

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 20 FEBRUARY 2004**

**03/1011/FL: LOUDOUN CASTLE THEME PARK, GALSTON  
ERECTION OF CHAIR LIFT  
BY PARKWARE LTD**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 It is proposed to erect a chair lift running in an east west direction to the north of the internal road. This comprises two covered stations the highest of which is 7.8 metres high and the chair lift itself is approximately 450 metres long supported by pylons approximately 11.0 metres high.

**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 in Section 5 of the report the application is considered to accord with the Development Plan therefore given the terms of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise. There are material considerations in this case but those are considered in the terms of the consultations to add weight to the favourable development plan considerations. The objections are not considered in this case to be of sufficient weight to justify a different view.

**CONTRARY DECISION NOTE**

Should the Committee agree to refuse the application 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 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.**

## EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 20 FEBRUARY 2004

### 03/1011/FL: LOUDOUN CASTLE THEM PARK, GALSTON ERECTION OF CHAIR LIFT BY PARKWARE LTD

#### 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 because it has been subject to objections.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site in this case is an area of land within the Loudoun Castle Theme Park. The Park is part of a designed landscape of historic interest and the castle itself is a Category 'A' Listed Building. Much of the park is listed as a Scottish Wildlife Trust (SWT) Wildlife Site. The site is linear in form situated to the east of the remains of the castle and its associated walled garden and is to the south of an established wooded area immediately to the north of an east west orientated internal road linking groups of ride elements within the park.

2.2 **Proposed Development:** It is proposed to erect a chair lift running in an east west direction to the north of the internal road. This comprises two covered stations the highest of which is 7.8 metres high and the chair lift itself is approximately 450 metres long supported by pylons approximately 11.0 metres high.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 The Garden History Society have confirmed that they object to the application on the grounds that the proposal would have an adverse impact on the designed landscape. However they have advised that if this Division is of a mind to approve the application then issues of external finishing and the colours of the structural elements all need to be sensitively considered to reduce the potential impact on the Designed Landscape.

***Noted.***

3.2 Scottish Natural Heritage has confirmed that they have no objection to the proposal. Any adverse impacts on natural heritage interests are not significant.

***Noted.***

3.3 Galston Community Council have confirmed that they have no objection to the proposal.

***Noted.***

3.4 East Ayrshire Council's Environmental Health Service were consulted on the application with regard to potential noise nuisance issues. They have confirmed that they have no objection to the application and do not anticipate complaints on that basis.

***Noted.***

3.5 The Scottish Wildlife Trust have confirmed that they have no objections to the application.

***Noted.***

3.6 Historic Scotland have indicated that they are "not minded to express significant objection" as the structure is not of too great a height compared to many of the existing standards. There is concern about tree loss and impact on the landscape.

***Historic Scotland have been asked to clarify their comments which at the time of writing are taken literally to mean that they are not expressing an objection.***

#### **4. REPRESENTATIONS**

4.1 In addition to the objection from the Garden History Society an objection has been lodged from a resident who lives locally. The reason for the objection is based on anticipated noise issues.

4.2 As stated above, the Council's Environmental Health Service has not advised of any similar concerns. As the objector lives approximately 550m from the eastern extremity of the chair lift the objection is not considered to raise matters of any weight in this instance.

## **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 adopted East Ayrshire Local Plan 2003 and the Approved Ayrshire Joint Structure Plan; the latter's general policies in respect of the environment being enshrined in the Local Plan.

The relevant Local Plan policies in this case are as follows:-

ENV 1, 4 , 5, 12 and 14, and TLR10

5.2 The application has been assessed against the terms of these policies and found on balance to be acceptable. The proposal involves a relatively low impact structure set against a backdrop of established trees which can be accommodated with no significant detrimental impact on the heritage resources of the designed landscape or the listed building. It also involves the acceptable improvement of an existing tourist/commercial facility.

***The application is therefore considered to accord with the terms of the Development Plan.***

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

6.1 The other principle material considerations in his case are the consultation responses and the letters of objection. These matters are assessed in the report and are not considered to be of sufficient weight to justify setting aside the positive development plan considerations.

## **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 indicated in Section 5 of the report the application is considered to accord with the Development Plan therefore given the terms of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise. There are material considerations in this case but these are considered in the terms of the consultations to add weight

to the favourable development plan considerations. The objections are not considered in this case to be of sufficient weight to justify a different view.

## **9. RECOMMENDATION**

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

## **CONTRARY DECISION NOTE**

Should the Committee agree to refuse the application 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 policy.

**Alan Neish**  
**Head of Planning and Building Control**

11 February 2004  
(IW/MM)

FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Note Certificates.
3. Consultation Responses
4. Letters of Objection.
5. Adopted East Ayrshire Local Plan 2003.
6. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Ian Walker on 01563 576769.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

03/1011/FL

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Site of Proposal:	Loudoun Castle Theme Park GALSTON KA4 8PE
Nature of Proposal:	Proposed Erection of Aerial Chair Lift
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

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DPOs Reference: IW/MMM

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

1. Prior to the commencement of works on site, further specific details of the siting of the chair lift shall be submitted for the approval of the Planning Authority and thereafter implemented in accordance with the details as approved. These details shall be provided at a scale of 1:200, to include the positioning of the support pylons and stations with respect to the existing trees to the north of the site and the existing road to the south of the site.

REASON In the interests of visual amenity and the preservation of the character of the historic and designed landscape.

2. Notwithstanding the plans hereby approved details/samples of all external finishing materials to be used shall be submitted to and approved by the Planning Authority before any development commences on the site and implemented thereafter as approved.

REASON In the interests of visual amenity.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**