

Leicester
City Council

WARD: Castle

LICENSING ENFORCEMENT SUB-COMMITTEE

16 June 2015

APPLICATION FOR THE GRANT OF A HIGHWAYS AMENITIES LICENCE
(STREET CAFÉ)
NAGARJUNA KADAMPA MEDITATION CENTRE (WORLD PEACE CAFÉ)

Report of the Director of Local Services and Enforcement

1. Purpose of the Report

To determine an application, submitted by Mrs Amanda Day, for the grant of a Highways Amenities Licence for a Street Café for premises known as Nagarjuna Kadampa Meditation Centre (World Peace Café) of 17 Guildhall Lane Leicester.

2. Options for the Sub-Committee

The Sub-Committee may determine the application in one of the following ways: -

(1) Grant

The Sub-Committee may grant the application.

If the Sub-Committee decide to grant the application it should be subject to the standard conditions applicable to Highway Amenities Licences.

(2) Grant subject to special conditions

The Sub-Committee may grant the application subject to such variations, conditions or restrictions, as they think fit.

(3) Refuse

The Sub-Committee may refuse the application.

In arriving at its decision the Sub-Committee should take into account the comments put forward by the applicant and any other information provided in the report.

The Sub-Committee must give the applicant the reasons for the decision it makes when it is announced.

3. Financial Implications

None.

4. Report

On the 16 June 2014 an application was received from Mrs Day for the grant of a Highway Amenities Licence (street café).

The application is to place seating either side of the main entrance, area 1 and area 2, as shown on the applicants plan, which is appended to this report. Area 1 will contain a maximum of 6 tables with 18 chairs and area 2 will contain a maximum of 3 tables and 9 chairs. The tables and chairs are to be contained within an area sectioned off by barriers.

The applicant has requested to use the street café between the following hours:

11.00hrs – 16.00hrs Tuesday to Saturday

Letters of consultation were sent to surrounding businesses and residents in the area to advise of the application and a public notice was prominently displayed on the premises itself. Any objections were to be received no later than 28 days from the date of the notice.

Two objections were received opposing the application, one from a local resident and one from Councillor Kitterick, representing Castle Ward. Copies of the objections are appended to this report

The objections were forwarded to the applicant and Mrs Day has submitted a written response in support of her application, a copy of which is appended to this report.

Consultations were also carried out with Leicestershire Police, Noise Pollution, Development Control, Health & Safety, Highway Management and Castle Ward Councillors.

Also appended to this report are pictures of the furniture and barriers to be used for the street café.

5. Policy Guidelines

The overall policy on Street Cafes is to encourage more restaurants, cafes and public houses to have more outside activity in the street which would give an ambience that makes the City more attractive to visitors and residents alike. If an objection is received, the Sub-Committee should take into account the impact a street café may have on residents and any surrounding businesses in the area.

6. Legal Implications (including Human Rights Act)

A licensing decision is also a determination of civil rights to which Article 6 the right to a fair trial applies. Article 8 the right to respect for private and family life applies to the protection on neighbouring properties from noise and disturbance. Article 1 of the First Protocol gives the right of peaceful enjoyment of possessions, which would include a licence. Terms and conditions imposed on the grant of a licence will need to be proportionate, and necessary to protect the interests of a democratic society.

There is no right of appeal against the refusal to grant a Highway Amenities Licence.

7. Crime and Disorder implications

None.

