

**PLANNING
COMMITTEE**

28th March 2012

PLANNING APPLICATION 2012/025/FUL

**DEMOLITION OF EXISTING OFFICE BUILDING AND ERECTION OF
DRIVE-THRU RESTAURANT (USE CLASS A3/A5) WITH ASSOCIATED
PARKING**

MACLELLAN HOUSE, CLEWS ROAD, REDDITCH

**APPLICANT: MR J PEACH (KFC: GB LTD)
EXPIRY DATE: 28TH MARCH 2012**

WARD: HEADLESS CROSS & OAKENSHAW

The author of this report is Steven Edden, Planning Officer (DM), who can be contacted on extension 3206 (e-mail: steve.edden@bromsgroveandredditch.gov.uk) for more information.

(See attached Site Plan)

Site Description

The site is approximately 0.3ha and is located at the junction of Coldfield Drive and Clews Road. It is presently occupied by a two storey, vacant office block (1,145 sqm) formed of brickwork walls under a tiled roof, together with an associated parking area. Vehicle access into the site is from two access points, both off Clews Road. To the west lies an established landscaped strip fronting onto Coldfield Drive beyond which lies residential development with access off Coldfield Drive via Patch Lane. To the south lies an operational McDonald's drive-thru restaurant and to the north and east with access off Clews Road, are a number of two storey offices, 70% of which are presently vacant.

Proposal Description

This is an application to demolish a vacant former office building (Maclellan House) and to erect in its place, a new drive-thru restaurant facility of 260 sqm (GIA) which would include space for 72 covers. The proposed site layout includes a drive-thru lane, a total of 37 parking spaces (including 2 disabled spaces and 2 "large order" spaces), 2 motor-cycle parking and 6 cycle spaces. Vehicles would access the site using the two existing accesses onto Clews Road.

The applicant states that the development would provide 41 jobs including 13 full-time and 28 part-time.

Opening hours would be:
Sunday to Thursday: 0600 to 2400hrs
Friday and Saturday: 0600 to 0200hrs

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Relevant Key Policies:

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

www.communities.gov.uk

www.worcestershire.gov.uk

www.redditchbc.gov.uk

National Planning Policy

PPS1	Delivering Sustainable Development
PPS4	Planning for Sustainable Economic Growth
PPG13	Transport

Regional Spatial Strategy

Whilst the RSS still exists and forms part of the Development Plan for Redditch, it does not contain any policies that are directly related to or relevant to this application proposal. Therefore, in light of recent indications at national level that such policy is likely to be abolished in the near future, it is not considered necessary to provide any detail at this point in relation to the RSS

Worcestershire County Structure Plan

SD.3	Use of Previously Developed Land
SD.4	Minimising the Need to Travel
D.19	Employment Land Requirements
T.4	Car Parking

Borough of Redditch Local Plan No.3

CS.7	The Sustainable Location of Development
E(EMP).3	Primarily Employment Areas
E(EMP).3a	Development Affecting Primarily Employment Areas
E(TCR).4	Need and the Sequential Approach
E(TCR).12	Class A3, A4 and A5 uses
B(BE).13	Qualities of Good Design
B(BE).18	Advertisements
B(BE).19	Green Architecture
S.1	Designing out crime
C(T).12	Parking Standards

The site is within a Primarily Employment Area as designated in the Borough of Redditch Local Plan No.3

SPDs

Designing for Community Safety (2006)
Employment Land Monitoring (2003)
Encouraging Good Design (2001)

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Other Relevant Corporate Plans and Strategies

Redditch Sustainable Community Strategy (SCS)

Emerging Policies

The government has recently published its draft National Planning Policy Framework document (NPPF). Whilst it is a consultation document and, therefore, subject to potential amendment, nevertheless it gives a clear indication of the Government's 'direction of travel' in planning policy. Therefore, the draft National Planning Policy Framework is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker's planning judgment in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.

It is not considered in this case that this policy direction is significantly different from that in the other Development Plan documents that are relevant to this decision, and therefore is not referenced further due to it having only little weight at this stage.

The Core Strategy is the document that will eventually replace the local plan, and is currently working through the process towards adoption. It has been published and consulted upon, and therefore counts as emerging policy to which some weight can be given in the decision making process. The current version is the 'revised preferred draft core strategy' (January 2011).

The Core Strategy contains objectives for the overall approach to development in the Borough up until 2026, as well as strategic policies.

