

NORWICH CITY COUNCIL

Report for Resolution

Report To Regulatory Sub-Committee  
20 September 2010

4

Report of Head of Citywide Services

Subject Highways Act 1980: Application for licence to  
place tables and chairs on the highway –  
Strangers Café 21 Pottergate Norwich NR2 1DS

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**Purpose**

To ask members to consider an application to place tables and chairs on the highway.

**Recommendation**

That members determine the application to place tables and chairs on the highway submitted in respect of the Strangers Café 21 Pottergate Norwich NR2 1DS.

**Financial Consequences**

The financial consequences of this report are nil.

**Corporate Objective/Service Plan Priority**

The provision of outdoor refreshment facilities can enhance the character and vitality of an area and contribute to Norwich as a vibrant city of culture.

**Contact Officers**

Ian Streeter

Phone No  
212439

**Background Documents**

## **Background**

1. Section 115E of the Highways Act 1980 (The Act) provides for a council to grant a person permission to use objects or structures on certain categories of highway for a purpose which will result in the production of income.
2. The Act also provides for a council to attach such conditions as they think fit to a permission granted under Section 115E. The council has adopted standard conditions in respect of permissions to use objects or structures on the highway and these are attached at Appendix A of the report.
3. The Act gives councils a wide discretion to determine such applications and to impose conditions. Each case must be considered on its own merits with due weight being given to relevant considerations only. Existing policies or guidelines should not be applied so rigidly that an exercise of discretion in each individual case is precluded. Accordingly, the adopted standard conditions could be added to or amended depending on the circumstances of each individual application.

## **The Application**

4. An application to place three 600mm diameter round tables and eight chairs on the highway has been received from Alex Sargeant of the Strangers Café 21 Pottergate Norwich. The application seeks to place the tables and chairs between the bicycle racks in front of the Revolutionz shop in Pottergate. A location plan, details of the furniture and accompanying photographs are attached at Appendix B to the report.
5. Under the provisions of the Highways Act 1980, if an applicant wishes to use an area that intrudes onto another property's frontage then the express consent from the owners or occupiers of any affected frontage must be obtained before the licence can be granted. Attached at Appendix C to the report is a letter from the Company Director / Store Manager of Revolutionz Ltd confirming that there is no objection to the proposed application.
6. The requested days and times of use are Monday to Saturday between 08:30 and 17:00.

## **Consultation**

7. In accordance with The Act, occupiers of nearby premises have been consulted and appropriate notices have been placed on the street and in Chatterbox. The City Centre Residents Forum and the Norwich Access Group have also been notified of the application.
8. Details of the application have also been forwarded to the Norfolk Constabulary, Norfolk Fire Service and the City Council's Planning, Transportation and Landscape, Health and Safety and Pollution Control sections for comment.

## **Comments / Objections / Support**

9. The consultation originally took place on the basis that the application sought to site the tables and chairs directly in front of the Strangers Café, but following clarification that the proposed location was to be in front of Revolutionz, the occupiers of nearby premises and the other consultees were re-circulated with the revised information. The comments and objections attached at Appendix D relate to the re-circulated information.

10. Comments have been received from the responsible authorities and letters objecting to and supporting the application have been received from local residents. These are attached at Appendix D to the report.

