

## EAST AYRSHIRE COUNCIL

### NORTHERN AREA LOCAL PLANNING COMMITTEE

#### MINUTES OF MEETING HELD ON FRIDAY 25 NOVEMBER 2005 AT 1000 HOURS IN CROOKEDHOLM COMMUNITY CENTRE, GROUGAR ROAD, CROOKEDHOLM

**PRESENT:** Councillors Stuart Finlayson, Jim O'Neill, Jim Raymond and Robert McDill.

**ATTENDING:** David Mitchell, Head of Administrative and Legal Services; Bill Stewart, Principal Planning Officer; Avril Forrest, Solicitor; and Stuart Nelson, Administrative Officer.

**APOLOGIES:** Councillors Maureen McKay, John McGhee, Stephanie Young, Isabella Macrae and Harry Wilson.

**CHAIR:** Councillor Stuart Finlayson, Vice-Chair.

#### HEARING PROCEDURE

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

2. **APPLICATION NO 05/0983/FL: MR AND MRS MCKENZIE: LAND AT NETHERGATE FARM, DUNLOP**

There was submitted an executive summary sheet and report dated 16 November 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for a proposed new house, siting of temporary accommodation, new dog kennels, hen house, wormery and timber agricultural sheds and new access on land at Nethergate Farm, Dunlop.

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

2.1 **Consideration of Item**

The Head of Administrative and Legal Services made reference to concerns which have been expressed regarding the "Justification Statement and Labour Requirement" prepared by SAC for the applicants relative to Nethergate Farm, Dunlop; advised that following careful consideration, he has concluded that the Statement was appropriate and competent and had been prepared by the proper authority within SAC, and therefore could legitimately be taken into account in consideration and determination of this application; invited members to peruse the Statement (copies tabled) prior to dealing with this application; and, for Members' information, advised that the financial projections set out within the Statement were based upon information provided by the applicants, and paragraph 4.7 of the report which should be amended accordingly by the Head of Planning, Development and Building Standards.

The Principal Planning Officer reported that six objections have been received, details of all 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.

## **2.2 Planning Hearing**

The Committee heard Mr Robert Clow, objector, in support of his objections; Mr Michael Blyth, objector, in support of his objections; and Mr Tom McNally, in support of the objections submitted by Mr Ian Dalgleish.

The Committee then heard Mr Thomson McKenzie, applicant, in support of the application. Members of the Committee asked questions of the applicant, who responded to the issues raised, all in accordance with the hearing procedure.

The Chair closed the Hearing.

## **2.3 Determination of Application**

It was agreed to approve the application, subject to the conditions, and for the reasons, detailed in the report; but the issue of the Decision Notice be withheld until the Solicitor of the Council had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning Act 1997 with the applicant, in order to ensure that the future use of the application site will be as a single agricultural unit.

## **3. APPLICATION NO 04/1266/FL: MR J FULTON: VACANT GROUND AT LOCHLIBO ROAD, LUGTON**

There was submitted an executive summary sheet and report dated 15 November 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for a proposed garden centre with associated parking and dwellinghouse on vacant ground at Lochlibo Road, Lugton.

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

The Principal Planning Officer reported that three letters of objection had been received, including one from Dunlop and Lugton Community Council, details of all 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.

No hearing took place as the objectors were not present or represented.

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

## **4. APPLICATION NO 04/0574/FL: MR ALEXANDER McC HAMILTON: 4-6 STEWARTON ROAD, DUNLOP**

There was submitted an executive summary sheet and report dated 14 November 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for the proposed erection of a dwellinghouse on land at 4-6 Stewarton Road, Dunlop.

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

#### **4.1 Consideration of Item**

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

#### **4.2 Planning Hearing**

The Committee heard Ms Cherone Chambers and Mr Alan Heron, objectors, in support of their objections. Members asked questions of the objectors who responded to the issues raised, all in accordance with the hearing procedure.

The applicant's agent, although present, did not wish to address the Committee.

The Chair closed the Hearing.

#### **4.3 Determination of Application**

Councillor O'Neill seconded by Councillor McDill moved that the application be refused for the reasons detailed in the report.

