

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 28 OCTOBER 2005

**05/0375/OL: PROPOSED ERECTION OF COUNTRY HOTEL AND
ANCILLARY PARKING – OUTLINE ONLY
AT VACANT GROUND, WARDLAW ROAD, KILMARNOCK
BY MR A STEVENSON**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the erection of a country hotel and ancillary parking including the siting of the hotel and means of access. No other details have been submitted at this stage but the application indicates that the hotel shall only be one and half storey in height.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.

3. CONCLUSIONS

3.1 As indicated in the report the application is considered to be contrary to the terms of the Development Plan. Therefore in accordance with the Town and Country Planning (Scotland) Act 1997, it should be refused 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 are of sufficient weight to merit approval of the application, indeed, a number of these considerations would support refusal of the application.

CONTRARY DECISION NOTE

Should the Committee agree, contrary to the recommendation of the Head of Planning, Development and Building Standards, to approve the application, it will require to be referred to the Development Services Committee as that would 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 an outline planning application which is to be considered by the Local Planning Committee under the scheme of delegation, due to the fact that the application is subject to objections and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies outwith the settlement boundary of Kilmarnock, on the south side of a bend on Wardlaw Road and is bounded to the west by a river (Craufurdland Water) and to the south by land within the ownership of Whinpark Farm. There is a ford immediately west of the site and agricultural land within the ownership of Bringan Farm is immediately to the north. The site covers an area of 0.2 hectares and is currently vacant overgrown land.

2.2 **Proposed Development:** Outline planning permission is sought for the erection of a country hotel and ancillary parking including the siting of the hotel and means of access. No other details have been submitted at this stage but the application indicates that the hotel shall only be one and half storey in height.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have advised that the amended plan submitted by the applicant indicates the road works required by the Roads Division which should be completed prior to any building work commencing on site. The applicant should also be informed that prior to the commencement of the road works, road construction consent must be obtained from the Roads Division. It is further advised that there are no objections in principle to the proposal in relation to flooding issues, however the applicant should ensure that consideration is given to the stability of the embankment adjacent to the small burn which runs adjacent to the site and that measures to protect the slope from erosion are implemented.

A condition requiring the road works to be completed prior to any building work on the site can be attached to any grant of planning permission. A note can be attached to any grant of planning permission advising the applicant of the necessity to obtain road construction consent. The embankment is located outwith the application site, therefore it is not possible to impose planning conditions relating to works outwith the site securing stability of the embankment.

3.2 East Ayrshire Council's Access Officer has not made any comment on the proposed development.

Noted.

3.3 East Ayrshire Council's Business Development Division have raised concern regarding the proposed location given that it is accessed by a single carriageway road which terminates at a ford crossing of a river. They further advise that the road itself is minor and although it is sited very near the A77 (in terms of a straight line distance), it would require considerable signposting to identify it to potential customers.

3.4 In respect of the business plan submitted by the applicant the Division commented that the information submitted fails to demonstrate commercial viability and therefore raises reservations about the viability of a hotel at this location.

The applicants were advised of the concerns raised by the Business Development Division but consider that the details supplied are adequate.

3.5 The Scottish Environment Protection Agency (SEPA) have made no objection to the proposal however any planning permission granted should include a condition requiring the applicant to treat surface water from the site in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland, which was published by CIRIA in March 2000. In addition a septic tank will not be sufficient to treat the foul drainage arising from this development and SEPA would advise that secondary treatment of sewage will be required for example a biodisc biological treatment system. It is further advised that any discharge to the Craufurdland Water would require to be consented under the Control of Pollution Act 1974 (as amended).

Should planning permission be granted for the proposed development, appropriately worded conditions can be imposed requiring a SUDS system to be implemented within the development to deal with surface water drainage and requiring the foul drainage arrangements to be to SEPA's satisfaction.

3.6 Visit Scotland have advised that it is not their policy to comment in detail on such planning proposals, however any quality hotel development at a gateway location such as this, which would add to the visitor experience in East Ayrshire and increase the number of overnight stays in the area, is welcomed.

Noted.

3.7 Moscow and Waterside Community Council have objected to the application on the grounds that the road access to the site is unsuitable for such a development.

The Community Council advised they wished their objection to still stand following consideration of the amended plans that illustrated the changes to the access as required by the Council's Roads and Transportation Division.

3.8 The Access Panel have advised that detailed plans would be required before any comments are provided.

The application is in outline only and detailed plans would accompany any detailed application submitted to the Council.

4. REPRESENTATIONS

In addition to the objections from the Community Council, one letter of objection has been received, raising the following grounds of objection:-

4.1 The public road is unsuitable to accommodate the increase in traffic from the development. Wardlaw Road is only suitable for access by local traffic given that the access is only just over 2m wide in places and many more walkers use the route, particularly the residents of Southcraigs.

As detailed in section 3.1 the Council's Road's and Transportation Division have raised no objections subject to the necessary road improvements being carried out.

4.2 The application is contrary to policies TLR3 and TLR4 as tourist accommodation should be directed to settlements or be located near to tourist gateways and not off the beaten track.

