

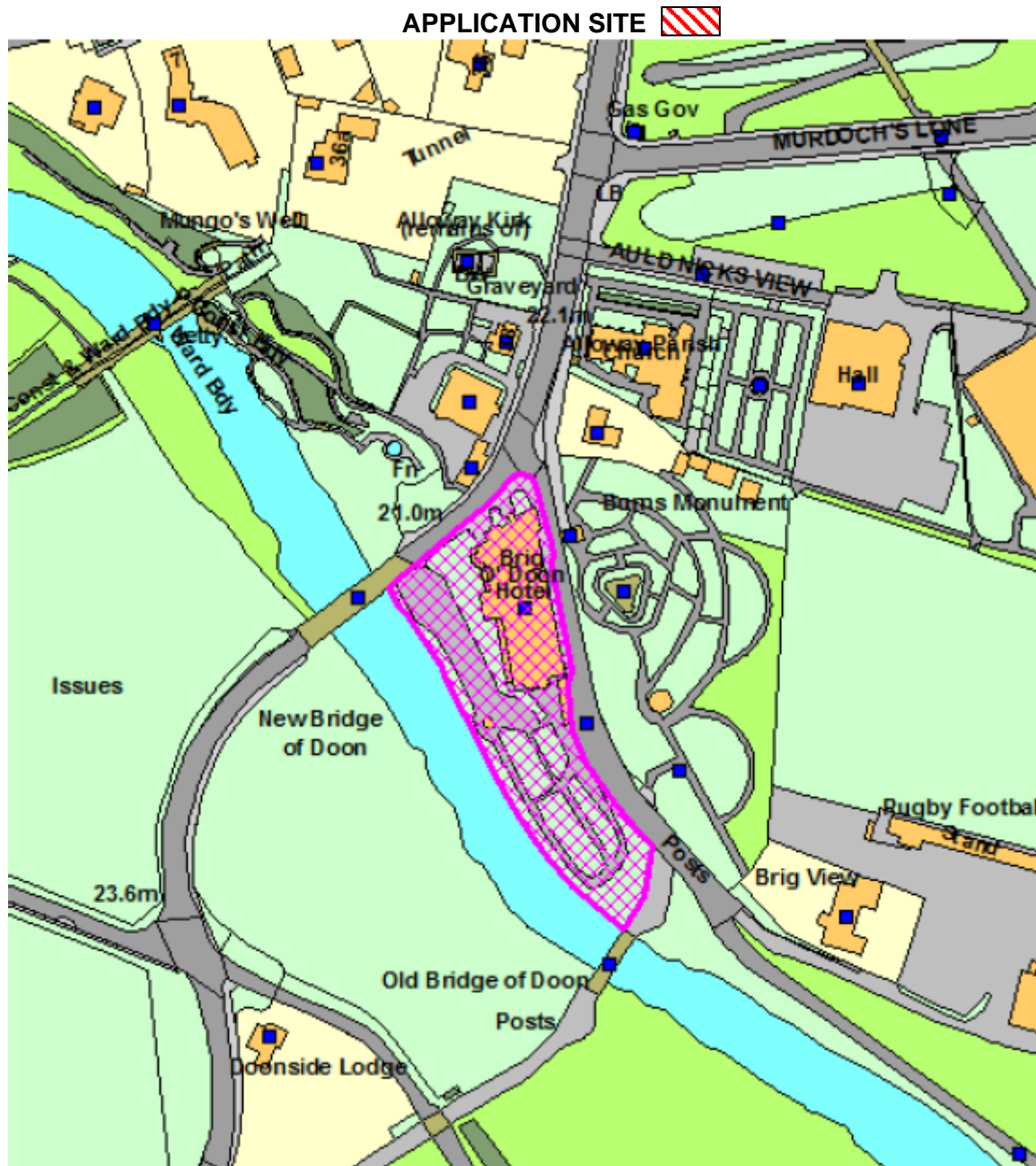
REGULATORY PANEL: 6 DECEMBER 2023

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

23/00087/APP

BRIG O'DOON HOUSE HOTEL ALLOWAY AYR SOUTH AYRSHIRE KA7 4PQ

Location Plan



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Summary

The site of the proposed development is the category C listed Brig O' Doon Hotel, Alloway. The hotel, which dates to 1827, occupies a prominent location at the junction of Alloway and Millbrae, is bound by the River Doon, positioned between the category B listed New Bridge and category A listed Old Bridge, and falls within the Burns Monument Conservation Area.

Planning permission is sought to alter and extend the hotel on the western elevation to form an extended restaurant (increasing existing covers from 102 to 116), 6 additional bedrooms (bringing the total bedroom accommodation to 11), a lift shaft to enable better internal circulation between floors and improve disabled access, an extended pre-dinner drinks area and a raised deck area; the latter aspect is retrospective as it has already been constructed. The proposals will extend the existing two-storey flat-roofed projection and three-storey pitched-roof projection located towards the northern end of the hotel and include a new two-storey mono-pitched extension to accommodate the lift shaft, whereas the single-storey extension and raised decking area is proposed to the southern part of the hotel.

This application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as more than 10 objections have been received (including from Alloway, Doonfoot and St Leonards Community Council), the application has an objection from the Ayrshire Roads Alliance and the recommendation is to approve the application, subject to conditions.

