

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 03 FEBRUARY 2006

**05/1050/FL: FORMATION OF COURTYARD
AT BRASS AND GRANITE, 55 GRANGE STREET, KILMARNOCK
BY BELHAVEN PUBS DIVISION**

Report by Head of Planning, Development and Building Standards

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The applicants propose to remove the roof from a section of the existing building that is currently used as an office to create a courtyard area. The courtyard area will be approximately 14 square metres in area. Alterations are also proposed to the front elevation of this section of the building. These include the removal of the existing windows and the installation of wrought iron grills and coping stones to the top of the retained brick pillar.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report the development site is located within the Town Centre boundary, as defined by the East Ayrshire Local Plan. As such, the proposed development of a courtyard at this location meets with the provisions of Policy RTC 2, in terms of suitable developments within the Town Centre. It is also considered that the proposed development would not have an adverse effect on the neighbouring properties or on the amenity of the area.

3.2 As indicated in Section 6, there are no material considerations, in relation to this site that hold such weight as to warrant refusal of this application.

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 the application will not require to be referred to the Development Services Committee because there would be no significant breach of Council 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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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 objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located at 55 Grange Street, Kilmarnock. The site is currently occupied by the Brass and Granite Public House. The site is within the Town Centre of Kilmarnock, as defined by the adopted East Ayrshire Local Plan.

2.2 The site is surrounded by properties in a variety of uses. Immediately adjacent to the premises to the north is another public house, 'Macks Bar', to the north-west is the Old Irvine Road Surgery, to the south is Moss Pharmacy and Pugh and Partners Doctor Surgery. The uses on the opposite side of Grange Street include a car park, a bowling alley and public bar and a car tyre and exhaust centre.

2.3 **Proposed Development:** The applicants propose to remove the roof from a section of the existing building that is currently used as an office to create a courtyard area. The courtyard area will be approximately 14 square metres in area. Alterations are also proposed to the front elevation of this section of the building. These include the removal of the existing windows and the installation of wrought iron grills and coping stones to the top of the retained brick pillar.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objections to the proposal.

Noted.

3.2 Historic Scotland has no objections to the proposal.

Noted.

3.3 West of Scotland Archaeology Service has no objections to the proposal.

Noted.

3.4 Bonnyton Community Council has not responded to their consultation to date.

Noted.

4. REPRESENTATIONS

There has been one objection received in relation to this application. The grounds of objection stated are:-

4.1 Concerns over the potential noise which may arise from the site.

The development site is currently part of the existing public house, although it is currently used as office accommodation. The removal of the roof and the creation of the courtyard would create 14 square metres of external space. This coupled with the fact there are no residential properties in the vicinity raises no concerns regarding noise disturbance as a result of this application.

4.2 Concerns over the proximity to the patient consulting rooms at Old Irvine Road Surgery.

As stated above, the proposed courtyard is already in use as an office. As such the courtyard will be no closer to Old Irvine Road Surgery than the existing office. It should also be noted that the existing kitchen is not proposed to be re-positioned and will still be in existence behind the courtyard, and between the public house and the Old Irvine Road Surgery.

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 be 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 and the Adopted East Ayrshire Local Plan (EALP).

Ayrshire Joint Structure Plan

5.2 There are no applicable Structure Plan policies in this instance.

Adopted East Ayrshire Local Plan

5.3 Policy RTC 2 states that the types of development detailed in Schedule 5 of the Local Plan will be considered acceptable, in principle, within town centres. Schedule 5 of the Local Plans indicates that Public Houses would in principle be acceptable in town centre locations.

As the proposed development is creating a courtyard and essentially extending the floorspace of the public house, it is considered that it meets with the provisions of Policy RTC 2.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation replies detailed in Section 3 of the report and the objections received detailed in Section 4 and the impact on the amenity of the area.

Consultation Responses and Representations Received

6.2 There were no adverse comments received from any consultees.

6.3 The issues raised by the objector, of potential noise and proximity to patient consulting rooms, are not considered to hold such weight as to warrant refusal of this application. As detailed above, the area is predominantly non-residential in nature and the development is not considered to be of a scale that would create a noise disturbance issue to the neighbouring businesses or adversely affect the amenity of the area. The specific site of the proposed works is separated from the doctors' surgery by the existing kitchen area of the public house.

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 As indicated in Section 5 of the report the development site is located within the Town Centre boundary, as defined by the East Ayrshire Local Plan. As such, the proposed development of a courtyard at this location meets with the provisions of Policy RTC 2, in terms of suitable developments within the Town Centre. It is also considered that the proposed development would not have an adverse effect on the neighbouring properties or on the amenity of the area.

8.2 As indicated in Section 6, there are no material considerations, in relation to this site that hold such weight as to warrant refusal of this application.

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 the application will not require to be referred to the Development Services Committee because there would be no significant breach of Council policy.

Alan Neish
Head of Planning, Development and Building Standards

26 January 2006
(FC/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plan.
2. Consultation Replies.
3. Letter of Representation.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.

Anyone wishing to inspect the above papers please contact Fiona Campbell, Planning Officer, on 01563 576787.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/1050/FL

Site of Proposal: Brass and Granite
55 Grange Street
KILMARNOCK
KA1 2DD

Nature of Proposal: Proposed to Form New Courtyard Area

Name & Address of Applicant: Belhaven Pubs Division
Atrium House
6 Back Walk
STIRLING
FK8 2QA

Name & Address of Agent: MGP Architects
Cathcart House
20 Cathcart Street
AYR
KA7 1BJ

DPOs Reference: FC/MMM

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

1. Notwithstanding the plans hereby approved, samples of the coping stone and wrought iron grill to be used in the construction of the courtyard, shall be submitted to and approved in writing by the Planning Authority prior to any development commencing on site.

REASON In the interests of the visual amenity of the area.

**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.**