

PUBLIC STREET ENCLOSURES POLICY

1 INTRODUCTION

Outdoor eating and drinking in the City adds life, interest and colour to the street scene and enables more people to enjoy the pleasure of dining alfresco. This activity is of considerable value to the central city and suburban areas alike, for social and recreational purposes and is welcomed.

The licensing of public space for private activities can provide a greater commercial opportunity that enhances the value of the activities in the adjoining buildings. It is understandable that commercial operators will wish to maximise that opportunity by effectively creating a privately controlled and restricted use of that licensed public space. It is also clear that the creation of privately controlled, enclosed street spaces can result in a number of potentially undesirable environmental effects.

This policy will guide the Council in decision making regarding the desirability or otherwise of licensing public space for outdoor dining. The Council, as landowner needs to consider the private, commercial benefits and balance the environmental and community benefits and disbenefits of these uses for licensed public space. This balance is reflected in this policy.

The policy has been drawn up having regard to the following matters:

1. The relevant policies and objectives contained within the Proposed Christchurch City Plan
2. Other relevant Council policies, strategies and bylaws
3. The Council provides public space for the benefit of the general public, not for commercial benefit.
4. That the Policy be fair and equitable to all businesses
5. Only protection for outdoor diners from fair weather to moderate adverse weather wind conditions can be expected.
6. The Council is mindful of the cumulative effects of enclosing structures and advertising
7. The Council wishes to avoid excessive visual clutter and ensure a high quality of street enclosures and furniture
8. The Council wishes to ensure that enclosures and furniture do not adversely effect the appearance or architectural or historic integrity of the buildings with which they are associated, nor the view along the street or across a public space.
9. Pedestrian movement should not be unduly hindered.
10. The needs of disabled, young and elderly users of the public street space must be considered
11. The Council does not wish to inhibit the temporary use of the street space for special events

2 LICENSING OF PUBLIC AREAS

This Policy for the licensing of public areas applies to the Special Purpose (Pedestrian) Precinct Zones and to public streets. The Council may licence areas to individual operators located in buildings adjoining public areas who can provide complementary services and facilities of a good standard.

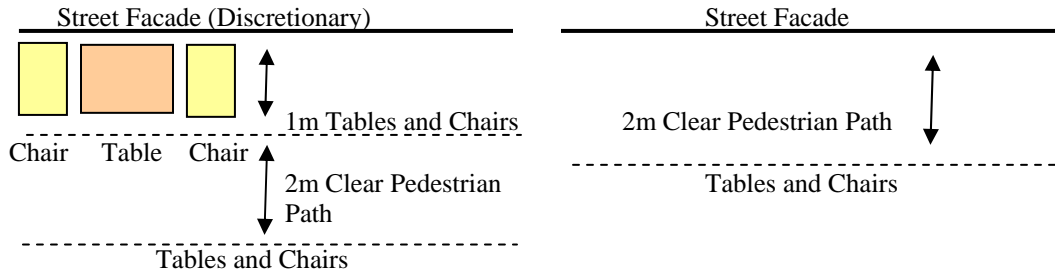
All public areas that are in private use for outdoor dining shall be subject to a licence agreement with a rental reflecting the value of the site and conditions that are appropriate to the nature of the public space.

The City Council shall determine:

1. The appropriate level of pedestrian access,
2. The level of enclosure, and
3. The types of street furniture that are appropriate for the licensing of any specific site.

1 Pedestrian Access

Licensing of public streets for commercial use will not be considered where the footpath width is less than 3m except that in areas of low pedestrian frequency this may be discretionary. All licensed areas shall have full public pedestrian access maintained for a depth of 2m of the footpath at not more than 1m from the street façade (back of path). This requirement may be discretionary in some areas (other than pedestrian malls) such as Oxford Terrace, Cathedral Square. The location of the 2m access path (either adjacent to the street facade or 1m away), will be consistent for the length of the street block.



2 Levels of Enclosure

Levels of enclosure of licensed areas have been identified as follows. Enclosures of Levels 1,2 and 3 will be permitted. Enclosures of Level 4 will not be permitted.

Level 1 No enclosure

Street furniture in an open street setting with generally unimpeded physical and visual access by pedestrians

Level 2 Minimal Enclosure

Street furniture in an open street setting within a physically defined licensed area, restricting public but not visual access

Level 3 Partial Enclosure

Street furniture in a setting partially enclosed by low level screens and overhead canopies and verandas

Level 4 Full Enclosure

Street furniture with continuous or semi continuous overhead, side and front enclosures (even where retractable) that are supported by structural frames with columns in the public space.

(Note : This level of enclosure of licensed areas is not permitted)

3 Street Furniture

Shall include only the following items appropriate to each level of enclosure:

Level 1

Outdoor dining furniture - Tables, chairs and umbrellas

Level 2

Outdoor dining furniture - Tables, chairs and umbrellas

Street furniture - bollards, planters, ropes, menu stands, gas heaters, safety rails

Level 3

Outdoor dining furniture - Tables, chairs and umbrellas

Street furniture - bollards, planters, ropes, menu stands, gas heaters, safety rails

Overhead canopies with quality canvas or tensile fabric and retractable metal frames and/or glazed canopies fixed to the building façade. No canopy supports to be located in public areas

Side enclosures to licensed areas (at right angles to street façades) from transparent, laminated or toughened glass 1800mm in height fixed to planters or pavement support posts.

