

**PIZZA HUT
CENTRE 27 BUSINESS PARK
GELDERD ROAD
BIRSTALL
WF17 9TB**

Planning Statement
March 2021

**WILLIAMS.
GALLAGHER.**

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1.0 INTRODUCTION

1.1 This Planning Statement has been prepared by Williams Gallagher Town Planning Solutions Ltd ('Williams Gallagher'). It supports a full planning application for operational works and signage at the former Pizza Hut unit at the Centre 27 Business Park, Birstall, WF17 9TB ('the site'). The application is made on behalf of Tim Hortons UK & Ireland Ltd ('the Applicant / Tim Hortons') who is proposing to occupy the unit.

1.2 The proposed description of development is as follows:

"Full planning permission for the installation of a drive-thru lane and associated engineering works, including alterations to car parking and servicing arrangements and associated changes to landscaping. Demolition of existing enclosed yard and provision of replacement bin store. Minor alterations to the building and elevations including recladding. Advertisement consent for replacement signage".

1.3 For the avoidance of doubt, this is an application for full planning permission and advertisement consent consisting of:

- the creation of a drive-thru lane;
- alterations to the car park layout and servicing arrangements;
- demolition of the existing yard and bin storage area to accommodate the drive-thru lane;
- upgrades to the facades of the building to provide a service window and improve the external appearance of the premises, including the introduction of additional glazing; and
- replacement advertisements.

1.4 This Statement provides a description of the site and its planning history and a more detailed description of the development proposal. It also outlines relevant planning policies and material considerations, to inform an assessment of the proposal.

1.5 It concludes by demonstrating that the proposal is in accordance with local and national policies and that all necessary tests and considerations have been satisfied.

EXISTING & PROPOSED USE

1.6 It is important to emphasise from the outset that Pizza Hut has been operating from these purpose-built premises for around 30 years, with the original planning permission for the unit (Application Ref: 90/61/03120/A1) granted in September 1990.

1.7 During all this time, the Pizza Hut restaurant also provided a takeaway offer, comprising hot and cold food and drink. Tim Hortons provides a similar food and beverage offer in planning terms and can operate under the existing permission. As such, there will be no material change to the use of the premises - this application is simply to help facilitate occupation and to provide the approved use in a more customer friendly, convenient and safe manner.

APPLICATION SUBMISSION

1.8 The planning application submission comprises the following documents (in accordance with the Kirklees Local Validation Checklist and National Validation Guidelines):

- Application Form and Certificates
- Plans and Drawings (prepared by Beyond London)
- Planning Statement (this document)
- Transport Statement (prepared by Transport Planning Associates (TPA))
- Arboricultural Impact Assessment (AIA) (prepared by Wardell Armstrong (WA))

- Landscaping Plan (prepared by WA).

1.9 The following drawings are also submitted:

DRAWING NUMBER	DRAWING DESCRIPTION	SCALE
7330-PL-00.1A	SITE AND LOCATION PLAN	1:500 / 1:1250
7330-PL-01.2A	EXISTING SITE PLAN	1:200
7330-PL-01.3	EXISTING ELEVATIONS	1:100
7330-PS-01.4	EXISTING GA & ROOF PLAN	1:50
7330-PS-01.5A	PROPOSED SITE PLAN	1:200
7330-PL-01.6	PROPOSED ELEVATIONS	1:100
7330-PS-01.8	PROPOSED GA & ROOF PLAN	1:50
7330-PL-01.9	PROPOSED BIN STORE	1:50
ADVERTS PACK		
7330-PS-01.7	PROPOSED ELEVATIONS (ADVERTS)	1:100
7330 (ADV) DTS-0.2B	SITE PLAN (ADVERTS)	1:500
7330 (ADV) DTS-0.3A	DRIVE-THRU SIGNAGE SUITE	1:50
7330 (ADV) DTS-1A	TOTEM	1:20 / 1:50
7330 (ADV) DTS-3A	HEIGHT LIMITER 3.6m	1:20
7330 (ADV) DTS-4	ROTATING LEADER BOARD	1:20
7330 (ADV) DTS-5	ORDER POINT	1:20 / 1:10
7330 (ADV) DTS-6	MENU BOARD	1:20
7330 (ADV) DTS-7A	DOUBLE SIDED BILLBOARD	1:20

