

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 20 APRIL 1999 AT 1002 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors John Knapp, Daniel Coffey, David Fulton, George Turnbull, Robert McDill, Eric Ross, Jim Kelly, David Sneller, Jimmy Boyd, George Smith and Robert Taylor.

ATTENDING: Stephen Chorley, Director of Development Services; Robert Paton, Head of Economic Development; Alan Neish, Head of Planning and Building Control; Sandy Gillat, Acting Head of Roads and Transportation; Bill Walkinshaw, Principal Administrative Officer; Keith Orton, Principal Engineer; David Mitchell, Principal Solicitor; Karen McLeod, Solicitor; Hugh Melvin, Technical Planning Officer; and Alex Hewetson, Administrative Officer.

APOLOGIES: Councillors Douglas Reid and Wilma Doyle, Provost Stirling and Councillors Kathleen Hall, Ann Hay, Jimmy Carmichael and Tommy Farrell.

CHAIR: In the absence of the Chair and Vice-Chair, Councillor David Sneller was appointed to the Chair.

STEWARTON TOWN CENTRE TRAFFIC REGULATION ORDER

- 1.1** The Administrative Officer reported that no objectors to the proposed Stewarton Town Centre Traffic Regulation Order were in attendance. Therefore, the Procedures at a Public Hearing - Traffic Regulation Orders would not be implemented.

The Acting Head of Roads and Transportation:-

- (i) reported an amendment to Article 2 of Appendix 3 to the report, viz:- Article 11, to read "Article 12"; and
- (ii) outlined the proposed Traffic Regulation Order.

It was agreed:-

- (i) to approve the Stewarton Town Centre Traffic Regulation Order, as amended;
- (ii) to confirm the decision in writing, to the objectors and relevant Officials; and
- (iii) otherwise, to note the contents of the report.

PLANNING APPLICATIONS

2.1 APPLICATION NO 98/0849/OL: EDUCATION AND CARE DEVELOPMENT COMPANY LIMITED

2.1.1 PLANNING HEARING

The Hearing was being held to hear the objectors and representative of the applicant in respect of outline planning application no 98/0849/OL for proposed residential further education college, conversion and extension to existing house to form hotel, conversion of stable block to residential use, erection of 28 houses and use of land

for training and recreational purposes at Glaisnock House Estate, Benston Road, Cumnock.

There was submitted in respect of the application, a report dated 12 April 1999 (circulated) by the Director of Development Services summarising all information in relation to the application.

There was also submitted Note of Procedure (circulated) to be followed at the Hearing.

The Administrative Officer explained the procedure to be followed at the Hearing.

The Head of Roads and Transportation reported that five letters of objection and one letter of representation, had been received, details of which were contained within the report.

Councillor Ross joined the meeting at this point.

The Head of Planning and Building Control summarised the planning considerations in respect of the application and recommended: (i) 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) The proposed development shall be carried out in accordance with the amended site plan dated 19 February 1999; (4) 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 development within the site which shall be so designed as to ensure minimal impact on natural and heritage resources within the development areas, particularly in respect of the impact on trees; (b) the size, height, design and external appearance of all new building associated with the proposed residential further education college and of the new dwellinghouses to be erected within the Glaisnock Estate. The proposed new buildings shall respect the character and appearance of the Category 'B' Listed Glaisnock House in terms of their scale, design and external appearance, including proposed material used; (c) the details of the proposed conversion, refurbishment and extension to the Category 'B' Listed Glaisnock House to use as a hotel, and the details of the conversion of the stable block for staff accommodation; (d) the means of drainage and sewage disposal for the proposed development; (e) details of the proposed roundabout and access arrangements to serve the proposed development; (f) details of the layout and construction of the internal roads layout, including the provision of lighting, all of which shall be so designed as to ensure minimal impact on natural and heritage resources within the development areas, particularly in respect of the impact on trees; (g) the provision for car parking to serve the proposed residential further education college and the proposed hotel; (h) the layout of the proposed short golf course; and (i) finished site levels; (5) No development shall be carried out within the development site until a programme plan, showing the phases by which the land will be developed has been submitted to and approved by the Planning Authority. Development of the site shall only thereafter take place in accordance with the programme plan; (6) The indicative layout submitted with the outline application is for information purposes only and shall not be treated as forming part of the issued consent; (7) No more than 28 dwellinghouses shall be constructed within the application site; (8) No construction

