

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00356/FUL	Claire Ringwood	31 st January 2024

Address: The Lake Garage (Smithy Bridge) Ltd, Smithy Bridge Road, Littleborough, OL15 0BQ

Proposal: Demolition of car sales/garage and erection of SPAR convenience store with ATM machine, car parking, external lighting, landscaping and associated works

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	Y
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	Y

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	N/A
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CONDITIONS	Pre-commencement conditions proposed?	N/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: RG

DATE: 31 January 2024

SITE

The site relates to a former car sales and repairs garage on Smithy Bridge Road in the Smithy Bridge area of Rochdale. The site is now vacant. The garage is situated in a rendered and corrugated metal building that is of part flat roof, part pitched roof construction. The garage building is set towards the rear of the site and towards the front there was a sales forecourt, parking and access to the servicing section of the garage. The existing building is currently in a state of disrepair.

Adjacent to the site the predominant land use is residential but the Smithy Bridge Library is sited directly opposite the garage. The Smithy Bridge Village Centre (local centre) is located approximately 70m north west of the site. There are levels at the site, particularly at the rear where the site sits at a lower level than the residential properties on Shaftesbury Avenue. There are three access points into the site from Smithy Bridge Road.

Smithy Bridge Road is part of the Strategic Highway Network and the mini-round-about junction with Milnrow Road (Wildhouse Lane) (also part of the Strategic Highway Network) is situated approximately 30m from the south east of the site.

PROPOSAL

The application proposes the demolition of the existing car sales/garage and the erection of a convenience store (Class E) along with an ATM, car parking, landscaping and lighting. The proposed development would have a gross floor area of 512sqm and a net retail sales area of 276sqm.

The submitted Planning, Design and Access Statement in paragraph 3.8 advises the revised scheme provides a number of amendments to the previously refused scheme to overcome the previous highway safety concerns, these consist of:

- i) a part 2 storey building to increase space for vehicle movements within the site;
- ii) a dedicated servicing area separate to the customer car park;
- iii) a single vehicular access/egress as opposed to a separate access and egress;
- iv) a narrower vehicular access to prioritise pedestrians using the footpath;
- v) a dedicated and direct pedestrian route to the store entrance for customers; and
- vi) servicing via a delivery vehicle of a maximum 10.675m in length *[which the applicant proposes to be secured by condition]*.

The proposed store would be sited towards the rear of the site and would comprise a part single storey and part 2 storey building with a mono-pitch roof to the first floor element and the single storey element to the south west (rear) elevation and the south east (side elevation). A flat roof is proposed to the single storey north-west (side) element. The maximum width of the building would be approximately 32.5m and the maximum depth would be approximately 16.5m. The first floor element would have a maximum height of 6.9m to the front of the building and approximately 5.8m to the rear. The single storey element would have a maximum height of approximately 5.1m to the front of the building and approximately 3.9m at the rear. The single storey flat roof element would be approximately 3.9m in height to the top of the parapet. External plant will be located behind the parapet wall. The first floor element projects forward by approximately 1.9m with a covered area below with access into the proposed store.

Materials of construction for the building are proposed as brickwork (multi-red) at lower level with stained timber cladding above. The roof is to be clad in Kingspan with the eaves and bargeboards in RAL 7016 anthracite. PV panels are proposed to the first floor rear roof slope.

The first floor of the building would consist of an entrance frame in RAL 7016 anthracite with grey acoustic louvres and infill panels. The front of the building would have large shop front windows in RAL 7037 grey and an ATM would be installed to the right hand side of the shop front. The front of the building would also include a security door that would provide access for deliveries and a door to the side would provide access for servicing the ATM.

Internally the shop would provide a net sales floor area of approximately 278sqm, a holding area, staff room, WC, staircase, lift, prep area and deli counter on the ground floor with a stockroom and plant room at first floor level.

To the left hand side (SE) of the shop building a bin store is proposed. The bin store would be enclosed by a 2m high hit and miss fence.

To the right hand side (NW) of the shop, two staff car parking spaces are proposed. To the west (side) the existing building gable wall is to be lowered to 900mm.

To the front of the building, parking and access is proposed. 14 standard parking spaces, two disabled parking spaces, one motorcycle space and two cycle parking spaces are proposed to the front of the site. The site will be serviced by a single access, reducing the number of accesses serving the site from 3 to 1. The north corner of the site frontage of the site, with the exception of the two staff car parking spaces, remains open for access into the car park and for deliveries.

A dedicated pedestrian route/footpath is proposed towards the middle of the site through the car parking area. The plans also indicate the installation of tactile paving on the footpath on either side of the access. Towards the front of the site existing low brick boundary walls are proposed with planting behind.

The proposed store would be open 7 days a week 6am to 11pm including Sundays and Bank Holidays. The store would employ 15 full time and 15 part time staff members.

In terms of the number of deliveries, the Transport Statements advises following frequencies are anticipated:

- 6 fresh/chilled produce deliveries per week (Monday to Saturday) by 10.675m length delivery vehicle - usually AM, duration on site approximately 30 minutes;
- 1-2 ambient stock deliveries per week (Monday- Saturday) by 10.675m length delivery vehicle – duration on site 30 minutes;
- 6 bread deliveries per week (Monday to Saturday) by small vehicle – usually AM, duration on site 5-10 minutes; and
- Daily newspaper deliveries by transit van – usually early morning.

The plans also indicate a fascia sign and a pole sign adjacent to the site entrance. Any signage requiring consent would be subject to a separate application for advertisement consent and therefore are not under consideration with this application.

DISCUSSIONS WITH APPLICANT AND AGENT

A meeting was held with the applicant, agent, Rochdale Borough Council Highways officers and Planning officers on 14th September 2023.

The concerns raised with the application were discussed and following this meeting the agent provided revised drawings on the 16th November 2023 which reduced the width of the existing footpath and increased the width of Smithy Bridge Road in order

to improve larger vehicular access for servicing the site. The agent advised that the applicant can restrict delivery vehicles to a maximum length of 10.65m. Additional information was submitted previously on 27th July 2023 providing examples of convenience store schemes which comprise a restriction on the type and frequency of delivery vehicles.

On 5th December 2023 a further document was provided from PSA Design dated 29th November 2023 which responded to Rochdale Borough Council's comments from 25th May 2023.

These amended plans have been reviewed by Rochdale Borough Council Highways officers who remain of the opinion that the scheme is unacceptable. Highways final comments are detailed below.

The applicant was advised that the application would be refused and they requested that the refusal be based on the original plans submitted with the application.

PLANS AND DOCUMENTS SUBMITTED

Location Plan

Drawing No: EX-01 date Dec 2016 – Existing Plans & Elevs

Drawing No: TRI-1773-01 date 20/07/2016 – Existing Site Survey

Drawing No: 04 Rev PP1 date Dec 2022 – Ground & First Floor Plans

Drawing No: 21 Rev PP1 date Dec 2022 – Site Plan

Drawing No: 25 Rev PP1 date Dec 2022 – Elevations and Sections

Drawing No: 26 Rev PP1 date Dec 2022 – Site Plan Exg overlay

Drawing No: 27 Rev PP1 date Dec 2022 – Elevations and Sections Exg overlay

Drawing No: 30 Rev PP1 date Dec 2022 – 10.65m HGV autotracked L in L out

Drawing No: 31 Rev PP1 date Dec 2022 – 10.65m HGV autotracked R in R out

Planning, Design & Access Statement date February 2023

Transport Statement by PSA Design, job: T2339, date Feb 2023

Drainage Strategy Report by PLUVIAM Environmental, ref: PN0051-PEL-DS-01 date 16/12/2022

Ecological Survey And Assessment by ERAP (Consultant Ecologists) Ltd, ref: 2022-098, date February 2023

Phase I and II Environmental Assessment by Geo² Remediation Limited, ref: 20/1080.1.1, date November 2020

Visual

Received 11/04/2023

Noise Impact Assessment by e3p, reference: 50-224-R2-2, date 30th March 2023

Received 24/04/2023

Planning, Design & Access Statement date April 2023

Received 11/05/2023

Research: Convenience stores operating with and without delivery vehicle restrictions by Smith & Love Planning Consultants, July 2023

Received 27th July 2023

Drawing No: 21 Rev P11 – Site Plan

Drawing No: 26 Rev P10 – Site Plan Exg overlay

Drawing No: 30 Rev P11 – 10.65m HGV autotracked L in L out

Drawing No: 31 Rev P11 – 10.65m HGV autotracked R in R out

Received 16th November 2023

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy

- E1 Establishing thriving town, district and local centres
- E2 Increasing jobs and prosperity
- E4 Managing the release of land to meet future employment needs
- P1 Improving image
- P3 Improving design of new development
- G1 Tackling and adapting to climate change
- G2 Energy and new development
- G7 Increasing the value and biodiversity and geodiversity
- G8 Managing water resources and flood risk
- G9 Reducing the impact of pollution, contamination and land instability
- T1 Delivering sustainable transport
- T2 Improving accessibility
- DM1 General Development requirements
- SD1 Sustainable Development

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

- G/S/1 Hierarchy And Role Of Centres
- S/6 District Centre, Local Centres and linear Commercial Areas
- EM/7 Development And Flood Risk
- EM/8 Protection Of Surface And Ground Water

Emerging Policy – Places for Everyone Joint Development Plan

The Places for Everyone Joint Development Plan is a strategic regional plan for all of the Greater Manchester Local Authorities with the exception of Stockport. It seeks to guide the largest and most strategic developments of housing and employment land across the region. It also contains strategic policies for development management matters. This plan is at an advanced stage and is now afforded substantial weight in decision making.

