

EAST AYRSHIRE COUNCIL**DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING COMMITTEE****MINUTES OF MEETING HELD ON TUESDAY 23 OCTOBER 2001 AT 1401 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Eric Ross, Stephanie Young, Daniel Coffey, Lillian MacLean, Drew McIntyre, Harry Wilson, Iain Linton, John Knapp, Finlay MacLean, George Smith, Jimmy Kelly, Tommy Farrell, Julie Faulds, Provost Jimmy Boyd and Councillors Robert Taylor and Jimmy Carmichael.

ATTENDING: Stephen Chorley, Director of Development Services; Alan Neish, Head of Planning and Building Control; Karen McLeod, Solicitor; and Robert Beaton, Administrative Officer.

APOLOGIES: Councillors Douglas Reid, Jim Raymond, Robert McDill and Eric Jackson.

CHAIR: Councillor Eric Ross, Chair.

HEARING PROCEDURE

1. The Administrative Officer established that the Hearing Procedure was understood by all participants.
2. **APPLICATION NOS 00/0154/FL AND 01/0523/LB: NORTHKIRK LIMITED: LUGAR INSTITUTE AND ADJACENT SITE, MUIRKIRK ROAD, LUGAR**

There was submitted an executive summary sheet and report dated 4 October 2001 (both circulated) by the Director of Development Services for application no 00/0154/FL: proposed housing development to form 24 dwellinghouses including partial demolition of existing building (amended application) and application no 01/0523/LB: partial demolition of building and alterations and change of use to form 2 dwellinghouses at Lugar Institute and adjacent site, Muirkirk Road, Lugar.

The Head of Planning and Building Control reported that 38 letters of representation 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 Director of Development Services: (i) Approval, subject to notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997, and subject to the following conditions in respect of Application No 01/0523/LB, 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 6 August 2001; (3) During the demolition works, all salvageable stone, slates, rainwater goods and other features and materials shall be preserved for use within the restoration works to the retained part of the Lugar Institute; (4) The proposed new windows for the retained part of the Lugar Institute shall be of timber construction with traditional sash and casement method of opening; (5) The proposed boundary wall fronting the development site shall be constructed in sandstone salvaged from the partial demolition of the Lugar Institute, and shall be

completed within three months of the completion of restoration works to the retained part of the Lugar Institute; (6) The existing redundant gas lighting column adjacent to the Lugar Institute shall be retained and restored, if possible, to be relocated within the open space area fronting onto Muirkirk Road as a feature within the redeveloped site; (7) The entrance door to both the proposed dwellinghouses shall be of timber construction, the details of which shall be submitted to and approved by the Planning Authority prior to any works commencing on site; (8) The details of the materials to be used in the portico supports and rainwater goods shall be submitted to and approved by the Planning Authority prior to any works commencing on site; (9) Prior to works commencing on site, the applicant shall submit to and have approved by the Planning Authority, details of the colours to be used in external painterwork to windows, doors and other external timber finishing; and (10) No part of the demolition hereby approved shall be implemented until the Planning Authority have had sight of a let contract for the conversion of the retained part of the listed building or have been presented with and have agreed alternative evidence confirming the early restoration of the retained building; 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; Conditions (3), (4), (5), (6), (7), (8) and (9) in the interests of amenity; and Condition (10) to ensure that there are no demolition works to the listed building prior to the provision of evidence of early implementation of the proposed restoration works to the listed building; (ii) in respect of Application No 00/0154/FL that the application for planning permission should be approved subject to Notification to the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997, and 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 6 March 2000 as revised by the amended house type plans received by the Planning Authority on 15 May 2001 and the amended site layout plan and detailed plans of the conversion of the retained part of the Lugar Institute, all received on 6 August 2001; (3) Any existing public utility apparatus located within the verge will require to be protected beneath the proposed access. No surface water shall be allowed to discharge onto the public road; (4) Any garages shall be set back a minimum distance of 6 metres from the rear of the footway; (5) The access to each plot shall be by means of a standard footway crossing constructed in accordance with the East Ayrshire Council Roads Development Guide 1996; (6) All individual driveways within the site shall be suitably surfaced for a minimum distance of 2 metres to ensure that no surface water discharges or loose material is carried out onto the public road; (7) The gradient of each driveway shall not exceed 1:10; (8) Any access gates shall open inwards only, away from the public road; (9) Notwithstanding any specification on the approved plans or application form, two off road car parking spaces shall be provided for each dwelling, such provision to be made prior to the occupation of each respective dwellinghouse; (10) All drainage shall comply with the requirements of the West of Scotland Water Authority and the Scottish Environment Protection Agency. There shall be no commencement of development on site until such time as West of Scotland Water Authority has confirmed in writing that there is in place appropriate off-site drainage and sewerage infrastructure sufficient to accommodate the houses granted by this consent; (11) Before any work commences on site, details of a sustainable urban drainage system and its maintenance following installation shall be

