

EAST AYRSHIRE COUNCIL**SOUTHERN LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 2 NOVEMBER 2001 AT 1100 HOURS
IN THE BARRHILL CENTRE, BANK AVENUE, CUMNOCK**

PRESENT: Councillors Jimmy Kelly, Provost Jimmy Boyd and Councillors Elaine Dinwoodie and Robert Taylor.

ATTENDING: David Mitchell, Head of Administrative and Legal Services; Hugh Melvin, Senior Development Promotion Officer; and Stuart Nelson, Administrative Officer.

APOLOGIES: Councillors Tommy Farrell, Eric Jackson, George Smith, Julie Faulds, William Menzies, Eric Ross and Jimmy Carmichael.

CHAIR: In the absence of the Chair, Councillor Jimmy Kelly, Vice-Chair, in the Chair.

1. APPLICATION NO 01/0561/FL: ORANGE PCS LIMITED: GROUND AT FIRST STOP BUILDERS MERCHANTS, AYR ROAD, CUMNOCK

There was submitted an executive summary sheet and report dated 17 October 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for the proposed installation of a 15m high telecommunications lattice tower arrangement within a fenced compound at First Stop Builders Merchants, Ayr Road, Cumnock.

The Senior Development Promotion Officer reported that one letter of objection had been received in respect of this application, 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 following conditions, viz:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) In the event that equipment becomes obsolete or redundant it shall be removed and the site reinstated to the satisfaction of the Planning Authority within three months; (3) The colour of all the elements including the support structure, associated equipment housing cabinets, antennas and cabling shall be approved by the Planning Authority prior to their construction and shall not be altered thereafter unless agreed in writing; (4) The mast shall be structurally capable of being shared by additional radio telecommunication equipment; and (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order revoking and re-enacting that Order, Permitted Development Class 67 of Schedule 1 of the said Order is hereby removed in relation to the application site; 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 to ensure the reinstatement of the site to a satisfactory standard; Condition (3) to minimise the level of intrusion; Condition (4) to enable potential mast sharing; and Condition (5) to enable the Planning Authority to retain control over future development on the site in the interests of visual amenity.

No Hearing took place as the objector was not present or represented.

It was agreed to refuse the application on the grounds that the proposed mast would have a detrimental impact on the visual amenity of the area in which it is to be sited.

2. APPLICATION NO 01/0371/FL: MRS R HYNDS: KILNHOLM BAKERY, KILNHOLM PLACE, CUMNOCK

There was submitted an executive summary sheet and report dated 18 October 2001 (both circulated) by the Head of Planning and Building Control on an application for full planning permission for the proposed extension and change of use from a bakery to soft adventure play area and snack bar with crèche and childminding facilities all for under 9 years of age at Kilnholm Bakery, Kilnholm Place, Cumnock.

The Senior Development Promotion 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 following conditions, viz:- (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 22 May 2001 as revised by the site plan and floor plans received by the Planning Authority on 14 August 2001 and the elevation plans received by the Planning Authority on 10 October 2001; (3) The use hereby approved shall operate only between the hours of 0800 hours and 2300 hours; (4) The use hereby approved shall operate without detriment to adjoining properties by reason of noise, dirt, smell or general disturbance; (5) Notwithstanding the approved plans, a sample of the proposed roof material of the staircase extension shall be submitted to and approved by the Planning Authority prior to the commencement of development; (6) Notwithstanding the approved plans, the new kitchen and staircase windows are not hereby approved. Revised details shall be submitted for approval by the Planning Authority indicating a more vertical emphasis achieved where necessary through the use of mullions; (7) The replacement uPVC windows hereby approved shall be of the same style as the existing windows and shall be of a colour to be agreed by the Planning Authority prior to the commencement of development; (8) Notwithstanding the approved plans, the four parking spaces provided within the site shall be restricted to customer parking; and (9) Notwithstanding the approved plans, the entrance to the car park off Hamilton Place shall be bituminously surfaced for a minimum distance of 2 metres from the rear of the footway to avoid overcarry of loose material onto the public road; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to ensure the development is carried out in accordance with the approved details; Condition (3) to prevent noise and disturbance extending into hours during which other sources of noise have subsided in the interests of residential amenity; Condition (4) to safeguard the amenity of the area; Conditions (5) and (6) in the interests of visual amenity in the conservation area; Condition (7) in the interests of visual amenity; and Conditions (8) and (9) in the interests of road safety.

