

EAST AYRSHIRE COUNCIL**NORTHERN LOCAL PLANNING COMMITTEE****MINUTES OF SPECIAL MEETING HELD ON THURSDAY 24 JUNE 2010 AT 1340 HOURS IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Alan Brown, Rose-Ann Cuninghame, John MacKay, John McGhee, Helen Coffey, Maureen McKay, Tom Cook, Robert Keohone, Iain Linton, Douglas Reid, John Campbell, John Knapp, Hugh Ross, Jim Todd, Stuart Finlayson and Robert McDill.

ATTENDING: Alan Neish, Head of Planning and Economic Development; Karl Doroszenko, Development Planning and Regeneration Manager; Craig Young, Litigation and Advice Team Leader; Fiona Finlay, Principal Planning Officer; Marion Fergusson, Senior Planner; Gwen Findlay, Team Leader, Roads and Transportation and Jennifer Morrison, Administrative Officer.

APOLOGIES: Councillors Willie Coffey, Gordon Cree, Drew McIntyre, and Provost Stephanie Young.

CHAIR: Councillor Alan Brown, Chair.

1. APPLICATION NO: 10/0251/PP: MR MARTIN HANNAH: 62 INNELLAN DRIVE, KILMARNOCK (Item 8, page 1205, 07/12)

There was re-submitted an executive summary sheet and report dated 25 May 2010 (both circulated) by the Head of Planning and Economic Development on an application for proposed erection of five terraced dwellings including eight car parking spaces and associated works at 62 Innellan Drive, Kilmarnock.

The Chair reported that this application had been continued from the last meeting in order to obtain clarification with regard to the arrangements for disposal of this land which was owned by the Council, and then went on to provide the Committee with information with regard to the sale of the land, which information was expanded on by Craig Young, Litigation and Advice Team Leader.

Fiona Finlay, Principal Planning Officer reported an amendment to the Head of Planning and Economic Development's recommendation - that prior to any decision notice being issued it be remitted to the Head of Planning and Economic Development to agree and implement the appropriate manner by which the Developer Contribution be paid; and gave the recommendation of the Head of Planning and Economic Development: Approval as amended, subject to the conditions and for the reasons detailed in the report.

It was agreed to approve the application subject to the conditions and for the reasons detailed in the report and that prior to the decision notice being issued, it was remitted (1) to the Head of Planning and Economic Development to agree with the developer the manner by which they pay and make over the appropriate developer contribution; and (2) to the Head of Planning and Economic Development and such other Council Officer as he deems necessary, to implement the agreed manner by which the developer pay and make over the appropriate developer contribution.

Councillor Rose-Ann Cuninghame joined the meeting at this point.

**PRE-DETERMINATION HEARING
HEARING PROCEDURE**

2. The Administrative Officer established that the Hearing Procedure was understood by all participants (circulated). The Administrative Officer further clarified that no decision would be made on the application today (Agenda Item 3) and that the Local Planning Committee's view would be referred for consideration by Council at the next appropriate meeting, for its consideration in the determination of this application.

CONSIDERATION OF APPLICATION

- 3. PRE-DETERMINATION HEARING: APPLICATION NO 08/0374/FL: TESCO STORES LTD/DAWN DEVELOPMENTS LTD: LAND TO THE SOUTH OF THE A71, GALSTON**

3.1 Declarations of Interest

Councillors Maureen McKay, Robert Keohone and John Knapp declared a non-financial interest in respect of this item of business which they considered significant in terms of paragraphs 5.17 and 5.18 of the Code of Conduct and withdrew from the meeting.

3.2 Consideration of Item

There was submitted an executive summary sheet and report dated 17 June 2010 (both circulated) by the Head of Planning and Economic Development on a full planning application for the erection of food store and associated parking area at land to the south of A71, Galston.

