



Lake Garage,  
Smithy Bridge Road,  
Littleborough  
OL15 0BQ

# Planning, Design & Access Statement

**April 2023**

A Report commissioned by: James Hall & Co Ltd

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# 1 Introduction

1.1 This Planning, Design & Access Statement has been prepared by Smith & Love Planning Consultants on behalf of James Hall & Co (“the applicant”) in support of a full planning application for the development of a convenience store (Use Class E) following demolition of the existing building at Lake Garage, Smithy Bridge Road, Littleborough. The proposed convenience store will be operated by SPAR convenience store.

1.2 The description of the proposed development is:

*Demolition of existing building and erection of convenience store (Use Class E) including ATM machine, car parking and access.*

1.3 The application site comprises a semi-derelict site and follows a previous application for a convenience store by the same applicant in 2017 (Application ref. 17/01512/FUL).

1.4 The original application was refused by Rochdale Council on highway safety grounds and dismissed at appeal for the same reason. The proposal has been significantly amended to address the reason for refusal and has been the subject of further pre-application consultation with officers prior to submission.

1.5 This statement sets out:

- a description of the site and its surroundings;
- previous planning applications of relevance to this proposal;
- details of the development proposal;
- a summary of the planning policy context;
- an appraisal of the development against relevant planning policy;
- consideration of design and access matters; and
- a summary and conclusions.

1.6 The application submission is also accompanied by the following plans and reports:

## Plans

- |                           |                                         |
|---------------------------|-----------------------------------------|
| • Site Location Plan      |                                         |
| • Drawing TRI-1773- 01    | Existing Site Survey                    |
| • Drawing 2016-333- EX 01 | Existing Plans and Elevations           |
| • Drawing 333-21 P8       | Site Plan                               |
| • Drawing 333-25 P6       | Elevations and Sections                 |
| • Drawing 333-26 P7       | Site Plan Existing Overlay              |
| • Drawing 333-27 P5       | Elevations and Section Existing Overlay |
| • Drawing 333-04 P9       | Floor Plans Proposed                    |
| • Drawing 333-30 P8       | 10.65m Spar HGV autotracked L in L out  |
| • Drawing 333-31 P8       | 10.65m Spar HGV autotracked R in R out  |
| • CGI                     |                                         |

Reports

- |                                           |                   |
|-------------------------------------------|-------------------|
| • Phase I and II Environmental Assessment | Geo 2 Remediation |
| • Ecology Survey and Assessment           | ERAP              |
| • Transport Statement                     | PSA Design        |
| • Noise Impact Assessment                 | E3P               |
| • Drainage Strategy Report                | Pluviam           |

## 2 Site and surroundings

- 2.1 The application site comprises a former commercial use at Smithy Bridge Road, Littleborough known as Lake Garage. The existing building is in a state of disrepair. The site frontage extends along Smithy Bridge Road with an overall site area of approximately 0.15 hectares. The site is not flat with a varied topography across it, particularly to the rear where the site sits at a lower level than the residential properties to the rear at Shaftesbury Avenue. The site is currently vacant having previously been occupied by a car sales company and MOT/car repair garage.
- 2.2 There is a large single storey building occupying the main part of the site with car sales areas to the front of the building with further outdoor vehicle storage areas to the rear of the building adjacent to residential properties. The site boundaries are currently defined by a low brick wall to the front and concrete panel and timber fencing to the rear and side boundaries.



Figure 1: Location Plan

- 2.3 The site lies approximately 1.4km to the south west of Littleborough town centre with a small local shopping area lying some 75m to west of the site. Opposite the site are residential properties and a Public Library. Further residential properties are located to the remaining boundaries of the site with terraced properties separated by garden areas to the west and further residential properties and gardens to the south at Shaftesbury Avenue.
- 2.4 Access to the site is currently gained via three access points on Smithy Bridge Road.
- 2.5 There are regular bus services which run past the site with bus stops located in both directions within easy walking distance of the site for travel to and between Littleborough and Rochdale. A train station is located approximately 500m to the west of the site with train services to Manchester, Blackburn, Wigan and Leeds.

### 3 Planning History

3.1 The following applications comprise the site's planning history:

- Application 86/D19298 – Outline application for residential development – Approved 24/7/86
- Application 98/D35351 - Single storey extension to garage to provide workshop and storeroom – Approved 08/07/98
- Application 16/01318/FUL - Demolition of car sales/garage and erection of SPAR convenience store with ATM machine, car parking, external lighting, landscaping and associated works – Withdrawn 14/06/2017
- Application 17/01512/FUL - Demolition of car sales/garage and erection of SPAR convenience store with ATM machine, car parking, external lighting, landscaping and associated works (resubmission of planning application 16/01318/FUL) – Refused 01/08/2018
- Appeal APP/P4225/W/18/3217443 – Demolition of car sales/garage and erection of SPAR convenience store with ATM machine, car parking, external lighting, landscaping and associated works (resubmission of planning application 16/01318/FUL) – Dismissed 02/09/2019

3.2 Application 17/01512/FUL was refused by the Council on 1<sup>st</sup> August 2018 for the following reason:

*“Smithy Bridge Road is a narrow highway forming part of the Council's Strategic Highway Network and also one of the emergency motorway diversion routes (M62). To allow for swept paths that would not result in service vehicles mounting the footway when entering and egressing the site, the proposed delivery bay would be sited across one of the access points and a proposed non-standard kerb alignment would result in undue harm to pedestrian safety, placing greater emphasis on access for service vehicles over pedestrians.*

*The manoeuvres undertaken by service vehicles to enter and egress and also service within the site would result in conflict with other vehicles accessing and manoeuvring within the site, and other users of the site and highway of Smithy Bridge Road with the result that servicing may take place from the highway or such conflict would give rise to unacceptable obstructions of the highway to the detriment of highway safety. In addition, proposed pavement alignments and tactile paving do not meet adoptable standards - desire lines for the visually impaired should be consistent and logical, enabling the visually impaired to predict and interpret unfamiliar environments.*

*The tactile paving proposed does not adequately follow the alignment of the highway and is likely to cause confusion for the visually impaired, to the detriment of the*

*safety of such users of the highway. As such, the proposed development would be detrimental to highway safety for all users of the highway, including the visually impaired and contrary to policies T2 and DM1 of the adopted Rochdale Core Strategy and policy in the National Planning Policy Framework”.*

3.3 The subsequent appeal (APP/P4225/W/18/3217443) was dismissed by the Planning Inspectorate as being harmful to the safety and convenience of highway users including pedestrians.

