

## EAST AYRSHIRE COUNCIL

### SOUTHERN LOCAL PLANNING COMMITTEE

#### MINUTES OF MEETING HELD ON THURSDAY 20 APRIL 2000 AT 1000 HOURS IN ST PATRICK'S HALL, 35 SORN ROAD, AUCHINLECK

**PRESENT:** Councillors Tommy Farrell, George Smith, Jimmy Kelly, Julie Faulds, William Menzies, Elaine Dinwoodie, and Jimmy Carmichael.

**ATTENDING:** Alan Neish, Head of Planning and Building Control; Bill Walkinshaw, Principal Administrative Officer; David Mitchell, Principal Solicitor; Hugh Melvin, Technical Planning Officer; and Ian Gemmell, Administrative Officer.

**APOLOGIES:** Councillor Eric Jackson, Provost Jimmy Boyd and Councillors Eric Ross and Robert Taylor.

**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. Declaration of Interest

Councillor Menzies declared a non-pecuniary interest in items 1.3, 1.4 and 1.5 and took no part in the discussion or determination of these applications.

#### 1.3 APPLICATION NO 00/0010/FL: ATH RESOURCES

There was submitted an executive summary and report dated 13 April 2000 (circulated) by the Head of Planning and Building Control on a full planning application for the proposed modification of existing consent 97/0596/FL to permit a limited nightshift operation at Skares Road Opencast Coal Site, Skares, near Cumnock.

The Technical Planning Officer reported that four letters of objection and one letter of support 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) that the application be approved 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) Permission is granted for a limited period of 3 years from the date of commencement of the limited nightshift operations, thereafter the operations on the Skares Road site shall revert to those approved under planning consent 97/0596/FL dated 15 May 1998. The applicant shall inform the Planning Authority, in writing, of the date of commencement of the limited nightshift operation, a minimum of one week prior to its commencement; (3) The proposed nightshift operation shall be confined to the area demarcated in Area F on the approved plan (Ref No 2a (a)) with no night time coal production activities taking place outwith this area. The plant to be used in the nightshift operation shall be restricted to the plant complement identified in the list identified within Table 1 of the Noise Assessment report contained within the

Environmental Statement which accompanied the planning application; (4) The operational hours of the proposed nightshift operation shall be confined between 1900 and 0700 hours Mondays to Thursdays and between 1900 and 0800 hours on Fridays. There shall be no nightshift operations outwith these specified hours. The nightshift operations shall be restricted to those identified in the Environmental Statement which accompanied the planning application; (5) Except in cases of emergency, the dispatch of coal from the site shall be confined between 0800 and 1800 hours Mondays to Fridays with no dispatch of coal on Saturdays, Sundays or on recognised East Ayrshire Public Holidays. Vehicles to be used for the purpose of coal dispatch shall not enter the Skares Road Opencast Coal Site earlier than 15 minutes prior to the commencement of dispatch hours; (6) The operational hours of the coal preparation plant shall be extended from 1900 to 2200 hours Mondays to Fridays only and the activities undertaken during this extended period shall be restricted to the operation of one barrel washer unit and one servicing loading shovel; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) as the nature of the nightshift operation is temporary only and to allow the Planning Authority to ensure appropriate monitoring systems are in place prior to works commencing; Conditions (3), (4), (5) and (6) in the interests of amenity; and (ii) that the issue of the decision notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal amendment to the existing Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 for the Skares Road Site, in respect of the matters referred to in Section 8.7 of the Head of Planning and Building Control's report.

It was also reported and noted that the report had been amended by the deletion in Paragraph 8.4 and in recommended condition (5) of the words "barrel washer unit", and the substitution there for of the words "small crusher unit".

The Committee then heard objectors Mrs G Roberts representing MEGA, Mr Paul Dick, representing 15 residents of the village of Skares and Mr J Paterson, who each spoke in support of their objections, and Mr Mike Todd, representing the applicants.

### **1.3.1 Adjournment**

During Mr Paterson's submission the Chair, having previously warned Mr Paterson against continuing to make threatening and defamatory comments in respect of Members and Officers of the Council, adjourned the meeting at 1024 hours for 5 minutes to allow Mr Paterson to consider his position.

