

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE

**MINUTES OF MEETING HELD ON FRIDAY 16 MARCH 2007 AT
1000 HRS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON
ROAD, KILMARNOCK**

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

ATTENDING: Bill Stewart, Principal Planning Officer; Avril Forrest, Solicitor; and Robert Beaton, Administrative Officer.

APOLOGIES: Councillors Wilson and 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 06/1113/FL: MR J MCFADZEAN: TOWERHILL FARM, CROSSHOUSE ROAD, KILMAURS**

There was submitted an executive summary sheet and report dated 8 March 2007 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for erection of roof over existing midden at Towerhill Farm, Crosshouse Road, Kilmaurs.

- 2.1 **Consideration of Item**

The Principal Planning Officer reported that 5 letters from 8 objectors 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: Refusal for the reason detailed in the report.

- 2.2 **Planning Hearing**

The Committee heard Mr Davidson, in respect of his objections.

The Committee then heard Mr Bishop, agent for 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.

- 2.3 **Determination of Application**

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

3. APPLICATION NO 06/0735/FL AND 06/0756/CA: LUMAX HOMES: 33-37 WALLACE STREET, GALSTON

There was submitted an executive summary sheet and report dated 8 March 2007 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application and application for Conservation Area Consent for the demolition of existing buildings and erection of flatted development at 33-37 Wallace Street, Galston.

3.1 Consideration of Item

The Principal Planning Officer reported that 6 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, Development and Building Standards: Approval, subject to the conditions, and for the reasons, detailed in the report and that the planning decision notice be held until the Solicitor to the Council had satisfactorily concluded the Section 75 Agreement with the applicant in respect of contributions to the TLR5 Fund as referred to in paragraphs 5.4 and 7.1 of the report and that in respect of Conservation Area Consent 06/0756/CA: Approval, subject to the conditions, and for the reasons, detailed in the report but that the decision notice be withheld until the application had been notified to Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997.

3.2 Planning Hearing

The Committee heard Mr McSherry, in respect of his objections.

Members of the Committee asked questions of the objectors in accordance with the Hearing Procedure.

The Committee then heard Mr Lusk, on behalf of 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.

3.3 Determination of Application

It was agreed to approve the application, subject to the conditions, and for the reasons, detailed in the report and that the planning decision notice be held until the Solicitor to the Council had satisfactorily concluded the Section 75 Agreement with the applicant in respect of contributions to the TLR5 Fund as referred to in paragraphs 5.4 and 7.1 of the report and that in respect of Conservation Area Consent 06/0756/CA: Approval, subject to the conditions, and for the reasons, detailed in the report but that the decision notice be withheld until the application had been notified to Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997; and that the contribution to the TLR5 fund be expended in the Galston area.

4. APPLICATION NO 06/0630/FL: AMENDMENT TO PLANNING PERMISSION 05/0292/FL: DICKIE & MOORE: HAPLANDMILL, NEWMILL ROAD, DUNLOP

There was submitted an executive summary sheet and report dated 8 March 2007 (both circulated) by the Head of Planning, Development and Building Standards on

an amendment to planning permission 05/0292/FL including erection of 12 flats and 6 terraced dwellings at plots 72-89; amendment to elevations of plots 1-10; substitution of house type J on plots 11 & 12; amendment to design of house type E; provision of electrical sub-station adjacent to plot 73; deletion of plot 74; deletion of formal teenage play area; provision of toddler's play area; amendment to Bowling Green and Railway Station car parks and increase in height of retaining wall along the Glazert Burn in retrospect at Newmill Road, Dunlop.

4.1 Declaration of Interest

Councillor O'Neill declared a non-financial interest in this item and left the meeting.

4.2 Consideration of Item

The Principal Planning Officer reported that 8 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: 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 Section 75 Agreement with the applicant in respect of contributions to the TLR5 Fund as detailed in sections 5.8 and 7.1 of the report and to amend Condition (5) that the retaining wall shall be no greater than 3 meters in height.

4.3 Planning Hearing

The Committee heard Mr Pinkerton in respect of the objections submitted by Dunlop and Lugton Community Council.

Members of the Committee asked questions of the objector in accordance with the Hearing Procedure.

The Committee then heard Mr Moore, applicant and Mr Lawrence, Agent in support of the application.

Members of the Committee asked questions of the Applicant and Agent, in accordance with the agreed Hearing Procedure.

The Chair closed the Hearing.

