

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE**

**MINUTES OF MEETING HELD ON FRIDAY 16 FEBRUARY 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, Harry Wilson, Jim Raymond, Stuart Finlayson and Robert McDill.

**ATTENDING:** Bill Stewart, Principal Planning Officer; Avril Forrest, Solicitor; and Christine Baillie, Administrative Officer

**CHAIR:** Councillor Maureen McKay, Chair.

**ORDER OF BUSINESS**

1. 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**

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

**CHAIRS REMARKS**

3. It was reported, and noted, that Application No: 06/0619/FL: Erection of Dwellinghouse at East Blackbyres Farm, Waterside by Mr Alan Carey had been withdrawn, at the request of the applicant and that Application No's 05/0694/FL: Proposed change of use and conversion of disused farm buildings to create 4 Residential Units at Chapelton Mains Farm, Stewarton by Mr R Menzies and 06/0202/FL: Alterations to existing house and conversion to existing farm outbuildings to form 3 houses at Bellisle, Hurlford by Mr & Mrs Marshall had been continued to a future meeting.

4. **APPLICATION NO 06/0994/FL: MR MACDONALD: PLOT B, GLENDOUNE HOUSE, MAIN ROAD, CROOKEDHOLM**

There was submitted an executive summary sheet and report dated 6 February 2007 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for proposed erection of single storey dwellinghouse at Plot B, Glendoune House, Main Road, Crookedholm.

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

**4.1. 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: Refusal for the reason detailed in the report.

#### **4.2. Planning Hearing**

The Committee heard Mrs Douglas, Mr Young and Mrs Kyle in respect of their objections.

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

The Committee then heard Mr MacDonald, 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.

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

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

### **5. APPLICATION NO 06/1037/FL: MR & MRS MILLER: LAND TO EAST OF A719 HARESHAWMUIR ROAD, WATERSIDE, KILMARNOCK**

There was submitted an executive summary sheet and report dated 7 February 2007 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for siting of caravan, erection of agricultural barn and road improvement works at land to east of A719 Hareshawmuir Road, Waterside, Kilmarnock.

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

The Principal Planning Officer reported that 11 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.

#### **5.2. Planning Hearing**

The Committee heard Dr Connor, Mr Cuthberson, Mr Kerr in respect of the objections submitted by Mr & Mrs Templeton, Mrs Roberts, Mrs Meikle in respect of the objections submitted by Moscow and Waterside Community Council, Mr Connolly and Mr Campbell in respect of their objections.

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

#### **5.3. Adjournment/ Reconvention of Meeting**

It was agreed to adjourn the meeting at 11.20 hours in order that clarification on a roads issue could be obtained. The meeting reconvened at 11.35 hours with the same Members and officers present and in attendance.

Members continued to ask questions of the objectors in accordance with the agreed Hearing Procedure.

The Committee then heard Mr Miller, 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.

#### **5.4. Determination of Application**

It was agreed to continue consideration of the application to a future meeting of this Committee in order to clarify the planning history of the site and the status of the verges on either side of the Hareshawmuir carriageway.

Councillor Finlayson left the meeting during discussion of the above item.

### **6. APPLICATION NO 06/1111/FL: FLEETPOINT LIMITED: 17 BROWN STREET, NEWMILNS**

#### **6.1. Declaration of Interest**

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

#### **6.2. Consideration of Item**

There was submitted an executive summary sheet and report dated 6 February 2007 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for change of use from store to MOT Garage at 17 Brown Street, Newmilns.

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 3 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.

#### **6.3. Planning Hearing**

The Committee heard Mr Thom and Ms Gracie in respect of their objections.

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

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

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

The Chair closed the Hearing.

#### **6.4. Determination of Application**

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

Councillor Wilson rejoined the meeting at this point.

### **7. APPLICATION NO 06/0535/FL: MR A ANGUS: LAND TO THE WEST OF MUIRHEAD OF BALGRAY FARM, NEAR IRVINE**

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

full planning application for change of use of land to establish riding centre, erection of stables, office, barn and 6 field shelters, formation of new access, parking and outdoor arena and siting of caravan and container at land to the west of Muirhead of Balgray Farm, Near Irvine.

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

### **7.1 Consideration of Item**

The Principal Planning Officer reported that 7 letters of objection, 3 of which were in the form of a standard letter, had been received from 4 parties, 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.

### **7.2 Planning Hearing**

The Committee heard Mr Walker, Mr McClurg and Mrs Aste in respect of their objections.

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

The Committee then heard Mr Angus & Ms Mitchell, applicants, in support of the application.

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

The Chair closed the Hearing.

### **7.3 Determination of Application**

Councillor McKay, seconded by Councillor Young, moved that the application be refused on the grounds that the application would have a detrimental impact on the environmental amenity of the area and road safety concerns.

Councillor Raymond, seconded by Councillor Wilson, moved as an amendment that the application be approved subject to the conditions, and for the reasons, detailed in the report.

