

EAST AYRSHIRE COUNCIL**DEVELOPMENT SERVICES COMMITTEE****MINUTES OF SPECIAL MEETING HELD ON MONDAY 28 JUNE 1999 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Eric Ross, Stephanie Young, Daniel Coffey, Harry Wilson, Iain Linton, John Knapp, Finlay MacLean, Robert McDill, Eric Jackson, George Smith, Julie Faulds, Provost Jimmy Boyd and Councillors Robert Taylor and Jimmy Carmichael.

ATTENDING: Stephen Chorley, Director of Development Services; Alan Neish, Head of Planning and Building Control; Sandy Gillatt, Chief Engineer; Bill Walkinshaw, Principal Administrative Officer; David Mitchell, Principal Solicitor; Graham Kerr, Public Relations Officer; and Alex Hewetson, Administrative Officer.

APOLOGIES: Councillors Willie Coffey, Douglas Reid, Drew McIntyre, Jim Raymond and Tommy Farrell.

CHAIR: Councillor Eric Ross, Chair.

PLANNING APPLICATIONS**1.1 APPLICATION NO 99/0303/FL: CRUDEN ESTATES LIMITED**

There was submitted a report dated 17 June 1999 (circulated) by the Director of Development Services on a full planning application for proposed residential development at land at Allanvale, Dunlop.

The Head of Planning and Building Control reported that one letter of objection had been received, details of which were contained within the report; summarised the planning considerations in respect of the application; and recommended:- That the application be approved subject to appropriate notification to the Secretary of State under the 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 received on 4 May 1999 and the amended plans received by the Planning Authority on 15 June 1999; (3) A landscaping scheme including the treatment of the boundary of the site/areas for public open space/play areas shall be submitted to and approved by the Planning Authority prior to commencement of any development, and shall be implemented not later than the next appropriate planting season after the development has been carried out. The scheme shall include details of the provision to be made for the maintenance of soft and hard landscaped area, and shall be maintained thereafter in accordance with these details; (4) Notwithstanding the plan(s) hereby approved, details/samples of the external finishing materials to be used shall be submitted to and approved by the Planning Authority before any development commences on the site; and (5) No house shall be occupied until traffic calming measures along Allanvale and Westview are complete. Details of such measures shall be submitted for the approval of the Planning Authority prior to the commencement of development; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to ensure

that development is carried out in accordance with the approved details; Condition (3) 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; Condition (4) in the interest of visual amenity; and Condition (5) in the interest of road safety.

It was agreed to grant the application subject to appropriate notification to the Secretary of State under the Notification of Applications (Scotland) Direction 1997 and subject to the conditions and for the reasons detailed.

1.2 APPLICATION NO 99/0178/OL: ALLSEASONS DEVELOPMENTS LIMITED

There was submitted a report dated 21 June 1999 (circulated) by the Director of Development Services on an outline planning application for proposed hotel, restaurant, retail garden centre, filling station, tourist and nature facilities and car parking/landscaping (renewal of planning consent KL/E/OL/92/253D) at The Meadows, A71 Galston.

The Head of Planning and Building Control reported:-

- (i) that one letter of objection and a letter on the assessment of the flooding potential of the site, by the applicant, had been received, details of which were contained within the report; and
- (ii) that notification to the Secretary of State under the Notification of Applications (Scotland) Direction 1997, was not required as it was considered that there was no significant departure from the Adopted Development Plan, therefore withdraw recommendation detailed in Paragraph 9.1 of the report.

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) Notwithstanding the plans hereby approved, the indicative layout of the various elements is not hereby approved and the further approval of the Planning Authority shall be obtained in respect of their location within the site; (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 the site; (b) the size, height, design and external appearance of the proposed buildings; (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; and (i) finished site levels/floor levels; (5) The details to be submitted under Condition (4) above, shall include a Transport Impact Assessment for the traffic management system and in particular the size and location of the roundabout forming access to the site from the A71. These details shall all be submitted to and approved by the Planning Authority prior to commencement of any development; (6) The details to be submitted under Condition (4) above, shall limit the size of the proposed garden centre to less than 2,000 square metres gross internal floor area; (7) The details to be submitted under Condition (4) above, shall provide for a scheme which is designed to be compatible with the low lying, rural

