

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE**

**MINUTES OF MEETING HELD ON THURSDAY 9 APRIL 1998 AT 1530 HOURS IN  
THE BARRHILL CENTRE, BANK AVENUE, CUMNOCK**

**PRESENT:** Councillors James Kelly, David Sneller, James Boyd, James Carmichael, Robert Taylor and John Smith.

**ATTENDING:** David Morris, Development Promotion Manager, Bill Walkinshaw, Principal Administrative Officer; and Ian Gemmell, Administrative Officer.

**APOLOGIES:** Councillors George Smith, Tommy Farrell and Eric Jackson.

**CHAIR:** Councillor John Smith, Vice Chair.

**CONSIDERATION OF PLANNING APPLICATIONS**

**1.1 APPLICATION NO 98/0076/FL: KERR & SMITH (CUMNOCK) LTD**

There was submitted a report dated 2 April 1998 (circulated) by the Head of Planning and Building Control on an application for full planning consent for the formation of a staff car park on part of the recreational ground at Hearth Place, Cumnock.

The Development Promotion Manager reported that ten individual letters of objection and a petition containing 122 signatures objecting to the proposal had been received, details of which were given 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 result in the loss of open space in recreational use and is therefore contrary to Policy RES 5 of the finalised Cumnock and Doon Valley District Wide Local Plan and Policy 71 of the adopted Cumnock and Auchinleck Local Plan which state that there shall be a presumption against development of maintained open space which is used for recreational purposes or is important to amenity; (2) The proposed development will result in the loss of open space in recreational use and will be detrimental to the amenity and enjoyment of residential properties in the locality; (3) The proposed development will result in the encroachment of a commercial activity into a predominantly residential area and consequently will be detrimental to residential amenity in terms of visual impact, the increase in traffic through the area and associated increased activity in the area.

The Committee then heard objectors Mr J Campbell, on behalf of Cumnock Community Council and Mrs B McKinlay, on behalf of the petitioners, who spoke in support of their objections, and the applicant, Mr J Smith, with his agent Mr Lang, who spoke in support of the application, all in accordance with the agreed hearing procedure.

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

Councillor Boyd joined the meeting after the Hearing in respect of this item and took no part in the discussion or decision.

### **1.2 APPLICATION NO 98/0055/AD: MAIDEN OUTDOOR ADVERTISING LTD**

There was submitted a report dated 2 April 1998 (circulated) by the Head of Planning and Building Control on an advertisement application for the erection of two display hoardings at Rosebank Park, Muirkirk Road, Lugar.

The Development Promotion Manager reported that one letter of objection had been received, details of which were given in the report; provided details of a petition recently received, signed by 14 local residents indicating that they had no objection to the proposal; 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 advertisement hoardings are contrary to Policy ENV3 of the finalised Cumnock and Doon Valley District Wide Local Plan as they would be detrimental to the character and amenity of Lugar Conservation Area; (2) The proposed advertisement hoardings are contrary to Council's adopted development control policies relating to the display of advertisements, which state: "Policy 5: Hoardings will not be permitted in rural or predominately residential areas. Hoardings will not generally be permitted unless it can be shown that they are temporarily screening an unsightly gap or redevelopment site". "Policy 7(a): Signs in Conservation Areas should be sensitive to the character of the area with respect to the colours used, materials and design".

It was agreed as the proposal was not considered to be detrimental to the character and amenity of Lugar Conservation Area and had a positive benefit, to grant the application.

### **1.3 APPLICATION NO 98/0102/FL: MR V MCMILLAN**

There was submitted a report dated 2 April 1998 (circulated) by the Head of Planning and Building Control on an application for full planning consent for a rear dormer extension and attic conversion at 41 Avisyard Avenue, Craighens, Cumnock.

The Development Promotion Manager 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 dormer extension is contrary to the Council's adopted development control policies relating to Householder Developments which state: "1(C) Dormer Window Extensions: Dormers shall be set a minimum of 0.5 metre away from gables, hips and down from the roof ridge in order that the roof line remains unaltered."; (2) The proposed dormer extension would be detrimental to the amenity of the residential area in which it is located in that it is obtrusive and will dominate the rear elevation of the existing two storey end-terrace dwellinghouse; (3) The proposed development, if approved, would create an undesirable precedent for similar inappropriate and obtrusive dormer extensions in the locality.

