

EAST AYRSHIRE COUNCIL**NORTHERN LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 8 AND THURSDAY 28 OCTOBER
2010 AT 1000 HOURS IN THE COUNCIL CHAMBERS, COUNCIL
HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Alan Brown, Rose-Ann Cuninghame; John McGhee, Helen Coffey, Tom Cook, Iain Linton, Douglas Reid, John Campbell, John Knapp, Hugh Ross, Stuart Finlayson and Provost Stephanie Young.

ATTENDING: Fiona Finlay and Hugh Melvin, Principal Planning Officers; Craig Young, Team Leader, Litigation and Advice; Gwen Findlay, Team Leader, Roads and Transportation and Gillian Hamilton, Administrative Officer.

APOLOGIES: Councillors John MacKay, Willie Coffey, Maureen McKay, Robert Keohone, Jim Buchanan, Gordon Cree, Drew McIntyre, Jim Todd and Robert McDill.

CHAIR: Councillor Alan Brown, Chair.

**APPLICATION WITHDRAWN: APPLICATION NO 10/0251/PP: MR MARTIN
HANNAH: 62 INNELLAN DRIVE, KILMARNOCK**

1. The Chair reported, and it was noted, that Application No 10/0251/PP: Proposed Erection of Five Terraced Dwellings Including Eight Car Parking Spaces and Associated Works at 62 Innellan Drive, Kilmarnock by Mr Martin Hannah had been withdrawn from the Agenda.

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 on the application (Item 3 below) would be made today. The application would be referred to and determined by full Council at the next appropriate meeting.

CONSIDERATION OF APPLICATION

3. **PRE-DETERMINATION HEARING: APPLICATION NO 10/0345/PP: COMMUNITY WINDPOWER LTD: COWAN'S LAW, MOSCOW**

There was submitted an executive summary sheet and report dated 1 October 2010 (both circulated) by the Head of Planning and Economic Development on an application for planning permission for erection of 20 wind turbines, construction of access tracks, crane hardstanding, a temporary construction compound, borrow pits, one meteorological mast, onsite control room, electrical sub-station and compound at Cowan's Law, Moscow.

3.1 Declaration of Interest

Provost Stephanie Young declared a non-pecuniary interest in the above item and left the meeting, taking no part in the consideration or determination of the application in accordance with paragraph 7.11 of the Councillors Code of Conduct.

3.2 Consideration of Item

The Principal Planning Officer reported that (i) 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 Developments) (Scotland) Regulations 2009 that was considered significantly contrary to the Development Plan and therefore determination of the application rested with a meeting of the Council; (ii) the application had been advertised in the Kilmarnock Standard on 4 June 2010 and a total of 13 letters of objection from nine objectors had been received in connection with the application as summarised in the report; together with a further letter of objection which had been accepted and was verbally reported to Members making 14 letters from ten parties. One letter of objection had subsequently been withdrawn and replaced with a letter of support. Thereafter the Principal Planning Officer gave the recommendation of the Head of Planning and Economic Development; (i) that the Local Planning Committee adopt the position that the application should be refused for the reasons detailed in the report; and (ii) that this recommendation should be referred to the next appropriate Council meeting for determination.

3.3 Pre-Determination Hearing

The Committee heard Rob Fryer representing the applicant in support of the application.

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

The Committee then heard Donna Higgins representing Jay Steel, who had withdrawn her objections and replaced these with a letter of support, the contents of which were reported verbally to the Committee. Whilst Ms Steel's particular objections were withdrawn, other objectors maintained the objections.

The Committee then heard Greta Roberts representing Moscow and Waterside Community Council in support of their objections.

The Committee then heard Greta Roberts, C H Cuthbertson and Anita Crozier in respect of their own objections, John Alexander representing Scottish Power Renewables in respect of their objections and Niall Campbell on his objections.

Members of the Committee asked questions of the objectors and their representatives.

The applicant's representative then exercised his right of reply to points raised by the objectors.

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

The Chair closed the Hearing.

3.4 Determination of Application

The Principal Planning Officer and Team Leader, Litigation and Advice provided clarification on points raised during the Hearing.

Having heard the Pre-Determination Hearing it was agreed unanimously to recommend to the next appropriate Council meeting for determination that the application should be refused for the reasons detailed in the report, specifically that the proposal was contrary to Policies ECON 6, ECON 7(A), (D) and (G), and ENV (A) and (E) of the Ayrshire Joint Structure Plan; Policies CS9 (iv) and (vii) and ENV

13 (i) and (ii) of the Adopted East Ayrshire Local Plan; and Policies CS 14 (A), (D) and (G), CS 12 (ii), ENV 15 (vi) and ENV 17 (iv) of the Alteration to the East Ayrshire Local Plan in terms of a significant and adverse cumulative impact on the landscape and amenity of the surrounding area and communities; unacceptable adverse visual impact on the skylines within the landscape and on the corridor along the A719 and on the residential amenity of the residential properties along Hareshawmuir Road; and that the drive for renewable energy, as a material consideration, did not outweigh the policy position.

