

EAST AYRSHIRE COUNCIL

**DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING
COMMITTEE**

**MINUTES OF MEETING HELD ON TUESDAY 20 SEPTEMBER 2005 AT 1400
HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors Eric Ross, Jim O'Neill, John McGhee, Brian Reeves, Daniel Coffey, Drew McIntyre, Isabella Macrae, Iain Linton, John Campbell, Ray Murray, Stuart Finlayson, Robert McDill and Tommy Farrell.

ATTENDING: Alan Neish, Head of Planning, Development and Building Standards; Peter Hessel, Team Leader (Litigation and Advice); Kerr Chalmers, Senior Engineer Roads; and Robert Beaton, Administrative Officer.

APOLOGIES: Councillors Stephanie Young, Douglas Reid, Eric Jackson, George Smith, Jimmy Kelly 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. APPLICATION NO 05/0576/FL: PROPOSED PUBLIC COMMUNITY HALL AND
FORMATION OF TRAFFIC CALMING AT DYKESCROFT, MOSCOW, GALSTON
BY MOSCOW COMMUNITY**

There was submitted an executive summary and report dated 8 September 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application to construct a public community hall with associated car parking and formation of traffic calming.

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

2.1 Consideration of Item

The Head of Planning, Development and Building Standards reported that 16 letters of objection and one petition containing 8 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, 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.

2.2 Planning Hearing

Following a request from the applicant, Moscow Community Hall, to circulate material at the meeting, it was agreed not to circulate a photograph as it had not formed part of the original submission.

The Committee heard Barry Nelson, in support of his own objection, Margaret Petrie in support of her own objection, and on behalf of Garry Mitchell and Kerry Martin, objectors; and William Geals, in support of his own objection, all in accordance with the Hearing Procedure.

The Committee then heard Lillian Meikle and Gordon Mercer for the applicant, Moscow Community Hall, all in accordance with the Hearing Procedure.

The Chair closed the Hearing.

2.3 Determination of Application

It was agreed:-

- (i) to approve the application subject to the conditions and for the reasons as detailed within the report;
- (ii) subject to the additional condition 19: that at no time shall buses be parked on the carriageway and any buses visiting the premises shall be parked within the overspill car park; REASON: in the interests of road safety; and
- (iii) that the issuing of the Planning Decision Notice be withheld until the application has been referred to and cleared by Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997.

3. APPLICATION NO 05/0804/RM: PROPOSED TRAFFIC SIGNALS AND TRAFFIC CALMING FOR PROPOSED NEW GRANGE ACADEMY, ANNANHILL PRIMARY AND PARK SCHOOL, BEECH AVENUE, GRANGE TERRACE, IRVINE ROAD, KILMARNOCK BY ATKINS CONSULTANTS LIMITED

There was submitted an executive summary and report dated 8 September 2005 (both circulated) by the Head of Planning, Development and Building Standards on a Reserved Matters application to install traffic signals and traffic calming measures and to discharge condition 3(k) of the outline planning consent no 04/1238/OL regarding the design and exact sighting of the traffic signalisation and signalised pedestrian crossing facilities and Condition 10 of the above outline permission regarding approval of details of the traffic calming measures to be provided along Beech Avenue and Grange Terrace.

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 14 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.

3.2 Planning Hearing

The Committee heard David McSorley, Audrey Sutton, Rebecca Neil for Bonnyton Community Council, Harry McCall for Grange/Howard Community Council and Eileen Murphy in support of their submitted objections. Members of the Committee asked questions of the objectors, all in accordance with the agreed Hearing Procedure.

The Committee then heard Ronnie Swain for Atkins Consultants Limited, in support of the application. Members of the Committee asked questions of the applicant, and Kerr Chalmers, Senior Engineer, Roads.

The Chair closed the Hearing.

3.3 Determination of Application

Councillor McIntyre, seconded by Councillor O'Neill, moved approval (i) subject to the conditions, and for the reasons, detailed in the report; (ii) subject to additional Condition 6, notwithstanding Condition 4 above, the proposed speed cushions along Beech Avenue are not approved and shall be replaced with speed tables. REASON: In the interests of roads safety and residential amenity; and (iii) 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.

Councillor Ross, seconded by Councillor Linton, moved as an amendment to continue consideration of the application on the basis that in their view, the existing scheme was considered to be overly engineered and the applicant to submit alternative proposals which provided an assessment of alternative types of crossing, with supporting video evidence.

On a division by a show of hands, the motion was carried by 8 votes to 5.

Councillor Linton left the meeting at this point.

