

## **EAST AYRSHIRE COUNCIL**

### **DEVELOPMENT SERVICES COMMITTEE**

#### **MINUTES OF MEETING HELD ON TUESDAY 21 DECEMBER 1999 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors Eric Ross, Stephanie Young, Willie Coffey, Douglas Reid, Drew McIntyre, John Knapp, Jim Raymond, Finlay MacLean, Robert McDill, 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; Roddy Wallace, Head of Administration; Robert Paton, Head of Economic Development; Alan Neish, Head of Planning and Building Control; Bill Taylor, Head of Roads and Transportation; Chris Johnston, Financial Services Manager; Karen McLeod, Solicitor; Ian Walker, Planning Officer; David Morgan, Public Relations Officer; and Alex Hewetson, Administrative Officer.

**APOLOGIES:** Councillors Daniel Coffey, Harry Wilson and Iain Linton.

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

#### **MINUTES OF CHAIR'S SUB-COMMITTEE - 6 OCTOBER 1999**

1. There was submitted and approved both as a correct record and in respect of recommendations contained therein, the Minutes of the Chair's Sub-Committee held on 6 October 1999 (circulated) as detailed in Appendix I to these Minutes.

### **PLANNING APPLICATION**

#### **2.1 PROCEDURE**

The Administrative Officer established that the Hearing procedure was understood by all participants.

#### **2.2 APPLICATION NO 99/0068/FL: LAVENDER HOMES LIMITED**

It was noted that Members of the Committee had attended a site visit prior to the meeting.

There was submitted a report dated 13 December 1999 (circulated) by the Director of Development Services on a full planning application for proposed change of use and conversion of Craig House to form 11 apartments and construction of 14 dwellinghouses within grounds, at Craig House, Crosshouse, Kilmarnock.

The Head of Planning and Building Control reported:-

- (i) that 9 letters of objection had been received, details of which were contained within the report; and
- (ii) the reasons for Conditions (21), (22) and (34).

The Head of Planning and Building Control summarised the planning considerations in respect of the application and recommended: (i) that the application be approved subject to appropriate notification to the Scottish Ministers under the Town and

Country Planning (Notification of Applications) (Scotland) Direction 1997 and 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 submitted on 5 February 1999 and the revised site layout plan 710A/8 Revision E received by the Planning Authority on 8 November 1999, the revised proposed house types plan 710A/17 Revision C received by the Planning Authority on 8 November 1999 and the revised road junction details plan 710A/18 Revision A received by the Planning Authority on 21 October 1999; (3) Prior to the commencement of construction works on any of the proposed new dwellinghouses the works referred to as "initial and essential repairs" detailed on Schedule 1 annexed hereto shall be completed in accordance with that schedule to the satisfaction of the Planning Authority; (4) No development shall be carried out until a finalised programme plan, showing the phases by which the land will be developed, has been submitted to and approved by the Planning Authority; (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1997, or any order or enactment replacing this no extensions or garages unless forming part of the approved layout plan shall be erected in relation to any of the houses hereby approved, unless a further specific planning application is submitted and approved by the Planning Authority; (6) Details/samples of all facing, roofing, external walls and road surfacing materials shall be submitted to and approved by the Planning Authority before any development commences on site; (7) Notwithstanding the details of the plans hereby approved, all new windows shall be of timber sash and case construction with central mullions where appropriate unless otherwise agreed with the Planning Authority; (8) Details of all boundary walls and fencing shall be submitted to and approved in writing by the Planning Authority before any development commences on site. Such walls and fencing as are approved shall be erected prior to the occupation of any dwelling whose curtilage boundary they form; (9) No building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected around the trees highlighted in blue and shown on the approved plans as being retained on the site. The fencing shall enclose either:- (a) the area described by the limit of the spread of the branches of the tree; or (b) a radius of 5 metres from the trunk of the tree, whichever is the greater; (10) A landscaping scheme to include the T.P.O. and formal garden management plan, shall be submitted to and approved by the Planning Authority prior to commencement of any development and shall be implemented in accordance with the phasing plan submitted in pursuance of Condition (4) above. The scheme shall include full details of new compensatory tree planting to replace those trees to be felled, the formal garden to the south of Craig House, and confirmation of there being no individual gardens for the courtyard. Such replacement planting shall be implemented within a time frame to be agreed within the proposed management plan; (11) No excavation work, storage of plant machinery, building materials, or excavated material shall take place within 10 metres of the trunk of any of the trees on the site to be retained highlighted blue on the approved plans, unless otherwise agreed with the Planning Authority; (12) Details of the means of excavating and constructing the roadways and footpath within 10 metres of the trees highlighted blue in the approved plans shall be submitted to and approved by the Planning Authority prior to the development. Such details shall ensure that the works shall not cause damage (short or long term) to the highlighted trees; (13) The developer shall satisfy himself by site investigation if necessary as to the suitability of the site for

