

**EAST AYRSHIRE COUNCIL****SOUTHERN LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 5 MARCH 1999 AT 1000 HOURS IN  
CUMNOCK TOWN HALL, GLAISNOCK STREET, CUMNOCK**

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

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

**APOLOGIES:** Councillors James Kelly, David Sneller and Tommy Farrell.

**CHAIR:** Councillor Eric Ross, Chair.

**CONSIDERATION OF PLANNING APPLICATIONS****1. APPLICATION NOS. 98/0639/OL AND 98/0746/CA: T W & D COUGHTRIE**

There was submitted a report dated 16 February 1999 (circulated) by the Head of Planning and Building Control, jointly presenting for determination (a) an outline planning application and application for Conservation Area consent for the erection of two new houses (amended site boundary); and (b) an application for Conservation Area Consent in respect of the partial demolition of outhouses: both on ground adjacent to the Mill, Melling Terrace, Dalmellington.

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, with respect of Application No. 98/0639/OL, subject to the undernoted conditions; and approval in respect of Application No. 98/0746/CA, subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1987:- (1) In the case of the reserved matters specified below, application for approval must be made not later than the expiration of three years beginning with the date of this permission; (2) That the development to which this permission relates must be begun not later than the expiration of five years from the date of this permission or within the expiration of two years from the final approval of all reserved matters, whichever is the later; (3) The proposed development shall be carried out in accordance with the application form received on 22 September 1998 and the amended plans received by the Planning Authority on 29 January 1999; (4) Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved:- (a) the layout of the site; (b) the size, height, design and external appearance of the proposed dwellinghouses; (c) the means of drainage and sewage disposal; (d) details of the access arrangements; (e) the provision for open space; (f) the provision for car parking; (g) the boundary walls/fences to be erected; (h) the landscaping of the site; and (i) finished site levels/floor levels; (5) Prior to the occupation of the first house, a two metre footway and street lighting shall be provided along the full frontage of the site, and details of its design and location shall be submitted to, and approved by, the Planning Authority; (6) No trees shall be felled, lopped or have roots cut on the site without the

written consent of the Planning Authority; (7) No demolition, site clearance or building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected around the existing tree shown on the approved plans. The fencing shall enclose either:- (a) the area described by the limit of the spread of the branches of the tree; or (b) a radius of five metres from the trunk of the tree, whichever is the greater. Such fencing shall be maintained during the course of development, and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed; (8) Details to be submitted under Condition 2(b) shall only allow for single storey or one and a half storey houses in height; and (9) No development shall be carried out until a programme plan, showing the phases by which the land will be developed, has been submitted to, and approved by, the Planning Authority. Conditions (1) and (2) being imposed to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997; Condition (3) to ensure that development is carried out in accordance with the approved details; Condition (4) as the approval is in outline only; Condition (5) in the interest of road safety; Condition (6) in the interest of visual amenity; Condition (7) to ensure the retention of the tree on the site and its protection from damage in the interests of visual amenity; Condition (8) in the interests of visual and residential amenity; and Condition (9) as the application was submitted in outline only and in order to ensure a properly programmed development.

It was noted that Mr David Coughtrie, representing the applicants, was present, but did not wish to speak.

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

## **2. APPLICATION NO. 99/0023/FL: CRAIGENGILLEN ESTATES COMPANY LIMITED**

There was submitted a report dated 17 February 1999 (circulated) by the Head of Planning and Building Control on an application for full planning consent for a residential development of 11 dwellinghouses on land south of the Horn Factory, A713, Dalmellington.

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; (3) A landscaping scheme, including the treatment of the boundary of the site/areas for public open space/play areas, 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 commenced. This scheme shall include details of the provision to be made for the maintenance of soft and hard landscape areas, and shall be maintained thereafter in accordance with these details. Any trees removed without the 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) Notwithstanding the plans hereby approved, details/samples of the render, facing brick and roof tiles shall be submitted to, and approved by, the Planning Authority prior to the commencement of development; (5)

Notwithstanding the plans hereby approved, the developer shall ensure the provision of the following:- (i) the formation and maintenance of visibility sightline splay areas of 4.5m x 90m at the access to the site, with no obstruction greater in height than one metre allowed within these areas; (ii) a two metre wide pedestrian footway will be provided by the developer across the full frontage of the site along the A713; (iii) an internal road layout designed to meet the standards of a Housing Road as laid down within the design; (iv) a minimum of two off-road car parking spaces per dwelling; and (v) all new signs and road markings and any alterations to existing signs, street furniture and public utility apparatus to be at the developer's expense; and (6) Notwithstanding the approved plans, an entrance feature and boundary wall along the A713 Ayr Road shall be provided, and details of their design 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; Conditions (2), (4) and (6) in the interests of visual amenity; 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; and Condition (5) in the interests of highway safety.

