

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE**

**MINUTES OF MEETING HELD ON FRIDAY 23 NOVEMBER 2001 AT 1000 HOURS IN DARVEL TOWN HALL, EAST MAIN STREET, DARVEL**

**PRESENT:** Councillors David Macrae, Kathleen Hall, Stephanie Young, Harry Wilson, Jim Raymond, Finlay MacLean and Robert McDill.

**ATTENDING:** Dave Morris, Development Promotion Manager; Yvonne Nisbet, Senior Planning Officer; Karen McLeod, Solicitor; and Jennifer Morrison, Administrative Officer.

**APOLOGIES:** Councillors Brian McNeil and Anne Hay.

**CHAIR:** Councillor David Macrae, Chair.

**CHAIR'S COMMENTS**

1. The Chair reported that Item 6, Application No 01/0634/LB - Mr & Mrs C Paterson, 52 Main Road, Fenwick had been withdrawn from the Agenda.

It was further reported a request that Item 3, Application No 01/0262/FL - BMJ Ltd, Cocklebie Road, Stewarton be deferred to the next meeting to enable members to attend a site visit.

It was agreed to defer the application.

**HEARING PROCEDURE**

2. The Chair established that the Hearing procedure was understood by all participants.
3. **APPLICATION NO 01/0101/FL: REDROW HOMES, WESTFIELD NURSERY, GLASGOW ROAD, KILMARNOCK**

There was submitted an executive summary sheet and report dated 14 November 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed construction of 33 houses and associated roads etc at Westfield Nursery, Glasgow Road, Kilmarnock.

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 Development Promotion Manager reported that two letters of objection had been received, and following deferment of the application at the last meeting and the submission of amended plans, a petition had been resubmitted with 12 signatories, along with a second petition with 13 signatories which raised further issues arising from the amended plans, details of which were contained within the report; reported an additional condition as follows: Deletion of the proposed 3m wide cycle way detailed between two houses on the west boundary of the site with the strip of ground given over to the 2 houses on either side, in the interests of road safety and residential amenity; 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 proposed development shall be carried out in accordance with the application form received on 7 February 2001, the elevations received on 21 December 2000 and the amended layout plan 6035/WN-Kil/Arch-Lay/06 Rev 'B' and the "Site Section: typical Situation plan" received by the Planning Authority on 5 November 2001; (3) Details/samples of the facing, roofing and surfacing materials to be used, including traffic calming features, shall be submitted to and approved by the Planning Authority before any development commences on site; (4) Details of the landscaping of the site, including the provision of play equipment and the maintenance of play equipment and all open space outwith the private curtilage of any dwelling shall be submitted to and approved by the Planning Authority prior to the commencement of the development. Such details shall include the timescale for the implementation of the landscaping and play equipment in relation to the completion of the dwellings. The details shall also include confirmation of where any supplementary hawthorn planting is required within the retained hedge; (5) Notwithstanding the plans hereby submitted, the details of the proposed boundary treatment shall be submitted to and approved by the Planning Authority prior to the commencement of development. These details shall include confirmation of levels, existing and proposed, along the northern boundaries of the site and shall allow for the retention of existing hawthorn hedging. These details shall also allow for the provision of an entrance feature at the site entrance off Glasgow Road, and shall provide information confirming future maintenance of all such boundary features; (6) The boundary hedges to be retained in pursuance of Condition 5 shall be maintained at a height of not less than 2.5 metres. Confirmation of the maintenance proposals regarding the hedge shall be submitted to and approved by the Planning Authority prior to the commencement of development; (7) Prior to the commencement of works on site, the applicant shall satisfy himself as to the suitability of the site for construction purposes; (8) Construction works shall not be undertaken on site outwith the hours of 08.00 hours to 18.00 hours Monday to Friday and 09.00 hours to 17.00 hours on Saturday and not at any time on Sunday; and (9) Public roads adjacent to the site shall be kept clear of mud or other deposited materials at all times by means of mechanical brushing as appropriate; 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) and (5) In the interests of visual amenity; Condition (4) To ensure that the open space is adequately provided and maintained in the interests of residential amenity; Condition (6) To ensure that the hedges are retained to a size at which they would continue to provide a habitat and would significantly contribute to visual amenity; Condition (7) In the interest of public safety; Condition (8) In order to protect the amenity of neighbouring properties; and Condition (9) In the interests of road safety.

### **3.2 Planning Hearing**

The Committee then heard Mr Cowan in support of his objections, Mr McConnell in support of the petitioners objections and Mr Preston and Mr Walker on behalf of the applicant. Members asked questions of the objectors and the applicant, all in accordance with the Hearing procedure.

The Chair closed the Hearing.

### **3.3 Determination of Application**

The Development Promotion Manager reported on planning issues raised during the Hearing.

Councillor Young, seconded by Councillor Hall moved that the application be approved with the additional condition that the existing leylandii bordering the Cala Site be retained at a height to be determined by the Head of Planning and Building Control.

Councillor Wilson, seconded by Councillor Raymond 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 4 votes to 3.

Councillor Hall left the meeting at this point.

## **4. APPLICATION NO 01/0372/OL: MR JAMES MANN, TRANQUILE, BREWLANDS LANE, GALSTON**

There was submitted an executive summary sheet and report dated 6 November 2001 (both circulated) by the Head of Planning and Building Control on an outline planning application for the proposed erection of 2 detached bungalows at Tranquile, Brewlands Lane, Galston.

### **4.1 Consideration of Item**

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 and Building Control: Refusal, for the following reason, viz:- The proposed development is contrary to Policy RES4 of the East Ayrshire Local Plan (Finalised Version with Modifications) because it fails to comply with the requirement to provide for an appropriate vehicular access when assessed in terms of its transportation implications. The site cannot be serviced by a road constructed to adoptable standards.

