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## Chelmsford City Council Regulatory Committee

5<sup>th</sup> September 2024

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Business and Planning Act 2020 – Application to appeal the decision of a pavement licence.

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Report by: Director of Public Places

### Officer Contact:

Daniel WINTER, Licensing Lead Officer, [Daniel.winter@chelmsford.gov.uk](mailto:Daniel.winter@chelmsford.gov.uk) 01245 606317

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### Purpose

The Committee is requested to consider an application to review the decision that the licensing authority made in relation to the refusal of a pavement licence for Black Sheep Coffee.

### Options

Members are advised that they have the following options when determining this application.

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1. To uphold the decision to refuse the licence.
  2. To grant the licence as applied for
  3. To grant the licence with specific conditions or modifications.
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### 1. Introduction

- 1.1 Pavement licences were introduced under the Business and Planning Act 2020 ('the 2020 Act') and allows someone who has a business premises for the sale

of food and/or drink to apply for a licence to place removable furniture on a highway. The furniture can be used for the sale or service of food or by the business's customers. On receipt of an application, there is a 14- day period of public consultation followed by a 14-day period of determination. Before determining an application, the local authority must consider any representations received during the consultation period and must consult the Highways Authority. If a local authority does not make a determination within the 14-day determination period, the licence is deemed granted.

- 1.2 Chelmsford City Council's Policy permits furniture placement in specific areas at the top of the High Street, as detailed (hatched in red) on the attached plans, due to the redevelopment of the area. A copy of our policy including plans is attached as **Appendix A**
- 1.3 Legislation does not provide a statutory right to appeal for these decisions, however, councils may consider granting an informal review process to their Regulatory Committee.

## 2. Background

- 2.1 The premises is located at 61 High Street, Chelmsford near the centre of the high street, at the junction of Springfield Road and Chelmsford High Street, and is surrounded by various businesses and restaurants. Google Maps satellite images showing the location are attached at **Appendix B**.
- 2.2 Black Sheep Coffee is located near Coffeestop, a pop-up café that sets up near the monument at the junction of both roads in the town centre on market days which are Tuesday, Friday, Saturday, and Sunday. Coffeestop has historically had a pavement licence and provide furniture around the monument. Their licence expired on the 25<sup>th</sup> July 2024 and are currently in the process of reapplying.

## 3. Application

- 3.1 On the 12<sup>th</sup> July 2024, a complete application was received from Coff33 Ltd in relation to its premise located at 61 High Street Chelmsford Essex CM1 1DH, in accordance with section 2(1) & (2) of the Business and Planning Act 2020 using the Council's application form and procedures. Please see attached as **Appendix C**.
- 3.2 The applicant provided a detailed plan and photographs of the proposed furniture and planters which is attached as **Appendix D**
- 3.3 Consultation was sent out to all responsible authorities on the 15<sup>th</sup> July 2024 with a closing date of 28<sup>th</sup> July 2024.

#### 4. Representation and consideration

- 4.1 Three representations were made during the consultation period from Chelmsford City Council's Town Centre Management and planning department, and Essex County Council. These are attached as **Appendix E**
- 4.2 A letter of refusal and reasons were sent to the applicant via email on 7<sup>th</sup> August 2024. This is attached as **Appendix F**
- 4.3 Chelmsford City council received a letter of appeal, on 7<sup>th</sup> August 2024, in relation to the refusal of the application for a pavement licence. Please see attached at **Appendix G**.
- 4.4 In the interest of fair democracy and to support the members of the regulatory committee, the Licensing Authority informally approached those who made an objection to the original application and asked for their views for the proposed amendment to the plans. Please see responses attached to this report as **Appendix H**

#### 5. Conclusion

- 5.1 Black Sheep Coffee, located near the town centre, applied for a pavement licence. The application included detailed plans and photos, and consultation with relevant authorities ended. Three representations from local authorities raised concerns, leading to the application's refusal by Chelmsford City Council.
- 5.2 Essex County Council, in response raised concerns about potential overcrowding, especially on market days when the area can become congested. They suggested the Council consider restricting the licence on market days. The Planning Department highlighted that the west side of the High Street is a key emergency access route, historically kept clear of tables and chairs. They noted that previous applications for pavement licences in this area were denied for similar reasons. The Chelmsford Market Manager echoed these concerns, emphasizing the need to maintain clear vehicle access on the west side of the High Street.

#### List of appendices:

- Appendix A – Policy & Plans
- Appendix B - Google image of premise
- Appendix C – Application
- Appendix D – plans and photograph of proposed furniture.
- Appendix E – objections from consultees
- Appendix F – CCC refusal letter
- Appendix G – Applicants letter of appeal.
- Appendix H – Informal responses to proposed amended plans

#### Background papers: Business and planning Act 2020

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## Corporate Implications

**Legal/Constitutional:** The local council must ensure that the appeal process follows principles of procedural fairness. This means providing the appellant with a fair and transparent opportunity to present their case, access to relevant information, and a chance to respond to any evidence against them.

**Financial: Damages and Compensation:** In some cases, if the council's initial decision to revoke the licence is found to be unjust or based on flawed reasoning, they might be required to pay damages or compensation to the appellant.

