

Parish: Chichester	Ward: Chichester South
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CC/17/03164/FUL

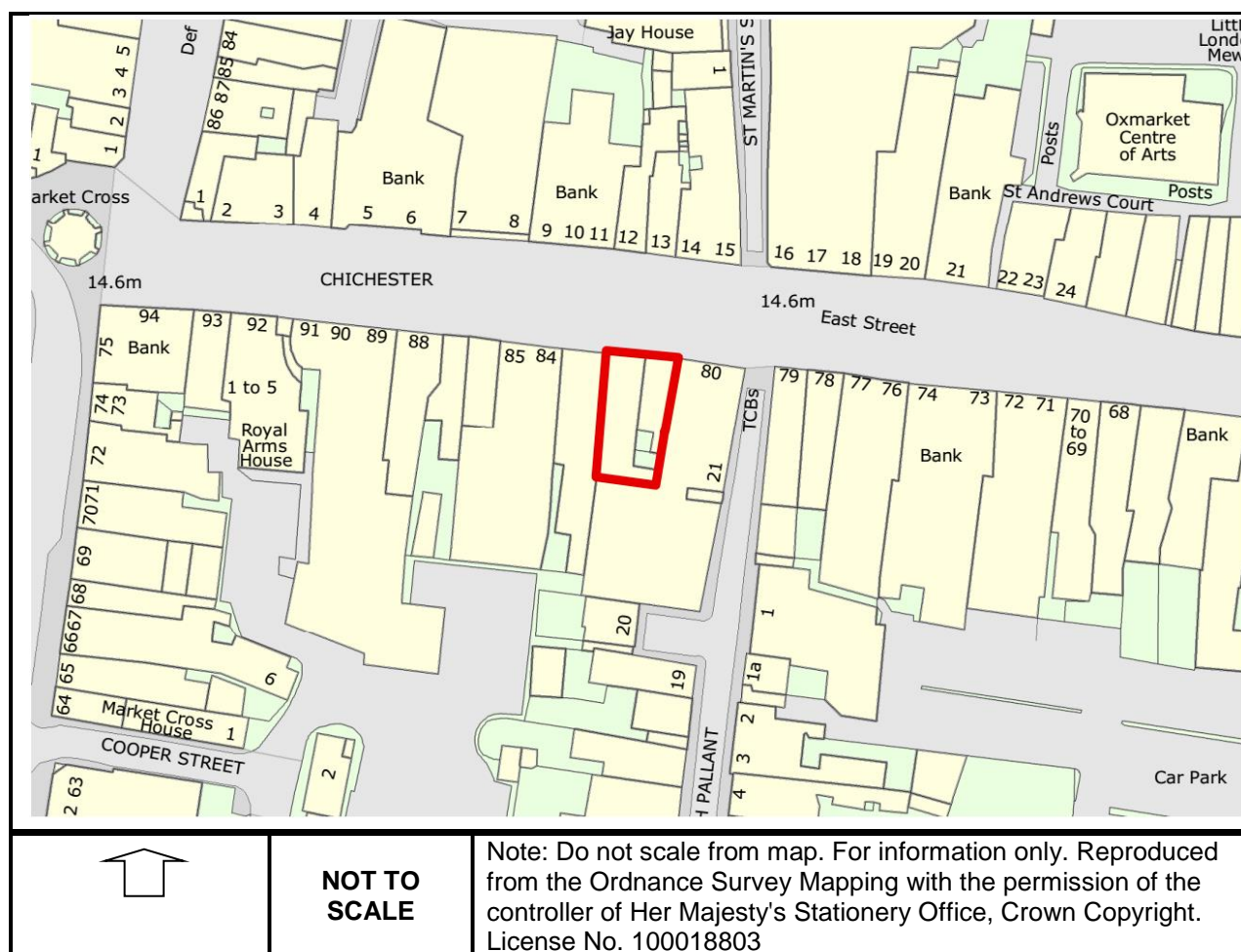
Proposal Change of use from Class A1 to mixed A1/A3 (sui generis).

Site Pret A Manger 82 East Street Chichester West Sussex PO19 1HA

Map Ref (E) 486146 (N) 104796

Applicant Pret A Manger (Europe) Limited

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located within the settlement boundary of Chichester within its centre, on the southern side of East Street. The application site forms part of the Primary Shopping Frontage and within the Chichester Conservation Area. The site is located to the east of a Listed Building (No. 83 East Street) and is one of a terrace of town houses with tall front elements of historic character with modern extensions to the rear.
- 2.2 The application building (81 and 82 East Street) is a two storey building that is prominent in the street scene with traditionally styled painted stuccoed shopfront and upper floor entablature. The building is modern and, whilst it is not listed, the shop front matches the Georgian classical character of this part of the Conservation Area. Pret A Manger currently occupies the ground floor of 82 East Street and the first floors of 81 and 82 East Street. The ground floor of 81 East Street is currently vacant. The permitted use of both 81 and 82 East Street is A1 (retail). Pret A Manger currently has a food retail area (eat in or take away) on the ground floor of 82 East Street with seating for approximately 85 no. covers, the majority of which are on the first floor above 82 and 81 East Street.
- 2.3 Officers consider that due to the extent of the seating area compared to the food retail floor area the premises are currently operating as a mixed A1/A3 (sui generis use), and as such an unauthorised change of use has occurred within 82 East and across the first floor of 81 East Street.

