
IMPERIAL EXPRESS CAFÉ – PROPOSED PAVEMENT CAFE

**Responsible Cabinet Members - Councillor John Williams, Economy Portfolio
and Councillor David Lyonette, Transport Portfolio**

**Responsible Directors - Richard Alty, Assistant Chief Executive (Regeneration)
and Cliff Brown, Director of Community Services**

SUMMARY REPORT

Purpose of the Report

1. The purpose of this report is to seek Cabinet agreement on the principle of converting carriageway to pavement for the purpose of creating a pavement café. The proposal is subject to the owner receiving the necessary detailed approvals from planning, highways and licensing.

Summary

2. The Council are keen to encourage provision of pavement cafes within the public areas. This is the first instance where it has been requested that an area of highway be converted to pavement specifically for the purpose of a pavement café.
3. An assessment has been undertaken as to the suitability of this proposal including consultation, highway considerations, revenue implications, planning and licensing implications. Consultation has included discussion with Darlington Association on Disability (DAD) on the potential impact of the proposal on disabled people.
4. The owner of the Imperial Express is keen to progress and fund the proposals.

Recommendation

5. It is recommended that Cabinet:
 - (a) agree the principle of converting carriageway to pavement for the purpose of creating a pavement café at this location, subject to Planning Permission being granted; and
 - (b) authorise officers to proceed with negotiations on detailed highway and licensing approvals.

Reasons

6. The recommendations are supported by the following reasons:-
- (a) To encourage increased footfall and turnover for town centre businesses.
 - (b) The objectives are in line with the Town Centre Business Plan in the creation of a vibrant and attractive town centre.

Richard Alty,
Assistant Chief Executive (Regeneration)

Cliff Brown
Director of Community Services

Background Papers

No Background papers were used in the preparation of this report.

Christine Kavanagh : Extension 2470
Dave Winstanley : Extension 2752

S17 Crime and Disorder	No Impact
Health and Well Being	No Impact
Sustainability	No Impact
Diversity	The proposal has been discussed with DAD and has been amended in response to issues raised.
Wards Affected	Central
Groups Affected	All
Budget and Policy Framework	The implication identifies a reduction in on street pay and display parking and a potential reduction of up to £3,200 per annum on parking revenue.
Key Decision	This is not a key decision.
Urgent Decision	This is not an urgent decision
One Darlington: Perfectly Placed	The Perfectly Placed priority and the Prosperous theme: maintaining and enhancing Darlington's character, scale and friendly market town atmosphere.

MAIN REPORT

Information and Analysis

7. The Council are committed to helping small independent businesses, especially in the current economic climate. The owner of the Imperial Express Café wishes to work with the Council and create a vibrant and attractive space outside their premises. The owner is willing to invest in improvements to the highway in order to create an outside seating area to extend Darlington's popular café culture.
8. This is a unique situation whereby a premise owner has proposed alterations to a highway to create space.
9. A Working Group was formed to consider the issues.

Planning

10. Planning permission will be required.

Licensing

11. Licensing is currently reviewing its charges for pavement cafes. Currently the fee is a blanket charge not differentiating between size of cafes. The proposal would be subject to the licensing process.

Highways

12. The footway on the frontage to the Imperial Express is only 1.5m. wide and therefore not of sufficient width to accommodate a pavement café. The local guidance for pavement cafes advises that a minimum of 2.0m clear pedestrian route is provided past a pavement café. This can only be achieved by provision of a build out within the carriageway on the frontage to the restaurant.
13. A number of options have been assessed by Highway Engineers, with varying affects on the provision of on-street parking and servicing arrangements for the businesses in the area. The preferred option would create minimum disruption to the highway function of the road and minimise the loss of pay and display parking spaces. This option is appended to this report at **Appendix 1**.
14. Northumberland Street forms the inbound link of the cycle route from the Blackwell area of Darlington into the town centre. An option to introduce two way cycling on Northumberland Street has been considered but rejected in favour of continuing to use Coniscliffe Road as the outbound link.
15. The estimated costs of the works are in the region of £14k, including for cost of amendment to the Traffic Regulation Orders and design fees. The cost of any service diversions/protection is not included. The owner of the Imperial Express would bear the total cost of the works.
16. The existing layout of the highway does allow for the pavement to be extended and not affect the efficiency of the current one way system. This would indicate that traffic flow

should not be hindered.

