

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE

MINUTES OF MEETING HELD ON FRIDAY 20 JUNE 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, John Campbell, Gordon Cree, John Knapp, Hugh Ross and Stuart Finlayson.

ATTENDING: Dave Morris, Development Management Manager; Fiona Finlay, Principal Planning Officer; John Trakalo, Senior Engineer (Roads and Transportation), Marion Fergusson, Senior Planning Officer; Avril Forrest, Solicitor; and Jennifer Morrison, Administrative Officer.

APOLOGIES: Councillors Maureen McKay, Iain Linton, Douglas Reid, Jim Buchanan, Drew McIntyre, Jim Todd, Robert McDill and Provost Stephanie Young.

CHAIR: Councillor Alan Brown, Chair.

HEARING PROCEDURE

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

CONSIDERATION OF APPLICATIONS

2. **APPLICATION NO 08/0205/FL: CULVERT PROPERTIES LTD: FORMER BLAIR AND GRAY GARAGE, BEANSBURN, KILMARNOCK**

There was submitted an executive summary sheet and report dated 6 June 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) including alterations to elevations and formation of servicing facilities at former Blair and Gray Garage, Beansburn, Kilmarnock.

2.1 Declaration of Interest

Councillor Tom Cook declared a non-financial interest in accordance with paragraphs 5.17 and 5.18 of the Code of Conduct and left the meeting.

2.2 Consideration of Item

Fiona Finlay, Principal Planning Officer, reported that five letters of objection representing seven objectors and a copy petition of objection containing 343 signatures had been received, details of which were contained in the report; reported that the contrary decision notice of the executive summary sheet should reflect that the application would not require to be referred to the Principal Planning Committee in the event of refusal; reported the details of the response which had now been received from the Scottish Environment Protection Agency and in light of this recommended a further condition (13) "Prior to any work commencing on site the following details shall be submitted to and approved in writing by the Planning Authority:- (a) confirmation of the route and condition of the culvert, (b) provision of a viable overland flow pathway which can safely convey excess flow without

detrimentally affecting flood risk elsewhere and allow flood risk to be managed (an appropriate drawing shall confirm this) and (c) appropriate use of waterproof materials and method of construction. All agreed works shall thereafter be implemented on site as approved prior to the units commencing trading and shall be maintained thereafter – Reason: in the interest of flood risk; 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, and subject to the additional condition and reason as reported by the Principal Planning Officer.

2.3 Planning Hearing

The Committee heard Mr McReynolds, in support of his objections, Miss Bordone in support of Mr Bordone's objections, and Mr Steven in support of the petitioners' objections.

Members of the Committee asked questions of the objectors.

The Committee then heard Mr Muir the applicant's representative in support of the application.

Members of the Committee asked questions of the applicant's representative, including a question from the Chair as to whether the applicant would be willing to provide or make a contribution to an additional pedestrian crossing in the area in the interest of safety.

The Chair then agreed to a brief adjournment as requested by the applicant's representative in order that he could consult the applicant on this point.

2.4 Adjournment/Reconvention

The Committee then adjourned at 1035 hours and re-convened at 1050 hours with the same Members and Officers present and in attendance.

The applicant's representative then advised that having consulted his client he could report that he would be prepared to make a financial contribution to a pedestrian crossing in the area.

2.5 Continuation of Planning Hearing

Members of the Committee continued with their questions to the applicant's representative.

The Chair closed the Hearing.

2.6 Determination of Application

The Principal Planning Officer and the Senior Engineer (Roads and Transportation) provided clarification on points raised during the Hearing.

Councillor Gordon Cree, seconded by Councillor Robert Keohone, moved approval of the application subject to the conditions and for the reasons detailed in the report, and subject to the additional condition and reason as reported at the meeting.

Councillor Alan Brown, seconded by Councillor John Campbell moved as an amendment that consideration of the application be continued to a future meeting in order that the feasibility of an extra pedestrian crossing could be fully explored.

On a division by a show of hands there were 6 votes for the amendment and 6 votes for the motion.

The Chair then exercised his casting vote in favour of the amendment which then become the decision of the meeting.

Councillor Tom Cook re-joined the meeting at this point.

3. APPLICATION NO 07/0536/FL: ALLSEASONS (DEVELOPMENTS) LTD: THE MEADOWS, A71 GALSTON

There was submitted an executive summary sheet and report dated 12 June 2008 (both circulated) by the Head of Planning and Economic Development on a full planning application for mineral extraction, processing of minerals, formation of Lochan, erection of gateway sculptures and associated landscape works at The Meadows, A71, Galston.

Dave Morris, Development Management Manager, summarised the planning considerations in respect of the application; reported an additional condition (37) "Notwithstanding the plans hereby approved, any vegetation likely to support breeding birds shall be cleared from the site outwith the bird breeding season (mid March to end of July), Reason: Under the terms of the Wildlife and Countryside Act 1981, the Nature Conservation (Scotland) Act 2004 and in the interests of bio-diversity; 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 and to the additional condition and reason as reported at the meeting; and subject to the notification of the Scottish Ministers in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997.

Councillor Stuart Finlayson, seconded by Councillor John McGhee moved that the application be refused as it did not allow for development works to the north and the south sides of the A71 to be carried out at the same time.

Councillor Tom Cook, seconded by Councillor Alan Brown moved as an amendment that the application be approved subject to the conditions and for the reasons detailed in the report, subject to the additional condition and reason as reported at the meeting, and subject to the notification of the Scottish Ministers in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2007.

On a division by a show of hands the amendment was carried by 7 votes to 6.

4. APPLICATION NO 07/1061/FL: ASHFLAME GLENCAIRN PARK LTD: GLENCAIRN RETAIL PARK, HOLMQUARRY ROAD, KILMARNOCK

There was submitted an executive summary sheet and report dated 12 June 2008 (both circulated) by the Head of Planning and Economic Development on a full planning application for demolition of existing vacant foodstore, erection of 5 non food retail units, one unit combined retail and leisure, plus fast food restaurant and associated roads, servicing and parking alterations at Glencairn Retail Park, Holmquarry Road, 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 and that due to the outstanding Scottish Environment Protection Agency (SEPA) objection to the application that it be notified to the Scottish Ministers

in terms of Article 15 of the (General Development Procedure) (Scotland) Order 1992 and the (Notification of the Planning Alterations) (Scotland) Direction 2007.

It was agreed to approve the application subject to the conditions and for the reasons detailed in the report and that because of the outstanding SEPA objection the application be notified to the Scottish Ministers in terms of Article 15 of the (General Development Procedure) (Scotland) Order 1992 and the (Notification of Planning Alterations) (Scotland) Direction 2007.

The meeting terminated at 1140 hours.