

## **EAST AYRSHIRE COUNCIL**

**NORTHERN LOCAL PLANNING COMMITTEE: 27 MAY 2011**

**10/0448/PP: ERECTION OF 8 HOLIDAY LODGES, CONFERENCE BLOCK AND STATIC CARAVAN, CREATION OF HORSE Paddock AND TACK AND LIVERY ROOM WITH CONVERSION OF BARN FOR ANCILLARY LIVERY USE AND ASSOCIATED PARKING FACILITIES AT FAIRLIECREVOCH FARM, KILMAURS**

**BY MR MALCOLM WILSON**

**Report by Head of Planning and Economic Development**

**Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=10/0448/PP>**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 The proposal comprises the change of use of the agricultural land and an existing agricultural shed in the west of the site to allow the development of a tourism / business use of the site. The proposals comprise the erection of 8 holiday lodges, a conference block and associated uses for a new business catering for riding and fishing holiday lets.

1.2 The development also proposes creation of a horse paddock, with tack and livery facilities formed within the existing agricultural shed. Associated parking facilities will be provided together with the creation of a new vehicular access. Access would be taken from the public road adjacent to the site. The proposal also includes the siting of a static caravan which will be required for a temporary period while the site is being developed, in anticipation that if the venture is successful, an application for a house may be submitted in due course. It is anticipated by the applicant that the site will become a small Country Park offering a unique holiday experience for country pursuits, with the conference facility offering accommodation for similar courses.

#### **2. RECOMMENDATION**

2.1 It is recommended that the application be approved with conditions listed on the attached sheet.

### **3. CONCLUSIONS**

3.1 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.

3.2 As detailed previously in this report the principal of the proposal is considered to be in compliance with the majority of the relevant policies in the Development Plan. A business justification was submitted and expanded upon in support of the application, and is considered to have sufficient information to demonstrate that the business is financially viable. Should planning permission be granted any consent would be withheld until a Section 75 legal agreement has been concluded between the Council and the applicant, to ensure adequate control over the use of the site for tourist use only.

#### **CONTRARY DECISION NOTE**

Should the Committee agree that this application be refused contrary to the recommendation of the Head of Planning and Economic Development then the application will not require to be referred to Council as it would not be a significant departure from Council Policy.

**Alan Neish**  
**Head of Planning and Economic Development**

**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.**

## EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 04 FEBRUARY 2011

### 10/0448/PP: ERECTION OF 8 HOLIDAY LODGES, CONFERENCE BLOCK AND STATIC CARAVAN, CREATION OF HORSE Paddock AND TACK AND LIVERY ROOM WITH CONVERSION OF BARN FOR ANCILLARY LIVERY USE AND ASSOCIATED PARKING FACILITIES AT FAIRLIECREVOCH FARM, KILMAURS

BY MR MALCOLM WILSON

#### Report by Head of Planning and Economic Development

## 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for planning permission which is to be considered by the Northern Local Planning Committee under the scheme of delegation as the application has attracted more than 10 objections.

## 2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises an area of agricultural ground adjacent to the existing Fairliecrevoch Steadings, near Cunninghamehead. Fairliecrevoch is a Category C listed set of buildings. The application site covers some 10,300 square metres; just over 1 hectare. The site is bounded to the west by open farmland and Fairliecrevoch farmhouse and converted buildings, to the east and south by open farmland, with the banks of the Annick Water to the immediate south of the site. The nearest farm is some 250 metres to the east.

2.2 **Proposed Development:** The proposal comprises the change of use of the agricultural land and an existing agricultural shed in the west of the site to allow the development of a tourism / business use of the site. The proposals comprise the erection of 8 holiday lodges, a conference block and associated uses for a new business catering for riding and fishing holiday lets.

2.3 The development also proposes creation of a horse paddock, with tack and livery facilities formed within the existing agricultural shed. Associated parking facilities will be provided together with the creation of a new vehicular access. Access would be taken from the public road adjacent to the site. The proposal also includes the siting of a static caravan which will be required for a temporary period while the site is being developed, in anticipation that if the venture is successful, an application for a house may be submitted in due course. It is anticipated by the applicant that the site will become a small Country Park offering a unique holiday experience for country pursuits, with the conference facility offering accommodation for similar courses.