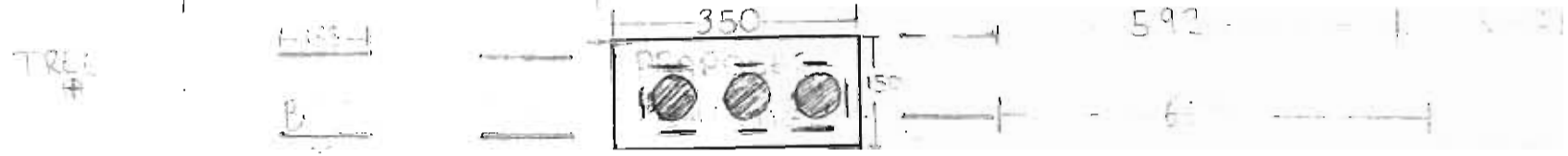
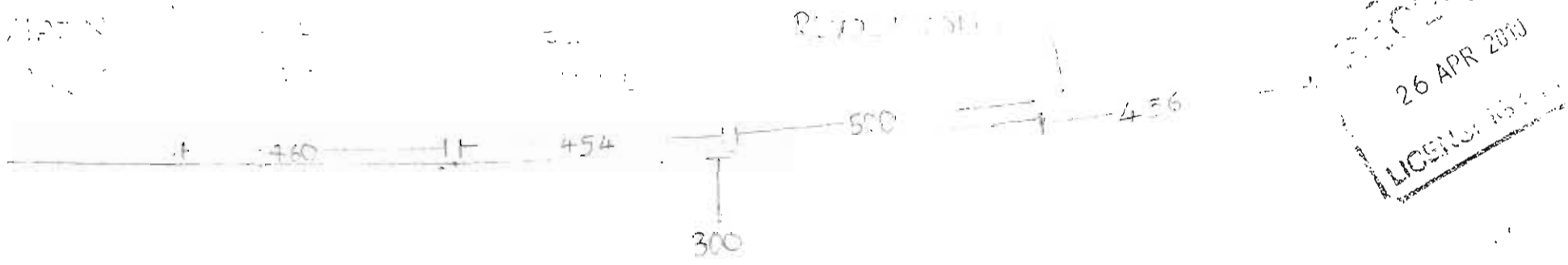
## Tables and Chairs Licence – Standard Conditions

- 1 The Council's reasonable expenses in connection with the granting of this permission shall have been paid and the annual fee starting with the date of this permission shall have been paid before the permission is first exercised.
- 2 The Licensee shall indemnify the Council against any claim whatsoever, in respect of injury, damage or loss arising out of the grant of this permission other than injury, damage or loss which is attributable to the negligence of the Council.
- 3 The objects or structures shall be placed only on the licensed area and on no other part of the public highway.
- 4 The objects or structures shall be used only for the purposes stated above and only in connection with the premises.
- 5 The objects or structures shall be removed from the public highway forthwith upon the direction of a Police Constable in uniform or a Traffic Warden.
- 6 The objects or structures shall be removed from the public highway forthwith to enable the passage of any emergency service vehicles or any vehicle engaged on the repair or maintenance of the public highway or apparatus within the public highway or any other vehicle authorised by the Council to proceed on the public highway.
- 7 Permission for the tables and chairs is granted from **(time of day/month of year)** to **(time of day/month of year)** (subject to earlier termination under clause 13).
- 8 No amplified music or live music shall take place on the licensed area.
- 9 The tables and chairs, the subject of this Licence, shall be removed from the licensed area each day outside of the licence period.
- 10 The Licensee shall ensure that the licensed area is mainly enclosed by a barrier that is in keeping with the visual appearance of the area, not less than 800mm high and with no more than 150mm between the base rail and the ground, or other design as previously agreed in writing by the Council. Neither the barrier nor other furniture should carry strident advertising that goes beyond the purpose of discreetly identifying that the pavement cafe is associated with a particular business.
- 11 The Licensee undertakes to ensure that the licensed area is closely monitored and kept clean and tidy at all times.
- 12 No alteration to the highway surface shall be permitted to be carried out by the Licensee in implementing this Licence

- 13 The Council may, by service of a notice in writing on the Licensee or owner of the premises, withdraw the Licence forthwith:-
  - (a) in an emergency or in the event that the Council considers the exercise of the Licence causes a substantial and unreasonable obstruction of the right of the public to pass or re-pass on the public highway,
  - (b) if any condition of this permission is broken,
  - (c) if the Council considers it to be necessary in connection with the exercise of any of its functions or the functions of any statutory undertaker or public utility,
  - (d) for any other reasonable cause.
- 14 The Licensee shall inform the Council's Head of Legal and Democratic Services in writing of any change in the owner or occupier of the premises within one month of that change.
- 15 This permission is for tables and chairs and barriers only. No other items, for example space heaters, are permitted by this licence.

