

**TCP/11/16(514) – 17/01699/FLL – Formation of decking,
Café Tabou, 4 St John’s Place, Perth, PH1 5SZ**

INDEX

- (a) Papers submitted by the Applicant (***Pages 415-432***)
- (b) Decision Notice (***Pages 435-436***)
 - Report of Handling (***Pages 437-445***)
 - Reference Documents (***Pages 425-427 and 447***)
- (c) Representations (***Pages 449-454***)

**TCP/11/16(514) – 17/01699/FLL – Formation of decking,
Café Tabou, 4 St John's Place, Perth, PH1 5SZ**

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100081385-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	1504 Architectural & Building Consultancy		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	David	Building Name:	Bishops Well Cottage
Last Name: *	Martin	Building Number:	
Telephone Number: *	07740373820	Address 1 (Street): *	Dalguise
Extension Number:		Address 2:	Dalguise
Mobile Number:		Town/City: *	Dunkeld
Fax Number:		Country: *	United Kingdom
		Postcode: *	PH8 0JX
Email Address: *	dmartin1504@gmail.com		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text" value="Cafe Tabou"/>
First Name: *	<input type="text" value="Marek & Magda"/>	Building Number:	<input type="text" value="4"/>
Last Name: *	<input type="text" value="Michalak"/>	Address 1 (Street): *	<input type="text" value="St Johns Place"/>
Company/Organisation	<input type="text" value="Cafe Tabou"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Perth"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PH1 5SZ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="marek@cafetabou.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="723566"/>	Easting	<input type="text" value="311942"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Installation of a temporary/removable timber effect decking structure within existing designated external seating enclosure.

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to separate supporting document

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Review Appeal - Supporting Document Original Supporting statement Proposed Plans Decking material - manufacturers information

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/01699/FLL

What date was the application submitted to the planning authority? *

28/09/2017

What date was the decision issued by the planning authority? *

07/11/2017

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr David Martin

Declaration Date: 18/01/2018

LOCAL REVIEW BODY APPEAL – SUPPORTING DOCUMENT

Client - Mr & Mrs Michalak

Site Address – Cafe Tabou, 4 St Johns Place, Perth, PH1 5SZ

Project – Installation of temporary/removable decking surface for external designated seating area

We wish to sight matters raised in the delegated officer's recommendations for refusal as follows:-

1. The proposal is contrary to Policy RC1.

The planning officer has stated neither in the delegated report that “nor is the proposal an attractive addition to the restaurants frontage...”

We feel that this is statement as to whether the proposal is “attractive” or not, is formed simply on the officer's opinion of the proposal. This of course is not the opinion of the client whom has seriously considered how they foresee the frontage of their own premises developing prior to submitting the application.

2. The proposal is contrary to Policy HE3A

The report recommendation for this policy was that the use of non traditional materials and unsympathetically covering the granite paving identified within Perth Central Conservation Appraisal as high quality material which contribute to the character of the area.

By virtue of the fact that the materials proposed are not traditional timber, however they are a composite board, manufactured to give the impression/aesthetic that they are timber. Furthermore, the continued reference throughout the delegated report to the use of 'plastic' which was initiated in the conservation officers consultation report, somewhat gives a misleading and devalued impression as to the type of materials and aesthetic finish the client is aspiring to achieve.

Reference to “unsympathetically covering” or obscuring the granite pavements. It should be noted, that the presence of external cafe furniture, enclosures, planters etc along the length of the cafe quarter in St John Place have set a clear precedence in obscuring the pavements from the sight of the passing public, this can be viewed from any perspective whilst looking along the pedestrian area on St John's Place.

3. The proposal is contrary to Policy PM1A

The report states that the proposal by virtue of its inappropriate placement, material finish and scale would result in an adverse impact on the visual amenity and character of the local area.

Also noted was that “the proposed decking however does not contribute positively to the character of the place by virtue of its mass, plastic design and height from the pavement, which erodes the visual amenity of the place.

The client believes the addition of the decking to create an external terrace area, is in fact an attractive addition to the visual amenity which would contribute to setting cafe Tabou apart from other restaurants and eateries in the vicinity.

With regards to its mass – the decking will be contained fully within the existing enclosure. Giving little or no impression that the decking is present until you are upon Tabous seating area.

