

## **EAST AYRSHIRE COUNCIL**

### **NORTHERN AREA LOCAL PLANNING COMMITTEE: 3 SEPTEMBER 2004 04/0546/FL: PROPOSED REDEVELOPMENT AND EXTENSION OF EXISTING FACILITY TO INCLUDE NEW ARENA, GYMNASIUM AND POOL, LECTURE AREA, BAR, RESTAURANT, CAFÉ, LOUNGE, FUNCTION SUITE, RETAIL AREA, HOSTEL, MANAGER'S HOUSES, EXTERNAL ACTIVITY AREAS, CAR PARKING, FISHING PONDS, STABLING, HORSE BOX PARKING, OUTDOOR ARENAS, LODGE AND JUDGES BOX AT MEIKLE MOSSIDE FARM, FENWICK FOR LORD AND LADY ROWALLAN**

#### **EXECUTIVE SUMMARY SHEET**

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

1.1 A Planning Consent, 02/0058/FL, was granted on 03 May 2002 for the extension of the existing facility to include new arenas, gymnasium, class room, bar, lounge and restaurant with function area, retail, manager's house, hostel and stabling.

1.2 In late Spring last year the major construction work commenced on site and it was noted that the large arena building was significantly different from that approved. Following correspondence with the applicants a part retrospective application was submitted which whilst clarifying the proportions of the main arena included other new elements or significant alterations to the existing approved development

That application EAC Ref 030596/FL, sought planning consent for the following:-  
" Proposed Redevelopment And Extension Of Existing Facility To Include New Arena, Gymnasium And Pool, Lecture Area, Bar, Restaurant, Café, Lounge, Function Suite, Retail Area, Hostel, Manager's Houses, External Activity Areas, Car Parking, Fishing Ponds, Stabling, Horse Box Parking, Outdoor Arenas, Lodge And Judges Box"

The main alteration to the earlier approvals included a:-

- Significant expansion of the application site from 8 ha to 54 ha.
- The main arena is now 138m long 46m wide but 16m high at ridge level.
- The proposal is now for two managers' houses divorced from the main complex.

- Two new detached buildings include a stable group near the main access road and a paintball office.
- Significant new areas of parking and engineered pools for purposes of landscaping/amenity and for fishing/wildlife are proposed.

The application was considered at the Northern Area Local Planning Committee of 3<sup>rd</sup> October 2003 where it was agreed to approve the application subject to appropriate conditions.

1.2 Subsequent to the issuing of the planning permission the validity of the permission was challenged by means of a judicial review. It was claimed that the full appropriate consultations relative to the assessment of the application were not undertaken as required by statute and consequently all the material considerations were not available at the time of assessing the application.

1.3 This challenge turned on the fact that Historic Scotland were not consulted as required in respect of the planning application and their view was not available for the Committee to assist in their consideration of the application.

1.4 The judicial review concluded earlier this year and it was determined that there had been a failure to consult as required by statute and the planning permission issued was 'reduced'. This amounts to the permission being rendered void. As a consequence of that review the applicants have now submitted the same application for planning permission. Members will be aware that the main arena elements, bar and amenities block is complete and part occupied.

## **2. RECOMMENDATION**

**2.1 It is recommended that the application be approved subject to the appropriate referral of the application to the Scottish Ministers under the Notification of Applications Direction 1997 and subject to the conditions indicated on the attached sheet.**

**2.2 Under the referral procedures the Scottish Ministers have the power to call in the application if they consider the matter to be of sufficient concern in respect of its impact on heritage resources.**

## **3. CONCLUSIONS**

3.1 As is indicated in Section 5 of the report the application is considered to be generally in accordance with the Development Plan. Therefore given the terms of Sections 25 and 37 (2) of the Town & Country Planning (Scotland) Act

1997, the application should be approved unless material considerations indicate otherwise. As indicated in Section 6 of the report there are material considerations relevant to this application. These considerations are generally supportive of the application; including the planning history which establishes the use as an equestrian centre and the erection of a substantial building for equestrian activities.