### 3. CONSULTATIONS RECEIVED

3.1 Stewarton Community Council has not responded to the consultation letter.

3.2 East Ayrshire Council Economic Development Section is supportive of the proposal, noting it would provide much needed facilities and infrastructure in an area which currently has a dearth of tourist accommodation, bringing increased economic benefit to the local area by keeping visitors in the area for longer, increasing tourist bed nights and associated spending. The proposed development of self-catering holiday lodges alongside improved infrastructure to cater for equestrian and meetings/small conferences sits well with the aspirations in the Local Plan and Tourism Strategy to encourage developments which increase the quality of facilities, attractions, and experiences for tourists. The justification and amended business plan was assessed and found to have reasonable objectives, and be a fair analysis of how the intended venture will expect to perform, with forecast budgets appearing credible and realistic.

3.3 East Ayrshire Council Environmental Health Service has no objections to the development subject to standard comments on noise, waste and contamination.

3.4 East Ayrshire Council Roads and Transportation Service originally recommended refusal of the application; however, amended drawings were received which the Service found acceptable. The applicant has confirmed the land on the south side of the unclassified road is under his control and has demonstrated that the required visibility splay requirements can be achieved, and that the land is able to be maintained to ensure visibility is not compromised.

3.5 The West of Scotland Archaeological Service (WOSAS) notes that there are no recorded sites of interest in the area, but due to the undeveloped nature of the site, there is potential for unrecorded material in the area. WoSAS advises that a trial trenching programme should be conducted by an appropriate archaeological contractor.

***The requirements of WOSAS could be secured by the imposition of an appropriate condition in any consent granted for the development.***

3.6 Glasgow Prestwick Airport (Infratil), and the National Air Traffic Safeguarding have no objections to the proposed development.

3.7 The Scottish Environment Protection Agency (SEPA) has no objections to the proposal, but has commented on flood risk, and surface water and drainage provision.

***Conditions or advisory notes could address the issues raised by SEPA in the event of the application being approved.***

## 4. REPRESENTATIONS

4.1 Eighteen objectors have raised a number of concerns in connection with this application, the main points of which are summarised below.

4.2 Effects on visual amenity – noting the proposal is unacceptable in terms of:

- (a) the design of the proposed buildings is not to the highest standard; no Design Statement has been submitted, the materials proposed are unsympathetic to a rural setting; the design is akin to Nissen huts; and the location for the proposed static caravan is obtrusive;

***The design of both the lodges and the conference block is simple and unadorned, of timber construction; but could not be said to resemble a prefabricated Nissen style of construction. No design statement has been lodged in respect of the proposal, (none is specifically required); however the design, whilst not outstanding, is considered functional and unassuming. The materials are considered acceptable for a rural setting.***

- (b) the location of the buildings, which should not be proposed in a rural setting, and will have an effect on the area's scenic quality and landscape character and overall, be visually intrusive being built on a raised area;

***This type of proposal would not be sited in the urban area, and is only suited to a rural location, and the structures are of the design and materials that would not look out of character in a rural setting. The buildings would be screened on the southern approach by the existing tree belt, but from the road to the north of the application site, the buildings would be in view to a certain degree, as the land undulates down towards the river.***

- (c) the proximity of the proposal to the adjacent listed buildings at Fairliecrevoch in terms of the design and setting of the proposal; this will have an effect on the Jacobean style of the Fairliecrevoch steadings; Fairliecrevoch has a previous planning history whereby planning consent was refused to develop the farm, and this was upheld at appeal, on the grounds that the 'historic courtyard form remains and the listed building is readily understood as a single entity'.

***The farm and steading buildings at Fairliecrevoch are Category C listed buildings, of an early 19<sup>th</sup> Century date; however, they are not Jacobean in style but instead are vernacular to the area. Historic Scotland's records show this is a good example of a traditional unpretentious U-plan former farm and stable block. Now converted into 5 separate dwellings the U-plan remains and has few an external extension or additions, remaining true to form.***

***Given the retention of the large agricultural shed between the residencies in the listed building and the proposal, it is not considered that the conference block or proposed lodges would have any significant effect, or adverse impact on, the setting of the listed building.***

4.3 The farmland is not redundant - the farm was sold some years ago when the farm house and steadings were developed, but the remaining farm lands were sold off, or for those still in the applicants ownership, let to adjacent farmers. The applicant claims in the business plan that the owner has previously farmed Fairliecrevoch but has now decided to diversify into tourism.

