

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Housing, Environmental and Economic Development

Planning Committee: 25 September 2013

DC13/158: Change of Use to Outdoor Seating Area at the Cabin Inn, 474-476 Dumbarton Road, Clydebank

1. REASON FOR REPORT

- 1.1** The application has been subject to an objection from a local housing association, and relates to a site where previous applications of a similar character were refused. Under the Council's Scheme of Delegation it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** **Grant** full planning permission subject to the conditions set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1** The application relates to an existing public house on the north side of Dumbarton Road, Dalmuir. The property is part of a small row of single storey commercial premises which contains a hot food takeaway and a vacant unit. It is set back from the road behind a shallow forecourt which is separated from the footpath by a low wall and railings. There is a bus stop lay-by and shelter on the footpath immediately to the east of the site frontage. The surrounding buildings are mainly tenement flats, although there are two-storey terraced houses immediately to the west, and there are various ground floor commercial units nearby on the south side of Dumbarton Road.
- 3.2** Planning permission is sought for the use of a small part of the forecourt as an outdoor seating area, containing two small tables and four chairs. The tables and chairs would be located immediately in front of the pub's front window where they would be well back from the footpath and visible from the bar area inside the public house to enable staff to monitor use. A low screen would be provided in front of the seating area for containment and as a visual break. The tables and chairs would not be fixed and would be able to be taken indoors when not in use.
- 3.3** The property was subject to a previous planning application for an outdoor seating area, which was refused in May 2007 (decision DC07/071), and an appeal against that decision was also dismissed. That proposal was for a much larger outdoor seating area covering most of the forecourt area and containing six larger tables and 24 seats. The earlier application and appeal were refused on the grounds that the proposal would have been likely to

create noise and disturbance for nearby residents and would also have detracted from the appearance and character of the area.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Environmental Health Service has no objection to the proposal, subject to conditions preventing amplified music and use of the seating after 9pm.
- 4.2** West Dunbartonshire Council Roads Service has no objection to the proposed development.

5. REPRESENTATIONS

- 5.1** One representation has been received from Trafalgar Housing Association, which owns many of the residential properties within the vicinity of the site. They express concerns about noise and disturbance from persons using the seating area being detrimental to the residential amenity of nearby properties, which include family houses with gardens and housing for elderly people.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Council Local Plan 2010

- 6.1** The site lies within an Existing Residential Area where Policy H5 seeks to protect and enhance the residential character and amenity of the area. Non-residential uses should be ancillary or complimentary to the residential area and would not result in a significant loss of amenity to the surrounding properties. In this case the proposal relates to a long established public house use fronting a stretch of a busy street which contains numerous commercial uses. A small outdoor seating area would be complementary to that use, and subject to suitable safeguards to minimise noise and disturbance, it is considered that the proposal would be consistent with Policy H5.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (Proposed Plan)

- 7.1** The site is within an area identified as an Existing Neighbourhood and Policy BC3 is relevant whereby development that would significantly harm the residential amenity, character or appearance of existing neighbourhoods will not be permitted. It is considered that the proposal would also be consistent with this policy.

Amenity

- 7.2** As a result of the smoking ban it is increasingly common for public houses to provide outdoor seating areas for their customers. The current proposal is of very modest scale and would mainly serve to provide a more comfortable and managed area for those customers who currently stand outside the property smoking. It is not likely that this would give rise to any significant increase in noise or disturbance, as use of the seating is likely to be short term in nature for those wanting a cigarette and it is unlikely that people will linger. The

Environmental Health Service has nonetheless recommended a condition to prevent use of the seating area after 9pm, which would prevent any impact on neighbours late at night. Any use of the seating area for the drinking of alcohol would require a separate application for planning permission. Furthermore It is understood that the property's current license does not allow for the consumption of alcohol outwith the building, and an amendment to the license would also be needed if it was intended to allow customers to take their drinks outside.

- 7.3** Whilst a previous application for an outdoor seating area was refused on residential amenity grounds in 2007, that proposal was for a significantly larger "beer garden" seating area, which would have encouraged customers to sit outside for prolonged periods in good weather. It was therefore significantly different in its scale and the likely nature of its use from the current proposal.
- 7.4** The proposal would have minimal visual impact due to the small number of tables involved, and these would be set well back from the road and screened off to avoid creating visual clutter. The seats and tables would not be fixed, so they could be removed in the evening to help ensure compliance with conditions regarding hours of operation.
- 7.5** Whilst it is not considered likely that the proposal will give rise to any significant impact upon residential amenity, it is considered appropriate to grant permission on a temporary basis, in order to allow the issue to be reconsidered in the light of how the use has operated. It is therefore proposed that permission be granted for a temporary period of 1 year.

8. CONCLUSION

- 8.1** The proposed small outdoor seating area would provide a managed area for smokers and would not be likely to cause any additional noise or disturbance for local residents. The site fronts a busy road which contains numerous commercial uses, and the impact of two small tables set well back from the footpath would be negligible. It is nonetheless recommended that permission be granted on a temporary basis in order to assess the impact of the use.

9. CONDITIONS

- 1. The development hereby approved is permitted for a temporary period of one year from the date of this notice. Thereafter, use of the area for outdoor seating shall cease and all tables and chairs shall be removed unless it has been subject to a further application for planning permission to extend the use.**
- 2. The table and chairs shall not be used between the hours of 9pm and 11am, and shall be taken indoors or otherwise secured to prevent use at these times and at other times when not in use.**

NB: A further application for planning permission would be required if the approved seating area is used for the consumption of alcohol.

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and Economic Development
Date: 5th September 2013

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Appendix: None.

Background Papers:

1. Planning application and plans
2. Consultation responses
3. West Dunbartonshire Local Plan 2010
4. West Dunbartonshire Local Plan Development Plan, Proposed Plan
5. Planning application no: DC07/071

Wards affected: Ward 6 (Clydebank Waterfront)