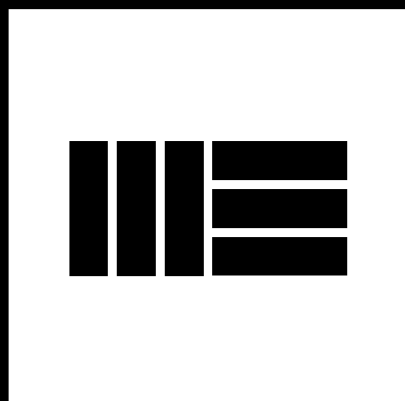


# **FORMER PIZZA HUT ARUN RETAIL PARK BOGNOR REGIS**

## **PLANNING STATEMENT**

**FEBRUARY 2022**



# CONTENTS

|                                                     |    |
|-----------------------------------------------------|----|
| 1.0 INTRODUCTION .....                              | 3  |
| 2.0 THE APPLICATION SITE AND PLANNING HISTORY ..... | 4  |
| 3.0 THE PROPOSED DEVELOPMENT .....                  | 5  |
| 4.0 RELEVANT PLANNING POLICY.....                   | 8  |
| 5.0 PLANNING ASSESSMENT .....                       | 12 |
| 6.0 SUMMARY AND CONCLUSIONS .....                   | 15 |

# APPENDICES

|              |                               |
|--------------|-------------------------------|
| APPENDIX 1.0 | SITE LOCATION PLAN            |
| APPENDIX 2.0 | PHOTO EXAMPLES OF TIM HORTONS |

# 1.0 INTRODUCTION

- 1.1 This Planning Statement has been prepared on behalf of BBC Pension Trust Ltd (c/o Orchard Street Investment Management LLP) (the '**Applicant**'), in relation to proposed development at the former Pizza Hut (Unit G) at the Arun Retail Park, on Shripney Road in Bognor Regis (the '**Site**').
- 1.2 The application seeks full planning permission for the change of use of the unit from Use Class E(b) to a Sui Generis use (consisting of a coffee shop / restaurant selling food and drink for consumption on and off the premises), alterations to the wider car park at the Retail Park including the provision of a drive-through lane, relocation of footpath, removal and relocation of 4 x TPO trees, landscaping and associated works.
- 1.3 Although the proposals seek the change of use from its existing restaurant use, it is anticipated that only around 15% of total sales will comprise the sale of hot food for consumption off the premises, and as such cannot be regarded as Tim Horton's primary business.
- 1.4 The description of the proposed development is as follows:

*"Full planning application for external alterations to the existing building associated with the change of use from Class E Restaurant to Sui Generis (consisting of a coffee shop / restaurant selling food and drink for consumption on and off the premises), alterations to car park (including the creation of a drive-through lane, reconfiguration of cycle parking, new pedestrian crossings, and the increase in number of car parking spaces), relocation of footpath, removal of 4 x TPO trees (to be replaced), landscaping and associated works".*

- 1.5 The proposed development will facilitate the occupation of the former Pizza Hut unit by Tim Hortons, a restaurant chain with coffee and bakehouse offer. A more detailed overview of the operation of the proposed tenant is included at Section 3 of this Statement.
- 1.6 The development will allow the re-occupation of an existing unit, which has remained vacant since Pizza Hut closed the restaurant in January 2022. The proposal will also result in the creation of approximately 50 new jobs at the Site, half of which will be full time positions, as well as providing an improved choice of restaurant facilities for Bognor residents.
- 1.7 The remainder of the Statement is structured as follows:

- 2.0 The Application Site and Relevant Planning History** – This section provides an overview of the application site and summarises the planning history relevant to the consideration of the application;
- 3.0 The Proposed Development** – This section provides an overview of the development proposals, including an overview of the proposed occupier, Tim Hortons;
- 4.0 Relevant Planning Policy** – This section identifies the relevant planning policy at a national and local level which the development proposals should be assessed against;
- 5.0 Planning Assessment** – This section assesses all planning matters relating to the consideration of the application, including transport, design and ecology; and
- 6.0 Summary and Conclusions** – Finally we provide a brief summary of the key planning issues and provide conclusions of the assessment.

- 1.8 This Planning Statement will conclude that the proposed development is fully in accordance with national and local policy and should therefore be considered favourably. As there are no other material considerations to outweigh this conclusion, there is no reason to refuse permission. We therefore consider that planning permission should be granted.

