

EAST AYRSHIRE COUNCIL**SOUTHERN LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 27 AUGUST 1999 AT 1000 HOURS IN CUMNOCK TOWN HALL, GLAISNOCK STREET, CUMNOCK**

PRESENT: Councillors Tommy Farrell, Eric Jackson, George Smith, Jimmy Kelly, Julie Faulds, William Menzies, Provost Jimmy Boyd and Councillors Elaine Dinwoodie, Robert Taylor and Jimmy Carmichael.

ATTENDING: Pamela Clifford, Senior Planning Officer; James Lally, Senior Administrative Officer; Susan Mason, Service Unit Manager, Social Work; Karen McLeod, Senior Solicitor; and Ian Gemmell, Administrative Officer.

APOLOGY: Councillor Eric Ross.

CHAIR: Councillor Tommy Farrell, Chair.

CHAIR'S REMARKS

1. Councillor Farrell reported and it was noted that Application No 99/0256/OL: Mr W Burns and Application No 99/0319/FL: Ms Grace Kay which had appeared on the Agenda as Items 2 and 12 respectively, had been withdrawn from the business to be considered at this meeting.

CONSIDERATION OF PLANNING APPLICATIONS**2. APPLICATION NO. 99/0203/OL: MR R G WHYTE**

There was submitted a report dated 18 August 1999 (circulated) by the Head of Planning and Building Control on an application for outline planning consent for the erection of two dwellinghouses at Plot 2/Previous Shop Site, Bute Road, Cumnock.

The Senior 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:- (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 dwellinghouses; (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; (4) The existing parking bay fronting the former shop site shall be removed and a new two metres wide footway shall be provided along the frontage of the site. This new footway shall be provided prior to the occupation or completion of any of the two dwellinghouses granted under this consent; (5) Under Condition (3)(d), visibility sightline splay areas of 2 metres x 20 metres shall be formed and maintained at the site access with no obstruction to visibility greater than one metre in height being

allowed within these areas; and (6) the indicative layout plan submitted along with the application is for information purposes only and shall not be treated as forming part of the issued consent. Conditions (1) and (2) being imposed to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997; Conditions (3) and (6) as the approval is in outline only; and Conditions (4) and (5) in the interests of public road safety.

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

3. APPLICATION NO. 99/0369/RM: TARMAC CONTRACT HOUSING

There was submitted a report dated 17 August 1999 (circulated) by the Head of Planning and Building Control on a reserved matters application in respect of new build residential development on land at Kingsway, Barshare, Cumnock.

