

EAST AYRSHIRE COUNCIL

DOON VALLEY LOCAL PLANNING COMMITTEE

**MINUTES OF MEETING HELD ON TUESDAY 10 DECEMBER 1996 AT
1400 HOURS AT DRONGAN COMMUNITY CENTRE,
MILMANNOCH AVENUE, DRONGAN**

PRESENT: Councillors John Smith, David Fulton, George Smith and Tommy Farrell.

ATTENDING: Dave Morris, Development Promotion Manager; Ken Robinson, Principal Administrative Officer; and Ian Gemmell, Administrative Officer.

APOLOGIES: Councillor Robert Taylor.

CHAIR: Councillor John Smith, Chair.

PLANNING APPLICATIONS

1. 96/0402/FL: DAVID FINDLAYSON (Item 2, Page 1436)

There was resubmitted a report dated 9 October 1996 (circulated) by the Head of Planning and Building Control on a full planning application for the change of use of vacant ground and the erection of two dwelling houses at the Gateside Inn, Coalhall, by Ayr, by Mr David Findlayson, which was continued for a site visit at the last meeting held on 30 October 1996.

The Chair reported that members had carried out a site visit prior to commencement of this meeting.

The Development Promotion Manager reported that a 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 viz:- (i) 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 26 August 1996; (3) notwithstanding the submitted plans, the render, roof tiles and access road materials are not hereby approved. Details/samples of the render, roof, tiles and access road materials shall be submitted to and approved by the planning authority prior to any works commencing on site; (4) a two metres wide refuge strip shall be provided along the frontage of the site adjacent to the existing private access road; (5) prior to any works commencing on site, the applicant shall agree, with West of Scotland Water and Scottish Environment Protection Agency, suitable foul drainage arrangements for the site. Such arrangements shall not compromise existing or alternative foul drainage arrangements for both the Gateside Inn public house and the remainder of the built up area of Coalhall; (6) prior to any works commencing on site the applicant shall submit a landscaping plan for the site to the planning authority for approval; (7) the landscaping shall be maintained to the satisfaction of the planning authority for the first five years after the said landscaping is planted. Any trees or shrubs which die off shall be replaced during the first available planting season, all to the satisfaction of the planning authority; (8) all British Telecom and Scottish Power Services shall enter the site by underground duct only. Condition (1)

being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) to ensure that the development is carried out in accordance with the approved details; Conditions (3), (6), (7) and (8) in the interests of visual amenity; Condition (4) in order to facilitate any future upgrading of the private access road; Condition (5) to ensure that the site and the remainder of Coalhall is adequately drained.

The Committee then heard the objector, who spoke in support of his objections. The applicant was not present.

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

2. 96/0401/FL: COAL CONTRACTORS LTD

There was submitted a report dated 19 November 1996 (circulated) by the Head of Planning and Building Control, on an application for detailed planning permission for the re-establishment of a mineral railway linked to Broomhill Opencast Site by field conveyor via a loading facility, by Coal Contractors Ltd.

The Development Promotion Manager 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 (i) 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 26 August 1996; (3) the proposed rail link, conveyor belt and coal loading facility shall be operational only for the time period that coal is extracted from the adjacent Broomhill Opencast Coal Site. Once coal extraction has ceased, the application site shall be restored to agricultural use as detailed in the restoration plan submitted as part of the planning application and in agreement with the Planning Authority; (4) once the application site is restored, the land shall be the subject of a 5 year aftercare scheme, details of which shall be agreed with the Planning Authority within one year of the rail link becoming operational; (5) all machinery, plant and temporary buildings including the concrete pad and water treatment areas associated with the coal loading facility shall be removed from the site as part of the restoration works, all to the satisfaction of the Planning Authority; (6) the operational conduct of the rail link conveyor belt and coal loading facility shall be generally as described by written statement dated 26 August 1996 which forms part of the planning application; (7) the working hours of the rail link conveyor belt and coal loading facility will be between the hours of 0700 to 1900 Mondays to Fridays and 0700 to 1200 on Saturdays. There will be no operations on Sunday and public holidays except for essential maintenance; (8) that 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; (9) that the developer shall make stockproof 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 stockproof 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; (10) that all water treatment areas/settlement

