

NORWICH CITY COUNCIL

Report for Resolution

Report To Regulatory Sub-Committee
 21 January 2013

Item

3

Report of Head of Citywide Services

Subject Highways Act 1980: Application for licence to
 place tables and chairs on the highway –
 Patisserie Valerie 12-14 Davey Place Norwich NR2 1PQ

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 Patisserie Valerie 12-14 Davey Place Norwich NR2 1PQ.

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

None

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 six tables and twelve chairs on the highway at 12-14 Davey Place Norwich NR2 1PQ has been received from Patisserie Valerie Holdings Ltd. A location plan and accompanying photographs are attached at appendix B to the report.
5. The requested days and times of use are Monday to Sunday between 08:00 hrs and 20:00 hrs.

Consultation

6. 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 Norwich Access Group has also been notified of the application.
7. 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

8. One representation has been received from a local businesses objecting to the application and this is attached at appendix C to the report. A verbal representation has been received from Mr Took who is registered blind and who makes the following points:

- Davey Place is a narrow street and when vehicles are parked there it is even worse. It causes problems for guide dogs.
- These areas are not kept clean regularly.
- It will cause a problem for access to the Market as it will mean a 10 minute de-tour via Gentlemans Walk / London Street.
- It will cause an obstruction for disabled people and mothers with buggies.
- Street furniture encourages guide dogs to scavenge and if these dogs get overweight they get taken away.
- Davey Place is meant to be a pedestrian street, not for it to have obstructions and hazards in the way.

9. No representations objecting to the application have been received from the responsible authority consultees or the Norwich Access Group.

APPENDIX A

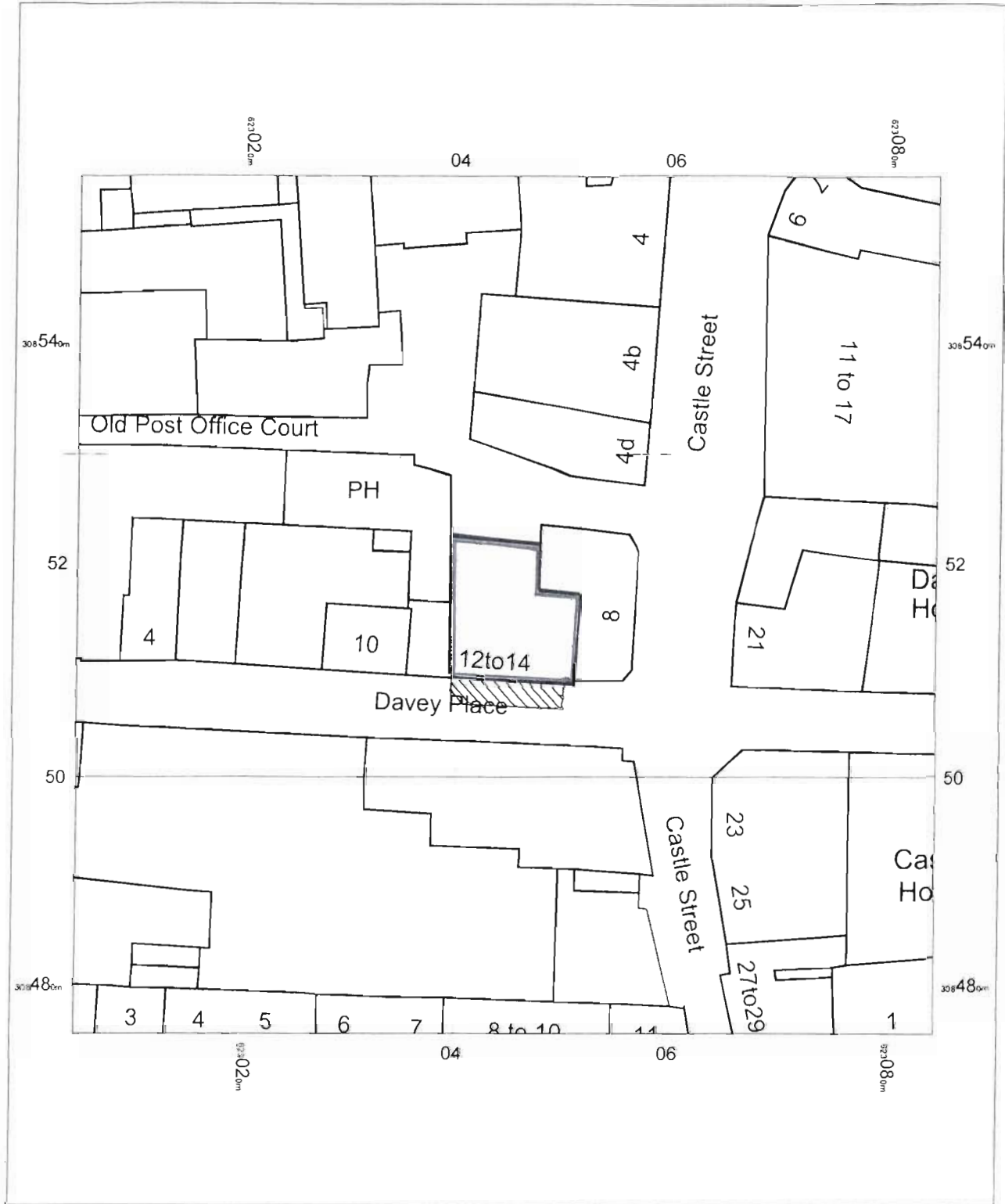
Tables and chairs licence – standard conditions

