

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE**

**MINUTES OF SPECIAL MEETING HELD ON THURSDAY 14 AUGUST 2003 AT  
1000 HOURS IN DARVEL TOWN HALL, WEST MAIN STREET, DARVEL**

**PRESENT:** Councillors Maureen McKay, Jim O'Neill, Stephanie Young, Isabella Macrae, Harry Wilson, Stuart Finlayson, and Robert McDill.

**ATTENDING:** David Mitchell, Head of Administrative and Legal Services; Alan Neish, Head of Planning and Building Control; Dave Morris, Development Promotion Manager; Jennifer Morrison, Administrative Officer; and Lynn Chapman, Trainee Administrative Officer.

**APOLOGIES:** Councillors John McGhee and Jim Raymond.

**CHAIR:** Councillor Maureen McKay, Chair.

**HEARING PROCEDURE**

1. The Administrative Officer established that the Hearing Procedure was understood by all participants.
2. **APPLICATION NO 02/0526/FL: TARMAC NORTHERN LIMITED: LOUDOUNHILL QUARRY, DARVEL**

There was submitted an executive summary sheet and report dated 5 August 2003 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed extension of dry working sand and gravel quarry at Loudounhill Quarry, Darvel.

**2.1 Consideration of Item**

It was noted that Members of the Committee had attended a site visit in respect of this application and those detailed under Agenda Item 4, prior to the meeting.

The Head of Planning and Building Control reported that 76 objections had been received as well as 2 letters plus a petition containing 176 signatures in support of the application, 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, viz:- Approval, subject to the conditions and for the reasons detailed in the report and that the issuing of the 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 applicant, in respect of those matters described in Section 8 of the report.

**2.2 Planning Hearing**

The Committee then heard the following objectors who presented their objections as part of a group, viz:- Mr Ross representing Darvel & District Community Council's objections, Mr Woodward representing his own and Mr Watson's objections, Mrs Roberts representing the objections of Mr Mair and the group as a whole, Mr Houston, Mr Mitchell and Mrs Ramsay.

Members then asked questions of this group of objectors.

The Committee then heard Mr Higton and Mr Campbell in support of their individual objections.

Members asked questions of these objectors.

Mr Tom Lewis, the applicant's representative was then heard in support of the application.

Members of the Committee asked questions of the applicant's representative in accordance with the Hearing procedure.

The Chair closed the Hearing.

### **2.3 Determination of Application**

The Head of Planning and Building Control responded to various planning issues raised during the Hearing.

Councillor McDill, seconded by Councillor Young, moved that the application be refused on the grounds that it would have a detrimental impact on the visual amenity of the area during both the operation of the site and also in the longer term and further that it would have a detrimental impact on tourism within the area.

Councillor Finlayson, seconded by Councillor McKay, moved as an amendment, that the application be approved subject to the conditions and for the reasons detailed in the report.

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

### **3. ADJOURNMENT/RECONVENTION OF MEETING**

It was agreed to adjourn the meeting at 1230 hours.

The meeting reconvened at 1245 hours with the same Members and Officers present and in attendance.

### **4. APPLICATION NOS 02/0524/FL AND 02/0525/FL: TARMAC NORTHERN LIMITED: LOUDOUNHILL QUARRY, DARVEL**

There was submitted an executive summary sheet and report dated 6 August 2003 (both circulated) by the Head of Planning and Building Control on full planning application no 02/0524/FL to amend condition no. 3 of planning permission 99/0581/FL - extend time period of consent and site restoration and full planning application no 02/0525/FL to amend conditions nos 2 and 3 of KL/E/FL/94/288A - extend time period of consent and site restoration both at Loudounhill Quarry, Darvel.

#### **4.1 Consideration of Item**

The Head of Administrative and Legal Services invited the objectors to consider whether, in light of the Committee's decision to refuse the previous application, and in the interests of administrative expediency, they still wished the opportunity to speak to their objections to these two applications in the context of a further formal hearing. The remaining objectors present and the applicant's representative then agreed to the Committee proceeding to determine these applications without a further hearing.

The Head of Planning and Building Control reported that 10 letters of objection had been received, details of which were contained within the report; summarised the

planning considerations in respect of the application, and in light of the advice given by the Head of Administrative and Legal Services following the Committee's decision in relation to item 2, altered his recommendation from that of approval, as detailed in the report, to refusal on the grounds that there was, as a result of the refusal of the associated planning application for an extension to Loudounhill Quarry, no basis or justification to the requirement for an extension to the time period for consent or restoration. Any extension to the time period in these circumstances would be to the detriment of the visual amenity of the area.

