

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 22 MAY 1997 AT 1400 HOURS IN HURLFORD COMMUNITY CENTRE, CESSNOCK ROAD, HURLFORD

PRESENT: Councillors David Fulton, James O'Neill, Kathleen Hall, Robert Beattie, David Macrae, Kim Nicoll and Robert McDill.

ATTENDING: Alan Neish, Head of Planning and Building Control; Ken Robinson, Principal Administrative Officer; Hamish Buttle, Planning Officer; Yvonne Mitchell, Planning Officer and Alex Hewetson, Administrative Officer.

APOLOGIES: Councillor George Turnbull.

CHAIR: Councillor David Fulton, Chair.

CONSIDERATION OF PLANNING APPLICATIONS

1.1 APPLICATION NO 97/0205/FL: DOUGHTY HOMES LIMITED

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

There was submitted a report dated 13 May 1997 (circulated) by the Head of Planning and Building Control on a full planning application for proposed construction of access road, open space and serviced plots at land adjacent to Towerhill Avenue, Kilmaurs.

The Head of Planning and Building Control reported that two letters of objection and an objection from Kilmaurs Community Council had been received, details of which were contained within the report; reported the receipt and content of a further objection; 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 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 19 March 1997 and the amended plans and applicants letter received by the Planning Authority on 14 May 1997; (3) the road hereby approved shall be completed to the satisfaction of the Planning Authority prior to the occupation of the first dwelling on the site; (4) Details/samples of a restricted number of facing materials and roof tiles (1 brick type, 1 roof tile and roughcast/render) shall be submitted to and approved by the Planning Authority before any development commences on site; (5) 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; (6) The footpath along the north boundary of the site shall remain free from obstruction and open to use by the public at all times to the satisfaction of the Planning Authority; (7) No demolition, site clearance or building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres in height has been erected around the trees shown on the approved plans as being retained on the site. The fencing shall enclose either: (a) the area defined by the limit of the spread of the branches of the tree; or

(b) a radius of 5 metres 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 or any other operation shall be permitted within the area thereby enclosed; (8) Existing hedges along all boundaries of the site shall be retained, with additional infill hedge planting along the southern boundary of the site and shall be maintained thereafter to the satisfaction of the Planning Authority; (9) A landscaping scheme, including the following matters shall be submitted to and approved by the Planning Authority prior to the commencement of development; (i) Provision of planting on the areas of open space (ie land outwith any house plot); (ii) The provision of play equipment in the area of open space adjacent to plots 2 and 3; (iii) The means of maintenance of the landscaping/play equipment and the implementation in relation to the progression of the site; (iv) Additional tree planting along the eastern boundary of the site to be implemented not later than the next appropriate planting season after the commencement of the development on the site; (v) Additional tree planting and screen fencing along the western boundary of the site to be implemented prior to the occupation of the first dwelling; (10) Notwithstanding the plans hereby approved the following access and roads arrangements shall be complied with prior to the construction of the first dwelling house on the site: (i) The turninghead at the end of Towerhill Avenue shall be removed, pavements within the site shall link to the existing pavement in Towerhill Avenue and the remainder of the redundant turning head shall be transferred to garden area (with appropriate driveway extension); (ii) Traffic calming measures indicated shall comply with East Ayrshire Council Roads Guidelines, in terms of construction and appropriate signage shall be provided within Towerhill Avenue; Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) to ensure that development is carried out in accordance with the approved details; Condition (3) in the interest of road safety and residential amenity; Condition (4) to ensure consistency of materials throughout the development, in the interest of visual amenity; Condition (5) and (8) in the interest of visual amenity; Condition (6) to ensure the continued right of access by the public through the site; Condition (7) 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 (9) 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 and Condition (10) in the interest of Road Safety and public health.

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

APPLICATION NO 97/0113/FL: HARLEQUIN CONSTRUCTION LIMITED

- 1.2** There was submitted a report dated 13 May 1997 (circulated) by the Head of Planning and Building Control on a full planning application for proposed demolition of existing building and erection of retail/residential building at 55 High Street, Stewarton.

The Head of Planning and Building Control reported that one letter of objection had been received, 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 condition, 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 19 February 1997 as revised by the Elevations and section as proposed (Drawing No 1862 W7B) plan received by the Planning Authority on 30 April 1997; (3) No development shall take place within the application site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the developer, agreed by West of Scotland Archaeology Service and approved by the Planning Authority; (4) Notwithstanding the submitted plans, the "marley modern" roof tiles are not hereby approved. Details/samples of slate or a material with an appearance similar to slate, shall be submitted to and approved by the Planning Authority for use in the building before any development commences on the site; 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; Condition (3) to ensure that an appropriate archaeological survey is submitted and Condition (4) in the interest of visual amenity.

