

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE

**MINUTES OF MEETING HELD ON FRIDAY 5 AUGUST 2011 AT 1000 HOURS IN
THE BARRHILL CENTRE, BANK AVENUE, CUMNOCK**

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

ATTENDING: Hugh Melvin, Acting Development Management Manager; Fiona Finlay, Principal Planning Officer; Caroline Magowan, Solicitor; Jim Smith, Technical Officer, Roads and Transportation; and Lynn Young, Administrative Officer.

APOLOGIES: Councillors Drew Filson and Barney Menzies.

CHAIR: Councillor Kathy Morrice, Vice Chair.

HEARING PROCEDURE

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

CONSIDERATION OF APPLICATIONS

2. **APPLICATION NO 11/0293/PP: VIRIDOR WASTE MANAGEMENT (SCOTLAND) LTD: THE FORMER DARNCONNER OPENCAST COAL SITE BY AUCHINLECK (Item, 3, Page 843, 07/12)**

There was submitted an executive summary sheet and report dated 27 July 2011 (both circulated) by the Head of Planning and Economic Development on an application which followed on from an earlier application (08/0932/FL) which was refused by the Southern Local Planning Committee at a meeting held on 4 September 2009.

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

2.1 Consideration of Item

Hugh Melvin, Acting Development Management Manager reported that two letters of representation 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, and that the issue of the Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded an amended agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant in respect of the matters indicated in Section 8.11 of the report.

2.2 Planning Hearing

The Committee heard Mrs Eileen Neil in respect of the objections from Auchinleck Community Council and those of Mr and Mrs Duncan.

Members of the Committee asked questions of the objector.

The Committee then heard Mr Peter Wishart, applicant and Dr David Brignall, Agent, in support of the application.

Members of the Committee asked questions of the applicant and Agent.

The Chair closed the Hearing.

2.3 Determination of Application

Hugh Melvin, Acting Development Management Manager provided clarification on the points raised during the Hearing.

Councillor Neil McGhee, seconded by Councillor Jimmy Kelly, moved to continue the application to obtain further information from the applicant regarding reducing the height of the overburden.

Councillor Jim Roberts, seconded by Councillor David Shaw, moved as an amendment, to refuse the application as there had not been enough work completed with regards to the restoration of the site.

On a division by a show of hands, the motion was carried by 7 votes to 2.

3. APPLICATION NO 11/0429/PP: KIER CONSTRUCTION LTD: BRAEHEAD FARM SURFACE MINE BY NEW CUMNOCK

There was submitted an executive summary sheet and report dated 27 July 2011 (both circulated) by the Head of Planning and Economic Development on an application to create a crossing point on the unclassified U720 where plant and machinery would be able to cross the public highway to access the site workshop for maintenance at Braehead Farm Surface Mine by New Cumnock.

Fiona Finlay, 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 with the exception of Condition 1 which, in light of further information received from the Roads and Transportation Service, should be amended to read: (1) on conclusion of the requirement for the traffic signals, the applicant shall remove all furniture and cables (above and below ground) associated with the application, and shall reinstate the adjacent fencing and public road verges to the satisfaction of the Planning Authority. The applicant shall also ensure that the concrete crossing points are bituminously surfaced to the satisfaction and in accordance with timescales agreed in writing with the Planning Authority in consultation with the Roads Authority; Reason: In the interests of road safety.

It was agreed to approve the application, subject to the conditions and for the reasons detailed in the report, and subject to the amendment of Condition 1 to read: "on conclusion of the requirement for the traffic signals, the applicant shall remove all furniture and cables (above and below ground) associated with the application, and shall reinstate the adjacent fencing and public road verges to the satisfaction of the Planning Authority. The applicant shall also ensure that the concrete crossing points are bituminously surfaced to the satisfaction and in accordance with timescales agreed in writing with the Planning Authority in consultation with the Roads Authority; Reason: In the interests of road safety".

4. APPLICATION NO 11/0178/PP: EAST AYRSHIRE COUNCIL: 28 WELL ROAD, AUCHINLECK

There was submitted an executive summary sheet and report dated 26 July 2011 (both circulated) by the Head of Planning and Economic Development on an application which involved the demolition of the existing building and the erection of a single storey multi-purpose building providing a Community Centre, Local Council Office, Day Care Centre and Library Facilities at 28 Well Road, Auchinleck.

Fiona Finlay, 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 approve the application, subject to the conditions and for the reasons detailed in the report.

Councillor Jim Roberts left the meeting at this point.

5. APPLICATION NO 10/1020/PP: AARDVARK TMC LTD: NETHERTON SURFACE MINE, BY SKARES (Item 2, Page 1733, 07/12)

The Committee continued consideration of an application to make provision for the development of a 2.2km (1.4m) dedicated coal haulage road to run from the coal transfer area at Netherton Surface Mine to a new junction with the B7046 Skares Road by Cumnock adjacent to Netherton Surface Mine by Skares.

Hugh Melvin, Acting Development Management Manager advised that six letters 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 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 8.11 of the report.

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

5.1 Adjournment/Reconvention

The meeting adjourned at 1125 hours and reconvened at 1130 hours with the same Members and Officers present and in attendance.

5.2 Consideration of Item

Councillor Eric Ross, seconded by Councillor Billy Crawford moved that the application be refused on the grounds of lack of mitigation measures in terms of the environmental impact on the amenity of the area, and the detrimental impact on neighbouring properties at Mossbank, given the proximity of the proposed development to these properties.

Councillor Kathy Morrice, seconded by Councillor Jimmy Kelly moved that the application be approved, subject to the conditions and for the reasons details 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 8.11 of the report.

On a division by a show of hands, the motion was carried by 5 votes to 3.

The meeting terminated at 1144 hours.