submitted to, and approved by the Planning Authority. The sustainable urban drainage system shall thereafter be installed on site, prior to the erection of any of the dwellinghouses in the development site; (12) Notwithstanding any specification on the approved plans or application form, and before any work is commenced on site, samples of all external finishing materials to be used in the proposed development shall be submitted to and approved by the Planning Authority; (13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any other order or enactment replacing this, all detached garages erected within the site shall have pitched roofs and shall be externally constructed in materials to match the dwellinghouses to which they relate; (14) Notwithstanding any specification on the approved plans and before any work commences on site, details of the height, location and construction of all fences, walls and other means of enclosure shall be submitted to and approved by the Planning Authority. Provision shall be made for the erection of a screen fence along the north-eastern boundary of the site adjacent to existing dwellinghouses at River View and Braehead Place; (15) Any screen fencing to be erected shall not project forward beyond the front building line of any of the dwellinghouses; (16) During the construction of the dwellinghouses, no building or other operations shall take place on the site outwith the hours of 0800 to 1800 Monday to Saturday and at any time on a Sunday; (17) The road and footpath fronting each plot shall be made up to basecourse level prior to the occupation of the dwellinghouse on the respective plots; (18) All materials from the partial demolition of the Lugar Institute, where not salvaged and retained for re-use within the proposed development, shall be disposed of to a licensed waste disposal site to the complete satisfaction of the Planning Authority; (19) Any contaminated soils encountered within the development site shall be removed from the site and disposed of to a licensed waste disposal site to the complete satisfaction of the Planning Authority; (20) The proposed gabion retaining wall, to be constructed as part of the development proposals, shall be constructed on site prior to the commencement of construction of the proposed new dwellinghouses; (21) The proposed culverting of the Craigston Burn shall be carried out to the requirements of East Ayrshire Council's Roads Division and to the satisfaction of the Planning Authority. Full details of the culvert and associated structures shall be submitted to and approved by the Planning Authority prior to the commencement of works on site; (22) The proposed boundary wall fronting the development site shall be constructed in sandstone salvaged from the partial demolition of the Lugar Institute or from natural matching sandstone sourced externally, and shall be completed within three months of the completion of restoration works to the retained part of the Lugar Institute; (23) A landscaping scheme including details for the treatment and maintenance of the boundary of the site and areas of public open space shall be submitted to and approved by the Planning Authority prior to commencement of any development. The landscaping shall be maintained in accordance with the approved maintenance regime at all times thereafter. 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; (24) No demolition, site clearance or building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected around the trees shown on the approved plan reference number A00/541/4. The fencing shall enclose either:- (a) the area described by the limit of the spread of the branches of the tree; or (b) a radius of 5 metres from the trunk of the tree, whichever is the greater. Such fencing shall be maintained during

