

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 17 SEPTEMBER 2009

**09/0058/FL: PROPOSED UPGRADE OF EXISTING SKI AND SPORTS CENTRE COMPRISING THE CONSTRUCTION OF A NEW CLUBHOUSE AND PARKING, FORMATION OF ADULT AND NURSERY SLOPES AND ASSOCIATED PATHS, LIFTS, SAFETY BARRIERS, FLOODLIGHTING AND EXTENDED SECURITY FENCE
AT NEWMILNS SNOW AND SPORTS COMPLEX, 35 HIGH STREET,
NEWMILNS**

BY NEWMILNS SNOW AND SPORTS COMPLEX

Report by Head of Planning and Economic Development

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposal is to significantly upgrade the existing facilities and features of the site. This upgrading includes a replacement ski slope area located over the site of the existing ski slope and installation of a ski lift and a new nursery ski slope with a ski tow. The upgraded adult ski slope measures 115 metres in length and 20 metres in width covering an area of 2300m² and will involve cut and fill at various sections to achieve the required gradient although all material is to remain on site. The ski lift which services the adult ski slope is 120 metres in length and will be between 5 and 7 metres in height, supported on four metal stanchions. The nursery slope measures 29 metres in length and 14 metres in width which covers 406m². A ski tow is proposed for this section and is 29 metres in length and 3 metres in height, supported on two metal stanchions.

1.2 Also proposed as part of this application is a new clubhouse building. The proposed clubhouse building will be located to the west of the existing clubhouse on the top tier of terracing, currently occupied by car parking. The club house is single storey with a gull wing roof. The building measures 30 metres by 16 metres at the widest point and is proposed to be finished in timber cladding, render and glass. The clubhouse is proposed to provide ski hire, changing and toilet facilities as well as a proposed fitness gym, a café/bar area and a teaching/conferencing area. The applicant proposes to retain the existing clubhouse building.

1.3 The final main area of upgrade focuses on the car parking and access area. The main access road and roadway areas are to be covered in tarmac with

the parking areas to be finished in chips. The facility will provide for 104 visitor spaces, 7 of which are proposed to be accessible bays. Four bus bays are to be provided at the south of the site and nine spaces are to be provided for staff adjacent to the clubhouse. A metal palisade fence is proposed to be located across the site running east to west, located to the north of the upper grassed terrace area.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, the application is considered to be largely compliant with the development plan with the exception of the car parking area which falls under policy RES 1 of the Local Plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 The key material considerations are the consultation responses, the planning history, the supporting statement, objections, the impact on the amenity of the area and the Alteration to the East Ayrshire Local Plan (Finalised Draft with Modifications). The consultees have raised no significant issues with the proposal and indeed the Community Council has indicated its support for the development particularly with regard to the economic and social benefits that it could bring to the town. This ties with the views put forward in the supporting statement where the regeneration and economic, social and educational benefits of the development are touched upon. The proposal is generally compliant with the Alteration to the East Ayrshire Local Plan as the identified housing site shown previously in the Adopted Plan has been removed; however the café element has not demonstrated a sequential approach. The planning history of the site does not indicate that the application should be refused and it is considered that the proposal will bring a positive impact to the surrounding area in terms of visual amenity, social and economic benefits and potential regeneration opportunities.

3.3 Turning to the objections, it should be noted that two objections do not relate to the principle of the development, rather the treatment at the site boundary with their garden. The points of objection relate predominantly to visual impact, noise and security issues and traffic issues. It is considered that the proposal will have a positive visual impact given that it seeks to regenerate and improve much of the currently run down facilities which do not present an ideal visual presence. The modern but sensitive design of the clubhouse should fit well into the terraced and sloping ground levels. The noise and security issues

raised relate to the increased number of visitors that the centre could generate however the main activity areas such as the clubhouse and slopes are a considerable distance from the nearest dwellinghouses and the car parking area will be improved and properly lit which will add to the security of the dwellinghouses rather than reduce security. The Roads Division has not highlighted any concern with the anticipated level of increase in road traffic from the development after careful study of the submitted Transport Assessment.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development and on the basis of the principle of the development, then the application will require to be referred to as the principle of the development is in accordance with the Adopted East Ayrshire Council Local Plan.

