

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE**

**MINUTES OF SPECIAL MEETING HELD ON FRIDAY 9 OCTOBER 1998 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors Gordon Cree, Gordon McCredie, Drew McIntyre, Wilma Doyle, Ronald Brailsford, Jane Darnbrough, John Knapp and Daniel Coffey.

**ATTENDING:** Jim Worley, Principal Planning Officer; Ian Walker, Planning Officer; James Lally, Senior Administrative Officer; and Robert Beaton, Administrative Officer.

**APOLOGIES:** Councillors Irene Reeves, Douglas Reid, Provost Stirling and Councillor 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 98/0487/FL: OGILVIE HOMES LIMITED**

There was submitted a report dated 29 September 1998 (circulated) by the Head of Planning and Building Control on a full planning application for the erection of residential development at Kennedy Drive, Kilmarnock.

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

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, 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 16 July 1998 and the amended plans received by the Planning Authority on 1 September 1998; (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 plans approved the position of the proposed block for plots 17-20 is not hereby approved and further details of the positioning shall be submitted for the approval of the Planning Authority; (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; (7) The details to be submitted further to condition (6) 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; (8) 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 (9) Further to condition (8) above, the landscaping scheme submitted shall: (i) only propose ornamental trees such as Prunus, Kiku, Shidare, Satura, Prunus Pendula Rubra, Pyrus Pendula or Salix Caorea 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; Condition (2) to ensure that development is carried out in accordance with the approved details; Conditions (3), (8) and (9) in the interests of visual amenity; and Conditions (4), (5), (6) and (7) in the interests of residential amenity.

In response to the Committee's concerns, the Principal Planning Officer proposed that it would be appropriate for the Committee to request the developer to consult with local householders at Niven Court on the possible location for the play area associated with the new housing development, subject to the satisfaction of the Head of Planning and Building Control.

It was agreed to grant the application subject to the conditions and for the reasons detailed and that the developer be requested to undertake consultation on the proposed siting of the play area as detailed above.

### **1.3 APPLICATION NO 98/0478/FL: GLAMIS PROPERTIES (Item 1.5, Page 3731)**

There was re-submitted a report dated 31 August 1998 (circulated) by the Head of Planning and Building Control on a full planning application for proposed change of use from Class One (Shop) to Class Two (Office) at 8 Queen Street, Kilmarnock.

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

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: Refusal for the following reasons, viz:- (1) The proposed use would be contrary to Policy C1 of the Finalised District Plan as modified as it involves locating a Class 2 use within the core shopping area; (2) The proposed use would, by virtue

of the loss of a Class 1 use in the core shopping area, be detrimental to its vitality; and (3) The proposed use would set an unacceptable precedent, for the development of Class 2 uses in the core shopping area to the detriment of the continuing retail vitality of the Town Centre.

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

#### **1.4 APPLICATION NO 98/0307/FL: WILLIAM YOUNG LIMITED (Item 1.7, Page 3731)**

There was re-submitted a report dated 31 August 1998 (circulated) by the Head of Planning and Building Control on a full planning application for the erection of high level parking deck and alteration to access road, West Langlands Street, Kilmarnock.

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

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 on the following grounds, viz:- (1) The proposed development is contrary to the terms of Policy IN3 of the Finalised Kilmarnock and Loudoun District Plan in that the proposal cannot be adequately serviced; and (2) The proposed development would be detrimental to road safety by reason of increasing and intensifying the use of a sub standard road junction.

The Committee then heard Mr Robert Lang, Agent for the applicant in support of the application, the objector was not present, all in accordance with the Hearing procedure.

It was agreed as the proposal provided the means of achieving increased parking provision for the existing development and would increase the viability of the business units, the negative aspects of the road safety and site servicing implications, on this occasion, were outweighed and to refer the application to the Development Services Committee with a recommendation for approval and that a condition be imposed requiring planting and maintenance of the area underneath the stilts of the car park.

Councillor McCredie left the meeting after discussion of this item.

#### **1.5 APPLICATION NO 98/0348/OL: TAY HOMES (SCOTLAND) LIMITED (Item 1.2, Page 3730)**

There was re-submitted a report dated 27 August 1998 (circulated) by the Head of Planning and Building Control on an outline planning application for proposed master plan approval for distributor road serving residential development areas A, B, C, D and E at Toponthank, Phase IIB, Kilmarnock.

