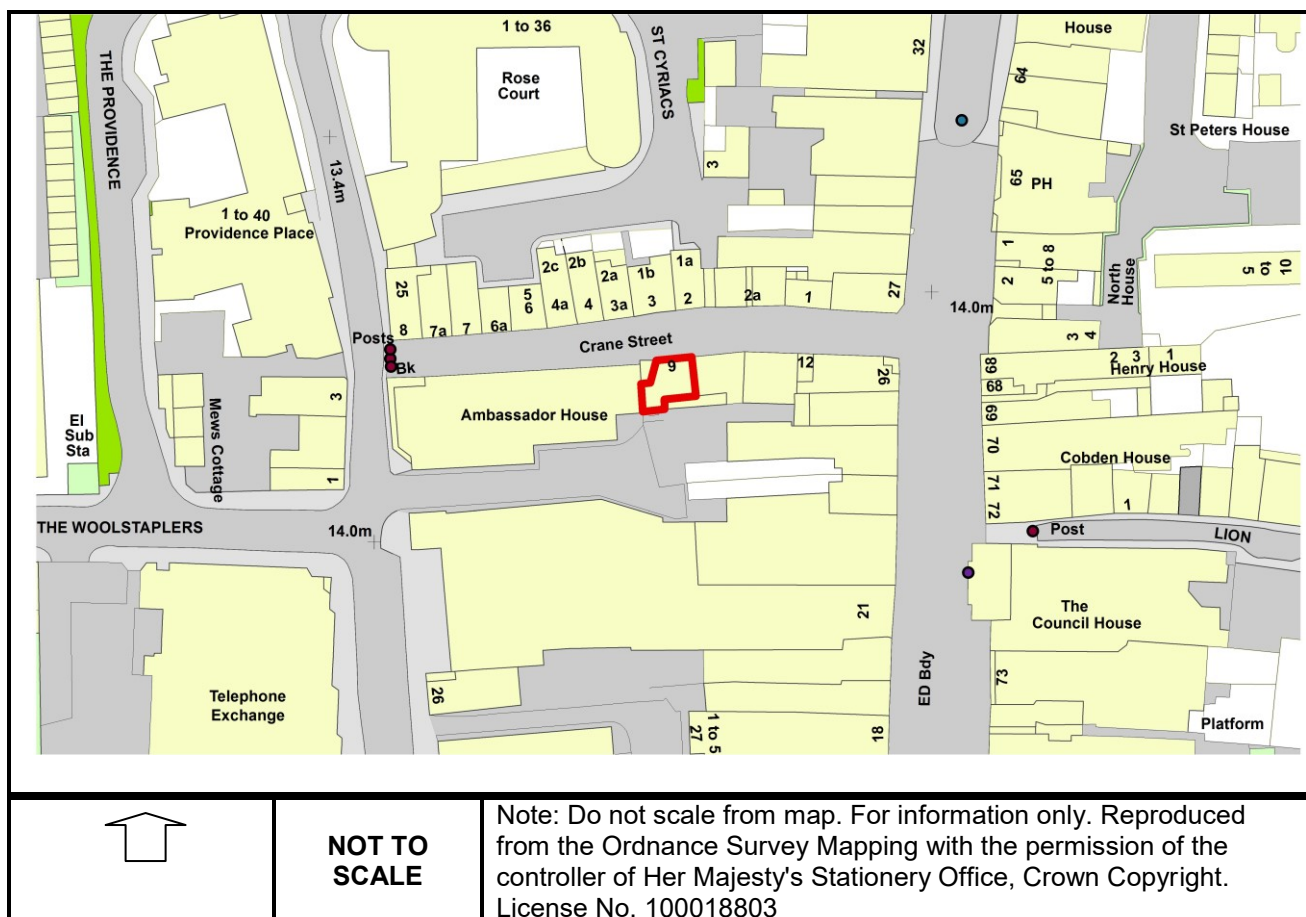


Parish: Chichester	Ward: Chichester Central
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CC/19/01192/FUL

Proposal	Change of use from A1 retail to A4 for use as a drinking establishment.		
Site	9 Crane Street Chichester West Sussex PO19 1LJ		
Map Ref	(E) 486043 (N) 104989		
Applicant	Mr Thomas Owen	Agent	

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

1.1 Red Card: Cllr Bowden Important information/opinion to raise in debate

The City Council followed the Officer's advice in objecting to this application according to Local Plan policy, but members were keenly aware that conditions in Retail, and in the Chichester High St., have moved rapidly since the current policy was set, and that it is currently subject to Review. Therefore this application merits further consideration at District Planning Committee.'

