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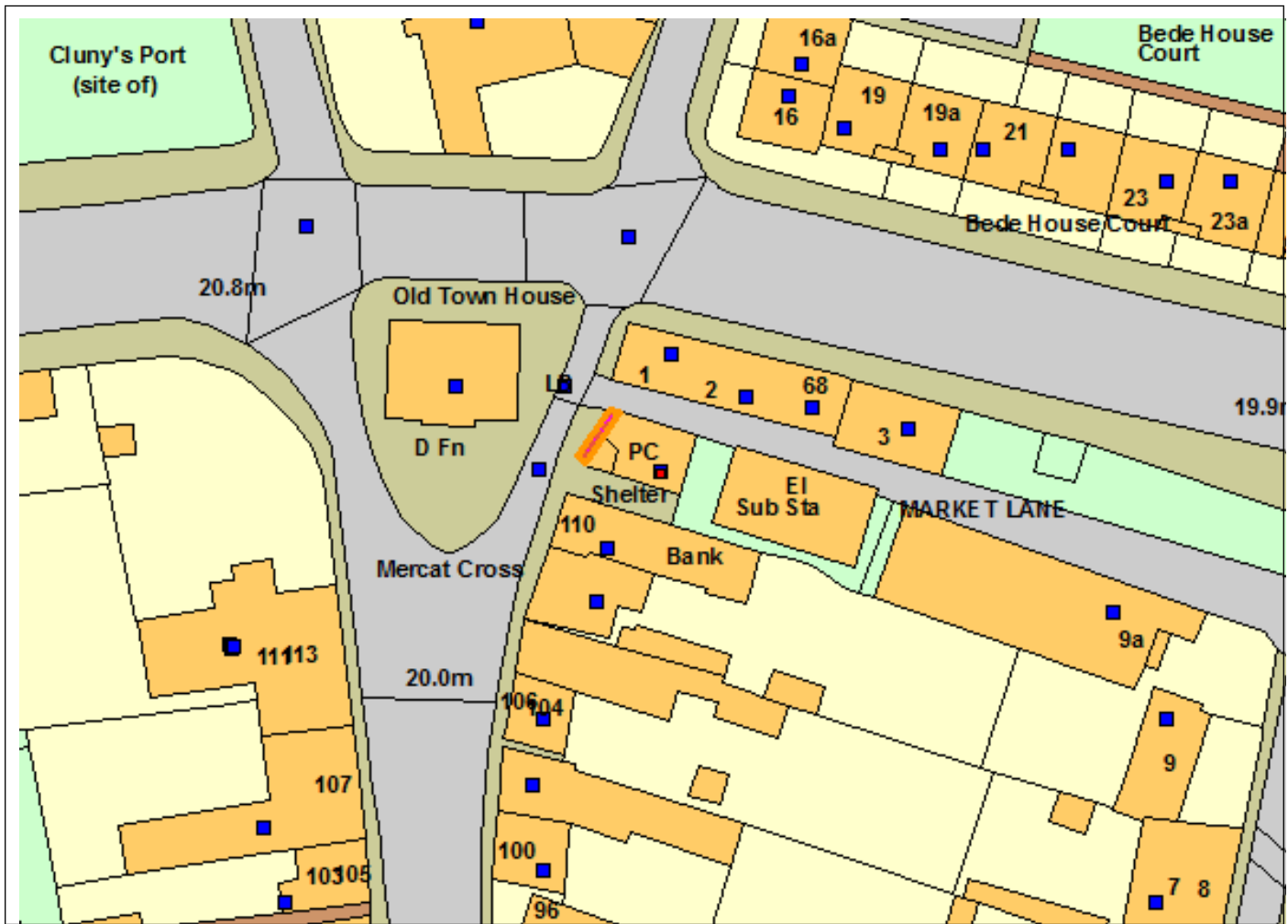


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 19 September 2019

Site Address:	Shelter Coffee, 112 High Street, Aberdeen, AB24 3FX.
Application Description:	Change of use of pavement to provide an external seating area outside the premises with associated enclosure
Application Ref:	191066/DPP
Application Type	Detailed Planning Permission
Application Date:	15 July 2019
Applicant:	Mr Mehmet Satilmis
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Old Aberdeen
Case Officer:	Alex Ferguson



RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site comprises a c. 5sqm section at the back of the public pavement immediately in front of the Shelter Café building at 112 High Street, Old Aberdeen. The area in question projects 900mm out from the façade of the café, with a length of 5.6m (almost the entire width of the façade). The Shelter Café premises itself lies on the eastern side of High Street, between Baillie's Place and Market Lane, approximately 10m south of St Machar Drive and 9m east of the category 'A' listed Old Town House building. Due to the chamfered nature of the café façade, the pavement width in front of the premises increases from 1.94m at the southern end, to 3.35m at the northern end, adjacent to Market Lane. A letterbox and signage pole are present within the pavement to the front of the café and the site lies within the Old Aberdeen Conservation Area. Residential properties occupy the terrace on the northern side of Market Lane, an Electricity sub-station bounds to the café to the east and a blank gable end of an Aberdeen University building bounds Baillie's Place to the south.

Relevant Planning History

191206/S42 – A Section 42 application to remove Condition 7 of planning permission 170524/DPP is pending determination. Condition 7 of 170524/DPP removes the ability for the café operator to use Baillie's Place for outdoor seating.

170524/DPP & 170523/CAC – Planning permission and conservation area consent were approved conditionally by the Planning Development Management Committee in July 2017 for the change of use, part-demolition, extension to and alteration of, the former public toilet block to form a café.

160727 & 160728 – Planning permission and conservation area consent were refused by the Planning Development Management Committee in December 2016 for the change of use, extension to and alteration of, the former public toilet block to form a café. The applications were refused on the grounds that the materials to be used for the extension would have had a detrimental impact on the character and appearance of the conservation area.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the change of use of the 5sqm strip at the back of the public pavement immediately in front of the café, to allow for outdoor seating associated to the café premises. The section of pavement proposed to be used for outdoor seating measures 5.6m in length (just short of the full width of the café façade) and projects 900mm out from the front of the building.

The submitted Site Plan drawing shows two tables and four chairs within the area being applied for (one table and two chairs on each side of the front entrance door) but it should be noted that as moveable items, any chairs, tables, barriers or other items potentially placed on the pavement would not require planning permission in themselves and are thus to be considered as indicative on the submitted drawing.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PU4I03BZHUU00>

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because a total of seven representations objecting to the proposals have been received.

CONSULTATIONS

ACC - Environmental Health – No objection, but recommend that the area is not used after 10 pm on any given day, that amplified music out with the building is prohibited and that the number of seats remain in line with the numbers proposed on the plans submitted, all in order to protect the amenity of nearby residential properties from noise. Environmental Health were consulted on the initial proposals which included additional seating on Baillie's Place, to the side of the café. That seating was subsequently removed from the current application and is being applied for in a concurrent Section 42 application. Nonetheless, Environmental Health's comments remain the same for the seating area to the front of the building.

ACC - Roads Development Management Team – No objection. Consulted the Council's Streetworks / Occupations Team who noted no concern with the proposal on the grounds that the minimum footway width that would remain is no narrower than exists marginally further along the street (there is no net detriment to pedestrians in the wider context). Roads Development Management (RDM) agree with that assessment, as the minimum footway width would be 1.1m, which is similar to that outside no. 96 High Street. Whilst the minimum footway width desired is usually 1.5m, 1.1m as proposed is considered to be acceptable in this instance.

Old Aberdeen Community Council – Supports the application but acknowledges concerns raised by local residents. Supports the application contingent upon the Council addressing / mitigating the following concerns:

- The pavement width would be narrowed following the installation of outdoor seating and there are concerns that the seating and associated equipment could extend beyond the 900mm projection from the façade that is being applied for; and
- The outdoor seating would increase the potential for litter (including that associated with smoking). The applicant should provide details of how litter would be checked and dealt with.