development in terms of its stability; (14) Notwithstanding the plans hereby approved, the external surface of the walls of the proposed new houses shall be rendered or roughcast in a colour to be agreed in writing with the Planning Authority; (15) Notwithstanding the details on the plans hereby approved the roof design of the integral garages on both house types B and D shall be finished with a flat gable, details of which shall be submitted to for approval by the Planning Authority before development commences; (16) All external woodwork on Craig House including that on the winter house should be painted, and not stained or varnished; (17) The walls and stonework details on Craig House should be painted in a cream or stone colour. A sample of the colour should be provided for the prior approval of the Planning Authority; (18) Notwithstanding the submitted plans further details of the portico, balusters between columns and the entrance steps should be submitted to and approved by the Planning Authority prior to the commencement of development; (19) The basement doors on the south and east elevations of Craig House shall have rectangular fanlights thereby reducing the height of the doors; (20) The dormer windows on the north and south pitches of Craig House do not accurately represent the design of the existing dormers. Drawings should be submitted to for the prior approval of the Planning Authority to demonstrate a design that matches the existing dormers. This design should be used for dormers on both the north and south pitches; (21) The roof pitches of Craig House should be clad in natural slate of a Scottish variety, unless it can be demonstrated that Welsh or English slate was used on the house; (22) The size, type and colour of chimney cans should be specified for the approval of the Planning Authority; (23) Further details of the position of the speed tables shall be submitted to for approval by the Planning Authority, prior to the commencement of development; (24) Detailed drawings should be provided for the features on the Winter House as itemised:- (a) The upper windows in the link between the house and winter house were border-glazed rather than patterned as shown in the drawings. A detail of this distinctive feature should be provided for the prior approval of the Planning Authority; (b) The gutters should be replaced in cast-iron and sites as indicated by the existing gutter brackets. The downpipes fed into hoppers which appear to have been the turn-of-the-century type that are oblong in shape with ogee side profiles. The proposed colour of the rainwater goods should be provided for the prior approval of the Planning Authority; (c) The hatches at ground level of the west elevation have hand-made hinges and were an integral part of the design and function of the building. This feature shall be retained, in a form blanked off from the inside; (d) The existing glazing pattern has been altered in the proposal drawings. The applicants shall submit details for the approval of the Planning Authority, showing either the adoption of existing glazing bars or the installation of new glazing matching the existing pattern; (e) The new windows proposed for the south elevation are too large, and should be reduced so that they impact less on the design of the winter garden and also remain subservient in scale to the windows on the main house; and (f) The wrought iron or steel screen between the winter house and main house is a good piece of Burnet iron-work, and should be removed and re-used elsewhere in the winter house if possible; (25) Notwithstanding the plans hereby approved, the eaves details of the new houses are not approved and further details of same shall be submitted to and approved by the Planning Authority prior to the commencement of the new houses; (26) That all servicing and infrastructure provisions shall be provided along the new access road as detailed unless otherwise agreed with the Planning Authority; (27) Notwithstanding the details on the plans hereby approved, all external doors shall be of timber panelled construction unless

