

**EAST AYRSHIRE COUNCIL****DEVELOPMENT SERVICES COMMITTEE****MINUTES OF MEETING HELD ON TUESDAY 24 APRIL 2001 AT 1003 HOURS IN  
THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK**

**PRESENT:** Councillors Eric Ross, Stephanie Young, Daniel Coffey, Lilian MacLean, Drew McIntyre, Harry Wilson, Iain Linton, John Knapp, Jim Raymond, Finlay MacLean, Robert McDill, Eric Jackson, George Smith, 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; Alex McPhee, Director of Finance; Robert Paton, Head of Economic Development; Alan Neish, Head of Planning and Building Control; Jim Kane, Head of Roads and Transportation; Bill Walkinshaw, Administration Manager; Dave Mitchell, Legal Manager; Brian Milligan, Revenues Manager; Karen McLeod, Solicitor; and Alex Hewetson, Administrative Officer.

**APOLOGIES:** Councillors Douglas Reid and Jimmy Kelly.

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

Councillor Eric Jackson left the meeting at this point.

**PLANNING APPLICATION****1.1 APPLICATION NO 01/0028/FL AND APPLICATION NO 01/0029/LB: MR G HAMILTON: MOUNT HOUSE, DUNDONALD ROAD, KILMARNOCK**

There was submitted an executive summary sheet and report dated 6 April 2001 (both circulated) by the Director of Development Services on a full planning application, no 01/0028/FL for proposed change of use, alternations and extensions to form 14 dwellings at Mount House, Dundonald Road, Kilmarnock, and listed building application, no 01/0029/LB for proposed alteration to and extension of existing building including part demolition at Mount House, Dundonald Road, Kilmarnock.

The Head of Planning and Building Control reported that one letter of objection had been received, details of which were contained within the report; summarised the planning and listed building considerations in respect of the applications and recommended (i) in respect of application no 01/0028/FL: Approval, subject to Notification to the Scottish Minister under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 and 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 and plans received on 17 January 2001 and the amended plans received by the Planning Authority on 27 February 2001; (3) 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; (4) No demolition, site clearance or building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected

around the trees shown on the approved plans as being retained on the site. The fencing shall enclose a radius required by BS 5837 from the trunk of the tree. Such fencing shall be maintained during the course of development, and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed; (5) The felling/works to the identified trees, shown dotted on plan B530-PO1 dated 27 February 2001, shall commence after not less than 14 days notice has been given to the Planning Authority and arrangements made for the supervision of works by a representative of the Planning Authority; (6) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any order or enactment replacing this no extensions or garages or satellite equipment unless forming part of the approved layout plan shall be erected on the site unless a further specific planning application is submitted to and approved by the Planning Authority; (7) Notwithstanding the plans hereby approved the external surface of the walls shall be wet dash rendered in a colour to be agreed in writing with the Planning Authority prior to the commencement of development; (8) Notwithstanding the submitted plans, the external finishes are not hereby approved. Details/samples of the re-constituted stone, rainwater goods, external doors, colour of timber fascia and design of windows shall be submitted to and approved by the Planning Authority before any development commences on the site; (9) Notwithstanding the plans hereby approved the roof of the new development and new extension shall be covered in natural slates; (10) No electricity transforming or switching equipment shall be erected on any part of the site without the prior express permission of the Planning Authority; (11) A scheme showing the provision to be made for the disposal of refuse shall be submitted to and approved by the Planning Authority before any development commences on the site and shall thereafter be implemented as agreed prior to the occupation of any residential units; (12) Notwithstanding the approved plans, the 4 visitor car parking spaces to the south of Mount House and 2 single spaces to the west of Mount House are not hereby approved. Details of the location of alternative car parking spaces shall be submitted to and approved by the Planning Authority before any development commences on the site. The car parking shall be carried out in accordance with this scheme and implemented before occupation of the dwellings; (13) Prior to the commencement of the development on site a detailed landscaping and tree management scheme and a landscape maintenance programme, including tree survey and tree re-planting details to replace the trees felled, shall be submitted to and approved by the Planning Authority. The approved landscaping and tree management scheme shall be implemented no later than the first available planting season after the commencement of the building operations; (14) The existing walking routes through the site shall be maintained in a reasonable condition and shall be accessible at all times to the public unless construction safety requirements dictate otherwise. A plan detailing the walking routes and their future maintenance shall be submitted to and approved by the Planning Authority prior to the commencement of the development. When identified walking routes are unavailable due to construction safety requirements, alternative walking routes shall be provided. Details of alternative walking routes shall be submitted to the Planning Authority for their approval prior to their implementation; (15) Details of proposed car parking; it's construction, finish and maintenance; shall be submitted to and approved by the Planning Authority prior to commencement of the development and the car parking spaces shall be implemented prior to the occupation of the dwellings hereby approved; (16) Prior to the commencement of development on site details of the following road alterations

