

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE**

**MINUTES OF MEETING HELD ON FRIDAY 7 SEPTEMBER 2001 AT 1000 HOURS  
IN DRONGAN COMMUNITY CENTRE, MILLMANNOCH AVENUE, DRONGAN**

**PRESENT:** Councillors Tommy Farrell, Jimmy Kelly, William Menzies, Provost Jimmy Boyd and Councillors Elaine Dinwoodie and Jimmy Carmichael.

**ATTENDING:** David Morris, Development Promotion Manager; Hugh Melvin, Senior Development Promotion Officer; Karen McLeod, Solicitor; and Stuart Nelson, Administrative Officer.

**APOLOGIES:** Councillors Eric Jackson, George Smith, Julie Faulds, Eric Ross and Robert Taylor.

**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 01/0276/FL: KAREN RIOZZI: 11 EVERGREEN ESTATE, COALHALL**

There was submitted an executive summary sheet and report dated 29 August 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed change of use of part of the existing dwellinghouse at 11 Evergreen Estate, Coalhall, to form a children's nursery.

**2.1 Consideration of Item**

The Senior Development Promotion Officer reported that a total of 26 objections had been received, together with a petition signed by 42 individuals objecting to the proposal, details of all 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 12 April 2001 as revised by the amended site plan showing the rear car parking area and drop-off/pick-up spaces, received by the Planning Authority on 31 May 2001; (3) Notwithstanding any details or information submitted as part of the application, the maximum number of children which shall be catered for within the proposed nursery shall be 25 during any one day; (4) The use hereby approved shall not be carried out outwith the hours of 0830 to 1730, Monday to Friday or at any time on a Saturday or a Sunday; (5) Notwithstanding any specification on the approved plans or application form, or the terms of Condition (2) above, nine car parking spaces shall be provided at the car parking area to the rear of the dwellinghouse; (6) Notwithstanding any specification on the approved plans or application form, or the terms of Condition (2) above, three drop-off/pick-up spaces shall be provided at the front of the

dwellinghouse; (7) Notwithstanding any specification on the approved plans or application form, or the terms of Condition (2) above, the aisle width of the proposed rear car parking areas shall be 6 metres; (8) The access to the car parking area and to the drop-off/pick-up area shall be taken via a standard access crossing formed in accordance with the East Ayrshire Council Roads Development Guide 1996; (9) Prior to the commencement of the use hereby approved, details of secure fencing to be erected around the play garden, shall be submitted to and approved by the Planning Authority and thereafter erected on site. Such fencing shall be a minimum of 1.8 metres in height and shall be of a design to provide a complete visual screen to adjacent residential properties supplemented by additional screen planting and landscaping; (11) Prior to the commencement of the use hereby approved, the existing boundary fence marked in blue on the approved plans shall be increased in height to 1.8 metres and be upgraded to provide a full visual screen of the access runway and proposed car parking area and shall be supplemented by screen planting and landscaping. The details of these works shall be submitted to and approved by the Planning Authority and the works implemented on site prior to the commencement of the use hereby approved; (12) No advertisements or signage shall be displayed within the application site without the prior approval of the Planning Authority; and (13) Prior to the commencement of the use hereby approved, details of a suitable litter receptacle to be provided within the site shall be submitted to and approved by the Planning Authority and thereafter installed 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 the development is carried out in accordance with the approved details; Conditions (3) and (4) in the interests of residential amenity; Condition (5) to ensure that adequate car parking is provided and to reflect the provisions of Condition (3) above; Condition (6) to ensure that adequate car parking is provided, and to provide access to the existing domestic garage; Condition (7) to ensure the safe manoeuvrability of vehicles in to and out of the car parking spaces; Condition (8) in the interests of public road safety; Condition (9) to safeguard the interests of the children attending the nursery, to prevent their access to the A70 and in the interests of visual and residential amenity; Condition (11) in the interests of visual and residential amenity; Condition (12) in the interests of visual amenity; and Condition (13) in the interests of amenity.

## **2.2 Planning Hearing**

The Committee then heard Mrs Watson, Donald Macdonald and Alexander Ferguson on behalf of the objectors, in support of their objections. The Committee then heard Mr John Riozzi and Mrs Karen Riozzi in support of the application. Members asked questions of the objectors and of the applicants. The objectors and the applicants responded to the issues raised all in accordance with the Hearing Procedure.