otherwise agreed with the Planning Authority; (28) Notwithstanding the plans hereby approved, the design of the bay window feature on the elevations of house type B and D is not approved. Further details of this window shall be submitted to and approved by the Planning Authority prior to commencement of any of the new houses; (29) There shall be no commencement of any works on site until the junction works and the passing places are available for use on road U51 as detailed in approved plan 710A, 18 and 19. Details of passing places are to be submitted for the approval of the Planning Authority; (30) Notwithstanding the details on the plans hereby approved, further details of the positioning of the proposed house in Plot No 6 relative to the adjacent woodland shall be submitted for the approval of the Planning Authority prior to the commencement of development; (31) No surface water shall issue from the site onto the public road; (32) No vehicle shall leave the site with earth, mud or other forms of deleterious material attaching to its wheels in a quantity which may result in a nuisance or hazard to vehicles or pedestrians; (33) No construction or site access shall be taken via Craig Lodge or the Craig Centre access roads; and (34) There shall be no felling of any trees on site, without the specific written consent of the Planning Authority, prior to the completion of the initial essential works to Craig House as detailed in the legal agreement associated with this consent; 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) in the interest of securing the listed building; Condition (4) in order to ensure a properly programmed development; Conditions (5), (6), (7), (8), (14), (15), (25), (27) and (28) in the interests of visual amenity; Condition (9) 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 (10) to ensure that adequate provision of public open space is provided, to an adequate standard, and that it is subsequently maintained, in the interest of residential and visual amenity; Conditions (11) and (12) in order to protect the trees on site in the interests of visual amenity; Condition (13) in the interest of public safety; Conditions (16), (17), (18), (19), (20), (21), (22), (23) and (24) in the interest of preserving the building's architectural and historic character; Condition (26) in the interest of retaining the maximum number of trees on site and ensuring their preservation from damage in the interest of visual amenity; Conditions (29), (31), (32) and (33) in the interests of road safety; Condition (30) in the interest of retaining the maximum number of trees on site; and Condition (34) to ensure that there is no loss of trees other than in the specific circumstances which justify such felling; and (ii) that the planning consent shall not be issued until a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 has been satisfactorily concluded between the Solicitor to the Council and the applicant, in the terms described in Paragraph 10.2 of the report.

### **2.2.1 PLANNING HEARING**

The Chair advised the order in which objectors would be heard in supplement to their written objections.

The Committee then heard Mr Alex Love on his own behalf and on behalf of Mr Alistair Love and Mr Connor, Mr Shaw, on his own behalf and on behalf of Mr Fife and Mr Sinclair, Mr Newbigging, Mr Beadle, Mr Donald, on behalf of Mr Cochrane and Mrs Roberts, on behalf of the Architectural Heritage Society of Scotland, in support of their objections and Mr Waterston, representative of the applicant, in

support of the application. Members asked questions of the objectors and the representative of the applicant all in accordance with the Hearing Procedure.

The Chair closed the Hearing.

### **2.2.2 DETERMINATION OF APPLICATION NO 99/0068/FL**

The Head of Planning and Building Control reported on the planning issues which had been raised during the Hearing.

Councillor John Knapp, seconded by Councillor Drew McIntyre, moved that the application be refused on the grounds that by virtue of scale and design the proposed development would have a detrimental effect on the character of the wooded estate which is a listed wildlife site covered by a Tree Preservation Order and would represent an undesirable precedent for similar new build in the countryside; and could constitute a hazard to road safety.

Councillor Robert Taylor, seconded by Councillor Jimmy Carmichael, moved as an amendment:-

- (i) to grant the application subject to appropriate notification to the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 and subject to the conditions and for the reasons detailed; and
- (ii) that planning consent would not be issued until a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 had been satisfactorily concluded between the Solicitor to the Council and the applicant, in the terms described in Paragraph 10.2 of the report.

On a division by a show of hands, the motion was carried by 12 votes to 4.

## **MONITORING REPORTS**

### **3.1 BUDGETARY CONTROL SUMMARY STATEMENT - DEPARTMENT OF DEVELOPMENT SERVICES TO 22 OCTOBER 1999 (PERIOD 7)**

There was submitted and noted a joint report dated 4 December 1999 (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 Department of Development Services for the period ended 22 October 1999 (Period 7).

