

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 11 AUGUST 2006

06/0473/FL: SITING OF SHIPPING CONTAINER FOR STORAGE OF SPORTS EQUIPMENT ON PLAYING FIELDS, BARBIESTON ROAD, DALRYMPLE

APPLICATION BY DALRYMPLE COMMUNITY COUNCIL

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the siting of a metal shipping container used for the storage of sports equipment associated with the use of the playing field. This container will replace an existing one of similar size and location which measures 7 metres long by 3 metres wide by 3 metres high approximately and which is made of galvanised metal, finished in a rusty brown colour not dissimilar to some of the brickwork on the nearby pavilion. Permission for the existing container was granted for a limited period of 2 years on 30 November 2001 (Ref. No.01/0723/FL).

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these are not of sufficient weight to justify refusal.

3.2 Planning permission has previously been granted for this use of the site and while that permission has since lapsed the planning circumstances pertaining to both the site and the use made of it have not materially changed. The container provides an important ancillary function for use of the playing fields in accordance with the development plan. No other material consideration outweighs this fact.

3.3 However a container such as this is a temporary rather than a permanent structure. Accordingly should Committee agree to approve this application then a limit of 5 years should be applied from the date of consent.

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 because it would not be a significant departure from the development plan.

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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APPLICATION BY DALRYMPLE COMMUNITY COUNCIL

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 because the proposed development is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is situated close to the western boundary of Dalrymple playing field which is enclosed by a 2 metre high concrete post and wire fence. The playing field is bounded by Barbieston Road to the north, Birch Avenue to the east, Portland Road to the south and Cedar Terrace to the west. The site location is several metres from the fence and hedge which separates the playing field from Cedar Terrace. At this point the fence and hedge has been raised to between 8 and 10 metres approximately in height. Immediately to the south of the site is the brick built changing pavilion. The site is level. The playing field is surrounded on all sides by residential properties.

2.2 **Proposed Development:** Full planning permission is sought for the siting of a metal shipping container used for the storage of sports equipment associated with the use of the playing field. This container will replace an existing one of similar size and location which measures 7 metres long by 3 metres wide by 3 metres high approximately and which is made of galvanised metal, finished in a rusty brown colour not dissimilar to some of the brickwork on the nearby pavilion. Permission for the existing container was granted for a limited period of 2 years on 30 November 2001 (Ref. No.01/0723/FL).

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Outdoor Amenities Section has no objection to the proposed development as currently sited but points out that issues pertaining to

health and safety, insurance and maintenance of the container are the applicant's responsibility.

Maintaining the appearance of the container can be covered by condition should this proposal be approved while advisory notes can remind the applicant of its responsibility for the other stated matters.

3.2 East Ayrshire Council's Legal Services Section has no comment to make on this proposal.

Noted.

3.3 Dalrymple Community Council has not responded to the consultation letter.

Noted.

4. REPRESENTATIONS

4.1 One letter of representation has been received from a third party objecting to the proposed development. The main points of objection relate to the existing container but it is reasonable to assume that they are relevant to an assessment of this application for a new container given the identical nature of the two structures. The main points can be summarised as follows:-

4.2 The existing container is a magnet for anti-social behaviour by children/youths who throw objects at passers by when on top of it.

This is primarily a policing matter not a planning matter. The location of the container is well within the existing playing field and is separated from the adjacent footpath on Cedar Terrace by mature trees and hedging.

4.3 The existing container is large and unsightly.

The applicant advises that the new container will have the same location and be the same size as the existing one. There are no material planning circumstances which have, in relation to this proposal or site, changed since the existing one was approved in 2001. The existing container is visible from views across the playing field but it is considered neither excessively large nor overly conspicuous. Indeed it is particularly well screened from those residential properties nearest to it in Cedar Terrace. Its rusty brown colour complements the brickwork used to finish the adjoining

pavilion although it would need to be refreshed if remaining. A condition can be attached to any consent granted for the development ensuring the colour of the new container is to the satisfaction of the planning authority and maintained as such while in situ.

4.4 The abuse of the container raises safety issues for those engaged in anti-social behaviour.

It has not been specified what exactly are the safety issues but anything which is physically added to the container to discourage youths climbing up on top of it will make it unnecessarily more conspicuous than it is at present. The design, shape or construction of the container is not inherently unsafe and beyond that the issue of safety is one for policing and personal responsibility.