REPRESENTATIONS

A total of 33 representations have been received: 26 in support and 7 objecting to the proposals. In addition to the public representations, the applicant submitted a petition in support of the proposals, signed by 139 customers of the café. The comments received in the representations can be summarised as follows:

Comments made in support

- The outdoor seating would enhance the public space;
- The proposals are consistent with policy NC6 and supplementary guidance on street cafés;

- Local businesses should be supported;
- Sufficient pavement width would remain;
- Acknowledged that the remaining pavement width would be below the Council's guideline minimum, but the context sees significant stretches of the High Street where the pavement width is also sub-standard;
- The outdoor seating would allow the community and visitors to enjoy the historic environment;
- The spur of the road at the northern end of High Street, adjacent to the café, is blocked off at St Machar Drive, thus there is no significant risk to pedestrian safety;
- The outdoor seating area would provide the opportunity for less mobile/disabled customers to enjoy a coffee as they cannot access the upstairs seating;
- Old Aberdeen needs more facilities such as the Shelter Café; and
- The premises are not open at night, therefore the risk to amenity from noise pollution is minimal.

Issues raised

- The proposal would narrow the pavement width to an unacceptable level (below Council guidelines) and the narrow width would be to the detriment of pedestrian safety, particularly for disabled users / those with poor mobility;
- The outdoor seating would detract from the quality and setting of the historic environment (conservation area and nearby listed buildings);
- Although a 900mm projection is being applied for, in reality (due to moveable barriers, placement of customer bags etc) the projection would exceed that, further narrowing the pavement width;
- The Council's Design Guidelines for Pavement Cafés states that the remaining footway for pedestrians should be no less than 2m;
- The pavement width outside 106 & 108 High Street is more than 1.2m. Thus, the proposals would narrow the pavement below the prevailing width in the surrounding area;
- Approval would set an undesirable precedent for similar applications and sub-standard footway widths elsewhere;
- Planning permission was previously refused for outdoor seating;
- The proposals are contrary to the guidance set out in the Council's guidance on pavement cafés;
- The Council's 'Harmony of Uses' supplementary guidance (SG) states that in order for a street café to be acceptable in principle, the road must be fully pedestrianised and that is not the case;
- The SG also requires the pavement to be wide enough to accommodate outdoor seating without detriment to pedestrian safety;
- The seating would increase the amount of litter and bins should be provided;
- The proximity of hot drinks and smokers to the public pavement would create a health / accident risk to passers-by.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

Section 59(1) of The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires a planning authority, in considering whether to grant planning permission for development

which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)
- Historic Environment Policy for Scotland (HEPS)
- [Designing Streets](#)

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (ALDP)

- CF1: Existing Community Sites & Facilities
- D1: Quality Placemaking by Design
- D4: Historic Environment
- T5: Noise

Supplementary Guidance and Technical Advice Notes

- Harmony of Uses

Other Material Considerations

- [Pavement Cafés on the Public Footway: A Design Guide for Applicants](#)

EVALUATION

Community Sites and Facilities Zoning

The application site lies within an area zoned in the Aberdeen Local Development Plan (ALDP) for Existing Community Sites and Facilities. Policy CF1 (Existing Community Sites and Facilities) predominantly seeks to ensure that existing health, education and other community facilities in such zonings are protected. The policy does not specifically note how applications for new non-community uses are to be assessed but does state:

'Where land or buildings become surplus to current or anticipated future requirements, alternative uses which are compatible with adjoining uses and any remaining community uses, will be permitted in principle.'

Whilst this application relates to a section of pavement in front of an existing café, and thus does not constitute land or a building surplus to current or anticipated future requirements, the café use is considered to be compatible with the adjoining uses in the surrounding area (predominantly university buildings and residential properties). Therefore, it is considered that the change of use of the small section of public pavement, to allow outdoor seating associated to an existing café which is compatible with the adjoining uses, does not conflict with the aims of Policy CF1 (Existing Community Sites and Facilities) of the ALDP.