3.0 The Proposal

- 3.1 The application seeks full planning permission for the change of use of 81 and 82 East Street from a shop (A1) to a mixed A1/A3 (sui generis). This would result in 81 and 82 East Street combining the floorspace on the ground floor to provide 46 additional covers within the ground floor of 81 East Street. The first floor plan remains largely unchanged from the current situation, while the ground floor would retain a similar layout with the food retail area and a small seating area being retained on the ground floor and seating on the first floor of both units. The proposed use could accommodate approximately 131 no. covers in total; 79 no. at ground floor level and 52 no. at first floor level.
- 3.2 Pret A Manger's food offering is such that no primary cooking operations take place on site. The food preparation kitchen (to be located at ground floor) will be used for the preparation and the heating up of food items. The food sold would be consumed on and off the site.

4.0 History

02/03475/ADV	PER	1 no. cream with red lettering fascia sign.
04/01189/FUL	PER	Internal and external alterations to form 1 no single retail unit including demolition of single storey rear extensions and erecting infill extension plus new shop front.

69/00393/CC	WDN	New shop front.
69/00393/CC	WDN	Perspex internal illumination.
80/00259/CC	PER	New shop front.
87/00658	PER	Install new shop front.
87/00836/CC	WDN	Illuminated traditional hanging sign.
88/00040/CC	PER	1 no. non-illuminated fascia sign.
88/00542/CC	PER	Refurbishment of existing retail shop to include new shop front.
88/00582/CC	PER	1 no. non-illuminated brass faced sign.
02/03475/CC	PER	1 no. cream with red lettering fascia sign.
05/00867/FUL	PER	Reversion to 2 no. separate retail units, including modifications to approved shopfront.
05/01492/FUL	PER	Reversion to two separate retail units, including modifications to approved shopfront.
05/03103/ADV	REF	2 no. fascia signs and 1 no. projecting sign.
10/00671/FUL	PER	Alterations and replace the existing shop fronts to allow new door openings that will allow access to the new proposed 1st floor sales area as well as the ground floor. New signage and alter existing. 1st floor stock area to include a full shop fit with wall display panels, lighting and new floor coverings.
10/00711/ADV	PER	2 no. replacement fascia signs - non illuminated.
16/01015/FUL	PER	Replacement shopfront and associated works.
16/01016/LBC	PER	Formation of a fire exit door at first floor level structural alterations to party wall and associated works.
16/01017/ADV	PER	2 no. non-illuminated fascia signs, 3 no. window blinds, and 1 no. manifestation strip.
16/01018/FUL	PER	External seating.
16/01021/FUL	PER	Fire exit door and associated works.
16/02574/ADV	PER	1 no. non-illuminated projecting sign.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Chichester City Council

Objection - the proposal would result in the non-retail shopping frontage exceeding 25% within the primary shopping frontage area contrary to Policy 27 of the Local Plan.

6.2 CCAAC

No objection to this Application in principle, as we feel that the Conservation area benefits from the re-unification of the street frontage of this important building. However, we are concerned that this development will increase the non-retail frontage area of East Street above the permitted 25%.

7.0 Planning Policy

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 (CLP) and all made neighbourhood plans. Chichester City Council has indicated that they are not proceeding with a Neighbourhood Plan.

Chichester Local Plan: Key Policies (2014-2029)

- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 8: Transport and Accessibility
Policy 10: Chichester City Development Principles
Policy 13: Chichester City Transport Strategy
Policy 27: Chichester Centre Retail
Policy 39 Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 47: Heritage and Design

National Policy and Guidance

- 7.3 Government planning policy 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 paragraph 17 (Core Planning Principles) and paragraph 23 (promote competitive town centre environments).

- 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
- Support local businesses to grow and become engaged with local communities
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

- 8.1 The main issues arising from this proposal are:

- i) Principle of development
- ii) Design and Impact upon Visual Amenity/Character of Area
- iii) Impact upon the amenity of neighbouring properties

- i) Principle of development

- 8.2 The application seeks planning permission for the change of use from A1 retail to a mixed A1/A3 (sui generis). The application site is located within the Primary Shopping Frontage in Chichester Shopping Centre. Policy 27 of Chichester Local Plan states that 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.*

8.3 According to the Councils retail monitoring records currently 24.94% of the centres primary shopping frontage is non- A1. If this current application were to be approved this would increase to 25.52%, 0.52% over the 25% stated with the above policy.

