

EAST AYRSHIRE COUNCIL**SOUTHERN LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 22 OCTOBER 1999 IN AUCHINLECK
COMMUNITY CENTRE, WELL ROAD, AUCHINLECK**

PRESENT: Councillors Tommy Farrell, Eric Jackson, Julie Faulds, William Menzies, Jimmy Boyd and Elaine Dinwoodie.

ATTENDING: Ken Robinson, Principal Administrative Officer; Pamela Clifford, Senior Planning Officer; Hugh Melvin, Technical Planning Officer; and Ian Gemmell, Administrative Officer.

APOLOGIES: Councillors Jimmy Kelly, Eric Jackson, George Smith, Eric Ross, Robert Taylor and Jimmy Carmichael.

CHAIR: Councillor Tommy Farrell, Chair.

CHAIR'S REMARKS

1. Councillor Farrell reported, and it was noted, that Application No. 99/0575/OL: Mr J Dunlop, had been withdrawn from the business to be considered at this meeting.

CONSIDERATION OF PLANNING APPLICATIONS**2. APPLICATION NO. 99/0574/OL: MR AND MRS MONTGOMERIE**

There was submitted a report dated 5 October 1999 (circulated) by the Head of Planning and Building Control on an application for outline planning permission for the erection of a dwellinghouse on the site of the former house at Cairnford, Lessnessock Farm, Ochiltree.

The Senior Planning Officer summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Refusal, for the reason that the site selected is conspicuous in the landscape and the erection of a dwellinghouse would be detrimental to the visual amenity and character of the countryside, contrary to the provisions of Policy RES 14 and RES 15 of the Finalised Cumnock and Doon Valley District Wide Local Plan.

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

3. APPLICATION NO. 99/0627/FL: D & M SMITH

There was submitted a report dated 5 October 1999 (circulated) by the Head of Planning and Building Control on an application for full planning consent for the erection of a detached dwellinghouse, Low Clews, Mauchline.

The Senior Planning Officer 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 following conditions:- (1) The development to which this permission relates must be begun within five years from the date of this permission; and (2) Visibility sightline splay areas of 2.5 metres x 35 metres shall require to be formed and maintained at the site access with no obstruction greater than one metre in height being allowed within the splay areas. The existing boundary

fence, which encroaches within the required visibility splay areas, shall be either reduced in height to one metre, or the fence shall be relocated outwith the splay areas, within one month of the date of the planning consent. Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and Condition (2) in the interests of public road safety.

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

4. APPLICATION NO. 99/0379/OL: MR JAMES CARTNER

There was submitted a report dated 5 October 1999 (circulated) by the Head of Planning and Building Control on an application for outline planning permission for the development of land for residential purposes at Low Clews, Off Old Howford Road, by Catrine.

The Senior Planning Officer 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:- (1) The proposed development site lies within the designated "Countryside Around Towns" as indicated in the Finalised Cumnock and Doon Valley District Wide Local Plan. The Council considers that, as no specific locational need has been proven in this case, the erection of a dwellinghouse on the site is contrary to Policy RES 13, which states:- "In areas designated as Countryside Around Towns, there will be a presumption against residential and other development in the countryside, except where there is a proven, specific locational need"; and (2) The Council considers that the erection of a further dwellinghouse in the locality will lead to erosion of the amenity and character of the rural area.

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

Councillor Jackson, seconded by Councillor Menzies, moved as an amendment that the application be referred to the Development Services Committee with a recommendation for approval.

On a division by a show of hands the motion was carried by four votes to two.

5. APPLICATION NO. 99/0256/OL: MR W BURNS

There was submitted a report dated 5 October 1999 (circulated) by the Head of Planning and Building Control on an application for outline planning permission for the erection of a dwellinghouse on land to the rear of 6 Holmhead Road, Cumnock.

The Senior Planning Officer reported that two letters of objection had been received, details of which were given in 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:- (1) The Council considers that due to the size and layout of the proposed plot, the erection of a dwellinghouse at this location would be detrimental to, and be out of keeping with, the residential character and appearance of the residential area in which the application site is located and therefore would be contrary to Policy RES 11 of the Finalised Cumnock and Doon Valley District Wide Local Plan; (2) The Council considers that approval of the application would result in an unacceptable loss of amenity open space to the existing dwellinghouse to which the application site relates, to the detriment of the

amenity of this residential property and therefore would be contrary to Policy RES 11 of the Finalised Cumnock and Doon Valley District Wide Local Plan; (3) The Council considers that the erection of a dwellinghouse on the application site would have a significant impact on the existing dwellinghouse lying immediately south of the site, resulting in detriment to the residential amenity and privacy of this property; and (4) The Council considers that approval of the application would set an undesirable precedent for similar development within the locality of the application site, to the detriment of the residential character and appearance of the area.

