

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE

**MINUTES OF MEETING HELD ON FRIDAY 26 OCTOBER 2001 AT 1000 HOURS
IN DUNLOP PUBLIC HALL, MAIN STREET, DUNLOP**

PRESENT: Councillors David Macrae, Brian McNeil, Ann Hay, Stephanie Young and Harry Wilson.

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

APOLOGIES: Councillors Jim Raymond, Kathleen Hall and Finlay MacLean.

CHAIR: Councillor David Macrae, Chair.

CONSIDERATION OF PLANNING APPLICATIONS

1. APPLICATION NO 01/0101/FL: REDROW HOMES - WESTFIELD NURSERY, GLASGOW ROAD, KILMARNOCK

Following a request by Councillor Young, the Chair agreed to consider at this point a request to defer consideration of the above application to the next meeting to enable members to attend a site visit.

It was agreed to defer the application.

2. PROCEDURE

The Administration Manager established that the Hearing Procedure was understood by all participants.

3. APPLICATION NO 01/0487/FL: SUNNYSIDE COTTAGE GARDENS LTD - FARM LAND ADJACENT TO BLACKWOOD FARM, MOSCOW

There was submitted an executive summary sheet and report dated 17 October 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed change of use of ground from agriculture to agriculture including retail sales, erection of 4 tunnel style greenhouses, portacabin unit, archway and formation of car parking spaces at farm land adjacent to Blackwood Farm, Moscow.

3.1 Consideration of Application

The Senior Planning Officer reported the receipt of two letters of objection with three signatories, including one from a consultee, 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 provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and the Town and Country Planning

(Use Classes) (Scotland) Order 1997, this approval only permits the retailing of goods which are produced or grown on site; (3) Development shall not begin until a scheme for landscaping of the site has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include the location and design, including materials, of the car park, walls, fences and gates, the preparation of areas to be planted, the location of new trees, shrubs, hedges and grassed areas and programmes for completion and subsequent maintenance; and (4) The change of use hereby permitted shall not be implemented until the landscaping scheme has been implemented 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) To safeguard the vitality of adjacent town centres; and Conditions (3) and (4) In the interests of visual and residential amenity.

3.2 Planning Hearing

The Committee then heard Dr Brocklehurst, Objector and Mrs Meikle, representing Moscow and Waterside Community Council, in support of their objections and Mr Grant and Ms McMillan, representing the applicant, in support of the application. Members asked questions of the objectors and the applicant's representatives and the objectors and the applicant's representatives responded to the issues raised, all in accordance with the Hearing procedure.

The Chair closed the Hearing.

3.3 Determination of Application

The Senior Planning Officer reported on planning issues raised during the Hearing.

Councillor Macrae, seconded by Councillor Young moved that the application be refused on the grounds that the proposed development would be detrimental to the visual amenity of the surrounding area by reason of the types of material used on site and the size of the site in relation to the surrounding area.

Councillor McNeil, seconded by Councillor Hay moved as an amendment that the application be approved subject to the conditions and for the reasons detailed.

On a division by a show of hands, the amendment was carried by 3 votes to 2.

4. APPLICATION NO 01/0240/FL: DUFFIELD MORGAN LTD - ROWALLAN CASTLE, ROWALLAN ESTATE, KILMAURS

There was submitted an executive summary sheet and report dated 17 October 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed change of use and refurbishment of vacant castle to form overnight accommodation for use in conjunction with hotel at Rowallan Castle, Rowallan Estate, Kilmaurs.

