

Policy, Guidance and Standards for Outdoor Catering Areas on Public Open Space

**Malta Tourism Authority, Planning Authority,
Government Property Department, Transport Malta**

2016

Foreword

The provision of Outdoor Catering Areas on Public Open Space is widely recognised as an essential element of the entertainment and tourism product, as well as an important value-adding asset for catering establishments.

The current system for the permitting and licensing of these areas is however perceived by both the public and private sectors as being inadequate and too complex to be able to deliver the required standard of service and decisions. Applications from the private sector are processed in no fewer than five distinct and separate entities, against a background of a plethora of policies and guidance notes which are often in conflict with each other.

It is against this background that an Inter-Ministerial Committee was set up with the express remit to propose a shared policy for Outdoor Catering Areas on Public Open Space, and to propose solutions for the simplification of administrative processes for the issuing of the necessary licenses and permits for this type of development. The Committee was set up upon the initiative of the Ministry for Tourism and the Parliamentary Secretariat for Planning and Simplification of Administrative Processes, and consists of officials from both these public entities, the Ministry for the Interior, PA, TM, GPD, MTA, and also a representative from the Malta Hotels and Restaurants Association. The presence of an MHRA official guarantees active participation from the main private sector stakeholders, not just in a consultative role, but also at the policy formulation stage.

Following periods of public consultation on the five main objectives of this document and the draft policy document, and having taken into consideration the responses received during these exercises, the Committee is now in a position to publish the approved policy document.

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Introduction

This document is being issued in conjunction with the creation of a **one-stop shop** to address the streamlining of the process for the issuing of permits for Outdoor Catering Areas on public open space, for catering establishments in Malta and Gozo.

Outdoor catering may add to the visual interest, vitality, diversity and vibrancy of our urban environment. In the right circumstances, outdoor catering may offer a positive contribution to street life and draw people to an area. It also improves the amenity of public open spaces, provides natural surveillance and assists in business prosperity.

However, careful attention to the location, layout, design and management of Outdoor Catering Areas is required to ensure that these function effectively and do not interfere with the safety and primary function of the adjacent footpath or nearby street.

In line with the above, the general objectives of these Guidelines are to:

- (1) ensure that the use of pedestrian public footpaths contributes to the expression of local character and identity and to the feeling of open space in urban areas;
- (2) to create and maintain an environment that is accessible to all including persons with disability;
- (3) enable the appropriate use of pedestrian public footpaths such that they may contribute to the diversity and attractiveness of urban open spaces;
- (4) ensure that any ancillary use of pedestrian public footpaths does not detract from the character of an existing urban context;
- (5) ensure that any ancillary use of the pedestrian public footpath does not interfere with the safety and function of the footpath or any nearby street; and
- (6) create a comfortable environment for outdoor catering, while allowing for a similar level of comfort for pedestrians to pursue their walks at a leisurely pace.

Outdoor Catering Areas in public open spaces and other pedestrian/vehicular environments shall normally be limited to Business Hubs, Commercial Areas and Local Centres within the approved Local Plans. The creation of Outdoor Catering Areas shall not normally be favourably considered in areas that are purely of a residential nature due to the increased potential of bad neighbourliness and the corresponding reduction of residential amenity. There may however be instances where these may be allowed in areas designated as Residential Areas in the approved Local Plans, through the application of the General Policy relating to Regeneration/Consolidation Initiatives (FL-GNRL-1).

In the interim period until the conclusion of the current ongoing review of the Local Plans, Outdoor Catering Areas shall normally be limited to Primary, Secondary and Tertiary Town Centres, Entertainment Priority Areas, Tourism Areas, Resort Zones, Commercial Areas and Industrial Areas.

In all cases however, Outdoor Catering Areas contiguous and related to Kiosks shall be expressly prohibited.

How to use this document

In line with the rationale adopted for *Development Control Design Policy, Guidance and Standards 2015* (DC 15), this document also contains three typologies of provisions, denoted in specific colours (**Figure 1**). While this rationale recognises that all considerations discussed in the document contribute to the creation of quality Outdoor Catering Areas, it also acknowledges that some aspects are more critical than others and therefore need a more forceful stand in their planning and design approach, assessment and determination.

Policy/regulation (P) has the most onerous weight out of all the document's provisions in the assessment of Outdoor Catering Areas and every effort here is focused on objective criteria. **Good-practice guidance (G)** provides the general intent and establishes the principles that may then be achieved through a number of diverse solutions. **Technical standards (S)** supplement the above provisions in terms of specific quantitative targets and comprise non-controversial, objective, universally agreed numerical considerations.



Figure 1: Policy, Guidance and Standards designation

The above three typologies are also distinguished by means of their language – policies and technical standards are unequivocally expressed using ‘shall’ and ‘shall not’; in contrast, good-practice guidance is expressed using ‘would/should’, ‘would/should not’. Such language may provide more clarity to this document, differentiating between those fixed and non-negotiable aspects (identified within policies and technical standards) and those considerations that could be modified and negotiable (identified within guidance), which may have more than one acceptable solution.

1. Glossary

aperture is the generic term used for an opening, including a door, window, shop window/display/showcase.

applicant refers to the person/legal entity who shall submit a formal application for an Outdoor Catering Area.

architectural quality refers to the qualitative totality of architectural design, which follows on from established parameters in relation to urban form and primarily includes issues in relation to external appearance (architectural expression/language, visual interest, innovation and creativity, appropriateness of architectural ambition), amenity, energy-conscious design, architectural detailing, integral architectural design, and façade composition including the contribution of architectural elements and features.

awning (or overhang) is a retractable covering attached to a building's façade, usually comprising a woven fabric stretched over a lightweight structure that includes a mechanism allowing for it to extend and retract as and when required.

canopy (or shading device) is an overhead structure or projection fixed directly to, and supported from, the façade of a building without the inclusion of uprights (vertical elements or posts).

carriageway is the part of a street which is intended for vehicular use.

catering establishment refers to a bar, kiosk, restaurant, snack bar, canteen, cafeteria and take-away, as well as any development typology that contains an approved catering function.

demountable structure is a visually lightweight, easily reversible structure that is ancillary to the more permanent building structure. It may take the form of a:

- (a) **lightweight tented structure** – a structure having a covering (generally made of plastic or fabric) supported by a structural mechanism such as poles, lightweight horizontal and vertical elements, or cables; or
- (b) **pergola** – a structure that consists of uprights (vertical elements or posts), beams and rafters, which may be entirely open or partially enclosed (up to fifty per cent of the total area of its roof and sides) using an open trelliswork design.

enclosure refers to the vertical definition of the edge of an Outdoor Catering Area using demountable screens/barriers or removable planter boxes.

encroachee is the person/legal entity who is issued with an encroachment permit.

footpath is the public open space reserved for pedestrian movement.

kiosk refers to all types of kiosks, be they merely small food stalls, kiosks that are permanently fixed to a particular site, mobile kiosks occupying a fixed space on a permanent basis, or mobile hawkers.