4.4 Determination of Application

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 Section 75 Agreement with the applicant in respect of contributions to the TLR5 Fund as detailed in sections 5.8 and 7.1 of the report and to amend Condition (5) that the retaining wall shall be no greater than 3 meters in height; and that the TLR 5 Fund contribution be expended in Dunlop.

Councillor O'Neill rejoined the meeting at this point.

5. APPLICATION NO 06/1090/FL: CAVAN CONSTRUCTION LTD; 107 GLASGOW ROAD, KILMARNOCK

There was submitted an executive summary sheet and report dated 2 March 2007 (both circulated) by the Head of Planning, Development and Building Standards on a

full planning application on a change of use of existing double garage to proposed Granny Annexe at 107 Glasgow Road, Kilmarnock.

5.1 Consideration of Item

The Principal Planning Officer reported that 6 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: Refusal, for the reason detailed in the report.

5.2 Planning Hearing

The Committee heard Mr Scobie and Mr Benzie, in respect of their objections.

Members of the Committee asked questions of the objectors in accordance with the Hearing Procedure.

The applicant was not present or represented.

The Chair closed the Hearing.

5.3 Determination of Application

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

6. APPLICATION NO 06/1153/FL: MR AND MRS N STEVENSON; CROSSBUSH HOUSE, TREESWOODHEAD ROAD, KILMARNOCK

There was submitted an executive summary sheet and report dated 7 March 2007 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for refurbishment, extensions and garage at Crossbush House, Treeswoodhead Road, Kilmarnock.

6.1 Consideration of Item

The Principal Planning Officer reported that 7 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, Development and Building Standards: Approval subject to the conditions, and for the reasons, as detailed in the report.

6.2 Planning Hearing

The Committee heard Mr McInnes in respect of his objections.

Members of the Committee asked questions of the objector in accordance with the Hearing Procedure.

The Committee then heard Mr Stevenson, applicant and Mr Wojtczak, Agent in support of the application.

Members of the Committee asked questions of the applicant and Agent, in accordance with the agreed Hearing Procedure.

The Chair closed the Hearing.

6.3 Determination of Application

It was agreed to approve the application, subject to the conditions, and for the reasons, detailed within the report on the basis that the applicant submit a further planning application in respect of the unauthorised building works in the adjacent

field or to restore the land to its previous condition, as failure to do so would result in enforcement action.

ADJOURNMENT/RECONVENTION OF MEETING

7. It was agreed to adjourn the meeting at 1225 hours. The meeting reconvened at 1400 hours with the same members and officers present and in attendance with the exception of Councillors Young and J McGhee, who had both left the meeting during the adjournment.

CHAIR'S REMARKS

8. It was reported and noted, that application No 06/1037/FL; Siting of Caravan, Erection of Agricultural Barn and Road Improvement Works at Land to East of A719 Hareshawmuir Road, Waterside by Mr & Mrs S Miller had been withdrawn from the agenda to enable the Head of Planning, Development and Building Standards to further consider the application in light of various representations and submissions received and the Chair, at her discretion and in terms of Standing Order 19, agreed to alter the order business to that shown below.

9. APPLICATION NO 06/0850/FL: LORD & LADY ROWALLAN: MEIKLE MOSSIDE FARM, FENWICK

9.1 Declaration of Interest

Councillor O'Neill declared a non-financial interest in this item and left the meeting.

9.2 Consideration of Item

There was submitted an executive summary sheet and report dated 8 March 2007 (both circulated) by the Head of Planning, Development and Building Standards which presenting for determination a full planning application for removal of condition 3 to planning consent reference 04/0546/FL at Meikle Mosside Farm, Fenwick.

The Principal Planning Officer reported that 2 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, Development and Building Standards: Refusal, for the reasons detailed in the report.

As no objectors were present or represented, no planning Hearing was held.

It was agreed to refuse the application subject to the conditions as detailed in the report.

Councillor O'Neill rejoined the meeting at this point.

HEARING PROCEDURE

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

11. APPLICATION NO 05/0694/FL: MR R MENZIES: CHAPLETOUN MAINS FARM, STEWARTON

There was submitted an executive summary sheet and report dated 7 March 2007 (both circulated) by the Head of Planning, Development and Building Standards on a

full planning application for the proposed change of use and conversion of disused farm buildings to create four residential units at Chapletoun Mains Farm, Stewarton.

11.1 Consideration of Item

The Principal Planning Officer reported that 5 letters of objection from two objectors 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: Approval, subject to the conditions, and for the reasons, detailed in the report and that the planning decision notice be withheld until the Solicitor to the Council had satisfactorily concluded the Section 75 agreement with the applicant in respect of contributions to the TLR5 Fund as referred to in paragraphs 5.3 and 7.1 of the report.

