

EAST AYRSHIRE COUNCIL

IRVINE VALLEY LOCAL PLANNING COMMITTEE-

MINUTES OF MEETING HELD ON WEDNESDAY 12 FEBRUARY 1997 AT 1400 HOURS IN THE FORMER GROUGAR PRIMARY SCHOOL, MOSCOW

PRESENT: Councillors David Fulton, David Macrae, Kim Nicoll and Robert McDIII.

ATTENDING: Jim Bottom, Principal Planning Officer; Pamela Clifford and Peter Mason, Planning Officers; Ken Robinson, Principal Administrative Officer; Mike Rooney, Area Team Leader (Environmental Health); and Gillian Hamilton and Jennifer Morrison, Administrative Officers.

APOLOGY: Councillor George Turnbull.

CHAIR: Councillor David Fulton, Chair.

PLANNING APPLICATIONS

1.1 APPLICATION NO. 96/0608/FL: MDM DESIGN (Item 1, Page 1083)

There was submitted a report dated 4 February 1997 (circulated) by the Head of Planning and Building Control on an application for full planning permission for the proposed demolition of existing industrial premises and construction of a one bedroom dwelling with integral workshop for a disabled/special needs person at 2A Blair Crescent, Galston.

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) the dwelling shall only be occupied by persons who, by reason of disability or otherwise to the satisfaction of the Planning Authority, are unable to maintain a private garden or a dependant of such a person residing with him/her; (3) the industrial unit workshop shall only be utilised by the occupant(s) of the attached dwelling; (4) the industrial unit/workshop shall operate without detriment to adjoining properties by reason of noise, dirt, grit, smell or general disturbance; (5) notwithstanding the submitted plans, the roofing materials are not hereby approved. Samples of a good quality slate substitute to be used shall be submitted to and approved by the Planning Authority before any development commences on the site; (6) notwithstanding the plans hereby approved, the developer shall ensure the retention of all the existing walls which form a mutual boundary with the adjacent residential properties, to a minimum height of 2.5 metres; (7) notwithstanding the plans hereby approved, a close boarded fence to a height of 2 metres shall be erected along the west boundary of the site, prior to the occupation of the dwelling hereby approved; (8) access to the workshop and the parking area shall be by means of a pavement crossing. This shall be constructed prior to the first occupation of the dwelling; and (9) the stair/landing window in the west elevation of the building hereby approved shall be obscurely glazed. A sample of the proposed glazing shall be submitted for approval by the Planning Authority before installation:

Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) the proposal would otherwise be unacceptable due to the lack of private garden ground provided; Condition (3) to safeguard the residential amenity of the attached dwelling; Condition (4) to safeguard the residential amenity of the area; Condition (5) in the interests of visual amenity; Condition (6) to safeguard the residential amenity and privacy of the adjacent residential properties; Condition (7) in the interest of residential amenity; Condition (8) in the interest of road safety; and Condition (9) in the interest of residential amenity.

The Committee then heard the objector present who spoke in support of her objections. The applicant had been invited to attend but was not present.

Members asked questions of the objector.

It was agreed to refuse the application on the grounds that the proposal was contrary to Policy HU3 of the Kilmarnock & Loudoun Finalised District Plan as the application provided only 25m² of private open space, and did not therefore meet the Council's relevant open space policies which required a minimum of 100m² of private open space.

1.2 APPLICATION NO. 96/0584/FL: THE LANDS IMPROVEMENT GROUP LTD

There was submitted a report dated 4 February 1997 (circulated) by the Head of Planning and Building Control on a planning application for full planning permission for the proposed erection of a new looping star ride at Loudoun Castle Park, Galston.

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) the proposed development shall be carried out in accordance with the application form received on 6 November 1996 and the amended plans received by the Planning Authority on 27 November 1996; (3) details of the colours to be used and illumination of or on the "Looping Star" ride shall be submitted to and approved by the Planning Authority prior to the commencement of works on site; (4) no trees shall be felled, lopped or have roots cut on the site without the written consent of the Planning Authority; 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 order to ensure that the colours or illumination do not compromise the lightweight construction characteristics of this ride and thereby create an intrusion into the landscape which would be considered unacceptable; and Condition (4) in the interests of visual amenity and to protect the fabric of the designed landscape of Loudoun Castle.

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

detailed.

1787

1.3 APPLICATION NO. 9610601/FL - THE LANDS IMPROVEMENT GROUP LTD

There was submitted a report dated 4 February 1997 (circulated) by the Head of Planning and Building Control on an application for the proposed erection of 2 new rides - (1) waveswinger, and (2) rodeo rider, at Loudoun Castle Park, Galston.

The Principal Planning Officer (1) reported the terms of a further representation received from Historic Scotland and (2) 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; and (2) details of the colours and any illumination of the proposals shall be submitted to and approved by the Planning Authority prior to the erection of the rides hereby approved; Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; and Condition (2) in order to ensure that the application of colour or illumination does not exacerbate the intrusion into the landscape.

The Committee then heard the objector present who spoke on behalf of The Architectural Heritage Society.

Members asked questions of the objector.

The Committee then heard the applicant's representative who spoke in support of the application.

The Committee asked questions of the applicant's representative.