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 AREA LOCAL PLANNING COMMITTEE: 17 SEPTEMBER 2009

**09/0058/FL: PROPOSED UPGRADE OF EXISTING SKI AND SPORTS CENTRE COMPRISING THE CONSTRUCTION OF A NEW CLUBHOUSE AND PARKING, FORMATION OF ADULT AND NURSERY SLOPES AND ASSOCIATED PATHS, LIFTS, SAFETY BARRIERS, FLOODLIGHTING AND EXTENDED SECURITY FENCE
AT NEWMILNS SNOW AND SPORTS COMPLEX, 35 HIGH STREET,
NEWMILNS**

BY NEWMILNS SNOW AND SPORTS COMPLEX

Report by Head of Planning and Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a planning application which is to be considered by the Local Planning Committee under the scheme of delegation, as the application relates to land in the ownership of the Planning Authority.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located on the northern side of High Street within the settlement boundary of Newmilns. The application site extends to 1.85 hectares in area and is relatively steep in nature with a 13 metre height difference from the site access to the ground floor of the proposed clubhouse and 33 metres from the site access to the most northern element of the site. The site is characterised by two main areas, the car parking area and the ski slope area. The car parking area is terraced in nature with large, flat, chipped areas providing the parking, accessed from the main site access driveway which runs along the eastern boundary of the car park area. The flat car park areas are interspersed by steep grass strips which include various trees and stairs. The ski slope area is located in the north east area of the site and is characterised by the steeply sloping contours, the artificial ski slope and numerous trees. Also within this area is the existing clubhouse, which is a small timber clad building, and metal containers for the storage of equipment. The site is bounded to the north, north west and west by agricultural ground and to the north, north east and east by the adjacent mountain biking track which also comes under the control of the applicant. The site is bounded to the south by various residential properties, particularly those on High Street and West Church Street. Access to the site is taken off High Street at the extreme south of the application site.

2.2 Proposed Development: The proposal is to significantly upgrade the existing facilities and features of the site. This upgrading includes a replacement ski slope area located over the site of the existing ski slope and installation of a ski lift and a new nursery ski slope with a ski tow. The upgraded adult ski slope measures 115 metres in length and 20 metres in width covering an area of 2300m² and will involve cut and fill at various sections to achieve the required gradient although all material is to remain on site. The ski lift which services the adult ski slope is 120 metres in length and will be between 5 and 7 metres in height, supported on four metal stanchions. The nursery slope measures 29 metres in length and 14 metres in width which covers 406m². A ski tow is proposed for this section and is 29 metres in length and 3 metres in height, supported on two metal stanchions.

2.3 Also proposed as part of this application is a new clubhouse building. The proposed clubhouse building will be located to the west of the existing clubhouse on the top tier of terracing, currently occupied by car parking. The club house is single storey with a gull wing roof. The building measures 30 metres by 16 metres at the widest point and is proposed to be finished in timber cladding, render and glass. The clubhouse is proposed to provide ski hire, changing and toilet facilities as well as a proposed fitness gym, a café/bar area and a teaching/conferencing area. The applicant proposes to retain the existing clubhouse building.

2.4 The final main area of upgrade focuses on the car parking and access area. The main access road and roadway areas are to be covered in tarmac with the parking areas to be finished in chips. The facility will provide for 104 visitor spaces, 7 of which are proposed to be accessible bays. Four bus bays are to be provided at the south of the site and nine spaces are to be provided for staff adjacent to the clubhouse. A metal palisade fence is proposed to be located across the site running east to west, located to the north of the upper grassed terrace area.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have assessed the Transport Assessment submitted by the applicant and have advised that no further mitigation measures would be considered necessary to allow the development to proceed. They have advised however that the applicant should give consideration to widening the car park internal road servicing the visitor and staff parking between the lower and upper clubhouse level to ensure that 2 vehicles can adequately pass each other. Furthermore they recommend that the access gates be widened to ensure that no pinch point is created for vehicles entering and exiting the development.

Noted. The recommendations from the Roads Division have been passed to the applicant for consideration. Given that the Roads Division is content that no further mitigation measures are required, the recommendations, should they be taken forward by the applicant, may be addressed by a non material variation or through a condition regarding boundary treatments.

3.2 Newmilns and Greenholm Community Council have welcomed the development and would express their support for the proposal. The Community Council consider that children will benefit from the development as a result of being diverted from crime and other associated behaviour. Furthermore the employment and training generated would be a welcome boost for the local economy. The development also presents a positive image for the village and the development can be one of the best outdoor facilities in Scotland. It has been shown through the hard work, enthusiasm and dedication of local people how this facility can be run successfully and will hopefully continue to run in the future.

