

EAST AYRSHIRE COUNCIL**SOUTHERN LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 22 JUNE 2001 AT 1000 HOURS IN
CUMNOCK TOWN HALL, GLAISNOCK STREET, CUMNOCK**

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

ATTENDING: Julie Armstrong, Principal Administrative Officer; Hugh Melvin, Senior Development Promotion Officer; Campbell Dempster, Senior Roads Engineer; Karen McLeod, Solicitor; and Ian Gemmell, Administrative Officer.

APOLOGIES: Councillors Jimmy Kelly, Eric Ross and Robert Taylor.

CHAIR: Councillor Tommy Farrell, Chair.

1. PROCEDURE

The Administrative Officer established that the Hearing procedure was understood by all participants.

ITEM WITHDRAWN

2. The Chair reported, and it was noted, that Agenda Item 1.3 "Application No 01/0327/FL: Erection of Two Semi-Detached Bungalows, Two Semi-Detached Villas and One Detached Villa at Plots 4, 4A, 17, 19 and 21 Primpton Avenue, Dalrymple" had been withdrawn from the Agenda.

CONSIDERATION OF PLANNING APPLICATIONS**3. APPLICATION NO 00/0685/FL: BARR LIMITED: GARLAFF LANDFILL SITE, SKARES, NEAR CUMNOCK**

There was submitted an executive summary and report dated 13 June 2001 (both circulated) by the Head of Planning and Building Control on an application for full planning consent for a proposed extension to landfill site to reclaim opencast void within Area B of Skares Road Opencast Site by landfill with controlled wastes including extraction of coal reserves at Garlaff Landfill Site, Skares, near Cumnock.

3.1 Consideration of Item

The Senior Development Promotion Officer reported that four 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 (i) 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 landfill operations shall be completed within 20 years of the commencement date of the operations at Garlaff Landfill Extension, or within such other time as may be formally agreed in writing with the Planning Authority; (3) The applicant shall give notice to the Planning Authority, in writing, of the commencement of operations on the Garlaff

Landfill Extension site, one month prior to their commencement; (4) 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; (5) 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 wheel 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; (6) 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; (7) All road vehicles transporting waste to the site 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. Where appropriate, vehicles leaving the site shall also be happed to minimise traffic noise associated with empty vehicles; (8) Prior to any 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; (9) 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; (10) 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 full stripped and stored in the designated areas within the site; (11) 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; (12) topsoil and sub-soil 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; (13) 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; (14) 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 on to adjoining agricultural land; (15) The location of soil storage mounds 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; (16) The sub-soil and overburden storage mounds shall be so formed as to have minimal visual intrusion on the surrounding

landscape; (17) 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; (18) 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; (19) Appropriate provision shall be made at all times to ensure that under drainage is maintained for land outwith the working areas; (20) 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; (21) All contaminated drainage and run-off from the site roadways, intercepting ditches, boulder clay storage and other soil storage tips, 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; (22) Appropriate precautions shall be taken to prevent the discharge of oil from fuelling, oil storage, plant maintenance and vehicle wash areas within the site; (23) 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; (24) 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; (25) The operational conduct of the site shall be generally as indicated in the Project Description that forms part of the application; (26) Appropriate litter fences shall be provided and maintained around the operational tipping areas of the landfill. Litter picking shall be undertaken on a regular basis and shall extend to include the perimeter fencing, access roads, temporary or portable litter fencing and all ditches within the site. Where shown to be necessary, the operator shall provide a suitable structure/shelter for the tipping of waste during extreme weather conditions; (27) 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; (28) Except in the case of emergency and except in the operation of the Civic Amenity site, the hours of working on site will be confined between 0730 and 1800 hours Monday to Friday, and between 0800 and 1200 hours on Saturdays. 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; (29) 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 a removal of cell formation and the stripping and replacement of soils, the noise limit during daytime (0700 to 1900 hours) shall