## **2.3 Determination of Application**

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

## **3. APPLICATION NO 00/0185/FL: MR S HUNTER: TOWER GARAGE, KILMARNOCK ROAD, MAUCHLINE**

There was submitted an executive summary and report dated 29 August 2001 (both circulated) by the Head of Planning and Building Control on a full planning application

for the proposed change of use to include car sales and portacabin/office at Tower Garage, Kilmarnock Road, Mauchline.

The Senior Development Promotion Officer reported that 5 letters of objection had been received from 2 joint objectors, 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) Permission is granted for a limited period of 2 years from the date hereof, and the use shall be discontinued and the land restored to its former condition in accordance with a scheme to be agreed by the Planning Authority at the expiration of this period, unless a further permission is granted; (3) 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 permission relates to the use of the premises for car sales and the further express permission of the Planning Authority shall be required in respect of any other use which would be authorised by the said order; (4) Eight customer and staff car parking spaces shall be provided within the site. Details of their location shall be submitted to and approved by the Planning Authority with the eight car parking spaces being physically demarcated on site for this use, all to be approved and implemented within one month of the date of this consent; (5) No more than 30 cars shall be displayed for sale on the forecourt at any one time and no cars associated with the development shall be parked or displayed within 5 metres of the northern boundary of the application site immediately adjacent to the access of the residential property at Craighknowe; (6) The area for the display of vehicles for sale shall not encroach within 3 metres of the existing eastern boundary fence of the application site as shown on the approved plans. Within one month of the date of this consent, the applicant shall install a drop kerb, (or an alternative means of physical demarcation subject to the prior approval of the Planning Authority), along the eastern limit of the car sales area, and not encroaching within the requisite 3 metres access strip; (7) At no time shall the display of cars extend beyond the physical demarcation line of the car sales area; and (8) Except in cases of emergency and except for car valeting, there shall be no repair or maintenance of vehicles within the development site; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) because the proposed building is of a temporary nature; Condition (3) to enable the Planning Authority to retain control over the use of the site in the interests of residential amenity; Condition (4) in the interests of general amenity and road safety; Conditions (5) and (8) in the interests of residential amenity; Condition (6) in the interests of general and residential amenity and to clearly confirm the extent of the car sales area; and Condition (7) in the interests of general and 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.

**4. APPLICATION NO 01/0454/FL: JIM SCOTT HOMES LIMITED: LAND ADJACENT TO 13 GLEBE AVENUE, MAUCHLINE**

There was submitted an executive sheet and report dated 29 August 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of a dwellinghouse at land adjacent to 13 Glebe Avenue, Mauchline.

The Senior Development Promotion Officer reported that 2 letters 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) There shall be no commencement of development on site until such time as the West of Scotland Water Authority has confirmed in writing that there is in place appropriate off-site drainage and sewerage infrastructure sufficient to accommodate the house granted by this consent; (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) Prior to the occupation of the dwellinghouse, the first two metres of the driveway shall be surfaced such that no surface water discharges or loose material is carried out onto the public road; (5) Prior to the occupation of the dwellinghouse, a visibility splay area shall be formed and thereafter maintained such that there shall be no obstruction to visibility over one metre in height within a visibility splay of 2 metres by 20 metres at the proposed access to the site from Welton Road; (6) Any access gates shall open inwards only away from the public road; (7) Prior to the occupation of the dwellinghouse, two in-curtilage car parking spaces shall be provided and thereafter maintained within the site; (8) Notwithstanding any specification on the approved plan or application form, details of a 2 metre high screen fence to be erected in the location indicated in green on approved plan reference number SAS/814/03 shall be submitted to and approved by the Planning Authority and thereafter erected in the approved location prior to the occupation of the dwellinghouse; (9) Notwithstanding the provisions of Condition (8) or any specification on the approved plans or application form, details of the design and location of all fences, walls or other means of enclosure to be erected within the site shall be submitted to and approved by the Planning Authority and thereafter erected within the site, prior to the occupation of the dwellinghouse; (10) Notwithstanding any specification on the approved plans or application form, samples of all external construction materials to be used shall be submitted to and approved by the Planning Authority prior to the commencement of any work on site; and (11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development (Scotland) Order 1992, no garages, sheds or other structures shall be erected within the site without the prior formal 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 adequate drainage and sewerage infrastructure for the proposed development; Conditions (3), (4), (5) and (6) in the interests of public road safety; Condition (7) to ensure that adequate car parking is provided in the interests of public road safety; Conditions (8) and (9) in the interests of residential and visual amenity; Condition (10) in the interests of visual amenity; and Condition (11) in the interests 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.

