

Planning Committee Report	
Planning Ref:	FUL/2021/1925
Site:	39 Beech Tree Avenue
Ward:	Westwood
Proposal:	Erection of a shelter to allow social distancing queueing (reduced in size from previous refusal) (retrospective)
Case Officer:	Darren Henry

SUMMARY

The application seeks planning permission for a shelter that has been erected to the front and side of the hot food takeaway to provide shelter for customers who are queueing.

This is a retrospective application that seeks to retain the shelter in a modified form with a further reduction to that previously refused.

BACKGROUND

The application site is located on the corner of Beech Tree Avenue and Elm Tree Avenue.

Two previous applications of a similar nature have been refused, the original retrospective application, reference F/2020/2542, and a resubmission for a reduced sized shelter, reference F/2021/0264.

An appeal has been made against application F/2021/0264, reference APP /U4610/W/21/3276746. No start date has been confirmed.

KEY FACTS

Reason for report to committee:	Cllr Lapsa has requested the application to go to Committee and a petition with over 100 signatories of support of the shelter has been submitted to the Council after the application was submitted.
Current use of site:	Hot Food Takeaway (Chip Shop)
Proposed use of site:	To erect a shelter to allow customers to queue outside the chip shop and maintain social distancing

RECOMMENDATION

Planning committee are recommended to Refuse planning permission for the reasons set out within this report.

REASON FOR DECISION

- A poorly designed conspicuous element in a prominent location that is to the detriment of the existing character of shop frontages and the street scene, contrary to Policy DE1 of the Coventry Local Plan and paragraphs 130 and 134 of the NPPF 2021.

APPLICATION PROPOSAL

The shelter has been erected with the following dimensions:

- Length: 8.3 metres,
- Width: 6.1 metres,
- Height: 2.6 metres

The application seeks retention of the shelter with reduced dimensions:

- Height: 4.05 metres,
- Width: 5.7 metres,
- Height: the same as already built structure

The shelter has been constructed from:

- Timber panels painted dark grey, and
- Corrugated plastic sheeting.

SITE DESCRIPTION

The application site is on the southeast corner of Beech Tree Avenue and Elm Tree Avenue. The premises serve as a Chip Shop and is adjacent to Nisa convenience store. Of the four road junctions, there are shops on three of them. A characteristic feature of all these shops is that they are well set back from the highway by approximately ten metres and they are all flush. None of the shops come forward of any other. Whilst there are a number of shops, the area is not a defined local centre.

PLANNING HISTORY

Application Number	Description of Development	Decision and Date
L/1995/0362	For the retention of store for hot food takeaway	Approved on the 20/04/1995.
F/2020/2542	Erection of a shelter to allow social distancing (retrospective)	Refused on the 21/12/2020.
F/2021/0264	Erection of a shelter to allow social distancing (reduced in size) (retrospective)	Refused on the 03/02/2021.

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

The National Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents are read together.

Local Policy Guidance

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6th December 2017. Relevant policies relating to this application are:

- DE1: Ensuring High Quality Design
- R6: Restaurants, bars and Hot Food Takeaways
- SPD: Hot Food Takeaways

CONSULTATION

No objections have been received from:

- Coventry City Council Environmental Protection
- Coventry City Council Highways

Immediate neighbours and local councillors have been notified on the 25th of June 2021

- Councillor Lapsa has a petition with over 100 signatories in support of the proposal.
- Councillor Lapsa has yet to submit the petition. He is expected to submit these prior to Committee.

Four letters of support have been received, raising the following material planning considerations:

- a) This is a good idea especially when it is raining. It makes all the local shops seem more inviting because of the pops of colour from the flowers and makes the whole area look more sophisticated and helps the shop adhere to social distancing guidelines during this pandemic.
- b) There is no reason why this has been refused. The applicant has followed all the Government's guide lines to keep their customers safe through Covid 19. It looks nice and keeps customers 2 metres away from each other and keeps them dry.

Any further comments received will be reported within late representations.

