

EAST AYRSHIRE COUNCIL**NORTHERN AREA LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 18 MARCH 2005 AT 1010 HOURS IN
THE MORTON HALL, MAIN STREET, NEWMILNS**

PRESENT: Councillors Maureen McKay, Jim O'Neill, John McGhee, Stephanie Young, Harry Wilson, Jim Raymond, Stuart Finlayson and Robert McDill.

ATTENDING: Dave Morris, Development Promotion Manager; Craig Iles, Senior Planning Officer; Peter Hissett, Team-Leader – Litigation; and Christine Baillie, Administrative Officer.

APOLOGY: Councillor Isabella Macrae.

CHAIR: Councillor Maureen McKay, Chair, for Items 1 – 3 and Councillor Stuart Finlayson, Vice-Chair, for Items 4 – 9.

HEARING PROCEDURE

1. The Administrative Officer established that the Hearing Procedure was understood by all participants.
2. **APPLICATION NO 04/1045/FL: MR T MCFADZEAN: TOWERHILL FARM, CROSSHOUSE ROAD, KILMAURS**

There was submitted an executive summary sheet and report dated 11 March 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for proposed erection of cubicle shed at Towerhill Farm, Crosshouse Road, Kilmaurs. The application was subject to an appeal to the Scottish Ministers on the basis of non-determination and for that reason the Committee was requested to form a view on the proposal which would be the basis of the Council's submission in respect of the appeal.

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

2.1 Consideration of Item

The Development Promotion Manager reported that eight letters of objection had been received from thirteen individuals, 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, Development and Building Standards, viz:- That the proposal was unacceptable for the reasons detailed in the report and that this view be submitted to the Scottish Ministers for their consideration in the determination of the current appeal relative to this application.

2.2 Planning Hearing

The Committee then heard Mr Davidson and his Agent Mrs Roberts, Ms Booth and Ms Black in respect of their objections. Members of the Committee asked questions of the objectors all in accordance with the agreed Hearing Procedure.

The Committee then heard Mr McFadzean, applicant, and his Agent, Mr Bishop in support of the application. Members of the Committee asked questions of the applicant and his Agent all in accordance with the agreed Hearing Procedure.

The Chair closed the Hearing.

2.3 Determination of Application

It was agreed that the proposal was unacceptable for the reasons detailed in the report and that this view be submitted to the Scottish Ministers for their consideration in the determination of the current appeal relative to this application.

3. APPLICATION NO 04/1227/FL: ATD DEVELOPMENTS: HALLHOUSE NURSING HOME, KILMAURS ROAD, FENWICK

There was submitted an executive summary sheet and report dated 11 March 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for proposed 16 no detached storey and a half dwellinghouses at site adjacent to Hallhouse Nursing Home, Kilmaurs Road, Fenwick.

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

3.1 Consideration of Item

The Development Promotion Manager reported that five letters 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, Development and Building Standards, viz:- Approval subject to the conditions, and for the reasons, detailed in the report and that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in sections 5.8 and 7.2 of the report.

3.2 Planning Hearing

The Committee then heard Mr and Mrs McKie, Mrs Roberts and Mr Webster, on behalf of Fenwick Community Council, in respect of their objections. Members of the Committee asked questions of the objectors all in accordance with the agreed Hearing Procedure.

The Committee then heard Mr Malcomson, applicant, and Mr Laing and Mr Campbell, Agents for the applicant, in support of the application. Members of the Committee asked questions of the applicant and his Agents all in accordance with the agreed Hearing Procedure.

The Chair closed the Hearing.

3.3 Determination of Application

Councillor Young, seconded by Councillor O'Neill, moved that the application be refused on the grounds that the proposed development fails to meet the criteria required by Policy RES4 of the Adopted East Ayrshire Local Plan in respect of new housing within settlement boundaries in that it would have an adverse impact on the surrounding natural and built environment and on the amenity of the Conservation Area.

