

EAST AYRSHIRE COUNCIL**NORTHERN AREA LOCAL PLANNING COMMITTEE****MINUTES OF SPECIAL MEETING HELD ON FRIDAY 12 MARCH 1999 AT 1000 HOURS IN HURLFORD COMMUNITY CENTRE, CESSNOCK ROAD, HURLFORD**

PRESENT: Councillors David Fulton, Jim O'Neill, Ann Hay, David Macrae and George Turnbull.

ATTENDING: Bill Walkinshaw, Principle Administrative Officer; Jim Worley, Principal Planning Officer; and Jennifer Morrison, Administrative Officer.

APOLOGIES: Councillors Kathleen Hall, Kim Nicoll and Robert McDill.

CHAIR: Councillor Jim O'Neill, Vice-Chair.

CONSIDERATION OF PLANNING APPLICATIONS**1.1 APPLICATION NO 97/0703/FL: MR A WILSON (Item 1.1, Page 4107)**

There was re-submitted a report dated 6 January 1999 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of 3 Storage Units and 4 Industrial Units at land at 88 Galston Road, Hurlford.

It was noted that Members of the Committee had attended a site visit on a previous occasion.

The Principal Planning Officer reported the receipt of five letters of objection with six signatories and a letter in response from the applicant, details of which were contained within the report, the receipt and content of an additional letter from an objector and assessment made on site by the Roads Division and Strathclyde Police; 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 8 September 1997 as revised by the site plan received by the Planning Authority on 29 October 1998; (3) The approval for the 4 industrial units relates only to a use within the Use Class "4" in the Town and Country Planning Use Classes (Scotland) Order 1997 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order; (4) The industrial use of 4 units hereby approved shall not be carried out before 8.00 am and after 6.00 pm on Monday to Saturdays and at any time on Sundays. The loading or unloading of materials into or from the three storage units shall also not take place outwith these specified hours; (5) The uses hereby approved shall operate without detriment to adjoining properties by reason of noise, dirt, grit, smell and general disturbance; (6) No materials shall be burned on the site at any time; (7) No storage of materials or articles shall take place on the premises outside a building; (8) The roller shutter doors shall remain closed at all times except during the period at which deliveries to the premises are being undertaken and except for access by vehicles; (9) None of the units shall be occupied until the access arrangements have been fully constructed to a standard suitable for adoption by the highways authority; (10) The access road and junction with Galston Road shall be constructed to a standard suitable for adoption by the

highways authority; and (11) Prior to the commencement of works on the site, the applicant shall satisfy himself as to the suitability of the site for construction purposes; 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) and (6) to safeguard the residential amenity of the area; Condition (4) to prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity; Condition (5) to safeguard the amenity of the area; Condition (7) to safeguard the residential amenity of the area (and in the interest of highway safety); Condition (8) to reduce any potential noise and disturbance in the interests of residential amenity; Conditions (9) and (10) in the interest of road safety; and Condition (11) in the interest of public safety.

It was agreed to refuse the application on the grounds that the development would, through the increasing of manoeuvres to and from the site in Galston Road, result in additional congestion and confusion to road users, giving rise to a hazard to road safety.

1.2 APPLICATION NO 98/0752/FL: MR A P CRAW (Item 1.3, Page 4109)

There was re-submitted a report dated 7 January 1999 (circulated) by the Head of Planning and Building Control on a full planning application for the Proposed Change of Use from Storage Unit to Industrial Unit at Unit 1, Galston Road, Hurlford.

It was noted that Members of the Committee had attended a site visit on a previous occasion.

The Principal Planning Officer reported the receipt of one letter of objection and a letter in response to the objector from the applicant, 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: Refusal, for the following reasons, viz:- (1) the proposed use does not lie within Classes 4 or 11 of the Town and Country Planning (Use Classes) (Scotland) Order 1989, and would therefore not be in accordance with Policy IN1 of the Finalised Kilmarnock and Loudoun District Plan; and (2) the proposed development would have a detrimental effect on the amenity of the residential area.

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

1.3 APPLICATION NO 98/0826/AD: CITILITE LIMITED

There was submitted a report dated 16 February 1999 (circulated) by the Head of Planning and Building Control on an advertisement application for the Proposed Erection of Single Sided Freestanding Advertising Display Unit at 99 Mauchline Road, Hurlford.

The Principal Planning Officer reported the receipt of one letter of objection with two signatories and information submitted in support of the application by the applicant, 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: Refusal, for the following reasons, viz:- (1) The proposed sign would have a detrimental effect on the visual and residential amenity of the adjacent residential property by reason of its proximity to the front

windows; and (2) The proposed sign would be visually intrusive within the context of this predominantly residential area.

It was agreed:-

- (i) to refuse the application for the reasons detailed; and
- (ii) to recommend that the Director of Development Services submit a report to the Development Services Committee highlighting the weaknesses of the relevant legislation with regard to the powers available to local planning authorities to combat the illegal siting of such Display Units with a view to seeking support from The Scottish Office for amendments to legislation to give local planning authorities greater control over such illegal displays.

