

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE**

**MINUTES OF MEETING HELD ON FRIDAY 2 FEBRUARY 2001 AT 1000 HOURS  
IN ST PATRICK'S HALL, 35 SORN ROAD, AUCHINLECK**

**PRESENT:** Councillors Jimmy Kelly, Tommy Farrell, Eric Jackson, George Smith, Julie Faulds, Provost Jimmy Boyd and Councillors Elaine Dinwoodie, Robert Taylor and Jimmy Carmichael.

**ATTENDING:** Bill Walkinshaw, Administration Manager; Hugh Melvin, Senior Development Promotion Officer; Karen Macleod, Solicitor; Vivienne Emery, Planning Officer; and Ian Gemmell, Administrative Officer.

**APOLOGIES:** Councillors William Menzies and Eric Ross.

**CHAIR:** Councillor Jimmy Kelly, Vice-Chair.

**CONSIDERATION OF PLANNING APPLICATIONS**

**1. PROCEDURE**

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

**2.1 APPLICATION NO 00/0709/FL: MR S LYLE: 12 CUMNOCK ROAD, MAUCHLINE  
(Item 24, Page 1439)**

There was submitted an executive summary and report dated 18 January 2001 (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.

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

**2.1.1 Consideration of Item**

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; and (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; 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 visual amenity.

**2.1.2 Planning Hearing**

The Committee then heard Mr & Mrs J McDonald, objectors, in support of their objections and Mrs Lyle on behalf of the applicant, in support of the application. Members asked questions of the objector and agent. The objector and the agent responded to the issues raised, all in accordance with the Hearing procedure.

### **2.1.3 Determination of Application**

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

## **2.2 APPLICATION NO 00/0526/FL: LAW MINING LIMITED: GARLEFFAN OPENCAST COAL SITE, NEW CUMNOCK**

### **2.2.1 Declaration of Interest**

Councillor Jackson declared a non-pecuniary interest in this item and left the meeting.

There was submitted an executive summary and report dated 24 January 2001 (both circulated) by the Head of Planning and Building Control on an application for full planning consent for the proposed opencast extraction of coal at Garleffan II Extension, Garleffan Opencast Coal Site, New Cumnock.

### **2.2.2 Consideration of Item**

The Senior Development Promotion Officer reported and it was noted that Paragraph 3.9 (ii) of the executive summary and Paragraph 8.9 (ii) of the report were amended to read as follows:- “the undertaking of structural surveys of residential properties lying in close proximity to the site or to the proposed new haul road, and of headstones within Muirkirk Cemetery, in consultation with the applicant, the Planning Authority and the Environmental Health Division”.

The Senior Development Promotion Officer reported that four letters of objection had been received, one of which had been withdrawn. Details of the standing objections were given in the report. The Senior Development Promotion Officer summarised the planning considerations in respect of the application and gave the recommendations of the Head of Planning and Building Control:- (i) that the application be approved 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 development hereby permitted shall enure for the benefit of the applicant only, and the approved operations shall be completed within 11 years of the commencement date of the existing operations at Garleffan, or within such other time as may be agreed with the Planning Authority (3) The applicant shall give notice to the Planning Authority, in writing, of the commencement of operations on the Garleffan II site, one month prior to their commencement; (4) Prior to the commencement of operations on the Garleffan II site, the applicant shall submit details of the proposed layout of the proposed additional coal preparation area including the details of any structures to be located within this area. Details of the means of illumination of this area shall also be submitted and this illumination shall be installed in a manner which minimises any potential nuisance. Operations shall not commence until the Planning Authority has approved the submitted details; (5) The developer shall undertake recording of archaeological resources within the development site to the satisfaction of the Planning Authority. No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, this scheme to be submitted for approval by the Planning Authority following consultation and agreement with the West of Scotland Archaeology Service; (6) The site access roads shall, prior to the commencement of operations on the Garleffan II site, be constructed to the standards required in the Roads Development Guide 1995, for industrial use; the access road shall be bituminously surfaced from the edge of the

