

**EAST AYRSHIRE COUNCIL****DEVELOPMENT SERVICES COMMITTEE****MINUTES OF MEETING HELD ON TUESDAY 13 FEBRUARY 2001 AT 1002 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors Eric Ross, Stephanie Young, Daniel Coffey, Douglas Reid, Lilian MacLean, Drew McIntyre, Harry Wilson, Iain Linton, John Knapp, Finlay MacLean, Eric Jackson, George Smith, Jimmy Kelly, Tommy Farrell, Julie Faulds, Provost Jimmy Boyd and Councillors Robert Taylor and Jimmy Carmichael.

**ATTENDING:** David Montgomery, Chief Executive; Stephen Chorley, Director of Development Services; Alan Neish, Head of Planning and Building Control; Jim Kane, Head of Roads and Transportation; Bill Walkinshaw, Administration Manager; John Spooner, Business Development Manager; Chris Johnson, Financial Services Manager; Karen McLeod, Solicitor; Len Paget, Principal Engineer; Graham Kerr, Public Relations Officer; and Alex Hewetson, Administrative Officer.

**APOLOGIES:** Councillors Jim Raymond and Robert McDill.

**CHAIR:** Councillor Eric Ross, Chair.

**PLANNING APPLICATIONS****1.1 APPLICATION NO 00/0525/FL: MR GEORGE JOHNSTON: SCHAW FARM, TRABBOCH, BY MAUCLINE (Item 2.8, Page 1467, 99/02)**

It was noted that a site visit had been held prior to the meeting.

There was submitted a report dated 5 February 2001 (circulated) by the Depute Chief Executive/Director of Corporate Resources on the decision of the Southern Local Planning Committee held on 5 January 2001, which referred consideration of this planning application to this Committee, with a recommendation that the application be approved, subject to the conditions and for the reasons stated in the Appendix to the report; and an executive summary sheet and a report dated 22 December 2000 (both circulated) by the Head of Planning and Building Control on this full planning application for proposed rehabilitation of derelict farm buildings to form dwellinghouse and garage at Schaw Farm, Trabboch, by Mauchline.

The Head of Planning and Building Control reported that no letters of objection had been received; summarised the planning considerations in respect of the application; and recommended: 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 19 June 2000, as revised by the amended plans received by the Planning Authority on 25 September 2000; (3) This approval relates to the change of use and rehabilitation of a redundant agricultural building to form a single dwellinghouse and not to the erection of a new dwellinghouse in the countryside; (4) The rehabilitation shall be constructed in accordance with and shall be undertaken in such a manner as to retain exactly those walls identified in Drawing Nos 040001/05, 040001/07 and 04001/08; (5) The developer shall contact the Head of Planning and Building Control immediately upon

the completion of all downtakings and prior to the commencement of any new building works; this to enable an inspection of the site. Further works shall recommence only once this inspection has taken place; (6) Notwithstanding the approved 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 site; (7) Notwithstanding the submitted plans the visibility splay areas of 2.5 metres by 150 metres to the right hand side of the access and 2.5 metres by 215 metres to the left hand side of the access shall be maintained with no obstruction to visibility greater than one metre in height being allowed within these areas; (8) Prior to the occupation of the dwellinghouse, the proposed access shall be surfaced for a distance of 6 metres from the edge of the public road to avoid overcarry of loose material onto the public road; (9) Notwithstanding the submitted plans, parking spaces for three cars shall be provided and maintained within the site prior to the occupation of the dwellinghouse; (10) Prior to the occupation of the dwellinghouse, a vehicle turning area shall be formed within the site, to allow vehicles to enter and leave the plot in forward gear prior to the occupation of the dwellinghouse; (11) Any gates shall be set back a minimum distance of 10 metres from the public road, and shall open inwards, away from the public road; (12) No surface water shall be allowed to discharge onto the public road; and (13) Any septic tank provided to serve the development shall be sited in such a position as will enable it to be emptied by the tanker; 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) and (5) to ensure that the development relates to the rehabilitation, rather than the construction of a dwellinghouse; Condition (6) in the interests of visual amenity; Conditions (7), (8), (9), (10), (11) and (12) in the interest of road safety; and Condition (13) to prevent pollution of watercourses.