### **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 it would not represent 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.**

## **EAST AYRSHIRE COUNCIL**

### **NORTHERN AREA LOCAL PLANNING COMMITTEE: 3 SEPTEMBER 2004 04/0546/FL: PROPOSED REDEVELOPMENT AND EXTENSION OF EXISTING FACILITY TO INCLUDE NEW ARENA, GYMNASIUM AND POOL, LECTURE AREA, BAR, RESTAURANT, CAFÉ, LOUNGE, FUNCTION SUITE, RETAIL AREA, HOSTEL, MANAGER'S HOUSES, EXTERNAL ACTIVITY AREAS, CAR PARKING, FISHING PONDS, STABLING, HORSE BOX PARKING, OUTDOOR ARENAS, LODGE AND JUDGES BOX AT MEIKLE MOSSIDE FARM, FENWICK FOR LORD AND LADY ROWALLAN**

#### **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 detailed application which is required to be considered by the Local Planning Committee due to it being a large application which accords with the East Ayrshire Local Plan, is of area significance and has been subject to an objection.

#### **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site extends to some 54 hectares and is situated less than a mile to the north of Kilmarnock. Currently the site operates as an Activity Centre specialising heavily in equestrian uses. The centre is run by the applicants who reside in the former farmhouse at Meikle Mosside. The centre has a large existing arena situated to the south of the farmhouse which provides internal space for eventing displays and a limited number of secure stabling units. This arena has been extended to provide a cafe facility for the benefit of visitors to the centre, (East Ayrshire Council Application No. 00/0593/FL). The existing arena has been altered by the addition of a larger stabling building immediately adjacent on its eastern side (this stabling block was originally unauthorised but was approved as part of a consent (EAC Ref: 02/0058/FL).

2.2 The areas immediately adjacent to the buildings and the other environs within the site are laid out for parking/circulation areas and fenced off enclosures for exercising horses. An area to the south east of the main body of the site is currently utilised for paintball events. Again this use was unauthorised but was approved through planning consent 02/0058/FL.

2.3 **Proposed Development:** A Planning Consent, 02/0058/FL, was granted on 03 May 2002 for the extension of the existing facility to include new arenas, gymnasium, class room, bar, lounge and restaurant with function area, retail, manager's house, hostel and stabling.

2.4 In late Spring last year the major construction work commenced on site and it was noted that the large arena building was significantly different from that approved. Following correspondence with the applicants a part retrospective application was submitted which whilst clarifying the proportions of the main arena included other new elements or significant alterations to the existing approved development

That application EAC Ref 030596/FL, sought planning consent for the following:-  
" Proposed Redevelopment And Extension Of Existing Facility To Include New Arena, Gymnasium And Pool, Lecture Area, Bar, Restaurant, Café, Lounge, Function Suite, Retail Area, Hostel, Manager's Houses, External Activity Areas, Car Parking, Fishing Ponds, Stabling, Horse Box Parking, Outdoor Arenas, Lodge And Judges Box"

The main alteration to the earlier approvals included a:-

- Significant expansion of the application site from 8 ha to 54 ha.
- The main arena is now 138m long 46m wide but 16m high at ridge level.
- The proposal is now for two managers' houses divorced from the main complex.
- Two new detached buildings include a stable group near the main access road and a paintball office.
- Significant new areas of parking and engineered pools for purposes of landscaping/amenity and for fishing/wildlife are proposed.

The application was considered at the Northern Area Local Planning Committee of 3<sup>rd</sup> October 2003 where it was agreed to approve the application subject to appropriate conditions.

2.5 Subsequent to the issuing of the planning permission the validity of the permission was challenged by means of a judicial review. It was claimed that the full appropriate consultations relative to the assessment of the application were not undertaken as required by statute and consequently all the material considerations were not available at the time of assessing the application.

2.6 This challenge turned on the fact that Historic Scotland were not consulted as required in respect of the planning application and their view was not available for the Committee to assist in their consideration of the application.

