

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 23 FEBRUARY 2001

0010765/OL: PROPOSED RENEWAL OF PLANNING CONSENT FOR HOLIDAY LODGES AT LOUDOUN CASTLE ESTATE, GALSTON BY THE LANDS IMPROVEMENT GROUP

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 This is an application for renewal of an outline planning consent for the erection of holiday lodges. The development of holiday lodges was initially identified in the draft management plan for Loudoun Castle Theme Park and was granted outline consent in November 1997. Although there are no firm proposals with regard to the scale of the development, for indicative purposes it is possible that there could ultimately be between 200 and 400 lodges on the site.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As is indicated at para 5.2 above, the application is considered to be generally 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 in Section 6 above, there are material considerations relevant to this application which weigh both in favour of and against the development. However it is not considered that the disbenefits of the proposal when set against the development plan and those considerations supportive of the application, merit the refusal of the application.

Alan Neish
Head of Planning and Building Control

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 & Building Control

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 because it is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies to the north of Loudoun Castle and the Walled Garden and extends to 28.06 hectares. Access to the site is from the A719. There are two plantations along the northern boundary of the site; the Langley Plantation and East Belvedere. Outwith the site to the south is Crow Wood and the Garden Plantation.

2.2 **Proposed Development:** This is an application for renewal of an outline planning consent for the erection of holiday lodges. The development of holiday lodges was initially identified in the draft management plan for Loudoun Castle Theme Park and was granted outline consent in November 1997. Although there are no firm proposals with regard to the scale of the development, for indicative purposes it is possible that there could ultimately be between 200 and 400 lodges on the site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads Division have confirmed that the conditions required on the previous outline application (97/0632/OL) should remain and be applied to this consent. The Roads Division's previous comments are as follows:

(i) Although the application does not refer to the number of lodges to be erected, the extent of the site would indicate a major development generating substantial traffic movement.

(ii) As the road will form a cul-de-sac, there is also likely to be a requirement for the provision of a secondary emergency access into and out of the development. Further comments are reserved until a more detailed proposal is submitted.

(iii) In respect of the A719 junction design and traffic safety, the following matters will require to be complied with:

- the access road within the vicinity of the junction will require to be 6.0 metres;
- the visibility splays at the junction shall be 9 metres by 215 metres;
- a right turn storage lane will be required on the A719 for vehicles turning right into the access; and
- junction corner radii should be discussed in terms of the type of larger vehicles needing to be catered for.

All these issues raised can be attached to any grant of planning permission.

3.2 West of Scotland Water's comments remain as in their previous response to application no 97/0632/OL:

(i) There are no known sewers to which a connection may be made. If a septic tank is utilised it must be sited in such a manner as to allow any access for emptying by tanker. Contact should be made with the Water Network Section to determine the water supply requirements and to ascertain how the development can best be served

Means of drainage and sewage disposal can be reserved at this stage since the application is only for outline consent.

3.3 SEPA have stated that the applicant has previously agreed that a sewer connection is feasible but SEPA would also wish to investigate other options for the disposal of foul drainage. The Agency has not yet received any information regarding these other options but if the applicant agrees that a sewer connection will be made if there are no alternatives suitable to SEPA, there would be no objection to the proposal.

Matters regarding drainage of the site can be attached to any grant of planning permission. Since SEPA advise that a means of sewage disposal is possible, this issue is not considered to form an insurmountable constraint on the site.

3.4 The Coal Authority have no adverse comments relating specifically to this site. However, the site is in an area where coal is believed to exist at or close to the surface that may have been worked at some time in the past. Consequently a prudent developer should seek appropriate technical advice before any works are undertaken on site. Responsibility for carrying out any development in a safe manner rests with the developer.

A condition requiring the applicant to ensure the stability of the site for construction purposes can be attached to any grant of planning permission.

3.5 The Scottish Rights of Way and Access Society have no objection to the renewal of the consent provided there is no interference with the route through the site.

Noted. The Right of Way runs along the northern boundary of the site. Since the application is only for outline consent there are no details regarding development on the site. The issue of the Right of Way would be reserved at this stage until a more detailed proposal is submitted.

3.6 Galston Community Council has no objections to the planning application provided the lodges are used only for holiday accommodation and not residential accommodation.