Supplementary Planning Documents (SPD):

Shop Fronts and Security Shutters (adopted Sept 2012 and updated Feb 2017)
Oldham and Rochdale Urban Design Guide (Para 1.2 The Urban Design Principles)

RELEVANT SITE HISTORY

80/D11101 – Outline application for residential development – Approved.

86/D19298 – Residential Development – Approved.

98/D5351 – Single storey extension to existing garage to provide workshop and store room – Approved.

16/01318/FUL - Demolition of car sales/garage and erection of SPAR convenience store with ATM machine, car parking, external lighting, landscaping and associated works. Withdrawn 14/06/2017.

17/01512/FUL - Demolition of car sales/garage and erection of SPAR convenience store with ATM machine, car parking, external lighting, landscaping and associated works (resubmission of planning application 16/01318/FUL). Refused 01/08/2018 and dismissed at appeal 02/09/2019.

This application was refused for the following reason:

1. *Smithy Bridge Road is a narrow highway forming part of the Council's Strategic Highway Network and also one of the emergency motorway diversion routes (M62). To allow for swept paths that would not result in service vehicles mounting the footway when entering and egressing the site, the proposed delivery bay would be sited across one of the access points and a proposed non-standard kerb alignment would result in undue harm to pedestrian safety, placing greater emphasis on access for service vehicles over pedestrians. The manoeuvres undertaken by service vehicles to enter and egress and also service within the site would result in conflict with other vehicles accessing and manoeuvring within the site, and other users of the site and highway of Smithy Bridge Road with the result that servicing may take place from the highway or such conflict would give rise to unacceptable obstructions of the highway to the detriment of highway safety. In addition, proposed pavement alignments and tactile paving do not meet adoptable standards - desire lines for the visually impaired should be consistent and logical, enabling the visually impaired to predict and interpret unfamiliar environments. The tactile paving proposed does not adequately follow the alignment of the highway and is likely to cause confusion for the visually impaired, to the detriment of the safety of such users of the highway. As such, the proposed development would be detrimental to highway safety for all users of the highway, including the visually impaired and contrary to policies T2 and DM1 of the adopted Rochdale Core Strategy and policy in the National Planning Policy Framework.*

The Planning Inspector concluded that *'the proposed development would be harmful to the safety and convenience of other highway users, including pedestrians, contrary to Policy T2 and DM1 of the Core Strategy, which set an accessibility hierarchy for development and set a high quality for the design of proposed development, respectively.'* The Inspectors full decision is attached as a separate document to this report.

PREAPP/00108/19 - Demolition of car sales/garage and erection of Spar Convenience Store with ATM Machine, car parking, external lighting, landscaping and associated works.

This pre-application enquiry sought to address the previous reason for refusal and incorporated amendments to the scheme.

The pre-application enquiry was reviewed by Rochdale Borough Council's Highways officers and a number of fundamental concerns remained in regards to:

- ❑ The proposed alignment of the kerb at the site access; the proposed kerb alignments and tactile paving do not meet adoptable standards;
- ❑ Introduction of the unconventional kerb alignment is the only circumstance in which service vehicles would not mount the footway;
- ❑ The alignment of the tactile paving is likely to create confusion for people who are visually impaired. Desire lines for the visually impaired should be

consistent and logical, this will enable the visually impaired to predict and interpret unfamiliar environments; and

- ② The revised Swept Path Analysis has only been submitted for one direction of travel. An acceptable Swept Path Analysis is required for each direction of travel for access/egress of the site.

PREAPP/00007/21 - Demolition of existing building and erection of convenience store (Use Class E) including ATM machine, car parking and access.

This pre-application enquiry sought to address the previous highway reason for refusal which included reducing the footprint of the proposed building which increased the height and altered the design of the building. The Council advised they would be unlikely to support this amended proposal due to the harmful impact this would have on visual amenity.

Rochdale Borough Council's Highways officers also reviewed this amended scheme and significant highway safety concerns still remained. It was also identified that through attempts to address the highway safety reason for refusal, additional concerns had arisen in respect of the proposed building which was considered inappropriate for the site.

PREAPP/00145/21 - Demolition of car sales/garage and erection of Spar convenience store with ATM machines, car parking, external lighting, landscaping and associated works.

This pre-application provided a further re-design to ensure the building was no higher than the existing building and in an attempt to overcome previous highway concerns.

On 23rd March 2022 Officers responded to this pre-application enquiry advising Rochdale Borough Council Highways team were unable to support the pre-application proposal and that there were still concerns regarding the impact on neighbouring properties.

Amended plans were submitted as part of this pre-application enquiry on 5th May 2022 (along with a meeting on this date) which revised the design to overcome the impact on neighbouring properties and in an attempt to address Highway concerns.

A response to the agent was provided on the 21st June 2022 whereby the officer advised that the proposed design was considered an improvement on those previously submitted and subject to a few minor amendments, the Council would likely support the plans in terms of their impact on visual and residential amenity. However, highway safety remained a concern.

Amended plans were again submitted on 15th August 2022 which related to Highway concerns. Highway officers reviewed these plans and raised concerns again in regards to highway safety.

CONSULTATION RESPONSES

Highways

Original comments received 25th May 2023

Highways have raised previous concerns regarding retail development on this site which resulted in our objection to the previous application (17/01512) and those objections we upheld by the Planning Inspectorate at appeal. When giving pre-application advice on this application we have been consistent in our approach to retail development and the impact it would have on the safe and

efficient management of the highway network. We will review all those previous issues when considering this application

This application is supported by a Transport Statement (TS) prepared by PSA Design Ltd and will be the main focus of Highways comments. We will respond to the issues as they arise within the TS.

Highways Officers raised no objection to the impact of the proposed development in terms of the number of vehicular trips generated, we did however have concerns at pre-application stage regarding the potential interruption to the free flow of traffic on the highway network created by the difficult access into the site for service vehicles.

We can also accept that the site is in a relatively accessible location.

Smithy Bridge Road is a classified road and part of the Boroughs strategic highway network and we would expect that any proposed development would have no impact on its safe and efficient operation.

Whilst we accept that the development site is not directly on the Motorway diversion route as shown on the submitted plans, it is the close proximity to this route and one of its major junctions that causes us concern. When the Motorway diversion is in force we would expect that all junctions and connecting routes are available to operate at their maximum capacity to accommodate both the existing and additional traffic expected. HGV's undertaking difficult manoeuvres to gain access to the development site are likely to disrupt these vehicle movements, cause additional queuing and reduced highway capacity.

It is clear that the proposed access into the site cannot safely accommodate a 16.5 metre articulated vehicle which in modern logistics is an expected size of delivery vehicle even for smaller retail outlets. The TS has only provided a swept path for a 10.5 metre vehicle and it would appear that this access may be just about achievable for a highly skilled driver at low speed. Smithy Bridge Road has a narrow carriageway along the site frontage and access point which makes access difficult, it is therefore likely that these vehicles will mount the footways on either side of the proposed access. This raises significant pedestrian safety concerns on this busy footway especially for the less able which is contrary to Council Policy. Overrunning of the footway by the size of vehicle expected will also create highway maintenance liabilities for the Council.

If these vehicles did not mount the footway to enter or leave the site the likelihood is that they would enter the opposite carriageway which raises the potential for vehicular conflict and would interrupt opposing traffic flow.

The TS indicates that the size of service vehicle will be bespoke and controlled by the applicant and indicates that this could be also controlled via planning condition. Highways would say that it is not possible to secure an effective condition of planning for the use of this bespoke vehicle, it is specialised and the retail unit could change users or suppliers. A new user would not have access to this bespoke delivery vehicle, and may use larger vehicles, this consideration also presents significant road safety concerns.

As enforcement of a planning condition restricting the size of service vehicle would be impractical for both Planning and Highways Officers, this would lead to unrestricted access for larger vehicles amplifying our concerns about the safe operation of the proposed access.

