

EAST AYRSHIRE COUNCIL

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

**MINUTES OF MEETING HELD ON TUESDAY 1 AUGUST 2006 AT 1000 HOURS
IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors Eric Ross, John McGhee, Stephanie Young, Brian Reeves, John Weir, Drew McIntyre, Iain Linton, John Campbell, Ray Murray, Stuart Finlayson, Robert McDill, George Smith, Jimmy Kelly, Tommy Farrell, Elaine Dinwoodie and Jimmy Carmichael.

ATTENDING: James Lavery, Executive Director of Development and Property Services; David Mitchell, Head of Administrative and Legal Services; Alan Neish, Head of Planning, Development and Building Standards; Brian Weadon, Area Roads Engineer (Operations); John Trakalo, Senior Roads Engineer (Operations); Barry Douglas, Planning Officer; and Robert Beaton, Administrative Officer.

APOLOGIES: Councillors Maureen McKay, Jim O'Neill, Douglas Reid, Isabella Macrae and Eric Jackson.

CHAIR: Councillor Eric Ross, Chair.

HEARING PROCEDURE

1. The Head of Administrative and Legal Services established that the Hearing Procedure was understood by all participants (circulated).

Councillor Ross, seconded by Councillor Smith, moved that the objectors collectively be allowed a maximum of 45 minutes to speak in support of their objections.

Councillor McDill, seconded by Councillor Linton, moved as an amendment that the objectors be afforded unlimited time to speak to the objections.

On a division by a show of hands, the motion was carried by 8 votes to 4.

CONSIDERATION OF APPLICATIONS

2. **APPLICATION NOS 06/0456/LB AND 06/0458/LA: PARTIAL REINSTATEMENT OF BURNS MONUMENT, ERECTION OF MARRIAGE RECORDS CENTRE, ALTERATIONS TO ROAD AND FORMATION OF CAR PARKS AT BURNS MONUMENT, KAY PARK, KILMARNOCK BY EAST AYRSHIRE COUNCIL'S LIBRARY, REGISTRATION AND INFORMATION SERVICES**

There was submitted a report dated 21 July 2006 (circulated) by the Head of Planning, Development and Building Standards on an application for a Notice of Intention to Develop and a Listed Building Consent application for the partial reinstatement of Burns Monument, erection of Marriage Records Centre, Alterations to road and formation of car parks at Burns Monument, Kay Park, Kilmarnock.

2.1 Consideration of Item

The Head of Planning, Development and Building Standards reported that 55 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:- (i) that the Notice of Intention to Develop be forwarded to the Scottish Ministers in accordance with the Development by Planning Authority Regulations 1981-1984 and subject to the conditions as detailed within the report; and (ii) that the Listed Building application be approved subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997 and subject to the conditions as detailed within the report.

2.2 Planning Hearing

The Committee then heard Jeanette White, Eileen McGowan, George Campbell and Jean Allison in support of their objections; Dave Clarke representing Piersland/Bentinck Community Council; Paul Green in support of his objection and those of New Farm Loch Community Council; Claudia Stein-Carr, in support of her objection; Jan Sinclair, representing Heal the Earth Ayrshire; and Ronnie Thompson and Douglas Brice in support of their objections. Members of the Committee asked questions of the objectors, all in accordance with the agreed Hearing Procedure.

The Committee then heard Iain Barker, Principal Architect, David Nimbley, Senior Architect and John Griffiths, Head of Leisure Services, East Ayrshire Council. Members of the Committee asked questions of representatives of the applicant, all in accordance with the agreed Hearing Procedure.

The Chair closed the Hearing.

2.3 Response by Head of Planning, Development and Building Standards

The Head of Planning, Development and Building Standards responded to the planning considerations raised during the Planning Hearing and Brian Weadon, Area Roads Engineer (Operations) responded to traffic issues raised during the Planning Hearing. Members of the Committee asked questions of the Head of Planning, Development and Building Standards and the Area Roads Engineer (Operations).

