

**EAST AYRSHIRE COUNCIL****PLANNING SUB-COMMITTEE OF THE  
DEVELOPMENT SERVICES COMMITTEE****MINUTES OF MEETING HELD ON THURSDAY 25 JANUARY 1996 AT 1000 HRS  
IN THE MEETING ROOM, LONDON ROAD CENTRE, KILMARNOCK**

**PRESENT:** Councillors George Turnbull (Chair), John Knapp, Robert McDill and David Sneller

**ATTENDING:** David Montgomery, Chief Executive; Stephen Chorley, Director of Development Services; Alan Neish, Head of Planning and Building Control; Kathleen McVey, Head of Legal Services; Support Unit (George Fraser and Valerie Murdoch)

**APOLOGIES:** Councillors Douglas Reid, Wilma Doyle, Eric Ross and Tom Farrell

**PROPOSED SCHEME OF DELEGATION OF  
PLANNING APPLICATIONS AND BUILDING WARRANTS (Page 421, Item 2)**

1. There was submitted a report (circulated) dated 12 January 1996 by the Head of Planning and Building Control expanding on option 4 for the delegation of planning applications and building warrants which was considered at the previous Planning Sub-Committee meeting of 21 November 1995 in order to enable the necessary procedures to be put in place before vesting day.

Councillor Knapp joined the meeting during the presentation being given by the Head of Planning and Building Control.

It was agreed:

- (a) to approve the scheme of delegation under the Town and Country Planning (Scotland) Acts and Building (Scotland) Acts as detailed in Appendix 1 of the Head of Planning and Building Control's report annexed hereto;
- (b) to approve the scheme of responsibilities for the processing of planning applications for Local Committees and the Development Service Committee (subject to an amendment that in the event of a Local Committee proposing to approve applications in clear breach of Council policy and approved against the recommendation of Head of Planning and Building Control such applications should be referred to the Development Services Committee) as detailed in Appendix 2 and defined in paragraphs 3.1 - 3.5 of the annexed report;

- (c) to approve the Hearing Procedure which would be reviewed after a period of six months as detailed in Appendix 3 of the annexed report;
- (d) to approve the monitoring and review of the scheme by the Planning Sub-Committee as detailed in paragraph 5.1 of the annexed report;
- (e) to recommend that the Development Services Committee:
  - (i) consider whether the Development Services Committee should have "full powers" in relation to the determination of planning applications;
  - (ii) revise the terms of reference of the Planning Sub-Committee;
  - (iii) draw up guidelines for Area Committees on procedures in dealing with an application;
  - (iv) agree that appropriate quorums for meetings at which planning applications are to be determined be set by Local Committees and that advice in relation to this be sought from Legal Services and the Scottish Office before Local Committees determine quorums; and
  - (v) set up a Sub-Committee for Hearings on planning applications;
- (f) hold a briefing seminar for Elected members on the scheme of delegation covering, in addition, responsibilities of members in relation to the determination of planning applications and the circumstances where costs may arise to the Council.

### **DRAFT CIRCULAR ON SECTION 50 AGREEMENT**

2. There was submitted a report dated 5 December 1995 (circulated) by the Head of Planning and Building Control which advised that the Council had initially been consulted on a Draft Circular on the use of Section 50 Agreements and that the current Draft Circular was an update which took account of recent legal decisions.

Having heard the Head of Planning and Building Control in answer to members questions it was agreed that the Head of Planning and Building Control submit written comments to the Secretary of State for Scotland in support of the draft Circular, in the terms of the report detailed above.

**THE TOWN AND COUNTRY PLANNING (NOTIFICATION OF APPLICATIONS)  
(SCOTLAND) DIRECTION 1995**

3. There was submitted a report dated 11 January 1996 (circulated) by the Head of Planning and Building Control which detailed the implications of the Town and Country Planning (Notification of Applications)(Scotland) Direction 1995 for East Ayrshire under which local authorities will be required to notify the Secretary of State of applicants in which they have an interest.

It was agreed that the Director of Development Services should seek clarification from the Scottish Office on the definition of the term "a substantial body of objectors" and to otherwise note the Direction.

The meeting ended at 1040 hours.

