

Our Ref: 21028/CJ/je
Your Ref: PP-09512409
Email: cjones@firstplan.co.uk
Date: 19 February 2021

Planning Department
Oxford City Council
Town Hall
St Aldate's
Oxford OX1 1BX

Dear Sir/Madam,

PLANNING APPLICATION FOR MINOR RECONFIGURATION OF CAR PARK TO PROVIDE ADDITIONAL ORDERING LANE TO EXISTING RESTAURANT, PLUS MINOR EXTERNAL WORKS INCLUDING THE PROVISION OF A NEW REFUSE ENCLOSURE AND LANDSCAPING AT BURGER KING, UNIT 5, COWLEY RETAIL PARK, COWLEY, OXFORD, OX4 6XJ.

We have been instructed by our client, BKUK Group Limited, to submit the enclosed planning application online via Planning Portal (ref. PP-09512409) for the provision of an additional ordering lane in association with the existing Burger King restaurant, in addition to external refurbishment works and landscaping at the above address.

In accordance with both national and local requirements, this application comprises the following documentation:

- Completed Application Forms;
- Completed CIL Form;
- Site Location Plan (Drawing Ref. 101 Rev A);
- Block Plan (Drawing Ref. 100 Rev A);
- Existing Site Plan (Drawing Ref. 200 Rev C);
- Proposed Site Plan (Drawing Ref. 201 Rev E);
- Existing Elevations (Drawing Ref. 300 Rev B);
- Proposed Elevations (Drawing Ref. 301 Rev C)
- Planning, Design and Access Statement (included within this letter); and
- Transport Technical Note (Ref. NM/JN/ITL16559-001a) (prepared by i-Transport).

The requisite fee of £234 (plus £25 Planning Portal administration fee) has been paid online via the Planning Portal website. The remainder of this letter sets out our supporting statement regarding the application proposals. This includes the necessary Design and Access Statement.

Site and Surrounding Area

The application site comprises a single storey, stand-alone restaurant unit (Unit 5) occupied by Burger King situated within the Cowley Retail Park. The existing unit comprises a well-established restaurant use, which

also features a single, drive-thru lane which wraps around the building in a clockwise direction. The site is accessed via Ambassador Avenue to the east which adjoins the Oxford Ring Road via the A4142 which runs parallel to the site. The site and its immediate context is demonstrated in Figure 1.