2.7 The judicial review concluded earlier this year and it was determined that there had been a failure to consult as required by statute and the planning permission issued was 'reduced'. This amounts to the permission being rendered void. As a consequence of that review the applicants have now submitted the same application for planning permission. Members will be aware that the main arena elements, bar and amenities block is complete and part occupied.

### **3. CONSULTATIONS AND ISSUES RAISED**

Consultations have been carried out afresh on the application with all appropriate consultees.

3.1 East Ayrshire Council Roads and Transportation Division has assessed the application and confirmed that they have no objection to the proposal, subject to securing the provisions which were raised previously. These measures include the securing of appropriate sightlines where the site access joins the main road.

***This aspect can be secured by means of a condition. If the Committee are of a mind to approve the application***

3.2 The Scottish Executive Development Department has confirmed through its Road Network Management and Maintenance Division that it does not propose to advise against the granting of planning permission.

***Noted.***

3.3 Scottish Water has raised no objection to the proposed development. They have confirmed that their Developer Services Department should be contacted to discuss how the proposal will be supplied with water. Additionally they have advised that they have apparatus within the site that may be affected and this should again be addressed through their office.

***These matters can be attached as a note to a planning permission if the Committee are of a mind to approve the application.***

3.4 Transco has advised that the proposal may require measures to protect/divert their plant at the applicant's cost. Accordingly it has recommended that the applicant contact their office to discuss the issues.

***Noted. A note can be attached to any planning consent drawing attention to this point. However, no part of these proposals encroaches any closer to the existing high pressure pipelines than does the Meikle Mosside Farm itself and the proposals are substantially outwith the advised building proximity distances.***

3.5 Scottish Environment Protection Agency confirm that it has no objection to the proposal provided that the drainage arrangements are installed to their satisfaction. They advise that the full implications of their requirements have already been discussed with the applicants and that the provision of a reed bed arrangement to deal with the sewage effluent from the site has been explored.

Certain other matters require further assessment, i.e. the degree of treatment required regarding either septic tank or full biological treatment options and the location of the outfall pipe to a watercourse and the provision of appropriate drainage arrangements for the swimming pool. Additionally they confirm that surface water from the site should be treated in accordance with SUDS principles.

***Noted. These matters have been discussed with SEPA and it is considered that they can be appropriately addressed by conditions if the Committee is of a mind to approve the application.***

3.6 The Coal Authority have advised that they do not anticipate any ground stability issues that could impact on the development of the proposal.

***Noted.***

3.7 The Scottish Wildlife Trust has confirmed that they have no objection to the proposed development. They have amended the response they submitted in connection with previous application confirming a request for further details on the provision of the fishing ponds.

***Noted. This aspect was previously intended to be assessed by means of a condition and if the Committee are of a mind to approve the application it is recommended that a similar approach be considered.***

***They have also confirmed a concern in connection with potential impact of the drainage of the proposal on the environment of a Provisional Wildlife Site at Northcraig reservoir.***

***That reservoir has been drained by the current owner. The potential for the area to be of wildlife value remains and is being considered by the relevant bodies. The matter of the drainage arrangements for the proposal is intended to be dealt with by conditions.***

3.8 East Ayrshire Council Environmental Services have advised that they have no objection, in principle, to the proposal.

***Noted.***

3.9 Ayrshire Joint Structure Plan and Transportation Team has no objection to the proposal.

***Noted.***

3.10 Fenwick Community Councils have not responded to their consultation at the time of writing this report.

***Noted.***

3.11 Strathclyde Police, Kilmarnock have offered comment on the possible security risks that arise at the site through either design or usage during events. Their observations do not raise issues that impinge significantly on the extent or scale of the proposals.

***Noted.***

3.12 Scottish Natural Heritage a Statutory consultee in this instance have no objections to the development. They have commented on the potential impact of the proposal in the current predominantly rural situation and the aspects from adjacent/nearby heritage resources. They comment on the prominent scale of the development which together with the industrial park nearby further extends the urban fringe. They advise that a development of much smaller scale should be considered.

