

EAST AYRSHIRE COUNCIL

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

**MINUTES OF MEETING HELD ON TUESDAY 22 AUGUST 2006 AT 1400 HOURS
IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

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

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

APOLOGIES: Councillors Maureen McKay, Stephanie Young, Brian Reeves, John Weir, Iain Linton, John Campbell, Tommy Farrell, Elaine Dinwoodie and Jimmy Carmichael.

CHAIR: Councillor Eric Ross, Chair.

CONSIDERATION OF APPLICATIONS

**1. DECISION OF SOUTHERN LOCAL PLANNING COMMITTEE HELD ON 11
AUGUST 2006 RELATING TO PLANNING APPLICATION NO 06/0172/FL:
PROPOSED CONSTRUCTION OF DWELLINGHOUSE AND UPGRADING OF
ACCESS ROAD AT GLENHEAD COTTAGE, DALMELLINGTON BY MR AND
MRS DEMPSEY (Item 8, Page 2331, 03/07)**

There was submitted a report dated 14 August 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which informed of the decision of the Southern Local Planning Committee held on 11 August 2006 regarding the above planning application and the executive summary sheet and report dated 31 July 2006 (both circulated) by the Head of Planning, Development and Building Standards which presented for determination an application for full planning permission for the proposed construction of a dwellinghouse and upgrading of access road at Glenhead Cottage, Dalmellington.

The Head of Planning, Development and Building Standards reported that no letters of objection were submitted in respect of this application; summarised the planning considerations in respect of the application; and gave the recommendation: Refusal, for the reasons as detailed in the report.

Councillor Kelly, seconded by Councillor Ross, moved that the application be approved as it represented an acceptable departure from the Development Plan (i) in view of the former residential use of the application site; and (ii) since the proposed development would have no detrimental impact upon the area within which it is located; and to remit authority to the Head of Planning, Development and Building Standards to attach appropriate conditions to the consent.

Councillor Smith, seconded by Councillor J McGhee, moved as an amendment that the application be refused for the reasons as detailed in the report.

On a division by a show of hands, the motion was carried by 6 votes to 3.

Councillors McIntyre, Jackson and Reid joined the meeting at this point.

3. DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON 11 AUGUST 2006 RELATING TO PLANNING APPLICATION NO 06/0238/FL: PROPOSED ERECTION OF SINGLE STOREY DWELLINGHOUSE AT GLENMUIR ROAD, LOGAN BY STUART MAIR (Item 9, Page 2331, 03/07)

There was submitted a report dated 14 August 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which informed of the decision of the Southern Local Planning Committee held on 11 August 2006 regarding the above planning application and the executive summary sheet and report dated 1 August 2006 (both circulated) by the Head of Planning, Development and Building Standards.

The Head of Planning, Development and Building Standards reported that no letters of objection were submitted in respect of this application; summarised the planning considerations in respect of the application; and gave the recommendation: Refusal, for the reasons as detailed in the report.

Councillor Kelly, seconded by Councillor Ross, moved that the application be approved on the basis that the proposed development would represent an acceptable departure from the Development Plan since it would constitute only a minor encroachment beyond the settlement boundary into the countryside; and to remit authority to the Head of Planning, Development and Building Standards to attach appropriate conditions to the consent.

Councillor Smith, seconded by Councillor J McGhee, moved as an amendment that the application be refused for the reasons as detailed in the report.

On a division by a show of hands, the motion was carried by 8 votes to 3.

4. DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON 11 AUGUST 2006 RELATING TO PLANNING APPLICATION NO 06/0296/OL: PROPOSED ERECTION OF THREE DWELLINGHOUSES ON LAND ADJACENT TO BANK LODGE, BANK GLEN, NEW CUMNOCK BY MRS LINDA MELVIN (Item 10, Page 2332, 03/07)

There was submitted a report dated 14 August 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which informed of the decision of the Southern Local Planning Committee held on 11 August 2006 relating to the above planning application and the executive summary sheet and report dated 31 July 2006 (both circulated) by the Head of Planning, Development and Building Standards.

The Head of Planning, Development and Building Standards reported that no letters of objection were submitted in respect of this application; summarised the planning considerations in respect of the application; and gave the recommendation: Refusal, for the reasons as detailed in the report.

Councillor Kelly, seconded by Councillor Jackson, moved that the application be approved on the grounds that the proposed development would represent an acceptable departure from the Development Plan in view of the proximity of the proposed development site to the existing settlements of Bank Glen and The

Leggate, and other recent housing developments at Connel Park, New Cumnock; and to remit authority to the Head of Planning, Development and Building Standards to attach appropriate conditions.

Councillor O'Neill, seconded by Councillor Smith, moved as an amendment that the application be refused for the reasons as detailed in the report.

On a division by a show of hands, the amendment was carried by 7 votes to 5.

5. PLANNING APPLICATION NO 04/0949/OL: PROPOSED NEW RESIDENTIAL PROPERTY FOR FARM LABOURER AND FAMILY AT HILLENDE FARM, OLD MOOR ROAD, NEWMILNS BY MR A NEWLAND (Item 6, Page 1715, 03/07)

There was submitted a supplementary report dated 15 August 2006 (circulated) by the Head of Planning, Development and Building Standards which advised that the planning application was being re-presented to the Committee for determination as the applicant was unable to purchase the land required to provide the labour justification for the dwellinghouse.

The Head of Planning, Development and Building Standards summarised the planning considerations in respect of the application; and gave the recommendation: Refusal, for the reasons as detailed in the report.

Councillor O'Neill, seconded by Councillor Finlayson, moved that the application be approved on the basis that in their view, the proposal did conform with Policy G5 of the Joint Structure Plan Policy in that it did demonstrate a site specific locational need in support of the agricultural business of the applicants with appropriate conditions and reasons to be determined by the Head of Planning, Development and Building Standards and subject to a condition to be added to the consent requiring that the dwelling shall only be occupied by a person locally employed or last employed in agricultural or in forestry on the land to which the dwelling relates, or by dependent of such a person residing with him/her (or a widow or widower of such a person); and that the Planning Decision Notice be 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 to ensure that the additional husbandry and ten year lease agreement for the land identified in the Labour Assessment have been put in place.

Councillor N McGhee, seconded by Councillor Smith, moved as an amendment that the application be refused for the reasons as detailed within the report.

On a division by a show of hands, the motion was carried by 8 votes to 2.

The meeting terminated at 1444 hours.