ALL MEASUREMENTS IN CENTIMETERS

RECEIVED  
26 APR 2010  
LICENSING DIVISION



STRANGE

THE BIGGEST

APPENDIX B











POTTERCATE

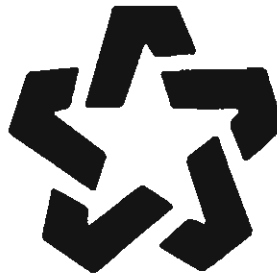
ARNOLD'S  
**To Let**  
Various Restaurants  
Retail Units  
100 sq. m. (117728 sq. ft.)  
0115 9511111

coffee & sandwiches

Classroom







APPENDIX  
C

# revolutionz

21 lower Goat Lane Norwich NR2 1EL 01603 629313  
Vat 731830255 Company reg 3538515

2-7-2010

Dear Mr Streeter

Ref 10/00728/TABCHA

I am writing to you in regards of the planning application from Strangers coffee shop . The proposal as I understand it would be that tables and chairs would be situated between the 2 rows of bike racks outside the front of our shop on Pottergate. These would be for exclusive use of strangers customers and would be kept clean and tidy by strangers staff.

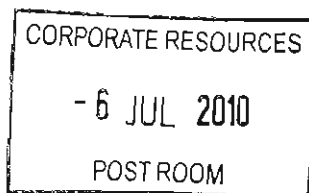
I think if the area is well looked after by the staff of strangers it a can only be an asset to the street, it would keep people in the area and add to the vibe of the Lane's.

So I have no objection at all to this proposal at all, I think it's a great idea.

If you wish to contact me further please feel free to do so on the above phone number.

Yours sincerely

Chris Sturgess  
Company Director / Store manager  
Snowfit & Revolutionz LTD



**Fuller, Maxine**

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**From:** Yates, Kieran  
**Sent:** 14 May 2010 16:37  
**To:** Fuller, Maxine  
**Subject:** Strangers café seating: Pottergate

Hi Maxine

These tables and chairs are well positioned away from any through traffic or busy pedestrian desire line to and from Lower Goat Lane.

There would be some toing and froing between the café and seating area but this is a low traffic shared use pedestrianised street, but this should not present a hazard.

The tables and chairs and their enclosure should be placed so as not inhibit use of the adjacent cycle racks

It is likely that this seating area would enhance the street ambiance as does seating in the middle parts of the pedestrianised London Street

No objections from a highways point of view

regards

Kieran

Kieran Yates BA (Hons), Dip TP  
Transport Planner  
kieran.yates@norwich.gov.uk  
01603 213491

Norwich City Council  
(Transportation)  
c/o City Hall, Norwich, NR2 1NH

## Streeter, Ian

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**From:** Keyes, Lewis  
**Sent:** 30 March 2010 11:10  
**To:** Streeter, Ian  
**Subject:** FW: Stangers cafe Pottergate

Ian

Following my meeting with Ben Webster on site I met with Alex the coffee shop owner/manager last week. I have no objections to Ben's plan below and have conveyed this to Alex.

The only issue is that the restructuring of the cycle stands will depend on next years budgets programming etc etc etc...in the interim I have let Alex know that I have no objections to him occupying the space between the existing stands, with the long term plan as that below. He is aware that he will not be able to occupy the space whilst any works are being carried out.

Alex is aware that he will need to complete all of the forms for this and that it will have to go to the licensing committee for approval.

Regards

Lewis

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**From:** Webster, Ben  
**Sent:** 24 March 2010 09:22  
**To:** Keyes, Lewis  
**Cc:** Mellors, Tim  
**Subject:** Stangers cafe Pottergate

Lewis

I spoke to Tim yesterday following our meeting. His cycle stands budget can pay for the rearrangement of the existing stands providing we install extra.

Therefore I would like us to proceed on the basis that:

- The cafe seating can be supported
- The existing 6 no. cycle stands will be relocated and reorientated so they are perpendicular to the building line lined up at 1m intervals starting close to the tree. Two extra stands will be added.
- The cafe enclosure can start 9m from the tree and must end where the last cycle stand currently is. I'm not sure how much space this leaves.

Hard to describe. Easier to draw.

We can measure it up on site if you like.