DRAWING NUMBER	DRAWING DESCRIPTION	SCALE
7330 (ADV) DTS-8	WAYFINDING	1:20

Table 1: Drawing Schedule

Source: Beyond London

- 1.10 In accordance with Paragraph: 030 Reference ID: 14-030-20140306 of the Planning Practice Guidance, a Design and Access Statement is not required to accompany the application submission as the proposal does not constitute major development.
- 1.11 It is also considered that the following reports are not required:
- a Land Contamination Report – the original permission for the site included a requirement for a gas permeable membrane to be incorporated into the floor slab – the proposed development will not affect this;
 - a Ventilation / Extraction Statement – the application proposal relates to the provision of a drive-thru lane only. The existing restaurant, where the food and drink will be prepared, will operate as existing (although in practice Tim Hortons' operation is such that no grease or odour is produced and therefore there is no requirement for any extraction equipment);
 - a Flood Risk Assessment – the site is within Flood Zone 1; and
 - Coal Mining Risk Report – the site has already been developed and the use is not proposed to change.
- 1.12 However, in the interest of fully explaining the proposal, this Planning Statement is provided.

2.0 TIM HORTONS

- 2.1 By way of background, Tim Hortons is a relatively new entrant to the UK market and can best be described as a restaurant chain with a coffee and bakehouse offer.
- 2.2 The brand was founded in 1964 in Hamilton, Ontario, Canada. It has since grown into Canada's most loved brand with over 4,500 stores from coast to coast. Known affectionately as 'Timmy's', it is a place famous for its fresh coffee and baked goods and is visited by more than 5.3m Canadians daily (approximately 15% of the population). As well as coffee and doughnuts, Tim Hortons serves a wide variety of food and beverages such as toasted bagels and wraps.
- 2.3 Tim Hortons opened its first store in the UK in 2017 and now has 27 outlets across all four countries of the UK with more opening soon. Its current focus is to expand its drive-thru model, including at the proposal site.
- 2.4 As outlined above, Tim Hortons will operate in much the same way as Pizza Hut has on this site for approximately 30 years, offering restaurant facilities with a take-away option. The occupation of the unit by Tim Hortons will therefore not result in a material change of use of the premises.

3.0 THE SITE AND PLANNING HISTORY

THE SITE

- 3.1 The application proposal relates to a standalone unit which was, up until recently, occupied by Pizza Hut. It forms part of the Centre 27 Business Park, Gelderd Road, Birstall, located to the south of Gelderd Road (A62) and north of Bankwood Way.
- 3.2 The site is roughly triangular in shape and consists of a raised 'plateau' area accessed from Bankwood Drive, via a short access road shared with McDonalds, Starbucks and Krispy Kreme. Both McDonalds and Krispy Creme have drive-thru facilities.
- 3.3 The site is also close to a Showcase Cinema, a Nando's restaurant, a retail warehouse unit (currently occupied by Smyth's Toys and a gym), together with other food and beverage outlets. Centre 27 Retail Park and Birstall Shopping Park are located immediately to the north west of the site, beyond Gelderd Road.
- 3.4 The site is set within a well landscaped area.
- 3.5 The building is predominantly a single storey red brick structure with a low pitched grey tiled hipped roof structure. It benefits from its own area of surface car parking.

PLANNING HISTORY

- 3.6 The operative planning permission for the site is understood to comprise the following:
- an outline planning permission for a '*business park and leisure incorporating multi-screen cinema and fast-food diner with landscaped car parking*' granted on 10 February 1989; under Application Ref: 88/60/01713/A1;
 - a reserved matters approval for a '*Pizza Hut Freestander*' granted on 14 September 1990 under Application Ref: 90/61/03120/A1.
- 3.7 At that time, the approved use would have been regarded as an A3 use under the 1987 Use Classes Order. This means "*the sale of food or drink for consumption on the premises or of hot food for consumption off the premises*" were permitted.
- 3.8 As this was the operative use on 31 August 2020, the lawful use is of the premises is to be regarded as a mixed-use comprising Use Class E (as defined by the recent amendment to the Use Classes Order in 2020) with Sui Generis Takeaway.

4.0 PROPOSED DEVELOPMENT

- 4.1 This planning application seeks to improve consumer choice on the site by providing a drive-thru facility for those customers seeking to purchase food and / or drink to take away. The restaurant will operate in a similar way to existing coffee shops and restaurants with drive-thru facilities, although, the nature of the Tim Hortons offer means the business and usage is not directly comparable to that of any of the existing UK coffee shop or restaurant operators. This is because the offer is more varied and both eat-in and drive-thru customers can visit for a meal or a snack at any time of the day.
- 4.2 In order to facilitate the occupation of the unit by Tim Hortons the following works are proposed:
- the creation of a drive-thru lane;
 - alterations to the car park layout and servicing arrangements;
 - demolition of the existing yard and bin storage area to accommodate the drive-thru lane;
 - upgrades to the facades of the building to provide a service window and improve the external appearance of the premises, including the introduction of additional glazing; and
 - replacement advertisements.