character of this area; (8) Notwithstanding the provisions of the (General Permitted Development) (Scotland) Order 1992, and the Town and Country Planning (Use Classes) (Scotland) Order 1997, this permission relates only to the retailing of goods which, in the opinion of the Planning Authority, are appropriate to a Garden Centre including (a) to (u) below and the further written permission of the Planning Authority shall be required in respect of the proposed retailing of any other type of goods or services:- (a) flowers, plants, shrubs, trees; (b) plant containers, propagators, growing frames, ornamental trellis; (c) seeds, bulbs, corms, tubers and propagation equipment and growing media; (d) lawn, plant, shrub, tree care products; (e) silk and dry flowers, gift vouchers; (f) floral sundries and arrangements; (g) garden tools, machinery, furniture, clothing and ornaments; (h) glasshouses, conservatories, summerhouses, gazebos and accessories; (i) fencing of all types, gates and other material for operations related to garden improvements; (j) garden pools and ponds of all types (excluding the construction thereof other than for display purposes); (k) barbecues and associated sundries; (l) garden play equipment, excluding toys and bicycles and other items not normally associated with garden centres; (m) pet livestock and sundries; (n) books on gardening and leisure; (o) stationery lines necessary for gardening; (p) seasonal garden centre goods (to cover no more than 25% of floor area); (r) landscape and garden design services; (s) fruit and vegetable and health food products, mainly grown on site; (t) gift lines of a nature normally found in garden centres; and (u) ancillary customer refreshments; (9) Notwithstanding the plans hereby approved, the construction of the fast food restaurant and filling station shall not proceed prior to the completion of the proposed hotel; (10) Notwithstanding the plans hereby approved, the proposed roundabout shall be completed prior to the start of construction work within the rest of the site, to the satisfaction of the Roads Authority; (11) Before development commences on the site, the developer shall submit a statement to the Planning Authority giving evidence as to the stability of the site for the proposed development; (12) The details to be submitted under Condition (4) above shall require a high quality landscaping scheme to screen the development from the A71 Edinburgh Road; (13) The details to be submitted further to Condition (4) above shall include full details of all measures to be taken by the developer to safeguard the application site from flooding. These details shall confirm that it is feasible to reduce to an acceptable level, the possibility of the site itself flooding. They shall also clearly preclude any possibility of the development or associated flood prevention measures causing an increased potential for flooding on land outwith the site. In this respect, and in the absence of sufficient relevant data or evidence independently obtained, these details shall have regard to the findings of hydrological studies undertaken in relation to the River Irvine and shall be undertaken at a time or times to be agreed by the Planning Authority; and (14) The details to be submitted under Condition (4) above shall be supported by evidence to establish, to the satisfaction of the Planning Authority, that the development shall not alter the hydrology of the adjacent wetland site; Conditions (1) and (2) being imposed to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997; Condition (3) the layout submitted is indicative only; Condition (4) the approval is in outline only; Conditions (5) and (10) in the interest of road safety; Condition (6) to safeguard the viability and vitality of Galston Town Centre; Condition (7) to ensure the retention of the visual amenity of this rural area; Condition (8) to safeguard the vitality of Galston Town Centre; Condition (9) the commercial elements of this proposal are only acceptable in association with the tourist/leisure elements of the proposal. These elements cannot be justified prior to the completion of the hotel;

Condition (11) there is evidence to indicate former coal workings in the vicinity of the proposed development; Condition (12) in the interest of visual amenity; Condition (13) to ensure that any potential flooding problems caused by this proposed development are adequately addressed and mitigated; and Condition (14) to ensure that the proposed development does not alter the hydrology of the adjacent wetlands.

It was agreed to grant the application subject to the conditions and for the reasons detailed.

Councillor Robert McDill joined the meeting during consideration of the above item: 1.2.

CAPITAL PLAN - 1999/2000 (Item 4.1, Page 107, 99/02)

2. There was submitted a report dated 17 June 1999 (circulated) by the Director of Development Services on recommendations for allocations for the Development Services Capital Programme for 1999/2000, as detailed in the Appendix to the report; and seeking approval of an increase of £150,000 in the target for trunk road fee recovery and a corresponding reduction in the budgeted recharge to capital for staff costs.

It was agreed:-

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| C | <ul style="list-style-type: none"> (i) to recommend approval of the Development Services Capital Programme for 1999/2000, as detailed in the Appendix to the report; (ii) to approve an increase of £150,000 in the target for trunk road fee recovery and a corresponding reduction in the budgeted recharge to capital for staff costs; and (iii) noted that the Director of Development Services would submit an update report on the progress of the assessment of bridges in East Ayrshire, to the next meeting of this Committee. | C |
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EAST AYRSHIRE LOCAL PLAN: MEMBERS' SEMINAR

3. There was submitted a report dated 11 June 1999 (circulated) by the Director of Development Services requesting that a Members' Seminar be arranged to discuss the representations received on the Consultative Draft version of the East Ayrshire Local Plan; the Council's draft response; and the contents of the Draft Finalised East Ayrshire Local Plan.

