

EAST AYRSHIRE COUNCIL

**SPECIAL NORTHERN AREA LOCAL PLANNING COMMITTEE:
14 AUGUST 2003**

**03/0346/FL: PROPOSED ERECTION OF NEW LOOPING STAR RIDE
AT LOUDOUN CASTLE PARK, GALSTON
BY PARKWARE LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 This is a retrospective full planning application for the erection of a theme park ride called the Looping Star. The ride comprises a roller coaster extending to a maximum height of 17.9 metres (plus a further 0.7 metres for the handrail) on a base of 65.2 metres in length and 28.5 metres in width. The ride is painted orange and incorporates a central loop-the-loop and is visible from the A71 to the south.

The applicant's agent has advised that the general ground level has been cut into the hillside ensuring that the overall height is reduced. They have further advised that the ride is well below the existing tree line height. They have also submitted that the ride is generally under 15 metres in height with a very small percentage of the overall plan area (less than 1%) is over this limit.

The applicant's agent has asked the Committee to note that the current proposal is a more compact ride than the one previously granted consent which was some 24.5 metres in height. They have also pointed out that the Flying Carpet ride located on this site in the past, was also considerably higher at 24.5 metres high.

2. RECOMMENDATION

3.1 It is recommended that the application be approved subject to the condition on the attached sheet.

3. CONCLUSIONS

3.1 As is indicated at 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. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however, it is considered that these are generally supportive of the application. The letter of objection is noted but is not considered to be of sufficient weight to justify a decision contrary to the development plan.

3.2 The proposal seeks permission to install a ride in an existing theme park. The application is retrospective in nature however, it is considered that it can be satisfactorily accommodated within the Estate. The ride is however painted in a conspicuous colour and it would be preferable to ensure that the structure blended into its surroundings in order to limit its visual prominence.

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 this would not represent a significant departure from the development plan.

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 planning application which is to be considered by the Northern Area Local Planning Committee under the scheme of delegation because it is subject to objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located immediately south of the walled garden within Loudoun Castle Estate to the north of Galston. The walled garden has already been developed as a major part of Loudoun Castle Park and contains various children's rides and other attractions.

Loudoun Castle Park is part of a designed landscape of historic interest, being listed in the "Inventory of Historic Gardens and Designed Landscapes in Scotland". Loudoun Castle itself is a Category 'A' listed building. Much of the park is listed as a provisional wildlife site.

2.2 **Proposed Development:** This is a retrospective full planning application for the erection of a theme park ride called the Looping Star. The ride comprises a roller coaster extending to a maximum height of 17.9 metres (plus a further 0.7 metres for the handrail) on a base of 65.2 metres in length and 28.5 metres in width. The ride is painted orange and incorporates a central loop-the-loop and is visible from the A71 to the south.

The applicant's agent has advised that the general ground level has been cut into the hillside ensuring that the overall height is reduced. They have further advised that the ride is well below the existing tree line height. They have also submitted that the ride is generally under 15 metres in height with a very small percentage of the overall plan area (less than 1%) is over this limit.

The applicant's agent has asked the Committee to note that the current proposal is a more compact ride than the one previously granted consent which was some 24.5 metres in height. They have also pointed out that the Flying Carpet ride located on this site in the past, was also considerably higher at 24.5 metres high.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Coal Authority have not raised any issues that would warrant the refusal of planning permission.

Noted.

3.2 Scottish Natural Heritage (SNH) note that this is a retrospective application and have no comments to make.

Noted.

3.3 The Scottish Civic Trust have no comments to make.

Noted.

3.4 Historic Scotland consider it regrettable to see even more of this sort of development at Loudoun. It is assumed that the ride will be painted in muted, inconspicuous colours. It is considered that the existing colour of the ride is not inconspicuous, a green/khaki/brown colour would be preferred.

Noted. It is considered appropriate should Members choose to grant consent that a condition be applied to ensure a more appropriate external colour finish. It is considered that a green/khaki/brown colour would help minimise the visual effect of the ride.

3.5 The Architectural Heritage Society of Scotland (AHSS) wish to go on record and express their disappointment at the continuing unsatisfactory planning situation at Loudoun. It had been hoped that the new owners would be more professional in their attitude to planning legislation/policies.

Even if there was a previous roller coaster located in this conspicuous location outside the walled garden, the AHSS object to the principle of such a conspicuous piece of fairground machinery which detracts from the designed landscape of Loudoun Castle Estate.

Disappointment is expressed at the quality of submission in that:-

1. The details on the main drawing are in German;

2. There is only a rough sketch elevation which is not to scale;
3. The description of colour finish on the form is detailed on the application form as “not applicable” which is hardly the case.

The Theme Park has planning permission to operate at Loudoun Castle Estate and it is not considered appropriate to consider issues of ‘principle’ under the auspices of this application.

