

**15/00241/FUL****81 HIGH STREET RAYLEIGH**APPLICANT: **GREGGS PLC**ZONING: **PRIMARY SHOPPING**PARISH: **RAYLEIGH TOWN COUNCIL**WARD: **WHITEHOUSE**

In accordance with the agreed procedure this item is reported to this meeting for consideration.

This application was included in Weekly List No. 1289 requiring notification of referrals to the Director by 1.00 pm on Wednesday, 24 June 2015 with any applications being referred to this meeting of the Committee. The item was referred by Cllr J L Lawmon.

The item that was referred is appended as it appeared in the Weekly List, together with a plan.

**1 NOTES**

- 1.1 The application site comprises an area of land to the front (north-west) of number 81 High Street, Rayleigh which is part highway and part forecourt to No. 81. Number 81 High Street is situated within the primary shopping frontage area, Conservation Area and town centre of Rayleigh.
- 1.2 The proposal is for the use of an area measuring 3.01m deep and 4.59m wide for external seating by Greggs. This premises is within a parade of commercial units which are inset from neighbouring shops with forecourt located to their frontage. The outdoor seating would use existing forecourt and also project into the public highway. It would project 1.65m beyond the front elevation of the neighbouring shop at No. 77 (Boots). The seating would be surrounded by moveable banners.

**2 PLANNING HISTORY (since the 1990s)**

- 2.1 15/00300/ADV - 4 No. Heavy Duty Canvas Banners Displaying the Company Logo to be Positioned Around Outside Seating Area. PENDING CONSIDERATION
- 2.2 07/00785/ADV - Externally Illuminated Fascia Sign. APPROVED

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- 2.3 07/00534/ADV - Internally Illuminated Fascia Sign (Only Text to be Illuminated). REFUSED
  - 2.4 07/00530/FUL - Internal Alterations and New Shop front. APPROVED
  - 2.5 88/03015/ADV - 5 spotlights to illuminate hand printed fascia sign. APPROVED
  - 2.6 88/00577/FUL - New shop front. APPROVED
  - 2.7 ROC/3015/88/AD - Erect 5 spotlights to illuminate hand painted fascia sign. APPROVED
  - 2.8 ROC/29/77 - Erect non-illuminated fascia sign and replace existing internally illuminated advertising sign
  - 2.9 RAY/262/67 - New shop front. APPROVED
  - 2.10 RAY/15/67 – Shop front. APPROVED
  - 2.11 RAY/31/64 - Ground floor shops with office accommodation on 1st and 2nd floors. APPROVED
  - 2.12 RAY/157/63 - (Outline) Development for shopping at ground floor with 2 floors of offices over. DECISION NOT DOCUMENTED

### **3 MATERIAL CONSIDERATIONS**

- 3.1 The application proposal seeks planning permission to change the use of the public highway land to an area of outdoor seating to serve the use operating at No. 81.
- 3.2 Planning permission was granted in the 1960s for No. 81 to be used for retail purposes (A1), a sandwich bar would fall within this description. However, Greggs has a degree of seating within its premises and the current proposal would provide for further seating. It is considered that this site operates more as a mixed A1/A3 use than an A1, similar to Costa Coffee which applied for and was granted permission for a mixed A1/A3 use in 2007 (07/01074/COU). Although planning permission has not been granted for a mixed A1/A3 use at this site its planning history demonstrates that from the 1980s it has operated in a very similar manner to the current day and therefore the A1/A3 use that operates here is considered to be lawful. This assessment is relevant because there is an element of forecourt to the frontage of No. 81 which can be used in association with the lawful use of the premises. On the basis of the assessment above, it would not represent a material change of use from the lawful A1/A3 use to locate outdoor seating within the existing forecourt area at this site to the immediate frontage of this premises. Therefore, it is not the entire proposal which actually requires planning permission at this site but a strip approximately 1m deep and 4.59m wide which forms the public highway.

