

EAST AYRSHIRE COUNCIL**SOUTHERN LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 11 AUGUST 2000 AT 1000 HRS
IN OCHILTREE COMMUNITY CENTRE, MAIN STREET, OCHILTREE**

PRESENT: Councillors Tommy Farrell, Eric Jackson, George Smith, Julie Faulds, William Menzies, Provost James Boyd and Councillors Elaine Dinwoodie and Jimmy Carmichael.

ATTENDING: Bill Walkinshaw, Administration Manager; David Mitchell, Legal Manager; Pamela Clifford, Senior Planning Officer; Hugh Melvin, Technical Planning Officer; and Ian Gemmell, Administrative Officer.

APOLOGIES: Councillors Jimmy Kelly and Robert Taylor.

CHAIR: Councillor Tommy Farrell, Chair.

CONSIDERATION OF PLANNING APPLICATIONS**1.1 APPLICATION NO 00/0375/FL: NORTHKIRK LTD: BARONY ROAD, AUCHINLECK**

There was submitted an executive summary and report dated 24 July 2000 (circulated) by the Head of Planning and Building Control on an application for full planning consent in respect of a housing development to form 12 houses at Barony Road, Auchinleck.

The Senior Planning Officer reported:-

- (i) that two letters of objection had been received, details of which were contained in the report;
- (ii) the receipt and content of a consultative response from Outdoor Services, East Ayrshire Council; and
- (iii) the undernoted additional recommended condition:-

“No site clearance or building operations shall be commenced until a chestpale fence of a height not less than 1.2m has been erected around the trees retained on the site and those trees along the western boundary. The fencing shall enclose either the area described by the limit of the spread of the branches above the trees or a radius of 8m from the trunk of the trees, whichever is the greater. Such fencing shall be maintained during the course of the development and no storage, site structure, parking or any other operations shall be permitted within the area enclosed. Reason: To ensure the retention of the maximum number of trees on the site and their protection from damage, in the interests of visual amenity.

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: 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 application form and plans submitted on 15 May 2000 and the amended plans

submitted on 20 July and 24 July 2000; (3) Notwithstanding the plans hereby approved, the render, facing brick, roof tiles and window frames are not hereby approved. Details/samples of the render, facing brick, roof tiles and window frames 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 the site; (5) Prior to any construction on site, a 1.8m high closely boarded fence shall be erected along the boundary with No 2 Barony road and along the northern boundary of the site; (6) An entrance feature shall be constructed adjacent to Barony 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 any houses on site; (7) the four trees to be felled shall be replaced by six trees. Details of the replacement tree species and their location shall be agreed with the Planning Authority prior to the commencement of development on site. The replacement trees shall be planted not later than the next appropriate planting season after the twelve houses have been completed; (8) Prior to the occupation of any house, traffic calming measures shall be provided within the development site and on Barony Road in compliance with the East Ayrshire Council Roads Development Guide 1996 and shall be agreed by East Ayrshire Council Roads Division prior to their implementation; (9) Junction visibilities of 4.5m x 90m shall be provided and maintained at the junction with Barony Road and no fencing or buildings over 1m in height shall be allowed within these areas; (10) 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 set back at least six metres from the rear of the footway; (11) No trees shall be felled, lopped, have roots cut, or be the subject of any other works apart from the four trees identified for removal on the site plan as proposed, Drawing No A00/552/2B, without the written consent of the Planning Authority; (12) A two metre wide footway shall be provided along the frontage of the site adjacent to Barony Road prior to the occupation of any houses; (13) Any existing public utility apparatus located in the verge shall be protected beneath the proposed access; (14) No surface water shall be allowed to discharge onto the public road; (15) Any gates shall open inwards away from the public road; and (16) Each private driveway shall be paved for a minimum distance of two metres from the rear of the footway to avoid the overcarry of loose material onto the public road, prior to the occupation of each house; 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), (4), (6) and (7) in the interests of visual amenity; Condition (5) in the interests of residential amenity and public safety; Conditions (8), (9), (12), (13), (14), (15) and (16) in the interests of road safety; Condition (10) in the interests of visual amenity and road safety; and Condition (11) in the interests of residential and 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, the additional condition and for the reasons detailed.