### **1.3.2 Reconvention**

The meeting reconvened at 1029 hours with the same Members, Officers, objectors and applicants' representative in attendance.

Mrs G Roberts concluded the submission on behalf of Mr J Paterson. Members asked questions of the objectors and the applicants' representative and the applicants' representative and the objectors responded to the issues raised in accordance with the agreed Hearing procedure.

The Head of Planning and Building Control responded to an inquiry from Mrs G Roberts relative to a previous application by ATH Resources in respect of a proposed extension of working hours, which had been refused by the Committee, and had been the subject of an appeal to the Scottish Executive, the appeal having been dismissed. The Head of Planning and Building Control confirmed that the application

under consideration was in respect of a more limited operation, with strict controls through proposed conditions.

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 a formal amendment to the existing Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 for the Skares Road Site in respect of the matters referred to in Section 8.7 of the Head of Planning and Building Control's report.

Councillor Faulds intimated her dissent from this decision.

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

It was reported and noted that the above application had been withdrawn by the applicants.

#### **1.5 APPLICATION NO 99/0759/FL: SCOTTISH COAL AND LAW MINING**

There was submitted an executive summary and report dated 11 April 2000 (circulated) by the Head of Planning and Building Control on an application for full planning consent in respect of the reconstruction of a former railway including construction of a coal loading and railhead facility, associated access infrastructure and conveyor link to Gasswater Opencast Coal Site at the former Auchinleck to Cronberry railway line and Gasswater, Cronberry.

The Technical Planning Officer reported that 19 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: (i) that the application be approved 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 roundabout on the A70 road shall be designed to the Design Manual for Roads and Bridges, the details of which shall be submitted to and approved by the Planning Authority in consultation with the Roads Authority; (3) The proposed roundabout and railhead access road shall be constructed prior to the operation of the proposed rail loading facility; (4) Any work required to be undertaken to existing road infrastructure shall be agreed in advance with the Roads Authority, the details of which shall be submitted to, and approved by the Planning Authority; (5) The site access road shall be constructed to the standards required in the SRC Guidelines for Development Roads 1996, for industrial use. The proposed access road shall be bituminously surfaced from the proposed roundabout to the proposed rail terminal; (6) The access road and the A70 road adjacent to the development site shall be kept clear of mud or deposited materials at all times by means of mechanical brushing as appropriate or by other measures if considered appropriate by the Planning Authority; (7) Prior to any haulage vehicles leaving the site, all vehicles shall be suitably hopped to minimise traffic noise associated with empty vehicles; (8) Prior to any works commencing on site, the applicant shall submit details of the layout of the proposed rail loading and coal stocking areas, details of means of floodlighting the site, the proposed conveyor system and the location of any buildings within the area. No

work shall take place on the site until the formal approval of the Planning Authority has been obtained; (9) Prior to any excavation works taking place on site, statutory undertaker's apparatus shall be protected and diverted, as required, to the satisfaction of the respective statutory undertakers and at the expense of the developer; (10) All fuel, oil or other 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 tank. All fill and draw points shall be padlocked when not in use; (11) An appropriate noise and vibration 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 and monitoring programme shall be agreed and in place prior to the commencement of works on site; (12) The noise limit during daytime (0700 to 1900 hours) shall not exceed 55 dBL<sub>aeq, 1h</sub> at noise sensitive properties; (13) 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; (14) 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 0730 and 1300 hours on a Saturday. With the exception of essential maintenance and maintenance of plant and machinery, no work shall take place on Sundays or on recognised Public Holidays in East Ayrshire; (15) Prior to any works commencing on site, the applicant shall submit and have approved by the Planning Authority details of the proposed fencing to be erected along the route of the reinstated rail line; (16) All contaminated drainage run-off from the site roadways, coal handling and stocking areas shall receive adequate and appropriate treatment prior to being discharged to any watercourses, such treatment being to the satisfaction of the Planning Authority; (17) All water treatment areas shall be enclosed by a one-metre high stock-proof fence prior to the operation of the proposed railhead facility. This fencing shall thereafter be maintained intact at all times; (18) Prior to any remedial works being undertaken to the Bellow Viaduct and the Coal Road Bridge, the applicant shall undertake a photographic survey of their current state. The applicant shall also undertake a photographic record of the remedial works. Thereafter the applicant shall undertake the deposition of the photographic survey, with explanatory commentary, in the National Monuments Record of Scotland, the West of Scotland Sites and Monuments Record and the Planning Authority; (19) A vehicle wheel wash facility shall be provided within the proposed railhead site; (20) The mitigation measures to reduce or minimise any environmental impacts recommended within the Environmental Statement which accompanied the planning application, shall be implemented in full and the mitigation maintained throughout the operational life of the proposed facility; (21) Notwithstanding the provisions of the General Permitted Development (Scotland) Order 1992 and the Town and Country Planning (Use Classes) (Scotland) Order 1997 (or any other enactments replacing these), this permission relates to a rail terminal facility for the dispatch of coal only and the further express consent of the Planning Authority is required before the facility may