The proposals are not considered to have a significant adverse impact on the character, appearance or setting of the category C listed hotel or other listed assets in the locale, in particular the category A listed old bridge and the category B listed new bridge, or on the wider Burns Monument Conservation Area at this locale. The proposals therefore do not conflict with the provisions of National Planning Framework 4 (NPF4), the adopted South Ayrshire Local Development Plan 2 (LDP2) or the Historic Environment Policy for Scotland (HEPS) on matters relating to the historic environment.

With regard to parking provision, at present, there is no off-street parking provision within the curtilage of the hotel, and it is noted that none is proposed as part of this application. Whilst the ARA have objected to the proposed development, it is considered that there are mitigating circumstances that would allow for the application to be permitted contrary to their recommendation. In particular, it is considered that the proposals improve the functionality of the building rather than increasing its capacity significantly. The economic benefits of the proposal have also been afforded significant weight in favour of this application, specifically the continued use of a listed and landmark building in the locale and that the proposals represent a significant investment in the area and to a local, established business that provides employment and encourages inward investment through its tourism draw.

Accordingly, it is recommended that the application be approved.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 6 DECEMBER 2023

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	23/00087/APP
SITE ADDRESS:	Brig O'Doon House Hotel Alloway Ayr South Ayrshire KA7 4PQ
DESCRIPTION:	Alterations and extension to existing hotel
RECOMMENDATION:	Approval with Condition(s)

APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

Key Information:

- The application was received on 31 January 2023
- The application was validated on 16 February 2023
- A number of Site Visits have been carried out by the Planning Authority on various dates.
- Neighbour Notification, under Regulation 18 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, was carried out by the Planning Authority on 16 February 2023.
- No Site Notice was required.
- No Public Notice in the Local Press was required.

1. Proposal:

The site of the proposed development is the category C listed Brig O' Doon Hotel, Alloway. The hotel, which dates back to 1827, occupies a prominent location at the junction of Alloway and Millbrae, is bound by the River Doon, positioned between the category B listed New Bridge and category A listed Old Bridge, and falls within the Burns Monument Conservation Area. The hotel presents a traditional frontage to both Alloway and Millbrae, with all alterations to the hotel generally confined to the western elevation of the building. The roof of the hotel is predominantly clad in slate, with the external walls finished in a painted harl (white in colour). The windows and doors are timber framed, painted black.

Planning permission is sought to alter and extend the hotel on the western elevation to form an extended restaurant (increasing existing covers from 102 to 116), 6 additional bedrooms (bringing the total bedroom accommodation to 11), a lift shaft to enable better internal circulation between floors and improve disabled access, an extended pre-dinner drinks area and a raised patio area. The proposals will extend the existing two-storey flat-roofed projection and three-storey pitched-roof projection located towards the northern end of the hotel, and include a new two-storey mono-pitched extension to accommodate the lift shaft, whereas a single-storey extension and raised decking area (retrospective element) is proposed to the southern part of the hotel. None of the extensions seek to increase the overall height of the section of hotel onto which they are to be erected, and it is intended that the extensions will in the main replicate the design, massing, proportions and finishes of the existing building. Full details are set out in the submitted plans.

There are two concurrent applications (one for planning permission and one for listed building consent) for development proposals at the hotel. Listed building consent application Ref.23/00089/LBC is directly associated with this planning application, whereas planning application Ref.23/00166/APP relates to the retrospective raised decking area and associated landscaping works at the southern end of the hotel only. This application sought to regularise the unauthorised nature of the raised decking area on site. However, SEPA had concerns in respect of the raised decking area as constructed and, as such, that application remains undetermined. Notwithstanding, the current application under consideration has been updated to reflect the raised deck. Plans have also been submitted to address SEPA's concerns, allowing them to withdraw their objection to the raised deck. This is captured in more detail below.

This application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation.

2. Consultations:

Council's Environmental Health Service offer no objections to this application subject to a condition in respect of noise.

Scottish Environment Protection Agency offer no objections to this application on flood risk grounds.

Ayrshire Roads Alliance object to this application on grounds of no parking provision to serve the hotel as extended. Reference is also made to existing pressures on the public road network caused by coach drop off and pick up to and from the hotel during weddings.

West Of Scotland Archaeology Service offer no objections to this application.

Council's Sustainable Development Service (Landscape and Parks) offer no objections to this application.

3. Submitted Assessments/Reports:

In assessing and reporting on a Planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para. 4 (c) (i) to (iv) of the Development Management Regulations.

A design and access statement, a flood risk assessment and an economic statement have been submitted with this application. The design and access statement briefly sets out the development history of the Brig O' Doon, details the opportunities and constraints for development, provides a rationale for each aspect of the proposed development, and considers the relationship between the existing hotel and the proposed extension. The flood risk assessment considers that the extensions to the hotel have been designed in a manner that ensures compliance with SEPA's Development Management Guidance 2018 and NPF4 in terms of flood risk. The economic statement indicates that the proposed extensions are required to ensure the viability of the hotel business.