Glenmuir road to the vehicle wheel wash facility located within the proposed additional coal preparation area. The proposed new haul road will be bituminously surfaced with provision of appropriate passing place, to the satisfaction of the Planning Authority; (7) No drainage connection shall be made to the 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 public roads; (8) Appropriate measures, to prevent mud, dirt, dust, slurry, coal or stones being carried onto the highway, shall be taken and such steps shall include the provision and use of hard standing areas and a full wheel and body vehicle wash facility for the cleaning of all lorries, dump trucks, other heavy vehicles and plant leaving the site, all in accordance with the mitigation measures promoted within the Environmental Statement which accompanied the planning application; (9) The access road and public road adjacent to the site shall be kept clear of mud or other deposited materials at all times by means of mechanical brushing; (10) Prior to any road vehicle loaded with coal or other minerals leaving the site, the load shall be suitably covered/happed to ensure there is no escape of materials. A hard standing area shall be provided within the coal preparation area to facilitate the happing of haulage vehicles. Vehicles returning to the site shall also be happed to minimise traffic noise associated with empty vehicles; (11) The proposed access road shall be screened from the A76 Trunk Road in accordance with the approved plans prior to the commencement of coaling operations on site; (12) 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; (13) The developer shall make stock-proof and maintain, until the restoration of the site is completed, all the existing perimeter hedges and fences and shall protect these from damage during operational works. Where the site boundary does not coincide with an existing hedge or fence, then the developer shall provide and maintain stock-proof fencing with gates or cattle grids at every opening. Where the developer has the right to do so, undisturbed hedgerows, within or bounding the site, shall be maintained, the hedgerows to be cut and trimmed at the proper season throughout the period of working and restoration of the site. Where dry stone dykes are to be removed, the stone shall be stored and later re-used in the restoration of these dykes; (14) Topsoil and sub-soil shall only be stripped when the soils are sufficiently dry so that when moved no damage will be done to the structure of the soils. Apart from the works required to enclose the site, no operations shall be carried out until the topsoil is fully stripped and stored in the designated areas within the site, in accordance with the phased programme of extraction as described in the Project Description which forms part of the planning application; (15) Topsoil shall be stripped to full available depth from all areas within the site except those areas designated in the approved plans as topsoil dumps. Following topsoil stripping operations from any areas of land, sub-soil shall be stripped as a separate operation to a depth, where possible, to achieve topsoil and sub-soil not less than 0.9 metre at restoration; (16) The developer shall give at least two working days notice to the Planning Authority before work commences on the stripping of topsoil and/or sub-soil. The Planning Authority reserves the right to suspend operations during adverse conditions; (17) Bind-free soil forming material found during the course of the operations shall be reserved where practicable and stored for later use in the final restoration of the land. This material shall be used to replace shortages of sub-soil or topsoil, or otherwise used to cap overburden mounds; (18) Topsoil, sub-soil and overburden shall be carefully stored in separate dumps and prevented from mixing. Topsoil dumps shall not exceed 5 metres in height. Topsoil dumps and sub soil

dumps shall be evenly graded and tops shaped to prevent water ponding. Sub-soil dumps shall not exceed 8 metres in height and overburden dumps shall not exceed 25 metres in height; (19) In the first available seeding season following their formation, all mounds of topsoil, sub-soil and soil making materials shall be seeded in grass and shall be so maintained until the soils are required for use in the restoration of the site except as may be otherwise agreed with the Planning Authority; (20) All weeds on the site, particularly those on the topsoil and sub-soil storage mounds, shall be treated with weed killer or cut to prevent spreading within the site or onto adjoining agricultural land; (21) The location of baffle embankments shall generally be as indicated on the approved plans. Their specific location shall be chosen to assist in the visual screening of the site and their form should be such as to present a natural looking feature; (22) The sub-soil and overburden storage mounds shall be so formed as to have minimal visual intrusion on the surrounding landscape; (23) Where the soils are to be used in the restoration of land to forestry, then the stripping and storage of soils shall be to the general requirements and specifications of the Forestry Commission; (24) All water treatment areas and settlement lagoons shall be enclosed by a one metre high stock-proof fence and shall be implemented prior to any significant soil stripping; (25) Throughout the period of site working, agricultural restoration and after-care, the developer shall protect and maintain or divert any ditch, stream, watercourse or culvert passing through the site so as not to impair the flow nor render less effective drainage onto and from adjacent lands. If there are any watercourses that contain fish the culverts shall be constructed to allow the passage of fish through them. Any culverts installed shall be removed following reinstatement of the site; (26) Appropriate provision shall be made at all times to ensure that under drainage is maintained for land outwith the working areas. Standing water must not be allowed to gather in any area where the topsoil and sub-soil has not been stripped; (27) Alternative arrangements shall be made for any interruption of adjacent drainage systems, new interceptor leaders shall be laid, or ditches cut, where required, to ring the site and bleed in existing lateral drains from adjoining undisturbed land; (28) All contaminated drainage and run-off from the site roadways, intercepting ditches, overburden and other tips, coal handling and stocking areas, the working areas of the excavations and pump mine water shall receive adequate and appropriate treatment prior to being discharged to any watercourse, such treatment being to the satisfaction of the Planning Authority; (29) Appropriate precautions shall be taken to prevent the discharge of oil from fuelling, oil storage, plant maintenance and vehicle wash areas within the site; (30) 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. Waste oil from plant maintenance should be collected and disposed of safely; (31) All foul drainage from sanitary facilities, canteens, etc. shall be treated prior to discharge to a soakaway system. In the event that percolation tests indicate that the ground is not suitable for discharge to soakaway system then additional treatment will be undertaken prior to any discharge of sewage effluent to any watercourse; (32) The formation of overburden areas shall be carried out, as far as practicable, behind mounds in order to reduce noise nuisance to a minimum and, whenever possible, during the hours of darkness, warning lights shall be used instead of beepers as a warning device on plant and maintenance vehicles, or other appropriate warning devices the details of which shall

