

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE

**MINUTES OF SPECIAL MEETING HELD ON WEDNESDAY 23 JULY 2003 AT
1347 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON
ROAD, KILMARNOCK**

PRESENT: Councillors Maureen McKay, Jim O'Neill, John McGhee, Isabella Macrae, Harry Wilson, Jim Raymond, Stuart Finlayson, and Robert McDill.

ATTENDING: Stephen Chorley, Director of Development Services, Yvonne Nisbet, Principal Planning Officer, Karen McLeod, Solicitor and Gillian Hamilton, Administrative Officer

APOLOGIES: Councillor Stephanie Young.

CHAIR: Councillor Maureen McKay, Chair.

HEARING PROCEDURE

1. The Chair established that the Hearing Procedure was understood by all participants.
2. **APPLICATION NO 02/0947/FL AND 02/0370/LB: MR S HAMILTON: WATERSIDE FARM, GLASGOW ROAD, GALSTON**

There was submitted a report dated 16 July 2003 (circulated) by the Director of Development Services on a full planning application for proposed change of use to west stable wing and outbuilding and alterations to form dog rearing and sales business and a listed building application for change of use from store and alterations to form dog breeding at Waterside Farm, Glasgow Road, Galston. Both applications were the subject of appeals to Scottish Ministers on the basis of deemed refusal since the Council had not determined the applications within the timescale laid down in the relevant regulations. The report sets out a basis for a statement by the Council for submission to the Scottish Executive reporter appointed to determine the appeal.

It was noted that members of the Committee had attended a site visit in respect of these applications prior to the meeting.

2.1 Consideration of Item

The Director of Development Services reported the receipt of 43 objections to the application for change of use and 19 objections to the listed building application, details of which were contained within the report; summarised the planning considerations in respect of the applications subject to the following revisals:-

- (i) deletion of the word "South" in line 7 of Paragraph 3.1;
- (ii) clarification that the two petitions referred to in Paragraph 5.1 were submitted to the Council but were returned to the objector as they were not considered to be valid since they did not raise any planning grounds of objection;
- (iii) deletion of "The roof height partition wall between the proposed kennels and internal dog run areas predates this development proposal" at Paragraph 5.2 and clarification that internal walls have been constructed in two areas;
- (iv) deletion of "0.5km" at Paragraph 5.8 and insertion of "300m"; and

- (v) clarification at Paragraph 5.11 that the plans and listed building application refer to “dog breeding” however the change of use referred to was not directly relevant to the listed building application;

and gave the recommendation of the Director of Development Services, viz:- that the Committee approve the report as the Council’s statement on the proposed development of kennels at Waterside Farm, Galston for submission to the Scottish Executive Reporter appointed to hear the appeal against deemed refusal of the applications for change of use and listed building consent.

2.2 Planning Hearing

The Committee then heard Mrs Anderson in support of her own objections and those of Galston Community Council, Mr McKie on behalf of Waterside Action Group, Mrs Clelland, Mr Fullarton, representing the River Irvine Angling Improvement Association and Mr Picken, representing the Scottish Anglers National Association, in support of their objections and Mr Hamilton, the applicant, in support of the application.

2.3 Adjournment/Reconvention Meeting

It was agreed to adjourn the meeting at 1500 hours.

The meeting reconvened at 1505 hours with the same Members and Officers present and in attendance.

2.4 Continuation of Planning Hearing

Members of the Committee asked questions of the objectors and the applicant. The objectors and the applicant then responded to new issues raised, all in accordance with the Hearing procedure.

The Chair closed the Hearing.

2.5 Determination of Application

The Director of Development Services responded to various planning issues raised during the Hearing.

2.6 Adjournment/Reconvention of Meeting

It was agreed to adjourn the meeting at 1620 hours.

The meeting reconvened at 1640 hours with the same Members and Officers present and in attendance.

2.7 Continuation of Determination of Application

It was agreed to amend the report as the Council’s statement on the proposed development of kennels at Waterside Farm, Galston as follows, viz:-

- (i) deletion of the word “South” in line 7 of Paragraph 3.1;
- (ii) clarification that the two petitions referred to in Paragraph 5.1 were submitted to the Council but were not considered to be valid since they did not raise any planning grounds of objection;
- (iii) deletion of “The roof height partition wall between the proposed kennels and internal dog run areas predates this development proposal” at Paragraph 5.2 and clarification that internal walls have been constructed in two areas;
- (iv) deletion of “0.5km” at Paragraph 5.8 and insertion of “300m”; and

- (v) clarification at Paragraph 5.11 that the plans and listed building application refer to “dog breeding” however the change of use referred to was not directly relevant to the listed building application;

The Committee further agreed (1) that although it was accepted at Paragraph 9.3 of the report that rural locations were appropriate for this type of development and despite the application site being outwith the settlement boundary of Galston, as identified by the East Ayrshire Local Plan, the application site was considered to be sufficiently close to the built up area, the Residential Home and Loudoun Academy on Glasgow Road to raise concerns that residents and school children would be affected by noise and disturbance from the proposed use of the application site. For these reasons the application site was considered to be an inappropriate location for the proposed use; (2) if permitted, the proposed development would have a perceived detrimental effect on tourism in the Irvine Valley, contrary to the aims and objectives of the East Ayrshire Local Plan; and (3) to submit the amended report to the Scottish Executive with a recommendation to the Reporter that the planning application before him for determination, be refused.

The meeting terminated at 1650 hours.