

**EAST AYRSHIRE COUNCIL**

**DEVELOPMENT SERVICES COMMITTEE**

**MINUTES OF SPECIAL MEETING HELD ON MONDAY 22 MARCH 1999 AT 0930 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors Drew McIntyre, Provost Robert Stirling and Councillors Ann Hay, Daniel Coffey, David Fulton, Jim Kelly, David Sneller, George Smith and Jimmy Carmichael.

**ATTENDING:** Stephen Chorley, Director of Development Services; Alan Neish, Head of Planning and Building Control; Bill Walkinshaw, Principal Administrative Officer; Keith Orton, Principal Engineer (Roads and Transportation); Karen McLeod, Solicitor; Yvonne Mitchell, Planning Officer; and Alex Hewetson, Administrative Officer.

**APOLOGIES:** Councillors Douglas Reid, Kathleen Hall, Kim Nicoll, George Turnbull, Robert McDill, Eric Ross, Jimmy Boyd and Tommy Farrell.

**CHAIR:** Councillor Drew McIntyre, Chair.

**CHAIR'S REMARKS**

1. The Chair recommended, and it was agreed, that planning application nos 98/0461/FL, 98/0445/FL and 98/0318/FL be the subject of a con-joined planning Hearing.

**PLANNING APPLICATIONS**

- 2.1 **APPLICATION NOS 98/0461/FL, 98/0445/FL AND 98/0318/FL: LOUDOUN CASTLE (THEME PARK) LIMITED (Item 2.1, Page 4305)**

**2.1.1 CON-JOINED PLANNING HEARING**

The con-joined planning Hearing was being held to hear objectors and applicant in respect of full planning application no 98/0461/FL for proposed change of use from various leisure uses, buildings and childrens fairground, to amusement park at Loudoun Castle Park, Galston; full planning application no 98/0445/FL for proposed removal of Condition 1 of planning permission no 96/0624/FL (Restricting Height of Rides) at Loudoun Castle Park, Galston; and full planning application no 98/0318/FL for proposed erection of roller coaster (Wild Mouse) ride at Loudoun Castle Park, Galston.

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

The Administrative Officer explained the procedure to be followed at the Hearing and advised the order in which objectors would be heard in supplement to their written objections.

It was noted that Members of the Committee had visited the sites prior to the meeting.

### 2.1.2 APPLICATION NO 98/0461/FL

The Head of Planning and Building Control reported:-

- (i) that 4 letters of objection, 2 petitions (one with 13 signatories and one with 139 signatories) and 5 outstanding letters of objection from consultees had been received, details of which were contained within the report; and
- (ii) the receipt of a letter from Galston Community Council, withdrawing their objections to the proposal.

The Head of Planning and Building Control summarised the planning considerations in respect of the applications; and recommended: 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 proposed development shall be carried out in accordance with the amended application form and plan submitted on 1 February 1999; (3) Permission is granted for a limited period of 8 months from the date hereof, and the use shall be discontinued and the land restored to its former condition to the satisfaction of the Planning Authority at the expiration of this period unless a further planning permission is granted; (4) Notwithstanding the provisions of Class 69 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, the number of rides within the boundaries of Loudoun Castle Theme Park, including the walled garden, and having a height in excess of 4 metres, shall be limited to 11 in number at any one time; (5) Notwithstanding the provisions of Class 69 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, rides shall ONLY be permitted within those areas marked on the "development areas" map and shall be no higher than the following height limits within the identified areas: Area A - 20m; Area B - 25m; Area C - 12m; and Area D - 15m; (6) Notwithstanding the provisions of Class 69 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, details of the colours and illumination of all rides shall be submitted to and approved in writing by the Planning Authority prior to their erection on site; (7) Throughout the period of consent referred to in Condition (3), the applicant must provide and maintain at their own expense, automatic induction loop traffic counters to monitor traffic flows entering and leaving the Theme Park. The equipment shall provide a record of hourly and daily traffic flows on a continuous basis throughout the period of the consent. The vehicle numbers shall be provided on a monthly basis and related to information which shall similarly be submitted indicating on a monthly basis the number of attractions open and the seating capacity of each; (8) The data gathered through the monitoring process in Condition (7) above, shall be used to carry out a Transport Impact Assessment for the development, in accordance with the Guidelines for the Development of Roads before any further consent is granted; (9) Details of the materials to be used for paths within the site shall be submitted to and approved by the Planning Authority prior to any works being carried out on site; and (10) No trees shall be felled, looped or have roots cut on the site without the written consent of the Planning Authority; 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) to enable the Planning Authority to review the situation in the interests of road safety and visual amenity; Condition (4) in order to protect the visual amenity of the area and in the interests of road safety; Condition (5) in order to protect the visual amenity of the area; Condition (6) in order to ensure that the application of colour or illumination does not result in an undue intrusion into the

landscape; Conditions (7) and (8) in the interests of road safety; and Conditions (9) and (10) in the interest of visual amenity.