## 2.0 THE APPLICATION SITE AND PLANNING HISTORY

### The Site and Surroundings

- 2.1 The Site comprises the former Pizza Hit unit, along with parts of the wider Arun Retail Park site in Bognor Regis. The unit is currently vacant having previously been occupied by Pizza Hut, and measures approximately 331 sq. m (GIA). The full extent of the application Site boundary measures approximately 4,296 sq. m and is outlined in red on the submitted Site Location Plan attached at **Appendix 1.0**.
- 2.2 Arun Retail Park is located on Shripney Road (A29), which is a key dual carriageway linking the north of Bognor Regis with the Town Centre. The Retail Park comprises a total of eight units totalling approximately 10,000 sq. m (GIA) of floorspace. Other occupiers at the Retail Park include B&Q, Pets at Home, Carpetright, M&S Foodhall, Next, Burger King and Costa Coffee.
- 2.3 The surrounding land uses are predominately commercial, with a large Sainsbury's to the south, Tesco Superstore to the south west, Bognor Regis Retail Park to the north and industrial units to the north east and west.
- 2.4 The Site is located approximately 1.6 km from Bognor Regis Town Centre. As such, it is located 'out of centre' in retail terms.
- 2.5 The Site is not located within a Conservation Area, however, all trees within the Site are afforded protection by an 'Area Type' Tree Preservation Order ('TPO') (TPO Ref: TPO/BE/1/194).

### Planning History

- 2.6 On 28 October 2014, planning permission was granted for the "*Installation of new pod unit (A3 Restaurants & Cafes) & reconfiguration of the car park & other associated works*" (App Ref: BE/107/14/PL) (the '**2014 Permission**'). The 2014 Permission was granted subject to 7 conditions.
- 2.7 Condition 7 of the 2014 Permission restricts the permitted use of the building and reads as follows:
- "Notwithstanding the provisions of the Town & Country Planning General Development Order or Use Classes Order, the use of the building hereby permitted shall be restricted to A3 Restaurants and Cafes use only".*
- 2.8 As this was the operative use on 31 August 2020, the lawful use of the premises is to be regarded now as Class E(b) ("*for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises*").
- 2.9 There is no other planning policy relevant to the consideration of this application.

## 3.0 THE PROPOSED DEVELOPMENT

3.1 The purpose of this application is to enable the reoccupation of the former Pizza Hit unit by Tim Hortons, a Canadian restaurant chain with a coffee and bakehouse offer.

3.2 In order to facilitate the occupation of the unit by Tim Hortons, the following principal works are proposed:

- The change of use of the floorspace from Class E(b) to a Sui Generis use (coffee shop / restaurant selling food and drink for the consumption on and off the premises);
- External alterations to the elevations of the building; and
- Alterations to the site layout including the provision of a drive-thru lane, alterations to car and cycle parking provision and alterations to landscaping.

3.3 Below we provide a more detailed description of each element of the proposed development.

### **Change of Use**

3.4 This application proposes the change of use of the former Pizza Hit unit from Class E(b) to a Sui Generis use (coffee shop / restaurant selling food and drink for the consumption on and off the premises).

3.5 The operative permission for the unit is assumed to be Use Class E(b) with an ancillary takeaway / delivery facility, given this was the use in operation on 31 August 2020. However, the proposed change of use is required, even though the unit will continue to provide dine in and take out facilities as it did when occupied by Pizza Hut.

3.6 As Tim Hortons offer is one where there is a mix of sales of hot and cold food and drink for consumption both on and off the premises, it has been advised that Tim Hortons should not seek to occupy the unit under a Class E(b) use. Given that it is not possible to combine a Class E(b) use with other uses (i.e. a mixed use), Tim Hortons has concluded that the business operates under a Sui Generis use, as it is a mix of coffee shop / restaurant with a takeaway function.

3.7 However, it is important to stress that the proposed use should not be regarded as a hot food takeaway facility. Analysis of other Tim Horton's drive-thru premises has demonstrated that around 15% of total sales comprise hot food for consumption off the premises, meaning this is not their primary business. As such, it is not considered that the level of hot food take-away associated with the proposed use should give rise to any planning issues.

### **External Alterations to the Elevations**

3.8 In order to facilitate the introduction of a drive-thru facility and the re-occupation of the unit by a new operator, a number of external alterations are proposed to the existing building. The proposed external alterations are essential in order to facilitate the occupation of the unit by Tim Hortons and will allow for a comprehensive upgrade to the appearance of the building as a whole giving it a modernised look that reflects the national rollout of Tim Hortons facilities.

3.9 A full breakdown of the proposed alterations to the site layout are outlined below and illustrated on Drawing Ref: URB DT 08 00 05 – Proposed Unit Plans and Elevations', and can be summarised as follows:

- Existing roof fascia and soffits to be painted and finished in black;
- Entrance door to be resprayed in red;
- All existing brickwork and window frames to be repainted black;
- Incorporation of new glazing throughout the premises;
- Provision of red aluminium drive thru collection window with black cladding panel surround and canopy overhead;
- Provision of new, timber clad black bin store area at the corner of elevations 2 and 3;
- Provision of new flat roof structure, finished in black; and
- Existing plant room door and side wall to include new ventilation louvres painted in black.

- 3.10 The changes to the external elevations of the unit are entirely in-keeping with its role and function as a restaurant on a retail park, and will help to create a more interesting and modern looking building.
- 3.11 Please note that all proposed advertisements will be subject to a separate advertisement consent application and therefore do not form part of this application.

