

**EAST AYRSHIRE COUNCIL****NORTHERN AREA LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 15 JANUARY 1999 AT 1000 HOURS  
IN MOSCOW LEISURE CENTRE, MOSCOW**

**PRESENT:** Councillors David Fulton, Jim O'Neill, Kathleen Hall, David Macrae and Kim Nicoll .

**ATTENDING:** Yvonne Mitchell, Planning Officer; Karen Macleod, Senior Solicitor; Ken Robinson, Principal Administrative Officer; Jim Worley, Principal Planning Officer; and Jennifer Morrison, Administrative Officer.

**APOLOGIES:** Councillors Ann Hay, George Turnbull and Robert McDill.

**CHAIR:** Councillor David Fulton, Chair.

**CONSIDERATION OF PLANNING APPLICATIONS****1.1 APPLICATION NO 97/0703/FL: MR A WILSON**

There was submitted a report dated 6 January 1999 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of 3 storage units and 4 industrial units at land at 88 Galston Road, Hurlford.

It was noted that Members of the Committee had attended a site visit prior to the meeting.

The Principal Planning Officer reported the receipt of five letters of objection, received with 6 signatories, and a letter in response from the applicant, 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 and plans submitted on 8 September 1997 as revised by the site plan received by the Planning Authority on 29 October 1998; (3) the approval for the 4 industrial units relates to a use within the Use Class "4" in the Town and Country Planning Use Classes (Scotland) Order 1997 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order; (4) the industrial use of 4 units hereby approved shall not be carried out before 8.00am and after 6.00pm on Monday to Saturdays and at any time on Sundays. The loading or unloading of materials into or from the three storage units shall also not take place outwith these specified hours; (5) the uses hereby approved shall operate without detriment to adjoining properties by reason of noise, grit, smell and general disturbance; (6) no materials shall be burned on the site at any time; (7) no storage of materials or articles shall take place on the premises outside a building; (8) the rollers shutter doors shall remain closed at all times except during the period at which deliveries to the premises are being undertaken and except for access by vehicles; (9) none of the units shall be occupied until the access arrangements have been fully constructed to a standard suitable for adoption by the highways authority; (10) the access road and junction with Galston Road shall be constructed to a standard suitable for adoption by the highways authority; (11) prior to

commencement of works on the site, the applicant shall satisfy himself as to the suitability of the site for construction purposes; 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; Condition (3) to safeguard the residential amenity of the area; Condition (4) to prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity; Condition (5) to safeguard the amenity of the area; Condition (6) to safeguard the residential amenity of the area; Condition (7) to safeguard the residential amenity of the area (and in the interest of highway safety); Condition (8) to reduce any potential noise and disturbance in the interests of residential amenity; Conditions (9) and (10) in the interest of road safety; and Condition (11) in the interest of public safety.

It was also reported that neither the objectors nor the applicant had intimated their wish to address the Committee, either in person or through a third party.

It was agreed to continue consideration of this application to a future meeting of this Committee, following a site visit to which representatives of Strathclyde Police and Road Safety Officers would be invited in order to examine the access and egress arrangements at the site with particular regard to arrangements for large vehicles.

## **1.2 APPLICATION NO 98/0739/FL: MR B HENDERSON**

There was submitted a report dated 7 January 1998 (circulated) by the Head of Planning and Building Control on a full planning application for proposed dwellinghouse at 6 Barr Castle Gardens, Galston.

It was noted that Members of the Committee had attended a site visit prior to the meeting.

The Principal Planning Officer reported the receipt of 2 letters of objection with 4 signatories, additional information in support of the application submitted by the applicant and 3 letters of support plus petition from residents of Barr Castle Gardens; 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 approved, the two Birch trees at either side of the proposed driveway shall be retained and shall be safeguarded from damage during the entire construction process by the erection of a one metre high temporary fence erected at a distance from their trunks equivalent to the spread of the trees; (3) notwithstanding the plans hereby approved, the house shall be constructed with the provision of an impermeable barrier around the base of the buildings; (4) the house shall not be occupied until the visitor car parking spaces are completed to base course level; (5) outwith the hours of 0900 hours to 1800 hours, seven days a week, there shall be no operation or use for construction or excavation purposes of heavy construction vehicles or heavy equipment on site; (6) notwithstanding the plans hereby approved, details of the stone/roughcast and slate effect roof tiles shall be submitted to and approved by the Planning Authority prior to commencement of development; (7) 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. Any garden walls to be erected shall be finished either in the approved stone or in wet dash

render. A 2 metre high boundary fence or wall shall be erected along the actual boundary with Plot 6, to the rear of the forward building line, prior to the occupation of the dwelling; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) in the interest of visual and residential amenity; Condition (3) to protect the house from any potential roof damage from the two Birch trees; Condition (4) in the interest of road safety; Condition (5) in the interest of residential amenity; Condition (6) in the interest of visual amenity; and Condition (7) in the interest of visual and residential amenity.

