

**EAST AYRSHIRE COUNCIL****NORTHERN AREA LOCAL PLANNING COMMITTEE****MINUTES OF SPECIAL MEETING HELD ON THURSDAY 30 APRIL 1998 AT 1000 HOURS IN THE MORTON HALL, NEWMILNS**

**PRESENT:** Councillors David Fulton, Kathleen Hall, George Turnbull and Robert McDill.

**ATTENDING:** Bill Walkinshaw, Principal Administrative Officer; Jim Worley, Principal Planning Officer; Yvonne Mitchell, Planning Officer; and Gillian Hamilton, Administrative Officer.

**APOLOGIES:** Councillor David Macrae.

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

**CONSIDERATION OF PLANNING APPLICATION****1. APPLICATION NO 97/0303/FL: CRUDENS ESTATES LIMITED (Item 1.2, Page 3273)**

There was re-submitted a report dated 24 March 1998 (circulated) by the Head of Planning and Building Control on a full planning application for the erection of 18 two and three bedroom dwellinghouses, associated roadway and enhancement of right of way and partial removal of rail embankment at area to rear of Kirkland Park House, Kirkland Road, Darvel.

It was noted that Members had carried out a site visit prior to the meeting.

The Principal Planning Officer reported that 3 letters of objection and one letter of objection from a consultee 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: (i) 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 28 April 1997 and the amended plans received by the Planning Authority on 14 January 1998 and 13 March 1998; (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 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 or species as may be agreed in writing with the Planning Authority; (4) No trees shall be felled, lopped or have roots cut on the site without the written consent of the Planning Authority; (5) 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; (6) The proposed development shall be finished in materials to match those of the adjacent plotted residential

development on Kirkland Road; (7) Details of the construction of the proposed footpath connecting the viaduct to Kirkland Road shall be submitted to and approved by the Planning Authority prior to commencement of any development on site; (8) The proposed footpath connecting the viaduct to Kirkland Road shall be completed to the satisfaction of the Planning Authority prior to occupation of any of the dwellinghouses; and (9) No houses shall be occupied until the roads and footpaths are completed to base course level and the road drainage system is installed. The road and footpath wearing surface shall be completed immediately all the houses are occupied all 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; Condition (2) to ensure that development is carried out in accordance with the approved details; Condition (3) 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 (4), (5) and (6) in the interests of visual amenity; Condition (7) to ensure the footpath to the Right of Way is completed to an acceptable standard; Condition (8) to ensure the right of way across the site is maintained on a permanent basis; and Condition (9) in the interest of highway safety and residential amenity; and (ii) to remit to the Head of Legal Services to discharge in part the Section 50 Agreement relating to planning consent KL/E/OL/79/161A in respect of the application site; and planning consent in respect of this application 97/0303/FL not being issued until the Section 50 Agreement had been so discharged.

It was agreed to refuse the application on the grounds of: the removal of the embankment as proposed would constitute the loss of a valuable physical feature in the area, to the detriment of visual and residential amenity.

The meeting terminated at 1010 hours.