

# Licensing Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be audio recorded.

**Date: Wednesday, 05 March 2014**

**Time: 19:15**

**Venue: Committee Room 1, Causeway House, Bocking End, Braintree, CM7 9HB**

## **Membership:**

Councillor J S Allen  
Councillor M J Banthorpe (Chairman)  
Councillor J Baugh  
Councillor T G Cunningham  
Councillor J G J Elliott  
Councillor J H G Finbow  
Councillor M J Fincken  
Councillor M E Galione

Councillor C Gibson  
Councillor M Green  
Councillor S A Howell  
Councillor H D Johnson  
Councillor J A Pell  
Councillor L S Walters  
Councillor S A Wilson  
Councillor B Wright

**Members are requested to attend this meeting, to transact the following business:-**

**Page**

## **PUBLIC SESSION**

### **1 Apologies for Absence.**

### **2 Declarations of Interest.**

To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.

### **3 Minutes of Last Meeting**

To approve as a correct record the Minutes of the meeting of the Licensing Committee held on 22nd January 2014 (copy previously circulated).

**4 Public Question Time**

(See paragraph below).

**5 Pavement Permit Application - Prezzo Plc, 70 Newland Street, 5 - 32  
Witham**

**6 Urgent Business - Public Session**

To consider any matter which, in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

**7 Exclusion of the Public and Press**

To agree the exclusion of the public and press for the consideration of any items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

*At the time of compiling the agenda there were none.*

**PRIVATE SESSION**

**8 Urgent Business - Private Session**

To consider any matter which, in the opinion of the Chairman should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

A PEACE  
Member Services Manager

**Contact Details**

If you require any further information please contact Alison Webb on 01376 552525 or e-mail [alison.webb@braintree.gov.uk](mailto:alison.webb@braintree.gov.uk)

**Public Question Time**

Immediately after the Minutes of the previous meeting have been approved there will be a period of up to 30 minutes when members of the public can speak.

Members of the public wishing to speak should contact the Council's Member Services Section on 01376 552525 or email [alison.webb@braintree.gov.uk](mailto:alison.webb@braintree.gov.uk) at least 2 working days prior to the meeting.

Members of the public can remain to observe the whole of the public part of the meeting.

### **Health and Safety**

Any persons attending meetings at Causeway House are requested to take a few moments to familiarise themselves with the nearest available fire exit, indicated by the fire evacuation signs. In the event of a continuous alarm sounding during the meeting, you must evacuate the building immediately and follow all instructions provided by a Council officer who will identify him/herself should the alarm sound. You will be assisted to the nearest designated assembly point until it is safe to return to the building.

### **Mobile Phones**

Please ensure that your mobile phone is either switched to silent or switched off during the meeting.

### **Comments**

Braintree District Council welcomes comments from members of the public in order to make its services as efficient and effective as possible. We would appreciate any suggestions regarding the usefulness of the paperwork for this meeting, or the conduct of the meeting you have attended.

Please let us have your comments setting out the following information

Meeting Attended..... Date of Meeting.....

Comment .....

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Contact Details: .....



<b>APPLICATION FOR A PAVEMENT PERMIT – PREZZO, 70 NEWLAND STREET, WITHAM</b>		<b>Agenda No: 5</b>
<b>Corporate Priority:</b> Please refer to table at end of report <b>Report presented by:</b> Mr Daniel Mellini <b>Report prepared by:</b> Mr Daniel Mellini		
<b>Background Papers:</b> <ol style="list-style-type: none"> <li>Application made by Prezzo PLC with respect to Prezzo, 70 Newland Street, Witham (Appendix 1)</li> <li>Consent letter from Essex Highways (Appendix 2)</li> <li>Representations received during consultation period from Witham Town Council and The Rotary Club of Witham (Appendix 3)</li> <li>Amended plan for the Christmas period (when the Christmas tree is erected) (Appendix 4)</li> </ol>		Public report
<b>Options:</b> <ol style="list-style-type: none"> <li>To <b>GRANT</b> the application for a Pavement Permit.</li> <li>To <b>GRANT</b> the application for a Pavement Permit for reduced hours than those detailed.</li> <li>To <b>GRANT</b> the application for a Pavement Permit with additional conditions deemed necessary.</li> <li>To <b>REFUSE</b> the application for a Pavement Permit.</li> </ol>		Not a Key Decision
<b>Executive Summary:</b> <p>To consider the application made by Prezzo PLC with respect to a Pavement Permit for the use of the pavement area outside Prezzo, 70 Newland Street, Witham, Essex, CM8 1AH. The Council's Pavement Permit policy specifies, that if representations are made within the consultation period and subject to the appropriate consents being given, the application will be referred to the Council's Licensing Committee for determination.</p>		

**Decision:** The Committee is requested either:-

1. To **GRANT** the application for a Pavement Permit.
2. To **GRANT** the application for a Pavement Permit for reduced hours than those detailed.
3. To **GRANT** the application for a Pavement Permit with additional conditions deemed necessary.
4. To **REFUSE** the application for a Pavement Permit.

