

# **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 03 NOVEMBER 2006**

**05/1260/OL: PROPOSED OUTLINE CONSENT TO ERECT SIX LOG CABINS  
FOR TOURISM PURPOSES AT COYLE WATER FISHERY, COALHALL**

**APPLICATION BY MR. ALEX STEVENSON**

## **EXECUTIVE SUMMARY SHEET**

### **1. DEVELOPMENT DESCRIPTION**

1.1 Outline planning permission is sought for the erection of six log cabins within the fishery site for use as tourist accommodation. Full details of the proposed log cabins have not been submitted at this outline stage although the applicant has provided information on a standard chalet type log cabin and an indicative plan showing the proposed position of the six cabins located adjacent to the existing lochans.

1.2 The applicant has indicated that the cabins would provide tourism accommodation centred on the existing fishery for patrons of the site. It is intended that the cabins would be let on a weekly or fortnightly basis throughout the summer with weekend lets and overnight stays during the remainder of the year.

### **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 the application; however it is considered that these are generally supportive of the development and that the representations received are not of sufficient weight to merit refusal of the application.

3.2 The proposed log cabins would allow for business expansion of the Coyle Water Fishery by providing the facility of overnight, weekend and short term tourism accommodation for patrons. It is considered that this proposal would be acceptable at this location as it would contribute to further job opportunities and encourages rural diversity.

### **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 East Ayrshire Local 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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Report by Head of Planning, Development and Building Standards

### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an outline planning application which is to be considered by the Local Planning Committee under the scheme of delegation, as the application is subject to objections.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies off the A70 Cumnock – Ayr road approximately 1 km west of Coalhall at Shield Mains. The application site relates to the Coyle Water Fishery located to the south and east of the Coyle Water that forms the boundary between East Ayrshire and South Ayrshire.

2.2 **Proposed Development:** Outline planning permission is sought for the erection of six log cabins within the fishery site for use as tourist accommodation. Full details of the proposed log cabins have not been submitted at this outline stage although the applicant has provided information on a standard chalet type log cabin and an indicative plan showing the proposed position of the six cabins located adjacent to the existing lochans.

2.3 The applicant has indicated that the cabins would provide tourism accommodation centred on the existing fishery for patrons of the site. It is intended that the cabins would be let on a weekly or fortnightly basis throughout the summer with weekend lets and overnight stays during the remainder of the year.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Drongan, Rankinston and Stair Community Council and The Scottish Wildlife Trust have not responded to the consultation letter at the time of writing this report

***Noted***

3.2 East Ayrshire Council Roads and Transportation Division has no objections to the proposed development subject to conditions. The Division states that the existing access road will require to be provided with a turning area suitable of accommodating service / refuse vehicles.

***Conditions could be attached to any consent granted for the development to meet the requirements of the Roads and Transportation Division***

3.3 The Scottish Environment Protection Agency has no objections to the proposal provided that the drainage arrangements are to its satisfaction. In this regard the foul drainage from the site must be connected to a septic tank with the effluent from the septic tank discharging to a blind soakaway. SEPA further requests that surface water from the site is treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland published by CIRIA in March 2000.

***A note could be attached to any consent granted for the proposed development to advise the applicant to make early contact with SEPA regarding the drainage of the site.***

3.4 Power Systems has no adverse comments to make on the application.

***Noted***

3.5 Scottish Water has no objections in principle to the proposed development.

***Noted.***

3.6 Scottish Natural Heritage has no objections to the proposed development.

***Noted.***

3.7 East Ayrshire Roads and Transportation Division (Flooding Section) states that in relation to the submitted Flood Risk Assessment for the site, although it does not include pre and post development flood inundation mapping, the assessment addresses outstanding issues relating to flooding at the site. The Flooding Section therefore confirms that there are no objections to the proposed development but advises that the applicant should consider the use of water resistant / resilient materials in the construction of the cabins.

***Noted.***

3.8 East Ayrshire Economic Development Division, in a letter to the applicant, indicates that his market research has shown that his current customers who

travel from Europe and England would make use of accommodation if it were made available and that this would enhance the facilities currently on offer, while generating new and additional business for the local economy. The Division further comments that the tourism industry is of great importance to the economy of Ayrshire, and in particular East Ayrshire. It has been clearly identified that the future of the industry in this area lies in the development of new products which build upon the concept of quality, activity and short breaks in an integrated package, all of which will hopefully lead to repeated and extended business. The Division further states that the proposed project is clearly focussed on the development of a quality tourism product and this is welcomed by East Ayrshire Council in the context of its role in local economic regeneration and business development.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 Three letters of representations have been received from five signatories, objecting to the proposed development. The main points of objection are summarised as follows:

4.2 The site lies within a Sensitive Landscape Area and the erection of tourist chalets within this picturesque area would create an unacceptable visual intrusion. The proposed development lies within a rural protection area as delineated in the adopted local plan.

