

EAST AYRSHIRE COUNCIL**SOUTHERN LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 16 APRIL 1999 AT 1000 HOURS IN
AUCHINLECK COMMUNITY CENTRE, WELL ROAD, AUCHINLECK**

PRESENT: Councillors James Boyd, George Smith, James Carmichael, Robert Taylor, John Smith, Tommy Farrell and Eric Jackson.

ATTENDING: Bill Walkinshaw, Principal Administrative Officer; Pamela Clifford, Senior Planning Officer; Karen McLeod, Solicitor; and Ian Gemmell, Administrative Officer.

APOLOGIES: Councillors Eric Ross, James Kelly and David Sneller.

CHAIR: Councillor John Smith, Vice-Chair.

ORDER OF BUSINESS

1. The Chair agreed to alter the order of business of the Agenda, that Item 4 on the Agenda (Application No 98/0663/FL) be considered as the first item, and that Item 6 on the Agenda (Application No. 98/0851/FL) be considered last.

CONSIDERATION OF PLANNING APPLICATIONS**2.1 PROCEDURE**

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

2.2 APPLICATION NO. 98/0663/FL: MR P HEARTFIELD

There was submitted a report dated 7 April 1999 (circulated) by the Head of Planning and Building Control on an application for full planning consent for a proposed taxi office and shop (renewal of limited consent 96/0505/FL) at 9 Tower Street, Cumnock.

The Senior Planning Officer reported that two letters 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 conditions:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) The maximum number of taxis and private hire cars operating from the premises shall not exceed six without the prior written consent of the Planning Authority; and (3) The operational conduct of the proposed taxi premises shall be such as to prevent disturbance to nearby residential properties, 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 enable the Planning Authority to monitor and review the situation in the interests of the residential amenity of the area; and Condition (3) in the interests of residential amenity.

The Committee then heard objectors Mrs S Armitage and Mr A Carson, who spoke in support of their objections, and the applicant's agent Mr D Hutton, who spoke in support of the application. Members asked questions of the objectors and the

applicant and his agent, and the applicant, his agent, and the objectors responded to the issues raised, all in accordance with the agreed Hearing procedure.

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

2.3 APPLICATION NO 98/0779/FL: CASTLETON HOMES (Item 2, Page 4422)

There was re-submitted a report dated 18 March 1999 (circulated) by the Head of Planning and Building Control on an application for full planning consent for the erection of 17 houses and garages at Barony Road, Auchinleck.

The Senior Planning Officer reported that five letters 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 conditions:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) Prior to the commencement of works on the site, the applicant shall satisfy himself as to the suitability of the site for construction purposes; (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 on the site. The landscaping scheme shall be implemented not later than the next appropriate planting season after the development has been carried out; (4) 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. An unclimbable fence, 1.8m high shall be constructed along the northern boundary of the development site, adjacent to the existing railway line; (5) Prior to works commencing on site, the applicant shall submit, and have approved by, the Planning Authority details of the proposed play area within the site; (6) Prior to works commencing on site, the applicant shall submit to, and have approved by, the Planning Authority details of a Maintenance Programme, including costing, for all amenity open spaces and the proposed play area within the development site. Such programme shall cover a period of not less than 10 years and all costs associated with the Maintenance Programme shall be borne by the applicant; (7) Prior to works commencing on site, the applicant shall submit a detailed plan indicating the external finishing materials to be used within each plot. Samples of the facing bricks and roof tiles to be used within the development site shall also be submitted to and approved by the Planning authority prior to the commencement of development; (8) The garages associated with the proposed dwellinghouses shall be constructed in accordance with the approved plans and shall be finished in materials to match the finishes of the dwellinghouses to which they relate; (9) Junction visibility splay area of 2.5m by 35m shall be provided at all internal road junctions with no object greater than 1m in height being allowed within these areas; (10) Junction visibility splay areas of 4.5m by 60m shall be provided at the junction of Barony Road with no fencing, buildings or other features greater than 1m in height being allowed within these areas; (11) Any existing public utility apparatus located in the road verge shall be protected beneath the proposed access to the development site; (12) Two off-road car parking spaces shall be provided for each dwellinghouse with a further five spaces for visitor parking being provided, in accordance with the approved plans; (13) All private access driveways shall be paved for a minimum distance of two metres from the rear of the footway to avoid overcarry of loose material onto the

public road. The access driveways shall be not less than 4.8m in length by 2.5m in width; and (14) Any access gates shall open inwards away from the public road. Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Conditions (2) and (11) in the interest of public safety; 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 interests of residential and visual amenity; Condition (4) in the interests of visual amenity and public safety; Condition (5) to ensure that the play area is provided to an adequate standard; Condition (6) to ensure that the amenity open spaces and play area within the development site is maintained to an adequate standard; Conditions (7) and (8) in the interests of amenity; Condition (12) in the interests of residential amenity; and Conditions (9), (10), (13) and (14) in the interests of public road safety.

