

EAST AYRSHIRE COUNCIL**CENTRAL LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 10 DECEMBER 1999 AT 1000 HOURS
IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors Douglas Reid, Robert Stevenson, John Weir, Iain Linton, Alex Walsh, Alan Campbell, Jane Darnbrough and John Knapp.

ATTENDING: Dave Morris, Development Promotion Manager; David Whyte, Environmental Health Officer; Julie Armstrong, Senior Administrative Officer; and Melanie Macleod, Administrative Officer.

APOLOGIES: Councillors Drew McIntyre, Brian Reeves, Daniel Coffey and Willie Coffey.

CHAIR: Councillor John Knapp, Vice-Chair.

CONSIDERATION OF PLANNING APPLICATIONS**1. PROCEDURE**

The Administrative Officer established that the Hearing procedure was understood by all participants.

1.1 APPLICATION NO 99/0282/FL: KILMARNOCK FOOTBALL CLUB

There was submitted an executive summary sheet and a report dated 1 December 1999 (circulated) by the Head of Planning and Building Control on a full planning application for a proposed shed to house a gas heated warm air heat exchanger to supply warm ducted air to under the playing surface at Rugby Park, Rugby Road, Kilmarnock.

The Development Promotion Manager reported that 14 objections had been received, details of which were contained in 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 noise produced by the plant should not increase the background noise level by greater than 10dBA measured at the boundary of the nearest properties; and (3) The proposed development and associated equipment shall not be operated between the hours of 10 p.m. and 7 a.m. on any day of the week; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and Conditions (2) and (3) in the interests of the amenity of neighbouring properties.

The Committee heard Fiona Lambert in support of her objection. The Committee then heard George Wren of Wren Rutherford ASL on behalf of the applicant. Members asked questions of the objector and of the applicant. The objector and applicant responded to the issues raised, all in accordance with the Hearing procedure.

Councillor Campbell, seconded by Councillor Linton moved that the application be refused on the grounds that the proposed development, by reason of noise generated when in operation, would be detrimental to the residential amenity of the surrounding area.

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

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

Councillors Reid and Walsh joined the meeting during discussion of this item and took no part in the decision of the meeting.

Councillor Reid left the meeting at this point.

1.2 APPLICATION NO 99/0752/FL: MR T McCARROLL

There was submitted an executive summary sheet and a report dated 26 November 1999 (circulated) by the Head of Planning and Building Control on a retrospective detailed planning application for the erection of a boundary wall between houses at 100 Bridgehousehill Road, Kilmarnock.

The Development Promotion Manager reported that one letter of objection had been received; details of which were contained in 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) The east-facing side of the wall, to No 102 Bridgehousehill Road, should be rendered to match the existing dwellinghouse within 2 months of the date of this consent; 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 visual amenity of the neighbouring property.

The Committee heard Mr Andrews in support of his objection. The Committee then heard the applicant, Thomas McCarroll, in support of the application. Members asked questions of the objector and of the applicant. The objector and applicant responded to the issues raised, all in accordance with the Hearing procedure.

It was agreed to grant the application subject to the conditions and for the reasons detailed, subject to Condition (2) being amended from 2 months to a period of 3 months for compliance.

1.3 APPLICATION NO 99/0732/FL: MR DAVID RITCHIE

There was submitted an executive summary sheet and a report dated 30 November 1999 (circulated) by the Head of Planning and Building Control on an application for the proposed change of use and conversion of the first and second floors to form five private maisonettes at 1 Glencairn Square, Kilmarnock.

The Development Promotion Manager reported that no letters of objection had been submitted in respect of the 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 granted relates to a change of use only and, notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) (Scotland) Order 1992 (or any other such order revoking or re-enacting that order), no alterations shall be made to the external appearance of the building other than shown on the approved plans, without the prior written consent of the Planning Authority; (3) Prior to any development commencing on site, 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; (4) Prior to any of the maisonettes hereby approved being occupied or brought into use, all of the fences or walls for which the permission of the Planning Authority has been obtained under the terms of Condition (3) above, shall be erected and thereafter maintained to the satisfaction of the said Authority; (5) No works shall have commenced in respect of any part of the development hereby approved prior to the existing mechanical ventilation system on the northern gable of the property having been re-aligned or extended and being operational to discharge above ridge level, such works being undertaken in accordance with details to be submitted to and agreed in writing by the Planning Authority; and (6) Prior to any work commencing on site for the development hereby approved, details of the location of the refuse bins shall be submitted to and approved in writing by the Planning Authority and thereafter sited as agreed prior to any of the maisonettes being occupied; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to safeguard the amenity of the area; Condition (3) in the interests of visual amenity; Condition (4) in the interests of amenity; and Conditions (5) and (6) in order to safeguard the residential amenity of the maisonettes hereby approved.

