

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 04 AUGUST 2006

**06/0087/FL: ERECTION OF COMMERCIAL INDOOR RIDING ARENA AND
CHANGE OF USE OF STABLES FOR COMMERCIAL USE
AT CRAIGHALL FARM, GLASGOW ROAD, KILMARNOCK, KA3 6AE
BY MR J SMITH**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning permission is sought to erect a commercial indoor riding arena, change the use of the existing domestic stables to be used for commercial purposes and allocation of associated land for exercising/grazing. The indoor arena is some 53 metres in length by 24 metres in width, covering an area of some 1,300 m², to a height of approximately 8 metres. The walls of the arena will be finished externally in ivory sheeting and the roof in grey cement sheeting with polycarbonate roof lights. No physical alterations are proposed to the existing stable block. The associated land will be formed as 'summer turnout paddocks', jumping field, mare and foal paddock.

1.2 Access to the site is proposed via the existing vehicular access off Glasgow Road.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in the report, the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

3.2 As per Section 6 of the report there are material considerations relevant to the application however it is not considered that these indicate that the application should be refused.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee as that would not be a significant departure from Council policy.

Alan Neish
Head of Planning, Development and Building Standards

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation, due to the fact that an objection has been submitted in respect of the application.

2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises former agricultural land, and an existing stable block building next to the applicant's house. The application site is bounded by the existing dwellinghouses to the north, southeast, south and southwest and by Rowallan Business Park to the west. Rowallan Business Park consists of large industrial style buildings in terms of their design and scale.

2.2 **Proposed Development:** Planning permission is sought to erect a commercial indoor riding arena, change the use of the existing domestic stables to be used for commercial purposes and allocation of associated land for exercising/grazing. The indoor arena is some 53 metres in length by 24 metres in width, covering an area of some 1,300 m², to a height of approximately 8 metres. The walls of the arena will be finished externally in ivory sheeting and the roof in grey cement sheeting with polycarbonate roof lights. No physical alterations are proposed to the existing stable block. The associated land will be formed as 'summer turnout paddocks', jumping field, mare and foal paddock.

2.3 Access to the site is proposed via the existing vehicular access off Glasgow Road.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objection to the proposal subject to the imposition of conditions on any planning consent pertaining to the improvement of the existing access junction onto Glasgow Road to an adoptable standard and sightline requirements. The Division advise that there are no comments in relation to flooding issues for the proposal. It is further advised that the developer is required to obtain a road opening permit prior to the commencement of works on site.

Should the Committee be minded to approve the proposal, conditions can be attached relating to these matters and a note requiring the developer to obtain a road opening permit.

3.2 East Ayrshire Council's Environmental Health Division have no objection to the proposal and it is advised that once completed the riding arena would require to be licensed under the Riding Establishments Acts 1967 and 1970.

A note can be attached to any grant of planning consent advising of the requirement to obtain a license.

3.3 East Ayrshire Council's Animal Health and Welfare Service have no comments to make on the proposal.

Noted.

3.4 Scotland Gas Networks have raised no objections to the proposed development

Noted.

3.5 Scottish Water have raised no objections subject to the imposition of conditions on any planning consent pertaining to; connections to the wastewater system and/ or water network and consent to discharge to the public sewer and the requirement that the surface water is discharged to a suitable outlet.

A note can be attached to any grant of planning consent addressing all of the matters outlined above.

3.6 Scottish Environment Protection Agency (SEPA) have not responded in respect of the proposal.

Whilst the proposal is for an indoor riding area it is considered that the standard conditions of SEPA in respect of stables can be applied to any grant of planning consent, pertaining to storage of manure in

field heaps, surface water runoff and runoff from contaminated yards, manure heaps and stabling.

3.7 Fenwick Community Council were consulted on the proposal given that there is no Southcraigs and Dean Community Council and have not responded to the proposal.

Noted.

4. REPRESENTATIONS

The application was advertised in the Kilmarnock Standard and one letter of representation has been received in relation to the proposal. The grounds of objection are summarised as follows:

4.1 That the agents acting on behalf of the applicants have not carried out the correct neighbour notification

This matter was addressed to the agents and the agents have declared that the correct notification had indeed been carried out.

