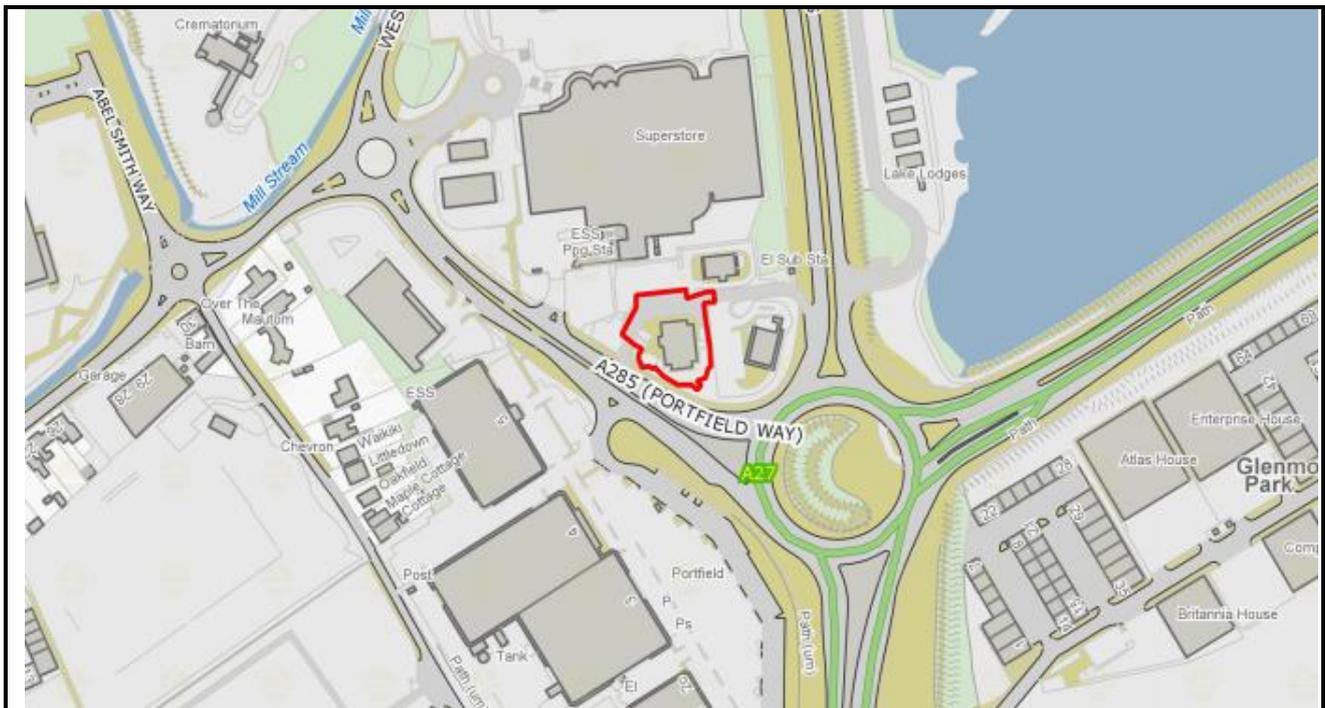


Parish: Chichester	Ward: Chichester East
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**CC/21/01309/FUL**

<b>Proposal</b>	Full planning permission for the change of use from Class E (was A3) to a Sui Generis use consisting of a coffee shop / restaurant selling food and drink for consumption on and off the premises. Installation of a drive-thru lane and associated engineering works, including alterations to car parking, bin store and servicing arrangements and associated changes to landscaping. Minor alterations to the building and elevations including recladding. Advertisement consent for replacement signage.		
<b>Site</b>	Pizza Hut Restaurant Portfield Way Chichester PO19 7WT		
<b>Map Ref</b>	(E) 487678 (N) 105513		
<b>Applicant</b>	TH UK & Ireland Ltd	<b>Agent</b>	Ms Christine Reeves