works shall be commenced on the proposed 28 dwellinghouses until the Planning Authority has been given sight of a formal contract which has been let for the conversion, extension and refurbishment of the Category `B' Listed Glaisnock House; (9) Notwithstanding the provisions of Condition 3(a) above, the applicant shall undertake a detailed landscape scheme for the development site which shall be submitted to the Planning Authority as part of the detailed proposals for the site. This scheme shall incorporate the following elements:- (i) a tree survey of the proposed development areas in detail sufficient to indicate the location and species of trees which will require to be felled as a result of the proposed development; (ii) details of proposals for the replacement of trees felled as a result of the proposed development; (iii) details of new tree and screen planting to be introduced into the estate as a result of the proposed development including the timescales for implementation; (iv) a formal estate management plan for the protection and enhancement of the woodland policies of the estate; and (v) details of the measures to be taken for the protection of trees during construction works including measures in relation to the excavation and construction of internal roads infrastructure to serve the proposed development; (11) Notwithstanding the provisions of Conditions 3(b) above, the proposed dwellinghouses shall, in terms of scale, design and external appearance, conform to the Council's Design Guidance for New Housing in the Countryside. A design brief for the dwellinghouses shall be submitted to the Planning Authority as part of the detailed application for the proposed development; (12) Access to the site shall be taken via a new roundabout on the C36 Benston Road, designed to the standards of the Design Manual for Roads and Bridges, and shall be constructed prior to the commencement of development within the Glaisnock Estate. The proposed new roundabout shall also be lit; (13) Notwithstanding the provisions of Condition (11) above, the amended access arrangements shall retain and incorporate the existing gate entrance features of the Glaisnock Estate; (14) Notwithstanding the provisions of Condition 3(g) above, car parking provisions associated with the proposed development shall comply with the standards laid down in the Roads Development Guide; (15) No works shall be commenced on site until such time as the proposed conversion, extension and refurbishment of the Category `B' Listed Glaisnock House has received the requisite listed building consent for such works; (16) Prior to the commencement of works on the site, the applicant shall satisfy himself as to the suitability of the site for construction purposes; and (17) During the construction phase of the development, the applicant shall undertake all reasonable measures to ensure the maintenance of essential services to other existing properties within the development site which derive from the existing service provision to the Glaisnock Estate; Conditions (1) and (2) being imposed to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997; Condition (3) to ensure that development is carried out in accordance with approved details; Conditions (4) and (6) the approval is in outline only; Condition (5) the application was submitted in outline only and in order to ensure a properly programmed development; Conditions (7) and (11) in the interests of the amenity of the rural estate; Condition (8) the residential element of the scheme is an enabling development only; Condition (9) to ensure that the layout of the site has minimal adverse impact on the landscape character of the estate and the setting of the Listed Glaisnock House; Condition (10) in the interests of amenity and retaining the character of the Glaisnock Estate; Condition (12) to ensure a proper and safe access to serve the proposed development; Condition (13) in the interests of retaining the character of the estate; Condition (14) in the interests of amenity and to ensure

appropriate parking provision for the development; Condition (15) to ensure that, as a fully integrated development project, no works commence on site until the appropriate consent has been received from Historic Scotland; Condition (16) in the interest of public safety; and Condition (17) in the interests of residential amenity, health and safety; and (ii) that the issue of the Decision Notice be withheld until (a) the application has been formally notified to and has been cleared by the Secretary of State for Scotland in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997; and (b) the Solicitor to the Council has satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant, in the terms outlined in Paragraph 8.9 of the report.

