

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE**

**MINUTES OF SPECIAL MEETING HELD ON TUESDAY 20 JULY 1999  
AT 1003 HRS IN THE FULTON HALL, MAIN STREET, FENWICK**

**PRESENT:** Councillors David Macrae, Brian McNeil, Stephanie Young, Harry Wilson, Jim Raymond, Finlay MacLean and Robert McDill.

**ATTENDING:** Jim Worley, Principal Planning Officer (Development Services); Bill Walkinshaw, Principal Administrative Officer (Corporate Services); Karen McLeod, Solicitor (Chief Executives); Craig Iles, Enforcement Officer (Development Services); and Jennifer Morrison, Administrative Officer (Corporate Services).

**APOLOGIES:** Councillors Kathleen Hall and Ann Hay.

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

**CONSIDERATION OF PLANNING APPLICATIONS**

**1.1 PROCEDURE**

The Administrative Officer advised of the procedure for Hearings at Local Planning Committees.

**1.2 APPLICATION NO 99/0444/FL: MR DAVID MURDOCH**

There was submitted a report dated 12 July 1999 (circulated) by the Head of Planning and Building Control on a full planning application for a proposed rear two storey extension and front and rear dormers at 19 Glebe Road, Galston.

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: Approval subject to the following condition, viz:- That 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 agreed to grant the application subject to the condition and for the reason detailed.

**1.3 APPLICATION NO 99/0190/FL: MRS JANICE McFADZEAN**

**1.3.1 Declaration of Interest**

Councillor Wilson declared a non-pecuniary interest in this application and left the meeting.

**1.3.2 Consideration of Item**

There was submitted a report dated 8 July 1999 (circulated) by the Head of Planning and Building Control on a full planning application for proposed change of use from newsagent/general store to shop for the sale of hot and cold drinks and cold food for consumption on the premises at 14 Kilnhelm Street, Newmilns.

The Principal Planning Officer reported the receipt of one letter of objection representing three objectors details of which were contained in the report, and the receipt of a late submission from the Council's Economic Development Section supporting the application; 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) That the development to which this permission relates must be begun within five years from the date of this permission; (2) Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997, this permission relates solely to the consumption of cold food on the premises and any proposed alteration or use of the building for food take away purposes or for the sale of hot food (other than on an ancillary basis) shall require the further express permission of the Planning Authority; (3) The premises shall be fitted with an adequate grease trap prior to the commencement of the use hereby approved; and (4) The use hereby approved, shall operate without detriment to adjoining properties by reason of noise, dirt, grit, smell or general disturbance; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) in the interests of residential amenity; Condition (3) in the interests of public health and the amenity of the area; and Condition (4) to safeguard the amenity of the area.

The Committee then heard Mr A Torrance and Mrs K Torrance in support of their objections.

The applicant was not present or represented.

Members asked questions of the objectors, all in accordance with the Hearing Procedure.

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

Councillor Wilson rejoined the meeting.

#### **1.4 APPLICATION NO 99/0329/FL - TARMAC CONTRACT HOUSING**

There was submitted a report dated 8 July 1999 (circulated) by the Head of Planning and Building Control on a full planning application for proposed 30 new build housing development, mix of terrace and semis at Lochore Terrace/West Donington Street, Darvel.

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: Approval subject to the following conditions, viz:- (1) That 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 4 May 1999 as revised by the site layout plan received by the Planning Authority on 28 June 1999; (3) Notwithstanding the plans hereby approved, details of the proposed brick, render and roof tiles shall be submitted to and approved by the Planning Authority before any development commences on the site; (4) Notwithstanding the plans hereby approved, 1.8m high concrete post and weldmesh fencing shall be erected along the northern boundary of the site prior to occupation of any of the houses on the site; (5) all surface and foul water arising from the proposed works shall be collected and diverted away from "Railtrack" property into an approved and adequate drainage system; (6)

Notwithstanding the plans hereby approved all existing tails to previous housing shall be located, removed and capped at sewer; (7) No surface water shall issue from the site onto the internal road layout and Lochore Terrace; (8) Outwith the hours of 0900 hrs to 1800 hrs, 7 days a week, there shall be no operation or use for construction or excavation purposes of heavy construction vehicles or heavy equipment on site; (9) 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; (10) The public roads adjacent to the site shall be kept clear of mud or other deposited material at all times; (11) The service strips shall be separated from the adjacent gardens by means of suitable kerbing; and (12) The first 2m at the end of each driveway shall be constructed from solid materials (eg bitumin, concrete, slabbed); 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 (9) In the interests of visual amenity; Condition (4) in the interests of public safety and to reduce the risk of trespass onto the railway land; Conditions (5) and (6) in the interests of public safety; Conditions (7), (10), (11) and (12) in the interests of road safety; and Condition (8) in the interests of residential amenity;

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

#### **1.5 APPLICATION NO 99/0142/OL - W S THOMSON**

There was submitted a report dated 7 July 1999 (circulated) by the Head of Planning and Building Control on an outline planning application for the proposed erection of 12 flats to be used as dwellings at land to rear of 86/90 West Main Street and fronting to West Donington Street, Darvel.

