

## EAST AYRSHIRE COUNCIL

### NORTHERN AREA LOCAL PLANNING COMMITTEE

#### MINUTES OF MEETING HELD ON FRIDAY 2 SEPTEMBER 2005 AT 1000 HOURS IN THE MORTON HALL, 123 MAIN STREET, NEWMILNS

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

**ATTENDING:** Yvonne Nisbet and Bill Stewart, Principal Planning Officers; John Trakalo and Kerr Chalmers, Senior Engineers, Roads, Transportation and Design; Avril Forrest, Solicitor and Christine Baillie, Administrative Officer.

**APOLOGY:** Councillors Jim O'Neill and Jim Raymond.

**CHAIR:** Councillor Stuart Finlayson, Vice-Chair (for items 1 and 2) and Councillor Maureen McKay, Chair (for items 3 to 8).

#### HEARING PROCEDURE

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

2. **APPLICATION NO 05/0755/FL: GEORGE WIMPEY WEST SCOTLAND LTD: LAND ADJACENT TO DALRY ROAD (B778), STEWARTON**

There was submitted an executive summary sheet and report dated 24 August 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for proposed erection of 75 dwellinghouses and associated works at land adjacent to Dalry Road, (B778), Stewarton.

#### 2.1 Consideration of Item

Having noted that condition 16 of the TP24 should read "the hedge on the north east boundary of the site" the Principal Planning Officer reported that nine letters of objection had been received from 13 objectors, 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 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 under Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of the points raised in paragraph 7.1 of the report.

#### 2.2 Planning Hearing

The Committee then heard Mr Clark, Mr Exton and Miss Black in respect of their objections, Mr Patrick on behalf of the objections submitted by Mr and Mrs Doran and Miss Ogilvie in respect of her objections. Members of the Committee asked questions of the objectors all in accordance with the agreed Hearing Procedure.

The Committee then heard Mr McConal, Mr Smith and Mr Duncan, agents for the applicant, in support of the application. Members of the Committee asked questions of the agents for the applicant all in accordance with the agreed Hearing Procedure.

The Chair closed the Hearing.

### **2.3 Determination of Application**

Councillor McGhee seconded by Councillor Finlayson, moved that the application be approved 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 with the applicants under Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of the points raised in paragraph 7.1 of the report.

Councillor Young, seconded by Councillor Wilson, moved as an amendment that the application be referred to the Development Services Committee with a recommendation for refusal on the basis of premature development.

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

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

### **3. APPLICATION NO 05/0030/FL: QUEENSBRIDGE RESIDENTIAL: SHAW FARM, KILMAURS**

There was submitted an executive summary sheet and report dated 23 August 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for proposed amendment to condition 1 of planning permission 03/0037/FL retrospectively, to remove the requirement for a stone boundary wall, replace 1.8 metre high close boarded fence with 1.0 metre stob and wire fence between the properties and replace wall to rear of barn with 1.8 metre close boarded fence at Shaw Farm, Kilmaurs.

#### **3.1 Consideration of Item**

The Principal Planning Officer reported that three letters of objection from six objectors had been received, details of which were contained within the report; summarised a letter which had been submitted by the applicant; 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.

#### **3.2 Planning Hearing**

The Committee then heard Mr Fishwick and Mr and Mrs Rome, in respect of their objections. Members asked questions of the objectors all in accordance with the agreed Hearing Procedure.

The applicant was not present or represented at the meeting.

The Chair closed the Hearing.

### **3.3 Determination of Application**

It was agreed, due to new information being presented at Committee which had not previously been made known to the objectors, to continue the application to a future meeting to give the objectors time to consider the issues raised.

It was further agreed that a site visit take place prior to the application being re-considered.

**4. APPLICATION NO 05/0728/OL: MRS HOWIE: 2 GLENCAIRN TERRACE, KILMAURS**

There was submitted an executive summary sheet and report dated 23 August 2005 (both circulated) by the Head of Planning, Development and Building Standards on an outline planning application for proposed erection of detached dwellinghouse at 2 Glencairn Terrace, Kilmaurs.

