

**EAST AYRSHIRE COUNCIL****DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING COMMITTEE****MINUTES OF MEETING HELD ON TUESDAY 13 DECEMBER 2005 AT 1002 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors George Smith, John McGhee, Daniel Coffey, Douglas Reid, Drew McIntyre, Iain Linton, John Campbell, Ray Murray, Stuart Finlayson, Robert McDill, Tommy Farrell, Elaine Dinwoodie and Jimmy Carmichael.

**ATTENDING:** Alan Neish, Head of Planning, Development and Building Standards; Avril Forrest, Solicitor; and Robert Beaton, Administrative Officer.

**APOLOGIES:** Councillors Eric Ross, Maureen McKay, Jim O'Neill, Stephanie Young, Brian Reeves, Isabella Macrae, Eric Jackson and Jimmy Kelly.

**CHAIR:** Councillor George Smith, Vice-Chair.

**CONSIDERATION OF APPLICATIONS****1. HEARING PROCEDURE**

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

**2. APPLICATION NO 05/1065/FL: PROPOSED ERECTION OF 86 DWELLINGS AT DALSALLOCH WOOD AND FORMER GREYHOUND TRACK, MAUCHLINE ROAD, AUCHINLECK BY LIBERTY HOMES SCOTLAND**

There was submitted an executive summary sheet and report dated 4 December 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for the proposed erection of 86 dwellinghouses on the site and for the construction of new residential roads to serve the proposed development.

It was noted that Members of the Committee had the opportunity to attend a visit in respect of this application prior to the meeting.

**2.1 Consideration of Item**

The Head of Planning, Development and Building Standards reported that seven 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, viz:- Approval, (i) subject to the conditions, and for the reasons, detailed in the report; (ii) subject to the issuing of the Planning Decision Notice being withheld until the application has been referred to and cleared by the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997; and (iii) subject to the issuing of the Planning Decision Notice being withheld until the Solicitor to the Council has successfully secured a formal agreement with the applicant, under Section 69 of the Local Government (Scotland) Act 1973 to secure the developer's contribution to the Council's Sports, Leisure and Recreation Fund and that payment has been made in this regard.

## **2.2 Planning Hearing**

The Committee heard Linda McClue and Ian McClue, in support of their submitted objections. Members of the Committee asked questions of the objector, all in accordance with the agreed Hearing Procedure.

The applicant was not present or represented at the meeting.

The Chair closed the Hearing.

## **2.3 Determination of Application**

It was agreed to approve the application (i) subject to the conditions, and for the reasons, detailed in the report; (ii) subject to the issuing of the Planning Decision Notice being withheld until the application has been referred to and cleared by the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997; and (iii) subject to the issuing of the Planning Decision Notice being withheld until the Solicitor to the Council has successfully secured a formal agreement with the applicant, under Section 69 of the Local Government (Scotland) Act 1973 to secure the developer's contribution to the Council's Sports, Leisure and Recreation Fund and that payment has been made in this regard.

## **3. APPLICATION NO 04/1260/OL: PROPOSED DEMOLITION OF EXISTING FACTORY AND ERECTION OF FLATTED RESIDENTIAL DEVELOPMENT AT NELSON STREET, BROWN STREET, NEWMILNS BY TRAVIS HOMES LIMITED**

There was submitted an executive summary sheet and report dated 5 December 2005 (both circulated) by the Head of Planning, Development and Building Standards on an outline planning application for the proposed demolition of existing factory and erection of flatted residential development at Nelson Street, Brown Street, Newmilns.

### **3.1 Consideration of Item**

The Head of Planning, Development and Building Standards reported that four 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, viz:- Approval, (i) subject to the conditions, and for the reasons, detailed in the report; and (ii) subject to the issuing of the Planning Decision Notice being withheld until the Solicitor to the Council has successfully secured a formal agreement with the applicant, under Section 75 of the Town and Country Planning (Scotland) Act 1997 to secure the appropriate contribution in terms of the Sports, Leisure and Recreation Fund under Policy TLR 5.