Outdoor Catering Area is the permitted area designated for the placing of outdoor furniture together with the permitted ancillary facilities, necessary for *al fresco* catering outside a catering establishment.

outdoor furniture is furniture installed in outdoor public open spaces intended for use by the patrons, including items which are permitted in the Outdoor Catering Area such as tables, chairs, heaters, planters and serving stations, excluding shading equipment / structures.

outlook (or visual access) refers to the visual aspect that may be enjoyed when looking outwards through a building's aperture other than, or beyond, a restricted distance from such aperture. This may include, but is not limited to, a view or vista.

permitting Authorities refers to the Planning Authority (PA), the Malta Tourism Authority (MTA), Transport Malta (TM) and the Government Property Department.

public beach refers to all types of beaches generally used by the public for the free and unencumbered enjoyment of the coastal area for informal leisure purposes, including those areas of public beach which are already subject to some form of encroachment agreement.

public space means any area to which the public at large has free and unrestricted access, including urban spaces such as streets and squares, landscaped and recreational open spaces.

promenade (or belvedere) means a pedestrian area situated on a ridge, on an embankment, or on a rampart, or otherwise overlooking a seashore, valley or other lower-lying land.

shading equipment/structure may take the form of a canopy, awning, demountable structure or umbrella.

street furniture includes elements that have an important functional and visual/aesthetic role in terms of the overall street setting. This includes seats/benches, street lighting, bus shelters, raised planters, information signs, traffic signs, railings, bollards, post boxes, litterbins, telephone booths, clocks, plaques and monuments (including commemorative plaques and interpretation panels).

2. Current Planning Policies and Legislation

2.1. Current Legislation

The Placing of Tables and Chairs; Tented Structures and Awnings were until recently regulated by Subsidiary Legislation 504.80 **Development Notification Order** of the 24th April, 2007 and its subsequent amendments.

The placing of tables and chairs fell under Schedule 1 Class 14: Reservation of public land for the placing of tables and chairs.

The placing of Tented Structures and Awnings fell under Schedule 1 Class 15: Tented Structures and Awnings.

Subsidiary Legislation 441.04 **Activities Requiring Permit by Local Councils Regulations** of the 1st June, 2002 and its subsequent amendments, includes among others, regulations with regard to the Local Council permit requirements for the temporary Placing of Tables and Chairs.

Subsidiary Legislation 504.09 **Development Planning (Use Classes) Order**, and its subsequent amendments, regulates the grouping of uses with similar land uses together into Classes. Catering Establishments fall under Class 4C and Class 4D. Class 4C refers to establishments that cater for the preparation and sale of hot or cold food or drink for consumption on the premises where no cooking is allowed. Class 4D relates to uses for establishments catering for the preparation and sale of hot or cold food or drink for consumption on the premises where cooking is allowed.

Whenever any of the above mentioned uses requires an Outdoor Catering Area an application shall be submitted as outlined in these guidelines.

2.2. Planning Policies

Current relevant planning policies in relation to Outdoor Catering Areas include Section 5 within the policy document *Development Control Guidance: Kiosks* (1994).

2.3. Existing Applications to Entities

The existing permitting process for the Placing of Tables and Chairs requires that the applicant submits a number of applications and seeks approval from the following entities:

- Planning Authority
- Malta Tourism Authority
- Government Property Department
- Transport Malta
- Valletta, Mdina and Cottonera Rehabilitation Project (when necessary)

2.4. The proposed changes

As outlined in Section 3, the process for issuing a permit for an Outdoor Catering Area will be simplified through the creation of a “one-stop-shop”, which will be administered by the PA. Applicants will need to submit a full development application for an Outdoor Catering Area, in order for that application to be processed in line with this document.

The applicant will not be asked to obtain clearance him/herself from the respective entities, but the application will be circulated with the relevant stakeholders. In this manner the applicant will have only one point of contact. The application will be processed within the same timelines required for a full development permit.

With regard to planning policies in relation to kiosks, this document shall supersede Sections 5.12, 5.13 and 5.14 within the policy document *Development Control Guidance: Kiosks* (1994).

3. Application Process and Requirements

3.1. Application Process

The permitting Authorities shall grant permits subject to these guidelines and each application will be assessed on its individual merit.

The permits issued include:

1. Full Development Permission by the PA
2. MTA License
3. Encroachment permit by Government Property Department

The permitting Authorities shall issue encroachment rights with the specific provision that these may be revoked or revised in the case that:

- i. a Master Plan for the area is approved; and/or
- ii. the relevant policies, regulations, standards and/or guidelines for an area are revised.

In this respect, the permitting Authorities shall strive to implement Master Plans for urban areas containing an element of Outdoor Catering Areas. All the provisions in these Guidelines shall be taken into consideration in the approval of these Master Plans. Once a Master Plan for an area is approved and established, all applications in relation to that area shall be assessed according to the provisions of such Master Plan.

3.2. Submission requirements

In addition to all the standard requirements of a full development permission application, in the case of Outdoor Catering Areas fronting third party property, additional documentation as per Policy P18 shall be submitted.

In cases which demand due regard to the broader context within which the development is located, a street photographic survey and a streetscape analysis, as per Section 1.4 of DC 2015, shall be a requirement for development permission applications for Outdoor Catering Areas. The streetscape analysis shall focus primarily on the potential development of a series of Outdoor Catering Areas in the perimeter block of the proposed site.

4. Outdoor Catering Areas

4.1. Planning and Design Considerations

4.1.1 General design principles

P1 Outdoor Catering Areas – general design principles

The Outdoor Catering Area including the outdoor furniture and other related structures or equipment shall not extend beyond the permitted area and shall not encroach further on government-owned land.

The proposed Outdoor Catering Area shall only be permitted if:

i(a) it does not entail damage to existing heritage buildings, particularly scheduled properties and properties within Urban Conservation Areas, monuments, archaeological features including underground shelters, cisterns, or water galleries, rubble walls and natural stone paving;

i(b) it does not adversely affect important natural areas, such as Special Areas of Conservation, Special Protection Areas, Areas of Ecological Importance, Sites of Scientific Interest, and other similarly protected areas;

ii) in the opinion of the permitting Authorities it does not adversely affect the characteristics of any public open space of significant historical, architectural, natural or social importance; and

iii) it does not conceal or adversely affect the architectural quality of the open space, or important environmental natural features; and

iv) it does not adversely impact on the accessibility for persons with disability, and does not feature obstacles to wheel chair users or a hazard to sight impaired persons.

4.1.2 Public Access and Amenities

P2 Public Access and Amenities

Outdoor Catering Areas in residential zones shall not normally be favourably considered such that residential amenity is not reduced due to noise and odours. The clustering of Outdoor Catering Areas shall be encouraged in order to minimize impacts on the pedestrian environment.

Outdoor Catering Areas and any associated structures and equipment shall not obstruct access:

- to public and private utilities including storm water drainage pits;
- to the use of public transport;
- to vehicular and pedestrian passageways and cycle lanes;
- to jetties and quaysides;
- to public access to the coast;
- to pedestrian crossings;
- by emergency personnel;
- to third party properties;
- to other land uses such as fishermen facilities; and
- to public amenities.

In general, Outdoor Catering Areas shall not detract from, intrude upon, or obstruct important short-, medium- or long-range views, from, to or within the urban context wherein they are located, unless a Master Plan issued for a particular area indicates otherwise.

Time-sharing conditions may be considered, in the instance of any other operational requirements, with regard to other uses.

Furthermore, accessibility requirements shall be in accordance with standard PA procedures.

4.1.3 Pedestrian Access

S1 Pedestrian Access – minimum width

In all cases a minimum width of 1.5 metres shall be left clear for pedestrian access, allowing for an easy and safe flow of pedestrians including those with special needs, wheel chair users and those with prams and buggies. However, in certain areas the permitting Authorities reserve the right to increase the minimum width as necessary.

P3 Pedestrian Access – obstructions

The passageway for pedestrian access shall be clear of obstructions such as:

- any other Outdoor Catering Area;
- any physical obstruction or building;
- any change in level due to a ramp, stairs, access point, or kerb line designed for enabling pedestrian access to or from a street or walkway;
- the edge of a pavement, promenade or belvedere; or
- any street furniture.

4.1.4 Safety to patrons and the general public

P4 Safety to patrons and the general public

Outdoor Catering Areas shall not normally be permitted on pedestrian public footpaths, which are either adjacent to arterial roads or located in close proximity to fast-moving traffic. This shall safeguard the safety and comfort of the patrons against vehicle conflict, noise and air pollution.

