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Date: 16 October 2023

Planning Department
Perth and Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

Dear Sir/Madame.

CONTINUED USE OF AREA OF PUBLIC HIGHWAY FOR EXTERNAL SEATING BREWDOG, 62-64 GEORGE STREET, PERTH, PH1 5JL

We have been instructed by our clients, Brewdog, to submit the enclosed application for the continued use of a section of the road immediately in front of BrewDog's unit for the placement of tables and chairs.

Brewdog have utilised this section of the road for external seating for the past 3 years, making use of a partial road close initiative from the Council, and temporary licensing provisions allowing seating to be displayed without the requirement of applying for planning. These temporary provisions expired at the start of the year, resulting in Brewdog applying for planning permission for the use of the road for seating (to sit alongside the licensing provisions).

This application seeks to renew the latest temporary grant of planning permission for siting of seating within the Road immediately in front of Brewdog's premises. The most recent temporary consent, as registered under application ref: 22/01778/FLL, allowed for the use of the road for external seating until 6th October 2023 and has now expired. This application therefore seeks to renew the seating area on a temporary basis, so that Brewdog can continue to provide additional seating capacity and support their business. Appropriate licences will also be sought once permission has been granted.

The application has been submitted online via the e-planning portal and comprises of the following documents:

- Completed planning application forms;
- Planning and Heritage Statement – included within this letter;
- Site Location Plan and Block Plan;
- Existing Plan
- Proposed Plan;

The requisite fee of £500 has been paid online. The remainder of this letter sets out our supporting statement regarding the application proposals.

Site Description

The application site is an existing Brewdog bar located at the top of George Street, within Perth town centre. The unit forms the ground and basement floors of a four-storey building, with residential uses overhead. The building has been designated a category C listed building since 1977 and is located within character area 3 of the Perth Central Conservation Area. There is an existing seating area to the front of the unit on the public highway, which in the past few years has been extended into a closed section of the road to allow for additional external seating within the street.



Image 1: View of application site showing external seating area within section of road immediately in front of premises

The surrounding area consists of a mixture of retail/commercial, civic and business operations located on ground floor level with residential uses above. A number of the adjoining premises have similarly utilised the section of road immediately in front of their premises for external seating, and this is a prevailing characteristic of the area.

Planning History

In October 2018, permission was granted for the change of use of the unit from restaurant/café (Class 3) to public house (ref: 18/01673/FLL), along with alterations and signage (refs: 18/01606/LBC and 18/01478/ADV). This facilitated Brewdogs occupation of the application site. Permission was then subsequently granted for the painting of a mural in January 2019 (refs: 18/02163/LBC and 18/02165/FLL).

In 2019 permission was granted for the provision of external seating on the pavement immediately in front of the unit (ref: 19/00546/FULL). This allowed for 8 chairs tight to the building's shopfront.

In the aftermath of the Covid 19 Pandemic temporary measures were then introduced allowing businesses to apply for external seating via a pavement licence, without the need for planning permission. Brewdog

utilised these provisions for two years, making use of the area of road immediately in front of their premises for seating.

These temporary measures came to an end at the start of the year, so Brewdog accordingly submitted a planning application for the use of a section of the road for external seating.

The most recent application was submitted in October 2022 (ref: 22/01778/FLL), seeking permission for the following:

“Change of use of road to form outdoor seating area”

During the course of the application there were some discussions with Perth Council about the permanent nature of the proposals, with the Council raising some concerns about access at the adjacent stop, the maintenance of infrastructure, and proximity to the existing establishment. After reducing the scale of the seating area the Council reached a view that it would be appropriate to renew the approval but only on a temporary basis, accordingly permission was granted for the use of the highway until the 6th October 2023.

The seating area has operated throughout this period with no issues or complaints, and busses have been able to pass by with no danger to highway safety. Accordingly, noting the success of the seating area and the much needed additional revenue it has provided the bar with throughout this period (adding a significant amount of extra capacity), BrewDog would like to again renew the planning consent.