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

There was submitted and noted a report dated 6 December 1999 (circulated) by the Director of Development Services on financial support awarded under the Council's Business Grants and Loans Schemes, to local companies, in the period 8 November to 3 December 1999.

## **MAJOR FLOODING EVENT, KILMARNOCK, 6 DECEMBER 1999**

4. There was submitted a report dated 9 December 1999 (circulated) by the Director of Development Services on the recent flood event in the Kilmarnock, Crookedholm and Galston areas; and action taken to seek additional funding from the Scottish Executive for an accelerated and extended programme of flood prevention measures required.

It was agreed:-

- (i) to endorse the action taken by the Leader of the Council which sought to secure additional funding from the Scottish Executive for an accelerated and extended programme of flood prevention measures required; and
- (ii) otherwise, to note the contents of the report.

Provost Jimmy Boyd left the meeting during discussion of this item.

#### **FORESTRY STRATEGY AND TRANSPORT ISSUES (Item 3, Page 184, 99/02)**

5. There was submitted a report dated 3 December 1999 (circulated) by the Director of Development Services on developments in relation to transport of harvested timber from Whitelee Forest; initial steps taken to develop an indicative Forest Strategy for Ayrshire; and recent discussions with Senior Officers of the Forestry Commission.

Provost Jimmy Boyd re-joined the meeting at this point.

It was agreed:-

- (i) to welcome the successful outcome of discussions with Forest Enterprise over the strategy for transport of harvested timber from the Whitelee Forest;
- (ii) to approve for further investigation the action items, described in Paragraph 4.2 of the report, which arose from the recent meeting between the Director of Development Services and the Chief Conservator for the Forestry Commission in Scotland;
- (iii) to note that Ross Finnie, MSP, Minister for Rural Affairs, would now be formally invited to visit East Ayrshire to view forestry and related developments within the Local Authority area; and
- (iv) to raise with the Minister for Rural Affairs the need for suitable vehicles to be used to transport timber safely on public roads.

Councillors Jim Raymond and Jimmy Kelly left the meeting during discussion of this item.

#### **OPENCAST COAL AND RAIL TRANSPORTATION - UPDATE (Item 5, Page 496, 99/02)**

6. There was submitted a report dated 14 December 1999 (circulated) by the Director of Development Services on the current shortage of rail freight services which causes difficulties for East Ayrshire based coal producers.

Councillor Jimmy Kelly re-joined the meeting at this point.

It was agreed to note the response by The Right Honourable Helen Liddle, MP, Minister for Energy and Competitiveness in Europe, to representations made by the Council in relation to the shortfall in rail freight services to coal producers based in East Ayrshire.

#### **GLASGOW AND CLYDE VALLEY DRAFT STRUCTURE PLAN**

7. There was submitted a report dated 8 December 1999 (circulated) by the Director of Development Services which outlined the contents of the Consultative Draft Structure Plan produced by the 8 Glasgow and Clyde Valley Structure Plan Authorities; and which sought approval of a reasoned response on behalf of the Council.

It was agreed:-

- (i) to approve that the reasoned response, described in Paragraph 4 of the report would be passed to the Glasgow and Clyde Valley Structure Plan Team as East Ayrshire Council's response to the Consultative Draft of the Glasgow and Clyde Valley Structure Plan; and
- (ii) that the Clyde Valley Structure Plan Team had been invited to present the Consultative Draft of the Glasgow and Clyde Valley Structure Plan to the Ayrshire Joint Structure Plan Committee.

### **TOWN CENTRE MANAGEMENT AND DEVELOPMENT**

8. There was submitted a report dated 13 December 1999 (circulated) by the Director of Development Services on the current issues and proposed actions relative to the management and promotion of town centres in East Ayrshire.

It was agreed:-

- (i) to authorise the pursuance of the various actions described in Paragraph 6 of the report;
- (ii) that the Director of Development Services would submit a further report on a Strategy and Action Plan to a future meeting of this Committee;
- (iii) that the Director of Development Services would liaise with the Kilmarnock Town Centre Management Team and submit this report to the next Kilmarnock Central Local Committee;
- (iv) that the Kilmarnock Town Centre Steering Group would meet early in 2000; and
- (v) otherwise, to note the contents of the report.