Pedestrian and vehicular advisory and regulatory traffic signs or controls shall not be obstructed by Outdoor Catering Areas or any associated structures, furniture or equipment.

4.1.5 Planning provisions for various open space typologies

i. Public open spaces

P5 Allowable Outdoor Catering Areas in public open spaces

(a) Squares, gardens or jetties or similar public space typologies.

In the case of squares, gardens, jetties or similar public space typologies, the permitting Authorities shall review and assess the requests for outdoor catering areas on a case-by-case basis, provided that these shall be expressly prohibited from public beaches.

(b) Promenades or belvedere.

All the areas reserved for outdoor catering shall be limited to half the width of a promenade or belvedere. Outdoor Catering Areas on promenades or belvedere shall comply with Figure 2.

In all areas, Outdoor Catering Areas which are contiguous and related to Kiosks shall be expressly prohibited.

Figure 2a: Promenades or Belvedere

* The permitting Authorities reserve the right to increase the minimum width of the Pedestrian Public Footpath as necessary.

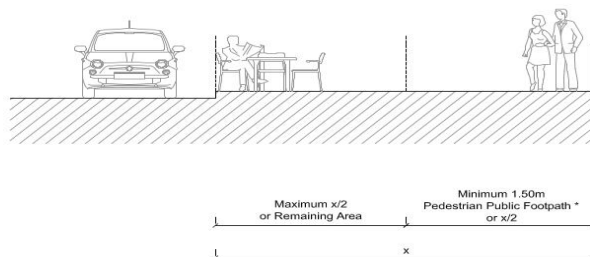


Figure 2b: Promenades or Belvedere

* The permitting Authorities reserve the right to increase the minimum width of the Pedestrian Public Footpath as necessary.

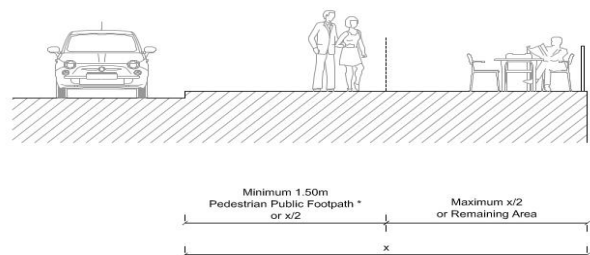


Figure 2: Outdoor Catering Areas on Promenades or Belvedere

ii. Pedestrianised streets

P6 Allowable Outdoor Catering Area in relation to street width

Outdoor Catering Areas shall not be allowed in pedestrianised streets that are less than 2.1 metres wide, measured as the clear distance from the front garden or building lines as the case may apply.

Outdoor Catering Areas shall only be allowed on one side of the pedestrianised street (at any particular location), if the street width lies between 2.1 metres and 2.7 metres. Beyond a street width of 2.7 metres, the Outdoor Catering Area may be permitted on either side of the pedestrianised street.

Outdoor Catering Areas in fully and partially pedestrianised areas shall comply with Figure 3.

S2 Width of Outdoor Catering Area on both sides of a street

In the instance of Outdoor Catering Areas on both sides of a street, each Outdoor Catering Area shall be limited to either:

- a maximum of a third of the width of the street or alley; or
- the remaining width necessary to allow for a 2.5 metre emergency vehicular access, where specifically required.

Figure 3a: Pedestrianised streets having a width between 2.10m and 2.70m

* The permitting Authorities reserve the right to increase the minimum width of the Pedestrian Public Footpath as necessary.

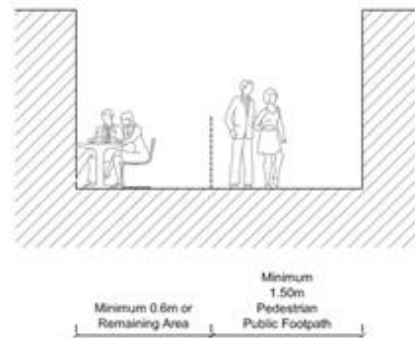


Figure 3b: Pedestrianised streets having a width greater than 2.70m

* The permitting Authorities reserve the right to increase the minimum width of the Pedestrian Public Footpath as necessary.

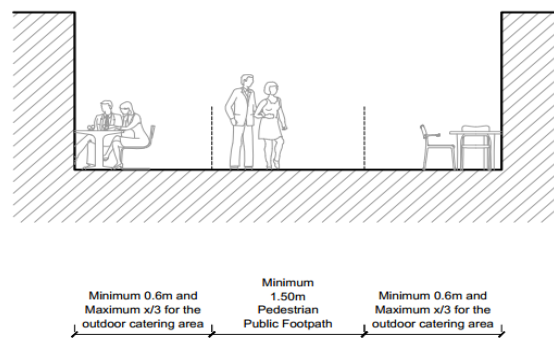


Figure 3c: Pedestrianised streets with access for Emergency Vehicles

* The permitting Authorities reserve the right to increase the minimum width of the Pedestrian Public Footpath as necessary.

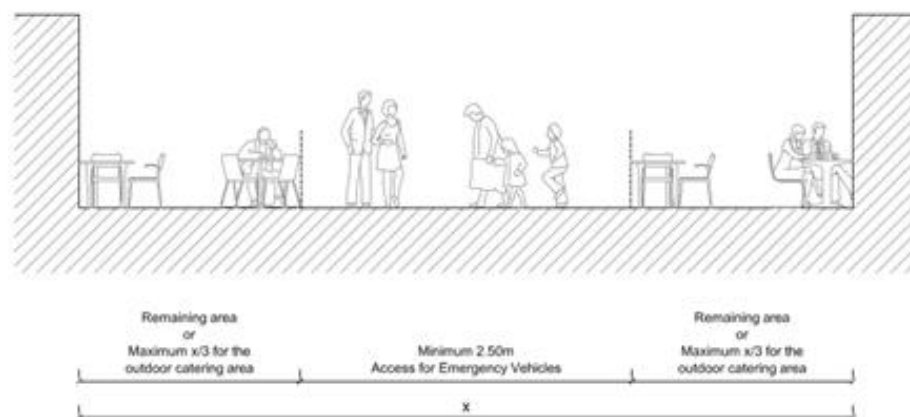


Figure 3: Outdoor Catering Areas in Fully and Partially Pedestrianised Areas

iii. Streets with pedestrian public footpaths.

P7 Allowable Outdoor Catering Area in relation to footpath width

Outdoor Catering Areas shall not be allowed where the total pedestrian public footpath width is less than 2.1 metres.

G1 Placement of outdoor catering furniture on pedestrian public footpaths

Outdoor catering furniture should, where possible, be placed directly outside the premises at the back of the pedestrian public footpath, thus avoiding the disruption of pedestrian flow due to the crossing of catering personnel.

Requests for Outdoor Catering Areas, which are separated from the catering establishment by a footpath, may also be considered, especially in those cases where pedestrians would be provided with more direct routes. This may especially be relevant for new Outdoor Catering Areas which are adjacent to approved areas, and would preferably be located to provide an uninterrupted flow of pedestrians.

P8 Outdoor Catering Area adjacent to parking spaces

In the case where the Outdoor Catering Area is directly adjacent to parking spaces, the permitting Authorities may consider requests for extending the Outdoor Catering Area over parking spaces. However, each case shall be assessed on its own merits and the extension over the parking space shall consist of an easily removable, reversible/demountable timber platform.

Provided that this shall not result in the loss of parking spaces reserved for persons with disability, unless this part of a re-planning exercise for the existing parking provision for the area.

Outdoor Catering Areas in streets with pedestrian public footpaths of an adequate width shall comply with Figure 4.

