

EAST AYRSHIRE COUNCIL

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

**MINUTES OF SPECIAL MEETING HELD ON THURSDAY 27 JUNE 2002 AT 1130
HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors Eric Ross, Stephanie Young, Daniel Coffey, Douglas Reid, Lilian MacLean, Harry Wilson, Iain Linton, John Knapp, Finlay MacLean, Robert McDill, Eric Jackson, George Smith, Jimmy Kelly, Tommy Farrell, 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; David Mitchell, Head of Administrative and Legal Services; Robert Paton, Head of Economic Development and Property; Jim Kane, Head of Roads and Transportation; Kerr Chalmers, Technical Officer; and Robert Beaton, Administrative Officer.

APOLOGIES: Councillors Drew McIntyre, Jim Raymond and Julie Faulds.

CHAIR: Councillor Eric Ross, Chair.

CONSIDERATION OF APPLICATION

1. APPLICATION NO 01/0560/OL: PROPOSED ERECTION OF 85,000 SQ FT FOOD SUPERSTORE AND PETROL FILLING STATION WITH ENVIRONMENTAL IMPROVEMENTS AND FLATTED RESIDENTIAL DEVELOPMENT WITH HERITAGE CENTRE AT WEST LANGLANDS STREET/NORTH HAMILTON STREET, PARK STREET/LANGLANDS STREET AND BRAE/WEST GEORGE STREET/GARDEN STREET/PORTLAND ROAD AND JOHN FINNIE STREET, KILMARNOCK BY KLIN HOLDINGS LIMITED

There was submitted an executive summary sheet and report dated 17 June 2002 (both circulated) by the Director of Development Services for application no 01/0560/OL for proposed erection of 85,000 sq ft food superstore and petrol filling station with environmental improvements and flatted residential development with heritage centre at West Langlands Street/North Hamilton Street, Park Street/Langlands Street & Brae/West George Street/Garden Street/Portland Road and John Finnie Street, Kilmarnock.

Councillor Reid, seconded by Councillor Linton, moved that the application be continued to enable Members further time to consider the report.

Councillor Ross, seconded by Councillor Smith, moved as an amendment that the Committee proceed to consider the application.

On a division by a show of hands, the amendment was carried by 9 votes to 8.

1.1 Consideration of Item

The Head of Planning and Building Control reported that four 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; (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 and other interested parties on the matters set out in principle in Section 7 of the report; and (iii) that the application should be notified to the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 as a significant departure from the Development Plan and subject to the conditions, and for the reasons, detailed in the report.

No Hearing took place as the objectors were not present or represented.

1.2 Determination of Application

A motion by Councillor Linton, seconded by Councillor D Coffey, to reconsider in terms of Standing Order 40 that the application be continued to enable Members further time to consider the report failed to receive the requisite two thirds of the Members voting, the motion being defeated by 9 votes to 8.

Councillor Wilson, seconded by Councillor Reid, moved that the meeting be adjourned to enable Members further time to consider the report and to clarify points with the Director of Development Services.

Councillor Ross, seconded by Councillor Smith, moved as an amendment not to adjourn the meeting and to consider the application as submitted.

On a division by a show of hands, the amendment was carried by 9 votes to 8.

Councillor Ross, seconded by Councillor Smith, moved that the application be approved subject to (i) the conditions, and for the reasons, detailed in the report; (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 and other interested parties on the matters set out in principle in Section 7 of the report; and (iii) that the application should be notified to the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 as a significant departure from the Development Plan and subject to the conditions, and for the reasons, detailed in the report.

Councillor Reid, seconded by Councillor Linton, moved as an amendment that the application be refused on the grounds that further study was required into the impact the development would have on the Kilmarnock Town Centre and that there were concerns over the traffic impact analysis and the impact the proposed development would have on the amenity of the locality.

On a division by a show of hands, the motion was carried by 9 votes to 8.

PROPOSED WINDFARM AT WHITELEE BY C.R.E. ENERGY (A SUBSIDIARY OF SCOTTISH POWER)

2. There was submitted a report dated 17 June 2002 (circulated) by the Director of Development Services which advised of a planning application for a 140 turbine wind farm at Whitelee which had been lodged with the Scottish Executive under Section 36 of the Electricity Act (Scotland) 1989.

It was agreed to recommend to the Scottish Executive:-

- (i) that the contents of the report should be fully considered including the suggested conditions as detailed in the report;
- (ii) that the developer work in partnership with East Ayrshire Council, East Renfrewshire Council, South Lanarkshire Council and Ayrshire Enterprise to secure maximum benefit to the local economy;
- (iii) that consent is only granted if the Scottish Executive are satisfied that the application raises no aircraft safety or radar issues;
- (iv) that the Executive agree no measures further to securing (iii) above that would involve alterations to the height, flight path or numbers of aircraft movements such as to impact adversely on the communities of East Ayrshire;
- (v) that the applicant enters into a legal agreement to prepare and implement a habitat management plan to enhance, and where possible, restore habitats for the benefit of moorland bird species and to offset any loss or alteration of habitats as a result of the development;
- (vi) that the applicant enters into an individual, legal agreement with East Ayrshire Council to secure appropriate developer contributions, related to the output and number of wind turbines, for the purpose of enabling mitigation measures and community improvements within the Council area;
- (vii) that the applicant enters into a legal agreement with East Ayrshire Council confirming and agreeing routes to be taken by vehicles delivering materials including turbines to the site; and
- (viii) that the applicant enter into discussion with appropriate Officers of East Ayrshire Council so that maximum benefit can be given to residents of East Ayrshire Council in relation to the Path Planning Study and the Lochgoin Monument for visitors.

The meeting terminated at 1300 hours.