

TWC/2019/0062

Site of KFC, Trench Lock Interchange, Trench, Telford, Shropshire
Erection of a cafe and drive through (use class A1/A3)

APPLICANT

Gastronomy Property Ltd, -

RECEIVED

24/01/2019

PARISH

Hadley and Leegomery

WARD

Oakengates and Ketley Bank

**THIS APPLICATION HAS BEEN CALLED TO COMMITTEE AT THE REQUEST
OF HADLEY & LEEGOMERY PARISH COUNCIL**

1. SUMMARY RECOMMENDATION

1.1 Grant Full Planning Permission subject to Condition(s) and Informative(s).

2. APPLICATION SITE

2.1 The application site is located on the edge of the Trench Lock Interchange, between the settlements of Hadley and Trench. The site borders with the A442 road to the north east, Hadley District Centre is located to the south west. The site is approximately 3 miles from Telford Town Centre.

2.2 The application site has an existing building, currently by a KFC restaurant with drive-thru facility. The proposed building would be situated to the rear of the site (south east) and the parking area would be situated to the west.

2.3 There are residential units in the form of flats at the rear (south) of the site, currently separated from the site by a boundary fence and hedge, and two dwellings to the West of the site which currently are accessed from the site. There is a warehouse used as a children's play facility opposite the site, and a Petrol Filling Station (PFS) adjacent.

3. APPLICATION DETAILS

3.1 The application is a Full Planning application for the erection of a Starbucks Café with drive through facilities. The café would be situated on the same site as an existing KFC restaurant with drive-thru.

3.2 The building would be approximately 167 sq. metres in scale and the main building would be approximately 4.2 m in height at the highest point, falling to 3 metres at the rear of the building.

- 3.3 The site would be accessed via the existing access off Trench Lock, sharing the access and parking facilities with the existing KFC building. The proposed building would have 21 parking spaces, including 2 disabled spaces and 2 waiting bays for orders specifically allocated to it. There would be allocated areas for bin storage on the east elevation, and outdoor seating to the front. A specified area for deliveries is outlined on the proposed plans. A row of trees is to be retained on the south elevation of the site.
- 3.4 The proposed café seeks permission to operate between the hours of 0700-2200. The proposed development would have between 20 and 25 employees, a mixture of part time and full time.
- 3.5 A separate application has been submitted to the Local Planning Authority for the proposed advertisements for the building under Advert Consent ref.: TWC/2019/0063 and this is currently under consideration.

4. PLANNING HISTORY

- 4.1 TWC/2010/0755 - Erection of a building for restaurant (Use Class A3) and drive-thru (Use Class A5) with parking following demolition of existing garage building - Granted 08 April 2011

5. RELEVANT POLICY DOCUMENTS

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 Telford & Wrekin Local Plan 2011-2031:

SP1: Telford
SP4: Presumption in favour of sustainable development
EC4: Hierarchy of Centres
EC8: Out of Centre and Edge of Centre Development
EC9: Evening and Night Time Economy
BE1: Design Criteria
C1: Promoting Alternatives to the Car
C3: Impact of the Development on Highways
C5: Design of Parking
NE2: Trees, Hedgerows and Woodlands
NE6: Green Network

6. NEIGHBOUR REPRESENTATIONS

- 6.1 37 neighbouring properties have been formally consulted on the proposal and the Local Planning Authority have received several letters of objection raises the following concerns:

- The proposal would increase traffic issues and congestion. Safety concerns for motorists and pedestrians;
- Existing amenities are already in place. A café already exists 100 metres from the site;
- Concerns the proposal would introduce further issues of litter which are already caused by the KFC;
- A right of way exists for the properties Sundown and The Bungalow which should always be retained and kept clear;
- Increase in the presence of seagulls and rats due to increase in litter;
- Concerns smells from cookery and noise issues will be made worse as a result.