#### **Drive Thru Lane, Alterations To Site Layout, Car / Cycle Parking & Landscaping**

- 3.12 This application also seeks planning permission for alterations to the site layout, including the provision of a new drive-thru lane. In order to facilitate the provision of the lane, a number of alterations to car parking arrangements and landscaping are required, as shown on the proposed plans.
- 3.13 The proposed drive-thru lane will be accessed by customers from the existing car park area to the south east of the building, with orders being taken at the proposed order point. The drive-thru lane will then continue north, before wrapping around the existing cycle parking shelter. Customers will then pay and collect their orders at the proposed service window located on the on the south east elevation of the building. The drive thru-lane will then re-enter the main car park, where customers will be able to either park their vehicle or exit the Retail Park onto Shripney Road.
- 3.14 As noted above, the provision of the proposed drive-thru lane will require the reconfiguration of the car park as well as a number of additional alterations to the immediate surroundings of the premises. A full breakdown of the proposed alterations to the site layout are illustrated on Drawing Ref: URB DT 08 00 06 – 'Works to Drive Thru Area as Proposed', URB DT 08 00 07 – 'Alterations Works to Site Layout and Parking' and URB DR 08 00 08 – 'Parking Changes B&Q Retail Terrace', as outlined below:
- Provision of new tarmac drive-thru lane;
  - Erection of an order point with associated lamppost for illumination;
  - Relocation of existing totem sign and lamp post;
  - Removal and replacement of 4 x TPO trees;
  - Provision of various new planting across the Site;
  - Provision of new road markings associated with the proposed drive-thru lane;
  - Provision of new pedestrian crossing with tactile paving and drop kerbs at the drive thru lane exit;
  - Alterations to the existing paving around the unit to facilitate the provision of new drive thru lane;
  - Provision of bollards at the head of new parking bays to prevent vehicles overrunning into paved area; and
  - Demolition of existing bin store and the provision of an outdoor seating area to the north west of the premises with enclosed with railings.

- 3.15 The proposals will result in the overall gain of 16 car parking spaces within the main customer car park, with a further 5 staff spaces to be created in the service yard to the rear of the main retail terrace. The cycle parking provision will also be reconfigured to include 18 replacement parking spaces adjacent to the former Pizza Hut unit, 12 spaces adjacent to the Next unit, 14 spaces adjacent to Burger King and 10 spaces adjacent to the Costa unit. Overall there will be a net increase of 10 spaces across the Retail Park as a whole.
- 3.16 The proposals also include the removal of 4 no. TPO trees that will be replaced by the planting of like for like species in areas of new soft landscaping within the wider Arun Retail Park. The areas of new soft landscaping will also include a variety of ornamental shrubbery and hedges that will significantly improve the visual appearance of the Site. Full details of the proposed landscaping works are detailed on the submitted Landscape Strategy Plan, prepared by Aspect Landscape Planning

#### **The Proposed Occupier – Tim Hortons**

- 3.17 Tim Hortons is a relatively new entrant to the UK market, and is best described as a restaurant chain specialising predominantly in the sale of fresh coffee and baked goods. The brand was founded in 1964 in Hamilton, Ontario, Canada and has since grown into one of Canada's most loved brands with over 4,500 across the country. Known affectionately as 'Timmy's', the brand is well renowned for its fresh coffee and baked goods, and is visited by more than 5.3 million Canadians each day (approximately 15% of the population).

- 3.18 Tim Hortons opened its first store in the UK in 2017 and now has a number of units across the UK, with additional stores set to open soon. Tim Hortons has more recently focused on expanding its drive-thru model across the UK. The Tim Hortons offer is different from other drive-thru restaurants such as McDonalds, KFC and Burger King, being more comparable to the offer provided by coffee shop operators.
- 3.19 Tim Hortons hot food offer is also comparable to other coffee shop drive thru operators, and includes paninis as well as hot sandwiches and wraps. Like with other coffee shop drive thru operators, the dine in aspect is an important aspect of Tim Horton's overall offer, as shown on the images at **Appendix 2.0**.

## 4.0 RELEVANT PLANNING POLICY

4.1 This section provides a summary of the planning policy which is relevant to the assessment of the proposed development.

### The Statutory Development Plan

4.2 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Arun District Council comprises the following:

- Arun Local Plan 2011 – 2031 (adopted in July 2018) (the '**Local Plan**'); and
- Arun Local Plan 2011 – 2031 Policies Map (adopted in July 2018) (the '**Policies Map**').

4.3 Arun District Council is currently in the process of preparing an update to the Arun Local Plan 2011 – 2031. The Council recently conducted a 'call for sites' exercise in July 2021 to provide the opportunity for individuals to suggest sites they believe would have the potential to be developed for housing or other economic uses. The updated Local Plan is not set for adoption until Winter 2023 so does not form part of the consideration of this application.

4.4 In regard to the adopted Policies Map, the Site is not designated for any specific use.

4.5 The Site would be described as being 'out-of-centre' in regard to the retail hierarchy.

4.6 Local Plan **Policy SD SP1** (Sustainable development) confirms that the Council will take a positive approach to development, reflecting the presumption in favour of sustainable development contained within the NPPF. The Council will work proactively with applicants to find solutions such that proposals can be approved where possible.