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- 3.3 The proposed seating area would reduce the width of the main footpath along this section of the High Street to approximately 2.2m between the seating area and adjacent taxi rank. At present, a market operates within this taxi rank, opposite No. 81, on Wednesdays and on other occasions throughout the year. This was granted planning permission in 2013 under application reference: 13/00077/FUL. In this location whilst the stalls are mostly located within the taxi rank they do extend slightly into the High Street pavement.
- 3.4 The Manual for Streets 2007 is national guidance published for the Department of Transport. Within this document, it provides the following guidance with regards to pavement widths:-
- 3.5 6.3.22 There is no maximum width for footways. In lightly used streets (such as those with a purely residential function), the minimum unobstructed width for pedestrians should generally be 2m. Additional width should be considered between the footway and a heavily used carriageway, or adjacent to gathering places, such as schools and shops. Further guidance on minimum footway widths is given in Inclusive Mobility.
- 3.6 6.3.23 Footway widths can be varied between different streets to take account of pedestrian volumes and composition. Streets where people walk in groups or near schools or shops, for example, need wider footways. In areas of high pedestrian flow, the quality of the walking experience can deteriorate unless sufficient width is provided. The quality of service goes down as pedestrian flow density increases. Pedestrian congestion through insufficient capacity should be avoided. It is inconvenient and may encourage people to step into the carriageway (Fig. 6.9).
- 3.7 Within the Inclusive Mobility document produced by the Department of Transport it states as follows at section 3.1:-
- 3.8 A clear width of 2000mm allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal circumstances. Where this is not possible because of physical constraints 1500mm could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another. The absolute minimum, where there is an obstacle, should be 1000mm clear space. The maximum length of restricted width should be 6 metres (see also Section 8.3). If there are local restrictions or obstacles causing this sort of reduction in width they should be grouped in a logical and regular pattern to assist visually impaired people.
- 3.9 It is also recommended that there should be minimum widths of 3000mm at bus stops and 3500mm to 4500mm by shops though it is recognised that available space will not always be sufficient to achieve these dimensions.
- 3.10 Whilst the Inclusive Mobility document seeks greater pavement space close to shops, it accepts that such dimensions may not always be achievable. The Essex Design Guide at page 122 gives a minimum width requirement of 2m

and so does page 45 (section 4.5) of the Development Management Handbook produced by ECC Highways. ECC Highways does not object to the proposal, however, they highlight the requirement for a highway licence for one row of the seating proposed. The 2m width would be exceeded the majority of the time with a slightly lesser distance when the market is in operation on Wednesdays and 10 other days of the year (as approved). It is considered that sufficient space would still remain within this 4.59m distancing for pedestrian access, even with the market in operation.

- 3.11 Policy RTC4 of the Council's Core Strategy is concerned with Rayleigh town centre and among other things seeks to improve accessibility to and within the town centre, and to ensure a safe and high quality environment for residents and visitors. Whilst the proposal would result in a reduction in pavement space within this area it is not considered that this would be to such an extent that it would unacceptably obstruct accessibility and reduce the quality of the High Street environment for residents and visitors.
- 3.12 Whilst it is recognised that the Rayleigh Centre Area Action Plan (AAP) is currently in draft form it can still be afforded some weight due to the stage to which this document has now reached. The Rayleigh Centre Area Action Plan Submission Document was submitted to the Government for independent examination on 5 December 2014 and the Council is currently consulting on the main modifications to this document. Within section 2.8 of the AAP, it is stated that "... the development of the AAP offers an excellent opportunity to enhance the accessibility of the town centre for the elderly and those with disabilities. Such improvements can be achieved by the removal of street clutter along main routes of pedestrian movement... Minor walking improvements could be delivered in the form of a redesigned taxi rank, the removal of pedestrian guard railings and general decluttering". The AAP seeks to reduce the level of street clutter within the town centre, to enhance accessibility. Within policies 4 and 5 in particular, the AAP seeks to create a new public space at the centre of the High Street including the rationalisation and reduction in size of the taxi rank. Such possible reduction in size in the taxi rank would increase accessibility within this area. It is not considered that the proposal would represent street clutter; it is considered that it would add vibrancy to the High Street environment.
- 3.13 The site is located within the Rayleigh Conservation Area. The Rayleigh Conservation Area Appraisal and Management Plan (RCAAMP) at figure 47 considers the parade of shops to which Greggs is a part as having a negative contribution to character. Discussing High Street works in general the RCAAMP states the following at paragraph 10.29:-
- 3.14 A street improvement scheme was carried out in the High Street in 1998. The broad pavements are made of concrete slabs relieved with red clay paving bricks in the wider areas such as the south end of the west side and round the Millennium clock. The street is quite well provided with trees, mostly planes, and in the wider part these have raised planters round their bases with

integral seats. Other features are benches, a well designed bus shelter, bollards, stainless steel cycle stands, cast iron railings and traditional type lamp standards. The street furniture is all painted a uniform green. The success of this scheme is reflected in the heavy pedestrian use of the pavements in the wider end of the street and the numbers of people to be found on and around the benches.