The plans and supporting photographs lodged with the application are sufficient to clearly describe the ride to be provided and as detailed in the response to Section 3.4 above, an alternative colour is considered appropriate for reasons of visual amenity.

3.6 The Scottish Wildlife Trust have no objections to make in respect of the proposed application.

3.7 The Garden History Society, Galston Community Council and Moscow and Waterside Community Council have not responded at the time of writing the report.

Noted.

4. REPRESENTATIONS

4.1 One letter of objection has been received from AHSS, the contents of which are discussed in Section 3.5 of this report.

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 these applications the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (2003).

5.2 The relevant policies within the EALP are:-

- ENV 1 - the Council will seek to protect, preserve and enhance all heritage resources;
- ENV4 - development affecting the appearance or setting of a Listed Building shall be sympathetic to that building;

- ENV 5 - the Council will seek to protect, preserve and enhance Historic Gardens and Designed Landscapes;
- ENV 12 - development proposals in rural areas shall respect the local landscape characteristics and conserve, enhance, reinstate or replace features contributing to landscape value and quality;
- ENV 14 - general presumption against any development which would have a permanent adverse impact or cause irreparable damage to built heritage resources requiring conservation including historic gardens and designed landscapes and to existing habitats;
- TLR 10 - commercial leisure developments specifically geared towards rural leisure and recreation may be considered acceptable where they can be justified against a number of criteria.

The proposed theme park ride is to be erected within an existing theme park and it is not therefore considered that its addition will be detrimental to the provisions of the EALP. The application is retrospective however and the ride is a prominent feature from the A71. This route is considered the 'gateway to the Irvine Valley', and it would be appropriate to ensure in visual amenity terms that the ride is painted an appropriate colour. The ride is set against a wooded backdrop and a colour of khaki/green/brown is considered to be suitable.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of this application are the consultation responses and letter of objection and the planning history.

Consultation Responses and Letter of Objection

6.2 The consultation responses and letter of objection are all detailed in Section 3 of this report. None of the issues raised are considered to warrant refusal of this application.

Planning History

6.3 In July 1994 an outline application was approved at Loudoun Castle Park comprising of “leisure facilities, walled garden, animal display, archery, children’s golf, equestrian centre and dwelling”. In May 1995 an application was approved which introduced a fairground into the Walled Garden and included the Helter Skelter (20metres) and Carousel (6 metres). Since then the following rides have been approved:-

December 1995	-	Log Flume (11.5 metres)
May 1996	-	Go Kart Track
May 1996	-	Wallace Sword Ride
February 1997	-	Looping Star Ride (24 metres)
February 1997	-	Waveswinger (14 metres)
February 1997	-	Rodeo Rider (5 metres)
March 1999	-	Wild Mouse Roller Coaster
November 2001	-	Magic Carpet Ride (temporary consent granted for a period of 1 year
January 2002	-	DropTower (30 metres)

6.4 In addition, an application in January 2002 was approved for the “change of use from various uses to Amusement Park, including erection of play fort”.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As is indicated at 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. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however, it is considered that these are generally supportive of the application. The letter of objection is noted but is not considered to be of sufficient weight to justify a decision contrary to the development plan.

8.2 The proposal seeks permission to install a ride in an existing theme park. The application is retrospective in nature however, it is considered that it can be satisfactorily accommodated within the Estate. The ride is however painted in a

conspicuous colour and it would be preferable to ensure that the structure blended into its surroundings in order to limit its visual prominence.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the condition 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 and Building Control, the application will not require to be referred to the Development Services Committee as this would not represent a significant departure from the development plan.

Alan Neish
Head of Planning and Building Control

05 August 2003
(FMF/MMM)

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. East Ayrshire Local Plan (Finalised Version with Modifications).
5. Approved Ayrshire Joint Structure Plan.
6. Previous Planning Applications.

Anyone wishing to inspect the above papers please contact Fiona Finlay on 01563 576768.

Implementation Officer: Dave Morris

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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0346/FL

Site of Proposal:	Loudoun Castle Theme Park GALSTON
Nature of Proposal:	Proposed Erection of New Looping Star Ride
Name & Address of Applicant:	Parkware Ltd 69 Eaton Road MARGATE CT9 1XB
Name & Address of Agent:	W I Munro Chartered Architects 1 Seaford Street KILMARNOCK KA1 2BZ

DPOs Reference: FMF/MMM

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

1. Notwithstanding the approved plans, the colour of the ride is not hereby approved. Within one month of the date of this consent the applicant shall submit details of an alternative colour to the Planning Authority for approval. Such details shall provide for a green/khaki/brown colour.

REASON In the interests of visual amenity and in order to ensure that the visual impact of the ride is minimised.

2. Within three months of written approval of the colour of the ride by the Planning Authority, the ride shall be painted in the approved colour in its entirety as agreed with the Planning Authority.

REASON In the interests of visual amenity and in order to ensure that the visual impact of the ride is minimised.

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.**