4.2 The proposed building will be in the immediate line of sight from the northeast elevation of Hillcrest and the building appears very large, barren, industrial and intrusive given that it is being constructed on a green field site. Apart from the sterile and stark appearance which will be viewed from the front entrance of Hillcrest it will have a direct and intimate impact upon the resident's aural and visual amenity.

The arena building is located some 70 metres away from the residential property at 'Hillcrest'. It is noted that due to the scale of the building it will be visible when travelling on Glasgow Road and from surrounding properties. However it is located a significant distance away and will be viewed in the context of the existing industrial buildings on the opposite side of the road; therefore any visual impact is not considered to be of such a scale to warrant refusal of the application.

4.3 The following concerns are raised regarding the commercial nature of the development:

4.3.1 Noise from generators in lorries, from public address systems and competitive events with evening use.

It is not anticipated that the noise from generators will be of such a scale that will be detrimental to the amenity of the neighbouring properties, where the residential dwelling 'Hillcrest' is located some

70 metres from the proposed arena. Furthermore the B7038 which is one of the main traffic routes into and out of Kilmarnock is adjacent to both the application site and 'Hillcrest', therefore heavy traffic/vehicular noise is already established.

Should the Committee agree to grant planning permission it is suggested that a condition be imposed to restrict the hours of operation to safeguard the amenity of the existing residential properties.

4.3.2 Heavy vehicles coming and going at all hours.

As detailed in 4.3.1 a condition can be imposed restricting the hours of operation which can also be applied to delivery times.

4.3.3 Intrusive lighting.

No external lighting is proposed under the current application, however a condition can be imposed on any grant of planning consent requiring the submission of details in respect of external lighting be submitted to and agreed by this Division.

4.4 It is suggested that the building be placed in a location that would have less immediate local impact.

It is considered that the building is sited in a location with the least visual prominence, due to the topography of the surrounding land and will be viewed in context with the large industrial shed buildings on the opposite side of Glasgow Road.

4.5 It is suggested that should the application be approved, a form of natural screening be provided between the property at Hillcrest and the arena building.

Noted, should the committee agree to grant planning consent a condition can be attached requiring the provision of screening along the western (out with the required sightline splay areas) and southern boundaries of the proposed arena to minimise any visual impact of the proposal.

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 and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 With regard to the Structure Plan there are no specific policies that relate to the proposal contained therein.

East Ayrshire Local Plan

5.3 Policy IND6 requires all proposals for new industrial or business development on land not specifically identified for such purposes on the Local Plan maps and changes of use of existing premises to industrial or business use to be justified against a set of eight separate criteria, as follows:-

(i) locational need;

A rural location is acceptable in principle for a riding arena and ancillary use of land and buildings for equestrian use and is preferable to an urban location.

(ii) availability of alternative land/premises in established industrial areas or on land identified as part of the marketable industrial land supply;

A rural location for a riding arena and associated equestrian use of land would generally be considered acceptable in preference to land/premises in established industrial areas or on land identified as part of the marketable industrial land supply.

(iii) economic benefit;

It is considered that the proposed commercial development would benefit the local economy.

(iv) impact on surrounding environment and adjacent uses;

The stable block is existing at present and is sited to the south east of the existing dwellinghouse at Craighall Farm. The riding arena is located adjacent to the B7038 and will be viewed when travelling in both directions along this road. Whilst the arena building will be visible it will be viewed in context with the large industrial buildings on the opposite side of the road at Rowallan Business Park, therefore it is considered that any new impact to the visual amenity of the area will not be of such significant scale to warrant refusal of the application. Furthermore it is intended to condition any grant of planning consent to require screen planting along the southern and

western edge of the arena to reduce any visual impact. The setting out of the ground as a jumping field and paddocks is considered to impose little new visual impact on the surrounding environment, whilst retaining the general open and rural appearance to this part of the site.

In terms of impact on adjacent uses it is noted that the proposed commercial equestrian arena is sited some 70 metres from the dwellinghouse at Hillcrest and any grant of planning consent will restrict the hours of operation therefore minimising any impact on that property.

