

EAST AYRSHIRE COUNCIL**CENTRAL LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON MONDAY 19 APRIL 1999 AT 1000 HOURS IN
THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors Gordon Cree, Jane Darnbrough, Irene Reeves, Douglas Reid, Wilma Doyle, Alan Campbell, John Knapp and Daniel Coffey.

ATTENDING: Jim Worley, Principal Planning Officer; Ian Walker, Planning Officer; Karen McLeod, Solicitor; Julie Armstrong, Senior Administrative Officer; and Melanie Macleod, Administrative Officer.

APOLOGIES: Councillors Gordon McCredie and Drew McIntyre and Provost Robert Stirling.

CHAIR: Councillor Gordon Cree, Chair.

CONSIDERATION OF PLANNING APPLICATIONS**1. CHAIR'S REMARKS**

The Chair referred to the last meeting of the Local Planning Committee when disruption was caused by members of the public in attendance and advised that similar disruption would not be tolerated at the meeting.

2. PROCEDURE

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

2.1 APPLICATION NO 99/0042/FL: WESTERN BUSES (Item 1.4, Page 4411)

There was submitted a report dated 9 March 1999 (circulated) by the Head of Planning and Building Control on a full planning application for proposed alterations to planning consent no. KL/E/FL/78/275C to amend previously approved car/bus parking area at the Bus Garage, MacKinlay Place, Kilmarnock.

It was noted that Members of the Committee had attended a site visit prior to the meeting.

The Principal Planning Officer reported that nine 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 86 car parking spaces and all approved bus parking shall be clearly outlined on site, and the area to be used for non-operational buses shall be delineated along the boundary of the spaces and clearly marked "Non-Operational Buses Only", within 2 months of the date of this consent; (2) Vehicles parked in the area marked "Non-Operational Buses Only" (under Condition (1) above) shall be vehicles awaiting repair at the workshop in the site. The engines of such vehicles shall not be started other than for the purpose of travelling to the workshop; and (3) Notwithstanding the plans hereby approved, nothing in this consent shall allow for the

removal of the existing landscaping in the south west corner of the bus garage site; Condition (1) to ensure the appropriate control over the parking of cars and buses within the site in the interest of residential amenity; Condition (2) to ensure that the vehicles do not result in undue detriment to adjacent properties through the generation of fumes, noise or smoke; and Condition (3) in the interest of residential amenity.

The Committee heard Mrs Margaret Kelly, Ms Connie Kelly and Mrs Helen Frew, objectors, in objection to the application. The Committee then heard Mr Sam Greer and Mr Graeme Torrance, agents of the applicant, in support of the application. Members asked questions of the objectors and agents of the applicant. The objectors and agents of the applicant responded to the issues raised, all in accordance with the Hearing procedure.

Councillor Coffey, seconded by Councillor Campbell, moved that the application be refused on the grounds that the application would have a detrimental impact on the visual amenity of the area.

Councillor Reeves, seconded by Councillor Knapp, moved as an amendment, that the application be approved subject (i) to the conditions contained in the report and for the reasons detailed; and (ii) to a further condition that vehicles parked in the area marked "Non-Operational Buses Only" be located no less than 2m from the adjacent boundary fence.

On a division by a show of hands, the amendment was carried by 4 votes to 2.

Councillor Reid joined the meeting during discussion of this item and took no part in the decision of this meeting.

2.2 APPLICATION NO 98/0840/OL: SPRINGHILL HOME LIMITED

There was submitted a report dated 8 April 1999 (circulated) by the Head of Planning and Building Control on an outline planning application for the proposed erection of two detached houses and upgrading of the access road at vacant ground, Springhill Gardens, Kilmarnock.

It was noted that Members of the Committee had attended a site visit prior to the meeting.

