

EAST AYRSHIRE COUNCIL**SOUTHERN LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 1 DECEMBER 2000 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 Robert Taylor and Jimmy Carmichael.

ATTENDING: David Mitchell, Legal Manager; Bill Walkinshaw, Administration Manager; Hugh Melvin, Senior Development Promotion Officer; Derek Scott, Development Promotion Officer; and Ian Gemmell, Administrative Officer.

APOLOGIES: Councillors Eric Ross and Elaine Dinwoodie.

CHAIR: Councillor Tommy Farrell, Chair.

CONSIDERATION OF PLANNING APPLICATIONS**PROCEDURE**

1. The Administration Manager established that the Hearing procedure was understood by all participants.

- 2.1 **APPLICATION NO 00/0573/FL: PORTCULLIS DEVELOPMENTS LIMITED:
FORMER WHITEHILL COLLIERY, BY SKARES, CUMNOCK**

There was submitted an executive summary and report dated 22 November 2000 (both circulated) by the Head of Planning and Building Control on an application for the proposed contouring, soiling and landscaping by planting existing bing and land and importation of sewage sludge for use as a growth medium at the former Whitehill Colliery, by Skares, Cumnock.

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

The Senior Development Promotion 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; (2) The operations hereby permitted shall be completed within 12 months of the date of this consent or at other such time as may be agreed in writing with the Planning Authority; (3) This permission relates to the rehabilitation of the Whitehill Colliery site and for the importation of a maximum of 40,000 tonnes of sewage sludge into the site for use as a growth medium only. Any excess sewage sludge not used as a growth medium shall be permanently removed from the site and disposed of to a licensed waste disposal facility to the satisfaction of the Planning Authority; (4) No drainage connection shall be made to the C97 public road drainage system without the prior approval of the Roads Authority. No surface water shall be allowed to discharge from the development site on to the adjacent C97 road; (5) Appropriate measures shall be taken to prevent mud, dirt, dust, slurry or stones being carried onto the highway and such steps shall include the provision and use of

hardstanding areas and the provision of wheel wash facilities for cleaning of all lorries, dump trucks, other heavy vehicles and plant leaving the site; (6) Prior to excavation works commencing on site statutory undertakers' apparatus shall be protected and diverted as required, to the satisfaction of the respective statutory undertakers and at the expense of the developer; (7) All fuel, oil or other chemical storage tanks on the site shall be sited on impervious bases and surrounded by tank bund walls. The bunded areas shall be capable of containing 110% of the tank's volume and shall enclose all fill and draw pipes. If the storage tanks are to be sited at a single compound, the bund wall shall be capable of containing 110% of the volume of the largest storage tank. All fill and draw points shall be padlocked when not in use; (8) Any rubbish and scrap materials generated on the site shall, as far as is practicable, be kept in a screened position until disposed of in an approved manner to the satisfaction of the Planning Authority; (9) The applicant shall take all practical steps to minimise any odour nuisance arising from the importation, storage and subsequent spreading of sewage sludge within the site including the use of air borne de-odourisers to the satisfaction of the Planning Authority; (10) The applicant shall take all practical steps to prevent any contaminated drainage and run-off from the site roadways, interception ditches, sewage sludge storage area and the working areas of the bing entering into nearby watercourses. Such run-off shall be collected, contained and any particulate matter settled out prior to discharge to any water course; (11) The applicant shall maintain the existing temporary warning signage on the C97 road during the operational life of the site; and (12) Within three months of the date of this approval, the applicant shall submit to and have approved by the Planning Authority, the final details of the restoration of the development site; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to ensure that the operations are implemented and completed within an appropriate timescale in the interests of amenity; Condition (3) to enable the Planning Authority to retain control over the development of the site in the interests of public safety; Conditions (4) and (11) in the interest of public road safety; Condition (5) In the interest of road safety; Condition (6) In the interest of public safety; Condition (7) In the interest of public safety and to prevent any pollution of watercourses; Condition (8) In the interest of visual amenity; Conditions (9) and (12) In the interest of amenity; and Condition (10) To prevent contamination of watercourses.

