

**EAST AYRSHIRE COUNCIL**

**LOCAL REVIEW BODY**

**MINUTES OF MEETING HELD ON FRIDAY 8 APRIL 2011 AT 1100 HOURS IN  
THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK**

**PRESENT:** Councillors Alan Brown, Iain Linton and William Crawford.

**ATTENDING:** Hugh Melvin, Acting Development Management Manager; Fiona Finlay, Principal Planning Officer; Claire Gilmore, Solicitor; and Gillian Hamilton, Administrative Officer.

**APOLOGIES:** Councillors Tom Cook and Drew McIntyre.

**CHAIR:** Councillor Alan Brown, Chair.

**CONTINUED REVIEW CASE - APPLICATION NO LRB/07/0708/FL: WELLHILL  
COTTAGES, NEW CUMNOCK (Item 3, Page 1508, 07/12)**

1. Following an accompanied site visit attended by Councillors Alan Brown, Iain Linton and William Crawford, together with Mr A Dunsmuir, the applicant, Hugh Melvin, Acting Development Management Manager, Fiona Finlay, Principal Planning Officer, Claire Gilmore, Solicitor and Gillian Hamilton, Administrative Officer, held prior to the meeting, Members considered the application to review the refusal of planning permission for the erection of two dwellinghouses at land at Wellhill, New Cumnock.

The Position Statement, Notice of Review submission, the Decision Notice, the Planning Officer's Report of Handling, a further letter of representation received and a response by the applicant to this further letter of representation, and information from the Planning Service as requested by the Local Review Body on 31 January 2011, as to the Planning Service's view on whether the application site constituted a "brownfield" site, together with the response from the applicant in relation to this matter, were all circulated.

Following consideration, the Local Review Body determined that they now had sufficient information before them to proceed to determine the application without further procedure.

The Local Review Body took the view that the application site constituted a "brownfield" site and accordingly the proposed development was in accordance with the terms of Policy RES 12 of the Adopted East Ayrshire Local Plan relating to residential development in the Rural Diversification Area.

The Local Review Body therefore determined that the application be approved, not upholding the Appointed Officer's determination and remitted the Principal Planning Officer to specify conditions including a condition reflecting the external materials to be used for the construction of two dwellinghouses at the location.

**APPLICATION NO LRB/10/0528/PP: ERECTION OF GARAGE AT 9 BOREBRAE,  
NEWMILNS**

2. There was submitted a Position Statement (circulated) in respect of a request for a review of the decision taken by Officers under delegated authority to impose a

condition on the planning consent which related to no structure, temporary or permanent impeding the access at any time to the water course screen for the Caffle burn at 9 Borebrae, Newmilns. The Notice of Review submission, the Decision Notice, the Planning Officer's Report of Handling, a further representation received and the applicant's response to this further representation were also circulated.

The Local Review Body taking account of the material produced, agreed that it had sufficient information before it to determine the matter and that no further procedure in terms of the Town and Country Planning (Schemes of Delegation and Local Review Body Procedure) (Scotland) Regulations 2008 was required in this regard.

The Local Review Body considered the terms of the Decision Notice dated 15 November 2010, Planning Officer's Report of Handling dated 15 November 2010, together with the Notice of Review dated 20 January 2011, covering letter dated 24 January 2011 and other supporting documents.

Having done so, the Local Review Body agreed that the condition imposed was necessary for access to the water course screen at Caffle burn, for maintenance purposes to minimise incidence of local flooding. The applicant's suggestion that alternative access to the watercourse screen could be achieved by other means, thus negating the need for the condition, relied upon positive action by a 3rd party, and as such, was not a matter which the Local Review Body could consider.

The Local Review Body therefore determined that the review application was refused and accordingly dismissed, upholding the Appointed Officer's determination.

The meeting terminated at 1121 hours.