

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

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

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

APOLOGIES: Councillors Gordon McCredie, Drew McIntyre, Provost Robert Stirling and Councillors Jane Darnbrough and Alan Campbell.

CHAIR: Councillor Gordon Cree, Chair.

CONSIDERATION OF PLANNING APPLICATIONS**1.1 PROCEDURE**

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

1.2 APPLICATION NO 98/0166/FL: MR G HAMILTON

There was submitted a report dated 9 March 1999 (circulated) by the Head of Planning and Building Control on an application for change of use of offices to form one dwellinghouse/four flatted dwellinghouses and erection of one dwellinghouse at 56 London Road, Kilmarnock.

The Principal Planning Officer reported that letters of objection had been received from four parties, 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 received on 18 March 1998 and the revised plans B408-C01C and the revised site plan and house type proposals plans B408-C020 and B408-SK3B received by the Planning Authority on 25 January 1999; (3) Details/samples of all facing, roofing, external wall finishing and road surface materials shall be submitted to and approved by the Planning Authority before any development commences on site; (4) Notwithstanding the details of the plans hereby approved, all new windows shall be of timber sash and case construction unless otherwise agreed in writing by the Planning Authority prior to their installation; (5) Details of the boundary walls and means of delineating separate garden areas for the proposed dwellinghouses shall be submitted to the Planning Authority for approval prior to the commencement of development; (6) Notwithstanding the details of the plans hereby approved, all new doors shall be finished in timber; (7) Details of the proposed rooflights on the proposed new detached dwellinghouse shall be submitted for the approval of the Planning Authority

prior to the commencement of work on site; (8) Notwithstanding the plans hereby approved, the proposed off-street parking provision to the front of the building is not hereby approved. Further details for the reinstatement of that area and the protection of the existing tree on site shall be submitted for the approval of the Planning Authority; (9) Notwithstanding the plans hereby approved, further details of the treatment at eaves level of the proposed house, including rainwater goods, shall be submitted for the approval of the Planning Authority; and (10) Notwithstanding the plans hereby approved, the internal parking layout is not approved and further details in respect of that provision shall be submitted for the approval of 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) to ensure that the development is carried out in accordance with the approved details; Conditions (3), (4), (5), (6), (7), (8) and (9) in the interests of visual amenity; and Condition (10) in the interests of road safety.

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

1.3 APPLICATION NO 99/0066/FL: MR ALEX WATSON

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 extension/alterations to dwellinghouse at 2/4 Nursery Avenue, Kilmarnock.

The Planning Officer reported that one letter of objection had been received representing three objectors, 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 submitted on 2 February 1999 as revised by the various plans received by the Planning Authority on 3 and 11 February 1999; (3) Notwithstanding the plans hereby approved, the developer shall form a footway access crossing to Roads Division Standards and provide the 2 car parking spaces prior to the closing off of the existing courtyard. The developer shall obtain a Road Opening Permit prior to the commencement of the development; (4) Notwithstanding the plans hereby approved, details of the proposed finish to the exposed gable and boundary wall of No 6 Nursery Avenue shall be submitted to and approved by the Planning Authority prior to the commencement of development; and (5) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, (or any order or enactment replacing this) no new window or door opening shall be formed to this dwellinghouse without a further specific planning application being submitted to and approved by the Planning Authority; 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; Condition (3) in the interest of highway safety; Condition (4) in the interest of visual amenity; and Condition (5) in the interest of residential amenity.

The Committee then heard Mrs Nisbet Baldwin, objector, in objection to the application. The Committee then heard Mr McCall, Agent to the applicant, 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 grant the application subject to the conditions and for the reasons detailed.

1.4 APPLICATION NO 99/0042/FL: WESTERN BUSES

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.

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 No 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 then heard Mrs Helen Frew, objector, in objection to the application. The applicant was not present at the meeting. Members asked questions of the objector. The objector responded to the issues raised, all in accordance with the Hearing procedure.

Councillor Knapp, seconded by Councillor Cree, moved to defer consideration of the application for a site visit to be undertaken and that the Hearing be re-heard.

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

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

1.5 APPLICATION NO 99/0032/FL: OGILVIE HOMES LIMITED

There was submitted a report dated 9 March 1999 (circulated) by the Head of Planning and Building Control on an application for the proposed erection of five private residential dwellinghouses at Plots 24-28 Kennedy Drive, Kilmarnock.

The Principal Planning Officer reported that one letter of objection and a petition with six signatories 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 received on 20 January 1999 and the amended plans received by the Planning Authority on 22 February 1999; (3) Details/samples of facing, roofing and surfacing materials shall be submitted to and approved by the Planning Authority before any development commences on the site; (4) Details/samples of fencing and walls shall be submitted to and approved by the Planning Authority before any development commences on the site. Such fencing as is approved shall be erected so as to ensure it is in position prior to the occupation of any dwelling whose curtilage it forms; (5) Notwithstanding the details hereby approved, further details of the position of the vehicular access to Plot 28 shall be submitted for the approval of the Planning Authority and thereafter implemented prior to the occupation of that house; (6) Prior to the commencement of the development, details of the proposed ground levels, finished floor levels and land drainage proposals for all the areas adjacent to the existing residential development shall be submitted to and approved by the Planning Authority; and (7) The details to be submitted further to Condition (5) above, shall include the measures that shall be taken to prevent any surface water run off from the application site onto adjoining property both during construction and following completion of the development; 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) in the interests of visual amenity; Conditions (4), (6) and (7) in the interests of residential amenity; and Condition (5) in the interests of road safety.

