

EAST AYRSHIRE COUNCIL**DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING
COMMITTEE****MINUTES OF MEETING HELD TUESDAY 6 MARCH 2007 AT 1400 HOURS IN
THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors Eric Ross, Jim O'Neill, Brian Reeves, Douglas Reid, Drew McIntyre, Iain Linton, John Campbell, Stuart Finlayson, Robert McDill, Eric Jackson and Tommy Farrell.

ATTENDING: David Mitchell, Head of Administrative and Legal Services; Alan Neish, Head of Planning, Development and Building Standards; Barry Douglas, Senior Planner; and Robert Beaton, Administrative Officer.

APOLOGIES: Councillors Maureen McKay, John McGhee, Stephanie Young, John Weir, Isabella Macrae, Ray Murray, George Smith, Jimmy Kelly, Elaine Dinwoodie and Jimmy Carmichael.

CHAIR: Councillor Eric Ross, Chair.

CONSIDERATION OF APPLICATIONS

1. APPLICATION NO: 06/0686/FL: ERECTION OF 199 RESIDENTIAL UNITS WITH ASSOCIATED LANDSCAPING, OPEN SPACE, ACCESS ARRANGEMENTS AND FLOOD DEFENCE WORKS AT STODDARD CARPET FACTORY, BARBADOES ROAD, KILMARNOCK BY FM DEVELOPMENTS LTD (Item 2, Page 2694, 03/07)

There was submitted a report dated 23 February 2007 by the Head of Planning, Development and Building Standards advising of the outcome of certain further discussions with the applicant and report dated 29 January 2007 (both circulated) on a full planning application to be considered by the Development Services Committee because it was a larger scale residential development, subject to objections and the Council had an interest in the site, being owner as Roads Authority, of the road network included in the application site.

1.1 Clarification of Members to take Part in the Application

The Head of Administrative and Legal Services clarified that only those Elected Members: Councillors Ross, Reeves, Reid, Linton, Campbell, Finlayson, McDill and Farrell who were involved in the Hearing associated with the application at the meeting held on 7 February 2007 should participate in the determination of the application at this Committee meeting.

1.2 Consideration of Item

The Head of Planning, Development and Building Standards reported that the applicant's transportation engineers had assessed six possible access options and confirmed that a second access was not feasible on the basis of land ownership constraints and issues relating to the flood plain; reported that 78 objections had been received in respect of this application, details of which were contained in the report; in addition, referred to receipt of a 156 signatory petition objecting to the single point of access and supporting the need for a second access; summarised the

planning considerations in respect of the application; and gave the recommendation: Approval, subject to the conditions, and for the reasons, detailed in the report; subject to Notification of Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction; and that the issue of the planning decision notice should be withheld until the Solicitor to the Council had satisfactorily concluded a Section 75 Agreement with the applicant regarding the matters referred to in Section 7.2 of the report.

1.3 Planning Hearing

It was confirmed that a Hearing had previously been held at the meeting on 7 February 2007 and that the Hearing process was concluded in terms of the Hearing Procedure.

1.4 Determination of Application

Councillor Ross, seconded by Councillor Farrell, moved that the application be approved in accordance with the recommendation of the Head of Planning, Development and Building Standards and that the Head of Planning, Development and Building Standards be remitted to negotiate an appropriate contribution to the sports fund by the applicant for the benefit of the area; to review on street parking and traffic calming measures, in consultation with the Head of Roads and Transportation; and to establish a liaison committee to enable local residents to be consulted on the street parking and traffic calming measures.

Councillor Reid, seconded by Councillor Campbell, moved as an amendment refusal of the application as they considered that the applicant should provide a secondary road access to the development as the proposed access road would create significant traffic impact detrimental to the amenity of the existing residents.

