



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Local Review Body

A Special Meeting of the **Local Review Body** of North Ayrshire Council will be held remotely on **Wednesday, 20 April 2022 at 14:15** to consider the undernoted business.

Arrangements in Terms of COVID-19

In light of the current COVID-19 pandemic, this meeting will be held remotely in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>. In the event that live-streaming is not possible, a recording of the meeting will instead be available to view at this location.

1 Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2 Notice of Review: N/21/01150/PP The Elms Barr, 21-23 Raise Street, Saltcoats

Submit report by the Head of Democratic Services on a Notice of Review by the applicant in respect of Condition 1 of planning permission granted (copy enclosed).

3 Urgent Items

Any other items which the Chair considers to be urgent.

Webcasting - Virtual Meeting

Please note: this meeting may be recorded/live-streamed to the Council's internet site, where it will be capable of repeated viewing. At the start of the meeting, the Provost/Chair will confirm if all or part of the meeting is being recorded/live-streamed.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the webcast will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

If you are participating in this meeting by invitation, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in the them live-streaming/recording or training purposes and for the purpose of keeping historical records and making those records available to the public. If you do not wish to participate in a recording, you should leave the 'virtual meeting'. This will constitute your revocation of consent.

If you have any queries regarding this, please contact dataprotectionofficer@north-ayrshire.gov.uk.

Local Review Body Sederunt

Christina Larsen (Chair)
Timothy Billings (Vice-Chair)
Ian Clarkson
Robert Foster
Shaun Macaulay
Ellen McMaster
Donald Reid

Chair:

Apologies:

Attending:

NORTH AYRSHIRE COUNCIL

20 April 2022

Local Review Body

Title: Notice of Review: N/21/01150/PP The Elms Barr, 21-23 Raise Street, Saltcoats

Purpose: To submit, for consideration of the Local Review Body, a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers.

Recommendation: That the Local Review Body considers the Notice of Review.

1. Executive Summary

1.1 The Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, provides for certain categories of planning application for "local" developments to be determined by appointed officers under delegated powers. Where such an application is refused, granted subject to conditions or not determined within the prescribed period of 2 months, the applicant may submit a Notice of Review to require the Planning Authority to review the case. Notices of Review in relation to refusals must be submitted within 3 months of the date of the Decision Notice.

2. Background

2.1 A Notice of Review was submitted in respect of Planning Application N/21/01150/PP The Elms Barr, 21-23 Raise Street, Saltcoats for the formation of a beer garden to rear of the public house at that address.

2.2 The application was granted on 27 January 2022 with a number of conditions, as outlined in the Decision Notice. The applicant is appealing Condition 1, which relates to the opening hours of the beer garden.

2.3 The following related documents are set out in the appendices to the report: -

Appendix 1 - Notice of Review documentation;

Appendix 2 - Report of Handling;

Appendix 3 - Location Plan; and

Appendix 4 - Planning Decision Notice.

3. Proposals

3.1 The Local Review Body is invited to consider the Notice of Review.

4. Implications/Socio-economic Duty

Financial

4.1 None arising from the recommendation of this report.

Human Resources

4.2 None arising from the recommendation of this report.

Legal

4.3 The Notice of Review requires to be considered in terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

Equality/Socio-economic

4.4 None arising from the recommendation of this report.

Environmental and Sustainability

4.5 None arising from the recommendation of this report.

Key Priorities

4.6 None arising from the recommendation of this report.

Community Benefits

4.7 None arising from the recommendation of this report.

5. Consultation

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and no further representations were received.

Craig Hatton
Chief Executive

For further information please contact **Angela Little, Committee Services Officer**, on **01294 324132**.

