

**EAST AYRSHIRE COUNCIL**

**SPECIAL NORTHERN AREA LOCAL PLANNING COMMITTEE: 01 JULY  
2005**

**05/0067/FL: ERECTION OF FREE FALL RIDE  
AT LOUDOUN CASTLE THEME PARK, GALSTON  
BY PARKWARE LTD**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1. This application is for full planning permission for the erection of a 39 metre tall drop tower amusement ride. The proposal is L shaped in elevation being approximately 39 metres tall by approximately 60 metres long and comprised of a lattice steelwork structure. The ride has five cars, each car carries 4 persons sitting within a protective cage.

**2. RECOMMENDATION**

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

**3. CONCLUSIONS**

3.1 As is indicated in Section 5 of the report the application is 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 approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 of the report there are material considerations relevant to this application however none are of significant enough weight as would merit the refusal of the application.

**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 it will not require to be referred to the Development Services Committee, as there would be no 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.**

## EAST AYRSHIRE COUNCIL

### SPECIAL NORTHERN AREA LOCAL PLANNING COMMITTEE: 01 JULY 2005

#### 05/0067/FL: ERECTION OF FREE FALL RIDE AT LOUDOUN CASTLE THEME PARK, GALSTON BY PARKWARE LTD

#### 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 under the scheme of delegation as it is the subject of an objection

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is 0.1heactares in area and located at the eastern end of Loudoun Castle Theme Park. The application site runs parallel with the access road at the eastern end of the theme park adjacent to the Log flume and pony trek rides.

2.2 **Proposed Development:** This application is for full planning permission for the erection of a 39 metre tall drop tower amusement ride. The proposal is L shaped in elevation being approximately 39 metres tall by approximately 60 metres long and comprised of a lattice steelwork structure. The ride has five cars, each car carries 4 persons sitting within a protective cage.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Wildlife Trust have no objection to the proposal.

***Noted.***

3.2 Historic Scotland has indicated that whilst the location of the proposal has been reconsidered and there would now be no requirement to fell trees, the Inspectorate remain of the opinion that the introduction of such an enormous structure would be highly inappropriate and have a significantly damaging impact upon the designed landscape.

***It is considered that while the proposal will have an impact on the designed landscape, the proposed location is an area of lower sensitivity within the Loudoun Castle Designed Landscape and***

***therefore will not have a significant detrimental impact on the surrounding environs.***

3.3 Scottish Natural Heritage have indicated that they have no objection to the proposal however would recommend that the ride be slightly relocated to the west, that a landscape assessment should be carried out for the whole park, and that a more structured approach to the management of the park's future proposals be considered.

***The applicants are not required to submit a landscape assessment or provide a longer term schedule of their proposals. However, the planning consent enabling use of the site for the purposes of an Amusement Park did structure the introduction of rides to the Park by identifying areas within which rides over various heights would need planning consent, notwithstanding the permitted development rights normally available. It is considered that the location of the ride is acceptable. It is noted that Scottish Natural Heritage do not object to the proposal.***

3.4 The Garden History Society have objected to the proposal as the proposal will result in the spread of development over a wider area and introduce further visually intrusive elements into the designed landscape. Although the majority of the existing rides are grouped around the walled garden, the Free Fall Ride would be sited approximately 400 metres to the east and at 40 metres high will dominate views of the landscape from the south.

***It is considered that while the proposal will have an impact on the designed landscape, the proposed location is an area of lower sensitivity within the Loudoun Castle Designed Landscape and therefore will not have a significant detrimental impact on the surrounding environs sufficient to merit its refusal. The location is within an area identified previously as being suitable to accommodate rides and in that sense does not represent a widening of the development area.***

#### **4. REPRESENTATIONS**

4.1 One letter of objection has been received in relation to this Planning Application from the Garden History Society and has been detailed above.

4.2 The applicant has submitted a letter in support of the application, which indicates that the ride is required to ensure the ongoing viability of the park. This type of ride is needed to act as a major draw.

## 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 Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (EALP).

### Ayrshire Joint Structure Plan Policy

5.2 Policy W5 of the Ayrshire Joint Structure Plan indicates that the three Ayrshire Councils shall encourage development to increase the range and improve the quality of facilities, attractions and experiences for tourists and day visitors subject to other relevant policies in the Structure Plan and Local Plans.

***It is considered that as the proposal relates to the improvement of an existing tourist attraction within East Ayrshire that the proposal is compliant with this policy.***

Policy E1 of the Ayrshire Joint Structure Plan indicates that the quality of Ayrshire's landscape and its distinctive local characteristics shall be maintained and enhanced. In providing for new development, particular care shall be taken to conserve those features that contribute to local distinctiveness including.... ( D) historic landscapes.