No Hearing took place as the objector was not present or represented.

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

3. APPLICATION NO 01/0459/FL: ATH RESOURCES: SKARES ROAD OPENCAST COAL SITE, SKARES, NEAR CUMNOCK

There was submitted an executive summary sheet and report dated 23 October 2001 (both circulated) by the Head of Planning and Building Control on an application for full planning permission for the modification of Conditions 31 and 43 of consent no 97/0596/FL to permit coal extraction beneath tips and conform restoration condition with new Garlaff Consent at Skares Road Opencast Coal Site, Skares, Near Cumnock.

The Senior Development Promotion 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 following conditions, viz:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) Condition 31 of planning consent 97/0596/FL dated 15 May 1998 shall be amended as follows: 'The operational conduct of the site shall be generally as indicated in the Development Description which forms part of the application as amended by drawing nos 2a(b) and 2a(c) Skares Road OCCS site operations plan dated July 2001'; (3) Condition 43 of planning consent 97/0596/FL dated 15 May 1998 shall be amended as follows: 'With the exception of Area B as shown on drawing no 2a(b) Skares Road OCCS site operations plan dated July 2001, the site shall be progressively restored generally in accordance with the scheme submitted with the planning application. This scheme shall be developed throughout the operational life of the site and shall include provision for the service area to be restored to a suitable condition, the restoration of the remaining part of the site for agriculture or forestry or nature conservancy or natural and man-made heritage interpretations or other appropriate uses as approved by the Planning Authority; that the scheme shall also include the re-instatement of any access roads/rights of way at present in existence and the procedures for the replacement of overburden, subsoil and topsoil shall generally accord with those indicated in the Development Description and to the satisfaction of the Planning Authority'; (4) The proposed development hereby approved shall otherwise be undertaken in accordance with the conditions pertaining to planning consent 97/0596/FL dated 15 May 1998 as amended by planning consent 00/0010/FL dated 8 June 2000; (5) No operations hereby granted under this consent shall be implemented until the applicant has let a formal contract for extra-ordinary repair and maintenance work to the B7046 Skares-Mote Toll Road, such works to be submitted to and approved by the Planning Authority in consultation with the Roads Authority; and (6) The applicant shall implement in full, the mitigation measures contained within the Ecological Assessment of Mine Wood submitted in support of the planning application. In particular, excavation works shall be restricted to avoid the most sensitive period of the bird breeding season, that is the months of March, April and May inclusive; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to address amended proposals for the operational conduct of the Skares Road Opencast Site; Condition (3) to address amended proposals for the restoration of the Skares Road Opencast Site; Condition (4) to retain effective planning control over the proposed development in accordance with current consents relating to the Skares Road Opencast Site; Condition (5) in the interests of road safety; and Condition (6) in the interests of environmental protection.

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

4. APPLICATION NO 01/0549/FL: MR GEORGE GLOVER: 46 MILL SQUARE, CATRINE

There was submitted an executive summary sheet and report dated 19 October 2001 (both circulated) by the Head of Planning and Building Control on an application for full planning permission for the proposed change of use from shop to flat and other alterations at 46 Mill Square, Catrine.

The Senior Development Promotion 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 following conditions, viz:- (1) The development to which this permission relates must be begun within five years from the date of this permission; and (2) Prior to the removal of the existing windows, details of the proposed replacement windows to be installed in the property shall be submitted to and approved in writing by the Planning Authority; 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 amenity and to safeguard the character of Catrine Conservation Area.

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

The meeting terminated at 1120 hours.

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