**Purpose of Decision:**

Members of the Licensing Committee are requested to consider an application for a Pavement Permit made by Prezzo PLC with respect to Prezzo, 70 Newland Street, Witham, Essex, CM8 1AH

**Corporate Implications**

<b>Financial:</b>	Not applicable.
<b>Legal:</b>	Section 115E(1)(a) and (b) of the Highways Act 1980
<b>Equalities/Diversity</b>	Not applicable
<b>Customer Impact:</b>	Not applicable
<b>Environment and Climate Change:</b>	Not applicable
<b>Consultation/Community Engagement:</b>	Not applicable
<b>Risks:</b>	Not applicable
<b>Officer Contact:</b>	John Meddings
<b>Designation:</b>	Licensing Officer
<b>Ext. No.</b>	2213
<b>E-mail:</b>	john.meddings@braintree.gov.uk

**1            Background**

- 1.1            In February 2003 Members adopted the provisions of Section 115E(1)(a) and (b) of the Highways Act 1980 which empowers a Council to grant permission to local businesses that wish to use objects or structures on, in, or over a highway to which this part of the Act applies:-

- (I)            for a purpose which will result in the production of income;
- (II)           for the purpose of providing a centre for advice or information; or
- (III)          for the purpose of advertising

- 1.2            This effectively enables the Council to grant a permit for the use of tables and chairs on the public highway.

- 1.3            The Council's Pavement Permit policy specifies, that if representations are made within the specified consultation period and subject to the appropriate

consents being given, the application will be referred to the Council's Licensing Committee for determination.

- 1.4 The Council has received an application for a Pavement Permit from Prezzo PLC with respect to Prezzo, 70 Newland Street, Witham, Essex, CM8 1AH. The application was received on 12th August 2013 and validated on 18<sup>th</sup> August 2013. The Permit, if granted, will allow the following for a period of one year:

3 tables  
12 chairs

Monday to Sunday 09:00hrs to 22:00hrs

- 1.5 A plan of the area accompanies this report with the area covered by the application cross-hatched (Appendix 1).

## **2 Consultation**

- 2.1 As part of the regulatory procedure, the Council must prepare a notice and arrange for it to be displayed in a clear position on the premises for a period of 28 days. In accordance with the Council's policy, an Officer visited the premises and can confirm that the appropriate notice was displayed in a prominent position on the premises.
- 2.2 The Council must also identify and serve a Notice on any "frontagers with an interest" and any owners and occupiers of any premises likely to be materially affected by the application. In this case, it was deemed that there were no "frontagers with an interest" and Notices were served on owners and occupiers of premises likely to be materially affected by the application.
- 2.3 As part of the consultation process, the Council must seek the consent of the Highway Authority (Essex Highways). Consent was received from Essex Highways, subject to conditions, on 14th February 2014 (Appendix 2).
- 2.4 The Council's Pavement Permit policy also requires additional consultation to be carried out with the following bodies:-

Forward Plans  
Development Control  
Environmental Health  
- Health & Safety  
- Pollution  
Ward Members  
Essex Police  
Essex Fire and Rescue

- 2.5 During the consultation period, the Council received representations from Witham Town Council and The Rotary Club of Witham (Appendix 3). Specifically, their concerns were around the effect the application would have on the pedestrian area when the Town Christmas tree is erected.

- 2.6 The applicant has agreed to amend and reduce the seating area during the time that the Christmas tree is erected. This is demonstrated on the revised plan submitted by the applicant (Appendix 4).
- 2.7 Due to the application requesting hours beyond 18:00hrs any decision on the application will need to be made by the Licensing Committee. This is in accordance with the Council's policy for Pavement Permits.
- 3 **Miscellaneous**
- 3.1 If the Permit is granted, the standard conditions will be attached to it.





**Council Use**  
Application ref:  
13/01399/PP

APPENDIX 1

The Licensing Section  
Causeway House  
Bocking End  
Braintree  
Essex  
CM7 9HB

ENVIRONMENTAL

12 AUG 2013

HEALTH

**Application for PAVEMENT PERMIT**  
**Under the Highways Act 1980 – Part VIIA**

**IMPORTANT – Notes to Applicant**

Please read the guidance provided with this application before completing this form.  
Failure to supply any information requested may delay your application.

**1. Applicant details**

Name (including name of business if applicable):  
Prezzo PLC

Full Postal Address:

20b Horseshoe Park  
Pangbourne,  
Berks  
RG8 7JW

Daytime contact telephone number: ~~XXXXXXX~~ (AGENT)

Mobile number: ~~XXXXXXX~~ (AGENT)

E-mail address:  
~~XXXXXXXXXXXXXXX~~ (AGENT)