not exceed 45dB Laeq, 1h at noise sensitive properties. During cell formation 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; (30) 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; (31) Except in cases of emergency or as otherwise may be agreed with the Planning Authority, blasting operations associated with the extraction of coal 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; (32) Prior to the commencement of landfill operations on the Garlaff extension site, the applicant shall submit to and have approved by the Planning Authority, details of the final landfill gas extraction system to be introduced on the site; (33) On completion of the landfill operations, except in so far as may be required for leachate and gas monitoring, the site shall be cleared of all buildings, plant and machinery in accordance with the approved Restoration Plan; (34) The site shall be progressively restored generally in accordance with the 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 landfill operations on the extension site. The details shall include provision for the site establishment and civic amenity site areas 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; (35) The restored site shall be progressively landscaped generally in accordance with a formal afteruse scheme. 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. The restored site shall be subsequently managed in accordance with the approved aftercare scheme; (36) There shall be an annual formal review to consider all the operations that 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 (37) 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 public road safety; Conditions (5) and (6) in the interests of road safety; Condition (7) in the interests of road safety and minimising noise impact; Conditions (8) and (17) in the interests of public safety; Conditions (9), (13), (15), (16) and (35) in the interests of visual amenity; Condition (10) to ensure that the topsoil and sub-soil will be suitable for the restoration of the site following storage; Condition (11) in the interests of achieving maximum restoration potential; Condition (12) to prevent damage occurring to soils and in the interests of visual amenity; Condition (14) to prevent weed contamination of soils in the interests of proper site restoration; Condition (18) to prevent a detrimental effect upon adjacent agricultural and other operations; Conditions (19) and (20) to prevent damage to adjacent land and soils; Conditions (21) and (22) to prevent contamination of watercourses; Condition (23) in the interests of public safety and to prevent any pollution of watercourses; Condition (24) to prevent any pollution of watercourses; Condition (25) to ensure that the development is undertaken in accordance with the details approved; Condition (26) to prevent the escape of wind blow litter from the site in the interests of amenity; Conditions (27), (30) to ensure that appropriate environmental standards are maintained throughout the life of the site; Condition (28) in the interests of the amenity of the area; Condition (29) in the interests of residential amenity; Condition (31) in the interests of amenity and public safety; Condition (32) to retain effective planning control over the introduction of landfill gas management schemes into the site; Condition (33) in the interests of amenity; Condition (34) to ensure appropriate restoration of the site; Condition (36) 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 (37) to assess the operational status of the site; and (ii) the issue of the Decision Notice being 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, in respect of the matters described in Section 8.6 of the report.

3.2 Planning Hearing

The Committee then heard Mrs Greta Roberts and Mrs Mary Gordon, representing MEGA, in support of their objections and Mr Brignall, representing the applicants, in support of the application. Members asked questions of the objectors and the applicants' agents. The objectors and the applicants' agents responded to the issues raised all in accordance with the Hearing procedure.

3.3 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 the Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded with the applicant a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, in respect of the matters described in Section 8.6 of the Head of Planning and Building Control's report.

Councillor Faulds intimated her dissent from this decision.

Councillor Jackson joined the meeting at this point.

4. APPLICATION NO 01/0305/FL: MR JAMES ARSHAD: 2-4 WELL ROAD, AUCHINLECK

There was submitted an executive summary and report dated 11 June 2001 (both circulated) by the Head of Planning and Building Control on a full planning application for a proposed change of use from retail shop to hot food takeaway at 2-4 Well Road, Auchinleck.

4.1 Consideration of Item

The Senior Development Promotion Officer reported that 27 letters of objection had been received, details of which were given in the report; reported that Auchinleck Community Council had now responded and objected to the proposal on the grounds that there were sufficient hot food takeaways existing and that some could close if another were opened; 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) Before the premises are open to the public, details of the odour extraction and filtration system shall be submitted to and approved by the Planning Authority and shall be installed in working order. The system shall at all times thereafter be effectively maintained; (3) Before the premises are opened to the public, details of a lockable refuse storage area shall be submitted to and approved by the Planning Authority. At all times thereafter, the refuse storage area shall be maintained effectively in accordance with the details as approved; (4) Before the premises are open to the public, details of the design and location of the shop front signage shall be submitted to and approved by the Planning Authority; (5) The use hereby approved shall not be carried out before 1700 hours and after 2300 hours; and (6) The applicant shall provide suitable litter receptacles both within and outwith the premises for use by visiting members of the public, details of which shall be submitted to and agreed by the Planning Authority prior to the commencement of the use. The external receptacles shall be in place prior to the commencement of business and removed and emptied after each day's trading to the satisfaction of the Planning Authority; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to ensure the occupants of adjacent premises are not subject to excessive odour intrusion; Conditions (3) and (6) in the interests of environmental amenity; Condition (4) in the interest of visual amenity; and Condition (5) to prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interests of residential amenity.