It was agreed:-

- (i) that the Director of Development Services would arrange for a Members' Seminar to be held on the Consultative Draft version of the East Ayrshire Local Plan; the Council's draft response; and the contents of the Draft Finalised East Ayrshire Local Plan; and
- (ii) that the Members' Seminar be held prior to formal consideration of the Draft East Ayrshire Local Plan: Publicity and Consultation Statement; and the Finalised East Ayrshire Local Plan, which would be submitted to a future meeting of this Committee.

REVIEW OF PLANNING PROCEDURES (REVISED REPORT)
(Item 5, Page 70, 99/02)

4. There was submitted a revised report dated 17 June 1999 (circulated) by the Director of Development Services on a review of the process of dealing with planning applications based on the experience of the first three years in operating a decentralised planning application system and the draft findings of the Audit recently carried out by The Scottish Office; and recommending changes to the current operation of the planning application system.

The Head of Planning and Building Control reported:-

- (i) an amendment to Paragraph 7.1, c, (final paragraph), to read, viz:- "full and outline applications, including change of use for small scale developments or minor works (e.g. residential developments under 5 units) which accord with the existing land use policies"; and
- (ii) that recommendations relating to the proposal for a four week cycle for the Development Services Committee and the Local Planning Committees; and proposed amendments to the Scheme of Delegation be submitted to Council for consideration.

The Director of Development Services reported:-

- (i) an amendment to Paragraph 12.2, to read, viz:- "It is recommended that the Director of Development Services reports further on the relationship between delegations to the Development Services Committee and the Local Planning Committees and also submits a detailed report on proposals for further delegation of powers to the Head of Planning and Building Control in respect of small scale residential developments in general, in due course; and
- (ii) an amendment to Paragraph 7.1, (Section relating to trees), to read, viz:- "applications to top, lop and fell trees which are recommended in accordance with the professional and practical advice, on safety grounds, from the Department of Community Services (i.e. irrespective of receipt of objections)".

Councillor Coffey, seconded by Councillor Linton moved that planning applications for mineral extraction which are:-

- (a) alterations to a method of working of a minerals consent; and/or
- (b) an extension to the area or depth of working of a minerals consent

be continued to be considered by the Development Services Committee.

Councillor Ross, seconded by Councillor Boyd, moved as an amendment the recommendations as follows:-

- (i) to approve the alterations to the planning application system described in Paragraphs 4 to 9 of the report, as amended, and the Appendix to the report;
- (ii) that Council approve the recommendations as undernoted:-
 - (a) that a four weekly Committee cycle for planning applications be introduced;
 - (b) that the Scheme of Delegation be amended as follows:-
 - move from Development Services Committee to Local Planning Committees applications for mineral extractions which are:-

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- (a) alterations for a method of working of a minerals consent;
 - (b) an extension to the area or depth of working of a minerals consent;
- which (in both (a) and (b)) are in accordance with the Opencast Coal Subject Plan;

- move from Local Planning Committee to delegated to the Head of Planning and Building Control:

- (a) industrial developments within Rowallan Business Park which are in accordance with the Development Plan or an outline consent (reference Development Services Committee 24 November 1998 remitted to include in the Scheme of Delegation); and
- (b) applications to top, lop and fell trees which are recommended in accordance with the professional and practical advice, on safety grounds, from the Department of Community Services (irrespective of receipt of objections).

- that the current wording within the Scheme of Delegation to the Head of Planning and Building Control, namely:-

“applications for approval of reserved matters unless previously agreed that such reserved matters should be determined by a Committee”; and

“small scale developments or minor works or changes of use (e.g. residential developments under five units) which accord with the existing land use policies”,

be amended for clarification, to read, viz:-

“Full and outline applications, including change of use for small scale developments or minor works (e.g. residential developments under five units) which accord with the existing land use policies”; and

- (iii) that the Director of Development Services would report further on the relationship between delegations to the Development Services Committee and the Local Planning Committees and also submit a detailed report on proposals for further delegation of powers to the Head of Planning and Building Control in respect of small scale residential developments in general, to this Committee, in due course.

On a division by a show of hands, there were seven votes for the amendment and seven votes for the motion.

There being an equality of votes, the Chair exercised his casting vote in favour of the amendment.

BANKHOUSE PLANTATION, DARVEL (PROVISIONAL) TREE PRESERVATION ORDER 1998 (Item 10, Page 3621, 96/99)

5. There was submitted a report dated 11 June 1999 (circulated) by the Director of Development Services on the findings of a valuation of the Bankhouse Plantation,

Darvel, carried out by Chartered Foresters; and which sought approval for confirmation of a Tree Preservation Order at Bankhouse Plantation, Darvel.

