

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE

**MINUTES OF MEETING HELD ON FRIDAY 10 AUGUST 2001 AT 1000 HOURS IN
THE BARRHILL CENTRE, BANK AVENUE, CUMNOCK**

PRESENT: Councillors Tommy Farrell, Eric Jackson, George Smith, Jimmy Kelly, Julie Faulds, William Menzies, Provost Jimmy Boyd and Councillor Elaine Dinwoodie.

ATTENDING: David Mitchell, Legal Manager; Hugh Melvin, Senior Development Promotion Officer; and Stuart Nelson, Administrative Officer.

APOLOGIES: Councillors Eric Ross, Robert Taylor and Jimmy Carmichael.

CHAIR: Councillor Tommy Farrell, Chair.

CONSIDERATION OF PLANNING APPLICATIONS

1. PROCEDURE

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

**2. APPLICATION NO 01/0355/FL: STANLEY STORES (STRATHCLYDE) LIMITED:
PLOTS 29A AND 29B SKERRINGTON FARM, CUMNOCK**

There was submitted an executive summary sheet and report dated 23 July 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of two semi-detached dwellinghouses at Plots 29A and 29B, Skerrington Farm, Cumnock.

2.1 Consideration of Item

The Senior Development Promotion Officer drew attention to an error in the plan contained within the report relative to this application and circulated an amended plan; reported that one letter of objection signed by two individuals 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: 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 plans hereby approved, the applicant shall submit to and have approved by the Planning Authority, samples of the facing brick, roof tile and render to be used in the external finishes of the proposed dwellinghouses prior to any construction works commencing on site; (3) Notwithstanding the submitted plans, details of the design and construction of fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on site; (4) The access driveway for each plot shall be paved for a minimum distance of 2 metres from the rear of the footway, such works to be carried out prior to the occupation of each dwellinghouse to which the access relates; (5) Two off-road car parking spaces shall be provided and thereafter maintained for each dwellinghouse, prior to the occupation of the dwellinghouse; (6) Any access gates shall open inwards away from the public road; (7) No mechanical excavation shall take place within 500mm of British Gas Transco plant; (8) Notwithstanding the provisions of the Town and

Country Planning (Permitted Development) (Scotland) Order 1992 (or any order or enactment replacing this) any future garages associated with the proposed dwellinghouses shall be of permanent construction and finished in materials to match the proposed dwellinghouse to which it relates. Any garage shall be set back a minimum distance of 6 metres from the rear of the footway; (9) Notwithstanding the approved plans, the footway and carriageway adjacent to each property shall be constructed to basecourse level prior to the occupancy of each dwellinghouse; (10) Notwithstanding the submitted plans, the visibility splay areas of 2 metres by 20 metres shall be provided at the junction of the access to the development with the public road with no obstruction to visibility greater than 1 metre in height being allowed within these areas; and (11) No surface water shall issue from the site onto the public road; 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; Condition (3) in the interests of visual and residential amenity; Condition (4) to prevent any overcarry of loose materials onto the public road in the interests of road safety; Condition (5) in the interests of residential amenity; Condition (6) in the interests of public road safety; Condition (7) in the interests of public safety; Condition (8) in the interests of amenity; Condition (9) in the interests of road safety; Condition (10) to enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit; and Condition (11) to ensure the provision and maintenance of a secure road surface in the interests of road and public safety.

2.2 Planning Hearing

The Committee then heard Mr Richard Gibson, objector, in support of his objection. Members asked questions of the objector who responded to the issues raised all in accordance with the Hearing procedure. The applicant was not present or represented.

2.3 Determination of Application

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

3. APPLICATION NO 01/0320/FL: SCI FUNERALS LIMITED: 105 GLAISNOCK STREET, CUMNOCK

There was submitted an executive summary sheet and report dated 23 July 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed removal of Condition No 2 applying to the existing planning approval at 105 Glaisnock Street, Cumnock.

The Senior Development Promotion 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: 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; and (2) Condition No 2 of consent CD/84/201 dated 29 November 1984 shall be deleted and replaced with the following condition: "(2) The hours of operation of the funeral parlour business shall be restricted to between 0800 hours and 1800 hours Monday to Saturdays. Except for the purposes of family viewings, no operations, including the movement of hearses and coffins, shall take place on Sundays. Such viewings shall be restricted to

between the hours of 1000 hours and 1600 hours on Sundays"; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and Condition (2) to prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity.

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

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

4. APPLICATION NO 01/0327/FL: ECOSSE HOMES: PLOTS 4, 4A, 17, 19 AND 21 PRIMPTON AVENUE, DALRYMPLE

There was submitted an executive summary sheet and report dated 30 July 2001 (both circulated) by the Head of Planning and Building Control on an application for full planning permission for the proposed erection of two semi-detached bungalows, two semi-detached villas and one detached villa at Plots 4, 4A, 17, 19 and 21 Primpton Avenue, Dalrymple.

