

## EAST AYRSHIRE COUNCIL

### NORTHERN LOCAL PLANNING COMMITTEE

#### MINUTES OF MEETING HELD ON FRIDAY 9 OCTOBER 2009 AT 1000 HOURS IN DUNLOP PUBLIC HALL, MAIN STREET, DUNLOP

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

**ATTENDING:** Neil Bell, Acting Principal Engineer, Roads and Transportation; Dave Morris, Development Management Manager; Fiona Finlay and Craig Iles, Principal Planning Officers; Avril Forrest, Solicitor; and Jennifer Morrison, Administrative Officer.

**APOLOGIES:** Councillors John MacKay, John McGhee, Willie Coffey, Maureen McKay, Iain Linton, Jim Buchanan, Gordon Cree, Drew McIntyre 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 09/0397/FL: DEANS HEALTHCARE LIMITED: 16 HIGH GLENCAIRN STREET, KILMARNOCK**

There was submitted an executive summary sheet and report dated 28 September 2009 (both circulated) by the Head of Planning and Economic Development on a full planning application for change of use of existing warehouse (class 5) to pharmacy (class 1) with parking to front at 16 High Glencairn Street, Kilmarnock.

##### 2.1 Consideration of Item

Fiona Finlay, Principal Planning Officer, reported that 21 letters of objections representing 20 objectors had been received in relation to the application, 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 subject to the conditions and for the reasons detailed in the report.

##### 2.2 Planning Hearing

The Committee heard a statement of objection on behalf of Lorna Kidd, Peter McMillan, George Dykes and Ricardo Varani and the reasons for its acceptance by the Head of Democratic Services due to extenuating circumstances whereby the objectors could not attend or be represented at Committee; and also James Parker in support of his objections.

Members of the Committee asked questions of the objector in attendance.

The Committee then heard John Connelly and David Jarvie 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.

### **2.3 Determination of Application**

Fiona Finlay, Principal Planning Officer and Neil Bell, Acting Principal Engineer provided clarification on points raised during the Hearing.

Councillor Alan Brown, seconded by Councillor Robert McDill moved that the application be approved subject to the conditions and for the reasons detailed in the report.

Councillor Jim Todd, seconded by Councillor John Campbell moved as an amendment that the application be refused due to traffic management concerns in an already busy area which has undergone recent development.

On a division by a show of hands the motion was carried by 7 votes to 5.

### **3. APPLICATION NO 09/0203/OL: KERR INVESTMENTS LLP: NEWFIELD WOODLANDS, GALSTON**

There was submitted an executive summary sheet and report dated 2 October 2009 (both circulated) by the Head of Planning and Economic Development on an outline planning application for lowland crofting scheme for up to 10 dwellings including associated woodland and wildlife habitat with public access at land at Newfield woodlands, Galston.

#### **3.1 Consideration of Item**

Craig Iles, Principal Planning Officer, reported that 22 letters of objections had been received from 24 objectors in relation to the application, details of which were contained in the report; reported the omission of the Contrary Decision Notice from the report which read "should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, and that refusal was based on the principle of development of the site the application would require to be referred to the full Council as it is in accordance with the Adopted Local Plan"; 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 the issuing of the decision notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant in respect of the matters described in Section 8.4 of the report.

#### **3.2 Planning Hearing**

The Committee heard Mr McKie; Mr Calder in respect of his own objections and those of Bruce Simpson, Lesley Calder, Rory Simpson and Lorna Brown; Mr Scott; Mrs Bould in respect of her own objections and those of Mr Bould, Mr Jamieson, Dr and Mrs McCall and Mr Johnstone; and Mr Hendry in respect of his own objections and those of Mrs Hendry, Mr and Mrs McGiffen, Mr and Mrs Currie, Yvonne Currie and Greta Roberts.

Members of the Committee asked questions of the objectors.

The Committee then heard Derek Hollywood the applicant's representative in support of the application.

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

The Chair closed the Hearing.

### **3.3 Determination of Application**

Craig Iles, Principal Planning Officer and Neil Bell, Acting Principal Engineer provided clarification on points raised during the Hearing.

It was agreed to refuse the application on the grounds that the proposal was detrimental to the visual amenity of the area and on concerns on road safety issues.

