
NORTH AYRSHIRE COUNCIL

4th September 2019

Planning Committee

Locality	North Coast and Cumbraes
Reference	19/00554/PP
Application Registered	30th July 2019
Decision Due	30th September 2019
Ward	North Coast And Cumbraes

Recommendation	Approved subject to Conditions
-----------------------	--------------------------------

Location	48 Gallowgate Street Largs Ayrshire KA30 8LX
-----------------	--

Applicant	Stephen McDonald
------------------	------------------

Proposal	Modification of condition 2 of 18/00518/PP to allow furniture to be stored in Gallowgate Square
-----------------	---

1. Description

Planning permission is sought to vary a condition attached to a Planning Permission (ref.18/00518/PP), granted by the Planning Committee at the meeting of 29th August 2018. That permission allowed the extension of an outdoor seating area in Gallowgate Square, to be used in association with the premises at 48 Gallowgate Street. Permission was also granted for the creation of other outdoor seating areas in Gallowgate Square, to be used by other properties in Gallowgate Street (ref: 18/00247/PP and 18/00327/PP).

Condition 2 of 18/00518/PP currently reads as follows:

2. That the maximum permitted hours of operation of the outdoor seating area shall be between 1100 and 2100 hours on any day unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority. The seating together with any tables, umbrellas, associated posts and barriers shall be removed from the square outwith these hours and at all times when the premises are closed to customers.

The reason for the condition was in the interests of amenity.

It is proposed to vary Condition 2 so that tables and chairs etc, can be stored in an area of Gallowgate Square when the outdoor seating area is not in use. A varied Condition 2 would read as follows:

2. That the maximum permitted hours of operation of the outdoor seating area shall be between 1100 and 2100 hours on any day unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority. The seating together with any tables, umbrellas, associated posts and barriers shall be removed from the approved seating area and stored against the wall of 48 Gallowgate Street, as shown on the approved location plan marked 'Seating Area - Option B,' outwith these hours and at all times when the premises are closed to customers. When stored against the wall, the seating etc. will be secured by a chain attached to the wall of 48 Gallowgate Street.

The area in which the seats etc would be stored is approx. 1m from the external wall of 48 Gallowgate Street by 5m in length.

The application site lies within the town centre of Largs as identified by the adopted Local Development Plan. It is considered that the relevant policies of the LDP are TC1: Town Centres and the General Policy.

The emerging North Ayrshire Proposed Local Development Plan is a material consideration, and the proposal has been assessed against the terms of the Proposed LDP. In this instance, assessing the proposal against the terms of the Proposed LDP would not alter the conclusion of the assessment of the proposal against the adopted LDP, because the policies in the Proposed LDP are substantially similar to those in the adopted LDP, and it does not raise any new issues that would alter the assessment of the proposal.

Relevant Planning History

None.

2. Consultations and Representations

The application was subject to statutory neighbour notification procedures. There have been no representations received.

3. Analysis

Policy TC1 of the LDP states that a variety of uses, including public houses, will be acceptable in town centres. 48 Gallowgate Street has a lawful use as a public house. Permission 18/00518/PP allowed the extension of an existing seating area associated with the public house. The use of the area, with a varied condition, would therefore accord with Policy TC1.

The relevant criteria of the General Policy against which the proposal is to be assessed is (b) Amenity.

The condition currently requires the seats etc. to be removed from the square. This proposal seeks to allow them to be stored in the square. Storage would be against the applicant's property on land, on the northern side of the square, adjacent to the ramped access to the property. In order to provide security, the seats etc. would be secured by a chain attached to the wall of No. 48 Gallowgate Street.

The external seating in Gallowgate Square has been monitored in the year since the most recent permissions were granted. It is not considered that the use and any storage in the square has given rise to any adverse impacts on amenity.

Given the existing situation, other permissions for seating areas in the square, and the location and size of the storage area sought, it is considered that the proposal also accords with criterion (b) of the General Policy. It is therefore recommended that planning permission be granted for the use of seating area with a varied Condition 2.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That the seating area shall at all times be enclosed by a suitably designed removable barrier, full details of which shall be submitted for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt no artificial lighting or individually sited heating systems shall be provided within the outdoor seating area.

Reason

In the interest of the amenity of the area.

Condition

2. That the maximum permitted hours of operation of the outdoor seating area shall be between 1100 and 2100 hours on any day unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority. The seating together with any tables, umbrellas, associated posts and barriers shall be removed from the approved seating area and stored against the wall of 48 Gallowgate Street, as shown on the approved location plan marked 'Seating Area - Option B,' outwith these hours and at all times when the premises are closed to customers. When stored against the wall, the seating etc. will be secured by a chain attached to the wall of 48 Gallowgate Street.

Reason

In the interest of the amenity of the area.

Russell McCutcheon
Executive Director (Place)

For further information please contact Mr Iain Davies on 01294 324320.

Appendix 1 – Location Plan

DO NOT SCALE Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. North Ayrshire Council Licence Number 100023393.

