

EAST AYRSHIRE COUNCIL**NORTHERN AREA LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 13 NOVEMBER 1998 AT 1000 HOURS
IN DUNLOP PUBLIC HALL, MAIN STREET, DUNLOP**

PRESENT: Councillors David Fulton, Jim O'Neill, Kathleen Hall, Ann Hay, David Macrae and Robert McDill.

ATTENDING: Alan Neish, Head of Planning and Building Control; Jim Worley, Principal Planning Officer; Hamish Buttie, Planning Officer; Karen Macleod, Senior Solicitor; John Trakalo, Senior Engineer (Development Services); John Spooner, Business Development Manager (Development Services); Gillian Hamilton, Administrative Officer; and Christine Baillie, Administrative Assistant.

APOLOGIES: Councillor George Turnbull

CHAIR: Councillor David Fulton, Chair.

CONSIDERATION OF PLANNING APPLICATIONS**1. PROCEDURE**

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

1.1 APPLICATION NO 98/0503/FL: STEWART MILNE HOMES

There was submitted a report dated 9 November 1998 (circulated) by the Head of Planning and Building Control on a full planning application for proposed erection of 74 semi and detached dwellinghouses at Cutsburn Road, Stewarton.

The Principal Planning Officer reported the receipt of seven letters of objection including a petition signed by 43 people, and a submission from Stewarton and District Community Council, details of which were contained within the report and the receipt and content of additional consultation received from the Head of Leisure Services; 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 30 June 1998 as revised by the site layout plan (3017-100 REV. D) plan received by the Planning Authority on 26 October 1998; (3) Full details of the construction of the secondary culvert and of alterations to the existing culvert, both under Cutsburn Road, shall be submitted to and approved by the Planning Authority prior to the commencement of development; (4) No houses shall be occupied on the site until traffic calming measures on Cutsburn Road and a footpath along the south east side of Cutsburn Road, adjacent to numbers 3 and 7 Cutsburn Place, have been installed. Such measures shall be agreed in writing with the Planning Authority prior to this installation; (5) Details/samples of external materials shall be submitted to and approved by the Planning Authority before any development commences on the site; (6) Details of a landscaping scheme, including the provision of play equipment, shall be submitted to and approved by the Planning

Authority prior to the commencement of development. Such details shall address all the areas of public open space, and shall include details of the means and the form maintenance of the area; (7) Full details of the means of ensuring the maintenance of the Cutsburn (i.e. of the legal missives as indicated in the applicant's letter of 21 October 1998) shall be submitted to and approved by the Planning Authority prior to the conclusion of the sale of any houses on the site. Such details as are approved shall be incorporated as a burden or condition in the title of each dwelling; (8) 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 (9) Notwithstanding the plans hereby submitted, details of phasing of the development shall be submitted to and approved by the Planning Authority, prior to the commencement of any development 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; Condition (3) to ensure that adequate measures are in place to reduce the risk of flooding of the site, and maintain this level of risk on a permanent basis; Condition (4) in the interest of road safety; Conditions (5) and (8) in the interest of visual amenity; Condition (6) in the interest of residential amenity; Condition (7) to ensure that adequate means of maintenance of the burn is provided for and that it is permanently maintained thereafter; and Condition (9) to ensure that adequate school place provision is available to serve residents at the development.

The Committee then heard Mrs McAulay, Mr McAulay, Mr Deay, Mrs Docherty and Miss Pollard in support of their objections and Mr Preston and Mr Wilson representing the applicant, in support of the application. Members asked questions of the applicant and the applicant responded to issues raised by the objectors, all in accordance with the Hearing procedure.

It was agreed to continue consideration of the application at a Special Meeting to be arranged to enable Members to attend a site visit.

Councillor McDill joined the meeting during discussion of the above item and took no part in the decision in respect of the above application.

1.2 APPLICATION NO 98/0591/FL: MR J CUTHBERT

There was submitted a report dated 4 November 1998 (circulated) by the Head of Planning and Building Control on a full planning application for proposed change of use of former Primary School to Community/Leisure Centre, football pitches and extension to building to provide changing rooms at former Moscow Primary School, Moscow.

