

**EAST AYRSHIRE COUNCIL****DEVELOPMENT SERVICES COMMITTEE****MINUTES OF SPECIAL MEETING HELD ON THURSDAY 4 JUNE 1998 AT 1302 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors Drew McIntyre, Ronald Brailsford, Provost Robert Stirling and Councillors Kathleen Hall, John Knapp, Daniel Coffey, David Fulton, Robert McDill, Jim Kelly, Jimmy Boyd, George Smith, Robert Taylor and Tommy Farrell.

**ATTENDING:** Stephen Chorley, Director of Development Services; Alan Neish, Head of Planning and Building Control; Bill Walkinshaw, Principal Administrative Officer; Dave Morris, Development Promotion Manager; Brian Weadon, Area Engineer (Roads and Transportation); Karen McLeod, Senior Solicitor; Ian Walker, Planning Officer; and Alex Hewetson, Administrative Officer.

**APOLOGIES:** Councillors Douglas Reid, Kim Nicoll, George Turnbull and Jimmy Carmichael.

**CHAIR:** Councillor Drew McIntyre, Chair.

**PLANNING AND LISTED BUILDING APPLICATION****1.1 APPLICATION NO 97/0359/FL AND APPLICATION NO 97/0330/LB: LAVENDER HOMES LIMITED (Item 1.1, Page 3219)****1.1.1 PLANNING HEARING**

The Hearing was being held to hear the objectors and applicant in respect of full planning application no 97/0359/FL for proposed change of use and conversion of former residential school and erection of 20 dwellinghouses at Craig House, by Crosshouse, Kilmarnock, and listed building application no 97/0330/LB for proposed conversion of Craig House into eleven dwelling apartments.

There was submitted in respect of the applications a report dated 26 May 1998 (circulated) and a supplementary report dated 2 June 1998 (circulated) by the Director of Development Services summarising all information in relation to the applications.

There was also submitted Note of Procedure (circulated) to be followed at the Hearing.

The Administrative Officer explained the procedure to be followed at the Hearing.

It was noted that Members of the Committee had visited the site prior to the meeting. The Development Promotion Manager reported:-

- (i) that 18 letters of objection including 5 letters of objection from consultees, had been received, details of which were contained within the report; and
- (ii) the receipt of a letter from consultee; the Scottish Civic Trust, Garden History Society and Scottish Natural Heritage, intimating that they upheld their previous comments in relation to their reasons for objecting to the planning application.

The Development Promotion Manager summarised the planning and listed building considerations in respect of the applications and recommended (i) in respect of application no 97/0359/FL: Approval subject to notification to the Secretary of State under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 and 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 submitted on 14 May 1997 and the revised site layout plan 710/3 Revision L received by the Planning Authority on 17 November 1997, the revised existing plan received by the Planning Authority on 2 July 1997, the revised proposed plan received by the Planning Authority on 6 June 1997, the revised proposed elevation received by the Planning Authority on 6 June 1997, the proposed new house details received by the Planning Authority on 19 May 1997, the courtyard block elevation and plan received by the Planning Authority on 8 July 1997 and 25 September respectively, the lodge plan received by the Planning Authority on 18 July 1997, the winter house proposals received by the Planning Authority on 24 June 1997, and the revised tree survey details received by the Planning Authority on 30 March 1998; (3) Prior to the commencement of construction works on any of the proposed new dwellinghouses, the works referred to an 'initial and essential repairs' detailed on Schedule 1 annexed hereto shall be completed in accordance with that schedule to the satisfaction of the Planning Authority; (4) No development shall be carried out until a finalised programme plan, showing the phases by which the land be developed, has been submitted to and approved by the Planning Authority; (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1997, or any order or enactment replacing this no extensions or garages unless forming part of the approved layout shall be erected in relation to any of the houses hereby approved, unless a further specific planning application is submitted and approved by the Planning Authority; (6) Details/samples of all facing, roofing, external walls and road surfacing materials shall be submitted to and approved by the Planning Authority before any development commences on site; (7) That notwithstanding the details of the plans hereby approved all new windows shall be of timber sash and case construction with central mullions where appropriate unless otherwise agreed with the Planning Authority; (8) Details of all boundary walls and fencing shall be submitted to in writing and approved by the Planning Authority before any development commences on site. Such walls and fencing as are approved shall be erected prior to the occupation of any dwelling whose curtilage boundary they form; (9) No building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected around the trees highlighted in blue and shown on the approved plans as being retained on the site. The fencing shall enclose either: (a) the area described by the limit of the spread of the branches of the trees; 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 structures, parking or any other operation shall be permitted within the area thereby enclosed; (10) A landscaping scheme to include a TPO and formal garden management plan, shall be submitted to and approved by the Planning Authority prior to commencement of any development and shall be implemented in accordance with the phasing plan submitted in pursuance of Condition 3 above. The scheme shall include full details of new tree planting to replace those trees to be felled. Such replacement planting shall be implemented within a time frame to be agreed within the proposed management plan; (11) No