The Committee then heard objectors Mr McLelland and Mr J M Stewart, who spoke in support of their objections and the applicant Mr Atkinson who spoke in support of the application. Members asked questions of the objectors and the applicant and his agent, and the objectors and the applicant responded to the issues raised, all in accordance with the agreed Hearing procedure.

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

2.4 APPLICATION NO. 98/0425/TP: BUTE ESTATE LIMITED

There was submitted a report dated 9 April 1999 (circulated) by the Head of Planning and Building Control on an application for the proposed felling and re-planting of trees on B7083 Road, at Burn Bridge, Auchinleck.

The Senior Planning Officer reported that one letter of objection had been received, details of which were given in the report; reported receipt and content of a further letter dated 14 April 1999 received from the applicants; 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:- (1) Works to the trees within the ownership of the applicant and subject to Tree Preservation Order No. 1/1997 shall be carried out strictly in accordance with the Tree Survey Report by Urban Rural Contracts, dated 11 February 1999, a copy of which is attached to this consent; and (2) The trees which require to be felled in accordance with the Tree Survey Report by Urban Rural Contracts, dated 11 February 1999, shall be replaced generally in accordance with the specification submitted on 23 June 1998 and the letter received by the Planning Authority on 14 April 1999 as part of the felling application, and such re-planting shall take place in the first available planting season following felling operations. The replacement trees shall thereafter be maintained and replaced where necessary due to failure, to the complete satisfaction of the Planning Authority. Condition (1) in the interests of amenity and public safety; and Condition (2) in the interests of amenity.

The Committee then heard objector Mrs M Gordon, who spoke in support of her objections. Members asked questions of the objector, who responded to the issues raised, all in accordance with the agreed Hearing procedure.

It was noted that the applicant was not present or represented.

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

2.5 APPLICATION NO. 99/0072/FL: MR A LEGGAT

There was submitted a report dated 6 April 1999 (circulated) by the Head of Planning and Building Control on an application for full planning consent for the formation of a vehicular access at 13 Lambfair Gardens, Auchinleck.

The Senior Planning Officer reported that six letters 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 conditions:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) No surface water shall be allowed to discharge onto the public road; (3) The private driveway shall be paved for a minimum distance of 2m as measured from the rear of the public footway; and (4) Any access gates shall open inwards away from the public road. Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Conditions (2) and (4) in the interests of public road safety; and Condition (3) to avoid any overcarry of loose material onto the public road in the interests of public road safety.

It was noted that no objectors were present or represented.

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

2.6 APPLICATION NO. 99/0037/FL: MR JAMES ROGERS

There was submitted a report dated 1 April 1999 (circulated) by the Head of Planning and Building Control on an application for full planning consent for the siting of a mobile snack bar within a lay-by on Route A76 at Borland Reservoir, near Cumnock.

The Senior 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:- (1) Permission is granted for a limited period of two years from the date hereof, and the use shall be discontinued and the land restored to its former condition to the satisfaction of the Planning Authority at the expiration of this period, unless a further permission is granted; (2) The mobile snack bar shall be removed from the lay-by at the end of each day's trading; (3) The operational hours of the mobile snack bar shall be restricted to hours of daylight only. No trading shall take place within the lay-by during hours of darkness; (4) The applicant shall provide appropriate and suitable litter receptacles within the lay-by for litter and rubbish generated by the development. Such receptacles shall be emptied after each day's trading and shall be disposed of to a licensed waste disposal facility; and (5) Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, no advertisements relating to the proposed development shall be erected within the lay-by or the road verge without the formal consent of the Planning Authority. Condition (1) being imposed to enable the Planning Authority to review the situation in light of operational conduct of development in the interests of amenity; Conditions (2) and (3) in the interests of public road safety; Condition (4) in the interests of amenity; and Condition (5) in the interests of amenity and public road safety.

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

2.7 APPLICATION NO. 98/0708/FL: RESIDENTS OF 2-16 SKELDON DRIVE, DALRYMPLE

There was submitted a report dated 6 April 1999 (circulated) by the Head of Planning and Building Control on an application for full planning consent for the change of use of designated open space to private gardens on land to the rear of 2-16 Skeldon Drive, Dalrymple.

The Senior Planning Officer reported that three letters 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 Control: Approval, subject to the following conditions:- (1) The development to which this permission relates must be begun within five years from the date of this permission; and (2) Notwithstanding the provisions of the General Permitted Development (Scotland) Order 1992, or any Order or enactment replacing this, no fences or structures shall be erected within the application site without the prior consent in writing of the Planning Authority. Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and Condition (2) in the interests of the amenity of the area.

