

EAST AYRSHIRE COUNCIL**SOUTHERN LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 17 DECEMBER 1999 AT 1000 HRS
IN CUMNOCK TOWN HALL, GLAISNOCK STREET, CUMNOCK**

PRESENT: Councillors Tommy Farrell, Jimmy Kelly, Eric Jackson, George Smith, Julie Faulds, William Menzies, Robert Taylor and Jimmy Carmichael.

ATTENDING: Alan Neish, Head of Planning and Building Control; Bill Walkinshaw, Principal Administrative Officer; Pamela Clifford, Senior Planning Officer; Karen McLeod, Solicitor; and Ian Gemmell, Administrative Officer.

APOLOGIES: Provost Jimmy Boyd and Councillors Eric Ross and Elaine Dinwoodie.

CHAIR: Councillor Tommy Farrell, 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 99/0570/FL: MR SANGHA

There was submitted an Executive Summary and report dated 1 December 1999 (circulated) by Head of Planning and Building Control on an application for a proposed change of use and demolition of former bakery and shop premises to form four residential flats at 5 and 6 Logan Avenue, Logan.

The Senior Planning Officer reported that one objection 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: Refusal for the following reason:- The proposed development is contrary to Policy RES 21 of the East Ayrshire Local Plan Finalised Version which states:- "All developers will require to observe the minimum private open space criteria and standards detailed in Schedule 4 of the Local Plan". The developer has failed to provide any private open space for the development and therefore the proposal is considered to be detrimental to residential amenity.

No Hearing took place as the objector was not present nor represented.

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

1.3 APPLICATIONS NOS 99/0350/LB AND 99/0349/FL: STAIR PARISH CHURCH

There was submitted an Executive Summary and report dated 2 December 1999 (circulated) by the Head of Planning and Building Control on applications for full planning consent and Listed Building consent for an extension to the existing church and an extension to the rear Sunday School room at Stair Parish Church, Stair.

The Senior Planning Officer reported that one objection 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:- (i) Application No 99/0350/LB: Approval, subject to the following conditions:- (1) That 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 of the opening mechanism of the windows shall be submitted to and approved by the Planning Authority before development commences on site; (3) Notwithstanding the submitted plans the cement render proposed for the external walls is not hereby approved. The external walls of the extension shall be a wet dash finish in a colour agreed by the Planning Authority before development commences on site; (4) Prior to the commencement of any works on site the two headstones marked A and B within the area for the proposed extension and any remains shall not be exhumed and re-interred until a Petition has been made and granted by the Sheriff for this operation. Details of the area to be used for the relocation of the headstones and the re-interring of the remains shall be submitted to and approved by the Planning Authority prior to such works taking place; (5) The two headstones marked C and D identified on the approved plans shall be moved. Headstone C shall be moved 20 centimetres (8 inches) in a northern direction and Headstone D shall be moved 20 centimetres (8 inches) in an eastern direction to the satisfaction of the Planning Authority. Condition (1) being imposed to comply with Section 16 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997; Conditions (2) and (3) in the interests of visual amenity; Condition (4) to ensure that the appropriate procedures are carried out in the public interest; and Condition (5) in the interests of public safety; and (ii) Application No 99/0349/FL: Approval, subject to the following conditions:- (1) That 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 of the opening mechanism of the windows shall be submitted to and approved by the Planning Authority before development commences on site; (3) Notwithstanding the submitted plans the cement render proposed for the external walls is not hereby approved. The external walls of the extension shall be a wet dash finish in a colour agreed by the Planning Authority before development commences on site; (4) Prior to the commencement of any works on site the two headstones marked A and B within the area for the proposed extension and any remains shall not be exhumed and re-interred until a Petition has been made and granted by the Sheriff for this operation. Details of the area to be used for the relocation of the headstones and the re-interring of the remains shall be submitted to and approved by the Planning Authority prior to such works taking place; and (5) The two headstones marked C and D identified on the approved plans shall be moved. Headstone C shall be moved 20 centimetres (8 inches) in a northern direction and Headstone D shall be moved 20 centimetres (8 inches) in an eastern direction to the satisfaction of the Planning Authority; 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 the appropriate procedures are carried out in the public interest; and Condition (5) in the interests of public safety; (iii) that the Listed Building application should be approved subject to the notification of Historic Scotland under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1987; and (iv) that the issue of the decision notice in respect of the full planning application should be withheld until the Listed Building application has been cleared by Historic Scotland.

