



# Planning Statement

Construction of a Use Class E Drive Through Café alongside associated modifications to the vehicular access from Duke Street and Whitworth Road, internal vehicular access roads, car parking layout, hard and soft landscaping, and other site works.

Land at Whitworth Road (Dunelm and Carpetright) Car Park, Whitworth Road, Rochdale, OL12 0TY

April 2024

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**Report title:** Planning Statement

**Prepared by:** HM

**Status:** Final

**Date:** 25 April 2024

**For and on behalf of Avison Young (UK) Limited**

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# 1. Introduction

## Scope and Purpose

- 1.1 This Planning Statement has been prepared by Avison Young (UK) Ltd ('AY') on behalf of ERP (Accrington) Ltd c/o Glenbrook Investments Ltd (hereafter referred to as 'the applicant'). It forms part of a suite of documents in support of an application which seeks full planning permission for the construction of a drive-through cafe unit and associated site works. The scheme is proposed on part of Whitworth Road (Dunelm and Carpetright) Car Park on Whitworth Road, Rochdale, OL12 0TY (hereafter referred to as 'the application site'). The easting and northing coordinates for the site are as follows, Easting: 389794, Northing: 413888.
- 1.2 The application site extends to approximately 0.34 ha and is broadly rectangular in shape. It comprises underutilised car parking spaces at the northern end of Whitworth Road Car Park in Rochdale. Whitworth Road Car Park comprises the customer car park for Dunelm and Carpetright but is open for public use as a pay and display car park. Vehicular access to the car park is currently taken from Duke Street to the north east and Whitehall Street to the south west.
- 1.3 The proposed development will provide a modern drive through café facility for the residents of and visitors to Rochdale. Redevelopment of this previously developed and underutilised area of car parking represents the sustainable use of land. The significant investment proposed by the applicant provides the opportunity for this underused car parking to be repurposed and its economic use and contribution to the local economy substantially increased. The scheme will give rise to various economic benefits, including the creation of 24 full and part-time local jobs on the site and other indirect jobs in construction, supply chain, support, etc. as well as providing customers with increased choice and competition.
- 1.4 Further, the scheme will offer the opportunity to improve the visual appearance of the site through the provision of an appropriately designed and modern drive through café unit that respects its local context, which includes Duke Street Mill to the north and residential uses to the west. The proposed building is of small scale and low profile, and features a high-quality design with an attractive mix of timber cladding and rendering that contributes to local character and respects its setting. The site layout has been carefully designed to preserve the existing trees and landscaping around the site perimeter, as well as substantially increase the landscaping provision with new planting that will further enhance the green contribution of the site to local attractiveness.
- 1.5 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this Planning Statement assesses the development proposals against relevant policies contained within the adopted development plan, key national planning policies and all other relevant material considerations. The statement also seeks to demonstrate the wider social, environmental and economic benefits of the scheme.
- 1.6 Proposals for the development of the site have been subject to pre-application discussions with Rochdale Metropolitan Borough Council officers, details of which are summarised in this statement.

## Application Documents

- 1.7 The application is accompanied by detailed layout, floorplans and elevational drawings prepared by The Ratcliffe Groves Partnership. This Planning Statement should be read in conjunction with the following other documents submitted with the application:

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- Air Quality Assessment Screening Report prepared by BWB Consulting Limited;
  - Design and Access Statement prepared by The Ratcliffe Groves Partnership;
  - Geo-Environmental Phase 1 Site Investigation Report prepared by Integra Consulting (Engineers) Ltd;
  - Heritage Impact Assessment prepared by Adapt Heritage Ltd;
  - Noise Impact Assessment prepared by Noise Solutions Ltd;
  - Outline Drainage Strategy prepared by Integra Consulting (Engineers) Ltd; and
  - Transport Assessment and Framework Travel Plan prepared by Arcadis (UK) Ltd.

## Statement Structure

1.8 This Statement is structured as follows:

- **Section 2** – Provides a description of the application site and its surroundings;
- **Section 3** – Sets out the details of the application proposals;
- **Section 4** – Contains an overview of relevant local and national planning policies;
- **Section 5** – Tests the application proposals against the sequential approach to site selection as defined under Paragraph 87 of the National Planning Policy Framework ('NPPF');
- **Section 6** – Provides evidence of the proposal's compliance with other relevant planning policies contained within the development plan and national planning policy (other than those relating to the sequential test); and
- **Section 7** – Evaluates the development proposals against the policy balance set out under Paragraph 11 of the National Planning Policy Framework and provides our overall conclusions.

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## 2. Site Description

- 2.1 This section describes the site's location, its surroundings and the specific characteristics of the site itself.

### Site Location

- 2.2 The application site is located in Rochdale to the east of the A671 Whitworth Road and around 120m north of the A58 St Mary's Gate. The site is around 150 m north of Rochdale town centre, which lies to the south on the opposite side of the A58 St Mary's Gate. The A58 St Mary's Gate comprises a strategic highway route that runs to the west and north of Rochdale town centre, connecting the south west and north west of the town. Ultimately, the A58 connects Rochdale with Littleborough and Halifax to the north east and Bury to the west, and forms part of the strategic highway link to the A627(M) and M62 to the south.

### Site Description and Features

- 2.3 The application site is broadly rectangular in shape and extends to approximately 0.34 ha. It comprises the northern end of Whitworth Road Car Park and encompasses 128 car parking spaces, including 8 equipped with electric vehicle charging points (EVCPs). The car parking spaces within this northern end of Whitworth Road Car Park are underutilised and surplus to existing demand. There is significant landscaping around the perimeter of the site along the north, east and western boundaries to Queen Street, Duke Street and Whitehall Street comprising lines of trees with low-level shrubs and hedge planting below.
- 2.4 Whitworth Road Car Park is attached to and forms part of the curtilage of two retail warehouse units located to the south of the application site, which are occupied by Dunelm and Carpetright. The car park stretches from Queen Street to the north to St Mary's Gate to the south between Whitworth Road/Duke Street to the east and Whitehall Street/the Dunelm and Carpetright units to the west. Whitworth Road Car Park as a whole provides a total of 244 car parking spaces, including the 8 EVCPs and 6 accessible spaces. Motorcycles are permitted to park within the car parking spaces in the car park.
- 2.5 The Dunelm and Carpetright units and associated Whitworth Road Car Park are owned by the applicant. Dunelm and Carpetright front onto and are served by the car park, but under agreement between the applicant and Rochdale Metropolitan Borough Council ('the Council'), the car park is managed by the Council as a pay and display car park. The management of the car park by the Council reflects its dual role of serving customers of Dunelm and Carpetright along with visitors to the town centre.
- 2.6 Charges for the Whitworth Road Car Park are the same as all town centre car parks operated by the Council in Rochdale town centre as follows:

*Monday to Saturday 8am to 6pm*

- Up to 3 hours: Free
- Up to 4 hours: £1
- Up to 5 hours: £1.30
- Up to 6 hours: £1.60

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- Over 6 hours: £5

*Sundays, bank holidays and evenings between 6pm and 8am*

- Free

- 2.7 The charging schedule provides 3 hours free parking sufficient to cover customer visits to the Dunelm and Carpetright and/or short visits to the town centre, with tariffs for longer stays aligned with the Council's other town centre car parks providing effective management of the car park as part of the town centre parking provision and preventing long term abuse.
- 2.8 Vehicular access to the application site along with Whitworth Street Car Park as a whole is provided via two access points, one an ingress only access from Duke Street/Whitworth Road (via Duke Street) at the north eastern corner of the car park and one a two-way access to Whitehall Street along the western boundary to the south of the application site. Access to the car park entrance from Duke Street from the A58 St Mary's Gate to the south of the car park is via Whitworth Road and Duke Street. The car park access to Whitehall Street links back to the A58 St Mary's Gate via Howard Street and Whitworth Road. An additional pedestrian access from the junction of St Mary's Gate and Whitworth Road is located at the south eastern corner of the car park.
- 2.9 Further landscaping comprising perimeter trees and low-level shrubs is located along the southern boundary of the car park to the A58 St Mary's Gate.

## **Site Surroundings**

- 2.10 Immediately south are two existing large format retail units accommodating Dunelm and Carpetright stores along with the remainder of the associated car parking comprising Whitworth Road Car Park. To the east is a tool hire shop and a large B&M Homestore retail unit. To the immediate north of the site is Duke Street Mill, a four-storey mill building and non-designated heritage asset which accommodates various commercial uses. To the west of the site are two-storey residential properties and a children's day-care nursery.
- 2.11 Rochdale town centre is located immediately south of Whitworth Road Car Park on the opposite side of the A58 St Mary's Gate. As such, the site is in proximity to the range of retail and leisure facilities as well as associated town centre services that comprise Rochdale town centre.
- 2.12 The surrounding area beyond the immediate vicinity of the site encompasses predominantly commercial uses to the north and east, reflecting the proximity of the site and surrounding area to Rochdale town centre. The mix of commercial uses includes many retail operators, predominantly offering bulky goods such as furniture, DIY, car and construction products. The area to the west of the site is predominantly residential and characterised by two-storey terraced properties and small blocks of low-rise flats.
- 2.13 In summary, the site is in close proximity to a range of uses. It is located within a predominantly commercial area located immediately north of Rochdale town centre and adjacent to a residential area that lies to the west. Its 'edge of centre' location dictates that it is close to a wide range of town centre services and facilities. Accordingly, the principle of the redevelopment of the site for a drive through café is in keeping with the mixed-use surroundings.

## **Planning History**

- 2.14 Previous planning permissions on site available on Rochdale Council's website are listed below:

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- 00/D37893 – Removal of condition attached to permission D22473 restricting retail use to DIY goods only to allow non-food retail use – Homebase and Carpetright, St Mary's Gate – Approved Aug 2000
  - 93/D29657 – Amendment to Condition 2 attached to permission D22473 to permit the sale of DIY and electrical goods from retail unit – Junction of St Mary's Gate / Whitworth Road – Approved Aug 1993
  - 88/D22473 – Retail development (A1 non-food) incorporating garden centre and car parking - Junction of St Mary's Gate / Whitworth Road – Approved
  - 89/D23785 – Erection of lighting columns to access road, car park and garden centre – Texas DIY Store, Whitworth Road
  - 79/D09757 – Fencing and use for vehicle and caravan sales – Land at junction of Duke Street and Princes Street, Rochdale
  - 79/D09756 – Car parking and boundary fence – Land at junction of Duke Street and Princes Street, Rochdale

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### 3. The Proposed Development

- 3.1 The proposed development is for the construction of a Use Class E(a)/E(b) drive through café, which will be occupied by Starbucks, along with associated modifications to the vehicular and pedestrian site access, car parking layout, hard and soft landscaping, and other site works.
- 3.2 The proposed scheme comprises a purpose-built single storey unit with a gross internal floorspace of 171 sq.m. The proposed unit will be used to provide a customer queuing, ordering and dining area, customer toilets, a kitchen store and staff facilities. A further approximately 23 sq.m uncovered external yard is proposed adjoining the unit to the west of the building, which will be used as a delivery and refuse area. A small outdoor seating area will be provided to the south and east of the building adjacent to the entrance. The drive through facility will wrap clockwise around the rear of the unit, with ordering facilities located to the west of the unit, payment and collection located to the north, and a waiting bay located to the east of the building. The waiting bay will allow for a customer to pull forward out of the drive through lane if there is a small delay in the order. This allows the traffic flow to be retained through the drive through lane.
- 3.3 The application also proposes external works to modify the existing vehicular access from Duke Street and Whitworth Road along with modifications to the internal car parking layout and circulation to provide access, servicing and car parking facilities to support the proposed development.
- 3.4 The existing vehicular access point to Whitworth Street Car Park from Duke Street will be retained, but the access will be widened to improve visibility and provide wider footpaths to Duke Street. The existing layout of the car park will be modified to provide a one-way circulation clockwise around the proposed drive through. Two new pedestrian access points and footpaths to the proposed development will be created, one to Duke Street to the east and one to Whitehall Street to the west. Zebra crossing facilities will be provided across the car park between the new pedestrian access points to the café entrance to provide pedestrians with direct and safe access to the café unit.
- 3.5 The application site currently accommodates a total of 128 car parking spaces including 8 EVCPs. A total of 66 existing spaces at the northern end of the application site will be lost to accommodate the development of the drive through café unit. At the front of the proposed unit, seven new customer car parking spaces including three disabled parking spaces will be re-provided within the existing car parking area, along with dedicated parking for two motorcycles. The proposed development will therefore provide a total of 69 car parking spaces including 8 EVCPs and 3 disabled spaces. The net loss of car parking spaces required to accommodate the proposed development amounts to 59 spaces.
- 3.6 Car parking provision for the proposed drive through café will be shared with the two existing retail units associated with the car park (Dunelm and Carpetright) and will also remain open to the general public. Car parking provision within Whitworth Street Car Park as a whole will reduce from a total of 244 spaces including 8 EVCPs and 6 disabled bays to 185 car parking spaces including 8 EVCPs and 9 disabled spaces.
- 3.7 The proposed development includes 6 new short stay cycle spaces (3 Sheffield cycle hoops) located to the front (south) of the café unit. This location is in proximity to the café entrance and therefore highly visible to those entering and exiting the café as well as to vehicles entering the car park from Duke Street.
- 3.8 The existing perimeter landscaping along the western site boundary will be extended and enhanced to provide a substantial landscaping buffer between the proposed development and the residential

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properties to the east. The perimeter landscaping at the north western corner of the site will also be substantially extended and enhanced.

