

**From:** Graeme and Marjelle Fleming  
**Sent:** Tue, 15 Nov 2016 13:49:07 +0000  
**To:** PI;Scott Lynch;Pollution Control  
**Cc:** Jennifer Stewart  
**Subject:** Objection to planning application: 161455/DPP  
**Attachments:** A -111438-Existing\_Elevations\_Proposed\_GF\_and\_Location-1082965.pdf, pavement\_cafe\_design\_guide.pdf, Blown over boundry panel and sign.jpg, Car parked on double yellow lines.jpg, A board and planters.jpg, Bins outside cafe.jpg

[Objection to Planning Application 161455/DPP - Change of use of pavement area to seating area, 1 Desswood Place Aberdeen](#)

I support the online objection to this planning application submitted by my wife, Marjelle Fleming on the 19<sup>th</sup> of October. I would like to add the following comments:

- I refer to the Aberdeen City Council document "Pavement Cafes on the Public Footway" section 4 "Designing the Pavement Café – Size and Layout (page 3). It states that "..... and is the pavement café seating provision of appropriate proportion to that of the internal – it should ideally not be of a greater proportion than 25% of the interior seating provision".
- According to planning application 111438 - Partial change of use from retail shop to coffee shop, the café has received planning approval for the internal seating area as per attachment A. The café has actually extended the seating area into what is marked "Kitchen display area" (2 areas closest to area marked coffee shop). This means the café has doubled in size without submitting a planning application.
- Planning application 111438 approved internal seating for 20 seats. According to the "Pavement Cafes on the Public Footway" guidelines, this means that the outside seating should for a maximum of 5 seats and not for the 15 seats as per planning application 161455/DPP.
- I also have concerns about noise. When the pavement café was operating under the granted licence, there were frequently times when the volume of conversation was intrusive meaning that on several occasions our living room window had to be closed. This is both an intrusion into our privacy and impractical on hot days when we would normally expect to be able to open our windows. There was one occasion when we were sitting in our kitchen at the back of the house we had to shut a bedroom window, above the pavement café, to stop voices disturbing us. Outside conversations from the pavement cafe could also be heard even with the windows closed, loud voices and laughter. Application 111438 imposed the condition of

<45dB during the day and <35dB during the night. We think it unlikely that this condition is being met as we already experience loss of amenity in our residential property from café noise. The repetitive banging noise from coffee grounds being emptied out is particularly frustrating. Also voices and music can be heard while sitting in our lounge. The noise from the pavement café will exceed these levels (we have single glazed original windows in a Listed Building)

- I also attach photos to show clearly how the operations for the café constitute a nuisance in terms of refuse control, bin storage and a danger to pedestrians where the A-board and café are of unsuitable construction for the weather conditions often experienced at this location. Please refer to planning application 111438 and associated reports from Roads ref: TR/DI/1/51/2/2, 10/10/2011 and Environmental Health and planning application 120324 and associated report from Environmental Health ref: ACG/PLNS, 03/05/2012
- There is also a concern about pavement café tables and chairs being placed on to the glass bricks in the pavement. The bricks add light to the basement underneath and have been damaged on several occasions. This exposes the basement to the elements. Water can get in causing damp, cigarette ends can fall in. Photos on the café's Facebook page give you a clear understanding.

Regards,  
Graeme Fleming