3.4 With regards to specific issues, on service vehicle movements to and from the site as well as within the site, the Inspector considered that;

*“This contrived design gives an implicit priority to large articulated service vehicles over pedestrians, which would be contrary to the principles set out in paragraph 110 of the National Planning Policy Framework (NPPF), which seeks to prioritise the needs of pedestrians over the efficient delivery of goods, and Policy T2 of the Rochdale Core Strategy (CS)”.*

3.5 With regards to the proposed kerb line, the Inspector considered that;

*“The proposal would have implications for pedestrians crossing the access point, since there would be a change to the expected kerb line, altering the desire line to accommodate the cutaway kerb”.*

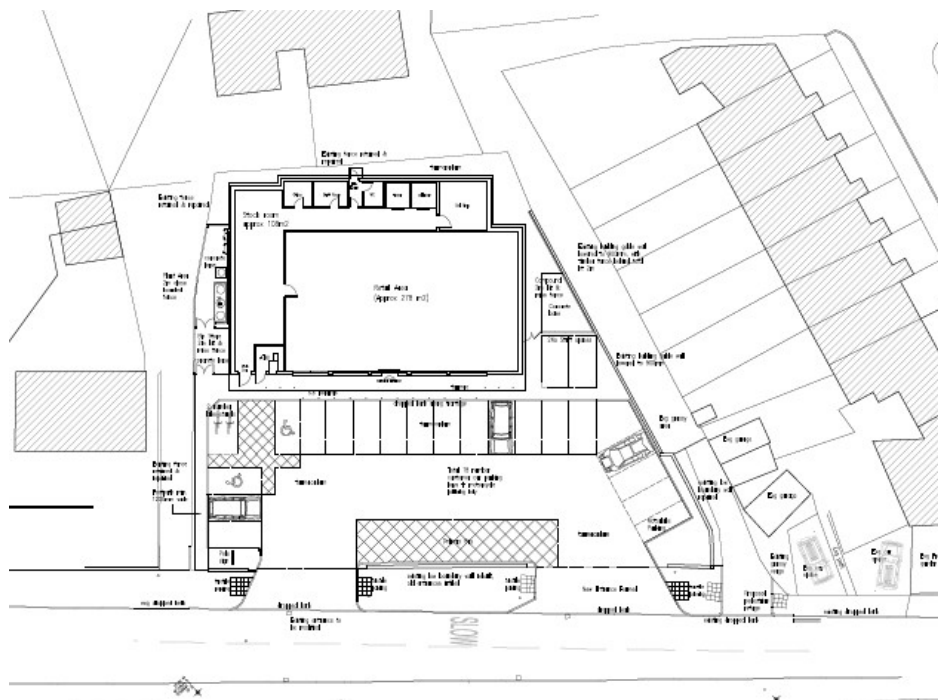


Figure 2: Site layout plan dismissed at appeal

3.6 The Inspector also made comments on the available manoeuvring space within the site stating:

*“The development shown on the site leaves very little space for manoeuvring vehicles, including cars and service vehicles. Both the appellant’s and the Council’s tracking diagrams show little space between the service vehicle movements and the parking area outside the shop. Although the forecourt is an environment in which all users would need to be aware of each other and take care in their movements, pedestrians and those making deliveries would need to weave their way through this area and the proximity to other vehicles would mean that it would not be appropriate or safe. In summary, the size of the site is too small for the development proposed and the servicing movements which it would generate”.*

- 3.7 The site plan for the original proposal is shown at Figure 2.
- 3.8 This revised application has been submitted as it is considered that the previous highways reasons for refusal have been addressed. The revised proposal is significantly different to the appeal proposal with a number of design and operational changes to the proposal that have been incorporated to address the previous highway safety concerns comprising the following:
- i) a part 2 storey building creates increased space for vehicle movements within the site;
  - ii) a dedicated servicing area separate to the customer car park;
  - iii) a single vehicular access/egress as opposed to a separate access and egress;
  - iv) a narrower vehicular access to prioritise pedestrians using the footpath;
  - v) a dedicated and direct pedestrian route to the store entrance for customers; and
  - vi) servicing via a delivery vehicle of a maximum 10.675m in length to be secured by condition.
- 3.9 The previous highway safety concerns have been addressed enabling the submission of a revised application proposal such that there are no grounds to object on highway safety grounds.
- 3.10 It was confirmed verbally by the Council's Highway Officer during pre-application discussions that the revised proposal was acceptable in highway safety terms. Concern was raised as to whether a condition restricting the length of the delivery vehicle would be enforceable. There are, however, numerous examples of the length of a delivery vehicle being restricted via a Delivery Management Plan or simply stated within a condition. Visually there is a clear distinction between a large HGV (16.5m in length) and a small HGV (10.675m in length) which makes it an enforceable condition for the Local Authority.
- 3.11 It should also be noted that the delivery vehicle tracking drawings show that a small HGV

does not cross the centre line of Smithy Bridge Road. This is the same as the appeal proposal. The Council's Highway Officer has noted the narrow width of this road previously. However, it is demonstrated that small HGV's can enter and leave the site safely without crossing the centre line.

- 3.12 Finally, the Highway Officer purports that Smithy Bridge Road is an alternative diversion route in the event of the closure of the M62. However, the Transport Statement clearly shows that this is not the case. It is not a strategic alternative route and with delivery vehicles able to access and egress safely it is not anticipated that the proposal would adversely affect the flow of traffic along Smithy Bridge Road.
- 3.13 It should be noted that James Hall currently operates a SPAR convenience store in Rochdale, the same size as the proposed store, at 231 Hollin Lane, Middleton; formerly the site of the Hebers Working Men's Club. It is a single storey store with 16 car parking spaces and a hard surfaced area to the north of the store for deliveries. The application ref. is 15/00208/FUL).