#### *Hours of Operation*

- 3.9 Starbucks coffee shops are open seven days per week (including the majority of Bank Holidays). The opening hours are not yet confirmed. However, the applicant is seeking to negotiate unrestricted hours of operation.

#### *Servicing and Deliveries*

- 3.10 Deliveries will take place within the car park to the front (south) of the unit. The unit will be serviced by vehicles up to 26 tonnes in size. Delivery and servicing vehicles will arrive via the Duke Street access, park in the car park to the south east of the proposed café unit and exit the car park via the Whitehall Street access.
- 3.11 Starbucks servicing and deliveries take place outside of their opening hours. The applicant is therefore seeking unrestricted delivery hours. The accompanying Noise Impact Assessment demonstrates that noise from delivery activity would be of low impact at all times.

#### *Waste and Recycling*

- 3.12 Waste and recycling storage will be located in the external yard.

### **Pre-Application**

- 3.13 Prior to submitting the planning application, the applicant undertook pre-application consultation with the Local Planning Authority. This comprised a formal pre-application meeting between the applicant and Rochdale Metropolitan Borough Council on 23 June 2022. Following initial highways comments from the Council in relation to the proposed access, the applicant's transport consultant Arcadis engaged with the local highway authority on behalf of the applicant to provide a revised access. In response to comments at the pre-application meeting, a revised proposed site plan was provided to the Council on 2 December 2022.
- 3.14 A subsequent written response was received from the Council on 14 April 2023 (letter dated 08 February 2023). The response covered advice on the scope and scale of the sequential site assessment, heritage, highways, noise, drainage, and trees and ecology matters, and the required supporting documentation. Feedback was also provided in respect of the scheme design, which has assisted the applicant in compiling the final scheme design submitted through this planning application.

### **Summary**

- 3.15 In summary, the proposed Starbucks drive through café will represent a high-quality development and will promote an attractive and contemporary design that respects the site's local context, to the benefit of the local and wider environment. Full details regarding the design of the building and proposed materials are contained in the plans and elevations submitted with this application as detailed in the accompanying Design and Access Statement, which should be referred to for further design related information.

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## 4. Planning Policy Context

- 4.1 This section provides a review of relevant planning policy and guidance at the national and local level in so far as it is material in assessing the merits of the proposed development.

### Introduction

- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions should be made in accordance with the **development plan** unless material considerations indicate otherwise. The development plan for the purpose of this planning application comprises the **Places for Everyone Joint Development Plan Document** ('PfE') (adopted March 2024), the **Rochdale Adopted Core Strategy Development Plan Document** (hereafter referred to as the 'Core Strategy') (adopted October 2016) and the saved policies of the **Rochdale Borough Unitary Development Plan** (UDP) (adopted June 2006).
- 4.3 Accordingly, the 'starting point' in the determination of planning applications within Rochdale Borough are the policies contained within PfE, the Core Strategy and the saved policies of the UDP. However, Annex 1 of the National Planning Policy Framework (July 2021) is clear that the weight to be afforded to policies within plans the age of the UDP should be proportionate to their degree of consistency with the policies contained within the NPPF. In short, where entire policies or key components of them are out-of-date, equivalent guidance contained within the NPPF represents a very significant material consideration.
- 4.4 Alongside PfE, the Core Strategy and UDP (the development plan), there are other national planning policy and guidance documents that represent **material considerations** in the determination of this planning application and these are also summarised (where relevant) in this section of our Planning Statement. The **National Planning Policy Framework** (July 2021) (NPPF) is of greatest significance in this regard as this sets out the Government's planning policies for England and how these should be applied. The policies contained within the NPPF are important material considerations which should be taken into account when dealing with individual planning applications.

### The Development Plan

- 4.5 The relevant policies of PfE, the Core Strategy and the UDP are summarised below.

#### Places for Everyone Joint Development Plan Document

- 4.6 The Places for Everyone Joint Development Plan (PfE) was adopted by Rochdale Council in March 2024. PfE was prepared jointly by nine of the Greater Manchester local authorities (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan) and forms part of the statutory development plan for each of these nine Greater Manchester authorities. It provides a joint overarching plan for jobs, new homes and sustainable growth across these nine Greater Manchester local authorities, as well as strategic development management policies until 2039.
- 4.7 PfE replaces the following policies of the Rochdale Core Strategy of relevance to the proposed development:
- **Policy E2 (Increasing jobs and prosperity)** – 'up to 210 ha' in first bullet point of policy to be replaced by PfE Policies JP-J3 and JP-J4
  - **Policy G1 (Tackling and adapting to climate change)** – to be replaced by PfE Policies JP-S1, JP-S2 and JP-S3

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- **Policy G2 (Energy and new development)** – to be replaced by PfE Policies JP-S1, JP-S2 and JP-S3

- 4.8 **Policy JP-S 1 (Sustainable Development)** states that, to help tackle climate change, development should aim to maximise its economic, social and environmental benefits simultaneously, minimise its adverse impacts, utilise sustainable construction techniques and actively seek opportunities to secure net gains across each of the different objectives.
- 4.9 Preference will be given to using previously-developed (brownfield) land and vacant buildings to meet development needs.
- 4.10 In bringing forward previously developed sites for development, particular attention will be paid to tackling land contamination and stability issues, ensuring that appropriate mitigation and remediation is implemented to enable sites to be brought back into use effectively.
- 4.11 **Policy JP-S 2 (Carbon and Energy)** aims to delivering a carbon neutral Greater Manchester no later than 2038, with a dramatic reduction in greenhouse gas emissions, will be supported through a range of measures including promoting the use of life cycle cost and carbon assessment tools to ensure the long term impacts from development can be captured. There is an expectation that new development will:
- Be net zero carbon from 2028 by following the energy hierarchy (with any residual carbon emissions offset), which in order of importance seeks to: minimise energy demand; maximise energy efficiency; utilise renewable energy; utilise low carbon energy; and utilise other energy sources.
  - Incorporate adequate electric vehicle charging points to future proof for the likely long-term demand, taking account of the potential maximum energy demand for the site;
  - Where practicable, prioritise connection to a renewable energy/heating/cooling network in the first instance or a low carbon energy/heating/cooling network that is adaptable to non-fossil fuels at a later date;
  - For non-residential developments, achieve at least BREEAM excellent standard (or equivalent) for the 'Ene 01 – reduction of energy use and carbon emissions' category rising to 'BREEAM outstanding' equivalent for ENE 01 from 2028.
  - Include a detailed energy statement to demonstrate via site relevant evidence how the development has sought to maximize reductions in carbon emissions in line with relevant policy targets, including the minimisation of overheating risks and appropriate measures for post occupancy evaluation. Whole life cycle emissions should be considered where possible.
- 4.12 For renewable energy generation priority should be given to PV installation where technically feasible, alternative technologies will be appropriate where the equivalent generation is evidenced.

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

- 4.13 **Policy E1 (Establishing thriving town, district and local centres)** confirms that in order to promote the viability and vitality of the defined town centres and their role as preferred shopping destinations, the Council will focus retail and leisure development within the defined centres. The policy includes that the Council will maintain and promote the following hierarchy of retail centres in the borough:
1. Rochdale Town Centre – which is the borough's principal town centre and a centre of sub regional significance;

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2. Middleton Town Centre;
  3. Heywood Town Centre;
  4. Littleborough Town Centre;
  5. Milnrow District Centre; and
  6. Castleton Local Centre.
- 4.14 For main town centre uses, the Council will only consider out of centre development where there are no suitable sites in, on the edge of or well connected to the town centre, district centres or local centres and the proposal would not cause significant overall impact on the vitality and viability of existing centres. Application of the sequential approach is required for proposals for main town centre uses that are not in an existing centre and not in accordance with an up-to-date development plan.
- 4.15 An impact assessment for retail, leisure or office development outside of town centres is required when the proposed development exceeds the local floorspace threshold, which paragraph 7.15 of the Core Strategy confirms is 2,000 sq.m gross for Rochdale town centre, 1,000 sq.m for Middleton and 500 sq.m for Heywood, Littleborough and district/local centres. An impact assessment is not therefore required as the proposed development for 171 sq.m gross leisure floorspace is below the local floorspace threshold for Rochdale town centre, and all other centres.
- 4.16 **Policy E2 (Increasing jobs and prosperity)** confirms that the Council will work to support the creation and retention of successful businesses and increase the number and quality of jobs to create a more prosperous lower carbon economy. The identified actions to achieve this include that the Council will support employment generating uses such as retail and leisure where they comply with the plan policies.
- 4.17 **Policy P1 (Improving Image)** requires high quality design in all new developments, which will be particularly important in specific locations in the borough, including stretches of main transport corridors that are currently characterless or unattractive, town centres and prominent sites. The policy seeks to ensure that new development will improve the image of the borough by, inter alia:
- Requiring design which is of a high standard, demonstrating innovation and originality;
  - Helping to 'green' the urban environment, for example by securing tree planting on sites and along streets and roads;
  - Promoting the development and re-use of under-used land and buildings; and
  - Creating people-friendly, safe, vibrant, uncluttered public areas.
- 4.18 **Policy P2 (Protecting and enhancing character, landscape and heritage)** seeks to protect and enhance the borough's character, the distinctiveness of its town centres, housing areas and countryside, and the quality of its landscapes, utilising the considerable potential of these assets in development and regeneration schemes. The Council will do this by, inter alia:
- Protecting and enhancing townscape character; and
  - Conserving, enhancing and promoting key heritage assets, both statutory and non-statutory, including consideration of their wider setting.

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- 4.19 **Policy P3 (Improving design of new development)** requires all new development including associated landscaping to adhere to high standards of design. The following design principles should be adhered to wherever relevant:
- Enhance the borough's identity and sense of place, by respecting context where it is positive and having regard to the scale, density, massing, height, layout, landscape, materials and access of surrounding buildings and areas in general;
  - Ensure that buildings contribute positively to the townscape, and are well proportioned;
  - Incorporating design measures that design out crime and ensure developments and spaces are safe to use and access (including lighting as appropriate);
  - Provide an appropriate mix of uses and consider the needs of all sections of society;
  - Ensure a development is easy to move through and get around, especially for pedestrians, cyclists, public transport, disabled people and emergency service vehicles;
  - Provide a hierarchy of routes, streets and spaces, relating positively to visual connections between the development and its surroundings;
  - Ensure that the intended functions of buildings and spaces are easily understood, and their entrances appropriately located and visible;
  - Ensure buildings can be easily adapted to meet future/alternative needs of occupants;
  - Minimise impact upon the environment, and help adapt to the impacts of climate change, including by re-using existing buildings and materials (maximising the benefits of existing embodied energy) and utilising sustainable drainage;
  - Design buildings and spaces so that quality and appearance can be maintained over time; and
  - Reduce the monotony and visual impact of car parking areas by using substantial and well-integrated landscaping.
- 4.20 The policy further states that developments should have regard to the principles outlined in the Council's Supplementary Planning Documents on design, which include the Urban Design Guide SPD (September 2007) and the Shop Fronts and Security Shutters SPD (February 2017).
- 4.21 **Policy G6 (Enhancing Green Infrastructure)** seeks to sustain and enhance a green network to support growth and regeneration in the borough and provide a high quality environment. The policy includes provisions to protect, improve and create green infrastructure to help deliver strategic sustainable development priorities and meet local needs. In urban areas and for new developments, the focus will be on incorporating green infrastructure into new development, sustainable urban drainage, increasing the number of street trees, greening main roads, developing new green spaces, and incorporating green roofs and walls.
- 4.22 **Policy G7 (increasing the value of biodiversity and geodiversity)** supports opportunities to enhance biodiversity and geodiversity. No development should result in a net loss in biodiversity. In urban areas, the Council's priority is to protect and enhance existing biodiversity and to support opportunities for new biodiversity including sustainable urban drainage schemes, new public realm provision and street trees. Development proposals are expected to, inter alia, protect and include existing biodiversity and meet the requirements of the Biodiversity and Development SPD, and the Greater Manchester and Local Biodiversity Action Plans. In addition, proposals should protect and enhance existing features,

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take opportunities to promote biodiversity using landscaping and building and construction features where possible.