1.2 Parish Council Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site (known as 9 Crane Street) forms a vacant A1 retail unit located on the southern side of Crane Street within the centre of Chichester, west of North Street.

2.2 The accommodation is provided over three floors, with only the ground floor forming the application site. The shopfront likely dates from the latter half of C20 and comprises a modestly sized fascia and 4. no display windows divided by pilasters. The first and second floors form part of Sussex House which provides office space. The unit is situated between an A1 retail unit to the east, and an access to Ambassador House, which provides office space on the first and second floor above ground floor units to the western end of Crane Street. The neighbouring unit to the west is a betting shop. The rear of the site opens out onto a service yard.

2.3 Crane Street forms a shopping street that directly leads onto North Street. The shopping street comprises predominantly ground floor A1 units, albeit with 5 no. vacant units, interspersed within occupied A2 and A3 units. On the southern side of Crane Street buildings are generally set over three floors, with the first and second floors used as office space. On the northern side of Crane Street residential units typically occupy the first or second floors above commercial units.

3.0 The Proposal

3.1 Planning permission is sought for change of use from A1 retail to A4 Drinking establishment to provide a micro-pub. It would be a Freehouse that would serve craft beers, real ales and small batch spirits from local and independent suppliers. No external alterations are proposed under the scheme.

4.0 History

13/03864/ADV	PER	21 no. non-illumination hanging signs for Crane Street shops.
18/01127/PASUR	PRE	Change of use from A1 to A4 (micro pub).

5.0 **Constraints**

Listed Building	NO
Conservation Area	Chichester City Conservation Area
Countryside	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 **Representations and Consultations**

6.1 **Parish Council**

Objection. Non-retail uses in the city centre already exceed the 25% threshold and further non-retail changes of use would harm the viability and vitality of the city centre contrary to Policy 27 of the Local Plan.

6.2 **CCAAC**

The Committee has no objection in principle to this application. However, we have concerns regarding possible noise disturbance to surrounding residential properties. We recommend a condition banning outside seating and the playing of live or recorded amplified music, and that the licence is limited to wines and ales.

6.3 **WSCC Highways**

Summary

This proposal is for the change of use from A1 retail to A4 drinking establishment. The site is located on Crane Street, an E-class road.

Content

No vehicular access is associated with this property and no alterations to this arrangement are proposed. A nil car parking provision is proposed. Under the WSCC Car Parking Standards, 1 car parking space per 5m² of public area, plus 2 parking spaces for staff may be provided for the proposal.

Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detriment to highway safety.

We would not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking from an amenity point of view.

The site is situated in a sustainable location in Chichester City Centre. Bus stops at West Street are approximately 3 minutes away on foot, offering a wide range of connections towards Portsmouth, Midhurst, Littlehampton and others. Chichester Train Station is situated approximately 10 minutes away on foot. There are also a number of public car parks within walking distance of the site, such as Northgate Car Park 0.3 miles to the north and Avenue De Chartres 0.6 miles to the south.

Conclusion

The LHA does not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

6.4 CDC Planning Policy

The Chichester Local Plan: Key Policies 2014 - 2029 was adopted by the Council in July 2015 and now forms part of the statutory development plan for the parts of the District outside of the South Downs National Park. Planning legislation requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposal seeks the change of from A1 retail to A4 for use as a drinking establishment.

The site falls within the Primary Shopping Frontage that has been identified in Policy 27: Chichester Retail Centre. Para 16.10 of the supporting text of Policy 27 identifies that the policy seeks to ensure that the retail frontages in those streets included in the primary shopping frontages are retained and enhanced, and in order to minimise disruption of these shopping frontages, the introduction of non-retail uses will be carefully controlled. The policy intends to protect the vitality of the city centre as a high quality shopping destination. Policy 27 explains how applications in the Primary and Secondary Shopping Frontage will be determined. The policy sets out that within the primary shopping frontages, additional non-shopping (A1) uses will be granted at ground floor level, providing all the policy criterion are met. . Criterion 1 sets out that additional uses will be permitted provided that "additional use (Class A2-A5) results in no more than 25% of the sum total of the street frontages in non-shopping (A1) uses". The Council regularly undertake retail frontage monitoring to monitor the percentages in A1 and non-A1 uses.

