

## EAST AYRSHIRE COUNCIL

### NORTHERN LOCAL PLANNING COMMITTEE

#### MINUTES OF MEETING HELD ON FRIDAY 17 AUGUST 2007 AT 0930 HRS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

**PRESENT:** Councillors Alan Brown, Rose-Ann Cuninghame, John MacKay, John McGhee, Helen Coffey, Willie Coffey, Maureen McKay, Tom Cook, Robert Keohone, Iain Linton, Douglas Reid, Jim Buchanan, John Campbell, Gordon Cree, Drew McIntyre, John Knapp, Hugh Ross, Jim Todd, Stuart Finlayson, Robert McDill and Provost Stephanie Young.

**ATTENDING:** Fiona Finlay, Principal Planning Officer; Bill Stewart, Principal Planning Officer; Barry Douglas, Senior Planning Officer; Kerr Chalmers, Senior Engineer, Roads; Avril Forrest, Solicitor and Robert Beaton, Administrative Officer.

**CHAIR:** Councillor Alan Brown, Chair.

### CONSIDERATION OF APPLICATIONS

#### HEARING PROCEDURE

1. The Administrative Officer established that the Hearing Procedure was understood by all participants (circulated).
2. **APPLICATION NO 07/0552/FL: FM DEVELOPMENTS LTD: STODDARD CARPET FACTORY, BARBADOES ROAD, KILMARNOCK (item 1, page 2743, 03/07)**

There was submitted an executive summary sheet and report dated 14 August 2007 (both circulated) by the Head of Planning and Economic Development on a full planning application for erection of 198 residential units, with associated landscaping, open space, access arrangements and flood defence works at Stoddard Carpet Factory, Barbadoes Road, Kilmarnock.

#### 2.1. Consideration of Item

Fiona Finlay, Principal Planning Officer reported that 12 letters of objections together with 1 letter of comment 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, viz: Approval, (i) subject to the conditions, and for the reasons, as detailed within the report; and (ii) that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant regarding the obligations referred to in Section 7.2 of the report.

#### 2.2. Planning Hearing

The Committee heard Anne McAndrew and Peter Morton, in respect of their own objections.

The Committee then heard David Harrold and Duncan Birrell on behalf of the applicant, in support of the application.

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

Provost Young joined the meeting during the above Hearing and did not take part in determination of the application.

The Chair closed the Hearing.

### **2.3. Determination of Application**

Councillor Alan Brown, seconded by Councillor Douglas Reid moved approval of the application:- (i) subject to the conditions, and for the reasons, as detailed within the report; (ii) that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, with the applicant regarding the obligations referred to in Section 7.2 of the report; and (iii) that the contribution towards the Sports, Leisure and Recreation Fund be expended within the Grange/Howard area.

Councillor Drew McIntyre, seconded by Councillor Gordon Cree, moved as an amendment that the application be approved:- subject to the conditions and for the reasons, as detailed within the report; (ii) that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant regarding the obligations referred to in Section 7.2 of the report; and (iii) to continue consideration of the contribution towards the Sports, Leisure and Recreation Fund due to concerns about ring-fencing the contribution to a specific geographical area.

Councillor John Knapp, seconded by Councillor Robert Keohone, moved as a second amendment, that the application be refused, as in their view, the proposed flood prevention measures were insufficient.

On a division by a show of hands between the first and second amendments, the first amendment was carried by 8 votes to 3.

On a division by a show of hands between the first amendment and the motion, the motion was carried by 15 votes to 3.

### **3. APPLICATION NO 07/0314/RM: EDISTON PROPERTIES LTD: TOP OF THE TOWN FOREGATE NORTH, CAR PARK: GREEN STREET/HIGH STREET, KILMARNOCK (item 2, page 1424, 03/07)**

There was submitted an executive summary sheet and report dated 9 August 2007 (both circulated) by the Head of Planning and Economic Development on a reserved matters planning application for a proposed 4 storey office development, public square, environmental improvements and car park in High Street with associated access at Foregate North car park, Green Street/High Street, Kilmarnock.

#### **3.1. Consideration of Item**

Fiona Finlay, Principal Planning Officer reported that 7 letters of objections 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, viz: Approval, subject to the conditions, and for the reasons, as detailed within the report.

### **3.2. Planning Hearing**

The Committee heard William Robertson and David Clarke in respect of their objections.

