

**EAST AYRSHIRE COUNCIL****SOUTHERN LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 25 JUNE 2004 AT 1000 HOURS IN  
CUMNOCK TOWN HALL, GLAISNOCK STREET, CUMNOCK**

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

**ATTENDING:** Hugh Melvin, Principal Planning Officer; Nicola Monroe, Senior Planning Officer; Peter Hessem, Team Leader - Litigation; and Stuart Nelson, Administrative Officer.

**APOLOGIES:** Councillors Eric Jackson, George Smith, Tommy Farrell and Eric Ross.

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

**HEARING PROCEDURE**

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

2. **APPLICATION NO 03/0726/FL AND APPLICATION NO 03/0652/LB: MS SHEENA BORTHWICK: THE OLD MANSE, MAUCHLINE ROAD, OCHILTREE**

There was submitted an executive summary sheet and report dated 11 June 2004 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application and a listed building application for the proposed alteration to, and renovation of, existing outhouses to form a granny flat and garages and the erection of a new build house at the Old Manse, Mauchline Road, Ochiltree.

2.1 **Consideration of Item**

The Senior Planning Officer reported that the applications had attracted two letters of objection in addition to objections from the Scottish Civic Trust, the Architectural Heritage Society of Scotland and Ochiltree Community Council, details of all of which were contained within the report; summarised the planning considerations in respect of the applications; and gave the recommendation of the Head of Planning, Development and Building Standards: Refusal, of both applications, for the reasons detailed in the report.

2.2 **Planning Hearing**

The Committee heard Mr Iain Clark, Secretary to Ochiltree Community Council in support of the objections submitted by the Community Council; Mr Thomas Bell in support of his objections; and Mr Bruce Philp in support of the objection submitted by his wife and himself.

The Committee then heard Mr Laurence Wilson, representing the applicant, in respect of the applications.

The Chair closed the Hearing.

2.3 **Determination of Application**

It was agreed to refuse the applications for the reasons detailed in the report.

### **3. APPLICATION NO 04/0367/FL: MR AND MRS W MILLIGAN: LOAN GARAGE, THE LOAN, MAUCHLINE**

There was submitted an executive summary sheet and report dated 31 May 2004 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for the proposed erection of a new bus garage to accommodate four coaches at Loan Garage, The Loan, Mauchline.

#### **3.1 Consideration of Item**

The Principal Planning Officer reported that four letters of objection with six signatories 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.

#### **3.2 Planning Hearing**

The Committee heard Mr David Russell, Mr Donald Grant and Mrs Agnes Grant, objectors, in support of their objections.

The Committee then heard Mr David McCall, representative of the applicant and Mrs Morag Milligan, applicant, in support of the application. Members asked questions of the applicant's representative and the applicant who responded to the issues raised, all in accordance with the Hearing Procedure.

The Chair closed the Hearing.

#### **3.3 Determination of Application**

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

### **4. DECLARATIONS OF INTEREST**

Councillors Menzies and Carmichael each declared an indirect pecuniary interest in Items 5, 6 and 7 below and left the meeting at this point.

### **5. APPLICATION NO 04/0263/FL: KIER CONSTRUCTION LIMITED: GREENBURN OPENCAST COAL SITE, NEW CUMNOCK**

There was submitted an executive summary sheet and report dated 2 June 2004 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for a proposed variation to Condition 39 of consent 00/0793/FL to allow extended haulage hours between the excavation area and the coal processing area at Greenburn Opencast Coal Site, New Cumnock.

#### **5.1 Consideration of Item**

The Principal Planning Officer reported that one letter of objection had been received in respect of this application, in addition to the representation from New Cumnock Community Council, 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.

## **5.2 Planning Hearing**

The Committee heard Mr David Paton, objector, in support of his objections.

The Committee then heard Mr David Thomson, representing the applicant, in support of the application.

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, detailed in the report.

## **6. APPLICATION NO 04/0397/FL: THE SCOTTISH COAL COMPANY LIMITED: HOUSE OF WATER OPENCAST COAL SITE, DALLEAGLES, NEW CUMNOCK**

There was submitted an executive summary sheet and report dated 16 June 2004 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for a proposed variation to the approved scheme of working including an extension to the current extraction area and incorporating a rediversion of the River Nith with associated habitat enhancement works at House of Water Opencast Coal Site, Dalleagles, New Cumnock.

