

EAST AYRSHIRE COUNCIL**NORTHERN AREA LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 6 AUGUST 2004 AT 1000 HOURS IN
THE FULTON HALL, FENWICK**

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

ATTENDING: Dave Morris, Development Promotion Manager; Ian Walker, Acting Principal Planning Officer; Karen McLeod, Solicitor; and Jennifer Morrison, Administrative Officer.

APOLOGY: Councillor John McGhee.

CHAIR: Councillor Maureen McKay, Chair.

HEARING PROCEDURE

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

2. **APPLICATION NO 04/0306/FL: PAULINE SHEK: 37 MAIN STREET, NEWMILNS**

There was submitted an executive summary sheet and report dated 28 July 2004 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for the proposed change of use from video rental shop to hot food take away at 37 Main Street, Newmilns.

- 2.1 **Consideration of Item**

The Development Promotion Manager reported that 10 letters of objection had been received in respect of the application, details of which were contained within the report; reported a correction to Section 8.1 of the report to reflect that the proposed development does accord with the Development Plan and therefore should be approved unless material considerations indicate otherwise; 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.

- 2.2 **Planning Hearing**

The Committee then heard James Robertson in support of his objections. Members of the Committee asked questions of the objector in accordance with the Hearing Procedure.

The Committee then heard Pauline Shek, 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 Development Promotion Manager responded to various planning issues raised during the Hearing.

It was agreed to grant the application on the grounds that the proposal constituted an appropriate business use for a town centre property and subject to the following conditions and reasons (1) that details were to be submitted and agreed of a video surveillance system to monitor the vestibule area of the property and thereafter implemented as agreed prior to the commencement of the use, Reason: in the interests of residential amenity and public safety; (2) that the hours of use of the property as a hot-food takeaway be restricted to 1600 hours - 2300 hours seven days a week, Reason: in the interests of residential amenity; (3) that details of the appropriate siting and design of litter bins to serve the premises shall be submitted to and approved by the Planning Authority prior to the commencement of development, and thereafter implemented as agreed prior to the commencement of the use, Reason: in the interests of general and residential amenity; (4) the premises shall be operated without detriment to the amenity of the surrounding area by reason of noise or smell, Reason: in the interests of general and residential amenity; (5) that any noisy works during the construction/alterations to the premises should be restricted to 0700 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours Saturday and at no time on a Sunday, Reason: in the interests of residential amenity; (6) the proposed new rear door shall remain closed at all times other than in an emergency; Reason: in the interests of residential amenity and public health; and (7) a scheme showing the provision to be made for the disposal of refuse shall be submitted to and approved by the Planning Authority before any development commences on site, Reason: in the interests of residential amenity and public health.

3. APPLICATION NO 03/1110/FL: CASTLE DEVELOPMENTS LTD: 22 MAIN ROAD, WATERSIDE

There was submitted an executive summary sheet and report dated 29 July 2004 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for the proposed erection of 12 two storey detached houses with access road and accommodated parking at 22 Main Road, Waterside.

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

3.1 Consideration of Item

The Acting Principal Planning Officer reported that 5 letters of objection had been received in respect of the application, details of which were contained within the report; reported an amendment to Condition 13 in the report to extend its scope to include treatment to the southern boundary of the site, Reason: as stated in 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 decision notice be withheld until the Solicitor to the Council had concluded an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 dealing with the matters itemised in sections 3 and 7 of the report.

3.2 Planning Hearing

The Committee then heard Jean Brown representing her own objections and also those of William, Carol, James and John Brown. Members of the Committee asked questions of the objector in accordance with the Hearing Procedure.

The Committee then heard Craig Thomson and Bryce Drummond, the applicant's representatives, in support of the application. Members of the Committee asked questions of the applicant's representatives 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.

It was agreed to grant the application (1) subject to the conditions and for the reasons detailed in the report and subject to the amended Condition (13) as reported by the Acting Principal Planning Officer; (2) subject to the whole of Condition (13) being subject to approval by the Planning Authority prior to the commencement of development; and (3) that the issuing of the decision notice be withheld until the Solicitor to the Council had concluded an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 dealing with the matters itemised in sections 3 and 7 of the report.

4. APPLICATION NO 04/0503/FL: FLAME CHRISTIAN FELLOWSHIP: 7 CROSS STREET, DARVEL

There was submitted an executive summary sheet and report dated 28 July 2004 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for the proposed change of use of vacant building to recreation hall and offices at 7 Cross Street, Darvel.

The Development Promotion Manager reported that 1 letter of objection had been received in respect of the application, 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.

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.

5. APPLICATION NO 03/0556/FL: HUTCHISON 3G UK LTD: WEST MOSSIDE FARM, KIRKLANDSIDE, KILMARNOCK

There was submitted an executive summary sheet and report dated 29 July 2004 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for the proposed deletion of Condition 2B with regard to appeal decision P/PPA/190/83 with respect to planning application reference 02/0415/FL at West Mosside Farm, Kirklandside, Kilmarnock.

The Development Promotion Manager 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:- Refusal for the reasons detailed in the report.

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

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

6. APPLICATION NO 04/0102/FL: MR J HARRIS: MAUNSHEUGH ROAD, FENWICK

There was submitted an executive summary sheet and report dated 28 July 2004 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for retrospective change of use of stable block to residential use at Maunsheugh Road, Fenwick.

The Development Promotion Manager 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.

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

Councillor Young, seconded by Councillor Macrae, moved that the application be approved subject to the conditions and for the reasons detailed in the report and furthermore that any ancillary use of the stable block to the main house should not be for commercial purposes.

Councillor Wilson, seconded by Councillor Raymond, 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.

7. APPLICATION NO 04/0494/OL: MR E MACCOLL: HILL FARM, DUNLOP

There was submitted an executive summary sheet and report dated 29 July 2004 (both circulated) by the Head of Planning, Development and Building Standards on an outline planning application for the proposed erection of a new dwellinghouse at Hill Farm, Dunlop.

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

The Development Promotion Manager 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.

It was agreed (i) that the application be referred to the Development Services Committee with a recommendation for approval on the grounds that in the Committee's view, the development would bring sufficient social and economic benefit to the community and furthermore that the proposal represented appropriate rural land diversification; and (ii) that the Head of Planning, Development and Building Standards provide the Development Services Committee for their information when considering the application, with more detailed information on the Roads access issues in particular any impediments to achieving adequate sight lines and in upgrading the access road to an adoptable standard.

The meeting terminated at 1220 hours.