2012] UKSC 13 issued on 21st March 2012. The judgment confirmed that the correct interpretation of 'suitable' was to consider whether alternative sites were 'suitable for what the developer is proposing'. As a qualification to this, it was stated that the criteria of flexibility and realism which applied 'are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest in doing so'.
- 5.4 The interpretation has since been applied in the case of *R (Zurich Assurance) v North Lincolnshire Council* [2012] EWHC 3708; and in the case of *Rushden Lakes* which was 'called-in' by the Secretary of State in June 2014 (APP/G2815/V/12/2190175).
- 5.5 The scope of the sequential assessment is set by the specific circumstances of the application. The starting point for the sequential approach is the type of identified 'need'. In this instance, the proposal's trade will be generated from existing users of the retail park rather than the facility being a trip-generating destination in its own right. This means that the function of the proposal is intrinsically linked to the existing retail park and the proposed development could not logically be located elsewhere. This approach has been found to be appropriate by various Inspectors and Secretary of State.

- 5.6 The National Planning Practice Guide (NPPG) also gives practical advice on sequential analysis which is relevant to this proposal. Paragraph: 011 Reference ID: 2b-011-20140306 states that:

'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'.

- 5.7 The Retail Park, whilst comprising an established shopping destination, is located approximately 1.6 kilometres to the south of the Rochdale Primary Shopping Area so in retail policy terms, lies in an out-of-centre location for the purposes of the sequential approach. However, it is relevant to note that the Site lies within an area already characterised by a mixture of town centre uses and is, in practical terms, an established destination.
- 5.8 The application proposals in this case seek to serve a distinct market to that in the nearby town and district centres and one which is inextricably linked to the 'leisure' function of the Retail Park and in particular the Odeon cinema and Tenpin bowling facility. The leisure offer is a key attractor of visitors to the Park which benefits and supports a range of complementary uses located around it. Together these facilities provide an important contribution towards the local economy, supporting local jobs, as well as a positive social contribution through the provision of leisure uses.
- 5.9 The Proposed Development would introduce further complementary food and drink facilities at the Leisure Park which are intended to serve existing customers visiting the cinema and other existing uses as part of a linked-trip. By enhancing the choice of available restaurants, the intention is to encourage existing visitors to broaden their use of facilities at the Leisure Park and increase overall dwell times. Given the nature and scale of the Proposed Development the restaurant unit would not be a 'destination' in its own right and would essentially serve the same catchment as the wider Retail and Leisure Park.

- 5.10 In light of this, vacant units or sites within or on the edge of the town and district centres cannot be suitable insofar as they are simply not capable of meeting the commercial requirement the application is intended to serve. It is the location specific needs of the proposal and the distinct market the proposed restaurants are seeking to provide for which drive their provision at the Sandbrook Retail and Leisure Park.
- 5.11 Taking account of the 'real world' approach to the sequential test, underlined in the Dundee and Zurich judgments and now applied by Planning Inspectors (the decision at Rushden Lakes in June 2014, for example), remote locations in the town centre cannot be suitable for the development proposed. Taking all the above into account, the only suitable location for the proposed restaurants to meet the same purpose and market for which they are intended is at the Retail and Leisure Park itself.
- 5.12 This conclusion is supported by decisions for similar schemes elsewhere. The way in which such matters have been assessed by Inspectors and the Secretary of State is considered below.

Precedent Appeal Cases

- 5.13 An application by OTR Business Parks on a site at Dowding Way, Tunbridge Wells, called in for determination by the Secretary of State, sought the redevelopment of a site in an out of centre location, already dominated by retail warehousing units (plus a McDonald's unit and a coffee shop). The application proposed a further 7,750sqm of retail warehousing and a separate building of 263 sqm for A3 use. The Inspector found in his analysis that:

"The small A3 unit would be a subordinate element of the overall scheme. It would be available to those working in the area or shopping at other retail warehouses, like McDonalds, and there would be an element of synergy between them. As an ancillary facility serving the rest of the development and the local area it is not considered to need to be assessed as part of the sequential approach".

