

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE

**MINUTES OF SPECIAL MEETING HELD ON FRIDAY 7 NOVEMBER 1997 AT
0900 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON
ROAD, KILMARNOCK**

PRESENT: Councillors Drew McIntyre, Irene Reeves, Wilma Doyle, Ronald Brailsford, John Knapp, Daniel Coffey, David Fulton, Robert McDill and George Smith.

ATTENDING: David Montgomery, Chief Executive; Fiona Lees, Depute Chief Executive; Stephen Chorley, Director of Development Services; Alan Neish, Head of Planning and Building Control; Anna F Gallagher, Assistant Principal Solicitor; Julie Armstrong, Senior Administrative Officer; Neil Bell, Senior Engineer (Roads and Transportation); and Alex Hewetson, Administrative Officer.

APOLOGIES: Councillors Eric Ross, George Turnbull, David Sneller, Jimmy Boyd and Tommy Farrell.

CHAIR: Councillor Drew McIntyre, Chair.

PLANNING APPLICATIONS

1.1 APPLICATION NO 97/0632/0L - THE LANDS IMPROVEMENT GROUP LIMITED

There was submitted a report dated 25 September 1997 (circulated) by the Director of Development Services on an outline planning application for proposed erection of holiday lodges at Loudoun Castle Theme Park, Galston.

The Head of Planning and Building Control reported:-

- (i) that 3 letters of objection, with 8 signatories, had been received, details of which were contained with the report; and
- (ii) the receipt and content of a further letter of objection, including a request for a planning Hearing.

The Head of Planning and Building Control summarised the planning considerations in respect of the application and recommended: Approval subject to the following conditions, viz:- (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 building(s); (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) 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; (5)

Notwithstanding the plan(s) hereby approved that any septic tanks provided to serve the development be sited in such a position as will enable it to be emptied by the tanker; (6) No trees shall be felled, lopped or have roots cut on the site without the written consent of the Planning Authority; (7) All existing hedges along the northern boundary of the site shall be retained intact and maintained thereafter to the satisfaction of the Planning Authority (except insofar as to allow access to the site); and (8) The details to be submitted under Condition (3) above shall provide for a comprehensively well designed scheme which in design and materials is compatible with the surrounding landscape; Conditions (1) and (2) being imposed to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997; Condition (3) is in outline only; Conditions (4) and (5) in the interest of public safety; Conditions (6) and (7) in the interest of visual amenity; and Condition (8) to ensure that the development does not conflict with its setting and surroundings in the interest of visual amenity and the character and appearance of the area.

It was agreed to grant the application subject to the conditions and for the reasons detailed and to an additional Condition; (9) "This consent relates to the use of the site for holiday lodges and at no time shall the lodges be used on a permanent basis for residential use"; being imposed to ensure the lodges are not used as permanent dwellings which would be contrary to the Finalised District Plan.

1.2 APPLICATION NO 97/0517/OL - MCCABE & MCCRAE

There was submitted a report dated 31 October 1997 (circulated) by the Director of Development Services on an outline planning application for proposed erection of residential development and conversion of derelict farm to form retail units at Maxholm, Kilmarnock.

The Head of Planning and Building Control reported:-

- (i) that one letter of representation, from Riccarton Community Council, had been received, details of which were contained within the report; and
- (ii) a proposed amendment to Condition (7).

The Head of Planning and Building Control summarised the planning considerations in respect of the application and recommended: (i) Approval subject to the Notification to the Secretary of State for Scotland under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 and subject to the following conditions, amended as appropriate in accordance with (ii) above, viz:- (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(s)/building(s); (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; (j) works for the refurbishment of the farm buildings to form retail units; (4) The proposals submitted in pursuance of Condition (3) above shall accord with Scottish Office

Planning Advice Note No 44, "Fitting New Housing Development into the Landscape"; (5) The proposals submitted in pursuance of Condition (3) above shall provide for the construction of two site access junctions onto Maxholm Road; (6) No development shall take place within the site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been agreed by the West of Scotland Archaeology Service and approved by the Planning Authority; (7) No development within the application site shall commence until all work deemed necessary, for traffic calming, as indicated within Section 74 of the Traffic Impact Assessment dated 16 October 1997 submitted on behalf of McCabe and McCrae Associates Ltd, is undertaken and completed by the developer where affected and as indicated on the approved plan received on 29 October 1997. Details of the specification of such works shall be submitted to and approved by the Planning Authority prior to their implementation (irrespective of the need for Planning Permission, road construction consent or any other statutory permission); (8) The retail element of the application shall be of a scale and shall sell a range of products/goods to provide for local convenience shopping only. In this respect, the gross retail floorspace of any unit shall not exceed 250 square metres; and (9) Before development commences on site, the developer shall submit a statement to the District Planning Authority giving evidence as to the stability of the site for the proposed development; Conditions (1) and (2) being imposed to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997; Condition (3) is in outline only; Condition (4) in the interests of visual amenity; Conditions (5) and (7) in the interests of road safety; Condition (6) in the interests of preserving/recording archaeological remains; Condition (8) in order to ensure that the retail element does not impact upon the vitality of Kilmarnock Town Centre, in accordance with NPPG 8 "Retailing"; and Condition (9) in the interests of public safety; (ii) that the Decision Notice be withheld until the appropriate Section 75 Agreement had been presented for registration with the Keeper of the Register of Sasines; and (iii) that the Section 75 Agreement should include the following: The developer shall agree to fund the provision of a bus lay-by (i.e. the cost of purchase of land and of construction) at the location of the north-bound bus-stop on Ayr Road subject to a limit on the cost of £12,000. (In the event that the land cannot be acquired, or the lay-by cannot be constructed within this cost limit, the lay-by proposal would be disregarded and no further duties would be incumbent upon the applicant).

It was agreed:-

- (i) to grant the application subject to the Notification of the Secretary of State for Scotland under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 and to the amended conditions and for the reasons detailed;
- (ii) that the Decision Notice be withheld until the appropriate Section 75 Agreement had been presented for registration with the Keeper of the Register of Sasines; and
- (iii) that the Section 75 Agreement would include the following: The developer shall agree to fund the provision of a bus lay-by (i.e. the cost of purchase of land and of construction) at the location of the north-bound bus-stop on Ayr Road subject to a limit on the cost of £12,000. (In the event that the land cannot be acquired, or the lay-by cannot be constructed within this cost limit,

the lay-by proposal would be disregarded and no further duties would be incumbent upon the applicant).

1.3 APPLICATION NO 97/0720/LA - EAST AYRSHIRE COUNCIL

There was submitted a report dated November 1997 (circulated) by the Director of Development Services on a Notice of Intention to Develop for proposed change of use of shop to office at 15 Shortlees Crescent, Kilmarnock.

The Head of Planning and Building Control reported that as the application had been advertised under the Town and Country Planning Development by Planning Authorities (Scotland) Regulations 1981-84 and as no objections had been received, the proposed development had deemed consent from the Secretary of State and the proposal as submitted was considered acceptable.

It was agreed:-

- (i) to note that the application had deemed consent from the Secretary of State;
and
- (ii) that the proposal as submitted was considered acceptable.

The meeting terminated at 0918 hours.