

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE

02 SEPTEMBER 2005

**05/0677/FL: PROPOSED ERECTION OF TOURIST ACCOMMODATION
ON LAND AT COWANS LAW, HEMPHILL ROAD, MOSCOW, GALSTON
BY JAY AND LESLEY STEEL**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposal consists of a single storey detached building covering a total floor area of some 346 sq metres. The height of the building is 5.3m to the apex of the pitched roof. The building comprises six bedrooms, communal living spaces and kitchen area with gun room and laundry. The building is single storey and clad externally in timber with slate roofing tiles. The building is sited in the middle of the application site with the existing trees located around the perimeter of the site. The applicants have submitted an indicative site plan showing the proposed on-site parking arrangement, providing a total of six parking spaces.

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 are of sufficient weight to merit the refusal of the application given the application of appropriate conditions. The proposal reinforces the viability of an existing tourist related facility and assists in the promotion of East Ayrshire as a tourist venue.

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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BY JAY AND LESLEY STEEL**

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 nature of the proposed development and the fact that the application is subject of an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located approximately 2.3 kilometres north-east of the village of Moscow, there is an existing access track that leads to the site. The application site is 0.54hectares in area and is currently an area of level scrub land. The site is bounded on four sides by mature woodland. The land east of the site is occupied by the residential property 'Blackshill Farm', to the north, west and south-west the land is forestry and the land to the south of the site comprises the existing loch and associated buildings relating to the applicant's existing trout fishing and country sports business.

2.2 **Proposed Development:** The proposal consists of a single storey detached building covering a total floor area of some 346 sq metres. The height of the building is 5.3m to the apex of the pitched roof. The building comprises six bedrooms, communal living spaces and kitchen area with gun room and laundry. The building is single storey and clad externally in timber with slate roofing tiles. The building is sited in the middle of the application site with the existing trees located around the perimeter of the site. The applicants have submitted an indicative site plan showing the proposed on-site parking arrangement, providing a total of six parking spaces.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Department of Neighbourhood Services have no objection to the proposal, subject to the developer protecting the existing beech trees in accordance with British Standards 5837 during the construction phase, by erecting protective fencing prior to any work being carried out on site.

Should the Committee be minded to approve the proposal, a condition can be attached requiring the erection of protective fencing around the Beech trees during the construction phase.

3.2 East Ayrshire Council, Roads and Transportation Division have raised no objections to the proposed development .

Noted.

3.3 Scottish Water have no objections and have advised that there are no known public water mains at this site.

Noted.

3.4 Scottish Environment Protection Agency (SEPA) have no objection to the principle of the development and advise that that foul drainage from the site will require to be treated biologically by means of a septic tank and reed bed system and the applicant should contact SEPA to finalise the effluent disposal arrangements and consenting issues for the development. SEPA require surface water from the site to be excluded from the foul drainage system and treated 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.

Should planning permission be granted for the proposed development, an appropriately worded condition can be imposed to ensure that a SUDS arrangement to SEPA's satisfaction is implemented within the development to deal with surface water drainage. Further conditions requiring the submission of details in respect of the septic tank and reed bed system and its implementation can also be imposed.

3.5 Scottish Natural Heritage have no objections to the proposed development.

Noted.

3.6 Moscow and Waterside Community Council have not responded in relation to the proposal.

Noted.

3.7 Strathclyde Police have made no formal comments on the proposed development, however have verbally confirmed that the applicant would require to install a steel gun vault to meet the necessary safety requirements of a gun licence and the applicants have been made aware of these requirements.

Should planning consent be granted a note can be attached advising the applicants to have early contact with Strathclyde Police with regards to safety matters for the gun room.

4. REPRESENTATIONS

One letter of objection has been received in relation to the proposal. The objectors have provided a background to the site and state various grounds of objection which are summarised as follows:

4.1 Access to the site is only provided via a private road currently used by Cowans Law and Blackshill Farm. The objectors seek assurances that their access will not be adversely affected by the proposed development.

This is a private legal matter between the objector and the applicants.

4.2 The Local Plan zoning of this area is questioned as being suitable for housing.

The application seeks permission for tourist accommodation and not for housing. The application is assessed against the relevant policies of the East Ayrshire Local Plan in the following section.

4.3 Concern has been expressed regarding the impact of the structure on the outlook from the objector's property, given that the outlook from the existing large window on the side elevation of the property will be adversely affected by the development.

The property at Blackshill Farm is located some 45 metres from the proposed building and some 20m from the boundary of the application site, therefore it is not considered that any impact will be imposed in terms of overshadowing to the existing property. Furthermore outlook/view is not considered to be a material planning consideration and is therefore not relevant in the assessment of this application.

4.4 Concern is expressed regarding the possibility that the applicants will erect kennels to accommodate the various cats and dogs they own which would create a noise nuisance given the proximity to the objector's property.

There are no outbuildings proposed as part of this current application and a separate application would be required for such buildings within the application site.