It was agreed to continue consideration of the application to a future meeting to allow the applicant the opportunity to submit amended proposals.

### **1.4 APPLICATION NO 98/0034/LB: MR & MRS McCRINDLE**

There was submitted a report dated 2 April 1998 (circulated) by the Head of Planning and Building Control on an application for Listed Building consent in respect of the replacement of windows in the existing front and rear elevations of the dwellinghouse at Kirklea, Craighston Square, Lugar.

The Development Promotion Manager reported that one letter of objection had been received, details of which were given 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 installation of tilt and turn UPVC windows on the rear elevation of the Category 'B' group Listed Building is contrary to the Council's policies for Replacement of Windows in Listed Buildings which state: (i) All replacement windows must be of traditional design and have traditional methods of opening; (ii) All replacement windows must be of timber construction with window frames being painted in colours to be agreed with the Planning Authority; (iii) All replacement windows must reflect the style and proportion of top-to-bottom sashes and the pattern of glazing bars and astragals must be retained and reproduced; (iv) All replacement windows on the front elevation of listed buildings or on other elevations which are open to view must meet the criteria above. Only in exceptional cases where it can be reasonably justified will consideration be given to the use of UPVC or aluminium windows and only then if the windows are located on elevations of the building which are not readily visible. In all cases, windows that are proposed in non-traditional materials must still be of traditional style and design; (2) The proposed installation of tilt and turn UPVC windows on the rear elevation of the Category Group B Listed Building within Lugar Conservation Area will be detrimental to the character and amenity of Lugar Conservation Area. The proposal is therefore contrary to Policy ENV3 of the finalised Cumnock and Doon Valley District Wide Local Plan which states that development in Conservation Areas shall be in keeping with the character of the area; (3) The proposed installation of tilt and turn UPVC windows on the rear elevation of the Category B Group Listed Building would be unsympathetic to and also detrimental to the character and visual amenity of the listed building. The proposal is therefore contrary to Policy ENV4 of the finalised Cumnock and Doon Valley District Wide Local Plan which states that there shall be protection of heritage resources requiring conservation from unsympathetic developments.

It was agreed as the tilt and turn UPVC replacement windows were to the rear, and it was considered that the proposed development was not intrusive and would not be detrimental to the character and appearance of the area, to grant the application.

#### **1.5 APPLICATION NO 98/0039/FL: ORANGE PERSONAL COMMUNICATION SERVICES**

There was submitted a report dated 2 April 1998 (circulated) by the Head of Planning and Building Control on an application for full planning consent for the erection of a 20 metres high telecommunications tower with 6 antennae, 4 microwave dishes and installation of equipment cabinet with associated works at Braehead Farm, Lugar, Cumnock.

The Development Promotion Officer reported that two letters of objection had been received, details of which were given in the report; provided details of a letter recently received from the applicant in support of his application; 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 site selected for the proposed mast is conspicuous in the landscape and the erection of a 20 metre high mast thereon would be detrimental to the visual amenity

and character of the rural area; (2) The proposed development would have a detrimental effect on the character and visual amenity of Lugar Conservation Area.

The Committee heard the objector Mr Broadley, who spoke in support of his objections.

It was agreed:-

- (i) that provided an appropriate screening and colour scheme were employed, the proposed development would not detract from the character and amenity of the rural area or from the visual amenity of Lugar Conservation Area;
- (ii) to approve the application; and
- (ii) that it be remitted to the Head of Planning and Building Control to determine appropriate conditions to be attached to the planning consent to provide for adequate screening and an appropriate colour scheme.

## **1.6 APPLICATION NO 98/0016/FL: MR AND MRS COLTART**

There was submitted a report dated 2 April 1998 (circulated) by the Head of Planning and Building Control on an application for full planning consent in respect of a proposed dwellinghouse, barn, kennels and stables with exercise areas on an area of land adjacent to Hunterston Farm, by Mauchline.

