

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE

MINUTES OF SPECIAL MEETING HELD ON FRIDAY 15 DECEMBER 2006 AT 1000 HRS IN KILMAURS COMMUNITY CENTRE, EAST PARK DRIVE, KILMAURS

PRESENT: Councillors Maureen McKay, Jim O'Neill, Stephanie Young, Isabella Macrae, Stuart Finlayson and Robert McDill.

ATTENDING: Dave Morris, Development Promotion Manager; Avril Forrest, Solicitor; and Jennifer Morrison, Administrative Officer

APOLOGY: Councillors John McGhee, Harry Wilson and Jim Raymond.

CHAIR: Councillor Maureen McKay, Chair.

HEARING PROCEDURE

1. The Administrative Officer established that the Hearing Procedure was understood by all participants.
2. **APPLICATION NO 06/0623/FL: SIMON D HOUISON CRAUFURD: MIDLAND FARM COTTAGE, FENWICK**

There was submitted an executive summary sheet and report dated 5 December 2006 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for erection of small wind turbine, 15M in height for local electricity production at Midland Farm Cottage, Fenwick.

2.1 Consideration of Item

The Development Promotion Manager reported that 8 letters of objections from 11 parties 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, Development and Building Standards: Approval subject to the conditions, and for the reasons, detailed in the report.

2.2 Planning Hearing

The Committee heard Mr Merrilees in respect of his own and his wife's objections and in respect of those submitted by Miss Smith and Mr Rodger.

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

The Committee then heard Mr Houison Craufurd, 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.

2.3 Determination of Application

The Development Promotion Manager provided clarification on points raised during the Hearing.

Councillor Young, seconded by Councillor Macrae moved that the application be refused on the grounds that (a) in terms of the Ayrshire Joint Structure Plan the proposal would adversely affect the local community; due to the scale of the turbine it would stand out and would affect the landscape and the character and environmental amenity of the area; (b) in terms of the Adopted East Ayrshire Local Plan the proposal would adversely affect the habitat of species in the area and (c) there were concerns that there would be road safety issues affecting horse riders in the vicinity.

Councillor O'Neill, seconded by Councillor Finlayson moved as an amendment that the application be approved subject to the conditions and for the reasons detailed in the report.

On a division by a show of hands, three members voted for the amendment and three members voted for the motion.

There being an equality of votes, the Chair exercised her casting vote in favour of the amendment which become the decision of the meeting.

3. APPLICATION NO 06/0992/FL: MRS ELIZABETH MCLEAN: LAND TO REAR OF 11 WESTFIELD ROAD, KILMARNOCK

There was submitted an executive summary sheet and report dated 5 December 2006 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for removal of condition No.5 of planning consent 99/0387/FL to remove a hedge and the change of use of open space to private garden ground and the erection of a fence at land to rear of 11 Westfield Road, Kilmarnock.

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

3.1 Consideration of Item

The Development Promotion Manager reported that 3 letters of objections with 5 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, Development and Building Standards: Refusal for the reasons detailed in the report.

3.2 Planning Hearing

The Committee heard Mr Harvey and Miss Barr in respect of their objections.

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

The Committee then heard Mrs McLean, 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.

3.3 Determination of Application

The Development Promotion Manger provided clarification on points raised during the Hearing.

It was agreed to refuse the application for the reasons detailed in the report.

4. APPLICATION NO 06/0824/FL: MR & MRS MITCHELL: LAND ADJACENT 12 FENWICK CLOSE, KILMARNOCK

There was submitted an executive summary sheet and report dated 6 December 2006 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for change of use from landscape to private garden ground and the re-siting of a boundary fence at land at adjacent 12 Fenwick Close, Kilmarnock.

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

4.1 Consideration of Item

The Development Promotion Manager reported that one letter of objection from two parties 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, Development and Building Standards: Refusal for the reasons detailed in the report.

4.2 Planning Hearing

The Committee heard Mr and Mrs Keenan in support of their objection.

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

The Committee then heard Mr McCaw, the applicant's agent in support of the application.

Members of the Committee asked questions of the applicant's agent, in accordance with the agreed Hearing Procedure.

The Chair closed the Hearing.

4.3 Determination of Application

The Development Promotion Manager provided clarification on points raised during the Hearing.

Councillor Young, seconded by Councillor McDill moved that the application be approved on the grounds that the proposal would not remove the buffer zone and would not deny access to the area for neighbouring properties. Furthermore it was viewed that a precedent had already been set in respect of a previous consent for 18 Westfield Road. Approval should be subject to any loss of trees being re-established with similar, with details of this condition being remitted to the Head of Planning, Development and Building Standards.

Councillor O'Neill, seconded by Councillor Finlayson moved as an amendment that the application be refused for the reasons detailed in the report.

On a division by a show of hands the amendment was carried by 4 votes to 2.

5. APPLICATION NO 06/0804/FL: JOHN HOUSTON, 7 HOLLYBUSH PLACE, KILMARNOCK

There was submitted an executive summary sheet and report dated 5 December 2006 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for change of use from open space to private garden ground, erection of rear extension, front porch and fence at 7 Hollybush Place, Kilmarnock.

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

5.1 Consideration of Item

The Development Promotion Manager summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning, Development and Building Standards: Refusal for the reasons detailed in the report.

It was agreed to approve the application on the grounds that this proposal would not affect the buffer zone in the area, and would not result in neighbouring properties land being "locked-in". It was further agreed to apply a condition that the entire hedge was to remain with details being remitted to the Head of Planning, Development and Building Standards: Reason, viz:- in the interests of visual and residential amenity.

6. APPLICATION NO 06/0953/FL: DICKIE AND MOORE LTD: LAND ON EAST SIDE OF WATERSLAP, FENWICK

There was submitted an executive summary sheet and report dated 5 December 2006 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for amendments to and repositioning of house type, garage and footpath at plot 5 of approved residential development at land to east side of Waterslap, Fenwick.

6.1 Consideration of Item

The Development Promotion Manager reported that two 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, Development and Building Standards: Approval subject to the condition and for the reason detailed in the report.

6.2 Planning Hearing

The Committee heard Mr Jones in respect of his objection.

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

The applicant was not present or represented.

The Chair closed the Hearing.

6.3 Determination of Application

The Development Promotion Manager provided clarification on the points raised during the Hearing.

It was agreed to approve the application subject to an amendment to the Condition to replace the 1.8 metre high fence with a 2.0 metre fence – Reason: in the interest of residential amenity.

The meeting terminated at 1200 hours.