Parking provision for the size and use is slightly below the Councils maximum parking standards which would increase the potential for overspill parking into the

loading bay area. The application relies on a large service yard to accommodate the turning movements of the 10.5 metre service vehicles which again is supported by swept path analysis. Any vehicle parked in that area, either customers entering the store, stopping to use the ATM or other service vehicles delivering to the site, would restrict internal servicing access leading to larger vehicles parking on this narrow section of Smithy Bridge Road. Site visits to similar retail outlets in the Borough shows that this is a regular occurrence at these sites. Large vehicles parked or being unloaded on this narrow section of Smithy Bridge Road would increase the potential for accidents in this location and again reduce highway capacity.

Council Policy states that developments are required to provide satisfactory vehicular access with adequate parking, manoeuvring and servicing arrangements taking into account the proposed use and location. Highway Engineers are of the opinion that this current application does not meet that criteria and would have a detrimental impact on road safety therefore we must recommend its refusal.

Final comments received 22nd January 2024

The amended plans show changes to the kerb line on Smithy Bridge Road which would widen the carriageway on the approach to the proposed site entrance. The amended layout has shown via swept path analysis that a bespoke 10.675 metre articulated service vehicle exclusively used by the applicant can enter and leave the site in forward gear. On the PDF's submitted with tracking information, no speed has been included, this presents a risk that in reality these manoeuvres may not be achievable or leave no room for error.

Highway Engineers have been consistent throughout many design alterations in relation to the proposed site access & servicing arrangements. In terms of the none standard service vehicle proposed as part of the service management plan, there is no way of the Local Highway Authority (LHA) guaranteeing or enforcing that this type of vehicle will be exclusively available for deliveries to this site on a long term basis. This creates an unsatisfactory situation as it has been proven that any other vehicle cannot safely navigate the access or egress from this site.

In any circumstance of a change of service vehicle, even in a temporary or one off scenario the impacts on the safe operation of the local highway network are significant, unsafe and unsatisfactory for other transport modes – whilst also creating future maintenance and liability issues that the LHA is unwilling to accept.

Rochdale Borough Council have also undertaken our own swept path analysis and it would appear that there are various scenarios where a 10 metre rigid vehicle crosses the centre line of Smithy Bridge Road and over runs the kerbs at the proposed site access.

As a result it is also apparent that a 16.5 metre articulated vehicle cannot safely access this site's service area, there is no long term guarantee for the LHA that a future operator may use this type of service vehicle under the intended proposed development use.

To further support the view of highway Engineers, the Manual for Streets offers the following guidance for designers and planners:

“The Design of new streets or the improvement of existing ones should take into account the functions of the street, and the type, density and character of the development. Carriageway widths should be appropriate for the particular context and uses of the street.”

“The design of local roads should accommodate service vehicles without allowing their requirements to dominate the layout. On streets with low traffic flows and speeds, it may be assumed that they will be able to use the full width of the carriageway to manoeuvre.”

The proposed kerb line amendments on Smithy Bridge Road are proposed to directly prioritise the movements of Service Vehicles. Additionally, Smithy Bridge Road is not a section of the local network where the LHA can assume service vehicles will be able to use the full width of the carriageway to manoeuvre.

Whilst providing physical segregation between transport modes, kerb lines also offer consistent site lines for drivers and any pedestrians with visual impairments/mobility issues. This clearly contradicts set guidance from the Manual for Streets and is also not in line with the following guidance from the Councils Core Strategy:

Rochdale Core Strategy T2 - Improving Accessibility

We will improve accessibility by locating development where good access to public transport is available or can be provided, backed by measures to reduce the need for travel and effective provision for cyclists, pedestrians and people with impaired mobility. 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. Transport improvements will focus access to priority regeneration areas, e.g. town centres, housing regeneration areas and economic growth corridors. We will do this by:

Requiring development and infrastructure proposals to satisfy the Council’s accessibility hierarchy. This requires transport user needs to be considered and addressed in the following priority order:

- i. People with impaired mobility and pedestrians;***
- ii. Cyclists;***
- iii. Public transport (Bus, Heavy and Light Rail) and "clean fuelled" vehicles;***
- iv. Taxi, private hire vehicles;***
- v. Powered two wheeled vehicles;***
- vi. Commercial traffic for local access;***
- vii. Shopping, visitors / tourist and off peak traffic; and***
- viii. Long stay and peak time commuter traffic.***

The concerns raised are also contrary to further sections of Rochdale’s Core Strategy, which states;

“Developments are required to provide satisfactory vehicular access with adequate parking, manoeuvring and servicing arrangements taking into account the proposed use and location.”

Rochdale Borough Councils Highways Services concludes that the proposed site is unsuitable for the associated servicing requirements and is unwilling to accept the negative impacts this will create for other transport modes, vulnerable road users along with negative impacts to general traffic in the area.

As a responsible Highway Authority we must ensure that any new development has:

- The minimum adverse impact on highway safety.
- The minimum adverse impact on traffic capacity.
- Convenience to transport users as a whole.
- Limits unacceptable road transport impacts, particularly for sustainable modes and vulnerable road users.

As a result of this the LHA is unwilling to offer support to this application.

Transport for Greater Manchester (TfGM)

- The accident data should be updated to include the whole of 2022.
- TfGM do not agree that only 10% of the trips will be new trips on the network. The TS has provided no evidence to support this assumption.
- However, TfGM would note that by applying a 50% new trip rate, the total number of trips is likely to be less than 30 vehicles per/hour which would not trigger TfGM's requirement for a junction impact assessment. This is the standard TfGM use in line with the industrywide threshold which states that junction assessments should be carried out if the development generates more than 30 vehicles per hour at a junction.
- A review of the surrounding TROs should be undertaken and TfGM would suggest adequate TROs are in place on the main road to prevent opportunistic parking and to protect sightline visibility.

TfGM would refer to the LHA to determine whether the access, parking and servicing arrangements are acceptable, given the issues raised previously.

Drainage Officer

The Pluviam drainage strategy meets sustainable drainage best practice. The proposals will incorporate a geocellular tank to store rainwater with a 3 l/s hydrobrake outlet to the combined sewer. The report has details confirming that a detailed design has been undertaken.

At the detailed design stage, the Applicant will need to confirm the dia. of the hydrobrake, which should be greater than 75mm. If necessary the flow control can be increased up to 4 or 5 l/s accordingly, to reach 75mm minimum diameter to avoid susceptibility to blockage of the outlet with leaf and other debris.

SUGGESTED DRAINAGE CONDITIONS

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

The drainage scheme shall be based upon the details provided in the Drainage Plan and Details for Spar Store drg PN0051/PEL/XX/XX/DR/Y/0001/P02 by Pluviam dated 16.12.22.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation/ use of the proposed development, the drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from the site in accordance with Policy G8 of the adopted Rochdale Core Strategy, saved Policy EM/7 of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Drainage infrastructure will need to be implemented prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same.

Strategic Planning

From the information available there is no objection to this application from Strategic Planning, with the condition that any adverse traffic and transport effects are adequately mitigated.

Greater Manchester Ecology Unit

The developer's ecological consultant identified no significant ecological issues. Issues relating to bats, nesting birds, invasive species and biodiversity enhancement measures can be resolved via condition and or informative.

Bats

As for the previous application the building was assessed as having negligible bat roosting potential. I have no reason to doubt the findings of the report, the building clearly constructed of materials likely to reduce the likelihood of bats being present, with large number of more likely buildings nearby. Notwithstanding the above, bats are mobile in their habits and can and do turn up in the most unlikely places. I therefore recommend an informative along the following lines is applied to any permission.

Whilst the building to be demolished has been assessed as negligible risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

Nesting Birds

No evidence of birds nesting on the site was recorded, but potential bird nesting habitat in the form of bramble scrub identified. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.

No scrub removal shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Invasive Species

Himalayan balsam and monbretia were recorded on the site. Both species are listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended). It is an offence to introduce or cause to grow wild any plant listed under this schedule. Whilst the development site would not be regarded as in the wild, there is a risk of the seed of balsam and corms of the monbretia being carried deliberately or accidentally off-site and spread in the wild. I therefore recommend control measures are applied. These can be provided upfront or via a condition along the following lines.

Prior to any earthworks a method statement detailing control and biosecurity measures for himalayan balsam and monbrietia should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The site currently has

only very low value in terms of vegetation and very low value with regards wildlife. I am satisfied that the proposed landscaping two trees and hedge/shrubs along the frontage will achieve an overall net gain, though more would be welcome and I recommend the use of native trees and shrubs, eg silver birch tree and a beech hedge. I also recommend enhancement for bats and nesting birds through inclusion of one house sparrow terrace and one bat box on the new build. *The details can be conditioned.*

Environmental Health (Noise)

I have reviewed the submitted NIA and can confirm that appropriate data has been used to model plant and delivery noise. My only concern would be deliveries during night-time hours which may have an impact on the existing residential. Aside from that the noise levels from the plant and deliveries should be below existing noise climate. If granted we would recommend the following conditions:

- ☐ Delivery hours are limited to 07:00-22:00
- ☐ Noise from the fixed plant shall not exceed 32dB(A) between the hours of 23:00-07:00

Environmental Protection

The report and recommendation for a watching brief is acceptable, suitable condition:

APAS CODE CW047

Reporting of Unexpected Contamination – Relates to developments where the pre application report did not indicate unacceptable risks

A watching brief for contamination shall be maintained when carrying out the approved development. If during any works on site contamination is suspected or found or contamination is caused, the Local Planning Authority shall be notified immediately. A suitable investigation and/or risk assessment and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority. If contamination is not suspected, found or caused during development this must be confirmed in a completion letter which is subject to the approval in writing of the Local Planning Authority.

