

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 17 JUNE 2005**

**04/0856/FL: PROPOSED ALTERATIONS AND CHANGE OF USE TO FORM  
OUTDOOR ACTIVITY CENTRE AND ANCILLARY USES  
AT BRIDGEHOUSE FARM, HURLFORD**

**APPLICATION BY OTTERBURN CENTRE**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 Full planning permission is sought for the establishment of an outdoor activity centre. The business would comprise of a fishing pond, quad bike areas (separate areas for children and adults), a family picnic area, a children's adventure play area, an animal viewing area and a tea room with an ancillary retail element. An area for the parking of approximately thirty cars is also shown on the submitted plans.

1.2 This planning application has been submitted on a retrospective basis but only with regard to the quad biking activity. It arose from a complaint regarding the noise of the quads in relation to a nearby riding centre. It is also intended to form a nine-hole golf course at some point in the future and this would require to be the subject of a separate planning application.

#### **2. RECOMMENDATION**

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

#### **3. SUMMARY OF ANALYSIS**

3.1 As indicated in section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these have been thoroughly addressed and would not indicate that the application should be refused.

3.2 Full planning permission is being sought for the development of an outdoor activity centre at Bridgehouse Farm. The activity centre would comprise of several elements to provide a range of activities for a family day out. The application has been submitted on a retrospective basis following complaints received about the use of a field for quad biking. This same area has since been developed as a quad bike race track and the plan as submitted does not reflect what has been developed on the ground. The applicant has however confirmed that the area will be reduced to that as shown on the plan.

3.3 Existing farm buildings contained within the unit will be converted to provide a storage area, toilets, kitchen, office and tearoom. A shed on the west side of the farm unit will also be used for a children's adventure play area and animal viewing with a garden centre and shop. The garden centre and shop element of the proposed development does not strictly accord with the development plan policies for such developments in the countryside. However, the applicant has confirmed that the retail element will only sell gift items that would only be purchased by people coming to the activity centre.

3.4 The proposal constitutes rural diversification and is to be developed within a contained site so as to limit the impact it may have on the surrounding natural environment. The new structures associated with it are minor and the land can all be reinstated to its original state therefore it is unlikely to have a significant detrimental impact on the natural heritage of the area, in particular the Provisional Wildlife Site. The site is one that is reasonably well screened thereby having little impact on visual amenity. There are no outstanding matters in relation to services and infrastructure and the recommendation is therefore one of approval.

## **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 because it would not represent a significant departure from the development plan.

**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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**APPLICATION BY OTTERBURN CENTRE**

**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 as the proposals are the subject of a letter of objection.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The site comprises an area of undulating agricultural land on the west side of the A76 trunk road from Kilmarnock to Cumnock approximately 5 kilometres north-west of Mauchline and 4 kilometres south-east of Hurlford. The site pertains to the farm unit of Bridgehouse that lies within the Carnell Estate. It also lies within the Carnell and Cessnock Provisional Wildlife Site in the Rural Protection Area of the countryside.

2.2 An access road off the A76 serves the existing farm unit that comprises of the original farmhouse, an outbuilding with consent for change of use to form a dwellinghouse, an existing cottage and associated outbuildings. A shed lies to the west side of the site and to the rear, the ground falls away steeply to the Cessnock Water. Beyond the access road to the south is agricultural land which has a north facing slope. The A76 runs east of the site which is otherwise surrounded by agricultural land.

2.3 **Proposed Development:** Full planning permission is sought for the establishment of an outdoor activity centre. The business would comprise of a fishing pond, quad bike areas (separate areas for children and adults), a family picnic area, a children's adventure play area, an animal viewing area and a tea room with an ancillary retail element. An area for the parking of approximately thirty cars is also shown on the submitted plans.

2.4 This planning application has been submitted on a retrospective basis but only with regard to the quad biking activity. It arose from a complaint regarding

the noise of the quads in relation to a nearby riding centre. It is also intended to form a nine-hole golf course at some point in the future and this would require to be the subject of a separate planning application.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objections to the proposed development subject to a minimum of thirty number off road parking spaces being provided within the site.