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

There was submitted an executive summary sheet and report dated 29 August 2001 (both circulated) by the Head of Planning and Building Control on an application for outline planning consent for proposed residential development of land adjacent to Skerrington Farm, Cumnock.

The Senior Development Promotion Officer reported that two letters 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 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 effective 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.

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

It was agreed, as there is a demand for private housing in this area which would be met by development of this site and which, if not met, would be to the detriment of the community of Cumnock, to refer the application to the Development Services Committee for determination, with a recommendation for approval.

**6. APPLICATION NO 01/0518/FL: MR C PATERSON: PLOT 2, MOTE TOLL, OCHILTREE**

There was submitted an executive summary sheet and report dated 29 August 2001 (both circulated) by the Head of Planning and Building Control on an application for full planning consent for the proposed erection of a dwellinghouse at Plot 2, Mote Toll, Ochiltree.

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

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: Refusal, for the following reasons, viz:- (1) The proposed development would constitute the erection of a new dwelling in the countryside without a site specific locational need and would therefore be contrary to Policies SD3 and RES13 of the East Ayrshire Local Plan, Finalised Version with Modifications; (2) The proposed development would set an undesirable precedent for isolated residential development within the Rural Protection Area; and (3) The proposed development would constitute the erection of a new dwelling which would not be appropriate, in terms of design, to the particular location in which it is proposed, and would therefore not be in accordance with the Council's Design Guidance.

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

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

**7. APPLICATION NO 01/0342/FL: MRS STEVENSON: 57 AVISYARD AVENUE, CUMNOCK**

There was submitted an executive summary sheet and report dated 29 August 2001 (both circulated) by the Head of Planning and Building Control on an application for full planning consent for proposed erection of a timber garage at 57 Avisyard Avenue, 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) Notwithstanding the plans hereby approved, the base of the garage shall be slabbed, and not cemented, to the satisfaction of the Planning Authority; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and Condition (2) to provide ease of access to underground cables located beneath the garage.

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.

**8. APPLICATION NO 01/0430/LB: MISS FIONA HILL: 39 MAIN STREET, OCHILTREE**

There was submitted an executive summary sheet and report dated 29 August 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 to the front and rear of the property and rebuilding of an existing sun porch at 39 Main Street, Ochiltree.

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:- that the development to which this permission relates must be begun within five years from the date of this permission; this Condition being imposed to comply with Section 16 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

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

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

**9. APPLICATION NO 01/0442/OL: EARLSTON HOMES: FORMER SITE OF KYLE KNITWEAR FACTORY AND BALLOCHMYLE HOSIERY, NEWTON TERRACE, CATRINE**

There was submitted an executive summary sheet and report dated 29 August 2001 (both circulated) by the Head of Planning and Building Control on an outline planning application for the proposed erection of 7 dwellinghouses at the former site of the Kyle Knitwear Factory and Ballochmyle Hosiery, Newton Terrace, Catrine.

The Senior Development Promotion Officer 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 result in the loss of industrial land to residential use and therefore the proposal is contrary to Policy 4.4.3.A of the Adopted Catrine/Sorn Local Plan and to the site's designation for industrial development in the Local Plan which presumes in favour of industrial development on the site; and (2) The proposed development of the site would result in the loss of land safeguarded for industrial use and therefore the proposal is contrary to Policy IND4 of the East Ayrshire Local Plan (Finalised Version with Modifications) and to the site's designation for industrial development in the East Ayrshire Local Plan which provides that development outwith Use Classes 4, 5 and 6 will not be permitted on safeguarded sites.

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

**10. APPLICATION NO 01/0421/FL: MRS ROBERTSON: BELLOW MILL, MUIRKIRK ROAD, LUGAR**

There was submitted an executive summary sheet and report dated 29 August 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of a one and a half storey dwellinghouse and change of use from agricultural to domestic use at Bellow Mill, Muirkirk Road, Lugar.

The Senior Development Promotion Officer 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 the erection of a new dwellinghouse in the countryside which:- (a) does not have a specific locational need; (b) is not an addition to a defined group of houses; and (c) does not form part of a group of houses with a dual residential and workplace function. The proposal would therefore not be in accordance with Policies SD4 and RES14 of the East Ayrshire Local Plan Finalised Version; (2) The proposed dwellinghouse would constitute isolated and inappropriate development and would not consolidate or compliment an existing farm steading or small groups of houses and would therefore not be in accordance with Policy RES15 of the East Ayrshire Local Plan, Finalised Version with Modifications; and (3) The

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proposed development would set an undesirable precedent for isolated residential development within the Rural Diversification Area.

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

The meeting terminated at 1119 hours.

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