Surrounding Area

There are a number of recent permissions in the surrounding area for the placement of table and chairs in association with public houses, including the following:

- **Ref. 18/01959/FLL** – Permission was granted for alterations and extension to the building, formation of decking to provide outdoor seating area and associated works at the Welcome Inn, 221 Rannoch Road, Perth PH1 2DP.
- **Ref. 18/01787/FLL** – Permission was granted for the change of use from a retail unit to include public house/off-licence and formation of outdoor seating area at 32 St John Street, Perth PH1 5SP.
- **Ref. 16/01926/FLL** – Permission was granted for the change of use to form outdoor seating area and alterations at The Bothy 33 Kinnoull Street, Perth, PH1 5EN.
- **Ref. 16/01572/FLL** – Permission was granted for the change of use from garden centre to cafe/takeaway (class 3), alterations and formation of outdoor seating area (in part retrospect) at Ez Grow 77 Scott Street Perth PH2 8JR.
- **Ref. 16/00273/FLL** – Permission was granted for the change of use to form outdoor seating area at Capital Asset, 26 Tay Street, Perth PH1 5LQ.
- **Ref. 14/02118/FLL** – Permission was granted for the change of use of pavement and formation of outdoor seating area at Kirkside Bar, 9 St John's Place, Perth PH1 5SZ.

The above applications demonstrate that the principle of outdoor seating is acceptable at the site and within the town centre.

Application Proposals

Permission is sought for the provision of an external seating area immediately in front of the buildings George Street elevation. The furniture will be positioned within a narrow strip of the road which previously accommodated a bus lane, but has been closed off for vehicular access for the past three years so that commercial premises can provide additional external seating.

The seating will comprise 4 tables and 8 benches, which will be removed outside of the bars trading hours and stored internally. These will sit between parklets at either end of the seating area (installed by the Council to delineate the space from the rest of the road). The proposed layout can be seen below at Image 2.

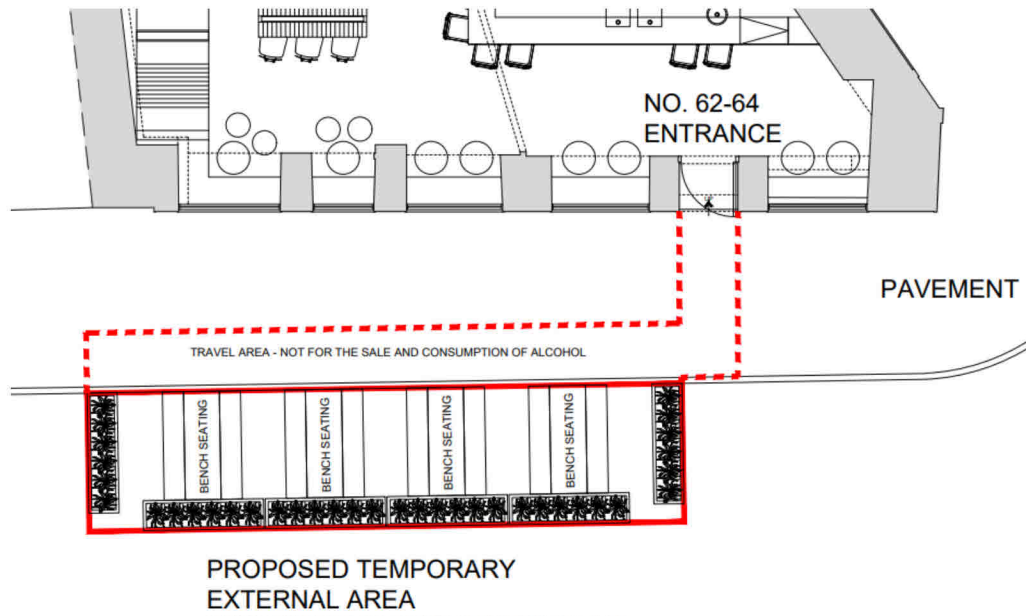


Image 2:: Proposed Layout

As can be seen above, there will be no seating/furniture on the pavement so that a sufficient clearway is retained for pedestrians to use the footpath, and similarly a sufficient distance will be maintained within the road for vehicles to pass by safely as the seating has been set back from the neighbouring bus stop). The site has operated this way for the past 12 months with no issues or complaints. The applicant is now simply seeking the requisite consent to allow for the continued use of this section of and similarly a sufficient distance will be retained within the road so that vehicles can pass by safely.

It is also relevant to note that the hours of operation for the tables and chairs would be aligned to the bars trading hours.

