

Planning Permission and Advertisement Consent Requirements for Pavement Cafés

From 1st April 2020 the Council will be ensuring compliance with **the Planning Act (NI) 2011** and **The Planning (Control of Advertisements) Regulations (NI) 2015** in regard to the operation of pavement cafés and the requirement to obtain a licence under the **Licensing of Pavement Cafés Act (NI) 2014**.

As a result, obtaining planning permission and advertisement consent (if applicable) is a requirement **PRIOR TO** submitting an application for a pavement café licence to the Council's Licensing Section.

Guidelines on how to apply

1. Review the attached **Pre-Application Self-Assessment Checklist** to ensure you meet **ALL** the requirements for the Department of Infrastructure (Roads) in regard to operating a café situated on public realm e.g. pavement, pedestrian area. **Please note that it is unlikely planning permission will be granted if all the criteria cannot be met.**
2. Complete a P1 form and an A1 form (if advertisements are to be included). Forms are available online at https://www.planningni.gov.uk/index/advice/fees_forms/forms/forms.htm or from Causeway Coast and Glens Borough Council, Planning Office, Cloonavin, 66 Portstewart Road, Coleraine, BT52 1EY or by telephoning (028) 7034 7100.
3. Four copies of the completed P1 and A1 forms are required together with 4 copies of each of the following plans/information:-
 - **Location Plan** – 1:1250 scale outlining the café site area in red
 - **Site/Block Plan** – 1:100 scale (minimum) to include the details of the proposed café including access points, building lines, boundaries, kerbs, arrangement of furniture, bins, lighting, trees and any other items
 - **Scale drawings and/or details of the furniture** – including photographs/manufacturers details.
 - **Scale drawings of any advertisements** - outlining materials, colours, font type, lighting, etc.

- **On receipt of approval, all of the above plans stamped “Granted” are acceptable to submit when subsequently applying for a licence. Most people will require to engage an architectural/planning agent to assist with drawing up the required plans.**
4. Applications for planning consent and advertisement consent should be accompanied with the relevant fees as set out in **The Planning (Fees) (Amendment) Regulations (NI) 2019** as outlined below:
- **For Planning Consent:**
Category 12 (b) - “An application for a material change of use” is £257 for each 75 square metres of floor space subject to a maximum of £12,850.
 - **For Advertisement Consent**
Regulation 9 (1) – “fees for applications for express consent to display advertisements” is £193.
5. In the event of planning permission/advertisement consent being refused, applicants have up to 4 months to submit an appeal to the Planning Appeals Commission. Without the grant of planning permission, traders will be unable to apply for a pavement café licence to trade outside.
6. In the event of a trader continuing to operate a pavement café without planning permission the Council Planning Office may pursue enforcement action. **
- **Failure to comply with an Enforcement Notice which has come into effect within the period specified in the Notice for compliance is an offence. A person found guilty of such an offence is liable on conviction to a fine. The maximum penalty for such an offence is £100,000 on summary conviction in the Magistrates Court. The fine on conviction on indictment is unlimited. Continuing failure to comply with the Notice following a conviction will constitute a further offence.**
 - **The display of unauthorised advertisements without consent constitutes a direct offence and Council has the power to pursue prosecution. On summary conviction, prosecution can result in a heavy fine of a maximum of £2,500 with further daily fines of £250 for each day on which the advertisements continue to be displayed.**
7. For any planning queries regarding how to apply for planning permission and advertisement consent in regard to pavement cafés please contact the Planning Office by telephoning (028) 7034 7100.

**** Please note that the Council’s Environmental Health Department may instigate separate legal proceedings for any café operating without a licence**