The Committee then heard Mr Napier, objector, in objection to the application. The applicant was not present at the meeting. Members asked questions of the objector. The objector responded to the issues raised, all in accordance with the Hearing procedure.

It was agreed to refuse the application on the grounds that the application would have a detrimental impact on visual amenity and privacy.

1.6 APPLICATION NO 99/0030/FL: OGILVIE HOMES LIMITED

There was submitted a report dated 9 March 1999 (circulated) by the Head of Planning and Building Control on an application for the proposed erection of residential development at Plots 1-23 and 29-56 Kennedy Drive, 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: 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) Details/samples of facing, roofing and surfacing materials shall be submitted to and approved by the Planning Authority before any development commences on the site; (3) Details/samples of fencing and walls shall be submitted to and approved by the Planning Authority before any development commences on the site. Such fencing as is approved shall be erected so as to ensure it is in position prior to the occupation of any dwelling whose curtilage it forms; (4) Prior to the commencement of the development, details of the proposed ground levels, finished floor levels and land

drainage proposals for all the areas adjacent to the existing residential development shall be submitted to and approved by the Planning Authority; (5) The details to be submitted further to Condition (4) above, shall include the measures that shall be taken to prevent any surface water run off from the application site onto adjoining property both during construction and following completion of the development; (6) A detailed landscaping scheme, including the areas of public space and the play area (including equipment to be provided by the developer) shall be submitted to and approved by the Planning Authority prior to commencement of any development and shall be implemented within one year from the date of commencement of the development. The scheme shall include a copy of the Deed of Conditions which will form part of the title to each individual property, passing the maintenance responsibilities onto all the house owners within the site, and shall also include the name and address of the factor responsible for the overseeing of the maintenance of these areas. Any of the trees, shrubs or play equipment removed without consent of the Planning Authority, or seriously damaged at any time thereafter, shall be replaced by trees, shrubs or play equipment similar to that originally provided, or as may be agreed in writing with the Planning Authority. The areas of public open space and the play area shall, once provided, be maintained thereafter to the satisfaction of the Planning Authority; and (7) Further to Condition (6) above, the landscaping scheme submitted shall: (i) only propose ornamental trees such as Prunus, Kiku, Shidare, Satura, Prunus Pendula Rubra, Pyrus Pendula or Salix Caprea Pendula, within private gardens; (ii) ensure no berried or thorn forming shrubs are planted next to the play area; (iii) confirm that the phasing of the landscaping will ensure that bare rooted trees, if proposed, are only planted during the autumn and winter seasons; (iv) include details of play equipment to be provided; and (v) ensure that all tree stakes are treated with a preservative; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Conditions (2), (6) and (7) in the interests of visual amenity; and Conditions (3), (4) and (5) in the interests of residential amenity.

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

1.7 APPLICATION NO 98/0813/FL: JOHN FORBES MOTORS

There was submitted a report dated 4 March 1999 (circulated) by the Head of Planning and Building Control on an application for a proposed alteration to vehicle repairs workshop at 19 West Langlands Street, Kilmarnock.

The Principal Planning Officer 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; and (2) A footway crossing shall be constructed to East Ayrshire Council Roads and Transportation Division's specification prior to the use of the proposed vehicular access; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and Condition (2) in the interest of road safety.

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

1.8 APPLICATION NO 99/0045/AD: MAIDEN OUTDOOR

There was submitted a report dated 10 March 1999 (circulated) by the Head of Planning and Building Control on an application for Advertisement Consent for the erection of an illuminated structure 1 x 48 sheet advertisements displays at Greenholm Street/Campbell Street, Kilmarnock.

The 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 grounds that the proposed advertisement hoarding would detract from the appearance of the property and would adversely effect the visual amenity of the area and, in these circumstances, there is no visual justification for the erection of the hoarding.

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

1.9 APPLICATION NO 98/0797/FL: WEST OF SCOTLAND HOUSING ASSOCIATION

There was submitted a report dated 9 March 1999 (circulated) by the Head of Planning and Building Control on an application for the proposed erection of very sheltered housing complex comprising one and two person flats with ancillary facilities, parking area and upgraded access at Witch Road, 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: 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 2 February 1998 and the amended plans received by the Planning Authority on 4 March 1999; (3) Notwithstanding the plan hereby approved, details/samples of the proposed external finishing materials shall be submitted to and approved by the Planning Authority before any development commences on the site; (4) A landscaping scheme including the treatment of the boundary of the site and measures for protecting the existing tree on site shall be submitted to and approved by the Planning Authority prior to commencement of any development, and shall be implemented no later than the next appropriate planting season after the development has been carried out; and (5) Notwithstanding the submitted plans, 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; 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; and Conditions (3), (4) and (5) in the interest of visual amenity.