Impact on Amenity

Although the proposed development is not within a residential area as defined by the ALDP, it is acknowledged that there are several residential properties nearby and in close proximity to the application site, specifically multiple terraced dwellings on Market Lane, immediately to the north of the café. Whilst Policy CF1 does not explicitly state that residential amenity within such areas must be preserved, it does note that new uses must be compatible with adjoining uses, not significantly erode the character or the area or the vitality of the local community.

Furthermore, the Council's supplementary guidance (SG) on 'Harmony of Uses' notes street cafés amongst other uses as having the potential to impact negatively on amenity (particularly residential amenity) due to the adverse effects of noise, smell and litter.

Noise

In relation to noise, the area of pavement proposed to accommodate outdoor seating covers just 5sqm in front of the café façade, the central part of which contains the front entrance door to the café. Therefore, as indicatively shown on the submitted Site Plan drawing, it is likely that only two small tables and four chairs would be placed in front of the café. In this regard, it is considered that the noise levels likely to be generated by an anticipated maximum of four café customers would be minimal and would not generally disturb the existing daytime amenity.

Nonetheless, it is acknowledged that were the outdoor seating area to be used in late evening / early morning hours when background levels of noise are lower and residential amenity is more sensitive, then the use of the outdoor seating could adversely harm that amenity. As such, in accordance with the Council's Environmental Health Team's recommendation, a condition is recommended to ensure that the outdoor seating area would not be used outwith the hours of 8am to 10pm on any given day, in order to preserve night-time residential amenity.

Additionally, Environmental Health have also requested a condition prohibiting amplified music from being played in the outdoor seating area. This aligns with the guidance in the Harmony of Uses SG and a condition has been added to that effect. Given the small area of seating proposed, combined with the mitigation measures that would be attached via condition, it is considered that the outdoor seating area would adequately preserve amenity in relation to noise emissions, in accordance with Policy T5 (Noise) of the ALDP.

Smell

In relation to smells, condition 1 of the planning permission for the parent café use (170524/DPP) prohibits any cooking or frying from taking place on the premises unless various mitigation measures (cooking fume extraction / filtration equipment etc) have been agreed with the Council and thereafter installed. As Condition 1 of 170524/DPP has not been discharged, the café does not have consent to cook or fry food on the premises. As such, it is anticipated that any drinks or food-stuffs consumed within the outdoor seating area would not produce sufficient smells so as to affect amenity. Furthermore, if condition 1 were to be discharged, allowing cooking / frying to take place, the small area of outdoor seating would be unlikely to result in a significant amount of food consumption externally. Thus the potential impact of smells on amenity is considered to be negligible.

Litter

Litter is not an issue that can be competently addressed or enforced by planning legislation. Should litter generation from the outdoor seating area become an issue, the Council's Environmental Health and Street Occupations Teams would have the power, under separate legislation, to take action against the café operator. It is understood that, in accordance with the Council's document *'Pavement Cafés on the Public Footway: A Design Guide for Applicants'*, there are various stipulations that require to be met in respect of site cleanliness in order for a Street Occupation Permit to be granted and that failure to comply with the cleaning requirements would jeopardise renewal of the permit.

Privacy

The outdoor seating area would be sited a sufficient distance, and at an oblique angle, from any neighbouring residential properties, ensuring that there would be no potential for customers using the area to overlook any nearby residential properties to the detriment of privacy.

Summary

Therefore, subject to the aforementioned two conditions in respect of the opening hours and prohibition of amplified music, it is considered that the proposed use of the section of pavement for outdoor seating would not adversely affect residential amenity (nor the wider general amenity) of the area, in accordance with the principles of Policy CF1, T5 and the supplementary guidance contained within 'Harmony of Uses'.

Impact on the historic environment and visual amenity

Scottish Planning Policy (SPP), Historic Environment Policy for Scotland (HEPS) and Policy D4 (Historic Environment) of the ALDP all reiterate at a national and local level the general principle as set out in Sections 59 and 64 of The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, that new development should preserve or enhance the listed buildings (including their setting) and the character and appearance of conservation areas.

The application seeks consent for the use of the 5sqm area immediately in front of the café for outdoor seating. Any chairs, tables, barriers or other items of temporary street furniture associated to the use of the pavement for outdoor seating would be moveable objects rather than fixed features within the streetscape. As such these items, in themselves, do not require planning permission.

