

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE

**MINUTES OF MEETING HELD ON FRIDAY 4 DECEMBER 2009 AT 1000 HOURS
IN THE MORTON HALL, MAIN STREET, NEWMILNS**

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, Hugh Ross, Stuart Finlayson and Robert McDill.

ATTENDING: Craig Iles, Principal Planning Officer; Neil Bell, Team Leader – Roads and Transportation; David Law, Senior Arboricultural Officer; Avril Forrest, Solicitor (items 1-3); Julie McKinlay, Assistant Team Leader – Litigation (items 4-8); and Stuart Nelson, Administrative Officer.

APOLOGIES: Councillors John McGhee, Jim Buchanan, Gordon Cree, Drew McIntyre, 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).

Councillor Maureen McKay joined the meeting at this point.

2. **APPLICATION NO 09/0655/PP: EXECUTIVE DIRECTOR OF EDUCATIONAL AND SOCIAL SERVICES, EAST AYRSHIRE COUNCIL: BAIRD PLACE, NEW FARM LOCH, KILMARNOCK**

- 2.1 **Declaration of Interest**

Councillor John Campbell declared a non-financial interest in respect of this item of business which he considered significant in terms of paragraphs 5.17 and 5.18 of the Code of Conduct and withdrew from the meeting.

- 2.2 **Consideration of Application**

There was submitted an executive summary sheet and report dated 24 November 2009 (both circulated) by the Head of Planning and Economic Development on an application for planning permission for construction of single storey residential children's house with associated staff/visitor car park and access road at Baird Place, New Farm Loch, Kilmarnock.

The Principal Planning Officer reported that 33 letters of objections had been received in relation to the application, details of which were contained in the report with the applicant having submitted supporting information in relation to the objectors points; 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.

2.3 Planning Hearing

The Committee heard Matthew Donnelly, Mr J MacKinnon, Mrs M Drummond, accompanied by Mr J Drummond, Mr Hugh Mitchell and Mr John Gaff, objectors, in support of their objections.

The Committee then heard Susan Taylor, Head of Children, Families and Criminal Justice, accompanied by Stuart Bates, Children and Families Manager and Iain Barker, Architectural Manager, on behalf of the applicant, in support of the application.

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

The Chair closed the Hearing.

2.4 Determination of Application

The Principal Planning Officer provided clarification on points raised during the Hearing.

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

Councillor John Knapp seconded by Councillor Robert Keohone moved as an amendment that the application be refused in view of the inappropriate location of the house, being in such close proximity to St Joseph's Academy and having regard to the perceptions of, and fears expressed by, people in the community regarding the facility.

On a division by a show of hands the motion was carried by 11 votes to 2.

Councillor John Campbell rejoined the meeting at this point.

3. APPLICATION NO 09/0355/FL: ATRIUM HOMES: VACANT LAND, CAMERON DRIVE, NEW FARM LOCH, KILMARNOCK

There was submitted an executive summary sheet and report dated 23 November 2009 (both circulated) by the Head of Planning and Economic Development on a full planning application for a proposed residential development comprising 12 dwellings, new access road and associated infrastructure at vacant land, Cameron Drive, New Farm Loch, Kilmarnock.

3.1 Consideration of Item

The Principal Planning Officer reported that paragraph 4.1 should show that 11 additional letters of objection in addition to that from the Community Council had been received and not 10 as stated in the report as well as a petition of 219, details of all 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.

3.2 Planning Hearing

The Committee heard Mr Archie Price on behalf of the objections submitted by New Farm Loch Community Council; Ms Jan Sinclair on behalf of the objections submitted by Heal the Earth Ayrshire; and Louise Welsh, Molly Gladman, Rebecca Young, pupils of James Hamilton Academy and John Speirs, Community Worker

who spoke in support of a petition signed by 219 pupils at James Hamilton Academy objecting to the application.

Members of the Committee asked questions of John Speirs.

Then Committee then heard Andrew Easton and Celia Reilly, on behalf of the applicant, in support of the application.

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

The Chair closed the Hearing.

3.3 Determination of Application

The Principal Planning Officer and the Senior Arboricultural Officer provided clarification on points raised during the Hearing.

Councillor Tom Cook seconded by Councillor Douglas Reid moved that the application be approved subject (i) to the conditions, and for the reasons detailed in the report; and (ii) to the applicant agreeing a tree planting schedule with New Farm Loch Community Council through consultation via the Planning Authority, failing which the tree planting schedule be brought back to this Committee for further consideration.

Councillor Stuart Finlayson seconded by Councillor Maureen McKay moved as an amendment that the application be approved subject to the conditions, and for the reasons, detailed in the report.

