

THE HIGHLAND COUNCIL

**CAITHNESS, SUTHERLAND & EASTER ROSS
PLANNING APPLICATIONS COMMITTEE – 28 August, 2007**

Agenda Item	4.16
Report No	PLC-22-07

**07/00327/FULCA: Siting of table and chairs on the footpath (re-application) at Y-Not,
Meadow Lane, Thurso**

Report by Area Planning and Building Standards Manager

SUMMARY

This is a detailed application to place some tables and chairs on the public footpath outside the Y-Not public house in Thurso. An identical planning application was refused by the Caithness Planning, Development, Europe and Tourism Committee on 12 March, 2007. One letter of objection has been received with regard to this current application. The Thurso Community Council have been consulted and do not object.

The Recommendation is to GRANT planning permission.

Applicant: Mr. and Mrs. Mackay, Y-Not, Meadow Lane, Thurso.

Ward No. 2 – Thurso

1. PROPOSAL

1.1 Application is made in detail to place some tables and chairs on the public footpath outside the Y-Not Public House in Thurso between an existing stone wall and an existing railing adjacent to the Council car park.

2. PLANNING HISTORY

2.1 An identical application was submitted under reference 06/00574/FULCA and considered by the Caithness, Planning, Development, Europe and Tourism Committee on 12 March, 2007. The recommendation with regard to that application was to approve. However it was refused by the Committee on the grounds that "The proposal would have an adverse effect on the amenity of the public and that the location is close to a supermarket and car park, and will block the public footpath and that to carry the food and drinks from the premises to the application site may cause congestion".

3. PUBLIC PARTICIPATION

3.1 One letter of objection has been received from a nearby resident who is concerned about possible noise and disturbance associated with the proposal.

3.2 The letter of representation is available in the Area office and will be available at the Committee meeting. The names of those making representations are listed at the end of this report.

4. **CONSULTATIONS**

4.1 **Thurso Community Council:** No objections.

4.2 **Area Roads and Community Works Manager:** No response.

5. **POLICY**

5.1 The following policies are relevant to the assessment of the proposal -

Highland Structure Plan (2001)

- G2 Design for Sustainability

Caithness Local Plan (2002)

- The site is shown to lie within the commercial core of Thurso town centre as identified in the Caithness Local Plan.

5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP); National Planning Policy Guidelines (NPPG); and Planning Advice Notes (PAN)

- SPP1 – The Planning System.

6. **PLANNING APPRAISAL**

6.1 **Determining issues** – Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

6.2 The proposal requires to be assessed against the appropriate policies of the Development Plan, supplementary guidance, and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:

- whether the principle of development is appropriate in terms of policy
- whether the layout of development is appropriate
- the impact on the amenity of the area and residents
- other material considerations raised by the objectors

6.3 This application seeks consent to site tables and chairs on part of the public footpath. This section of footpath is however somewhat superfluous to public requirement and is very lightly trafficked by pedestrians. A meeting was held on site between Council Officials and Members of the Thurso Community Council. The general view was that these tables and chairs would be likely to lead to less congestion on the busier public footpath immediately outside the

Y-Not Public House insofar as, at present, smokers tend to congregate there. If these tables and chairs were allowed to be sited then smokers would be more likely to go and sit at the tables and chairs rather than standing immediately outside the door of the public house. This benefit would be in addition to the primary function of the proposal which is to allow customers to be able to sit outside.

- 6.4 With regard to the letter of objection it has to be borne in mind that this is a town centre site, that a public bar is entirely appropriate within the town centre and that a certain amount of noise and activity must be anticipated within such a location. It can not be assumed that the granting of this application would be liable to lead to unacceptable behaviour by patrons of the bar.

- 6.5 Whilst this application could be dealt with under delegated powers, this application is referred to the Committee because of the decision of the Caithness Planning, Development, Europe and Tourism Committee to refuse an identical application in March this year. I remain of the opinion that the proposal is acceptable. One important difference between the previous application and the present one is that the Community Council objected to the original application but do not object to this application despite it being an identical proposal.

7. CONCLUSION

- 7.1 I remain of the opinion that the proposal is acceptable and again recommend approval.

