

**EAST AYRSHIRE COUNCIL****SOUTHERN LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 19 MAY 2000 AT 1000 HOURS IN DRONGAN COMMUNITY CENTRE, MILLMANNOCH AVENUE, DRONGAN**

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

**ATTENDING:** David Morris, Development Promotion Manager; Bill Walkinshaw, Principal Administrative Officer; Karen McLeod, Solicitor; Hugh Melvin, Technical Planning Officer; and Ian Gemmell, Administrative Officer.

**APOLOGY:** Councillor William Menzies.

**CHAIR:** Councillor Tommy Farrell, Chair.

**CONSIDERATION OF PLANNING APPLICATIONS****1.1 APPLICATION NO 00/0017/FL: BANK OF SCOTLAND**

There was submitted an executive summary and report dated 4 April 2000 (circulated) by the Head of Planning and Building Control on an application for the proposed installation of an automatic teller machine through the existing shop front at 8 Main Street, Dalmellington.

The Development Promotion Manager 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: Refusal, for the reason that the proposed development would be detrimental to road safety by reason of causing an obstruction to pedestrians when the automatic teller machine is in use.

As the objector was not present or represented, no Hearing was held.

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

**1.2 APPLICATION NO 00/0117/FL: ATH RESOURCES**

There was submitted an executive summary and report dated 5 May 2000 (circulated) by the Head of Planning and Building Control on an application for a proposed variation of Condition 1 of Consent 97/0596/FL (as amended) to remove Rackwood Colliery Company Limited at Skares Road Opencast Coal Site, Skares, near Cumnock.

The Technical Planning 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 condition:- Condition (1) of the planning consent 97/0596/FL, dated 15 May 1998 shall be amended to read as follows:- "The development hereby permitted shall enure for the benefit of ATH Resources and shall be commenced within 12 months of the date of the issued notice of decision and that the approved operations shall be completed within 12 years of the commencement date of the operations, or at such times as may be agreed with the

Planning Authority”; Reason:- To retain effective planning control over the development.

It was agreed to approve the application subject to the condition and for the reason stated.

### **1.3 APPLICATION NO 00/0228/FL: S B MINERALS LIMITED**

There was submitted an executive summary and report dated 5 May 2000 (circulated) by the Head of Planning and Building Control on an application for a proposed variation to Condition 1 of Planning Consent CD/95/0058/MIN to insert VWM (Scotland) Limited at Darnconner Opencast Coal Site, C22 Road, by Auchinleck.

The Technical Planning Officer summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control:- (i) Approval, subject to the following condition, Condition (1) of planning consent CD/95/0058/FL dated 11 September 1996 shall be amended to read as follows:- “The development hereby permitted shall enure for the benefit of VWM (Scotland) Ltd, or its legal successor only, that it shall be commenced within one month of the date of the issued Decision Notice and that the approved operations shall be completed within 10 years of the commencement of the date of operations or at such other times as may be agreed with the Planning Authority”; Reason:- To retain effective planning control over the site and to ensure that works are commenced and completed to an agreed timescale; (ii) the issue of the Decision Notice to be withheld until the Solicitor to the Council has received a Performance Bond in the sum of £875,000 under the terms of the existing Section 50 Agreement relating to planning consent CD/0058/MIN; and (iii) that, upon receipt of the replacement Performance Bond, the existing Restoration Bonds for the Darnconner Site be released.

It was agreed:-

- (i) to approve the application subject to the condition stated;
- (ii) that the issue of the Decision Notice be withheld until the Solicitor to the Council has received a Performance Bond in the sum of £875,000 under the terms of the existing Section 50 Agreement relating to Consent CD/0058/MIN; and
- (iii) that upon receipt of the replacement Performance Bond, the existing Restoration Bonds for the Darnconner Site be released.

### **1.4 APPLICATION NO 00/0151/FL: MR T CAMPBELL**

There was submitted an executive summary and report dated 2 May 2000 (circulated) by the Head of Planning and Building Control on an application for the proposed erection of a velux window to the rear of the flat at 83 Arran Drive, Auchinleck.

The Development Promotion Manager 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.

As the objector was not present or represented, no Hearing was held.

It was agreed to approve the application.

