

**EAST AYRSHIRE COUNCIL****NORTHERN AREA LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 21 AUGUST 1998 AT 1005 HOURS IN  
THE MORTON HALL, MAIN STREET, NEWMILNS**

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

**ATTENDING:** Jim Worley, Principal Planning Officer; James Lally, Senior Administrative Officer and Gillian Hamilton, Administrative Officer.

**APOLOGY:** Councillor George Turnbull.

**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 APPLICATION NO 98/0288/FL: MR AND MRS HONEYMAN (Item 1.2, Page 3566)**

There was re-submitted a report dated 23 June 1998 (circulated) by the Head of Planning and Building Control on a full planning application for proposed conversion of water tank house to form one domestic dwelling, and erection of wind turbine at Fairfield Farm Road, Moscow.

It was noted that members of the Committee had attended a site visit prior to the meeting.

The Principal Planning Officer reported the receipt of seven letters of objection, details of which were contained within the report and of additional advice from the Head of Legal Services regarding sightline provision; 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 submitted on 9 April 1998 and the amended plans dated 11 June 1998; (3) This approval relates to the change of use and rehabilitation of a water tank house to form a single dwellinghouse and not to the erection of a new dwellinghouse in the countryside; (4) The developer shall contact the Head of Planning immediately upon the completion of all downtakings and prior to the commencement of any new building works; this to enable an inspection of the site. Further works shall recommence only once this inspection has taken place; (5) Notwithstanding the plan(s) hereby approved that 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. The applicant shall carry out percolation testing on site to assess the suitability of the sub-soil for effluent disposal. Surface water should be excluded from the septic tank; (7) Notwithstanding the submitted plans, the visibility splay areas of 2.5m by

215m shall be provided at the junction of the access to the development with the public road (A719) and visibility splay areas of 2m by 35m shall be provided at the junction of the driveway with the farm road. No obstruction to visibility greater than one metre in height shall be allowed within these areas; (8) Parking provision and turning space for 3 cars shall be provided and maintained within the curtilage of the site off the farm road; (9) The section of the road from the A719 junction to Fairfields shall be upgraded to adoptable standards in compliance with Roads Division Guidelines and the submitted details. This section of the road shall be completed prior to occupation of the dwellinghouse; (10) The existing hedge along the eastern 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); (11) Details of the treatment of the boundary of the site immediately south of the location of the dwellinghouse shall be submitted to and approved by the Planning Authority prior to commencement of any development and shall be implemented prior to occupation of the dwellinghouse; (12) No trees shall be felled, lopped or have roots cut on the site without the written consent of the Planning Authority; (13) 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 (unless forming part of the approved layout plan) shall be erected on the site (unless a further specific planning application is submitted to and approved by 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 development is carried out in accordance with the approved details; Conditions (3) and (4) to ensure that the development relates to the rehabilitation, rather than the new construction of a dwellinghouse; Conditions (5) and (6) in the interest of public safety; Conditions (7), (8) and (9) in the interest of road safety; Conditions (10), (11), (12) and (13) in the interest of visual amenity.

The Committee then heard Mrs Everson, Mrs Scoular (on behalf of Mr Lamberton) and Mr Simpson, in support of their objections, and Mr McGarvey, representative of the applicant in support of the application. Members asked questions of the representative of the applicant. The representative of the applicant responded to issues raised by the objectors, all in accordance with the Hearing procedure.

Councillor Fulton, seconded by Councillor Hall moved approval of the application subject to the conditions and for the reasons detailed, and that the issue of consent be postponed until agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 governing sightlines had been concluded.

Councillor McDill, seconded by Councillor O'Neill moved as an amendment that the application be refused on the grounds that the proposed development would be detrimental to the visual amenity of the area.

On a division by a show of hands the motion was carried by 3 votes to 2.

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

### **1.3 APPLICATION NO 98/0421/FL: CODONA (LOUDOUN) LTD**

There was submitted a report dated 11 August 1998 (circulated) by the Head of Planning and Building Control on a full planning application for erection of new ride (The Evolution) at Loudoun Castle Park, Galston.