1.2 APPLICATION NOS 00/0256/FL AND 00/0407/TP: NORTHKIRK LTD: BANKEND, HARPERBANK GROVE, CUMNOCK

There was submitted executive summary and report dated 20 July 2000 (circulated) by the Head of Planning and Building Control which presented jointly for determination an application for the erection of two semi-detached dwellinghouses and an application for the proposed felling of three oak trees and one pine tree at Bankend, Harperbank Grove, Cumnock.

The Senior 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 applications and gave the recommendations of the Head of Planning and Building Control: (i) Application No 00/0256/FL: 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) Prior to works commencing on site, the developer shall submit to the Planning Authority for approval, samples of the external wall finish materials of the proposed dwellinghouses which shall match the external wall finishes of the existing dwellinghouses within the Harperbank Grove residential development; (3) Prior to works commencing on site, the developer shall submit to the Planning Authority for approval a sample of the roof finish material of the proposed dwellinghouses which shall match the roof finishes of the existing dwellinghouses within the Harperbank Grove residential development; (4) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any order or enactment replacing this), any garage associated with the proposed dwellinghouses shall be set back a minimum distance of six metres from the rear of the footway and shall be of permanent construction and finished in the same materials as the dwellinghouse to which it relates; (5) The existing wall along the southern and eastern boundaries of the site shall be retained intact and maintained thereafter to the satisfaction of the Planning Authority except insofar as to allow access to the site in accordance with the approved plans. The exposed end of the eastern boundary wall, where breached for access purposes shall be made good to the satisfaction of the Planning Authority; (6) 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; (7) Prior to the occupation of the houses, a 1.8 metres high vertical board fence, to match existing boundary fencing in the Harperbank Grove residential development site, shall be erected along the western boundary of the application site. Details of the proposed fence shall be submitted to the Planning Authority for approval, prior to works commencing on site; (8) Any loading and unloading of vehicles which may be required in connection with the construction of the dwellinghouses shall take place within the curtilage of the site and at no times on the highway; (9) Before 0800 hrs and after 1900 hrs on Mondays to Fridays and before 0800 hrs and after 1700 hrs Saturdays and at all times on Sundays, no construction works shall be carried out; (10) An access crossing to East Ayrshire Council's Roads and Transportation Division's standards shall be formed to access the site; (11) Prior to the occupation of the dwellinghouses, two car parking spaces shall be provided within the curtilage of each dwellinghouse; (12) Prior to the occupation of the dwellinghouses, the private driveways shall be paved for a minimum distance of two metres from the rear of the footway to avoid overcarry of loose material onto the public road; (13) any gates shall open inwards, away from

the public road; and (14) No surface water shall be allowed to discharge onto the public road; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Conditions (2), (3), (4), (5) and (6) in the interests of visual amenity; Condition (7) in the interests of amenity; Condition (8) to safeguard the residential amenity of the area and in the interests of safety in relation to adjacent public highways and the private access road lying to the west of the application site; Condition (9) to prevent noise and disturbance extending into hours during which other sources of noise have subsided in the interests of residential amenity; Conditions (10), (11), (12), (13) and (14) in the interests of road safety; and (ii) Application No 00/0407/TP: Approval subject to the following conditions:- Condition (1) The four trees shall be felled within two months of the date of this consent; Condition (2) Within two months of the felling of the trees, all building materials shall be removed from the site, and an independent assessor shall take soil samples from the site and test the soil pH. The results of these samples shall be submitted to the Planning Authority, and a replanting scheme, including details of the species and location of the trees proposed, shall then be agreed with the Planning Authority; and Condition (3) Within six months of the date of this consent, four replacement trees (as agreed under Condition 2) shall be planted within the site; Condition (1) being imposed in the interests of public safety; and Conditions (2) and (3) in the interests of amenity.

