

EAST AYRSHIRE COUNCIL**NORTHERN AREA LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 26 NOVEMBER 1999 AT 1000 HOURS IN DUNLOP PUBLIC HALL, MAIN STREET, DUNLOP**

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

ATTENDING: Dave Morris, Development Promotion Manager (Development Services); Bill Walkinshaw, Principal Administrative Officer (Corporate Services); David Mitchell, Principal Solicitor (Legal Services); and Gillian Hamilton, Administrative Officer (Corporate Services).

CHAIR: Councillor David Macrae, Chair.

CONSIDERATION OF PLANNING APPLICATIONS**1.1 PROCEDURE**

The Principal Administrative Officer advised of the procedure for Hearings at Local Planning Committees.

1.2 APPLICATION NO 99/0612/FL: SUNNYSIDE COTTAGES GARDENS LIMITED

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

There was submitted an executive summary sheet and a report dated 10 November 1999 (circulated) by the Head of Planning and Building Control on a full planning application for proposed change of use from agriculture to agriculture including retail sales and erection of 4 tunnel greenhouses, form new access/car parking at farm land adjacent to Blackwood Farm, Moscow.

The Development Promotion Manager reported the receipt of five letters of objection received with six signatories: 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 27 August 1999 and the amended plans received by the Planning Authority on 13 October 1999 (Plan No. 99/53/01) indicating internal layout of site, and 29 October 1999 (Plan No. 99/53/02, identifying location of passing places); (3) the access to the main road shall be constructed in accordance with the plans hereby approved and shall conform to Roads Division standard before any other development commences on site; (4) the first 2 metres of the access shall be surfaced in order to prevent deleterious materials being deposited onto the public road; (5) notwithstanding the submitted plans the visibility splay areas of 2.5 metres by 90 metres shall be provided at the junction of the access to the development with the public road with no obstruction to visibility greater than 1 metre in height being allowed within these areas; (6) any access gates to be provided shall be outwith 6m of the road channel and shall open away from the public road to prevent obstruction;

(7) the car parking shall be defined on site in accordance with the agreed plans and shall be implemented before the use hereby approved commences; (8) notwithstanding the submitted details parking spaces for 36 cars shall be provided and maintained within the site; (9) the passing places shall be constructed to Roads Division Standard and shall be completed prior to the use hereby approved commencing; (10) the existing hedges along the boundaries of the site shall be retained intact and maintained thereafter to the satisfaction of the Planning Authority, except insofar as to allow access to the site and to provide adequate sightlines, as required by this permission; (11) notwithstanding the plans hereby approved, details of the surfacing of the car park and "standing out areas" shall be submitted to and approved by the Planning Authority prior to the commencement of development; and (12) notwithstanding the provision of the General Permitted Development (Scotland) Order 1992 and the Town and Country Planning (Use Classes) (Scotland) Order 1997, this permission relates only to the retailing of goods which are produced or grown on site; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to ensure that development is carried out in accordance with the approved details; Condition (3) in the interest of residential amenity and road safety; Conditions (4), (5), (6), (7), (8) and (9) in the interest of road safety; Conditions (10) and (11) in the interest of visual amenity; and Condition (12) to safeguard the vitality of adjacent town centres.

The Committee then heard Ms Brocklehurst, objector, and Mrs Meikle, representing Moscow and Waterside Community Council, in support of their objections and Mr Boston, the applicant's agent and Mr Grant the applicant, in support of the application.

Members asked questions of the objectors, the applicant's Agent and the applicant. The objectors, applicant's Agent and the applicant responded to the issues raised, all in accordance with the Hearing procedure. The Development Promotion Manager then provided further comment on the issues raised.

Councillor McDill, seconded by Councillor Young, moved that the application be refused on the grounds that the proposed development would be detrimental to visual amenity of the area.

Councillor Wilson, seconded by Councillor Hay, moved as an amendment that the application be approved subject to the conditions and for the reasons detailed.

On a division by a show of hands, the motion was carried by 5 votes to 4.

1.3 APPLICATION NO 99/0731/FL: TAY HOMES (SCOTLAND) LTD

There was submitted an executive summary sheet and a report dated 17 November 1999 (circulated) by the Head of Planning and Building Control on a full planning application for proposed erection of 55 dwellings (amendment to Application No 99/0519/FL - minor amendments to house types' elevations) at Toponthank Phase IIB (Area A), Kilmarnock.

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) details/samples of the facing, roofing and surfacing material to be used shall be submitted to and approved by the Planning Authority

before any development commences on site; (3) 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) details of the landscaping of the site, including the provision of play equipment and the maintenance of play equipment and all open space outwith the private curtilage of any dwelling shall be submitted to and approved by the Planning Authority prior to the commencement of the development. Such details shall include the timescale for the implementation of the landscaping and play equipment in relation to the completion of the dwellings; (5) notwithstanding the plans hereby submitted, details of the culvert arrangement crossing the distributor road at the eastern edge of the site and the means of providing access to the culvert mouth for East Ayrshire Council Roads Division to allow for maintenance shall be submitted to and approved by the Planning Authority prior to commencement of any development on site; (6) notwithstanding the plans hereby submitted, the details of the boundary hedge planting shall be submitted to and approved by the Planning Authority, with details of its maintenance and implementation, prior to the commencement of any development on site; (7) the boundary hedges shall be maintained at a height of not less than 2.5 metres; and (8) notwithstanding the plans hereby approved, a scheme indicating details of land drainage shall be submitted to and approved by the Planning Authority before any development commences on site; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Conditions (2), (3) and (6) in the interest of visual amenity; Condition (4) to ensure that the open space is adequately provided and maintained in the interest of residential amenity; Condition (5) in the interest of public health and road safety; Condition (7) to ensure that the hedges are retained to a size at which they would continue to provide a habitat and would significantly contribute to visual amenity; and Condition (8) to ensure that the site is adequately drained, in the interest of visual amenity of future householders.