The Principal Planning Officer reported that letters of objection from eight objectors 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) Approval, subject to the following conditions, viz:- (1) In the case of the reserved matters specified below, application for approval must be made not later than the expiration of three years beginning with the date of this permission; (2) That the development to which this permission relates must be begun not later than the expiration of five years from the date of this permission or within the expiration of two years from the final approval of all reserved matters, whichever is the later; (3) The proposed development shall be carried out in accordance with the application form and plans submitted on 21 December 1998, as revised by the amended plans received by the Planning Authority on 26 February 1999; (4) The further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved. The development of each individual plot shall not commence until all these matters have been approved, with the exception of those matters entirely within the other plot on the site: (a) the overall

upgraded road layout and internal layout of the house plots; (b) the size, height, design and external appearance of the proposed dwellinghouses; (c) the means of drainage and sewage disposal; (d) details of the access arrangements for each plot; (e) the provision for car parking; (f) the boundary walls/fences to be erected; (g) the landscaping of the site; and (h) finished site levels/floor levels; (5) The developer shall ensure that the access road, footpath and lighting is upgraded to a standard suitable for adoption by the Roads Division prior to the construction of either of the dwellings; (6) The developer shall replace the Horse Chestnut tree which is proposed to be felled, within one year of its removal, with a tree of an appropriate size and species, to be agreed with the Planning Authority prior to the commencement of development; (7) Prior to the commencement of any development on site, a report into the condition of the two lime trees currently showing some evidence of disease shall be submitted to a suitably qualified individual agreed to by the Planning Authority. In the event of this report confirming that the condition of the two trees was such that they are currently potentially dangerous and have only a short life expectancy, then these trees shall be felled prior to the occupation of either of the two houses and shall be replaced with trees of appropriate size and species, to be agreed by the Planning Authority, during the next planting season; (8) Details to be submitted under Condition (4) above shall include the means of excavating and constructing the roads, footpaths and dwellings where they are within 10 metres of any existing tree. Such details shall be submitted to and approved by the Planning Authority prior to commencement of the development. Such details shall ensure that the works shall not cause damage (short term or long term) to the trees which are the subject of the Tree Preservation Order and shall include excavation by hand within 8 metres of any trees; (9) A wooden fence shall be erected around the trees within Plots 1 and 2 prior to commencement of development, at a distance of 8 metres from the outer edge of the tree trunk. No excavation work, storage of soils, building materials or equipment shall be allowed within the enclosed area; (10) The developer shall ensure the retention of all existing pedestrian and vehicular accesses throughout the construction period and thereafter, and in particular shall ensure the retention of a footpath between Springhill Gardens and Springhill Place; (11) Construction work on site and delivery of materials, shall only be permitted between the hours of 0900 hours and 1800 hours, Monday to Friday; (12) Further details of the design of the bollards and the chicane shall be submitted to and approved by the Planning Authority prior to commencement of their development. The design of these items shall be such as to complement the nearby listed buildings; (13) Details to be submitted under Condition (4) above, shall ensure the provision of a 1.8 metre high weldmesh fence along the boundary of the site with the Railway line by the developer prior to the occupation of the first dwelling; (14) Details to be submitted under Condition (4) above, shall ensure the planting of an evergreen hedge along the northern boundary of Plot 1, within the first planting season after the commencement of development. The details of the proposed hedge shall be submitted to and approved by the Planning Authority prior to the commencement of development. The hedge shall be maintained intact at all times thereafter; and (15) Details to be submitted under Condition (4) above shall provide for the development of two single storey or one and a half storey dwellings within the site; Conditions (1) and (2) being imposed to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997; Condition (3) to ensure that the development is carried out in accordance with the approved details; Condition (4) the approval is in outline only; Condition (5) in the interest of road safety and the residential amenity of the area; Conditions (6) and (7)

in the interest of visual amenity and public safety; Condition (8) in order to protect the trees on or adjacent to the site which are the subject of a Tree Preservation Order; Condition (9) to protect the existing trees and their root systems in the interest of visual amenity; Conditions (10) and (11) in the interest of residential amenity; Condition (12) in the interest of the visual amenity and the setting of the Listed Buildings; Condition (13) in the interest of public safety; Condition (14) to retain the visual amenity of the setting of the Listed Building known as Springhill House; and Condition (15) in the interest of residential and visual amenity; and (ii) the issue of the Planning Decision Notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, with all appropriate parties in respect of the use of their land for the upgrading of the access road and provision of a footpath as an essential element of this proposed development.

The Committee heard Mr James McClymont, Mr J Dempster and Mr Shortt, objectors, in objection to the application. The Committee then heard Mr Hugh Muir, applicant, in support of the application. Members asked questions of the objector and the applicant. The objectors and applicant responded to the issues raised, all in accordance with the Hearing procedure.

It was agreed:-

- (i) to grant 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 a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, with all appropriate parties in respect of the use of their land for the upgrading of the access road and provision of a footpath as an essential element of this proposed development.

