

EAST AYRSHIRE COUNCIL**NORTHERN LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 29 JANUARY 2010 AT 1000 HOURS
IN CROOKEDHOLM COMMUNITY CENTRE, GROUGAR ROAD,
CROOKEDHOLM**

PRESENT: Councillors Alan Brown, Rose-Ann Cuninghame, John MacKay, John McGhee, Helen Coffey, Willie Coffey, Tom Cook, Robert Keohone, Iain Linton, Jim Buchanan, Gordon Cree, Drew McIntyre, John Knapp, Hugh Ross, Stuart Finlayson and Robert McDill.

ATTENDING: Fiona Finlay and Craig Iles, Principal Planning Officers; Craig Young, Team Leader, Litigation and Advice; Stuart Norval, Team Leader, Roads and Transportation; and Jennifer Morrison, Administrative Officer.

APOLOGIES: Councillors Maureen McKay, Douglas Reid, John Campbell, Jim Todd and Provost Stephanie Young.

CHAIR: Councillor Alan Brown, Chair.

HEARING PROCEDURE

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

CONSIDERATION OF APPLICATIONS

2. **APPLICATION NOS 09/0598/PP AND 09/0599/LB: MR PETER BROWN: 8 VENNEL STREET, STEWARTON**

There was submitted an executive summary sheet and report dated 20 January 2010 (both circulated) by the Head of Planning and Economic Development on an application for planning permission 09/0598/PP and an application for listed building consent 09/0599/LB for change of use of vacant building to form bar/restaurant and discotheque at 8 Vennel Street, Stewarton.

2.1 Consideration of Item

Craig Iles, Principal Planning Officer reported that the Contrary Decision Note in the report should state that in the event of refusal of the applications on the principle of the development they would require to be referred to the full Council, as the principle of the development is in accordance with the Development Plan; that 216 objections and 222 letters of support had been received in relation to application 09/0598/PP and three letters of objection had been received in relation to the listed building application 09/0599/LB; summarised the planning considerations in respect of the applications; and gave the recommendation of the Head of Planning and Economic Development: Approval of application 09/0598/PP and application 09/0599/LB subject to the conditions and for the reasons detailed in the report.

2.2 Planning Hearing

In respect of application 09/0598/PP and 09/0599/LB the Committee heard Mr Fulton on behalf of the objections of Stewarton and District Community Council and Mr Campbell in support of his own and his wife's objections.

In relation to application 09/0598/PP the Committee heard Mr Rowan, in respect of his objections and Mr Brown (Senior) and Mr Brown (Junior) in respect of the objections of Mr and Mrs Brown.

The Committee then heard Peter Brown the applicant and Iain McGregor the applicant's representative in support of applications 09/0598/PP and 09/0599/LB.

Members of the Committee asked questions of the applicant and his representative.

The Chair closed the Hearing.

2.3 Determination of Application

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

Craig Young, Team Leader, Litigation and Advice also provided clarification on points raised during the Hearing.

Councillor John MacKay seconded by Councillor John McGhee moved that application 09/0598/PP be refused as the proposal was detrimental to residential amenity.

Councillor Robert McDill seconded by Councillor Alan Brown, moved as an amendment that application 09/0598/PP be approved subject to the conditions and for the reasons detailed in the report.

On a division by a show of hands the amendment was carried by 8 votes to 7.

It was also agreed to grant application 09/0599/LB subject to the conditions and for the reasons detailed in the report.

Councillor Drew McIntyre joined the meeting at this point.

3. APPLICATION NO 09/0783/PP: PETER BROWN: 25 RIGG STREET, STEWARTON

There was submitted an executive summary sheet and report dated 19 January 2010 (both circulated) by the Head of Planning and Economic Development on an application for planning permission for change of use to form catering facility at 25 Rigg Street, Stewarton.

3.1 Consideration of Item

Craig Iles, Principal Planning Officer reported that 28 letters of objection and a petition with 95 signatories had been received, 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: Refusal for the reasons detailed in the report.

3.2 Planning Hearing

The Committee heard Mr Fulton in respect of the objections of Stewarton and District Community Council and Mr and Mrs King, Mrs Ford and Mrs McKie, in respect of their objections.

The Committee then heard Peter Brown the applicant and Iain McGregor the applicant's representative, in support of the application.

Members of the Committee asked questions of the applicant and his representative.

The Chair closed the Hearing.

3.3 Determination of Application

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

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

ADJOURNMENT/RECONVENTION OF MEETING

4. The meeting adjourned at 1135 hours and reconvened at 1140 hours. Councillors Iain Linton, Jim Buchanan and John Knapp left the meeting during the adjournment.

ORDER OF BUSINESS

5. In terms of Standing Order 19, it was agreed to alter the order of business and consider application no: 09/0816/PP as the next item on the agenda.