***The developer has shown this parking requirement on a revised site layout.***

3.2 East Ayrshire Council Access Officer has been consulted but no response had been received at the time of writing this report.

***Noted.***

3.3 East Ayrshire Council Roads and Transportation Division (Flooding Section) has no objections to the proposals in relation to flooding issues.

***Noted.***

3.4 The Scottish Executive (Trunk Road Network Management Division) has no objection to the proposed development subject to the following condition:

- (i) visibility splays shall be provided on each side of the access. These splays are the areas of ground defined by a line 4.5 metres (minimum) measured along the centreline of the access (the "x" dimension) from the nearside edge of the trunk road; a line 215 metres (minimum) long measured along the nearside edge of the trunk road from the centreline of the access (the "y" dimension) and a straight line joining the termination of these two lines. In a vertical plane nothing shall obscure visibility measured from the driver's eye height of between 1.05 metres and 2 metres positioned at the "x" dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the "y" dimension.

***A condition can be attached to any consent granted for the proposed development to meet the requirements of the Scottish Executive TRNMD. The developer has demonstrated that the above road safety requirements can be met on land within his control.***

3.5 Scottish Water has advised there are no known sewers to which a connection may be made.

***Noted.***

3.6 The Scottish Environment Protection Agency has no objections in principle to the proposal provided the drainage arrangements are to its satisfaction. SEPA has requested that any planning permission granted for the site is suitably conditioned in respect of the foul drainage and also to require the applicant to treat surface water from the site. SEPA has also advised that at least part of the site lies within the flood envelope and may therefore be at risk from flooding.

***A condition can be imposed on any consent granted for the proposed development to address the matter of treatment of surface water runoff should the Committee be minded to approve the application.***

3.7 Scottish Natural Heritage has advised that while there are natural heritage interests of some importance in the location which could be affected by the development, this proposal is not considered to be threatening to those interests. SNH therefore has no objection to the development proposal.

***Noted.***

3.8 The Scottish Wildlife Trust has been consulted but no response had been received at the time of writing this report.

***Noted.***

3.9 The Civil Aviation Authority has no safeguarding conflict with the proposed development.

***Noted.***

3.10 Mauchline Community Council has been consulted but no response had been received at the time of writing this report.

***Noted.***

3.11 East Ayrshire Environmental Health Division has confirmed to the applicant that it does not require a noise impact assessment for the activities at this time. The applicant has been advised that such an assessment would be required if the clay pigeon shooting aspect of the proposed business goes ahead. Given that the quad bike track has been in operation for some time without noise complaint, the Division does not foresee a necessity to impose a condition requiring impact assessment for this activity. The complaints raised by the neighbour at Bargower have already been addressed by the applicant to the satisfaction of both the complainant and this Division. The Team Leaders of both the Health and Safety and Food Sections of the Division are content to deal with

the applicant directly on matters relating to their interests and therefore do not consider it necessary to place any specific conditions in the planning application.

***Noted. The applicant has confirmed that no clay pigeon shooting will be undertaken from the site at this time.***

It is recommended that an overall condition be included requiring the applicant to inform this Division as each stage of the development progresses to ensure compliance with legislation enforced by this Division.

***A note can be attached to any consent granted for the proposed development advising the applicant to ensure that the Environmental Health Division is made aware of the progress of development on site to ensure compliance with legislation enforced by that Division.***

#### **4. REPRESENTATIONS**

4.1 The planning application has attracted one letter of objection from a third party. The points of objection can be summarised as follows:

4.2 The red boxed area is not the area where the activities are taking place. The field adjacent to my outdoor riding arena is the field where the quad bikes are used. These quad bikes come careering up the field towards my own horses which range from class lessons to private lessons, the Riding for Disabled children, autistic children from Daldorch House School and my own horses which can be young horses being schooled on. These riders are at risk of having a very serious accident. Horses do not realise that the noise or the sight of these quad bikes coming up the field at speed are not coming at them and they naturally turn and run endangering the lives of whoever is riding them.