An assessment of the proposal against policies TLR3 and TLR4 is detailed in Sections 5.4 and 5.5 of this report.

4.3 It is unlikely that a commercial venture at this location could be economically sustainable and thus the application is contrary to policy TLR1.

As detailed in section 3.3 the applicant's have failed to demonstrate the viability of a hotel at this location. The development and its impact on the location could not in these circumstances be viewed as sustainable.

4.4 It is considered that the proposal does not represent a commercially viable venture and it is envisaged that should planning consent be granted, the hotel would fail and then change of use to a dwellinghouse would inevitably follow.

Any future change of use would be subject to a planning application and considered on its merits at that time.

4.5 The proposal is contrary to policy TLR2 as the site is prominent where a new commercial use with associated noise and activity would be detrimental to the established character/ amenity of a well-known beauty-spot and circular walk from Kilmarnock.

Policy TLR2 relates to new and improved roadside and lay-by facilities. It is not pertinent to this proposal.

4.6 The development would be contrary to policy ENV6 as it will not improve nor enhance the natural environment of this rural area.

Policy ENV6 relates to the direction of environmental improvements to those areas most in need and thus is not relevant to the assessment of this application.

4.7 A country house hotel venture was established at West Wardlaw Farm in the 1990's where that business was much more strategically located, being easily accessed from the A77 via Grassyards Interchange and from Kilmarnock through New Farm Loch. However it failed and thus it is very unlikely that a smaller hotel, not visible from well used public roads would be successful.

Noted.

4.8 It is suggested that the applicant be required to assess flood risk in accordance with Policy ENV17 given that one access to the site is via Bringan Ford.

As detailed in section 3.1, the Council's Road's and Transportation Division have not requested the submission of a flood risk assessment.

4.9 It is suggested that the applicant be required to produce a business plan, compiled by someone in the licensed trade independent of the applicant and assessed by persons similarly qualified.

As detailed in section 3.3 the applicant's submitted a business plan which was assessed by the Council's Business Development Division.

4.10 Bringan Ford river crossing is treacherous to anyone who is unfamiliar with rapid changes in river levels at Bringan and therefore constitutes a danger.

The concerns regarding the river crossing at the Bringan Ford are noted.

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 policy G5 is applicable and states that development proposals in the Rural Protection Area shall normally be limited to the use of land within settlements. Outside settlements, development proposals shall conform to the structure plan only where the development:

A has a demonstrated site specific locational need;

The applicants submit that the previous consent for a hotel on the site provides the basis for the current justification and even more so now that the new M77 is complete, thus making easier access to the area. They advise that there is a demand for reasonably priced accommodation in the Kilmarnock area.

Whilst the provision of such facilities is broadly supported it is considered that there are issues pertaining to this particular application and site which compromise viability of the proposal.

Firstly the application site is located on a single carriageway road, which complicates its access. The road is minor and although the application is quite near the M77 (in terms of a straight line distance) it would nonetheless require significant signposting to identify it to potential customers. It is considered that the proposed location undermines its ability to attract a passing trade.

There are issues with the proposed scale of the development. The proposal indicates a small country hotel but in order to constitute a

tourist attraction, to draw people to the facility it is considered that the hotel should have other features or amenities within close proximity that would create a tourism synergy eg access to established fishing facilities. The hotel as proposed is not of a significant scale that would enable it to be a destination in its own right where no other facilities or activities are provided. Given its relatively inaccessible location, it is considered that these other facilities or activities are key to its viability.

It is considered that the applicants have failed to satisfactorily demonstrate a site specific locational need to justify the proposal and therefore the proposal is contrary to this policy.

B can be justified in terms of social and economic benefit to the community;

The proposed development offers the opportunity to improve tourist related facilities in the area. Provision of these facilities is broadly supported within the area as a means of aiding the local economy and maximising the economic potential of the area. However, there are issues that are addressed within the assessment against policy TLR4 of the East Ayrshire Local Plan, that relate to the specific site which compromise any social and economic benefits and which inhibit its justification in this respect.

C contributes to rural land diversification; or

The applicants submit that the land is waste ground, is not used as agricultural land and attracts dumping of rubbish due to it's relatively secluded location and therefore contributes to rural land diversification. PAN 73 'Rural Diversification' states "In its simplest terms rural diversification means the establishment of new enterprises in rural locations. This can mean existing businesses entering into new areas of activity or the creation of entirely new enterprises". In principle a hotel in a rural location could contribute to rural land diversification. However any successful diversification inherently requires a degree of viability. In the case of the proposed development its viability has been questioned due to issues (which are addressed in the assessment against policy TLR4 of the Local Plan) regarding the specific site which inhibit supporting the proposed development from a rural land diversification perspective. Whilst it may be considered that the proposal constitutes vacant land, that is not a reason to grant planning consent and when a site visit was carried out there was no evidence of illegal dumping on the site. Such dumping can be addressed by other measures available to the Council.

D provides for the operational needs of agriculture and forestry.

The proposal does not provide for the operational needs of agriculture or forestry.

Thus it is considered that the proposal is contrary to the provisions of the Structure Plan given that the applicants have failed to demonstrate a site specific locational need.

