

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 11 AUGUST 2006

**05/1129/OL: PROPOSED DEMOLITION OF EXISTING HOTEL AND
OUTLINE CONSENT FOR RESIDENTIAL DEVELOPMENT
AT THE CROWN HOTEL, CASTLE, NEW CUMNOCK
BY MR DAVID DICKINSON**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline consent is sought for residential development of the site. It is proposed to demolish the existing hotel premises and although it should be noted that planning consent is not required for its demolition.

1.2 No details of the proposed residential development in terms of layout, scale, design or number and types of dwellings have been provided at this stage as the application is in outline only.

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 application is not considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application. In this respect, the points of objection do not carry sufficient weight to indicate that the application should be refused.

3.2 The hotel is not a listed building nor does it lie within any conservation area. The older original building has been extensively altered over the years with more modern substantial extensions which dominate the older part of the premises. The building has no particular architectural merit and more recent alterations including installation of roller shutter doors on visible elevations means that it does not significantly contribute in any positive way to the

streetscape of The Castle. Demolition of the hotel premises would not in itself require to be the subject of an application for planning permission.

3.3 The applicant has not provided any information regarding the marketing of the property as a going concern. While the proposed development represents a minor breach of policy, the potential redevelopment of the site for residential purposes could assist in the revitalisation of The Castle in New Cumnock which is already characterised by a number of empty commercial properties including the Castle Hotel and the former Trotters building as well as the derelict Afton Dyers factory.

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 be a significant departure from 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 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 proposal is the subject of objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located on the west side of The Castle in New Cumnock and lies some 180 metres north of the junction of The Castle with Mossmark (A76/B741 junction). The site extends to approximately 0.3 hectare and comprises the site of the existing Crown Hotel premises. The site is bounded to the east by the A76 Trunk Road, to the north by the New Cumnock Martyr's Church, a category B listed building, to the south by the Nith Valley Co-operative store and to the west by open agricultural land forming Castle Meadows.

2.2 The site is level and the existing hotel premises consists primarily of a two storey building that has been extensively extended over the years and a large part of the premises comprises a single storey function hall. A car parking area is also present on site located to the north adjacent to the existing church building. A small electrical substation is also to be found at this location within the site.

2.3 **Proposed Development:** Outline consent is sought for residential development of the site. It is proposed to demolish the existing hotel premises and although it should be noted that planning consent is not required for its demolition.

2.4 No details of the proposed residential development in terms of layout, scale, design or number and types of dwellings have been provided at this stage as the application is in outline only.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has indicated that it has no objections to the proposed development.

Noted.

3.2 East Ayrshire Roads and Transportation Division (Flooding Section) states that the SEPA Flood Inundation Mapping indicates that the site will be affected in a 1 in 100 year flood event and therefore it will be necessary for the applicant to commission a Flood Risk Assessment which should be submitted for consideration. The FRA should be based on a flood event level suitable for the type of development but at least for a 1 in 200 year event. Pre and post inundation mapping should be included indicating depths and extent of inundation. Any proposed development will require to comply fully with SPP7 regarding the development of brownfield sites within the functional flood plain.

It is considered that the issues raised by the Flooding Section can be addressed by a condition imposed at this outline stage to ensure that a Flood Risk Assessment, appropriate to the detailed residential proposals for the site, can be submitted at the Reserved Matters stage, should outline consent be granted for the development.

3.3 The Scottish Executive Trunk Roads Network Management Directorate advises that the following conditions should be attached to any consent granted for the proposed development:

- (i) any consent granted shall be in outline only subject to the submission of detailed plans for the approval of the Planning Authority, after consultation with the Roads Authority;
- (ii) the proposed means of access to the trunk road shall be constructed to a layout and type (and method) of construction to be approved by the Planning Authority, after consultation with the Roads Authority, before the development is commenced;
- (iii) the visibility splays shall be provided and maintained on each side of the new access to the satisfaction of the Planning Authority. These splays are the triangles of ground bounded on two sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 90 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension;

- (iv) the new access to the site shall be formed and the existing access closed off before any works commence on site;
- (v) there shall be no drainage connections to the trunk road drainage system;
- (vi) the gradient of the access road shall not exceed 1 in 40 metres for a distance of 10 metres from the nearside edge of the trunk road carriageway, and the first 10 metres shall be surfaced in a bituminous surface and measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road;
- (vii) there shall be provided within the curtilage of the site the minimum number of parking spaces in accordance with local authority parking standards and an adequate and unobstructed turning area for both vehicles and service vehicles such that vehicles can enter and leave in forward gear.