be submitted to and approved by the Planning Authority; (33) The operational conduct of the site shall be generally as indicated in the Project Description that forms part of the application; (34) A dust-monitoring programme shall be agreed with the Planning Authority in consultation with the Environmental Health Authority and undertaken using appropriate equipment and recording devices. The results and records shall be made available to the Planning Authority on a monthly basis during the operational life of the site; (35) Except in the case of emergency, the hours of working on site will be confined between 0700 and 1600 hours Monday to Saturday (24-hour working). With the exception of essential site maintenance and the maintenance of plant and machinery, no work shall take place on Sundays or on recognised Public Holidays in East Ayrshire; (36) Except in cases of emergency, the dispatch of coal from the site to the proposed rail freight facility shall be confined between 0800 hours and 1600 hours Mondays to Fridays with dispatch of coal by road to local domestic markets being confined to between 0800 hours and 1800 hours Mondays to Fridays. There shall be no dispatch of coal on Saturdays or Sundays; (37) No haulage of coal from the extraction area to the coal preparation areas shall take place between 1800 and 0800 hours during the 24-hour working period; (38) The conduct of the site and method of operations shall comply with British Standards 5228 and Part 3 of the 1984 Code of Practice for Noise Control Application to Surface Coal Extraction by Opencast methods. Except during the formation and removal of baffle mounds and the stripping and replacement of soils, the noise limit during daytime (0700 to 1900 hours) shall not exceed 45dB Laeq, 1h and 40dB Laeq, 1h during night time (1900 to 0700 hours) at noise sensitive properties. During the formation and removal of baffle mounds and the stripping and replacement of soils, the noise limit shall not exceed 70dB Laeq, 1h at noise sensitive properties with such works only taking place during daylight hours; (39) An appropriate noise-monitoring programme shall be undertaken during the operational life of the site, the details of which shall be agreed by the Planning Authority prior to the commencement of development using appropriate equipment and recording devices, the results of which shall be made available to the Planning Authority on a monthly basis; (40) Except in cases of emergency or as otherwise may be agreed with the Planning Authority, blasting operations shall be carried out between 1000 to 1600 hours Mondays to Fridays and between 1000 to 1200 hours on Saturdays. No blasting operations shall take place on Sundays, on recognised East Ayrshire Public Holidays, during the hours of darkness or during periods of adverse visibility; (41) An appropriate blast-monitoring scheme shall be undertaken during the operational life of the site, the details of which shall be agreed with the Planning Authority in consultation with the Environmental Health Authority, using the appropriate equipment and recording devices, the results of which shall be made available to the Planning Authority on a monthly basis; (42) All opencast machinery not in use shall be parked, as far as practicable, in an inconspicuous position and shall not be astride soil or overburden mounds; (43) 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; (44) The site shall be progressively restored generally in accordance with the scheme submitted with the planning application as may be amended in consultation with the Technical Support Group for the site. This scheme shall be finalised and submitted to the Planning Authority for approval within 6 months of the commencement of coaling operations on the site. The details shall include provision for the coal preparation area to be restored to a suitable condition, the restoration of the remaining area of the site for agricultural or forestry or nature conservancy or natural and man-made

