

EAST AYRSHIRE COUNCIL**DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING COMMITTEE****MINUTES OF MEETING HELD ON TUESDAY 8 MAY 2001 AT 1003 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Eric Ross, Stephanie Young, Daniel Coffey, Lilian MacLean, Drew McIntyre, Harry Wilson, John Knapp, Finlay MacLean, Robert McDill, Eric Jackson, George Smith, Jimmy Kelly, Tommy Farrell, Julie Faulds and Jimmy Carmichael.

ATTENDING: Stephen Chorley, Director of Development Services; Alan Neish, Head of Planning and Building Control; Bill Walkinshaw, Administration Manager; David Mitchell, Legal Manager; Pamela Clifford, Planning Officer; and Alex Hewetson, Administrative Officer.

APOLOGIES: Councillors Douglas Reid, Iain Linton and Provost Jimmy Boyd.

CHAIR: Councillor Eric Ross, Chair.

PLANNING APPLICATIONS**1.1 APPLICATION NO 00/0845/FL: AYRSHIRE AND ARRAN PRIMARY CARE NHS TRUST: MILL O'SHIELD ROAD, DRONGAN**

There was submitted an executive summary sheet and report dated 10 April 2001 (both circulated) by the Director of Development Services on a full planning application for proposed erection of Resource Centre containing Doctors' Practices, East Ayrshire Council Office and Strathclyde Police Office at Mill O'Shield Road, Drongan.

The Head of Planning and Building Control reported:-

- (i) the deletion of the requirement for a formal legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, as described in Paragraph 8.4 (ii), (iii), (iv) and (v) of the report as these matters could be dealt with under the agreement for sale of the land;
- (ii) in respect of Paragraph 8.4 (i) of the report, that an additional condition relating to staff car parking for the Resource Centre would be imposed accordingly; and
- (iii) that no letters of objection had been received.

The Head of Planning and Building Control summarised the planning considerations in respect of the application; and recommended:- 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 by the Planning Authority on 15 December 2000 as amended by the revised site layout plan - Option D, received by the Planning Authority on 4 April 2001; (3) During the hours the centre is open to the public, a maximum of three clinics shall operate at any one time; (4) Before the centre is open to the public, the car parking as indicated within

the application site shall be signposted and marked for the use of visitors and patients only and thereafter maintained as such; (5) Any street furniture affected by the development shall be relocated or reinstated before the centre is open to the public; (6) Before the centre is open to the public, visibility splay areas shall be formed and thereafter maintained such that there shall be no obstruction to visibility over 1 metre in height within a visibility splay of 4.5 metres by 90 metres at the junction of Carston Avenue with Mill O'Shield Road; (7) The access to the site from Mill O'Shield Road shall be constructed in accordance with the East Ayrshire Council Roads Development Guide 1996 and shall be formed such that no loose materials are carried out onto the public road; (8) The gradient of the site's access roads and car park shall not exceed 1:10; (9) Any access gates shall open inwards only, away from the public road; (10) A landscaping scheme, including details for the treatment of the site's boundaries, shall be submitted to and approved by the Planning Authority before any development commences on site and shall be implemented not later than the next appropriate planting season after the centre is open to the public; (11) Notwithstanding any specification on the approved plans or application form, and before any work is carried out on site, samples of all external construction materials to be used shall be submitted to and approved by the Planning Authority; and (12) Notwithstanding any specification on the approved plans or application form, and before any work is commenced on site, details of the height, location and construction of any fences, walls or other means of enclosure 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 the proposed development is carried out in accordance with the approved plans; (3) to ensure the demand for car parking spaces does not exceed the number of car parking spaces provided, in the interests of public road safety; Condition (3) to ensure the demand for car parking spaces does not exceed the number of car parking spaces provided, in the interests of public road safety; Conditions (4), (6), (7), (8), and (9) in the interests of public road safety; Condition (5) in the interests of public road safety and visual amenity; Conditions (10), (11) and (12) in the interests of visual amenity.

It was agreed to grant the application subject to the conditions and for the reasons detailed and to an additional condition, relating to the staff car parking required for the Resource Centre, to be determined by the Head of Planning and Building Control.

1.2 HEARING PROCEDURE

The Administration Manager established that the Hearing procedure was understood by all participants.

1.3 APPLICATION NO 00/0840/FL: LAVENDER HOMES LIMITED: CRAIG HOUSE, CROSSHOUSE

It was noted that a site visit had been held prior to the meeting.

There was submitted an executive summary sheet and report dated 24 April 2001 (both circulated) by the Director of Development Services on a full planning application for proposed change of use and conversion of Craig House to form 11 no apartments and construction of 14 no dwellinghouses within grounds at Craig House, Crosshouse, Kilmarnock.

Councillor Daniel Coffey joined the meeting at this point.

The Head of Planning and Building Control reported:-

- (i) that 16 letters of objection had been received, details of which were contained within the report; and
- (ii) the receipt and content of a late letter of objection from the Garden History Society.