United Utilities

Require conditions relating to foul and surface water drainage, sustainable drainage management and maintenance plan.

[Officer Note: United Utilities full comments have been provided to the applicant].

REPRESENTATIONS

The application has been publicised with a site notice and neighbour notification letters. 7 letters of support as well as one petition and 33 letters of objection have been received in respect of this application.

The letters of support are summarised as;

- This is an improvement on the previous proposal and as the current building is an eyesore;
- Would give local people more choice to buy fresh produce within walking distance and reduce traffic in the area by having to travel to other specialist shops;

- The installation of an electric charging point is positive;
- It will be great for the community.

The petition has been signed by over 200 people and reads:

Residents and business owners are against planning permission being granted to Spar on the grounds below:

1. Additional traffic to an already busy local area.
2. Health and safety issues to additional pedestrians/shop users crossing Smithy Bridge Road.
3. Nuisance caused by additional youths etc. congregating outside the premises.
4. There are already 2 well stocked, well used shops in the area, there is no requirements for extra businesses of this nature.
5. Already existing location of Spar on Halifax Road.

The letters of objection are summarised below;

- The Transport Statement does not make reference to any expected increase in the number of residential dwellings from determined and proposed large scale residential developments in the area which would affect the findings in the TS;
- Impact of on street parking on neighbouring roads due to lack of parking on-site for customers and staff;
- Highway and pedestrian safety, the proposed development would be very likely to lead to increased danger for local residents;
- No crossing facility on Smithy Bridge Road;
- Location of entrance to bus stops;
- Service vehicles will create on site conflict when accessing the delivery area;
- Use of larger HGV vehicles other than those statement in the Transport Statement;
- Noise and disturbance from plant and equipment (and proximity to neighbouring properties), deliveries (including morning and night time hours) and extended opening hours from that of the previous garage;
- The car park could create a gathering place for youths and youngsters;
- Nuisance by extra littering;
- Installation of a wireless X broadband green box next to the existing bus stop where the proposed entrance is;
- The increase in traffic will worsen air quality;
- The proposal would be out of character with the surrounding area;
- Large signage would negatively alter the feel and character of Smithy Bridge;
- An increase in the number of people accessing local streets could lead to an increase in the level of crime;
- The installation of the ATM could encourage crime in the area;
- External lighting would lead to a nuisance for residents;
- Overdevelopment of the site;
- Loss of privacy
- The development will be imposing being built up to the boundary;
- There is no reference to providing biodiversity net gain;
- The development will negatively impact the feel of the 'garden alley way' which provides multiple benefits for residents;
- It is unlikely that 30 staff will be employed as it is a local convenience store;
- Impact on other local convenience stores and business one of which is a Post Office which is a life line to many;
- No need for another convenience store;
- The site would be more suitable for housing;

- Consideration should be given to the removal of the asbestos garage and roof extension;

A detailed objection has been raised by the Littleborough Civic Trust stating the Transport Statement does not conform to the requirements of the TRICS Good Practice Guide (2023) and requesting additional information is required so that they can publicly audit the TRIP rates submitted and confirm whether or not the 5 sites selected for comparison are similar to the application site. There are concerns that the selected sites are not comparable and as a third party they are entitled to ask for additional information to be provided.

The Littleborough Civic Trust also comment that the developers are being required to provide a Section 106 contribution for highway improvements. *Officer Note: As part of the current application no Section 106 contributions have been requested as officers do not consider that the highways issues outlined in this report cannot be mitigated against by a financial contribution.*

A request has been made by Councillor Besford for the application to be called in to Planning Applications Committee should the application be recommended for approval otherwise the application can be refused under delegated powers.

ANALYSIS

Principle of development

The NPPF states in paragraph 10 that “*at the heart of the Framework is a presumption in favour of sustainable development*”. The overarching objectives are economic, social and environmental. Paragraph 12 of the NPPF states “*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 permission should not usually be granted.*”

The application site lies within the Defined Urban Area and the application proposes the demolition of the existing garage and the development of a SPAR store. Policy E1 of the Core Strategy establishes that, inter alia, retail development will be focussed in town centres to maintain vitality and viability. It also states that the Council will ensure the provision of a hierarchy of accessible district and local centres and shops that meet people’s daily shopping needs. As such, in considering proposals for main town centre uses, policy E1 states that the following will be required:

- The application of the sequential approach, where the application is not in an existing centre and not in accordance with an up-to-date development plan;
- An impact assessment for retail, leisure and office where the proposed application exceeds the locational requirements floorspace thresholds (500sqm for this site). This shall include an assessment of the proposals within a defined catchment area and wider depending on the size of the application;
- Seek to ensure that the number of non-A1 retail uses at ground floor level in Primary Shopping Frontage does not exceed 20% of its total length;
- Support a change of use of a vacant retail unit (marketed for at least 6 months for retail use) in a Primary Shopping Frontage and Secondary Shopping Frontage where applicants can demonstrate that the use will clearly assist, and not harm, the vitality and viability of the centre; and
- Support the provision of small scale shops and services to meet local needs outside centres including in Employment Zones, where:

- o They are in a location that is not, or will not be reasonably served by an existing or proposed centre or local shop;
- o There are no suitable vacant shops nearby; and
- o They will be accessible to local residents/workers on foot.

The NPPF in paragraph 90 also requires Local Planning Authorities to apply a sequential approach to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local 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 should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centres.

The submitted Planning, Design & Access Statement assesses the sequential approach to site selection. This has demonstrated that a survey of Smithy Bridge Local Centre has been undertaken and this has revealed that there are no suitable sites available within the centre or within edge of centre sites. With this information the Local Planning Authority are satisfied that the proposal complies with the sequential test requirements set out under Chapter 7 of the NPPF and Core Strategy Policy E1. With regards to the impact test, the applicant has provided commentary to identify that the proposal has only resulted in an exceedance of the councils thresholds for this centre due to the split level of the building and the slightly less efficient internal layout this provides. The statement goes on to confirm that the overall proposals are directly comparable in retail impact terms and having considered the good health of Smithy Bridge local centre that there would not be a significant adverse impact on the vitality and viability of the centre. Whilst the assessment provided is limited in detail, the justification for this is accepted and the consideration of retail impact is considered to be proportionate to the scale of the proposals.

The application is therefore acceptable in this regard and the provision of a retail store in the location proposed would not unduly impact on the vitality or viability of the nearby local centre providing the development is suitable in terms of other material considerations discussed below.

Highways and Parking

Policy DM1 of the Council's adopted Core Strategy requires all development proposals to provide satisfactory vehicular access with adequate parking, manoeuvring and servicing arrangements, taking into account the proposed use and location.

Policy T2 of the Core Strategy sets out that development and infrastructure proposals are required to satisfy the Council's accessibility hierarchy and in all circumstances, the safety, accessibility and amenity of those who live or have business in the area will have priority, while providing reliable journey times for those travelling through. The accessibility hierarchy sets out the following priority order:

- i) People with impaired mobility and pedestrians;
- ii) Cyclists;
- iii) Public transport and "clean fuelled" vehicles;
- iv) Taxi, private hire vehicles;
- v) Powered two wheeled vehicles;
- vi) Commercial traffic for local access;
- vii) Shopping, visitors/tourists and off peak traffic; and
- viii) Long stay and peak time commuter traffic.

Developments are also required to provide parking in compliance with the Council's Maximum Car Parking Standards as set out in Appendix 5 of the Core Strategy.

Paragraph 115 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 116 of the NPPF specifies that within the context of highway safety, development should:

- Give priority first to pedestrian and cycle movements...and second, to facilitating access to public transport;
- Address the needs of people with disabilities and reduced mobility;
- Create places that are safe, secure and attractive – which minimises the scope for conflicts between pedestrians, cyclists and vehicles;
- Allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- Be designed to enable the charging of plug in and other ultra-low emission vehicles.

Paragraph 96 of the NPPF requires planning decisions to achieve healthy, inclusive and safe places and promotes developments that are safe and accessible and incorporate easy pedestrian and cycle connections.

The NPPG design guidance also promotes access and inclusion and advises that inclusive design should not only be specific to the building but also include...the transport infrastructure. Well-designed places should also promote ease of movement, for all users, whatever their mobility.