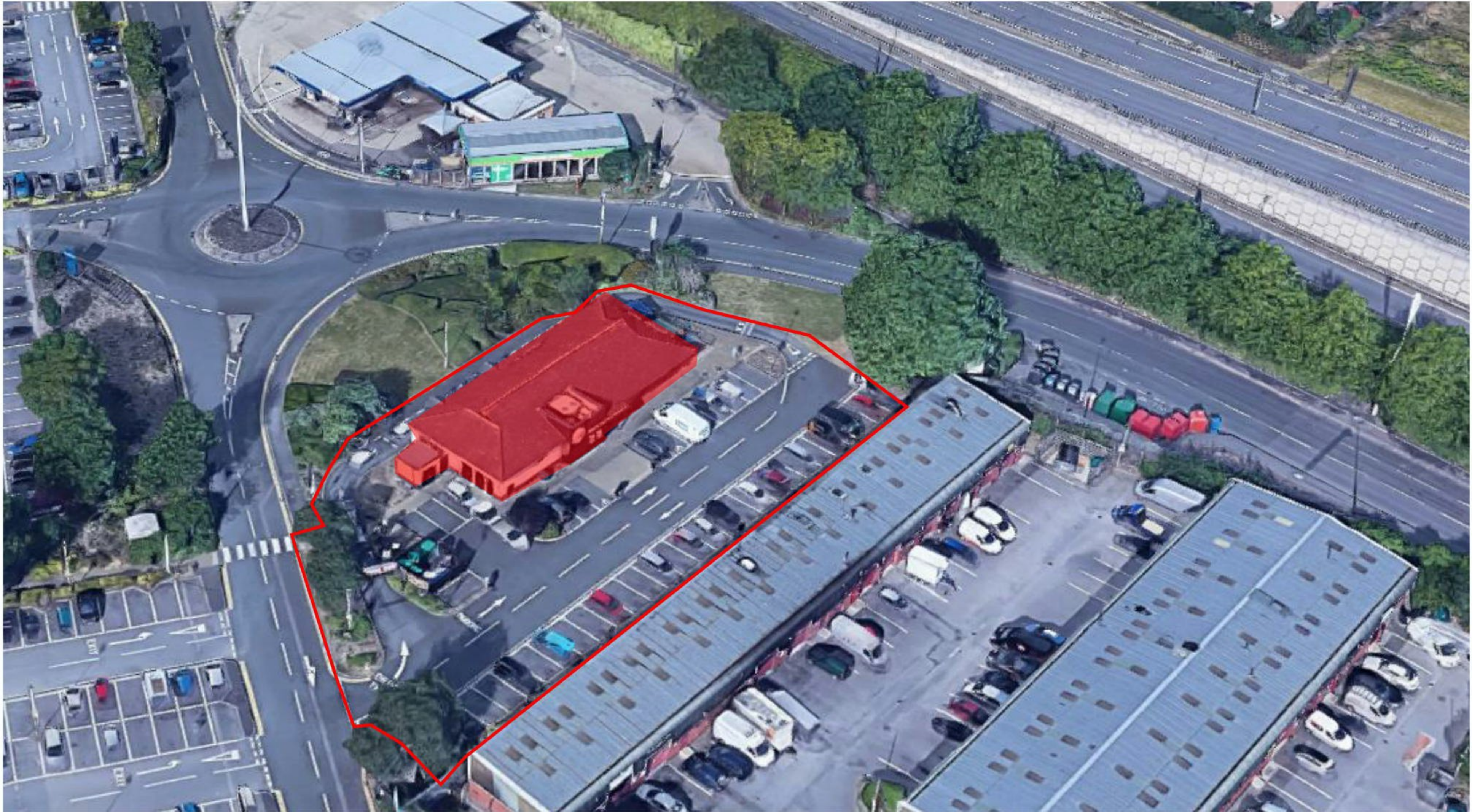


Figure 1. Aerial image of application site – Unit 5, Cowley Retail Park, Oxford

The surrounding area is characterised by a number of commercial and business uses, which together form the wider Cowley Retail Park. A large cluster of retail units are situated beyond Ambassador Avenue to the east and include operators such as Sports Direct, Next, Boots and an M&S Foodhall. A Tesco Superstore is also situated to the south of the site, which further includes a petrol filling station and car wash facility.

The restaurant benefits from a surface-level car park comprising a total of 43 parking spaces, including 3 undersized disabled spaces. The majority of the parking spaces line the northern-most boundary of the site, with a small number of spaces located immediately fronting the building. A servicing area is provided to the east of the restaurant, which includes a number of parking spaces, albeit this area is used for refuse storage and collection area.

The parcel of land which adjoins the site's boundary to the south, east and west comprises soft landscaping, including a small number of trees, as well as planting and other low-level vegetation. There are not residential properties in close proximity to the site and the site is not situated within an area at risk of flooding.

Planning History

There are a range of applications relating to the application site, including:

- Outline planning application ref: 92/00145/NO was granted on 27 November 1992 for: 'Demolition of all existing buildings (seeking approval for means of access only) for erection of building to provide a retail foodstore (65,000 sq ft), petrol station filling station, 2 restaurants (11,000 sq ft), retail warehousing (45,000 sq ft), and units for industrial and storage/distribution use (90,000 sq ft). Construction of new flyover/roundabout including access and exit roads from site on to Eastern Bypass and new access onto Garsington Road.'

- Planning application ref: 93/00909/NR was granted on 27 October 1993 for: '4 non-food retail units totalling 45,000 sq ft and 2 restaurant units totalling 8,000 sq ft with service access and 261 staff and customer parking spaces and cycle parking (part reserved matters of ref: 92/00145/NO) (amended plans).'
- Planning application ref: 93/01307/NF was granted on 24 February 1994 for: 'Construction of 4 non-food retail units (47,500 sq ft) and two restaurants (5,500 sq ft). Provision of 266 car parking spaces, service areas and site roads (revision to reserved matters of 92/00145/NO).'
- Advertisement consent application ref: 94/00801/A was granted on 23 September 1994 for: '1) 2 roof mounted name signs. 2) 1 wall mounted logo sign. 3) 1 free standing menu board. 4) 1 drive through gantry sign. 5) Free-standing double-sided pole sign. All internally illuminated (amended plans).'
- Planning application ref: 03/01935/FUL was granted on 11 December 2003 for: 'Two single storey extensions.'
- Planning application ref: 11/01609/FUL was granted on 02 August 2011 for: 'Alterations to main entrance. Erection of glazed balustrade to external seating area and play area.'
- Advertisement consent application ref: 11/01610/ADV was granted on 02 August 2011 for: '1x illuminated fascia sign and 1 x non-illuminated box sign. Alterations and updates of existing signage.'
- Planning application ref: 19/01848/FUL was granted on 12 September 2019 for: 'Alterations to front and rear elevations comprising of replacement of existing clad walls with wood panels. Alterations to car park to provide delivery bay and relocation of bin store. Erection of perimeter wall to bin area. Provision of cladding to existing building. Alterations to external play area and installation of cycle racks (amended description).'
- Advertisement consent application ref: 19/01849/ADV was granted on 06 November 2019 for: 'Display of 4no. internally illuminated fascia signs, 4no. internally illuminated free-standing signs, 1no. non-illuminated fascia sign and 3 non-illuminated poster signs (amended description) (amended plans).'