- 4.23 **Policy G8 (Managing water resources and flood risk)** seeks to ensure that new development does not lead to any form of increased flooding locally or further downstream. The policy requires that, inter alia, new development demonstrate compliance with a sequential approach to flood risk, incorporate measures for the management of surface and flood water, the conservation of water to minimise potable water consumption including rainwater collection measures, which should be integral to the design of buildings and spaces.
- 4.24 **Policy G9 (Reducing the impact of pollution, contamination and land instability)** sets out how the Council will seek to reduce all forms of pollution, contamination and land instability in the borough. Measures include a requirement that development will not lead to an unacceptable increases in air, water, noise, light or other pollution; requiring a Low Emissions Strategy where development requires a Transport Assessment; and using planning conditions or obligations to control pollution from new development.
- 4.25 **Policy T2 (Improving accessibility)** seeks to ensure new development is easily accessible by walking, cycling and public transport. Development will be appropriately located to minimise the need to travel by car and the number and length of car trips made to access local amenities. The Council will require development proposals to satisfy the accessibility hierarchy, with transport user needs to be considered and addressed in the following priority order: people with impaired mobility and pedestrians; cyclists; public transport and 'clean fuelled' vehicles; taxi, private hire vehicles; commercial traffic for local access; shopping, visitors/tourist and off-peak traffic; and long stay and peak time commuter traffic.
- 4.26 Development proposals will need to be supported by a Transport Assessment and Travel Plan if forecast trips exceed the indicative thresholds set out in DfT Guidance, including developments where there will be 100 or more vehicle movements per day or 50 or more car parking spaces are proposed.
- 4.27 Rochdale's Parking Standards are set out in Appendix 5 of the adopted Core Strategy. Café developments are required to provide a maximum of 1 car parking space per 6 sq.m of Public Floor Area (PFA). Minimum cycle standards apply of 1 space per 140 sq.m PFA with a minimum of two spaces. For powered two wheelers, one space should be provided per 280 sq.m PFA with a minimum of two spaces. With regards to disabled car parking provision, for developments providing less than 12 general car parking spaces, the minimum standard for disabled car parking provision is an additional 10% of total capacity. For developments providing a total of between 12 and 200 general car parking spaces, the Council requires three disabled car parking bays or 6% of the total capacity, whichever is greater.
- 4.28 **Policy DM1 (General development requirements)** states that all development including changes of use of land and buildings, extensions and alterations, will be expected to demonstrate that they, of most relevance to the application proposal:
- Are of high quality design and take the opportunity to enhance the quality of the area;
  - Are compatible with surrounding land uses, both in terms of its impact upon those uses and the impact of the surrounding land uses upon the amenities of future residents / users;
  - Do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy;

- Mitigate against any impacts due to noise, air, dust, light and odour pollution, traffic generation or inadequate access, where such mitigation is identified as being necessary;
- Provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location;
- Do not have an adverse impact on health, through its impact or the effect of existing problems e.g. land contamination, or poor air quality;
- Minimise opportunities for crime against people or property;
- Take account of ground conditions including unstable or contaminated land – where a potential risk exists, a survey should be carried out and any necessary remedial measures identified and carried out;
- Incorporate, where appropriate, high quality landscape schemes;
- Have assessed whether the development may be affected by ground instability;
- Have considered the availability of water and wastewater infrastructure, and any need for additional capacity; and
- Do not lead to impacts detrimental to the conservation interests of European Protected Sites (Rochdale Canal).

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

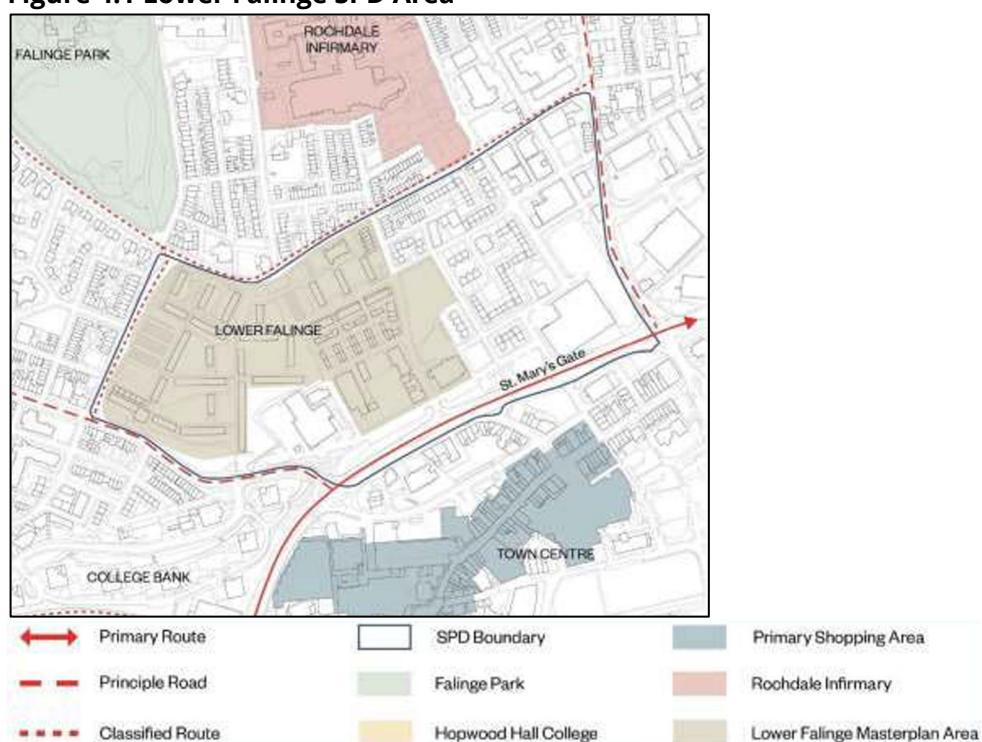
- 4.29 The Rochdale Borough UDP was adopted in June 2006. Whilst many of the UDP policies were superseded by the Core Strategy, numerous UDP policies remain saved as part of the development plan for the borough until they are replaced by the Council's emerging Allocations DPD.
- 4.30 **Policy G/S/1 (Hierarchy and role of centres)** confirms that in order to protect the vitality and viability of defined centres, new retail and leisure development proposed outside the boundaries of the defined centres (as shown on the adopted Proposals Map) should be sited in accordance with the principles of the sequential approach. The sequence for considering sites is: town centres; edge of town centres; district centres; local centres; and elsewhere.
- 4.31 **Saved Policy EM/7 (Development and Flood Risk)** includes that development will not be permitted in areas where development could contribute to increased flood risk, unless an appropriate flood risk assessment has been carried out and a range of criteria are met, including the following of relevance to this planning application:
- The development will not itself be at risk from flooding;
  - The development will not increase the risk of flooding by reducing flood storage capacity or increasing flows through the additional discharge of surface water; and
  - Appropriate sustainable drainage systems are used.

## Supplementary Planning Documents

### Lower Falinge SPD (September 2021)

- 4.32 The Lower Falinge SPD provides a framework for the delivery of development and investment across Lower Falinge over a 10 to 15 period. The area covered by the SPD is shown in Figure 4.1 below and lies to the north of Rochdale town centre. It is broadly contained between Whitworth Road to the east, St. Mary's Gate to the south, Spotland Road and Sheriff Street to the west and Falinge Road and Howard Street to the north. The application site is located towards the eastern edge of the SPD area with the wider Whitworth Road Car Park, and Dunelm and Carpetright units forming the south eastern corner of the SPD area.
- 4.33 The need for investment in Lower Falinge was identified in partnership with Rochdale Boroughwide Housing (RBH) who prepared a masterplan for the eastern half of the SPD area where RBH are a major landowner. However, as shown in Figure 4.1 the SPD boundary extends beyond the RBH masterplan boundary to reflect potential future areas of change outside of RBH control.
- 4.34 Through the RBH masterplan development, Lower Falinge was recognised as needing significant investment in order to provide existing and future residents with a better-quality homes, more housing choice and a better quality of life and wellbeing. In addition, Lower Falinge is identified to be physically disconnected from the town centre and surrounding areas.
- 4.35 A key aim of the SPD is to address the issues faced within Lower Falinge. To achieve this, the SPD establishes a range of development and design principles to guide future development.

**Figure 4.1 Lower Falinge SPD Area**



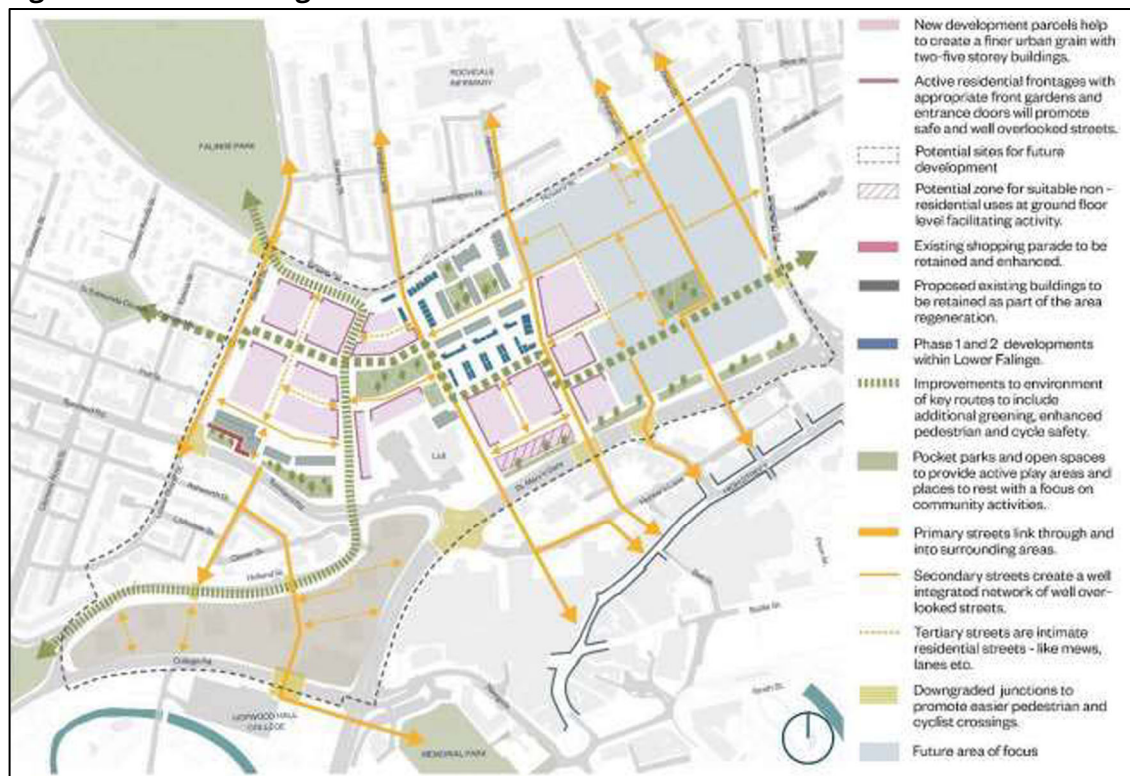
- 4.36 The development and design principles of most relevance to this application relate to measures to improve the integration of Lower Falinge with surrounding areas. Specifically, the SPD:
- Seeks to arrange and align a legible network of streets and public spaces for walking and cycling and create strong connections with surrounding areas. This includes routes to the town centre as well as the creation of legible east to west routes.