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

The Senior Planning Officer reported the receipt of five letters of objection, including four letters from consultees, 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) The change of

use hereby granted relates solely to the buildings outlined in blue on the approved A3 block plan drawing no BP; (3) The change of use as approved shall not be commenced until hotel operations have commenced from the larger hotel (Rowallan House) as approved in principle by EAC 98/0365/OL; (4) The principal access to and egress from the application site shall be by way of a new junction formed with the B751 public road west of the Gatehouse. The sightline and forward visibility for that junction shall be 2.3m by 160m with a junction radii of a minimum 9m. The access road so formed will be 4.1m wide and shall continue for at least 100m and will terminate in a roundabout between the gatehouse and the application site; (5) Prior to the commencement of use of the building, details of parking provisions for the use of the castle shall be submitted to and approved by the Planning Authority. Said details shall not impinge on the area within the application site; (6) Before the commencement of use of the building, details of the provisions made for the roosting of bats, together with details of the works, shall be submitted to and approved by the Planning Authority; and (7) Prior to the commencement of use of the building as overnight accommodation, further details of the means of drainage and sewage disposal 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; Conditions (2) and (3) In the interest of visual amenity and preserving the setting of the Scheduled Ancient Monuments and Category A Listed Building; Condition (4) In the interest of road safety; Condition (5) In the interests of road safety and visual amenity; Condition (6) In the interests of not disturbing or deterring the roosting of bats, being a protected species under the Wildlife and Countryside Act; and Condition (7) To prevent contamination of watercourses.

No Hearing took place as the objectors were not present or represented.

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

5. APPLICATION NO 01/0101/FL: REDROW HOMES - WESTFIELD NURSERY, GLASGOW ROAD, KILMARNOCK

The Chair reported that the above application had been withdrawn from the Agenda.

6. APPLICATION NO 01/0519/FL: J C MORTON HOMES - 4-12 BREWLANDS STREET, GALSTON

There was submitted an executive summary sheet and report dated 17 October 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed alterations to approved car parking layout at 4-12 Brewlands Street, Galston.

The Development Promotion Manager reported the receipt of two letters 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 to the following conditions, viz:- The development to which this permission relates must be begun within five year from the date of this permission, this Condition being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

No Hearing took place as the objectors were not present or represented.

It was agreed to grant the application subject to the condition and for the reason detailed.

7. APPLICATION NO 01/0603/FL: PAUL McSKEANE - 8 HIGH STREET, STEWARTON

There was submitted an executive summary sheet and report dated 9 October 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed children's play centre and alteration to existing shop premises at 8 High Street, Stewarton.

The Development Promotion Manager 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) Prior to the commencement of the use of the site as a children's play centre, details indicating the treatment and equipment to be installed in the outdoor play area, including details of any fences or walls to be erected, shall be submitted to and approved in writing by the Planning Authority; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and Condition (2) To ensure the Planning Authority can control the use of the external area associated with the play centre, in the interest of visual and environmental amenity.

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

8. APPLICATION NOS 01/0600/FL AND 01/0601/LB: ST VINCENT CRESCENT PRESERVATION TRUST - MAIN STREET, NEWMILNS

There was submitted an executive summary sheet and report dated 17 October 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed rehabilitation and conversion of 24-28 High Street/73-77 Main Street, Newmilns to 7 dwelling units; erection of a new 2.5 storey building at 79 Main Street, Newmilns containing 2 dwelling units associated site works and bin stores and a listed building application for proposed repairs/renovation, demolition of additions replacement windows (26-28 High Street) and renovations, demolition of outbuilding, replacement windows, new dormer (73-77 Main Street), Newmilns.

The Senior Planning Officer reported the receipt of two letters of objection, details of which were contained within the report and of a further two responses from consultees; summarised the 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:- (i) in respect of Application No 01/0600/FL: (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 and plans submitted on 3 September 2001 as revised by the plans received by the Planning Authority on 14 September 2001 (L(2-) 24/11 and 9 October 2001 (G936(0-)-/11 Revision A, G936(0-)R/20 Revision A, G936(0-)R/21 Revision A, G936(0-)R/22 Revision A, G936(0-)R/23 Revision A, G936/L(2-)79/02 Revision A, G936/L(2-)R/04 Revision A).; (3) No works further to this planning consent shall commence on site until the Planning Authority has received, and agreed in writing its acceptance of confirmation that contracts have