be used for any other purpose; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Conditions (2), (3), (4) and (6) in the interests of public road safety; Condition (5) in the interests of public safety and to prevent the overcarry of loose material onto the A70 public road; Condition (7) in the interests of amenity; Condition (8) in the interests of the amenity of the rural area; Conditions (9), (15) and (17) in the interests of public safety; Condition (10) to prevent any pollution of watercourses; Condition (11) to monitor noise land vibration levels and ensure that appropriate environmental standards are maintained throughout the site; Condition (12) in the interests of residential amenity; Condition (13) to monitor dust emissions and ensure that appropriate environmental standards are maintained throughout the site; Condition (14) in the interests of the amenity of the area; Condition (16) to prevent contamination of watercourses; Condition (18) in the interests of recording the condition of these structures; Condition (19) in the interests of public road safety; Condition (20) in the interests of environmental protection; Condition (21) to enable the Planning Authority to retain control over the development of the site in the interests of amenity; 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 referred to in Section 8.8 of the Head of Planning and Building Control's report.

The Committee then heard objectors Mrs G Roberts representing MEGA, Mrs Mary Gordon representing Auchinleck Community Council, Mr J Agnew representing Auchinleck Cycle Group and Mr & Mrs Derby, all of whom spoke in support of their objections, and Mr Stuart Rough, Mr Peter Barker and Mr Dacre Purchase, representing the applicants, who spoke in support of the application. Members asked questions of the objectors and the applicants' representatives and the applicants' representatives and the objectors responded to the issues raised, all in accordance with the agreed Hearing procedure.

It was agreed:-

- (i) to approve the application subject to the conditions and for the reasons detailed and to the following condition and reason:-
  - (21) Notwithstanding the plans hereby approved, the alternative main line connection route is not approved. The route of the reinstated rail line hereby approved shall be that as demarcated by the solid red line on the route plan submitted to the Planning Authority on 28 October 1999; Reason: to ensure that the development is carried out in accordance with the approved plan;
- (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 referred to in Section 8.8 of the Head of Planning and Building Control's report.

Councillor Faulds intimated her dissent to this decision.

## **1.6 APPLICATION NO 00/0110/FL: AFTONVALE CONSTRUCTION**

There was submitted an executive summary and report dated 11 April 2000 (circulated) by the Head of Planning and Building Control on an application for full