**RECOMMENDATION TO DEFER FOR S106 THEN PERMIT, SUBJECT TO NO NEW MATERIAL ISSUES BEING RAISED PRIOR TO THE EXPIRY OF THE PUBLICITY PERIOD.**



	<b>NOT TO SCALE</b>	Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803
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## **1.0 Reason for Committee Referral**

1.1 Parish Objection - Officer recommends Permit

## **2.0 The Site and Surroundings**

- 2.1 The site is located within Chichester Settlement Boundary, north of Portfield Way (A285) and adjacent to the roundabout connecting the Chichester by-pass and the A27. The site contains McDonalds and Costa Coffee drive-thru and a currently vacant building, formally the Pizza Hut restaurant. There is car parking located between McDonalds and the former Pizza Hut restaurant and to the north of both buildings, which is used by the patrons of all three units.
- 2.2 The site operates a one-way system through the site, with the entrance located on the Chichester by-pass (east) and the exit located on Portfield Way (west). The site area is predominantly flat. There is soft landscaping to the front and side of McDonalds and Pizza Hut, and some mature vegetation and trees in the northeast and northwest site boundaries.
- 2.3 Portfield Retail Park is located to the south and southwest, on the opposite side of Portfield Way, and Glenmore Park (an industrial park) to the southeast, on the opposite side of the roundabout. Sainsbury's supermarket and associated delivery area is located immediately to the north of the site.

## **3.0 The Proposal**

- 3.1 The proposal seeks the change of use of the former Pizza Hut restaurant (Class E (Formally A3)) to a Sui Generis (mixed use) consisting of a coffee shop/restaurant selling food and drink for consumption on and off the premises.
- 3.2 In addition, the proposal seeks the installation of a drive-thru lane and associated engineering works, including alterations to car parking, bin store and servicing arrangements and associated changes to landscaping. Minor alterations are proposed to the external appearance of the building.
- 3.3 A separate application for advertisement consent to replace the existing building signage and for additional signage relating to the proposed drive thru (ref 21/02651/ADV) is currently under consideration by the council

## **4.0 History**

94/01997/FUL	PER	2 restaurant units.
97/00293/FUL	PER	Erection of one restaurant unit (use class A3) with associated parking, servicing and landscaping.
97/00295/FUL	REF	Erection of one restaurant unit (use Class A3) with associated parking, servicing and landscaping.

97/01787/ADV	PER	1 no. externally illuminated pole sign, 2 no. internally illuminated roof mounted signs and 1 no. internally illuminated entrance sign.
06/00065/ADV	PER	Installation of an orange/blue, non-illuminated graphic panel.
15/00352/ADV	REF	3 no. illuminated fascia signs, 1 no. illuminated hanging sign, 1 no. non-illuminated fixed awning, 1 no. illuminated box unit, 1 no. non-illuminated menu messaging panel , 2no. non-illuminated banner frames and 1 no. illuminated pole sign.
15/02154/ADV	REF	3 no. illuminated fascia signs, 2 no. illuminated internal suspended signs, 2 no. illuminated pole sign, 1 no. hanging sign.
16/02966/ADV	PER	Replacement signage scheme comprising of 2 no. internally illuminated roof mounted 'Pizza Hut' fascia signs, 1 no. non-illuminated internal entrance 'restaurant & takeaway' fascia sign, 1 no. illuminated menu unit, 1 no. non-illuminated 'menu messaging' pelmet panel, 1 no. non-illuminated 'menu messaging' awning and 1 no. externally illuminated pole sign.
21/01310/ADV	WDN	Display of 6 no. internally illuminated fascia signs, 1 no. internally illuminated "totem" sign, 3 no. internally illuminated "information" signs, 1 no. non-illuminated "information" sign and 1 internally illuminated height restrictor sign.
21/02651/ADV	PCO	Display of 3 no. internally illuminated fascia signs and 1 no. non-illuminated fascia sign, 3 no. internally lit information signs and 1 no. internally illuminated height restrictor.