17. The owner is prepared to commit considerable capital. It is therefore appropriate to highlight a series of risks that the owner of the Imperial Express must consider and officers must incorporate into the license/agreement:
 - (a) The potential that the area may not be available if road works are being undertaken.
 - (b) The potential that the area may be disrupted by utility companies who have rights to access their apparatus or install new apparatus
 - (c) Any future town centre development or scheme that requires the area to be returned to highway.
18. All of these risks are present under the current licensing arrangements. However, in those circumstances the pavement existed and the premise owner did not outlay considerable capital investment.

Loss of Income to the Council through Car Parking

19. The Council would lose the revenue generated from two car parking spaces if the scheme were to go ahead. The average income from two spaces in Northumberland Street was £3,200 per annum in 2007/8. However, the loss of income to the Council may be less if people park their cars in other, vacant, spaces instead.

Consultations with the Public and Surrounding Businesses

20. The Town Centre Manager has undertaken consultation with all of the retailers in Grange Road and Northumberland Street. The physical change in the appearance of the road, the loss of two car parking spaces and the area of the proposed pavement café were explained. The opinion was overwhelmingly in favour of the pavement café with 23 retailers being in favour of the development and two retailers not.
21. There were a small number of businesses that were not available for comment at the time of consultation and consultation forms were left with these businesses for their consideration and individual feedback. It was also strongly voiced, by the businesses, that the proposed changes would be welcomed due to the physical improvements that would be made to the area giving it a cleaner, updated appearance which would bring it more inline with the improvements already undertaken in the town centre. This is echoed by the Urban Design Officer who is also in favour of the improvements that the development would bring.

Disability Equality Impact Assessment (DEIA)

22. For this relatively simple proposal, DEIA has been limited to discussion of the preferred option with Darlington Association on Disability (DAD). DAD agrees that this fulfils the duty to consider the potential impacts of the scheme on disabled people, subject to the outcomes being incorporated in the implemented scheme. Discussion identified the following:
 - (a) The potential for a positive impact, by resolving the long-standing difficulty experienced by wheelchair users in crossing the Northumberland Street junction when

passing along the Grange Road west-side footway; this problem is outlined in paragraph 24 below.

- (b) An actual negative impact arising from the preferred option of extending the footway into carriageway only in front of the Imperial Express premises - the scheme as discussed with DAD not only failed to deliver the potential positive impact, but could exacerbate the crossing problem by further encouraging service vehicles to park at the Northumberland Street/Grange Road junction
23. As a result of these issues being identified through the DEIA discussion, the scheme has been amended to incorporate a dropped kerb within the proposed Imperial Express build-out, together with a small footway build-out and dropped kerb on the opposite side of Northumberland Street. The drawing attached as **Appendix 1** has been amended to incorporate these arrangements, which are of course subject to planning, highways and licensing approvals.
 24. Wheelchair users often experience difficulty because of the lack of a dropped kerb on the north (Imperial) side of the junction. Currently they have to use the vehicular service access into the basement of the Imperial building to run up onto the footway. Not only is this inconvenient, but the service access is often blocked by parked vehicles, despite parking restrictions being in place.
 25. Ideally DAD would have preferred a comprehensive scheme incorporating an extended build-out to the junction and dropped kerbs, allowing a more direct road crossing for wheelchair users passing along Grange Road, but such a scheme would have impeded traffic movements at the junction as well as service access. DAD is agreeable to the compromise solution outlined above and in the **Appendix 1** drawing.

Conclusion

26. On balance it is not felt that the changes to the Highway in front of the Imperial Express Café set a precedent for the town centre as it is in a unique position in an area that currently does not have any pavement cafes. Any further requests would require similar careful consideration.
27. The café culture is encouraged within the town centre and this type of environment is recognised as a way of attracting extra footfall. It is felt that the positioning of a café in this area could further spread the footfall around the town centre.