

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE

**MINUTES OF MEETING HELD ON FRIDAY 31 AUGUST 2001 AT 1000 HOURS IN
THE BARR CENTRE, STATION ROAD, GALSTON**

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

ATTENDING: Dave Morris, Development Promotion Manager; Julian Thorpe, Planning Officer; Karen McLeod, Solicitor; and Gillian Hamilton, Administrative Officer.

APOLOGIES: Councillors Jim Raymond, Kathleen Hall and Robert McDill.

CHAIR: Councillor David Macrae, Chair.

CONSIDERATION OF PLANNING APPLICATIONS

1. APPLICATION NO 01/0124/OL: MR & MRS J MCWHIRTER - CLOCKSTON ROAD, GALSTON

There was submitted an executive summary sheet and report dated 23 August 2001 (both circulated) by the Head of Planning and Building Control on an outline planning application for proposed erection of single dwellinghouse at Clockston Road, Galston.

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 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 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.

It was agreed to refer the application to the Development Services Committee with a recommendation for approval, 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.

2. APPLICATION NO 01/0373/FL: MR G RYAN - PLOT E, OLD GLASGOW ROAD, STEWARTON

There was submitted an executive summary sheet and report dated 22 August 2001 (both circulated) by the Head of Planning and Building Control on a full planning

application for proposed erection of dwellinghouse at Plot E, Old Glasgow Road, Stewarton.

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 one letter of objection with two signatories, details of which were contained within the report, reported the receipt of a further letter from the same objector, restating the original objections and seeking clarification regarding notification requirements, reported that proposed Condition 6 as set out in the TP24 form appended to the report by the Head of Planning and Building Control should be amended to read "Notwithstanding any specification on the approved plans or application form, the finished ground floor level of the dwellinghouse shall be 94.4 metres OD and the precise location of the house shall be agreed in writing by the Planning Authority prior to the commencement of development" and reported an additional Condition that "no materials resulting from the process of developing this house shall be placed in the adjoining watercourse (East Burn) to prevent any disruption or impediment to the free flow of the East Burn"; 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 submitted on 21 May 2001 as revised by the amended block plan and elevational drawings, showing the proposed dwellinghouse, received by the Planning Authority on 13 July 2001; (3) The access to the site shall be by means of a standard footway crossing, constructed in accordance with the East Ayrshire Council Roads Development Guide 1996; (4) The driveway to the plot shall be suitably surfaced such that no surface water discharges or loose material is carried out on to the public road; (5) Any access gates shall open inwards only, away from the public road; (6) Notwithstanding any specification on the approved plans or application form, three in-curtilage car parking spaces shall be provided within the site and thereafter maintained free from obstruction at all times; (7) Notwithstanding any specification on the approved plans or application form, the finished ground floor level of the dwellinghouse shall be 94.4 metres OD and the precise location of the house shall be agreed in writing by the Planning Authority prior to the commencement of development; (8) Notwithstanding any specification on the approved plans or application form, samples of all external construction materials including the proposed finish to the roof shall be submitted to and approved by the Planning Authority, prior to the commencement of any work on site; (9) Notwithstanding any specification on the approved plans or application form, details of the design and location of any fences, walls or other means of enclosure shall be submitted to and approved by the Planning Authority, prior to the commencement of any work on site; (10) Notwithstanding any specification on the approved plans or application form, the hawthorn hedge on the northern boundary of the site shall be retained. No lopping of the hedge shall be undertaken without the prior written approval 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 ensure that the development is carried out in accordance with the approved details; Conditions (3), (4) and (5) In the interest of public road safety; Condition (6) To ensure that adequate car parking is provided; Condition (7) To accord with the

recommendation of the Stewarton Flood Study and to ensure that the proposed dwelling is adequately protected against flooding and to confirm the precise location of the house within the plot; Conditions (8) and (9) In the interests of visual amenity; and Condition (10) In the interests of visual, environmental and residential amenity.

No Hearing took place as the objector was not present or represented.

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

3. APPLICATION NO 00/0465/FL: MRS J F LEGGAT -12 MAIN STREET, KILMAURS

There was submitted an executive summary sheet and report dated 21 August 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed erection of single storey dwellinghouse at 12 Main Street, Kilmaurs.