***The applicant's supporting statement notes that the proposal is part of a farm diversification development; however no evidence has been submitted that the site is still part of a working farm or agricultural holding. The site incorporates the existing large agricultural shed which is in the remaining land ownership of the applicant, but it is clear that the surrounding lands have been farmed until recently, if not the application site itself. The proposal is not considered to be any part of a farm diversification scheme, but a standalone business venture in its own right.***

4.4 There are a number of existing business ventures located in the surrounding area which already offer the type of business proposed.

***Many of the objectors have noted that similar types of businesses already exist nearby, albeit larger concerns. Commercial need for a particular use, however, is not a material planning consideration. Consideration has to be given as to whether consent should be granted for a new business in the countryside on its own merits. In this instance, the supplementary information provided on behalf of the proposal has been assessed by the Division's Economic Development Section as being robust enough to determine the viability of the proposal.***

4.5 Following on from the point above, the objectors have also raised concerns, in summary, that there may not be enough tourism economy to sustain the venture; fishing stocks may not be sufficient; there may not be extensive enough hacks in the vicinity; that the business plan does not provide evidence of specific locational need for the development; the commercial reality of bringing horses to the area for this type of holiday will not be sustainable; and overall, the business plan does not demonstrate that the business is viable, and it contains, flaws, omissions and unsubstantiated assumptions on visitor occupancy.

***The information submitted has been assessed by the Council's Economic Development Section as having potential to play some part in the economic regeneration of the area by supporting small scale job creation. With regard to this information, an assessment of the financial viability of the proposal has been undertaken, and as such, the business appears to be able to be financially robust enough to justify the proposal.***

4.6 Related to the above point, is the question of what would happen to the site should the proposal fail economically – the objectors raised concerns that a new larger livery has recently been established at Greenacres at Torranyard adjacent to the holiday park, and as well as Torranyard, there is another holiday park at Cunninghamehead (now for retirement homes), with Torranyard at some time in the recent past used for accommodation for homeless people. It is possible if the business did not succeed, that Fairliecrevoch's lodges could be used similarly, or for long term lets – could the Council ensure the removal of the structures if the business failed?

***The proposal is for a holiday use, not a residential use, and any subsequent changes to the type of tenure would require planning permission. If Members had concerns on the issue of remediation and the proposal was found to be acceptable, a condition could be imposed on the consent to remove the structures in a specified time period should the business fail.***

4.7 The objectors have also voiced concerns on the increase of traffic to the area, noting the site is only accessible by private transport and is not therefore sustainable, road infrastructure is not adequate to deal with increased volumes of traffic; the roads are not suitable for horse boxes.

***The type of proposal would be accessed by private transport due to the nature of bringing equipment or horses on site, and would generally be sited in a countryside location. The proposal has been assessed by the Council's Roads and Transportation Service and found to be acceptable.***

4.8 Another concern raised was that residential amenity might be compromised by having the proposal adjacent to the former farm house and steadings of Fairliecrevoch.

***There is no reason to suggest that the development will generate more noise than adjacent farm uses, except during any construction period, or that residential amenity would otherwise be adversely affected.***

## **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 For the purposes of this application the development plan comprises the approved Ayrshire Joint Structure Plan 2007 and the adopted East Ayrshire Local Plan 2010 (EALP).

### Ayrshire Joint Structure Plan

5.2 Policy ECON 14: Rural Diversification states:

The three Ayrshire Councils shall:

“A Support the principle of rural diversification, particularly through proposals for small scale industries; leisure, recreation and tourism; appropriate rural housing and small business development.”

***The proposal is geared towards a tourism development associated with recreational rural activities e.g. fishing, horse riding. Therefore it is considered that it complies with Policy ECON 14. The conference block is integral to the overall tourism development. The applicant has provided information stating that this block will be used for seminars and educational workshops on rural activities, and possibly other commercial activities. Nevertheless, it is considered that the proposal accords with the provisions of the joint structure plan.***

### East Ayrshire Local Plan

#### 5.3 Policy SD5 of the EALP states:

“Development proposals outwith settlement boundaries, as indicated on the Local Plan Rural Area Map, will be acceptable to the Council only where the development:

- (ii) *contributes to rural diversification through the development of appropriate industrial, business, tourism, leisure, recreational and other developments with a justified need for a rural location.”*

