

**EAST AYRSHIRE COUNCIL****CENTRAL LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 9 JANUARY 1998 AT 1000 HOURS IN  
THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK**

**PRESENT:** Councillors Gordon Cree, Drew McIntyre, Irene Reeves, Douglas Reid, Ronald Brailsford, Jane Darnbrough, John Knapp and Daniel Coffey.

**ATTENDING:** Dave Morris, Development Promotion Manager; Donald McVicar, Departmental Strategy Officer; and Anne Marie Carr, Administrative Officer.

**APOLOGIES:** Councillors Gordon McCredie, Wilma Doyle, Provost Robert Stirling and Councillor Alan Campbell.

**CHAIR:** Councillor Gordon Cree, Chair.

**CONSIDERATION OF PLANNING APPLICATIONS**

1. The Administrative Officer advised of the procedure for informal Hearings at Local Planning Committees.

**1.1 APPLICATION NO 97/0550/FL: BARRATT WEST SCOTLAND**

There was submitted a report dated 22 December 1997 (circulated) by the Head of Planning and Building Control on a full planning application for the erection of 45 houses together with all associated road and sewer works.

The Development Promotion Manager summarised the planning considerations in respect of the application; reported that the representations which had been received were detailed in the report; also reported in respect of Condition 2 detailed in the report, the date of the levels plan, should be amended to read sketch plan 353 SK/DA1; 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 21 July 1997 and the site layout plan (1626/04 revision E) received by the Planning Authority on 4 November 1997, and the sketch plan 353 SK/DA1 (T Laurie and Partners); (3) Details of the means of excavating and constructing the roads and paths within 10m of any tree to be retained shall be submitted to and approved by the Planning Authority prior to development. Such details shall ensure that the works shall not cause damage (short term or long term) to the trees to be retained. Such details shall include excavation by hand within 8m of trees Nos 1, 17, 31, 48 and 50; (4) Notwithstanding the plans hereby approved, consent is hereby granted to fell the following trees identified by the numbers on Plan No 1626/04 Rev E, only 2, 3, 12-14 inclusive, 18, 20, 21, 23-28 inclusive, 32, 33, 34, 35, 36, 40, 43, 44, 46 and 49; (5) A chestnut pale fence shall be erected around trees 1-15 and 38-50 to the satisfaction of the Planning Authority, prior to commencement of development at a distance of 10 metres from the tree trunks; (6) Notwithstanding the submitted plans, the fences are not hereby approved. 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. These details shall specifically include the design and location of fencing along the frontage to Holmes Road which shall present a consistent appearance to that road; (7) Notwithstanding the submitted plans, the facing, roofing and surfacing materials are not hereby approved. Details/samples of facing, roofing and surfacing materials shall be submitted to and approved by the Planning Authority before any development commences on the site; (8) No excavation work (other than that agreed under Condition 2 above) 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; (9) The developer shall satisfy himself by site investigation if necessary, as to the suitability of the site for development in terms of its stability; (10) A landscaping scheme shall be submitted to and approved by the Planning Authority prior to the commencement of development. The scheme shall include:- (a) The landscaping of the site including the planting of 22 trees in the area between Holmes Road and the houses in Plot Nos 11-22; (b) The provision of play equipment; (c) The implementation of all components of the landscaping and play area in relation to the progressing of the construction of the houses on the site; and (d) The intended means of maintenance of the site, including the replacement of any trees which die or are removed, and the maintenance of the public footpath and any associated street lighting; (11) No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a scheme of investigation which has been submitted to and approved by the Planning Authority; (12) No roots of any of the trees to be retained greater than 50mm in width shall be cut; (13) No development shall take place until the developer has submitted a scheme for the supervision of the felling works by a licensed bat worker and for the replacement of bat roosts should hibernating or roosting bats be encountered; (14) Prior to occupation of any of the houses hereby approved sightlines of 2.5m x 35m shall be provided, and thereafter at all times maintained, free of any obstruction in excess of 1.05m in height at the new road junctions with Holmes Road; (15) Prior to the occupation of each respective house, each property shall be provided with sightlines of 2m x 20m in each direction, being free of any obstruction in excess of 1.05 metres in height, which shall be maintained thereafter; (16) A 2 metre wide footpath shall be constructed along the length of Holmes Road adjacent to the site from the existing sub station access to a point opposite Gargieston Road junction; (17) Roads and footways, including vehicle crossings and street lighting shall all be constructed to Roads Division standards and specifications; 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 protect the trees on site which are to be retained, in the interests of visual amenity; Condition (4) to ensure the development is undertaken in accordance with the plans hereby approved; Condition (5) in the interests of visual amenity and to protect the trees and roots systems; Conditions (6) and (7) in the interests of visual amenity; Condition (8) in order to protect the trees on site which are to be retained, in the interests of visual amenity; Condition (9) in the interest of public safety; Condition (10) in the interest of residential and visual amenity; Condition (11) to ensure that archaeological remains within the site are recorded in accordance with the advice of PAN42; Condition (12) in order to protect the trees on the site which are to be retained, in the interest of visual amenity; Condition (13) to ensure that any bats on the site are adequately accommodated; and Conditions (14), (15), (16) and (17) in the interests of road safety.

