

**EAST AYRSHIRE COUNCIL**

**KILMARNOCK CENTRAL LOCAL PLANNING COMMITTEE**

**MINUTES OF MEETING HELD ON FRIDAY 21 MARCH 1997 AT 1400 HOURS IN  
THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK**

**PRESENT:** Councillors Gordon Cree, Irene Reeves, Douglas Reid, Wilma Doyle and Ronald Brailsford.

**ATTENDING:** Jim Bottom, Principal Planning Officer; Ken Robinson, Principal Administrative Officer; Colin McKee, Planning Officer - Development Promotion; and Melanie Macleod, Administrative Officer.

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

**CONSIDERATION OF PLANNING APPLICATIONS**

**1.1 APPLICATION NO. 97/0077/FL: SEAFORD DEVELOPMENTS LIMITED**

There was submitted a report dated 4 March 1997 (circulated) by the Head of Planning and Building Control on a full planning application to erect a storage unit on ground at the rear of 18 High Glencairn Street, Kilmarnock.

The Principal Planning Officer reported that one representation 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 begin within five years from the date of this permission; (2) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, and the Town and Country Planning (Use Classes) (Scotland) Order 1989, this permission relates to the use of the premises for storage only and the further expressed permission of the Planning Authority shall be required in respect of any other use; (3) no storage of materials or articles shall take place on the premises outside a building; (4) no materials shall be burned on the site at any time; (5) any loading or unloading of vehicles which may be required in connection with the use of this building and site shall only be permitted between the hours of 0800 and 1800 hours, Mondays to Saturdays, and at no time on a Sunday; (6) notwithstanding the plans hereby approved, the proposed roller shutter shall be painted in a colour to be agreed in writing with the Planning Authority; (7) no development shall take place within the application site until the applicant has secured the recording of the Second World War air raid shelter and has submitted this record to the Regional Archaeologist; and (8) development shall not proceed until access linking the site with the access road of the industrial estate to the east of the site is constructed. Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) to enable the Planning Authority to retain control over the use of the site in the interests of residential amenity; Condition (3) to safeguard the residential amenity of the area and in the interests of highway safety; Condition (4) to safeguard the residential amenity of the area and in the interests of highway safety; Condition (5) to prevent noise and disturbance extending into hours during which other sources of noise have

subsidised, in the interests of residential amenity; Condition (6) in the interests of visual amenity; Condition (7) to ensure the proper recording of the remains of the Second World War air raid shelter; and Condition (8) to ensure the development is adequately accessed.

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

## **1.2 APPLICATION NO. 97/0061/FL: MR C DUNLOP**

There was submitted a report dated 5 March 1997 (circulated) by the Head of Planning and Building Control on a full planning application for an extension to form a new first floor office in an existing store at 11 Greenhill Holdings, Knockentiber.

The Principal Planning Officer reported that one letter of objection and one letter of support 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 begin within five years from the date of this permission; (2) the timber cladding shall be stained a dark colour, to be agreed by the Planning Authority, within three months of this application; (3) the office hereby approved shall be used for "business" purposes, as defined by Class 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1989, and only in connection with the vehicle repair business operated within the application site; and (4) notwithstanding the submitted plans, the visibility splay areas of 2.5m x 160m shall be provided at the junction of the access to the development with the public road with no obstruction to visibility greater than 1m in height being allowed within these areas. Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) to prevent the extension from appearing unduly prominent; Condition (3) since the proposal would be otherwise unacceptable and is justified only by its servicing of the adjacent business; and Condition (4) in the interests of road safety.

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

## **1.3 96/0599/OL: MR ERIC S DAWES (Item 1.3, Page 1776)**

There was submitted a report dated 5 March 1997 (circulated) by the Head of Planning and Building Control on an outline planning application to erect a dwelling on part garden area to the rear of 40 Portland Road, Ellis Lane, Kilmarnock.