**2. Details of Application Site**

Name of Establishment/Business:  
Prezzo

Address of Application Site  
70 Newland Street  
Witham  
Essex  
CM8 1AH

Telephone Number: <del>XXXXXX8888</del>					
E-mail address: <del>xxxxxxxxxxxxxx@xxxxxxxxxxxxxx</del>					
Premises Licence Number if applicable:					
<b>3. Days and Hours during which the tables and chairs will be on the street. (See note 2e)</b>					
Monday	<div style="border-left: 1px solid black; border-right: 1px solid black; height: 100%;"></div>	From	9 a.m	To	10 p.m
Tuesday		From	9 a.m	To	10 p.m
Wednesday		From	9 a.m	To	10 p.m
Thursday		From	9 a.m	To	10 p.m
Friday		From	9 a.m	To	10 p.m
Saturday		From	9 a.m	To	10 p.m
Sunday		From	9 a.m	To	10 p.m

<b>4. Place of Storage</b> (Please specify the place of storage of the tables and chairs and other items when not on the highway)
<p>Lightweight stackable chairs, folding tables, removable stainless steel posts and bases and canvas barrier stored within the unit at night.</p>

<b>5. Number of tables applied for</b>	3
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6. Number of persons to be seated	12
7. Dimensions of area of street to be used (in metric)	13.39 square metres
8. Please give number and details of table and chairs and all other items of furniture including fencing, umbrellas, barriers etc.	3 tables, 12 chairs, canvas barrier with stainless steel posts and bases.

<b>Checklist</b>	
<ul style="list-style-type: none"> <li>I have made or enclosed payment of the fee £250.00</li> <li>I have enclosed a copy of an Ordnance Survey site plan Scale 1:1250 showing the location of the tables, chairs and other items to be placed on the highway.</li> <li>Confirmation from the Highways Records if the status of the application site</li> <li>Evidence of public liability insurance</li> <li>Other associated permissions i.e Planning and any appropriate licences under the Licensing Act 2003</li> </ul>	<input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>

**5. Licence Fee Payable - £250.00 for 12 month permit**

Signature of Applicant	<del>XXXXXXXXXX</del> Signed
Please print name	MARIA ANTONIOU
Name of Company (if applicable)	NAOMI DESIGN LTD
Position in company (if applicable)	ADMIN OFFICER



Gallagher Heath

3rd Floor Offices  
40 Princes Street  
Ipswich  
IP1 1RJ

Telephone 020 7560 3956

Fax

Email [stuart\\_brimelow@ajg.com](mailto:stuart_brimelow@ajg.com)

[www.gallagherheath.com](http://www.gallagherheath.com)

12th July 2013

Our Ref: 4815795

## TO WHOM IT MAY CONCERN

Dear Sirs

### Prezzo Plc

Gallagher Heath hereby confirms that the following insurance policy is presently in force:

#### Employers Liability

Insurer : Ace Europe  
Policy No : ~~XXXXXXXXXX~~  
Period of Cover : 01<sup>st</sup> July 2013 for 12 months  
Limit of Indemnity : £10 million any one claim or series of claims arising out of one incident inclusive of all costs and expenses

#### Public/Products Liability

Insurer : Ace Europe  
Policy No : ~~XXXXXXXXXX~~  
Period of Cover : 01<sup>st</sup> July 2013 for 12 months  
Limit of Indemnity : **Public Liability**  
£10 million any one incident unlimited in any one period of insurance.  
**Products Liability**  
£10 million in the aggregate in any one period of insurance  
Excess : £500 each and every loss in respect of Third Party Property Damage

The Liability Insurance applies to the operations of Prezzo plc and includes indemnity for their legal liability arising from outside seating and furniture arrangements.

It is a legal requirement world-wide that anyone seeking a new policy of insurance/reinsurance or cover for additional risks or renewal under an existing policy, must disclose any information that might influence the insurers/reinsurers in fixing the premium or determining whether to accept the risk. Under English law, failure to do so may entitle insurers/reinsurers to avoid cover from inception and to seek repayment of paid claims. **If you are in any doubt as to whether information is material you should disclose it.**



Gallagher Heath

The above insurance policy includes a General Indemnity to Principals Clause or equivalent.

This document is provided for information purposes only.

The issue of this document does not make the person or organisation to whom it has been issued an additional assured, nor does it modify in any manner the contract of insurance between the assured and underwriters. Any amendment, change or extension of such contract can only be effected by specific endorsement.

Should the above mentioned contract of insurance be cancelled, assigned or changed during the above policy period in such manner as to affect this document, no obligation to inform the holder of this document is accepted by the undersigned insurance brokers.

We will be pleased to furnish you with any additional information you may require on hearing from you.

