

EAST AYRSHIRE COUNCIL**CENTRAL LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 4 MAY 2001 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Drew McIntyre, Brian Reeves, Daniel Coffey, Douglas Reid, Lilian MacLean, John Weir, Iain Linton, Jane Darnbrough 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 Willie Coffey, Alex Walsh and Alan Campbell.

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 01/0111/FL: MR AND MRS A JORDAN: 6 MELVILLE STREET, KILMARNOCK

There was submitted an executive summary sheet and report dated 25 April 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of a fence, outbuildings, dog runs and change of front and back door at 6 Melville Street, Kilmarnock.

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

2.1.1 Consideration of Item

The Senior Planning Officer reported that seven letters 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; (2) The proposed development shall be carried out in accordance with the application form received on 13 February 2001 and the location plan received on 25 January 2001, the site layout plan ref JOR/01 received on 25 January 2001, the dog run elevation plan received on 5 February 2001 and the fence details received on 5 February 2001; (3) Notwithstanding the submitted plans, no works are approved to the hedging forming the boundary of the application site to the east, south and west boundaries with the residential properties at 4 Melville Street and 8 Melville Street. Said hedging shall be retained on site to the satisfaction of the Head of Planning and Building Control unless the separate written permission of the Planning Authority is received; (4) Notwithstanding the submitted plans, the fence to be erected along the boundaries of the application site shall be "close-boarded" in design. The fence shall be erected within one month of

the date of this permission to the satisfaction of the Head of Planning and Building Control and shall be erected without causing any damage to the existing boundary hedging along the eastern, southern and western boundaries. In erecting the fence the applicant shall ensure that adequate space is left to ensure the continued maintenance and growth of the hedge; (5) Notwithstanding the approved plans, the planning permission granted for the fence approved under the terms of Condition (3) above, does not include permission for the section of a fence marked in orange on the eastern and northern site boundaries of the site plan; (6) Within one month of the date of this permission, details of the species of a replacement tree to be planted within the application site shall be submitted in writing to the Head of Planning and Building Control. Said species of tree shall be planted in the first available planting season (November 2001 - March 2002) as agreed by the Head of Planning and Building Control; (7) The use of the outbuildings hereby granted planning permission, shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no commercial activity shall be carried out in or from the outbuildings; and (8) The dog run hereby granted planning permission shall operate without detriment to adjoining residential properties by reason of noise, dirt, smell or general disturbance; 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 the continued protection of the boundary hedging which is a dominant feature within the Piersland Park Conservation Area and makes a valuable contribution to the amenity and character of the conservation area; Condition (4) in order to protect the amenity and character of the conservation area and to ensure that the fence is erected to protect the residential amenity of neighbouring properties without causing damage to the existing boundary hedging; Condition (5) in order to protect the amenity and character of the conservation area and to ensure that the fence is erected to protect the residential amenity of neighbouring properties; Condition (6) in order to ensure a replacement tree for that which was previously removed without the prior written permission of the Head of Planning and Building Control; Condition (7) in order to safeguard the residential amenity of the surrounding area; and Condition (8) in order to safeguard the residential amenity of neighbouring properties.

2.1.2 Planning Hearing

The Committee heard Mr John Brown and Mr Robert Burns in support of their objections. The Committee then heard Mr Jordan, applicant, and Mr Robertson, Agent for the applicant, in support of the application. Members asked questions of the objectors and of the applicant and his Agent. The objectors and the applicant and his Agent responded to the issues raised, all in accordance with the Hearing procedure.

Councillors D Coffey and Reid joined the meeting during the Hearing process but took no part in consideration or determination of this application.

2.1.3 Determination of Application

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

Councillor Knapp, seconded by Councillor MacLean, moved as an amendment that the application be refused since the dog runs would not be an appropriate development within the conservation area and in view of the close proximity of the dog runs to the neighbouring properties.

On a division by a show of hands, the motion was carried by five votes to two.

2.2 APPLICATION NO 01/0105/FL: MR JOHN DUNLOP: 82 IRVINE ROAD, CROSSHOUSE

There was submitted an executive summary sheet and report dated 25 April 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed formation of an access road and 9 serviced housing plots at 82 Irvine Road, Crosshouse.