Relevant Planning Policy

The relevant planning policy documents for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014. The associated mapping designates the site as being within the defined town centre of Perth.

TAYplan Strategic Development Plan (2016)

The overall vision for this plan is that *“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.”*

Policy 5 notes that the best town centres are attractive places that offer a good choice of attractive shops, recreation, services and facilities. The importance of land uses that attract significant footfall in town centres for use in the evening is noted.

Perth and Kinross Local Development Plan (2014)

Policy PM1 outlines how development must contribute positively to the quality of the surrounding built and natural environment. Design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site.

Policy RC1 encourages uses within Class 3 that contribute to the character, vitality and viability of the retail area.

Policy RD1 seeks to ensure that residential amenity is protected, and where possible improved.

Policy RD2 indicates that there will be a presumption against the siting of pubs, clubs and other leisure uses below existing residential properties, or in the midst of other (particularly residential) uses where problems of noise or disturbance cannot be satisfactorily addressed.

Policy EP8 relates to noise pollution and states that there is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

Policy HE2 seeks to protect listed buildings from inappropriate new developments.

Policy HE3A stresses that development within Conservation Areas must preserve/enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, should be appropriate to its appearance, character and setting.

Policy PM1A details how 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 adaptation.

Heritage Assessment

The proposal amounts to a seating area to the front of a Brewdog bar within the town centre of Perth. In line with Policy RC1, it is considered that the outdoor seating would add to the vibrancy and vitality of the surrounding street scene. The proposals relate to an existing operation which will be enhanced by the works, to the benefit of the surrounding area.

The applicant has chosen a simple, high-quality design and layout that is appropriate to the scale and nature of the building and the surrounding area in line with Policy PM1. The furniture comprises of 7 tables and 14 benches which are entirely removable/temporary and will be stored inside every night.

There will be no physical alterations to the exterior of the listed building. The proposals will therefore not result in any harm to the character or appearance of the listed building or wider Conservation Area, are compliant with Policies HE2 and HE3, and should therefore be considered acceptable from a heritage perspective.

Planning Heritage Assessment

This application has been submitted to facilitate the continued use of an area of the road immediately in front of the premises for external seating. The section of road was previously vacant/underused, but has been by Brewdog for external seating for the past 3 years, with the bar making use of a partial road close initiative throughout this time, and temporary licensing provisions allowing seating to be displayed without

the requirement of applying for planning. They are now seeking to renew the most recent planning consent, which allowed the same arrangement until the 6th October 2023.

This has helped to transform a vacant and underused section of the road into a welcoming and attractive external seating area to be enjoyed by the local community. It has enhanced the vitality and vibrancy of the street scene, consistent with Policy 5 of the TAYplan which seeks to create an attractive place to live and encourages uses which boost the evening economy. Importantly, throughout this 2-year period there have not been any complaints from the local community or indeed the Councils environmental health officer with regards to noise, impacts on amenity or highway safety.

This application has been submitted as temporary provisions allowing external seating to be applied for solely through the licensing procedure have now lapsed and it is necessary also secure planning permission for the use of the highway. This application therefore seeks the requisite planning consent for the use of the road for external seating. It has been demonstrated in the section above that this will have no impact on the designated heritage assets at the site, therefore the key planning issues for consideration are the impact on surrounding amenity and highway safety. These matters are discussed below.

Change of Use of Public Highway and Impact on Amenity

The key issue for consideration in the determination of the application is the continued use of the road of a small section of the road for external seating, and the potential implications that this could have on residents of the neighbouring premises. In this regard, it is first necessary to highlight that there is clear policy support at national level for proposals which support the hospitality industry. The government have issued a number of Written Ministerial Statements encouraging Local Planning Authorities to be flexible with regards to temporary measures in order to make it easier for businesses to operate the planning system (as a response to the pandemic), and during the pandemic years Scotland had had legislation in place allowing pubs and restaurants to provide external seating under the pavement licence process without applying for planning.

Perth and Kinross Council similarly seek to encourage proposals which serve to enhance the vitality and vibrancy of streets and ensure attractive places to live and boost the economy (Policy 5 of TAYPlan). There is clearly therefore a wide ambition at national level to support local businesses as they build back better from the pandemic, which is shared by Perth within their local policy framework. The proposal will ensure this ambition is achieved, by transforming a vacant and underused section of the road that was not providing any contribution to the local community, into a welcoming and attractive external seating area to be enjoyed by local residents all year round, and which will also instil a sense of community within the local area. Furthermore, it will support our client's business by providing them with additional external capacity so they can generate profit during these difficult financial times, and contribute to the viability of the Perth Town Centre where leisure uses such as this are encouraged. It will provide a far more optimum arrangement of the external area, which was sparsely used and providing no contribution to the local community.