No Hearing took place as the objectors were not present or represented.

It was agreed:

- (i) to approve the Listed Building application subject to the notification of Historic Scotland under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1987, and subject to the conditions and for the reasons detailed;
- (ii) to approve the full planning application subject to the conditions and for the reasons detailed; and
- (iii) that the issue of the decision notice in respect of the full planning application be withheld until the Listed Building consent application had been cleared by Historic Scotland.

1.4 APPLICATION NO 99/0254/OL: MR WILLIAM BURNS

There was submitted an Executive Summary and report dated 30 November 1999 (circulated) by the Head of Planning and Building Control on an application for outline planning consent in respect of a proposed residential development at the former Skerrington Garage, Glaisnock Road, Cumnock.

The Senior Planning Officer reported that one objection 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:- (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; (d) the provision for car parking, footways and street lighting; (f) the boundary walls/fences to be erected; (g) finished site levels/floor levels, including cross section plans; (h) the provision for open space; and (i) the landscaping of the site; (4) The indicative layout submitted to the Planning Authority on 6 October 1999 is for information purposes only and shall not be treated as forming part of the issued consent; (5) No more than nine dwellinghouses shall be constructed within the site; (6) The details to be submitted under Condition (3)(b) shall provide for a comprehensively well designed scheme which in design and materials is compatible with the adjoining buildings and surrounding townscape; (7) The details to be submitted under Condition (3)(b) above shall provide for the height of the proposed dwellinghouses to be restricted to single or one and a half storeys; (8) The details to be submitted under Condition (3)(e) above shall allow for car parking spaces or garages to be provided within the layout in accordance with the parking provision requirements of the Roads Development Guide 1996; (9) Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any Order subsequently revoking or replacing that Order, any future garages associated with the development shall be of permanent construction and finished in the same materials as the dwellinghouses to which they relate; (10) The developer

shall, in addition to the details required under Condition (3) above, submit a ground condition report for the development site. This report shall specifically provide the following details: (i) measures for treating or dealing with the inert material which has previously been imported into the development site; and (ii) an investigation of the site relative to the potential for contamination through the previous use of the site as a petrol filling station/garage. Should site contamination be found, the report shall also include measures for remedial action; (11) The details to be provided under Condition (3)(d) above shall allow for visibility splay areas of 2.5m by 90m to be provided at the junction of the access to the development with the public road with no obstruction to visibility greater than 1m in height being allowed within these areas. The precise location of the access point for the development site shall be the subject of prior discussion and agreement with the Planning Authority and the Roads Authority; (12) The existing footway on the Glaisnock Road frontage of the site shall be upgraded to the requirements of the Roads Authority and to the satisfaction of the Planning Authority; (13) All demolition material arising from the proposed development, unless required for construction purposes, shall be removed from the site and disposed of in a licensed waste disposal facility; (14) The details to be submitted further to Condition (3) above shall include details of a site drainage system sufficient to deal with surface water run off and thereby prevent erosion both on the site and of the adjacent properties at Cameron Crescent; Conditions (1) and (2) being imposed to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997; Conditions (3) and (4) as the approval is in outline only; Conditions (5) and (9) in the interests of residential amenity; Condition (6) to ensure that the development does not conflict with its setting and surroundings in the interests of visual amenity and the character and appearance of the area; Condition (7) in the interests of visual amenity; Condition (8) to ensure that adequate provision is made for car parking and to prevent the generation of on-street car parking in the interests of road safety; Condition (10) and (12) in the interests of public safety; Condition (11) in the interests of road safety; Condition (13) in the interests of amenity; and Condition (14) in the interests of securing an adequately drained site and to prevent site erosion.