4.7 **Policy RET SP1** (Hierarchy of Town Centres) of the Local Plan sets out the hierarchy of centres in Arun. The Policy confirms that the Town Centres of Bognor Regis and Littlehampton will be the main focus for retail, leisure, commercial, office, tourism, cultural, community and residential development, followed by Local Service Centres, The Six Villages area and finally Village and Suburban Centres.

4.8 **Policy RET DM1** (Retail Development) states that 'Town Centre' uses should be accommodated within the Town Centres, with proposals for Town Centre uses located outside the defined centres only being permitted where:

- The scheme meets the tests of the NPPF (as outlined at Paragraph 87 & 90 of the NPPF);
- The scheme is easily accessible by the highway network and public transport;
- The scheme includes provision for access by cycle and on foot; and
- The scheme includes provision to enable access for people with disabilities.

4.9 **Policy RET DM1** requires that any proposals for retail development on out of centre sites should demonstrate that no suitable sites can be found within the Town Centre or on the edge of the centre. Policy RET DM1 also confirms that proposals for office, leisure, and retail development which exceed 1,000 sq. m in size will be required to be supported by an impact assessment demonstrating that the proposal will not have a negative impact on the vitality and viability of any of the Town Centres, Large Service Centres and the Six Villages larger centres. At 331sq. m, the unit falls well short of the threshold for requiring an assessment of impact.

4.10 **Policy D SP1** (Design) relates to design principles for development and confirm that proposals should ensure that efficient use of land is adopted, reflecting the characteristics of the site in terms of layout, landscaping, density, mix, scale, massing, character, materials, finishes and architectural details.

4.11 **Policy D DM1** (Aspects of form and design quality) sets out a variety of design principles that proposals will be expected to follow, including incorporating existing and new tree planting as an integral part of development.

- 4.12 **Policy T SP1** (Transport and Development) considers the impact of development on the highway network, seeking to ensure that development provides safe access, contributes towards highway improvements and promotes sustainable modes of transport.
- 4.13 **Policy T DM1** (Sustainable Travel and Public Rights of Way) confirms that proposals must ensure that access to alternative modes of transport, including public transport services, the public right of way and cycle networks, must be available and accessible to all members of the community.
- 4.14 **Policy ENV DM4** (Protection of trees) confirms that development will be permitted if it can be demonstrated that trees protected by a Tree Preservation Order ('TPO') will not be damaged or destroyed, unless development:
- Would result in the removal of one or more trees in the interest of good arboricultural practice;
  - Would enhance the survival and growth prospects of other protected trees; or
  - The benefits of the proposed development outweigh the loss of the tree.
- 4.15 Policy ENV DM4 also sets out that in the instance that permission is granted, conditions will be imposed requiring the replacement of at least the equivalent number of similar species and age are replanted at the Site.
- 4.16 **Policy QE SP1** (Quality of the environment) confirms that development must contribute positively to the quality of the environment, ensuring that proposals do not result in negative impacts upon residential amenity.

### **National Planning Policy**

- 4.17 The National Planning Policy Framework was revised on 20 July 2021 and sets out the governments planning policies for England and how these are expected to be applied. The revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development - performing economic, social and environmental roles. The three roles are interdependent and need to be mutually supported.
- 4.18 At the heart of the NPPF is a presumption in favour of sustainable development, which should be at the heart of decision taking (**Paragraph 11**). For decision taking this means approving development without delay; and where the development plan is absent, silent, or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or specific policies in the Framework indicated development should be restricted. The three dimensions to sustainable development are the mutually dependent economic, social and environmental roles.

### *Economic Growth*

- 4.19 Building a strong, competitive economy is one of the key elements of the NPPF. **Paragraphs 81 – 83** state that planning policies and decisions should help to create the conditions in which business can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development. Planning decisions should also recognise the specific locational requirement of different sectors.

### *Town Centres*

- 4.20 **Paragraphs 86 – 91** of the NPPF seek to ensure the vitality of town centres and requires that planning policy should provide a framework to assess proposals for main town centre uses, such as retail, which can be accommodated in or adjacent to town centres. **Paragraph 87** requires proposals to demonstrate compliance with the sequential test, and **Paragraph 90** to demonstrate that the proposals will not have a significantly adverse impact on any designated local centres.
- 4.21 LPAs should apply a sequential test 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. That is to say that main town centre uses should be located in town centres, then in edge of centres and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Applicants and local planning authorities should demonstrate

flexibility on issues such as format and scale, and the sequential test should be considered in light of the latest NPPF policy, which confirms that when considering availability, it is necessary to consider sites which may become available within a reasonable period.