ponds shall be enclosed by a one metre high stock proof fence; (11) that throughout the period of 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; (12) that alternative arrangements 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; (13) that all contaminated drainage and run-off from the site interception ditches, coal handling and stocking areas, shall receive adequate and appropriate treatment prior to being discharged to any watercourse, such treatment being to the satisfaction of the Planning Authority; (14) that any fuel oil or other chemical storage tanks on the site shall be sited on impervious bases and surrounded by oil tank bund walls and the bunded areas shall be capable of containing 110% of the tank's volume and shall enclose all fill and draw pipes; (15) that as regards other items for the protection of the amenity, such as dust, noise and lighting, these items shall be as described in the Written Statement which forms part of the application; (16) prior to works commencing on site the applicant shall agree a suitable dust suppression and monitoring system, to be utilised within the site, all to the satisfaction of the Planning Authority and the Scottish Environment Protection Agency; (17) the 12 hour LED (average noise levels) attributable to the site working, measured at any point on the site boundary, shall not exceed 65dB(a), and at no time shall the maximum noise level exceed 85dB(a), at any point on the site boundary or such other levels as may be agreed with the applicant and the Planning Authority following discussion with the Department of Environmental Health; (18) prior to works commencing on site the applicant shall agree with the Planning Authority and the Environmental Health Department a suitable design for reversing alarms on appropriate vehicles associated with the coal loading facility; (19) prior to works commencing on site, the applicant shall submit to the Planning Authority for approval a landscaping and screening scheme for the proposed development. Such a scheme shall include the number and variety of trees and shrub and a planting schedule. Any trees or shrubs which die off shall be replaced during the first available planting season; (20) prior to works commencing on site, the applicant shall submit details of the bridges associated with the railway, to the Planning Authority for approval. Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) to ensure that the development is carried out in accordance with the approved details; Condition (3) to ensure that the site is adequately restored; Condition (4) to ensure that the restored site is adequately maintained; Condition (5) to ensure that the site is clear of all redundant plant and machinery; Condition (6) to control the operational conduct of the rail link, conveyor belt and coal loading facility; Conditions (7), (16), (17) and (18) in the interests of amenity; Conditions (8), (12), (13) and (14) in the interest of public safety; Conditions (9),(10), (19) and (20) in the interest of visual amenity; Condition (11) in the interest of public safety and to prevent a detrimental effect upon adjacent operations; Condition (15) to safeguard the amenity of the area.

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

3. 96/0410/FL: MR R GRAHAM

There was submitted a report dated 18 November 1996 (circulated) by the Head of Planning and Building Control on an application for full planning consent in respect of the proposed erection of a detached dwelling house at the Glebe, Dalmellington.

The Development Promotion Manager 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 viz; (1) the proposed development does not provide a satisfactory access road to a standard acceptable to East Ayrshire Council's Roads Division; and (2) the application, if approved, would set an undesirable precedent, which could lead to further development elsewhere in Dalmellington being served from an access road not constructed to a publicly maintainable standard.

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

4. 96/0473/0L: MRS JEAN PURDIE

There was submitted a report dated 14 November 1996 (circulated) by the Head of Planning and Building Control on an application for outline planning permission in respect of the proposed erection of one dwellinghouse, in a field adjacent to Bellsbank House, Bellsbank Road, Dalmellington, by Mrs Jean Purdie.

The Development Promotion Manager 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 viz: (1) the proposed development does not provide a satisfactory access road to a standard which is acceptable to East Ayrshire Council's Roads Division; (2) the application, if approved would set an undesirable precedent, which could lead to further development being served from an access road not constructed to a standard which is acceptable to East Ayrshire Council's Roads Division; (3) the development is not served by an acceptable access road and is therefore contrary to policy RES 17 of the finalised Cumnock and Doon Valley District Wide Local Plan which states; RES 17: All new residential developments in the countryside will require to have an adequate access onto the public road network and shall be served by a road which meets the service requirements of the Roads Authority; and (4) the development being located within the Regional Scenic Area is not justified against the criteria of economic benefit and specific locational need and is contrary to policy ENV 11 of the finalised Cumnock and Doon Valley District Wide Local Plan which states; ENV11: proposals for all developments in the Regional Scenic Area will require to be justified against the criteria of economic benefit and specific locational need.

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

The meeting terminated at 1415 hours.