4.2 Planning Hearing

The Committee then heard Mr John Little and Mr Marcello Baldasarra, objectors, in support of their objections and Mr C Farleigh, the applicants' Agent, in support of the application. Members asked questions of the objectors and the applicant's agent. The objectors and the applicant's agent responded to the issues raised all in accordance with the Hearing procedure.

The applicant was present but did not speak.

4.3 Determination of Application

Councillor Faulds, seconded by Councillor Menzies, moved that the application be refused as the parking facilities in the area were inadequate to meet the additional vehicular traffic which would be generated by the hot food takeaway.

Councillor Carmichael, seconded by Councillor Jackson moved as an amendment:-

- (i) that Condition (6) above be amended to require the proprietor to maintain the vicinity of the premises free of litter, the wording of such condition to be determined by the Head of Planning and Building Control; and
- (ii) to approve the application subject to the amended conditions and for the reasons detailed.

On a division by a show of hands, the amendment was carried by 5 votes to 3.

5. APPLICATION NO 01/0297/FL: HOPE HOMES: WATSTON FARM, OCHILTREE

There was submitted an executive summary and report dated 17 May 2001 (both circulated) by the Head of Planning and Building Control on an application for full planning consent for a proposed Palmerston house type replaced by Linmouth and Plots 7-17 repositioned slightly at Watston Farm, 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: 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) This consent relates only to the repositioning of houses within Plots 7-17 and the introduction of the "Linmouth" house type in lieu of the "Palmerston". The development of the site as a whole shall proceed in all other respects in accordance with planning consent number 99/0727/FL and the conditions attached thereto; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and Condition (2) to ensure that the development proceeds in accordance with the approved details.

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

6. APPLICATION NOS 01/0227/LB AND 01/0229/FL: BOX CAFÉ LIMITED: TANYARD, CUMNOCK

There was submitted an executive summary and report dated 30 May 2001 (both circulated) by the Head of Planning and Building Control on applications for listed building consent and full planning consent respectively in respect of the change of use of building from former Church/Council Store to Café, Under 18 Leisure and Recreation Centre and Children's Nursery, and Alterations at Tanyard, Cumnock.

The Senior Development Promotion Officer reported, and it was noted, that the report had been amended at Paragraph 4 by substituting "3.7" for "3.9".

The Senior Development Promotion Officer reported that one letter of objection had been received in respect of application no 01/0229/FL, details of which were given in the report; summarised the planning considerations in respect of the applications and gave the recommendation of the Head of Planning and Building Control in respect of each application: (i) Application No 01/0227/LB: 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 approved plans, any replacement slates shall match the original slates on the building. Samples of the replacement slates shall be submitted to and approved by the Planning Authority, prior to the commencement of the development; (3) Notwithstanding the approved plans, the roller shutter hereby approved shall have a plastisol coating, in a colour to be agreed and approved by the Planning Authority prior to the commencement of the development; and (4) The proposed alterations requiring partial reconstruction works to the south elevation shall be carried out in stone which shall be salvaged from the demolition of the single storey section to the rear; Condition (1) being imposed to comply with Section 16 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997; Conditions (2), (3) and (4) in the interests of visual amenity and the character of the listed building; and (ii) Application No 01/0229/FL: 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 café, recreation centre and nursery shall operate only between the hours of 0800 hours and 2300 hours; (3) The use hereby approved shall operate without detriment to adjoining properties by reason of noise, dirt, smell or general disturbance; (4) Notwithstanding the approved plans, the roller shutter hereby approved shall have a plastisol coating, in a colour to be agreed and approved by the Planning Authority prior to the commencement of development; (5) Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997, this permission relates to the use of the premises as a café, under 18 leisure and recreation centre and a children's nursery and the further express permission of the Planning Authority shall be required in respect of any other use which falls within the same use class to the use hereby approved; and (6) Notwithstanding the submitted details, and prior to the commencement of development, the applicants shall submit a revised parking scheme showing the provision of 6 car parking spaces and a layout such that vehicles can exit and enter the car park in a forward gear; 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; Condition (4) in the interests of visual amenity; Condition (5) to enable the Planning Authority to retain control over the use of the site in the interests of residential and general amenity; and Condition (6) in the interests of road safety.

