

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE

**MINUTES OF MEETING HELD ON FRIDAY 7 OCTOBER 2011 AT 1000 HOURS
IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors Alan Brown, Rose-Ann Cuninghame, John MacKay, John McGhee, Helen Coffey, Willie Coffey, Maureen McKay, Iain Linton, Douglas Reid, Gordon Cree, Drew McIntyre, John Knapp, Hugh Ross, Stuart Finlayson, and Provost Stephanie Young.

ATTENDING: Hugh Melvin, Acting Development Management Manager; Fiona Finlay, Principal Planning Officer; Avril Forrest, Solicitor; Gwen Findlay, Team Leader, Roads and Transportation; and Christine Baillie, Senior Administrative Officer.

APOLOGIES: Councillors Tom Cook, Robert Keohone, Jim Buchanan, John Campbell, Jim Todd and Robert McDill.

CHAIR: Councillor Alan Brown, Chair.

ORDER OF BUSINESS

1. The Chair at his discretion and in terms of Standing Order 19 agreed to alter the order of business to that shown below.

CONSIDERATION OF APPLICATIONS

2. **APPLICATION NOS 11/0687/PP AND 11/0661/LB: EAST AYRSHIRE COUNCIL:
FORMER JOHNNIE WALKER BUILDING, STRAND STREET, KILMARNOCK**

There was submitted an executive summary sheet and report dated 29 September 2011 (both circulated) by the Head of Planning and Economic Development on an application for planning permission 11/0687/PP and associated application for listed building consent 11/0661/LB for cladding of shopfront columns on Strand Street elevation with ashlar stone blocks at former Johnnie Walker Building, Strand Street, 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: (i) that the application for planning consent 11/0687/PP be approved subject to the condition and for the reason detailed in the report; and (ii) that the application for listed building consent 11/0661/LB be approved subject to the condition and for the reason detailed in the report but that prior to any decision being issued the application be referred to Historic Scotland under the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

It was agreed to grant the applications subject to the conditions and for the reasons, detailed in the report and that, prior to any decision being issued, the application for listed building consent 11/0661/LB be referred to Historic Scotland under the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

3. APPLICATION NO 09/0001/S36: GAMESA ENERGY UK LTD: LAND AT GLENOUTHER MOOR, NORTH OF KILMARNOCK

There was submitted an executive summary sheet and report dated 29 September 2011 (both circulated) by the Head of Planning and Economic Development presenting for the consideration of the Local Planning Committee a formal consultation from the Scottish Ministers on an application made under Section 36 of The Electricity Act 1989 for the proposed Harelaw Renewable Energy Park development at Glenouther Moor on land to the north of Kilmarnock and requesting that the Committee take a formal view on the proposed development.

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

Hugh Melvin, Acting Development Management Manager reported that in accordance with the Electricity Act 1989 the application had been advertised in both national and local newspapers for 2 consecutive weeks. The Council has been advised by the Scottish Government that a total of 173 objectors and 23 supporters had been received in connection with the application; and gave the recommendation of the Head of Planning and Economic Development: (i) that the Council formally object to the proposal as the proposed development was contrary to the terms of the Development Plan, Scottish Planning Policy and Government Guidance on wind farm development for the reasons detailed in the report; and (ii) that a copy of the report be forwarded to the Scottish Ministers as presenting the Council's formal response to the consultation on the Section 36 application for the Harelaw Renewable Energy Park development in terms of the Electricity Act 1989.

Councillor John McGhee, seconded by Provost Stephanie Young, moved that (i) the Council formally object to the proposal as the proposed development was contrary to the terms of the Development Plan, Scottish Planning Policy and Government Guidance on wind farm development for the reasons detailed in the report; and (ii) a copy of the report be forwarded to the Scottish Ministers as presenting this Council's formal response to the consultation on the Section 36 application for the Harelaw Renewable Energy Park development in terms of the Electricity Act 1989.

Councillor Alan Brown, seconded by Councillor Iain Linton, moved as an amendment that the Council does not object in principle to the proposal, subject to (i) the terms of the Heads of Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1977, as detailed in paragraph 8.2 of the report, being concluded; (ii) the 5 turbines which were proposed to be located within 800m of residential properties (HA14 A, HA13A, HA12, HA11 and HA9A) be either removed or relocated; and (iii) that a shadow flicker assessment be carried out.

On a decision by a show of hands the motion was carried by 13 votes to 2.

4. APPLICATION NO 10/0955/PP: CLOWES DEVELOPMENTS (SCOTLAND) LTD: FORMER STODDARD CARPET FACTORY, BARBADOES ROAD, KILMARNOCK (Item 3, Page 1791, 07/12)

There was submitted a supplementary report dated 29 September 2011 and re-submitted an executive summary sheet and report dated 29 August 2011 (all circulated) by the Head of Planning and Economic Development on an application for erection of 68 dwellinghouses and associated works at former Stoddard Carpet Factory, Barbadoes Road, Kilmarnock.

4.1 Members Participation in the Determination of the Application

The Chair reported that this application had been continued from the last meeting for further detail and information with regard to the Traffic Management Plan, including the extent of works programmed by Scottish Water and reminded members that only those Elected Members (Councillors Alan Brown, Rose-Ann Cuninghame, John MacKay, Helen Coffey, Willie Coffey, Maureen McKay, Tom Cook, Robert Keohone, Iain Linton, John Campbell, Gordon Cree, John Knapp and Stuart Finlayson) who were involved in the Hearing associated with the application which related to this item at the meeting held on 9 September 2001 should participate in the determination of the application at this meeting.

At this point Councillors Douglas Reid, Hugh Ross and Provost Stephanie Young left the meeting.

4.2 Declaration of Interest

Councillor Rose-Ann Cuninghame declared a non-financial interest in respect of this item in terms of paragraph 7.12 of the Councillors Code of Conduct and withdrew from the meeting.

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

4.2 Consideration of Item

Fiona Finlay, Principal Planning Officer; reported the receipt of 20 letters of objection; details of which were summarised within the report; reported that this application had been continued at the meeting held on 9 September 2011 for further detail and information with regard to the Traffic Management Plan including the extent of works programmed by Scottish Water, details of which were contained within the supplementary report; 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 but that the consent be withheld until the developer contribution under Policy RES29, and the payment proposed towards a scheme of traffic calming, was received by the Council.

It was noted that a Hearing on the application had taken place at the Committee on 9 September 2011.

It was agreed to grant the application subject to the conditions, and for the reasons, detailed in the report but that the consent be withheld until the developer contribution under Policy RES29, and the payment proposed towards a scheme of traffic calming, was received by the Council.

The meeting terminated at 1044 hours.