planning consent in respect of the proposed erection of 8 single-storey detached dwellinghouses at land at Netherthird, off Holmburn Road, 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 conditions:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) Notwithstanding the submitted plans, the roof tiles, render, facing brick/paviours are not hereby approved. Details/samples of the roof tiles, render, facing brick/paviours shall be submitted to and approved by the Planning Authority before any development commences on site; (3) Notwithstanding the plans hereby approved, and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any enactment replacing this, any garages associated with the development shall be of permanent construction and finished in the same materials as the dwellinghouse to which they relate; (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) An entrance feature shall be provided along the boundaries of Plots 1 and 8 adjacent to Holmburn Road. Details of its design and location shall be submitted to and approved by the Planning Authority prior to the commencement of development and implemented prior to the occupation of Plots 1 and 8; (6) The 2 metre wide public right of way adjacent to 178 Holmburn Road shall be provided prior to site clearance. Details of its surface shall be submitted to and approved by the Planning Authority prior to the commencement of development on site; (7) No construction work and preparation works shall take place on site before 0700 hours and after 1800 hours on Mondays to Fridays before 0800 hours and after 1200 hours on Saturdays and at any time on Sundays; (8) Holmburn Road shall be kept free of mud and other building materials during the construction phase of the development; (9) There shall be no mechanical excavation within 500 mm of Transco plant; (10) Prior to the occupation of any houses, a 2 metre wide footway to East Ayrshire Council Roads Division specification shall be constructed along the frontage of the site linking the existing footways on Holmburn Road; (11) Junction visibilities of 2.5 m by 90 metres shall be provided at the junction with Holmburn Road and no fencing, building or object greater than 1 metre in height shall be allowed within these areas; (12) Parking provision and access to the site shall be taken via internal roads which comply with East Ayrshire Council Roads Development Guide 1966; (13) Notwithstanding the approved plans, a pedestrian link shall be provided to the Murray Park adjacent to Plot 6 of the proposed development. Details of the link shall be submitted to and approved by the Planning Authority prior to the commencement of development and implemented prior to the occupation of any houses; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Conditions (2), (3), (4) and (5) in the interests of visual amenity; Condition (6) to allow access through the site; Conditions (7) and (8) in the interests of residential amenity; Condition (9) in the interests of public safety; Conditions (10), (11) and (12) in the interests of road safety; Condition (13) to allow access for the general public.

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

## **1.7 APPLICATION NO 00/0023/FL: MR J MCGHEE**

There was submitted an executive summary and report dated 11 April 2000 (circulated) by the Head of Planning and Building Control on an application for full planning consent in respect of the erection of a garage at 31 River View, Cumnock.

The Technical Planning Officer reported that 8 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 would have a detrimental effect on the character and residential amenity of the area in which the application site is located; (2) The approval of the proposed development would set an undesirable precedent for similar unsympathetic garage development to the detriment of the character and residential amenity of the locality.

The Committee then heard objectors Mr & Mrs Black, Mr & Mrs Brown and Mr J Campbell, who each spoke in support of their objections and Mr J McGhee, the applicant, and his legal representative Mr D Hutton, who spoke in support of the application. Members asked questions of the objectors and the applicant and his representative and the applicant and his representative and the objectors responded to the issues raised, all in accordance with the agreed Hearing procedure.

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

## **1.8 APPLICATION NO 00/0070/OL: MR J HODGE**

There was submitted an executive summary and report dated 11 April 2000 (circulated) by the Head of Planning and Building Control on an application for outline planning consent in respect of a proposed housing development on land opposite John Street, Catrine.

The Technical Planning Officer 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 the deletion of Condition (4) and gave the recommendation of the Head of Planning and Building Control:- Approval 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 commences on the site, the further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved; (a) The layout of the site; (b) The size, height, design and external appearance of the proposed dwellinghouses; (c) The means of drainage and sewage disposal; (d) Details of the access arrangements; (e) The provision for open space; (f) The provision for car parking; (g) The boundary walls/fences to be erected; (h) The landscaping of the site; (l) Finished site levels/floor levels; (4) Details to be submitted under Condition 3 (d) shall include visibility splay areas of 2.5 m by 20 m to be formed and maintained at each individual access with no obstruction greater than 1 metre in height allowed within these areas; (5) Details to be submitted under Condition 3 (d) shall include junction visibility splay areas of 2.5 m by 20 m at all internal road junctions with no object greater than 1 metre in height allowed within these areas; (6) The full width of the carriageway

adjacent to property nos 10-28 John Street, Catrine, shall be resurfaced to the satisfaction of the Planning Authority; (7) Details to be submitted under Condition 3 (i) shall specifically include landscaping treatment along the southern and western boundaries of the site; (8) Any existing public utility apparatus located in the verge shall be protected beneath the proposed access; (9) No mechanical excavation shall be carried out within 500 m of Transco Plant; (10) John Street shall at all times be kept free of mud and building material during the construction phase of the development; (11) Details to be submitted under Condition 3 (d) shall include a 2 metre footway along the frontage of the site; (12) The indicative layout submitted along with the application is for information purposes only and shall not be treated as forming part of the issued consent; Conditions (1) and (2) being imposed to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997; Conditions (3) and (12) as the approval is in outline only; Conditions (4), (5), (6), (8) and (11) In the interests of road safety; Condition (7) In the interests of visual amenity; Condition (9) In the interests of public safety; Condition (10) In the interests of residential amenity and public safety.