## 5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	YES (access only)
- Flood Zone 3	YES (access only)

## 6.0 Representations and Consultations

### 6.1 Parish Council

*(Further Comments)*

Having reviewed the additional information, there remains concern that another drive through facility in this small area will exacerbate the existing problem with cars queueing onto the highway at peak times. The City Council's objection therefore remains in this respect.

*(Original Comments)*

The Transport Assessment is insufficiently detailed and there is concern that another drive-through facility in this small area will exacerbate the existing problem with cars queueing onto the highway at peak times. A wider site solution should be investigated to resolve this. The internally illuminated signage is excessive, its nature, scale and siting would detrimentally affect the character and appearance of the area, creating a motorist focussed character which has thus far been carefully avoided; it may also cause harm to highway safety.

### 6.2 National Highways

*(Further Comments)*

The Transport Statement (TS) prepared by Transport Planning Associates (TPA), dated April 2021, and submitted in support of this application has previously been reviewed by Highways England and our comments on this document were set out in our previous response of June 2021.

This review identified several areas of concern which it is understood have been sought to be addressed in a further technical note (TN) dated July 2021 prepared on behalf of the applicant. As such, we have considered the additional information presented in the TN and our comments are as follows:

It is noted that clarification of the intended opening hours for the proposed development were requested in the previous Highways England response. Whilst these are not directly stated in the TN, the TN and its assessments (trip generation, trip distribution and highway modelling) cover the required weekday AM and PM peak hours and a weekend peak hour, as per subsequent comments. Therefore, it is concluded that sufficient information has been provided in this regard.

The TN presents a comparison of a TRICS assessment intended to represent the previous Pizza Hut restaurant use with data collected from a Tim Hortons site in Salford in 2018. The methodologies used to generate the trip generation information from each of these sources is considered appropriate. The results of the two trip generation exercises are consistent with Highways England's observations made in the previous application response, i.e. that the proposed drive-thru lane will have a higher throughput of vehicles than would a similar facility serving the previous Pizza Hut restaurant.

The TN goes on to present an analysis of the linked trip expectations which has previously been undertaken in connection with an application for a Costa Coffee development (with details presented at appendix C of the TN). This assessment indicates that the number of "new" trips within the overall total expected to be generated by the proposed development would be 4% of the total during weekdays, and 7% at weekends.

The submitted evidence has been reviewed and these percentages for linked trips are accepted by Highways England. On this basis, the application of these percentages to the calculated number of trips which would be associated with the proposed development is considered appropriate. Highways England therefore accepts the conclusion drawn in the TN that the number of new additional trips associated with the proposed development is small and would not lead to material impacts upon the highway network.

With regard to the trip distribution (and its application to the modelling of the A27 Portfield Roundabout) it is noted that the trip data applied from the Costa Coffee application has been treated as "non-primary" and as such has been assigned to the roundabout to reflect the access and egress arrangements which are in place. This is considered necessary to ensure that the restrictions imposed by the layout of the roundabout in each of its modelled forms are correctly represented (further comments on the modelling are provided below).

A parking accumulation assessment, based on the previously described trip generations and arrival/departure profiles, has been undertaken in accordance with the advice given in the previous Highways England response. The accumulation assessment indicates that, at the busiest times, almost all of the available car parking spaces could be occupied; however, it is further noted that this does not take account of other mitigating factors which are set out in the TN. It is therefore considered that the maximum expected parking accumulation at the site would be unlikely to result in any "overspill" parking demand. It is noted that the TN does not confirm whether the proposed parking is consistent with CDC parking standards; this is considered to be a matter for the LPA to comment on, however should any reduction from the parking provision stated to be provided in the TN be required in order to conform to the applicable standards, this element of the assessment should be revised and any concerns raised by the LPA with Highways England.

The analysis of expected queuing behaviour associated with the drive-thru lane indicates that, whilst the queues are not expected to exceed the available waiting space, there exists additional "ad hoc" queuing space for up to 12 vehicles within the site's circulatory arrangement. Whilst regular use of this space would not be desirable, it is accepted that the likelihood of queuing vehicles extending back to the public highway in the vicinity of the SRN is low and the proposed arrangements are therefore acceptable.

