

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 13 SEPTEMBER 2001 AT 1400 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Drew McIntyre, Brian Reeves, Douglas Reid, Lilian MacLean, John Weir, Alex Walsh, Jane Darnbrough and John Knapp.

ATTENDING: Karen McLeod, Solicitor; Pamela Clifford, Senior Planning Officer; and Anne Marie Carr, Administrative Officer.

APOLOGIES: Councillors Danny Coffey, Willie Coffey, Iain Linton 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. APPLICATION NO 01/0352/FL: PROPOSED CHANGE OF USE TO AMUSEMENT CENTRE AT UNIT 8, PORTLAND GATE, PORTLAND STREET, KILMARNOCK: THE NOBLE ORGANISATION LTD

There was submitted an executive summary sheet and report dated 4 September 2001 (circulated) by the Head of Planning and Building Control on a full planning application for a proposed change of use of Unit 8, Portland Gate to an Amusement Centre.

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 amusement centre hereby approved shall be used only for the playing of amusements with prizes machines ancillary prize bingo and for ancillary sales and catering; no games of sessional nature shall be played; (3) Before the use hereby approved is brought into operations, the premises must be sound proofed and fitted with self closing doors in accordance with details to be submitted to and approved in writing by the Planning Authority. Those facilities shall be retained thereafter for the entire period of operation of the premises as an amusement centre. The use shall be inaudible in adjacent premises; (4) A display of priced goods available within the premises shall be provided at all times on its Portland Street frontage; and (5) Formal application for planning permission in respect of detailed plans of any proposed new buildings or 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 the premises operate without detriment to the vitality, viability and amenity of Kilmarnock Core Shopping Area; Condition (3) In order to protect the amenity of neighbouring properties; Condition (4) In order to maintain the attractiveness of the shopping frontage; and Condition (5) The approval relates to a change of use only.

No Hearing took place as the objector was not present or represented.

It was agreed to refuse the application since (i) the application site is within a recently constructed development within the core shopping area and the proposal would not be in accordance with Policy RTC4 in the Finalised East Ayrshire Local Plan with Modifications which encourages retail uses to the core shopping area; and (ii) the proposal is also contrary to Policy RTC20 of the Finalised East Ayrshire Local Plan with Modifications which generally reinforces the presumption against amusement centres within the core shopping area.

3. APPLICATION NO 01/0331/OL: PROPOSED DEMOLITION OF EXISTING COTTAGE AND ERECTION OF 2 NEW BLOCKS COMPRISING 11 FLATS AT DOUGLAS COTTAGE, 28 KILMARNOCK ROAD, CROSSHOUSE: MR NEIL McDONALD

There was submitted an executive summary sheet and report dated 5 September 2001 (circulated) by the Head of Planning and Building Control on an outline planning application for the erection of 11 flats which was to be considered by the Local Planning Committee as it was a larger application which accorded with the East Ayrshire Local Plan and was of area significance.

The Senior Planning Officer reported on the details of the application 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 and plans submitted on 3 May 2001 as revised by the site layout plan received by the Planning Authority on 16 August 2001; (4) Before any development commences on site, the further approval of the Planning Authority shall be obtained in respect of the undernoted matters hereby reserved:- (a) the layout of the site; (b) The size, height, design and external appearance of the proposed 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; and (i) Finished site levels/floor levels; (5) Details to be submitted under Condition 4(d) shall include the following:- (a) the new access to incorporate road narrowing footway extensions to improve the sightlines to 2.5 metres by 90 metres; (b) the Kilmarnock Road shall not be narrowed to less than 7.3 metres at the new access with edge white lines continuing either side; (c) Marker bollards shall be provided at the footway extensions as a vertical indicator of the access and projections; (6) Details to be

submitted under Condition 4(b) shall allow for the proposed buildings to be no higher than 2 storeys in height; and (7) The proposed buildings shall be designed in accordance with the principles contained in the document, East Ayrshire Council Design Guidance, April 2001; 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 the development is carried out in accordance with the approved details; Condition (4) The approval is outline only; Condition (5) To ensure the new access is acceptable in road safety terms; Condition (6) In the interests of residential and visual amenity; and Condition (7) In the interests of visual amenity.

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

4. APPLICATION NO 01/0270/OL: PROPOSED OUTLINE PERMISSION FOR ERECTION OF 2 HOUSES AT HILLPARK DRIVE/BATH STREET, KILMARNOCK: PARKLANDS RESIDENTS ASSOCIATION

There was submitted an executive summary sheet and report dated 4 September 2001 (circulated) by the Head of Planning and Building Control on an outline planning application for the erection of two dwellinghouses which was to be considered by the Local Committee under the Scheme of Delegation as it had been subject to objection.

4.1 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) 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 30 April 2001 and the amended plans received by the Planning Authority on 21 June 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; (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; and (i) Finished site levels/floor levels; and (5) No trees shall be felled, lopped, have roots cut, or be the subject of any other works without the prior written consent of the Planning Authority; Conditions (1) and (2) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (3) To ensure that development is carried out in accordance with the approved details; Condition (4) The approval is outline only; and Condition (5) In the interest of visual amenity and to maintain the existing visual contribution of the trees to the amenity of the area.

4.2 Planning Hearing

The Committee heard Mr Billy White in support of his objections. The Committee then heard Mr Graham on behalf of Parklands Residents Association, Applicant, in support of the application. The objector and the applicant responded to the issues raised, all in accordance with Hearing Procedure.

4.3 Determination of Application

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

5. APPLICATION NO 01/0452/FL: PROPOSED BEER GARDEN TO SIDE OF PUBLIC HOUSE AT THE HOWARD ARMS, GLENCAIRN SQUARE, KILMARNOCK: SCOTTISH AND NEWCASTLE

There was submitted an executive summary sheet and report dated 4 September 2001 (circulated) by the Head of Planning and Building Control on a full planning application to locate a beer garden on the area of tarmac ground which currently forms part of the of the car parking area for the public house at the Howard Arms which was to be considered by the Local Planning Committee under the Scheme of Delegation as it had been subject to objection.

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:- The development to which this permission relates must be begun within five years from the date of this permission, this Condition being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

No Hearing took place as the objector was not present or represented.

It was agreed to approve the application subject to the condition and for the reason detailed.

6. APPLICATION NO 01/0435/FL: PROPOSED FORMATION OF DOG RUNS AND RABBIT RUN WITH MODIFICATIONS AT 82 MURE AVENUE, KILMARNOCK: S THOMSON

There was submitted an executive summary sheet and report dated 4 September 2001 (circulated) by the Head of Planning and Building Control on a full application for the erection of 2 dog runs and a rabbit run to the rear of a residential property which was to be considered by the Local Planning Committee under the Scheme of Delegation because it had been subject to objections.

The Senior Planning Officer reported that two letters of objection and two letters of support 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 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; (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 a similar design and height; and (5) The dog runs shall only be occupied by the dogs between the hours of 8.00am and 8.00pm; 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 Conditions (4) and (5) In the interests of residential amenity.

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

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

Councillor Knapp, having moved an alternative proposal which failed to receive a seconder, recorded his dissent to this decision.

The meeting terminated at 1445 hours.

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