

**EAST AYRSHIRE COUNCIL****NORTHERN AREA LOCAL PLANNING COMMITTEE****MINUTES OF SPECIAL MEETING HELD ON FRIDAY 10 SEPTEMBER 1999 AT  
1035 HOURS IN JOHN KNOX CHURCH HALL, MAIN STREET, STEWARTON**

**PRESENT:** Councillors David Macrae, Brian McNeil, Kathleen Hall, Ann Hay, Stephanie Young, Harry Wilson and Finlay MacLean.

**ATTENDING:** Jim Worley, Principal Planning Officer (Development Services); Julie Armstrong, Senior Administrative Officer (Corporate Services); Hamish Buttle, Planning Officer (Development Services); John Trakalo, Principal Officer (Roads) (Development Services); and Jennifer Morrison, Administrative Officer (Corporate Services).

**APOLOGIES:** Councillors Jim Raymond and Robert McDill.

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

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

The Administrative Officer established that the Hearing Procedure was understood by all participants.

It was noted that members of the Committee had attended site visits in respect of both applications prior to the meeting.

**1.2 APPLICATION NO 99/0265/FL: LAURISTON PROPERTIES (Item 1.4, Page 281, 99/02)**

There was re-submitted an executive summary sheet and a report dated 25 August 1999 (circulated) by the Head of Planning and Building Control on a full planning application for proposed new housing at land adjacent to Draffen House, Loudoun Street, Stewarton.

The Principal Planning Officer reported the receipt of ten letters of objection, received with 13 signatories; 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 5 March 1999, as revised by the house type plans (ground floor plan, first floor plan and elevations) received by the Planning Authority on 9 April 1999, the landscape proposals received by the Planning Authority on 17 May 1999 (existing tree survey) and 15 July 1999 and the Site Layout (Drawing No.467/01H) received by the Planning Authority on 9 August 1999; (3) neither the road hereby approved, which takes access from Loudoun Street, nor any of the houses in the plots served by this road, shall be constructed until the point on Loudoun Street from where access is to be taken is located within a 30mph restricted speed zone; (4) sightlines of 2.5 metres x 90 metres shall be provided and permanently maintained at the junction of the access road and private dwelling access with Loudoun Street, free from any obstruction greater than one metre in

height; (5) notwithstanding the plans hereby submitted, no dwelling shall be constructed within 8 metres from the trunk of any tree to be retained on site or the edge of the canopy, whichever is greater. Protective fencing shall be erected around all trees to be retained on site at a distance of 8 metres from the trunk or the edge of the canopy, whichever is greater, prior to the commencement of any development on site and no excavations nor storage of plant materials or excavated materials shall take place within the enclosed area. Any retained tree removed or damaged at any time thereafter shall be replaced by trees of an appropriate species and size as agreed in writing with the Planning Authority; (6) the following trees (No 8FLM and No 17 FLM) as indicated on the existing tree survey (Drawing No 1208.01) shall be retained; (7) notwithstanding the plans hereby submitted, details of phasing of the planting scheme/open space provision/landscaping shall be submitted prior to the commencement of any development on site. Details of play area equipment which is to be located within the public open space shall be submitted too and approved by the Planning Authority prior to the commencement of development on site. Details of the maintenance of hard and soft landscaped areas (including the name and address of any factor appointed for supervising maintenance) shall be submitted prior to the commencement of any development on site. The areas indicated shall be maintained thereafter in accordance with such details; (8) notwithstanding the submitted plans, details of the design, materials and construction of all fences and walls to be erected on the site, including retaining walls, shall be submitted to and approved by the Planning Authority before any development commences on the site; (9) consent is hereby approved to fell the following trees only: Nos 10, 11, 12, 16, 18, 24 and 27 as indicated in Drawing No 1208.01. Replacement trees as per Drawing No 1208.02A received by the Planning Authority on 15 July 1999 shall be planted during the first available planting season following their felling taking place; (10) notwithstanding the submitted plans the external construction materials are not hereby approved. Details /samples of the external construction materials shall be submitted to an approved by the Planning Authority before any development commences on the site; (11) any garages shall be used for the storage and repair of motor vehicles belonging to the owner or occupier of the premises only, and shall not be used for any other commercial or industrial purpose; (12) no building materials, plant, machinery or excavated or imported sub-soil/top soil shall be stored at any time within a distance from an existing tree equivalent to the crown spread of the that tree; (13) prior to the commencement of any development on site, further details shall be submitted to and approved by the Planning Authority illustrating the intended matter of safeguarding the retained trees (i.e. trees nos 13 and 23 as identified on tree survey plan 1208.01), in the immediate vicinity of the stretch of new access road as indicated on the site layout plan. Such details shall include the means of excavation and construction WITHOUT severing roots of 20mm or greater in diameter; (14) No houses shall be occupied until the roads and footpaths are completed to base course level and the road drainage system is installed. The road and footpath wearing surface shall be completed immediately all the houses in any cul de sac group are occupied, all to the satisfaction of the Planning Authority; (15) full details of the measures to be taken to prevent the passage of surface water from the site on to adjacent existing properties, both during and after the building and engineering works, shall be submitted to and approved by the Planning Authority before the development commences; (16) notwithstanding the plans hereby submitted, revised details of the provision of a public footpath through the entire site in accordance with East Ayrshire Council Roads Guidance, shall be submitted to and approved by the

