

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE**

**MINUTES OF MEETING HELD ON FRIDAY 30 NOVEMBER 2001 AT 1000 HOURS  
IN NEW CUMNOCK COMMUNITY CENTRE, THE CASTLE, NEW CUMNOCK**

**PRESENT:** Councillors Jimmy Kelly, Eric Jackson, George Smith, William Menzies, Provost Jimmy Boyd and Councillors Elaine Dinwoodie, Robert Taylor and Jimmy Carmichael.

**ATTENDING:** David Mitchell, Solicitor to the Council/Head of Administrative and Legal Services; Hugh Melvin, Senior Development Promotion Officer; and Stuart Nelson, Administrative Officer.

**APOLOGIES:** Councillors Tommy Farrell, Julie Faulds and Eric Ross.

**CHAIR:** In the absence of the Chair, Councillor Jimmy Kelly, Vice-Chair, in the Chair.

**HEARING PROCEDURE**

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

2. **APPLICATION NO 01/0704/OL: MR AND MRS WALLS: GROUND OPPOSITE 83-85 CONNEL PARK, NEW CUMNOCK**

There was submitted an executive summary sheet and report dated 12 November 2001 (both circulated) by the Head of Planning and Building Control on an outline planning application for the proposed erection of a dwellinghouse opposite 83-85 Connel Park, New Cumnock.

2.1 **Consideration of Item**

The Senior Development Promotion Officer reported that three letters of objection had been received in respect of this 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 and Building Control: Approval, subject to the following conditions, viz:- (1) In the case of the reserved matters specified below, application for approval must be made not later than the expiration of three years beginning with the date of this permission; (2) That the development to which this permission relates must be begun not later than the expiration of five years from the date of this permission or within the expiration of two years from the final approval of all reserved matters, whichever is the later; (3) Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the following matters hereby reserved:- (a) the layout of the site; (b) the size, height, design and external appearance of the proposed dwellinghouse; (c) the means of drainage and sewage disposal; (d) details of the access arrangements; (e) the provision for open space; (f) the provision for car parking; (g) the boundary walls/fences to be erected; (h) the landscaping of the site; and (i) finished site levels/floor levels; (4) The details to be submitted under Condition 3(d) and (f) shall allow for the following road alterations:- (a) access to be taken at the south-eastern end of the plot in order to ensure acceptable visibilities at the

access point onto the B741 public road; (b) visibility sightline splay area of 2 metres by 20 metres to be formed and maintained at the access onto the B741 with no obstruction greater than 1 metre allowed within these areas; (c) access to the site to be taken via a standard driveway access crossing to East Ayrshire Council Roads Standards; (d) a minimum of two off-road parking spaces to be provided within the curtilage of the dwellinghouse; (e) the first two metres of the driveway to be surfaced; and (f) a turning area to be provided within the curtilage of the dwellinghouse; (5) The details to be submitted under Condition 3(b) shall allow for a dwellinghouse of single or one and half storey construction; and (6) The details to be submitted under Condition 3(b) shall allow for the design of the dwelling to pay due regard to the character of existing traditional dwellings and to its semi-rural setting. The house shall be of traditional design with rendered external walls, traditionally proportioned windows and roof finished in slate or slate sized tiles; Conditions (1) and (2) being imposed to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997; Condition (3) because the approval is in outline only; Condition (4) in the interests of road safety; and Conditions (5) and (6) in the interests of visual amenity.

## **2.2 Planning Hearing**

The Committee heard Mrs Gloria Vallance in support of her objection. The Committee then heard Mr Walls in support of the application. Members asked questions of the objector and of the applicant. The objector and the applicant responded to the issues raised, all in accordance with the Hearing Procedure.

## **2.3 Determination of Application**

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

## **3. APPLICATION NO 01/0742/FL: MR AND MRS MILLS: 69 THE LEGGATE, NEW CUMNOCK**

There was submitted an executive summary sheet and report dated 16 November 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of a dog run, store and boundary walls at 69 The Leggate, New Cumnock.

### **3.1 Consideration of Item**

The Senior Development Promotion Officer reported that one letter of objection had been received in respect of this 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 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) Notwithstanding the approved plans, the external surface of the walls shall be rendered or roughcast in a colour to be agreed in writing with the Planning Authority; and (3) The use of the structure hereby approved as a dog run shall operate without detriment to adjoining properties by reason of noise, dirt, smell or general disturbance; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) in the interests of visual residential amenity; and Condition (3) to safeguard the amenity of the area.