The Principal Planning Officer reported the receipt of letters of objection from the Garden History Society, Scottish Natural Heritage, Scottish Civic Trust, Architectural Heritage Society of Scotland and Galston Community Council in addition to a letter of objection representing four residents of the Maxwood area, 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:- 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 Walker, representing Scottish Natural Heritage, Mrs Roberts representing the Architectural Heritage Society of Scotland, Mr Iles, representing Galston Community Council and Mrs Roberts, representing 4 objectors resident in the Maxwood area, in support of their objections and Mr Munro, representative of the applicant in support of the application. Members asked questions of the representatives, of the objectors and the representative of the applicant. The representative of the objectors responded to issues raised by the representative of the applicant, all in accordance with the Hearing Procedure.

The Principal Planning Officer provided further comment on issues raised.

It was agreed to refuse the application on the grounds (i) that the development, adding to those already in the vicinity has an undue impact on the visual amenity of the Designed Landscape and the Area of High Landscape Value within which it is located; and (ii) that the development is detrimental to residential amenity by virtue of noise intrusion.

### **1.4 APPLICATION NO 98/0399/FL: MR E BOYLE**

There was submitted a report dated 7 August 1998 (circulated) by the Head of Planning and Building Control on a full planning application for proposed erection of new dwellinghouse at Plot 14, Wallace Court, Hurlford.

The Principal Planning Officer reported the receipt of two letters of objection received on behalf of four objectors, 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 4 June 1998 and the amended plans received by the Planning Authority on 4 August 1998; (3) A footway shall be provided along the length of the frontage of the plot with footway vehicle crossing including drop kerbs, all to be constructed, prior to the occupation of the dwelling, in accordance with Roads Division standards and specification; (4) Notwithstanding the submitted plans, the tiles are not hereby approved. The roof shall be covered in roof tiles to match the adjacent property No11 Wallace Court; (5) Details/samples of all facing materials shall be submitted to

and approved by the Planning Authority before any development commences on the site; (6) Details of this 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; (7) The field drain shall be extended along the western boundary of the plot and shall be capable of preventing the issue of water from the plot into the rear gardens of Station Drive. This drain shall be installed prior to the first occupation of the dwelling and shall be permanently maintained in operational condition thereafter; (8) The area of ground to be infilled shall be covered with topsoil prior to the occupation of the dwelling; (9) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, (or any Order or enactment replacing this) no window openings shall be formed on the western elevation unless a further specific planning application is submitted to and approved by 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 development is carried out in accordance with the approved details; Condition (3) in the interest of pedestrian and road safety; Conditions (4), (5) and (6) in the interests of visual amenity; Condition (7) in the interest of public safety and residential amenity; Condition (8) in the interest of visual and residential amenity; Condition (9) in the interest of residential amenity.

It was also reported that neither the applicant nor the objectors 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 98/0360/FL: LANFINE WEAVING COMPANY LIMITED**

There was submitted a report dated 11 August 1998 (circulated) by the Head of Planning and Building Control on a full planning application for proposed extension to existing weaving factory at Campbell Street, Darvel.

The Principal Planning Officer reported 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:- 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.

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

It was agreed to grant the application subject to the condition and for the reason detailed.

#### **1.6 APPLICATION NO 97/0869/FL: MR R M SMITH**

There was submitted a report dated 10 August 1998 (circulated) by the Head of Planning and Building Control on a full planning application for proposed livery, riding and stud farm with associated dwellinghouse at West Loudoun Farm, Galston.