#### *Transport*

- 4.22 Transport issues should be considered from the earliest stages of development proposals. In assessing specific applications for development, it should be ensured that:
- Appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location;
  - Safe and suitable access to the site can be achieved for all users; and
  - Any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated and acceptable to a degree.
- 4.23 **Paragraph 111** of the NPPF confirms that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.24 All development that will generate significant transport movements should be required to provide a Travel Plan and the application should be supported by a transport statement or transport assessment to enable the likely impacts of the proposal to be assessed.

#### *Sustainability*

- 4.25 **Paragraph 152** of the NPPF confirms that the planning system should support the transition to a low carbon future in a changing climate, including encouraging the re-use of existing resources, such as the redevelopment of existing buildings.

#### **Planning Practice Guidance**

- 4.26 The Planning Practice Guidance ('PPG') is also a material consideration in relation to planning applications. **Paragraph 011** of the PPG provides guidance in relation to the sequential test, and confirms that its application should be proportionate and appropriate for the given proposal. The following considerations should be considered in determining whether a proposal complies with the sequential test:

*With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly.*

*Is there scope for flexibility in the format and / or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.*

*If there are no sequentially preferable locations, the sequential test is passed.*

- 4.27 **Paragraph 012** of the PPG guidance further states that the implementation of the sequential test should reflect the specific characteristics of the development proposals:

*Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific location.*

## Summary of Planning Policy

4.28 In the context of the scale and type of development proposed, it is our opinion that the proposals should be considered against the following:

- ***Are the proposals for a scale of development appropriate?*** The proposed development is located within an established retail destination and proposes the re-use of an existing food and beverage unit. No additional floorspace is proposed. The proposals reflect the specific requirements of an identified occupier. The proposals are therefore of an appropriate scale to its location at an established retail destination;
- ***Is the proposed development appropriate to the character and appearance of the site and the surrounding built environment?*** The proposed changes to the external appearance of the building will create a more modern and attractive façade. The Site comprises an existing unit within an established retail destination. Therefore, we conclude that the proposals are fully compliant in this regard;
- ***Is the proposed development easily accessible, or capable of being made easily accessible by a choice of means of public transport, walking and cycling?*** The Site forms part of an existing retail destination that is widely accessible by public transport, walking, cycling and private vehicles. Additional cycle parking is also being proposed. Therefore, we conclude that the proposals are fully compliant in this regard; and
- ***Will the proposals comprise sustainable economic development?*** The development will secure the re-occupation of the unit by a new tenant, enhancing employment and training opportunities at the Site. Therefore, we conclude that the proposals are fully compliant in this regard.

# 5.0 PLANNING ASSESSMENT

5.1 In this section we set out an overview of the development management issues associated with the consideration of the application. These are as follows:

- The Proposed Use;
- Highways, Transport and Parking;
- Tree Preservation Order and Landscaping;
- Design;
- Amenity;
- Flood Risk; and
- Socio Economic Benefits.

5.2 The above seven issues are considered in turn below.

## **The Proposed Use**

5.3 The application proposes the change of use of the floorspace from Class E(b) to a Sui Generis use (coffee shop / restaurant with takeaway facilities).

5.4 It should be noted that the introduction of the drive-thru lane does not change the overall use of the building, but it may be the case that the sale of the food and drink will no longer be '*mostly undertaken on the premises*' as required by the Town and Country Planning (Use Classes) (Amendment) (England) Regulation 2020. As such, the advice Tim Hortons has received is that the business is a Sui Generis use as it is a mix of coffee shop / restaurant with takeaway facilities.

5.5 Significantly however, it should be noted that Tim Hortons is not a hot food takeaway. As indicated above, the sale of hot food for consumption off the premises only comprises around 15% of sales and as such cannot be regarded as Tim Hortons' primary business.

5.6 Given that the Site is located in an 'out of centre' location, an assessment of sequential sites would normally be required. However, in this case, the proposed development involves the change of use of the floorspace from one main town centre use (Class E(b)) to another main town centre use (Sui Generis (consisting of a coffee shop / restaurant selling food and drink for consumption on and off the premises)). As such, the proposed use is essentially a direct, like for like replacement of the existing use. The purpose of the unit will be predominantly to serve customers of the Retail Park and the wider commercial area, as well as the meeting the local drive-through market. The need for the use is therefore location-specific, and cannot be met if the unit were to be located in Bognor Regis Town Centre, or indeed any other centre within the District. As such, it follows that the Site is the most sequentially preferable location.

5.7 Arising from the above, it is considered that the proposed change of use of the floorspace is entirely appropriate for the established retail destination. As such, the proposed development accords with Policy RET DM1 of the Local Plan and Paragraphs 87, 88 and 91 of the NPPF in this respect.

## **Highways, Transport and Parking**

5.8 The application is supported by a Transport Statement ('TS'), prepared by TTP Consulting, which provides full details of the proposed changes to the car park that are required in order to facilitate the introduction of the drive-thru lane, and assesses these against the relevant policy requirements.

5.9 The TS demonstrates that the Site has good pedestrian connections to the local area, as well as excellent public transport accessibility with bus connections within 200m of the Site. The Site therefore benefits from sustainable modes of travel to and from the site for both employees and customers.