On a division by a show of hands, the motion was carried by 9 votes to 5.

Councillors Robert Keohone, Iain Linton, Douglas Reid, John Campbell and John Knapp left the meeting at this point.

4. APPLICATION NO 09/0706/PP: EAST AYRSHIRE COUNCIL: 2 HAMILTON GARDENS, STEWARTON

There was submitted an executive summary sheet and report dated 23 November 2009 (both circulated) by the Head of Planning and Economic Development on an application for planning permission for change of use of land to form car park at 2 Hamilton Gardens, Stewarton.

4.1 Consideration of Item

The Principal Planning Officer reported that one letter of objection signed by 15 objectors and four other letters of objection had been received in relation to the application, details of all 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.

4.2 Planning Hearing

The Committee heard David Maloney, accompanied by Frances Maloney, objectors, in support of their objections.

Members of the Committee asked questions of the objectors.

The Committee then heard Kerr Chalmers, Traffic and Road Safety Manager, on behalf of the applicant, in support of the application.

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

The Chair closed the Hearing.

4.3 Determination of Application

The Principal Planning Officer provided clarification on points raised during the Hearing.

It was agreed that the application be approved subject to the condition, and for the reason, detailed in the report; and that the Roads Division continue to monitor on an ongoing basis, traffic flows arising from the car park and consideration to be given to traffic management/engineering works if appropriate.

5. APPLICATION NO 09/0586/PP: TANZEELA RAHMAN: 130 KING STREET, KILMARNOCK

There was submitted an executive summary sheet and report dated 27 November 2009 (both circulated) by the Head of Planning and Economic Development on an application for planning permission for the proposed change of use of a former tanning studio to a hot food takeaway facility and installation of new chimney flue at 130 King Street, Kilmarnock.

5.1 Consideration of Item

The Principal Planning Officer reported that 19 parties had submitted 20 letters of objection, details of all 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.

5.2 Planning Hearing

The Committee heard Mrs Oliver in support of the objections submitted by Jane Cochrane.

The Committee then heard Mike Boston the applicant's representative, accompanied by Mr Rahman, applicant, 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

The Principal Planning Officer provided clarification on points raised during the Hearing.

It was agreed to approve the application subject (i) to the conditions, and for the reasons, detailed in the report; and (ii) to further conditions, viz:-

- (a) No demolition, noisy internal work, external construction work, site clearance or preparation works shall take place before 0800 hours and after 1800 hours on Mondays to Fridays and before 0800 hours and after 1300 hours on Saturdays nor at any time on Sundays.

Reason: In the interests of residential amenity; and

- (b) Notwithstanding the plans and details hereby approved, further details including specifications of the operational effectiveness of the flue in terms of smell and

noise escape shall be submitted for the written approval of the Planning Authority in consultation with the Council's Environmental Health Section prior to the installation of the unit and be implemented thereafter as approved. Furthermore, a maintenance management scheme for the unit shall be submitted to, and approved in writing by, the Planning Authority prior to the unit becoming operational and shall be implemented thereafter as approved.

Reason: To ensure that noise and smells are kept to a minimum in the interests of residential amenity.

ADJOURNMENT/RECONVENTION

6. The meeting was adjourned at 1230 hours and reconvened at 1237 hours with the same Members present except for Councillors Maureen McKay, Tom Cook and Hugh Ross who had left during the adjournment, and Councillor Robert McDill who joined the meeting at this point. The same Officers were in attendance.

7. **APPLICATION NO 09/0607/PP: EAST AYRSHIRE COUNCIL, ENVIRONMENTAL HEALTH: JOHN FINNIE STREET, KILMARNOCK**

There was submitted an executive summary sheet and report dated 9 November 2009 (both circulated) by the Head of Planning and Economic Development on an application for planning permission for installation of an air quality monitoring station at John Finnie Street, Kilmarnock.

The 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 approve the application subject to the conditions and for the reasons detailed in the report.

8. **APPLICATION NO 09/0562/LB: EAST AYRSHIRE COUNCIL, PLANNING AND BUILDING STANDARDS DIVISION: 1-3 CROSS STREET AND 2-6 BRIDGE STREET, GALSTON**

There was submitted an executive summary sheet and report dated 27 October 2009 (both circulated) by the Head of Planning and Economic Development on a listed building application for demolition in retrospect at 1-3 Cross Street and 2-6 Bridge Street, Galston.

The 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 notification to Historic Scotland under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

It was agreed to approve the listed building application subject to notification to Historic Scotland under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The meeting terminated at 1240 hours.