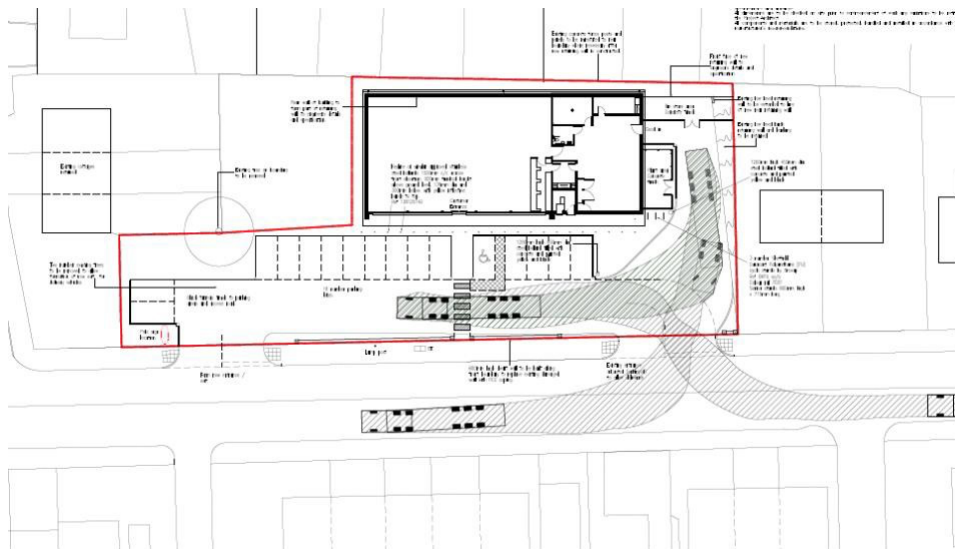


Figure 3: Spar, Hollins Lane, Middleton

- 3.14 It is acknowledged in the Committee Report that the vehicle movements associated with the Middleton store would not be significant. The site is described in the report as 'suitably accessed by foot as it would front onto a busy road which serves two large residential estates'. This description of the site and surroundings is not dissimilar to James Halls' current application site.
- 3.15 It is noteworthy, that the proposal was supported by the LPA in highway terms. Whilst the application was refused and allowed on appeal the matter of concern related to design and not highway safety. Figure 3 shows the site layout with a servicing area to the side of the store. This has been accepted by the LPA and the store operates in a safe manner. It is clear that the current proposal at Lake Garage is a significantly enhanced servicing arrangement when compared to the Spar store at Hollins Lane. The current proposal creates a clear distinction between the customer parking zone and store servicing zone and furthermore, a smaller HGV is proposed to service the store. Therefore, based on the

approval of the proposal at Hollins Lane the current application should be acceptable to the LPA.

- 3.16 In summary, there are no outstanding issues in highway safety terms as the revised proposal satisfactorily designs out any concerns previously raised by the Inspector and the LPA.

## 4 The Proposal

- 4.1 The proposal comprises the erection of a convenience store (Class E) with car parking and access to be operated by SPAR. The convenience store has a gross floor area of 512 sq. metres and a net retail sales area of 276sq. metres. The store will open 7 days a week - 6am to 11pm to enable it to serve its purpose as a convenience store.
- 4.2 An extract of the site layout plan is shown in Figure 3 below with the convenience store to the rear of the site and access and car parking from Smithy Bridge Road.

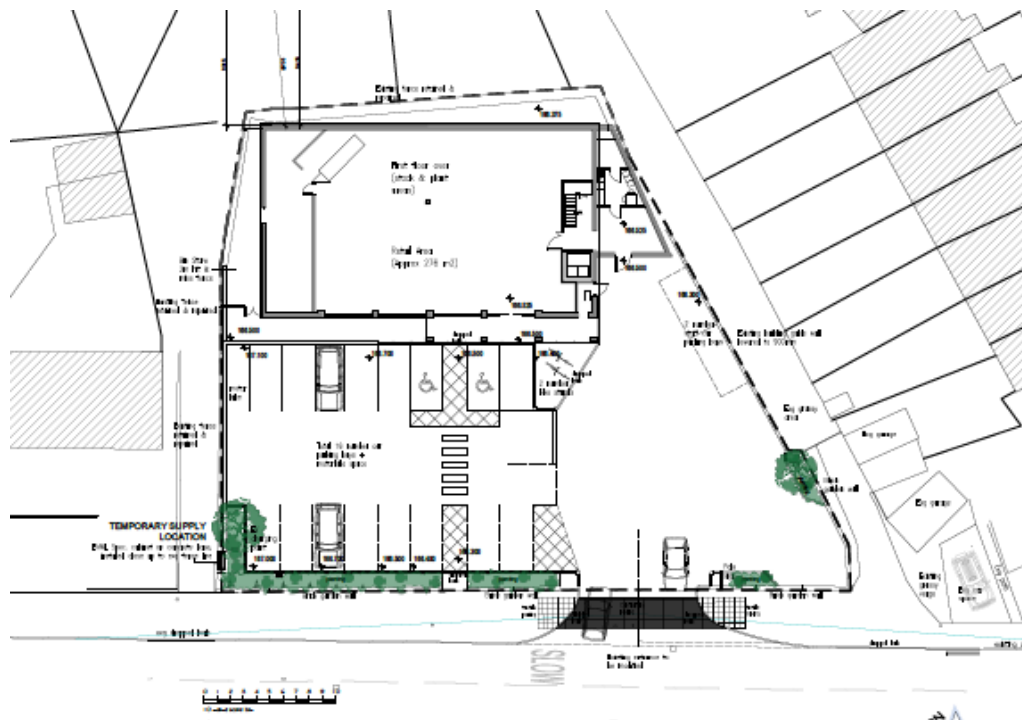


Figure 4: Extract from Site Plan

- 4.3 The store is contemporary in its appearance and is part single storey and part 2 storey with a back of house area at first floor. The elevations comprise predominantly brick with timber cladding as a contrasting material at the upper section of the elevations.
- 4.4 The proposed doors and window frames are to be finished in dark grey powder coated aluminium (RAL 7037). Further details are set out in the Design & Access section of this Statement at Section 7.
- 4.5 The proposed convenience store will be serviced by a single access, reducing the number of accesses serving the site from 3 to 1. The reduction in the number of access points will improve highway safety for pedestrians. There is also a dedicated pedestrian route between the highway and store entrance, separate to the vehicular access.
- 4.6 The access will have good visibility in both directions along Smithy Bridge Road providing safe and convenient access for customers. Tactile paving either side of the access and

contrasting block paving across the access are proposed in order to prioritise pedestrian movement along Smithy Bridge Road.

- 4.7 With regards to deliveries and servicing, the proposal includes a service area to the east of the proposed building. Deliveries will be received during the hours of 0600 and 2200 and will be unloaded via the store's service entrance. In terms of the number of deliveries, the following frequencies are anticipated:
- 6 no. fresh/chilled produce deliveries per week (Monday to Saturday) by a 10.675m length delivery vehicle - usually AM, duration on site approximately 30 minutes;
  - 1-2 ambient stock deliveries per week (Monday- Saturday) by a 10.65m length delivery vehicle – duration on site 30 minutes;
  - 6 no. bread deliveries per week (Monday to Saturday) by small vehicle – usually AM, duration on site 5-10 minutes;
  - Daily newspaper deliveries by transit van – early morning.
- 4.8 Waste and recycling facilities are provided on site and stored externally and screened from the car park. Waste and recycling will be collected 2-3 times a week.
- 4.9 The proposal will provide employment opportunities, as 30 jobs will be created (15 full time and 15 part time) in addition to the short-term jobs in construction.
- 4.10 It is proposed that the convenience store will be open between the hours of 0600 and 2300, 7 days a week including Sundays and Bank Holidays.