The Principal Planning Officer reported (i) the receipt of two letters of objection from the Garden History Society, and the Scottish Wildlife Trust, details of which were contained within the report and (ii) that the application represented a minor departure from Council policy; 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 submitted details, the consent hereby granted relates to a dwellinghouse and to a livery, riding and stud farm. The proposed development shall be carried out in accordance with the application form and plans submitted on 21 October 1997 and in accordance with the letter from the applicant's agent dated 17 April 1998; (3) The house hereby approved shall not be occupied until such time as the stables, paddocks and fencing, access road and parking is all complete and in commercial use to the satisfaction of the District Planning Authority; (4) The dwellinghouse shall not be occupied other than by a person and his/her family, where that person is in charge of the maintenance and well being of the animals kept at the livery stables/equestrian centre; (5) Notwithstanding the plans hereby approved the developer shall ensure the provision of the following: (i) sightlines at the new junction of the access road with Milton Road, measuring 4.5 metres 70.0 metres to the north; (ii) sightlines to the south of the junction of Milton Road with the A719, measuring 4.5 metres x 90 metres; (iii) a hard surfaced parking area at a ratio of one car space per stable plus sufficient space for horse boxes and turning area. Items (i) and (ii) shall be provided within one month of the date of this consent. Details of item (iii) shall be submitted for approval to the Planning Authority within one month of this consent and shall be implemented within one month of their approval by the Planning Authority; (6) Notwithstanding the submitted plans any gates to be provided shall be set back a minimum 6m from the public road and shall open away from the public road to prevent obstruction; (7) Notwithstanding the plans hereby approved the septic tank and soakaway arrangements must comply with BS 6297: 1983. The septic tank must be sited to allow easy access for emptying by tanker. There shall be no discharge from the stable block; (8) Before development of the dwelling commences on the site, the developer shall submit a statement to the District Planning Authority giving evidence as to the stability of the site for the proposed development; (9) Notwithstanding the plans hereby approved the stables shall be constructed and operated so as to not damage the listed wildlife site WS13C (Bluebell Wood); (10) Notwithstanding the plans hereby approved, with the exception of those members of the public who are stabling their horses at this facility, it shall not be open to the public before 0800 and 2200 daily. No competitive events advertised to the general public shall be permitted without the prior consent of the District Planning Authority. No public address or floodlighting systems shall be installed/operated prior to express consent being granted by the District Planning Authority; (11) Notwithstanding the submitted plans the external finishing materials of the proposed dwelling are not hereby approved. Samples of all the external finishing materials shall be submitted to and approved by the District Planning Authority before development of the dwelling commences; (12) Notwithstanding the plans hereby approved details/samples of the various materials used to surface the various external floor areas shall be submitted to and approved by the District Planning Authority before their construction commences on site; (13) Notwithstanding the plans hereby approved a detailed landscaping scheme including all new land formations, tree and hedge planting and fencing shall be submitted to and approved by the Planning Authority within one month of the date of this consent and shall be implemented and completed in accordance with a timescale to be included in the details submitted. This scheme shall include a bund and landscaping to the north of the site. Any trees removed without consent of the District 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 District Planning Authority; (14) No trees shall be felled, lopped or have roots cut on the site without the written consent of the District 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) the erection of the dwellinghouse in the countryside without the need generated by the stables would be unacceptable; Condition (4) the erection of the dwellinghouse in the countryside without the need generated by the livery stable/equestrian centre would be unacceptable; Conditions (5) and (6) in the interest of road safety; Condition (7) in the interest of public health; Condition (8) there is evidence to indicate former coal workings in the vicinity of the proposed development; Condition (9) to ensure the protection of Listed Wildlife Site WS13C (Bluebell Wood); Condition (10) In the interest of the amenity of the area; Conditions (11), (12) and (13) in the interest of visual amenity; and Condition (14) in the interest of retaining the amenity of the area.

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

The Committee then heard the applicant, Mr Smith in support of the application, all in accordance with the Hearing Procedure.

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

#### **1.7 APPLICATION NO 98/0363/OL: MR A STEVENSON**

There was submitted a report dated 7 August 1998 (circulated) by the Head of Planning and Building Control on an outline planning application for proposed erection of country hotel and ancillary parking at vacant ground, Wardlaw Road, Kilmarnock.

The Principal Planning Officer reported the receipt of one letter of objection the 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 26 May 1998 and the amended plans received by the Planning Authority on 3 August 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 dwellinghouse(s)/building(s); (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; (h) Finished site levels/floor levels; (5) Notwithstanding the plan(s) hereby approved that 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 details to be submitted under Condition 4 shall ensure that; (i) the hotel shall be no more than one and a half storeys in height; (ii) the roof of the hotel shall be 35 degrees double pitched; (iii) slate/slate substitute will be the roofing material on the hotel; (iv) the external surface of all the walls of the hotel shall be rendered; (v) all windows of the hotel shall have a vertical emphasis; (vi) the design of the hotel shall incorporate a chimney feature; and (vii) disabled access, parking and accommodation shall be provided; (7) Details of the extent of tree loss and retention shall be submitted to and approved by the Planning Authority prior to the commencement of development; (8) Notwithstanding the submitted plans the visibility splay areas of 4.5 metres - 70 metres 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; (9) The access to the main road shall be constructed to Roads Division Standard, before any other development commences on the site with the access width being 5.5m wide with kerbed radii of 4.5m. 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; Condition (4) the approval is in outline only; Condition (5) in the interest of public safety; Condition (6) to ensure that the development is of suitable design in its rural location, in the interest of visual amenity; Condition (7) in the interest of visual amenity; Conditions (8) and (9) in the interest of road safety.

It was also reported that neither the objector nor the applicant had intimated that 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.