- (v) transportation and infrastructure implications;

As detailed in section 3.1 the Council's Roads and Transportation Division have no objections subject to the imposition of appropriate conditions on any planning consent. No adverse comments have been received in respect of impact on infrastructure.

- (vi) loss of public amenity open space;

No public amenity open space would be lost as a result of the proposed development.

- (vii) 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

Whilst the development will result in the loss of good quality locally important agricultural land falling within category 3.2 of the Macauley Land Use Research Institute, it is considered that in relative terms only the limited amount of land occupied by the arena will be physically lost, whereas the land/ paddocks for the jumping/ exercising of the horses can revert back to agricultural use.

- (viii) impact on natural and built heritage resources.

It is not considered that the proposed development will have any adverse impact on natural and built heritage resources.

5.4 Policy IND10 states that industrial and business development outwith settlement boundaries will be acceptable to the Council only where the proposal relates to five stated types of development. The proposed development could be considered to comprise one of these types of development, this being

(iii) sympathetic industrial and business developments related to appropriate rural activities such as small scale craft industries and leisure, recreation and tourism developments;

The proposal could be considered to be a sympathetic recreational based business development related to an appropriate rural activity.

The policy also requires all proposals for industrial and business developments in the countryside to be justified against a set of six criteria, as follows:-

- (i) their impact on the surrounding environment;
- (ii) their impact on adjacent uses;
- (iii) transportation implications;
- (iv) infrastructure implications;
- (v) loss of prime agricultural land; and
- (iv) impact on natural and built heritage resources.

A response to each of the above criterion is detailed under Section 5.3 above.

5.5 In conclusion it is considered that the proposal is broadly in accordance with the provisions of the Development Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representation received, the planning history of the site, the impact on the amenity of the area and the Finalised Ayrshire Joint Structure Plan.

Consultation Responses

6.2 The consultation responses do not indicate that the application should be refused.

Representation

6.3 The representation received has been summarised in Section 4 of the Report and is not considered to be of such weight as to merit refusal of the application.

Impact on the amenity of the area

6.4 It is considered that the proposal can be accommodated as detailed with no significant detriment to the area, where the hours of operation are restricted

by means of condition on any grant of planning consent and the visual impact of the proposal is reduced through the provision of appropriate planting secured by means of condition.

Planning History

6.5 A planning application (05/0784/FL) was withdrawn on 2 February 2006 for a proposed riding arena on this site.

6.6 Planning permission (04/0353/FL) was granted on 20 May 2004 for the erection of a stable block for private use only. This stable block is the subject of the current application which seeks permission to change the use from private use to commercial use.

Finalised Ayrshire Joint Structure Plan

6.7 Policy ECON 14 of the Finalised Ayrshire Joint Structure Plan is applicable and states that the three Ayrshire Councils shall:

- A Support the principle of rural diversification, particularly through proposals for small scale renewable energy; forest-based products and industries; leisure, recreation and tourism; non-food crops and local quality food initiatives; appropriate rural housing and small business development; and
- B Identify appropriate criteria for the assessment of proposals related to the diversification and growth of existing rural businesses and for the establishment of appropriate new business development in rural areas.

It is considered that the proposal forms an acceptable form of rural land diversification to establish a new business development in the rural area and is therefore considered to be broadly compliant with the principles of policy ECON14.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As indicated in the report, the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

8.2 As per Section 6 of the report there are material considerations relevant to the application however it is not considered that these indicate that the application should be refused.

9. RECOMMENDATION

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

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee as that would not be a significant departure from Council policy.

Alan Neish
Head of Planning, Development and Building Standards

21 July 2006
(GC/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letter of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Finalised Ayrshire Joint Structure Plan.
8. Planning Application 05/0784/FL.
9. Planning Permission 04/0353/FL.

Anyone wishing to inspect the above papers please contact Gillian Craig, Senior Planning Officer, on 01563 576769.

