

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE**

**MINUTES OF MEETING HELD ON FRIDAY 19 MARCH 2004 AT 1000 HOURS IN  
THE MORTON HALL, MAIN STREET, NEWMILNS**

**PRESENT:** Councillors Maureen McKay, Jim O'Neill, John McGhee, Stephanie Young, Isabella Macrae, Stuart Finlayson and Robert McDill.

**ATTENDING:** Dave Morris, Development Promotion Manager; Ian Walker, Acting Principal Planning Officer; Karen McLeod, Solicitor; and Jennifer Morrison, Administrative Officer.

**APOLOGIES:** Councillors Harry Wilson and Jim Raymond.

**CHAIR:** Councillor Maureen McKay, Chair.

**HEARING PROCEDURE**

1. The Administrative Officer established that the Hearing Procedure was understood by all participants.

2. **APPLICATION NO 03/0350/FL: MR M KIRKLAND: LAND BETWEEN PLOTS 2 AND 3 - NOS 45 AND 47 TOWERHILL AVENUE, KILMAURS (Item 4, Page 591, 03/07)**

There was re-submitted an executive summary sheet and report dated 12 February 2004 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed removal of condition 8(ii) of application number 97/0205/FL requiring provision of a play area between plots 2 and 3 – numbers 45 and 47 Towerhill Avenue, Kilmaurs.

It was noted that consideration of this application had been deferred at the last meeting in order that Members could have the opportunity to attend a site visit. It was further noted that a Hearing on the application had been held at the last meeting.

The Acting Principal Planning Officer reported that four letters of objection had been received, one of which contained a petition containing seven signatures, details of which were contained in 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.

Councillor McDill, seconded by Councillor Young, moved that the application be approved on the grounds that the play area was inappropriately sited.

Councillor Finlayson, seconded by Councillor O'Neill, moved as an amendment that the application be refused for the reasons detailed in the report.

On a division by a show of hands the amendment was carried by five votes to two.

3. **APPLICATION NO 03/0869/FL: SPRINGFIELD HOMES (SCOTLAND) LTD: ROBERTLAND MILL, DEAN STREET, STEWARTON**

There was submitted 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 erection of a new housing development comprising nine town houses, thirteen flats and one detached house at Robertland Mill, Dean Street, Stewarton.

### **3.1 Consideration of Item**

The Acting Principal Planning Officer reported that Stewarton and District Community Council had now withdrawn their objection to this application; seven 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 Building and Planning Control, viz:- Approval subject to the conditions and for the reasons detailed in the report and that the issuing of the decision notice be withheld until the Solicitor to the Council has concluded an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 dealing with the matters itemised in paragraph 8.7 of the report.

### **3.2 Planning Hearing**

The Committee then heard Mr Glasswell in support of his objections. Members of the Committee asked questions of the objector in accordance with the Hearing Procedure.

The Committee then heard Mr Thomson and Mr Ward, the applicant's representatives in support of the application. Members of the Committee asked questions of the applicant's representatives in accordance with the Hearing Procedure.

The Chair closed the Hearing.

### **3.3 Determination of Application**

The Acting Principal Planning Officer responded to various planning issues raised during the Hearing.

It was agreed to grant the application subject to the conditions and for the reasons detailed in the report and that it be remitted to the Head of Planning and Building Control to make provision, if required, through appropriate conditions, that utility services and access to existing properties in the area would be maintained at all times during the construction works and that the issuing of the decision notice be withheld until the Solicitor to the Council has concluded an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 dealing with the matters itemised in paragraph 8.7 of the report.

## **4. APPLICATION NO 03/1054/FL: MR JIM CUTHBERT: FORMER MOSCOW LEISURE CENTRE, GROUGAR, MOSCOW**

There was submitted an executive summary sheet and report dated 11 March 2004 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed change of use from former leisure centre and alterations and extension to form 6 dwellinghouses at former Moscow Leisure Centre, Grougar, Moscow.

### **4.1 Declaration of Interest**

Councillor Young declared a non-pecuniary interest in the application and retired to the public gallery.

## **4.2 Consideration of Item**

The Acting Principal Planning Officer reported that Moscow and Waterside Community Council and two individual objectors had now withdrawn their objections to the application there remained therefore one letter of objection, 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, subject to the conditions and for the reasons detailed in the report and that the issuing of the decision notice be withheld until the Solicitor to the Council has concluded a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 addressing the matters itemised in paragraph 8.3 of the report.

## **4.3 Determination of Application**

It was agreed to grant this application subject to the conditions and for the reasons detailed in the report and subject to a further condition that prior to the commencement of works on site details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved in writing by the Council as Planning Authority. Prior to the occupation of any flats or dwelling houses within the site, the SUDS arrangement approved under the terms of this condition shall be installed and fully operational, reason: to ensure for the provision of adequate surface water drainage within the site. And that the issuing of the decision notice be withheld until the Solicitor to the Council has concluded a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 addressing the matters itemised in paragraph 8.3 of the report.

Councillor Young re-joined the meeting at this point.

## **5. APPLICATION NO 03/1069/FL: ARDGOUR PROPERTIES: GLENDOUNE ESTATE, MAIN ROAD, CROOKEDHOLM**

There was submitted an executive summary sheet and report dated 11 March 2004 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed re-modelling of contours of plot B at Glendoune Estate, Main Road, Crookedholm.

