

EAST AYRSHIRE COUNCIL**CENTRAL LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 1 JUNE 2001 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Drew McIntyre, Brian Reeves, Daniel Coffey, Lilian MacLean, John Weir, Iain Linton and Alex Walsh.

ATTENDING: Julie Armstrong, Principal Administrative Officer; Pamela Clifford, Senior Planning Officer; Karen McLeod, Solicitor; Ian Walker, Planning Officer; and Stuart Nelson, Administrative Officer.

APOLOGIES: Councillors Willie Coffey, Douglas Reid, Alan Campbell, Jane Darnbrough and John Knapp.

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 00/0713/OL: HEPWORTH PROPERTIES LIMITED: KILMAURS ROAD, KNOCKENTIBER

There was submitted an executive summary sheet and report dated 23 March 2001 (both circulated) by the Head of Planning and Building Control on an outline planning application for a proposed residential development at Kilmaurs Road, Knockentiber.

2.1.1 Consideration of Item

The Senior Planning Officer reported that five objections 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 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 18 October 2000 and the amended plans and letter received by the Planning Authority on 12 January and 20 February 2001; (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/buildings; (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; (i) finished site levels/floor levels; and (j) the manner whereby the site and proposed houses will be consolidated to enable development

on a recently restored former opencast site; (5) The indicative layout submitted along with the application is for information purposes only and shall not be treated as forming part of the issued consent; (6) Details to be submitted under Condition (4) (a) and (d) above shall include the following road improvements:- (a) a new junction with Kilmaurs Road with visibility sightlines of 2.5 metres by 90 metres; (b) the junction radii to be 6 metres with a carriageway width of 5.5 metres; and (c) the internal road layout to provide traffic calming and turning head provision; (7) The development hereby approved and any associated site engineering works shall be undertaken without detriment to adjoining properties by reason of noise, dirt, grit, smell or general disturbance; (8) Details to be submitted under Condition (4)(b) shall allow for the erection of single storey houses only adjacent to residential properties on Fisher Court; (9) No demolition or construction work, site clearance or preparation works shall take place before 0700 hours and after 1700 hours on Mondays to Saturdays nor at any time on Sundays; (10) The applicant shall investigate the extent to which the long term usage of the site has resulted in residual site contamination and prior to the commencement of development confirm what remedial measures he intends to pursue in that regard including if necessary the removal from site of any hazardous material by a suitably qualified contractor; (11) Where the development is to proceed in any manner other than a comprehensive housing development, the details to be submitted further to Condition (4) above shall allow for the approved houses to be finished only in materials drawn from a Limited List of external materials which shall be submitted to and approved by the Planning Authority prior to the commencement of development. This List shall also specify the types and colour of windows to be used; and (12) The details to be submitted further to Condition (4) above, shall allow for there being no vehicular or pedestrian access from the site to the adjacent Fisher Court development; 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; Conditions (4) and (5) the approval is in outline only; Condition (6) in the interests of road safety; Condition (7) to safeguard the residential amenity of the area; Conditions (8), (9) and (12) in the interests of residential amenity; Condition (10) in the interests of residential amenity and public safety; and Condition (11) in the interests of visual amenity of the development and surrounding area; and that the issue of the Planning Decision Notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the provision of a community woodland, open space, a link footpath to the Irvine to Kilmarnock Sustrans cycle track and the future maintenance of these areas.

2.1.2 Planning Hearing

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

The applicant was not present or represented.

2.1.3 Determination of Application

It was agreed to approve the application:-

- (i) subject to the conditions and for the reasons detailed; and

- (ii) that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the provision of a community woodland, open space, a link footpath to the Irvine to Kilmarnock Sustrans cycle track and the future maintenance of these areas.

2.2 APPLICATION NO 98/0372/FL AND APPLICATION NO 98/0378/CA: SILVERDALE DEVELOPMENT LIMITED: 30-32 LONDON ROAD, KILMARNOCK

There was submitted an executive summary sheet and report dated 23 May 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed demolition of an existing vacant nursing home and the erection of two flatted pavilion blocks and application for conservation area consent for the proposed complete demolition of existing vacant buildings at 30-32 London Road, Kilmarnock.