### **1.8 APPLICATION NO 98/0050/OL: MRS J FARQUHAR**

There was submitted a report dated 11 August 1998 (circulated) by the Head of Planning and Building Control on an outline planning application for proposed erection of four apartment detached single storey bungalow at Gatehead Farm, Kilmarnock.

The Principal Planning Officer reported that the application represented a minor departure from Council policy; 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 29 September 1997 and the amended plans received by the Planning Authority on 3 April 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 dwellinghouse(s)/building(s); (c) the means of drainage and sewage disposal; (d) The provision for open space; (e) The provision for car parking; (f) The boundary walls/fences to be erected; (g) The landscaping of the site; (h) Finished site

levels/floor levels; (5) Notwithstanding the plans hereby approved, the dwelling shall only be occupied by a person and his/her dependants directly, or last, employed in the existing equestrian business at Gatehead Farm; (6) The indicative layout submitted is for information purposes only and shall not be treated as forming part of the issued consent; (7) 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; (8) The septic tank and soakaway shall be designed and constructed in accordance with the current Code of Practice BS6297: 1983. The responsibility of providing a sub-soil soakaway system for effluent disposal shall be investigated. Percolation testing shall be carried out on site to assess the suitability of the sub-soil for effluent disposal. Surface water shall be excluded from the septic tank. Prior to the commencement of the development hereby approved, it shall be demonstrated that this is indeed a viable method of septic tank effluent disposal at this location; (9) The details to be submitted under Condition (4) shall ensure that: (i) the dwellinghouse shall be more than one and a half storeys in height; (ii) the roof of the dwellinghouse shall be 35 degrees double pitched; (iii) slate/slate substitute will be the roof material on the dwellinghouse; (iv) the external surface of all the walls shall be predominantly rendered; (v) all windows of the dwellinghouse shall be timber, vertically proportioned, sash and case windows, or windows with an appearance similar to this arrangement; and (vi) the design of the dwellinghouse shall incorporate a chimney; (10) Notwithstanding the submitted plans the visibility splay areas of 2.5 metres by 70 metres shall be provided prior to the first occupation of the dwelling at the junction of the access to the development with the public road and shall be permanently maintained thereafter, with no obstruction to visibility greater than 1 metre in height being allowed within these areas; (11) The access to the main road shall be constructed before any other development commences on site; (12) The first 2 metres of the access road shall be surfaced in order to prevent deleterious materials entering the public road; (13) Notwithstanding the submitted plans, any gates to be provided shall open away from the public road to prevent obstruction; 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 (6) the approval is in outline only; Condition (5) the proposed development is for the construction of a dwelling in the countryside which would otherwise be refused; Conditions (7) and (8) in the interest of public safety; Condition (9) in the interest of visual amenity; Conditions (10), (11), (12) and (13) in the interest of road safety.

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

#### **1.9 APPLICATION NO 98/0234/OL: MR J CUTHBERT**

There was submitted a report dated 11 August 1998 (circulated) by the Head of Planning and Building Control on an outline planning application for proposed erection of single dwellinghouse at land at former Grougar Primary School, Moscow.

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: Refusal for the following reasons, viz:- (1) The proposed development would be contrary to Policy CAT 1 and CAT 1A in the Strathclyde Structure Plan approved by the Secretary of State since there is no specific locational need for the

development. No sufficient justification has been provided to allow isolated development without a specific locational need to be in the countryside; (2) The proposed development would constitute the erection of a new dwelling in the countryside without agricultural support, and would therefore not be in accordance with Policy HR1 of the Finalised District Plan. The relationship of the dwelling with a potential new business does not justify approval of the application contrary to the development plan; (3) The proposed development would be detrimental to road safety by reason of the inability to achieve the necessary sightlines.

Having been advised that as there were no objections to the application there was no requirement for a hearing, the Committee, in this instance, decided to hold a hearing to hear the applicant, Mr Cuthbert in support of the application.

It was agreed, on the basis that an on site presence was necessary for reasons of the management and security of the building and the activities currently undertaken within it, that (i) justification existed for an exception to be made to the Development Plan Policies CAT1 and CAT1A (Strathclyde Structure Plan) and HR1 (Kilmarnock Finalised District Plan); and (ii) the application be referred to the Development Services Committee for consideration with a recommendation that permission be granted with a condition that notwithstanding the plans submitted, no new access to the public road be formed (access being taken using the existing two accesses to the former Grougar Primary School).

