

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE**

**MINUTES OF MEETING HELD ON FRIDAY 5 OCTOBER 2001 AT 1000 HOURS IN  
THE BARRHILL CENTRE, BANK AVENUE, CUMNOCK**

**PRESENT:** Councillors Tommy Farrell, Eric Jackson, George Smith, Jimmy Kelly, Julie Faulds, William Menzies, Provost Jimmy Boyd and Councillors Elaine Dinwoodie and Robert Taylor.

**ATTENDING:** Fiona Lees, Depute Chief Executive/Director of Corporate Resources; Hugh Melvin, Senior Development Promotion Officer; Karen McLeod, Solicitor; and Stuart Nelson, Administrative Officer.

**APOLOGIES:** Councillors Eric Ross and Jimmy Carmichael.

**CHAIR:** Councillor Tommy Farrell, Chair.

**CONSIDERATION OF PLANNING APPLICATIONS**

**1. PROCEDURE**

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

**2 APPLICATION NO 01/0346/FL: PORTCULLIS DEVELOPMENTS LIMITED:  
FORMER AUCHLIN MINE, BY SKARES**

There was submitted an executive summary sheet and report dated 25 September 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed final restoration of a moribund site by localised contouring, soiling (utilising sewage, paper and wood sludge cakes, augmented as necessary using existing sub-soils and imported inert fills), planting and creation of wetland pond area at former Auchlin Mine, by Skares.

**2.1 Consideration of Item**

The Senior Development Promotion Officer reported that 3 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 of the Head of Planning and Building Control: Refusal for the following reasons, viz:- The proposed development would result in an increase in Heavy Goods Vehicle movements along the B7046 and Uc28 roads which, taken in conjunction with significant Heavy Goods Vehicle movements on this route associated with the operation of the existing opencast coal site at Skares Road, would cause unacceptable adverse cumulative impacts on the amenity and enjoyment of existing residential properties lying immediately adjacent to the proposed transportation route accessing the development site.

**2.2 Planning Hearing**

The Committee then heard Mary Gordon, on behalf of MEGA in support of this organisation's objections.

The Chair then invited John Paterson, objector, to address the Committee in support of his objections. Mr Paterson initially failed to address the planning issues relating to this application, despite a request by the Chair to do so and subsequently, in view of the use of offensive and inappropriate language by Mr Paterson he was removed from the meeting at the instruction of the Chair.

The Committee then heard Joe Fitzgerald and Tommy Hogg, representatives of the applicant, in support of the application.

Members asked questions of the objector and of the applicant's representatives. The objector and the applicant's representatives responded to the issues raised all in accordance with the Hearing Procedure.

### **2.3 Determination of Application**

It was agreed to refuse the application for the reasons detailed.

### **3. APPLICATION NO 01/0592/FL: BRITISH TELECOM PLC: NTL MUIRKIRK RADIO SITE, AULDHOUSEBURN FARM, MUIRKIRK**

There was submitted an executive summary sheet and report dated 18 September 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed installation of a 1.2m diameter microwave dish aerial and associated waveguide and equipment at NTL Muirkirk Radio Site, Auldhouseburn Farm, Muirkirk.

The Senior Development Promotion Officer reported that no objections had been received in respect of this application; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Building Control: Approval on condition that the development to which this permission relates must be begun within five years from the date of this permission, this condition being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

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

### **4. APPLICATION NO 01/0515/OL: MR FRANCIS ROONEY: KERSE JUNCTION, POLNESSAN, PATNA**

There was submitted an executive summary sheet and report dated 20 September 2001 (both circulated) by the Head of Planning and Building Control on an outline planning application for the proposed development of land for residential purposes at Kerse Junction, Polnessan, Patna.

The Senior Development Promotion Officer reported that no objections had been received in respect of this application; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Building Control: Refusal, for the following reasons, viz:- (1) The proposal is contrary to Policy G5 of the Approved Ayrshire Joint Structure Plan as the development cannot be justified in terms of a site specific locational need, does not provide social or economic benefit to the community, does not contribute to rural land diversification and does not provide for the operational needs of agriculture or forestry; (2) The proposal is contrary to Policy 6.32A of the Adopted Dalmellington/Patna/Dalrymple Local Plan as the development, being visually

prominent when viewed from the A713, would have a detrimental impact on the open and rural character and appearance of the Regional Scenic Area; (3) The proposal is contrary to Policy 6.32A of the Adopted Dalmellington/Patna/Dalrymple Local Plan as it cannot be justified either in terms of economic benefit for the wider community or as having a site specific locational need; (4) The proposal is contrary to Policy SD3 of the East Ayrshire Local Plan (Finalised Version with Modifications) as it cannot be justified in terms of a site specific locational need, social or economic benefit to the community, rural land diversification, or as providing for the operational needs of agricultural or forestry; and (5) The proposal is contrary to Policy RES13 of the East Ayrshire Local Plan (Finalised Version with Modifications) as it cannot be justified in terms of agriculture or forestry, tourism or rural enterprise, in terms of relating to an authorised proposal which necessitates on-site staff accommodation or as an enabling development for a larger scheme.

Councillor Farrell, seconded by Councillor Kelly, moved that the application be refused for the reasons detailed.

Councillor Dinwoodie, seconded by Councillor Taylor, moved as an amendment to refer the application to the Development Services Committee for determination, with a recommendation for approval (i) in view of the planning history of the site; (ii) since the proposal would improve the general amenity of the area; and (iii) since the site is located within close proximity to the settlement of Polnessan.

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

The meeting terminated at 1034 hours.

**TO RETURN TO PREVIOUS PAGE  
PLEASE PRESS THE BACK BUTTON  
AT THE TOP LEFT OF THE PAGE**