

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE

**MINUTES OF MEETING HELD ON FRIDAY 15 JUNE 2001 AT 1000 HOURS IN
HURLFORD COMMUNITY CENTRE, CESSNOCK ROAD, HURLFORD**

PRESENT: Councillors Jim Raymond, Stephanie Young, Harry Wilson and Robert McDill.

ATTENDING: Julie Armstrong, Principal Administrative Officer; Yvonne Nisbet, Senior Planning Officer; Karen McLeod, Solicitor; Ian Walker, Planning Officer and Gillian Hamilton, Administrative Officer.

APOLOGIES: Councillors David Macrae, Brian McNeil, Kathleen Hall, Ann Hay and Finlay MacLean.

CHAIR: Councillor Jim Raymond, Vice-Chair.

CONSIDERATION OF PLANNING APPLICATIONS

PROCEDURE

1. The Chair established that the Hearing procedure was understood by all participants.

2.1 APPLICATION NO 00/0833/FL: MR I A McCARROLL - 36 GOATFOOT ROAD, GALSTON

There was submitted an executive summary sheet and report dated 4 June 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed amateur radio mast at 36 Goatfoot Road, Galston.

2.1.1 Consideration of Item

The Senior Planning Officer reported the receipt of five letters of objection, including one from a consultee and a petition with 10 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: Refusal, for the following reasons:- (1) The proposed development would be visually intrusive within the residential area by virtue of the scale of the development in the proposed location and in this regard would be contrary to Policy CS2 of the East Ayrshire Local Plan (Finalised Version with Modifications); and (2) The proposed development would adversely affect the residential amenity of the area by reason of radio interference with regard to the operation of domestic appliances.

2.1.2 Planning Hearing

The Committee then heard Mrs Donald, objector, Mr Neil, on behalf of an objector, Mr Dunlop, objector and Mr Knapp, on behalf of the petitioners in support of their objections. Members asked questions of the objectors, all in accordance with the hearing procedure.

2.1.3 Determination of Application

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

2.2 APPLICATION NO 01/0083/FL: SCOTTISH ENTERPRISE - ROWALLAN BUSINESS PARK, KILMARNOCK

There was submitted an executive summary sheet and report dated 31 May 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed advanced flexible business unit for Class 4/5 use, Rowallan Business Park, Kilmarnock.

The Senior Planning Officer reported the receipt of three letter of objection, details of which were contained within the report; summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Approval, subject 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) A landscaping scheme including the treatment of the boundary of the site 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 the details of the provision to be made for the maintenance of soft and hard landscaped areas and shall be maintained thereafter in accordance with these details; (3) Notwithstanding the plans hereby approved, details/samples of the external materials to be used shall be submitted to and approved by the Planning Authority before the development commences on site; (4) The building shall be used only for purposes as defined by Classes 4 and 5 in the Town and Country Planning (Use Classes) (Scotland) Order 1997; (5) The uses hereby approved shall not be commenced until the formation of an appropriate extension to the existing road network forming an industrial turning head. Such works will require a road construction consent and the details should be submitted for the approval of the Planning Authority prior to the commencement of development; and (6) Details of any external lighting, within the site and of the building, shall be submitted to and approved by the Planning Authority prior to being erected on site; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) To ensure that adequate provision of open space is provided, to an adequate standard, and that it is subsequently maintained, in the interest of visual amenity; Condition (3) In the interest of visual amenity; Condition (4) To safeguard the amenity of the area; Condition (5) In the interest of road safety; and Condition (6) In the interests of visual and residential amenity.

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

2.3 APPLICATION NO 00/0715/OL: MR J CRAWLEY - CUTSTRAW ROAD, STEWARTON

There was submitted an executive summary and report dated 5 June 2001 (both circulated) by the Head of Planning and Building Control on an outline planning application for proposed development of land for residential purposes at Cutstraw Road, Stewarton.

The Senior Planning Officer reported an additional reason for refusal as follows: "that the proposed development would be detrimental to road safety by reason of inadequate sightlines, road width, passing places and lack of footway"; 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 is contrary to Policy 5.3.2 of the Adopted Stewarton Local Plan in that it does not comprise a rehabilitation of an existing property and is not justified as being required on a permanent basis for an agricultural or forestry worker; (2) The proposed development would constitute the erection of a new dwelling in the countryside without agricultural support and would therefore not be in accordance with Policy RES 13 of the East Ayrshire Local Plan Finalised Version with Modifications. In detail, Policy RES 13 states that:- "The Council will be supportive of residential development of houses in the Rural Protection Area only where it can be demonstrated that the houses are required on a permanent basis: (i) for a full time agricultural or forestry worker employed directly on the land to which the proposed house relates; (ii) for a worker employed by a rural enterprise or a tourism related activity and where the requirement for that worker to live on the site is essential to the economic operation of the activity concerned; (iii) as an essential and integral part of an authorised proposal which necessitates the provision of on-site staff accommodation; or (iv) as an enabling development for the conversion of a large rural residential or institutional property, as detailed in Policy RES 8. The proposed development fails to comply with any of these criteria.

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

2.4 APPLICATION NO 99/0571/FL: MR J GEMMELL - WEST LANGTON FARM, BY DUNLOP

There was submitted an executive summary sheet and report dated 6 June 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed change of use and alteration of existing redundant farm building to residential development at West Langton Farm, By Dunlop.