Figure 4a: Streets with pedestrian public footpaths

* The permitting Authorities reserve the right to increase the minimum width of the Pedestrian Public Footpath as necessary.

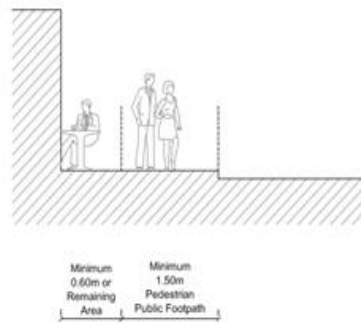


Figure 4b: Streets with pedestrian public footpaths adjacent to carriageways

* The permitting Authorities reserve the right to increase the minimum width of the Pedestrian Public Footpath as necessary.

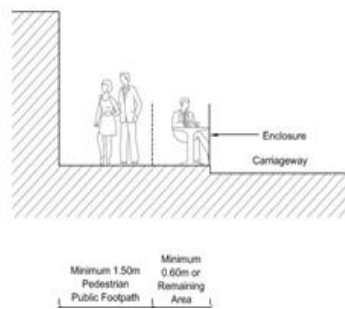


Figure 4c: Streets with pedestrian public footpaths adjacent to parking spaces

* The permitting Authorities reserve the right to increase the minimum width of the Pedestrian Public Footpath as necessary.

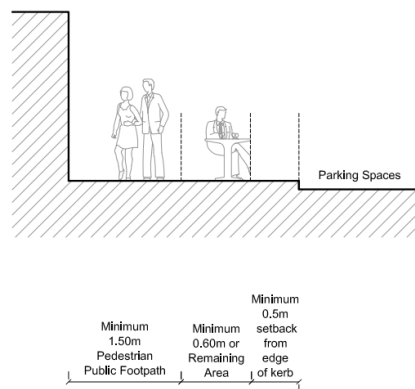


Figure 4: Outdoor Catering Areas in streets with pedestrian public footpaths of an adequate width

Figure 4d: Streets containing street furniture

* The permitting Authorities reserve the right to increase the minimum width of the Pedestrian Public Footpath as necessary.

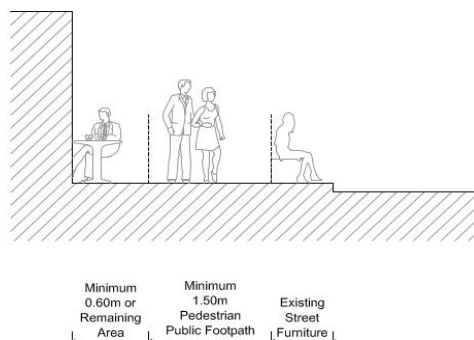


Figure 4e: Streets containing street furniture

* The permitting Authorities reserve the right to increase the minimum width of the Pedestrian Public Footpath as necessary.

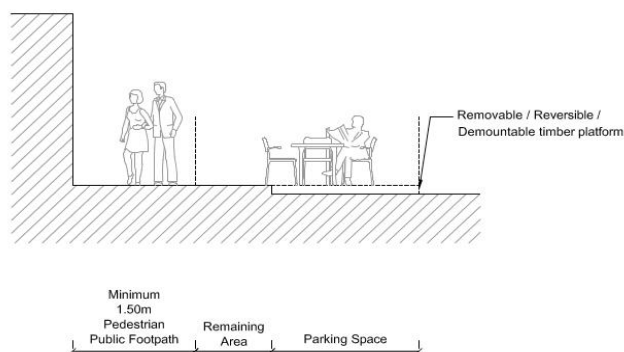


Figure 4 (cont.): Outdoor Catering Areas in streets with pedestrian public footpaths of an adequate width

iv. Outdoor Catering Areas separated from a catering establishment by a carriageway

P9 Outdoor Catering Areas separated by a carriageway

Outdoor Catering Areas separated from catering establishments by a carriageway shall be considered. Such instances are acceptable, if the vehicular traffic during hours of operation does not exceed 100 vehicles/hour and the speed limit does not exceed 20km/h.

The applicant shall be required to carry out counts during operating hours, which coincide with traffic peak hours. The permitting Authorities shall inform the applicant about the required timing of such traffic counts. In cases where these conditions cannot be met, proposals for traffic calming arrangements shall be considered, reviewed and approved by the permitting Authorities. Costs for the implementation of agreed traffic calming measures shall be borne by the applicant. In addition, an accessible route from the main access of the catering establishment to the Outdoor Catering Area shall be established.

v. Outdoor Catering Areas within undefined spaces

P10 Outdoor Catering Areas within undefined spaces

In areas where there is no clear definition between carriageways and pedestrian areas, (as may be the case in squares or open urban areas), the permitting Authorities shall consider requests for extending the Outdoor Catering Areas over undefined spaces, only if the extension consists of an easily accessible removable reversible/demountable timber platform. An enclosure designed in accordance with Policy 21 shall be included.

In allowing Outdoor Catering Areas in such spaces, the permitting Authorities shall consider the free and unencumbered enjoyment of the area by the public as the primary material planning consideration. Consequently, the commercial use of such spaces shall only be allowed if the Authorities are satisfied that the extent of the concession does not detract from the amenity of the location and its surroundings, but provides added value to the overall quality of the public open space.

4.1.6 Setbacks for Outdoor Catering Areas

S3 Setbacks for Outdoor Catering Areas

a) Required setback from edge of pedestrian public footpath

When the applicant proposes an Outdoor Catering Area directly adjacent to a carriageway, a minimum distance of 0.5 metres shall be left clear of any outdoor furniture from the edge of the pedestrian public footpath, where the Outdoor Catering Area is adjacent to a parking space.

In the case of Outdoor Catering Areas adjacent to a carriageway where parking is not possible, an enclosure as per Policy P21 of this document shall be provided.

b) Required setbacks from street intersections

Clear unobstructed sightlines across footpaths at street intersections shall be imposed as per Figure 6, to cater for visibility requirements at junctions. Existing traffic flows shall be taken into consideration in the determination of the required sightlines.

Figure 5a: Setbacks from street intersections

* The permitting Authorities reserve the right to increase the minimum width of the Pedestrian Public Footpath as necessary.