The Development Promotion Manager reported that two letters of objection and two letters of support had been received, details of which were given in 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 13 January 1998 as revised by the kennels and stable block plan received by the Planning Authority on 26 March 1998; (3) The dwelling shall only be occupied by a person employed in the adjacent barn, kennels and stables or a dependant of such person residing with them (or a widow or widower of such person); (4) The construction of the dwellinghouse shall not proceed in advance of construction works commencing on the other elements of this consent and the dwellinghouse thereafter shall not be occupied prior to the commencement of trading of the kennelling and pony breeding business; (5) That prior to the commencement of works on the site, the applicant shall satisfy himself as to the suitability of the site for construction purposes; (6) Notwithstanding the plans hereby approved the external surface of the walls of the house and kennels and stable block shall be rendered in a colour to be agreed in writing with the Planning Authority; (7) The visibility sightline splays of 2.5 metres by 120 metres shall be provided with no object greater than 1 metre in height within these splay areas, and the existing embankment shall be removed; (8) The existing field access gate shall be closed off with all access being taken via the new access point prior to the commencement of other construction works on site; (9) Prior to work commencing on site, the existing road across the frontage of the access point shall be a width of 5.5 metres; (10) A 2 metre wide pedestrian verge shall be provided across the frontage of the site; (11) The access road shall be surfaced in bituminous material for a minimum length of 10 metres extending from the public road; (12) The gates shall be set back 10 metres from the edge of the public road; (13) No surface water shall be allowed to discharge from the

site onto the public road; (14) Any existing public utilities/drains in the verge shall be protected; (15) The existing chevron sign on site shall be relocated to the satisfaction of the Roads Division and the Planning Authority prior to the commencement of construction on site; (16) Contaminated drainage from the kennels, welping room and stables shall be collected in a sealed cess pit. All solid waste from the stables and kennels shall be contained in a properly constructed midden and contaminated drainage diverted to the sealed cess pit. Surface water drainage from exercise yards and re-roofed building shall be diverted to a soakaway or field drainage system. All drainage arrangements shall be to the satisfaction of the Scottish Environment Protection Agency and the Planning Authority; (17) Notwithstanding the plans hereby approved any septic tank provided to serve the development shall be sited in such a position as will enable it to be emptied by the tanker; 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) as the proposed development constitutes the construction of a dwellinghouse in the countryside which would otherwise be refused; Condition (4) to ensure that construction of the dwellinghouse remains in compliance with current Council policy; Condition (5) in the interest of public safety; Condition (6) in the interests of visual amenity; Conditions (7), (8), (9), (10), (11), (12), (13), (14) and (15) in the interests of road safety; Conditions (16) and (17) in the interests of public safety.

The Committee then heard Mr Kerr, an objector, who spoke in support of his objections, and the applicants, Mr and Mrs Coltart, who spoke in support of the application, all in accordance with the agreed Hearing procedure.

It was agreed:-

- (i) to approve the application subject to the conditions and for the reasons detailed, with Conditions (7), (10) and (11) being amended to begin "prior to the commencement of works on site..."; and
- (ii) that an additional condition be imposed to restrict the kennel for the keeping of dogs for breeding purposes only and not for the boarding of dogs, in the interests of residential amenity.

## **1.7 APPLICATION NO 98/0107/FL: JOHN R SHARP**

There was submitted a report dated 2 April 1998 (circulated) by the Head of Planning and Building Control on an application for full planning consent for the erection of an extension to provide a utility room and sun lounge at Causeway Cottage, Hollybush.

The Development Promotion Manager reported that a letter of objection had been received, details of which were given in 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:- The development to which this permission relates must be begun within five years from the date of this permission; the condition being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

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

Councillor Kelly left the meeting during discussion of this item.

**1.8 APPLICATION NO 98/0078/AD: MR FORBES TAYLOR**

There was submitted a report dated 2 April 1998 (circulated) by the Head of Planning and Building Control on an advertisement application for the erection of an illuminated sign at 12/14 Main Street, Dalmellington.

The Development Promotion Manager 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 sign is contrary to Policy Shop 7 of the finalised Cumnock and Doon Valley District Wide Local Plan as it is insensitive to the character of Dalmellington Conservation Area with respect to the colours used, materials and design; (2) The proposed sign is detrimental to the visual amenity of the Dalmellington Conservation Area and to the building upon which it is proposed.

It was agreed that as the proposed sign was visually acceptable in this location, to approve the application.

Councillor Kelly rejoined the meeting during discussion of the above item.

The meeting terminated at 1640 hours.