Whilst not yet adopted, the emerging Places for Everyone Joint development Plan also gives further weight to the principles laid out in the NPPF and the Core Strategy with respect of the hierarchy of highway users and how to achieve best practice in the design of access for new development.

Access and Servicing Arrangements

Service vehicle access would be shared with other users of the site. With regards to deliveries, a service area is provided to the west of the store. Delivery vehicles will enter the site and reverse into the servicing area. The Transport Statement (paragraph 4.0.8) states the delivery vehicles will then leave in a forward direction.

The application relies on a large service yard to accommodate the turning movements of the 10.675m service vehicles proposed, which is supported by swept path analysis. Any vehicle parked in that area, either customers entering the store, stopping to use the ATM or other service vehicles delivering to the site, would restrict internal servicing access leading to larger vehicles parking on the narrow section of Smithy Bridge Road to the site frontage. Site visits by Highways officers to similar retail outlets in the Borough has shown that this is a regular occurrence at these sites. Large vehicles parked or being unloaded on this narrow section of Smithy Bridge Road would increase the potential for accidents in this location and reduce highway capacity.

To appropriately assess the impact of the development on the highway network and highway safety, consultation has been undertaken with the Council's Highways team. Throughout the duration of the application (and during pre-applications enquiries as shown above) Highways have maintained an objection throughout. Highways officers have accepted that the site is in a relatively accessible location and raised no

objections to the impact of the proposed development in terms of the number of vehicular trips generated.

Concerns have been received from members of the public stating the submitted Transport Statement does not take into account the increase in the number of people living in the area through various large scale residential planning applications that have been determined or that are proposed which would alter the level of trips and number of vehicles making new and incidental journeys commenting that the findings in the Transport Statement could be flawed.

Further objections have been received in regards to the information provided in the Transport Statement which, objectors claim, does not conform to the requirements of the TRICS Good Practice Guide (2023). Transport for Greater Manchester (TfGM) were therefore consulted and have advised:

- The accident data should be updated to include the whole of 2022;
- TfGM do not agree that only 10% of the trips will be new trips on the network. The Transport Statement has provided no evidence to support this assumption:
- However, TfGM would note that by applying a 50% new trip rate, the total number of trips is likely to be less than 30 vehicles per/hour which would not trigger TfGM's requirement for a junction impact assessment. This is the standard TfGM use in line with the industrywide threshold which states that junction assessments should be carried out if the development generates more than 30 vehicles per hour at a junction;
- A review of the surrounding TROs should be undertaken and TfGM would suggest adequate TROs are in place on the main road to prevent opportunistic parking and to protect sightline visibility.

Although TfGM are not fully supportive of the submitted Transport Statement, they have raised no overall objection. In regards to their last comment in relation to TROs, had the application been acceptable in all other regards this matter would need to have been addressed.

Rochdale Borough Council Highways Officers have continuously raised concerns regarding the potential interruption to the free flow of traffic on the highway network created by the difficult access into the site for service vehicles. Smithy Bridge Road is a classified road and part of the Boroughs strategic highway network.

Whilst Highways officers accept that the development site is not directly on the Motorway diversion route as shown on the plans in the Transport Statement, it is the close proximity to this route and one of its major junctions that causes concern. The response from PSA Design, dated 29th November 2023, (Response to Highways Consultation Comments (May 2023) states *'the site is remote from the closest point of the M62 Diversionary routes (some 3.6km away) with a significant number of other existing junctions between...It is therefore difficult to see how it can be considered to be 'in close proximity' and more importantly how one HGV turning into/out of the site each day could have any impact whatsoever on the operation of the M62 diversionary routes.'*

Highways officers would expect that when the motorway diversion is in force that all junctions and connecting routes are available to operate at their maximum capacity to accommodate both the existing and additional traffic expected. HGV's undertaking difficult manoeuvres to gain access to the development site are likely to

disrupt these vehicle movements, cause additional queuing and reduced highway capacity.

It is clear that the proposed access into the site cannot safely accommodate a 16.5m articulated vehicle which in modern logistics is an expected size of delivery vehicle even for smaller retail outlets. The Transport Statement originally provided a swept path for a specific articulated 10.675m vehicle. Highways Officers reviewed this information and advised that it would appear that the access may only just be achievable at very low speed (using a specific 10.675m HGV) without mounting the footway opposite and adjacent the site and highlighted that the speed of the vehicles used in the tracking was not shown.

Highways officers advised that these manoeuvres are tight and in some instances, would be likely in real life scenarios to over sail the footway, or encroach into the other lane of traffic which presents a road safety risk.

Following a meeting with the applicant, agent, Highways officers and Planning officers on 14th September 2023, amended plans were provided on 16th November 2023 which proposed to widen the carriageway on the approach to the site entrance by reducing the width of a section of the pedestrian footpath. Tracking diagrams were also submitted showing a 10.675m articulated service vehicle entering and exiting the site in forward gear. On the PDF's submitted with the tracking information, no speed has been included and Highways officers advised that this presents a risk that in reality these manoeuvres may not be achievable or leave no room for error.

Highways officers reviewed these plans and undertook their own swept path analysis which have shown that there are various scenarios where a smaller 10m rigid vehicle crosses the centre line of Smithy Bridge Road and over runs the kerbs at the proposed site access.

Although the refusal of this application is based on the plans as originally submitted and not the revised scheme widening the road, Highways officers state that they have been consistent throughout the many design alterations in relation to the proposed site access and servicing arrangements. Highways have advised that in terms of the non-standard service vehicle proposed as part of the service management plan, there is no way of the Local Highway Authority guaranteeing or enforcing that this type of vehicle will be exclusively available for deliveries to this site on a long term basis and that this creates an unsatisfactory situation as it has been proven that any other vehicle cannot safely navigate the access or egress from this site.

Highways Officers have stated that as a result of their own swept path analysis it is apparent that a 16.5m articulated vehicle cannot safely access the sites service area and there is no long term guarantee for the Local Highway Authority that a future operator may use this type of service vehicle under the intended proposed development use. The response from PSA Design, dated 29th November 2023, (Response to Highways Consultation Comments (May 2023) states that *'there is nothing to suggest that a planning condition restricting the size of service vehicle would be impractical or un-enforceable.....and that a 10.675m long vehicle is commercially available and already forms part of the James Hall fleet. Such vehicles are also commonly used by other store operators for sites where access is more challenging.'* This response also states that *'the 10.675m long vehicle that will service the site is not 'bespoke', it is commercially available and already forms part of the James Hall Fleet. Such vehicles are also commonly used by other store operators for sites where access is more challenging.'*

The Transport Statement indicates that it is proposed to use smaller HGV vehicles to service the store which will be controlled by the applicant. Paragraph 2.4 of the Transport Statement states that '*smaller HGV's are commonly used by retailers such as Co-op and Tesco when servicing their smaller food stores*'. The agent has also stated in the Design & Access Statement (paragraph 3.10) that there are '*numerous examples of the length of a delivery vehicle being restricted via a Delivery Management Plan or simply stated within a condition. Visually there is a clear distinction between a large HGV (16.5m in length) and a small HGV (10.675m in length) which makes it an enforceable condition for the Local Authority.*'

The applicant has provided examples of other convenience stores operating with and without delivery vehicle restrictions and where a Service Management Plan was required by condition. Officers acknowledge that this approach may have been taken on other sites however, applications have to be assessed on their own merits and a sites specific individual circumstances need to be considered. The Inspector in the dismissed appeal also stated that:

8. *The appellant has quoted a number of sites where there have not been any highway objections to the development of SPAR sites. However, these are all different in their layout from the proposal and in different locations. It is a similar position for the examples of operational SPAR stores and their accident statistics. Each case in these examples would have been considered on their merits against the development plan for that area. As such, I give these examples little weight.*

Although a condition to restrict the size of the service delivery vehicle to 10.675m could be imposed, it would in its own right be challenging to enforce this, Notwithstanding this, the Council's own tracking diagrams clearly show that a typical 10m rigid vehicle would, even with a widened road, cross the centre line of Smithy Bridge Road and over runs the kerbs at the proposed site access and therefore a condition based on the vehicle length would not, in this case, be appropriate. The level of specificity that would be required in terms of vehicle restrictions would go beyond what the council considers to be reasonably or realistically enforceable. As such as condition would not provide suitable control and without such a condition there would be unrestricted access for larger vehicles entering the site which increases the concerns about the safe operation of the proposed access. This matter can only be exacerbated with the originally submitted plans which do not include widening the road and which the applicant has requested are used for determination.