No Hearing took place as the objector was not present or represented.

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

1.5 APPLICATION NO 99/0715/FL: MR W TROTTER

There was submitted an Executive Summary and report dated 30 November 1999 (circulated) by the Head of Planning and Building Control on an application for full planning consent for the erection of a garage at 6 The Holm, Cumnock.

It was reported and noted that Members had attended a site visit prior to the meeting.

The Senior Planning Officer reported that one objection 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: Refusal for the following reasons:- (1) The proposed development would have a detrimental effect on the character and visual amenity of the residential area by virtue of its size and location; and (2) The proposed development would set an undesirable precedent for similar development within the locality of the application site to detriment of the residential character and appearance of the area.

The Committee then heard objector Mr M T Hasan who spoke in support of his objections, and the applicant Mr W Trotter, who spoke in support of the application. Members asked questions of the objector and the applicant and the applicant and the objector responded to the issues raised all in accordance with the agreed Hearing procedure.

Councillor Farrell, seconded by Councillor Jackson, moved that the application be refused for the reasons detailed.

Councillor Taylor, seconded by Councillor Smith, moved as an amendment that as the proposed development would not have a detrimental effect on the character and visual amenity of the residential area the application be approved.

On a division by a show of hands, there were four votes for the motion and four votes for the amendment. There being an equality of votes, the Chair exercised his casting vote in favour of the motion.

1.6 APPLICATION NO 99/0491/FL: HOPE HOMES

There was submitted an Executive Summary and report dated 1 December 1999 (circulated) by the Head of Planning and Building Control on an application for full planning consent in respect of the erection of 20 dwellinghouses at Oakburn Park, Mauchline Road, Catrine.

It was reported and noted that Members had attended a site visit prior to the meeting.

The Senior Planning Officer reported that four objections had been received, one of which comprised a petition signed by 90 local residents, details of which objections 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:- (1) That 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 23 September 1999 and the plans and amended plans received by the Planning Authority on 29 June, 24 September, 9 November and 24 November 1999; (3) Notwithstanding the submitted plans, the roof tile, render and facing brick are not hereby approved. Details/samples of the roof tile, render and facing brick 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 front boundary wall, no greater than one metre in height and finished in materials to match the proposed dwellinghouses, shall be constructed along the frontage of the plots; details of its design shall be submitted to and approved by the Planning Authority prior to the commencement of development on site; (6) No demolition, site clearance or building operations shall be commenced until chestnut pale fencing of a height not less than 1.2m has been erected around the mature trees shown on the approved plans as being retained on the site. The fencing shall enclose:- (a) a radius of 5m from the trunk of the tree, whichever is the greater. Such fencing shall be maintained during the course of development, and no storage, site structure, parking from or any other operation shall be permitted within the area thereby enclosed; (7) No trees shall be felled, lopped, have roots cuts, or be the subject of any other works without the written consent of the Planning Authority; (8)

