

**EAST AYRSHIRE COUNCIL****SOUTHERN LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 29 OCTOBER 2010 AT 1000 HOURS  
IN THE BARRHILL CENTRE, BANK AVENUE, CUMNOCK**

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

**ATTENDING:** Craig Young, Litigation Team Leader; Fiona Finlay and Hugh Melvin, Principal Planning Officers; Jim Smith, Technical Officer, Roads and Transportation; and Jennifer Morrison, Administrative Officer.

**APOLOGY:** Councillor William Menzies.

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

**CHAIR'S REMARKS**

1. The Chair reported and it was noted that Application No 09/0537/PP in respect of Change of Use of Part Unused Offices, Workshops and Toilets to Coffee Shop and Change of Use of Unused Factory Space to new Sales Area at Factory Shop, Craigens Road, Netherthird, Cumnock, by Shirebrooke Investments Limited, had been withdrawn from the Agenda.

It was noted that it was anticipated that a fresh report would be submitted to the November meeting. It was therefore agreed that once this report was submitted, that the Members should receive the report timeously.

**HEARING PROCEDURE**

2. The Administrative Officer established that the Hearing Procedure was understood by all participants (circulated).

**CONSIDERATION OF APPLICATIONS**

3. **APPLICATION NO 10/0665/PP: MR MARTIN RICHARD: 5 ROBERTSON AVENUE, CUMNOCK**

There was submitted an executive summary sheet and report dated 15 October 2010 (both circulated) by the Head of Planning and Economic Development on an application for planning permission for change of use of hardstanding area to garden ground and erection of boundary fence at 5 Robertson Avenue, Cumnock.

Councillor Eric Ross raised an issue regarding the land which was the subject of this planning application, and in respect of which, a report which covered a number of issues including the sale of land, had been prepared and published setting out the Council's position. However, given that the sale may be the subject of a complaint to the Ombudsman it was his opinion that it was premature to consider this planning application and that consideration of the application should be continued to a future meeting when either the outcome of any Ombudsman complaint was available or alternatively confirmation that an Ombudsman complaint was not being made.

Craig Young, Litigation Team Leader advised that in his capacity as Depute Monitoring Officer, he had recently prepared the report referred to by Councillor Ross. The report referred to three matters, namely, the disposal of the land to the applicant; withdrawn planning application 10/0342/PP; and Code of Conduct issues concerning the applicant. He advised that the issues surrounding the land sale and the ownership of the land were not proper planning considerations. He also advised that the issues surrounding the withdrawal of planning application 10/0342/PP were not relevant to the consideration and determination of the current planning application. The process by which the planning application should be considered and determined was separate and distinct from the complaint process. As a consequence, he further advised that there was no reason why Members should not consider and then determine the planning application in accordance with its planning merits and accordingly, advised them that they should proceed to consider and determine the application.

Fiona Finlay, Principal Planning Officer also advised that should the planning application be continued, the applicant could appeal against the Council on the basis that they had not determined the application within statutory timescales.

Councillor Eric Ross, seconded by Councillor William Crawford, moved that notwithstanding the advice from the Litigation Team Leader, that as there was an issue regarding the sale of land which was the subject of this planning application which may be the subject of a complaint to the Ombudsman, it was premature to consider the application and therefore consideration of the application be continued to a future meeting when either the outcome of any Ombudsman complaint was available or alternatively confirmation that an Ombudsman complaint was not being made.

Councillor Jim Roberts, seconded by Councillor Drew Filson, moved as an amendment that having heard the advice from the Litigation Team Leader, there was nothing to prevent a decision on the planning application being made and that the Committee should therefore proceed to consider and determine the application.

On a division by a show of hands, the motion was carried by 7 votes to 3.

#### **4. APPLICATION NO 09/0148/OL: CLANSMAN HOMES LIMITED: CARSKEOCH CARAVAN PARK, OFF CARNSHALLOCH AVENUE, PATNA**

There was submitted an executive summary sheet and report dated 21 October 2010 (both circulated) by the Head of Planning and Economic Development on an outline planning application for proposed residential development of 160 dwellinghouses at Carskeoch Caravan Park, off Carnshalloch Avenue, Patna.

Hugh Melvin, Principal Planning Officer, reported that one objection had been received in relation to the application, 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 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 applicants in respect of the matters detailed in Paragraph 5.6 of the report.

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

It was agreed to approve the application 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 applicants in respect of the matters detailed in Paragraph 5.6 of the report.

## **OTHER BUSINESS**

### **THE CUMNOCK TOWN HALL ANNEXE BUILDING, GLAISNOCK STREET, CUMNOCK**

5. There was submitted a report by the Head of Planning and Economic Development (circulated) which provided an update on the status of Cumnock Town Hall Annexe Building and presented options available for the future of the building.

The Litigation Team Leader reported an amendment to Recommendation 10.1 of the report to read “to note that a report will require to be submitted to Cabinet for approval that the annexe building can be declared surplus to requirements and that it may require to be marketed to a potential restoring purchaser for a reasonable period”.

Councillor Jim Roberts, seconded by Councillor Drew Filson moved (i) to note that a report would require to be submitted to Cabinet for approval that the annexe building could be declared surplus to requirements and that it might require to be marketed to a potential restoring purchaser for a reasonable period; and (ii) otherwise, to note the contents of the report.

Councillor Eric Ross, seconded by Councillor Elaine Dinwoodie, moved as an amendment (i) to note that a report would require to be submitted to Cabinet for approval that the annexe building could be declared surplus to requirements and that it might require to be marketed to a potential restoring purchaser for a reasonable period; (ii) otherwise, to note the contents of the report; and (iii) that the report to Cabinet include a recommendation from the Southern Local Planning Committee that should Cabinet declare the annexe building surplus to requirements, that the marketing period be in excess of six weeks.

On a division by a show of hands, there voted 3 for the motion and 3 for the amendment.

The Chair then exercised his casting vote in favour of the motion which accordingly became the decision of the meeting.

The meeting terminated at 1110 hours.