

**EAST AYRSHIRE COUNCIL****NORTHERN AREA LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 27 OCTOBER 2000 AT 1005 HOURS  
IN THE CENTRE, STANDALANE, STEWARTON**

**PRESENT:** Councillors Jim Raymond, Kathleen Hall, Ann Hay, Harry Wilson, Finlay MacLean and Robert McDill.

**ATTENDING:** Dave Morris, Development Promotion Manager; David Mitchell, Legal Manager; Bill Walkinshaw, Administration Manager; Yvonne Mitchell, Senior Planning Officer; and Gillian Hamilton, Administrative Officer.

**APOLOGIES:** Councillors David Macrae, Brian McNeil and Stephanie Young.

**CHAIR:** Councillor Jim Raymond (Vice-Chair),

**CHAIR'S COMMENTS**

1. The Chair reported that Agenda Item 1.4 had been withdrawn from the Agenda and, at his discretion, and in terms of Standing Order 15.1, agreed to alter the order of business and consider Agenda Item 1.6 at this point.

**CONSIDERATION OF PLANNING APPLICATIONS****PROCEDURE**

2. The Chair established that the Hearing Procedure was understood by all participants.
- 2.1 **APPLICATION NO 00/0482/FL: MR & MRS EYGI - 44 HENRIETTA STREET, GALSTON**

There was submitted an executive summary sheet and report dated 17 October 2000 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed change of use from hairdressers to hot food take away at 44 Henrietta Street, Galston.

The Senior Planning Officer reported the receipt of two letters of objection and a petition with 23 signatories, one of whom had submitted the letter of objection, 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: Approval, subject the following conditions, viz:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) the proposal relates to the change of use of the property only and not any external alterations which will require a further separate planning application to be submitted to and be approved by the Planning Authority; (3) The use hereby approved shall only operate between the hours of 11.00am and 11.00pm on Sunday to Wednesday and between 11.00am each Thursday, Friday and Saturday and 11.30pm the same day; (4) all external doors shall be provided and maintained with self-closing equipment to the satisfaction of the Planning Authority; (5) the use hereby approved shall operate without detriment to adjoining properties by reasons of noise, dirt, smell or general disturbance; (6) a

scheme showing the provision to be made for the disposal of refuse and the provision of rubbish bins, shall be submitted to and approved by the Planning Authority before any development commences on site; (7) prior to the commencement of the development, details of the proposed equipment to be installed in relation to the extraction of smells, including any external flues, shall be submitted to and approved by the Planning Authority. Any equipment approved shall be installed prior to the commencement of the use and thereafter maintained to the satisfaction of the Planning Authority; and (8) notwithstanding the submitted plans, the proposed development shall include an adequate grease trap which shall be maintained thereafter to the satisfaction of the Planning Authority; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) in the interest of visual amenity; Condition (3) to prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity; Condition (4) in the interest of residential amenity; Condition (5) to safeguard the amenity of the area; Condition (6) in the interest of public safety; and Conditions (7) and (8) in the interest of public health and residential amenity.

### **2.1.1 PLANNING HEARING**

The Committee then heard Mr Bowman and Mr McKenna, on behalf of the petitioners in support of their objections (Mr Bowman also represented Mrs Bowman in support of her individual objections) and Mr Nicoll, the applicant's agent, in support of the application. Members asked questions of the petitioners. The petitioners and the applicant's agent responded to the issues raised, all in accordance with the Hearing Procedure.

The Senior Planning Officer then provided further comment on the issues raised.

### **2.1.2 DETERMINATION OF APPLICATION**

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

## **2.2 APPLICATION NO 00/0386/FL: OCEAN HOMES - PLOT 2, BLAIR AVENUE, HURLFORD**

There was submitted an executive summary sheet and report dated 17 October 2000 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed erection of new private dwellinghouse at Plot 2, Blair Avenue, Hurlford.

The Senior Planning Officer reported that no objections had been received and of a correction to Condition 9 as follows:- no development shall commence on site until there has been lodged with the Roads Authority the required Roads Bond in order to facilitate the undertaking of traffic calming measures of Blair Avenue over the frontage of the site and extending to the junction with the A71; summarised the planning considerations in respect of the applications and gave the recommendation of the Head of Planning and Building Control: Approval, subject to the following conditions, viz:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) the development shall be carried out in accordance with the application form received on 2 June 2000 and the plans received by the Planning Authority on 2 June 2000; (3) a landscaping scheme including the treatment of the boundary of the site, the provision and details of