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

1.4 APPLICATION NO 99/0541:FL: KLIN CONTRACTS LIMITED

There was submitted an executive summary sheet and a report dated 30 November 1999 (circulated) by the Head of Planning and Building Control on an application for the proposed erection of 34 No dwellinghouses at Nursery Avenue, Kilmarnock.

The Development Promotion Manager reported that no letters of objection had been submitted in respect of the 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 proposed development shall be carried out in accordance with the application form received on 23 July 1999 and the amended plans received by the Planning Authority on 29 October 1999; (3) Notwithstanding the submitted plans, 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; (4) Before any of the dwellinghouses situated on the site upon which a fence is to be erected are occupied, the fence or wall for which the permission of the Planning Authority has been obtained under the terms of Condition (3) above, shall be erected and thereafter maintained to the satisfaction of the said Authority; (5) Before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Planning Authority; (6) Prior to the commencement of works on site, a scheme of landscaping shall be submitted to and approved by the Planning Authority. Such details as are submitted shall

include the identity of the factor appointed to co-ordinate landscape maintenance and details of the programme for landscape maintenance; (7) The landscaping scheme required in terms of Condition (6) above, shall be completed to the satisfaction of the Planning Authority prior to the completion of the development hereby approved or occupation of the first dwellinghouse whichever is the sooner and thereafter be maintained and replaced where necessary to the satisfaction of the said Authority; (8) Before any work commences on the site, a scheme for the provision of one equipped play area within the application site shall be submitted to and approved by the Planning Authority and this shall include:- (a) details of the type and location of play equipment, seating and litter bins to be situated within the play area; (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed; and (c) details of fences to be erected around the play area; (9) Prior to the occupation of the last dwellinghouse within the development, all of the works required for the provision of the equipped play area included in the scheme approved under the terms of Condition (8) above, shall be completed and thereafter that area shall not be used for any purpose other than as a play area; and (10) Notwithstanding the plans hereby approved, no dwellinghouses shall be occupied until the road is completed to base course level and the road drainage system installed. The road wearing surface shall be completed within 6 months of the occupation of the first dwellinghouse or an alternative date to be agreed in writing 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; Conditions (3), (6) and (7) in the interests of visual amenity; Conditions (4) and (5) in the interests of amenity; Condition (8) to ensure the provision of adequate play facilities within the site; Condition (9) in order to retain effective planning control; and Condition (10) in the interests of residential amenity.

It was agreed:-

- (i) to approve the application subject to the conditions and for the reasons detailed; and
- (ii) that an additional condition be imposed to ensure that Nursery Avenue and MacKinlay Place where they abut the housing development site shall be kept clear of mud or other deposited materials at all times by means of mechanical brushing, as appropriate, this condition being imposed in the interests of road safety.

1.5 APPLICATION NO 99/0730/FL: MRS M WILLIAMS

There was submitted an executive summary sheet and a report dated 29 November 1999 (circulated) by the Head of Planning and Building Control on an application for the erection of a nursing home on ground at Altonhill Avenue/Auchencar Drive, Kilmarnock.

The Development Promotion Manager reported that no letters of objection had been received in respect of the application; reported on the receipt and content of a response received from the Scottish Environment Protection Agency; 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 15 October 1999 and the amended site plan received by the Planning Authority on 22 November 1999 and the amended elevations received by the Planning Authority on 24 November 1999; (3) Details of the proposed finishing materials shall be submitted to and approved by the Planning Authority prior to the commencement of works on site; (4) Notwithstanding the submitted plans, 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) A landscaping scheme including the treatment of grassed amenity areas and the boundary of the site 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. The scheme shall include details of the provision to be made for the maintenance of soft and hard landscaped areas, which shall be maintained thereafter in accordance with these details; (6) Prior to the commencement of the development, details of the proposed ground levels, for all the areas adjacent to the existing residential development shall be submitted to and approved by the Planning Authority; (7) The details to be submitted further to Condition (6) above, shall include the measures that shall be taken to prevent any surface water run off from the application site onto adjoining property both during construction and following completion of the development; and (8) The proposed facility shall not accept residents until traffic calming measures along Altonhill Avenue are complete. Details of such measures shall be submitted to and approved by the Planning Authority prior to the commencement of development; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to ensure that the development is carried out in accordance with the approved details; Conditions (3) and (4) in the interest of visual amenity; Condition (5) 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 (6) and (7) in the interests of residential amenity; and Condition (8) in the interests of road safety.

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

1.6 APPLICATION NO 99/0729/AD: SCORE OUTDOOR

The Chair advised that this item had been withdrawn.

The meeting terminated at 1135 hours.