



Chelmsford City Council Regulatory Committee

27th March 2025

Business and Planning Act 2020 – Application to appeal the decision of a pavement licence.

Report by: Director of Public Places

Officer Contact:

Simon PARNHAM, Licensing Officer, simon.parnham@chelmsford.gov.uk 01245 606727

Purpose

The Committee is requested to consider an application to review the licensing authority's decision to refuse a pavement licence.

Options

Members are advised that they have the following options when determining this application.

-
1. To uphold the decision to refuse the licence.
 2. To grant the licence as applied for
 3. To grant the licence with specific conditions or modifications.
-

1. Introduction

- 1.1 Pavement licences were introduced under the Business and Planning Act 2020 ('the 2020 Act') and allows someone who has a business premises for the sale of food and/or drink to apply for a licence to place removable furniture on a

highway. The furniture can be used for the sale or service of food and by the business's customers. On receipt of an application, there is a 14- day period of public consultation followed by a 14-day period of determination. Before determining an application, the local authority must consider any representations received during the consultation period and must consult the Highways Authority. If a local authority does not make a determination within the 14-day determination period, the licence is deemed granted.

- 1.2 Chelmsford City Council's Policy permits furniture placement only in specific areas. A copy of our policy is attached as **Appendix A**
- 1.3 Legislation does not provide a statutory right of appeal for these decisions. However, councils may consider granting an informal review process to their Regulatory Licensing Committee, which is the decision taken in this instance.

2. Background

- 2.1 The premises is situated at 1 New London Road, Chelmsford, CM2 0NA. The property has two street fronts: Conduit Street (the passageway) and New London Road, as well as fronting Half Moon Square. A Google Map image showing the location of the premises is attached (**Appendix B**).
- 2.2 This is not the first application received for a Pavement Licence at this location submitted by Mr. Parker on behalf of Gail's. The initial application was submitted on 4th November 2024.
- 2.3 Following representations received opposing the application, the Licensing Authority refused the first application.
- 2.4 The current application has attracted objections that closely mirror those raised in the first application.

3. Application

- 3.1 On the 22nd January 2025, a complete application was received from Brett Parker in accordance with section 2(1) & (2) of the Business and Planning Act 2020 using the Council's application form and procedures. Please see attached as **APPENDIX C**.
- 3.2 A detailed plan and photographs of the proposed area were provided and are attached as **APPENDIX D**
- 3.3 Consultation was sent out to all responsible authorities on the 23rd January 2025 with a closing date of 5th February 2025.

4. Representation and consideration

- 4.1 During the course of the application, comments were made during the consultation period from Chelmsford Planning department, Town Centre Management and the Chelmsford Markets & Shop mobility Manager. These are attached as **APPENDIX E**
- 4.2 While the Licensing Authority had the discretion to grant the application, doing so would have been contrary to all opposing comments. In line with Chelmsford City Council's policy which states Tables and Chairs will not be permitted where they would restrict any pedestrianised public highway to less than 2.5 metres in width or impede any designated cycle route., the application was therefore refused. A letter outlining the refusal and the reasons was sent to Brett Parker via email on 18th February 2025 and is attached as **APPENDIX F**
- 4.3 Chelmsford City council received an email of appeal, on 13th March 2025, in relation to the refusal of a pavement licence. Please see attached at **APPENDIX G**.

5. Conclusion

- 5.1 In conclusion, while upholding the decision to refuse the licence aligns with existing policies and regulations, an alternative option could be to grant the licence as applied for, or grant with specific conditions or modifications, thereby addressing concerns while supporting local business operations.

List of appendices:

Appendix A – Policy & Plans
Appendix B - Google image of premise
Appendix C – Application
Appendix D – Plans.
Appendix E – Objections from consultees
Appendix F – CCC refusal letter
Appendix G – Applicants letter of appeal.

Background papers: Business and planning Act 2020

Corporate Implications

Legal/Constitutional:

The Council must ensure a fair and transparent review process, allowing the appellant to present their case and respond to any evidence. In reviewing any decision to refuse an application, the Committee must have due regard (and accord due weight) to

Chelmsford City Council's pavement licensing policy, which outlines permitted areas and conditions for approval.

Financial:

A successful Judicial Review of the decision could lead to potential costs for the council, including legal fees or compensation if the refusal is deemed unreasonable.

Potential impact on climate change and the environment:

Granting a pavement licence may increase foot traffic, noise, and waste generation.

Proper waste management and environmental considerations should be in place.

Contribution toward achieving a net zero carbon position by 2030:

None

Personnel:

Staff resources are required to manage the appeal process, enforce compliance, and address any emerging concerns.

Risk Management:

Key risks include legal challenges, reputational damage, and accessibility concerns.

The council must balance business interests with public safety and urban planning policies. Decisions must ensure accessibility for all, including individuals with disabilities and

consider the impact on the wider community.

Health and Safety:

The council must ensure pedestrian safety, emergency access, and adherence to fire and noise regulations. Outdoor seating should not obstruct pathways or create hazards.

Digital:

Records of applications and appeal processes should be maintained electronically with appropriate data security measures.

