

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE

**MINUTES OF MEETING HELD ON FRIDAY 15 AUGUST 2003 AT 1000 HOURS IN
THE BARRHILL CENTRE, BANK AVENUE, CUMNOCK**

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

ATTENDING: Hugh Melvin, Principal Planning Officer; Tamara Skinner, Solicitor; and Stuart Nelson, Administrative Officer.

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

CHAIR: Councillor Neil McGhee, Chair (excluding Item 9); and Councillor William Menzies, (Item 9 only).

HEARING PROCEDURE

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

2. **APPLICATION NO 03/0178/FL: HOPE HOMES SCOTLAND: HIGHFIELD (PHASE 2), OCHILTREE**

There was submitted an executive summary sheet and report dated 31 July 2003 (both circulated) by the Head of Planning and Building Control on a full planning application for a proposed new housing development at Highfield (Phase 2), Ochiltree.

The Principal Planning Officer reported that six letters of objection, containing a total of eight signatures, 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: Approval, subject to the conditions, and for the reasons, detailed in the report.

No Hearing took place since the objectors were either not present or represented, or where represented the representatives did not wish to address the Committee.

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

3. **APPLICATION NO 03/0156/FL: KINDBUILD LIMITED: MANSFIELD ROAD, NEW CUMNOCK**

There was submitted an executive summary sheet and report dated 4 August 2003 (both circulated) by the Head of Planning and Building Control on a full planning application for a proposed residential development of 21 bungalows at Mansfield Road, New Cumnock.

The Principal Planning Officer reported that three 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: Approval, subject to the conditions, and for the reasons, detailed within the report; and that 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 detailed in Section 8.4 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 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 detailed in Section 8.4 of the report

4. APPLICATION NO 03/0226/FL: CUMNOCK AND DISTRICT LEISURE GROUP: GROUNDS AT BROOMFIELD RECREATION GROUND ADJACENT TO ST JOSEPH'S ACADEMY (CUMNOCK CAMPUS), AUCHINLECK ROAD, CUMNOCK

4.1 Declarations of Interest

Councillors Crawford and Kelly each declared a direct, non-pecuniary interest in this item of business and took no part in the consideration or determination of this application.

4.2 Consideration and Determination of Item

There was submitted an executive summary sheet and report dated 31 July 2003 (both circulated) by the Head of Planning and Building Control on a full planning application for a proposed swimming centre at grounds at Broomfield Recreation Ground adjacent to St Joseph's Academy (Cumnock Campus), Auchinleck Road, Cumnock.

The Principal Planning Officer reported that two 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: Approval, subject to the conditions, and for the reasons, detailed in 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.

5. APPLICATION NO 02/0620/FL: MR DAVID SHAW: 17 PRIMPTON AVENUE, DALRYMPLE

There was submitted an executive summary sheet and report dated 30 July 2003 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of a single pitched roof garage and garden shed at 17 Primpton Avenue, Dalrymple.

5.1 Consideration of Item

The Principal Planning Officer reported that two letters of objection, from the same third party, 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: Approval, subject to the conditions, and for the reasons, detailed in the report.

5.2 Planning Hearing

The Committee heard Mrs Celia Dancer, in support of her objections. Members asked questions of the objector who responded to the issues raised all in accordance with the Hearing Procedure. The applicant was not present or represented.

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 03/0274/CA: MR ANDREW COOPER: DERELICT BUILDINGS AT 11-17 BURNSIDE ROAD, MAUCLINE

There was submitted an executive summary sheet and report dated 31 July 2003 (both circulated) by the Head of Planning and Building Control on an application for Conservation Area Consent for the proposed demolition of derelict buildings at 11-17 Burnside Road, Mauchline.

The Principal Planning Officer reported that although one letter of objection had been received, details of which were contained within the report, this objection had now been withdrawn; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Building Control: Approval, subject (i) to the conditions, and for the reasons, detailed in the report; and (ii) to notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997.

It was agreed to approve the application subject (i) to the conditions, and for the reasons, detailed in the report; and (ii) to notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997.