Front enclosures are to be of a maximum height of 1300mm. Where licensed areas have a perimeter at street corner then the 1800mm glazed side screen may be returned at 1800mm high along the frontage for 1200mm, at that street corner.

There shall be a clear visual differentiation between the permanent features of our public spaces and the street furniture associated within a licensed area.

4 Temporary structures

This Policy does not apply to temporary structures in the street. It should be noted that formal street stopping procedures are required if structures in streets are to be erected for more than 31 days in any one year.

5 Private use of public airspace

The issue of the licensing of public air space for commercial use has been addressed by the Airspace over public roads policy. The issue of enclosures to upper level floors projecting out over public airspace has not been specifically addressed by this policy which relates to ground level uses.

6 The application process

The process for assessing applications to license public street space for outdoor dining will be as given in Appendix 1

7 Street enclosure schedule

The Council will maintain a schedule of Licenced Premises.

3 DETAILED POLICY REQUIREMENTS

All licences shall be subject to the Policy requirements, any operational provisions of the licence, and Resource Consent, Building Consent, fire and safety requirements, sign permits and Bylaw approvals as appropriate.

3.1 Information Requirements

To ensure that a good standard of amenity is maintained a suitable standard of exterior furniture and layout must be provided by individual licensees as a condition of licence. The information submitted with a licence application shall include –

- (a) Designs for all proposed furniture including tables, chairs, planters, glazed screens and supports, heaters, planting, bollards/ropes, safety rails, canopies and umbrella designs and also their materials, finishes and colours.
- (b) Plan layout of all elements
- (c) Planting materials
- (d) Further information required for regulatory consents
- (e) Licensees are to provide details of any redevelopment to the Council.

4 ENFORCEMENT ACTION

Enforcement action will be taken against any business who occupies public space without a licence or against any licensee who does not comply with this policy.

That enforcement of non compliance with this policy is delegated to the Corporate Support Unit Manager and Transport and Greenspace Unit Manager.

GUIDELINES

Design Requirements

The following requirements will be taken into account in reviewing all licence applications. These are intended to ensure that a good quality standard is achieved in all individual facilities. Approvals will be the responsibility of the City Streets Manager and includes any officer team authorised to act in that behalf as described in Appendix 1

a) Design

- All street and dining furniture, canopies, screens and signage should be to a high standard of design and construction.
- All street and dining furniture should be constructed of substantial materials and with a quality, durable finish suitable for external public use. Timber should be finished with paint, stain or polyurethane to provide a good standard of finish that can be easily cleaned. Canopy materials should be either canvas or shade cell fabric (woven nylon/rayon open-cell fabric). Steel or other metals should be finished with a good quality paint finish or should be anodised or chromed to a standard suitable for external use.
- All individual furniture items such as chairs, tables, umbrellas should be complementary in design and appearance within any one licensed area.
- Freestanding umbrellas should have a single central support. An umbrella may utilise a flush sleeve in the pavement for support provided the umbrella is not permanently fixed and may be removed at any time
- A canopy may be cantilevered horizontally from a building or from a veranda. These canopies should be not deeper than 4m and shall be fully retractable. A veranda should not be greater than 3m in depth and should comply with the veranda bylaws.
- The clearance between the footpath and the underside of an umbrella shall be not less than 1.8m
- The combined depth of a canopy and/or veranda should not be greater than the depth of the licensed area, 7m or 530mm clear of the kerb line, whichever is the lesser.
- There should be no vertical supports for canopies in the public space. Vertical supports for verandas will be discretionary and will depend on the site location and the effect on enclosure of the public space.
- Canopies and verandas proposed to be fixed to heritage buildings listed in the Proposed Christchurch City Plan will require a Resource Consent for an alteration to a heritage building. Other consent requirements will be dependent on the size and location of the veranda or canopy.
- The maximum height for side screens will be 1800mm from the ground. Where licensed areas have a perimeter at street corner then the 1800mm glazed side screen may be returned at 1800mm high along the frontage for 1200mm, at that street corner. Front screens shall be to a maximum height of 1300mm.
- For safety reasons, no external stays will be allowed to support screens. Instead, screens may be supported by vertical poles placed in a flush sleeve in the pavement, at the discretion of the City Streets Manager. Alternatively vertical supports may be attached to planters or be free-standing provided no base shall project outside the licence area.
- The planters or other similar elements may be used to define an edge to the licensed area to avoid clutter and spread. Height of planters plus plants generally should not exceed the specified height of screens.
- All street furniture should be stable in windy conditions and shall not present a health and safety risk. Any furniture which does present such a risk shall be removed from the licensed area when weather conditions become unsuitable.
- No street furniture including supports in the pavement shall be fixed and shall be immediately removable at the request of the City Streets Manager for services maintenance and repair, pavement cleaning, or for such other reasonable circumstance as may arise.

