

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE**

**MINUTES OF MEETING HELD ON FRIDAY 23 JANUARY 2004 AT 1000 HOURS  
IN CROOKEDHOLM COMMUNITY COUNCIL, GROUGAR ROAD,  
CROOKEDHOLM**

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

**ATTENDING:** Ian Walker, Acting Principal Planning Officer; Robert Duncan, Acting Senior Planning Officer; Karen McLeod, Solicitor; and Jennifer Morrison, Administrative Officer

**APOLOGIES:** Councillors Stephanie Young 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 03/1030/FL: TRAVIS HOMES: BRIDGEND, STEWARTON**

There was submitted an executive summary sheet and report dated 15 January 2004 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed new build residential development at Bridgend, Stewarton.

The Acting Principal Planning Officer 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 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 had concluded a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 dealing with the matters itemised in paragraph 8.5 of the report.

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

It was agreed to grant the application 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 had concluded a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 dealing with the matters itemised in paragraph 8.5 of the report.

The Committee further agreed to request that a report be submitted to a future meeting of the Committee, for information purposes only, on pedestrian safety and schools' capacity in Stewarton.

3. **APPLICATION NOS 03/0682/CA AND 03/0849/FL: MR C CRANE: 4 AVENUE SQUARE, STEWARTON**

There was submitted an executive summary sheet and report dated 14 January 2004 (both circulated) by the Head of Planning and Building Control on a full planning

application and an application for conservation area consent for the proposed demolition of garage and erection of licensed betting office and flatted dwelling at 4 Avenue Square, Stewarton.

### **3.1 Consideration of Item**

The Acting Principal Planning Officer reported that six 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 both applications and gave the recommendation of the Head of Planning and Building Control, viz:- Approval of the full planning application subject to notification of Historic Scotland under the terms of the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1987 and subject to the conditions and for the reasons detailed in the report and approval of the conservation area consent subject to the conditions and for the reasons detailed in the report.

### **3.2 Planning Hearing**

The Committee then heard Mr Prosser and Mr Kerr in support of their objections. Members of the Committee asked questions of the objectors, in accordance with the Hearing Procedure.

The Committee then heard Mr Mallon, 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.

### **3.3 Determination of Application**

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

Councillor Finlayson, seconded by Councilor Macrae, moved that the full planning application be approved subject to the conditions and for the reasons detailed in the report and subject to notification of Historic Scotland under the terms of the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1987 and that the Conservation Area consent be approved subject to the conditions and for the reasons detailed in the report.

Councillor O'Neill, seconded by Councillor McGhee, moved that both applications be refused on the grounds that the proposal was detrimental to the visual amenity of the Conservation Area and to the ambience of Avenue Square.

On a division by a show of hands the motion was carried by four votes to three.

## **4. APPLICATION NO 03/0948/OL: M HUTCHISON AND A GIBSON: CASTLE FARM CLOSE, STEWARTON**

There was submitted an executive summary sheet and report dated 14 January 2004 (both circulated) by the Head of Planning and Building Control on an outline planning application for proposed erection of a single dwellinghouse at Castle Farm Close, Stewarton.

The Acting Principal Planning Officer reported that nine 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 and Building Control, viz:- 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.

**5. APPLICATION NO 03/0843/FL: MR J CUNNINGHAM: EAST CHURCH COURT, NEWMILNS**

There was submitted an executive summary sheet and report dated 14 January 2004 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed construction of two semi-detached houses at vacant site on east side of East Church Court, Newmilns.

The Acting 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 and Building Control, 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 grant the application subject to the conditions and for the reasons detailed in the report.

**6. APPLICATION NO 03/0994/FL: C AND G PROPERTIES LIMITED: CUTSBURN ROAD, STEWARTON**

There was submitted an executive summary sheet and report dated 15 January 2004 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed change of use from open space to residential, and erection of four houses and formation of three plots at Cutsburn Road, Stewarton.

**6.1 Consideration of Item**

The Acting 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 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 had concluded a Section 75 agreement under the Town and Country Planning (Scotland) Act 1997 dealing with the matters itemised in paragraph 8.3 of the report.

**6.2 Planning Hearing**

The Committee heard Mr Rowley and Mr Ronald in support of their objections. Members of the committee asked questions of the objectors, in accordance with the Hearing Procedure.

The Committee then heard Mr Lang, the applicant's representative in support of the application.

The Chair closed the Hearing.

### **6.3 Determination of Application**

It was agreed to grant the application subject to the conditions and for the reasons detailed in the report with an amendment to Condition 10 of the report to restrict construction works on site to 0800 hrs to 1700 hrs Mondays to Fridays only, and not at any time on Saturdays and Sundays, Reason: to prevent noise and disturbance extending into hours during which other sources of noise have subsided in the interest of residential amenity; and that the issuing of the Decision Notice be withheld until the Solicitor to the Council had concluded a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 dealing with the matters itemised in paragraph 8.3 of the report.

The Committee further agreed to request that the Roads Division give consideration to promoting a 20mph speed limit at this location.