Yours sincerely

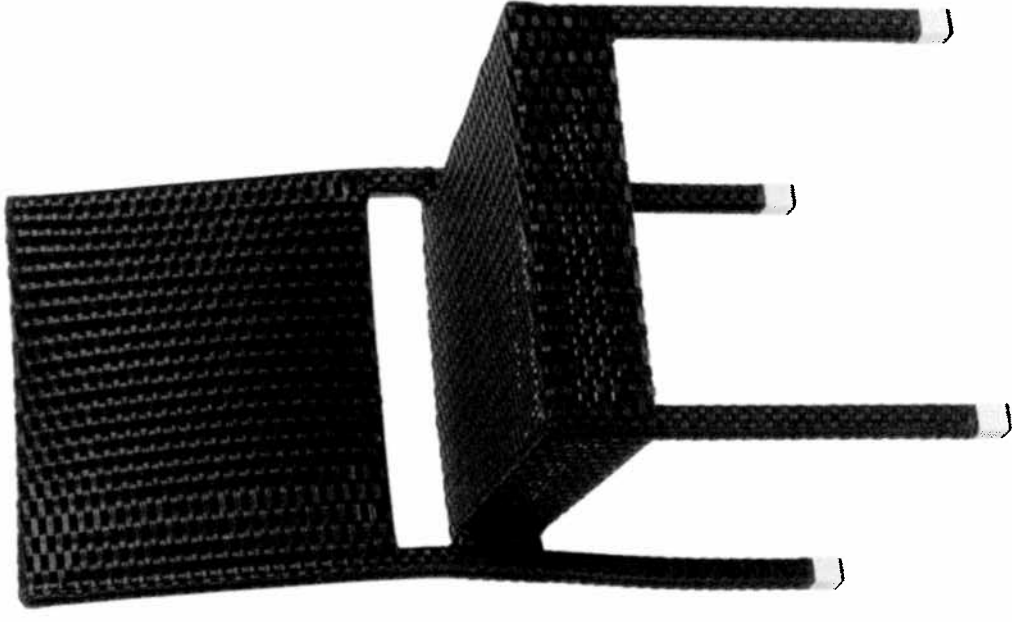
Signed

Stuart Brimelow Dip CII  
Senior Account Handler

It is a legal requirement world-wide that anyone seeking a new policy of insurance/reinsurance or cover for additional risks or renewal under an existing policy, must disclose any information that might influence the insurers/reinsurers in fixing the premium or determining whether to accept the risk. Under English law, failure to do so may entitle insurers/reinsurers to avoid cover from inception and to seek repayment of paid claims. **If you are in any doubt as to whether information is material you should disclose it.**







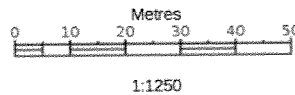
All weather basket weave stackable seating. Solid teak folding tables with slatted tops. Black canvas barriers to 900mm high on removable polished s/s posts and Weighted bases. All furniture stored inside the unit outside of trading hours.



Produced 06 Mar 2013 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown Copyright 2013.

Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.



70 NEWLAND STREET  
WITHAM  
CM8 1AH

Supplied by: **Stanfords**  
Reference: OI546154  
Centre coordinates: 582049 214488



## **Braintree District Council**

Town and Country Planning Act 1990 (as amended)

**Application No.:** 13/00410/FUL

**Date** 11th April 2013

**Received:**

**APPLICANT:**

Prezzo Plc  
Johnston House  
8 Johnston Road  
Ingatestone  
Essex  
IG8 0XA

**AGENT:**

Naomi Design Limited  
Garden Studio  
7 Carden Close  
Brighton  
BN1 8TP

**DESCRIPTION :**

Change of use of land to allow placing tables and chairs on highway land

**LOCATION :**

70 Newland Street Witham Essex CM8 1AH

**APPROVED PLAN(S):**

**Location Plan**

**Planning Layout**

Plan Ref: 06

The Braintree District Council as local planning authority hereby gives notice of its decision to **GRANT** planning permission in accordance with the above plan(s) and subject to the following conditions and reasons:

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

**Reason**

This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.

**Reason**

For the avoidance of doubt and in the interests of proper planning.

- 3 Development shall not be commenced until details of the enclosure around the dining tables indicated on the approved revised plan no. 257/06 date stamped 6 June 2013 have been submitted to and approved in writing by the local planning authority. The details shall include the position, design, height and materials of the enclosure. Development shall be implemented in accordance with the approved details and shall be maintained as such unless otherwise agreed in writing by the local planning authority.

### **Planning Decision Notice**

13/00410/FUL

Page 1 of 4

**Reason**

To ensure the use of appropriate detailing within the Conservation Area.

- 4 Details of any additional external lighting relating to the use hereby approved shall be submitted to and approved in writing by the local planning authority before any such lighting is installed.

**Reason**

To ensure that the development does not prejudice the appearance of the Conservation Area.

- 5 The use of the dining area hereby approved shall be solely ancillary to the restaurant use at 70, Newland Street and the area for dining shall be limited to that indicated on the drawing hereby approved.

**Reason**

For the avoidance of doubt and in the interests of proper planning.

- 6 The use hereby approved shall not be operated outside the following hours:  
Monday to Sunday 10:00 hours - 23:00 hours.  
Outside these hours, the area the subject of this permission shall be cleared of all items including the enclosure, tables and chairs.

**Reason**

To protect the amenities of the occupiers of nearby residential properties and the surrounding area and in the interests of the character of the Conservation Area and reducing and preventing of crime.

- 7 No music or other entertainment shall be provided outside the front of the premises at any time.

**Reason**

To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 8 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1992 no advertisement shall be displayed on within or around the dining area without first obtaining the prior written consent of the local planning authority.

