

**Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 14/00942/PP

**Planning Hierarchy:** Local Development

**Applicant:** Costa Coffee

**Proposal:** Change of Use from Class 1 (Retail) to Combined Class 1 and Class 3 (Retail and Food and Drink) including External Seating Area

**Site Address:** Unit 1, Kilmartin Court, Station Road, Oban

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**DECISION ROUTE**

**Local Government Scotland Act 1973**

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**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

- Change of use of retail unit (Class 1) to combined Class 1 and Class 3 (retail and food and drink).
  - Formation of pavement café.
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**(B) RECOMMENDATION:**

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted subject to the conditions and reasons appended to this report.

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**(C) HISTORY:**

No relevant history.

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**(D) CONSULTATIONS:**

Area Roads Authority

Initial report dated 19/05/14 recommending refusal as the pavement café to the east of the entrance door left insufficient pavement width for the free movement of pedestrians. This element of the proposal was subsequently omitted by the applicant. In a revised response dated 26/05/14 the Area Roads Authority confirmed no objection to the proposed development subject to a condition ensuring a minimum pavement width of 2 metres between the barriers and litter bin.

Environmental Health Unit

Memo dated 14/05/14 requesting further details in the form of a noise assessment for the proposed development. This response was amended in an e-mail dated 22/05/14 where the Environmental Health Unit confirmed that they were satisfied that planning permission could be granted subject to a suspensive condition requiring the submission of a noise assessment addressing the levels of noise likely to be generated by the general operations of the proposed development and in particular any significant individual sources of noise arising from the operation of specific items of plant/equipment within the premises, i.e. refrigeration plant/air conditioning, extract systems, etc.

Oban Regeneration Project Manager

E-mail dated 28/05/14 advising no objection to the proposed development stating:

*“this change of use and the outside seating area proposed will add value to the wider Oban Public Realm scheme being developed by the Council for Oban Waterfront and Station Road in particular.*

*We are keen to support pavement cafes and outdoor seating areas as part of our wider regeneration objectives in accordance with Council policy”.*

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**(E) PUBLICITY:**

The proposal has been advertised in terms of Listed Building procedures, closing date 29/05/15 with the associated Site Notice closing date 03/06/14.

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**(F) REPRESENTATIONS:**

26 representations have been received regarding the proposed development 25 objections and 1 support.

**OBJECTIONS**

MT Selby, Flat 2, Kilmartin Court, Oban, PA34 4NT (16/05/14)  
Peter MacLeod, The Wheelhouse, Ganavan, Oban, PA34 5TU (12/05/14)  
Lorne MacLeod, Orasaig, Crannag a' Mhinisteir, Oban, PA34 4LU (12/05/14)  
Mr Nicholas MacLean, Flat 2/6, Lismore House, Oban, PA34 4NU (11/05/14)  
Mrs Daphne MacLean, Flat 2/6, Lismore House, Oban, PA34 4NU (11/05/14)  
Lorna MacMillan, 4 Kilmartin Court, Oban, PA34 4NT (15/05/14)  
Mr Laurence Jacobs, Kilmartin Court, Oban, PA34 4NT (14/05/14)  
Mr Mark Lyons, 6 Kilmartin Court, Station Road, Oban, PA34 4NU (14/05/14)  
Elizabeth King, 3 Sutherland Gate, 21 Sutherland Street, Helensburgh (14/05/14)  
Graeme McLean, Scottish Midland Co-Operative Society, Newbridge, Edinburgh, EH28 8QJ (12/05/14)

JG McClure, Flat 1/3 Lismore House, Oban, PA34 4NU (19/05/14)  
 Mrs Ann Jacobs, Kilmartin Court, Oban, PA34 4NT (15/05/14)  
 Mr Andrew Thornton, Ardenlinne, Ganavan Road, Oban, PA34 5TU (04/05/14)  
 Ashley N. Toole (e-mail) (17/05/14)  
 Mrs Donna MacCulloch, 1 Pulpit Rock, Oban (22/05/14)  
 V. Mitchell, 57 Shore Street, Oban, PA34 4NT (22/05/14)  
 John Forrest, Flat 3, Kilmartin Court, Oban, PA34 4NT (21/05/14)  
 Mr A. Mackay, Backhill Farmhouse, Kinellar, Aberdeen, AB21 0SP (21/05/14)  
 Mrs E. Mackay, Backhill Farmhouse, Kinellar, Aberdeen, AB21 0SP (21/05/14)  
 Jean Brown, Room 15, Stafford Street, Oban (20/05/14)  
 Mr John MacPherson, Mingary, Crannaig-a-Mhinister, Oban, PA34 4LX (27/05/14)  
 Mr Stewart McKechnie, Pinetrees, Glenmore Road, Oban, PA34 4PG (27/05/14)  
 Mandy Anfield, Irene MacKinnon & Gillian Walker, Kronks, Oban (29/05/14)  
 Sara MacPherson (no address given) (30/05/14)  
 Fay MacGillivray, MacGillivray Trust (no address given) (30/05/14)