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) The proposed development shall be carried out in accordance with the application form and plans received 11 August 1999 and the amended location/site plans received by the Planning Authority on 13 October 2000 and 22 November 2000 respectively, the existing ground floor plan received 20 October 2000, the existing elevations received 21 November 2000 and the amended block plan received 6 March 2001; (3) This approval relates to the change of use and rehabilitation of farm buildings to form single dwellinghouses and not to the erection of new dwellinghouses in the countryside; (4) Prior to the commencement of development on site the road improvements detailed on the amended site plan dated 13 October 2000 shall be completed. Such work will require a construction consent and full details should be submitted for the approval of the Planning Authority; (5) Notwithstanding the plan(s) hereby approved, details/sample of external finishing materials including windows and doors shall be submitted to and approved by the Planning Authority before any development commences on site; (6) A landscaping scheme including the treatment of the site outwith any allocated garden areas 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 these

details; (7) Details submitted further to Condition 6 above shall include the existing and proposed ground levels for the areas to the east of houses No 3 and 4 (8) The developer shall contact the Planning Authority immediately upon the completion of all duntakings and PRIOR to the commencement of any new building works to enable an inspection of the site. Further works shall recommence only once this inspection has taken place; (9) Sightlines at each access to the site of 2.5m x 70m, free from obstruction greater than 1m in height, shall be provided prior to the first occupation of any dwelling hereby approved and shall be maintained thereafter; (10) The first 2m of each access shall be surfaced in an impermeable material prior to the first occupation of the dwellings hereby approved; (11) Notwithstanding the plans hereby approved, revised details of boundary treatment shall be submitted to and approved by the Planning Authority prior to the commencement of development and shall be constructed in accordance with such details prior to the first occupation of the dwellings hereby approved; (12) Details/samples of all proposed hard surfacing material shall be submitted to and approved by the Planning Authority before any development commences on site; (13) Notwithstanding the details on the plans hereby approved, the upper floor windows on house No. 7 are not approved. Further details of these windows shall be submitted to and approved by the Planning Authority prior to the commencement of works on site; and (14) Notwithstanding the plan(s) 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) To ensure that development is carried out in accordance with the approved details; Condition (3) To ensure that the development relates to the rehabilitation, rather than the new construction of dwellinghouses; Conditions (4), (9) and (10) In the interest of road safety; Conditions (5) and (13) In the interest of visual amenity; Condition (6) To ensure that adequate provision of open space is provided, to an adequate standard, and that it is subsequently maintained, in the interests of residential and visual amenity; Condition (7) In the interests of visual/residential amenity; Condition (8) To ensure that the development relates to the rehabilitation, rather than the new construction of dwellinghouses; Condition (11) In the interests of visual amenity and the appearance of the area, and because insufficient information has been submitted upon which to determine this element of the application; Condition (12) In the interests of amenity and of the character and appearance of the area; and Condition (14) In the interest of public safety.

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

2.5 APPLICATION NO 00/0077/FL: MR R MACGILIVARY - FENWICK MOTORS, KILMAURS ROAD, FENWICK

There was submitted an executive summary sheet and report dated 7 June 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed redevelopment to form 1170m² of offices, showroom and workshop at Fenwick Motors, Kilmaurs Road, Fenwick.

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) The proposed development shall be carried out in accordance with the application form and elevation plans received on 25 January 2000, the site plan as existing (99/11/17) received on 27 March 2001 the location plan received on 27 March 2001 and the site plan as proposed (99/11/08C) received by the Planning Authority on 30 March 2001; (3) A landscaping scheme including the treatment of the boundary of the site 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; (4) Notwithstanding the submitted plans the external materials are not hereby approved and details/samples of all external finishing materials and surfacing materials shall be submitted to and approved by the Planning Authority before any development commences on site; (5) Prior to commencement of the use of the building hereby approved, the road access and closure works detailed in Drawing No 99/11/08C shall be fully completed to the satisfaction of the Planning Authority unless otherwise agreed with the prior written consent of the Planning Authority; (6) The building hereby approved shall not be occupied prior to the completion of the road widening works in the area cross hatched and coloured blue on the approved Plan No. 99/11/08C. Such works shall be completed to the satisfaction of the Planning Authority; (7) Details of any lighting within the site shall be submitted to and approved by the Planning Authority prior to it being erected on site; (8) Details of the siting of the proposed fuel tanks shall be submitted to and approved by the Planning Authority prior to them being constructed/positioned on site; (9) All fuel, oil or other chemical storage tanks on the site shall be sited on impervious bases and surrounded by tank bund walls. The bunded areas shall be capable of containing 110% of the tank's volume and shall enclose all fill and draw pipes. If the storage tanks are to be sited at a single compound, the bund wall shall be capable of containing 110% of the volume of the largest storage tank; (10) The developer shall ensure that any surface water from the site yard area shall pass through a suitably sized oil interceptor prior to discharge to a watercourse; (11) A visibility splay shall be provided and maintained across the site frontage to the south of Kilmaurs Road. This splay is the triangle of ground bounded on 2 sides by the first 9 metres of the centreline of the Kilmaurs Road and the nearside Trunk Road carriageway measured 200 metres in a southerly direction from the intersection of the Kilmaurs Road. In a vertical plane nothing shall obscure visibility measured from a driver's eye height of 1.05m - 2.0m, positioned at the set back distances (9m) on the proposed access, to an object height of 0.26m - 1.05m anywhere along the 200m dimension; (12) Parking shall be provided within the curtilage of the site for 25 cars and 5 articulated HGVs together with an adequate unobstructed turning area for HGVs. Details of this shall be submitted to and approved by the Planning Authority prior to the commencement of development and thereafter implemented on site before use of the building commences; 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; Condition (3) To ensure that adequate provision of amenity open space is provided, to an adequate standard, and that it is subsequently maintained, in the interest of visual amenity; Conditions (4) and (8) In the interest of visual amenity; Conditions (5), (6) (7), (11) and (12) In the interest of road safety; Condition (9) In the interest of public safety and to prevent any pollution of watercourses; and Condition (10) In the interest of public health.

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

The meeting terminated at 1031 hours.

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