As of June 2019, 25.43% of the primary shopping frontage was in non-retail use. This exceeds the 25% upper limit. If permission was granted, the percentage in non-retail use in the primary shopping frontages would rise to 25.75%.

Chichester Local Plan Review

The Council recently undertook consultation on the Chichester Local Plan Review 2016-2035 Preferred Approach plan (December 2018).

The Council is proposing to amend Crane Street to secondary retail frontage in the Local Plan Review Preferred Approach, however at this stage the emerging Plan carries very little weight. The development plan remains the adopted Chichester Local Plan: Key Policies 2014 - 2029.

Other relevant proposals include 1, 10 and 47.

Conclusion

Objection on the basis that the proposal does not comply with criterion 1 of Policy 27: Chichester Retail Centre.

6.5 CDC Economic Development

The high street is changing dramatically. The May 2019 ONS bulletin on retail states that "In May 2019, online retailing accounted for 19.3% of total retailing, with an overall growth of 8.2% when compared with the same month a year earlier."

This confirms that retail is becoming more of a web based operation, with less emphasis on a high street presence. Planning policy cannot keep up with this, the protection of retail space in the City Centre is becoming more unviable and vacancy rates in Chichester City Centre have risen from 6.8% in May 2018, to 8.2% in May 2019.

The Retail and Leisure Market Analysis report for 2018 by the Local Data Company found that "2018 was one of the toughest periods in recent years for retailers, evidenced by the number of openings slowing down to a five year low of 43,278. This, coupled with the highest rate of closures in the same period (50,828) led to an overall net loss of -7,550 occupied units."

In February 2019, the NPPF was updated and recognises the challenges faced by town centres. Paragraph 85 says, "Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption". Further, in 85(a) it goes further to say that town centres should be allowed, "to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries"

Although current planning policy has Crane Street designated as Primary shopping frontage, this is proposed to change within the Local Plan Review. However, this is not likely to happen for another year, while the vacancy rate rises and retailers are less likely to take on premises.

Crane Street, is generally considered a "side street" in term of retail in the City, with the retail units closer to the Cross, being the prime shopping area. One property on Crane Street has only recently been let, after being empty for 16 months and this unit has not been let to a "traditional" retailer, but a beauty salon. This is evidence of a slowing and changing market.

Economic Development strongly supports the change of use for this application, given all the above evidence, schemes such as this one are vital to retaining the vibrancy and vitality of the City Centre, as per the Chichester Vision.

6.6 CDC Environmental Health

Comments received 06/08/2019 following receipt of noise assessment:

I have reviewed the noise assessment submitted for the above. Although the noise monitoring data is considered minimal, the report is considered acceptable and the findings are satisfactory. Providing the original comments are also taken on board the proposed development is considered to be acceptable see below:

1. In order to limit noise from delivery activities, times of delivery should be restricted to 0800 - 1700 hours Monday to Saturday and at no time on Sundays, Bank or Public Holidays.
2. Given the size of the establishment and the proximity to residential properties there should be no regulated entertainment permitted at the premises. A condition to this effect should be applied.
3. The applicant to submit a scheme detailing smoking facilities including plans showing waste receptacles - in order to prevent littering outside the premises.
4. A condition should be applied to prevent patrons from consuming drinks outside the frontage on Crane Street.
5. Proposed opening hours are as follows: Monday - Sunday 1200 to 2230 hours inc Bank and Public Holidays. A condition to enforce these opening hours should be applied.

Original comments received 18/06/2019:

Noise comments

There are no details of the type of plant/equipment this application will require. It is assumed there will be refrigerators and/or chillers associated with this use. Details of noise levels should be provided of all plant to be installed at the site in order that an assessment can be made of the potential for noise disturbance to be caused to nearby residents.

Details of the number of deliveries per day should be provided. In order to limit noise from such activities, times of delivery should be restricted to 0800 - 1700 hours Monday to Saturday and at no time on Sundays, Bank or Public Holidays.

Given the size of the establishment and the proximity to residential properties there should be no regulated entertainment permitted at the premises. A condition to this effect should be applied.

It is noted that the proposed opening hours are as follows:
Monday - Sunday 1200 to 2230 hours inc Bank and Public Holidays. These hours are considered acceptable.

Amenity issues

A condition should be applied requiring the applicant to submit a scheme detailing smoking facilities including plans showing waste receptacles - in order to prevent littering outside the premises.