The Committee heard Mrs Cook who spoke in support of her objections.

The applicant was not present.

Arising from Members' queries regarding a number of issues, the Development Promotion Manager proposed the following supplementary conditions and reasons as follows, viz:- (18) Outwith the hours of 0900 hours to 1800 hours, seven days a week, there shall on site be no operation or use for construction or excavation purposes of heavy construction vehicles or equipment; (19) Holmes Road adjacent to the site shall be kept clear of mud or other deposited materials at all times; (20) Prior to the commencement of development, the applicant shall submit to and have received approval from the Planning Authority in respect of a single point of access to the site to be used by construction vehicles at all times; and (21) Prior to the commencement of development, the applicant shall submit to and have received approval from the Planning Authority for an arrangement whereby pedestrian access from Holmes Road through the site to the land bounding the site to the east can be maintained both during and following development; Condition (18) being imposed in the interests of residential amenity, Condition (19) in the interests of road safety; Condition (20) in the interests of road safety and to assist in the protection of existing trees; and Condition (21) to allow for continuation of long established access.

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

## **1.2 APPLICATION NO 97/0767/FL: CHARTERED TRUST PLC**

There was submitted a report dated 17 December 1997 (circulated) by the Head of Planning and Building Control on a full planning application for the change of use from Retail to Office (Class 2) at 51 The Foregate, Kilmarnock.

The Development Promotion Manager summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Refusal for the following reasons, viz:- (1) The proposed use would be contrary to Policy C1 of the Finalised Kilmarnock and Loudoun District Plan as it would introduce a Class 2 Use into the core shopping area of Kilmarnock. It has not been demonstrated that any circumstances relate to the proposal which indicate that an exception to this policy would be justified; and (2) The proposal would, by virtue of the loss of a Class 1 Use, be detrimental to the vitality of the Core Shopping Area.

It was agreed to refuse the application for the reasons detailed.

## **1.3 APPLICATION NO 97/0675/TP: KILMARNOCK COLLEGE**

There was submitted a report dated 12 December 1997 (circulated) by the Head of Planning and Building Control on an application for the felling of trees which were the subject of a Tree Preservation Order.

The Development Promotion Manager 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:- (1) Details of replacement trees shall be submitted for approval by the Planning Authority prior to the undertaking of the felling and shall thereafter be implemented in the first available planting season; this Condition being imposed in the interests of visual amenity.

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

**1.4 APPLICATION NO 97/0664/FL: SCOTTISH POWER**

There was submitted a report dated 17 December 1997 (circulated) by the Head of Planning and Building Control on an application for full retrospective planning permission for the erection of a housing unit for a compressor used for washing Scottish Power vehicles.

The Development Promotion Manager summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Building Control: Approval.

The Committee heard Mr McCall and Mr Harley in support of their objections.

The Committee then heard Mr Ferrante, Scottish Power, in support of the application.

Members asked questions of both the objectors and the applicant.