***It is recognised that the area as shown on the plan does not correspond with the area which is actually being used for quad biking. However, the applicant has agreed to reduce the area to that shown on the submitted plans and it is recommended that if the Committee is minded to approve the application, this is subject to a condition that the quad biking area is reduced to that as shown on the plan hereby under consideration.***

4.3 The shooting season has always brought some noise but it has never been near or consistent enough to disturb us yet last Sunday during a clay pigeon "charity" shoot there were at the very least 40000 shots from teams of men at one hundred pounds a head. This noise went on all day long, from ten am to five pm. We had an absolutely dreadful day and had to go inside to avoid endangering the lives of our customers yet again.

***Provided the activity of clay pigeon shooting is not undertaken on any more than twenty eight days in any calendar year it would not require planning permission in its own right. However, the applicant has been advised that the undertaking of clay pigeon shooting from the site would require to be the subject of a noise impact assessment. Accordingly the applicant has stated that no shooting will be undertaken from the site.***

4.4 I have no objection to the applicants having an activity centre, if it does not endanger me or my customer's lives.

***It is considered appropriate that the quad biking area is reduced to that as shown on the submitted plan. With a gap between this area and the neighbouring property this will reduce the noise and therefore help to alleviate any adverse effects of the use on the neighbouring property.***

## **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 (1999) and the Adopted East Ayrshire Local Plan (2003).

### Ayrshire Joint Structure Plan

5.2 Policy G5 of the Structure Plan states that development proposals outwith settlements in the Rural Protection Area shall conform to the structure plan only where the development:

- A has a demonstrated site-specific locational need;
- B can be justified in terms of social and economic benefit to the community;
- C contributes to rural land diversification; or
- D provides for the operational needs of agriculture and forestry.

***The proposed activity centre contributes to rural land diversification and is considered to be of social and economic benefit by attracting people to the area in which it is located. It is therefore considered that the proposal does comply with Policy G5.***

## East Ayrshire Local Plan

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

- (v) the proposal is for a tourism, leisure or recreation related retail development including provision for the sale of refreshments, not exceeding 200m<sup>2</sup> gross floor area where the goods sold and services provided cater specifically for tourists and visitors to the area in which the retail facility is proposed;

***The applicant has stated that the goods that will be sold will be gift orientated, e.g. preserves, candles, potted plants, countryside crafts, gardening and nature books and children's souvenirs based on nature and the countryside. Based on this description of goods it is considered that the gift shop could be supported under this policy criterion, but as an integral part of the wider development proposal and not in its own right. The proposal therefore complies with Policy RTC7.***

5.4 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. Three of these stated circumstances are considered pertinent to the application, these being where the development:

- (ii) can be fully justified in terms of site specific locational need; or
- (iii) can be fully justified in terms of social and economic benefit to the community; or
- (iv) contributes to rural land diversification.

***The proposed development is considered to meet all three criteria as part of a larger development scheme in a rural area and it therefore complies with Policy SD3.***

5.5 Under Policy ENV8 the Council will encourage developers to ensure that:

- (i) adequate opportunities are taken to secure a more accessible environment for all, including those with mobility and sensory disabilities, elderly people and those with young children,
- (iii) appropriate community safety measures are incorporated to maximise security and improve natural surveillance of the development,

- (vi) their developments are landscaped to reflect and complement their surroundings; and
- (vii) proposed areas of open space are integrated wherever possible with existing areas to form a linked network throughout the area.

***The proposed development is an outdoor activity centre that will provide something for the whole family to enjoy. The development itself will make use of existing farm buildings and the other developments such as the quad biking and children's play area are not considered to have a significant impact on the natural environment. It is therefore considered that the proposal complies with Policy ENV8.***

5.6 Policy ENV10 states that:

- (iii) development likely to adversely affect local nature reserves and provisional wildlife sites will be resisted and all sites of recognised nature conservation value will be safeguarded where possible. Where development is approved for such sites, appropriate measures should be taken to conserve and manage, as far as possible, the sites biological or geological interest and to provide for replacement habitats or features where damage is unavoidable;
- (v) the management and conservation of existing landscape features of major importance for wild flora and fauna including linear features such as rivers...and other features such as ponds and small woods which are essential for the migration, dispersal and exchange of wild species.