A condition should be applied to prevent patrons from consuming drinks outside the frontage on Crane Street.

6.7 Third party objections

4 Third Party letters of objections have been received identifying the following issues: :

- a) Crane Street is narrow and a micropub would impede access and business
- b) The proposal would encourage street drinking
- c) Resident was informed by Council when purchasing property in Crane Street that uses were A1 and not A4
- d) The siting of a micropub next to a betting shop is inappropriate
- e) A micropub would have a detrimental impact upon the character of Crane Street
- f) The opening of the premises in the evening would cause noise disturbance and anti-social mess and disturbance
- g) If outside seating is proposed it would cause noise disturbance
- h) The proposal would result in noise disturbance to the residential retirement accommodation in Chapel Street and St Cyriacs and residential accommodation above shops in Crane Street
- i) The proposal would result in more refuse collection which would disturb the peace
- j) The proposal would result in additional carbon emissions from greater deliveries
- k) Users of the Old Glassworks will have the opportunity to buy alcohol
- l) The change of use would apply to the premises and therefore concerns about what could potentially replace the micropub in the future are raised
- m) The principle of another drinking establishment in the area should be a matter for Planning Committee to decide
- n) Emptying of glass bottles should take place between 10am and 8pm in order to avoid noise disturbance
- o) CCTV should be installed and recordings kept in case of disturbances
- p) No amplified music should be played on the premises

6.8 Third party support

15 Third Party letters of support have been received outlining the following issues:

- a) The micro-pub would enhance Chichester's offering to locals and tourists
- b) The micro-pub would increase the number of independent units within the city centre which offer a more sustainable city centre model
- c) The proposal would provide a welcome boost to Chichester's pub offering and would boost the evening economy
- d) Independent units will help Chichester stand out and thrive
- e) The micro-pub's approach to environmental issues and sustainability is inspiring
- f) The proposal would bring back into use a vacant unit and reduce the number of vacancies within the city centre

- g) The proposal would enhance and boost Crane Street
- h) The proposal would help increase footfall within the city centre
- i) Drapper's yard has shown that small independent businesses are an asset to the city
- j) Micro-pubs have been successful in Chichester with the Sit and Sip in North Street proving popular and The Hornet Ale House winning Sussex CAMRA Pub of the Year 2019
- k) The proposal fits in with the Chichester Vision Statements
- l) The proposal would be located to avoid noise and disturbance to residents whilst opening hours are reasonable
- m) The proposed use would help address social isolation and loneliness

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made 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 3: The Economy and Employment Provision
 Policy 10: Chichester City Development Principles
 Policy 27: Chichester Centre Retail Policy
 Policy 39: Transport, Accessibility and Parking
 Policy 47: Heritage and Design

National Policy and Guidance

- 7.3 Government planning policy now comprises the 2018 National Planning Policy Framework (NPPF), paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development,
 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 or 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.

- 7.4 Consideration should also be given to section 6 (Building a strong, competitive economy), section 7 (Ensuring the Vitality of Town Centres), Section 16 (Conserving and enhancing the historic environment) and paragraph 127 (creating places that have a high standard of amenity for existing and future users).

Other Local Policy and Guidance

- 7.5 The following documents are also material to the determination of this planning application:

- The Chichester Conservation Area Character Appraisal
- Your City Your Vision: Chichester Tomorrow

- 7.6 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:

- Maintain low levels of unemployment in the district
- Support local businesses to grow and become engaged with local communities
- Maintain the low levels of crime in the district in the light of reducing resources
- 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 and impact upon local economy
- ii.. Impact upon amenity of neighbouring properties and the surrounding area
- iii.. Impact upon heritage assets
- iv. Impact upon highway safety
- v. Other matters

