

EAST AYRSHIRE COUNCIL**SOUTHERN LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON THURSDAY 24 MAY 2001 AT 1400 HOURS IN
THE BARRHILL CENTRE, BANK AVENUE, CUMNOCK**

PRESENT: Councillors Tommy Farrell (Chair), Eric Jackson, George Smith, Provost Jimmy Boyd and Councillors Elaine Dinwoodie and Robert Taylor.

ATTENDING: Hugh Melvin, Senior Development Promotion Officer; Karen McLeod, Solicitor; and Ian Gemmell, Administrative Officer.

APOLOGIES: Councillors Jimmy Kelly, Julie Faulds, William Menzies, Eric Ross and Jimmy Carmichael.

CHAIR: Councillor Tommy Farrell, Chair.

ITEM WITHDRAWN

1. The Chair reported and it was noted that Item 1.2 "Application No 00/0161/FL: Proposed erection of 56 dwellinghouses (18 detached and 38 semi-detached) and construction of new access road at Netherplace, Ayr Road, Mauchline" had been withdrawn from the Agenda.

CONSIDERATION OF PLANNING APPLICATION

2. **APPLICATION NO 01/0139/FL: MR DUNCAN: MANSEFIELD, RIGG ROAD, CUMNOCK**

There was submitted an executive summary and report dated 9 May 2001 (both circulated) by the Head of Planning and Building Control on an application for full planning consent for the proposed erection of a dwellinghouse at Mansefield, Rigg Road, Cumnock.

The Senior Development Promotion 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: 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 submitted plans, the red roof tiles proposed are not hereby approved. The roof of the dwellinghouse shall be constructed in grey or brown roof tiles, details/samples of which shall be submitted to and approved by the Planning Authority prior to the commencement of development on site; (3) Notwithstanding the approved plans, a sample of the external wall finishes shall be submitted to and approved by the Planning Authority prior to the commencement of development on site; (4) The existing trees along the eastern boundary of the site shall be retained intact and maintained thereafter to the satisfaction of the Planning Authority (except insofar as to allow access to the site in accordance with the approved plans). No other trees within the site shall be felled, lopped, have roots cut, or be the subject of any other works without prior written consent of the Planning Authority; (5) Notwithstanding the submitted plans, a 1.8 metre high fence shall be erected along the boundary outlined in green on the

approved plans. Details of the fence shall be submitted to and approved by the Planning Authority prior to the commencement of development on site; (6) Prior to the occupation of the dwellinghouse, two parking spaces and a turning area shall be provided and thereafter maintained within the curtilage of the dwellinghouse; (7) Notwithstanding the plans hereby approved, any septic tank provided to serve the development shall be sited in such a position as will enable it to be emptied by tanker; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Conditions (2) and (3) In the interests of visual amenity; Condition (4) In the interest of visual amenity and to maintain the existing visual contribution of the trees to the amenity of the area; Condition (5) In the interest of amenity; Condition (6) In the interest of road safety; and Condition (7) In the interest of public safety.

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

Councillor Jackson left the meeting at this point.

PROPOSAL TO AMEND SECTION 75 AGREEMENT

3. APPLICATION NO 00/0526/FL: LAW MINING LTD: GARLEFFAN II EXTENSION, GARLEFFAN OPENCAST COAL SITE, NEW CUMNOCK (Item 2.2.1, Page 1521, 99/02)

There was submitted a report dated 17 May 2001 (circulated) by the Head of Planning and Building Control on a proposal by the applicants to amend the terms of the Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 for the Garleffan II proposed opencast coal site.

The Senior Development Promotion Officer (a) reported the terms of a letter dated 23 May 2001 from Mrs Greta Roberts, on behalf of the Mining and Environment Group Ayrshire which made representations relating to the proposed amendment to the Section 75 Agreement; and (b) provided the comments of the Head of Planning and Building Control on the matters raised. The Committee noted the terms of the letter and the response thereto.

It was agreed:-

- (i) that the obligation detailed under paragraph 8.9(xiv) of the Head of Planning and Building Control's report dated 24 January 2001 be amended to read as follows:- "prior to construction and operation of the proposed new railhead facility at Gasswater, coal production from the Garleffan II site shall not exceed 10,000 tonnes per week. In the event that a contract for the construction of this railhead facility is not let within a period of 12 months from the date of the issue of the planning consent for Garleffan II development, LAW Mining shall require to submit a formal planning application, prior to the expiry of the 12 month period, for a modification to the development proposals to allow a re-assessment of site operations and timescale in the absence of this railhead. For the avoidance of doubt, coal production at Garleffan II shall be permitted to continue, at the rate above-mentioned, until determination of this planning application."; and
- (ii) that the lands associated with the formation of the new haul road be excluded from the proposed Section 75 Agreement at this time but that a separate

Minute of Agreement be entered into by the Council and LAW Mining requiring that this land be incorporated in the Section 75 Agreement prior to the commencement of any works on this haul road.

The meeting terminated at 1417 hours.

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