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

The Committee then heard Mr Jess and Mr Blane, representative of The Scottish Wildlife Trust, in support of their objections and Mr Chaplin, representative of the applicant, in support of the application.

Members asked questions of the applicant. The representative of the applicant responded to an issue raised by an objector, all in accordance with the Hearing procedure.

The Chair closed the Hearing.

2.1.2 DETERMINATION OF APPLICATION NO 98/0449/OL

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

It was agreed:-

- (i) to grant the application subject to the conditions and for the reasons detailed above; and
- (ii) that the Decision Notice be withheld until (a) the application had been formally notified to and had been cleared by the Secretary of State for Scotland in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997; and (b) the Solicitor to the Council had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant, in the terms described in Paragraph 8.9 of the report.

2.2 Declaration of Interest

Councillor Sneller declared an indirect interest in terms of the National Code of Local Government Conduct in respect of the following item, vacated the Chair and left the meeting.

2.2.1 Vacation of Chair

Councillor Ross, Vice-Chair, took the Chair.

2.3 APPLICATION NO 98/0844/FL: SCOTTISH COAL LIMITED

There was submitted a report dated 12 April 1999 (circulated) by the Director of Development Services on a full planning application for proposed construction scheme for private haul roads from House of Water, Chalmerston North/Pennyvenie

and Piperhill Opencast Coal Sites, extraction of whinstone from Tappet Hill Quarry, Greenhill/Kyle Forest, Ayrshire.

The Head of Planning and Building Control reported that five letters of objection had been received, details of which were contained within the report; summarised the planning considerations in respect of the application; and recommended: (i) 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 development hereby permitted shall be commenced within 12 months of the date of the issued notice of decision and the use of the overland haul routes shall be completed within 11 years of the commencement date of the development or at such other times as may be agreed with the Planning Authority; (3) Appropriate measures to prevent mud, dirt, dust, slurry, coal or stone being carried onto the public highway shall be taken and such steps shall include the provision and use of hard standing areas and a full wheel and body wash facility for the cleaning of lorries and other plant leaving the site; (4) The access road and public road adjacent to the site shall be kept clear of mud or other deposited materials at all times by means of mechanical brushing as appropriate; (5) Prior to any road vehicle loaded with coal or other minerals leaving the site, the load shall be suitably hopped to ensure there is no escape of materials. A hardstanding area shall be provided within or adjacent to the coal storage area to facilitate the hopping of haulage vehicles. Vehicles returning to the site shall also be hopped to minimise traffic noise association with empty vehicles; (6) All whinstone and other material extracted from the Tappet Hill Quarry shall be used in the construction of the overland haul roads and no materials from the Tappet Hill Quarry shall be taken off site; (7) All contaminated drainage and run off from the roadways and coal stocking area shall receive adequate and appropriate treatment prior to being discharged to any watercourse, such treatment being to the satisfaction of the Planning Authority; (8) A dust monitoring programme shall be agreed with the Planning Authority in consultation with the Environmental Health Authority prior to the commencement of development. The programme shall be undertaken using appropriate equipment and recording devices, the results and records to be made available to the Planning Authority on a monthly basis during the use of the overland haul routes; (9) The noise limit at noise sensitive properties shall not exceed 45db Laeq 1h between the hours of 1800 to 0800 during the operational use of the haul routes and coal storage area; (10) The noise limit at noise sensitive properties shall not exceed 70db Laeq 1h during the construction of the overland haul routes with such works only taking place during daylight hours; (11) An appropriate noise monitoring programme shall be undertaken, the details of which shall be agreed with the Planning Authority to the commencement of development using appropriate equipment and recording devices, the results of which shall be made available to the Planning Authority on a monthly basis; (12) Except in the case of emergency the hours of operation of the overland haul route will be confined between 0700 and 1600 hours Monday to Saturday (24 hours working). With the exception of essential site maintenance and the maintenance of plant and machinery no work shall take place on Sundays or on recognised East Ayrshire public holidays; (14) No road construction or the extraction of material from Tappet Hill Quarry shall take place within one kilometre of the peregrine nesting location during their breeding and nesting season between the period March to July; (15) A restoration scheme for the southern area of the quarry affected by the present proposal and the overland haul routes shall be submitted to and approved by the Planning Authority before development commences on site; this shall include the provision of new faces for

