**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**PART VIIA HIGHWAYS ACT 1980**

**PERMISSION TO PLACE AMENITIES ON THE HIGHWAY**

You can apply for permission to place tables and chairs and other items on the highway outside your business by completing the following simple steps:

* Complete the application form and return by email to us at licensing@bathnes.gov.uk.
* Make your payment by calling us on 01225 477531 or 01225 477556. Just so you are aware, there is no additional charge for debit card payment, but there is an additional charge of 2.5% for credit card payments.

Once we receive your payment, we need at least 28 days to process the application and carry out the necessary consultations. If your application is contested this process could take as long as 10 weeks. It is really important to get your payment and form to us as soon as possible so that we can support you in having tables and chairs outside your business. Once we have started processing your application we cannot, unfortunately, refund the application fee.

**A note about planning permissions:** The Licensing Authority does not consider any planning permissions in issuing these permits as Licensing and Planning are two separate regimes.

To place the tables and chairs legally on the highway, you should have both these permissions in place. Further information about planning permissions can be found at <http://www.bathnes.gov.uk/services/planning-and-building-control/apply-planning-permission>.

**Application**

I/We

hereby give notice that I/we intend to apply for a permit in accordance with the particulars in the attached Schedule.

[ ]  I/We enclose an illustration/photo of the type, colour and dimensions of the furniture

[ ]  I/We enclose a site plan indicating the dimensions of the area of highway upon which we wish to place the above furniture (all plans should be drawn to scale)

[ ]  I/We have paid the fee as follows:

|  |  |
| --- | --- |
| Application Fee | £251.00 |
| Number of Tables       @ £67 each | £      |
| £34 if any other items are used (e.g. planters, boundary markers etc.) | £      |
| Please specify other items        |  |
| **TOTAL FEE** | £      |

[ ]  I/We declare that the information given in this application is true.

Signed by the applicant(s) (type name in if sending by email)

       Dated

|  |  |  |
| --- | --- | --- |
|  **1** | **Full name and address of each****applicant** |       |
| **2** | **Email address** |       |
| **3** | **Contact telephone number** |       |
| **4** | **Period of time for which the permit is required (maximum one year)** | From:       To:       |
| **5** | **Size/Dimensions of area** |       |
| **6** | **The Council must notify any "affected frontagers" of this application. Please provide details of the adjoining premises.** |       |
| **7** | **Days of the week and hours of operation on those days** |       |
| **8** | **Specific part of the premises proposed to be used** |       |
| **9** | **Alcohol permitted** | [ ]  Yes[ ]  No |
| **10** | **If yes, please state your premises licence number** |       |

Please email the completed form to licensing@bathnes.gov.uk or post to:

Licensing Services

Bath & North East Somerset Council

Lewis House

Manvers Street

Bath BA1 1JG

**GUIDANCE  NOTES  FOR  APPLICANTS  SEEKING PLANNING  PERMISSION  FOR  THE  USE  OF  THE  HIGHWAY  FOR  THE  STATIONING  OF  TABLES  AND  CHAIRS  AND  OTHER  FACILITIES**

**1.      Introduction**

As well as a Permit, a separate full planning permission is required in most cases for the use of the highway for the stationing of amenities and other facilities.

**2.      Making an Application**

         Please contact Development Control for a set of planning application forms for your use.  Please follow the explanatory notes included in the application forms, but the following are the minimum particulars required:

         (i) the relevant application fee (payable to Bath & North East Somerset Council);

         (ii) location plan at 1:1250 scale;

         (iii) site plan at 1:50 scale outlining the site of application in red showing key dimensions and furniture layout;

         (iv) photographs showing the existing site;

         (v) plans/specifications/photographs/brochures showing furniture (etc.) details, and details of all facilities including materials and colours;

         (vi) certification that notice of the planning application has been served on the Council as Highway Authority and on any other parties who have an interest in the land.

**3. How will an Application be Considered?**

Planning applications are determined on the basis of their own merits in the light of the Council's relevant planning policies, the individual merits of the application and relevant Central Government policy.  In general the Council will look favourably on applications unless:

they would not preserve or enhance the character or appearance of the Conservation Area or would adversely affect the character and appearance of the area by reason for example of size, form, position, scale, materials, design or detailing;

they would adversely affect highway safety or they would significantly reduce residential amenity.

The Local Planning Authority may grant a temporary or permanent planning permission or refuse planning permission as it sees fit.  Applicants have a right of appeal to The Planning Inspectorate, Room 325, Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN against any refusal (or against non-determination of the application within 8 weeks of valid receipt of the application).

**4. Need for Advertisement Consent**

Where any of the proposed furniture includes advertisements (e.g. advertisements on parasols), separate advertisement consent is likely to be required from the Local Planning Authority.

**5. Forecourts/Non-Highway Land**

Different considerations apply to forecourt areas or areas of non-highway land, and applicants/owners should contact the Local Planning Authority for further advice.

**6. Where Can I Get Further Advice/Information?**

Should potential applicants require further advice or information they should contact Development Control, Lewis House, Manvers Street, Bath BA1 1JG (telephone 01225 477516).