Other: None

Consultees: Legal, Democratic Services

Relevant Policies and Strategies: Business and planning Act 2020

Pavement Licensing Policy

1. Introduction

The Business and Planning Act 2020 (as amended) was introduced as temporary legislation to assist businesses and remove existing bureaucracy around what were known as Tables and Chairs Licences under the Highways Act. The Business and Planning Act 2020 has now been amended by the Levelling Up and Regeneration Act 2023 which makes the Pavement Licence regime permanent.

The Act allows Chelmsford City Council to permit specified furniture to be placed on the highway (mostly footpaths and pedestrianised areas) although where applicable, businesses may still need the activity to be licensed, for example, sale of alcohol.

2. Definition of ‘pavement licence’

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, and for certain purposes.

3. Eligible Businesses

A person (which includes a body corporate) which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, ice cream parlours or similar.

A licence permits the business to use furniture placed on the highway in order to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

A pavement licence does not licence the activity, only the placing of the furnishings. The pavement licence is issued to a person or incorporated body. Where there is a change to that person or incorporated body then the licence will lapse, and a further application will need to be made by any new person.

4. Eligible Locations

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980.

Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

This policy is applicable throughout the Chelmsford City Council district, although its main impact is within the city centre as other areas with demand for tables and chairs tend to be on privately owned land.

From 8 High Street northwards to the top of the High Street tables and chairs are only permitted in the hatched areas of the plan at Appendix 1. There must be a minimum width of 3 metres between the business façade and the tables and chairs, and a minimum 5 metre clear route along the centre of the street. The maximum depth of the area licensed for tables and chairs to be 2.5 metres.

To the south of 8 High Street, including Springfield Road and Moulsham Street, tables and chairs to be placed abutting the façade. The maximum depth of the area licensed for tables and chairs is to be 2.5 metres. Maximum depth of 2.5 metres does not apply to Exchange Square or Backnang Square.

Tables and chairs can only be placed in front of the façade the licence holder is responsible for.

Tables and Chairs will not be permitted where they would restrict any pedestrianised public highway to less than 2.5 metres in width or impede any designated cycle route.

Any application for tables and chairs in front of Shire Hall must be considered by the Council's Regulatory Committee.

5. Type of furniture permitted

Seating, tables and, if required, umbrellas and heaters (together with a secure base) as well as any proposed barriers to enclose the seating area are permitted.

The furniture must be fit for purpose and designed specifically for commercial outdoor use (and comply with all relevant BS standards). It must be kept in good order; damaged or faded items must be replaced.

This furniture is required to be removable, meaning that it is not a permanent fixed structure, and is able to be moved easily, and should be stored away when the premises are closed for activity.

There is an expectation that the type and style of furniture would be 'in keeping' with the local area.

Picnic benches and plastic tables and chairs designed for domestic use (e.g. white plastic furniture) are not permitted.

Any form of gazebo or enclosed shelter with one or more sides is not permitted.

6. Barriers

When tables and chairs are in place a standard barrier consisting of a fabric banner and associated post/rail system shall be used. The function of the barriers is to demarcate and contain the tables and chairs but also to give a clear warning particularly to people with visual impairments.

The barriers shall be secured by a purpose designed post and rail system with weighted post bases to prevent being knocked or blown over and be of a height range of 800mm to 1000mm so to not visually obstruct views down the street or be an obstructing hazard

Street café barriers should be of a design to complement the character of the surrounding area. Banners should be of one design, in a plain style and can incorporate the business name or brand logo. Posts and rails should be stainless steel, chrome plated or powder coated.

7. Times of Operation

The tables and chairs can be placed on the highway only when the premises are open for business and in any event not before 6.00 am and normally until the close of business.

Where nuisance is likely to be caused to residents e.g. late at night, businesses may be required to remove the tables and chairs before the close of business.

8. Planning Permission

Once a licence is granted the applicant will also benefit from deemed planning permission to use the land for anything done only pursuant to the licence while the licence is valid, but not for any other purpose.

9. Consultation

Applications are consulted upon for 14 days, starting with the day after that on which the application is made to the Council (an application will not be considered to have been properly made unless each requirement has been met).

The Council will publish details of the application on its website at www.chelmsford.gov.uk/business/licensing/find-a-licence/pavement-licence

The Council is required by law to consult with the Essex County Council Highways Authority. In addition, to ensure that there are no detrimental effects in granting such a licence the Council will also consult with:

- Chelmsford City Council Environmental Health Service
- Chelmsford City Council Planning Department
- Essex Police
- The appropriate Local Ward Councillor(s)
- The appropriate Parish or Town Council

Members of the public and others listed above can contact the Council to make representations.

The Council must take into account representations received during the public consultation period and consider in their determination of the application.

10. Cost

There is an application fee and a renewal fee payable every two years. Details can be found on the application form and Chelmsford City Council website.

11. Insurance

Operators must indemnify both Chelmsford City Council and Essex County Council in respect of injury, damage or loss arising out of the grant of permission (unless such claims arise out of the Councils' negligence). All operators must have public liability insurance in the sum of £10,000,000 in respect of any one event. A copy of this insurance must be produced to the Council before a licence will be issued.