nesting peregrines in the quarry and shall be implemented within six months of the cessation of works at the quarry or use of the overland haul routes; (16) Notwithstanding the submitted details, the Tappet Hill Quarry shall be fenced off to the satisfaction of the Planning Authority; (17) Except in cases of emergency or as otherwise may be agreed with the Planning Authority blasting operations shall be carried out between 1000 to 1600 hours Monday to Friday and between 1000 hours to 1200 hours on Saturdays. No blasting operations shall take place on Sundays, recognised East Ayrshire public holidays during the hours of darkness or during periods of adverse visibility; and (18) An appropriate blast monitoring scheme shall be undertaken, the details of which shall be agreed with the Planning Authority in consultation with the Environmental Health Authority prior to the commencement of the development, using appropriate equipment and recording devices, the results of which shall be made available to the Planning Authority on a monthly basis; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) the development is on a temporary basis; Conditions (3) and (4) in the interest of road safety; Condition (5) in the interests of road safety and minimising noise impact; Condition (6) to enable the Planning Authority to retain control over the site, in the interests of amenity; Condition (7) to prevent contamination of watercourses; Condition (8) to ensure that appropriate environmental standards are maintained throughout the life of the haul routes; Conditions (9) and (10) in the interests of amenity; Conditions (11) and (18) to ensure that appropriate environmental standards are maintained; Conditions (12) and (13) in the interests of amenity of the area; Condition (14) to avoid disturbance of the peregrines arising from the construction activity; Condition (15) to ensure appropriate restoration of the site; Condition (16) to prevent access to the quarry; and Condition (17) in the interests of amenity and public safety; and (ii) that the issue of the Decision Notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant, in the terms described in Paragraph 8.6 of the report.

It was agreed:-

- (i) to grant the application subject to the conditions and for the reasons detailed above; and
- (ii) that the issue of the Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant, in the terms described in Paragraph 8.6 of the report.

MONITORING REPORTS

3.1 UNEMPLOYMENT IN EAST AYRSHIRE - DECEMBER 1998 AND JANUARY 1999

Councillor McDill left the meeting.

There was submitted and noted a report dated 13 April 1999 (circulated) by the Director of Development Services which provided statistics recently released by the Office for National Statistics relating to unemployment figures in Scotland and East Ayrshire in particular, in December 1998 and January 1999.

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

3.2 BUSINESS GRANTS AND LOAN SCHEME STATUS REPORT

There was submitted and noted a report dated 1 April 1999 (circulated) by the Director of Development Services on the business loan support awarded to companies in East Ayrshire during the period 1 January to 31 March 1999.

3.3 STATISTICAL ANALYSIS OF BUILDING CONTROL AND DEVELOPMENT PROMOTION ACTIVITIES - 1 APRIL 1998 TO 30 SEPTEMBER 1998 AND 1 OCTOBER 1998 TO 13 MARCH 1999 RESPECTIVELY

There was submitted and noted a report dated 6 April 1999 (circulated) by the Director of Development Services on a statistical analysis of the Building Control and Development Promotion functions within the Department of Development Services during the periods 1 April 1998 to 30 September 1998 and 1 October 1998 to 13 March 1999 respectively.

