

EAST AYRSHIRE COUNCIL

**DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING
COMMITTEE**

**MINUTES OF MEETING HELD ON WEDNESDAY 11 JANUARY 2006 AT 1402
HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON
ROAD, KILMARNOCK**

PRESENT: Councillors Eric Ross, John McGhee, Stephanie Young, Brian Reeves, Drew McIntyre, Isabella Macrae, John Campbell, Ray Murray, Stuart Finlayson, Robert McDill, George Smith, Jimmy Kelly, Tommy Farrell, Elaine Dinwoodie and Jimmy Carmichael.

ATTENDING: David Mitchell, Head of Administrative and Legal Services; Alan Neish, Head of Planning, Development and Building Standards; Hugh Melvin, Principal Planning Officer; and Robert Beaton, Administrative Officer.

APOLOGIES: Councillors Maureen McKay, Jim O'Neill, Daniel Coffey, Douglas Reid and Iain Linton.

CHAIR: Councillor Eric Ross, Chair.

CONSIDERATION OF APPLICATIONS

1. HEARING PROCEDURE

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

**2. APPLICATION NO 05/0232/FL: PROPOSED EXTRACTION OF COAL BY
OPENCAST METHOD, RESTORATION OF SITE AND ASSOCIATED
ENGINEERING WORKS AT LAIGH GLENMUIR FARM, NEAR CUMNOCK BY
ATH RESOURCES PLC**

There was submitted an executive summary sheet and report dated 21 December 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for the proposed extraction of coal by opencast method, restoration of site and associated engineering works at Laigh Glenmuir Farm, near Cumnock.

2.1 Consideration of Item

The Head of Planning, Development and Building Standards reported that 12 letters 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, viz:- Refusal, for the reasons detailed in the report.

2.2 Planning Hearing

The Committee heard Lucy Kelvin, in support of her own objection, William Menzies, on behalf of Cumnock and District Angling Association, Linda Howie in support of her own objection, Greta Roberts, on behalf of MEGA, Mary Gordon in support of her own objection and Brian Broadley, in support of his own objection, all in accordance with the Hearing Procedure.

The Committee then heard Lee Weatherall on behalf of ATH Resources Plc., and Robert Haskell and Claude Volker, on behalf of RPS PTE, all in accordance with the Hearing Procedure.

The Chair closed the Hearing.

2.3 Determination of Application

Councillor Kelly, seconded by Councillor Carmichael, moved:

- (i) that having regard to the short-term nature of the site, the fact that there were no formal objections from statutory consultees, and the view that the employment opportunities offered by the development outweighed the Subject Plan, the application should be approved;
- (ii) to delegate to the Head of Planning, Development and Building Standards the imposition of appropriate conditions including a condition requiring the applicant to create a formal Liaison Group involving SEPA, RSPB, the River Ayr District Salmon Fishery Board and Cumnock and District Angling Association; and
- (iii) that any consent should be withheld until an appropriate Section 75 Agreement under the Town and Country Planning (Scotland) 1997, covering a range of matters detailed within the report, has been concluded with the applicant.

Councillor Young, seconded by Councillor McDill, moved as an amendment that the application be refused for the reasons detailed in the report.

On a division by a show of hands, the motion was carried by 12 votes to 2.

3. APPLICATION NO 05/0888/FL: NON COMPLIANCE WITH CONDITION 5 OF PLANNING PERMISSION KL/W/FL/85/294F TO ALLOW THE EXISTING CLASS 1 RETAIL, USE TO BE USED FOR NON-FOOD RETAIL ONLY AS OPPOSED TO EXISTING CLASS 1 RETAIL, LIMITED TO FOOD SALES ONLY AT GLENCAIRN RETAIL PARK, KILMARNOCK, BY W M MORRISON SUPERMARKETS

There was submitted an executive summary sheet and report dated 21 December 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application on the non compliance with Condition 5 of planning permission KL/W/FL/85/294F to allow the existing Class 1 retail use to be used for non-food retail only as opposed to existing Class 1 retail limited to food sales only at Glencairn Retail Park, Kilmarnock.

The Head of Planning, Development and Building Standards reported that no letters of objection had been received; summarised the planning considerations in respect of the application and gave the recommendation, viz:- Approval, (i) subject to the conditions, and for the reasons, detailed in the report; and (ii) subject to the issuing of the Planning Decision Notice being withheld until the Solicitor to the Council has successfully secured a Section 75 Agreement with the applicant regarding the obligations referred to in Section 7.2 of the report.

The meeting terminated at 1505 hours.