A condition can be attached to any grant of planning permission restricting the use of the site for holiday lodges only and not for permanent residential use.

3.7 Moscow & Waterside Community Council have not responded at the time of writing the report.

Noted.

3.8 Scottish Natural Heritage have objected to the proposed development for the following reasons:

When the original application was approved, the applicants held a much larger land holding and it is Scottish Natural Heritage's understanding that conditions attached to this approval applied to this larger area. To date the applicants have not carried out the works required under these conditions. The applicants have subsequently sold on approximately 50% of this area to which the previous approval and conditions applied. As a result they can no longer fully implement the planning conditions. It is our belief that it is not therefore possible to renew this consent.

None of the previous conditions related to land outwith the current application site.

3.9 The Architectural Heritage Society of Scotland have made representations against this proposal, in principle. The plan submitted shows only a boundary line, no access etc. There is no application form to indicate gross area etc.

The new Government Assessment Regulations require Environmental Assessment for holiday villages which is what this proposal is for despite the name. The designation of the estate has now changed in the Local Plan so such circumstances require a complete re-appraisal.

The Society asks that an Environmental Assessment is submitted along with a Traffic Impact Assessment before this application be reconsidered.

The application is only in outline and is a renewal of a previous consent. There is therefore no requirement to submit further details at this stage. With regard to the Environmental Impact Assessment, there has been no change in the terminology of the 1999 Regulations from that in the 1988 Regulations. It was not considered that the previous application necessitated an Environmental Assessment since the application is in outline for the erection of holiday lodges and not a holiday village as is listed in the Regulations. Environmental Assessment Regulations require Environmental Assessments based on the content of specific applications. Under these Regulations it is stated that "Subject to any direction by the Secretary of State the Planning Authority shall decide whether the proposed development would be likely to have significant effects on the environment by virtue inter alia of its nature, site and location". It is considered appropriate to maintain the previous conclusion that there is no specific requirement within the Environmental Assessment Regulations to secure an EIA with regard to this application for renewal of an earlier consent.

3.10 The Garden History Society have confirmed that their comments on the previous application remain:

"The Garden History Society has stated that the present proposal covers a large area, and gives no details of the number of chalets proposed, or of such things as access roads and/or other associated facilities. Accordingly, it is difficult to comment on it in a meaningful way. However, there are a number of issues the Society wishes to draw attention to:-

- (i) the need for visual containment of any new development.

(ii) the need for any development to be of the highest standard in terms of its design and landscape, involving the re-use of existing features - buildings, access roads etc - rather than the creation of new ones, and maintenance and/or enhancement of the policy woodland.

(iii) the need for some limitation to be placed on the extent of such development, both now and in the future. It may be appropriate for the Council to consider negotiating a planning agreement with the applicant in respect of this proposal.

The Society urges the Council to give full recognition to the importance of the historic landscape at Loudoun, and to make its protection a high priority. While the development proposed here is effectively screened from the 'core' landscape surrounding the castle by recent coniferous plantations, there must be some concern about the possible impact of extensive development on views from elsewhere - especially on longer views across the Irvine Valley.

The Society draws particular attention to the following two statements from the Draft Landscape Management Plan:

- (i) "The scenic value of the landscape suggests that new developments (ought to) be sited with regard to potential impacts on visual amenity , archaeology, ecology and the historic value of the designed landscape components."
- (ii) "North Parklands - retention of the existing historic open space pattern and pastoral character (and) discrete (sic) location of new developments with careful regard to visual impacts and effects on historic landscape features".

As noted previously, the application is only in outline at this stage and therefore the application is only to agree the proposed use in principle. Details relating to the physical development of the site will be considered and sent for consultation upon submission of any reserved matters application.

It is not considered necessary to require a planning agreement to limit further development since each detailed application can be considered when submitted for determination.

The Council and its officers are aware of the sensitive nature of this area and its contribution to the landscape, wildlife and history of the Irvine Valley. Nevertheless, when considering the details of the development due cognisance would be taken of these factors such that the lodges are designed so as to sit comfortably within the Valley.

The statement in the Draft Landscape Management Plan was amended in the finalised copy of the Landscape Management Plan submitted by the applicant on 24 October 1997 and divides the area into two:

"North Parklands -

7A - retention of the existing historic open space pattern and pastoral character.

and

78 - discreet location of new developments with careful regard to visual impacts and effects on historic landscape features. A log cabin project and reformation of Hill Loch are proposed".