### **2000/2001 PROGRAMME OF STRUCTURAL MAINTENANCE OF ROADS AND FOOTWAYS**

9. There was submitted a report dated 3 December 1999 (circulated) by the Director of Development Services which sought approval of the 2000/2001 programme of structural maintenance of roads and footways.

It was agreed:-

- (i) to approve the programme of inescapable schemes for the structural maintenance of roads and footways;
- (ii) to note the footway programme options which would be presented to Local Committees; and
- (iii) that the Head of Roads and Transportation would accommodate any further reduction in the anticipated structural maintenance budget by an according reduction in the footway resurfacing programmes.

**THE NEWMILNS TOWNSCAPE HERITAGE INITIATIVE - UPDATE**  
**(Item 3.19.1 (i), Page 341, 99/02)**

10. There was submitted a report dated 3 December 1999 (circulated) by the Director of Development Services on progress with the setting-up and commencement of the Newmilns Townscape Heritage Initiative.

It was agreed:-

- (i) to note the progress made towards the commencement of the Newmilns Townscape Heritage Initiative Project;
- (ii) to note the next steps proposed to progress the implementation of the Newmilns Townscape Heritage Initiative Project Action Plan, as described in Paragraph 5.1 of the report; and
- (iii) otherwise, to note the contents of the report.

**PROCUREMENT OF NEW COMPUTER SYSTEM FOR TRANSPORT**

11. There was submitted a report dated 3 December 1999 (circulated) by the Director of Development Services which sought approval for the procurement and other costs associated with the introduction of a new computerised fleet management system for the Transport Section.

It was agreed to approve the procurement of the TRANMAN Vehicle Maintenance and Management Computer System, which would be drawn from the Department of Development Services Revenue Budget, as described in Paragraph 5 of the report.

**EXCLUSION OF PRESS AND PUBLIC**

12. 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 the Paragraph of Schedule 7A of the Act as shown against each item.

**MONITORING REPORTS**

**13.1 BUDGETARY CONTROL SUMMARY STATEMENT ROADS DLO - TRADING SERVICES TO 22 OCTOBER 1999 (PERIOD 7) (PARA 6)**

There was submitted and noted a joint report dated 5 December 1999 (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 22 October 1999 (Period 7).

**13.2 BUDGETARY CONTROL SUMMARY STATEMENT - VEHICLE MAINTENANCE DSO - TRADING SERVICES TO 22 OCTOBER 1999 (PERIOD 7) (PARA 6)**

There was submitted and noted a joint report dated 5 December 1999 (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 22 October 1999 (Period 7).

**FUNDING SUPPORT - CUMNOCK COMPANY (PARA 6)**

14. There was submitted a report dated 29 October 1999 (circulated) by the Director of Development Services which sought approval for a contribution to an overall financial package of support, involving other parties, for a business based in Cumnock.

It was agreed to approve a package of support to the company, as part of a funding package with other parties, in the sum of £23,750, consisting of £20,250 employment grant assistance and £3,500 towards the cost of a new fresh water supply, which would be drawn from the 1999/2000 Business Grants Budget, subject to the provisions described in Paragraph 7 of the report.

**STAFFING - WOODLANDS (PARA 1)**

15. The Chair advised that this item had been withdrawn from the Agenda.

**ALTERATIONS TO ROADS DIVISION STAFF STRUCTURE (PARA 1)  
(Item 2 (v), Page 4397, 96/99)**

16. There was submitted a report dated 15 December 1999 (circulated) by the Director of Development Services which sought approval in principle to changes proposed in the staffing structure of the Roads and Transportation Division, subject to reference to the Personnel and Property Sub-Committee of the Policy and Resources Committee.

It was agreed:-

- (i) to approve in principle, the proposed changes in the Roads and Transportation Division's staff structure, as described in Paragraph 3 of the report; and
- (ii) to refer the matter for consideration, to the Personnel and Property Sub-Committee of the Policy and Resources Committee.

The meeting terminated at 1154 hours.