2.2.1 Consideration of Item

The Senior Planning Officer reported that 19 letters of objection had been received, together with a petition signed by 49 persons, 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: Application No 98/0372/FL: 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 5 June 1998 and the amended plans received by the Planning Authority on 11 May 2000; (3) A landscaping scheme including the treatment of the boundary of the site and areas for public open space 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; (4) Details of the proposed boundary treatment of the site shall be submitted to and approved by the Planning Authority before any development commences on the site; (5) Details submitted in relation to Condition No (4) above shall provide for the retention of existing boundary walls unless otherwise agreed by the Planning Authority; (6) No trees shall be felled, lopped, have roots cut, or be the subject of any other works without the written consent of the Planning Authority; (7) Notwithstanding the plan hereby approved, details/samples of all the external finishing and surfacing materials to be used including the reconstituted stonework, window details and drainpipes shall be submitted to and approved by the Planning Authority before any development commences on the site; (8) Notwithstanding the plans hereby approved, details/samples of the timber sash and case windows to be used shall be submitted to and approved by the Planning Authority before any development commences on the site; (9) No construction work, site clearance or preparation works shall take place before 0700 hours and after 1700 hours on Mondays to Saturdays nor at any time on Sundays; (10) The access road and public road adjacent to the site shall be kept clear of mud or other deposited materials at all times by means of mechanical brushing as appropriate; (11) Details for the re-establishment/re-surfacing of the footway along the frontage of the application site shall be submitted for the approval of the Planning Authority and implemented prior to the occupation of the first flat in accordance with the approval given; (12) The visitor and resident's car parking

spaces shall be provided prior to the occupation of the first flat and shall be used for the parking of cars only; and (13) 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 agreed to be retained further to Condition (6) above. 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 development, and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed; 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) to ensure that adequate provision of public open space is provided, to an adequate standard, and that it is subsequently maintained, in the interest of residential and visual amenity; Condition (4) to allow the Planning Authority to control the design and construction of such features in the interests of visual amenity; Condition (5) in the interests of visual and residential amenity; Condition (6) in the interests of visual amenity and to maintain the existing visual contribution of the trees to the amenity of the area; Conditions (7) and (8) in the interests of visual amenity; Condition (9) in the interests of residential amenity; Condition (10) in the interests of road safety; Condition (11) in the interests of road safety and visual amenity; Condition (12) to ensure the provision of car parking spaces in the interest of residential amenity and road safety; and Condition (13) to ensure the retention of the maximum number of trees on the site and their protection from damage in the interests of visual amenity; Application No 98/0378/CA: Approval, subject (a) to the following conditions, viz:- (1) No demolition works relative to the existing buildings on site, shall be undertaken until the Head of Planning and Building Control has had sight of and has confirmed in writing that he is satisfied that a contract has been placed for the erection of the two flatted pavilion blocks in accordance with planning permission; (2) No site clearance work shall take place between 0700 hours and after 1700 hours on Monday to Saturday nor at any time on Sundays; (3) The access road and public road adjacent to the site shall be kept clear of mud or other deposited materials at all times by means of mechanical brushing as appropriate; and (4) 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 agreed to be retained further to Condition (6) relating to Application No 98/0372/FL. 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 development, and no storage, site structure, parking or any other operation shall be permitted within the areas thereby enclosed; Condition (1) to ensure that no demolition takes place before there is certainty that the approved re-development will take place; Condition (2) in the interests of residential amenity; Condition (3) in the interests of road safety; and Condition (4) to ensure the retention of the maximum number of trees on the site and their protection from damage in the interests of visual amenity; and (b) to notification to Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997.

2.2.2 Planning Hearing

The Committee heard Mr James Kelly, Dr R F Gooding, Dr Alan M Orcharton, Jamie Robertson, Dr John Devine and Mrs Elaine Maguire in support of their objections,

and Philip Tasker and Dr John Devine on behalf of the petitioners. The Committee then heard Mr Keir and Mr Burgess, representing the applicant, in support of the application. Members asked questions of the objectors and of the applicant's representatives. The objectors and the applicant's representatives responded to the issues raised, all in accordance with the Hearing procedure.

2.2.3 Determination of Applications

It was agreed as follows, namely:-

- (i) to refuse Application no 98/0372/FL because the proposed development in terms of scale and design would be detrimental (a) to the character and architectural and historic merit of the London Road Outstanding Conservation Area; and (b) to the amenity of adjacent residential properties;
- (ii) to refuse Application no 98/0378/CA since demolition of the existing buildings would be detrimental to the architectural and historic qualities of the London Road Outstanding Conservation Area; and
- (iii) that the detailed wording of the reasons for refusal be remitted to the Head of Planning and Building Control.

Councillor Walsh left the meeting at this point.

