

Planning Guidance for Outdoor Seating

Guidance Note

August 2022

Introduction

This guidance note should be read in conjunction with Aberdeen Local Development Plan 2017 (ALDP2017). The ALDP 2017 is the planning document for Aberdeen City; it provides planning policy for the whole of the city. Outdoor seating as discussed in this document can take the form of chairs and tables outside of a premises, or larger covered structures to accommodate further seating. Planning permission is generally required for outdoor seating. The following ALDP2017 Policies will be used to assess outdoor seating applications. This list is not exhaustive as each application will be assessed on its own merits and set of circumstances:

Policy D1 – Quality Placemaking by Design

Policy D4 – Historic Environment for applications in Conservation Areas / in curtilage or affecting the setting of Listed Buildings

Policy T3 – Sustainable and Active Travel

Policy T4- Air Quality

Policy T5 – Noise

Policy NE5 – Trees and Woodland for applications where trees are present

Policy NE3 – Urban Green Space for applications in parks, playing fields, sports pitches, woods, allotments or any other area of urban green space

Policy NE1 – Green Space Network

Planning permission is not the only consent which may be required for outdoor seating. Other consents must be obtained separately. A café permit may be required from the Roads Authority. If alcohol is to be served an application also needs to be made to the Licensing Board. Applicants are encouraged to contact the Licensing Board and Roads Authority early on in the process to discuss their proposals, and before submitting a planning application. If a structure is to be erected a Building Warrant may also be required. This document covers planning considerations only. Proposals should also be mindful of energy use and emissions - Aberdeen has an approved a Net Zero Routemap which strives to ensure the city becomes net zero by 2045.

General Principles for all outdoor seating and structures

Location

- Proposals for outdoors seating should consider the both the immediate and wider context in which they will be situated.
- As a new addition to the area, the agent of change principle is applied- whereby the applicant is responsible for ensuring their proposals does not cause unnecessary harm to the existing amenity of the surrounding area.
- Proposals in conservation areas and within the curtilage of, or potentially affecting the setting of, a listed building need to ensure the proposals protect and respect the character, appearance and setting of the historic environment and protect the special architectural or historic interest of listed buildings and conservation areas.
- The location of existing permanent street furniture should be considered in any design (e.g. bins, benches, bus stops, bollards).

Design

- Outdoor seating should be of a high quality, and continuity of design with any surrounding premises is encouraged.
- Appropriate landscaping and “greening” using planting is encouraged, this could be in the form of planters and/or green walls to form an enclosure where appropriate.
- Any perimeter enclosures over one metre should be partially ‘see-through’ in order to maintain visibility of activity. Any perimeter enclosures less than one metre should be of a high quality and appropriate design to provide shelter and clear delineation of the area.
- Furniture and fixtures must not be fixed into the street or pavement surface. Furniture and fittings may need to be removed and stored inside each evening – this will depend largely on the type of furniture / structure proposed and the location of the occupation.
- New Structures should generally not be attached to any building and must be of an appropriate high quality, particularly within a Conservation Area or within the curtilage of a Listed Building.

Be a good neighbour

- Outdoor seating areas should be visible from existing premises and kept under supervision.
- Outdoor seating areas should not prevent access to neighbouring properties.
- Residential amenity should be respected, especially noise and lighting impact.
- Suitable arrangements for the storage and collection of refuse must be made.
- External public address systems or amplified music will not be acceptable at unsociable hours. Planning applications are subject to consultation with the Environmental Health Service who may require conditions to be applied any planning permission.
- A clear route must be maintained to allow other footway users to pass the outdoor seating area or any queue without obstruction. Crossing the footway to reach an outdoor seating area should generally be avoided.

Specific Guidance -the following guidance should be considered in line with the general principles above.

Outdoor Seating on Streets

Subject to the general principles the Council supports and encourages the provision of street cafes in the form of outdoor seating in:

- fully pedestrianised areas (where vehicles have no right of entry);
- In areas supported through the City Centre / Beach Masterplan proposals; and
- areas where pavements are wide enough to accommodate the proposed street café.

It is important that street cafes are properly designed, administered and managed to ensure that they meet the high standards expected in Aberdeen. They should not obstruct public space or create a hazard for pedestrians.

