Planning Development Management Committee

227 UNION STREET, ABERDEEN

ERECTION OF TABLE AND CHAIRS ON PAVEMENT

For: Greggs Plc

Application Type: Detailed Planning Permission
Application Ref.: P150179
Application Date: 10/02/2015
Officer: Grace Harrison
Ward: Torry/Ferryhill (Y Allan/A Donnelly/J Kiddie/G Dickson)

Advert: 
Advertised on: 
Committee Date: 
Community Council: No response received
RECOMMENDATION:

Approve Unconditionally

DESCRIPTION
This application relates to a retail unit on the south side of Union Street, which is the principal thoroughfare for pedestrians, cars and public transport in Aberdeen City Centre. The unit (number 227) is currently occupied by a ‘Gregg’s’ hot food takeaway, which is on ground floor level with its shop frontage opening onto Union Street. It is neighboured by retail units on both sides with offices above. The site is located within the Union Street Conservation Area.

RELEVANT HISTORY
None.

PROPOSAL
This proposal is for a pavement café for patrons of the take away, consisting of two tables and eight chairs to be placed on the footway directly in front of the shop unit. Four portable freestanding barriers will form an enclosure. These barriers will be canvas separators between metal posts, 1m tall and 1.3m and 1.6m wide, featuring the company name and marketing slogans.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council’s website at

http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=150179

On accepting the disclaimer enter the application reference quoted on the first page of this report.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because the Roads Development Management Team has objected to the proposals. Accordingly, the application falls outwith the scope of the Council’s Scheme of Delegation.

CONSULTATIONS

Roads Development Management – Object to this proposal. The location of the proposed pavement café is in an area of very high pedestrian flow and an obstruction on the footway would create a pinch point and trip hazard for pedestrians.
Environmental Health – No observations
Communities, Housing and Infrastructure (Flooding) – No observations
Community Council – No response received.

REPRESENTATIONS
None.

PLANNING POLICY
National Policy and Guidance
Scottish Planning Policy (2014)
Proposals for development within conservation areas which will impact on their appearance, character or setting, should preserve or enhance the character and appearance of the conservation area.

Aberdeen Local Development Plan
LDP Policy D1 – Architecture and Placemaking
Policy D1 – Architecture and Placemaking states that development must be designed with due consideration for its context and make a positive contribution to its setting. Key factors in assessing proposals are siting, scale, massing, colour, materials, orientation, and details.

LDP Policy D5 – Built Heritage
Policy D5 – Built Heritage states that proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy.
C1 – City Centre Development - Regional Development
This policy states that the city centre is the preferred location for retail, commercial and leisure development serving a city-wide or regional market.

C2 – City Centre Business Zone and Union Street
This policy states that the City Centre Business Zone is the preferred location for major retail developments.

Proposed Aberdeen Local Development Plan (LDP)
The following policies in the Proposed LDP substantively reiterate those contained in the adopted 2012 LDP:
- Policy D1 – Quality Placemaking by Design (see Policy D1 – Architecture and Placemaking in adopted LDP)
- Policy D4 – Historic Environment (see Policy D5 – Built Heritage in adopted LDP)
- Policy NC1 – City Centre Development- Regional Centre (see Policy C1 – City Centre Development- Regional Centre in adopted LDP)
- Policy NC2 – City Centre Retail Core and Union Street (see Policy C2 – City Centre Business Zone and Union Street in adopted LDP).

Supplementary Guidance
Harmony of Uses Supplementary Guidance
Aberdeen City Council supports and encourages the provision of street cafes in the city centre in principle because they add vitality, colour, life and interest to the street scene. However, they should not obstruct public space or create a hazard
for pedestrians, especially for blind, partially-sighted and other disabled people. Before agreeing to planning permission for a street café, the Council must ensure:

1) It does not constitute a hazard. There should be enough pavement width or equivalent space to accommodate the seating, tables and café without causing hazard to, or invading the privacy of, other adjacent uses, impeding access or egress from nearby buildings; or blocking a desire line.

2) It does not result in or contribute to inadequate amenity for existing residential uses. Factors which can adversely affect amenity include noise, smell and litter. Appropriate facilities to dispose of litter should be provided, without adversely affecting the quality, amenity or cleanliness of the city centre.

Other Relevant Material Considerations
Pavement Cafes on the Public Footway- A Design Guide for Applicants
This document, produced by the Council, contains guidance on the location, scale, layout, design and furniture of pavement cafes, as well as management and cleanliness.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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 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.