The Head of Planning and Building Control summarised the planning considerations in respect of the application; and recommended: (i) that the application be approved subject to appropriate notification to the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 and 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) Prior to the commencement of construction works on any of the proposed new dwellinghouses, the works referred to as "initial and essential repairs" detailed on Schedule 1 annexed hereto shall be completed in accordance with that schedule to the satisfaction of the Planning Authority; (3) No development shall be carried out until a finalised programme plan, showing the phases by which the land will be developed, has been submitted to and approved by the Planning Authority; (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any order or enactment replacing this no extensions or garages unless forming part of the approved layout plan shall be erected in relation to any of the houses hereby approved, unless a further specific planning application is submitted to and approved by the Planning Authority; (5) Details/samples of all facing, roofing, external wall and road surfacing materials shall be submitted to and approved by the Planning Authority before any development commences on site; (6) Notwithstanding the details of the plans hereby approved all new and replacement windows shall be of traditional sliding sash and case operation and of timber sash and case construction with central mullions where appropriate unless otherwise agreed with the Planning Authority; (7) Details of all boundary walls and fencing shall be submitted to and approved in writing by the Planning Authority before any development commences on site. Such walls and fencing as are approved shall be erected prior to the occupation of any dwelling whose curtilage boundary they form; (8) No building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected around the trees highlighted in blue and shown on the approved plans as being retained on the site. 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 structures, parking or any other operation shall be permitted within the area thereby enclosed; (9) A landscaping scheme to include the T.P.O. area and the provision of garden space shall be submitted to and approved by the Planning Authority prior to commencement of any development and shall be implemented in accordance with the phasing plan submitted in pursuance of Condition (3) above. The scheme shall include full details of new compensatory tree planting to replace those trees to be felled, the formal garden to the south of Craig House, and confirmation of there being no individual gardens for the courtyard. Such replacement planting shall be implemented within a time frame to be agreed within the proposed management plan; (10) No excavation work, storage of plant

machinery, building materials, or excavated material shall take place within 10 metres of the trunk of any of the trees on the site to be retained highlighted blue on the approved plans, unless otherwise agreed with the Planning Authority; (11) Details of the means of excavating and constructing the roadways and footpath with 10 metres of the trees highlighted blue in the approved plans shall be submitted to and approved by the Planning Authority prior to the development; (12) Notwithstanding the plans hereby approved, the external surface of the walls of the proposed new houses shall be rendered in a colour to be agreed in writing with the Planning Authority prior to the commencement of development; (13) Notwithstanding the details on the plans hereby approved the roof design of the integral garages on both house types B and D shall be finished with a full gable, details of which shall be submitted to and approved by the Planning Authority before development commences; (14) All external woodwork on Craig House including that on the winter house shall be painted, and not stained or varnished; (15) The walls and stonework details on Craig House shall be painted in a cream or stone colour. A sample of the colour shall be provided for approval of the Planning Authority prior to the commencement of development; (16) Notwithstanding the submitted plans, further details of the design and materials to be used in the reconstruction of portico, balusters between columns and the entrance steps shall be submitted to and approved by the Planning Authority prior to the commencement of development; (17) The basement doors on the south and east elevations of Craig House shall have rectangular fanlights thereby reducing the height of the doors; (18) The dormer windows on the north and south pitches of Craig House do not accurately represent the design of the original dormers. Drawings shall be submitted to for the prior approval of the Planning Authority to demonstrate a design that matches the original dormers. This design shall thereafter be used for dormers on both the north and south pitches; (19) The roof pitches of Craig House shall be clad in natural slate of a Scottish variety, unless it can be demonstrated that Welsh or English slate was used on the house; (20) The size, type and colour of chimney cans shall be specified for the approval of the Planning Authority; (21) Further details of the position of the speed tables shall be submitted to for approval by the Planning Authority, prior to the commencement of development; (22) Detailed drawings shall be provided for the features on the Winter House as itemised below:- (a) The upper windows in the link between the house and winter house were border-glazed rather than patterned as shown in the drawings. A detail of this distinctive feature shall be provided for the prior approval of the Planning Authority; (b) The gutters shall be replaced in cast-iron and sited as indicated by the existing gutter brackets. The downpipes fed into hoppers which appear to have been the turn-of-the-century type that are oblong in shape with ogee side profiles. The proposed colour of the rainwater goods shall be provided for the prior approval of the Planning Authority; (c) The hatches at ground level of the west elevation have hand-made hinges and were an integral part of the design and function of the building. This features shall be retained, in a form blanked off from the inside; (d) The existing glazing pattern has been altered in the proposal drawings. The applicants shall submit details for the approval of the Planning Authority, showing either the adoption of existing glazing bars or the installation of new glazing matching the existing pattern; (e) The new windows proposed for the south elevation are too large, and shall be reduced so that they impact less on the design of the winter garden and also remain subservient in scale to the windows on the main house; and (f) the wrought iron or steel screen between the winter house and main house is a good piece of Burnet iron-work, and shall be removed and re-

