

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 23 FEBRUARY 2001

**00/0822/FL: PROPOSED GLAZED SEATING AREA, ADDITION TO LOUNGE
BAR AT THE MILLHOUSE HOTEL, 6-8 DEAN STREET, STEWARTON BY THE
MILLHOUSE HOTEL**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 This full application proposes the construction of a single storey glazed extension (conservatory) to the southern corner of the existing building between the existing lounge bar and the function room. The extension is proposed as an additional seating area connected internally to the lounge bar. External finishes confirm a UPVC framed glazed structure on a stone base to match the existing hotel.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As indicated above in paragraph 5.2 there is a policy in the approved Development Plan which is broadly applicable to the circumstances of this application, and it is considered that the proposal is in accord with the criteria listed therein. Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 and NPPG1 "The Planning System", confirm that where an application complies with the development plan it should be determined accordingly unless material considerations indicate otherwise. As indicated in Section 6.0 above there are material considerations relevant to this application. These however, are not of sufficient weight in their own right to merit the refusal of the application.

**Alan Neish
Head of Planning and Building Control**

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 and Building Control

1. PURPOSE OF REPORT

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

2. APPLICATION DETAILS

2.1 The application site is the Millhouse Hotel, Stewarton, a substantial stone building on the corner of Dean Street and Bowes Rigg, Stewarton. Adjacent properties are predominantly residential in character with the Cunningham Watt Park being located immediately across Bowes Rigg.

2.2 **Proposed Development:** This full application proposes the construction of a single storey glazed extension (conservatory) to the southern corner of the existing building between the existing lounge bar and the function room. The extension is proposed as an additional seating area connected internally to the lounge bar. External finishes confirm a UPVC framed glazed structure on a stone base to match the existing hotel.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Department of Community Services have confirmed that they have no adverse comment to offer on the proposals. They are aware of previous complaints that have been made in respect of noise generated from the premises but, on investigation, the scale of the perceived problem has never been actionable. On assessing this new proposal, they do not consider the proposal would give rise to a scale of noise nuisance that would justify an objection from their service.

Noted.

3.2 Stewarton and District Community Council have at the time of writing this report not responded on the application.

Noted.

3.3 Strathclyde Police have confirmed that they have no immediate concerns regarding the proposal and accordingly have offered no additional comment.

Noted.

3.4 East Ayrshire Council Licensing Board have been advised of the application and confirmed that they have no objection to the proposal.

Noted.

4. REPRESENTATION

(One letter of objection has been submitted in respect of this application from the occupant of No 1 Dean Street, Stewarton. This property is situated across Dean Street from The Millhouse, 25m from the area of the proposed extension.

4.1 The grounds of objection raised are as follows:-

The design of the extension is such that the acoustic insulation properties are limited and the use of the extension, particularly if music events are organised would have a detrimental impact on the amenity of adjacent housing, in particular the objectors.

Noted. As detailed above in paragraph 3.1 the Council's Department of Community Services has confirmed that they have no objection to the proposal and do not anticipate that there will be sufficient additional noise from the premises to justify a refusal.

4.2 The extension being physically and functionally linked with the existing bar will allow noise generated in that area to be filtered through to the extension and therefore to the street.

Noted. See response to paragraph 4.1 above. It should also be borne in mind that the activities referred to by the objector and the valid concerns raised in his letter are predominantly attributable to the responsible management of the establishment. The considerations that are referred to by the objector are a direct result of a factor which in itself is not a valid planning consideration. However, in an attempt to mitigate against potential noise nuisance

generated from the particular area of the extension, the Committee could attach a condition to preclude the use of the extension as a disco or for live music events.

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 Ayrshire Joint Structure Plan and the Adopted Stewarton Local Plan (1985). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan the proposal would fall to be considered against Policy 4.5.4 of that plan which prescribes the following:

"The District Council shall allow for the provision of hotels, guest houses, and holiday flats within the urban areas of Stewarton, Fenwick and Dunlop where:-

- (1) The proposed development (particularly any licensing aspect) does not in the opinion of the District Planning Authority detract from the residential amenity of any nearby dwellings, and
- (2) The proposed development does not detrimentally affect the urban character of the area."

Given the particulars of the application, it is considered appropriate to assess it against the above criteria. The details have been assessed and it is considered that the proposal would not, by reason of design or its relationship to the existing hotel, have a detrimental impact on the urban character of the area.

With regard to the issue of impact on the nearby residential properties it is determined that given the response from consultees, the proposal will not have an additional significant detrimental impact on the amenity of adjacent houses. (see paragraph 3.1 above).

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of this application are the East Ayrshire Council Local Plan (Finalised Version 1999), representations received and planning history .

6.2 Current Development Plan Status

As stated above the Adopted Plan is considerably out of date and therefore it is considered appropriate that greatest weight be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Council Local Plan (Finalised Version) (EALP) should be considered a prime material consideration.

Noted. Given the relatively minor nature of this application there is no relevant policy within the East Ayrshire Local Plan.

6.3 Representations Received

As detailed above in paragraph 4, one letter of objection has been submitted in respect of the application. Whilst the Council sympathise with the position of the objector, it is understood that the objector took occupation of the house less than three years ago when the Hotel was obviously well established and that the consultees do not concede that the proposal would give rise to sufficient nuisance over and above that currently experienced to justify a refusal of the application. However, certain safeguards could be attached, as mentioned above. (Paragraph 4.2).

6.4 Planning History

The previous landlords of the Millhouse Hotel made an application for the same extension over 13 years ago and that application was approved in March 1988 but never implemented. There had been objection at that time also from the residents of a different house. Kilmarnock and Loudoun District Council at that time took the view that the proposal was acceptable but attached a condition to ensure that there be no discos or live music events staged on the extension.

Noted. Having considered the merits of this particular application, it would be prudent to attach a similar condition in this instance if the Committee were of a mind to approve this application.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As indicated above in paragraph 5.2 there is a policy in the approved Development Plan which is broadly applicable to the circumstances of this application, and it is considered that the proposal is in accordance with the criteria listed therein. Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 and N PPG 1: "The Planning System", confirm that where an application complies with the development plan it should be determined accordingly unless material considerations indicate otherwise. As indicated in Section 6.0 above there are material considerations relevant to this application. These however, are not of sufficient weight in their own right to merit the refusal of the application.

7. RECOMMENDATION

7.1 It is recommended that this planning application be approved subject to the conditions on the attached sheet.

Alan Neish
Head of Planning and Building Control

14 February 2001

(IW/MS)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of Objection/Support/Representation.
5. Previous Application No KL/W/77/240E.
6. Adopted Stewarton Local Plan.
7. East Ayrshire Local Plan Finalised Version.
8. NPPG1 'The Planning System'.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL
TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

00/0822/FL

Site of Proposal	Millhouse Hotel 6-8 Dean Street STEWARTON
Nature of Proposal	Proposed Glazed Seating Area, Addition To Lounge Bar
Name & Address of Applicant Name & Address of Agent	

DPO's Reference IW/MS

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

1. The glazed seating area hereby approved shall at no time be used as a discotheque or for the performance of live music.

REASON In the interests of residential amenity.

2. Prior to the commencement of the development hereby approved a sample of the proposed stone shall be submitted to and approved by the Planning Authority.

REASON In the interests of visual amenity.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**

AGENDA