

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 16 DECEMBER 2004

**04/1048/FL: PROPOSED INSTALLATION OF CHILDREN'S PLAY AREA
AND EQUIPMENT
AT LERWICK PLACE, KILMARNOCK
BY REDROW HOMES SCOTLAND**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposal aims to locate children's play equipment within an area of open space to the west of Lerwick Place. The proposed equipment includes a sutcliffe style swing, a lapset multi-unit, a sutcliffe seesaw, lapset balance beams, a bench and a waste bin. The equipment area will be finished in safer surface finish.

1.2 As indicated in the planning history (see section 6 of report) Condition 9 of Planning permission KL/W/FL/76/310C required that a play area be provided within the development

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report, applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal accords with the Development Plan and therefore should be approved unless material considerations indicate otherwise.

3.2 There are material considerations relevant to this proposal however these are not of such weight as to merit the refusal of the application. The site has, for in excess of 10 years, been identified for a play area. This application concerns a location of equipment that is more remote from the boundary with Eday Crescent than was the play area approved further to conditions on the consents granted in December 1992. In that respect these proposals are more beneficial in residential amenity terms than the original scheme and can be supported.

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 as there would not be a significant breach of Council policy.

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 a full planning application, which is to be considered by the Local Planning Committee in accordance with the Scheme of Delegation as it is the subject of objections and is recommended for approval.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located at the western end of Lerwick Place, Kilmarnock within the area of open space provided under planning permission KL/W/FL/76/310C. This area of open space adjoins other areas of open space provided under planning permissions KL/W/FL/76/310D and 00/0250/RM. The proposal aims to locate the play equipment approximately 9 metres south-west of 14 Lerwick Place, 10 metres south-east of 21 Eday Crescent and 7 metres west of 16 Lerwick Place. The application site is at a similar ground level to properties in Lerwick Place however the site sits approximately 2 metres above the rear garden levels of Eday Crescent.

2.2 **Proposed Development:** The proposal aims to locate children's play equipment within an area of open space to the west of Lerwick Place. The proposed equipment includes a sutcliffe style swing, a lapset multi-unit, a sutcliffe seesaw, lapset balance beams, a bench and a waste bin. The equipment area will be finished in safer surface finish.

2.3 As indicated in the planning history (see section 6 below) Condition 9 of Planning permission KL/W/FL/76/310C required that a play area be provided within the development.

3. CONSULTATIONS AND ISSUES RELATED

3.1 East Ayrshire Council's Outdoor Services Section have no objection to the proposals.

Noted.

3.2 Southcraigs Deans Community Council have made no comments in relation to the proposal.

Noted.

4. REPRESENTATIONS

Letters of objection to the proposal have been received from 12 individuals. The objectors reside in the two houses in Lerwick Place adjacent to the play area and in the six houses in Eday Crescent which back onto the play area. The letters of objection state the following:-

4.1 The play area would infringe on my privacy

The majority of the existing play area behind the houses at Eday Crescent is already approximately 2 metres above the garden ground of said houses. Therefore it is considered that the introduction of the play equipment into the existing play area would not significantly and additionally impact on the privacy of the adjacent houses. As indicated in Section 6 of the report, this area of land was identified to satisfy the open space and play area requirements of the residential development of Lerwick Place in 1992.

4.2 The ground level behind my house is higher than my 6ft fence and when the park is in use you can see directly into my house and back garden and bedrooms.

The introduction of play equipment into the existing play area would not significantly change the relationship between the houses and the existing play area. The play area was approved as part of the development for Lerwick Place which was implemented prior to the commencement of the development at Eday Place.

4.3 The play park is a meeting place for older children at night. These teenagers shout ,swear, drop litter and urinate into all hours of the night.

Anti-social behaviour by youths in the locality is a police matter which should be addressed to the local Police Authority.

4.4 During the purchase of our house in 2002 Tay homes indicated that the area of land behind the house was to be landscaped gardens.

As indicated in Section 6, this area of land was identified to satisfy the open space and play area requirements of the residential development of Lerwick Place and Kirkwall Place in 1992. If the residents of Eday Place consider that Tay Homes have misled them during the purchase of their property then this matter should be addressed to Tay homes.

4.5 The installation will de-value our property.

Property values are not a material planning consideration.

4.6 Most small children in the area have swings and slides in their back garden.

As indicated in Section 5, the East Ayrshire Local Plan considers the provision of community play equipment an integral requirement of the plan. That individuals may provide play equipment for their own children within their private garden ground does not preclude the need for community play equipment.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the purposes of this application the relevant Development Plan comprises the Adopted East Ayrshire Local Plan 2003.

5.2 Policy TLR8 of the Adopted East Ayrshire Local Plan indicates that the Council will be supportive of the creation of suitably designed and located children's play areas where they contribute to the setting character and appearance of the settlement. As the proposal is to install children's play equipment within a recognised area of public open space it is considered that it is compliant with the Policy TLR8.