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

### **3. APPLICATION NO. 98/0499/FL: HOPE HOMES SCOTLAND**

There was submitted a report dated 6 January 1999 (circulated) by the Head of Planning and Building Control on an application for full planning consent for a residential development of 22 houses and access road at Primpton Park, Dalrymple.

The Senior Planning Officer 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: (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 23 July 1998 and the amended plans received by the Planning Authority on 4 September 1998 and 18 December 1998; (3) Prior to the occupation of the first house, a 1.5 metre wide footway, street lighting and drainage shall be provided along the full frontage of Burnton Road on land adjacent to the application site. The footway, street lighting and drainage shall be to the full specification required by East Ayrshire Council Roads Division; (4) Details of the design of the gateway feature shall be submitted to, and approved by, the Planning Authority before the development commences on site and it shall be implemented prior to the occupation of the fifth house; (5) Notwithstanding the approved plans, a boundary feature along Burnton road, incorporating the use of reconstituted stone shall be submitted to, and approved by, the Planning Authority before the development commences on site and it shall be implemented prior to the occupation of the fifth house; (6) Notwithstanding the approved plans, and prior to the occupation of the first house, a link footway shall be provided to Kirkton Avenue. Details of its exact location and relationship with Kirkton Avenue shall be submitted to, and approved by, the Planning Authority before development commences on site; (7) Notwithstanding the approved plans, and prior to the occupation of the first house, the western limb of the northern turning head shall be extended to the site boundary

at Purclewan Crescent; (8) Notwithstanding the submitted plans, the roof tiles and reconstituted stone are not hereby approved. Samples of roof tiles, render and reconstituted stone shall be submitted to, and approved by, the Planning Authority before any development commences on the site; (9) 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; (10) Notwithstanding the provisions of the Town and Country (Permitted Development) (Scotland) Order 1992 (or any Order or enactment replacing this) any garages associated with the development shall be of permanent construction and finished in the same materials of the dwellinghouses to which they relate; and (11) A landscaping scheme, including the treatment of the public open space, 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 the development is carried out in accordance with the approved details; Condition (3) in the interests of road safety; Conditions (4), (5), (8), (9) and (10) in the interests of visual amenity; Conditions (6) and (7) in the interests of a coherent development and in the good planning of the area; and Condition (11) 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; and (ii) that the issuing of the planning decision notice to be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, in respect of access visibility splays.

It was noted that Mr G Smith, representing the objectors, was present, but did not wish to speak. The applicant, Mr Ian Hope, indicated that he did not wish to raise any matters relating to the objections received, but sought and received clarification in respect of a condition recommended by the Head of Planning and Building Control.

It was agreed:-

- (i) to approve the application subject to the conditions and for the reasons detailed; and
- (ii) that the issuing of the planning decision notice to be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, in respect of access visibility splays.

#### **4. APPLICATION NO. 98/0846/FL: MR AND MRS T GRAHAM**

There was submitted a report dated 15 February 1999 (circulated) by the Head of Planning and Building Control on an application for full planning consent for an extension to an existing cottage to form a new lounge, dining room, bedroom and double garage, with access over Glenstang Burn, Burnbank Cottage, Stair.

