

**EAST AYRSHIRE COUNCIL****CENTRAL LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 5 FEBRUARY 1999 AT 1000 HOURS  
IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK**

**PRESENT:** Councillors Gordon Cree, Irene Reeves, Wilma Doyle, Jane Darnbrough and Daniel Coffey.

**ATTENDING:** Karl Doroszenko, Policy and Projects Manager; Jim Worley, Principal Planning Officer; John Lilley, Senior Planning Officer (Policy and Projects); Colin McKee, Planning Officer; Julie Armstrong, Senior Administration Officer; and Robert Beaton, Administrative Officer.

**APOLOGIES:** Councillors Gordon McCredie, Drew McIntyre, Douglas Reid, Provost Robert Stirling and Councillors Alan Campbell and John Knapp.

**CHAIR:** Councillor Gordon Cree, Chair, Items 1.1 to 1.6; Councillor Jane Darnbrough, Vice-Chair, remaining items.

**CONSIDERATION OF PLANNING APPLICATIONS****1.1 PROCEDURE**

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

**1.2 APPLICATIONS NO 98/0773/FL AND 98/0765/LB: DR TIMMONS AND PARTNERS**

There was submitted a report dated 28 January 1999 (circulated) by the Head of Planning and Building Control on a full planning application and listed building consent for proposed alterations and extensions to Doctor's Surgery at 12 London Road, Kilmarnock.

The Principal Planning Officer reported that one letter of objection had been received, details of which were contained in the report, reported that a revised scheme in respect of off-street parking had been submitted and accepted by the Head of Roads and Transportation, summarised the planning considerations in respect of the application, and gave the revised recommendation of the Head of Planning and Building Control: Approval, subject to the following conditions, viz:- (Application No 98/0773/FL) - (1) The development to which this permission relates must be begun within five years from the date of this permission; and (2) Notwithstanding the plan(s) hereby approved, details/samples of the external materials to be used shall be submitted to and approved by the Planning Authority before any development commences on the site; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and Condition (2) being imposed in the interest of visual amenity.

(Application No 98/0765/LB) - (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 16 November 1998 and the amended plans received by the Planning Authority on 14

and 27 January 1999; and (3) Notwithstanding the plan(s) hereby approved, details/samples of the external materials to be used shall be submitted to and approved by the Planning Authority before any development commences on the site; 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; and Condition (3) in the interest of visual amenity.

It was agreed to grant the planning application and the listed building application, subject to the conditions and for the reasons detailed.

### **1.3 APPLICATION NO 98/0757/FL: MR J BARR**

There was submitted a report dated 28 January 1999 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of single dwellinghouse at 18 Holly Place, Kilmarnock.

The Principal 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) Notwithstanding the plans hereby submitted, the external materials are not hereby approved. Details/samples of the proposed artificial stone, roughcast, windows and roof tiling shall be submitted to and approved by the Planning Authority before any development commences on the site; and (3) No storage of building materials or plant shall take place during the construction of the permitted dwelling outwith the application site; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) in the interest of visual amenity; and Condition (3) in the interest of residential amenity and highway safety.

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

### **1.4 APPLICATION NO 98/0813/FL: JOHN FORBES MOTORS**

There was submitted a report dated 27 January 1999 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed alterations to vehicle repairs workshop at 19 West Langlands Street, Kilmarnock.

The Principal Planning Officer reported that 2 letters 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) A footway crossing shall be constructed to East Ayrshire Council Roads and Transportation Division's specification prior to the use of the proposed vehicular access; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and Condition (2) in the interest of road safety.

The Administrative Officer reported that the applicant was not present.

The Committee then heard Mr Lang representing William Young in support of their objections, all in accordance with the Hearing procedures.

It was agreed to defer consideration of this application for a site visit to be undertaken.

#### **1.5 APPLICATION NO 98/0824/FL: BARRATT WEST SCOTLAND (Item 1.5, Page 3808)**

There was submitted a report dated 28 January 1999 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed residential development for 81 dwellings at Toponthank Phase II, Area B, Kilmarnock.

The Principal Planning Officer reported receipt of 2 letters of objection (with 3 signatories), 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 proposed development shall be carried out in accordance with the application form received on 3 December 1998 and the amended plans received by the Planning Authority on 11 January 1999 (Drawing No 88-98-01A); (3) Details/samples of the facing, roofing and surfacing material to be used, shall be submitted to and approved by the Planning Authority before any development commences on the site; (4) 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) Details of the landscaping of the site, including the provision of play equipment and the maintenance of play equipment and all open space outwith the private curtilage of any dwelling shall be submitted to and approved by the Planning Authority prior to the commencement of the development. Such details shall include the timescale for the implementation of the landscaping and play equipment in relation to the completion of the dwellings; (6) Details of all trees to be retained on site and replacement planting with heavy standard species to be submitted shall be agreed with the Planning Authority in writing prior to the commencement of any development on site and shall be implemented in accordance with such an agreement; (7) No trees shall be felled, lopped or have roots cut on the site without the prior written consent of the Planning Authority; (8) No demolition, site clearance or building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected around the trees shown on the approved plans and/or the details agreed under Condition No (6) above 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 structure, parking or any other operation shall be permitted within the area thereby enclosed; (9) Notwithstanding the plans hereby submitted, details of the new hedgerow to be planted along the boundaries of Plots 12-16 inclusive shall be submitted to and approved by the Planning Authority prior to the commencement of any development on site; and (10) No dwellings shall be occupied on the site until the emergency access/egress with the application site has been constructed. (The formation of the length of road linking the application site with Cumbrae Drive would require a further planning permission which is not granted

by this consent); 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), (4), (7) and (9) in the interests of visual amenity; Condition (5) To ensure that the open space is adequately provided and maintained in the interest of residential amenity; Condition (6) to ensure that tree retention and tree replanting is undertaken in the interest 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; and Condition (10) to ensure a continual road link for emergency access only between the application site and Cumbrae Drive.

