

**PAVEMENT LICENCE OBJECTIONS ASSOCIATED WITH BELLA ITALIA,
NEWNHAM**

To: **Highways and Community Infrastructure Committee**

Meeting Date: **19th August 2014**

From: **Executive Director: Economy, Transport &
Environment**

*Electoral
division(s):* **Newnham**

Forward Plan ref: **N/A** *Key decision:* **No**

Purpose: **To determine objections received to the pavement
Licence application associated with Bella Italia,
Newnham Road, Cambridge**

Recommendation: **a) Approve and issue a Pavement Licence for the
proposal shown in Appendix 3
b) Inform the objectors accordingly**

<i>Officer contact:</i>	
Name:	Richard Lumley
Post:	Traffic Manager
Email:	richard.lumley@cambridgeshire.gov.uk
Tel:	01223 703839

1. BACKGROUND

- 1.1 Bella Italia is located off Newnham Road, adjacent to the Mill Pond on an area of public highway which links Newnham Road to Sheep's Green (**Appendix 1**). This area of highway has a public footpath running along it and forms part of a designated cycle route. There is no vehicular access across this section.
- 1.2 Bella Italia has placed tables and chairs on the public highway for a number of years, without complaint. Following an ongoing review of businesses with tables and chairs, it was found that Bella Italia does not have a Pavement Licence and therefore they were asked to make an application.
- 1.3 They submitted an application for 19 tables and 38 chairs (**Appendix 2**), which was less than the 27 tables and 54 chairs they had previously been placing at this location.

2. PAVEMENT LICENCE PROCESS

- 2.1 The Pavement Licence procedure is a statutory consultation process that requires the Highway Authority to advertise, on-street, a public notice stating the proposal. The notice invites the public to comment on the proposals in writing within a twenty eight day notice period.
- 2.2 The Pavement Licence was advertised on-street on 1st April 2014. The statutory consultation period ran from 1st April – 30th April 2014.
- 2.3 The statutory consultation resulted in 34 responses comprising of 19 objections and 15 raising concerns. The majority of these were regarding the number of tables and chairs and the associated access issues for cyclists.
- 2.4 Following the end of the statutory consultation period the county Cycling Officer was asked to advise on the number of tables and chairs that would be acceptable to allow adequate access for cyclists. This was agreed with Bella Italia who submitted a revised plan for 12 tables and 24 chairs, numbering 7 fewer tables and 14 fewer chairs than the original application (**Appendix 3**). We were satisfied that this would not cause undue obstruction for any highway users.
- 2.5 The revised plan was sent to the 34 respondents asking for further comment. 18 responses were received, 9 of whom withdrew their original objections and concerns. This has left 25 responses to be considered, comprising of 14 objections and 11 raising concerns.
- 2.6 The local County Member, Councillor Lucy Nethsingha, the Residents' Association of Old Newnham and a city councillor support the reduced number of tables and chairs in the revised plan. The responses received and officer comments are detailed in **Appendix 4**.

- 2.7 On the basis of this analysis, it is recommended that a pavement licence is issued for 12 tables and 24 chairs as per the revised plan.

3. ALIGNMENT WITH CORPORATE PRIORITIES

Developing the local economy for the benefit of all

A Pavement licence will enable the business to continue to make the best use of their location and maintain continuity of trade.

Helping people live healthy and independent lives

Sufficient space has been allowed for cyclists and pedestrians to continue to use the route, thereby encouraging active travel.

Supporting and protecting vulnerable people

There are no significant implications for this priority.

SIGNIFICANT IMPLICATIONS

Resource Implications

There are no significant implications within this category.

Statutory, Risk and Legal Implications

The statutory process for this Pavement Licence has been followed. Should the objections not be determined by this Committee, it may be necessary to hold a public enquiry.

Equality and Diversity Implications

The proposed revised layout of tables and chairs will give sufficient space for pedestrians, cyclists and wheelchair/mobility scooter users to go through the area.

Engagement and Consultation Implications

The statutory consultees have been consulted – the County Councillor, Police, City Council Environmental Health and Planning services. In addition the ambulance and fire service, city councillors, Cambridge BID and Cambridge City Centre Management have also been consulted.

