

EAST AYRSHIRE COUNCIL

**DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING
COMMITTEE**

**MINUTES OF MEETING HELD ON TUESDAY 25 SEPTEMBER 2001 AT 1001
HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors Stephanie Young, Daniel Coffey, Lilian MacLean, Drew McIntyre, John Knapp, Jim Raymond, Finlay MacLean, Eric Jackson, Jimmy Kelly, Julie Faulds, Provost Boyd and Councillor Robert Taylor.

ATTENDING: Stephen Chorley, Director of Development Services; Alan Neish, Head of Planning and Building Control; Karen McLeod, Solicitor; Stuart McCall, Team Leader (Contracts and Economic Development); Brian Weadon, Area Engineer, Roads; and Robert Beaton, Administrative Officer.

APOLOGIES: Councillors Eric Ross, Douglas Reid, Harry Wilson, Iain Linton, Robert McDill, George Smith and Tommy Farrell.

CHAIR: In the absence of the Chair and Vice-Chair, Councillor Robert Taylor was unanimously appointed to the Chair.

APPOINTMENT OF CHAIR

1. In terms of Standing Order 6, the Administrative Officer invited nominations for Chair to be chosen by the Members present.

It was agreed to appoint Councillor Taylor to the Chair.

HEARING PROCEDURE

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

3. **APPLICATION NO 00/0840/FL: CHARDON HOMES LIMITED: CRAIG HOUSE AND GROUNDS, CROSSHOUSE**

There was submitted an executive summary sheet and report dated 17 September 2001 (both circulated) by the Director of Development Services for proposed conversion of Craig House into 11 no apartments and construction of 14 dwellinghouses within grounds at Craig House, Crosshouse.

The Head of Planning and Building Control reported that 17 letters of representation 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 Director of Development Services: (i) Approval, subject to the notification of the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 and 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) There shall be no commencement of construction on the 14 new houses; other than the formation of the access road, turning point and provision of services; prior to the completion of the restoration of Craig House in accordance with the approved details; (3) No development shall be carried out until a

finalised programme plan, showing the phases by which the land will be developed, has been submitted to and approved by the Planning Authority; (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any order or enactment replacing this, no extensions or garages unless forming part of the approved layout plan, shall be erected in relation to any of the houses hereby approved, unless a further specific planning application is submitted to and approved by the Planning Authority; (5) Details/samples of all facing, roofing, external wall and road surfacing materials shall be submitted to and approved by the Planning Authority before any development commences on site; (6) Notwithstanding the details of the plans hereby approved all new and replacement windows shall be of traditional sliding sash and case operation and of timber sash and case construction with central mullions where appropriate unless otherwise agreed with the Planning Authority; (7) Details of all boundary walls and fencing shall be submitted to and approved in writing by the Planning Authority before any development commences on site. Such walls and fencing as are approved shall be erected prior to the occupation of any dwelling whose curtilage boundary they form; (8) No building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected around the trees highlighted in blue and shown on the approved plans as being retained on the site. The fencing shall enclose either:- (a) the area described by the limit of the spread of the branches of the tree; or (b) a radius of 5 metres from the trunk of the tree, whichever is the greater. Such fencing shall be maintained during the course of development, and no storage, site structures, parking or any other operation shall be permitted within the area thereby enclosed; (9) A landscaping scheme to include the T.P.O. area and the provision of garden space shall be submitted to and approved by the Planning Authority prior to commencement of any development and shall be implemented in accordance with the phasing plan submitted in pursuance of Condition (3) above. The scheme shall include full details of new compensatory tree planting to replace those trees to be felled, the formal garden to the south of Craig House, and confirmation of there being no individual gardens for the courtyard. Such replacement planting shall be implemented within a timescale to be agreed within the proposed management plan; (10) No excavation work, storage of plant machinery, building materials, or excavated material shall take place within 10 metres of the trunk of any of the trees on the site to be retained highlighted blue on the approved plans, unless otherwise agreed with the Planning Authority; (11) Details of the means of excavating and constructing the roadways and footpath within 10 metres of the trees highlighted blue in the approved plans shall be submitted to and approved by the Planning Authority prior to the development. Such details shall ensure that the works do not cause damage (short or long term) to the highlighted trees; (12) Notwithstanding the plans hereby approved, the external surface of the walls of the proposed new houses shall be rendered in a colour to be agreed in writing with the Planning Authority prior to the commencement of development; (13) Notwithstanding the details on the plans hereby approved the roof design of the integral garages on both house types B and D shall be finished with a full gable, details of which shall be submitted to and approved by the Planning Authority before development commences; (14) All external woodwork on Craig House including that on the Winter House shall be painted, and not strained or varnished; (15) The walls and stonework details on Craig House shall be painted in a cream or stone colour. A sample of the colour shall be submitted to and approved by the Planning Authority prior to the commencement of development; (16) Notwithstanding the submitted plans, further

