

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 28 APRIL 2006

**06/0057/FL: PROPOSED EXTENSION TO FUNCTION SUITE AND
FORMATION OF BRIDAL SUITE AND CHANGE OF USE OF LAND AND
ALTERATIONS TO CAR PARK AND FORMATION OF LANDSCAPED AREA,
RAILWAY HOTEL, MAIN STREET, AUCHINLECK**

APPLICATION BY MR. JOHN CAMPBELL

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full permission is sought for the erection of two storey extension to the rear of the existing hotel premises to form an extension to the existing function suite on the ground floor and for the formation of a new bridal suite on the first floor providing a full accommodation suite including a lounge, small kitchen, bedroom and bathroom. The extension also incorporates a fire escape exit from the suite. The extended function suite will provide an additional 180 square metres of floor space with a servery and bar facility and will provide the main access to the bridal suite. Externally, the new extension will be finished in a render to match the existing finish of the hotel premises with roof tiles also to match.

1.2 Other external alteration proposed to the hotel premises includes the re-opening of an existing blocked up doorway on the north west elevation adjacent to the access road to the hotel car park. This together with the erection of a 1.8 metres high enclosing fence and small canopy will be used to provide an external smoking area to serve the hotel premises.

1.3 With the acquisition of the former Auchinleck Primary School site, the applicant proposes to change the use of the land to allow for extended and revised car parking arrangements for the hotel premises. This also involves the formation of a new landscaped garden area located immediately to the rear of the proposed new extension. This includes the provision of footpaths a pond and ornamental bridge, together within seating areas.

1.4 The revised car parking arrangements, primarily located within the site of the former school, will provide parking for 69 cars. It is proposed to enclose the area by the erection of a 2.4 metres high rendered boundary wall extending along School Road and along the rear of residential properties on Sorn Road and Main Street. Access to the car park will be via the existing hotel access road located on Main Street.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As indicated in Section 5 of the report, there are no particular policies especially relevant to the proposed development and therefore greater weight should be given to the material considerations relevant to the development. As is indicated in section 6 of the report, there are material considerations relevant to the proposal.

3.2 The consultation responses do not indicate that the application should be refused and the design, scale and use of finishing materials in the proposed extension are considered acceptable. The provision of additional, altered car parking arrangements, the construction of the new boundary walls and formation of the landscaped garden area are, subject to appropriate conditions, considered to be appropriate in this instance.

3.3 The representations received demonstrate a level of concern regarding the impact on residential amenity, mainly due to conduct of patrons frequenting the hotel premises. It is considered that many of these concerns are public order and policing matters or are issues that could be addressed by the Licensing Authority. It is not considered that the proposed extension to the existing hotel premises, or the provision of the landscaped garden area and altered car parking arrangements would have such additional significant impacts to merit refusal of the 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 it would not represent a departure from the development plan.

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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APPLICATION BY MR. JOHN CAMPBELL

Report by Head of Planning, Development and 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 the application is subject to letters of objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located on the north side of Main Street in Auchinleck, some 90 metres east of the junction of Main Street with Sorn Road and lies on the south west side of School Road, immediately opposite the junction of School Road with Lambfair Gardens. The site comprises the existing two storey hotel building at this location and its curtilage, together with land forming the site of the former Auchinleck Primary School.

2.2 The site is bounded to the north west by existing residential properties on Main Street and Sorn Road, to the north east by residential properties on School Road to the south west by Main Street itself and to the south east by Auchinleck Indoor Bowling Green and residential properties. The site is relatively level, and the former school site is now vacant, the former listed school building having been demolished and the site cleared.

2.3 **Proposed Development:** Full permission is sought for the erection of two storey extension to the rear of the existing hotel premises to form an extension to the existing function suite on the ground floor and for the formation of a new bridal suite on the first floor providing a full accommodation suite including a lounge, small kitchen, bedroom and bathroom. The extension also incorporates a fire escape exit from the suite. The extended function suite will provide an additional 180 square metres of floor space with a servery and bar facility and will provide the main access to the bridal suite. Externally, the new extension will be finished in a render to match the existing finish of the hotel premises with roof tiles also to match.