Notices were displayed at each end of the area and also in the door of Bella Italia.

Localism and Local Member Involvement

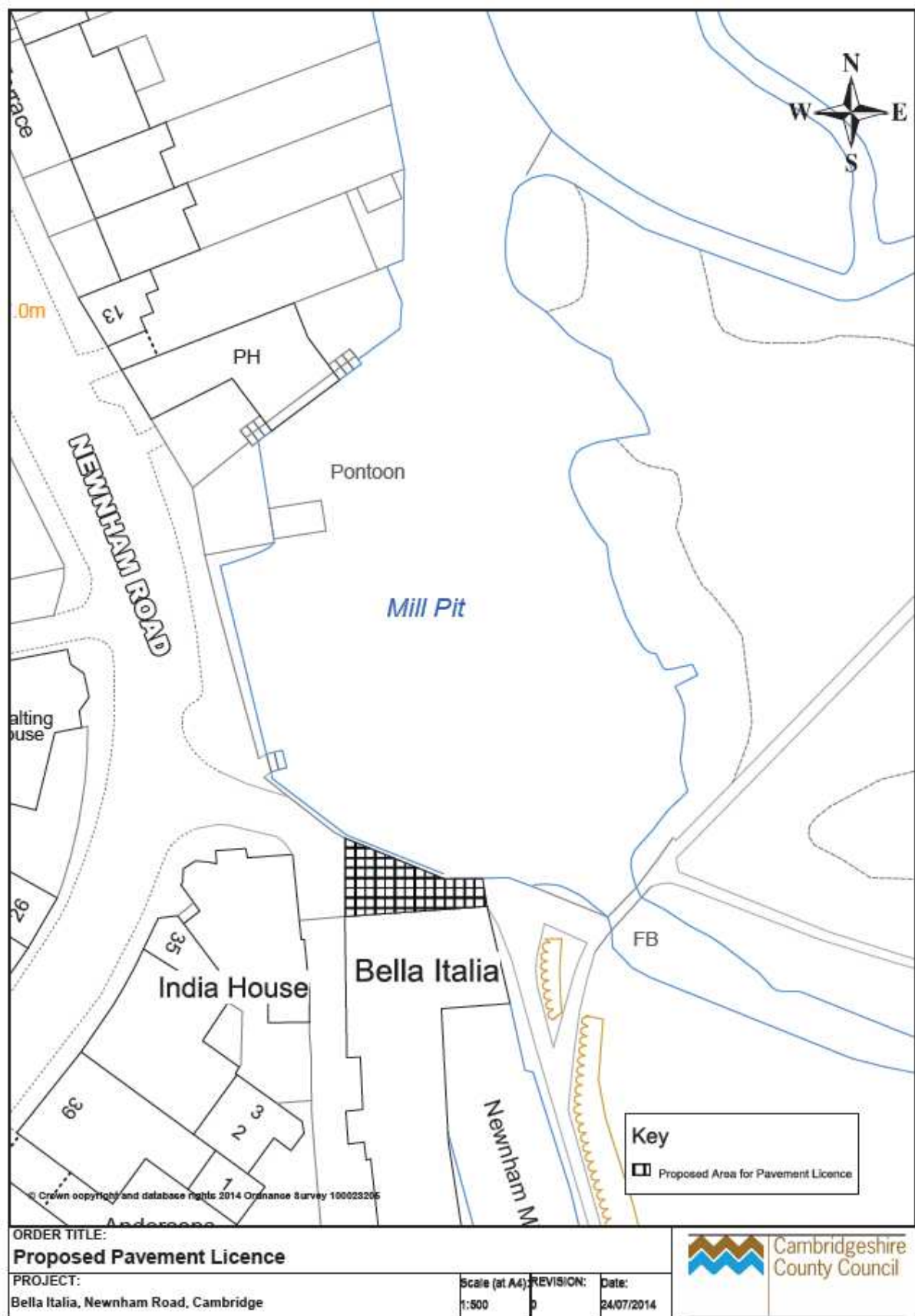
The local member, Councillor Lucy Nethsingha, was consulted and supports the revised plan.