8. Consultations

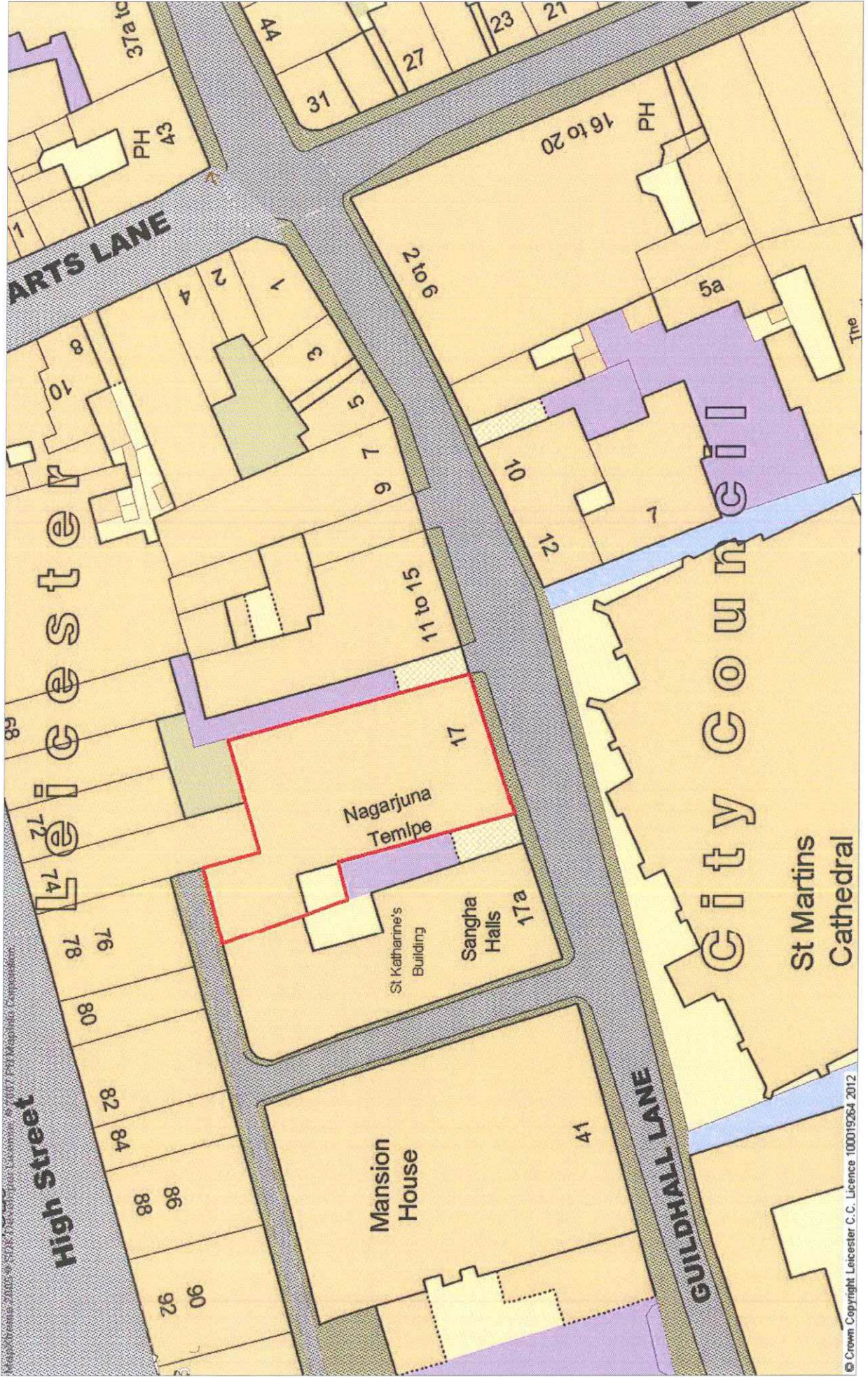
Leicestershire Police, Ward Councillors, Noise Pollution, Development Control, Health & Safety, Highway Management, Residents and Businesses within the area.