**Potential impact on climate change and the environment:** If the pavement licence allows for outdoor seating or other activities that attract customers, it could lead to increased foot and vehicular traffic in the area. This could result in higher emissions from vehicles and contribute to air pollution, counteracting efforts to reduce greenhouse gas emissions.

Outdoor commercial activities associated with pavement licences can lead to increased noise levels and waste generation. This might have negative impacts on the local environment, affecting both residents and ecosystems.

Pavement licences often involve food and beverage service, which can generate additional waste. If proper waste management practices are not in place, it could lead to increased littering and improper disposal, harming the local environment.

Contribution toward achieving a net zero carbon position by 2030: None

**Personnel:** Legal Expertise, Regulatory Compliance, Stakeholder Engagement, Financial Planning, Environmental Assessment, Urban Planning, Policy Development.

**Risk Management:** Legal and Regulatory Risks, Reputation Risks, Financial Risks, Operational Risks, Environmental Risks, Social and Community Risks, Litigation Risks, Compliance Risks: Economic Impact, Climate and Sustainability Risks.

**Equality and Diversity:** Equal Treatment, Community Impact, Community Engagement, Accessibility, Language and Cultural Sensitivity, Economic and Social Equity, Public Consultations, Diverse Representation, Mitigating Displacement, Community Benefits.

**Health and Safety: Public Safety:** The council must prioritize public safety in all decisions related to pavement licences. The appeal outcome should not compromise the safety of pedestrians, customers, or residents in the area.

**Emergency Access:** The council should ensure that the appeal decision does not obstruct emergency access routes, such as sidewalks, fire lanes, or entrances to buildings.

**Fire Safety:** If the appeal allows for outdoor seating or other activities, fire safety measures should be in place to prevent fire hazards and ensure safe evacuation routes.

**Crowd Management:** If the appeal outcome leads to increased foot traffic or gatherings in the area, the council should consider measures to manage crowds and prevent overcrowding, especially during events or peak hours.

**Accessibility:** Outdoor activities associated with pavement licenses should not impede accessibility for individuals with disabilities. Proper pathways and clear access routes should be maintained.

**Noise Control:** The appeal outcome might involve outdoor activities that generate noise. The council should establish noise control regulations to ensure that noise levels do not negatively impact nearby residents or businesses.

**Food Safety:** If the appeal allows for food and beverage service, businesses should adhere to food safety regulations to prevent contamination and ensure the health of customers.

**Lighting and Visibility:** Proper lighting should be provided for outdoor activities that continue after dark to ensure visibility and safety for both pedestrians and drivers.

**Waste Management:** The council should set guidelines for waste management to prevent littering and maintain a clean and safe environment in the area.

**Weather Considerations:** If the appeal outcome leads to outdoor activities, the council should consider weather conditions and establish guidelines for dealing with adverse weather, such as rain, wind, or extreme temperatures.

**COVID-19 Precautions:** In light of the ongoing COVID-19 pandemic, the council should consider any additional health and safety precautions that might be necessary to prevent the spread of the virus in outdoor commercial activities.

**Inspections and Enforcement:** The council should have a mechanism in place to regularly inspect and enforce compliance with health and safety regulations related to the appeal outcome.

**Digital: Electronic Records:** Maintain electronic records of all communications, decisions, and documents related to the appeal process. This helps in maintaining a clear audit trail and can be valuable in case of disputes.

**Data Security:** Any digital platforms used to store and share sensitive information related to the appeal must adhere to strict data security and privacy standards to prevent unauthorized access or data breaches.

Other: None

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Consultees: Legal, Democratic Services

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Relevant Policies and Strategies: Business and planning Act 2020

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## **Pavement Licensing Policy**

### **1. Introduction**

The Business and Planning Act 2020 (as amended) was introduced as temporary legislation to assist businesses and remove existing bureaucracy around what were known as Tables and Chairs Licences under the Highways Act. The Business and Planning Act 2020 has now been amended by the Levelling Up and Regeneration Act 2023 which makes the Pavement Licence regime permanent.

The Act allows Chelmsford City Council to permit specified furniture to be placed on the highway (mostly footpaths and pedestrianised areas) although where applicable, businesses may still need the activity to be licensed, for example, sale of alcohol.

### **2. Definition of ‘pavement licence’**

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, and for certain purposes.

### **3. Eligible Businesses**

A person (which includes a body corporate) which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, ice cream parlours or similar.

A licence permits the business to use furniture placed on the highway in order to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

A pavement licence does not licence the activity, only the placing of the furnishings. The pavement licence is issued to a person or incorporated body. Where there is a change to that person or incorporated body then the licence will lapse, and a further application will need to be made by any new person.

### **4. Eligible Locations**

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980.

Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

This policy is applicable throughout the Chelmsford City Council district, although its main impact is within the city centre as other areas with demand for tables and chairs tend to be on privately owned land.