been let for the redevelopment of that part of the site fronting onto Main Street; (4) A landscaping scheme shall be submitted to and approved by the Planning Authority prior to commencement of any development and shall be implemented not later than the next appropriate planting season after the development has been carried out. The scheme shall include details of the provision to be made for the maintenance of soft and hard landscaped areas, and shall be maintained thereafter in accordance with the details; (5) The landscaping scheme to be submitted under Condition 4 above shall include alternative soft landscaping as opposed to trees along the rear boundary of Nos 4-6 Castle Street; (6) No dwelling unit shall be occupied until a Traffic Order and associated road improvements on Castle Street have been approved and completed to Roads Division standards; (7) Prior to any work commencing on site, details of the surface treatment to the car parking areas shall be submitted to and approved by the Planning Authority; (8) The parking court at the rear of 24 High Street shall be completed to the satisfaction of the Planning Authority prior to the occupation of any of the units at 24-28 High Street. The central parking court at the rear of 73-77 Main Street shall be completed to the satisfaction of the Planning Authority prior to the occupation of any of the units at 73-79 Main Street; (9) Notwithstanding the submitted plans, the fenestration details on the Main Street elevation of No 79 Main Street and the use of galvanised steel lintels, columns, copper clad piers and cedar boarding on this building are not hereby approved. Revised details of the Main Street elevation and materials to be used on this building shall be submitted to and approved by the Planning Authority prior to the commencement of any works on site. Those details shall include a drawing at 1:20 scale which shall specify finishes and colours; (10) Notwithstanding the submitted plans, the ground floor windows on 73-77 Main Street are not approved. Revised elevations shall provide for the ground floor windows to have the appearance of traditional shop windows. Details shall be submitted to and approved by the Planning Authority prior to commencement of any development on site; (11) Prior to commencement of development, the applicant shall confirm in writing the exact sizes of the existing original sashes on the first floor windows of 73 to 77 Main Street. The proposed windows shall match the sizes of the original windows; (12) Prior to commencement of development a detailed design of the pediment and stack on 73 to 77 Main Street shall be submitted to and approved by the Planning Authority; (13) details of the original external entrance doors on the Main Street elevation of 73 to 77 shall be submitted to the Planning Authority prior to approval of the proposed doors; (14) A specification for new chimney cans on 73 to 77 Main Street shall be submitted to and approved by the Planning Authority prior to any commencement of development; (15) Notwithstanding the submitted plans, a coloured-up drawing of the principal elevation of 73 to 77 Main Street shall be submitted to and approved by the Planning Authority prior to commencement of development. This submission shall specify the colour of the lime harl/limewash of the external walls; and (16) Prior to commencement of development, details of the proposed paint scheme shall be submitted to and approved by the Planning Authority. The scheme shall include a medium/dark toned colour for the doors, their frames and fanlight(s) and the windows painted either to match, or in an off-white (e.g. Gardenia (10-B-15) or Buttermilk). The timber work on the dormers around the sash windows shall be painted to match the doors, and the rainwater goods black; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) To ensure that development is carried out in accordance with the approved details; Conditions (3), (9), (10), (11), (12), (13), (15) and (16) In the