It was agreed to refuse the application for the reasons stated by the Head of Planning and Building Control.

#### **5. APPLICATION NO 03/0346/FL: PARKWARE LIMITED: LOUDOUN CASTLE PARK, GALSTON**

There was submitted an executive summary sheet and report dated 5 August 2003 (both circulated) by the Head of Planning and Building Control on a retrospective full planning application for the erection of a new looping star ride at Loudoun Castle Park, Galston.

The Head of Planning and Building Control reported that 1 letter of objection had been received, details of which were contained within the report; reported the terms of a further letter of representation received from the Garden History Society; summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control, viz:- Approval, subject to the conditions and for the reasons detailed in the report.

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

Councillor Wilson, seconded by Councillor Young moved that the application be approved subject to the conditions and for the reasons detailed in the report and subject to an additional condition to ensure screening of the ride from the A71.

Councillor Finlayson, seconded by Councillor Macrae, moved as an amendment that the application be approved subject to the removal of conditions 1 and 2 which were recommended by the Head of Planning and Building Control and set out in the report.

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

#### **6. APPLICATION NO 03/0023/FL: MR JIM CUTHBERT: FORMER LEISURE CENTRE, GROUGAR, MOSCOW**

There was submitted an executive summary sheet and report dated 5 August 2003 (both circulated) by the Head of Planning and Building Control on a full planning application to change the use of the building from a Leisure Centre, extensions and alteration to form 6 dwellinghouses at the former Leisure Centre, Grougar, Moscow.

##### **6.1 Consideration of Item**

The Development Promotion Manager reported that 3 letters of objection had been received, details of which were contained within the report; clarified the contents of the objection by Moscow and Waterside Community Council; summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control, viz:- Approval, subject to the conditions and for the reasons detailed in the report.

## **6.2 Planning Hearing**

The Committee then heard Dr Loudon in support of her objection and Mrs Meikle representing the objections of Moscow and Waterside Community Council and Mrs Caldwell. The Committee then heard Mr Lawrence, agent for the applicant, and Mr Cuthbert the applicant in support of the application. Members of the Committee asked questions of the objectors, the agent for the applicant, and the applicant, all in accordance with the Hearing Procedure.

The Chair closed the Hearing.

## **6.3 Determination of Application**

The Development Promotion Manager responded to various planning issues raised during the Hearing.

The Head of Administrative and Legal Services clarified the legal position regarding the previous sale of the building to Mr Cuthbert by the Council and the legal condition on his title relative to continuing community use of the existing facility.

It was agreed to refuse the application, as the Committee was of the opinion that notwithstanding the closure of the premises in November 2002 there remained a reasonable probability that the existing use could be continued on site and, accordingly, that the loss of the Community facility would be to the detriment of the amenity of the village of Moscow.

## **7. APPLICATION NO 03/0317/FL: THE DAIRY TRUST: HIGH STREET, NEWMILNS**

Councillor O'Neill left the meeting at this point and on his return, having not been involved in the full meeting process on this application, retired to the public gallery.

### **7.1 Declaration of Interest**

Councillor Wilson declared a non-pecuniary interest in the application, took no part in the decision on the application, and retired to the public gallery

### **7.2 Consideration of Item**

There was submitted an executive summary sheet and report dated 7 August 2003 (both circulated) by the Head of Planning and Building Control on a full planning application to erect a single storey building for the Dairy Trust for use as a youth centre and crèche at High Street, Newmilns.

The Development Promotion Manager reported that a petition of objection with 25 signatures had been received, details of which were contained within the report; reported and it was noted, that the hours of operation were Wednesday and Thursday 3.00 - 10.00 pm, Friday and Saturday 3.00 - 11.00 pm, and Sunday 2.00 - 10.00 pm; clarified that although the application was contrary to the East Ayrshire Local Plan, the application be approved as it is an acceptable departure from the East Ayrshire Local Plan; reported and it was noted that Condition (1) of the report should read, viz: "Before any work commences on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved by the Planning Authority. The Sustainable Urban Drainage System shall thereafter be installed on site, prior to the erection of the single storey youth centre and crèche in the development of the site", and Condition (2) of the report should read, viz:- "Prior to any development commencing on site, details and samples of all external materials for the proposed building shall be submitted to and

approved in writing by the planning authority and maintained thereafter”; reported and it was noted an additional condition that prior to the commencement of the development, details of all proposed external lighting shall be submitted to and approved by the Planning Authority and thereafter implemented as approved, Reason, viz:- In the interest of road safety and residential amenity; summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control, as amended, and subject to the additional condition as detailed above, viz:- Approval, subject to the conditions and for the reasons detailed in the report as amended, and subject to the additional condition as detailed above, and subject to the notification to the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 as a significant departure from the Development Plan.