From 8 High Street northwards to the top of the High Street tables and chairs are only permitted in the hatched areas of the plan at Appendix 1. There must be a minimum width of 3 metres between the business façade and the tables and chairs, and a minimum 5 metre clear route along the centre of the street. The maximum depth of the area licensed for tables and chairs to be 2.5 metres.

To the south of 8 High Street, including Springfield Road and Moulsham Street, tables and chairs to be placed abutting the façade. The maximum depth of the area licensed for tables and chairs is to be 2.5 metres. Maximum depth of 2.5 metres does not apply to Exchange Square or Backnang Square.

Tables and chairs can only be placed in front of the façade the licence holder is responsible for.

Tables and Chairs will not be permitted where they would restrict any pedestrianised public highway to less than 2.5 metres in width or impede any designated cycle route.

Any application for tables and chairs in front of Shire Hall must be considered by the Council's Regulatory Committee.

## **5. Type of furniture permitted**

Seating, tables and, if required, umbrellas and heaters (together with a secure base) as well as any proposed barriers to enclose the seating area are permitted.

The furniture must be fit for purpose and designed specifically for commercial outdoor use (and comply with all relevant BS standards). It must be kept in good order; damaged or faded items must be replaced.

This furniture is required to be removable, meaning that it is not a permanent fixed structure, and is able to be moved easily, and should be stored away when the premises are closed for activity.

There is an expectation that the type and style of furniture would be 'in keeping' with the local area.

Picnic benches and plastic tables and chairs designed for domestic use (e.g. white plastic furniture) are not permitted.

Any form of gazebo or enclosed shelter with one or more sides is not permitted.



## 6. Barriers

When tables and chairs are in place a standard barrier consisting of a fabric banner and associated post/rail system shall be used. The function of the barriers is to demarcate and contain the tables and chairs but also to give a clear warning particularly to people with visual impairments.

The barriers shall be secured by a purpose designed post and rail system with weighted post bases to prevent being knocked or blown over and be of a height range of 800mm to 1000mm so to not visually obstruct views down the street or be an obstructing hazard

Street café barriers should be of a design to complement the character of the surrounding area. Banners should be of one design, in a plain style and can incorporate the business name or brand logo. Posts and rails should be stainless steel, chrome plated or powder coated.

## 7. Times of Operation

The tables and chairs can be placed on the highway only when the premises are open for business and in any event not before 6.00 am and normally until the close of business.

Where nuisance is likely to be caused to residents e.g. late at night, businesses may be required to remove the tables and chairs before the close of business.

## 8. Planning Permission

Once a licence is granted the applicant will also benefit from deemed planning permission to use the land for anything done only pursuant to the licence while the licence is valid, but not for any other purpose.

## 9. Consultation

Applications are consulted upon for 14 days, starting with the day after that on which the application is made to the Council (an application will not be considered to have been properly made unless each requirement has been met).

The Council will publish details of the application on its website at [www.chelmsford.gov.uk/business/licensing/find-a-licence/pavement-licence](http://www.chelmsford.gov.uk/business/licensing/find-a-licence/pavement-licence)

The Council is required by law to consult with the Essex County Council Highways Authority. In addition, to ensure that there are no detrimental effects in granting such a licence the Council will also consult with:

- Chelmsford City Council Environmental Health Service
- Chelmsford City Council Planning Department
- Essex Police
- The appropriate Local Ward Councillor(s)
- The appropriate Parish or Town Council

Members of the public and others listed above can contact the Council to make representations.

The Council must take into account representations received during the public consultation period and consider in their determination of the application.

#### **10. Cost**

There is an application fee and a renewal fee payable every two years. Details can be found on the application form and Chelmsford City Council website.

#### **11. Insurance**

Operators must indemnify both Chelmsford City Council and Essex County Council in respect of injury, damage or loss arising out of the grant of permission (unless such claims arise out of the Councils' negligence). All operators must have public liability insurance in the sum of £10,000,000 in respect of any one event. A copy of this insurance must be produced to the Council before a licence will be issued.

The Licence holder shall make no claim or charge against the Council in the event of the furniture or other objects being lost, stolen or damaged in any way.

#### **12. Litter**

Refuse and litter deposited on the highway in the vicinity of the chairs and tables must be collected at not less than hourly intervals (or more frequent intervals if required under the Environmental Protection Act 1990).

Litter is not to be placed in the litter bins situated on the highway for use by the general public, but in the trade refuse bins.

All tables must be cleared as soon as practicable after being vacated by customers to avoid litter being deposited unnecessarily on the highway.

#### **13. Miscellaneous Conditions**

The Licence holder must remove any furniture if required to do so to permit works in or the use of the highway by the Council, the County Council, the emergency services any statutory undertaker or telecommunications code operator or where the Licence holder has been notified of a special event taking place.

No charge can be made by the Licence holder for the use of the furniture.