Members of the Committee asked questions of the objectors in accordance with the Hearing Procedure.

The Committee then heard Andrew MacKinlay, on behalf of the applicant, and Neil Haining, from Cooper Cromar the applicant's agent in support of the application.

Members of the Committee asked questions of the applicant, in accordance with the Hearing Procedure.

The Chair closed the Hearing.

### **3.3. Determination of Application**

Having been invited by the Committee, Andrew MacKinlay, on behalf of the applicant clarified that if the application was delayed, it would lead to a full review of the viability of the scheme.

It was agreed to approve the application; (i) subject to the conditions and for the reasons, as detailed within the report; (ii) subject to an amendment to Condition 3: Prior to any development commencing on site, details of an extensive landscaping scheme and tree planting around the perimeter, and within the approved car park (which shall include the retention of as many existing trees as possible) at High Street shall be submitted to and approved in writing by the Planning Authority. The landscaping scheme shall be implemented as approved no later than the first available planting season following the car park being brought into use. REASON: In the interests of visual amenity, (iii) subject to an amendment to Condition 4: Notwithstanding the approved plans, details and samples of all external materials, including the surface materials proposed to the road surface at Green Street and the approved High Street car park (which shall incorporate a surface that shall aim to retain the car park as a "green space" and utilise a surface which reflects the previous parkland use), shall be submitted to and approved by the Planning Authority in writing, prior to the commencement of any development on site. All materials shall, thereafter, be implemented and maintained as approved. REASON: In the interests of visual amenity; (iv) subject to additional Condition 9: Notwithstanding the terms of Condition 2 (part 11), prior to any development commencing on site, a detailed scheme for external lighting shall be submitted to and approved in writing by the Planning Authority which shall include details of the design and method of lighting that shall aim to maximise the design features of the proposed office building. REASON: In the interests of visual amenity and to enhance the design features of this development; (v) subject to additional Condition 10: Notwithstanding the details submitted, the number of car parking spaces shall be minimised to reduce the impact on the existing landscaped area. Details of any revised car parking layout shall be submitted to and approved in writing by the Planning Authority prior to any work commencing on site. REASON: In the interests of visual amenity.

**4. Declaration of Interest**

Councillors John Campbell, Drew McIntyre, John Knapp and Hugh Ross declared a non-financial interest in item 6 in accordance with paragraphs 5.17 and 5.18 of the Code of Conduct and withdrew from the meeting.

**5. Adjournment/Reconvention of Meeting**

It was agreed to adjourn the meeting at 11.23 hours for a comfort break. The meeting reconvened at 11.32 hours with the same members and Officers present and in attendance, except those Members indicated at paragraph 4 above.

**6. APPLICATION NO 05/1201/FL: KILMARNOCK RUGBY FOOTBALL CLUB/ALDI STORES LTD: KILMARNOCK RUGBY CLUB GROUND**

There was submitted an executive summary sheet and report dated 9 August 2007 (both circulated) by the Head of Planning and Economic Development on a full planning application for the proposed re-development of Kilmarnock Rugby Football Club Ground, including new clubhouse facilities and pitches, new retail and leisure development at Kilmarnock Rugby Club Ground, Bellsland, Queens Drive, Kilmarnock.

The Principal Planning Officer reported that 5 letters of objections and a petition containing 139 names in support and 35 letters of support 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, as detailed within the report.

The objectors were not present or represented and no Hearing was held.

Councillor Jim Buchanan, seconded by Councillor Douglas Reid moved that the application be referred to the Principal Planning Committee with a recommendation for approval on the grounds that it was considered to be an enabling application, with wider implications and impact on sport and leisure facilities; was considered to be an acceptable departure from the development plan; to delegate to the Head of Planning and Economic Development that appropriate conditions be attached to the consent and to consider the requirements for a Section 75 Agreement regarding access and egress, emergency access and egress, road alterations and occupation of the retail unit within the leisure facility.

Councillor John McGhee, seconded by Councillor Gordon Cree, moved as an amendment, refusal, for the reasons, as detailed within the report.

On a division by a show of hands, the motion was carried by 13 votes to 3.

At this point Councillors Iain Linton and Jim Todd left the meeting and Councillors John Knapp, John Campbell and Hugh Ross re-joined the meeting.

