

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE**

**MINUTES OF MEETING HELD ON FRIDAY 28 OCTOBER 2005 AT 1000 HOURS  
IN KILMAURS COMMUNITY EDUCATION CENTRE, EAST PARK DRIVE,  
KILMAURS**

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

**ATTENDING:** Dave Morris, Development Promotion Manager; Bill Stewart, Principal Planning Officer; Craig Isles, Senior Planning Officer; Avril Forrest and Craig Young, Solicitors; and Christine Baillie, Administrative Officer.

**CHAIR:** Councillor Maureen McKay, Chair, for Items 1-11 and Councillor Stuart Finlayson for Items 12 and 13.

**CHAIRS REMARKS**

1. The Chair reported that Item 10 on the Agenda: Application No. 04/0560/OL: Proposed Erection of Detached Dwellinghouse at Land at the Braes, Burn Road, Darvel had been withdrawn from the Agenda.

**ORDER OF BUSINESS**

2. The Chair at her discretion and in terms of Standing Order 19, agreed to alter the order of business to that shown below.

**HEARING PROCEDURE**

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

4. **APPLICATION NO 05/0599/FL: ELMHURST TRANSPORT SCOTLAND LIMITED:  
HIGH TODHILL FARM, FENWICK**

- 4.1 **Declaration of Interest**

Councillor J McGhee declared a non-financial interest in this item and left the meeting.

- 4.2 **Consideration of Item**

There was submitted an executive summary sheet and report dated 19 October 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for change of use of part of farm to vehicle haulage business and associated engineering works (in retrospect) at High Todhill Farm, Fenwick.

It was noted that Members of the Committee had attended 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 Fenwick Community Council, 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:- Refusal for the reasons detailed in the report and that appropriate enforcement action is initiated against the applicant to secure the cessation of the unauthorised use and reinstatement of the site.

#### **4.3 Planning Hearing**

The Committee then heard Mrs Roberts in respect of her own objections and those submitted by Dr H Gibbs, then Dr A Gibbs in respect of her own objections and Mr Fulton in respect of the objections submitted by Stewarton and District Community Council. Members of the Committee asked questions of the objectors, all in accordance with the agreed Hearing Procedure.

The Committee then heard Mr and Mrs Donaghue, applicants, and Mr McCall, Agent for the applicants in support of the application. Members of the Committee asked questions of the applicants and the Agent for the applicants, all in accordance with the agreed Hearing Procedure.

The Chair closed the Hearing.

#### **4.4 Determination of Application**

Councillor O'Neill, seconded by Councillor Young, moved that the application be refused for the reasons detailed in the report and that appropriate enforcement action is initiated against the applicant to secure the cessation of the unauthorised use and reinstatement of the site.

Councillor Finlayson, seconded by Councillor Macrae, moved as an amendment that the application be approved on the grounds that it did present a site specific locational need that could be accommodated without detriment to the amenity of the area and that a condition be attached to the planning consent specifying the need for appropriate screening of the site by means of landscaping/screening, to reduce the visual prominence of the activity.

REASON: in the interests of visual amenity.

On a division by a show of hands, the amendment was carried by 5 votes to 2.

Councillor J McGhee re-joined the meeting at this point.

### **5. APPLICATION NO 05/0375/OL: MR A STEVENSON: VACANT GROUND AT WARDLAW ROAD, KILMARNOCK**

There was submitted an executive summary sheet and report dated 7 October 2005 (both circulated) by the Head of Planning, Development and Building Standards on an outline planning application for proposed erection of country hotel and ancillary parking - outline only at vacant ground, Wardlaw Road, Kilmarnock.

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

The Principal Planning Officer reported that in addition to the objection from the Community Council, 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: - Refusal for the reasons detailed in the report.

## **5.2 Planning Hearing**

The Committee then heard Mrs Roberts in respect of her objections. Members of the Committee asked questions of the objector, all in accordance with the agreed Hearing Procedure.

The applicant was not present or represented at the meeting.

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 05/0681/FL: ROCKWOOD HOMES LIMITED: FORMER Q8 PETROL FILLING STATION, RIGG STREET/BROWN STREET, STEWARTON**

There was submitted an executive summary sheet and report dated 18 October 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for erection of residential development comprising 11 flats at former Q8 Petrol Filling Station, Rigg Street/Brown Street, Stewarton.

