

**EAST AYRSHIRE COUNCIL****NORTHERN AREA LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 3 SEPTEMBER 1999 AT 1008 HOURS  
IN KILMAURS COMMUNITY CENTRE, EAST PARK DRIVE, KILMAURS**

**PRESENT:** Councillors David Macrae, Kathleen Hall, Ann Hay, Stephanie Young, Harry Wilson Jim Raymond 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 Gillian Hamilton, Administrative Officer (Corporate Services).

**APOLOGIES:** Councillor Brian McNeil 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.

**1.2 APPLICATION NO 99/0477/FL: MR & MRS NEIL (Item 2.1, Page 190, 99/02)**

There was 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 proposed erection of new garage at Southpark, 1 Corsehillbank Street, Stewarton.

It was noted that the Hearing in respect of this application was held at the meeting of the Committee on 6 August 1999 and only Councillors Macrae, Young, Wilson and MacLean could therefore consider and determine the application.

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 four letters of objection, details of which were contained within the report; summarised the planning consideration 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 existing garage and driveway shall be removed as indicated in the plans hereby approved, within 1 month of completion of the garage hereby approved; (3) notwithstanding the plans hereby approved, the gates indicated at the new access are not approved. Any gates installed shall open inwards into the site; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to prevent the introduction of additional vehicle reversing manoeuvres onto Corsehillbank Street; and Condition (3) in the interest of road safety.

It was agreed to grant the application subject to the conditions and for the reasons detailed and to extend Condition (2) above to read, viz:- “no vehicular access to Corsehillbank Street shall be allowed thereafter”.

### **1.3 APPLICATION NO 98/0726/FL: MR B BOWIE**

There was submitted an executive summary 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.

It was agreed to defer consideration of this application to a special meeting of this Committee at a date and venue to be arranged to allow members the opportunity to attend a site visit.

### **1.4 APPLICATION NO 99/0265/FL: LAURISTON PROPERTIES**

There was 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.

It was agreed to defer consideration of this application to the above special meeting of this Committee, to allow members the opportunity to attend a site visit.

### **1.5 APPLICATION NOS 98/0795/LB AND 98/0796/FL: MR M SLOAN**

There was submitted an executive summary sheet and a report dated 24 August 1999 (circulated) by the Head of Planning and Building Control on a listed building application and a full planning application for the proposed change of use of vacant shop premises and alterations to form residential accommodation at 4 Polwarth Street, Galston.

The Principal Planning Officer reported the receipt of three letters of objection with four signatories including an objection from Architectural Heritage Society of Scotland, a letter signed by two signatories and one letter from an agent on behalf of these two signatories; summarised the planning consideration in respect of the application; and gave the recommendation of the Head of Planning and Building Control: both applications be approved subject to the following conditions, viz:- Application No 98/0795/LB (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 1 December 1998 and the amended plans received by the Planning Authority on 23 July 1999; (3) notwithstanding the plans hereby approved, the vertical glazing bars of the former shop windows on Polwarth Street shall be reduced to a maximum of 40mm thickness. Trickle vents shall be installed in the meeting rail of the sashes; (4) notwithstanding the plans hereby approved, the existing entrance door shall be retained for re-use if possible. In circumstances where the door is not capable of re-use the door shall be replaced on a like-for-like basis; (5) all external woodwork on the Polwarth Street elevation shall be painted; (6) notwithstanding the plans hereby approved, the velux window on the rear extension shall be conservation style (ie, shall not project beyond the plane of the roof); Condition (1) being imposed to comply with Section 16 of the Planning (Listed Building and Conservation Areas)