***Noted. See item 4 below.***

They have specifically commented on the impact of the development on Rowallan Castle adjacent Rowallan Estate. They note the national importance of the Historic Garden and Designed Landscape and the integral built elements of the estate; in particular the acknowledged views in respect of approaches to and from the house. It is their opinion that 'key views' shall remain unaffected although the new arena would be visible from within the wider estate.

***Noted. SNH have been consistent in this opinion and indeed it informed the Division's recommendation when assessing the previous application.***

3.13 Ayrshire Joint Structure Plan Group have confirmed that they have no objection to the proposal provided the identified strategic industrial location is safeguarded.

***Noted. The physical built elements of the proposal are sufficiently distant from that site as to safeguard future development. It is***

***intended to seek significant landscaping to soften/screen the site which should additionally strengthen the separation from the industrial site.***

3.14 West of Scotland Archaeology Service have requested an archaeological evaluation to be carried out prior to determining the application.

***That request was put to the applicant but through discussions with the Service it has been confirmed that the evaluation has not yet been undertaken. Discussions with the Archaeological Service have confirmed that the degree of buildings works to date in the project would render an evaluation redundant. They have confirmed that certain undisturbed areas remain as potentially important and they would be satisfied with the application of a condition to secure the investigation of those areas.***

3.15 Historic Scotland have advised that they object to the application on the grounds that the large arena building in particular is visible from the upper apartments of both the Old Rowallan Castle and the newer castle within the Rowallan estate which is situated to the north of the site. In their view the development has a detrimental impact on the views from principal elements of the estate; and this will be considerably worse in winter when trees are not in leaf. The use of highly reflective materials in the roof focuses attention on the shed.

Additionally they do confirm that mitigation works would reduce the impact of the development on the elements they are concerned with. In the absence of such measures they consider that they have no option other than to record their objection.

***Noted, this aspect is one about which in the assessment of the previous application there had been considerable debate. It was considered appropriate, given the fact that that application was retrospective to seek mitigation works by means of conditions. Indeed there had been correspondence on that particular matter with the applicant prior to the planning permission being challenged by judicial review.***

***The relationship to the Rowallan Estate is noted, however and the large arena building is situated on the opposite side of a rise between it and the estate. It is accepted that, due to the height of the arena, significant proportions of it are visible from the estate. The separation distances involved from the new Rowallan Castle and the Old Castle to the arena are 1100m and 890m respectively. Whilst the arena does have an impact on certain views from the estate and principle buildings, there is scope for the impact on the views to be***

***reduced and as was intended with the previous application a condition seeking such mitigation measures can be attached to a planning permission if the Committee are minded to approve the application.***

***It should be noted that no evidence has been submitted or claim made that the proposal will affect views into the estate of Rowallan.***

***It should be noted that the formal objection to the application from Historic Scotland will require, if the Committee are minded to approve the application, that the development be referred to the Scottish Ministers for their consideration.***

3.16 Architectural Heritage Society has not responded at the time of writing this report.

#### **4. REPRESENTATIONS**

4.1 In addition to the objection from Historic Scotland an objection has been submitted from the owner of Rowallan Estate having lands adjacent to or in close proximity to the site. The representation is extensive and effectively duplicates the submissions made in respect of the previous application by concentrating on the following matters:-

4.2 The objection again initially raises the issue of the retrospective nature of the application confirming the objectors view of the proposal and how it should be determined.

***This Division, whilst not promoting the procedure of submitting retrospective applications, and having advised the applicant of the risks involved in such precipitate action has assessed the application on its merits having regard to the Development Plan and the material considerations relevant to the application.***

4.3 The objector continues by concentrating on matters of the perceived impact on the setting of the nearby heritage resources under his control, Rowallan Castle and Rowallan House. Section 59 of the Planning and Listed Building and Conservation Areas Act prescribes considerations in respect of the impact a proposal has on the setting of the Listed Building in a recognised designed landscape and the regard to be had to preserving that setting. It is the objector's view that the main shed being on the skyline is visible from the Rowallan House and impacts on that setting to the detriment of the listed buildings.