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

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

7. APPLICATION NO 01/0306/LB: MR LOY: 8 CRAIGSTON SQUARE, LUGAR

There was submitted an executive summary and report dated 4 June 2001 (both circulated) by the Head of Planning and Building Control on an application for listed building consent in respect of the installation of new UPVC double glazed windows to rear of the dwellinghouse at 8 Craigston Square, Lugar.

The Senior Development Promotion Officer reported that two letters of objection had been received, details of one of which were given in the report; verbally reported details of the second letter of objection; summarised the planning considerations in

respect of the application and gave the recommendation of the Head of Planning and Building Control: Approval.

No Hearing took place as the objectors were not present or represented.

It was agreed to approve the application.

8. APPLICATION NO 01/0301/LB: MR HOGG: 10 CRAIGSTON SQUARE, LUGAR

There was submitted an executive summary and report dated 4 June 2001 (both circulated) by the Head of Planning and Building Control on an application for listed building consent for the installation of replacement windows to rear and side elevations (windows to be upvc and double glazed) at 10 Craigston Square, Lugar.

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.

No Hearing took place as the objectors were not present or represented.

It was agreed to approve the application.

9. APPLICATION NO 01/0265/OL: HOPE HOMES: WATSTON FARM, OCHILTREE

There was submitted an executive summary and report dated 23 May 2001 (both circulated) by the Head of Planning and Building Control on an application for outline planning consent in respect of a proposed residential development at Watston Farm, Ochiltree.

Councillor Carmichael left the meeting at this point.

9.1 Consideration of Item

The Senior Development Promotion Officer reported the following amendments to the report:-

- (i) the deletion of Paragraph 6.5;
- (ii) the substitution in Paragraph 6.7 of the term "green field" for "green belt"; and
- (iii) the deletion in Paragraph 8.1 of the fourth and fifth sentences therein, and the insertion of the following:- "Whilst the Ayrshire Joint Structure Plan and the Adopted Local Plan comprise the Development Plan, it is considered that minimal weight should be attached to the Adopted Local Plan because of its age and incompatibility with the Ayrshire Joint Structure Plan. In the circumstances, regard should be had to the East Ayrshire Local Plan which is a material planning consideration. It should be noted that references to the East Ayrshire Local Plan in Section 5 of this report are intended to assist in the interpretation of the Ayrshire Joint Structure Plan and not to infer that the East Ayrshire Local Plan forms part of the development plan. Assessment of the application against the Ayrshire Joint Structure Plan and East Ayrshire Local Plan assists in the interpretation of the Structure Plan because the East Ayrshire Local Plan policies were formulated to accord with the policies of the Ayrshire Joint Structure Plan. The Ayrshire Joint Structure Plan and East Ayrshire Local Plan are the most up-to-date expressions of policy and it is considered appropriate that significant weight be attached to the assessment of the application against them.

Nevertheless, the application is technically in accordance with the development plan comprising the Ayrshire Joint Structure Plan and Adopted Local Plan; even though it is contrary to the Ayrshire Joint Structure Plan when assessed against the East Ayrshire Local Plan. Therefore, given the terms of Section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise”.