The Committee then heard Mrs Muir and Mr Dalziel in support of their objections and Mr Henderson, the applicant in support of the application.

Mrs Muir then responded to issues raised by the applicant, and the applicant responded to issues raised by Mrs Muir, all in accordance with the Hearing procedure.

Councillor Macrae, seconded by Councillor O'Neill, moved approval of the application subject to the conditions and for the reasons detailed.

Councillor Nicoll, seconded by Councillor Hall, moved as an amendment that the application be refused as (i) the proposal would lead to an overdevelopment of the site by virtue of the reduction of the underdeveloped areas within the estate (Barr Castle Gardens) and (ii) the proposed development would detract from the visual amenity of the area.

On a division by a show of hands the motion was carried by 3 votes to 2.

### **1.3 APPLICATION NO 98/0752/FL MR A P CRAW**

There was submitted a report dated 7 January 1999 (circulated) by the Head of Planning and Building Control on a full planning application for proposed change of use from storage unit to industrial unit at Unit 1, Galston Road, Hurlford.

It was noted that Members of the Committee had attended a site visit prior to the meeting.

The Principal Planning Officer reported the receipt of one letter of objection, and a letter in response to the objector from the applicant, 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: Refusal, for the following reasons, viz:- (1) the proposed use does not lie within Classes 4 or 11 of the Town and Country Planning (Use Classes) (Scotland) Order 1989, and would therefore not be in accordance with Policy IN1 of the Finalised Kilmarnock and Loudoun District Plan; and (2) the proposed development would have a detrimental effect on the amenity of the residential area.

It was also reported that neither the objector nor the applicant had intimated their wish to address the Committee either in person or through a third party.

It was agreed to continue consideration of this application to a future meeting of this Committee, following a site visit to which representatives of Strathclyde Police and Road Safety Officers would be invited in order to examine the access and egress arrangements at the site with particular regard to arrangements for large vehicles.

#### **1.4 APPLICATION NO 98/0697/FL: MR J MOHAMMED**

There was submitted a report dated 6 January 1999 (circulated) by the Head of Planning and Building Control on a full planning application for proposed alteration of Condition to extend opening hours to 10pm till 12am (Friday and Saturday) and 10pm till 11pm (Sunday to Thursday) at 8 Milrig Crescent, Galston.

##### **1.4.1 Declaration of Interest**

Councillor Macrae declared a pecuniary interest in the application and took no part in the decision.

##### **1.4.2 Determination of Application**

The Principal Planning Officer reported the receipt of one letter and a petition with 50 signatories received in support of the application; 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, viz:- the proposed extension of hours of operation would introduce traffic, noise and disturbance to a predominantly residential area at a time when those living in that area might reasonably expect relative quietness, and the subsidence of other sources of noise and disturbance.

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

#### **1.5 APPLICATION NO 98/0683/FL - MR AND MRS MILLER**

There was submitted a report dated 6 January 1999 (circulated) by the Head of Planning and Building Control on a full planning application for proposed extension and attic conversion at 5 Hemphill Road, Moscow.

The Principal Planning Officer 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 would be contrary to Policy EN11 of the Finalised Kilmarnock and Loudoun District Plan as modified as the design is not compatible with the architectural character of the area and would introduce overlooking of neighbouring property.

It was agreed to approve the application.

#### **1.6 APPLICATION NO 98/0599/FL - J STEEL**

There was submitted a report dated 7 January 1999 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of manager's house, relocation of catering bothy and alteration to shape of fishery pond at Cowans Law, Moscow.