Ben

Ben Webster  
Design Quality Manager  
Norwich City Council  
(01603) 212518  
benwebster@norwich.gov.uk

**Fuller, Maxine**

**From:** Page, Colin [PageC@norfolk.pnn.police.uk]  
**Sent:** 18 May 2010 07:39  
**To:** Licensing  
**Subject:** Strangers Cafe, Pottergate

Dear Mr. Streeter,

With reference to your letter dated 14<sup>th</sup> May 2010 concerning the Strangers Café in Pottergate, Norwich, can I inform you that the Police have no objections to the application.

Regards

Colin Page

Colin Page,  
Traffic Management Officer,  
Norfolk Police,  
Bethel Street,  
Norwich,  
NR2 1NN.  
Tel.no. 01603 276662  
Fax.no. 01603 276645



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**Fuller, Maxine**

**From:** Bartram, Michelle [bartramm@norfolk.pnn.police.uk]  
**Sent:** 17 May 2010 15:08  
**To:** Licensing  
**Subject:** St Gregory's Green & Strangers - Pottergate

Hello Licensing

We have received the following TEN :

St Gregorys Green – Mr Lauren Gregory 11/07/10 – 1100-1900 – Entertainment

**There are no objections to this**

We have also received a copy of an application for Tables & Chairs for Strangers Café, 21 Pottergate (Thanks for faxing this over) – **There are no Police objections to this**

Regards

---

**Michelle Bartram**  
Licensing Officer

Licensing  
Norfolk Constabulary  
Bethel Street Police Station  
Norwich, Norfolk, NR2 1NN

Tel. 01603-276020 Fax. 01603-276025



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18/05/2010

## Fuller, Maxine

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**From:** Cracknell, Glen  
**Sent:** 24 May 2010 10:56  
**To:** Fuller, Maxine  
**Subject:** Tables and Chairs Licence for Strangers Café.

Hello Maxine

I've had a look at this application, from a Traffic Management over view I can't see any issues. I do however question if it's a good idea having people sitting on a highway that close to HGV's (Tesco's) that pass several times a day.

Rgds Glen.

Glen Cracknell  
Highway Network Manager  
Norwich City Council  
Tel: (01603) 213516 Fax: (01603) 213548  
glencracknell@norwich.gov.uk

**Fuller, Maxine**

**From:** Keith Finnie [KeithFinnie@starfrost.co.uk]  
**Sent:** 26 May 2010 10:37  
**To:** Licensing  
**Subject:** Licensing Application Ref No 10/00728/TABCHA  
**Attachments:** Licensing Letter.pdf

**Keith Finnie  
3 Strangers Court  
Pottergate  
Norwich, Norfolk  
NR2 1EX**

26<sup>th</sup> May 2010

RE : Licensing application letter ref 10/00728/TABCHA

For the attention of Licensing, Legal and Democratic Services

Dear Sirs,

With regard to the above mentioned application from Mr Alex Sargeant to locate 3 x tables & 8 x chairs outside Strangers Café, 21 Pottergate Norwich, I would like to offer the following comments:-

1. According to the letter (copy attached) we received dated 14/05/2010, it clearly states that the proposed position for the tables & chairs would be placed immediately to the front of No 21 Pottergate. However on examination of the plans in City Hall, this is not the case. The actual location would be on the opposite side of Pottergate between Seld House and the Revolutionz shop. My point being that this letter gave "misinformation" so everybody concerned should be re-circulated with an amended version so that they can comment on the actual position of these items
2. Assuming the actual proposed location will be on the opposite side of Pottergate, I see a serious safety issue arising. Bearing in mind that this section of Pottergate is still a thoroughfare that is open daily to all sizes of vehicles (including 20 ton Tesco trucks), it would be very dangerous for all (but especially for the young & elderly) to increase the pedestrian traffic across Pottergate at this point, as this is bound to happen as staff & customers move between these areas. Imagine a small excited child running across from the tables to the shop and falling under a car, van or lorry on his way, this could easily happen.