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: 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 and plans submitted on 26 February 1999 as revised by the layout plans received by the Planning Authority on 1 June 1999. (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 external appearance of the proposed building including the materials to be used; (b) the boundary walls/fences to be erected; (c) the landscaping of the site; (d) finished site levels/flood levels; and (e) the means of drainage and sewage disposal; (5) The developer shall satisfy himself, by site investigation if necessary, that relative levels are such as will allow the development to be connected to the public sewerage system at a reasonable gradient; (6) The building line of the development shall match that of the adjacent property located at the rear of 84 West Main Street, Darvel; (7) Notwithstanding the plans hereby approved, the first 6 metres of the access driveway from West Donington Street shall be constructed to a width of 5.5 metres; (8) Access to West

Donington Street shall be by means of a pavement crossing, which shall be constructed prior to the occupation of any of the flats hereby approved. 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 the development is carried out in accordance with the approved details; Condition (4) the approval is in outline only; Condition (5) in the interests of public safety; Condition (6) in the interests of visual amenity; and Conditions (7) and (8) in the interests of road safety.

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

#### **1.6 APPLICATION NO 99/0258/AD - CITILITE LTD**

There was submitted a report dated 7 July 1999 (circulated) by the Head of Planning and Building Control on a retrospective advertisement application for the proposed erection of wall mounted advertisement sign at 5-9 Bridge Street, Galston.

The Principal Planning Officer reported the receipt of one letter of objection details of which were contained 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 reason, viz:- The advertising unit detracts from the historic character and appearance of the Galston Outstanding Conservation Area within which it is located by virtue of its shape, materials of construction, position on the building and means of illumination.

The objector was not present or represented.

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

#### **1.7 APPLICATION NO 99/0255/AD - CITILITE LTD**

There was submitted a report dated 7 July 1999 (circulated) by the Head of Planning and Building Control on a retrospective advertisement application for the proposed erection of wall mounted advertisement sign at 13 Bridge Street, Galston.

The Principal Planning Officer reported the 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: Refusal for the following reason, viz:- The advertising unit detracts from the historic character and appearance of the Galston Outstanding Conservation Area within which it is located by virtue of its shape, materials of construction, position on the building and means of illumination.

The objector was not present or represented.

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

#### **1.8 APPLICATION NO 99/0345/AD - CITILITE LTD**

There was submitted a report dated 7 July 1999 (circulated) by the Head of Planning and Building Control on a retrospective advertisement application for proposed two wall mounted advertising display units at 92 Titchfield Street, Galston.

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 advertisements would result

in an over-proliferation of signage on the building and would therefore be contrary to Policy FN16 of the Finalised Kilmarnock and Loudoun District Plan; and (2) The proposed signs, adding to those already located in the vicinity, have an unacceptable, detrimental impact on the visual amenity of the area within which they are located.

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

### **1.9 APPLICATION NO 99/0293/FL - BRYANT HOMES (SCOTLAND) LTD**

There was submitted a report dated 7 July 1999 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of 27 dwellings at Phase 3, Southcraigs, Kilmarnock.

The Principal Planning Officer summarised the planning considerations in respect of the application, reported the receipt and details thereon of (a) an additional response from East Ayrshire Council, Roads and Transportation Division; and (b) a further submission by the applicant in support 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, by virtue of the density and layout of the houses, would be contrary to Policy HU1 of the Finalised Kilmarnock and Loudoun District Plan; (2) The proposed development would detract from the residential and visual amenity of the site; and (3) The proposed development would set an undesirable precedent for similar amendments within the residential estate, to the detriment of the amenity and quality of the residential environment.

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

### **1.10 APPLICATION NO 99/0434/FL - MR P DUFF**

There was submitted a report dated 7 July 1999 (circulated) by the Head of Planning and Building Control on a full planning application for proposed new access and proposed new garage at 4 Sunnyside, Kilmaurs.

It was agreed to consider this application at the end of the Agenda.

### **1.11 APPLICATION NO 99/0387/FL - CALA HOMES (SCOTLAND) LTD**

There was submitted a report dated 8 July 1999 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of 26 detached dwellings at Westfield Nursery (Part), 3C Southcraig Holdings, Glasgow Road, Kilmarnock.