The Transport Statement in paragraph 4.0.40 states '*deliveries would take place between 0600-2200 but will be infrequent and of short duration.*' Paragraph 5.0.5 of the statement continues '*in terms of the number of deliveries, the following frequencies are anticipated:*

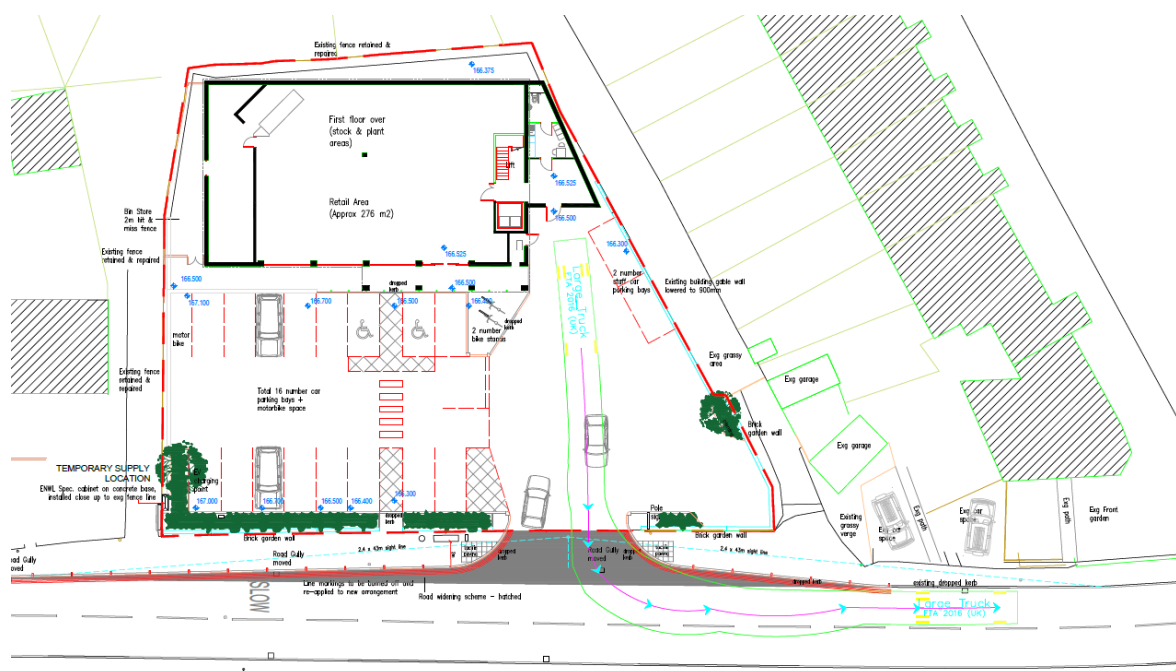
- ② *6 no. fresh/chilled produce deliveries per week (Monday to Saturday) by 10.675m length delivery vehicle - usually AM, duration on site approximately 30 minutes;*
- ② *1-2 ambient stock deliveries per week (Monday- Saturday) by 10.675m length delivery vehicle – duration on site 30 minutes;*
- ② *6 no. bread deliveries per week (Monday to Saturday) by small vehicle – usually AM, duration on site 5-10 minutes;*
- ② *Daily newspaper deliveries by transit van – usually early morning.'*

In assessing the servicing of the proposed store it is recognised that deliveries can be conditioned to specific times. However, the delivery times proposed are during the

hours of 0600 and 2200 which covers both the morning and evening peak hours. This raises its own concerns in terms of delivery times as the Planning Inspector concluded in paragraph 7 on the dismissed appeal that:

7. *Smithy Bridge Road is described by the Council as being of minimum width for its function as a classified road as a result of historic development patterns. There would be times that both carriageways would be needed to enter and leave the site, which is not uncommon where radii are small, but would require a suitable gap in the traffic. The road is part of the strategic road network and at times it can be used as an emergency alternative for the M62, which could mean that there could be a waiting time to carry out such manoeuvres, causing queueing and delay. The appellant has suggested that a condition could be used to regulate hours of delivery. However, the condition suggested by the appellant allows deliveries between the hours of 0700 to 2200 which covers both the morning and evening peak hours and would not be effective in controlling the effects of deliveries on Smithy Bridge Road.*

Highways officers have highlighted, through their own swept path analysis, that a 10m vehicle would cross the centre line and over run the proposed site access as shown below (although this was tracked using the scheme to widen the road). In theory a smaller vehicle should improve the tracking but Rochdale Borough Council's version shows this is not the case. The applicant's tracking diagrams used a larger vehicle and the tracking drawings appear to be more suitable than the Rochdale Borough Council versions however, Highways believe this is partly due to unrealistic speeds. No details of the speeds of the tracked vehicles has been provided although this was requested by officers.



Council Policy states that developments are required to provide satisfactory vehicular access with adequate parking, manoeuvring and servicing arrangements taking into account the proposed use and location. Highways are of the opinion that this current application does not meet that criteria and the proposal would have a detrimental impact on road safety.

To further support the view of Highways, the Manual for Streets offers the following guidance for designers and planners:

“The Design of new streets or the improvement of existing ones should take into account the functions of the street, and the type, density and character of the development. Carriageway widths should be appropriate for the particular context and uses of the street.”

“The design of local roads should accommodate service vehicles without allowing their requirements to dominate the layout. On streets with low traffic flows and speeds, it may be assumed that they will be able to use the full width of the carriageway to manoeuvre.”

The submitted tracking diagrams from the applicant all show the delivery vehicles running very close to the pavements on either side of the access. This in itself raises significant pedestrian safety concerns on this busy footway, especially for the less able (even without knowing the speeds of the delivery vehicles entering the site) which is contrary to Policy T2. Overrunning of the footway by the size of vehicle expected will also create highway maintenance liabilities for the Council.

The Inspectors decision on refused application 17/01512/FUL paragraph 4 states *‘this contrived design gives an implicit priority to large articulated service vehicles over pedestrians, which would be contrary to the principles set out in paragraph 110 (now paragraph 116) which seeks to prioritise the needs of pedestrians over the efficient delivery of goods.’*

The Inspector on the dismissed appeal also considered this of concern with the previous application by stating:

5. *Whilst the design of the kerb line might be a detailed matter, the Council say it would not meet their standards for adoption. A development like this would be expected to attract pedestrians from the surrounding area as well as cars and cycles. The proposal would have implications for pedestrians crossing the access point, since there would be a change to the expected kerb line, altering the desire line to accommodate the cutaway kerb. Tactile paving would be provided at the kerb edge, which would be an improvement in terms of provision, but this would not overcome the potential confusion for visually impaired persons, whose needs have priority over service vehicles. Therefore, I consider that there is a strong likelihood of conflict between service vehicles and disabled pedestrians walking along Smithy Bridge Road.*

The proposed kerb line amendments on Smithy Bridge Road are proposed to directly prioritise the movements of service vehicles. Additionally, Smithy Bridge Road is not a section of the local network where the Local Highway Authority can assume service vehicles will be able to use the full width of the carriageway to manoeuvre.

Whilst providing physical segregation between transport modes, kerb lines also offer consistent site lines for drivers and any pedestrians with visual impairments/mobility issues. This clearly contradicts set guidance from the Manual for streets and is also not in line with Policy T2 of the Core Strategy or principles set out in the emerging PfE Joint Development Plan which requires development and infrastructure

proposals to satisfy the Council's accessibility hierarchy where people with impaired mobility and pedestrians are at the top of the hierarchy.

Pedestrians and cyclists are vulnerable road users and suffer the most severe consequences in collisions with other road users. The introduction of insufficient access and servicing arrangements has the potential to create conflict/collisions which would be of clear detriment to highway safety and arise as a direct result of the proposed development.

The Design & Access Statement (paragraph 3.13-3.15) refers to another SPAR store in Middleton (application ref: 15/00208/FUL) which the applicant says is not dissimilar to the application site and where Highways raised no objection. While this information has been considered, as noted above, each proposed development is site specific and individual assessments should be made from the Local Planning Authority (under guidance from the Local Highways Authority) on each proposed development, i.e. the application must be assessed on its own merits. In respect of the example submitted, the site was on a notably wider carriageway and the submitted swept paths demonstrated the site could accommodate larger HGV's which is therefore not a relevant comparison to the application site.

Parking provision

A development of this size and nature will cater for customers who stay for a short period of time whilst using the ATM facility or collecting retail goods. In terms of parking provision the Core Strategy sets out at Appendix 5 the maximum standards for car parking provision and the minimum parking provision for cycle and motorbike parking. It then sets out the proportion of car parking to be provided as disabled parking spaces. The application proposes the below parking provision with the Core Strategy standard in brackets:

- ☐ 18 car parking spaces including 2 staff parking spaces (maximum of 20 car parking)
 - o Including 2 disabled parking spaces (Minimum of 3 bays or 6% of total provision, whichever is greater)
- ☐ 1 motorbike parking space (considered individually)
- ☐ 2 cycle parking spaces (Minimum of 5 spaces)

The level of dedicated parking proposed, including the provision of disabled car parking spaces and cycle parking, is therefore below the council's minimum standards and would be considered insufficient to serve the development. The shortfall in these particular categories covers users of the site who have limited mobility or travel by active means who are given priority in the hierarchies set out in both local and national policy.