Again the repeated use of ‘plastic’ has been referred to again in this statement. Deferring away from the high quality composite timber effect boarding which has been proposed.

Height from the pavement – The height has been within requirements in order to comply with any building standard regulations which have to be met and also offer unassisted wheelchair access from through the restaurant. This step will only be apparent in the 1500mm wide pedestrian opening on the front elevation of the seating enclosure.

4. The proposal is contrary to Policy PM1B(c)

The delegated report states "the proposal is of an appearance, non traditional material and finish which does not complement its surroundings in a conservation area nor the setting of listed buildings, and is of a scale and mass which cannot be moved easily in the event of an emergency in order to access and maintain the public road.

It acknowledged that the client is proposing the use of non traditional materials. However as set out in the original supporting statement. This particular material was chosen that the aesthetic will require little maintenance and as such have the same high quality appearance after 5 years as it has after installation.

With regards to its scale and mass, as stated previously the proposal will be fully contained within the existing external seating enclosure, its addition having little or no apparent additional impact on the visual amenity. It is to be site constructed as previously proposed in 4 sections that they can be uplifted or removed at little or short notice depending the on the circumstances. Also easily accessible hatches have been proposed directly above existing manhole covers.

As such unless works were of an emergency nature all other works required to access and maintain the footpath would require a statutory 28 day notification period by the contractor to PKC before commencement. Given such a notice period and the nature of the decking structure, The client would have significant time to clear the designated seating area for PKC roads contractors to commence.

SUPPORTING STATEMENT

Client - Mr & Mrs Michalak

Site Address – Cafe Tabou, 4 St Johns Place, Perth, PH1 5SZ

Project – Installation of temporary/removable decking surface for external designated seating area

Background

Cafe Tabou is a long established restaurant premises situated in the cornerstone of what is locally known as the 'Perth Cafe Quarter' located at the east end of St John Place cornering onto Kirkgate.

The restaurant currently enjoys the benefits of a designated external seating area of approximately 45m² on the south elevation facing onto the historic St John's Kirk, similar to that of the other adjacent licensed premises on St John's Place.

Cafe Tabou currently has removable glazed screens which delineate and enclose the designated external seating area allocated to the restaurant from the public footpath and also the seating areas of adjacent premises at No. 6 St John Place.

The clients are seeking an opportunity to not only further invest in the future of Cafe Tabou but also invest in the city centre of Perth, by enhancing the visual quality and appeal of their premises to potential customers in creating an Urban Garden Terrace type environment.

Furthermore, they have a vision that the external enclosed seating be enhanced to sustain a year round use and not only in the typical summer months from April – September. For example - during the Perth Winter Festival when a number of outdoor activities and events are held throughout the city centre attracting large numbers of the public from both inside the city and from further afield, the external seating area at Cafe Tabou utilising patio heaters, extended the awning, together with the proposed decking surface, glazed enclosure and perimeter planters - collectively can be viewed by passing members of the public to offer something appealing and inviting, where patrons can comfortably sit outdoors to enjoy refreshments and food regardless of the climate.

It is appreciated that the premises is situated within Area 1 of the Perth Conservation Area, and great care has been taken to ensure appropriate materials & colours etc are selected to harmonise with the immediate surrounding environment whilst maximizing the positive impact brought to the premises itself, furthermore, with the long awaited City Hall redevelopment likely to commence in 2019 or thereby and further streetscape works similar to those at Mill Street adjacent to The Concert Hall a possibility, the client is visualising a vibrant, busy environment for their business. Therefore in enhancing their own premises' street appeal, they aim to contribute to the overall growth and appeal which the city of Perth is striving to develop and attract to the public.



Cafe Tabou – As currently viewed from St John's Place/
Kirkgate junction.

Design Principles

The proposed all weather decking is intended to be one component in a collective aesthetic to create the overall street appeal which the client is striving to achieve.

As with the glazed screens currently in place, the decking is deemed to be a temporary feature with no physical mechanical fixings into the public footpath on which it is to be situated and can be removed at short notice as and when required. This will be created by installing a pre templated timber joists which will be prefabricated from 4no. framed sections for ease of site assembly and also disassembly. This will be placed on levelling shims on DPC (to protect the timber framing) onto the existing footpath and the decking board will then be mechanically fixed in place to the timber sub frame only, effectively creating a floating deck within the perimeter of the existing enclosure.

