

Parish: Chichester	Ward: Chichester South
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CC/16/02949/FUL

Proposal Change of use of part of ground floor from office (B1a) to cafe (A3) together with provision of roof and wall vents to east elevation.


Site The Corn Exchange Baffins Lane Chichester West Sussex PO19 1UD

Map Ref (E) 486308 (N) 104725

Applicant Mr Tom West (Seaward Properties Ltd)

RECOMMENDATION TO PERMIT



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1.0 Reason for Committee Referral

Red Card: Cllr Dignum - Exceptional level of public interest.

2.0 The Site and Surroundings

2.1 The application site comprises the ground floor of a three storey Grade II listed building at the corner of Baffins Lane and New Town Road within the Chichester Conservation Area. The building is the former Corn Exchange and has a lawful use as B1 commercial offices at ground to second floor level. The ground and first floors are vacant and the second floor is occupied by a firm of architects.

2.2 The site is located within the Settlement Boundary, but is located outside the designated Primary and Secondary retail frontages; the Grade II* Corn Exchange fronting East Street is located in the primary Retail Frontage and abuts the site to the north. To the west of the application site is a frontage of primarily office and retail uses. To the south of the application site are residential properties in New Town. To the east of the application site are the rear of residential properties along St Johns Street.

3.0 The Proposal

3.1 The application proposes the change of use of 369 sq metres of the ground floor south suite from office use (Class B1) to restaurant / café use (Class A3), with provision of roof and wall vents to the eastern elevation, and an internal flue terminating at roof level. Internal partitions would sub-divide the cooking and WC facilities and office on the eastern side of the building, and a seating area for 150 covers would be provided on the western side of the building.

4.0 History

02/00857/LBC	PER	Fix dome type CCTV camera on ornamental bracket to corner of The Corn Exchange building at 8m above path level with metal conduits fixed to wall for control cables.
02/00864/REG3	PER	Fix dome type CCTV camera on ornamental bracket to corner of The Old Corn Exchange buildings at 8m above path level with metal conduits fixed to wall for control cables.
04/01944/ADV	PER	1 no. hanging sign approximately 700 x 400mm.
04/01946/LBC	PER	1 no. hanging sign approximately 700 x 400mm.
15/01362/FUL	WDN	A change of use for ground floor only from office (B1) to restaurant / cafe (A3).
15/01363/LBC	WDN	Associated alterations to facilitate a change of use for the ground

		floor only from office (B1) to restaurant / cafe (A3).
15/01365/FUL	REF	Proposed new glazed canopy over replacement door.
15/01366/ADV	PER	3 no. brass plaque fascia signs.
15/01368/FUL	PER	Insertion of four new doors and modification of the two existing doors to the west elevation and one new door into the east elevation, all at ground level.
15/01370/ADV	REF	4 no. hanging signs.
15/01371/LBC	PER	Insertion of four new doors and modification of the two existing doors to the west elevation and one new door into the east elevation, all at ground level. Internal alteration including the provision of ramps.
15/02763/ADV	PER	2 no. hanging signs.
15/02798/LBC	PER	Refurbishment, internal alterations, removal of office partitioning, installation of a new lift, 2 no. hanging signs and 3 no. brass plaque fascia signs.
15/03558/LBC	PER	Internal additions/alterations to the second floor.
15/03820/FUL	PER	Addition of 2 no. air conditioning fan units to the rear at ground floor level.
15/04199/LBC	PER	Addition of 2 no. air conditioning fan units to the rear at ground floor level.

5.0 Constraints

Listed Building	Grade II
Conservation Area	Chichester City
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
South Downs National Park	NO
EA Flood Zone	

- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Chichester City Council

Objection:

1. The cafe would by virtue of its scale and associated level of activity, be severely detrimental to the amenities of local residents and the character of the Conservation Area.
2. The opening hours extend beyond those of existing commercial premises in this locality and introduce a level of noise and general disturbance from the movement of customers, staff, servicing and deliveries. The operation of extraction and air supply unit at normally quiet times and the resultant kitchen odours would adversely affect nearby residential properties.
3. Internal works and external changes to the east elevation of the building, including the introduction of a dormer vent in an unbroken roofline, to accommodate the proposed kitchen extraction equipment and air supply grills, are considered to be severely harmful to the character and appearance of this Grade II Listed building.