Background Papers

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NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	<input style="width: 95%;" type="text" value="MR"/>	Ref No.	<input style="width: 95%;" type="text"/>
Forename	<input style="width: 95%;" type="text" value="JOSEPH"/>	Forename	<input style="width: 95%;" type="text"/>
Surname	<input style="width: 95%;" type="text" value="FITZPATRICK"/>	Surname	<input style="width: 95%;" type="text"/>
Company Name	<input style="width: 95%;" type="text" value="TRUST PUBS LTD"/>	Company Name	<input style="width: 95%;" type="text"/>
Building No./Name	<input style="width: 95%;" type="text" value="THE ELMS BAR"/>	Building No./Name	<input style="width: 95%;" type="text"/>
Address Line 1	<input style="width: 95%;" type="text" value="21-23 RAISE STREET"/>	Address Line 1	<input style="width: 95%;" type="text"/>
Address Line 2	<input style="width: 95%;" type="text"/>	Address Line 2	<input style="width: 95%;" type="text"/>
Town/City	<input style="width: 95%;" type="text" value="SALTCOATS"/>	Town/City	<input style="width: 95%;" type="text"/>
Postcode	<input style="width: 95%;" type="text" value="KA21 5JX"/>	Postcode	<input style="width: 95%;" type="text"/>
Telephone	<input style="width: 95%;" type="text" value="REDACTED"/>	Telephone	<input style="width: 95%;" type="text"/>
Mobile	<input style="width: 95%;" type="text" value="REDACTED"/>	Mobile	<input style="width: 95%;" type="text"/>
Fax	<input style="width: 95%;" type="text" value="REDACTED"/>	Fax	<input style="width: 95%;" type="text"/>
Email	<input style="width: 95%;" type="text" value="REDACTED"/>	Email	<input style="width: 95%;" type="text"/>
3. Application Details			
Planning authority	<input style="width: 95%;" type="text" value="NORTH AYRSHIRE COUNCIL"/>		
Planning authority's application reference number	<input style="width: 95%;" type="text" value="No: N/21/01150/PP"/>		
Site address	<div style="border: 1px solid black; padding: 10px; min-height: 100px;"> <p style="margin: 0;">THE ELMS BAR 21-23 RAISE STREET SALTCOATS AYRSHIRE KA21 5JX</p> </div>		
Description of proposed development	<div style="border: 1px solid black; padding: 10px; min-height: 50px;"> <p style="margin: 0;">FORMATION OF BEER GARDEN TO REAR OF PUBLIC HOUSE</p> </div>		

Date of application

01.12.21

Date of decision (if any)

27.01.22

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)

Application for planning permission in principle

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

Application for approval of matters specified in conditions

5. Reasons for seeking review

Refusal of application by appointed officer

Failure by appointed officer to determine the application within the period allowed for determination of the application

Conditions imposed on consent by appointed officer

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land?

Is it possible for the site to be accessed safely, and without barriers to entry?

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

My request is for the Planning Dept to review only the proposed opening hours of 16:30 to 22:00 hrs on Saturdays as contained in "Condition 1" of the Conditional Planning Permission.

*I have established by contacting both the Health Centre, Practice Manager and the Senior Manager of Callagher Pharmacy (Pharmacy operating within the Health Centre) that the previous information provided to Planning on the Pharmacy opening hours on Saturday being 09:00 to 16:30 were incorrect and obsolete and that in fact the pharmacy was indeed "CLOSED" on both Saturday and Sundays. * ATTACHED FURTHER PAGE - MARKED 3a **

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

I hereby request that on this information provided, that this condition on Saturday opening hours be amended to 13:00 to 22:00 the same as the proposed opening hours on a Sunday.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requesting a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

JOSEPH FITZPATRICK

Date:

25/2/22

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

No N/21/01150/PP

(Original Application No. N/100507299-001)

CONDITIONAL PLANNING PERMISSION

Type of Application: Local Application

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS
2013

To : Trust Pubs Ltd Fao Mr Joseph Fitzpatrick
The Elms
21 - 23 Raise Street
Saltcoats
Ayrshire
KA21 5JX

With reference to your application received on 1 December 2021 for planning permission under the above mentioned Acts and Orders for :-

Formation of beer garden to rear of public house

at The Elms
21 - 23 Raise Street
Saltcoats
Ayrshire
KA21 5JX

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby grant planning permission, in accordance with the plan(s) docketted as relative hereto and the particulars given in the application, subject to the following conditions and associated reasons :-