shall be submitted for approval by the Planning Authority and implemented and maintained thereafter as agreed by the Planning Authority:- (a) formation of a turning area and associated signage at the railway bridge on the access road from Dundonald Road; and (b) a traffic inhibitor and associated signage to be provided on the service vehicle route to the B7064; (17) Details of the private open space for each dwellinghouse/flat shall be submitted for approval prior to the commencement of development on site. The agreed scheme shall be implemented on site prior to the occupation of the dwellings/flats; and (18) Prior to the commencement of works on site, details of all existing and proposed windows, which shall include specifications for the thickness of horizontal glazing bars, the method of opening and hinge-points, shall be submitted for the approval of the Head of Planning and Building Control in consultation with Historic Scotland. In this regard, the method of opening of all windows shall comprise traditional timber sliding sash and case and the scheme of proposed windows shall include the provision of a sample for the prior written agreement of the Head of Planning and Building Control. Windows shall thereafter be installed as approved further to this condition; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to ensure that development is carried out in accordance with the approved details; Conditions (3) and (13) in the interests of visual amenity; Condition (4) to ensure the retention of the maximum number of trees on the site and their protection from damage in the interests of visual amenity; Condition (5) to ensure the proper supervision of the works in the interests of visual amenity; Conditions (6), (7), (8) and (9) in the interests of the visual amenity of this Grade 'B' Listed Building; Conditions (10) and (11) to safeguard the residential amenity of the area; Condition (12) in the interests of residential amenity and road safety; Condition (14) in the interests of amenity; Condition (15) in the interests of amenity and public safety; Condition (16) in the interests of road safety; Condition (17) in the interests of residential amenity; and Condition (18) to ensure that the design, finish and method of opening of all proposed windows are appropriate to the age and character of the Listed Building and are in keeping with the proportions of the existing windows scheduled for replacement; (ii) in respect of application no 01/0029/LB: Approval, subject to Notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997 and 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 and plans received on 17 January 2001 and the amended plans received by the Planning Authority on 27 February 2001; (3) The developer shall give the Head of Planning and Building Control 7 days' written notice prior to the implementation of the Listed Building Consent; (4) Notwithstanding the plans hereby approved the external surface of the walls to the extension shall be wet dash rendered in a colour to be agreed in writing with the Planning Authority prior to the commencement of development; (5) Notwithstanding the submitted plans, the external finishes are not hereby approved. Details/samples of the re-constituted stone, rainwater goods, external doors, colour of timber fascia and design of windows shall be submitted to and approved by the Planning Authority before any development commences on the site; (6) Notwithstanding the plans hereby approved the roof of the new development and new extension shall be covered in natural slates; (7) Prior to the commencement of works on site, details of all existing and proposed windows which shall include specifications for the thickness of horizontal glazing bars, the method of opening and hinge-points, shall be submitted for the

