

SUBJECT DEVELOPMENT APPLICATION REPORTS ITEM 9

REPORT OF Head of Planning & Building Control

APPLICATION NO.	P10/E0208
APPLICATION TYPE	FULL
REGISTERED	29.03.2010
PARISH	HENLEY-ON-THAMES
WARD MEMBER(S)	Miss Lorraine Hillier, Ms Joan Bland
APPLICANT	Maison Blanc (KFG)
SITE	Maison Blanc, 1-3 Duke Street and 2-2A Hart Street, Henley-on-Thames, RG9 1UR
PROPOSAL	Placement of tables and chairs on the pavement.
AMENDMENTS	One – Amended red-line area
GRID REFERENCE	476086/182631
OFFICER	Mr Peter Brampton

1.0 INTRODUCTION

1.1 This application is referred to the Planning Committee because of a conflict between the Planning Manager’s recommendation and the views of Henley-on-Thames Council.

1.2 This application relates to two buildings, of which 2 Hart Street is a Grade II listed building, whilst 1-3 Duke Street is an unlisted Victorian building. The two units are clearly separate when seen from the outside, but are internally combined and sit in a prominent location within the primary shopping frontage of Henley town centre.

1.3 Historically, the building has been in an A1 retail use, but following a successful planning application for a change of use in summer 2009, Maison Blanc, a patisserie, now occupies the property under a sui generis mixed A1 retail and A3 café use. An associated application granted planning permission for signage and a canopy around the same time.

1.4 The application site is shown on the OS extract **attached** at Appendix One.

2.0 PROPOSAL

2.1 Maison Blanc now wishes to position some tables and chairs outside the entrance to the property, on Hart Street. These tables and chairs will be positioned in front of the shop window and consist of four small tables each accommodating two customers. The plans submitted indicate that a typical boundary treatment will screen the tables will be screened from the pavement, although precise details of this have not been provided.

2.2 The application has been amended to reduce the size of the red-lined area that defines the boundaries of the application site. Initially, this area included a larger section of pavement that created uncertainty over where the tables and chairs might be positioned. The amended red line area has clarified this application site, ensuring it

relates to the area directly outside the café on Hart Street, occupying an area of approximately 9 metres wide by 2.4 metres deep, so that the total area of the highway given over to tables and chairs would be around 20 square metres.

- 2.3 The plans of the proposed development are **attached** as Appendix Two whilst other documents relating to the application can be found on the Council's website, www.southoxon.gov.uk.

3.0 CONSULTATIONS & REPRESENTATIONS

- 3.1 **Henley-on-Thames Town Council** – Recommends refusal as tables and chairs would remove a safe and convenient route for pedestrians.
- 3.2 **The Henley-on-Thames Society** – Objection received, due to the obstruction to pedestrians the tables and chairs would cause at a junction that already has a number of items of street furniture.
- 3.3 **OCC Highways Area Liaison Officer** – No objections subject to condition requiring the introduction of studding within the pavement to assist blind and partially sighted pedestrians.
- 3.4 **Conservation Officer** - No objections.
- 3.5 **Neighbour Representations** – Two letters of objection received. The main issues raised are the impact on the character of the area from tables and chairs, the obstruction to pedestrians at this busy junction, with particular concerns raised about the impact for wheelchair users and the partially sighted.

4.0 RELEVANT PLANNING HISTORY

- 4.1 P09/E0611/RET - Change of use from Retail (A1) to mixed use Retail A1) and Cafe/Restaurant (A3) – Approved
P09/E0543/RLB - Removal of existing modern partitions, finishes and shopfitting items, internal fit-out of the basement, conversion of ground and first floors into a patisserie with ancillary spaces. Redecoration of shop front. Installation of new retractable canopy to Hart Street elevation. Erection of four fascia signs to redecorated fascias and two hanging signs – Approved
P09/E0480/RAD - Four signwritten fascia signs to existing redecorated fascias, two hanging signs, one retractable canopy with graphics - Approved

5.0 POLICY & GUIDANCE

- 5.1 Adopted South Oxfordshire Local Plan 2011 – Policies G2, G6, CON5, CON7, D1, D2 and T1
Planning Policy Statement 5: Planning for the Historic Environment
Oxfordshire County Council Highway Authority – Policy for the Placing of Tables and Chairs on the Highway

6.0 PLANNING CONSIDERATIONS

- 6.1 The main issues in this application are:
1. Whether the proposed tables and chairs would affect the setting of the listed building and the character of the surrounding conservation area.
 2. Whether the proposal tables and chairs would affect safety in the wider highway network, with particular attention to the need to provide a safe and convenient route for pedestrians