- | | | |
|-----------|----|---|
| Condition | 1. | That the use of the beer garden hereby approved shall not operate outside the hours of 6pm and 10pm on Monday to Fridays, 16.30pm and 10pm on Saturdays and 1pm and 10pm on Sundays without the written approval of North Ayrshire Council as planning authority. |
| Reason | 1. | To minimise noise disturbance to the neighbouring health centre and nearby residential properties. |
| Condition | 2. | That the use of the beer garden hereby approved shall not operate after a period of 12 months from the decision date of this application without the written approval of North Ayrshire Council as planning authority. |
| Reason | 2. | In recognition of the uncertain impact of the development on nearby noise sensitive properties and to provide a period for these impacts to be monitored by North Ayrshire Council as planning authority. |
| Condition | 3. | That full details of the boundary treatments shall be submitted for the written approval of North Ayrshire Council as planning authority. The agreed details shall be implemented prior to the first use of the beer garden hereby approved and shall be maintained in perpetuity unless otherwise agreed in writing with North Ayrshire Council as planning authority. |
| Reason | 3. | In the interests of visual quality and to ensure that users of the beer garden hereby approved shall continue to be screened from users of the neighbouring health centre. |

Reason(s) for approval 1. The proposal complies with the relevant provisions of the current adopted Local Development Plan and there are no other material considerations that indicate otherwise. This is determined following an assessment which has had regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

Dated this : 27 January 2022

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	21/01150/PP
Proposal:	Formation of beer garden to rear of public house
Location:	The Elms, 21 - 23 Raise Street, Saltcoats, Ayrshire KA21 5JX
LDP Allocation:	Town Centre/Retailing
LDP Policies:	Strategic Policy 2 / Detailed Policy 3 -Town Centres & Retail /
Consultations:	Yes
Neighbour Notification:	Neighbour Notification carried out on 02.12.2021 Neighbour Notification expired on 23.12.2021
Advert:	Schedule 3 Published on:- 08.12.2021 Expired on:- 31.12.2021 Regulation 20 (1) Advert Published on:- 08.12.2021 Expired on:- 31.12.2021
Previous Applications:	06/00130/PP for Erection of shelter to rear of public house Approved subject to Conditions on 03.04.2006 14/00455/PP for Change of use of vacant ground to form beer garden to the rear and outside seating area to the front of public house Application Refused on 23.09.2014

Appeal History Of Site:

Relevant Development Plan Policies

Strategic Policy 2
Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places.

The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of

successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

Detailed Policy 3 -Town Centres & Retail Policy 3:

21/01150/PP

Town Centres and Retail

Our town centres are the social and economic heart of our communities, providing jobs, homes and employment. Appropriate development within our town centres has the potential to improve their vitality and vibrancy. This can also ensure that investment in our communities is directed in a way that is most beneficial to residents, employees and visitors to our towns.

In principle, we will support development in our network of centres shown in schedule 6 where it would be of a scale appropriate to that centre.

For development that has the potential to generate significant footfall, we will support proposals that have adopted a town centre first sequential approach. This includes retail and commercial leisure uses, offices, community and cultural facilities and where appropriate, public buildings such as education and health facilities.

We will require that locations are considered, and a reasoned justification given for discounting them, in the order of preference:

- o Town centres (as defined in Strategic Policy 1).
- o Edge of town centres.
- o Other commercial centres (as defined above).
- o Out-of-centre locations that are, or can be made, easily accessible by a choice of transport modes.

We will be flexible and realistic in applying the sequential approach, in particular where key sector and employment uses are proposed, to ensure that different uses are developed in the most appropriate locations. It is important that community, education and healthcare facilities are located where they are easily accessible to the communities that they intend to serve. We recognise that for some uses, such as sports centres and schools, a town centre location may not always be the appropriate location for them, particularly where sports pitches are part of the proposal.