The Principal Planning Officer reported (i) that the application represented a departure from the Development Plan; (ii) the receipt of a letter of support from the applicant, details of which were contained within the report; and (iii) of amended plans submitted showing full details of access and parking arrangements. The Principal Planning Officer also intimated that the Roads Division had confirmed (verbally) that, subject to conditions requiring the provision of sightlines, their objection (detailed in Paragraph 3.4 of the report) was removed. Such a condition would be acceptable as it affected only land within the applicant's control; summarised the planning considerations in respect of the application and gave the amended recommendation of the Head of Planning and Building Control: Approval,

subject to conditions requiring the following, viz:- (1) The development is undertaken in accordance with the amended plans; (2) Sightline provision of 2.5 x 90m at the accesses to the site; (3) The new car parking areas be provided and available for use prior to the use of the football facilities; (4) No development be commenced until all roads issues (except car parking specified above) is in place; and (5) Details of all building and surfacing materials be agreed with the Planning Authority; Condition (1) being imposed to ensure the development is carried out with the approved details; Conditions (2), (3) and (4) in the interest of road safety; and Condition (5) in the interest of visual amenity.

It was agreed that the application be granted subject to the conditions and for the reasons stated.

1.3 APPLICATION NO 98/0626/OL: RPS CAIRNS

There was submitted a report dated 4 November 1998 (circulated) by the Head of Planning and Building Control on an outline planning application for proposed residential development at Lochore Terrace/West Donington Street, Darvel.

The Principal Planning Officer reported that the application represented a larger proposal which accorded with 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) 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 dwellinghouse(s); (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; and (4) Any road access into the site shall be located no less than 33m from the east boundary of the site and no less than 40m from the west boundary of the site; Conditions (1) and (2) being imposed to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997; Condition (3) the approval is in outline only; and Condition (4) in the interest of road safety.

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

1.4 APPLICATION NO 98/0523/FL: WILLIAM YOUNG (KILMARNOCK) LIMITED

There was submitted a report dated 4 November 1998 (circulated) by the Head of Planning and Building Control on a full planning application for proposed change of use of open space to storage and parking at ground behind Crookedholm Mill, Off Main Road, Crookedholm.

The Principal Planning Officer reported receipt of one letter of objection with 2 signatories, 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: 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 29 July 1998 and the amended plans received by the Planning Authority on 23 September 1998; (3) Notwithstanding the approved plans, details of the proposed materials to be used to form the storage and parking area shall be submitted to and approved by the Planning Authority prior to commencement of development; (4) The junction of the proposed access road and the public road shall be constructed to Roads Division specification in accordance with the 'Minor Commercial Access' guidance, involving an increase in the junction width to 6.0m; and (5) The first 6m of the access with the premises shall be hard paved using asphalt, bituminous macadam, block paving or similar and separated from the public footway/highway using approved kerbing; 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 interest of visual amenity; and Conditions (4) and (5) in the interest of road safety.

It was also reported that neither the objectors nor the applicant had intimated they wished to address the Committee, either in person or through a third party.

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

1.5 APPLICATION NO 98/0677/FL: MRS J CLARK

There was submitted a report dated 3 November 1998 (circulated) by the Head of Planning and Building Control on a full planning application for proposed change of use to hot food takeaway and erection of flue at 90A West Main Street, Darvel.

The Principal Planning Officer reported receipt of 13 letters of objection with 16 signatories and a petition with 70 signatories, submitted by the applicant, in addition to a letter in response to the objections; 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 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 town centres to the detriment of policies trying to encourage new development to locate there; and (3) The proposed development would be detrimental to residential amenity, by virtue of noise and disturbance, particularly during hours when other sources of noise and disturbance have diminished.

The Committee then heard Mrs Roberts, agent of the objectors and Mrs Rennie, in support of her objections and Mr and Mrs Clark, applicants, in support of the application. Members asked questions of the objector and the applicants and the applicants responded to issues raised by the objectors agent, all in accordance with the Hearing procedure.

The Principal Planning Officer provided further comment on issues raised.

It was agreed, on the basis that the provisions of the Local Plan policy, the danger of the precedent that might be set, and the degree of loss of amenity would be

outweighed on this occasion by the benefit to the area of the re-use of the shop, that the application be referred to the Development Services Committee for consideration with a recommendation that permission be granted.

