

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE

**MINUTES OF MEETING HELD ON THURSDAY 30 APRIL 2009 AT 1000 HOURS
IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors Alan Brown, John MacKay, John McGhee, Helen Coffey, Tom Cook, Robert Keohone, Douglas Reid, John Campbell, Gordon Cree, Drew McIntyre, John Knapp, Hugh Ross, Stuart Finlayson, Robert McDill and Provost Stephanie Young.

ATTENDING: John Trakalo, Acting Area Engineer (Roads); Fiona Finlay and Craig Iles, Principal Planning Officers; Julie McKinlay, Solicitor; and Jennifer Morrison, Administrative Officer.

APOLOGIES: Councillors Rose-Ann Cuninghame, Willie Coffey, Maureen McKay, Iain Linton, Jim Buchanan and Jim Todd,

CHAIR: Councillor Alan Brown, Chair for Agenda Items 1, 2 and 4 and Council John Campbell, Vice-Chair for Agenda Item 3.

HEARING PROCEDURE

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

CONSIDERATION OF APPLICATIONS

2. **APPLICATION NO 08/0950/FL: MILLER LTD: UNIT 2, 7 ARMOUR STREET, KILMARNOCK**

There was submitted an executive summary sheet and report dated 20 April 2009 (both circulated) by the Head of Planning and Economic Development on a full planning application for proposed change of use of 7 Armour Street (Unit 2) to provide a restaurant, with hot food take-away/carry out at Unit 2, 7 Armour Street, Kilmarnock.

2.1 Consideration of Item

Fiona Finlay, Principal Planning Officer, reported that a clearer location plan had been tabled for Members of the Committee, and the objectors (the applicant not being present); reported that three letters of objections representing four individual objectors, and a petition containing 15 signatures had been received in relation to the application, details of which were contained in the report; reported an amendment to page 6, paragraph 4.2 to replace the word "intimated" with the word "intimidated"; 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 Linda Spence and Mr Little in support of the petition of objection.

Members of the Committee asked questions of the objectors.

The applicant was not present or represented.

The Chair closed the Hearing.

It was agreed to grant the application subject to the conditions and for the reasons detailed in the report and subject to an amendment to condition (2) to reduce the hours of opening for the use hereby approved to be no later than 2300 hours Sundays to Thursday inclusive, and no later than 2400 hours on Fridays and Saturdays. Reason – in the interest of the general amenity of the surrounding area.

3. APPLICATION NO 08/0691/FL: WM TRACEY LTD: DUNNIFLATS, LUGTON

3.1 Declaration of Interest

The Chair, Councillor Alan Brown, declared a non financial interest in accordance with paragraphs 5.17 and 5.18 of the Code of Conduct and left the meeting.

Councillor John Campbell, Vice-Chair, took the Chair.

3.2 Consideration of Item

There was submitted an executive summary sheet and report dated 22 April 2009 (both circulated) by the Head of Planning and Economic Development on a full planning application for proposed formation of hardstanding, suds pond and change of use from vacant land to treatment of contaminated soils at Dunniflats, Lugton.

Craig Iles, Principal Planning Officer reported that two objections had been received one from Dunlop and Lugton Community Council, and the other from Stewarton and District Community Council with a petition of 50 signatures received fully endorsing the objections of Dunlop and Lugton Community Council; reported amendments to the Conditions, as follows, viz:- condition (6) should be reworded to incorporate the need for a coal board ground stability check and due to a typing error an amendment to condition (12) which should in fact refer therein to condition (13) not condition (11); reported an additional Condition (16) that “notwithstanding the approved plans, no material shall be stored in heaps greater than 4m in height on site” - Reason; in the interest of visual amenity; 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 amended Conditions and additional Condition and reason, as reported by Craig Iles, Principal Planning Officer.

3.3 Planning Hearing

The Committee heard Donald Fulton in support of the objections of Stewarton and District Community Council, Andrew Pinkerton in respect of the objections of Dunlop and Lugton Community Council and Barbara Wiseman in respect of the petition of objection.

Members of the Committee asked questions of the objectors.

The Committee then heard Alasdair Wilson and Conn Kerwin, the applicant’s representatives in support of the application.

Members of the Committee asked questions of the applicant’s representatives in accordance with the Hearing Procedure.

The Chair closed the Hearing.

3.4 Determination of Application

Craig Iles, Principal Planning Officer provided clarification on points raised during the Hearing.

It was agreed to continue consideration of the application to a future meeting in order that the Committee might receive information on a traffic modelling system, given the Committee's concerns about the movement of heavy goods vehicles to and from the site, within the East Ayrshire boundary; the Committee also wished to receive information as to the composition and powers of the Liaison Committee which the applicant proposed to set up.

Councillor Alan Brown, Chair rejoined the meeting following consideration of this application and retook the Chair.

4. APPLICATION NO 08/0777/FL: MR D YOUNG: FORMER BT EXCHANGE UNIT, POLWARTH STREET, GALSTON

There was submitted an executive summary sheet and report dated 22 April 2009 (both circulated) by the Head of Planning and Economic Development on a full planning application for proposed change of use from former BT Exchange Unit to form an internet cafe and formation of service layby at former BT Exchange Unit, Polwarth Street, Galston.

Craig Iles, Principal Planning Officer, reported that one letter of objection had been received from Galston Community Council 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.

It was agreed to refuse the application as the proposed development would be contrary to various policies within the Adopted East Ayrshire Local Plan as follows, viz:- (i) Policy SD 3, as the proposed development had not been fully justified in terms of a site specific locational need; (ii) Policy SD 3, as the proposed development could not be fully justified in terms of a social or economic benefit to the community; (iii) Policy RTC 1, as the proposed development was located in an out of town centre location and no sequential approach had been submitted to justify the proposed location; (iv) Policy RTC 5, as no sequential approach had been adopted by the developer, the proposal would adversely affect the vitality and viability of the town centre and furthermore was not compatible with other local plan policy objectives; and (v) Policy IND 6, as the proposal would cause unacceptable transportation implications because of the restricted visibility when exiting the layby due to the close proximity of the layby to the adjacent hump back bridge.

The meeting terminated at 1130 hours.