No construction work and preparation works shall take place on site before 0700 hrs and after 1800 hrs on Mondays to Fridays, before 0800 hrs and after 1200 hrs on Saturdays and at any time on Sundays; (9) Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, any garages associated with the development shall be of permanent construction and finished in the same materials as the dwellinghouse to which they relate and shall be set back a minimum distance of six metres from the rear of the footway; (10) Prior to works commencing on site the applicant shall submit to and have approved by the Planning Authority details of the treatment of the play area, kickabout area, treatment of the footpath to the play area and play equipment to be installed within the site. The play area, play equipment and footpath shall be installed and constructed prior to the occupation of the houses plots 9-16; (11) Prior to works commencing on site, details of the maintenance arrangements for the play area, play equipment, kickabout area and the Burn which is included in the application site shall be submitted to and approved by the Planning Authority. Such arrangements shall cover a period of no less than 10 years and all costs associated with the maintenance arrangements shall be borne by the applicant; (12) Measures shall be implemented to preclude any flooding of proposed houses adjacent to the burn and to prevent further erosion of the banking of the Burn. The developer shall confirm such measures in writing to the Planning Authority prior to the commencement of development and implement such measures as are agreed in writing by the Planning Authority prior to the occupation of Plots 17 to 20; (13) The existing footway along the site frontage shall be reconstructed to East Ayrshire Council's Roads Division standards prior to the occupation of each house adjacent to the footway; (14) Access to individual dwellings shall be taken via an access crossing to East Ayrshire Council's Roads Division standards; (15) Visibility sightline splay areas of 2m by 20m shall be formed and maintained at each individual access with no obstruction greater than 1m in height allowed with these areas prior to occupation of each house; (16) The private driveways shall have a gradient of 5% back into the house and the first 5m of the driveway shall be level with the Mauchline Road to maintain the sightlines specified in Condition (15) of the planning consent; (17) The traffic calming measures proposed shall be implemented prior to the occupation of any dwellinghouse; (18) The traffic calming measures of a parking bay build out shall be relocated to preserve the bus stop details at its exact location and shall be submitted to and approved by the Planning Authority prior to any work on site; (19) Two car parking spaces shall be provided for each dwelling prior to the occupation of each house; (20) The six visitor car parking spaces shall be implemented prior to the occupation of any houses; (21) The proposed access road to Phase 2 of the proposed development shall be implemented prior to the occupation of houses within plots 8 and 9 and junction sightline visibility splay areas of 4.5m x 90m shall be provided at the junction of Mauchline Road with no object greater than 1m in height allowed within these areas; (22) Any existing public utility apparatus located in the existing footway verge shall be protected beneath the proposed access; (23) No surface water shall be allowed to discharge onto the public road; (24) The private driveway for each individual dwellinghouse shall be paved for a minimum distance of two metres from the rear of the footway to avoid the overcarry of loose material onto the public road, prior to the occupation of each dwellinghouse; (25) Any gates shall open inwards away from the public road; (26) The internal driveway arrangement in respect of each house shall be such that access to and egress from each driveway can be taken in forward gear; (27) The

existing watercourse which runs through Plots 17 and 18 shall be piped and a manhole shall be provided to allow access to the watercourse prior to any construction works on site; (28) Notwithstanding the approved plans, details of the gateway feature shall be submitted to and approved by the Planning Authority and shall be implemented prior to the occupation of housing on plots 8 and 9; and (29) No mechanical excavation shall take place within 500mm of British Gas Transco Plant; 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; Conditions (3), (4), (7), (9) and (28) in the interests of visual amenity; Condition (5) in the interests of visual amenity and road safety; Condition (6) to ensure the retention of the maximum number of trees on the site and their protection from damage in the interests of visual amenity; Condition (8) in the interests of residential amenity; Condition (10) in the interests of visual and residential amenity; Condition (11) to ensure that the amenity open space and burn within the development site is maintained to an adequate standard; Condition (12) in the interests of public safety and residential amenity; Conditions (13), (14), (15), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27) in the interests of road safety; Condition (16) in order to achieve the required sightlines in the interests of road safety; and (29) in the interests of public safety.

The Committee then heard objectors Mr John I'Anson and Mr John Kleboe (on behalf of the petitioners), who spoke in support of the objections, and the applicant Mr Ian Hope, who spoke in support of the application. Members asked questions of the objectors and the applicant and the applicant and objectors responded to the issues raised, all in accordance with the agreed Hearing procedure.

It was agreed to refuse the application for the reason that the proposed linear layout did not readily enable the comprehensive development of the site and is unsatisfactory in the context of visual amenity and in its relationship to the existing road pattern.

The meeting terminated at 1100 hrs.