

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 30 MAY 2003

**03/0137/FL: PROPOSED REMOVAL OF CONDITION 8 FROM PLANNING APPLICATION KL/W/78/362 GRANTED 22/09/79 TO ALLOW ACCESS FOR GRASS CUTTING AND MAINTENANCE EQUIPMENT INTO BOWLING GREEN FROM GARAGE SITE AT THORNTON AVENUE
CROSSHOUSE BOWLING CLUB, BUSBIE VIEW, CROSSHOUSE
BY CROSSHOUSE BOWLING CLUB**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought to remove Condition No. 8 from planning application no: KL/W/78/362 to allow access for grass cutting and maintenance equipment into the bowling green from a gate located to the rear of residential properties on Thornton Avenue. The applicant has stated that the gates will be used no more than twice per month and will be used solely for grass cutting and maintenance equipment which cannot be accessed from the main Busbie View entrance. This is due to the size of the equipment and the physical constraints of the Busbie View entrance. No public access to the bowling club will be allowed from this gate.

2. RECOMMENDATION

2.1 The application should be approved subject to the condition indicated on the enclosed sheet.

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, there are no applicable policies in the Adopted East Ayrshire Local Plan and therefore greater weight should be attached to the other material considerations.

3.2 There are material considerations relevant to this application. The concerns of the objectors are with regard to general use of the access and the general operation of the bowling club. As this proposal is not for general access by the public but is for access solely for grass cutting and maintenance equipment twice a month, it is recommended that Condition No. 8 of planning application no KL/W/78/362 could be removed and replaced with a condition which allows the access to be used solely for grass cutting and maintenance equipment.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application 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 and Building Control

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 and Building Control

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 subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is Crosshouse Bowling Club located to the western boundary of Crosshouse. The site is surrounded to the south by residential properties, to the north, west and east by vacant land.

2.2 **Proposed Development:** Full planning consent is sought to remove Condition No. 8 from planning application no: KL/W/78/362 to allow access for grass cutting and maintenance equipment into the bowling green from a gate located to the rear of residential properties on Thornton Avenue. The applicant has stated that the gates will be used no more than twice per month and will be used solely for grass cutting and maintenance equipment which cannot be accessed from the main Busbie View entrance. This is due to the size of the equipment and the physical constraints of the Busbie View entrance. No public access to the bowling club will be allowed from this gate.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads & Transportation Division and Crosshouse Community Council have no adverse comments to make regarding the proposed development.

Noted.

4. REPRESENTATIONS

There are 14 objectors to the proposed development and their grounds of objection are as follows:

4.1 Residents privacy and safety would be compromised by the removal of Condition No. 8. Pedestrian access would destroy the privacy of adjacent residents by general movement day and evening and extra movements when tournaments are held. The Social Club hold late-night functions until 1 am. and there is disturbance to residents in the early hours of the morning.

The applicant has stated that the access will be used solely for grass cutting and maintenance equipment and it will not be used as an alternative access to the bowling club by members of the public. Use of the access for grass cutting and maintenance equipment will be during normal working hours.

4.2 Removal of Condition No. 8 may lead to future development of the club's original building behind the garage site.

This present application is for the removal of Condition No. 8 from planning application no. KL/W/78/362. There are no plans presently to develop the club's original building which would have to be the subject of a separate planning application.

4.3 Unauthorised parking with no right to challenge any strangers moving around the garage area.

It is not envisaged that the use of the access will cause unauthorised parking as grass cutting and maintenance equipment will arrive on a trailer and then will be removed once the work has been carried out. It is not envisaged that it will increase strangers moving around the garage area, any more than in the present situation.

4.4 Possibility of attracting groups of teenagers who move around the village at night time.

The proposal involves the use of the access for grass cutting and maintenance equipment, during normal working hours. It is not envisaged that it will attract groups of teenagers, any more than in the existing situation.

4.5 The new entry would create a thoroughfare and would increase traffic and people walking in the area.

The proposed access is not for general use but will be used solely for access for grass cutting and maintenance equipment no more than twice per month.

4.6 The opening of the access would be detrimental to the wellbeing of residents residing in Thornton Avenue.

It is not considered that the proposal will be detrimental to the well being of adjacent residents, as the access will only be used twice a month for access for grass cutting and maintenance equipment.

4.7 There have been a couple of occasions when people leaving the bowling green under the influence of drink damaged a residents car and also wake them with loud singing and laughing.

The present application is for the use of the access for grass cutting and maintenance equipment only and not for general pedestrian use. A condition can be applied restricting the hours within which this happens.

4.8 They see no reason why the gate at the garage site should be opened again. It has been closed for all these years and the bowling green has managed fine without it.

The applicant has stated that the equipment used for grass cutting has increased in size and due to the physical constraints of the access from Busbie View they are unable to use this access.

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.

There are no specific relevant policies in the Adopted Local Plan and therefore greater weight should be attached to other material considerations.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultations and representations received which are detailed in Sections 3 & 4 of the report.

6.2 It is not considered that any aspects of the consultations or representations received indicate that the application should be refused.

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 indicated in Section 5 of the report, there are no applicable policies in the Adopted East Ayrshire Local Plan and therefore greater weight should be attached to the other material considerations.

8.2 There are material considerations relevant to this application. The concerns of the objectors are with regard to general use of the access and the general operation of the bowling club. As this proposal is not for general access by the public but is for access solely for grass cutting and maintenance equipment twice a month, it is recommended that Condition No. 8 of planning application no KL/W/78/362 could be removed and replaced with a condition which allows the access to be used solely for grass cutting and maintenance equipment.

9. RECOMMENDATION

9.1 The application should be approved subject to the condition indicated on the enclosed sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application 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 and Building Control

21 May 2003

(PC/MS)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Consultation Replies.
3. Statutory Notices/Certificates.
4. Representations.
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.
7. Planning Application No: KL/W/78/362.

Anyone wishing to inspect the above papers should contact Pamela Clifford on (01563 576772).

Implementation Officer: Dave Morris

Form TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0137/FL

Location: Crosshouse Bowling Club
Busbie View
CROSSHOUSE

Nature of Proposal: Proposed removal of Condition 8 from planning application KL/W/78/362 granted 22/09/79 to allow access or grass cutting and maintenance equipment into Bowling Green from garage site at Thornton Avenue.

Name & Address of Applicant: Crosshouse Bowling Club
Busbie View
CROSSHOUSE
KA2 0HT

Name & Address of Agent: Mr W O'Brien
61 Hunter Road
CROSSHOUSE
KA2 0LD

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

1. Condition 8 of planning consent No. KL/W/78/362 shall be revised to read:

(8) That the existing access to the clubhouse from the garage site at the end of Thornton Avenue shall be used solely to allow access for grass cutting and maintenance equipment into the bowling green between the hours of 08:00 to 18:00 Monday to Sunday and shall at no time be used by members of the public using the clubhouse and bowling green or any other contractor servicing the clubhouse and bowling green, without the prior written consent of the Planning Authority. The public access to the clubhouse and bowling green shall remain from Busbie View.

REASON To prevent unauthorised and excessive use of this access in the interests of residential amenity.

**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.**