

**KEY INFORMATION**

Ward Maryfield

**Proposal**

Erection of light columns and lighting bollards along the main terrace and adjacent footpath at Baxter Park.

**Address**

Main Pavilion  
Baxter Park  
Bingham Terrace  
Dundee

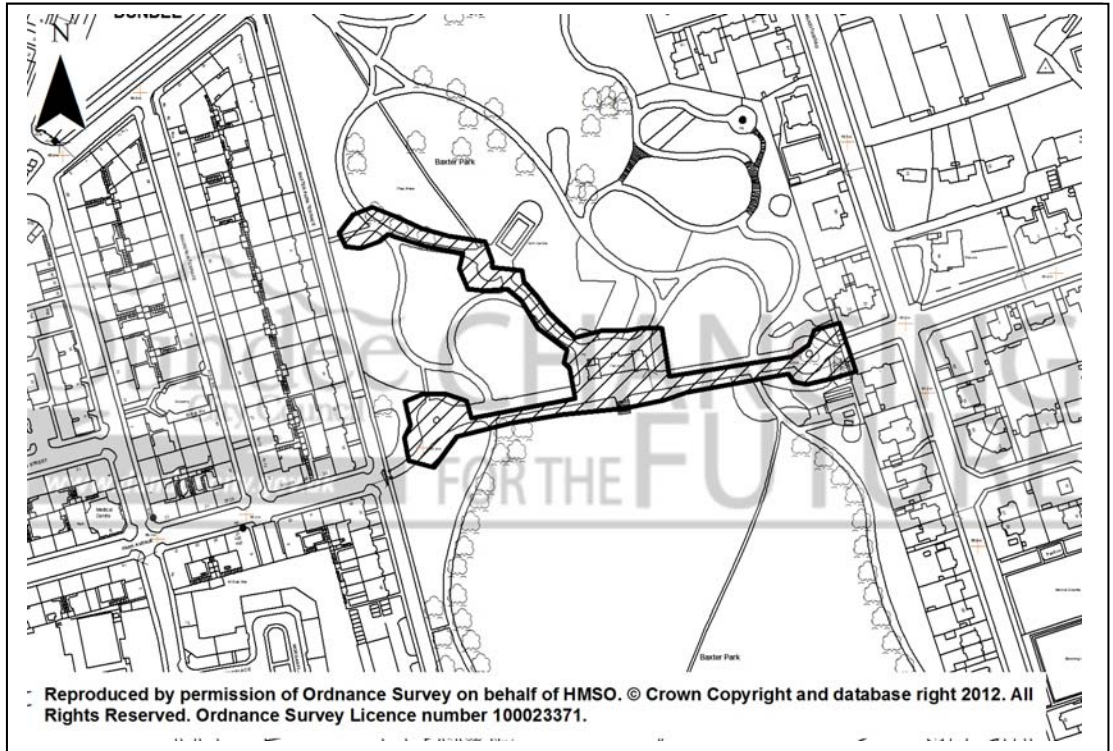
**Applicant**

Environment Department  
FAO Elizabeth Woodhouse  
Dundee City Council  
353 Clepington Road  
Dundee  
DD3 8PL

**Agent**

Registered 16 July 2012

Case Officer Eve Young



## Lighting of Paths in Baxter Park

The erection of light columns and lighting bollards along the main terrace and adjacent footpath at Baxter Park is **RECOMMENDED FOR APPROVAL**. Report by Director of City Development.

**RECOMMENDATION**

Baxter Park is one of only 3 sites in Dundee within Historic Scotland's Inventory of Designed Landscapes and the proposed lighting will be on paths leading to and around the A listed Pavilion. The lighting has been specifically designed for this important setting. It is concluded that the material planning considerations weigh in favour of the proposed development. It is therefore recommended that planning permission be granted in accordance with the Development Plan.

**SUMMARY OF REPORT**

- Planning permission is sought for the erection of new lighting within Baxter Park comprising: 15 x 5 metre high lighting columns, with LED lantern tops, to be sited along the main paths; 4 x 1 metre high lighting bollards along the south side of the Pavilion and 1 associated equipment cabinet. 8 ground mounted LED lanterns will also be located around the pavilion. The lighting will be along the paths which all meet at the central Pavilion.
- Baxter Park lies between Arbroath Road and Pitkerro Road and was designed between 1862-63. It is one of only 3 sites in Dundee included within Historic Scotland's Gardens and Designed Landscapes Inventory. The Pavilion, Steps, Boundary Walls and Gatepiers are also Listed category A and the Park lies within Baxter Park Conservation Area.
- The application was notified to 27 neighbours and was also advertised as a development affecting the setting of a Listed Building. No representations were made.
- Dundee Local Plan - Policy 55 - Urban Design and Policy 61: Development in Conservation Areas are relevant.
- The aim is to light the main footpaths in a sensitive and energy efficient manner, to increase access to the Park, the Park Centre and the Pavilion in the evenings and winter afternoons and engender a stronger sense of security.
- The application is referred to Committee for a decision as the City Council is the applicant and owner and because of the protected status of the site.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of new lighting within Baxter Park comprising:

- 15 x 5 metre high lighting columns, with LED lantern tops, to be sited along the main paths .
- 4 x 1 metre high lighting bollards.
- 1 associated equipment cabinet

8 ground mounted LED lanterns will also be located around the pavilion as part of the lighting scheme. They do not require planning permission.