The Senior Planning Officer reported that two letters of objection from three objectors had been received, details of which were contained within the report; reported on the receipt and nature of late comments from the Environmental Health and Waste Management Section of the Council's Department of Community Services; reported that the application site did not include 82B Irvine Road, Crosshouse; reported (a) that proposed Condition 3(vi) as set out in the TP24 form appended to the report by the Head of Planning and Building Control should be amended to read "Plots 3 to 9 shall be no more than 1½ storeys in height, including any under building required"; and (b) that an additional note should be attached to the TP24 form as follows "The applicant shall make early contact with SEPA regarding removal of asbestos roofing and oil and diesel tanks from the site"; 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 12 February 2001 and the amended plans received by the Planning Authority on 2 and 10 April 2001; (3) The consent hereby granted relates only to the formation of an access road and 9 serviced plots. Further separate, full planning consent will be required in respect of the houses proposed on each plot; (4) In the determination of subsequent, detailed applications, the Planning Authority will require that: (i) each plot shall provide for no greater than 30% coverage of the plot with buildings; (ii) no external house wall, including any garages, shall be within 2 metres of any plot boundary; (iii) any dwelling shall have private, secluded garden space of at least 100 square metres in area; (iv) the design of any dwelling shall be compatible with any existing buildings adjacent to the particular plot; (v) Plot 2 shall be no more than the equivalent of two storeys in height including any under building required and no higher than the adjacent house of 80B Irvine Road; (vi) Plots 3 to 9 shall be no more than one and a half storeys in height including any under building required; and (vii) Plot 1 shall be no more than one and a half storeys in height including any under building required; (5) Prior to the commencement of any development on site, the applicants shall submit to, and have had approved by, the Planning Authority details of a limited range of finishing materials; (one brick type, one render type and one roofing material type); to be used throughout the site and details of a building line to be observed by the developers of each plot; (6) The development hereby approved shall be undertaken without detriment to neighbouring residential properties by virtue of noise, dust or general disturbance; (7) No demolition or construction work, site clearance or preparation works shall take place before 0700 hours and after 1700 hours on Monday to Saturdays, nor at any time on Sundays; (8) Prior to the commencement of development on site and in order to compensate for inadequate junction spacing, traffic calming measures shall be implemented on the Irvine Road. Details of these

measures and their location shall be submitted to and approved by the Planning Authority in consultation with the Roads Division and shall be implemented prior to the occupation of any houses; (9) Prior to the commencement of development on site and notwithstanding the submitted plans, details of the proposed method of capping the mine shaft, including full information on the design parameters to allow an independent assessment of the design to be undertaken, shall be submitted to and approved by the Planning Authority and any findings shall be implemented prior to the construction of the access road; and (10) Prior to the commencement of development, full details of the proposed site treatment, site levels and any infilling of material adjacent to the existing brick wall surrounding the curtilage of 80 Irvine Road, Crosshouse, shall be 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 development is carried out in accordance with the approved details; Condition (3) to clarify the nature of the consent issued; Condition (4) in the interests of residential and visual amenity; Condition (5) in the interest of residential or visual amenity and to secure a consistent character and appearance to the proposed development; Condition (6) in the interests of residential amenity and to prevent such established amenity being adversely affected; Condition (7) in the interests of residential amenity; Condition (8) to overcome a junction spacing inadequacy in the interests of road safety; Condition (9) to prevent the collapse of the mine shaft, which would affect the adjacent road; and Condition (10) in order to secure adequate details of the site levels adjacent to the neighbouring residential property.

No Hearing was held as the objectors were either not present or represented, or did not wish to address the Committee.

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

2.3 APPLICATION NO 00/0738/FL: MR SEVKI HAS: 73-75 HIGH GLENCAIRN STREET, KILMARNOCK

There was submitted an executive summary sheet and report dated 24 April 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed alterations and change of use to hot food takeaway at 73-75 High Glencairn Street, Kilmarnock.

2.3.1 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; (2) The proposed development shall be carried out in accordance with the application form received on 16 October 2000, location plans received on 16 October 2000 and the amended plans received by the Planning Authority on 2 February 2001; (3) The drainage system from the hot food takeaway hereby approved shall operate with an adequate grease trap to the satisfaction of the Head of Planning and Building Control in consultation with West of Scotland Water; (4) Prior to the commencement of any works on site, the developer shall submit full specifications of the following details with regard to the ventilation