4.5 No provision for car parking is illustrated on the submitted plan.

The Council's Roads and Transportation Division do not object to the application nor do they make any requirements in respect of parking arrangements. However, the applicants have submitted an indicative plan illustrating six parking spaces within the application site. It is considered that there is adequate ground within the application site to accommodate parking provision adjacent to the proposed building.

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 the application is consistent with policy G5 as the proposal is justified in terms of expanding an existing tourism facility.

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 in five stated circumstances:-

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

Not applicable as the application is for tourist accommodation.

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

It is considered that the development of accommodation facilities would compliment and strengthen the existing sporting, leisure and tourist related provision within the immediate area and provide more of an attractive package of tourist related services. The proposal is therefore considered to be justified in terms of a site specific locational need.

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

It is considered that there is a shortage of unique tourist products in the area and the proposed development, in conjunction with existing facilities, would provide such a product to the benefit of the local tourist economy.

- (iv) Contributes to rural land diversification; or;

In that the proposal seeks to enhance and promote existing facilities, the application is consistent with this aspect of policy and with SPP 15 Planning for Rural Development.

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

Not applicable.

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 are 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;

Leisure and recreation uses have been established in the area and the design of the proposed building is considered compatible with its rural location.

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

There is no foreseen adverse impact imposed 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 objections have been received from the Council's Roads and Transportation Division or other service providers.

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

See 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 locational need; and

As detailed under policy SD3(ii) above it is considered that the proposal represents an extension to an existing established tourist facility and thus a site specific locational need has been demonstrated.

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

It is considered that the proposal complies with policy TLR3 as detailed above.

In conclusion it is considered that the proposal is in accordance with the relevant 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 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.

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 The setting of the site is such that it is considered that the proposal can be accommodated as detailed with no detriment to the area. The application complements and expands the existing tourist facilities on the site and promotes a benefit to the local tourist economy.

Planning History

6.5 Planning permission (98/0599/FL) for Erection of Managers House/ Relocation of Catering Bothy/ Alter Shape of Fishery Pond was approved 15 January 1999.

6.6 Planning permission (00/0008/FL) was approved on 10 March 2000 for erection of Managers House which superseded the previous house approved under application (98/0599/FL).

SPP 15 Planning for Rural Development

6.7 In that the proposal seeks to enhance and promote existing facilities the application is consistent with SPP 15.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications resulting from 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 are of sufficient weight to merit the refusal of the application given the application of appropriate conditions.

The proposal reinforces the viability of an existing tourist related facility and assists in the promotion of East Ayrshire as a tourist venue.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions detailed 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

17 August 2005

(GC/RH)

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. Planning Permission 98/0599/FL
8. Planning Permission 00/0033/FL

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

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0677/FL

Site of Proposal: Land at Cowans Law
Hemphill Road, Moscow, Galston, KA4 8PP

Nature of Proposal: Proposed Erection of Tourist Accommodation

Name & Address of Applicant: Jay and Lesley Steel
Cowans Law
Hemphill Road
MOSCOW
GALSTON
KA4 8PP

Name & Address of Agent: James Barr Ltd
226 West George Street
GLASGOW
G2 2LN

DPOs Reference: GC/RH

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

1. The proposed development shall be carried out in accordance with the application form received on 16 May 2005 and the amended plans received by the Planning Authority on 16 June and 04 August 2005.
2. All existing trees shall be retained and protected in accordance with British Standards 5837 until completion of all site operations and building works. This shall include the erection of protective fencing around the trees during the construction phase.

REASON To ensure protection of the existing trees during the construction phase.

3. Before any work commences on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved by the Planning Authority in writing. The Sustainable Urban Drainage System shall thereafter be installed on site prior to the occupation of the tourist accommodation.

REASON To ensure that adequate drainage is provided.

4. A sample of the roofing material shall be submitted to and approved by the Planning Authority prior to the commencement of the development.

REASON In the interest of visual amenity.

5. The tourist accommodation hereby approved shall not be occupied as a permanent residence, nor shall it be occupied for more than three consecutive months nor for more than six months in total in any calendar year by the same persons.

REASON The tourist accommodation unit is located within an area identified in the development plan as being inappropriate for permanent residential development.

6. Prior to any work commencing on site, details of the septic tank and reed bed system shall be submitted to and approved in writing by the Planning Authority.

REASON To permit the Planning Authority to consider these matters in detail and in the interests of the amenity of the surrounding area.

7. Prior to the occupation of the tourist accommodation, the drainage details approved under Condition 6 shall be implemented to the satisfaction of the Local Planning Authority.

REASON To ensure that adequate drainage is provided.

NOTES TO APPLICANT

1 The developer shall make early contact with Scottish Environment Protection Agency to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. This Authority requires 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 developer should make early contact with the Scottish Environment Protection Agency to finalise and agree the effluent disposal arrangements and consenting issues for this development.
4. The developer shall contact Strathclyde Police with regards to their safety/licence requirements for the gun room.

**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.**