## SITE DESCRIPTION

The area of the Park to be served by the proposed lighting columns comprises the west and north west paths from Baxter Park Terrace and the eastern path from Bingham Terrace which all meet at the central Pavilion. Small lighting bollards are proposed along the south side of the road adjacent to the Pavilion. The lighting columns will be installed in the adjacent grass areas and no trees require to be removed.

Baxter Park lies between Arbroath Road and Pitkerro Road and was designed between 1862-63. It is included within Historic Scotland's Gardens and Designed Landscapes Inventory. In the context of the inventory, it is noted that this park has outstanding historical value as it is the only complete park in Scotland which was wholly designed by Sir Joseph Paxton. The architectural value is high because of the pavilion and associated gateways and lodge.

The Pavilion, Steps, Boundary Walls and Gatepiers are also Listed category A and the Park lies within Baxter Park Conservation Area.

## POLICY BACKGROUND

### TAYplan Strategic Development Plan 2012

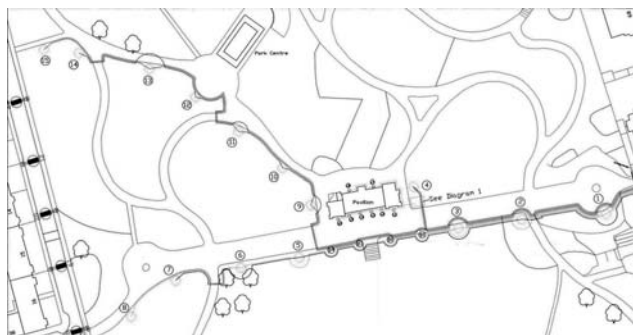
There are no policies relevant to the determination of this application.

## Dundee Local Plan 2005

The following policies are of relevance:

Policy 55 - Urban Design

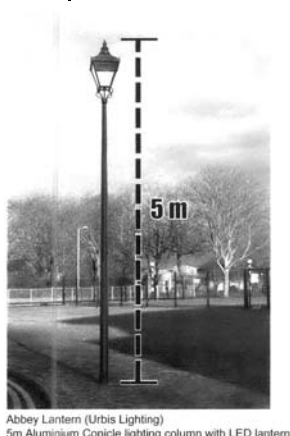
Policy 61 - Development in Conservation Areas



## Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

SHEP Scottish Historic Environment Policy



## Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.

## SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

## SITE HISTORY

In 2002, planning permission and Listed Building Consent was granted for the restoration and repair of the Pavilion and other elements within the park as part of a programme of

significant investment in the regeneration of the Park.

## PUBLIC PARTICIPATION

The application was notified to 27 neighbours in accordance with statutory procedures and was also advertised as a development affecting the setting of a Listed Building. No representations were made.

## CONSULTATIONS

There were no comments from statutory consultees.

## OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- whether the proposals are consistent with the provisions of the development plan; and if not
- whether an exception to the provisions of the development plan is justified by other material considerations.

## The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

Policy 55 - Urban Design requires that all new developments respect the setting of Listed Buildings. In this particular case, the site is designated as a Designed Landscape and contains a Category A Listed Building. The proposed lighting comprises lighting columns on the paths with the provision of low 1 metre high bollards in front of the Pavilion in order to minimise any impact on the setting and views of the principle elevation of the building. This design meets the requirements of Policy 55.

Policy 61 - Development in Conservation Areas. The policy states that developments are expected to preserve or enhance the character of the Area.

Lighting is a normal feature to be expected in such a location and the proposed lighting has been designed to complement the Pavilion and the

character of Baxter Park. It will extend the periods when the community can use the Park. The development complies with Policy 61.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.

Section 59 of the Act requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the planning authority shall have special regard to the desirability of preserving the building or its setting. It is considered, for the reasons set out above, that the proposed lighting scheme will meet this statutory duty.

Section 64 of the Act requires that in considering whether to grant planning permission for development in a Conservation Area, the planning authority shall have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area. It is considered, for the reasons set out above, that Section 64 would be satisfied by the approval of this proposal.

## **Other Material Considerations**

### SHEP Scottish Historic Environment Policy

The SHEP notes that it is the duty of the planning authority to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area when exercising its powers under the planning legislation. As noted above, it is concluded that the development meet this requirement.

## **Design Statement**

A supporting Design Statement advises that the lighting scheme installed in 2007, although originally successful, has suffered from accidental damage and maintenance issues. The revised design proposes 5 metre high columns of a style appropriate to the park, which will light the main pedestrian routes. At the front of the Pavilion, 1 metre high bollards have been chosen to be less obtrusive and reduce the visual impact on the building. The new ground based LEDs are uplights to highlight the Pavilion. The

equipment will include a solar clock with timed settings. No light spillage will affect surrounding residential properties.

The aim is to light the main footpaths in a sensitive and energy efficient manner, to increase access to the Park, the Park Centre and the Pavilion in the evenings and winter afternoons and engender a stronger sense of security.

## **Design**

The design issues have been addressed in the section above.

## **CONCLUSION**

Baxter Park is one of only 3 sites in Dundee within Historic Scotland's Inventory of Designed Landscapes and the proposed lighting will be on paths leading to and around the A listed Pavilion. The lighting has been specifically designed for this important setting.

It is concluded that the material planning considerations weigh in favour of the proposed development. It is therefore recommended that planning permission be granted in accordance with the Development Plan.

## **RECOMMENDATION**

It is recommended that consent be GRANTED subject to the following conditions:-

- 1 No Conditions attached to this consent.

## **Reason**

- 1 No Reasons attached to this consent.