When a development is proposed within our Network of Centres, we will support proposals which positively contribute to:

- o The role and function of the centre within the network, including by addressing an identified opportunity.
- o Quality of character and identity that creates a shared sense of place for users, visitors and residents
- o Community well-being, including by supporting the integration of residential uses and by enhancing links with surrounding residential areas and tourist attractions via the road and path network with associated blue & green network.
- o Vitality, viability and vibrancy of the centre, supporting it as a place for business to locate, expand and flourish by enhancing and diversifying the mix of uses including supporting economic and social activity.
- o Our important retail streets/areas (as described in schedule 6 and in our Town Centre Audits), recognising the fragile nature of some of our retail areas.
- o Accessibility of the town centre including considering the location of regular rail and bus routes.

In principle, we will also support proposals which align with town centre strategies and we will continue to encourage other regeneration initiatives, such as Conservation Area renewal projects, which improve the quality, accessibility and perception of town centre environments.

Description

Planning permission is sought for formation of a beer garden in the rear grounds of the existing public house at 21 - 23 Raise Street, Saltcoats. The application property is a single storey building on the corner of Raise Street and Barnett Crescent together with a rectangular shaped grass area to the rear. The building currently accommodates The Elms Bar public house. The site is within Saltcoats town centre as identified in the adopted North Ayrshire Local Development Plan.

There is a health centre to the south side of the application property while the rear grounds back on to the access road leading to the health centre's car park and to the car parks of the nearby Saltcoats police station and a neighbouring purpose-built office building on Glencairn Street.

The north side of the application property faces the elevated tree planted verge of Barnett Crescent. On the opposite side of Barnett Crescent are several blocks of flats. Planning permission for the erection of a shelter in the rear grounds of the application property was approved with conditions on the 3rd April 2006 (planning ref. 06/00130/PP) while a previously proposed beer garden together with an outside seating area to the front of the public house was refused planning permission on the 23rd of September 2014 (planning ref. 14/00455/PP). The reason for the refusal was because the proposal was contrary to the General Policy of the previous North Ayrshire Local Development Plan as it would have the potential to adversely affect the amenity of neighbouring residential properties and the adjacent health centre due to noise and disturbance.

This application seeks planning permission to form a beer garden that would consist of an 8.5m wide and 10.0m long patio that would abut the rear elevation of the existing public house. The patio could accommodate up to 12 tables.

A 1.8m (6ft) fence would be provided along the rear edge of the patio and along the side of the patio nearest the neighbouring health centre. The stone retaining wall on the opposite side would remain. Access to the proposed beer garden would be via a path that runs between the side of the existing public house and the retaining wall. The application drawings show that two CCTV cameras would be provided on the rear wall of the existing public house.

The application property is located within Saltcoats town centre in an area of land to the north of the Largs branch of the Glasgow to Ayr railway. The site is within an established area that contains a variety of uses including a railway station, civic / office buildings and a mix of commercial and residential properties.

The site is within an allocated town centre. Strategic Policy 1 (The Towns & Villages Objective) applies to development in built up areas and the application requires to be considered in terms of Strategic Policy 2 (the Placemaking Policy) and Policy 3 on Town Centres & Retail of the LDP.

Consultations and Representations

Consultations were carried out and neighbour notification was undertaken in accordance with statutory procedures.

Two consultation responses were received along with eight representations in objection to the proposed development.

21/01150/PP

Consultations

NAC Environmental Health responded with concerns about the potential for the proposed beer garden to have a negative noise impact on nearby noise sensitive properties, including the health care centre and nearby residential properties but stated that the noise impact could be controlled by planning conditions to control the magnitude of the noise impact and the operating hours of the beer garden.

Given that the variable nature of the noise impact, it was also suggested that planning consent should be granted for a time limited period to allow NAC Environmental Health and other agencies to monitor any complaints that may be received.

Response: noted; planning conditions could be attached to any planning consent to control the impact of noise on neighbouring users and to allow a period for the impact and appropriateness of the proposed development to be assessed.

NAC Active Travel & Transport responded with no transport related objections to the proposal.