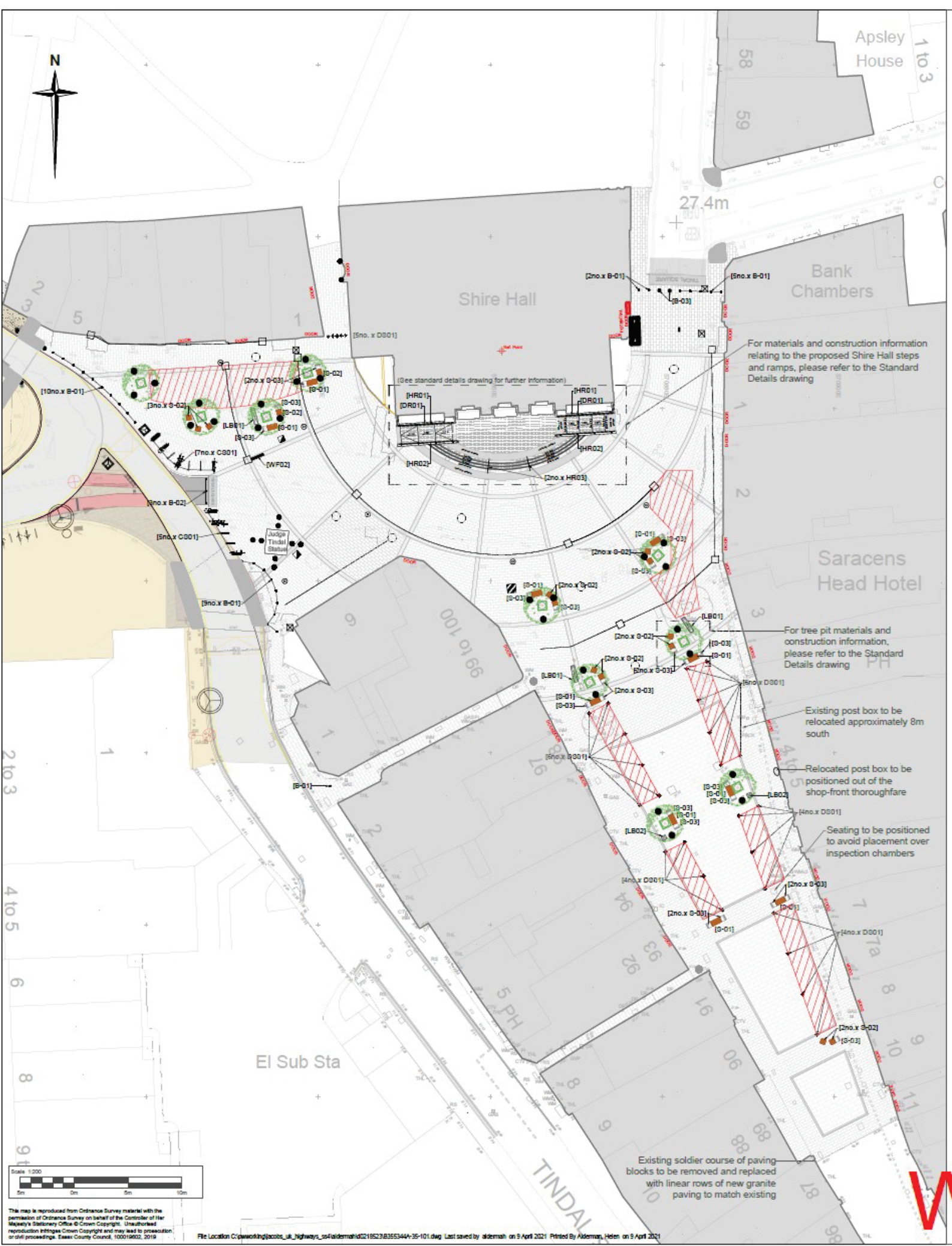
All licences are renewable every two years.

### **Appendices**

#### **Appendix 1**

#### **Map of Chelmsford City High Street with permitted areas for tables and chairs**

<b>Creation date</b>	<b>Version No.</b>	<b>Changes Approved:</b>
June 2024	2	Policy updated to include legislative changes, adopt new and renewal fees and take into account decision of regulatory committee on 17/3/2022 to introduce specific restrictions in Chelmsford Town Centre



27.4m

Apsley House  
1 to 3

Bank Chambers

Shire Hall

Saracens Head Hotel

El Sub Sta

TINDAL

For materials and construction information relating to the proposed Shire Hall steps and ramps, please refer to the Standard Details drawing

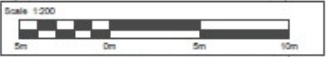
For tree pit materials and construction information, please refer to the Standard Details drawing