b) Colour

- Simple combinations of a small palette of colours in street furniture will be most effective in maintaining a high standard of amenity within and relationships between outdoor areas.
- Canopies and umbrellas should preferably be of a single colour to minimise visual clutter and should complement the building facade.

c) Layout

- The extent of licensed areas shall be identified on the ground. This may be by permanent pavement markers, planters, planter boxes roped bollards and/or side screens. Low level enclosing elements shall provide the visually impaired with sufficient guidance for such persons to remain clear of footpath obstructions within licensed areas.
- The extent of planters and screens etc shall be sufficient to visually define the area but need not be continuous around the whole licensed area.
- The layout of the licensed area should be related to the geometry of the public space, the street grid or other significant features of the space. Any change in layout must be subject to a further approval.
- Reticulation for services if required should be visually unobtrusive and integrated into the furniture elements or should be underground subject to the terms and conditions of the licence, safety requirements and approval by City Streets.

d) Advertising

- Advertising should be restricted to site identification signs, emblems or logos integrated with umbrellas, side screens, menu boards or planters within the licensed area.
- Advertising should be limited to one per umbrella panel individual logos on the panels of one umbrella will be regarded as one sign.

e) Plant materials -

- All plant material is to be maintained, replaced or supplemented to ensure a good standard of planting at all times of the year.

f) Maintenance

- All outdoor furniture and equipment within the licence boundary shall be maintained by the licensee to a high standard.

APPENDIX 1

Public Street Enclosure Policy – decision making process

1. Applications to lease public street space for outdoor dining shall be made to the City Streets Unit manager.
2. The level of pedestrian access, level of enclosure and types of street furniture permitted in any location will be in accordance with the Public Street Enclosure Policy as determined by an officer team appointed by the City Streets Unit Manager. The decision will be made having regard to the following criteria:
 - I. Width of footpath
 - II. Level of pedestrian traffic
 - III. Amount and nature of adjoining activity
 - IV. Level of vehicular traffic
 - V. The impact on the amenity and appearance of the area

3. The proposed design, quality, materials, colours and layout of the street furniture will be assessed, by the officer team to ensure that they are in accordance with the policy requirements of the Public Street Enclosure Policy.

4. Where:

- I. the application is declined by the officer team but they consider there may be special circumstances
- II. an application not in accordance with the policy is recommended for approval or
- III. the proposal is likely to have significant effects

The application will be passed on to the Central City Streets subcommittee of the Sustainable Transport and Utilities Committee for decision. If the application site is outside the central area (i.e. outside the four Avenues) the Chair (or their nominee) of the relevant Community Board will be co-opted onto the subcommittee.

5. In some situations Level 3 enclosures will require Building Consent and/or Resource Consent. Applicants will be advised when they submit their application, what will be required. Before proceeding with a Resource or Building Consent application, applicants may wish to discuss the terms of a licence with the Council's Property Unit.
6. Once technical approval is granted a Licence Agreement can be negotiated with the Property Unit.
7. Enforcement action will be taken against businesses placing any furniture or erecting any enclosures on the public pedestrian precinct or street, for which the necessary license and consents have not been obtained.
8. In any situation where the applicant and the approving officers or subcommittee cannot agree if the application falls within the policy and guidelines then the dispute procedure in any proposed licence may be applied.

Footpath Extensions to Expand Cafes onto the Roadway

1. That the Council adopt the view that in the central city use of extension of outdoor seating and tables onto the footpath/roadway be encouraged.
2. That the following criteria be used as guidelines in determining applications:
 - (i) The site not being on an arterial road.
 - (ii) That there be no stopping, taxi stands, or short term parking restrictions at the site.
 - (iii) It should be directly related to the activity carried out in the adjacent business.
 - (iv) There is no conflict with the immediate neighbouring land uses or with the historical character of the building or area.
 - (v) That the site is suitable climatically (has a northerly or westerly orientation).
 - (vi) That there will be no interference with the safe and convenient movement of pedestrians.
 - (vii) The development is not one that would detract from the immediate streetscape of that section of road.
 - (viii) The building associated with the extension has appropriate facilities to cater for the extra customers, including sufficient accessible toilets, with prominent signage.
 - (ix) A bond be paid to allow for the future removal of the extension.
 - (x) The rental be based on a market value of each square metre and paid on a quarterly basis in advance.
 - (xi) The works associated with the extension be designed to meet the requirement of the City Streets Unit.
 - (xii) If a liquor licence is to be issued then the Council reserves the right to withdraw the licence to occupy road space on the basis of non-compliance with the conditions and that this power be delegated to either of the Environmental Services Manager or the City Streets Manager, severally.
 - (xiii) The conditions of the licence will vary according to the size, the sale of liquor and location.
 - (xiv) Construction costs to be met by the owner, unless incorporated as part of an approved Council project.