4.1 Consideration of Item

The Senior Development Promotion 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: 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 access to each of the plots shall be by means of standard footway crossing constructed in accordance with the East Ayrshire Council Roads Development Guide 1996; (3) There shall be no obstruction to visibility above 1 metre in height along the frontage of each plot; (4) Each driveway shall be paved for a minimum distance of 2 metres from the rear of the footway to ensure that no surface water discharges or loose material is carried out onto the public road; (5) Notwithstanding any specification on the approved plans or application form, each driveway shall not be less than 4.8 metres in length by 2.5 metres wide; (6) The gradient of each driveway shall not exceed 1:10; (7) Any access gates shall open inwards only, away from the public road; (8) Prior to the occupation of each of the dwellinghouses, 2 in-curtilage car parking spaces shall be provided and thereafter maintained within the site; (9) Notwithstanding the provisions of Condition (8) above, or of the Town and Country Planning (General Permitted Development) Order 1992, no garage, extension or other structure shall be erected within Plot 17 without the prior approval of the Planning Authority; (10) Notwithstanding any specification on the approved plans or application form, the external roofing materials proposed for Plots 17, 19 and 21 are not hereby approved. The external roofing materials for Plots 17, 19 and 21 shall be natural slate or another alternative, similar in appearance and shall be agreed by the Planning Authority in writing before any work commences on site; (11) Before any work commences on site, samples of all external construction materials shall be submitted to and approved by the Planning Authority; and (12) Notwithstanding any specification on the approved plans or application form, 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 work commences on site; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Conditions (2), (3), (4), (5), (6) (7) and (8) in the

interests of public road safety; Condition (9) in the interests of residential amenity; and Conditions (10), (11) and (12) in the interests of visual amenity.

4.2 Planning Hearing

The Committee then heard Mrs Celia Dancer, objector, in support of her objection and Mr William Tait, representative of the applicant, in support of the application. Members asked questions of the objector and of the applicant's representative. The objector and the applicant's representative responded to the issues raised all in accordance with the Hearing procedure.

4.3 Determination of Application

It was agreed:-

- (i) to approve the application subject to the conditions and for the reasons detailed; and
- (ii) that an additional condition be imposed to safeguard the adjacent properties from any drainage problems arising from the proposed development, the detailed wording of such condition and of the reason for it to be determined by the Head of Planning and Building Control.

5. APPLICATION NO 01/0356/FL: MR IAN KERR HOWIE: 19 HIGH STREET, MAUCLINE

There was submitted an executive summary sheet and report dated 27 July 2001 (both circulated) by the Head of Planning and Building Control on an application for full retrospective planning consent for the proposed change of use of florist/gift shop to hairdresser's/gift shop at 19 High Street, Mauchline.

The Senior Development Promotion 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: 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 (General Permitted Development) (Scotland) Order 1992, and the Town and Country Planning (Use Classes) (Scotland) Order 1997, this permission relates to the retailing of gifts and the operation of a hairdresser's only, and the further express permission of the Planning Authority shall be required in respect of the proposed retailing of any other type of goods or service; (3) Within three weeks from the date of this permission, details of appropriate signage, clearly demarking the location of the entrance to the hairdressing and body piercing service, shall be submitted to the Planning Authority for approval; and (4) The signage, once approved, shall be installed on site within two months from the date of such approval and thereafter maintained in a neat and tidy condition at all times; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to retain effective planning control over the use of the premises in the interests of residential amenity; Condition (3) in the interests of residential amenity; and Condition (4) in the interests of residential and visual amenity.

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

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

6. APPLICATION NO 01/0315/FL: MR McGINN: LAND TO THE REAR OF 6 WEST PARK DRIVE, NEW CUMNOCK

There was submitted an executive summary sheet and report dated 25 July 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed change of use of vacant ground to extend existing garden ground and erection of 2.3 metre high fence at land to the rear of 6 West Park Drive, New Cumnock.

6.1 Consideration of Item

The Senior Development Promotion 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: 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 fence hereby approved shall be erected within six weeks of the date of this consent and shall thereafter be maintained to the satisfaction of the Planning Authority; and (3) Details of the location, design and materials of the proposed fence shall be submitted to and approved by the Planning Authority within one month of the date of this consent; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) in the interest of residential amenity; and Condition (3) in the interests of visual amenity.

6.2 Planning Hearing

The Committee then heard Mr George Ballantyne, objector, in support of his objection and Mr Harry McGinn, applicant, in support of the application. Members asked questions of the objector and of the applicant. The objector and the applicant responded to the issues raised all in accordance with the Hearing procedure.

6.3 Determination of Application

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

7. APPLICATION NO 01/0363/AD: GRAHAM AND SIBBALD: ENTRANCE TO CAPONACRE INDUSTRIAL ESTATE, CUMNOCK

There was submitted an executive summary sheet and report dated 23 July 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of a free-standing sign at the entrance to Caponacre Industrial Estate, Cumnock.