- 3.15 This highlights how well used Rayleigh High Street is by its residents and visitors. The ECC Conservation officer objects to the application considering it to represent an unwelcome intrusion in the streetscape of the Conservation Area by creating a cluttered and garish element. However, officers consider that it is difficult to argue such a perspective as the seating would be located outside a 1960s building within the High Street.
- 3.16 The National Planning Policy Framework at section 2 'ensuring the vitality of town centres' states at paragraph 23 that Local Planning Authorities should 'recognise town centres as the heart of their communities and pursue policies to support their viability and vitality'. It is considered that a degree of outside seating to the High Street frontage would assist in supporting the vitality of the High Street, creating an 'active' frontage. Other popular towns have outside seating for café/restaurant uses, such as Leigh-on-Sea, yet this has not negatively affected the functioning of this particular busy High Street location.
- 3.17 Bearing in mind that a pavement width of approximately 2.2m would remain with the proposed seating in place with a lesser distance on market days, that ECC Highways does not object to the proposal and that the site has a fall back position whereby such seating could be installed, which is approximately 1m less than the proposal without the need for planning permission, it is considered that it would not be justified to refuse this application. Planning conditions could be imposed where reasonable, including a condition seeking improved barriers that are not a hazard to the blind and that have a more attractive appearance within the Conservation Area. It is not considered appropriate to apply a planning condition restricting opening hours for the use of the external seating as there is no such restriction on the use of No. 81 itself.

#### **4 REPRESENTATIONS**

##### **4.1 RAYLEIGH TOWN COUNCIL - Comments as follows:-**

- Objects to this application due to the narrowing of the High Street pavement in a very busy area of the town.
- This would impact on the market on operating day.
- The building is located in the Conservation Area and the advertising would be detrimental to the street scene SPD.4.11.8.
- Concerns regarding the public queuing outside the premises for health and safety reasons.

- The applicant does not own the land past the brass pavement studs.

#### 4.2 ECC CONSERVATION - Comments as follows:-

- I object to the principle of this application, as I believe that it will be an unwelcome intrusion in the streetscape of the Conservation Area by creating a cluttered and garish element. As such the application would be detrimental to the character and appearance of the Conservation Area. This will only be heightened by the use of several screens to section off the area from the rest of the pavement, which are to display advertising for the company, and would further add to the intrusive nature of the proposed plans.
- It is worth noting that whilst there are a couple of other establishments that offer outside seating on the High Street, these are limited to two tables under the canopy of the buildings, and as such do not represent such an overpowering intrusion.
- I would therefore recommend refusal on the grounds that the application is contrary to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to 'preserve and enhance' the Conservation Area, and to the requirements set out in section 126 of the NPPF for the preservation of heritage assets.

#### 4.3 ECC HIGHWAYS - From a highway and transportation perspective the impact of the proposal as shown in the drawing no. RSEA/S0918/20 is acceptable to the Highway Authority. However, the application includes use of adjoining highway land for the positioning of one row of outdoor tables with seating which requires a section 115 licence, of the Highways Act 1980.

#### 4.4 ROCHFORD ACCESS COMMITTEE FOR THE DISABLED -

- The seating area is a hazard to the disabled.
- We have to look out for the A boards that block the paths in the High Street
- Putting tables and chairs on the path two rows deep is over the top and the cloth barrier is a hazard to the blind that use a long cane as it will go under the barrier.

## 5 RECOMMENDATION

### 5.1 It is proposed that the Committee **RESOLVES**

That the application be approved, subject to the following conditions:-

- (1) SC4B Time Limits Full - Standard
- (2) Prior to commencement of the development hereby approved, details shall be submitted to and agreed in writing with the Local Planning Authority providing revised barriers to the external seating area. Once

agreed such barriers shall be implemented on site prior to first use of the development hereby approved.



Shaun Scrutton

Director

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### **Relevant Development Plan Policies and Proposals**

CP1, CP2, RTC1, RTC4 of the Core Strategy (2011)

DM1, DM34 of the Development Management Plan (2014)

Rayleigh Centre Area Action Plan Submission Document (Post Pre-Submission Consultation).