The applicant and objectors were present, but did not wish to address the Committee.

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

6. APPLICATION NO. 99/0537/FL: ATH RESOURCES

There was submitted a report dated 6 October 1999 (circulated) by the Head of Planning and Building Control on an application for the variation of Condition 36 of the existing consent (97/0596/FL) to amend the agreed working hours of the Skares Road Opencast Coal Site, near Cumnock.

The Senior Planning Officer reported that two letters of objection had been received, details of which were given in 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 reason that the proposed amendment to the Saturday working hours will result in site operations commencing at 0700 hours, one hour earlier than is currently approved under planning consent 97/0596/FL. This will also result in off-site activity prior to 0700 hours as site personnel arrive on site for commencement of work. The Council considers that the earlier commencement of operations on a Saturday will, through noise disturbance, have an adverse impact on the residential amenity of the community of Skares and other residents living in proximity to the site.

The Committee then heard objector, Mrs Mary Gordon, on behalf of Mining and Environment Group, Ayrshire (MEGA), and Mr Allchurch, representing the applicant, ATH Resources. The Members asked questions of the objectors and applicant, and the objectors and the applicant responded to the issues raised, all in accordance with the agreed Hearing procedure.

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

7. APPLICATION NO. 99/0319/FL: GRACE KAY

There was submitted a report dated 5 October 1999 (circulated) by the Head of Planning and Building Control on an application for the erection of a wooden garage at the Garage Centre, Glebe Avenue, Dalrymple.

The Senior Planning Officer reported that two letters of objection and a petition signed by 13 people objecting to the proposed garage had been received, details of which were given in 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 following conditions:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) The garage hereby approved shall be maintained in a neat and tidy

condition to the satisfaction of the Planning Authority; and (3) The garage shall not be used for commercial purposes, other than those being incidental to the occupant's enjoyment of his residential property. Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) in the interests of visual amenity; and Condition (3) to safeguard the residential amenity of the area.

The Committee then heard objector, Mrs K McNeillie. The applicant was not present or represented. The Members asked questions of the objector and the objector responded to the issues raised, all in accordance with the agreed Hearing procedure.

It was agreed to refuse the application as it was considered that the size of garage proposed could not be sited within the plot without detriment to neighbouring plots.

8. APPLICATION NO. 99/0380/OL: ADAM WILSON & SONS

There was submitted a report dated 6 October 1999 (circulated) by the Head of Planning and Building Control on an application for outline planning permission in respect of private house development plots at The Glebe, Dalmellington.

The Senior Planning Officer 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 following conditions:- (1) In the case of the reserved matters specified below, application for approval must be made not later than the expiration of three years beginning with the date of this permission; (2) That the development to which this permission relates must be begun not later than the expiration of five years from the date of this permission or within the expiration of two years from the final approval of all reserved matters, whichever is the later; (3) The further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved. The development of each individual plot shall not commence until all these reserved matters have been approved, with the exception of those matters entirely within the other plots on the site:- (a) the internal layout of the house plots; (b) the size, height, design and external appearance of the proposed dwellinghouses; (c) the means of drainage and sewage disposal; (d) details of the access arrangements; (e) the provision for open space; (f) the provision for car parking; (g) the boundary walls/fences to be erected; (h) the landscaping of the site; and (i) finished site levels/floor levels; (4) Prior to any construction on site, the road from the junction with Armour Wynd shall be upgraded to East Ayrshire Roads Division standard. A formal planning application for the road layout and upgrading shall be submitted to, and approved by, the Planning Authority; (5) Details to be submitted under Condition 3(h) shall include the type of play equipment, the proposed treatment of the play area, details of adequate boundary fencing and maintenance arrangements for the play equipment and play area; (6) Prior to any construction on site, the developer shall investigate the possibilities of surface contamination from fuel or creosote or other chemical treatment storage tanks within the site. Details of the findings of such investigation and the proposed treatment of any contaminated land shall be submitted to, and approved by, the Planning Authority prior to the commencement of construction works; and (7) No construction work, site clearance and preparation works shall take place on site before 0700 hours and after 1700 hours on Mondays to Fridays, and before 0800 hours and after 1200 hours on Saturdays and at all times on Sundays. Conditions (1) and (2) being imposed to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997; Condition (3) as the approval is in outline only; Condition (4) in the interests of

road safety and to comply with the requirements of East Ayrshire Council Roads Division; Condition (5) to ensure that the play area is to be an adequate standard and that it is subsequently maintained in the interest of residential and visual amenity; Condition (6) in the interests of public safety; and Condition (7) in the interests of residential amenity.

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

The meeting terminated at 1040 hours.