

EAST AYRSHIRE COUNCIL**NORTHERN LOCAL PLANNING COMMITTEE****MINUTES OF SPECIAL MEETING HELD ON WEDNESDAY 15 JUNE 2011 AT
1400 HOURS IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS,
LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Alan Brown, John MacKay, Helen Coffey, Tom Cook, Robert Keohone, Douglas Reid, John Campbell, John Knapp, Hugh Ross, and Stuart Finlayson.

ATTENDING: Hugh Melvin, Acting Development Management Manager; Fiona Finlay, Principal Planning Officer; Avril Forrest, Solicitor; Mark Scott, Traffic Engineer, Roads; and Gillian Hamilton, Administrative Officer.

APOLOGIES: Councillors Rose-Ann Cuninghame, John McGhee, Willie Coffey, Maureen McKay, Iain Linton, Jim Buchanan, Jim Todd, Robert McDill, and Provost Stephanie Young.

CHAIR: Councillor Alan Brown, Chair.

PRE-DETERMINATION HEARING**HEARING PROCEDURE**

1. The Administrative Officer established that the Pre-determination Hearing Procedure was understood by all participants (circulated). The Administrative Officer further clarified that no decision on the application (item 1.1 below) would be made today. The application would be referred to and determined by the Council at its next appropriate meeting.

1.1 PRE-DETERMINATION HEARING: APPLICATION NO 11/0242/PPP: DIAGEO SCOTLAND LTD: 18 - 20 HILL STREET, KILMARNOCK

There was submitted an executive summary sheet and report dated 6 June 2011 (both circulated) by the Head of Planning and Economic Development on an application for planning permission in principle for a mixed use development inclusive of further education college, residential, care home, business, small scale retail, hotel, public house, restaurant, cafe and creche/nursery at 18-20 Hill Street, Kilmarnock.

1.2 Consideration of Item

Fiona Finlay, Principal Planning Officer; reported that (i) the view of the Local Planning Committee was sought under the Scheme of Delegation as the proposed development represented a major application in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 that was considered significantly contrary to the Development Plan, and therefore the determination of the application rested with the Council; and (ii) that one letter of objection had been received, details of which were contained within the report. Thereafter, Fiona Finlay, Principal Planning Officer gave the recommendation of the Head of Planning and Economic Development (i) that the Local Planning Committee endorse the view of the Head of Planning and Economic Development that the application be approved subject to the conditions and for the reasons detailed in the

report; and (ii) that the recommendation of the Local Planning Committee should be referred to the next appropriate Council meeting for consideration in the determination of this application.

1.3 Pre-determination Hearing

The Committee heard Alex Mitchell representing the applicant. Members asked questions of the applicant's representative.

The Committee then heard Scott Paton representing East Ayrshire Access Panel North District, a statutory consultee.

The applicant's representative declined to exercise their right of reply.

The Chair closed the Hearing.

1.4 Determination of Application

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

It was agreed (i) to endorse the view of the Head of Planning and Economic Development that the application be approved subject to the conditions and for the reasons detailed in the report, and a further recommendation that an additional condition 18 be imposed to ensure that the issue of inclusive design is addressed in all subsequent detailed applications in respect of the proposed development and that the applicant consult with East Ayrshire Access Panel North District on inclusive design, as follows, viz:-

Notwithstanding Condition no. 4 above, the submission of all further applications for the Approval of Matters Specified in the Conditions of this Planning Permission in Principle (AMCPPP's) shall have regard to the issues of accessibility in terms of the final design and layout of all developments within the application site. All further applications shall demonstrate how the proposals promote accessibility in terms of the design and layout and how the applicants have taken the views of the East Ayrshire Access Panel North District into account. REASON: In the interests of inclusive design.

and an amendment to Advisory Note 1 as follows, viz:-

Amended Advisory Note 1

1. Further to Condition No. 18, the applicant is strongly recommended to make early contact with the East Ayrshire Access Panel North District. In this respect the applicant is advised to note that The East Ayrshire Access Panel North District is willing to advise on detailed matters in terms of accessibility at the detailed planning stage and can be contacted via Susan Fulton of East Ayrshire Council's Planning and Economic Development Service at East Ayrshire Council, The Johnnie Walker Bond, 15 Strand Street, Kilmarnock, KA1 1HU; and (ii) that the recommendations of the Local Planning Committee be referred to the Council for its consideration in the determination of the application.

CONSIDERATION OF APPLICATIONS

HEARING PROCEDURE

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

3. APPLICATION NO 09/0098/OL: LANDS IMPROVEMENT: IRVINE ROAD, KILMARNOCK

There was submitted an executive summary sheet and report dated 7 June 2011 (both circulated) by the Head of Planning and Economic Development on an outline application for a proposed residential development, incorporating means of access, community infrastructure, open space and structural landscaping, earthworks, suds infrastructure and associated works at Irvine Road, Kilmarnock.

Hugh Melvin, Acting Development Management Manager; reported that an objection and 16 letters of representation from 20 signatories 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 detailed in the report, but the issue of the Decision Notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant in respect of the matters detailed in paragraphs 5.6 and 7.1 of the report pertaining to developer contribution.

The Committee heard Mary Walker, David Sherlock representing Helen Biddiscombe, Lawrence MacDuff and William Husband in support of their objections.

Members asked questions of an objector.

The Committee then heard Simon Herriot, Kate Turner and Graham McQuakar, the applicant's representatives in support of the application.

Members asked questions of the applicant's representatives.

The Chair closed the Hearing.

Hugh Melvin, Acting Development Management Manager, Fiona Finlay, Principal Planning Officer and Mark Scott, Traffic Engineer, Roads, provided further clarification on points raised during the hearing.

It was agreed to refuse the application on the basis that the proposed development would be detrimental to pedestrian and road safety and would impact adversely on the local community and the general amenity of the surrounding area, there being no requirement to refer the application to Council given that refusal was not based on the principle of housing development at the location.

4. APPLICATION NO 11/0050/PP: ATRIUM HOMES: ST MATTHEW'S PRIMARY SCHOOL, MACDONALD DRIVE, KILMARNOCK

There was submitted an executive summary sheet and report dated 6 June 2011 (both circulated) by the Head of Planning and Economic Development on an application for the proposed erection of 38 residential dwellings and 4 flatted dwellings for social, accessible and older and ambulant rental with new access, parking and associated works at St Matthew's Primary School, MacDonald Drive, Kilmarnock.

Fiona Finlay, Principal Planning Officer; summarised the planning considerations in respect of the application; reported that 3 letters of representation had been received, details of which were contained within the report; 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.

No Hearing took place as the objectors were not present or represented.

It was agreed to grant the application subject to the conditions and for the reasons detailed in the report.

The meeting terminated at 1537 hours.