**Reason**

To ensure that the development does not prejudice the appearance of the Conservation Area.

**Policies:**

The Development Plan policies taken into account when deciding this application are listed below. The policies can be viewed in full at Causeway House or on the Council's website – [www.braintree.gov.uk](http://www.braintree.gov.uk)

**Planning Decision Notice**

Braintree District Local Development Framework Core Strategy

CS6        Retailing and Town Centre Regeneration  
CS9        Built and Historic Environment

Braintree District Local Plan Review

RLP3       Development within Town Development Boundaries and Village Envelopes  
RLP49      Pedestrian Networks  
RLP65      External Lighting  
RLP90      Layout and Design of Development  
RLP95      Preservation and Enhancement of Conservation Areas  
RLP112     Town Centre Uses

**In forwarding the decision for this application, I have to draw your attention to the following:-**

- 1        The applicant is advised that a pavement permit is required before chairs and tables can be placed on the highway.

*The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and has granted planning permission in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.*

Dated:

Signed: \_\_\_\_\_

~~XXXXXXXXXXXX~~

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**Tessa Lambert**

Development Manager

Causeway House, Bocking End, Braintree, Essex CM7 9HB

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**Planning Decision Notice**

13/00410/FUL

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## Notes

### 1. Appeal against Conditions

An applicant aggrieved by the decision of the Local Planning Authority to refuse the proposal, may appeal to the Secretary of State, in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of receipt of this notice (twelve weeks in the case of householder proposals). Appeals must be made on a form that can be obtained from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (0117 372 6372), or by visiting the web page [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk). Appeals can also be submitted online by visiting [www.planningportal.gov.uk](http://www.planningportal.gov.uk). The Secretary of State may allow a longer period for the giving of a notice of appeal but he will not normally do so unless there are special circumstances, which excuse the delay in giving notice of appeal. He may decline to determine an appeal if it appears to him that permission for the proposed development could not have been granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements as set out in Section 79 (6) of the Town and Country Planning Act 1990, namely Sections 70 and 72 (1) of the Act, to the provisions of the development order and to any directions given under the order.

### 2. Land Purchase

If proposals are granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council for the area in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 as amended.

### 3. Compensation

In certain circumstances, a claim may be made against the Local Planning Authority for compensation where proposals are granted subject to conditions by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990 as amended.

### 4. Compliance with other regulations

The grant of planning permission does not discharge the applicant from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required.

### 5. Building Regulations

In addition to the permission given on the attached decision notice, your proposals may require approval by the District Council under the Building Regulations legislation. You are advised to contact the Building Control section if you have not already done so, and in any event, prior to the commencement of any work to ensure compliance with the relevant legislation.

## Planning Decision Notice



Essex Legal Services  
New Bridge House  
60-68 New London Road  
Chelmsford  
Essex CM2 0PD



Mr Daniel Mellini  
Environmental Health Manager  
Braintree District Council  
Causeway House  
Bocking End  
Braintree  
CM7 9HB

Our Ref: AWT/HIGH/8789

Date: 13 February 2014

Dear Sir

**Re: Proposed Tables and chairs outside Prezzo, 70 Newland Street, Witham**

With reference to your application to the Network Management Team at Essex Highways for the County Council's consent to your Council exercising its powers to grant permission for the authorisation of the placing of tables and chairs on the footway abutting Newland Street, Witham outside the premises known as Prezzo, 70 Newland Street, Witham, for the purpose of providing refreshment facilities, the matter has now been considered.

Section 115E of the Highways Act 1980 authorises your Council to grant a person permission to do on, in or over certain highways anything which the Council under that legislation could do itself. Section 115C authorises the Council to provide, maintain and operate facilities for refreshment on such highways. Section 115H requires your Council to have the consent of the highway authority to your exercising your powers under section 115E.

I am pleased to advise that, subject to the completion of any other statutory procedures required, including but not limited to giving relevant notice under section 115G, consent is hereby given under section 115H of the Highways Act 180 to your Council granting permission under section 115E of the said Act to the proprietors of the premises at Prezzo, 70 Newland Street, Witham, (the 'Licensee') to provide and operate refreshment facilities involving the placing of tables and chairs within the highway.

The areas of highway to which this consent relates are shown hatched black on the attached plan. The seating area comprises approximately 16.25 square metres and is within the Newland Street footway immediately abutting the premises on the south side.

Nothing in this consent shall limit the powers of the Council to fulfil its functions in monitoring the use of the highway for the provision of private commercial refreshment facilities.

This consent is initially valid for one year from the date hereof. Any licence to be granted by your Council shall be determined on the anniversary of its granting after the service of a one month's notice or immediately in the event of the licensee being in

breach of any of the conditions listed below under which the provisions of refreshment facilities within the highway is permitted.

