

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE**

**MINUTES OF MEETING HELD ON FRIDAY 30 SEPTEMBER 2011 AT 1000 HOURS IN THE BARRHILL CENTRE, BANK AVENUE, CUMNOCK**

**PRESENT:** Councillors Drew Filson, Kathy Morrice, Jimmy Kelly, Jim Roberts, David Shaw, William Crawford, Eric Ross and Elaine Dinwoodie.

**PRESENT:** Hugh Melvin, Acting Development Management Manager; Fiona Finlay, Principal Planning Officer; Stuart Norval, Team Leader, Roads and Transportation; Claire Gilmore and Avril Forrest, Solicitors; and Lynn Young, Administrative Officer.

**APOLOGIES:** Councillors Neil McGhee, Barney Menzies and Moira Pirie.

**CHAIR:** Councillor Drew Filson, Chair.

**HEARING PROCEDURE**

1. The Committee noted that the Hearing Procedure had been circulated to all parties (circulated).

**CONSIDERATION OF APPLICATIONS**

2. **APPLICATION NO 11/0372/PPP: MR ANDREW BARCLAY: GOWANPARK, OCHILTREE**

There was submitted an executive summary sheet and report (both circulated) by the Head of Planning and Economic Development on an application for planning permission in principle, for the change of use of agricultural land to residential use for the erection of two dwellinghouses, associated garages and the formation of a new access road at Gowanpark, Ochiltree.

It was noted that Members had undertaken a site visit in respect of the application.

**2.1 Consideration of Item**

The Principal Planning Officer reported that 27 letters of representation from 32 objectors had been received, details of which were contained within the report; summarised the planning considerations in respect of the application; advised of an amendment to the reasons for refusal 4, 5 and 7 in that they should refer to Policy ENV16 and the deletion of reason 6 and renumbering of reason 7 to read reason 6; and gave the recommendation of the Head of Planning and Economic Development: Refusal, subject to the reasons detailed in the report; and subject to amendment of Conditions 4, 5 and 7 and renumbering reason 7 to read as reason 6.

**2.2 Planning Hearing**

The Committee then heard Mrs Elizabeth Russell in respect of her objections and those of Mr Grant Russell, Dr J A Tobias, Mr William Redmond, Dr Graham Sloan and Ms Maureen Sloan.

The Committee then heard Mr Andrew Barclay, applicant, and Mr William Wylie, Agent for the applicant, in support of the application.

Members asked questions of the applicant and the Agent, all in accordance with the Hearing Procedure.

The Chair closed the Hearing.

### **2.3 Determination of Application**

The Principal Planning Officer provided clarification on the points raised during the Hearing.

It was agreed to refuse the application, for the reasons detailed in the report and subject to amendment to the Conditions as detailed above.

### **3. APPLICATION NO 11/0490/PP: NICEDAY STORES LIMITED: MAIN STREET, DALMELLINGTON**

It was noted that this application had been withdrawn from the Agenda.

### **4. APPLICATION NO 11/0336/PP: MR HUGH HUTCHISON: BALLOCHMYLE STREET, CATRINE**

#### **4.1 Declarations of Interest**

Declarations of non-financial interests were made from the undernoted Members, in terms of Paragraph 7.12 of the Councillors' Code of Conduct, who withdrew from the meeting at this point:-

Councillor David Shaw in respect of Catrine Community Trust and Councillors Jimmy Kelly and Jim Roberts in respect of Catrine Environmental Heritage Partnership.

#### **4.2 Consideration of Item**

There was submitted an executive summary sheet and report dated 20 September 2011 (both circulated) by the Head of Planning and Economic Development which presented for determination an application for planning permission for the change of use of the former Church and Rectory to use as a Visitor Centre with offices, and erection of geodome within the garden ground for community garden use.

It was noted that Members had undertaken a site visit in respect of the application.