details of the design and materials to be used in the reconstruction of portico, balusters between columns and the entrance steps shall be submitted to and approved by the Planning Authority prior to the commencement of development; (17) The basement doors on the south and east elevations of Craig House shall have rectangular fanlights thereby reducing the height of the doors; (18) The dormer windows on the north and south pitches of Craig House do not accurately represent the design of the original dormers. Drawings shall be submitted to for the prior approval of the Planning Authority to demonstrate a design that matches the original dormers. This design shall thereafter be used in the construction of the dormers on both the north and south roof pitches; (19) The roof pitches of Craig House shall be clad in natural slate of a Scottish variety, unless it can be demonstrated that Welsh or English state was used on the house; (20) The size, type and colour of chimney cans shall be submitted to and approved by the Planning Authority, prior to the commencement of development; (21) Further details of the position of the speed tables shall be submitted to and approved by the Planning Authority, prior to the commencement of development; (22) Detailed drawings shall be provided for the features on the Winter House as itemised below:- (a) the upper windows in the link between the house and Winter House were border-glazed rather than patterned as shown in the drawings. A detail of this distinctive feature shall be provided for the prior approval of the Planning Authority; (b) the gutters shall be replaced in cast-iron and sited as indicated by the existing gutter brackets. The downpipes fed into hoppers which appear to have been the turn-of-the-century type that are oblong in shape with ogee side profiles. The proposed colour of the rainwater goods shall be provided for the prior approval of the Planning Authority; (c) the hatches at ground level of the west elevation have hand-made hinges and were an integral part of the design and function of the building. These features shall be retained, in a form blanked off from the inside; (d) the existing glazing pattern has been altered in the proposal drawings. The applicants shall submit details for the approval of the Planning Authority, showing either the adoption of existing glazing bars or the installation of new glazing matching the existing pattern; (e) the new windows proposed for the south elevation are too large, and shall be reduced so that they impact less on the design of the winter garden and also remain subservient in scale to the windows on the main house; and (f) the wrought iron or steel screen between the Winter House and main house is a good piece of Burnet iron-work, and shall be removed and re-used elsewhere in the Winter House if possible; (23) Notwithstanding the plans hereby approved the eaves details of the new houses are not approved and further details of same shall be submitted to and approved by the Planning Authority prior to the commencement of work on the houses; (24) All servicing and infrastructure provisions shall be formed only along the new or existing access road as detailed unless otherwise agreed in writing by the Planning Authority; (25) Notwithstanding the details on the plans hereby approved all external doors shall be of timber panelled construction unless otherwise agreed in writing by the Planning Authority; (26) Notwithstanding the plans hereby approved, the design of the bay window feature on the elevations of house type B and D is not approved. Further details of this window shall be submitted to and approved by the Planning Authority prior to commencement of any of the new houses; (27) There shall be no commencement of any works on site until the junction works and the passing places are available for use on road U51 as detailed in approved plan 710A Rev E, 710A, 18 and 19. Details of passing places are to be submitted to and approved by the Planning Authority and thereafter implemented as agreed; (28) Notwithstanding the