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

## **1.2 APPLICATION NO 99/0017/FL: MRS E TURNER: HOLLYBUSH MAINS FARM, HOLLYBUSH (Item 5.5, Page , 99/02)**

It was noted that a site visit had been held prior to the meeting.

There was submitted a report dated 6 February 2001 (circulated) by the Depute Chief Executive/Director of Corporate Resources on the decision of the Southern Local Planning Committee held on 2 February 2001, which referred consideration of this planning application to this Committee, with a recommendation that the application be approved, as there was a locational need and taking account of the personal circumstances of the applicant; and an executive summary sheet and a report dated 22 January 2001 (both circulated) by the Head of Planning and Building Control on this full planning application for proposed erection of dwellinghouse, Hollybush Mains Farm, Hollybush.

The Head of Planning and Building Control reported that no letters of objection had been received; summarised the planning considerations in respect of the application; and recommended: Refusal for the following reasons, viz:- (1) The proposed development would constitute the erection of a new dwellinghouse in the countryside where it cannot be demonstrated that the house is required on a permanent basis:- (a) for an agricultural or forestry worker (the applicant has been unable to provide an

existing justification for an additional farm worker); (b) for a worker employed by a rural enterprise or a tourism related industry; (c) as an essential and integral part of an authorised proposal; and (d) as an enabling development for the conversion of a large rural residential or institutional property. The proposal would therefore not be in accordance with Policies SD3 and RES13 of the East Ayrshire Local Plan Finalised Version; (2) The proposed development would not consolidate the existing farm steading and would therefore not be in accordance with Policy RES15 of the East Ayrshire Local Plan, Finalised Version; (3) The proposed development would set an undesirable precedent for new housing within the Rural Protection Area where there is no specific locational need; and (4) The proposed development is contrary to the Dalmellington/Patna/Dalrymple Adopted Local Plan in that the applicant has not proven a specific locational need for the proposed dwellinghouse.

Councillor Jimmy Kelly, seconded by Councillor Stephanie Young, moved that on the grounds that there was a locational need and on account of the personal circumstances of the applicant, to grant the application.

Councillor Drew McIntyre, seconded by Councillor George Smith, moved as an amendment, to refuse the application for the reasons detailed.

On a division by a show of hands, the amendment was carried by 9 votes to 7.

### **1.3 APPLICATION NO 00/0265/FL: MR AND MRS McMILLAN: KNOWEHEAD FARM, MAUHLINE**

It was noted that a site visit had been held prior to the meeting.

There was submitted a report dated 6 February 2001 (circulated) by the Depute Chief Executive/Director of Corporate Resources on the decision of the Southern Local Planning Committee held on 2 February 2001, which referred consideration of this planning application to this Committee, with a recommendation that the application be approved, as there was a locational need and taking account of the personal circumstances of the applicant; and an executive summary sheet and a report dated 19 January 2001 (both circulated) by the Head of Planning and Building Control on this full planning application for proposed erection of dwellinghouse adjacent to Knowehead Farm, Mauchline.

The Head of Planning and Building Control reported that no letters of objection had been received; summarised the planning considerations in respect of the application; and recommended: Refusal, for the following reasons, viz:- (1) The proposed development would constitute the erection of a new dwellinghouse in the countryside where it cannot be demonstrated that the house is required on a permanent basis:- (a) for an agricultural or forestry worker (the applicant has been unable to provide an existing justification for an additional farm worker); (b) for a worker employed by a rural enterprise or a tourism related industry; (c) as an essential and integral part of an authorised proposal; and (d) as an enabling development for the conversion of a large rural residential or institutional property. The proposal would therefore not be in accordance with Policies SD3 and RES13 of the East Ayrshire Local Plan Finalised Version; (2) The proposed development would not consolidate the existing farm steading, would constitute an isolated development in the countryside and would therefore not be in accordance with Policy RES15 of the East Ayrshire Local Plan, Finalised Version; (3) The site selected is conspicuous in the landscape and the erection of a dwellinghouse would be detrimental to the visual amenity and character of the countryside, contrary to the provisions of Policy RES16(viii) of the East

Ayrshire Local Plan, Finalised Version; and (4) The proposed development would set an undesirable precedent for new housing within the Rural Protection Area where there is no specific locational need.