***It is considered that while the proposal will have an impact on the historic landscape, the proposed location is an area of lower sensitivity within the Loudoun Castle Designed Landscape and therefore will not have a significant detrimental impact on the surrounding environs***

### 5.3 Adopted East Ayrshire Local Plan (EALP)

Policy TLR 1 indicates that the Council will actively support and assist in the development of sustainable tourism in East Ayrshire in accordance with the Local Plan Tourism, Leisure and Recreation Development Strategy.

***The proposal accords with the development strategy.***

5.4 Policy TLR 10 indicates that commercial Leisure Developments specifically geared towards rural leisure and recreation may be considered acceptable to the Council where they can be justified against all of the following criteria:

- (i) there is a site specific locational need.

***As the proposal aims to be located within the existing theme park it is considered to have a site specific need.***

- (ii) there is no adverse impact on the visual amenity , landscape character or scenic quality of the area concerned.

***While the proposal will have an impact on the historic landscape it is considered that the proposed location is an area of lower sensitivity within the Loudoun Castle Designed Landscape and therefore will not have a significant detrimental impact on the surrounding environs.***

- (iii) there is no adverse impact on areas of natural or built heritage resources requiring conservation: and

***The location of the proposed ride will not have a significant impact on the natural or built environment.***

- (iv) the proposal can be fully justified in terms of infrastructure, provision of services, access and car parking provision.

***The proposal will have no infrastructure service provision issues.***

5.5 Policy ENV 1 indicates that the Council will seek to protect preserve and enhance all heritage resources requiring conservation including listed building and conservation areas, together with their respective settings, scheduled Ancient Monuments and Archaeological and Industrial Archaeological sites and landscapes.

***While the proposal will have an impact on the historic landscape it is considered that the proposed location is an area of lower sensitivity within the Loudoun Castle Designed Landscape and therefore will not have a significant detrimental impact on the surrounding environs. The location within the Park is where, in terms of Planning Consent 99/0723/FL, rides were agreed as acceptable without planning consent up to a height of 20 metres.***

5.6 Policy ENV5 indicates that the Council will seek to protect, preserve and enhance Historic Gardens and Designed Landscapes.

***While the proposal will have an impact on the historic landscape it is considered that the proposed location is an area of lower sensitivity within the Loudoun Castle Designed Landscape and therefore will not have a significant detrimental impact on the surrounding environs.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of the application are the consultation responses received which are addressed in Section 3 of this report, the letters of objection addressed in Section 4 of this report, the planning history and the impact on the amenity of the area.

## Consultation Responses

6.2 The consultation responses from the amenity bodies are detailed in the report and while only one objects to the proposal the other amenity bodies are not supportive of the application.

## Letters of representation

6.3 The letter of objection has been assessed and is not considered to raise significant issues that would merit the refusal of the application.

The applicant's letter in support of the application indicates that to ensure the ongoing viability of the park this type of ride is needed to act as a major draw.

## Planning History

6.4 There is a significant planning history to Loudoun Castle theme park however it is not considered relevant to list all these planning applications and consents. The relevant planning history to this application is as follows:

A planning application for the erection of free fall ride located in an area of woodland to the east of the walled garden was withdrawn on 26/1/05.

Planning Permission 99/0723/FL was granted on 25/1/02 for the change of use to Amusement park at Loudoun Castle Galston.

## Amenity of the Area

6.5 The aspect of the amenity of the area has been assessed and it is considered that while the theme park is located within the confines of a Designed Landscape, the proposal is being located within an area of lower sensitivity within the Designed Landscape. It is considered that due to the larger trees behind the proposed ride the proposal can be accommodated without any significant detrimental impact on the area.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

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

## **8. CONCLUSIONS**

8.1 As is indicated in Section 5 of the report the application is 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 approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 of the report there are material considerations relevant to this application however none are of significant enough weight as would merit the refusal of the application.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions listed 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, Development and Building Standards it will not require to be referred to the Development Services Committee, as there would be no significant breach of Council Policy.

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

20 June 2005  
(CSI/MMM)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of representation
5. Adopted East Ayrshire Local Plan
6. Approved Ayrshire Joint Structure Plan.

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

05/00067/FL

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Site of Proposal:	Loudoun Castle Theme Park GALSTON KA4 8PE
Nature of Proposal:	Proposed Erection of New Free Fall Ride
Name & Address of Applicant:	Parkware Ltd 69 Eaton Road MARGATE CT9 1XB
Name & Address of Agent:	Munro Architects 23 Portland Road KILMARNOCK KA1 2BT

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DPOs Reference: CSI/MMM

The above FULL application should be granted subject to the following conditions:-

1. Notwithstanding the approved plan, details of the colours and any illumination of the ride shall be submitted to and approved by the Planning Authority prior to the erection of the ride.

REASON In order to ensure that the application of colour or illumination does not result in an undue intrusion into the landscape.

**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.**