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| <b>Subject:</b>          | Highways Act 1980 – Section 115E – The Waiting Room, Cattle Market, Sandwich |
| <b>Meeting and Date:</b> | Regulatory Committee – 24 May 2022   |
| <b>Report of:</b>        | Rebecca Pordage, Licensing Manager   |
| <b>Classification:</b>   | Unrestricted   |

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**Purpose of the report:** Permission to site street furniture on the highway

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## 1. Summary

The regulation of the placing of tables and chairs on a highway is a statutory function of the Council under the Section 115E, of the Highways Act 1980.

## 2. Introduction and Background

2.1 Nicholas Waite has applied for a Street Furniture permit to allow the placement of 7 tables and 14 chairs outside The Waiting Room, Cattle Market, Sandwich. The application states that the furniture will be premium, heavy duty outdoor galvanized tables and chairs. The applicant has requested they be placed between 6.30am to 10.30pm every day.

2.2 A copy of the application form is shown at **Appendix A**. A map of the area can be found at **Appendix B**.

2.3 As part of the consultation process views have been sought from local businesses, Kent Highway Services, Police, Town Council, Fire Service, Planning, and other internal departments within Dover District Council as appropriate. Kent Police have requested that if granted, certain additional conditions be put onto the permit and these are shown at **Appendix C**. KCC Highways have made representation and this is shown at **Appendix D**. The application was also advertised at the site by way of a Notice and copies were delivered to nearby frontagers.

2.4 Eleven other representations were received in respect of this application (see **Appendix E**), as follows:

**Sandwich Town Council** object to this application as they feel that the operation time should be from 10am to 9pm due to the location within a residential area. They also feel that there should be a maximum of 4 tables and 8 chairs as they do not feel that the cycle rack should be removed. They also have safety concerns about the sharp nature of the bend for cars turning left into Delf Street.

**Di Jones** does not feel that there is enough room in the area to accommodate the furniture without impeding the progress of pedestrians, including those with disabilities.

**Mrs Woodruffe** states that people will be sitting really close to the road, and feels that this will be dangerous especially if the café is serving alcohol. She also has concerns about pedestrians being able to access the bike racks and telephone kiosk.

**Jack Sheppard** feels that the bike racks should remain and take precedence over additional seating.

**Trevor Bates** objects to the removal of the bicycle racks.

**Cllr Paul Carter** objects to the removal of the bicycle racks, as there is a shortage of cycle parking in Sandwich. He feels that the pavement area is not wide enough for all these tables and chairs to allow pedestrians to move around the area. He would like to see the number of tables and chairs reduced to a maximum of 3 tables and 6 chairs, and the times allowed to be reduced to 10am to 6pm in order to respect the peace and quiet of local residents. Cllr Carter also has concerns about the furniture impeding the sight lines for drivers of vehicles as may pedestrians cross from The Guildhall to the shops and public houses.

**Mr Black** objects as he feels that the proposal reduces the amenity for pedestrians in the area. In addition to this he does not agree with the removal of the bicycle rack. Mr Black feels that the space is quite restricted if people push chairs back etc.

**Clare Ungerson** objects to the removal of the bike racks and placed somewhere else in Sandwich, and also says that the dropped kerb will be rendered useless as access will be denied to those with mobility issues.

**Colin Wiles** feels that this application should only be granted if the applicant replaces the bicycle rack at their own cost, and also retains the existing dropped kerb and ensures there is no obstruction.

The final representation is from a local resident who wishes to remain anonymous for reasons that have been authorised by the Licensing Manager. They are concerned about noise nuisance, obstruction to pedestrians in an already narrow street, vehicle fumes and lack of toilet provisions.

### **3 Options available to the Committee:**

- (1) To allow the application as applied for
- (2) To allow the application but with additional conditions
- (3) To reject the application.

### **Appendices**

Appendix A – Application form

Appendix B – Map of the area

Appendix C – Additional conditions requested by Kent Police

Appendix D – Representation by KCC Highways

Appendix E – Representations from other parties

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