

**EAST AYRSHIRE COUNCIL****NORTHERN AREA LOCAL PLANNING COMMITTEE****MINUTES OF RESCHEDULED MEETING HELD ON MONDAY 15 MAY 2000 AT 1000 HRS IN KILMAURS COMMUNITY CENTRE, EAST PARK DRIVE, KILMAURS**

**PRESENT:** Councillors Jim Raymond, Brian McNeil, Stephanie Young, Harry Wilson and Findlay MacLean.

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

**APOLOGIES:** Councillors Kathleen Hall, Ann Hay and Robert McDill.

**CHAIR:** Councillor Jim Raymond, Vice-Chair.

**CONSIDERATION OF PLANNING APPLICATIONS**

**1.1** The Principal Administrative Officer established that the Hearing procedure was understood by all participants.

**1.2 APPLICATION NO 99/0447/FL: DR AND MRS J BEITH (Item 1.4, Page 871)**

There was resubmitted an executive summary sheet and report dated 5 April 2000 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed erection of dwellinghouse at 46 Main Road, Fenwick.

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 letters of objection from four consultees, 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 16 June 1999, as revised by the elevations and house plans received by the Planning Authority on 30 March 2000; (3) Notwithstanding the plans hereby approved, all external walls shall be wet-dash harled and painted white, with the exception of the banding around windows, which shall be painted in a contrasting colour to be agreed in advance by the Planning Authority; (4) Notwithstanding the submitted details, the dwellinghouse shall be roofed in natural slate; (5) All windows shall be of timber sash and case construction unless otherwise agreed by the Planning Authority and shall be painted white; (6) The parking facilities hereby approved shall be provided prior to the first occupation of the dwelling; and (7) The footway fronting the site shall be reconstructed to the Council's standard with the new access crossing formed to appropriately serve the pend; 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), (4) and (5) to ensure the development is

compatible with the character and appearance of the nearby properties and the Conservation Area in which it is located; and Conditions (6) and (7) in the interest of road safety.

The Committee then heard Mr Weir and Mr Webster, on behalf of Fenwick Community Council, objectors, in support of their objections and Doctor Beith, the applicant, in support of the application. Members asked questions of the objectors and the applicant. The objectors and 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.

### **ADJOURNMENT/RECONVENTION**

It was agreed to adjourn the meeting at 1045 hours to allow the Committee to take legal advice.

The meeting reconvened at 1058 hours with the same Members and Officers present and attending.

It was agreed to refuse the application on the grounds that the proposed development would be detrimental to the visual amenity of the Conservation Area.

Councillor Raymond dissented from the decision.

### **1.3 APPLICATION NO 00/0146/FL: OCEAN HOMES**

There was submitted an executive summary sheet and report dated 4 May 2000 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed erection of nine private dwellinghouses at Blair Avenue, Hurlford.

The Development Promotion Manager reported the receipt of three letters of objection, details of which were contained within the report, of the receipt and content of an additional response from a consultee, and of an extension to Condition 9 in his report (Condition 10 below) requiring the submission of a land drainage scheme by a suitably qualified consulting engineer; 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 15 February 2000 and the plans received by the Planning Authority on 15 February 2000 and the amended plans received by the Planning Authority on 28 April 2000; (3) A landscaping scheme including the treatment of the boundary of the site, the provision and details of frontage tree planting at the site boundary with Blair Avenue and details of future maintenance arrangements, shall be submitted to and approved by the Planning Authority prior to commencement of any development. Any trees removed without consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by trees of a similar size or species as may be agreed in writing with the Planning Authority; (4) The landscaping to be provided for this development as part of Condition (3) shall be provided in relation to phases of house building, details of which shall be included within the landscaping scheme; (5) Notwithstanding the submitted plans, details of the design and construction of all fences and walls to be erected on site, and which shall include a 1.8 metre screen fence along the site