system together with details of its maintenance, and shall obtain the written approval of the Head of Planning and Building Control in this connection. The ventilation system as approved shall be installed prior to the hot food takeaway being brought into use and shall be installed to the satisfaction of the Head of Planning and Building Control in consultation with Environmental Health and Waste Management: (a) suitable flue liner to be installed with suitable rainwater protection provided; (b) details of a suitable, removable and cleanable grease filter to be provided and used at all times; and (c) a suitable, removable and cleanable odour absorbing filter to be provided and used at all times; (5) Prior to the commencement of development on site, details of a system for the storage and disposal of refuse shall be submitted to and approved by the Planning Authority and thereafter these details shall be implemented on site for as long as the use is in existence; and (6) Formal application for planning permission in respect of detailed plans of any proposed new extensions or alterations (including building materials), and any new accesses shall be submitted to and approved by the Planning Authority before any such development commences; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to ensure that development is carried out in accordance with the approved details; Condition (3) in the interests of maintaining a satisfactory drainage system; Condition (4) in order to ensure that the property has installed an adequate ventilation system and in the interests of the amenity of neighbouring properties; Condition (5) to ensure an adequate refuse system in the interests of residential amenity and public health; and Condition (6) the approval relates to changes of use only.

2.3.2 Planning Hearing

The Committee heard Mr Ritchie, in support of his objection. The Committee then heard Mr Lang, Agent for the applicant in support of the application. Members asked questions of the objector and of the applicant's agent. The objector and the applicant's agent responded to the issues raised, all in accordance with the Hearing procedure.

2.3.3 Determination of Application

It was agreed:-

- (i) to approve the application subject to the conditions and for the reasons detailed; and
- (ii) that, with regard to Condition (5), the Head of Planning and Building Control take cognisance of the comments made by the objector in connection with the location and cleaning of refuse bins in connection with the development.

Councillor Darnbrough left the meeting at this point.

2.4 APPLICATION NO 00/0462/FL: KLIN HOMES: FORGE STREET, KILMARNOCK

There was submitted an executive summary sheet and report dated 24 April 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for a proposed mixed residential development comprising 76 units at Forge Street, Kilmarnock.

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, 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 received on 6 June 2000 and the amended plans received by the Planning Authority on 28 July 2000, 31 August 2000 and 20 and 26 March 2001; (3) Notwithstanding the plans hereby approved, details/samples of the external materials to be used in the construction of all houses and flats shall be submitted to and approved by the Planning Authority prior to the commencement of development; (4) 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; (5) Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, any garages associated with the development shall be of permanent construction and finished in the same materials as the dwellinghouses to which they relate; (6) A landscaping scheme including the treatment of the boundary of the site, areas for public open space, play areas and details of play equipment 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 that phase of the development has been carried out to which it relates; (7) All construction traffic and traffic associated with the residential development shall use Forge Street and at no time shall use the access servicing the adjacent Bonnyton Industrial Units; (8) 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 in writing to the Planning Authority 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. No development shall commence on site before the Planning Authority has agreed the extent of remedial measures; (9) The development hereby approved shall be undertaken without detriment to neighbouring residential properties by virtue of noise, dust or general disturbance; (10) 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; (11) No materials other than top soil shall be brought into the site for the purposes of infilling or upraising ground levels without the prior written consent of the Planning Authority; (12) Notwithstanding the approved plans, details of the treatment of the boundary of the site adjacent to West Langlands Street and along the eastern and western boundaries shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented prior to the occupation of adjacent houses; (13) Notwithstanding the submitted plans, the build-outs shown on the general layout plan submitted on 26 March 2001 (Drawing No: K.101.101H) of the junction of West Langlands Street and Forge Street are hereby not approved. A mini-roundabout shall be provided at this junction and details of its design and its location shall be submitted to and approved by the Planning Authority and thereafter implemented on site prior to the occupation of any houses; and (14) Notwithstanding the submitted plans, the raised platform feature adjacent to Plot 72 and 73 is not hereby approved. Details of an alternative traffic calming feature 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 house plots 72 and 73; 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;

Conditions (3) and (12) in the interest of 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) to ensure that any garages are an appropriate match with the approved dwellinghouses in the interests of visual amenity; Condition (6) 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; Conditions (7), (13) and (14) in the interests of road safety; Condition (8) in the interests of residential amenity and public safety; Condition (9) in the interests of residential amenity and to prevent such established amenity being adversely affected; Condition (10) in the interests of residential amenity; and Condition (11) in order to control the development of the site and the materials used in any making up of ground levels.

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

Councillor D Coffey intimated his dissent to this decision since he took the view that the application could not be determined until further information had been provided to the Committee by the Head of Planning and Building Control relating to the number of dwellings which could be constructed on the site having regard to the minimum private open space criteria and standards detailed in Schedule 4 of the Local Plan.

The meeting terminated at 1107 hours.

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