2.3 APPLICATION NO 98/0004/FL: JOE LOWE ESQ

There was submitted a report dated 1 April 1999 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of a dwellinghouse on land adjacent to Springhill Lodge, Portland Road, Kilmarnock.

The Principal Planning Officer reported that 14 letters of objection and one letter expressing concern 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 development hereby approved shall not be commenced until a footway is provided over the frontage of the site linking in with the public footway on Portland Road and the access road leading from Portland Road to the site have both been upgraded to an adoptable standard; (3) Notwithstanding the plans hereby approved, the external appearance of all materials to be used in the construction of the dwelling shall match those of the Lodge House and, in particular, use shall be made of a natural slate roof finish; (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or of any Act or Order replacing it) permitted development Classes 1 and 3 of Schedule 1 of the said Order are hereby removed in relation to the dwelling hereby approved; (5) The developer shall ensure

the provision of 3 car parking spaces within the site prior to the occupation of the dwelling; and (6) A wooden fence shall be erected around the trees within the site (with the exception of the Holly Tree which is to be removed), at a distance of 7m from their trunks prior to the commencement of development. No excavation work, storage of soils, building materials or equipment shall be allowed within the enclosed area, and the fence shall be retained in place for the duration of the development works; 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 not commenced until such time as there is adequate pedestrian and vehicular access to the site, in the interest of road safety; Condition (3) in the interest of visual amenity and to ensure the development does not detract from the listed building adjacent; Condition (4) to enable the Planning Authority to retain control over future development on the site in the interests of residential amenity, visual amenity and to protect the setting of the listed building; Condition (5) in the interest of highway safety and residential amenity; and Condition (6) to protect the existing trees and their root system in the interest of visual amenity.

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

2.4 APPLICATION NO 99/0116/FL: MR AND MRS IAN SMITH

There was submitted a report dated 8 April 1999 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed formation of parking spaces at 25 Ellis Street, Kilmarnock.

The Principal Planning Officer 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: Approval, subject to the following condition, namely that, Notwithstanding the plans hereby approved, the occupant of No 25 Ellis Street shall ensure that vehicles parked in the parking spaces formed must not block or overhang the footway at any time; this Condition being imposed in the interest of highway safety.

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

2.5 APPLICATION NO 99/0120/FL: MR D R JOHNSTON

There was submitted a report dated 29 March 1999 (circulated) by the Head of Planning and Building Control on a proposal to change the use of a Nursing Home to form a dwellinghouse at Highfield House, Turner Place, Kilmarnock.

The Principal Planning Officer reported that four letters of objection had been received, one of which was from a firm of Solicitors representing residents of Highfield Grove and that details of these objections 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 condition, namely that details of the boundary treatment between Highfield House and Highfield Grove to the north shall be submitted for the approval of the Planning Authority within one month from the date of this permission and shall be completed within one month of the occupation of the house; this Condition being in the interest of visual/residential amenity.

The Committee heard Mr James Russell, Miss Emily Bryson and Reverend William Russell, objectors, in objection to the application. The Committee then heard Mr Johnston, applicant, and Mr Ian Sandison, agent to the applicant, in support of the application. Members asked questions of the objectors, applicant and applicant's agent. The objectors, applicant and applicant's agent responded to the issues raised, all in accordance with the Hearing procedure.

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

Councillors Doyle and Campbell left the meeting during discussion of this item.

Councillor Reid left the meeting at this point.

2.6 APPLICATION NO 99/0088/FL: PERFECT PIZZA LIMITED

There was submitted a report dated 8 April 1999 (circulated) by the Head of Planning and Building Control on a proposal for a change of use of shop to form a hot food takeaway at Unit 1, Shopping Centre, Western Road, Kilmarnock.

The Principal Planning Officer 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.

It was agreed to grant the application.

Councillor Reeves left the meeting during discussion of this item.

2.7 APPLICATION NO 98/0800/FL: MR E R TAYLOR

There was submitted a report dated 8 April 1999 (circulated) by the Head of Planning and Building Control on a proposal for the conversion of a byre to form a dwellinghouse at Hallbarns, by Crosshouse.

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: Refusal, on the following grounds, viz:- (1) The proposed development is contrary to the terms of Policy HR4 of the Finalised Kilmarnock and Loudoun District Plan in that the proposal cannot be adequately accessed; and (2) The proposed development would be detrimental to road safety by reason of increasing and intensifying the use of a road junction with inadequate visibility sightlines.

