

KEY INFORMATION

Ward Maryfield

Proposal

Change of use from
pavement to pavement cafe

Address

25 Castle Street
Dundee
DD1 3AA

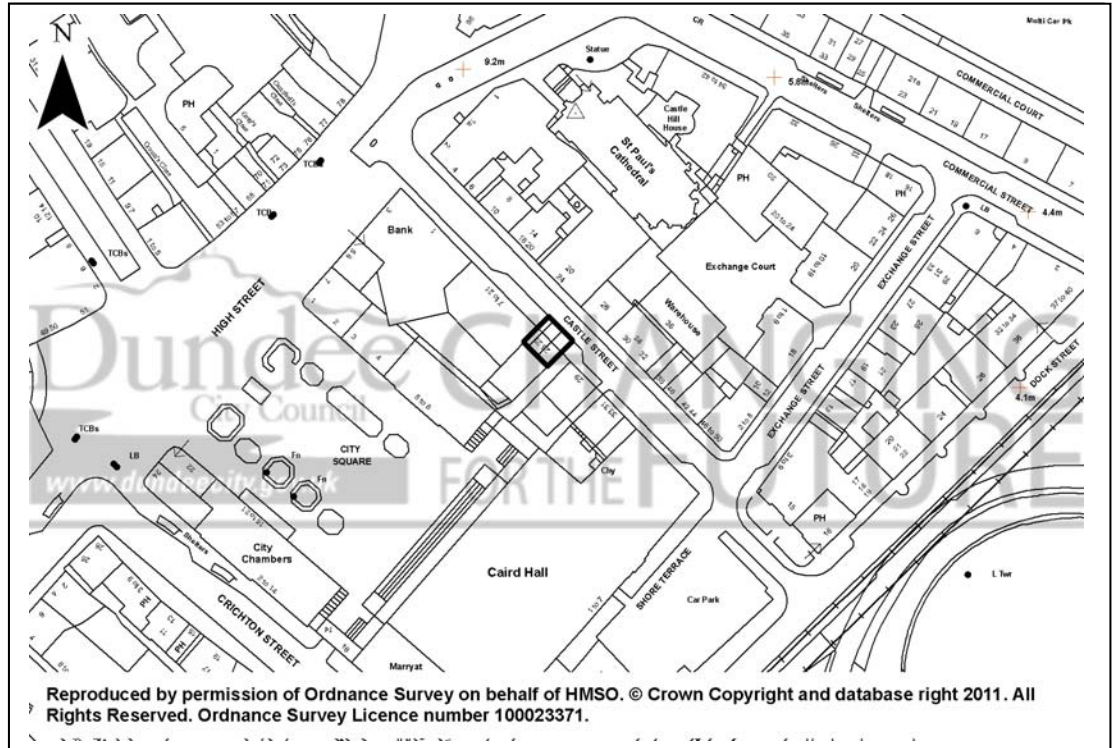
Applicant

The Burgh Coffee House
25 Castle Street
Dundee
DD1 3AA

Agent

Registered 28 June 2011

Case Officer B Knox



Pavement Cafe Proposed at Castle Street

The change of use from pavement to pavement cafe is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

RECOMMENDATION

It is considered that the proposal is in accordance with the Policies of the Dundee Local Plan Review 2005. There are no material considerations which would justify a decision contrary to the provisions of the Development Plan. The application is therefore recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for an external seating area on an area of pavement in Castle Street.
- Policies 36 and 61 of the Dundee Local Plan Review 2005 are considered to be relevant.
- The external seating area is considered to be acceptable provided that the hours of operation being proposed by the applicant are the subject to a condition to any grant of permission.
- There are no material considerations to justify a decision contrary to this.
- The application is being referred to the Development Management Committee as it relates to land that is in the ownership of the Council.

DESCRIPTION OF PROPOSAL

Planning permission is sought for an external seating area on an area of pavement on the west side of Castle Street in the city centre. The proposal indicates an area of seating measuring approximately 7.5 metres by 1.5 metres located on the outer edge of the footway, approximately 0.5 metres from the roadside. There is to be an area of approximately 2 metres between the seating area and the coffee shop to allow for the passage of pedestrians.

It is proposed to operate between the hours of 8.00am and 8.00pm Monday to Saturday and between the hours of 10.00am and 8.00pm on Sundays. The seating and barriers are to be removed and stored inside outwith the operating hours. There are no plans to alter or extend the existing building as part of these proposals.

The seating area has been in use for approximately two months at the time of writing this report and there have been four small tables each accommodating two chairs at each.

The application is being referred to the Development Management Committee as it relates to land that is in the ownership of the Council.

SITE DESCRIPTION

The application site is located on the west side of Castle Street in the city centre. Castle Street is a one way street with vehicular traffic flowing from north to south. The pavement is a continuous width on the east most side but steps out on the west side to form a wider pavement area and this is the area where the pavement cafe is being proposed. The site is directly to the front of the associated coffee shop which occupies the ground floor. There are a variety of uses occupying the ground floor units in the area falling within Class 1 and Class 2 of the Use Classes Order. The upper levels in the street provide office type uses as well as some residential uses.