***While the application site does indeed lie within a Sensitive Landscape Area, this does not preclude sensitive, appropriately designed development. The principle of a tourism development at this location is considered to be acceptable. The application is in outline only at this stage and it is considered that appropriate design conditions can be attached to any consent granted for the development to ensure that the cabins are compatible with their rural location. An assessment of the development against the provisions of the development plan is provided in Section 5 below.***

4.3 This area, also known as Duchray Glen, has outstanding natural beauty and is recognised as a wildlife corridor rich in flora and fauna. On the banking opposite the proposed development is a very long established badger sett and also kingfisher nest sites. Both of these shy, relatively rare creatures will be greatly disturbed by noisy tourists crossing the shallow river in summer months.

***The scale of the proposed development is relatively small and is not likely to create any significant level of disturbance. Scottish Natural Heritage has not offered any objections to the proposed development.***

4.4 As a farmer and keen conservationist I am planning in conjunction with SEERAD to extend and diversify the wildlife habitats on my land under the Government's Rural Stewardship Scheme. A tourist development in such close proximity will undermine my own efforts to enhance the local environment.

***Given the nature of the use of the existing site as a fishery, it is not considered that the provision of tourist accommodation, in conjunction with this facility at the level of accommodation proposed, would impact significantly on the objector's interests.***

4.5 The section of the A70 between Coalhall and Coylton, which will be the access road to the proposed tourist chalets, is a dangerous accident blackspot. It is believed that so far this year there have been at least 18 vehicle crashes including several fatalities.

***Subject to the imposition of appropriate conditions in any consent granted, the Roads and Transportation Division has not objected to the proposed development on road safety grounds.***

## **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 There are no policies of particular relevance to this proposal in the approved Ayrshire joint structure plan.

***Noted.***

### East Ayrshire Local Plan

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

(i) the proposed use and any associated structures is not visually or environmentally intrusive, is of a nature and scale compatible with surrounding land uses and is not detrimental to the character and amenity of the area within which it is proposed;

***The application is for the erection of six log cabins located within the rural protection area and the sensitive landscape area. It is considered that the principle of log cabins would be of a nature compatible with a rural location.***

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

***It is considered that the principal of log cabins at this location will have no adverse impact on the natural environment.***

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

***There are no significant infrastructure issues that cannot be addressed by the imposition of appropriate conditions in any consent granted for the proposed development.***

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

***It is considered that the proposal generally complies with the provisions of Policy TLR 4.***

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

***The applicant has indicated that the proposed tourist accommodation would enhance the existing fishery operation by providing the ability to provide overnight, weekend and short term lets.***

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

***It is considered that proposal generally complies with the provisions of Policy TLR 3.***

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. Two of these stated circumstances are pertinent to the application, these being where the development:-

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

***The applicant indicates that the proposed log cabins will provide the opportunity for providing overnight accommodation for patrons of the Coyle Water Fishery.***

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

***The principal of a tourist related development at this location is acceptable and could provide social and economic benefit to the community as the tourism industry is of great importance to the economy of Ayrshire in general and will enhance the facilities currently offered at the Coyle Water Fishery.***

5.5 Policy ENV10 states that the protection and enhancement of areas of nature conservation interest within the Local Plan area will be achieved by five stated means. One of these is pertinent to the application as follows:

(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 whenever 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;

***It is considered that the proposed development will not impact adversely on the provisional wildlife site (Coyle Water).***

5.6 Policy ENV11 states that, within Sensitive Landscape Character Areas, the Council will give priority and prime consideration to the protection and enhancement of the landscape in the consideration of rural development proposals. The policy also states that the Council will not be supportive of any development that would create unacceptable visual intrusion or irreparable damage within these areas. In addition, the policy states that the Council will be supportive of development proposals only where these positively enhance or protect the natural landscape, wildlife and cultural heritage of the area or promote the social and economic well-being of communities.

***As the application is in outline, details of the proposed locations of the cabins have yet to be determined. However the indicative layout plan indicates a proposed grouping which would not result in significant visual intrusion.***

5.7 Policy ENV12 states that throughout the rural area, and especially in the Sensitive Landscape Character Areas, the Council will ensure that all development proposals respect, in terms of their design, the local landscape characteristics of the particular area within which they are proposed. Developers will be expected to conserve and enhance, and reinstate or replace where appropriate, those features which contribute to the intrinsic landscape value and

quality of the area concerned. The policy also states that development which results in the permanent loss of landscape features which are not readily renewable and whose loss would be unacceptable in landscape terms will not be supported by the Council.

