

PLANNING APPLICATIONS COMMITTEE

Meeting of Wednesday 26 June 2013
at 10:30am in Council Offices, English Street, Dumfries

Present

Members

Graham Nicol (Chairman)	- Mid Galloway
Denis R Male (Vice-Chairman)	- Annandale East and Eskdale
Jim H Dempster	- Mid and Upper Nithsdale
Archie Dryburgh	- Annandale East and Eskdale
Alistair Geddes	- Mid Galloway
Ivor A Hyslop	- Lochar
Jane S Maitland	- Dee
Tom A McAughtrie	- Abbey
Jim McColm	- Mid Galloway
David J McKie	- North West Dumfries
Graeme Tait	- Annandale North
Stephen Thompson	- Annandale North
Ted Thompson	- Lochar
Alastair Witts	- Nith

Officials

Lindsey Brown	- Planner
Dean Clapworthy	- Senior Planner
Robert Duncan	- Area Planning Manager
Mhairi Duff	- Senior Planner
Claire Eckstein	- Senior Planner
Pat Hanna	- Senior Planner
David Jinks	- Acting Planner
Janice Kay	- Area Planning Manager
Paula McGeady	- Solicitor
Billy Murray	- Senior Planner
David Suttie	- Service Manager Development Management
Jessica Taylor	- Senior Planner

Apologies

Ian Blake	- Abbey
Patsy Gilroy	- Dee
Yen Hongmei Jin	- Lochar
Ronnie E Ogilvie	- Annandale South

Alex Haswell
Director Chief Executive Service

1 SEDERUNT AND APOLOGIES

12 Members present, 4 apologies, 2 not present at start of the meeting being Jim H Dempster and Ivor A Hyslop.

2 DECLARATIONS OF INTEREST

2.1 Graham Nicol declared an interest in items 4 and 5 by virtue of the fact that he was not present at the previous meeting when these items were first presented to Committee and had determined that his interest was such that he would leave the meeting for consideration of these items.

2.2 Graham Nicol declared an interest in item 6 by virtue of that fact that he was related to one of the representors and had determined that his interest was such that he would leave the meeting for consideration of this item.

2.3 Jane Maitland declared an interest in item 21 by virtue of the fact that she was the Director of the Crichton Development Company and had determined that her interest was such that she would leave the meeting for consideration of this item.

2.4 Jane Maitland declared an interest in item 22 by virtue of the fact that she was a Director of the Crichton Trust and had determined that her interest was such that she would leave the meeting for consideration of this item.

2.5 Jim McColm declared an interest in item 5 by virtue of the fact that he was not present at the previous meeting when this item was first presented to Committee and had determined that his interest was such that he would leave the meeting for consideration of this item.

2.6 Jim McColm declared an interest in item 6 by virtue of the fact that his property was opposite the application site and had determined that his interest was such that he would leave the meeting for consideration of this item.

3 MINUTE OF MEETING OF 22 MAY 2013

Decision

APPROVED subject to amendment to 2.3 to read "Alastair Witts declared an interest in item 8 by virtue of the fact that he had known the applicant and had determined that his interest was such that he would remain in the meeting for consideration of this item".

MEMBER - Graham Nicol declared an interest and left the meeting - 11 Members present

PROCEDURE - Denis R Male assumed the role of Chairman.

Continued Application (Committee in Session)

4 GARLOFF FARM, CAIRNYARD, BEESWING, DUMFRIES – PLANNING APPLICATION FOR THE ERECTION OF 18 HOLIDAY CHALETS, INSTALLATION OF SEWAGE TREATMENT PLANT, FORMATION OF ACCESS ROADS AND LANDSCAPING (12/P/3/0494)

PROCEDURE - Members were advised that this application had already been the subject of public speaking at a previous meeting and that only those Members who were present and had heard the representations could vote on this application should the Committee determine to divide being:

Denis R Male, Archie Dryburgh, Alistair Geddes, Patsy Gilroy, Jane Maitland, Tom McAughtrie, Jim McColm, David McKie, Stephen Thompson, Ted Thompson and Alastair Witts.