The requested accident analysis for the Portfield Roundabout is presented in the technical note. The data indicates that there have been a number of incidents within the review period; it is also stated in the assessment that the majority of these relate to driver error and a number are of types which ought to be made less common as a result of the Shopwyke Lakes junction improvements. It is accepted that the impacts of this specific development will be limited on the basis of the trip generation and trip distribution information.

Assessments have been produced for the Portfield Roundabout based on both the original design of the junction (which was the layout understood to be present at the

commencement of the planning application process) and a modified layout which introduces improvements and was agreed as part of the "Shopwykes Lakes" development scheme. It is understood that this modified junction layout has now been implemented on site, but is referred to as the "consented" layout in the supplied technical note; the results from this assessment have therefore been considered as being directly relevant to the proposed development.

The outputs from the modelling have been reviewed and the modelling work is considered to have been conducted in an acceptable manner. Therefore, the presented results, which demonstrate that the roundabout will operate within capacity within the modelled time periods, are accepted.

The outstanding information has now been provided to our satisfaction and having assessed the further information received on 16 July 2021 as detailed above, we are content that the proposals, if permitted, would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network in the vicinity of the site (reflecting the DfT Circ 02/13 Para 8 -11 and MHCLG NPPF 2021 Para 110-113 tests), subject to necessary conditions to make the proposals acceptable in highway terms.

*(Original Comments) (summarised)*

A request for additional supporting information to fully assess the impacts of the proposal, including trip generation information, conformation on car parking details (to be influenced by the number of tips) and an appropriate accident analysis should be undertaken for the A27 Portfield Roundabout.

### 6.3 WSCC Local Highway Authority

*(Further Comments)*

West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been re-consulted on proposals for drive-thru lane and associated works at existing restaurant building. In comments dated 2 August 2021 the LHA requested further information regards demonstration that the site access and egress would operate within capacity.

The applicant was advised to demonstrate that queuing on the slip road entrance to site will not result in a 'severe' impact to the A27 for Highways England to assess. Highways England have raised no objection to the capacity operation of the slip road and any impact to A27.

The egress junction to A285 has been modelled as a left out only. Traffic counts used for the Costa development have been used as baseline and growthed up to 2022 using TEMPRO with the forecast Costa traffic flows added as committed development. As previously agreed the Shopwhyke Lakes development did not include weekend peak trip assessment and thus the weekend peak has been assessed for 2022 baseline plus development flows.

The modelling for various scenarios outlined shows the the site egress will continue to work within capacity with a maximum RFC of 0.47 during Saturday 2022 baseline plus development scenario.

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore, is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

Final Travel Plan Statement to be provided and secured through a suitably worded clause within s106/ Unilateral Undertaking Agreement which should also secure the fee of £1500 for monitoring and auditing of the TPS.

*(Further Comments) (summarised)*

A request for further information to demonstrate the development would not lead to any queues (from the car park or the drive thru lane) extending back from the site onto the A27 Portfield Roundabout. In addition, the access to and egress from the site should be modelled for capacity, to demonstrate that queuing on the slip road entrance to site will not result in a 'severe' impact to the A27

*(Original Comments)*

West Sussex County Council, in its capacity as Local Highway Authority (LHA) have been consulted on proposals to convert existing Pizza Hut restaurant and takeaway to Tim Hortons restaurant/cafe with installation of a drive thru lane, associated alterations and advertisement consent for various signage.

The wider site comprises a McDonalds restaurant with drive-thru and a Costa Coffee with drive-thru (recently permitted under CC/19/01557/FUL, previously CC/17/01863/FUL).

As part of the Costa development the access arrangements to the site were altered, with access from Old Bypass ('C' class with left in only) and egress to Portfield Way (A285 with left out only). A small section of the access and Old Bypass are maintained by WSCC before Portfield Roundabout exits/approaches which are maintained by Highways England (HE). HE will therefore comment on any traffic impact to the roundabout.