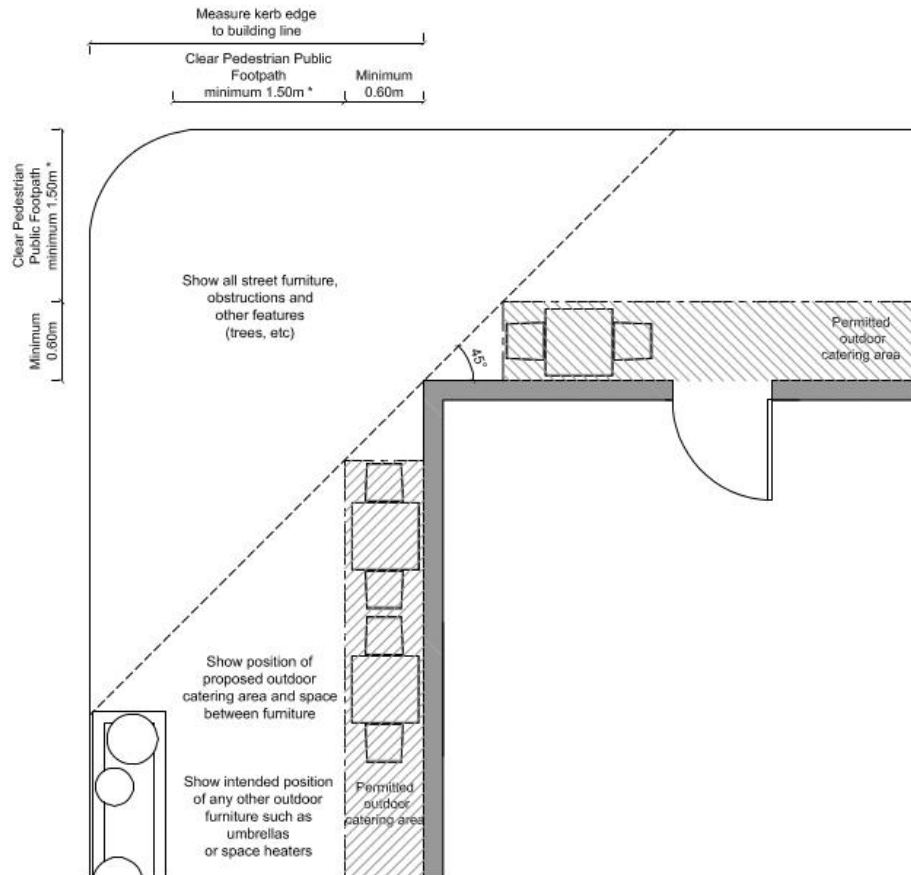


Figure 5: Setbacks from Street Intersections

Figure 5b: Setbacks from street intersections

* The permitting Authorities reserve the right to increase the minimum width of the Pedestrian Public Footpath as necessary.

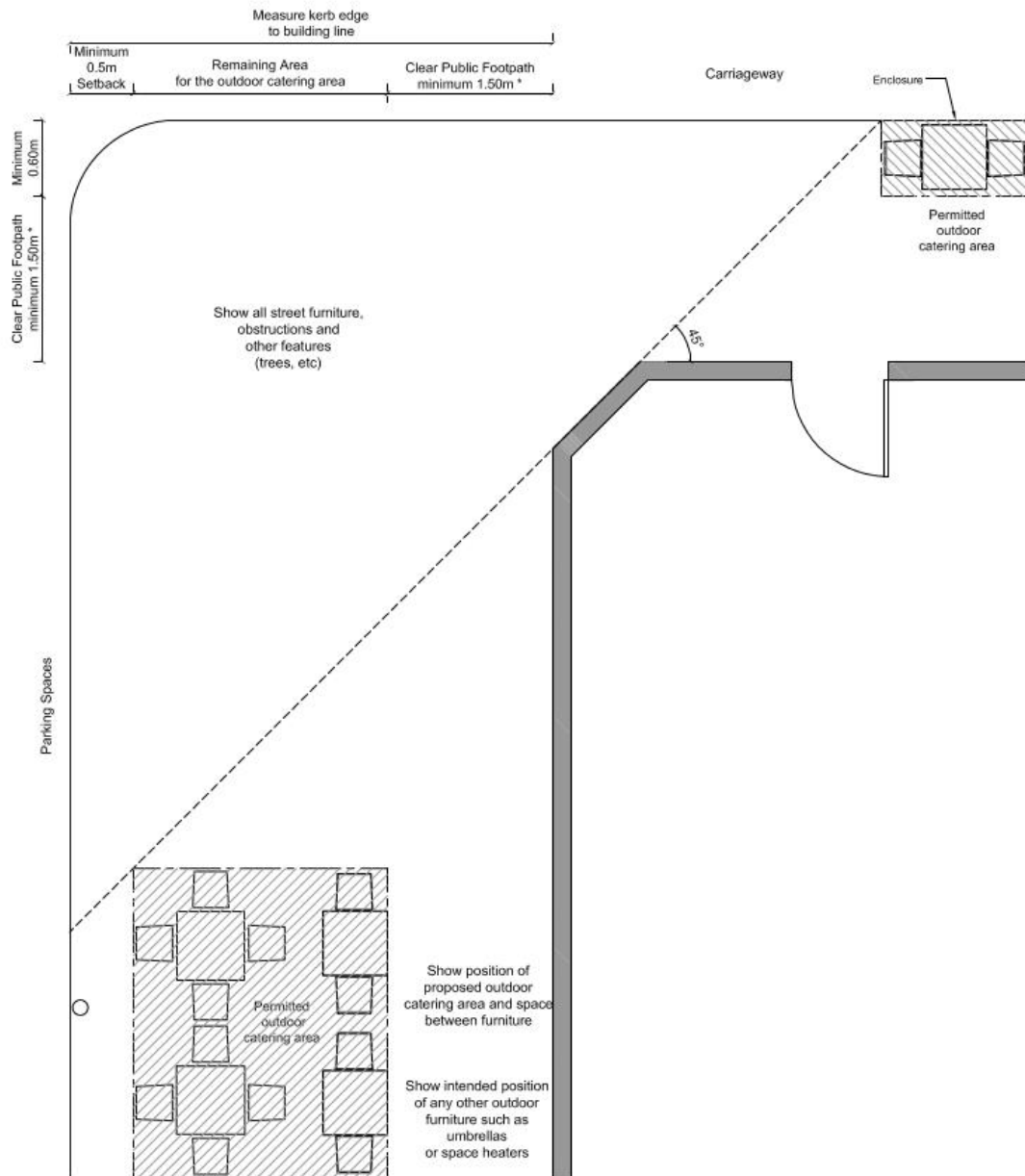


Figure 5 (cont.): Setbacks from Street Intersections – chamfered corner

4.2. Quality Standards

4.2.1 Outdoor Furniture Criteria

P11 Outdoor Catering Areas – outdoor furniture criteria

The Outdoor Catering Area shall be used solely to place the permitted outdoor furniture and shall not be used for storage purposes such as the placing of boxes, containers, sandwich boards, food displays and food preparation equipment. The applicant shall not put up additional outdoor furniture items within the Outdoor Catering Areas apart from those approved in the application.

Any changes to the approved licensed outdoor furniture shall be approved by the Authorities, prior to the change being effected.

4.2.2 Number of Covers

P12 Outdoor Catering Areas – number of covers

The number of covers allowed within the Outdoor Catering Area shall be determined on the basis of the outdoor space available, as well as the ability of the kitchen to cater for such covers. The number of covers allowed in both the interior and exterior catering areas shall be clearly displayed on site.

4.2.3 Marking Out the Area

P13 Outdoor Catering Areas – marking out the area

The permitted Outdoor Catering Area shall be marked by steel plates, flush with the surface they are being applied to. The fixing of the steel markers shall be carried out by Contractors appointed by the permitting Authorities and all related costs shall be borne by the applicant.

Areas of special architecture or historic character may require an alternative method. In these areas, marking shall be carried out in a manner that is appropriate and sensitive to its setting. Special care shall be required for marking out those areas characterised by historic paving.

In the case that a marking is dislodged from its place, the applicant must inform the permitting Authorities immediately. The fixing of these markers shall be carried out by Contractors at the expense of the applicant.

4.2.4 Maintenance Conditions

P14 Outdoor Catering Areas – maintenance

The Outdoor Catering Area shall be maintained at all times. Permitted outdoor furniture shall be kept tidy, clean and in good repair by the applicant for the safe use by both patrons and pedestrians. The operation of the Outdoor Catering Area shall not impinge negatively on the cleanliness and amenity of adjacent urban spaces.

The applicant shall be responsible for the serviceability of the outdoor furniture by frequently checking the items within the permitted area for any wear and tear. Outdoor furniture requiring repair shall be removed from the Outdoor Catering Area or its vicinity.

The Outdoor Catering Area shall be cleaned at all times including the removal of spillages, litter and cigarette butts. Outdoor furniture shall also be wiped down and cleaned after rainfall.

The applicant shall have no right to claim for the maintenance of the Outdoor Catering Area or the outdoor furniture within it, and shall be held responsible for any footpath damages caused by outdoor furniture.

