

COMMITTEE REPORT

Date: 3 July 2014 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 14/01089/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
By: Ms F M Abelidis
Application Type: Full Application
Target Date: 3 July 2014
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 and because of the loss of parking provision.

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:

CYS6 Control of food and drink (A3) uses
CYHE3 Conservation Areas

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3.0 CONSULTATIONS

Highway Network Management

3.1 No objection provided a 3m wide road width is maintained for vehicles to pass. Officers note that a pavement cafe licence from Highway Network Management will also be required.

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3.2 Object strongly because the existing footway is already too narrow for the footfall of this street and although the street is pedestrian it is the most abused foot street in York

Publicity and Neighbour Notification

3.3 The deadline for public comment was 25.6.2014. At the time of writing the report the following comment had been received from the owner/operator of the adjacent retail premises:

- Welcome the idea of making Goodramgate more attractive to shoppers and pavement cafes in general, however in this case are concerned at the effect on the flow of pedestrians as to service the proposed eating area customers and waiting staff will have to carry food and drink across the flow of pedestrians in close proximity to the adjacent store entrance.

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 Local Plan policy requires that proposals maintain or enhance conservation areas. It is proposed to locate two tables on the road. The seating area would be enclosed by upright barriers, linked by a rope. The barriers would be coloured black. It is proposed to return the cycle racks, which had been located by the junction of Deangate and Goodramgate, after the Tour De France stage in July. The cycle racks are coloured black, and alongside these the furniture proposed would not detract from the streetscene. Typically they would also be screened in views along the street by the presence of parked vehicles also. A condition is recommended restricting the use of furniture other than that specified in the application.

Highway safety

4.3 The pavement cafe would be located in an area which could otherwise be used for parking by holders of a blue badge permit. The space is not currently marked for parking but highways officers advise that marked areas are for guidance only and blue badge permit holders may park anywhere along Goodramgate. Space for vehicles to pass would remain and the footpath would not be blocked. The road is 6m wide and therefore there would remain approx 4.5m for vehicles. As the proposals are only to operate the pavement cafe when the street is pedestrianised, there would be no undue effect on footfall or the ability of pedestrians (who have priority during foot-street hours) to move through the street. Whilst it is acknowledged that customers or 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. Although there is limited vehicle use of the road during the footstreet hours, the arrangements are clear that drivers must proceed with care.

Amenity of surrounding occupants

4.4 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 pavement cafe proposed would have an acceptable impact on the character and appearance of the conservation area and cause no harm to amenity. It would only be used during foot-street hours thus there should be no detrimental impact on vehicular and pedestrian movement and highway safety. Potentially there would be the loss of one space where blue badge permit holders could park; given the amount of alternative spaces, this is not regarded as grounds to refuse the application.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 PLANS1 Approved plans - 836-1 rev A

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.

At no times shall any furniture additional to that shown on the approved plans be stored on the highway.

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

7.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: the use of planning conditions.

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