

EAST AYRSHIRE COUNCIL**SOUTHERN LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 17 MARCH 2000 AT 1000 HRS
IN NEW CUMNOCK COMMUNITY CENTRE, CASTLE, NEW CUMNOCK**

PRESENT: Councillors Eric Jackson, George Smith, Jimmy Kelly, Provost Jimmy Boyd, Councillors Elaine Dinwoodie and Jimmy Carmichael.

ATTENDING: James Lally, Senior Administrative Officer; Pamela Clifford, Senior Planning Officer; Karen McLeod, Senior Solicitor; David Law, Technical Officer, Community Services; and Ian Gemmell, Administrative Officer.

APOLOGIES: Councillors Tommy Farrell, Julie Faulds, William Menzies, Eric Ross and Robert Taylor.

CHAIR: Councillor Jimmy Kelly, Vice-Chair.

CONSIDERATION OF PLANNING APPLICATIONS**1.1 PROCEDURE**

The Administrative Officer advised of the procedure for Hearings at Local Planning Committees.

1.2 APPLICATION NO 99/0693/OL: KEIR CONSTRUCTION LTD (MINING DIVISION)**1.2.1 Declaration of Interest**

Councillor Jackson declared an indirect pecuniary interest in this item and took no part in the discussion or determination of this application.

1.2.2 Consideration of Application

There was submitted an executive summary and report dated 7 March 2000 (circulated) by the Head of Planning and Building Control on an application for the construction and operation of a coal handling and rail loading facility at the former Afton Brickworks, New Cumnock.

The Senior Planning 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 recommendations of the Head of Planning and Building Control, (i) that the application be approved subject to the following conditions, (1) In the case of the reserved matters specified below, application for approval must be made not later than the expiration of three years beginning with the date of this permission; (2) that the development to which this permission relates must be begun not later than the expiration of five years from the date of this permission or within the expiration of two years from the final approval of all reserved matters, whichever is the later; (3) Before any development takes place on site, the further approval of the Planning Authority shall be obtained in respect of the undernoted matters hereby reserved: (a) the layout of the site; (b) the size, height, design and external appearance of proposed buildings; (c) the means of drainage and sewerage disposal, including water treatment measures; (d) details of the accesses to the site; (e) the provision for car parking to serve the proposed development; (f) construction details of the proposed rail line including fencing; (g)

details of the proposed level crossing on the C36 Boig Road; and (h) details of the proposed means of illumination of the site; (4) Notwithstanding Condition (3)(d) the existing access road to the development site and its junction with the C36 Road shall be upgraded to the satisfaction of the Planning Authority and Roads Authority. This access road shall be used solely for staff access and general servicing requirements for the proposed coal handling and rail loading facility; (5) Notwithstanding Condition (3)(d), the details of the access road off the C36 to be submitted shall incorporate traffic calming features adjacent to the residential properties at Fordmouth and Lochhill View; (6) No construction works shall take place during the most sensitive period of the bird-breeding season, ie the months of March, April and May inclusive. The details of the proposed development shall include an indication of a programme of construction works for the implementation of the proposed development; (7) 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; (8) 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; (9) An appropriate noise monitoring programme shall be undertaken during the operational life of the site, using appropriate equipment and recording devices, the details of which shall be agreed with the Planning Authority and the results of which shall be submitted to the Planning Authority on a monthly basis during the operational life of the site. The noise monitoring programme shall be agreed by the Planning Authority and in place prior to the commencement of works on site; (10) The noise limit during daytime (0700 to 1900 hours) shall not exceed 55 dBL_{aeq}, 1h at noise sensitive properties; (11) 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. The dust monitoring programme shall be agreed and in place prior to the commencement of operations on site; and (12) Except in the case of emergency, the hours of working for the facility, will be confined between 0700 and 1900 hours Mondays to Fridays, and between 0730 and 1300 hours on a Saturday. With the exception of essential site maintenance and maintenance of plant and machinery, no work shall take place on Sundays or on recognised Public Holidays in East Ayrshire; Conditions (1) and (2) being imposed to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997; Condition (3) as the approval is in outline only; Conditions (4) and (5) in the interest of public road safety; Condition (6) in the interests of reducing any potential adverse impact on the Listed Wildlife Sites and the Local Nature Reserve; Condition (7) in the interests of public safety; Condition (8) in the interests of public safety and to prevent any pollution of watercourses; Condition (9) to monitor noise levels and ensure that appropriate environmental standards are maintained throughout the site; Condition (10) in the interests of residential amenity; Condition (11) to monitor dust emissions and ensure that appropriate environmental standards are maintained throughout the life of the site; and Condition (12) in the interests of the amenity of the area; 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 (a) the setting up of noise and dust monitoring programmes for the site following consultation with the Planning Authority and the Environmental Health Division; and (b) the undertaking of structural surveys of residential properties in consultation with the applicant, the Planning Authority and the Environmental Health Division.

