

EAST AYRSHIRE COUNCIL**CENTRAL LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 15 OCTOBER 1999 AT 1000 HOURS
IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors John Knapp, Daniel Coffey, Robert Stevenson, John Weir, Iain Linton, Alex Walsh and Alan Campbell.

ATTENDING: Dave Morris, Development Promotion Manager; Karen McLeod, Solicitor; Julie Armstrong, Senior Administrative Officer; and Melanie Macleod, Administrative Officer.

APOLOGIES: Councillors Brian Reeves, Willie Coffey, Douglas Reid, Drew McIntyre and Jane Darnbrough.

CHAIR: Councillor John Knapp, Vice-Chair.

CONSIDERATION OF PLANNING APPLICATIONS**1. PROCEDURE**

The Administrative Officer established that the Hearing procedure was understood by all participants.

1.1 APPLICATION NO 99/0521/OL: MR P McGIVNEY (Item 1.3, Page 336, 99/02)

There was submitted a report dated 4 October 1999 (circulated) by the Head of Planning and Building Control on an application for a proposed change of use of land from light industrial to residential use at Busbiehill Place/Munro Place, Kilmarnock.

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

The Development Promotion Manager 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 grounds that the proposed development would be contrary to Policies IN1 and IN2 of the Finalised Kilmarnock and Loudoun District Plan and that there were insufficient circumstances to justify an exception to these.

The objector was not present or represented.

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

1.2 APPLICATION NO 99/0599/FL: KILMARNOCK FOOTBALL CLUB

There was submitted a report dated 5 October 1999 (circulated) by the Head of Planning and Building Control on an application for the proposed use of property as an office instead of current use as domestic dwelling at 2 Dundonald Place, Kilmarnock.

The Development Promotion Manager 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 permission shall only operate for purposes ancillary to the operation of the adjacent sports stadium and for no other independent purpose; (3) The building shall be used only for "business" purposes as defined by Class 4 in the Town and Country Planning (Use Classes) (Scotland) Order 1997, namely that the approved uses shall be such as can be carried on in any residential area without detriment to the amenity of that area, by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit; and (4) The office use hereby approved shall not at any time be used for ticket sales without the prior written permission of the Council as Planning Authority; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) since planning permission is being granted in this case solely because of the specific extenuating circumstances and availability of parking and access facilities; and Conditions (3) and (4) to safeguard the amenity of the area.

No objectors were present or represented.

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

1.3 APPLICATION NO 99/0501/TP: EAST AYRSHIRE COUNCIL OUTDOOR SERVICES

There was submitted a report dated 6 October 1999 (circulated) by the Head of Planning and Building Control on an application for the proposed felling of one tree at Annanhill Estate, Irvine Road (adjacent to 18 Holly Place), Kilmarnock.

The Development Promotion Manager reported that letters of objection representing 8 parties had been received initially, with a further 5 letters being received from within the group of 8 objectors following circulation of the independent report obtained by the applicant, details of which had been contained within the report and with one letter of objection being withdrawn subsequently; 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 felling shall commence after not less than 14 days notice has been given to the Planning Authority and arrangements made for the supervision of works by a representative of the Planning Authority; and (2) The tree to be felled shall be replaced with a suitable alternative during the first planting season following felling works being undertaken, the species of tree to be planted to be agreed in writing with the Planning Authority prior to any work being undertaken on site; Condition (1) to ensure the proper supervision of the works in the interest of visual amenity; and Condition (2) in the interest of amenity.

The Committee heard James Baird in support of his objection. The Committee then heard John Roxburgh on behalf of the applicant. Members asked questions of the objector and of the applicant. The objector and applicant responded to the issues raised, all in accordance with the Hearing procedure.

Councillor Knapp, seconded by Councillor Walsh, moved that the application be granted subject to the conditions and for the reasons detailed.

Councillor Weir, seconded by Councillor Stevenson, moved as an amendment that the application be refused on the grounds that the Committee was not persuaded of the need for the tree to be felled.