***It is considered that the proposal for a tourism development and small scale conference facility would contribute to rural diversification. The applicant has provided a business plan which justifies the location of the development, near the Annick Water. It is therefore considered that the proposed development has a justified site specific locational need.***

#### 5.4 Policy IND5 states:

“New industrial, commercial and business development outwith settlement boundaries will be encouraged and considered acceptable to the Council only where the proposal relates to:

- (iii) *sympathetic industrial, commercial and business developments including sensitive recreational, tourism, leisure and sporting developments and developments which support the knowledge based economy and the service sector, and which contribute positively to the diversification of the rural economy and can be clearly demonstrated to have a specific requirement for a rural location;”*

***It is considered that as long as the conference block is related to the tourism development and provides seminars etc. on rural activities, the proposed conference block would accord with the policy. In relation to the fishing and riding activities proposed, the proposal could be considered to be a sympathetic recreational based business development. Although the applicant has provided no information to clearly demonstrate a requirement for a rural***

**location, it is considered that horse paddocks, tack and livery etc would generally be considered acceptable here, in preference to an urban location.**

5.5 Policy IND6 states:

“Outwith settlement boundaries, all proposals for new industrial, commercial and business developments which fall within the categories of development detailed in Policy IND6 (ii) to (vi) above, will require to be justified and will only be supported where:

(i) *the proposed use is compatible with surrounding land uses;*

***It is considered that the proposed use will generally be compatible with the surrounding land uses, which are mostly agricultural, with small scale residential uses.***

(ii) *the development has no unacceptable adverse impact on the landscape quality, character and amenity of the surrounding area which cannot be adequately mitigated through the appropriate provision of screen planting or landscaping;*

***It is considered that the erection of the conference block will not have an unacceptable adverse impact on the landscape quality, character and amenity of the surrounding area. The conversion of the barn to tack and livery facilities poses no issues in terms of impact on landscape quality.***

(iii) *the development has no unacceptable transportation or infrastructure implications;*

***The Roads and Transportation Service finds the proposal to be acceptable.***

(iv) *there is no unacceptable loss of prime quality and good quality, locally important agricultural land falling within categories 1, 2, 3.1 and 3.2 of the Macauley Land Use Research Institute; and*

***The proposal would result in a small area of Category 3.2 good quality locally important agricultural land being lost. This loss is however not considered to be significant or unacceptable.***

(v) *the development has no unacceptable adverse impact on natural and built heritage resources.”*

***While there may be some limited visual impact on the setting of the Category C Listed Fairliecrevoch Farm, this is not considered to be significant, given the surrounding agricultural buildings in the vicinity.***

5.6 Policy TOUR 4 states:

“The Council will encourage and support the retention and improvement of existing tourist attractions and tourism related facilities throughout the local plan area and will be supportive of sensitive new tourism related developments where:

- (i) *the proposed use and any associated structures are not visually or environmentally intrusive, are of a nature and scale compatible with surrounding land uses and are not detrimental to the character and amenity of the area within which they are proposed; and*

***It is considered that the holiday lodges, due to the layout and scale of the development, will have some limited visual impact on the landscape. A comprehensive screening and planting scheme will be required to mitigate the visual impact and to avoid any detrimental impact to the character and amenity of the area, and this can be a condition on any consent should Members decide to grant consent.***

- (ii) *there is no adverse impact on the natural environment and in particular on recognised natural or built heritage resources requiring conservation; and*

***As long as a comprehensive screening and planting scheme is provided, to the satisfaction of the Council, there would be no significant adverse impact on the setting of the Category C Listed Fairliecrevoch Farm.***

- (iii) *the proposal can be fully justified in terms of infrastructure, provision of services, access and car parking provision.*

***The Roads and Transportation Service finds the proposal acceptable.***

5.7 Policy TOUR 5 states:

“The Council will be supportive of development of new hotel, guest house and self-catering accommodation within the area settlements...and in rural locations where the proposal complies with Policy IND 6’. Policy TOUR 5, however, also maintains that such proposals require to be accompanied by a business plan, and applicants will be required to enter into an appropriate Section 75 Agreement with the Council regarding the use and operation of the sites concerned.