The Senior Planning Officer reported that a petition signed by ten residents objecting to the development had been received, but that these objections had been subsequently withdrawn, summarised the planning considerations in respect of the application, and gave the recommendation of the Head of Planning and Building Control: Approval, subject to the following conditions:- (1) The proposed development shall be carried out in accordance with the application form and plans submitted on 20 May 1999 as revised by the site layout plans and house type 1 plans received by the Planning Authority on 15 July 1999 and 2 August 1999; (2) Notwithstanding the submitted plans, the render, facing brick and roof tiles are not hereby approved. Details/samples of render, facing brick and roof tiles shall be submitted to, and approved by, the Planning Authority before any development commences on the site; (3) Junction visibility splay areas of 4.5m x 35m shall be provided at all internal road junctions with no object greater than one metre in height allowed within these areas prior to the occupation of houses served by the specific road; (4) Any existing public utility apparatus located in the verge/footway shall be protected beneath the proposed accesses; (5) Prior to the occupation of each house, the private driveways of each house shall be paved for a minimum distance of two metres from the rear of the footway to avoid the overcarry of loose material onto the public road; (6) No surface water shall be allowed to discharge onto the public road and appropriate land drainage shall be provided; (7) Any gates shall open inwards away from the public road; (8) Notwithstanding the approved plans, details of the boundary and surface treatment of the wheelie bin collection point for the courtyard shall be submitted to, and approved by, the Planning Authority prior to the commencement of development on site and implemented prior to the occupation of the houses located within the courtyard; (9) 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; (10) Notwithstanding the approved plans, a 1.8m high screen fence shall be erected along the rear boundaries between Plots 15 to 25, Plots 26 to 27 and Plots 1 and 7, the western boundary of Plot 14 and along the eastern boundary of the site. Details of its design and exact location shall be submitted to, and approved by, the Planning Authority and implemented prior to the occupation of these houses; (11) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any order or enactment replacing this, any garage associated with the development shall be of permanent construction and finished in the same materials as the dwellinghouse to which it relates; (12) 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; (13) The landscaping/open space relating to this development as part of Condition 12 above shall be laid out simultaneously with the development, or each phase thereof, and shall be maintained thereafter in accordance with maintenance schemes to be submitted to, and approved by, the Planning Authority; (14) Prior to works commencing on site, the applicant shall submit to, and have approved by, the Planning Authority, details of the treatment of the play area and play equipment to be installed within the site and it shall be installed prior to the occupation of the houses within the cul-de-sac in which it is located; (15) Notwithstanding the approved plans, an entrance feature shall be erected at the entrance to the development with Edgar Avenue and Kingsway, details of its design and location shall be submitted to, and approved by, the Planning Authority prior to commencement of development and implemented with the surrounding landscaping areas; (16) Measures shall be implemented to preclude any flooding of adjacent properties by reason of displacement of surface or other water. The developer shall confirm such measures in writing to the Planning Authority, prior to the commencement of development; and (17) The hours of construction works shall be limited to 7 am to 6 pm Monday to Friday, 9 am to 1 pm on a Saturday, and at no times on a Sunday. Condition (1) to ensure that development is carried out in accordance with the approved details; Conditions (2), (8), (9), (11) and (15) in the interests of visual amenity; Conditions (3), (4), (5), (6) and (7) in the interests of road safety; Conditions (10), (14) and (17) in the interests of residential amenity; Condition (12) to ensure that adequate provision of public open space is provided, to an adequate standard, and that it is subsequently maintained, in the interests of residential and visual amenity; Condition (13) to ensure that public open space areas are laid out in a proper manner in the interests of residential amenity; and Condition (16) in the interests of residential development.

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

4. APPLICATION NO. 99/0392/RM: BEAZER PARTNERSHIP HOMES

There was submitted a report dated 17 August 1999 (circulated) by the Head of Planning and Building Control on a reserved matters application in respect of a residential development of 95 houses with associated parking and landscaping at Drumbrochan, off Muirkirk Road, Cumnock.

It was reported and noted that form T.P. 24 attached to the relevant report had in error stated the total number of houses as 96 and the applicant as East Ayrshire Housing Partnership.

The Senior Planning Officer reported that one letter of objection had been received, details of which were given in 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:- (1) 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, site layout and section plans received by the Planning Authority on 26 July 1999; (2) Notwithstanding the submitted plans, the render, facing brick and roof tiles are not hereby approved, details/samples of the render, facing brick and roof tiles shall be submitted to, and

