

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 06 NOVEMBER 2009

09/0578/PP – INSTALLATION OF A 1.5 METRE PATH FROM WARDNEUK DRIVE TO WESTERN ROAD

**AT: VACANT LAND, WARDNEUK DRIVE, ONTHANK, KILMARNOCK
BY NORTHWEST KILMARNOCK ENVIRONMENTAL IMPROVEMENTS
GROUP**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to site a pedestrian footpath across the public open space, linking Western Road and Wardneuk Drive. The proposed pathway follows the contours of the grassland and will effectively provide a 'desire' path to link the residential estate to the strategic route of Western Road. It is not proposed to install lighting columns at present although trunking will be incorporated into the footpath surface to allow lighting to be installed at a future date should funding become available.

1.2 The footpath is to be 1.5 metres wide and will be positioned just north of the bus shelter opposite 69 Wardneuk Drive continuing down to Western Road. Railings are then proposed on the footpath as a safety barrier to the public road network.

1.3 The applicants have advised that their organisation was established in 1998 and their aims include improving the physical and natural environment of north west Kilmarnock and to promote the enhancement of the area's physical and natural environment. To date, they have carried out a number of environmental projects including improved access paths, signage and lighting.

1.4 This project was identified through a community consultation process which identified a need for environmental improvements to several areas of amenity grassland in the area. Whilst initially it was hoped to undertake a community arts project, due to shortage of funding it is now proposed to undertake the environmental phase of the project as this would result in a practical environmental project that would improve access to the amenity area and provide a path linking Wardneuk Drive and Western Road.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 Sections 25 and 37 (2) of the Town and Country Planning (Section) 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 (2007) and the Adopted East Ayrshire Local Plan (2003).

3.2 The proposed development accords with the East Ayrshire Local Plan and the material considerations do not suggest that the application should be refused. The footpath will provide a safe pedestrian link within a large area of open green amenity space away from vehicular traffic, in a location which is also not screened by planting so users feel safe and secure when using the footpath.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic development, then the application will not require to be referred to Full Council as that would not be a significant departure from Council policy.

Alan Neish
Head of Planning and Economic Development

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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**09/0578/PP – INSTALLATION OF A 1.5 METRE PATH FROM WARDNEUK
DRIVE TO WESTERN ROAD
AT: VACANT LAND, WARDNEUK DRIVE, ONTHANK, KILMARNOCK
BY NORTHWEST KILMARNOCK ENVIRONMENTAL IMPROVEMENTS
GROUP**

Report by Head of Planning and Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for planning permission which is to be considered by the Northern Local Planning Committee under the scheme of delegation as the Council has an ownership interest in the application.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises part of the open grassland on Western Road at Wardneuk Drive within the Onthank neighbourhood. The site is to the north west of Western Road and lies to the south of St Johns Church.

2.2 **Proposed Development:** It is proposed to site a pedestrian footpath across the public open space, linking Western Road and Wardneuk Drive. The proposed pathway follows the contours of the grassland and will effectively provide a 'desire' path to link the residential estate to the strategic route of Western Road. It is not proposed to install lighting columns at present although trunking will be incorporated into the footpath surface to allow lighting to be installed at a future date should funding become available.

2.3 The footpath is to be 1.5 metres wide and will be positioned just north of the bus shelter opposite 69 Wardneuk Drive continuing down to Western Road. Railings are then proposed on the footpath as a safety barrier to the public road network.

2.4 The applicants have advised that their organisation was established in 1998 and their aims include improving the physical and natural environment of north west Kilmarnock and to promote the enhancement of the area's physical and natural environment. To date, they have carried out a number of environmental projects including improved access paths, signage and lighting.

2.5 This project was identified through a community consultation process which identified a need for environmental improvements to several areas of amenity grassland in the area. Whilst initially it was hoped to undertake a

community arts project, due to shortage of funding it is now proposed to undertake the environmental phase of the project as this would result in a practical environmental project that would improve access to the amenity area and provide a path linking Wardneuk Drive and Western Road.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objections.

Noted.

3.2 East Ayrshire Council Environmental Health Division no objections or comments.

Noted.