The Licence holder shall make no claim or charge against the Council in the event of the furniture or other objects being lost, stolen or damaged in any way.

12. Litter

Refuse and litter deposited on the highway in the vicinity of the chairs and tables must be collected at not less than hourly intervals (or more frequent intervals if required under the Environmental Protection Act 1990).

Litter is not to be placed in the litter bins situated on the highway for use by the general public, but in the trade refuse bins.

All tables must be cleared as soon as practicable after being vacated by customers to avoid litter being deposited unnecessarily on the highway.

13. Miscellaneous Conditions

The Licence holder must remove any furniture if required to do so to permit works in or the use of the highway by the Council, the County Council, the emergency services any statutory undertaker or telecommunications code operator or where the Licence holder has been notified of a special event taking place.

No charge can be made by the Licence holder for the use of the furniture.

All licences are renewable every two years.

Appendices

Appendix 1

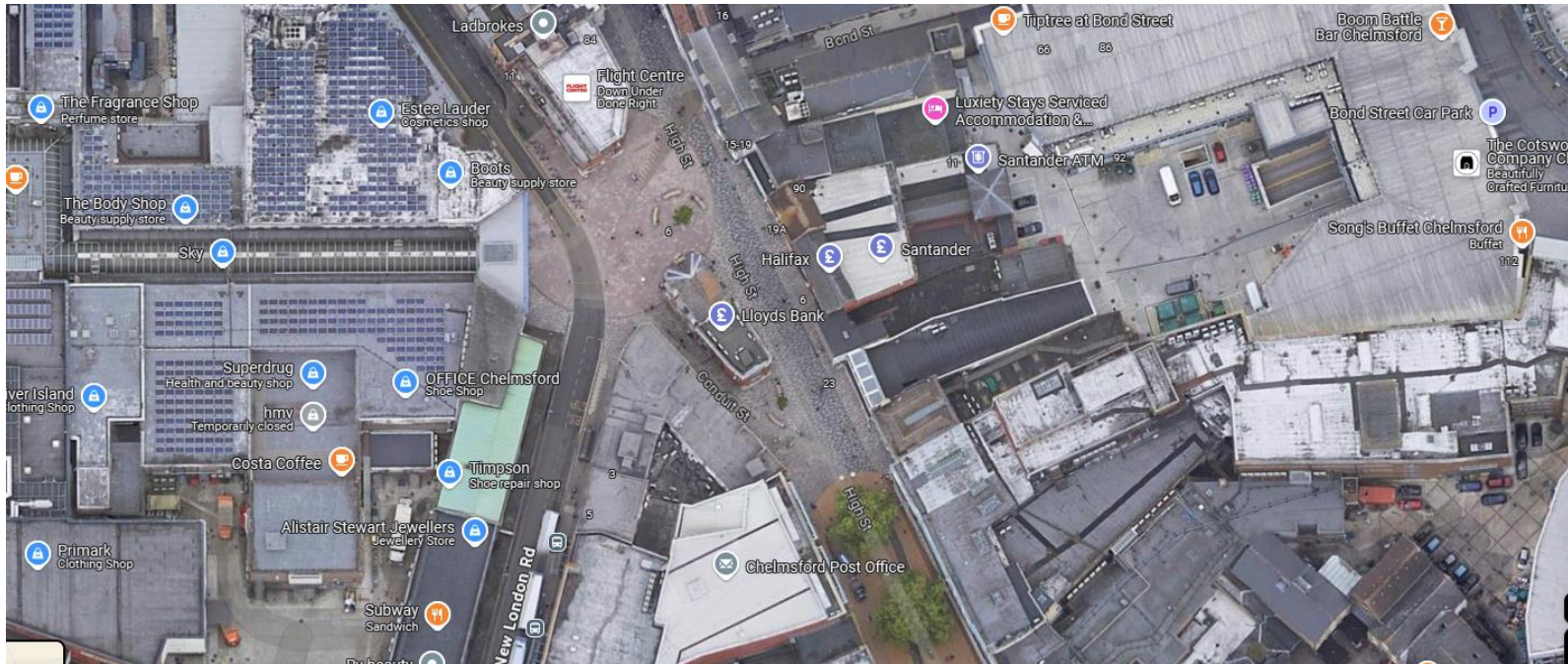
Map of Chelmsford City High Street with permitted areas for tables and chairs

Creation date	Version No.	Changes Approved:
June 2024	2	Policy updated to include legislative changes, adopt new and renewal fees and take into account decision of regulatory committee on 17/3/2022 to introduce specific restrictions in Chelmsford Town Centre



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Appendix B



APPLICATION FOR THE GRANT/RENEWAL OF A PAVEMENT LICENCE

Before completing this application please read any associated guidance that can be found on our website at www.chelmsford.gov.uk. If you need to provide additional information please do so on a separate appendix to this application and submit with all required documentation as requested

APPLICANT DETAILS		
Title: <i>MR</i>	First name(s): <i>BRETT</i>	Surname: <i>PARKER</i>
Postal Address:		
Post Town:	Post Code:	
Phone (Home): <i>0</i>	Phone (Mobile):	
e-mail address:		
Date of Birth:	NI number:	