heritage interpretation or other appropriate uses as approved by the Planning Authority. The scheme shall also include the reinstatement of any access roads/rights of way at present in existence. The procedures for replacement of overburden, sub-soil and topsoil shall generally accord with those indicated in the project Description and to the satisfaction of the Planning Authority; (45) No materials for filling shall be introduced to the site from sources external to it without the formal approval of the Planning Authority; (46) The restored site shall be progressively landscaped generally in accordance with the afteruse scheme submitted with the planning application. This scheme shall be finalised and submitted to the Planning Authority for approval within 6 months of the commencement of coaling operations on site and shall include details of field patterns, forestry planting, shelter belt creation, hedgerows, nature habitat creation including additional wetland areas and, if appropriate, broadleaf species in the design of shelterbelts and the creation of imaginative walkways and nature trails; (47) The restored site shall be subsequently managed in accordance with an aftercare scheme submitted to and approved by the Planning Authority within 6 months of coaling operations commencing on site. The aftercare scheme shall be the subject of prior consultation with Scottish Natural Heritage, the Royal Society for the Protection of Birds and the Planning Authority; (48) There shall be an annual formal review to consider all the operations which have taken place on the site during the previous year, and to consider the programme for the ensuing year. The parties involved in the review shall include the applicant, the Mineral Operator, the owners of the land and the Planning Authority; and (49) Two weeks prior to the annual formal review an updated plan will be forwarded to the Planning Authority indicating the year's work on the site and showing the anticipated work programme for the ensuing year; 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, which is temporary in nature, is commenced and completed within an acceptable timescale. The development is acceptable only because of the individual circumstances pertaining to the applicant and on a temporary basis; Condition (3) to ensure that appropriate monitoring systems are in place prior to the commencement of operations on site; Condition (4) in the interests of amenity; Condition (5) to ensure that appropriate archaeological work is undertaken before the development commences; Condition (6) in the interests of road safety and to prevent any overcarry of loose material onto the public road; Condition (7) in the interests of public road safety; Conditions (8) and (9) in the interests of road safety; Condition (10) in the interests of road safety and minimising noise impact; Condition (11) in the interests of road safety and to ensure that there will be no distraction or dazzle to drivers on the trunk road; Conditions (12) and (24) in the interests of public safety; Conditions (13), (19), (21), (22), (42), (43) and (47) in the interests of visual amenity; Condition (14) to ensure that the topsoil and sub-soil will be suitable for the restoration of the site following storage; Condition (15) in the interests of achieving maximum restoration potential; Condition (16) to prevent damage to soils and to ensure that the topsoil and sub-soil to be stored will be suitable for use during restoration of the site; Condition (17) to ensure that sufficient soils are available during restoration of the site; Condition (18) to prevent damage occurring to soils and in the interests of visual amenity; Condition (20) to prevent weed contamination of soils in the interests of proper site restoration; Condition (23) in the interests of site restoration; Condition (25) to prevent a detrimental effect upon adjacent agricultural and other operations; Conditions (26) and (27) to prevent damage to adjacent land and soils; Conditions (28) and (29) to prevent contamination of watercourses; Condition (30) in the interests of public safety and to prevent any

pollution of watercourses; Condition (31) to prevent any pollution of watercourses; Condition (32) in the interests of minimising noise impact; Condition (33) to ensure that the development is undertaken in accordance with the details approved; Conditions (34), (39) and (41) to ensure that appropriate environmental standards are maintained throughout the life of the site; Conditions (35), (36) and (37) in the interests of the amenity of the area; Condition (38) in the interests of residential amenity; Condition (40) in the interests of amenity and public safety; Condition (44) to ensure appropriate restoration of the site; Condition (45) to enable the Planning Authority to retain control over development of the site; Condition (46) to secure appropriate restoration features and habitat enhancement; Condition (48) to enable the Planning Authority to update the operation of the site in the light of any difficulties encountered and to monitor progress of site operations; and Condition (49) to assess the operational status of the site; and (ii) that the issue of a Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant and other landowners requiring to be parties to the Agreement in respect of the matters described in Section 8.9 of the Planning Officer's report.

Councillor Farrell left the meeting at this point.

### **2.2.3 Planning Hearing**

The Committee then heard Mrs Mary Gordon, representing MEGA in support of their objections, and Mr Alex Crichton and Mr Steven Fraser representing the applicants, in support of the application. Members asked questions of the objectors' and applicants' representatives. The objectors' and applicants' representatives responded to the issues raised all in accordance with the Hearing procedure.

### **2.2.4 Determination of Application**

It was agreed:-

- (i) to approve the application subject to the conditions and for the reasons detailed; and
- (ii) that the issue of a Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant and other landowners requiring to be parties to the Agreement in respect of the matters described in Section 8.9 of the Planning Officer's report.

Councillor Faulds intimated her dissent to the decision.

Councillor Jackson rejoined the meeting at this point.

