

**EAST AYRSHIRE COUNCIL****NORTHERN AREA LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 2 OCTOBER 1998 AT 1000 HOURS  
IN HURLFORD COMMUNITY CENTRE, CESSNOCK ROAD, HURLFORD**

**PRESENT:** Councillors David Fulton, Jim O'Neill, Kathleen Hall, Ann Hay, Kim Nicoll, George Turnbull and Robert McDill.

**ATTENDING:** Jim Worley, Principal Planning Officer; Apryl Chalmers, Solicitor; Bill Walkinshaw, Principal Administrative Officer and Gillian Hamilton, Administrative Officer.

**APOLOGY:** Councillor David Macrae.

**CHAIR:** Councillor David Fulton, Chair.

**CONSIDERATION OF PLANNING APPLICATIONS****1.1 PROCEDURE**

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

**1.2 APPLICATIONS NOS 98/0459/FL AND 98/0476/LB: ALTERATIONS AND  
EXTENSION TO DWELLINGHOUSE AT 2 SKERNIELAND ROAD, FENWICK - MR  
C LESLIE**

There was submitted a report dated 23 September 1998 (circulated) by the Head of Planning and Building Control on a full planning application and a listed building planning application for proposed alterations and extension to dwellinghouse at 2 Skernieland Road, Fenwick.

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 recommendations of the Head of Planning and Building Control: (i) with reference to Application No: 98/0459/FL, that Planning Consent be approved 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 24 June 1998 and the amended plans received by the Planning Authority on 11 September 1998; (3) Notwithstanding the plans hereby approved the windows and doors shall be constructed in timber; (4) 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; and (5) Notwithstanding the details of the plans hereby approved, the gable details on the extension is not approved. Further details of this feature indicating a hipped roof shall be submitted to and approved by the Planning Authority prior to the commencement of development; 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; Conditions (3) and (4) in the interest of visual amenity; and Condition (5) in the interest of the character and appearance of the listed building; and (ii) with reference to Application No: 98/0476/LB, that Listed Building Consent be approved 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 24 June 1998 and the amended plans received by the Planning Authority on 11 September 1998; (3) Notwithstanding the plans hereby approved, the windows and doors shall be constructed in timber; (4) 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; and (5) Notwithstanding the details of the plans hereby approved, the gable detail on the extension is not approved. Further details of this feature indicating a hipped roof shall be submitted to and approved by the Planning Authority prior to the commencement of development; Condition (1) being imposed to comply with Section 16 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997; Condition (2) to ensure that development is carried out in accordance with the approved details; Conditions (3) and (4) in the interest of visual amenity; and Condition (5) in the interest of the character and appearance of the listed building.

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

It was agreed that both the full and listed building applications be approved subject to the conditions and for the reasons stated.

### **1.3 APPLICATION NO: 98/0477/OL: MACKAYS STORES LTD, PAISLEY**

There was submitted a report dated 15 September 1998 (circulated) by the Head of Planning and Building Control on an outline planning application for proposed residential development (new build) at 8 High Street, Stewarton.

The Principal Planning Officer reported 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:- Condition (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) 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; (4) Notwithstanding the details to be submitted under Condition 1 above, the following details shall be adhered to, relative to the design of the building: (a) The building shall be a maximum of two and half storeys in height, (b) Windows shall be of vertical proportions, aligned on all storeys of the development, (c) External construction materials shall be slate/slate substitute, render finish or natural, stone (in a colour to be agreed) and smooth window bands; and (d) any dormers shall be of traditional design and arrangement; (5) A scheme showing the provision to be made for the disposal of refuse shall be submitted to and approved by the Planning

Authority before any development commences on the site; (6) No development (including demolition) shall take place within the site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the developer for the prior approval of the Planning Authority; and (7) The applicant shall, prior to the commencement of the development on site, confirm the manner by which any site compound or other activity during construction, can be accommodated without detriment to the amenity of neighbouring property or road safety; 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; Condition (4) to ensure the setting of nearby listed buildings is maintained and to complement the existing streetscape; Condition (5) to be specified according to the nature of the application concerned; Condition (6) to ensure the archaeological history of the site can be evaluated and verified and that any artefacts can be recorded or recovered; and Condition (7) in the interests of road safety and general amenity.

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

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

#### **1.4 APPLICATION NO 98/0444/FL: DALGARVEN CONSTRUCTION**

There was submitted a report dated 4 August 1998 (circulated) by the Head of Planning and Building Control on full planning application for proposed erection of 13 single storey dwellinghouses at site of former St Paul's Primary School, Blair Road, Hurlford.

The Principal Planning Officer reported that the application involved a development of more than 5 units and 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 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 1 July 1998 as revised by the site plan received by the Planning Authority on 11 August 1998; (3) Notwithstanding the plans hereby approved details/samples of all external materials to be used shall be submitted to and approved by the Planning Authority before any development commences on the site; (4) Notwithstanding the submitted plans visibility areas of 2.5 x 90m shall be provided at the junction of Blair Road/Union Street and 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 provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any order or enactment replacing this) no extensions or garages shall be erected on the site (unless a further specific planning application is submitted to and approved by the Planning Authority); (6) Details of the boundary treatment to the north and east of the site shall be submitted to and approved by the Planning Authority prior to the commencement of any development on the site; (7) All boundary fences and other means of enclosure shall be provided prior to the occupation of the dwelling whose curtilage they form part; (8) With the exception of the 4 no trees identified along Blair Road to be removed, no trees shall

be felled, lopped or have roots cut on the site without the prior written consent of the Planning Authority; (9) Details of the proposed surfacing of the driveways and shared surface area shall be submitted to and approved by the Planning Authority prior to commencement of any development on site; (10) the shared surface area and footpaths shall be completed prior to the occupation of the 5 no houses accessed by this road; (11) During construction, the developer of the site shall ensure that adequate and continuing measures are taken to ensure that roads and footpaths adjoining the site are maintained free from mud and other material carried from the site by construction and any other vehicles; (12) Outwith the hours of 0900 hours to 1800 hours, seven days a week, there shall be no operation or use for construction or excavation purposes of heavy construction vehicles or heavy equipment on site; and (13) Notwithstanding the approved plans details of the means of drainage shall be submitted to and approved by the Planning Authority prior to commencement of 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; Conditions (3), (5), (6), (8) and (9) in the interests of visual amenity; Conditions (4), (10) and (11) in the interest of road safety; Conditions (6), (7), (10) and (12) in the interest of residential amenity; and Conditions (11), and (13) in the interest of public safety.