### **3.2 Planning Hearing**

The Committee heard Carol Young and Andrew Young in support of their submitted objections. Members of the Committee asked questions of the objector, all in accordance with the agreed Hearing Procedure.

The Committee then heard Iain McGregor for Travis Homes Limited, in support of the application. Members of the Committee asked questions of the applicant, all in accordance with the agreed Hearing Procedure.

The Chair closed the Hearing.

### **3.3 Determination of Application**

It was agreed to approve the application (i) subject to the conditions, and for the reasons, detailed in the report; and (ii) subject to the issuing of the Planning Decision Notice being withheld until the Solicitor to the Council has successfully secured a formal agreement with the applicant, under Section 75 of the Town and Country Planning (Scotland) Act 1997 to secure the appropriate contribution in terms of the Sports, Leisure and Recreation Fund under Policy TLR 5.

#### **4. APPLICATION NO 05/0299/OL: PROPOSED RESIDENTIAL DEVELOPMENT WITH ASSOCIATED CAR PARKING AND LANDSCAPING AT FORMER BLACKWOOD BROTHERS FACTORY, WESTERN ROAD, KILMARNOCK BY JULGEM PROPERTIES LIMITED**

There was submitted an executive summary sheet and report dated 6 December 2005 (both circulated) by the Head of Planning, Development and Building Standards on an outline planning application for the proposed residential development with associated car parking and landscaping at the Former Blackwood Brothers Factory, Western Road, Kilmarnock.

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, viz:- Approval, (i) subject to the conditions, and for the reasons, detailed in the report; and (ii) subject to the issuing of the Planning Decision Notice being withheld until the Solicitor to the Council has successfully secured a formal agreement with the applicant under Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of the points raised in Paragraph 7.1 of the report.

It was agreed to approve the application (i) subject to the conditions, and for the reasons, detailed in the report; and (ii) subject to the issuing of the Planning Decision Notice being withheld until the Solicitor to the Council has successfully secured a formal agreement with the applicant under Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of the points raised in Paragraph 7.1 of the report.

#### **5. APPLICATION NO 05/0256/LB AND 05/0302/FL: PROPOSED CHANGE OF USE OF LISTED BUILDING FROM VACANT OFFICES TO 11 RESIDENTIAL FLATS AND ALTERATIONS AT SOUTHOOK POTTERIES BUILDING, WESTERN ROAD, KILMARNOCK BY JULGEM PROPERTIES LIMITED**

There was submitted an executive summary sheet and report dated 6 December 2005 (both circulated) by the Head of Planning, Development and Building Standards on a listed building application and a full planning application for the proposed change of use of listed building from vacant offices to 11 residential flats and alterations at Southhook Potteries Building, Western Road, Kilmarnock.

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, viz:- Application Nos 05/0256/LB and 05/0302/FL: Approval, subject to the conditions, and for the reasons, detailed in the report; and subject to the application for Listed Building consent being notified to Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997.

It was agreed to approve Application Nos 05/0256/LB and 05/0302/FL subject to the conditions and for the reasons, detailed in the report; and subject to the application for Listed Building consent being notified to Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997.

**6. DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON 4 NOVEMBER 2005 RELATING TO PLANNING APPLICATION NO 05/1010/OL: PROPOSED RESIDENTIAL DEVELOPMENT ON LAND AT GLAISNOCK GLEN/PENDER'S WYND, CUMNOCK BY MR G ANTONUCCI (Item 4, Page 1792, 03/07)**

There was submitted a report dated 15 November 2005 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which informed of the decision of the Southern Local Planning Committee held on 4 November 2005 regarding the above planning application and executive summary sheet and report dated 17 October 2005 (both circulated) by the Head of Planning, Development and Building Standards presenting for determination an outline planning application.

The Head of Planning, Development and Building Standards reported that no objections were submitted in respect of this application, summarised the planning considerations in respect of the application, and gave the recommendation, viz:- Refusal, for the reasons detailed in the report.