the course of construction, and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed; (25) The existing redundant gas lighting column shall be retained and restored, if possible, to be relocated within the open space area fronting onto Muirkirk Road as a feature within the redeveloped site; and (26) With respect of the retained part of the Lugar Institute, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any other order revoking and re-enacting that Order, no extensions or garages shall be erected within the two plots created as a result of the proposed development unless a further specific planning application is submitted to and approved 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; Conditions (3), (4), (5), (6), (7), (8) and (9) in the interests of public road safety; Conditions (10) and (11) to ensure that adequate drainage is provided; Conditions (12), (13) and (15) in the interest of visual amenity; Condition (14) in the interest of visual and residential amenity; Conditions (16) and (17) in the interests of residential amenity; Conditions (18), (19) and (21) in the interests of amenity and public safety; Condition (20) in the interests of public safety; Conditions (22) and (25) in the interests of amenity; Condition (23) to ensure that adequate landscaping is provided, to an adequate standard, and that it is subsequently maintained, in the interests of residential and visual amenity; Condition (24) to ensure that the existing mature trees adjacent to the site are protected during the construction phase; and Condition (26) to enable the Planning Authority to retain control over future development within this part of the development site in the interests of visual and residential amenity.

2.1 PLANNING HEARING FOR APPLICATION NOS 00/0154/FL AND 01/0523/LB

The Chair advised the order in which objectors would be heard in supplement to their written objections.

The Committee then heard Mrs Roberts on behalf of MEGA and Mr Broadley in support of their objections. It was confirmed that a representative of the applicant, was not present.

The Chair closed the Hearing.

2.2 DETERMINATION OF APPLICATION NOS 00/0154/FL AND 01/0523/LB

The Head of Planning and Building Control reported on the planning issues which had been raised during the Hearing.

Councillor Eric Ross, seconded by Councillor George Smith, moved:-

- (i) approval of Application No 01/0523/LB subject to Notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997 and subject to the conditions and for the reasons detailed with Condition (6) being amended to read, viz:- that the existing redundant gas lighting column shall be removed from the site stored appropriately, restored and relocated within the development site, all to the satisfaction of the Planning Authority; and
- (ii) that in respect of application no 00/0154/FL, that the application for planning permission should be approved subject to Notification to the Scottish Ministers

under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997, and subject to the conditions and for the reasons detailed, with Condition (12) being amended to read, viz:- notwithstanding any specification on the approved plans or application form, and before any work is commenced on site, samples of all external finishing materials to be used in the proposed development shall be submitted to and approved by the Planning Authority. The details to be submitted shall allow for the retention of a natural stone finish to the Lugar Institute as retained; and Condition (25) being amended to read, viz:- the existing redundant gas lighting column shall be retained and restored as a feature within the redeveloped site; and subject to the conditions and for the reasons detailed above.

Councillor Julie Faulds, seconded by Councillor Harry Wilson, moved as an amendment to refuse the application nos 01/0523/LB and 00/0154/FL on the grounds that the material considerations did not outweigh the Approved Ayrshire Joint Structure Plan and the Approved Cumnock and Auchinleck Local Plan, 1992.

On a division by a show of hands, the motion was carried by 9 votes to 6 votes.

3. APPLICATION NO 01/0550/FL: PROGRESSIVE INVESTMENTS LIMITED: ARMOUR STREET AND 78-86 TITCHFIELD STREET, KILMARNOCK

There was submitted an executive summary sheet and report dated 17 October 2001 (both circulated) by the Director of Development Services for proposed erection of 3252 sq m (35,000 sq ft) of new build non-food retail units and alteration and demolition of part of 78-86 Titchfield Street, 108 space car park and service yard at vacant land, Armour Street and 78-86 Titchfield Street, Kilmarnock.