Assessment

i. Principle of development and impact upon the local economy

- 8.2 The application site lies in a sustainable city centre location where in accordance with policy 1 of the Chichester Local Plan development would usually be permitted provided it accords with the provisions within development plan. Crane Street is designated primary shopping frontage under the adopted Chichester Local Plan and the current use of the unit is A1. Policy 27 intends to protect the vitality of the city centre as a high quality shopping destination. Policy 27 states that additional non-shopping (A1) uses will be granted at ground floor level where all of 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 uses result 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 two floors; and
 4. Shop window and entrance is provided or retained where it relates well to the design of the building and to the street-scene and its setting.
- 8.3 Criterion 1 requires additional uses (Class A2-A5) to result in no more than 25% of the sum total of the street frontages in non-shopping uses. The most recent quarterly review carried out by CDC Planning Policy Team (June 2019) found that 25.43% of the primary shopping frontage was in non-retail use. Additionally, CDC Planning Policy note that if permission were to be granted, the percentage in non-retail use in the primary shopping frontage would rise to 25.75%. As the non-A1 use of primary shopping frontage currently exceeds the 25% threshold, this would ordinarily prohibit further changes of use to non-shopping uses, and the proposal would conflict with this part of policy 27.
- 8.4 Criterion 2 also requires that additional uses result in no more than two non-shopping uses adjacent to each other or a total of 15 metre continuous non-retail frontage (whichever is the greater). The adjoining unit to the east is currently in A1 retail use, whilst the neighbouring unit to the west is a Betting Shop (Sui Generis). The adjoining property to the betting shop is A1 and therefore the application would comply with Policy in this respect. The length of the frontage of the unit subject to this application and the betting shop would fall below the 15 metre threshold, measuring approx. 12.3 metres in length. The proposal would therefore comply with this element of Policy 27.
- 8.5 Criterion 3 requires that the proposal does not prejudice the effective use of the upper two floors. The first and second floors above the unit form Sussex House, an occupied office space. The proposal would not alter the access to this office space. The opening hours proposed by the applicant are 12.00-22.30, and therefore the use of the unit would overlap with the use of the office space to the above floors. A noise assessment has been undertaken and the results have been verified by the CDC Environmental Protection officer, who finds the report to be acceptable and the results to be satisfactory.

It is therefore considered by Officers that the proposal would not prejudice the use of the upper floors with regards to noise, and it is not considered that any other activity associated with the proposal would impact upon the use of the upper two floors to the extent it could be reasonably considered to impede use. It is therefore considered that the proposal complies with this element of Policy 27.

- 8.6 Criterion 4 requires the shop window and entrance is provided or retained. As no external changes are proposed under the application, and it is considered likely that the existing shopfront is generally compatible with the use of the site as a micro-pub, the proposal is considered to comply with this element of Policy 27.
- 8.7 On the basis of the above, although the application would comply with criteria 2-4, it would not comply with criterion 1 and therefore would conflict with Policy 27 of the Chichester Local Plan.
- 8.8 However, material to the consideration to the application, and whether the proposal would be acceptable in principle, is the assessment of the economic impacts of the proposal, and the potential benefits of the proposed change of use. It is notable that in February 2019, the NPPF was updated and recognises the challenges faced by town centres. Paragraph 85 states, "Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption". Further, in 85(a) it goes further to say that town centres should be allowed, "to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries".
- 8.9 It is well-documented that high streets are operating in a challenging environment across the country, with the rise of online shopping in particular posing a threat, as illustrated by the May 2019 ONS bulletin on retail, which states that "In May 2019, online retailing accounted for 19.3% of total retailing, with an overall growth of 8.2% when compared with the same month a year earlier." Locally, Chichester's High Street has long outperformed national vacancy trends; however vacancy rates in Chichester City Centre have risen from 6.8% in May 2018, to 8.2% in May 2019, albeit this is still below the national vacancy rate of 10.3% (July 2019). Additionally, Chichester has seen a number of well-established High Street names vacate the city in recent times including House of Fraser, HMV and Poundland. The CDC Economic Development Team therefore conclude that the retention of Chichester's retail units is becoming increasingly unviable and that economic policy cannot keep pace with this development.
- 8.10 The application site has been vacant since December 2017, and it presently forms one of five units in Crane Street that are currently vacant. Crane Street, whilst currently designated primary shopping frontage, has the character of a "side street", with the convergence of the main four shopping streets at the cross forming the heart of Chichester's retail offering. The CDC Economic Development officer has documented that Crane Street has struggled to attract traditional A1 uses, with the letting of another unit to form a beauty salon after 16 months vacant documenting this matter. Other uses within Crane Street include a shoe repair shop, betting shop, a building society, café and acupuncture clinic and therefore this is not a street characterised by A1 retail units and it is not a main shopping street within the city centre.

Crane Street therefore has a different character and business offer to the other primary shopping frontage within the city centre, and has ultimately led to Crane Street being proposed as secondary shopping frontage as part of the Local Plan review. The proposed micro-pub use is considered to be a use well suited to a "side street" off the "main streets", it would not compromise the retail offering along the main shopping streets and the proposed use would provide a service that would enhance the city's attraction for both residents and visitors.