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

HEARING PROCEDURE

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

3. **APPLICATION NO 06/0685/FL: EXTRACTION OF COAL BY OPENCAST METHOD WITH RESTORATION TO FORESTRY AND NATURE CONSERVATION AND RETENTION OF EXISTING SITE INFRASTRUCTURE AT CHALMERSTON OPENCAST COAL SITE, DALMELLINGTON BY THE SCOTTISH COAL COMPANY LTD**

There was submitted an executive summary sheet and report dated 25 February 2007 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application to be considered by the Development Services Committee under the Scheme of Delegation because it represented an extension of working for an existing opencast site which was generally in accordance with the Opencast Coal Subject Plan and would require to be notified to the Scottish Ministers.

3.1 Consideration of Item

The Head of Planning, Development and Building Standards 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, viz:- Approval, subject to the conditions, and for the reasons as detailed in the report and subject to Notification of Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Amendment (No 2) Direction 1998; and that the issue of the decision notice should be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1987 with the applicant in respect of the matters detailed in paragraph 8.5 of the report.

3.2 Planning Hearing

The Committee heard Greta Roberts on behalf of MEGA: Mining and Environment Group in support of their objections.

Members of the Committee asked questions of the objector, all in accordance with the agreed Hearing Procedure.

The Committee then heard Philip Rayson, representing the applicant, in support of the application.

The Chair closed the Hearing.

3.3 Determination of Application

It was agreed to approve the application subject to the conditions, and for the reasons as detailed in the report and subject to Notification of Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Amendment (No 2) Direction 1998; and that the issue of the decision notice should be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1987 with the applicant in respect of the matters detailed in paragraph 8.5 of the report.

4. DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON 26 JANUARY 2007 RELATING TO PLANNING APPLICATION NO 06/0575/FL: PROPOSED ERECTION OF A DWELLINGHOUSE ON A PLOT OF GROUND ADJACENT TO WINDYEDGE, WATERSIDE, BY PATNA (Item 5, Page 2580, 03/07)

There was submitted a report dated 9 February 2007 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which informed of the decision of the Southern Local Planning Committee held on 26 January 2007 regarding the above planning application and the executive summary sheet and report dated 15 January 2007 (both circulated) by the Head of Planning, Development and Building Standards.

The Head of Planning, Development and Building Standards 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: Refusal, for the reasons detailed within the report.

It was noted that no Hearing took place as the objector was neither present nor represented at the meeting of the Southern Local Planning Committee on 1 December 2006 and that no hearing was held at the meeting of the Southern Local Planning Committee on 26 January 2007. Therefore, there was no requirement for a Hearing at this meeting.

It was agreed to approve the application on the basis that the application represented an acceptable departure from the Development Plan since the design was considered acceptable and subject to the condition that the applicant provide a full turning area to be located within the curtilage of the dwellinghouse: REASON: to enable all vehicles using the single track access road to turn safely; and to remit the Head of Planning, Development and Building Standards to attach appropriate conditions and reasons to the decision notice.

5. DECISION OF THE NORTHERN AREA LOCAL PLANNING COMMITTEE HELD ON 16 FEBRUARY 2007 RELATING TO PLANNING APPLICATION NO 06/1023/OL: RESIDENTIAL DEVELOPMENT FORMING TWO BUILDING PLOTS AT LAND FRONTING MAXWOOD ROAD, CASTLEVIEW AVENUE, GALSTON (Item 12, Page 2719, 03/07)

There was submitted a report dated 20 February 2007 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which informed of the decision of the Northern Area Local Planning Committee held on 16 February 2007 regarding the above planning application and the executive summary sheet and report dated 5 February 2007 (both circulated) by the Head of Planning, Development and Building Standards.

The Head of Planning, Development and Building Standards reported that no letters of objection had been received; summarised the planning considerations in respect of the application; and gave the recommendation: Refusal, for the reasons detailed in the report.

It was agreed to approve the application on the grounds that the application would improve the environmental and visual amenity of the area; and to remit the Head of Planning, Development and Building Standards to attach appropriate conditions and reasons to the decision notice.

The meeting terminated at 1446 hours.