***The main building's height is such that from some perspectives it will be visible against the sky and significantly so. However, it is situated outside the Rowallan estate some considerable distance from the buildings mentioned.***

***The issue of the setting of heritage resources is one normally concentrated within the curtilage of the buildings or within or affecting a recognised envelope of character contemporary with the specific building. It is considered in this case that the development will not have a significant impact on the setting of the listed premises referred to given the separation distance.***

***The upper regions of the building are visible from the estate but as stated above at a significant distance such as to reduce the impact. It is also considered that the impact of the proposal can be softened with the use of appropriate landscaping treatment which can be secured by means of a condition.***

4.4 The objector additionally raises the issue of internal lighting of the arena being diffracted through the semi opaque panels in the roof of the arena with the result of significant distraction from within the estate and indeed slight feelings of nausea to the observer when looked at for a period of time .

***Noted; the claim of nausea is an unusual one, particularly given the separation distance involved. In terms of this effect it can only be recommended that any susceptible person should refrain from looking at the effect for prolonged periods. Historic Scotland have not offered any comment with regard to such light pollution.***

4.5 In terms of the current development plan the objector draws attention to what he considers to be the following conflicts:

Policy E1 (d) and E20 of the Ayrshire Joint Structure Plan.

***These relate to setting considerations for heritage resources and the Division's view on this is detailed in 4.3 above.***

4.6 In respect of the East Ayrshire Local Plan the proposal is claimed to be contrary to the following policies:

SD4 which prescribes assessment criteria for proposals within the rural protection area.

***The application has been assessed against this policy and found to be acceptable. It is an extension to an existing successful business***

***and will introduce increased economic diversification into and to the benefit of the area.***

TLR10 clarifies criteria for assessing commercial/leisure proposals in the rural area. The proposal fails to meet 2 of the criteria in respect of site specific need, impact on the area and impact on built heritage resources.

***The Division is satisfied that the proposal meets the required criteria or does not impact on them to a degree that would justify an unfavourable recommendation.***

Policies ENV 1,4,5,7,8,11,12,13 and 14 are all contravened to various degrees.

***The Division does not agree that the proposal conflicts with the Policies as raised. Certain impacts are unavoidable given the nature and scale of the development. It is considered however that on balance the application can be supported with measures to reduce the impact being addressed by means of conditions.***

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

5.1 Sections 25 and 37 (2) of the Town & 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).

### **5.2 Adopted East Ayrshire Local Plan**

The relevant policies in the EALP against which the proposal requires to be assessed are as follows:

Policy RTC5 confirms the criteria against which commercial enterprises must be considered in out of town centre locations. It should however be borne in mind that this proposal is a major extension to an existing facility on the fringes of Kilmarnock. The main function of the facility will continue to be holding equestrian events and related uses with ancillary accommodation attached. Accordingly it is considered that only the following criteria within RTC5 are relevant.

(iv); the proposal is considered to be compatible with the surrounding land use being an extension to an existing facility.

(v); the design of the proposal is attributable to the function provided and is characterised by fairly simple industrial scaled steel framed/clad buildings, with a more diversified treatment to the ancillary accommodation block.

***It is considered that given the context of the existing buildings and the type of facility, the design of the main facility is acceptable. Specific matters of finishing and colours will be covered by condition. Additionally it is noted that a landscaping scheme, which could include areas in the applicant's control but outwith the site, will be brought forward to address additional conditional requirements.***

***The remaining RTC5 criteria seek compliance with a sequential approach to the location of various activities; such as the retail, bar, lounge, restaurant and gymnasium elements of this proposal; and assessment of their impact on town centre and other areas. There is no doubt that by far the largest part of these proposals could only be established in a rural location. Furthermore, these proposals are further justified by comprising an extension to an established facility.***

Policy RTC 7 (v) confirms that the retail element for such an out of town facility should be of a maximum gross floor area of 200 m<sup>2</sup> and cater specifically to visitors/clients of the facility.