(Scotland) Act 1997; Condition (2) to ensure that the development is carried out in accordance with the approved details; Condition (3) in the interest of visual amenity and to ensure that the vents will not be visible from outside the building; Conditions (4) and (6) in the interest of visual amenity; and Condition (5) in the interest of visual amenity as alternative wood treatments are not traditional finishes; Application No 98/0796/FL; (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 1 December 1998 and the amended plans received by the Planning Authority on 23 July 1999; (3) prior to the commencement of works on the site, the applicant shall satisfy himself as to the suitability of the site for construction purposes; (4) notwithstanding the plans hereby approved, the vertical glazing bars of the former shop windows on Polwarth Street shall be reduced to a maximum of 40mm thickness. Trickle vents shall be installed in the meeting rail of the sashes; (5) notwithstanding the plans hereby approved, the velux window on the rear extension shall be conservation style (ie, shall not project beyond the plane of the roof); 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 public safety; Condition (4) in the interest of visual amenity and to ensure that the vents will not be visible from outside the building; and Condition (5) in the interest of visual amenity.

There were no objectors present or represented.

It was agreed to grant both applications subject to the conditions and for the reasons detailed and that the Principal Planning Officer clarify for Councillor McLean the status of the Galston Outstanding Conservation Area.

## **1.6 APPLICATION NO 99/0396/FL: MR A KIRKLAND**

There was 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 proposed formation of 3 dwellings from 1 dwelling at 2 West Main Street, Darvel.

The Principal Planning Officer reported the receipt of two letters of objection including one from Darvel and District Community Council, details of which were contained within the report; summarised the planning consideration 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 27 May 1999 as revised by the location plan received by the Planning Authority on 26 July 1999; (3) details of parking and access arrangement for the dwellings shall be submitted to and approved by the Planning Authority within 1 month of the date of this consent. Such details as are approved shall be implemented within 1 month of their approval. The details submitted shall allow sightlines from the access of 2.5m x 3.5m free from obstruction (on a permanent basis) greater than 1m in height; (4) a new footway crossing with drop kerbs and transitions shall be located at the new access detailed in Condition (3) above and the existing crossing shall be removed and the footway restored to adoptable standard; (5) the first 2m of the private access/driveway shall be hard

paved using asphalt, bituminous macadam, block paving or similar and separated from the public footway using suitable kerbing; (6) a minimum of 3 parking spaces (including existing garages) shall be provided and maintained within the site; (7) any gates erected shall be set back a minimum distance of 6m from the line of the existing boundary wall on Cross Street and shall open away from the public road to prevent obstruction; 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), (5), (6) and (7) in the interest of road safety; and Condition (4) in the interest of road/pedestrian safety.

The Committee then heard Mr Docherty in support of his objections.

The applicant was not present or represented.

The Principal Planning Officer responded to issues raised by the objector and members, all in accordance with the Hearing Procedure.

It was agreed to refuse the application on the grounds that the proposed development would result in increased use of the vehicular access to the site to and from Cross Street which, by virtue of the limited visibility, would be detrimental to road safety.

#### **1.7 APPLICATION NO 99/0519/FL: TAY HOMES (SCOTLAND) LTD**

There was 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 the erection of 55 dwellings (amendment to 98/0676/FL house type mix revised) at Toponthank Phase IIB (Area A), Kilmarnock.

The Principal Planning Officer summarised the planning consideration 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) details/samples of the facing, roofing and resurfacing material to be used shall be submitted to and approved by the Planning Authority before any development commences on the site; (3) 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; (4) details of the landscaping of the site, including the provision of play equipment and the maintenance of play equipment and all open space outwith the private curtilage of any dwelling shall be submitted to and approved by the Planning Authority prior to the commencement of the development. Such details shall include the timescale for the implementation of the landscaping and play equipment in relation to the completion of the dwellings; (5) notwithstanding the plans hereby submitted, details of the culvert arrangement crossing the distributor road at the eastern edge of the site and the means of providing access to the culvert mouth for East Ayrshire Council Roads Division to allow for maintenance shall be submitted to and approved by the Planning Authority prior to commencement of any development on site; (6) notwithstanding the plans hereby submitted, the details of the boundary hedge planting shall be submitted to and approved by the Planning Authority, with details of maintenance and implementation, prior to the commencement of any development on site; (7) the boundary hedge shall be maintained at a height of not less than 2.5

metres; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Conditions (2), (3) and (6) in the interest of visual amenity; Condition (4) to ensure that the open space is adequately provided and maintained in the interest of residential amenity; Condition (5) in the interest of public health and road safety; and Condition (7) to ensure that the hedges are retained to a size at which they would continue to provide a habitat and would significantly contribute to visual amenity.