The Head of Planning and Building Control reported that a petition signed by 9 signatories 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 Director of Development Services: (i) 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 amended application form, Green Transport Plan Statement, Transport Impact Statement, Retail Impact Statement Revision B and amended plans refs. 0126 (DP) 01B; 0126 (DP) 02B; 0126 (DP) 03A; 0126 (DP) 04A; 0126 (DP) 05B; 0126 (DP) 06B; 0126 (DP) 07A; 0126 (DP) 08A; 0126 (DP) 09A; 0126 (DP) 010A; 0126 (DP) 11A, submitted on 14 September 2001; (3) Notwithstanding the submitted plans, consent is not hereby granted for the external finishes on the approved plan. Prior to any work commencing on site, samples of all external finishes to be used shall be submitted to and approved in writing by the Planning Authority; (4) Notwithstanding the approved plans and the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, no fascia signs, adverts or projecting signs shall be erected on the premises or within the application site, without the prior express written consent of the Planning Authority; (5) Notwithstanding the plans hereby approved, and prior to the commencement of any works on site, details and samples of the finishes to all car parking and vehicle manoeuvring areas shall be submitted to and approved in writing by the Planning Authority. Particular consideration should be given to the introduction of finishes which will be compatible with the attainment of a Sustainable Urban Drainage solution in accordance with the

CIRIA Manual of March 2000; (6) Prior to the commencement of trading from the retail units hereby approved, the car parking area including spaces for disabled parking and parent and child parking and service yards, shall be laid out in accordance with the approved plans; (7) Prior to the commencement of any work on site, a maintenance scheme for all landscaping areas approved under the terms of Condition (2) above and to be laid out in accordance with Condition (6) above shall be submitted to and approved in writing by the Planning Authority. All landscaped areas within the application site shall thereafter be maintained as approved and shall be laid out in accordance with the approved plans no later than the first available planting season following completion of the development; (8) Prior to the commencement of any work on site, details of all boundary treatment to be formed within the site shall be submitted to and approved in writing by the Planning Authority. Prior to the commencement of trading, all approved boundary treatment shall be formed on site and shall be maintained thereafter; (9) The boundary treatment to be submitted under the terms of Condition (8) above, shall include provision for a boundary wall to be constructed in facing brick along the western boundary of the site along the boundary line marked purple on the approved plan ref 0126 (DP) 11A; (10) Prior to starting work on site, the location and design of the service yard gates shall be submitted to and approved in writing by the Planning Authority. The gates shall be installed as approved prior to the commencement of trading of any of the retail units and retained in situ thereafter; (11) Prior to any works commencing on site, details of the car parking, service yard and external security lighting scheme shall be submitted to and approved in writing by the Planning Authority. Said details shall include the design, style, positioning and wattage of the external lighting scheme which shall be installed and in operation prior to the commencement of trading of the retail units hereby approved. The external lighting shall operate thereafter without interference and disturbance in terms of light spillage to neighbouring residential properties; (12) Notwithstanding the terms of Condition (4) above, details (including the exact positioning and details of its visual appearance) of the signage to be erected as shown on the approved plan re 0126 (DP) 01B to be installed at the end of the adopted road at the access into Brigade Court parking area shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site; (13) Prior to the commencement of any works on site, further details and full clarification of the following road requirements which have arisen as a result of the Transport Impact Assessment approved under the terms of Condition (2) above shall be submitted to and approved in writing by the Planning Authority. The non-food retail units hereby approved shall not commence trading until the requirements approved under the terms of this Condition, have been formed to the satisfaction of the Planning Authority in consultation with the Roads Authority:- (a) a yellow box junction to be provided on the Brigade Court access road at the junction with the development access; (b) a central pedestrian refuge to be provided on the Brigade Court access road near to its junction with Armour Street; (c) pedestrian barrier to be provided on the corner radii at the junction of Armour Street and Brigade Court road to channelise pedestrians to a safe crossing point viz the central refuge outlined in (b) above; (d) disabled persons parking bays to be delineated with road markings as set out in the Council's development guide and a warning sign provided at each bay; (e) parent and child parking bays to be delineated as set out in the Council's Roads Development Guide and a warning sign provided at each bay; (f) prominent pedestrian sign posting to be provided within the site to the town centre and to the bus stops on Titchfield Street; (g) a new bus stop and shelter

