

EAST AYRSHIRE COUNCIL**NORTHERN LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 4 JUNE 2010 AT 1000 HOURS IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Alan Brown, Rose-Ann Cuninghame, John MacKay, Helen Coffey, Willie Coffey, Maureen McKay, Tom Cook, Robert Keohone, Iain Linton, Douglas Reid, John Campbell, John Knapp, Jim Todd, Stuart Finlayson and Bobby McDill.

ATTENDING: Fiona Finlay and Hugh Melvin, Principal Planning Officers; Jane Little, Senior Planning Officer; Avril Forrest, Solicitor; Gwen Findlay, Team Leader, Roads and Transportation and Jennifer Morrison, Administrative Officer.

APOLOGIES: Councillors John McGhee, Jim Buchanan, Gordon Cree, Drew McIntyre, Hugh Ross and Provost Stephanie Young.

CHAIR: Councillor Alan Brown, Chair.

1. PRE-DETERMINATION HEARING: 08/0374/FL: TESCO STORES LTD AND DAWN DEVELOPMENT LTD COMPANY DEV PLAN PTSH: LAND TO THE SOUTH OF A71, GALSTON

It was noted that this application for erection of foodstore and associated parking area at land to the south of A71, Galston had been withdrawn from the Agenda.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 would be made on the application today (Agenda Item 3) and that the Local Planning Committee's view would be referred for consideration by Council at the next appropriate meeting, and would be used to inform the planning authority's stance in relation to the appeal.

CONSIDERATION OF APPLICATION

3. PRE-DETERMINATION HEARING: APPLICATION NO 08/0645/FL: COMMUNITY WINDPOWER LTD: COWANS LAW HEMPHILL ROAD, MOSCOW

There was submitted an executive summary sheet and report dated 27 May 2010 (both circulated) by the Head of Planning and Economic Development on a full application planning application for the erection of 25 wind turbines, construction of associated access tracks, installation of underground 33kv circuit, a 33kv substation, erection of 2 meteorological masts and formation of new access road at Cowans Law Hemphill Road, Moscow.

3.1 Consideration of Item

Fiona Finlay, Principal Planning Officer, reported that the view of the Local Planning Committee was sought under the Scheme of Delegation as the applicant had

appealed against the non-determination of the planning application under the Town and Country Planning (Appeals) (Scotland) Regulations 2008 to the Directorate for Planning and Environmental Appeals; that as the application under consideration was a major development as defined by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, that was significantly contrary to the Local Development Plan, the Local Planning Committee's view would require to be considered by Council before it could be used to inform the planning authority's stance in relation to the appeal; reported that the application was advertised in the Kilmarnock Standard on 22 August 2008 in accordance with the Environmental Impact Assessment Regulations 1999 and that six letters of objection and three letters of support had been received in connection with the application; 14 letters of support and a petition of support submitted by the applicant from the Galston Community Fun Day of 1 August 2009 with 17 signatures had been received but were received outwith the time specified for representations and had not been included in the summary of the report for that reason; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Economic Development: (i) that the Local Planning Committee adopt the position in terms of the appeal process that the application should have been refused for the reasons indicated in the report; (ii) that the recommendation of the Local Planning Committee be referred to the next appropriate meeting of the Council for consideration and that such decisions as made at the Council meeting should thereafter be conveyed to the DPEA as representing the position of the Council in the current non-determination Appeal; and (iii) to note that the circumstances encountered in this case were unusual as it involved planning appeals legislation that currently give the Council only 21 days to present a view on the proposal to the Directorate for Planning and Environmental Appeals, which period may not always afford a realistic timeframe for a Council response. It was therefore further recommended that the Council at its next appropriate meeting be made aware of the legislative circumstances and timeframes and of the fact that future special Local Planning Committees or Council meetings may be required to endeavour to attain the 21 day response deadline required by the appeal legislation.

3.2 Pre-Determination Hearing

The applicant was not present or represented.

It was noted that there were no supporters of the application present who wished to be heard.

It was noted that there were no statutory consultees present who wished to be heard.

The Committee heard Jay Steel in respect of the objections of Cowans Law Trout Fishing and Country Sports, Greta Roberts in support of her objection, Dr Rachel Connor in respect of her own objections and those of Mr C H Cuthbertson and Anita Crozier in respect of her objections.

The Chair closed the Hearing.

3.3 Determination of Application

Fiona Finlay, Principal Planning Officer provided clarification on points raised during the Hearing.

It was agreed (i) that the Local Planning Committee adopt the position in terms of the appeal process that the application should have been refused for the reasons indicated in the report; (ii) that the recommendation of the Local Planning Committee be referred to the next appropriate meeting of the Council for consideration and that such decisions as made at the Council meeting should thereafter be conveyed to the DPEA as representing the position of the Council in the current non-determination Appeal; and (iii) to note that the circumstances encountered in this case were unusual as it involved planning appeals legislation that currently give the Council only 21 days to present a view on the proposal to the Directorate for Planning and Environmental Appeals, which period may not always afford a realistic timeframe for a Council response. It was therefore further recommended that the Council at its next appropriate meeting be made aware of the legislative circumstances and timeframes and of the fact that future special Local Planning Committees or Council meetings may be required to endeavour to attain the 21 day response deadline required by the appeal legislation.

HEARING PROCEDURE

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

CONSIDERATION OF APPLICATIONS

5. **APPLICATION NO: 10/0236/PP: LABOUREASE CONSTRUCTION LTD: LAND AT MOUNT HOUSE, DUNDONALD ROAD, KILMARNOCK**

5.1 Consideration of Item

Fiona Finlay, Principal Planning Officer, reported that 21 letters of objection had been received as well as a petition of objection of 21 signatures from Mount House and a petition of objection of 314 names comprising other members of the public had been received, 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: Refusal, for the reasons detailed in the report.

