

EAST AYRSHIRE COUNCIL**NORTHERN AREA LOCAL PLANNING COMMITTEE****MINUTES OF SPECIAL MEETING HELD ON THURSDAY 4 SEPTEMBER 1997
AT 1535 HOURS IN THE FORMER GROUGAR PRIMARY SCHOOL, MOSCOW.**

PRESENT: Councillors David Fulton, Kathleen Hall, David Macrae and George Turnbull.

ATTENDING: Jim Worley, Principal Planning Officer; George Mair, Team Leader (Environmental Health); and Gillian Hamilton and Alex Hewetson, Administrative Officers.

CHAIR: Councillor David Fulton, Chair.

CONSIDERATION OF PLANNING APPLICATION**1.1 APPLICATION NO 97/0361/FL: J STEEL (Item 1.1, Page 2404)**

The Administrative Officer advised of the procedure for informal Hearings at Local Planning Committees.

There was submitted a report dated 19 August 1997 (circulated) by the Head of Planning and Building Control on a full planning application for proposed change of use for fishery, erection of catering bothy, quad bike activity, permanent consent for shooting school and alteration to opening hours (Deletion of Conditions 1 and 2 of approval 96/0603/FL) at Cowans Law, Blackshill Farm, Moscow.

The Principal Planning Officer reported:-

- (i) that three letters of objection with five signatories and seven letters in support of the application with ten signatories had been received, details of which were contained within the report;
- (ii) that Moscow and Waterside Community Council had no objections to full planning consent provided that existing noise level conditions remained in force;
- (iii) the late receipt and content of 14 further letters of objection and one petition of objection with sixteen signatories;
- (iv) additional information from the applicant; and
- (v) on consultation responses from SEPA and the Roads Division.

The Principal Planning Officer gave the recommendation of the Head of Planning and Building Control:- Approval subject to the following conditions, viz:- (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 received on 17 May 1997 and the amended plans received by the Planning Authority on 29 August 1997; (3) planning permission is hereby granted for the change of use of land to form a fishery, the erection of a catering bothy, use of land for quad bike activity and the deletion of Condition Nos 1 and 2 of approval 96/0603/FL, under which the clay target shooting centre is authorised. Conditions Nos 3-8 on approval 96/0603/FL remain binding on the operation of the clay target shooting centre; (4) the use hereby approved shall operate only during the following hours: Mondays 9.00 am to 9.00pm, Tuesdays and

Wednesdays 10.00am to 9.30pm (Summer Time) and 10.00am to 4.00pm (Winter Time)Thursdays, Fridays, Saturdays and Sundays 10.00 am to 8.00pm (Summer Time) and 10.00 am to 4.00 pm (Winter Time); (5) the operational practices associated with the use of the quad bikes shall ensure that the noise levels within the curtilage of any noise sensitivity residency do not exceed the background noise by more than 20dB (A) l; (6) notwithstanding the submitted plans details/plans of the proposed catering bothy shall be submitted to and approved by the Planning Authority before any development commences on the site; (7) the motor vehicle activity shall take place only within the area specified in Plan No (L--) 01B hereby approved; and Condition (8) details of the fishery, including the means of collecting and discharging water from and to the Polbaith Burn, shall be submitted to and approved by the Planning Authority prior to its construction. Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Conditions (2) and (3) to ensure that the development is undertaken in accordance with the approved details; Conditions (4) and (5) in the interest of residential amenity; Condition (6) in the interest of visual amenity; Condition (7) to prevent the uncontrolled expansion of this activity and resultant increases in noise and traffic, in the interest of residential amenity; and Condition (8) to ensure that the flow in the burn is not unduly affected.

The Committee then heard Mr Niall Campbell, in support of his objections, Mr T H Loudoun and Mr Dale, Agent for Mr T H Loudoun, in support of the objection on behalf of the sixteen petitioners, Mrs Margaret Morton, Mr John Seton (Senior) and Mr Caplin in support of their objections and Mr A Grant, Agent for the applicant, in support of the application, all in accordance with the agreed Hearing Procedure. Members asked questions of the objectors, objectors Agent and the applicant's Agent.

It was agreed to grant the application subject to the conditions and for the reasons detailed and to:-

- (i) Condition (8) being amended to read "details of the fishery, including the means of discharging water to the Polbaith Burn, shall be submitted to and approved by the Planning Authority prior to its construction"; and
- (ii) 4 additional Conditions viz:- Condition (9) details submitted under Condition (8) above shall indicate that the pool is impermeable; Condition (10) details submitted under Condition (8) above shall include the means of operation of the fishery, including any arrangements for the feeding of fish; Condition (11) the septic tank and soakaway arrangements from the bothy shall operate to BS6297: 1983; and Condition (12) the pond shall be supplied with water from the borehole currently serving Blackshill Farm only. Details of the means to ensure the continued flow from the spring overflow to the Polbaith Farm shall be submitted to and approved by the Planning Authority prior to the commencement of construction of the pool. Condition (9) to ensure the flow to the burn and the ground water in the area is not affected; Condition (10) to ensure the water discharging from the pond to the Polbaith Burn would not cause pollution; Condition (11) in the interests of public health; and Condition (12) to ensure the watercourses and the percolation of water in the area is not affected.

The meeting terminated at 1657 hours.