Councillor Raymond seconded by Councillor Finlayson moved as an amendment that the application be approved since (i) the proposed development would not have a significantly adverse impact on the amenity of surrounding properties; and (ii) development of the site, would significantly enhance the visual appearance of the application site and would alleviate the general public's concerns relating to this site; subject to conditions to be determined by the Head of Planning, Development and Building Standards.

On a division by a show of hands there were two votes for the amendment and two votes for the motion.

There being an equality of votes, the Chair exercised his casting vote in favour of the amendment.

### **5. APPLICATION NO 05/0644/FL: MR AND MRS JOHNSTON: LAND ADJACENT TO BARRMILL FARM, GALSTON**

There was submitted an executive summary sheet and report dated 15 November 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for the proposed erection of a single dwellinghouse on land adjacent to Barrmill Farm, Galston.

#### **5.1 Consideration of Item**

The Principal 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: Refusal, for the reasons detailed in the report.

#### **5.2 Planning Hearing**

The Committee heard Mrs Dianne Cassidy, in support of the objections submitted by Mr Mark Cassidy.

The applicant was neither present nor represented.

The Chair closed the hearing.

### **5.3 Determination of Application**

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

### **6. APPLICATION NO 05/0977/OL: MRS KAY CRAWFORD: LAND ADJACENT TO MAIN ROAD, WATERSIDE, KILMARNOCK**

There was submitted an executive summary sheet and report dated 17 November 2005 (both circulated) by the Head of Planning, Development and Building Standards on an outline planning application for the proposed erection of one dwellinghouse on land adjacent to Main Road, Waterside, Kilmarnock.

The Principal 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: Refusal, for the reasons detailed in the report; and advised that follow up to the comments of the Head of Planning, Development and Building Standards in paragraph 4.8 of the report, the Council's Enforcement Officer had confirmed that there was no evidence to indicate that the property at 16 Main Road, Waterside, had been subdivided into flatted dwellings, but rather constituted a single dwelling only.

No hearing took place as the objector, although present, did not wish to address the Committee.

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

### **7. APPLICATION NO 05/0257/FL: MRS GIRASOLI: DERELICT FARM BUILDING AT CRAIGHEAD, DUNLOP**

There was submitted an executive summary sheet and report dated 15 November 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for the proposed rehabilitation and conversion of an existing derelict farm building into a dwellinghouse at Craighead, Dunlop.

#### **7.1 Consideration of Item**

The Principal 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 Head of Planning, Development and Building Standards: Approval, subject to the conditions, and for the reasons, detailed in the report.

#### **7.2 Planning Hearing**

The Committee heard Mr R W Colvil, objector, in support of his objections.

The applicant was neither present nor represented.

The Chair closed the Hearing.

#### **7.3 Determination of Application**

It was agreed to approve the application subject (i) to the conditions, and for the reasons, detailed in the report; and (ii) to the following additional condition, namely: -

“8 Construction works shall not be carried out prior to 0800 hours and after 1700 hours on Mondays to Fridays, Saturdays 0800 hours to 1300 hours and not at any time on Sundays.

#### REASON

To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity”.

#### **8. APPLICATION NO 05/0781/FL: MR V AND MRS E COX: HIGH BOWHILL FARM, NEWMILNS**

There was submitted an executive summary sheet and report dated 15 November 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for proposed temporary consent (five years) for the location of two caravans and the installation of a septic tank and soakaway (accommodation to enable establishment of onsite livery business and organic chicken egg production unit) at High Bowhill Farm, Newmilns.

Having heard the Principal Planning Officer, it was agreed to continue consideration of this application to the next meeting in order to enable the status of the objection to this application to be clarified.

#### **9. APPLICATION NO: 05/1051/OL: MR D NORRINGTON: LAND AT BLAIR AVENUE, HURLFORD**

There was submitted an executive summary sheet and report dated 15 November 2005 (both circulated) by the Head of Planning, Development and Building Standards on an outline planning application for the proposed erection of a veterinary surgery on land at Blair Avenue, Hurlford.

The Principal Planning Officer reported that no objections 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; Refusal for the reasons detailed in the report subject to amendment to Reason 1 to read as follows, namely:- “The proposal is contrary to Policies RTC 1 and 3 of the Adopted East Ayrshire Local Plan, by reason of its future to demonstrate that no alternative sites can be found in the town centre or edge of centre”.

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

The meeting terminated at 1152 hours.