Relevant Site Planning History

<i>Application No.</i>	<i>Description</i>	<i>Decision</i>	<i>Date</i>
1990/100/FUL	Two Storey Office block	Granted	26.04.1990
1991/549/COU	Part change of use from office to nursery school for disabled children	Granted	29.01.1992
1992/104/FUL	Erection of a sculpture	Granted	21.05.1992
1993/046/FUL	Outdoor Children's play area	Granted	25.03.1993
2002/052/FUL	Entrance porch	Granted	28.03.2002

The adjacent Mc Donald's restaurant and drive-thru was granted permission in 1990 (ref 1990/381). Opening hours were permitted to be extended in 2011

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(ref 2011/307/S73) to allow opening between 0600 to 2400 hrs Sunday to Thursday and 0600 to 0200 hrs on Friday and Saturday

Public Consultation Responses

Neighbour consultation letters posted and site notices erected at the site

Responses against

10 comments received raising the following points:

- Proposal would increase traffic problems which currently exist along Coldfield Drive towards the roundabout
- Increased pedestrians using the facility together with increased numbers of vehicles would affect safety
- Exiting Grangers Lane is difficult already. Proposal will exacerbate this
- Concerns regards noise and possible increase in antisocial behaviour
- Existing litter problems are likely to increase
- Concerns regarding loss of employment land
- General health concerns

Other issues which are not material planning considerations have been raised but are not reported here as they cannot be considered in the determination of this application. Comments summarised above are views of a local ward member together with those of occupiers residing in Kempsford, Lineholt and Newton Close all of which are accessed from Grangers Lane to the south of Rough Hill Drive (A441).

Consultee Responses

County Highway Network Control

Technically the scheme layout is satisfactory with sufficient parking and cycle facilities. Although there would likely be an increase in traffic generation from the proposal over and above a re-use of the existing building for its permitted use, the additional traffic would be negligible at peak times. Although the general road network in this area becomes congested at certain times, the minimal increase in traffic at these times would not cause harm to the highway network. There are no objections to this application subject to the imposition of conditions and informatives to any planning permission.

Worcestershire Regulatory Services (Environmental Health)

No objection

Severn Trent Water

No objection. Drainage to be subject to agreement with Severn Trent Water

Police Crime Risk Manager

There are similar existing premises to what is proposed here. The crime levels at that establishment are relatively low, although offences have

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occurred on or around that premises car park. If approval is given, it may experience similar issues. Whilst I am happy with the general layout of the site, to deter the problems outlined above, an appropriate CCTV system together with appropriate lighting should be provided. In particular, the CCTV system will need to cover the car park and access / egress to the premises.

Community Safety Team

No objection

Economic Development

The property has been on the Council's commercial database since 2nd March 2007. The property has been suggested to 35 enquirers looking for office accommodation during this time. We believe that the property has been appropriately marketed.

Development Plans

Comments summarised as follows:

The application site lies within land which is designated through saved Local Plan No.3 as within a Primarily Employment Area, as depicted on the adopted Borough of Redditch Local Plan No.3 Proposals Map.

There are two key considerations in relation to this application: the loss of employment land to a non-employment use and the location of an A3/A5 use outside of a Town Centre or District Centre location

1. Loss of employment land to a non-employment use

Draft National Planning Policy Framework (NPPF)

The NPPF clearly sets out that significant weight should be placed on the need to support economic growth through the planning system. Although it is acknowledged this application would result in the loss of part of a Primarily Employment Area it is considered that the applicants have presented a clear evidence base on which to re-consider other alternative uses for this site. With this in mind this application would bring back into use a redundant site and may trigger further economic development.

Draft Core Strategy and emerging policies

Policy 13 '*Development within Employment Areas*' states that non-employment development would only be permitted where:

- i. such development would not cause or accentuate a significant shortage of land for employment use in the area concerned;*

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- ii. *it is no longer viable as an employment area either following a period of unsuccessful marketing or undertaking a viability assessment. Consultation must be undertaken with the Economic Development unit by the applicant to ascertain this; and*
- iii. *the site is no longer appropriate for employment use because of at least one of the following reasons and these problems are incapable of resolution in the foreseeable future:*
- *it impinges upon residential amenity;*
 - *it causes substantial highway or traffic problems;*
 - *it creates other adverse environmental effects; or*
 - *technical reasons such as land stability or fundamental infrastructure problems.”*

With regard to Criterion i) it is acknowledged that there is a significant shortage of available employment land in the Borough. The 'Redditch Borough Council Employment Land Review Update 2011' presents a clear picture of this current situation. In summary this document uses a range of scenarios to consider need up to 2031; based on the most appropriate scenarios 51 Ha of employment land is needed up to 2031. There is currently a 10.52 Ha deficit of employment land which is needed but cannot be accommodated within the Borough. The Employment Land Review Update supports the requirement to retain as much employment land as possible within the Borough for employment use and future economic opportunities.

