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**NITHSDALE AREA REGULATORY COMMITTEE**

Meeting of Wednesday 10 September 2008  
at 10.00am in Council Offices, English Street, Dumfries

**Minute****Present**

<b>Jack Groom</b> (Chairman)	-	Nith
<b>Gillian Dykes</b> (Vice-Chairman)	-	Mid & Upper Nithsdale
<b>Graham J Bell</b>	-	North West Dumfries
<b>Ian Blake</b>	-	Abbey
<b>Ivor A Hyslop</b>	-	Lochar
<b>Jeff Leaver</b>	-	Lochar
<b>John A Martin</b>	-	Nith
<b>Lorna J McGowan</b>	-	Lochar
<b>David J McKie</b>	-	North West Dumfries
<b>Ronnie Nicholson</b>	-	North West Dumfries
<b>Colin Smyth</b>	-	Nith
<b>Doug Snell</b>	-	North West Dumfries
<b>David Stitt</b>	-	Abbey
<b>John Syme</b>	-	Mid & Upper Nithsdale
<b>Michael J Thomson</b>	-	Abbey
<b>Alastair Witts</b>	-	Nith
<b>Andrew S Wood</b>	-	Mid & Upper Nithsdale

**Officials**

<b>Robert Thom</b>	-	Area Manager Nithsdale
<b>David Suttie</b>	-	Area Planning Manager Nithsdale
<b>Graeme Alison</b>	-	Development Team Leader
<b>Willie Taylor</b>	-	Service Manager Court and Licensing
<b>Michael McDonald</b>	-	Traffic Management Officer Dumfries and Galloway Constabulary
<b>Claire Eckstein</b>	-	Senior Planner
<b>Anthea Russell</b>	-	Area Committee Administrator

**Apologies**

<b>John A Charteris</b>	-	Lochar
<b>Rob Davidson</b>	-	Abbey
<b>James H Dempster</b>	-	Mid & Upper Nithsdale

**Alex Haswell**

Director Chief Executive Service

**17 Members present.**

**1. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 PART V - MARCHES AND PARADES** - Report dated 31 July 2008 by Director of Chief Executive Service

**Decision**

**APPROVED** the proposal (1) to make a submission to the Scottish Ministers that they consider making an order under Section 62 (11B) of the Civic Government (Scotland) Act 1982 to exempt from the public procession notification requirements all Common Ridings, Gala Days, Fun Day Parades and other similar traditional community events and Remembrance Day Parades; and (2) to contact COSLA to ascertain whether the local impact of the new notification requirements has been mirrored in other areas and if so whether a co-ordinated approach might be made to the Scottish Ministers that certain processions be exempted from the notification requirements.

**2. PLANNING APPLICATIONS**

**2.0 PROCEDURE – APPLICATION WITHDRAWN**

**2.0.1 ADJACENT TO 55 GLENCAPLE AVENUE, DUMFRIES** – Planning application for erection of dwellinghouse (08/P/30359)

The Area Planning Manager advised that the application related to item 2.8 had been withdrawn by the applicant.

**MEMBERS – Ian Blake and Alastair Witts left the meeting – 15 Members present.**

**2.1 LAND AT LOCKERBIE ROAD, DUMFRIES** – Planning application for erection of a class 1 retail foodstore, petrol filling station, car parking, access, landscaping and associated works (08/P/30233).

The Committee heard Mr B Train and Mr R McLeod on behalf of the Applicants.

**VOTE**

**2.1.1 MOTION** by **RONNIE NICHOLSON** seconded by **GILL DYKES** that the application be approved subject to conditions but with Condition 16 amended to read that there should be no comparison goods sold, and with an additional condition that the roof be seagull-proofed.

**2.1.2 AMENDMENT** by **IVOR A HYSLOP** seconded by **JEFF LEAVER** that the application be approved subject to conditions but with Condition 16 amended to read that there should be not more than 15% of the net sales area used for the sale or display of comparison goods, and with an additional condition that the roof be seagull-proofed.

**2.1.3 COUNTER AMENDMENT** by **COLIN SMYTH** seconded by **JACK GROOM**

that the application be approved subject to conditions and with an additional condition that the roof be seagull-proofed.

On a vote being taken by roll call between the Amendment and Counter Amendment, Members voted as follows:-

**Amendment** – 5 votes being:- Gillian Dykes, Ivor A Hyslop, Jeff Leaver, Ronnie Nicholson and John Syme.

**Counter Amendment** – 10 votes being:- Jack Groom, Graham J Bell, John A Martin, Lorna J McGowan, David J McKie, Colin Smyth, Doug Snell, David Stitt, Michael J Thomson, and Andrew S Wood.