Application Proposals

This application seeks planning permission for a minor reconfiguration of the existing car park to facilitate the provision of an additional ordering lane in association with the existing Burger King restaurant, as well as external works as part of their refurbishment of the main building and wider site.

A summary of each of the proposal elements is provided below.

Additional Ordering Lane

The proposals involve the reconfiguration of park of the existing car park to accommodate the provision of an additional ordering lane. This additional lane will run parallel to the existing lane situated to the east of the main building at the site and would provide a second point of order for customers. The two ordering lanes would sit alongside one another before converging into the existing vehicular lane that wraps around the restaurant to the west, where in which customers are able to make payment and collect their orders.

The provision of this additional lane is proposed to address an existing operational issue resulting in queuing vehicles backing up on to the highway. The additional ordering lane will not increase the overall intensity of the use or throughput at the drive-thru lane but will effectively provide additional capacity within the site for vehicles and reduce the risk of vehicles backing up onto the highway. This is discussed in greater detail within the Transport Technical Note by i-Transport, which accompanies this submission.

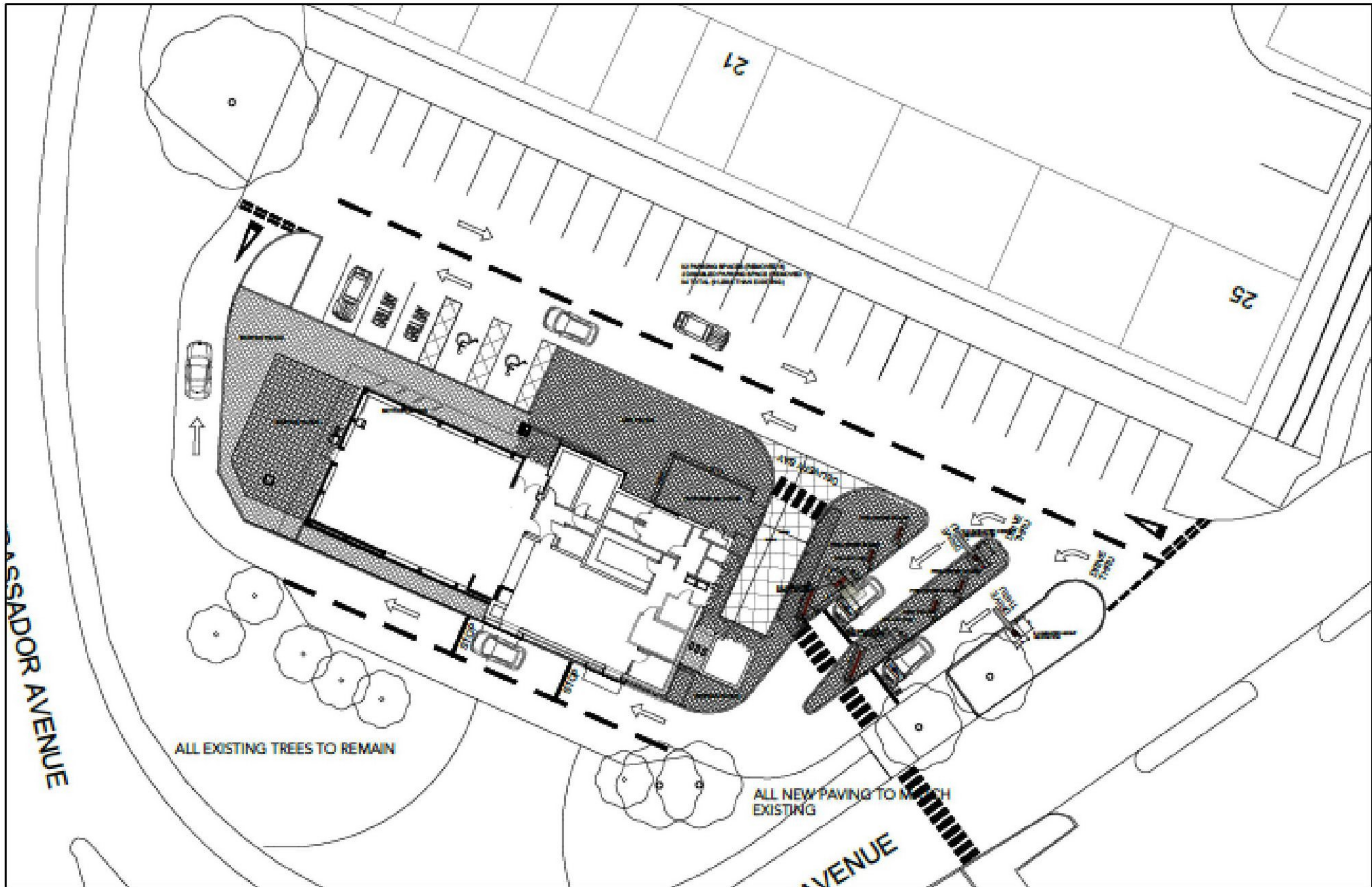


Figure 2. Extract of Proposed Site Plan illustrating application proposals.