excavation work, storage of plant machinery, building materials, or excavated material shall take place within 10 metres of the trunk of any of the trees on the site to be retained highlighted blue on the approved plans; (12) Details of the means of excavating and constructing the roadways and footpath within 10 metres of the trees highlighted blue in the approved plans shall be submitted to and approved by the Planning Authority prior to development. Such details shall ensure that the works shall not cause damage (short or long term) to the highlighted trees; (13) The developer shall satisfy himself by site investigation if necessary as to the suitability of the site for development in terms of its stability; (14) Notwithstanding the plans hereby approved, the external surface of the walls of the proposed new houses shall be rendered or roughcast in a colour to be agreed in writing with the Planning Authority; (15) Notwithstanding the details on the plans hereby approved the roof design of the integral garages on both house types A and B shall be finished with a flat gable, details of which shall be submitted to for approval by the Planning Authority before development commences; (16) Notwithstanding the details on the plan hereby approved the design of the dormer window featured on house types A and B on the courtyard is not approved. Further details of these features shall be submitted to and approved by the Planning Authority prior to the commencement of any new houses; (17) Notwithstanding the details on the plans hereby approved the stepped gable detail on the courtyard is not approved. Further details of this feature shall be submitted to and approved by the Planning Authority prior to the commencement of the new houses; (18) Notwithstanding the details on the plans hereby approved all external doors shall be of timber panelled construction unless agreed with the Planning Authority; (19) Notwithstanding the plans hereby approved, the design of the bay window feature on the front elevations of house type B is not approved. Further details of this window shall be submitted to and approved by the Planning Authority prior to commencement of any of the new houses; (20) There shall be no commencement of any works on site until four passing places are available for use on road 51 as annotated in East Ayrshire Roads Division Memo of 28 May 1997; (21) Notwithstanding the details on the plan hereby approved, further details of the vehicular access and circulation areas for the house Plots 6, 7, 11 and 12 shall be submitted to and approved by the Planning Authority prior to the commencement of work on these houses; (22) Notwithstanding the plan hereby approved further details of the existing and proposed ground levels and finished floor levels for the house plots 18-20 shall be submitted to and approved by the Planning Authority prior to the commencement of work on these houses; (23) Notwithstanding the plans hereby approved further details of the means of infill and levelling of house plot 16 shall be submitted to and approved by the Planning Authority prior to commencement of works on that house; (24) No surface water shall issue from the site onto the public road; (25) No vehicle shall leave the site with earth, mud or other forms of deleterious material attaching to its wheels in a quantity which may result in a nuisance or hazard to vehicles or pedestrians; (26) No construction or site access shall be taken via Craig Lodge or the Craig Centre access roads; and (27) There shall be no commencement of any of the details hereby approved until such time as those works requiring the benefit of listed building consent are in receipt of such consent; 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 securing the listed building; Condition (4) in order to ensure a properly programmed development; Conditions (5), (6) (7), (8), (14), (15), (16), (17), (18), (19), (22) and