2.4 Other external alteration proposed to the hotel premises includes the re-opening of an existing blocked up doorway on the north west elevation adjacent to the access road to the hotel car park. This together with the erection of a 1.8 metres high enclosing fence and small canopy will be used to provide an external smoking area to serve the hotel premises.

2.5 With the acquisition of the former Auchinleck Primary School site, the applicant proposes to change the use of the land to allow for extended and revised car parking arrangements for the hotel premises. This also involves the formation of a new landscaped garden area located immediately to the rear of the proposed new extension. This includes the provision of footpaths a pond and ornamental bridge, together within seating areas.

2.6 The revised car parking arrangements, primarily located within the site of the former school, will provide parking for 69 cars. It is proposed to enclose the area by the erection of a 2.4 metres high rendered boundary wall extending along School Road and along the rear of residential properties on Sorn Road and Main Street. Access to the car park will be via the existing hotel access road located on Main Street.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has no objection to the proposed development subject to conditions. The 69 car parking spaces must be provided to serve the development. The proposed car parking bays shall require to be a minimum of 2.5 metres by 4.8 metres and the aisle width shall be a minimum of 6 metres. Access to and from the site shall require to be taken in forward gear. Appropriate drainage must be provided for the development car park and no surface water shall be allowed to discharge onto the public road.

Conditions can be attached to any consent granted for the proposed development to meet the requirements of the Roads and Transportation Division.

3.2 Scottish Water has no objections to the proposed development.

Noted.

3.3 Power Systems and Transco have no objections in principle to the proposed development.

Noted.

3.4 Auchinleck Community Council has not responded to the consultation letter.

Noted.

3.5 The Scottish Environment Protection Agency states that it has no objections in principle to the proposals provided the drainage arrangements are to its satisfaction. All foul drainage from the development site must be connected to the public sewerage system in accordance with Scottish Water requirements. The development must not entail the use of dual manholes for connections to the existing sewage system, either in the public sewers or within the curtilage of the development. It is noted that no reference has been made to the management of surface water from the car park. It is also unclear if the pond will constitute part of a sustainable urban drainage system. SEPA request a condition requiring the applicant to install a surface water treatment system designed and constructed in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual published by CIRIA.

A note can be attached to any consent granted for the proposed development to advise the applicant to make early contact with SEPA regarding the drainage of the site and the use of SUDS.

3.6 East Ayrshire Legal Services Division advises that the Council sold part of the application site to a firm in November 2002 and the title granted at that time included a title condition to the effect that the property was to be used in all time coming for the purposes of a business centre only and for no other purpose whatsoever except with the Council's prior written consent. The current owner has been reminded of this condition and in the event of planning permission being granted for this alternative use, he will require to apply to the Council to have this title condition either waived or discharged.

Noted.

4. REPRESENTATIONS

4.1 A total of five individual letters of representations from five signatories have been received objecting to the proposed development. A petition with a total of 17 signatories (including the signatories of the individual letter writers) has also been received objecting to the proposed development. The letters and petition basically contain the same points of representation in objecting to the proposed development. The points of objection are summarised as follows:

4.2 As neighbours to the hotel we have experienced regular anti-social behaviour at night time and also during periods during the day at weekends from patrons who have been using the premises for drinking and social functions. I feel that this disrupts the quality of my life and infringes on my time and privacy in my own home. Men urinating in the street is commonplace. Our children are woken up by abusive chanting and swearing.

It is considered that the conduct of patrons outwith the hotel premises is a matter of policing. The use of the premises as a licensed hotel and function hall has existed for some considerable time and it is not considered that the development proposed in itself

would have any substantial additional impact on nearby residential properties.

4.3 In relation to the extension of the function suite, there are concerns that the hotel already has difficulty in managing crowds that attend functions, specifically at points in the evening when people leave the premises or have cause to be outside. Residents have often witnessed fighting, injuries and general noisy and rowdy behaviour on the street. To increase the capacity of the function suite would inevitably mean an increase in people attending functions. This behaviour can continue until after 2:00 am. There are concerns that the some of our older citizens may become the victims of more anti-social behaviour.

While the proposed extension will result in a potential increase in terms of capacity in functions catered for, it is not considered that this would result in any significant adverse impact on the neighbouring residential properties. Again, the conduct of patrons outwith the premises is essentially a policing matter. Further, it is for the Council as Licensing Authority to consider, in the grant of any license, the management of the facility in terms of managing the conduct of patrons.