In order to accommodate the additional lane, a small number of car park spaces are to be removed, as well as the relocation of the refuse storage enclosure, as shown in Figure 2. A dedicated delivery bay is proposed to formalise the current arrangements and two grill bays are provided. Two replacement disabled bays are provided immediately adjacent to the restaurant entrance, which will be better suited than the existing disabled bays that are undersized.

The current vehicular access and egress arrangement to and from the site would be retained as existing, allowing vehicles using the drive thru to continue travelling around the restaurant in a looped, clockwise direction before exiting the site via Ambassador Avenue. Suitable ground level signage is to be provided in association with the additional ordering lane.

Level access for pedestrians will be retained between the building and the onsite and surrounding car parks through the provision of new zebra crossings and public footpaths to allow for safe access and egress.

The relevant ordering infrastructure, menu boards, ordering points and height restrictors, are also proposed.

Other External Works and Landscaping

The proposed works involve minor elevational improvements to the building, including the application of new wood effect cladding and panelling to the southern elevation, which comprises the existing payment and collection windows associated with the drive-thru facility. This will revitalise and enhance the exterior of this part of the building. Extracts of the proposed elevation drawings are provided at Figure 3.

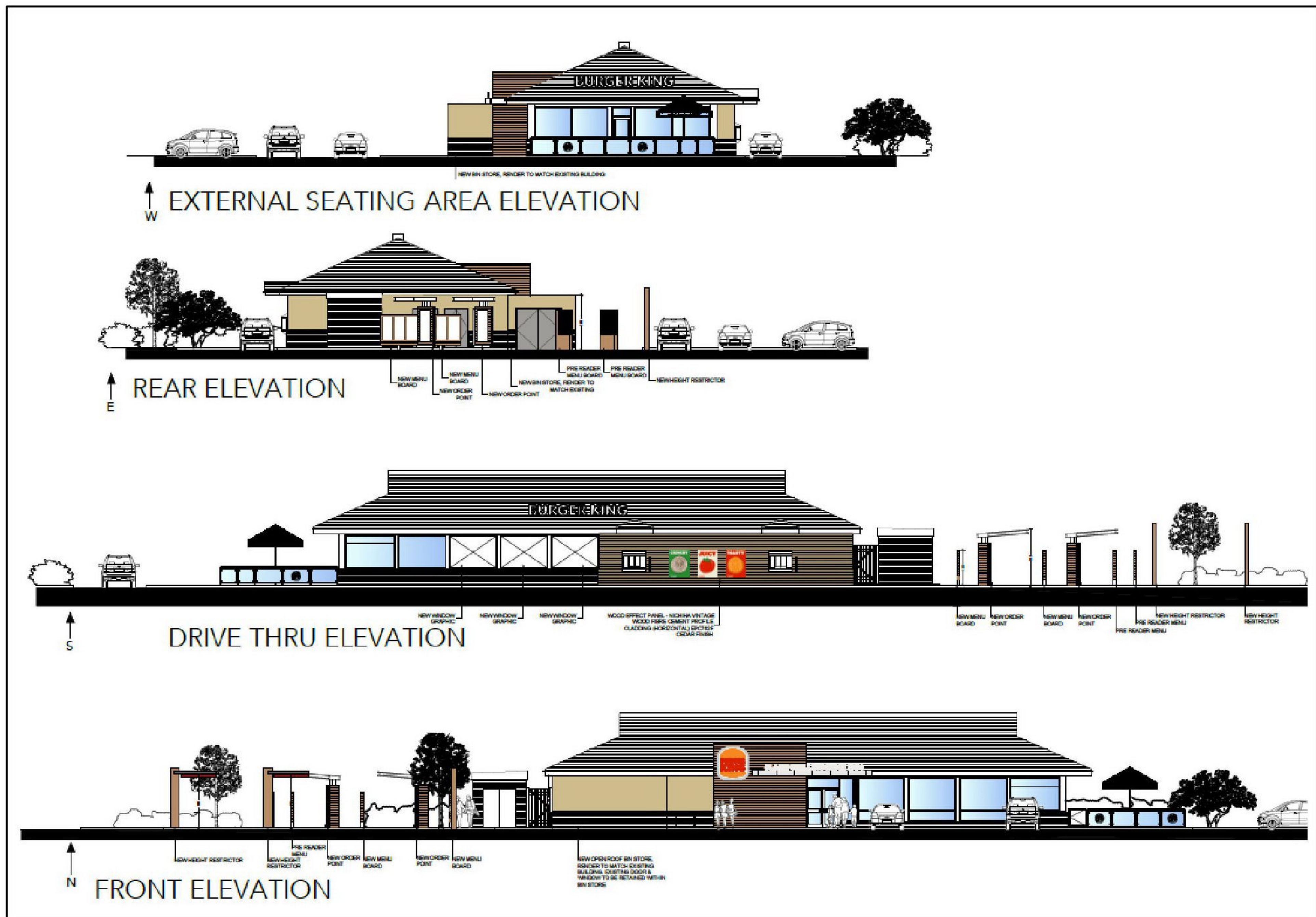


Figure 3. Extract of Proposed Elevations illustrating external refurbishment works.