Aberdeen City Council supports the principle of pavement cafes the city centre, insofar as the location is appropriate, as outlined in the Harmony of Uses Supplementary Guidance. Pavement cafes bring vitality, colour, life and interest to the street scene, aid the local economy and add to the facilities offered to people who visit, live and work in Aberdeen. What needs to be assessed in this instance is whether a pavement café is appropriate in this location.

Location on Union Street
Council guidance on pavement cafés states that a clear pedestrian route of at least 2.0m must be maintained between the kerbline and a pavement café boundary. However, in areas of very high pedestrian flow it may be necessary to leave a clear route greater than this.

The footway at this point is 5.4m wide and the proposed pavement café would extend 1.8m into it, meaning there would still be over 3.5m of pavement remaining for pedestrian traffic. There is no additional street furniture present to obstruct the remaining pavement. Although Union Street as a whole has high
pedestrian flows, this site is located on a section towards the western end which is considerably quieter than sections at the eastern end, where retail units are concentrated. For these reasons, it is considered that the pavement has sufficient width to accommodate a pavement café at this location and the proposals would not constitute a hazard. This location is considered to be appropriate for a pavement café, in accordance with Council guidance and Supplementary Guidance on Harmony of Uses.

**Visual Impact**
The proposed furniture is considered to be of an appropriate style, materials and quality, inkeeping with its context on Union Street, in accordance with Policy D1. Union Street has a good deal of varied street furniture on its pavements, including planters, bus stops, waste bins, benches and street signs, meaning a pavement café would not be out of keeping. At this point on the street, however, there is no street furniture, so a modest pavement café would not contribute to a cluttered street scene. For the same reasons, there will be no detrimental impact on the character and appearance of the Union Street Conservation Area, in accordance with Policy D5 and Scottish Planning Policy.

**Impact on Amenity**
Issues of noise and litter are also relevant to the evaluation of this proposal, in terms of the impact a pavement café would have on the amenity of nearby residents. Although the introduction of a pavement café would result in additional activity on the street, it would have a negligible impact on noise in the area, given the high volume of traffic noise already affecting Union Street and the daytime opening hours of the shop (7.30am-5pm). A pavement café will also generate litter and while there is no litter bin provided through these proposals, existing litter bin provision in the city centre would be adequate. Therefore, the impact on the amenity of nearby residents and street users would be acceptable in terms of the Harmony of Uses Supplementary Guidance.

Although Policies C1 and C2 also apply to this site, these concern the location of new retail, commercial and leisure developments and changes of use, and are therefore not relevant to this application.

**Proposed Aberdeen Local Development Plan**
The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council’s settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration
The foregoing can only be assessed on a case by case basis. In relation to this particular application, the following relevant policies substantively reiterate those contained in the adopted 2012 LDP:

- Policy D1 – Quality Placemaking by Design (see Policy D1 – Architecture and Placemaking in adopted LDP)
- Policy D4 – Historic Environment (see Policy D5 – Built Heritage in adopted LDP).

In this case, there are no other material planning considerations which would have a bearing on the acceptability of the proposal. It is therefore recommended for unconditional approval.

**RECOMMENDATION**

Approve Unconditionally

**REASONS FOR RECOMMENDATION**

Aberdeen City Council supports the principle of pavement cafes the city centre, insofar as the location is appropriate, as outlined in the Harmony of Uses Supplementary Guidance. Pavement cafes bring vitality, colour, life and interest to the street scene, aid the local economy and add to the facilities offered to people who visit, live and work in Aberdeen.

This point on Union Street is considered to be an appropriate location for a pavement café, because there is sufficient pavement width to accommodate it, and there is no other street furniture on the remaining pavement which would cause an obstruction. Overall, Union Street already has a good deal of street furniture which is varied in terms of design and quality, so a pavement café would not be out-of-keeping. However at this particular point there is no street furniture present, so a pavement café would not contribute to a cluttered street scene or have an impact on the character and appearance of the Conservation Area. The impact on the amenity of nearby residents would be also be acceptable, because the café would have a negligible impact on noise in the area, and existing bin provision would be adequate for any litter. For these reasons, the proposals are considered to be acceptable according to Policies D1 and D4 of the Local Development Plan and the Harmony of Uses Supplementary Guidance, as well as Council guidance on pavement cafés. The proposals are also acceptable in terms of Proposed Plan policies D1 – Quality Placemaking by Design and D4 – Historic Environment.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.