

**EAST AYRSHIRE COUNCIL****IRVINE VALLEY LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON WEDNESDAY 26 JUNE 1996 AT 1400 HOURS  
IN HURLFORD COMMUNITY CENTRE, CESSNOCK ROAD, HURLFORD**

**PRESENT:** Councillors George Turnbull, Drew McIntyre, Kim Nicoll and Eric Ross.

**ATTENDING:** Dave Morris, Development Promotion Manager; Joan Kendall, Principal Solicitor; Donald McVicar, Senior Administrative Officer; Colin McKee, Planning Officer and Jennifer Morrison, Administrative Officer.

**APOLOGIES:** Councillors David Fulton, David Macrae and Robert McDill.

**CHAIR:** Councillor George Turnbull, Vice Chair.

**PLANNING APPLICATIONS****1.1 96/0085/FL AND 96/0084/LB: J C MORTON**

There was submitted a report dated 12 June 1996 (circulated) by the Head of Planning and Building Control on the full planning application and associated listed building application in respect of the proposed conversion of shops/offices/hall to 14 flats at 4 -12 Brewlands Street, Galston.

The Development Promotion Manager reported the terms of a further two letters received from an objector and gave the recommendations of the Head of Planning and Building Control:

**Application No 96/0085/FL** - Approval subject to the following conditions but that approval not be issued until authorisation for the issuing of the associated listed building consent was received from Historic Scotland, 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 2 May 1996 as revised by the amended plans received by the Planning Authority on 7 May 1996; (3) notwithstanding the submitted plans, the ground floor front elevation is not hereby approved. Details of a revised elevation including improved string course detailing and the use of good quality sandstone facing material and timber sash and case window units shall be submitted to and approved by the Planning Authority prior to any work commencing on re-building the front facade; (4) samples/details of the proposed timber sash and casement windows shall be submitted to and approved by the Planning Authority prior to commencement of development. In particular details of how/whether the fixed lights are to be altered to allow for opening shall be submitted; (5) notwithstanding the plans hereby approved the stained glass window in the rear staircase shall be retained within the proposed development to the satisfaction of the Planning Authority; (6) notwithstanding the plans hereby approved the developer shall contact West of Scotland Water prior to starting work on the site in order to discuss whether diversion or protection of any existing public sewers is required. Prior to demolition commencing any redundant sewers shall be removed or sealed; (7) notwithstanding the plans hereby approved the developer shall ensure the following prior to the occupation of the first flat:- (i) that the access to the parking area is formed using straight kerbing to provide a passing place; (ii) the definition of

the car parking space and their allocation to a particular flat, with the 4 non-specified places being allocated for visitor parking; (8) notwithstanding the submitted details only localised removal of algae from the sandstone is permitted without a further express consent from the Planning Authority; (9) notwithstanding the plans hereby approved, if further rights of servitude are established over this site, then an amended layout incorporating these rights shall be submitted to and approved by the Planning Authority prior to commencement of development; (10) 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. These details shall ensure that the privacy of the adjoining residential properties, and the impact on their daylight is not adversely affected; (11) notwithstanding the plans hereby approved the developer shall submit details of the proposed bin store and lighting for the car parking area prior to commencement of development. The bin store and lighting shall be provided prior to the occupation of the first flat; (12) notwithstanding the plans hereby approved, details of any proposed alterations to the ground levels to the rear of the property shall be submitted to and approved by the Planning Authority prior to commencement of development; (13) notwithstanding the plans hereby approved the developer shall use a coloured wet dash render on the rear elevation of the building and shall express the window sills with ashlar sandstone or material of similar appearance to the satisfaction of the Planning Authority; 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) to ensure the provision of a quality ground floor front elevation; Condition (4) to ensure the appropriateness of the proposed replacement windows; Condition (5) these features are important architectural features of this listed building; Condition (6) in the interest of public health; Condition (7) in the interest of highway safety and residential amenity; Condition (8) to limit the use of stone cleaning to protect the facade of the building; Condition (9) to ensure that any existing rights of servitude are allowed for in the layout of the proposed development; Condition (10) in the interest of visual and residential amenity; Condition (11) in the interests of visual amenity and public safety; Condition (12) in the interests of residential amenity and Condition (13) to ensure the quality of the rear elevation on this Category B Listed Building.