Noted.

3.3 East Ayrshire Councils Environmental Health section have no objection in principle to the development and have offered comments with regard to construction working times, noise levels during construction, drainage, artificial light positioning and contamination.

Noted. Notes and conditions could be attached to any grant of planning consent to cover drainage, working times and lighting details.

3.4 Scottish Water has no objection to the planning application.

Noted.

3.5 Scottish Environment Protection Agency have no objections however they have advised that foul drainage must be connected to the public sewerage system and that surface water drainage be conditioned to ensure that surface water is treated in accordance with the principles of the SUDS Manual (C697). SEPA has also provided comment with regard to flooding, waste treatment and construction/demolition pollution prevention.

Noted. The scheme accords with these requirements.

3.6 Health and Safety Executive have no objections as the site is outwith the consultation boundary.

Noted.

3.7 The East Ayrshire North Access Panel have requested further details of an accessible toilet and shower and have asked that level access be confirmed.

The developer has provided further details regarding this issue which clarifies that level access will be provided. The developer has also provided details regarding an accessible toilet however it is considered that this matter is best addressed through the Building Warrant process.

3.8 East Ayrshire Council's Roads and Transportation Division (Flooding Section) has advised that in principle the discharge of surface water drainage to the Scottish Water sewer is acceptable and that no surface water drainage should be allowed to enter the Back or Caffle Burns due to the history of flooding of adjacent roads from these watercourses. A condition should be attached to any grant of consent to ensure that details of the proposed surface water drainage treatment method is provided.

As Scottish Water has agreed the principle of discharge of surface water to their sewer there is no need to connect to the Back or Caffle Burns. A condition should be attached to any grant of planning consent to ensure that all drainage arrangements are submitted for the approval of the Planning Authority prior to any development commencing on site.

3.9 East Ayrshire Council's Outdoor Amenities section has commented that the existing trees offer both screening and shelter to the existing facility which is positioned on a fairly exposed hillside. These attributes will be required within the upgraded site and retaining some of the existing trees will be beneficial. New tree planting will be required for both screening and shelter.

Noted. The proposal does indeed require the removal of trees to allow the formation of the ski slope. A condition can be attached to any grant of consent, however, that ensures that details of the proposed landscaping be provided for the approval of the Planning Authority so that adequate screening and shelter is provided.

4. REPRESENTATIONS

4.1 Three letters of objection have been received in connection with this application. The grounds of objection are as follows:

4.2 I strongly object to there being no provision of a security fence at the south west corner of the proposed site which borders my property. At the moment the public insist on using my private runway as a short access and exit to the existing ski club and waste ground. The wall is only 0.92 metres high on the ski club side

and presents no difficulty for people to climb over. My garden fence has been damaged on numerous occasions and despite my efforts the public still insist on using my runway. This nuisance and damage can only be exacerbated by the proposed extension to the ski club facilities.

The corner of the site referred to by the objector has a low stone wall which is much lower on the car park side than the objector's side. It is agreed that this area could become a route used to leave the site by children particularly. In response to this it is recommended that a condition be attached to any grant of planning consent to ensure that a railing type fence, similar to the boundary fence at the site entrance, be installed at the corner of the site with West Church Street.

4.3 Furthermore, for anyone wishing to partake in any wrong doing with regards to the cars and their contents in the proposed car parking areas my runway will be the obvious escape route. A solution could be as routine as extending the height of the current wall with security fencing to the height of 2 metres extending approximately 8 metres on either side of the south west corner adjacent to my property.

The specific details of the proposed fence can be considered under planning condition should Members see fit to grant planning approval.

4.4 Visual amenity and other amenity of the site, during and after development

It is considered that the proposal will not adversely affect the visual amenity of the area given the long term use of the site for leisure development which will be continued by this development. Whilst the facilities will be extended and upgraded, it is considered that the careful layout, design and landscaped screening of this development will adequately combine to present a minimal visual impact. As the construction period for the development will be short in relation to the longer term use of the site, it is considered that any temporary visual or other impact will be minimal and acceptable.

4.5 Security issues that will arise with higher levels of foot traffic, and of every other vehicle type (e.g. coaches/buses)

This proposal includes lighting within the car park area and the site is well overlooked from the proposed clubhouse and from the rear of the dwellinghouses at the southern end of the site therefore it is considered that security will be of a good standard for those visiting the facility.

