

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE**

**MINUTES OF MEETING HELD ON FRIDAY 24 MARCH 2006 AT 1000 HRS  
IN THE BARRHILL CENTRE, BANK AVENUE, CUMNOCK**

**PRESENT:** Councillors Neil McGhee, Jimmy Kelly, Tommy Farrell, William Menzies, Elaine Dinwoodie and Jimmy Carmichael.

**ATTENDING:** Hugh Melvin, Principal Planning Officer; Craig Young, Solicitor; and Stuart Nelson, Administrative Officer.

**APOLOGIES:** Councillors Eric Jackson, George Smith, Eric Ross and Elaine Stewart.

**CHAIR:** Councillor Neil McGhee, Chair.

**1. APPLICATION NO 05/1242/FL: THE SCOTTISH COAL COMPANY LTD:  
POWHARNAL OPENCAST COAL SITE, NEAR MUIRKIRK**

**1.1 Declaration of Interest**

Councillor Menzies declared a financial interest in accordance with paragraph 5.16 of the Code of Conduct and withdrew from the meeting.

**1.2 Consideration of Item**

There was submitted an executive summary sheet and report dated 15 March 2006 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for the proposed rephasing of the approved scheme of working including an extension to the existing overburden storage areas incorporating additional mitigation measures and associated habitat enhancement work at Powharnal Opencast Coal Site, near Muirkirk.

The Principal Planning Officer reported that one letter 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, Development and Building Standards: 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 7.1 of the report.

**1.3 Planning Hearing**

The Committee heard Mr Brian Broadley, in support of the objections submitted by MEGA.

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

The Chair closed the Hearing.

#### **1.4 Determination of Application**

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 7.1 of the report.

Councillor Menzies rejoined the meeting at this point.

#### **2. APPLICATION NO 05/1191/FL: MR MITCHELL: GROUND AT THE REAR OF 72-74 MILL O'SHIELD ROAD, DRONGAN**

There was submitted an executive summary sheet and report dated 9 March 2006 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for the proposed erection of a gate, enclosed bin store and recycling area at 72-74 Mill O'Shield Road, Drongan.

The Principal Planning Officer reported that one 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, Development and Building Standards: Approval, subject to the conditions, and for the reasons, detailed in the report.

No Hearing took place because the objector was neither present nor represented.

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

#### **3. APPLICATION NO 05/1167/OL: KINDBUILD LTD: LAND ADJACENT TO MANSEFIELD HEIGHTS, MANSEFIELD ROAD, NEW CUMNOCK**

There was submitted an executive summary sheet and report dated 13 March 2006 (both circulated) by the Head of Planning, Development and Building Standards on an outline planning application for a proposed residential development on land adjacent to Mansefield Heights, Mansefield Road, New Cumnock.

The Principal Planning Officer reported that no objections had been received; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning, Development and Building Standards: Refusal, for the reasons detailed in the report.

It was noted that members of the Committee had had the opportunity to undertake a site visit in respect of this application prior to the meeting.

It was agreed that this application be referred to the Development Services Committee with a recommendation for approval, this Committee being of the view that the proposed development would represent an acceptable departure from the Development Plan since it would (i) due to the condition of the existing building on site, result in a significant enhancement to the amenity of the locality within which it is located; and (ii) constitute only a minor encroachment beyond the settlement boundary into the countryside.

The meeting terminated at 1029 hrs.