The Acting Development Management Manager reported that 12 individual objections 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 Economic Development: Approval, subject to the conditions, and for the reasons detailed in the report.

#### **4.3 Planning Hearing**

The Committee heard Mr Warnock in respect of his objections; and Ms Karen Gilmore in respect of her objections and those of Mr Alister Dow.

Members asked questions of the objectors, all in accordance with the Hearing Procedure.

The Committee then heard Mr Hugh Hutchinson, applicant, in support of the application.

Members asked questions of the applicant, all in accordance with the Hearing Procedure.

The Chair closed the Hearing.

#### **4.4 Determination of Application**

The Acting Development Management Manager provided clarification on the points raised during the Hearing.

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

Councillors Jimmy Kelly, Jim Roberts and David Shaw re-joined the meeting at this point.

#### **5. APPLICATION NOS 11/0571/LB; 11/0572/LB; 11/0573/LB; 11/0574/LB; AND 11/0575/LB: EAST AYRSHIRE COUNCIL: THE SQUARE, CUMNOCK**

There was submitted an executive summary sheet and report dated 23 September 2011 (both circulated) by the Head of Planning and Economic Development which presented jointly for determination applications for listed building consent for the installation of decorative wall mounted lighting at 1-2, 6, 7-9, 18-20 and 20-22 The Square, Cumnock and which 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 prior to consent being released, the applications be referred to Historic Scotland under the Listed Building and Conservation Areas (Scotland) Act 1997.

It was agreed that listed building application nos 11/0571/LB, 11/0572/LB, 11/0573/LB, 11/0574/LB and 11/0575/LB be approved subject to the conditions and for the reasons detailed in the report and that prior to consent being released, the applications be referred to Historic Scotland under the Listed Building and Conservation Areas (Scotland) Act 1997.

#### **6. SECTION 36 CONSULTATION: GALAWHISTLE WIND FARM, NEAR GLENBUCK, MUIRKIRK**

There was submitted an executive summary sheet and report dated 25 September 2011 (both circulated) by the Head of Planning and Economic Development which presented for consideration by the Local Planning Committee, an application made under Section 36 of the Electricity Act 1989 for the construction of 22 horizontal access wind turbines, each with a 2.5 megawatt maximum rated generating capacity, which straddled the boundary between East Ayrshire and South Lanarkshire Council and would result in 20 turbines located within South Lanarkshire Council and 2 turbines located within East Ayrshire Council.

It was agreed:-

- (i) that Council does not formally object to the proposed development and that a copy of this report be forwarded to the Scottish Ministers as the Council's formal response to the consultation on the Section 36 application for the Galawhistle Windfarm development in terms of the Electricity Act 1989; and
- (ii) in the event that the Scottish Ministers are minded to grant consent for the Galawhistle Windfarm development, that the Council respectfully request that the conditions listed in Appendix 1 of the report be incorporated in any consent granted or secured by means of a Section 75 Agreement in terms of the Town and Country Planning Act 1997 (As Amended).

**7. APPLICATION NO 11/0278/PP: MR J SLOAN: LOUDONSTON, NEAR STAIR  
(Item 2, Page 1779, 07/12)**

Members were reminded that only those Members who were involved in the Hearing associated with this item at the meeting of the Southern Local Planning Committee on 2 September 2011 should participate in determination of the application and as such, Councillors Jimmy Kelly, Jim Roberts and David Shaw withdrew from the meeting.

The Committee continued consideration of an application for planning permission for the erection of two dwellinghouses with associated garden ground at Loudonston, near Stair.

The Principal Planning Officer advised that 20 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 Economic Development: Approval, subject to the conditions and for the reasons detailed in the report.

It was noted that Members had undertaken a site visit in respect of the application.

It was agreed to refuse the application, as the proposed development by virtue of its nature, location and layout would have a detrimental impact on road safety and on the rural landscape and rural character of the surrounding area at Loudonston.

The meeting terminated at 1120 hours.