***The applicant has submitted a planning statement in justification of the proposal which details the establishment of the Annick Waters Country Park and its aims and objectives. Should planning permission be granted any consent would be withheld until a Section 75 legal agreement has been concluded between the Council, all landowners and the applicant.***

5.8 Policy ENV4 states:

“The Council will actively encourage the retention, restoration, renovation and re-use of listed buildings, unlisted buildings in conservation areas and other locally important, especially traditional older properties, throughout the area. Development affecting a listed building or its setting shall preserve the building, or its setting, or any features of special architectural or historic interest which it possesses. The layout, design, materials, scale, siting and use of any development shall be appropriate to the character and appearance of the listed building and its setting.”

***It is considered that there may be some visual impact on the setting of the Category C Listed Fairliecrevoch Farm, as the design and materials of the buildings do not fully reflect the design and materials used on the listed farm steading. There is, however, some degree of separation between Fairliecrevoch’s buildings and the proposed holiday lodges, and a large agricultural shed lies between these.***

***However, as above, should a comprehensive screening and planting scheme be provided, there will be no significant adverse impact on the setting of the Category C Listed Fairliecrevoch Farm.***

5.9 With regard to the static caravan proposed, Policy RES 32 notes that temporary consent may be granted in the following circumstances:

“(iii) where on-site accommodation is required in connection with an authorised business or industrial development for the period within which the business or industry is becoming established on site and where this can be justified to meet operational requirements.”

***The applicant has advised that a static caravan will be required for a temporary period while the site is being developed. The need for a static caravan in this instance would accord with Policy RES 32 if it was demonstrated that the proposal was financially viable. A condition that gives temporary consent for the use of a static caravan for a specified period of time would require to be imposed should Members decide to grant consent.***

***In conclusion, the proposed tourism development accords generally with Policy ECON 14 of the Structure Plan, Policy SD5 and TOUR 5 of the Local Plan. However, to fully accord with ENV 4 of the adopted Local Plan, Policies TOUR 4 and TOUR 5 and ENV 4, a condition controlling the screening and planting scheme to mitigate the visual impact on the rural landscape and also any potential impacts on the setting of the Category C Fairliecrevoch Farm would require to be imposed.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principle material considerations relevant to the determination of this application are the consultation responses, letters of objection, supporting statements, the impact on the amenity of the area and the planning history.

## Consultation Responses

6.2 No issues have been raised in the consultation process which warrant refusal of the application.

## Letters of objection

6.3 The pertinent issues raised by the objectors relate to both the principle of the development in this location and the level of detail in the business plan, whether the proposed business is financially viable and, ultimately, the effect of the proposal on residential amenity. The proposal accords in general with the relevant local plan policies, however the concerns raised by the objectors in relation to the financial robustness of the proposal have been addressed through the submission of the business plan and its assessment.

In terms of fostering new business development, it is considered the proposal is acceptable and should be supported; however, conditions can be imposed to control the site should the venture become financially unviable, in order that any inappropriate buildings are removed and the site restored.

## Impact on the amenity of the area

6.4 The proposal will have some effect on amenity; however this will not be significant and the proposal can be viewed as one which might readily be found in a similar location. The materials and design are simple and if tree screening is carried out, the visual impact would be acceptable. Given the large agricultural shed currently adjacent to the farm house and steadings, it is not anticipated that the livery and tack room will pose any significant effect on the adjacent listed buildings.

## Planning History

6.5 Application 09/0348/PP for a similar proposal was withdrawn on 03 November 2009. The application was withdrawn after discussion with the case officer with regard to the lack of a suitable business justification.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are legal implications for the Council in the determination of the application. Planning consent should be withheld until a Section 75 Agreement between the applicant and the Council has been concluded. This should address the use and operation of the site to ensure that it is utilised to best effect for leisure purposes and not for permanent residential accommodation.

## **8. CONCLUSIONS**

8.1 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.

8.2 As detailed previously in this report the principal of the proposal is considered to be in compliance with the relevant policies in the Development Plan. The business justification is considered to be adequate and to have sufficient information to demonstrate that the business is financially viable.

8.3 The material considerations are generally supportive of the proposal with the exception of the body of objections received, however, it is considered that most of the concerns of the objectors can be covered by the imposition of appropriate planning conditions.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved with conditions, as listed on the attached sheet but that the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant, in respect of the matters described in Sections 5.7 and 7.1 of this report.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that this application be refused contrary to the recommendation of the Head of Planning and Economic Development then the application will not require to be referred to Council as it would not be a significant departure from Council Policy.