1.4 APPLICATION NO 98/0658/FL: MR MCINNES

There was submitted a report dated 17 February 1999 (circulated) by the Head of Planning and Building Control on a full application for the Proposed Demolition of Stone Barn with Slate Roof and Erection of New 1½ Storey Dwellinghouse at Grassyards Farm, Grassyards Road, Kilmarnock.

The Principal Planning Officer reported the receipt of one letter of objection and information in support of the application from the applicant, details of which were contained within the report; summarised the planning considerations in respect of the application and gave the recommendations 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 1 October 1998 and the amended plans received by the Planning Authority on 13 January 1999; (3) The dwelling shall only be occupied by a person locally employed or locally last employed in agriculture, or in forestry, or a dependant of such person residing with them (or a widow or widower, of such person); (4) Notwithstanding the submitted plans, the full frontage of the property shall be kerbed to delineate between the public road and the private monoblock frontage. Any entrapment of surface water on the public road due to this kerbing, will require the applicant to provide a gully and outlet for such water. At the proposed vehicles access, transition and drop kerbs will be required to permit the crossing into the property safely. The applicant must obtain a Road Opening Permit to carry out the above work which should be undertaken by a contractor who holds necessary public liability insurance; (5) The access to the main road shall be completed prior to the occupation of the dwellinghouse; (6) Notwithstanding the plan(s) 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; (7) The septic tank and soakaway shall be designed and constructed in accordance with the current Code of Practice BS 6297: 1983 (this will require the applicant to carry out percolation testing on site to assess the suitability of the sub-soil for effluent disposal). Surface water shall be excluded from the septic tank; (8) Notwithstanding the plan(s) hereby approved, the external surface of the walls shall be rendered or roughcast in a colour to be agreed in writing with the Planning Authority; and (9) Notwithstanding the plan(s) hereby approved, the roof shall be covered in natural slates; 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) the proposed development

constitutes the construction of a dwellinghouse in the countryside which would otherwise be refused; Conditions (4) and (5) in the interest of road safety; Conditions (6) and (7) in the interest of public safety; and Conditions (8) and (9) in the interest of visual amenity.

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

1.5 APPLICATION NO 98/0817/FL: KIRK CARE HOUSING ASSOCIATION LIMITED

There was submitted a report dated 17 February 1999 (circulated) by the Head of Planning and Building Control on a full planning application for the Proposed Erection of Very Sheltered Housing (1½ Storeys), 9 Parking Spaces (Including 2 Disabled Parking Spaces) at Maxwood Road/Castleview Avenue, Galston.

The Principal Planning Officer reported that the application represented a development of more than 5 units; 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 received on 9 December 1998 and the additional plan received by the Planning Authority on 24 December 1998; (3) Notwithstanding the submitted plans, the car parking area layout is not hereby approved. A revised scheme for car parking, accommodating a minimum of 8 off-road parking spaces, shall be submitted to and approved by the Planning Authority before any development commences on the site. The approved car park layout shall be completed before the use hereby approved commences; (4) Notwithstanding the submitted plans, details/samples of render, facing brick and roofing material shall be submitted to and approved by the Planning Authority before any development commences on the site; (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; and (6) A landscaping scheme, including treatment of the boundaries 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; 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) in the interests of residential amenity and road safety; Conditions (4) and (5) in the interest of visual amenity; and Condition (6) to ensure that adequate provision of landscaping is provided to an adequate standard and that it is subsequently maintained, in the interest of residential and visual amenity.

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

1.6 APPLICATION NO 98/0814/FL: MR & MRS CHEUNG

There was submitted a report dated 17 February 1999 (circulated) by the Head of Planning and Building Control on a full planning application for the Proposed

Alterations and Change of Use to Form Hot Food Takeaway at 32 Main Street, Kilmaurs.

The Principal Planning Officer reported the receipt of one letter of objection; 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 be contrary to Policy C1 of the Finalised Kilmarnock and Loudoun District Plan which only permits hot food uses in town centre locations, shopping premises and traditional shopping areas; (2) The proposed development would set an undesirable precedent for hot food uses outwith established centres to the detriment of policies trying to encourage new development to locate there; and (3) The proposed development would be detrimental to the residential amenity of the occupants of the adjacent properties, by virtue of noise, smell and disturbance, particularly during hours when other sources of noise and disturbance have diminished.

It was agreed to refuse the application as the proposed development would be detrimental to the residential amenity of the occupants of the adjacent properties, by virtue of noise, smell and disturbance, particularly during hours when other sources of noise and disturbance have diminished.

1.7 APPLICATION NO 98/0768/FL: MR AND DR POTTIE

There was submitted a report dated 17 February 1999 (circulated) by the Head of Planning and Building Control on a full planning application for the Proposed Erection of Stud/Livery Complex and Dwellinghouse at Land at Porisken Farm, Stewarton.

