

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE**

**MINUTES OF MEETING HELD ON 27 APRIL 2001 AT 1000 HOURS IN THE  
BARR CENTRE, STATION ROAD, GALSTON**

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

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

**APOLOGIES:** Councillors Kathleen Hall and Ann Hay.

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

**CHAIR'S COMMENTS**

1. The Chair reported that Item 1.12, Application No 99/0536/OL: Mr F N Clark and T Telfer - Land at Little Cessnock, Sorn Road, Galston, had been withdrawn from the Agenda.

**CONSIDERATION OF PLANNING APPLICATIONS**

**PROCEDURE**

- 2.1 The Administrative Officer established that the Hearing procedure was understood by all participants.
- 2.2 **APPLICATION NO 00/0711/OL: MR A PATERSON - LOW GREENBANK - PHASE 3, EAST MAIN STREET, DARVEL**

There was submitted an executive summary sheet and report dated 4 April 2001 (both circulated) by the Head of Planning and Building Control on an outline planning application for proposed formation of serviced residential site including removal of former railway embankment and provision of roads and services including improvement to A71 junction (amended application) at Low Greenbank - Phase 3, East Main Street, Darvel.

**2.2.1 Consideration of Item**

The Development Promotion Manager reported the receipt of 5 letters of objection including one from a consultee, with 13 letters received in support including one petition with 32 signatories, 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) The further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby

reserved. The development of each individual plot shall not commence until all these reserved matters have been approved, with the exception of those matters entirely within the other plots on the site. (a) The overall site layout/the internal layout of the house plots; (b) The size, height, design and external appearance of the proposed dwellinghouses; (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, including the proposed trees and soft landscaping indicated on the “overall site plan”; (i) Finished site levels/floor levels; and (j) The grading of the retained elements of the embankment in a safe manner; (4) Prior to the commencement of development, details shall be submitted to and approved by the Planning Authority showing the provision of steps and railings down the slopes of the embankment and also allowing for the continuation at all times of the walking route currently running along the embankment. The details shall confirm the manner of linkage to the proposed new footpath and they shall be implemented prior to the commencement of development on site such that there is no break in the availability of the walking route; (5) The details to be submitted further to Condition 3 above shall include full details of all measures to be taken by the developer to safeguard the application site from flooding. These details shall confirm that it is feasible to reduce to an acceptable level, the possibility of the site itself flooding. They shall also clearly preclude any possibility of the development or associated flood prevention measures causing an increased potential for flooding on land outwith the site; (6) The foul drainage shall be connected to the public sewer; (7) The initial area of cutting as indicated on the plans shall provide infill for the area identified in Drawing Nos A2303/101, Rev. A and A2303,103, Rev. A. No further material comprised within the existing embankment shall be moved off or within the site until details have been submitted to and approved by the Planning Authority confirming the matter and extent of operations in that respect; (8) Levels of parking throughout the proposed development shall be in accordance with East Ayrshire Roads Division’s Guidelines; (9) Notwithstanding the submitted plan and prior to the commencement of any other development on site, the visibility splay areas of 4.5m x 90m west bound and 4.5m x 80m east bound shall be provided at the junction of the access to the development with the public road with no obstruction to visibility greater than 1m in height being allowed within these areas; and (10) Prior to any development proceeding a 2m footway shall be installed to Roads Division standard from the existing junction of George Young Drive with East Main Street, to the bus terminal west of the junction; Conditions (1) and (2) being imposed to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997; Condition (3) The approval is in outline only; Condition (4) In the interest of public and road safety and to maintain the existing walking route; Condition (5) To ensure that any potential flooding problems caused by this proposed development are adequately addressed and mitigated; Condition (6) In the interest of public safety; Condition (7) In the interests of road safety and visual amenity; and Conditions (8), (9) and (10) In the interest of road safety.

### **2.2.2 Planning Hearing**

The Committee then heard Mr Flemmich, on behalf of an objector, in support of their objections, and Mr Lawrence and Mr Hodgkins, the applicant’s agents, in support of the application. Members asked questions of the objector’s representative and the applicant’s agents. The applicant’s agents and the objector’s representative responded to the issues raised, all in accordance with the Hearing procedure.

### **2.2.3 Adjournment/Reconvention**

It was agreed to adjourn the meeting at 1042 hours to allow the Committee to take legal advice.

The meeting reconvened at 1055 hours with the same members and officers present and attending.