- 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.

12-14 Davey Place

APPENDIX B



OS Mastermap
31 August 2012, ID: BLJT-00173566
www.planningapplicationmaps.co.uk

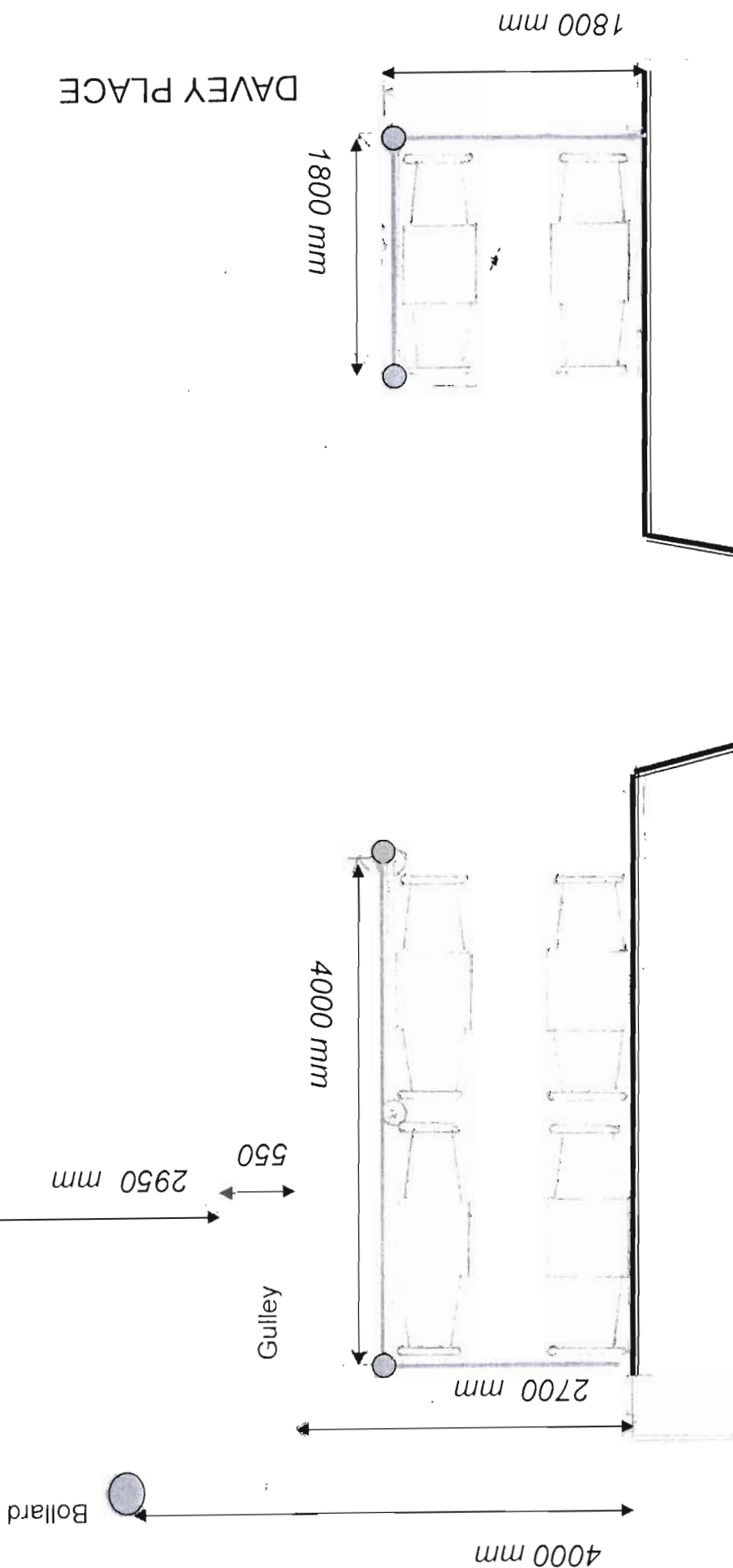
1:500 scale print at A4, Centre: 623045 E, 308516 N