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

2.2 APPLICATION NO 00/0664/FL: MRS STRAIN: 19 HIGH STREET, MAUCHLINE

There was submitted an executive summary and report dated 8 November 2000 (both circulated) by the Head of Planning and Building Control on an application for a change of use from store to florist/gift shop at 19 High Street, Mauchline.

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

2.2.1 Consideration of Item

The Senior Development Promotion Officer reported that three 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: 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) Notwithstanding the provisions of the (General Permitted Development) (Scotland) Order 1992, and the Town and Country Planning (Use Classes) (Scotland) Order 1997, this permission relates to the retailing of flowers/gifts only, and the further express permission of the Planning Authority shall be required in respect of the proposed retailing of any other type of goods or service; and (3) The applicant shall provide suitable litter receptacles outwith the proposed premises. All refuse associated with the florist/gift shop hereby approved shall be disposed of within these receptacles; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) To retain effective planning control over the use of the premises in the interests of residential amenity; and Condition (3) In the interests of residential amenity.

2.2.2 Planning Hearing

The Committee then heard Mr T Sorley representing Mr S Sorley, objector, and Mr William Herbert, representing Mr & Mrs C Herbert, objectors in support of the objections, and Mrs Catherine Strain, the applicant, in support of the application. Members asked questions of the objectors' representatives and the applicant. The objectors' representatives and the applicant responded to the issues raised, all in accordance with the Hearing procedure.

2.2.3 Determination of Application

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

2.3 APPLICATION NO 00/0142/FL: MR A COOPER: 1 BURNGRANGE LANE, MAUCLINE

2.3.1 Declaration of Interest

Councillor Jackson declared a non-pecuniary interest in this item.

2.3.2 Consideration of Item

There was submitted an executive summary and report dated 17 November 2000 (both circulated) by the Head of Planning and Building Control on an application for full planning consent for the proposed change of use from domestic garage to pumping station, The Pumphouse, 1 Burngrange Lane, Mauchline.

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

The Senior Development Promotion Officer reported and it was noted that in paragraph 3.7 of the report in relation to vehicle movements the phrase "2 between morning and lunch" was amended to read "1 between morning and lunch".

The Senior Development Promotion Officer reported that eleven letters of objection and a petition signed by 49 people 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 proposed development shall be carried out in accordance with the application and

forms submitted on 29 February 2000 and the proposed road alterations plan submitted to the Planning Authority on 14 April 2000; (3) The proposed road alterations at the entrance to Burngrange outlined in the plan dated 14 April 2000, shall be carried out prior to the use of the domestic garage as a pumping station, all to the satisfaction of the Planning Authority and East Ayrshire Roads Division; (4) Prior to the use of the pumping station, a manhole access chamber shall be formed at the location of the existing culvert headwall for inspection and cleaning purposes and the existing trash screen shall be removed. Details of the manhole shall be submitted to and approved by the Planning Authority; (5) Prior to the use of the pumping station, the existing culvert shall be cleared of any debris prior to the construction of the new section of culvert. Details of the culvert shall be submitted to and approved by the Planning Authority before the commencement of development on site; (6) This permission relates to an output of 6,000 litres of spring water per day and the further permission of the Planning Authority will be required for any increase in the output of water per day; (7) Any vehicle movements associated with the proposed development shall not take place within a period of 30 minutes prior to opening time, 30 minutes after closing time and during the lunch-time period of Mauchline Nursery and Primary School; (8) This permission relates to 8 vehicle movements per day for the proposed use and the further permission of the Planning Authority will be required for any increase in vehicle movements per day associated with the transportation of extracted spring water; (9) No bottling of the water shall take place within the application site; (10) Before 07:00 hours and after 19:00 hours on Mondays to Fridays and before 08:00 hours and after 12:00 hours on Saturdays and at all times on Sundays, there shall be no transport of tanks of spring water; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) To ensure that the development is carried out in accordance with the approved details; Conditions (3) and (4) In the interests of road safety; Condition (5) In the interest of public safety; Condition (6) To enable the Planning Authority to retain control over the future development of the site in the interests of residential amenity; Condition (7) To allow ease of access by school children in the interests of pedestrian safety; Conditions (8) and (9) To enable the Planning Authority to retain control over future development of the site; Condition (10) To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity.

