

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE

MINUTES OF MEETING HELD ON FRIDAY 25 FEBRUARY 2000 AT 1005 HOURS IN THE MORTON HALL, MAIN STREET, NEWMILNS

PRESENT: Councillors Brian McNeil, Kathleen Hall, Ann Hay, Stephanie Young, Harry Wilson, Finlay MacLean and Robert McDill.

ATTENDING: Hamish Buttle, Planning Officer (Development Services); David Mitchell, Principal Solicitor (Chief Executive's); Karen McLeod, Solicitor (Chief Executive's) Dave Morris, Development Promotion Manager (Development Services); Bill Walkinshaw, Principal Administrative Officer (Corporate Services); and Jennifer Morrison, Administrative Officer (Corporate Services).

APOLOGIES: Councillors David Macrae (Chair) and Jim Raymond

CHAIR: In the absence of the Chair and Vice-Chair, Councillor McDill was unanimously appointed to the Chair, with the exception of Item 1.6 when Councillor Young was appointed.

CONSIDERATION OF PLANNING APPLICATIONS

1. PROCEDURE

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

1.2 APPLICATION NOS 99/0788/FL AND 99/0789/FL: LAURIESTON PROPERTIES

There was submitted an executive summary sheet and report dated 16 February 2000 (both circulated) by the Head of Planning and Building Control on two full planning applications for permission to develop land without compliance with the time conditions as to submission of reserved matters and to commencement of development, attached to outline planning permissions dated 8 November 1996 (reference 96/0363/OL and 96/0364/OL) in respect of residential development (commencement of development to start within a period of 7 years from the date of the grant of the outline permission and the submission of reserved matters to be within 4 years of that date) at land at Draffen Farm, Loudoun Street, Stewarton.

The Development Promotion Manager reported the receipt of 6 letters of objection with 12 signatories, details of which were contained within the report; summarised the planning considerations in respect of the applications and gave the recommendation of the Head of Planning and Building Control in respect of Application 99/0788/FL: 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 Conditions 1 to 12 and Note to Applicant on Planning Consent Ref. No. 96/0364/OL are hereby superseded and shall be substituted with those detailed as follows; (3) A further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved. The development of each individual plot shall not commence until all these reserved matters have been approved, with the exception of those matters entirely within the other plots on the site. (a) the internal layout of the house plots; (b) the size, height, design and external appearance of the proposed dwellinghouses; (c)

the means of drainage and sewage disposal; (d) details of the access arrangements to each plot; (e) the provision of open space; (f) the provision for car parking; (g) the boundary walls/fences to be erected; (h) the landscaping of the site; and (i) proposed and existing ground and finished floor levels; (4) There shall be no commencement of development on the application site until the 30mph traffic restriction is capable of accommodating both site access and sightlines of 2.5m x 90m; (5) Sightlines at the junction of the site with Loudoun Street shall be 2.5 metres by 90 metres and shall be maintained free of any obstruction greater than one metre in height. The access road hereby approved shall not be constructed until the point on Loudoun Street from where access is to be taken is restricted to a speed limit of 30mph; (6) Notwithstanding the submitted plans, the precise design of the footpath linking to Loudoun Street is not hereby approved and full details prepared by a suitably qualified person, including retaining or other constructional details shall be submitted to and approved by the Planning Authority before the commencement of any land engineering or building works on site; (7) No house shall be occupied until the roads and footpaths are completed to base course level and the road drainage system is installed. The road and footpath wearing surfaces shall be completed immediately upon all the houses being occupied, all to the satisfaction of the Planning Authority; (8) The details to be submitted further to Condition 3 shall ensure the following: (a) the vehicular access to Plot 4 making use of or being at the same location as the existing access to Draffen Farm; and (b) the vehicular access to Plot 5 being taken from the new access road, adjacent to the boundary with Plot 3; (9) The details to be submitted further to Condition 3, shall provide for a screen fence to either side of the footpath lying between Plots 2 and 3 and for substantial screen planting to be provided in the planting strip to the east of the new access road over a distance of 80 metres from the junction with Loudoun Street; (10) The details to be submitted further to Condition 3 shall, with regard to the landscaping of the site, include details of the provision to be made for the maintenance of soft and hard landscaping area, including the name and address of any factor supervising maintenance. Landscaped areas shall be maintained thereafter in accordance with these details and shall be implemented immediately upon the occupation of 3 of the 5 houses; (11) The details to be submitted further to Condition 3 shall be provided within the context of a design brief which shall contain the following design criteria which must be observed: (a) there shall be a minimum of 3 metres between all adjacent houses; (b) all dwellings, including integral garages, shall be a minimum of one and a half metres from the boundary of the plot; (c) any detached garages shall be a minimum of one metre from the plot boundary; (d) all dwellings, excluding detached garages, shall occupy no more than 30% of the area of the plot; (e) all dwellings shall have private, secluded garden space of at least 100 square metres in area; (f) the design of any dwelling shall be compatible with the surrounding townscape and in particular with the design of adjacent buildings; (g) no dwelling shall be located within a distance of 8 metres from an existing or replacement tree; (h) all dwellings shall be finished in white painted wet dash render and shall feature stone appearance, smooth cement banding to doors and window openings; (i) all dwellings shall feature windows of vertical proportion, be finished with a natural slate roof featuring projecting chimneys and a minimum pitch of 40 degrees; and (j) the specification of a uniform building line to be observed by Plots 4 and 5 relative to Loudoun Street; (12) The details to be submitted further to Condition 3 shall include details of measures to provide for the illumination of the new footpath located between Plots 2 and 3; (13) No plant, machinery, building materials or sub-soil/top soil shall be stored at any time within a

