

**EAST AYRSHIRE COUNCIL****CENTRAL LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 2 JUNE 2000 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors Drew McIntyre, Brian Reeves, Daniel Coffey, John Weir, Iain Linton, Jane Darnbrough and John Knapp.

**ATTENDING:** Roddy Wallace, Head of Administration; Dave Morris, Development Promotion Manager; Yvonne Mitchell, Planning Officer; Karen McLeod, Solicitor; and Stuart Nelson, Administrative Officer.

**APOLOGIES:** Councillors Willie Coffey, Douglas Reid, Alex Walsh and Alan Campbell.

**CHAIR:** Councillor Drew McIntyre, Chair.

**CONSIDERATION OF PLANNING APPLICATIONS****1.1 APPLICATION NO 00/0182/FL: MR J McINTOSH**

There was submitted an executive summary sheet and a report dated 22 May 2000 (circulated) by the Head of Planning and Building Control on a full planning application for proposed alterations and extension to form a new kitchen at 15 Dundonald 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) Notwithstanding the plans hereby approved, the external appearance of all materials to be used in the construction of the extension shall match the materials of the original building; 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 visual amenity.

No Hearing was held as the objector was not present or represented.

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

**1.2 APPLICATION NO 00/0216/FL: MR RODERICK NELSON**

There was submitted an executive summary sheet and a report dated 23 May 2000 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed change of use from vacant ground to site for car sales at land adjacent to 198 Irvine Road, Kilmarnock.

The Development Promotion Manager reported that two 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; (2) The proposed development shall be carried out in accordance with the application form and plans received by the Planning Authority on 13 March 2000, except in relation to the number and location of cars displayed. Notwithstanding the submitted details, the location and number of cars displayed shall be the subject of details to be submitted to and separately agreed in writing by the Planning Authority within the context of the boundary treatment details required by Condition (9) below; (3) Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, no fascia signs, adverts or projecting signs shall be erected on the premises without the prior written consent of the Authority; (4) The permission hereby 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 buildings or other structures shall be erected within the application site without the prior written permission of the Planning Authority; (5) 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), the use of the land hereby approved shall be restricted to use as car sales and no other form of retail activity as permitted by the Town and Country Planning (Use Classes) (Scotland) Order, 1997 shall be introduced without the prior written consent of the Planning Authority; (6) Before any lighting or floodlighting is hereby installed within the site for the use hereby approved, a lighting scheme shall be submitted to and approved in writing by the Planning Authority, and thereafter said approved scheme shall be installed and maintained to the satisfaction of the Planning Authority; (7) Before development starts on site, details of the surface finishes to all parking and manoeuvring areas shall be submitted to and approved in writing by the Planning Authority. These areas shall thereafter be formed as approved; (8) Before the car sales business hereby approved is brought into use, the parking spaces agreed further to Condition (2) above, shall be laid out and constructed to the satisfaction of the Planning Authority and thereafter shall be maintained to the entire satisfaction of the said Authority; and (9) That before development starts on site for the use hereby approved, details of all boundary treatment(s) shall be submitted to and approved in writing by the Council as Planning Authority and such scheme shall include the provision for boundary treatment to form a visual screen along the eastern site boundary. Boundary details shall be submitted which also compliment the number and locations of displayed cars required to be agreed further to Condition (2) above. Thereafter, all approved works shall be completed to the satisfaction of the said Authority prior to development hereby permitted being commenced; 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 and is laid out taking account of both visual and residential amenity; Condition (3) to safeguard the amenity of the area; Condition (4) to enable the Planning Authority to retain effective planning control; Condition (5) in order to retain effective planning control; Condition (6) in the interests of amenity; Condition (7) because these details have not been submitted; Condition (8) to ensure the provision of adequate parking facilities within the site; and Condition (9) because these details have not been submitted and in the interests of the residential amenity of neighbouring houses and the visual amenity of the site as a whole.

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.

### **1.3 APPLICATION NO 00/0291/FL: BILLY BOWIE TANKER SERVICES**

There was submitted an executive summary and a report dated 30 May 2000 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed change of use from general industrial use to site for parking of heavy goods vehicles, operating vehicles from site, erection of fence, gates, alterations to roadway, hardstandings, security modular building at Moorfield Industrial Estate, Kilmarnock.

The Development Promotion Manager reported amendments to Conditions (8) and (9) and reasons thereto; reported that two letters of objection had been received, details of which were contained in the report; and that one other letter of objection referred to in the report had been withdrawn; reported on the receipt and content of a further letter of objection 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; (2) There shall be no commencement on site of the operations and activities hereby approved prior to the implementation of junction improvements to the entire satisfaction of the Roads Authority where the main Estate access meets the A759 (as circled in green on the approved plan no 320W2A); (3) Permission is granted for the modular building (PK 282 on the approved plans), for a limited period of 5 years from the date hereof. The use of that building shall be discontinued and the land restored to its former condition in accordance with a scheme to be agreed by the Planning Authority, at the expiration of this period unless a further permission is granted; (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) The existing trees along the eastern boundary of the site shall be retained intact and maintained thereafter to the satisfaction of the Planning Authority; (6) Prior to the commencement of operations from the areas of the application site outwith the indicated first phase outlined blue on the approved plan (No 2220W3A), details shall be submitted to the Planning Authority confirming internal circulation route, vehicle parking areas and ancillary/incidental facilities; (7) Details of the proposed washing facilities for the vehicles shall be submitted for the approval of the Planning Authority prior to the commencement of operations from the site and thereafter implemented until one month from that approval; (8) Notwithstanding the submitted details, the maintenance and repair of vehicles and machinery is only hereby granted in respect of such works being ancillary to the applicant's operation of a specialist tanker service; and (9) The maintenance and repair of vehicles and machinery further to Condition (8) above, shall only take place on a suitably surfaced and drained area of the site, details of whose location and the manner of surfacing/drainage of which shall be submitted to and approved by the Planning Authority prior to the commencement of the development; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) in the interests of road safety; Conditions (3), (4) and (5) in the interests of visual amenity; Condition (6) to enable the Planning Authority to retain sufficient control over the future use of the site in the interest of visual amenity; Condition (7) in the

interest of public safety/visual amenity; Condition (8) to enable the Planning Authority to retain control of activities on the site in the interests of road safety and the amenity of adjoining premises in the industrial estate; and Condition (9) to prevent any pollution of neighbouring water courses or lands.