A separate statement has been made with regard to parking pressures in the locale of the hotel. This statement indicates that the proposed alterations and extension to the hotel were not to increase capacity, but to improve functionality. Wedding venue capacity will be reduced by 20 (200 reduced to 180), and that the combined dining capacity of the premises will be reduced by the proposals (184 covers across the restaurant, upper-level private dining area and lower-level café reduced to 116 covers in restaurant only, with no private dining or café). The statement indicates that the only increase to numbers relates to guest numbers from the 6 proposed bedrooms. However, the statement also indicates that, as the additional bedrooms are to be utilised by the wedding party, these can be counted within the wedding venue capacity figure.

The terms of the statements are noted.

4. S75 Obligations:

In assessing and reporting on a Planning application the Council is required to provide a summary of the terms of any Planning obligation entered into under Section 75 of The Town and Country Planning (Scotland) Act in relation to the grant of Planning permission for the proposed development.

None.

5. Scottish Ministers Directions:

In determining a Planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of Planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

None.

6. Representations:

37 representations have been received, 27 of which object to the proposed development, 5 of which are in support and 5 of which are neutral. All representations can be viewed at www.south-ayrshire.gov.uk/planning.

In summary, the representations express concerns in respect of the following:

- The design, massing and scale of the extension on what is a listed building of significant historical interest do not take cognisance of the character, appearance or setting of the listed building, the gardens within which it is set or the wider conservation area, including the bridges;
- The proposed extension represents overdevelopment of the site;
- The proposed extension will result in the loss of 'The Kissing Tree';
- The proposed extension will have a negative impact on tourism in the locale;
- That the economic benefit of the proposals is limited to the hotel owners and a handful of part-time jobs within the hotel;
- The proposals will significantly increase traffic and add to existing pressure on limited parking in the locale, to the detriment of road safety; and
- The proposals will impact on residential amenity by way of increased noise and anti-social behaviour from the hotel

Other concerns raised include the following:

- The retrospective nature of the raised decking area and the precedent this creates;
- The use of the nearby property at Kirkgate as ancillary accommodation; and
- The parking of vehicles within the curtilage of that property and the impact that this may have on the tunnel beneath.

The comments of support consider the design and scale of the extension to be sympathetic to the listed building, and that the hotel as extended will become an even greater asset to South Ayrshire through job creation, increased revenue and tourism. The neutral comments refer to proposals for the nearby Kirkgate property and acknowledge that the proposal will likely increase traffic, noise and general disturbance in the locale, but also reference that, without investment, the business may not be viable.

A response to these representations is included within the assessment section of this report.

In accordance with the Council's procedures for the handling of Planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report by addressing the Panel directly.

7. Assessment:

The material considerations in the assessment of this planning application are the provisions of the development plan, other policy considerations (including government guidance), planning history, objector concerns and the impact of the proposal on the amenity of the locality.

On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 (NPF4). NPF4 sets out the Scottish Ministers position in relation to land use planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 (LDP2) (adopted August 2022).

Sections 25(1) and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan. The determination shall be made in accordance with the plan unless material considerations indicate otherwise. The application is determined on this basis.

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); Section 24(3)). NPF4 was adopted after the adoption of LDP2, therefore NPF4 will prevail in the event of any incompatibility.

(i) National Planning Framework 4 (NPF4)

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at [National Planning Framework 4 - gov.scot \(www.gov.scot\)](https://www.gov.scot/national-planning-framework-4):

- Policy 1: Tackling the climate and nature crises;
- Policy 2: Climate mitigation and adaptation;
- Policy 3: Biodiversity;
- Policy 7: Historic assets and places;
- Policy 22: Flood risk and water management;
- Policy 26: Business and Industry; and
- Policy 30: Tourism.

Policy 1 gives significant weight to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions. Policy 2 seeks to ensure that emissions from new development are minimised as far as possible. A healthy natural environment is recognised as key to reducing emissions. Policy 3 requires proposals to contribute to the enhancement of biodiversity. Policy 7 seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. Policy 22 seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Policy 26 seeks to encourage, promote and facilitate business and industry uses, taking into account the impact of proposals on surrounding residential amenity; sensitive uses and the natural and historic environment. Policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people.

With regard to the impact of the proposals on the historic and natural environment, given the constrained nature of the application site, it is accepted that the only elevations of the hotel that lend themselves to any extension works are the western elevation (towards the River Doon) and southern elevation (towards the old bridge). The hotel has historically been extended on these elevations and, as such, there are no concerns in principle to further appropriately designed extensions to these elevations. In this instance, it is considered that the proposals take cognisance of the character, appearance and setting of the listed building and its setting in close proximity to other historic and natural assets, including both bridges over the River Doon and the River Doon itself. The application proposals take account of flood risk and climate change requirements through the amended plans for the raised deck of which SEPA has no objection to. The proposals are for tourism purposes that encourage inward investment and contribute to the long-term viability of a local business that is also a local employer. The proposal has fairly limited opportunities for biodiversity enhancements however a condition is recommended to secure this is secured through a suitable planting scheme. As such, it is considered that the proposals are consistent with the provisions of policies 1, 2, 3, 7, 22, 26 and 30 of NPF4.