3.11 Historic Scotland have reiterated their previous objection to the 1997 application which stated "The designed landscape associated with Loudoun Castle has suffered very greatly as a result of much unsympathetic development. The Inspectorate is given no indication of the number or design of the proposed chalets and cannot therefore properly assess the likely impact of such a scheme. Given experience of previous development however and the apparent failure of the owners to appreciate and accept the landscape quality of this nationally significant site, the Inspectorate must express its grave concern that this development may be as unfortunate in landscape terms as the others and result in yet further erosion of the designed landscape. On the basis of the limited information presented, the Inspectorate has little alternative but to suggest that permission for the proposed development should not be given. The Inspectorate would also comment that although the rides that have been built in the landscape to date have been of a fairly temporary nature, and have not therefore caused widespread permanent damage, it is assumed that these chalets will represent a change to a more permanent type of development within the grounds of the castle. The Inspectorate would therefore strongly suggest that the Council consider this application particularly seriously and pays particular attention to the potential need for access roads, service runs, gardens, and hard standing areas that may result from a permission to build these chalets.

As noted previously, the application is only in outline at this stage and is a renewal of a previous consent. The application is only to agree the proposed use in principle and therefore there is no requirement to submit further details at this stage. It would be inappropriate to draw any comparisons regarding the development and its impacts with that of the Theme Park as the two applications are to be considered separately.

4. REPRESENTATIONS

(5 letters of objection have been submitted in respect of this application, including The Architectural Heritage Society of Scotland, Scottish Natural Heritage, Historic Scotland and the Garden History Society noted in Section 3 above).

4.1 The objections to this consent being renewed are the same as those to the original application in 1997:

"The planning application is in direct contravention of Policy C2 of the Finalised District Plan in that;

- a) It will have a devastating impact on the landscape, wildlife and ecology of the area.
- b) It is most certainly detrimental to current adjacent uses, namely rural habitation and farming.
- c) The development of a sixty-nine acre site for holiday accommodation is a gross over-development.
- d) It cannot adequately be serviced by use of septic tanks without danger of contamination of the surrounding land and water table.

The results such a development would irretrievably damage the amenity of the area of those resident in the surrounding countryside by;

- a) Damage to existing landscape.
- b) Potential contamination of the water table resulting in the needless destruction of spring served water supplies.
- c) The increase, to an unacceptable and dangerous level, of traffic requiring access to the planned site on "C" class country roads neither designed nor constructed for the potential volume of traffic.

Finally, the properties in the surrounding area were purchased in the belief that a major development of this nature was not a consideration by East Ayrshire Council and any further consideration of this outline application would be a gross contradiction of stated policy on the part of the Council."

The Finalised Kilmarnock and Loudoun District Plan has been superseded by the Finalised East Ayrshire Local Plan. The relevant

policies are Policy SD3, TLRB and ENV5. These policies are examined in detail in Sections 5 and 6 of this report. Nevertheless, the application is only in outline and therefore the principle of such a facility in this area is in accordance with the East Ayrshire Local Plan, Finalised Version.

As noted in response to para 3.2 and 3.3 above, means of drainage and sewage disposal can be reserved at this stage since the application is only for outline planning permission, and SEPA are satisfied that, in any event, the site could be drained to their satisfaction.

The details of the development of lodges in this location are not defined at this outline application stage. "It is therefore not possible to determine the precise impact until submission of a reserved matters application. The Council is aware of the sensitive nature of the area and the contribution to the landscape, wildlife and history of the 'rvine Valley, but nevertheless, believes that a development that gives due cognisance to these factors, and is of a scale and design suitable to the Valley will be of benefit overall. This can only be determined at the reserved matters stage.

At the reserved matters application stage the Council will consider the details proposed to develop the site within the outline boundary. In the absence of details, particularly site layout, no judgement as to whether the site would be overdeveloped can be made.

With regard to the issue of traffic increase, the Roads Division's consultation response is noted in para 3.1 above. Access to the site is indicated to be from the A 719.

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 Adopted Ayrshire Joint Structure Plan, the Adopted Ayr County Development Plan (1953) and Galston Town Map (1965).