1.6 APPLICATION NO 98/0628/TP: MR GRANT

There was submitted a report dated 4 November 1998 (circulated) by the Head of Planning and Building Control on a Tree Preservation Order application for the proposed works to trees at The Braes, 30 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 conditions, viz:- (1) Prior to works being undertaken to the Elm tree the applicant shall submit details for approval to the Planning Authority regarding the exact number and location of branches to be removed; and (2) The clearing and replanting shall relate only to young seedling Sycamore or Ash and shall not include any mature trees; Condition (1) being imposed to ensure that only those branches necessary for removal are covered by this application, in the interest of visual amenity; and Condition (2) to ensure the retention of any mature trees in the area in the interest of visual amenity.

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

1.7 APPLICATION NO 98/0504/FL: MR R SETON

There was submitted a report dated 27 October 1998 (circulated) by the Head of Planning and Building Control on a full planning application for proposed erection for dwellinghouse for agricultural worker at Hillhead Farm, Galston.

The Principal Planning Officer reported that the application represented a minor breach of Local Plan Policy; and the receipt of additional information submitted by the applicant in support of the application, 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: 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 July 1998 and the amended plans received by the Planning Authority on 16 September 1998; (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 him (or a widow, or widower, of such person); (4) Notwithstanding the submitted plans, visibility splay areas of 2.5 metres by 160 metres shall be provided at the junction of the access to the development with the public road with no obstruction to visibility greater than 1 metre in height being allowed within these areas; (5) Notwithstanding the plan(s) hereby approved, any septic tank provided to serve the development be sited in such a position as will enable it to be emptied by the tanker; (6) The septic tank and soakaway shall be designed and constructed in accordance with the current Code of Practice BS6297: 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; (7) Notwithstanding the plan(s) hereby approved, the roof shall be covered in natural slates; (8) The existing hedge along the northern boundary of

the site shall be retained intact and maintained thereafter to the satisfaction of the Planning Authority (except insofar as to allow access to the site in accordance with the approved plans); and (9) Notwithstanding the submitted plans the boundary treatment to the south, east and west of the property is not approved. These boundaries shall comprise hedgerow similar to that on the northern boundary and shall be planted not later than the first available planting season after commencement of the development. A stob and wire fence shall be erected until the hedgerow is established; 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; Condition (4) in the interest of road safety; Conditions (5) and (6) in the interest of public safety; and Conditions (7), (8) and (9) in the interests of visual amenity.

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

1.8 APPLICATION NO 98/0629/TP: MR J M HAEMMERLE

There was submitted a report dated 22 October 1998 (circulated) by the Head of Planning and Building Control on a Tree Preservation Order application for proposed felling of one Elm tree at Old Templetonburn, Crookedholm.

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 condition that the Elm tree shall be replaced by a small tree which shall be planted not later than the first available planting season after felling of the Elm tree. Details of the location, size and species of the replacement tree shall be agreed with the Planning Authority prior to its planting; this Condition being imposed in the interest of visual amenity.

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

1.9 APPLICATION NO 98/0583/FL: MR N SAID

There was submitted a report dated 21 October 1998 (circulated) by the Head of Planning and Building Control on a full planning application for proposed extension to and sub division of existing snooker club to form licensed disco and snooker club (Change of Use) at Barrmill Snooker Club, Barrmill Road, Galston.

The Principal Planning Officer reported the receipt of one letter of objection, 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: Approval, subject to the following condition, viz:- That the development to which this permission relates must be begun within five years from the date of this permission; this Condition being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

The Committee then heard Mr Stewart, agent of the applicant and Mr Said, applicant in support of the application, all in accordance with the Hearing procedure.

It was also reported that the objector had not intimated they wished to address the Committee either in person or through a third party.

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

1.10 APPLICATION NO O98/0469/FL: MR AND MRS GAFFNEY

There was submitted a report dated 22 October 1998 (circulated) by the Head of Planning and Building Control on a full planning application for proposed new house and machinery storage shed for Ostrich Farm, Etc, at the Cantles, Hareshawmuir Road, Waterside.