- Seeks to improve footpaths and cycle provision to facilitate the ease and safety of pedestrian and cyclist movement.
- Identifies scope to incorporate a variety of non-residential facilities such as small scale convenience retail units and other services which complement the existing offer in the town centre.

4.37 Figure 4.2 below shows the Framework Plan for SPD area and confirms that the SPD focuses on the delivery of development in the residential Lower Falinge Masterplan Area, identifying potential development opportunities within this area including the appropriate development mix and scale that will be supported. Whilst key routes and green infrastructure aims are identified across the eastern half of the SPP area, this part of the SPD area is otherwise identified as a future area of focus (beyond the 10 to 15 year delivery timescale of the SPD).

4.38 The application site falls within this future area of focus. Duke Street and Whitehall Street which bound the application site to the east and west respectively are identified as primary streets that link through and into surrounding areas. Queen Street which bounds the site to the north is identified as a secondary street that creates a well-integrated network of well over-looked streets. A route across Whitworth Road Car Park between Rope Street and Whitworth Road to the south of the application site is identified as part of a key east west pedestrian route sought by the SPD to include additional greening and provide enhanced pedestrian and cycle safety.

**Figure 4.2 Lower Falinge SPD Framework Plan**



4.39 The SPD identifies that the future area of focus suffers from a poor quality environment, lacks activity and acts as a barrier to movement. As such, it is particularly important that any development in this area promotes and enhances the pedestrian linkages. The SPD is clear that a mix of uses are appropriate in this area, stating that *'in addition to the current uses found within the area, other appropriate uses may include car parking, offices and housing.'*

4.40 The SPD is clear that comprehensive development and investment is required across the SPD area, with the SPD providing a basis for future decision on assembling land, including the potential use of

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Compulsory Purchase Orders where necessary. Any development proposals promoted outside of this structure by individual landowners are required to demonstrate that they facilitate and contribute to the delivery of the wider regeneration objectives set out in this SPD, and do not in any way prejudice their delivery.

#### **Oldham and Rochdale Urban Design Guide SPD (September 2007)**

- 4.41 The Urban Design Guide SPD expands on the local plan policies and sets design principles for development in Rochdale and is a material consideration in determining planning applications. The guide aims to encourage high quality design of places, buildings and landscapes that meet the current and future needs of communities that use them.

#### **Design and Planning Process: A Guide to Good Practice SPD (September 2007)**

- 4.42 This Design and Planning Process: A Guide to Good Practice SPD is informed by local plan policy and aims to assist all those involved in the process of designing and constructing buildings, streets and spaces to create good quality places.
- 4.43 The guide provides advice on good practice on what should be in Design and Access Statements, along with a well-considered design process that integrates access issues from the start and a sound approach to planning that ensures that the proposals can be supported by planning policy and meet the submission requirements set out by local and national government.

#### **Biodiversity and Development SPD (adopted January 2008, updated February 2017)**

- 4.44 The Council's Biodiversity and Development SPD aims to highlight biodiversity and development issues in Rochdale Borough and to ensure that all stakeholders understand the potential impacts of development on biodiversity, both positive and negative. It provides guidance to supplement the Core Strategy and the NPPF.
- 4.45 The overall objective of the SPD is to ensure that no net loss of ecological interest or assets occurs and that opportunities to enhance such interests are incorporated within development proposals where possible.

#### **Climate Change Adaptation SPD (June 2012)**

- 4.46 The Climate Change Adaptation SPD document provides guidance to developers and planners on how new developments can meet the requirements of policies set out in national guidance and the Core Strategy to address climate change. The guidance sets out measures to achieve climate change adaptation under eight broad headings: location; layout and orientation; materials, structure and construction; environmental building performance; green roofs and walls; water efficiency; water management; and green and blue infrastructure.

### **Emerging Planning Policy**

#### **Allocations Development Plan Document (DPD)**

- 4.47 Rochdale Council are in the process of preparing an Allocations DPD, which will propose areas and sites to build or develop over the period to 2028 and will replace the remaining saved policies of the UDP. A 'Call for Sites' concluded in 2017 and the Council consulted on its initial proposed sites in 2018. The draft Allocations DPD maps propose changes to Rochdale town centre boundary and the primary shopping area boundary in Rochdale town centre, although none of the changes are of relevance to the proposed development. There are no details on Rochdale Council's website as to when the

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emerging Allocations DPD is expected to be adopted and at present there are no draft policies available. As such, the emerging Allocation DPD will not form a material consideration in the determination of this planning application.

## Material Planning Considerations

### National Planning Policy Framework (July 2021)

- 4.48 On 20 July 2021 the Government published a revised version of the NPPF. The most recent NPPF is a material consideration in the determination of all planning applications and fully replaces the previous editions.
- 4.49 The NPPF does not change the statutory status of the development plan as the starting point for decision making. It advises that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 4.50 The overall emphasis of the NPPF is to reiterate the Government's key objectives of facilitating economic growth and securing sustainable development. These overarching policies seek to deliver development in the most appropriate locations, thereby protecting and enhancing the environment.

#### *Presumption in Favour of Sustainable Development*

- 4.51 Central to the NPPF is a presumption in favour of sustainable development and the need for the planning system to support economic growth in line with the Planning for Growth Ministerial Statement. Paragraph 11 sets out the presumption in favour of sustainable development and the application of the policy for decision making. It states:

"Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

*"Approving development proposals that accord with an up-to-date development plan without delay; or Where there are no relevant development plan policies, or policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole".*

- 4.52 Paragraph 12 sets out that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Finally, Paragraph 12 is clear that Local Planning Authorities can take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

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### *Ensuring the vitality of town centres*

- 4.53 Town centre policies are dealt with at Section 7 of the NPPF, under the title '*ensuring the vitality of town centres*'. With regards the sequential test in particular, Paragraph 87 of the national policy document explains that:

*"Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered".*

- 4.54 'Main town centre' uses are defined within Annex 2 of the NPPF as: retail development; leisure, entertainment and more intensive sport and recreation uses (including restaurants, drive through restaurants, bars and pubs); offices; and arts, culture and tourism development.
- 4.55 For the purposes of the application of the sequential test, Annex 2 of the NPPF explains that an 'edge-of-centre' development for all main town centre uses except retail, is defined as a location that is within 300m of a town centre boundary (NPPF, Annex 2, Page 66). The NPPF is clear that in determining whether a site falls within the definition of 'edge-of-centre', account should be taken of local circumstances.
- 4.56 Importantly, Paragraph 88 of the NPPF explains that when considering edge and out of centre proposals in the context of the sequential approach, preference should be given to accessible sites which are well connected to the town centre. It also states that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre sites are fully explored.
- 4.57 Paragraph 90 states that when assessing applications for retail and leisure development outside town 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 threshold (or otherwise over 2,500 sq.m). This should include an assessment of:
- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and,
  - 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 (as applicable to the scale and nature of the scheme).
- 4.58 Finally, Paragraph 91 of the NPPF states that where an application fails to satisfy the sequential test it should be refused. The implication being that where such a policy conflict is not identified planning permission should be granted.

### *Making Effective Use of Land*

- 4.59 Paragraph 122 of the NPPF explains that planning policies and decisions need to reflect changes in the demand for land. It states that where the Local Planning Authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:
- a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and

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- b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

4.60 Paragraph 123 adds that Local Planning Authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.

## **Other Guidance**

### **National Planning Practice Guidance**

- 4.61 On 6 March 2014 the Department for Communities and Local Government ('DCLG') launched the Planning Practice Guidance ('Practice Guidance') web-based resource. The Practice Guidance does not constitute a statement of Government policy; however, as a guide to interpreting how policy should be applied, it may be material to individual planning decisions.
- 4.62 Of particular relevance to applications for retail and leisure development is the chapter titled 'Town Centres and Retail'. This provides guidance on the interpretation of the sequential and impact tests, amongst other matters. A summary of the key sections within this chapter are set out below.
- 4.63 The section, 'What is the sequential test?' explains that the purpose of the sequential test is to guide 'main town centre uses' towards town centre locations first, and then, if no town centre locations are available, to out of centre locations, with a preference for accessible sites which are well connected to the town centre.
- 4.64 When applying the sequential test as part of the decision-making process, the Practice Guidance explains that it is for applicants to demonstrate compliance and that failure to undertake the exercise could in itself constitute a reason for refusing planning permission.
- 4.65 There are a number of considerations that should be taken into account in determining whether a proposal complies with the sequential test. Of particular significance is the requirement to examine whether there is scope for 'flexibility' in the format and/or scale of the proposal? In the case of retail and leisure development, this typically involves considering whether there is any 'flexibility' in a specific business model. For example, are multi-level formats possible? Whether flexible car parking arrangements can be pursued? Innovative servicing solutions introduced? Or a willingness to depart from standard formats explored. It is significant that 'disaggregation' (breaking a scheme up across several sites) is not identified as a matter necessary for consideration in demonstrating 'flexibility' in the context of the sequential test.
- 4.66 The section, 'How should locational requirements be considered in the sequential test?' highlights that the use of the sequential test should recognise that some 'main town centre uses' have particular market and locational requirements. This means that certain uses may only be accommodated in specific locations and Local Planning Authorities should be acceptant of this where a robust justification is provided. See Paragraph: 012 / Reference ID: 2b-012-20190722.
- 4.67 The section, 'How should viability be promoted?' emphasises that whilst the sequential test seeks to deliver the Government's 'town centre first' policy, promoting new development on town centre locations can be more expensive and complicated than building elsewhere and Local Planning Authorities therefore need to be realistic and flexible in terms of their expectations.

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## **Summary and conclusions**

- 4.68 This section has detailed the most relevant policies of the adopted and emerging development plan as well as policies at a national level and other material considerations which have been considered as part of the preparation of this application. Alongside the policies of PfE and the Core Strategy, due weight has been attached to the saved policies of the adopted Rochdale UDP, where they are consistent with the NPPF. Due regard has also been had to the policies within the NPPF, the Planning Practice Guidance and the Lower Falinge SPD and other supplementary guidance, which are material considerations. These matters will be weighed in the planning balance.

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## 5. The Sequential Test

- 5.1 As explained in Section 4, Policy E1 of the Core Strategy, Saved Policy G/S/1 of the UDP and Paragraph 87 of the NPPF require that the sequential approach to site selection is applied to all proposals for 'main town centre uses' on sites that are neither in an existing centre nor allocated in an up-to-date development plan. The sequential test requires that 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.
- 5.2 The application proposal is for a main town centre use and the application site is located outside of but in close proximity to Rochdale town centre, which lies around 150m to the south of the application site. The site is well connected to the town centre with a clear and direct pedestrian route via Duke Street and/or Whitworth Road, with pedestrian crossing facilities across the A58 St Mary's Gate to the town centre.
- 5.3 The application site is therefore 'edge of centre' under the definition set out in Annex 2 of the NPPF, which defines edge of centre for leisure purposes (which includes food and drink establishments) as '*a location within 300 metres of a town centre boundary*'. A sequential assessment is therefore required under the terms of the Policy E1 of the Core Strategy, Saved Policy G/S/1 of the UDP and Paragraph 87 of the NPPF.
- 5.4 We note that the 'Town Centres and Retail' section of the Practice Guidance explains that the "*application of the [sequential] test will need to be proportionate and appropriate for the given proposal*" (Reference ID: 2b-011-20190722). Below we provide a proportionate assessment that demonstrates that there are no sequentially preferable sites within or on the edge of Rochdale town centre, which are available and suitable to accommodate the proposed development.

