

EAST AYRSHIRE COUNCIL**DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING
COMMITTEE****MINUTES OF MEETING HELD ON TUESDAY 27 MARCH 2007 AT 1400 HOURS
IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors Eric Ross, Jim O'Neill, John McGhee, Stephanie Young, Douglas Reid, Drew McIntyre, Isabella Macrae, John Campbell, Ray Murray, Stuart Finlayson, Robert McDill, Eric Jackson, George Smith, Jimmy Kelly and Tommy Farrell.

ATTENDING: Alan Neish, Head of Planning, Development and Building Standards; Hugh Melvin, Principal Planning Officer; Peter Hessett, Team Leader - Litigation and Advice; and Stuart Nelson, Administrative Officer.

APOLOGIES: Councillors Maureen McKay, Brian Reeves, Iain Linton and Elaine Dinwoodie.

CHAIR: Councillor Eric Ross, Chair.

HEARING PROCEDURE

1. The Administrative Officer established that the Hearing Procedure was understood by all participants (circulated).
2. **APPLICATION NO 06/0548/FL: EXTRACTION OF COAL BY OPENCAST METHODS WITH RESTORATION TO FORESTRY, FARM LAND AND NATURE CONSERVATION, AND RETENTION AND REPHASING OF EXISTING SITE OPERATIONS (BURNSTON EXTENSION) AT HOUSE OF WATER OPENCAST COAL SITE, NEW CUMNOCK BY THE SCOTTISH COAL COMPANY LIMITED (SCOTTISH RESOURCES GROUP)**

There was submitted an executive summary sheet and report dated 19 March 2007 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for the proposed extraction of coal by opencast methods with restoration to forestry, farmland and nature conservation, and retention and rephasing of existing site operations (Burnston Extension) at House of Water Opencast Coal Site, New Cumnock.

2.1 Consideration of Application

The Head of Planning, Development and Building Standards reported that 87 letters of objection, from 85 signatories, had been received, details of all of which were contained within the report; summarised the planning considerations in respect of the application; and gave the recommendation: Approval, subject (i) to the conditions, and for the reasons, detailed in the report; and (ii) to Notification of Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Amendment (No. 2) Direction 1998; 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) 1997 with the applicant in respect of those matters detailed in Paragraph 8.5 of the report.

2.2 Planning Hearing

The Committee heard Mrs Greta Roberts, objector, in support of her objections. Members asked questions of the objector who responded to the issues raised, all in accordance with the Hearing Procedure.

The Chair, in light of consultation with the applicant, acceded to a request by Mr Jerry Mulders, objector, to circulate copies of a photograph and map to Members of the Committee. Mr Mulders then spoke in support of his objection.

The Committee then heard Mr Philip Rayson, accompanied by Mr Hugh Caldwell, representing the applicant, in support of the application. Members asked questions of the applicant's representative who responded to the issues raised, all in accordance with the Hearing Procedure

The Chair closed the Hearing.

2.3 Determination of Application

It was agreed to approve the application on the following basis, namely:-

- (i) subject to the conditions, and for the reasons, detailed in the report;
- (ii) subject to Notification to Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Amendment (No. 2) Direction 1998;
- (iii) 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) 1997 with the applicant in respect of those matters detailed in Paragraph 8.5 of the report;
- (iv) that over and above the arrangements for noise monitoring as set out in the agreement referred to in (iii), above, the agreement to further provide that the noise monitoring programme will include noise monitoring, by an independent consultant paid for by the applicant, of the area surrounding the site including Upper Beoch Farm; and
- (v) that the applicant would ensure that Mr Mulders was given the opportunity of participating in future meetings of the House of Water Opencast Coal Site Liaison Committee, in respect of his interest.

3. APPLICATION NO 04/0947/OL: PROPOSED MIXED USE DEVELOPMENT INCLUDING ERECTION OF CLASS 4 OFFICE UNITS, PUB/RESTAURANT/TRAVEL LODGE AT SITE ADJACENT TO QUEEN'S DRIVE AND RIVER IRVINE, KILMARNOCK BY G & M ESTATES

3.1 Declaration of Interest

Councillor McIntyre declared a significant non-financial interest in accordance with Paragraphs 5.17 and 5.18 of the Code of Conduct and withdrew from the meeting.

3.2 Consideration of Application

There was submitted an executive summary sheet and report dated 20 March 2007 (both circulated) by the Head of Planning, Development and Building Standards on an outline planning application for a proposed mixed use development including erection of Class 4 office units, and a pub/restaurant/travel lodge on a site adjacent to Queen's Drive and the River Irvine, Kilmarnock, by G & M Estates.

The Head of Planning, Development and Building Standards reported that while two objections had originally been received, details of both of which were contained within the report, one of these, relating to flooding issues, had been withdrawn; summarised the planning considerations in respect of the application; and gave the recommendation: 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.

The meeting terminated at 1457 hours.