On a vote being taken by roll call between the Motion and Counter Amendment, Members voted as follows:-

**Motion** – 3 votes being:- Gillian Dykes, Ronnie Nicholson and John Syme.

**Counter Amendment** – 12 votes being:- Jack Groom, Graham J Bell, Ivor A Hyslop, Jeff Leaver, John A Martin, Lorna J McGowan, David J McKie, Colin Smyth, Doug Snell, David Stitt, Michael J Thomson, and Andrew S Wood.

### Decision

2.1.4 **AGREED** that the application be approved subject to conditions and with an additional condition that the roof be seagull-proofed.

**MEMBER – Alastair Witts re-entered the meeting – 16 Members present.**

**2.2 LAND SOUTH OF WESTOVER, GREENLEA, COLLIN** - Planning application for erection of 4 dwellinghouses (08/P/30053).

The Committee heard Mr I Beach and Mr D Clark on behalf of Mrs King and Mrs Jeffers, Objectors; Mrs A Henderson and Mr K Berry on behalf of the applicants.

### Decision

**APPROVED** subject to conditions and the following additional conditions:-

7. That no construction work in respect of the dwellinghouses hereby granted planning permission shall take place unless the proposed boundary fence at the rear of 6 and 7 Rosedale Gardens has first been erected in accordance with the approved drawings (or such other drawings as may be approved in writing for the purpose by the Council as planning authority).

8. That, for the avoidance of doubt, the service strip at the eastern end within Plots 1 and 2, adjoining 6 and 7 Rosedale Gardens (identified in green on the approved plans) shall be retained as a grass covered service strip and shall not be used for the parking of vehicles, for the lifetime of the development.

**MEMBER – Colin Smyth left the meeting – 15 Members present.**

**2.3 SOUTH CARSE FARM, CARSETHORN** – Planning application for development of 3 no holiday chalets and shared septic tank and soakaway (08/P/30178).

The Committee heard Mr J Blackett, Applicant.

### **VOTE**

2.3.1 **MOTION** by **MICHAEL J THOMSON** seconded by **ANDREW WOOD** that 1) the application be recommended to Planning, Housing and Environment Services Committee for approval subject to appropriate conditions, on the grounds that the development was considered to be in accordance with Structure Plan Policy D24, that the site was adjacent to farm buildings, and that the proposal constituted a farm diversification scheme which would encourage tourism in the area; and 2) that prior to the application being considered by the Planning, Housing and Environment Services Committee, officers be remitted to investigate the possibility of the use of a Section 75 Agreement to tie the proposed development to the applicant's estate and Nethermill Farm in particular.

2.3.2 **AMENDMENT** by **RONNIE NICHOLSON** seconded by **DAVID J McKIE** that the application be refused on the following grounds:- (1) that the proposed 3 chalet development would be contrary to Structure Plan Policy D24 and Nithsdale Local Plan General Policy 33 in that:- a) it would require the demolition of all the existing agricultural / farm buildings within the application site and so would not be associated physically with farm buildings, as required under criterion 1 of Structure Plan Policy D24 (the surrounding and retained buildings are in equestrian and residential uses under separate ownership and control); and b) it would not be associated physically with a hotel, nor would it form an integral part of a comprehensive recreational scheme; and (2) that approval of this chalet development without adequate policy justification would set an undesirable precedent for the sporadic development of chalets in open countryside where such sites are unrelated to any group of existing buildings associated physically with the proposal.

On a vote being taken by roll call Members voted as follows:-

**Motion - 9** being: Gillian Dykes, Graham J Bell, Ivor A Hyslop, Lorna J McGowan, Doug Snell, David Stitt, Michael J Thomson, Alastair Witts and Andrew Woods.

**Amendment - 6** being: Jack Groom, Jeff Leaver, John A Martin, David J McKie, Ronnie Nicholson and John Syme.

### **Decision**

2.3.3 **AGREED** that (1) the application be recommended to Planning, Housing and Environment Services Committee for approval subject to appropriate conditions, on the grounds that the development was considered to be in accordance with Structure Plan Policy D24, that the site was adjacent to farm buildings, and that the proposal constituted a farm diversification scheme which would encourage tourism in the area; and

(2) that prior to the application being considered by the Planning, Housing and Environment Services Committee, officers be remitted to investigate the possibility of the use of a Section 75 Agreement to tie the proposed development to the applicant's estate and Nethermill Farm in particular.

**2.4 ADJACENT TO 55 GLENCAPLE AVENUE, DUMFRIES** – Planning application for erection of dwellinghouse (08/P/30359)

**Decision**

**NOTED** that this application had been withdrawn.

**3. REQUEST FOR CONFIRMATION OF STANDARD TREE PRESERVATION ORDER NO. 1/3, 2008, LINCLUDEN DEPOT GARDENS, COLLEGE ROAD, DUMFRIES.**

**CONFIRMED** the Standard Tree Preservation Order in respect of two Wellingtonia (Redwood) trees in Lincluden Depot Gardens, College Road, Dumfries.