Nevertheless, it is understood that the Council's Street Occupations Team requires, as a condition of any street occupation permit, any street furniture associated to commercial outdoor seating to be of a high quality. Section 6 of the *'Pavement Cafés on the Public Footway: A Design Guide for Applicants'* notes that the Council reserves the right to reject street occupation permit applications where inappropriate furniture is proposed.

Therefore, whilst the street furniture items themselves do not require permission and cannot be assessed, there is a level of quality required by the Street Occupation permit guidance that should

give some assurance that the furniture would not detract from the existing visual amenity, nor the setting of any adjacent listed buildings or the character and appearance of the conservation area.

Furthermore, whilst the precise details of the street furniture to be used are not known, it is pertinent to acknowledge that the area proposed covers just 5sqm and would likely only be able to accommodate two small tables and four chairs. As such, given the small size of the area applied for, the temporary, removeable nature of any street furniture placed within it and its siting directly in front of the existing café premises on a widened section of pavement (partly recessed from the established front building line of the street), it is considered that the proposed change of use would adequately preserve the setting of adjacent listed buildings and the character and appearance of the conservation area, as well as general visual amenity, in accordance with SPP, HEPS and Policies D1 and D4 of the ALDP.

However, acknowledging the impact that the street furniture could have on visual amenity if placed in situ permanently, a condition is applied to ensure that all items are removed from the pavement completely outwith the hours of operation.

Impact on pedestrian movement / public safety

Paragraph 8 of the Harmony of Uses SG emphasises that the Council *'supports and encourages the provision of street cafés in:*

- *Fully pedestrianised streets; and*
- *Areas where pavements are wide enough to accommodate the proposed street café'*

Whilst the SG does not state any minimum dimensions it does note that street cafés: *'should not obstruct public space or create a hazard for pedestrians'* and that: *'Planning applications for street cafes where adequate space is not provided on the public footpath to allow pedestrians a straight, obvious and unobstructed route past will be refused.'*

Due to the chamfered nature of the café's façade, the pavement width in front of the building varies from 1.94m at its southern end to 3.35m at the northern end, adjoining Market Lane. The pavement is narrowed slightly for pedestrians however, by the presence of a postbox and a sign pole adjacent to the kerbline. The proposed area of outdoor seating would project 900mm out from the façade of the café, leaving a minimum clearance (and a straight, obvious and unobstructed route) of 1.1m.

Whilst the Council's Roads Development Management (RDM) Team usually seek a minimum footway clearance of at least 1.5m (based on the advice given in the 'Pedestrian Movement' section, Pg17 of Design Streets), in assessing what is considered to be an appropriate minimum clearance for pedestrians it is important to take into consideration the context of the site and the surrounding area. Indeed, Designing Streets notes that unobstructed footway widths for pedestrians *'can be varied to accommodate character and practical requirements'*

In this regard, the prevailing character of the historic High Street sees narrow pavements on either side of this section of the street, with the pavement on the eastern side of the street between no. 96 (50m to the south) and the application site ranging between approximately 1m (outside no's 96 & 100) and 1.7m but predominantly of a width of approximately 1.1m – 1.2m (including 1.25m outside no. 110 immediately to the south of the café).

As such, the short section of pavement immediately in front of the café actually exceeds the prevailing pavement width of the remainder of the northern section of the High Street. RDM, in consultation with the Council's Streetworks / Occupations team, consider that as the minimum footway width that would remain in front of the café is no narrower than exists marginally further

along the street, there would be no net detriment to pedestrians, and the 1.5m clearance usually strived for is not practical in this instance.

It is thus considered that despite the remaining footway clearance being below what would usually be considered as acceptable, the minimum 1.1m clearance in front of the seating area would not unduly affect pedestrian movement and the proposals are considered to be acceptable in accordance with the Harmony of Uses SG.