frontage tree planting at the site boundary with Blair Avenue and details of future maintenance arrangements, shall be submitted to and approved by the Planning Authority prior to commencement of any development. Any trees removed without consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by trees of a similar size or species as may be agreed in writing with the Planning Authority; (4) the landscaping to be provided for this development as approved under the terms of Condition 3 above, shall be implemented not later than the next appropriate planting season after occupation of the dwellinghouse; (5) Notwithstanding the submitted plans, details of the design and construction of all fences and walls to be erected on site, and which shall include a 1.8 metre screen fence along the south and west site boundaries shaded brown on the approved plans, shall be submitted to and approved by the Planning Authority before any development commences on site; (6) prior to the dwellinghouse situated on the plot being occupied, the fence or wall approved under the terms of Condition 5 above, shall be erected and thereafter maintained to the satisfaction of the said Authority; (7) no approval is granted for the type and distribution of external finishes and before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Planning Authority; (8) prior to the dwellinghouse hereby approved being occupied, a 2.0 metre wide footpath shall be constructed along the frontage of the site with Blair Avenue as shown on the approved plans; (9) as above; and (10) prior to the commencement of development on site, the applicant shall have submitted to, and have had approved by the Planning Authority details confirming the suitability of the site for construction purposes and for the accommodation of a residential property; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to ensure that the development is carried out in accordance with the approved details; Conditions (3) and (4) to ensure that planting is laid out in a proper manner in the interest of residential amenity; Conditions (5) and (7) in the interest of visual amenity; Condition (6) in the interest of residential and visual amenity; Condition (8) in the interest of public safety; Condition (9) in the interest of road safety; and Condition (10) to ensure that due regard is taken of previous use of the land.

It was agreed to grant the application subject to the conditions, as amended, and for the reasons detailed.

### **2.3 APPLICATION NO 00/0416/FL: OCEAN HOMES - PLOT 4, BLAIR AVENUE, HURLFORD**

There was submitted an executive summary sheet and report dated 17 October 2000 (both circulated) by the Head of Planning and Building Control on full planning application for proposed erection of new dwellinghouse at Plot 4, Blair Avenue, Hurlford.

The Senior Planning Officer reported that no objections had been received and on a correction to Condition 9 as follows:- no development shall commence on site until there has been lodged with the Roads Authority the required Roads Bond in order to facilitate the undertaking of traffic calming measures of Blair Avenue over the frontage of the site and extending to the junction with the A71; summarised the planning considerations in respect of the applications and gave the recommendation of the Head of Planning and Building Control: Approval, subject to the following

conditions, viz:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) the proposed development shall be carried out in accordance with the application form received on 2 June 2000 and the plans received by the Planning Authority on 2 June 2000; (3) a landscaping scheme including the treatment of the boundary of the site, the provision and details of frontage tree planting at the site boundary with Blair Avenue and details of future maintenance arrangements, shall be submitted to and approved by the Planning Authority prior to commencement of any development. Any trees removed without consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by trees of a similar size or species as may be agreed in writing with the Planning Authority; (4) the landscaping to be provided for this development as approved under the terms of Condition 3 above, shall be implemented not later than the next appropriate planting season after occupation of the dwellinghouse; (5) Notwithstanding the submitted plans, details of the design and construction of all fences and walls to be erected on site, and which shall include a 1.8 metre screen fence along the south and west site boundaries shaded brown on the approved plans, shall be submitted to and approved by the Planning Authority before any development commences on site; (6) prior to the dwellinghouse situated on the plot being occupied, the fence or wall approved under the terms of Condition 5 above, shall be erected and thereafter maintained to the satisfaction of the said Authority; (7) no approval is granted for the type and distribution of external finishes and before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Planning Authority; (8) prior to the dwellinghouse hereby approved being occupied, a 2.0 metre wide footpath shall be constructed along the frontage of the site with Blair Avenue as shown on the approved plans; (9) as above; and (10) prior to the commencement of development on site, the applicant shall have submitted to, and have had approved by the Planning Authority details confirming the suitability of the site for construction purposes and for the accommodation of a residential property; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to ensure that the development is carried out in accordance with the approved details; Conditions (3) and (4) to ensure that planting is laid out in a proper manner in the interest of residential amenity; Conditions (5) and (7) in the interest of visual amenity; Condition (6) in the interest of residential and visual amenity; Condition (8) in the interest of public safety; Condition (9) in the interest of road safety; and Condition (10) to ensure that due regard is taken of previous use of the land.

It was agreed to grant the application subject to the conditions, as amended, and for the reasons detailed.

#### **2.4 APPLICATION NO 00/0586/CA: HANOVER (SCOTLAND HOUSING ASSOCIATION) - 16 KING STREET, NEWMILNS**

There was submitted an executive summary sheet and report dated 17 October 2000 (both circulated) by the Head of Planning and Building Control on a conservation area application for proposed demolition of existing property at 16 King Street, Newmilns.

The Senior Planning Officer reported that no objections had been received; summarised the planning considerations in respect of the application; and gave the

recommendation of the Head of Planning and Building Control: Approval, subject to the following condition, viz:- the developer shall secure the implementation of an archaeological watching brief to be carried out by an archaeological organisation acceptable to the planning authority, during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the West of Scotland Archaeology Service. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences; this Condition being imposed to ensure that if any sensitive archaeological remains or features are encountered during ground excavation works associated with the development, they can be adequately recorded.

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

The meeting terminated at 1031 hours.

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