***The northern, eastern and western riparian areas of the site lie within the Carnell and Cessnock Water Provisional Wildlife Site to which the above policy provisions refer. This Provisional Wildlife Site is described by the Scottish Wildlife Trust as 'an important stretch including extensive areas of semi-natural woodland with geological outcrops and particular botanical significance.' The Trust describes it as a grade 1 site with SSSI potential.***

***It is considered that the proposed close proximity of an outdoor activity area, family picnic area and quad biking park may well detract from the nature conservation experience of the site. Increased general public access to this important area is to be welcomed provided it is suitably arranged and well managed. The natural heritage amenity bodies have no objections to the proposed development and it is considered that the proposal, if managed properly, can be developed in accordance with the terms of Policy ENV10.***

5.7 Under Policy ENV 15 (i) the Council will strongly encourage the protection and positive management of ancient and semi-natural woodland.

***There is riparian ancient woodland along the northern boundary of the site with the Cessnock Water. Were this application to be approved, a condition should be attached to it relating to the future protection and management of this woodland.***

***The proposed development of a gift shop is considered to be acceptable within a larger proposed development scheme. It is considered that the goods to be sold should be limited through the use of conditions to those that are only related to the tourist experience at Bridgehouse Farm and that floorspace for the tea room and gift shop be limited to no more than 200 square metres (gross).***

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

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and third party representations.

### Consultation Responses

6.2 None of the consultation responses received have raised any matters which would indicate the application should be refused.

### Representations

6.3 One letter of objection has been received with regard to the noise implications of the quad biking element of the proposed activity centre. It is considered that a reduction in the area of land marked out for quad biking will largely address this concern and it would therefore not be of sufficient weight to indicate the application should be refused. It appears that from the consultation response that the objector may now be content with the amended proposals.

## **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 section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section

25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these have been thoroughly addressed and would not indicate that the application should be refused.

8.2 Full planning permission is being sought for the development of an outdoor activity centre at Bridgehouse Farm. The activity centre would comprise of several elements to provide a range of activities for a family day out. The application has been submitted on a retrospective basis following complaints received about the use of a field for quad biking. This same area has since been developed as a quad bike race track and the plan as submitted does not reflect what has been developed on the ground. The applicant has however confirmed that the area will be reduced to that as shown on the plan.

8.3 Existing farm buildings contained within the unit will be converted to provide a storage area, toilets, kitchen, office and tearoom. A shed on the west side of the farm unit will also be used for a children's adventure play area and animal viewing with a garden centre and shop. The garden centre and shop element of the proposed development does not strictly accord with the development plan policies for such developments in the countryside. However, the applicant has confirmed that the retail element will only sell gift items that would only be purchased by people coming to the activity centre.

8.4 The proposal constitutes rural diversification and is to be developed within a contained site so as to limit the impact it may have on the surrounding natural environment. The new structures associated with it are minor and the land can all be reinstated to its original state therefore it is unlikely to have a significant detrimental impact on the natural heritage of the area, in particular the Provisional Wildlife Site. The site is one that is reasonably well screened thereby having little impact on visual amenity. There are no outstanding matters in relation to services and infrastructure and the recommendation is therefore one of approval.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions listed 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 because it would not represent a significant departure from the development plan.

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

02 June 2005  
NM/HM/SMB  
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).

Anyone wishing to inspect the above background papers should contact Nicola Monroe on 01563 555485.