ADJOURNMENT/RECONVENTION

4. The meeting adjourned at 1139 hours and reconvened at 1149 hours with the same Members present and Officers in attendance, under exception of Councillors John McGhee, John Campbell and John Knapp.

HEARING PROCEDURE

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

CONSIDERATION OF APPLICATION

6. **APPLICATION NO 09/0541/PP: HALLAM LAND MANAGEMENT: SOUTHCRAIG DRIVE, SOUTHCRAIGS, KILMARNOCK**

There was submitted an executive summary sheet and report dated 29 September 2010 (both circulated) by the Head of Planning and Economic Development on an application for planning permission in principle for proposed Neighbourhood Centre comprising community facilities (crèche, library and medical centre), retail units, pub/restaurant and associated access and roads at Southcraig Drive, Southcraigs, Kilmarnock.

6.1 Consideration of Item

The Principal Planning Officer reported the receipt of 48 letters of objection and a petition with 93 signatures, 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: Approval, subject to the conditions and for the reasons detailed in the report.

6.2 Planning Hearing

The Committee heard K E Ward, William Deans and Jamie McFadzean in support of their objections.

ADJOURNMENT/RECONVENTION

7. The meeting was adjourned at 1211 hours by the Chair due to a disorder in the Chambers in accordance with Standing Order 17(v) and reconvened at 1223 hours with the same Members and Officers present and in attendance.

ADJOURNMENT

8. The Chair further adjourned the meeting at 1255 hours in accordance with Standing Order 17(v) due to the previous disturbance and reconvened the meeting to a later

date to be determined and, in respect of the above Application No 09/0541/PP, the applicant and objectors would have the opportunity to be heard anew at the reconvened meeting.

RECONVENTION

9. The meeting reconvened at 0930 hours on 28 October 2010 with the same Members and Officers present and in attendance, with the addition of Councillors John MacKay, Willie Coffey and Robert McDill and David Mitchell, Head of Legal, Procurement and Regulatory Services (for item 11 below only) under exception of Councillors John McGhee, Robert Keohone, Jim Buchanan, Gordon Cree and Provost Stephanie Young.

CONSIDERATION OF APPLICATIONS

10. APPLICATION NO 09/0851/PP: MR ROY ASHURST: LAND TO REAR OF 17 WATERSLAP, FENWICK

There was submitted an executive summary sheet and report dated 30 September 2010 (both circulated) by the Head of Planning and Economic Development on an application for planning permission for the erection of a single dwellinghouse and detached garage at land to the rear of 17 Waterslap, Fenwick.

10.1 Consideration of Item

Fiona Finlay, Principal Planning Officer reported that 23 letters of objection had been received including a letter from Fenwick Community Council, details of which were contained within the report; reported an amendment to Condition 10 in the report to read:

“All work on site for the entire period of construction shall be undertaken in accordance with British Standard 5837:2005 “Trees in relation to construction” and prior to any work commencing on site, a utility plan showing the route through the site of all utilities and their proximity to existing trees, shall be submitted to and approved in writing by the Planning Authority. All utilities shall be formed on site as per the approved utility plan prior to the occupation of the dwellinghouse and shall be maintained thereafter”;

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 above, and for the reasons detailed in the report.

10.2 Planning Hearing

The Committee heard Mr J McFadzean representing Fenwick Community Council in support of their objections.

The Committee then heard Thelma Black and Mr Paterson in support of their own objections.

Members asked questions of the Community Council representative.

The Committee then heard Lawrie Orr, 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.

10.3 Determination of Application

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

Councillor Brown, seconded by Councillor Linton, moved that the application be approved subject to the conditions as amended and for the reasons detailed in the report.

Councillor Willie Coffey, seconded by Councillor McDill, moved as an amendment that the application be refused on the grounds that the proposed development would be detrimental to the visual amenity of the surrounding area.

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

11. APPLICATION NO 09/0541/PP: HALLAM LAND MANAGEMENT: SOUTHCRAIG DRIVE, SOUTHCRAIGS, KILMARNOCK

There was submitted an executive summary sheet and report dated 29 September 2010 (both circulated) by the Head of Planning and Economic Development on an application for planning permission in principle for a proposed Neighbourhood Centre comprising community facilities (crèche, library and medical centre), retail units, pub/restaurant and associated access and roads at Southcraig Drive, Southcraigs, Kilmarnock.

11.1 Preliminary Matter

As a preliminary matter, the Head of Legal, Procurement and Regulatory Services addressed the Committee on issues relating to the Councillors Code of Conduct.

11.2 Consideration of Item

Hugh Melvin, Principal Planning Officer reported that 48 letters of objection and a petition of 93 signatures had been received in respect of the application, 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: Approval, subject to the conditions and for the reasons detailed in the report.

11.3 Planning Hearing

The Committee heard Stuart McNeil in support of his objections.

The Committee then heard Martin Dougherty in support of his own objections, those of the petitioners and the Southcraigs Residents Association.

The Committee then heard Paul Richardson in support of his objections.

Members of the Committee asked questions of the objectors.

The Committee then heard Scott McKay, the applicant's representative in support of the application.

Members asked questions of the applicant's representative.

The Chair then closed the Hearing.