### **7.3 Planning Hearing**

The Committee then heard Mr Brown, Mr Mitchell, Mr Duncan and Mr Currie in support of their objections; and Mrs Anderson and Mr McColl, the applicant’s representatives, in support of the application. Members asked questions of the objectors, and the applicant’s representatives, all in accordance with the Hearing Procedure.

Following advice from the Head of Administrative and Legal Services, Councillor Wilson provided the meeting with a point of clarification with regard to why the location had been chosen for the proposed building by virtue of his local knowledge as the Local Member.

The Chair closed the Hearing.

### **7.4 Determination of Application**

The Development Promotion Manager responded to various planning issues raised during the Hearing.

It was agreed to grant the application, subject to (i) the conditions, and for the reasons detailed in the report as amended; and to the additional condition as reported by the Development Promotion Manager, detailed above; and (ii) subject to notification of the application to the Scottish Ministers Under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 as a significant departure from the Development Plan.

Councillors O’Neill and Wilson re-joined the meeting at this point.

## **8. APPLICATION NO 03/0176/FL: ORCHARD BUILDING COMPANY LIMITED: UNION STREET, NEWMILNS**

There was submitted an executive summary sheet and report dated 11 July 2003 (both circulated) by the Head of Planning and Building Control on a full planning application to erect five one and three quarter storey detached houses at Union Street, Newmilns.

The Development Promotion Manager reported that 1 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, viz:- Approval, subject to the conditions and for the reasons detailed in the report.

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 in the report.

## **9. ADJOURNMENT/RECONVENTION OF MEETING**

It was agreed to adjourn the meeting at 1500 hours.

The meeting reconvened at 1508 hours with the same Members and Officers present and in attendance.

## **10. APPLICATION NO 03/0177/FL: MR MATTHEW GRANT: 22 INCHMURRIN DRIVE, KILMARNOCK**

There was submitted an executive summary sheet and report dated 1 August 2003 (both circulated) by the Head of Planning and Building Control on a full planning application to erect a fence at 22 Inchmurrin Drive, Kilmarnock

### **10.1 Consideration of Item**

The Development Promotion Manager reported that 4 letters of objection had been received, details of which were contained within the report; reported and it was noted that the Contrary Decision Notice should read, viz:- Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee as there would not be a significant breach of Council Policy; summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control, viz:- Refusal, for the reasons detailed in the report.

### **10.2 Planning Hearing**

The Committee then heard Mrs Alexander in support of the objection of Mrs Currie, Mr Alexander in support of his objection, and Mr Grant in support of the application. Members asked questions of the objectors and the applicant, all in accordance with the Hearing Procedure.

The Chair closed the Hearing.

### **10.3 Determination of Application**

The Development Promotion Manager responded to various planning issues raised during the Hearing.

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

## **11. APPLICATION NO 03/0367/FL: MR AND MRS DODDS: EAST HEADS FARM, NEWMILNS**

There was submitted an executive summary sheet and report dated 1 August 2003 (both circulated) by the Head of Planning and Building Control on a full planning application for the erection of a dwellinghouse and double garage at eastmost site at East Heads Farm, Newmilns.

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, viz:- Refusal, for the reasons detailed in the report.

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

**12. APPLICATION NO 03/0261/FL: MISS FIONA SCOTT: 6 GREENBANK COURT YARD, DARVEL**

There was submitted an executive summary sheet and report dated 1 August 2003 (both circulated) by the Head of Planning and Building Control on a full planning application for the installation of a dormer roof/balcony to the first floor rear at 6 Greenbank Court, Darvel.

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, viz:- Refusal, for the reasons detailed in the report.

It was agreed to approve the application on the grounds that the proposal would not have a detrimental impact on the visual amenity of adjacent properties.

The meeting terminated at 1558 hours.