- 8.11 The proposal would be an independent micro-pub, serving craft beers, real ales and small batch spirits. The 'Your City Your Vision: Chichester Tomorrow' (CDC October 2017) document includes the aims of 'welcoming more people into Chichester' and to 'ensure Chichester is open for business'. It is notable that independent businesses form the key element of Chichester's offering as a visitor destination as is illustrated by the notable success of Drapers Yard and The Hornet Ale House which has won Sussex CAMRA Pub of the Year 2019. Additionally, the document also recognises that city must adapt and meet the challenge of a limited evening and night time economy, whilst also making Chichester more attractive for younger people to live and work in the city, and the document expresses the need to capitalise on the student population that is spending in other towns and cities due to Chichester's limited offering. Policy 10 of the Chichester Local Plan also outlines proposals should support the evening economy.
- 8.12 It is considered that on balance, whilst the proposal would result in the loss of a retail unit the application poses an opportunity to not only boost the economy but also improve the evening economy in line with the objectives of the 'Your City Your Vision: Chichester Tomorrow document' and policy 10 of the Chichester Local Plan. In addition, following discussion with the applicants, it is considered that it would be reasonable to impose a planning condition that would tie the proposed change of use to the operation of the proposed business only, thereby allowing the premises to revert to A1 use should at any point in the future the business re-locate. It is considered that this is a pragmatic solution that would allow the local economy to benefit from the proposed development without prejudicing the City's retail offering in the future should the business re-locate or prove unviable.
- 8.13 Overall, whilst the proposal would conflict with Policy 27 of the Local Plan, when balancing Crane Street's character as more of a "side street" and the benefits to the local economy by bringing an empty unit back into commercial use, it is considered that the economic and cultural benefits would outweigh any harm caused by the loss of this A1 unit. Therefore on balance, it is considered that the proposal would, in this instance and subject to the proposed conditions, be acceptable in principle.

ii. Impact upon amenity of neighbouring properties and the surrounding area

- 8.14 Paragraph 127 of the NPPF states that planning decisions should 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.

- 8.15 Whilst the use of the units above the application site is not residential, it is notable that a number of commercial units on the northern side of Crane Street have residential units located above to the first and second floors. It is considered that the potential disturbance to neighbouring amenity and public amenity is likely to arise from noise generated. A noise assessment has been undertaken based upon the proposed plant and likely noise of the patrons. The report identifies that noise sources from the new use include: refrigerated machine unit; beer fridge; keg cooler; glass washer and noise associated with the patrons using the venue. Noise levels from these sources is calculated as being low (combined noise of 52dBA). These calculated levels are also below both of the sample noise measurements taken at either end of Crane Street (58dBA), with the report concluding that 'residential dwellings are already exposed to higher levels than those calculated within the noise report. The submitted noise assessment has been reviewed by the CDC Environmental Protection Team who have concluded that the report provided is acceptable and demonstrates that the proposal would not result in noise and disturbance that is likely to significantly impact upon neighbouring amenity.
- 8.16 Given the size of the venue and the character of the area including the proximity of neighbouring residential units and their existing exposure to noise sources, the proposals would not result in an unacceptable level of noise and disturbance to neighbouring properties, and environmental impacts such as the control of litter outside the premises can be further mitigated through conditions. Subject to compliance with conditions including specified opening hours and litter control, officers are satisfied that the proposal would not result in unacceptable loss of neighbouring or public amenity arising from noise.
- 8.17 A number of third party comments have raised concerns relating to the potential for the behaviour of patrons to cause disturbance that would be harmful to the amenity of nearby shopkeepers and residents but also the wider public. The unit would have opening hours that would be reasonable given its location, and the business would also be subject to the granting of any alcohol licence for the premises. Additionally, it is not considered that the location is inappropriate and it is notable that a number of public houses trade on the main shopping streets and side streets within the city centre. Furthermore, the location of the premises is not considered to result concern when considering the nearby uses including the neighbouring betting shop and the nearby Old Glassworks, as the proposal would not substantially different to the many licenced premises already contained within the city.
- 8.18 Overall, subject to compliance with conditions, it is considered that the proposal would not result in significant harm to neighbouring or public amenity. The proposal is therefore considered acceptable in accordance with paragraph 127 of the NPPF.

iii. Impact upon Heritage Assets

- 8.19 Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, requires that the Local Authority give special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Policy 47 of the Chichester Local Plan requires that proposals must conserve and enhance the special interest and setting of Conservation Areas.