**7. APPLICATION NO 07/0302/FL: MURDOCH PROPERTY DEVELOPMENTS: CESSNOCK ROAD, GALSTON**

There was submitted an executive summary sheet and report dated 9 August 2007 (both circulated) by the Head of Planning and Economic Development on a full planning application for the erection of 2 dwellinghouses at plot of land at Cessnock Road, Galston.

Bill Stewart, Principal Planning Officer reported that 3 letters of objections 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 viz: Approval, subject to the conditions, and for the reasons, as detailed within the report and that the issuing of the Planning Decision Notice be withheld until a Legal Agreement was concluded with the applicant in respect of the voluntary financial contribution as stated in paragraph 7.1 of the report; or until such voluntary contribution had been received by the Division and subject to additional Condition 10: that no demolition or external construction work, site clearance or preparation works shall take place before 0800 hours and after 1800 hours on Monday to Fridays and before 0800 hours and after 1300 hours on Saturdays, nor at anytime on Sundays. REASON: In the interests of residential amenity.

The objectors were not present or represented and no Hearing was held.

It was agreed to approve the application; (i) subject to the conditions and for the reasons, as detailed within the report; (ii) that the issuing of the Planning Decision Notice be withheld until a Legal Agreement was concluded with the applicant in respect of the voluntary financial contribution as stated in paragraph 7.1 of the report; or until such voluntary contribution had been received by the Division; (iii) that the voluntary contribution be expended on the existing play park at Burnhouse Walk, Galston; and (iv) subject to Additional Condition 10: that no demolition or external construction work, site clearance or preparation works shall take place before 0800 hours and after 1800 hours on Monday to Fridays and before 0800 hours and after 1300 hours on Saturdays, nor at anytime on Sundays. REASON: In the interests of residential amenity.

#### **8. APPLICATION NO 07/0278/FL: MURDOCH PROPERTY DEVELOPMENTS: CESSNOCK ROAD, GALSTON**

There was submitted an executive summary sheet and report dated 9 August 2007 (both circulated) by the Head of Planning and Economic Development on a full planning application for erection of a dwellinghouse at plot of land at Cessnock Road, Galston.

Bill Stewart, Principal Planning Officer reported that 3 letters of objections 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, viz: Approval, subject to the conditions, and for the reasons, as detailed within the report and that the issuing of the planning decision notice be withheld until a Legal Agreement was concluded with the applicant in respect of the voluntary financial contribution as stated in paragraph 7.1 of the report; or until such voluntary contribution had been received by the Division; and subject to additional Condition 10: that no demolition or external construction work, site clearance or preparation works shall take place before 0800 hours and after 1800 hours on Monday to Fridays and before 0800 hours and after 1300 hours on Saturdays, nor at anytime on Sundays. REASON: In the interests of residential amenity.

The objectors were not present or represented and no Hearing was held.

It was agreed to approve the application; (i) subject to the conditions and for the reasons, as detailed within the report; (ii) that the issuing of the Planning Decision Notice be withheld until a Legal Agreement was concluded with the applicant in respect of the voluntary financial contribution as stated in paragraph 7.1 of the report or until such voluntary contribution had been received by the Division; (iii) that the voluntary contribution be expended on the existing play park at Burnhouse Walk, Galston; and (iv) subject to additional Condition 10: that no demolition or external construction work, site clearance or preparation works shall take place before 0800 hours and after 1800 hours on Monday to Fridays and before 0800 hours and after 1300 hours on Saturdays, nor at anytime on Sundays. REASON: In the interests of residential amenity.

**9. Declaration of Interest**

Councillor Douglas Reid declared a significant non-financial interest in this item in accordance with paragraphs 5.17 and 5.18 of the Code of Conduct and withdrew from the meeting.

**10. APPLICATION NO 06/0695/FL: MANOR KINGDOM: RUGBY PARK, DUNDONALD PLACE KILMARNOCK (item 1, page 2851, 03/07)**

There was submitted a report dated 9 August 2007 (circulated) by the Head of Planning and Economic Development which updated and advised on comments received from Strathclyde Police further to the above planning application which was approved (subject to conditions and Section 75 Legal Agreement) by the Central Local Planning Committee on 30 March 2007.

It was agreed:-

- (i) to note the response that had been received from Strathclyde Police; and
- (ii) that the information as stated in paragraph 3 of the report be forwarded to the applicant with the request that it be included in the information being handed out to new residents of the flats.

The meeting terminated at 1210 hours.