4.4 There are concerns about the effects that an outside smoking area would have on bringing the behaviour of people who are often drunk and noisy outside at a location that is very near residential properties.

The proposed smoking area is very small and will be screened by a 1.8 metres high fence. It is not considered that this would result in any adverse impact on neighbouring properties either by noise, litter or anti-social behaviour. The objectors' property is already screened from the existing hotel premises by a 1.2 metres high vertical timber fence.

4.5 As an Auchinleck resident, I welcome the initiatives that help to regenerate the village and local community. I do not wish to stand in opposition to positive developments, I do not view the overall results as one that will generate positive effects and outcomes for the local environment and community. Auchinleck needs thoughtful and responsible developments that serve and benefit the community.

Noted.

4.6 The erection of the proposed wall on School Road would be an unsightly addition to the area. This would have a depressing effect upon the residents and environment of School Road and is unacceptable to all of us for that reason.

It is agreed that the proposed wall at 2.4 metres in height could present as a bland, oppressive feature. However it is considered that a more pleasing feature could be achieved by the introduction of some decorative features introduced into the construction of the

wall. This can be achieved by the imposition of a condition in any consent granted for the proposed development. It is noted however that there are no objections to the proposed development from any residents living in School Road.

4.7 Driveways are blocked as coaches disembark and load passengers.

It is considered that the issue raised by the objectors' is a temporary inconvenience rather than a reason to merit refusal of the application. It is also noted that the Roads Division have no adverse comments.

4.8 The proposed development will result in noise pollution, air pollution and increased litter. All these issues put together may bring about changes that concern wildlife, birds trees and any surrounding green are.

It is not considered that the proposed development will result in any significant impacts on the environment or wildlife in the locality. The introduction of a large landscaped garden area may in fact present positive benefits to wildlife and birds in terms of providing new habitat areas.

4.9 The applicant has already removed part of the boundary fences on the common ground surrounding Searle Terrace without the permission of every person in the terrace. He will not, without direct permission from me, alter or destroy boundaries which relate directly to me at the top of my garden.

The issue of boundary fences is a legal matter between the applicant and respective legal owners.

4.10 On the current plans there is no fence separating my property from the car park. We have intended for a long time to erect a fence but have been unable to do so due to the level of graffiti and vandalism that currently goes on in the school grounds and likelihood that any fence would be destroyed. Should the plans go ahead I consider it the applicant's responsibility to erect a fence that would ensure his patrons could not use my garden as a shortcut to and from the Main Street.

The applicant has clarified that it is his intention to extend the proposed wall along the rear gardens of the adjoining residential properties which would prevent the issues raise by the objector from occurring.

4.11 The proposed landscaped garden should be rejected. It would inevitably be an area for wedding parties to congregate as they arrive for functions. The noise levels this would generate would be intolerable in a residential area.

The hotel premises are located within an area of mixed uses in close proximity to both residential and other commercial activities

normally found within the central areas of towns and villages. The proposed landscaped garden area presents as an attractive feature enhancing the facilities already available within the hotel site. It is not considered that the proposal will impact significantly on the adjoining residential properties.

4.12 I have grave concerns regarding the safety of patrons who frequent the public houses in this area. I have personally rendered first aid on at least four occasions to individuals who have been involved in road traffic accidents. If the hotel is allowed to expand, there is a possibility that these accidents may be on the increase.

Noted.

4.13 I would request that a barrier of some kind e.g. flower beds be erected between the boundary wall at the back of my property and the proposed car park.

The landscaping plan submitted does not show any of the car parking area located directly adjacent to the application site boundary, with grassed verges located round the perimeter of the parking 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 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 policies in the Structure Plan especially relevant to the proposed development.

Noted.

East Ayrshire Local Plan

5.3 There are no policies in the Local Plan that particularly apply to this proposal. However, it is considered that the extension is of a scale and design appropriate to the existing building. There are no objections to this proposal from a planning policy perspective as the scale, mass and design are in keeping with the original property and the extension is of a suitable size.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and the representations received.

Consultation Responses

6.2 None of the consultation responses have raised any issues which would indicate that the application should be refused although a number of issues would require to be resolved. These could be addressed either through conditions or appropriate notes attached to any consent granted for the proposed development.

