

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE

**MINUTES OF MEETING HELD ON FRIDAY 17 JANUARY 2003 AT 1000 HOURS
IN THE BARRHILL CENTRE, BANK AVENUE, CUMNOCK**

PRESENT: Councillors Jimmy Kelly, George Smith, William Menzies, Provost Jimmy Boyd and Councillors Elaine Dinwoodie, Elaine Stewart and Jimmy Carmichael.

ATTENDING: Hugh Melvin, Principal Planning Officer; Karen McLeod, Solicitor; and Stuart Nelson, Administrative Officer.

APOLOGIES: Councillors Tommy Farrell, Eric Jackson, Julie Faulds and Eric Ross.

CHAIR: Councillor Jimmy Kelly, Vice-Chair.

HEARING PROCEDURE

1. The Chair established that the Hearing Procedure was understood by all participants.
2. **APPLICATION NO 02/0691/FL: ATH RESOURCES: LAND AT HINDSWARD, SKARES, NEAR CUMNOCK**

There was submitted an executive summary sheet and report dated 8 January 2003 (both circulated) by the Head of Planning and Building Control on a full planning application for proposed opencast coal mining with restoration to nature conservation uses on land at Hindsward, Skares, near Cumnock.

2.1 Declaration of Interest

Councillor Menzies declared an indirect pecuniary interest in this item of business and left the meeting during consideration and determination of this item.

2.2 Consideration of Item

The Principal Planning Officer reported that 3 letters of objection had been received, details of which were contained within the report; advised that a further letter had been received from one of the objectors reiterating previous points of objection but raising no new matters; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Building Control: 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 matters described in Section 8 of the report.

2.3 Planning Hearing

The Committee heard Mrs Mary Gordon on behalf of MEGA in support of this organisation's objections. The Committee then heard Mr Mike Tod, on behalf of the applicant, in support of the application. Members asked questions of the objector's and of the applicant's representatives. The objector's and the applicant's representatives responded to the issues raised, all in accordance with the Hearing Procedure.

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 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 matters described in Section 8 of the report.

Councillor Menzies re-joined the meeting at this point.

3. APPLICATION NO 02/0852/OL: MR T HEWITSON: LAND AT SKARES, BY CUMNOCK

There was submitted an executive summary sheet and report dated 28 December 2002 (both circulated) by the Head of Planning and Building Control on an outline planning application for the proposed development of land for residential purposes for the erection of three dwellinghouses at land at Skares, by Cumnock.

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 and Building Control: Refusal, for the reasons detailed in the report.

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

Councillor Carmichael, seconded by Councillor Menzies, moved, notwithstanding the terms of the East Ayrshire Local Plan Finalised Version with Modifications 2002 and the approved Ayrshire Joint Structure Plan 1999, to refer the application to the Development Services Committee for determination with a recommendation for approval in view of (i) the wider economic and social benefits associated with the proposed development, for the local area; and (ii) the positive contribution which the proposed development could make to the future sustainability of the settlement of Skares by enhancing the potential for population retention within this rural area.

Provost Boyd, seconded by Councillor Stewart, 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 5 votes to 2.

The meeting terminated at 1040 hours.