approval of the Head of Planning and Building Control in consultation with Historic Scotland. In this regard, the method of opening of all windows shall comprise traditional timber sliding sash and case and the scheme of proposed windows shall include the provision of a sample for the prior written agreement of the Head of Planning and Building Control. Windows shall thereafter be installed as approved further to this condition; (8) Prior to commencement of any works on site, the developer shall submit full details confirming the method of protection to be used to protect the retained original features and detail of the building. Thereafter for the full period of construction works the agreed methods of protection shall be retained on site at all times to the satisfaction of the Head of Planning and Building Control; (9) All existing fireplaces shall be retained in situ within the Listed Building and shall only be re-located with the prior written approval of the Planning Authority; (10) Details of kitchen cabinet installations and extract fans on the ground floor of the Listed Building shall be submitted to, and approved by the Planning Authority prior to installation; (11) Details of all new walling to be erected within the Listed Building shall be submitted to and approved by the Planning Authority prior to commencement of the development; and (12) Details of upgrading works to the internal roof and walls of the former Nursery Room in the tower of the building shall be submitted to and approved by the Planning Authority prior to the commencement of development on site; Condition (1) being imposed to comply with Section 16 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997; Condition (2) to ensure that development is carried out in accordance with the approved details; Condition (3) to ensure that the development relates to the approved plans; Conditions (4), (5) and (6) in the interests of the visual amenity of this Grade `B' Listed Building; Condition (7) to ensure that the design, finish and method of opening of all proposed windows are appropriate to the age and character of the Listed Building and are in keeping with the proportions of the existing windows scheduled for replacement; Condition (8) in order to ensure that the original features of the Listed Building are fully protected for the period of construction and are not damaged during construction work; Condition (9) to preserve the character of this Category `B' Listed Building; and Conditions (10), (11) and (12) to preserve the character of the Listed Building; and (iii) that the planning consent shall not be issued until the Listed Building application has been cleared by Historic Scotland.

#### **1.1.1 Determination of Application No 01/0028/FL**

It was agreed:-

- (i) to grant the application subject to notification to the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 and to the conditions and for the reasons detailed; and
- (ii) that the planning consent not be issued until the Listed Building application had been cleared by Historic Scotland.

#### **1.1.2 Determination of Application No 01/0029/LB**

It was agreed to grant the application subject to notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997 and to the conditions and for the reasons detailed.

## **MONITORING REPORTS**

### **2.1 UNEMPLOYMENT IN EAST AYRSHIRE - FEBRUARY 2001**

There was submitted and noted a report dated 20 April 2001 (circulated) by the Director of Development Services on recent changes to the calculation of unemployment rates and which provided an update on unemployment levels as at March 2001 for East Ayrshire and Scotland and February 2001 for East Ayrshire Wards and Local Committee areas.

### **2.2 BUSINESS GRANTS AND LOANS SCHEMES STATUS REPORT**

There was submitted and noted a report dated 9 April 2001 (circulated) by the Director of Development Services on companies which had received financial support under the Council's business grants and loans schemes in the period 1 November 2000 to 31 March 2001.

### **2.3 STATISTICAL ANALYSIS OF DEVELOPMENT PROMOTION AND BUILDING CONTROL**

There was submitted and noted a report dated 17 April 2001 (circulated) by the Director of Development Services on a statistical analysis of the Development Promotion and Building Control functions.

## **DESIGN GUIDANCE**

3. There was submitted a report dated 5 April 2001 (circulated) by the Director of Development Services which sought approval for the Design Guidance Document, produced to ensure that all development within East Ayrshire be based on good design principles.

It was agreed:-

- (i) to approve the text of the Design Guidance Document, previously placed in the Members' Lounge and circulated to Group Leaders appropriately, for the purpose of the production of illustrated booklets;
- (ii) to authorise the Director of Development Services to make minor technical alterations to the Design Guidance Document; and
- (iii) that the new design guidance supersede the existing design guidance of the former Kilmarnock and Loudoun and Cumnock and Doon Valley District Councils presently used in the assessment and determination of all planning applications.

### **GLASGOW AND CLYDE VALLEY STRUCTURE PLAN 2000 - DRAFT MODIFICATIONS (Item 4, Page 1184, 99/02)**

4. There was submitted a report dated 27 March 2001 (circulated) by the Director of Development Services on the draft modifications which the Scottish Ministers proposed should be made to the Glasgow and Clyde Valley Structure Plan 2000 insofar as they impact upon East Ayrshire; which sought approval of the comments made; and which sought homologation of these comments, which were passed to the Scottish Executive Development Department, as the formal observations of the Council on the modifications.

