

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE

**MINUTES OF MEETING HELD ON FRIDAY 8 NOVEMBER 1996 AT 1400 HOURS
IN KILMAURS COMMUNITY CENTRE KILMAURS**

PRESENT: Councillors Jim O'Neill, Kathleen Hall, Robert Beattie and David Fulton.

ATTENDING: David Morris, Development Promotion Manager; Hamish Buttle, Planning Officer; Donald McVicar, Senior Administrative Officer; and Alex Hewetson, Administrative Officer.

CHAIR: Councillor Jim O'Neill, Chair.

CONSIDERATION OF PLANNING APPLICATIONS

1.1 APPLICATION NO 96/0457/FL: AVONSIDE HOMES LIMITED

There was submitted a report dated 17 October 1996 (circulated) by the Head of Planning and Building Control on an application for full planning permission for the proposed construction of 14 dwellinghouses at Plots 41-48 (INC) and 53-58 (INC), at Gameshill, Stewarton, as an amendment to a previously approved planning consent (KL/W/FL/75/289R-W) for the proposed construction of 18 nos dwellings on the same site.

The Planning Officer confirmed that no objections had been received, 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 and an additional condition relating to road width, 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 24 September 1996 as revised by the site layout Phase II (Rev E) and the peregrine design plan received by the Planning Authority on 25 October 1996; (3) notwithstanding the submitted plans, the rooftiles, brickwork and stonework are not hereby approved. Samples of rooftiles, brickwork and stonework shall be submitted to and approved by the Planning Authority before any development commences on the site; (4) 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 the site; (5) notwithstanding the plans hereby approved, a timber fence of 2.0 metres in height shall be erected along the entire southern boundary of the application site, adjacent to nos 5 to 13 (inclusive) Cutstraw Road, Stewarton; (6) details of the finished floor levels of the dwellings hereby approved shall be submitted to and approved by the Planning Authority prior to the commencement of development; (7) details of the provision of equipped play areas, including details for their maintenance and the scheduling of their implementation in relation to the number of dwellings erected shall be submitted to

and approved by the Planning Authority prior to the commencement of development and such details as approved shall be implemented in accordance therewith; (8) notwithstanding the plans hereby approved, and

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additional parking space (giving a total of 3 spaces per plot); shall be provided within the curtilage of plot nos 41, 55, 56 and 57; Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) to ensure that the development is carried out in accordance with the approved details; Conditions (3) and (4) in the interests of visual amenity; Condition (5) to ensure the privacy of existing dwellings; Condition (6) to ensure that the dwellings are constructed at such a level to prevent the undue overlooking of adjacent property; Condition (7) to ensure that the play areas are implemented appropriately in accordance with the progression of the site, in the interest of residential amenity; and Condition (8) to ensure that sufficient off-street car parking is provided, in the interests of road safety.

It was agreed to grant the application subject to the conditions and for the reasons detailed and the additional condition, viz:- (9) notwithstanding the plans hereby approved the entire access road to be 5.5 metres in width in its entire length, in the interests of road safety.

Councillor Hall intimated her dissent to the above decision.

1.2 APPLICATION NO 96/0490/TP: GATE HOMES (SCOTLAND) LIMITED

There was submitted a report dated 17 October 1996 (circulated) by the Head of Planning and Building Control on a retrospective application to fell 2 nos trees, subject of a Tree Preservation Order, at Kersland Gate, Vennel Street, Stewarton.

The Planning Officer confirmed that no objections had been received, 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) this permission relates solely to the felling of Tree No 1 (sycamore) and Tree No 2 (cypress) as identified on the plan dated 30 September 1996; (2) the trees felled shall be replaced with the following trees:- (i) one cypress tree at 6 metres high; (ii) one sycamore tree at 7 metres height; (3) details of the replacement trees and the supplier shall be submitted to the Planning Authority for approval prior to the planting of the replacement trees; (4) the developer shall be responsible for the maintenance of the replacement trees until fully established to the satisfaction of the Planning Authority. Any tree which dies shall be replaced by another tree, as detailed in Condition 2 above, within the first available planting season; (5) the developer shall implement the planting of the replacement sycamore tree within 8 weeks of the date of this consent. The planting of the replacement cypress tree shall take place within the first available planting season or part thereof, following the felling of the existing cypress tree; Conditions (1) to (5) in the interests of visual amenity.

It was agreed:-

- (i) to grant the application subject to the conditions and for the reasons detailed; and
- (ii) to remit to the Director of Development Services to submit a report on an update on proceedings relating to potential enforcement action to a future meeting of the Northern Area Local Planning Committee.

