

**EAST AYRSHIRE COUNCIL****CUMNOCK AREA LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON WEDNESDAY 18 SEPTEMBER 1996 AT 1410 HOURS IN NEW CUMNOCK TOWN HALL, THE CASTLE, NEW CUMNOCK**

**PRESENT:** Councillors George Smith, Jimmy Boyd, Jimmy Carmichael and Eric Jackson.

**ATTENDING:** Roddy Wallace, Head of Administration; David Queripel, Senior Development Promotion Officer; James Lally, Senior Administrative Officer; and Stuart Nelson, Administrative Officer.

**APOLOGIES:** Councillors Eric Ross, Jimmy Kelly and David Sneller.

**CHAIR:** Councillor George Smith, Vice-Chair.

**CONSIDERATION OF PLANNING APPLICATIONS****1.1 APPLICATION 96/0315/FL: MR R GIBSON**

There was submitted a report dated 3 September 1996 (circulated) by the Head of Planning and Building Control on an application for full planning consent for the proposed erection of a 5/6 apartment bungalow at Woodlands Farm, Mauchline.

The Senior Development Promotion Officer confirmed 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, viz:- (1) the development to which this permission relates must be begun within 5 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 24 July 1996; (3) notwithstanding the plans submitted, any septic tank provided to serve the development shall be sited in such a position as will enable it to be emptied by tanker; (4) the access point of the private lane with Barskimming Road shall be bituminously surfaced for a distance of 5m from the edge of this public road; (5) a 2m wide verge shall be provided along the frontage of the plot and the existing access lane shall be widened to 5.5m in addition to the provision of the verge; (6) junction visibility splay areas of 2m x 90m shall be formed and maintained at the junction of Barskimming Road with the private access lane, with no object greater than 1m in height being allowed within these splay areas; and (7) a visibility splay area of 2m x 20m shall be provided at the access to the plot from the private access lane, with no object greater than 1m in height being allowed within this splay area; Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) to ensure that the development is carried out in accordance with the approved details; Condition (3) in the interest of public safety; Conditions (4), (6) and (7) in the interests of public road safety; and Condition (5) to allow for possible future upgrading of the access lane and in the interests of public road safety.

The Committee heard the applicant in support of the application. No objectors were present.

It was agreed to approve the application subject to the above conditions, for the reasons detailed and subject to the following condition, viz:- (8) all works required in terms of the aforementioned Conditions (4) and (5) shall be completed within three months of completion or occupation of the dwellinghouse, whichever is sooner, this additional condition being imposed to allow for possible future upgrading of the access lane and in the interests of public road safety.

## **1.2 APPLICATION 96/0061/TP: MR T W KENNEDY**

There was submitted a report dated 27 August 1996 (circulated) by the Head of Planning and Building Control on an application for consent for the proposed felling of a stone pine tree within the curtilage of the house at 9 Clarinda Crescent, Mauchline which is the subject of a Tree Preservation Order.

The Senior Development Promotion Officer 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 reason viz:- the stone pine tree in question (ref T8), covered by the Mauchline Tree Preservation Order No 1-1996, contributes significantly to the visual amenity and character of the locality and as insufficient evidence has been given either to indicate that the tree presents any danger to the public or that it is causing significant damage to property or services, the felling of the tree is not justified at this time.

It was agreed to continue consideration of this application to the next meeting pending further consultation with the applicant and also with the West of Scotland Water Authority in respect of any potentially adverse effects upon the adjacent main sewer which may arise in future as a consequence of further development of the root system of the tree in question.

## **1.3 APPLICATION 96/0314/FL: MR B CHRISTIE**

There was submitted a report dated 30 August 1996 (circulated) by the Head of Planning and Building Control on an application for full retrospective planning consent for the change of use of the premises at 61 Ayr Road, Cumnock, from domestic garage to use for the commercial repair of light vehicles.

The Senior Development Promotion Officer confirmed that 4 letters of representation had been received, with a total of 8 signatories, all supporting the proposed development, 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, viz:- (1) the proposed development would be contrary to Policy RES3 of the Finalised Cumnock and Doon Valley District Wide Local Plan which presume against development of a non residential nature in predominantly residential areas which could be detrimental to the character and amenity of such areas; (2) the use of the domestic garage for the purposes of repair of light vehicles would be injurious to the amenity and enjoyment of residential properties in proximity to the site; and (3) if approved, the proposed development would set an undesirable precedent which could lead to further commercial activities being introduced into predominantly residential areas to the detriment of these areas.

The Committee heard the applicant in support of the application.

It was agreed to approve the application, the Committee being satisfied that the development is not contrary to Policy RES3, since there are a number of other non

residential developments in the vicinity of this development and the development does not cause further detriment to the character and amenity of the area and, subject to the following conditions, viz:- (1) the permission hereby granted shall not enure for the benefit of the land but for the benefit of Mr Brian Christie only and on the discontinuance of his occupation of the land, the use hereby permitted shall cease and the buildings shall be restored to their original use; (2) the garage shall be used for the repair and maintenance of light/private vehicles only. No commercial vehicles shall be repaired or maintained on the premises; (3) working hours shall be from 0800 to 1800 hours Mondays to Fridays inclusive and from 0800 to 1200 hours Saturdays. No work shall be carried out on Sundays; (4) no repair or maintenance work shall be carried out on the public highway; (5) no vehicles associated with the business shall be parked on the public highway; (6) visibility sightline splay areas of 2m x 35m, with no object greater than 1m in height within these areas, shall be maintained at the vehicle access point; (7) no surface water from the site shall discharge onto the public road; (8) a minimum of 4 off-road parking spaces shall be provided within the site; and (9) any access gates shall open inwards, away from the public road; Condition (1) being imposed because permission is being granted in this case solely because of the extenuating personal circumstances; Conditions (2) and (3) in the interests of amenity; Conditions (4), (5), (6), (7) and (8) in the interests of road safety and Condition (9) in the interests of road and pedestrian safety.

#### **1.4 APPLICATION 96/0091FL: MR JOHN STEELE**

There was submitted a report dated 28 August 1996 (circulated) by the Head of Planning and Building Control on a retrospective application for the removal of Condition 2 of the planning consent granted in respect of application CD/95/0090/DPP to allow for concrete tiles to be used on the roof of the dwellinghouse at Briaghe Sealladh, Benston Road, Cumnock, in lieu of slate.

The Senior Development Promotion Officer 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) retention of the unauthorised roof tiles used on the roof finish of the dwellinghouse would be contrary to the provisions of Policies RES16 and ENV12 of the Finalised Cumnock and Doon Valley District Wide Local Plan; and (2) the use of modern concrete roof tiles on the dwellinghouse is considered to be out of keeping with and unsympathetic to, both the nature of the rural area in which the dwellinghouse is located and the character and appearance of the adjacent dwellinghouse on plot 1.

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

The meeting terminated at 1450 hours.