2.4 Determination of Application

Councillor Weir, seconded by Councillor McDill, moved for a roll call vote, which subsequently failed to receive support of the requisite 1/3 of Members present.

Councillor McDill, seconded by Councillor Weir, moved that the application be refused on the basis that the proposal would be detrimental to the visual amenity of the area, that the proposal generated significant road safety issues and was in breach of the bio-diversity plan and that a more complementary design be pursued.

Councillor Ross, seconded by Councillor Smith, moved as an amendment that the Notice of Intention to Develop be forwarded to the Scottish Ministers in accordance with the Development by Planning Authority Regulations 1981-1984, subject to the conditions as detailed within the report and subject to amended Condition (6) that the Head of Planning, Development and Building Standards liaise with the applicant to reduce the number of car parking spaces in accordance with the recommendations of the Head of Roads and that natural materials be used to delineate the parking bays and the use of tarmacadam to surface the car park be kept to a minimum, amended Condition (11) that the barrier be located on the edge of Kay Park Grove to restrict access to the park outwith normal business hours; additional Condition (17) that appropriate footpaths be created to ensure that there is sufficient separation of pedestrians from road traffic users along the access road; and additional Condition

(18) that a Liaison Group be established by the applicant to consult with local residents on the implementation of conditions attached to the consent. It was also agreed that the Head of Planning, Development and Building Standards explore in conjunction with the Head of Administrative and Legal Services that due consideration be given to attaching an appropriate condition to minimise noise and pollution emissions from vehicles using the car parks.

On a division by a show of hands, the amendment was carried by 9 votes to 4.

ADJOURNMENT OF MEETING

3. It was agreed to adjourn the meeting at 1227 hours.

RECONVENTION OF MEETING

4. The meeting reconvened at 1245 hours with the same Councillors and Officers present and in attendance.

Councillor Linton left the meeting and Councillors Farrell, Kelly and Campbell joined the meeting at this point.

EAST AYRSHIRE LOCAL PLAN (ALTERATIONS) SEMINAR

5. The Head of Administrative and Legal Services recommended and it was agreed that due to pressure of business, the East Ayrshire Local Plan (Alterations) Seminar which was to take place at the conclusion of this meeting be stood down and be re-arranged for Wednesday 2 August 2006 at 1000 hours within the same venue, subject to an adjournment to allow the Special Licensing Board to take place at 1030 hours, thereafter, to reconvene and conclude the Local Plan Seminar.

6. **DECISION OF THE NORTHERN AREA LOCAL PLANNING COMMITTEE HELD ON 19 MAY 2006 RELATING TO PLANNING APPLICATION NO 05/1053/FL: PROPOSED SITING OF CARAVAN AND ERECTION OF BARN AT LAND ADJACENT TO B7037 AT SORN ROAD, GALSTON BY MR AND MRS CARTEN (Item 3, Page 2219, 03/07)**

There was submitted a report dated 22 May 2006 (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 19 May 2006 regarding the above planning application and the executive summary sheet and report dated 10 May 2006 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for the proposed siting of a caravan and erection of barn at land adjacent to the B7037 Sorn Road, Galston.

6.1 Consideration of Item

The Head of Planning, Development and Building Standards reported that 7 letters of objection were submitted in respect of this application, summarised the planning considerations in respect of the application; and gave the recommendation: Refusal, for the reasons as detailed in the report.

6.2 Planning Hearing

The Committee then heard Mr Cogley and Mrs Cogley in support of their objections and Mrs Anderson representing Galston Community Council. Members of the

Committee asked questions of the objectors, all in accordance with the agreed Hearing Procedure.

The Committee then heard Mr McCall, Agent for the applicant and Mr Carten, Applicant. Members of the Committee asked questions of the Agent and the Applicant, all in accordance with the agreed Hearing Procedure.