It was agreed:-

- (i) to homologate the response previously forwarded to the Scottish Executive Development Department, on the Glasgow and Clyde Valley Structure Plan 2000;
- (ii) to object to Modifications Nos 20, 23 and 57 of the Glasgow and Clyde Valley Structure Plan 2000: Draft Modifications, in the terms described in Paragraph 3 of the report; and
- (iii) otherwise, to note the contents of the report.

#### **A REVIEW OF STRATEGIC PLANNING IN SCOTLAND**

5. There was submitted a report dated 26 March 2001 (circulated) by the Director of Development Services on suggested comments and observations relating to a major review on the future of strategic planning in Scotland, advocated by Sam Galbraith MSP, former Minister for Environment, Sport and Culture.

It was agreed:-

- (i) to approve the contents of the report; and
- (ii) to forward a copy of the report to the Scottish Executive to represent the views of the Council on the proposed review on the future of strategic planning in Scotland.

#### **A DRAFT SCOTTISH OUTDOOR ACCESS CODE**

6. There was submitted a report dated 17 April 2001 (circulated) by the Director of Development Services on the main provisions of the Draft Scottish Outdoor Access Code, in relation to its planning implications, and comments thereon.

It was agreed:-

- (i) to note the contents of the report; and
- (ii) that the Head of Planning and Building Control make a formal response to the Scottish Executive Rural Affairs Department regarding the Draft Scottish Outdoor Access Code, in the terms described in Paragraphs 5 and 6 of the report; and
- (iii) that guidance be sought from the Scottish Executive Rural Affairs Department to assist the Council to deal with the right of way issues identified in Paragraphs 5 and 6 of the report.

#### **EAST AYRSHIRE OPENCAST COAL SUBJECT PLAN - OUTSTANDING OBJECTIONS TO SUBJECT PLAN AND OBJECTIONS RECEIVED IN RESPECT OF AGREED MODIFICATIONS (Item 2, Page 962, 99/02)**

7. There was submitted a report dated 5 April 2001 (circulated) by the Director of Development Services on objections received in respect of the Finalised Version of the East Ayrshire Opencast Coal Subject Plan, which remained outstanding and unresolved; formal objections and representations received in respect of the modifications made to the Finalised Version of the Subject Plan; the Department of Development Services assessment of each objection received on the modifications; and which sought authorisation to forward a copy of the remaining outstanding and unresolved objections to the Subject Plan, and a copy of the objections received in

respect of the modifications made to the Subject Plan, to the Scottish Executive Inquiry Reporters Unit for consideration in a future public local enquiry into the Subject Plan, which might require to be arranged at a future date.

It was agreed:-

- (i) to approve the suggested Council response to the objections received to the modifications to the Subject Plan, as detailed in Annex 3 to the report, which had been placed in the Members' Lounge and circulated to Groups appropriately for all Members attention;
- (ii) to forward copies of all unresolved objections to the Subject Plan (summarised in Annexes 1 and 2 to the report) together with copies of the objections received to the modifications and the Council's response to the objections (as detailed in Annex 3 to the report) to the Scottish Executive Inquiry Reporters Unit for information and action; and
- (iii) otherwise, to note the contents of the report.

#### **LAND AT 58 AFTON BRIDGEND, NEW CUMNOCK**

8. There was submitted a report dated 5 April 2001 (circulated) by the Director of Development Services which sought approval for land at 58 Afton Bridgend, New Cumnock, to be declared surplus to requirements for the purpose of advertising on the open market.

It was agreed:-

- (i) to declare the land at 58 Afton Bridgend, New Cumnock, surplus to requirements; and
- (ii) to authorise the Director of Development Services to advertise the land for sale on the open market.

#### **CAR PARKS AND BUS STATION MANAGEMENT (Item 6, Page 1455, 99/02)**

9. There was submitted a report dated 19 April 2001 (circulated) by the Director of Development Services which sought agreement for an enhancement of management and supervision arrangements for the Council's surface car parks, bus stations and bus shelters.