(23) in the interests of visual amenity; Condition (9) 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 (10) 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; Conditions (11) and (12) in order to protect the trees on site in the interests of visual amenity; Condition (13) in the interest of public safety; Conditions (20), (21), (24), (25) and (26) in the interest of road safety; and Condition (27) to ensure that development does not proceed until the restoration of Craig House has received the full sanction of Historic Scotland; (ii) in respect of application no 97/0330/LB: Approval, subject to the notification of Historic Scotland under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act, 1997 and 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 submitted on 14 May 1997 and the revised site layout plan 710/3 Revision L received by the Planning Authority on 17 November 1997, the revised existing plan received by the Planning Authority on 2 July 1997, the revised proposed plan received by the Planning Authority on 6 June 1997, the revised proposed elevation received by the Planning Authority on 6 June 1997 and the winter house proposals received by the Planning Authority on 24 June 1997; (3) Prior to the commencement of construction works on any of the proposed new dwellinghouses within the associated Planning Consent 97/0359/FL the works referred to as 'initial and essential repairs' detailed on Schedule 1 annexed hereto shall be completed in accordance with that schedule to the satisfaction to the Planning Authority; (4) No new development shall be carried out until a finalised programme plan, showing the phases by which the land will be developed, has been submitted to and approved by the Planning Authority; (5) Details/samples of facing, roofing and road surfacing materials shall be submitted to and approved by the Planning Authority before any development commences on site; and (6) That notwithstanding the details of the plans hereby approved, all new windows shall be of timber sash and case construction unless otherwise agreed with the Planning Authority; Condition (1) being imposed to comply with Section 16 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997; Condition (2) to ensure that the development is carried out in accordance with the approved details; Condition (3) in the interests of securing the listed building; Condition (4) in order to ensure a properly programmed development; and Conditions (5) and (6) in the interests of visual amenity; (iii) that the planning consent shall not be issued until a formal agreement under Section 75 of the Town and Country (Scotland) Act 1997 has been satisfactorily concluded between the Head of Legal Services and the applicants, in the terms described in Paragraph 10.2 of the report; and (iv) that the planning consent shall not be issued until the listed building application has been notified to and subsequently cleared by Historic Scotland.

The Administrative Officer advised the order in which objectors would be heard in supplement to their written objections.

The Committee then heard Mr Shaw, Mr Newbigging, Mr Fife, Mr Beadle, Mr Donald, representative of Mr Cochrane, Mr Love, Greta Roberts, representative of The Architectural Heritage Society of Scotland, Mr Walker, representative of Scottish Natural Heritage and Mr Blane, representative of Scottish Wildlife Trust, in support of their objections and Mr Waterston, representative of the applicant, in support of the

application. Members asked questions of the objectors and the representative of the applicant. The objectors and the representative of the applicant responded to issues raised, all in accordance with the Hearing procedure.

The Chair closed the Hearing.

### **1.1.2 DETERMINATION OF APPLICATION NO 97/0359/FL**

The Head of Planning and Building Control reported on the planning issues which had been raised during the Hearing.

Councillor Knapp, seconded by Provost Stirling, moved that as the application would constitute a major development of strategic significance contrary to the Development Plan and an unacceptable development for residential purposes within the countryside due to the loss of trees covered by a Tree Preservation Order and its adverse effect on a listed wildlife site, the application be refused.

Councillor Fulton, seconded by Councillor George Smith, moved as an amendment:-

- (i) to grant the application subject to notification to the Secretary of State under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 and to the conditions and for the reasons detailed;
- (ii) that the planning consent should not be issued until a formal agreement under Section 75 of the Town and Country (Scotland) Act 1997 had been satisfactorily concluded between the Head of Legal Services and the applicants, in the terms described in Paragraph 10.2 of the report; and
- (iii) that the planning consent should not be issued until the listed building application had been notified to and subsequently cleared by Historic Scotland.

On a division by a show of hands, the motion was carried by ten votes to three.

### **1.1.3 DETERMINATION OF APPLICATION NO 97/0330/LB**

It was agreed to grant the application subject to the notification of Historic Scotland under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and to the conditions and for the reasons detailed.

The meeting terminated at 1441 hours.