

EAST AYRSHIRE COUNCIL**SOUTHERN LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 21 JANUARY 2011 AT 1000 HOURS
IN THE BARRHILL CENTRE, BANK AVENUE, CUMNOCK**

PRESENT: Councillors Drew Filson, Jimmy Kelly, Jim Roberts, David Shaw, William Crawford, Barney Menzies, Kathy Morrice, Elaine Dinwoodie and Moira Pirie.

ATTENDING: Fiona Finlay and Hugh Melvin, Principal Planning Officers; Melanie Barbour, Solicitor; Stuart Norval, Team Leader, Roads and Transportation; and Jennifer Morrison, Administrative Officer.

APOLOGIES: Councillors Neil McGhee and Eric Ross.

CHAIR: Councillor Drew Filson, Chair, (Items 1, 2, 5, 6 and 7); Councillor Kathy Morrice, Vice-Chair (Item 4); and Councillor Jimmy Kelly (Item 3).

ORDER OF BUSINESS

1. In terms of Standing Order 19, it was agreed to alter the order of business and consider Application No 10/0653/AMCPPP as the next item on the Agenda.

CONSIDERATION OF APPLICATION

2. **APPLICATION NO 10/0653/AMCPPP: DUMFRIES FARMING AND LANDS LIMITED, ZERO C HOLDINGS LIMITED AND HOPE HOMES (SCOTLAND) LIMITED: LANDS OF KNOCKROON FARM, AUCHINLECK ROAD, CUMNOCK**

There was submitted an executive summary sheet and report dated 12 January 2011 (both circulated) by the Head of Planning and Economic Development on an application for approval of matters specified in conditions, following a previous grant of planning permission in principle, for erection of mixed use development and formation of roads, footpaths and associated infrastructure on the lands of Knockroon Farm, Auchinleck Road, Cumnock.

Hugh Melvin, Principal Planning Officer, reported a proposed change to Condition (1) to be split to read as two conditions as follows:- (1) Notwithstanding the plans hereby approved, the proposed alterations to the B7083 Auchinleck to Cumnock road with respect to sightlines, street lighting, traffic calming, geometry, footways, drainage etc shall be agreed (based on the principles contained within Designing Streets and the Roads Development Guidelines) between the Developer and the Planning Authority in consultation with the Roads Authority and completed to a standard suitable for adoption by the Council as Roads Authority. The application(s) for matters specified in this condition shall be accompanied by a stage 2 Road Safety Audit for any alterations carried out by the application; REASON: In the interests of public roads safety; and (2) All internal street design details shall be agreed (based on the principles contained within Designing Streets and the Roads Development Guidelines) between the Developer and the Planning Authority in consultation with the Roads Authority. Where required, quality and road safety audits shall be carried out and any issues highlighted resolved in order to ensure that the site is completed to a standard suitable for adoption by the Council as Roads Authority; REASON: In the interests of the public road safety; with subsequent conditions to be renumbered

accordingly; that one letter of objection with two signatories had been received, details of which were contained in the report; 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.

No Hearing took place as the objector although present did not wish to speak or be represented.

It was agreed to grant the application subject to the conditions, as amended, and for the reasons detailed in the report.

PRE-DETERMINATION HEARING

HEARING PROCEDURE

3. The Administrative Officer established that the Pre-Determination Hearing Procedure was understood by all participants (circulated). The Administrative Officer further clarified that no decision on the application (Item 3.1, below) would be made today. The application would be referred to and determined by the Council at its next appropriate meeting.

3.1 PRE-DETERMINATION HEARING: APPLICATION NO 10/0842/PP: SCOTTISH COAL: DALFAD SURFACE COAL MINE, C/O POWHARNAL SURFACE COAL MINE, SKEW BRIDGE, CRONBERRY, CUMNOCK

There was submitted an executive summary sheet and report dated 17 January 2011 (both circulated) by the Head of Planning and Economic Development on an application for planning permission for mining of coal using surface mining methods with restoration to improve peatland and wet heath habitats at Dalfad Surface Coal Mine, c/o Powharnal Surface Coal Mine, Skew Bridge, Cronberry, Cumnock.