distance from an existing tree equivalent to the crown spread of that tree; (14) Prior to the commencement of development on site, further details shall be submitted to and approved by the Planning Authority which illustrate the intended manner of safeguarding the retained trees in the immediate vicinity of the stretch of new road where it passes through the avenue of trees either side of the access to Draffen Farm. Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (3) the approval is outline only; Conditions (4), (5), (7) and (8) in the interests of road safety; Condition (6) in the interests of road and pedestrian safety; Conditions (9) and (10) in the interests of residential amenity; Condition (11) In the interests of residential and visual amenity; Condition (12) in the interests of public safety; and Conditions (13) and (14) in the interests of visual amenity; and in respect of Application No 99/0789/FL: 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 Conditions 1 to 12 and Note to Applicant on Planning Consent Ref. No. 96/0364/OL are hereby superseded and shall be substituted with those detailed as follows; (3) A further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved. The development of each individual plot shall not commence until all these reserved matters have been approved, with the exception of those matters entirely within the other plots on the site. (a) the internal layout of the house plots; (b) the size, height, design and external appearance of the proposed dwellinghouses; (c) the means of drainage and sewage disposal; (d) details of the access arrangements to each plot; (e) the provision of open space; (f) the provision for car parking; (g) the boundary walls/fences to be erected; (h) the landscaping of the site; and (i) proposed and existing ground and finished floor levels; (4) There shall be no commencement of development on the application site until the 30mph traffic restriction is capable of accommodating both site access and sightlines of 2.5m x 90m; (5) Notwithstanding the submitted plans, the internal road layout details are not approved. Details of road layout within site to include traffic calming measures to East Ayrshire Council Guidelines shall be submitted to and approved by the Planning Authority prior to the commencement of any development on site; (6) Notwithstanding the submitted details, the corner radii at the junction of the new access road with Loudoun Street shall be 10.5 metres and the footpath linking the new development with Loudoun Street (adjacent to 22 Loudoun Street) and Cutstraw Road shall have a minimum width of 2 metres; (7) Notwithstanding the submitted plans, the precise design of the footpath linking to Loudoun Street is not hereby approved and full details prepared by a suitably qualified person, including retaining or other constructional details shall be submitted to and approved by the Planning Authority before the commencement of any land engineering or building works on site; (8) The details to be submitted further to Condition 3 shall provide for a screen fence to either side of the footpath linking the development to Loudoun Street, for substantial screen planting to be provided in the planting strip to the east of the new access road over a distance of 80 metres from the junction with Loudoun Street and for screen fencing and planting to be provided between the turning head at the rear of 26 Cutstraw Road and that property; (9) The details to be submitted further to Condition 3 shall be provided within the context of a design brief which shall contain the following design criteria which must be observed; (i) there shall be a minimum of 3 metres between all adjacent houses; (ii) all dwellings including integral garages shall be a minimum of one and a half metres from the boundary of the plot; (iii) all detached garages shall be a minimum of one