Decision

APPROVED application 12/P/3/0494 subject to conditions as detailed in the report with an additional condition requiring details of external lighting to be submitted to and approved by the planning authority.

MEMBER - Jim McColm declared an interest and left the meeting - 10 Members present

5 LAND AT AUCHEN CASTLE, FORMERLY PART OF LAWESKNOWE FARM, BEATTOCK – PLANNING APPLICATION FOR THE FORMATION OF EQUESTRIAN EXERCISE AREA AND HARDSTANDING AND SITING OF STABLE BUILDING AND CONTAINER UNIT (PRIVATE USE) (12/P/4/0362)

PROCEDURE - Members were advised that this application had already been the subject of public speaking at a previous meeting and that only those Members who were present and had heard the representations could vote on this application should the Committee determine to divide being:

Denis R Male, Archie Dryburgh, Alistair Geddes, Patsy Gilroy, Jane Maitland, Tom McAughtrie, David McKie, Stephen Thompson, Ted Thompson and Alastair Witts.

Decision

APPROVED application 12/P/4/0362 subject to conditions as detailed in the report with amendment to condition 2 to read "That the steel container hereby granted planning permission shall be removed from the site on or before the expiry of a period of **1 year** from the date of this permission unless a planning application for its retention for a further period has been submitted to and approved by the planning authority before the expiry of the above mentioned period".

Applications Eligible for Speaking

6 LARG FARM, CREETOWN, NEWTON STEWART – PLANNING APPLICATION FOR ERECTION OF 1 WIND TURBINE (HUB HEIGHT OF 28.6M, 45.5M TO BLADE TIP) AND FORMATION OF ACCESS TRACK (13/P/2/0050)

The Committee heard from Lesley Cundiff, Objector, Councillor Iain Dick, Elected Member and Mrs Archibald, Applicant.

Decision

REFUSED application 13/P/2/0050 on the grounds as detailed in the report.

MEMBERS - Graham Nicol and Jim McColm re-entered the meeting - 12 Members present

PROCEDURE - Graham Nicol resumed the role of Chairman.

7 TONDERGHIE ROAD, ISLE OF WHITHORN – APPLICATION FOR PERMISSION IN PRINCIPLE FOR ERECTION OF THREE DWELLINGHOUSES (12/P/1/0300)

The Committee heard from David Fallas, Agent.

Decision

REFUSED application 12/P/1/0300 on the grounds as detailed in the report.

8 WIGTOWN HARBOUR, WIGTOWN – PLANNING APPLICATION FOR CHANGE OF USE OF LAND TO FORM CARAVAN SITE, ERECTION OF TOILET BLOCK AND BOATHOUSE, ERECTION OF WIND TURBINE (25.5M BASE TO TIP), INSTALLATION OF SEPTIC AND REED BED AND ERECTION OF DWELLINGHOUSE (12/P/1/0295)

The Committee heard from Alan Wykes, Applicant.

VOTE

8.1 **MOTION** by **ALISTAIR GEDDES** seconded by **ARCHIE DRYBURGH** to defer consideration of application 12/P/1/0295 for a site visit.

8.2 **AMENDMENT** by **JANE MAITLAND** seconded by **DAVID McKIE** to determine application 12/P/1/0295 at the meeting today.

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

MOTION - 9 votes being:

Graham Nicol, Denis R Male, Archie Dryburgh, Alistair Geddes, Tom McAughtrie, Jim McColm, Graeme Tait, Stephen Thompson and Alastair Witts.

AMENDMENT - 3 votes being:

Jane Maitland, David McKie and Ted Thompson.

Decision

DEFERRED application 12/P/1/0295 for a site visit.