5.10 In regard to car parking, there is currently a total of 296 parking spaces at the Arun Retail Park as a whole, which includes 273 spaces in the main car park and 23 in the service yard for staff. The proposed development will result in the increase

of 16 car parking spaces in the customer car park, increasing the number in the main car park to 289. An additional five spaces will be provided in the service yard for staff, increasing the number of staff spaces to 28, resulting in an increase of 21 spaces over all.

- 5.11 The TS confirms that the proposed Tim Hortons use would result in a demand for an estimated 18 spaces during the peak period on Saturday afternoons. This estimation has been based on an average maximum duration of stay of 30 minutes, with 50% of drivers using the drive thru-lane and 50% of drivers entering the restaurant. It therefore concludes that the proposals would not impact on the availability of car parking under normal trading conditions.
- 5.12 In regard to cycle parking, there is currently provision for up to 44 bicycles at the Arun Retail Park, of which 30 spaces are adjacent to the former Pizza Hut unit and 14 spaces are outside of Burger King. The proposed development includes the reconfiguration of the existing cycle parking and will include provision for up to 54 cycle spaces across the wider Retail Park, an increase of 10 spaces.
- 5.13 The proposed cycle parking will be arranged as 18 spaces adjacent to the former Pizza Hut unit, 12 spaces adjacent to the Next unit, 14 spaces adjacent to Burger King and 10 spaces adjacent to the Costa unit. The proposed distribution of cycle spaces is considered to better cater for visitors to the wider Retail Park.
- 5.14 Arising from the above, we conclude that the proposed development is acceptable in accessibility, transport, and highways terms. As such the proposed development complies with Paragraph 104, 105 and 111 of the NPPF and Policy T ST1 and Policy T DM1 of the Local Plan.

#### **Tree Preservation Order and Landscaping**

- 5.15 The entire Site is subject to a blanket TPO (Ref: TPO/BE/1/194), meaning that all trees within the site boundary are protected.
- 5.16 Policy ENV DM4 of the Local Plan requires that any tree to be removed as part of a development must be replaced by an equivalent number of similar species of similar age on the application site. There is an unavoidable requirement to remove 3 no. trees in order to facilitate the development proposals, while a fourth tree will be removed on health and safety grounds, as set out in the Arboricultural Impact Assessment, prepared by Aspect Arboriculture.
- 5.17 In order to mitigate against the proposed loss of 4 no. trees, it is proposed that new planting of like for like species will be implemented in areas of new soft landscaping within the wider Arun Retail Park, as detailed on the Landscape Strategy Plan, prepared by Aspect Landscape Planning. The Landscape Strategy Plan outlines the preferred approach to incorporate the new tree planting, setting out the proposed locations for each new tree. It is proposed that two of the new trees will be located adjacent to the unit on an area of soft landscaping where the Site meets with Shripney Road. A third new tree is to be located within an area of soft landscaping at the turning point of the proposed drive thru lane, while the fourth will be located adjacent to the existing Costa unit.

In addition to the re-provision of the 4 no. trees, it is also proposed that areas of new ornamental shrubbery and hedging will be implemented, which will significantly improve the visual appearance of the Site and have an overall positive effect on its setting within the wider area.

- 5.18 The submitted Arboricultural Impact Assessment report concludes that the proposed development is supported from an arboricultural perspective and thus does not conflict with Local Plan Policies D DM1 and ENV DN4.
- 5.19 It follows that the proposed removal and re-provision of 4 no. trees at the Site is entirely acceptable and complies with Policy D DM1 and ENV DM4 of the Local Plan.

#### **Design**

- 5.20 The importance of quality design is outlined within both national and local planning policy, including at Policy D SP1 (Design) and Policy D DM1 (Aspects of form and design quality) of the Local Plan which both seek to secure high quality design in all new developments.

- 5.21 The proposed works include the re-use of an existing building, incorporating a modern design and high quality materials, thus according with the aspirations and objectives of these design policies. The chances to the design of the unit are entirely appropriate given its use as a drive-through restaurant at an established retail park, with a commercial area. As such, the proposals fully comply with Policy D SP1 (Design) and Policy D DM1 (Aspects of form and design quality) of the Local Plan.

### **Amenity**

- 5.22 The application Site is located within a well-established commercial location, with no residential properties in the immediate vicinity. The proposed operation by Tim Hortons is one that will not produce excessive odours or grease meaning that no extraction equipment is required.
- 5.23 It follows that the proposed use will not have any unacceptable impacts above and beyond the previous occupation by Pizza Hut. As such, the proposals fully comply with Policy QE SP1 (Quality of the environment) of the Local Plan.