4.2.5 Outdoor Catering furniture – general design considerations

P15 Outdoor Catering furniture – general design considerations

Outdoor Catering furniture shall be designed to the highest standards, shall be kept free of advertising, and shall be made out of durable, high-quality materials that weather well, are impact- and vandal-resistant, and that are purposely designed for external environments and weather elements, including sun, wind and rain exposure.

Outdoor catering furniture shall be sturdy, and a selection of chairs with and without arms shall be provided in all outdoor catering areas, in order to provide for a universal design solution. The design and layout of the furniture shall also take into consideration the requirements of wheelchair users, allowing seating next to other patrons that do not use a wheelchair, and providing tables with adequate knee space.

In Urban Conservation Areas and their transition zones, together with those outdoor areas located next to heritage buildings, preference shall be given to high quality outdoor furniture having a plain and simple design that respects the character of the buildings and potentially enriches the broader setting, without detracting from the urban context. Other equipment shall also be of high quality and aesthetic appeal.

In general, various outdoor furniture items present within an Outdoor Catering Area shall be designed holistically, rather than as a series of individually styled design elements, and shall therefore be guided by one coherent design.

4.2.6 Outdoor Catering furniture – materials

G2 Outdoor Catering furniture – materials

In terms of materials, preference would normally be given to treated hardwood timber and steel (the grade and treatment of which would vary depending to the environment wherein it is deployed). Potential issues of deterioration and rusting should be taken into account in the choice and justification of materials being opted for. Plastic material would only be allowed if it is hardwearing, if it does not lose strength with constant use and if it cannot be easily blown away. Polyethylene, typical constituent of rattan outdoor furniture, may provide a good option in this respect.

In addition to issues in relation to weathering and deterioration, the risks of the material's discolouring should also be taken into account, particularly due to long hours of sunlight that such material would typically be exposed to.

Table tops merit particular attention due to issues of wear and tear that may result in a reduction of their appearance. In the case of laminate finishes, issues of peeling may be accelerated and care should be taken with regard to issues of scratching. The objective should be to attain a high quality design that is further hardwearing and scratch proof, particularly if such table top is to be left exposed. Alternatively it should be covered by tablecloths that are appropriate in terms of both design aesthetic (material and colour) and specification (weather exposure).

Tables and chairs should be fitted with rubber feet so as to decrease noise pollution and not to cause any damage to paving materials.

4.2.7 Outdoor Catering furniture – colour

G3 Outdoor Catering furniture – colour

The colour scheme of a chosen Outdoor Catering Area and the outdoor furniture items contained therein should be sensitive to the individual contexts wherein they are located. Regard should therefore be given to the existing colour palette within the adjacent and surrounding buildings and urban spaces, in order to be able to decide whether it is more appropriate to complement this context through a muted colour palette or contrast with it through the application of other tones. In this respect, however, there should be a preference for a maximum of two complementary colours and an avoidance of fluorescent colours. In Urban Conservation Areas and scheduled buildings it may be more suitable to go for traditional primary colours (such as dark green, navy blue and dark red), or earth colours, within the chosen colour scheme.

4.2.8 Serving stations

S4 Serving stations – dimensions

Serving stations shall be allowed within the Outdoor Catering Area, when the number of covers is more than six. The size of serving stations shall not exceed 90cm x 45cm and a height of 1.2 metres. The design and colour scheme of serving stations shall be compatible with the design of the outdoor catering furniture, in line with Guidance note G3.

4.2.9 Heaters

G4 Heaters – design considerations

Where heaters are proposed, they should be safely positioned such that they would not obstruct the passage of either pedestrians or vehicles and ensuring that the heaters are stable and will not fall or be knocked over. Heating devices should have a self-contained compartment for the storage of gas cylinders.

Mobile heaters should be removable and not be permanently fixed. They should be removed from the Outdoor Catering Area and stored inside the premises at the cessation of trading or at the time stipulated on the permit, whichever is the sooner.

4.2.10 Storage of Outdoor Catering furniture

P16 Storage of Outdoor Catering furniture

Outdoor furniture (excluding enclosures and timber platforms) shall be stored inside the premises outside trading hours. In the case where this is not be possible, the outdoor furniture shall be left in the same arrangement within trading hours and shall be adequately secured. No stacking of outdoor furniture shall be allowed outside the premises.

There may be instances where the applicant shall be requested to provide details of storage arrangements for all Outdoor Catering furniture and ancillary equipment. Storage shall occur either inside the catering establishment or off-site as long as it does not occupy public open space.

4.3. Management of Public Land

4.3.1 Third Party Rights

P17 Extent of Outdoor Catering Area

Space shall only be granted for an Outdoor Catering Area after taking into consideration activities in the vicinity and after ensuring that third party rights shall be safeguarded. The Outdoor Catering Area shall not adversely affect third parties.

The maximum extent of the Outdoor Catering Area in relation to the frontage of the catering establishment shall be limited to the distance measured between the property dividing lines, taken perpendicular to the façade, in line with Figure 6.

Figure 6: Maximum extent of Outdoor Catering Area

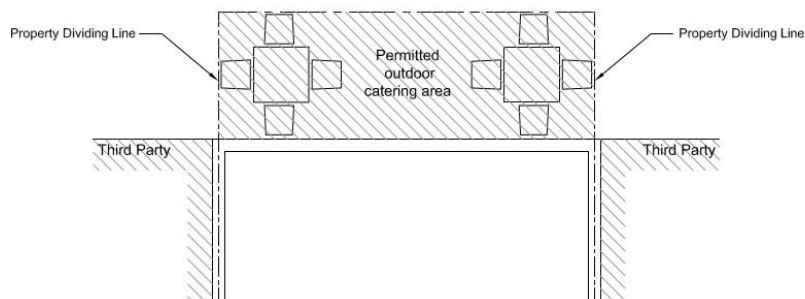


Figure 6: Maximum extent of the Outdoor Catering Area

P18 Safeguarding of Third Party Rights

In the instance that an applicant proposes an Outdoor Catering Area in front of a third party property, the applicant shall first give regard to the provisions established in Standard S5, following which the applicant shall obtain the signatures of the owners and tenants of such property on a hardcopy of the plan so as to indicate their 'no objection' to the extent of the site as shown, which signatures shall be duly witnessed by a Commissioner of Oaths. In the case of any conflict between the provisions of Standard S5 and the consented site extents by third parties, the former shall prevail.

Furthermore, no access stairs and/or ramps are to be obstructed in line with Policy P4.

In awarding encroachment rights, Authorities shall normally grant preferential rights to the owners/tenants of the establishment having the space in question located immediately outside their premises, unless a Master Plan indicates otherwise.

S5 Area to be kept free of Outdoor Catering furniture

In order to safeguard the amenity of adjacent third party properties, the following standards shall apply (in line with Figure 7):

- (a) In the case of doorways, a passageway having a minimum width of 1.5 metres, measured as 0.75m on either side of the doorway's centreline;**
- (b) In the case of ground floor windows, the area fronting the width of the third party aperture together with an additional 0.75m on either side of such aperture;**
- (c) In the case of shopfront display areas, the area fronting the entire width of such display area;**
- (d) In the case of areas / drive-ins/ garages accessed by vehicles, the area fronting the entire width, including the swept paths of vehicles which are permitted access in and out of these sites;**

shall be kept free of tables and chairs or any other ancillary equipment.