In line with the Borough Councils Supplementary Planning Guidance 'Employment Land Monitoring' (2003) once a site is classified as redundant it has the potential to be recounted and used to contribute towards the Borough Councils employment land portfolio. This application site can now be classified as redundant however as this site does not currently contribute towards the portfolio of available sites its loss would not accentuate the shortage of employment land, it would simply prohibit it from being re-counted as a future available site.

With regard to Criteria ii it is acknowledged that the applicants have demonstrated full compliance with this criterion as identified in their supporting 'Planning, Design and Access Statement' (February 2012). They have demonstrated that the site has been marketed for the required amount of time and in a way to satisfy Economic Development Officers requirements. Through this marketing the applicants have demonstrated the lack of interest in this particular site for a B1 use. Officers acknowledge that no other B-type employment use would be suitable or feasible on this particular site.

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Local Plan No.3 Policy

With regard to Policy E(EMP).3 'Primarily Employment Areas', this policy states that non employment uses will only be considered where:

- i. it can be demonstrated that the site is not capable of being developed for employment use and that the loss of the site for employment use will not have an unacceptable impact on the supply of employment land in the Borough; or*
- ii. the use of the site for employment purposes raises unacceptable environmental or traffic problems which could be alleviated by alternative use or uses; and in all cases;*
- iii. the use is compatible with surrounding land uses in accordance with Policy E(EMP).3a (Development Affecting Primarily Employment Areas).'*

With regard to criterion i), the applicants have demonstrated that the site has been adequately marketed in line with Economic Development Officer requirements for a B1 employment use for the required length of time. Therefore it is considered that it has been demonstrated that this site is not capable of being developed for this particular use. As stated above Officers acknowledge that no other employment use would be suitable or feasible on this particular site.

Local Plan Policy E(EMP).3a 'Development affecting Primarily Employment Areas' states:

"Development will only be permitted where it is compatible with the use of Primarily Employment Areas. Development will not be permitted where it would restrict the current or future use and/or development of Primarily Employment Areas for employment purposes."

The proposed restaurant use would not appear to have a significant impact upon the surrounding uses given the existing use of the adjacent McDonalds site and the continued functioning of other B1 uses close to this site.

2. Locating an A3/A5 use in an out of centre location

PPS4: Planning for Sustainable Economic Growth contains Policy EC14 - 'Supporting evidence for planning applications for main town centre uses'. This policy requires a sequential assessment for planning applications for main Town Centres uses such as the application proposal where they are not in an existing centre and are not in accordance with an up to date development plan.

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The applicants have provided a sequential assessment within their supporting document '*Planning, Design and Access Statement*' which is in line with Policy EC14. Officers consider that the sequential assessment for this particular use is satisfactory and that an alternative Town Centre location for this particular type of use with reasonable access for drive-thru vehicular access is not currently available within Redditch Town Centre.

3. Conclusion

Whilst the application would trigger a loss of employment land within a Primarily Employment Area, Officers acknowledge that the applicants have marketed this site for employment uses to a satisfactory degree in line with policy requirements. Officers also acknowledge that alternative employment uses are not appropriate on this site.

The applicant has demonstrated through a sequential assessment that no alternative Town Centre locations are available for this particular use.

The supporting evidence provided by the applicant demonstrates a clear justification for a departure from the Development Plan which has to be considered acceptable at this time by Development Plans Officers.

Assessment of Proposal

The key issues for consideration are as follows:

Loss of employment land

The site lies within a Primarily Employment Area as designated in the Borough of Redditch Local Plan. As a non employment use, regard must be had to Policy E(EMP).3 which states that non employment uses will only be considered as per the criteria noted above.