Councillor Eric Jackson, seconded by Councillor Harry Wilson, moved that given the locational need and on account of the personal circumstances of the applicant, to grant the application.

Councillor George Smith, seconded by Councillor Drew McIntyre, moved as an amendment, to refuse the application for the reasons detailed.

On a division by a show of hands, the motion was carried by 10 votes to 6.

It was also agreed that the determination of appropriate conditions to be imposed on the planning permission be remitted to the Head of Planning and Building Control.

Councillor Douglas Reid joined the meeting during consideration of the above item.

#### **1.4 APPLICATION NO 00/0734/OL: MR K BURNS: MEADOW COTTAGE, DUMFRIES ROAD, CUMNOCK**

It was noted that a site visit had taken place prior to the meeting.

There was submitted a report dated 6 February 2001 (circulated) by the Depute Chief Executive/Director of Corporate Resources on the decision of the Southern Local Planning Committee held on 2 February 2001, which referred consideration of this planning application to this Committee, with a recommendation that the application be approved, as the proposed development would be part of an established group of houses, the site had defined and thus defensible boundaries and as the arrangement of the existing buildings did not constitute backland development in the normal interpretation of policy; and an executive summary sheet and a report dated 22 January 2001 (both circulated) by the Head of Planning and Building Control on this outline planning application for proposed construction of one bungalow, Meadow Cottage, Dumfries Road, Cumnock.

The Head of Planning and Building Control reported that no letters of objection had been received; summarised the planning considerations in respect of the application; and recommended: Refusal, for the following reasons, viz:- (1) The proposed development would constitute the erection of a new dwellinghouse in the countryside which:- (a) does not have a specific locational need; (b) is not an addition to a defined group of houses; and (c) does not form part of a group of houses with a dual residential and workplace function. The proposal would therefore not be in accordance with Policies SD4 and RES14 of the East Ayrshire Local Plan Finalised Version; and (2) The proposed development would result in "backland" development which would adversely affect the amenity of the area and the setting of existing buildings and would therefore be contrary to Policy RES16 of the East Ayrshire Local Plan, Finalised Version.

Councillor Julie Faulds, seconded by Provost Jimmy Boyd, moved that as the proposed development would be part of an established group of houses, the site had defined and thus defensible boundaries and as the arrangement of the existing buildings did not constitute backland development in the normal interpretation of policy, to grant the application.

Councillor Drew McIntyre, seconded by Councillor John Knapp, moved as an amendment, to refuse the application for the reasons detailed.

On a division by a show of hands, the motion was carried by 10 votes to 6.

It was also agreed that the determination of appropriate conditions to be imposed on the planning permission be remitted to the Head of Planning and Building Control.

### **MONITORING REPORTS**

#### **2.1 APPEAL DECISIONS 1 APRIL - 20 DECEMBER 2000**

There was submitted and noted a report dated 2 February 2001 (circulated) by the Director of Development Services on an analysis of Appeal Decisions received from the Scottish Executive.

#### **2.2 BUDGETARY CONTROL SUMMARY STATEMENT DEVELOPMENT SERVICES TO 15 DECEMBER 2000 (PERIOD 9)**

There was submitted and noted a joint report dated 22 January 2001 (circulated) by the Director of Finance and Director of Development Services on the current budgetary control position and the projected out-turn for the year for the Development Services Department for the period ended 15 December 2000 (Period 9).

### **CONSULTATION PAPER ON PROPOSED CHANGES TO PERMITTED DEVELOPMENT ARRANGEMENTS FOR TELECOMMUNICATIONS DEVELOPMENTS AND DRAFT NATIONAL PLANNING POLICY GUIDELINE (Item 3, Page 600, 99/02)**

3. There was submitted a report dated 2 February 2001 (circulated) by the Director of Development Services which set out the planning implications of the recent draft guidance on Planning and Radio Telecommunications issued by the Scottish Executive; and which made recommendations regarding the Council's formal response to this guidance.