6.2 CCAAC

- Wrong place for such a large restaurant - a relatively quiet residential area where the increased noise and smells from such an establishment would prove a nuisance to the many local residents who would be affected.
- Waste produced by such large premises would also increase traffic movements associated with waste bins, almost certainly at unsociable hours.
- Also, another easting establishment just pushes the area closer to saturation point for the restaurant trade.
- The proposed dormer to house ventilation equipment mars the appearance of this elegant building and the whole scheme is detrimental to the nature of the Conservation Area.

6.3 WSCC Local Development Division

In terms of traffic movements, other than deliveries, I do not envisage there would be any significant increases in traffic movements as a result of the proposal. No concerns raised with accessibility to the site, given its central location most visitors would be by foot or cycle and the same would apply to staff. Therefore, from that perspective, the proposal is considered acceptable and is not contrary to paragraph 32 of the NPPF.

The applicant should provide further clarity on how deliveries will deliver to the site, the routes used and if this is likely to result in any of the surrounding roads being blocked. Some of the delivery times would be within the peak network times 08.00 to 09.00; these should be avoided where possible.

Further comments following additional information:

No objection

Satisfied with the proposed Service Management Plan and this answers my queries from a highway point of view.

6.4 CDC Historic Buildings Adviser

Support

The proposed 'dormer style' roof vent is modestly sized and has an industrial aesthetic; as such it is unlikely to cause harm to the significance of this listed building. The loss of fabric as a result of joist trimming should be kept to a minimum.

Further comments following additional information:

Support

The use of the building requires some compartmentalisation of the ground floor; this appears to have been done sensitively, confined to the rear where the southern stair tower already intrudes into the space and behind the line of the support columns. It would be preferable if one or two bays could be retained at full width, possibly through an open kitchen with low level partitions. On balance, it appears acceptable as proposed.

Ducting travels up the building on the outside of the service corridor. At ground and first floor levels, it is unlikely to interfere with any features and joist trimming should be kept to a minimum.

At second floor, path of the flue with respect trusses, should be clarified, which sit immediately south of the service corridor. These should not be disrupted and ducting will need to accommodate this. Please clarify.

Various options proposed in respect of the flue, owing to environmental health issues. This is unlikely to be of significant harm to significance, provided it is painted in a dark, matt colour and retains its industrial aesthetic. Public views are not wholly relevant to listed buildings. Sightlines around the building will mean there will be limited views of it and those available will be in the context of the service corridor between the buildings; thereby reducing its potential impact on the Conservation Area.

6.5 CDC Environmental Health Officer

The applicant has undertaken a comprehensive noise and odour assessment.

Odour

The abatement system is designed for a specific occupier. The granting of A3 could see the premises used for any cuisine. Either the nature of the cooking is conditioned, or the filtration system is designed to allow for any type of occupancy. To permit A3 would require an alteration to the design of the (odour) abatement equipment may affect pre-treatment and primary/secondary odour treatment. The extraction system discharges horizontally into the recirculating wake of the building. Expect the stack to discharge vertically, 1 metre above the ridge, with no restriction at the opening.

Should the applicant provide satisfactory information, the noise report will need to be updated to reflect the likely changes in sound produced.

Noise

The applicant should clarify the rating level as spectral information appears to relate to full octaves and not third octaves. Without this, it is unclear if there is any tonality. Recommend that the applicant comes forward with firm proposals to upgrade the resistance to the passage of sound; despite being commercial at first floor level, it is possible the current office will be affected by sound.

Request that the applicant review the proposal for the control of odour and sound produced.

Further comments following additional information:

Odour

The latest proposal is to:

- Double the number of pre-filters and carbon filters
- Increase the residence time from 0.2 seconds to 0.4 seconds.
- Exhaust waste gases vertically 150mm above the roof ridge (compared to a housed horizontal discharge).

The additional information includes an option appraisal from EAS, acoustic report, list of equipment components with manufacturer's data sheet and plan showing the ventilation system. Require a scaled plan and appropriate drawings. The specification sheet contains information on system components and makes reference to some of the characteristics. It does not contain necessary information (canopy overhang, whether the system will be a variable speed controller and characteristics under different speeds). It appears possible to install a system that would achieve the necessary requirements, but the applicant is yet to present the additional information.