***The shop areas comply with this criteria. In the supporting information the applicant has confirmed that the shop will be a saddlery/and equestrian related unit. Accordingly it is considered to be in accordance with the policy. A condition can be applied to any consent to control the type of goods sold.***

Policy RES 13 confirms the circumstances in which a proposal of new residential development in the Rural Protection Area will be supported. These circumstances are met where, such as here, the development is required to accommodate a person or persons employed as a manager on site.

***The applicants have submitted additional information that in their view demonstrates the requirement for the two managers' houses. However it should be noted that the Council has already approved one manager's house through the previous planning permission which resulted in a total of three houses on site for persons actively involved in the management and running of the facility on a 24-hour basis. As a consequence the proposal now before the Committee would involve the formation of a total of 5 permanent houses on the site. The Division is not convinced by the information submitted to date that this can be justified and it is considered prudent to remove***

***these elements by condition at this stage. The matter of the justification can be re-visited at a later date and it may be that at that time the issue of a part revocation of the earlier consent will be required to be investigated in respect of the manager's house currently approved.***

***In addition there are issues in relation to both the design and siting of the houses which remain unresolved:***

***The houses are designed in a non-traditional style which echoes the feature entrance to the main arena but due to the houses' position being some 400m from that entrance the argument of continuity of design is in the Division's view diminished.***

***In terms of specific siting the houses are proposed at the end of a large lorry park which stretches from the main facility buildings and will be prominent from the adjacent public road. It is the view of this Division that this location is inappropriate and disrupts the western boundary of the site opening up an aspect into the site where it would be more useful to seek screening for the lorry park.***

Policies TLR 3 and 4 confirm criteria against which proposals for tourist related proposals should be assessed.

***The proposal is a major facility and will on event days attract visitors either on a daily basis or for a short term. The detailed hostel is on the clients submission primarily an ancillary provision, for short learning courses. It is considered on that basis that the proposal is acceptable.***

***The other various elements of the proposal, i.e. gymnasium, restaurant, bar, etc. are considered to be complimentary/ancillary uses relative to the scale of the facility. Accordingly it is not considered appropriate to assess these elements individually.***

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

6.1 The material considerations relevant to the assessment of this application are consultation responses, representations received and impact on the amenity of the area.

### Consultation Responses

6.2 As indicated above the consultees are generally supportive of the application. Certain matters in particular the issue of an appropriate drainage

arrangement for the site are required to be finalised but it is considered that these issues can be addressed by means of conditions.

***The response from Historic Scotland will if the Committee are minded to approve the application require a referral to the Scottish Ministers (see Section 9.2).***

### Representation Received

6.3 The objection has been assessed but is considered on this occasion to be of insufficient weight to justify the refusal of the application.

### Impact on the Area

6.4 It is acknowledged that the application presents a major proposal and the building housing the new internal arena will be visible from certain view points. It is considered however that with the use of appropriate finishes and landscaping the development could be accommodated with no significant detrimental impact on the area. It is also noted that it is located such that from easterly aspects it would be viewed in the context of the Meiklewood/Mossie single user industrial site as identified in the adopted East Ayrshire Local Plan.

### Planning History

6.5 Planning Consent 02./0058/FL was granted in May 2002. It concerned a variety of proposals but focussed on a large extension on the south side of the existing building (130 metres long and 50 metres wide). The building housed arenas for equestrian use and a recreation area for other events as required. The structure was some 11 metres in height. This arena building was proposed to be linked to the existing buildings by a central reception block, which housed additional facilities. These additional facilities are as follows: restaurant/lounge bar and function area, crèche, retail shop, lecture room, gymnasium and associated changing and office accommodation, and judging box. It was also proposed to construct a manager's house and hostel accommodation on the western side of the large arena building for clients who are interested in residential learning courses at the centre. There is consequently an extant consent for a proposal of a similar nature to that now before the Committee.