11.2 Planning Hearing

The Committee heard Mr McPherson, in respect of his objections.

The Committee then heard Mr Menzies, applicant in support of the application.

The Chair closed the Hearing.

11.3 Determination of Application

It was agreed to approve the application, subject to the conditions, and for the reasons, detailed in the report and that the planning decision notice be withheld until the Solicitor to the Council had satisfactorily concluded the Section 75 agreement with the applicant in respect of contributions to the TLR5 Fund as referred to in paragraphs 5.3 and 7.1 of the report; and that the financial contribution to the TLR5 Fund be expended within the Stewarton area.

12. APPLICATION NO 06/0499/FL: MR GAVIN BARR: ALTON BRIDGE, A719, GALSTON

There was submitted an executive summary sheet and report dated 7 March 2007 (both circulated) by the Head of Planning, Development and Building Standards which presented for determination a full planning application for the erection of a dwellinghouse for farm worker at Alton Bridge A719, Galston.

12.1 Consideration of Item

The Principal Planning Officer reported that 2 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, Development and Building Standards: Approval, subject to the conditions, and for the reasons, as detailed in the report.

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

12.2 Planning Hearing

The Committee then heard Mrs McCallum, in respect of her objections.

Members of the Committee asked questions of the objector, in accordance with the agreed Hearing Procedure.

The applicant was not present or represented.

The Chair closed the Hearing.

12.3 Determination of Application

It was agreed to continue consideration of the application to a future meeting of this Committee in order to clarify as to whether there were alternative premises existing within Crawlaw Farm that could be utilised in place of the proposed dwellinghouse.

13. APPLICATION NO 06/0897/OL: CARLETON HOUSE LTD: WEST DONINGTON STREET, DARVEL

There was submitted an executive summary sheet and report dated 7 March 2007 (both circulated) by the Head of Planning, Development and Building Standards on a outline planning application for a proposed residential development at the former Smith and Archibald Factory Site, West Donington Street, Darvel. In addition, there was circulated a revised location plan in respect of this item.

The Principal Planning Officer reported that 1 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: Approval, subject to the conditions, and for the reasons, as 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 Section 75 Agreement with the applicant in respect of the financial contribution to the TLR5 Fund based on 1% of the build costs and not the fixed sum of £10,000 as referred to in paragraphs 5.5 and 7.1 of the report.

It was noted that the objector was not present or represented and no Hearing was held.

It was agreed to approve the application, subject to the conditions, and for the reasons, as 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 Section 75 Agreement with the applicant in respect of the financial contribution to the TLR5 Fund based on 1% of the build costs and not the fixed sum of £10,000 as referred to in paragraphs 5.5 and 7.1 of the report; and that the contribution to the TLR5 Fund be expended within Darvel.

14. APPLICATION NO 06/1042/FL: MR AND MRS A DODDS: LAND TO THE EAST OF EAST HEADS FARM, NEWMILNS

There was submitted an executive summary sheet and report dated 7 March 2007 (both circulated) by the Head of Planning, Development and Building Standards which presented for determination a full planning application for change of use of land to form equine retirement home, erection of steel framed stable, dwellinghouse and garage at land to the east of East Heads Farm, Newmilns.

The Principal Planning Officer reported that 1 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: Refusal, for the reasons detailed in the report.

The objector was not present or represented and no Hearing was held.

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

15. APPLICATION NO 06/0202/FL: MR AND MRS D MARSHALL: BELLISLE, HURLFORD

There was submitted an executive summary sheet and report dated 7 March 2007 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for alterations to existing house and conversion of existing farm outbuildings to form 3 houses at Bellisle, Hurlford. In addition, a revised location plan was circulated at the meeting in respect of this item.

The Principal Planning Officer reported that 1 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: Refusal, for the reasons detailed in the report.

The objector was not present or represented and no Hearing was held.

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

16. APPLICATION NO 06/1026/FL: MR & MRS GORDON SCOTT: BURNANNE HOUSE, GALSTON

There was submitted an executive summary sheet and report dated 5 March 2007 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for erection of equipment store and housing accommodation for construction period for proposed house (in retrospect) at Burnanne House, Galston.

The Principal 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: Approval, subject to conditions and for the reasons, detailed in the report.

It was agreed to approve the application subject to the conditions and for the reasons as detailed within the report.

The meeting terminated at 1505 hours.