The Principal Planning Officer reported that two letters of objection had been received, one signed by two objectors; summarised the planning considerations in respect of this application; and gave the recommendation of the Head of Planning and Building Control: Refusal, on the following grounds, viz:- (1) the proposal is contrary to Policy EN5A of the Finalised Kilmarnock and Loudoun District Plan as it would adversely affect the character and amenity of the Dundonald Road Conservation Area, due to the removal or reduction of the sandstone wall, and it would result in the introduction of an additional dwelling within an established curtilage of an existing building and would set an undesirable precedent for further such developments; (2) the proposed development is contrary to Policies HU3 and EN13A of the Finalised Kilmarnock and Loudoun District Plan as it is likely to have a

detrimental impact upon the privacy and amenity of adjacent residential property, through the removal or reduction of the sandstone wall abutting Ellis Lane; and (3) the proposed development would detract from the character of the Dundonald Road Conservation Area by virtue of the disruption of the relationship between buildings and associated open spaces which is prevalent in the area, and which contributes significantly to the special architectural character of the Conservation Area.

The Committee heard the applicant in support of the application. Members asked questions of the applicant.

It was agreed to refuse the application on the grounds detailed.

#### **1.4 97/0004/OL: HOLY TRINITY CHURCH**

There was submitted a report dated 5 March 1997 (circulated) by the Head of Planning and Building Control on an outline planning application for a residential development on rear lying ground off Howard Street, Kilmarnock.

The Principal Planning Officer reported that six letters of objection had been received from 11 objectors; 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 grounds, viz:- (1) the proposal is contrary to Policy EN5A of the Finalised Kilmarnock and Loudoun District Plan, as it would adversely affect the character and amenity of the Dundonald Road Conservation Area, due to the loss of a mature tree and the removal or reduction of the brick wall, and due to the fact that it would result in the introduction of an additional dwelling within an established curtilage of an existing building and would set an undesirable precedent for further such development; (2) the proposed development is contrary to Policies HU3 and EN13A of the Finalised Kilmarnock and Loudoun District Plan as it is likely to have a detrimental impact upon the privacy and amenity of adjacent residential property, through the loss of a mature tree and the removal or reduction of the brick wall abutting Howard Lane; (3) the proposed development would detract from the character of the Dundonald Road Conservation Area by virtue of the disruption of the relationship between buildings and associated open spaces which is prevalent in the area, and which contributes significantly to the special architectural character of the Conservation Area; and (4) the proposed development would set an undesirable precedent for further development which would be detrimental to vehicular and pedestrian safety in Howard Lane.

The Committee heard the objector in support of his objections, and the agent of the applicant in support of the application. Members asked questions of the objector and the agent of the applicant.

It was agreed to refuse the application on the grounds detailed.

#### **1.5 97/0063/FL: MR IAN BEATTIE**

There was submitted a report dated 4 March 1997 (circulated) by the Head of Planning and Building Control on a full planning application to extend house to form a ground floor utility room and first floor accommodation at 26 Hazel Avenue, Kilmarnock.

The Principal Planning Officer reported that two letters of objection had been received, both from and on behalf of, two objectors; 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 begin within five years from the date of this permission; (2) notwithstanding the plans hereby approved, the windows in the utility room as shown are not hereby approved, and shall either be removed or replaced with a rooflight or glazed in opaque glass. Details of the utility room windows treatment shall be submitted to and approved by the Planning Authority prior to commencement of development; (3) notwithstanding the plans hereby submitted, the two hallway windows as proposed are not hereby approved. Details of the use of high level roof windows shall be submitted to and approved by the Planning Authority prior to commencement of development. The high level hallway windows shall be retained at all times; (4) notwithstanding the provisions of the Town and Country (General Permitted Development) (Scotland) Order 1992 (or any Order or enactment replacing this), no alterations amending the location, glazing type or number of any windows, or the internal layout of the first floor shall be permitted unless a further specific planning permission submitted to and approved by the Planning Authority; and (5) details/samples of the roofing material, which shall match those used in the adjacent dwellings, 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 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) in the interests of residential amenity; Condition (3) in the interests of residential amenity; Condition (4) in the interests of residential amenity; and Condition (5) in the interests of visual amenity.