9. Reason for Treating the Report as “Not for Publication”

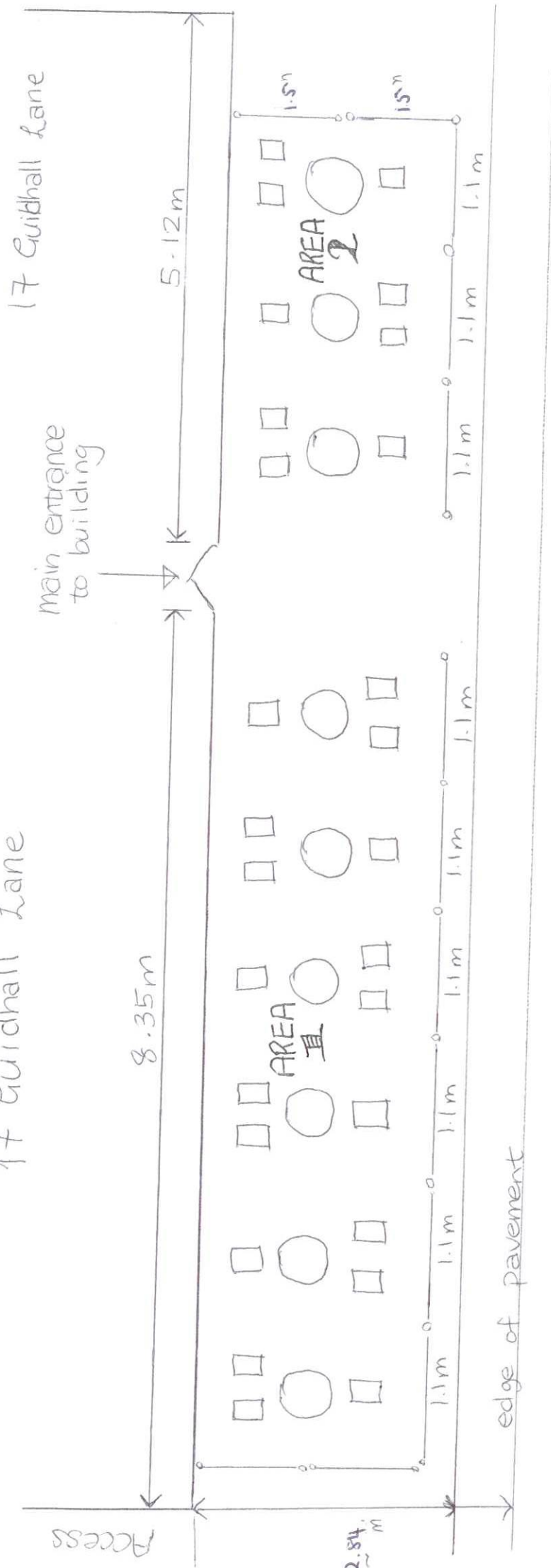
None

10. Officer to Contact

Bobby Smiljanic
ext. 37 3042
eh.1353/tt



World Peace Cafe.
17 Guildhall Lane



Proposed tables and chairs for outside
World Peace Cafe (Nagarjuna Kadampa Buddhist Centre)
17 Guildhall Lane, Leicester

key

Barrier

□ □ ○

1 table & 2 chairs

Not to scale

Toni Tidmarsh

From: PATRICK KITTERICK <[REDACTED]>
Sent: 26 June 2014 14:32
To: Toni Tidmarsh
Cc: Cllr Lynn Senior; Cllr Neil Clayton; Paul Leonard-williams
Subject: Objection to Street Cafe - Kumon Centre

Follow Up Flag: Follow up
Flag Status: Flagged

Toni,

I wish to place an objection to application on the grounds that like with Taps there are too many chairs and tables here which will force pedestrians to walk into the roadway particularly those with mobility issues. I am not sure the finishing time of the street cafe and ultimately i am worried about the cumulative effect of every premises along Guildhall Lane having tables and chairs out which will have the effect of a permanent street party down Guildhall Lane when it is currently a haven of quiet enjoyment.

Thanks,

Patrick Kitterick.