ADJOURNMENT

2.3 The Committee agreed to adjourn the meeting at 1126 hours.

RECONVENTION

2.4 The meeting reconvened at 1131 hours with the same Members and Officers present and in attendance.

2.5 APPLICATION NO 00/0818/LB: ORANGE PCS: HENDERSON CHURCH, LONDON ROAD, KILMARNOCK

There was submitted an executive summary sheet and report dated 23 May 2001 (both circulated) by the Head of Planning and Building Control on a full application for listed building consent for the proposed installation of telecommunications apparatus at an existing telecommunications installation at Henderson Church, London Road, 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 (i) 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) Prior to the commencement of any works on site, the developer shall prepare on site a sample of the external finish of the telecommunications apparatus hereby approved, to be installed on the Church tower for the written approval of the Head of Planning and Building Control in conjunction with Historic Scotland; (3) Permission is granted for a limited period of 5 years from the date hereof, and at the expiration of this period the telecommunications apparatus shall be removed from the Church, and the site of the former telecommunications apparatus shall be restored in accordance with a scheme to be agreed by the Planning Authority unless further permission is granted; (4)

Under the terms of Condition (3) above, if within the 5 year period of consent, the site becomes redundant and surplus to the applicants operational requirements, all telecommunications apparatus and associated equipment shall be removed from the site within one month of that event and the building shall be restored to its former condition to the satisfaction of the Head of Planning and Building Control in conjunction with Historic Scotland; (5) Prior to any work commencing on site, the applicant shall submit for the approval of the Head of Planning and Building Control, full details of the repair/remedial works to both the tower and main roof. Such works shall not be undertaken until the applicant has obtained the written approval of the Head of Planning and Building Control; and (6) Notwithstanding the submitted plans the installation of new GRP louvres is not approved. Prior to any work commencing on site the applicant shall provide clarification of the materials of the existing louvres. If these are of a timber construction, these shall be replaced and finished on a like for like basis to the satisfaction of the Head of Planning and Building Control; Condition (1) being imposed to comply with Section 16 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997; Conditions (2) and (4) in order to protect the character of the Listed Building; Condition (3) because the proposed telecommunications apparatus is of a temporary nature; Condition (5) to ensure that the works are undertaken to conservation standards and in order to preserve the architectural and historic qualities of the listed building; and Condition (6) in order to protect the architectural and historic qualities of the listed building; and (ii) the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Act 1997.

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

Councillor Reeves, seconded by Councillor McIntyre, moved that the application be approved subject to (i) the conditions and for the reasons detailed; and (ii) the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Act 1997.

Councillor D Coffey, seconded by Councillor MacLean moved as an amendment that the application be refused since the proposed development would have a detrimental effect on the character and amenity of the Grade C Listed Building and the area as a whole.

On a division by a show of hands, the amendment was carried by 4 votes to 2.

Councillor Weir left the meeting at this point.

2.6 APPLICATION NO 00/0801/FL: ORANGE PCS: HOLLAND HOUSE ELECTRICAL, CRATHIE ROAD, KILMARNOCK

There was submitted an executive summary sheet and report dated 23 May 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of a 25m high tower with accompanying electrical equipment, cabin and compound at Holland House Electrical, Crathie Road, Kilmarnock.

2.6.1 Consideration of Item

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 conditions,

viz:- (1) The development to which this permission relates must be begun within five years from the date of this permission; and (2) Within one month of the telecommunications apparatus becoming operationally redundant in terms of the applicants commercial requirements, all the apparatus shall be removed and the site surfaced to the satisfaction of the Head of Planning and Building Control; 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 the environmental quality of the surrounding area.

2.6.2 Planning Hearing

The Committee heard Mr Ron Ferguson in support of his objection. The Committee then heard Mr Tony Burns, Agent for the applicant, in support of the application. Members asked questions of the objector and of the Agent for the applicant. The objector and the Agent for the applicant responded to the issues raised, all in accordance with the Hearing procedure.

2.6.3 Determination of Application

It was agreed to refuse the application since the proposed development would be detrimental to the visual amenity and industrial character of the area.

2.7 APPLICATION NO 01/0207/FL: MISS S THOMSON: 82 MURE AVENUE, KILMARNOCK

There was submitted an executive summary sheet and report dated 23 May 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for the formation of dog runs and rabbit run at 82 Mure Avenue, Kilmarnock.