Public Health Implications

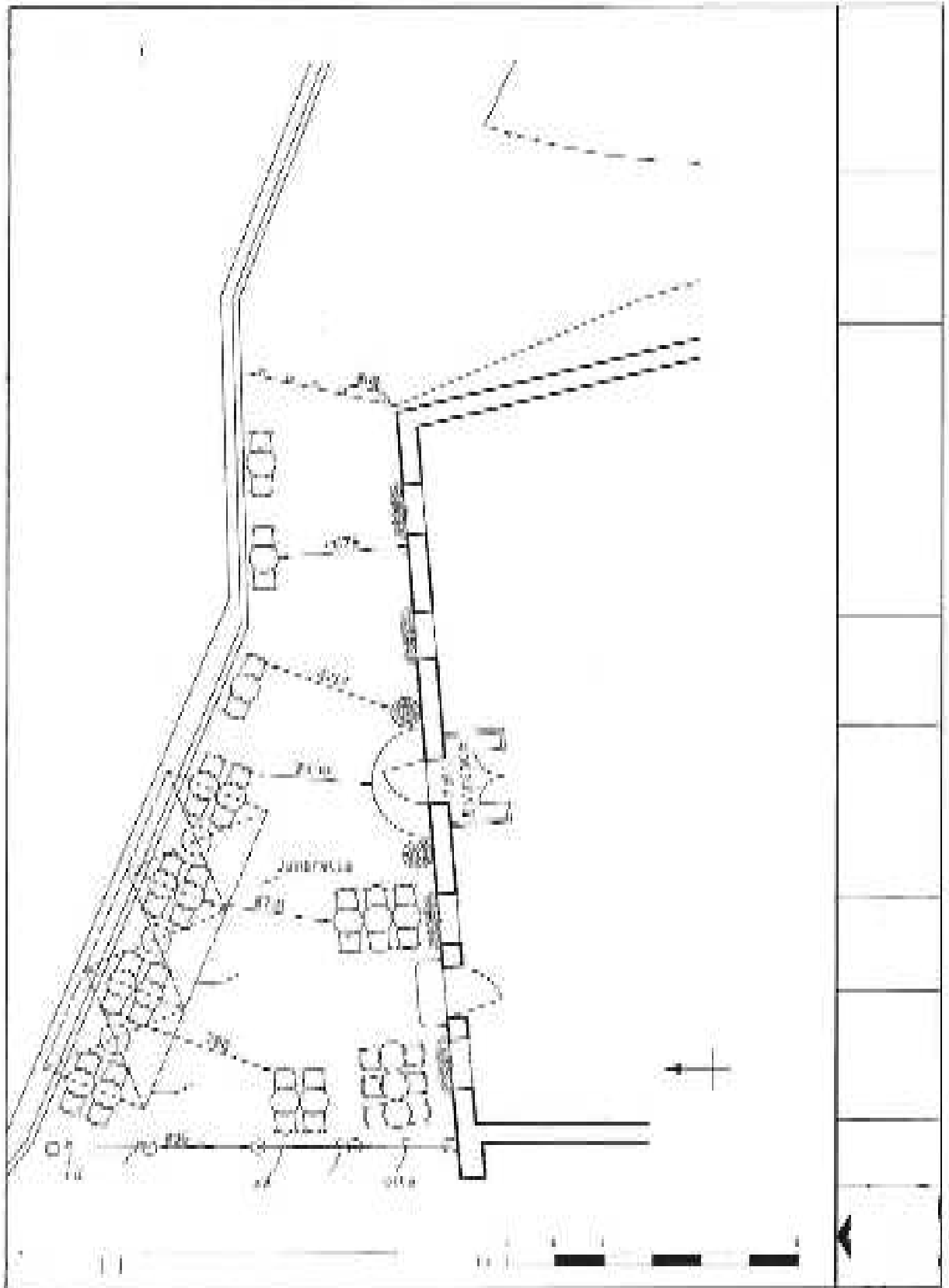
The City Council Environmental Health team have been consulted and have no concerns.

