
NORTH AYRSHIRE COUNCIL

Planning Committee

Locality	Three Towns
Reference	22/00216/PP
Application Registered	24th March 2022
Decision Due	24th May 2022
Ward	Saltcoats

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

Location	16-18 Dockhead Street Saltcoats Ayrshire KA21 5EG
-----------------	---

Applicant	Albion Douglas Ltd Fao Mr Ewan McLaughlin
------------------	---

Proposal	Removal of condition 1 of planning permission 21/00233/PP to allow permanent use of the external seating area to the rear of the public house
-----------------	---

1. Description

Permission is sought for the deletion of Condition No. 1 of a planning permission (ref. 21/00233/PP), which permitted the use of an area to the rear of a public house as a beer garden associated with the public house.

At the meeting on 19th May 2021, the Planning Committee granted planning permission, subject to conditions, which included Condition No. 1, which states, that the use of the land, hereby approved, shall cease and all tables and chairs be removed by 20th May 2022, all to the satisfaction of North Ayrshire Council, as Planning Authority. The reason for the conditions was in recognition of the potential noise nuisance which could be generated by such a use, and to allow the use to be reassessed.

The public house is located on the southern side of Dockhead Street. There are other commercial properties to either side on Dockhead Street with flatted properties above. The application site is located between the rear (south) of the public house building and the north side of Dockhead Place. The application site is some 122sqm in area, including an existing terrace. Seats for a maximum of 67 persons would be provided. The western boundary of the site is the blank wall of a rear extension of No. 20-24 Dockhead Place. To the east of the site is the rear yard of No. 5-11 Quay Street. Across Dockhead Place to the

south at a distance of some 8m are the rear gardens of flats at No. 15 Quay Street and No. 1 and 3 The Braes. The rear elevations of those buildings are between some 18m and 28m distant.

The application site would be used for external seating. A 2.5m high palisade fence with a recessed gate has been erected on the southern boundary with Dockhead Place. An external covered terrace already exists within the site. Planning permission was granted retrospectively (ref: 06/00401/PP) in 2006 for use as a terrace associated with the public house.

It is understood the area has been used at points during the Covid emergency period for outdoor drinking. During 2020 the use of the area for consumption of drink was granted temporary licenses by the Council, as Licensing Authority. The Licensing Committee granted a permanent license for the use of the area in March 2021.

The site is identified in the Adopted North Ayrshire Council Local Development Plan (the LDP) as part of the town centre of Saltcoats. The proposal requires to be assessed against Strategic Policy 1: Towns and Villages Objective, Strategic Policy 2: Placemaking and Policy 3: Town Centres and Retail.

The Scottish Government has provided advice in respect of development arising during the Covid period, which runs until 30th September 2022. The advice states that "in the main, the most appropriate, straightforward and efficient way planning authorities can allow for reasonable temporary changes is by informally relaxing planning controls; particularly by using their discretion not to take enforcement action against planning breaches that are acceptable in the current circumstances."

Relevant Development Plan Policies

SP1 - Towns and Villages Objective **Towns and Villages Objective**

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North

Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.

c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.

d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.

e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:

o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).

o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.

f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

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:

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.

2. Consultations and Representations

Neighbour notification was carried out and the application advertised in the press. No objections have been received.

NAC Environmental Health - expressed reservations in respect of the application in 2021 regarding the potential for noise. However, there are no objections to the current proposal.

Response: Noted. Planning permission was granted for a temporary period to allow the Council, as Planning Authority, in consultation with Environmental Health to assess the appropriateness of a permanent permission. Environmental Health would retain the ability to control any statutory nuisance under their powers.

3. Analysis

The Town and Country Objective of Strategic Policy 1 states that the Council will support the social and economic functions of town centres. Strategic Policy 2 states that proposals should respect the amenity of existing and future users in terms of factors including noise. Policy 3 states that appropriate development within town centres has the potential to

improve their vitality and vibrancy. In principle support will be given to development which is of an appropriate scale for the town centre.

It is considered that allowing the retention of the use would support the operation of an existing town centre use and therefore support the social and economic function of Saltcoats town centre. The development is relatively small in scale being contained within an existing yard to the rear of the existing public house. As such it is considered the proposal accords with Strategic Policy 1 and Policy 3 of the LDP.

A fence has been erected to enclose the yard. Details of the fence were required by condition of the previous permission, which was found to be acceptable. A condition could be added to any further permission requiring the fence to be retained in the interest of visual amenity.

The main issue is considered to be the potential noise impact arising from the use. One objection was received on the previous application on the grounds that noise disturbance would occur. The previous permission was granted for one year so that noise could be reassessed. The Council, as Planning Authority, has not received any complaints about the use during the past year. Environmental Health has not reported any complaints and has no objections to this application. Environmental Health would retain the ability to control any statutory nuisance under their powers.

It is considered that a permission without a time limit be granted, subject to a condition requiring retention of the fence, would accord with Strategic Policy 2 of the LDP.

It is therefore recommended that planning permission be granted subject to such a condition.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That boundary fence and gates shall be retained in perpetuity to the satisfaction of North Ayrshire Council, as Planning Authority.

Reason

To ensure an appropriate boundary enclosure in the interest of the visual amenity of the area.

James Miller
Chief Planning Officer

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.