The proposals also include the provision of a new bin storage enclosure which has been relocated to adjoin the main restaurant building. This will be conformably sited adjacent to the northern elevation of the restaurant building and will be accessible via the internal back of house space within the restaurant, and also via a set of external doors to the enclosure itself. This enclosure will include an open roof and is to be finished in a render to match that applied to the existing building, which in turn will retain a continuous and corresponding appearance, allowing for this to be successfully integrated into the overall design of the unit.

The submitted accompanying drawings also include details of the new proposed signage to be installed in association with the new, additional drive-thru lane, although consent for this will be sought as part of a separate application to be submitted in due course.

Relevant Planning Policy

The adopted Local Development Plan relevant to the site comprises the Oxford Local Plan 2036 (adopted June 2020) and accompanying Supplementary Planning Guidance. The National Planning Policy Framework (NPPF) (2019) is also a material consideration.

The relevant planning policy considerations for the proposed development are summarised below.

National Planning Policy Framework (NPPF) (2019)

The NPPF provides the overarching planning policy guidance for development across England. It states that:

“The purpose of the planning system is to contribute to the achievement of sustainable development” by “meeting the needs of the present without compromising the ability of future generations to meet their own needs.”

Paragraph 8 (a) identifies the need to help build a strong, response and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity.

Paragraph 80 outlines that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. As such, significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 127 notes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Similarly, development should create places that maintain a high standard of amenity for existing and future users.

Oxford Local Plan 2036 (June 2020)

Policy S1 ‘Presumption in Favour of Sustainable Development’ sets out that the Council will work proactively to find solutions which mean that applications for sustainable development can be approved where possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy RE1 ‘Sustainable Design and Construction’ notes that planning permission will only be granted where it can be demonstrated that sustainable design and construction principles have been incorporated.

Policy RE2 ‘Efficient Use of Land’ sets out that development proposals must make the best use of a site’s capacity, in a manner which is compatible with the site itself, the surrounding and broader consideration of the needs of Oxford.

Policy RE3 ‘Flood Risk Management’ highlights that planning permission will only be granted where the Flood Risk Assessment demonstrates that:

- *the proposed development will not increase flood risk on site or off site; and*
- *safe access and egress in the event of a flood can be provided; and*
- *details of the necessary mitigation measures to be implemented have been provided.*

Policy RE7 ‘Managing the Impact of Development’ outlines that planning permission will only be granted for development that:

- a) ensures that the amenity of communities, occupiers and neighbours is protected; and*
- b) does not have unacceptable transport impacts affecting communities, occupiers, neighbours and the existing transport network; and*
- c) provides mitigation measures where necessary.*

Policy DH1 ‘*High Quality Design and Placemaking*’ sets out that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.

Policy DH6 ‘*Shopfronts and Signage*’ notes that new or changed shopfronts will only be supported where the design, positioning, materials, colour and proportion are not detrimental to visual or residential amenity.

Policy DH7 ‘*External Servicing Features and Stores*’ outlines that bin stores and external servicing features will be supported where it can be demonstrated that:

- *external servicing features have been designed as an integrated part of the overall design, or are positioned to minimise their impact; and*
- *materials used for detailed elements such as for stores are of high quality so they enhance the overall design and will not degrade in a way that detracts from the overall design.*

Policy M2 ‘*Assessing and Managing Development*’ sets out that a Transport Assessment is to be submitted for development that is likely to generate significant amounts of movement. These must assess the multi-nodal impacts of development proposals and demonstrate the transport measures which would be used to mitigate the development impact.

Policy M3 ‘*Motor Vehicle Parking*’ highlights that the parking requirements for all non-residential development will be determined in light of the submitted Transport Assessment, which must take into account the objectives of this to promote and achieve a shift towards sustainable modes of travel. Furthermore, the presumption will be that vehicle parking will be kept to the minimum necessary to ensure the successful functioning of the development.

Policy M5 ‘*Bicycle Parking*’ requires that bicycle parking is well designed and well-located, convenient, secure covered (where possible enclosed), and provide unobstructed external access to the street.

Parking Standards, Transport Assessments and Travel Plans SPD (2007)

This document sets out the policies and standards for the provision of car parking and cycle parking for new development within Oxford.

This outlines that issues such as site access, congestion, amount of parking proposed, existing parking measures and sustainability of location are examples of factors that should be considered as part of new developments and address as part of a Transport Assessment, when considered necessary.