The proposed development would also provide fewer than the maximum threshold of car parking spaces. Whilst this is not an issue in principle, within this location the reduced parking does increase the likelihood for overspill parking into the loading bay area or onto surrounding residential roads resulting in an unacceptable impact on highway and pedestrian safety contrary to policy and guidance.

Taking into account the shortfall in proposed parking provision and its impact on road safety both internally and out onto Smithy Bridge Road the proposal is considered contrary to Core Strategy Policies T2 and DM1 and the NPPF.

It is acknowledged that the level of parking provision was not previously raised as an issue in the previous application or through pre-application discussions however, each application is considered on its own merits and when considering the overall

impact of the proposed use on highway safety, a reduction in the level of on-site parking could lead to indiscriminate parking within the service parking area, or surrounding roads, which has the potential to restrict delivery vehicles entering the site. Although the response from PSA Design, dated 29th November 2023, (Response to Highways Consultation Comments (May 2023) states that the proposal is in accordance with the Council's standards because it is below the Council's maximum, officers consider the proposed parking provision compared to the maximum parking standards detailed above, is sufficiently below to have the potential to impact access into the site and therefore affect highway safety. Notwithstanding this, the proposals also fail to comply with the standards previously highlighted.

The NPPF paragraph 111 requires that developments be designed to enable the charging of plug in and other ultra-low emission vehicles. The application as submitted shows one EV charging point which would be secured by condition had the application been acceptable in all other regards.

In conclusion, the application is not acceptable in terms of highway safety and its impact on the highway of Smithy Bridge Road. The development would provide unsuitable access and parking arrangements for customer parking and service/delivery vehicles resulting in vehicular movements that would be detrimental to highway safety both within and outside of the site. The development would also result in additional conflict and congestion along part of Rochdale's strategic highway network. The development would also include unsuitable kerb alignments that would be a hazard to the visually impaired and the use of dropped crossings would be unsuitable for the intensity of use associated with a shop of this scale and type. The application would as such result in unacceptable harm to highway safety for all users of the highway, including the visually impaired and be contrary to policies DM1 and T2 of the adopted Core Strategy and associated policy in the NPPF.

Visual amenity

Policies DM1 and P3 of the Council's adopted Core Strategy requires development proposals to demonstrate high quality design. In addition, paragraphs 128 and 132 of the NPPF state that the Government attaches great importance to the design of the built environment and that good design should contribute positively, making places better for people and should be visually attractive as a result of good architecture and appropriate landscaping.

The application proposes the demolition of the existing building and its replacement with a part two storey part single storey store with mono-pitched roofs. The proposed store is of a modern design incorporating a mix of brickwork and timber cladding for the walls and corrugated roofing panels. It would also include a relatively large shop front with aluminium framed full height windows providing a substantially glazed frontage and one that would incorporate well with the modern design and materials.

In the context of the site, which is predominantly characterised by residential development, the design of the building does not replicate the form or design of surrounding development. However, it would replace an existing detrimental building and the design incorporates the local pallet of materials with a large proportion of the walls proposed in brickwork (mixed red), which is similar to the main material of construction in the area.

Paragraph 139 of the NPPF states that *"significant weight should be given to a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative*

designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

Within this site it is considered that by using a mix of local style materials and modern cladding as well as a modern style mono-pitched roof, the proposed store would provide an acceptable form of development in the area. The stand-alone building would clearly appear as a modern structure on the site and the first floor element is not overly dominant. The proposed design would integrate reasonably into the surrounding area appearing as an appropriately scaled and complementary form of development.

The proposed building would be sited to the rear of the site with parking and access provided to the front. Set back from the highway, the store building would make best use of the site and the layout of parking would appear visually acceptable, being similar in its form to the forecourt area currently provided at the existing garage.

The proposed boundary treatment is considered appropriate for the site and use, with the 2m side boundaries (to be secured by condition) providing a functional screen without appearing overly obtrusive. The lower boundary treatment to the front of the site allows visibility from the highway to the store and gives the site a more open appearance, allowing the development to be incorporated into the surrounding street scene.

To ensure a high quality development throughout it is considered that further information regarding materials would be required prior to construction. This relates particularly to the proposed brick, which will be required to incorporate well with the surrounding developments, and boundary treatment. However, subject to appropriate conditions it is considered that the design and layout of the proposal would represent appropriate development in the area, resulting in no undue harm to visual amenity and the surrounding street scene. The application is therefore in accordance, in this regard, with policies P1, P3 and DM1 of the Core Strategy and policy in the NPPF.

Residential amenity

Policy DM1 of the Council's adopted Core Strategy requires development proposals to demonstrate that they will not have a negative impact upon the amenities of future residents and occupiers. The National Planning Policy Framework advises that planning should always seek to secure a high standard of amenity for all existing and future users.

Assessing first the scale and siting of the building it is noted that the development would replace an existing building used for car sales and repair. The scale of that building, including much of its height, is larger than the current proposal, it is however set further away from some of the site boundaries and is a clearly established structure.

Notwithstanding the presence of the existing building the current development must be assessed on its own merits.

The proposed building would be predominantly rectangular in shape (with a triangular shaped single storey side addition to the western boundary) and would be sited close to the rear and side boundaries of the site. To the rear, the single storey element of the building would have a height of approximately 3.9m and would be 3m from the rear boundary. The first floor element would be approximately 8.7m from the rear boundary fence. The proposed building increases in height as it moves to the front of the site by way of a mono-pitched roof. Existing fencing around the site

is to be retained and repaired and where new fencing is proposed this is at a maximum of 2m although, along the western boundary the site plan refers to a 900mm high wall. The agent has advised in an email dated 10th August 2023 that this could become a 2m high fence if officers considered this more appropriate. Had the application been acceptable in all other regards boundary treatment would have been secured by way of a condition.

The rear wall of the building would be set approximately 1m (at its closest point) to the rear boundary of 25 and 27 Shaftesbury Avenue and a minimum of approximately 9m from the overlooking rear elevations of these properties. Assessing the acceptability of this relationship it is noted that the building is close to the site boundary, however it would not contain any overlooking windows or doors along the rear elevation. It is therefore considered that the development would not result in any loss of privacy for these residents and due to its north easterly position and relatively minimal height, any overshadowing created by the development would be minimal and not unduly harmful. The impacts from the building structure and repaired boundary fence would therefore not be unduly harmful to no. 25 and 27 Shaftesbury Avenue.

Assessing the relationship to the north west, the building would be in close proximity to this site boundary (decreasing from approximately 0.5m) to the rear boundaries of 3-17 (odd numbers only) Shaftesbury Avenue. A first floor maintenance door to the north west elevation is proposed which provides access to the external plant on top of the flat roof. The submitted plans do not show steps from the first floor maintenance door, although it is assumed that steps would be required, and a section drawing has not been provided however, there are no side windows to this elevation and it is not envisaged that maintenance of the plant would require the use of this door on a regular basis. Had the application been acceptable in all other regards, a condition could have been imposed restricting the use of this flat roof element for anything other than the location and maintenance of the external plant to ensure there is no impact on the neighbouring properties in terms of loss of privacy or overlooking.

There is a 'garden alley way' between the side boundary of the site and the rear boundaries of 3-17 Shaftesbury Avenue which is maintained by local residents and measures approximately 4m in width. At present the side elevation of the existing building runs directly along this boundary from 3-15 Shaftesbury Avenue. The distance between the side elevation of the single storey element of the proposed building and the rear elevations of the closest neighbouring properties (particularly 11-17 Shaftesbury Avenue) is a minimum of 17m and a minimum of 19m to the first floor element. Due to these distances it is considered that these neighbouring properties would not be unduly affected by the development in terms of visual dominance, undue overlooking or overshadowing.

To the south east of the site 183 Smithy Bridge Road is a bungalow with its side elevation facing the application site. The south east elevation of the proposed building would be 2.9m from the site boundary closest to this neighbouring property. A 3m (minimum) wide driveway separates the site from the boundary hedge of 183 Shaftesbury Avenue. Given the height of the proposed building and the absence of overlooking windows it is considered that the separation distance from this neighbouring property is sufficient in protecting residents from the proposed store building.

Further to the above it is considered that the proposed development would also be sufficiently separated from properties on the opposite side of Smithy Bridge Road and as such there are no concerns regarding the scale and massing of the proposed building and boundary treatment in respect of residential amenity.

Noise/light and odours

In assessing the impact on surrounding residents it is noted that the development is a potential noise generator, particularly given the proposed opening hours and the proposed plant associated with the development. To assess the impacts on noise, odours and other forms of pollution, consultation has been undertaken with the Council's Environmental Health officer who has reviewed the Noise Impact Assessment submitted with the application. The Environmental Health officer is satisfied that the report demonstrates that neighbouring residents would not be unduly affected by noise from the development, from either its general use or from the associated plant. However, they advised that a condition could be imposed to restrict the noise from the fixed plant between 23:00-07:00 to ensure that it will not exceed 32dB(A) as concerns have been raised with regards to night time noise. The Officer also states that it would be necessary to control delivery hours and the noise level from the fixed plant between the hours of 23:00-07:00 however, as highlighted in the Highways section above, the hours proposed in the submitted Design & Access Statement cover both the morning and evening peak hours which would not be effective in controlling the effects of deliveries on Smithy Bridge Road.