BUSINESS PREMISES DETAILS	
Trading Name: <i>GAIL'S</i>	
Postal Address: <i>1 NEW LONDON</i> <i>CHELMSFORD</i> <i>CM2 0NA</i>	
Purpose for which the business premises are used? (please tick one of the following options)	
Use as a public house, wine bar or other drinking establishment	<input type="checkbox"/>
Other use for the sale of food or drink for consumption on or off the premises	<input checked="" type="checkbox"/>
Both of the above uses	<input type="checkbox"/>

ROAD

AREA OF HIGHWAY PROPOSED TO BE USED

Please provide a description of the area of the highway to which this application relates:
(Please note you are required to submit a scale plan of this area with your application)

PAVEMENT TO FRONT AND SIDE OF
1 NEW LONDON ROAD (EITHER SIDE OF
SHOP ENTRANCE).

RELEVANT PURPOSE THE APPLICATION RELATES TO:

Which of the following relevant purposes do you wish to put furniture on the highway for?
(please tick one of the following options)

To sell or serve food or drink supplied from, or in connection with relevant use of, the premises	
For the purpose of consuming food or drink supplied from, or in connection with relevant use of, the premises	<input checked="" type="checkbox"/>
Both of the above purposes	

DAYS AND TIMES

During what times do you propose to place furniture on the highway on each of the following days:
Please use the 24hr clock.

Mondays	07:00 to 19:00	Fridays	07:00 to 19:00
Tuesdays	07:00 to 19:00	Saturdays	07:00 to 19:00
Wednesdays	07:00 to 19:00	Sundays	07:00 to 19:00
Thursdays	07:00 to 19:00		

FURNITURE TO BE PLACED ON THE HIGHWAY

Please provide a description and quantity of the furniture you propose to place on the highway.

(Please note you are required to provide photographs or brochures of the proposed furniture with your application)

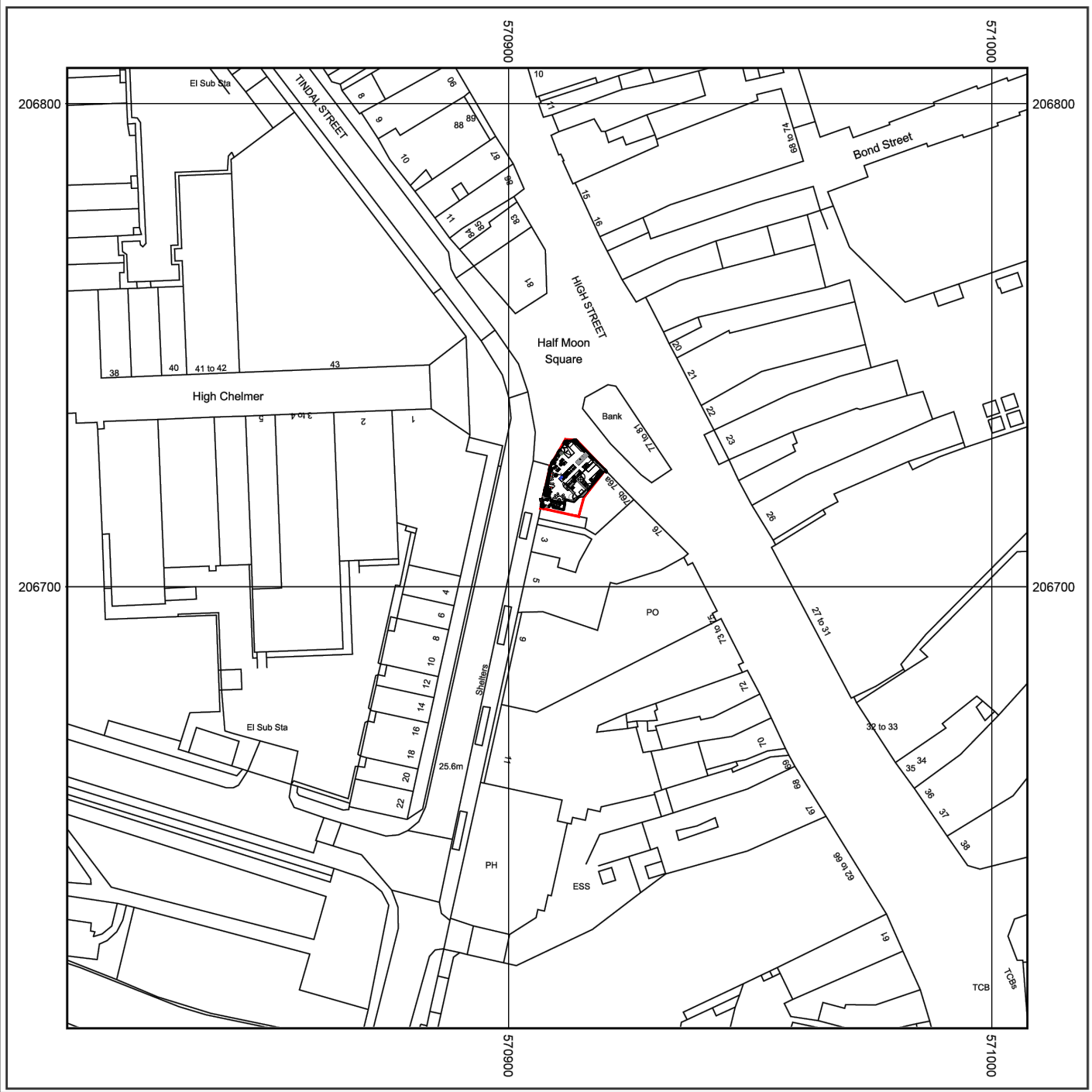
8 TABLES , 16 CHAIRS

Checklist:

