

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 02 JUNE 2006

**06/0092/FL: PROPOSED FORMATION OF BEER GARDEN TO FRONT OF
BAR ENTRANCE
AT MEMORY LANE, 10 BONNYTON ROAD, KILMARNOCK
BY MR FRANK MCEWAN**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the formation of a beer garden to the frontage of the public bar. The proposals include a seating area for approximately 7 tables, a canopy area immediately adjacent the main entrance doors to the pub and a disabled access ramp. The beer garden is proposed to be enclosed by a 1.2 metre high facing brick wall with 800 mm glass/polycarbonate panels above. It is proposed to attach a fibreglass canopy to the gable wall of the adjacent 2-storey building.

2. RECOMMENDATION

2.1 **It is recommended that the application be approved, subject to the conditions on the attached sheet.**

3. CONCLUSIONS

3.1 It is considered that the proposal is consistent with the Adopted Local Plan and therefore the application should be approved unless material considerations indicate otherwise.

3.2 As is indicated in Section 6 of the report, there are material considerations relevant to this application. The concerns of Bonnyton Community Council, whilst noted, are not considered to be of sufficient weight to justify a refusal of this application. Their concerns are not supported by East Ayrshire Council's Roads and Transportation Division and Strathclyde Police, both of which have no adverse comments to make on the proposed development. In terms of the area's amenity, the Environmental Health Division have no objections and the proposal is subject to separate control under the Licensing Board. Furthermore the development has been designed to minimise its impact on adjacent residential

properties both by the provision of screen walls visually and in terms of noise and disturbance.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, it will not require to be referred to the Development Services Committee as there would be no significant breach of policy.

Alan Neish
Head of Planning, Development and Building Standards

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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Report by Head of Planning, Development & Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises the single storey Memory Lane Public House and its curtilage, situated on Bonnyton Road, Kilmarnock. The building is finished in stone and has a slate roof. The frontage of the public house comprises an area of approximately 95 sq metres which is generally level and provides a footpath access to the main entrance of the public house. The remainder of the frontage is covered with red chips. To the north of the application site is the Morrisons Supermarket, to the south there are a number of lock-up garages with the rear gardens of the dwellinghouses at North Hamilton Place beyond. To the east of the application site is a taxi office operated by Thistle Cabs with terraced single storey bungalows beyond. To the west of the application site is the Kadikoi public house which is situated within a red sandstone tenement block, with flats on the first floor.

2.2 **Proposed Development:** Full planning permission is sought for the formation of a beer garden to the frontage of the public bar. The proposals include a seating area for approximately 7 tables, a canopy area immediately adjacent the main entrance doors to the pub and a disabled access ramp. The beer garden is proposed to be enclosed by a 1.2 metre high facing brick wall with 800 mm glass/polycarbonate panels above. It is proposed to attach a fibreglass canopy to the gable wall of the adjacent 2-storey building.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Environmental Health and Waste Management Division have no objections to the proposed development.

Noted.

3.2 Strathclyde Police have verbally advised they now have no objections to the proposed development subject to the applicant installing CCTV to enable the beer garden to be monitored by bar staff.

A condition can be attached to any grant of planning permission with regard to the installation of CCTV. The applicant has indicated that they would have no objections.

3.3 Bonnyton Community Council object to the proposals on the following grounds:

- Detrimental to visual amenity;
- Detrimental to the environment and public health;
- Detrimental to road safety;
- Loss of amenity to nearby properties;
- Drinking in the open alongside a public footpath makes a mockery on the ban on drinking in public.

Strathclyde Police and East Ayrshire Council's Roads Division have no objections to the proposed development, whilst the East Ayrshire Council's Licensing Section intend to issue a licence for the proposed use subject to a grant of planning consent, and consequently have no objections to the proposals. In relation to the Community Council's view that the proposals would be detrimental to visual amenity, it is considered that the design of the boundary walls is in keeping with the immediate vicinity and as such the proposed boundary walls will reduce the visual impact of the disabled access ramps and, to a degree, the activities within the beer garden. In relation to the Community Council's concerns of a loss of amenity to nearby properties resulting from the proposed development, the immediate vicinity is already characterised by commercial properties such as Memory Lane and The Kadikoi Public House, Thistle Cabs taxi office and Morrisons Supermarket. No third party objections have been received in relation to the proposed development from neighbouring residential properties.