The Principal Planning Officer 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 the undernoted additional conditions:-

- (i) all parking and deliveries associated with the development shall take place on site.
- (ii) the public roadway adjacent to the site shall be kept clear of mud and other deposited materials at all times by means of mechanical brushing as appropriate;

REASON: In the interests of road safety

and that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement with the applicant in respect of the matters detailed in Paragraphs 5.6 and 7.1 of the report.

No Hearing took place as the objectors were not present or represented at the meeting.

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 detailed above and that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement with the applicants in respect of the matters detailed in Paragraphs 5.6 and 7.1 of the report with a request that any contribution made under Policy TLR5 of the Adopted East Ayrshire Local Plan be ringfenced for Stewarton.

Councillor Raymond entered the meeting during discussion of the above item but took no part in the consideration or determination of the application.

**7. APPLICATION NOS 05/0800/FL AND 05/0833/LB: MURDOCH PROPERTY DEVELOPMENT LIMITED: ERSKINE HALL, WALLACE STREET, GALSTON**

There was submitted an executive summary sheet and report dated 18 October 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application and a listed building application for proposed change of use from former Church Hall to 5 No flats and associated alterations at Erskine Hall, Wallace Street, Galston.

The Principal Planning Officer 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:- In respect of Application No 05/0800/FL that the application be approved, subject to the conditions, and for the reasons, detailed in the report and subject to the amendment of Condition 7 of the TP24 to include that the landscaping be implemented in the first planting season following occupation of any flats 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 applicant in respect of the matters detailed in Paragraphs 5.8 and 7.1 of the report; and in respect of Application No 05/0833/LB that the listed building application be approved subject to the conditions, and for the reasons, detailed in the report and subject to the amendment of Condition 3 of the TP24 to include that the landscaping be implemented in the first planting season following occupation of any flats and subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997.

No Hearing took place as the objectors were not present or represented at the meeting.

It was agreed in respect of Application No 05/0800/FL that the application be approved, subject to the conditions, and for the reasons, detailed in the report and subject to the amendment of Condition 7 of the TP24 as detailed above 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 applicant in respect of the matters detailed in Paragraphs 5.8 and 7.1 of the report; and in respect of Application No 05/0833/LB to approve the listed building application subject to the conditions, and for the reasons, detailed in the report and subject to the amendment of Condition 3 of the TP24 as detailed above and subject to the Notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997.

**8. APPLICATION NO 04/1221/OL: DUNCAN MOIR: LOW CARLINCRAIG FARM, DARVEL**

There was submitted an executive summary sheet and report dated 18 October 2005 (both circulated) by the Head of Planning, Development and Building Standards on an outline planning application for proposed erection of single dwellinghouse at Low Carlincraig Farm, Darvel.

The Principal Planning Officer reported that one letter of objection, with two signatures 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:- Refusal for the reasons detailed in the report.

No Hearing took place as the objectors were not present or represented at the meeting.

Councillor McDill, seconded by Councillor Wilson, moved that the application be referred to the Development Services Committee with a recommendation for approval on the grounds that the application did conform to Policy G5 of the Ayrshire Joint Structure Plan in that it could be justified in terms of social and economic benefit to the community.

Councillor McGhee, seconded by Councillor Raymond, moved as an amendment that the application be refused for the reasons detailed in the report.

On a division by a shown of hands, the amendment was carried by 5 votes to 4.

#### **9. APPLICATION NO 05/0565/FL: LPM LIMITED: 6-8 BROWN STREET, STEWARTON**

There was submitted an executive summary sheet and report dated 19 October 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for proposed development to form 11 residential flats at 6-8 Brown Street, Stewarton.

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, viz:- Approval, subject to the conditions, and for the reasons, detailed in the report and subject to the undernoted additional conditions:-

- (i) all parking and deliveries associated with the development should take place on site.

REASON: In the interests of road safety.

- (ii) the public roadway adjacent to the site shall be kept clear of mud and other deposited materials at all times by means of mechanical brushing as appropriate

REASON: In the interests of road safety;

Subject to the amendment of Condition 8 of the TP24 to include that the landscaping be implemented in the first planting season prior to the occupation of any flats and that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement with the applicants in respect of the matters detailed in Paragraphs 5.5, 6.5 and 7.1 of the report.

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

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 and amended Condition 8 as detailed above and that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal

agreement with the applicant in respect of the matters detailed in Paragraph 5.5, 6.5 and 7.1 of the report with a request that any contribution made under Policy TLR5 of the Adopted East Ayrshire Local Plan be ring fenced for Stewarton.

