

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 15 AUGUST 2003**

**03/0433/FL: PROPOSED SITING OF MINERS MEMORIAL AT 15-21 MAIN STREET / 1 GLASGOW ROAD, MUIRKIRK**

**APPLICATION BY MUIRKIRK ENTERPRISE GROUP**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the siting of a miner's memorial within the formal public open space area. The memorial will consist of a figure of a miner set on a square pedestal with the total height of the structure being 1.8 metres. The memorial is to be sited towards the road frontage of the site immediately adjacent to the junction of Main Street with Glasgow Road.

**2. RECOMMENDATION**

**2.1 It is recommended that the application be approved.**

**3. CONCLUSIONS**

3.1 As indicated in section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application. These considerations have been assessed and are not considered to be such as to merit refusal of the application.

3.2 The proposed development is minor in nature and the memorial is to be erected within an area that has now been formed as a public open space that includes other features and artefacts.

**CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application

will not require to be referred to the Development Services Committee because there will be no significant breach of Council policy.

**Alan Neish**  
**Head of Planning and Building Control**

**Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.**

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 15 AUGUST 2003**

**03/0433/FL: PROPOSED SITING OF MINERS MEMORIAL AT 15-21 MAIN STREET / 1 GLASGOW ROAD, MUIRKIRK**

**APPLICATION BY MUIRKIRK ENTERPRISE GROUP**

**Report by Head of Planning and Building Control**

**1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as the proposed development is of local area significance.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The site lies on the north west side of the junction of Main Street with Glasgow Road in Muirkirk, immediately south of the Empire Bar and opposite the Clydesdale Bank / Local Office. The site extends to approximately 966 m<sup>2</sup> and relates to the newly formed public open space / amenity area on the site of the former Muirkirk Co-operative building.

2.2 **Proposed Development:** Full planning permission is sought for the siting of a miner's memorial within the formal public open space area. The memorial will consist of a figure of a miner set on a square pedestal with the total height of the structure being 1.8 metres. The memorial is to be sited towards the road frontage of the site immediately adjacent to the junction of Main Street with Glasgow Road.

**3. CONSULTATIONS AND ISSUES RAISED**

3.1 Muirkirk Community Council has not responded to the consultation letter at the time of writing this report.

***Noted.***

3.2 Scottish Power, Scottish Water and Transco have no adverse comments to make on the proposed development.

***Noted.***

3.3 East Ayrshire Council Roads and Transportation Division has no objections to the proposed development.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 No letters of representation have been received with regard to the proposed development.

#### **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (2003).

##### East Ayrshire Local Plan

5.2 The site on which the memorial is to be located is identified as a Miscellaneous Development Opportunity site within the EALP and the Council will encourage and support any proposal to redevelop the site for an appropriate residential use or use falling within Schedule 5 of the Local Plan. Schedule 5 lists acceptable town centre uses and includes shops (Class 1), financial, professional and other services (Class 2), food and drink uses (Class 3), assembly and leisure uses (Class 11) and also sui generis uses.

***The proposed development does not fall into any of the uses described in Schedule 5 of the EALP and could be considered contrary to policy. However an application for open space provision featuring hardstanding areas within the site has previously been approved establishing the use of the site as a formal area of public open space. As the application site is therefore unlikely to be developed for a Schedule 5 use, that the principle of public open space on the site has been established and that the proposal will have a positive effect on the town centre environment, the proposal is acceptable in policy terms.***

#### **6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS**

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses and the planning history of the application site.

## Consultation Responses

6.2 The consultation replies do not indicate that the application should be refused.

## Planning History

6.3 Planning permission was granted on 09 January 2001 for environmental improvements including the provision of hard landscaping, seating and the erection of 1.8 metres high fencing on the application site. (Ref. No. 00/0756/FL).

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial or legal implications for the Council in the determination of this application.

## **8. CONCLUSIONS**

8.1 As indicated in section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application. These considerations have been assessed and are not considered to be such as to merit refusal of the application.

8.2 The proposed development is minor in nature and the memorial is to be erected within an area that has now been formed as a public open space that includes other features and artefacts.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved.**

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee because there will be no significant breach of Council policy.

**Alan Neish**  
**Head of Planning and Building Control**

28 July 2003  
HM/HM

**LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Supporting Statement submitted on behalf of applicant.
3. Statutory Notices and Certificates.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Previous application 00/0756/FL.

Anyone wishing to inspect the above background papers should contact Mr Robert Duncan on 01563 555483.

**Implementation Officer: Dave Morris**

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0433/FL

---

Location	15-21 Main Street and 1 Glasgow Road, Muirkirk
Nature of Proposal:	Proposed siting of miners memorial
Name and Address of Applicant:	Muirkirk Enterprise Group
Name and Address of Agent	Jim Currie 116/118 Main Street, Muirkirk, KA18 3QY

---

DPO's Ref: Robert Duncan  
PPO's Ref: Hugh Melvin

The above FULL application should be granted.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 555320.**