6.6 Paragraphs 2.5 – 2.7 of this report address the planning history of the site with regard to a recent judicial review.

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

7.1 There are no financial implications for the Council in determining this application.

7.2 Should the application be refused, legal implications may arise for the Council as a result of any enforcement action initiated relative to the unauthorised works already undertaken.

## **8. CONCLUSION**

8.1 As is indicated in Section 5 of the report the application is considered to be generally in accordance with the Development Plan. Therefore given the terms of Sections 25 and 37 (2) of the Town & Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As indicated in Section 6 of the report there are material considerations relevant to this application. These considerations are generally supportive of the application; including the planning history which establishes the use as an equestrian centre and the erection of a substantial building for equestrian activities.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the appropriate referral of the application to the Scottish Ministers under the Notification of Applications Direction 1997 and subject to the conditions indicated on the attached sheet.**

**9.2 Under the referral procedures the Scottish Ministers have the power to call in the application if they consider the matter to be of sufficient concern in respect of its impact on heritage resources.**

## **CONTRARY DECISION**

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 it would not represent a significant departure from Council policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

26 August 2004 (IW/SA)  
FV-DVM

***Implementation Officer: Dave Morris***

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Notices and Certificates.
3. Letter of Objection.
4. Consultation Replies.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan.
7. East Ayrshire Council Design Guidance.
8. Planning Application 03/0596/FL

Any person wishing to inspect the background papers listed above should contact Ian Walker on 01563 576769.

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0546/FL

---

Site of Proposal:	Meikle Mosside Farm FENWICK
Nature of Proposal:	Proposed redevelopment and extension of existing facility to include new arena, gymnasium and pool, lecture area, bar, restaurant, café, lounge, function suite, retail area, hostel, manager's houses, external activity areas, car parking, fishing ponds, stabling, horse box parking, outdoor arenas, lodge and judges box
Name & Address of Applicant:	Lord & Lady Rowallan Meikle Mosside Farm FENWICK Kilmarnock KA3 6AY
Name of Agent:	Crichton and Simpson Architects 7 Park Circus Place GLASGOW G3 6AH

---

DPO's Ref: IW/SA

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

1. A landscaping scheme shall be submitted to and approved by the Planning Authority prior to commencement of any development, and shall be implemented not later than the next appropriate planting season after the development has been carried out. The scheme shall include details of any land consolidation and earth landfill works, topographical details and provision to be made for the maintenance of soft and hard landscaped areas, and shall be maintained thereafter in accordance with these details. Any trees removed without consent of the Planning Authority or seriously damaged at any time

thereafter shall be replaced by trees of similar size or species as may be agreed in writing by the Planning Authority.

REASON To ensure that adequate landscaping is provided, to an adequate standard, and that it is subsequently maintained, in the interests of visual amenity.

2. Notwithstanding the submitted plans details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

3. Notwithstanding the plans hereby approved details/samples of all external finishing materials to be used in the construction of the arena and facilities buildings shall be submitted to and approved by the Planning Authority.

REASON In the interests of visual amenity.

4. Notwithstanding the details on the plans hereby approved further details of the means of formation of the ancillary lorry and car parking areas for the development shall be submitted for the approval of the Planning Authority within 3 months of the date of this permission. Said details shall include existing and proposed ground/surface levels, infill material, grading and means of retention where necessary and shall be implemented on site as approved prior to the commencement of the use of the buildings hereby approved.

REASON In the interests of visual amenity.

5. Notwithstanding the details of the plans hereby approved further details of the ponds to the east and south of the main arena shall be submitted for the approval of the Planning Authority within three months from the date of this permission. Said details shall confirm the depth and grading of the ponds and associated landscaping and pathways including fencing to be provided.

REASON In the interests of visual amenity and public safety.