used elsewhere in the winter house if possible; (23) Notwithstanding the plans hereby approved the eaves details of the new houses are not approved and further details of same shall be submitted to and approved by the Planning Authority prior to the commencement of the new houses; (24) All servicing and infrastructure provisions shall be formed only along the new or existing access road as detailed unless otherwise agreed in writing with the Planning Authority; (25) Notwithstanding the details on the plans hereby approved all external doors shall be of timber panelled construction unless otherwise agreed with the Planning Authority; (26) Notwithstanding the plans hereby approved, the design of the bay window feature on the elevations of house type B and D is not approved. Further details of this window shall be submitted to and approved by the Planning Authority prior to commencement of any of the new houses; (27) There shall be no commencement of any works on site until the junction works and the passing places are available for use on road U51 as detailed in approved plan 710A Rev E, 710A, 18 and 19. Details of passing places are to be submitted for the approval of the Planning Authority; (28) Notwithstanding the details on the plans hereby approved, further details of the positioning of the proposed house in Plot No 6 relative to the adjacent woodland shall be submitted to for approval by the Planning Authority, prior to the commencement of development; (29) No surface water shall issue from the site onto the public road; (30) No vehicle shall leave the site with earth, mud or other forms of deleterious material attaching to its wheels in a quantity which may result in a nuisance or hazard to vehicles or pedestrians; (31) No construction or site access shall be taken via Craig Lodge or the Craig Centre access roads at any time; (32) There shall be no felling of any trees on site, without the specific written consent of the Planning Authority, prior to the completion of the initial essential works to Craig House as detailed in the legal agreement associated with this consent; (33) Prior to the felling of any trees on site or the commencement of any work on Craig House the advice of Scottish Natural Heritage shall be sought regarding potential bat roosts. If a significant bat roost is found bat boxes shall be erected in locations to be agreed by the Planning Authority; (34) Notwithstanding the approved plans, detailed drawings to a minimum scale of 1:50 regarding the repairs to Craig House and the courtyard development of 4 houses shall be submitted to and approved by the Planning Authority prior to the commencement of development on site; and (35) Details of the intended surfacing materials to be used on the car parking spaces and turning circle beside Craig House and the proposed Courtyard shall be submitted to and approved by the Planning Authority prior to the commencement of development. These areas shall be formed as approved prior to the occupation of any dwelling within the Courtyard or Craig House; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) in the interest of securing the restoration of the listed building; Condition (3) in order to ensure a properly programmed development; Conditions (4), (5), (6), (7), (12), (13), (23), (25) and (26) in the interests of visual amenity; Condition (8) to ensure the retention of the maximum number of trees on the site and their protection from damage in the interests of visual amenity; Condition (9) 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 (10) and (11) in order to protect the trees on site in the interests of visual amenity; Conditions (14), (15), (16), (17), (18), (19), (20), (21) and (22) in the interest of preserving the building's architectural and historic character; Condition (24) in the interest of retaining the maximum number of trees on site and ensuring their preservation from

damage in the interest of visual amenity; Conditions (27), (29), (30) and (31) in the interest of road safety; Condition (28) in the interest of retaining the maximum numbers of trees on site; Condition (32) to prevent the unnecessary felling of trees; Condition (33) to mitigate against the potential loss of bats; Condition (34) to ensure the proposals are in keeping with the architectural merit of the listed building; and Condition (35) in the interests of road safety and visual amenity; and (ii) that the planning consent shall not be issued 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 applicant's in respect of the matters detailed in Paragraph 6.19 of the report.

1.3.1 Planning Hearing

The Committee then heard Mr J Shaw, on his own behalf and on behalf of Mr and Mrs R Taylor, Mr J Hunter and Mr J Fyfe and Doctor K Liebscher, in support of their objections. Doctor Liebscher submitted documentation which related to the current status of the company Lavender Homes, as applicant.

1.3.2 Adjournment

It was agreed to adjourn the meeting at 1020 hours for approximately 5 minutes to enable scrutiny of the submitted documentation and for legal advice to be sought.

1.3.3 Reconvention

The meeting reconvened at 1028 hours with the same Members and Officials present and in attendance.

1.3.4 Continuation of Planning Hearing

The Legal Manager reported that the extract from the Register of Companies submitted by Dr K Liebscher indicated that Lavender Homes had been dissolved under the Companies Act on 21 January 2000 and recommended that the Committee request the applicant to confirm the legal status of the company.

Mr Leask, on behalf of Lavender Homes, informed the Committee that Lavender Homes was no longer trading but that the name featured on the application as it had been used in previous planning applications for the proposed development.

1.3.5 Adjournment

It was agreed to further adjourn at 1032 hours for approximately 10 minutes to enable legal advice to be sought on Mr Leask's response.

1.3.6 Reconvention

The Committee reconvened at 1038 hours with the same Members and Officials present and in attendance.

1.3.7 Continuation of Planning Hearing

The Legal Manager advised the Committee that on the basis of what had been heard today with regard to the status of the applicant, there were concerns as to whether the Committee could determine the application and how a Section 75 Agreement could be entered into and enforced. The Legal Manager advised that consideration of the application should be continued to allow Planning Officials to discuss these issues with the applicant.

It was agreed to continue consideration of the application to a Special Meeting of the Committee to enable the Head of Planning and Building Control, in consultation with the Legal Manager, to establish the legal status of the applicant.

The meeting terminated at 1040 hours.

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