With regards to impacts on surrounding residential amenity, it is important to reiterate that the external area has operated for the past three years under a similar arrangement, and since the last application was approved has been scaled back so that there are just 4 benches immediately in front of the premises. Throughout this period there have not been any noise complaints from neighbours or the Councils environmental health officer. Indeed, the applicant has developed a reputation for a well-run and managed external area, with there being a strong emphasis on tasting and sampling food and drink in a relaxed environment, rather than mass consumption. The seating area is open throughout the day, closing when the bar closed in accordance with licensing requirements, with food available throughout the opening. There are no DJ's, live performances or any amplified sound played within the external area, it is simply a welcoming space to be enjoyed by customers, primarily throughout daytime hours.

The proposal will not have any detrimental impact on the amenity of adjacent residents with regard to noise. Rather, it will ensure good and optimum arrangement of the external area in line with the Council's core policies and will be controlled to ensure there is no adverse impact on the amenity of neighbours.

Highway Safety

The principle of external seating is well established within the town centre, including at the application site itself where planning permission has in the past been granted for seating on the pavement, and where recent pavement licences have allowed seating to be provided within the section of the road to which this current application relates.

It is proposed that the seating will be positioned within a redundant section of the road immediately in front of the premises. This narrow section of the road has for the past two years been blocked off and used as an external seating area, as part of an initiative of the council to support local businesses. The area of the road on George Street where the seating is positioned can be seen below at Image 3.



Image 3:: External seating area immediately in front of premises on George Street

As can be seen in the image above, the seating area occupies only a very narrow section of the road, and given that the street is only open to traffic 'one way', there is sufficient clearance for cars and local busses to pass by safely without causing any danger to the public. Indeed, there have been no complaints from local residents or the council for the past two years whilst the road has been closed, demonstrating the area is acceptable for external seating. Buses have also been able to pass by with no issues, as the seating area has been scaled back to allow a full turning circle.

The layout of the external area has actually been enhanced when compared to the layout shown in image 3, now comprising of 4 tables and 8 benches which occupy a narrower linear arrangement, and sit between parklets at either end installed by the Council. These improve the appearance of the external area, but importantly also act as a safety barrier for customers within the external seating area preventing them from any accidents as a result of dangerous driving (although the controlled speed levels and one way nature of the street mean this is highly unlikely/as is demonstrated through no issues in the past 3 years).

The pavement will be kept clear with no furniture proposed so that there is a clear footway for pedestrian access, and similarly a sufficient distance will be retained within the road for vehicles to comfortably pass by without harming public safety. Customers within the seating area will be protected by barriers and the parklets installed by the Council. Overall, it is therefore considered that the proposal will not result in an obstruction of the highway, or impede on the entrance of the unit. There will be no impact on refuse storage or street cleansing, and the proposal should therefore be deemed acceptable from a highway's perspective.

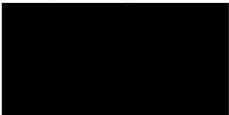
Conclusion

The proposed seating area is considered to be of a high standard of design and appearance, whilst remaining sympathetic to the surrounding residential properties. It will transform the vacant and underused section of the road into a welcoming and attractive external seating area to be enjoyed not just by local residents but also members of the public visiting Perth Town Centre.

Permission is sought to extend the use of the highway for another year, which will enable our clients clients to provide seating on long term basis, providing certainty for their business moving forward and ensuring their long-term occupation of the site, whilst also providing a valuable social contribution to the local community. Furthermore, it will not have any negative impact on the surrounding residential amenity, as is demonstrated within the assessment section of this report. We therefore trust the Council will share our view that the proposals are in accordance with the identified planning policy, and should be supported.

I trust you have sufficient information to enable a positive determination of the application and we look forward to receiving confirmation that the application has been validated. In the meantime, should you require any further information please do not hesitate to contact me.

Yours faithfully,



MARK SHEARMAN
Director