The site is located within the Central Conservation Area and is within what is defined as the Speciality shopping

and non core area for retailing in the Dundee Local Plan Review 2005.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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



Dundee Local Plan 2005

The following policies are of relevance:

Policy 36: City Centre Speciality Shopping And Non Core Area - within the City Centre Speciality Shopping and Non Core Area defined on the City Centre Retail Area map proposals for retail use will be encouraged. Non retail uses within Classes 1 (Shops), 2 (Financial, Professional and Other Services) and 3 (Food and Drink) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 will also be supported. Proposals for ground floor premises involving uses falling outwith these Classes will not normally be permitted.



Policy 61: Development In Conservation Areas - within Conservation Areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the

retention of all features which contribute to the character and appearance including unlisted buildings of townscape interest, trees and landscape features and the historic pattern of streets and spaces, as identified in the Conservation Area management plans to be advanced in the near future.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no policies of relevance.

Non Statutory Statements of Council Policy

There are no policies of relevance.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

The most relevant site history for the site is as follows:

10/00630/FULL - Change of Use from salon (Class 1) to coffee shop (Class 3) and minor elevational alterations approved at Development Management Committee on 22 November 2010.

PUBLIC PARTICIPATION

The statutory neighbour notification procedure was carried out and no objections or representations have been received.

CONSULTATIONS

There were no relevant consultation responses.

OBSERVATIONS

Statutory Requirements

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance the development plan unless other material considerations indicate otherwise.

The Development Plan

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

Policy 36 of the Dundee Local Plan Review 2005 states that within the City Centre Speciality Shopping and Non Core Area defined on the City Centre Area map proposals, retail use will be encouraged. Class 3 (Food and Drink) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 will also be supported.

The proposed outdoor cafe area is to operate in conjunction with the existing coffee shop at 25 Castle Street approved by virtue of 10/00630/FULL. The use of outdoor seating functioning as an outdoor cafe is fully compliant with the range of uses acceptable within the city centre and complies with Policy 36 of the Dundee Local Plan Review 2005.

Policy 61 states that all development proposals will be expected to preserve or enhance the character of the surrounding area. Due to the fact that the tables and chairs are to be removed each evening when the use is not in operation, the visual impacts upon the Conservation Area shall be limited to the day time periods when the seating is operational. The seating that has been in use is of a standard coffee shop style design and is silver in colour. The tables are to match. The barrier is comprised of gold coloured posts held together by black banners with the name of the coffee shop. It is considered that the design and appearance of the street furniture is acceptable and does not detract from the conservation area in this location. The temporary nature of the proposed tables and chairs means that they will help to contribute to the vitality and interest of the area.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that the Council have special regard to any buildings or other land in a conservation area and special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area.

As discussed in relation to Policy 61 of the Dundee Local Plan Review 2005, the seating and tables that will be in use are of a standard coffee shop style design and are silver in colour. The

design and appearance of the furniture is considered to be acceptable and does not detract from the appearance of the conservation area in this location. In addition, since the furniture is to be removed and stored inside outwith the operating hours, they will not have a permanent change in the appearance of the conservation area. It is considered that the duties as set out above are fully discharged.

Material Considerations

Compatibility with Existing Uses - as noted in relation to the site description, there are a number of other Class 1 and Class 2 uses occupying the ground floor units in the immediate area. It is considered that the provision of the outdoor seating area for use by patrons of the coffee shop will not prejudice the other ground floor uses in the area. In relation to the potential impact upon nearby residential occupiers it is noted that the site is within the city centre and that the proposed hours of operation (Monday to Saturday 8.00am till 8.00pm and Sundays 10.00am till 8.00pm) are considered to be reasonable and tie in with the hours of operation for the coffee shop itself. These hours can be conditioned to ensure the area is not used outwith these times. It is therefore considered that there will be no significant adverse impacts upon occupiers of residential properties.

With regards to the potential for noise to arise as a result of the use it is considered that the proposed hours of operation are suitable such as to protect the amenity of the nearby residential occupiers. In addition, the size of the area can accommodate a small number of customers only (approximately 8) and would not be likely to result in large numbers of people gathering in this location.

Suitability of Site - in relation to the proposed site area for the outdoor cafe seating, there is sufficient width in this area of the street to allow for the safe passage of pedestrians due to the fact that this part of Castle Street benefits from a wider pavement area than other parts. An area of 2 metres in width shall be retained to allow passage for pedestrians using Castle Street and this shall require to be kept clear at all times.

It is concluded from the foregoing that there are no 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 in accordance with the Development Plan.

Design

The proposal is considered to be acceptable in terms of appearance and will not detract from the appearance of the conservation area. Rather, the temporary nature of the proposed tables and chairs means that they will help to contribute to the vitality and interest of the area.

CONCLUSION

It is concluded from the foregoing that the application is acceptable and will not detract visually from the surrounding area or have significant impacts upon shopping provision in the area. It is considered that there will be no significant impacts upon neighbouring properties as a result of the uses, subject to the use of appropriate conditions

RECOMMENDATION

It is recommended that consent be GRANTED subject to the following conditions:

- 1 The seating area shall be used only between the hours of 8.00am - 8.00pm Monday to Saturday and between the hours of 10.00am - 8.00pm Sundays.

Reason

- 1 In the interests of residential amenity.