

EAST AYRSHIRE COUNCIL**NORTHERN AREA LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 5 DECEMBER 2003 AT 1000 HOURS
IN THE MORTON HALL, MAIN STREET, NEWMILNS**

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

ATTENDING: Ian Walker, Acting Principal Planning Officer; Billy Gilchrist, Environmental Health Officer; Karen McLeod, Solicitor; John Trakalo, Senior Engineer (Roads); and Jennifer Morrison, Administrative Officer

APOLOGIES: Councillors John McGhee, Isabella Macrae and Robert McDill.

CHAIR: Councillor Maureen McKay, Chair.

HEARING PROCEDURE

1. The Administrative Officer established that the Hearing procedure was understood by all participants.
2. **APPLICATION NO 03/0366/OL: MR WILLIAM SMITH: GOWANBANK, DARVEL (Item 1, Page 396, 99/03)**

There was submitted an executive summary sheet and report dated 26 November 2003 (both circulated) by the Head of Planning and Building Control on an outline planning application for the proposed erection of a dwellinghouse at Gowanbank, Darvel.

2.1 Consideration of Item

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

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:- Refusal for the reasons detailed in the report.

2.2 Planning Hearing

The Committee then heard John Trakalo in support of the objections of the Head of Roads and Transportation. Members of the Committee asked questions of the objector's representative, in accordance with the Hearing procedure.

The Committee then heard Mr Smith, 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

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

The Solicitor provided legal advice relating to the statutory test on which planning applications require to be determined.

Councillor Wilson, seconded by Councillor Raymond, moved that the application be referred to the Development Services Committee with a recommendation for approval on the grounds (i) that it would be of social and community benefit to have a worker on site to tend to the gardens and the existing house; (ii) that the justification put forward by the applicant for the proposal was such that it complied with the Structure Plan and the Local Plan requirements; and (iii) that the road safety concerns could be overcome with the addition of a suspensive condition regarding the introduction of a lower speed limit at this location.

Councillor Finlayson, seconded by Councillor O'Neill, moved as an amendment that the application be refused for the reasons detailed in the report.

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

3. APPLICATION NO 03/0196/FL: PERSIMMON HOMES LIMITED: TOPONTHANK AREA C, KILMARNOCK

There was submitted an executive summary sheet and report dated 26 November 2003 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of conservatories at plots 38,39 and 60, plot substitution at plots 43, 49 and 50 and gabion baskets at plots 38, 60 and 61 all at Toponthank Area C, Kilmarnock.

3.1 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; reported an amendment to the report to include Plot 38 in the plot substitutions; summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control, viz:- Approval.

3.2 Adjournment/Reconvention

It was agreed to adjourn the meeting at 1055 hours to allow the Committee to take legal advice.

The meeting reconvened at 1100 hours with the same Members and Officers present and in attendance.

3.3 Planning Hearing

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

The applicant was not present or represented.

The Chair closed the Hearing.

3.4 Determination of Application

It was agreed to grant the application subject to an additional condition excepting the plot substitution at Plot 50 which was refused on the grounds that approval of this plot substitution would have an adverse impact on the visual and residential amenity of the objector's house.

4. APPLICATION NO 03/0874/FL: MR AND MRS McGUINNESS: 1 GOLF LOAN, STEWARTON

There was submitted an executive summary sheet and report dated 26 November 2003 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed alterations, additions and two storey extension over garage at 1 Golf Loan, Stewarton.

4.1 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 condition and for the reason detailed in the report.

4.2 Planning Hearing

The Committee then heard Mr Douglas in support of his objections. Members of the Committee asked questions of the objector in accordance with the Hearing procedure.

The applicant was not present or represented.

The Chair closed the Hearing.

4.3 Determination of Application

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

Councillor O'Neill, seconded by Councillor Young, moved that the application be refused on the grounds that the proposal was detrimental to the visual amenity of the area.

Councillor Wilson, seconded by Councillor Raymond, moved as an amendment that the application be approved.

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

5. APPLICATION NO 03/0679/OL: R & S MUIRHEAD: HAPLAND MILL, DUNLOP

There was submitted an executive summary sheet and report dated 28 November 2003 (both circulated) by the Head of Planning and Building Control on an outline planning application for proposed upgrading of access road and creation of new development in outline at Hapland Mill, Dunlop.

The Acting Principal Planning Officer reported the withdrawal of the one letter of objection which had been detailed in the report; reported the details of a late objection which had been received from Dunlop and Lugton Community Council; 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 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 the respect of the matters referred to in paragraphs 5.5 and 7.2 of the report.

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 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 referred to in Paragraphs 5.5 and 7.2 of the report.

6. APPLICATION NO 02/0283/FL: RON MACGILIVRAY: FENWICK MOTORS, KILMAURS ROAD, FENWICK

There was submitted an executive summary sheet and report dated 27 November 2003 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of showroom/workshop/offices and associated works at Fenwick Motors, Kilmaurs Road, Fenwick.

The Acting Principal Planning Officer 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.

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

7. APPLICATION NO 03/0374/FL: MR R CURRANS: CAULDHAME FARM, STEWARTON

7.1 Declaration of Interest

Councillor O'Neill declared an indirect non-pecuniary interest in the application and left the meeting at this point.

7.2 Consideration of Item

There was submitted an executive summary sheet and report dated 26 November 2003 (both circulated) by the Head of Planning and Building Control on a full planning application for a proposed new dwellinghouse (previous consent no: 01/0758/FL) at Cauldhame Farm, Stewarton.

The Acting Principal Planning Officer 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.

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

The meeting terminated at 1225 hours.