



# **Pavement Cafe Design Guidance**

February 2018

## Our vision

The City of Southampton Strategy vision sets out the City Council's aim to 'be recognised as the region's economic, social and cultural driver', with the objective to be 'an attractive, sustainable and stimulating environment'. In this context the Council has encouraged the development of a cafe culture and an increasing number of pavement cafes to stimulate activity and vibrancy in the city's streets and public spaces from daytime into the evening that attract a wide range of age groups to the city centre.

## Licences and planning consent

In the past, there has been no adopted policy or guidance on the design of pavement cafes and their attendant street furniture, however those documents that give some guidance are mentioned below. Permission, has been given solely under license under the Highways Act 1980, Part VIIa. The purpose of this guide is to provide guidance in support of our planning policies for future applications for licenses and their annual renewal.

### **The Council currently controls the change of use of the public highway for pavement cafe use by issuing a licencing agreement.**

The Council does not normally require a planning consent as well as a licence for a pavement cafe, as required under the Town and Country Planning (use classes) Order 1987 (as amended). However, planning consent may be required if permanent structures, such as permanently fixed large parasols, are proposed and this is deemed to be 'development', as defined in Section 55 of the Town and Country Planning Act 1990. In such cases, a view will be taken as to the degree of permanency, size and physical attachment, to determine whether the proposal is deemed to be development or not.

Consent may also be required under the Town and Country Planning (Control of Advertisements) Regulations 2007, for notices, signs and advertisements that draw attention to any commercial services. However if the location is on a private forecourt it is permissible if the proposals meet certain criteria.

## Licences and the consumption of alcohol

The City Council, as the local licensing authority encourages licence holders to consider their operating schedules when providing outside eating/drinking and/or designated smoking areas.

The Licensing Act 2003 provides a regime for the control of the sale or supply of alcohol, regulated entertainment and late night refreshment. Whilst the consumption of alcohol is not a licensable activity, licence holders should be alive to the need to seek advice and apply for variations to incorporate "additional" areas where either the sale of alcohol or provision of hot food between 2300 and 0500 is likely to take place outside of the immediately recognised licensed area(s).

Equally, although licensing law is not the primary mechanism for dealing with the general control of persons away from licensed premises; licensees do have a duty of care for the behaviour of persons immediately outside or adjacent to their premises. Licensees should be alert to the prevention of public nuisance which, unless satisfactorily controlled, could lead to a review of an existing authorisation by responsible authorities or other persons.

External area(s) used for the consumption of alcohol should be clearly delineated and marked as part of the curtilage of any recognised premises so as to ensure that any outside drinking is not in conflict with the City of Southampton (Designated Public Places Order) 2007.

## Further Information

More information on the tables and chairs licence agreement is available at <http://www.southampton.gov.uk/roads-parking/highway/licences/tables-chairs-permission.aspx>.

Contact: Highways Street Works Co-ordinator, City Depot and Recycling Park, First Avenue, Millbrook, Southampton, SO15 0LJ. Email: [southamptonnrswa@bblivingplaces.com](mailto:southamptonnrswa@bblivingplaces.com). Tel: 023 8079 8010.

Further information on licences and the consumption of alcohol can be obtained from <http://www.southampton.gov.uk/business-licensing/licensing/licensing-act-2003/premises-licences.aspx>.

## Future Reviews

This guidance has been revised to provide greater clarity to operators and to update contact information. It supersedes all previous guidance. All existing licensees will need to ensure that their premises implement this guidance when their licence is renewed. The guidance will be reviewed from time to time as new developments are completed in the city and should be read alongside the License Conditions issued under the Highways Act 1980, Part VIIa, available at the web site above and from the Network Management Department.

## Existing Planning Policies and Design Guidance

Relevant policies in the Local Plan Review 2006 are SDP 1 Quality of Development (partly saved), SDP 7 Context, SDP 24 Advertisements and REI 8 Shopfronts which has been saved under the Core Strategy 2010 until superceded by new policies under the Local Development Framework. In the Core Strategy policy CS 13 Fundamentals of Design is also relevant.

The City Centre Action Plan 2015 emphasizes the need for public realm furnishings and furniture to reflect the historic character of the area and to select construction materials and external detailing that is in keeping with traditional forms. The City Centre Streetscape Toolkit provided further guidance on these matters but does not specifically deal with cafe furniture. The Old Town Development Strategy 2004 gives guidance on shopfront design, blinds and canopies but not cafe furniture.

This guidance reflects the objectives of the City Centre Master Plan and City Centre Action Plan to create an attractive and distinctive city centre.

