

**PLANNING
COMMITTEE**

7th December 2010

PLANNING APPLICATION 2010/270/COU

CHANGE OF USE OF PUBLIC HIGHWAY TO STREET CAFE AREA

CAFFE NERO 15-17 EVESHAM WALK, TOWN CENTRE, REDDITCH

APPLICANT: NERO HOLDINGS LTD

EXPIRY DATE: 5TH JANUARY 2011

WARD: ABBEY

The author of this report is Steven Edden, Planning Officer (DC), who can be contacted on extension 3206 (e-mail: steve.edden@redditchbc.gov.uk) for more information.

(See additional papers for Site Plan)

Site Description

Caffe Nero is situated in Evesham Walk, which itself links Market Place with Worcester Square within the Kingfisher Shopping Centre. Units 15 to 17 lie to the eastern side of Evesham Walk and are external, not being situated within the Kingfisher Shopping Centre itself.

The site lies within the 'Retail Core' area of the Town Centre as defined on the Borough of Redditch Local Plan No.3 Proposals Map. The site is also situated within the Town Centre Conservation Area.

Proposal Description

This is a full planning application to change the use of part of the public highway (Evesham Walk) to an outside cafe area. The outside area would cover just under half of the width of the existing shop front (3m) and would protrude into Evesham Walk by 1.8m (5.4m² floorspace). This area would contain two, 600mm diameter, round aluminium cafe style tables, with each table having four chairs placed around them. The area would be enclosed by means of blue/black coloured Cafe banners, each measuring 0.9m high x 1.35m wide, linked to each other by posts/columns, each being 1m high and 50mm in diameter.

Relevant Key Policies:

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

www.communities.gov.uk

www.wmra.gov.uk

www.worcestershire.gov.uk

www.redditchbc.gov.uk

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National Planning Policy

PPS1	Delivering Sustainable Development
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment

Regional Spatial Strategy

UR3	Enhancing the roles of City, Town and District Centres
QE3	Creating a high quality built environment for all
T2	Reducing the need to travel

Worcestershire County Structure Plan

SD4	Minimising the need to travel
SD9	Promotion of Town Centres

Borough of Redditch Local Plan No.3

E(TCR).1	Vitality and Viability of the Town Centre
E(TCR).4	Need and the Sequential Approach
E(TCR).5	Protection of the Retail Core
B(BE).9	Streetscapes in Conservation Areas
B(BE).13	Qualities of Good Design

SPG	Encouraging Good Design
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Relevant Site Planning History

2010/086/COU Change of use from A1 (shop) to A3 (cafe). Granted 23.06.10

Public Consultation Responses

Responses in favour

None received

Responses against

None received

Consultee Responses

County Highway Network Control

Comments awaited

Fire Officer

Comments awaited

RBC Community Safety Officer

Comments awaited

Town Centre Co-ordinator

Comments awaited

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Historic Buildings and Conservation Advisor

Comments awaited

Procedural matters

All applications for Class A3/A5 use are reported to Planning Committee.

Assessment of Proposal

The key issues for consideration are as follows:

Principle

The proposal represents a 'main town centre' use. Both national guidance contained within PPS4 and Policy E(TCR).4 of the Borough of Redditch Local Plan comment that the first preference for main town centre uses such as the proposed change of use to A3 use is the Town Centre.

In addition, the proposed change of use from public highway to outside seating area is considered to be compliant with Policy E(TCR).1 and E(TCR).5 of the Borough Councils Local Plan since it would simply form an extension to the A3 use permitted under application 2010/086/COU and would not harm the vitality and viability of the Town Centre.

Hours of opening for the outside seating area are stated as being:

0800 to 1800 hrs Monday to Saturday and 0900 to 1700 hrs on Sundays and Public Holidays. Given the site's Town Centre location, Officers would however consider it unreasonable to restrict those hours of opening if members were minded to grant consent. Hours of opening were not restricted when application 2010/086/COU was granted planning permission earlier this year.

Design, appearance and impact upon the character and appearance of the Conservation Area

Members will recall granting consent for very similar outside seating areas at previous Planning Committee meetings – for example at what is now called 'The Abbey' and the 'Rising Sun/Wetherspoons', both of which are located to the northern side of Alcester Street. These have very similar forms of enclosure/corraling to contain the tables and chairs.

The above sites are outside the defined Conservation Area boundary, unlike the current proposal which is inside the boundary. As such, due consideration should be given to Policy B(BE).9 – Streetscapes in Conservation Areas. Within such areas all new development should preserve and/or enhance the character of the Conservation Area and the use of natural materials appropriate to the locality should be used. No details have been given regarding the choice of materials which would be used, and Officers consider that the proposed development is inappropriate in its context given the

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sensitive location of this prominent site within the Town Centre Conservation Area.

Impact on pedestrian safety and amenity

The examples given above are located towards the southern end of Alcester Street, where, in your Officer's opinion, this part of Alcester Street generates a lower footfall than that of Evesham Walk, where footfall is considerably higher. In addition, the width of Evesham Walk is far narrower than that of the section of Alcester Street where the two examples of outside seating given above are located. The narrowness of Evesham Walk together with the footfall generated in this area, leads Officers to believe that the positioning of such an outdoor seating area with associated corraling/enclosures would not only be an inconvenience to passing pedestrians, but would also give rise to pedestrian/safety issues.

Precedent

Whilst members will be aware that each application should be treated on its own individual merits, your Officers consider that in this case, approval of the proposals are likely to lead to further applications for extensions to any outdoor seating area in the future which could be difficult to resist if permission is granted here. The submitted plans show that the seating area would be located only to the left hand side of the centrally positioned main entrance (when viewing Caffe Nero from Evesham Walk). The area to the right of the main entrance would be undeveloped.

Conclusion

Whilst being acceptable in principle, given the Town Centre location of the site, the general inappropriateness of the design and siting of the proposed development, situated within the Conservation Area, where development proposals should preserve and or enhance the character of the area, together with the fact that the proposals are likely to give rise to pedestrian conflict within this very busy thoroughfare, lead your Officers to consider that the application has little merit and should therefore be refused planning permission.

Recommendation

That having regard to the development plan and to all other material considerations, planning permission be REFUSED for the following reasons:

1. The proposals, in terms of their design and siting, would represent an inappropriate form of development within the Town Centre Conservation Area which would fail to preserve or enhance its character. As such, the proposals would be contrary to National Planning Guidance contained within PPS.5 (Planning for the Historic Environment) and Policy B(BE).9 of the Borough of Redditch Local Plan No.3.

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2. The proposed development is likely to lead to pedestrian conflict at this busy thoroughfare which links Market Place with the Kingfisher Shopping Centre to the detriment of amenity and highway safety. As such, the proposals would be contrary to National Planning Guidance contained within PPG.13 (Transport).