RECOMMENDATION: Grant planning permission

Alan J. Tarr

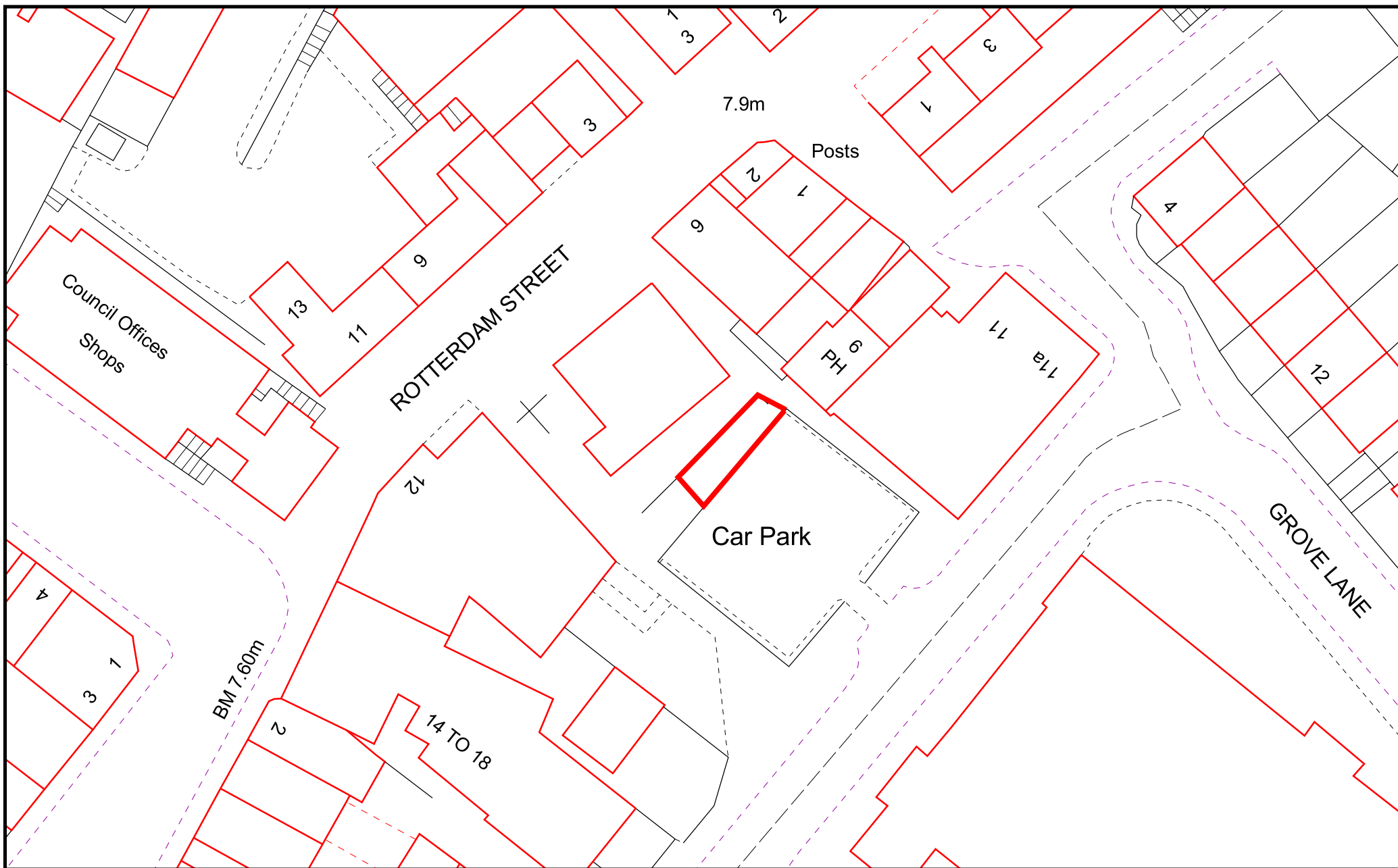
Signature: 

Designation: **Area Planning and Building Standards Manager
Caithness Sutherland & Easter Ross**

Author: Iain Ewart 01955 607751

Background Papers: As referred to in the report above and case file Ref No:
07/00327/FULCA