With the above conditions in place it is considered that the neighbouring residents would be appropriately protected from any undue noise from the development and in this regard the application would accord with policies G9 and DM1 of the Core Strategy.

In respect of other pollution matters including odours and light pollution no concerns and/or objections have been raised by the Council's Environmental Health officer. It is noted that lighting is mentioned as a concern by residents in the received objections. The agent confirmed in an email dated 10th August 2023 that external lighting has not been proposed and had the application been acceptable in all other regards, this matter could be addressed by way of a planning condition to control the lighting.

There are no concerns regarding undue emission of odours from the site and the application is acceptable in this respect.

Contamination

Policy G9 of the Core Strategy requires that any risks arising from contaminated land are appropriately identified prior to any development taking place on the land and that identified actions required to remedy these risks are taken.

A Phase I and II Environmental Assessment has been submitted with the application and assessed by the Council's Public Protection Officer as acceptable. The submitted report did not identify any significant contamination on the site but it did acknowledge that there may be unidentified contamination. As such, in the event of site redevelopment a watching brief is recommended to ensure that any unexpected contamination that may be encountered is identified and treated appropriately. Public Protection agree with this recommendation and request that a condition for a watching brief is attached to any approval on the site. A further recommendation is the requirement for a demolition asbestos survey to be undertaken as although asbestos fibres were not identified there is a potential for asbestos to have been used in the fabric of the buildings on site. These would be reasonable conditions and subject to their inclusion, had the application been acceptable in all other regards, there are no undue contamination risks associated with developing the site.

Drainage

Policy G8 requires the Council to manage water resources and flood risk. Saved UDP Policy EM/7 states that development will not be permitted in areas identified as flood plains, or other areas where development could contribute to increased flood risk. A Drainage Strategy Report has been submitted with the application which has been reviewed by United Utilities and the Council's Lead Drainage Officer. Both have provided comment on the application and raised no objection to the proposals subject to conditions relating to the foul and surface water drainage of the site and a sustainable drainage management and maintenance plan. The Council's Drainage Officer also advised that the Applicant will need to confirm the diameter of the hydrobrake, which should be greater than 75mm. If necessary the flow control can be increased up to 4 or 5 l/s accordingly, to reach 75mm minimum diameter to avoid susceptibility to blockage of the outlet with leaf and other debris.

Given the comments received it is considered that suitable drainage can be provided on the site subject to appropriate conditions and that this would not unduly impact on the local mains drainage system or runoff in the area in accordance with the requirements of policies G8 and EM/7 of the adopted Core Strategy and policy in the NPPF.

Landscaping and Ecology

Policy G7 of the Core Strategy requires developments to protect existing biodiversity including trees and vegetation. The NPPF also requires the planning system to contribute to and enhance the natural and local environment.

The site falls within the South Pennine Moors and Rochdale Canal SSSI Impact Risk Zones. However, as the proposed development does not fall within the SSSI impact risk categories there are no concerns regarding undue impacts on the SSSI's.

The application is accompanied by an Ecological Survey and Assessment and this has been assessed by the Greater Manchester Ecological Unit (GMEU) who have noted/advised on the following.

The existing building was assessed as having negligible bat roosting potential however, as bats are mobile in their habitat and can turn up in unexpected locations an informative would have been recommended to be included, if the application had been considered acceptable, advising the developers of the protected status of bats and their requirement to cease work and seek advice from a suitably qualified bat worker, should at any time, bats be found on the site.

No evidence of birds nesting in the site were recorded however, potential bird nesting habitat in the form of bramble scrub was identified. A condition would therefore have been required to ensure that no demolition or clearance of the site took place during the main bird breeding season unless birds are found to be absent by a suitably qualified ecologist.

Himalayan Balsam and monbretia were recorded on the site. Both species are listed under Schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended) and as such, GMEU have therefore recommended that a condition be attached, should the application have been acceptable, requiring the submission of the method for appropriate clearance of the site and full implementation of the approved scheme. This condition would have been considered reasonable and necessary in ensuring appropriate control of these invasive species.

Section 180 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment. The site currently has

only very low value in terms of vegetation and very low value with regards wildlife. The proposed landscaping including two trees and hedge/shrubs along the frontage will achieve a small overall net gain. The use of native trees and shrubs, for example, silver birch trees and a beech hedge are recommended. The addition of biodiversity enhancements for bats and nesting birds through the inclusion of one house sparrow terrace and one bat box on the new build could have been secured via condition had the application been acceptable in all other regards. These matters could be reasonably incorporated into the development and appropriately worded conditions could have been included had the application been acceptable.

Other considerations

In respect of any other matters, it is considered that most of the issues raised by the public in their representations to the application (both in support and objection) have been addressed above. In respect of the appropriateness of a retail unit in this location, the application has demonstrated that there are no suitable sites available within the nearby local centre of Smithy Bridge and as such the site is considered to be sequentially acceptable, in accordance with policy in the Core Strategy and the NPPF. It is not for the local authority to stifle competition from new retail units and local policy strives to create a competitive economy within the borough.

The report also addresses most of the highway concerns raised with the application and determines that the application would be unacceptable in terms of highway safety.

In respect of disturbances caused to local residents it is considered that the acoustic report submitted has demonstrated that, subject to appropriate conditions, there would be no undue noise disturbance from the development. Likewise there are no reasons to suspect that the site would attract any excessive anti-social behaviour to the area and assumptions on this basis would not warrant a reason for refusal. Any external lighting proposed could be conditioned with details being required to be submitted to, and approved in writing by, the Local Planning Authority.

Representations have also been received stating that the site would be more suitable for residential development. The merits of such a scheme cannot however be considered under this application and the application must be assessed on its own merits.

Further to the above the application is considered unacceptable due to the impacts on highway safety.

RECOMMENDATION

REFUSE

Reason for refusal:

Smithy Bridge Road is a narrow highway forming part of the Council's Strategic Highway Network and is within close proximity to the M62 motorway diversion route. Swept path analysis fails to demonstrate safe access to and from the site and the manoeuvres undertaken by service vehicles would result in conflict with other vehicles and pedestrians accessing and manoeuvring within the site. This could result in servicing taking place from the highway and creating unacceptable obstructions. The proposed development by reason of providing insufficient on-site parking provision, along with a shared vehicular access point, would also result in vehicular conflict on Smithy Bridge Road and surrounding roads and undue harm to pedestrian safety, placing greater emphasis on access for service vehicles over

pedestrians. In addition, the proposed kerb alignment gives rise to unacceptable obstructions for the visually impaired where proposed pavement alignments should be consistent and logical, enabling the visually impaired to predict and interpret unfamiliar environments. As such, the proposed development would be detrimental to highway safety for all users of the highway, including the visually impaired which is contrary to the hierarchy of Policy T2 and the NPPF along with Policy DM1 of the Rochdale Core Strategy.

Procedure Statement

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.

Notes for Applicant:

INFORMATIVE:

For the avoidance of doubt, this Decision Notice relates to the following drawings:-

Location Plan

Drawing No: EX-01 date Dec 2016 – Existing Plans & Elevs

Drawing No: TRI-1773-01 date 20/07/2016 – Existing Site Survey

Drawing No: 04 Rev PP1 date Dec 2022 – Ground & First Floor Plans

Drawing No: 21 Rev PP1 date Dec 2022 – Site Plan

Drawing No: 25 Rev PP1 date Dec 2022 – Elevations and Sections

Drawing No: 26 Rev PP1 date Dec 2022 – Site Plan Exg overlay

Drawing No: 27 Rev PP1 date Dec 2022 – Elevations and Sections Exg overlay

Drawing No: 30 Rev PP1 date Dec 2022 – 10.65m HGV autotracked L in L out

Drawing No: 31 Rev PP1 date Dec 2022 – 10.65m HGV autotracked R in R out

Planning, Design & Access Statement date February 2023

Transport Statement by PSA Design, job: T2339, date Feb 2023

Drainage Strategy Report by PLUVIAM Environmental, ref: PN0051-PEL-DS-01 date 16/12/2022

Ecological Survey And Assessment by ERAP (Consultant Ecologists) Ltd, ref: 2022-098, date February 2023

Phase I and II Environmental Assessment by Geo² Remediation Limited, ref: 20/1080.1.1, date November 2020

Visual

Received 11/04/2023

Noise Impact Assessment by e3p, reference: 50-224-R2-2, date 30th March 2023

Received 24/04/2023

Planning, Design & Access Statement date April 2023

Received 11/05/2023