### The Business Model

- 5.5 Before assessing the proposals against relevant planning policy, it is important to first understand the Starbucks operation and to appreciate the extent to which the proposed location, size, format and layout is determined by the operational requirements of the business. The model has evolved over many years in order to meet the very specific operational requirements of Starbucks. Whilst Starbucks' town centre format serves the needs of those working, shopping and visiting a particular centre, its drive through format meets demand from those who work and/or live nearby, those visiting adjacent retail, leisure or other commercial uses, and passing traffic. For drive through formats, road users constitute passing trade and good visibility is therefore essential. The ideal scenario is a location that has strong traffic flows, preferably 20,000 vehicle movements per day, a strong population within 2 to 3 km or local employment within 800m and other attractions such as retail, a town centre, large employment use, school or university or other visitor attractions close by.
- 5.6 Current published requirements for new Starbucks units confirm that the site requirements for its drive through format are for highly visible and prominent locations on or close to major roads and business drivers such as retail, leisure or business parks, residential uses or universities or other visitor attractions. The floorplan of each drive through café is broadly the same and requires a free-standing drive through café unit of between 150 sq.m to 190 sq.m gross floorspace with drive through order and collection points, the café entrance and the service entrance on separate elevations, a wraparound drive through lane and a waiting bay. A standardised format provides continuity for the brand and ensures that each café can be operated effectively.
- 5.7 A minimum 0.12 ha site is required to accommodate the operational requirements of a 150 sq.m to 190 sq.m drive through unit and requisite drive through lane along with a minimal level of associated

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car parking. Ideally all drive through cafes would have around 15 to 20 dedicated parking spaces adjacent. However, if there is access to shared parking (also immediately adjacent) that requirement can be relaxed.

- 5.8 Starbucks already operates a drive through format café in Rochdale off the A58 Manchester Road in the south west of the town, approximately 2 km south west of Rochdale town centre and the application site.
- 5.9 The proposed drive through format restaurant at Whitworth Road in Rochdale will complement the wide-ranging café provision already available in Rochdale town centre. It will serve those who work, live in or are visiting Rochdale town centre and the areas to the north of the centre, those visiting the variety of other commercial units nearby, and those passing by on the A58 St Mary's Gate or Whitworth Road.

## **Scale and Form of Development, Catchment Area and Centres Assessed**

- 5.10 Whilst both the NPPF and Planning Practice Guidance are silent on the appropriate area of search for sequentially superior sites, a conventional approach is to consider the extent of the catchment area likely to be served by the proposal and then to identify sequentially superior alternative sites that serve an equivalent catchment, which could potentially accommodate the scale and form of development proposed.

### **Scale and Scale and Form of Development Proposed**

- 5.11 The scale and form of the development proposed comprises a drive through café of 171 sq.m GIA alongside associated modifications to the existing vehicular site access, car parking layout, hard and soft landscaping and other site works. It is necessary to define an area of search for sequentially preferable sites based purely on the specific trading characteristics of a drive through café of this size.

### **Catchment Area of the Proposed Scheme**

- 5.12 It is clear from evidence supplied within this statement, that Starbucks has a requirement for a drive through format outlet in the north/north east of Rochdale, to complement its existing outlet in the south west of the town.
- 5.13 Starbucks' existing Manchester Road outlet, which is located adjacent to a petrol station, is aimed at people wanting to pick up a coffee at the same time as getting petrol as well as those who work or live nearby, those visiting nearby retail, leisure or other commercial uses, such as at the nearby Tesco store, and destinations with Sandbrook Park and the Transpennine Trading Estate, and passing traffic on the A58 Manchester Road.
- 5.14 The proposed drive through café is intended to serve those who already work at or are visiting destinations nearby, such as the variety of shops and services in Rochdale town centre or the neighbouring retail/commercial units, those who live in the vicinity, and passing traffic on the A58 St Mary's Gate and Whitworth Road. As such, the catchment area for this Starbucks is expected to encompass the town centre and area to the north of the centre.

### **Centres with the Catchment Area of the Scheme**

- 5.15 The only defined town centre within the identified catchment area of the proposed scheme is Rochdale town centre. In line with both local and national planning policy it is therefore appropriate to focus the search for sites on Rochdale town centre.

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- 5.16 It is noted that the pre-application planning advice letter received from the Council (dated 08 February 2023) included advice on the scope and scale of the sequential site assessment. The letter set out that catchment area should include:
- Rochdale, Heywood and Littleborough town centres;
  - Milnrow district centre; and
  - Whitworth Road, Yorkshire Street, Halifax Road, Drake Street, Deeplish, Oldham Road and Spotland Road local centres.
- 5.17 For the reasons explained above, locating the proposed cafe in or on the edge of any other of Rochdale's defined town centres would clearly be unable to meet the same broad market demand, in terms of the proposed outlet's sphere of influence. The proposed café is expected to serve pass by trade and those who already work at or are visiting Rochdale destinations nearby. However, it cannot be expected that the catchment area of the proposed 171 sq.m café extends to Heywood or Littleborough town centres, both of which are around 5 km from the application site and contain numerous cafes. In the case of Heywood, there are also several closer drive through cafes. Clearly residents in Heywood or Littleborough would not travel to the proposed café in Rochdale as the only or main purpose of their trip. Similarly, Milnrow district centre is around a 4km drive away and contains several cafes. It is clear that Heywood and Littleborough town centre, and Milnrow district centre do not fall within the catchment area of the proposed development.
- 5.18 We further consider that Drake Street, Deeplish and Oldham Road local centres do not fall within the catchment area of the application proposal. Drake Street, Deeplish and Oldham Road local centres are located to the south of Rochdale town centre. It is not expected that residents of or visitors to these areas would travel from this area across Rochdale town centre to the proposed café as the only or main purpose of their trip. There are several cafes located to the south of Rochdale town centre in the local centres themselves as well as numerous nearer cafes in Rochdale town centre.
- 5.19 Whitworth Road, Yorkshire Street, Halifax Road and Spotland Road local centres are located within the identified catchment area, of Rochdale town centre and area to the north of Rochdale town centre. As set out in Section 4, saved Policy G/S/1 of the UDP sets out the order of preference for sequential sites as: town centres; edge of town centres; district centres; local centres; and elsewhere. Under the UDP, the application site, which is an edge of town centre site, is therefore sequentially preferable to locations in the borough's local centres.
- 5.20 Nevertheless, it is recognised that the UDP is not fully aligned with the NPPF in this regard. The NPPF directs main town centre uses first to 'town centres', and then edge of centre locations. The Glossary at Annex 2 of the NPPF confirms that the reference here to 'town centres' applies to city centres, town centres, district centres and local centres, but excludes small parades of shops of purely neighbourhood significance.
- 5.21 It is therefore appropriate to focus the search for sites on Rochdale town centre; and Whitworth Road, Yorkshire Street, Halifax Road and Spotland Road local centres only.
- 5.22 As set out in Section 4, Paragraph 88 of the NPPF explains that when considering edge of centre proposals in the context of the sequential approach, preference should be given to accessible sites which are well connected to the town centre. The application site is in close proximity to Rochdale town centre and represents an accessible location that is well connected to the centre by direct pedestrian routes. We therefore consider it appropriate to focus the search for sites on potential alternative in centre sites only. It is not considered necessary to search for alternative edge of centre sites, as such sites would not be materially better connected to the centre than the application site.

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## The Requirement to Demonstrate Flexibility / Legal and Appeal Precedents

- 5.23 Paragraph 88 of the NPPF requires applicants and Local Planning Authorities to demonstrate ‘flexibility’ on issues such as format and scale when considering sites in, or on the edge of existing centres as part of applying the sequential test. Whilst no indication as to what degree of flexibility is required is contained within the NPPF or indeed the Planning Practice Guidance (other than ‘format and scale’) the ‘Rushden Lakes’ Secretary of State (‘SoS’) Call-in decision<sup>1</sup> (which post-dates their original publication) has clarified the position, with the Inspector (Paragraph 8.49) highlighting that ‘flexibility’ concerns matters including *“flexibility in a business model, use of multi-level stores, flexible car parking requirements or arrangements, innovative servicing solutions and a willingness to depart from standard formats”*. In Paragraph 15 of the decision letter, the SoS agrees with the Inspector that these are issues of principal relevance in demonstrating flexibility.
- 5.24 Another matter of seminal importance when considering ‘flexibility’ and indeed interpreting the sequential test more widely is the *Tesco Stores Ltd v Dundee City Council* (‘Dundee’) Supreme Court Decision (2012). In summary, this establishes that:
- if a site is not suitable for the commercial requirements of the developer in question, then it is not a ‘suitable’ site for the purposes of the sequential approach; and,
  - that in terms of the size of the alternative site, provided that the applicant has demonstrated ‘flexibility’ with regards to format and scale (explained in the paragraph above), the question is then whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to physically fit the alternative site.
- 5.25 The implications of the Dundee decision were also considered by the SoS as part of the ‘Rushden Lakes’ Call-in decision. In Paragraph 15 of the decision letter, the SoS agrees with the Inspector that the sequential test relates entirely to the application proposal and whether it can be accommodated on an actual alternative site. In other words, the Dundee decision clearly applies to the NPPF.
- 5.26 Two further relatively recent High Court decisions<sup>2</sup> have also considered (inter alia) the sequential test and confirmed the importance of demonstrating flexibility on issues such as format and scale. A developer’s own intentions may be taken into account and have a bearing – for instance when considering what demand a proposal is intended to meet. However, the sequential approach should be ‘operator blind’ and not become a self-fulfilling activity and divorced from the public interest.
- 5.27 Specifically, in *Aldergate Properties Limited v Mansfield District Council* [2016] EWHC 1670 [Admin] the judgement emphasised that in considering how to apply ‘suitability’ and ‘availability’ the general meaning would be that a site should be *“...‘suitable’ and ‘available’ for the broad type of development which is proposed in the application by approximate size, type and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity and personal or corporate attitudes of an individual retailer....”* (Paragraph 35 of Judgement).
- 5.28 In summary, whilst it is necessary for applicants to demonstrate ‘flexibility’ on issues such as format and scale when applying the sequential test, it is clear that under the NPPF there is no requirement to explore changes that would materially alter the application proposal such that it no longer met commercial requirements (i.e. a material reduction in size). These matters have been considered as part of numerous ‘call-in’ and appeal decisions<sup>3</sup> which post-date the publication of the NPPF and in

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<sup>1</sup> Land Adjacent Skew Bridge Ski Slope, Northampton Road, Rushden; Inspectorate Ref. APP/G2815/V/12/2190175; 11 June 2014.

<sup>2</sup> *Warners Retail (Moreton) Ltd v Cotswold District Council* (2016) and *Aldergate Properties Ltd v Mansfield District Council* (2016).

<sup>3</sup> See for example: APP/P0119/V/17/3170627 - The Mall, Cribbs Causeway, Patchway, South Gloucestershire BS34

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which the SoS / Planning Inspectorate clearly draw heavily on the key case law referenced in this section when interpreting the sequential test.

## **Flexibility in the Context of the Application Proposal**

- 5.29 It is necessary for applicants and Local Planning Authorities to demonstrate 'flexibility' in their approach, in-line with Paragraph 88 of the NPPF. This can involve reducing down the site area for testing purposes to one which is commensurate purely with the scale and form of the 'main town centre' use floorspace proposed and its essential supporting infrastructure. Accordingly, it is necessary to define the site search parameters adopting a flexible approach with regards to the scale and form of development proposed, which we consider below.
- 5.30 In the context of the specific market and locational requirements of the applicant, our assessment is based on the following parameters and assumptions:
- There must be some scope for reasonable flexibility of the scale and format of the proposed drive through café provided that this does not significantly compromise its overall viability.
  - The site must be capable of providing a drive through café unit of between 150 sq.m to 190 sq.m gross floorspace with a drive through order point, a drive through collection point, a café entrance and a service yard/entrance on separate elevations, and a wraparound drive through lane.
  - The provision of surface level car parking as well as the drive through lane is essential to the operation of the business model because the proposed drive through cafe will cater equally for the consumption of food and drink on and off the premises. The site must be capable of accommodating 15 to 20 dedicated parking spaces adjacent to the drive through unit, although this requirement can be relaxed if a site is located adjacent to existing shared parking provision.
  - The site should provide a minimum of 0.12 ha, which is the minimum required to accommodate a drive through café of the scale and type proposed alongside the requisite supporting infrastructure. This is well below the application site size of 0.34 ha, reflecting that the application site forms part of an existing car park and encompasses shared car parking and access that exceeds the level of dedicated parking that would be required to support the proposed drive through café.
  - The drive through café needs to be able to attract passing trade from the highway network, as well as a local employed, resident and/or visitor population to ensure the success of the café. Visibility from the highway network with strong pass by traffic flows in the range of 20,000 vehicle movements per day is therefore required. The site must also have an interrelationship with other nearby attractions so that there can be linked trips. A location with a strong local daytime population and other attractions such as retail, a town centre, large employment use, school or university or other visitor attractions close by is therefore required.
  - The site must be available for accommodation by Starbucks in the next 12 months.

