
NORTH AYRSHIRE COUNCIL

Planning Committee

Locality	North Coast
Reference	18/00518/PP
Application Registered	14th June 2018
Decision Due	14th August 2018
Ward	North Coast And Cumbraes

Recommendation	Approved subject to Conditions
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Location	48 Gallowgate Street Largs Ayrshire KA30 8LX
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Applicant	Stephen McDonald
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Proposal	Extension of outdoor seating area (In retrospect)
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1. Description

This retrospective application seeks permission for the formation of an external seating area within the recently refurbished public space, at Gallowgate Square, Largs. The applicant indicates that the existing seating area has been in situ for over 10 years. This proposal would therefore seek to regularise the full seating area.

The seating area is located to the west of the existing licensed premises at 48 Gallowgate Street, Largs. The area extends to some 11.9 metres in length and 3metres in depth. The seating area would be sited approximately 3 metres from front face of the main building, known as 'Room'.

The proposed operating hours are 12am to 9pm, Monday to Sunday. The application site is located within a town centre allocation, Policy TC1 of the Local Development Plan (LDP), and is located in a mixed use area. The main consideration would be compliance with the General Policy of the LDP, where criteria (a), (b) and (d) would be most relevant.

2. Consultations and Representations

The application was subject to the standard neighbour notification and was advertised in the local press on 20 June 2018. Three letters of objection were received, and one letter of support, raising the following concerns:

1. This seating area has existed without planning consent for a number of years and following refurbishment of the square the applicant has extended his outside area up 50%. The proposed extension makes the area too large and dominates the square.

Response: The applicant has indicated that a seating area has existed in this area since 1993. This application would seek to regularise the use and meet the applicant's needs.

2. The existing barriers around the seating area contain advertisements for which there is no consent.

Response: Noted. A condition could be applied requiring details of a suitable barrier system, in keeping with the area. The applicant could also be required to apply for advertisement consent for the existing barrier advertisements.

3. The proposed operating hours are inappropriate and would cause disturbance. The square should be used for its original purpose and not for the extension of licensed premises to the detriment of other businesses. The design of the square was based on all three businesses currently seeking outside space having an equal amount of space. The application should be delayed to allow review over the next year.

Response: In the context of the adjoining premises fronting onto Gallowgate Square, the proposed operating hours have been established to be acceptable, given the sites location within the town centre. The applicant has chosen to restrict the operating hours to 9pm. This restriction would ensure that there would not be any significant detriment to the amenity of the residents in the area. NAC Transportation has not objected to the proposal.

4. It is noted that the applicant has recently reduced the site area to the previous dimensions.

Response: Noted

In support

1. This application is supporting jobs/businesses in Largs. The applicant owns this strip of land. Also, the adjoining outdoor seating areas did not take up their full allocation of space/seats, previously indicated by the Council, so the over-all useage is not greater than first envisaged.

Response: Noted

NAC Transportation - No objections.

Response - Noted.

Largs Community Council - The area occupied by the applicant should not exceed the areas currently approved for occupation as seating areas by other two businesses adjacent to the Square (Post Office and Anchor Inn), in the interest of fairness and equity. The

seating area should only be in front of the red sandstone building in the Square and not be situated outside the building immediately to the south, which has living accommodation on the upper floor. The maximum permitted hours should be limited from 11.00 am to 8.00 pm. All seating, tables, barriers and umbrellas should be removed from the square outwith these hours. It is noted the current barriers contain prominent advertising. The Community Council considers that if the applicant wishes to continue to use these, they should apply for advertising consent.

Conditions should be applied with regard to marking the corners of the site to define the scope of the planning permission and further definition of poles and ropes whilst the area is in use.

Response - The proposed area is larger than the areas which have recently been approved for both the Post Office and the Anchor Inn, but the size of area proposes reflects the scale of the premises and its use. There would be no obstruction to the flat above. The hours of operation would be appropriate, as noted above. The current advertisements on the barriers do not have consent and the applicant will be encouraged to submit alternative proposals for the enclosures which would enable proper assessment. A condition could be applied to ensure that the seating area is clearly defined. Removable poles would be required to address the conditions of any Licence as such further details regarding their scale and design could be controlled through condition.

3. Analysis

Policy TC1 of the Local Development Plan permits a variety of uses which are considered to be acceptable, including public houses. This proposal, as an extension of the public house floorspace, is acceptable in principle. Policy TC1 also requires that developments of a type likely to give rise to noise and disturbance should not be located so as to give rise to a concentration of such uses in close proximity where this could adversely affect the vitality and visual amenity of the locality. In this regard it should be noted that a number of planning applications have been granted within the immediate area for outdoor seating areas, subject to conditions which restrict the hours of operation and the presence of any external heating or lighting within the enclosed area, thereby mitigating any noise or disturbance which might arise from the use of the area.

Whilst it is considered that the outdoor seating area would have a positive impact on the amenity, vitality and viability of the area, which is close to the promenade, conditions with regard to defining the seating area would deliver effective controls in the interests of the amenity of the area. It is considered that the proposed development satisfies the relevant criteria of Policy TC1.

The proposed development also requires to be assessed against the General Policy of the Local Plan, the relevant criteria, in this case being considered to be (a) siting, design and external appearance, (b) amenity, and (d) access, road layout, parking provision.

In relation to criterion (a) the scale of the proposed area, some 36 square metres, is considered to be an acceptable form of extension to the existing licensed premises, given that some 24 square metres of that area has been in use for a period in excess of 10 years. In the context of the square, and neighbouring units which have also been granted planning consent for seating areas, the proposal is reflective of the scale of the premises and would

ensure the remainder of the square, some 280 square metres, would be retained for informal use or events. Whilst the current barrier system, without advertisements, would be acceptable, a condition to require details of any proposed enclosures and definition of the site on the square would address this matter. In order to avoid clutter within the area and also in relation to criterion (b), amenity, a condition could also preclude external heaters and lighting within the area.

In relation to criterion (b), in addition to the measures described in (a) above, the applicant has confirmed that it is his intention to operate between the hours of 11am and 9pm, Monday to Sunday, and that a condition would be acceptable to restrict the use to these times unless otherwise agreed in writing. It is noted that the recent consent for the outdoor seating area, for the adjacent public house, is restricted to 8pm, which met that applicant's specific requirements.

Criterion (d) requires development proposals to have regard to North Ayrshire Council's Roads Development Guidelines. In this particular case NAC Transportation has raised no objections to the proposals. As the proposal would be located on the edge of the square there would not be any significant impact on the free movement of pedestrians.

It is advised that discussions are ongoing between the applicant, and North Ayrshire Council's Licensing and Estates with regard to the barriers, use, and controls, where events are held in the square. Any proposed license and lease for the site would address these matters.

In view of the above, it is considered that the proposed development can be considered acceptable against the terms of Policy TC1 and the General Policy of the Local Development Plan and planning permission can be granted, subject to conditions.

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 square outwith these hours and at all times when the premises are closed to customers

Reason

In the interest of the amenity of the area.

A handwritten signature in black ink, appearing to read 'Karen Yeomans', written in a cursive style.

Karen Yeomans
Executive Director
Economy & Communities

For further information please contact Mr Ross Middleton Planning Officer on 01294 324379.

Appendix 1 – Location Plan

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