7. STATUTORY REPRESENTATIONS

7.1 Hadley & Leegomery Parish Council: **Object:**

- The sequential test is not considered to be adequate and does not address Policy EC8 effectively as it fails to consider the Local Centre at Trench Road and development sites in Hadley District Centre;
- The proposal is contrary to Policy EC9 due to the impacts the proposal would cause;
- Highways concerns over the shared use of the existing access;
- Concern that the parking provision is not sufficient to meet the requirements of the Local Plan;
- Concerns over the impacts of the proposal on residential amenity;
- Considers there will be impacts of noise, dust, and light pollution as a result of the proposal, and is contrary to Policy BE1;
- The increasing number of drive-through restaurants does not address Policy C1;
- The proposal is contrary to Policy EC2 and would have a detrimental impact upon the character of the area;
- The proposal does not comply with guidance notes within the Local Plan para's. 4.2.3.4, stating that coffee shops are acknowledged to contribute to obesity, and take away cups are not recyclable and therefore not sustainable;
- The development would constitute an overdevelopment of the site.

7.2 Highways: **Support** subject to Condition(s).

7.3 Drainage: **Support** subject to Condition(s).

7.4 Shropshire Fire Service: **Comment:** referring to Fire Safety Guidance.

7.5 Canal & River Trust: **No comment.**

- 7.6 Arboriculture: **Comment** that the development should be in accordance with the site plan submitted which will be the approved tree protection plan for the development. A Landscaping Condition is also required.

8. APPRAISAL

Principle of development

- 8.1 Section 38(6) of the Planning and Compulsory Act (2004) states that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan consists of the Telford & Wrekin Local Plan 2011-2031. Policy EC8 outlines the Council's position on out of centre, which is appropriate to be applied due to the site's location and context. Where possible, new developments should be located within Local or District Centres in accordance with Policy EC4 of the Telford & Wrekin Local Plan, however policy EC8 is in place to ensure any out of centre development is appropriate within its context, where sites cannot be located in the main shopping areas.
- 8.2 The proposal would be situated on an out of centre site, sharing an existing site with the existing KFC restaurant. There is a large area of open space available, currently used for overflow car parking which would be utilised as part of the proposal. The Applicants have conducted a Sequential Test which is needed to address policy EC8 to identify other potential sites for the proposed scheme which are located within local centres or district centres. The aim of the sequential test is to outline why other sites are not suitable, available or viable for the proposal.
- 8.3 The Applicant has submitted a substantial Sequential Test within their Design and Access Statement which identifies and assesses a range of sites within Hadley District Centre and Trench Local Centre as these are identified settlements within reasonable distance of the site. Whilst a range of sites are identified as being available, none were identified as being both suitable and viable for the scheme put forward, due to the type of site needed to accommodate a drive-thru facility. None of the sites provide sufficient space for a drive-through facility, or the installation of one would be inappropriate for the surrounding context.
- 8.4 Due to the reasons put forward within the Sequential Test, it is accepted that the principle of erecting a second drive-through facility on the existing site is acceptable as it would result in the optimal use of the vacant space available on site, and group together similar uses, both with drive-through facilities. The proposal is considered to comply with Telford & Wrekin Local Plan Policy EC8.

- 8.5 Concerns have been raised by the Parish Council regarding the suitability of the sequential test submitted. Officers consider that it has been demonstrated that as the other sites which have been identified as available are not suitable or viable to provide a drive-through facility, that the sites are not appropriate for the development put forward and therefore the assessments within the sequential test are sufficient to satisfy policy EC8 of the Telford & Wrekin Local Plan. Whilst this is considered to be an out of centre development, the site can still be easily accessed by the immediate community on foot using the pedestrian footpaths and has ample cycle parking available. The proposal is therefore compliant with Local Plan Policy C1.
- 8.6 It is additionally considered by the Parish Council that the scheme is contrary to Policy EC2, however as this policy relates to employment sites it is not applicable. Notwithstanding, the proposal is located within an existing developed site in an accessible location, would introduce at least 20 new jobs and result in positive employment opportunities in the local area.