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5DG (October 2018); APP/T3725/W/18/3204311 - Leamington Shopping Park, Tachbrook Park Drive, Warwick, CV34 6HR (March 2019); and, APP/R0660/V/17/3179610, APP/R0660/V/17/3179605 and APP/R0660/V/17/3179609 - Land at Earl Road, Handforth Dean, Cheshire, SK9 3RW (June 2019).

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## Search for Potential Alternative Sites

- 5.31 Having established the appropriate catchment area, the centres to be assessed within it, and the scale and form of retail development to be tested (having regard to flexibility) we sought to identify potential alternative sites for the proposed development adopting the following methodology and resources:
- Review of sites assessed as part of the sequential test for previous retail and leisure applications nearby. However, no recent planning permissions that identified potential alternative town centre sites as part of a sequential assessment were identified. We note that a planning application (LPA ref. 22/00370/FUL) for a drive through restaurant in an out of centre location in Rochdale was submitted in July 2022 and is pending determination. The submitted Retail Sequential Test Report completed by PWA Planning concluded that there were no potential sites in or edge of centre sites for a drive through restaurant in Rochdale town centre.
  - Online search for vacant units / sites available to let or for sale within Rochdale town centre and the local centres. Websites reviewed included property marketing websites LoopNet, Completely Retail, Rightmove, Zoopla, as well as Experian Goad data. None of the existing vacant units identified met the site search parameters and offered any potential to accommodate the proposed café and required drive through lane.
  - Review of development sites identified in the UDP Map within Rochdale town centre and the local centres. The UDP Map identifies an area in the south east of the town centre as the Riverside Area of Opportunity (Policy R/4(e)). The Riverside Area of Opportunity has since been largely redeveloped for Rochdale Interchange and Council offices.
  - Desk based visual inspection of satellite mapping / Google Street View for potentially underused/vacant sites within the identified search area. No potential underused/vacant sites were identified.

## Assessment of Potential Alternative Sites

### Rochdale Town Centre

- 5.32 A search for alternative sites within Rochdale town centre did not identify any candidate sites that are potentially 'suitable' and 'available' for the proposed development based on the search parameters set out above.
- 5.33 As would be expected, there are vacant units in the centre for sale and to rent. However, none of the existing units in Rochdale town centre are remotely suitable for accommodating the proposed drive through café, even allowing for a considerable degree of flexibility. Almost all of the vacant units are within either a shopping centre or a terrace of properties and none offer any potential to accommodate a drive through facility. The former Mecca Bingo on Smith Street is currently vacant and is a standalone unit with dedicated adjacent car parking. However, the unit provides approximately 3,066 sq.m of gross floorspace, over 17 times the size of the proposed 171 sq.m gross floorspace, and notwithstanding the operational requirements of the proposed drive through café, does not therefore represent a suitable, appropriate or viable unit for the proposed development. Moreover, a planning application has been submitted to change the former Mecca Bingo site into an indoor sports complex and gym. The Mecca Bingo site is therefore unlikely to be available for the proposed development.

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- 5.34 Rochdale town centre comprises a largely densely built-up area and the town centre has benefited from major redevelopment over the last 15 years, which has brought Metrolink to the town centre and delivered a new transport interchange (Rochdale Interchange), new Council offices and library (Number One Riverside), a new shopping and leisure centre (Rochdale Riverside Phase 1), public realm improvements involving reopening of the river, and the redevelopment of the Greater Manchester Fire Museum. The delivery of Rochdale Riverside Phase 2 is ongoing, comprising residential, office and hotel uses, and the restoration of Rochdale Town Hall.
- 5.35 Remaining redevelopment opportunities within Rochdale town centre are therefore limited and comprise the Wheatsheaf Shopping Centre which closed in November 2020. The Wheatsheaf Shopping Centre has since been sold as a development opportunity following pre-application discussions for the demolition of the shopping centre and erection of a new build residential scheme of 383 dwellings. It is therefore concluded that the Wheatsheaf Shopping Centre is not available for the proposed development.

### **Local Centres**

- 5.36 Similarly, the search for alternatives sites in Whitworth Road, Yorkshire Street, Halifax Road and Spotland Road local centres did not identify any candidate sites that are potentially 'suitable' and 'available' for the proposed development based on the search parameters.
- 5.37 All of the local centres are small in scale and tightly bound, and comprise of small and mostly traditional terraced properties. Unsurprisingly, none of the existing units are remotely suitable for accommodating the proposed drive through café, even allowing for a considerable degree of flexibility. Further, we did not identify any vacant or underused land within the local centres of a sufficient scale to accommodate a drive through café development.
- 5.38 Notwithstanding that Drake Street, Deeplish and Oldham Road local centres are outside of the identified catchment area and therefore our area of search, we note that all of these local centres are also small and we are not aware of any existing vacant units or development opportunities in these centres that are capable of accommodating the proposed drive through café.

### **Conclusions**

- 5.39 The application site is an edge of centre site and in accordance with the requirements of the Core Strategy, UDP and the NPPF we have therefore assessed whether there are any sequentially preferable sites that could accommodate the proposed development.
- 5.40 We searched for potential alternative sites in Rochdale town centre, which is the only defined town centre within a realistic catchment area of the proposed scheme, as well as in Whitworth Road, Yorkshire Street, Halifax Road and Spotland Road local centres which also fall within the catchment area of the proposed development.
- 5.41 The application site is an accessible site that is well connected to and in proximity of Rochdale town centre. The proposed development is located within an established commercial area adjacent to Rochdale town centre and offers significant potential to integrate with the Rochdale town centre. Therefore, it was not considered necessary to search for potential alternative edge of centre sites as such sites would not be materially sequentially preferable to the application site.
- 5.42 Our search confirmed that there are no sequentially preferable existing units or development sites within Rochdale town centre or the local centres that could accommodate the development for which planning permission is sought – even when demonstrating significant flexibility in terms of the scale and form of development proposed.

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- 5.43 This outcome is not particularly surprising given that the proposed development is for a drive through café, which has specific property and operational requirements that cannot be fulfilled by conventional town centre units.
- 5.44 Rochdale town centre is characterised by a mix of traditional terraced and shopping centre units, along with modern retail and leisure units, all of which are wholly unsuitable for a drive through café. Major redevelopment of the town centre over the last 15 years has taken up much of the previous potential development sites in the centre. Further to those redevelopment scheme still in progress, remaining opportunity sites are limited and none are available for the proposed development.
- 5.45 The local centres are all small and tightly bound with no existing units or development opportunities of a sufficient scale to accommodate the proposed drive through café.
- 5.46 The reality is that the proposed development can only be accommodated in a location outside of Rochdale town centre and the local centres, and the application site represents the most sequentially preferable site for such development. It comprises a highly accessible edge of centre site that is well connected to and just a short walk from Rochdale town centre.
- 5.47 We conclude that compliance with the sequential approach to site selection as set out in Policy E1 of the Core Strategy, Policy G/S/1 of the UDP and Paragraph 87 of the NPPF is demonstrated.

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## 6. Other Planning Policy Matters

- 6.1 The purpose of this section is to assess the application proposal in the context of all remaining relevant planning policy and guidance at the national and local level.

### Principle of Development

- 6.2 The application site forms part of an existing retail development that lies within an existing commercial area adjacent to Rochdale town centre. This area is characterised by a mix of uses including retail and other uses that would be classified as main town centre uses, but are not typically well suited to in centre locations. Examples include the several adjacent retail warehouse units offering predominantly bulky goods (Dunelm, Carpetright and B&M Home Store), The Food Warehouse by Iceland, which is Iceland's large retail warehouse format store; smaller scale bulky goods outlets such furniture shops, tool shops, DIY and trade products and supplies, and a boxing club.
- 6.3 The existing commercial offer in the surrounding area therefore complements rather than competes with that available in Rochdale town centre, which provides a more traditional retail and town centre offer with a focus on clothing and footwear alongside a wide-ranging mix of retail, service and leisure uses.
- 6.4 It is therefore considered that the proposed development is appropriate and in keeping with the wider context as a leisure use that is similarly not typically well suited to in centre locations. The proposed drive through cafe requires a custom standalone unit with a drive through lane that wraps around the building and adjacent parking, along with a location on a busy highway providing prominence and ease of access to attract pass by trade.
- 6.5 These features are not typical of town centre locations and the potential to accommodate a drive through food and drink establishment within town centre locations is generally limited. Many large traditional town centres such as Rochdale encompass a mix of shopping centre units and traditional terraced units, and are often pedestrianised in their busiest areas with restricted access for vehicles and through traffic. Indeed, the sequential assessment in Section 5 demonstrates that there are no existing units or sites that could potentially accommodate a drive through café in Rochdale town centre.
- 6.6 The proposed development is expected to expand the leisure offer in Rochdale as part of an existing commercial area that complements and supports the role of Rochdale town centre and its position at the top of the borough's retail hierarchy in accordance with Policy E1 of the Core Strategy.
- 6.7 The principle of development is established within Policy E2 of the Core Strategy which states that the Council will support the creation of successful businesses and increase the number and quality of jobs to create a more prosperous lower carbon economy. The policy specifically supports the development of leisure uses as an employment generating use where proposals comply with the local plan policies.
- 6.8 The principle of development is further encouraged within national planning policy, with the NPPF supporting economic growth and sustainable development. The NPPF further states that substantial weight should be given to the value of using suitable brownfield land within settlements for identified needs. Similarly, Policy P1 of the Core Strategy promotes the development of underused land to improve the image of the borough, and Policy JP-S 1 of PfE sets out a preference for the use of previously developed land to meet development needs.

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- 6.9 This application proposal is required to enable the site to meet Starbuck's requirements for a new drive through café serving residents in the north of Rochdale. The proposed development is expected to provide new employment opportunities on both a full and part-time basis that meet a range of employment needs. The redevelopment of an existing underused car park exemplifies sustainable development. As a previously developed site, this represents a direct example of brownfield development and as such the value of its redevelopment should be given substantial weight by the local planning authority. The proposed development will allow the reuse and modernisation of the site for greater economic benefit, delivering economic growth in the form of construction expenditure, job creation, and supply chain impacts.

## **Design and Built Environment**

- 6.10 The built environment and design policies of Rochdale's Core Strategy establish a number of general principles of good design that new development within the borough should include, most notably Policies P1 (Improving Image), P2 (Protecting and enhancing character, landscape and heritage) and P3 (Improving design of new development). The Lower Falinge SPD further seeks to improve the environmental quality in this area through good design and landscaping, improve facilities and routes for pedestrians and cyclists, and enhance safety. These policies seek to ensure that new developments deliver a high quality design that contributes positively to the image and quality of the local area, greening of the urban environment, and considers local character, safety and inclusion, ease of movement, legibility, adaptability and the setting of heritage assets amongst others. Developments should be of high quality and respect context in terms of scale, height, materials and landscaping.
- 6.11 In response to these requirements, a detailed assessment of the design characteristics and benefits of the scheme is provided in the accompanying Design and Access Statement and summarised below.

### *Landscaping and Greening of the Urban Environment*

- 6.12 There is significant existing landscaping around the perimeter of the site along the north, east and western boundaries to Queen Street, Duke Street and Whitehall Street comprising mature shrubs/hedge and ornamental trees that contribute to a green urban environment. The site layout has been carefully designed to largely preserve the existing trees and landscaping area around the site perimeter and will further substantially increase and enhance landscaping provision.
- 6.13 Full details with regard to landscaping will be agreed at the reserved matters stage. However, we confirm that the proposed development will be landscaped to a high standard that is appropriate to the site setting and integrates with existing landscape features. The proposed development will deliver new planting within the extended landscaping areas shown on the Proposed Site Plan (Drawing Ref. 11390-PL-L05).
- 6.14 Specifically, the existing perimeter landscaping along the western site boundary will be extended into the site by approximately 4.8m to provide a substantial landscaping buffer between the proposed development and the residential properties to the east. The existing perimeter landscaping at the north western corner of the site around the car park entrance from Duke Street will also be substantially extended and enhanced.
- 6.15 Additional new planting will be located to the front to the café unit and on its south western elevation.
- 6.16 One tree at the site entrance from Duke Street is proposed to be removed to accommodate a wider footpath and provide a shorter, safer crossing point for pedestrians across the car park entrance from Duke Street; the existing 1m wide footpath at the site entrance is particularly narrow and below current

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standards. However, the loss of the tree will be compensated for by the substantially extended and enhanced landscaping areas proposed within the site.