The Development Promotion Manager reported the receipt of an objection 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) The proposed development shall be carried out in accordance with the application form and plans submitted on 20 June 2000 as revised by the amended block plan, received by the Planning Authority on 4 June 2001, showing the proposed dwellinghouse rotated 90° within the plot; (3) Prior to the occupation of the dwellinghouse, details of turning area, which shall be provided within the site and maintained free from obstruction at all times thereafter, shall be submitted to and approved by the Planning Authority; (4) Prior to the occupation of the dwellinghouse, two in curtilage car parking spaces shall be provided within the site and thereafter maintained free from obstruction at all times; (5) Notwithstanding the terms of Condition 2, or any specification on the approved plans or application form, the roof shall be externally finished with natural slate; (6) Notwithstanding the terms of Condition 2 or any specification on the approved plans or application form the proposed UPVC windows shall replicate the appearance of traditional sash and case windows. Details of the proposed windows shall be submitted to and approved by the Planning Authority before the development commences. In addition, the following window openings shall be provided with a central mullion finished with smooth cement to match that around the windows and having a front face level with that of the surrounding cement bands:- bedroom, north elevation/lounge, west elevation/bedroom, south elevation; (7) Notwithstanding the terms of Conditions 4 and 5, or any specification on the approved plans or application form, samples of all external construction materials shall be submitted to and approved by the Planning Authority prior to the commencement of any work on site; (8) Prior to the occupation of the dwellinghouse, details of the design of a 1.8 metre high screen fence to be erected in the location indicated in green on the approved plan, reference no. A001, shall be submitted to and approved by the Planning Authority. Thereafter, the approved fence shall be erected on site prior to the occupation of the dwellinghouse; (9) Notwithstanding the terms of Conditions 1 and 7, or any specification on the approved plans or application form, details of the design and location of all other fences and walls to be erected within the site shall be submitted to and approved by the Planning Authority

prior to the commencement of any work on site; (10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) order 1992, no garages, sheds or other structure shall be erected within the site without the prior formal written approval of the Planning Authority; and (11) No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has received the prior approval of the Planning Authority and which is fully compliant with the Terms of Reference which will be issued by the West of Scotland Archaeology Service on behalf 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 ensure the development is carried out in accordance with the approved details; Condition (3) To ensure that vehicles can enter and exit the site in a forward gear, in the interest of public road safety; Condition (4) To ensure that adequate car parking is provided; Conditions (5), (6), (7) and (9) In the interests of visual amenity; Conditions (8) and (10) In the interests of residential and visual amenity; and Condition (11) To ensure that appropriate archaeological work is undertaken before the development commences.

No Hearing took place as the objector was not present or represented.

It was agreed to grant the application subject to the conditions and for the reasons detailed and that the Head of Planning and Building Control enter into discussions with the applicant about appropriate times for the delivery of materials on to the site to avoid those occasions when the Main Street was at its busiest.

4. APPLICATION NO 00/0491/FL AND 00/0490/LB: DR J DUKE - 90 MAIN STREET, DUNLOP

There was submitted an executive summary sheet and report dated 22 August 2001 (both circulated) by the Head of Planning and Building Control on a listed building application and a full planning application for proposed new house incorporating 2 storey garage and garret at 90 Main Street, Dunlop.

The Development Promotion Manager reported the receipt of two objections, one from a consultee, details of which were contained within the report; summarised the planning 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 00/0491/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 received on 11 July 2000 and the amended plans received by the Planning Authority on 26 September 2000, boundary wall plans, floor plans and elevation plans received on 23 April 2001; (3) Notwithstanding the plan(s) hereby approved, details/samples of all external finishing materials to be used shall be submitted to and approved by the Planning Authority before any development commences on the site; (4) Details submitted in pursuance of Condition 3 above shall provide the following: (i) all external walls shall be wet-dash harled and painted in a colour to be agreed 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; (5) Notwithstanding the submitted details, the dwellinghouse shall be roofed in natural slate and details of the skews shall be submitted to and approved by the Planning Authority prior to the