No Hearing took place as the objector was not present nor represented.

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

1.3 APPLICATION NO 00/0339/FL: GLENAMMER ENGINEERING LTD: GLENAMMER COTTAGE, DALRYMPLE

There was submitted an executive summary and report dated 27 July 2000 (circulated) by the Head of Planning and Building Control on an application for the change of use of existing garage to light industrial unit and proposed extension at Glenammer Cottage, Dalrymple.

It was agreed to defer consideration of the application to enable a site visit to take place.

1.4 APPLICATION NO 00/0314/LB: MR VAN HEDDEGEM: 26 GARDEN STREET, DALRYMPLE

There was submitted an executive summary and report dated 24 July 2000 (circulated) by the Head of Planning and Building Control on an application for the installation of replacement white uPVC dormer windows at 26 Garden Street, Dalrymple.

The Senior 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 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 Dalrymple Conservation Area is contrary to the Council's policies for replacement of windows on a Listed Building or 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; and (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.

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

As it was considered that the proposal on its merits would not be unsympathetic or detrimental to the character of the building, it was agreed to approve the application.

1.5 APPLICATION NO 00/379/LB: MR AND MRS DOUGALL: 85 MAIN STREET, OCHILTREE

There was submitted an executive summary and report dated 24 July 2000 (circulated) by the Head of Planning and Building Control on an application for the proposed installation of replacement windows at 85 Main Street, Ochiltree.

The Senior 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 and gave the recommendation of the Head of Planning Building Control: Approval subject to the standard condition, viz:- The development to which this permission relates must be begun within five years from the date of this permission; This condition being imposed to comply with Section 16 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

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

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

Councillor Dinwoodie left the meeting at this point.

1.6 APPLICATION NO 00/0343/FL: MR SINGH: 80 MILL O'SHIELD ROAD, DRONGAN

There was submitted executive summary and report dated 24 July 2000 (circulated) by the Head of Planning and Building Control on an application for the change of use to form a hot food take-away and external alterations at 80 Mill O'Shield Road, Drongan.

The Senior Planning Officer 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: 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; and (2) The applicant shall provide suitable litter receptacles both within and outwith the proposed premises. The external receptacles shall be in place prior to the commencement of business and removed and emptied after each day's trading to the satisfaction of the Planning Authority; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and Condition (2) in the interests of amenity.

1.6.1 PROCEDURE

The Administration Manager advised of the procedure for Hearings at Local Planning Committees.

1.6.2 HEARING

The Committee then heard objectors Mr James McKean and Mrs Andrea Sharp in support of their objections and Members asked questions of the objectors all in accordance with the Hearing procedure.

It was noted that the applicant was not present or represented.

1.6.3 DETERMINATION OF APPLICATION

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

1.7 APPLICATIONS NO 00/0308/FL AND 00/0310/CA: MR F LAU: 9 THE KNOWE, MAUCLINE

There was submitted an executive summary and report dated 21 July 2000 (circulated) by the Head of Planning and Building Control on applications for the erection of a new dwellinghouse, detached garage and formation of a new access and hardstanding, and for the complete demolition of an existing dwellinghouse and partial demolition of a boundary wall at 9 The Knowe, Mauchline.