### **Flood Risk**

- 5.24 The application site is identified on the Environment Agency's flood map as falling within Flood Zone 2 (defined as land having a 1 in 100 or greater annual probability of river flooding) and Flood Zone 3 (defined as land having a 1 in 100 and 1 in 1,000 annual probability of river flooding).
- 5.25 The proposed development comprises external alterations to an existing building, alterations to the existing car park, including the creation of a drive-through lane and an increase in the number of car parking spaces, and replacement of trees and landscaping
- 5.26 Table 2 of the Development Vulnerability Category (Paragraph 066 of the Practice Guidance) confirms that buildings used for café and take away uses are identified as a 'Less Vulnerable' use. Table 3 (Paragraph 067 of the Practice Guidance) subsequently confirms that 'Less Vulnerable' uses are considered appropriate development for areas to fall within Flood Zone 2 and 3.
- 5.27 Therefore it is clear that the proposed use, changes to the external alterations, and proposed car parking and landscaping works, are appropriate within this location, from a flood risk perspective. There is no additional floorspace proposed at the application site and there is no change in the footprint of the building. Therefore there will be no impact on the risk of flooding within the immediate area or the flood catchment area. The development will also not have an adverse impact on a watercourse, floodplain, or its flood defences, will not impede access to flood defence and management facilities, and will not affect local flood storage capacity or flood flows. The proposal does therefore not raise any flooding concerns.
- 5.28 As the proposed development does not result in any additional floorspace, change in the footprint of the building and the site area as a whole is less than 1 hectare, it falls within the definition of 'Minor Development' (Paragraph 046 of the Practice Guidance). The proposal is therefore not required to be subject to the Sequential and Exception Tests.
- 5.29 Having assessed the proposed development against the relevant flood risk planning policy guidance, we conclude that it does not give rise to any flood related planning issues.

### **Socio-Economic Benefits**

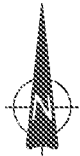
- 5.30 The subject unit has remained vacant since Pizza Hut closed on 5 January 2022. The re-occupation of the unit by Tim Hortons will result in the creation of approximately 50 full and part time jobs. The development will therefore contribute to the local economy in line with local and national socio-economic objectives.

## 6.0 SUMMARY AND CONCLUSIONS

- 6.1 This Planning Statement has been prepared on behalf of BBC Pension Trust Ltd in relation to the former Pizza Hut unit at the Arun Retail Park in Bognor Regis. The purpose of the application is to facilitate the re-occupation of the unit by Tim Hortons.
- 6.2 The application seeks full planning permission for the change of use of the existing restaurant unit from Class E(b)) to a Sui Generis use (consisting of a coffee shop / restaurant selling food and drink for consumption on and off the premises), alterations to the car park, relocation of footpath, removal and relocation of 4 x TPO trees, landscaping and associated works.
- 6.3 This Planning Statement demonstrates how the relevant planning policies and other key material considerations to the determination of the application have been considered, and concludes that the development is acceptable when considered against both local and national planning policy. Accordingly, we conclude that the application should therefore be considered favourably by the Council.
- 6.4 There are no material considerations to outweigh this conclusion as such there are no reasons to refuse permission. We therefore consider that planning permission should be granted.

# APPENDIX 1.0

## SITE LOCATION PLAN



Copyright of this drawing is the property of Urban Edge Architecture Limited. It must not be reproduced or amended nor used in the execution of any works whether in conjunction with the proposed works for which it is prepared or otherwise without the express consent in writing of Urban Edge Architecture Limited.

Urban Edge Architecture Limited  
One Scotgate Mews, Scotgate,  
Stamford, Lincolnshire, PE9 2FX.