Planning applications for street cafes on the pavement where adequate space is not provided to allow pedestrians a straight, obvious and unobstructed route past will not be supported. Such a route should not pass through the area used by the tables and chairs. Applications for street cafes which occupy more than half the total width of the footway will not be supported.

Privately Owned Car Parks

Modifying areas of privately owned car parking within the curtilage of a building or immediately adjacent, such as in front of hotels, to provide outdoor seating may be acceptable.

The Council supports and encourages active travel and public transport journeys; however consideration will need to be given to the impact of the removal of car parking in some areas. Accessible spaces for people with mobility impairments, including wheelchair users, and designated for that use must be retained or reworked into any proposal. Suitable drop off points must also be retained or included in any proposal.

Typically, no more than 50% of the car parking should be removed; this percentage could be increased if the need for the existing level of car parking is deemed to be more than necessary, for example if active or sustainable travel options are available and promoted, or if sufficient public or on-street car parking is available in the immediate area. Adequacy of car parking is not the only consideration and proposals must be balanced against the potential impact on amenity of the surrounding area from noise, visual impact, adverse impact on the historic environment and other factors.

Public open space

Open space within the city comprises greenspace and areas of civic space such as squares or other paved or hard surfaced areas with a civic function.

Redevelopment of green public open space is generally not supported. Policy NE3: Urban Green Space will be used to assess such applications. Relevant considerations include the scale of the existing space, the scale of the proposed outdoor area, the percentage of greenspace proposed to be used, potential enhancement of the greenspace, and if more appropriate areas are available as an alternative to accommodate the proposals.

Outdoor seating within civic spaces will be supported, however this will be dependent on space available, the scale of the proposal, the percentage of space left over and the design of the proposal.

When a proposal to developed public open space of any form is put forward, a justification for the proposal will be required explaining what alternative options were considered, why this is deemed the most appropriate location and how the proposal will sit successfully within the site without a detriment to the wider public use of the space or the character of the area. The proposed use must not alter the primary use of the open space, dominate the open space or remove the primary uses of the open space.

Seasonal consents / Time Limited Applications

Planning permission may be sought for outdoor seating and movable structures which are themed on seasonal events. If this is the case, we would encourage applicants to apply for a time limited application, whereby the days and months of occupation over a 2 year period are submitted as part of the planning application. This could relate to summer or winter months where there is more business demand and public desire for outdoor seating.

Belmont Café Quarter

This is an area that has recently become a thriving hub for food and beverage offerings and outdoor seating provision as a consequence of physical distancing and COVID- 19 regulations.

Through the City Centre Masterplan, the Belmont Street Quarter is earmarked as a key area to help transform the city into a vibrant, prosperous place in which to live, work, visit and thrive. The proposal for this area is to continue the café culture where outdoor seating would contribute to the vibrancy and vitality of the area. This guidance note and the principles within it will be of use for assessing any outdoor seating applications submitted. Given the nature of the area, any structures proposed should be semi-permanent, lightweight, and positively contribute to the townscape / historic character.

Who to Contact?

A number of different consents may be required for outdoor seating applications. The following links identify who you should be contacting:

Applicants are encouraged to contact the Licensing Board and Roads Authority early on in the process to discuss their proposals, and before submitting a planning application

- To apply for a café permit, please see the Roads Authority - <https://www.aberdeencity.gov.uk/services/business-and-licensing/licences-and-permits/pavement-cafe-permit-application>
- If alcohol is to be served, please apply to the Licensing - <https://www.aberdeencity.gov.uk/services/services-business/licences-and-permits/licensing>

- To apply for planning permission, please contact the Planning Authority - <https://www.aberdeency.gov.uk/services/planning-and-building/planning-applications/apply-planning-permission>
- Pre-application planning advice can also be sought - <https://www.aberdeency.gov.uk/services/planning-and-building/planning-applications/apply-planning-permission/pre-application-advice>
- If a structure is to be erected please contact Building Standards about a Building Warrant - <https://www.aberdeency.gov.uk/services/planning-and-building-standards/building-standards/apply-building-warrant>