DRIVE-THRU LANE AND ASSOCIATED CHANGES

- 4.3 The proposed drive-thru facility will be accessed from the existing car park area to the south west of the building where orders will be placed. Vehicles will then drive along the northern boundary of the site to the service window which will be located within the northern elevation of the building. The drive-thru lane then emerges back onto the car park, to the south east of the building.
- 4.4 The introduction of the lane will require a number of changes to the car park layout, with the existing spaces to be reconfigured. This will allow the introduction of an additional accessible parking space adjacent to the unit, and the overall number of car parking spaces will be increased by three.
- 4.5 The location of the drive-thru lane will also require the demolition of the existing yard and storage area to the north of the store. This space is not required by Tim Hortons and thus can be removed without any implications to the business operation. Alternative waste storage facilities however will be provided to the west of the building.
- 4.6 The proposal will require the removal of some of the existing planting, particularly to the north of the site entrance and along the northern boundary that separates the site from Gelderd Road. Replacement landscaping is being proposed and further details are provided below and in the accompanying landscape plan.
- 4.7 A new bin store will also be provided. Details of the revised delivery and refuse arrangements are provided in the accompanying Transport Statement.
- 4.8 There will also be some consequential changes to layout within the site including improvements to the pedestrian routes and the introduction of a new pedestrian crossing to the main entrance.

EXTERNAL ALTERATIONS/ FAÇADE UPGRADE

- 4.9 In order to facilitate the drive-thru offer, a new service window will be required on the northern elevation of the building.
- 4.10 It is also proposed to combine these essential works to the northern façade with a more comprehensive upgrade to the building as a whole, to include new cladding and areas of glazing. This will modernise the overall appearance of the building, in keeping with its retail / leisure / business park setting.

- 4.11 Existing blockwork will be painted black and new brown cladding will be added above ground floor level. Lighter cream cladding will be used above the customer access doors and the service window and the doors and service window will be painted red, to draw attention to the points of access and service.

ADVERTISEMENTS

- 4.12 The unit has previously displayed 'Pizza Hut' lettered signs on the four roof elevations, with additional directional and 'takeaway' signage on the southern facade. There is also a totem sign on the Gelderd Road (A62) frontage and a billboard on the southern boundary of the site by the access road.
- 4.13 It is proposed that these signs will be replaced with new Tim Hortons signs, with limited additional signage over the drive-thru service window and as a result of the introduction of the drive-thru facility, order points and vehicle height limiters.
- 4.14 Away from the building, a new billboard sign will be installed on the southern boundary.
- 4.15 This is a balanced advertisement scheme, intended to provide similar coverage to that previously enjoyed, with the addition of wayfinding signage where necessary to properly support the drive-thru facility.

5.0 PLANNING CONSIDERATIONS

THE DEVELOPMENT PLAN & MATERIAL CONSIDERATIONS

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission shall be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.2 In the case of Birstall, the relevant development plan document is the Kirklees Local Plan which was adopted on 27 February 2019.
- 5.3 The scope of the development plan and the policies contained within it, mean that, unsurprisingly they contain no specific policies relating to the provision of drive-thru lanes at existing restaurant premises. In addition, it is noted that whilst Policy LP 16 (Food and Drink and the Evening Economy) sets out criteria against which proposals for food and drink use will be assessed outside of defined centres, this is not relevant to the current proposal as the food and drink use of the property is already established. The only change will be that customers seeking to purchase food and drink to consume off the premises will now have a choice of using the drive-thru facility or going into the main restaurant unit.
- 5.4 Regard should also be had to the NPPF which is a key material consideration in the determination of planning applications.
- 5.5 Paragraph 11 of the 2019 NPPF states that plans and decisions should apply a presumption in favour of sustainable development and that for decision-taking this means:
- approving development proposals that accord with an up-to-date development plan without delay; or
 - 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:
 - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - or 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.
- 5.6 The following extracts from the NPPF are also of relevance:
- Paragraph 38 which states that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision-makers should seek to approve applications for sustainable development where possible.
 - Paragraph 80 which states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
 - Paragraph 108 which states that in assessing applications for development it should be ensured that:
 - appropriate opportunities to promote sustainable transport modes can be – or have been – 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 (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- Paragraph 110 which states that applications for development should:
 - give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- Paragraph 117 which states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. It goes on to states that planning decisions should, inter alia, promote and support the development of under-utilised land and buildings.
- Paragraph 127 which states that decisions should ensure, inter alia, that developments:
 - function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and
 - create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