3.2 Declarations of Interest

Councillor Barney Menzies declared a financial interest, and Councillors Kathy Morrice and Drew Filson declared non-financial interests in respect of this item in terms of Paragraph 7.12 of the Councillors' Code of Conduct and all withdrew from the meeting.

3.3 Appointment of Chair

In the absence of the Chair and Vice-Chair, nominations were sought for Chair and Councillor Jimmy Kelly was appointed to the Chair.

3.4 Consideration of Item

Fiona Finlay, Principal Planning Officer, reported that (i) the view of the Local Planning Committee was sought under the Scheme of Delegation as the proposed development represented a major application in terms of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 that was considered significantly contrary to the Development Plan and therefore determination of the application rested with a meeting of the Council; (ii) the application had been advertised in the Cumnock Chronicle and the Edinburgh Gazette on 15 October 2010 and again on 17 December 2010; and four parties had objected to the application and that letters of support for the application had also been received from 47 parties (details of the letters of objection and support were

summarised in the report). Thereafter, Fiona Finlay, Principal Planning Officer gave the recommendation of the Head of Planning and Economic Development (i) that the Local Planning Committee endorse the view of the Head of Planning and Economic Development that the application should be approved subject to the conditions and for the reasons detailed in the report; and (ii) that the recommendation of the Local Planning Committee should be referred to the next appropriate Council meeting for consideration in the determination of this application.

3.5 Pre-Determination Hearing

The Committee heard Philip Rayson representing the applicant in support of the application.

Members of the Committee asked questions of the applicant's representative.

The Committee then heard Gordon Cathcart, representing 46 supporters of the application and Craig Beck also in support of the application.

The Committee then heard Brian Broadley representing Lugar & Logan Community Council in respect of their objection, Greta Roberts representing MEGA Mining and Environment Group in support of their objection and Zoe Clelland representing RSPB in support of their objection.

Members of the Committee asked questions of the objectors' representatives.

The applicant's representative then exercised his right of reply to points raised by the supporters and objectors.

The Chair closed the Hearing.

3.6 Determination of Application

Fiona Finlay, Principal Planning Officer, provided clarification on points raised during the Hearing.

Having heard the Pre-Determination Hearing, it was agreed (i) that the Local Planning Committee endorsed the view of the Head of Planning and Economic Development that the application be approved subject to the conditions and for the reasons detailed in the report; and (ii) that this recommendation of the Local Planning Committee be notified to the Council for its consideration in the determination of the application.

Councillors Barney Menzies, Kathy Morrice and Drew Filson re-joined the meeting at this point.

Councillor Drew Filson re-took the Chair.

CONSIDERATION OF APPLICATIONS

4. APPLICATION NO 10/0623/PP: LOCH DOON CARAVAN CLUB: MACNABSTONE, LOCH DOON

There was submitted an executive summary and report dated 12 January 2011 (both circulated) by the Head of Planning and Economic Development on an application for planning permission in respect of change of use from farmland to formation of caravan park with toilet block at MacNabstone, Loch Doon.

4.1 Declaration of Interest

Councillor Drew Filson declared a non financial interest in respect of this item of business in terms of Paragraph 7.12 of the Councillors' Code of Conduct and withdrew from the meeting.

Councillor Kathy Morrice, Vice-Chair, took the Chair.

4.2 Consideration of Item

Fiona Finlay, Principal Planning Officer, reported that 15 objections had been received from 17 objectors as well as a petition of support with 649 signatures and 11 letters of support details of which were contained in the report; 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 and for the reasons detailed in the report and that the issue of the Decision Notice be withheld until a Section 75 Legal Agreement between the Council, the applicant, and the land owners had been concluded in terms of Paragraph 7.2 of the report.

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

It was agreed to grant the application subject to an amendment to Condition (10) to read "This permission, in so far as the siting of caravans is concerned, relates solely to the siting touring caravans and does not authorise the siting of static caravans on the site at any time; Reason To ensure that the natural heritage resources of the surrounding area are protected and to ensure that the use of the site is consistent with the aims of policy TOUR4 of the Adopted East Ayrshire Local Plan"; subject to the remaining conditions and for the reasons detailed in the report and that the issue of the Decision Notice be withheld until a Section 75 Legal Agreement between the Council, the applicant, and the land owners had been concluded in terms of Paragraph 7.2 of the report.