The proposed exhaust to the ventilation system is 150mm above the roof ridge; this must be increased to 1 metre. An unrestricted cowl to prevent ingress of water is needed. No information on testing, commissioning, ongoing maintenance and replacement of filters.

Noise

Conditions are recommended in relation to noise and vibration, sound rating level and a scheme of sound insulation between the ground and first floor.

Further comments following additional information:

Odour

No objection to the proposal. It should be possible to secure development in the location without adversely affecting neighbours. Sufficient information is provided to show that the development could proceed in principle. A condition is recommended requiring the submission of a final scheme of odour control for approval by the authority.

6.6 CDC Economic Development

Support

The property has been extensively marketed for almost 2 years and during that time, has undergone extensive refurbishment. The proposed opening times of the café are constrained, considering the City centre location of the property, in order to ease some of the concerns of local residents. City centres all over the UK are changing, to remain economically viable. The opening times are now in line with many office users who offer flexible working patterns.

A consultation document - A Vision for Chichester - has been prepared by the Economic Development Team in consultation with other stakeholders, the purpose of which is to offer residents, visitors and businesses, a more connected City that is a place of opportunity for all. The retail experience, which includes cafes and restaurants, is an important part of this, as it encourages residents, visitors and businesses to the City. A public consultation for 'A Vision for Chichester' will start on 6th February.

6.7 CDC Planning Policy

No objection

Policy 26 (Existing Employment Sites) of the CDC Local Plan seeks to retain and safeguard employment sites for their contribution to the local economy. Planning permission will be granted for alternative uses on land or floorspace currently or previously in employment generating uses, where it has been demonstrated (in terms of evidence requirements) that the site is no longer required or is unlikely to be re-used or redeveloped for employment uses. Appendix E sets out appropriate marketing requirements.

Marketing evidence (commencing March 2015) has been submitted in support of the application. It may be considered that the marketing evidence submitted does not adhere precisely to the letter of the guidance, it is credible and robust. The site has not been made deliberately unviable and the proposal continues to retain B1 uses on part of the existing ground and upper floors. Taking account of further comments made by the marketing agent acting on behalf of the landlord, the premises appear to have been actively promoted in their entirety in order to find tenants for the property.

The marketing is considered adequate in terms of providing support for the proposals and compliance with policy 26. Therefore, no policy objection is raised to the proposal.

6.8 Chichester South Ward Member

One letter of objection from ward member for Chichester South:

- The cafe would by virtue of its scale and associated level of activity, be severely detrimental to the amenities of local residents and the character of the Conservation Area.
- The opening hours extend beyond those of existing commercial premises in this locality and introduce a level of noise and general disturbance from the movement of customers, staff, servicing and deliveries. The operation of extraction and air supply unit at normally quiet times and the resultant kitchen odours would adversely affect nearby residential properties.
- Internal works and external changes to the east elevation of the building, including the introduction of a dormer vent in an unbroken roofline, to accommodate the proposed kitchen extraction equipment and air supply grills, are considered to be severely harmful to the character and appearance of this Grade II Listed building.

6.9 18 Third Party Objection, including East Pallant Residents Association

- No notices posted on the building
- Introduction of proposed use will be detrimental to the Conservation Area
- Restaurant use will involve regular commercial traffic

- Environmental impacts on the surrounding area would be considerable in terms of odours, noise, loud music etc
- Already several restaurants/cafes within 100m radius
- Extract from the Boston Tea Party website gives false impression of what we can expect
- Type of development disastrous for the residents of Newtown
- Noise from emptying refuse bins late at night and early in morning (as early as 03.45), people leaving restaurant late in the evening, urinating, vomiting and being noisy
- Longer hours will be sought in future
- Alcohol consumption cause for concern
- Building has architectural merit and should house businesses that do not interfere with the integrity of the building
- Workers will be from outside Chichester and transient, not local
- Adverse impact on smaller cafes/ restaurants and negative effect on area with large café and 150 covers
- Council should not succumb to commercial pressures and compromise the quality of life for local residents
- Stated hours will in practice generate at least another hour of noise from clearing up/cleaning
- Offices are ideal complement to Conservation Area by attracting highly skilled personnel who live close by
- Site better used as internet café because of proximity to internet hub
- Large restaurant will contribute to noise/litter along rear service lane
- Refuse change of use to protect individuality of City
- Resident parking is limited Monday-Saturday; will exacerbate Sunday parking for residents
- Proposal would drastically alter balance of commercial and residential uses
- Music will be broadcast in restaurant, adding to noise.

