

**EAST AYRSHIRE COUNCIL****SOUTHERN LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 18 FEBRUARY 2000 AT 1000 HOURS  
IN DRONGAN COMMUNITY CENTRE, MILLMANNOCH AVENUE, DRONGAN**

**PRESENT:** Councillors Tommy Farrell, Jimmy Kelly, Julie Faulds, William Menzies, Provost Jimmy Boyd and Councillors Eric Ross, Elaine Dinwoodie, Robert Taylor and Jimmy Carmichael.

**ATTENDING:** Dave Morris, Development Promotion Manager; Julie Armstrong, Senior Administrative Officer; Karen McLeod, Solicitor; Hugh Melvin, Technical Planning Officer; and Ian Gemmell, Administrative Officer.

**APOLOGIES:** Councillors Eric Jackson and George Smith.

**CHAIR:** Councillor Tommy Farrell, 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 98/0499/FL: HOPE HOMES**

There was submitted an executive summary and report dated 9 February 2000 (circulated) by the Head of Planning and Building Control on an application for full planning consent for the erection of 43 private dwellings at Benston Park, Burnton Road, Dalrymple.

The Development Promotion Manager reported that one objection had been received, which had now been withdrawn, summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Approval,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 amended application form received on 23 December 1999 and the amended plans received by the Planning Authority on 23 December 1999, 11 and 21 January 2000; (3) Notwithstanding the submitted plans, the render, reconstituted stone and roof tiles are not hereby approved. Details/samples of render, reconstituted stone and roof tiles shall be submitted to and approved by the Planning Authority before any development commences on 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 the site; (5) 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 and shall be set back a minimum distance of 6 metres from the rear of the footway; (6) Prior to works commencing on site, the applicant shall submit to and have approved by the Planning Authority details of the

design, finish and appearance of the play area, pond/amenity area and play equipment to be installed within the play area. The play area and play equipment and footpath link to the existing housing shall be installed prior to the occupation of any of the houses. The pond/amenity area shall be installed prior to the occupation of any of the houses; (7) Prior to works commencing on site the maintenance arrangements for the play area, play equipment and amenity area/pond shall be submitted to and approved by the Planning Authority; (8) Notwithstanding the approved plans, the play area, amenity area/pond and pumping station shall each be surrounded by a 1.8 metre high screen fence. Details of their design and location shall be submitted to and approved by the Planning Authority prior to work commencing on site and fences shall be constructed prior to the occupation of any of the houses; (9) 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 any time on Sundays; (10) No mechanical excavation shall take place within 500mm of British Gas Transco Plant; (11) Notwithstanding the approved plans, details of the design of the pumping station shall be submitted to and approved by the Planning Authority prior to the commencement of development on site; (12) The existing hawthorn hedging along the southern and north-eastern boundaries of the site shall be retained intact and maintained thereafter to the satisfaction of the Planning Authority. Where the hawthorn hedge has been removed, new hawthorn hedging shall be planted to the satisfaction of the Planning Authority. Any reduction in the height of the hawthorn hedging shall be agreed in writing with the Planning Authority prior to such works being implemented; (13) Notwithstanding the approved plans, details of the design of the swimming pool within the curtilage of Plot 1 shall be submitted to and approved by the Planning Authority prior to the commencement of development on Plot 1; (14) Prior to the occupation of any houses, a 1.5 metre wide kerbed pedestrian footway shall be formed along the frontage of the site adjacent to the B742 to link with the footway at Primpton Avenue. The existing street lighting shall require to be extended to include the footpath link into the development and drainage shall be provided; (15) Drainage of the B742 public road along the rear of the proposed houses shall be provided prior to the occupation of these houses; (16) Prior to the occupation of the houses the private driveways shall be paved for a minimum distance of 2 metres from the rear of the footway/edge of the public road carriageway to avoid overcarry of loose material onto the public road; (17) Prior to the use of the temporary access, visibility splay areas of 2.5m by 90 metres shall be provided for the temporary access to the B742 with no object greater than 1 metre in height allowed within the splay areas to be formed; (18) The temporary access and associated parking shall be removed prior to the occupation of Showhouse No 2 as a residential property; (19) A one-metre high mesh fence shall be constructed along the southern boundary of the site adjacent to the hawthorn hedge; and (20) A 1.8 metre high screen fence shall be erected along the rear boundaries, which are parallel to Primpton Avenue, of Plots 43, 13 and 12. Details of its design and location shall be submitted to and approved by the Planning Authority prior to commencement of development on site. The fence shall be constructed prior to the occupation of Plots 12, 13 or 43; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to ensure that development is carried out in accordance with the approved details; Conditions (3), (4), (11), (12) and (13) in the interests of visual amenity; Condition (5) in the interests of visual amenity and road safety; Condition (6) To ensure that the areas of public open space are provided within the development in

the interests of local planning policies; Condition (7) to ensure that the play area is maintained to an adequate standard; Conditions (8), (9) and (20) in the interests of residential amenity; Condition (10) in the interests of public safety; Conditions (14), (15), (16) and (17) in the interests of road safety; Condition (18) as the access and parking are of a temporary nature only; and Condition (19) to prevent access to Burnton Road by pets and children.