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

2.8 APPLICATION NO 99/0118/FL: MR M MCCRISTALL

There was submitted a report dated 9 April 1999 (circulated) by the Head of Planning and Building Control on a proposed commercial garage/storage yard at 98 Hill Street, Kilmarnock.

The Principal Planning Officer 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: Refusal, for the following reasons, viz:- (1) The proposal is contrary to Policy IN3 of the Finalised Kilmarnock and Loudoun

District Plan in that it involves the general industrial use which would, in the opinion of the Planning Authority, detract from the residential amenity of adjacent properties; and (2) The proposed use would be detrimental to the amenity of nearby residential properties by reason of general disturbance, noise, fumes and vehicular movements.

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

Councillor Reeves re-joined the meeting during discussion of this item.

2.9 APPLICATION NO 99/0094/AD: PETER DUFF ESQ

There was submitted a report dated 8 April 1999 (circulated) by the Head of Planning and Building Control on an advertisement application for a proposed illuminated box sign at 10 Queen Street, 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: Refusal, for the following reasons, viz:- (1) The proposed illuminated sign is contrary to Policy EN16 of the Finalised Kilmarnock and Loudoun District Plan, as modified, as the sign is incompatible with the design and scale of the existing building and the adjoining shop front fascia signs; and (2) The proposed illuminated sign disrupts the fascia of the building by virtue of its height and depth of the box and thereby has a detrimental impact on the visual appearance of the building.

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

2.10 APPLICATION NO 99/0106/FL: TILBURY DOUGLAS HOMES LIMITED

There was submitted a report dated 8 April 1999 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of 85 No. dwellings and associated roads, footpaths and fences at Area C, Phase 2B, Toponthank, 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: (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 5 February 1999 and the amended plans received by the Planning Authority on 1 April 1999; (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 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; (5) Notwithstanding the plans hereby submitted, the details of the boundary hedge planting shall be submitted to the Planning Authority, with details of maintenance and implementation, prior to the commencement of any development on site; and (6) The boundary hedges shall be maintained at a height of not less than 2.5 metres;

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 interest of visual amenity; Condition (4) to ensure that the open space is adequately provided and maintained in the interest of residential amenity; and Condition (6) to ensure that the hedges are retained to a size at which they would continue to provide a habitat and would significantly contribute to visual amenity; and (ii) the issue of the Planning Decision Notice be withheld until the Solicitor to the Council has 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.

It was agreed to continue consideration of the application to a future meeting of the Local Planning Committee to allow the Principal Planning Officer to seek amendments to the development layout details from the applicant.

Councillor Reid re-joined the meeting during discussion of this item.

2.11 APPLICATION NO 99/0180/TP: MR DAVID BENNETT

There was submitted a report dated 9 April 1999 (circulated) by the Head of Planning and Building Control on an application for proposed felling work to trees at 52/54 London Road, Kilmarnock.

The Principal Planning Officer reported that no representations 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 works permitted by this consent shall only be carried out by a qualified arboriculturist; and (2) The applicant shall plant two replacement trees of an appropriate size and species, to be agreed by the Planning Authority prior to the felling of the trees, and to be planted within six months from the felling of the two trees to be felled. The trees shall be planted in tree pits of an appropriate size to ensure the trees are provided with adequate water and nutrients; Condition (1) in the interest of public safety; and Condition (2) in the interest of visual amenity.

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

2.12 APPLICATION NO 99/0184/TP: JACK LEISHMAN AND DAVID MCGARVA

There was submitted a report dated 9 April 1999 (circulated) by the Head of Planning and Building Control on an application to fell two trees at 53/53A London Road, Kilmarnock.

The Principal Planning Officer reported that no representations 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) Notwithstanding the plans hereby approved, this consent relates only to the felling of the Silver Birch tree located in the front garden of Nos 53 and 53A London Road and not to the Copper Beech tree at this location; (2) The works permitted by this consent shall only be carried out by a qualified arboriculturist; and (3) The applicants shall plant a replacement tree of an appropriate size and species to be agreed by the Planning Authority prior to the felling of the tree

and to be planted within six months from the felling of the Silver Beech tree, in the vicinity of the tree to be felled; Condition (1) to clarify the extent of this consent; Condition (2) in the interest of public safety; and Condition (3) in the interest of visual amenity.

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

The meeting terminated at 1214 hours.