- I have paid the fee of £500 for a new grant or £350 for a renewal application
- I have attached photographic evidence of the public notice
- I have enclosed a plan showing the extent of the area and layout of furniture
- I understand that I must now advertise my application.
- I understand that if I do not provide information requested that my application will be rejected.
- I understand that there is no assumed right of permission unless not determined within the required period. Where council refuse permission I understand that fees will not be refunded.

Rec. Ref





OS MAP
SCALE 1:1250

0 25 50 75 100 125

1:1250 metres

0 1 2 3 4 5

1:50 metres

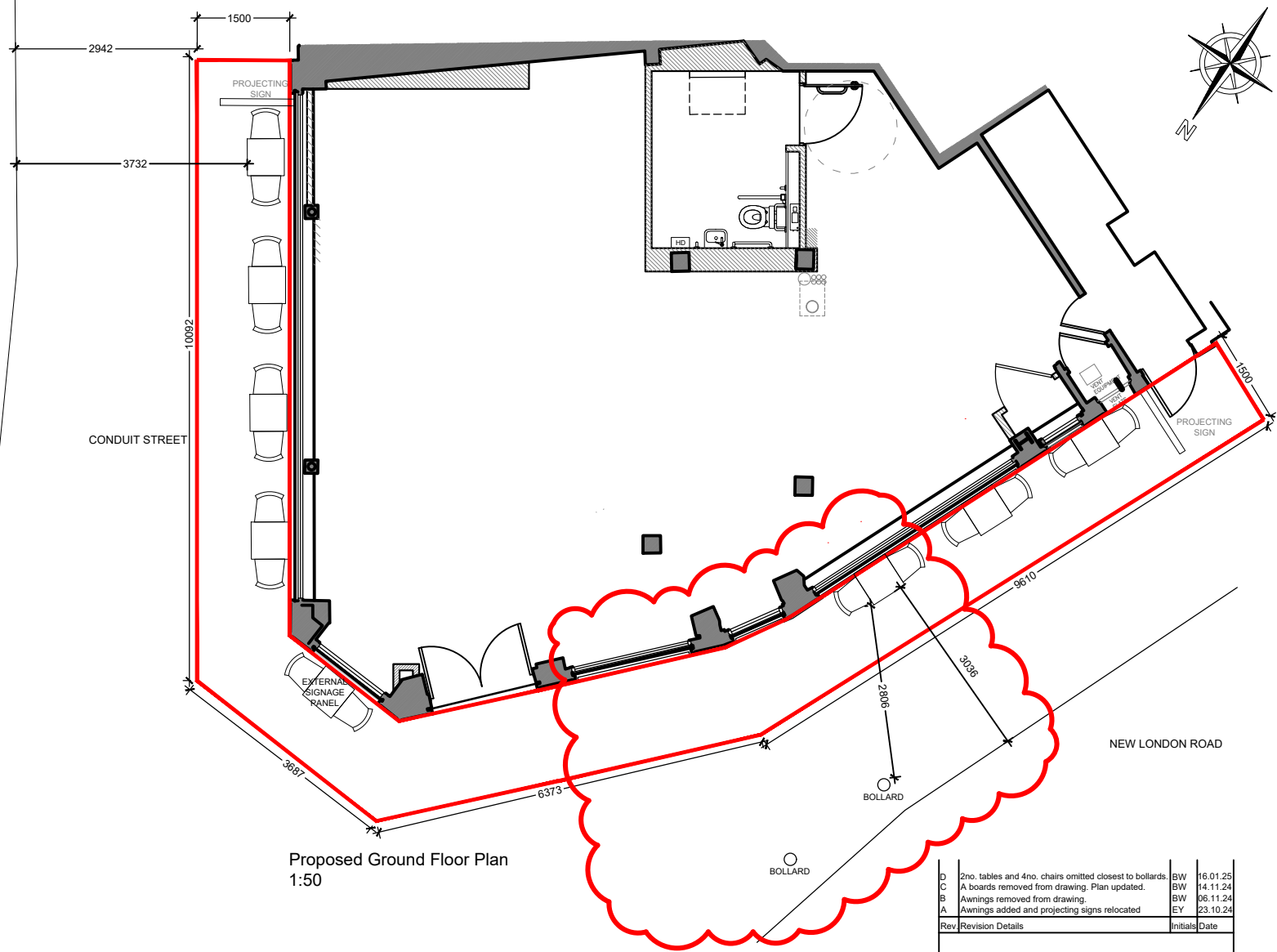


IMAGE OF PROPOSED AREA

Rev	Revision Details	Initials	Date
D	2no. tables and 4no. chairs omitted closest to bollards	BW	16.01.25
C	A boards removed from drawing. Plan updated.	BW	14.11.24
B	Awings removed from drawing.	BW	06.11.24
A	Awings added and projecting signs relocated	EY	23.10.24

newmangauge

E.design@newmanguauge.com T. 0121 212 9800
47A George St. Birmingham B3 1QA
newmanguauge.com