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

AWARDING OF TENDERS

4. There was submitted and noted a report dated 7 April 1999 (circulated) by the Director of Corporate Services which provided details of the lowest satisfactory tenders which had been awarded in respect of the undernoted Department of Development Services contracts:-

<u>CONTRACT</u>	<u>SUCCESSFUL CONTRACTOR</u>	<u>AMOUNT</u>
Refurbishment of Sorn Village Hall, Main Street, Sorn	James Wilson & Son (Auchmillan), Mauchline	£103,796.52
A70 Carriageway Surfacing	Barr Ltd, Ayr	£55,159.17
Drongan Glenraig Street Area Phase 2	Hyder Infrastructure Ltd, Dundonald	£51,205.70
Glebe Road, Galston - Replacement of Existing Retaining Wall	Kelburne Construction Ltd, Kilmarnock	£160,944.50

AYRSHIRE AND ARRAN TOURIST BOARD - UPDATE (Items 3.2 and 5, Pages 3929 and 3930)

5. There was submitted a report dated 13 April 1999 (circulated) by the Director of Development Services on further developments relating to the Ayrshire and Arran Tourist Board.

It was agreed:-

- (i) to note the progress that had been made by the Ayrshire and Arran Tourist Board since it was offered a financial rescue package in November 1998;
- (ii) to authorise the Director of Development Services to release the Council's financial contribution to the Ayrshire and Arran Tourist Board in stages, to

reflect progress in management restructuring and the completion of a Service Level Agreement incorporating a revised Business Plan;

- (iii) to support Ayrshire and Arran Tourist Board in making further representations to the Scottish Tourist Board and the Scottish Office on financial support; and
- (iv) that the Director of Development Services would provide an update report on progress at each second meeting of this Committee.

SHOPMOBILITY SCHEME

6. There was submitted a report dated 13 April 1999 (circulated) by the Director of Development Services which sought support in principle for the introduction of a Shopmobility Scheme in Kilmarnock Town Centre; and sought authority to undertake a more detailed feasibility assessment of the proposal.

It was agreed:-

- (i) to authorise the Director of Development Services to undertake an initial feasibility study on the establishment of a Shopmobility Scheme in Kilmarnock Town Centre, in conjunction with Ayr Shopmobility Limited;
- (ii) that the Director of Development Services would report, after the Summer recess, on location options, financial implications and consultations with local retailers and Disability Groups, to this Committee; and
- (iii) that the Director of Development Services would assess the potential of a Shopmobility Scheme being extended to other settlements within East Ayrshire.

FLOOD PREVENTION - KILMARNOCK (Item 9, Page 4323)

7. There was submitted and noted a report dated 8 April 1999 (circulated) by the Director of Development Services on the Council's flood investigation/mitigation works at Glencairn Walls, Stoddard Flood Prevention Scheme at Riverside Place, Loreny Drive, MacDonald Drive and Irvine Road, Kilmarnock.

PROPOSED TREE PRESERVATION ORDERS: DALGAIN, SORN AND MILL STREET, CATRINE

8. There was submitted a report dated 8 April 1999 (circulated) by the Director of Development Services which sought approval for confirmation of provisional Tree Preservation Orders at Dalgain, Sorn, and Mill Street, Catrine.

It was agreed to authorise the Head of Planning and Building Control to request that the Solicitor to the Council formally confirm the provisional Tree Preservation Orders for Dalgain, Sorn and Mill Street, Catrine.

NEWMILNS TOWNSCAPE HERITAGE INITIATIVE (Item 4, Page 4077)

9. There was submitted a report dated 13 April 1999 (circulated) by the Director of Development Services on the Council's and Irvine Valley Regeneration Partnership's success in obtaining a £1.7m grant from the Heritage Lottery Fund for the Newmilns Townscape Heritage Initiative; and obtaining a total grant of £350,000 from the Government's Empty Homes Initiative, which has been allocated to the Newmilns Townscape Heritage Initiative project over three financial years.

