

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 21 JANUARY 2011

**10/0835/PP: CHANGE OF USE OF PLAY PARK TO ADDITIONAL GARDEN
GROUND FOR TWO RESIDENTIAL PLOTS ON ADJOINING SITE
AT
GROUND AT JOHN ALLAN DRIVE, CUMNOCK**

BY MR JIM SMITH

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=10/0835/PP>

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The application proposes the change of use of a former play park to that of garden ground in relation to an already issued planning consent for two residential dwellings on the adjoining site.

2. RECOMMENDATION

2.1 It is recommended that the application for Planning Permission 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.

3.2 As detailed in this report the proposal is considered to be in compliance with the Development Plan and the material considerations indicate support. The area of ground at present is in a poor, derelict condition and with the recent planning approval for two dwellings on the adjacent site the incorporation of this area of ground to garden ground would improve the wider residential amenity of the area.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, the application would not require to be referred to Council as this would not constitute a significant breach of 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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BY MR JIM SMITH

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 for consideration by the Southern Local Planning Committee under the scheme of delegation as the Council has an ownership interest in the land to which the application relates.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site takes the form of a triangular area of hard standing adjacent to a larger area of grassed open space between John Allan Drive and Cameron Crescent within a residential area of the settlement of Cumnock. The site falls steeply from John Allan Drive gradually leveling out where it meets with the grassed area of open space. A set of steps provides pedestrian access from John Allan Drive. All former play equipment has been removed from the site.

2.2 The site covers an area of 350 square metres.

2.3 **Proposed Development:** The application proposes the change of use of a former play park to that of garden ground in relation to an already issued planning consent for two residential dwellings on the adjoining site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Netherthird and District Community Council have yet to respond at the time of writing this report.

Noted.

3.2 East Ayrshire Council Roads and Transportation Service have no objections to the proposed development subject to the following conditions:

(i) The boundary fence shall be outwith the visibility splay from the junction of John Allan Drive with Cameron Crescent. The visibility requirement is 2.5m by 35m and there shall be no obstruction over 1m in height within these areas.

Noted. The above comments can be included as a condition on any consent granted.

4. REPRESENTATIONS

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

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 For the purposes of this application the development plan comprises the Adopted East Ayrshire Local Plan 2010(EALP).

5.2 In terms of policy RES22 the area of recreational ground is not safeguarded or currently used for recreational purpose and the play equipment has already been removed. Therefore the proposal will not adversely affect the residential amenity of the area and could indeed be considered to improve visual amenity.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultation responses, the impact on visual amenity and the planning history.

Consultation Responses

6.2 The submissions detailed in Section 3 of this report do not raise any issues that warrant refusal of the application.

Impact on Amenity

6.3 The proposed change of use of this area of ground is considered to improve the visual amenity of the surrounding residential area as in its current condition the vacant ground has a detrimental affect on amenity.

Planning History

6.4 The relevant planning history of the immediately adjacent site is as follows:

(i) Planning Application reference 05/1011/OL for proposed residential development was approved on 27 January 2006.

(ii) Planning Application reference 08/0886/RM for the erection of two houses was approved on 02 March 2009.

(iii) Planning Application reference 10/0483/AMCPP for the discharge of conditions 2 and 8 of planning consent 08/0886/RM was approved on 01 July 2010.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

7.2 In terms of legal implications, although the Council owns the land in this case, there is no requirement to notify the planning application to the Scottish Ministers under Circular 3/2009: 'Notification of Planning Applications', should Members choose to grant consent.

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.

8.2 As detailed in this report the proposal is considered to be in compliance with the Development Plan and the material considerations indicate support. The area of ground at present is in a poor, derelict condition and with the recent planning approval for two dwellings on the adjacent site the incorporation of this area of ground to garden ground would improve the wider residential amenity of the area.

9. RECOMMENDATIONS

9.1 It is recommended that the application for Planning Permission 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, the application would not require to be referred to Council as this would not constitute a significant breach of policy.

Alan Neish
Head of Planning and Economic Development

06 January 2011
RG

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Adopted East Ayrshire Local Plan.

Anyone wishing to inspect the above papers please contact Robin Ghosh, Senior Planning Officer, on 01563 553505.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 10/0835/PP

Site of Proposal: GROUND AT JOHN ALLAN DRIVE,
CUMNOCK

Nature of Proposal: CHANGE OF USE OF PLAY PARK TO
ADDITIONAL GARDEN GROUND FOR TWO
RESIDENTIAL PLOTS ON ADJOINING SITE

Name & Address of Applicant: MR JIM SMITH
OVERMILL
JOHN ALLAN DRIVE
CUMNOCK

DPO's Reference: Robin Ghosh

The application for Planning Permission should be granted subject to the following conditions:

1. Notwithstanding the submitted plans, within 6 months of the date of this planning approval the hard surfacing of the area of ground and associated steps and handrail shall be removed and the site levelled, with thereafter the site to be grass seeded during the next available planting season.

REASON: In the interests of visual amenity.

2. On completion of the construction of the two dwellings on the adjacent ground a boundary fence shall be erected along John Allan Drive. The fence shall be constructed in timber, 2.0 metres high and double vertical slatted. The precise location of the fence shall be submitted to and agreed by the Planning Authority however it shall have a position along the lower section of the site at the bottom of the slope from John Allan Drive. The area between the new fence and the public footpath of John Allan Drive shall be planted with shrubs/trees to the satisfaction of the Planning Authority.

