

APPLICATION NO.	P13/S2888/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	16.9.2013
PARISH	HENLEY-ON-THAMES
WARD MEMBERS	Ms Elizabeth Hodgkin & Ms Joan Bland
APPLICANT	Coffee Snobs Ltd
SITE	Costa Coffee, 25 Duke Street, Henley
PROPOSAL	Proposed external table and chair area for use by coffee shop owners.
AMENDMENTS	None
OFFICER	Paul Lucas

1.0 INTRODUCTION

1.1 The application site is the pavement in front of No.25 Duke Street, which has recently opened as Costa Coffee, located within the primary shopping frontage of Henley Town Centre, within the Henley-Reading Road Conservation Area and the Henley Air Quality Management Area (AQMA).

2.0 PROPOSAL

2.1 The application seeks full planning permission to use the footpath in front of the unit for tables and chairs, as detailed in the plans and supporting documents submitted with the application.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1 The Henley Society (Planning) – Should be a fixed 1 year permission to enable review
Highways Liaison Officer (Oxfordshire County Council) – Objection due to narrowing width of footway being prejudicial to highway safety
Health & Housing - Air Quality - Objection due to location within AQMA
Henley-on-Thames Town Council – The application should be refused due to pollution levels and obstruction to pavement
Neighbours – One representation of objection on same grounds as Henley Town Council

4.0 RELEVANT PLANNING HISTORY

4.1 P13/S1984/A – Advertisement consent refused for illuminated fascia sign and non illuminated hanging sign on 16 September 2013
P13/S1853/FUL – Planning permission granted for new shop front on 16 September 2013

5.0 POLICY & GUIDANCE

5.1 South Oxfordshire Core Strategy policies
None directly relevant

- 5.2 South Oxfordshire Local Plan 2011 policies;
G2 - Protect district from adverse development
EP1 - Adverse affect on people and environment
T1 - Safe, convenient and adequate highway network for all users
T7 - Protection and improvement to footpath and highway network

5.3 National Planning Policy Framework
The policies within the SOCS and the SOLP 2011 of relevance to this application are considered to be in general conformity with the provisions of the NPPF and therefore this application can be determined against the relevant policies above.

6.0 **PLANNING CONSIDERATIONS**

6.1 The planning issues that are relevant to this application are whether the proposal would:

- result in conditions prejudicial to pedestrian safety;
- increase exposure to high levels of pollution;
- impact upon the amenity of those living nearby by reason of noise and disturbance;
- materially alter the character of the surrounding area; and
- give rise to any other material planning considerations

6.2 Pedestrian Safety

The Highway Liaison Officer has commented that within the document Manual for Streets it mentions that "In town centres and other places where there are high numbers of pedestrians, footways should be of sufficient width to cater for peak demand without causing crowding and the risk that people will be pushed into the carriageway" - given the amount of pedestrian movements in Duke Street is high, not just during the Henley Regatta, this is an important consideration in this location. The footway outside the proposal does narrow down in width and the provision of tables and chairs outside can only present a risk to highway safety and to other users of the highway. It is unlikely that pedestrians, including people using a wheelchair or pushing a buggy, would pass tight up against the table/chairs, roped off area and other pedestrians. Regard must be had to the likelihood of a degree of separation between pedestrians and the proposed street furniture, in addition to the dimensions shown by the applicant. Furthermore roped off areas and tables/chairs in use by customers are likely to migrate which will further impact into the available footway on Duke Street. As such, the proposal would result in conditions prejudicial to pedestrian safety, contrary to Policies G2, T1 and T7 of the South Oxfordshire Local Plan 2011 and advice contained within the NPPF.

6.3 Air Quality

The Council's Air Quality Officer has commented that the proposed development lies within the Henley AQMA and the use of this section of pavement for outside seating will therefore result in increased public exposure in an area of poor air quality. As such, the proposal would be contrary to Policies G2 and EP1 of the South Oxfordshire Local Plan 2011 and advice contained within the NPPF.

6.4 Noise Nuisance

The proposed seating area would be relatively small scale. Given the town centre location where noise and activity continues into the evening, the use of the premises and the seating is more likely to be daytime as a coffee shop would not normally be open late into the evening. No objections have been received from any of the occupiers of the flats above the premises. As such, it is not anticipated that any significant noise nuisance would arise to nearby residential occupiers in accordance with the SOLP 2011 Policy EP2.

6.5 Character and Appearance

Local Planning Authorities have a statutory duty to consider the impact of proposals on conservation areas and the setting of listed buildings. The proposal would not involve any permanent physical alterations. The introduction of tables and chairs to the front of the premises would not alter its character to such an extent that it would have a material impact on the wider character and appearance of the Henley – Main Conservation Area, having regard to the fact this is a town centre location, or harm the setting of the listed buildings 27-35 Duke Street to the south of the site. The proposal would therefore comply with the provisions of SOLP Policies CON7 and CON5.

6.6 Other Material Planning Considerations

The applicant has drawn attention to the outside seating at Maison Blanc on Hart Street. The area fronting “Maison Blanc” is significantly different compared to Duke Street in terms of the width of the footway, which avoids obstruction to pedestrians and provides greater separation between users of the seating and exhaust fumes from passing vehicles.

Addendum

In accordance with paragraphs 186 and 187 of the NPPF the Council takes a positive and proactive approach to development proposals. The Planning Service worked with the applicant in a proactive and positive manner to provide an opportunity to respond to our concerns before a decision was made.

7.0 **CONCLUSION**

7.1 The proposed development would reduce the width of the footway available to pedestrians in Duke Street in an area where there is a high pedestrian footfall. It is also likely that tables and chairs would be moved away from the shop frontage and therefore further reduce the available width of the footway to an unacceptable level. As such, the proposal would result in conditions prejudicial to pedestrian safety, contrary to Policies G2, T1 and T7 of the South Oxfordshire Local Plan 2011 and advice contained within the NPPF.

The proposed development lies within the Henley Air Quality Management Area and the use of this section of pavement for outdoor seating will therefore result in increased public exposure in an area of poor air quality. As such, the proposal would be contrary to Policies G2 and EP1 of the South Oxfordshire Local Plan 2011 and advice contained within the NPPF.

8.0 **RECOMMENDATION**
Ref.of Planning Perm

South Oxfordshire District Council – Delegated Report

1 : UNIQUE - Refusal Reason

2 : UNIQUE - Refusal Reason

Miss P Fox

Planning Manager