

EAST AYRSHIRE COUNCIL**DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING COMMITTEE****MINUTES OF MEETING HELD ON TUESDAY 17 DECEMBER 2002 AT 1400 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Eric Ross, Daniel Coffey, Douglas Reid, Lilian MacLean, Drew McIntyre, John Knapp, Finlay MacLean, Eric Jackson, George Smith, Jimmy Kelly, Provost Jimmy Boyd and Councillors Elaine Stewart and Jimmy Carmichael.

ATTENDING: David Montgomery, Chief Executive; Stephen Chorley, Director of Development Services; Alan Neish, Head of Planning and Building Control; Jim Kane, Head of Roads and Transportation; Keith Orton, Principal Engineer (Roads); Karen McLeod, Solicitor; and Robert Beaton, Administrative Officer.

APOLOGIES: Councillors Stephanie Young, Harry Wilson, Iain Linton, Jim Raymond, Robert McDill, Tommy Farrell and Julie Faulds.

CHAIR: Councillor Eric Ross, Chair.

HEARING PROCEDURE

1. The Administrative Officer established that the Hearing Procedure was understood by all participants.
2. **APPLICATION NO 02/0005/OL: PROPOSED ERECTION OF CLASS 1 (RETAIL) UNIT WITH COFFEE SHOP AND ANCILLARY FACILITIES, SERVICE YARD, ASSOCIATED CAR PARKING, ROAD WORKS, ENVIRONMENTAL IMPROVEMENTS AND REVISED ACCESS ARRANGEMENTS AT WEST SHAW STREET, HIGH GLENCAIRN STREET, WEST NETHERTON STREET, TITCHFIELD STREET, MILL STREET, KILMARNOCK BY SAFEWAY STORES PLC**

There was submitted an executive summary sheet and report dated 4 December 2002 (both circulated) by the Director of Development Services for application no 02/0005/OL: Proposed Erection of Class 1 (Retail) Unit with Coffee Shop and Ancillary Facilities, Service Yard, Associated Car Parking, Road Works, Environmental Improvements and Revised Access Arrangements at West Shaw Street, High Glencairn Street, West Netherton Street, Titchfield Street, Mill Street, Kilmarnock.

2.1 Consideration of Item

The Head of Planning and Building Control reported that 8 individual 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 Head of Planning and Building Control: (i) Approval, subject to the conditions and for the reasons, detailed in the report and to notification of the application to the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 as the Council has an interest in the site; and (ii) that the issuing of the Planning Decision Notice be withheld until

the Solicitor to the Council has formally concluded a satisfactory agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant and other interested parties on the matters set out in principle in Section 7 of the report.

2.2 Planning Hearing for Application No 02/0005/OL

The Committee then heard Mrs G Roberts, Mr W Kerr on behalf of Kilmarnock Removals, Mr W Donald on behalf of Kilmarnock Retailers Association and Mr Miller on behalf of Active Office Ltd in support of their objections and Mr B Lindsay and Mr D Thaw, on behalf of the applicant. Members asked questions of the objectors and of the applicant. The objectors and the applicant responded to the issues raised, all in accordance with the Hearing Procedure.

The Chair closed the Hearing.

Councillor Kelly left the meeting during the Hearing.

2.3 Determination of Application No 02/0005/OL

Councillor McIntyre, seconded by Councillor Ross, moved:-

- (i) approval, subject to the conditions and for the reasons, detailed in the report;
- (ii) that the application be notified to the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 as the Council has an interest in the site;
- (iii) that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council had formally concluded a satisfactory agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant and other interested parties on the matters set out in principle in Section 7 of the report; and
- (iv) that the Director of Development Services liaise with Kilmarnock Removals Ltd regarding traffic congestion concerns arising from the development.

Councillor Reid, seconded by Councillor L MacLean, moved as an amendment that the application be refused as the proposed development would have a detrimental impact on the vitality and viability of Kilmarnock Town Centre.

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

The meeting terminated at 1513 hours.