The Head of Planning and Building Control further recommended that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, with Tay Homes (Scotland) Limited, relating to application no 98/0348/OL.

In response to the Committee's concerns, the Principal Planning Officer proposed an additional Condition (11) The developer shall ensure that no construction traffic shall enter the site from Cumbrae Drive or Fetlar Drive at any time during the implementation of this permission; Condition (11) in the interests of residential amenity.

It was agreed:-

- (i) to grant the application subject to the conditions and for the reasons detailed including the additional proposed condition and reason as detailed above; and
- (ii) that the issue of the Planning Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with Tay Homes (Scotland) Limited relating to application no 98/0348/OL.

## **1.6 APPLICATION NO 98/0735/FL: MR ROBERT LYNCH**

There was submitted a report dated 28 January 1999 (circulated) by the Head of Planning and Building Control on a full planning application for proposed change of use of land for portable mobile food stall at 1 Cheapside Street, Kilmarnock.

The Principal Planning Officer reported that 2 letters 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: Refusal on the following ground that the proposed development would have a detrimental effect on the character and amenity of the John Finnie Street and Bank Street Outstanding Conservation Area, and the recently improved Kilmarnock Town Centre, by virtue of its appearance and temporary nature.

The Committee then heard Mr Dario Tognini for the Kilmarnock Retail Trader's Association in objection to the application and Mr Robert Lynch, the applicant, in support of the application, all in accordance with the Hearing procedure.

Councillor Doyle, seconded by Councillor Darnbrough, moved refusal on the ground detailed above.

Councillor Coffey, seconded by Councillor Cree, moved as an amendment that the application be approved on the basis that the proposed development was not detrimental to the character of the area, would enhance the facilities available within the town centre and was not a permanent facility.

On a division by a show of hands, the motion was carried by 3 votes to 2.

At this point, Councillor Cree left the meeting and Councillor Darnbrough took the Chair.

#### **1.7 APPLICATION NO 98/0822/TP: EAST AYRSHIRE COUNCIL'S OUTDOOR SERVICES**

There was submitted a report dated 27 January 1999 (circulated) by the Head of Planning and Building Control on an application to fell a tree subject to a Tree Preservation Order at Mount House, Dundonald Road, Kilmarnock.

The Principal Planning Officer reported that no letters of objection had been received; summarised the planning consideration 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 Beech tree shall be felled by a qualified arboriculturist; and (2) The applicant shall plant a replacement Beech tree of an appropriate size (to be approved in writing by the Planning Authority prior to the felling taking place), within one year of the removal of the tree, in close proximity to the tree permitted to be felled; Condition (1) to ensure that the works are undertaken in such a manner as to protect public safety; and Condition (2) to compensate for the loss of the visual amenity created by the felling of the existing tree.

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

#### **1.8 APPLICATION NO 98/0734/FL: BY RESIDENTS OF EAST GARGIESTON AND NORTH GARGIESTON ROAD, KILMARNOCK**

There was submitted a report dated 27 January 1999 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed change of use from open space to private garden ground and erection of fences at ground between East Gargieston Avenue and North Gargieston Road, Kilmarnock, by residents of East Gargieston and North Gargieston Road, Kilmarnock.

The Principal Planning Officer reported that no letters 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.

Arising from Members' queries regarding proposed use of the garden ground, the Principal Planning Officer proposed the following supplementary condition and reason as follows, viz:- (1) that no extension to houses shall be erected on the site, the subject of this consent without the prior planning permission from the Planning Authority; Condition (1) in the interest of visual/residential amenity.

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

**1.9 APPLICATION NO 99/0002/TP: EAST AYRSHIRE COUNCIL, COMMUNITY SERVICES DEPARTMENT**

There was submitted a report dated 27 January 1999 (circulated) by the Head of Planning and Building Control on a an application to fell a tree subject to a Tree Preservation Order at Kay Park, Kilmarnock.

The Principal Planning Officer reported that no letters 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) That details of a replacement tree shall be submitted for the approval of the Planning Authority prior to felling taking place and such details as agreed thereafter shall be planted at the first available planting season following the felling of the trees; this Condition being imposed in the interest of visual amenity.

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

**EAST AYRSHIRE LOCAL PLAN: ISSUES IDENTIFIED THROUGH PUBLIC CONSULTATION**

2. There was submitted a report dated 12 January 1999 (circulated) by the Head of Planning and Building Control which informed of the main issues raised by the general public and statutory consultees in response to the formal consultation exercise carried out in respect of the East Ayrshire Local Plan.

It was agreed:-

- (i) to request the Head of Planning and Building Control to write to individual Members of the Committee advising of the planning issues within their Ward raised on the East Ayrshire Local Plan; and
- (ii) otherwise, to note the issues raised on the East Ayrshire Local Plan insofar as the Central Local Planning Committee area was concerned.

The meeting terminated at 1052 hours.