The Senior Planning Officer reported that two objections 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 conditions, viz:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) The use of the dog runs and rabbit run shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no related commercial activity shall be carried out in or from the site; (3) The dog runs shall be occupied and maintained such that there is no detriment to adjoining residential properties by reason of noise, dirt, smell or general disturbance; and (4) The existing fences along the Western, Eastern and Northern boundaries of the site shall be retained intact. If these fences are removed, they shall be replaced by a fence of similar design and height; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) in order to safeguard the residential amenity of the surrounding area; Condition (3) in order to safeguard the residential amenity of neighbouring properties; and Condition (4) in the interests of residential amenity.

No Hearing was held as no objectors were present or represented.

Councillor McIntyre, seconded by Councillor Reeves, moved that the application be approved subject to the conditions and for the reasons detailed.

Councillor D Coffey, seconded by Councillor L MacLean, moved as an amendment that the application be refused since the proposed development would be detrimental to residential amenity.

On a division by a show of hands, the amendment was carried by 3 votes to 2.

2.8 APPLICATION NO 01/0234/FL: MRS J DICKSON: 11 KILMARNOCK ROAD, CROSSHOUSE

There was submitted an executive summary sheet and report dated 22 May 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of a garage at 11 Kilmarnock Road, Crosshouse.

The Senior Planning Officer reported that one 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 conditions, viz:- (1) The development to which this permission relates must be begun within five years from the date of this permission; and (2) Notwithstanding the submitted plans, the blockwork, corrugated roof sheeting and profiled metal sheeting are not hereby approved. Details/samples of brickwork, corrugated roof sheeting and profiled metal sheeting shall be submitted to and approved by the Planning Authority before any development commences on the site; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and Condition (2) in the interest of visual amenity.

No Hearing took place as the objector did not wish to address the Committee.

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

2.9 APPLICATION NO 01/0179/FL: THE ROWAN ALBA ASSOCIATION: 17G WELLINGTON STREET, KILMARNOCK

There was submitted an executive summary sheet and report dated 22 May 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed change of use of a flatted dwellinghouse to office for a temporary period at 17G Wellington Street, 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 permission hereby granted shall not enure for the benefit of the land but for the benefit of Rowan Alba Association only, and on discontinuance of their occupation of the land the use hereby permitted shall cease and the land/buildings shall be restored to their original use; (3) Permission is granted for a limited period of three years from the date hereof, and the use shall be discontinued and the building restored to its former condition in accordance with a scheme to be agreed by the Planning Authority, at the expiration of this period unless a further permission is granted; (4) The proposed use shall not be operated outwith the hours of Monday - Friday, 9.00 a.m. - 5.00 p.m. without the prior written consent of the

Head of Planning and Building Control; and (5) Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, no advertisements shall be displayed on the external elevations of the building without the prior written approval of the Head of Planning and Building Control; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) because permission is granted in this case solely because of the extenuating circumstances of the applicant; Condition (3) because the proposed use is of a temporary nature; Condition (4) in the interests of the residential amenity of the residents of the flats within the building; and Condition (5) in the interests of the residential amenity of neighbouring properties.

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

2.10 APPLICATION NO 00/0825/FL: ANDREW WALKER: RETAIL UNIT AT 2 SIMONSBURN ROAD, KILMARNOCK

There was submitted an executive summary sheet and report dated 17 May 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed extension to the retail unit at 2 Simonsburn Road, 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) A scheme for car parking shall be submitted to and approved by the Planning Authority before any development commences on the site. The car parking shall be defined in accordance with this scheme and implemented prior to the use of the extensions approved under this planning consent; (3) Details/samples of the proposed facing brick and metal sheeting shall be submitted to and approved by the Planning Authority before any development commences on the site; (4) Notwithstanding the submitted details, the additional retail sales area created by the proposed extension shall be no more than 200m². The remaining 292m² shall be utilised for storage and office accommodation ancillary to the main retail use of the building; (5) Notwithstanding the submitted plans, consent is not hereby granted for a 2 metre chain link fence along the boundary of the site. Details of a boundary feature along Ayr Road and Simonsburn Road incorporating the use of facing brick shall be submitted to and approved by the Planning Authority prior to the commencement of development and shall be constructed on site prior to the use of the extension approved under the planning consent; and (6) The area identified as car parking on the approved plans shall be used for the parking of cars and at no time for the storage or sale of goods or materials; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to ensure that adequate parking provision is available in relation to the approved development and thereby to secure the interests of road safety; Condition (3) in the interests of visual amenity; Condition (4) to ensure the proposed development does not impact on the vitality and viability of Kilmarnock Town Centre; Condition (5) because the development is located on one of the main approaches to Kilmarnock; and Condition (6) to prevent the sale/storage of goods and materials in the car park.

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

The meeting terminated at 1222 hours.

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