

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

Reference No: 10/01932/PP

Planning Hierarchy: Local Development

Applicant: Ms Janet Thom and Ms Ann Smith

Proposal: Change of use of pavement to form outside seating area

Site Address: Julie's Coffee House, 33 Stafford Street, Oban

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

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

- Change of use of pavement to form outside seating area
-

(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 attached conditions.

(C) HISTORY:

There is no relevant planning property history

(D) CONSULTATIONS:

Area Roads Manager

Report dated 23 December 2010

No objection subject to conditions re barriers and duration.

Transport Scotland

Response dated 17 December 2010

No Comments

(E) PUBLICITY:

The proposal has been advertised in the local press as it affects the setting of a listed building. A site notice was also posted; both share a closing date of 06.01.2011.

(F) REPRESENTATIONS:

None received.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|--|----|
| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation | No |
| (iii) A design or design/access statement: | No |
| (iv) A report on the impact of the proposed development
e.g. retail impact, transport impact, noise impact, flood risk, | No |
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(H) PLANNING OBLIGATIONS

- | | |
|--|----|
| (i) Is a Section 75 agreement required: | No |
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- | | |
|---|----|
| (I) Has a Direction been issued by Scottish Ministers in terms of
Regulation 30, 31 or 32: | No |
|---|----|
-

(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

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment
LP ENV 13a – Development Impact on Listed Buildings
LP ENV 19 – Development Setting, Layout and Design

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

(L) Has the application been the subject of statutory pre-application consultation (PAC): No

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: Yes

(O) Requirement for a hearing (PAN41 or other): No

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

Planning permission is sought for the change of use of an area of pavement to form an outside seating area at 33 Stafford Street, Oban.

The proposal falls within the Oban 'settlement' zone where there is a general presumption in favour of appropriate development. The proposal is compatible with the close configurations of building uses nearby – i.e. the Chinese restaurant, the Oban distillery and other small shops, the presence of the seating area is likely to draw passers-by into Stafford Street to the benefit of all the businesses.

The impact of the proposal on the general environment has been assessed in accordance with the guidance of local plan policy LP ENV 1. It is considered that the external seating area will contribute to the character and vitality of the area with no negative impact identified.

The Oban Distillery building and associated buildings are category B Listed. The outside seating area will have a localised visual impact and will not detract in any significant way from the setting of these listed buildings.

The Area Roads officer confirms no objection to the proposal subject to a condition requiring suitable barriers to enclose the seating area. It is recognised that due to low traffic volumes and speeds at this location, there will be no unacceptable impact on pedestrian safety. It is highlighted that separate permission to occupy the footway under roads legislation is required from Development and Infrastructure Services, which is

appropriately covered by a note to the applicant. Roads have recommended that the consent be limited to a period of five years given that it is development involving use of part of the highway, but as occupation of the footway will need to be the subject of an annual permit issued by them, it is not considered necessary to limit permission to a temporary period for planning purposes, as the Council will retain control over the duration of the use under roads legislation.

With the above assessment in mind I recommend that planning permission be granted subject the conditions attached to this permission.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why planning permission should be granted

The proposal is acceptable in terms of location, appearance and setting. The proposal raises no adverse privacy or amenity issues, nor unacceptable impacts on pedestrian safety. The proposal accords with structure plan policy STRAT DC 1 and local plan policies LP ENV 1, ENV 13a and ENV 19 of the adopted local plan.

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

N/A

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

Author of Report: Daniel Addis

Date: 24 January 2011

Reviewing Officer: Stephen Fair

Date: 25 January 2011

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/01932/PP

1. The development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. At all times when the external seating area is in use, the external seating area shall be bound by a restrictive barrier at both ends and the outside edge, the details of which shall be submitted to and approved in writing by the Planning Authority, prior to the commencement of the use hereby approved.

Reason: In the interests of public safety, to ensure that the seating area does not become a thoroughfare and to ensure that the use is contained within the application site.

3. The external seating area as identified on the approved plan shall only be used between the hours of 09:30am to 17:30pm. Outwith these time periods, the tables, chairs and barriers shall be removed from the footway and securely stored.

Reason: To protect the amenity of the area and to ensure that the use of the pavement as a seating area is restricted to the hours of operation of the cafe.

4. The development shall be implemented in accordance with the details specified on the application form dated 06/11/2010 and the approved drawing reference numbers:

Plan 1 of 2 (Location Plan at scale of 1:2500)
Plan 2 of 2 (Site Plan at scale of 1:200)

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.

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

NOTE TO APPLICANT

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), 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.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997(as amended), 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.
- The Area Roads officer has highlighted that separate permission under roads legislation to occupy the footway is required directly from Development and Infrastructure Services, in addition to this planning permission, before occupation of the footway can commence. Contact: 01631 569170.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application **10/01932/PP**

- (A) Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended)?

No

- (B) Has the application been the subject of a non-material amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing?

No

- (C) The reason why planning permission has been approved.

The proposal is acceptable in terms of location, appearance and setting. The proposal raises no adverse privacy or amenity issues, nor unacceptable impacts on pedestrian safety. The proposal accords with structure plan policy STRAT DC 1 and local plan policies LP ENV 1, ENV 13a and ENV 19 of the adopted local plan.