## Demand for pavement cafes in the city centre

It is now considered that formal guidance is necessary for the City due to the increase in popularity of street cafes and applications for licences. The upgrading of Above Bar and the High Street with the QE2 Mile programme of streetscape improvement works, the redesign of Guildhall Square and remodelling of Oxford Street all provide much improved areas for street cafes to thrive. In addition, demand is also anticipated in other areas of the city centre to be developed over the next decade.

Areas that are currently in demand for pavement cafes:

- QE2 Mile, including Above Bar and the High Street
- Guildhall Square
- London Road
- Bedford Place
- Oxford Street
- Town Quay
- Ocean Village

Demand for pavement cafes are anticipated from new developments at:

- New Arts Complex, Above Bar
- Watermark WestQuay
- Bargate Shopping Centre Redevelopment
- Royal Pier Waterfront
- Itchen Riverside (at Town Depot)

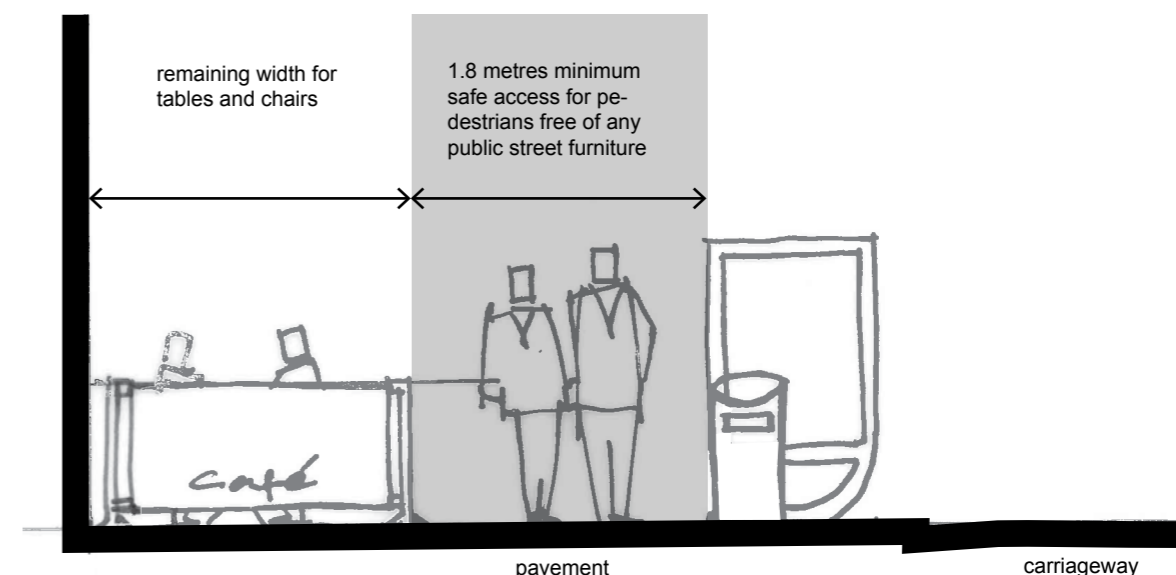
## Design guidance

### Suitable locations for pavement cafes shall be:

- normally allowed directly in front of the premises at the back of the pavement, however safe access to the main access doors to the premises is required as well as any access for servicing e.g. to secondary doors;
- in fully pedestrianised streets or squares;
- in partially pedestrianised streets or squares, or shared surface spaces where vehicles may be prohibited at certain times of the day;
- in streets with pavements of adequate width;
- in all the above cases a clear path, free of any public street furniture, of at least 1.8 m must be maintained for safe access for pedestrians. In some cases this will need to be wider if there is a heavy footfall;
- in some streets or squares access of at least 5.1 m will be required for emergency vehicles;
- deemed unsuitable where the width of pavement remaining for tables and chairs is less than 1.5 m, it will be considered too narrow for cafe use.

### All furniture and fittings shall be:

- Fit for purpose designed for commercial outdoor use;
- High quality, strong, stable, durable and suitable for heavy use;
- Easy to keep clean, wipe down and dry after rain or cleaning;
- Kept in good working order; damaged or faded items should be removed until repaired to original state;
- Easy to remove, fold away or stack as appropriate;
- Removed each night and stored within the premises, unless otherwise agreed;
- Of sufficient weight to avoid being blown over or away;
- Of one design, in keeping with the cafe's setting;
- Of simple contemporary or classic design, as appropriate to the setting;
- Positioned so as not to overhang the highway or pavement or obscure vehicle sight lines and traffic signs.



