

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE**

**MINUTES OF MEETING HELD ON FRIDAY 7 APRIL 2000 AT 1000 HOURS IN  
THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK**

**PRESENT:** Councillors Drew McIntyre, John Knapp, Daniel Coffey, Douglas Reid, Robert Stevenson, John Weir, Iain Linton, Alex Walsh and Jane Darnbrough.

**ATTENDING:** Roddy Wallace, Head of Administration; Dave Morris, Development Promotion Manager; Karen McLeod, Solicitor; Melanie Macleod, Administrative Officer; and Christine Baillie, Trainee Administrative Officer.

**APOLOGIES:** Councillors Brian Reeves, Willie Coffey and Alan Campbell.

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

**CONSIDERATION OF PLANNING APPLICATIONS**

**1. PROCEDURE**

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

**1.1 APPLICATION NO 99/0778/FL AND 99/0865/CA: WILSON DISTRIBUTORS (SCOTLAND) LIMITED**

There was submitted a report dated 29 March 2000 (circulated) by the Head of Planning and Building Control on a full planning application for a proposed erection to Bank Street and two retail units/to Nelson Street ground floor retail unit with offices above (two floors) and an application for Conservation Area Consent for the proposed demolition of existing buildings but with retention of the façade onto Bank Street and return gables at 50/54 Bank Street, 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 (i) in respect of application no 99/0778/FL: 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 27 October 1999 and the amended plans received by the Planning Authority on 14 December 2000 and 13 March 2000; (3) Before any work commences on site in respect of the development hereby approved, a scheme of landscaping for all areas of land within the site, both hard and soft landscaped, shall be submitted to and approved by the Planning Authority 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; (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) Notwithstanding the plans hereby approved, before any development commences on site and before any materials are ordered and 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) All external paintwork colours shall be agreed in writing with the Planning Authority prior to the commencement of works; (7) Notwithstanding the submitted details, the external rainwater goods shall be painted black; (8) All roller shutters to be incorporated in the development hereby approved shall be of a "brick bond" design and of an external colour to be submitted to and approved in writing by the Planning Authority; (9) Notwithstanding the submitted plans, the external finish to the shopfronts is not approved and prior to the commencement of works on the development hereby approved, details and samples of the external finish of the shopfronts shall be submitted to and approved in writing by the Planning Authority; (10) Notwithstanding the submitted plans, the external finish to the skews of the property at 50-54 Bank Street are not approved and details and samples of the external finish (including colour) shall be submitted to and approved in writing by the Planning Authority prior to the commencement of works on site; (11) 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; (12) Before development starts on site, details of the surface finishes to all parking and manoeuvring areas shall be submitted to and approved by the Planning Authority; (13) No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation. The scheme is to be submitted for approval by the Planning Authority following consultation and agreement with West of Scotland Archaeology Service; and (14) Notwithstanding the submitted details, the rear, east-facing roof pitch of the two storey building element fronting Bank Street shall be finished as natural slate to match that on the west facing, front roof pitch; 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 the visual amenity of the area; Conditions (5), (6), (7), (8), (9), (10), (11), (12) and (14) in the interests of visual amenity and in order to safeguard the character and appearance of the Conservation Area; and Condition (13) to ensure the satisfactory recording of archaeological resources; (ii) in respect of application 99/0865/CA: 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) this permission for demolition relates only to the extent of works shown on the approved plan. Any further demolition works not identified will require the further, prior approval of the Planning Authority; (3) the proposed development shall be carried out in accordance with the application forms received on 22 December 1999 and the amended plans received by the Planning Authority on 14 February 2000 and 13 March 2000; (4) no demolition works shall be undertaken within the application site until the Planning Authority has had sight of, and is satisfied that, a contact has been placed for the redevelopment of the site in accordance with the current planning consent; (5) prior to the commencement of any demolition works on site, a professional method statement shall be submitted to, and approved by, the Planning and Roads Authority. This shall include full details of the method of retaining those elements of the building not agreed to be demolished. In addition, the method statement shall address the need to minimise operations on