metre from the plot boundary; (iv) all dwellings, excluding detached garages shall occupy no more than 30% of the area of the plot; (v) all dwellings shall have private, secluded garden space of at least 100 square metres in area; (vi) the design of all dwellings shall be compatible with the surrounding townscape and in particular with the design of adjacent buildings; and (vii) no dwelling shall be located within a distance of 8 metres from an existing or replacement tree; (10) The details to be submitted further to Condition 3 shall, with the exception of Plots 9, 10 and 11, ensure that the front or principal elevations of each dwelling are orientated in the direction of the arrow marked on each plot and as shown on the site layout plan (S-001). The orientation of dwellings on Plots 9, 10 and 11 shall, notwithstanding the submitted details, be considered individually on the merits of each respective case; (11) The details to be submitted further to Condition 3 shall only allow for single storey dwellings on Plots 8, 16, 17, 18 and 19; that is for the living accommodation to be provided only at a single level. On Plots 9 to 15 inclusive, single or one and a half storey dwellings only shall be permitted; (12) The details to be submitted further to Condition 3 shall ensure that the dwellings on Plots 17, 18 and 19 shall observe a building line of no less than 20 metres from the heel of the footpath; (13) The details to be submitted further to Condition 3 shall include details of a limited range of finishing materials which, having been submitted, shall be agreed in writing by the Planning Authority prior to the approval of any Reserved Matters application; (14) No houses shall be occupied until the roads and footpaths are completed to basecourse level and the road drainage system is installed. The road and footpath wearing surface shall be completed immediately all the houses are occupied, all to the satisfaction of the Planning Authority; (15) Full details of the measures to be taken to prevent the passage of surface water from the site on to adjacent properties, both during and after the building and engineering works, shall be submitted to and approved by the Planning Authority before the development commences; (16) The details to be submitted further to Condition 3, with regard to the landscaping of the site, shall include: Details of the provision to be made from the maintenance of soft and hard landscaped areas, including the name and address of any factor appointed for supervising maintenance. These areas shall be maintained thereafter in accordance with these details and shall be implemented immediately upon the occupation of 12 houses; (17) The details to be submitted further to Condition 3 shall include details of measures to provide for the illumination of the new footpath linking the development to Loudoun Street; (18) Consent is hereby approved in respect of the felling of the lime tree (*Tilia Europea*), located in the line of the proposed access road. This tree is covered by a Tree Preservation Order and shall be replaced at a location to be agreed by the Planning Authority prior to its felling by a tree selected from the following: (a) *Tilia Cordata* (small leaved lime); (b) *Betula Pendula* (silver birch); (c) *Fraxinus Excelsior* (ash); and (d) *Prunus Pissardii* (purple leaved plum). The replacement shall be planted during the next appropriate planting season following the felling taking place. The second replacement tree indicated on the submitted plans shall similarly be chosen from the above species and planted at the same time; (19) Prior to the commencement of development on site, further details shall be submitted to and approved by the Planning Authority which illustrate the intended manner of safeguarding the retained trees in the immediate vicinity of the stretch of new road A-B, as indicated on the site layout plan, (S-001); (20) No building materials, plant, machinery or sub-soil/top soil shall be stored at any time within a distance from an existing tree equivalent to the crown spread of that tree; (21) No development shall take place on site until the applicant has secured the

implementation of a programme of archaeological work in accordance with a written scheme of investigation in relation to the standing stone which has been submitted by the applicant agreed by the Regional Archaeologist and approved by the Planning Authority, or until an affidavit is submitted, which proves beyond reasonable doubt that there is no archaeological interest. Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (3) the approval is outline only; Conditions (4), (5) and (6) In the interests of road safety; Condition (7) in the interests road and pedestrian safety; Conditions (8), (9), (11), (12) and (15) in the interests of residential amenity; Conditions (10) and (16) in the interest of residential and visual amenity; Conditions (13), (18), (19) and (20) in the interests of visual amenity; Condition (14) in the interest of road safety; Condition (17) in the interest of public safety; and Condition (21) to investigate possible archaeological interests.