On a division by a show of hands the amendment was carried by 5 votes to 3.

## **8. APPLICATION NO: 05/1146/FL: STRATHMORE HOLDINGS: 19 TITCHFIELD STREET, GALSTON**

There was submitted an executive summary sheet and report dated 8 February 2007 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for proposed residential development comprising 3 terraced houses and 6 flats and the demolition of the house at No.19 Titchfield Street, Galston.

### **8.1. Consideration of Item**

The Principal Planning Officer reported that 5 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 but that the issuing of the decision notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement with the applicants in respect of a financial contribution to the TLR5 fund, as referred to in paragraphs 5.6 and 7.1 of the report.

### **8.2. Planning Hearing**

The Committee heard Mr Andrews and Mrs Coyle in respect of their objections.

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

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

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

The Chair closed the Hearing.

### **8.3. Determination of Application**

Councillor McKay, seconded by Councillor O'Neill moved that the application be approved subject to the conditions, and for the reasons, detailed in the report but that the issuing of the decision notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement with the applicants in respect of a financial contribution to the TLR5 fund, as referred to in paragraphs 5.6 and 7.1 of the report, which they wished to be spent in the Galston area.

Councillor Young, seconded by Councillor McDill moved as an amendment that the application be refused on the grounds that the application would constitute an overdevelopment of the site and would be detrimental to the character and appearance of the area, given that a small part of the site lies within the Outstanding Area.

On a division by a show of hands the motion was carried by 6 votes to 2.

## **ADJOURNMENT/ RECONVENTION OF MEETING**

9. It was agreed to adjourn the meeting at 1355 hours. The meeting reconvened at 1430 hours with the same members and Officers present and in attendance. (Councillor McGhee having left the meeting and Councillor Finlayson having rejoined the meeting at this point).

### **10. APPLICATION NO 04/0482/FL: G & D CUNNINGHAM LTD CEMETERY ROAD, GALSTON**

There was submitted an executive summary sheet and report dated 8 February 2007 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for proposed change of use from builders yard to site for 9 two storey houses at Cemetery Road, Galston.

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, detailed in the report and subject to the amendment to condition 6 of the TP24 which should now read:-

- (6) Details of the boundary treatment along the southern boundary of the site and associated tree planting adjacent to it, shall be submitted to and agreed in writing by the Planning Authority prior to any work commencing on site. Thereafter, the approved scheme shall be implemented prior to the occupation of the last house.

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 a financial contribution to the TLR5 fund, as referred to in paragraph 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 amendment to condition 6 of the TP24 as detailed above, but that the issuing of the decision notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement with the applicants in respect of a financial contribution to the TLR5 fund, as referred to in paragraphs 5.6 and 7.1 of the report, which they wished to be spent in the Galston area.

#### **11. APPLICATION NO: 06/0840/FL: SHIRE HOUSING: 2-12 NESS GARDENS, HURLFORD**

There was submitted an executive summary sheet and report dated 8 February 2007 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for proposed erection of 1800mm high treated timber fence (in retrospect) at 2-12 Ness Gardens, Hurlford.

##### **11.1. Consideration of 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 condition, detailed in the report.

##### **11.2. Planning Hearing**

The Committee heard Mr Masson in respect of the objection submitted by Lomond Avenue Residents Association Neighbourhood Watch.

The applicant was not present or represented at the meeting.

The Chair closed the Hearing.

##### **11.3 Determination of Application**

It was agreed to approve the application subject to the condition detail in the report.

#### **12. APPLICATION NO 06/1023/OL: D LINDSAY: LAND FRONTING MAXWOOD ROAD, CASTLEVIEW AVENUE, GALSTON**

There was submitted an executive summary sheet and report dated 5 February 2007 (both circulated) by the Head of Planning, Development and Building Standards on an outline planning application for residential development forming 2 building plots at land fronting Maxwood Road, Castleview Avenue, Galston.

Having noted that paragraph 2.4 of the report should refer to an outline application and not a full application, the Principal Planning Officer reported that no letters of 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.

It was agreed to refer the application to the Development Services Committee with a recommendation for approval on the grounds that the application would improve the environmental and visual amenity of the area.

## **12. THE WATERSLAP, FENWICK (PROVISIONAL) TREE PRESERVATION ORDER 2006**

There was submitted a report dated 8 February 2007 (circulated) by the Head of Planning, Development and Building Standards on the making, serving and advertising of the Waterslap, Fenwick (Provisional) Tree Preservation Order 2006 and which sought the Committees views on whether or not the existing Provisional Tree Preservation Order should be confirmed.

It was agreed to confirm the Waterslap, Fenwick (Provisional) Tree Preservation Order 2006, in amended form, to exclude Trees T4, T5 and T14 from the Order for the reasons detailed in section 6 of the report.

The meeting terminated at 1500 hours.