- 6.17 Overall, the application proposals will make a significant contribution to urban greening.

*Inclusivity and Security*

- 6.18 Design measures have been incorporated into the scheme to promote access and inclusivity, and limit the opportunities for crime.
- 6.19 The proposed design provides three new disabled car parking spaces adjacent to the café entrance. Customer cycle stands are located in proximity to the café entrance and next to the car park access from Duke Street where good natural surveillance is available.
- 6.20 The proposed development will improve the quality and safety of the junction at the car park entrance from Duke Street for pedestrians. It will provide increased visibility along with a wider footpath and shorter crossing distance for pedestrians. The proposed design will also deliver improved pedestrian facilities and legibility across the site between Whitehall Street and Duke Street. Two new pedestrian access points will be provided, one to Duke Street and one to Whitworth Road, which will be connected by new pedestrian crossings within the car park and the paved area to the front of the café.
- 6.21 The layout of the proposed development was designed to discourage crime and antisocial behaviour by maximising natural surveillance of the car park and the new pedestrian route across the car park between Duke Street and Whitehall Street. The café entrance and most active front (south east to the car park) and north east (Duke Street) elevations are located fronting the new pedestrian route and car park entrance from Duke Street, respectively. The car parking area remains an open and visible location between the highway and the café entrance to maximise the natural surveillance of this area from the highway and adjacent uses. The wrap around drive through lane and order and collection points further provides activity and natural surveillance to the rear (north west to Queen Street) and south west (side Whitehall Street) elevations. The activity associated with proposed development and design of the scheme will contribute to perceptions of security in this part of Lower Falinge area.

*Integration of Lower Falinge with the Surrounding Area*

- 6.22 The widened footpath and shorter crossing distance across the Duke Street car park entrance will enhance the pedestrian link along Duke Street from Lower Falinge and the town centre.
- 6.23 The new pedestrian access points and facilities between Duke Street and Whitworth Road across the front of the proposed café will provide a new east west connection for pedestrians and enhance the permeability of the site, with increased boundary planting and additional planting within the paved area in front of the café ensuring a high quality and attractive and green route. The new pedestrian access to Duke Street provides a new additional route connecting Lower Falinge to Rochdale town centre via Whitworth Road.
- 6.24 The new cycle parking spaces in front of the café further supports the Council's regeneration objective for improved cycling provision in Lower Falinge.
- 6.25 Importantly, the small scale development proposed sits with the network of streets and important pedestrian routes identified in the Lower Falinge SPD, and will not preclude the future delivery of the Council's aspirations for the Lower Falinge area as set out in the SPD. This includes the potential future delivery of an enhanced pedestrian route across Whitworth Street Car Park between Rope Street and Whitworth Road, to the south of the application site.

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### *Setting of Heritage Assets*

- 6.26 A Heritage Statement was prepared by Adapt Heritage and submitted with the application, which considers in detail the impact of the proposed development on Duke Street Mill, which is a non-designated heritage asset located immediately north of the application site on the other side of Queen Street.
- 6.27 The statement identifies that Duke Street Mill is primarily and directly experienced from Duke Street at its junction with Queen Street where its architectural detailing and former use as a cotton mill is appreciable. From Whitworth Road, the principal elevation of Duke Street Mill is experienced amongst existing road infrastructure and buildings. The elevation along Queens Street is largely screened and filtered by mature trees. The open nature of the car park does allow for filtered views of the building from the south but these are limited and are confined to the upper stages of the building due to the extent of mature trees. The Heritage Statement confirms with reference to Paragraph 206 of the NPPF that although the application site is part of the setting and physical surroundings of the Duke Street Mill, it is not an aspect of the setting that contributes to Duke Street Mill's significance.
- 6.28 The Heritage Statement concludes that the proposed development will not affect the local architectural significance of Duke Street Mill or its historical interest. Furthermore, those elements of setting which contribute towards the significance of the non-designated heritage asset will be unaffected by the proposals. The proposed development will have a minimal impact on the setting of Duke Street Mill and ensure that the local significance of the Duke Street Mill buildings remains appreciable.

### *Scale, Height and Massing*

- 6.29 With regards to scale and massing, the proposed café unit comprises a modest single storey building with a slightly taller feature tower. The building and site and are set down from the elevated Queen Street and the proposed unit remains well below the height of the tree line along Queen Street and the two storey residential properties to the west, and is subservient to the imposing Duke Street Mill building behind. Accordingly, it is clear that the scale and massing of the proposed café unit is appropriate for its context.

### *Contribution to Local Character*

- 6.30 A key objective of the development from the applicant's perspective (both commercially and in layout terms) is to provide a scheme which responds appropriately to what is a relatively prominent site for those travelling to or through Rochdale town centre via Whitworth Road and the A58 St Mary's Gate. The proposed design offers the potential to provide a presence to Whitworth Road Car Park and will also give passers-by a view that will take in the unit's active frontages and boundary landscaping – highlighting pedestrian movement and providing visual interest.
- 6.31 In terms of design, the proposed building promotes a contemporary approach that responds to the mixed context. The palette of materials includes ash white render panels, dark vertical timber cladding and aluminium framed windows units. The use of timber cladding will ensure that the building complements the existing backdrop of mature trees in views from the south and the use of render panels responds to the nearby commercial retail units.
- 6.32 The design involves extensive glazing on the unit's front and north eastern elevations adding interest and creating an inviting, active frontage to the scheme. Creation of active frontage to the front and north eastern elevations along with increased landscaping along the south western boundary and around the site entrance from Duke Street will enhance the contribution of the site to local attractiveness. Customers entering the car park from Duke Street or Whitehall Street, passers-by on

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Whitworth Road, and pedestrians crossing the site between Whitehall Street and Whitworth Road will take in a view of the unit's active frontages and enhanced boundary landscaping.

- 6.33 Overall, it has been demonstrated that the proposed development is of a high quality and will contribute positively to the townscape by replacing what is an underused area of car parking with a modern drive through café unit set within attractive landscaping. Such development will improve the visual appearance of this prominent site and increase its levels of use, to the overall benefit of the surrounding area.
- 6.34 Compliance can therefore be demonstrated with Policies P1, P2, P3 and G6 of the Core Strategy, the Lower Falinge SPD, Oldham and Rochdale Urban Design Guide SPD, the Design and Planning Process: A Guide to Good Practice SPD, and the design policies of relevance contained in the NPPF.

## **Biodiversity**

- 6.35 Much of the existing site comprises existing hardstanding and the proposed built development will replace an existing area of hardstanding. As detailed above, the site layout has been carefully designed to largely preserve the existing trees and landscaping area around the site perimeter. The proposed development will require the loss of a tree and limited sections of the existing landscaping to allow for a wider site access from Duke Street and new footpaths. However, replacement and enhanced landscaping is expected to compensate for this loss.
- 6.36 In particular, the proposals include substantially extended landscaping areas along the north western and north eastern boundaries. Full details with regard to landscaping will be agreed at the reserved matters stage. However, new planting along the site boundaries is expected to include native shrubs and plant species that will enhance the site ecology. Accordingly, ecological enhancements are expected to increase biodiversity when compared to the current position at the site in accordance with Policy G7 of the Core Strategy.

## **Transportation and Access**

- 6.37 Transport and accessibility issues are covered in detail in the supporting Transport Assessment prepared by Arcadis. Some of the key conclusions which are relevant to the objectives of Policy T2 (Improving Accessibility) of the Core Strategy are set out below.
- 6.38 The application site is located off the A58 St Mary's Gate, which forms part of the strategic road network and is therefore highly accessible by car. This is to be expected given that a key function of the proposed drive through café is to cater for passing road users. Given the location of the site at the intersection of the strategic A58 St Mary's Gate and the A671 Whitworth Road, it is anticipated that the proposed drive through will attract pass-by traffic already on the network, rather than generating entirely new car trips.
- 6.39 Whitworth Road Car Park is currently underutilised with the northern part of the car park comprising the application site surplus to existing car parking demand. The proposed development will result in a net loss of 59 car parking spaces. Starbuck's drive through cafes typically require around 15 to 20 dedicated parking spaces. The remaining 69 shared car parking spaces within the application site and total 185 shared car parking spaces (including 8 EVCPs and 9 disabled spaces) within Whitworth Road Car Park as a whole are therefore considered to be more than sufficient to meet existing car parking demand along with the additional requirements of the proposed drive through café.
- 6.40 As the proposed café will be served by existing shared car parking and no net additional car parking will be provided as part of the proposed development it is further considered that the development satisfies the Council's maximum car parking standard.

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- 6.41 It is proposed that three disabled car parking spaces adjacent to the café entrance will be provided to ensure that the proposed café is accessible. Whilst no net additional car parking provision is proposed, three disabled car parking spaces would accord with Rochdale's parking standards for new parking provision based on the 15 to 20 dedicated new spaces typically required for a drive through Starbucks café.
- 6.42 The proposed development includes two dedicated motorcycle parking spaces, which meets the Council's required standard, although it is emphasised that motorcycles are permitted to park in any of the existing car parking spaces within Whitworth Street Car Park.
- 6.43 With regards to pedestrian access, the site is located a short walk from Rochdale town centre, which lies approximately 150 m south of the site on the opposite side of St Mary's Gate (A58). There is a clear and direct pedestrian route from the site to the town centre via Duke Street and Whitworth Road with pedestrian crossing facilities across the A58 St Mary's Gate to the town centre. In light of the local pedestrian facilities present, the site is evidently well connected to the local pedestrian network providing opportunities for customers to make linked trips to the town centre and other neighbouring uses by foot. The site also benefits from a sizable walk-in catchment given the residential areas to the north and west and future staff employed from the surrounding residential areas could also reasonably walk to work.
- 6.44 The application site is appropriately served by public transport with bus stops located on St Mary's Gate (the A58), Whitworth Road and Howard Street. The publication 'Planning for Public Transport in Developments' produced by the Institution of Highways and Transportation specifies that new developments should be located within 400m of the nearest bus stop. This is evidently the case in this instance, with the nearest bus stops on St Mary's Gate (the A58), Whitworth Road and Howard Street all located less than a 200m walking distance from the application site.
- 6.45 These bus stops are visited by services including the 458 Lakeline, 464, 587, 590 and R1 Rochdale Runners. These routes provide access to a variety of destinations within the surrounding area, including Syke, Littleborough, Accrington, Halifax town centre, and Rochdale Transport Interchange amongst others. Further information regarding bus routes and frequencies serving the site is contained in the accompanying Transport Assessment. Having regard to the proximity of the bus stops, the frequency of buses, and the areas that the existing local buses serve, the site is evidently appropriately accessible by public transport.
- 6.46 Finally, it should be noted that the application site is also accessible by bicycle. Given that the roads local to the site are urban in character, cycling provides the opportunity to access the future drive through cafe by a sustainable mode of transport. The proposed development includes the provision of six cycle parking spaces (three Sheffield stands), which exceeds the Council's standards for cycle parking for the proposed drive through café.
- 6.47 In conclusion, the application site is highly accessible by private car, public transport, bicycle and on foot from the surrounding area. Given its location and evidently accessible nature, the application site represents a suitable and sustainable redevelopment opportunity for the scale and form of development proposed in accordance with planning policy. It has therefore been demonstrated that the proposed development will accord with Policy T2 (Improving Accessibility) of the Core Strategy and, more generally, the transportation and access policies of the NPPF and guidance provided in the Lower Falinge SPD.

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## Residential Amenity and Noise

- 6.48 Paragraph 185 of the NPPF concerns, amongst other things, the impact of development proposals on surrounding residential, recreational and local amenity. In this case, residential properties are located on the opposite side of Whitehall Street in proximity to the western boundary of the site.