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

APPLICATION NO 97/0215/FL: MYRA RICHMOND

- 1.3** There was submitted a report dated 12 May 1997 (circulated) by the Head of Planning and Building Control on a full planning application for proposed change of use from hairdressing salon to dwellinghouse at 18 Orchard Street, Galston.

The Head of Planning and Building Control reported that one letter of objection with two signatories had been received, details of which were contained within the report; summarised the planning consideration in respect of the application; and gave the recommendation of the Head of Planning and Building Control:- Approval subject to the following condition, viz:- the development to which this permission relates must be begun within five years from the date of this permission; The above condition being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972.

It was agreed to grant the application subject to the condition and for the reason detailed.

APPLICATION NO 97/0275/FL: ENTERPRISE AYRSHIRE

- 1.4** There was submitted a report dated 12 May 1997 (circulated) by the Head of Planning and Building Control on a full planning application for proposed construction of 2880m² light industrial unit with associated office space at Plot B5, Rowallan Business Park, Glasgow Road, Kilmarnock.

The Head of Planning and Building Control 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) 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 21 April 1997 and the amended plans received by the Planning Authority on 6 May 1997 (amended drawings) and 12 May 1997 (amended application form); (3) A landscaping scheme including the treatment of the boundary of the site 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 the 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; (4) Notwithstanding the plans hereby approved, details/samples of the external materials to be used shall be submitted to and approved by the Planning Authority before the development commences on site; (5) Notwithstanding the plans hereby approved, the following access arrangements shall be complied with prior to the commencement of the development hereby approved: (i) sightlines at each access to be 4.5m x 60m to be maintained free from obstruction greater than 1.0m in height at all times; (ii) junction spacing on industrial roads no less than 25m; (iii) the access into the parking area from link road 2 should accord with the detail in figure 57 of the East Ayrshire Council Roads Guidelines; (iv) the other two accesses shall be constructed as specified in the existing road construction consent for the Rowallan Business Park Development; (6) The building shall be used only for purposes as defined by Classes 4, 5 or 11 in the Town and Country Planning (Use Classes) (Scotland) Order 1989; (7) The proposal hereby approved shall not be operational until the formation of an appropriate access road from the roundabout into Rowallan Business park to the application site entrances; (8) Notwithstanding the plans hereby approved, the construction of landscaping bund along the southside of link road 2 shall be constructed and planted in accordance with approved planning consent (96/0103/RM) to the western boundary of the application site, prior to the occupation and operation of the use hereby approved. Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) to ensure that development is carried out in accordance with the approved details; Condition (3) to ensure that adequate provision of open space is provided, to an adequate standard, and that it is subsequently maintained, in the interest of visual amenity; Condition (4) in the interest of visual amenity; Conditions (5) and (7) in the interests of road safety; Condition (6) to safeguard the amenity of the area; Condition (8) to ensure appropriate landscaping/screening is in place in accordance with prior planning consent.

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

APPLICATION NO 97/0254/FL: MR R McNAMARA

- 1.5** There was submitted a report dated 13 May 1997 (circulated) by the Head of Planning and Building Control on a full planning application for proposed rear conservatory at 5 Keir Hardie Crescent, Galston.

The Head of Planning and Building Control reported that one letter of objection had been received, 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) Notwithstanding the submitted plans, a 2 metre high fence shall be provided along the eastern boundary of the rear garden for a distance of 2.8 metres from the back of the house. Details of the design and construction of the fence shall be submitted to and approved by the Planning Authority before any development commences on the site; Condition (1) being

imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972 and Condition (2) to prevent the undue overlooking of the adjacent property, in the interest of residential amenity.

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

APPLICATION NO 97/0143/OL: CHURCH OF SCOTLAND GENERAL TRUSTEES

- 1.6** There was submitted a report dated 13 May 1997 (circulated) by the Head of Planning and Building Control on an outline planning application for proposed development of vacant land for residential development at The Glebe, Dunlop.