**10. APPLICATION NO 02/0367/LB: BRB (RESIDUARY) LIMITED: GREE VIADUCT, BY DUNLOP**

There was submitted a report dated 11 October 2005 (circulated) by the Head of Planning, Development and Building Standards on the current situation with respect to the issue of listed building consent for this application and which sought approval in respect of a variation to the terms of the associated Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997.

It was agreed that the Solicitor to the Council and the Head of Planning, Development and Building Standards liaise with the applicants to secure a variation to the terms of the legal agreement to be associated with listed building consent 02/0367/LB such that the Council when it formally requests the contribution of £50,000 will be obliged to purchase from BRB (Residuary) Limited, for the price of £1.00 (plus VAT) the land situated under the Gree Viaduct insofar as it is located within the geographical area of East Ayrshire. It was further agreed that upon conclusion of the Agreement as described above, listed building consent 02/0367/LB be issued in terms agreed by this Committee on 7 February 2003.

**ADJOURNMENT/RECONVENTION OF MEETING**

11. It was agreed to adjourn the meeting at 1215 hours. The meeting reconvened at 1230 hours with the same Members and Officers present and in attendance with the exception of Councillor Young and Dave Morris, Development Promotion Manager and Craig Young, Solicitor, who had left the meeting during the adjournment.

**12. APPLICATION NOS 05/0754/FL AND 05/0921/LB: MS ELIZABETH ANDERSON: 30A MAIN STREET, KILMAURS**

There was submitted an executive summary sheet and report dated 19 October 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application and listed building application for proposed change of use from commercial kitchen to fish and chip shop takeaway and alterations at 30A Main Street, Kilmaurs.

The Principal Planning Officer 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: - that the applications for planning permission and listed building consent be approved, subject to the conditions, and for the reasons, detailed in the report.

No Hearing took place as the objectors were not present or represented at the meeting.

It was agreed to approve the applications for planning permission and listed building consent subject to the conditions, and for the reasons, detailed in the report.

Councillor McKay left the meeting at this point. Councillor Finlayson, Vice-Chair took the Chair for the remaining items.

**13. APPLICATION NO 05/0368/HS: WILLIAM TRACEY LIMITED: DUNNIFLATS, LUGTON****13.1 Declaration of Interest**

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

**13.2 Consideration of Item**

There was submitted an executive summary sheet and report dated 19 October 2005 (both circulated) by the Head of Planning, Development and Building Standards on an application for hazardous substances consent at Dunniflats, Lugton.

The Senior Planning Officer reported that one letter of objection and one petition from the Community Council with 46 signatures 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 condition, and for the reason detailed in the report and that the consent be withheld until a revocation of Hazardous Substance Consent KL/HS/93/03 (Ammonium Nitrate) is completed.

No Hearing took place as the objectors were not present or represented at the Committee.

Having received clarification from the applicant with regard to the types and amounts of materials to be stored on site, it was agreed to approve the application subject to the condition, and for the reason, detailed in the report and that the consent be withheld until a revocation of Hazardous Substance Consent KL/HS/93/03 (Ammonium Nitrate) was completed.

Councillor O'Neill rejoined the meeting at this point.

**14. APPLICATION NO 04/1018/OL: MAPLE REAL ESTATE LIMITED: THE OLD STATION YARD, DUNLOP ROAD, LUGTON****14.1 Declaration of Interest**

Councillor J McGhee declared a non-financial interest in this item and left the meeting.

**14.2 Consideration of Item**

There was submitted an executive summary sheet and report dated 19 October 2005 (both circulated) by the Head of Planning, Development and Building Standards on an outline application for proposed residential development at the Old Station Yard, Dunlop Road, Lugton.

**14.3 Consideration of Item**

The Senior Planning Officer reported that seven letters of objection had been received, details of which were contained within the report; summarised the planning considerations in respect of the application; advised that Condition 8 of the TP24 be removed; 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.

#### **14.4 Planning Hearing**

The Committee then heard Mrs Orr, Mr Neish and Mr Graham 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 McQuiston, Agent for the applicants..

The Chair closed the Hearing.

#### **14.5 Determination of Application**

Councillor McDill, seconded by Councillor Finlayson, moved that the application be approved subject to the conditions, and for the reasons, detailed in the report.

Councillor O'Neill, seconded by Councillor Raymond, moved as an amendment that the application be refused on the grounds that the development would be detrimental to the visual amenity of the area given the prominence of the site.

On a division by a show of hands, the amendment was carried by 4 votes to 2.

The meeting terminated at 1345 hours.