#### **1.10 APPLICATION NO 97/0867/FL: MRS M McNAMARA**

There was submitted a report dated 11 August 1998 (circulated) by the Head of Planning and Building Control on a full planning application for proposed erection of one and a half storey dwellinghouse at the Front Plot, 13 Vennel Street, Stewarton.

It was noted that members of the Committee had attended a site visit prior to the meeting.

The Principal Planning Officer reported receipt of 51 letters of objection to the original proposal and 54 letters of objection and a petition signed by 40 people objecting to the amended proposal, 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 24 November 1997 as revised by the Block Plan (M9804/02) and Elevations (M9804/01) plan received by the Planning Authority on 17 April 1998; (3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, (or any order or enactment replacing this) no extensions or garages (unless forming part of the approved layout plan) shall be erected on the site unless a further specific planning application is submitted to and approved by the Planning Authority; (4) Notwithstanding the plans hereby submitted, the upper windows in the north, south and west elevations and the lower double window in the gable of the south elevation are not hereby approved. The upper windows in the north, south and west elevations shall be centrally located and the lower double window in the gable of the south elevation shall be single windows, centrally located; (5) Notwithstanding the plan(s) hereby approved the roof shall be covered in natural slates; (6) The dwelling hereby approved shall not be

occupied until a road hump is constructed to the Road Division standard on Kersland Gate access road, with associated signage and marking being provided. (This alteration to the carriageway of Kersland Gate should be carried out as an amendment to the construction consent as Kersland Gate has not been completed); (7) The developer shall afford access at all reasonable times to any archaeological organisation acceptable to the Planning Authority and shall allow them to observe work in progress and record items of interest and finds. Notification of the commencement date, information as to whom the Regional Archaeologist should contact on site and the name of the archaeological organisation retained by the developer shall be given to the Planning Authority in writing not less than 14 days before development commences; (8) No demolition, site clearance or building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected around the trees shown on the approved plans as being retained on the site. The fencing shall enclose either; (a) the area described by the limit of the spread of the branches of the tree; or (b) a radius of 5 metres from the trunk of the tree, whichever is the greater. Such fencing shall be maintained during the course of development, and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed; (9) A landscaping scheme, including a full tree survey and management plan for the application site shall be submitted to and approved by the Planning Authority, prior to the commencement of any 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; (10) 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; (11) Notwithstanding the plan(s) hereby approved, the external surface of the walls shall be rendered or roughcast in a colour to be agreed in writing with the Planning Authority, prior to its application. Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to ensure the development is carried out in accordance with the approved details; Conditions (3), (4), (5), (10) and (11) in the interest of visual amenity; Condition (6) in the interest of road safety; Condition (7) to ensure that archaeological information is recorded and recovered; Condition (8) to ensure the retention of the maximum number of trees on the site and their protection from damage in the interests of visual amenity; Condition (9) in the interests of residential and visual amenity.

The Committee then heard Mr Milroy, Mr Wagstaffe and Mr Ringland in support of their objections and the applicant, Mrs McNamara in support of the application. Members asked questions of the applicant. An objector responded to an issue raised by the applicant, all in accordance with the Hearing Procedure.

The Principal Planning Officer provided further comment on an issue raised.

Councillor O'Neill, seconded by Councillor Macrae moved that the application be approved subject to the conditions and for the reasons detailed.

Councillor Hall, seconded by Councillor Hay moved that the application be refused on the grounds that the proposed development would be detrimental to the visual amenity of the area.

On a division by a show of hands, there voted 3 for the amendment and 3 for the motion.

On there being equality of votes the Chair exercised his casting vote in favour of the motion.

#### **1.11 APPLICATION NO 98/0424/FL: MRS C YOUNG**

There was submitted a report dated 5 August 1998 (circulated) by the Head of Planning and Building Control on a full planning application for proposed weekend market selling general antiques, farm related antiques, bric-a-brac/local crafts, and cafe and domestic double garage to offices at Low Gainford House Outbuildings, Stewarton Road, Fenwick.

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: Refusal for the following reasons, viz:- The proposed development is contrary to Policy SO5 of the Kilmarnock and Loudoun Finalised District Plan, as it would constitute retail development outwith any Urban Boundary not related to the sale of goods related to local agricultural (and connected industries) nor a tourist/leisure facility; (2) The proposed development if approved would constitute an unacceptable precedent for retail development outwith the designated urban envelope.

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

The meeting terminated at 1220 hours.