Rayleigh Conservation Area Appraisal and Management Plan (2007)

Manual for Streets (2007)

Inclusive Mobility (2005)

The Essex Design Guide (2005)

National Planning Policy Framework (2012)

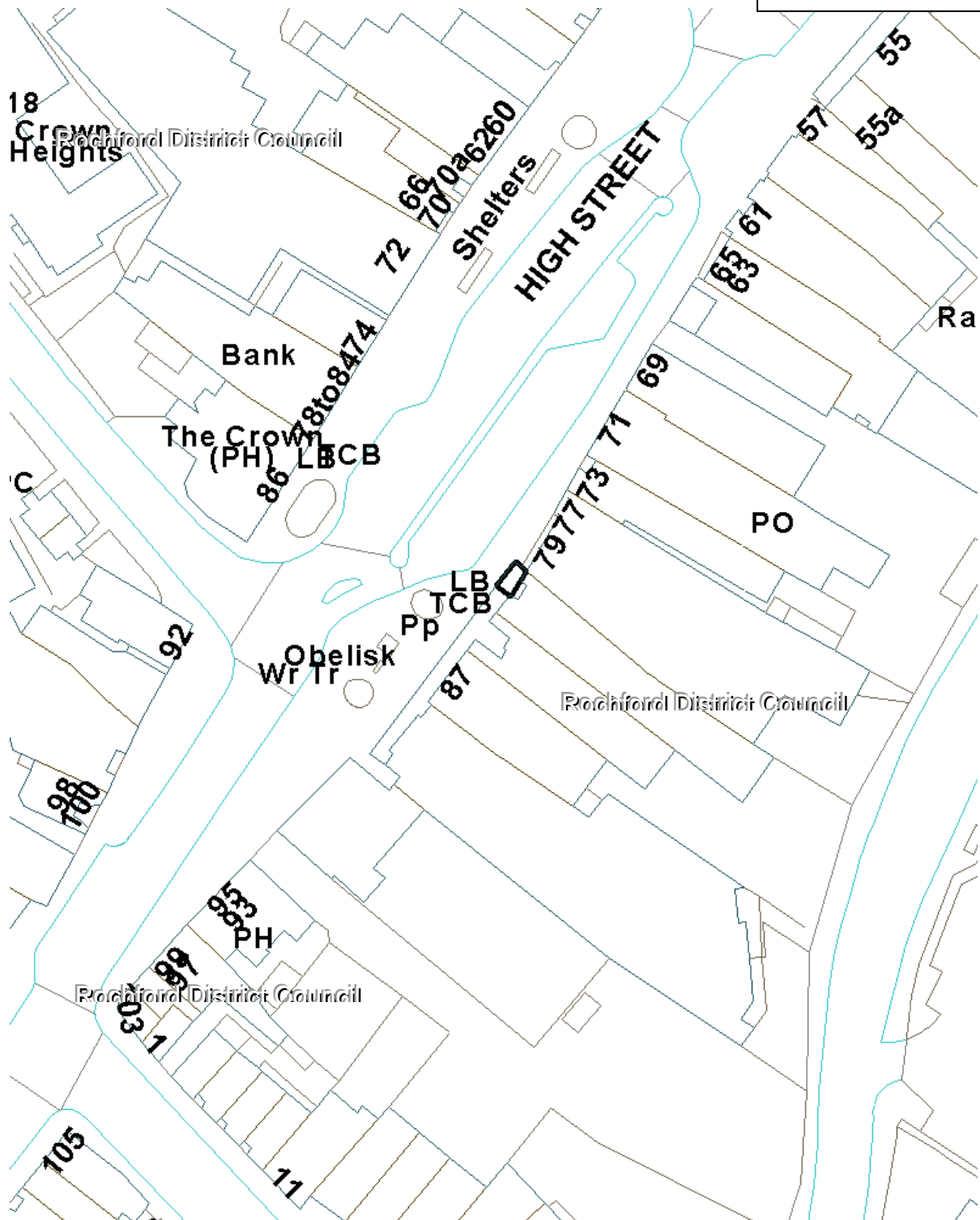
For further information please contact Claire Buckley on:-

Phone: 01702 546366

Email: [Claire.buckley@rochford.gov.uk](mailto:Claire.buckley@rochford.gov.uk)

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