5.2 The Adopted Ayr County Development Plan is now considerably out of date. Nevertheless, within this Plan the site is identified as an Area of Great Landscape Value and it is noted that particular care should be taken to avoid any development likely to reduce their attractiveness.

As noted in response to para 4.1 above, the Council is aware of the sensitive nature of the area but nevertheless, believes that a development that takes cognisance of these factors, and is of a scale and design suitable to the valley will be of benefit overall. This can only be determined at the reserved matters stage. Consequently, it is considered that this outline application is not contrary to the Development Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principle material considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version 1999), the Ayrshire Joint Structure Plan, Memorandum of Guidance (Historic Scotland 1998), National Planning Policy Guideline (NPPG) 15, Rural Development, NPPG 18, Planning and the Historic Environment, the planning history and the objections.

6.2 The Adopted Ayr County Development Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan Finalised Version (EALP) should be considered a prime material consideration.

The policies of the East Ayrshire Local Plan support tourist development within East Ayrshire as a means of diversifying its economy and maximising tourist potential. The proposed development is located within a "rural protection area" where Policy SD3 applies. A site specific justification is available in that the proposed development is located adjacent to an existing major tourist attraction.. Policy TLRB presumes in favour of tourist related development subject to compliance with a number of criteria. Policy ENV5 also applies to this site which seeks to protect, preserve and enhance Historic Gardens and Designed Landscapes. Policy ENVS also states that outline planning applications for such developments will not be accepted by the Council. However, the current application was submitted in October 2000 when Policy ENV5 did not include this statement. Furthermore, this application is only for a renewal of a previous outline consent granted by this Council and therefore it is considered that under these circumstances an exception to Policy can be made. As noted previously, this application is only in outline and therefore the details of design, layout etc would be determined at the reserved matters stage.

6.3 The Ayrshire Joint Structure Plan highlights the fundamental importance of tourism to the economy whilst at the same time recognising the potential effect that development can have on the environment.

One of the objectives of Policy W5 is to encourage improvement of the quality of existing tourist attractions. Loudoun Castle is recognised as a major visitor attraction in East Ayrshire and therefore the current proposals meet the objectives of the Structure Plan Policy. In addition, Policy E1 emphasises the importance to maintain and enhance the landscape character of the area. As noted previously, the details of design, layout etc will be determined at the reserved matters stage as this application is only in outline.

6.4 The Memorandum of Guidance (1998) notes that recognition has been given to the value of historic gardens and designed landscapes in their own right. Planning Authorities are required to consult the Secretary of State, through the Historic Building Inspectorate, and Scottish Natural Heritage in respect of any development which may affect a historic garden or designed landscape identified in the 'Inventory of Gardens and Designed Landscapes in Scotland', published in 1988.

The Historic Buildings Inspectorate and Scottish Natural Heritage were both consulted in the processing of this application.

6.5 NPPG15 'Rural Development' states that tourism makes a major contribution to the rural economy and to the prosperity of many towns and villages in rural Scotland. Its continuing growth generates a range of economic activity and new job opportunities. Tourism needs to develop in a way which respects local character and landscape and, wherever possible, act as a positive force for environmental protection and enhancement. All tourist related development should demonstrate high standards of design, and be appropriate in scale and location, to avoid adverse environmental impact and to minimise associated visitor management problems.

As noted in response to para 6.2 the proposed development is located adjacent to an existing major tourist attraction and is therefore considered to be acceptable in terms of its location. As noted previously, the design, layout etc of the development will be determined at the reserved matters stage with due cognisance being given to the sensitive nature of the site.

6.6 NPPG18 'Planning and the Historic Environment' states that the effect of a proposed development on an historic garden or designed landscape is a material consideration in the determination of a planning application and the appropriate bodies must be consulted.

It is considered that the current application, being in outline, cannot be said to adversely impact on the historic garden or designed landscape. At the reserved matters application stage it will be possible to determine the extent of any effect on the landscape and any such application can be determined accordingly.

6.7 The planning history of a site is a material consideration which must also be taken into account in determination of an application.

Outline permission was granted on 7 November 1997 for the erection of holiday lodges. At this point in time the Council took full consideration of all issues and objections raised but nevertheless were minded to approve the application. This consent lapsed after a 3 year time period at which point a new application was submitted to renew this planning consent. Since approval of this original consent, and for information only, additional rides have been approved at Loudoun Castle Park, a temporary change of use to an amusement park was granted and there are 4 outstanding applications awaiting determination.