**ANNEXATION****EAST AYRSHIRE COUNCIL****PLANNING SUB-COMMITTEE****SCHEME OF DELEGATION OF PLANNING APPLICATIONS AND BUILDING  
WARRANTS****1. Purpose**

The purpose of this report is to expand on Option 4 for the delegation of planning applications and building warrants as considered by the previous Committee to enable the necessary procedures to be put in place before vesting day.

**2. General Outline of the Scheme**

The previous roles for the respective Committees and Officers under Option 4, are:

**TABLE 1****Head of Planning**

Delegated power to determine minor and routine applications as defined in Appendix 1.

**Area Committees**

- Applications on Appendix 1 which are:
  1. Subject to an objection
  2. Recommended for refusal
  3. Agreed by Chairman of Development Services to be determined by Area Committee
- Larger developments which accord with the development plan and are of area significance (eg 5 to 30 houses)
- Listed Building Consents involving Demolitions
- Conservation Area Consents
- Making of TPO's
- Applications to top, lop, fell trees
- Consultations by neighbouring planning authorities (unless strategic)

### Development Services Committee

All Other applications, eg

- Applications which do not accord with development plan
- Applications involving a change of policy
- Major developments which have a strategic significance
- Applications generating considerable local dispute
- Applications requiring notification to Secretary of State
- Applications for Notices of Intention to Develop

### Planning Sub Committee

No routine development control function but ad hoc meetings would be useful to monitor decisions of Area Committees and in reviewing and preparing Local Plans and Action Plans.

2.2 The principal requirement under Standing Orders is to define the applications that can be determine under delegated powers by the Director of Development Services. These are listed in Appendix 1 for consideration by the members which in addition includes all functions of the Building Scotland Acts.

2.3 Under Option 4 all other applications would be determined either by an Area Committee or Development Services Committee. As outlined in the previous report in the interests of efficiency it is preferred that the majority of applications are considered by one or either and not both. Equally, it is considered that Development Services should have "full powers" without applications requiring ratification by the full Council. Finally, if changes are made to the role of the Planning Sub-Committee, then the Council may require to alter its terms of reference.

## **3. Definitions**

3.1 In broad terms, Area Committees would deal with applications which are of "area significance" and Development Services would deal with major developments which have a strategic significance. Both would deal with applications subject to valid objections although the latter would deal with applications which have generated "considerable local dispute". In practice most applications of a strategic or area significance are likely to be subject to objections in any case.

3.2 At the point of submission of an application the Head of Planning or Development Manager should define those applications delegated to officers and those applications which, upon initial consideration, should be considered by the Area Committee or Development Services. At this point, there are unlikely to be no objections submitted and thus the determination is thus whether an application is of Area of Strategic Significance. It is difficult to be precise about such a "cut off point" but for general guidance the following is offered.

Area Committees: Housing up to 30 units.

Development Service Committee:

- Housing Developments exceeding 30 units
- Applications for Mineral Extraction
- Industrial/Commercial Applications generating or retaining employment
- New retail units
- Applications involving more than one Area Committee.

3.3 Flexibility in this definition can be achieved in the following ways:

- Upon receipt of the weekly list, any member can request that an application ought to be considered by either an Area or Development Services Committee. This matter would be decided by the Chairman of Development Services.
- An Area Committee could decide to refer an application to Development Services if the matter is considered to be beyond Area Significance.

3.4 The same flexibility will be required in deciding applications that are generating considerable local dispute. This of course will not be known until after the weekly list is sent to each elected member. In practice, applications generating considerable local dispute are likely to fit in with one of the other categories of applications considered by Development Services Committee. Rather than specify a "cut off" at a certain number of objections, it is considered that in addition to the flexibility built into paragraph 3.3, the Chairman of Development Services could have power to decide that due to the weight of objections, an application ought to be considered by Development Services Committee.

3.5 The remaining categories of applications considered by the Development Services are easily defined, ie

- Developments that are contrary to the Development Plan, ie decisions by an Area Committee, or recommendations by the Head of Planning to approve applications which are contrary to a Local or Structure Plan.
- Significant developments that require to be referred to the Secretary of State, under Article 5 of the Town and Country Planning (General Development Procedures) (Scotland) Order 1992.

