

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 7 NOVEMBER 2003

03/0601/FL: REGENERATION OF PUBLIC PARK TO INCLUDE DRAINAGE, PLAY EQUIPMENT PARKING, LANDSCAPING FENCING AND DOG GRIDS AT DUNLOP PUBLIC PARK BY DUNLOP AND LUGTON PARK ASSOCIATION

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to improve the facilities in the park in a variety of areas including the installation of improved drainage, the renewal of the play area and the construction of a skate board park. The skate board park is proposed at the rear of the primary school. The football pitch will be improved, a running track will be formed round it. On site parking will be formed accessed from the link to Kirkland Road to the west of the site. It is also proposed to site a container for storage purposes on site next to the existing clubhouse building.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report the application is in accordance with the Local Plan and therefore with the Development Plan. Accordingly given the terms of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 As indicated in the report there are material considerations relevant to this application but as again detailed these considerations are generally supportive of the application.

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 it would not constitute a significant breach of Council Policy.

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 7 NOVEMBER 2003

03/0601/FL: REGENERATION OF PUBLIC PARK TO INCLUDE DRAINAGE, PLAY EQUIPMENT PARKING, LANDSCAPING FENCING AND DOG GRIDS AT DUNLOP PUBLIC PARK BY DUNLOP AND LUGTON PARK ASSOCIATION

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 the existing public park at Dunlop. The site extends to approximately 1.5 Ha and is surrounded by a mixture of uses including housing and the local primary school to the south. The site enjoys four access links with the surrounding neighbourhood. Currently the site has a football area/clubhouse and play equipment in its south east corner.

2.2 **Proposed Development:** It is proposed to improve the facilities in the park in a variety of areas including the installation of improved drainage, the renewal of the play area and the construction of a skate board park. The skate board park is proposed at the rear of the primary school. The football pitch will be improved, a running track will be formed round it. On site parking will be formed accessed from the link to Kirkland Road to the west of the site. It is also proposed to site a container for storage purposes on site next to the existing clubhouse building.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have raised no objections to the proposal.

Noted

3.2 Environmental Health Service who were consulted in respect of any potential noise impacts have confirmed that they do not anticipate any issue in that respect.

Noted.

3.3 Scottish Environment Protection Agency have advised of no objection to the proposal as submitted.

Noted.

3.4 East Ayrshire Council's Property Department have confirmed that there have been ongoing discussions with the applicants and that in principle they are satisfied with details of the application. Certain matters pertaining to maintenance and insurance issues remain to be resolved.

Noted. These outstanding matters would fall to be resolved by the Solicitor to the Council.

3.5 Dunlop and Lugton Community Council have advised that they have no objection to the proposed application.

Noted.

4. REPRESENTATIONS

4.1 A petition has been submitted in respect of the application signed by a total of 14 signatories, the valid grounds of objection being as follows:-

4.2 The access off Kirkland Road is not and has not been the official entrance to this park.

Neither the Council's Community Services Department nor the Roads Division have offered any comment that would support this claim.

4.3 The existing motor vehicle entrances are sufficient.

The proposal is intended to improve the facilities of the park and how they are used and accessed. The relevant Council Services have not advised of any issues in respect of the proposed arrangements.

4.4 The access link to Kirkland Road will impact on the existing restricted resident parking situation.

Noted. The Councils Roads Division have not advised of any road safety problems they would anticipate in respect of the application.

5. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning Acts require that 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. Given the nature of the proposal and the current use of the area it is considered appropriate to consider the application primarily against the terms of the Local Plan.

5.2 Policy TLR 8 confirms the Council's position in respect of areas of safeguarded open space and what developments will be considered acceptable within these areas. The proposals accord with Policy TLR8. The site is designated as safeguarded within the local plan and the proposal is in accordance with terms of that policy. To ensure that this planning requirement is met it is suggested that a condition be attached to maintain the facility for public use.

5.3 Additionally the proposal is in sympathy with the Tourism, Leisure and Recreation proposals as detailed in the Local Plan which again confirm the Councils proactive attitude towards the further development of the facilities in local parks.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of this application are the consultation replies, representations received and the impact of the development on the amenity of the area.

6.2 The consultation responses and the representations are addressed in Sections 3 and 4 of the report. It is not considered that any aspects of the consultations or representations received raise issues of such weight as to justify the refusal of the application.

6.3 The issue of impact on the general area has been assessed and bearing in mind that the proposal represents a general improvement of existing facilities it is considered that the application is acceptable. The specific siting of the skateboard park has been selected to minimise the impact on the area and the consultation responses confirm that this element should raise no adverse issues in itself.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 As the site is owned by the Council there may be certain minimal leasing arrangements to be finalised. These do not impact on the planning considerations.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report the application is in accordance with the Local Plan and therefore with the Development Plan. Accordingly given the terms of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

8.2 As indicated in the report there are material considerations relevant to this application but as again detailed these considerations are generally supportive of the application.

9. RECOMMENDATION

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

CONTRARY DECISION NOTICE

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 it would not constitute a significant breach of Council Policy.

Alan Neish
Head of Planning and Building

28 October 2003 (IW/SA)
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application forms Plans.
2. Statutory Notices/Certificates.
3. Consultation replies.
4. Representations.
5. Adopted East Ayrshire Local Plan 2003.
6. Approved Ayrshire Joint Structure Plan.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application Ref: 03/0601/FL

Site of Proposal:	Dunlop Public Park Bounded by Main Street, Lugton Road, Allanvale and Kirkland Road Dunlop
Nature of Proposal:	Proposed Regeneration to Public Park to include Drainage, Play Equipment, Car Parking, Landscaping, Fencing and Dog Grids
Name & Address of Applicant:	Dunlop and Lugton Park Association Per Agent
Name & Address of Agent:	Mr Gerry Reid The White House Newmill Road DUNLOP KA3 4BB

DPOs Reference: IW/SA

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

(1) That the park be retained for the use of the general public.

REASON In the interests of residential amenity and ensuring compatibility with the terms of the Adopted Local Plan.

(2) Permission is granted for a limited period of 3 years for the storage container only from the date hereof, and its use shall be discontinued and the land restored to its former condition in accordance with a scheme to be agreed by the Planning Authority, at the expiration of this period unless a further permission is granted.

REASON To enable the Planning Authority to review the situation in the interests of visual amenity.

(3) Notwithstanding the details on the plans hereby approved, further plans detailing the finished height of all the play equipment and skate board emplacements shall be submitted to for approval by the planning department and thereafter implemented in accordance with such details as are approved.

REASON In the interest of residential / visual amenity.

(4) Prior to the commencement of development on site details of the means of maintenance of the equipment are submitted for the approval of the Planning Authority.

REASON In the interests of visual amenity/public safety.

**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.**