It was agreed:-

- (i) to authorise the Head of Planning and Building Control to respond to the Scottish Executive Development Department in the terms described in Paragraphs 4 and 5 of the report;
- (ii) that notwithstanding the terms of the report the Council's concerns on the local proliferation of telecommunications apparatus be expressed to the Scottish Executive Development Department and to CoSLA; and
- (iii) otherwise, to note the contents of the report.

### **REPORT ON THE FORMER KILMARNOCK INFIRMARY SITE AT HILL STREET/GARDEN STREET, KILMARNOCK**

4. There was submitted a report dated 2 February 2001 (circulated) by the Director of Development Services on the current situation with regard to the vacant site at Hill Street, Garden Street, Kilmarnock (formerly the site of Kilmarnock Infirmary); and which recommended a course of action to secure development of the site.

It was agreed:-

- (i) to authorise the Head of Planning and Building Control to pursue the various actions to secure the development of the site, as described in Paragraph 6 of the report; and
- (ii) that a progress report which would also include details of enforcement action open to the Council and an estimate of costs for potential Compulsory Purchase Order procedures, be submitted to this Committee in six months time.

Councillors Drew McIntyre and Jimmy Carmichael left the meeting at this point.

**NATURAL HERITAGE ZONES PROGRAMME - ZONE 19: WESTERN SOUTHERN UPLANDS AND INNER SOLWAY (Item 7, Page 1185, 99/02)**

5. There was submitted a report dated 29 January 2001 (circulated) by the Director of Development Services on the content of Scottish Natural Heritage's Draft Local Prospectus for the Natural Heritage of the Western Southern Uplands and Inner Solway, identified as Zone 19 of the Natural Heritage Zones Programme; and which recommended a response on that prospectus to be made to Scottish Natural Heritage.

It was agreed:-

- (i) to respond to Scottish Natural Heritage on the Natural Heritage Zones Programme - Zone 19: Western Southern Uplands and Inner Solway, as described within Paragraph 4 of the report; and
- (ii) to continue to liaise with Scottish Natural Heritage on future initiatives which might emerge through the Natural Heritage Zone Programme.

**KILMARNOCK TOWN CENTRE OFF-STREET PARKING - AMENDMENT ORDER NO 2**

6. There was submitted a report dated 30 January 2001 (circulated) by the Director of Development Services which sought approval for "the East Ayrshire Council ((Use of Off-Street Parking Places and Amendment) (Kilmarnock) Order 1999) (Amendment) (No 2) Order\_\_\_\_\_ " to permit the addition of a monthly season ticket to the present annual and quarterly season tickets for the marked taxi waiting bays in the Foregate (South) Car park.

It was agreed to approve "the East Ayrshire Council ((Use of Off-Street Parking Places and Amendment) (Kilmarnock) Order 1999) (Amendment) (No 2) Order\_\_\_\_\_".

Councillor Jimmy Carmichael re-joined the meeting during consideration of the above item.

**GUIDELINES FOR THE OPERATION OF ECONOMIC FORUMS - SCOTTISH EXECUTIVE CONSULTATION REPORT**

7. There was submitted a report dated 29 January 2001 (circulated) by the Director of Development Services on observations submitted to the Scottish Executive on their consultation report on Guidelines for the Operation of Economic Forums.

It was agreed to endorse the observations on the Scottish Executive's draft guidelines for the Operation of Economic Forums, as described in the Appendix to the report.

**EAST AYRSHIRE ACTION TEAM FOR JOBS (Item 13, Page 1146, 99/02)**

8. There was submitted a report dated 31 January 2001 (circulated) by the Director of Development Services on progress of the East Ayrshire Action Team for Jobs Project from its establishment in June 2000, to date, and the positive impact which it was having in East Ayrshire.