**Alan Neish**  
**Head of Planning and Economic Development**

17 May 2011  
MF/HM/RH  
FV/HM

### **LIST OF BACKGROUND PAPERS**

1. Application forms and plans
2. Statutory Notices and Certificates
3. East Ayrshire Local Plan 2010
4. Ayrshire Joint Structure Plan 2007
5. Planning application 09/0348/PP
6. Letters of objection
7. Consultation responses

Anyone wishing to inspect the above papers should contact Marion Fergusson, Senior Planning Officer on 01563 576797.

**Implementation Officer: Hugh Melvin**

**East Ayrshire Council**

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

**Application No: 10/0448/PP**

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Location	Fairliecrevoch Farm, Kilmaurs, Kilmarnock East Ayrshire
Nature of Proposal:	Erection of 8 holiday lodges, conference block and static caravan, creation of horse paddock and tack and livery room with associated parking facilities and conversion of barn for ancillary livery use and associated parking facilities.
Name and Address of Applicant:	Mr Malcolm Wilson 9 Needles Court Millford-on-Sea Lymington SO4 10WA
Name and Address of Agent	Rural Building Design FAO Jack Bishop Boghead Cottage Mauchline KA5 6JW

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Officer's Ref: Marion Fergusson  
01563 576769

The above Planning Permission Application should be **APPROVED** subject to the following conditions:

1. Prior to commencement of 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, shall be submitted for approval in writing by this Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

2. Prior to commencement of any works start on site, the developer shall submit details and specifications of the protective measures necessary to safeguard all trees on the site during development operations. The developer shall ensure all construction work on site within the vicinity of such trees existing on the site shall be protected within the parameters of British Standard BS5837 (2005) 'Trees in relation to Construction Work'. This Planning Authority shall be formally notified in writing of the

completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the development operations and no building materials, soil, fuel or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

Reason: In order to ensure that no damage is caused to any existing trees during development operations.

3. All planting carried out on site shall be maintained by the developer in accordance with good horticultural practice for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually.

Reason: In the interests of visual amenity and effective landscape management; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

4. Should the use become redundant, or no longer viable, details of the cessation of use shall be submitted to the planning Authority and the buildings on site shall be removed and the site restored to its original state within one year.

Reason: To adequately control the remediation of the site in this rural location.

5. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In terms of protecting any undiscovered archaeological remains on site.

6. Noisy work on the site during construction should be restricted to 7am to 7pm Monday to Friday, 8am to 1pm on a Saturday, and no noisy work on a Sunday.

Reason: In terms of proximity to residential dwellings and protection of residential amenity.