11.4 Determination of Application

Hugh Melvin, Principal Planning Officer, David Mitchell, Head of Legal, Procurement and Regulatory Services and Craig Young, Team Leader, Litigation and Advice provided clarification on points raised during the Hearing.

Councillor McDill, seconded by Councillor Brown, moved that the application be approved subject to the conditions and for the reasons detailed in the report and additional conditions (i) requiring the applicant, prior to the submission of a further reserved matters or other planning application, to submit to and have approved in writing by the Planning Authority a phasing programme for the proposed order of construction of the proposed development, and (ii) prohibiting the inclusion of a hot food takeaway within the proposed development.

Councillor Willie Coffey, seconded by Councillor Reid, moved as an amendment that the application be refused because the nature and extent of the proposed development was contrary to the terms of the Local Plan.

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

ADJOURNMENT/RECONVENTION

12. The meeting was adjourned at 1208 hours and reconvened at 1215 hours with the same Members and Officers present and in attendance under exception of Councillors Rose-Ann Cuninghame, Willie Coffey and Iain Linton and the Head of Legal, Procurement and Regulatory Services and Team Leader, Roads and Transportation.
13. **APPLICATION NOS 10/0562/PP AND 10/0561/LB: EAST AYRSHIRE COUNCIL: DICK INSTITUTE, 1 ELMBANK AVENUE, KILMARNOCK**

There was submitted an executive summary sheet and report dated 29 September 2010 (both circulated) by the Head of Planning and Economic Development on applications for planning permission and listed building consent to remove the existing dual pitch roofs over the vestibule areas at the rear of the building and replace with mono pitch roof at the Dick Institute, 1 Elmbank Avenue, Kilmarnock.

Fiona Finlay, Principal Planning Officer summarised the planning considerations in respect of the applications; and gave the recommendations of the Head of Planning and Economic Development: (i) Approval of planning application 10/0562/PP for the reasons detailed within the report; and (ii) approval of listed building application 10/0561/LB for the reasons detailed within the report and that the decision notice be withheld until the application has been referred to and cleared by Historic Scotland under the Listed Buildings and Conservation Areas (Scotland) Act 1997.

It was agreed to approve (i) planning application 10/0562/PP for the reasons detailed within the report; and (ii) listed building application 10/0561/LB for the reasons detailed within the report and that the decision notice be withheld until the application has been referred to and cleared by Historic Scotland under the Listed Buildings and Conservation Areas (Scotland) Act 1997.

14. APPLICATION NOS 10/0515/PP AND 10/0525/LB: ALCHEMIST PROPERTIES: FORMER JOHNNIE WALKER BUILDING, CROFT STREET AND STRAND STREET, KILMARNOCK

There was submitted an executive summary sheet and report dated 28 September 2010 (both circulated) by the Head of Planning and Economic Development on applications for planning permission and listed building consent for the formation of a new entrance in the shopfront for existing retail unit and amended entrance details to new office accommodation at the former Johnnie Walker Building, Croft Street and Strand Street, Kilmarnock.

Fiona Finlay, Principal Planning Officer, summarised the planning considerations in respect of the applications; and gave the recommendations of the Head of Planning and Economic Development: (i) Approval of planning application 10/0515/PP subject to the condition and for the reason detailed within the report; and (ii) approval of listed building application 10/0525/LB subject to the condition and for the reasons detailed within the report and that the decision notice be withheld until the application has been referred to and cleared by Historic Scotland under the Listed Buildings and Conservation Areas (Scotland) Act 1997.

It was agreed to approve (i) planning application 10/0515/PP subject to the condition and for the reason detailed within the report; and (2) listed building application 10/0525/LB subject to the condition and for the reasons detailed within the report and that the decision notice be withheld until the application has been referred to and cleared by Historic Scotland under the Listed Buildings and Conservation Areas (Scotland) Act 1997.

15. APPLICATION NOS 10/0526/PP AND 10/0527/LB: ALCHEMIST PROPERTIES: FORMER JOHNNIE WALKER BUILDING, CROFT STREET AND STRAND STREET, KILMARNOCK

There was submitted an executive summary sheet and report dated 28 September 2010 (both circulated) by the Head of Planning and Economic Development on applications for planning permission and listed building consent for re-siting of dry riser inlets at the former Johnnie Walker Building, Croft Street and Strand Street, Kilmarnock.

Fiona Finlay, Principal Planning Officer, summarised the planning considerations in respect of the applications; and gave the recommendations of the Head of Planning and Economic Development: (i) Approval of planning application 10/0526/PP for the reason detailed within the report; and (ii) approval of listed building application 10/0527/LB for the reason detailed within the report and that the decision notice be withheld until the application has been referred to and cleared by Historic Scotland under the Listed Buildings and Conservation Areas (Scotland) Act 1997.

It was agreed to approve (i) planning application 10/0526/PP for the reason detailed within the report; and (ii) listed building application 10/0527/LB for the reason detailed within the report and that the decision notice be withheld until the application has been referred to and cleared by Historic Scotland under the Listed Buildings and Conservation Areas (Scotland) Act 1997.

The meeting adjourned at 1221 hours.