

**EAST AYRSHIRE COUNCIL**

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

**MINUTES OF MEETING HELD ON TUESDAY 12 DECEMBER 2006 AT 1400  
HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON  
ROAD, KILMARNOCK**

**PRESENT:** Councillors Eric Ross, Maureen McKay, Jim O'Neill, John McGhee, Stephanie Young, Brian Reeves, Douglas Reid, John Weir, Ray Murray, Stuart Finlayson, Robert McDill, George Smith, Jimmy Kelly, Tommy Farrell and Jimmy Carmichael.

**ATTENDING:** Alan Neish, Head of Planning, Development and Building Standards; Avril Forrest, Solicitor; and Robert Beaton, Administrative Officer.

**APOLOGIES:** Councillors Isabella Macrae, Iain Linton, John Campbell, Eric Jackson 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).

**CONSIDERATION OF APPLICATIONS**

2. **DECISION OF THE NORTHERN AREA LOCAL PLANNING COMMITTEE HELD ON 24 NOVEMBER 2006 RELATING TO PLANNING APPLICATION NO 06/0564/OL: OUTLINE PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT AT LAND TO EAST OF ANDERSON DRIVE, DARVEL BY GARTMORE PROPERTIES LIMITED (Item 2, Page 2566, 03/07)**

There was submitted a report dated 29 November 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which informed of the decision of the Northern Area Local Planning Committee held on 24 November 2006 regarding the above planning application and the executive summary sheet and report dated 14 November 2006 (both circulated) by the Head of Planning, Development and Building Standards.

**2.1 Declaration of Interest**

Councillor McDill declared a non-financial interest which he did not consider significant in terms of Paragraphs 5.15 and 5.18 of the Code of Conduct and notwithstanding the above, decided in a personal capacity, to withdraw from the meeting for this item.

**2.2 Consideration of Item**

The Head of Planning, Development and Building Standards reported that 27 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:- Approval, subject to the conditions, and for the reasons as detailed in the report, and subject to the issue of the Planning Decision Notice being

withheld until the Solicitor to the Council had satisfactorily concluded an agreement with the applicant in respect of a financial contribution to the TLR5 fund, as referred to in paragraphs 5.4 and 7.1 of the report.

### **2.3 Planning Hearing**

The Committee heard Mrs I Campbell, Mr and Mrs R Bramman, Mr R Lyon, Ms C Laing, Mr S MacDonald, Mrs T Kirk and Mrs C Hunter, all in support of their objections.

Members of the Committee asked questions of the objectors, all in accordance with the agreed Hearing Procedure.

The Committee then heard Mr S MacGarvie, representing the applicant, in support of the application.

Members of the Committee asked questions of the applicant all in accordance with the agreed Hearing Procedure.

The Chair closed the Hearing.

### **2.4 Determination of Application**

Councillor O'Neill, seconded by Councillor Weir, moved that the application be refused on the following grounds (i) road safety in respect of the access to the site; (ii) the loss of open space; and (iii) that the application was premature in view of the forthcoming review of the East Ayrshire Local Plan.

Councillor McKay, seconded by Councillor Finlayson, moved as an amendment to approve the application subject to the conditions, and for the reasons as detailed in the report, and subject to the issue of the Planning Decision Notice being withheld until the Solicitor to the Council had satisfactorily concluded an agreement with the applicant in respect of a financial contribution to the TLR5 fund, as referred to in paragraphs 5.4 and 7.1 of the report.

On a division by a show of hands, the motion was carried by 9 votes to 3.

### **ADJOURNMENT OF MEETING**

3. It was agreed to adjourn the meeting at 1524 hours to allow for a 5 minute comfort break.

### **RECONVENTION OF MEETING**

4. The meeting reconvened at 1529 hours with the same Councillors and Officers present and in attendance with the addition of Councillor McDill who joined the meeting at this point.
5. **APPLICATION NO 06/0773/LA: PROPOSED SINGLE STOREY CARE HOME FOR ADULTS WITH LEARNING DIFFICULTIES ON VACANT LAND AT BACK ROBERTON CRESCENT/BARBIESTON ROAD, AUCHINLECK BY EXECUTIVE DIRECTOR OF EDUCATIONAL AND SOCIAL SERVICES**

There was submitted an executive summary sheet and report dated 27 November 2006 (both circulated) by the Head of Planning, Development and Building Standards on a planning application under the Notice of Intention to Develop

procedures for the proposed single storey care home for adults with learning difficulties on vacant land at Back Rogerton Crescent/Barbieston Road, Auchinleck.

### **5.1 Consideration of Item**

The Head of Planning, Development and Building Standards reported that four 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:- Approval, subject to the conditions, and for the reasons as detailed within the report; and subject to Notification of the Application to the Scottish Ministers in terms of Regulation 6 of the Town and Country Planning (Development by Planning Authorities) (Scotland) Regulations 1981 (as Amended).

### **5.2 Planning Hearing**

The Committee heard Mrs G Roberts on behalf of Mr C Richmond, in support of his objection.

Members of the Committee asked questions of the objector, all in accordance with the agreed Hearing Procedure.

The Committee then heard Mr I Barker, representing the applicant, in support of the application.

Members of the Committee asked questions of the applicant, all in accordance with the agreed Hearing Procedure.

The Chair closed the Hearing.

### **5.3 Determination of Application**

It was agreed to approve the application subject to the conditions, and for the reasons as detailed within the report and subject to the amendment to Condition (9) to delete the requirement for 1.2 metre screen fencing to the front and side of the development and to replace with appropriate shrub planting to the satisfaction of the Planning Authority; and subject to Notification of the Application to the Scottish Ministers in terms of Regulation 6 of the Town and Country Planning (Development by Planning Authorities) (Scotland) Regulations 1981 (as Amended).

## **6. APPLICATION NO 06/0538/FL: PROPOSED EXTENSION OF OPENCAST COAL SITE AT GREENBURN OPENCAST COAL SITE, NEW CUMNOCK BY KIER CONSTRUCTION LIMITED**

There was submitted an executive summary sheet and report dated 4 December 2006 (both circulated) by the Head of Planning, Development and Building Standards which presented for determination a full planning application for the proposed extension of opencast coal site at Greenburn Opencast Coal Site, New Cumnock.

### **6.1 Consideration of Item**

The Head of Planning, Development and Building Standards reported that four 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:- Approval, subject to the conditions, and for the reasons, as detailed in the report with the deletion of Condition (11) as it was identical to Condition (2); and subject to the issue of the Planning Decision Notice

being withheld until the Solicitor to the Council had satisfactorily concluded an agreement with the applicant in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of the matter detailed in paragraph 8.5 of the report.

Councillor Young left the meeting at this point.

## **6.2 Planning Hearing**

The Committee heard Mrs G Roberts on behalf of MEGA and Mr D Paton, in support of their objections.

Members of the Committee asked questions of the objectors, all in accordance with the agreed Hearing Procedure.

The Committee then heard Mr M Harrington and Mr J Hillier, representing the applicant, in support of the application.

Members of the Committee asked questions of the applicant, all in accordance with the agreed Hearing Procedure.

The Chair closed the Hearing.

## **6.3 Determination of Application**

It was agreed to approve the application subject to the conditions, and for the reasons, as detailed in the report with the deletion of Condition (11) as it was identical to Condition (2); and subject to the issue of the Planning Decision Notice being withheld until the Solicitor to the Council had satisfactorily concluded an agreement with the applicant in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of the matter detailed in Paragraph 8.5 of the report.

The meeting terminated at 1640 hours.