The Senior Planning Officer reported that three 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: (i) Application No 00/0310/CA: Approval subject to the notification of the application to Historic Scotland under the Town and Country Planning (Listed Building and Building in Conservation Areas) (Scotland) Regulations 1987, and 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 demolition hereby approved shall not be carried out until a contract is in place for the redevelopment of the site. Details of this contract shall be submitted to and approved by the Planning Authority; and (3) All demolition materials shall be permanently removed from the site and disposed of in a licensed waste disposal facility to the complete satisfaction of the Planning Authority; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Conditions (2) and (3) in the interests of amenity; (ii) Application No 00/0308/FL: 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 application form and plans submitted on 8 May 2000 as revised by the amended plans received by the Planning Authority on 26 June 2000; (3) Notwithstanding the approved plans, the tudor stone is not hereby approved. Details of the basecourse material shall be

submitted to and approved by the Planning authority prior to the commencement of development; (4) The existing walls along the boundaries of the site shall be retained intact and maintained thereafter to the satisfaction of the Planning Authority except insofar as to allow access to the site in accordance with the plans hereby approved; (5) Notwithstanding the approved plans, the wall on either side of the accesses hereby approved, shall be repaired to the satisfaction of the Planning Authority; and (6) Notwithstanding the submitted plans, the visibility splay areas of 2m x 20m shall be provided at the junction of the access to the development with the public road with no obstruction to visibility greater than 1m in height being allowed within these areas; 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; Condition (3) in the interests of visual amenity; Conditions (4) and (5) in the interests of amenity; and Condition (6) in the interests of road safety; and (iii) the decision notice to be withheld for the Conservation Area consent to be cleared by Historic Scotland.

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

It was agreed:-

- (i) to approve Conservation Area Consent application 00/0310/CA, subject to the notification of the application to Historic Scotland under the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1987 and subject to the conditions and for the reasons detailed; and
- (ii) to approve application 00/0308/FL subject to the conditions and for the reasons detailed, the decision notice to be withheld for the Conservation Area Consent to be cleared by Historic Scotland.

1.8 APPLICATION NO 00/316/LB: MRS McCURDIE: 80 MAIN STREET, OCHILTREE

There was submitted an executive summary and report dated 27 July 2000 (circulated) by the Head of Planning and Building Control on an application for the installation of a replacement white uPVC window at 80 Main Street, Ochiltree.

The Senior 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 and gave the recommendation of the Head of Planning and Building Control: Approval subject to the following condition:- (1) The development to which this permission relates must be begun within five years from the date of this permission; This condition being imposed to comply with Section 16 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

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

It was agreed to approve the application subject to the condition detailed.

1.9 APPLICATION NO 00/0255FL: MRS K MCFADZEAN: FIR PARK, SORN

There was submitted executive summary and report dated 26 July 2000 (circulated) by the Head of Planning and Building Control on an application for full planning consent in respect of the erection of four dwellinghouses with two garages and two car ports at land to the rear of Fir Park, Sorn.

There were also submitted details of recommended planning conditions with reasons (6) to (12) (circulated).

The Senior Planning Officer reported that three 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: 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) Prior to any works commencing on site, the developer shall submit to, and have approved by the Planning Authority, samples of the reconstituted stone and render to be used in the external wall finishes of the proposed dwellinghouses. The material to be used shall be compatible with the local architecture and sympathetic to the character of the Sorn Conservation Areas; (3) Prior to any works commencing on site, the developer shall submit to, and have approved by the Planning Authority, a sample of the material to be used in the roof finish of the proposed dwellinghouse and garages. The roofs shall be finished in natural slate or slate-size, flat grey tiles which shall be compatible with the local architecture and sympathetic to the character of Sorn Conservation Areas; (4) Prior to works commencing on site, the developer shall submit to, and have approved by the Planning Authority, details of the design and construction of all walls and fences to be erected on the site; (5) The windows of the proposed dwellinghouses shall be of timber construction, traditionally proportioned sash and case windows, or windows with an appearance similar to this arrangement; (6) The two trees within the site, as shown on the approved plans (Drawing No MDC/00/15-RevA), shall be retained and no operations shall be carried out on site until chestnut pale fencing of a height not less than 1.2m has been erected around the trees. The fencing shall enclose either:- (a) the area described by the limit of the spread of the branches of the tree; or (b) a radius of 5m from the trunk of the tree, whichever is the greater. Such fencing shall be maintained during the course of the development, and no storage, site structure, parking or any other operation shall be permitted within the area enclosed; (7) A 1.5m wide footway, constructed to East Ayrshire Council's Roads Division standards and to the satisfaction of the Planning Authority, shall be provided along the frontage of the development site. The footway shall be fully completed prior to the occupation of any of the proposed dwellinghouses which the footway will serve; (8) Visibility splay areas of 2m x 20m shall be provided at all access crossings, with no object greater than 1m in height being allowed within these areas; (9) No surface water shall be allowed to discharge onto the public road (Fir Park); (10) Prior to the occupation of each house, the private access driveways shall be paved for a minimum distance of two metres from the rear of the public footway; (11) Any access gates shall open inwards away from the public road; (12) Access to the plots shall be taken via a footway crossing to East Ayrshire Council's Roads Division standards, and to the satisfaction of the Planning Authority; and (13) The proposed mullions on the front elevations shall be of brick construction and rendered to match the surrounding wall of the dwellinghouse; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Conditions (2),