The Senior Development Promotion Officer also reported that two letters of objection had been received, details of which were given in the report; summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Refusal for the following reasons:- (1) The proposed development lies outwith the settlement boundary of Ochiltree and would be contrary to Policies SD3 and RES2 of the East Ayrshire Local Plan Finalised Version with Modifications (2001) and contrary to Policies ADS 3, ADS 5 and G1 of the approved Ayrshire Joint Structure Plan (1999) as there is no demonstrated shortfall of effective housing land within the Ayr, North Carrick & Doon Sub-Market Housing Area or a justified specific locational need for the development; (2) The proposed development does not accord with the Housing Development Strategy stated in the East Ayrshire Local Plan Finalised Version with Modifications (2001) which directs large scale major residential development to the main settlements of Kilmarnock and Cumnock and medium scale development to those settlements located along the main A76/A735 corridor and with existing or potential access to the Glasgow-Dumfries railway line; (3) The proposed development fails to accord with Policies L3 and L5 of the approved Ayrshire Joint Structure Plan (1999) as there is sufficient land allocated for residential purposes in the East Ayrshire Housing Market Area; (4) There is sufficient effective housing land with planning permission within Ochiltree to meet the local housing needs of the settlement, and no further additional land release is considered justified in terms of the East Ayrshire Local Plan Housing Development Strategy; and (5) The size and scale of the proposed development is out of character with the size and scale of the settlement of Ochiltree and it is considered that it would have an adverse affect on the local environment and amenity of the village of Ochiltree. In these circumstances the proposed development is contrary to the guidance given in National Planning Policy Guideline 3: Land for Housing.

9.2 Planning Hearing

The Committee then heard Dr Iain Brown representing Ochiltree Community Council in support of its objections. The applicant was present at the meeting but did not participate in the Hearing. Members asked questions of the objector's representative. The objector's representative responded to the issues raised all in accordance with the Hearing procedure.

9.3 Determination of Application

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

10. APPLICATION NO 00/0161/FL: MACTAGGART AND MICKEL LIMITED: NETHERPLACE, AYR ROAD, MAUCHLINE

There was submitted an executive summary and report dated 10 May 2001 (both circulated) by the Head of Planning and Building Control on an application for full planning consent for the proposed erection of 56 dwellinghouses (18 detached and 38 semi-detached) and construction of new access road at Netherplace, Ayr Road, Mauchline.

The Senior Development Promotion Officer reported that 46 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 (i) 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 1 March 2000 as revised by the site layout plan received by the Planning Authority on 9 April 2001; (3) A 2 metres wide footway shall be provided along the Ayr Road to connect the development to the footway at Clarinda Crescent and to extend southwards to link with the existing bus stop between Westside Gardens and Arran View; (4) Junction visibility splay areas of 4.5 metres by 35 metres shall be provided at all internal road junctions with no object greater than one metre in height being allowed within these areas; (5) Junction visibilities of 9 metres by 90 metres shall be provided at the junction of the new site access with Ayr Road and no fencing, building etc over one metre in height being allowed within these areas; (6) Any existing public utility apparatus located within the verge will require to be protected beneath the proposed access. No surface water shall be allowed to discharge onto the public road; (7) Appropriate road signing shall be provided on the B743 Ayr Road in advance of the new roundabout and also in association with traffic calming measures within the development site; (8) Any garages shall be set back a minimum distance of 6 metres from the rear of the footway; (9) The access to each plot shall be by means of a standard footway crossing constructed in accordance with the East Ayrshire Council Roads Development Guide 1996; (10) All individual driveways within the site shall be suitably surfaced for a minimum distance of 2 metres to ensure that no surface water discharges or loose material is carried out onto the public road; (11) The gradient of each driveway shall not exceed 1:10; (12) Any access gates shall open inwards only, away from the public road; (13) Notwithstanding any specification on the approved plans or application form, two off road car parking spaces shall be provided for each two and three bedroom dwelling and three off-road car parking spaces shall be provided for each four bedroom dwelling, such provision to be made prior to the occupation of each respective dwellinghouse; (14) Notwithstanding any specification on the approved plans or application form, a minimum of 14 visitor car parking spaces shall be provided within the site; (15) No demolition, site clearance or building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected around the trees shown on the approved plan reference number 5063/30D. The fencing shall enclose either: (a) the area described by the limit of the spread of the branches of the tree; or (b) a radius of 5 metres from the trunk of the tree, whichever is the greater; such fencing shall be maintained during the course of construction, and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed; (16) A woodland management and