Alan Neish, Head of Planning and Economic Development reported that the view of the Local Planning Committee was sought under the Scheme of Delegation as the proposed development represented a major application in terms of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 which was significantly contrary to the Development Plan and therefore determination of the application rested with a meeting of the Council; the Local Planning Committee was required to consider all representations made as part of a Pre-Determination Hearing Procedure prior to making a formal recommendation on the application to a subsequent meeting of the Council; reported that the application was advertised in the Kilmarnock Standard on 23 May 2008 and that six letters of objection and a petition of objection with 485 signatures had been received in connection with the application and those objections were summarised in the report; 24 letters of support had been received in connection with the application however these letters had been received outwith the statutory time period for neighbour notification and were not therefore summarised in the report; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Economic Development; (i) that the Local Planning Committee recommend that the application should be refused for the reasons detailed in the report; (ii) that the recommendation of the Local Planning Committee be notified to the Council for consideration in its determination of this application; (iii) in the event that the Local Planning Committee did not recommend refusal of the application and instead recommend that the application should be approved, then in those circumstances,

prior to the application being notified to the Council for determination that the application be delegated to the Head of Planning and Economic Development to provide a list of planning conditions to be attached to any subsequent approval and (iv) that in the Council's determination of the application it have regard to such conditions as drafted by the Head of Planning and Economic Development should recommendation (iii) above apply.

3.3 Pre-Determination Hearing

The Committee heard Katherine Sneed, the applicant's agent and Paul O'Donnell representing the applicant in support of the application.

Members of the Committee asked questions of the applicant's agent and the applicant's representative.

The Committee then heard from the following statutory consultees - Margo Dykes in respect of Galston Community Council, and John McRobert, East Ayrshire Council Roads and Transportation Flood Prevention.

Members of the Committee asked questions of the statutory consultees.

The Committee then heard Linda Thompson in respect of her own objection and those of Gerard Thompson and Catherine Knapp in support of her own objections.

Members of the Committee asked questions of the objectors.

The applicant's agent and the representative of the applicant then exercised their right of reply to points raised by the statutory consultees and objectors.

The Chair closed the Hearing.

3.4 Determination of Application

Alan Neish, Head of Planning and Economic Development and Karl Doroszenko, Development Planning and Regeneration Manager provided clarification on points raised during the Hearing.

Councillor Alan Brown seconded by Councillor John Campbell moved:

- (i) to recommend to Council that this application be approved on the grounds that the terms of the proposed social and economical benefits of the application attracted greater weight than the policy position contained within the Development Plan or, the Report on the examination of the Alteration of the East Ayrshire Local Plan Finalised Draft and that it be remitted to the Head of Planning and Economic Development to provide a list of Planning Conditions to be attached to any subsequent approval with particular regard to the following: flooding (mitigation measures); Scottish National Heritage conditions; satisfactory discharge of sewerage; traffic-light upgrade; no pharmacy; suitable delivery times; and opening hours;
- (ii) to recommend to Council that the decision notice should 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 applicants in respect of the matters contained in Section 7.1 of the report and the following additional matters, namely: support of the applicant regarding business start-up across whole of the Irvine Valley; support to local schools regarding business start-up as part of supporting the curriculum for excellence

in these schools; and the above mentioned traffic-light upgrade to be paid for by the applicants;

- (iii) that this recommendation of the Local Planning Committee be notified to the Council for its consideration in the determination of the application; and
- (iv) to note that the application if approved by Council required to be submitted to the Scottish Ministers in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

Councillor Robert McDill, seconded by Councillor Tom Cook moved as an amendment (i) the recommendation that the application be refused for the reasons detailed in the report; and (ii) that this recommendation of the Local Planning Committee be notified to the Council for its consideration in the determination of the application.

On a division by a show of hands, the motion was carried by 8 votes to 4.

Councillor Helen Coffey left the meeting during the Hearing on this item.

ADJOURNMENT/RECONVENTION OF MEETING

4. The meeting adjournment at 1510 hours and reconvened at 1520 hours.

Councillor Maureen McKay rejoined the meeting following the adjournment.

Councillor Douglas Reid left the meeting following the adjournment.

HEARING PROCEDURE

5. The Administrative Officer established that the Hearing Procedure was understood by all participants (circulated).

CONSIDERATION OF APPLICATIONS

6. **APPLICATION NO: 10/0023/PP: EAST AYRSHIRE COUNCIL: STRANDHEAD PARK, KILWINNING ROAD, STEWARTON**

There was submitted an executive summary sheet and report dated 15 June 2010 (both circulated) by the Head of Planning and Economic Development on an application for new build sport facility with external football pitch to be constructed on existing playing fields at Strandhead Park, Kilwinning Road, Stewarton.