### **Summary of issues raised**

- The granting of planning permission for change of use for Costa Coffee will have an adverse effect on various small independent coffee shops in the town.

*Comment: The number of coffee shops in the area is a matter determined by market forces. It is considered that an appropriate mix of uses exists within the town to underpin its vibrancy and vitality. There are no policy reasons for seeking to resist this as it represents an appropriate town centre use that accords with policy.*

- The arrival of yet another national brand on Oban's high street will detract from the character and individuality of the town thus adversely affecting tourism.

*Comment: The identity of an applicant is not a material planning consideration. The application is for a change of use to a combined shop and cafe and it must be determined on the basis of compatibility with development plan policy, taking account of material considerations. Market competition is not a material planning consideration. Filling this current vacant unit with a cafe and small outdoor seating area will help promote the vibrancy and vitality of the town centre and add to the choice available to tourists and locals alike for eating and drinking establishments. This is eminently a desirable outcome which the Planning Authority should support.*

- Oban already has an overprovision of coffee and eating premises within the town.

*Comment: The number of such premises in the area is a matter determined by market forces. It is considered that an appropriate mix of uses exists within the town to underpin its vibrancy and vitality. Class 3 is an appropriate town centre use.*

- The granting of planning permission for the proposed development would result in future developments for fish and chip outlets and licensed trade moving in to the detriment of the area.

*Comment: The granting of planning permission for a Class 3 Food and Drink outlet in no way infers that the site is suitable for use as a hot food takeaway or licensed premises. Both of those uses would require the submission of a further planning application for change of use if they were ever proposed, and any such application would be considered on their own merits against the Development Plan in force at the time. Hot food takeaways (sui generis) are recognised as raising different considerations and impacts than Class 3 cafes.*

- When the building was built it was envisaged it would be for retail and residential use only. This use should be retained.

*Comment: Every application for planning permission is judged on merit and in accordance with the Development Plan in place at the time. Current policy supports Class 1, 2 or 3 uses within this town centre site.*

- The accepted and sensible pattern of retail outlet distribution would be compromised should the application be approved.

*Comment: It is considered that the use of the building as a food and drink outlet with part retail use fits well with the established development within this area of the town centre which is characterised by a varied mix of commercial and retail uses, including food and drink outlets.*

- Station Square should be designated as a protected retail area.

*Comment: The adopted 'Argyll and Bute Local Plan' and forthcoming 'Local Development Plan' identify the site as being within the main town centre of Oban but outside the Core Shopping Area which is itself protected for retail use. An extension to the Core Shopping Area is a matter for the next round of the Local Plan, but is not proposed at this stage.*

- The granting of planning permission would create an undesirable precedent making it difficult to resist similar planning proposals elsewhere.

*Comment: Each planning application is assessed on its own merits against the Development Plan in force at the time. The adopted Development Plan supports Class 1, 2 and 3 uses at the site.*

- The external seating area will cause problems for pedestrians in a very busy part of the town centre.

*Comment: As a result of comments from the Area Roads Authority the proposal has been amended to omit the seating area to the east of the entrance, which would have created a conflict with pedestrian usage. With this amendment, the Roads Authority is happy to recommend no objections subject to a planning condition to ensure a minimum of 2 metres between the seating area and refuse bin, which is proposed.*

- Concerns regarding adverse impact on amenity of residential properties due to noise/cooking/preparation smells.

*Comment: The Council's Environmental Health Unit was consulted on the proposed development and raised no objection subject to a condition being imposed on the grant of planning permission requiring a detailed noise assessment to be submitted. The noise assessment will require to be approved by Environmental Health prior to any works starting on the proposed development.*

*With regards to noise from visiting patrons, nearby residents already experience a certain amount of noise and disturbance in this town centre location and a Class 3 use is not likely to add unacceptably to the existing activity in the area. Town centre noise and disturbance is already higher than that experienced in quieter residential streets. Any disturbance associated with anti-social behaviour would be a matter for the police.*

- The development would necessitate the installation of substantial public toilet facilities which would put a burden on the existing infrastructure within the town.