### **ADJOURNMENT/RECONVENTION OF MEETING**

4. The meeting adjourned at 1205 hours and reconvened at 1215 hours with the same Members and Officers in attendance.

#### **5. APPLICATION NO 09/0433/PP AND 09/0434/LB: EAST AYRSHIRE COUNCIL: 19 JOHN DICKIE STREET, KILMARNOCK**

There was submitted an executive summary sheet and report dated 28 September 2009 (both circulated) by the Head of Planning and Economic Development on a full planning application and an application for listed building consent for installation of CCTV and external lighting at Civic Centre North, 19 John Dickie 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: Approval of application 08/0433/PP subject to the conditions and for the reasons detailed in the report and approval of application 09/0434/LB subject to the conditions and for the reasons detailed in the report and subject to notification to Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Act 1997.

It was agreed that planning application 09/0433/PP be approved subject to the conditions and for the reasons details in the report and that the application for listed building consent 09/0434/LB be approved subject to the conditions and for the reasons detailed in the report and subject to notification to Historic Scotland under the Listed Buildings and Conservation Areas (Scotland) Act 1997.

#### **6. APPLICATION NO 09/0029/FL: EAST AYRSHIRE COUNCIL: FOREGATE SQUARE, KILMARNOCK**

There was submitted an executive summary sheet and report dated 29 September 2009 (both circulated) by the Head of Planning and Economic Development on a full planning application for installation of automatic public convenience at the Foregate Square, 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 grant the application subject to the conditions and for the reasons detailed in the report.

**7. PROPOSED ERECTION OF 39 WIND TURBINES AND ASSOCIATED WORKS COMPRISING A PERMANENT MONITORING MAST, TEMPORARY SITE COMPOUND, PERMANENT SUBSTATION BUILDING AND THE FORMATION OF NEW INTERNAL ACCESS TRACKS ON LAND NORTH OF THE IRVINE VALLEY, NORTH EAST OF KILMARNOCK ON EAGLESHAM MOOR BY SCOTTISH POWER RENEWABLES**

There was submitted an executive summary sheet and report dated 30 September 2009 (both circulated) by the Head of Planning and Economic Development presenting for consideration of the Local Planning Committee under the Scheme of Delegation a formal consultation from the Scottish Ministers on an application made under Section 36 of the Electricity Act 1989 for a proposed wind farm development at Whitelee Forest on land to the north east of Kilmarnock, and which requested that the Local Planning Committee take a formal view on the proposed development.

Craig Iles, Principal Planning Officer reported the terms of a further 2 letters of objection which had been received at the Council offices the previous day.

Councillor Jim Todd, seconded by Councillor Rose-Ann Cuninghame moved:-

- (i) that the Council do not formally object to the proposed development, subject to an additional condition requesting that the Scottish Ministers review the heights of the wind turbines to ensure that minimum heights had been achieved across the site;
- (ii) that the applicant be requested to enter into a legal agreement with the Council consistent with the Heads of Agreement detailed under Section 8.2 of the report;
- (iii) that 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 Whitelee windfarm phase 2 extension development in terms of the Electricity Act 1989;
- (iv) that in the event that the Scottish Ministers were minded to grant consent for the Whitelee windfarm extension phase 2 development, the conditions listed in Appendix 1 of the report (or as may be further amended in discussion or negotiation) are incorporated in any consent granted or secured by means of a Section 75 Agreement in terms of the Town and Country Planning Act 1997; and
- (v) otherwise to note the contents of the report.

Councillor Stuart Finlayson, seconded by Councillor Robert Keohone moved as an amendment:-

- (i) that the Council do not formally object to the proposed development,
- (ii) that the applicant be requested to enter into a legal agreement with the Council consistent with the Heads of Agreement detailed under Section 8.2 of the report;
- (iii) that 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 Whitelee windfarm phase 2 extension development in terms of the Electricity Act 1989;

- (iv) that in the event that the Scottish Ministers were minded to grant consent for the Whitelee windfarm extension phase 2 development, the conditions listed in Appendix 1 of the report (or as may be further amended in discussion or negotiation) are incorporated in any consent granted or secured by means of a Section 75 Agreement in terms of the Town and Country Planning Act 1997; and
- (v) otherwise to note the contents of the report.

On a division by a show of hands, the amendment was carried by 9 votes to 3.

### **PLANNING MODERNISATION**

8. It was agreed to continue this item to a future meeting with arrangements being remitted to the Development Management Manager in consultation with the Chair.

The meeting terminated at 1250 hours.