### **2.2.4 Determination of Application**

It was agreed to grant the application subject to the conditions and for the reasons detailed and to the following additional condition: Prior to the commencement of any development on site, the applicant shall submit a Soil Analysis Report on the composition of those materials to be removed from the railway embankment. The Report shall also confirm details of a programme of monitoring of the embankment material as it is deposited on the land to the north of the housing site. The monitoring programme will analyse the deposited material and the adjacent river in order to confirm that no deleterious material is making its way into the Glen Water. The Soil Analysis Report and monitoring programme shall be submitted to and approved in writing by the Planning Authority prior to any works commencing on site; this condition being imposed to ensure that the movement of soil and recontouring works do not result in any pollution of the Glen Water or adjacent lands.

## **2.3 APPLICATION NO 00/0731/FL: D WELSH BUILDERS LTD - OLD STATION YARD, LOCHLIBO ROAD, UPLAWMOOR**

There was submitted an executive summary sheet and report dated 5 April 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed change of use of disused station yard to general industrial class 5, building and yard space at Old Station Yard, Lochlibo Road, Uplawmoor.

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

### **2.3.1 Consideration of Item**

The Development Promotion Manager reported the receipt of 7 letters of objection, details of which were contained within the report and the receipt of a further 2 letters of objection; 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, viz:- (1) The proposed development lies outwith settlement boundaries as defined by the East Ayrshire Local Plan Finalised Version with Modifications and would therefore require to be assessed against Policy IND10 of that plan which states: "Industrial and business development outwith settlement boundaries will be acceptable to the Council only where the proposal relates to: (i) Category 1 & 2 Business and Industrial sites and those Miscellaneous Development Opportunity sites with potential for industrial or business development, as indicated on the Local Plan Rural Area map; (ii) Sympathetic industrial and business developments associated with the traditional activities of agriculture and forestry; (iii) Sympathetic industrial and business developments related to appropriate rural activities such as small scale craft industries and leisure, recreation and tourism developments; (iv) Rail freight based industrial uses at existing coal disposal points; or (v) Sensitive industrial and business developments with a clearly demonstrated site specific locational need located within the Rural Diversification Area. All

proposals for industrial and business developments in the countryside will require to be justified and will be assessed against their impact on the surrounding environment and adjacent uses, transportation and infrastructure implications, loss of prime agricultural land and impact on natural and built heritage resources". The proposal is considered to be contrary to IND10 and the East Ayrshire Local Plan (Finalised Version with Modifications) by reason of its failure to comply with any of the listed criteria in that the development is not proposed in a Category 1 or 2 Business site or on a Miscellaneous Development Opportunity site, and in as much as the proposal is not related to agriculture or forestry and no specific locational need has been demonstrated; (2) The proposed development would be detrimental to road safety by reason of intensifying the use of a substandard junction having inadequate sightlines on to an A Class road; and (3) The proposed development would have a detrimental impact on the amenity of adjacent residential property by reason of noise and dust, and in respect of its generating vehicular activity likely to disrupt the use of the existing access.

### **2.3.2 Planning Hearing**

The Committee then heard Mr Gauld, objector and Mr Gray, on behalf of an objector, in support of their objections and Mr Welsh, applicant, in support of the application. Members asked questions of the objector, the objector's representative and the applicant and the objector, the objector's representative and the applicant responded to the issues raised, all in accordance with the Hearing procedure.

### **2.3.3 Determination of Application**

It was agreed to refuse the application for the reasons detailed.

## **2.4 APPLICATION NO 00/0826/FL: MR CARMICHAEL - 80 MAIN ROAD, FENWICK**

There was submitted an executive summary sheet and report dated 5 April 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed erection of 1½ storey dwellinghouse at 80 Main Road, Fenwick.

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

The Development Promotion Manager reported the receipt of 4 letters of objection, including 2 from consultees, details of which were contained within the report; summarised the planning considerations in respect the 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 14 December 2000 and the amended plans (Drawing Nos B537 - PO1 Rev D and B537-LP1) received by the Planning Authority on 16 February 2001; (3) Notwithstanding the plans hereby approved, all external walls shall be wet-dash harled and painted white, with the exception of the banding around windows, which shall be painted in a contrasting colour to be agreed in writing by the Planning Authority prior to the commencement of development; (4) 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 before any development commences on the site; (5) Notwithstanding the plan(s) hereby approved a front boundary wall and