details on the plans hereby approved, further details of the positioning of the proposed house in Plot No 6 relative to the adjacent woodland shall be submitted to and approved by the Planning Authority, prior to the commencement of development; (29) No surface water shall issue from the site onto the public road; (30) No vehicle shall leave the site with earth, mud or other forms of deleterious material attaching to its wheels in a quantity which may result in a nuisance or hazard to vehicles or pedestrians; (31) No construction or site access shall be taken via Craig Lodge or the Craig Centre access roads at any time; (32) Other than those trees agreed to be felled to enable the provision of the access road and turning point, there shall be no felling of any trees on site, without the specific written consent of the Planning Authority, prior to the full completion of the restoration works to Craig House as approved; (33) Prior to the felling of any trees on site or the commencement of any work on Craig House, the advice of Scottish Natural Heritage shall be sought regarding potential bat roosts. If a significant bat roost is found, bat boxes shall be erected in locations to be agreed by the Planning Authority; (34) Notwithstanding the approved plans, detailed drawings to a minimum scale of 1:50 regarding the repairs to Craig House and the courtyard development of 4 houses shall be submitted to and approved by the Planning Authority prior to the commencement of development on site. The repairs and courtyard development shall thereafter be implemented as approved; and (35) Details of the intended surfacing materials to be used on the car parking spaces and turning circle beside Craig House and the proposed Courtyard shall be submitted to and approved by the Planning Authority prior to the commencement of development. These areas shall be formed as approved prior to the occupation of any dwelling within the Courtyard or Craig House; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) in the interest of securing the restoration of the listed building as the first phase on this overall development project; Condition (3) in order to ensure a properly programmed development; Conditions (4), (5), (6), (7), (12), (13), (23), (25) and (26) in the interests of visual amenity; Condition (8) to ensure the retention of the maximum number of trees on the site and their protection from damage in the interests of visual amenity; Condition (9) to ensure that adequate provision of public open space is provided, to an adequate standard, and that it is subsequently maintained, in the interest of residential and visual amenity; Conditions (10) and (11) in order to protect the trees on site in the interests of visual amenity; Conditions (14), (15), (16), (17), (18), (19), (20) and (22) in the interest of preserving the building's architectural and historic character; Conditions (21), (27), (29), (30) and (31) in the interest of road safety; Condition (24) in the interest of retaining the maximum number of trees on site and ensuring their preservation from damage in the interest of visual amenity; Condition (28) in the interest of retaining the maximum numbers of trees on site; Condition (32) to prevent the unnecessary felling of trees; Condition (33) to mitigate against the potential loss of bats; Condition (34) to ensure the proposals are in keeping with the architectural merit of the listed building; and Condition (35) in the interests of road safety and visual amenity; (ii) that the issue of the Planning Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Paragraph 6.19 of the report.

3.1 PLANNING HEARING FOR APPLICATION NO 00/0840/FL

The Chair advised the order in which objectors would be heard in supplement to their written objections.

The Committee then heard Mr Cochrane, on his own behalf and on behalf of Mr Newbigging, Mr A Love on his own behalf and on behalf of Mr A Love Junior and Mr Connor, Mr Shaw on his own behalf and on behalf of Mr Sinclair, Mr Taylor, Mr Hunter and Mr Fyfe, Dr Liebscher and Mr Caldwell in support of their objections and Mr Waterston, representative of the applicant, in support of the application. Members asked questions of the objectors and the applicant's representative. The representative of the applicant responded to any new issues raised by the objectors, all in accordance with the Hearing procedure.

The Chair closed the Hearing.

3.2 DETERMINATION OF APPLICATION NO 00/0840/FL

The Head of Planning and Building Control reported on the planning issues which had been raised during the Hearing.

Councillor Taylor, seconded by Councillor McIntyre, moved:-

- (i) to grant the application subject to the conditions and for the reasons detailed above; and
- (ii) that the issue of the Decision Notice be withheld until (a) the application had been formally notified to and cleared by the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997; and (b) the Solicitor to the Council had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant, in respect of the matters described in Paragraph 6.19 of the report.

Councillor F MacLean, seconded by Councillor Young, moved as an amendment to refuse the application on the grounds of the environmental impact the proposed development would have and that the proposal was considered to be contrary to the Development Plan as it failed to meet the criteria of policies in terms of not being connected to agricultural purposes or conversion of a derelict building.

On a division by a show of hands, the amendment was carried by 7 votes to 5.

4. APPLICATION NO 01/0124/OL: MR AND MRS J McWHIRTER: CLOCKSTON ROAD, GALSTON

There was submitted a report dated 7 September 2001 by the Depute Chief Executive/Director of Corporate Resources on the decision of the Northern Area Local Planning Committee held on 31 August 2001, which referred consideration of this planning application to this Committee, with a recommendation that the application be approved on the grounds that in the Committee's view, the required sightlines could be achieved adequately thereby enabling compliance with Policy RES4 of the East Ayrshire Local Plan which encouraged and supported sympathetic residential development of gap sites within the settlement boundary of Galston; and an executive summary sheet and report dated 23 August 2001 by the Head of Planning and Building Control (both circulated) on this outline planning application for the proposed erection of a single dwellinghouse at Clockston Road, Galston.