7. APPLICATION NO 02/0920/FL: MR J DAWSON: 43 MAIN STREET, MUIRKIRK

There was submitted an executive summary sheet and report dated 29 July 2003 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed removal of Condition 1 of planning consent 01/0693/FL to allow the retention of a wooden shed at 43 Main Street, Muirkirk.

The Principal Planning Officer reported that one letter of objection had been received, details of which were contained within the report; advised of further correspondence received from the applicant in support of the application and detailed the terms of this; 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.

It was agreed to approve the application, the Committee being of the view that sufficient justification had been provided for retention of the wooden shed for operational and public health reasons associated with the applicant's business, and having regard to the general economic benefit of this business to the local community.

8. APPLICATION NO 03/0469/FL: MR MALCOLM MacGREGOR: GROUND ADJACENT TO NO 23 HILLSIDE, PATNA

There was submitted an executive summary sheet and report dated 29 July 2003 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of a three bedroom bungalow adjacent to No 23 Hillside, Patna.

8.1 Consideration of Item

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

8.2 Planning Hearing

The Committee heard Mr Wilson, agent for the objector, and Mr Smith, objector, in support of the objections submitted by Smith's Coaches. Members asked questions of the objector who responded to the issues raised, all in accordance with the Hearing Procedure.

The Committee then heard Mr McGregor, applicant in support of the application. Members asked questions of the applicant, who responded to the issues raised, all in accordance with the Hearing Procedure.

The Chair closed the Hearing.

8.3 Determination of Application

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

9. APPLICATION NO 02/0267/FL: NEW CITY HOMES LIMITED: GREENHOLM ROAD, CUMNOCK (Item 3, Page 3245, 03/07)

9.1 Members Eligible to Participate

Given that consideration of this application had been continued following a Hearing, at which they were not present, Councillors McGhee, Kelly and Crawford took no part in consideration or determination of this application.

9.2 Appointment of Chair

Councillor McGhee vacated the Chair in favour of Councillor Menzies.

9.3 Consideration of Application

There was submitted (a) an executive summary sheet and report dated 1 April 2003 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of 19 residential flats at Greenholm Road, Cumnock; and (b) a report dated 7 August 2003 (circulated) by the Head of Planning and Building Control providing supplementary information relative to this application.

The Principal Planning Officer reported that three letters of objection had been received, details of which were contained within the report; summarised the planning considerations in respect of the application including those arising from the supplementary information provided; 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 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 applicants in respect of the matter detailed in Section 6.4 of the report dated 1 April 2003.

9.4 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 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 applicants in respect of the matter detailed in Section 6.4 of the report dated 1 April 2003.

10. APPLICATION NO 03/0095/FL: NORTHKIRK LIMITED: MUIRKIRK ROAD, LUGAR (Item 2, Page 139, 03/07)

10.1 Members Eligible to Participate

Given that consideration of this application had been continued following a Hearing, at which they were not present, Councillors Kelly, Menzies and Crawford took no part in consideration or determination of this application.

10.2 Appointment of Chair

Councillor Menzies vacated the Chair in favour of Councillor McGhee.

10.3 Statement by Local Member

At the invitation of the Chair, Councillor Kelly, as local Member, made a statement in respect of this application, but took no part in the consideration or determination of the application.

10.4 Consideration of Application

There was submitted an executive summary sheet and report dated 4 August 2003 (both circulated) by the Head of Planning and Building Control on a full planning application for a proposed housing development of 18 dwellinghouses including alterations to Lugar Institute to form two houses and two self-build plots at Muirkirk Road, Lugar.

It was noted that Members of the Committee had attended a site visit in respect of this application prior to the meeting.

The Principal Planning Officer 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 of the Head of Planning and Building Control: Approval, subject to the conditions, and for the reasons, detailed in the report, excluding Conditions (1) and (2) and to the following additional condition, namely:- "There shall be no commencement of the development hereby approved on site until such time as a professionally prepared risk assessment of the structural integrity of the Lugar Loch Dam has been submitted to and agreed in writing by the Planning Authority, in consultation with the Roads Authority. Such assessment should confirm that the proposed development is not at risk from potential failure of the dam. Reason - in the interests of public safety"; 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 detailed in Section 8.6 of the report.