Planning Assessment

This application seeks planning permission for the provision of an additional drive-thru ordering lane in association with the existing restaurant use, as well as external alterations including the provision of a new bin storage enclosure and other associated works, as part of Burger King’s continued operation from this property within the Cowley Retail Park. The proposals are driven by Burger King’s ambition to improve the operation of the restaurant, its external appearance and address existing congestion issues associated with the drive-thru lane.

Principle of the Development

As previously set out, the application site comprises a well-established existing Burger King restaurant use which also features a single, drive-thru lane facility. This application seeks permission for a minor

reconfiguration of part of the existing car park to accommodate an additional ordering lane as part of Burger King's operation.

It is understood that the existing single lane, drive-thru element has a history of generating queues and vehicular congestion, which is due to the limited queuing capacity within the site from the ordering point, particularly during busy periods. The introduction of this secondary ordering lane will provide added capacity within the site for ordering/queuing vehicles in order to reduce the propensity for vehicles to back up onto the highway. Importantly, this will not increase the intensity of the drive-thru as the single collection lane/point will remain.

It is therefore envisaged that the principle of the proposed development, which seeks to resolve transport issues, would be supported.

Highways and Transport

i-Transport have been instructed to provide transport planning advice in respect of the application proposals. The supporting Transport Technical Note considers the policy context, existing conditions, approved development, site layout, trip assessment and parking demand, as well as the feasibility of the proposal.

As previously set out, and as confirmed within the Transport Technical Note, during peak trading hours this restaurant suffers from vehicles queuing out of the site's entrance and along Ambassador Avenue beyond the roundabout situated to the south of the restaurant, which is due to the limited space within the site for ordering/waiting vehicles. This has implications on the free flow of highway movements by creating a localised 'bottle-neck' within and around the site.

The proposals seek to resolve this concern by improving the efficiency of the operation of the drive-thru lane and provision of additional ordering/waiting capacity within the site by accommodating a second ordering lane. This would not result in an increase in the intensity of the use of the drive-thru or the number of vehicles visiting the site, which is confirmed within the Transport Technical Note. The works further include other operational measures to improve the efficiency of the drive-thru, which includes internal layout improvements and the provision of 2 no. grill bays to the north of the building to avoid delayed orders causing congestion.

The provision of the additional drive-thru lane will result in a net loss of 9no. parking spaces, which are currently situated both to the front and side of the building. It is not considered that this loss will result in a shortage or lack of available parking spaces available to Burger King's staff and customers, with there being 32 spaces on site in total, as confirmed within the Transport Technical Note. The site also has safe, pedestrian access to the wider retail park with has extensive parking areas. Given this location, the restaurant benefits from linked trips with a good number of customers likely to park within the wider retail park. There is ample parking provision within the retail park and this site.

The car park reconfiguration will include a dedicated servicing bay, which is an improvement on the existing situation. This is considered sufficiently positioned and will be better suited to Burger King's existing operations. The positioning of the delivery bay has also been considered to ensure that this remains within close proximity to the unit, meaning that deliveries and refuse collections can be conducted in a safe and efficient manner. As confirmed within the Transport Technical Note, the servicing and delivery bay will not have any wider impact on the use of the car park or the manoeuvrability of vehicles within the site. The suitability of the new ordering lane and reconfiguration of the car park with regard to vehicular tracking is further demonstrated within the extract of the tracking plan at Figure 4.