## **ADJOURNMENT OF MEETING**

3. It was agreed to adjourn the meeting at 1119 hours for 5 minutes.

## **RECONVENTION OF MEETING**

4. The meeting was reconvened at 1124 hours with the same Councillors and Officers present.

### **5.1 APPLICATION NO 00/0819/FL: MR AND MRS McWILLIAMS: FORMER GARAGE, AYR ROAD, PATNA**

There was submitted an executive summary and report dated 19 January 2001 (both circulated) by the Head of Planning and Building Control on an application for the proposed siting of a fish and chip van and manual car wash/vac (retrospective) at the Former Garage, Ayr Road, Patna.

### **5.1.1 Consideration of Item**

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) This permission shall be valid for a limited period of two years, after which time, unless further permission is granted, the fish and chip van, car wash and car vac shall be removed from the site; (3) There shall be no obstruction to visibility over 1 metre in height within a visibility splay of 2.5 metres by 90 metres at both accesses to the site from the A713; (4) Within one month from the date of this permission, four car parking spaces shall be provided within the site; (5) No surface water or loose materials shall discharge from the site onto the public road; (6) Within one month of the date of this consent, details of how water and chemicals issued from the car wash are to be drained from the site shall be submitted to for approval by the Planning Authority. Such drainage arrangements shall thereafter be implemented within one month of the approval of the Planning Authority being given; (7) Within one month from the date of this permission, details of a splash barrier/protective screening, designed to protect adjacent premises from spray from the car wash, shall be submitted to for approval by the Planning Authority. Within one month of the approval of those details, the splay barrier/protective screening shall be erected in accordance with the details thereby approved; (8) The fish and chip van shall not operate outwith the hours of 0830 hours to 2200 hours, seven days a week; (9) Within one month from the date of this permission, details of the means of odour extraction and filtration system in respect of the fish and chip van shall be submitted to for approval by the Planning Authority. Within one month from the approval of those details, the odour extraction and filtration system shall be installed and operational in accordance with the approved details; and (10) No surface water shall issue from the site onto the public road; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) as the proposal in its entirety, is not considered to be a suitable form of permanent development; Conditions (3), (4), (5) and (10) in the interests of road safety; Condition (6) to ensure that the site is properly drained; Conditions (7), (8) and (9) in the interests of residential amenity.

### **5.1.2 Planning Hearing**

The Committee then heard Mr Graeme McKinstry, Agent for Mr and Mrs Taylor and Mrs Smith, objectors, in support of their objections, and Mr and Mrs McWilliams, applicants, in support of the application. Members asked questions of the objectors and the applicant. The objectors and the applicants responded to the issues raised all in accordance with the Hearing procedure.

### **5.1.3 Determination of Application**

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

Councillor Taylor left the meeting at this point.

## **5.2 APPLICATION NO 00/0805/FL: HOPE HOMES (SCOTLAND): PLOTS 37 AND 38, BENSTON PARK, DALRYMPLE**

There was submitted an executive summary and report dated 19 January 2001 (both circulated) by the Head of Planning and Building Control on an application for full planning consent for the proposed erection of Alloway house types at Plots 37 and 38, Benston Park, Dalrymple.

### **5.2.1 Consideration of Item**

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) The proposed development shall be carried out in accordance with the application form and plans submitted on 30 November 2000 as revised by the amended plans received by the Planning Authority on 17 January 2001; (3) No construction or preparation works shall take place on site before 0800 hours and after 1800 hours on Mondays to Fridays, before 0800 hours and after 1200 hours on Saturdays and at anytime on Sundays; (4) Prior to the occupation of either of the dwellinghouses, the driveways shall be paved for a minimum distance of 2 metres from the rear of the footway to avoid overcarry of loose materials onto the public road; (5) Prior to the occupation of either of the dwellinghouses, a 1.5 metre wide kerbed pedestrian footway shall be formed along the frontage of the site adjacent to the B742; (6) Any access gates shall only open inwards, away from the public road; (7) Prior to the commencement of any work on site, samples of all external materials to be used in the construction of the dwellinghouse shall be submitted to and approved by the Planning Authority; (8) Prior to the commencement of any work on site, details of the design and construction of all fences and walls to be erected within the site shall be submitted to and approved by the Planning Authority; (9) Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, any garages associated with the development shall be of permanent construction and finished in the same materials as the dwellinghouses to which they relate; (10) No mechanical excavation shall take place within 500mm of British Gas Transco plant; and (11) The applicants shall ensure that appropriate measures are taken such that the development does not result in the shedding of surface water from the application site onto existing adjacent properties; 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) in the interests of residential amenity; Conditions (4), (5) and (6) in the interests of road safety; Conditions (7), (8) and (9) in the interests of visual amenity; Condition (10) in the interests of public safety; and Condition (11) to ensure that satisfactory drainage is provided in the interests of residential amenity.