Decking boards are proposed to be 21mm x 137mm solid core UPM Profi Deck Lifecycle hardwood 'woodgrain' effect composite boards incorporating a UPM alu rail spacing bar between boards.



Typical example of proposed UPM Profi decking.

This particular decking is designed and manufactured to be low/zero maintenance, incurring none of the greying which occurs in real wood decks, thus preventing the aesthetic tiring over time, or periodic recoating of boards.

The boards provide a high impact scratch resistant finish which is equally suitable for use in both wet (slip resistant) and dry conditions.

The visual impact of decking is intended to be minimised greatly not only by the glazing screens already in place, but removable planters are intended to be laid around the perimeter of the screen which will also offer a greater sense of comfort & privacy to patrons whilst enjoying the alfresco experience. Furthermore the deck will stand at a maximum height of no more than 170mm from the existing footpath level. A single step approximately 1100mm wide will be situated centrally on the frontage of the enclosure at the current entry point directly to/from the public footpath. Accessible entry will be available to and from the deck can be obtained via the main entrance of the restaurant by way of the French doors currently on the south elevation.

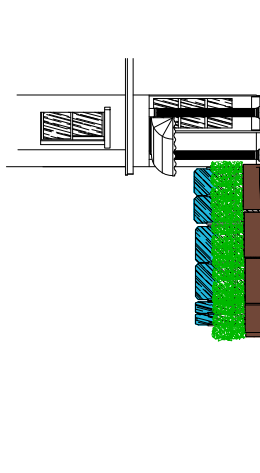
It should be noted that there are 2no. Inspection chambers situated within the current seating area. In order that immediate access is available to these 24 hours a day, easily accessible hatches are to be located in the decking directly above the chamber lids.

Public Involvement

Whilst considering the project, the client canvassed many of their existing clientele and members of the public for initial feedback to gauge the commercial viability of the proposals. The overwhelming response was generally a positive one, with many hoping that it could piloted during this winters festivities.

With this in mind the client has pre appointed reputable local contractors Meldrum Construction Ltd to undertake the aforementioned works at the earliest permissible date that their business can hopefully be given the opportunity to fully contribute to the experiences and atmosphere of the upcoming events in the town centre in the coming winter months and well into the future.

This architectural floor plan illustrates a restaurant layout. The plan is divided into several functional areas. On the left, there is a long, narrow section containing four rectangular tables, each accompanied by chairs. This section is separated from the main dining area by a vertical wall. The main dining area is characterized by several large, rectangular tables, some of which are shaded with diagonal lines. These tables are arranged in a way that allows for easy movement and service. In the upper right corner, there is a service area or kitchen, indicated by a green-shaded rectangular area. Two figures are shown in this area, likely representing staff or customers. The overall layout is designed to optimize space utilization and provide a comfortable dining environment.

[illegible]

Public Footpath 2140mm wide

Public Plaza (St John's Place)

Proposed Seating (max. 170mm sloping up)

Proposed shelter/shedding (temporary/irremovable)

Public Footpath 1800mm wide

Accessible entrance to/from deck via French doors in restaurant

Cafe Tabou

0 1 2 3 4 5

Scale 1:50

A close-up photograph of a brown wooden door with vertical slats. A metal handle is visible at the top. The door is set within a frame, and a small white object is visible on the wall above it.

Typical photographic example of proposed decking

[illegible]

Client	Cafe Tabou
Project	Proposed Temporary Decking to External seating Area
Address	Cafe Tabou, 4 St Johns Place Perth
Dwg Title	Proposed Plans & Elevations
Date	1:50/100
Status	Issue



Luxurious hardwood looks that last

UPM ProFi Lifecycle: The real hardwood composite decking

UPM ProFi Lifecycle decking has the same luxurious look as a real hardwood deck, and yet will keep its looks year after year with minimal maintenance.