The applicants have demonstrated that the site has been adequately marketed in line with Economic Development Officer requirements for a B1 employment use for the required amount of time. The property has appeared on the EDU database since March 2007 and has therefore been vacant for 5 years. Further, Officers consider that the existing Maclellan House building and the application site as a whole should be considered as redundant in policy terms in addition to being vacant. The Borough Councils Supplementary Planning Guidance Employment Land Monitoring (2003) defines redundant as the following:

"Redundant employment land – Land or buildings that meet all of the following criteria (regardless of state of buildings/land):

- * formerly occupied by B Class employment uses; and*
- * totally unoccupied for a minimum of 2 years and 3 months."*

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Although evidence cannot be advanced to this effect, Officers believe, further to discussions with EDU Officers, that Maclellan House was last used by the company 'Interserve' as offices, before becoming vacant, and that this company vacated the building either in late 2004 or 2005. Unfortunately records do not show the precise date of original vacancy. Clearly, however, the building has been totally unoccupied for a period of time greatly exceeding the minimum of 2 years and three months required by policy for the building to be termed 'redundant'. As stated by the Development Plans Officer, this site does not currently contribute towards the portfolio of available employment sites and as such, its loss would not accentuate the shortage of employment land, it would simply prohibit it from being re-counted as a future available site.

It is therefore considered that it has been demonstrated that this site is not capable of being developed for (B Class) employment use. As stated above, Officers do not consider that other employment (B2 or B8) uses would be suitable or feasible on this particular site.

The proposed use would not appear to have any significant impact upon the surrounding uses given the existing use of the adjacent McDonalds site and the continued functioning of other B1 uses close to this site, along Clews Road.

Location of development having regards to sequential test

National and Local Planning Policies require that a sequential assessment of alternative sites is provided to accompany planning applications for main Town Centre uses such as the application proposal where they are not in an existing centre and are not in accordance with an up to date development plan.

The applicants have provided a sequential assessment within their supporting document '*Planning, Design and Access Statement*' which is in line with Policy EC14 of PPS4 and Policies E(TCR).4 and CS.7 of the Borough of Redditch Local Plan. The applicant has examined available units within the Town Centre, both within the Kingfisher Shopping Centre and outside the Kingfisher Shopping Centre, together with other sites within the Peripheral Zone and within the District Centres, in that sequence as required under the terms of Policy E(TCR).4.

Officers consider that the thorough sequential assessment for this particular use is satisfactory and consider that an alternative, sequentially preferable location for this particular type of use is not currently available.

Design and Layout

The building entrance would face towards Clews Road providing an active frontage to the road whilst the drive-thru ordering and collection area are to be provided at the side of the building (facing Coldfield Drive). The building

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would occupy the footprint currently covered by the 'L' shaped Maclellan House offices. The building would be single storey and flat roofed, rising to a maximum of 6.5 metres although the majority of the building would be 4.5 metres in height. Existing buildings in the remainder of the wider area vary between the single storey adjacent McDonalds drive-thru and the three storey 'Lanner House' to the north. The proposed scale and massing of the building is considered to sit comfortably with the scale of surrounding development. No significant changes are proposed to the landscaping of the site which is already predominantly hard surfaced or built upon. The existing landscaped strip separating the site from Coldfield Drive is outside the application boundary but would continue to provide a suitable green buffer to the site.

The appearance and materials of the proposed development would be contemporary and informed by the function of the building. Where not glazed, walls would be powder coated insulated steel panels in red and white to reflect the identity of the operator.

Highways and Access

The proposals would retain and re-use the two existing vehicular access points into the site, both of which are formed from Clews Road. Highways have confirmed that the 37 car parking space arrangement, the 2 motor-cycle parking and 6 cycle spaces to be provided are acceptable to them. Both access points would offer access and egress to and from the site. Highways have also confirmed that the use of both vehicular access / egress points is acceptable. A transport study and statement have been produced to determine the likely levels of vehicle traffic generation for the proposed facility following traffic surveys. This detailed study has concluded that the increase in traffic on Coldfield Drive on the approach to the A441 roundabout would be a maximum of one vehicle every two minutes during the peak hour as a result of the development which County Highway Network Control Officers do not consider to be material. As such, highways are satisfied that the proposal would not prejudice highway safety.

Sustainability

The site is located within the urban area of Redditch and is therefore considered to be more sustainable than sites in more peripheral locations.

Measures to improve the sustainability of the building and its operation would include: reduced energy lighting; a heat recovery air conditioning plant, dual flush cisterns and waterless urinals, increased levels of insulation beyond current building regulation requirements, solar panels to the roof (to provide heating for the building), existing brick/block paving would be reused in the creation of the new on-site car parking spaces. Used cooking oil would be taken off site for treatment before turning into bio-fuel. This meets wider planning policy objectives.