Conditions can be attached to any consent granted in outline to meet the requirements of the TRNMD.

3.4 New Cumnock Community Council has objected to the proposed development on the grounds that the building is considered one of the oldest and most significant in the village and demolition of it as a public amenity would be extremely detrimental to the village. It does seem to be an extremely negative step for the village and objections would be raised to any subsequent applications for detailed planning permission. The Community Council strongly felt that the place should be sold as a going concern if the current owners have no further use for it.

It should be noted that planning consent is not required for the demolition of the hotel premises. While noting the concerns of the Community Council, the hotel is not a listed building nor does it lie within any conservation area. The older original building has been extensively altered over the years with more modern substantial extensions which dominate the older part of the premises. The building has no particular architectural merit and more recent alterations including installation of roller shutter doors on visible elevations means that it does not significantly contribute in any positive way to the streetscape of The Castle. The applicant has not provided any information regarding the marketing of the property as a going concern. However, the redevelopment of the site for residential purposes could assist in the revitalisation of The Castle in New Cumnock which is already characterised by a number of empty commercial properties including the Castle Hotel and the former Trotters building as well as the derelict Afton Dyers factory.

3.5 Power Systems, Scottish Water and Scotland Gas Networks have no objections to the proposed development.

Noted.

3.6 The Scottish Environment Protection Agency has no objections to the proposal provided that the foul drainage connects to the public sewer without affecting the associated storm overflows. Surface water from roof and hard standing areas should be drained via SUDS where feasible.

Noted. A condition can be attached to any consent granted in outline regarding the use of a SUD system as indicated by SEPA.

4. REPRESENTATIONS

4.1 Apart from the letter of objection received from new Cumnock Community Council no other letters of representation have been received in respect of the proposed development.

Noted.

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 (1999) and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 There are no policies within the structure plan especially relevant to the proposed development.

Noted.

East Ayrshire Local Plan

5.3 Policy RTC11 encourages and supports the reuse of vacant properties formerly in Schedule 5 use and the redevelopment of gap or infill sites within town centres for appropriate similar Schedule 5 uses. The re-use of such properties or the redevelopment of the land to an appropriate residential or other

alternative use not included in Schedule 5 will be acceptable only where two stated criteria can be met, as follows:

- (i) it can be demonstrated, to the satisfaction of the Council, that an appropriate use falling within the Classes described in Schedule 5 cannot be found; and

The applicant has not provided any information to demonstrate that a similar Schedule 5 use cannot be found. Nonetheless, the existing hotel premises could be demolished without the need for planning consent. It is considered that notwithstanding this technical breach of Policy RTC11, the redevelopment of the site for residential use would be an acceptable alternative use for the site.

- (ii) the proposed use of the property is sympathetic to the character and amenity of the area concerned.

Residential development is considered to be a sympathetic use for this site.

5.4 Policy RES4 states that, within Settlement Boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites, including those sites created through the large scale demolition of existing housing, not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against a set of four stated criteria, as follows:

- (i) impact on the surrounding natural and built environment and adjacent uses;

Residential use is considered acceptable at this location. However, the site lies adjacent to a B Listed church therefore it is considered that the final design of any housing development will require to be of a high quality.

- (ii) transportation and infrastructure implications;

There are no significant transportation or infrastructure issues arising from the proposed development.

- (iii) compatibility with surrounding densities and housing types; and

The application is in outline only.

- (iv) compliance with the Council's Development Promotion and Design Guidance.

The application is in outline only.

5.5 The proposed development represents a minor breach of Policy RTC(i) of the East Ayrshire Local Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultations Responses

6.2 It is considered that the consultation responses indicate that the application should be approved.

Representations

6.3 It is considered that the points of objection do not carry sufficient weight to indicate that the application should be refused.

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 application is not considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application. In this respect, the points of objection do not carry sufficient weight to indicate that the application should be refused.

8.2 The hotel is not a listed building nor does it lie within any conservation area. The older original building has been extensively altered over the years with more modern substantial extensions which dominate the older part of the premises. The building has no particular architectural merit and more recent alterations including installation of roller shutter doors on visible elevations means that it does not significantly contribute in any positive way to the

streetscape of The Castle. Demolition of the hotel premises would not in itself require to be the subject of an application for planning permission.