4.6 Enforcement of and alternative provision of dog fouling areas after development.

Whilst it is noted that the site is currently relatively open, it is not an identified public open space area for dog walking. Should the development be approved there is alternative provision within Newmilns and the nearby countryside for those wishing to walk dogs.

4.7 Noise – minimisation, duties incumbent upon owners being enforced, control and attenuation efforts.

As the use already exists at this location a degree of noise is likely to already be generated by the ski slope. The upgraded facilities are likely to attract more people which may result in an increase in noise levels however given that the clubhouse is over 100 metres from the objectors dwelling and the ski slopes even further, it is considered that noise disturbance to nearby residential properties will be minimal.

4.8 Issues such as liquor license is of concern as are issues about any overnight residency that might arise.

The merits of any liquor license application would be considered by the Licensing Board of the Council however it is considered that as the café/bar area is incidental to the main use of the facility, such a use would not be of detriment to the area. There is no indication that the facility will offer overnight residency.

4.9 Screening from traffic headlamps. Visual amenity/privacy issue. The height advantage of the traffic and the highly elevated status of the front elevation of the clubhouse means even bedrooms will be illuminated, and directly suffer light pollution and noise nuisance too, due to 'direct line of sight' to houses.

The clubhouse is over 100 metres from the nearest residential property and has minimal glazing or lighting facing residential property. Given this situation light pollution from the building is unlikely to be an issue. With regard to the car park, it is agreed that some car headlights will shine towards the dwellinghouses. However it is noted that this situation exists, on a more informal basis, at the moment. Furthermore, most spaces are a considerable distance from residential property and many face onto the site entrance thereby not shining any light directly at the residential properties.

4.10 This screening must deal with audible noise as well as visual nuisance. Trees might perform this – some were chopped down already for some reason. The loss of the ‘island’ to make way for the coach park will remove what is currently a pleasant outlook at the rear of properties, and exacerbate problems.

The site does not contain any trees covered by a Tree Preservation Order. The removal of the ‘island’ improves the parking and access situation for the development and is considered to be an acceptable loss. The developer proposes a degree of planting within the site therefore any loss of trees could to a reasonable degree be compensated by new planting at various points throughout the site. It should be noted that at present the boundary treatment at the objectors property is iron railings offering clear views to and from the site therefore the loss of the island will not result in any greater degree of privacy loss than currently exists.

4.11 Minimisation of crime related opportunities that will open up when a large amount of people can legitimately be nearby homes, who are possibly from far and wide. Opportunist theft for example may be an increased issue (security point). Again trees that screen from casual eyes, the rear of the houses would be useful (not leylandii please, birches are already in the area).

While it is correct that the proposal will introduce more people to the area, the increased formalisation of the use should provide greater security to the adjacent neighbours.

4.12 Coach park is very close to and has an unobstructed view of my property. The problems immediately apparent are noise nuisance and loss of privacy. There are currently very few people pass by. The location of a coach park at the back of my property will be deleterious to visual and other amenity of my property, privacy will be lost significantly compared to now as passengers alight and disembark. To place it there, the ‘island’ with its trees will presumably have to be destroyed, and this will be an immediate impact on my amenity and privacy.

The coach park is approximately 30 metres from the objectors house and approximately 20 metres from the nearest point of the garden. This is considered to be an acceptable separation distance to maintain privacy. It should be noted that the boundary at the objectors property is detailed by a metal railing fence giving clear views to and from the site therefore the proposal does not significantly alter the privacy experienced by the objector however a condition can be attached regarding the proposed boundary treatments to ensure that the objectors privacy is maintained.

4.13 Historic interest e.g. gate area. Any area near my property (and none of this development is all that far from my property) will affect noise nuisance and

visual amenity as well as general usage of my property. I like it how it is. As well as the amenity and security issues of this area (its iron bars), the historic value is not to be ignored. The loss of the school building was in many ways a great shame, and nothing can be done on that front now. However, the few small relics are worth retaining, including the ironwork (fencing/gateposts and so forth)

The developer has not indicated that the existing gate arrangements will be changed however the access is tight at 3.4 metres wide which will make access for buses difficult. It is recommended that the railings and raised beds are removed to allow easier access to the site. The gates are not given any formal protection under listed building regulation and it is considered that their removal will not adversely effect the visual amenity of the site. Any such alteration would not require planning permission and any replacement could be considered under a planning condition regarding boundary treatments.

