

COMMITTEE REPORT

Date: 7 July 2016 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 16/01242/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: Mrs B Taylor
Application Type: Full Application
Target Date: 19 July 2016
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 Foot-streets, 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 foot-street hours.

1.4 The application is brought to committee because two previous applications for the scheme have been determined by Members.

1.5 Application 14/01089/FUL was refused by Members at Planning committee in July 2014. Officers recommended approval. However Members voted to refuse the application, because the proposed development would have an undue detrimental impact on highway safety and would also impede pedestrian movement.

1.6 A second application; 15/00727FUL, made when the cycle stands had been installed on the road outside the Boyes store next door, was granted a 1 year trial period to assess the impact on highway safety.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

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

2.2 Policies:

CYS6 Control of food and drink (A3) uses
CYHE3 Conservation Areas
CYT1 Pedestrians

3.0 CONSULTATIONS

Highway Network Management

3.1 No objections. Officers have consulted the traffic team who have had no reports of issues with the free flow of traffic with this scheme in place. There have been a handful of complaints over the past year from blue badge holders about this use preventing them parking a car in its place. However plenty of space, proportionately, is still available on Goodramgate for blue badge holders. The tables and chairs in this location is considered to reinforce the fact to drivers travelling up Goodramgate that it is a pedestrianised zone.

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3.3 No response to date.

Publicity

3.4 One objection has been made to date. The objection is that the proposal is an inappropriate use of the street in an already congested area; it will make progress by pedestrians more difficult as the pavement is already inadequate to accommodate the footfall. The deadline for comments is 6.7.2016 any further comments will be reported verbally.

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 Two tables are positioned on the road, enclosed on 3 sides by posts, linked by a rope. There are cycle racks, protected by 2 bollards, located on the carriageway outside Boyes. The cafe furniture blends in with the cycle parking facility and is partially screened in views along the street by the presence of parked vehicles. It is noted that the posts in situ are silver not black as shown on plan. Black would blend in better with the surroundings and is preferable. A condition can require council approval of any alternative furniture. There is no harm to the character and appearance of the conservation area.

HIGHWAY SAFETY

4.4 The pavement cafe is located in the road which could otherwise be used for car parking by holders of a blue badge permit. Badge holders may park anywhere along Goodramgate. The road is 6m wide and there is adequate space for vehicles to pass (approx 4.5m) with the cafe seating area in-situ. A condition was applied to the previous permission which required no other furniture, such as A-boards or similar features, be positioned on the pavement.

4.5 Customers and waiting staff must cross the pavement to access the proposed seating area. However given the size of the proposed seating area any conflict with pedestrians is limited and there have been no reported accidents or incidents during the trial period permitted by the previous permission.

4.6 Goodramgate is a city centre foot-street. The foot-streets, according to Local Plan policy T1, are pedestrian priority zones. 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 during foot-street hours; 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 in the street and be consistent with Manual for Streets advice.

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 significant amenity issues.

5.0 CONCLUSION

5.1 Apart from uncertainty over highway safety and convenience, the proposal was deemed to be acceptable in all other aspects in the previous 2015 application. There has been no material change in situation or policy. National planning advice is that it will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no evidence that the proposals have had an adverse effect on safety. As such it is recommended permission is granted, subject to conditions in the interests of highway safety, amenity and the character and appearance of the conservation area.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans - Drawing 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). There shall be no other furniture or advertisements associated with the premises located on the highway (including the footpath) at any time.

Within 2 months of this permission the existing upright posts shall be replaced by posts coloured black, in accordance with the approved plans.

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.

2. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Cafe Licence - Section 115 - Heather Hunter or Anne-Marie Howarth (01904) 551418

Contact details:

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