Client

GAIL's

Project

**GAILS BAKERY
CHELMSFORD**

Drawing Title

**PROPOSED PAVEMENT
PLAN**

Project Type

PLANNING

Date	Scale	Drawn By
SEP'24	AS@A3	BW
Project No.	Drawing No.	Revision
3178	005	D

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Appendix E

Please see below screen shots of the comments received during the consultation period

Hi Simon,

The application for a pavement licence for Gails would make access on the High Street side of the building very difficult, especially on busy days. This part of the paved high street is already very narrow, and any furniture would just add to the congestion in this area that can become a bottle neck very quickly.

I would not be in favour of this application for access reasons in this location.

Kind regards

Pauline
Pauline Rider
Chelmsford Markets & Shopmobility Manager
Directorate of Public Places
Chelmsford City Council

Tel: 01245 605716/07841 802722 (Tuesday – Saturday)

pauline.rider@chelmsford.gov.uk

www.chelmsford.gov.uk/market

www.chelmsford.gov.uk/shopmobility

Dear Simon

The property 1 New London Road is within Central Conservation Area and opposite a local list building (Lloyds Bank). The premises benefits as part of the vista point when viewing down Tindal Street, and being at the confluence of five routes.

The property has two street fronts Conduit Street (the passageway), New London Road, as well as fronting Half Moon Square.

This location receives the highest footfall in the entire city centre, with the narrow passageway, the busy crossing to the shopping centre and footway around to the bus stops which consist of 4 shelters for bus passengers being the closest to the high street.

Conduit Street is a visually and perceptively narrow street, it receives major footfall constrained into a narrow passage being the principle walking route from the (southern half of the) High Street to the High Chelmer Shopping Centre.

The unique position of the building is critical to the walking route from the High Street around to the bus stops. Having a clear building line (with no furniture next to the building) helps people with visual impairments and neurodiverse conditions navigate from the High Street along Conduit Street and around the corner to New London Road and its bus stops.

The city centre bus stops on New London Road start immediately outside the premises and the existing Park & Ride bus shelter is approximately 3metres along. The furniture arrangement for this footway is already set by the existence of the shelters for bus passengers, and bollards and signals for the pedestrian crossing. The uprights of the shelters are kerbside and the building side along this footway is clear of physical permanent obstruction. The walking surface of this footway takes a concave nature with a drainage channel running along the middle of the footway, this makes it quite uncomfortable to walk along and makes the need for a clear walking area even more important.

One other point to make, they don't mention any barrier to the proposed area, only 8x tables and 16x chairs.

In summary, it is too narrow here for the amount of footfall and activity that takes place at this location for any tables & chairs at the premises 1 New London Road.

Also, to note a discrepancy - it is useful having a scale bar provided on the drawing however the Ground Floor Plan is shown as 1:50 and this this does not correlate with the scale bar.

Kind regards

Jamie Cole
Planning Officer (Public Realm and Design)
Economic Development and Implementation, Sustainable Communities
Chelmsford City Council

Appendix B

RE: New pavement licence Application



TCM

To Simon PARNHAM

Retention Policy Corporate policy (7 years)

Expires 21/01/2032

Wed 22/01/2025 16:07



Start your reply all with:

[I agree with you.](#)

[Yes, I agree.](#)

[Thank you for your feedback.](#)

[Feedback](#)

Afternoon Simon,

My concerns still remain with the seating to the right-hand side of the entrance to the unit as no distance between the bollard and barrier is listed. This is the main measurement to ensure accessible travel to the bus stops and units bordering Gails.

My main concern is with 2 way traffic to a from these stops, it will force one party into the road and could cause serious incidents.

Kind regards

Phil Chittock

City Centre and Tourism Manager

Marketing and Communications Team, Connected Chelmsford
Chelmsford City Council

Tel: 01245 606986

Mob: 07849824673

Email: TCM@chelmsford.gov.uk

Civic Centre, Duke Street, Chelmsford, Essex CM1 1JE

Web: www.chelmsford.gov.uk



Chelmsford, Essex CM1 1JE

DX123305 Chelmsford 7
Telephone: 01245 606606
Facsimile :01245 606681
Email: licensing@chelmsford.gov.uk

Our Ref: 25/00062/PAVLI
Officer: Simon Parnham
Direct Dial: 01245606727
Date: 18th Feb 2025

Subject: Pavement Licence Application for Gails, 1 New London Road, Chelmsford, Essex, CM2 0NA

Dear Mr Parker,

Following a comprehensive review of your application for a pavement licence at 1 New London Road, the Licensing Authority regrets to inform you that the application has been refused. This decision has been made after careful consideration of responses from key consultees, including the Planning Department, and the Town Centre Manager, as well as our obligations under the Business and Planning Act 2020.

