

COMMITTEE REPORT

Date: 11 June 2015 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 15/00727/FUL
Application at: 39 Goodramgate York YO1 7LS
For: Change of use from public highway to customer seating area
 in connection with existing cafe use at 39 Goodramgate
 (resubmission)
By: Ms F M Abelidis
Application Type: Full Application
Target Date: 2 June 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to part of the highway in front of 39 Goodramgate, the ground floor of which is occupied as a cafe. The premises are situated between another coffee shop next door at 41 and Boyes retail premises.

1.2 The site is within the Central Historic Core Conservation Area and Goodramgate is one of the City Centre Footstreets, which are pedestrianised through the daytime with vehicle access for certain permit holders.

1.3 The application is for a pavement cafe which would be situated on the carriageway. The area would be approx 1.5m by 3m and the plans show it would accommodate two tables. The pavement cafe would only operate during footstreet hours.

1.4 This application was called in by Councillor Watson, on highway safety grounds. The application is a resubmission. Application 14/01089/FUL was refused by Members at planning committee in July 2014 because the proposed development would have an undue detrimental impact on highway safety and would also impede pedestrian movement. Officers had recommended that permission be granted.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Central Historic Core CONF

2.2 Policies:

S6: Control of Food & Drink Uses

HE3: Conservation Areas

T1: Pedestrians

3.0 CONSULTATIONS

GUILDHALL PLANNING PANEL

3.1 The panel object on the grounds that this is a very busy street at all times and would prove to restrict access to pedestrian and would set a precedence for other restaurants/cafes in the area

HIGHWAY NETWORK MANAGEMENT

3.2 No response. Previous comments were – no objection provided a 3m wide road width is maintained for vehicles to pass. A pavement cafe licence from Highway Network Management will also be required.

PUBLICITY

3.3 The deadline for comment was 13 May. No representations have been made.

4.0 APPRAISAL

4.1 KEY ISSUES

- Impact on the Central Historic Core Conservation Area
- Highway safety
- Amenity of surrounding occupants

IMPACT ON THE CENTRAL HISTORIC CORE CONSERVATION AREA

4.2 The site is within a designated conservation area (Central Historic Core). Within such areas, the Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of the area.

4.3 It is proposed to locate two tables on the road. The seating area would be enclosed on 3 sides by black posts, linked by a rope. There are cycle racks, protected by 2 bollards, located on the carriageway outside Boyes. The cycle racks are coloured black, and the additional furniture proposed would not detract from the streetscene.

Typically the furniture would also be screened in views along the street by the presence of parked vehicles. A condition is recommended that would require the prior approval of any alternative furniture.

HIGHWAY SAFETY

4.4 The pavement cafe would be located in an area which could otherwise be used for car parking by holders of a blue badge permit. The road markings are indicative only; badge holders may park anywhere along Goodramgate. The road is 6m wide and there would be adequate space for vehicles to pass (approx 4.5m) if the proposed seating area were in-situ. The footpath would not be unduly affected. A-boards or similar features positioned on the pavement can be required to be removed under Highways or Planning legislation. Whilst it is acknowledged that customers and waiting staff will cross the pavement to access the proposed seating area, given the size of the proposed seating area any conflict would be limited. Since the last application cycle parking spaces have been re-instated on the road outside the Boyes unit next door.

4.5 Goodramgate is a city centre foot-street. These areas, according to Local Plan policy T1, are pedestrian priority zones. The policy advises that within foot-streets, where re-paving has occurred, conditions for pedestrians and shoppers have been greatly enhanced.

4.6 National guidance within Manual for Streets advises that the public highway serves a variety of functions. It is not only for vehicular movement. It states that *'streets and the public realm should be designed to encourage the activities intended to take place within it. Streets should be designed to accommodate a range of users, create visual interest and amenity, and encourage social interaction. The place function of streets may equal or outweigh the movement function'*.

4.7 The proposals are only to operate the pavement cafe when the street is pedestrianised; at times when the aspirations of the council and planning policy are to create a vibrant and attractive place for shoppers and pedestrians. The use would be consistent with these aspirations, and potentially improve vitality.

AMENITY OF SURROUNDING OCCUPANTS

4.8 The site is within the city centre where commercial uses are expected and the pavement cafe would only operate during the daytime. Overall there are no amenity issues.

5.0 CONCLUSION

5.1 The only change in situation since the application was refused last July is the re-installation of the cycle stands, located on the road outside Boyes. Officer's recommendation is as with the previous application.

The proposed use is consistent with aspirations for the type of environment the council is looking to create on the city centre foot-streets, and as the space where the seating area is proposed could be parked on by vehicles, there would be no undue effect on pedestrian and highway safety.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 PLANS1 Approved plans - 836/3

3 The pavement cafe shall only operate during foot-street hours (10.30 - 17.00 Monday to Sunday). Outside the permitted hours all furniture shall be stored within the premises.

Reason: In the interests of highway safety and the character and appearance of the Central Historic Core Conservation Area.

4 The furniture used shall be as per the approved plans only; tables, chairs and if a means of enclosure is used it shall be black upright posts linked by a rope (as shown on the approved plan).

Reason: In the interests of highway safety and the character and appearance of the Central Historic Core Conservation Area.

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