3.6 A flow chart of the scheme is identified in Appendix 2.

#### **4. Procedure in Relation to Hearings**

4.1 Hearings at which both applicant and objectors are present are conducted by both existing District Councils and the Regional Council. Councils are advised that the requirement for such Hearings only exists where a Council wishes to approve an application which would be contrary to the Development Plan. Hearings are nevertheless an important vehicle for ensuring public involvement in the planning process, and thus have a useful role in relation to East Ayrshire's Vision. The down side is that frequent use could lead to delays in decision making and thus an adverse effect on performance.

4.2 In striking a balance between public involvement and efficiency it is suggested that the types of application that may best be addressed by a Hearing are those that are primarily identified as being determined by Development Services Committee under Table 1. This is especially relevant if an application has been subject to significant local dispute. A procedure note for consideration is appended in Appendix 3 and the operation at this level could be addressed by a Sub-Committee of Development Services. Involvement of objectors and applicant at Area Committees could be addressed by a similar procedure and this could be further considered by the Development Services Committee.

#### **5. Monitoring of Scheme of Operation - Minimum Quorum**

5.1 In accordance with the discussions at the previous Committee and since the scheme is a significant departure from current practice it is considered that its operation should be monitored and a formal review carried out within the first 6 months. This function could be carried out by the Planning Sub Committee.

5.2 To ensure that members on an Area Committee are not placed in an invidious position it is recommended that insofar as the duties of an Area Committee relate to the determination of a planning application a minimum quorum of 3 members should be required. If this is not possible then the application would be referred to the Development Services Committee. This will also lessen the chances of a successful challenge against a decision.

**APPENDIX 1**

**PLANNING**

**FUNCTIONS UNDER THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS WHICH ARE DELEGATED TO THE DIRECTOR OF DEVELOPMENT SERVICES**

**Section 10** : Consultations by neighbouring Planning Authorities regarding local plans.

**Section 21** : Consultations by neighbouring Planning Authorities regarding planning applications.

**Section 26** : The undernoted applications for planning permission except where there are objections from the public or Community Councils which in the opinion of the Head of Planning are valid, viz:-

Applications for minor extensions and alterations (eg porches, dormer windows, bathroom/kitchen extensions, garages etc);

Small scale developments or minor works or changes of use (eg Residential developments under 5 units) which accord with existing land use policies;

Applications for approval of reserved matters unless previously agreed that such reserved matters should be determined by a Committee;

Single caravans;

Single dwellings in the countryside.

**Section 53** : Applications for listed building consent (except demolition) or conservation area consent.

**Section 56** : Service of a Building Preservation Notice in respect of a building not listed, which in the opinion of the Director of Development Services is worthy of listing and is in imminent danger of demolition.

**Sections 61 & 62** Applications for consent to display advertisements.

**Sections 63, 83, 84, 87, 87a, 92, 101, 101a, 270:** Enforcement powers including Enforcement Notices, Planning Contravention Notices, Breach of Conditions Notices, Power to obliterate/remove posters/placards. Stop Notices where the Director of Development Services is satisfied that a breach of planning control has occurred. All reports submitted to the Procurator Fiscal in connection with the above.

**Section 90** : Certificates of Lawful Development.

**Section 97** : Urgent notices for the preservation of unoccupied Listed Buildings, where the cost of the works is within the Planning Department's revenue budget.

Prior Notification of Agricultural and Forestry buildings.

Consultations by the Forestry Commission/Authority in respect of new planting under the Woodland Grant Scheme and Felling Licences.

### **BUILDING CONTROL**

#### **FUNCTIONS UNDER THE BUILDING (SCOTLAND) ACT 1959 AND 1972 WHICH ARE DELEGATED TO THE HEAD OF DEVELOPMENT SERVICES**

**Section 4:** Applications for relaxation of the Building Regulations.

**Section 6:** Applications for Building Warrant or Amendment to Warrant.

**Section 9** Applications for Completion Certificates.

**Section 10:** Notices requiring work to be stopped.

**Section 13:** Notices requiring demolition or making safe of dangerous buildings.

In practice, the Director of Development Services will authorise the Head of Planning and Building Control, the Development Manager, or Building Control Manager, to discharge all of the above delegated powers.