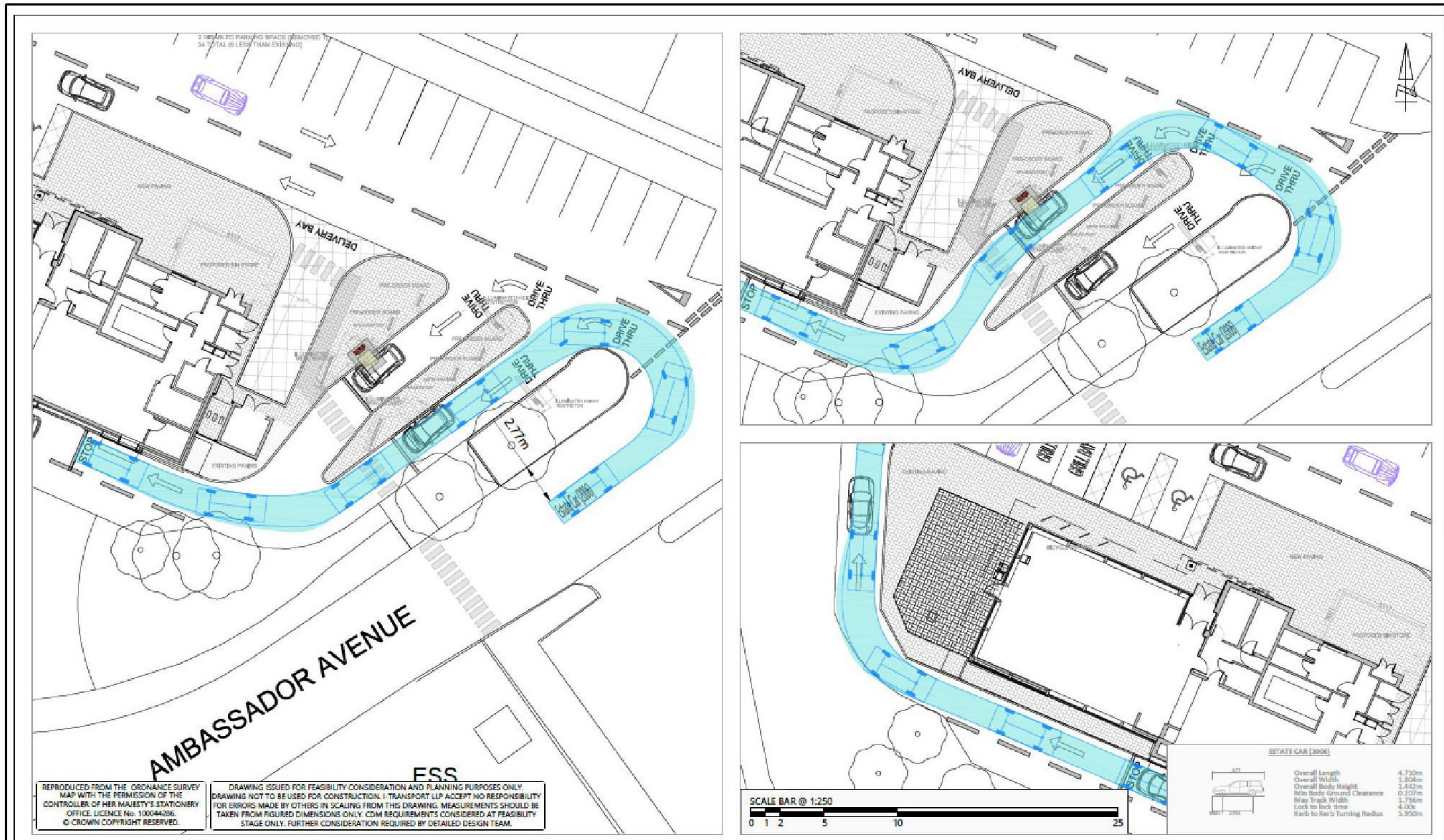


Figure 4. Tracking Plan Extract.

The proposals also include the provision on site cycle parking to encourage sustainable transport by staff and customers. The proposals also include improved disabled parking bays, which meet modern requirements in terms of spacing and accessibility.

The transport impacts of the development should be considered acceptable, in accordance with Policies M2 and M3. Indeed, the submitted Transport Technical Note provides the following conclusion:

***“Accordingly, in the interests of being a good neighbour, changes to the site layout are proposed to seek to increase the queueing capacity of vehicles within the site as well as enhance sustainable access so that pedestrian trips from neighbouring residential areas and linked trips from adjacent car parking areas can be encouraged. Alterations to better accommodate delivery vehicles are also proposed. The site is also proposing the introduction of two ‘grill bays’ to provide opportunity for vehicles to wait clear of the drive through lane in the event of an extending waiting time for order handover, enhanced blue badge parking layout, and cycle parking.*”**

These changes result in a voluntary reduction in on-site car parking which is in line with the aspirations set out in local planning policy. They are designed to reduce the likelihood of impacts on Ambassador Avenue as well as access to/from the adjacent retail parking areas.”

Design and Amenity Considerations

The proposed additional ordering lane will be sited comfortably alongside the existing order lane to the south of the restaurant unit. The positioning and orientation of the additional lane has been considered to ensure that this doesn’t impact upon the use of the wider car park.

The proposals also involve the relocation and provision of a new, open-air bin storage enclosure which will adjoin the restaurant unit on its northern elevation. This will provide a convenient, safe and accessible storage area for the necessary mix of waste and recycling bins. The enclosure itself is considered suitably sized and will be finished in a render identical to that applied to the main building, which is an improvement on the existing lower quality enclosure. The refuse collection and servicing management arrangement currently adopted by the restaurant will remain as existing and will continue to not have any detrimental impact on the amenities of surrounding occupiers.

Through the application of timber cladding and panelling to the southern elevation, the external works proposed will improve the overall aesthetic of the building, contributing to a modern and attractive restaurant, which remains complimentary to and in-keeping with the existing character of the retail park, in accordance with Policies RE1, DH1 and DH6.

A similar selection of external works to the unit were supported as part of permission ref. 19/01848/FUL. In its determination of that application, the Council confirmed that these would not appear out of character with the original building and will not detract from the character and appearance of the site within a modern retail park. We would expect similar conclusions to be drawn in response to these proposals.