approved by, the Planning Authority before any development commences on the site; (3) Junction visibility splay areas of 4.5m x 35m shall be provided at all internal road junctions with no object greater than one metre in height allowed within these areas prior to the occupation of houses served by the specific road; (4) Notwithstanding the approved plans, prior to the occupation of the houses, junction visibilities of 9m x 90m shall be provided at junction of A70 Muirkirk Road and no fence, or object over one metre in height shall be allowed within these areas; (5) Prior to the occupation of each house, the private driveways of each house shall be paved for a minimum distance of two metres from the rear of the footway to avoid the overcarry of loose material onto the public road; (6) Any existing public utility apparatus located in the verge shall be protected beneath the proposed access; (7) Any gates shall open inwards away from the public road; (8) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order or enactment replacing this, any garage associated with the development shall be of permanent construction and finished in the same materials of the dwellinghouse to which it relates and set back a minimum distance of six metres from the rear of the footway; (9) Measures shall be implemented to preclude any flooding of adjacent properties by reason of displacement of surface or other water. Details of these measures shall be submitted to and approved by the Planning Authority prior to the commencement of development; (10) Notwithstanding the submitted plans, details of the design and construction of all fences and walls to be erected on the site, including retaining walls, shall be submitted to, and approved by, the Planning Authority before any development commences on the site; (11) Notwithstanding the approved plans, an entrance feature and boundary treatment shall be provided along the northern boundary of the site adjacent to Muirkirk Road. Details of its design and location shall be submitted to, and approved by, the Planning Authority prior to commencement of development and implemented prior to the occupation of the adjacent houses; (12) Notwithstanding the approved landscaping proposals, standard tree species Code A *Alnus Incana*, Code B *Fraxinus Augustifolia* "Raywood" and Code C *Fraxinus Excelsior* are hereby not approved. These trees shall be replaced with smaller varieties of the same species of tree as follows:- Code A *Alnus Incana* "Aurea", Code B *Fraxinus Augustifolia* "Velthemii" and Code C *Fraxinus Excelsior* "Jaspidea"; (13) Notwithstanding the approved landscaping proposals, the landscaping details for the western boundary of the site are hereby not approved. Details of the landscaping treatment of this area shall be submitted to, and approved by, the Planning Authority prior to the commencement of development on site; (14) The landscaping/open space shall be laid out simultaneously with the development, or each phase thereof, and shall be maintained thereafter in accordance with maintenance schemes to be submitted to, and approved by, the Planning Authority prior to the commencement of development on site; (15) Prior to works commencing on site, the applicant shall submit to, and have approved by, the Planning Authority details of the treatment of play area and play equipment to be installed within the site and it shall be implemented prior to the occupation of plots 92-95; and (16) The hours of construction shall be limited to 7 am to 6 pm Monday to Friday, 9 am to 1 pm on a Saturday and at no times on a Sunday. Condition (1) to ensure that the development is carried out in accordance with the approved details; Conditions (2) and (10) in the interests of visual amenity; Conditions (3), (4), (5), (6), (7) and (8) in the interests of road safety; Condition (9) in the interests of residential development; Conditions (11), (12) and (13) in the interests of visual and residential amenity; Condition (14) to ensure that public open space areas are laid out in a

proper manner in the interests of residential amenity prior to the commencement of development; Condition (15) to ensure that the play area is provided to an adequate standard; and Condition (16) in the interests of residential amenity.

The Committee then heard objector, Dr Ian Brown, who spoke on behalf of the East Ayrshire Forum on Disability. The applicant was not present or represented. The Members asked questions of the objector all in accordance with the agreed Hearing procedure.

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

5. APPLICATION NO. 99/0533/FL: MR H MacDOUGALL

There was submitted a report dated 17 August 1999 (circulated) by the Head of Planning and Building Control on an application for the removal of Condition (2) of Planning Consent 99/0167/FL, to allow the installation of concrete tiles at 67 Ayr Road, Cumnock.

The Senior 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:- (1) The proposed roof tiles on the approved extension would not match the finish of the existing dwellinghouse and therefore would be contrary to the Council's Development Control Policies relating to Householder Development as outlined in Appendix 17 of the Finalised Cumnock and Doon Valley District Wide Local Plan; and (2) The proposed roof tiles are an inappropriate roofing material on an extension to a traditional dwellinghouse on a prominent corner site and would detract from the visual amenity of the house and of the area.

It was agreed to approve the application as it was considered that the proposed roof tiles were an appropriate roofing material in respect of the site concerned, and would not detract from the visual amenity of the house or of the area.

6. APPLICATION NO. 99/0097/AD: MR D HANLON

There was submitted a report dated 10 August 1999 (circulated) by the Head of Planning and Building Control on an advertisement application in respect of the erection of two free-standing signs on A70 Road, near Logan, Cumnock.

The Senior 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:- (1) The proposed signs shall be erected outwith the limits of the public road A70; and (2) The proposed signs shall not exceed a total height of 2.5 metres above ground level. Condition (1) in the interests of public road safety; and Condition (2) in the interests of visual amenity.

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

7. APPLICATION NO. 99/0367/FL: NORTHKIRK LIMITED

There was submitted a report dated 17 August 1999 (circulated) by the Head of Planning and Building Control on an application for the removal of Condition 11 from

Consent 97/0101/FL, and permission to build an entrance wall in alternative material at Harperbank Grove (formerly Bankend Farm), Ayr Road, Cumnock.

The Senior 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 reason that the provision of the entrance feature wall constructed in Marshalite stone would be out of keeping with existing natural sandstone walls within the Harperbank Grove residential development site and would represent the introduction of a different finishing material to those which are presently found within the development site, to the detriment of visual amenity.