It was agreed:-

- (i) to note that in regard to the numbers placed into work, it was now "circa 200";
- (ii) to write to Helen Liddell, MP, Secretary of State for Scotland to
  - (a) request an analysis of the expenditure to date in relation to the £1.5 million which the Government committed to the East Ayrshire pilot project; and
  - (b) acknowledge the significant positive impact of the project upon East Ayrshire since its establishment in June 2000 and express the Council's desire that the project expand and develop into other areas of East Ayrshire;
- (iii) that the Minister's response on the analysis of the expenditure to date would be reported to this Committee in due course; and
- (iv) otherwise, to note the contents of the report.

Councillor Drew McIntyre re-joined the meeting during consideration of the above item.

**PROGRAMME OF FLOOD PREVENTION MEASURES 2000/2001  
(Item 12, Page 1040, 99/02)**

9. There was submitted a report dated 3 February 2001 (circulated) by the Director of Development Services on the status of flood prevention measures undertaken during the current financial year.

It was agreed:-

- (i) to continue to give priority to implementing schemes for the areas set out in Paragraph 3 of the report; and
- (ii) to authorise the Director of Development Services to submit a further indicative bid for Scottish Executive funding for the Riccarton, Crookedholm and Galston/Cessnock Schemes.

**FACILITIES FOR THE DISABLED**

10. There was submitted a report dated 26 January 2001 (circulated) by the Director of Development Services on facilities provided by the Roads and Transportation Division to meet the needs of the disabled.

It was agreed that a modest provision be made within the Department of Development Services capital programme for improved facilities for the disabled at key access points.

**DAMAGE TO BRIDGE NO C104/20, WINDYHILL ROAD RAILWAY BRIDGE,  
NEWMILNS (Item 10, Page 965, 99/02)**

11. There was submitted a report dated 24 January 2001 (circulated) by the Director of Development Services on the current status of the measures taken to progress the repair of the damage to Windyhill Road Railway Bridge and the re-opening of Windyhill Road.

It was agreed to authorise the Director of Development Services to instruct the works to proceed for the complete replacement of the damaged deck of Bridge No C104/20, Windyhill Road Railway Bridge, Newmilns, as described in Paragraph 3.4 of the report.

**CONDITION OF STREET LIGHTING COLUMNS**

12. There was submitted a report dated 29 January 2001 (circulated) by the Director of Development Services on the current condition of street lighting columns.

It was agreed:-

- (i) to note that the funding requirements described in Paragraph 5.1 of the report would be considered by the Director of Development Services in bringing forward proposals for the capital programme; and
- (ii) that priorities should continue to be given to essential replacement work to maintain the current level of service.

**EXCLUSION OF PRESS AND PUBLIC**

13. The Committee resolved that under Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the Press and public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 6 of Schedule 7A of the Act.

**BUDGETARY CONTROL SUMMARY STATEMENT VEHICLE MAINTENANCE  
DSO - TRADING SERVICES TO 15 DECEMBER 2000 (PERIOD 9)**

14. There was submitted and noted a joint report dated 22 January 2001 (circulated) by the Director of Finance and the Director of Development Services on the current budgetary control position and the projected out-turn for the year for the Vehicle Maintenance DSO - Trading Services for the period ended 15 December 2000 (Period 9).

**BUDGETARY CONTROL SUMMARY STATEMENT ROADS DLO -TRADING  
SERVICES TO 15 DECEMBER 2000 (PERIOD 9)**

15. There was submitted and noted a joint report dated 22 January 2001 (circulated) by the Director of Finance and the Director of Development Services on the current budgetary control position and the projected out-turn for the year for the Roads DLO - Trading Services for the period ended 15 December 2000 (Period 9).

**GRANT FUNDING ASSISTANCE - CUMNOCK COMPANY  
(Item 12, Page 1335, 99/02)**

- 16.** There was submitted a report dated 6 February 2001 (circulated) by the Director of Development Services which sought approval of a grant to a Cumnock company to support the costs of recruitment of additional staff.

It was agreed:-

- (i) to approve the grant payment, as described in Paragraph 4 of the report;
- (ii) to authorise the Solicitor to the Council to draft and conclude an appropriate contractual agreement with the company.

The meeting terminated at 1134 hours.

**TO RETURN TO PREVIOUS PAGE  
PLEASE PRESS THE BACK BUTTON  
AT THE TOP LEFT OF THE PAGE**