

EAST AYRSHIRE COUNCIL**KILMARNOCK CENTRAL LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 1 NOVEMBER 1996 AT 1400 HOURS
IN CROSSHOUSE COMMUNITY CENTRE, OFF PLAYING FIELD ROAD,
CROSSHOUSE, KILMARNOCK**

PRESENT: Councillors Gordon Cree (Chair), Douglas Reid, Wilma Doyle and Ronald Brailsford.

ATTENDING: Jim Bottom, Principal Planning Officer; Ken Robinson, Principal Administrative Officer; Yvonne Mitchell, Planning Officer; and Melanie Macleod, Administrative Officer.

APOLOGY: Councillor Irene Reeves.

CHAIR: Councillor Gordon Cree, Chair.

CONSIDERATION OF PLANNING APPLICATIONS**1.1 APPLICATION 96/0037/FL: SPRINGHILL HOME LIMITED (Item 1.1, Page 1286)**

There was submitted a report dated 14 October 1996 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed change of use of private open space to residential use and the erection of three dwellinghouses, Springhill Gardens, Portland Road, Kilmarnock. This matter was previously considered by the Local Committee on 19 September 1996, and continued to allow examination of an additional report which had been received from the Roads Division.

The Principal Planning Officer reported that two letters of objection, details of which were given in the report, had been received, together with a petition signed by 72 people. He then 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) details/samples of surfacing materials, artificial and reconstituted stone and aluminium glazing bars shall be submitted to and approved by the Planning Authority before any development commences on the site; (3) no excavation works (other than those specified on plan no 94.101.10 relating to the construction of the driveway) or storage of plant, machinery, or building materials shall take place within 9 metres of any of the trees within the site; (4) the driveway shall be constructed in accordance with the details specified on plan no 94.101.10 hereby approved; (5) a fence, of height no less than 1.2 metres in height, shall be erected at a distance of not less than 9 metres from the trunks of each tree numbered 1 - 7 and 10 - 12 on the plans hereby approved, prior to the commencement of development and shall remain in place until the completion of the development; and (6) notwithstanding the plans hereby approved, two further parking spaces and a refuse collection point shall be provided within the site, details of the position of these to be submitted to and approved by the Planning Authority and provided prior to the occupation of any of the dwellings. Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972;

Condition (2) in the interest of the character and appearance of the area; Condition (3) to protect the trees within the site, in the interest of visual amenity and the setting of the Grade B Listed Springhill House; Condition (4) to protect the trees within the site, in the interest of visual amenity and the setting of the Grade B Listed Springhill House; Condition (5) to protect the trees within the site, in the interest of visual amenity and the setting of the Grade B Listed Springhill House; and Condition (6) in the interest of road safety.

The Committee heard an objector in support of his objections and the agent of the applicant in support of the application. Members asked questions of the objector and the agent of the applicant.

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

1.2 APPLICATION 96/0376/FL: MR A McANESPIE

There was submitted a report dated 9 October 1996 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed change of use from ground floor of flat to form shop, of shop to public house and upper floor to a flat, erection of rear extension to public house and flat and internal alterations to 1/3 Kilmaurs Road, Knockentiber.

The Principal Planning Officer reported that seven letters of objection, with ten signatories, and one letter of support had been received. He also reported that a petition with 204 signatories had been received in support of the application. He then summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Refusal on the following grounds, viz:- (1) the proposed development would detract from the residential amenity of the area; (2) the proposed development does not provide satisfactory accommodation within the application site for the parking of vehicles; (3) the proposed development would be contrary to Policy C1 of the Finalised District Plan which permits Class 3 Uses (i.e. public house) only within town centres and shopping areas; and (4) the design of the proposed extension, so far as the roof is concerned, is not in keeping with the existing building.

It was agreed to continue consideration of this application to a Special Meeting of this Committee following a site visit.

1.3 APPLICATION 96/0347/FL: MR D HARLEY/TAURUS CONSTRUCTION

There was submitted a report dated 16 October 1996 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed increase of occupants from ten children to twenty children at Day Nursery at 36 Holehouse Road, Kilmarnock.

The Principal Planning Officer reported that two letters of objection had been received, with three signatories; 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) notwithstanding the submitted details, parking spaces for 3 staff cars shall be provided and maintained within the site, with details of the proposed parking bays to be submitted to and approved by the Planning Authority before any such development commences; and (2) the Day Nursery shall only operate between 0800 hours and 1800 hours Monday to Friday and 0800 hours and 1200 hours on

Saturdays and at no time on a Sunday. Condition (1) being imposed in the interest of road safety and Condition (2) in the interest of residential amenity.

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

1.4 APPLICATION 96/0323/FL: MR D McKENZIE

There was submitted a report dated 11 October 1996 (circulated) by the Head of Planning and Building Control on a full planning application for a proposed change of use including extensions and external alterations to form Children's Soft Play Area and Go-karting Centre, at The Garage, 30-46 Grange Street, Kilmarnock.