8.3 The applicant has not provided any information regarding the marketing of the property as a going concern. While the proposed development represents a minor breach of policy, the potential redevelopment of the site for residential purposes could assist in the revitalisation of The Castle in New Cumnock which is already characterised by a number of empty commercial properties including the Castle Hotel and the former Trotters building as well as the derelict Afton Dyers factory.

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 be a significant departure from policy.

Alan Neish
Head of Planning, Development and Building Standards.

03 August 2006
(HM/HM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letter of Representation.
4. Consultation responses.
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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/1129/OL

Location	The Crown Hotel The Castle New Cumnock
Nature of Proposal:	Proposed demolition of hotel and outline consent for residential development
Name and Address of Applicant:	David Dickinson The Crown Hotel The Castle, New Cumnock
Name and Address of Agent	EOS Design c/o The Crown Hotel The Castle, New Cumnock

DPO's Ref: HM/MMM
PPO's Ref: Hugh Melvin

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

1. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the under mentioned matters hereby reserved.

- (a) The layout of the site;
- (b) The size, height, design and external appearance of the proposed dwellinghouses;
- (c) The means of drainage and sewage disposal;
- (d) Details of the access arrangements;
- (e) The provision for car parking;
- (g) The boundary walls/fences to be erected;
- (h) Existing and finished site levels/floor levels.

REASON – The approval is in outline only.

2. Notwithstanding the provision of Condition 1 above, the layout and means of access to the development site shall be the subject of prior discussion and agreement with the Planning Authority in consultation with the Roads Authority.

REASON – In the interests of ensuring a layout that is acceptable in terms of its impact on the A76 trunk road.

3. The proposed means of access to the trunk road shall be constructed to a layout and type (and method) of construction to be approved by the Planning Authority, after consultation with the Roads Authority, before the development is commenced.

REASON – In order to minimise interference with the safety and free flow of traffic on the trunk road.

4. The visibility splays shall be provided and maintained on each side of the new access to the satisfaction of the Planning Authority. These splays are the triangles of ground bounded on two sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 90 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

REASON – In order to minimise interference with the safety and free flow of traffic on the trunk road

5. The new access to the site shall be formed and the existing access closed off before any construction works commence on site.

REASON – To ensure that the use of the existing access is discontinued and the safety of traffic on the trunk road is improved.

6. There shall be no drainage connections to the trunk road drainage system.

REASON – To ensure that the efficiency of the existing drainage network is not affected and that the standard of construction is commensurate with that required within the trunk road boundary.

7. The gradient of the access road shall not exceed 1 in 40 metres for a distance of 10 metres from the nearside edge of the trunk road carriageway, and the first 10 metres shall be surfaced in a bituminous surface and measures shall

be adopted to ensure that all drainage from the site does not discharge onto the trunk road.

REASON – To ensure that the standard of access layout complies with the current standards and that the safety of traffic on the trunk road is not diminished.

8. There shall be provided within the curtilage of the site the minimum number of parking spaces in accordance with local authority parking standards and an adequate and unobstructed turning area for both vehicles and service vehicles such that vehicles can enter and leave in forward gear.

REASON – To ensure that vehicles may park clear of the trunk road.

9. Notwithstanding the provisions of Condition 1 above, a Flood Risk Assessment shall be submitted with the detailed plans for the development of the site. The assessment shall be based on a flood event level suitable for the type of development proposed but at least for a 1 in 200 year event. Pre and post inundation mapping shall be included indicating depths and extent of inundation.

REASON – To address issues of flood risk in relation to the detailed proposals for the development site.

10. Notwithstanding the terms of condition,1(c) above, the developer shall submit full details of a proposed Sustainable Urban Drainage system (SUDs) to be installed and shall specify a programme for the future management and maintenance of the scheme. The details shall also include measures to address surface water run-off from the proposed development site to prevent discharging onto adjacent residential properties.

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

11. All waste to be removed from the site (demolition, construction waste etc.) shall be removed by a licensed waste carrier to an appropriately licensed or exempted site.

REASON – In the interests of public health and safety.

12. The design of development within the site shall be to a high standard sympathetic to the site's location adjacent to a 'B' listed church.

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

NOTES TO APPLICANT:-

1. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site and to confirm and agree the details of the proposed 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 Scottish Gas Networks with regard to the protection or diversion of apparatus that may be affected by the proposed development.
4. The applicant is advised to consult with the Planning Authority prior to the submission of any Reserved Matters application for the development site in order to ensure that the detailed proposals do not adversely impact on the setting and character of the category B listed New Cumnock Martyr's Church that lies immediately adjacent to the development site.

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