5.2 Planning Hearing

The Committee heard Harry McCall representing the objections of Grange/Howard Community Council, Donna Drury in respect of her own objections and representing a petition of objections, and Stuart Boon in respect of his own objections and those of Michele Boon.

Members of the Committee asked questions of the objectors.

The Committee then heard Mark McCall, 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.

5.3 Determination of Application

Fiona Finlay, Principal Planning Officer and Gwen Findlay, Traffic and Road Safety Manager provided clarification on points raised during the Hearing.

It was agreed to refuse the application for the reasons detailed in the report.

The Committee further agreed to request that the Head of Planning and Economic Development write to the applicant recommending that they take appropriate action to remove the Giant Hogweed on site as recommended by the Scottish Wildlife Trust.

6. APPLICATION NO: 10/0043/PPP: ROBERT WOODHOUSE: LAND OPPOSITE 1 BRAEHEAD ROAD, FENWICK

There was submitted an executive summary sheet and report dated 26 May 2010 (both circulated) by the Head of Planning and Economic Development on an application for planning permission in principle for one detached house at land opposite 1 Braehead Road, Fenwick.

6.1 Consideration of Item

Hugh Melvin, Principal Planning Officer, reported that this application had been appealed to the Scottish Government's Department of Planning and Environmental Appeals (DPEA) on the basis of non-determination; reported that 12 letters of objection representing 20 objectors had been received details of which were contained in the report; that the Committee's view was sought on the merits of the application in order to inform the appeal case to be presented to the DPEA; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Economic Development: That the Committee adopt the position in terms of the appeal process, that the application should have been approved subject to the conditions as detailed in the report and that this view thereafter inform the Council's position in the appeal.

6.2 Planning Hearing

The Committee heard John Smith, in support of his objections.

Members of the Committee asked questions of the objector.

The applicant was not present or represented.

The Chair closed the Hearing.

6.3 Determination of Application

Hugh Melvin, Principal Planning Officer provided clarification on points raised during the Hearing.

It was agreed to adopt the position in terms of the appeal process, that the application should have been approved subject to the conditions as detailed in the report and that this view thereafter inform the Council's position in the appeal.

7. APPLICATION NO: 10/0171/PP: MR K CIRICK: 2 CENTRAL AVENUE, SHORTLEES, KILMARNOCK

There was submitted an executive summary sheet and report dated 21 May 2010 (both circulated) by the Head of Planning and Economic Development on an application for planning permission for proposed change of use to form hot food takeaway from grocer shop at 2 Central Avenue, Shortlees, Kilmarnock.

7.1 Consideration of Item

Fiona Finlay, Principal Planning Officer, reported that one letter of objection, and one letter with attached petition with 18 signatures of objection and with a further letter of petition of 17 signatures of objection had been received in relation to 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.

7.2 Planning Hearing

The Committee heard Mr Faisal ur Rehman, in support of his objection.

Members of the Committee asked questions of the objector.

The applicant was not present or represented.

The Chair closed the Hearing.

7.3 Determination of Application

Fiona Finlay, Principal Planning Officer, provided clarification on points raised during the Hearing.

Councillor John Knapp, seconded by Council Robert Keohone moved that the application be refused on the grounds that it would be detrimental to the residential amenity of the adjacent properties and the surrounding area.

Councillor Alan Brown, seconded by Councillor Robert McDill moved as an amendment that the application be approved subject to the conditions and for the reasons detailed in the report and subject to an additional condition (3) the business hereby approved shall operate only between the hours of 1100 hours and 2300 hours - Reason: to prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interests of residential amenity.

On a division by a show of hands, the amendment was carried by 10 votes to 4.

Councillor John Knapp left the meeting at this point.

8. APPLICATION NO: 10/0251/PP: MR MARTIN HANNAH: 62 INNELLAN DRIVE, KILMARNOCK

There was submitted an executive summary sheet and report dated 25 May 2010 (both circulated) by the Head of Planning and Economic Development on an application for proposed erection of five terraced dwellings including eight car parking spaces and associated works at 62 Innellan Drive, 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 continue consideration of this item to a future meeting in order to obtain clarification with regard to the arrangements for disposal of this land which was owned by the Council.

Councillor Maureen McKay left the meeting at this point.

9. APPLICATION NO: 10/0451/PP: EAST AYRSHIRE COUNCIL ROADS DEPARTMENT: GAUCHALLAND ROADS DEPOT, AYR ROAD, GALSTON

There was submitted an executive summary sheet and report dated 26 May 2010 (both circulated) by the Head of Planning and Economic Development on an application for planning permission to form a welfare facility at Gauchalland Roads Depot, Ayr Road, Galston.

Hugh Melvin, 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.

It was agreed to grant the application.

10. APPLICATION NO: 10/0306/PP: HEAD OF SERVICE, INFORMATION TECHNOLOGY AND ASSET MANAGEMENT, EAST AYRSHIRE COUNCIL: COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

There was submitted an executive summary sheet and report dated 31 May 2010 (both circulated) by the Head of Planning and Economic Development on an application for planning permission for erection of extension within existing courtyard and associated works at East Ayrshire Council Headquarters, London 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 condition and for the reason detailed in the report.

It was agreed to grant the application subject to the condition and for the reason detailed in the report.

The meeting terminated at 1200 hours.