

EAST AYRSHIRE COUNCIL**SOUTHERN LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON THURSDAY 20 MARCH 2008 AT 1000 HOURS
IN THE BARRHILL CENTRE, BANK AVENUE, CUMNOCK**

PRESENT: Councillors Jim Sutherland, Jimmy Kelly, Neil McGhee, Barney Menzies, Kathy Morrice, Eric Ross and Elaine Dinwoodie.

ATTENDING: David Morris, Development Management Manager; David McDowall, Building Standards Manager; Hugh Melvin, Principal Planning Officer; Craig Young, Solicitor; and Stuart Nelson, Administrative Officer.

APOLOGIES: Councillors Drew Filson, Eric Jackson, Jim Roberts and William Crawford.

CHAIR: Councillor Jim Sutherland, Vice-Chair.

**APPLICATION NO 07/0908/FL: KEIR CONSTRUCTION LTD: GREENBURN
OPENCAST COAL SITE, NEW CUMNOCK**

1. There was submitted an executive summary sheet and report dated 10 March 2008 (both circulated) by the Head of Planning and Economic Development on a full planning application for the proposed extension of the opencast coal site at Greenburn Opencast Coal Site, New Cumnock (Dalgig Farm Alternative Scheme).

The Principal Planning Officer advised that the following should be deleted from the report submitted, namely:- Paragraph 8.5(i)(c), in the light of further consultations with the Roads Section, and Condition 4 contained within form TP24A since the proposed development, would have no impact upon the Burnston Burn; reported that no objections had been received; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Economic Development: Approval, subject to the conditions as amended, and for the reasons, detailed in the report, but that the issue of the Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant in respect of the matters detailed in paragraph 8.5 of the report, as amended.

It was agreed to approve the application subject to the conditions as amended, and for the reasons, detailed in the report, but that the issue of the Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant in respect of the matters detailed in paragraph 8.5 of the report, as amended.

PROPOSED VARIATION TO THE TERMS OF SECTION 75 LEGAL AGREEMENTS ASSOCIATED WITH THE ERECTION OF 94 DETACHED DWELLINGHOUSES AND FORMATION OF ASSOCIATED ROADS AT BALLOCHMYLE HOUSE, MAUCHLINE BY ARDGOWAN HOMES LTD: PLANNING CONSENT 02/0757/OL AND 05/0706/FM AND PLANNING APPLICATION 06/0635/FL

2. There was submitted a report dated 7 March 2008 (circulated) by the Head of Planning and Economic Development which presented for determination proposals which would necessitate amendment to the terms of the legal agreements associated with the planning permissions for the erection of 94 detached dwellinghouses and formation of associated roads, at Ballochmyle House, Mauchline.

In this connection, the Development Management Manager advised of amendments to the report as follows, namely:- (a) at Section 5.3, after bullet point 4, a new bullet point should be added to reflect a further variation of the original Minute of Agreement to prevent the commencement of work on any more than 50 new house on site prior to completion of the "scheme of renovation" works listed at a-h in paragraph 3.2 of the report, and that the Committee delegate authority to the Head of Planning and Economic Development to agree which 50 houses it would be appropriate to commence; and (b) consequential amendments, including a further recommendation viz:- "7.3 It is additionally recommended that a clause be included in the legal agreement as varied which prevents the commencement of works on any more than 50 of the new houses on site prior to the completion of the "scheme of renovation" works listed at a-h in paragraph 3.2 of the report, and that the Committee delegate authority to the Head of Planning and Economic Development to agree which 50 houses it would be appropriate to commence".

It was agreed:-

- (i) that the Minute of Agreement associated with Outline Planning Consent 02/0757/OL and the Minute of Variation associated with Reserved Matters Consent 05/0706/RM be varied under Section 75 of the Town and Country Planning (Scotland) Act 1997 in the terms detailed in paragraph 5.3 of the report, as amended;
- (ii) to note that the variation of the two Agreements referred to in (i), above, would discharge the decision of the Development Services Committee on 11 October 2006, that Planning Consent 06/0635/FL be issued only after the extant legal agreements have been varied to remove the prohibition on any new house building prior to Ballochmyle House being made wind and watertight; and
- (iii) that a clause be included in the legal agreement as varied to prevent the commencement of work on any more than 50 of the houses on site prior to the completion of the "scheme of renovation" works listed at a-h in paragraph 3.2 of the report, and that the Head of Planning and Economic Development agree which 50 houses it would be appropriate to commence.

The meeting terminated at 1015 hours.