4. REPRESENTATIONS

4.1 There is one objection to the proposed development from Bonnyton Community Council which is detailed in Section 3.2 of the report.

4.2 Two third party letters were received in support of the application. They state the proposals will be aesthetically pleasing, be of benefit to the 62 apartments at Barclay House and will improve the local area. They also add that the premises are well respected and they note the proprietor is a great supporter of charity functions throughout the Bonnyton and Kilmarnock area.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (1999) and the Adopted East Ayrshire Local Plan (EALP).

Adopted Ayrshire Joint Structure Plan

5.2 There are no specific policies within the Ayrshire Joint Structure Plan relevant in the determination of this application.

Adopted East Ayrshire Local Plan (EALP)

5.3 Policy RTC 5 considers proposals for public houses to be acceptable subject to compliance with criteria, including that there be no detrimental effect on the amenity of adjacent properties.

Subject to the application of conditions, it is considered that the proposal will not adversely affect neighbouring properties.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultations and representations received which are detailed in Sections 3 and 4 of the report.

Consultations and Representations

6.2 The consultations and representations received are addressed in Sections 3 and 4 of the report. The concerns of the Community Council are not sufficient

to justify a recommendation of refusal. Their concerns are not echoed by Strathclyde Police or East Ayrshire Council's Roads and Transportation Division. The development is proposed in a mixed use area with commercial and residential uses located in close proximity. The development involves the expansion of an existing public house and it has been designed to minimise its impact on the surrounding area and residential properties.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application.

8. CONCLUSIONS

8.1 It is considered that the proposal is consistent with the Adopted Local Plan and therefore the application should be approved unless material considerations indicate otherwise.

8.2 As is indicated in Section 6 of the report, there are material considerations relevant to this application. The concerns of Bonnyton Community Council, whilst noted, are not considered to be of sufficient weight to justify a refusal of this application. Their concerns are not supported by East Ayrshire Council's Roads and Transportation Division and Strathclyde Police, both of which have no adverse comments to make on the proposed development. In terms of the area's amenity, the Environmental Health Division have no objections and the proposal is subject to separate control under the Licensing Board. Furthermore the development has been designed to minimise its impact on adjacent residential properties both by the provision of screen walls visually and in terms of noise and disturbance.

9. RECOMMENDATION

9.1 It is recommended that the application be approved, subject to the conditions on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, it will not require to be referred to the Development Services Committee as there would be no significant breach of policy.

Alan Neish
Head of Planning Development and Building Standards

24 May 2006
(BD/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letters of Support.
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan

Anyone wishing to inspect the above papers please contact Barry Douglas on (01563) 576770.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Site of Proposal: 10 Bonnyton Road
KILMARNOCK
KA1 2QS

Nature of Proposal: Proposed Formation of Beer Garden to Front
of Bar Entrance

Name & Address of Applicant: Frank McEwan
10 Bonnyton Road
KILMARNOCK
KA1 2QS

Name & Address of Agent:

DPOs Reference: BD/MMM

The above FULL application should be approved subject to the following conditions:-

1. The proposed development shall be carried out in accordance with the application form received on 13 January 2006 and the amended plans received by the Planning Authority on 28 April 2006.

REASON To ensure the development is carried out in accordance with the approved details

2. Notwithstanding the approved plans, details and samples of the proposed external materials to be utilised in the formation of the beer garden and erection of boundary wall, glass/polycarbonate panels canopy and disabled ramp shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented as approved thereafter.

REASON In the interests of visual amenity

3. Notwithstanding the approved plans the proposed beer garden shall not be brought into use until a CCTV camera monitoring system is installed and brought into use to allow staff within the public house to overlook the

unsupervised area. The proposed beer garden shall be supervised at all times when in use.

REASON In the interests of public safety.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**