

EAST AYRSHIRE COUNCIL**DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING COMMITTEE****MINUTES OF MEETING HELD ON TUESDAY 21 SEPTEMBER 2004 AT 1400 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors George Smith, Jim O'Neill, Stephanie Young, Brian Reeves, Daniel Coffey, Douglas Reid, Drew McIntyre, Iain Linton, John Campbell, Ray Murray, Stuart Finlayson and Tommy Farrell.

ATTENDING: David Mitchell, Head of Administrative and Legal Services; Alan Neish, Head of Planning, Development and Building Standards; Hugh Melvin, Principal Planning Officer; and Robert Beaton, Administrative Officer.

APOLOGIES: Councillors Eric Ross, Maureen McKay, John McGhee, Isabella Macrae, Robert McDill, Eric Jackson, Jimmy Kelly, Elaine Dinwoodie and Jimmy Carmichael.

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 04/0434/OL: PROPOSED RESIDENTIAL DEVELOPMENT (CLASS 9) AT LAND TO THE REAR OF MOUNT HOUSE, DUNDONALD ROAD, KILMARNOCK BY LAND IMPROVEMENT HOLDINGS PLC

There was submitted an executive summary sheet and report dated 14 September 2004 (both circulated) by the Executive Director of Development and Property Services on an outline planning application for proposed residential development (Class 9) at land to the rear of Mount House, Dundonald Road, Kilmarnock.

2.1 Consideration of Item

The Head of Planning, Development and Building Standards reported that 18 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 of the Executive Director of Development and Property Services, viz:- Approval, subject to the conditions and for the reasons, detailed in the report; and that the issue of the planning Decision Notice be withheld until:- (i) the Solicitor to the Council has satisfactorily concluded with the applicants, a Minute of Variation of the existing Section 75 Agreement associated with planning consent nos 03/0313/OL and 03/0434/OL, in particular, with respect to the matters detailed in Section 7.3 of the report; and (ii) that the application has been referred to the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications) (Scotland) Order 1997.

2.2 Planning Hearing

The Committee then heard Mr Paul Darnbrough, on behalf of Mount House Residents Association. Members then asked questions of Mr Darnbrough, who responded, all in accordance with the Hearing Procedure.

The Committee then heard Mr Duncan Jenkins, representing the applicant, in support of the application and Members asked questions of Mr Jenkins, who responded, all in accordance with the Hearing Procedure.

The Chair closed the Hearing.

2.3 Determination of Application

It was agreed to approve the application subject to the conditions, and for the reasons, detailed in the report and that the issuing of the planning Decision Notice be withheld until:-

- (i) the Solicitor to the Council has satisfactorily concluded with the applicants, a Minute of Variation of the existing Section 75 Agreement associated with planning consent nos 03/0313/OL and 03/0434/OL, in particular with respect to the matters detailed in Section 7.3 of the report; and
- (ii) that the application has been referred to the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications) (Scotland) Order 1997.

Councillor Reid left the meeting at this point.

3. APPLICATION NO 04/0478/FL: PROPOSED HOUSING DEVELOPMENT FOR 8 NO DWELLINGHOUSES AT FORMER ROADS DEPOT, CARSPHAIRN ROAD, DALMELLINGTON BY RANSOM DEVELOPMENTS LIMITED

There was submitted an executive summary sheet and report dated 10 September 2004 (both circulated) by the Executive Director of Development and Property Services on a full planning application for proposed housing development for 8 No. dwellinghouses at former Roads Depot, Carsphairn Road, Dalmellington.

3.1 Consideration of Item

The Head of Planning, Development and Building Standards reported that three 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 of the Executive Director of Development and Property Services, viz:- Approval, (i) subject to the conditions, and for the reasons, detailed in the report; and (ii) that the Decision Notice be withheld until the application has been referred to the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications) (Scotland) Order 1997.

3.2 Planning Hearing

The Committee then heard Mrs Kay Manson, in support of her objection and Mr Clive Jones, on behalf of Mrs Grace Thomson, in support of her objection. Members then asked questions of Mrs Manson and Mr Jones, who responded, all in accordance with the Hearing Procedure.

The applicant was not present or represented and the Chair closed the Hearing.

Councillor Campbell left the meeting at this point.

3.3 Determination of Application

Councillor Smith, seconded by Councillor McIntyre, moved to approve the application:-

- (i) subject to the conditions, and for the reasons, detailed in the report;
- (ii) subject to additional Condition (9) that no development shall begin on site (with the exception of site investigative works) until a Contaminated Land investigation has been submitted to, and approved in writing by, the Planning Authority. The investigation shall be conducted in line with BS 10175: 2001 Code of Practice for "The investigation of potentially contaminated sites" and will contain details of proposals to deal with contamination (if present) to include: (a) the nature, extent and type(s) of contamination on the site; (b) a site specific risk assessment of all relevant pollutant linkages; (c) remedial measures to treat/remove contamination to ensure the site is fit for the use proposed; and (d) measures to deal with any unsuspected contamination discovered during construction works;

REASON: to ensure potential risks arising from previous site uses have been fully accessed;

- (iii) subject to additional Condition 10 that on completion of any remedial works necessary as approved under the terms of Condition (9) above, and prior to any further site development, the developer shall submit a report, confirming that the remedial works have been carried out in accordance with the remediation plan;

REASON: to provide verification that remediation has been carried out in accordance with the remediation plan and to the Authority's satisfaction; and

- (iv) that the Decision Notice be withheld until the application has been referred to the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications) (Scotland) Order 1997.

Councillor O'Neill, seconded by Councillor Young, moved as an amendment that the application be refused as it represented a ribbon development.

On a division by a show of hands, the motion was carried by 6 votes to 4.

Councillor Young left the meeting at this point.

4. **APPLICATION NO 04/0659/LA: FORMATION OF MULTI-USE GAMES AREA WITH SYNTHETIC TURF FINISH AND ASSOCIATED FENCING AND LIGHTING AT DRONGAN PRIMARY SCHOOL, MILMANNOCH AVENUE, DRONGAN BY EAST AYRSHIRE COUNCIL**

There was submitted an executive summary sheet and report dated 7 September 2004 (both circulated) by the Executive Director of Development and Property Services on an application under the Notification of Intention to Develop Procedures for the formation of multi-use games area with synthetic turf finish and associated fencing and lighting, at Drongan Primary School, Milmarnoch Avenue, Drongan.

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 of the Executive Director of Development and Property Services,

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

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

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 was considered acceptable subject to further details being agreed with the Head of Planning, Development and Building Standards, and subject to the conditions, and for the reasons, detailed in the report.

The meeting terminated at 1455 hours.