No alterations to the access arrangements with the public highway are proposed. The internal alterations include a drive-thru lane to the east/south/west of the building. Swept path tracking for a Luton Van shows the lane is workable. Servicing arrangements are also shown through swept path tracking with 6 x parking bays coned off during this. The plan shows capacity for upwards of 11 x cars within the drive-thru lane and indicates a pedestrian crossing of the drive thru lane exit, from the bicycle racks to the building.

The LHA is mindful that the cafe/restaurant and takeaway facility already exists with floor area being reduced from 397sqm to 366sqm. Nevertheless, existing restaurant/takeaway trips of pizza hut should be compared with trip data for similar Tim Hortons/ drive-thru sites to establish whether the addition of drive-thru lane will significantly increase vehicle trips to the site and use of the existing access with public highway.

The applicant may wish to look to application CC/17/01863/FUL for the Costa site which used similar Costa drive-thru facilities to anticipate expected vehicle trip generation. The

LHA will assess the outcome of this exercise to determine whether further junction modelling is required, HE should also comment on this in respect to capacity of A27 and Portfield Roundabout.

Whilst car parking is shared across the site, reconfiguration to provide the drive-thru lane shows a total 17 x spaces immediately adjacent and within red edge of site. WSCC Guidance on Parking at New Developments advises the same standard for cafe/restaurant and hot food takeaway as 1 space per 5sqm of public area with staff parking clearly marked. The LHA are mindful that this may not encompass the unique use as a drive-thru facility, which may result in less parking demand but require the ability for queuing capacity within the site. The reduced 366sqm facility could require 73 x spaces but this does not discount non-public areas. The LHA is also mindful that parking is shared across site (91 x spaces total) and that due to location some staff trips may be by sustainable modes. No additional floor space is proposed and parking across the site for the three units was previously accepted under the Costa application. The LHA therefore, raise no concern to the revised car parking arrangements although advise that the applicant clarifies whether areas for staff parking only will be marked.

Street lit footway provides a link from the site to wider retail park west/ south-west of site and supermarket to the north with a signalised pedestrian crossing to the north west. Cycle access is also from Portfield Way, whilst there is no segregated facility there are a number of shared use paths in the wider area.

The nearest bus stop is located approximately 3 minute walk at Sainsbury's with additional stops and service at Barnfield Drive and Westhampnett Road. Chichester Train Station could be reached by a confident cyclist within reasonable time.

The existing 4 x cycle racks accommodate 8 x cycles and will be relocated. Considering the floor area will not increase and the anticipated staff numbers, the LHA accept the proposed cycle parking provision. Considering the size of the retained unit the LPA should look to secure a fee of £1500 for monitoring and auditing of a Travel Plan Statement via s106 Agreement/ Unilateral Undertaking.

Various illuminated signs are proposed. These do not exceed 300cd/sqm. Furthermore, existing McDonalds signage with no evidence of highway safety concern although HE may also wish to give their view on the position of these in terms of impact on A27.

Please ask the applicant for the following additional information and re-consult:

- Advise if marked areas for staff car parking.
- Full trip generation assessment to take account of existing trips from McDonalds and Costa against anticipated new trips that the cafe/drive-thru will create. It is appreciated that Pizza Hut use exists but the drive-thru is a new element that may increase queuing and thus a full assessment should be carried out to allow LHA and HE to determine whether any additional junction modelling is required
- Travel Plan Statement - the applicant may wish to provide a detailed copy at this stage to include staff numbers and proposed measures to reduce single occupancy car travel, or this can be secured via s106/ Unilateral Undertaking.

#### 6.4 CDC Environmental Protection

No objection, subject to condition requiring an assessment of the risks proposed by ground gases and/or vapours, to be undertaken and the findings of the report/recommendations made to be agreed in writing by the LPA.

#### 6.5 CDC Drainage

Flood Risk: The site is wholly within flood zone 1 (low risk) and we have no additional knowledge of the site being at increased flood risk. Therefore, subject to satisfactory surface water drainage we have no objection the proposed use, scale or location based on flood risk grounds.