6.10 1 Third Party Support

- This is a 'dead frontage' to the street being formerly offices and for the last two or three years, has been empty
- A cafe would add vitality and viability to this part of the city and draw people to the shops and businesses in Baffins Lane and Baffins Court

6.11 Applicant/Agent's Supporting Information

The applicant has submitted the following information in support of the application: Noise and Odour Assessment; Design and Access Statement; Heritage Statement and Service Management Plan. The Odour and Noise Assessment have been updated during the course of the application.

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 adopted neighbourhood plan for Chichester City 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 26: Existing Employment Sites
Policy 39: Transport, Accessibility and Parking
Policy 47: Heritage

National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

7.4 Consideration should also be given to paragraphs 17 (Core Planning Principles), 18, 19, 22, 23, 32, 126, 129, 131 to 134 of the National Planning Policy Framework (March 2012).

Other Local Policy and Guidance

7.5 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
- Prepare people of all ages and abilities for the work place and support the development of life skills
- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities

8.0 Planning Comments

Assessment

8.1 The main issues arising from this proposal are:

- Principle of Development;

- Impact on Conservation Area and Grade II Listed Building;
- Impact on Amenity;
- Impact on Highway Network and Parking;
- Other Matters.

Principle of Development

8.2 The site is located within the settlement boundary where there is a general presumption in favour of sustainable development, in accordance with policies 1 and 2 of the Local Plan.

8.3 Policy 10 of the Adopted Local Plan, specifically criterion 3 of the policy, seeks to ensure that Chichester is protected and promoted as the main commercial focus for new retail, office, leisure and cultural activities. Paragraph 23 of the NPPF refers to the need to recognise town centres as the heart of communities and pursue policies that support their vitality and viability.

8.4 The site has a lawful use as B1 commercial office space, but is vacant at ground and first floor level. Local Plan policies 3 and 26 concerning economic development apply. The policies state that existing employment sites will be maintained in order to safeguard their contribution to the local economy. Permission for alternative uses must demonstrate that the site is no longer required for employment use (through the submission of evidence) and is unlikely to be redeveloped or re-used for employment uses. Appendix 5 E.2-E.6 inclusive of the Local Plan sets out criteria against which marketing evidence will be assessed. Paragraph 22 of the NPPF states there where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative land uses should be treated on their merits, having regard to market signals and the relative need for different land uses to support sustainable local communities.

8.5 The applicant has provided marketing evidence and a supporting statement by commercial marketing agents, FLUDE, dated 5 September 2016, in accordance with the requirements of policy 26 and Appendix E. The marketing commentary and evidence demonstrates that the site, comprising all three floors of the building, has been marketed for a two year period, commencing March 2015, following vacation of the previous office tenant in September 2014. The building has undergone refurbishment during this time, including installation of lifts and DDA compliant thresholds on the ground floor west elevation, to make it more attractive to future tenants. Photographic evidence of the building before and after the refurbishment is included.

8.6 The marketing campaign has targeted use class A2 tenants at ground floor level (office occupiers with an element of retail) - and B1 occupiers at upper levels, to reflect market demand. The applicant confirms that all three floors of the building have been viewed by interest parties. The marketing campaign has consisted of press notices in the Chichester Observer and Estates Gazette; online advertising on the FLUDE website and other commercial databases; mail shots to local, national and regional occupiers and commercial agents in Sussex, Hampshire, London and south-east England; a mail shot to 191 potential office occupiers in Chichester; telephone canvassing; site and marketing boards at the site (still on display); and an open evening for prospective business occupiers and commercial agents with 90 attendees, held on 28th April 2016, between 5-7pm. Details of the marketing particulars, press notices, mail shots web advertising and marketing boards are submitted with the application.

8.7 To date, there have been 16 interested parties and an inquiry log is submitted with the marketing strategy. The ground floor of the building as office accommodation has been discounted by interested parties for a number of reasons: lack of parking; preference for out of town accommodation; offers made on other office suites; extensions to lease on existing premises; better storage requirements needed. Whilst shorter and more financially attractive deals have been offered to tenants, to date, interest has been limited for ground floor offices in a central location. The marketing campaign has resulted in the letting of the top (second) floor of the building to an office occupier (architect) as there is a preference for first and second floor offices by prospective tenants.