Source Documents	Location
Consultation responses	Room:209 Shire Hall Castle Hill Cambridge, CB3 0AP

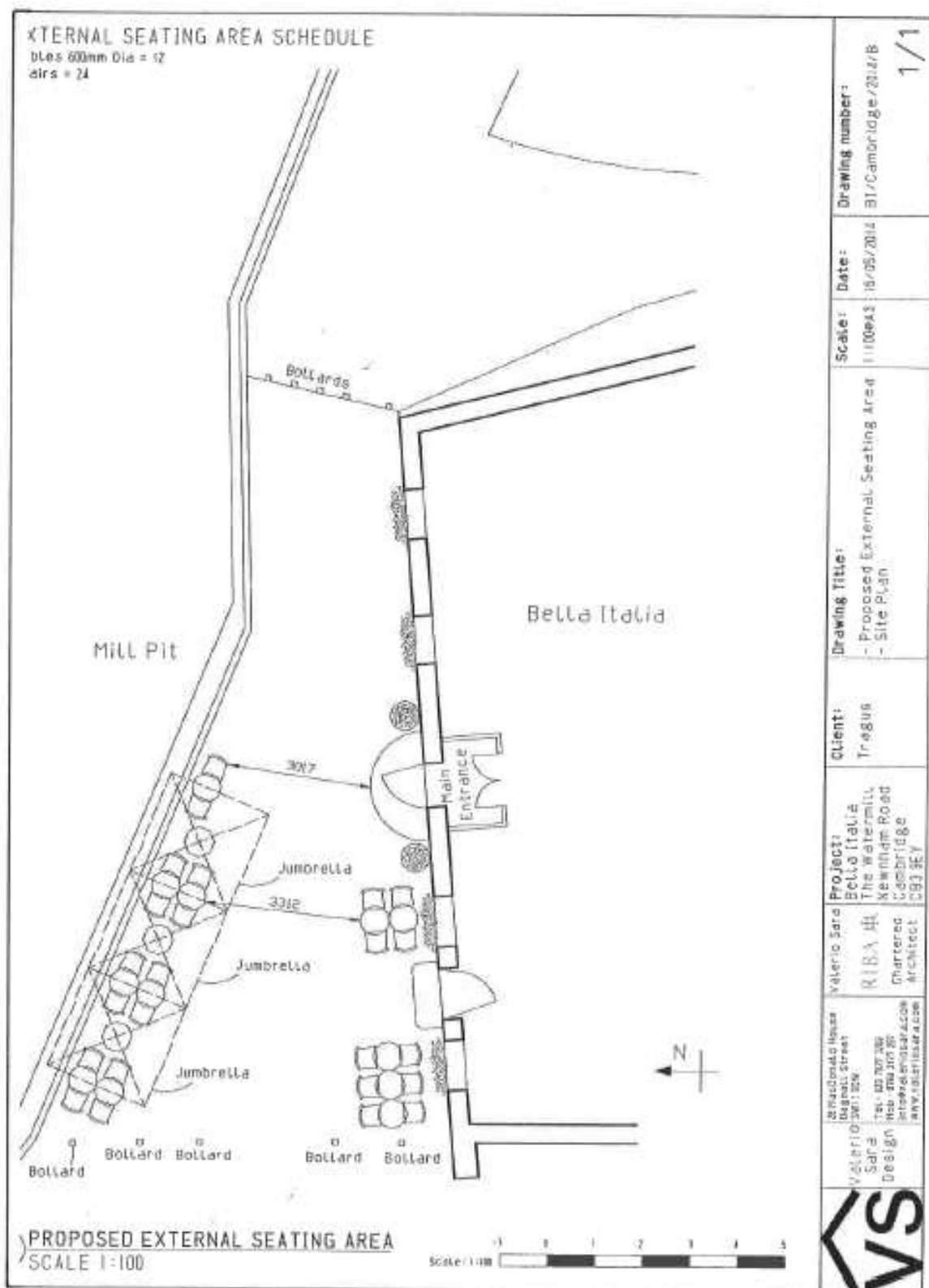
Appendix 1 – LOCATION PLAN



Appendix 2 - ORIGINAL APPLICATION LAYOUT



Appendix 3 – REVISED APPLICATION LAYOUT



Appendix 4 – RESPONSES RECEIVED

No.	RESPONSE RECEIVED	OFFICER RESPONSE
1.2. 3. 4. 7. 8. 9. 13. 16. 18. 19. 21. 22. 23. 24.	Safety issues with mixed use by pedestrians/cyclists/waiting staff/customers.	No concerns were raised when the area was operating unofficially and with considerably more tables and chairs. The manager has been asked to remind his staff that the area is a public right of way and that they need to exercise caution when waiting on the tables adjacent to the mill pond.
5.	Insufficient space for cyclists.	The narrowest point is 3.017 metres wide which is adequate for two cyclists to pass.
6.	Ensure that the right of way is not obstructed.	Checks will be made to ensure that the tables are not moved.
10. 14. 20.	Impede pedestrians/wheelchair users/ pushchairs and cycles.	The narrowest point is 3.017 metres wide which is adequate for the majority of users.
11.	Pedestrians and cyclists will feel that they have less right to use the area.	The area has been used in this way for many years and no such complaints have been received.
12.	Checks should be carried out to ensure that the licensed area is maintained and that the business does not give the impression that the area is private.	Checks will be carried out and the area monitored as per the terms and conditions of the licence.
15.	Diners will not respect highway users. The business and customers will make it unpleasant for highway users and the right of way will be lost. The right of way will pass through a smoking area.	Any complaints will be taken into account at the time of the review and the licenced area reduced/amended as necessary. This is a public right of way and a designated cycle route and will remain so. The majority of pavement cafés permit smoking but if this becomes an issue, tables on one side can be designated no smoking at the year review.
16. 24.	Feels like you are walking/cycling through a restaurant/private space and gives a feeling of enclosure	The area has been used in this way for many years and no such complaints have been received.

Appendix 4 – RESPONSES RECEIVED

	and takeover of a public space.	