Existing post box to be relocated approximately 8m south

Relocated post box to be positioned out of the shop-front thoroughfare

Seating to be positioned to avoid placement over inspection chambers

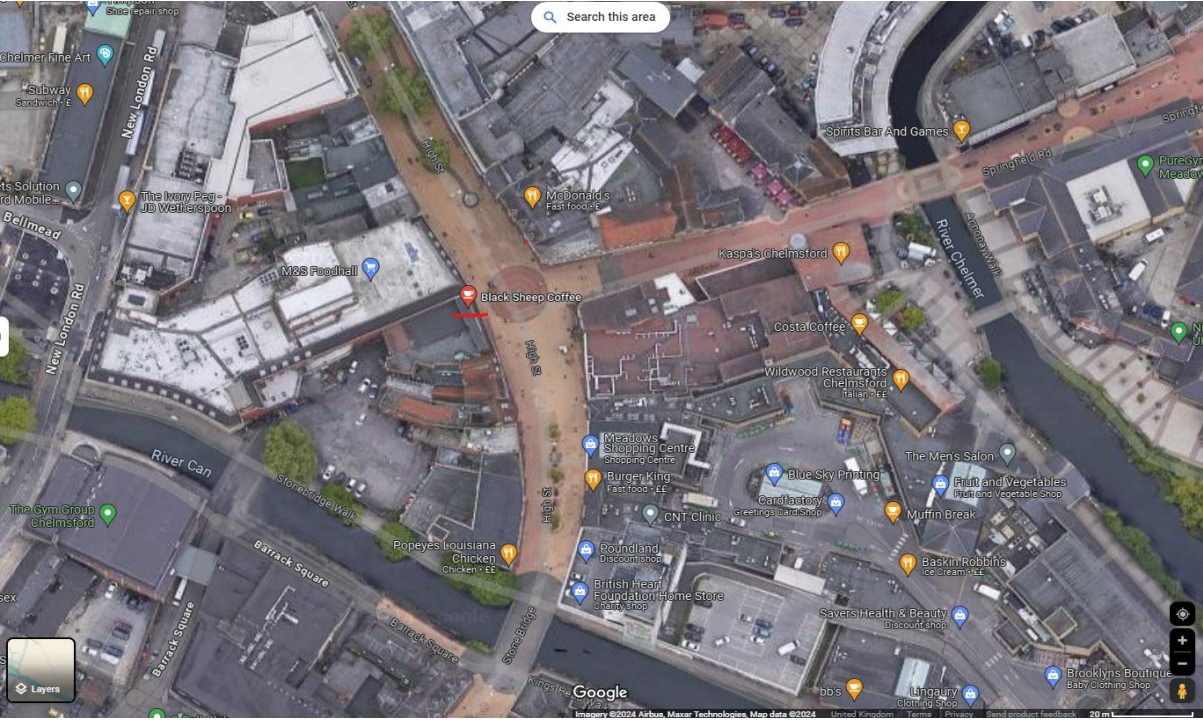
Existing soldier course of paving blocks to be removed and replaced with linear rows of new granite paving to match existing



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# APPENDIX B



# APPENDIX C

**BUSINESS AND PLANNING ACT 2020**  
Levelling Up and Regeneration Act 2023  
Schedule 22



## APPLICATION FOR THE GRANT/RENEWAL OF A PAVEMENT LICENCE

Before completing this application please read any associated guidance that can be found on our website at [www.chelmsford.gov.uk](http://www.chelmsford.gov.uk). If you need to provide additional information please do so on a separate appendix to this application and submit with all required documentation as requested

APPLICANT DETAILS		
Title:	First name(s):	Surname:
Postal Address: Coff33 LTD 29 High Street, Brentwood, Essex, CM14 4RG		
Post Town: Brentwood	Post Code:	
Phone (Home):	Phone (Mobile):	
e-mail address:		
Date of Birth:	NI number:	

BUSINESS PREMISES DETAILS	
Trading Name: Black Sheep Coffee	
Postal Address:  61 High Street, Chelmsford, Essex, CM1 1DH	
Purpose for which the business premises are used? (please tick one of the following options)	
Use as a public house, wine bar or other drinking establishment	
Other use for the sale of food or drink for consumption on or off the premises	✓
Both of the above uses	

**AREA OF HIGHWAY PROPOSED TO BE USED**

Please provide a description of the area of the highway to which this application relates:  
 (Please note you are required to submit a scale plan of this area with your application)  
 To place 4 tables and 8 eight chairs as per the drawing submitted.

With Post and banners around the table and chairs.

**RELEVANT PURPOSE THE APPLICATION RELATES TO:**

Which of the following relevant purposes do you wish to put furniture on the highway for?  
 (please tick one of the following options)

To sell or serve food or drink supplied from, or in connection with relevant use of, the premises

For the purpose of consuming food or drink supplied from, or in connection with relevant use of, the premises



Both of the above purposes

**DAYS AND TIMES**

During what times do you propose to place furniture on the highway on each of the following days:  
 Please use the 24hr clock.

Mondays	7am to 7pm	Fridays	7am to 7pm
Tuesdays	7am to 7pm	Saturdays	7am to 7pm
Wednesdays	7am to 7pm	Sundays	7am to 6pm
Thursdays	7am to 7pm		

## FURNITURE TO BE PLACED ON THE HIGHWAY

Please provide a description and quantity of the furniture you propose to place on the highway.  
(Please note you are required to provide photographs or brochures of the proposed furniture with your application)  
Using black metal round tables and chairs

Posts and banners

Photos uploaded.

### Checklist:

- I have paid the fee of £500 for a new grant or £350 for a renewal application
- I have attached photographic evidence of the public notice
- I have enclosed a plan showing the extent of the area and layout of furniture
- I understand that I must now advertise my application.
- I understand that if I do not provide information requested that my application will be rejected.
- I understand that there is no assumed right of permission unless not determined within the required period. Where council refuse permission I understand that fees will not be refunded.