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

8. APPLICATION NO. 99/0170/AD: CITILITE LIMITED

There was submitted a report dated 17 August 1999 (circulated) by the Head of Planning and Building Control in respect of an advertisement application for the proposed erection of two single sided free-standing advertising display units at 6 Loudoun Street, Mauchline.

The Senior Planning Officer reported that two letters of representation had been received, details of which were given 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 reason that the two free standing advertising units, in terms of their siting, size, design and use of finishing materials were insensitive to, and inappropriate for, use within Mauchline Outstanding Conservation Area. Consequently, the proposal was contrary to Policy ENV3 of the Finalised Cumnock and Doon Valley District Wide Local Plan and Policy 7(a) of the Council's adopted Development Control Policies relating to the Display of Advertisements which state:- "Policy ENV3: The Council will ensure through the development control process that any proposed development in Conservation Areas is in keeping with the character and appearance of the areas in terms of size, scale, design, siting, materials used and finish"; and "Policy 7(a): Signs in Conservation Areas and on Listed Buildings should be sensitive to the character of the area or building with respect to colours used, materials and design.

No objectors were present or represented.

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

9. APPLICATION NO. 99/0071/OL: HOPE HOMES (SCOTLAND)

There was submitted a report dated 17 August 1999 (circulated) by the Head of Planning and Building Control on an application for outline planning consent in respect of a proposed plot for a house at 72 Main Street, Patna.

The Senior Planning Officer reported that one letter of objection had been received, details of which were given 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 reasons:- (1) The proposed development was to be serviced by a substandard access track and was therefore contrary to East Ayrshire Council's Roads Division policy which requires the provision of an access road, footpaths and streetlighting to Roads Division standards when servicing three or more dwellings; (2) The proposed development, if approved, would result in an increase in vehicular traffic along a single access track and would therefore be

detrimental to vehicular and pedestrian safety; and (3) The proposed development would have a detrimental impact on the existing tree which is protected by a Tree Preservation Order affecting the amenity and character of the general area.

It was agreed to continue consideration of the application to a future meeting of this Committee in order that a site visit could take place.

10. APPLICATION NO. 99/0153/FL: MR I REILLY

There was submitted a report dated 17 August 1999 (circulated) by the Head of Planning and Building Control on an application for full planning consent in respect of the erection of a two storey dwellinghouse, on a plot at Auchendoon Estate, Skeldon, Hollybush.

The Senior Planning Officer reported that four letters of objection and two letters of representation had been received, details of which were given in 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:- (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 3 March 1999 as revised by the elevations, section and site layout plans received by the Planning Authority on 23 June 1999 and 5 August 1999; (3) Notwithstanding the submitted plans, the roof tiles, facing brick, stone and dry dash render are not hereby approved. Details/samples of roof tiles, facing brick, stone and dry dash render shall be submitted to, and approved by, the Planning Authority before any development commences on the site; (4) The existing hedge along the boundaries with Auchendoon Cottage, the Briars and the agricultural field shall be retained intact and maintained thereafter to the satisfaction of the Planning Authority; and (5) Notwithstanding the plans 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 tanker. 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 (4) in the interests of visual amenity; and Condition (5) in the interests of public safety.

The Committee then heard objectors Mrs Lesley Anne Smith and Mr R A Cogan, who spoke in support of their objections, and the applicant, Mr Reilly, who spoke in support of the application. Members asked questions of the objectors and the applicant, and the applicant and the objectors responded to the issues raised, all in accordance with the agreed Hearing procedure.

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

11. APPLICATION NO. 99/0493/FL: MR JAMES RIGGANS

There was submitted a report dated 17 August 1999 (circulated) by the Head of Planning and Building Control on an application for full planning consent in respect of the erection of a rear bathroom and bedroom extension at 8 Skeldon Crescent, Dalrymple.

The Senior Planning Officer reported that one letter of objection had been received, details of which were given in 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 condition 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.

The Committee then heard objector, Mr David Lambie, who spoke in support of his objections, and the applicant, Mr James Riggans, who spoke in support of the application. Members asked questions of the objector and the applicant, and the applicant and the objector responded to the issues raised, all in accordance with the agreed Hearing procedure.

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

The meeting terminated at 1104 hours.