8.4 Pret A Manger currently occupies the ground floor of 82 East Street and the first floors of 81 and 82 East Street. Although the lawful use of 81 and 82 East Street is retail, officers consider that at present due to the number of covers provided relative to the scale of the food retail area that the existing use is an A1/A3 (sui generis) use. The applicant considers that the proposed additional seating area would result in a material change of use from A1 to a mixture of A1/A3, which for use class purposes would fall within Sui Generis. Officers consider. The application has been submitted with proposed ground and first floor plans and therefore the application would serve to regularise the existing use if permitted. The first floor remains largely unchanged from the current situation, while the ground floor would retain a similar layout of the shop within 82 East Street, with 81 East Street largely made up of seating. The proposed use could accommodate approximately 131 no. covers in total split across 79 no. at ground floor and 52 no. at first floor. This would be an increase of 46 no. covers from the existing position of 33 no. at ground floor and 52 no. at first floor.

8.5 Planning permission would be required to change from sui generis to any other use falling within the use class order or another sui generis use. Therefore a future change of use application could give consideration to the appropriateness of the proposed use and impact upon the town centre. It is recommended to impose a condition that should the A1/A3 (sui generis) use cease that the use of the building would revert back to a A1 use without the need for a planning application.

8.6 The description of the proposed use is a mixture of A1/A3. The 'A1' element of the use is as a result of a significant proportion of sales being for consumption off the premises. The increased amount of seating requires the 'A3' element. However because of the absence of any primary cooking, table service, table menus and the proposed opening times being similar to a retail shop rather than for example being restricted to evenings only, the proposal would retain an element of A1 use, albeit with an increased amount of seating than the current situation.

8.7 The two adjoining units are currently A1 and would therefore comply with point 2 of policy 27. With regard to the upper floors, the first floor remains unchanged from the current situation. The application does not propose any alteration to the current shop front. The proposal would however result in a breach of the 25% non-A1 uses by 0.52%. However, the nature of the proposed use is akin to an A1 use; there is no cooking of food products on site and the unit is open during the business trading hours of most other premises within the City Centre. Having regard to the existing use of the building, the nature of the proposed use in that it is a mixture of A1/A3, and the fact that any further changes away

from this use, to any other use, would require planning permission, it is considered that a 0.52% increase over the 25% policy requirement would not materially harm the vitality of Chichester primary shopping frontage. The application is therefore considered to accord with the principles and purposes of Policy 27 of the Chichester Local Plan.

ii) Design and Impact upon Visual Amenity/Character of Area

8.8 The application site is located within Chichester Conservation Area. Policy 47 of the Chichester Local Plan requires that development proposals conserve or enhance the special interest and setting of heritage assets. No external alterations are proposed to the building. It is therefore considered the proposal would not constitute harm to the special quality or character of the Chichester Conservation Area therefore it satisfies Policy 47 of the Chichester Local Plan.

iii) Impact upon the amenity of neighbouring properties

8.9 82 East Street is currently occupied by Pret and the extension in 81 East Street would not result in the installation of further cooking equipment's or plant machinery. Whilst the increase in the number of covers would increase the activity to the site, given its location within the city centre, it is not considered that the proposals would be detrimental to neighbouring amenity in terms of noise and disturbance.

Conclusion

8.10 Given the minimal proposed works to the exterior of the building, the proposal would not constitute harm to the special quality or character of the Chichester Conservation Area. Furthermore the application does not propose to install further cooking equipment's or plant machinery and the increased amount of activity to the site is considered not to have a significant harmful impact to neighbouring amenity. It is considered that an increase in non-A1, 0.52% over the 25% policy requirement, would not materially harm the vitality of Chichester primary shopping frontage. The application is therefore considered to accord with Policies 27, 47 of the Chichester Local Plan and relevant paragraphs within the NPPF. On this basis the application is recommended for approval subject to condition.

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 not be carried out other than in accordance with the approved plans: CHIC-Pret-01 (Existing Ground Floor GA), CHIC-Pret-02 (Existing First Floor GA), CHIC-Pret-03 (Proposed Ground Floor GA), CHIC-Pret-04 (Proposed First Floor GA)..

Reason: To ensure the development complies with the planning permission.

3) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, or any other statutory instrument amending, revoking and re-enacting the Order, the building hereby permitted shall be used for mixed A1/ A3 use only as a café/ take-away, and for no other purpose (including any other purpose in Class A, of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order, including that there shall be no cooking or primary preparation of food on site).

Reason: To ensure the use of the building does not have a harmful environmental effect in the interests of amenity/in the interests of protecting the character of the area/in the interests of protecting residential amenity.

4) Should the A1/A3 (sui generis) use hereby approved cease, then the use of the building shall revert to a sole A1 use as defined by the Town and Country Planning (Use Classes) Order 1987.

Reason: To ensure the use of the vitality of Chichester primary shopping frontage is protected.

5) The premises shall not be used except between the hours of

0630hrs and 1800hrs Monday to Friday,
0700hrs and 1830hrs on Saturday, and
0700hrs and 1800hrs on Sunday, bank and other public holidays.

Reason: To safeguard the amenities of neighbouring properties.

For further information on this application please contact Daniel Power on 01243 534734