



CHICHESTER CITY COUNCIL

PLANNING ADVISER'S REPORT FOR THE PLANNING AND CONSERVATION COMMITTEE ON 3 AUGUST 2016

- (i) CC/16/02070/COU
57-58 South Street Chichester PO19 1DS
Change of use of the ground floor to a mixed A1/A3 use.

Introduction

This application seeks a Change of use of the ground floor to a mixed A1/A3 Use of 57-58 South Street a double fronted retail unit with two floors over, located on the east side of South Street, which are early C18 Grade II listed buildings.

The applicants submit that nature of the use is both to serve coffees for consumption on the premises and for sales off the site - a mixed A1/A3 use. Cafè Nero has over 700 premises operating across the United Kingdom, the majority of which are accepted as either A1 or mixed A1/A3 uses. The sale of coffee for consumption both on and off the premises accounts for 60% of the company turnover. Other, cold, drinks account for 10%, sandwiches 15% and cold food 15%. A small proportion of food is reheated but no primary cooking occurs.

The Planning Inspectorate have consistently found the nature of the use to be mixed A1/A3 even where the A1 element was smaller than is predicted for Chichester. Moreover, the appeal decisions have also consistently found the uses to be appropriate for shopping areas irrespective of primary or secondary location. The use operates during retail hours.

The applicants also state that in planning terms the use being mixed A1/A3 does not fit easily into many planning policies. There is a mix between take-out (similar to a sandwich bar or bakery) and eat-in business. To retain the appropriate character for retail areas other Councils have imposed conditions regarding the use being mixed: opening hours (as may be agreed), no primary cooking on the premises and no alcohol sales. Notwithstanding the last changes to the Use Classes Order these conditions prevent the use changing to that less appropriate for a shopping area.

Planning Adviser Comments

A previous application was considered by the City Council in December 2014 for a Change of use of existing Class A1 retail unit to Class A3 restaurant at ground floor and conversion of upper floors to provide ancillary staff accommodation to Class A3 use, including internal alterations, external alterations comprising installation of plant, insertion of flue and renovation of shopfront. (CC/14/03772/FUL & CC/14/03773/LBC)

The City Council *RESOLVED to raise no objection but suggest that if planning permission is granted conditions should be attached to limit the hours of operation of the air conditioning system to normal business hours. Furthermore, the City Council strongly advocate the display of the street number either on the shop fascia or other appropriate part of the shop front in the interests of safety of the amenity.*

The City Council's comments reflected the need to weigh up the importance of the conflict of the policy with the benefit of utilising a vacant unit in the city centre for a viable use. This view had been tested at a recent appeal in this locality - Wagamama (26 South Street – Sept 2013) where the Inspector decided in favour of supporting the viability and vitality of the city centre.

However, planning permission was subsequently refused on the grounds that this would result in 3 non retail units adjacent to each other with a total of 21m. and the proposed vents and flue were unsatisfactory.

In Policy terms - the application site comprises a listed building and is sited within the Conservation Area. It is also located within the Primary Shopping Frontage as defined in Policy 27 (Chichester Centre Retail Policy - Primary shopping frontages) which states:-

Within the primary shopping frontages in Chichester Shopping Centre additional non-shopping (A1) uses will be granted at ground floor level where all the following criteria are met:

- 1. Additional uses (Class A2 - A5) results in no more than 25% of the sum total of the street frontages in non-shopping (A1) uses;*
- 2. Additional use results in no more than two non-shopping (A1) uses adjacent to each other or a total of 15 metre continuous non-retail frontage (whichever is the greater);*
- 3. Proposal does not prejudice the effective use of the upper floors; and*
- 4. Shop window and entrance is provided or retained which relates well to the design of the building and to the street-scene and its setting.*

Members will appreciate the general concern about the number of A1 retail outlets which are being replaced by A3 restaurants and cafes within the city centre and particularly a concentration in South Street. This trend has been monitored by the District Council and survey results are available for Feb. 2015 which indicate that at 23.63% of the 25% non retail frontage criteria within the primary shopping area has not yet been reached. However, this does not take account of the permission for Cargo to become a Mexican restaurant.

The applicants submit that this Policy is not easily applied to Cafe Nero given it is a mixed use with a high A1 element it will help to maintain the centre's viability by enabling customers to stay longer and promotes shopping as a leisure activity. It enhances rather than damages vitality and viability. There is no over concentration of such uses and indeed Cafe Nero will be adjacent to an A1 bakery. Cafe Nero will provide an active frontage. Coffee shops in general assist to reinforce retail vitality of shopping frontages.

Criteria 2 (which refers to more than two non-retail shopping frontages or a total of 15m non retail frontage) would not be satisfied, due to the neighbouring betting office Ladbrokes (A2) and cafe Maison Blanc (A3) with a combined frontage of 20.8m.

The remaining two criteria are met and it is considered that the impact upon the amenity of the area of the proposed use is acceptable and controllable by appropriate conditions. The proposals also appear to have limited impact upon the character and appearance of the listed building.

The key issue is again weighing up the importance of the conflict of the policy with the benefit of utilising a vacant unit in the city centre for a viable use. At appeal on a nearby unit, the Inspector decided in favour of supporting the viability and vitality of the city centre.