Planning Authority, prior to the commencement of any development on site; (17) no development shall take place within the vicinity (10 metres) of the standing stone on the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority or until an affidavit is submitted to the Planning Authority, which proves beyond reasonable doubt that there is no archaeological interest AND its findings are accepted 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 the development is carried out in accordance with the approved details; Condition (3), (4) and (14) in the interests of road safety; Condition (5) in the interest of visual amenity to protect and retain trees on site; Condition (6) to retain existing trees on site; Condition (7) to ensure adequate equipped public open space is provided to an adequate standard, and that it is subsequently maintained in the interest of residential and visual amenity; Conditions (8), (9) and (10) in the interest of visual amenity; and Condition (11) to safeguard the residential amenity of the area; Condition (12) in the interest of tree root protection; Condition (13) to ensure the trees are retained, in the interest of visual amenity; Condition (15) in the interests of residential amenity; Condition (16) in the interest of public safety; and Condition (17) to investigate possible archaeological interests.

No objectors or their representatives wished to be heard.

It was agreed to refuse the application on the grounds that the application constituted an over development of housing provision in Stewarton, giving rise to an unattainable demand upon secondary education facilities and exacerbating the shortfall in leisure facilities. These matters were sufficient to outweigh the provision of the Kilmarnock and Loudoun Finalised District Plan as a result of its age and (in respect of the supply of land for housing), the inaccuracy of the housing provisions due to "windfall" sites and density of development on other sites.

### **1.3 APPLICATION NO 98/0726/FL: MR B BOWIE (Item 1.3, Page 281, 99/02)**

There was re-submitted an executive summary sheet and a report dated 24 August 1999 (circulated) by the Head of Planning and Building Control on a full planning application for a proposed depot site for control and secure storage for environmental service tankers and associated vehicles at East Pokelly, Stewarton.

The Principal Planning Officer reported the receipt of twelve letters of objection, received with 16 signatories; in addition to the Community Council response, summarised the planning considerations in respect of the application, reported corrections to Paragraph 3.7 of the report in respect of referral legislation to the Scottish Executive, and gave the recommendation of the Head of Planning and Building Control: Refusal, for the following reasons, (1) the proposed development is contrary to Strathclyde Structure Plan Policy CAT 1 and CAT 1A by virtue of the absence of a specific locational need and adverse infrastructure implications (on local network and specifically at the Clunch Road/A77 Junction); (2) the proposal, by virtue of the absence of a specific locational need or compliance with requirements for safe access/servicing of the site is contrary to Policy IN 4 of the Finalised Kilmarnock and Loudoun District Plan and CAT 1/1A of the Finalised Strathclyde Structure Plan; (3) the required sightlines are not achievable and would therefore constitute a road safety hazard and would be contrary to Policy CAT 1A of the Strathclyde Structure Plan and Policy 1N 4 of the Finalised Kilmarnock and Loudoun District Plan.

The Committee then heard Mr Paton, representing Mr and Mrs Main, Mrs Miller, Mrs Downie, Mrs Pediani, Mr Welsh, Mr MacDonald and Mr McLeod, in support of their objections and Mr Donald, the applicant's agent, in support of the application.

Members asked questions of the objectors and the applicant's agent. The objectors and the applicant responded to the new issues raised, all in accordance with the Hearing Procedure.

The Chair then closed the Hearing and it was agreed to adjourn the meeting from 1205 hours to 1210 hours.

The Principal Planning Officer then provided further comment on issues raised.

It was agreed that the Committee were of the opinion that the economic benefits in respect of the application outweighed the road safety issues and the application should be granted. However, it was noted that under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997, the Council was not permitted to grant consent without referral to the Scottish Executive giving them the opportunity to call in the application, and it was agreed therefore in terms of the Scheme of Delegation, that a recommendation to approve such referral be made to the Development Services Committee.

The meeting terminated at 1220 hours.