

Planning Committee Report	
Planning Ref:	PL/2024/0001562/FUL
Site:	Mychai, 59 Corporation Street, Coventry, CV1 1GX.
Ward:	St Michael's
Proposal:	Installation of external seating area and planters (retrospective)
Case Officer:	Andrew Tew

SUMMARY

The application is for the installation of an external seating area with planters, which has already taken place and is therefore retrospective. The purpose of the proposal is to provide an attractive, outdoor seating area for customers.

BACKGROUND

The application has been recommended for approval. The application has been referred to Planning Committee as it has received 5 or more objections.

KEY FACTS

Reason for report to committee:	The application has been referred to Planning Committee as it has received 5 or more objections.
Current use of site:	Café
Proposed use of site:	Café

RECOMMENDATION

Planning Committee are recommended to grant planning permission subject to conditions.

REASON FOR DECISION

- The proposal is acceptable in principle.
- The proposal will not adversely impact upon highway safety.
- The proposal will not adversely impact upon the amenity of neighbours.
- The proposal accords with Policies: DS3, DE1, AC1, AC2, AC3, AC4 and R5 of the Coventry Local Plan 2017 and the emerging Local Plan, together with the aims of the NPPF.

SITE DESCRIPTION

The application site is a tea shop located on the Northern side of Corporation Street in Coventry City Centre. The first floor of the building overhangs the commercial premises at ground floor, by circa 3m. There is an additional circa 6m of pavement beyond this. The proposal is not in the curtilage of a listed building or within a Conservation Area.

APPLICATION PROPOSAL

This is a retrospective application for 4 no. planters which are 90cm in height and extend circa 3m from the shop front, making use of the overhang. The planters are of substantial wooden construction, with planting centrally. Behind this are seats and tables which are brought inside when the shop is not trading.

Whilst the development is below 1m in height, it is on the adopted highway - as opposed to adjacent the highway, with the planters left out overnight. Therefore it is not considered to be permitted development and planning permission is needed.

PLANNING HISTORY

There have been a number of historic planning applications on this site; the following are the most recent/relevant:

Application Number	Description of Development	Decision and Date
FUL/2016/2724	Change of use to student accommodation (retrospective)	19/10/2017 – Granted
FUL/2019/3039	Change of use from restaurant - A3 to hot food takeaway - A5 with associated office / administration space	15/09/2021 – Granted

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF) December 2024. 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 2017, which was adopted by Coventry City Council on 6th December 2017. Relevant policy relating to this application is:

Policy DS3: Sustainable Development Policy

Policy DE1 Ensuring High Quality Design

Policy AC1: Accessible Transport Network

Policy AC2: Road Network

Policy AC3: Demand Management

Policy AC4: Walking and Cycling

Policy R5: Retail Frontages and Ground Floor

Emerging Local Policy Guidance – Local Plan Review Reg 19 Consultation

Local Plan review is currently at Reg 19 consultation. Relevant emerging policy relating to this application is:

Policy CC1 (Part A): Coventry City Centre – Development Strategy

Policy DS3: Sustainable Development Policy

Policy DE1 Ensuring High Quality Design

Policy AC1: Accessible Transport Network

Policy AC2: Road Network

Policy AC3: Demand Management

Policy AC4: Walking and Cycling

Policy R5: Retail Frontages and Ground Floor Units in Defined Centres

Coventry City Centre Area Action Plan (CCAAP)

Policy CC1: Coventry City Centre – Development Strategy

Policy CC3: Building Design

Policy CC6: Public Realm

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPD Delivering a More Sustainable City

SPD Coventry Connected

CONSULTATION

Non-statutory

No Objections received from:

Highways

Neighbour consultation

Immediate neighbours and local councillors have been notified; a site notice was posted on 26/09/2024.

5 no. letters of objection have been received, raising the following material planning considerations:

- a) Blocking right of way of public footpath underneath the overhang
- b) Appearance – wood deterioration and impact of Westmorland Slate in the street scene

c) Access to lighting of the loggia (overhang) by Local Authority

Within the letters received the following non-material planning considerations were raised, these cannot be given due consideration in the planning process:

d) Coventry Society are referenced in one of the objections as having raised concerns

e) Setting precedent for other businesses to do the same

Any further comments received will be reported within late representations.

APPRAISAL

The main issues in determining this application are principle of development, the impact upon the character of the area and highway considerations.