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 condition, and for the reason, detailed in the report.

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

It was agreed to approve the application subject to the condition, and for the reason, detailed in the report.

**5. APPLICATION NO 05/0677/FL: JAY AND LESLEY STEEL: LAND AT COWANS LAW, HEMPHILL ROAD, MOSCOW, GALSTON**

There was submitted an executive summary sheet and report dated 17 August 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for proposed erection of tourist accommodation at land at Cowans Law, Hemphill Road, Moscow, Galston.

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 condition:-

“the Tourist Accommodation hereby approved shall be used solely in association with the existing Cowans Law Fishery and Country Sports business as delineated in blue on the application site plan”

REASON: The accommodation is located within the Rural Protection Area and a separate freestanding facility would not satisfy the site specific locational need of such a proposal.

No hearing took place as the objector was not present or represented.

It was agreed to approve the application subject to the conditions, and for the reasons, detailed in the report and subject to the additional condition detailed above.

**6. APPLICATION NO: 04/0949/OL: MR A NEWLAND: HILLEND FARM, OLD MOOR ROAD, NEWMILNS**

There was submitted an executive summary sheet and report dated 19 August 2005 (both circulated) by the Head of Planning, Development and Building Standards on an outline planning application for proposed new residential property for farm labourer and family at Hillend Farm, Old Moor Road, Newmilns.

The Principal Planning Officer reported that no letters of objection 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, viz:- refusal for the reasons detailed in the report.

Councillor Wilson, seconded by Councillor McDill, moved that the application be referred to the Development Services Committee with a recommendation for approval on the grounds that the proposal did conform with policy G5 of the Joint Structure Plan Policy in that it did demonstrate site specific locational need in support of the agricultural business of the applicant.

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

On the division by a show of hands the motion was carried by 5 votes to 2. It was also agreed to request that, if the application is approved by the Development Services Committee, a condition be added to the consent as detailed below:-

“The dwelling shall only be occupied by a person locally employed or last employed in agriculture or in forestry on the land to which the dwelling relates; or by a dependant of such a person residing with him/her (or a widow or widower of such a person).

REASON: The proposed development constitutes the construction of a dwellinghouse in the countryside which would otherwise be refused.

**7. APPLICATION NO: 04/1109/FL: MR AND MRS MCCULLEN: 25 HABBIEAULD ROAD, KILMAURS**

There was submitted an executive summary sheet and report dated 23 August 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for proposed erection of detached dwellinghouse at 25 Habbieauld Road, Kilmaurs.

The Principal Planning Officer reported that no letters of objection 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, viz:- approval subject to the conditions, and for the reasons, detailed in the report and subject to the undernoted additional condition.

“Notwithstanding the plans hereby approved the existing outbuildings located to the rear of the application site shall be removed prior to the occupation of the dwelling”.

REASON: In the interest of residential amenity and to provide the minimum private open space criteria in accordance with policy RES 22 of the Adopted East Ayrshire Local Plan.

It was agreed to approve the application subject to the conditions, and for the reasons, detailed in the report and subject to the additional condition detailed above.

**8. APPLICATION NO: 05/0563/OL: GORDON STEVENSON: 1A STRATHOLM TERRACE, NEWMILNS**

There was submitted an executive summary sheet and report dated 19 August 2005 (both circulated) by the Head of Planning, Development and Building Standards on a

full planning application for proposed dwellinghouse – outline only at land adjacent to 1A Stratholm Terrace, Newmilns.

The Principal Planning Officer reported that no letters of objection 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, viz:- refusal for the reasons detailed in the report.

Councillor Wilson, seconded by Councillor McDill moved that the application be approved on the grounds that the proposal would enhance the visual amenity of the area.

Councillor McKay, seconded by Councillor McGhee, 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 motion was carried by 5 votes to 2.

The meeting terminated at 1250 hours.