4.14 Subsidence and traffic damage. Heavy and higher volumes of traffic constrain me to mention that settlement has occurred with some properties in the area. Flooding, underground streams and erosion for other reasons, have combined with an inexorable rise in traffic mass and amounts/frequency, to make serious this point. I cannot state it strongly enough – there is already a problem with existing levels and sorts of traffic – more will be impossible to allow without action being taken to modify or reinforce/underpin the route into no. 35.

The Roads Division, having considered the Transport Assessment, have offered no objections to the development.

4.15 Change of usage. The site is currently termed an educational site. This is a stretch now. If for example the clubhouse gets a liquor license, this would test the description to beyond breaking point.

It is unclear what description the objector refers to. The East Ayrshire Local Plan identifies the site for tourist, leisure and recreational purposes as well as a housing site and undesignated land. The Alteration to the East Ayrshire Local Plan identifies the site for tourist, leisure and recreational use and as undesignated land.

4.16 Intended further use of the field behind the row of houses attached to mine. The proximity of facilities of whatever sort to this area, and the provision of trees to give screening and ameliorate the loss of privacy, visual amenity and address the lessening of security are very important. It would also provide clear demarcation and delineation of this area from the access road and normal usage of the garages there.

There is currently sufficiently clear delineation of the boundary at the south of the site and given that the south east corner of the site is not proposed to be developed as part of this application, further delineation is not considered necessary.

4.17 Personal and privacy aspects are crucial. For example, I have two children under ten years of age. Currently, with the existing level and type of visitor (i.e. a small operation with many relatively local visitors), it is easy enough to let the kids play, running around the side of the house. But, a physical visit shows this is only skin deep, and issues arise with possible crowds that on occasion might be overwhelming (if a success is made of the complex, which is presumably being hoped and planned for). This restraint on the children will not protect them now, if this development becomes the sort of 'big' operation clearly intended. I don't have the right to CRB-check customers of the complex.

This development does not impact upon the objectors garden and it is not seen how further visitors from a wider area will present any further restraint on the objectors children. A facility has existed at this location since 1975 and has seen various levels of usage during that time therefore the objector's claim that the operation is 'small' does not tie with the historical situation.

4.18 Currently the site is used as a community resource in respect of dog walkers, and education and encouragement will be required to improve this sort of usage, or provide an alternative.

The site is not currently designated as a dog walking site. The use of the area for dog walking is informal. Therefore dog walkers will be required to make alternative arrangements within Newmilns or indeed outwith the settlement boundary to the north of the site.

4.19 Ordnance Survey report only a minority of developments adhere to the planning permission given, that in most cases, the final build differs markedly from what was ratified by planning procedures such as the one invoked here. Conditions must be clear to avoid this.

Any grant of planning consent requires the developer to develop the site in accordance with the approved plans. Any changes to the plans require to be agreed by the Planning Authority either through planning condition or further applications. Should the developer fail to follow the approved plans enforcement action could be instigated by the Planning Authority.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (AJSP) and the Adopted East Ayrshire Local Plan (EALP).

Ayrshire Joint Structure Plan

5.2 Policy ECON 12: The Tourism Resource states that the three Ayrshire Councils shall, in conjunction with other agencies, promote the development of tourism to increase the range, geographic spread and quality of accommodation, facilities, attractions and supporting infrastructure where it contributes to environmental quality, extends the visitor season, provides further job opportunities, supports communities and encourages rural diversity.

The upgrading of the existing ski and sports centre will significantly enhance the facility, therefore maintaining the range as well as improving the quality of tourist leisure facilities in East Ayrshire. Furthermore the proposal will maintain existing jobs and continue to help support the community of Newmilns.

East Ayrshire Local Plan

5.3 Section 'Newmilns 2' of the Local Plan states that the Council will support and encourage the development of the following site for tourism, leisure or recreation purposes:

Site Ref: 198M; Location: High Street; Area (ha): 0.43

The proposed upgrading to the existing ski and sports centre incorporates Site 198M within the application site. As the proposal is a tourist, leisure and recreation facility, it is considered that the proposed use is acceptable and is compliant with this section.

5.4 Policy TLR10 states that the Council will assess all applications for commercial leisure developments against the relevant policies as contained in the Retailing and Town Centre section of the Local Plan. The policy also states that commercial leisure developments specifically geared towards rural leisure and recreation may be acceptable where they can be justified against a set of four criteria, as follows:

- (i) there is a site specific locational need;

The proposal is to upgrade the existing ski and sports centre which has been located in Newmilns since 1975. In this instance, a site specific locational need has been previously established.