**Application No 96/0084/LB** - Approval subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1987 and 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 2 May 1996 as revised by the amended plans received by the Planning Authority on 7 May 1996; (3) notwithstanding the submitted plans, the ground floor front elevation is not hereby approved. Details of a revised elevation including improved string course detailing and the use of good quality sandstone facing material and timber sash and case window units shall be submitted to and approved by the Planning Authority prior to any work commencing on rebuilding the front facade; (4) samples/details of the proposed timber sash and casement windows shall be submitted to and approved by the Planning Authority prior to commencement of development. In particular details of how/whether the fixed lights are to be altered to allow for opening shall be submitted; (5) notwithstanding the plans hereby approved the stained glass window in the rear

staircase shall be retained within the proposed development to the satisfaction of the Planning Authority; (6) notwithstanding the submitted plans the internal wooden panelling around the windows in flats 3 and 4 on the second floor shall be retained to the satisfaction of the Planning Authority. The remainder of the architectural details and window frames within the building shall be salvaged for future use. Evidence that the developer has complied with this condition shall be submitted to the Planning Authority prior to occupation of the first flat; (7) notwithstanding the submitted details only localised removal of algae from the sandstone is permitted without a further express consent from the Planning Authority; (8) notwithstanding the plans hereby approved the developer shall use a coloured wet dash render on the rear elevation of the building and shall express the window sills with ashlar sandstone or material of similar appearance to the satisfaction of the Planning Authority; Condition (1) being imposed to comply with Section 54A 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) to ensure the provision of a quality ground floor front elevation; Condition (4) to ensure the appropriateness of the proposed replacement windows; Conditions (5) and (6) these features are important architectural features of this listed building; Condition (7) to limit the use of stone cleaning to protect the facade of the building and Condition (8) to ensure the quality of the rear elevation on this Category B Listed Building.

The applicant and objectors had been notified of their right to be heard and the Committee then heard the one objector who wished to speak in support of his objections.

Members then asked questions of the objector.

It was agreed (i) to grant application number 96/0085/FL subject to the conditions and for the reasons detailed but that consent should not be issued until authorisation for the issuing of the associated listed building consent was received, and (ii) to grant application number 96/0084/LB subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1987 and subject to the conditions and for the reasons detailed.

## **1.2 APPLICATION NO 96/0055/LB: MESSRS I AND A RICHARDS**

There was submitted a report dated 11 June 1996 (circulated) by Head of Planning and Building Control on an application for Listed Building Consent for the proposed renovation and division of top three floors to form two houses at Dallars House, Hurlford.

The Development Promotion Manager 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 notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1987 and subject to the following conditions, viz:- (1) the development to which the 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 23 April 1996 as revised by the further plan received by the Planning Authority on 7 June 1996; (3) notwithstanding the plans hereby approved the developer shall ensure the proposed velux windows are of traditional appearance with flush flashings and external glazing bars; (4) notwithstanding the plans hereby approved the double doors at the principle floor landing and the first

floor drawing room door should be retained and where possible expressed as false doors with the necessary blocking behind. Details to be submitted to and approved by the Planning Authority prior to commencement of development; (5) notwithstanding the plans hereby approved the gothic cast iron fireback (green) fireplace should be retained in place or relocated within the house. Details of any alternative location shall be submitted to and approved by the Planning Authority prior to commencement of development; (6) notwithstanding the plans hereby approved the materials used to repair the lean-to portion of the greenhouse shall be the same traditional materials as used on the original greenhouse to the satisfaction of the Planning Authority; Condition (1) being imposed to comply with Section 54A of the Town and Country Planning (Scotland) Act 1972, Condition (2) to ensure that the development is carried out in accordance with approved details, and Conditions (3), (4), (5) and (6) to ensure that the proposed alterations to the listed building are carried out in a sympathetic manner which will not adversely affect the appearance or character of this listed building.

It was agreed to grant the application subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1987 and subject to the conditions and for the reasons detailed.

### **1.3 APPLICATION NO 96/0056/0L - MR AND MRS J CUTHBERTSON**

There was submitted a report dated 5 June 1996 (circulated) by the Head of Planning and Building Control on application for outline planning permission for the proposed erection of dwellinghouse and garage for an agricultural worker at Monkland Farm, Kilmarnock.