On a division by a show of hands, the motion was carried by 5 votes to 2.

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

1.4 APPLICATION NO 99/0635/OL: PORTLAND GATE LIMITED

There was submitted a report dated 6 October 1999 (circulated) by the Head of Planning and Building Control on an application for the proposed erection of night club premises (first floor) with shops below at 20-42 Portland Street, Kilmarnock.

The Development Promotion Manager reported that one letter 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) 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) Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the undernoted matters hereby reserved, namely (a) the layout of the site, (b) the size, height, design and external appearance of the proposed building, (c) the means of drainage and sewage disposals, (d) details of the access arrangements, (e) provision of car parking, (f) the boundary wall/fences to be erected and (g) finalised site levels/floor levels; (4) Details submitted under Condition (3) above, shall provide for a design compatible with the buildings approved to be constructed to the north and west of the site with regard to (a) scale, (b) facing and roofing materials, (c) roofing arrangements, (d) window proportions and rhythms and (e) shop front/door openings; and (5) Details submitted under Condition (3) shall provide for retail use (within the meaning of Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997) occupying the entirety of ground floorspace in the development hereby approved (with the exception of a means of access to the upper floors); Conditions (1) and (2) being imposed to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997; Condition (3) since approval is in outline only; Condition (4) to ensure the development is compatible with the adjoining property, in the interest of visual amenity; and Condition (5) to ensure and maintain the viability of the Town Centre; and (ii) the issuing of consent be postponed until the Solicitor to the Council had satisfactorily concluded an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to amend the existing agreement to incorporate the application without impact upon its terms and effectiveness.

The objector was not present or represented.

It was agreed:-

- (i) to approve the application subject to the conditions and for the reasons detailed; and

- (ii) that the issuing of consent be postponed until the Solicitor to the Council had satisfactorily concluded an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to amend the existing agreement to incorporate the application without impact upon its terms and effectiveness.

1.5 APPLICATION NO 98/0856/FL: LONGPARK OWNERS CO-OPERATIVE (Item 1.12, Page 4415)

There was submitted a report dated 6 October 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 Development Promotion Manager reported that no letters of objection had been submitted in respect of the application; 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 24 December 1998 and the amended plans received by the Planning Authority on 3 September 1999 and 6 October 1999; (3) Notwithstanding the details hereby approved, the houses in Plots 3-6, 33-34, 53-56, 61 and 62 shall be re-positioned, the details of which shall be agreed in writing by the Planning Authority prior to commencement of work on site; (4) Notwithstanding the submitted plans, 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/walls, particularly at the entrances to the site, shall be submitted to and approved by the Planning Authority before any development commences on site, with such fencing as approved to be erected so as to ensure it is in position prior to the occupation of any dwelling whose curtilage it forms; (6) Notwithstanding the details of the plans hereby approved, further details of the off-street parking arrangement for Plot No 44 shall be submitted for the approval of the Planning Authority; (7) A landscaping scheme shall be submitted to and approved by the Planning Authority prior to the occupation of any of the dwellings and 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 (8) The details of the proposed play equipment and its future maintenance 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; Condition (3) in the interest of residential amenity and to reduce overloading; Condition (4) in the interest of visual amenity; Condition (5) in the interest of residential amenity; Condition (6) in the interest of road safety; Condition (7) to ensure suitable treatment to the areas of open space is provided and subsequently maintained in the interests of residential and visual amenity; and

Condition (8) in the interests of residential and visual amenity; and (ii) 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 the applicant, such an agreement to contain the following provisions, viz:- 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 of the application site, such sum to be made available prior to the occupation of any of the dwellings.

Councillor Campbell left the meeting during discussion of this item.

It was agreed:-

- (i) to approve 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 the applicant, such an agreement to contain the following provisions, viz:- 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 of the application site, such sum to be made available prior to the occupation of any of the dwellings.

The meeting terminated at 1100 hours.