gates, no greater than one metre in height and finished in material to match the proposed dwellinghouse, shall be constructed along the frontage of the plot, (other than where the house itself abuts the footpath), within 2 months from the occupation of the house. Details of the features shall be submitted to and approved by the Planning Authority prior to the commencement of development; (6) Notwithstanding the submitted details, the dwellinghouse shall be roofed in natural slate and details of the chimneys and chimney cans shall be submitted to and approved by the Planning Authority prior to the commencement of works on site; (7) All windows shall be of white painted timber sash and case construction unless otherwise agreed in writing by the Planning Authority prior to the commencement of development on site; (8) Notwithstanding the details hereby approved, the front door of the proposed house shall be finished in painted timber, details of same to be submitted to and approved by the Planning Authority prior to the commencement of works on site; (9) Details of the eaves, including those on the dormer windows of the proposed house, shall be submitted to and approved by the Planning Authority prior to the commencement of works on site; (10) Prior to the commencement of works on site final details of the off site road works shall be submitted to, and approved by the Roads and Transportation Division. These works shall be implemented prior to the occupation of the dwellinghouse; (11) Prior to the commencement of works on site details of the existing trees on site and proposed retained trees shall be submitted to and approved by the Planning Authority; (12) Notwithstanding the plans hereby approved the garage detailed is not hereby approved; and (13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any order revoking and re-enacting that order, permitted development Class 1 Part 1 of Schedule 1 of the said Order are hereby removed in relation to the application site; 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), (6) and (7) To ensure that the development is compatible with the character and appearance of the nearby properties and the Conservation Area in which it is located; Condition (4) To allow the Planning Authority to control the design and construction of such features in the interest of visual amenity; Condition (5) In the interests of visual amenity and road safety; Conditions (8), (9) and (12) In the interest of visual amenity; Condition (10) In the interest of road safety; Condition (11) In the interests of visual/residential amenity; and Condition (13) To enable the Planning Authority to retain control over future development on the site in the interest of residential amenity.

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

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

## **2.5 APPLICATION NO 01/0096/FL: SUNNYSIDE COTTAGE GARDENS LTD - BLACKWOOD ROAD, MOSCOW**

There was submitted an executive summary sheet and report dated 3 April 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed erection of new greenhouse at Blackwood Road, Moscow.

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

### **2.5.1 Consideration of Item**

The Development Promotion Manager reported the receipt of 2 letters of objection with 3 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) No retailing shall take place on the site before the access to the main road (U17) has been constructed to Roads Department standards and passing places on U17 have been formed in accordance with the attached plan; (4) The first 2 metres of the access within the site boundary shall be surfaced in order to prevent deleterious materials being deposited on the public road; (5) Notwithstanding the submitted plans, visibility splays of 2.5 x 90 metres shall be formed at the junction of the access and the public road and these splays shall be maintained at all times free of any obstruction to visibility higher than 1 metre; (6) Any gates at the access shall be no closer than 6 metres from the road channel and shall open away from the public road to prevent obstruction; (7) A total of 36 car parking spaces shall be provided, maintained, and delineated on site in accordance with the approved plans and shall be in place prior to commencement of any retail sales activity on site; and (8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, the written consent of the Planning Authority shall be sought prior to the erection of any security lighting on site; 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; Conditions (3), (4), (5), (6) and (7) In the interests of road safety; and Condition (8) In the interests of residential and visual amenity in an otherwise rural location.

### **2.5.2 Planning Hearing**

The Committee then heard Mr Francis, on behalf of an objector and Ms Brocklehurst, objector, in support of their objections and Mr Boston and Mr Grant, the applicant's agents, in support of the application. Members asked questions of the objector's representative and the objector and the applicant's agents. The objector's representative and the objector and the applicant's agents responded to the issues raised, all in accordance with the Hearing procedure.

### **2.5.3 Adjournment/Reconvention**

It was agreed to adjourn the meeting at 1215 hours to allow the Committee to take legal advice.

The meeting reconvened at 1224 hours with the same members and officers present and attending.

### **2.5.4 Determination of Application**

It was agreed to refuse the application on the grounds that the proposed development would be detrimental to the visual amenity of the adjacent property and the local area by reason of the size and scale of the greenhouse.

Councillor McNeil dissented from the decision.

Councillor Young left the meeting at this point.

## **2.6 APPLICATION NO 01/0133/FL: MR CAMPBELL - TOWNHOLM CLEANSING DEPOT, MILL ROAD, NEWMILNS**

There was submitted an executive summary sheet and report dated 6 April 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed change of use from cleansing depot to training centre for security dog handlers at Townholm Cleansing Depot, Mill Road, Newmilns.