Design Issues

- 6.2 Policy CON5 states that proposals for development that would adversely affect the setting of a listed building will be refused, whilst Policy CON7 states similarly that planning permission will not be granted for development that would harm the character or appearance of a conservation area.
- 6.3 As discussed, Maison Blanc occupies a prominent building positioned on one of the busier junctions for traffic and pedestrians in Henley town centre. As such, the proposed tables and chairs outside would be seen when approaching the site from most directions.
- 6.4 Tables and chairs outside cafes are an established feature of Henley town centre, with cafes and restaurants in Bell Street, Hart Street, the Market Place and Duke Street all having areas for al fresco drinking and dining. Therefore, officers are satisfied that the principle of this type of proposal has been well established in the area. Officers consider that, in the correct circumstances, such areas can enhance the street scene and contribute to the vitality of a town centre. From observations on site during the determination of this application, Officers' noted that the seating associated with Starbucks within the pedestrianised section of the Market Place was a popular destination for shoppers within 100 metres of the application site.
- 6.5 The applicants have not provided the council with the precise details of the tables and chairs that are proposed. However, the plans provided indicate that they will be positioned tightly against the building and separated from the pavement by some typical screening. As such, the tables and chairs will not be separated from the building as seen at Starbucks, but rather they will be visually closely associated with Maison Blanc. In consultation, the council's Conservation Officer has confirmed no objections to the scheme and indicated that low-key tables and chairs in this location will not affect the setting of this attractive listed building, which plays an important role in establishing the character of the crossroads it sits on.
- 6.6 Officers consider that the relatively small area they will occupy will ensure that they will not appear an overly dominant feature that intrudes into views along Hart Street. Furthermore, there are a number of items of street furniture such as bins and a telephone box that already give the area immediately outside Maison Blanc a rather informal nature and so Officers are satisfied that the proposed tables and chairs would not significantly alter the character of the area. Nonetheless, Officers' recommend a condition is attached to the permission requiring the precise details of the tables and chairs and their screening be submitted and agreed in writing by the council prior to work commencing on site, to secure the quality of the development.
- 6.7 **Highway Safety**
Policy T1 states that proposals for all types of development must provide for a safe and convenient access to the highway network and safe and convenient routes for cyclists and pedestrians. All the objections received to this application, including from Henley-on-Thames Town Council, focus on the harm the tables and chairs will cause to one of the busiest pedestrian routes through the town centre. The adjacent junction is part of this route and normally pedestrians wait here to cross Duke Street.
- 6.8 As such, and from Officers' own observations on site, it is acknowledged that the particular section of pathway between Maison Blanc and the street furniture outlined in Paragraph 6.6 is widely used by pedestrians. Furthermore, it is wide enough to be used by a wheelchair, whilst studs in the pavement around the street furniture offer assistance to the blind and the partially sighted. Officers accept that the tables and

chairs proposed here would thus make it more difficult for pedestrians, particularly those in wheelchairs or with pushchairs, to pass the application site. However, Officers have concluded that the overall harm to the pedestrian route around Henley-on-Thames town centre would not be sufficient to warrant a refusal of planning permission.

- 6.9 In particular, it is important to note that this part of Hart Street offers one of the wider pavements within the town centre. The street furniture is centrally located, with a further 2.5-3 metres of uninterrupted pavement available between the furniture and the road. This section of pavement is wide enough to comfortably accommodate a wheelchair or a pushchair and is as wide as many other pathways around the town centre. Thus, whilst Officers acknowledge that the most direct route past the application site may be somewhat compromised by this proposal, the remaining pavement would be, more than adequate to provide a safe and convenient route along Hart Street for all pedestrians.
- 6.10 Nonetheless, it will still be possible for pedestrians to pass between the tables and the street furniture, including those who are partially sighted. On this basis, the Oxfordshire County Council Highways Liaison Officer has stated that his response of no objection is subject to a condition requiring that the applicant provide additional studs in the pavement to guide the partially sighted safely around the tables and chairs. The barriers proposed by the applicant are not, in Officer's opinion, adequate to fulfil this function. Details of this stud work would need to be agreed in writing by the council prior to work commencing on site.
- 6.11 Oxfordshire County Council has a policy for the placing of tables and chairs on the highway, to which one objector has referred. It is important to note that this policy relates to the associated licensing application that must be made before tables and chairs can be placed on the public highway and is not a document designed to assist in the determination of planning applications. Indeed, a licensing application cannot be made until the appropriate planning permission has been secured. Nonetheless, some of the guidance contained within this policy document reflects the requirements of Policy T1 of the Local Plan.
- 6.12 In particular, the document states that the central consideration when assessing a licensing application is whether the public's right to pass and re-pass is "*detrimentally affected,*" whilst pavement cafes should be "*located...in a manner that protects the rights and safety of all users, with special attention to wheelchair users and those with impaired vision.*" On this matter, the document continues and states that the provision of studs in the highway defining the periphery of the agreed café area is often necessary and the costs will be borne by the applicant.
- 6.13 Furthermore, the document advises, on wider pavements, the width of the remaining pedestrian route should be two metres. As outlined above, a section of the pavement that comfortably exceeds this requirement will remain on the far side of the street furniture and allow people to pass the site safely. Thus, Officers are satisfied that, on this basis, the harm to safe and convenient passage of pedestrians past the application site does not warrant a refusal of planning permission.

7.0 CONCLUSION

- 7.1 The proposal complies with the relevant Development Plan policies and it is considered that the proposed development would be acceptable in terms of its impact on the setting of the Grade II listed building that Maison Blanc now occupies and on the character of the surrounding Henley-on-Thames Conservation Area. Subject to the relevant conditions, Officers are also of the opinion that the tables and chairs will not

unduly obstruct the safe and convenient pedestrian routes around Henley-on-Thames town centre.

8.0 RECOMMENDATION

8.1 That planning permission be granted subject to the following conditions:

- 1. Commencement within Three Years**
- 2. Details of tables, chairs and associated boundary treatments to be submitted and approved in writing prior to work commencing**
- 3. Details of pavement studs to assist the blind and partially sighted to be submitted and approved in writing prior to work commencing**

Informative regarding need for applicant to first secure licence from the Highway Authority

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