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

1.4 APPLICATION NO. 96/0603/FL - COWANS LAW SHOOTING SCHOOL

There was submitted a report dated 4 February 1997 (circulated) by the Head of Planning and Building Control on an application for full planning permission for change of use to form clay target shooting centre at Blackshill, Moscow.

The Principal Planning Officer (1) reported the terms of letters of objection received since the Head of Planning and Building Control's report was written; (2) summarised the details of a traffic study of the area provided by the Roads Division; and (3) 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 use hereby approved shall operate only during the following hours: Mondays 9.00 am to 9.00 pm, Wednesdays 10.00 am to 9.30 pm (Summer Time) and 10.00 am to 4.00 pm (Winter

Time), Thursdays, Fridays, Saturdays and Sundays 10.00 am to 8.00 pm (Summer Time) and 10.00 am to 4.00 pm (Winter Time); (3) the operational practices of the shooting school shall ensure that the noise levels within the curtilage of any noise sensitive residency do not exceed the background noise level by more than 20dB (A), derived from the calculated mean average of not less than 25 gunshots; (4) the developer shall ensure that only subsonic cartridges are used at any time on the compact sporting/practice area. Details of the type of cartridge(s) to be used shall be submitted to the Planning Authority within one

1788

month of the date of this Planning Permission; (5) no shooting shall take place in the "compact sporting/practice area" other than from within the canopy; (6) the warning sign at the exit from Cowans Law shall be maintained and displayed all times that shooting is taking place; (7) the warning sign at the Forest Road and red flag warning system shall be maintained at all times that shooting is taking place; (8) details of a noise monitoring scheme specifying the frequency, methodology and location of noise measurements and the depositing of findings with the Planning Authority, shall be submitted for approval to the Planning Authority within 3 months of the date of this Consent. Such a scheme as is approved shall be implemented throughout the operation of the use hereby approved; Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Conditions (2),(3),(4),(5) in the interest of residential amenity; Condition (6) in the interest of road safety; Condition (7) in the interest of public safety; and Condition (8) to ensure that the proposal is thoroughly monitored, in the interests of residential amenity.

The Committee heard three objectors who spoke in support of their objections.

Members then asked questions of the objectors.

The Committee heard the applicant's agent in support of the application.

Members then asked questions of the applicant's agent.

It was agreed to grant the application subject to the conditions and for the reasons detailed and to one additional Condition (9) that this approval is in respect of a temporary consent for one year only, this condition being imposed to allow the resolution and clarification of matters relating to road safety and noise intrusion, and in order that further monitoring by the Council of these issues could take place.

1.5 APPLICATION NO. 96/0607/FL - MR A STEVENSON

There was submitted a report dated 4 February 1997 (circulated) by the Head of Planning and Building Control on an application for full planning permission for proposed change of use of agricultural land to commercial use for agricultural machinery repairs at Wardlaw Road, Kilmarnock.

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 on the grounds that (1) the proposed development would, by virtue

of the adjacent road network be inadequately accessed and would result in a road safety hazard; and (2) the proposed use would be contrary to Policy 1N4 of the Finalised Kilmarnock & Loudoun District Plan because access cannot be provided to a satisfactory standard.

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

1.6 APPLICATION NO. 96/0641/FL - MR J MAIR

There was submitted a report dated 4 February 1997 (circulated) by the Head of Planning and Building Control on an application for full planning permission for the proposed erection of a single dwellinghouse in connection with nursery garden enterprise at land at Jamieson Road East, Darvel.

1789

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 on the grounds that the proposed development lies outwith the urban boundary of Darvel and there is insufficient justification requiring a dwelling on the site for employment in agriculture. The proposal is therefore contrary to Policy HRI of the Finalised Kilmarnock & Loudoun District Plan.

The Committee then heard the applicant who spoke in support of his application. The objector had been invited to attend but was not present.

Members then asked questions of the applicant.

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

1.7 APPLICATION NO. 96/0625/FL - LOUDOUN GOWF CLUB

There was submitted a report dated 4 February 1997 (circulated) by the Head of Planning and Building Control on an application for full planning permission for proposed change of use to form golf course improvements: formation of fairway: tees and access path at Loudoun Gowf Club: Galston.

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 plans hereby approved: details of a management scheme and maintenance plan shall be submitted to and approved by the Planning Authority prior to commencement of any works on site. The scheme shall include details of any replanting to be undertaken; (3) no trees: other than those identified to be felled in the Planning Statement submitted with the application: shall be felled or have their roots cut; (4) details of the means of construction of the footpaths indicated on the plans hereby approved shall be submitted to and approved by the Planning Authority prior to the commencement of development; Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; and

Conditions (2): (3) and (4) to ensure the integrity of the established character of the Big Wood as part of the Loudoun Castle Designed Landscape and to ensure that the least possible disturbance occurs to the adjacent wildlife site.

It was agreed to grant the application subject to Conditions (1): (3) and (4) and that Condition (2) be amended to read "notwithstanding the plans hereby approved: details of a management scheme and maintenance plan shall be submitted to and approved by the Planning Authority within three months of the date of this consent. The scheme shall include details of any replanting to be undertaken.::

The application was also granted for the reasons detailed.

The meeting terminated at 1515 hours.