The Principal Planning Officer reported that three letters of objection had been received; reported on a further letter received from one of the objectors; summarised the planning considerations in respect of the applications; 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 submitted on 27 August 1996, as revised by the car parking plan received by the Planning Authority on 10 October 1996; (3) notwithstanding the plans hereby approved, the additional car parking spaces shall be provided and clearly marked prior to the first use of the property as a go-karting centre; (4) the rear car park shall be signposted prior to the commencement of the use of the property as available for patrons of the go-karting centre and the car parking shall be illuminated all to the satisfaction of the Planning Authority; (5) a ventilation system shall be installed to extract vehicle fumes in a manner which causes no nuisance to adjoining properties, with full details of the ventilation system to be submitted to and approved by the Planning Authority prior to the change of use taking place; (6) the use hereby approved shall operate without detriment to adjoining properties by reason of noise, dirt, grit, fumes or general disturbance; and (7) the signage shown on the plans is not hereby approved, and a further separate application for Consent to Display Advertisements shall be submitted to the Planning Authority. Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) to ensure that the development is carried out in accordance with the approved details; Condition (3) in the interest of highway safety; Condition (4) in the interest of highway safety; Condition (5) to safeguard the amenity of the area; Condition (6) to safeguard the amenity of the area; and Condition (7) to ensure that the Planning Authority can retain control over the development of the site in the interest of visual amenity.

The Committee heard the objector in support of his objections and Members asked questions of the objector. The applicant was not present.

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

1.5 APPLICATION 96/0413/FL: CALEDONIAN CMT

There was submitted a report dated 15 October 1996 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of a new extension to factory at 11A Rugby Road, Kilmarnock. It was reported that the application had been advertised as a "Departure or Potential Departure from the Adopted Development Plan" and that this advert would expire at midnight on 2 November 1996.

The Principal Planning Officer reported that four letters of objection had been received; summarised an additional consultation response; summarised the planning considerations in respect of this application; and gave the recommendation of the Head of Planning and Building Control: Approval, subject to there being no objections received following the Committee and prior to the expiry of the advert period 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) notwithstanding the submitted plans, the external materials are not hereby approved. Details/samples of the facing brick shall be submitted to and approved by the Planning Authority before any development commences on site; (3) the developer shall ensure that all excavations within 12 metres of the horse chestnut tree shall be carried out by hand and the main routes should be protected during this process. The developer shall advise the Planning Authority prior to commencement of the excavations as to the proposed site supervision particularly in relation to the protection of the horse chestnut tree. Other than where these excavations are taking place, no storage or materials or other operations linked to the development process shall take place within a 5 metre radius of the trunk of the retained trees; and (4) the use hereby approved shall operate without detriment to adjoining properties by reason of noise, dirt, grit, smell or general disturbance. Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) in the interest of visual amenity; Condition (3) in the interest of visual amenity; and Condition (4) to safeguard the amenity of the area. It was further recommended that, if additional objections were received prior to the expiry of the advert and following this meeting of the Committee, then the application should be referred to the next meeting of the Local Planning Committee for further consideration at that time.

The Committee heard the objector in support of his objections and the agent of the applicant in support of his application. Members asked questions of the objector and the agent of the applicant.

It was agreed to continue consideration of this application to a Special Meeting of this Committee following a site visit.

1.6 APPLICATION 96/0456/TP: MR ROY LEVER

There was submitted a report dated 10 October 1996 (circulated) by the Head of Planning and Building Control on an application to fell one elm tree at 19 Braehead Court, Kilmarnock. It was reported that this tree was the subject of a Tree Preservation Order.

The Principal Planning Officer reported that no representations had been received; summarised the planning considerations in respect of this 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 elm tree shall be felled by a qualified arboriculturist; and (3) the tree shall be replaced with a birch tree (*Betula Pendula*) with a minimum girth of 8 cm, this to be done within one year of the felling of the elm tree. Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) to ensure that the works are undertaken in such a manner as to protect public safety; and Condition (3) in the interest of visual amenity.

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

1.7 APPLICATION 96/0460/FL: MISS AILEEN BELL

There was submitted a report dated 16 October 1996 (circulated) by the Head of Planning and Building Control on a full planning application for a proposed Callanetics studio, 4 High Glencairn Street, Kilmarnock.

The Principal Planning Officer reported that three letters of objection and one letter of support had been received; summarised an additional consultation response; summarised the planning considerations in respect of this 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) notwithstanding the Use Classes (Scotland) Order 1989, express written permission is to be sought from the Planning Authority before any other use undertaken, which lies within the same Use Class (in the said Order) as the use hereby permitted; (3) the use hereby approved shall not be carried out before 0800 hours and after 2200 hours on Mondays to Saturdays and before 1000 hours and after 2000 hours on Sundays; and (4) the use hereby approved shall operate without detriment to adjoining properties by reason of noise or general disturbance. Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) being imposed to safeguard the residential amenity of the area; Condition (3) to prevent noise and disturbance extending into hours during which other sources of noise have subsided, the interest of residential amenity; and Condition (4) to prevent noise and disturbance in the interest of amenity.

The Committee heard the agent of the applicant in support of the application and Members asked questions of the agent. No objectors were present.

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

1.8 APPLICATION 96/0366/FL: MRS J LIGHTBODY

There was submitted a report dated 2 October 1996 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed removal of stone mullions (x2) to install new windows and painting of back and front exterior walls at 24 Wilson Avenue, Kilmarnock.

The Principal Planning Officer reported that one letter of objection had been received; 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 forms, the colour of the paint is not hereby approved.

Details of alternative paint and colour shall be submitted for approval to the Planning Authority within one month of this permission and shall be applied within three months of the date of the approval of such details. Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; and Condition (2) in the interest of visual amenity.

The Committee heard the applicant in support of the application and Members asked questions of the applicant. No objectors were present.

It was agreed to continue consideration of this application to a Special Meeting of this Committee following a site visit.

The meeting terminated at 1515 hours.