Rec. Ref





## DECLARATIONS BY APPLICANT

I understand that I am required to give notice of my application in accordance with the requirements of the Business and Planning Act 2020 and that failing to do so will lead to the revocation of any licence granted.

I understand I must hold and maintain public liability insurance up to a value of £10million.

I understand my application will not be considered until all the required documents and information have been provided and the application fee of £500 has been paid.

I understand that the application fee paid is non-refundable if my application is refused or if any licence granted is subsequently surrendered or revoked.

I understand that the Authority is under a duty to protect the public funds it administers, and to this end may use the information I have provided on this form for the prevention and detection of fraud. I understand that it may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

I understand that should my application be granted I will adhere to the conditions on the licence and that if conditions are breached then the licence could be revoked.

I understand that failing to remove furniture following a revocation of the licence could mean that the council can recover the costs from the business for the removal and storage of the furniture and refuse to return the furniture until costs have been paid.

I understand that failing to pay the recovery costs to the council within 3 months, the council may dispose of the furniture by sale or other means and retain the proceeds.

I declare that the information given above is true to the best of my knowledge and that I have not wilfully omitted any necessary material. I understand that if there are any wilful omissions, or incorrect statements made, my application may be refused without further consideration or, if a licence has been issued, it may be liable to revocation.

I understand that the Authority is collecting my data for the purposes described on this form and will not be used for any other purpose, or passed on to any other body, except as required by law, without my consent.

**Date Submitted:**

12/07/2024

**Signed:**

**Print Name:**

Please return this form with all relevant documents and proof that the application fee has been paid to:

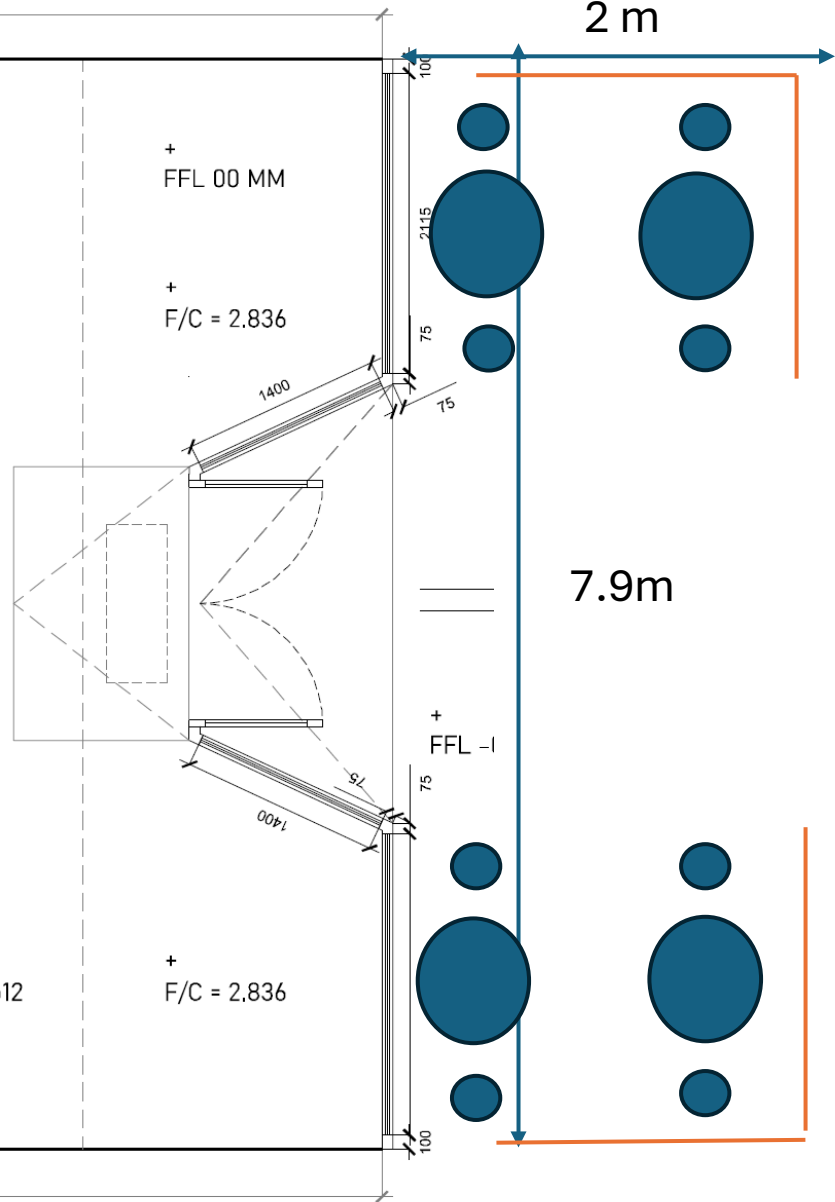
[licensing@chelmsford.gov.uk](mailto:licensing@chelmsford.gov.uk)

## GUIDANCE NOTES

What should accompany the form?

Deemed licences?

