

**EAST AYRSHIRE COUNCIL****CENTRAL LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 13 OCTOBER 2000 AT 1000 HOURS  
IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK**

**PRESENT:** Councillors Drew McIntyre, Brian Reeves, Daniel Coffey, Willie Coffey, Lilian MacLean, John Weir, Alex Walsh and John Knapp.

**ATTENDING:** David Mitchell, Legal Manager; Julie Armstrong, Principal Administrative Officer; Pamela Clifford, Senior Planning Officer; Stuart Nelson, Administrative Officer; and Christine Baillie, Trainee Administrative Officer.

**APOLOGIES:** Councillors Douglas Reid, Iain Linton, Alan Campbell and Jane Darnbrough.

**CHAIR:** Councillor Drew McIntyre, Chair.

**CONSIDERATION OF PLANNING APPLICATIONS****1. PROCEDURE**

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

**2.1 APPLICATION NO 00/0429/FL: MR AND MRS M WRIGHT: 20 FAIRLIE AVENUE, KILMARNOCK**

There was submitted an executive summary sheet and report dated 4 October 2000 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed erection of rear conservatory and 2 metre high timber fence at 20 Fairlie Avenue, Kilmarnock.

The Senior Planning Officer reported that one letter of objection had been received, 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: 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 16 June 2000 and the amended plans received by the Planning Authority on 6 September 2000; and (3) The proposed extension shall be finished in materials to match those of the existing dwellinghouse; 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; and Condition (3) in the interests of visual amenity.

**2.1.1 PLANNING HEARING**

The Committee heard Mrs O'Connell in support of her objection. The Committee then heard Mr McQuiston, Agent for the applicant in support of the application. Members asked questions of the objector and of the applicant. The objector and applicant responded to the issues raised, all in accordance with the Hearing procedure.

### **2.1.2 ADJOURNMENT**

It was agreed to adjourn the meeting at 1030 hours to take legal advice.

### **2.1.3 RECONVENTION**

The Committee reconvened at 1035 hours with the same Members and Officials present and in attendance.

### **2.1.4 DETERMINATION OF APPLICATION**

It was agreed to approve the application (a) subject to the conditions and for the reasons detailed; and (b) subject to the condition that, notwithstanding the submitted plans, permission is not hereby granted for the erection of the 2m high fence along the western boundary of the site, this condition being imposed in the interest of residential amenity.

## **2.2 APPLICATION NO 00/0524/FL: MR AND MRS WALSH: 8 LANDBOROUGH DRIVE, KILMARNOCK**

There was submitted an executive summary sheet and report dated 4 October 2000 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed rear extension at 8 Landsborough Drive, Kilmarnock.

The Senior Planning Officer reported that one letter of objection had been received, 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: 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; and (2) The proposed development shall be carried out in accordance with the application form and plans submitted on 26 July 2000 as revised by the proposed rear extension plan received by the Planning Authority on 14 September 2000; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and Condition (2) to ensure that the development is carried out in accordance with the approved details.

### **2.2.1 PLANNING HEARING**

The Committee heard Mr Russell in support of his objection. The Committee then heard Mr Walsh in support of the application. Members asked questions of the objector and of the applicant. The objector and applicant responded to the issues raised, all in accordance with the Hearing procedure.

### **2.2.2 DETERMINATION OF APPLICATION**

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

Councillor Knapp joined the meeting during discussion of this item, but took no part in consideration or determination of the application.

## **2.3 APPLICATION NO 00/0601/FL: BILLY BOWIE: GROUND AT MOORFIELD INDUSTRIAL ESTATE, KILMARNOCK**

There was submitted an executive summary sheet and report dated 4 October 2000 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed erection of fence at ground at Moorfield Industrial Estate, Kilmarnock.

The Senior Planning Officer reported that one letter of objection had been received, 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.

No Hearing was held as the objector was not present or represented.

Councillor McIntyre, seconded by Councillor Walsh, moved that the application be approved subject to the condition and for the reason detailed.

Councillor D Coffey, seconded by Councillor Weir, moved as an amendment that the application be approved subject to the colour of the proposed fence being amended to one more in keeping with the natural surroundings than the colour proposed.

On a division by a show of hands, there were 4 votes for the motion and 4 votes for the amendment. There being an equality of votes, the Chair exercised his casting vote in favour of the motion.

**2.4 APPLICATION NOS 00/0426/HA AND 00/0427/HA: B G TRANSCO PLC: STORAGE OF NATURAL GAS AT KILMARNOCK NORTH HOLDER STATION AND KILMARNOCK SOUTH HOLDER STATION, HOLMQUARRY ROAD, KILMARNOCK**

It was reported and noted that this item had been withdrawn from the Agenda.

