

<b>Subject:</b>	Highways Act 1980 – Section 115E - Route 1 (Deal) Ltd, Beach Street, Deal
<b>Meeting and Date:</b>	Regulatory Committee – 1 <sup>st</sup> December 2015
<b>Report of:</b>	Licensing Team Leader
<b>Classification:</b>	Unrestricted
<b>Purpose of the report:</b>	Permission to site street furniture on the highway
<b>Recommendation:</b>	That the Committee determine the application

## 1. Summary

The regulation of the placing of tables and chairs on a highway is a statutory function of the Council under the Section 115E, of the Highways Act 1980.

## 2. Introduction and Background

2.1 Mr Nicholas Stevens of Route 1 (Deal) Ltd, Beach Street, Deal has applied for the siting of 10 tables and 40 chairs on the highway immediately in front of the premises. These are fold away round, metal framed bistro style tables with fold away chairs (up to four per table) photographs supplied as part of the application (**Appendix A**). A plan of the proposed siting of the street furniture is shown at **Appendix B**.

2.2 As part of the consultation process views have been sought from local businesses, Kent Highway Services and the Police. The application was also advertised at the site by way of a Notice and copies were delivered to nearby frontagers.

2.3 Eight Representations have been received (see **Appendix C**) and are as follows:-

**Deal Town Council** – feels that if this application is granted it will restrict public access along the promenade. It is also expected that Stagecoach in liaison with KCC will be reinstating the bus shelter near this area so the surrounding area should be kept clear for pedestrians.

**Tom Harvey** - feels that starting at 7am does not sit well, as there is already an early noise issue with service/environmental vehicles and operatives and would not welcome further noise by the laying out of potential noise of the establishments patrons. Surely if the opening hours are as indicated on the Notices then their clients can remain within the buildings until a more reasonable time – 9am.

**Mr M Horncastle** - states that when planning was granted for this development it excluded the provision for tables and chairs outside the building. The space taken by street furniture will seriously reduce the open space and access to the promenade, the walkway and Royal Hotel car park. The number of tables and chairs is disproportionate for the size of the café. The visual aspect of the street furniture will detract from the beautiful outlook. The area will become overcrowded with potential for noise, litter and social behaviour.

**Mr R C Grinstead** - feels that this proposal would take up a large area of promenade dedicated for public use and also it would close an access route from the roadside to the beach which is also a public right of way. The proposed opening hours will also cause distress to local residents.

**Mrs L Grinstead** - feels that ten tables and forty chairs on the seafront would take away a large section of public highway. It would block an entrance from the promenade onto the seawall and it would obstruct pushchairs and wheelchair users. It would also be an eyesore and not an asset to the lovely seafront. In this plan, opening times are shown as 07:00 – 18:00. In the original plan the times were 08:00 – 18:00

**Mr M Woolls** - states that planning consent states that there shall be no outside seating outside the area shown on the approved plan unless otherwise agreed in writing by the Local Planning Authority. The density of tables is too great to allow the safe passage of wheelchair users across the public highway or to the café plus there is no allowance for the turning circle of a wheelchair user around the proposed tables and chairs. The number of tables proposed is not in keeping with the proposed development and the conservation area in which it is situated. There is no proposed provision for the temporary storage of bicycles which in turn would then block the public highway and vital pedestrian space.

**Mrs C Woolls** - states that the original application for this site was granted but with the conditions of no outside seating. Would this proposal obstruct pedestrians and wheelchair/pushchair users. Additional rubbish and litter should also be taken into consideration. It would spoil a lovely part of this promenade.

**Mr J Woolls** - states that when planning permission was granted for the development it excluded the provision for tables and chairs outside this building. The application appears to extend well beyond the boundaries of this property itself, encroaching on the public highway/promenade. The number of table and chairs is disproportionate for the size of the café. The visual aspect of the street furniture will detract from the current elegant outlook over the sea. It will obstruct access from the promenade to the Royal Hotel public car park and walkway. Potential for noise and litter.

2.4 Highways have commented (see **Appendix D**) that if this permit is granted, they would request a condition that the footway leading up to & in front of the Royal Hotel is clear at all times.

### **3 Options available**

- (1) To allow the application as applied for
- (2) To allow the application as applied for but with additional conditions
- (3) To reject the application.

### **Appendices**

Appendix A – Application form and supporting documentation

Appendix B – Plan of street furniture

Appendix C – Representations

Appendix D – Highways comments

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