

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE

MINUTES OF MEETING HELD ON FRIDAY 22 JUNE 2007 AT 1400 HRS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Alan Brown, Rose-Ann Cuninghame, John MacKay, John McGhee, Helen Coffey, Tom Cook, Robert Keohone, John Knapp, Hugh Ross, Jim Todd, Stuart Finlayson, Robert McDill and Provost Stephanie Young.

ATTENDING: Bill Walkinshaw, Head of Democratic Services; William Stewart, Principal Planning Officer; Fiona Finlay, Principal Planning Officer; Avril Forrest, Solicitor; John Trakalo, Senior Engineer, Roads and Robert Beaton, Administrative Officer.

APOLOGIES: Councillor Willie Coffey, Maureen McKay, Iain Linton, Douglas Reid, Jim Buchanan, John Campbell, Gordon Cree and Drew McIntyre.

CHAIR: Councillor Alan Brown, Chair.

HEARING PROCEDURE

1. The Administrative Officer established that the Hearing Procedure was understood by all participants (circulated).
2. **APPLICATION NO 06/1037/FL: MR & MRS MILLER: LAND TO EAST OF A719 HARESHAWMUIR ROAD, WATERSIDE, KILMARNOCK (Item 5, page 2715, 03/07)**

There was submitted an executive summary sheet and report dated 14 June 2007 (both circulated) by the Head of Planning and Economic Development on a full planning application for siting of a caravan, erection of agricultural barn and road improvement works at land to the East of A719 Hareshawmuir Road, Waterside, Kilmarnock.

Prior to the meeting, Members of the Committee had an opportunity to attend a site visit.

2.1. Consideration of Item

William Stewart, Principal Planning Officer reported that 14 letters of objections had been received, details of which were contained within the report; and a petition from Hareshawmuir Road Residents' Group containing 18 signatures objecting to the proposals; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Economic Development: Approval, subject to conditions, and for the reasons, as detailed within the report.

2.2. Planning Hearing

The Committee heard Greta Roberts, in respect of her own objections, George Kerr representing Moscow and Waterside Community Council, Emilie Connor representing Professor and Dr Connor, Jon Peberdy and Stewart Douglas, Mr Cuthbertson in respect of his own objections and Niall Campbell in respect of his own objections.

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

The Committee then heard Scott Miller, applicant, and Graeme Brown, his Agent from Munro Architects, 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.

2.3. Determination of Application

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

Provost Stephanie Young, seconded by Councillor Tom Cook, moved as an amendment, that the application be refused on the grounds that the size of the barn and height of the fence would have a detrimental impact on the visual amenity of the area; that the application did not comply with Policy G5 of the Ayrshire Joint Structure Plan as the application did not demonstrate a site specific locational need; that the application did not comply with Policy RES 16 of the East Ayrshire Local Plan as the temporary caravan was not considered to be justified and there were concerns about protection and re-instatement of the existing private water supply pipe and about the applicant's ability to provide the passing places at Hareshawmuir Road.

On a division by show of hands the motion was carried by 10 votes to 2.

3. APPLICATION NO 04/0297/RM: CHARLES CHURCH DEVELOPMENTS LTD; ROWALLAN CASTLE ESTATE, KILMARNOCK

There was submitted an executive summary sheet and report dated 14 June 2007 (both circulated) by the Head of Planning and Economic Development on a reserved matters planning application for proposed erection of 35 residential dwellinghouses, installation of bin store area and variation to conditions 4 and 11(d), of planning consent 98/0365/OL at Rowallan Castle Estate, Kilmarnock.

Prior to the meeting, Members of the Committee had an opportunity to attend a site visit.

3.1 Declaration of Interest

Provost Stephanie Young declared a 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.

3.2. Consideration of Item

William Stewart, Principal Planning Officer reported that 11 letters 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 conditions, and for the reasons, as detailed within the report and subject to additional Condition 15: Details of all refuse collection arrangements for all dwellinghouses within the development shall be submitted to and agreed in writing with the Planning Authority, prior to the development taking place on site. REASON: In the interests of residential amenity; and that the decision notice not be issued until the application

had been notified to and cleared by the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997.

3.3. Planning Hearing

The Committee heard Lord Rowallan in respect of his own objection.

The Committee then heard Stuart Adams, from Charles Church Developments Ltd, applicant, Will Hawkins, Architect and Ewan Brown, Solicitor, 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.

The Chair closed the Hearing.

3.4. Determination of Application

It was agreed to approve the application, subject to the conditions and for the reasons, as detailed within the report and subject to additional Condition 15: Details of all refuse collection arrangements for all dwellinghouses within the development shall be submitted to and agreed in writing with the Planning Authority, prior to the development taking place on site. REASON: In the interests of residential amenity and that the decision notice not be issued until the application had been notified to and cleared by the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997.

Provost Stephanie Young re-joined the meeting at this point.

4. APPLICATION NO 07/0158/OL: AYRSHIRE PROPERTY DEVELOPMENTS LIMITED: MAXWOOD ROAD, GALSTON

There was submitted an executive summary sheet and report dated 14 June 2007 (both circulated) by the Head of Planning and Economic Development on a outline planning application for the proposed development of land for residential purposes in outline at Maxwood Road, Galston.

William Stewart, Principal Planning Officer reported that no letters of objection had been received; 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, as detailed within the report and that the decision notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal Section 75 Legal Agreement with the applicants in respect of a financial contribution to the TLR5 Fund, as referred to in paragraphs 5.6 and 7.1 of the report.

It was agreed to approve the application subject to the conditions and for the reasons, as detailed within the report; that the decision notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal Section 75 Legal Agreement with the applicants in respect of a financial contribution to the TLR5 Fund, as referred to in paragraphs 5.6 and 7.1 of the report and that the TLR5 contribution be expended within the Galston area.

5. APPLICATION NO 07/0150/FL: GEORGE WIMPEY STRATEGIC LAND: LAND AT ALTONHILL, KILMAURS ROAD, KILMARNOCK

There was submitted an executive summary sheet and report dated 14 June 2007 (both circulated) by the Head of Planning and Economic Development on a full planning application to the variation of conditions 1, 2, 3 and 8 of planning permission 03/0990/OL at land at Altonhill, Kilmaurs Road, Kilmarnock.

Fiona Finlay, Principal Planning Officer reported that no letters of objection had been received; 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, as detailed within the report; subject to Condition 2 being amended by deletion of “before any development commences on the site” and replace with “within a timescale to be agreed in writing with the Planning Authority”; and that the decision notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in section 7.2 of the report.

It was agreed to approve the application subject to the conditions and for the reasons, as detailed within the report and subject to Condition 2 being amended by deletion of “before any development commences on the site” and replace with “within a timescale to be agreed in writing with the Planning Authority”; and that the decision notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in section 7.2 of the report.

The meeting terminated at 1614 hours.