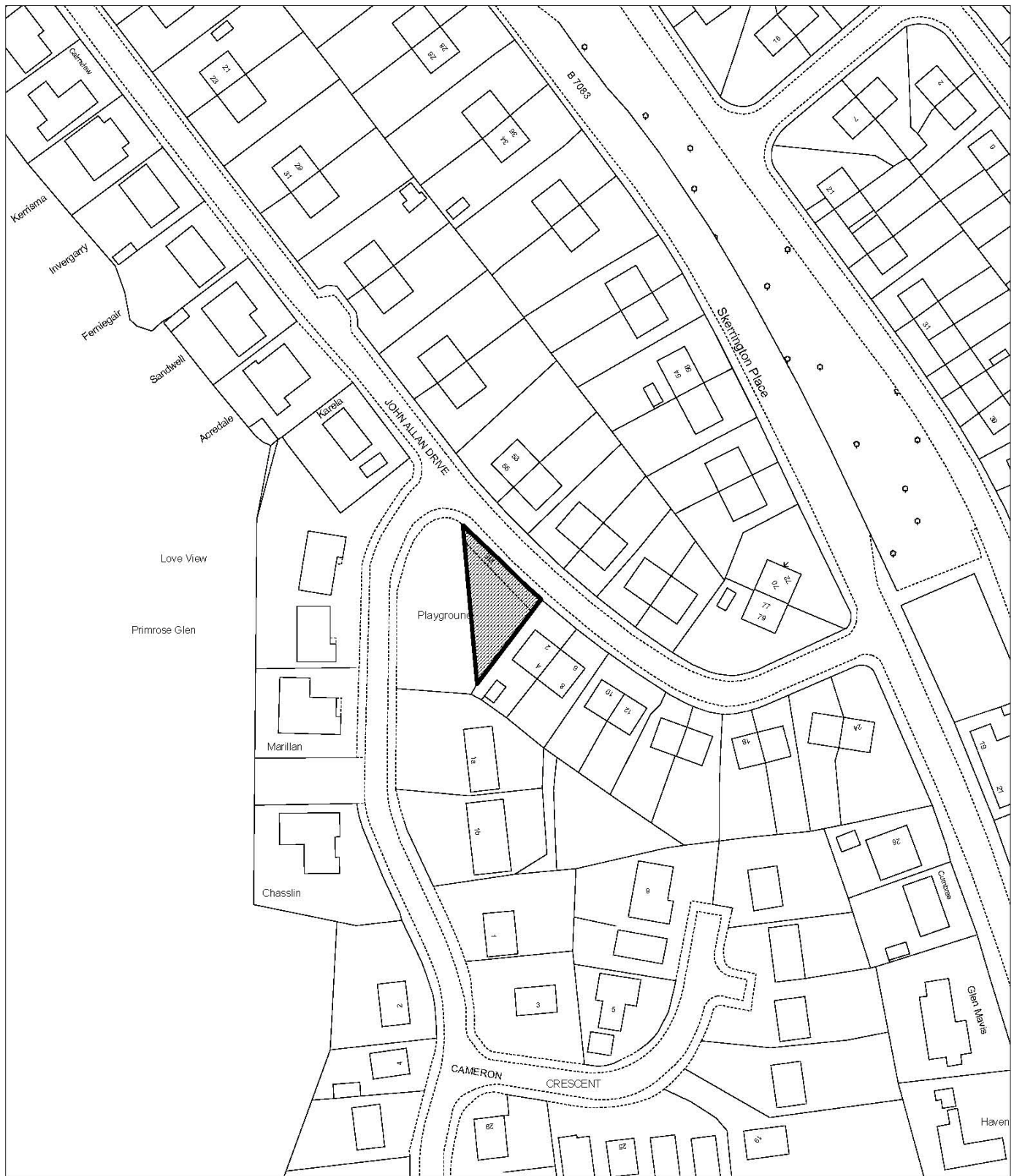
REASON: In the interests of visual amenity and in order to create a landscaped buffer strip between the rear fence and the street frontage.


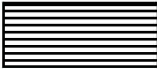
3. Notwithstanding the submitted plans the junction visibility splays at John Allan Drive with Cameron Crescent shall be maintained at 2.5m by 35m with no obstruction greater than 1m in height within this area; which requirement shall be allowed for in the positioning of any new boundary fences.

REASON: In the interests of road safety.

Reason for the Decision

The proposed development is consistent with the Development Plan and there are no material considerations that would indicate that refusal would be appropriate.



<p>Title/Location Ground at John Allan Drive, Cumnock Application No. 10/0835/PP</p>	<p>East Ayrshire Council Department of Neighbourhood Services Planning & Economic Development Service. 6 Croft Street Kilmarnock KA1 1JB Tel: (01563) 576790 Fax: (01563) 576774 E-Mail : Planning@east-ayrshire.gov.uk Com Date: 21/1/2011</p> 
<p>Key</p>  <p>Application Site</p>	

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LOCATION PLAN 1:500
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CLIENT: JAMES SMITH OVERMILL, JOHN ALLAN DRIVE CUMNOCK KA15 1AP	DWG No: 00914904 DATE: 13/10/09
TITLE: LAYOUT PLAN	Revision:
SCALE: 1:500	Date:

PROPOSED RESIDENTIAL DEVELOPMENT AT CAMERON CRESCENT CUMNOCK