

EAST AYRSHIRE COUNCIL**NORTHERN LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 1 FEBRUARY 2008 AT
1000 HRS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON
ROAD, KILMARNOCK**

PRESENT: Councillors Alan Brown, Rose-Ann Cuninghame, John MacKay, John McGhee, Helen Coffey, Willie Coffey, Tom Cook, Robert Keohone, Douglas Reid, Jim Buchanan, John Campbell, Gordon Cree, Drew McIntyre, John Knapp, Hugh Ross, Jim Todd, Stuart Finlayson and Robert McDill.

ATTENDING: Fiona Finlay and Bill Stewart, Principal Planning Officers; John Trakalo, Senior Engineer, Department of Roads and Transportation; Avril Forrest, Solicitor and Christine Baillie, Administrative Officer.

APOLOGIES: Councillors Maureen McKay, Iain Linton and Provost Stephanie Young.

CHAIR: Councillor Alan Brown, Chair for Items 1-4 and Councillor John Campbell, Vice-Chair for Item 5.

HEARING PROCEDURE

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

CONSIDERATION OF APPLICATIONS

2. **APPLICATION NO 07/1023/FL: RESIDENCE SCOTLAND LIMITED: LAND BETWEEN 9 AND 29 HILLVIEW ROAD, DARVEL**

There was submitted an executive summary sheet and report dated 25 January 2008 (both circulated) by the Head of Planning and Economic Development on a full planning application for change of use of open space and erection of four detached dwellinghouses at land between 9 and 29 Hillview Road, Darvel.

2.1. Consideration of Item

Bill Stewart, Principal Planning Officer advised that the applicant had raised concerns that comments in response to the consultation exercise received from East Ayrshire Council's Department of Neighbourhood Services (page 69, paragraph 3.6.2 of the Planning Officer's report) made reference to the formation of a mini roundabout and confirmed that, at this stage, no specific details had been submitted regarding the road layout of the site; reported that 34 letters of objections from 41 objectors had been received, 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 Economic Development, viz:- Refusal for the reasons detailed in the report.

2.2. Planning Hearing

The Committee then heard Mr Flemmich on behalf of the objections submitted by Darvel and District Community Council and Mrs Lorimer, Mr Minnery, Mr Kimm and Ms Roney in respect of their own objections.

The applicant was not present or represented at the meeting.

The Chair closed the Hearing.

2.3. Determination of Application

Bill Stewart, Principal Planning Officer provided clarification to points raised during the Hearing.

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

3. APPLICATION NO 07/0855/FL: CULVERT PROPERTIES LIMITED: FORMER BLAIR AND GRAY GARAGE, BEANSBURN, KILMARNOCK

There was submitted an executive summary sheet and report dated 23 January 2008 (both circulated) by the Head of Planning and Economic Development on a full planning application for change of use and reconfiguration to form retail shops (Class 1) and one hot food unit, including alternations to elevations and formation of serving facilities at Former Blair and Gray Garage, Beansburn, Kilmarnock.

3.1. Consideration of Item

Fiona Finlay, Principal Planning Officer reported that page 14, paragraph 5.5 of the Planning Officer's report should read Criteria 2 and not Criteria 7; that consultation had not been carried out with Southcraigs and Dean Community Council as they are not established at this time; that 5 letters of objections representing 6 objectors and a petition containing 343 signatures had been received, details of which were contained with the report; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Economic Development, viz:- Approval subject to the conditions, and for the reasons, detailed in the report and subject to the undernoted additional condition and reason detailed below:-

14. A scheme to be submitted and approved in writing by the Planning Authority prior to any works commencing on site, to confirm how the applicant intends to operate and regularise the car parking to the frontage of the site at Beansburn for short term stay to ensure that the facility is available for customers of the retails units and how they intend to operate the servicing arrangements noting the location of the loading bay.

REASON: in the interest of road safety and proper planning of the area.

3.2. Planning Hearing

The Committee heard Ms Hollywood in respect of her objection, Mr Paton on behalf of the objections submitted by Mr Patterson and Mr McReynolds, Mrs Donnelly and Mr Bordone in respect of their objections and Ms Honeyman and Ms Geales who were representing the objections submitted by petition.

Members of the Committee asked questions of the objectors in accordance with the Hearing Procedure.

The Committee then heard Mr Muir the applicant's representative, in support of the application who advised that the applicant was willing to comply with the additional condition detailed above.