- 5.14 The Secretary of State agreed with the interpretation and stated in his decision letter that:

"...it is not necessary or appropriate to apply the sequential test to the proposed A3 use element of the proposal".

- 5.15 This supports the conclusion that the coffee shop element was an integral, but ancillary element to the wider scheme and must therefore be located within that wider scheme.
- 5.16 Whilst this decision was made in May 2004, and therefore predates the adoption of the NPPF, the requirement to undertake sequential analysis of town centre uses was already well established and has not fundamentally changed since this time. Accordingly, the reasoning on which the consideration of the scheme was undertaken remains valid.
- 5.17 Facilities such as coffee shops are an integral component of retail parks, providing an ancillary, but complementary function to the main retail and leisure uses., as is evident from the presence of such facilities throughout the country. A further appeal decision for an A3 use at Deane Retail Park, Taunton, which related to a freestanding coffee pod unit, proposed in an established retail park location.
- 5.18 The Inspector considered at paragraph 6 that:

"... the development would provide an ancillary facility to the existing main retail and leisure facilities on and adjacent to the retail park."

- 5.19 Further to this, at paragraph 7, the Inspector states:

"I consider that the small scale of the proposal would ensure that it functions as an ancillary facility to the existing main retail and leisure facilities and not as a main attraction."

- 5.20 A further example is provided in the case of Junction One Retail and Leisure Park, Rugby, where an Inspector allowed a proposal for the erection of three flexible-use A3/A5 units (restaurants and cafes/hot food takeaways) totalling 329 sqm (gross). The Inspector states that:

"The appellants state that the A3/A5 units are intended to complement the operation of the retail and leisure park. In my opinion this would be their main function, in view of their small scale and the size of the customer base already provided by the shop units and leisure facilities. I expect customers also to be drawn from the existing and proposed developments in the adjoining area, all of which would be within easy walking distance."

- 5.21 The circumstances of this application are comparable to the above-mentioned Appeal cases, the decisions of which support the view that it is not necessary to consider alternative town centre sites as the facilities can only logically be located at the retail park that it is intended to serve.

Impact Test

- 5.22 The NPPF, at Paragraph 26, requires an assessment of impact if a proposal exceeds a locally-set floorspace threshold. If no such threshold is set, the NPPF's default is 2,500sqm.
- 5.23 The adopted development plan does not set a threshold, having been adopted prior to the publication of the NPPF. The proposal is for 171 sqm of floorspace which is below the relevant NPPF threshold and the proposals do not therefore require assessment against the impact test.

6.0 PLANNING CONSIDERATIONS

- 6.1 The application approved in July 2017, under 16/01284/FUL, which had initially accounted for the inclusion of Unit H, provided a full assessment of the site, which included amongst other supporting materials, Sustainability Assessment, Flood Risk Assessment and a Contamination Assessment.
- 6.2 Given that all of the conditions have been discharged, including Conditions 5 (Investigation and Risk Assessment) and 6 (Foul and Surface Water Drainage) attached to 16/01284/FUL have since been discharged and the permission has subsequently been implemented, the conclusions of these supporting documents are considered to remain valid.
- 6.3 The proposals follow the broad principle of the approved 16/01284/FUL scheme, in that they seek to accommodate new commercial development in an established retail and leisure destination. The principle of development, in line with the above retail policy section, is therefore considered acceptable and the acceptability of the revised scheme should therefore be focused on whether the proposals are acceptable in terms of their development management impacts.

Principle of Development

- 6.4 The proposal seeks to enhance the retail and leisure offer of an established retail and leisure destination, contributing to a complementary and beneficial mix of uses, facilitating linked trips and visitors to out of centre retail and leisure destinations expect the type of facilities proposed to be available.
- 6.5 The unprecedented situation presented by the COVID-19 pandemic has brought about changes in demand and consumer habits. In light of this, retailers are favouring drive thru format in recognition of their dual functionality, enabling the retailer to offer both restaurant format services, as well as drive thru capabilities.
- 6.6 The addition of a drive thru coffee shop will provide a service currently unavailable to the Park's existing customers. Drive-Thru coffee shop facilities such as that which is proposed, are now a common feature at similar retail and leisure parks across the country and are part of the shopping experience customers increasingly expect. The nature of the proposed use is to provide an ancillary and complementary function to the existing retail provision. The customer base will therefore be drawn predominately from existing users of the facilities.