Surface Water Drainage: The application form says that surface water will be drained to an "existing watercourse". This approach is acceptable in principle as due to the ground conditions infiltration is not viable in this location, and in reality, this will mean utilising the existing drainage network on the site.

Wherever possible, driveways, parking spaces, paths and patios should be of permeable construction. Due to the scale of the proposed development we have no conditions to request. Surface water drainage should be designed and constructed to meet building regulations.

#### 6.6 CDC Economic Development

The Economic Development Service supports this application for full planning permission for the installation of a drive-thru lane and associated engineering works, including alterations to car parking, bin store and servicing arrangements and associated changes to landscaping. Minor alterations to the building and elevations including recladding. Advertisement consent for replacement signage.

The proposed development and change of provider will make effective use of a prominent hospitality venue, which is well located to meet the needs of local residents and passing trade.

The proposed development provides economic benefits to the area and creates employment opportunities for local people

#### 6.7 Third party objection comments

One letter of objection has been received concerning

- a) The requirement for a change of use of existing premises
- b) Lack of supporting details in relation to highways network
- c) The need to amend the application accordingly

## 7.0 Planning Policy

### The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no Neighbourhood Plan for Chichester at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

### Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 42: Flood Risk and Water Management
- Policy 45: Development in the Countryside
- Policy 48: Natural Environment
- Policy 49: Biodiversity

### Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.3 Chichester District Council adopted the Chichester Local Plan: Key Policies 2014- 2029 on 14 July 2015. The Council is currently reviewing and updating its Local Plan as required by Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, to provide up to date planning policies which are consistent with the National Planning Policy Framework (NPPF) 2021. The Council consulted on the Local Plan Review 2016-2035 Preferred Approach (LPR) document between December 2018 and February 2019 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Following consideration of all responses to the consultation period, the Council anticipates that the Submission Local Plan will be published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in Spring 2022, and that following this the Plan will be submitted to the Secretary of State for Independent Examination. It is currently anticipated that after following all necessary procedures the new Local Plan will be adopted in spring 2023.

### National Policy and Guidance

- 7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 19 February 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission*

*unless:*

*i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

7.5 Consideration should also be given to sections 2 (achieving sustainable development), 4 (decision making) and 12 (achieving well-designed places). The Planning Policy for Travellers Sites (2015) is also relevant to the consideration of the application.

#### Other Local Policy and Guidance

7.6 The following documents are material to the determination of this planning application:

- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance

7.7 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Support local businesses to grow and become engaged with local communities
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Maintain the low levels of crime in the district in the light of reducing resources
- Support and empower communities and people to help themselves and develop resilience
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

### **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon highway safety and parking
- iv. Flood Risk and Drainage
- v. Other Matters

#### Assessment

i. Principle of development

8.2 The application site is located within the settlement boundary of Chichester City, which Policy 2 of the Local Plan states is a Sub-regional Centre; providing a broad range of

employment, retail, entertainment and cultural opportunities, for a wide catchment area extending outside the district.

8.3 The application seeks planning permission for the change of use of a redundant restaurant building, into a mixed-use restaurant/take away (drive through), operated by Tim Hortons. The proposal shall revive an existing building and contribute towards the wider services and provisions within the City. This, alongside the sustainable location of the application site, ensures the principle of this development is supported by the Chichester Local Plan.

ii. Design and impact upon character of the surrounding area

8.4 Policy 48 of the Chichester Local Plan requires, amongst other considerations, proposals respect and enhance the landscape character of the surrounding area and site, and public amenity through detailed design. In addition, Section 12, specifically Paragraph 130, of the NPPF states planning decisions should ensure that developments, function well and add to the overall quality of the area, are visually attractive as a result of good architecture, are sympathetic to the local character, including the surrounding built form and establish or maintain a strong sense of place.

8.5 The proposal seeks minor physical alterations to the existing pizza hut restaurant building, including most notably the removal of the existing glazed entrance foyer, which would be infilled with brickwork around a smaller collection window for the drive-thru; and the demolition of an small side extension to the north elevation and its replacement with an entrance portal to form the new main entrance. The proposed alterations are considered to remain respectful and in-keeping with the character and appearance of the existing building, and its setting within the locality characterised by commercial uses including retail parks and food outlets, which includes various examples of drive-thru style buildings.