The Principal Planning Officer reported the receipt of two letters of objection and two letters supporting the application (one from Moscow and Waterside Community Council), details of which were contained within the report and of the submission of (i) amended plans indicating minor alterations to window arrangements; (ii) a letter of support from Waterside Community Association (as distinct from Waterside Community Council); and (iii) the receipt and content of a letter from a consultant acting on behalf of one of the objectors; 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 revised 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 a person employed in agriculture on the site, or last employed in agriculture on the site, or in forestry on the site, or a dependent of such a person residing with him/her (or a widow/widower of such a person); (3) A landscaping scheme shall be submitted to and approved by the Planning Authority prior to commencement of the development, and shall be implemented not later than the next appropriate planting season after the development has been carried out. Any trees removed without 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) Details/samples of external construction materials shall be submitted to and approved by the Planning Authority before any development commences on the site; (5) 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; (6) Notwithstanding the plans hereby submitted, in view of the absence of a watercourse suitable for the acceptance of septic tank effluent it is recommended that the suitability of providing a sub-soil soakaway system for effluent disposal be investigated. Surface water should be excluded from the septic tank; (7) Notwithstanding the plans hereby submitted, the existing access shall be improved to accommodate the commercial and domestic users, as per the attached sketch plan, prior to the occupation of the dwellinghouse; (8) Notwithstanding the plans hereby submitted, the residential caravan shall be removed off site within 3 months of the occupation of the dwellinghouse; and (9) The development should be carried out in accordance with the recently submitted amended plans; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) the proposed development constitutes the construction of a dwellinghouse in the countryside which would otherwise be refused; Condition (3) to ensure that 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; Condition (4) in the interest of visual amenity; Condition (5) in the interest of public safety; Condition (6) in the interest of public health; Condition (7) in the interest of road safety; Condition (8) the dwelling would replace the caravan and there would be

no justification for its continued presence; and Condition (9) to ensure that the development accords with the details approved.

The Committee then heard Mrs Roberts in support of her objections and Mr and Mrs Gaffney, applicants, and Mr Fraser, agent of the applicant, in support of the application, and the applicant responded to issues raised by the objector, all in accordance with the Hearing procedure.

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

1.11 APPLICATION NO 98/0079/OL: MR AND MRS SIM

There was submitted a report dated 3 November 1998 (circulated) by the Head of Planning and Building Control on an outline planning application for proposed residential development at North Ayrshire Produce Company, Old Glasgow Road, Stewarton.

The Principal Planning Officer reported that the application represented a larger scale proposal which accorded with the Development Plan and the receipt of one letter of representation, 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: Approval, subject to the following conditions, viz:- (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 8 May 1998 (location plan drawing no. 714 = 1250 EX (O) 1A), 1 July 1998 (existing site layout drawing no. 714 - 200 EX (O) 1A) and 30 September 1998 (proposed site layout drawing no. 714 - 200 SK (O) 1C (access arrangements only); (4) The indicative layout (Drawing No 714 - 200K (O) 1C), excluding the access arrangements, submitted along with the application is for information purposes only and shall not be treated as forming part of the issued consent; (5) 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 within site; (e) the provision for car parking; (f) the boundary walls/fences to be erected; (g) the landscaping of the site; and (f) finished site levels/floor levels; (6) Notwithstanding the plans hereby submitted, the following roads matters shall be implemented prior to the occupation of any dwellinghouse on the site:- (i) the width of the access road into the new development shall be a minimum of 5.5 metres; (ii) the existing road verge from the new junction to the start of the public footway at Wylie Place should be constructed to adoptable footway standards; and (iii) the sightlines required for a new junction at Old Glasgow Road of 2.5 metres x 90 metres, free from obstruction greater than 9m in height; and (7) Notwithstanding the plans hereby submitted, individual property owners shall maintain the riverbank commensurate with individual plot boundaries, to prevent erosion and trees/vegetation etc should be clear of the river flow at all times; 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; Conditions (4) and (5) the approval is in outline only; Condition (6) in the interest of road safety; and Condition (7) to ensure that clear river flow is maintained and to protect against erosion.

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

The meeting terminated at 1200 hours.