8.8 The consultee responses from Economic Development and Planning Policy support the proposed change of use. The proposal would retain this part of the building for a commercial purpose and result in 30 jobs created. The building has been vacant in excess of 2 years and marketed since March 2015, and has undergone £1 million refurbishment during this period to try and attract tenants. The marketing is considered to be credible and robust. The site has not been made deliberately unviable and the proposal retains B1 use on the upper floors of the building. The use as a restaurant at the southern end of the ground floor would enhance the city's existing entertainment and leisure economy, and the vitality of this part of the City Centre. The proposal therefore complies with policies 3, 10 and 26 of the Local Plan, and paragraphs 18-22 of the NPPF.

Impact on Conservation Area and Grade II Listed Building

8.9 The application proposes internal and external works to the grade II listed building. Section 16(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires special regard to be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In addition to the requirements of policy 10 of the Adopted Local Plan, to conserve the heritage of the City Centre, policy 47 is relevant and states permission will be granted where it can be demonstrated that the proposal conserves or enhances the special interest and setting of designated heritage assets, including listed buildings and buildings within Conservation Areas.

8.10 The installation of internal partitions would be confined to the rear of the building, behind the line of the existing supporting columns, in a location where the southern stair tower intrudes into the space. Furthermore, the internal partitions would be light-weight studwork and, as such, reversible. The proposal would not therefore harm the open-plan form of the listed building.

8.11 The extraction equipment and associated flue would be housing internally, terminating at roof level. The flue would pass through upper floors of the building. The HBA has advised that the path of the flue should not disrupt features such as exposed timber ceiling trusses. The applicant confirms that that flue path will not disrupt the main open trusses on the second floor: the flue would exit the riser cupboard and enter the area that has been enclosed above the central stairwell. The flue would exit the roof between roof trusses and it is not proposed to cut or alter the main ceiling trusses. A condition is recommended to this effect.

8.12 Concern was raised throughout the public consultation period regarding the provision of the ventilation extraction terminal housed in an arched louvred roof vent in the eastern roofline and its impact upon the architectural interest of the building. Various proposals for the external flue terminal have been put forward by the applicant in response. The amended

scheme proposes a circular flue and omits the arched louvred vent. The Historic Buildings Adviser (HBA) is satisfied that the proposed flue is unlikely to be of significant harm to the significance and setting of the listed building, provided it is painted in a dark, matt colour and retains an industrial aesthetic. Any views will be in the context of a service corridor between buildings on the eastern elevation, thereby reducing the potential impact on the public realm of the Conservation Area. No objection is raised by the HBA to the proposed air supply grill at ground floor level on the rear (east) elevation, as this would be discreet in size and scale in a muted terracotta colour to match facing brickwork.

8.13 The proposal will enable the re-use of part of a vacant listed building for wider public use. The proposal will lead to less than substantial harm to the significance of the asset and its effects can be mitigated by planning conditions. Subject to conditions to control the treatment, colour and finish of the external flue, to ensure no cutting or fixings to the main ceiling trusses and the position of the internal flue in relation to ceiling joists, the proposal will preserve the special architectural and historic interest of the listed building and its setting and comply with policies 10 and 47 of the Local Plan and paragraphs 131, 132 and 134 of the NPPF.

Impact on Amenity

8.14 Policy 26 of the Local Plan makes it clear that permission will be granted for proposals that make more efficient use of underused employment sites and premises, where it can be demonstrated that:

- there is no material increase in noise levels resulting from activities that would disturb nearby residents;
- there is no unacceptable level of traffic movement, soil, odour or air pollution, or adversely impact neighbouring amenity through artificial lighting.

Additionally,

Policy 123 of the NPPF seeks to mitigate and reduce adverse impacts on health and quality of life arising from noise from new development and to protect residential amenity.

Noise

8.15 The applicant has proposed opening times between 0700 hours in the morning until 2100 hours in the evening on Monday to Sunday including Bank Holidays. Given the proximity of the building to residential areas on its eastern elevation, an end time of 1930 hours on each day is appropriate. The applicant is agreeable to the reduced opening hours and such opening hours can be secured by way of a condition.

