

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE – 4 MAY 2004

APPEAL DECISIONS 1 APRIL 2003 – 30 SEPTEMBER 2003

Report by Executive Director of Development and Property Services

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to present to Committee an analysis of Appeal Decisions received from the Scottish Executive for the above period.

2. COMMENTARY

- 2.1 Table 1 shows the outcomes in respect of five appeal decisions received from the Scottish Executive, against refusals of planning consent and failure to determine within the prescribed statutory period.
- 2.2 In three cases, the Appeal decision followed the Council's eventual decision on the relevant application. In respect of the other two appeals, at Hill Street, Kilmarnock, the Council did not have an opportunity to arrive at a decision as these proposals were appealed on the grounds of non-determination following deferral of the two items at Committee.

3. FINANCIAL AND LEGAL MATTERS

- 3.1 Two expenses claims were submitted further to the non-determination appeals, however these claims were rejected by the Reporter.

4. RECOMMENDATION

- 4.1 **It is recommended that the Committee note the contents of the report.**

James Lavery
Executive Director of Development and Property Services

26 April 2004.
(DVM/SA)
FV-AN

BACKGROUND PAPERS

- 1. Planning Application Numbers: 01/0741/FL, 02/0756/OL, 02/0852/OL, 02/0894/FL and 03/0056/RM and associated papers.**

Any person wishing to inspect the background papers listed above should contact Dave Morris on 01563 576753.

Implementation Officer: Alan Neish

TABLE 1

	App No.	Site Address	Proposed Development	Recommendation	Decision	Venue & Decision Date	Appeal Decision	Appeal Decision Date	Expenses Claimed	Expenses Awarded
1	01/0741/FL	Haining Mains, Mauchline Road, Hurlford	Proposed Development to House and Exercise Approximately 10 Greyhounds	Refuse	Refuse	Northern LPC 28.06.02	Refused	01.05.03	No	No
<p>This was refused on the advice of the Roads Division in that there would be an increase in the number and type of vehicles entering and leaving the traffic system via a substandard junction at a point where access to the site is restricted thus creating interference with the safety and free flow of traffic on the trunk road. The Reporter placed great weight on the comments of the Scottish Executive Development Department – Road Network Management and Maintenance Division - as reflected in the Roads Division advice, and dismissed the appeal in the interests of public safety.</p>										
2	02/0756/OL	Whitehill Farm, Skares	Outline Permission for Erection of Bungalow and Garage	Refuse	Refuse	Southern LPC 01.11.02	Refused	16.06.03	No	No
<p>This was refused because the Reporter concluded that the house was in the Rural Protection Area, was not required for operational reasons and was therefore contrary to the Adopted East Ayrshire Local Plan.</p>										

	App. No	Site Address	Proposed Development	Recommendation	Decision	Venue & Decision Date	Appeal Decision	Appeal Decision Date	Expenses Claimed	Expenses Awarded
3	02/0852/OL	Hindsward Farm, Skares	Outline Planning Permission for erection of three houses	Refuse	Refuse (at Dev Services) <i>Southern LPC had agreed the applic and triggered referral to Dev Services</i>	Dev Services. 11.02.03 17.01.03	Refuse	16.06.03	No	No
<p>This was refused because the Reporter concluded that the houses would not represent a logical extension to the built-up area and would increase pressure for development of the land intervening between the site and the village. The three houses would not be in accordance with the extant development plan and approval was not justified by other material considerations.</p>										
4	02/0894/FL	Former Site of Kilmarnock Infirmary, Hill Street, Kilmarnock	Erection of New Health Club (Private) at Ground Floor of Proposed Residential Development, for Residents' Use Only	Approve. Dev. Services agreed a deferral for consideration of the road layout of the wider proposal.	None made as appeal lodged on basis of non-determination.	Dev Services. Decision to defer taken on 08.04.03	Refused	29.07.03	Yes	No
<p>The application was recommended for approval, however the Committee agreed deferral for consideration to be given to the proposed road layout associated with the wider redevelopment proposals and to allow discussions to take place between the applicant and St Joseph's Church. The appeal against non-determination followed. The Reporter subsequently refused the wider application. In his opinion, little thought had been given to the impact of that development on the setting of or views towards adjacent listed buildings; St Joseph's Church and the West High Church. Landscaping was unimaginative and deficient and the range of materials proposed was too extensive and confused. This health club application, being part of the wider development proposal, accordingly was also refused.</p>										

	App. No	Site Address	Proposed Development	Recommendation	Decision	Venue and Decision Date	Appeal Decision	Appeal Decision Date	Expenses Claimed	Expenses Awarded
5	03/0056/RM	Former Site of Kilmarnock Infirmary, Hill Street, Kilmarnock	Proposed Erection of 98 Dwellings Incorporating 78 Flats and 20 Terraced Houses	Approve. Dev. Services agreed a deferral for consideration of the road layout, etc.	None made as appeal lodged on basis of non-determination.	Dev Services. Decision to defer taken on 08.04.03	Refused	29.07.03	Yes	No
<p>The application was recommended for approval, however the Committee agreed deferral to allow further consideration to be given to the proposed road layout and to allow discussions to take place between the applicant and St Joseph's Church. The appeal against non-determination followed. The Reporter subsequently refused the application. In his opinion, little thought had been given to the impact of the development on the setting of or views towards adjacent listed buildings; St Joseph's Church and the West High Church. Landscaping was unimaginative and deficient and the range of materials proposed was too extensive and confused.</p>										