9 CRAIGNAIR QUARRY, DALBEATTIE – PLANNING APPLICATION FOR ERECTION OF MULTI SPECIES ABATTOIR, INSTALLATION OF ASSOCIATED WASTE WATER TREATMENT WORKS AND DRAINAGE PONDS, FORMATION OF CAR PARKING, AND UPGRADING OF ACCESS ROAD (13/P/2/0066)

The Committee heard from Pauline Warner on behalf of herself and Dalbeattie Petition Signatories, Ian Wilbur, Objectors and Mark Buchanan, Maggie Gordon and Ken Asher on behalf of Agent.

VOTE

9.1 **MOTION** by **JANE MAITLAND** seconded by **ALASTAIR WITTS** to determine application 13/P/2/0066 at the meeting today.

9.2 **AMENDMENT** by **TOM McAUGHTRIE** seconded by **ARCHIE DRYBURGH** to defer consideration of application 13/P/2/0066 for a site visit.

9.3 On a vote being taken by roll call, Members votes as follows:

MOTION - 7 votes being:

Graham Nicol, Jane Maitland, Jim McColm, Graeme Tait, Stephen Thompson, Ted Thompson and Alastair Wits.

AMENDMENT - 5 votes being:

Denis R Male, Archie Dryburgh, Alistair Geddes, Tom McAughtrie and David McKie.

Decision

APPROVED application 13/P/2/0066 subject to conditions as detailed in the report.

ADJOURNMENT – The meeting was adjourned at 13.05pm for lunch and reconvened at 13.30pm with 13 Members present being:

Graham Nicol, Denis R Male, Jim H Dempster, Archie Dryburgh, Alistair Geddes, Ivor A Hyslop, Jane Maitland, Jim McColm, David McKie, Graeme Tait, Stephen Thompson, Ted Thompson and Alastair Wits.

PROCEDURE - Ivor A Hyslop entered the meeting and declared an interest in items 21 and 22 by virtue of the fact that he was a Director of the Crichton Trust and had determined that his interest was such that he would leave the meeting for consideration of these applications.

10 AUCHENSTROAN / STROANSHALLOCH, MONIAIVE – PLANNING APPLICATION FOR ERECTION OF 85M HIGH METEOROLOGICAL MAST FOR A TEMPORARY PERIOD OF THREE YEARS (13/P/3/0138)

PROCEDURE - The Committee was advised of an update to the report where paragraph 1.4 should now read "A scoping report/request (13/E/3/0005) under Environmental Impact Assessment legislation has been submitted, and has now been responded to under delegated powers.

Decision

APPROVED application 13/P/3/0138 subject to conditions as detailed in the report with amended to condition 1 to read "That the meteorological mast hereby granted planning permission shall be removed from the site and the use discontinued on or before the expiry of a period of **2 years** from the date of implementation of this permission (as notified by Initiation of Development). Any works required for the reinstatement of the land shall be carried out within **1 month of the expiry of the permission**, in accordance with a scheme for such reinstatement works which shall be submitted to and approved in writing by the planning authority.

MEMBER - Tom McAughtrie re-entered the meeting - 14 Members present

11 LAND ADJACENT TO 1 NUNWOOD, WOODLANDS, DUMFRIES – PLANNING APPLICATION FOR THE ERECTION OF DWELLINGHOUSE WITH INTEGRAL GARAGE AND TEMPORARY SITING OF STEEL CONTAINERS DURING CONSTRUCTION (13/P/3/0011)

The Committee heard from Anne Marshall on behalf of Janet Marshall and herself, Objector and Mark Buchanan, Agent.

Decision

REFUSED application 13/P/3/0011 on the grounds (1) That the proposals would be contrary to Nithsdale Local Plan General Policy 7(a) in that the proposed dwellinghouse would not respect the character and appearance, scale, density, or massing of the group of buildings of which it will form a part. In particular, the siting and scale of the proposed dwellinghouse would have an unduly adverse impact on the residential amenity of 1 Nunwood by virtue of loss of natural light and aspect; and (2) That the proposal would be contrary to the interests of road safety and Nithsdale Local Plan General Policy 2 (a) as it would result in increased use of an unadopted private access with severely restricted visibility to the north at its junction with the C47n.

