

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE

**MINUTES OF MEETING HELD ON FRIDAY 9 OCTOBER 1998 AT 1000 HOURS IN
NEW CUMNOCK COMMUNITY CENTRE, CASTLE, NEW CUMNOCK**

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

ATTENDING: David Morris, Development Promotion Manager; Bill Walkinshaw, Principal Administrative Officer, Hugh Melvin, Technical Planning Officer and Ian Gemmell, Administrative Officer.

APOLOGIES: Councillors David Sneller and Tommy Farrell.

CHAIR: Councillor Eric Ross, Chair.

CONSIDERATION OF PLANNING APPLICATIONS

1. APPLICATION NO 98/0538/FL: MR M SHAFIQUE

There was submitted a report dated 21 September 1998 (circulated) by the Head of Planning and Building Control on an application for full planning consent for a proposed hot food takeaway (change of use from grocer's shop) at 125 Main Street, Auchinleck.

The Technical Planning Officer reported that 2 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 submitted on 8 July 1998 as revised by the rear elevation plan received by the Planning Authority on 16 September 1998; (3) The applicant shall provide suitable litter receptacles both within and outwith the proposed premises. The external receptacles shall be in place prior to the commencement of business and removed and emptied after each day's trading to the satisfaction of the Planning Authority; (4) The proposed ventilation and ducting system shall be designed to suit the cooking equipment to be installed within the proposed premises in order to minimise any nuisance arising from the preparation of food to the complete satisfaction of the Planning Authority. Details of the system shall be submitted to and approved by the Planning Authority prior to its installation; (5) The advertisement shown on the plans is not hereby approved, and a further separate application for Consent to Display an Advertisement shall be submitted to 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) and (4) in the interests of amenity; Condition (5) to ensure that the Planning Authority can retain control over the development of the site in the interest of visual amenity.

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

2. APPLICATION NO 97/0041/OL: MR THOMAS WILSON

There was submitted a report dated 24 September 1998 (circulated) by the Head of Planning and Building Control, on an outline planning application for the erection of two dwellinghouses at Sillyhole Field, Broomknowe, Dalmellington.

The Technical 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 and Control: Approval subject to the following conditions (Conditions 4(f) having been amended and Condition 6(f) having been added following receipt of comments from the Roads Division):- (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 January 1997 and the amended plans received by the Planning Authority on 13 July 1998; (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 and a vehicle turning area; (g) The boundary walls/fences to be erected; (h) The landscaping of the site; (i) Finished site levels/floor levels; (5) The indicative layout submitted along with the application is for information purposes only and shall not be treated as forming part of the issued consent; (6) The following road alterations shall be submitted under Condition 2(d); (a) Visibility sightline splay areas of 2.5m by 35m to be formed and maintained at the access; (b) A 2m wide footway to be constructed along the frontage of the site; (c) The junction with Broomknowe to be bituminously surfaced for a distance of 4m from the edge of the road to avoid the overcarry of loose material onto the public road; (d) Access to the site to be taken via a standard driveway/footway crossing; (e) Two car parking spaces for each dwellinghouse; (f) The gates to the vehicular access shall open inwards away from the public road; (7) 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; (8) The details to be submitted under Condition 4(b) shall provide for:- (a) dwellings of single storey in height; (b) dwellings of traditional design incorporating:- (i) a roof pitch not less than 35 degrees; (ii) a roof covering of slate or a material with an appearance similar to slate; (iii) windows of vertical proportions; (iv) an external finish predominantly of render or natural stone; (v) incorporation of chimneys; (9) No mechanical excavation shall be carried out within 500mm of Transco Plant; 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) as the approval is in outline only; Condition (6) in the interests of road safety; Condition (7) in the interest of public safety; Condition (8) in the interests of visual amenity and the character and appearance of the area; Condition (9) in the interests of public safety.

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

3. APPLICATION NO 98/0562/LB: MR VALENTINE

There was submitted a report dated 21 September 1998 (circulated) by the Head of Planning and Building Control on an application for the installation of replacement windows at 1 Craigston Square, Lugar.