Principle of development

The National Planning Policy Framework, paragraph 11, states that “Plans and decisions should apply a presumption in favour of sustainable development. For Decision Making, 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 strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Policy R5: Retail Frontages and Ground Floor units seeks to ensure and maintain a viable and vibrant centre with lively street frontages. Policy CC3 of the City Centre Area Action Plan seeks active frontages to allow for a positive relationship between buildings and the public realm.

Considering the above, the use of the area to the front of the shop for an enclosed seating area, where the seats are bought in at night, creates an active frontage which is acceptable in principle, subject to compliance with other Local Plan Policies.

Impact on visual amenity

Policy DE1 of the Local Plan seeks to ensure high quality design and development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area.

Paragraph 131 of the NPPF states the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development,

creates better places in which to live and work and helps make development acceptable to communities.

The National Planning Policy Framework, paragraph 135 states that “Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The NPPF further states (at paragraph 139) “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”.

The proposal was visible at the time of site visit as this is a retrospective application. The planters are circa 90cm in height, so whilst the arrangement encloses the front of the tea shop, it is not visually obscured, inasmuch you can clearly see the shopfront and see the people using the area. There has been an objection relating to the obscuring the original Westmorland Slate finish in the street scene. The planters have been arranged so that the full height of the slate colonnades are still visible from the principle and side elevations. The glass shopfront is partially obscured to around 1m in height. The proposal has enabled the front of the shop to be used for customers wishing to sit outside, helping to activate the front of the shop area and make use of the cover created by the overhanging first floor.

Another objection is raised in relation to the potential deterioration of the wooden planters. Whilst unlikely considering the area has been invested in to attract customers into a pleasant environment, this would be a matter of management by the owners as part of their maintenance schedule, in the same way that any owner is responsible for the upkeep of their property.

Considering the above, and the benefits of an activated frontage and public realm, it is considered that the proposals are acceptable in design terms.

Highway considerations

Policies AC1 and AC2 seek to ensure that development proposals do not result in a negative impact upon the nearby highway network, and where any harm is caused then suitable mitigation is secured. Policy AC3 requires all new development proposals to provide sufficient car parking provision. Finally, Policy AC4 seeks to ensure that development proposals should incorporate safe and convenient access to walking and cycling routes.

In this case, the modest scale of the development is not considered to result in a significant intensification of the site that would result in harm to the surrounding highway network. In addition, Appendix 5 of the Local Plan (Appendix 6 of the Emerging Local Plan) sets out the adopted parking requirements within the city. As this is an inner-city location, there is no prescribed standard which is required to be applied in this case. The proposals are therefore in accordance with Policies AC1, AC2 and AC3 of the Local Plan.

Policy AC4 also applies which relates to safe, suitable and convenient walking and cycling routes being provided/achieved. There have been public objections to the application on the basis that the seating and planters will hinder pedestrians and that pedestrians will not be able to walk under a covered area, particularly when it rains. The area where the seating is located is within the ownership boundary (as per the red line) of the applicant. This part of Corporation Street benefits from a particularly wide pavement. The area where the seating is located is circa 3m, which leaves around 6m of clear pavement remaining available for public use. Because the public have previously been able to walk under the covered area but no longer will be able to does not constitute a reason for refusal when a wide pavement area will still be available.

The Highway Authority has been consulted and are satisfied that the development proposals should not have a severe impact on public highway safety, or on the operation or capacity of the local highway network. They note that the applicant will need to apply for a new pavement licence, should planning permission be granted.

Other Matters

Objectors have also raised concerns about access to the light for maintenance purposes. However, any right of access for maintenance and repair remains unaffected by this application and would need to be provided. This would be a matter for the Council and landowner to agree.

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:

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

In conclusion, it is considered that the principle of the outdoor seating area with planters is acceptable. Given the location within the city centre it is also considered that the proposal is an appropriate use in this location. The design and impact on the Highways network is also acceptable. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DS3, DE1, AC1, AC2, AC3, AC4 and R5 of the Coventry Local Plan 2017 and the Emerging Local Plan Policies, together with the aims of the NPPF.

CONDITIONS/REASONS

- The permission hereby granted is in relation to the following approved plans:
1. Location plan | A312-sk1-existing-plans
Elevations | A312-sk2-proposed-plans

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