interests of preserving the character and appearance of the listed buildings within the Outstanding Conservation Area; Condition (4) To ensure that adequate public open space is provided, to an adequate standard, and that it is subsequently maintained, in the interests of residential and visual amenity; Conditions (5) and (7) In the interests of visual and residential amenity; Condition (6) In the interests of public and road safety; Condition (8) In the interests of road safety and visual and residential amenity; and Condition (14) To ensure that the cans are suitably constructed and compatible with other buildings in Newmilns; and (ii) in respect of Application No 01/0601/LB: (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) All ventilation outlets shall be confined to the rear pitch of the buildings at 73 to 77 Main Street and 26 to 28 High Street; (3) Prior to commencement of development, details of the finishing materials on the roofs and cheeks of the "cat-slide" dormer windows shall be submitted to and approved by the Planning Authority; (4) Notwithstanding the submitted plans, the ground floor windows on 73 to 77 Main Street are not approved. Revised elevations shall provide for the ground floor windows to have the appearance of traditional shop windows. Details shall be submitted to and approved by the Planning Authority prior to commencement of any development on site; (5) Prior to commencement of development the applicant shall confirm in writing the exact sizes of the existing original sashes on the first floor windows of 73 to 77 Main Street. The proposed windows shall match the sizes of the original windows; (6) Prior to commencement of development a detailed design of the pediment and stack on 73 to 77 Main Street shall be submitted to and approved by the Planning Authority; (7) details of the original external entrance doors on the Main Street elevation of 73 to 77 shall be submitted to the Planning Authority prior to approval of the proposed doors; (8) A specification for new chimney cans on 73 to 77 Main Street shall be submitted to and approved by the Planning Authority prior to any commencement of development; (9) Notwithstanding the submitted plans, a coloured-up drawing of the principal elevation of 73 to 77 Main Street shall be submitted to and approved by the Planning Authority prior to commencement of development. This submission shall specify the colour of the lime harl/limewash of the external walls; (10) Prior to commencement of development, details of the proposed paint scheme shall be submitted to and approved by the Planning Authority. The scheme shall include a medium/dark toned colour for the doors, their frames and fanlight(s) and the windows painted either to match, or in an off-white (e.g. Gardenia (10-B-15) or Buttermilk). The timber work on the dormers around the sash windows shall be painted to match the doors, and the rainwater goods black; (11) The first floor window of the part that links No 28 to No 30 shall be retained at its existing height and a glazed/timber infill installed in the manner commonly seen in the loading doors of warehouse and mill conversions. Details of this window shall be submitted to and approved by the Planning Authority prior to commencement of development; (12) Prior to commencement of development the applicant shall clarify whether there was historically a doorpiece on the main elevation to 26 to 28 High Street. If a doorpiece was original built on the building this shall be reinstated in preference to removing the existing margin. Details of such a doorpiece shall be submitted to and approved by the Planning Authority prior to commencement of development; and (13) Notwithstanding the submitted plans, the principal windows on the front and rear elevations of 26 to 28 High Street are not approved. The applicant shall install either 2-pane sashes or sashes containing 6 panes with the upper and lower sash sizes being of equal size. Details of the windows shall be submitted to and approved by the Planning Authority prior to

commencement of development; Condition (1) being imposed to comply with Section 16 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997; Conditions (2), (3), (4), (5), (6), (7), (9), (10), (12) and (13) In the interests of preserving the character and appearance of the listed buildings within the Outstanding Conservation Area; Condition (8) To ensure that the cans are suitably constructed and compatible with other buildings in Newmilns; and Condition (11) To reflect the mixed commercial and residential character of the town.

8.1 Adjournment/Reconvention

It was agreed to adjourn the meeting at 1107 hours to allow the Committee to take legal advice.

The meeting reconvened at 1110 hours with the same Members and Officers present and attending.

8.2 Declaration of Interest

Councillor Wilson declared an indirect and non-pecuniary interest in respect of this Item and Item 9 below and left the meeting.

8.3 Consideration of Item

It was intimated by a representative of Newmilns and Greenholm Community Council that the Community Council wished to withdraw their objection to applications 01/0600/FL and 01/0601/LB.

No Hearing took place as the other objectors were not present or represented.

8.4 Adjournment/Reconvention

At the request of Officers and following a motion by the Chair, it was agreed to adjourn the meeting at 1119 hours to enable the Planning Officers to consider new information on the application.

The meeting reconvened at 1128 hours with the same members and officers present and attending.