The Administrative Officer confirmed the Hearing Procedure for the benefit of all participants.

The Committee heard Mr Proven in support of his objection. The Committee then heard Mr Walkinshaw, Agent for the applicant in support of the application. Members asked questions of the objector and of the applicant.

### **1.3.1 ADJOURNMENT**

It was agreed to adjourn the meeting at 1030 hours to take legal advice.

### **1.3.2 RECONVENTION**

The Committee reconvened at 1045 hours with the same Members and Officials present and in attendance. Mr Proven and Mr Walkinshaw were also still present at this point.

### **1.3.3 FURTHER CONSIDERATION AND DETERMINATION OF THE APPLICATION**

Members asked further 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 Knapp, seconded by Councillor Reeves, moved that the application be approved subject to the conditions and for the reasons detailed, as amended; and that the Head of Planning and Building Control establish regular contact with the Scottish Environmental Protection Agency (SEPA) in respect of the monitoring of the site regarding compliance with the relevant SEPA consents.

Councillor Linton, seconded by Councillor D Coffey, moved as an amendment that the application be approved, subject to the conditions and for the reasons detailed, as amended, and subject to the applicant being required to undertake additional landscaping works in order to screen the development; and to ensure that no waste material whatsoever is stored within the development at any time.

On a division by a show of hands, the motion was carried by 4 votes to 3.

## **1.4 APPLICATION NO 00/0192/FL: JOHN RITCHIE LIMITED, CHRISTIAN PUBLICATIONS**

There was submitted an executive summary sheet and report dated 11 May 2000 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of a warehouse at 46-52 Beansburn, Kilmarnock.

The Development Promotion Manager 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) 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 24 February 2000 and the amended plans received by the Planning Authority on 8 May 2000; (3) Details of the finished surfacing to the area to the rear of the building and of a timescale for its implementation shall be submitted to the Planning Authority within 2 months from the date of this consent for approval and thereafter implemented as per the agreed scheme; (4) Details of a screening fence or wall treatment along the boundary coloured blue on the approved plans shall be submitted to and approved by the Planning Authority prior to the commencement of development and shall thereafter be implemented prior to the commencement of the use; (5) Prior to the commencement of building works on site samples of the proposed external finishing materials shall be submitted to, for the approval of, the Planning Authority. Such materials as are agreed shall thereafter be used in the construction of the development; and (6) Notwithstanding the details shown on the submitted plans, no consent is granted in respect of the erection of any signage on the building hereby approved; 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 (5) in the interests of visual amenity; Condition (4) in the interests of public safety and visual amenity; and Condition (6) because any signs to be erected on the site will require to be considered against the terms of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

Councillor Reeves left the meeting at this point.

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

## **1.5 APPLICATION NO 00/0025/FL: DAWN DEVELOPMENTS LIMITED**

There was submitted an executive summary sheet and a report dated 22 May 2000 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of a purpose built warehouse with associated enclosed yard and car parking facilities to be used by the Post Office as a Sorting Office at vacant land bounded by Little Bellsland Road to the south and the River Irvine to the west, Kilmarnock.

The Development Promotion Manager reported that no letters of objection had been submitted in respect of this application; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Building Control: (i) 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 10 January 2000 and the plans received on 17 January 2000 and amended plans received by the Planning Authority on 14 April 2000; (3) Prior to the commencement of any development on site, a landscaping scheme shall be submitted to and approved by the Planning Authority and shall be fully implemented no later than the next planting season after the development has been carried out. The scheme shall include details of screen shrub and tree planting orientated to Little Bellsland and of the provision to be made for the maintenance of all landscaped areas and shall be maintained thereafter in accordance with these details; (4) Prior to any development commencing on site, the external colour for the palisade boundary fence hereby approved shall be submitted to and agreed in writing by the Planning Authority; (5) Details and samples of all

materials to be used as external finishes on the development hereby approved shall be submitted to and approved in writing by the Planning Authority prior to any work commencing on site; and (6) Prior to the development being brought into use, all car parking spaces shown on the approved plans shall be laid out and constructed to the satisfaction of the Council as Planning Authority and thereafter shall be maintained to the entire satisfaction of the said 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; Condition (3) to ensure that there is adequate provision of open space to an adequate standard and that it is subsequently maintained in the interests of visual amenity; Conditions (4) and (5) in the interests of visual amenity; and Condition (6) to ensure the provision of adequate parking facilities within the site; and (ii) that the issuing of the planning Decision Notice be withheld until the Solicitor to the Council has satisfactorily concluded the variation of the existing Section 50 Agreement under the Town and Country Planning (Scotland) Act 1972, in accordance with the terms of Paragraph 6.3 of the report.

It was agreed:-

- (i) to approve the application subject to the conditions and for the reasons detailed; and
- (ii) that the issuing of the planning Decision Notice be withheld until the Solicitor to the Council has satisfactorily concluded the variation of the existing Section 50 Agreement under the Town and Country Planning (Scotland) Act 1972, in accordance with the terms of Paragraph 6.3 of the report by the Head of Planning and Building Control.

The meeting terminated at 1130 hours.