UPM ProFi Lifecycle S2, Desert Sand / Antalya, Turkey

Luxurious hardwood look & feel

Superior stain resistance

Ultra-durable core

Zero degree incline possible

High impact strength

Good friction, wet or dry

Recycled and recyclable

Part of the beauty of a hardwood deck comes from the subtle mix of colour tones and hues. No single board is exactly alike. The same is true of UPM ProFi Lifecycle's rainforest collection where darker streaks blend with rich hardwood colours to provide a luxurious natural surface. Unlike many "wood look" composite decks which use rice husks or softwood, UPM ProFi Lifecycle is one of the few to use real oak. The hardwood fibres are heat treated, and then fully encapsulated with polymer to achieve UPM ProFi's double protection standard: a stain resistant surface and an ultra-durable core.

designed
made **in USA**

UPM ProFi Lifecycle is manufactured in Arkansas, USA. With a heritage stretching back to 1988, the production and development team have unrivalled experience in composite technology. Decks installed in US coastal locations in the early 1990s are still performing well and offer living proof of the "on the ground, in the ground and under water" performance.

Luxurious hardwood
look and texture

Consistent
core & surface material
enabling edge profiling



UPM ProFi Lifecycle S2, Walnut / Annecy, France



UPM ProFi Lifecycle S2, Tigerwood / Hamburg, Germany

UPM ProFi Lifecycle S2 and S1: The classic hardwood look & feel

To the touch, UPM ProFi Lifecycle S2 and S1 have a natural feel. As the composite material is consistent from core to surface, the boards may be cut and profiled with beautiful results. During the first six months after installation, UPM ProFi Lifecycle weathers to its long term natural look. The surface will similarly recover if subsequently scratched or marked.

UPM ProFi Lifecycle S2 is designed for both residential and harder wearing public decks. Its two-sided profile features a natural wood grain surface on both sides. UPM ProFi Lifecycle S1 is designed for residential use only with one natural wood grain surface. The UPM ProFi Lifecycle range is available in a mix of variegated and solid natural colours.

TCP/11/16(514) – 17/01699/FLL – Formation of decking, Café Tabou, 4 St John’s Place, Perth, PH1 5SZ
--

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(part included in applicant’s submission, see pages 425-427)*

PERTH AND KINROSS COUNCIL

Mr And Mrs Marek And Magdalena Michalak
c/o 1504 Architectural And Building Consultancy
David Martin
Bishops Well Cottage
Dalguise
Dunkeld
PH8 0JX

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 7th November 2017

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01699/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 28th September 2017 for permission for **Formation of decking Cafe Tabou 4 St John's Place Perth PH1 5SZ** for the reasons undernoted.

Interim Head of Planning

Reasons for Refusal

1. The proposal is contrary to Policy RC1 of the Perth and Kinross Local Development Plan (2014) which seeks to ensure the encouragement of Class 2 & 3 development (e.g. restaurant use) in ground floor units which contribute to the character of the retail area and provides an attractive shop frontage treatment. The proposal does not positively contribute to the character of the retail area by virtue of its placement, design, material finish and consequentially nor is the proposal an appropriate addition to the restaurant's frontage resulting in non-compliance with criterion (c).

2. The proposal is contrary to Policy HE3A of the Perth and Kinross Local Development Plan (2014) which seeks to ensure development within a Conservation Area will preserve or enhance its character or appearance with appropriate design, materials, scale and siting of a new development. The proposal is not in keeping with the local character of the conservation area due to the use of non-traditional materials and unsympathetically would cover a section of granite paving, identified within the Perth Central Conservation Area Appraisal as a high quality material which contributes to the character of the area.
3. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan (2014) which seeks to ensure that development contributes positively to the quality of the surrounding built and natural environment, whilst respecting the character and amenity of the place. The proposal, by virtue of its inappropriate placement, material finish and scale would result in an adverse impact on the visual amenity and character of the local area. The proposal is not an appropriate addition to the local context within the conservation area or settings of listed buildings.
4. The proposal is contrary to Policy PM1B(c) of the Perth and Kinross Local Development Plan (2014) which seeks to ensure that all proposals are of a design and density which complements its surroundings in terms of appearance, height, scale, massing, materials, finished and colours. The proposal is of an appearance, non-traditional material and finish which does not complement its surroundings in a conservation area nor the settings of listed buildings, and is of a scale and mass which cannot be moved easily in the event of an emergency in order to access and maintain the public road.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference


17/01699/1

17/01699/2

17/01699/3

REPORT OF HANDLING

DELEGATED REPORT

Ref No	17/01699/FLL	
Ward No	P12- Perth City Centre	
Due Determination Date	27.11.2017	
Case Officer	Andrew Rennie	
Report Issued by	AR	Date 7/11/17
Countersigned by		Date 7/11/17

PROPOSAL: Formation of decking

LOCATION: Cafe Tabou 4 St John's Place Perth PH1 5SZ

SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

DATE OF SITE VISIT: 10 October 2017

SITE PHOTOGRAPHS



Clockwise from top left – Outdoor seating area existing east elevation, south elevation and floor space.

BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site relates to Café Tabou, a ground floor restaurant located in Perth's City Centre which is part of a category C listed building (HBNUM: LB39601 - St John's Place, 4 & 29 Kirkgate). The property is located in a prime economic and pedestrianised area of Perth which was granted approval for the formation of an outdoor seating area however was refused the installation of an awning to create a covered seating area. Full planning permission is now sought for the formation of decking within this outdoor seating area. Planning permission is not for a temporary period as the proposal has not been identified as temporary within the application form and will be dealt on the basis of this being a permanent permission.

The footprint of the deck is approximately 44 square metres and is raised 170mm from the public footpath level and 90mm from the restaurant's finished floor level, addressing the slight incline.

SITE HISTORY

97/01696/FUL Change of use from glaziers shop/office to licensed cafe bar at 19 February 1998 Application Permitted

98/00179/FUL Change of use of re-aligned pavement to licensed pavement cafe bar and change window to french doors at 30 March 1998 Application Permitted

00/00444/ADVLB Installation of 2 no retractable canopies to St Johns Place elevation of bistro at 23 May 2000 Application Permitted

05/01234/FUL Formation of outdoor seating area and screens 28 September 2005 Application Permitted

05/01352/LBC Formation of outdoor seating screens and awning canopy 22 September 2005 Application Withdrawn

12/00693/FLL Removal of canopy and installation of weather resistant awning 11 June 2012 Application Refused

12/00694/LBC Removal of canopy and installation of weather resistant awning 11 June 2012 Application Refused

13/00784/FLL Installation of a temporary awning and front and side screens 5 July 2013 Application Withdrawn

PRE-APPLICATION CONSULTATION

Pre application Reference: None.

NATIONAL POLICY AND GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy RC1 - Town and Neighbourhood Centres

Class 1 (retail) uses will be supported in identified town and neighbourhood centres commensurate with the role of the centre within the established retail hierarchy. Use Classes 2 & 3, leisure, entertainment, recreation, cultural and community facilities will also be encouraged in ground floor units provided they contribute to the character, vitality and viability of the retail core and satisfy the criteria set out. Use of pavement areas for restaurant/cafes/bars is acceptable in the prime retail area. Housing and other complementary uses are encouraged on the upper floors.

Policy PM2 - Design Statements

Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which

exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy HE3A - Conservation Areas

Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

Policy PM1A - Placemaking

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

OTHER POLICIES AND GUIDANCE

Perth Central Conservation Area Appraisal 2008

A conservation area appraisal is a management tool which helps to identify the special interest and changing needs of an area. It serves as supplementary guidance to the Local Development Plan. The appraisal provides the basis for the development of a programme of action that is compatible with the sensitivities of the historic area and can enable the local authority to fulfil its statutory duties to protect and enhance that particular area.

Scottish Historic Environment Policy 2016

This document, produced by Historic Environment Scotland provides guidance to Planning Authorities on how to deal with planning applications which affect Listed Buildings and their settings.

CONSULTATION RESPONSES

Consultation was sent to Historic Environment Scotland in relation to the effect on Category A listed building St John's Kirk (HBNUM: LB39300, St John's Place, St John Street. No response was received.

An internal consultation was received from the Conservation Officer which highlights concern over the cumulative visual clutter, inclusive of the existing screens and planters, which the proposed plastic decking would have on the

immediate area. Further, the placement of decking was considered to obscure the high quality granite paving streetscape.

An internal consultation was received from the Transport Planning officer which highlights concern that the proposed structure, outwith the applicant's ownership and responsibility, cannot be moved easily to allow access in the event of an emergency and thus impeding the Council's statutory duties to inspect and maintain the public road upon which the proposal is sited.