# APPENDIX D





Black Sheep Coffee





### Table Dimensions

Height 720mm

Width 450mm

### Chairs Dimensions

Height seat 450mm

Width 540mm

Depth 560mm

Height 730mm

# APPENDIX E

## Essex County Council response.

Dear Katherine

### **Business and Planning Act 2020**

### **Application for a Pavement Licence – Black Sheep Coffee, 61 High Street, Chelmsford.**

I refer to your correspondence to the County Council's Highways Department, and consultation in respect of your Council exercising its powers to grant permission to \* for pavement licence, please find attached consent in response to the consultation. I would be grateful if you could send us a copy of the licence for our records.

I have specified one site specific condition in respect of this application to prevent overcrowding on market days, I understand on market days this area can become congested with trader's good (furniture for sale). It is for the Council to decide if they wish to grant the pavement licence for all days, or for days other than market days.

Daniel, I am not sure if you can share with us the details of pitch spaces available in the City Centre (maybe a plan)? This would assist us understand the area/highway use for all.

If you require any further assistance or information, please do not hesitate to contact me.

Kind Regards

**Rachel Crouch** | Senior Traffic Regulation & Licencing Officer

**Network Assurance**

Positive Mental Health Champion 

**Essex**  
**Highways** 

**SAFER / GREENER / HEALTHIER**

**T: 07933 511665**

County Hall A2 Annexe, Seax House, Market Road, Chelmsford, CM1 1QH

[rachel.crouch@essexhighways.org](mailto:rachel.crouch@essexhighways.org)

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## **Planning response**

Hi Kate

61 High Street is on the west side of the High Street immediately adjacent to the town sign, in the Chelmsford Central Conservation Area. The premises benefits as a vista point when viewing down Springfield Road.

I don't believe this part of the High Street west side, has ever had tables & chairs. On the old Table and Chair 2012 licences plan the centre of the High Street space opposite here was indicated as an events area, the west side to be kept clear for emergency access.

This west side of the high street (i.e. along the front of 61 High Street) still is the emergency access vehicle route. We have the street market, event space, street furniture and town sign all in the middle of the high street keeping the edges as clear as possible for pedestrians. At this location my view is that tables and chairs here would obstruct both the emergency access and pedestrian flow. As well as emergency services and Highways you should check with Phil Chittock and Pauline Rider.

You will also be aware of

- Coffeestop Co by the Town Sign who had a Pavement Licence granted July 2023, this is immediately opposite 61 High Street in the centre of the street, anything opposite here would further constrain the movement of people and emergency access
- The neighbour at 60 High Street (Zambrero) applied for a Pavement Licence in May and August 2022, I provided comments on both. I haven't seen any tables and chairs outside this unit, I assume no licence was granted for similar reasoning as my comments above.

Kind regards

**Jamie Cole**

**Planning Officer (Public Realm and Design)**

Economic Development and Implementation, Sustainable Communities

Chelmsford City Council

Tel: 01245 606281

Email: [jamie.cole@chelmsford.gov.uk](mailto:jamie.cole@chelmsford.gov.uk)

Civic Centre, Duke Street, Chelmsford, CM1 1JE

Web: [www.chelmsford.gov.uk](http://www.chelmsford.gov.uk)

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**Chelmsford Market Manager**

Hi Kate,

I can only echo everything that Jamie has put in his email below. As Jamie says, most importantly, the West side of the High Street must always remain clear for vehicle access. Zambrero were not granted a licence for the same reasons.

Kind regards

Pauline

**Pauline Rider**

**Chelmsford Markets & Shopmobility Manager**

Directorate of Public Places

Chelmsford City Council

Tel: 01245 605716/07841 802722 (Tuesday – Saturday)

[pauline.rider@chelmsford.gov.uk](mailto:pauline.rider@chelmsford.gov.uk)

[www.chelmsford.gov.uk/market](http://www.chelmsford.gov.uk/market)

[www.chelmsford.gov.uk/shopmobility](http://www.chelmsford.gov.uk/shopmobility)

Chelmsford, Essex CM1 1JE

DX123305 Chelmsford 7  
Telephone: 01245 606606  
Facsimile :01245 606681  
Email:[licensing@chelmsford.gov.uk](mailto:licensing@chelmsford.gov.uk)

Black Sheep Coffee  
61 High Street  
Chelmsford  
Essex  
CM1 1DH

Our Ref: 24/00504/PAVLI  
Officer: Kate Kober  
Direct Dial: 01245606446  
Date: 02/08/2024

Subject: Pavement Licence Application for Black Sheep Coffee, 61 High Street, CM1 1DH.

Dear

I hope this letter finds you well. I am writing to inform you that your application for a pavement licence, submitted on 15<sup>th</sup> July 2024 has been carefully reviewed by the relevant authorities. Regrettably, we must inform you that your application has been refused, and we would like to outline the reasons for this decision.

The main reason for rejecting your application is that the proposed furniture would restrict emergency vehicle access and pedestrian flow.