4.5 The container is not needed because it has not been used in the last 2 years.

This would appear to be incorrect. The applicant has confirmed that the container is used 4 or 5 times a week by various sports groups in the village. The applicant further states that there is nowhere else available for storing sports equipment and groups using it would not be able to function properly without this facility.

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 (1999) and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 There are no policies in the Structure Plan especially relevant to the proposed development.

Noted.

East Ayrshire Local Plan

5.3 Policy TLR8 states that there will be a presumption against development on those safeguarded areas of public and private recreational or amenity open

space as identified on the Local Plan maps and on other undeveloped land within settlement boundaries which contributes 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 new children's play areas; 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 considered that only point (iv) of this policy is relevant to assessment of this proposal. The container is an ancillary facility serving the recreational activities of the playing field and as such is consistent with policy TLR8.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representations received and the planning history of the site.

Consultations Responses

6.2 None of the consultation responses have raised any issues which would indicate that the application should be refused although a number of minor issues would require to be resolved. These could be addressed either through conditions or appropriate notes attached to any consent granted for the proposed development.

Representations

6.3 It is considered that the representations made are either not valid, can be addressed through the imposition of conditions or are not of sufficient weight to merit refusal of the application.

Planning History

6.4 Full planning permission for the proposed erection of a galvanised shed to house sports equipment was first approved on 30 November 2001 under

application 01/0723/FL subject to 2 conditions. The first granted permission for a limited period of 2 years after which the container was to be removed and the site made good unless further permission was granted while the second ensured that the container was positioned 3 metres from the boundary fence at Cedar Terrace. The container has been continuously on site since then even though no further permission has been sought or granted.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application, although the application site is in the ownership of the Council and any refusal of the proposal may necessitate enforcement procedures to secure removal of the unauthorised container.

8. CONCLUSIONS

8.1 As indicated in section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these are not of sufficient weight to justify refusal.

8.2 Planning permission has previously been granted for this use of the site and while that permission has since lapsed the planning circumstances pertaining to both the site and the use made of it have not materially changed. The container provides an important ancillary function for use of the playing fields in accordance with the development plan. No other material consideration outweighs this fact.

8.3 However a container such as this is a temporary rather than a permanent structure. Accordingly should Committee agree to approve this application then a limit of 5 years should be applied from the date of consent.

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, the application will not require to be referred to the Development Services Committee because it would not be a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

SMcD/HM
FV/DVM
01 August 2006

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letter of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Previous planning application 01/0723/FL

Anyone wishing to inspect the above background papers should contact Stephen McDermott on 01563 555485.

Implementation Officer: Dave Morris

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/0473/FL

Location	Dalrymple Playing Fields Barbieston Road Dalrymple Ayr
Nature of Proposal:	Siting of shipping container for storage of sports equipment
Name and Address of Applicant:	Dalrymple Community Council 4 Glebe Cottages Dalrymple KA6 6DP
Name and Address of Agent	Katie McNeillie 4 Glebe Cottages Dalrymple KA6 6DP

DPO's Ref: SMcD
PPO's Ref: HM

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

1. Permission is granted for a period of 5 years from the date hereof and at the expiration of this period the container shall be removed from the land and the land shall be restored in accordance with a scheme to be agreed with the Planning Authority unless further permission is granted.

REASON – The proposed container is of a temporary nature and in the interest of amenity.

2. The new container shall replace the existing one within 28 days of the date of this consent.

REASON –In the interest of visual amenity

3. The new container shall match the existing one in all aspects of its location, design, colour and materials and shall be sited a minimum distance of 3 metres away from the existing boundary fence at Cedar Terrace.

REASON –In the interest of visual amenity and to allow ground maintenance operations to be carried out effectively.

4. A paint colour finish for the new container shall be agreed with the Planning Authority and the agreed paint colour shall be applied to the proposed container prior to installation on the approved site. Thereafter the appearance of the container shall be maintained in good condition to the satisfaction of the Planning Authority.

REASON – In the interest of visual amenity

NOTE TO APPLICANT

1. East Ayrshire Council's Outdoor Amenities Section has advised that all issues relating to health and safety and insurance claims arising from the container as well as maintenance of the container and the ground on which it is sited are the sole responsibility of the developer. For further clarification on this contact Nick Kelly on 01563 555488.

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VIEWING PLEASE CONTACT (01563) 555320.**