6. Notwithstanding the submitted plans any development within the areas delineated in green on drawing no ROW-01 is not hereby approved and shall require the separate planning approval of the Council as Planning Authority.

REASON In the interests of visual amenity.

7. Notwithstanding the details on the plans hereby approved, the two proposed managers' houses are not hereby approved. These will require the further separate planning approval of the Council as Planning Authority.

REASON To enable the Planning Authority to retain control over future development within the site to ensure consistency with Development Plan policies.

8. Notwithstanding the details on the plans hereby approved, the stables complex to the west of the main access road is not hereby approved. This will require the further separate planning approval of the Council as Planning Authority.

REASON In the interests of visual amenity.

9. Notwithstanding the details of the plans hereby approved the paintball office complex is not hereby approved. This will require the further separate planning approval of the Council as Planning Authority.

REASON In the interests of visual amenity.

10. Prior to the commencement of use of the building as overnight accommodation, further details of the means of drainage and sewage disposal shall be submitted to, and approved by, the Planning Authority and thereafter implemented as approved.

REASON To prevent contamination of watercourses.

11. Within 3 months of the date of this permission details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to, and approved by, the Planning Authority. The Sustainable Urban Drainage System shall thereafter be installed on site, prior to the erection of any of the buildings approved by this planning consent.

REASON To ensure that adequate drainage is provided.

12. Full details of the plans for the administration lodge building and judge podiums coloured blue on the proposed location plan (ROW-01) shall be submitted to and approved by the Planning Authority within 3 months of this permission and thereafter implemented as approved.

REASON In the interests of visual amenity.

13. Notwithstanding the provisions of the (General Permitted Development) (Scotland) Order 1992, and the Town and Country Planning (Use Classes) (Scotland) Order 1997, this permission relates only to the retailing of items

associated with equestrian based leisure activities or other approved uses on site. Retailing shall take place only within the areas identified for retailing in the approved plans. The further express permission of the Planning Authority shall be required in respect of the proposed retailing of any other type of goods or services.

REASON To enable the Planning Authority to retain control over the type of goods sold in accordance with Council policy.

14. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and the General Permitted Development (Scotland) Order 1992, the gymnasium, bar, lounge, restaurant, function area, hostel rooms and retail facility shall operate only as uses ancillary to the use of the main arena areas and not as separate commercial enterprises in their own right.

REASON To enable the Planning Authority to retain control over the types of use operated from the site in accordance with Council policy and to maintain the primary function of the development as an equestrian based arena complex.

15. Notwithstanding the terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997 or the General Permitted Development (Scotland) Order 1992, the uses permitted as part of the development hereby approved shall be restricted only to those activities specified on the approved plans and the further separate express permission of the Planning Authority shall be required in respect of the introduction of any other activities which fall within the same use class.

REASON To enable the Planning Authority to retain control over the various activities on site and the character of the development upon which basis consent is granted.

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

REASON In the interests of preserving and recording archaeological remains.

17. Details of the external floodlighting for the main arena building and external activity areas shall be submitted to and approved by the Planning

Authority prior to its installation. Such lighting shall be designed and located so as specifically to prevent any illumination of areas outwith the site and, generally, to prevent any excessive illumination of buildings within the site to the detriment of the visual amenity of the surrounding area.

REASON In the interests of visual amenity.

18. Prior to the commencement of use of the new buildings hereby approved, a sightline clear from any obstruction greater than 1 metre in height and having dimensions  $x = 4.5$  metres and  $y = 160$  metres, shall be formed and thereafter at all times maintained at the junction of the access with the B751. The sightlines shall include the forward visibility splay of 160 metres requiring the hedge on the north side of the B751 to be removed where it lies within the sightline.

REASON In the interests of road safety.

### **NOTE TO APPLICANTS**

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) The applicant shall make early contact with Transco to discuss any requirement to protect or divert Transco plant as a result of these proposals and with Scottish Water regarding the safeguarding of their apparatus within the site.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**