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 proposed development shall be carried out in

accordance with the application form and plans received on 23 December 1998 and the E-mail received by the Planning Authority on 12 February 1999; (3) Notwithstanding the plans hereby approved, the external appearance of all materials to be used in the construction of the extension shall match the materials of the original building; (4) 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; (5) The garage shall not be used for commercial purposes, other than those being incidental to the occupant's enjoyment of this residential property; (6) Notwithstanding the submitted plans, the following road alterations shall be carried out prior to the occupation of the extension, all to the satisfaction of the Planning Authority:- (a) the existing access on the Mauchline Road to be closed off; (b) access to the site to be taken via a dropped kerb access crossing; (c) the access to be surfaced for a distance of five metres from the edge of the road to avoid overcarry of loose material onto the road; and (d) the visibility sightlines splay areas of 2m by 20m to be formed and maintained at the access with no obstruction greater than one metre in height allowed within these areas; (7) Notwithstanding the submitted plans, the double garage doors are not hereby approved. The proposed garage doors shall be side hung timber doors, details of their design shall be submitted to, and approved by, the Planning Authority before development commences on site; (8) Notwithstanding the approved plans, details of the design of the 1.8m high fence shall be submitted to, and approved by, the Planning Authority before development commences on site; and (9) 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 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), (7), (8) and (9) in the interests of visual amenity; Condition (4) in the interest of public safety; Condition (5) to safeguard the residential amenity of the area; and Condition (6) in the interest of road safety.

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

#### **5. APPLICATION NO. 98/0781/FL: MR A BAIRD**

There was submitted a report dated 26 February 1999 (circulated) by the Head of Planning and Building Control on an application for full planning consent in respect of a proposed attic conversion and conservatory extension to an existing dwellinghouse at 10 Glenlamont, Cumnock.

The Senior Planning Officer 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: 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 plans hereby approved, opaque glass shall be installed and thereafter maintained on the south elevation of the proposed conservatory extension. The applicant shall submit to, and have approved by, the Planning Authority, a sample of the glass to be used in this elevation of the proposed conservatory extension, prior to any works commencing on site. Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and Condition (2) to ensure the privacy of the neighbouring property in the interests of residential amenity.

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

## **6. APPLICATION NO. 98/0839/RM: TESCOS STORES LIMITED**

There was submitted a report dated 24 February 1999 (circulated) by the Head of Planning and Building Control on a reserved matters application in respect of the erection of a superstore at the former Curries' site, Main Street, Auchinleck.

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, viz:- (1) Prior to works commencing on site, the developer shall submit to, and have approved by, the Planning Authority, samples of the roof tile and external wall finishing materials to be used in the proposed superstore building; (2) The developer shall undertake recording of archaeological resources within the development site and no development shall take place within the development site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation. This scheme shall be submitted for the approval of the Planning Authority following consultation and agreement with the West of Scotland Archaeology Service; (3) Within three months of the date of this consent, the developer shall submit to, and have approved by, the Planning Authority, a detailed landscaping scheme for the site which shall indicate the numbers, size and species of trees and shrubs to be planted within the site. The landscaping scheme shall be implemented not later than the next appropriate planting season following commencement of the proposed development; (4) Within three months of the date of this consent, the developer shall submit to, and have approved by, the Planning Authority, details of any street furniture or other facilities to be located within the car park and service area of the superstore building; (5) Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, no signs shall be erected within the site without the prior express consent of the Planning Authority. Details of all signage to be erected on the building and within the development site shall be submitted to, and approved by, the Planning Authority, and such details shall also include details of internal road marking; (6) A minimum visibility splay of 4.5 metres by 60 metres, with no object greater than one metre in height within the splay area, shall be provided and maintained at the site access; and (7) The proposed superstore shall not be brought into use until works on the right turn ghost island lane, incorporating two traffic islands, at the site access, have been completed to the satisfaction of the Planning Authority. Condition (1) in the interests of amenity; Condition (2) to ensure that any archaeological interests associated with the development site are appropriately addressed; Condition (3) to ensure appropriate landscaping of the site in the interests of amenity; Conditions (4) and (5) in the interests of amenity; Condition (6) in the interests of road safety; Condition (7) to ensure acceptable turning capacity at the junction of the site access with Main Street in the interests of road safety.

Noted that the Head of Planning and Building Control would contact the applicant regarding matters relating to facilities for the disabled within the development site.

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

**7. APPLICATION NO. 98/0178/OL: MR G WISENER**

There was submitted a report dated 25 February 1999 (circulated) by the Head of Planning and Building Control on an application for outline planning consent in respect of the erection of two bungalows, "Appin", Station Road, Mauchline.