8.5 Determination of Applications

The Senior Planning Officer recommended in respect of Application No 01/0600/FL the deletion of Condition (2) as detailed in the TP24 form appended to the report by the Head of Planning and Building Control and the addition of new Condition (2) as follows: "The frontage of the site onto Main Street shall be screened on completion of demolition. Details of the screening shall be submitted to and approved by the Planning Authority prior to erection on site. Such screening shall be retained on site until redevelopment works at No 79 Main Street commence. The screening shall be maintained in a neat and tidy condition in the interest of visual amenity and to preserve the visual quality of the area"; an amendment to Condition (5) as follows: "No dwelling shall be occupied until such time as a suitable vehicular access is available to the proposed units in the interest of public and road safety"; an amendment to Condition (8) as follows: "Notwithstanding the submitted plans, the fenestration details on the Main Street elevation of No 79 Main Street and the use of galvanised steel lintels, columns, copper clad piers and cedar boarding on this building are not hereby approved. Revised details shall be submitted to and approved by the Planning Authority prior to the new build element of the proposal commencing on site. Those details shall include a drawing at 1:20 scale which shall

specify finishes and colours in the interest of visual amenity and preserving the character and appearance of the Outstanding Conservation Area; and additional conditions as follows: (17) "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 to ensure that any archaeological deposits, which would be damaged, destroyed or disturbed by ground breaking for foundation and service trenches etc, are recorded prior to commencement of development or during it."; (18) "The developer shall undertake recording of archaeological resources within the development site to the satisfaction of the Planning Authority to ensure that any archaeological deposits which would be damaged, destroyed or disturbed by ground breaking for foundation and service trenches etc are recorded prior to commencement of development or during it"; and (19) "No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, this scheme to be submitted for approval by the Planning Authority following consultation and agreement with the West of Scotland Archaeology Service to ensure that any archaeological deposits, which would be damaged, destroyed or disturbed by ground breaking for foundation and service trenches etc, are recorded prior to commencement of development or during it" and in respect of Application No 01/0601/LB, additional conditions as follows: (14) "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 to ensure that any archaeological deposits, which would be damaged, destroyed or disturbed by ground breaking for foundation and service trenches etc, are recorded prior to commencement of development or during it"; (15) "The developer shall undertake recording of archaeological resources within the development site to the satisfaction of the Planning Authority to ensure that any archaeological deposits, which would be damaged, destroyed or disturbed by ground breaking for foundation and service trenches etc, are recorded prior to commencement of development or during it."; and (16) "No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, this scheme to be submitted for approval by the Planning Authority following consultation and agreement with the West of Scotland Archaeology Service to ensure that any archaeological deposits, which would be damaged, destroyed or disturbed by ground breaking for foundation and service trenches etc, are recorded prior to commencement of development or during it."

It was agreed that both Planning Application No 01/0600/FL: and Listed Building Application No 01/0601/LB be approved subject to the conditions as amended and the above additional conditions and for the reasons detailed.

9. APPLICATION NO 01/0602/CA: ST VINCENT CRESCENT PRESERVATION TRUST - 79 MAIN STREET, NEWMILNS

There was submitted an executive summary sheet and report dated 17 October 2001 (both circulated) by the Head of Planning and Building Control on a conservation area application for proposed complete demolition of existing building at Rex Cinema, 79 Main Street, Newmilns.