***It is considered that the use of log cabins will help to ensure, in terms of design which is compatible with a rural location, that the proposal respects the local landscape.***

***The principle of the tourist related proposal in this regard is acceptable in planning policy terms.***

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

6.1 The principal material considerations relevant to the determination of the application are the new Ayrshire Joint Structure Plan (Finalised Draft 2006), the consultation responses, the representations received and the planning history of the site.

### Finalised Draft Ayrshire Joint Structure Plan 2006

6.2 Policy ECON 12 - The Tourism Resource states that the three Ayrshire Councils, in conjunction with other agencies, promote the development of tourism to increase the range, geographic spread and quality of accommodation, facilities, attractions and supporting infrastructure, where it contributes to environmental quality, extends the visitor season, provides further job opportunities, supports communities and encourages rural diversity.

***It is considered that the proposed development is consistent with the provisions of Policy ECON12.***

### Consultations Responses

6.3 The consultation responses received would not indicate that the application should be refused.

### Representations

6.4 It is considered that the representations received are either not supported by the statutory consultation process or are not considered of sufficient weight to merit refusal of the application.

### Planning History

6.5 The more recent planning history of the site includes the following:

- (i) Full planning permission for the formation of an additional pond and siting of a cabin shelter at Coyle Water Fishery was approved on 12 June 1998 (98/0007/FL); and
- (ii) Full planning permission for the formation of a café facility within existing site cabin at Coyle Water Fishery was approved on 21 December 2005 (Ref. No. 05/1168/FL)

## **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 the application; however it is considered that these are generally supportive of the development and that the representations received are not of sufficient weight to merit refusal of the application.

8.2 The proposed log cabins would allow for business expansion of the Coyle Water Fishery by providing the facility of overnight, weekend and short term tourism accommodation for patrons. It is considered that this proposal would be acceptable at this location as it would contribute to further job opportunities and encourages rural diversity.

## **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 East Ayrshire Local Plan.

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

HM/HM  
16 October 2006

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Approved Ayrshire Joint Structure Plan (1999).
6. Finalised Draft Ayrshire Joint Structure Plan (2006)
7. Previous applications 98/0007/FL and 05/1168/FL

Anyone wishing to inspect the above background papers should contact Mr Hugh Melvin on 01563 555481.

**Implementation Officer: Dave Morris**

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/1260/OL

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Location	Coyle Water Fishery A70 Coalhall KA6 6LZ
Nature of Proposal:	Proposed outline planning permission to erect six log cabins for tourism purposes
Name and Address of Applicant:	Mr. Alex Stevenson Coyle Water Fishery A70 Coalhall KA6 6LZ
Name and Address of Agent	N/A

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

The above OUTLINE application should be approved subject to the following conditions:

1. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved.
  - (a) The layout of the site;
  - (b) The size, height, design and external appearance of the proposed log cabins which shall respect the rural environment in which they are to be located;
  - (c) The means of drainage and sewage disposal;
  - (d) Details of the access arrangements;
  - (e) The provision for car parking;
  - (g) The boundary walls/fences to be erected;
  - (h) Existing and finished site levels/floor levels.

REASON – The approval is in outline only.

2. The proposed log cabins hereby approved shall be used solely for tourist accommodation only and shall not be used for permanent residential occupation. The maximum single continuous letting period for any of the cabins by an individual or group of persons shall not exceed a period of four weeks.

REASON – To ensure that the proposed cabins are used solely for tourist accommodation and not for permanent residential occupancy which would be contrary to Policy Res13 of the East Ayrshire Local Plan.

3. Notwithstanding the provisions of Condition 1(d) above, the existing access road shall be upgraded to provide for a turning area capable of accommodating service / refuse vehicles.

REASON – In the interests of public road safety.

4. Notwithstanding the terms of condition,1(c) above, the developer shall submit to and have received the written approval from the Planning Authority for, full details of a proposed Sustainable Urban Drainage system (SUDs) to be installed and shall specify a programme for the future management and maintenance of the scheme.

REASON – To ensure an appropriate means of surface water runoff in the interests of public health and safety.

5. All waste to be removed from the site (demolition, construction waste etc.) shall be removed by a licensed waste carrier to an appropriately licensed or exempted site.

REASON – In the interests of public health and safety.

6. Notwithstanding the details shown on the indicative plans submitted, the specific design of the lodges and their location within the site and is not hereby approved.

REASON – These are matters which will be required to be assessed within the context of the detailed planning application containing full information with regard to design and location.

#### **NOTES TO APPLICANT**

1. East Ayrshire Council Roads and Transportation Division has advised that contact should be made regarding the provision of a turning area for the site. The Division can be contacted on 01563 555337.
2. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site and to confirm and agree the details of the proposed 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.
3. 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.

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