KEY PLANNING CONSIDERATIONS

Highways, Transport & Parking

- 5.7 The accompanying Transport Statement (TS) and plans provide full details of the changes to car parking and delivery arrangements that are necessitated by the introduction of the drive-thru lane and assesses these against the relevant policy requirements.
- 5.8 The TS notes that:
- the site is situated in a sustainable location;
 - pedestrian and cycle access will be retained as existing, but a new footway and pedestrian crossing will improve access to the building entrance.
 - new cycle stands will be introduced;
 - parking provision will be increased by a total of 3 spaces, including an additional accessible parking bay;
 - servicing and refuse collections will be undertaken within the bounds of the site, with 5 parking bays to be coned off during such periods – this will be required on three occasions in any week, with two deliveries and one waste collection expected; and
 - the proposal will not result in any significant change in primary trips attraction.
- 5.9 The TS concludes that there are no transport or highways related reasons that should prohibit the development proposals from being granted planning permission.

Trees & Landscaping

- 5.10 The introduction of the new drive-thru lane will result in the loss of a number of trees and some of the existing planting on site. An Arboricultural Impact Assessment (AIA) has therefore been undertaken by Wardell Armstrong and their report accompanies this application.
- 5.11 This assessment has been informed by two site visits, one to undertake a tree survey and the other to carry out an assessment of the extent of rooting of some of the trees close to the proposed drive-thru lane.
- 5.12 The AIA concludes that the development will result in the loss of 8 trees, one of which is a Category 'B' tree, and the others are all Category 'C'. This will have a limited impact on local amenity value but compensatory planting is recommended.
- 5.13 The AIA also provides recommendations on the works required to the retained trees, including root and crown pruning and the mitigation measures to be taken to assist the trees' recovery.
- 5.14 Details of the proposed compensatory planting is provided in the accompanying Landscape Plan, also provided by Wardell Armstrong (Drawing ref: LD10210-002B).

Amenity

- 5.15 The application site is located in a predominantly commercial area and as such will have no impact on residential amenity. Moreover, Tim Hortons' operation is such that no grease or odour is produced and therefore there is no requirement for any extraction equipment. The use is therefore expected to have fewer negative impacts on the amenity of the area than the previous occupier.

Design

- 5.16 The importance of good design is highlighted in national and local planning policy, including Policy

LP24 of the Kirklees Local Plan. The proposed introduction of a drive-thru lane is being complemented by an upgrade to the existing, dated building, which will result in a more modern design appropriate to its retail park setting. As such the proposal will provide a positive benefit.

Advertisements

- 5.17 In accordance with the NPPF, Planning Practice Guidance and Advertisement Regulations, advertisements should be considered by local planning authorities on the basis of the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.
- 5.18 The Kirklees Local Plan contains a specific policy relating to advertisements and shop fronts (Policy LP25), but this relates to frontages and signage within the District's town centres. As such only amenity and public safety are the key matters to be considered here.
- 5.19 Assessment of the impact on amenity is generally consideration as to whether the visual appearance of the advertisements will affect the visual appearance of the area. In this case, the proposed fascia signs are suitably located and proportionate to the elevation of the building as shown on the submitted drawings. The proposed colours reflect the company corporate image. This combined with the standalone nature of the building within its own development plot means that the fascia adverts will have no adverse effect in public amenity.
- 5.20 The proposed totem sign will be located on the Gelderd Road frontage and will replace the existing Pizza Hut signage. The use of the pole support ensures that visibility is not blocked for traffic or pedestrians and ensures that the sign cannot be subject to vandalism. The size and alignment of the sign is such to provide appropriate visibility for visitors to the site. As with the fascia signs, it will be internally illuminated.
- 5.21 Other directional and customer information signs are located appropriately within the site to ensure the efficient operation of the drive-thru/ They will have no adverse effect on public amenity.
- 5.22 The second consideration is whether the proposed advertisements will affect public safety. This primarily relates to whether the proposals will cause a distraction to drivers or are unsuitably located. In this case, the proposed fascia signs are replacing existing signage and as such will not cause any impact on safety.
- 5.23 We have also assessed the 'totem' sign against the provisions of the Planning Practice Guidance to confirm that the proposal will not have an adverse impact:

