

EAST AYRSHIRE COUNCIL

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

**MINUTES OF MEETING HELD ON THURSDAY 1 AUGUST 2002 AT 1000 HOURS
IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors Eric Ross, Lilian MacLean, Harry Wilson, Iain Linton, John Knapp, Jim Raymond, Finlay MacLean, Robert McDill, George Smith, Jimmy Kelly, Julie Faulds, Provost Jimmy Boyd and Councillors Elaine Stewart and Jimmy Carmichael.

ATTENDING: Stephen Chorley, Director of Development Services; Alan Neish, Head of Planning and Building Control; David Mitchell, Head of Administrative and Legal Services; Avril Forrest, Solicitor, Legal Services; and Robert Beaton, Administrative Officer.

APOLOGIES: Councillors Stephanie Young, Daniel Coffey, Douglas Reid, Drew McIntyre, Eric Jackson and Tommy Farrell.

CHAIR: Councillor Eric Ross, Chair.

HEARING PROCEDURE

1. The Administrative Officer established that the Hearing Procedure was understood by all participants.

CONSIDERATION OF APPLICATIONS

2. **APPLICATION NO 01/0445/OL: PROPOSED EXTENSION AND ALTERATION TO SHOPPING CENTRE, EXTENSION TO FOODSTORE, RELOCATION OF PETROL STATION AND UNIT SHOPS AND CONSTRUCTION OF THEME RESTAURANT AND DRIVE THRU RESTAURANT AT WESTERN ROAD/GLASGOW ROAD, KILMARNOCK BY COUNTY PROPERTIES (NORTHERN) LIMITED**

There was submitted an executive summary sheet and report dated 24 July 2002 (both circulated) by the Director of Development Services for application no 01/0445/OL for proposed extension and alteration to shopping centre, extension to foodstore, relocation of petrol station and unit shops and construction of theme restaurant and drive thru restaurant at Western Road/Glasgow Road, Kilmarnock.

2.1 Consideration of Item

The Head of Planning and Building Control reported that 15 letters of objection and one petition on behalf of 7 people 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 (ii) 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 applicants on the matters set out in principle in Section 7 of the report.

2.2 Planning Hearing

The Committee heard Mrs S Blair, Mr P McHolland and Mr J Murray, in respect of their objections. The Committee then heard Mr I Michie, Agent for the applicant, in support of the application. Members were afforded the opportunity to ask questions of the objectors and the applicant's Agent. The objectors and the applicant's Agent were also afforded the opportunity to respond to the issues raised, all in accordance with the Hearing Procedure.

The Chair closed the Hearing.

2.3 Determination of Application

Councillor Ross, seconded by Councillor Smith, moved that the application be approved subject to the conditions, and for the reasons, detailed in the report; and (ii) 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 applicants on the matters set out in principle in Section 7 of the report.

Councillor Linton, seconded by Councillor McDill, moved as an amendment that the application be refused on the basis that the fast food restaurant would not be in a suitable location as it was too close to a residential area and would be detrimental to the amenity of that residential area.

On a division by a show of hands, the motion was carried by nine votes to four.

3. APPLICATION NO 01/0741/FL: PROPOSED DEVELOPMENT TO HOUSE AND EXERCISE APPROXIMATELY 10 GREYHOUNDS AT HAINING MAINS, HURLFORD BY D W S STRAWHORN (Item 9, Page 2690, 99/02)

Councillor Wilson arrived during discussion of the following item and participated in the discussion.

There was submitted a report dated 16 July 2002 (circulated) by the Depute Chief Executive/Director of Corporate Resources which informed the Committee of the decision of the Northern Area Local Planning Committee held on 28 June 2002, which referred consideration of this application to this Committee, with a recommendation that the application be approved on the grounds that in the Committee's view, the proposal would give rise to a limited increase in traffic and arrangements for vehicles turning within the site could be accommodated by the applicant, without the need for reversing onto the main road; and an executive summary sheet and report dated 18 June 2002 by the Head of Planning and Building Control (both circulated) on a proposed development to house and exercise approximately 10 greyhounds at Haining Mains, Hurlford.

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

The Head of Planning and Building Control reported that one letter of objection had been received in respect of the full planning application, 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: Refusal for the reason detailed within the report.

Councillor Raymond, seconded by Councillor Wilson, moved that the application be approved on the basis that the proposal would give rise to a modest increase in the

volume of traffic and arrangements for vehicles turning within the site could be accommodated by the applicant without the need for reversing on to the main road.

Councillor Ross, seconded by Councillor Smith, moved as an amendment that the application be refused for the reason as detailed within the report.

On a division by a show of hands, the amendment was carried by 12 votes to 2.

4. APPLICATION NOS 02/0071/FL AND 02/0072/LB: PROPOSED CHANGE OF USE FROM EXISTING (ASSEMBLY) CHURCH TO TWO RESIDENTIAL HOMES AT HURLFORD KIRK, MAIN ROAD, CROOKEDHOLM BY MR R JARVIE (Item 7, Page 2689, 99/02)

There was submitted a report dated 16 July 2002 (circulated) by the Depute Chief Executive/Director of Corporate Resources which informed the Committee of the decision of the Northern Area Local Planning Committee held on 28 June 2002, which referred consideration of this application to this Committee, with a recommendation that the application be approved on the grounds that the Committee were not satisfied that there was an unacceptable risk of flooding at this site; and an executive summary sheet and report dated 18 June 2002 (both circulated) on both the planning and listed building applications for the proposed change of use from existing (assembly) church to two residential homes at Hurlford Kirk, Main Road, Crookedholm.

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

The Head of Planning and Building Control reported that no letters of objection had been received; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Building Control: that both the planning and listed building applications be refused for the reasons detailed within the report.

Councillor Linton, seconded by Councillor L MacLean, moved that both the planning and Listed Building applications be approved (i) on the basis that there was not an unacceptable risk of flooding at this site; (ii) that the Head of Planning and Building Control attach a note to the consent advising the applicant that (a) there may be a risk of flooding from the River Irvine affecting the site of the proposed development at a 1 in 100 year level return period; (b) that whilst the Council would be promoting a Flood Prevention Scheme for the Crookedholm Area, the applicant cannot and should not rely on the implementation of that scheme to provide flood protection to the site; and (c) accordingly, that any development undertaken in accordance with this consent will be at the developer's risk; (iii) to remit the Head of Planning and Building Control to attach appropriate conditions to the consent; and (iv) subject to Notification of the Scottish Ministers under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997.

Provost Boyd, seconded by Councillor Raymond, moved as an amendment that both the planning and Listed Building applications be approved subject to a suspensive condition requiring that the development must not commence until appropriate flood protection measures had been put in place; subject to the Head of Planning and Building Control attaching appropriate conditions to the consent and subject to Notification of the Scottish Ministers under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997.

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On a division by a show of hands, the motion was carried by nine votes to four.

The meeting terminated at 1121 hours.