8.16 The kitchen areas and servery are proposed to be located along the eastern side of the building, with the main entrance for patrons on the western elevation onto Baffins Lane. Pedestrian footfall would likely come from either the East Pallant Car Parks or public transport routes through the city centre. The location of the entrance of the western point would limit the footfall of customers along the residential streets of New Town and St Johns Street.

8.17 A British Standard 4142:2014 BS8233: 2014 Noise Report has been submitted to assess the impact on nearby noise sensitive receptors to assess the acoustic impact associated with the proposed use. The report identifies a number of sensitive receptors to the site, the nearest of which is the rear extension to the dwelling at no. 19 St John Street, east of the site. The first floor rear window (habitable) overlooks the site. Nos. 18, 18a, 19

and 20 St Johns Street to the east and flats/dwellings along New Town Road, including nos. 1 and 3, are located to the south.

8.18 The proposed restaurant will operate solely during day-time hours. The report identifies that all noise sources will operate significantly (at least 5dB) below ambient or background day-time noise levels. The report is thorough and robust, and addresses all sources of noise break-out from the extraction equipment, background music, break out noise from the flue coming up through the building and terminating in the roof, kitchen plant and ductwork equipment, deliveries and refuse collection. Environmental Health Officers (EHO) are satisfied that the assessment addresses the design criteria of the Local Planning Authority. It is therefore considered that, having regard to appropriately worded conditions, the impact on the amenity of neighbouring occupiers as a result of the proposal from noise, would not result in demonstrable harm.

8.19 The applicant has provided a Service Management Plan (SMP) at the request of officers to provide further detail on how servicing and deliveries are to be managed. The SMP states that all deliveries are to take place from the front, or western side of the building, from the loading bay located on Baffins Lane, with no deliveries from the rear. Deliveries are to take place no earlier than 07.00 hours, not during peak hours of 08.00-09.00 hours and at no time on Sundays. Refuse/recycling currently take place between the hours of 07.00-11.00 hours Mon-Sat and at no time of Sundays or Bank Holidays. Collections are to be made from East Street, in accordance with existing arrangements. It is recommended that the Service Management Plan is secured by planning condition.

Odour

8.20 The applicant has submitted a Kitchen Ventilation Odour Assessment as part of the application submission. The report details that a high level of odour control for the kitchen ventilation system will be required. The proposed ventilation would trap fumes and grease through the appropriate filtration systems within the kitchen and its placement over the main cooking areas would limit the potential for uncontrolled horizontal discharge of odour out of the windows on the east elevation. This ensures a significant amount of odour is mitigated ahead of its discharge from the building.

8.21 The applicant has amended the Odour Assessment during the course of the application to achieve a higher standard of odour/extraction mitigation, and the EHO is satisfied that in principle, the amended Kitchen Odour Assessment is capable of satisfactorily mitigating the impact of odour on neighbouring properties. Further information is required on a number of aspects however (canopy overhang, whether the system will be a variable speed controller and characteristics under different speeds), but the EHO has advised that it would be possible to install a system that would achieve the necessary requirements. The flue outlet has been simplified to a round outlet on the rear roofslope. A number of detailed pre-commencement conditions are recommended regarding odour and noise mitigation. These are considered necessary and reasonable to protect the amenities of neighbouring residential properties.

8.22 In light of the above considerations, it is assessed that the odour and noise issues generated from the proposed A3 use would be mitigated to an acceptable level given the location of the development, subject to the imposition of appropriate conditions.

Impact on Highway Safety and Parking

8.23 The application site is located in a highly sustainable location within Chichester City Centre, in close proximity to a number of public car parks and major bus routes. Baffins Lane is well used by pedestrians between car parks and the primary retail frontage along East Street. Access to the site for staff and customers can be facilitated by pedestrian footfall, public transport and local public car parks. No parking is to be provided for staff or patrons who will use nearby public car parks.

8.24 In terms of traffic movements, other than the deliveries, WSCC Highways does not envisage there would be any significant increase in traffic movements as a result of the proposals. No concerns are raised with accessibility to the site given its central location, as most visitors would be by foot or cycle and the same would apply to staff.

