

**EAST AYRSHIRE COUNCIL****SOUTHERN LOCAL PLANNING COMMITTEE****MINUTES OF SPECIAL MEETING HELD ON FRIDAY 12 JUNE 1998 AT 1430 HOURS IN DRONGAN COMMUNITY CENTRE, MILMANNOCH AVENUE, DRONGAN**

**PRESENT:** Councillors James Kelly, James Boyd, George Smith, Robert Taylor, Tommy Farrell and Eric Jackson.

**ATTENDING:** Hugh Melvin, Technical Planning Officer; and Ian Gemmell, Administrative Officer.

**APOLOGIES:** Councillors Eric Ross, David Sneller and John Smith.

**CHAIR:** In the absence of the Chair and Vice-Chair of the Committee, Councillor Tommy Farrell was appointed to take the Chair.

**CONSIDERATION OF PLANNING APPLICATIONS****1. APPLICATION NO. 97/0452/FL: MR A STEVENSON (Item 11, Page 3378)**

There was resubmitted a report dated 12 May 1998 (circulated) by the Head of Planning and Building Control, presenting for determination an application for full planning consent for the temporary use of agricultural land for the storage of sand, stone, gravel and for engineering works to the Water of Coyle, at Shieldmains Farm, Coalhall. It was noted that the Members present had examined the site prior to the meeting.

The Technical Planning Officer reported that two letters of objection had been received, details of which were given in the report, gave details of a further letter from the Salmon Fishery Board containing their revised objections to the application, 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, Condition (7) being additional to those contained in the report:- (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 13 June 1997 and the ecological report submitted on 30 January 1998; (3) The mitigation and other measures and monitoring measures as detailed in the Ecological Report submitted on 30 January 1998 shall be implemented within one month of the date of this planning consent to the satisfaction of the Planning Authority; (4) Notwithstanding the approved plans, a fish pass shall be constructed in the weir and details of its location and design shall be submitted to and approved by the Planning Authority and implemented within one month of the date of this planning consent; (5) Temporary storage of sand, stone and gravel is only authorised for a period of six months commencing from date of this permission; (6) No excavated material such as sand, stone and gravel shall be removed off site; (7) The bankings of the Water of Coyle surrounding the weir shall be reinforced 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; Condition (2) to enable the Planning Authority to retain control over the future development of the site; Condition (3) to reduce the impact of the proposed development on the Listed Wildlife Site; Condition (4) to allow the free

movement of fish; Condition (5) as the storage of sand, stone and gravel is of a temporary nature; Condition (6) to enable the Planning Authority to retain control over the use of the site; and Condition (7) in the interests of the amenity of the Water of Coyle.

It was noted that the applicant was present, but had indicated that he did not wish to speak.

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

## **2. APPLICATION NO. 98/0007/FL: MR A STEVENSON (Item 10, Page 3377)**

There was resubmitted a report dated 12 May 1998 (circulated) by the Head of Planning and Building Control on an application for full planning consent for the construction of an additional fish pond, formation of a new private roadway, siting of a portacabin for sheltering purposes and the installation of security flood lighting and installation of a pump system at Shieldmains Farm, Coalhall. It was noted that the Members present had examined the site prior to the meeting.

The Technical Planning Officer reported that five letters of objection had been received, details of which were given in the report, gave details of a further letter received from the Salmon Fishery Board containing their revised objections to the application, 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, Conditions (13) and (14) being additional to those contained in the report:- (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 12 January 1998 as revised by the amended plans and water pump details received by the Planning Authority on 19 February 1998 and 30 March 1998; (3) Notwithstanding the submitted details, the new pond shall be filled when river flow rates are above Q95, ie greater than 160 litres/second and the topping up of the ponds shall not exceed 3.8 litres/second to the satisfaction of the Planning Authority; (4) A suitable guarding shall be provided at the abstraction point in order to protect resident fish, details of its design shall be submitted to and approved by the Planning Authority and shall be implemented before the fish pond is filled; (5) Notwithstanding the approved plans a passing place for vehicles shall be provided along the new access road, prior to the commencement of development and details of its location shall be submitted to and approved by the Planning Authority; (6) Notwithstanding the approved plans, the existing access at the A70 shall be finished with bituminous material to prevent surface water from the site discharging onto the public road, prior to the commencement of development; (7) No excavated materials shall be removed from the site; (8) All car parking shall be provided within the site; (9) No commercial breeding of fish shall take place within the site; (10) The hours of operation of the proposed fishing pond facility shall be the same as those specified in the planning consent no CD/95/0016/DPP; (11) The portacabin shall be used for sheltering purposes only for anglers and the night watchman and it shall not be occupied as a dwellinghouse; (12) Prior to the commencement of development, a fish pass shall be constructed in the weir across the Water of Coyle, details of its location shall be submitted to and approved by the Planning Authority; (13) The bankings of the Water of Coyle surrounding the water pump system shall be