### **5.2.2 Planning Hearing**

The Committee then heard Mr John McHendry, objector, in support of his objections. Members asked questions of the objector and he responded to the issues raised all in accordance with the Hearing procedure.

The applicant was not present or represented.

### **5.2.3 Determination of Application**

It was agreed to continue consideration of the application to enable a site visit to take place.

### **5.3 APPLICATION NO 00/0835/FL: MR R WHITE: PART OF FORMER STATION YARD, BARRHILL TERRACE, CUMNOCK**

There was submitted an executive summary sheet and report dated 19 January 2001 (both circulated) by the Head of Planning and Building Control on an application for full planning consent for the change of use from a vacant factory industrial site to use as a garage yard and workshop for a Mini-Bus, Taxi and Private Hire business at part of the former Station Yard, Barrhill Terrace, Cumnock.

#### **5.3.1 Consideration of Item**

The Senior Development Promotion Officer reported an amendment to Condition 3 as follows:- "All business vehicles shall be stored inside the building at all times and all maintenance of vehicles associated with the development shall take place within the premises and not within the yard area. Reason: In the interests of residential and visual amenity.

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, as amended:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) No vehicle maintenance or washing of vehicles shall take place before 8.00 a.m. or after 6.00 p.m. on Mondays to Fridays, before 8.00 a.m. or after 5.00 p.m. on Saturdays and at any time on Sundays; (3) as detailed above; (4) Parking spaces for 40 cars shall be provided and maintained within the site, prior to the commencement of the use hereby approved; (5) All parking associated with the development hereby approved shall be retained within the site; (6) No surface water shall be allowed to discharge onto the public road; (7) Formal application for planning permission in respect of detailed plans of any proposed new buildings, extensions or alterations (including building materials), and any new accesses, shall be submitted to and approved by the Planning Authority before any such development commences; (8) Details of the proposed spot-lights and CCTV cameras, including their location, shall be submitted to and approved by the Planning Authority, and these shall be sited so as to minimise any nuisance to adjacent properties; (9) No storage of parts/materials associated with the vehicle maintenance shall take place outside the workshop building; (10) The washing of vehicles shall at all times be undertaken in such a manner that no spray or other cleaning fluids shall pass onto adjoining property; and (11) A scheme showing the provision to be made for the disposal of refuse and other waste materials generated by the proposed use shall be submitted to and approved by the Planning Authority before any development commences on the site; 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 interest of residential amenity; Conditions (3), (8) and (10) in the interest of residential amenity; Conditions (4), (5) and (6) in the interest of road safety; Condition (7) as the approval relates to a change of use only; Condition (9) in the interests of residential and visual amenity; and Condition (11) in the interests of visual amenity.

### **5.3.2 Planning Hearing**

The Committee then heard Mrs Shona Murphy, objector, in support of her objections and Mr R White, the applicant and Mrs G Roberts, his agent, in support of the application. Members asked questions of the objector and the applicant and his agent. The objector and the applicant and his agent responded to the issues raised all in accordance with the Hearing procedure.

### **5.3.3 Determination of Application**

It was agreed:-

- (i) to approve the application subject to the amended conditions and for the reasons detailed; and
- (ii) to amend Condition (2) to read as follows, "No vehicle maintenance or washing of vehicles shall take place before 8.00 a.m. or after 6.00 p.m. on Mondays to Fridays, before 8.00 a.m. or after 5.00 p.m. on Saturdays. No vehicle maintenance shall take place on Sundays but washing and cleaning of vehicles is permitted between 9.00 a.m. and 12 noon on Sundays.

## **5.4 APPLICATION NO 00/0807/FL: HOPE HOMES (SCOTLAND): PLOTS 1A, 1B AND 1C, BENSTON PARK, DALRYMPLE**

There was submitted an executive summary and report dated 19 January 2001 (both circulated) by the Head of Planning and Building Control on an application for full planning consent for the following house types at Plots 1A, 1B and 1C Benston Park, Dalrymple: Plot 1A - Erection of Eaglesham (Handed); Plot 1B - Erection of Fisherton; and Plot 1C - Erection of Eaglesham.