8.6 The proposed drive-thru would run along the east, south and west side elevations of the building, partly in place of the existing bin store (east) landscape planting (south) and external seating/paved area (west). The bin store would be relocated to the west of the site, on an area previously laid to hardstanding. The proposal retains a significant level of the existing landscaping to the south of the site, and includes additional landscaping to the west, particularly concentrated around the proposed bin store, and thus would maintain an acceptable level of natural screening for the site, helping to limit the prominence of the proposed drive-thru and associated infrastructure.

8.7 Finally, the alterations to the restaurant, including the provision of a new drive-thru would be within an existing commercial setting, well away from residential properties and bound by Portfield Way and the Chichester Bypass. As such, the proposed development would be reflective of the established character and sense of place and would not impact significantly upon the general amenity of the area.

iii. Impact upon highway safety and parking

8.8 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

8.9 The proposal has been considered extensively by National Highways and WSCC Highways, both of whom have reviewed the supporting information provided during the

application; concluding the proposal would not result in an unacceptable impact on highway safety or upon the Strategic Road Network (A27).

- 8.10 National Highways and WSCC Highways have both had regard to the Technical Note 1 - Transport Statement and subsequent Technical Note 2 - Highways Response and Technical Note 3 - Site Egress Model produced by TPA. The two latter documents have fully addressed the additional requirements raised by National Highways and WSCC Highways in their original consultee responses, and includes the proposed additional trip generation, an assessment of the impacts upon A27 Portfield Roundabout, accident analysis, parking assessments, predicted drive-thru queuing and modelling of the site egress and the developments impact upon this junction with Portfield Way.
- 8.11 The proposal would include an acceptable level of parking, contributing an additional five parking spaces to the cumulative parking provision for the site. The addition of five spaces, to the overall provision within the site is considered acceptable, and in line with requirements of a development of this size.
- 8.12 As requested by WSCC Highways, a Travel Plan Statement (TPS) has been prepared and is included at Appendix L of Technical Note 2 - Highways Response. This has been received by WSCC Highways, who have advised that a fee of £1,500 for monitoring and auditing of the TPS and the receipt of the latest version of the TPO would need to be secured via S106 agreement. This approach has been agreed by the applicants, and work is underway with WSCC to draft the S106 agreement to collect the appropriate fee and latest version of the TPS.
- 8.13 In the absence of any objection raises by either consultee, subject to the recommended conditions and subject to the securing the S106 agreement, the development would not result in an unacceptable impact upon the highways network and there is no evidence to substantiate an alternative view. The proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework and there are no transport grounds to resist the proposal.

iv. Flood Risk and Drainage

- 8.14 The existing restaurant building, proposed drive-thru and alterations all lie within Flood Zone 1 and are therefore at the lowest risk of flooding. However, the slip road access into the wider site lies within Flood Zones 2 and 3, which is at greater risk of flooding. As the existing building and proposed alterations are located outside of the Flood Zone, the development, subject to acceptable surface water drainage is not considered to be at an unacceptable risk of flooding, nor like to result in an increase in flooding within the surrounding area.
- 8.15 The Council's Drainage Engineer considers the surface water strategy, which involves the use of the existing means of drainage via a watercourse to be acceptable, particularly given infiltration is not viable within this location. It however remains important that where possible the surfaces are permeable, and a condition is recommended to ensure this is the case.

v. Other Matters

- 8.16 The site is located on a historic, closed landfill site and the Council's Environmental Protection Officers have advised that would be necessary to undertake an assessment of risks proposed by ground gases and/or vapours; with the details to be submitted to the LPA prior to the commencement of works. A condition is recommended to ensure the necessary information is submitted alongside side any scheme be required to manage any identified issues.

Conclusion

- 8.17 In light of the above, the proposal would not have an adverse impact upon the visual amenity of the locality or the highway network. It would bring back into use a vacant restaurant building with a use appropriate to its location, and in the absence of any identified harm it is considered to be in accordance with local and national development plans and is acceptable.