boundary shaded brown on the approved plans shall be submitted to and approved by the Planning Authority before any development commences on the site; (6) Before any of the dwellinghouses situated on a site upon which a fence is to be erected are occupied, the fence or wall for which the permission of the Planning Authority has been obtained under the terms of Condition (5), shall be erected and thereafter maintained to the satisfaction of the said Authority; (7) Before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Planning Authority; (8) Prior to any of the dwellinghouses hereby approved being occupied, a two metre wide footpath shall be constructed along the frontage of the site with Blair Avenue as shown on the approved plans; (9) None of the houses hereby approved shall be occupied before there have been undertaken traffic calming measures, to Blair Avenue over the frontage of the site and extending to the junction with the A71. These measures shall be in accordance with the Roads Development Guide and shall be submitted to and approved by the Planning Authority prior to the commencement of development; (10) Notwithstanding the submitted plans, the proposed land drainage works are not hereby approved. Before any work commences on the site, details of a scheme addressing in full the issue of land drainage and eliminating the potential for surface water to be passed from the site onto adjoining properties, shall be submitted by a suitably qualified consulting engineer to and approved by the Planning Authority; (11) The development hereby permitted shall not be commenced until the land drainage works approved under the terms of Condition (10) have been completed in accordance with the scheme submitted to and approved by the Planning Authority; and (12) Prior to the commencement of development on site, the applicant shall have submitted to, and have had approved by the Planning Authority, details confirming the suitability of the site for construction purposes and for the accommodation of residential properties; 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 amenity; Condition (4) to ensure that planting is laid out in a proper manner in the interest of residential amenity; Conditions (5) and (7) in the interest of visual amenity; Condition (6) in the interest of residential and visual amenity; Condition (8) in the interest of public safety; Condition (9) in the interests of road safety; Conditions (10) and (11) to ensure the provision of a satisfactory land drainage system; and Condition (12) to ensure that due regard is taken of the previous use of the land.

The Committee then heard Mrs Alexander, objector, in support of her objection and Mr Ward, the applicant, in support of the application. Members asked questions of the objector and the applicant. The objector 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.

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

#### **1.4 APPLICATION NO 99/0844/RM: KEYHOLE DESIGN LTD**

There was submitted an executive summary sheet and report dated 4 May 2000 (both circulated) by the Head of Planning and Building Control on a planning

application for proposed approval of reserved matters, erection of Plots 1, 2 and 3, formation of seven plots and means of access at Dykescroft, Firpark Road, Moscow.

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 two letters of objection including one from a consultee, details of which were contained within the report and of an additional condition requiring the applicant, prior to the commencement of development on site, to submit to and have had approved by the Planning Authority, engineering details confirming the manner by which the future stability of the river embankment will be ensured where it is to be reformed, to ensure that a viable engineering solution is proposed in the interests of public safety; 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 proposed development shall be carried out in accordance with the revised application form received on 29 March 2000 and the amended plans received by the Planning Authority on 10 February 2000 (Drawing No B494 - PO3), 16 March 2000 (Drawing Nos B494 - PO2, B494 - PO4) and 29 March 2000 (Site Boundary and Drawing No B494 - PO1); (2) No dwellinghouse shall be occupied until a two metre wide public footway has been constructed to connect the pedestrian access from dwellings on the site to the existing public footway at the junction with the A719 (NB: this permission does not convey the necessary road construction consent for such a footpath); (3) The existing hedge along the north western boundary adjacent to the road shall be retained intact and maintained thereafter to the satisfaction of the Planning Authority except insofar as to allow access to the site; (4) Details of the proposed maintenance scheme with regard to open space, hedges and the grassed area including the cherry trees along the roadside verge shall be submitted to and approved by the Planning Authority prior to the commencement of development; (5) No site clearance or building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected around (i) the four Prunus (Cherry) trees along the roadside verge at a radius of 8 metres from the trunk of the trees; and (ii) around the woodland trees to the north east of the site at a radius of 10 metres from the trunk of the trees or the areas prescribed by the limit of the spread of the branches of the trees, whichever is the greater. Such fencing shall be maintained during the course of the development, and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed; (6) No trees shall be felled, lopped, have roots cut, or be the subject of any other works without the written consent of the Planning Authority; (7) A landscaping scheme for plots 1, 2 and 3 shall be submitted to and approved by the Planning Authority, prior to commencement of any development, and shall be implemented immediately upon completion of the three houses. The scheme shall include details of the provision to be made for the maintenance of soft and hard landscaped areas, and shall be maintained thereafter in accordance with these details; and (8) No houses shall be occupied until all roads and footpaths are completed to base course level and any road drainage system is installed. The road and footpath wearing surfaces shall be completed immediately all the houses are occupied, all to the satisfaction of the Planning Authority; (9) During construction, the developer of the site shall ensure that adequate and continuing measures are taken to ensure that roads and footpaths adjoining the site are maintained free from mud and other materials carried from the site by construction and any other vehicles; (10)

The further details to be submitted relating to Plots 4-10 inclusive shall ensure that:

- (i) each plot shall provide for no greater than 30% coverage of the plot with buildings;
- (ii) no external house wall, including any garages, shall be within 2m of any plot boundary;
- (iii) any dwelling shall have private, secluded garden space of at least 100 sq ms in area;
- (iv) the design of any dwelling shall be compatible with any existing or approved buildings adjacent to the particular plot;
- (v) no dwelling shall be located within a distance of 10m from the woodland to the north east of the site or within a distance of 8m from the 4 Prunus (Cherry) trees along the roadside;

(11) The further details to be submitted relating to Plots 4-10 inclusive shall:

- (i) require all the plots to be no more than the equivalent of two storeys in height, including any underbuilding required (ie where significant underbuilding is required dwellings should only have living accommodation on a single level). No dwelling shall be more than half a storey different in height to the house built or approved on the plot immediately adjacent to it;
- (ii) include the use of a limited range (one brick type, one render type and one roof type) of finishing materials to be agreed in writing by the Planning Authority prior to the approval of any further Reserved Matters or Full Planning applications; and
- (iii) no buildings main elevation(s) shall be located within eight metres of the edge of any footpath adjacent to the main road;

(12) Notwithstanding the plans hereby approved the external surface of all walls shall be wet dash rendered in an off-white or cream colour. Random rubble finish to external walls is not approved;

(13) Notwithstanding the submitted plans Marley Mock Modern Grey coloured interlocking concrete roof tiles with red ridges are not approved. Details/samples of an alternative roofing material shall be submitted to and approved by the Planning Authority before any development commences on the site;

(14) Notwithstanding the submitted plans the basecourse and surrounds shall be smooth cement render in a colour to be agreed in writing with the Planning Authority prior to the commencement of development;

(15) Notwithstanding the submitted plans the dwellinghouse on Plot 3 shall incorporate skew stones;

(16) Notwithstanding the submitted plans the mullions shall be constructed and finished in the same material and shall share the same plane as the house walls;

(17) There shall be no commencement of development on site until the livestock barriers have been removed from the culvert at the south corner of the site and the culvert has been cleaned and pointed;

(18) Notwithstanding the submitted plans the foul drainage shall be connected to the public sewer; and

(19) Notwithstanding the submitted plans the access point for Plot 10 shall be relocated adjacent to the access point identified for Plot 9;

Condition (1) being imposed to ensure that the development shall be carried out in accordance with the approved details;

Condition (2) in the interest of road safety;

Conditions (3), (6), (12), (13), (14) and (16) in the interests of visual amenity on this high amenity site;

Condition (4) to ensure that all areas of public open space are laid out and maintained in a proper manner in the interests of visual and residential amenity;

Condition (5) to ensure the retention of the maximum number of trees and their protection from damage in the interests of visual amenity;

Condition (7) to ensure that the public open space provision is provided to an adequate standard, and that it is subsequently maintained, in the interests of residential and visual amenity;

Condition (8) in the interest of highway safety and residential amenity;

Condition (9) in the interest of public and road safety and residential amenity;

Conditions (10) and (11) in the interest of residential and visual amenity on this high amenity site;

Condition (15) in the interest of visual amenity and to reflect the use of skew stones in Plots 1 and 2;

Condition (17) in the interest of preventing flood risk; Condition (18) in the interests of

public safety; and Condition (19) in the interest of visual amenity (to ensure the retention of the maximum number of trees) and road safety.

The Committee then heard Mrs Meikle, representing Moscow and Waterside Community Council, in support of their objections and Mr Nicoll, the applicant's agent, in support of this application. Members asked questions of the objector and the applicant. The objector 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.

### **ADJOURNMENT/RECONVENTION**

It was agreed to adjourn the meeting at 1145 hours to allow the Committee to take legal advice.

The meeting reconvened at 1200 hours with the same Members and Officers present and attending.

It was agreed to approve the application subject to the conditions and for the reasons detailed, including the additional condition detailed with the amendment that Condition 11(i) be amended to read as follows, viz:- Plots 4-10 to be no more than the equivalent of 1½ storeys in height, including any underbuilding required (ie where significant underbuilding is required dwellings should only have living accommodation on a single level). For the purposes of this condition a 1½ storey dwelling will be considered, in terms of its scale to be one matching in appearance the existing 1½ storey dwellings to the north west across the public road.

Councillor McNeil dissented from the decision.

The meeting terminated at 1205 hrs.