23.	<p>Suitable provision should be made for pedestrians two abreast and they should not have to give way to or compete with cycles. The path and cycleway retained and not obstructed by staff should be 2.44 metres.</p> <p>Provision should be made for future increase in pedestrian and cycle numbers.</p> <p>Most pedestrians and cyclists choose to travel along the edge of the area as it is the shortest distance and to enjoy the view.</p> <p>What is to stop them getting larger tables?</p> <p>The distance between the chair and the step is 3.017 metres and does not comply with CCC policy for segregated dual use cycle and footways.</p> <p>Umbrellas extend beyond the tables and headroom will not be sufficient for cyclists.</p> <p>Barriers should not have branding on them.</p> <p>Trees in tubs should have their number and size defined in the licence.</p>	<p>There is adequate width (3.017 metres at its narrowest) for pedestrians and cyclists to pass but it is inevitable that at times one user group may have to give way to another.</p> <p>The licence will be reviewed annually and, should pedestrian and cyclist numbers increase, then the number/layout of tables and chairs can be amended to accommodate them.</p> <p>The difference in distance is negligible and tables and chairs are only taking approximately half of the length so the view can still be enjoyed.</p> <p>The size of tables is specified in the application so these will be periodically checked.</p> <p>This is not a segregated dual use cycle and footway, it is a public footpath that is a designated cycle route.</p> <p>The umbrellas are 2.2 metres high which should be sufficient for the average cyclist. They will be clearly visible so if a cyclist has any concerns about the clearance they can keep to the opposite side or, if there are other users in the way, dismount.</p> <p>It is common practice for pavement cafés to have branding on their barriers.</p> <p>The area will be monitored and if the trees grow so as to cause access issues the manager will be asked to either remove or replace them with smaller ones.</p>

Appendix 4 – RESPONSES RECEIVED

	There is strong incentive for CCC to grant the licence as the fee is based on the square metres licenced.	The application was received on 18 th February 2014 so is subject to a fixed fee of £315 for two years.
25. 26. 27.	We welcome this proposal. It creates a convivial atmosphere.	Support noted.