

**EAST AYRSHIRE COUNCIL****DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING COMMITTEE****MINUTES OF MEETING HELD ON THURSDAY 1 APRIL 2004 AT 1400 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors George Smith, Jim O'Neill, John McGhee, Stephanie Young, Brian Reeves, Daniel Coffey, Drew McIntyre, Isabella Macrae, John Campbell, Stuart Finlayson, Robert McDill, Jimmy Kelly, Tommy Farrell, Elaine Dinwoodie and Jimmy Carmichael.

**ATTENDING:** James Lavery, Executive Director of Development and Property Services; Alan Neish, Head of Planning and Building Control; Karen McLeod, Solicitor; Robert Beaton, Administrative Officer; and Lynn Chapman, Trainee Administrative Officer.

**APOLOGIES:** Councillors Eric Ross, Maureen McKay, Douglas Reid, Iain Linton, Ray Murray and Eric Jackson.

**CHAIR:** Councillor George Smith, Vice-Chair.

**CONSIDERATION OF APPLICATIONS****1. HEARING PROCEDURE**

The Administrative Officer established that the Hearing Procedure was understood by all participants (circulated).

**2. APPLICATION NO 04/0009/OL: PROPOSED OUTLINE CONSENT FOR FOUR NO. NEW DWELLINGHOUSES AT ST CLAIR'S PRIMARY SCHOOL, SINCLAIRSTON BY AUCHINLECK BUSINESS CENTRE****2.1 Consideration of Item**

There was submitted an executive summary sheet and report dated 16 March 2004 (both circulated) by the Head of Planning and Building Control on an outline planning application for the erection of four dwellinghouses at St Clair's Primary School, Sinclairston.

The Head of Planning and Building Control reported that five letters of objections had been received, details of which were contained within the report; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Building Control, viz:- Approval, (i) subject to the conditions, and for the reasons detailed in the report; and (ii) subject to the Notification to the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997.

**2.2 Planning Hearing**

The Committee then heard Mr David Baillie, on behalf of the objections of Mrs Fiona Baillie; Mrs Lorraine McFarlane; Mr Ian McFarlane; Ms Sandra Nimmo, on behalf of her own objections and those of Mr Robert Hazel; and Mr Frank Hughes, on behalf of his own objections and those of Mrs Andrea Hughes. Members asked questions of

the objectors. The objectors responded to the issues raised in accordance with the Hearing Procedure.

The applicant was not present or represented.

The Chair closed the Hearing.

### **2.3 Determination of Application**

Councillor McIntyre, seconded by Councillor Reeves, moved to approve the application, (i) subject to the conditions and for the reasons detailed in the report; and (ii) subject to the Notification to the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997.

Councillor Young, seconded by Councillor D Coffey, moved as an amendment to refuse the application as the proposed development would result in a loss of recreational facilities to the detriment of the existing amenity of the village of Sinclairston.

On a division by a show of hands, the motion was carried by 9 votes to 4.

Councillor McIntyre left and Councillor Farrell joined the meeting at this point.

### **3. APPLICATION NO 03/0934/FL: PROPOSED ERECTION OF DWELLINGHOUSE AT THE GATEHOUSE, PATNA CEMETERY, MAIN STREET, PATNA BY MR AND MRS HUGHES (Item 3, Page 597, 03/07)**

There was submitted a report dated 5 March 2004 (circulated) by the Depute Chief Executive/Director of Corporate Resources which informed the Committee of the decision of the Southern Local Planning Committee held on 27 February 2004 which referred consideration of this application to the Development Services Committee, with a recommendation for approval since the proposed development site was located immediately adjacent to the settlement boundary of Patna and in close proximity to other existing dwellings, and as such, would represent an acceptable exception to the policies contained within the Development Plan; and an executive summary sheet and report dated 13 February 2004 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of dwellinghouse at Gatehouse, Patna Cemetery, Main Street, Patna.

The Head of Planning and Building Control reported that one letter of objection had been received, details of which were contained within the report; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Building Control, viz:- Refusal, for the reasons detailed in the report.

No Hearing took place as the objector was not present or represented.

It was agreed to approve the application subject to appropriate conditions to be determined by the Head of Planning and Building Control on the basis of the Committee's view that as the proposed development site was located immediately adjacent to the settlement boundary of Patna and in close proximity to other existing dwellings, it would represent an acceptable exception to the policies contained within the Development Plan.

**4. APPLICATION NO 04/0012/FL: PROPOSED INSTALLATION OF NEW ATM SYSTEM THROUGH EXISTING SHOP FRONTAGE AND ERECTION OF SATELLITE DISH AT ALLDAYS RETAIL STORE, 1 SUNNYSIDE, KILMAURS BY CO-OPERATIVE BANK PLC (Item 7, Page 651, 03/07)**

**4.1 Declarations of Interest**

Councillors O'Neill and Farrell declared a direct pecuniary interest in the above item and retired from the meeting.

**4.2 Consideration of Item**

There was submitted a report dated 23 March 2004 (circulated) by the Depute Chief Executive/Director of Corporate Resources which informed the Committee of the decision of the Northern Area Local Planning Committee held on 19 March 2004 which referred consideration of this application to the Development Services Committee, with the recommendation that permission be granted on the grounds that in the Committee's view there was no perceived increase in the risk to road safety as a result of the installation of this ATM; and an executive summary sheet and report dated 10 March 2004 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed installation of a new ATM system through existing shop frontage and erection of satellite dish at Alldays Retail Store at 1 Sunnyside, Kilmaurs.