APPRAISAL

The main issues in determining this application are:

- Principle of development
- Design and visual
- Highways issues
- Equality implications

Principle of development

Policy R6 states that:

1. Outlets should be located within defined centres and will normally be discouraged outside those locations.
2. Proposals within defined centres will be permitted provided they:
 - a) would not result in significant harm to the amenity of nearby residents or highway safety;
 - b) would not result in harmful cumulative impacts due to the existence of any existing or consented proposed outlet;
 - c) are in accordance with the emerging Hot Food Takeaway Supplementary Planning Document (in particular, proposals for A5 uses); and
 - d) are compatible with other Plan Policies.

Whilst the hot food takeaway is not within a defined local centre as set out in the Coventry Local Plan, the application site is located within a parade of shops in area an of commercial activity on 3 of the 4 corners of Elm Tree Avenue and Beech Tree Avenue, and has been an established hot food takeaway for over 15 years. The principle of use

as a takeaway has already been established. As this is a main town centre use, any increase in retail floor space would usually be subject to a sequential assessment as required by Policies R3 and R4, however, as this relates to external cover then this is not considered necessary for this application.

Any extension to the premises would usually be subject to the considerations of Policies R3 and R4 and would require a sequential assessment. However, as this is not proposing an increase in internal retail floor space it is not considered relevant for this application.

As this is an established use where the principle is considered acceptable, the main considerations are therefore visual amenity and highway safety.

Impact on visual amenity

Section 12 of the National Planning Policy Framework 2021 (NPPF) outlines the Government's commitment to good design and attaches great importance to the design of the built environment, highlighting it as a key aspect of sustainable development. Decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative; however new developments should seek to promote or reinforce local distinctiveness. Decisions should address the connections between people and places and the integration of a new development into its existing environment. Consequently, decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.

The NPPF further states that "where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development". However, "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents" (134).

Policy DE1 of the Coventry Local Plan 2016 states that "All development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area".

Taking the above into account, then, it is important to ensure that the extension is in keeping with the design and character of the existing property and surrounding area. Materials, colours, textures and local distinctiveness should all be considered within the context of the local area in order to ensure a high-quality urban environment. Relevant design considerations include whether or not a proposal will cause over-intensification of a site and impact on the street scene and character of the area.

The previous applications, Ref.2020/2542 and Ref 2021/0264, were refused on the same grounds in that the structure is considered to be a conspicuous and incongruous feature of overall poor design and appearance constructed of a timber frame painted dark grey with corrugated plastic sheeting for the roof that would be to the detriment of the street scene and wider locality. Whilst the revised plans indicate that this resubmission will reduce the size of the already built structure, it still proposes the same poor quality materials that officers consider would be to the detriment of the appearance of the host

property and the character of the wider area and are materials not appropriate for this prominent corner location.

From the previously refused application, it is proposed that the length would be reduced from circa 5.8 metres to 4.05 metres and the width would be reduce from 6.1 metres to 5.7 metres. The height of the previously proposed mono-pitch roof would also be reduced from 3.3 metres to 2.6 metres by replacing it with a flat roof (as built).

Whereas the built-out structure projects beyond the front elevation by circa 3 metres the previously proposed plans sought to reduce this by 2.2 metres. It is now proposed that the structure would be set back from the front elevation by 20cm. Whilst this and the previous application propose to further reduce the size of the shelter, it is still poorly designed and conspicuous in this highly prominent corner location and the proposals still do not address the previous reasons for refusal. This is to the detriment of the existing character of shop frontages and the street scene and is therefore contrary to policy DE1 and paragraphs 130 and 134 of NPPF 2021.

Highways

It is considered that the proposal does not result in a loss of on-site car parking or cause any severe impact on highway safety or the free flow of traffic.

Equality Implications

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development.

CONCLUSION

It is therefore recommended that permission be refused.

REASON FOR REFUSAL

The proposed development is contrary to Policy DE1 of the Coventry Local Plan 2016 and the guidance and objectives of paragraphs 130 and 134 of the NPPF and National Design Guidance by reason of its design, appearance, external facing materials and siting which has resulted in a conspicuous and incongruous feature of overall poor design and appearance into this highly prominent location to the serious detriment of the visual amenities of the street scene and the wider locality.