The Head of Planning and Building Control reported that no letters of objection had been received; summarised the planning considerations in respect of the application; and recommended that the application be refused for the following reasons, viz:- (1) the proposed development is contrary to the Ayr County Development Plan in that the land is identified as agricultural land and not for the purposes of residential development. There is no presented justification which would merit approval of the application contrary to the terms of the Development Plan; and (2) The proposed development is contrary to Policy RES 4 of the East Ayrshire Local Plan, Finalised Version with Modifications as the proposal fails to comply with the criteria relating to transportation and infrastructure implications due to the inability to provide adequate sightlines as required by East Ayrshire Council's Roads and Transportation Division.

Councillor Taylor, seconded by Councillor Kelly, moved to refuse the application for the following reasons, viz:-

- (i) the proposed development is contrary to the Ayr County Development Plan in that the land is identified as agricultural land and not for the purposes of residential development. There is no presented justification which would merit approval of the application contrary to the terms of the Development Plan; and
- (ii) the proposed development is contrary to Policy RES 4 of the East Ayrshire Local Plan, Finalised Version with Modifications as the proposal fails to comply with the criteria relating to transportation and infrastructure implications due to the inability to provide adequate sightlines as required by East Ayrshire Council's Roads and Transportation Division.

Councillor F MacLean, seconded by Councillor Raymond, moved as an amendment to approve the application due to the unique circumstances of the site and on the grounds that there were adequate sightlines, thereby enabling compliance with Policy RES4 of the East Ayrshire Local Plan which encouraged and supported sympathetic residential development of gap sites within the settlement boundary of Galston.

On a division by a show of hands, the amendment was carried by 7 votes to 5.

5. APPLICATION NO 01/0412/OL: STANLEY STORES LIMITED: LAND ADJACENT TO SKERRINGTON FARM, CUMNOCK

There was submitted a report dated 10 September 2001 by the Depute Chief Executive/Director of Corporate Resources on the decision by the Southern Local Planning Committee held on 7 September 2001, which referred consideration of this planning application to this Committee, with a recommendation that the application be approved; and an executive summary sheet and report dated 29 August 2001 (both circulated) by the Head of Planning and Building Control on this outline planning application for proposed residential development site at land adjacent to Skerrington Farm, Cumnock.

The Head of Planning and Building Control reported that two letters of objection had been received with regard to the proposed development and that an opportunity for a Hearing was afforded at the Southern Local Planning Committee on 7 September 2001 but that no objectors were present; summarised the planning considerations in respect of the application; and recommended: Refusal on the following grounds, viz:- (1) The proposed residential development does not accord with Policy 72 of the Cumnock and Auchinleck Adopted Local Plan (1992) which identifies part of the application site for the provision of tourist and hotel accommodation; (2) The

proposed development lies outwith the settlement boundary of Cumnock and would be contrary to Policies SD3 and RES2 of the East Ayrshire Local Plan, Finalised Version with Modifications (2001) and contrary to Policies ADS3, ADS5, G1 and G5 of the approved Ayrshire Joint Structure Plan (1999), as there is no demonstrated shortfall of effective housing land within the Cumnock and Surrounding Area Sub-Market Housing Area nor a justified specific locational need for the development; (3) The proposed development does not accord with the Housing Development Strategy stated in the East Ayrshire Local Plan, Finalised Version with Modifications (2001) which encourages the growth of all settlements, where possible, to meet housing demand generated locally within each particular settlement concerned; (4) The proposed development fails to accord with Policies L3 and L5 of the approved Ayrshire Joint Structure Plan (1999) as there is sufficient land allocated for residential purposes in the East Ayrshire Housing Market Area; (5) There is sufficient housing land within Cumnock to meet the local housing needs of the settlement, and no further additional land release is considered justified in terms of the East Ayrshire Local Plan Housing Development Strategy; and (6) The proposal would constitute a linear development which would be an inappropriate extension of development into the countryside.

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

The meeting terminated at 1130 hours.

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