Response: Noted.

Ayrshire & Arran Health Board responded with concerns around potential noise and disturbance that could affect the operation of health care.

The Health Board advised that the normal opening hours of the Health Centre are between the hours of 9am and 6pm on Mondays to Fridays and that a pharmacy based within the health centre operates from 9am and 4.30pm on Saturdays.

The consultation also advised that staff can be engaged in administrative tasks outside of these hours and that extended hours could operate in response to the Covid-19.

Response: noted. As sated above, planning conditions could control the operating hours of the beer garden and to limit the planning consent for an initial period to test the appropriateness of the proposed development. The application is required to be assessed against the placemaking policy of the LDP, which requires proposals to respect the amenity of neighbouring users in terms of a range of various impacts, including noise.

Representations:

Seven objections were received from occupants of the blocks of flats on Barnett Crescent. The representations were all of a similar format and raised similar matters, which are summarised below:

1. That the operation of the public house is already noisy and that the addition of a beer garden will increase this impact on neighbouring residential properties.

Response: As sated above, planning conditions could control the operating hours of the beer garden and to limit the planning consent for an initial period to test the appropriateness of the proposed development. The application is required to be assessed against the placemaking policy of the LDP, which requires proposals to

respect the amenity of neighbouring users in terms of a range of various impacts, including noise.

2. That the proposed beer garden would overlook the consulting rooms of the health centre and would disturb consultations and compromise patient confidentiality.

Response: As stated above, planning conditions could be imposed to restrict the operating hours of the beer garden during the normal working hours of the health centre.

3. That the proposed beer garden would exacerbate the levels of crime within the area.

Response: the beer garden would be used by customers of the public house. The planning system controls development in the long term public good and not people's behaviour. Any criminal behaviour would instead be a matter for the police.

4. That there would be an unacceptable degree of mutual overlooking between the users of the beer garden and the front rooms of the flats on the opposite side of the street.

Response: one side of the proposed beer garden would face a small wall that retains the tree planted verge of Barnett Crescent. A proposed fence or the rear elevation of the existing public house would mark the other boundaries of the beer garden. The application is required to be assessed against the placemaking policy of the LDP, which requires proposals to respect the amenity of neighbouring properties in terms of a range of various impacts including privacy.

5. That the development would result in an overprovision of alcohol-serving-premises in the local area.

Response: There is no policy on overprovision in the LDP. This is a Licensing matter that cannot be taken into consideration when determining planning applications.

6. That the provision of a beer garden could lead to a relapse of people in recovery from alcohol addiction.

Response: The reaction of a potential passer-by cannot be controlled by the planning system and this matter cannot be taken into account when deciding on this planning application. The property is an existing public house.

Analysis

As noted above, the application site is located within the town centre of Saltcoats as defined by the adopted LDP. In principle, the formation of a beer garden in the grounds of an existing public house is acceptable and raises no land use policy issues in relation to the Towns & Villages Objective of Strategic Policy 1. The application requires to be considered in terms of Strategic Policy 2 (Placemaking Policy) and Policy 3 (Town Centres & Retail).

The stated purpose of the Placemaking Policy in the LDP is to ensure "all development contributes to making quality places". It goes on to state "the policy also safeguards, and where possible enhances environmental quality through the avoidance of adverse environmental or amenity impacts."

Of the six qualities of a successful place, those most relevant to this proposal are limited to 'safe and pleasant' and 'adaptable'.

Given the modest size of the beer garden in relation to the existing rear grounds of the public house, it would not be a visually prominent feature when viewed the street or from nearby properties. The beer garden would be screened by a proposed 6ft fence or by the existing public house building or by the elevated tree planted verge of Barnett Crescent.

While the type and finish of the proposed fences have not been provided, these details could be controlled by a planning condition to ensure that the beer garden would be visually acceptable. With the imposition of a planning condition on the detail, implementation and maintenance of the proposed fences, the proposal is considered to be acceptable in visual quality terms.