### **5.1 Consideration of Item**

The Acting Principal Planning Officer reported that five letters of objection had been received in respect of the full planning 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:- Approval subject to the conditions and for the reasons detailed in the report.

### **5.2 Planning Hearing**

The Committee then heard Mr Murphy representing his own objections and also those of Mr and Mrs Young and Mr Douglas. The Committee also heard Mrs Kyle in support of her objections. Members of the Committee asked questions of both objectors in accordance with the Hearing Procedure.

The Committee then heard Mr McKissock, the applicant and Mr Kilpatrick the applicant's representative in support of the application. Members of the Committee

asked questions of the applicant and his representative in accordance with the Hearing Procedure.

The Chair closed the Hearing.

### **5.3 Determination of Application**

The Acting Principal Planning Officer responded to various planning issues raised during the hearing.

Councillor Macrae, seconded by Councillor Finlayson, moved that the application be approved subject to the conditions and for the reasons detailed in the report and subject to the following additional conditions: (1) that the applicant shall within 3 months from the date of this consent, submit to the Head of Planning and Building Control an independent statement from a suitably qualified individual/company confirming that the works to be carried out on site will not have an adverse effect on the stability of the embankment facing the main road; Reason: in the interest of road safety and visual amenity; (2) that the engineering works connected with the remodelling of the plateau, the access and the walls be completed within one year from the date of approval, to the satisfaction of the Planning Division; Reason: in the interest of residential and visual amenity; and (3) that any works on site be carried out between the hours of nine to five Mondays to Fridays, nine to one on Saturdays and at no time on Sundays; Reason: in the interest of residential amenity.

Councillor McDill, seconded by Councillor Young, moved as an amendment that the application be refused on the grounds that the proposals were detrimental to the visual amenity of the area and furthermore that the trees and shrubs which had been removed should be re-instated to preserve the character of the site.

On a division by a show of hands the motion was carried by five votes to two.

## **6. APPLICATION NO 03/0995/FL: MR J M PEBERDY: MEADOWHEAD FARM, HARESHAWMUIR ROAD, WATERSIDE**

There was submitted 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 proposed change of use to allow a limited amount of horses to be liveried on existing farm at Meadowhead Farm, Hareshawmuir Road, Waterside.

It was noted that members of the Committee had attended a site visit in respect of this application prior to the meeting.

### **6.1 Consideration of Item**

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

### **6.2 Planning Hearing**

The Committee then heard John Trakalo in support of the objection of the Head of Roads and Transportation. Members of the Committee asked questions of the objector's representative, in accordance with the Hearing Procedure.

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

The Chair closed the Hearing.

### **6.3 Determination of Application**

The Acting Principal Planning Officer responded to various planning issues raised during the Hearing.

It was agreed that the application be referred to the Development Services Committee with a recommendation for approval 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.

Councillor Young left the meeting at this point.

## **7. APPLICATION NO 04/0012/FL: COOPERATIVE BANK PLC: 1 SUNNYSIDE, KILMAURS**

There was submitted 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 proposed installation of new ATM system through existing shop frontage and erection of satellite dish at Alldays Retail Store, 1 Sunnyside, Kilmaurs.

### **7.1 Declaration of Interest**

Councillor O'Neill declared a direct pecuniary interest in the application and left the meeting at this point.

### **7.2 Consideration of Item**

The Acting Principal Planning Officer reported that one letter of objection had been received, details of which were contained in 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.

### **7.3 Planning Hearing**

The Committee then heard John Trakalo in support of the objections of the Head of Roads and Transportation. Members of the Committee asked questions of the objector's representative, in accordance with the Hearing Procedure.

The Committee then heard Mr Mitchell, the applicant's representative, in support of the application. Members of the Committee asked questions of the applicant's representative, in accordance with the Hearing Procedure.

The Chair closed the Hearing.

### **7.4 Determination of Application**

The Acting Principal Planning Officer responded to various planning issues raised during the Hearing.

It was agreed that the application be referred to the Development Services Committee with a recommendation for approval 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.

**UPDATE REPORT ON PLANNING APPLICATIONS 03/0600/OL: PROPOSED RESIDENTIAL DEVELOPMENT FOR THREE PLOTS AND 03/0561/FL: PROPOSED ERECTION OF DWELLINGHOUSE AND PROPOSED CHANGE OF USE FROM AGRICULTURAL TO RESIDENTIAL AT CEMETERY ROAD, GALSTON BY MR AND MRS COCHRANE (Item 8, Page 484, 03/07)**

8. There was submitted a report dated 11 March 2004 (circulated) by the Head of Planning and Building Control which updated the Committee in respect of the above planning applications, following their consideration at the Northern Area Local Planning Committee on 23 January 2004. The applications had then both been approved subject to conditions and the formalisation of a Section 75 Agreement under the terms of the Town and Country Planning (Scotland) Act 1997.

It was agreed:-

- (i) that the extra condition as detailed in the report be attached to the two decision notices; and
- (ii) otherwise to note the contents of the report.

The meeting terminated at 1310 hours.