The Committee heard the agent of the objector in support of the objection of his client. Members asked questions of the agent of the objector.

It was agreed:-

- (i) to note that the phrase reading "glazed in opaque glass" contained within Condition (2) of the report, should be amended to read "glazed in opaque glass which shall be maintained thereafter"; and
- (ii) to continue consideration of this application following a site visit.

#### **ADJOURNMENT**

- 2. The meeting adjourned at 1440 hours.

#### **RE-CONVENTION**

- 3. The meeting was re-convened on **4 APRIL 1997 at 0930 HOURS** in the **MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK.**

**PRESENT:** Councillors Gordon Cree, Irene Reeves, Douglas Reid, Wilma Doyle and Ronald Brailsford.

**ATTENDING:** Jim Bottom, Principal Planning Officer; Bill Walkinshaw, Principal Administrative Officer and Melanie Macleod, Administrative Officer.

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

#### **CONSIDERATION OF PLANNING APPLICATION**

- 4. **APPLICATION NO 96/0063/FL: MR IAN BEATTIE**

There was re-submitted a report dated 26 March 1997 (circulated) by the Head of Planning and Building Control on a full planning application to extend a house to form a ground floor utility room and first floor accommodation at 26 Hazel Avenue, Kilmarnock.

### **EXCLUSION OF PRESS AND PUBLIC**

5. The Committee resolved that under Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the Press and public be excluded from the meeting on the grounds of the likely disclosure of exempt information as defined in Paragraph 12 of Schedule 7A of the Act.

### **RE-ADMISSION OF PRESS AND PUBLIC**

6. The press and public were re-admitted.

### **CONSIDERATION OF PLANNING APPLICATION**

#### **7. APPLICATION NO 96/0063/FL: MR IAN BEATTIE**

Councillor Doyle, seconded by Councillor Cree, moved to determine the application.

Councillor Brailsford, seconded by Councillor Reid, moved as an amendment to adjourn the meeting to allow for a re-hearing to take place in respect of this application.

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

### **ADJOURNMENT**

8. It was agreed to adjourn the meeting at 1005 hours.

### **RE-CONVENTION**

9. The meeting was re-convened on **22 APRIL 1997 at 1400 HOURS** in the **MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK.**

**PRESENT:** Councillors Gordon Cree, Irene Reeves, Douglas Reid, Wilma Doyle and Ronald Brailsford.

**ATTENDING:** Jim Worley, Principal Planning Officer; Donald McVicar, Senior Administrative Officer; and Melanie Macleod, Administrative Officer.

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

### **CONSIDERATION OF PLANNING APPLICATION**

#### **10.1 APPLICATION NO 96/0063/FL: MR IAN BEATTIE**

There was re-submitted a report dated 26 March 1997 (circulated) by the Head of Planning and Building Control on a full planning application to extend a house to form a ground floor utility room and first floor accommodation at 26 Hazel Avenue, Kilmarnock.

The Principal Planning Officer 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 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, the windows in the utility room as shown are not hereby approved, and shall either be removed, replaced with a rooflight or glazed in opaque glass which shall be maintained thereafter. Details of the utility room windows treatment shall be submitted to and approved by the Planning Authority prior to commencement of development, and shall thereafter be maintained and approved; (3) notwithstanding the plans submitted, the two hallway windows as proposed are not hereby approved. Details of the use of high level roof windows shall be submitted to and approved by the Planning Authority prior to commencement of development. The high level hallway windows shall be retained at all times; (4) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order or enactment replacing this), no alterations amending the location, glazing type or number of any windows, or the internal layout of the first floor shall be permitted unless a further specific planning application is submitted to and approved by the Planning Authority; and (5) details/samples of the roofing material, which shall match those used in the adjacent dwellings, 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 38 of the Town and Country Planning (Scotland) Act 1972; Conditions (2), (3) and (4) in the interests of residential amenity; and Condition (5) in the interests of visual amenity.

The Committee heard the objector in support of her objection. Members asked questions of the objector. The Committee then heard the applicant in support of the application. Members asked questions of the applicant.

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

The meeting terminated at 1420 hours.