7.1 Consideration of Item

The Senior Development Promotion 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: Approval, subject to the following condition, viz:- (1) That the consent be granted for a limited period of two years from the date hereof, and the sign shall be removed and the land restored to its former condition to the satisfaction of the Planning Authority at the expiration of this period,

unless a further consent is granted; Condition (1) being imposed because the proposed advertisement is of a temporary nature.

7.2 Planning Hearing

The Committee heard Mrs McKenzie, objector, in support of her objection. Members asked questions of the objector who responded to the issues raised all in accordance with the Hearing procedure. The applicant was not present or represented.

7.3 Determination of Application

It was agreed to refuse the application on the grounds that the proposed sign would have a significant detrimental effect upon the visual amenity of residential properties in the area.

8. APPLICATION NO 01/0357/LB: MISS McCURDIE: 80 MAIN STREET, OCHILTREE

There was submitted an executive summary sheet and report dated 20 July 2001 (both circulated) by the Head of Planning and Building Control on an application for listed building consent for the proposed installation of replacement windows at 80 Main Street, Ochiltree.

The Senior Development Promotion Officer advised that with regard to Paragraph 6.4(i) of the report, the Agent for the applicant had now stated that they would be agreeable to amending the design of the windows on the front elevation to include horizontal glazing bars in order to reflect the style of the existing sash and case windows; 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 reasons, viz:- (1) The proposed installation of uPVC windows would not be in keeping, in terms of their design and materials used, with the character and appearance of Ochiltree Conservation Area. The proposed windows are therefore contrary to Policy ENV11 of the Mauchline-Drongan-Ochiltree Adopted Plan (1993); (2) The proposed installation of uPVC windows would be unsympathetic to and also detrimental to the character of the listed building and Ochiltree Conservation Area. The proposal is therefore contrary to Policy ENV4 of the East Ayrshire Local Plan, Finalised Version with Modifications which states that there shall be protection of heritage resources requiring conservation from unsympathetic developments; and (3) The proposed installation of uPVC windows with a non-traditional method of opening would be contrary to the Council's Design Guidance on New and Replacement Windows on Listed Buildings and Buildings within Conservation Areas, which states that the use of high quality uPVC windows, exactly replicating timber and with traditional methods of opening may be considered acceptable in locations where the Planning Authority consider the windows not to have a detrimental impact on the character and appearance of the listed building. In this case, both the material and the method of opening would have a such detrimental impact.

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

Councillor Farrell, seconded by Provost Boyd, moved that the application be refused for the reasons detailed.

Councillor Faulds, seconded by Councillor Smith moved as an amendment that the application as amended be approved with appropriate conditions since the proposal,

would not be out of keeping with the character and appearance of Ochiltree Conservation Area and would neither be unsympathetic, nor detrimental, to the character of the listed building and Ochiltree Conservation Area.

On a division by a show of hands the amendment was carried by 4 votes to 3.

Councillor Faulds left the meeting at this point.

9. APPLICATION NO 01/0287/FL: MR W JOHNSTONE: AYR ROAD GARAGE, DALMELLINGTON

There was submitted an executive summary sheet and report dated 18 July 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed use of an existing garage yard for overnight parking of HGV vehicles at Ayr Road Garage, Dalmellington.

9.1 Consideration of Item

The Senior Development Promotion 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: 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) On Sundays, vehicle movements shall only take place between the hours of 10.00 a.m. and 6.00 p.m.; (3) No vehicle maintenance or washing of vehicles shall take place at any time within the site; (4) All parking of heavy goods vehicles shall take place within the application site; (5) No storage of parts/materials associated with the heavy goods vehicles shall take place within the application site; and (6) No more than 10 heavy goods vehicles shall be parked within the application site at any time; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Conditions (2), (3) and (4) in the interest of residential amenity; and Conditions (5) and (6) in the interests of residential and visual amenity.

9.2 Planning Hearing

The Committee then heard Mr and Mrs Whalen, objectors, in support of their objections and Mr Thomas Bowie, representative of the applicant, in support of the application. Members asked questions of the objectors and of the applicant's representative. The objectors and the applicant's representative responded to the issues raised, all in accordance with the Hearing procedure.

9.3 Determination of Application

It was agreed:-

- (i) that Condition (2) above, be amended to include a specific provision prohibiting the movement of vehicles out of the site before 5.30 a.m. and into the site after 8.00 p.m. in the interests of protecting residential amenity, the detailed wording of such condition and the reason for it to be determined by the Head of Planning and Building Control;
- (ii) to approve the application subject to the conditions, as amended, and for the reasons detailed; and
- (iii) that an additional condition be imposed requiring the applicant to suitably surface the site in order to prevent noise nuisance arising from the movement

of vehicles, the detailed wording of such condition and the reason for it to be determined by the Head of Planning and Building Control.

The meeting terminated at 1130 hours.

**TO RETURN TO PREVIOUS PAGE
PLEASE PRESS THE BACK BUTTON
AT THE TOP LEFT OF THE PAGE**