commencement of works on site; (6) All windows shall be of white painted timber sash and case construction; (7) 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; (8) Details of the eaves of the proposed house shall be submitted to and approved by the Planning Authority prior to the commencement of works on site; (9) Full details of the design and construction of all fences, walls and railings to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on site; (10) Notwithstanding the details on the plan hereby approved, further details of the proposed west elevation coloured blue shall be submitted for the approval of the Planning Authority prior to the commencement of work on site; (11) Details to be submitted in pursuance of Condition 10 above shall provide for a reduced upper floor window, cement band set below eaves level and an increased roof pitch; (12) Details of the hardstanding, surfacing material and landscaping of the area to the front of the proposed house shall be submitted to and approved by the Planning Authority prior to the commencement of work on site. These details shall in particular address the provision of landscaping adjacent to the kitchen of No 92 Main Street; (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; and (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; 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) In the interest of visual amenity and preserving the character of a Listed Building; Conditions (4), (5) and (6) To ensure the development is compatible with the character and appearance of the nearby properties and the Outstanding Conservation Area in which it is located; Conditions (7), (8) (10), (11) and (12) In the interest of visual amenity; Condition (9) To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity; Condition (13) To enable the Planning Authority to retain control over future development on the site in the interests of residential and visual amenity; and Condition (14) In the interest of re-identifying and recording and preserving archaeological remains; and (ii) In respect of Application No 00/0490/LB: (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 11 July 2000 and the amended plans received by the Planning Authority on 26 September 2000, boundary wall plans, floor plans and elevation plans received on 23 April 2001; (3) Notwithstanding the plan(s) hereby approved, details/samples of all external finishing materials to be used shall be submitted to and approved by the Planning Authority before any development commences on site; (4) Details

submitted in pursuance of Condition 3 above shall provide for the following: (i) all external walls shall be wet-dash harled and painted in a colour to be agreed 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; (5) Notwithstanding the submitted details, the dwellinghouse shall be roofed in natural slate and details of the skews shall be submitted to and approved by the Planning Authority prior to the commencement of works on site; (6) All windows shall be of white painted timber sash and case construction; (7) 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; (8) Details of the eaves of the proposed house shall be submitted to and approved by the Planning Authority prior to the commencement of works on site; (9) Full details of the design and construction of all fences, walls and railings to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on site; (10) Notwithstanding the details on the plan hereby approved, further details of the proposed west elevation coloured blue shall be submitted for the approval of the Planning Authority prior to the commencement of work on site; (11) Details to be submitted in pursuance of Condition 10 above shall provide for a reduced upper floor window, cement band set below eaves level and an increased roof pitch; Condition (1) being imposed to comply with Section 16 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997; Condition (2) To ensure that development is carried out in accordance with the approved details; Condition (3) In the interest of visual amenity and preserving the character of a Listed Building; Conditions (4), (5) and (6) To ensure the development is compatible with the character and appearance of the nearby properties and the Outstanding Conservation Area in which it is located; Conditions (7), (8) (10) and (11) In the interest of visual amenity; and Condition (9) To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

No Hearing took place as the objector was not present or represented.

It was agreed that both Planning Application No 00/0491/FI and Listed Building Application No 00/0490/LB be approved subject to the conditions and for the reasons detailed.

PROVISION OF TREE PRESERVATION ORDER AT WATERSLAP, FENWICK - THE WATERSIDE (SOUTHERN APPROACH)

5. There was submitted a report dated 16 August 2001 (circulated) by the Director of Development Services which reported the outcome of the formal public advertisement of the provisional Tree Preservation Orders for Waterslap, Fenwick and Waterside (Southern Approach) and sought the Committees views as to whether these Tree Preservation Orders should be confirmed.

It was agreed:-

- (i) that the Solicitor to the Council formally confirm the Waterslap Fenwick TPO subject to the technical amendments detailed in paragraph 2.4 of the report;
- (ii) that the Solicitor to the Council formally confirm the Waterside (Southern Approach) TPO;

- (iii) that the Head of Planning and Building Control consult further with the Community Services Department regarding the condition of the horse chestnut tree referred to in Section 2 of the report to establish whether or not it was worthy of TPO status; and
- (iv) that the Head of Planning and Building Control be given delegated powers to confirm TPO status for the above horse chestnut tree should the condition of the tree deem such a designation appropriate.

The meeting terminated at 1025 hours.

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