### **3.2 Planning Hearing**

The Committee heard Mr and Mrs Hyslop in support of their objection. The Committee then heard Mr and Mrs Mills in support of the application. Members asked questions of the objectors and of the applicants. The objectors and the applicants responded to the issues raised all in accordance with the Hearing Procedure.

### **3.3 Determination of Application**

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

## **4. APPLICATION NO 01/0688/FL: MR AND MRS McDERMID: 72 BARSKIMMING ROAD, MAUCLINE**

There was submitted an executive summary sheet and report dated 16 November 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of a conservatory at 72 Barskimming Road, Mauchline.

### **4.1 Consideration of Item**

The Senior Development Promotion Officer reported that one letter of objection had been received in respect of this 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 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) Notwithstanding the plans hereby approved, the external appearance of all materials to be used in the construction of the extension shall match the materials of the original building; (3) Notwithstanding any specification on the approved plans or application form, all surface water draining from the proposed conservatory shall be directed to a soakaway or similar system, details of the form and location of which shall be submitted to and approved by the Planning Authority prior to the commencement of any work on site; (4) The drainage system, approved in respect of Condition (3) above, shall be provided and installed in working order concurrent with the completion of the proposed extension; and (5) Notwithstanding any specification on the approved plans or application form, details of a two metre high screen fence to be erected in the position indicated in green on approved plan reference number 01 shall be submitted to and approved by the Planning Authority. The fence, once approved, shall be erected on site prior to the commencement of use of the conservatory; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to ensure that the extension matches the external appearance of the existing building and thereby maintain the visual quality of the area; Conditions (3), (4) and (5) in the interests of residential amenity.

### **4.2 Planning Hearing**

The Committee heard Mrs Steell in support of her objection. Members asked questions of the objector and the objector responded to the issues raised all in accordance with the Hearing Procedure.

### **4.3 Further Consideration**

It was agreed to continue consideration of this application at the next meeting in order to enable Members of the Committee to visit the site of the proposed development.

### **5. APPLICATION NO 01/0673/FL: ORANGE PCS LIMITED: STEVENSTON FARM, AUCHINLECK**

There was submitted an executive summary sheet and report dated 7 November 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed construction of a telecommunications base station and erection of 20 metre high mast at Stevenston Farm, Auchinleck.

The Senior Development Promotion Officer reported that one letter of objection had been received in respect of this 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 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) In the event that equipment becomes obsolete or redundant it shall be removed and the site reinstated to the satisfaction of the Planning Authority within three months; (3) The colour of all the elements including the support structure, associated equipment housing cabinets, antennas and cabling shall be approved by the Planning Authority prior to their construction and shall not be altered thereafter unless agreed in writing; (4) The mast shall be structurally capable of being shared by additional radio telecommunication equipment; and (5) The trees to be felled shall be restricted to the minimum necessary to accommodate the development, and prior to the commencement of development, details of all these trees together with a scheme of replacement tree planting to be carried out during the next planting season after implementation of the development, shall be submitted to and approved by 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 interests of visual amenity and to ensure the reinstatement of the site to a satisfactory standard; Condition (3) to minimise the level of visual intrusion in the rural landscape; Condition (4) to enable potential mast sharing; and Condition (5) in the interests of visual amenity and to maintain the existing visual contribution of the trees to the amenity of the area.

The Solicitor to the Council indicated that in the Executive Summary Sheet relative to this application, Section 3, Paragraph 3.1, the words "for reasons of public health" should be deleted.

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.

### **6. APPLICATION NO 01/0693/FL: MR J DAWSON: 43 MAIN STREET, MUIRKIRK**

There was submitted an executive summary sheet and report dated 13 November 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed siting of a wooden shed for storage purposes at 43 Main Street, Muirkirk.

The Senior Development Promotion Officer reported that one letter of objection had been received in respect of this 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 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; and (2) Within one month of the date of this consent, the existing wooden shed located to the south of the shed hereby approved shall be permanently removed from site; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and Condition (2) in the interests of visual residential amenity.

No Hearing took place as the objector did not wish to be heard.

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

**7. APPLICATION NO 01/0589/LB: S E BRODIE, ESQ: SKELDON HOUSE, DALRYMPLE**

There was submitted an executive summary sheet and report dated 19 November 2001 (both circulated) by the Head of Planning and Building Control on a Listed Building Consent application for proposed conservation works to redundant gate and gate piers at Skeldon House, Dalrymple.