Councillor Finlayson, seconded by Councillor McKay, moved as an amendment that the application be approved subject to the conditions, and for the reasons, detailed in the report and that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal Agreement under

Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in sections 5.8 and 7.2 of the report.

On a division by a show of hands the motion was carried by 6 votes to 2.

4. ADJOURNMENT/RECONVENTION OF MEETING

It was agreed to adjourn the meeting at 1210 hours. The meeting reconvened at 1215 hours with the same Members and Officers present and in attendance, with the exception of Councillors McKay and Raymond who had left the meeting during the adjournment.

5. APPLICATION NO 04/0863/RM: MR ASHLEY BELL/KINGSWELL DEVELOPMENTS: KINGSWELL SERVICE AREA, FENWICK

There was submitted an executive summary sheet and report dated 14 March 2005 (both circulated) by the Head of Planning, Development and Building Standards on a reserved matters application for proposed erection of a motorway services area comprising of restaurants, shops, toilets, tourist information counter, business facilities, overnight accommodation, parking, refuelling facilities, picnic and play areas, nature conservation area and landscaping at Kingswell Service Area, Fenwick.

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

5.1 Consideration of Item

The Development Promotion Manager reported that four letters 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, Development and Building Standards, viz:- Approval subject to the conditions, and for the reasons, detailed in the report and subject to an additional condition detailed below:-

Prior to the commencement of the use of any part of the development hereby approved, there shall have been formed the two slip roads accessing and exiting the M77 and located to the South of the line of the de-trunked A77. These slip roads shall be formed in accordance with details contained in the M77 Special Road Scheme.

Reason: For the purpose of providing suitable access to facilities in the interests of road safety.

5.2 Planning Hearing

The Committee then heard Mr Davis in respect of his objections. Members of the Committee asked questions of the objector all in accordance with the agreed Hearing Procedure.

The Committee then heard Mr Bell, applicant, and his Agent, Mrs Thornley, in support of the application. Members of the Committee asked questions of the applicant and his Agent all in accordance with the agreed Hearing Procedure.

The Chair closed the Hearing.

5.3 Determination of Application

It was agreed to approve the application subject to the conditions, and for the reasons, detailed in the report and subject to the additional condition detailed above.

6. APPLICATION NO 04/0882/FL: MONO CONSULTANTS LTD: LAND WEST OF ASSLOSS FARM, ASSLOSS ROAD, KILMARNOCK

There was submitted an executive summary sheet and report dated 9 March 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for the proposed installation of an 18 metre high telecommunications lattice tower to accommodate 6 no antennae, 1 no 0.6 metre transmission dish and associated ancillary developments at land west of Assloss Farm, Assloss Road, Kilmarnock.

6.1 Consideration of Item

The Development Promotion Manager reported that three letters of objection and a petition with 233 signatories 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, Development and Building Standards, viz:- Approval subject to the conditions, and for the reasons, detailed in the report.

6.2 Planning Hearing

The Committee then heard Mr Montgomerie and Mrs Ross in respect of their objections and Mrs Hill and Mrs Bunyan in support of the petition. Members of the Committee asked questions of the objectors all in accordance with the agreed Hearing Procedure.

The applicant was not present or represented.

The Chair closed the Hearing.

6.3 Determination of Application

It was agreed to refuse the application on the grounds that the proposed mast and associated ancillary development would have an unacceptable visual impact on the amenity of the area and would necessitate the use of vehicular access by means of a road inappropriate for vehicles utilised to construct and maintain the facility.

Councillor Young left the meeting following discussion of the above item.

7. APPLICATION NO 04/1173/FL: MR AND MRS MORTON: VACANT LAND, EWING WAY, STEWARTON

There was submitted an executive summary sheet and report dated 10 March 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for the proposed erection of dwelling at vacant land, Ewing Way, Stewarton.