The Principal Planning Officer reported that the application was contrary to the local plan policy; 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 and plans submitted on 24 August 1998 as revised by the elevational and block plans received by the Planning Authority on 21 October 1998; (3) notwithstanding the plan(s) hereby approved a septic tank provided to serve the development shall be

sited in such a position as will enable it to be emptied by the tanker; (4) notwithstanding the plans hereby approved, the manager's house/catering bothy shall not be occupied until the fishery is completed and open to the public. The house shall only be occupied by persons employed in the management of the fishery or a dependant of such a person residing with them (or a widow or widower of such person); (5) the septic tank effluent shall be discharged to the stream via an extensive partial soakaway arrangement. The septic tank and soakaway shall be designed and constructed in accordance with BS 6297: 1983. Surface water shall be excluded from the septic tank; (6) notwithstanding the plans hereby approved, the pond shall be sealed with a layer of clay or other natural permeable material or alternatively an artificial liner; (7) this approval relates to the erection of a fishery manager's house/relocation of a catering bothy and alteration to the shape of the fishery pond and does not include any amendments to the direction of clay pigeon shooting; 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; Condition (3) in the interest of public safety; Condition (4) to ensure that the justification for the dwellinghouse is operational prior to occupation since the construction of a new dwellinghouse in the countryside would not be permitted without the justification; Condition (5) in the interest of public safety; Condition (6) to prevent seepage into deep drainage, frissures in the bed rock or underground working in the interest of public safety; and Condition (7) to ensure that the development relates only to those items forming part of the application and not the direction of shooting as included on the block plans submitted.

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

#### **1.7 APPLICATION NO 98/0820/TP: MR D LAW, EAST AYRSHIRE COUNCIL, OUTDOOR SERVICES**

There was submitted a report dated 31 December 1998 (circulated) by the Head of Planning and Building Control on a Tree Preservation Order application for proposed felling and removal of 2 elms and removal of lower limbs from four laurels at West Park House, 52 Irvine Road, Kilmaurs.

The Principal Planning Officer 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 elm trees shall be felled by a competent tree surgeon or arborist with all the timber being removed from the site to the complete satisfaction of the Planning Authority; and (2) following the felling of the trees, replacement with native species shall be undertaken during the next available planting season within the immediate vicinity of the trees which are being felled. The numbers and height of replacements shall be agreed in advance by the Planning Authority. Condition (1) being imposed in the interest of public safety; and Condition (2) in the interest of amenity.

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

### **1.8 APPLICATION NO 98/0744/FL: MR E BELCHER**

There was submitted a report dated 6 January 1999 (circulated) by the Head of Planning and Building Control on a full planning application for proposed garage at Cragston, Loudoun Street, Stewarton.

The Principal Planning Officer 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 plan(s) hereby approved the external appearance of all materials to be used in the construction of the garage shall match the materials of the original building; and (3) notwithstanding the plan(s) hereby approved, only the following tree works are permitted and they shall be implemented not later than the next appropriate planting season after construction of the garage: (i) crown lifting to one Horse Chestnut (*Aesculus Hippocastanum*) and one Sycamore (*Acer Pseudopiantis*) to the rear of the proposed garage; and (ii) felling of 3 Birch trees (*Betula Petula*) to the rear of the proposed garage and replacement planting with 3 Birch trees (*Betula Petula*) (HEAVY STANDARD SPECIMENS); Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and Conditions (2) and (3) in the interest of visual amenity.

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

### **1.9 APPLICATION NO 98/0772/FL: MCLEAN HOMES**

There was submitted a report dated 6 January 1999 (circulated) by the Head of Planning and Building Control on a full planning application for proposed residential development at Phase 4, Southcraigs, Kilmarnock.

The Principal Planning Officer reported that this was a larger scale application which accorded with the development plan; 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, the facing, roofing and surfacing materials are not hereby approved. Details/samples of facing, roofing and surfacing materials shall be submitted to and approved by the Planning Authority prior to the commencement of any development on site; (3) notwithstanding the plans hereby submitted, a full drainage layout shall be agreed with West of Scotland Water prior to the commencement of any development on site; (4) details of any landscaping of the site, including the provision of play equipment and the maintenance of the 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 development. Such details shall include the timescale for the implementation of the landscaping and play equipment in relation to the completion of the dwellings; and (5) proof of an agreement between the applicant and the Scottish Greenbelt Company regarding maintenance of the burn and hedge to the rear of properties on Colonsay Place (or any other area intended to be maintained through transfer to the Greenbelt Company), shall be submitted to and approved by the Planning Authority, prior to the commencement of any development on site. Such agreement shall include full details of the maintenance specifications.

Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) in the interests of visual amenity; Condition (3) in the interest of public health; Condition (4) to ensure that open space is adequately provided and maintained in the interest of residential amenity; and Condition (5) to ensure that the hedge and burn will be maintained in the future.

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

The meeting terminated at 1110 hours.