It was agreed:-

- (i) that the Head of Planning and Building Control would seek an agreement with the owners of Bankhouse Plantation, Darvel, on a Management Plan for the woodland based on the principles described in Paragraph 7 of the report;
- (ii) to confirm the Bankhouse Plantation Tree Preservation Order incorporating agreement on a Management Plan, if any, reached under (i) above; and
- (iii) that should no such agreement on a Management Plan be reached, the Director of Development Services would report thereon, to this Committee, in due course.

COMPULSORY PURCHASE ORDER FOR A71 NEWMILNS RELIEF ROAD

6. There was submitted a report dated 17 June 1999 (circulated) by the Director of Development Services on the situation regarding the status of the Compulsory Purchase Order for the A71 Newmilns Relief Road promoted by the former Strathclyde Regional Council; and which sought approval for the Director of Development Services to withdraw the Compulsory Purchase Order.

It was agreed:-

- (i) to authorise the Director of Development Services to withdraw from the current Compulsory Purchase Order procedures relating to the possible A71 Newmilns Relief Road; and
- (ii) that the Director of Development Services would maintain under review, possible sources of funding for by-passes to be identified in the East Ayrshire Draft Local Plan, including the Newmilns By-pass.

WINTER MAINTENANCE

7. There was submitted a report dated 17 June 1999 (circulated) by the Director of Development Services which sought approval for the lease of four demountable gritters for the Department of Development Services (Roads and Transportation Division) Winter maintenance fleet.

It was agreed:-

- (i) to approve the lease of four demountable gritters for the Department of Development Services (Roads and Transportation Division) Winter maintenance fleet, to be met from within the revenue budget of the Department of Development Services; and
- (ii) that the Director of Finance arrange an operating lease facility under the most economic terms available.

SCOTTISH OFFICE CONSULTATION DOCUMENT ON TRUNK ROAD MANAGEMENT

8. There was submitted a report dated 17 June 1999 (circulated) by the Director of Development Services on The Scottish Office Consultation Document: "A Review of the Management and Maintenance Arrangements for Scottish Trunk Roads"; which

sought approval of a response on the Consultation Document; and which sought to reiterate support for existing trunk roads, remaining as trunk roads.

It was agreed:-

- (i) to note the publication of The Scottish Office Consultation Document: "A Review of the Management and Maintenance Arrangements for Scottish Trunk Roads";
- (ii) to authorise the Director of Development Services to submit a response to The Scottish Office Consultation Document: "A Review of the Management and Maintenance Arrangements for Scottish Trunk Roads", based upon the principles described in Paragraph 4 of the report; and
- (iii) to reiterate support for existing trunk roads, remaining as trunk roads.

**REPORT ON UNMETERED SUPPLIES FOR STREET LIGHTING
(Item 11, Page 4324, 96/99)**

9. There was submitted a report dated 9 June 1999 (circulated) by the Director of Development Services which sought authority to change the contract period for the tender for the supply of unmetered electricity for street lighting equipment.

It was agreed to authorise a change of contract period from 4 years, with an extension of up to one year, to a contract period of 18 months with an extension of up to one year, for the supply of unmetered electricity for street lighting equipment.

SCOTS NATURAL MATERIALS RESEARCH PROJECT

10. There was submitted a report dated 18 June 1999 (circulated) by the Director of Development Services on the purpose of the SCOTS Natural Materials Research Project; and which sought authority to contribute £2,000 towards the funding of that project.

It was agreed:-

- (i) to authorise the Director of Development Services to contribute £2,000 towards the funding of the SCOTS Natural Materials Research Project, to be met from within the revenue budget of the Department of Development Services; and
- (ii) otherwise, to note the contents of the report.

**PROPOSED AMENITY IMPROVEMENTS TO GLAISNOCK SHOPPING CENTRE,
TOWNHEAD STREET, CUMNOCK**

11. There was submitted a report dated 18 June 1999 (circulated) by the Director of Development Services which sought authority to undertake various amenity improvements to Glaisnock Shopping Centre, Townhead Street, Cumnock.

It was agreed:-

- (i) that an assessment on the condition of existing paving slabs at Glaisnock Shopping Centre, Townhead Street, Cumnock, and, if found to be defective, their replacement/repair, would be included in the Schedule of Works for the Centre; and

- (ii) to authorise the Director of Development Services to proceed with the Schedule of Works for Glaisnock Shopping Centre, Townhead Street, Cumnock, as detailed in the Appendix to the report, at an estimated cost of up to £23,000, to be met from within the property maintenance budget of the Department of Development Services.

The meeting terminated at 1056 hours.