(3), (4), (5), (6) and (13) in the interests of visual amenity; Condition (7) in the interests of residential amenity and public road safety; Conditions (8), (9) and (12) in the interests of public road safety; and Condition (10) to prevent any overcarry of loose material onto the public road in the interests of public road safety.

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.

1.10 APPLICATION NO 00/0112/FL: MR J McGARVA: BURNSIDE, NEW CUMNOCK

There was submitted executive summary and report dated 27 July 2000 (circulated) by the Head of Planning and Building Control on an application for full planning consent in respect of the proposed erection of a dwellinghouse at Burnside, New Cumnock.

It was agreed to defer consideration of the above application to enable a site visit to take place.

1.11 APPLICATION NO 99/0826/FL: DRONGAN HOMING SOCIETY: MILLMANNOCH AVENUE, DRONGAN

There was submitted an executive summary report dated 25 July 2000 (circulated) by the Head of Planning and Building Control on an application for full planning consent in respect of club premises for Drongan Homing Society, Millmannoch Avenue, Drongan.

The Senior Planning Officer reported the receipt and content of a consultative response from East Ayrshire Council's Education Department, 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 application form and plans submitted on 6 October and 9 November 1999 as revised by the site layout plans and letters received by the Planning Authority on 7 January 2000 and 23 May 2000; (3) Notwithstanding the submitted plans, the roughcast and roof tiles are not hereby approved. Details/sample of the roughcast and roof tiles shall be submitted to and approved by the Planning Authority before any development commences on site; (4) The proposed car park area shall be implemented, prior to the use of the clubhouse; (5) The car parking spaces shall be clearly marked to the satisfaction of East Ayrshire Council Roads and Transportation Division; and (6) No pigeons shall be released from the clubhouse at any time; 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; Condition (3) in the interests of visual amenity; Conditions (4) and (5) to provide the necessary car parking facilities for the development; and Condition (6) in the interests of residential amenity.

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

1.12 APPLICATION NO 00/0039/OL: CUMNOCK AND DISTRICT LEISURE GROUP: AUCHINLECK ROAD, CUMNOCK

There was submitted executive summary report dated 25 July 2000 (circulated) by the Head of Planning and Building Control on an application for outline planning consent in respect of a proposed new swimming centre with sports centre and café facilities at the recreational ground, Auchinleck Road, Cumnock.

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) 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 buildings; (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; and (i) finished site levels/floor levels; and (4) Details to be submitted under Conditions 3(d) and 3(f) shall include the following road details: (a) a Traffic Impact assessment to address pedestrian, cyclist and public transport provision, traffic provision and parking provision; (b) the access road to include traffic calming measures; and (c) the proposed right-turn lane to include the provision of pedestrian refuge islands; 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; and Condition (4) 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.