8.20 The application does not propose external alterations. Additionally, the proposed use is considered compatible with the overall character of the city centre and therefore would not impact significantly upon the Chichester Conservation Area. Overall, it is considered that the proposal would not have any deleterious impact upon the Character and appearance of the Chichester Conservation Area and is acceptable in accordance with Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy 47 of the Chichester Local Plan.

iv. Impact upon Highways Safety

8.21 Paragraph 109 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. Additionally, Policy 39 of the Chichester Local Plan asserts that development should be designed to minimise additional traffic generation.

8.22 The site is located within a city centre location that encourages sustainable modes of transport and use of public transport. Whilst nil parking provision has been proposed this is not considered to be of concern due to presence of many nearby public car parks. The Highway Authority has been consulted on the proposal and no objection has been received

8.23 Overall, the scheme is not considered likely to result in highways safety issues and the proposal is acceptable in accordance with the NPPF and Policy 39 of the Chichester Local Plan.

Other matters

8.24 The public benefit as illustrated above would outweigh the small environmental impact caused by additional deliveries and waste collections. It is notable that an A1 unit could occupy the unit without planning permission and this would also necessitate vehicular deliveries and waste collections. It is considered that there is no evidence to suggest a micro-pub would result in an increased level of deliveries or waste collection when compared to an A1 use.

Conclusion

8.25 Based upon the above, it is considered that at a time when the local economy is struggling, the proposal to change the use of a small premises on a side street in a location that is recognised to function as a secondary, rather than primary shopping area, the impact of the loss of the retail unit would be outweighed by the economic benefits of the proposal and the positive impacts upon the vitality of the city centre. Therefore, in this instance the identified benefits would outweigh the conflict with Policy 27 (criterion 1) of Chichester Local Plan. The application would also comply with Policy 1, 10, 39 and 47 of the Chichester Local Plan and the sections 6, 7, 16 and paragraph 127 of the NPPF. The application is therefore recommended for approval.

Human Rights

- 8.26 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION

PERMIT 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. In the event 9 Crane Street ceases to be occupied for the purposes of a micro-pub, the use hereby permitted shall cease, and within 3 months of the use ceasing all materials and equipment brought on to the premises in connection with the use shall be removed and the lawful use of the premises shall revert back to an A1 use.

Reason: Permission would not normally be granted for such development in this location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal, and to protect the retail function of Chichester City Centre.

4. In order to limit noise from delivery activities, times of delivery shall be restricted to 0800 - 1700 hours Monday to Saturday only, and at no time on Sundays, Bank or Public Holidays.

Reason: In the interests of neighbouring and public amenity

5. Given the size of the establishment and the proximity to residential properties there should be no live music permitted at the premises.

Reason: In the interests of neighbouring and public amenity

6. Prior to first operation of the micro-pub use hereby permitted, provision for smoking facilities shall be made in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing waste receptacles in order to prevent littering outside the premises. Thereafter the use shall not be carried out other than in full accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbouring and public amenity

7. At no time shall patrons consume drinks outside the premises, and prior to first operation of the micro-pub hereby permitted a scheme detailing how patrons will be prevented from consuming drinks outside of the premises shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the micro-pub shall not be operated other than in full accordance with the approved scheme.

Reasons: In the interests of neighbouring and public amenity

8. The micro-pub hereby permitted shall not be open to the public outside the hours of 12.00 and 22.30, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties.

9. The disposal of waste, including the recycling of bottles, shall not take place after 20.00 hours or before 08.00 hours.

Reason: In the interests of neighbouring and public amenity

10. At no time shall the type of plant located within the premises differ from those included within the noise assessment, and it shall thereafter be maintained as approved in perpetuity. Any variation to the permitted plant shall first be agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbouring and public amenity

11. Notwithstanding any indication on the approved plans and documents, no music system shall be installed or operated without prior written consent from the Local Planning Authority

Reason: In the interests of neighbouring and public amenity

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
Location Plan	TQRQM19120171818616		01.05.2019	
Block Plan	TQRQM19120171818616		01.05.2019	
Proposed ground floor layout	001		08.05.2019	

For further information on this application please contact William Price on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PQTD6DERKEX00>