- (ii) there is no adverse impact on the visual amenity, landscape character or scenic quality of the area concerned;

It is considered that the proposal will have no adverse impact on the visual amenity, landscape character or scenic quality of the area.

- (iii) there is no adverse impact on areas of natural or built heritage resources requiring conservation;

There is no adverse impact on areas of natural or built heritage resources requiring conservation.

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

The Roads Division and service providers consulted as part of this application have offered no objections to the development.

5.5 Policy RTC7 supports retail development proposals in out-of-town centre locations in six stated circumstances. One of these circumstances is pertinent to the application, this being where:

- (v) the proposal is for a tourism, leisure or recreation related retail development including provision for the sale of refreshments, not exceeding 200m² gross floor area where the goods sold and services provided cater specifically for tourists and visitors to the area in which the retail facility is proposed.

The proposal is for the upgrading of an existing tourist, leisure and recreational related development including a new club house which contains a cafe area of approximately 64 m². The cafe is purely ancillary to the main tourist, leisure and recreation use of the premises.

5.6 Policy RES1 encourages and supports the residential development of those Development Opportunity Sites identified for housing purposes on the individual Local Plan maps and reserves them for residential and associated recreational and amenity open space development.

Part of the application site incorporates Site 120 H, which is reserved for residential development in the adopted Local Plan. The development of this part of the site for the proposed expanded tourism facility would not be considered to be compliant with this policy. It should be noted however that the current use of this identified housing site is as an informal car park for the ski centre use therefore the improvements to the car park do not change the current use, rather it formalises the car parking arrangements.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, objections, supporting statement, the impact on the amenity of the area, the planning history and the Alteration to the East Ayrshire Local Plan (Finalised Draft with Modifications).

Consultation Responses

6.2 The consultation responses do not indicate that the application should be refused. No significant issues have been raised by any consultee and conditions could be added to any grant of consent to ensure that all drainage matters are addressed to the satisfaction of the Planning Authority, prior to the commencement of development. The supporting letter from the Community Council clearly states that in general the development is supported by the local community in terms of the positive impact that it will have on the economy of the town.

Impact on the Amenity of the Area

6.3 It is considered that the proposal will have a positive impact on the amenity of the area. The upgraded complex will provide a useful facility to the people of Newmilns and East Ayrshire in general as well as drawing visitors to the town from further afield. This will have a positive impact on the local economy in terms of job creation and support for existing businesses within the town. Whilst the proposal will be more visually prominent than the existing scheme, it is considered that the overall visual impact will be minimal given the long term use of the site for similar purposes and the careful design and layout of the proposal. It is also considered that the development will have a minimal impact on the adjacent properties given the separation distances from most of the main elements of the site. The Roads Division has indicated that the surrounding road network is capable of accommodating the extra traffic which could be generated by the development.

Supporting Statement

6.4 The applicant has included a supporting statement in the submission to highlight the benefits of the development. The statement advises that the current proposals are in accordance with the mission statement of the Newmilns Ski and Sports Club and seek to enhance the quality, range and attractiveness of the outdoor activities provided at the Newmilns facility. They consider that this will have significant spin offs in terms of the level of use of the facility, which in turn will have benefits for the economic, social, educational and leisure activities in Newmilns and the wider area. A key objective is to promote wider community use of the upgraded facility. The supporting statement goes on to explain that an enhanced and expanded outdoor activity centre at Newmilns will also contribute to the wider regeneration ambitions in Newmilns and the Irvine Valley.

The statement also includes sections that provide a breakdown of the existing and proposed facilities at the centre and how they consider the proposal to be compliant with both Structure and Local Plan policy. The statement clarifies that all regrading of the site will be kept within the site boundaries, the lighting will be sensitively sited to minimise disturbance to surrounding property and the centre will continue to operate the same hours as present.

Planning History

6.5 Planning application 03/0317/FL for proposed erection of single storey youth centre and creche was approved with conditions on 8 September 2003.

6.6 Planning application 05/0456/FL for proposed landscaping to form mountain board track was approved with conditions on 1 June 2005.

Alteration to the East Ayrshire Local Plan (Finalised Draft with Modifications)

6.7 For clarity, whilst development proposals will continue to be assessed first and primarily against the Adopted Local Plan, the Council has now given Authority for an appropriate and proportionate degree of weight to be given to the Alteration to the East Ayrshire Local Plan in the determination of planning applications. In this case, minimal weight can be given to Policies TOUR 4, TOUR 6 and RTC 1 of the Alteration as RTC 1 is subject to objection.