This consent is granted subject to the following conditions:

1. The tables and chairs should be contained within removable barriers which should separate the table and chairs from the highway. The barriers must have a minimum overall height of 800mm and a gap of no more than 150 mm between the base or tapping rail and the ground. They must be manoeuvrable enough to allow them to be removed from the highway into the main premises at the close of business. It is recommended that the barriers are in a contrasting colour to the highway surface to provide maximum impact for the visually impaired.
2. The Licensee shall attach no fixtures to or make excavation of any kind in the surface of the highway which shall be left entirely undisturbed.
3. The Licensee shall make no claim or charge against the County Council in the event of the furniture or other objects being lost, stolen or damaged in any way from whatever cause.
4. The Licensee shall indemnify County Council as highway authority against all actions, proceedings, claims, demands and liability which may at any time be taken made or incurred arising out of the grant of this permission and for this purpose must take out at the Licensee's expense a policy of public liability insurance in the sum of at least five million pounds in respect of any one event.
5. The Licensee shall not place furniture on the highway outside the permitted area of use.
6. The Licensee shall remove from the highway the barriers tables and chairs to permit works in or the use of the highway by the County Council, the police, fire and ambulance services, any statutory undertaker or telecommunications code operator and shall make no claim against the County Council for any loss of revenue.
7. The Licensee shall not place any furniture on the permitted area before 6.00 am and shall remove all furniture from the permitted area when the premises are closed for trading.
8. No furniture is to be placed or kept on the permitted area when the premises are not open for trading.

It is understood that permission is likely to be for 3 tables and 12 chairs within the authorised area shown highlighted red on the attached plan. Specifications of all apparatus are to be agreed with the Network Management Office (Tim Olley).

The County Council also asks that, upon the Council utilising its powers under s.115E granted by this consent, that a copy of any licence issued to the Licensee shall also be forwarded to the County Council; and that the County Council shall be informed promptly if this licence ceases to be utilised.

Yours faithfully

XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX

Signed

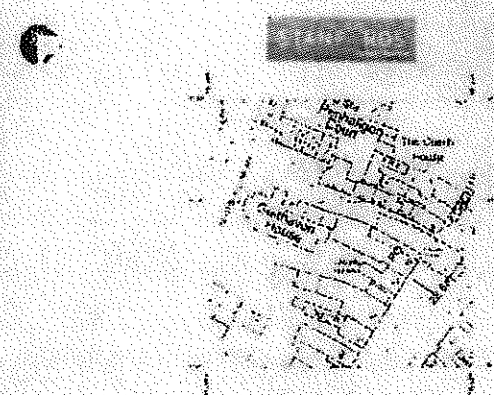
Philip Thomson  
Director for Essex Legal Services

DX: 155940 Chelmsford 18  
Telephone: 01245 506722  
Fax: 01245 506749  
Internet: [www.essex.gov.uk](http://www.essex.gov.uk)  
Email: [alan.timms@essex.gov.uk](mailto:alan.timms@essex.gov.uk)