### **The Applicant**

- 4.11 James Hall and Company Ltd is a Lancashire based family business founded in 1881. In 1956 the Company became part of the SPAR symbol group and James Hall and Co is now a wholesaler and distributor for SPAR serving over 540 stores in the north of England with over 3,300 staff.

### **The Operator**

- 4.12 SPAR is the world's largest international food retail chain with over 12,000 stores in 36 countries and was introduced in the UK in 1956 employing over 50,000 people and serving more than 2,400 stores with a turnover in excess of £3 billion.
- 4.13 SPAR is a 'symbol' group, which means individual SPAR members retain their independence but enjoy the advantages of belonging to a global brand including collective buying and marketing power with a strong corporate image and back up resources.
- 4.14 The SPAR range comprises a limited selection of goods in the following categories:
- seasonal fruit and vegetable lines;
  - general tinned, bottled and pre-packed groceries;

- frozen and chilled goods;
- beers, wines and spirits;
- pre-packed bread, morning goods and cakes;
- everyday non-food household items;
- local and regional sourced products particularly fresh produce and bakery goods;
- newspaper and magazines;
- greeting cards, cigarettes and lottery products; and
- flowers

4.15 SPAR customers generally use other shops and stores as well as SPAR in order to fulfil their weekly grocery shopping and local service needs. SPAR is, therefore, complementary to the existing pattern of trading in existing centres.

## 5 Planning Policy and Guidance

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to the development plan as a whole and requires planning applications to be determined in accordance with the plan, unless material considerations indicate otherwise. In this case the development plan comprises the approved Rochdale Unitary Development Plan, Rochdale Core Strategy, Greater Manchester Joint Waste Development Plan and Greater Manchester Joint Minerals Development Plan. The latter two documents are not relevant to the determination of the appeal.

### **Development Plan**

#### ***Rochdale Unitary Development Plan (June 2006)***

- 5.2 The Rochdale Unitary Development Plan (UDP) was adopted in June 2006 and sets out the overall strategic direction for the area. Certain policies were 'saved' on 13th May 2009.
- 5.3 The site contains no notation, designation or allocation on the UDP proposals map.
- 5.4 Policy G/S/1 Hierarchy and role of centres - sets out the principal locations and hierarchy for shopping and other main town centre uses including those of main town centre (Rochdale), town centres (including Littleborough) with local centres defined in an appendix. This includes a local centre at Smithy Bridge Road. New retail development should follow the sequential approach according to the retail hierarchy set out in the policy. In the reasoned justification, out of centre sites away from existing retail provision will only be considered where there is no sequentially preferable site available and in locations that are accessible by a choice of means of transport and preferably close to a centre that the development could link with. This policy should also be read in conjunction with Core Strategy Policy E1.
- 5.5 Policy S/6 District centre, local centres and linear commercial areas - requires applicants for retail developments over 500 sq. metres gross to demonstrate the sequential approach to site selection in order to demonstrate that no other suitable sites that are sequentially preferable are available. This policy should also be read in conjunction with Core Strategy Policy E1.
- 5.6 Policy EM/7 Development and Flood Risk - sets out the criteria for development in flood risk areas or where development could contribute to increasing flood risk. Policy EM/8 seeks to prevent risks to surface and ground water quality and new developments are expected to make satisfactory arrangements for drainage. This policy should also be read in conjunction with Core Strategy Policy G8.

#### ***Core Strategy (Adopted October 2016)***

- 5.7 The Core Strategy has, in the most part, replaced the UDP policies and provides the development strategy that will guide new developments in the Borough up to 2026.

- 5.8 Policy SD1 Delivering Sustainable Development - reiterates the aims of national planning policy in relation to the consideration and determination of planning applications.
- 5.9 Policy SP1 sets out Rochdale's role in the city region whilst Policy SP2 sets out the spatial strategy for the borough and defines the sites' location as being within the Pennine fringe where new housing, employment and commercial development will be allowed where it is appropriate to the accessibility and character of the Pennine fringe.
- 5.10 Policy E1 Establishing thriving town, district and local centres - states that the borough's town centres will be the focus for retail, cultural, office and residential development to promote their vitality and viability. There will be a hierarchy of accessible district and local centres and shops that meet people's daily shopping needs. In considering proposals for main town centre uses there is a requirement for the application of a sequential approach where a proposal is not in accordance with an up-to-date development plan; an impact assessment is required for proposals above 500sq.m near District/Local Centres. Proposals will be supported where they support the provision of small-scale shops and services to meet local needs outside centres where they are in a location that is not reasonably served by an existing centre or local shop; there are no suitable vacant shops nearby and they will be accessible to local residents on foot.
- 5.11 Policy E2 Increasing Jobs and Prosperity - supports employment generating uses including retail.
- 5.12 Policy P1 Improving Image - sets out requirements to achieve high quality design in new developments; incorporating public art where appropriate; landscaping; and promoting development of under used land and buildings.
- 5.13 Policy P2 Protecting and enhancing character - landscape and heritage, seeks to protect and enhance the borough's character through integrating with natural features such as river valleys; protecting important views of hills and valleys; conserving and enhancing townscape character; and protecting the borough's heritage such as listed buildings, and non-statutory heritage assets.
- 5.14 Policy P3 Improving design of new development - requires new development to achieve high standards of design; enhancing the borough's identity by respecting context and considering scale, density, massing, height, layout, landscaping, materials and access; ensuring buildings contribute positively to townscape and incorporate measures to design out crime; provide an appropriate mix of uses; accessible for all; the intended function of the building is easily understood with visible entrances; adaptability of buildings for future needs; minimising the impact on, and adapting to climate change; designing buildings and spaces so quality and appearance can be maintained and landscaping to improve the visual impact of car parking.
- 5.15 Policy G1 Tackling and adapting to climate change – seeks to ensure growth is located in areas that minimise the need to travel, whilst expecting new development to be zero carbon

- 5.16 Policy G2 Energy and new development - expects all new development to follow the energy hierarchy and meet national policy and targets for demand reduction; energy efficiency; and possible use of developer contributions in circumstances where demand reduction or energy efficiency are not addressed.
- 5.17 Policy G7 Increasing the value of biodiversity and geodiversity - states that development should protect existing biodiversity; protect existing features such as trees and hedges; and take opportunities to promote biodiversity.
- 5.18 Policy G8 Managing water resources and flood risk - requires that new development does not lead to any form of increased flooding or impedes natural water or flood risk management.
- 5.19 Policy G9 Reducing the impact of pollution, contamination and land instability - development should not have impacts that lead to unacceptable increase in air, water, noise, light or other pollution.
- 5.20 Policy T1 Delivering sustainable transport - sets out the spatial strategy for transport improvements and reducing pollution. This includes provision of park and ride facilities including at Smithy Bridge railway station.
- 5.21 Policy T2 Improving Accessibility - sets out accessibility criteria, thresholds of development requiring a Transport Assessment; and refers to the Council's parking standards.
- 5.22 Policy DM1 General development requirements - brings together the above policies to ensure development presents high quality design including landscaping and crime prevention; protects residential amenity; mitigates against any impacts due to noise, air, dust, light and odour pollution, traffic generation and inadequate access; provides satisfactory vehicular parking with adequate parking, manoeuvring and servicing arrangements; mitigates any land contamination issues or instability; and provides for local needs, such as local shops.