4. APPLICATION NO 05/0805/FL: PROPOSED PUFFIN PEDESTRIAN CROSSING FOR PROPOSED NEW GRANGE ACADEMY, ANNANHILL PRIMARY AND PARK SCHOOL PUBLIC ROAD AT 46, 52, 49 IRVINE ROAD, KILMARNOCK BY ATKINS CONSULTANTS LIMITED

There was submitted an executive summary and report dated 8 September 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application to erect a signalised pedestrian crossing which involved the erection of two traffic signal poles, high visibility pedestrian guards on both sides of the pedestrian crossings of a height of 900mm and tactile paving for visually impaired pedestrians.

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

4.1 Consideration of Item

The Head of Planning, Development and Building Standards reported that 7 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, subject to the conditions, and for the reasons, detailed in the report.

4.2 Planning Hearing

The Committee heard Rebecca Neil for Bonnyton Community Council in support of their objections, all in accordance with the agreed Hearing Procedure.

The Committee then heard Ronnie Swain, for Atkins Consultants Limited, 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.

4.3 Determination of Application

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

5. APPLICATION NO 05/0294/LA: PROPOSED FLOOD PREVENTION SCHEME WITH NEW ALTERATIONS TO THE RIVER IRVINE AND BURN ANNE EMBANKMENT WALLS, CONSTRUCTION OF FLOOD ATTENUATION AREAS AND ASSOCIATED EMBANKMENTS AT VARIOUS SITES AROUND THE RIVER IRVINE AND BURN ANNE, GALSTON BY EAST AYRSHIRE COUNCIL ROADS AND TRANSPORTATION DIVISION

There was submitted an executive summary and report dated 8 September 2005 (both circulated) by the Head of Planning, Development and Building Standards which advised that the proposed development is required to protect the settlement of Galston from potential flooding from the River Irvine, the Burn Anne and the Gaughland Burn and the proposal involved four distinct areas of flood prevention works.

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:- (i) that a Notice of Intention to Develop be forwarded to the Scottish Ministers in accordance with the development by Planning Authorities Regulations 1981-1984; and (ii) that the proposal is considered to be acceptable subject to further details being agreed with the Head of Planning, Development and Building Standards as detailed within the report.

No Hearing took place as the objector was not present or represented at the meeting.

It was agreed:-

- (i) that a Notice of Intention to Develop be forwarded to the Scottish Ministers in accordance with the development by Planning Authorities Regulations 1981-1984; and
- (ii) that the proposal is considered to be acceptable subject to further details being agreed with the Head of Planning, Development and Building Standards as detailed within the report.

6. DECISION OF THE NORTHERN AREA LOCAL PLANNING COMMITTEE HELD ON 2 SEPTEMBER 2005 RELATING TO PLANNING APPLICATION NO 04/0949/OL: PROPOSED NEW RESIDENTIAL PROPERTY FOR FARM LABOURER AND FAMILY AT HILLEND FARM, OLD MOOR ROAD, NEWMILNS

There was submitted a report dated 12 September 2005 (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 2 September 2005 regarding the above planning application and executive summary sheet and report dated 19 August 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.

Councillor Finlayson, seconded by Councillor McDill, moved to approve the application on the basis that in their view, the proposal did conform with Policy G5 of the Joint Structure Plan Policy in that it did demonstrate a site specific locational need in support of the agricultural business of the applicants with appropriate conditions and reasons to be determined by the Head of Planning, Development and Building Standards and subject to a condition to be added to the consent as the dwelling shall only be occupied by a person locally employed or last employed in agricultural or in forestry on the land to which the dwelling relates; or by a dependant of such a person residing with him/her (or a widow or widower of such a person) and that the Planning Decision Notice be withheld until there is a satisfactory legal agreement in place to verify that the additional husbandry and land purchase identified in the Labour Assessment has taken place.

Councillor J McGhee, seconded by McIntyre, moved as an amendment that the application for outline planning permission be refused for the reasons detailed within the report.

On a division by a show of hands, the motion was carried by 8 votes to 2.

7. APPLICATION NO 05/0481/FL: PROPOSED ERECTION OF FISHERY MANAGER'S HOUSE AND GARAGE AT SHIELD MAINS FARM, COALHALL BY MR ALEX STEVENSON

There was submitted an executive summary sheet and report dated 8 September 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for the erection of a dwellinghouse to accommodate a Manager of the existing Coyle Water Fishery.

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 had successfully secured a formal revocation of consent 04/0372/RM dated 13 August 2004 in terms of Sections 65 and 67 of the Town and Country Planning (Scotland) Act 1997.

It was agreed to approve the planning 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 had successfully secured a formal revocation of consent 04/0372/RM dated 13 August 2004 in terms of Sections 65 and 67 of the Town and Country Planning (Scotland) Act 1997.

The meeting terminated at 1555 hours.