Bank Street which could affect the pedestrian or vehicular traffic using it. Generally, all the demolition work should be undertaken from within the site with vehicle access being gained only from Nelson Street; (6) the developer shall notify the Royal Commission on the Ancient and Historical Monuments Of Scotland (RCA HMS) of (a) their intention to carry out the work hereby approved; and (b) thereafter, allow the RCA HMS a period of up to three months to record the building during which time demolition may not be undertaken unless the RCA HMS has indicated in writing that its record has been completed; and (7) no development shall take place within the development site until the developer has secured the implementation of a programme of archaeological work in accordance with the written scheme of investigation. The scheme is to be submitted for approval by the Planning Authority following consultation and agreement with West of Scotland Archaeology Service; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Conditions (2), (3) and (4) in the interest of the amenity and character of the conservation area; Conditions (5) in the interests of public safety; Condition (6) to ensure compliance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997; and Condition (7) being imposed to ensure the satisfactory recording of archaeological resources and (iii) the issuing of the Conservation Area Consent be postponed until it has been notified to, and agreed by, Historic Scotland in terms of the Listed Building and Buildings in Conservation Areas (Scotland) Regulations 1987.

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

It was agreed:-

- (i) to approve the applications subject to the conditions and for the reasons detailed; and
- (ii) that the issuing of the Conservation Area Consent be delayed until it has been notified to, and agreed by, Historic Scotland in terms of the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1987.

Councillors D Coffey and Reid left the meeting at this point.

## **1.2 APPLICATION NO 00/0073/FL: THE NOBLE ORGANISATION**

There was submitted a report dated 29 March 2000 (circulated) by the Head of Planning and Building Control on a full planning application for a proposed change of use to amusement centre with ancillary retail sales and catering at 105 King Street, Kilmarnock.

The Development Promotion Manager reported that two 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: Refusal on the grounds that the proposed development would be contrary to Policy RTC 19 of the East Ayrshire Local Plan (Finalised Version) in that it would introduce an amusement centre within the Kilmarnock Town Centre Core Shopping Area thereby prejudicing the Council's attempts to retain and improve the range and quality of retail facilities in the Kilmarnock Town Centre.

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

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

### **1.3 APPLICATION NO 00/0107/FL: MR G MEIKLE**

There was submitted a report dated 29 March 2000 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed change of use and alterations to general store to form hot food takeaway at 2 Stoneyhill Avenue, Kilmarnock.

The Development Promotion Manager reported that one letter of representation and a petition with 33 signatories had been received, details of which were contained in the report; Reported on the receipt and content of the response from the Council's Homes and Technical Services Department; 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) A scheme showing the provision to be made for the disposal of refuse shall be submitted to and approved by the Planning Authority before any development commences on the site; (3) The business shall operate only between the hours of 1200 to 1400 hours and 1530 to 2230 hours daily; and (4) The use hereby approved shall operate without detriment to adjoining properties by reason of fumes; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) in the interests of public health; Condition (3) to prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interests of residential amenity; and Condition (4) to safeguard the amenity of the area.

The Committee heard Mr Faulds, representative of the petitioners, in support of their objection. The Committee then heard Mr Meikle in support of the application. Members asked questions of the objector and applicant. The objector and applicant responded to the issues raised, all in accordance with the Hearing Procedure.

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

### **1.4 APPLICATION NO 00/0037/FL: PROPRIETORS OF WOODSTOCK COURT**

There was submitted a report dated 29 March 2000 (circulated) by the Head of Planning and Building Control on a full planning application for a proposed wire fence on posts at Lindsay Street, Kilmarnock.

The Development Promotion Manager reported that four 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 grounds that the proposed fence is an inappropriate feature close to residential properties and, so far as the external appearance is concerned, is below the desirable standard for the area and would be detrimental to the established visual amenity and character of the area.

The Committee heard Mr Steven Rawding, Mr Craig Graham and Ms Joyce Young in support of their objections. Members asked questions of the objectors. The applicant was not present or represented. The objectors responded to the issues raised, all in accordance with the Hearing procedure.

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

## **1.5 APPLICATION NO 99/0768/FL: ASDA STORES LIMITED**

There was submitted a report dated 21 March 2000 (circulated) by the Head of Planning and Building Control on a full planning application for a proposed jet wash unit including drainage pad and screens at Asda Superstore, Queens Drive, Kilmarnock.

The Development Promotion Manager reported that no letters of objection had been received 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: Refusal on the grounds that the proposed development would detract from the visual amenity of the area by virtue of its location within the application site and position in relation to Queens Drive.

Councillor McIntyre, seconded by Councillor Darnbrough, moved that the application be refused for the reason detailed.

Councillor Weir, seconded by Councillor Stevenson, moved that the application be approved.

On a division by a show of hands the motion was carried five votes to two.

The meeting terminated at 1040 hours.