2.3.3 Planning Hearing

The Committee then heard Mr Agnew, objector and Mrs Ann Hair, representing the signatories of the petition objecting to the development, in support of their objections, and Mr Cooper, the applicant, in support of the application. Members asked questions of the objectors and applicant. The objectors and the applicants responded to the issues raised all in accordance with the Hearing procedure.

2.3.4 Determination of Application

Councillor Farrell seconded by Councillor Kelly moved that the application be approved subject to the conditions and for the reasons detailed.

Councillor Jackson seconded by Councillor Menzies moved as an amendment that the application be refused for the reason that the proposal would be detrimental to public safety.

On a division by a show of hands, the amendment was carried by 5 votes to 4.

2.4 APPLICATION NO 00/0709/FL: MR S LYLE: 12 CUMNOCK ROAD MAUCHLINE

2.4.1 Consideration of Item

There was submitted an executive summary and report dated 14 November 2000 (both circulated) by the Head of Planning and Building Control on an application for full planning consent for a proposed extension to form a lounge to the rear at 12 Cumnock Road, Mauchline.

The Senior Development Promotion Officer reported that one letter 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: 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) Notwithstanding the plans hereby approved the external appearance of all materials to be used in the construction of the extension shall match the materials of the original building; and (3) A 1.8 metres high screen fence shall be erected along the northern boundary of the application site, the details of which shall be submitted to and approved by the Planning Authority prior to works commencing on site; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) In the interest of visual amenity; and Condition (3) In the interest of residential amenity.

2.4.2 Planning Hearing

The Committee then heard Mr J MacDonald, objector, in support of his objections. At the outset, Mr MacDonald requested leave to distribute additional printed material/photographs in support of his objections and this request was refused. The applicant was not present or represented.

2.4.3 Adjournment/Reconvention of Meeting

The meeting adjourned at 1113 hours and reconvened at 1120 hours with the same Members and Officers present.

2.4.4 Continuation of Planning Hearing

The Committee, having heard Mr Donald in support of his objections agreed to continue consideration of the application to enable a site visit to take place.

2.5 APPLICATION NO 00/0657/FL: MR MAHMOOD: 1, 3 & 5 AULD AVENUE, MAUCHLINE

2.5.1 Consideration of Item

There was submitted an executive summary and report dated 9 November 2000 (both circulated) by the Head of Planning and Building Control on an application for full planning consent for the proposed change of use of a shop unit into chip shop, provision of metal flue pipe and external alterations at 1, 3 & 5 Auld Avenue, Mauchline.

The Senior Development Promotion Officer reported that 15 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: 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 hot food takeaway shall operate between the hours of 08:00 hours and 23:00 hours; (3) The use hereby approved shall operate without detriment to adjoining properties by reason of noise, dirt, smell or general disturbance; and (4) The applicant shall provide suitable litter receptacles both within and outwith the proposed premises. The external receptacles should be in place prior to commencement of business and removed and emptied after each days trading; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) To prevent noise and disturbance extending into hours during which other sources of noise have subsided in the interests of residential amenity; Condition (3) To safeguard the amenity of the area; and Condition (4) In the interest of residential amenity.

2.5.2 Planning Hearing

The Committee then heard Mr T Sorley, Mr T Farrell and Mr W Baird, objectors, in support of their objections and Mr Mahmood, the applicant in support of the application. Members asked questions of the objectors and the applicant. The objectors and the applicant responded to the issues raised, all in accordance with the Hearing procedure.

2.5.3 Determination of Application

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

Councillor Jackson left the meeting at this point.