**2.5 APPLICATION NO 00/0135/OL: JOHN MONTGOMERY AND SONS LIMITED: MONTGOMERY'S CAR BREAKERS STORAGE AREA, KILMAURS ROAD, KNOCKENTIBER**

There was submitted an executive summary sheet and report dated 4 October 2000 (both circulated) by the Head of Planning and Building Control on an outline planning application for proposed residential development at Montgomery's Car Breakers Storage Area at Kilmaurs Road, Knockentiber.

The Senior Planning Officer reported that no letters of objection had been received in respect of this 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) 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 28 February 2000 and the amended plans received by the Planning Authority on 7 September 2000; (4) Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the under mentioned 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 open space; (f) the provision for car parking; (g) the boundary walls/fences to be erected; (h) the landscaping of the site; (l) finished site levels/floor

levels; and (j) the submission of a ground contamination report detailing the measures necessary to address and resolve contamination on site; (5) Details to be submitted under Condition 4(d) shall include the following road details: (a) access to the site to be taken from a single junction onto Kilmaurs Road; (b) sightlines of 2.5 metres x 90 metres to be provided at the junction and with a spacing of 25 metres from any other junction; and (c) a footway to be provided along the full frontage of the site; and (6) There shall be no occupation of any of the houses until such time as traffic calming measures, of a type submitted to and agreed by the Planning Authority, are in place on Kilmaurs Road (B751); 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) as the approval is in outline only; and Conditions (5) and (6) in the interests of road safety.

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

## **2.6 APPLICATION NO 00/0445/FL: KLIN CONTRACTS LIMITED: NURSERY AVENUE, KILMARNOCK**

There was submitted an executive summary sheet and report dated 4 October 2000 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed erection of 8 dwellinghouses at Nursery Avenue, Kilmarnock.

The Senior Planning Officer reported that no letters of objection had been received in respect of this 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) 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 26 June 2000 as revised by the amended plans received by the Planning Authority on 21 September 2000; (3) Notwithstanding the plans hereby approved, no dwellinghouses shall be occupied until the road is completed to base course level and the road drainage system installed. The road-wearing surface shall be completed within 6 months of the occupation of the first dwellinghouse or by an alternative date to be agreed in writing by the Planning Authority; (4) Nursery Avenue and Mackinlay Place where they abut the housing development site shall be kept clear of mud and other deposited materials at all times by means of mechanical brushing as appropriate; (5) 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; (6) before any of the dwellinghouses situated on the site upon which a fence is to be erected are occupied, the fence or wall for which the permission of the Planning Authority has been obtained under the terms of Condition 5 above, shall be erected and thereafter maintained to the satisfaction of the said Authority; (7) before any development commences on site or before any materials are ordered or brought to the site, details or samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Planning Authority; (8) prior to the commencement of works on site, a scheme of landscaping shall be submitted to and approved by the Planning Authority. Such details as are submitted shall include the identity of the factor appointed to co-ordinate the landscape maintenance and details

of the programme for future landscaping maintenance; (9) the landscaping scheme required in terms of Condition 8 above, shall be completed to the satisfaction of the Planning Authority prior to the completion of the development hereby approved or occupation of the first dwellinghouse whichever is the sooner and thereafter shall be maintained and replaced where necessary to the satisfaction of the 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) in the interests of residential amenity; Condition (4) in the interests of road safety; Conditions (5), (8) and (9) in the interests of visual amenity of the area; and Conditions (6) and (7) in the interests of amenity.

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

## **2.7 APPLICATION NO 00/0609/OL: MR J PORTER AND MISS J CRONIN: 37 MAIN ROAD, GATEHEAD**

There was submitted an executive summary sheet and report dated 4 October 2000 (both circulated) by the Head of Planning and Building Control on an outline planning application for a single dwellinghouse at Gatehead House, 37 Main Road, Gatehead.

It was noted that Members of the Committee had attended a site visit in respect of the application prior to the meeting.

The Senior Planning Officer reported that no letters of objection had been received in respect of the application; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Building Control: Refusal on the grounds that the proposed development is contrary to Policy RES5 of the East Ayrshire Local Plan Finalised Version as the development, by reason of the loss of mature trees and a sizeable grassed area, would have an adverse affect on the amenity of the area and adjacent residential properties and the setting of the adjacent residential property.

It was agreed (a) to approve the application since the proposed development site can adequately accommodate the proposal, and with Condition (i), hereinafter, attached to the approval, the proposal would have no adverse effect on the general amenity of the area and the neighbouring residential properties; and (b) that approval be subject to the following conditions, viz:- (i) no trees shall be felled, lopped, have roots cut or be the subject of any other works. Any trees to be removed shall be replaced by trees of a similar species all agreed in writing by the Planning Authority, this condition being imposed in the interests of visual and residential amenity; and (ii) to other appropriate conditions being imposed, these conditions to be agreed by the Head of Planning and Building Control in consultation with the Local Member and Chair.

The meeting terminated at 1124 hours.

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