Date 17 August 2007



07/00327/FULCA - Siting of table and chairs on the footpath (Re-application) at Y-Not Meadow Lane Thurso
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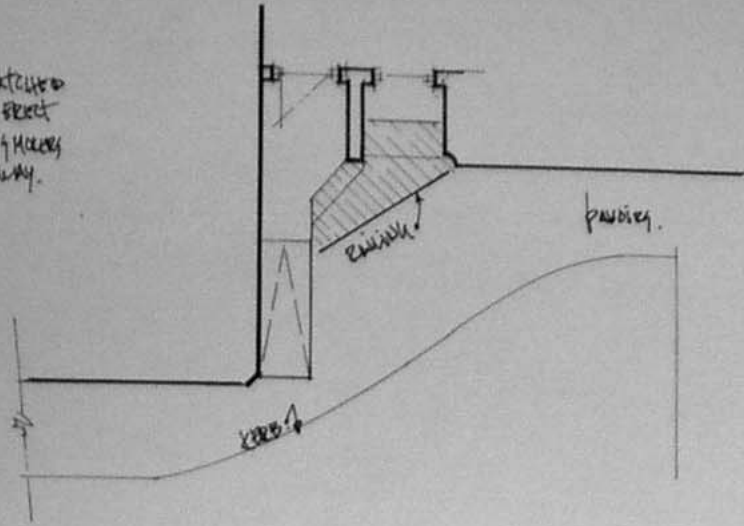
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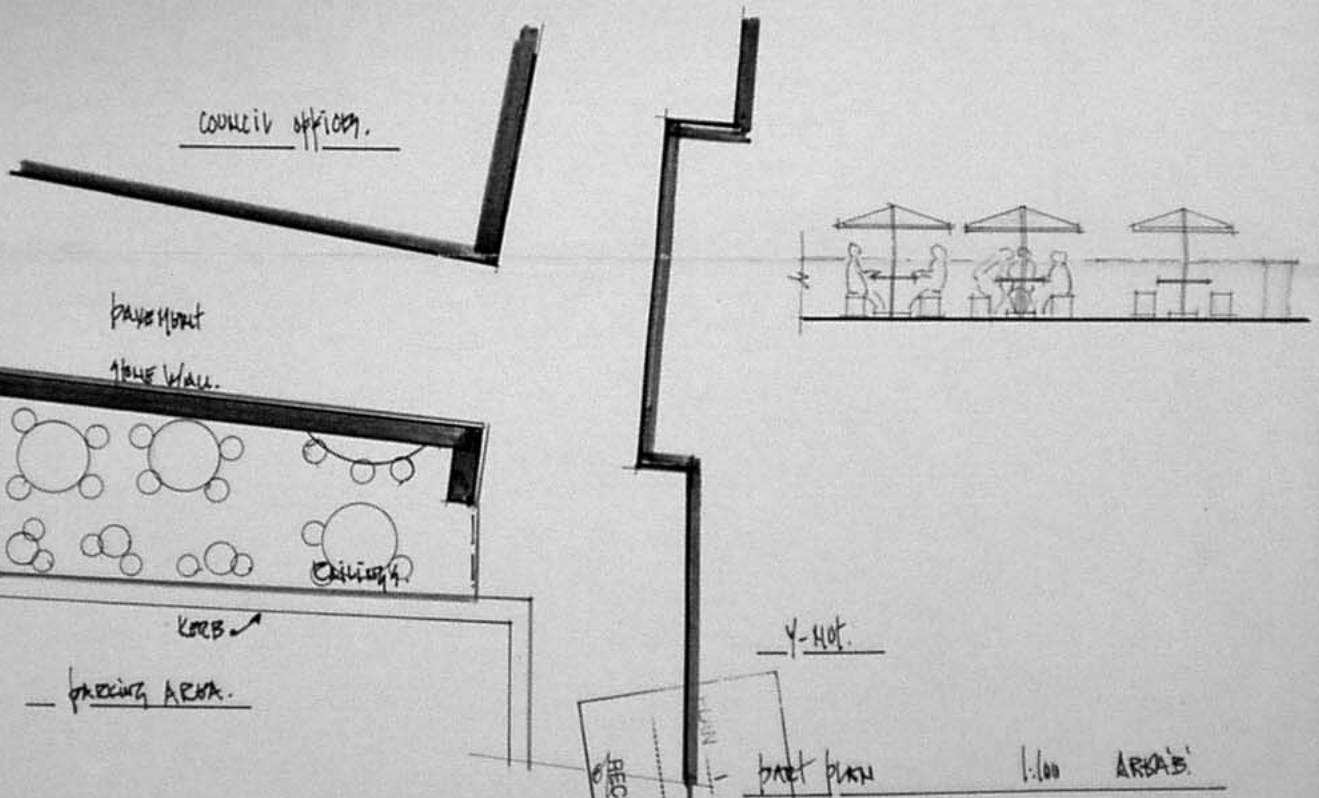
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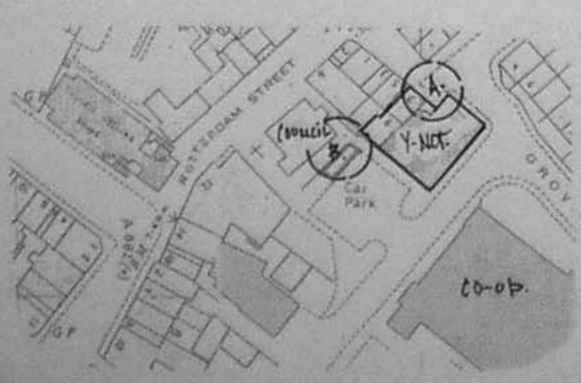
Fill this area shown hatched to form a level plate of street railing to separate the tables from the pedestrian walkway.



part plan 1:100 AREA 'A'



part plan 1:100 AREA 'B'



RECEIVED
 14/10/07
 07/23/1
 THE HIGHLAND COUNCIL
 OF 1 OF APPLICATION REFERENCE

CREATED SERVICES	14/10/07
Application to fit tables & chairs on the payment area next to the Y-HOT : MEADOW LAKE: FERGUS.	
FM	14/10/07