10.5 Determination of Application

It was agreed to approve the application subject to the conditions, and for the reasons, detailed in the report, excluding Conditions (1) and (2) and to the following additional condition, namely:- “There shall be no commencement of the development hereby approved on site until such time as a professionally prepared risk assessment of the structural integrity of the Lugar Loch Dam has been submitted to and agreed in writing by the Planning Authority, in consultation with the Roads Authority. Such assessment should confirm that the proposed development is not at risk from potential failure of the dam. Reason - in the interests of public safety”; 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 detailed in Section 8.6 of the report.

11. APPLICATION NO 03/0541/FL: MR AND MRS S TEECE: SKARES STATION SITE, BY CUMNOCK

There was submitted an executive summary sheet and report dated 30 July 2003 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed erection of two dwellinghouses at Skares Station Site, by Cumnock.

The Principal Planning 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, 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.

12. APPLICATION NO 03/0406/OL: MR J AULT: NITH LODGE, DALLEAGLES, NEW CUMNOCK

There was submitted an executive summary sheet and report dated 28 July 2003 (both circulated) by the Head of Planning and Building Control on an outline planning application for a proposed new bungalow and garage complete with wind turbine and solar panels at Nith Lodge, Dalleagles, New Cumnock.

The Principal Planning 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 reasons detailed in the report.

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

13. APPLICATION NO 03/0158/CA: MR ROBERT KYLE: ROYAL HOTEL, 1 GLAISNOCK STREET/2A BLACK BULL CLOSE, CUMNOCK

There was submitted an executive summary sheet and report dated 29 July 2003 (both circulated) by the Head of Planning and Building Control on a Conservation Area Consent application for the proposed partial demolition of an upper floor

function room and other rear buildings including ground floor bakery at The Royal Hotel, 1 Glaisnock Street/2A Black Bull Close, Cumnock.

The Principal Planning 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, subject (i) to the conditions, and for the reasons, detailed in the report; and (ii) to the notification of Historic Scotland under the terms of the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1987.

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

14. APPLICATION NO 03/0433/FL: MUIRKIRK ENTERPRISE GROUP: GROUND AT 15-21 MAIN STREET/1 GLASGOW ROAD, MUIRKIRK

There was submitted an executive summary sheet and report dated 28 July 2003 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed siting of a Miners' Memorial at 15-21 Main Street/1 Glasgow Road, Muirkirk.

The Principal Planning 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.

It was agreed to approve the application.

15. APPLICATION NO 03/0505/FL: O2 (UK) LIMITED: BLACKSTON FARM/DYKES FARM, RIGG ROAD, CUMNOCK

There was submitted an executive summary sheet and report dated 28 July 2003 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed replacement of an existing tower with a 17.9m high tower supporting existing antennae, the installation of three boom mounted antennae and two transmission dishes together with a compound extension, equipment cabin and ancillary equipment at Blackston Farm/Dykes Farm, Rigg Road, Cumnock.

The Principal Planning 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, 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.

16. APPLICATION NO 03/0432/FL: NTL: AULDHOUSEBURN FARM, MUIRKIRK

There was submitted an executive summary sheet and report dated 7 July 2003 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed installation of three 4-stack dipole antennae at 24-26.6m, one GPS antenna and one equipment cabin at Auldhouseburn Farm, Muirkirk.

The Principal Planning 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, 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.

17. APPLICATION NO 03/0589/FL: NTL: BENSTON MOUNT, LITTLE CREOCH FARM, NEW CUMNOCK

There was submitted an executive summary sheet and report dated 21 July 2003 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed installation of one 1.5m tower extension, three 4-stack dipole antennae at 16-18.6m, one GPS antenna and one equipment cabin at Benston Mount, Little Creoch Farm, New Cumnock.

The Principal Planning 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, 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.

The meeting terminated at 1147 hours.