REPRESENTATIONS

None at the time of the report.

ADDITIONAL INFORMATION RECEIVED:

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2014.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

Policy RC1 encourages restaurant and café ground floor use provided they contribute to the character, vitality and viability of the retail area and satisfy the relevant criteria. The use of pavement areas for restaurant/café/bar uses is also acceptable in the prime retail area provided such uses do not adversely affect pedestrian flows and fit with design guidance.

The proposal does not comply with Policy RC1 in respect of the decking's location within the designated pavement area, albeit for continued restaurant use, as the decking is not of a practical design for the Council to carry out statutory duties nor does it complement or enhance the character of the conservation area, despite discussion within the design statement, as set out by Policy PM2, supporting its quality and design practicalities.

Policy HE3A supports development within a conservation area which preserves or enhances its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting.

The proposal neither enhances nor complements the character of the conservation area due to the cumulative effect mentioned above and by covering the granite paving, identified as a quality surface within the Perth Central Conservation Area appraisal.

Policy PM1A on Placemaking seeks to ensure that developments contribute positively to the character and amenity of the place by respecting it in terms of design, appearance and height.

The immediate local area is populated by various items of street furniture associated to each business, including the restaurant in question, to create an open-air experience. The proposed decking however does not contribute positively to the character of the place by virtue of its mass, plastic design and height from the pavement which erodes the visual amenity of the place.

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria. The criteria which are of particular relevance to the proposal from Policy PM1B are: (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

The proposed decking, in light of the above criteria, does not complement its immediate surrounds or street character therefore does not comply with Policy PM1B.

Overall, the proposal does not comply with all of the policies listed and appraised in this section.

Design and Visual Amenity

The design statement makes reference that prefabricated decking joists would be installed on four framed sections, topped with plastic decking boards. Although the structure as a whole is not to be affixed into the granite paving, the structure would be permanently sited as planning permission is not sought for a temporary period. Additionally, it is noted within the design statement that the moveable decking is part of a business vision for the outdoor seating area to sustain year-round use which alludes to permanence.

The addition of a permanent structure within the existing outdoor seating area would add to localised visual clutter and pose functional impracticalities with no added economic benefit to the business. Furthermore, the proposal is detrimental to the visual amenity and character of the local area, also located within a conservation area.

Roads and Access

With particular reference from internal consultee comments, access to service manholes underneath the proposed decking would not be easily accessible. The proposal's design incorporates hatches for this purpose however it is considered that the proposed structure would be constructed in a way which cannot be moved or disassembled easily in the event of an emergency, especially with dining furniture placed on top as an added factor.

The proposal's design and layout would impede Perth & Kinross Council's statutory duties in the accessing, inspection and maintenance of the public road upon which the proposal is to be sited.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

The economic impact of the proposal is not applicable to this application.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

The recommendation for this application has been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

1. The proposal is contrary to Policy RC1 of the Perth and Kinross Local Development Plan (2014) which seeks to ensure the encouragement of Class 2 & 3 development (e.g. restaurant use) in ground floor units which contribute to the character of the retail area and provides an attractive shop frontage treatment. The proposal does not positively contribute to the character of the retail area by virtue of its placement, design, material finish and consequentially nor is the proposal an attractive addition to the restaurant's frontage resulting in non-compliance with criteria (c).
2. The proposal is contrary to Policy HE3A of the Perth and Kinross Local Development Plan (2014) which seeks to ensure development within a Conservation Area will preserve or enhance its character or appearance with appropriate design, materials, scale and siting of a new development. The proposal is not in keeping with the local character of the conservation area due to the use of non-traditional materials and unsympathetically would cover a section of granite paving, identified within the Perth Central Conservation Area Appraisal as a high quality material which contributes to the character of the area.
3. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan (2014) which seeks to ensure that development contributes positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. The proposal, by virtue of its inappropriate placement, material finish and scale would result in an adverse impact on the visual amenity and character of the local area. The proposal is not an appropriate addition to the local context within the conservation area or settings of listed buildings.
4. The proposal is contrary to Policy PM1B(c) of the Perth and Kinross Local Development Plan (2014) which seeks to ensure that all proposals are of a design and density which complements its surroundings in terms of appearance, height, scale, massing, materials, finished and colours. The proposal is of an appearance, non-traditional material and finish which does not complement its surroundings in a conservation area nor the settings of listed buildings, and is of a scale and mass which cannot be moved easily in the event of an emergency in order to access and maintain the public road.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

Informatives

Not Applicable.