The Head of Planning and Building Control reported that fifteen letters of objection, one objection from Fenwick Community Council, three consultee objections and one letter of representation in support of the proposal had been received, 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 development would have a detrimental impact on the character and setting of the Outstanding Conservation Area of Dunlop and would result in the loss of an important area of ground which has significant historical and environmental amenity benefit; (2) The proposed development would constitute the erection of new dwellings in the countryside without agricultural support, and would therefore not be in accordance with Policy HR1 of the Kilmarnock and Loudoun Finalised District Plan; (3) The proposal would constitute the erection of dwellings in the countryside. In the absence of adequate justification to permit the development or any evidence of the deficiency in the housing land supply it would be contrary to policies CAT1, CAT1A and RES2A of the Adopted Strathclyde Structure Plan; (4) In the absence of adequate circumstances to justify the development, it would be contrary to NPPG3 "Land for Housing"; (5) The development, by virtue of the generation of traffic on to the public road without adequate pavement provision would result in a road safety hazard.

The Committee then heard Colonel M F Gibson in support of his and others' objections, Mr H Hamilton on behalf of Fenwick Community Council in respect of their objection and Mr W I Munro, Agent for the applicant, in support of the application all in accordance with the agreed Hearing procedure. Members asked questions of Colonel M F Gibson, Mr H Hamilton, and Mr W I Munro.

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

APPLICATION NO 97/0159/OL: STEWARTON BOWLING CLUB

- 1.7** There was submitted a report dated 14 May 1997 (circulated) by the Head of Planning and Building Control on an outline planning application for proposed extension to existing clubhouse at Stewarton Bowling Club, Dunlop Street, Stewarton.

The Head of Planning and Building Control reported that five letters of objection with eight signatories had been received, 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) 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 extension; (c) The means of drainage and sewage disposal; (d) The provision for car parking; (e) The boundary walls/fences to be erected; (f) The landscaping of the site; (g) Finished site levels/floor levels; (4) Details submitted under Condition No 3 above shall include: (i) a building no greater than one storey in height; (ii) an absence of windows in the north or west elevations (other than obscurely glazed or high level windows); and (iii) materials compatible with the existing building. 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 and Condition (4) to ensure no undue impact upon the neighbouring property, in the interest of residential amenity.

The Committee then heard Mr I Cuthbertson in support of his objection. Mr H Fulton, Stewarton Bowling Club, was in attendance and in accordance with the agreed Hearing procedure. Members asked questions of Mr I Cuthbertson and Mr H Fulton.

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

APPLICATION NO 97/0137/OL: MR AND MRS STIENLET

- 1.8** There was submitted a report dated 8 May 1997 (circulated) by the Head of Planning and Building Control on an outline planning application for proposed residential development at 90 Main Road, Fenwick.

The Head of Planning and Building Control reported that one letter of objection and one letter of support, from the applicant, had been received, 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) 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 residential unit(s). (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) Details submitted under Condition 3 above shall provide for (a) a building of no greater than 2 storey scale; (b) a pitched roof no less than 35 degrees, with a natural slate covering; (c) windows of vertical proportion, of timber construction either being or

having the appearance of sash and case windows; (d) external finish of render or natural stone; (e) a front building line level with No 90 or 92 Main Street; (f) the rear wall no further than 2m, beyond that of No 92; (5) Access shall be by means of a pavement crossing; (6) All parking and access shall be complete and made available for use prior to the first occupation of any residential unit. 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; Condition (4) to ensure the development is compatible with the adjacent properties, in the interest of the character and appearance of the Fenwick Conservation Area; and Condition (5) in the interests of road safety.

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

APPLICATION NO 97/0157/OL: MR D HORSLEY

- 1.9** There was submitted a report dated 14 May 1997 (circulated) by the Head of Planning and Building Control on an outline planning application for proposed residential development at 25 Waterslap, Fenwick.

The Head of Planning and Building Control reported that one letter of objection and an objection from Fenwick Community Council had been received, 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 development would constitute the erection of a new dwelling in the countryside without agricultural support, and would therefore not be in accordance with the Policy HR1 of the Kilmarnock and Loudoun Finalised District Plan; (2) The proposal would constitute the erection of a dwelling in the countryside. In the absence of any specific locational need or any evidence of a deficiency in the housing land supply, it would be contrary to policies CAT1, CAT1A and RES2A of the Adopted Strathclyde Structure Plan; (3) In the absence of specific circumstances to justify the development, it would be contrary to NPPG3 "Land for Housing"; (4) The development, by virtue of the generation of traffic onto Waterslap without adequate sightlines, would result in a road safety hazard.

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

APPLICATION NO 97/0217/OL: FENWICK GOLF CLUB

- 1.10** There was submitted a report dated 13 May 1997 (circulated) by the Head of Planning and Building Control on an outline planning application for proposed 18 hole golf course at Craufurdland Castle Estate, Fenwick.