### **National Planning Policy Framework 2021**

- 5.23 This sets out the Government's planning policies for England and how they should be applied. It requires local planning authorities to apply a presumption in favour of sustainable development which means, as paragraph 11c explains, that development which accords with an up to date development plan should be approved without delay. Relevant sections of the NPPF include;

Paragraph 7      The purpose of the planning system is to contribute to the achievement of sustainable development;

- Paragraph 11 The presumption in favour of sustainable development lies at the heart of the Framework. For decision-taking this means approving development where it accords with an up-to-date development plan, or where there are no relevant development plan policies or where the policies which are most important for determining the application are out-of-date, granting permission unless adverse impacts would significantly and demonstrably outweigh the benefits, or policies in the Framework indicate development should be restricted.
- Paragraph 81 This confirms that the Government is committed to securing economic growth and new business investment and places significant weight on the need to positively and proactively encourage sustainable economic growth. This includes recognising and addressing local business needs and the specific locational requirements of different sectors.
- Paragraph 87 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.
- Paragraph 90 When assessing applications for retail development outside centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold (if there is no locally set threshold, the default threshold is 2,500 sqm gross floor space). This should include assessment of: a) impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment.
- Paragraph 92 Planning decisions should aim to achieve healthy, inclusive and safe places which: c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs - for example through the provision of .....local shops and access to healthier food.
- Paragraph 106 Planning policies should: a) support an appropriate mix of uses across an area to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;
- Paragraph 111 Development should only be prevented 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 119 Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions;
- Paragraph 120 Decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and to support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- Paragraph 124 Development should make efficient use of land taking into account the need for different types of housing and other development and the availability of suitable land; market conditions and viability; availability and capacity of infrastructure; the scope to promote sustainable travel; the desirability to maintain the character and setting of an area or promote regeneration; and the importance of creating well-designed, attractive, healthy and safe places;
- Paragraph 126 Development should achieve good design and create high quality buildings and places;
- Paragraph 159 Inappropriate development should avoid areas at highest risk of flooding and should be safe for its lifetime without increasing flood risk elsewhere;
- Paragraph 169 Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate;
- Paragraph 183 Development sites should be suitable for proposed use/s taking account of ground conditions and any risks arising from instability and contamination;
- Paragraph 185 Planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 5.24 In determining planning applications, the Framework expects local planning authorities to;
- Paragraph 38 Approach decisions in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area;
- Paragraph 55 Consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

## 6 Appraisal

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to the development plan as a whole and requires planning applications to be determined in accordance with the plan, unless material considerations indicate otherwise. In this case the development plan comprises the approved Rochdale Unitary Development Plan and the Rochdale Core Strategy.

### **Principle of retail development (including retail assessment)**

- 6.2 Core Strategy Policy S2 seeks to promote a scale of development appropriate to the accessibility and character of the Pennine fringe which includes Littleborough.
- 6.3 The proposal comprises edge of centre retail development and the principle of development in this respect is therefore a planning consideration.
- 6.4 The proposed convenience store has a net sales area of 276sqm which is within the parameters of a small store under the Sunday Trading Act 1994. The convenience store will meet the day to day needs of local residents within the immediate area and will also attract passing trade.
- 6.5 The proposal, and the applicant's development of a number of such convenience stores in the north of England, follow well documented changes in consumer shopping patterns. There is a trend towards the use of discount food stores and alongside this an increase in the use of local convenience stores. A reduction in the number of people undertaking a weekly 'big shop' has resulted in an increase in the development of new local convenience stores within residential areas facilitating more sustainable shopping patterns and supporting social inclusion for those without private transport. The NPPF requires local planning authorities to take account of expanding business sectors in both policy and decision making. The Local Convenience Sector falls into this category.
- 6.6 National Planning Practice Guidance understands that certain main town centre uses have particular market and locational requirements which mean that they are able to be accommodated in specific locations. In this case the store is located on a long standing commercial site in a predominantly residential area where it can serve as a top-up shopping facility for local residents.
- 6.7 UDP Policy S6 and Core Strategy Policy E1 support local needs shops. A sequential test is required for proposals for main town centre uses that are not located in centre.
- 6.8 In national and local retail policy terms the site occupies an edge of centre location. The NPPF guidance defines this as – "a location that is well connected and up to 300m of the primary shopping area....in determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances". In this case, the application site lies approximately 70m from the defined local centre of Smithy Bridge as shown at Figure 7 and within

easy walking distance of the defined shopping area and is opposite Smithy Bridge Library.



Figure 5: Extract of UDP Proposals Map

- 6.9 Smithy Bridge is a tightly defined linear local centre containing a number of residential properties. The local centre currently comprises 24 units of which 16 are in residential use. The remaining 8 units comprise 2no. small convenience stores, 2no. hot food takeaways; photographic studio, hairdressers, pharmacy and a Methodist Church.
- 6.10 The application site extends to 0.15ha and comprises a food store, car park and delivery area. At 0.15ha with accommodation across two floors this is the minimum site area that could accommodate a store of this type.
- 6.11 There is currently a terraced house on the market at 58 Smithy Bridge Road, however, it is too small to accommodate the application proposal. Many of the properties within the centre are of a similar type. Also due to the compact nature of the centre no properties within the defined centre have been identified as being suitable or available to accommodate the development.
- 6.12 On the basis that there are no available or suitable sites within Smithy Bridge local centre the sequential test is passed.
- 6.13 As the gross internal area of the entire building is greater than 500 sq.metres then retail impact also needs to be considered with the application in accordance with Core Strategy Policy E1.
- 6.14 The proposed retail unit consists of 276 sq. metres of net retail floorspace which is the same as the previous application. The gross floorspace is 512smq. The original application had a gross floor area of under 500sqm because the building was single storey. The additional floorspace derives from a need for the building to accommodate a smaller footprint so as to

provide a dedicated service area separate to the customer car park in order to address the concerns of the Inspector. This has created additional back of house floorspace at first floor.