The Committee then heard Mr MacLean, objector in support of his objections and Mr Matheson, the applicant's agent in support of the application. The objector and the applicant's agent responded to the issues raised all in accordance with the Hearing Procedure.

1.2.1 ADJOURN/RECONVENTION

It was agreed to adjourn the meeting at 1025 hours in order that the Committee might take legal advice.

The meeting reconvened at 1045 hours with the same members and officers present and attending.

The Principal Solicitor summarised the legal advice given to the Committee during the adjournment.

It was agreed to continue both applications to a future meeting and that the Head of Planning and Building Control investigate the feasibility of entering into a Section 75 Agreement with the applicant with regard to addressing the lack of leisure facilities in Stewarton.

1.3 APPLICATION NO 99/0678/FL: MR F WHITE

There was submitted an executive summary sheet and a report dated 16 February 2000 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed erection of detached single storey dwellinghouse at rear of 15 Orchard Street, Galston.

The Development Promotion Manager reported the receipt of 3 letters of objection with 4 signatories, 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 proposed development shall be carried out in accordance with the application form received on 24 September 1999 and the amended plans received by the Planning Authority on 9 November 1999; (3) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, (or any order or enactment replacing this) no extensions or garages (unless forming part of the approved layout plan) shall be erected on the site (unless a further specific planning application is submitted to and approved by the Planning Authority); (4)

Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any Order revoking and re-enacting that order, no extensions or garages shall be erected on the site such that the approved off-street car parking provision is reduced, (unless a further specific planning application is submitted to and approved by the Planning Authority); (5) Notwithstanding the plans hereby approved, details/samples of all external materials to be used shall be submitted to and approved by the Planning Authority before any development commences on the site; (6) Details of the proposed boundary treatment of the site shall be submitted to and approved by the Planning Authority before any development commences on the site; (7) Notwithstanding the submitted details, parking spaces for 2 cars shall be provided and maintained within the site; (8) Notwithstanding the submitted plans, a vehicle turning area shall be formed within the curtilage of the plot to allow vehicles to enter and leave the plot in forward gear. 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 (5) in the interests of visual amenity; Conditions (4), (7) and (8) in the interests of road safety; and Condition (6) in the interests of visual and residential amenity.

The Committee then heard Mr Davidson and Mrs Stewart, representing the Church of Scotland, in support of their objections and Mr White, the applicant, in support of the application. Members asked questions of the objectors and the applicant. The objectors and the applicant responded to the new issues raised all in accordance with the Hearing Procedure.

It was agreed to refuse the application on the grounds that the proposed development would be detrimental to the residential and visual amenity of the area.

1.4 APPLICATION NO 99/0572/FL: MR J TAYLOR

There was submitted an executive summary sheet and a report dated 9 February 2000 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed first floor extension at 31 Titchfield Street, Galston.

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

The Development Promotion Manager reported the receipt of 2 letters of objection from the same objector, 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 proposed development shall be carried out in accordance with the application form received on 6 August 1999 and the amended plans received by the Planning Authority on 27 January 2000; (3) Notwithstanding the plan(s) hereby approved, the roof shall be covered in natural slates; (4) Notwithstanding the plans hereby approved details/samples of the type of obscure glazing on the Gas Lane elevation shall be submitted to and approved by the Planning Authority before any development commences on site; (5) Notwithstanding the plans hereby approved, the windows on the Gas Lane elevation shall include a horizontal bar creating similar upper/lower divisions as the existing windows on this elevation. Details of this feature shall be submitted to and approved by the Planning Authority prior to the commencement of

development; (6) Notwithstanding the provision of the Town and Country Planning Authority (General Permitted Development) (Scotland) Order 1992, the obscure glazing on the Gas Lane elevation shall be maintained in situ, in the form to be agreed further to Condition 4. 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 (5) in the interests of visual amenity; and Conditions (4) and (6) in the interests of residential amenity.

The Committee then heard Mr Roxburgh, objector, in support of his objections. The applicant was not present or represented. Members asked questions of the objector all in accordance with the Hearing Procedure.