12 LAND ADJACENT TO STEPS TO ST MICHAEL'S CHURCH, CORNER OF BROOMS ROAD AND ST MICHAEL'S STREET, DUMFRIES – PLANNING APPLICATION FOR ERECTION OF SANDSTONE SCULPTURE (13/P/3/0197)

VOTE

12.1 **MOTION** by **TOM McAUGHTRIE** and **DAVID McKIE** to defer application 13/P/3/0197 to the next meeting to invite the applicant to attend the meeting to provide more information on the material and dimensions of the statue.

12.2 **AMENDMENT** by **IVOR A HYSLOP** and **ALISTAIR GEDDES** to approve application 13/P/3/0197 unconditionally.

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

MOTION - 4 votes being:

Tom McAughtrie, David McKie, Ted Thompson and Alastair Witts.

AMENDMENT - 8 votes being:

Graham Nicol, Denis R Male, Jim H Dempster, Archie Dryburgh, Alistair Geddes, Ivor A Hyslop, Jim McColm and Graeme Tait.

ABSTENTIONS - 2 votes being:

Jane Maitland and Stephen Thompson.

Decision

APPROVED application 13/P/3/0197 unconditionally.

13 LAND ADJACENT TO STEPS TO ST MICHAEL'S CHURCH, CORNER OF BROOMS ROAD AND ST MICHAEL'S STREET, DUMFRIES – PLANNING APPLICATION FOR ERECTION OF FREESTANDING ARTWORK (13/P/3/0229)

VOTE

13.1 **MOTION** by **JANE MAITLAND** seconded by **JIM McCOLM** to refuse application 13/P/3/0229 on the grounds that the siting, design and proposed materials of the freestanding artwork are such that they would conflict with the existing quality and formality of the Category A Listed St Michael's Churchyard and its associated structures.

13.2 **AMENDMENT** by **IVOR A HYSLOP** seconded by **ALISTAIR GEDDES** to approve application 13/P/3/0229 subject to conditions as detailed in the report.

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

MOTION - 10 votes being:

Denis R Male, Jim H Dempster, Archie Dryburgh, Jane Maitland, Tom McAughtrie, Jim McColm, David McKie, Graeme Tait, Ted Thompson and Alastair Witts.

AMENDMENT - 3 votes being:

Graham Nicol, Alistair Geddes and Ivor A Hyslop.

ABSTENTIONS - 1 vote being:

Stephen Thompson.

Decision

REFUSED application 13/P/3/0229 on the grounds that the siting, design and proposed materials of the freestanding artwork are such that they would conflict with the existing quality and formality of the Category A Listed St Michael's Churchyard and its associated structures.

MEMBER - Graeme Tait left the meeting - 13 Members present

Applications not eligible for public speaking but subject to Member call-in

14 FORMER HAULAGE YARD, EAGLESFIELD – PLANNING APPLICATION FOR ERECTION OF TWO DWELLINGHOUSES AND DETACHED GARAGES, FORMATION OF ACCESS, TURNING AND PARKING AREAS, INSTALLATION OF SEWAGE TREATMENT PLANT AND SOAKAWAY SYSTEM (13/P/4/0178)

The Committee heard from Councillor Craig Peacock, Elected Member.

Decision

REFUSED application 13/P/4/0178 on the grounds as detailed in the report.

PROCEDURE - Archie Dryburgh requested that his dissent be recorded in respect of the above decision.

15 LEYS-OF-HOLMPARK, CREETOWN – PLANNING APPLICATION FOR EXTENSION TO NORTH-WEST ELEVATION OF DWELLINGHOUSE TO PROVIDE DOUBLE GARAGE AND ADDITIONAL ACCOMMODATION, REMOVAL OF EXISTING SINGLE STOREY WING (13/P/2/0091)

The Committee heard a statement on behalf of Councillor Colin Wyper, Elected Member.

