

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 07 FEBRUARY 2007

**06/1084/LA: CHANGE OF USE OF PART OF OPEN SPACE TO FORM
CAR PARK
GROUGAR ROAD, CROOKEDHOLM**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The current application proposes to change the use of a section of the open space area into a car park. It is proposed to provide a total of 20 spaces, two of which will be for disabled parking. Access to the car park is from Grougar Road. The proposal also includes the relocation of part of the existing footpath that crosses the site from Grougar Road to Main Road.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the condition indicated on the attached sheet

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report the application is not considered to be in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise.

3.2 As indicated in Section 6 there are material considerations relevant to this application which are considered to be significant enough to support the approval of the application. The proposal includes the removal of part of the area of safeguarded open space to provide a car park to alleviate on street parking in the area and traffic congestion at the junction of Grougar Road and Main Road which results in an adverse affect on the residential amenity of the area. Taking into account that the proposal includes the removal of a section of open space at this location to address issues of on street parking, traffic congestion and road safety it is considered that the proposal would not result in an adverse affect on the visual and residential amenity of the neighbouring properties.

Alan Neish
Head of Planning, Development and Building Standards Division

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.

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 07 FEBRUARY 2007

06/1084/LA: CHANGE OF USE PART OF OPEN SPACE TO FORM CAR
PARK
GROUGAR ROAD, CROOKEDHOLM
BY EAST AYRSHIRE COUNCIL
ROADS AND TRANSPORTATION DIVISION

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 application which is to be considered by the Development Services Committee under the scheme of delegation as it is contrary to the Development Plan and is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises approximately 675 square metres of part of the open space area situated at the junction of Grougar Road and Main Road in Crookedholm. The application site is bounded to the east by Grougar Road, residential properties and a shop unit on the opposite side of the road. Main Road, Crookedholm bounds the application site to the south with the remainder of the open space adjoining the application site to the north and west. A footpath runs diagonally across the site connecting Grougar Road to Main Road.

2.2 **Proposed Development:** The current application proposes to change the use of a section of the open space area into a car park. It is proposed to provide a total of 20 spaces, two of which will be for disabled parking. Access to the car park is from Grougar Road. The proposal also includes the relocation of part of the existing footpath that crosses the site is from Grougar Road to Main Road.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Hurlford Community Council – No reply at the time of writing this report.

Noted.

3.2 East Ayrshire Council's Roads and Transportation Division have made no objection to the proposal.

Noted.

4. REPRESENTATIONS

The application was advertised in The Kilmarnock Standard on 15 December 2006 as Development Contrary to the Development Plan and four letters of objection, from six parties has been received in relation to the proposal. The points of objection are listed below:

4.1 The proposal has not given consideration to the neighbouring residential properties with regards to screening or landscaping to improve the visual appearance of the proposed car parking.

It is noted that the proposal does not incorporate any environmental improvements to screen the car park from neighbouring properties or to landscape the open space area. However, following discussions, it is proposed to impose a condition requiring the landscaping of the adjoining open space to help mitigate any adverse effects of the car park.

4.2 No consideration has been given to the loss of this area of public open space which is a welcoming visual entrance to the area.

Whilst it is acknowledged that the proposal would involve the loss of safeguarded open space, it is considered that the proposal affects only a part of the open space and that the loss of this part of the open space is not significant enough to adversely affect the amenity value of the site itself. Furthermore, a larger area of safeguarded open space at King George's Playing Field, is located on the opposite side of Grougar Road, immediately to the north and east of the proposed application site thereby providing additional safeguarded open amenity space nearby the application site.

4.3 The proposed car park would compound the existing congestion at peak times at the junction of Grougar Road and Main Road. If yellow lines were introduced to Grougar Road then it would be unfair to the residents of the area.

The Council's Roads and Transportation Division, following discussions, advise that they propose to restrict parking around the junction area at Grougar Road and Main Road to alleviate traffic congestion at this junction and would also provide additional parking provision for the existing commercial units located on Main Road. In addition, the proposal to provide a car park would alleviate the issue of the existing on street parking on

Main Road and Grougar Road resulting in an improvement to road safety in the wider area and an improvement to the residential amenity of the residents of the area.

4.4 The entrance/exit to the car park is directly opposite the gate to residential properties in Grougar Road and would cause a reduction in privacy.

The proposed car park access is situated opposite a gap located between residential properties on the opposite side of Grougar Road, thereby reducing the direct impact of the access on the residential amenity of the properties.

4.5 The proposed car park will be located over the existing areas where flowers are planted, this will cause a loss to the amenity of the residents of the area.

It is acknowledged that the proposed car park does include the part of the area of the open space which is utilised for shrub planting. However, should planning consent be granted, a condition could be attached to the consent requiring the applicant to submit landscaping details for the approval of the Planning Authority.

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 (EALP).

Approved Ayrshire Joint Structure Plan (AJSP)

5.2 It is considered that there are not any policies in the Approved Ayrshire Joint Structure Plan relevant to the determination of this planning application.