7. FINANCIAL & LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As is indicated at para 5.2 above, the application is considered to be generally 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 in Section 6 above, there are material considerations relevant to this application which weigh both in favour of and against the development. However it is not considered that the disbenefits of the proposal when set against the development plan and those considerations supportive of the application, merit the refusal of the application.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions on the attached sheet.

Alan Neish
Head of Planning and Building Control

14 February 2001 (YM/MS)

FV/DVM

I: NorthernComrep/000765

BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of Objection/Support/Representation.
5. East Ayrshire Council Local Plan (Finalised Version), Adopted Strathclyde Structure Plan, Ayr Country Development Plan (1953) and Galston Town Map (1965).
6. Previous Planning Applications: 97/0632/OL.
7. Other:
 - NPPG15 "Rural Development".
 - NPPG18 "Planning & The Historic Environment"
 - Memorandum of Guidance on Listed Buildings and Conservation Areas (1998).

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

O0/0765/0L

Site of Proposal	Loudoun Castle Estate GALSTON
Nature of Proposal	Proposed Renewal of Planning Consent for Holiday Lodges
Name & Address of Applicant	The Lands Improvement Group Per James Barr 226 West George Street GLASGOW G2 2LN
Name & Address of Agent	James Barr 226 West George Street GLASGOW G2 2LN

DPO's Reference IW/MS

The above OUTLINE application should be granted 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 buildings;
 - (c) The means of drainage and sewage disposal;
 - (d) Details of the access arrangements;
 - (e) The provision for open space;
 - (f) The provision for car parking;
 - (g) The boundary walls/fences to be erected;
 - (h) The landscaping of the site;
 - (i) Finished site levels/floor levels.

REASON The approval is in outline only.

2. Prior to the commencement of works on the site, the applicant shall satisfy himself as to the suitability of the site for construction purposes.

REASON In the interest of public safety.

3. Notwithstanding the plan(s) hereby approved any septic tanks provided to serve the development shall be sited in such a position as will enable them to be emptied by the tanker.

REASON In the interest of public safety.

4. No trees shall be felled, lopped or have roots cut on the site without the written consent of the Planning Authority .

REASON In the interest of visual amenity.

5. All existing hedges along the northern boundary of the site shall be retained intact and maintained thereafter to the satisfaction of the Planning Authority (except insofar as to allow access to the site).

REASON In the interests of visual amenity.

6. The details to be submitted under Condition 1 above shall provide for a comprehensively well designed scheme which in design and materials is compatible with the surrounding landscape.

REASON To ensure that the development does not conflict with its setting and surroundings in the interest of visual amenity and the character and appearance of the area.

7. This consent relates to the use of the site for holiday lodges and at no time shall the lodges be used on a permanent basis for residential use.

REASON To ensure that the lodges are not used in permanent dwellings which would be contrary to the policies of the East Ayrshire Finalised Local Plan.

8. In addition to the details to be submitted under Condition 1 above, a landscape management plan shall be submitted to and approved by the Planning Authority prior to the commencement of works on site.

REASON In the interests of visual amenity and to protect, preserve and enhance the Historic Garden and Designed Landscape.

9. This consent shall not permit the occupancy of any of the lodges by any party or individual to be in excess of 3 months in any 12 month period to the satisfaction of the Planning Authority.

REASON This approval relates to tourist/leisure development and does not permit use on a permanent basis for residential purposes.

10. The details to be submitted further to Condition 1 above shall allow for the following:-

- a) the access road within the vicinity of the A719 junction will require to be 6 metres in width.
- b) the visibility splays at the junction of the A719 shall be 9 metres by 215 metres.
- c) the provision of a right turn storage lane on the A719 for vehicles turning right into the access.
- d) junction corner radii commensurate with the types of vehicles likely to be using the entrance for the A719.

REASON In the interests of road safety where a significant number of vehicles will be joining/leaving the A719.

11. The details to be submitted further to Condition 1 above shall allow for the maintenance of the existing Public Right of Way along the northern boundary of the site.

REASON To ensure that the layout of the site does not impede or close off the existing Right of Way.

**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.**

AGENDA