Members of the Committee asked questions of the applicant's representative in accordance with the Hearing Procedure.

The Chair closed the Hearing.

3.3 Adjournment/Reconvention of Meeting

It was agreed to adjourn the meeting at 1105 hours to allow Members to take legal advice. The meeting reconvened at 1110 hours with the same members and Officers present and in attendance.

3.4 Planning Hearing Continued

Members of the Committee continue to ask questions of the applicant's representative in accordance with the Hearing Procedure.

The Chair closed the Hearing.

3.5. Determination of Application

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

It was agreed to refuse the application on the grounds that the proposed development would be detrimental to road and public safety due to the proposed parking arrangement which was considered to be of a design and layout that would put road users and pedestrians at risk once the development was open for trading and when manoeuvring in and out of the site.

Councillor John McGhee joined the meeting at this point.

4. APPLICATION NO 07/0896/FL: RESIDENCE SCOTLAND LIMITED: STRUTHERS AVENUE, CROOKEDHOLM

There was submitted an executive summary sheet and report dated 25 January 2008 (both circulated) by the Head of Planning and Economic Development on a full planning application for the erection of 2 detached villas at Struthers Avenue, Crookedholm.

4.1 Declarations of Interest

Councillors Jim Buchanan, John Campbell, Drew McIntyre and Gordon Cree all declared a non financial interest in this item in accordance with Paragraphs 5.17 and 5.18 of the Councillors Code of Conduct and withdrew from the meeting.

4.2 Consideration of Item

Bill Stewart, Principal Planning Officer reported that on page 26, paragraph 1 of the Planning Officer's report it should be noted that the application was not contrary to the Development Plan but was to be considered by the Local Planning Committee as it was subject to more than 10 objections; that 8 letters of objection from 13 objectors had been received, 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 Economic Development, viz:- Approval subject to the conditions, and for the reasons, detailed in the report and that the issuing of the

decision notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement with the applicant regarding the voluntary financial contribution referred to in section 7.1 of the report.

4.3. Planning Hearing

The Committee heard Ms Milligan in respect of her objections.

Members of the Committee asked questions of the objector.

The applicant was not present or represented at the meeting.

The Chair closed the Hearing.

4.4 Determination of Application

Councillor Robert McDill, seconded by Councillor Alan Brown, moved that the application be refused on the grounds that the site was valuable public open space which enhanced the residential amenity of the surrounding area and should be retained and maintained as such.

Councillor John Knapp, seconded by Councillor Robert Keohone moved that the application be continued to allow Members to attend a site visit.

On a division by show of hands the motion was carried by 11 votes to 3.

Councillors John Campbell and Gordon Cree rejoined the meeting at this point.

5. APPLICATION NO 06/0970/FL: BARRATT WEST SCOTLAND: BELVEDERE VIEW, GALSTON (Item 2, Page 211, 07/11)

5.1 Members Participation in the Determination of the Application

Councillor Helen Coffey withdrew from the meeting on the basis that this application had been continued following a Hearing held on 7 December 2008 at which she had not been present.

5.2 Declaration of Interest

Councillor Alan Brown declared a non-financial interest in this item in accordance with paragraphs 5.17 and 5.18 of the Councillors Code of Conduct and left the meeting and Councillor John Campbell, Vice-Chair, took the Chair.

5.3 Consideration of Item

There was submitted an executive summary sheet and report dated 16 January 2008 (both circulated) by the Head of Planning and Economic Development on a full planning application for erection of 38 dwellings with associated works at Belvedere View, Galston.

The Principal Planning Officer reported that 145 letters of objection had been received from 58 persons, 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 Economic Development, viz:- Approval subject to the conditions, and for the reasons, detailed in the report and that the issuing of the decision notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement with the applicant regarding the obligations referred to in Section 7.1 of the report.

5.4 Determination of Application

Councillor Stuart Finlayson, seconded by Councillor John Knapp moved that the application be refused on the grounds that the application would be detrimental to the residential amenity of the area and on the grounds of road safety.

Councillor John McGhee, seconded by Councillor Gordon Cree, moved as an amendment that the application be approved subject to the conditions, and for the reasons detailed in the report and that the issuing of the decision notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement with the applicant regarding the voluntary financial contribution referred to in section 7.1 of the report and that this contribution be expended in Galston.

On a division by a show of hands the amendment was carried by 9 votes to 5

The meeting terminated at 1215 hours.