Procedural Notes

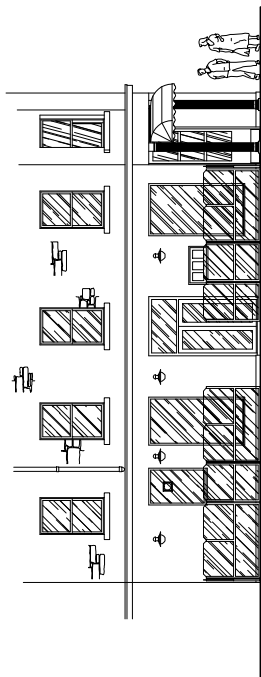
Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

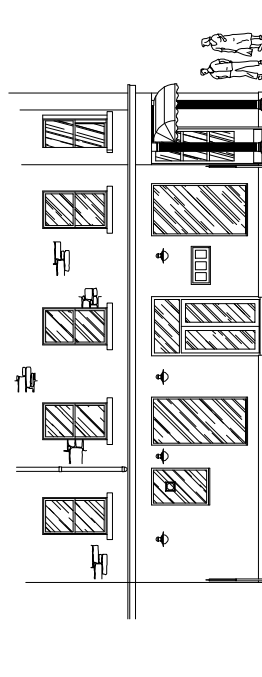
17/01699/1, 17/01699/2, 17/01699/3

Date of Report

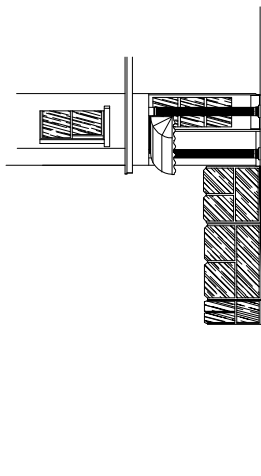
7.11.17



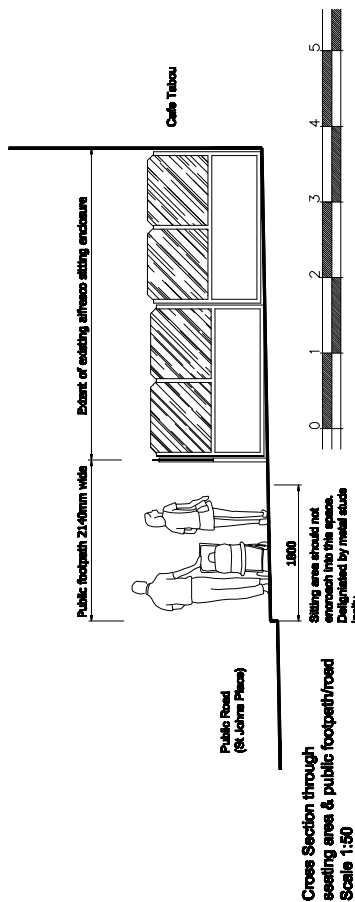
Street Elevation - South
St Johns Place (inc removable glazing screens)
scale 1:100



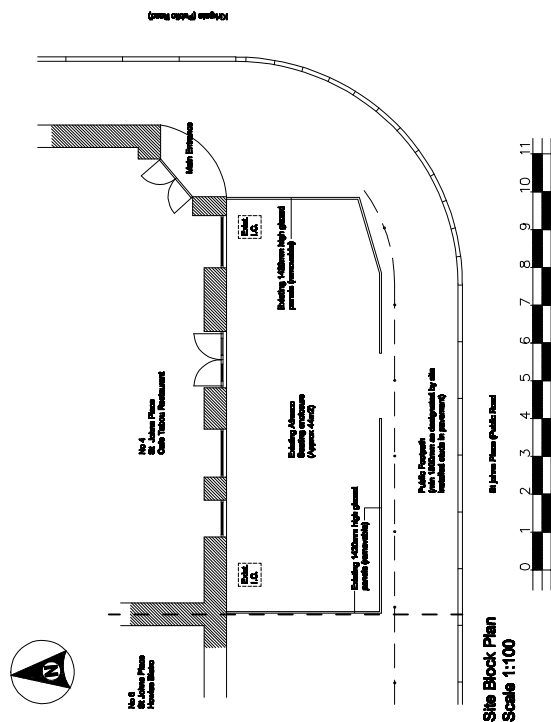
Street Elevation - South
St Johns Place (section through seating area)