**Implementation Officer: Dave Morris**

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 04/0856/FL

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Location	Bridgehouse Farm Carnell Estate HURLFORD KA1 5JX
Nature of Proposal:	Proposed alterations change of use to form outdoor activity centre and ancillary uses
Name and Address of Applicant:	Otterburn Centre Bridgehouse Farm Carnell Estate HURLFORD KA1 5JX
Name and Address of Agent	Arctec Designs 23 Dallas Place TROON KA10 6JE

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DPO's Ref: Nicola Monroe  
PPO's Ref: Hugh Melvin

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 02 July 2004 and the elevation and floor plans (Drawing Nos: AD/0457/11; AD/4057/10 and AD/4057/7) submitted on 08 December 2004 and the amended location plan and site layout plan(Drawing Nos: AD/0457/01 and AD/4057/03) submitted on 08 December 2004 and amended floor plan (Drawing No: AD/4057/16) submitted to the Planning Authority on 04 March 2005.

REASON – To ensure that development is carried out in accordance with the approved details.

2. Notwithstanding the details on the plans hereby approved the quad bike area as established shall be reduced to the area as shown on the amended plan and the land reinstated completely within two months of the date of this consent to the satisfaction of the Planning Authority.

REASON – To ensure the quad bike area is restricted to that as shown on the plans in the interests of amenity.

3. The opening hours of the activity centre hereby approved shall be restricted to 10:00 to 16:30 hours from 01 October to 31 March and 10:00 to 18:00 hours from 01 April to 30 September in each year.

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

4. The retail use hereby approved shall be restricted to the sale of gift items only on a basis ancillary to the operation of the other elements of the outdoor activity centre, to include preserves, candles, potted plants, countryside crafts, gardening and nature books and children's souvenirs only to the satisfaction of the Planning Authority. Notwithstanding the approved plans, the maximum gross area/floorspace allocated for the specified retail activities shall not exceed 200 metres<sup>2</sup>.

REASON – The retail use hereby approved is only considered acceptable as ancillary to the overall development.

5. Prior to the commencement of development the developer shall submit to the Planning Authority a detailed management programme for the activity centre which shall demonstrate how it is intended to ensure the surrounding natural environment shall not be damaged irreparably by the development.

REASON – In the interests of the natural environment.

6. Prior to the commencement of use of the activity centre hereby approved the thirty number off road car parking spaces as shown on the plan shall be formed and clearly demarcated to the satisfaction of the Planning Authority in consultation with the Roads and Transportation Division.

REASON – To ensure there is sufficient parking in the interests of road safety.

7. Prior to the commencement of the use of the development hereby approved the developer shall form visibility splays on each side of the access. These splays are the areas of ground defined by a line 4.5 metres (minimum) measured along the centreline of the access (the "x" dimension) from the nearside edge of the trunk road; a line 215 metres (minimum) long measured along the nearside edge of the trunk road from the centreline of the access (the "y" dimension) and a straight line joining the termination of these two lines. In a vertical plane nothing shall obscure visibility measured from the driver's eye height of between 1.05 metres and 2 metres positioned at the "x" dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the "y" dimension and shall be maintained in perpetuity.

REASON – In the interests of road safety.

8. Prior to the commencement of the proposed development, the applicant shall submit to, and have approved by the Planning Authority in consultation with the Scottish Environment Protection Agency, details of the proposed surface water treatment and foul drainage treatment for the proposed development.

REASON – In the interest of public health and safety and to prevent contamination of watercourses

9. Prior to the commencement of development on site, the developer shall submit to, and have approved by the Planning Authority details of any structures to be erected within the proposed children's adventure play area. No other structures related to the proposed

outdoor centre shall be erected on site without the formal consent of the Planning Authority.

REASON – In the interests of visual amenity.

#### **NOTES TO APPLICANT**

1. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site, (including capacity issues), and to confirm the 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. It should be understood that this permission **DOES NOT** carry with it any right to carry out works within the trunk road boundary. The developer should contact Amey Highways, Bargeddie Office, Langmuir Way, Bargeddie, Glasgow to enable any works required within the trunk road boundary to be approved.
4. The applicant should maintain regular contact with the Council's Environmental Health Division during the process of implementing the consent hereby approved to ensure full compliance at all stages with legislation administered and enforced by that Division including health and safety and food hygiene regulations.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
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