From an amenity perspective, it is not considered that the proposed scheme of works will result in any detrimental impact on the amenities of any neighbouring units within the retail park in accordance with Policy RE7. As previously set out, the use of this unit as a restaurant within this location has been well-established within a commercial retail park. Moreover, the site is not located within proximity of any residential properties. The nearest residential properties are located approximately 330m to the south and therefore remain to be at a significant distance from the application site.

The application should be considered acceptable in this regard.

Landscaping

The proposals will result in the loss of a very small amount of soft landscaping in the form of low level planting and shrubbery. Additional hard landscaping comprising new paving and surfacing is to be introduced as part of the reconfiguration of the car park and the additional ordering lane, however this remain to be permeable to match the existing and is compatible with the commercial, retail park location. All existing trees will be retained.

As detailed on the government's Flood Risk Map for Planning online service, the application site is identified as falling within Flood Zone 1 and therefore is considered as having a low probability of flooding. As such, it is not considered the minor loss of planting, nor the introduction of permeable surfacing will increase the risk of flooding as a result of surface water run-off, in accordance with Policy RE3.

As detailed on the submitted drawings, all existing trees within the site's boundary are to be retained and unaffected by the application proposals.

The application proposals are considered to be acceptable in this regard.

Design and Access Statement

Use

As previously set out, the unit is an existing restaurant use with drive-thru facility. The additional ordering lane proposed as part of this application would remain to be ancillary to the restaurant use of the unit with the predominant function remaining as 'dine in'.

Amount and Scale

The overall footprint of the building itself will remain as existing. In terms of the additional ordering lane, this is considered to be entirely suitable in terms of its positioning and scale and will be sited comfortably within the site's existing boundary.

The provision of a new replacement bin storage enclosure is also considered acceptable. This will remain modest in its scale and will be comfortably positioned alongside the northern elevation of the building.

Layout and Appearance

The existing layout of the car park is to receive a minor reconfiguration to accommodate the proposed additional ordering lane to the east of the restaurant. The proposed layout has been considered to ensure that it remains entirely accessible for both pedestrians and vehicles.

The appearance of the restaurant itself will be enhanced through façade treatments comprising a mixture of high quality, contemporary finishes that are complimentary and well-integrated with the existing appearance of the building.

Landscaping

The reconfiguration of the existing car park will result in a loss of a small area of soft landscaping comprising low-level planting. This is to be replaced with new paving and surfacing, which will be permeable to match the existing in order to prevent issues with regard to surface water run-off or an increased risk of flooding within and around the site.

Given the amount of soft landscaping currently present around the site's boundary, it is not considered that this will have any significant impact.

Access

Vehicular access to and from the site will be retained as existing using the current junction fronting Ambassador Avenue to the east. The provision of the additional ordering lane as part of the existing drive-thru facility has been designed to ensure that this does not impact upon any pedestrian or vehicular movements within or around the site. Instead, the additional lane will assist in reducing congestion and queuing often experienced at this site. Similarly, access for delivery and servicing vehicles has also been improved through the provision of a dedicated servicing bay.

Conclusions

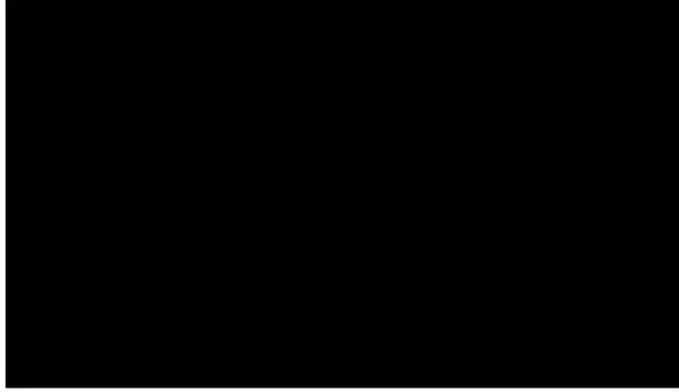
This application seeks planning permission for a minor reconfiguration of the existing car park to accommodate the provision of an additional ordering lane as part of the existing Burger King restaurant, alongside other minor external works.

This Planning, Design and Access Statement has demonstrated that the proposed works are acceptable in principle and result in no unacceptable impacts with regard to design, amenity, highways, safety and landscaping. This is supported by the submission of a Transport Technical Note to demonstrate that the proposals will result in positive transport impacts.

Accordingly, it is considered that the application proposals are in accordance with the relevant local and national planning policies identified within this letter. As such, we therefore respectfully request that planning permission is granted.

We trust you have sufficient information available to enable a positive determination of the application and we look forward to receiving confirmation that the application has been validated. In the meantime, should you require any further information, please do not hesitate to contact me.

Yours faithfully,



CHRIS JONES
Director

Enc.