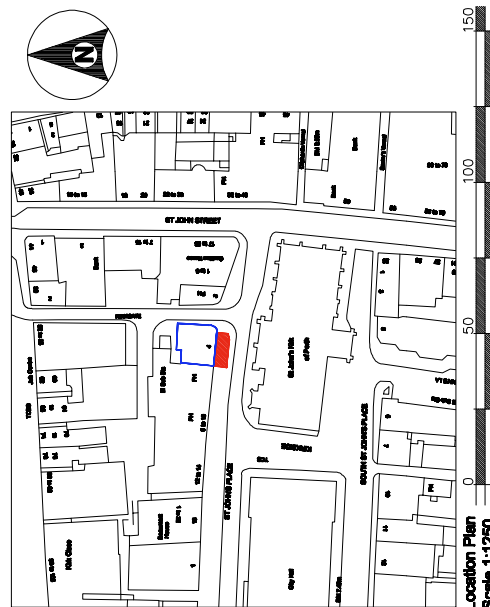
Street Elevation - East
Kirkgate



Cross Section through
seating area & public footpath/road
Scale 1:50



Site Block Plan
Scale 1:100



Location Plan
Scale 1:1250

ISO4

ARCHITECTURAL & BUILDING CONSULTANCY
Bishops Well Cottage, Dalgluise, Dunkeld, Perthshire, PH8 0JX
email:marini1904@gmail.com tel:07740373820

Client:	Cafe Tabou
Project:	Proposed Temporary Decking to External seating Area
Address:	Cafe Tabou, 4 St Johns Place Perth
Drawn:	Sept 2017
Scale:	1:50/100/1250

**TCP/11/16(514) – 17/01699/FLL – Formation of decking,
Café Tabou, 4 St John's Place, Perth, PH1 5SZ**

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/01699/FLL	Comments provided by	Diane Barbary
Service/Section	Conservation	Contact Details	[REDACTED]
Description of Proposal	Formation of Decking		
Address of site	Café Tabou, 4 St John's Place, Perth		
Comments on the proposal	<p>Café Tabou forms the ground floor to the category C listed corner tenement at 4 St Johns Place and 29 Kirkgate (LB 39601). The property is in the historic core of Perth, within the Perth Central Conservation Area.</p> <p>I note the existing seating enclosure; one of a number of outside seating areas for bars and cafes in the vicinity. Given the sensitivity of the area, however, any new additions should be appropriate to its historic character.</p> <p>The proposed plastic decking would, in conjunction with the existing glazed screens, increase the visual clutter in close proximity to the category A listed St John's Kirk, and would obscure the high quality granite paving.</p> <p>While the decking is described as temporary, it would give the impression of a more permanent installation than the existing outdoor seats, screens and planters. Its appearance would be incongruous in the context of the historic character of this part of the conservation area and the existing high quality streetscape works.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	11/10/17		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/01699/FLL	Comments provided by	Dean Salman Development Engineer
Service/Section	Transport Planning	Contact Details	██████████ ████████████████████
Description of Proposal	Formation of decking		
Address of site	Cafe Tabou, 4 St John's Place, Perth, PH1 5SZ, for Cafe Tabou		
Comments on the proposal	<p>Insofar as the Roads matters are concerned I must object to the proposal for the following reasons:</p> <ul style="list-style-type: none"> • Area of static decking structure to be constructed is within a footway that forms part of Perth & Kinross Council's list of public roads. Thus making it an asset that must be protected and maintained. It is out with the applicant's area of control and responsibility and is located on an area of high amenity stone. • Statutory Undertakers have the right to inspect and maintain their apparatus. In the event of an emergency this structure cannot be moved easily to allow access. • It will impede the discharging of Perth & Kinross Council's statutory duties under the Roads Scotland Act 1984 to inspect and maintain the list of public roads. 		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	19 October 2017		