Figure 7a: Area to be kept free of Outdoor Catering Furniture: Passageway in front of doorways

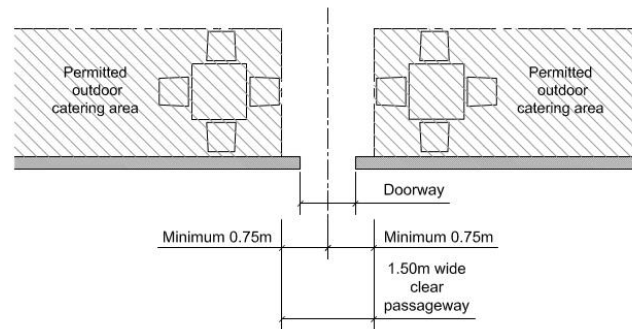


Figure 7b: Area to be kept free of Outdoor Catering Furniture: Areas fronting ground floor windows

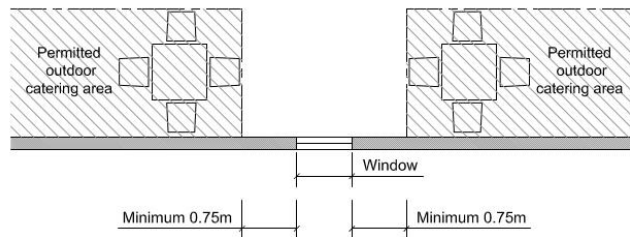


Figure 7c: Area to be kept free of Outdoor Catering Furniture: Areas fronting shopfront display areas

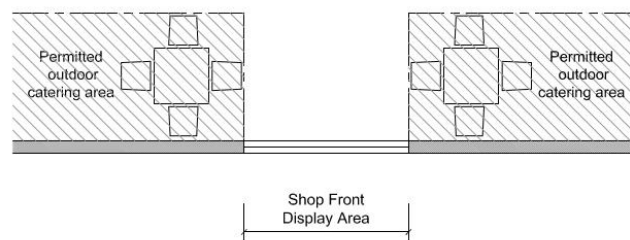


Figure 7: Area to be kept free of Outdoor Catering furniture.

Figure 7d Scenario 1: Area to be kept free of Outdoor Catering Furniture: Areas fronting garages, driveways, alleys, etc.

In case of areas fronting garages, the proposed drawings must include vehicle swept paths according to the garaged vehicle type.

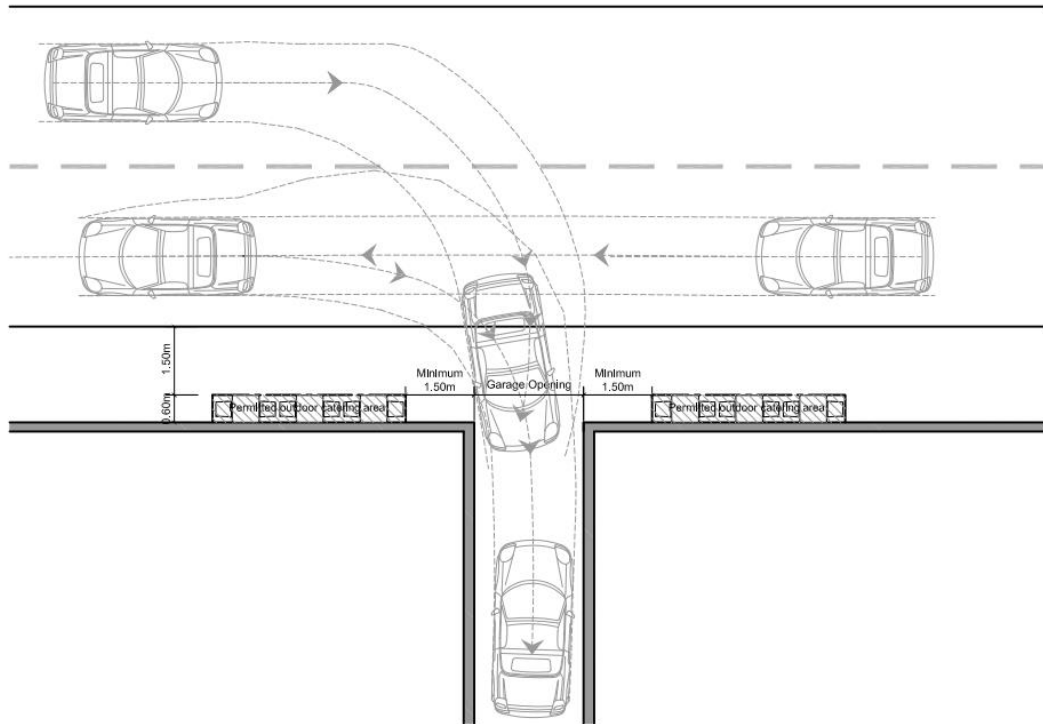


Figure 7d Scenario 2: Area to be kept free of Outdoor Catering Furniture: Areas fronting garages, driveways, alleys, etc.

In case of areas fronting garages, the proposed drawings must include vehicle swept paths according to the garaged vehicle type.

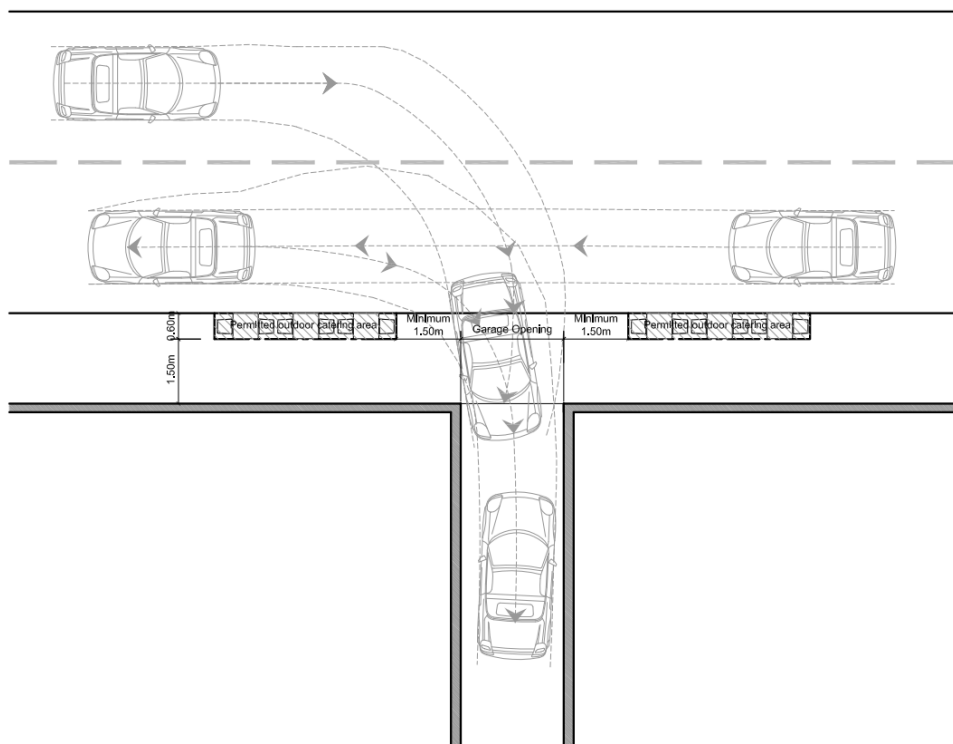


Figure 7 (cont.): Area to be kept free of Outdoor Catering furniture.

P19 Properties fronting each other in narrow streets or located along the same narrow footpath

In pedestrian public footpaths and/ or pedestrian streets having a width between 2.1 metres and 2.7 metres, as defined in Policy P7, where Outdoor Catering Areas are only possible on one side of the pedestrian public footpath or street, the permitting Authorities shall follow these provisions.

If there are various Outdoor Catering Areas on a particular stretch of a pedestrian public footpath and/or pedestrian street, they shall all be located on the same side of such footpath/street. Preference shall be given to that side street where there is a predominance of catering establishments at the time that the first permits are issued.