8.25 WSCC Highways has requested further details in relation to the nature and types of vehicles used for deliveries, the routes used and if this is likely to result in any of the surrounding roads being blocked. The SMP confirms that no deliveries (of produce) are to take place to the site between the peak hours of 08.00-09.00 hours. Deliveries to the site will be from Market Road, via East Street into the northern end of Baffin's Lane (following the advisory lorry route). All deliveries will be from the loading bay at the front of the site on Baffin's Lane. The SMP states the frequency of deliveries and the types of vehicles. WSCC Highways Authority has reviewed the SMP and is satisfied that the proposal would have no adverse impact on the operation of the highway network. A condition is recommended to ensure compliance with the SMP at all times.

8.26 Subject to conditions to restrict the hours of deliveries to avoid peak times of 08.00-09.00 hours, and for deliveries and refuse collection to be undertaken in accordance with the Service Management Plan, the proposal is considered to be acceptable in highway safety terms and would not result in a severe residual impact on the operation of the highway network, to comply with paragraph 32 of the NPPF and policy 39 of the Local Plan.

Other Matters: Publicity of Application

8.27 Concern is raised by some members of the public in respect of the public highway being obstructed as a result of patrons quickly using the facilities for take away services. The applicant has submitted indicative user statistics of previous sites in comparable Cathedral cities. In these instances, it was noted that the majority of patrons take meals within the premises (80%) rather than take-away. Planning permission would be required for a change of use from A3 (restaurant/café) to A4 (drinking establishment) or A5 (hot food takeaway).

8.28 In respect of comments from third parties regarding the presence of a site notice advertising the applications, following a visit from the Planning Officer on 5 October 2016, a site notice was displayed publicising the application.

Significant Conditions

8.29 Conditions are recommended in relation to the hours of use, restrictions on the hours of delivery and compliance with the Service Management Plan, the installation of ventilation equipment prior to the restaurant being brought into use, and noise conditions as required by Environmental Health Officers.

Conclusion

8.30 In summary, the proposal would create an active frontage at ground floor level and contribute towards the vitality and viability of this part of the City Centre. The marketing evidence submitted to justify the loss of 369 sq metres of B1 commercial office space is robust and officers from the Economic Development service raise no objection. The proposal would retain a commercial use at ground floor level and assist in job creation, with 21 full-time and 9 part-time jobs created (30 in total). The proposal would not result in significant harm to the special architectural and historic character and setting of the listed building, subject to appropriate conditions.

8.31 It has been satisfactorily demonstrated that the proposal can adequately mitigate against noise and odour associated with the proposed use as a restaurant, on the basis of the submitted revised Noise and Odour Report, and subject to appropriate conditions. The proposal would not have a severe residual impact on the operation of the highway network, and deliveries to the site and refuse collections can be adequately controlled by condition through the Service Management Plan. The proposal is therefore in accordance with paragraphs 17, 19, 22, 23, 32, 123, 129 and Section 12 of the National Planning Policy Framework (March 2012) and policies 1, 2, 3, 10, 26, 39 and 47 of the Adopted Chichester Local Plan: Key Policies 2014-2029.

8.32 Based on the above assessment it is considered the proposal complies with development plan policies and therefore the application is recommended for approval.

Human Rights

8.33 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation 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 3 years from the date of this permission.

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

2) The development hereby permitted shall be carried out in accordance with the approved plans: PL10-A, PL23-G, B23-FD21-A, B23-FD60-G and B23-FD70-H.

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

3) {b 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 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) The separating ceiling /floor shall be upgraded so as to exceed an airbourne sound insulation value of 53 dB DnT w+Ctr (i.e. 10db above the standard required by Building Regulations). Before the use hereby permitted commences and upon completion of the upgrading of the floor, a suitable qualified person shall carry out a post completion testing to ensure that the sound insulation value has been achieved, details of which shall be submitted to and approved in writing by the Local Planning. The sound insulation measures shall be maintained as such thereafter.

Reason: To prevent noise giving rise to significant adverse impacts on health and quality of life as a result of the development, in accordance with paragraph 123 of the National Planning Policy Framework.