6.8 Policy TOUR 4 states that 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;

The proposal is not considered to be visually or environmentally intrusive, is of a nature and scale compatible with surrounding land uses and is not detrimental to the character and amenity of the area.

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

The proposal will have no adverse impact on the natural or built environment.

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

The Roads Division and service providers consulted as part of this application have offered no objections to the development.

6.9 Policy TOUR 6 states that the Council will assess all applications for tourism related commercial leisure developments against the relevant policies as contained in the Retailing and Town Centre section of the Local Plan. Commercial leisure developments specifically geared towards rural tourism may be considered acceptable to the Council where:

- (i) there is a demonstrated and fully justified specific need for the development in a rural location;

The proposal is to upgrade the existing ski and sports centre which has been located in Newmilns since 1975. In this instance, a site specific locational need has been previously established.

- (ii) there is no adverse impact on the visual amenity, landscape character or scenic quality of the area concerned;

It is considered that the proposal will have no adverse impact on the visual amenity, landscape character or scenic quality of the area.

- (iii) there is no adverse impact on areas of natural or built heritage resources requiring conservation;

It is considered that the proposal will have no adverse impact on areas of natural or built heritage resources requiring conservation.

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

The Roads Division has offered no objection to the development.

6.10 Policy RTC 1 states that the Council will adopt a sequential approach in assessing development proposals for retail, commercial leisure developments and other uses appropriate to town centres as described in Schedule 6(i) of the Plan. Developers will be required to locate all such development firstly, in town centres as identified on the Local Plan maps; secondly, in edge of centre locations where no such town centre sites are available; and thirdly, in identified commercial centres as identified on the local plan maps, in preference to out of centre locations. Applicants proposing such developments in out of centre locations will be required to demonstrate to the satisfaction of the Council:

(i) that no suitable alternative site can be found or assembled within town centres, in an edge of centre location or in an identified commercial centre:

No sequential approach has been submitted by the applicant in this instance therefore this element of the proposal could be described as contrary to policy. It should be noted however that the café element of the proposal forms part of the clubhouse building and is primarily aimed at the needs of visitors to the snow and sports complex. Given this integral relationship it is considered that a sequential approach should not be advocated for this development.

(ii) that the chosen location is, or can be made, easily accessible by a choice of modes of transport.

The Roads Division have raised no objection to this development. The site provides car and coach parking spaces within the site and is also within short walking distance of the town centre of Newmilns and the main bus route which runs along Main Street.

FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are financial implications for the Council in determining this application as the Council retains ownership of the site. The application will not require to be referred to Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 as the proposal is not considered to constitute a significant departure from the development plan.

CONCLUSIONS

8.1 As indicated in Section 5 of the report, the application is considered to be largely compliant with the development plan with the exception of the car parking area which falls under policy RES 1 of the Local Plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997

the application should be approved unless material considerations indicate otherwise.

8.2 The key material considerations are the consultation responses, the planning history, the supporting statement, objections, the impact on the amenity of the area and the Alteration to the East Ayrshire Local Plan (Finalised Draft with Modifications). The consultees have raised no significant issues with the proposal and indeed the Community Council has indicated its support for the development particularly with regard to the economic and social benefits that it could bring to the town. This ties with the views put forward in the supporting statement where the regeneration and economic, social and educational benefits of the development are touched upon. The proposal is generally compliant with the Alteration to the East Ayrshire Local Plan as the identified housing site shown previously in the Adopted Plan has been removed; however the café element has not demonstrated a sequential approach. The planning history of the site does not indicate that the application should be refused and it is considered that the proposal will bring a positive impact to the surrounding area in terms of visual amenity, social and economic benefits and potential regeneration opportunities.

8.3 Turning to the objections, it should be noted that two objections do not relate to the principle of the development, rather the treatment at the site boundary with their garden. The points of objection relate predominantly to visual impact, noise and security issues and traffic issues. It is considered that the proposal will have a positive visual impact given that it seeks to regenerate and improve much of the currently run down facilities which do not present an ideal visual presence. The modern but sensitive design of the clubhouse should fit well into the terraced and sloping ground levels. The noise and security issues raised relate to the increased number of visitors that the centre could generate however the main activity areas such as the clubhouse and slopes are a considerable distance from the nearest dwellinghouses and the car parking area will be improved and properly lit which will add to the security of the dwellinghouses rather than reduce security. The Roads Division has not highlighted any concern with the anticipated level of increase in road traffic from the development after careful study of the submitted Transport Assessment.