It was agreed:-

- (i) to approve the application subject to the conditions and for the reasons stated with Conditions (4), (7) and (8) being as follows:- (4) "Notwithstanding the submitted plans, details of the design, construction and future maintenance arrangements for all fences and walls to be erected on site shall be submitted to and approved by the Planning Authority before any development commences on site"; (7) "Prior to works commencing on site the maintenance arrangements for the play area, play equipment, amenity area/pond and adjacent fencing shall be submitted to and approved by the Planning Authority"; and (8) "Notwithstanding the approved plans, the play area, amenity area/pond and pumping station shall each be surrounded by a 1.8 metre high screen fence. Details of their design, location and of their future maintenance arrangements shall be submitted to and approved by the Planning Authority prior to work commencing on site and fences shall be constructed prior to the occupation of any of the houses";
- (ii) to approve an additional condition for the reasons stated as follow:- (20) "Such maintenance arrangements as are submitted further to Conditions (4), (7) and (8) above shall allow for a frequency of grass cutting, and fencing and wall maintenance equivalent to that practised by East Ayrshire Council's Outdoor Services Section"; the reason: in the interests of residential amenity; and
- (iii) that the Head of Planning and Building Control will consult with the Chair of the Committee in respect of the provisions as detailed in Conditions (4), (7) and (8).

### **1.3 APPLICATION NO 99/0727/FL: HOPE HOMES**

There was submitted an executive summary and report dated 8 February 2000 (circulated) by the Head of Planning and Building Control on an application for full planning consent in respect of the erection of 26 private dwellings at Watson Farm, Ochiltree.

The Development Promotion Manager reported that two objections 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 not be in accordance with Policies SD3, RES1 and RES2 of the East Ayrshire Local Plan Finalised Version as there is no local housing demand 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 which directs large scale major residential development to the main settlements of Kilmarnock and Cumnock or those settlements located along the main A76/A735 corridor and with existing or potential access to the Glasgow-Dumfries railway line; and (3) The proposed development fails to accord with Policies L3, L4

and L5 of the Ayrshire Joint Structure Plan 1999 as there is sufficient land allocated for residential purposes in the Doon Valley Housing Sub-Market.

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

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

## **1.4 APPLICATION NO 99/0675/FL: ATH RESOURCES**

### **1.4.1 Declaration of Interest**

Councillor Menzies declared a pecuniary interest in this application in terms of the National Code of Local Government Conduct and took no part in the discussion or determination of the matter.

### **1.4.2** There was submitted an executive summary and report dated 8 February 2000 (circulated) by the Head of Planning and Building Control on an application for the continuation of dispatch of coal from 0700 hours on weekdays after 11 November 1999 as a variation of Condition 37 of consent 97/0596/FL at Skares Road Opencast Coal Site, Skares, near Cumnock.

The Technical Planning Officer reported that one letter of objection had been received, details of which were given in the report, that a late objection had been received, which raised no new planning issues, 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 continued operation of the extended hours of coal dispatch into the early hours of the morning (0700-0800 hours) will result in both on-site and off-site noise-producing activities which are considered to be environmentally unacceptable and undesirable. In particular, it will result in the movement of Heavy Goods Vehicles prior to the 0700 hours dispatch start-time, during recognised night-time hours. The Council considers that approval of the application would result in detriment to the amenity of road-side residential properties located along the access route to the Skares Road opencast site (B7046 road) and would also be detrimental to the relatively tranquil locality at Skares and other communities in the area; and (2) The application if granted would set a precedent for the early (0700 hours), dispatch of coal from other opencast coal sites contrary to practice established by East Ayrshire Council; with a consequent increased detriment to the communities through which vehicles travel when accessing or departing such sites.

The Committee then heard Mrs G Roberts and Mrs M Gordon representing MEGA as objectors, and objector Mr J Paterson, all of whom spoke in support of their objections, and Mr M Todd, representing the applicants, who spoke in support of the application.

In the course of the Hearing, the applicant's representative indicated that the applicants wished to continue consideration of the application to allow the applicant to amend their application to allow the dispatch of coal from the site during the period 0800 hours to 1800 hours on weekdays.

## **ADJOURNMENT/RECONVENTION OF MEETING**

### **2.1** The meeting adjourned at 1032 hours to take advice on the application and reconvened at 1055 hours with the same Members and Officers present.

It was agreed:-

- (i) to continue consideration of the application awaiting formal amendment to the application;
- (ii) that the Head of Planning and Building Control arrange for the appropriate consultation and advertising procedures to be carried out in respect of the amended application; and
- (iii) that the amended application would be the subject of a further Hearing at the next meeting of this Committee.

The meeting terminated at 1057 hours.