7. All drainage shall be completed to the satisfaction of SEPA and/or Scottish Water.

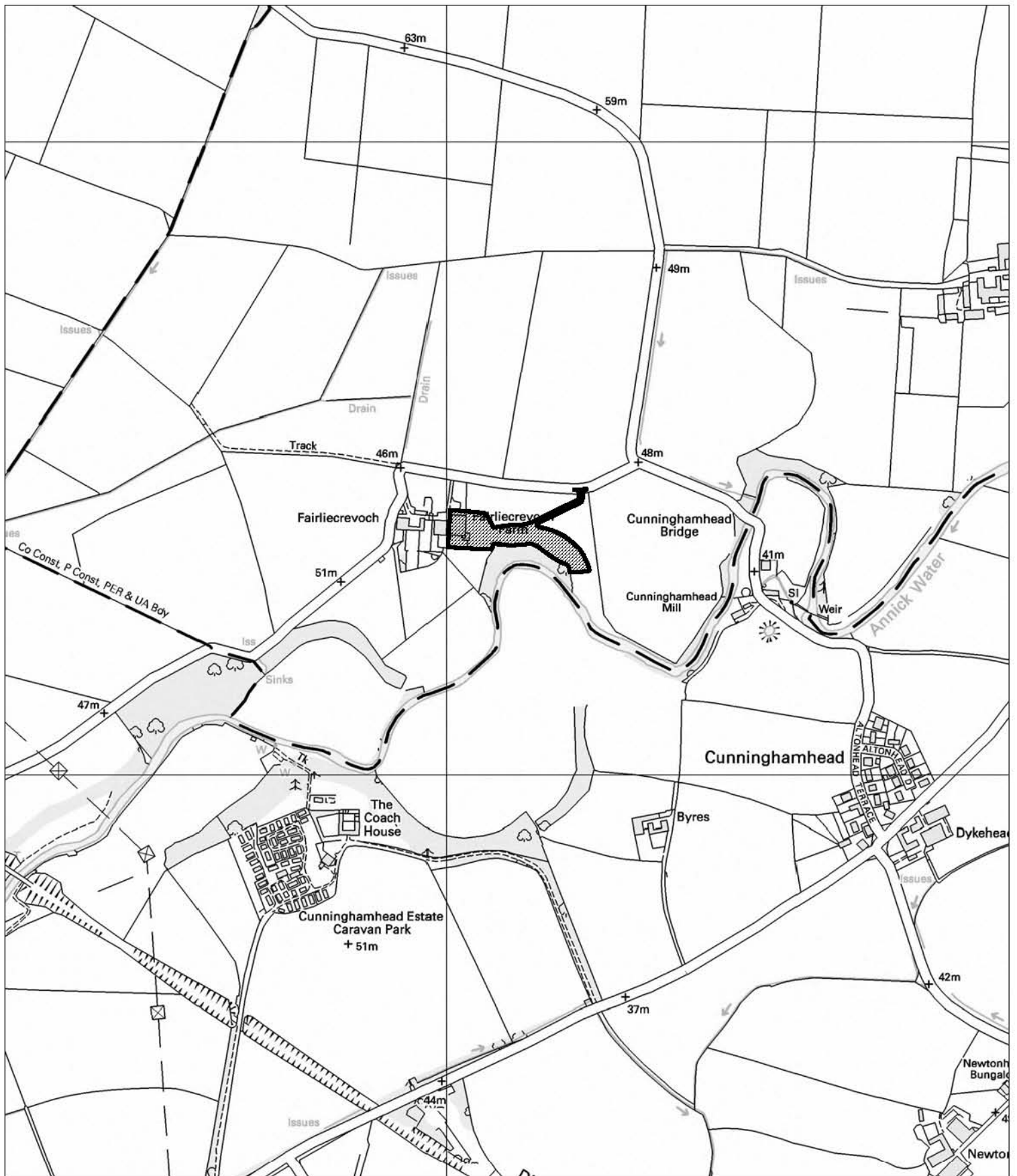
Reason: In the interests of the proper servicing of the site.

## **Reason for the Decision**

The proposal is generally compliant with the Development Plan and after careful consideration of representations and other relevant factors it is considered that the material considerations do not, on balance, indicate that the application should be refused contrary to the Development Plan.

### **Advisory Notes:**

1. For the avoidance of doubt, the use hereby approved relates to holiday lodges in conjunction with the rural sporting activities proposed and does not confer any mainstream residential use.
2. Construction works associated with the development must be carried out in accordance with SEPA's guidelines on avoidance of pollution, and reference should be made to the relevant Pollution Prevention Guidance (PPG) from SEPA. Any waste materials imported to the site should be stored and used only in accordance with the waste management licence or exemption under the Waste Management Licensing Regulations 1994 as amended. Any waste materials removed from the site must be disposed of at a suitably licensed or exempt waste management facility in accordance with these Regulations.
3. There are no recorded archaeological sites within the proposed development area, but because development is proposed for previously undeveloped land and is large in scale, there is a potential for significant unrecorded sub-surface archaeological deposits to be present on site. It is advised that a trial trenching programme consisting of an 8% sample of the full application area should be conducted by an appropriate archaeological contractor, details of which are available from the case file online.
4. All waste arising from the works should be disposed of to the satisfaction of the Waste Management Authority and otherwise than by burning.
5. The Council's Contaminated Land Officer has not identified any specific area of concern but has suggested the inclusion of a general caveat on any conditions of approval to the effect that if any unsuspected contamination is encountered during the proposed works, the Council should be informed accordingly along with any required remedial measures formulated to address the risk of exposure to key receptors and subsequent confirmation of completion of works.