It was agreed to enhance management proposals for the Council's surface car parks, bus stations and bus shelters, as described in Paragraphs 3 and 4 of the report.

#### **AWARDING OF CONTRACTS**

10. There was submitted and noted a report dated 3 April 2001 (circulated) by the Depute Chief Executive/Director of Corporate Resources which provided details of the lowest satisfactory tenders which had been accepted in terms of the undernoted Department of Development Services' contracts:-

<u>CONTACT</u>	<u>SUCCESSFUL CONTRACTOR</u>	<u>AMOUNT</u>
Galston, Dalrymple, Dalmellington, Patna and Simons Burn, Kilmarnock - Flood Studies	Halcrow Crouch, Glasgow	£25,000
A76 Dumfries to Kilmarnock Trunk Road and A76/U736 Logan Hill Road Junction Improvements	Lymburn Contractors Ltd., Dalrymple	£69,219.80
Footway Resurfacing - Dunlop/Fenwick/Kilmaurs/Stewarton and Lugton	Wallace Dick & Sons, Darvel	£19,468.52
Safer Routes to School, Shortlees - Road Safety Measures and Pedestrian Facilities - Phase 1	Lymburn Contractors, Dalrymple	£30,353.50
Treeswoodhead Road, Road Safety Measure - Phase 1	Lymburn Contractors, Dalrymple	£41,689.10
Urban Herbicide (Roads and Hard Landscape) 2001	W I & A Gilbert, Dalry	£36,435.59
*Demolition and Rehabilitation Works at Auchinleck Old Primary School, School Road/Main Street, Auchinleck	Central Demolition Ltd., Bonnybridge	£61,419.75

\* The scope of the works in respect of this contract had been reduced.

#### **RATES RELIEF FOR SMALL BUSINESSES - RESPONSE TO CONSULTATION**

11. There was submitted a joint report dated 20 April 2001 (circulated) by the Director of Finance and the Director of Development Services which proposed a response to the Scottish Executive Consultation Paper on Rates Relief for Small Businesses.

It was agreed:-

- (i) that a response be made to the Scottish Executive on the Consultation Paper on Rates Relief for Small Businesses consistent with the terms described in Paragraph 3 of the report; and
- (ii) otherwise, to note the contents of the report.

### **SUBSIDISED BUS FARES INCREASE**

12. There was submitted a report dated 20 April 2001 (circulated) by the Director of Development Services which sought approval to increase subsidised bus fares in that part of the Council's boundary outwith the Strathclyde Passenger Transport Authority (SPTA) designated area, by 5%, effective from Sunday 27 May 2001.

It was agreed to approve an increase in subsidised bus fares of 5% in that part of the Council area outwith the SPTA Area, effective from Sunday 27 May 2001.

### **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 Paragraphs 8 and 9 of Schedule 7A of the Act.

### **TRANSPORT SERVICES - PROCUREMENT ARRANGEMENTS AND TRANSPORT SERVICES UNIT BUSINESS PLAN (PARAS 8 AND 9)**

14. There was submitted a report dated 6 April 2001 (circulated) by the Director of Development Services on current procurement arrangements for transport services; and which sought approval for the Transport Services Unit Business Plan for 2001/2002.

It was agreed:-

- (i) to approve the Transport Services Unit Business Operation Plan 2001/2002, attached as an Appendix to the report; and
- (ii) that new vehicles should be purchased in white.

### **PROCUREMENT OF ENGINEER WORK AND ROADS CONTRACTS BUSINESS PLAN (PARAS 8 AND 9)**

15. There was submitted a report dated 20 April 2001 (circulated) by the Director of Development Services on the projected requirement for the procurement of engineering works under the control of the Department of Development Services; and which recommended approval of the Business Plan for the Roads Contracts Unit as best value suppliers for a range of work required to be contracted by the Department.

It was agreed to approve the Roads DLO Business Operating Plan 2001/2002, attached as an appendix to the report.

The meeting terminated at 1049 hours.