The Head of Planning and Building Control advised that one objection had been received in respect of the application, details of which were contained within the report; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Building Control, viz:- Refusal, for the reasons detailed within the report.

**4.3 Planning Hearing**

The Committee then heard Mr Jim Kane and Mr John Trakalo, on behalf of the objection submitted by the Roads and Transportation Division. Members asked questions of the objector. The objector responded to the issues raised in accordance with the Hearing Procedure.

The Committee then heard Mr Anthony Mitchell, agent for the applicant, in support of the application. Members asked questions of the agent for the applicant. The agent responded to the issues raised in accordance with the Hearing Procedure.

The Chair closed the Hearing.

**4.4 Determination of Application**

Councillor McDill, seconded by Councillor Young, moved to approve the application:-

- (i) on the grounds that in the Committee's view there was no perceived increase in the risk to road safety as the result of the installation of the ATM; and
- (ii) subject to appropriate conditions to be determined by the Head of Planning and Building Control to include the installation of safety barriers at the edge of the pavement adjacent to the application site.

Councillor Reeves, seconded by Councillor D Coffey, moved as an amendment to refuse the application for the reasons detailed in the report.

On a division by a show of hands, the motion was carried by 6 votes to 4.

Councillor Dinwoodie left the meeting at this point.

Councillors O'Neill and Farrell re-joined the meeting at this point.

**5. APPLICATION NO 03/0995/FL: PROPOSED CHANGE OF USE TO ALLOW LIMITED AMOUNT OF HORSES TO BE LIVERIED ON EXISTING FARM AT MEADOWHEAD FARM, HARESHAWMUIR ROAD, WATERSIDE BY MR JIM PEBERDY (Item 6, Page 650, 03/07)**

**5.1 Consideration of Item**

There was submitted a report dated 23 March 2004 (circulated) by the Depute Chief Executive/Director of Corporate Resources which informed the Committee of the decision of the Northern Area Local Planning Committee held on 19 March 2004 which referred consideration of this application to the Development Services Committee, with a recommendation that permission be granted on the grounds that in the Committee's view, taking account of all relevant factors in this instance, that there was no perceived increase in the risk to road safety as a result of the proposed development; and an executive summary sheet and report dated 10 March 2004 (both circulated) by the Head of Planning and Building Control on a proposed change of use to allow limited amount of horses to be liveried on existing farm at Meadowhead Farm, Hareshawmuir Road, Waterside.

The Head of Planning and Building Control reported that one objection had been received, details of which were contained within the report; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Building Control, viz:- Refusal, for the reasons detailed within the report.

**5.2 Planning Hearing**

The Committee then heard Mr Jim Kane and Mr John Trakalo, on behalf of the objection submitted by the Roads and Transportation Division. Members asked questions of the objector. The objector responded to the issues raised in accordance with the Hearing Procedure.

The Committee then heard Mr Peberdy, applicant, in support of the application. Members asked questions of the applicant. The applicant responded to the issues raised in accordance with the Hearing Procedure.

The Chair closed the Hearing.

**5.3 Determination of Application**

It was agreed to approve the application subject to appropriate conditions to be determined by the Head of Planning and Building Control on the grounds that in the Committee's view, there was no perceived increase in the risk to road safety as a result of the proposed development.

**6. APPLICATION NO 04/0063/FL: PROPOSED ERECTION OF SINGLE STOREY DWELLINGHOUSE WITH INTEGRAL GARAGE AT KNOCKSHINNOCH ROAD, NEW CUMNOCK BY MR AND MRS E H ROBERTS (Item 5, Page 680, 03/07)**

There was submitted a report dated 29 March 2004 (circulated) by the Depute Chief Executive/Director of Corporate Resources which informed the Committee of the decision of the Southern Local Planning Committee held on 26 March 2004 which

referred consideration of this application to the Development Services Committee, with a recommendation for approval in view of the close proximity of the development site to the settlement boundary of The Leggate and to other existing dwellings and as such, the proposed development would represent an acceptable departure from the policies contained within the Development Plan, and the Committee being of the view that the location of the application site represented one of a number of anomalies in the settlement boundaries defined within the Local Plan which should be addressed at the earliest opportunity as part of any future review of the Plan; and an executive summary sheet and report dated 12 March 2004 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of a single storey dwellinghouse with integral garage at Knockshinnoch Road, New Cumnock.

The Head of Planning and Building Control reported that no letters of objection had been received; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Building Control, viz:- Refusal, for the reasons detailed in the report.

It was agreed to approve the application subject to appropriate conditions to be determined by the Head of Planning and Building Control on the grounds that in the Committee's view:-

- (i) that due to the close proximity of the proposed development to the settlement boundary of The Leggate and to other existing dwellings the proposed development represented an acceptable departure from the policies contained within the Development Plan; and
- (ii) that the location of the application site represented one of a number of anomalies in the settlement boundaries defined within the Local Plan which should be addressed at the earliest opportunity as part of any future review of the Plan.

The meeting terminated at 1555 hours.