Councillor Drew Filson re-joined the meeting at this point and re-took the Chair.

5. APPLICATION NO 07/0960/FL: FULTON ESTATES: CRAIG FARM, AFTON ROAD, NEW CUMNOCK

There was submitted an executive summary sheet and report dated 12 January 2011 (both circulated) by the Head of Planning and Economic Development on an application for planning permission for proposed tourism development comprising the change of use and refurbishment of existing buildings to form holiday cottages, the erection of workshop/meeting rooms and the erection of six holiday chalets at Craig Farm, Afton Road, New Cumnock.

Hugh Melvin, Principal Planning Officer, reported that one letter of objection had been received, details of which were contained in the report; 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 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 7.1 of the report.

No Hearing took place as the objector was not present or represented.

It was agreed to grant the application subject to an amendment to Condition (13) to read "This permission hereby granted authorises the use of the proposed six holiday chalets and the four holiday cottages/self catering units for the purposes of non-permanent tourist accommodation only and to that end they shall only be occupied during the period from 01 March to 30 November in any calendar year. At no time shall the proposed six holiday chalets and the four holiday cottages/self catering units be used for permanent residential accommodation; Reason: To ensure that the tourist accommodation provided through this consent is not occupied as permanent residential dwellings"; subject to the remaining conditions and for the reasons detailed in the report and 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 7.1 of the report.

6. APPLICATION NO 10/0835/PP: MR JIM SMITH: GROUND AT JOHN ALLAN DRIVE, CUMNOCK

There was submitted an executive summary sheet and report dated 6 January 2011 (both circulated) by the Head of Planning and Economic Development on an application for planning permission for change of use of play park to additional garden ground for two residential plots on adjoining site at ground at John Allan Drive, Cumnock.

6.1 Declaration of Interest

Councillor Kathy Morrice declared a non-financial interest in respect of this item of business in terms of Paragraph 7.12 of the Councillors' Code of Conduct and withdrew from the meeting.

6.2 Consideration of Item

Hugh Melvin, Principal Planning Officer, 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 and for the reasons detailed in the report.

It was agreed to grant the application subject to the conditions and for the reasons detailed in the report.

Councillor Kathy Morrice re-joined the meeting at this point.

7. APPLICATION NOS 10/0747/PP AND 10/0748/LB: EXECUTIVE DIRECTOR OF EDUCATIONAL AND SOCIAL SERVICES, EAST AYRSHIRE COUNCIL: SORN PRIMARY SCHOOL, 14 MAIN STREET, SORN

There was submitted an executive summary sheet and report dated 11 January 2011 (both circulated) by the Head of Planning and Economic Development on (i) an application for planning permission; and (ii) application for listed building consent for refurbishment of Primary School including new access, internal alterations and demolition and reinstatement of clock tower at Sorn Primary School, 14 Main Street, Sorn.

7.1 Declaration of Interest

Councillor Jimmy Kelly declared a non-financial interest in respect of this item of business in terms of Paragraph 7.12 of the Councillors' Code of Conduct and withdrew from the meeting.

7.2 Consideration of Item

Fiona Finlay, Principal Planning Officer, summarised the planning considerations in respect of the applications; and gave the recommendation of the Head of Planning and Economic Development: (i) Approval of planning application no 10/0747/PP subject to the conditions and for the reasons detailed in the report; and (ii) approval of listed building application 10/0748/LB subject to the conditions and for the reasons detailed in the report and that the issue of the Decision Notice be withheld until the application had been formally cleared with Historic Scotland.

It was agreed to grant (i) planning application no 10/0747/PP subject to the conditions and for the reasons detailed in the report; and (ii) listed building application no 10/0748/LB subject to the conditions and for the reasons detailed in the report and that the issue of the Decision Notice be withheld until the application had been formally cleared with Historic Scotland.

The meeting terminated at 1155 hours.