REF	EFFECT	SIGN IMPACT
a)	Obstructs or impairs sight lines at bend/junction or any point of access to the highway.	No impact
b)	Obstructs or confuses a road user's view of, or reduces clarity of a traffic sign or signal, or distracts because of the unusual nature of the sign.	No impact
c)	Leaves insufficient clearance above the highway or insufficient lateral clearance for vehicles on the highway.	No impact
d)	Externally or illuminated signs (incorporating either flashing or static lights) including those using LED technology:	No impact

REF	EFFECT	SIGN IMPACT
	(i) where the means of illumination is directly visible from any part of the road	
	(ii) which, because of their colour, could be mistaken for, or confused with, traffic lights or any other authorised signals	
	(iii) which, because of their size or brightness, could result in glare and dazzle, or distract road-users, particularly in misty or wet weather	
	(iv) which are subject to frequent changes of the display	
e)	Those which incorporate moving or apparently moving elements in their display, or successive individual advertisements which do not display the whole message	No impact
f)	Those requiring close study (such as Public Information Panels), which are situated so that people looking at them would be insufficiently protected from passing vehicles; or those advertisements sited on narrow footpaths where they may interfere with safe passage by causing pedestrians to step into the road	No impact
g)	Those which resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984, and may therefore be subject to removal by the traffic authority under Section 69 of that Act, for example	No impact
	(i) those embodying red circles, crosses or triangles, or any traffic sign symbol; or those in combinations of colours which might otherwise be mistaken for traffic signs; or	
	(ii) those incorporating large arrows or chevrons with only the arrow or chevron made of retroreflective material or illuminated, causing confusion with similar signs in use at, or approaching roundabouts	
h)	Those which embody directional or other traffic elements and which need special scrutiny because of possible resemblance to, or confusion with, traffic signs, for example, advertisements which:	No impact
	(i) contain a large arrow or chevron (or have a pointed end and have only a few words of message)	
	(ii) invite drivers to turn right on a main road, or where there is fast moving traffic	
	(iii) invite drivers to turn, but are sited so close to the turning that there is not enough time to signal and turn safely	
	(iv) are so close to similar advertisements, or official traffic signs, that road-users might be confused in the vicinity of a road junction or other traffic hazard	

5.24 The proposed signs are therefore considered to be proportionate, well located and designed and to have no adverse effects on either amenity or public safety.

6.0 CONCLUSION

- 6.1 This Planning Statement has been prepared by Williams Gallagher in support of a full planning application for operational works and signage at the former Pizza Hut unit at the Centre 27 Business Park in Birstall. The application is made on behalf of Tim Hortons who is able to lawfully occupy the unit without requiring a material change of use.
- 6.2 The introduction of the drive-thru lane will provide customers with a choice of either 'eating in' or allowing them the convenience of using the drive-thru facility, an option that is popular with customers and is now provided by a wide range of food and beverage operators.
- 6.3 The proposal does not result in any adverse impacts in terms of highways, transport or parking, nor does it impact on residential amenity. In practice, the proposal, by virtue of the way it operates as set out above, will have a reduced impact in terms of odours than may be the case with many other restaurant uses that could occupy the unit. It will also have a positive impact on the accessibility of the unit for customers, separating the restaurant and take-away trade in a manner which will improve the safety of the car park and the offer to customers.
- 6.4 Finally, the proposal will result in the re-use of a recently vacated unit, improvements to the external appearance of the unit and will provide the more modern facilities now expected by the public. It will also bring about much needed investment during the construction phase and upon occupation of the unit by Tim Hortons and local employment opportunities will be created.
- 6.5 Paragraph 11 of the 2019 NPPF states that decisions should apply a presumption in favour of sustainable development and that for decision-taking this means:
- approving development proposals that accord with an up-to-date development plan without delay; or
 - 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:
 - o the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - o or 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.
- 6.6 As this Planning Statement demonstrates, the proposed development in accordance with the development plan and raises no issues or adverse impacts that would give a clear reason for refusal. On the contrary, the proposal will facilitate the re-occupation of a vacant unit and bring about much needed employment opportunities during the construction phase and upon occupation of the unit by Tim Hortons.
- 6.7 It is therefore requested that the application be approved without delay.