2.6 APPLICATION NO 00/0591/OL: MR R W TEMPLETON: PLOT 2, SITE OF FORMER CATRINE HOUSE, NEAR MAUCHLINE

There was submitted an executive summary and report dated 20 November 2000 (both circulated) by the Head of Planning and Building Control on an application for outline planning permission for a one and a half storey dwellinghouse with single garage and shared driveway at Plot 2, site of former Catrine House, Near Mauchline.

The Senior Development Promotion 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:- The proposed development would constitute the erection of a new dwellinghouse in the countryside which:- (a) does not have a demonstrated site specific locational need; (b) cannot be justified in terms of social and economic benefit to the community; (c) does not contribute to the rural land diversification; and (d) does not provide for the operational needs of agriculture and forestry.

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

2.7 APPLICATION NO 00/0592/OL: MR R W TEMPLETON: PLOT 1, SITE OF FORMER CATRINE HOUSE, NEAR MAUCHLINE

There was submitted an executive summary and report dated 20 November 2000 (both circulated) by the Head of Planning and Building Control on an application for outline planning permission for a one and a half storey dwellinghouse with single garage and shared driveway at Plot 1, site of former Catrine House, Near Mauchline.

The Senior Development Promotion 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:- The proposed development would constitute the erection of a new dwellinghouse in the countryside which:- (a) does not have a demonstrated site specific locational need; (b) cannot be justified in terms of social and economic benefit to the community; (c) does not contribute to the rural land diversification; and (d) does not provide for the operational needs of agriculture and forestry.

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

2.8 APPLICATION NO 00/0589/OL: MR R W TEMPLETON: SITE OF FORMER CATRINE HOUSE NEAR MAUCHLINE

There was submitted an executive summary and report dated 20 November 2000 (both circulated) by the Head of Planning and Building Control on an application for outline planning permission for the formation of a caravan park and associated change of use of part of the stable block to provide a self-catering cottage and toilet facilities at the site of the former Catrine House, near Mauchline.

The Senior Development Promotion 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) Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the under-mentioned matters hereby reserved: (a) the details of the proposed caravan pitches including the proposed service points; (b) the means of drainage and sewage disposal; (c) details of access arrangements; (d) details of proposed children's play area, including any play equipment; (e) details of the proposed conversion of the existing stable block including external alterations; and (f) the details of any new fences to be erected; (4) Prior to the operation of the new caravan park, all existing caravans within the site shall be permanently relocated to within the walled area; (5) Before development is commenced the existing access onto the A76 situated adjacent to the lay-by must be closed off by permanent means to the satisfaction of the Planning Authority in consultation with the Roads Authority; (6) Before the development is commenced the applicant shall provide a right turn lane at the junction of Old Howford Road with the A76 trunk road, which shall comply with the Design Manual for Roads and Bridges Volume 6, TD 41/95 Layout 5. All costs incurred by the Trunk Road Authority associated with the approval of the design, the Stage I and II Safety Audits and monitoring of works on the trunk road shall be funded by the applicant. The applicant will also be responsible for the provision of all traffic management required to facilitate construction of the works on the trunk road which shall be to the approval of the Trunk Road Authority; (7) Notwithstanding Condition 3(c) above the existing access will require to be bituminously surfaced for a minimum distance of 10 metres from the edge of the carriageway to avoid overcarry of loose material onto the public road; (8) A passing place to the approval of the Roads Authority shall be provided on the access road; (9) The holiday cottage hereby approved shall be occupied as holiday accommodation only and shall not be occupied as the sole or main residence of the occupant; (10) The holiday cottage hereby approved shall not be occupied