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

1.4 APPLICATION NO 99/0736/FL: CALA HOMES (SCOTLAND) LTD

There was submitted an executive summary sheet and a report dated 17 November 1999 (circulated) by the Head of Planning and Building Control on a full planning application for proposed erection of 26 detached dwellings at Westfield Nursery (Part), 3C Southcraigs Holdings, Glasgow Road, Kilmarnock.

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 plans hereby submitted, details/samples of all external construction materials to be used 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 the treatment of the boundary of the site/areas for public open space/play areas 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. The scheme shall include details of the provision to be made for the maintenance of soft and hard landscaped areas and these shall be maintained thereafter in accordance with these details. Any trees removed without consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by trees of similar size or species as may be agreed in writing with the Planning Authority; (5) notwithstanding the plans hereby submitted, existing hawthorn hedging on the north western site boundaries (adjacent to Hollybush Place and Fenwick Place) shall be retained and infilled where necessary and maintained thereafter at a height not greater than 2 metres by either the individual property owners or by Cala Homes (Scotland) Ltd; and (6) prior to the commencement of any development on site, the applicants shall submit to, and have received the written agreement of the Planning Authority to the contents of a report by a suitably qualified person addressing the ground stability of the site and in particular the measures necessary to mitigate the impact of a mine entry stated by the Coal Authority to be located within the north of the site; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Conditions (2) and (3) in the interest of visual amenity; Condition (4) to ensure that adequate provision of public open space is provided to an adequate standard and that it is subsequently maintained in the interest of residential and visual amenity; Condition (5) to ensure that existing hedging does not grow unrestrained, in the interest of residential amenity; and Condition (6) in the interest of public safety.

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

1.5 APPLICATION NO 98/0841/OL: MR T W SINCLAIR

There was submitted an executive summary sheet and a report dated 17 November 1999 (circulated) by the Head of Planning and Building Control on an outline planning application for proposed six luxury flatted dwellinghouses (outline consent only), at Dean Street, Stewarton.

The Development Promotion Manager reported that one letter of objection had subsequently been withdrawn and the receipt of one letter of representation, 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 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) 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 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 building; (c) the means of drainage and sewerage 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; and (i) finished site levels/floor levels; (4) details to be submitted under Condition (3) above shall indicate the following, relative to the design of the building: (i) the eaves level of any new development shall match the

eaves level of No 16 Dean Street; (ii) the highest part of the roof of any new development shall not exceed the ridge level of No 16 Dean Street by more than 1 metre; (iii) external construction materials shall be slate and predominantly render finish (in a colour to be agreed) and smooth cement window bands; (iv) any dormers shall be of traditional design and arrangement; and (v) windows shall be of vertical emphasis, aligned on all storeys of the development; (5) a scheme showing the provision to be made for the disposal of refuse shall be submitted to and approved by the Planning Authority before any development commences on the site; (6) the application shall, prior to the commencement of the development on site, confirm the manner by which any site compound or other activity during construction can be accommodated without detriment to the amenity of neighbouring property or road safety; (7) notwithstanding the details to be submitted under Condition No (3) above, sightlines of 2.5 metres by 90 metres shall be maintained at the junction with the public road (Dean Street), free from any obstruction greater than 1 metre in height. Access arrangements shall comply with details submitted by the applicant, which were received on 27 September 1999; (8) notwithstanding the details to be submitted under Condition No (3) above, the size of the new access and its relationship with the access to the Millhouse Hotel car park shall conform to Figure 5.6 of the Roads Development Guide; (9) notwithstanding the details to be submitted under Condition No (3) above, parking requirements for the specified number of flats will be 6 spaces for residents and 2 spaces for visitors, if the properties are one bedroom. However, if the properties have more than one bedroom, then 4 visitors spaces will be required; (10) notwithstanding the plans hereby submitted, the footway fronting the proposed development will require to be reconstructed by the developer after the building works are complete; and (11) the details shown on the indicative designs (Drawing Nos. 017-001, 2, 3 and 4) submitted with the planning application are for information purposes only and shall not be treated as forming part of the outline permission hereby granted; Conditions (1) and (2) being imposed to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997; Condition (3) the approval is in outline only; Condition (4) to compliment the existing streetscape and adjacent properties; Condition (5) to ensure that all satisfactory means of refuse disposal is provided; Condition (6) in the interest of road safety and general amenity; Conditions (7) and (8) in the interest of road safety; Condition (9) to ensure sufficient levels of off street car parking, in the interest of road safety; Condition (10) to ensure reconstruction of the public footpath; and Condition (11) the plans referred to are indicative only in elevational and layout terms.

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

The meeting terminated at 1105 hours.