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

1.10 APPLICATION NO 99/0026/TP: MR A HARVEY

There was submitted a report dated 9 March 1999 (circulated) by the Head of Planning and Building Control on a retrospective application to fell a tree subject to a Tree Preservation Order at 29 Landsborough Drive, 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: Approval, subject to the condition that details of a compensatory planting shall be submitted to the Planning Authority for approval within one month of the date of this consent and shall thereafter be implemented during the first available planting season, this condition being imposed in the interests of visual amenity.

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

1.11 APPLICATION NO 99/0050/AD: MAIDEN OUTDOOR

There was submitted a report dated 9 March 1999 (circulated) by the Head of Planning and Building Control on an application for Advertisement Consent for the erection of 2 No display panels at Hurlford Road, 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 signage would, by virtue of its scale and design, have a detrimental impact on the visual amenity of the surrounding area and, in these circumstances, there is no visual justification for the erection of the hoardings; and (2) The proposed advertisements would, as a result of their scale, result in a loss of amenity for the occupants of Nos 15 and 17 Wallace View.

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

1.12 APPLICATION NO 98/0856/FL: LONGPARK OWNERS CO-OPERATIVE

There was submitted a report dated 9 March 1999 (circulated) by the Head of Planning and Building Control on an application for the proposed erection of new housing development at land bounded by Highfield Avenue, Afton Avenue, Ettrick Crescent and Innellan Drive, 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: 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 December 1998 and the amended plans received by the Planning Authority on 10 March 1999; (3) Notwithstanding the details hereby approved, the houses in Plots 1-6, 27-34, 53-56, 61 and 62 shall be repositioned, the details of which shall be agreed in writing by the Planning Authority prior to commencement of work on site; (4) Details/samples of facing, roofing and surfacing materials shall be submitted to and approved by the Planning Authority before any development commences on the site; (5) Details/samples of fencing shall be submitted to and approved by the Planning Authority before any development commences on the site. Such fencing as is

approved shall be erected so as to ensure it is in position prior to the occupation of any dwelling whose curtilage it forms; (6) A landscaping scheme shall be submitted to and approved by the Planning Authority prior to the occupation of any of the dwellings. Such a scheme shall include the landscaping/planting/treatment of the stopped up areas of Afton Avenue and Ettrick Crescent. The scheme shall include details of the implementation of the landscaping in relation to the progression of the development and the means of its permanent maintenance upon implementation. The landscaping shall be maintained in accordance with such details upon its implementation; and (7) The details of the proposed play equipment shall be submitted for the approval of the Planning Authority prior to the commencement of development and thereafter implemented within three months of the occupation of the first dwelling and maintained in accordance with such details; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to ensure the development accords with the details hereby approved; Conditions (3) and (5) in the interests of residential amenity; Condition (4) in the interest of visual amenity; Condition (6) to ensure a suitable treatment to the areas of open space is provided and subsequently maintained, in the interests of residential and visual amenity; and Condition (7) in the interests of residential and visual amenity.

It was also recommended that planning consent shall not be issued until a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 has been satisfactorily concluded between the Solicitor to the Council and the applicant. Such an agreement shall contain the following provisions: the applicant to make available an appropriate sum for the provision of new/replacement play equipment in the existing play area to the south west side of the application site, this sum to be made available prior to the occupation of any of the dwellings.

It was agreed:-

- (i) to approve the application subject to the conditions and for the reasons detailed; and
- (ii) that planning consent shall not be issued until a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 has been satisfactorily concluded between the Solicitor to the Council and the applicant. Such an agreement shall contain the following provisions: the applicant to make available an appropriate sum for the provision of new/replacement play equipment in the existing play area to the south west side of the application site, this sum to be made available prior to the occupation of any of the dwellings.

1.13 APPLICATION NO 99/0092/TP: EAST AYRSHIRE COUNCIL OUTDOOR SERVICES

There was submitted a report dated 9 March 1999 (circulated) by the Head of Planning and Building Control on an application to fell four elm trees the subject of a Tree Preservation Order at Annanhill Golf Course, Kilmarnock.

The 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: Approval, subject to the following conditions, viz:- (1) The elm trees shall be felled by a qualified arboriculturist; and (2) The applicant shall plant replacement trees of an appropriate

species and size (to be approved in writing by the Planning Authority prior to the felling taking place) within one year of the removal of the trees, in close proximity to the trees permitted to be felled; Condition (1) being imposed to ensure that the works are undertaken in such a manner to protect public safety and to ensure that the disease is not spread; and Condition (2) to compensate for the loss of the existing trees in terms of visual amenity.

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

The meeting terminated at 1107 hours.