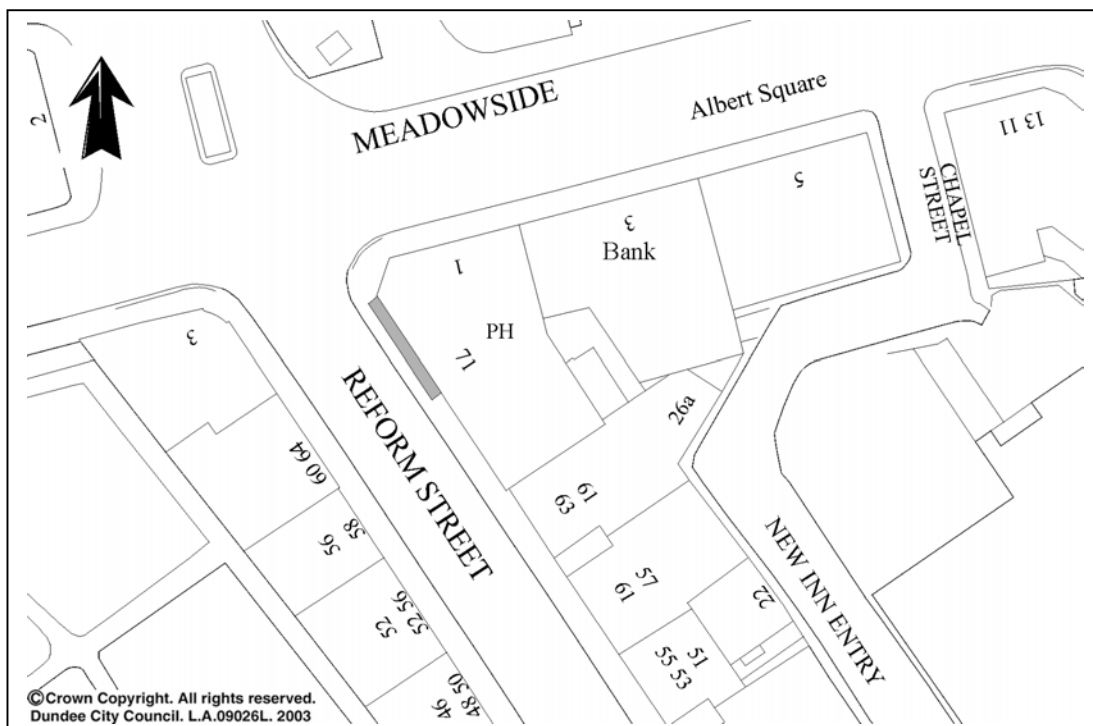


KEY INFORMATION**Ward** Tay Bridges**Proposal**

Change of use from public pavement to external seating area

AddressThe Counting House
67-71 Reform Street
Dundee
DD1 1SP**Applicant**J D Weatherspoon Plc
Weatherspoon House
Central Park
Reeds Crescent
Watford
Hertfordshire WD1 1QH**Agent**Agent Ferraby & Taylor
Friary Court
13-21 High Street
Guildford
Surrey GU1 3DG**Registered** 17 June 2003**Case Officer** R Anderson

A change of use from public pavement to external seating area is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed external seating area will contribute to the streetscape in this part of the conservation area and will not impact upon safe pedestrian passage over the pavement. It conforms to development plan policy and therefore approval of the application is recommended.

SUMMARY OF REPORT

- An application for change of use of public pavement to external seating areas in connection with the Counting House public House has been submitted. The area in question is located on the west side of the building and covers an area of pavement (11m²) on the east side of Reform Street. Five Tables and chairs will be arranged in a linear fashion parallel to the building line.
- The property in question is a category B listed building and is located in the City Centre Conservation Area
- One objection has been received regarding the application relating to noise and anti social behaviour. The points regarding noise have dealt with in the report. However those relating to anti-social behaviour are not planning matters and are to be dealt with under licensing and by the police.
- The seating area will allow for the safe passage of pedestrians in this area and will contribute to the vibrancy and dynamism of the city centre. The proposal conforms to development plan policy and there are no material considerations, which warrant a departure from policy in this case. Accordingly approval of the application is recommended.

DESCRIPTION OF PROPOSAL

It is proposed to change the use of the pavement outside the Counting House to allow for outdoor seating, in connection with the public house. The area in question will allow for five tables and with two chairs each in a linear fashion, parallel with the outside wall of the pub. The area covered measures approximately 11m², leaving approximately 3m-pavement width for pedestrians. The types of tables and chairs proposed are to be stainless steel. A previous application for outdoor seating in the same location was granted a temporary consent and has recently lapsed - hence the current application.

SITE DESCRIPTION

The Counting House is located at the northern end of Reform Street on its eastern side. The seating is to be arranged along the western side of the building in an area where the pavement is at its widest. The building is surrounded on all sides by commercial properties and forms the ground floor of a category B listed building. It is located within the City Centre Conservation Area.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 1998

The following policies are of relevance:

BE10 - Reform Street

BE11 - Development in Conservation Areas

MV9 - Improvements to Pedestrian Facilities

EU20-23 - Central Area Office Sector

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 81 - Pedestrians

Policy 61 - Development in Conservation Areas

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application

Non Statutory Statements of Council Policy

The following policy statements are of relevance:

LOCAL AGENDA 21

Key Theme 8 states that health should be protected by creating safe, clean, pleasant environments.