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

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

#### **1.9 APPLICATION NO 99/0884/OL: MRS M DEVERELL**

There was submitted an executive summary and report dated 11 April 2000 (circulated) by the Head of Planning and Building Control on an application for outline planning consent in respect of the erection of 3 bungalows at Skeldon Caravan Park, Hollybush.

The Technical Planning Officer reported that 6 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 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) The proposed development shall be carried out in accordance with the amended application form and amended plans received by the Planning Authority on 20 January 2000; (4) The further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved. The development of each individual plot shall not commence until all these reserved matters have been approved, with the exception of those matters entirely within the other plots on the site; (a) The overall site layout/the internal layout of the house plots; (b) The size, height, design and external appearance of the proposed dwellinghouses; (c) The means of drainage and sewage disposal; including the design, appearance, location and means of safeguarding any reed beds; (d) Details of the access arrangements; (e) The provision for open space; (f) The provision for car parking; (g) The boundary walls/fences to be erected; (h) The landscaping of the site; (i) Finished site levels/floor levels; (5) The indicative layout submitted along with the application is for information purposes only and shall not be treated as forming part of the issued consent; (6) Notwithstanding the provisions of Condition 4 above the means of

drainage and sewage disposal shall be submitted as a comprehensive scheme covering the complete application site, shall address the requirements of the 3 houses and shall be submitted to and agreed by the Planning Authority before the reserved matters for each individual plot have been submitted and agreed; (7) Details to be submitted under Condition 4 (d) shall include junction visibilities of 2.5 m x 90 m at the junction of the main road and no fencing, building or object over 1 metre shall be allowed within these areas. In addition, there shall be submitted details of how junction radius and vertical alignment are to be improved in accordance with the requirements of the Council's Roads Division; (8) The existing vehicle safety barrier shall be replaced and details of the new vehicle safety barrier shall be submitted to and approved by the Planning Authority; (9) Details to be submitted under Condition 4 shall include the safeguarding of a 10 feet access track along the northern edge of the River Doon; (10) Details to be submitted under Condition 4 (b) shall pay due regard to the high amenity location of the site and shall ensure that the houses are of a traditional design, with external walls of render or natural stone and the roof finished in slate or a good slate substitute. The windows shall be of timber construction and traditional sash and case appearance; (11) Details shall be submitted which address the measures necessary to preclude any flooding of adjacent existing or proposed new houses by reason of the displacement of surface water or the flooding of the site by the River Doon. These details shall be submitted to and approved by the Planning Authority prior to the commencement of any development on site and shall thereafter be implemented in accordance with a programme of works which shall be contained within the details submitted further to this condition; (12) This outline permission relates to the erection of 3 houses only; (13) No trees shall be felled, lopped, have roots cut, or be the subject of any other works without the written consent of the Planning Authority; Conditions (1) and (2) being imposed to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997; Condition (3) To ensure that development is carried out in accordance with the approved details; Conditions (4) and (5) as the approval is in outline only; Condition (6) To ensure that the drainage and sewerage requirements of the 3 houses are accommodated within a comprehensive scheme taking account of the characteristics of the site; Condition (7) In the interests of road safety and improving junction radius and vertical alignment; Condition (8) In the interests of road safety; Condition (9) To allow continued access to the River Doon; Condition (10) In the interests of amenity; Condition (11) In the interests of public safety and residential amenity; Condition (12) To allow the Planning Authority to retain control over the development as this is a high amenity site; Condition (13) In the interests of visual amenity.

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

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

The meeting terminated at 1230 hours.