6. APPLICATION NO 09/0816/PP: EAST AYRSHIRE COUNCIL: CHURCH LANE AND CHURCH LANE CAR PARK, GALSTON

There was submitted an executive summary sheet and report dated 19 January 2010 (both circulated) by the Head of Planning and Economic Development on an application for planning permission for formation of car park and associated environmental improvements at Church Lane and Church Lane car park, Galston.

6.1 Consideration of Item

Craig Iles, Principal Planning Officer reported that two letters of objections and one letter of support 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.

6.2 Planning Hearing

The Committee heard Mrs Leung on behalf of the objections of Norman Leung (Mrs Leung was facilitated by an interpreter Louise Sung and the Chair received confirmation from Ms Sung that she would give a true account of the interpretation).

The Committee then heard Sylvia Allen 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.

6.3 Determination of Application

Craig Iles, Principal Planning Officer, provided clarification on points raised during 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 additional condition(5) as follows, viz:- notwithstanding the approved plans, the position of the CCTV camera is not hereby approved. A revised position of the CCTV camera shall be submitted to and approved by the Planning Authority prior to the commencement of the Scheme. Said

CCTV camera shall then be installed as approved, Reason: the CCTV camera should be located to provide maximum level of security to the area.

The Committee also indicated that if a legal right of access, from the application site to the rear of the shop unit on Cross Street, could be established then a Non material variation to address this issue could be sought.

Councillor Iain Linton rejoined the meeting at this point.

7. APPLICATION NO 09/0594/PP: CLAIRE BOLTON: NO.1 WEST FULLARTON STREET, KILMARNOCK

There was submitted an executive summary sheet and report dated 19 January 2010 (both circulated) by the Head of Planning and Economic Development on an application for planning permission for conversion of outbuilding to form 2 storey dwelling and erection of garden wall at 1 West Fullarton Street, Kilmarnock.

7.1 Consideration of Item

Fiona Finlay, Principal Planning Officer reported that 35 individual letters of objection and a petition of objection containing 34 signatures had been received in relation to this 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: Refusal for the reasons detailed in the report.

7.2 Planning Hearing

The Committee heard Rebecca Neil on behalf of the objections of Bonnyton Community Council and Deborah Peden, Julie Walkinshaw, Mrs McCluskie and Mr Murray all in support of their objections.

Members of the Committee asked questions of the objectors.

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.

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

Councillor John Knapp re-joined the meeting at this point.

8. APPLICATION NO 09/0780/PP: EAST AYRSHIRE COUNCIL (NEIGHBOURHOOD SERVICES): HEMPHILL VIEW, KNOCKENTIBER

There was submitted an executive summary sheet and report dated 18 January 2010 (both circulated) by the Head of Planning and Economic Development on an application for planning permission for erection of new sports changing pavilion, security fence and CCTV columns at the recreation ground, Hemphill View, Knockentiber.

8.1 Consideration of Item

Fiona Finlay, Principal Planning Officer reported that the dimensions of the proposed structure were 23m x 27m and not 23m x 72m as detailed in the report; that six individual parties had submitted objections in respect of this 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.

8.2 Planning Hearing

The Committee heard Mr Stephenson, Mr Kobyłka, Mr Flynn and Mrs Flynn in support of their objections.

Members of the Committee asked questions of the objectors.

The Committee then heard John Griffiths and Alan Paterson 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.

8.3 Determination of Application

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

Councillor Iain Linton, seconded by Councillor Alan Brown moved that the application be approved subject to the conditions and for the reasons detailed in the report and subject to the following three conditions, viz:- (13) notwithstanding the submitted plans details of the design and construction of all fences and walls (including details of the design of any gates) to be erected on the site shall be submitted to and approved in writing by the Planning Authority before any development commences on the site and shall be formed on site prior to the sports changing pavilion being brought into use and shall be maintained thereafter. The details to be submitted under the terms of this condition shall include a revised design of the boundary fence, notwithstanding the palisade fence on the approved plans. Reason: In order to allow the Planning Authority to control the design and construction of such features in the interests of visual amenity; (14) prior to the commencement of any works on site, the applicant shall establish a Community Liaison Committee to inform and discuss matters which arise during the construction of the new sports pavilion and which relate to the local community and surrounding area. The composition of this Committee, the means by which it shall be formed and its role shall all be agreed in writing with the Planning Authority prior to the commencement of works on site. Meetings shall be held on a monthly basis or as otherwise required thereafter for the entire period of construction works on site. Reason: To inform the community of matters which arise during the construction of the new sports pavilion; (15) notwithstanding the approved plans, a landscaping scheme (including a maintenance scheme) to plant in the area of land facing onto the residential properties at Hemphill View, shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any development on site and shall be implemented not later than the next appropriate planting season after the occupation of the sports pavilion. The scheme shall include details of the provision to be made for maintenance of soft landscaped areas and shall be

maintained thereafter in accordance with these details. Any trees removed without consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by trees of similar size or species as may be agreed in writing with the Planning Authority. Reason: in the interests of visual amenity and to ensure that adequate open space is provided and to provide screening to adjacent residential properties.