Transport and Parking

- 6.7 The accompanying Transport Statement confirms that the proposed development is estimated to generate between 7 and 17 new trips to the local highway network during the peak hours. This quantum of new trips is considered to be minimal and would not result in a material impact on the local junctions surrounding the site.
- 6.8 The report concludes that given the Local Authority and TfGM accepted a level of traffic associated with the previously proposed Unit H which was subsequently removed from the planning application due to a non-transport / highways objection, the proposed Starbucks Drive Thru will provide a similar floor area and amenity and the level of new vehicle trips to the site which this generates is similar as the previously acceptable Costa Coffee Drive Thru and will not result in a material impact on the local highway network.
- 6.9 As a result of the propensity for linked trips within the Retail & Leisure Park and non-primary pass-by trips on the local highway network; it is considered that the impact of traffic generated by the proposals would not result in a material impact on the wider highway network or site access junction operation.
- 6.10 The location of the site in relation to nearby amenities and walking routes ensure a high level of sustainable travel to and from the site.
- 6.11 The site is accessible by all modes including the private car and that the proposals would not result in a material impact upon the local highway network nor change to demand on the existing pedestrian, cycling and public transport facilities and services.
- 6.12 The Transport Assessment also notes that the development will result in a net loss of 31 car parking spaces from the existing car park and will provide 17 car parking spaces including 2 disabled parking spaces and 4 electric vehicle car parking spaces.
- 6.13 The wider Retail and Leisure Park provides circa 712 car parking spaces and with the net loss of 31 spaces, there will be circa 681 car parking spaces. As the Park provides leisure, retail, hotel and restaurants, these uses all have varying peak times with regards to demand for parking. The Starbucks Drive Thru unit will generate demand at different times to the other uses on site and Drive Thru unit will undertake trips to the Retail and Leisure Park as part of a linked or pass-by trip

meaning a visitor might park within the Retail and Leisure Park and visit multiple units within the park or may not park at all in the case of the pass-by Drive-Thru visitors.

- 6.14 As the Retail and Leisure Park is an established leisure and retail destination which shares its car parking across the majority of site, this arrangement will be maintained and it is considered that the net loss in parking will not result in a material impact on the operation of the car park due to the varying peak hours of demand for different uses on-site.

Design and Amenity

- 6.15 The proposal is for a commercial use at an existing commercial location. The design of the scheme is set out within the submitted Plans and Design and Access Statement. There would be no adverse impacts upon the amenity of residents as there are none in close proximity.
- 6.16 The proposed drive-thru Starbucks coffee shop / restaurant unit will open within established operating hours of the wider Retail and Leisure Park. Proposed opening hours are 06:00 – 24:00, and the incoming tenant requires the ability to take deliveries from 08:00 to 20:00.
- 6.17 Given that the unit is likely to mainly serve existing retail park customers and there are no residents within the immediate vicinity, the new unit will not give rise to any significant noise or amenity concerns. Regarding odour, Starbucks will mainly serve hot drinks and a limited amount of food.
- 6.18 There will be no cooking on the site and no extraction units will be required on the building.

7.0 CONCLUSIONS

- 7.1 This Planning & Retail Statement has been prepared to assess the planning issues arising from the proposed drive thru coffee shop unit.
- 7.2 It has been demonstrated that the function of the proposal is intrinsically linked to the existing Retail and Leisure Park and the proposed development could not logically be located elsewhere. We therefore conclude that the application site is the right location for the proposal and that the sequential test is satisfied.
- 7.3 The proposal is for 171 sqm of floorspace which is below the relevant NPPF threshold and the proposals do not therefore require assessment against the impact test.
- 7.4 Against this background, these components of the proposed scheme comply with NPPF and in turn the Development Plan, particularly Local Plan Policy. In the absence of any development management issues, it is therefore concluded that the application proposals are entirely appropriate within this setting and that the It is therefore entirely appropriate to grant permission for the Proposed Development in policy terms.

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