The Technical Planning Officer intimated 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: Refusal for the following reasons:- (1) The proposed installation of tilt and turn UPVC windows on the rear elevation of the Category 'B' group Listed Building is contrary to the Council's policies for Replacement of Windows in Listed Buildings which state:- (i) All replacement windows must be of traditional design and have traditional methods of opening; (ii) All replacement windows must be of timber construction with window frames being painted in colours to be agreed with the Planning Authority; (iii) All replacement windows must reflect the style and proportion of top-to-bottom sashes and the pattern of glazing bars and astragals must be retained and reproduced; (iv) All replacement windows on the front elevation of listed buildings or on other elevations which are open to view must meet the criteria above. Only in exceptional cases where it can be reasonably justified will consideration be given to the use of UPVC or aluminium windows and only then if the windows are located on elevations of the building which are not readily visible. In all cases, windows that are proposed in non-traditional materials must still be of traditional style and design; (2) The proposed installation of tilt and turn UPVC windows on the rear elevation of the Category 'B' group Listed Building within Lugar Conservation Area will be detrimental to the character and amenity of Lugar Conservation Area. The proposal is therefore contrary to Policy ENV3 of the finalised Cumnock and Doon Valley District Wide Local Plan which states that development in Conservation Areas shall be in keeping with the character of the area; (3) The proposed installation of tilt and turn UPVC windows on the rear elevation of the Category 'B' group Listed Building would be unsympathetic to and also detrimental to the character and visual amenity of the listed building. The proposal is therefore contrary to Policy ENV4 of the finalised Cumnock and Doon Valley District Wide Local Plan which states that there shall be protection of heritage resources requiring conservation from unsympathetic development.

The Committee then heard the applicant Mr Valentine, who spoke in support of his application. The objector was not present or represented. The Members asked questions of the applicant all in accordance with the agreed Hearing procedure.

It was agreed as the proposal was not a significant departure from the Cumnock and Doon Valley District Wide Local Plan and it was considered that the proposal was not detrimental to the character and amenity of the area, to approve the application.

4. APPLICATION NO 98/0544/FL: SORN VILLAGE HALL COMMITTEE

There was submitted a report dated 24 September 1998 (circulated) by the Head of Planning and Building Control on a full planning application for the replacement of original timber windows with white UPVC windows at Sorn Village Hall, Main Street, Sorn.

The Technical 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: Refusal for the following reasons:- (1) The proposed installation of UPVC windows in this prominent building within Sorn Conservation Area No 1 is contrary to the Council's policies for Replacement of Windows on a building within a Conservation Area which states: (i) All replacement windows must be of traditional design and have traditional methods of opening; (ii) All replacement windows must be of timber construction with window frames being painted in colours to be agreed with the Planning Authority; (iii) All replacement windows must reflect the style and proportion of top-to-bottom sashes and the pattern of glazing bars and astragals must be retained and reproduced; (iv) All replacement windows on the front elevation of a building within a Conservation Area or on other elevations which are open to view must meet the criteria above. Only in exceptional cases where it can be reasonably justified will consideration be given to the use of UPVC or aluminium windows and only then if the windows are located on elevations of the building which are not readily visible. In all cases, windows that are proposed in non traditional materials must still be of traditional style and design; (2) The proposed installation of UPVC windows within Sorn Conservation Area in this prominent building will be detrimental to the character and amenity of the Conservation Area. The proposal is therefore contrary to Policy ENV3 of the finalised Cumnock and Doon Valley District Wide Local Plan which states that development in Conservation Areas shall be in keeping with the character of the area; (3) The proposed installation of UPVC windows would be unsympathetic to and also detrimental to the character of the building. The proposal is therefore contrary to Policy ENV4 of the finalised Cumnock and Doon Valley District Wide Local Plan which states that there shall be protection of heritage resources requiring conservation from unsympathetic developments.

It was agreed as the proposal would enhance the building and the Conservation Areas, to approve the application.

5. APPLICATION NOS 98/0516/FL AND 98/0518/TP: MR R TOWNSLEY

There was submitted a report dated 24 September 1998 (circulated) by the Head of Planning and Building Control on (a) an application for full planning consent in respect of a proposed caravan site off Furnace Road, Muirkirk; and (b) a Tree Preservation Order application for the proposed felling of trees off Furnace Road, Muirkirk.