### **5.4.1 Consideration of Item**

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) No construction or preparation works shall take place on site before 0800 hours and after 1800 hours on Mondays to Fridays, before 0800 hours and after 1200 hours on Saturdays and at anytime on Sundays; (3) Prior to the occupation of any of the dwellinghouses, the driveways shall be paved for a minimum distance of 2 metres from the rear of the footway to avoid overcarry of loose materials onto the public road; (4) Prior to the occupation of either of the dwellinghouses, a 1.5 metre wide kerbed pedestrian footway shall be formed along the frontage of the site adjacent to the B742; (5) Any access gates shall only open inwards, away from the public road; (6) Prior to the commencement of any work on site, samples of all external materials to be used in the construction of the dwellinghouses shall be submitted to and approved by the Planning Authority; (7) The existing hawthorn hedge along the southern boundary of the site shall be retained intact and maintained thereafter to the satisfaction of the Planning Authority. Any reduction in the height of the hedge shall be agreed in writing with the Planning Authority prior to any such works commencing; (8) Prior to the commencement of any work on site, details of the design and construction of all fences and walls to be erected within the site shall be submitted to and approved by the Planning Authority; (9) No mechanical excavation shall take place within 500mm of British Gas Transco plant; and (10) Prior to the occupation of any of the dwellinghouses, a 1 metre high mesh fence shall be erected along the southern boundary of the site adjacent to the

existing hawthorn hedge; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) in the interests of residential amenity; Conditions (3), (4) and (5) in the interests of road safety; Conditions (6), (7) and (8) in the interests of visual amenity; Condition (9) in the interests of public safety; and Condition (10) to prevent access to Burnton Road by pets and children.

#### **5.4.2 Determination of Application**

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

Councillor Carmichael left the meeting at this point.

### **5.5 APPLICATION NO 99/0017/FL: MRS E TURNER: HOLLYBUSH MAINS FARM, HOLLYBUSH**

There was submitted an executive summary and report dated 22 January 2001 (both circulated) by the Head of Planning and Building Control on an application for the erection of a dwellinghouse at Hollybush Mains Farm, Hollybush.

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

#### **5.5.1 Consideration of Item**

The Senior Development Promotion Officer summarised the planning considerations in respect of the applications and gave the recommendation of the Head of Planning and Building Control: Refusal, for the following reasons:- (1) The proposed development would constitute the erection of a new dwellinghouse in the countryside where it cannot be demonstrated that the house is required on a permanent basis:- (a) for an agricultural or forestry worker (the applicant has been unable to provide an existing justification for an additional farm worker); (b) for a worker employed by a rural enterprise or a tourism related industry; (c) as an essential and integral part of an authorised proposal; and (d) as an enabling development for the conversion of a large rural residential or institutional property. The proposal would therefore not be in accordance with Policies SD3 and RES13 of the East Ayrshire Local Plan Finalised Version; (2) The proposed development would not consolidate the existing farm steading and would therefore not be in accordance with Policy RES15 of the East Ayrshire Local Plan, Finalised Version; and (3) The proposed development would set an undesirable precedent for new housing within the Rural Protection Area where there is no specific locational need.

The Senior Planning Officer reported an additional reason for refusal: The proposed development is contrary to the Dalmellington/Patna/ Dalrymple Adopted Local Plan in that the applicant has not proven a specific locational need for the proposed dwellinghouse.

#### **5.5.2 Determination of Application**

It was agreed to refer the application to the Development Services Committee for determination with a recommendation for approval as there was a locational need and taking account of the personal circumstances of the applicant.

## **5.6 APPLICATION NO 00/0265/FL: MR AND MRS McMILLAN: KNOWEHEAD FARM, MAUCLINE**

There was submitted an executive summary and report dated 19 January 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 adjacent to Knowehead Farm, Mauchline.

### **5.6.1 Consideration of Item**

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:- (1) The proposed development would constitute the erection of a new dwellinghouse in the countryside where it cannot be demonstrated that the house is required on a permanent basis:- (a) for an agricultural or forestry worker (the applicant has been unable to provide an existing justification for an additional farm worker); (b) for a worker employed by a rural enterprise or a tourism related industry; (c) as an essential and integral part of an authorised proposal; and (d) as an enabling development for the conversion of a large rural residential or institutional property. The proposal would therefore not be in accordance with Policies SD3 and RES14 of the East Ayrshire Local Plan Finalised Version; (2) The proposed development would not consolidate the existing farm steading, would constitute an isolated development in the countryside and would therefore not be in accordance with Policy RES15 of the East Ayrshire Local Plan, Finalised Version; (3) 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 RES16(viii) of the East Ayrshire Local Plan, Finalised Version; and (4) The proposed development would set an undesirable precedent for new housing within the Rural Protection Area where there is no specific locational need.

### **5.6.2 Determination of Application**

It was agreed to refer the application to the Development Services Committee for determination with a recommendation for approval as there was a locational need and taking account of the personal circumstances of the applicant.