Highways

- 8.7 Other concerns have been raised regarding the increase in traffic around Trench Lock interchange as a result of the proposal. Whilst the Local Planning Authority acknowledge the scheme may see some increase in traffic to the immediate vicinity, the Council's Highways Officer has reviewed the scheme and the transport note submitted and is confident the proposal would result in no significant detrimental impact upon the highway network. Officers consider therefore the proposal complies with Local Plan Policy C3. Furthermore, concerns regarding the parking provision available have been raised. However the Highways Officer has assessed the spaces available and is satisfied that there is sufficient provision to support both buildings on site. The proposal is therefore considered to comply with Local Plan Policy C5.

Amenity

- 8.8 The Parish Council have also stated that they consider the proposal contrary to Policy EC9 due to the increase in litter that the proposal may introduce; Officers have discussed this with the Applicant's Agent and additional litter bins have been added to the plans to mitigate this concern.
- 8.9 The Parish Council have also raised that they do not consider the proposal is in accordance with Local Plan policy BE1 as the development would not respect and respond positively to its context. Officers consider that utilising an existing site where a drive-through facility already exists, would be entirely appropriate and would be suitable for the existing context and setting. Also, the design of the building has been proposed to be in keeping with the

existing KFC restaurant in order to integrate the new building into the existing site. As there is no overarching character or architectural design present within the immediate vicinity, due to the mixture of uses, Officers consider the design and scale of the building is suitable and appropriate for the existing site and does indeed correspond well with the immediate context and respect the setting. Officers consider the proposal is in accordance with Policy BE1.

- 8.10 Concern has also been raised regarding the impact upon residential amenity in terms of noise, odour and light pollution. Officers acknowledge that residential properties which border the site would have a change in outlook with the addition of a second building, however due to the opening hours proposed between 0700-2200, it is considered the noise would not significantly detrimentally impact residential amenity during resting hours and would therefore cause minimal disruption. There are currently thick buffers of trees in place between the site and the flats to the south, and between the site and the property 'Sundown' to the west which would assist in shielding some of the noise from the new use.
- 8.11 In addition, odours from cooking would be minimal due to the nature of the proposed use as a café. Furthermore, as mentioned previously, advertisements for the proposed use are being considered separately through an advertisement application, and Officers will ensure that the signage installed is appropriate for a residential area in terms of illumination to avoid causing any impacts on residential amenity in terms of light pollution. Due to the reasons outlined, Officers consider the proposal is in accordance with Local Plan Policy BE1.

Trees

- 8.12 The Applicant has submitted a plan to show the existing trees at the rear of the site being retained, and additional planting of new trees to increase the buffer between the site and the property 'Sundown' which borders the site. The tree protection plan submitted shows protective fencing to ensure the trees will be protected during the construction phase of the development. The proposal therefore is in accordance with Local Plan Policy NE2. Part of the site is designated as Green Network within the Telford & Wrekin Local Plan however as the site is already tarmacked and the development would be contained to the tarmacked area, it is considered the erection of the building would not harm the functionality of the Green Network, and is therefore in accordance with policy NE6 of the Local Plan.

9. CONCLUSION

- 9.1 The erection of a Starbucks Café (Use Class A1/A3) on the site of the existing

KFC restaurant is considered to be an acceptable development as it has been demonstrated as an appropriate use for this out of centre development site. The proposal would not cause any significant detrimental impact upon neighbouring residential dwellings in terms of noise, light or odour and the hours of operation proposed are appropriate for a residential area. The site can be accessed safely, and sufficient parking provision can be achieved. The proposal is therefore considered to comply with Telford & Wrekin Local Plan Policies EC2, EC4, EC8, EC9, C1, C3, C5, NE2 and BE1, and with National Policies within the NPPF.

10. DETAILED RECOMMENDATION

- 10.1 Based on the conclusions, it is recommended that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT FULL PLANNING PERMISSION** subject to:

The following Condition(s) and Informative(s) (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):

- A04 Time Limit
- B061 Foul and Surface Water Drainage
- B121 Landscaping Design
- C089 Works in Accordance with Tree Protection Plan
- C13 Parking, Turning and Unloading
- C38 Development in Accordance with Approved Plans
- D11 Restriction of Hours of Operation of 0700-2200
- I40 Conditions
- I41 Reasons for Grant of Approval