(ii) South Ayrshire Local Development Plan 2

The following policies of the South Ayrshire Local Development Plan 2 are relevant in the assessment of the application and can be viewed in full online at [Local development plan 2 - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk):

- Strategic Policy 1: Sustainable Development;
- Strategic Policy 2: Development Management;
- LDP Policy: Business and Industry;
- LDP Policy: Flooding and Development;
- LDP Policy: Historic Environment; and
- LDP Policy: Land Use and Transport.

The provisions of the Adopted South Ayrshire Local Development Plan 2 must, however, be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context.

An assessment of the proposals against the provisions of Local Development Plan 2 is set out below.

It is considered that the principle of extending the hotel is acceptable. The key considerations in the assessment of this application for planning permission relate to visual and residential amenity, parking provision, and flood risk mitigation.

Given the constrained nature of the application site, it is accepted that the only elevations of the hotel that lend themselves to any extension works are the western elevation (towards the River Doon) and southern elevation (towards the old bridge). The hotel has historically been extended on these elevations and, as such, there are no concerns in principle to further appropriately designed extensions to these elevations.

In respect of the proposed restaurant, bedroom and lift shaft extension, it is noted from the submitted plans that this extension will largely continue existing non-original projections on the western elevation. The extension is located on a secondary (albeit visible) elevation of the hotel, and does not increase the height of any existing projection of the hotel as it presently exists. The two-storey flat-roofed element of the larger extension (which is to accommodate the restaurant) incorporates a significant amount of glazing, and presents this elevation to the new bridge. It is considered that this design feature relates well to and does not compete with or detract from the design of the original hotel. The three-storey element of this extension replicates the design, proportions and finishes of the projection that it extends, which in turn replicates the hotel. As such, there are no concerns arising from this element of the proposals.

Whilst the proposed lift shaft element of the extension introduces a mono-pitched roofing arrangement that is at odds with the predominant roof construction at the hotel, given the intended purpose of this particular element of the proposed extension to improve circulation and disabled access within the building, and the limited visibility of this element of the proposals from important vantage points (in particular the bridges), it is not considered to have such an adverse impact on the character, appearance and setting of the listed building to warrant refusal on built heritage grounds.

There are no objections to the proposed single-storey extension on top of the raised decking area from a built heritage perspective insofar as the planning history for this element of the proposals has already established the acceptability of this element of the proposals (see planning history).

With regard to the external finishes of the extensions, it is noted from the submitted plans and the associated design statement that the extensions are to be finished in materials to match the existing hotel. It is considered that the use of matching materials will ensure that the proposed extensions integrate well with the hotel and, on this basis, there are no built heritage concerns arising from the palette of materials.

Given the above, it is considered that the design of the extensions is acceptable, and will not adversely affect the character, appearance or setting of the listed hotel, other listed assets in the locale or the wider Burns Monument Conservation Area. The proposals therefore comply with Policy 7 of NPF4 and the Historic Environment policy of LDP2.

Notwithstanding the appropriateness of the design, massing, scale and finishes of the extensions, significant concerns have been expressed by the Ayrshire Roads Alliance (ARA) as a statutory consultee in respect of the non-provision of off-street parking to serve the hotel as extended.

At present, there is no off-street parking provision within the curtilage of the hotel, and it is noted that none is proposed as part of this application. The hotel is constrained and does not have the in-curtilage capacity to provide it without significant re-levelling and engineering works to the south which is considered would have an adverse impact on the setting of the listed building and the bridges over the River Doon. It should be noted that this was not explored by the applicant nor encouraged by the Planning Service. The Ayrshire Roads Alliance, in responding to this application, have advised that whilst South Ayrshire Council parking standards cannot retrospectively be applied to the hotel as it exists, the parking standards must be applied to the proposed extensions. The ARA has advised that a total of 36 off-street parking spaces are required to serve the hotel as extended (33 spaces to serve the additional floor area of the restaurant / dining and 3 spaces to serve the 6 additional bedrooms).

In response, the applicant has provided a detailed statement that sets out how the hotel will operate should the application be approved. The statement considers that the only increase to numbers using the hotel relates to the proposed bedrooms, with overall capacity for weddings and dining being reduced by 20 and 68 respectively, as the proposals are primarily to improve accessibility within and functionality of the building. Additionally, the statement indicates that, as the additional rooms are to be used by the wedding party, they would be counted within the wedding venue capacity figure.

The Planning Service has carefully considered this position. While the applicant states that the function suite capacity will reduce from 200 to 180, there is no alteration to the existing floorspace / floorplan with respect to the function suite. This argument is therefore not given weight in terms of the assessment and any consideration against a reduction in parking standards / requirements. It should be noted that, notwithstanding the applicant's statement, the ARA has not requested parking to be provided in relation to the function suite as it already exists, and parking standards are not being applied retrospectively but only to the additional floor space created from the extensions. The raised decking area attached to the function suite is considered outdoor circulatory space only and does not fit the criteria meriting additional parking.

While the applicant has stated that the additional bedrooms will be used for wedding guests only, that cannot be guaranteed. A planning condition could not reasonably control this while meeting the tests of conditions as set out in Planning Circular 4 1998. On this basis, it is considered that the 3 spaces required by the ARA for the 6 additional bedrooms is a reasonable request. It is, however, considered that 3 additional spaces could be absorbed on street in the surrounding area without significantly exacerbating existing traffic and parking in the locale.