It was agreed:-

- (i) to note the grant awards of £1.7m from the Heritage Lottery Fund and £350,000 under the Government's Empty Homes Initiative, to the Newmilns Townscape Heritage Initiative project;
- (ii) the appointment, in principle, of a Project Officer to progress implementation of the Newmilns Townscape Heritage Initiative project, subject to approval by the Personnel and Property Sub-Committee;
- (iii) that future detailed reports on the implementation of the Newmilns Townscape Heritage Initiative proposals would be presented to this Committee at a future date; and
- (iv) otherwise, to note the contents of the report.

TRANSPORT MODEL FOR AYRSHIRE

- 10.** There was submitted a report dated 7 April 1999 (circulated) by the Director of Development Services which sought approval in principle to the construction of a Transport Model for Ayrshire and an initial contribution to the costs of data collection.

It was agreed:-

- (i) to agree to collaborate with Scottish Passenger Transport, the Scottish Office and the other Ayrshire Authorities in the preparation of an improved Ayrshire Transport Model; and
- (ii) to authorise the Director of Development Services to agree to an initial contribution of £7,000 to the cost of data collection to be met from within the Department of Development Services capital programme in the current financial year.

RURAL DAYCARD TICKET AND SUBSIDISED BUS FARES INCREASE

- 11.** There was submitted a report dated 9 April 1999 (circulated) by the Director of Development Services on the Scottish Passenger Transport (SPT) proposal to re-launch the Rural Daycard Ticket in East Ayrshire; and which sought approval to authorise SPT to increase the cost of the Rural Daycard Ticket; and to increase subsidised bus fares by 3%, effective from 30 May 1999 in that part of the Council area outwith the Scottish Passenger Transport Authority statutory boundary.

It was agreed:-

- (i) to note Scottish Passenger Transport's proposal to re-launch the Rural Daycard ticket;
- (ii) to authorise Scottish Passenger Transport to increase the cost of the Rural Daycard ticket by 30p for adults to £3.50 and by 15p for children to £1.75; and
- (iii) to approve an increase in subsidised bus fares of 3% in that part of the Council area outwith the Scottish Passenger Transport Authority Area, effective from Sunday 30 May 1999.

**KILMARNOCK TOWN CENTRE OFF-STREET PARKING ORDER
(Item 10, Page 4324)**

12. There was submitted a report dated 6 April 1999 (circulated) by the Director of Development Services on the outcome of discussions with representatives of the Kilmarnock Taxi Trades Council on the number of spaces to be provided in the Foregate South car park.

It was agreed to note that the Kilmarnock Town Centre Off-Street Parking Order would be implemented with the provision of a taxi waiting area in the Foregate South car park and taxi driver season tickets, as detailed in Paragraph 3.1(a) and (b) of the report.

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 involve the likely disclosure of exempt information as defined in Paragraph 6 of Schedule 7A of the Act.

FUNDING REQUEST - MAUCHLINE COMPANY

14. There was submitted a report dated 6 April 1999 (circulated) by the Director of Development Services which sought approval of a funding request from a company for employment grants support to enable recruitment of further staff.

It was agreed to support the company for a further 20 staff at a wage subsidy of £800 per unemployed recruit to be met from within the Department of Development Services existing business grants budget.

FUNDING REQUEST - CUMNOCK COMPANY

15. There was submitted a report dated 6 April 1999 (circulated) by the Director of Development Services which sought approval of a funding request by a company to fund research and development into a product.

The Head of Economic Development reported several amendments to the report relating to the company's date of establishment, current workforce, annual turnover and net assets.

It was agreed to award a £10,000 repayable grant subject to:-

- (i) the company contributing £30,000 in support of the research and development project;
- (ii) Enterprise Ayrshire providing support of £20,000 under the same terms and conditions as the Council;
- (iii) the funds being repaid, as described in Paragraph 3 of the report; and
- (iv) the Solicitor to the Council being satisfied with the detailed terms and conditions of the offer.

The meeting terminated at 1113 hours.