Due to the screening effect of the boundary treatments and the imposition of a planning condition to limit the operating hours of the beer garden during the normal operating hours of the health centre, the proposed use would be acceptable in privacy terms.

Given the modest size of the beer garden and because it would be adjacent to the north facing windows of the health centre, it would not materially affect the neighbouring property in terms of sunlight and daylight.

The proposed beer garden would therefore ensure the surrounding area retains its 'safe and pleasant' character.

The provision of outside space would help to support the continued operation of the business during the Covid-19 pandemic and the related restrictions that could apply to indoor spaces. Therefore, the proposal indicates that The Elms Bar is 'adaptable' to the changing needs of the business and the expectations of its customers without harming the character of the surrounding area.

Given all of the above, the proposal is considered to meet the relevant requirements of the LDP's placemaking policy.

Policy 3 of the LDP supports the principle of development in town centres where it would be of a scale appropriate to that centre. Saltcoats town centre is identified in the LDP as a key retail centre that supports the needs of residents of the wider three towns area.

The principle of the proposed development, being the alteration of an existing public house to cater to the changing needs of its customers would therefore be supported. As the proposal would also positively support the function of Saltcoats town centre as a place that serves the wider three towns community and because planning conditions could ensure the compatibility of the proposed beer garden with other neighbouring uses, the proposal would also meet the detailed requirements of Policy 3 of the LDP on Town Centres & Retail.

There are no other material considerations. As such, planning permission should be granted.

Decision

Approved subject to Conditions

Case Officer - Mr Marc Miller

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Proposed Plan		
Location Plan		

The Elms, 21-23, Raise Street, Saltcoats, Ayrshire, KA21 5JX



Site Plan shows area bounded by: 224809.05, 641378.88 224950.47, 641520.3 (at a scale of 1:1250), OSGridRef: NS24874144. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997
APPROVED
James H Miller
CHIEF DEVELOPMENT MANAGEMENT OFFICER
SUBJECT TO CONDITIONS



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

No N/21/01150/PP

(Original Application No. N/100507299-001)

CONDITIONAL PLANNING PERMISSION

Type of Application: Local Application

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS
2013

To : Trust Pubs Ltd Fao Mr Joseph Fitzpatrick
The Elms
21 - 23 Raise Street
Saltcoats
Ayrshire
KA21 5JX

With reference to your application received on 1 December 2021 for planning permission under the above mentioned Acts and Orders for :-

Formation of beer garden to rear of public house

at The Elms
21 - 23 Raise Street
Saltcoats
Ayrshire
KA21 5JX

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby grant planning permission, in accordance with the plan(s) docketted as relative hereto and the particulars given in the application, subject to the following conditions and associated reasons :-

- | | | |
|-----------|----|---|
| Condition | 1. | That the use of the beer garden hereby approved shall not operate outside the hours of 6pm and 10pm on Monday to Fridays, 16.30pm and 10pm on Saturdays and 1pm and 10pm on Sundays without the written approval of North Ayrshire Council as planning authority. |
| Reason | 1. | To minimise noise disturbance to the neighbouring health centre and nearby residential properties. |
| Condition | 2. | That the use of the beer garden hereby approved shall not operate after a period of 12 months from the decision date of this application without the written approval of North Ayrshire Council as planning authority. |
| Reason | 2. | In recognition of the uncertain impact of the development on nearby noise sensitive properties and to provide a period for these impacts to be monitored by North Ayrshire Council as planning authority. |
| Condition | 3. | That full details of the boundary treatments shall be submitted for the written approval of North Ayrshire Council as planning authority. The agreed details shall be implemented prior to the first use of the beer garden hereby approved and shall be maintained in perpetuity unless otherwise agreed in writing with North Ayrshire Council as planning authority. |
| Reason | 3. | In the interests of visual quality and to ensure that users of the beer garden hereby approved shall continue to be screened from users of the neighbouring health centre. |

Reason(s) for approval 1. The proposal complies with the relevant provisions of the current adopted Local Development Plan and there are no other material considerations that indicate otherwise. This is determined following an assessment which has had regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