The ARA's requirement for a further 33 spaces is based on the additional floor area provided by the extension for dining purposes. The ARA arrived at this figure by applying the Council's adopted standards – 1 space per 5m² of gross floor area. It is important however to consider what this space will be used for in assessing whether the requirement of 33 spaces and the Council's parking standards should be applied in the strictest sense. The applicant has advised that the dining space as existing currently caters for 102 persons while the existing and additional dining floor space combined would cater for 116. Considering this, the extension floor space proposed caters only for an additional 14 persons; it is the applicant's assertion that the extension provides more functionality to the building rather than increasing its capacity significantly. If this case was to be accepted, then notwithstanding the Council's parking standards, 33 parking spaces for 14 additional persons could be considered excessive. While it needs to be acknowledged that the hotel could ultimately operate differently, say under another owner who could perhaps fit in more tables and more persons within the space available for dining, the information provided in the submission, specifically the floor plan of the dining area supports the applicants case that the extended space would accommodate an additional 14 persons only.

The existing café and private dining area which are in addition to the existing general dining area and have a combined capacity of 82, are to be removed.

Considering the above, it is accepted that the parking standards of 3 parking spaces for the additional bedrooms is reasonable but could be absorbed on street without significantly impacting traffic and parking in the area. While, if parking standards were to be applied strictly, 33 spaces would be required for the additional floor area created by the proposed extension, in this case, and given the nature and extent of the use of the space as a dining area catering for 14 additional persons only, it is considered that a reduced parking standard could reasonably be applied in this case.

In an attempt to address the parking concerns of the ARA, the applicant has submitted an application for the use of 'Kirkgate', a residential property to the north on the B7024 Alloway road, for the purposes of providing ancillary accommodation and parking for guests of the hotel. The proposals involve the provision of 14 parking spaces. It is important to note that this application has not been determined and requires an assessment on its own merits but is nevertheless a tangible measure by the applicant in attempt to address the ARA objection and provide dedicated parking for the hotel where none currently exists. It should also be noted that another application for a dedicated access to Ayr Rugby Club off Murdoch's Lone has also been submitted (reference 23/00589/APP) Whilst this application is also undetermined at the time of writing, this application, if approved and implemented, has the potential to significantly reduce pressure on the public road network in the locale by taking vehicular traffic away from the hotel and Millbrae.

It is important to note that the ARA consultation response does not consider the planning application for Kirkgate (reference 23/00864/APP) or the planning application for Ayr Rugby Club (reference 23/00589/APP). The application for Kirkgate was only submitted on 21st November 2023, and they have not yet provided a consultation response for the application for Ayr Rugby Club.

Considering the above, it is the view of the Service that a reduced parking standard can be applied in the case of the current proposal. While no parking is proposed as part of the current application, weight is afforded to the fact that the proposal creates the requirement for only 3 parking spaces through the additional bedrooms proposed and capacity for an additional 14 diners only. On balance, this is not considered to be significant to the extent it would warrant a refusal of the application on parking and traffic grounds. In arriving at this conclusion, significant weight is also afforded to the economic benefits of this proposal. The Brig O' Doon is a listed and landmark building in the locale and is of historical significance; its continued use is to be supported. The business is a local employer and attracts inward investment through its tourism draw. The applicant has stated that the proposals are required to ensure that the business remains viable in the long term. While no material weight can be afforded to the undetermined applications, their submission and relevance is nevertheless noted. In conclusion to the parking assessment, it is considered that a departure from the Council's parking standards can be accepted in this instance and the proposal can be considered positively against the provisions of the Development Plan, specifically South Ayrshire Local Development Plan 2 policies Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management, and LDP Policy: Land Use and Transport, taking account of all material considerations.

With regard to flood risk mitigation, it is noted that the extension has been designed to sit on stilts, the purpose of which would be to allow for flood water to flow freely below the extensions during a flood event. SEPA previously objected to the proposals on the basis that the raised decking area (as has already been constructed) meant that the required 600mm freeboard (the distance between the projected 1:200-year flood level and the underside of the extensions) could not be achieved. However, the applicant has indicated that the raised decking area will be altered to ensure the 600mm freeboard can be provided. In their most recent consultation response, SEPA are now satisfied that the required 600mm freeboard is available, and have removed their earlier objection to this application. To ensure that works are carried out to the raised decking area to ensure compliance with SEPA guidance, it is intended to attach a condition to any planning permission granted that requires such works to be carried out within 6 months of the date of the permission. This specified timescale is considered reasonable given the nature of the construction works required. Considering the above, the proposal is considered consistent with LDP policies with regards flood risk.

(iii) Other Policy Considerations (including Government Guidance)

Policy HEP2 of the Historic Environment Policy for Scotland (HEPS) states that decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations, whilst Policy HEP4 states that changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate. If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

The provisions of the Historic Environment Policy for Scotland are supplemented by Historic Environment Scotland's Managing Change in the Historic Environment series. The Managing Change documents on Setting, Use and Adaptation of Listed Buildings and Extensions are particularly relevant.