5.3 Policies RES 19 and 20 require housing developers to provide areas of recreational open space as an integral part of their development proposals. Schedule 3 confirms that such public open space shall include active recreational facilities such as children's play areas.

The application is compliant with the terms of the development plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the planning history, consultations, the representations and the impact on the amenity of the area and neighbours.

Planning History

6.2 Planning Permission KL/W/FL/76/310C was granted on 23 December 1992 for the erection of 50 dwellinghouses, associated roads and open space, (Lerwick Place). Condition 9 of said consent required the provision of

landscaping and open space /play areas. The approved site plan 92/G53/02 identifies the area of land at the western side of the development for open space/play area. The site of the planning application being determined in this report is located within said area of open space.

6.3 Planning permission KL/W/L/FL/76/310F granted on 30 March 1994, subsequently amended plot layouts of the Lerwick Place development.

6.4 Planning Permission KL/W/FL/76/310D was granted on 23 December 1992 for the erection of 47 dwellinghouses, associated roads and open space (Kirkwall Place). Condition 7 of said consent required the provision of landscaping and open space/play areas. The approved site plan indicates that the area of open space is located at the western end of the development. The site of the planning application being determined in this report is located in the open space immediately to the north of the area of open space associated with the Kirkwall Place planning permission.

6.5 Planning Permission 96/0626/FL, granted on 23 January 1997, amended the plot and street layout of Kirkwall Place development.

6.6 On 09 September 1994 written agreement was reached, under Condition 7 of KL/W/FL/76/310C and Condition 9 of KL/W/FL/76/310D, between Tay Homes and the Planning Authority to allow the combination of the play area requirements within the adjoining play areas of Kirkwall Place and Lerwick Place. This agreement would have located an equipped play area featuring climbing frames, see saw, etc. some 17 metres south of 14 Lerwick Place and immediately on the western boundary of the open space area with Eday Crescent.

6.7 Planning Permission 00/0250/RM was granted on 04 August 2000 for the erection of a residential development of 99 dwellinghouses (Eday Crescent) to the north west of the development site.

6.8 The current proposal was brought to the attention of the Planning Authority in July 2003 by the resident at 14 Lerwick Place, Kilmarnock. This followed Redrow Homes (Scotland) Ltd commencing (however not completing) the installation of the play equipment at the site. In the course of assessing this complaint, both Redrow Homes and the Planning Authority received a three page petition in support of the play area and various letters objecting to the proposal. Following discussion and noting the passing of some 10 years since the previous agreement of a combined play area, it was concluded that a planning application should now be required for the installation of the play equipment.

Consultations

6.9 The consultations indicated in the report are considered to be supportive of the application.

Representations

6.10 The letters of objection in relation to the proposal are summarised in the report. On balance they are not considered to raise issues of sufficient weight as to justify the refusal of the application. In particular, the site has been identified for in excess of 10 years as a location for an open space/play area.

There are two letters in support of the application which state that the majority of families in Shetland Drive, Orkney Drive, Lerwick Place and Kirkwall Place are also supportive of the proposal. In evidence of this, reference is made to an earlier separate petition lodged with Redrow Homes and East Ayrshire Council that attracted in excess of 160 signatures demanding completion of the play park and open space. It is stated that residents have been waiting for the play area for some considerable time, approximately 9 years.

The Impact on the Amenity of the Area and Neighbours

6.11 The provision of the play equipment within the existing play area would be of significant benefit to the amenity of the children within the adjacent housing schemes. It is considered that the proposal will not have a significant detrimental impact on the residential amenity of the immediately adjacent residential units.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in determination of the application.

8. CONCLUSIONS

8.1 As indicated at Section 5 of the report, applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal accords with the Development Plan and therefore should be approved unless material considerations indicate otherwise.

8.2 There are material considerations relevant to this proposal however these are not of such weight as to merit the refusal of the application. The site has, for in excess of 10 years, been identified for a play area. This application concerns a location of equipment that is more remote from the boundary with Eday Crescent than was the play area approved further to conditions on the consents granted in December 1992. In that respect these proposals are more beneficial in residential amenity terms than the original scheme and can be supported.

9. RECOMMENDATION

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

CONTRARY DECISION NOTICE

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 as there would not be a significant breach of Council policy.

Alan Neish
Head of Planning, Development and Building Standards

09 December 2004
(CSI/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

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

Anyone wishing to inspect the above papers please contact Craig Iles on 01563 576772.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/1048/FL

Location: Open space Adjacent to
Lerwick Place
KILMARNOCK KA3 2HQ

Nature of Proposal: Proposed Installation of Children's Play
Area and Equipment

Name & Address of Applicant: Redrow Homes Scotland Ltd
Redrow House
3 Central Park Avenue
Larbert
FALKIRK FK5 4RX

Name & Address of Agent:

DPOs Reference: CSI/MMM

The above FULL application should be approved subject to the following condition:-

1. The play area shall be implemented in full and in accordance with the approved details within six months of the date of this permission.

REASON To ensure that appropriate open space provision is made at the site.

**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.**