



# **Guidelines on Outdoor Seating Areas for Commercial Premises on Public Pavement/Highway Land**

## **Introduction**

Bristol City Council fully recognises that furniture in areas outside appropriate business premises can make a positive contribution both in terms of the character of the city and its economic vibrancy. However, the Council has a responsibility to ensure as much as possible that such areas are properly controlled and managed so that their use does not adversely impact on the abilities of all members of the community to safely use the highway, or harm the amenity and character of an area.

This document is not an adopted BCC policy. It does, however, provide practical guidance and explains best practice in designing a proposal that is likely to be acceptable to the Council in its regulatory roles. If in any doubt you are advised to contact the Council – see below – to obtain advice on what forms of approval will be required before proceeding.

## **Overview**

The Council has produced this guidance document for operators of commercial premises that are considering installing tables and chairs or other structures and paraphernalia in an outdoor area to expand the zone where they serve customers and to support their business. Crucially it should be recognised that planning permission is required to change the use of land for such uses and certain permanent structures will require planning permission and Building Regulations approval. Important considerations in these processes include existing footfall; available space; the type and location of premises; existing street furniture; the needs of other highway users and neighbouring businesses; and your overall responsibilities regarding health and safety. It would be good practice therefore to have consulted comprehensively with neighbours, support groups and/or service providers. If your premises has a Premises Licence, it will almost certainly need varying to take account of the use of an outdoor area subject to what is being consumed there and at what times of the day.

In more specific terms, consider potential issues under the following headings:

## **Space and Layout**

- Planning permission is required for the change of use of highway land to use tables/seating. This permission is necessary, especially in the city centre and in Conservation Areas, because the planning process is the means of ensuring that all relevant stakeholders are properly consulted and have meaningful input into the decision-making process.
- A clear pedestrian route should be maintained for those walking past the premises. There should normally be a minimum width of 1.8 metres. Where there is heavy pedestrian flow, additional footway space may be required.
- The Council has noticed an increasing trend for traders to place “A” boards without appropriate regard for their tables/chairs, thus potentially blocking footways. Traders may therefore need to sacrifice their “A” board (one per premises is permissible



under the “A” Boards Guidelines) in favour of seating/tables, in order to help minimise street clutter at narrow/busy locations.

- The location and proximity of permanent/standing street furniture (such as lamp posts, bollards, parking meters, benches, flower beds etc.) should be considered.
- Emergency exits from adjacent buildings must not be obstructed by the seating area.
- Tables and chairs must not encroach on areas associated with adjoining properties, and businesses must comply with any requests (by the Council or utility provider) to remove items in order to gain access to the highway for servicing.
- It is essential that the layout of the area does not provide any obstruction or inconvenience to people with disabilities. Adequate space between tables for wheelchair access will also be required.
- It is important that no obstructions such as tables, chairs or barriers are left on the pavement once the premises are closed.
- The placing of tables and chairs on a private forecourt does not normally require planning permission.

### **Furniture**

- No tables/chairs/post & banner enclosures/parasols etc. shall be fixed into the surface of the highway.
- Seating and tables should be of a reasonable quality. The materials and colours should not be too bright, garish or overly reflective. Tables should be of a design to allow ease of use for a wheelchair user.
- Umbrellas must be positioned so they cannot overhang beyond the enclosure (including when adjusted) as this could create a danger to passing pedestrians. A particular type may be insisted upon to retain some continuity of design in the street scene.
- Advertising should only relate to items on sale within the premises. Any other advertising may require advertisement planning consent and would not be supported.

### **Means of Enclosure**

- When an area is in use a temporary form of enclosure will normally be required with adequate openings to permit access. In addition to clearly demarcating the area, the enclosure will also give a clear warning particularly to people with visual impairments; for this reason it is important that the barrier has some solid elements particularly just above ground level to be detectable by a walking assistance aid.
- Any enclosure side paneling should be approximately 800mm high and in a contrasting colour.
- The colour and materials of the enclosure should be carefully considered to ensure that from a distance it is not too visually dominant, and that any advertising is not overbearing.
- It is essential that any means of enclosure is lightweight in construction so that it can be easily dismantled and stored in the premises outside business hours.
- In some circumstances a particular design may be insisted upon, to retain some continuity of design in a particular space or square for instance.

### **Decking Structures**

- Planning permission will be required for all external decked areas and the Building Regulations apply to certain structures; this can include extensions, alterations and



deck structures attached to the building, either at low level (such as decking), or at a higher level (such as a balcony). Regulation applies where there is a drop of more than 300mm from the surface of the deck to the ground level.

- If the Building Regulations apply, an application will be required. The deck structure will need to be structurally adequate, to carry the loads concerned and be adequately guarded around the edge, with any access stairs complying with requirements with regards to pitch, rise and handrail provision.
- You would also need to ensure that means of escape provision is not reduced, and that access is not actually made worse – for example if the shop has a compliant ramp, it may be considered to be adversely affecting the situation in terms of accessibility if replaced with steps.

### **Environmental Issues**

- Details of management arrangements should be provided to ensure that the approved area is kept clean and litter free. Any such arrangements will also need to cover litter straying outside of the relevant area and all litter, not just that which may have escaped from tables, will need to be cleared.
- In certain areas the quality of air (e.g. in relation to traffic fumes) may be of a standard which would not be conducive to sitting/eating/drinking outside.
- The provision of toilet facilities is required for all pavement café seating in excess of 6 covers; additional toilet facilities may be required if overall occupancy figures are increased.
- The use of external public address systems or amplified music will not normally be permitted in outside areas.
- The times during which street cleansing takes place must be considered. If your chairs, tables etc. are out when street cleansing contractors come you will be responsible for cleaning the area where access is blocked.

### **Premises Licensing (if you sell alcohol or have entertainment at any time, or sell hot food between 2300 and 0500)**

- If your site already has a premises licence you'll need to check whether your licence allows you to use any outside area. You might have to make changes to your licence if it doesn't allow you to use the outside area.

### **Conclusion**

The Council recognises that there are distinct advantages from providing areas for outside use by patrons of bars, restaurant and cafes in Bristol. However such proposals need to be properly considered and designed so as to minimise the risks of adverse impacts. It is important that you appreciate that the Council does have a range of enforcement powers to tackle situations that do not have the correct consents or permissions in place and which are harmful in some way. Key to guiding such possible interventions will be how well a particularly installation accords with the guidance set out herein.

Advice on obtaining planning permission and Building Regulations approval can be obtained on this number: 0117 922 3000; and at the following link:

<https://www.bristol.gov.uk/planning-and-building-regulations/check-what-approval-you-need-for-your-building-work>



Advice on Premise Licence matters can be obtained on this number: 0117 357 4900; and at the following link:

<https://www.bristol.gov.uk/licences-permits/premises-licences-new-navigation>

Advice on business waste and recycling, including guidance on a commercial operation's duty of care, can be found at the following link:

<https://www.bristol.gov.uk/business-waste-recycling>

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