The Managing Change document on Setting requires planning authorities to take into account the setting of historic assets in the determination of applications for planning permission. Where development is proposed it is important to identify the historic assets that might be affected, define the setting of each historic asset, and assess the impact of any new development on this. Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes.

The Managing Change document on Use and Adaptation of Listed Buildings states that owners should consider all options to allow the continued use of listed buildings. The adaptation, alteration, extension and even partial demolition of the building are all options which can, in the right circumstances, form part of the solution.

A solution may involve one, or a mix of, the following approaches:

- 1) Minimal intervention
- 2) Adaptation
- 3) Extension
- 4) Selective demolition
- 5) Enabling

Owners should investigate each approach carefully. Through this process, the vast majority of listed buildings can be adapted to either maintain their existing use, or secure a new one.

In terms of adaptation, this will normally involve working within the existing building envelope, focusing more on internal alterations. The first step towards finding a practical scheme of adaptation is to look critically at the existing building to see what alterations are necessary to make the building work. This could include the upgrading or insulating of the building to address heat loss. Smaller scale additions and removals might also be required. In certain circumstances, adaptation can provide opportunities to restore the appearance and special interest of a listed building. Conservation-based approaches can involve removing later additions of little interest on the exterior of a building. It can also include positive changes internally, such as reinstating missing features or taking down later partitions and suspended ceilings. Changes like these can help to restore a building to its original plan-form and room proportions. Such works can often revitalise old buildings, giving them a new lease of life. Successful conservation-based solutions on one part of a site or building might balance out a higher level of intervention or additions elsewhere in the scheme - as long as these involve less significant elements.

With regard to extensions, many listed buildings have the capacity for some form of extension. In some cases buildings can successfully accommodate sizeable additions, particularly if the building is not domestic. Sometimes an extension is essential to keep the listed building in use, for example where there is little scope for internal intervention or where the original building is very small. In these cases, the decision-maker will have to balance this against any adverse impacts. There will also be some circumstances where all elevations of a building have been designed to be visible and appreciated. In these cases, other options for the site may have to be considered, including excavation for new facilities, or new freestanding buildings in the grounds.

The Managing Change document on Extensions indicates that an addition or extension should play a subordinate role. It should not dominate the original building as a result of its scale, materials or location, and should not overlay principal elevations. Where an extension is built beside a principal elevation it should generally be lower than, and set back behind, that facade. An extension that would unbalance a symmetrical elevation and threaten the original design concept should be avoided.

Supplementary Guidance Policy 1 of South Ayrshire Council's Guidance on the Historic Environment refers to design quality, and states that development proposals will be considered in terms of compliance with the 'General Criteria for New Development', which applies to both new development and extensions to existing development / buildings. Supplementary Guidance Policy 2 refers to listed buildings, and states that the Council recognises the value of listed buildings in terms of their heritage value, but also recognises their potential economic and social benefits to the community as a whole. Supplementary Guidance Policy 3 refers specifically to development proposals within conservation areas, and states that all new development within, or affecting the setting of, a conservation area shall be required to preserve or enhance its character or appearance. To ensure a consistent high standard of development within conservation areas, proposals will be considered in terms of compliance with the design principles for all proposed development within a conservation area.

The proposals seek to considerably extend the hotel on the western elevation in order to increase restaurant covers, extend the kitchen, provide additional hotel accommodation for wedding parties, facilitate the creation of a lift shaft for improved accessibility around the hotel, and create a pre-drinks area, complete with raised terrace and improved access to the gardens. There are no objections to the principle of extending the hotel, and it is noted from the planning history for the hotel that extensions have been permitted in the past, albeit these permissions / consents have not been implemented and have since lapsed. The principle of extending the hotel has therefore been established, with the key consideration in the assessment and determination of these applications (from a built heritage perspective) being whether the proposals meet the statutory tests to preserve or enhance on the character, appearance and setting of the category C listed hotel, and other listed assets, primarily the category A and B listed bridges to the north and south of the hotel.

In respect of the proposed restaurant, bedroom and lift shaft extension, as previously noted from the submitted plans, this extension will largely continue the projection of existing non-original additions into the gardens towards the River Doon. This extension is located on a secondary (albeit visible) elevation of the hotel, and does not increase the height of any existing projection of the hotel as it presently exists. The two-storey flat-roofed element of the larger extension (which is to accommodate the restaurant) incorporates a significant amount of glazing, and presents this elevation to the new bridge. It is considered that this design feature compliments the design of the original hotel. With regard to the three-storey element of this extension, this replicates the design, proportions and finishes of the projection that it extends, which in turn replicates those of the hotel. As such, there are no concerns arising from this element of the proposals.

Whilst the proposed lift shaft element of the extension introduces a mono-pitched roofing arrangement that is not characteristic of the original hotel or later additions, it is not considered to have a significant adverse impact on the character, appearance or setting of the listed building. Public visibility of the lift shaft element of the extension is limited due to existing extensions at the northern end of the hotel, the 'Kissing Tree' (particularly when in full bloom), and other established landscaping within the southern area of the gardens. Views of this extension are not available from the category A listed old bridge, and only fleetingly from the new bridge during the latter part of the year when the 'Kissing Tree' sheds its leaves. As such, given the limited visibility of the lift shaft extension and the intention to finish this extension in materials to match the existing hotel, it is considered that the lift shaft extension will not have an adverse impact on the character, appearance and setting of the category C listed hotel or other historical assets in the locale.