Therefore I hereby wish to formally register a strong objection to this proposal on the grounds that its implementation would jeopardise public safety, as long as Pottergate remains a thoroughfare that is open to all traffic

Yours sincerely

Keith Finnie  
(Director, Strangers Court Residents Association)

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27/05/2010

# CENTRAL NORWICH CITIZENS' FORUM

23<sup>rd</sup> May 2010

Mr Ian Streeter  
Licensing Manager  
Public Protection (Licensing)  
Citywide Services  
Norwich City Council  
via e-mail

Dear Mr Streeter

**Re: Application for a Tables and Chairs Licence  
STRANGERS' CAFÉ, 21 POTTERGATEN, NORWICH**

I acknowledge receipt of your letter of 14<sup>th</sup> May requesting our comments on the above application.

Having regard to the regeneration of this area, the key position of the Strangers' Café within The Lanes which are designed to create an al fresco atmosphere and the fact that the area designated for the proposed tables and chairs is shielded from the few vehicles that nowadays pass along Pottergate by iron bicycle racks, we believe that they would improve the streetscape and still be safe in spite of the fact that they would be across the street from the café served by them. Since the street has been largely pedestrianised the few vehicles that are allowed to pass down it do so with care and caution and should not cause a hazard to customers and staff passing from the café to the tables. Therefore we are inclined to recommend approval of the application.

Yours sincerely

**Julian F Foster**  
CHAIRMAN

## Fuller, Maxine

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From: June [june50@talktalk.net]  
Sent: 30 May 2010 16:41  
To: Licensing  
Subject: Your ref 10/00728/TABCHA

To Ian Streeter, Licensing Manager

Dear Sir,

Re The Application of Mr Alex Sargeant concerning 21 Pottergate Norwich.

I am writing to say that I support the application for tables and chairs outside No21 and consider that they will add to the general appeal of the area. I have already discussed with the applicant the importance of not impeding access to Strangers Court as this is already difficult for vehicles and have been reassured that this has been taken into account as has the matter of thro' traffic.

Yours truly

June Perkins  
5, Strangers Court  
Pottergate  
Norwich NR2 1 EX Tel 625249

**Fuller, Maxine**

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**From:** Blades Of Norwich Smith [bladesofnorwich@gmail.com]  
**Sent:** 07 June 2010 15:51  
**To:** Licensing  
**Subject:** 10/00728/TABCHA Licence application for tables & chairs at No 21 Pottergate

Dear Mr Streeter,

I just thought I would drop you a note concerning the licence application for table and chairs to be placed outside Mr Alex Sargeants property at 21 Pottergate. I think this would enhance the atmosphere of the area and encourage more people to visit and stay longer in 'The Lanes' area of Norwich. So on behalf of Blades of Norwich Barbershop we would like to support the application.

Yours Faithfully,

Stephen Panting

--

Blades of Norwich

## Fuller, Maxine

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From: agdivers@yahoo.co.uk  
Sent: 08 June 2010 15:33  
To: Licensing  
Subject: Ref 10/00728/tabcha

Dear Ian Streeter,

As a resident of pottergate I truly support anything that promotes businesses and general enjoyment of the area. I think it's a great idea and hope it gets the go ahead.

Best regards,

A Divers  
2a St Gregorys Alley  
Pottergate  
NR2 1ER  
-----

RECEIVED  
24 JUN 2010  
LICENSING OFFICE



Organisational Development  
24 JUN 2010  
Post Room

Soho Hip  
14b Pottergate  
Norwich  
NR2 1DS  
01603 614178  
[sohohip@hotmail.co.uk](mailto:sohohip@hotmail.co.uk)  
REF 10/00728/TABCHA

DEAR MR STREETER,

I AM WRITING IN REGARDS TO THE OUTSIDE SEATING  
AREA FOR STRANGERS COFFEE BAR IN POTTERGATE.

I THINK THIS IS A GREAT IDEA AS IT WILL ADD TO  
THE CHARACTER OF THE GOOD OLD NORWICH LANES.

I BELIEVE IT WILL ENCOURAGE NEW PEOPLE TO THE AREA  
WHO CAN SIT AND TAKE TIME OUT TO SOAK UP THE  
MAGICAL ATMOSPHERE IN THIS LITTLE KNOWN AREA.

STRANGERS IS A CLEAN, STYLISH LITTLE COFFEE BAR  
WHICH I'M SURE WILL BE REFLECTED IN THEIR PLANNED  
SEATING AREA.

YOURS SINCERELY

DEBBA KNOWLES.