The Technical 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 applications and gave the recommendations of the Head of Planning and Building Control: Approval subject to the following conditions (Conditions (7) and (10) having been amended following receipt of comments from the Department of Community Services):- (1) The development to which this

permission relates must be begun within five years from the date of this permission;

- (2) The proposed development shall be carried out in accordance with the application form and plans submitted on 28 July 1998 as revised by the amended layout plan received by the Planning Authority on 11 September 1998;
- (3) 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;
- (4) A landscaping scheme including the treatment of the boundary of the site and proposed children's play area, shall be submitted to and approved by the Planning Authority prior to commencement of any development on site and shall be implemented not later than the next appropriate planting season after the development has been carried out;
- (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;
- (6) Notwithstanding the plans hereby approved the use of grey facing blockwork in the basecourse of the amenities building is not approved. The basecourse material shall reflect the materials used in building/s in the locality and samples shall be submitted to and approved by the Planning Authority before any development commences on the site;
- (7) The total number of mobile touring caravans stationed on the site shall at no time exceed 17 and the total number of static holiday home caravans shall at no time exceed 12;
- (8) No additional buildings or additions to the caravans shall be erected or placed on the site, unless a further application is submitted to and approved by the Planning Authority;
- (9) This permission shall not authorise the use of the site as a caravan site except during the period from 1 March to 31 October in each year, and if any caravans are left in position at any other time they must not be used for human habitation during such time;
- (10) The static holiday home caravans to be sited shall be in a good state of repair to the satisfaction of the Planning Authority and shall be of a type, design and colour acceptable to the Planning Authority;
- (11) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, and the Caravan Sites and Control of Development Act 1960, Class 1 of Schedule 1 to the 1992 Order is hereby not permitted development as it relates to the application site in respect of Paragraphs 2,3,4,5 and 6 of Schedule 1 to the Caravan Sites and Control of Development Act 1960;
- (12) The junction of the site access with Furnace Road shall be bituminously surfaced for a distance of 20 metres from the edge of the public road;
- (13) The site access road shall have a minimum width of 6 metres for a distance of 20 metres back from the channel of Furnace Road;
- (14) Visibility sightline splay areas of 4.5 metres by 90 metres shall be formed and maintained at the site access with no obstruction to visibility greater than 1 metre in height being allowed within these areas;
- (15) The site access road and the car parking area shall be formed, surfaced and thereafter maintained to the satisfaction of the Planning Authority;
- (16) No surface water shall be allowed to discharge onto the public road from the caravan site;
- (17) The eleven trees to be felled shall be replaced by ten heavy standard trees and the details of the specimens to be planted shall be submitted to and approved by the Planning Authority prior to the felling of any trees on site;
- (18) The replacement trees shall be planted within the first available planting season following the felling of the trees and shall thereafter be maintained, and replaced where necessary, to the satisfaction of the Planning Authority;

Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to ensure that the development is carried out in accordance with the approved details; Condition (3) in the interest of public safety; Condition (4) in the interest of residential and visual

amenity; Conditions (5), (6), (7) (8) and (10) in the interest of visual amenity; Condition (9) to ensure that the caravans are not used as permanent dwellings; Condition (11) to enable the Planning Authority to retain control over the future development of the site in the interests of residential amenity; Condition (12) in the interests of public road safety and to prevent any overcarry of loose material onto the public road; Condition (13) to allow for vehicle manoeuvring in the interests of public road safety; Condition (14) in the interests of public road safety; Conditions (15), (17) and (18) in the interests of amenity; Condition (16) in the interests of public road safety.

The Committee then heard objector Mr A Borthwick and his Agent Mr J Dale, who spoke in support of the objections, and the applicant Mr Townsley and his Agent Mr McDougall, who spoke in support of the application. Members asked questions of the objector and the applicant and the applicant and the objector responded to the issues raised, all in accordance with the agreed Hearing procedure.

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

The meeting terminated at 1110 hours.