It was agreed to approve the application, the Committee being of the view that residential development on this site would (i) not unduly compromise opportunities for industrial development in the local area, having regard to the availability of alternative locations for industrial development in Cumnock and it being considered that this is not a prime area for industrial development; (ii) complement and enhance the adjacent existing housing estate and, therefore, the proposed development would represent an acceptable departure from the Development Plan; and (iii) to delegate to the Head of Planning, Development and Building Standards the drafting of appropriate conditions relating to the outline consent.

**ADJOURNMENT/RECONVENTION OF MEETING**

**7. It was agreed to adjourn the meeting at 1040 hours.**

The meeting reconvened at 1310 hours with the following Members and Officers present and in attendance:

**PRESENT:** Councillors George Smith, Jim O'Neill, John McGhee, Daniel Coffey, Douglas Reid, Drew McIntyre, John Campbell, Ray Murray, Stuart Finlayson, Robert McDill, Tommy Farrell and Elaine Dinwoodie.

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

**APOLOGIES:** Councillors Eric Ross, Maureen McKay, Stephanie Young, Brian Reeves, Isabella Macrae, Iain Linton, Eric Jackson, Jimmy Kelly and Jimmy Carmichael.

**CHAIR:** Councillor George Smith, Vice-Chair.

## **8. CONTINUATION OF PLANNING APPLICATION NOS 05/0417/FL AND 05/0513/AD**

Having heard the Head of Administrative and Legal Services, advise that the applications be continued to enable appropriate Hearing arrangements to be effected in accordance with established procedures, it was agreed to continue Application No 05/0417/FL: Proposed stripping and bunding on site of topsoil, erection of post and wire perimeter fence and the laying of below ground drainage at Crofthead Road, Kilmaurs, by Hope Homes, Scotland and Application No 05/0513/AD: Proposed 2 No freestanding signs (retrospective) at Crofthead Road/Irvine Road, Kilmaurs by Hope Homes, Scotland to the Special Development Services Committee - Sitting as a Planning Committee on 20 December 2005.

## **9. HEARING PROCEDURE**

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

## **10. APPLICATION NO 05/0027/FL: PROPOSED HOUSING DEVELOPMENT AT CROFTHEAD ROAD, KILMAURS BY HOPE HOMES (SCOTLAND)**

There was submitted an executive summary sheet and report dated 5 December 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for a proposed housing development at Crofthead Road, Kilmaurs.

### **10.1 Consideration of Item**

The Head of Planning, Development and Building Standards reported that 69 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, viz:- Approval, (i) subject to the conditions, and for the reasons, detailed in the report; and (ii) subject to the issuing of the Planning Decision Notice being withheld until the application has been referred to and cleared by the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997.

### **10.2 Adjournment/Reconvention of Meeting**

It was agreed to adjourn the meeting at 1320 hours.

The meeting reconvened at 1330 hours with the same Councillors and Officers present and in attendance.

### **10.3 Planning Hearing**

Following a request from Andrew Tait, objector, to circulate material at the meeting, in support of his objection, the Committee agreed not to circulate (i) a drawing of a suggested alternative road access to the proposed development site; (ii) photographs; and (iii) a written statement, as none of these items had formed part of the original submission.

The Committee heard Andrew Tait, James McFadzean, Mr M Prince, Aileen Hay and Chris McGill on behalf of all the objectors. Members of the Committee asked questions of the objectors, all in accordance with the agreed Hearing Procedure.

The Committee then heard Ian Hope, Hope Homes (Scotland), in support of the application. Members of the Committee asked questions of the applicant, all in accordance with the agreed Hearing Procedure.

The Chair closed the Hearing.

#### **10.4 Determination of Application**

Councillor John McGhee, seconded by Councillor Reid, moved refusal of the application on the grounds of road safety.

Councillor Farrell, seconded by Councillor Smith, moved as an amendment that the application be approved, (i) subject to the conditions, and for the reasons, detailed in the report; (ii) subject to the issuing of the Planning Decision Notice being withheld until the application has been referred to and cleared by the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997; and (iii) subject to an amendment to Condition 6 that the said phasing programme shall restrict the access of construction traffic to the development site via Sunnyside in Kilmaurs.

On a division by a show of hands, the amendment was carried by 7 votes to 5.

The meeting terminated at 1440 hours.