Received 30/6/14
TMT

Mr A Martin JP



Toni Tidmarsh
Leicester Licencing Section
Block A New Walk Centre
Welford Place
Leicester

Your Ref PS/LIC/Street Café Application

27.6.14

Dear Ms Tidmarsh

Thank you for informing us of the application for a Highways Amenities Licence for NAGARJUNA KADAMPA MEDITATION CENTRE (WORLD PEACE CAFÉ)
17 Guildhall Lane Leicester

Our objections are as follows:

**THE AFFECT OF THE PROPOSAL ON LEICESTER CATHEDRAL /
GUILDHALL CONSERVATION AREA**

The World Peace café is situated **outside** of the Central Shopping Core (CSC) as defined by LCC and as such the area has significantly more protection than premises within the CSC. *Guidelines for Class A3 Uses for the City Centre Area Strategy Guidance Dec 2003.*

This area of Guildhall Lane is an extremely sensitive one. This historic lane has a tranquil feel that is quite distinct from the busy town. Should this street café licence be granted the special quality would be lost to a more modern street scene of the visual cluttering of screens, tables and chairs. Visual amenity (street scene) should be protected. A street café would adversely affect the historic character of the Conservation Area and the settings of the eight Listed Buildings in the lane, Leicester Cathedral and the Guildhall being particularly vulnerable. This should be a material consideration when deciding this application. *Leicester Core Strategy 2010 CS 18 Historic Environment. CS03 Designing Quality Places.*

CAFÉ

To determine an application for Highways amenity Licence the street café should be supervised and visible from the main café. The café in this application is situated towards the rear of the building. Therefore outdoor seating to the front of these premises will not be seen from the main building, and will have an impact in terms of increasing the potential for anti-social behaviour on the street.

The carrying of hot food and drinks to the outside tables is also likely to constitute a health and safety issue.

Noise pollution will be inevitable. The narrowness of Guildhall Lane serves to amplify noise. This will carry for considerable distances and will be particularly disturbing during the summer months when windows are likely to be open. The proposal would therefore undermine the ambience of the Cathedral/Guildhall Conservation Area and the quiet setting of the Cathedral

HIGHWAYS

Emergency Vehicle Access

Although Guildhall Lane is considered to be a 'time restricted' pedestrian area, there are vehicles within the lane at all times of the day. Emergency service and highway authority access must have unobstructed access at all times.

The presence of tables and chairs should never discourage pedestrians from using the footway

Disabled Pedestrians

Guildhall Lane is now a 'shared surface'. Disabled people whether with mobility impairments, sensory impairments, or learning difficulties face significant barriers in negotiating a space that relies on mutual understanding between drivers, cyclists and pedestrians. The designated pavement area should provide clear passage for walking even if the road is closed to traffic. Street furniture such as café tables, chairs and screens restrict access to the building line and add to difficulties of disabled people considerably.

A street café is not appropriate for this area; it would serve to add conflict with the principle lines of pedestrian movement.

Sight Lines

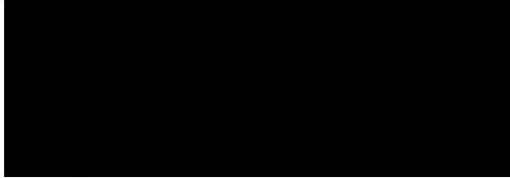
Absence of 2 x 2 metre visual splays to the access/egress either side of the building.

PRECEDENCE

At present there are no authorised street cafes in Guildhall Lane.

This application for a Street Cafe raises concerns, which we do not believe, can be overcome by imposing conditions, they make a robust reason for refusal.

Yours sincerely



Andrew Martin JP

Nagarjuna Kadampa Meditation Centre Guildhall Lane Street Cafe

Response to the objections

Background

Nagarjuna Kadampa Meditation Centre (KMC) is a Buddhist meditation centre providing a range of classes and courses helping people to overcome the daily stress of life through meditation/mindfulness and positive thinking. Since opening in Leicester city centre in 2009 the centre has been well used by Buddhists and non-buddhists wishing to learn alternative methods to deal with their daily problems through developing more peaceful states of mind. The centre is a registered charity run by volunteers with no paid staff

- **World Peace cafe**

To enable people to easily access the centre we also provide a vegetarian cafe which is open 5 days a week from 11am to 4pm Tuesdays to Saturdays. The cafe is closed on Mondays and Sundays.