Representations

6.3 The representations received demonstrate a level of concern regarding the impact on residential amenity, mainly due to conduct of patrons frequenting the hotel premises. It is considered that many of these concerns are public order and policing matters or are issues that could be addressed by the Licensing Authority. It is not considered that the proposed extension to the existing hotel premises, or the provision of the landscaped garden area and altered car parking arrangements would have such additional significant impacts to merit refusal of the application.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application, however please note Paragraph 3.6 above.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report, there are no particular policies especially relevant to the proposed development and therefore greater weight should be given to the material considerations relevant to the development. As is indicated in section 6 of the report, there are material considerations relevant to the proposal.

8.2 The consultation responses do not indicate that the application should be refused and the design, scale and use of finishing materials in the proposed extension are considered acceptable. The provision of additional, altered car parking arrangements, the construction of the new boundary walls and formation of the landscaped garden area are, subject to appropriate conditions, considered to be appropriate in this instance.

8.3 The representations received demonstrate a level of concern regarding the impact on residential amenity, mainly due to conduct of patrons frequenting

the hotel premises. It is considered that many of these concerns are public order and policing matters or are issues that could be addressed by the Licensing Authority. It is not considered that the proposed extension to the existing hotel premises, or the provision of the landscaped garden area and altered car parking arrangements would have such additional significant impacts to merit refusal of the 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 it would not represent a departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

19 April 2006
HM/HM/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Letters of representations
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).

Anyone wishing to inspect the above background papers should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/0057/FL

Location	Railway Hotel 232 Main Street AUCHINLECK
Nature of Proposal:	Proposed extension to function suite and formation of bridal suite and change of use of land and alterations to car park and formation of landscaped area
Name and Address of Applicant:	Mr. John Campbell Afton View Rigg Road CUMNOCK
Name and Address of Agent	Thomson McCrea 9 old Bridge Street AYR

DPO's Ref:
PPO's Ref: Hugh Melvin

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

1. Prior to the commencement of development on site, the applicant shall submit to, and have approved by the Planning Authority, a detailed landscaping scheme for the car parking and landscaped garden areas. This scheme shall detail the types and numbers of trees and shrubs to be planted within the application site. The location of trees and shrubs shall be such as to provide additional screening and added security to residential properties located immediately adjacent to the application site.

REASON – In the interests of residential and visual amenity.

2. Prior to the commencement of development on site, the applicant shall submit to, and have approved by the Planning Authority details of additional features to be introduced into the proposed new wall located on the School Road boundary of the site such as to provide visual breaks and interest into the large expanse of the wall.

REASON – In the interests of residential and visual amenity.

3. Construction works on site shall not be carried out prior to 0800 hours or after 1700 hours on Mondays to Fridays, before 0800 hours or after 1300 hours on Saturdays, and not at any time on Sundays.

REASON – To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity.

4. Prior to the commencement of development the developer shall submit the details of the Sustainable Urban Drainage system (SUDs) to be installed and shall specify a programme for the future management and maintenance of the scheme.

REASON – To ensure an appropriate means of surface water runoff in the interests of public health and safety.

5. A total of 69 car parking spaces shall be provided and maintained to serve the development in accordance with the approved plans.

REASON – In the interests of amenity

6. The proposed car parking bays shall be a minimum of 2.5 metres by 4.8 metres and the aisle width shall be a minimum of 6 metres.

REASON – In the interests of amenity

7. Access to and from the site shall require to be taken in forward gear.

REASON – In the interests of public road safety

8. No surface water shall be allowed to discharge onto the public road.

REASON – In the interests of public road safety

9. Prior to the commencement of development on site, the applicant shall submit to and have approved by the Planning Authority, details of the screen fencing to be erected to form the proposed smoking area. The detail of the fence shall be such as to provide an acoustic barrier in order to minimise potential noise nuisance.

REASON – In the interests of residential amenity.

1. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site and to confirm the request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
2. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.
3. The applicant should make early contact with Power Systems and Transco with regard to the protection or diversion of apparatus that may be affected by the proposed development.
4. All waste to be removed from the site (construction waste etc.) shall be removed by a licensed waste carrier to an appropriately licensed or exempted site.

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PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**