The Committee then heard objectors Mr J Kerr and Mr R McNair, who spoke in support of their objections, and Mrs June McWhirter, who spoke on behalf of the applicants in support of the application. Members asked questions of the objectors and the applicants' spokesperson, and the spokesperson and objectors responded to the issues raised, all in accordance with the agreed Hearing procedure.

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

Councillor George Smith left the meeting at this point.

2.8 APPLICATION NO. 99/0206/FL: HOPE HOMES (SCOTLAND)

There was submitted a report dated 6 April 1999 (circulated) by the Head of Planning and Building Control on an application for full planning consent in respect of alterations to Plots 3, 4, 7, 8, 9 and 10, and car park for private dwellings at Ayr Road, Patna.

The Senior 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:- (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, 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; and (3) Prior to works commencing on site, the applicant shall submit to, and have approved by, the Planning Authority details of a Maintenance Programme including costing for the open space area such programme to cover a period of no less than 10 years. Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) in the interests of visual amenity; and Condition (3) to ensure that the open space area is maintained to an adequate standard.

Councillor Taylor, seconded by Councillor John Smith, moved refusal of the application for the reason that the proposed amendments were unacceptable, were not in keeping with the development, would detract from visual amenity and attractiveness of the area; and the proposed development would fail to provide a pleasing aspect along A713, one of the main access roads in the Doon Valley.

Councillor Farrell, seconded by Councillor Boyd, moved as an amendment to approve the application subject to the conditions and for the reasons detailed.

On a division by a show of hands there voted for the amendment three, and for the motion three. There being an equality of votes the Chair exercised his casting vote in favour of the motion, which was declared carried.

2.9 APPLICATION NO. 99/0053/FL: HOPE HOMES (SCOTLAND)

There was submitted a report dated 31 March 1999 (circulated) by the Head of Planning and Building Control on an application for full planning consent for the erection of 18 dwellinghouses at Pettoch Road, Drongan.

The Senior 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:- (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 28 January 1999 as revised by the site layout plan received by the Planning Authority on 25 March 1999; (3) Notwithstanding the submitted plans, the roof tiles, render and facing brick are not hereby approved, and details/samples of roof tiles, facing brick and paviers shall be submitted to, and approved by, the Planning Authority before any development commences on the site; (4) 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; (5) Prior to works commencing on site, the applicant shall submit to, and have approved by, the Planning Authority details of the treatment of the play area equipment to be installed within the site; (6) Prior to works commencing on site, the applicant shall submit to, and have approved by, the Planning Authority details of a Maintenance Programme, including costing, for the play area within the site, and such programme shall cover a period of not less than 10 years; (7) A 1.8m high screen fence shall be erected along the northern boundary of the site adjacent to the existing housing, and along all boundaries of the play area; and details of its design and location shall be submitted to, and approved by, the Planning Authority before development commences on site; (8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order or Enactment replacing this) any garages associated with the proposed dwellinghouses shall be constructed in materials to match the finishes of the dwellinghouses to which they relate; and (9) Notwithstanding the approved plans, a fence or wall shall be erected around the visitor car parking adjacent to the play area and details of its design and location shall be submitted to, and approved by, the Planning Authority before development commences on site. 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; Conditions (3), (4) and (8) in the interests of visual amenity; Condition (5) to ensure that the play area is provided to an adequate standard; Condition (6) to ensure that the play area

is maintained to an adequate standard; Condition (7) in the interests of residential amenity; and Condition (9) in the interests of road safety.

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

2.10 APPLICATION NO. 98/0851/FL: MR I McDONALD

There was submitted a report dated 8 April 1999 (circulated) by the Head of Planning and Building Control on an application for full planning consent in respect of the proposed siting of a residential caravan at Polquhap Farm, Polquhap Road, Cumnock.

The Senior Planning Officer 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:- (1) The site at Polquhap Farm has not been specifically designated for the siting of residential caravans or non-permanent dwellings and the proposed residential caravan is not required as temporary accommodation pending the construction or completion of a permanent dwellinghouse on the site. The proposed development is therefore contrary to Policy RES 24 of the Finalised Cumnock and Doon Valley District Wide Local Plan; and (2) The proposed development is considered to be visually intrusive and approval of the application would set an undesirable precedent for similar non-permanent residencies in the locality and elsewhere within the Remoter Rural Area to the detriment of the rural character of the area.

It was agreed, as the proposed development was not considered to be visually intrusive, and due to the particular circumstances of the applicant, to approve the application, subject to conditions, providing for a personal consent and limiting permission for one year, to be determined by the Head of Planning and Building Control.

Councillor Taylor left the meeting during consideration of the above item.

The meeting terminated at 1145 hours.