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

**1.5 APPLICATION NO 97/0797/TP: MR G GILMOUR**

There was submitted a report dated 17 December 1997 (circulated) by the Head of Planning and Building Control on an application for full retrospective planning permission for the felling of an English elm tree which was the subject of a Tree Preservation Order (2/1997) at 95 London Road, Kilmarnock.

The Development Promotion Manager summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Approval.

It was agreed to grant the application.

**1.6 APPLICATION NO 97/0758/AD: GREEN'S THE SIGNSMAKERS LIMITED**

There was submitted a report dated 19 December 1997 (circulated) by the Head of Planning and Building Control for the erection of an elevational advertisement sign at Unit 3, Queen's Drive, Retail Park, by Kilmarnock.

The Development Promotion Manager summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Refusal for the following reasons, viz:- (1) The advertisement, by virtue of its size and location on the central feature, does not relate to the building on which it is displayed nor those to which it adjoins and is therefore contrary to Policy EN16 of the Finalised Kilmarnock and Loudoun District Plan; and (2) The advertisement is inconsistent with and disproportionate to the signage on adjacent buildings and is detrimental to the visual amenity of the area.

It was agreed to refuse the application for the reasons detailed.

**1.7 APPLICATION NO 97/0814/FL: MR T MALONE**

There was submitted a report dated 19 December 1997 (circulated) by the Head of Planning and Building Control on an application for retrospective planning permission for the siting of a mobile hot food carryout premises at the corner of St Marnock Street/Waterside Street, Kilmarnock.

The Development Promotion Manager summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Refusal for the following reason, viz:- (1) the proposed development would have a detrimental effect on the character and amenity of the area, by virtue of its appearance and location in a prominent position.

It was agreed (i) that the application be referred to the Development Services Committee for consideration and (ii) to recommend that in relation to the issue of street trading in general there should be a review of policy by the Development Services Committee.

### **1.8 APPLICATION NO 97/0815/TP: MR D CURRIE**

There was submitted a report dated 11 December 1997 (circulated) by the Head of Planning and Building Control on an application to fell a single birch tree which was the subject of a Tree Preservation Order (92/7) at 29 Woodlands Grove, Kilmarnock.

The Development Promotion Manager 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 condition, viz:- (1) The birch tree shall be felled by a qualified arboriculturist; this Condition being imposed to ensure the works are undertaken in such a manner as to protect public safety.

Councillor McIntyre, seconded by Councillor Darnbrough, moved that the application be granted subject to the condition detailed and that an assurance be sought from the Director of Community Services that planting a replacement tree at the site would result in over provision.

Councillor Knapp, seconded by Councillor Reeves, moved as an amendment that the application be refused.

On a division by a show of hands, the motion was carried by 5 votes to 3.

### **1.9 APPLICATION NO 97/0605/FL: MR A WATSON**

There was submitted a report dated 19 December 1997 (circulated) by the Head of Planning and Building Control on an application for full planning permission for the erection of a one and a half storey dwellinghouse to include an office at 2 Nursery Avenue, Kilmarnock.

The Development Promotion Manager summarised the planning considerations in respect of the application; reported that the representations which had been received were detailed in the report; 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 7 August 1997 and the amended plans received by the Planning Authority on 15 October 1997, (3) Notwithstanding the plans hereby approved, the roof shall be constructed in natural slate and the walls rendered to match the neighbouring house at 2 Nursery Avenue and adjoining plumbers' store; (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) The office within the house shall be used only for "business" purposes associated with the adjoining store and the house shall be occupied only by an

individual (and his/her dependants) who is using the store. Express written permission is to be sought from the Planning Authority before any other use is undertaken; (6) A footway of 1.5 metres in width is to be provided from the access to the property to the junction with Nursery Avenue. This should be constructed to Roads Division standards prior to the first occupation of the house; and (7) Access over the new footway is to be 6 metres in width; 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 (4) in the interests of visual amenity; Condition (5) to safeguard the amenity of the area; Condition (6) in the interests of residential amenity and road safety; and Condition (7) in the interests of road safety.

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

Councillor Coffey, seconded by Councillor Brailsford, moved as an amendment that the application be refused on the grounds that it would be detrimental to the area.

On a division by a show of hands, the motion was carried by 5 votes to 3.

The meeting terminated at 1125 hours.