In view of the above it is recommended that no objection be raised providing the District Council is satisfied that the percentage of non retail units in the Primary Shopping frontage does not significantly exceed 25% and there is no adverse impact upon the the viability and vitality of the city centre.

Recommendation: No Objection be raised providing the District Council is satisfied that the percentage of non retail units in the Primary Shopping frontage does not significantly exceed 25% in accordance with Local Plan Policy 27 (Chichester Centre Retail Policy - Primary shopping frontages) and there is no adverse impact upon the viability and vitality of the city centre.



CHICHESTER CITY COUNCIL

**PLANNING ADVISER'S REPORT FOR THE
PLANNING AND CONSERVATION COMMITTEE ON 3 AUGUST 2016**

- (ii) CC/16/02119/FUL
57-58 South Street Chichester PO19 1DS
Decorate existing shop front. Remove existing shop fittings and re shop fit for use by Cafe Nero. Re paint existing fascia panel and fix new pegged off letters. Replace awning. Fix new AC units to exterior of building.
- (iii) CC/16/02120/LBC
57-58 South Street Chichester PO19 1DS
Decorate existing shop front. Remove existing shop fittings and re shop fit for use by Cafe Nero. Re paint existing fascia panel and fix new pegged off letters. Replace awning. Fix new AC units to exterior of building.

These applications relate to a double-fronted retail unit with two floors over, located on the east side of South Street. These are early C18 Grade II listed buildings.

The proposals include:

- Make good and decorate existing shop front blue fascia and
- Remove existing shop fittings and re shop-fit for use by Cafè Nero
- Re paint existing fascia panel and fix new pegged-off letters
- Replace the existing awning with new version
- Fix 3 new AC units to rear exterior of building

A further application for a Change of use of the ground floor to a mixed A1/A3 Use has also been submitted.

The applicants maintain that It is their intention to make good the existing shop front and redecorate in a traditional colour, these works will not impact on the historic nature of the property and the colour scheme and signage will sit well within the street scene. They believe the positioning on the air conditioning units will mean that they do not harm the appearance of the building or cause issues for neighbouring properties.

The changes are essentially either redecoration or free-standing structures, all features of architectural importance will be retained in line with legislation relating to historic buildings and conservation areas and giving particular regard to the desire to preserve the building.

The proposed works do not appear to adversely impact upon the character or appearance of the listed building or the wider conservation area.

Recommendation: No objection subject to a condition limiting the hours of operation of the air conditioning system to normal business hours and the display of the street number, either on the shop fascia, or other appropriate part of the shop front.



CHICHESTER CITY COUNCIL

PLANNING ADVISER'S REPORT FOR THE PLANNING AND CONSERVATION COMMITTEE ON 3 AUGUST 2016

- (iv) CC/16/02248/FUL
Graylingwell Hospital College Lane
Erection of 10 no. dwellings, parking, ancillary development requirements, an estate road extension and landscaping. .

Introduction

This application relates to a 0.32 ha site forming the eastern extension to the “Wooded Hamlet” character area (Phase 5) located in the south west corner of the Graylingwell development.

The applicants submit that the proposal seeks to complete “the somewhat ragged eastern edge of this area by extending the formal arrangement of terraced homes to provide a “structured, book-end termination to the development. It will also create a more appropriate and attractive frontage to the adjacent Airing Court Garden”.

The development comprises two parallel terraced blocks aligned east/west, one to the south backs onto Graylingwell Drive and the other is located further to the north. Each block contains 5 terraced dwellings in a 3 x storey block (12.5m high) comprising large 3 bedroom units. The eastern unit in each block has been turned so that its main front elevation faces to the east, with a gable feature on the north and south.

Background

In June 2014 a hybrid planning application was considered by the Committee for 397 dwellings etc.

The propose eastern extension to the Wooded Hamlet showed a continuation of the southern line of houses in a block of 4 x terraced units facing northwards and a further block of 4 x terraced units to the north but facing eastwards.

In July 2014 it was resolved: “*Object to the northernmost residential block in principle and consider that the scale of the proposed residential block to the south should be no more than two storeys in height and have a greater separation distance to afford views of the central core*”

In September 2014, the Committee considered some amendments including an additional detached house to each block totalling 10 units and resolved: “*Reiterate previous objection to northernmost of two blocks in principle and to the addition of two homes and maintain that the southern block should be no more than two storeys in height and have a greater separation distance to afford views of the central core*”

It would appear that the application has been determined by the District Council with a resolution to Permit subject to a legal agreement.

Planning Adviser comments

It is considered that the Committee's previous views are still valid. The proposed terraced blocks are out of scale and uncomplimentary in appearance to the existing hospital buildings and the parkland setting which is a Conservation Area. However, permission has been granted in principle for the scale of development proposed.

Whilst the rearrangement of the eastern elevations is an improvement on the previous design, it does not outweigh the harm that this scale of building generates.

Recommendation: The proposed terraced blocks are out of scale and uncomplimentary in appearance to the existing hospital buildings and harmful the parkland setting which is a Conservation Area.