*Comment: Use of the public water and drainage systems is a matter for Scottish Water.*

- It would be a retrograde step for the Council to deprive Oban's elderly of the opportunity to spend their latter days in one of the flats in these two desirable blocks.

*Comment: This is not a material determination in the consideration of this planning application, nor does the proposal create any obvious impact that would generate the alleged extent of impact on residential use of the flats above the premises.*

- The proposal contradicts many of the statements in the CHORD document for the area and it is premature to grant planning permission when the plans for the re-development have not yet been considered.

*Comment: The Oban Regeneration Project Manager was consulted on the proposal and advises that the outside seating area proposed will add value to the wider Oban Public Realm scheme being developed by the Council for Oban Waterfront and Station Road in particular. Furthermore she advises that the Regeneration Project is keen to support pavement cafes and outdoor seating areas as part of the wider regeneration objectives in accordance with Council policy.*

- The Economic Development Action Plan (EDAP) has not yet been approved and it would not be prudent for the application to be approved.

*Comment: The proposal will create a small number of new jobs and supports the nationwide 'town centre first' approach promoted by Scottish Government. The proposal will have a positive impact on the local economy and should be supported. The adopted Local Plan is the primary determining factor. The planning application need not be held back whilst the Economic Development action Plan progresses.*

- The application contradicts many of the findings in the EKOS perceptions survey.

*Comment: The survey referenced is not a material planning consideration in the determination of this planning application.*

- Lack of neighbour notification to 6 Kilmartin Court.

*Comment: Neighbour Notification was served on this property on 30/04/14. A copy of the notification can be viewed on the Council's Public Access System under Document Number: 20993303.*

- Concerns over management of customer rubbish in Station Square.

*Comment: The proprietors will be responsible for waste disposal from the premises, both internally and externally. Should this become an issue, this will be a matter for the Council's Amenity Services and/or Environmental Health Unit.*

- The proposal is contrary to Policy LP BUS 3 which covers local businesses.

*Comment: This policy is not relevant in the consideration of this planning application. It relates to the loss of business and industry sites (Class 4 and Class 5), which is not applicable to this site.*

- When the building was built there was no provision made at the back of the building for bin storage except for use by residents. There are concerns that there will be a build up of food and general waste at the rear of the building.

*Comment: The application details a bin store within the premises. Should external waste become an issue, this would be a matter for the Council's Environmental Health and Amenity Services Units.*

## **SUPPORT**

Mr Alistair Knox, Kilmartin Court, Oban, PA34 4NT (19/05/14 & 21/05/14)

### **Summary of issues raised**

- There will be no changes to the building structure and therefore there will be no impact on the building structure which would impact the residents of Kilmartin Court.
- There is no change to the drainage arrangements which would impact on the residents of Kilmartin Court, however grease traps should be fitted.
- The premises show an internal bin store within the premises which is a positive step for residents of the building.
- Noise from customers will be no worse than the other coffee unit in the area, which is negligible.
- There is no large exhaust fan shown so excessive noise and smells will be no worse than other coffee shops in the area and a lot quieter than licensed premises and fish and chip shops in the town.
- Please confirm that no hot food will be served on the premises so that noxious smells will not affect the area.
- The signage is not obtrusive and is in keeping with signs of other outlets.
- Lighting from the unit will illuminate this dingy and dull corner of the property and will enhance security in the area.
- The tables and chairs are similar to other nearby premises and do not pose a major obstruction to the premises.
- The application highlights that the premises have lain empty for 18 months and no local trader, to the best of knowledge, has made an offer to rent the property.
- The unit is presently a security hazard and a prime target for vandalism in its present state.
- A company such as Costa should be encouraged to invest in the town, provide much needed jobs and provide a quality service and a fair market price to Oban residents and visitors.
- Granting of permission can avoid the unit being let to a less desirable tenant which could include businesses selling alcoholic beverages, hot food, gambling services, nicotine products.
- Clarification on whether the commercial properties are contributing to the upkeep and maintenance of the building as per the deed of conditions.

*Comment: These points are noted. The redevelopment of this unit and provision of a pavement café will enliven this building in an important area in the main town centre of Oban.*

*The fitting of grease traps is a matter that Scottish Water will deal with, if required.*

*With regards to the selling of hot food, the application indicates that paninis will be sold which require minimal heating and should not give rise to adverse odour issues. (The application is not for a hot food takeaway, which would likely generate these type of*

issues.) A condition to control this aspect of the proposal will be imposed on the grant of planning permission.