## **5.7 APPLICATION NO 00/0733/AD: PRIMESIGHT LIMITED: TOLL GARAGE, SMALLBURN ROAD, MUIRKIRK**

There was submitted an executive summary and report dated 22 January 2001 (circulated) by the Head of Planning and Building Control on an advertisement application for the display of 2 x 48 sheet free-standing advertising hoardings to form one hoarding at Toll Garage, Smallburn Road, Muirkirk.

### **5.7.1 Consideration of Item**

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:- (1) The proposed advertisement hoardings are contrary to the Council's agreed development control policies relating to the display of advertisements which state: "Policy 5: Hoardings will not be permitted in rural or predominantly residential area. Hoardings will not generally be permitted unless it can be shown that they are temporarily screening an unsightly gap or redevelopment site". The proposed advertisement hoardings would be located within a rural village and would not be temporarily screening an unsightly

gap or redevelopment site; and (2) The proposed hoardings would be detrimental to the character and visual amenity of the surrounding area by virtue of their size and location and there is no justification for the acceptance of their detrimental impact.

#### **5.7.2 Determination of Application**

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

#### **5.8 APPLICATION NO 00/0734/OL: MR K BURNS: MEADOW COTTAGES, DUMFRIES ROAD, CUMNOCK**

There was submitted an executive summary and report dated 22 January 2001 (both circulated) by the Head of Planning and Building Control on an application for outline planning permission for the construction of one bungalow at Meadow Cottages, Dumfries Road, Cumnock.

#### **5.8.1 Consideration of Item**

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:- (1) The proposed development would constitute the erection of a new dwellinghouse in the countryside which:- (a) does not have a specific locational need; (b) is not an addition to a defined group of houses; and (c) does not form part of a group of houses with a dual residential and workplace function. The proposal would therefore not be in accordance with Policies SD4 and RES14 of the East Ayrshire Local Plan Finalised Version; and (2) The proposed development would result in "backland" development which would adversely affect the amenity of the area and the setting of existing buildings and would therefore be contrary to Policy RES16 of the East Ayrshire Local Plan, Finalised Version.

#### **5.8.2 Determination of Application**

It was agreed to refer the application to the Development Services Committee for determination with a recommendation for approval, as the proposed development would be part of an established group of houses as the site had defined and thus defensible boundaries and the arrangement of the existing building did not constitute backland development in the normal interpretation of policy.

#### **5.9 APPLICATION NO 00/0697/FL: HEATHER McTAGGART: MOSSWELL, CASTLEHILL, NEW CUMNOCK**

There was submitted an executive summary and report dated 21 December 2000 (both circulated) by the Head of Planning and Building Control on an application for full planning consent for the erection of a dwellinghouse, double garage and stables at Mosswell, Castlehill, New Cumnock.

#### **5.9.1 Consideration of Item**

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 28 September 2000 as revised by the block plan and garage/loose boxes plan received by the Planning Authority on 20 November 2000; (3) Prior to the occupation of the dwellinghouse, the

turning area, as indicated in blue on the approved plans, shall be formed to the satisfaction of the Planning Authority to enable vehicles to enter and leave the site in a forward gear; (4) The driveway shall be suitably surfaced to ensure that no surface water discharges, or loose material is carried out onto the access road; (5) Prior to the occupation of the dwellinghouse, 3 in-curtilage car parking spaces shall be provided; (6) The turning area, provided in respect of Condition (3) above, shall be maintained and kept free from obstruction at all times; (7) Notwithstanding the plans and application form hereby approved, before any work commences on site, samples of all external materials to be used in the construction of the dwellinghouse, garage and stables shall be submitted to and approved by the Planning Authority; (8) Notwithstanding the plans and application form hereby approved, the external materials to be used in the construction of the garage and stables shall match those of the dwellinghouse to which they relate; (9) 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 shall be submitted to and approved by the Planning Authority before any development commences on the site; (10) 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; and (11) The developer shall inform the West of Scotland Archaeology Service, 20 India Street, Glasgow, G2 4PF, within 5 days of any item of antiquity being unearthed during construction; 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 (6) in the interests of road safety; Conditions (4) and (5) in the interests of residential amenity and road safety; Conditions (7), (8) and (9) in the interests of visual amenity; Condition (10) in the interests of public safety; and Condition (11) to ensure that an appropriate record is made of any archaeological finds.

### **5.9.2 Determination of Application**

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

The meeting terminated at 1250 hours.

**TO RETURN TO PREVIOUS PAGE  
PLEASE PRESS THE BACK BUTTON  
AT THE TOP LEFT OF THE PAGE**