to be provided for south bound buses on Titchfield Street in the vicinity of the footpath between the Council car park and Brigade Court; (h) dropped kerbs and tactile paving to be provided at all new pedestrian/cycle crossing points, including a link leading to the footpath to Titchfield Street; and (i) secure cycle parking to be provided within the development in accordance with the Council's Roads Development Guide; (14) Prior to the commencement of any work on site, details of the finished floor levels and surrounding finished ground and road levels to Ordnance Datum shall be submitted to and approved by the Planning Authority. If as a result of this information, a flood risk is identified by the Planning Authority in consultation with the Roads Authority, the developer shall submit and have approved in writing a Flood Risk Assessment which shall contain any required measures for flood and attenuation purposes. Any Flood Attenuation Measures that are required shall be implemented prior to the commencement of trading of any of the approved non-food retail units; (15) Prior to the commencement of works on site, details including location and specifications of all refuse bins within the development site and including the provision for the collection of commercial waste, shall be submitted to and approved in writing by the Planning Authority. All refuse bins as approved, shall be installed on site prior to the commencement of trading of the non-food retail units; (16) Notwithstanding the approved plans, prior to starting work on site, the developer shall submit to the Planning Authority and have received approval in writing for the details of the relocated electricity sub-station. Such details shall include an exact positioning of the sub-station in addition to information about its appearance including external finishes and any means of closure; (17) At no time unless with the written consent of the Planning Authority, shall any retail trading occur or goods be stored outwith the internal floorspace of the non-food retail units hereby approved; and (18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and the Town and Country Planning (Use Classes) (Scotland) Order 1997, this permission relates to the use of the premises as non-retail only and further express permission of the Planning Authority shall be required in respect of any other use which falls within the same use classes to the use hereby approved; 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 order to ensure a visually acceptable development; Condition (4) in order to safeguard the amenity of the area; Condition (5) in order to ensure a visually acceptable development that is appropriate in terms of Sustainable Urban Drainage; Condition (6) in order to ensure that adequate car parking and servicing facilities exist for the retail development; Condition (7) in order to ensure a visually acceptable development; Conditions (8), (9), (10), (16) and (17) in the interests of visual amenity; Condition (11) in the interests of the amenity of the surrounding area; Conditions (12) and (13) in the interests of road safety; Condition (14) to ensure that the development will not comprise a flood risk and in the event that it may, prior measures are undertaken to address such issues; Condition (15) in the interests of the amenity of the area; and Condition (18) to enable the Planning Authority to retain control over the use of the site in the interests of road and traffic safety.

3.1 PLANNING HEARING FOR APPLICATION NO 01/0550/FL

The Committee then heard Mr Ballantyne on behalf of Brigade Court Residents Group and Mr France and Mr Watson, representatives of the applicant in support of

the application. Members asked questions of the objector and the applicant's representatives.

The representatives of the applicant responded to new issues raised by the objector, all in accordance with the Hearing Procedure.

The Chair closed the Hearing.

3.2 DETERMINATION OF APPLICATION NO 01/0550/FL

The Head of Planning and Building Control reported on the planning issues which had been raised during the Hearing.

It was agreed to grant the application subject to the conditions and for the reasons detailed with Condition (9) being amended to read, viz:- the boundary treatment to be submitted under the terms of Condition (8) above shall include provision for a boundary feature to be constructed in facing brick with railings on top to a minimum height of 2.5m along the western boundary of the site along the boundary line marked purple on the approved plan ref. 0126(DP) 11A; and subject to a new condition (19), viz:- details of an appropriate method of preventing general access to the Brigade Court parking area shall be submitted to and approved in writing by the Planning Authority prior to commencement of development. The barrier shall be installed prior to the commencement of trading from any of the retail units and shall be maintained in situ thereafter to the satisfaction of the Planning Authority; REASON: in the interest of road safety; and a new condition (20), viz:- details of security cameras shall be agreed in writing with the Planning Authority prior to the commencement of development and shall be installed prior to the commencement of trading from any of the retail units and shall be maintained thereafter to the satisfaction of the Planning Authority, this reason being in the interest of residential amenity.

The meeting terminated at 1515 hours.

**TO RETURN TO PREVIOUS PAGE
PLEASE PRESS THE BACK BUTTON
AT THE TOP LEFT OF THE PAGE**