The Principal Planning Officer reported the receipt of two letters of representation, details of which were detailed 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) That 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 24 May 1999 and the amended plans received by the Planning Authority on 29 June 1999; (3) Notwithstanding the plans hereby submitted, details/samples of all external construction materials to be used shall be submitted to and approved by the Planning Authority before any development commences on site; (4) 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; (5) A landscaping scheme including the treatment of the boundary of the site/areas for public open space/play areas shall be submitted to and approved by the Planning Authority prior to commencement of any development, and shall be implemented not later than the next appropriate planting season after the development has been carried out. The scheme shall include details of the provision to be made for the maintenance of soft and hard landscaped area, and these shall be maintained thereafter in accordance with these details. 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; (6) Notwithstanding the plans hereby submitted, existing hedging on the north western site boundaries (adjacent to Hollybush Place and Fenwick Place) shall be maintained at a height no greater than 10 feet; (7) Notwithstanding the plans hereby submitted, the following roads issues shall be implemented in accordance with East Ayrshire Council Roads Division standards: (i) a one metre separation between accesses at Plots 6 and 7; (ii) a speed table at the internal junction adjacent to Plots 12, 13 and 14; (iii) all changes to the street lighting system on Glasgow Road due to the formation of the new junction shall be the responsibility of the applicant and shall be implemented prior to the occupation of any dwellinghouse on the site; (iv) The footway over the frontage of the site abutting Glasgow Road shall be reconstructed to the Roads Division standard, prior to the occupation of any dwellinghouse on the site; and (v) sightlines of 2.5m x 120m free from obstruction greater than 1 metre height shall be provided and maintained at the junction of the site with Glasgow Road; and (8) Prior to the commencement of any development on site, the applicants shall submit to, and have received the written agreement of the Planning Authority to the contents of a report by a suitably qualified person addressing the ground stability of the site and in particular the measures necessary to mitigate the impact of a mine entry stated by the Coal Authority to be located within the north of the site; 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) and (4) in the interests of visual amenity; Condition (5) to ensure that adequate provision of public open space is provided, to an adequate standard, and that it is subsequently maintained, in the interests residential and visual amenity; Condition (6) to ensure that the existing hedging does not grow unrestrained, in the interests of residential amenity; Condition (7) in the interests of road safety; and Condition (8) in the interests of public safety.

It was agreed to continue the application to the next meeting in order that details of layout arrangements discussed at the meeting could be considered by the applicant.

### **1.12 APPLICATION NO 99/0360/FL - MR J BROWN AND MISS C GEALS**

There was submitted a report dated 8 July 1999 (circulated) by the Head of Planning and Building Control on a full planning application for a proposed single storey dwellinghouse, Main Road, Waterside.

The Principal Planning Officer reported that the applicant had requested that consideration of this application be deferred to allow further information recently submitted to be taken into consideration.

It was agreed to defer the application to the September meeting of the Committee, and also that members attend a site visit.

### **1.13 APPLICATION NO 99/0234/OL - MR AND MRS C ALLAN**

There was submitted a report dated 7 July 1999 (circulated) by the Head of Planning and Building Control on an outline planning application for the proposed erection of single dwellinghouse at Main Road, Fenwick.

The Principal Planning Officer reported the receipt of one letter of objection as well as correspondence from the applicant in support of the 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) 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 drainage and sewage disposal; (d) details of the access arrangements; (e) the provision for car parking; (f) the boundary walls/fences to be erected; and (g) finished site levels/floor levels; and (4) Details to be submitted under Condition (3) shall provide for a house positioned towards the front of the site and: (a) the roof covering to be natural slate; (b) external walls to be white wet dash render; (c) a predominance of wall over doors and windows, a vertical proportion to windows and the use of timber sash and casement windows; (d) a minimum of 100 sq ms of private garden ground for the proposed house; (e) the ridge and eaves line of the house to be parallel to and of a height to match the adjacent terrace to the south; and (f) the site to accommodate parking for two vehicles, a turning area and sightlines of 2.5m x 90m at the access to the site, free from obstruction greater than one metre in height, maintainable on a permanent basis; Conditions (1) and (2) being imposed to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997; Condition (3) the approval is in outline only; and Condition (4) in the interests of visual amenity and the character of the High Fenwick Conservation Area and of road safety.

The objector was not present or represented.

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

### **1.13 APPLICATION NO 99/0434/FL - MR P DUFF**

There was submitted a report dated 7 July 1999 (circulated) by the Head of Planning and Building Control on a full planning application for proposed new access and garage at 4 Sunnyside, Kilmaurs.

The Principal Planning Officer reported the receipt of two letters of objection signed by three signatories, 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) That the development to which this permission relates must be begun within five years from the date of this permission; and (2) Access to Sunnyside shall be by means of a pavement crossing, which shall be constructed prior to the first use of the garage; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and Condition (2) in the interests of road safety.

The objectors were not present or represented.

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

The meeting terminated at 1102 hrs.