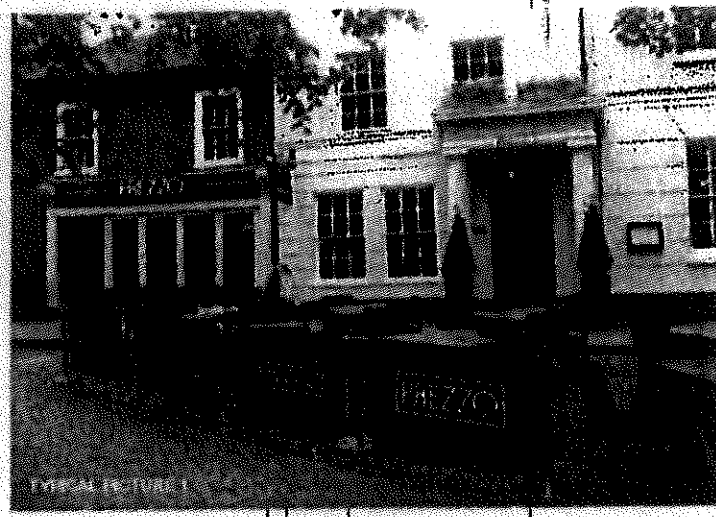




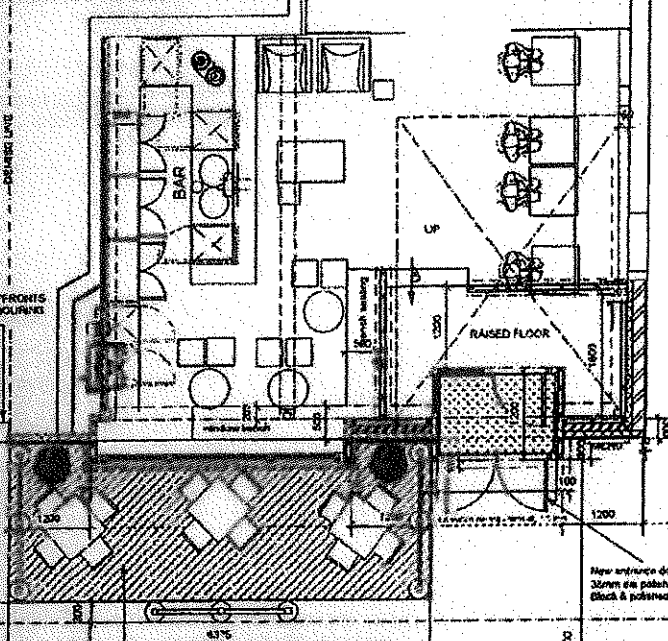
**OS MAP**

1:2500

NEWLAND STREET  
WITHAM  
CM8 1AH



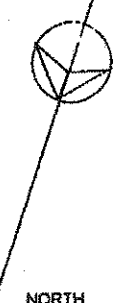
**PLAN OF SHOPFRONT AREA**



**EXTERNAL SEATING STYLE**

ALL WEATHER BASKET WEAVE CHAIRS - STACKABLE - COLOUR - BLACK - PICTURE 1  
ALL WEATHER BASKET WEAVE TABLES WITH GLASS TOPS - STACKABLE - COLOUR - BLACK - PICTURE 2  
BLACK CANVAS CAFE BANNER BANNERS WITH POLISHED S/S POSTS AND BASES  
ALL FURNITURE STORED INSIDE THE UNIT AT NIGHT.

GUTHAVON STREET



1 meter  
5 meters  
**SCALE BAR**

NOTES:  
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010.  
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE PLANNING ACT 2008.  
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE ENVIRONMENTAL ACT 1996.  
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE HEALTH AND SAFETY ACT 1974.  
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE FIRE SAFETY ACT 1987.  
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE ELECTRICITY ACT 1989.  
7. ALL WORK SHALL BE IN ACCORDANCE WITH THE WATER SUPPLY ACT 1988.  
8. ALL WORK SHALL BE IN ACCORDANCE WITH THE WASTE MANAGEMENT ACT 1990.  
9. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATURE RESOURCES ACT 1995.  
10. ALL WORK SHALL BE IN ACCORDANCE WITH THE PLANNING ACT 2008.

neoms design limited,  
restaurant & food spaces,  
7 carden close, Brighton, BN1 8JP  
t & f: 01273 550001  
m: 0771 363 6798  
e: neomsdesign@me.com

**PREZZO PLC**

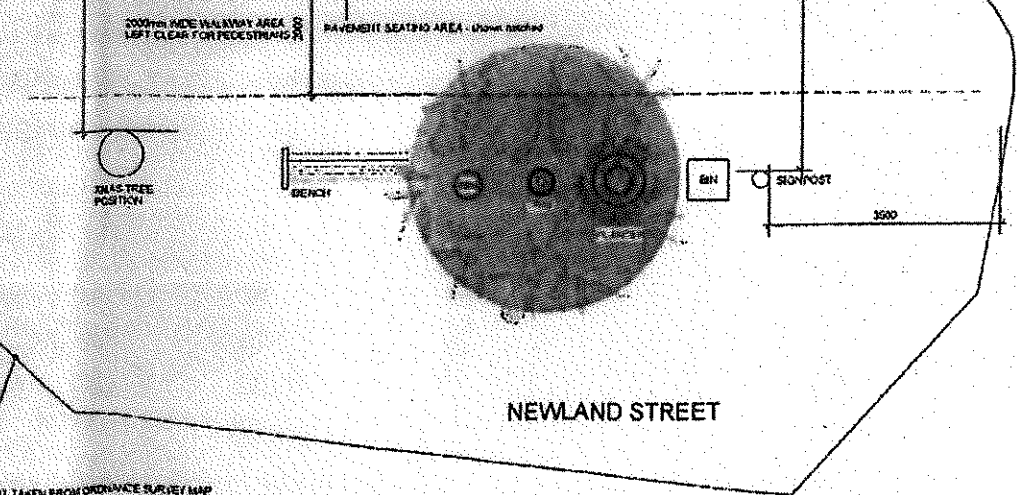
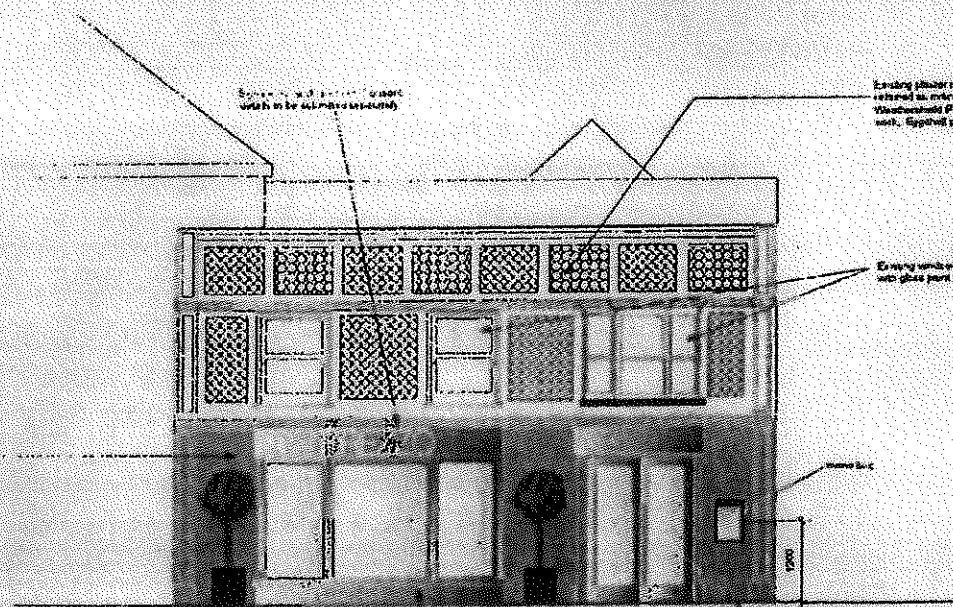
**70 NEWLAND STREET,  
WITHAM, CM8 1AH**