### **2.1.3 APPLICATION NO 98/0445/FL**

The Head of Planning and Building Control reported:-

- (i) that 4 letters of objection, one petition of objection (with 139 signatories) and 4 outstanding letters of objection from consultees had been received, details of which were contained within the report; and
- (ii) the receipt of a letter from Galston Community Council, withdrawing their objection to the proposal.

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) The development to which this permission relates must be begun within five years from the date of this permission; (2) Notwithstanding the provisions of Class 69 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, the number of rides exceeding the height of the walled garden shall be limited to 5 in number at any time; (3) Notwithstanding the provisions of Class 69 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 no ride located in the area south of the wall of the Walled Garden (identified as Area 1 on the enclosed plan) shall extend above the height of the Walled Garden; (4) Notwithstanding the provisions of Class 69 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 no more than 2 no rides exceeding the height of the walled garden up to a maximum of 20m shall be permitted at one time in the area identified as Area 2 on the enclosed plan. In Area 3 on the enclosed plan there shall be no more than 3 no rides, exceeding the height of the walled garden up to a maximum of 10 metres at any time; and (5) Notwithstanding the provisions of Class 69 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 details of the colours and illumination of the 5 no rides referred to in Condition (2) above, shall be submitted to and approved in writing by the Planning Authority prior to their erection on site; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Conditions (2) and (3) in order to protect the visual amenity of the area and protect the views into the designed landscape of Loudoun Castle; Condition (4) in order to protect the visual amenity of the area and protect the view into the designed landscape of Loudoun Castle taking into account the difference in ground levels within the Walled Garden; and Condition (5) in order to ensure that the application of colour or illumination does not result in an undue intrusion into the landscape.

### **2.1.4 APPLICATION NO 98/0318/FL**

The Head of Planning and Building Control reported that 4 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: 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; and (2) Notwithstanding the submitted plans the colour and illumination of the ride are not hereby approved. Details of the colours and any illumination of the proposals shall be submitted to and approved by the Planning Authority prior to the commencement of the use of the ride hereby approved; Condition (1) being imposed to comply with

Section 58 of the Town and Country Planning (Scotland) Act 1997; and Condition (2) in order to ensure that the application of colour or illumination does not unduly impact on the amenity of the area.

### **2.1.5 CON-JOINED PLANNING HEARING**

The Committee then heard Mrs Roberts, representative of the Architectural Heritage Society of Scotland and of objectors Gibson, Guthrie and Watson, Mrs Donnelly, representative of Loudoun Gowf Club (Ladies Section), Mr Richmond, representative of Loudoun Gowf Club, Mrs Anderson, Mrs Melvin, Sergeant Marshall, representative of Strathclyde Police "U" Division and Ms Johnston, representative of Scottish Civic Trust, in support of their objections and Mr Munro and Mr Walkinshaw, representatives of the applicant, in support of the application.

Members asked questions of the objectors and the representatives of the applicant and the objectors responded to issues raised by the representatives of the applicant, all in accordance with the Hearing procedure.

The Chair closed the Hearing.

### **2.1.6 DETERMINATION OF APPLICATIONS**

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

#### **2.1.6.1 DETERMINATION OF APPLICATION NO 98/0461/FL**

Councillor McIntyre, seconded by Councillor Carmichael, moved to grant the application subject to the conditions and for the reasons detailed above (under Item 2.1.2).

Councillor Fulton seconded by Councillor Coffey, moved as an amendment, that the application be refused on the grounds that it would be detrimental to road safety.

On a division by a show of hands, the motion was carried by 6 votes to 3.

#### **2.1.6.2 DETERMINATION OF APPLICATION NO 98/0445/FL**

It was agreed to grant the application subject to the conditions and for the reasons detailed above (under Item 2.1.3).

#### **2.1.6.3 DETERMINATION OF APPLICATION NO 98/0318/FL**

It was agreed to grant the application subject to the conditions and for the reasons detailed above (under Item 2.1.4).

The meeting terminated at 1052 hours.