**APPENDIX 2****FLOW CHART ON PROCESSING OF APPLICATIONS**

| <b>PLANNING APPLICATION SUBMITTED</b>   | <b>DELEGATED APPLICATIONS</b>  | <b>AREA COMMITTEES</b>  | <b>DEVELOPMENT SERVICES</b>  |
|---|--|---|--|
| <ul style="list-style-type: none"> <li>• Head of Development Services determines if decision is:               <ol style="list-style-type: none"> <li>(a) Delegated, or to be taken by</li> <li>(b) Development Services Committee</li> </ol> </li> <li>• Weekly List prepared and sent to Members on this basis.</li> <li>• Members respond to Chairman within 14 days if alterations are suggested</li> </ul> | <ul style="list-style-type: none"> <li>• Applications on Appendix 1 determined by Head of Planning and Building Control</li> </ul> | <ul style="list-style-type: none"> <li>• Applications on App 1 which are:               <ol style="list-style-type: none"> <li>1. Subject to an objection.</li> <li>2. Recommended for refusal.</li> <li>3. Agreed by Chairman of Development Services to be determined by Area Committee</li> </ol> </li> <li>• Larger applications which accord with the Dev. plan and are of area significance (up to 30 hses)</li> <li>• Conservation Area Consents</li> <li>• Listed Building Consents involving demolition</li> <li>• Making of TPO's and applications to top, lop, fell trees</li> </ul> | <ul style="list-style-type: none"> <li>• Applications referred from Area Committee:               <ol style="list-style-type: none"> <li>1. is not quorate by a minimum of 3 members.</li> <li>2. decides against recommendation of Head of Planning or breaches Council policy.</li> <li>3. consider that application is beyond "Area Significance" or has generated significant local dispute.</li> </ol> </li> <li>• Applications which do not accord with development plan</li> <li>• Application involving a change of policy</li> <li>• Major developments which have a strategic significance</li> <li>• Applications generating considerable local dispute</li> <li>• Applications requiring notification to Sec of State</li> <li>• Applications for Notices of Intention to Develop</li> </ul> |

**APPENDIX 3****FORMAL HEARING OF OBJECTIONS INTO PLANNING APPLICATIONS -  
PROCEDURE TO BE FOLLOWED**

1. All material to be referred to by the objectors, the applicant or any other interested parties shall be submitted to the Council at least 10 days before the hearing takes place. Under no circumstances will any material be circulated to or placed before the members of the Committee at the meeting itself.
2. The plans submitted with the Planning Application will be displayed by the Council and a report summarising the relevant information will be circulated to all persons invited to the hearing, together with any other material (except plans which will be displayed at the meeting) received by the Council 10 days prior to the meeting.
3. The objectors and the applicant, and any other interested parties, may address the Committee themselves and/or may ask representatives to speak on their behalf. The names of all those who wish to speak will be taken before the hearing commences. Everyone who wishes to speak will be allowed to do so, although the Chairman will expect that each speaker avoids duplication of points that have already been made. It will be helpful where there are many objectors for a Spokesperson to be nominated.
4. At the commencement of the hearing the Head of Planning will explain the procedure to be followed.
5. The Head of Planning will then give details of the application.
6. The Objectors will address the Committee, in the order determined by the Chairman of the Committee within an agreed time limit.
7. Members of the Committee will ask questions of the objectors when all objectors who wish to speak have done so. This is not to taken as an opportunity to comment on the application.
8. The applicant will address the Committee within an agreed time limit.
9. Members of the Committee will ask questions of the applicant. This is not to be taken as an opportunity to comment on the application.
10. Any other interested parties will address the Committee, in the order determined by the Chairman of the Committee.

11. Members of the Committee will ask questions of the interested parties.
12. The objectors may then respond to any issues raised by the applicant.
13. The applicant may then respond to any new issues raised by the objectors.
14. The applicant, objectors or other interested parties at any stage may, at the discretion of the Chairman, ask questions of any party for clarification.
15. There will however be no cross-examination of, or discussion between, any of the parties at the hearing at any time.
16. The hearing will then close, all parties will be asked to leave the Chamber, and the Committee will proceed to consider the application. Any parties who so wish may observe the consideration of the application from the public gallery.

