

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE**

**MINUTES OF MEETING HELD ON FRIDAY 24 APRIL 2009 AT 1000 HOURS IN  
THE BARRHILL CENTRE, BANK AVENUE, CUMNOCK**

**PRESENT:** Councillors Drew Filson, Jimmy Kelly, Neil McGhee, William Crawford, Barney Menzies, Kathy Morrice and Elaine Dinwoodie.

**ATTENDING:** Dave Morris, Development Management Manager; Craig Young, Litigation Team Leader; Hugh Melvin, Principal Planning Officer; Robin Ghosh, Senior Planning Officer; Kevan Aitken, Senior Engineer, Roads and Transportation; and Jennifer Morrison, Administrative Officer.

**APOLOGIES:** Councillors Jim Roberts, David Shaw, Eric Ross and Jim Sutherland.

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

**HEARING PROCEDURE**

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

**CONSIDERATION OF APPLICATIONS**

2. **APPLICATION NO 08/0752/FL: ATH RESOURCES: SKARES ROAD OPENCAST SITE, SKARES ROAD, CUMNOCK**

**2.1 Declarations of Interest**

Councillors Barney Menzies and Kathy Morrice declared a non-financial interest in accordance with Paragraphs 5.17 and 5.18 of the Code of Conduct and left the meeting.

**2.2 Consideration of Item**

There was submitted an executive summary sheet and report dated 16 April 2009 (both circulated) by the Head of Planning and Economic Development on a full planning application for the proposed extension of existing surface mine and retention of existing site infrastructure, plant and buildings for duration of extended operations at Skares Road Opencast Site, Skares Road, Cumnock.

Hugh Melvin, Principal Planning Officer reported that four letters of objection had been received from five signatories with two of the letters raising points of concern while the other two letters raised objections to the proposed development, details of which were all contained in the report; reported a correction to Paragraph 1.1 of the Executive Summary and the corresponding Paragraph 2.8 of the main report to read after the words "35 hectares" - "comprising rough grazing land" and not commercial forestry as indicated; reported an additional Condition (13) the development hereby permitted shall be commenced within 6 months of the date of the issued notice of decision and the approved operations shall be completed within 3 years of the commencement date of the operations, or within such other time as may reasonably be agreed formally in writing with the Planning Authority; REASON: To ensure that the development, which is temporary in nature, is commenced and completed within an acceptable timescale; reported an amendment to Condition (2) to replace "Prior to

the commencement of works on site, the applicant shall submit to, and have approved by the Planning Authority” with “within 3 months of the date of this consent, the applicant shall submit to the Planning Authority for approval”, and an amendment to Condition (4) to replace “shall submit to, and have approved by the Planning Authority” with “shall submit to the Planning Authority for approval” the reason for the amendments to Conditions (2) and (4) being to prevent any potential timescale conflicts that may adversely impact on continuity of employment on the Skares Road site; 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 listed in the report and to the additional condition and amended conditions as reported; and that the issuing 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 described in Section 8.6 of the report; and that the application and a copy of the report be referred to the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

### **2.3 Determination of Application**

It was agreed to grant the application subject to the conditions listed in the report, and to the additional condition and amended conditions as reported, and that the issuing 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 described in Section 8.6 of the report; and that the application and a copy of the report be referred to the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

Councillors Barney Menzies and Kathy Morrice rejoined the meeting at this point.

### **3. APPLICATION NO 09/0076/FL: CUMNOCK REGENERATION (OFFICE) LIMITED: GREENHOLM ROAD/GLAISNOCK STREET, CUMNOCK**

There was submitted an executive summary sheet and report dated 15 April 2009 (both circulated) by the Head of Planning and Economic Development on a full planning application for the proposed erection of 2990 square metre office plus associated car parking and compensatory flood storage at Greenholm Road/Glaisnock Street, Cumnock.

#### **3.1 Consideration of Item**

Hugh Melvin, Principal Planning Officer, reported that four letters of objection had been received in relation to the application, details of which were contained within the report; reported that since the report had been issued a further letter of representation had been received in relation to the accuracy of Paragraph 7.2 of the report and the Litigation Team Leader provided the Committee with clarification in this regard that the Council had formally sought to compulsorily purchase an area of the development site not within its ownership but, following correspondence with the Scottish Ministers, the Compulsory Purchase Order application had been sisted; reported an amendment to Condition (5) which should read as follows “Prior to the commencement of any development works on site, the applicant shall submit to the Planning Authority for approval in consultation with SEPA, a detailed programme of

works for the construction of the proposed office building that demonstrates the parallel construction and provision of the proposed compensatory flood storage area such that at no point during the construction works there will be any net loss of flood storage areas attributable to the construction works; REASON: In the interests of flood risk mitigation and flood prevention”; reported an amendment to the Contrary Decision Note to show that in the event of refusal of the application contrary to the Head of Planning and Economic Development’s recommendation, and that the basis of that refusal related to the principle of the proposed development, then the application would require to be referred to the Principal Planning Committee as this would constitute a significant breach of policy; 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.

### **3.2 Planning Hearing**

The Committee heard Menzies McGee in respect of his objections.

Members of the Committee asked questions of the objector.

The applicant was not present or represented.

The Chair closed the Hearing.

### **3.3 Determination of Application**

Hugh Melvin, Principal Planning Officer, provided clarification on points raised during the Hearing.

It was agreed to continue consideration of the application in order that Members might carry out a site visit, and that a Special Meeting be held immediately following the site visit to consider the application, at which time it was noted that the Enquiry to Design would be completed.

## **4. APPLICATION NO 09/0075/OL: CUMNOCK REGENERATION (OFFICE) LIMITED: GREENHOLM ROAD, CUMNOCK**

### **4.1 Declaration of Interest**

Councillor William Crawford declared a non-financial interest in accordance with Paragraphs 5.17 and 5.18 of the Code of Conduct and left the meeting.

### **4.2 Consideration of Item**

There was submitted an executive summary sheet and report dated 15 April 2009 (both circulated) by the Head of Planning and Economic Development on an outline planning application for proposed re-routing of Glaisnock Water and infilling of existing watercourse route at Greenholm Road, Cumnock.

Hugh Melvin, Principal Planning Officer, reported that two letters of 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.

### **4.3 Planning Hearing**

The Committee heard Ronald Dalgleish in respect of the objections of Cumnock and District Angling Association.

Members of the Committee asked questions of the objector.

The applicant was not present or represented.

The Chair closed the Hearing.

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

Hugh Melvin, Principal Planning Officer, provided clarification on points raised during the Hearing.

It was agreed to continue consideration of this application in order that Members might carry out a site visit and consider the application at the Special Meeting agreed to consider Agenda Item 2 (App No 09/0076/FL: Cumnock Regeneration (Office) Ltd: Greenholm Road/Glaisnock Street, Cumnock) at which time, as previously noted the Enquiry to Design would be completed.

The meeting terminated at 1040 hours.