The Senior Development Promotion Officer reported that no objections had been received in respect of this application; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Building Control: Approval, subject (a) 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; and (2) No works shall be undertaken to the gates, piers, flanking railings or dwarf walls until such time as applications for planning permission and Listed Building Consent in respect of the replacement gates and other boundary treatment at the redundant access have been submitted to and approved by the Planning Authority or Scottish Ministers as required; Condition (1) being imposed to comply with Section 16 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997; and Condition (2) in the interests of visual amenity and to safeguard the character of the existing Listed Lodge House; and (b) to notification to Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1987.

It was agreed to approve the application subject (a) to the conditions and for the reasons detailed; (b) to the additional condition that the replacement gates and boundary treatment required under Condition (2) above, shall be erected on site within six months of the relocation of the existing gates, piers and flanking railings and dwarf walls in order to ensure that the replacement entrance feature at the existing lodge house is provided within a reasonable timescale; and (c) to notification to Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1987.

**8. APPLICATION NO 01/0683/FL: MRS E TURNER: HOLLYBUSH MAINS FARM, HOLLYBUSH**

There was submitted an executive summary sheet and report dated 21 November 2001 (both circulated) by the Head of Planning and Building Control on an application for full planning permission for the proposed erection of a single storey dwellinghouse at Hollybush Mains Farm, Hollybush.

The Senior Development Promotion 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 conditions, viz:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) The dwelling hereby approved shall be occupied only by a person or persons locally employed or locally last employed in agriculture on the land to which the dwelling relates; or by a dependant of such a person residing with him or her or a widow or widower of such a person; (3) Prior to the occupation of the dwellinghouse, a visibility splay shall be formed and thereafter maintained such that there shall be no obstruction to visibility above one metre in height within a splay of 2.5 metres by 160 metres in both directions at the junction of the access to the site with the A713; (4) Prior to the occupation of the dwellinghouse, the access to site, to the extent indicated in blue on the approved location plan, shall be upgraded to adoptable standard in accordance with the East Ayrshire Council Roads Development Guide 1996; (5) Prior to the occupation of the dwellinghouse, a turning area shall be provided and thereafter maintained within the site; (6) Prior to the occupation of the dwellinghouse, three in-curtilage car parking spaces shall be provided and thereafter maintained with the site; (7) Notwithstanding any specification on the approved plans or application form, the proposed dwellinghouse shall be finished with wet dash render. The use of red facing brick, as indicated on the approved plans and application form is not hereby approved; (8) Notwithstanding any specification on the approved plans or application form, or the provisions of Condition (7) above, samples of all external materials to be used in the construction of the dwellinghouse shall be submitted to and approved by the Planning Authority, prior to the commencement of any work on site; (9) Notwithstanding any specification on the approved plans or application form, details of the location, design and materials to be used in the construction of all walls, fences or other means of enclosure within the site shall be submitted to and approved by the Planning Authority, prior to the commencement of any work on site; and (10) Notwithstanding the plans hereby approved, any septic tank provided to serve the development shall be sited in such a position as will enable it to be emptied by the tanker; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) because the proposed development constitutes the construction of a dwellinghouse in the countryside which would otherwise be refused; Condition (3) in the interest of public road safety; Condition (4) in the interest of public road safety as the proposal represents the third house accessed via a private road; Condition (5) to ensure that access and egress to the site is taken in a forward gear only in the interest of public road safety; Condition (6) to ensure that adequate car parking is provided, in the interest of public road safety; Conditions (7), (8) and (9) in the interest of visual amenity; and Condition (10) in the interest of public safety and residential amenity.

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

**9. APPLICATION NO 01/0610/FL: HOPE HOMES SCOTLAND: BENSTON PARK, BURNTON ROAD, DALRYMPLE**

There was submitted an executive summary sheet and report dated 15 November 2001 (both circulated) by the Head of Planning and Building Control on an application for full planning permission for the proposed removal of Condition 5 of planning permission 98/0499/FL relating to the provision of a play area at Benston Park, Burnton Road, Dalrymple.

The Senior Development Promotion 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: Refusal on the grounds that the proposal is contrary to the provisions of Policy RES 19 of the East Ayrshire Local Plan (Finalised Version with Modifications), which the Council has agreed shall be a prime material consideration in the determination of applications and which requires the provision of active, recreational open space, including appropriate equipped play areas in residential developments of 10 or more dwellings.

Councillor Kelly, seconded by Provost Boyd moved that the application be refused for the reason detailed.

Councillor Dinwoodie, seconded by Councillor Carmichael, moved as an amendment that the application be approved.

On a division by a show of hands, the amendment was carried by five votes to three.

The meeting terminated at 1127 hours.

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