7.1 Consideration of Item

The Development Promotion Manager reported that two letters 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, Development and Building Standards, viz:- Approval subject to the conditions, and for the reason, detailed in the report and subject to the addition of two additional conditions detailed below:-

- (i) Construction works on site shall not take place prior to 0800 hours and after 1800 hours on Mondays to Fridays, 0900 hours and 1300 hours on a Saturday and not at any time on a Sunday.

Reason: In the interest of residential amenity; and

- (ii) During construction of the dwelling hereby approved, a chespaie fence shall be provided at a radius of 8m around the retained existing trees comprised in the TPO to the east of the site, where such radius lies within the application site boundary. The area enclosed by the fence shall be maintained free from any building materials shall not be used for parking or passage of vehicles and, shall not be subject of any excavation works without prior written consent of the Planning Authority.

Reason: In order to protect existing trees where such trees are to be retained.

7.2 Planning Hearing

The Committee then heard Mr Thompson in respect of his objections. Members of the Committee asked questions of the objector all in accordance with the agreed Hearing Procedure.

The Committee then heard Mr Thomson, Agent for the applicants, in support of the application. Members of the Committee asked questions of the Agent for the applicants all in accordance with the Hearing Procedure.

The Chair closed the Hearing.

7.3 Determination of Application

It was agreed to approve the application subject to the conditions, and for the reasons, detailed in the report and subject to the additional conditions outlined above and subject to a further additional condition detailed below:-

Prior to commencement of the development, there shall have been submitted to, and approved by, the Planning Authority details of means of surface water drainage for the application site following development.

Reason: To ensure that there is provided an appropriate system to accommodate surface water drainage on the application site.

Councillor John McGhee left the meeting following discussion of the above item.

8. APPLICATION NO 04/0569/FL: SIAN AND RONA GILMARTIN: PLOTS 2 & 3 CUTSBURN ROAD, STEWARTON

There was submitted an executive summary sheet and report dated 10 March 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for proposed erection of two detached dwellinghouses and two double garages at plots 2 and 3 Cutsburn Road, Stewarton

Having noted that conditions 5 and 6 of the TP 24, attached to the report, should be amended to read "Prior to the commencement of construction works the traffic calming scheme associated with planning consent no 03/0994/FL shall have been constructed and put in place "and" notwithstanding the plans hereby approved the road footway operations and associated pathway required in relation to planning consent 03/0994/FL shall have been constructed to East Ayrshire Council's Roads and Transportation Division's standards and put in place prior to construction works commencing onsite", the Senior Planning Officer 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, Development and Building Standards, viz:- Approval subject to the conditions, and 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 the conditions, and for the reasons, detailed in the report.

9. APPLICATION NO 04/1183/FL: SRC DEVELOPMENTS LTD: FORMER RAILWAY SITE, BURN ROAD, DARVEL

There was submitted an executive summary sheet and report dated 10 March 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for proposed erection of 19 no dwellinghouses at former railway site, Burn Road, Darvel.

Having noted that the applicant had agreed to contribute £5,000 to the Sports, Leisure and Recreation Fund in terms of policy TLR 5 of the East Ayrshire Local Plan, the Senior Planning Officer 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, Development and Building Standards, viz:- Approval, subject to the conditions, and for the reasons, detailed in the report and that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded a legal agreement in respect of the contribution to the TLR 5 Fund.

It was agreed to approve the application subject to the conditions, and for the reasons, detailed in the report and that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded a legal agreement with the applicants in respect of the contribution to the TLR 5 Fund.

10. APPLICATION NO 04/0850/FL: AYRSHIRE PROPERTY DEVELOPMENTS LTD: 9 - 13 MILRIG CRESCENT, GALSTON

There was submitted an executive summary sheet and report dated 10 February 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for proposed demolition of two storey building and erection of two storey block of ten flats with associated parking and garden space at 9 - 13 Milrig Crescent, Galston.

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

The Senior Planning Officer 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, Development and Building Standards, viz:- Refusal for the reasons detailed in the report.

It was agreed to refuse the application for the reasons detailed in the report.

The meeting terminated at 1400 hours.