Dated this : 27 January 2022

The Elms 21 - 23 Raise Street Saltcoats Ayrshire KA21 5JX

No N/21/01150/PP



.....
for the North Ayrshire Council

The Elms 21 - 23 Raise Street Saltcoats Ayrshire KA21 5JX

No N/21/01150/PP

Drawings relating to decision

Drawing Title	Drawing Reference	Drawing Version
Proposed Plan		
Location Plan		

(See accompanying notes.) (The applicant's attention is particularly drawn to note 5 (limit of duration of planning permission))



NOTIFICATION OF INITIATION OF DEVELOPMENT

Please return notice when you intend to commence development

27 January 2022

TO:

Enforcement Officer
 Planning Services
 Cunninghame House
 Irvine
 North Ayrshire
 KA12 8EE

Our Ref: N/21/01150/PP

Decision: Approved subject to Conditions

Decision Date: 27 January 2022

DETAILS OF APPLICANT AND/OR DEVELOPER	DETAILS OF OWNER	DETAILS OF AGENT IF APPLICABLE

Description of Development: Formation of beer garden to rear of public house

Location of Development: The Elms 21 - 23 Raise Street Saltcoats Ayrshire KA21 5JX

Date when work commences: _____

Signed: _____

Applicant/Agent* _____

* Delete where applicable

Please read the following and retain for your information.

1. Work must be carried out in accordance with the relevant docquetted plans and any conditions on the decision notice.
2. A grant of Planning Permission does not authorise work under the Building (Scotland) Act 2003.
3. A separate Building Warrant may be required. Please contact (01294) 324348 to ascertain the need for a warrant.
4. Should the docquetted plans not correspond with what you intend to construct/build, you must seek the Authority of the Council before proceeding.
5. If the development you intend to undertake is either a national or major development and of a type specified in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 you will be required to display a site notice.



NOTIFICATION OF COMPLETION OF DEVELOPMENT

Please return notice when you have completed the development

27 January 2022

TO:

Enforcement Officer
 Planning Services
 Cunninghame House
 Irvine
 North Ayrshire
 KA12 8EE

Our Ref: N/21/01150/PP

Decision: Approved subject to Conditions

Decision Date: 27 January 2022

DETAILS OF APPLICANT AND/OR DEVELOPER	DETAILS OF OWNER	DETAILS OF AGENT IF APPLICABLE

Description of Development: Formation of beer garden to rear of public house

Location of Development: The Elms 21 - 23 Raise Street Saltcoats Ayrshire KA21 5JX

Date when works complete: _____

Signed: _____

Applicant/Agent* _____

*Delete where applicable

Please read the following and retain for your information.

1. Work must have been carried out in accordance with the relevant docquetted plans and any conditions on the decision notice.
2. A grant of Planning Permission does not authorise work under the Building (Scotland) Act 2003.
3. A separate Building Warrant may be required. Please contact (01294) 324348 to ascertain the need for a warrant.
4. Should the docquetted plans not correspond with what you intend to construct/build, you must seek the Authority of the Council before proceeding.
5. If the development you intend to undertake is either a national or major development and of a type specified in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 you will be required to display a site notice.



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

NOTICE TO BE DISPLAYED WHILE DEVELOPMENT IN PROGRESS

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS
2013 – REGULATION 41

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

Development at: The Elms 21 - 23 Raise Street Saltcoats Ayrshire KA21 5JX

Approved on 27 January 2022 by North Ayrshire Council for planning reference number 21/01150/PP

Notice is hereby given that planning permission has been granted subject to conditions

Developer Name: _____

Developer Address: _____

The development comprises of Formation of beer garden to rear of public house

Further information regarding the planning permission including the conditions, if any, on which it has been granted can be obtained online at www.eplanning.north-ayrshire.gov.uk/OnlinePlanning/

North Ayrshire Council
Planning Services
Cunninghame House
Irvine
KA12 8EE

General Enquiries: 01294 324319



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS
2013 – REGULATION 28

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

FORM 2

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.