reinforced to the satisfaction of the Planning Authority; and (14) The applicant shall implement measures to prevent anglers from throwing fish caught in the fishing pond into the Water of Coyle:- 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 maintain the river flow levels and to avoid their being reduced to an unacceptable level, in the interests of public safety and amenity; Conditions (4) and (10) in the interests of the amenity; Conditions (5), (6) and (8) in the interests of road safety; Conditions (7) and (9) to enable the Planning Authority to retain control over the development of the site; Condition (11) as planning permission is granted for a portacabin; Condition (12) to allow the free movement of fish; and Conditions (13) and (14) in the interests of the amenity of the Water of Coyle.

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

### **3. APPLICATION NO. 98/0163/OL: MR JOHN KELSO (Item 4, Page 3371)**

There was resubmitted a report dated 11 May 1998 (circulated) by the Head of Planning and Building Control on an outline planning application for the erection of a single dwellinghouse at Birnieknowe, Auchinleck. It was noted that the Members present had examined the site prior to the meeting.

The Technical Planning Officer reported that three letters of objection had been received, details of which were given in the report, gave details of two further letters received from the applicant responding to the objections, and two further letters received from objectors raising additional matters, 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 dwellinghouse; (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; (i) finished site levels/ floor levels; (4) Notwithstanding Condition (3) above, prior to the submission of the reserved matters application, the applicant shall consult with the Planning Authority regarding the details of the proposed development; (5) The design of the dwelling to be erected on site shall pay due regard to its location in the rural area and shall be of traditional design, with rendered external walls and the roof finished in slate or slate size tiles with the fenestration of the dwelling incorporating windows which are of timber construction and traditional sash and case appearance. All door and window openings shall incorporate smooth cement bands; (6) Any garage associated with the proposed dwellinghouse shall be either integral with the proposed dwelling, or, if divided from it, shall be of permanent construction, incorporating a pitched roof, and finished in materials to match the finishes of the proposed dwellinghouse; (7) That prior to the

commencement of works on the site, the applicant shall satisfy himself as to the suitability of the site for construction purposes; (8) The drainage requirements of the site shall be to the complete satisfaction of the Planning Authority; (9) Access to the site shall be taken via an access crossing to East Ayrshire Roads Division Standards and to the satisfaction of the Planning Authority; (10) Visibility sightline splay areas of 2.5 metres by 90 metres shall be formed and maintained at the site access with no obstruction to visibility greater than 1 metre in height being allowed within these areas; (11) No surface water shall be allowed to discharge onto the public road; (12) The proposed access driveway shall be paved for a minimum distance of 5 metres from the edge of the public road; (13) Any access gates shall open inwards away from the public road; (14) The details of the proposed access arrangements to be submitted under Control 3(d) above shall include provision for a vehicle turning area within the plot; and (15) The septic tank serving the proposed dwellinghouse shall be sited in such a manner as to allow easy access for emptying by tanker. 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; Conditions (4), (5), and (6) in the interests of amenity; Condition (7) in the interest of public safety; Conditions (8) and (15) to ensure proper drainage of the site; Conditions (9), (10), (11) and (13) in the interests of public road safety; Condition (12) to avoid overcarry of loose material onto the public road in the interests of public road safety; and Condition (14) to allow vehicular access and egress from the site to be taken in forward gear in the interests of public road safety.

Councillor Farrell, seconded by Councillor Boyd, moved that the application be approved, subject to the conditions and for the reasons detailed.

Councillor Kelly, seconded by Councillor Taylor, moved as an amendment that as it was considered that the proposed dwellinghouse would be unduly visually prominent and would break the skyline when viewed from a public road, the application, in accordance with Policy RES14 of the finalised Cumnock and Doon Valley District Wide Local Plan, be refused.

On a division by a show of hands the motion was carried by three votes to two.

The meeting terminated at 1450 hours.