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) In the case of the reserved matters specified below, application for approval must be made not later than the expiration of three years beginning with the date of this permission; (2) That the development to which this permission relates must be begun not later than the expiration of five years from the date of this permission or within the expiration of two years from the final approval of all reserved matters, whichever is the later; (3) Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved:- (a) the layout of the site; (b) the size, height, design and external appearance of the proposed dwellinghouses; (c) details of the access arrangements; (d) the provision for car parking; (e) the boundary walls/fences to be erected; and (f) finished site levels/floor levels; (4) Prior to the commencement of works on the site, the applicant shall satisfy himself as to the suitability of the site for construction purposes; (5) No more than two dwellings shall be constructed within the site; (6) The front building line of the proposed development should be colinear with the existing properties lying adjacent to the application site; (7) Notwithstanding the plans hereby approved, any garages associated with the development shall be of permanent construction and finished in the same materials as the dwellinghouses to which they relate; (8) No development shall take place on site until works to achieve visibility sightlines of 2.5 metres by 90 metres at the junction of Station Road with Barskimming Road have been secured and implemented to the satisfaction of the Roads Authority and the Planning Authority; (9) Visibility splay areas of two metres by twenty metres shall be provided for each access to the proposed dwellinghouse and the accesses to the development site shall be twinned; (10) A two metre wide footway, to East Ayrshire Roads Division specification, shall be constructed along the frontage of the site. Such works shall not reduce the existing width of Station Road; (11) No surface water shall be allowed to discharge onto the public road; (12) Any future garages shall be set back a minimum distance of six metres from the rear of the required footway; (13) The private access driveways shall be paved for a minimum distance of two metres; and (14) Any access gates shall open inwards away from the public road. Conditions (1) and (2) being imposed to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997; Condition (3) as the approval is in outline only; Condition (4) in the interests of public safety; Condition (5) in the interest of residential amenity; Conditions (6), (7) in the interests of visual amenity; Conditions (8), (11) and (14) in the interests of public road safety; Condition (9) in the interests of public road safety and amenity; Condition (10) in the interests of public road safety and residential amenity; Condition (12) in the interests of amenity; and Condition (13) to prevent overcarry of loose material onto the adjacent roadway.

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

**8. APPLICATION NO. 98/0179/FL: MR G WISENER**

There was submitted a report dated 25 February 1999 (circulated) by the Head of Planning and Building Control on an application for full planning consent in respect of the erection of a dwellinghouse and the formation of an additional lorry parking area at the Mauchline Colliery Site, Mauchline.

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 dwelling shall only be occupied by a person employed in relation to the operation or management of the adjacent and associated agricultural contractors' haulage yard; (3) Prior to any works commencing on site, the applicant shall submit to, and have approved by the Planning Authority, samples of the roof finishing material and the external wall finishing materials to be used in the proposed dwellinghouse. These materials shall match, in terms of colour, the finishing materials of the existing dwellinghouse at Redlands which lies immediately east of the application site; (4) Notwithstanding the plans hereby approved, any garage associated with the development shall be of permanent construction and finished in the same materials as the dwellinghouse to which it relates; (5) Visibility sightlines of 2.5 metres by 90 metres shall be formed at the junction of the proposed access road with the C51 Dykefield Road; (6) The existing road (C51) fronting the proposed plot shall be widened to 5.5 metres in accordance with the approved plans; (7) No surface water shall be allowed to discharge onto the C51 public road; (8) Three off-road parking spaces shall be provided within the plot; (9) Any future garage shall be set back a minimum of six metres from the rear of the C51 public road; (10) The private access driveway shall be paved for a minimum distance of two metres from the rear of the C51 public road; (11) Any access gates shall open inwards away from the C51 public road; and (12) The drainage of the site shall be to the requirements of the Scottish Environment Protection Agency and 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) as in the absence of this, the proposal would not have been recommended for approval; Conditions (3) and (9) in the interests of amenity; Condition (4) in the interest of visual amenity; Conditions (5), (6), (7) and (11) in the interests of public road safety; Condition (8) in the interests of residential amenity; Condition (10) to avoid the overcarry of loose material onto the public road; and Condition (12) to ensure proper drainage of the site.

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

The meeting terminated at 1145 hours.