### **1.5 APPLICATION NO 00/0183/LB: MR HOWES**

There was submitted an executive summary and report dated 3 May 2000 (circulated) by the Head of Planning and Building Control on an application for the proposed replacement of windows in the front elevation at 77 Main Street, Ochiltree.

The Development Promotion Manager 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 installation of UPVC windows in this listed building within Ochiltree Conservation Area No 1 is contrary to the Council's policies for Replacement of Windows on a building within a Conservation Area which state:- (i) all replacement windows must be of traditional design and have traditional methods of opening; (ii) all replacement windows must be of timber construction with window frames being painted in colours to be agreed with the Planning Authority; (iii) all replacement windows must reflect the style and proportion of top-to-bottom sashes and the pattern of glazing bars and astragals must be retained and reproduced; (iv) all replacement windows on the front elevation of a building within a Conservation Area, or on other elevations which are open to view must meet the criteria above. Only in exceptional cases where it can be reasonably justified will consideration be given to the use of UPVC or aluminium windows and only then if the windows are located on elevations of the building which are not readily visible. In all cases, windows that are proposed in non-traditional materials must still be of traditional style and design; and (2) The proposed installation of UPVC windows would be unsympathetic to and also detrimental to the character of the building. The proposal is therefore contrary to Policy ENV4 of the East Ayrshire Local Plan, Finalised Version, which states that there shall be protection of heritage resources requiring conservation from unsympathetic developments.

As the objectors were not present or represented, no Hearing was held.

It was agreed to approve the application, as it was considered that the proposed installation of UPVC windows would not be unsympathetic to or detrimental to the character of the building or of the conservation area in which it was situated.

### **1.6 APPLICATION NO 00/0129/OL: MR N BLAIR**

There was submitted an executive summary and report dated 4 April 2000 (circulated) by the Head of Planning and Building Control on an application for outline planning permission for the erection of a dwellinghouse at a plot of land at Littlemill Road, Drongan.

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 and proposed an addition to reason 2 "and Policy RES16 of the Finalised East Ayrshire Local Plan":- (1) The proposed development would constitute the erection of a new dwelling in the countryside without agricultural support and would therefore not be in accordance with Policy SD3 and RES13 of the Finalised East Ayrshire Local Plan; (2) The proposed development would constitute the erection of a new dwelling in the countryside which would constitute ribbon development and therefore it would be

contrary to Policy RES17 of the Mauchline, Drongan and Ochiltree Local Plan and Policy RES16 of the Finalised East Ayrshire Local Plan; and (3) The proposed development would set an undesirable precedent for the ribboning out of the settlement from the approved settlement boundary.

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

### **1.7 APPLICATION NO 00/0101/FL: MRS E APLEYARD**

There was submitted an executive summary and report dated 2 May 2000 (circulated) by the Head of Planning and Building Control on an application for the removal of Condition No 4 of Planning Approval 97/0608/FL regarding wooden windows/doors and erection of UPVC fascia, soffit boardings and facings at 14A Main Street, Sorn.

The Development Promotion Manager reported, and it was noted, that the description of the development was in respect of the removal of Condition 4 of planning approval 97/0608/FL only and that the reason for refusal was amended accordingly.

The Development Promotion Manager 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: (i) Refusal, for the reason that the proposed installation of UPVC windows will be detrimental to the character and amenity of the Conservation Area, and that the proposal is therefore contrary to Policy ENV4 of the East Ayrshire Local Plan, Finalised Version, which states that development in Conservation Areas should be sympathetic to the area or building concerned; and (ii) that enforcement action be taken to secure the removal of the UPVC windows and doors.

As the objectors were not present or represented, no Hearing was held.

Councillor Farrell, seconded by Councillor Boyd, moved that the application be refused for the reason detailed, and that appropriate enforcement action be taken.

Councillor Smith, seconded by Councillor Kelly, moved as an amendment that as the installation of UPVC windows/doors would not be detrimental to the character or amenity of the Conservation Area, the application be approved.

On a division by a show of hands, the amendment was carried by 7 votes to 3.

It was further agreed that the Head of Planning and Building Control write a letter of censure to the applicant, as the alterations in question had been carried out without benefit of planning consent.

The meeting terminated at 1041 hours.