The Principal Planning Officer reported that the application represented a minor departure from the Development Plan; 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 18 November 1998 as revised by the dwellinghouse elevations plan received by the Planning Authority on 11 February 1999; (3) Notwithstanding the plans hereby approved, the dwellinghouse shall not be occupied until the stud/livery complex is completed and operational. The house shall only be occupied by persons employed directly by the stud/livery complex or employed in the management of the stud/livery complex or a dependent of such a person residing with them (or a widow(er) of such a person; (4) Notwithstanding the plans hereby submitted, details of all external construction materials shall be submitted to and approved by the Planning Authority, prior to the commencement of any development on site; (5) Notwithstanding the plans hereby submitted, access arrangements onto the public road (B778) shall be implemented in accordance with details contained in the two attached sketch plans dated 3 December 1998, submitted by East Ayrshire Council Roads Division. Confirmation of access requirements, including sightlines of 9m x 215m with appropriate removal/trimming of boundary hedges adjacent to the B778 to be agreed with the Planning Authority prior to commencement of any development on site; (6) 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; and (7) A landscaping scheme shall be submitted to and approved by the Planning Authority prior to the commencement of any development and shall be implemented not later than the next appropriate planting season after the development has been carried out; 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) to ensure that the justification for the dwellinghouse is operational prior to occupation since the construction of a new development in the countryside would not be permitted without this justification; Conditions (4) and (7) in the interest of visual amenity; Condition (5) in the interest of road safety; and Condition (6) in the interest of public health.

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

1.8 APPLICATION NOS 98/0805/FL AND 98/0801/LB: MR J CUTHBERT

There was submitted a report dated 4 March 1999 (circulated) by the Head of Planning and Building Control on a full planning application and listed building application for the proposed rehabilitation and change of use of vacant shops (ground floor) and offices (first floor) into six flats and associated parking at 2-6 East Main Street, 1 Ranoldcoup Road, Darvel.

The Principal Planning Officer reported that the applications represented a larger scale development which accorded with the Development Plan; summarised the planning considerations in respect of the applications and gave the recommendation of the Head of Planning and Building Control: Approval, subject to the following conditions, viz:- Application No 98/0805/FL: (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 3 December 1998 as revised by the elevational and floor plans received by the Planning Authority on 9 February 1999; (3) Parking spaces for 3 cars shall be provided and maintained at the rear of the development; and (4) The footway crossing on Ranoldcoup Road at the point of access into the rear of the site shall be reinstated to Roads Division specifications; 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; and Conditions (3) and (4) in the interest of road safety; Application No 98/0801/LB: (1) The development to which this permission relates must be begun within five years from the date of this permission; and (2) The proposed development shall be carried out in accordance with the application form and plans submitted on 3 December 1998 as revised by the elevational and floor plans received by the Planning Authority on 9 February 1999; Condition (1) being imposed to comply with Section 16 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997; and Condition (2) to ensure that the development is carried out in accordance with the approved details.

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

1.9 APPLICATION NO 99/0052/TP: MR PATERSON

There was submitted a report dated 1 March 1999 (circulated) by the Head of Planning and Building Control on a Tree Preservation Order application for the proposed felling of two trees and works to two trees at Westbrae, 32 Burn Road, Darvel.

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 reason that the sycamore tree shall be replaced with a Rowan (*Sorbus Aucuparia*) and the Elder shall be replaced by a tree of similar species, which shall be planted not later than the first available planting season after felling of these trees. Details of the location, size and species of the replacement trees shall be agreed with the Planning Authority prior to their planting; this Condition being imposed in the interest of visual amenity.

It was agreed to grant the application subject to the condition and for the reason detailed.

1.10 APPLICATION NO 99/0051/TP: MR TWEEDIE

There was submitted a report dated 2 March 1999 (circulated) by the Head of Planning and Building Control on a Tree Preservation Order application for the proposed felling of one tree at 12 Kirkland Road, Darvel.

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 subject to the following reasons:- (1) The Pine tree is structurally sound and consequently removal of this tree would be contrary to Policy EN19 of the Finalised Kilmarnock and Loudoun District Plan which promotes designation of TPO's in order to prevent unnecessary felling or lopping of trees; and (2) The felling of the tree would be detrimental to the visual amenity of the area and without sufficient justification, would undermine the role and purpose of the TPO No 1987/2.

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

EAST AYRSHIRE LOCAL PLAN: ISSUES IDENTIFIED THROUGH PUBLIC CONSULTATION

2. There was submitted a report dated 12 January 1999 (circulated) by the Head of Planning and Building Control which informed the Committee of the main issues raised by the general public and statutory consultees in response to the formal consultation exercise carried out in respect of the East Ayrshire Local Plan.

It was agreed to note the issues raised on the East Ayrshire Local Plan insofar as the Northern Area Local Planning Committee was concerned.

The meeting terminated at 1100 hours.