The Development Promotion Manager 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 the 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) finished site levels/floor levels; (4) 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; (5) the details to be submitted under Condition (3) shall provide for a dwelling and garage which is in accordance with the rural character of the area reflecting the character and materials of the existing farm, fully meeting both the design policies of the Council and the design principles detailed in the Scottish Office Planning Advice Note 36, "Siting and design of New Housing in the Countryside"; (6) the details to be submitted under Condition (3) shall ensure that both the septic tank and any sub-soil soakaway system complies with the current Code of Practice BSI 6297:1983. Surface water should be excluded from the septic tank which should be located to

allow easy access for emptying by tanker; (7) the details to be submitted under Condition (3) shall ensure the following: (i) provision of adequate car parking, (ii) provision of a turning area within the site, (iii) that the vehicle access is from the farm access road; and (8) the details to be submitted under Condition (3) shall ensure the provision of a tree screen along the north-eastern and south-eastern boundaries of the site and the retention/provision of a hedge along the western boundaries of the site; Conditions (1) and (2) being imposed to comply with Section 39 of the Town and Country Planning (Scotland) Act 1972; Condition (3) the approval is in outline only; Condition (4) the proposed development constitutes the construction of a dwellinghouse in the countryside which would otherwise be refused; Condition (5) to ensure that the design of the proposed dwellinghouse and garage is appropriate to the area; Condition (6) in the interest of public health and residential amenity; Condition (7) in the interest of highway safety and Condition (8) in the interest of visual amenity.

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

#### **1.4 APPLICATION NO KL/E/FL/84/212A - MDM DESIGN**

There was submitted a report dated 24 April 1996 (circulated) by the Head of Planning and Building Control on application for full planning permission for a proposed industrial unit/workshop with living accommodation at Blair Crescent, Galston.

The Development Promotion Manager (i) reported that a consultation response had now been received from the Coal Authority and (ii) 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 1 March 1996 as revised by the amended plans received by the Planning Authority on 21 and 24 May 1996; (3) the dwelling shall only be occupied by persons who, by reason of disability of otherwise to the satisfaction of the Planning Authority are unable to maintain a private garden, or a dependent of such a person residing with him/her; (4) the industrial unit workshop shall only be utilised by the occupant(s) of the attached dwelling; (5) the industrial unit/workshop shall operate without detriment to adjoining properties by reason of noise, dirt, grit, smell or general disturbance; (6) notwithstanding the submitted plans, the roofing materials are not hereby approved. Samples of a good quality slate substitute to be used shall be submitted to and approved by the Planning Authority before any development commences on the site; (7) during the construction process the developer shall ensure either the retention of the existing boundary features to adjacent residential properties or the provision of a 2 metre high wall/fence along all the boundaries of the adjacent properties, details to be submitted to and approved by the Planning Authority prior to commencement of development; 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) the proposal would otherwise be unacceptable due to the lack of garden ground provided; Condition (4) to safeguard the residential amenity of the attached dwelling; Condition (5) to safeguard the residential amenity of the area; Condition (6) in the

interests of visual amenity and Condition (7) to safeguard the residential amenity and privacy of the adjacent residential properties.

The Committee then heard an objector who spoke in support of his objections.

It was brought to the Committee's attention that the other objectors had not received proper notification of this hearing. The applicant had been notified of his right to be heard.

Members then asked questions of the objector.

It was agreed to continue consideration of this application to a Special Meeting of the Committee which would include a site visit.

## **1.5 APPLICATION NO 96/0088/FL: MR GORDON MELVILLE**

There was submitted a report dated 6 June 1996 (circulated) by Head of Planning and Building Control on application for full planning permission for a proposed rear extension at Little Cessnock Cottage, Sorn Road, Galston.

The Development Promotion Manager 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) notwithstanding the plans hereby approved the design of the windows on the south-west elevation are not hereby approved. The windows shall be four single window units, painted wooden sash and case, twelve pane to match the existing window on the rendered gable. The mullions between each of these window units shall be stone to match the existing wall and shall be flush with the wall. The velux windows shall be of a flush fitting design (type EDM) and not as indicated on the approved drawing; (3) notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any order or enactment replacing this, no windows shall be formed on the north-east elevation of the roofspace of the extension unless a further specific planning application is submitted to and approved by the Planning Authority; (4) notwithstanding the plans hereby approved the roof shall be covered in natural slates; and (5) notwithstanding the plans hereby approved the developer shall ensure that the septic tank and effluent disposal arrangements comply with B96297:1983 and that surface water should be excluded from the septic tank; Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) in the interest of visual amenity; Condition (3) in the interest of residential amenity of the adjacent property; Condition (4) in the interest of visual amenity; and Condition (5) in the interest of public health.

The applicant and objectors had been notified of their right to be heard and the Committee then heard the one objector who wished to speak in support of his objections.

Members then asked questions of the objector.

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

The meeting terminated at 1440 hours