**PROPOSED SHOPFRONT & WORKS TO  
FRONT ELEVATION**

257 C21 1:50 @ A1 NOV 2012

**CONSTRUCTION**

**PROPOSED FRONT ELEVATION**







# Witham Town Council

Town Hall, Newland Street,  
Witham, Essex. CM8 2FE  
Telephone: 01376 520627  
Website: [www.witham.gov.uk](http://www.witham.gov.uk)  
Email: [office@witham.gov.uk](mailto:office@witham.gov.uk)



APPENDIX 3

2<sup>nd</sup> October 2013

ENVIRONMENTAL  
04 OCT 2013  
HEALTH

D Mellini Esq  
Environmental Health Manager  
BRAINTREE DISTRICT COUNCIL  
Causeway House  
Braintree  
Essex CM7 9HB

Dear Mr Mellini

## Pavement Permit Application - Prezzo PLC - Newland Street, Witham

Witham Town Councillors considered the above application at their Planning Committee Meeting on 1<sup>st</sup> October 2013, and have no objection to the above application, subject to a condition being placed on the Licence that any outdoor seating area is reduced to two tables between mid-November and mid-January every year. This is because the Town Christmas Tree (which is supplied by the Witham Rotary Club) will be erected in the tree pit as indicated, and the safety fencing around it would encroach on the 2m gangway between the tree and the seating area, which ensures the safe passage of pedestrians, mobility scooters and pushchairs etc. The Town Christmas Tree has been part of Witham's Christmas celebrations for the past sixty years, and is a tradition the Town Council would wish to see continue.

Yours sincerely

XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX

Signed

JANE COLEMAN  
Deputy Town Clerk  
Witham Town Council





# The Rotary Club of Witham



**President: Philip Helps**

**Secretary: Phil Page**

**Please reply to:**

22 Cromwell Way  
Witham Essex CM8 2ES

10<sup>th</sup> October 2013


D Mellini Esq  
The Licensing Section  
Braintree District Council  
Causeway House  
Bocking End  
Braintree  
Essex CM7 9HB

Dear Sir:

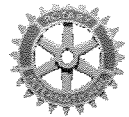
**Pavement Permit Application by Prezzo PLC, 70 Newland Street Witham – Ref 13/01399/PP**

Please find attached our Representations, of even date, in respect of this Application.

Yours faithfully

 Signed  
PHILIP HELPS  
President





**PAVEMENT PERMIT APPLICATION BY PREZZO PLC for Permanent Licence to use Pavement Area outside new shop premises, 70 Newland Street, Witham, for 3 tables, 12 chairs and associated barriers, 6375 x 2650mm on plan: Ref 13/01399/pp**

**Representations by The Rotary Club of Witham to The Licensing Section, Braintree District Council**

1. We are in receipt of the above proposals as shown on Naomi Design Limited drawing 257/C2/Nov2012.
2. Our interest arises because each year, for the past sixty or so years, we have provided the Town Christmas Tree circa 10 metres high set in a brick tree pit, as shown on the application drawing. When erected and protected from vandalism by a 1m high sectional palisade board fence circa 3500 x 3500mm overall, obviously, this fencing would encroach circa half way (1m) across the 2m wide walkway beyond the pavement seating area barriers. Please note that last Christmas the tree and barriers were erected on 20<sup>th</sup> November 2012, and removed on 11<sup>th</sup> January 2013. After erection, a sub-contractor, on behalf of Witham Town, Council illuminates the Tree, in conjunction with the Newland Street Lighting Scheme, and removes all illumination in January prior to tree removal.
3. In view of the above and to enable us to continue with this Annual Town Centre Project, we suggest the following condition be placed on the Licence, that between mid-November and mid-January the seating area is removed or reduced in size, to permit the erection and removal of the Christmas Tree and retain a 2m walkway.
4. If necessary, we can ask Witham Town Council to submit details of licence applications for the Tree, etc.: also submit full details of those involved in tree erection i.e. Braintree District Council Parks and Open Spaces Operations, E H Smith (Building Merchants) and Rotary Club members.

For and on behalf of The Rotary Club of Witham

Signature .....  
Date .....10.10.13

Printed Name .....PHILIP HELPS

Position .....PRESIDENT 2013-14