3.3 There is no Northwest Community Council in operation at present with which to consult on this application.

4. REPRESENTATIONS RECEIVED

4.1 No representations have been received following neighbour notification and public advertisement of the proposal.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37 (2) of the Town and Country Planning (Section) 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 (2007) and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 There are no specific policies in the Approved Ayrshire Joint Structure Plan to assess the proposed development against. The application therefore falls to be assessed against the policies of the Adopted East Ayrshire Local Plan.

Adopted East Ayrshire Local Plan

5.3 Policy CS1 states that the Council will respond positively to changing needs and demands for community facilities throughout East Ayrshire. Wherever possible, existing facilities will be retained and improved and

support and encouragement will be given to all other community facility and public service organisations to maintained improve these facilities.

Noted. This application seeks to provide a pedestrian footpath within a wider area of green amenity open space which will be of benefit to the local community providing a desired footpath link through this area between Western Road and Wellpark Avenue.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the East Ayrshire Local Plan Finalised Version with Modifications, the consultation responses, and amenity considerations.

Alteration to the East Ayrshire Local Plan Finalised Version with Modifications

6.2 For clarity, whilst development proposals will continue to be assessed first primarily against the Adopted Local Plan, the Council has now given authority for an appropriate and proportionate degree of weight to be given to the Alteration to the East Ayrshire Local Plan in the determination of planning applications. In this case, significant weight can be given to Policy CS1 in the Adopted East Ayrshire Local Plan.

Noted. Compliance with the Adopted East Ayrshire Local Plan is noted as detailed at Section 5 of this report and it is also considered that the proposal accords with the provisions of Policy CS1 and would be supported by the Alteration.

Consultation Responses

6.3 None of the consultation responses that have been received recommend that the application should be refused.

Representations Received

6.4 No letters of representation have been received.

Amenity Considerations

6.5 The footpath is located within a larger area of public open amenity space which contributes to the overall character of this residential area. The footpath aims to provide a pedestrian link following a “desire line” to give improved pedestrian access and linkage between Wellpark Avenue and Western Road. The path will not directly affect any resident’s enjoyment of their property although it will be overlooked by properties across Wellpark Avenue, which overlooking brings with it passive safety benefits.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council relative to this application.

7.2 The council whilst not being the applicant does however own the land which comprises the application site. Under the Scottish Planning Series: Planning Circular 3/2009: "Notification of Planning Applications" this is a Category 1 application where the Council has an interest. The application does not require to be notified to Scottish Ministers as it is in accordance with the Development Plan as detailed in Section 5 of this report.

8. CONCLUSIONS

8.1 Sections 25 and 37 (2) of the Town and Country Planning (Section) 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 (2007) and the Adopted East Ayrshire Local Plan (2003).

8.2 The proposed development accords with the East Ayrshire Local Plan and the material considerations do not suggest that the application should be refused. The footpath will provide a safe pedestrian link within a large area of open green amenity space away from vehicular traffic, in a location which is also not screened by planting so users feel safe and secure when using the footpath.

9. RECOMMENDATION

9.1 It is recommended that the application should be approved subject to the conditions 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 and Economic development, then the application will not require to be referred to Full Council as that would not be a significant departure from Council policy.

Alan Neish
Head of Planning and Economic Development

23 October 2009
FMF/KW

List of Background Papers

1. Application form, plans and supporting information.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Approved Ayrshire Joint Structure Plan 2007.
5. Adopted East Ayrshire Local Plan 2003.
6. Finalised Draft with Modifications East Ayrshire Local Plan.

Anyone wishing to inspect the above papers, please contact Fiona Finlay, Principal Planning Officer on 01563 576798.

EAST AYRSHIRE COUNCIL
TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 09/0578/PP