Tel. ++44 (0)1780 755 665  
Fax. ++44 (0)1780 755 360

THIS DRAWING IS FOR PLANNING ONLY AND IS NOT TO BE USED FOR TENDER OR CONSTRUCTION

DRAWING TO BE READ IN COLOUR

SITE ADDRESS

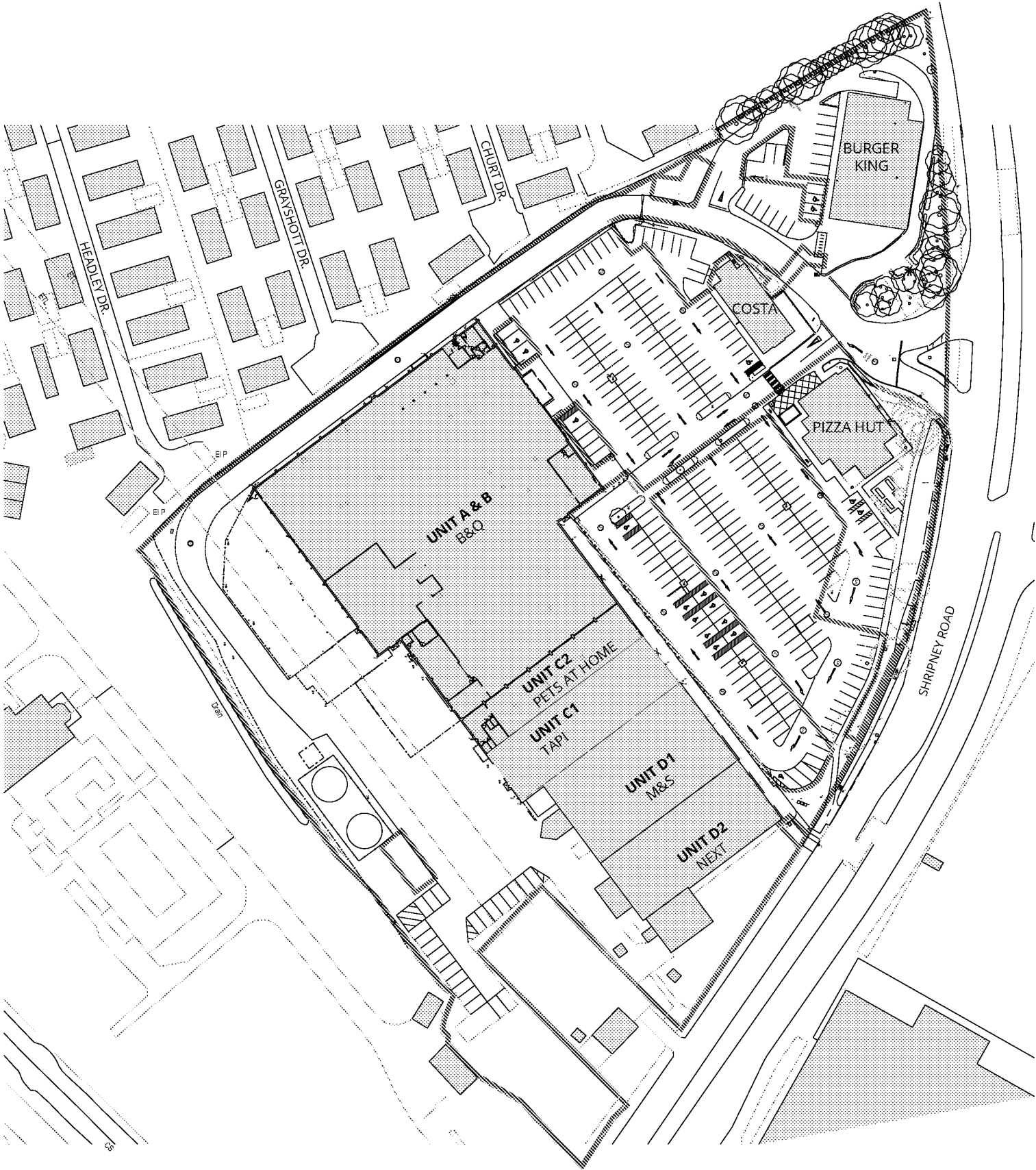
ARUN RETAIL PARK,  
SHRIPNEY ROAD,  
BOGNOR REGIS  
PO22 9NF

KEY

-  SITE OWNERSHIP BOUNDARY
-  PLANNING APPLICATION AREAS OF WORK / SITE BOUNDARIES  
4296.35 m2 / 46245 sq ft

Refer to detailed drawings for further information.

Refer to Landscape Architect & Highways consultant reports/drawings for additional information



| Revision | Description | Date |
|----------|-------------|------|
|----------|-------------|------|



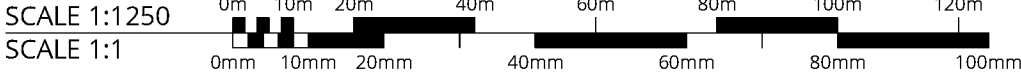
URBANEDGE  
architecture / landscape / masterplanning

Client **BBC PENSION TRUST LIMITED**

Project **ARUN RP - BOGNOR REGIS DRIVE THRU & SITE LAYOUT AMENDMENTS**

Drawing **SITE LOCATION PLAN**

|             |             |             |              |
|-------------|-------------|-------------|--------------|
| Scale       | 1:1250 @ A3 | Drawn       | RPP          |
| Date        | JAN 2022    |             |              |
| Project No. | 2456        | Drawing No. | DT[08] 00 01 |
|             | URB         |             | Revision D00 |



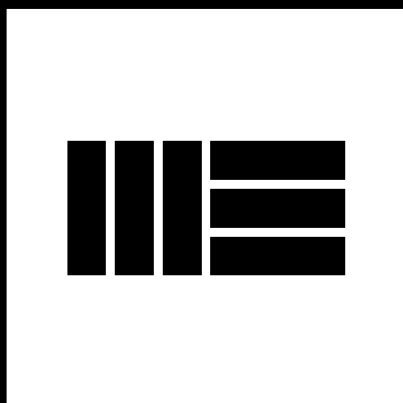
PLANNING

# APPENDIX 2.0

## PHOTO EXAMPLES OF TIM HORTONS



**MONTAGU EVANS**  
**70 ST MARY AXE**  
**LONDON**  
**EC3A 8BE**



**London | Edinburgh | Glasgow | Manchester**

WE CONSIDER OUR CREDENTIALS, HOW WE HAVE STRUCTURED OUR BID AND OUR PROPOSED CHARGING RATES TO BE COMMERCIALY SENSITIVE INFORMATION.  
WE REQUEST THAT THESE BE TREATED AS CONFIDENTIAL.