The Committee then heard Mrs Barbour in support of her objections. It was also reported that the applicants had not intimated they wished to address to the Committee, either in person or through a third party. Members asked questions of the objector, all in accordance with the Hearing Procedure.

It was agreed to approve the application subject to the conditions and for the reason stated.

## **1.5 APPLICATION NO 98/0551/FL: MR AND MRS MANN**

There was submitted a report dated 8 September 1998 (circulated) by the Head of Planning and Building Control on a full planning application for proposed extension to rear of dwellinghouse 46 Andrew Lundie Place, 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 conditions, viz:- Approval, subject to the following condition, viz:- The development to which this permission relates must be begun within five years from the date of this permission; This Condition being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

The Committee then heard Mrs McNeill in support of her objections. It was also reported that the applicants had not intimated they wished to address the Committee either in person or through a third party.

Members asked questions of the objector, all in accordance with the Hearing Procedure.

It was agreed to approve the application subject to the condition and for the reason stated.

## 1.6 APPLICATION NO 98/0296/FL: MR B HENDERSON

There was submitted a report dated 23 September 1998 (circulated) by the Head of Planning and Building Control on a full planning application for proposed 1<sup>1/2</sup> storey dwellinghouse at 6 Barr Castle Gardens, Galston.

The Principal Planning Officer reported the receipt of two letters of objection, received with 4 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 and plans submitted on 11 May 1998 as revised by the site plan received by the Planning Authority on 7 August 1998; (3) Notwithstanding the plans hereby approved, the two Birch trees at either side of the proposed driveway shall be retained and shall be safeguarded from damage during the entire construction process by the erection of a one metre high temporary fence erected at a distance from their trunks equivalent to the spread of the tree; (4) Notwithstanding the plans hereby approved, the house shall be constructed with the provision of an impermeable barrier around the base of the building; (5) The house shall not be occupied until the visitor car parking spaces are completed to base course level. The road wearing surface shall be completed immediately the house is occupied, all to the satisfaction of the Roads Division; (6) Outwith the hours of 0900 hours to 1800 hours, seven days a week, there shall be no operation or use for construction or excavation purposes of heavy construction vehicles or heavy equipment on site; (7) Notwithstanding the plans hereby approved, details of the stone/roughcast and slate effect roof tiles shall be submitted to and approved by the Planning Authority prior to commencement of development; (8) 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. Any garden walls to be erected shall be finished either in the approved stone or in wet dash render. A 2 metre high boundary fence or wall shall be erected along the mutual boundary with Plot 6, to the rear of the forward building line, prior to the occupation of the dwelling; 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 interest of visual and residential amenity; Condition (4) to protect the house from any potential root damage from the two Birch trees; Condition (5) in the interests of road safety; Conditions (6) and (8) in the interests of residential amenity; and Conditions (7) and (8) in the interest of visual amenity.

The Committee then heard Mr Dalzeil and Mrs Muir in support of their objections and Mr Henderson, on behalf of the applicant, in support of the application. The objectors responded to issues raised by the applicant. The applicant responded to issues raised by the objectors, all in accordance with the Hearing Procedure. The Principal Planning Officer provided further comment on the issues raised.

It was agreed that the application be refused as (i) the proposal would lead to an overdevelopment of the site by virtue of the reduction of the underdeveloped areas within the estate (Barr Castle Gardens); and (ii) the proposed development would detract from the visual amenity of the area.

### **1.7 APPLICATION NO 98/0474/OL: MANXEON LTD**

There was submitted a report dated 15 September 1998 (circulated) by the Head of Planning and Building Control on an outline planning application for proposed residential development at 21 Union Street, Newmilns.

The Principal Planning Officer reported that the application represented a larger development 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; (c) The means of drainage and sewage disposal; (d) Details of the access arrangements; (e) The provision for car parking, (f) The boundary walls/fences to be erected, (g) The landscaping of the site; and (h) The finished site levels/floor levels; (4) Notwithstanding the plans hereby approved, the details to be submitted in relation to Condition 1 above shall ensure that the residential development is restricted to no more than two storeys in height; (5) Notwithstanding the plans hereby approved, the details to be submitted in relation to Condition (1) above shall ensure that the residential development is designed to be, and makes use of materials that are compatible with the Outstanding Conservation Area; 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 Conditions (4) and (5) in the interest of the visual amenity and the character of the Main Street Newmilns Outstanding Conservation Area.

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

### **1.8 APPLICATION NO 98/0556/TP - MR F DONNELLY**

There was submitted a report dated 24 September 1998 (circulated) by the Head of Planning and Building Control on a Tree Preservation Order application for proposed felling of one tree at 20 Ranoldcoup 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 condition, viz:- The Hawthorn Tree shall be replaced by a tree of similar species which shall be planted not later than the first available planting season after felling of the Hawthorn 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 approve the application subject to the condition and for the reason stated.

The meeting terminated at 1053 hours.