Furthermore, whilst the 1.1m clearance should be maintained at all times, it is also worth noting that the eastern spur of the High Street, directly in front of the café, is blocked to vehicular traffic at its junction with St Machar Drive. Whilst the road carriageway is not pedestrianised, its narrow, dead-end nature, with double yellow lines on either side and no obvious turning head, means that in reality the road carriageway is not frequently used by vehicles. Thus, in the event that a blockage to the pavement were to occur for whatever reason, pedestrian overspill onto the road carriageway would not pose a significant risk to public safety.

Impact on disabled users & pedestrians with poor / hindered mobility

It has been noted in some of the objections received that the narrowing of the public footway area in front of the café would adversely affect users with disabilities or poor mobility, such as those in wheelchairs or users with small children in prams / pushchairs etc.

Disability and maternity are both protected characteristics covered by the Equality Duty, as outlined in section 149 of The Equality Act 2010, which requires public bodies to publish information to show their compliance with the Equality Duty which aims to:

- eliminate unlawful discrimination;
- advance equality of opportunity; and
- foster good relations between people who share a protected characteristic and people who do not share it.

The remaining minimum clearance of 1.1m is wide enough to accommodate most wheelchairs, mobility scooters and prams / pushchairs etc. Additionally, as noted in the foregoing section of the evaluation on pedestrian movement / public safety, the section of pavement involved comprises a very small portion (5.6m in length) of pavement within the wider High Street context which frequently sees the pavement narrow to 1.1m or less in the surrounding area. Combined with the very-low trafficked nature of the vehicular carriageway that forms the eastern spur of High Street immediately in front of the café, it is considered that the net detriment to members of the public with disabilities or those poor / hindered mobility (including parents with pushchairs) would be both minimal and restricted to a very small section of the pavement when viewed within the context of the surrounding area.

As such, it is considered that the approval of the application would not cause undue harm to any members of society with protected characteristics. Furthermore, it should be noted that one member of the public who commented in support of the application noted that they would welcome the provision of outdoor seating as their disability / lack of mobility prevents them from accessing the majority of the café's existing seating on the first floor level and the outdoor seating area would allow them to use and enjoy the café as those without protected characteristics do at present.

Matters raised in representations

The majority of the concerns raised in the representations were in relation to the impact of the outdoor seating area on the resultant width of the public pavement and the implications that the

narrowed remaining width would have on pedestrian mobility / safety. Issues in this regard have been addressed in the foregoing evaluation, as have concerns in relation to the impact of the proposals on the setting of listed buildings and the character and appearance of the conservation area. The remainder of the concerns raised and specific points made in relation to the remaining pavement width can be addressed as follows:

- Although a 900mm projection is being applied for, in reality (due to moveable barriers, placement of customer bags etc) the projection would exceed that, further narrowing the pavement width – The application must be assessed based on what has been applied for, which is an outdoor seating area projecting 900mm from the façade of the building. The Planning Authority cannot base a decision on speculation that items may encroach beyond the approved area. Should the application be approved and the seating area extend beyond the approved dimensions then planning enforcement action may be taken should the planning breach pose a risk to public safety. Furthermore, it is understood that such a breach would also be contrary to the conditions of any Street Occupation permit, which the Council would reserve the right to revoke in the event of persistent non-compliance.
- The proposals are contrary to the guidance set out in the Council’s Design Guidelines for Pavement Cafés, which states that the remaining footway for pedestrians should be no less than 2m – The Council’s *‘Pavement Cafés on the Public Footway: A Design Guide for Applicants’* does state that a *‘clear pedestrian route of at least 2.0 metres must be maintained between the kerbline and the pavement café boundary.’* However, it should be noted that the document does not form supplementary planning guidance, rather it is advice for businesses applying for a street occupation permit for outdoor seating. As such, its weight in the determination of this application is minimal and the appropriate remaining footway width has been assessed on its merits, based on the site-specific context, in the foregoing evaluation.
- The pavement width outside 106 & 108 High Street is more than 1.2m. Thus, the proposals would narrow the pavement below the prevailing width in the surrounding area – As noted in the foregoing evaluation, some sections of the pavement on High Street do exceed 1.1m but other parts are also lower than that figure (700mm to 900mm in some areas – for example outside the Taylor Building to the south).
- Approval would set an undesirable precedent for similar applications and sub-standard footway widths elsewhere – Every planning application is assessed on its own merits and whilst the remaining footway width is considered to be acceptable in this instance, given the site context, a precedent would not be set for allowing a similar clearance distance in other locations.
- Planning permission was previously refused for outdoor seating and nothing has changed to alter that position – A condition was attached, by Planning Committee, to the original planning permission for the café in 2017 (170524/DPP) which removes the ability for the café to place outdoor seating on Baillie’s Place. A concurrent Section 42 application to remove that condition is pending determination at the time of writing. The area of public pavement to the front of the building was not included in the original planning application.
- The Council’s ‘Harmony of Uses’ supplementary guidance (SG) states that in order for a street café to be acceptable in principle, the road must be fully pedestrianised and that is not the case and the SG also requires the pavement to be wide enough to accommodate outdoor seating without detriment to pedestrian safety - Paragraph 8 of the Harmony of Uses SG emphasises that the Council *‘supports and encourages the provision of street cafés in:*
 - *Fully pedestrianised streets; and*