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Impact on residential amenity

Policy E(TCR).12 from the Borough of Redditch Local Plan deals specifically with A3 and A5 uses and states that the preferred choice of location for such uses would be within the Town Centre, Peripheral Zone or District Centres. However, the policy recognises that in some instances, other locations may be better suited, and through the inclusion of the wording "*or elsewhere in the Borough..*" is not so prescriptive as to preclude consideration of other sites. As explained earlier, a thorough sequential assessment has been carried out which concludes that no more 'central' locations exist for such a drive-thru facility. It is still necessary to examine impact upon the amenities of neighbouring properties under this Policy. In this case, neighbouring properties are office blocks, the majority of which are vacant, and a McDonald's drive-thru. Officers consider that there would be no detrimental impact upon the amenity of these occupiers and to date, no representations have been received from these premises raising concerns. Where housing, on the opposite side (to the west) of Coldfield Drive looks towards the site, well established hedge and tree planting obscures the view of the development. The proposed buildings reduced scale, height and bulk compared to that of the existing office building would not harm outlook and visual amenity more so than at present.

In response to concerns raised regarding litter, the applicant states that they proactively manage litter whilst seeking to reduce the amount of packaging produced. At least four litter bins would be provided, each of which would be emptied at least 4 times per day including a night-time clearance.

Litter patrols in the area (up to 4 during the day) including late night litter picks would be carried out in the area immediately surrounding the site to remove the company's litter. Customers are encouraged to dispose of litter responsibly and the company works in partnership with 'Love Where You Live' (a Keep Britain Tidy campaign).

Subject to details pertaining to the precise positioning of litter bins, suggested to be agreed by condition, Officers raise no objections in respect to this matter.

Security

Both the Police Crime Risk Manager and the Council's Community Safety Team raise no objection to the proposal subject the installation of a suitable CCTV system. Officers suggest that this could be controlled by imposition of a condition.

Other Matters

The Redditch Sustainable Community Strategy which refers to health and wellbeing is a material consideration in the determination of the application,

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but should be given limited weight relative to the weight given to Policies which are stated in the adopted Borough of Redditch Local Plan No.3, and in particular, Policy E(TCR).12. Planning Inspectors at appeal, rarely if ever refer to such matters as concerns where businesses actively encourage healthy lifestyles. The applicant states that KFC takes a responsible approach to their menu production and marketing. A variety of portion sizes are provided and nutritional information is always displayed to enable customers to make an informed choice.

Finally, if approved, a separate application for advertisement consent would be submitted for consideration at a later date.

Conclusion

The redundant nature of the site despite active marketing indicates that there is a general lack of demand for B1 (office) use on this site. Other B class employment uses (B2 and B8) would be incompatible with and highly unlikely to wish to locate to such a site. The applicant has demonstrated through an acceptable sequential assessment of other more sustainable Town Centre and peripheral locations, that other, alternative sites are not available for such a drive-thru use. The proposed use is considered to be compatible with existing adjacent users. Highway Network Control raise no objection to the proposals having examined the proposals carefully in respect of highway safety. Taking into consideration the job creation potential of the proposed development and the current Planning for Growth agenda which is also a material consideration to be afforded significant weight, Officers have concluded that the application proposals are acceptable and the recommendation is therefore that permission be granted subject to the imposition of relevant and necessary conditions / informatives as suggested below.

Recommendation

That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to conditions and informatives as summarised below:

1. Time limit for commencement of development (3 years)
2. Development to be carried out in accordance with approved plans
3. Materials to be used on walls and roof to be submitted
4. Boundary treatment plan to be submitted and approved in writing
5. Precise details of cycle store shown on approved plan 0000/2012/A102 rev E to be submitted for approval in writing
6. Access, turning and parking facilities to be properly consolidated surfaced etc.
7. Hard surfacing materials to be agreed
8. Hours of opening specified
9. CCTV and lighting condition

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10. Litter bin details and locations to be agreed

Informatives

1. Reason for approval
2. As requested by highways
3. Drainage
4. A separate application for Advert Consent is needed
5. Highway Notes 4 and 5

Procedural Matters

All applications for Class A3 and A5 use are reported to Planning Committee for determination as these powers are not delegated to Officers.