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

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|---|------------|
| <b>(i) Environmental Statement:</b>   | <b>No</b>  |
| <b>(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b> | <b>No</b>  |
| <b>(iii) A design or design/access statement:</b>   | <b>Yes</b> |

*"The occupation of this central, long term vacant unit by Costa, a popular national multiple retailer, will bring a much needed boost to this part of Oban town centre, especially given the surrounding context – there were three vacant units within close proximity of the site (off Shore Street and Station Road) at September 2013. Implementation of the proposals constitutes investment in Oban, generating jobs and footfall, all to the benefit of wider town centre vitality and viability.*

*Neither the signage nor the outside tables will adversely impact on pedestrian or vehicular movement.*

*Ultimately, the proposal will facilitate an appropriate town centre use which will make an important, long term contribution to the vitality and viability of Station Road and the wider Oban town centre. It is therefore requested that Argyll and Bute Council permits the change of use and associated application for advertisement consent at the subject premises".*

The above represents an extract from the supporting statement. Full details are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

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| <b>(iv) A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b> | <b>No</b> |
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**(H) PLANNING OBLIGATIONS**

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| <b>(i) Is a Section 75 agreement required:</b> | <b>No</b> |
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- |   |           |
|---|-----------|
| <b>(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:</b> | <b>No</b> |
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- (J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

**(i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

Argyll and Bute Structure Plan 2002

STRAT DC 1 – Development within the Settlements  
STRAT SI 1 – Sustainable Development

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment  
LP ENV 10 – Impact on Areas of Panoramic Quality (APQs)  
LP ENV 13a – Development Impact on Listed Buildings  
LP ENV 19 – Development Setting, Layout and Design  
LP RET 1 – Retail Development in the Towns – The Sequential Approach  
LP BAD 1 – Bad Neighbour Development  
LP BAD 2 – Bad Neighbour Development in Reverse  
LP TRAN 1 – Public Access and Rights of Way  
LP TRAN 6 – Vehicle Parking Provision

Appendix A – Sustainable Siting and Design Principles  
Appendix C – Access and Parking Standards

**(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

SPP, Scottish Planning Policy, 2010

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<b>(K)</b>	<b>Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:</b>	<b>No</b>
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<b>(L)</b>	<b>Has the application been the subject of statutory pre-application consultation (PAC):</b>	<b>No</b>
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<b>(M)</b>	<b>Has a sustainability check list been submitted:</b>	<b>No</b>
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<b>(N)</b>	<b>Does the Council have an interest in the site:</b>	<b>Yes</b>
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The external seating area is on land within the ownership of Argyll and Bute Council.

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<b>(O)</b>	<b>Requirement for a hearing:</b>	<b>No</b>
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In deciding whether to exercise the Council's discretion to allow respondents to appear at a discretionary hearing, the following are of significance:

- How up to date the Development Plan is, the relevance of the policies to the proposed development and whether the representations are on development plan policy grounds which have recently been considered through the development plan process.



- The degree of local interest and controversy on material considerations together with the relative size of community affected set against the relative number of representations, and their provenance.

In this case, whilst the proposal has elicited a number of representations, it is not considered that the application raises any complex or technical issues. Most objections are based on issues that are not material planning considerations, such as legitimate business competition. Given that the site is situated within the main town centre of Oban where there is a presumption in favour of new commercial uses in Class 1, 2 and 3, it is not considered that a hearing would add value to the process.

It is recommended that the Committee does not hold a hearing prior to the application being determined.

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**(P) Assessment and summary of determining issues and material considerations**

Planning permission is sought for change of use from Class 1 (retail) to combined Class 1 and Class 3 (retail and food and drink) along with the formation of an external seating area. The premises are currently unoccupied having been last used as a retail unit with two separate occupiers.

In terms of the adopted 'Argyll and Bute Local Plan', the site is within the main town centre of Oban where Policy STRAT DC 1 of the approved 'Argyll and Bute Structure Plan' gives encouragement to development serving a wide community of interest subject to compliance with other relevant local plan policies.

Policy LP RET 1 gives a presumption in favour of Class 1, 2 and 3 developments within a defined town centre.

It is considered that the use of the building as a food and drink outlet with part retail use fits well with the established development within this area of the town centre which is characterised by a varied mix of commercial and retail uses, including food and drink outlets. The proposal will help further promote the vibrancy and vitality of the town centre.