Title/Location **Fairliecrevoch Farm**  
**Kilmaurs**  
**Application No. 10/0448/PP**

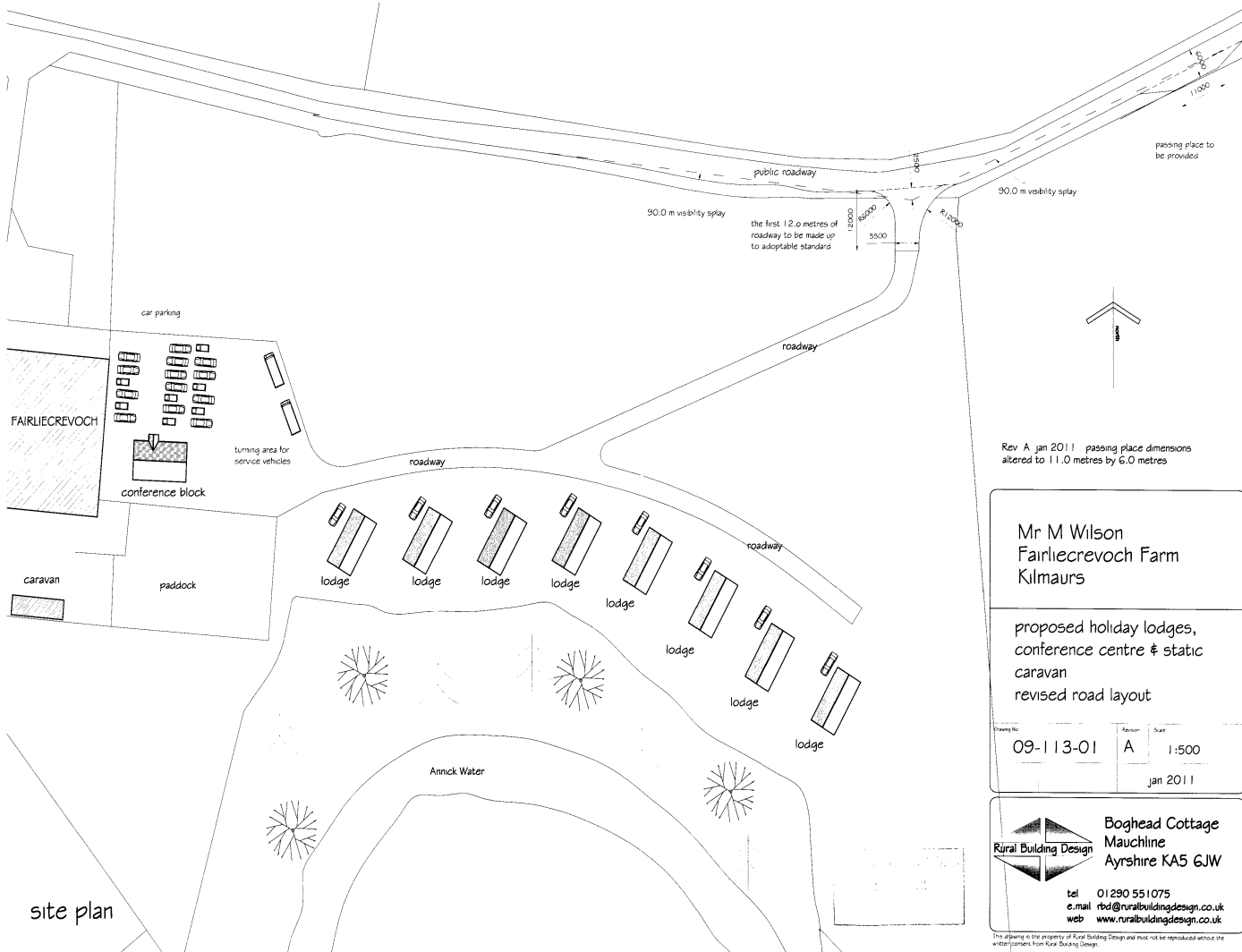
**East Ayrshire Council**  
 Department of Neighbourhood Services  
 Planning & Economic Development Service.  
 6 Croft Street  
 Kilmarnock KA1 1JB  
 Tel: (01563) 576790 Fax: (01563) 576774  
 E-Mail : [Planning@east-ayrshire.gov.uk](mailto:Planning@east-ayrshire.gov.uk)  
**Com Date: 25/05/2011**



Key



**Application Site**



site plan

Rev A jan 2011 passing place dimensions altered to 11.0 metres by 6.0 metres

Mr M Wilson  
Fairliecrevoch Farm  
Kilmaurs

proposed holiday lodges,  
conference centre & static  
caravan  
revised road layout

Drawing No:	Revision:	Scale:
09-113-01	A	1:500
jan 2011		

**Rural Building Design**

Boghead Cottage  
Mauchline  
Ayrshire KA5 6JW

tel 01290 551075  
e.mail rbd@ruralbuildingdesign.co.uk  
web www.ruralbuildingdesign.co.uk

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