**BUSINESS DEVELOPMENT PROGRAMMES**

| <u>NATURE OF SUPPORT</u>  | <u>BUDGET (£K)</u> | <u>NATURE OF PROGRAMME</u>  | <u>TYPE OF SUPPORT GIVEN</u>                       |
|---|--------------------|---|--|
| <u>INVESTMENT AND ENTERPRISE</u>                                  |                    |   |  |
| Management and Technology Training Grant                          | 210                | Support to encourage employers to train their employees in skills that are new to the business. Mainly in aspects of new technology and management skills. (45% support from ESF) (Target number of trainees 170 per annum) | Grants, 60% of training costs of external Trainers |
| Capital and Employment for Areas of Priority Treatment (C.E.A.P.) | 75                 | Loan/grant support to assist either start-up/existing businesses in APT's. Restricted to £5K for every new job supported (£35K from Urban Aid, 50% from ERDF).  | Loans/grants up to £30K. Maximum grant £15K        |
| Business Information Database (B.I.D.)                            | 1.5                | Database of grants/support available to small business (50% support from ERDF)  | Access to Information                              |
| Property Information Network (P.I.N.)                             | 1                  | Maintenance of database of available industrial property  | Access to information                              |
| Business Advice   | -                  | Advice to start-ups and existing business, to assist with business survival and growth.   | Access to information                              |
| Trade Development Support   | 35                 | Support and advice to companies to participate in overseas trade missions. (50% support from ERDF). (Target 35 companies)   | Funding support £750-£1,200 per company            |
| East Ayrshire Loan  | 200                | Loan finance to S.M.E.'s to   | Loans up to £30K                                   |

Fund

ensure good commercial proposals do not fail as a result of a lack of finance. (Target 20 companies)

with Security required above £15K

VOCATIONAL  
TRAINING AND  
SKILLS

|  |    |  |  |
|--|----|--|--|
| Youth Employment and Training Initiative | 30 | Subsidies to encourage employers to train unemployed youths and provide vocational training where there are local skills gaps. (45% support from ESF). (Target number of recruits 10 per annum). | 80% of college fees paid. 50% wage subsidy for "off the job" training. (U/P for 6 months). |
|--|----|--|--|

SOCIAL  
EXCLUSION

|                          |     |  |  |
|--------------------------|-----|--|--|
| Employment Grants Scheme | 210 | Subsidies for Small/Medium Sized Enterprises to recruit long term unemployed persons, including disabled persons. (Target number of recruits 84 per annum) | <p>Wages subsidy. 16-24 yrs (U/P 3 months)<br/>40% for 6 months</p> <p>25-64 yrs (U/P 12 months)<br/>40% for 6 months</p> <p>Registered Disabled<br/>60% for 12 months</p> |
|--------------------------|-----|--|--|

**TOTAL COSTS**            760

## APPENDIX 3

## GRANTS TO PARTNERSHIPS AND SPECIAL PROJECTS

|   |                |  |
|---|----------------|--|
| Ayrshire and Arran Tourist Board  | £97,000        | Councillors John Smith and George Turnbull (both previously nominated by EAC)                  |
| Dalmellington and District Conservation Trust   | £87,400        | 3 Councillors and one officer - nominations received   |
| Cumnock Initiative and Open Access  | £160,500       |  |
| Business Support Organisation   | £69,400        |  |
| Culzean Country Park  | £0             |  |
| Kilmarnock Town Centre Management Initiative  | £33,240        | 1 Councillor - nomination required, - plus the Director of Development Services or his nominee |
| Heritage Conservation (Civic) Trust, Newmilns Initiative and Strathclyde Buildings Preservation Trust | £11,500        |  |
| New Start - Youth Challenge and Young Enterprise  | £13,000        | 3 Councillors and two officers - nominations required  |
| Jumpstart and Youth Training Expansion  | £40,700        |  |
| Employee Ownership Scotland   | £0             |  |
| Community Enterprise  | £0             |  |
| Regional Archaeological Service   | £11,500        |  |
| Coal Fields Communities Campaign  | £2,566         | 2 Councillors and two officers - nominations required  |
|   | <hr/> £526,806 |  |