This is a town centre site readily accessible to the transport interchange and town centre facilities, which lends itself to this form of development.

Subject to the conditions appended to this report, the development is considered to represent a suitable opportunity for the proposal consistent with the terms of the current Development Plan.

The proposal has elicited 26 representations, 25 objections and 1 support.

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<b>(Q)</b>	<b>Is the proposal consistent with the Development Plan:</b>	<b>Yes</b>
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**(R) Reasons why planning permission should be granted**

The adopted 'Argyll and Bute Local Plan' gives a presumption in favour of commercial development within the main town centre and as such it is considered that this site offers a suitable opportunity for change of use from retail premises to a food and drink outlet with part retail use.

The proposal accords with Policy STRAT DC 1 of the approved 'Argyll and Bute Structure Plan' and Policies LP BAD 1, LP ENV 1, LP ENV 10, LP ENV 19, LP RET 1, LP TRAN 1 and LP TRAN 6 of the adopted 'Argyll and Bute Local Plan'.

Furthermore there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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**(S) Reasoned justification for a departure to the provisions of the Development Plan**

N/A

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**(T) Need for notification to Scottish Ministers or Historic Scotland: No**

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**Author of Report: Fiona Scott Date: 26/05/14**

**Reviewing Officer: Stephen Fair Date: 30/05/14**

**Angus Gilmour  
Head of Planning**

## CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 14/00942/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 14/04/14 and the approved drawing reference numbers:

Plan 1 of 10 (Location Plan)  
Plan 2 of 10 (Drawing Number 1.0 D)  
Plan 3 of 10 (Drawing Number 1.1 A)  
Plan 4 of 10 (Drawing Number 1.2 F)  
Plan 5 of 10 (Drawing Number 2.0 B)  
Plan 6 of 10 (Drawing Number 2.1 B)  
Plan 7 of 10 (Drawing Number 4.2 D)  
Plan 8 of 10 (Barrier Specification)  
Plan 9 of 10 (External Furniture Specification)  
Plan 10 of 10 (Planning Supporting Statement)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

*Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.*

### Note to Applicant:

- This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Sections 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

2. No development shall commence until a Noise Assessment for the proposed development has been submitted and approved in writing by the Planning Authority in consultation with the Environmental Health Unit. The assessment should identify the levels of noise likely to be generated by the general operations of the proposed development and in particular any significant individual sources of noise arising from the operation of specific items of plant/equipment within the premises i.e. refrigeration plant/air conditioning, extract systems etc.

The assessment must also identify the attenuation provided by the structure and any additional controls/measures to be adopted to prevent the transmission of noise.

The development shall not be brought into use until the approved noise attenuation measures have been implemented in full. Thereafter the development shall only be operated in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

*Reason: In order to avoid noise nuisance in the interest of amenity.*

Note to Applicant:

Site specific advice may be obtained by contacting the Council's Environmental Health Officers.

3. Outwith opening hours, the external seating area comprising tables, chairs and barriers erected on the footway, shall be removed from the footway and securely stored.

*Reason: To safeguard the environmental amenity of the area and in the interests of pedestrian and road safety.*

Note to Applicant:

Separate permission from the Roads Authority is required to occupy the footway for the proposed pavement café.

The Council's Guidance Policy for Use of Pavements – Café Culture should be adhered to for the proposed pavement café.

4. Notwithstanding the provisions of Condition 1, a minimum pavement width of 2 metres shall be maintained at all times between the external barriers enclosing the pavement café and the public litter bin.

*Reason: In the interests of pedestrian safety.*

5. Notwithstanding the provisions of Condition 1, no preparation of hot food shall take place on the premises other than that specified in the 'Planning Supporting Statement prepared for Costa' accompanying the application without the prior written approval of the Planning Authority.

*Reason: In order to avoid odour nuisance in the interest of amenity and the inability of the building to accommodate sufficient extract ventilation.*

## **APPENDIX A – RELATIVE TO APPLICATION NUMBER: 14/00942/PP**

### **PLANNING LAND USE AND POLICY ASSESSMENT**

#### **A. Settlement Strategy**

Planning permission is sought for change of use from Class 1 (retail) to combined Class 1 and Class 3 (retail and food and drink) along with the formation of an external seating area. The premises are currently unoccupied having been last used as a retail unit with two separate occupiers.