It was agreed to grant the application subject to the conditions and for the reasons detailed and to an additional condition, to read Viz:- "details of a land drainage scheme shall be submitted and approved by the Planning Authority prior to the commencement of development"; this condition being imposed to ensure that the land is adequately drained in the interest of the amenity of future householders.

### **1.8 APPLICATION NO 99/0526/RM: MR & MRS SIM**

There was submitted an executive summary sheet and a report dated 17 August 1999 (circulated) by the Head of Planning and Building Control on a reserved matters application for the proposed formation of plots and construction of access road at the former North Ayrshire Produce Co. Factory, Old Glasgow Road, Stewarton.

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) the house positions shown on the indicative layout (Drawing No 714-200A1 (D) 1C) submitted with the planning application are for information purposes only and shall not be treated as forming part of the issued consent, which relates only to the road and plot layouts; (2) no dwellings shall be occupied on the site until: (i) the existing road verge from the new junction to the start of the public footway at Wylia Place has been constructed to adoptable footway standards; and (ii) sightlines at the new junction with Old Glasgow Road of 2.5m x 90m, free from obstruction greater than 1m in height have been provided; (3) notwithstanding the plans hereby submitted, individual property owners and subsequent property owners shall maintain the riverbank commensurate with individual plot boundaries, to prevent erosion, and trees/vegetation etc should be clear of the river flow at all times; (4) details of the levels of the carriageway shall be submitted to and approved by the Planning Authority prior to the commencement of development. Such details shall be accompanied by a report from a suitably qualified hydrologist examining the flow of the Annick Water in flood conditions (1 in 100 years) and the road shall be constructed so as to safely accommodate such an event and in accordance with such details as are approved by the Planning Authority; (5) notwithstanding the plans hereby submitted, the hedgerow along the northern boundary of the site shall be retained and maintained at a height of no greater than 2 metres; (6) details/samples of a restricted number of facing materials and a roof tile (1 brick type/1 roof tile and 1 roughcasts/render) shall be submitted to and approved by the Planning Authority before any development commences on site. All dwellings shall be constructed from the subsequently approved materials; (7) all dwellings constructed on the site shall comply with the following: (i) the details of Condition 5 above; (ii) the dwelling shall occupy no more than 40% of the plot area; (iii) all dwellings shall have private, secluded garden space of at least 100 square metres in area; and (iv) no dwelling shall be located within a distance of 8 metres from an existing replacement tree;

Condition (1) being imposed as the plan is indicative only in terms of layout; Condition (2) in the interest of road safety; Condition (3) to ensure the clear river flow is maintained and to protect against erosion; Condition (4) to ensure that the access road shall not be susceptible to flooding from the Annick Water; Condition (5) in the interest of visual amenity; Condition (6) to ensure consistency of materials throughout the development, in the interest of visual amenity; and Condition (7) in the interest of residential amenity.

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

#### **1.9 APPLICATION NO 99/0522/FL: BRYAN BYRNE**

There was 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 the proposed erection of single storey structure for light industrial use at property adjacent to Sherwood House, Galston Road, Hurlford.

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 is not in accordance with Policy IN4 of the Finalised Kilmarnock and Loudoun District Plan in that it would constitute industrial development in the countryside outside the urban envelope of the settlements, with no specific locational justification nor any connection to existing industrial operations at the site; and (2) the proposed development would be detrimental to road safety in that it is not possible to fulfil the requirements of East Ayrshire Council as Highways Authority in terms of vehicular access, visibility splays, turning standards and parking provision and as such, it would have an adverse effect on traffic and public safety.

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

The meeting terminated at 1039 hours.