### **4.2 Planning Hearing**

The Committee then heard Mr Mathieson, in support of Mrs Scott's objection and Mr Mann, the applicant. Members asked questions of the applicant, all in accordance with the Hearing procedure.

The Chair closed the Hearing.

### **4.3 Determination of Application**

The Development Promotion Manager reported on planning issues raised during the Hearing.

It was agreed to refer the application to the Development Services Committee with a recommendation for approval, on the grounds that the proposed development would involve a net gain of only one house which in the Committee's view enabled compliance with Policy RES4 of the East Ayrshire Local Plan (Finalised Version with Modifications) which encouraged and supported sympathetic residential development of gap sites within the settlement boundary of Galston.

Councillor Raymond left the meeting at this point.

## **5. APPLICATION NO 01/0586/FL: MR G LOGAN, 21 AND 19 CUMBRAE DRIVE, KILMARNOCK**

There was submitted an executive summary sheet and report dated 14 November 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed change of use of footpath to private garden ground at 21 and 19 Cumbrae Drive, Kilmarnock.

### **5.1 Consideration of Item**

The Senior Planning Officer 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 and Building Control: Refusal, for the following reason, viz:- The proposed development would be detrimental to the residential amenity of the surrounding community by reason of the loss of direct safe pedestrian access to the amenity public open space and to wider community facilities.

### **5.2 Planning Hearing**

The Committee then heard Mrs Band in support of her objection and Mr Logan, the applicant. Members asked questions of the objector and the applicant, all in accordance with the Hearing procedure.

The Chair closed the Hearing.

### **5.3 Determination of Application**

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

It was agreed that the application be refused on the grounds that the proposed development would be detrimental to the residential amenity of the surrounding community by reason of the loss of direct safe pedestrian access to the amenity public open space and to wider community facilities.

It was noted that the Head of Planning and Building Control would arrange to contact Wimpey Homes expressing the Committee's concern regarding the need for the provision of better street lighting on this path.

## **6. APPLICATION NO 01/0666/FL: NTL, NTL DARVEL, GREENFIELDS, DARVEL**

There was submitted an executive summary sheet and report dated 14 November 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed installation of two Dab antenna and two 1.8 metre diameter satellite dishes and one 1.2 metre dish of 33.8 metres at NTL Darvel, Greenfields, Darvel.

The Senior Planning Officer 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) Within one month of the telecommunications apparatus becoming operationally redundant in terms of the applicant's commercial requirements, all the apparatus shall be removed and the site restored to a scheme approved by the Planning Authority; and (3) Prior to the commencement of the development the applicant shall consult with the Scottish Wildlife Trust to determine if any measures require to be instigated to prevent disturbance of nesting birds in the vicinity of the

site. Details of such measures shall be submitted to and approved by the Planning Authority prior to the commencement of the development and shall be implemented thereafter in accordance with the approved details; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and Conditions (2) and (3) In the interests of environmental quality of the surrounding area.

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

**7. NOTIFICATION OF A PLANNING APPEAL BY MR & MRS STEVEN LEY IN RESPECT OF PLANNING APPLICATION 01/0109/FL: PROPOSED CHANGE OF USE FROM FARM BUILDINGS TO FORM TWO HOUSES AND PART DEMOLITION AT WINDYHILL FARM, NEWMILNS**

There was submitted a report dated 5 November 2001 (circulated) by the Head of Planning and Building Control which notified the Committee of a Planning Appeal on the above application for the conversion of two farm buildings to two dwellinghouses and presenting a report on the application in order that the Committee could take a view on the merits of the proposed development to submit to the Scottish Executive Inquiry Reporters Unit for the determination of the Appeal. In order to assist members to form a view on the merits of the proposed development a copy of the executive summary sheet and report dated 14 November 2001 (both circulated) were submitted. It was noted that the proposed development was not the subject of objection although it was contrary to Policy and the Council's Adopted Design Guidance.

It was agreed:-

- (i) to note the content of the report dated 5 November 2001 by the Head of Planning and Building Control;
- (ii) having considered the appended report dated 14 November 2001 by the Head of Planning and Building Control on the planning application with the purpose of formulating a view on the merits of the proposed development for intimation to the Scottish Executive Inquiry Reporters Unit, to endorse the view of the Head of Planning and Building Control that having regard to the merits of the application, the development should not proceed for the following reasons:- (a) The proposed development would be contrary to the terms of Policy RES 7 of the East Ayrshire Local Plan (Finalised Version with Modifications) in that the applicant has not demonstrated that the proposed development meets all of the specified criteria of this Policy; (b) The design of the proposed development, as far as the external appearance is concerns, is below the desirable standard for this site and would be detrimental to the established amenity of the area. In addition, with regard to the proposed external alterations, the development fails to comply with the Design Guidance approved by the Council in April 2001; (c) The proposed development would be contrary to the terms of Policy RES 22 of the East Ayrshire Local Plan (Finalised Version with Modifications) in that the houses are not provided with the minimum required private open space; and (d) The proposed development does not meet the requirements of the Council as Roads Authority because it will constitute a road safety hazard in that it does not provide: (1) A lay-by at the access into the site to allow service vehicles to

pull off the road; (2) The dwellinghouse nearest the road being set back 2 metres from the road channel with the hedge in the adjacent field removed, in order to achieve the minimum necessary sightlines (2.5 metres x 70 metres); and (3) Passing places from the site into Newmilns at several locations to allow two-way traffic. The road to be at least 4.8 metres in width or to be provided with intervisible passing places;

- (iii) to authorise the Head of Planning and Building Control to present the above as the Council's position in the forthcoming appeal; and
- (iv) otherwise, to note the contents of the report.

The meeting terminated at 1144 hours.

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