9. RECOMMENDATION

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

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development and on the basis of the principle of the development, then the application will be required to be referred to Full Council as the principle of the development is in accordance with the Adopted East Ayrshire Council Local Plan.

Alan Neish
Head of Planning and Economic Development

8 September 2009
DW/KW

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form, Plans, Transport Assessment and supporting statement.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letters of representation
5. Planning application 03/0317/FL
6. Planning application 05/0456/FL
7. Ayrshire Joint Structure Plan (2007)
8. East Ayrshire Local Plan (2003)
9. Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications)

Anyone wishing to inspect the above papers please contact David Wilson Senior Planning Officer (Acting), on 01563 576779.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 09/0058/FL

Site of Proposal: 35 High Street, Newmilns

Nature of Proposal: Proposed Upgrade Of Existing Ski And Sports Centre Comprising The Construction Of A New Clubhouse And Parking, Formation Of Adult And Nursery Slopes And Associated Paths, Lifts, Safety Barriers, Floodlighting And Extended Security Fence

Name & Address of Applicant: Newmilns Snow And Sports Complex
35 High Street
Newmilns
KA16 9EB

Name & Address of Agent: Lawrence Mcpherson Associates
The Atruim
6 New Road
AYR
KA8 8EX

DPO's Reference: DW/RH

The full application should be approved subject to the following conditions:

Conditions

1. No development shall commence on site until a scheme to treat surface water drainage for a 1 in 200 year event is submitted to and approved in writing by the Planning Authority in consultation with the Councils Roads Division. The approved scheme shall thereafter be implemented and operational on site prior to the use of the ski slopes and clubhouse.

Reason: To ensure that adequate drainage is provided to minimise surface water leaving the site and contributing to flooding of adjacent roads and land.

2. Any scheme approved under condition 1 above shall ensure that no surface water discharges to the Back or Caffle Burns.

Reason: For the avoidance of doubt and to ensure that the site does not contribute to flooding of the burns during times of heavy rainfall.

3. Notwithstanding the plans and details hereby approved, further details including height, position and colours of all boundary treatments throughout the site shall be provided for the written approval of the Planning Authority prior to the commencement of development. The approved details shall thereafter be installed on site prior to the use of the ski slopes and clubhouse.

Reason: To ensure that all boundary treatments are compatible with the surrounding area, in the interests of visual amenity.

4. Details to be approved under condition 3 above shall provide for a metal railing fence or equivalent agreed in writing with the Planning Authority at the south west corner of the site adjacent to the rear gardens of West Church Street.

Reason: To prevent access and egress to/from the site from the south west corner by providing adequate boundary detailing.

5. Notwithstanding the plans and details hereby approved, the exact siting, design and operating specifications of all floodlighting and lamp standards shall be submitted for the written approval of the Planning Authority prior to the commencement of development. The design and specification of lighting shall be such as to preclude any adverse impact on the amenity of adjoining properties. The approved lighting shall thereafter be installed and operational on site prior to the use of the ski slopes and clubhouse.

Reason: To ensure that all lighting on site is commensurate with the surrounding area in terms of visual amenity and to ensure that light trespass is minimised.

6. Prior to the commencement of development a landscaping plan providing details on the location, species, height and quantity of planting shall be submitted for the written approval of the Planning Authority. The approved landscaping shall thereafter be implemented on site prior to the use of the ski slopes and clubhouse or at the next available planting season, whichever is the sooner.

Reason: To ensure that all landscaping is appropriate to the site in the interests of visual amenity.

7. No external construction work, site clearance or preparation works shall take place before 08:00 hours and after 18:00 hours on Monday to Friday, before 08:00 hours and after 13:00 hours on Saturdays, nor at any time on Sundays.

Reason: To maintain to a reasonable degree the amenity of the surrounding residential properties during construction works.

8. "Notwithstanding the approved plans, details of a boundary treatment screening the rear garden of 37 High Street Newmilns from the carpark shall be submitted to and approved by the Planning Authority prior to the commencement of the development."

Reason: In the interest of residential amenity

9. "Prior to the operation of the proposed development the boundary treatment approved under condition X shall be installed and maintained thereafter. "

Reason: In the interest of residential amenity

Note to Applicant:

Note 1. All foul drainage from the development shall be connected to the public sewerage system and in this regard the developer is advised to make early contact with Scottish Water.