6.1 Consideration of Item

Fiona Finlay, Principal Planning Officer, reported that paragraph 2.4 of the report should refer to football and not basketball; six letters of objection representing nine individual objectors had been received, details of which were contained within the report; reported a suggested amendment to Condition (15) in the following terms: "Prior to any work commencing on site details of an amended car park layout which includes provision for parent a child car parking and an increased number of mainstream general car parking spaces shall be submitted to and approved in writing by the planning authority, the approved amended car parking layout shall be implemented on site prior to the sports facility being brought into use and shall be maintained thereafter - Reason, in order to ensure appropriate car parking provision for the sports facility";

summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Economic Development: Approval, subject to the conditions, as amended, and for the reasons detailed in the report.

6.2 Planning Hearing

The Committee heard Mr Bussey in support of the objections of Mr and Mrs Marshall and of Francisco and Veronica Haro.

The Committee then heard Alan Paterson, Simon Bell and John Griffiths the applicant's representatives in support of the application.

Members of the Committee asked questions of the applicant's representatives.

The Chair closed the Hearing.

6.3 Determination of Application

Fiona Finlay, Principal Planning Officer and Gwen Findlay, Team Leader, Roads and Transportation, provided clarification on points raised during the Hearing.

It was agreed to grant the application subject to the conditions, as amended, and for the reasons detailed in the report.

Councillors Maureen McKay and Jim Todd left the meeting during the discussion on this item, and before the decision.

Councillors John MacKay and Iain Linton left the meeting following the decision on this item.

Councillor Douglas Reid re-joined the meeting at this point.

7. APPLICATION NOS: 10/0233/PP AND 10/0234/LB: KLIN HOLDINGS LTD: 6-14 JOHN FINNIE STREET AND 24-26 STRAND STREET, KILMARNOCK

There was submitted an executive summary sheet and report dated 15 June 2010 (both circulated) by the Head of Planning and Economic Development on an application for planning permission and an associated listed building application for redevelopment behind retained facade for erection of office accommodation and removal of fire damaged gable remnants and associated alterations at 6-14 John Finnie Street and 24-26 Strand Street, Kilmarnock.

7.1 Consideration of Item

Fiona Finlay, 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 Economic Development: Approval of planning application 10/0233/PP subject to the conditions and for the reasons detailed in the report and approval of application No 10/0234/LB subject to the conditions and for the reasons detailed in the report and that prior to any consent being issued the application be referred to Historic Scotland under the Listed Building and Conversation Areas (Scotland) Act 1997.

7.2 Planning Hearing

The Committee heard Ellen Gray, in support of her objections.

The Committee then heard Drew Macklin a representative of the applicant and Andy Duncan the applicant's agent in support of the application.

The Chair closed the Hearing.

7.3 Determination of Application

Fiona Finlay, Principal Planning Officer provided clarification on points raised during the Hearing.

It was agreed (i) to approve the planning application 10/0233/PP subject to the conditions and for the reasons detailed in the report; and (ii) to approve listed building application 10/0234/LB subject to the conditions and for the reasons detailed in the report and that prior to any consent being issued the application be referred to Historic Scotland under the Listed Buildings and Conservation Areas (Scotland) Act 1997.

Councillor John McGhee left the meeting at this point.

8. APPLICATION NO: 10/0435/PP: MR HOWARD WILKINSON: THE CROSS, KILMARNOCK

There was submitted an executive summary sheet and report dated 14 June 2010 (both circulated) by the Head of Planning and Economic Development on an application for proposed establishment of a monthly farmer market at the Cross, Kilmarnock.

Fiona Finlay, Principal Planning Officer, summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Economic Development: Approval, subject to the conditions and for the reasons detailed in the report.

It was agreed to approve this application subject to the condition and for the reasons detailed in the report.

9. APPLICATION NO: 10/0325/AD AND 10/0389/LB: MR WILLIE COFFEY: 53 TITCHFIELD STREET, KILMARNOCK

There was submitted an executive summary sheet and report dated 14 June 2010 (both circulated) by the Head of Planning and Economic Development on an application for advertisement consent 10/0325/AD and an application for listed building consent 10/0389/LB for proposed fascia sign at 53 Titchfield Street, Kilmarnock.

Fiona Finlay, Principal Planning Officer summarised the planning considerations in respect of the applications; and gave the recommendation of the Head of Planning and Economic Development: Approval of Application Nos 10/0325/AD and 10/0389/LB.

The Chair remarked that having taken legal advice and, having regard to the subject matter of this application, a number of Councillors still in attendance could consider and determine this application.

It was agreed to approve applications 10/0325/AD and 10/0389/LB.

The meeting terminated at 1640 hours.