The Committee then heard objectors Mrs G Roberts and Mrs Littlejohn representing Mega and Mr McBride, who each spoke in support of their objections, and Mr P Watkinson, representing the applicants, who spoke in support of the application. Members asked questions of the objectors and the applicant's representative and the objectors responded to the issues raised in accordance with the agreed hearing procedure.

It was agreed:

- (i) to approve the application subject to the conditions and for the reasons detailed above and the additional condition detailed below;
- (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 (a) the setting up of noise and dust monitoring programmes for the site, following consultation with the Planning Authority and the Environmental Health Division; and (b) the undertaking of structural surveys of residential properties in consultation with the applicant, the Planning Authority and the Environmental Health Division; and
- (iii) that an additional condition be imposed requiring the submission by the applicant of a ground contamination report in respect of the site, the Head of Planning and Building Control to determine the terms of the said condition.

1.3 APPLICATION NO 00/0032/FL: HOPE HOMES SCOTLAND

There was submitted an executive summary and report dated 2 March 2000 (circulated) by the Head of Planning and Building Control on an application for the erection of 12 dwellinghouses at Shield Meadow, Phase 2, Drongan.

It was noted that Members had attended a site visit prior to the meeting.

The Senior Planning Officer reported that one 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) That 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 13 January 2000 as revised by the site plan and site level plan received by the Planning Authority on 3 March 2000 and 6 March 2000; (3) Notwithstanding the submitted plans, the roof tiles, render and facing brick are not hereby approved. Details/samples of roof tiles, facing brick and render and paviers shall be submitted to and approved by the Planning Authority before any development commences on the site; (4) 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 site; (5) Notwithstanding the approved plans, a 1.8 metre high screen fence shall be erected along the northern and eastern boundaries

of the site adjacent to the existing housing. Details of its design and location shall be submitted to and approved by the Planning Authority before development commences on the site, and shall be implemented prior to the occupation of any houses; (6) Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any order or enactment replacing this, any garages associated with the development shall be of permanent construction and finished in the same materials as the dwellinghouses to which they relate and shall be set back a minimum distance of six metres from the rear of the footway; (7) Notwithstanding the approved plans, the two areas of public open space on either side of the visitor car parking spaces shall be incorporated as garden ground for Plot 23; (8) Junction visibility splay areas of 2.5m by 35m shall be required at all internal road junctions with no object greater than 1m in height allowed within these areas; (9) Prior to the occupation of the houses, junction visibilities of 2.5m by 90m shall be required at the junction of Ladies Walk and no fencing or object over 1m in height shall be allowed within these areas; (10) Access to the site shall be taken via internal roads which comply with East Ayrshire Council Roads Development Guide 1996; (11) Prior to the occupation of each house, the private driveway shall be paved for a minimum distance of 2m from the rear of the footway/edge of the public road carriageway to avoid overcarry of loose material onto the public road; (12) Any gates shall require to open inwards away from the public road; (13) Visitor and car parking spaces for each dwellinghouse shall be provided in line with the requirements of East Ayrshire Council Roads Development Guide 1996; and (14) No construction work and preparation works shall take place on site before 0700 hrs and after 1800 hrs on Mondays to Fridays, before 0800 hrs and after 1200 hrs on Saturdays and at any time on Sundays; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to ensure that the development is carried out in accordance with the approved details; Conditions (3) and (4) in the interests of visual amenity; Conditions (5) and (14) in the interests of residential amenity; Condition (6) in the interests of visual amenity and road safety; Condition (7) to ensure future maintenance of these areas; and Conditions (8), (9), (10), (11), (12) and (13) in the interests of road safety.

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

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

1.4 APPLICATION NO 00/0019/TP: MR T KENNEDY

There was submitted an executive summary and report dated 1 March 2000 (circulated) by the Head of Planning and Building Control on an application for the proposed felling of an elm tree at 9 Clarinda Crescent, Mauchline.

The Senior Planning Officer summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control, (i) that the application be refused as the Council considers that the elm tree (Ref T8), covered by the Mauchline Tree Preservation Order No 1-1996, contributes significantly to the visual amenity and character of the locality and does not represent a danger to the public or property and that the felling of the tree is therefore not justified at this time; and (ii) that the applicant be advised that the two snag branches and the large limbs overhanging the road should be lopped.

As it was considered that the tree did not contribute significantly to the visual amenity and character of the locality and represented a potential danger to public and property, it was agreed to approve the application, subject to appropriate conditions to be determined by the Head of Planning and Building Control, in consultation with the Chair of this Committee.

The meeting terminated at 1055 hrs.