### **7. APPLICATION NO 03/0490/FL: FLAME CHRISTIAN FELLOWSHIP: 7 CROSS STREET, DARVEL**

There was submitted an executive summary sheet and report dated 13 January 2004 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed formation of rear dormer windows and installation of three velux windows to front at 7 Cross Street, Darvel.

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

The Acting 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 and Building Control, viz:- Approval, subject to the conditions and for the reasons detailed in the report.

#### **7.2 Planning Hearing**

The Committee heard Mr Docherty in support of his objections. As part of his submission Mr Docherty queried whether there was in place planning permission for the existing use of the premises.

#### **7.3 Adjournment/Reconvention of Meeting**

It was agreed to adjourn the meeting at 1140 hrs.

The meeting reconvened at 1150 hrs with the same Members and Officers present and in attendance.

It was agreed that as information had come to light regarding the use of the property which required to be investigated by the Planning Division, to continue consideration of the application and suspend the Hearing to the next meeting, to which the objector and the applicant would again be invited to attend, and take part in a Hearing.

### **8. (i) APPLICATION NO 03/0561/FL: MR AND MRS COCHRANE: PLOT 1, CEMETERY ROAD, GALSTON AND (ii) APPLICATION NO 03/0600/OL: MR AND MRS COCHRANE: PLOTS 2, 3 AND 4 CEMETERY ROAD, GALSTON**

There was submitted (i) an executive summary sheet and report dated 15 January 2004 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of a dwellinghouse and proposed change of use from agricultural to residential at plot 1, Cemetery Road, Galston; and (ii) an

executive summary sheet and report dated 14 January 2004 (both circulated) by the Head of Planning and Building Control on an outline planning application for proposed residential development for three plots at Plots 2, 3 and 4 Cemetery Road, Galston.

### **8.1 Consideration of Items**

The Acting Principal Planning Officer reported that one letter of objection had been received in respect of both applications, details of which were contained within the reports; summarised the planning considerations in respect of both applications and gave the recommendation of the Head of Planning and Building Control, viz:- Approval of both applications, subject to the conditions and for the reasons detailed in the reports and that the issuing of the decision notices be withheld until the Solicitor to the Council had concluded a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 dealing with the matters itemised in Section 8.2 of both reports.

### **8.2 Planning Hearing in respect of Application Nos 03/0561/FL and 03/0600/OL**

The Committee then heard Mrs Anderson in support of the objections of the Community Council. Members of the Committee asked questions of the objector in accordance with the Hearing Procedure.

The Committee then asked questions of the applicant, Mr Cochrane who did not wish to speak in support of the application but was available for questions from Members.

The Chair closed the Hearing.

### **8.3 Determination of Applications 03/0561/FL and 03/0600/OL**

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

Councillor Finlayson, seconded by Councillor Macrae, moved that applications 03/0561/FL and 03/0600/OL be approved subject to the conditions and for the reasons detailed in the reports and subject to an additional suspensive condition to ensure that prior to development Cemetery Road would be closed to through traffic, and that the issuing of the Decision Notices be withheld until the Solicitor to the Council had concluded Section 75 Agreements under the Town and Country Planning (Scotland) Act 1997 dealing with item (iv) only in Section 8.2 of the reports.

Councillor McGhee, seconded by Councillor Wilson, moved as an amendment that the applications be refused on the grounds that (i) development of the site would be detrimental to the visual amenity of the area; (ii) development would exacerbate existing sewerage problems in the area; and (iii) the development would result in an unacceptable increase in traffic on Cemetery Road.

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

## **9. APPLICATION NO 03/0924/FL: BMJ LIMITED: COCKLEBIE ROAD, STEWARTON**

There was submitted an executive summary sheet and report dated 14 January 2004 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of 32 flatted dwellings, 12 garages, new access road, parking and landscaping (revised application to previous application) to former bakery site, Cocklebie Road, Stewarton.

The Acting Principal Planning Officer summarised the planning considerations in respect of the application, reported for clarification that Stewarton and District Community Council were not objecting to this 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.

It was agreed to grant the application subject to the conditions and for the reasons detailed in the report.

#### **10. THE HAPLAND, DUNLOP (PROVISIONAL) TREE PRESERVATION ORDER**

There was submitted a report dated 8 January 2004 (circulated) by the Head of Planning and Building Control which advised the Committee on the making, serving and advertising of the Hapland, Dunlop (Provisional) Tree Preservation Order 2003 and which sought the Committee's views on whether or not the existing provisional Tree Preservation Order should be confirmed.

It was agreed:-

- (i) not to confirm the Hapland, Dunlop (Provisional) Tree Preservation Order 2003 in its present form;
- (ii) to authorise the Head of Planning and Building Control to prepare a new provisional Tree Preservation Order to include only those individual trees along the Glazert Burn as referred to in Sections 3 and 5 of the report, the new Order to take effect on expiry of the existing Tree Preservation Order on 9 March 2004 and
- (iii) otherwise to note the contents of the report.

The meeting terminated at 1227 hours.