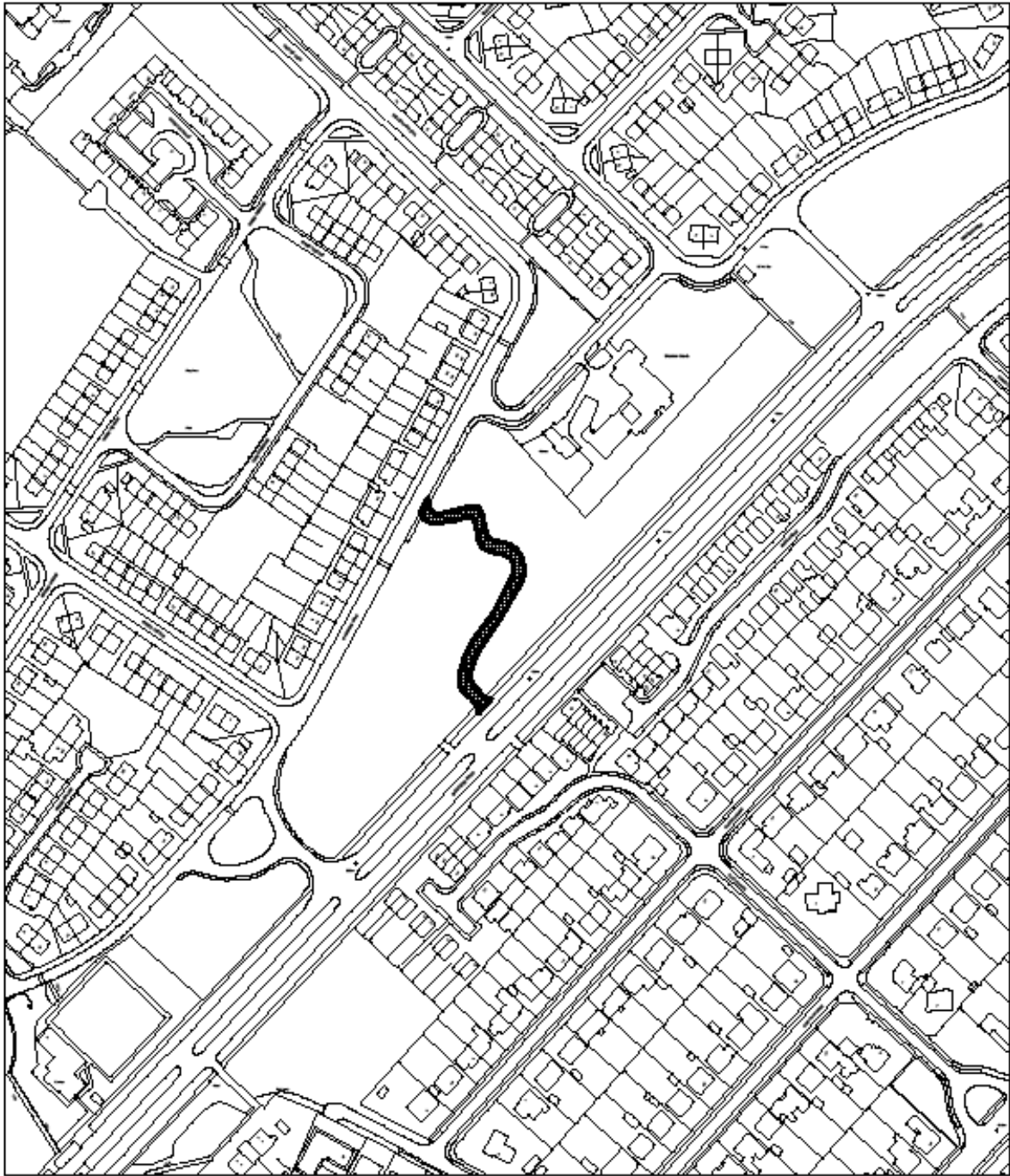
Site of Proposal:	Vacant Land, Wardneuk Drive, Onthank, Kilmarnock
Nature of Proposal:	Installation of a 1.5 metre path from Wardneuk Drive to Western Road
Name & Address of Applicant:	Northwest Kilmarnock Environmental Improvements Group 7 Kirkton Road Kilmarnock KA3 2DF



DPOs Reference: FMF/KW

The above application for planning permission should be approved subject to the following conditions:

1. Prior to any work commencing on site final details of the surface of the footpath hereby approve shall be submitted to and approved in writing by the Planning Authority. The footpath shall thereafter be completed as approved prior to being brought into use.

Reason: In the interests of visual amenity and to ensure an appropriate final surface for the general safety of users.



<p>Title/Location Wardneuk Drive KILMARNOCK Application No. 09/0578/PP</p>	<p>East Ayrshire Council Planning & Economic Development Division. 6 Croft Street Kilmarnock KA1 1JB Tel: (01563) 576790 Fax: (01563) 576774 E-Mail : Planning@east-ayrshire.gov.uk Com Date: 6/11/2009 Checked By</p> 
<p>Key</p>  Application Site	

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