- ***Areas where pavements are wide enough to accommodate the proposed street café'***

The foregoing evaluation details why the Planning Authority consider the pavement to be wide enough to accommodate the street café.

- The seating would increase the amount of litter and bins should be provided – This aspect is addressed in the foregoing evaluation: 'Impact on Amenity' section.
- The proximity of hot drinks and smokers to the public pavement would create a health / accident risk to passers-by – This is not a material planning consideration. Nevertheless, it is understood that barriers erected around the perimeter of the outdoor seating area would be a requirement of any Street Occupation permit, which would create a separation distance between any hot drinks and passing pedestrians.

Strategic Development Plan

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The use of the small section of public pavement for outdoor seating associated to the café would be ancillary to an existing use considered to be complementary to the surrounding uses and the proposals do not conflict with the principles of Aberdeen Local Development Plan (ALDP) Policy CF1 (Existing Community Sites and Facilities). Subject to conditions restricting the hours of operation, requiring the removal of the street furniture outwith operational hours, and prohibiting the playing of amplified music in the area, the proposed use of the section of pavement for outdoor seating would not have a detrimental impact on amenity, in accordance with Policy T5 (Noise) of the ALDP and the Council's Harmony of Uses supplementary guidance (SG). Despite the remaining footway width falling below that usually desired to maintain pedestrian movement, the context of High Street sees very narrow pavements and there would be no net detriment to pedestrian movement or public safety, in accordance with the Harmony of Uses SG.

The use of the small section of the widened pavement area in front of the café for the placement of approximately two small tables and four chairs, to be taken in at night, would not detrimentally affect the character or appearance of the conservation area, in accordance with Scottish Planning Policy, Historic Environment Policy for Scotland and Policy D4 (Historic Environment) of the ALDP. The use of the pavement for outdoor seating would also not cause any significant harm to visual amenity, in accordance with Policy D1 (Quality Placemaking by Design) of the ALDP.

CONDITIONS

(1) HOURS OF OPERATION AND REMOVAL OF STREET FURNITURE

The outdoor seating area hereby approved shall only be used between the hours of 8am and 10pm on any given day and any tables, chairs and other street furniture including barriers for

the purpose of, or associated with, facilitating outdoor seating shall be removed from the pavement outwith the hours of operation for the outdoor seating area.

Reason – In order to protect the amenity of the neighbouring residential properties and the character and appearance of the conservation area.

(2) AMPLIFIED MUSIC

No amplified music shall be played in the outdoor seating area at any time.

Reason – In order to protect the amenity of the neighbouring residential properties.

ADVISORY NOTES

Licensing

As well as the Council's Planning Service, the Council's Licensing Committee has responsibility for granting licenses. Proposals for street cafes must also adhere to other regulations from the Council's Roads Department.

Roadworks Co-ordination

The applicant is advised to contact the Council's Roadworks Co-ordination Team (roadworkscoordination@aberdeencity.gov.uk) to discuss any required works within the public footway.