

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 28 JUNE 2005 AT 1400 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Eric Ross, Maureen McKay, Stephanie Young, Brian Reeves, Daniel Coffey, Douglas Reid, Drew McIntyre, John Campbell, Stuart Finlayson, Robert McDill, Eric Jackson, George Smith, Jimmy Kelly and Jimmy Carmichael.

ATTENDING: Elizabeth Morton, Depute Chief Executive/Executive Director of Corporate Support; Alan Neish, Head of Planning, Development and Building Standards; Peter Hessem, Team Leader (Litigation); Pamela Clifford, Principal Planner; and Robert Beaton, Administrative Officer.

APOLOGIES: Councillors Jim O'Neill, John McGhee, Isabella Macrae, Iain Linton, Ray Murray, Tommy Farrell and Elaine Dinwoodie.

CHAIR: Councillor Eric Ross, Chair.

CONSIDERATION OF APPLICATIONS

1. HEARING PROCEDURE

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

2. DECISION OF SOUTHERN LOCAL PLANNING COMMITTEE HELD ON 17 JUNE 2005 RELATING TO PLANNING APPLICATION NO 05/0226/FL: PROPOSED HOUSING DEVELOPMENT FOR ERECTION OF 92 DWELLINGHOUSES AT RIGG ROAD, CUMNOCK BY NORTHKIRK LIMITED

There was submitted a report dated 20 June 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 17 June 2005 regarding the above planning application; and executive summary sheet and report dated 6 June 2005 (both circulated) by the Head of Planning, Development and Building Standards which presented for determination a full planning application for the proposed housing development for the erection of 92 dwellinghouses, Phase 1, Rigg Road, Cumnock.

The Head of Planning, Development and Building Standards reported that 13 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:- Refusal, for the reasons detailed in the report.

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

Councillor Ross, seconded by Councillor Carmichael, moved to approve the application as they considered that the proposed development would represent an acceptable departure from the Development Plan for the following reasons, namely:-
(i) there is currently a need for the significant release of land for housing development

in and around the settlement of Cumnock, notwithstanding the review of the East Ayrshire Local Plan which is presently underway and as part of which the supply of housing land will be examined with a Draft Plan expected towards the end of this year; and (ii) the proposed development includes the provision of a new emergency access off Bute Road which would also serve as an emergency access to the wider Holmhead area, thereby enhancing public safety, subject to the imposition of appropriate conditions to ensure that the emergency access is not available for general vehicular access.

In the event that the application is approved, the following will apply, namely:- (i) the application will require to be referred to the Scottish Ministers in terms of the Town and Country Planning (Development Contrary to Development Plan) (Scotland) Direction 1996 because the development would represent a significant departure from the approved Ayrshire Joint Structure Plan; and (ii) the issue of the Decision Notice should be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement under Section 69 of the Local Government (Scotland) Act 1997 with the applicant in respect of the matter detailed in Paragraph 5.8 of the report and payment in that regard having been received.

Councillor McIntyre, seconded by Councillor Smith, moved as an amendment to continue consideration of the application until after the East Ayrshire Local Plan had been finalised.

On a division by a show of hands, there voted for the amendment 7 and for the motion 7.

There being an equality of votes, the Chair exercised his casting vote in favour of the motion which became the decision of the meeting.

3. APPLICATION NO 05/0292/FL: PROPOSED DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF RESIDENTIAL DWELLINGS, CLASS 4 COMMERCIAL/BUSINESS UNITS, MINI-ROUNABOUT, SPEEDTABLE AND ASSOCIATED ROADWORKS AT PARKHEAD, NEWMILL ROAD, DUNLOP BY DICKIE AND MOORE LIMITED

There was submitted an executive summary and report dated 21 June 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for the proposed demolition of existing buildings and erection of residential dwellings, class 4 commercial/business units, mini-roundabout, speedtable and associated roadworks at Parkhead, Newmill Road, Dunlop.

It was noted that Members had undertaken a visit to the application site prior to the meeting.

3.1 Consideration of Item

The Head of Planning, Development and Building Standards reported that 11 letters of objection had been received, details of which were contained within the report; gave minor corrections to the status of Newmill Road, the position of the Conservation Area and advised that a decision had been taken not to advertise the proposal as affecting the setting of the Conservation Area; 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 had satisfactorily concluded a formal agreement under

Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Sections 5.7 and 7.2 of the report.

3.2 Planning Hearing

Following a request from Dunlop and Lugton Community Council, it was agreed to circulate a written statement as it already formed part of the original submission.

The Committee heard Mr Pinkerton on behalf of Dunlop and Lugton Community Council and James Crawford, in support of their objections.

3.3 Adjournment/Reconvention of Meeting

It was agreed to adjourn the meeting at 1450 hours. The meeting reconvened at 1507 with the same Councillors and Officers present and in attendance.

3.4 Continuation of Planning Hearing

Following a request from John Taylor, objector, to circulate material at the meeting, in support of his objection, the Committee agreed to circulate a drawing of a suggested junction layout of Newmill Road and A735, which had been included as part of the original submission, and not to circulate photographs as these had not formed part of the original submission.

Accordingly, the Committee heard John Taylor, in respect of his own objections and Iain Roy in relation to his own objections and those of Pamela Hill. Members of the Committee asked questions of the objectors, all in accordance with the agreed Hearing Procedure.

The Committee then heard Euan Lawrence, applicant's Agent, Neil Howie of Howie of Dunlop and John Dickie of Dickie and Moore Ltd., in support of the application. Members of the Committee asked questions of the applicant, all in accordance with the Hearing Procedure.

The Chair closed the Hearing.

3.5 Determination of Application

It was agreed (i) to approve the proposed demolition of existing buildings and erection of residential dwellings, subject to the conditions and for the reasons as detailed in the report; (ii) that permission for the erection of Class 4 Commercial/Business Units is not hereby approved on the grounds that the operation of the Business Units would be detrimental to the amenity of the residential element of the application; (iii) that details of either an alternative junction arrangement or the use of a mini-roundabout shall be submitted to and approved by the Planning Authority prior to commencement of the development on site and shall be implemented prior to the occupation of any dwellinghouses on site; (iv) that Condition 11 be amended so that no external construction work, site clearance or preparation works shall take place before 0800 hours and after 1700 hours on Monday to Friday and 0800 hours and after 1300 hours on Saturday nor at any time on Sundays; and (v) approval subject to the issuing of the Planning Decision Notice being withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Sections 5.7 and 7.2 of the report.

The meeting terminated at 1642 hours.