- 6.15 As the net sales area remains the same the proposed convenience store will have no greater impact on the vitality and viability on the nearby local centre than the previous application. The local centre is healthy with no vacancies and contains a good range of services and facilities commensurate to its size and position in the retail hierarchy.
- 6.16 As the application site is well connected to the local centre within easy walking distance and also adjacent to the local library a convenience store in this location would be well placed to support the local centre.
- 6.17 In addition, no issues around the impact of retail development were raised by either the LPA or the Inspector in relation to the previous planning application. There is no reason why the same conclusion cannot be drawn in the determination of this application.

#### **Technical matters**

- 6.18 In considering the suitability of the site for commercial development a number of technical matters have also been considered relating to the following matters:
- Transport and highways
  - Land contamination
  - Sustainable drainage
  - Noise
  - Ecology
- 6.19 Surveys have been commissioned in connection with each of the above matters and a summary of each report is outlined below.

#### **Transport and highways**

- 6.20 The application is accompanied by a Transport Statement prepared by PSA Design (December 2022). The Statement sets out the reasons for refusal of application 17/01512/FUL and the subsequent dismissed appeal APP/P4225/W/18/3217443 and demonstrates how these issues have been resolved in the evolution of this revised submission.
- 6.21 The issues identified by the LPA and Inspector are underlined below together with a design response.
- 6.22 Servicing vehicles crossing the centreline of Smithy Bridge Road in order to enter/leave the site, particularly during morning and evening peak periods

The store will be serviced by a maximum 10.675m length delivery vehicle and this will be secured by condition. The swept path drawings show that the centre line of the highway is not crossed by a 10.675m vehicle when accessing or egressing the site.

6.23 Delivery bay sited across one of the access points

As can be seen from the Proposals Plan (Drawing 2016-333-01 Rev P8), the servicing bay has been relocated to the rear right hand corner of the site to a position well away from the site access and separate from the customer car park.

6.24 Kerb/pavement alignment and tactile paving do not meet adoptable standards - desire lines for the visually impaired should be consistent and logical, enabling the visually impaired to predict and interpret unfamiliar environments. The tactile paving proposed does not adequately follow the alignment of the highway and is likely to cause confusion for the visually impaired.

As illustrated on the Site Plan, the existing kerb line along Smithy Bridge Road will remain unchanged and the pedestrian crossing points (highlighted by Tactile paving) will be in line with the pedestrian desire lines running parallel with these existing kerb lines. Further priority is given to pedestrians through a contrasting surface material across the access.

6.25 Non-standard kerb alignment would result in undue harm to pedestrian safety, placing greater emphasis on access for service vehicles over pedestrians.

The proposed access will be formed using a standard radii layout with tactile paving and would be constructed to an adoptable standard. It is also proposed to add a textured surface across the width of the access to signal to all road users and pedestrians that pedestrians are given priority when crossing the access. Accordingly, the proposed access would not give undue emphasis to service vehicles over pedestrians.

A dedicated and safe pedestrian access is also provided directly to the store entrance separate to the vehicle access/egress.

6.26 The development shown on the site leaves very little space for manoeuvring vehicles, including cars and service vehicles, particularly between the service vehicle movements and the parking area outside the shop.

The manoeuvring area for the servicing vehicle will be separate and located well away from the customer parking areas. Delivery vehicles will have no need to enter the 'customer zone' at the front of the store.

6.27 The information presented above demonstrates that the current proposals have been revised to address all the issues raised by either the Highway Authority (as set out in the Council's Reason for Refusal) or the Planning Inspector within the appeal decision. It is considered that 'safe and suitable access to the site can be achieved for all users' (NPPF para 108 b.); and that there would not be 'an unacceptable impact on highway safety' or 'severe residual cumulative impacts on the road network.' (NPPF para 109). These are the relevant national policy tests with regards to highways.

- 6.28 The revised proposals also comply with the relevant sections of Policies T2 and DM1 of the Rochdale Core Strategy. Accordingly, it has been demonstrated that there are now no highways or transport reasons why the current proposals should not be supported.

#### **Land contamination**

- 6.29 The planning application submission is accompanied by a Phase I/II Environmental Assessment by Geo2 Remediation Report. The purpose of the assessment was to assess the potential for a risk to be posed to the users of the site and sensitive environmental receptors from historical land uses of the site such as historical PFS and former garage.
- 6.30 Historically the site was a petrol filling station and there is an opportunity for the associated underground fuel tanks to be removed as part of this proposal.
- 6.31 No visual or other evidence was identified during the site investigation. It is considered that the risk to future site users is low as all recorded contaminant concentrations in soils are below the Generic Assessment Criteria for human health for commercial end use.
- 6.32 It is considered that the risk to controlled waters is low as no active source was identified during the site investigation and as continuous groundwater was not encountered and due to presence of impermeable clays the risk of an impact migrating is reduced.
- 6.33 It should also be noted that localised contamination may remain in areas that could not be investigated, such as beneath buildings or around historical PFS infrastructure.
- 6.34 Overall, Geo2 considers that the site represents a low risk to human health and environmental receptors.
- 6.35 The report makes the following recommendations:
- Based on the information available, should any development works take place on site, a watching brief should be imposed to ensure that any impacts unidentified in the site investigation can be characterised and treated appropriately. Any unidentified contaminated material should be considered in the event of a redevelopment as costs for offsite disposal of these materials may be significant.
  - Prior to any redevelopment works at the site, a demolition asbestos survey should be undertaken (if it has not been undertaken already) to ensure that subcontractors are aware of the risk and to avoid the deposition of asbestos fibres across the site. Whilst undertaking the redevelopment work, it is recommended that the relevant personal protective equipment (PPE) is deployed to ensure that any risks to site workers are removed. During development sampling of any materials to be reused or disposed of offsite should be undertaken.

- 6.36 Within the officer's report for the refused application, with regards to this matter the officer

concluded that *“Public Protection agree with these recommendations and request that a condition for a watching brief is attached to any approval on the site. This would be a reasonable condition and subject to its inclusion, there are no undue contamination risks associated with developing the site”*. Ground contamination was therefore addressed sufficiently within the application and was not given as a reason for refusal.

- 6.37 The revised Phase I & II assessment provided with this new application demonstrates there is limited change from the previous assessment approved by Public Protection and it is expected that the same conclusion can be reached on this proposal which is in accordance with Core Strategy Policy G9.