Human Rights

- 8.18 In reaching this conclusion the Human Rights of the applicants and interested parties have been taken into account and it is considered that the recommendation to permit the application is justified and proportionate.

**RECOMMENDATION**

**DEFER FOR S106 THEN PERMIT SUBJECT TO NO NEW MATERIAL ISSUES BEING RAISED PRIOR TO THE EXPIRY OF THE PUBLICITY**, subject to the following conditions and informatives:-

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

Reason: For the avoidance of doubt and in the interests of proper planning.

3) **No development shall commence, including any works of demolition**, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority. The CEMP shall provide details of the following:

- (a) the anticipated number, frequency and types of vehicles used during construction,
- (b) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (c) the loading and unloading of plant, materials and waste,
- (d) the storage of plant and materials used in construction of the development,
- (e) the erection and maintenance of security hoarding,

- (f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
- (g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
- (h) measures to control the emission of noise during construction,
- (i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (k) waste management including litter management and prohibiting burning.

Reason: These details are necessary pre-commencement to ensure the development proceeds in the interests of highway safety and in the interests of protecting nearby residents from nuisance during all stages of development and to ensure the use of the site does not have a harmful environmental effect.

**4) No development shall commence** until;

- i) an assessment of the risks posed by any ground gases and/or vapours has been submitted in writing to and approved in writing by the local planning authority. Such an assessment shall be carried out in accordance with relevant guidance, and
- ii) Where the approved risk assessment identifies ground gases or vapours posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted in writing to and approved in writing by the local planning authority.

Thereafter, unless otherwise agreed in writing with the local planning authority, the approved scheme shall be implemented and a verification report submitted in writing to and approved in writing by the local planning authority, before the development is first occupied/brought into use.

Reason: The site is located in an area with the potential to be affected by ground gases and vapours and therefore compliance with local and national policy must be ensured.

**5) Notwithstanding any details submitted no development/works shall commence** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

6) **No development shall commence** until a scheme detailing hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plan(s) showing the proposed finished areas of hardstanding (including drive-thru) and contain details of the proposed hardstanding material, indicating the use of permeable hardstanding where applicable. Thereafter the scheme shall be carried out in accordance with the approved details and once provided the works shall be retained in perpetuity.

Reason: In the interests of amenity and of the environment of the development.

7) **No part of the development hereby permitted shall be first occupied** until the car parking has been constructed and laid out in accordance with the approved site plan and the details specified within the application form. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of ensuring sufficient car parking on-site to meet the needs of the development.

8) **No part of the development hereby permitted shall be first occupied** until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter the cycle parking shall be retained for that purpose in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

9) No part of the development hereby permitted shall be occupied until refuse and recycling storage facilities have been provided in accordance with the approved site plan and the details specified within the application form. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

10) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, or in any other statutory instrument amending, revoking and re-enacting the Order, the building hereby permitted shall be used for coffee shop/restaurant including drive thru - coffee shop/restaurant and for no other purpose.

Reason: To ensure the use of the building does not have a harmful environmental effect in the interests of amenity/in the interests of protecting the character of the area/in the interests of protecting the vitality and viability of Chichester City Centre

## Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - Proposed Bin Store (A1)	PL-01.9	B	21.05.2021	Approved
PLAN - Site Location and Block Plan (A1)	PL-001.1	C	21.10.2021	Approved
PLAN -	PL-01.6	REV C	27.08.2021	Approved
PLAN -	PP-1-0	REV A	27.08.2021	Approved
PLAN -	PS-01.5F	REV F	21.10.2021	Approved
PLAN -	PS-01-8	REV C	27.08.2021	Approved

## INFORMATIVES

- 1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2) This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.
- 3) This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) Regulations 2007 or under any Regulation revoking and re-enacting or amending those Regulations, including any such advertisements shown on the submitted plans.

For further information on this application please contact Calum Thomas on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QS9OEWERHDB00>