between the months of November to February; (11) The total number of caravans stationed in the site shall at no time exceed 19; (12) No ancillary buildings or additions to the caravans shall be erected or placed on the site, unless a further application is submitted to and approved by the Planning Authority; (13) This permission shall not authorise the use of the site as a caravan site except during the period from 01 March to 31 October in each year and if any caravans are left in position at any other time, they must not be used for human habitation during such time; (14) 50% of all pitches on the site shall be reserved solely for the use of touring caravans; and (15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and the Caravan Sites and Control of Development Act 1960, Class 1 of Schedule 1 to the 1992 Order is hereby not permitted development as it relates to the application site in respect of Paragraphs 2, 3, 4, 5 and 6 of Schedule 1 to the 1960 Act; 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 outline only; Conditions (4), (11) and (12) In the interests of visual amenity; Condition (5) To ensure that the use of the existing access is discontinued and the safety of traffic on the trunk road is improved; Condition (6) To ensure that the standard of access layout complies with the current standards and that the safety of traffic on the trunk road is not diminished; Conditions (7) and (8) In the interests of public road safety; Conditions (9) and (10) To ensure the property is not used as a permanent dwelling; Condition (13) To ensure that the caravans are not used as permanent dwellings; Condition (14) To allow for adequate provision on the site for touring caravans; and Condition (15) To enable the Planning Authority to retain control over the future development of the site in the interests of residential amenity.

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

2.9 APPLICATION NO 00/0473/FL: MR MONTGOMERIE

There was submitted an executive summary and report dated 22 November 2000 (both circulated) by the Head of Planning and Building Control on an application for the conversion of an existing byre into a private dwellinghouse at Rotten Row, by Ochiltree.

The Senior Development Promotion 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 reason:- The proposed development is not capable of being implemented without major reconstruction of the byre walls, and would therefore not be in accordance with Policy RES7 of the East Ayrshire Local Plan, Finalised Version.

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

Councillor Faulds, seconded by Councillor Kelly moved as an amendment that the application be referred to the Development Services Committee with a recommendation for approval as it was considered that the proposal was substantially in compliance with the Council's Planning Policy.

On a division by a show of hands the amendment was carried by 5 votes to 2.

2.10 APPLICATION NO 00/0667/FL: MR & MRS HART: BANK GLEN, NEW CUMNOCK

There was submitted an executive summary and report dated 22 November 2000 (both circulated) by the Head of Planning and Building Control on an application for the erection of a house and garage at Bank Glen, New Cumnock.

The Senior Development Promotion 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; (2) The proposed development shall be carried out in accordance with the application form and plans submitted on 21 September 2000 as revised by the elevation, floor plans and block plan received by the Planning Authority on 8 November 2000; (3) Notwithstanding the approved plans, samples of the external wall finish materials and roof finish material shall be submitted to and approved by the Planning Authority prior to the commencement of development; (4) The facing brick wall proposed along the frontage of the site is not hereby approved. Notwithstanding the submitted plans, details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site; (5) Access to the site shall be taken via a standard driveway access crossing to East Ayrshire Roads Division standards; (6) Any roadside ditch/drain shall be piped and protected beneath the proposed access point; (7) Prior to the occupation of the dwellinghouse the first two metres of the driveway shall be surfaced in order to prevent deleterious materials being deposited onto the public road; (8) Notwithstanding the submitted plans, the visibility splay areas of 2.5 metres by 90 metres shall be provided at the junction of the access to the development with the public road with no obstruction to visibility greater than one metre in height being allowed within these areas; (9) Notwithstanding the submitted details, parking spaces for three cars shall be provided and thereafter maintained, within the site prior to the occupation of the dwellinghouse; (10) Prior to the occupation of the dwellinghouse a vehicle turning area shall be formed within the curtilage of the plot, to allow vehicles to enter and leave the plot in forward gear; and (11) Prior to the occupation of the dwellinghouse, a 2 metre wide kerbed footway, to East Ayrshire Roads Division specification, shall be constructed along the frontage of the site; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) To ensure that the development is carried out in accordance with the approved details; Condition (3) In the interests of amenity; Condition (4) In the interests of visual amenity; Conditions (5), (6), (7), (8), (9), (10) and (11) In the interest of road safety.

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

The meeting terminated at 1155 hours.

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