

**APPLICATION FOR A PAVEMENT PERMIT – MARDYS 10-12 MARKET PLACE
BRAINTREE ESSEX**

Portfolio Area: Environment
Report Presented by: Mrs Rachel Crouch

- Background Papers:**
1. Braintree District Council Pavement Permit Policy (Appendix 1).
 2. Application made by Mr Ben Marsden for Mardy's, 10-12 Market Place, Braintree (Appendix 2).
 3. Plan of proposed site (Appendix 3).
 4. Essex County Council correspondence (Appendix 4).
 5. Representations received during consultation (Appendix 5).
 6. Standard conditions to be attached if granted (Appendix 6).

Corporate Implications: Please refer to table at end of report

- Options:**
1. To GRANT the application for a Pavement Permit in respect of Mardy's, 10-12 Market Place, Braintree.
 2. To GRANT the application for a Pavement Permit in respect of Mardy's, 10-12 Market Place, Braintree for reduced hours than those detailed in paragraph 1.4.
 3. To GRANT the application for a Pavement Permit in respect of Mardy's, 10-12 Market Place, Braintree with additional conditions deemed necessary.
 4. To REFUSE the application for a Pavement Permit in respect of Mardy's, 10-12 Market Place, Braintree.

Risks: None

Executive Summary

To consider the application made by Mr Ben Marsden for a Pavement Permit for the use of the pavement area outside Mardy's, 10-12 Market Place, Braintree.

The Council's Pavement Permit guidance specifies that, if representations are made within the specified period and subject to the appropriate consents being given, the application will be referred to the Council's Licensing Committee for determination.

Decision

1. To GRANT the application for a Pavement Permit in respect of Mardy's, 10-12 Market Place, Braintree.
2. To GRANT the application for a Pavement Permit in respect of Mardy's, 10-12 Market Place, Braintree for reduced hours than those detailed in paragraph 1.4.
3. To GRANT the application for a Pavement Permit in respect of Mardy's, 10-12 Market Place, Braintree with additional conditions deemed necessary.
4. To REFUSE the application for a Pavement Permit in respect of Mardy's, 10-12 Market Place, Braintree.

1. **Background**

- 1.1 In February 2003, Members adopted the provisions under 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 this 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 guidance specifies that, if representations are made within the specified period and subject to the appropriate consents being given, the application will be referred to the Council's Licensing Committee for determination.
- 1.4 On 10th March 2009, the Licensing Department received from Mr Ben Marsden and validated an application for a one year pavement permit for Mardy's, 10-12 Market Place, Braintree to allow the following (Appendix 2);

6 Tables
24 chairs

Monday to Sunday 11:00 to 18:00 hours
- 1.5 A plan of the area accompanies this report, with the area covered by the application cross-hatched (Appendix 3).
- 1.6 As part of the regulatory procedure, the Council must prepare a notice and arrange for it to be displayed on site. An Officer visited the premises and can confirm that the appropriate notice was displayed in a prominent position on the premises. In addition, notices were also served on "frontagers with an interest", and owner and occupiers of any premises likely to be materially affected by the application.

2. **Consultation**

2.1 As part of the consultation process, the Council must seek the consent of the Highway Authority (Essex County Council), frontagers with an interest, and the Local Planning Authority (Braintree District Council). No objections have been received and Essex County Council has given consent after discussions with the Mr Marsden (Appendix 4).

2.2 The Pavement Permit policy also requires additional consultation to be carried out with the following bodies:

Forward Plans	No response received
Development Control	No response received
Environmental Health	
- Health & Safety	No response received
- Pollution	No response received
Ward Members	No response received
Essex Police	No response received
Essex Fire and Rescue	Acknowledgement received. No comments

2.3 During the consultation period the Council received a number of representations following the public notice. These representations are attached at Appendix 5.

Corporate Implications			
Financial:	Not Applicable		
Legal:	None		
Equalities & Diversity:	Not Applicable		
Customer Impact:	Not Applicable		
Environment & Climate Change:	Not Applicable		
Consultation/Community Engagement:	Local Committees - Not Applicable		Partners- Not Applicable
	Public- Not Applicable		Staff- Not Applicable
Key Decision:	No		
Public/Private Report:	Public		
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