Adopted East Ayrshire Local Plan (EALP)

5.3 Policy TLR 8 presumes against development on those safeguarded areas of public and private recreational or amenity open space and on other undeveloped land within settlement boundaries which contribute to the, setting, character and appearance of the settlement concerned. However, the following types of development on existing areas of maintained amenity or recreational open space will be considered appropriate, subject to compliance with all appropriate Council Development Promotion and Design Guidance:

- (i) laying out of new playing fields, bowling greens, putting greens;

- (ii) creation of all-weather sports facilities
- (iii) creation of a new children's play area: and
- (iv) development of pavilions or other ancillary facilities to serve any existing or proposed outdoor sport and recreational activities in the area.

It is acknowledged that the proposal would be located within part of an area that constitutes a safeguarded area of public open space as identified in the Local Plan and that the use to which the proposal relates is not included in the criteria specified in Policy TLR 8. However, it is considered that as the proposal incorporates only part of the safeguarded open space the proposal will not significantly alter the setting, character or appearance of the settlement concerned. In addition, should planning consent be granted, a condition could be attached to the consent requiring the applicant to landscape the area of open space to improve the environment of the neighbouring properties and the wider area. Consequently, it is considered that the removal of part of this open space area would not significantly detract from the setting, character and appearance of the wider area or to the neighbouring residents. Any landscaping and parking would likely enhance the appearance of the area.

5.4 Policy TLR 9 states that the development of both private and public recreational or amenity open space for purposes other than those described in Policy TLR8 will be permitted only in exceptional circumstances where:

- (i) the retention or enhancement of the facilities can best be achieved by the redevelopment of part of the site and where the development would not adversely affect the overall sporting, recreational and amenity value of the site itself; or
- (ii) there is a clear, long term excess of pitches, playing fields and amenity open space in the wider area.

It is acknowledged that the proposal is for the removal of a section of safeguarded open space that is considered to be of amenity benefit to the community. However, in this instance the proposal to incorporate some of the open space into a car park will provide additional car parking for residents of the area, thereby not significantly adversely affecting the amenity value of the site itself. In addition, the proposal to provide a car park would alleviate the issue of the existing on street parking on Main Road and Grougar Road resulting in an improvement to road safety in the wider area and an improvement to the residential amenity of the residents of the area. Furthermore, a larger area of safeguarded open space at King George's Playing Field, is located on the opposite side of Grougar

Road, immediately to the north and east of the proposed application site thereby providing additional open amenity space close to the proposed application site. It is therefore considered that the proposal would not significantly affect the amenity value of this area of safeguarded open space.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses received, the letters of objection, the planning history and the impact on the amenity of the area.

Consultations responses

6.2 The consultation responses received raised no objections to the proposal.

Representations received

6.3 Four letters of objection, from six parties have been received in connection with the application raising issues regarding the loss of the open space, on street parking, loss of privacy and road safety issues.

Planning History

6.4 There is no previous planning application history relevant to the current site.

Impact on Amenity

6.5 The proposal includes the removal of part of the area of safeguarded open space to provide a car park to alleviate on street parking in the area which causes traffic congestion at the junction of Grougar Road and Main Road resulting in an adverse affect on the residential amenity of the area. Taking into account that the proposal includes the removal of a section of open space at this location to address issues of on street parking, traffic congestion and road safety it is considered that the proposal would not result in an adverse affect on the visual and residential amenity of the neighbouring properties.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are financial and legal implications for the Council in the determination of this application as the Council is the owner of the land and is the body carrying out the development proposal.

7.2 The Council is required to notify the Scottish Executive under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 as planning authorities are obliged to submit to the Scottish Ministers an application for a Notification of Intention to Develop where they have received objections to their advertised proposals.

8. CONCLUSIONS

8.1 As is indicated in Section 5 of the report the application is not considered to be in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise.

8.2 However, as indicated in Section 6 there are material considerations relevant to this application which are considered to be significant enough to support the approval of the application. It is considered that the provision of a car park will improve the general road safety in the area and successfully address the issues of on street parking and traffic congestion resulting in an improvement to the residential amenity of the wider area.

9. RECOMMENDATION

9.1 It is recommended that a Notice of Intention to Develop be submitted to the Scottish Ministers in accordance with the Development by Planning Authorities Regulations 1981-1984. This proposal is considered to be acceptable subject to further details being agreed with the Head of Planning and Building Control as indicated on the attached sheet.

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

JL/IMB

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Consultation Responses.
3. Letters of Objection.
4. Adopted East Ayrshire Local Plan (2003).
5. Statutory Notices and Certificates.

Anyone wishing to inspect the above papers please contact Jane Little, Planning Officer, on 01563 576768.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/1084/FL

Site of Proposal: Grougar Road
CROOKEDHOLM

Nature of Proposal: Change of Use of Part of Open Space to
Form Car Park

Name & Address of Applicant: East Ayrshire Council
Roads and Transportation Division
Greenholm Street
Kilmarnock
KA1 4DJ

DPOs Reference: JL/ IMB

The above Local Authority application should be granted subject to the following condition:

1. Notwithstanding the submitted plans, a landscaping scheme for the adjoining area of open space, shall be submitted to and approved by the Planning Authority prior to commencement of any development and thereafter shall be implemented no later than the next appropriate planting season, after the car park has been completed.

REASON In the interest of visual amenity

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PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**