It was agreed to refuse the application on the grounds that the proposed development would be detrimental to the visual amenity of the area and would result in an unacceptable loss of light to neighbouring properties.

1.5 APPLICATION NO 99/0765/FL: MR HENDRY

There was submitted an executive summary sheet and report dated 16 February 2000 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed erection of double garage at Plot 1, Station Road, Dunlop.

The Development Promotion Manager reported the receipt of one letter of objection, 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 garage shall not be used for commercial purposes, other than those being incidental to the occupant's enjoyment of this residential property. Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and Condition (2) to safeguard the residential amenity of the area.

No Hearing took place as no objectors were present or represented.

It was agreed to continue the application to the next meeting in order that a site visit could take place.

1.6 APPLICATION NO 99/0651/AD: MR D SMITH

1.6.1 Declaration of Interest

Councillor McDill declared a non-pecuniary interest in this application, vacated the Chair and left the meeting.

1.6.2 Appointment of Chair and Consideration of Item

Councillor Young was unanimously appointed to the Chair.

There was submitted an executive summary sheet and report dated 16 February 2000 (both circulated) by the Head of Planning and Building Control on a retrospective application for advertisement consent for proposed free-standing sign on the A71 at Priestland Eastern boundary, 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: Refusal, for the following reasons, viz:- (1) the proposed sign would be visually intrusive in the landscape by virtue of its size, scale, height and massing and would therefore not be in accordance with Policy ENV13 of the Finalised East Ayrshire Local Plan; and (2) adequate signage exists in the locale of the advertisement to remove the requirement for the sign, resulting in it being contrary to Policy ENV13 of the Finalised East Ayrshire Local Plan.

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

Councillor McDill rejoined the meeting and resumed the Chair.

1.7 APPLICATION NO 99/0874/FL: KIRK CARE HOUSING ASSOCIATION LIMITED

There was submitted an executive summary sheet and report dated 16 February 2000 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed erection of single storey elderly amenity houses plus 13 parking spaces at Maxwood Road/Castleview Avenue, Galston.

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: 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 submitted plans, details/samples of render, facing brick and roofing material shall be submitted to and approved by the Planning Authority before any development commences on site; (3) Notwithstanding the submitted plans, 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 development commences on site; (4) A landscaping scheme, including treatment of all boundaries of the site and arrangements for future maintenance shall be submitted to and approved by the Planning Authority prior to commencement of any development and shall be implemented not later than the next appropriate planting season after the development has been carried out; (5) Prior to commencement of any works on site a revised parking layout shall be submitted to and approved by the Planning Authority taking into account that all remote parking spaces shall be adequate for disabled users (in accordance with the Roads Development Guide) and that all parking spaces shall adjoin a footpath; (6) a 2.0m wide footpath shall be provided to each dwelling and shall be constructed to the standard indicated in the Roads Development Guide (this includes lighting of such footpaths); and (7) No development shall commence on site until such times as the provision of new street lighting system on Castleview Avenue/Keir Hardie Crescent is agreed in writing with East Ayrshire Council Roads and Transportation Division. Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Conditions (2) and (3) in the interests of visual amenity; Condition (4) to ensure that adequate provision of landscaping is provided, to an adequate standard and that it is subsequently maintained in the interests of residential and visual amenity; and Conditions (5), (6) and (7) in the interests of residential amenity and road safety.

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

1.8 APPLICATION NO 00/0021/AD: SCORE OUTDOOR LIMITED

There was submitted an executive summary sheet and report dated 15 February 2000 (both circulated) by the Head of Planning and Building Control on an

application for advertisement consent for proposed advertisement hoardings at the A71 (Little Chef) Kilmarnock.

The Development Promotion Manager summarised the planning consideration 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 hoardings would, by virtue of their scale, design and illumination and the absence of other features of a scale similar to the proposal in the immediate area, have a detrimental impact on the amenity of the surrounding area; and (2) the proposed hoardings, being located outwith the urban boundary of Kilmarnock in a conspicuous location and featuring illumination would be detrimental to their non-urban surroundings and there is no justification for the acceptance of their detrimental impact arising from any beneficial screening or concealing of adjacent untidy ground or buildings.

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

The meeting terminated at 1155 hours.