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

The Principal Planning Officer reported that four letters of objection and one letter of petition signed by 71 people had been received, details of which were contained in the report, summarised the planning considerations in respect of the application; and gave the recommendations of the Head of Planning and Building Control: 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 received on 13 July 1998 and the amended plans received by the Planning Authority on 24 August 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 dwellinghouses; (c) the means of drainage and sewage disposal; (d) details of the access arrangements; (e) the provision for open space and landscaping; (f) the provision for car parking; (g) the boundary walls/fences to be erected; (h) the landscaping of the site; (i) finished site levels/floor levels. No development shall be undertaken within any phase until all such matters have been approved insofar as they related to that phase; (5) The details to be submitted under Condition (4) above shall comply in all respects with the Council's approved policy on the provision of open space/design as contained in the Plan; (6) Notwithstanding Condition (4) above, the land shown bounded in green on the approved plans shall be reserved free of all buildings, structures and other works; (7) The details to be submitted under Condition (4) above, shall provide for a type of "novel layout" that is to say a layout designed for maximum residential amenity allowing greater priority to pedestrians, with varied and well designed house types integrated with the open space provision. Dwellings shall form "clusters" around cul-de-sac or courtyards (differentiated in design and materials from the main access road) with individual access being taken to as many houses as possible from these cul-de-sac or courtyards; (8) Existing hedges indicated on the approved plans shall be retained intact and reinforced and maintained thereafter to the satisfaction of the Planning Authority; and (9) Notwithstanding the plans hereby submitted, details shall be submitted to for approval by the Planning Authority of the proposed managed wetland habitat in residential area "E" with regard to: (i) implementation, creation and future management (including educational provision); (ii) design and layout; (iii) species transplanting and composition; and (iv) supervision agreement. Prior to the occupation of any dwellings within the site, the managed wetland habitat shall be commenced and shall be protected from damage during the entire construction process; 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 development is carried out in accordance with the approved details; Condition (4) the approval is in outline only; Condition (5) to ensure that the sufficient open space is provided within the development, in the interests of visual amenity and residential amenity; Condition (6) the area of land to be reserved for implementation as a managed wetland habitat; Condition (7) in the interest of residential amenity; Condition (8) in the interest of visual amenity; and Condition (9) to ensure the creation, augmentation and sustainability of a managed wetland habitat.

The Head of Planning and Building Control further recommended that the issuing of the Planning Decision Notice be withheld until the Head of Legal Services had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant in respect of the following matters:-

- density and total number of dwellings;

- type, size and range of dwellings;
- structural landscaping;
- external construction material;
- estate layouts;
- provision and implementation and maintenance of managed wetland habitat;
- provision of public open space;
- provision of equipped play areas;
- phasing of development relative to construction of distributor road; and
- creation of footpath network through application site to connect with Onthank open space area/millennium forest (adjacent to south west corner of land Phase E).

The Committee then heard Mrs E Houston and Mrs Scott Martin, in support of their objections, and Mr Anthony Duthy and Nigel Rudd, representing the applicant in support of the application, all in accordance with the Hearing procedures.

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 Head of Legal Services had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997.

Councillor Coffey dissented to the decision.

Councillor Brailsford joined the meeting during discussion of this item and took no part in the determination of the application.

Councillor McIntyre left the meeting at this point.

## **1.6 APPLICATION NO 98/0239/FL: MR RANKIN (Item 1.3, Page 3730)**

There was re-submitted a report dated 26 August 1998 (circulated) by the Head of Planning and Building Control on a full planning application for extension to dwellinghouse and erection of garage at 19 Haining Avenue, Kilmarnock.

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

The Principal Planning Officer reported receipt of two letters of objection, details of which were contained within 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 the terms of Policy EN11 of the Finalised Kilmarnock and Loudoun District Plan in that its design would have a detrimental impact on the character of the area by reason of introducing an unduly prominent feature in the street; and (2) The proposal would by reason of its scale and design have a detrimental impact on the amenity of the area.

The Committee then heard Mr Black, in support of his objection and Mr Alan Grant, representative of the applicant in support of the application, all in accordance with the Hearing procedures.

It was noted that the location of the dwellinghouse at 19 Haining Avenue had been incorrectly identified on the location plan attached to the report and that the specification of the roof pitch for the garage was 22.5 degrees and not as detailed in the report.

It was agreed that as the proposed extension and erection of garage was not considered to be over prominent and would not have a detriment impact on the visual amenity of the area and therefore not considered contrary to Policy EN11, to grant the application.

#### **1.7 APPLICATION NO 98/0589/FL: MR ASHRAF**

There was submitted a report dated 29 September 1998 (circulated) by the Head of Planning and Building Control on a full planning application for change of use to form ground floor restaurant and hot food take-away and kitchen at 11 Langlands Street, 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.

It was agreed to grant the application.

The meeting terminated at 1120 hours.