1.13 APPLICATION NO 00/0450/FL: EGGER BARONY LTD: BARONY ROAD, AUCHINLECK

There was submitted an executive summary and report dated 26 July 2000 (circulated) by the Head of Planning and Building Control on an application for full planning consent in respect of a proposed extension of production facilities for the manufacture of chipboard at Barony Road, Auchinleck.

The Senior Planning Officer reported:

- (i) the receipt and content of consultative responses from Historic Scotland, the Scottish Environmental Protection Agency, Scottish Power, the Coal Authority, the Scottish Civic Trust, East Ayrshire Council Economic Development Division and East Ayrshire Council Environmental Health and Waste Management Division;
- (ii) the receipt and content of a letter dated and received on 10 August 2000 from the applicant responding to consultative responses; and

- (iii) additional recommended conditions and reasons Nos (1), (3), (4) and (5) as detailed below.

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) 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 application form and plans submitted on 4 July 2000, and the fax letter received by the Planning Authority, on 10 August 2000; (3) Prior to the installation of process plant, pollution abatement and Environmental control equipment, the developer shall submit to and have approved by the Planning Authority, sufficient details with respect to the specification and design of such equipment and, sufficient data to demonstrate that under normal operating conditions such emissions will not exceed those levels which the developer's Environmental Statement as submitted and approved under Planning Consent No 96/0586/FL has set as design maxima. In the event of plant maintenance, repair or other incident, the details shall be such that airborne emissions from the plant will not exceed the maxima specified in the Department of the Environment Process Guidance Note PG 674 (95); (4) Prior to the commencement of development on site, the applicants shall submit to and have had approved by the Planning Authority details of the waste and material management regime which they intend to put in place; (5) The company shall ensure that any necessary site vehicle/plant movements between the hours of 10pm and 5am are kept to a minimum and that, in any event, no noise nuisance is created. Where appropriate, site vehicles/plant shall utilise low frequency reversing alarms, the details of which shall be submitted for approval of the Planning Authority prior to work commencing on site; (6) There shall be no noise nuisance from the activities within the proposed extensions to the satisfaction of the Planning Authority; and (7) No pollutant emission from the factory shall exceed any limits specified in the Secretary of State's Guidance Note PG 6/4 (95) or any such limits as may in the future be set by the Secretary of State; 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; Condition (3) to ensure that emissions levels are acceptable; Conditions (4) and (7) in the interests of public safety; Condition (5) in the interests of the amenity of residential properties located in proximity to the proposed plant; and Condition (6) in the interests of residential amenity and (ii) that the decision notice be withheld until such time as the Section 75 Legal Agreement has been satisfactorily amended to incorporate the proposals identified within the report.

It was agreed to approve the application subject to the conditions and for the reasons detailed, the issue of the decision notice to be withheld until such time as the Section 75 Legal Agreement has been satisfactorily amended to incorporate the proposals identified within the report.

1.14 APPLICATION NO 00/0424/FL: MILLER MINING: OPENCAST COALSITE, NEWFIELD ROAD, BY CUMNOCK

1.14.1 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.

1.14.2 Consideration of Item

There was submitted an executive summary and report dated 25 July 2000 (circulated) by the Head of Planning and Building Control on an application for full planning consent in respect of a proposed variation of Condition 1 of Consent CD/95/254/MIN to transfer the personal consent from the Miller Group Ltd to ATH Resources Ltd at Milzeoch Opencast Coal Site at Newfield Road, by Cumnock.

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: 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; and (2) Condition (1) of planning consent CD/95/254/MIN dated 13 March 1997 shall be substituted with the following condition:- "The development hereby permitted shall enure for the benefit of Rockwood Colliery Company Limited and ATH Resources and shall be completed within 12 years of the commencement date of the operations, or b such other time as may be agreed with the Planning Authority; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and Condition (2) as the development is acceptable only because of the individual circumstances of the applicants, and because the operations are of a temporary nature.

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

The meeting terminated at 1051 hrs.