The key reasons for this decision are outlined below:

Planning Objections

1. High Footfall and Navigation Challenges:

- The location is a critical pedestrian link between the High Street, High Chelmer Shopping Centre, and New London Road bus stops. The proposed furniture would exacerbate congestion, particularly in narrow areas such as Conduit Street, and create navigation difficulties, particularly for individuals with visual impairments or mobility challenges.

Town Centre Manager's Observations

1. Tindal Street and Bus Stop Proximity:

- While the Town Centre Manager expressed minimal concerns regarding the Conduit Street aspect, significant concerns were raised about the Tindal Street section leading towards the bus stops. This area experiences heavy pedestrian traffic, and the proposed seating and barriers would reduce the available walkway, creating a single-track flow and forcing pedestrians into the road.

Conclusion

The unique positioning of 1 New London Road, its high pedestrian usage, and the constraints posed by existing street infrastructure make this location unsuitable for the proposed pavement furniture. Granting the licence would compromise public safety, accessibility, and the character of the city centre. If you wish to discuss this decision further, please contact the Licensing Team.

Please note that there is no formal appeal process under the law for a refused Pavement Licence application. However, the guidance does indicate that local authorities may allow an informal appeal to their licensing committee. This appeal is entirely at the council's discretion and is not guaranteed. If you

PUBLIC PLACES

Director: Keith Nicholson

wish to proceed with an appeal, please confirm your intent in writing and provide a detailed explanation of your grounds for appeal.

We understand the importance of outdoor seating for businesses like yours, and if you choose not to appeal this decision, we encourage you to consider submitting a new application with plans that better align with the council's policy and the comments from responsible authorities.

We appreciate your understanding in this matter.

Should you have any further questions or wish to discuss this decision in more detail, please do not hesitate to contact our office. If you wish to appeal this decision, please confirm in writing and provide an explanation of your reasons for appealing.

Yours sincerely

Daniel Winter
Licensing Lead Officer

Appendix G

From: James Baker

Sent: 13 March 2025 16:05

To: Licensing <Licensing@chelmsford.gov.uk>

Cc: Daniel WINTER <Daniel.WINTER@chelmsford.gov.uk>

Subject: Appeal of Pavement Licence Decision - 1 New Chelmsford Road, Chelmsford

Good afternoon,

On behalf of my client Gail's Bakery, please see attached an appeal of the decision to refuse a Pavement Licence application in February 2025, in respect of 1 New London Road, Chelmsford. Please see attached letter stating my clients grounds for appealing the decision, and two addendums.

I trust this is satisfactory, and we look forward to confirmation that this matter will be heard at Committee at the end of this month. We welcome the opportunity to appear and discuss this matter with Officers and consultees directly. Should you require any further information ahead of this, please do not hesitate in contacting me.

Kind regards

James

James Baker

Planner

Appeal Letter,

Submitted to licensing@chelmsford.gov.uk

Licensing

Chelmsford City Council

13 March 2025

Our Ref: 7707

Appendix G

Dear Sir / Madam,

Appeal of Pavement Licence Refusal – 1 New London Road, Chelmsford, CM2 0NA

On behalf of our client Gail's Ltd (Gail's), we are writing to appeal the decision to refuse a Pavement Licence application in February 2025 in respect of 1 New London Road, Chelmsford which is now operating as a Gail's bakery.

Background to Appeal Proposals

Site Description

The application site comprises a ground floor commercial unit, forming the corner of a four-storey building located at 1 New London Road. The unit is currently occupied by Gail's who opened their bakery at the premises in December 2024. The site is located within the Chelmsford Central Conservation Area, and the Chelmsford City Primary Shopping Area.

The site has frontage onto both New London Road and Conduit Street. The corner of the commercial unit directly faces the pedestrianised junction on which Conduit Street and the High Street meet. Conduit Street is pedestrianised, whilst New

London Road has a pavement which separates pedestrians from motorised traffic. Immediately to the south-west of the Gail's unit are bus stops serving the city centre.

Licensing Application History

An application for a Pavement Licence was first submitted on Gail's behalf on 18 November 2024, seeking a licence to display 10 tables and 20 chairs outside the premises on the New London Road and the Conduit Street elevations. This application was refused on 13 December 2024. Objections to the proposals were raised by Essex Highways and Planning Officers, who considered New London Road to be too narrow to place the proposed furniture and would result in pedestrian obstruction on a route with high footfall. Objection by Planning Officers also stated that furniture would disrupt key sightlines to the locally listed Lloyds Bank, as well as exacerbate congestion between the New London Road bus stops and along the Conduit Street frontage.

