

Our Ref: HM/JB04C201474

Your Ref: PP-13613313

18 December 2024

Rochdale Metropolitan Borough Council
Economy and Environment
Planning Service
Number One Riverside
Smith Street
Rochdale
OL16 1XU

Dear Sir/Madam,

APPLICATION TO VARY CONDITION 9 (BIODIVERSITY) AND CONDITION 15 (SERVICING HOURS) (UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990) FOR AMENDMENTS TO THE SERVICING AND DELIVERY HOURS FOLLOWING THE GRANT OF PLANNING PERMISSION REF: 23/01279/FUL AT LAND AT WHITWORTH ROAD (DUNELM) CAR PARK, ROCHDALE, OL12 0TY

On behalf of our Client, ERP (Accrington) Ltd c/o Glenbrook Investments Ltd ('the Applicant'), please find enclosed a submission for the variation of Condition 9 (biodiversity) and Condition 15 (servicing hours) for amendments to the servicing and delivery hours following the grant of planning permission ref: 23/01279/FUL at Land at Whitworth Road (Dunelm) Car Park, Rochdale, OL12 0TY.

Planning application ref: 23/01279/FUL was approved on the 1st November 2024 for the following development:

"Erection of Drive Thru Café (Class E) with access from Duke Street together with associated parking and landscaping."

Supporting Information

The following information has been submitted in support of this application:

- This Covering Letter;
- Application forms, duly signed and completed;

- Decision Notice for existing consent (ref: 23/01279/FUL); and
- Noise Impact Assessment (June 2023), prepared by Noise Solutions Ltd.

The Proposed Amendments

The Applicant is seeking to extend the current delivery and service hours of the existing consent through the variation of Condition 15 in order to meet Starbucks's operational requirements and enable Starbucks to trade from the proposed drive-thru café.

The servicing delivery hours as presently conditioned do not align with those applied for as part of the original application (ref. 23/01279/FUL) and are particularly restrictive as they do not extend beyond the intended trading hours of Starbucks, the proposed occupier of the drive thru coffee unit. Starbucks service their stores outside of opening hours and this is reflected in the proposed delivery arrangements. As shown in the proposed site plan (ref: 11390 PL L05 Rev. D), the proposed delivery vehicle drop-off point is located to the front of the proposed café unit, adjacent to the southeast of the building. Deliveries and collections are to be transferred from the delivery vehicle drop-off point to the delivery and refuse area within the external yard adjoining the west of the unit via the front of the café unit, which incorporates the main customer entrance and an outdoor seating area. Servicing and deliveries during opening hours would therefore significantly compromise Starbucks' customer experience.

Starbucks are therefore unable to operate from the proposed unit as presently conditioned. The extended delivery and servicing hours sought will allow delivery and servicing to take place outside of opening hours as required by Starbucks and enable Starbucks to occupy the proposed drive-thru unit.

The relatively minor changes to delivery and servicing hours would enable delivery and servicing at the drive-thru to take place an hour earlier and two hours later on Mondays to Fridays, two hours earlier and nine hours later on Saturdays, and between 08:00-21:00 on Sundays.

The Noise Impact Assessment (NIA) prepared by Noise Solutions Limited (ref: 90876) and submitted with the original full application assessed the store delivery operation based on a 26t box van vehicle. The delivery vehicle would park to the east side of the drive-thru unit, approximately 60m from the nearest houses and it was concluded that the potential noise impact of delivery and servicing procedures would be low at all times. In practice, Starbucks' servicing and deliveries will take place with an 18t vehicle, and therefore the delivery vehicle noise impacts will be even lower than the low impacts identified in the NIA.

It is also proposed to remove the reference to opening hours in Condition 15, which states that the development 'shall not be open on Sundays and Bank Holidays'. This restriction directly contradicts the permitted opening hours set out under Condition 14, of '06:00-22:00 Monday to Sunday including Bank Holidays', which aligns with the seven days per week opening originally applied for under application ref: 23/01279/FUL.

In addition, Condition 9 refers to a scheme of biodiversity enhancements that 'shall be implemented in full prior to first occupation of the dwellings and retained thereafter'. The reference to dwellings is not relevant to this application which proposes a drive-thru café unit. It is proposed that the wording of Condition 9 is amended to refer to the proposed drive-thru café unit rather than dwellings.

Furthermore, the wording of the reason for Condition 9 refers to Policy JP-G9 of PfE which relates to the Green Belt. The site is not located in the Green Belt and this policy is not relevant to the proposed development. It is proposed that this wording is amended to refer to Policy JP-G8 of PfE, which relates to biodiversity.

Variation of Condition 9 (Biodiversity)

The following amendments to Condition 9 of permission ref: 23/01279/FUL are proposed (deletions in ~~strike through~~ and additions in **red**):

*The development hereby approved shall not be occupied until such time as a scheme of biodiversity enhancements for the site has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full prior to first occupation of the ~~dwellings~~ **drive-thru café** and retained thereafter.*

*Reason: In the interests of enhancing biodiversity and habitat provision within the site in accordance with Policy G7 of the adopted Rochdale Core Strategy, policy ~~JP-G9~~ **JP-G8** of the Places for Everyone joint development plan and the National Planning Policy Framework.'*

Variation of Condition 15 (Servicing Hours)

The following amendments to Condition 9 of permission ref: 23/01279/FUL are proposed (deletions in ~~strike through~~ and additions in **red**):

*The development hereby approved shall not be serviced by deliveries outside the hours of ~~07:00-22:00~~ **06:00-00:00** Monday to Friday, ~~09:00-12:00~~ **07:00-21:00** Saturdays, and **08:00-21:00** **Sundays including Bank Holidays.** ~~and shall not be open on Sundays and Bank Holidays.~~*

Reason: To protect the amenity of nearby occupants and to accord with policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.'

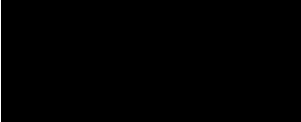
Summary

The proposed amendment to servicing and delivery hours is required to enable servicing and delivery to take place outside of opening hours and thereby enable Starbucks as the intended occupier to operate from the proposed drive-thru unit. It has been demonstrated that the proposed extension to servicing and delivery hours complies with policy standards and would not have a material impact on noise or residential amenity.

This s73 application has been submitted electronically via the Planning Portal (Ref: PP-13613313). A payment of £293 plus a £70 Planning Portal service charge (£363) has been made to the Planning Portal via BACS.

I trust that the enclosed information is satisfactory for Rochdale Metropolitan Borough Council to enable a swift validation of the application. If you have any queries or require any further details, please do not hesitate to contact me.

Yours faithfully



James Borley
Senior Planner



For and on behalf of Avison Young (UK) Limited