With regard to the single-storey extension on top of the raised decking area, the planning history primarily relates to this aspect of the proposals. The design of this aspect of the proposed development is similar to previously approved development proposals (see planning history), albeit what is now proposed occupies a larger footprint than previously approved at this end of the building. It is not considered that the enlarged footprint of this extension with raised decking area will adversely affect the character, appearance or setting of the hotel or other historical assets in the locale. This element of the proposals is therefore considered to be acceptable from a built heritage perspective.

Whilst there are no concerns regarding the design of the extensions from a built heritage perspective, the Ayrshire Roads Alliance have expressed concerns in respect of off-street parking provision.

(iv) Planning History

23/00089/LBC - Alterations and extension to existing listed building / hotel – directly associated with the current application and pending a decision.

13/01062/APP – alterations and extension to hotel – permitted – not implemented and time expired.

13/01063/LBC – alterations and extension to listed building – permitted – not implemented and time expired.

These applications sought planning permission and listed building consent for alterations and extension to the hotel as follows:

- The erection of an extension at the basement and first floor levels; and
- Changes to the fenestration at basement level on the southern elevation via enlarged window openings in the existing bay window.

14/01386/APP – alterations and extension to hotel – permitted – not implemented and time expired.

14/01387/LBC – alterations and extension to hotel – permitted – not implemented and time expired.

These applications sought to make minor amendments to the 2013 approvals as follows:

- Replacement window to match the existing windows;
- Glazed lift enclosure;
- New doors to balcony;
- New access and gate to the front/ side of the property; and
- The installation of a cooler unit on the existing roof behind an existing chimney.

The proposed single-storey extension and associated raised patio are similar to the above approved schemes.

(v) Objector Concerns

As set out earlier within this report, there are no objections to the principle of extending the hotel. The key considerations in the assessment of this application for planning permission relate to visual and residential amenity, parking provision, and flood risk mitigation.

It is considered that the proposed extensions meet with the statutory tests to preserve or enhance the character, appearance and setting of the category C listed building. Visibility of the proposed extensions from the category A listed old bridge is limited given the landscaping within the southern portion of the gardens within which the hotel is set. Public views are more readily available beyond the western end of the new bridge, with the proposed single-storey extension and raised patio visible from this particular vantage point. Views of the larger extension from beyond the new bridge are restricted by the 'Kissing Tree'. The larger extension will be more visible from the eastern (Alloway) side of the new bridge, but it is noted that this particular extension will extend existing non-original projections, and will not compete with the design of the original hotel.

Although the site is somewhat constrained by the River Doon, Millbrae and the bridges at either end, given the previous development history at the hotel, including the approved but not implemented planning permissions and listed building consents detailed in the planning history section of this report, it is considered that the site can accommodate the extensions as proposed, and that the proposals do not represent overdevelopment of the site.

The applicant recognises the importance of the 'Kissing Tree' to the character, appearance and setting of the locale, and has no plans to remove the tree as part of the proposed development. It is acknowledged that other trees and shrubbery has been removed from the gardens. Whilst this is regrettable, their removal is not considered to have had a significant impact on the character, appearance or setting of the listed hotel, the bridges to the north and south, or the wider Burns Monument Conservation Area.

The hotel is considered to make an important contribution to tourism in South Ayrshire alongside other assets in the immediate locale, including the old bridge, the Auld Kirk, Robert Burns Museum and Robert Burns Cottage. It is not considered that the proposed extensions will adversely affect tourism in the locale. In terms of economic benefit, a statement was submitted by the applicant to demonstrate why the extensions were required, with this statement indicating that the extensions and what they entail were required to ensure that the business continues to operate and be viable. The hotel is also an important contributor to the local economy, and the proposals seek to ensure that this remains the case. On that basis, there are no concerns to the principle of extending the hotel as proposed in economic and tourism terms.

An assessment in respect of parking is set out elsewhere in this report.

With regard to noise and general disturbance arising from the proposals, there is an existing hotel business operating at the site. It is not anticipated that the proposals will significantly exacerbate noise and activity associated with the use. The Council's Environmental Health Service was consulted on this application, and has not offered any objections.

The retrospective raised decking area does not form part of this application submission, nor does the use of Kirkgate as ancillary accommodation.

(vi) Impact on the Locality

As indicated elsewhere within this report, it is noted that the site constraints limit where development could occur within the hotel site. It is considered that the hotel can accommodate and absorb extensions of the design, massing, scale, proportions and finishes proposed, and that the extensions will not have an adverse impact on the character, appearance or setting of the listed building, other listed assets in the locale, and the wider Burns Monument Conservation Area. Additionally, it is considered that the proposed extensions will ensure the viability of the hotel business, and will not adversely affect tourism in the locale.