### *Drive through customers*

- 6.49 As shown in the Proposed Site Plan (Drawing Ref. 11390-PL-L05), a 2.4 m high acoustic fence is proposed within the landscaping buffer to the west of the proposed café building to mitigate the potential for adverse noise impacts of the drive through during the night (23:00 – 07:00 hours).
- 6.50 A Noise Impact Assessment was prepared by BWB Consulting Ltd and submitted as part of the planning application. Noise from vehicles using the drive-through was assessed and found to be of low impact between 07:00 – 23:00 hours even without the proposed acoustic fence. However, without any mitigation the assessment identified the potential for adverse impact during the quieter night time period of 23:00 – 07:00 hours, specifically due to the drive-through intercom rather than noise from vehicle movements. Accordingly, an acoustic fence is proposed to mitigate the potential for adverse noise impacts during the more sensitive night-time hours. The Noise Impact Assessment concludes that the potential noise impacts of customers using the drive through with the proposed acoustic fence in place would be low at all times.

### *Servicing and deliveries*

- 6.51 The potential impacts of delivery and servicing procedures at the proposed drive through café was assessed as part of the Noise Impact Assessment. It was concluded that the potential impact of delivery and servicing procedures at the proposed drive through café would be low at all times.

### *External plant*

- 6.52 External plant will be located within an enclosed yard to the west of the proposed building. To mitigate the potential for noise from the plant, the enclosure will be bounded by a 2.4m high timber clad wall. A Noise Impact Assessment has been prepared in support of the planning application by BWB Consulting Ltd. The Noise Impact Assessment shows that, when attenuated as described in the report, noise from the proposed plant complies with suitable guidance and criteria and should be acceptable to the local authority.

### *Visual amenity*

- 6.53 A landscaping buffer comprising of shrubs and trees is already present along the western boundary of the site providing visual amenity to residential occupiers on the opposite side of Whitehall Street. The landscaping buffer to the western boundary will be retained and extended to cover the existing row of car parking along the western boundary of the site. This will increase the separation distance between the residential occupiers and vehicle movements on the site and will also enhance the visual amenity of the site.
- 6.54 No significant adverse noise or visual impacts on amenity of residential properties to Whitehall Street are therefore expected. The proposed café building will be a modest single storey and therefore lower than the nearby two storey residential buildings. An enlarged and enhanced landscaping buffer and acoustic fence will providing visual and acoustic screening between the proposed drive through café unit and residential occupiers to the west. Residential amenity will be enhanced through the proposed enlargement and enhancement of the landscaping strip along the western boundary.

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- 6.55 In examining impacts, it is important to recognise the existing use of the site as a public car park along with the site's location at the junction of the A58 St Mary's Gate and Whitworth Road, within an established commercial area adjacent to Rochdale town centre. The site's existing use as a car park means that current activities on the site include the day-to-day comings and goings of customers and vehicles. This is important in the context of the current planning application.
- 6.56 In summary, evidence suggests that there is no potential for the operational or servicing hours proposed at the drive through cafe to result in any significant adverse impacts upon the amenities of nearby residential occupiers. This is evidenced from a technical perspective as part of the supporting Noise Impact Assessment prepared by BWB Consulting Ltd. Compliance can therefore be demonstrated with the relevant criterion of the NPPF.

## **Flood Risk, Drainage and Climate Change**

- 6.57 The site lies wholly in Flood Zone 1 (the area at lowest risk of flooding) and is less than 1 ha in size. Therefore the risk of flooding is low and there is no requirement for a Flood Risk Assessment. We further note that buildings in use for cafes are classified as a 'less vulnerable' use within Annex 3 (Flood risk vulnerability classification) of the NPPF.
- 6.58 The proposed development will replace an existing area of hardstanding and will not therefore increase the impermeable footprint of the site. To minimise impacts upon the environment, controlled surface water discharge will be introduced and limited to greenfield run-off rates, significantly reducing run-off from the current unattenuated rate. Therefore, there is no potential for the proposed development to increase in the existing flood risk over and above its existing risk.
- 6.59 Other measures to help adapt to climate change include the eight electric vehicle charging points recently installed within Whitworth Road Car Park in the south west of the application site.
- 6.60 Accordingly, it can be robustly concluded that the development will not result in any undue risk of flooding and will help adapt to the impacts of climate change. The proposed development therefore accords with PpE Policies JP-S1 (Sustainable Development) and JP-S2 (Carbon and Energy), Policy G8 (Managing water resources and flood risk) of the Core Strategy, Saved Policy EM/7 of the UDP, and the relevant requirements of the NPPF.

## **Air Quality**

- 6.61 An Air Quality Screening Report was prepared by BWB Consulting Limited and submitted with the application. The Air Quality Screening Report provides a qualitative construction phase dust assessment in accordance with Institute of Air Quality Management guidance and recommends measures to minimise dust emissions during construction. The report also provides an operational phase road traffic emissions screening assessment and determined that the development does not meet the criteria required for a detailed assessment.
- 6.62 The proposed development therefore accords with air quality policies of the Core Strategy and NPPF.

## **Overview**

- 6.63 This section has clearly demonstrated that the principle of development is established and the application proposals meet the requirements of the relevant policies contained within PpE, the adopted Core Strategy and UDP relating to: design and the built environment, transportation and access, residential amenity and noise, flood risk and drainage, and air quality amongst others. This is as well as according with the relevant, corresponding policies contained within the NPPF and meeting

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the wider national policy objective of delivering sustainable economic growth. The proposed development further conforms with the Council's supplementary guidance, including the Lower Falinge SPD.

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## 7. Summary and Conclusions

### Overview

- 7.1 This Planning Statement has been prepared on behalf of ERP (Accrington) Ltd c/o Glenbrook Investments Ltd in support of a full planning application for the construction of a drive-through café unit alongside associated modifications to the vehicular and pedestrian site access, car parking layout, hard and soft landscaping, and other site works. The scheme is proposed on part of Whitworth Road (Dunelm and Carpetright) Car Park, Whitworth Road, Rochdale, OL12 0TY (hereafter referred to as 'the application site').
- 7.2 The significant investment proposed by the applicant provides the opportunity for this area of underused car parking to be repurposed and its economic use and contribution to the local economy substantially increased. The proposed development will provide a modern drive through café facility for the residents of and visitors to Rochdale. Redevelopment of this previously developed and underutilised area of car parking represents the sustainable use of land.
- 7.3 The scheme will offer the opportunity to improve the visual appearance of the site through the provision of an appropriately redesigned and modern drive through café unit that respects its visible and edge of centre context. The site layout has been carefully designed to preserve the existing trees and landscaping around the site perimeter. Extended new planting will further substantially increase the landscape provision and enhance the green contribution of the site to local attractiveness.
- 7.4 The proposed drive through café will give rise to various economic benefits, including the creation of 24 full and part-time local jobs and other indirect jobs in construction, supply chain, support, etc. as well as providing customers with increased choice and competition. It is also anticipated that Starbucks' investment and presence will support investor confidence and market interest in Rochdale town centre during a challenging economic period.

### Policy Compliance

- 7.5 This Planning Statement has considered the application proposals against the relevant policies contained within Rochdale's development plan, as well as other material considerations including national planning policy guidance. Specific consideration has been given to the sequential test of the Core Strategy and NPPF, which is considered to be one of the main planning issues in this case. We summarise the applicants' conclusions in relation to this key matter below.

### Sequential Approach to Site Selection

- 7.6 The sequential test is dealt with at Section 5 of this report and has demonstrated that there are no sequentially preferable units or development sites within Rochdale town centre or any local centres that could potentially accommodate the scale and form of development for which planning permission is sought – even when demonstrating significant flexibility in terms of site area.
- 7.7 This outcome is not particularly surprising given that the proposed development is for a drive through café, which has specific property and operational requirements that cannot be fulfilled by conventional town centre units. Rochdale town centre is characterised by a mix of traditional terraced and shopping centre units, along with modern retail and leisure units, all of which are wholly unsuitable for a drive through café. Further, opportunity sites in Rochdale town centre are limited following major redevelopment of the town centre over the last 15 years, and none are available for the proposed development.

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- 7.8 The local centres are all small and tightly bound with no suitable existing units or development opportunity sites of a sufficient scale to accommodate the proposed drive through café.
- 7.9 The reality is that the proposed development can only be accommodated in a location outside of Rochdale town centre and the local centres, and the application site represents the most sequentially preferable site for such development. It comprises a highly accessible edge of centre site that is well connected to and just a short walk from Rochdale town centre.
- 7.10 For the reasons outlined in this report, it is therefore considered that there are no more 'suitable' and 'available' more centrally located sites for the scale and form of development proposed. Compliance with the sequential approach to site selection as set out in Policy E1 of the Core Strategy, Policy G/S/1 of the UDP and Paragraph 87 of the NPPF is demonstrated.

### **Other Planning Policy Matters**

- 7.11 Section 6 of this report has established the principle of development and demonstrated that the application proposals meet the requirements of the relevant policies contained within PfE, the adopted Core Strategy and saved policies of the UDP relating to: design and the built environment, transportation and access, residential amenity and noise, flood risk and drainage, and air quality amongst others. This is as well as according with the relevant, corresponding policies contained within the NPPF and meeting the wider national policy objective of delivering sustainable economic growth.

### **Overview, Benefits and Planning Balance**

- 7.12 It is evident that the redevelopment of the site has the potential to bring about significant economic, landscape and visual improvements by replacing what is an underused area of car parking with a modern drive through café unit set within attractive landscaping. Such development will improve the visual appearance of this prominent site and increase its levels of use, to the overall benefit of the surrounding area.
- 7.13 The NPPF is clear that development proposals which accord with an up-to-date development plan should be approved 'without delay'. This Planning Statement has demonstrated that the application proposals are compliant with PfE, the adopted Core Strategy and saved policies of the UDP and permission should therefore be granted.
- 7.14 Notwithstanding this robust conclusion, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Accordingly, even if the Local Planning Authority considers that the scheme would technically fail to comply with any specific development plan policy, consideration must also be given to other material planning considerations and whether these outweigh the local policy conflict identified.
- 7.15 Our report has identified a number of very positive impacts that the proposed development will give rise to (reflective of NPPF, Paragraph 8). It is appropriate to weigh these material considerations in the planning balance as part of the determination of the application. The positive impacts can be summarised as follows:
- The planning application provides the opportunity to secure the redevelopment and reuse of the application site as a drive through cafe. Replacement of an existing and underused area of car parking with a new drive through café will substantially increase the economic value of the site and its contribution to the local economy.

- The proposal offers the guarantee of deliverable economic development by multinational café brand Starbucks, which will help boost the local economy and will assist in attracting further investment in Rochdale.
- Starbucks will create some 24 quality full and part-time jobs, deliver further indirect jobs through services supporting the new café, and also provide a range of temporary construction jobs. The vast majority of positions will be made available to local people via targeted work with organisations such as Job Centre Plus;
- The proposal will bring about significant visual and local improvements to this site to the overall benefit of the local area, through replacing an existing and underused area of car parking with a modern and high-quality café building along with extended and enhanced landscape provision.
- The redevelopment and reuse of a previously developed and underused site represents a highly sustainable option for the proposed development. The introduction of attenuated surface water drainage from the site will further support resilience to climate change.
- The position of the site in close proximity to Rochdale town centre provides an accessible and sustainable location that will serve visitors to the town centre and other nearby destinations along with the neighbouring residential catchment. Other accessibility benefits offered by the proposed development include improved footways adjacent to the site access on Duke Street, a new pedestrian route across the site between Duke Street and Whitehall Street, and the provision of six new customer cycle parking spaces.

7.16 Overall, it has been demonstrated that the proposed drive through café accords with the key policies of PpE, the Rochdale Core Strategy and the saved policies of the Rochdale UDP, as well as the relevant policy tests contained within the NPPF and the Council's supplementary planning guidance. Policy E2 of the Core Strategy includes that the Council will support employment generating uses, which includes leisure uses, where they comply with the plan policies. On this basis, the applicants' position is therefore that planning permission should be granted.

7.17 Notwithstanding this, we have highlighted above that the application proposals will deliver some very significant positive benefits which weigh heavily in favour of the scheme. We consider that these benefits demonstrably outweigh any minor perceived negative impacts or policy conflicts that the Local Planning Authority may consider arise as a consequence of the proposed drive through café development. The application proposals are therefore acceptable in planning terms, and it is respectfully requested that planning permission is granted.

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