The Head of Planning and Building Control reported that one letter of objection, an objection from Scottish Civic Trust and one letter of representation from the applicants had been received, 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:- Condition (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) Formal application for planning permission in respect of detailed plans of any proposed new building (including a clubhouse) or extensions or alterations (including building materials) and any new accesses shall be submitted to and approved by the Planning Authority, before any development commences; (4) Notwithstanding the plans hereby approved, the layout of the golf course is not approved. Revised details of the layout of the golf course and parking area shall be submitted to and approved by the Planning Authority before the use hereby approved commences. Such details shall include earthworks and landscaping within the site; (5) Details of the proposed sewage treatment of the development shall be submitted to and approved by the Planning Authority prior to the commencement of the use hereby approved; (6) Details of appropriate safety measures along the C85, where it passes through the golf course shall be submitted to and approved by the Planning Authority, prior to the commencement of the use hereby approved; (7) Notwithstanding the plans hereby approved, road improvements to surrounding infrastructure, as indicated in the memo of 17 April 1997 from Head of Roads and Transportation (East Ayrshire Council) to Head of Planning (East Ayrshire Council) shall be undertaken prior to the commencement of the use hereby approved; (8) At no time shall the natural course of Craufurdland Water be affected by this development to the satisfaction of the Planning Authority; (9) No trees shall be felled, lopped or have roots cut on the site without the written consent of the Planning Authority; (10) A landscaping scheme shall be submitted to and approved by the Planning Authority, prior to the 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 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 and species as may be agreed in writing by the Planning Authority; (11) The right of way (Route K10) along Craufurdland Water shall remain free from obstruction and open to use by the general public at all times, to the satisfaction of the Planning Authority; (12) No development shall take place within the application site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the developer and agreed by West of Scotland Archaeological Service. Conditions (1) and (2) being imposed to comply with Section 39 of the Town and Country Planning (Scotland) Act 1972; Condition (3) The approval relates to a change of use only; Conditions (4) and (9) In the interest of visual amenity; Condition (5) In the interests of public health; Condition (6) In the interests of road safety; Condition (7) To ensure that adequate infrastructure is in place to accommodate the approved use, in the interest of road safety; Condition (8) In the interest of wildlife conservation; Condition (10) To ensure that adequate landscaping is provided, to an adequate standard, and that it is subsequently maintained, in the interests of visual amenity; Condition (11) To ensure the retention of a right of way; Condition (12) to ensure that an appropriate archaeological survey is submitted.

It was agreed:-

- (i) to grant the application subject to the conditions and for the reasons detailed; and

- (ii) that a written scheme of investigation by the West of Scotland Archaeology Service would be circulated with the full planning application for this development.

APPLICATION NO 97/0187/LB: CHURCH OF SCOTLAND

1.11 There was submitted a report dated 14 May 1997 (circulated) by the Head of Planning and Building Control on a listed building application for proposed removal of organ at Hurlford Kirk, Main Road, Crookedholm, Kilmarnock.

The Head of Planning and Building Control reported that four letters of objection and additional information from the applicant had been received, details of which were contained within 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, viz:- (1) The proposed development would be contrary to Policy 4.7.13 of the Adopted Kilmarnock Local Plan which presumes against any alterations to a listed building which, in the opinion of the Planning Authority are detrimental to the character of that listed building; (2) The proposal would, have a detrimental effect on the high quality, elaborate interior of the B-Listed building since the organ is an impressive focal element within the Church; (3) The proposed development would be contrary to Policy EN14 of the Finalised District Plan which encourages new uses which will result in the preservation of buildings of architectural/historic interest; (4) There is no evidence of any investigation of potential future uses of the building which may justify removal of furniture and fittings, and the resultant loss of character.

The Committee then heard Mr D Baird, Agent for the applicant in support of the application. There were no objectors present. Members asked questions of Mr D Baird.

It was indicated by Mr D Baird, agent for the applicant, that the Church of Scotland were willing to enter into a Minute of Agreement with the Council to secure immediate relocation of the organ from Hurlford Kirk, Main Road, Hurlford and were in agreement to the drafting of an appropriate legal agreement by the Head of Planning and Building Control on the basis that the Committee agreed to grant the application upon the satisfactory conclusion of a Minute of Agreement.

It was agreed:-

- (i) to grant the application upon the satisfactory conclusion of a Minute of Agreement between the Church of Scotland and the Council in terms as detailed above; and
- (ii) subject to the decision being referred to Historic Scotland under Listed Building Regulations.
- (iii) to note that the applicant and Planning and Building Control Division would meet to discuss possible future uses for Hurlford Kirk.

The meeting terminated at 1520 hours.