

**EAST AYRSHIRE COUNCIL****CENTRAL LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 5 MAY 2000 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors Drew McIntyre, Brian Reeves, Daniel Coffey, Willie Coffey, Douglas Reid, Robert Stevenson, John Weir, Iain Linton, Alex Wash, Alan Campbell, Jane Darnbrough and John Knapp.

**ATTENDING:** Dave Morris, Development Promotion Manager; Julie Armstrong, Senior Administrative Officer; Karen McLeod, Solicitor; David Law, Technical Officer; and Christine Baillie, Trainee Administrative Officer.

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

**CONSIDERATION OF PLANNING APPLICATIONS****1. PROCEDURE**

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

**1.2 APPLICATION NO 99/0764/FL: MR A L S WYLIE**

There was submitted an executive summary sheet and a report dated 27 April 2000 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of Kisan Karate Club at plot of ground, New Mill Road, Scott Ellis Playingfields, Kilmarnock.

The Development Promotion Manager reported that 12 letters of representation 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 amended application form received on 19 January 2000 and the amended plans received by the Planning Authority on 19 January 2000 and 11 April 2000; (3) Notwithstanding the plans hereby approved, details and samples of all materials to be used as external finishes shall be submitted to, and approved by, the Planning Authority before any development commences on site; (4) The hedge on the western site boundary shall be retained intact and not be removed, trimmed, have roots cut, or be the subject of any other works without the written consent of the Planning Authority and shall thereafter be maintained to the satisfaction of the Planning Authority; (5) A landscaping scheme 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 and shall be maintained thereafter in accordance with these details; (6) Prior to the commencement of development, details of the surface finishes to all parking and manoeuvring areas shall be submitted to, and approved by, the Planning Authority and these surfaces shall, thereafter, be constructed utilising such materials as are

agreed; (7) Prior to work commencing on site, the developer shall submit to, and have approved by, the Planning Authority, full details of the proposals to address the flooding of the site. In particular, these shall preclude any possibility of there being an increased potential for flooding on land outwith the site and they should address the appropriate extent of freeboard to be provided for the building itself; (8) Details of the design of any mechanical extraction ventilation fans shall be submitted to, and approved by, the Planning Authority prior to the commencement of development. Such details shall confirm that the ventilation of the premises will not generate fan noise to the detriment of the neighbouring residential properties; (9) Before the development hereby approved is brought into use, all of the car parking spaces shown on the approved plans shall be laid out and constructed to the satisfaction of the Planning Authority and thereafter maintained to the satisfaction of the said Authority; and (10) Notwithstanding the submitted plans, details of the design and construction of a screen fence to be erected along the eastern site boundary shall be submitted to, and approved by, the Planning Authority before any development commences on site and thereafter said fence shall be erected prior to the development being brought into use and maintained to the 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; Conditions (3) and (4) in the interests of visual amenity; Condition (5) to ensure that adequate provision of amenity space is provided to an adequate standard and that it is subsequently maintained, in the interest of residential and visual amenity; Condition (6) to comply with the requirement for these details to be submitted; Condition (7) in order to ensure that the developer has adopted appropriate mechanisms to address the flooding of the site; Condition (8) in the interests of residential amenity; Condition (9) to ensure the provision of adequate parking facilities within the site; and Condition (10) in the interests of visual amenity and to offer protection to parked vehicles.

The Committee heard Mrs Murphy and Mrs Mary Rose Muir in support of their objections. The Committee then heard Mr A L S Wylie 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 refuse the application on the grounds that it would have a detrimental effect on the visual amenity of the area and would be an unwarranted intrusion into the existing area of public open space.

Councillor Weir joined the meeting during discussion of this item.

### **1.3 APPLICATION NO 00/0165/FL: MAGON AND COMPANY, PROPERTY MANAGEMENT**

There was submitted an executive summary sheet and a report dated 26 April 2000 (circulated) by the Head of Planning and Building Control on a full planning application for proposed internal alterations and upgrading and change of use to form shopping mall with café at ABC Cinema, 24 Titchfield Street, 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) Notwithstanding the plans hereby approved, details and samples of all materials to be used on the external facade of the building shall be submitted to, and approved in writing by, the Planning Authority before any development commences on the site; (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 prior written consent of the Planning Authority; (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any such Order revoking or re-enacting that Order), the use of the property hereby approved shall be restricted to use as a shopping mall and for no other purpose within Class 1 (with the exception of the cafeteria which shall operate within Class 3) as defined in the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997, without the prior written consent of the Planning Authority; and (5) Notwithstanding the submitted plans, the front access to the premises shall include provisions to enable all members of the community to enter and exit the premises, details of which 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) in the interest of visual amenity; Conditions (3) and (4) to safeguard the amenity of the area; and Condition (5) to enable access by all members of the community.

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

#### **1.4 APPLICATION NO 00/0122/TP: FIRST ENGINEERING**

There was submitted an executive summary sheet and a report dated 27 April 2000 (circulated) by the Head of Planning and Building Control on an application for works to various trees (61 in no) at Mount House, Dundonald Road, Kilmarnock.

The Development Promotion Manager intimated that at Paragraphs 2.2 and 3.1 of the report, 12 not 10 trees had already been felled and the additional fellings was 10 not 14. In Paragraph 2.2 it was intimated that the applicant intended 26 fellings (not 25) and works to 35 (not 36) trees.

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) Notwithstanding the submitted details, the works agreed in respect of the 61 trees shall only be those sanctioned by the Council's Outdoor Services Division and as contained within the "Mount Estate Tree Report" as annexed to this consent; (2) All trees to be removed as approved by this consent, shall be replaced with suitable alternative species to be agreed in advance at a site meeting with the Planning Authority. Replacement planting shall be within the Mount House Estate, to be agreed in advance with the Planning Authority, within the first available planting season following the felling works being undertaken; (3) The works hereby undertaken shall be carried out no less than 7 days after written notification has been given to the Planning Authority; (4) The works hereby approved shall be undertaken between June and August 2000 or between November 2000 and March 2001; and

(5) All debris shall be removed from the site by the appointed contractor upon completion of site works; Condition (1) in the interests of public safety and to enable the Planning Authority to retain control over the extent of works to the trees; Condition (2) in the interests of amenity; Condition (3) to ensure that the Council can make provision for the monitoring of works; Condition (4) in the best interests of the health of the trees; and Condition (5) in the interests of amenity and public safety.

It was agreed:-

- (i) to approve the application subject to the conditions and for the reasons detailed; and
- (ii) to convey to the Solicitor to the Council the Committee's concern regarding the failure of First Engineerings to follow proper procedures and their request that the offence should be considered for referral to the Procurator Fiscal.

#### **1.5 APPLICATION NO 00/0120/TP: OUTDOOR SERVICES, EAST AYRSHIRE COUNCIL**

There was submitted an executive summary sheet and a report dated 26 April 2000 (circulated) by the Head of Planning and Building Control on an application for the proposed felling and removal of 5 trees (4 elm trees and one ash tree) at Mount House, Dundonald Road, 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 condition, namely that the trees felled shall be replaced with five suitable alternatives during the first planting season following felling works. The species and location of such trees within the Mount House Estate shall be agreed in writing with the Planning Authority prior to any works being undertaken on site, this condition being imposed in the interests of amenity.

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

The meeting terminated at 1050 hours.