In terms of the adopted 'Argyll and Bute Local Plan', the site is within the main town centre of Oban where Policy STRAT DC 1 of the approved 'Argyll and Bute Structure Plan' gives encouragement to development serving a wide community of interest subject to compliance with other relevant local plan policies.

Policy LP RET 1 gives a presumption in favour of Class 1, 2 and 3 developments within a defined town centre.

It is considered that the use of the building as a food and drink outlet with part retail use fits well with the established development within this area of the town centre which is characterised by a varied mix of commercial and retail uses, including food and drink outlets. The proposal will help further promote the vibrancy and vitality of the town centre.

This is a town centre site readily accessible to the transport interchange and town centre facilities, which lends itself to this form of development.

Subject to the conditions appended to this report, the development is considered to represent a suitable opportunity for the proposal consistent with the terms of the current Development Plan.

#### **B. Location, Nature and Design of Proposed Development**

The premises form part of a larger building known as Kilmartin Court which has two commercial units at ground floor level with residential flats on the upper floors.

The building is a three and a half storey purpose built structure finished in reconstituted stone with a concrete roof tile.

The proposal is to utilise the existing retail unit and refurbish the interior in order to make best use of the internal space to accommodate a coffee shop facility. The main alterations to the building comprise the following.

- § Formation of internal partitions to form the kitchen area and toilet facilities.
- § Replacement of one window in the rear elevation to a louvre to match the existing above the fire exit door.
- § Formation of a pavement café to the east of the entrance door.

In addition to the above, new signage is indicated but this has been subject to separate Advertisement Consent.

**The proposal is considered to be acceptable under Policy LP ENV 19 and Appendix A which seek to ensure that developments are positioned so as to pay regard to the context within which they are located and that they integrate with the setting of surrounding development.**

The use of the premises has the potential to constitute a form of 'Bad Neighbour' development and therefore the provisions of Policy LP BAD 1 require to be considered in the determination of the proposal. Policy LP BAD 1 seeks to ensure that proposed developments do not have an adverse effect on the amenity of neighbouring residents and that they include appropriate measures to reduce the impact on amenity.

The Council's Environmental Health Unit has not objected to the proposed development subject to a condition being imposed on the grant of planning permission requiring the submission of a detailed noise assessment for their approval.

With regards to noise from patrons visiting the premises, it is inevitable that nearby residents already experience a certain amount of noise and disturbance in this area given the busy location within the town centre. Town centre noise and disturbance is already higher than that experienced in quieter residential streets. Disturbance associated with anti-social behaviour would be a matter for the police.

**The proposal is considered to be acceptable under Policy LP BAD 1.**

#### **C. Built Environment**

The building is situated in close proximity to the Bank of Scotland and the former Clydesdale Bank (Mitchells Coffee Corner) both of which are Listed Buildings.

Structure Plan Policy DC 9, Historic Environment and Development Control, states that protection, conservation, enhancement and positive management of the historic environment is promoted. Development that damages or undermines the historic architectural or cultural qualities of the historic environment will be resisted, particularly if it would affect a Scheduled Ancient Monument or its setting, other recognised architectural site of national or regional importance, listed building or its setting, conservation area or historic garden and designed landscape.

Policy LP ENV 13(a), Development Impact on Listed Buildings, states that development affecting a listed building or its setting shall preserve the building or its setting and any features of special architectural or historic interest that it possesses. considered it will provide an acceptable contrast between the old and the modern and it is not considered

However, as the application merely represents a change of use of the premises, with minimal external works proposed, it is not considered the development will have any adverse impact on the setting of the listed buildings in question.

**In this regard it is not considered that the proposal will have a significant adverse impact on the surrounding area or the setting of the nearby listed buildings consistent with the criteria set out in Policies STRAT DC 9 and LP ENV 13(a) which seek to ensure that developments do not have an adverse impact on the character of the built environment.**

**D. Road Network, Parking and Associated Transport Matters.**

The site is situated within Oban town centre where Appendix C, Car Parking Standards, states that the use of premises within Class 3 will not be expected to provide any off-street car parking provision. The site, being within a town centre, is well served by public transport and by existing public car parks.

The Area Roads Authority raised no objection to the proposed pavement café subject to a condition being imposed to ensure a minimum 2 metre width between the external barriers and the public litter bin on site.

**The proposal is considered to be acceptable in terms of Policies LP TRAN 1, LP TRAN 6 and Appendix C of the adopted 'Argyll and Bute Local Plan' which seek to ensure developments do not restrict public rights of way and are served by an appropriate parking provision.**