### **Sustainable Drainage**

- 6.38 A Drainage Strategy prepared by Pluviam Environmental has been submitted as part of the application.
- 6.39 The National Planning Policy Framework (NPPF) seeks to promote development in areas at low risk of flooding and to reduce the flood risk resulting from development. The site lies within Flood Zone 1. The site area does not exceed 1 hectare and therefore a Flood Risk Assessment is not required.
- 6.40 The application proposes the redevelopment of a brownfield site, the majority of which is currently hard surfaced. The NPPG at Paragraph: 056 Reference ID: 7-056-20220825 indicates that surface water should be discharged according to the following hierarchy of drainage options:
- Into the ground (infiltration)
  - To a surface water body
  - To a surface water sewer, highway drain or another drainage system
  - To a combined sewer.
- 6.41 Infiltration should be the first consideration for drainage outfall. Boreholes on site show clay as the underlying strata to depth. Therefore, it is unlikely that discharge via infiltration is likely to be possible.
- 6.42 There are no watercourses close to the development site to allow connection. The closest watercourse is Rochdale Canal, approximately 400m from the development. In addition, there is no separate surface water sewer close to the development to allow collection of site discharge.
- 6.43 It is therefore assumed that the site will discharge to the combined sewer network unless percolation test prove that infiltration is possible. However, this is unlikely due to the presence of clays on site.
- 6.44 It is proposed that the SuDS design will achieve source control and treatment of the run off

from the proposed new retail store, car park and hardstanding areas and that proposed drainage shall discharge to the combined sewer adjacent to site and running within Smithy Bridge Road.

- 6.45 The surface water from the hardstanding and car parking areas would flow through an oil separator before discharging into an underground geocellular attenuation tank. The water from the building roofs will also discharge into a new piped drainage network which will also flow into the attenuation tank.
- 6.46 The surface water from the hardstanding area shall be collected in Permaseptor petrol interception gullies for treatment at source prior to discharging into the geocellular attenuation tank. The building roofs shall discharge to the southwest of the site and will discharge into a new surface water piped drainage network. The collected discharge flows into the geocellular attenuation tank.
- 6.47 The outfall from the geocellular attenuation tank will discharge via a flow control chamber, incorporating a suitably sized Hydrobrake device. The outfall to the United Utilities combined sewer manhole adjacent to site will be restricted 3 l/s during the 1in100+40% climate change storm event.
- 6.48 The foul water network collects the bin store and the interior pop-up connections with discharge direct to the existing combined sewer manhole adjacent to site. The drainage systems are anticipated to work under gravity principles..
- 6.49 In summary, the site lies within Flood Zone 1 and is overall at a low risk from surface water flooding. An appropriate foul and surface water drainage scheme can be provided. The installation of an effective drainage strategy will mitigate the risk of surface water flooding concerns on the site and its surroundings.
- 6.50 Taking the above into account, the proposed development is in accordance with the NPPF and Policy G8 of the Core Strategy.

### **Noise**

- 6.51 A Noise Impact Assessment carried out by E3P has been submitted as part of the application. The Assessment determines the key noise sources associated with the proposed development and seeks to assess their impact, if any, upon existing and proposed residential receptors and to specify mitigation measures, where they may be required. It is proposed that deliveries will take place between the hours of 0600 and 2200, 7 days a week including Sundays and Bank Holidays.
- 6.52 To inform the assessment, the lowest modal background level, 49 dB LA90,1hr has been used. The highest predicted rating level at existing receptors is up to 49 dB to the north west at the very edges of the gardens, not accounting for fencing or the numerous garages. As such, no adverse impact is predicted. The closest receptors to the south east will experience a rating level of up to 45 dB, 4 dB below the background. This is therefore a positive indication of the

specific sound source having a low impact.

- 6.53 With regards to the night time assessment of plant noise, the assessment assumes worst case night-time periods when plant will be running but deliveries are not likely to take place. The lowest modal measured 15-minute background sound level across all night time periods between 23:00 and 06:00 has been used, specifically 30 dB. This background sound level is considered very low.
- 6.54 The highest predicted rating level at the closest facades of existing receptors is 38 dB. This exceeds the background sound level by up to 8 dB at receptors to the south east. Furthermore, the rating level is predicted to be between 32 and 35 dB at other receptors to the north and west, resulting in an exceedance of between 2 and 5 dB.
- 6.55 However, it is worth noting that the lowest average night-time ambient noise level was 47 dB, which when considering the specific sound level predicted here, 36 dB, this would suggest that proposed activities would not influence the ambient noise level. As such, it is more prudent to consider internal noise level impact within bedrooms considering the main sources of sound here are steady state fixed plant. The calculated specific noise level at the closest south east facades is, at most, 36 dB. When considering a reduction of 13 dB for an open window, this results in an internal noise level of 23 dB, 7 dB below the criterion. As such, no adverse impact is predicted.
- 6.56 In addition, a 'night-time' assessment has been carried out for deliveries and plant between 6am and 7am. As can be seen, the highest predicted rating level at closest facades of existing receptors is 39 dB. This falls below the background sound level by 5 dB at the receptors to the north west. As such, no adverse impact is predicted.
- 6.57 Noise associated with car park usage, for example a car door slamming, is also assessed using modelled data at Table 4.3. It can be seen that the maximum noise levels in this respect do not exceed the WHO guidelines for external noise.
- 6.58 The officer's report for application 17/01512/FUL confirmed previously in relation to noise that *"The officer is satisfied that the report demonstrates that neighbouring residents would not be unduly affected by noise from the development, from either its general use or from the associated plant"*. The above assessment demonstrates that this conclusion can also be drawn in connection with this revised proposal.
- 6.59 Taking the above into account, it is concluded that there should be no adverse impact due to the operations of the proposed development upon existing receptors, day or night. For this reason, the proposed development is in accordance with Policy CS10 of the Core Strategy.

## **Ecology**

- 6.60 An Ecological Survey and Assessment (including a Licensed Bat Survey) was carried out by ERAP Ecology in June 2022.

- 6.61 The results confirm that the proposed development will have no adverse effect on statutory or non-statutory designated sites for nature conservation. The vegetation within the site is of 'site' value only and none of the habitats are of significant interest in terms of their plant species composition nor represent semi-natural habitat. They are typical of the local area and conditions, and no habitats are Priority Habitat.
- 6.62 The building may be suitable for use by nesting birds but otherwise, the presence of protected or notable species is reasonably discounted.
- 6.63 The report recommends the installation of 2no. house sparrow terrace nest boxes at the proposed new building. In addition, it is recommended that the landscape planting within the site is composed from native species and species known to be of value for the attraction of wildlife.
- 6.64 The proposed development will not have an unacceptable impact on ecological interests and local biodiversity and will aim to provide an opportunity to secure ecological enhancement for wildlife associated with suburban areas. Accordingly, the proposal complies with Core Strategy Policy G7 and paragraph 170 of the NPPF 2021.

