

Temporary Procedures Regarding Outdoor Seating in Relation to Planning Requirements

April 2021



Introduction

In order for cafes, bars and restaurants to re-open whilst maintaining social distancing it is anticipated that there will be increased interest across East Dunbartonshire to create new or expanded outdoor seating areas. Planning legislation allows temporary uses to take place without permission and defines temporary as those uses which are in place for no more than 28 days in a calendar year. Seating areas which are intended for this period or less would not therefore require planning permission.

Seating areas intended for longer periods would generally be considered a change of use and require planning permission. However this process requires neighbour notification and consultation so has a minimum timeframe associated with it. It is acknowledged that many businesses will need to move faster than this process allows to ensure they remain in operation. The Council is keen to support these businesses in re-opening, however at the same time a balance needs to be struck to ensure a suitable level of control over issues such as pedestrian safety and residential amenity is retained. The Scottish Government is also supportive of this approach and has advised Councils to not enforce the 28 day limit for temporary uses for 'reasonable' beer gardens or seating areas.

There is therefore a need for an appropriate approach to this issue to achieve the balance described above. This document is intended to set out the approach to this in relation to planning permission however you should note that other regulations and requirements may apply in relation to licensing, food hygiene and land ownership. Prospective applicant should make contact with the relevant teams or organisations relevant to these areas to ensure compliance with their requirements.

Temporary Procedure

For the duration of 2021 the Planning Service will take the following approach in relation to outdoor seating areas associated with cafes, bars and restaurants:

No enforcement action from the planning service will be taken against any reasonable outdoor seating areas. A reasonable outdoor seating area is considered to be one which meets the following criteria:

- A valid planning application has been received for the works and is under consideration within 28 days of it coming into operation.
- A minimum of 2 metres of pavement width is retained at all points.
- The opening hours of the seating area is restricted to 8am to 10pm daily.
- The creation of the seating area does not involve any physical works to a listed building or building within a conservation area (i.e. fixing of canopies, new wall openings etc.)
- No trees require to be felled.
- No amplified or live music takes place at any time.
- Access for emergency services vehicles is retained at all times.
- No raised stages or platforms are proposed
- Reasonable consideration is given to neighbouring businesses and residents through the design and layout of the seating area.
- Consideration for visually impaired pedestrians is given in terms of the siting and layout of tables and chairs. These should either be sited away from the building line or be encompassed with a clear continuous border that can be navigated by visually impaired pedestrians.

Where the planning application can be granted there may be specific conditions attached in relation to the duration of the use or details of its operation which applicants should ensure they comply with. The above procedure is intended to allow businesses to establish a viable way of operating temporarily and does not offer any guarantee on the outcome of the planning application. Where the proposal is found to be contrary to the policies of the Local Development Plan they will be refused and enforcement action would be taken at that point.

This policy will be reviewed in line with government and Council advice.