

**EAST AYRSHIRE COUNCIL****SOUTHERN LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 2 DECEMBER 2005 AT 1000 HRS  
IN CUMNOCK TOWN HALL, GLAISNOCK STREET, CUMNOCK**

**PRESENT:** Councillors Neil McGhee, George Smith, Elaine Dinwoodie, Elaine Stewart and Jimmy Carmichael.

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

**APOLOGIES:** Councillors Jimmy Kelly, Tommy Farrell, William Menzies, William Crawford and Eric Ross.

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

**1. APPLICATION NO 05/1022/OL: MR D PRENDERGAST: LAND AT GLENMUIR ROAD, LOGAN**

There was submitted an executive summary sheet and report dated 18 November 2005 (both circulated) by the Head of Planning, Development and Building Standards on an outline planning application for the proposed erection of a bungalow on land at Glenmuir Road, Logan.

The Principal Planning Officer reported that four letters of objection, with six 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 of the Head of Planning, Development and Building Standards: Refusal, for the reasons detailed in the report.

It was agreed to continue consideration of this application to the next meeting in order to enable Members to visit the application site.

**2. APPLICATION NO 04/1033/FL: MR ALEX MACINTOSH: LAND ADJACENT TO 60 CAR ROAD, CUMNOCK**

There was submitted an executive summary sheet and report dated 21 November 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for the proposed demolition of an ambulance depot and erection of a dwellinghouse on land adjacent to 60 Car Road, Cumnock.

**2.1 Consideration of Item**

The Principal Planning Officer reported that four letters of objection 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 of the Head of Planning, Development and Building Standards: Approval, subject to the conditions, and for the reasons, detailed in the report.

**2.2 Hearing Procedure**

The Administrative Officer established that the Hearing procedure was understood by all participants.

### **2.3 Planning Hearing**

The Committee heard Mr William MacKenzie, objector, in support of the objections submitted by Mrs Elaine MacKenzie and himself. Members asked questions of the objector who responded to the issues raised, all in accordance with the Hearing procedure.

The Committee then heard Mr Alexander MacIntosh, applicant, in support of the application.

The Chair closed the Hearing.

### **2.4 Determination of Application**

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

## **3. APPLICATION NO 05/0360/FL: ALLOWAY DEVELOPMENT LTD: LAND TO THE REAR OF 26 BARBIESTON ROAD, DALRYMPLE**

There was submitted an executive summary sheet and report dated 18 November 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for the proposed development of three houses on land to the rear of 26 Barbieston Road, Dalrymple.

### **3.1 Consideration of Item**

The Principal Planning Officer reported that two letters of objection had been received, details of both 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.

### **3.2 Hearing**

The Committee heard Mr Hamish Dzewu, in support of the objections submitted by Morag Duncan.

The applicant was neither present nor represented.

The Chair closed the Hearing.

### **3.3 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.

## **4. APPLICATION NO 05/0583/FL: KIER CONSTRUCTION LTD: GREENBURN OPENCAST COAL SITE, NEW CUMNOCK**

There was submitted an executive summary sheet and report dated 21 November 2005 (both circulated) by the Head of Planning, Development and Building Standards

on a full planning application for the proposed recovery of minerals other than coal at Greenburn Opencast Coal Site, New Cumnock.

The Principal Planning Officer reported that two letters of objection had been received, details of both 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 amendment to the existing Section 75 Agreement for the Greenburn site with the applicants in respect of the matters detailed in paragraph 7.1 of the report.

No Hearing took place as the objectors were neither present nor represented.

It was agreed to approve the application with the conditions, and for the reasons, detailed in the report, subject to amendment to Condition 7 to provide that the total mineral haulage from the site on the public road system should not exceed 80,000 tonnes per annum at a rate of not more than 16 loaded vehicles per day, the detailed wording for the amended condition to be determined by the Head of Planning, Development and Building Standards; but that the issue of the Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal amendment to the existing Section 75 Agreement for the Greenburn site with the applicant in respect of the matters detailed in paragraph 7.1 of the report.

## **5. APPLICATION NO 05/1059/OL: MESSRS J & R WILSON: FORMER NURSERY SITE, POLQUHIRTER, NEW CUMNOCK**

There was submitted an executive summary sheet and report dated 16 November 2005 (both circulated) by the Head of Planning, Development and Building Standards on an outline planning application for the proposed redevelopment of a brownfield site and erection of five dwellings at the former Polquhirter Nursery, New Cumnock.

### **5.1 Consideration of Item**

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: Refusal, for the reasons detailed in the report.

### **5.2 Planning Hearing**

The Committee heard Mr James Rinaldi, objector, in support of the objection submitted by Mrs Laura Rinaldi and himself.

The Committee then heard Mr Robert Wilson, applicant, in support of the application.

The Chair closed the Hearing.

### **5.3 Determination of Application**

Councillor Carmichael, seconded by Councillor Dinwoodie, moved that this application be referred to the Development Services Committee with a recommendation for approval on the basis that the proposed development would represent an acceptable departure from the Development Plan for the following reasons, namely:-

- (i) notwithstanding the review of the East Ayrshire Local Plan which is presently underway and as part of which the supply of housing land will be examined, there is currently a need for the release of land for housing development in and around New Cumnock in order to promote sustainability of the community, particularly in view of the recent planning guidance issued by the Scottish Executive directed towards stabilising and revitalising the rural economy in Scotland; and
- (ii) in view of the previous use of the application site as a commercial market garden and of adjacent land for industrial purposes.

Councillor Smith, seconded by Councillor McGhee, 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 three votes to two.

**6. APPLICATION NO 05/0578/FL: MR AND MRS MCPHEATORS: LAND ADJACENT TO AYRSHIRE CONSTRUCTION YARD, SORN ROAD, AUCHINLECK**

There was submitted an executive summary sheet and report dated 21 November 2005 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for the proposed erection of a dwellinghouse on land adjacent to Ayrshire Construction Yard, Sorn Road, Auchinleck.

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 agreed to approve the application, the Committee being of the view that the proposed development was essential to the security and supervision of the existing established businesses subject to conditions to be determined by the Head of Planning, Development and Building Standards.

**7. VENUES FOR MEETINGS OF THE SOUTHERN LOCAL PLANNING COMMITTEE: JANUARY TO DECEMBER 2006**

There was submitted a report dated 27 October 2005 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised of dates on which meetings of the Local Planning Committee were scheduled to take place during January to December 2006 and invited the Committee to determine venues at which each of these meetings should be held.

It was agreed:-

- (i) to note the dates fixed for the meetings of the Committee for the period January to December 2006, as detailed in (ii) below; and
- (ii) that venues for meetings of the Committee during the period in question be as follows, namely:-

<b><u>Date</u></b>	<b><u>Venue</u></b>
Friday 27 January 2006	Ochiltree Community Centre
Friday 24 February 2006	Bellsbank Community Wing
Friday 24 March 2006	Catrine Community Centre
Friday 28 April 2006	Netherthird Community Wing
Friday 26 May 2006	Dalmellington Community Centre
Friday 23 June 2006	Auchinleck Community Centre
Friday 11 August 2006	Muirkirk Community Wing
Friday 8 September 2006	Mauchline Community Centre
Friday 6 October 2006	Patna Community Centre
Friday 3 November 2006	Drongan Community Centre
Friday 1 December 2006	New Cumnock Community Centre

The meeting terminated at 1105 hrs.