The Senior Planning Officer reported the receipt of one letter of objection from a consultee, details of which were contained within the report and 2 further responses from consultees, the deletion of Condition (1) as detailed in the TP24 form appended to the report by the Head of Planning and Building Control and the addition of a new condition (1) as follows: "The frontage of the site onto Main Street shall be screened on completion of demolition. Details of the screening shall be submitted to and approved by the Planning Authority prior to erection on site. Such screening shall be retained on site until redevelopment works at No 79 Main Street commences. The screening shall be maintained in a neat and tidy condition in the interests of visual amenity and to preserve the visual quality of the area" and additional conditions as follows: (5) "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 to ensure that any archaeological deposits, which would be damaged, destroyed or disturbed by ground breaking for foundation and service trenches etc, are recorded prior to commencement of development or during it"; (6) "The developer shall undertake recording of archaeological resources within the development site to the satisfaction of the Planning Authority to ensure that any archaeological deposits, which would be damaged, destroyed or disturbed by ground breaking for foundation and service trenches etc, are recorded prior to commencement of development or during it"; and (7) "No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, this scheme to be submitted for approval by the Planning Authority following consultation and agreement with the West of Scotland Archaeology Service to ensure that any archaeological deposits, which would be damaged, destroyed or disturbed by ground breaking for foundation and service trenches etc, are recorded prior to commencement of development or during it"; 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 5 years from the date of this permission; (2) No demolition works shall commence on site until the Planning Division has received, and agreed in writing its acceptance of, confirmation that contracts have been let for redevelopment of that part of the site fronting onto Main Street; (3) The works hereby

approved shall not be carried out before 08.00 hours and after 18.00 hours on Mondays to Fridays and before 09.00 hours and after 17.00 hours on Saturdays nor at any time on Sundays; and (4) All demolition wastes arising from this proposal shall be disposed to a suitably licensed site; Condition (1) being imposed to comply with Section 66 of the Planning (listed Building and Conservation Areas (Scotland) Act, 1997 Condition (2) In the interests of preserving the character and appearance of the Outstanding Conservation Area; Condition (3) To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity; and Condition (4) In the interest of public safety.

No Hearing took place as the objectors were not present or represented.

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

10. APPLICATION NO 01/0274/FL: MR W BROWN - 2 MACKIE AVENUE, STEWARTON

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

There was submitted an executive summary sheet and report dated 10 October 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed extension to dwellinghouse to form bedroom at 2 Mackie Avenue, Stewarton.

The Senior Planning Officer reported the receipt of two letters 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: Refusal, for the following reasons:- (1) The proposed development would by reason of its scale, design and projection above the ridgeline have a detrimental affect on the architectural quality of the existing dwellinghouse and the visual amenity of the surrounding area; and (2) The proposed development would be contrary to Policy 4.8.1 of the Adopted Stewarton Local Plan, Policy ENV7 of the East Ayrshire Council Local Plan (Finalised Version with Modifications) and the East Ayrshire Council Design Guidance, by reason of its scale, height and projection above the ridgeline.

No Hearing took place as the objectors were not present or represented.

Councillor McNeil, seconded by Councillor Hay, moved:-

- (i) that the application be approved on the grounds that the development represented only a minor departure from policy guidelines and was of a different view, from Officers, as to the degree of impact of the proposal on the existing dwellinghouse and the visual amenity of the surrounding area; and
- (ii) that any necessary conditions be remitted to the Head of Planning and Building Control.

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

There being an equality of votes (2 for the amendment and 2 for the motion) the Chair exercised his casting vote in favour of the amendment.

11. APPLICATION NO 01/0172/FL: ROWE AND TUDHOPE COACHES, MUIRKIRK - 68 IRVINE ROAD, KILMAURS

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

The Head of Administrative and Legal Services, having clarified which objectors wished to speak, advised the meeting that one of the objectors had submitted as part of his objections, a video. The Head of Administrative and Legal Services confirmed that the applicants had had an opportunity to view a copy of the video and requested if the applicant and/or his agent wished to address the Committee on whether the Committee should not view the video. The Agent for the applicant reserved his client's position on this matter.

11.1 Adjournment/Reconvention

It was agreed to adjourn the meeting at 1146 hours to allow members of the Committee to view the video which had been submitted by the objector.

The meeting reconvened at 1206 hours with the same members and Officers present and attending.

11.2 Consideration of Item

There was submitted an executive summary sheet and report dated 17 October 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed change of use of engineering works to bus garage/depot at 68 Irvine Road, Kilmaurs.