## 7 Design and Access Statement

7.1 This section of the Planning, Design and Access Statement seeks to establish the design principles for the development which are appropriate for the site and its surroundings taking into account local and national planning policy and guidance.

7.2 This section will:

- identify the key issues, constraints and opportunities offered by the site; and
- provide comprehensive information on the development in terms of use, amount, layout, scale and appearance.

7.3 The following guiding factors determined the design approach;

- safe access and egress arrangements for vehicles and a safe environment for customers.
- building to be domestic in scale / materials to complement the locality.
- minimise any disturbance for existing surrounding residents.

### Use

7.4 The proposal comprises the development of a SPAR convenience store (Use Class E) and the demolition of the existing car sales/garage building.

### Amount

7.5 The site extends to 0.15ha and comprises a convenience store extends to 276 sq. metres net floorspace and 512sq.m gross floorspace.

7.6 The building is part single-storey and part two-storey, with a maximum ridge height of 6.9m at the front of the store, the roof then slopes down to a flat roof at the rear.

7.7 Car parking for the site is provided for 18 cars, including 2 accessible spaces, 2 staff spaces and 1 EV charging point, along with parking for 4 cycles and 1 motorbike. The bin-store is located along the left-hand boundary of the building with the plant store located within the first floor of the building.

### Layout

7.8 This application has progressed significantly since the previous appeal. It comprises a proposal which is achievable, viable, practical, safe for all users and desirable in urban design and highway terms.

7.9 The revised layout has been designed to address the reasons for refusal of the previous application by separating the servicing operation from and customer use of the curtilage. This is achieved by reducing the footprint of the store compared to the original application. The

proposed building is part single-storey and part two-storey which increases the space available for vehicular movement within the site. The dedicated service area ensures that there is no conflict between customer and service vehicles.

- 7.10 Safe pedestrian access is provided through the site from the existing footpath by a designated walkway and a pedestrian crossing across the car park. This ensures that pedestrians will be able to walk through the site safely and without conflict with vehicles.

### **Scale**

- 7.11 The proposed store has a maximum ridge height of 6.9m and consists of 276 sq. metres net floorspace and 512 sq. metres gross area. The overall scale of the building is significantly reduced compared to the existing building on site (refer to Elevations and Sections Exg Overlay dwg ref. 2016-333-27-P6).
- 7.12 The topography of the site is such that the store will occupy a much lower position than the residential properties to the rear. The proposed cross sections show that the building's 2 storey element is c. 15m from the rear elevation of the houses to the rear and no windows will overlook these properties.
- 7.13 The scale of the development is therefore considered to be in keeping with the scale of development in the locality and would not result in an adverse impact on neighbouring residential amenity.

### **Appearance**

- 7.14 The store adopts a contemporary appearance with a feature 2 storey element, flat sloping roof detail and contrasting materials in the form of brick and timber cladding. The store frontage is predominantly glazed with doors and window frames finished in dark grey powder coated aluminium (RAL 7037).
- 7.15 Care has been taken to create a high-quality development through the use of high-quality durable materials.

### **Access**

- 7.16 The revised scheme proposes a single access point to the site from Smithy Bridge Road which is suitable to accommodate delivery vehicles as well as customer vehicle movements. The access has been designed to be two-way and ensures that both customer and servicing vehicles can pass each other safely when entering and exiting the site.
- 7.17 Car parking is provided for 18 vehicles including two accessible spaces and provision is made at the front of the site for 2 cycle stands and 1 no. motorbike. The proposed highway and access arrangements are described more fully above and in the Transport Statement.

## **Summary**

- 7.18 It has been shown that care has been taken at the design stage to create a building which respects the scale and appearance of its surroundings. Consideration has been given to the safe movement of vehicles onto and off the site.
- 7.19 The swept path on the proposed site plan shows that service vehicles can be accommodated safely and that the development's parking requirements can be met on site without the need for on street parking.
- 7.20 In addition, the design and appearance of the site within the previous refused application and dismissed appeal was accepted as appropriate development within the area and this revised scheme has been designed with those comments in mind. It is therefore considered that the proposed development is acceptable in terms of design and access.

## 8 Summary and conclusion

- 8.1 This Planning, Design and Access Statement has been prepared to accompany an application for full planning permission for the demolition of the existing building and erection of a convenience store (276 sqm net floorspace and 512sqm gross ) including ATM machine, car parking and associated access at the former Lake Garage Smithy Bridge Road Littleborough.
- 8.2 The proposed convenience store will meet the day-to-day convenience shopping needs of local residents without the need to travel further afield.
- 8.3 This application follows a dismissed appeal on highway safety grounds. The concerns of the Inspector and LPA have been thoroughly addressed through the provision of a revised store design and site layout. The current proposal is significantly different to the original proposal in that it prioritises pedestrian movement both within and adjacent to the site along Smithy Bridge Road. Small HGVs will service the site and it is demonstrated that a maximum 10.675m length delivery vehicle can service the site with no highway safety concerns arising. This size delivery vehicle can be expressly stated within a condition as the maximum length vehicle that could service the store.
- 8.4 Particular care has been taken to position the store on the site and redesign the servicing so as to provide adequate space for operational purposes and to maintain the residential amenity of neighbouring residents. To achieve this the car park and delivery area has been separated out and a part two-storey building is proposed.
- 8.5 The site's redevelopment will enhance its appearance and the street scene in this location through the provision of a contemporary building of an appropriate scale. There are no suitable sequentially preferable sites and the proposal will not result in an adverse impact on the vitality and viability of any defined centres, largely due to its scale and purpose, predominantly meeting the day to day needs of local residents.
- 8.6 Highways issues were the only reason for refusal of the previous planning application and the subsequent dismissal of the planning appeal. These highways issues have been addressed in the revised proposal and fully explained in the submitted Transport Statement. There are no highway safety concerns and the residual cumulative impacts on the road network would not be severe in accordance with para. 111 of the NPPF.
- 8.7 The redevelopment of the site will generate jobs in construction in the short term and 30no. permanent jobs in the store. The site will be visually enhanced and greater consumer choice will also be of benefit to local residents within walking distance of a residential catchment area, reducing the need to travel by car. These economic, social and environmental benefits weigh in favour of the proposal.
- 8.8 It has been demonstrated that the proposal fully complies with national and local planning policies, particularly those relating to retail, design, highway safety, and amenity. A presumption in favour of development can therefore be applied in accordance with the Rochdale UDP, Core Strategy and NPPF.and on this basis the proposal should be supported.

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