East Ayrshire Local Plan

5.3 Policy SD3 states that, within the Rural Protection Area, development proposals relating to land located outwith settlement boundaries will be acceptable to the Council only where the development:

(i) comprises an acceptable form of residential use as detailed in Policy RES13 of the Local Plan; or

The application is not for residential use.

(ii) can be fully justified in terms of site specific locational need; or

As detailed in section 5.2 the applicants have failed to satisfactorily demonstrate a site specific locational need for the proposal at the proposed site.

(iii) can be fully justified in terms of social and economic benefit to the community; or

As detailed in section 5.2 in principle the development offers the opportunity to improve tourist related facilities within the area. However the information submitted by the applicant does not demonstrate that the proposal is economically viable and therefore any social or economic benefits are questionable.

(iv) contributes to rural land diversification; or

As detailed in section 5.2 in principle it is considered that the proposal may constitute rural land diversification.

(v) provides for the operational needs of agriculture or forestry.

The proposal does not provide for the operational needs of agriculture or forestry

5.4 Policy TLR3 presumes in favour of tourist related development, with encouragement being given to the use of existing buildings in preference to the construction of new build facilities. Proposals will require to meet all of the following four criteria:

- (i) the proposed use and any associated structures is not 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 within which it is proposed;

The application is in outline only and these matters will be dealt with as a part of any detailed planning application.

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

It is considered that the proposal should not significantly adversely impact on the natural environment.

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

No adverse comments have been received in respect of roads or infrastructure provision.

- (iv) the proposal complies with the provisions of Policy TLR4 below.

It is considered that the proposal does not comply with the provisions of policy TLR 4 below.

5.5 Policy TLR4 directs all new tourist accommodation proposals to existing settlements, although new hotel and self catering accommodation may be considered acceptable in a rural location in the following circumstances:-

- (i) where there is a clearly demonstrated, site specific location need; and

As detailed in section 5.2 the applicants have failed to satisfactorily demonstrate a site specific locational need for the development at the proposed site.

- (ii) where the proposal complies with the provisions of policy TLR3 above.

The proposal fails to comply with criterion (iv) of policy TLR3 given that it is contrary to policy TLR4.

5.6 Policy ENV 17 promotes a precautionary approach in areas that are known to have flooded in the past and requires developers to fully investigate the implications of flood risk.

As detailed in section 3.1, the Council's Roads and Transportation Division have no objections in relation to flooding issues.

5.7 In conclusion it is considered that the proposal fails to accord with the provisions of the Development Plan given that a site specific locational need has not been demonstrated.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representations received, the planning history of the site and the impact on the amenity of the area.

Consultation Responses

6.2 The consultation responses do not indicate that the application should be refused, although the Council's Roads Division and SEPA do raise areas of concern.

Representations

6.3 The representations received have been summarised in Section 4 of the report. Where they touch on certain matters of policy, there is weight to the objections.

Impact on the Amenity of the Area

6.4 Given that the site is located within the rural area and has not been justified in terms of site specific locational need it is considered that the proposal would result in an unwarranted visual intrusion on the character and amenity of the rural area.

Planning History

6.5 An outline planning permission (98/0363/OL) was approved on 21 August 1998 for erection of a country hotel and ancillary parking on the site. The application was assessed against a different policy context where policies C2 and TM5 of the finalised Kilmarnock and Loudoun District Plan did not require a site specific locational need to be demonstrated.

6.6 A detailed planning application (96/0607/FL) was refused on 12 February 1997 for change of use for agricultural machinery repairs.

FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council resulting from this application.

CONCLUSIONS

8.1 As indicated in the report the application is considered to be contrary to the terms of the Development Plan. Therefore in accordance with the Town and Country Planning (Scotland) Act 1997, it should be refused 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 are of sufficient weight to merit approval of the application, indeed, a number of these considerations would support refusal of the application.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree, contrary to the recommendation of the Head of Planning, Development and Building Standards, to approve the application, it will require to be referred to the Development Services Committee as that would be a significant departure from Council policy.

Alan Neish
Head of Planning, Development and Building Standards

07 October 2005
(GC/RH)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Planning Permission 98/0363/OL
8. Planning Permission 96/0607/FL
9. Business Plan as submitted by the applicant

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

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0375/OL

Site of Proposal: Vacant Ground
Wardlaw Road
Kilmarnock KA3 6HE

Nature of Proposal: Proposed Erection of Country Hotel and
Ancillary Parking – Outline Only

Name & Address of Applicant: Mr A Stevenson
3 Byres Road
Drongan
AYR
KA6 7EJ

Name & Address of Agent: MGP Architects
Cathcart House
20 Cathcart Street
AYR
KA7 1BJ

DPOs Reference: GC/RH

The above OUTLINE application should be refused for the following reasons:-

1. The application is contrary to policy G5 of the Ayrshire Joint Structure Plan as there is no site specific locational need demonstrated for the development.
2. The application is contrary to policies SD3, TLR3 and TLR4 of the East Ayrshire Local Plan as there is no site specific locational need demonstrated for the development.

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