In the case of two properties directly fronting each other, a decision shall be taken regarding which side of the street should be followed. This shall be the prerogative of the permitting Authorities, which shall normally grant preferential rights to the owners/tenants for the establishment of Outdoor Catering Areas in the space located immediately outside their premises, unless a Master Plan indicates otherwise.

4.3.2 Safety during construction on adjacent land

G5 Safety during construction on adjacent land

A setback from any construction zone occurring on adjacent land is recommended. This is a temporary requirement to ensure the safety of patrons during the course of construction works on adjoining properties.

4.3.3 Temporary removal of furniture and equipment for special occasions

P20 Temporary removal of furniture and equipment

Three occasions may be envisaged demanding the temporary removal of furniture and equipment:

- (a) Public event:** In the case of a public event which affects the Outdoor Catering Area, the outdoor furniture and any ancillary equipment shall be temporarily removed from site.

- (b) Public works or maintenance to communal property:** The Outdoor Catering Area shall be cleared whenever the area shall be required for the execution of works of a public interest and/or maintenance of communal property. In such instances the permitting Authorities shall inform the applicant 24 hours in advance.

- (c) Emergency access:** In the case of an emergency, the applicant shall clear away all the outdoor furniture and any associated structures or equipment from the street, in order to allow easy access to Civil Protection and any other emergency vehicles.

5. Enclosures

5.1. Planning Considerations

P21 Enclosures – general planning and design considerations

Enclosures surrounding the Outdoor Catering Area shall be approved by the permitting Authorities in terms of dimensions, location and design. Permanent structures, or fittings of a permanent nature, shall not be permitted.

In terms of design, any physical means of enclosing the Outdoor Catering Area:

- shall be designed holistically with the rest of the area in terms of materials and colour, in line with Policy P16 and Guidance G2 and G3;
- shall not contain advertisements with the exception of the name and logo of the establishment in question; and
- shall not exceed a height of 1.20 metres measured from the level of the Outdoor Catering Area which it defines. In the case of planter boxes, plants shall be maintained at a height of not more than 1.2 metres from the ground.

Such enclosures shall be situated within the permitted area and shall:

- not reduce the safety of pedestrians using the pedestrian public footpath;
- not adversely obstruct emergency access;
- not reduce pedestrian flows;
- provide added safety protection when located along busy roads;
- not detract from the urban streetscape; and
- not obstruct important short-, medium- and/or long-range views from, to or within the urban context wherein the Outdoor Catering Area is located.

5.1.1 Planter Boxes

G6 Planter boxes

Planter boxes shall be stable and safe and have rubber feet so that they are elevated above the underlying paving material.

5.2 Design and maintenance considerations

G7 Design of screens and barriers

The screen or barrier should comprise of a wooden, stainless steel, aluminium or painted metal frame. A fabric or vinyl insert should be either secured or attached to the frame. The permitting Authorities may consider approving glass or perspex insert screens, only where the applicant may demonstrate that these types of screens would positively contribute to the streetscape and would be consistent with other similar screens in the locality.

G8 Maintenance considerations

In the case that the pedestrian public footpath is damaged during the placement or dismantling of the enclosure, the applicant shall provide for the restoration of the surface to the original state.

If plant containers are used as part of the Outdoor Catering Area, these shall be maintained in a good condition at all times.

6. Shading Equipment/Structures

6.1. Planning Considerations

6.1.1 General planning and design considerations

P22 Shading equipment/structures – general planning and design considerations

Shading equipment/structures provide a comfortable environment within which to enjoy outdoor catering. They shall be designed in a sensitive manner with the existing context, particularly the streetscape. Due to the specificity of each context, different design solutions will apply, and where appropriate, the permitting authorities shall encourage the use of innovative energy efficient design solutions.

Any shading equipment/structures:

- shall not obstruct clear sight lines for drivers and pedestrians; and
- shall maintain a clear view to shop entrances and shop windows such that outlets may be identified by pedestrians;
- shall not unduly affect the amenities of neighbouring and overlying third party properties in terms of daylight and outlook, or with regard to any issues in relation to safety, security and privacy.
- shall visually relate to the façade of the building and the rest of the Outdoor Catering Area, have appropriate proportions (in terms of size, form and shape) in relation to (i) the width of the street; (ii) the available pedestrian public footpath or front garden space; and (iii) the adjoining buildings.
- shall be high quality elements, designed to the highest technical specifications, and will visually enhance the surrounding environment. Cluttering shall be avoided in Outdoor Catering Areas. Structures shall not be permitted if they will disrupt the architectural equilibrium or rhythm of the façades in the streetscape. On heritage buildings, particularly scheduled properties and properties within Urban Conservation Areas preference will be given to flat-type awnings.

- shall be constructed in appropriate materials – in the case of demountable structures, in lightweight materials such as timber, wrought iron, steel, aluminium and glass; and in the case of awnings, in hard-wearing material that may be stretched over the supporting structure and not be glossy in appearance. Structures shall not be permitted where they would obscure architectural details or features on the façade.
- shall be designed in appropriate colours, which are to be sensitive to the individual contexts wherein they are located. Simple, uniform colours shall be used; being muted in tone rather than brash or loud and there shall be a preference for a single colour or two complementary colours.

The anchoring of shading structures/equipment to pedestrian public footpaths or other surfaces may be permitted at the discretion of the permitting Authorities.

Furthermore:

- (a) Shading equipment/structures within an Outdoor Catering Area of a single premises shall be of the same colour and type. In the case of a locality where umbrellas and canopies are all of a particular colour and type, then any new shading equipment/structures shall be consistent with the existing colour and type.
- (b) No advertisements will be permitted on the structures or awnings except for the name and logo of the catering establishment in question, which in the case of awnings shall be restricted to the skirt.
- (c) Awnings shall only be in place for the hours of operation of the catering establishment and will therefore be easily retractable.

P23 Applicability of demountable structures, canopies, awnings and umbrellas.

In Urban Conservation Areas, only awnings and umbrellas shall be considered to be acceptable shading equipment/structures within the Outdoor Catering Areas.

Demountable structures shall only be allowed in Area Type A4b locations as per DC 2015 classification, except for A4b Type Areas which are also designated as Urban Conservation Areas.

S6 Standards for shading equipment/structures

Shading equipment/structures, at their highest point, shall not be higher than 3.4 metres and at no point shall be less than 2.1 metres above the level of the Outdoor Catering Area. A minimum clearance of 0.5 metres shall be left from the base of existing balconies at first or mezzanine levels.

Furthermore, shading equipment/structures shall be setback a minimum of 0.50 metres from the pedestrian public footpath edge and kerb, where the Outdoor Catering Area is adjacent to a vehicular carriageway, for safety reasons. Where an Outdoor Catering Area is not adjacent to a vehicular carriageway, the shading equipment/structures shall extend to the perimeter of the permitted area.

S7 Projection of canopies and awnings

Canopies will not project more than 1 metre from the building alignment.

In Urban Conservation Areas, when fully extended, awnings will not exceed 1.5 metres from the building alignment, but in cases where the street width between the commercial outlet and the opposite building is less than 8 metres, the awning shall not extend over more than 0.75 metres.

In other areas, awnings shall be allowed to extend in accordance with the provisions in Standard S6.

6.1.2 Umbrellas

G9 Umbrellas

Umbrellas should be fixed by a stabiliser foot or any other type of restraining device in order to avoid wind instability. Umbrellas should be capable of being folded down or removed when weather permits, but should be stable enough to withstand strong winds.

Permitting Authorities have a right to request for an anchoring system to be installed.

6.1.3 Temporary weather protection screens

G10 Temporary weather protection screens outside UCAs.

Use of freestanding weather protection screens which are not attached to a shading structure may only be permitted if placed within the perimeter of the approved Outdoor Catering Area. Such screens should be isolated from any other Outdoor Catering Area.

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