Furthermore, we have received comments from other responsible authorities who were consulted with. Their observations are as follows:

- With the current seating and market stall relating to Coffee Stop adjacent to Black Sheep Coffee, additional seating in this location would not leave the 3-meter space for emergency vehicles and would create a pinch point, especially on market days.
- The West side of the high street is the emergency access route.

In light of these considerations, we find it necessary to refuse your application for a pavement licence.

We understand the importance of outdoor seating for businesses like yours, and we encourage you to revisit an application that meets our requirements.

Please be advised that local authorities can give notice requiring the business to remove furniture, where an application was refused or never applied for before a date specified and to refrain from putting furniture on the highway unless they gain a licence.

We would like to express our appreciation for your understanding in this matter.

Should you have any further questions or wish to discuss this decision in more detail, please do not hesitate to contact our office.



PUBLIC PLACES  
Director: Keith Nicholson

Yours sincerely

A handwritten signature in black ink, appearing to read 'D Winter', written in a cursive style.

Daniel Winter  
Licensing Lead Officer

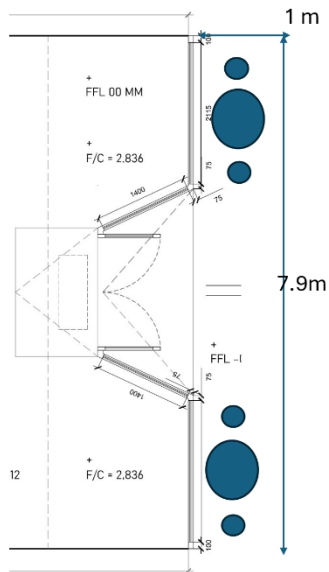
# APPENDIX G

## APPEAL

Hi all,

Can I appeal your refusal?

Please see attached new proposal extending out 1 meter rather than 2 meters.



Kind regards



# APPENDIX H

## **Informal response to amended plans**

### **Town Centre Mgt Team**

Good afternoon, Dan,

I just reiterate the refusal reasoning from the 1<sup>st</sup> refusal. Any seating within this area would create an obstruction of traffic during our TRO times as well as for emergency vehicles and we have no other access routes. This space is lessened by the current Coffee Stop location 4 of 7 days, including the 2 highest footfall days thus making an option untenable.

Kind regards

**Phil Chittock**

**City Centre and Tourism Manager**

Marketing and Communications Team, Connected Chelmsford

Chelmsford City Council

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### **Essex County Council**

**RE: Appeal - Black Sheep Coffee 61 High Street Chelmsford**

Further your email and notification of appeal, whilst we understand that there is no formal consultation in respect of an appeal, we would like to support our original objection with the following points for consideration.

- With the current seating arrangements (capacity) and market stall footprint relating to Coffee Stop adjacent to Black Sheep Coffee this restricts the use of the area by other premises, any additional seating in this location would

restrict the access for any emergency vehicles and create a pinch point, especially on market days.

- If the seating capacity and footprint of the market stall was reduced to limit the use of the circular paved area around the monument, an application for table and chairs for Black Sheep Coffee could be considered, depending on the size and the number of table and chairs required.



If you require any further information, please do not hesitate to contact us.

Kind Regards

**Rachel Crouch** | Senior Traffic Regulation & Licencing Officer

**Network Assurance**

Positive Mental Health Champion 



## **Planning**

Hello Dan

Thank you for the email and opportunity to provide feedback. Comments from public realm and accessibility points of view remain as previously provided.

To add to this:

- To emphasise the key point, there are no tables & chairs areas alongside any building frontage in this core High Street area between the Town Sign and Lloyds Band island building, for the primary reason this stretch of street contains the high street market along its central area and the very high footfall here. Along the building fronts we are very fortunate in having clear unobstructed walkways which helps people with visual impairments and neurodiverse conditions navigate along this busy stretch of the High Street. Allowing tables and chairs area against the building at 61 High Street would set an unnecessary precedent that other premises in the area then try to follow.
- You will recall McDonalds on the opposite side of the High Street has a tables and chairs area away from the building and integrated in the high street market set up. The market also has a tables and chairs area for one of its stallholders near the town sign.
- To the south, closer to Stone Bridge, there is Robins 53 High Street and Popeyes 51-52 High Street, which do have tables and chairs along their building frontage. This area is a considerable distance away, some 50metres, making it irrelevant to the appeal site and more core market area of the street.

Kind regards

**Jamie Cole**

**Planning Officer (Public Realm and Design)**

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## **Market Manager**

Good morning Daniel,

My feedback is as follows:

The area that Black Sheep wish to use for tables and chairs is part of the thoroughfare for all vehicles on Market days. There is no access on the opposite side of the high street (Metro & McDonalds side), so with a metre of tables and chairs outside Black Sheep this would reduce access drastically. Access is already very limited on Market days, and their sign has been knocked already by a passing vehicle because of this (see picture attached).

Allowing Black Sheep to put tables and chairs on the highway in this area would severely restrict vehicle access to all areas of the High Street on Market days. Emergency vehicles would find it extremely difficult, if not impossible to pass this pinch point area of the high street.

Kind regards

Pauline

**Pauline Rider**

**Chelmsford Markets & Shopmobility Manager**