Typical requirements for safe access for pedestrians

### Tables and chairs shall be:

- Of high quality design fit for purpose and of a contemporary or classic design dependent on the location and identity of the café or restaurant
- Metal should be chrome, brushed aluminium or powder coated in a matte finish
- Timber is acceptable provided it is of wicker or natural stained hardwood and from a certified sustainable source. Painted softwood timber is not acceptable
- Plastic should generally be avoided but if used must be of a durable industrial grade with a matte finish.
- The colour of metal or plastic furniture should generally be of one colour for all furniture in black, grey or dark green. Other colours will need to be agreed prior to use with the city council, but generally will only be accepted if the colour relates to the overall brand identity of the café or restaurant
- Fitted with rubber feet to reduce noise when moving and potential damage to paved surfaces.



High quality tables and chairs



### Awnings and canopies shall be:

- Of a suitable height above head height;
- Of simple contemporary design and colour scheme, appropriate to the building and its setting;
- Of a single colour for the awning or canopy, however the cafe name or brand logo may be incorporated in the awning or canopy provided that letters, figures, symbols or similar features are no more than 0.3 m in height.



Fixed canvas awnings



Retractable awnings



Fixed rigid canopies

### Parasols shall be:

- Suitably secured by purpose designed pavement weights to avoid being blown over;
  - Of a suitable canopy height above head height;
  - Of a suitable size for the scale of the street or square and limitations of the space;
  - Of a single colour, however the cafe name or brand logo may be incorporated provided that letters, figures, symbols or similar features are no more than 0.3 m in height;
  - Free of advertising names or logos, including brewery and product branding;
  - Capable of being folded down and removed at night;
  - Positioned so as not to overhang the highway or pavement or obscure vehicle sight lines and traffic signs.
- N.B. Existing license holders will be required to replace parasols and other furniture marked with product branding when they are to be renewed.



Natural white canvas parasols



Small parasols in a historic setting

### Barriers shall be:

- Only required on pavements of heavy footfall. Cafes fronting onto squares and wide pavements and promenades will be encouraged not to use barriers;
- Suitably secured by purpose designed post and rail system with weighted post bases to prevent being knocked or blown over;
- Of a suitable height of about 900 mm;
- Manufactured from suitable materials for the banner and stainless steel, chrome plated or black polyester powder coated posts and rails;
- Of one banner design, in colour scheme to match cafes brand or any awning, incorporating the cafe name or brand logo on some banners provided that letters, figures, symbols or similar features are no more than 0.3 m in height.



Barrier free pavement cafes



Barriers with discreet branding

**Ancillary items:**

- Planters may be used to create temporary barriers provided that planting is well maintained and watered regularly;
- Hanging baskets may be hung from parasols (if the design will support them) provided that planting is well maintained and watered regularly;
- Only one 'A' board per café frontage is permitted, provided it does not create a trip hazard, interfere with pedestrian flow, or present a hazard to visibility;
- Space heaters will not be allowed;
- Outdoor quality electric lighting to the underside of parasols may be installed, provided that there are no trailing cables at pavement level;
- Blankets may be provided (as is the custom in other European cities) but must be kept clean and folded on chairs when not in use;
- Cooking equipment and barbeques will not be allowed unless otherwise agreed;
- Bins and ash trays may be provided.



*Barriers are not generally required in public squares or in areas where a clear 1.8m wide route can be maintained for pedestrians*



*Hanging baskets must be well maintained*



*Large planters are difficult to move*



*Clear routes must be maintained*



*Space heaters are not permitted*



*'A' boards must not cause trip hazards*

**A best practice example; Getting the basics right**



**1** The awning\* is of one colour of material which matches the colour used for the barriers. There are no adverts other than the name of the establishment and individual letters/logo are less than 300mm in height

**2** The barriers are of one colour of material which match with the awning. The posts, rails and bases supporting the barriers are of a consistent design not exceeding 900mm high. There are no adverts other than the name of the establishment and letters/logo are less than 300mm in height

**3** The chairs are of one colour and design, and are free of advertising. Chairs should have rubber feet to reduce noise and potential to damage paving

**4** The tables are of one consistent colour and design, and are free of advertising. Tables should have rubber feet to reduce noise and potential to damage paving

**5** One 'A' board only is used to advertise the establishment, which has been placed so as not to obstruct pedestrians using the street

\* Where parasols are used instead of an awning or canopy then they should be natural/off-white, or in the same colour as the barriers. There should be no adverts other than the name/logo of the establishment and individual letters/logo must be less than 300mm in height