

**EAST AYRSHIRE COUNCIL****CENTRAL LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 4 DECEMBER 1998 AT 1000 HOURS  
IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK**

**PRESENT:** Councillors Gordon Cree, Irene Reeves, Wilma Doyle and Daniel Coffey.

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

**APOLOGIES:** Councillors Gordon McCredie, Drew McIntyre, Douglas Reid, Ronald Brailsford, Provost Robert Stirling and Councillors Jane Darnbrough, Alan Campbell and John Knapp.

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

**CONSIDERATION OF PLANNING APPLICATIONS****1.1 APPLICATION NO. 98/0723/FL : STODDARD INTERNATIONAL PLC**

There was submitted a report dated 30 November 1998 (circulated) by the Head of Planning and Building Control on a full planning application for proposed flood protection scheme at BMK Riverside Complex, Barbadoes Road, Kilmarnock.

The 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, 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 approved plans, the details of a security fence along the western side of the flood protection bund and over-pumping facility are not hereby approved. Details of the security fence and over-pumping facility shall be submitted to and approved by the Planning Authority prior to the commencement of development; and (3) Notwithstanding the approved plans, the design of the flood protection works, where they connect with the rear garden wall of No. 8 Holmes Village is not hereby approved. Amended details which address the security, privacy and structural integrity of this property, shall be submitted to and approved by the Planning Authority prior to the commencement of development and shall allow for the structural condition of the rear garden wall to be formally surveyed prior to the commencement of development. These details shall also confirm that, in the event of any damage to the garden wall, attributable to the flood prevention works, remedial measures will be undertaken by the developer; 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; and Condition (3) in the interest of residential amenity.

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

## 1.2 APPLICATION NO. 98/0737/FL : SEAFORD DEVELOPMENTS LTD

There was submitted a report dated 26 November 1998 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of timber shed for storage on ground at the rear of 18 High Glencairn Street, Kilmarnock.

The 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, 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 provision of the (General Permitted Development) (Scotland) Order 1992, and the Town and Country Planning (Use Classes) (Scotland) Order 1997 this permission relates to the use of the premises for storage only and the further express 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; and (5) Any loading and 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 09.00 and 18.00 Mondays to Saturdays and at no time on a Sunday; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to enable the Planning Authority to retain control over the use of the site in the interests of residential amenity; Conditions (3) and (4) to safeguard the residential amenity of the area and in the interest of highway safety; and Condition (5) to prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity.

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

## 1.3 APPLICATION NO. 98/0676/FL : TAY HOMES (SCOTLAND) LTD (Item 1.5, Page 3808)

There was submitted a report dated 26 November 1998 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed residential development for 55 Nos. detached dwellings with associated garages and roadworks at Toponthank Phase IIB (Phase A), Kilmarnock.

The Principal Planning Officer reported receipt and content of a letter of objection and response to this from the applicant; 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 revised application form received on 6 October 1998 and the general arrangements (Drawing Nos 98/G92/03-09 inclusive) received on 14 September 1998 and the amended plans received by the Planning Authority on 13 November 1998 (Drawing Nos 98.G92/02B); (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 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) 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; (6) Notwithstanding the plans hereby submitted, details of the culvert arrangement crossing the distributor road at the eastern edge of the site and the means of providing access to the culvert mouth for East Ayrshire Council Roads Division to allow for maintenance shall be submitted to and approved by the Planning Authority prior to commencement of any development on site; (7) 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 (8) 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 the development is carried out in accordance with the approved details; Conditions (3) and (4) in the interest of visual amenity; Condition (5) to ensure that the open space is adequately provided and maintained in the interest of residential amenity; Condition (6) in the interests of public health and road safety; Condition (7) in the interest of visual amenity; and Condition (8) 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.

The Head of Planning and Building Control further recommended that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant relating to application no. 98/0348/OL.

It was agreed:-

- (i) to grant the application subject to the conditions and for the reasons detailed; and
- (ii) that the issue of the Planning Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with Tay Homes (Scotland) Ltd relating to application no. 98/0348/OL.

Councillor Coffey dissented to the decision.

#### **1.4 APPLICATION NO. 98/0588/OL : MR J TRACEY**

There was submitted a report dated 26 November 1998 (circulated) by the Head of Planning and Building Control on an application for the proposed erection of supermarket, formation of vehicular access, parking areas, service bay and turning areas at Highfield Avenue, Kilmarnock.

The 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) In the case of reserved

matters specified below, application for approval must be made not later than the expiration of 3 years beginning with the date of this permission; (2) The development to which this permission relates must be begun within five years from the date of this permission; (3) The proposed development shall be carried out in accordance with the application form received on 17 August 1998 and the amended plans received by the Planning Authority on 9 November 1998 as superseded by the details shown on the plans received on 10 November 1998; (4) Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved:- (a) the layout of the site; (b) the size, height, design and external appearance of the proposed building(s); (c) the means of drainage and sewage disposal; (d) details of the access arrangements; (e) the provision for open space; (f) the provision for car parking; (g) the boundary walls/fences to be erected; (h) the landscaping of the site; and (i) finished site levels/floor levels; (5) The proposed unit shall be of a scale and shall sell a range of products/goods to provide for local convenience shopping for daily or casual top up needs only. In this respect the gross floorspace of the unit shall not exceed 500 square metres; (6) No development within the application site shall commence until all junction improvement work on Western Road, Highfield Avenue and Innellan Drive is undertaken and completed by the developer where indicated on the plans dated 10 November 1998. Notwithstanding Condition (3) above, details of the specifications of such works shall be submitted to and approved by the Planning Authority prior to their implementation (this consent does not carry with it any planning permission or road construction consent necessary for the works specified); and (7) Before development commences on site, the developer shall submit a statement to the Planning Authority giving evidence confirming the stability of the site relative to the proposed development; Conditions (1) and (2) being imposed to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997; Condition (3) the approval is in outline only; Condition (4) to safeguard the vitality and viability of the town centre in accordance with NPPG 8, Town Centres and Retailing; Condition (5) in the interest of road safety; and Condition (6) in the interest of public safety.

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

### **1.5 APPLICATION NO. 98/0574/FL : NIGHTHERB LTD**

There was submitted a report dated 26 November 1998 (circulated) by the Head of Planning and Building Control on a full planning application for proposed alterations to premises and formation of beer garden at Starz Bar, 5 St. Marnock Place, Kilmarnock.

The 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, 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 26 August 1998 as revised by the various plans received by the Planning Authority on 1 October 1998 and 10 November 1998; and (3) Notwithstanding the plans hereby approved the playing of music within the beer garden shall only be permitted between the hours of

11.00 am to 10.00 pm; 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; and Condition (3) in the interest of the amenity of the area.

In response to the Committee's concerns, the Planning Officer proposed that it would be appropriate that final adjustments to Condition (3) be remitted to the Head of Planning and Building Control in consultation with the Clerk to the Licensing Board.

It was agreed to grant the application subject to Conditions (1) and (2) and for the respective reasons detailed above and subject to a revised Condition (3) which shall be delegated to the Head of Planning and Building Control to impose, following consultation with the Clerk to the Licensing Board, to take cognisance of the Committee's concerns.

The meeting terminated at 1037 hours.