Community service activities

- **Richard III – re-internment and Queen Elizabeth’s visit**

The centre and cafe has an excellent relationship with the cathedral and has worked closely with the cathedral on a number of major events within Leicester. During the Richard III re-interment week the World Peace cafe provided the Cathedral volunteers with refreshments, and during the Queens visit the World Peace cafe provided lunch and drinks for over 500 dignitaries invited to the cathedral.

- **Volunteers – provided with skills and training to obtain jobs**

The cafe and centre is run by volunteers and has no paid staff. Volunteers come from all walks of life and have the opportunity to learn how to work in a cafe. Many of the young volunteers are not able to find jobs and have had no formal training when they arrive. We provide them with training and help them to develop confidence through working in the cafe. From this experience many are then able to find work within the Leicester area.

- **School and group visits**

The centre also provides a public service to local schools wishing to visit to learn more about Buddhism. We have worked in conjunction with the Cathedral and other faith groups to co-ordinate these visits, enabling the students of Leicester to gain a broad spectrum of understanding of different faiths.

Street Cafe Furniture application

In November 2013 works were completed to improve the footpaths and road along Guildhall Lane and outside Nagarjuna KMC. Before the works started the Mayor sent out a communication explaining how these works would make a great improvement in the area and give the opportunity for cafes to provide street furniture for the visitors to Leicester.

Visitors to the area

There are many visitors to the Cathedral and Richard III exhibition who use the World Peace cafe and centre for its relaxed environment. Providing seating outside the cafe would give visitors the opportunity to enjoy the atmosphere and environment within this beautiful area.

Existing cafe seating in Guildhall Lane

Outdoor cafe seating is already being provided outside Taps public house on Guildhall Lane. Taps seating is currently out from 10am to 9pm. The World Peace cafe seating would only be provided during the day from 11am to 4pm, 5 days per week and not in the evenings.

Cafe Service

The cafe tables and chairs currently extend into the lobby area at the front entrance of the building where people are served drinks and food. Outside seating would be an extension of this area and monitored by staff.

Noise pollution and opening hours

As a no alcohol building the World Peace cafe does not serve any alcoholic beverages therefore any noise generated would be from people wishing to eat and drink outside the cafe during the hours of 11am to 4pm and only 5 days per week. The cafe is closed on Mondays and Sundays, and for 2 weeks during the summer months for a special Buddhist event. Outdoor seating would not be provided in the evenings. It is considered that the seating would not generate a great deal of noise, as people visiting the centre usually wish to experience a quiet and calm atmosphere.

Highways Access

The seating outside the World Peace cafe would not encroach on the Highway, it would be located within the pavement area similar to other street cafes and would therefore not prevent access for emergency or delivery vehicles.

Disabled Access

The World Peace cafe welcomes those with disabilities. It is often used by people with disabilities because it is easily accessible and has plenty of room for people with wheelchairs and other impairments. There is pavement located on both sides of the carriageway on Guildhall Lane providing sufficient room for access to be maintained when seating is provided.

Number of chairs and tables for cafe seating

The World Peace cafe still wishes to apply for 9 tables outside the cafe covering both areas. However, it is our intention to initially only use one side of the proposed area to start with and grow into the second half of the area.



Nagarjuna Buddhist Centre

FREE DELIVERY ON ALL ORDERS

Prema Dark Weave Side Chair



Product Information

Prema Dark Weave Side Chair

- In stock for fast delivery
- Weather resistant
- Free delivery
- Suitable for commercial use
- Strong construction

Product Code:

weavec29

Dimensions:

Height 850mm Depth 570mm Width 540mm Seat Height 450mm



NAGARJUNA KADAMPA BUDDHIST CENTER

INSPIRE
A SERIES OF
ARTS & CULTURE

BUILDING

1990

NAGAR UNNATI COMMUNITY CENTRE



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Meditation Day Course

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