SITE HISTORY

97/01423/DLB - External signage and lighting to elevations, new single leaf door to facade, hanging baskets to front elevation and air handling unit and flue to rear - approved - 24.07.1997

97/22736/D - Installation of plant on flat roof to rear of premises and provide kitchen extract flue to rear wall - approved - 23.07.1997

99/01717/DLB & 99/02888/DADV - Replacement of illuminated signage - refused - 09.11.1999

00/02942/DADV & 00/01769/DLB - Installation of illuminated signage - approved - 06.03.2000

D24655 - temporary consent for outdoor seating - approved - 27th September 2000

PUBLIC PARTICIPATION

One letter of objection has been received regarding the application. The main issues arising are the noise made by people visiting the public house and the lack of control exercised by management. These will be dealt with in the Observations section of the report.

The proposal has also been advertised as Bad Neighbour development in the local press as it involves the extension of licensed premises.

CONSULTATIONS

No adverse comments have been received regarding the application

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- whether the proposals are consistent with the provisions of the development plan; and if not
- whether an exception to the provisions of the development plan is justified by other material considerations

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above

BE10 - Reform Street - The general intention of this policy is to improve the appearance and vibrancy in Reform Street. This is mainly to be achieved through improvements to the streetscape and shopfront enhancements. However increasing the vibrancy and dynamism in this city centre street through pavement seating serves to enhance the streetscape and improve the appearance of the street giving the impression of a busy bustling city centre.

BE11 - Development in Conservation Areas

Although the application is not for any permanent development the introduction of tables and chairs within this important street in the Conservation Area, will serve to complement and enhance the setting and character of the Conservation Area.

MV9 - Improvements to Pedestrian Facilities

The tables and chairs have been positioned in an area where the pavement is at its widest. The minimum requirement for pedestrian passage on the pavement is 2m. Originally the application had been submitted for three areas of seating, 2 on Reform Street and one on Meadowside to the north. The applicants have deleted two areas from the application, after they were advised that insufficient space was allowed for pedestrian movement on the pavement. It is considered that the revised proposal can be accommodated on the pavement whilst maintaining adequate pedestrian facilities

EU20-23 - Central Area Office Sector

The property falls within the area of the proposals map zoned for office use and a presumption against uses that would prejudice office uses, it is considered that the introduction of tables and chairs at street level will not affect the existing office uses. The pavement is used for pedestrian passage at present and the public house is used for leisure activities. The proposed use is a cross between the two and will not alter the existing land use in a significant way.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

The other material considerations to be taken into account are as follows:

Dundee Local Plan Review

Policy 81 - Pedestrians - considerations of this policy are similar to those given for policy MV9 above.

Policy 61 - Development in Conservation Areas - considerations of this policy are similar to those given for policy BE11 above.

Points Raised by the Objector

The points raised by the objector relating to noise are valid planning considerations. However it is considered that the levels of noise which are likely to come from people sitting in the chairs and enjoying a drink and perhaps some food will be anymore significant than those already emanating from pedestrians using the pavement and the wider street. This section of Reform Street is largely pedestrianised and caters for large numbers of people on a daily basis. The introduction of five tables and chairs outside a public house is unlikely to increase the ambient noise levels to an unacceptable level. The objector also indicates he is worried as to the levels of anti-social behaviour that will result from people drinking in an outdoor location. This however is not a planning matter and is better dealt with by the police and the licensing committee.

Previously there had been a temporary consent for seating in the location applied for now. This temporary consent was applied to allow the department to assess whether there were any major problems with allowing this land use within the City centre. There have been no complaints to the Planning and Transportation department regarding this use and Environmental Health and Trading Standards have confirmed that there have been no reported problems, which would jeopardise granting a licence for this proposal. It is considered that the previous temporary consent acted as a trial period to allow the department to assess the land use implications of the seating arrangements. As there have been no problems associated with the use and all relevant parties are satisfied with the proposal there is no need to include conditions limiting the consent to a temporary period.

One aspect worthy of a condition is the location of the pub's refuse bins. At present they are located on Reform Street in the area proposed for the seating. They are rather unsightly and do not present a positive appearance within the conservation area or onto the listed building. This application represents an opportunity to agree to locating the bins in a more appropriate location and a condition will be included covering this point.

It is concluded from the foregoing that insufficient weight can be accorded to

any of the material considerations such as to justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The design of the tables and chairs are to be from the "Piazza" range of garden furniture. They are to be finished in polished aluminium and stainless steel. These materials are bright and contemporary and give a modern, dynamic feel to the streetscape.

CONCLUSION

It is considered that as the proposal does not impact negatively on pedestrian use of the pavement, will help to remove unsightly refuse bins and provide a positive image for the city centre by increasing street culture the proposals are viewed as positive. They conform to development plan policy and there are no material considerations, which warrant a departure from policy in this case. Accordingly approval subject to conditions is recommended.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:-

- 1 the development hereby permitted shall be commenced within five years from the date of this permission
- 2 That prior to the commencement of development the precise location of the storage of refuse bins used by the Counting House public house, be agreed in writing to the satisfaction of the planning authority.
- 3 That seating area in question be surrounded by an appropriate barrier at all times, which does not impact on the minimum 2m clearance area between the edge of the seating and the adjacent kerb line. Details to be submitted in writing and agreed to the satisfaction of the director of planning prior to the commencement of development.

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 In the interests of visual and public amenity
- 3 In the interests of public safety and to clearly demark the seating areas