The Chair closed the Hearing.

6.3 Determination of Application

Councillors Young and Farrell left the meeting at this point.

Councillor McIntyre, seconded by Councillor Smith, moved that the application be refused for the reasons as detailed in the report.

Councillor Finlayson, seconded by Councillor Carmichael, moved as an amendment that the application be approved as in their view the proposal only fell short of the minimum justification of one labour unit by 0.07 and the application provided sufficient justification for the provision of an agriculturally related residential caravan on the site but that the barn be re-sited in a less prominent position.

On a division by a show of hands, the motion was carried by 9 votes to 3.

Councillors McDill and John McGhee left the meeting at this point.

7. DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON 23 JUNE 2006 RELATING TO PLANNING APPLICATION NO 06/0183/FL: PROPOSED ERECTION OF DWELLINGHOUSE AND GARAGE, INSTALLATION OF SEPTIC TANK AND SOAKAWAY AND FORMATION OF LAY-BY AT VACANT SITE AT CRAIGENGILLAN, DALMELLINGTON BY MR McCULLOCH (Item 2, Page 2306, 03/07)

There was submitted a report dated 27 June 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which informed of the decision of the Southern Local Planning Committee held on 23 June 2006, regarding the above planning application and executive summary sheet and report dated 8 June 2006 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for the erection of dwellinghouse and garage, installation of septic tank and soakaway and formation of lay-by at vacant site at Craigengillan, Dalmellington.

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

It was agreed to approve the application since the proposed development would represent an acceptable departure from the Development Plan in view of (i) the former residential use of the application site; (ii) the contribution which the proposal would make to promoting sustainability of the wider local community and the regeneration of Craigengillan Estate. It was also agreed to remit authority to the Head of Planning, Development and Building Standards to attach appropriate conditions to the consent.

8. DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON 23 JUNE 2006 RELATING TO PLANNING APPLICATION NO 05/1152/FL: PROPOSED ERECTION OF TWO DWELLINGHOUSES AT STONEPARK, LOGANHILL ROAD, LOGAN BY J MUIR AND J HODGE (Item 4, Page 2307, 03/07)

There was submitted a report dated 27 June 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which informed of the decision of the Southern Local Planning Committee held on 23 June 2006 regarding the above planning application and the executive summary sheet and report dated 15 June 2006 (both circulated) by the Head of Planning, Development and Building Standards on an outline planning application for the proposed erection of two dwellinghouses (bungalows) at Stonepark, Loganhill Road, Logan.

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

It was agreed to approve the application on the basis that the proposed development would represent an acceptable departure from the Development Plan since it would result in a significant enhancement to the visual amenity of the site concerned and the locality within which it is located and to remit authority to the Head of Planning, Development and Building Standards to attach appropriate conditions to the consent.

9. APPLICATION NO 05/1249/FL: PROPOSED ERECTION OF 9 DETACHED DWELLINGS, ALTERATIONS TO EXISTING ACCESS, DEMOLITION OF EXISTING MILL BUILDINGS AND ASSOCIATED WORKS AT HOWIE ANIMAL FEED GRAIN MILL, LOCHLIBO ROAD, DUNLOP BY W & A DEVELOPMENTS LIMITED

There was submitted a report dated 24 July 2006 (circulated) by the Head of Planning, Development and Building Standards on a full planning application for the proposed erection of 9 detached dwellings, alterations to existing access, demolition of existing mill buildings and associated works at Howie Animal Feed Grain Mill, Lochlibo Road, Dunlop.

The Head of Planning, Development and Building Standards reported that no letters of objection were submitted in respect of this application; summarised the planning considerations in respect of the application; and gave the recommendation: 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 Section 75 Agreement with the applicant regarding obligations referred to in Section 7.1 of the report.

It was agreed to approve the application in accordance with the above recommendations of the Head of Planning, Development and Building Standards.

The meeting terminated at 1404 hours.