The Senior Planning Officer reported the receipt of five letters of objection including submission of the above video and a petition signed by 17 persons, details of which were contained within the report and the receipt and content of a further letter from one of the objectors supporting his original objections; summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Approval, for the following reasons, 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 and plans submitted on 18 December 2000 as revised by the proposed site plan received by the Planning Authority on 12 October 2001; (3) Within a period of three months from the date of this consent, the vehicular access to the site shall be reformed and maintained thereafter, as the sole access as per the approved plans. Notwithstanding the details on these plans, the junction radii shall be 9.0m to the east and 10.5m to the west and the access width shall be 6m; (4) Other than where the junction is to be formed, the remaining road frontage of the site shall be provided with a full height roadside kerb and a 2 metre wide service strip; these works to be completed within three months of the date of this consent; (5) Notwithstanding the details shown on the approved plans, within a period of three months from the date of this consent a detailed landscaping scheme shall be submitted to for approval by the Planning Authority, the details of which shall accommodate the following requirements: (a) the scheme shall be implemented during the next available planting season; (b) The area shown hatched on the amended plans along the eastern boundary of the site shall contain an appropriately formed bund of 2 metres in height (together with drainage along the site boundary) and shall be planted with tree species in sufficient numbers, so as to provide an early visual screen; (c) details of the provision to be made for future maintenance of the

landscaped area; (d) any trees removed without consent of the Planning Authority or seriously damaged at any time thereafter, to be replaced by trees of similar size and species, or as may be agreed in writing by the Planning Authority; (e) the edge of the planted area abutting the vehicle parking access and circulation area to be demarked by a full height roadside kerb; (f) details of adequate drainage required as a result of the landscaping proposals; and (g) access shall be maintained at all times to Scottish Power equipment at the rear of the site; (6) Within a period of one month of the date of this consent, the applicant shall submit to for approval by the Planning Authority details of a tarmacked hard surface (or similar) to be applied to those areas where buses are to circulate or be parked. This surface shall thereafter be implemented within a further 3 months of the Planning Authority agreeing the surface material. The submitted details shall indicate the locations where buses shall be parked and such parking areas/spaces shall be painted on site upon provision of the final surface. No parking of buses shall take place between the main workshop/garage premises and the Irvine Road; (7) Within a period of one month of the date of this consent, full details shall be submitted to for approval by the Planning Authority confirming the nature of both foul and surface water drainage arrangements for the site. The surface water run off details shall include the provision of an appropriate oil interceptor which shall be provided within 3 months of the Planning Authority agreeing details; (8) No surface water shall issue from the site onto the public road; (9) The use of the premises as a bus garage/depot shall not be carried out, and no idling of bus engines or movement of buses shall be undertaken, before 07.00 hours and after 23.00 hours Mondays to Saturdays, nor at any time on a Sunday; and (10) Notwithstanding the submitted plans, details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority as part of the details further to Condition 4 above; 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), (5) and (6) In the interests of road safety and within a timescale taking account of the applicant's existing presence on site and the potential impacts to residential amenity; Condition (4) and (8) In the interest of road safety; Condition (7) To prevent pollution arising from the parking of vehicles and within a timescale taking account of the applicant's existing presence on site and the potential impacts to residential amenity; Condition (9) To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interests of residential amenity; and Condition (10) To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

11.3 Planning Hearing

The Committee then heard Mr S Miller, representing Mr J Miller, Mr J Miller, representing the petitioners and Mr McQuiston, representing Mr Marshall, all in support of their objections, and Mr Lawrence, representing the applicant and Mr Rowe, applicant, in support of the application. Members asked questions of the objectors and the applicants agent and the applicant, and the objectors, applicant's agent and the applicant responded to the issues raised, all in accordance with the Hearing procedure.

The Chair closed the Hearing.

11.4 Determination of Application

The Senior Planning Officer responded to the issues raised during the Hearing.

It was agreed to refuse the application on the grounds that the proposed development would be detrimental to residential amenity by reason of noise and general disturbance.

The meeting terminated at 1259 hours.

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