In terms of off-street parking provision, as noted elsewhere within this report as above, no provision is presently available within the grounds of the hotel, and none is proposed as part of this application. Whilst the non-provision of off-street parking is far from ideal, it is a situation that has persisted for many years, and the applicant, in a detailed statement in respect of how the extended hotel would operate, considers that the proposals would result in less vehicular movements in the locale. Taking into account the importance of the hotel to the economy of South Ayrshire, and Alloway in particular, it is considered that the economic benefits that an extended hotel would bring to the locale outweigh the concerns of the ARA in respect of off-street parking provision in this instance. Notwithstanding, it is considered that the concerns of the ARA can be somewhat alleviated by other applications that are presently under consideration. In particular, applications for the change of use of the residential property at Kirkgate to form accommodation ancillary to the hotel (reference 23/00864/APP) and a new access road and formation of parking at Ayr Rugby Club (reference 23/00589/APP), if approved, have the potential to ease the pressure on the public road network and parking in and around the hotel and Millbrae.

8. Conclusion:

There are no concerns arising from the proposals from a built heritage perspective, and it is considered that the extensions as proposed do not adversely affect the character, appearance or setting of the category C listed hotel or the wider Burns Monument Conservation Area at this locale. There are also no flood risk concerns arising from the proposals given subject to a condition regarding an amendment to the raised deck to comply with SEPA requirements and NPF4.

With regard to off-street parking provision, it is considered that the requirement for 36 spaces to serve the hotel as extended is excessive given that the proposals seek to improve accessibility and functionality of the building rather than significantly increase capacity. Given that the restaurant as extended only provides catering for 14 additional persons, and that only 3 spaces are required to serve the 6 proposed bedrooms (and can be absorbed on-street in the locale), it is considered that a reduced parking standard can be applied in this instance.

Given the above assessment, and having balanced the rights of the applicant against the general interest, it is recommended that the application for planning permission is approved subject to the conditions listed below.

9. Recommendation:

It is recommended that the application is approved subject to condition(s).

- (1) That the development hereby permitted must be begun within three years of the date of this permission.
- (2) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.
- (3) The operation of this facility must not result in the existing background levels for the surrounding area being increased when measured at the nearest noise sensitive building.
- (4) That before any works start on site a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, the extent and profile of any areas of earthmounding, and opportunities for biodiversity enhancement shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented within 3 months / first planting season following the completion or occupation of the development, whichever is the sooner. The open space / landscaped area shall be retained as open space and to this approved standard.

- (5) That notwithstanding the plans hereby approved, the raised decking area constructed on site shall be altered so as to be in full compliance with approved plans 22-064-ELE-012 Rev. B, 22-064-ELE-013 Rev. B and 14-16913-S-SK02. These works shall be carried out within 6 months of the date of this planning permission to the satisfaction of the Planning Authority in consultation with SEPA.

9.1 Reasons:

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) In order to prevent the likelihood of a noise nuisance.
- (4) In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
- (5) To define the terms of this planning permission and ensure compliance with SEPA guidance on flood risk

9.2 Advisory Notes:

N/A

9.3 List of Determined Plans:

Drawing - Reference No (or Description): 22-064-LAY-001
Drawing - Reference No (or Description): 22-064-LAY-002
Drawing - Reference No (or Description): 22-064-LAY-003
Drawing - Reference No (or Description): 22-064-LAY-004 A
Drawing - Reference No (or Description): 22-064-LAY-005
Drawing - Reference No (or Description): 22-064-LAY-006
Drawing - Reference No (or Description): 22-064-LAY-007
Drawing - Reference No (or Description): 22-064-ELE-008
Drawing - Reference No (or Description): 22-064-LAY-009
Drawing - Reference No (or Description): 22-064-LAY-010
Drawing - Reference No (or Description): 22-064-LAY-011
Drawing - Reference No (or Description): 22-064-ELE-012 B
Drawing - Reference No (or Description): 22-064-ELE-013 B
Drawing - Reference No (or Description): 22-064-VIS-014
Drawing - Reference No (or Description): 14-16913-S-SK02

Reason for decision (where approved)

There are no concerns arising from the proposals from a built heritage perspective, and it is considered that the extensions as proposed do not adversely affect the character, appearance or setting of the category C listed hotel or the wider Burns Monument Conservation Area at this locale. There is no objection on flood risk grounds subject to conditions relating to the raised deck structure being implemented and fully complied with. While the ARA have objected on the grounds of no parking being provided, there are mitigation circumstances in this case that have been afforded significant weight in the assessment including the operation and functionality of the building as proposed by the applicant together with the economic benefits of the proposal. Having considered the merits of this case, it is considered that it can be supported by the framework of planning policy with due weight being afforded to the other material considerations.

Background Papers:

1. Planning application form, plans, design statement and flood risk assessment (available online)
2. National Planning Framework 4 (available online)
3. Adopted South Ayrshire Local Development Plan 2 (available online)
4. South Ayrshire Council Guidance - Historic Environment (available online)
5. Historic Environment Policy for Scotland (available online)
6. Historic Environment Scotland Managing Change in the Historic Environment - Setting (available online)
7. Historic Environment Scotland Managing Change in the Historic Environment - Use and Adaptation of Listed Buildings (available online)
8. Historic Environment Scotland Managing Change in the Historic Environment - Extensions (available online)
9. Representations (available online)

Equalities Impact Assessment:

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

Person to Contact:

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