### **6.1 Consideration of Item**

The Principal Planning Officer reported that one letter of objection, in addition to the objection from New Cumnock Community Council, had been received in respect of this application 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; and that the issue of the Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal amendment to the Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant, in respect of the matters detailed in Section 8.6 of the report.

### **6.2 Planning Hearing**

The Committee heard Mary Gordon of MEGA, in support of the objections submitted by that organisation; and Mr Alec Montgomery, member of New Cumnock Community Council, in support of the objections submitted by the Community Council.

The Committee then heard Mr Philip Rayson and Mr Dacre Purchase, representing the applicant, in support of the application. Members asked a question of the applicant's representatives who responded to the issue raised, all in accordance with the 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, detailed in the report; and that the issue of the Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal amendment to the Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant, in respect of the matters detailed in Section 8.6 of the report.

**7. APPLICATION NO 04/0210/FL: ATH RESOURCES: SKARES ROAD OPENCAST COAL SITE, LAND AT KNOCKDUNDER, SKARES, NEAR CUMNOCK**

There was submitted an executive summary sheet and report dated 9 June 2004 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for the proposed extension of the coaling area of the Skares Road Opencast Coal Site by 1.56 hectares on land at Knockdunder, Skares, near Cumnock.

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 condition, and for the reason, detailed in the report.

No Hearing took place as the objector was not present or represented.

It was agreed to approve the application subject to the condition, and for the reason, detailed in the report.

Councillors Menzies and Carmichael re-joined the meeting at this point.

**8. APPLICATION NO 04/0324/FL: ROBERT JOHNSTONE AND SONS LIMITED: LAND ADJACENT TO FORMER HORN FACTORY, A713 AYR ROAD, DALMELLINGTON**

There was submitted an executive summary sheet and report dated 10 June 2004 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for a proposed residential development of 21 dwellinghouses on land adjacent to the former Horn Factory, A713 Ayr Road, Dalmellington.

The Principal Planning Officer reported that, in addition to the objection from Scottish Water, one 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; and 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 applicant in respect of the matter detailed in Section 7.1 of the report.

No Hearing took place as the objectors were not present or represented.

It was agreed to approve the application subject to the conditions, and for the reasons, detailed in the report; and 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 applicant in respect of the matter detailed in Section 7.1 of the report.

**9. APPLICATION NO 04/0477/FL: EASSDA LIMITED: PART OF FORMER CARAVAN PARK, BURNTON ROAD, DALRYMPLE**

There was submitted an executive summary sheet and report dated 14 June 2004 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for a proposed housing development (Phase 3) comprising

24 detached houses, associated roads and services at part of a former Caravan Park, Burnton Road, Dalrymple.

The Senior 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: Approval, subject to the conditions, and for the reasons, detailed in the report.

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

**10. APPLICATION NO 04/0274/FL: MR AND MRS W McDICKEN: BELLEVUE COTTAGE, BOIG ROAD, NEW CUMNOCK**

There was submitted an executive summary sheet and report dated 1 June 2004 (both circulated) by the Head of Planning, Development and Building Standards on a full planning application for the proposed erection of a new dwellinghouse and garage and upgrading of an access road at Bellevue Cottage, Boig 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: Approval, subject to the conditions, and for the reasons, detailed in the report.

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

**11. APPLICATION NO 04/0258/OL: MR CALDWELL: GROUND AT CONNELL PARK, NEW CUMNOCK**

There was submitted an executive summary sheet and report dated 15 June 2004 (both circulated) by the Head of Planning, Development and Building Standards on an outline planning application for proposed residential plots (up to 9 plots) at Connel Park, New Cumnock.

The Principal Planning Officer reported that one objection had been received in respect of this application from Scottish Water, 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.

No Hearing took place as the objector was not present or represented.

It was agreed that this application be referred to the Development Services Committee with a recommendation for approval in view of (a) the close proximity of the proposed development site to the settlement boundary of The Leggate and to other existing dwellings; and (b) the history of the proposed development site which had previously accommodated a row of miners' cottages; and, in light of these factors, this Committee taking the view that the proposed development would represent an acceptable departure from the policies contained within the Development Plan.

The meeting terminated at 1138 hours.