landscaping scheme including details for the treatment and maintenance of the boundary of the site, woodland areas and areas of public open space shall be submitted to and approved by the Planning Authority prior to commencement of any development. The landscaping shall be implemented not later than the next appropriate planting season after the development has been carried out. The landscaping shall be maintained in accordance with the approved maintenance regime at all times thereafter. Any trees removed without consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by trees of similar size or species as may be agreed in writing with the Planning Authority; (17) All drainage shall comply with the requirements of the West of Scotland Water Authority and the Scottish Environmental Protection Agency. There shall be no commencement of development on site until such time as West of Scotland Water Authority has confirmed in writing that there is in place appropriate off-site drainage and sewerage infrastructure sufficient to accommodate the houses granted by this consent; (18) Before any work commences on site, details of a sustainable urban drainage system and its maintenance following installation shall be submitted to and approved by the Planning Authority. The sustainable urban drainage system shall thereafter be installed on site prior to the erection of any of the dwellinghouses in the development site; (19) Notwithstanding any specification on the approved plans or application form, and before any work is commenced on site, samples of all external construction materials to be used shall be submitted to and approved by the Planning Authority; (20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any other order or enactment replacing this, all detached garages erected within the site shall have pitched roofs and shall be externally constructed in materials to match the dwellinghouses to which they relate; (21) Notwithstanding any specification on the approved plans (including the 1.8 metres high screen fence to be provided on the southern boundary of the site) or application form, and before any work commences on site, details of the height, location and construction of fences, walls and other means of enclosure shall be submitted to and approved by the Planning Authority; (22) Any screen fencing to be erected shall not project forward beyond the front building line of any of the dwellinghouses; (23) During the construction of the dwellinghouses, no building or other operations shall take place on the site outwith the hours of 0800 to 1800 Monday to Saturday and at any time on a Sunday; (24) The proposed mini-roundabout on Ayr Road shall be formed to an adoptable standard prior to the occupation of any of the houses hereby approved; and (25) Prior to the commencement of works on site, the applicants shall submit to, and have approved by the Planning Authority, details of the timing of the installation of the road link from the new residential development site to South Park Avenue; 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), (4), (5), (6), (7), (8), (9), (10), (11), (12) and (13) in the interests of public road safety; Condition (14) in the interests of public road safety and residential amenity; Condition (15) to ensure that the existing mature trees adjacent to the site are protected during the construction phase; Condition (16) to ensure that adequate landscaping is provided, to an adequate standard, and that it is subsequently maintained, in the interests of residential and visual amenity; Conditions (17) and (18) to ensure that adequate drainage is provided; Conditions (19), (20), (21), (22) and (23) in the interest of visual amenity; Condition (24) in the interests of road safety; and Condition (25) to ensure

that the proposed link is provided at an early stage of the development of the site; and (ii) that the issue of the 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 in respect of the matters described in Sections 8.7 and 8.9 of the report.

10.1 Planning Hearing

The Committee then heard Mr David Morran, Mr Robert Baillie, Dr C M Feasey, Mr A Paton and Mr J G Perry, objectors, in support of their objections and Mr Jardine and Mr Mickel, representing the applicants, in support of the application. Members asked questions of the objectors and the applicants' agents. The objectors and the applicants' agents responded to the issues raised all in accordance with the Hearing procedure.

Councillor Smith left the meeting during the above Hearing.

10.2 Determination of Application

It was agreed:-

- (i) that an additional condition be imposed requiring the applicant to make up to base course level the road and footpath fronting each plot prior to the occupation of the respective dwellinghouses in the interests of residential amenity, the wording of such condition to be determined by the Head of Planning and Building Control;
- (ii) to approve the application subject to the amended conditions and for the reasons detailed; and
- (iii) that the 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 in respect of the matters described in Sections 8.7 and 8.9 of the report.

The meeting terminated at 1235 hours.

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