Implementation Officer: Dave Morris

060087FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0087/FL

Site of Proposal: Craighall Farm
Glasgow Road
KILMARNOCK
KA3 6AE

Nature of Proposal: Erection of Commercial Indoor Riding Arena
and Change of Use of stables for Commercial
Use.

Name & Address of Applicant: Mr J Smith
Craighall Farm
Glasgow Road
KILMARNOCK
KA3 6AE

Name & Address of Agent: Keppie Planning Ltd,
160 West Regent Street
GLASGOW
G2 4RL

DPOs Reference: GC/MMM

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

1. Notwithstanding the plans hereby approved, prior to the commencement of any works on site a site plan shall be submitted detailing the location, species, planting schedule and height of new planting/trees to be provided on the southern and western boundary of the proposed arena. Thereafter the planting shall be retained in accordance with the approved details and any planting removed without the consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by specimens of the same size and species.

REASON In the interests of visual amenity.

2. All runoff from contaminated yards, manure heaps and stable washing must be contained and disposed of in such a manner that water pollution will not

occur, as detailed in the “Code of Practice – Prevention of Environmental Pollution from Agricultural Activity”.

REASON To comply with the requirements of SEPA.

3. If manure is to be stored in field heaps, these should not be located near field drains, within 10 metres of a watercourse or 50 metres of a spring, well or borehole.

REASON To comply with the requirements of SEPA.

4. Notwithstanding the plans hereby approved details of the method of disposing of uncontaminated surface water, including roof water shall be submitted to and approved in writing by the Planning Authority and thereafter implemented as approved prior to the stables coming into use.

REASON To ensure appropriate drainage of surface water from the site.

5. Notwithstanding the plans hereby approved the existing access junction onto Glasgow Road shall be improved to an increased radii of 10.5 metres and width of 6 metres, details of which shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site. Thereafter the new access junction shall be completed in accordance with the approved details and installed and operational prior to the commencement of any building works on the rest of the site.

REASON In the interests of road safety.

6. Notwithstanding the plans hereby approved the visibility splay areas of 2.5 metres by 120 metres shall be provided at the junction of the access to the development with the public road with no obstructions to visibility greater than 1 metre in height being allowed within these areas. The visibility splay areas shall be provided prior to the commencement of any construction work and thereafter be retained and maintained.

REASON To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

7. Notwithstanding the plans hereby approved, details and samples of all proposed external materials shall be submitted, in writing, to and approved by the Planning Authority prior to the commencement of the development, and thereafter implemented as approved.

REASON In the interests of visual amenity.

8. Notwithstanding the plans hereby approved details of the external lighting arrangements shall be submitted to and approved in writing by the Planning Authority. Thereafter, the external lighting shall be implemented and retained in accordance with the approved details.

REASON To ensure the external lighting is appropriate for the rural setting of the stables.

9. The business shall operate only between the hours of 0800 hours to 2000 hours Monday to Friday and 0900 hours to 1900 hours Saturday's and Sunday's

REASON To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of amenity.

10. No deliveries to the site are permitted outwith the hours of 08:00 hours to 20:00 hours Monday to Friday and 09:00 hours to 19:00 hours on Saturdays and Sundays.

REASON To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of amenity.

NOTES TO APPLICANT

1 The developer shall make early contact with the Scottish Environment Protection Agency and Scottish Water to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.

2 The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

3. A road opening permit must be obtained prior to the commencement of the works at the junction to ensure that the works are carried out to the Roads Division's specification and in a safe manner.

4. The sightline requirement for the junction will require the removal of hedging adjacent to the junction.

5. The developer shall make contact with Scottish Water for permission to connect to the public wastewater system and water network. The granting of planning permission does not guarantee a connection to Scottish Water's assets.

6. Upon completion, the riding area will require to be licensed under the Riding Establishments Acts 1967 and 1970. An application should be made via Registration and Licensing, 14 London Road, Kilmarnock.

7. The applicant shall contact Scotland Gas Networks with regards to excavation works on or near gas apparatus.

8. Prior to the commencement of the development on site, the applicant should satisfy himself as to the suitability of the site for construction purposes.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
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VIEWING PLEASE CONTACT (01563) 576790.**