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blue
mapping

PÂTISSERIE VALERIE
12—14 DAVEY PLACE



VIRGIN MONEY STORE—LINE OF SHOP FRONT







Heavyweight Post
987 mm Height
Base plate 400mm Dia

Marine Canvas Barrier
Dark brown
Pantone Ref: 4975C
With Logo in White & Pink.
Various widths , 2m & 1.5m



Composite weather resistant
Tops which will be 600mm square



Aluminium table bases 750mm H

Black vinyl upholstered metal framed
Chairs which are stackable.

**PATISSERIE VALERIE
EXTERNAL FURNITURE
PROPSAL**

Ref: Davey Place, Norwich

Date: September 2012

CITY BOOKSHOP

C



10 Davey Place, Norwich, NR2 1PQ

TEL: [REDACTED]



Am (ks)

Planning Department
City Hall
Norwich

RE: Planning Application No.12/02139/TABCHA

Patisserie Valerie, 12 Davey Place – Placing of Tables & Chairs to front of premises.

Dear Sirs

Further to the above application, whilst not having any basic objection to this, provided that there is a restriction on placing the tables to the front of their premises, we are forced to raise an objection because of how Davey Place is currently arranged and that if the application is approved it will have an adverse effect on the running of the City Bookshop.

1. Within Davey Place and opposite the site in question is a post (street furniture). Tables & Chairs with a post a metre or so away will prevent any vehicular access into Davey Place from Castle Street of any kind.
2. Adjacent to the tables & chairs on the opposite side of Davey Place, is a longstanding and currently trading food stall. This, which has 7 day permission, will even more restrict access.
3. With Café Nero (The Walk end) having also had permission for tables & chairs in Davey Place, the effect will be for no free access to be available to emergency vehicles into Davey Place.

We do not know if the Planning Officers and committee have knowledge of the City Bookshop, but please find as follows:

1. We are informed that this is the only City Centre bookshop to open in a multiple trading area of a city for many years, in this Country – and trading in a product which is known for shop closures.
2. City Bookshop is locally and privately owned and has been open for just over 2 years, employing 5 staff, none of whom were previously waged. It is very unusual in that it owns premises which, let to a multiple, would command high rent.

3. In its short existence, its reputation has spread throughout East Anglia and attracts customers from a wide area. It is one of the very few non-multiple privately owned businesses trading in the central high footfall area of Norwich and which has seen 10 openings of shops owned by multiple chains within 100 metres of City Bookshop with the last 20 months (in preference to the two malls).

4. It is trading profitably and has a throughput of over 1000 books each week. These are delivered to the shop from various suppliers via the Castle Street end of Davey Place within the permitted loading/unloading hours. If loading had to be accessed from The Walk (Café Nero permitting) then the timescale for doing so would be limited to ½ hour in the morning and ¼ hour in the evening (Monday to Friday) – this being far more restrictive than from the Castle Street end which allows 1½ hours in the morning and 1¼ hours in the afternoon.



City Bookshop also provides the facility for customers to sell books, rather than giving them away. It is a regular occurrence that books are delivered to us in the boot of cars and by more mature people. The current restricted Castle Street/Davey Place access works well.

It may of course be possible for the current application to have approval with modifications:

- Restriction in hours for the tables & chairs possibly, or removal of the post (which is a danger to the poor sited). Neither, however, overcome the existing hot food pitch.

City Bookshop is keen to remain in Norwich and provide a service that has ceased in so many other cities. It has two essentials – a high footfall (which it has) and access for loading/unloading within reasonable hours. Without both the shop is not viable.

Yours Faithfully



Joy & David Clarke
Partners, City Bookshop