Seeking a compromise to allow Gail's to have some form of external seating and taking into consideration the objections received, a revised Pavement Licence application was subsequently submitted on 22 January 2025. Two tables and four chairs were removed from the New London Road elevation, with the new proposals seeking a licence for the placing of 8 tables and 16 chairs, with the result being increased pedestrian passing space at the narrowest point on New London Road

(drawing provided at Addendum 1 – Ref. 3178 005 Rev D). However, despite these amendments, this second application was refused by Licensing Officers on 18 February 2025 for the following reasons:

Planning Objections:

"The location is a critical pedestrian link between the High Street, High Chelmer Shopping Centre, and New London Road bus stops. The proposed furniture would exacerbate congestion, particularly in narrow areas such as Conduit Street, and create navigation difficulties, particularly for individuals with visual impairments or mobility challenges".

Appendix G

Town Centre Manager's Observations:

"While the Town Centre Manager expressed minimal concerns regarding the Conduit Street aspect, significant concerns were raised about the Tindal Street section leading towards the bus stops. This area experiences heavy pedestrian traffic, and the proposed seating and barriers would reduce the available walkway, creating a single-track flow and forcing pedestrians into the road".

Appeal of Decision and Justification of Proposals

Gail's are seeking to appeal the application refused on 18 February 2025 for the following reasons:

Firstly, it is critical to emphasise that outdoor seating is a vital part of Gail's offer and is desirable to their customers. Outdoor seating provides customers with increased choice, particularly at times of the year where it is preferred to consume food and beverages outdoors, and in turn has a direct impact on both customer experience, and the performance and vitality of the business operating from the unit. Gail's operate from over 100 sites nationwide, with the vast majority of these bakeries having outdoor seating to the front of the premises; this offer is vital to their success, and can indeed be key reason why customers decide to visit a Gail's bakery. The inability to place tables and chairs outside the premises removes this choice from customers and therefore has an impact on a bakery's performance and viability. It is therefore vital that Gail's can secure some form of external seating at this location.

As stated above, Gail's operate with outdoor seating at the vast majority of their bakeries, all which are compliant with the space regulations set out within the Business and Planning Act (2020) (as made permanent by the Levelling Up and Regeneration Act 2023), requiring over 2 metres of pedestrian passing space. The proposals refused within in February 2025, in absence of any local guidance, would be compliant with these national guidelines set. Notwithstanding, it is of course acknowledged that Chelmsford City Council (CCC) have imposed their own Pavement Licensing Policy. In respect of this policy, we would first like to highlight that the document does not explicitly state that outdoor seating is not appropriate at this location, nor state that outdoor seating cannot be placed on a pavement or street of the type that exist in front of the unit on New London Road or Conduit Street.

CCC Pavement Licence Policy states at Section 4 that "Tables and chairs will not be permitted where they would restrict any pedestrianised public highway to less than 2.5 metres in width or impede any designated cycle route". The outdoor seating layout submitted with the application refused in February 2025 demonstrated that at the narrowest point between the proposed furniture and the nearest bollard on New London Road, there would be pedestrian passing space of 2.8 metres in width. Indeed, the width at other points on New London Road between bollards and the proposed furniture demonstrated a wider pedestrian passing space. The width on Conduit Street at its narrowest between the proposed furniture and the west side would be 3.7 metres. Overall, on both frontages where seating is proposed, the narrowest pedestrian passing space is over the 2.5 metres as required by Section 4 of the Pavement Licence Policy, which demonstrates clear compliance with CCC policy on this matter.

With the above in mind, on behalf of Gail's we submit this appeal respectfully seeking that a Pavement Licence be granted for the layout refused in February 2025, on the grounds that the proposals are fully compliant with Section 4 of CCC Pavement

Appendix G

Licence Policy.

Notwithstanding, Gail's are conscious that at application stage, both Planning Officers and the Town Centre Manager expressed concern with the seating on the New London Road frontage. As such, in support of this appeal, Gail's have prepared a further drawing proposing a layout with seating identified only along the Conduit Street frontage (drawing provided at

Addendum 2 – Ref. 3178 005 Rev F). This layout is attached and would directly address the concerns of consultees with the

seating on the New London Road elevation, with the retained seating on Conduit Street also incorporating barriers which will demarcate and contain the seating, whilst also providing a visual warning to those approaching the site. As with the refused layout, this scheme would be compliant with Section 6 of CCC Pavement Licence Policy. The incorporation of barriers on the Conduit Street frontage would also still permit a minimum of 2.6 metres pedestrian passing space between the barriers and the west boundary, demonstrating compliance with Section 4 of CCC policy.

Summary

In conclusion, it has been demonstrated that the proposed external seating layout refused in February 2025 is entirely compliant with Chelmsford City Council's Pavement Licence Policy, and it is respectfully requested that this arrangement is allowed on appeal.

However, should the Council continue to object to the February 2025 scheme, as part of this submission we have put forward a further compromise providing a plan identifying external seating with the addition of barriers along Conduit Street only.

As expressed, it is key to Gail's operation and their customers that some form of external seating is secured to support this bakery. We therefore look forward to confirmation that this matter will be heard at Committee at the end of this month, and we welcome the opportunity to appear and discuss this matter with Officers and consultees directly. Should you require any further information ahead of this, please do not hesitate to contact the undersigned.

Yours sincerely,

James Baker

Planner

Planning Potential

London

Enc.

Appendix G

Addendum 1



Addendum 2