Decision

REFUSED application 13/P/2/0091 on the grounds as detailed in the report.

Applications not Eligible for Speaking

16 128-140 HIGH STREET, DALBEATTIE – PLANNING APPLICATION FOR ERECTION OF TEN DWELLINGHOUSES (TWO BLOCKS OF TWO SEMI-DETACHED, TWO BLOCKS OF THREE TERRACED), FORMATION OF ACCESS, TURNING AREA, AND TEN CAR PARKING SPACES (13/P/2/0085)

Decision

APPROVED application 13/P/2/0085 subject to the conditions in the report but requested that officers explore the possibility of a commuted payment in lieu of the normal open space requirement with the developers.

PROCEDURE – Jane Maitland requested that her dissent be recorded in respect of the above decision.

17 ANNAN ACADEMY, ST JOHN'S ROAD, ANNAN – PLANNING APPLICATION FOR ALTERATIONS TO SCHOOL TO INCLUDE INSTALLATION OF REPLACEMENT WINDOWS, DOORS AND NEW CURTAIN WALLING INCLUDING ENCLOSURE OF EXISTING CANOPY AREA TO SOUTH-EAST AND SOUTH-WEST ELEVATIONS TO FORM INTERNAL CIRCULATION AREA (237 SQ M) AND FORMATION OF ACCESS RAMPS, STEPS AND ENTRANCE PLATFORM WITH NEW GLAZED CANOPY OVER (13/P/4/0158)

Decision

APPROVED application 13/P/4/0158 unconditionally.

18 SHAWHEAD PRIMARY SCHOOL, SHAWHEAD, DUMFRIES - PLANNING APPLICATION FOR ERECTION OF MODULAR SCHOOL BUILDING AND DEMOLITION OF EXISTING SCHOOL (13/P/3/0203)

Decision

APPROVED application 13/P/3/0203 subject to conditions as detailed in the report.

19 LOCHSIDE WETLANDS, (LAND ADJACENT TO CARRICK ROAD AND LOCHSIDE ROAD), LOCHSIDE, DUMFRIES – PLANNING APPLICATION FOR FORMATION OF CYCLE / FOOT PATH (13/P/3/0135)

Decision

APPROVED application 13/P/3/0135 subject to conditions as detailed in the report.

20 PLOTS 1-4, KELLOBANK, KIRKCONNEL – PLANNING APPLICATION FOR THE ERECTION OF 4 DWELLINGHOUSES AND FORMATION OF 2 ROAD ACCESSES (13/P/3/0007)

Decision

APPROVED application 13/P/3/0007 subject to conditions as detailed in the report.

MEMBERS - Ivor A Hyslop and Jane Maitland declared an interest and left the meeting - 11 Members present

21 GRIERSON HOUSE, THE CRICHTON, BANKEND ROAD, DUMFRIES – PLANNING APPLICATION FOR THE ERECTION OF BIOMASS BOILER AND ASSOCIATED WORKS (13/P/3/0163)

Decision

APPROVED application 13/P/3/0163 subject to conditions as detailed in the report.

22 CRICHTON MEMORIAL CHURCH, BANKEND ROAD, DUMFRIES – LISTED BUILDING CONSENT APPLICATION FOR THE INSTALLATION OF TWO ADDITIONAL RAINWATER PIPES TO SOUTH AND NORTH ELEVATIONS OF CHURCH (13/P/3/0102)

Decision

AGREED to notify Historic Scotland that the Council proposes to approve application 13/P/3/0102 unconditionally.

23 ANY OTHER BUSINESS DEEMED URGENT BY THE CHAIRMAN DUE TO THE NEED FOR A DECISION

Decision

NOTED that there was no business deemed urgent by the Chairman due to the need for a decision.