5) Prior to the use hereby permitted commencing, a filtration and ventilation system, odour control and extraction systems, shall be installed and operational, in accordance with a scheme that shall first be agreed in writing by the Local Planning Authority. The scheme shall meet the requirements listed A-E below. Thereafter the development shall not be carried out other than in accordance with the approved details and the ventilation and filtration system, odour control and extraction systems shall be retained as approved in perpetuity.

a) All cooking smells, noxious fumes or vapours from the premises shall be disposed of by means of a suitable duct terminating at a point at least 1m above the roof ridge of the premises. The duct shall be free from any obstruction such as a plate, cowl, or cap, or any other deflection at its termination point and with a designed efflux in excess of 12m/sec.

b) A ventilation and filtration system incorporating at least the following elements shall be installed and operational prior to the use hereby permitted commencing. The elements to be included are:

- I. Canopies - A suitable canopy (or canopies) shall be located above all cooking appliances.
- II. Air Flow - The canopy face velocity shall be not less than 0.5m/s.
- III. Primary Grease Filtration - Labyrinth (baffle) grease filters shall be installed within the canopy or canopies.
- IV. Secondary Filtration - an open fibre disposable filter and a pleated non-woven felt type filter and a non-woven bag type filter shall be installed in the system in that order.
- V. Main Filter Media - a suitable mixed media activated filter shall be installed as final treatment of flue gases
- VI. Air Input - A suitable air input system shall be provided by means of a pleated inlet filter, supplying clean filtered air equivalent to at least 80% "make up" of the extracted air.

c) The scheme shall include a maintenance and management scheme for the ventilation and filtration systems including all aspects referred to in Conditions (a) and (b).

d) Mechanical and electrical installations shall be suitably arranged to ensure that the ventilation system is in operation during periods when the premises are open for the preparation and/or cooking of food.

e) Details of the proposed ventilation system for the disposal and treatment of cooking odours from the premises, shall include certification from a member of the Heating and Ventilating Contractor's Association, or other suitably qualified person, to the Planning Authority, confirming that the proposed system will satisfy the requirements of Conditions 1(a) and (b) above.

Reason: To avoid harm to amenity and to enable the Local Planning Authority timely assessment of this information.

6) Notwithstanding any indication on the approved plans, before the use hereby permitted commences, the means of the disposal and storage of waste arising from the premises shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the disposal and storage of waste shall not be carried out other than in accordance with the agreed measures.

Reason: To ensure proper provision for refuse disposal and storage, in the interests of amenity and to enable the Local Planning Authority timely assessment of this information.

7) All plant, machinery and equipment (including fans, ducting and external openings) to be used by reason of granting of this permission shall be installed, maintained and operated so as to prevent the transmission of noise and vibration into any premises either attached to, or in the vicinity of the premises to which the application refers.

Reason: To prevent noise giving rise to significant adverse impacts on health and quality of life as a result of the new development in accordance with paragraph 123 of the National Planning Policy Framework and the Noise Policy Statement for England.

8) No deliveries shall be taken to or despatched from the site outside the hours of 07.00-08.00 and 09.00-19.30 Monday to Saturday nor at any time on Sundays, Bank or Public Holidays. All loading and deliveries to the site shall take place from the loading

bay on Baffins Lane, in accordance with the Service Management Plan (Genesis Town Planning).

Reason: To safeguard the amenities of the neighbouring properties and in the interests of highway safety.

9) The premises shall not be open to the public or in use except between the hours of 07.00 and 19.30 hours Monday to Sunday, Bank and other public holidays.

Reason: To safeguard the amenities of neighbouring properties.

10) The rating level of the sound (L_A, 1 hour) from the fixed mechanical plant at the premises, including the sound emitted through any openings or ductwork, shall be at least five dB(A) below the background sound level of 41 LA90, 1 hour during the hours of 07:00 to 19:30 when calculated in accordance with British Standard BS 4142:2014 with the exception that the sounds so emitted shall not contain any tones. The fixed mechanical plant shall not be operated between 19:30 and 07:00.

Upon completion of the installation of the ventilation and filtration equipment, the use hereby permitted shall not be carried on until a report has been submitted to the satisfaction of the Local Planning Authority demonstrating that the above sound levels have been achieved and stating the conditions under which the plant was operated. Compliance must be demonstrated at a position or positions that are representative of the receivers or where this is not possible by measurement and calculation.

Reason: To prevent noise giving rise to significant adverse impacts on health and quality of life as a result of the new development in accordance with paragraph 123 of the National Planning Policy Framework and the Noise Policy Statement for England.

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 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 Katherine Rawlins on 01243 534542.