### **2.6.1 Consideration of Item**

The Development Promotion Manager reported the receipt of 3 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:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) The use hereby approved shall only operate between the hours of 8.00am and 5.00pm, Monday to Friday; (3) The consent hereby granted relates only to the change of use of the building from a training centre for security dog handlers. Any subsequent construction works, including the formation of any new openings, alternations or extensions to the building, shall be the subject of a separate planning application; (4) There shall be a maximum of 5 handlers present at each training session; (5) There shall be no more than 10 dogs on site at any one point in time; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity; Condition (3) To ensure the development is carried out in accordance with the approved details; Condition (4) To prevent excessive noise and disturbance by vehicles and pedestrians in the interest of residential amenity; and Condition (5) In the interest of residential amenity.

### **2.6.2 Planning Hearing**

The Committee then heard Mr Bisset, objector, in support of his objections and Mr Campbell, the applicant, in support of the application. Members asked questions of the applicant, all in accordance with the Hearing procedure.

### **2.6.3 Determination of Application**

It was agreed to continue the application to a future meeting for clarification regarding the proposed use of the premises, and for a new Hearing to be held at that time.

Councillors Raymond and McDill left the meeting at this point.

## **2.7 APPLICATION NO 00/0702/FL: NTL (ON BEHALF OF DOLPHIN TELECOMMUNICATIONS LTD) - NTL TRANSMITTER STATION, SOUTH GLASSOCK FARM, FENWICK (Item 1.2, Page 1617, 99/02)**

The Chair reported that as this application had previously been the subject of a Hearing, for the purpose of determining this application only, the meeting was inquorate requiring this application to be re-submitted to a future meeting.

**2.8 APPLICATION NO 01/0091/FL: TAY HOMES (SCOTLAND) LTD - AREA E, TOPONTHANK, KILMARNOCK**

There was submitted an executive summary sheet and report dated 2 April 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed change of house types at Plots 36/37, 75/76 and 80/81, Area E, Toponthank, Kilmarnock.

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 condition, viz:- (1) The development to which this permission relates must be begun within five years from the date of this permission; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

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

**2.9 APPLICATION NO 01/0150/AD: PRIMESIGHT LTD - BOBBIN SERVICE STATION, NEWMILNS ROAD, GALSTON**

There was submitted an executive summary sheet and report dated 5 April 2001 (both circulated) by the Head of Planning and Building Control on an advertisement consent application for proposed display of one 96 sheet advertising display unit at the Bobbin Service Station, Newmilns Road, Galston.

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: Refusal, for the following reasons, viz:- (1) The proposed advertising display unit would have a detrimental affect on the visual amenity and general character of the area by virtue of its scale and design and would represent an inappropriate, incongruous and over-dominant structure by reason of introducing unacceptable visual clutter; (2) The proposed advertising display unit if approved would set an undesirable precedent which could encourage further similar applications for proposals which would be unacceptable by reason of their detrimental effect on the visual amenity and general character of the area; and (3) The proposed advertising display unit serves no beneficial function and there is consequently no justification for the acceptance of its detrimental impact, arising from any beneficial screening or concealing of adjacent untidy ground or buildings.

It was agreed to refuse the application for the reasons detailed.

**2.10 CHAIR'S COMMENTS**

The Chair at his discretion, and in terms of Standing Order 15.1, agreed to alter the order of business and consider the undernoted Application No 01/0023/FL: NTL Transmitting Station, Borland Bank Cottage, Glasgow Road, Kilmarnock.

**2.11 APPLICATION NO 01/0023/FL: NTL - NTL TRANSMITTING STATION, BORLAND BANK COTTAGE, GLASGOW ROAD, KILMARNOCK**

There was submitted an executive summary sheet and report dated 18 April 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed erection of replacement telecommunications tower and

associated equipment cabin and antenna at NTL Transmitting Station, Borland Bank Cottage, Glasgow Road, Kilmarnock.

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: Refusal, for the following reasons, viz:- (1) The proposed development would constitute an unduly prominent and conspicuous feature by virtue of its height and its location in an area with only a limited number of other tall and prominent structures, its location in close proximity to predominantly residential surroundings and its being adjacent to a busy road which acts as an arterial route into Kilmarnock; and (2) The proposed development would have a detrimental impact on the visual amenity of the surrounding area, including the Dean Castle Country Park.

It was agreed to refuse the application for the reasons detailed.

## **2.12 APPLICATION NO 01/0102/FL: ONE 2 ONE PERSONAL COMMUNICATION - TENT KNOWE, MOOR ROAD, EAGLESHAM**

There was submitted an executive summary sheet and a report dated 7 April 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed telecommunications installation comprising a 22.5 metre high slimline lattice tower, electrical equipment, cabin and compound at Tent Knowe, Moor Road, Eaglesham.

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; (2) Prior to the commencement of work on site, full details of the service vehicle hardstanding fronting the B764 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/road safety.

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

The meeting terminated at 1302 hours

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