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1.3 APPLICATION NO 96/0363/OL: ROBERTSON HOMES LIMITED (Item 1.1, Page 1344)

There was re-submitted a report dated 12 September 1996 (circulated) by the Head of Planning and Building Control for an outline planning application for the proposed construction of 19 dwellings at land at Draffen, Loudoun Street, Stewarton.

The Planning Officer confirmed that two objections had been received, details of which were given in 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) in the case of the reserved matters specified below, application for approval must be made not later than the expiration of three years beginning with the date of this permission; (2) that the development to which this permission relates must be begun not later than the expiration of five years from the date of this permission or within the expiration of two years from the final approval of all reserved matters, whichever is the later; (3) before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved (a) the layout of the site; (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; (e) the provision for open space; (f) the provision for car parking; (g) the boundary walls/fences to be erected; (h) the landscaping of the site; (i) finished site levels/floor levels; (4) sightlines of 2.5 metres by 90 metres shall be maintained at the junction of the access road with Loudoun Street free of any obstruction greater than 1 metre in height. The 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 30 mph; (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 to 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 1 above 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 I 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) any detached garages shall be a minimum of 1 metre from the plot boundary; (iv) any dwelling, excluding

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detached garages, shall occupy no more than 30% of the area of the plot; (v) any dwelling shall have private, secluded garden space of at least 100 square metres in area; (vi) the design of any dwelling shall be compatible with the surrounding townscape and in particular with the design of adjacent buildings; (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 I 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 (8-001). 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 I above 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 I above 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 I above 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 base course 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 existing 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 I above, with regard to the landscaping of the site, shall include:- Details of the provision to be made for 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 I above 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), (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 illustrates 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, (8-001); (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; Conditions

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(1) and (2) being imposed to comply with Section 39 of the Town and Country Planning (Scotland) Act 1972; Condition (3) the approval is in outline only; Conditions (4), (5), (6), and (14) in the interests of road safety; Condition (7) in the interests of road and pedestrian safety; Conditions (8), (9), (11), (12), and (15) in the interests of residential amenity; Conditions (10) and (16) in the interests of residential and visual amenity; Conditions (13), (18), (19) and (20) in the interests of visual amenity; Condition (17) in the interest of public safety.

It was agreed:-

- (i) to grant the application subject to the conditions and for the reasons detailed; and
- (ii) to remit to the Director of Development Services to liaise with the Roads and Transportation Division on the final relocation of the 30 mph zone.

Councillor Hall intimated her dissent to the above decision.

1.4 APPLICATION NO 96/0364/OL: ROBERTSON HOMES LIMITED (Item 1.2, Page 1344)

There was re-submitted a report dated 12 September 1996 (circulated) by the Head of Planning and Building Control for an outline planning application for the proposed construction of 5 dwellings at land at Draften, Loudoun Street, Stewarton.

The Planning Officer confirmed that two objections had been received, details of which were given in 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) In the case of the reserved matters specified below, application for approval must be made not later than the expiration of three years beginning with the date of this permission; (2) that the development to which this permission relates must be begun not later than the expiration of five years from the date of this permission or within the expiration of two years from the final approval of all reserved matters, whichever is the later; (3) a further approval of the District 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; (i) proposed and existing ground and finished floor levels; (4) 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 No 22 Loudoun Street, and between Plots 2 and 3 leading to the turning head, shall have a minimum width of 2 metres; (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 1 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 30 mph; (6) notwithstanding the submitted plans the precise design of the footpath linking to Loudoun Street is not hereby approved and full details prepared

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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 houses 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 1 above 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, (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 1 above 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 2 shall, with regard to the landscaping of the site, include details of the provision to be made for the maintenance of soft and hard landscaped areas, 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 2 above shall be provided with 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 1 metre from the plot boundary; (d) any dwelling, excluding detached garages, shall occupy no more than 30% of the area of the plot; (e) any dwelling 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) any dwelling shall be finished in white painted wet dash render and shall feature stone appearance, smooth cement banding to doors and window openings; (i) any dwelling shall feature window of vertical proportion, be finished with a natural slate roof featuring projecting chimneys and a minimum of pitch of 40 degrees; (1) 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 1 above 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 District Planning Authority which illustrates 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 Draften Farm; Conditions (1) and (2) being imposed to comply with Section 39 of the Town and Country Planning (Scotland) Act 1972; Condition (3) the approval is in 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)

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in the interests of residential and visual amenity; Condition (12) in the interest of public safety; Conditions (13) and (14) in the interests of visual amenity.

It was agreed;-

- (i) to grant the application subject to the conditions and for the reasons detailed; and
- (ii) to remit to the Director of Development Services to liaise with the Roads and Transportation Division on the relocation of the 30 mph zone.

Councillor Hall intimated her dissent to the above decision.

The meeting terminated at 1417 hours.