Councillor Robert Keohone, second by Councillor John McGhee moved as an amendment to continue consideration of the application to a future meeting to allow for further consultation on the proposed development with the community of Knockentiber.

On a division by a show of hands the motion was carried by 8 votes to 6.

Councillor Drew McIntyre left the meeting during discussion of this item and took no part in the decision.

ADJOURNMENT/RECONVENTION OF MEETING

9. The meeting adjourned at 1325 hours and reconvened at 1330 hours. Councillors Rose-Ann Cuninghame, John McGhee, Helen Coffey, Willie Coffey, Iain Linton and Hugh Ross left the meeting during the adjournment.

10. **APPLICATION NO 09/0753/PP: MRS MELEK EYGI: 25 BRIDGE STREET, GALSTON**

There was submitted an executive summary sheet and report dated 19 January 2010 (both circulated) by the Head of Planning and Economic Development on an application for planning permission for removal of condition 1 from planning consent 05/1162/FL at 25 Bridge Street, Galston.

Craig Iles, Principal Planning Officer reported the receipt of one letter of objection, 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.

Councillor Stuart Finlayson, seconded by Councillor Robert Keohone moved that the application be refused as the amenity of the area would be affected by the removal of this condition.

Councillor Robert McDill, seconded by Councillor Gordon Cree, moved as an amendment that the application be approved.

On a division by a show of hands there voted 4 for the motion and 4 for the amendment.

The Chair Councillor Alan Brown then exercised his casting vote in favour of the motion which accordingly became the decision of the meeting.

11. **APPLICATION NO 09/0572/PP: ALL SEASONS (DEVELOPMENTS) LTD: THE MEADOWS A71, GALSTON**

There was submitted an executive summary sheet and report dated 19 January 2010 (both circulated) by the Head of Planning and Economic Development on an application for planning permission for variation of condition no 1 of planning consent 07/0536/FL to renew the date of commencement of development for a 12 month

period and to vary the time period for the extraction and restoration from 6 months to 9 months.

Craig Iles, Principal Planning Officer reported that one letter of objection 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: Approval, subject to the condition and for the reason detailed in the report.

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

Councillor Stuart Finlayson, seconded by Councillor John Knapp moved as an amendment approval of renewal of the date of commencement of development for a 12 month period but refusal of the request to vary the time period for the extraction and restoration from 6 months to 9 months, on road safety grounds.

On a division by a show of hands the motion was carried by 5 votes to 3.

12. APPLICATION NO 09/0803/PP: EAST AYRSHIRE COUNCIL, HOUSING SERVICES: ST MATTHEW'S PRIMARY SCHOOL, MACDONALD DRIVE, KILMARNOCK

There was submitted an executive summary sheet and report dated 12 January 2010 (both circulated) by the Head of Planning and Economic Development on an application for planning permission for proposed erection of 10 single storey amenity and ambulant disabled dwellings with associated gardens at St Matthew's Primary School, MacDonald 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 grant the application subject to the conditions and for the reasons detailed in the report and subject to an additional condition (13) prior to any works commencing on site and notwithstanding the approved plans, details of two additional visitor parking spaces to be provided, shall be submitted to and approved in writing by the Planning Authority. The agreed spaces shall be provided prior to the first house being occupied and shall be maintained thereafter. Reason: In the interests of road safety.

13. APPLICATION NO 09/0797/PP: WHITBREAD GROUP PLC: 12 PORTLAND STREET, KILMARNOCK

There was submitted an executive summary sheet and report dated 18 January 2010 (both circulated) by the Head of Planning and Economic Development on an application for planning permission for change of use of pedestrian footway to allow external seating area for coffee shop with associated enclosures at 12 Portland 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, 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.

14. APPLICATION NOS 09/0635/PP AND 09/0613/PP: THE NOBLE ORGANISATION LTD: 3 FOREGATE SQUARE, KILMARNOCK

There was submitted an executive summary sheet and report dated 18 January 2010 (both circulated) by the Head of Planning and Economic Development on an application for planning permission 09/0635/PP for change of use of part of building from existing amusement/bingo centre and class 3 coffee shop to include new licensed bookmakers and application no 09/0613/PP: alterations to shop front to create entrance into new licensed betting office both applications in respect of 3 Foregate Square, Kilmarnock.

Fiona Finlay, Principal Planning Officer; summarised the planning considerations in respect of the applications; and gave the recommendation of the Head of Planning and Economic Development: Approval, of both applications 09/0635/PP and 09/0613/PP.

It was agreed to grant application 09/0635/PP and application 09/0613/PP.

15. APPLICATION NO 09/0614/AD: MR DAVID JEAL: 3 FOREGATE SQUARE, KILMARNOCK

There was submitted an executive summary sheet and report dated 18 January 2010 (both circulated) by the Head of Planning and Economic Development on an application for advertisement consent for installation of fascia signage at the Coffee Trader, 3 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.

It was agreed to grant the application.

The meeting terminated at 1410 hours.