

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE

**MINUTES OF MEETING HELD ON THURSDAY 28 NOVEMBER 1996 AT 1400
HRS IN THE MEETING ROOM, COUNCIL HEADQUARTERS,
LONDON ROAD, KILMARNOCK**

PRESENT: Councillors George Turnbull, Drew McIntyre, Irene Reeves, Douglas Reid, Wilma Doyle, Ronald Brailsford, John Knapp, David Fulton, Robert McDill, David Sneller, Jimmy Boyd, George Smith and Tommy Farrell.

ATTENDING: David Montgomery, Chief Executive; Stephen Chorley, Director of Development Services; Robert Paton, Head of Economic Development; Kate McVey, Head of Legal Services; Alan Neish, Head of Planning and Building Control; Bill Walkinshaw, Principal Administrative Officer; Sandy Gillatt, Chief Engineer (Roads); Karen McCarthy, Business Adviser (Economic Development); and Alex Hewetson, Administrative Officer.

APOLOGIES: Councillors Daniel Coffey and Eric Ross.

CHAIR: Councillor George Turnbull, Chair.

MONITORING REPORTS

1.1 UNEMPLOYMENT STATISTICS

There was submitted and noted a report (circulated) by the Director of Development Services providing recent statistics relating to unemployment figures in Scotland and East Ayrshire in particular as at September 1996.

1.2 BUSINESS GRANTS AND LOAN SCHEME STATUS REPORT

There was submitted and noted a report dated 18 November 1996 (circulated) by the Director of Development Services on companies which had received grant and loan support during the period 1 April to 31 October 1996.

1.3 BUDGETARY CONTROL SUMMARY STATEMENT - DEVELOPMENT SERVICES TO 11 OCTOBER 1996 (PERIOD 7)

There was submitted and noted a report dated 12 November 1996 (circulated) by the Director of Finance on the current budgetary control position statement of Development Services for the period ended 11 October 1996 (Period 7).

UNIT 2, BLOCK 2, THISTLE BUSINESS PARK SOUTH, CUMNOCK (Item 8, Page 1593)

- 2.** There was submitted a report dated 13 November 1996 (circulated) by the Director of Development Services requesting authority to declare surplus to the Department of Development Services' operational requirements, Unit 2, Block 2 at Thistle Business Park South, Cumnock.

It was agreed to declare the property, Unit 2, Block 2 at Thistle Business Park South, Cumnock, surplus to the Department of Development Services' operational requirements.

KILMARNOCK FLOODING STUDY - ISSUES AND OPTIONS (Item 8, Page 1397)

3. There was submitted a report dated 20 November 1996 (circulated) by the Director of Development Services setting out key issues and options and seeking authorisation to implement recommendations by the Babtie Group for a Flood Prevention Scheme for the Kilmarnock area.

It was agreed:

- (i) to approve the principles set out within the report as undernoted:-
 - (a) so far as is practical the capacity of flood plains not occupied by buildings should be left unaltered, unless compensatory measures are introduced;
 - (b) a Flood Prevention Scheme should, if possible, include enhancement of flood prevention upstream to compensate for defensive measures;
 - (c) the overall scheme should reduce the impact at Shewalton to the lowest practical level; and
 - (d) the standard design level for Flood Prevention Schemes should generally be taken as a '100 year' flood.
- (ii) to approve the draft "Early Action" programme set out within the report, as undernoted, for discussion with interested parties:-
 - (a) Fairyhill Road, Burnside Street, Glencairn, and Crookedholm;
 - (b) complementary measures relating to individual businesses; and
 - (c) Queen's Drive and associated schemes.
- (iii) to approve the Action Plan set out within the report as undernoted:-
 - (a) discussions with Flood Action Groups, businesses and developers;
 - (b) presentation to Scottish Office, SEPA and Enterprise Ayrshire Officials;
 - (c) submission of Challenge Fund bid (end November 1996) for up to £4m;
 - (d) further studies by the Babtie Group of:-
 - (i) impact of 'core' Early Action Programme; and
 - (ii) Queen's Drive area and associated schemes;
 - (e) in-house design of 'core' Early Action Schemes (supplemented by consultants as required);
 - (f) implementation of 'core' Early Action Schemes which can be funded from East Ayrshire Council's own resources;
 - (g) discussion with individual businesses on 'complementary' measures;
 - (h) set up funding and co-ordination arrangements for implementation of Queen's Drive area and associated schemes; and
 - (i) specification of further work required to develop full Flood Prevention Scheme.
- (iv) to agree to the submission of the Challenge Fund Bid for a total of up to £4m;

- (v) to approve the appointment of a Senior Engineer to co-ordinate programme development and implementation, subject to consideration by the Personnel Sub-Committee of the Policy and Resources Committee and adequate provision for the cost being available in the 1997/98 Capital Programme;
- (vi) to note that the Director of Development Services would in due course report on other flooding issues in the Kilmarnock area which would include proposals for flood prevention measures at Carmel Water, Crosshouse; and
- (vii) that the Director of Development Services undertake arrangements for a deputation, to seek an early meeting with George Kynoch, M.P., Minister for Industry and Local Government, to explore methods, in particular necessary funding, to address the flooding problems in the Kilmarnock area.

Councillor Reid, seconded by Councillor McDill, moved that a member of the Opposition Party be included in the deputation.

Councillor Turnbull, seconded by Councillor Farrell, moved as an amendment that the deputation consist of Councillor Sneller, Leader of the Council and Council Turnbull, Chair, representatives from local organisations and appropriate Council Officials.

On a division by a show of hands the amendment was carried by ten votes to three.

CHALLENGE FUND BID 1998/99 (Item 6, Page 1168)

4. There was submitted a report dated 11 November 1996 (circulated) by the Director of Development Services on the response received from the Scottish Office on an application to the Scottish Office Development Department for Challenge Funds for 1998/99 in relation to the Route Action Plan for the A70 from Coalhall to Glenbuck.

It was agreed:

- (i) to note that the bid for Challenge Funds to the Scottish Office Development Department for 1998/99 for the A70 Route Action Plan had been unsuccessful;
- (ii) to note that current capital budgets made it impossible at present, to proceed with the full A70 Route Action Plan; and
- (iii) to remit to the Director of Development Services to make arrangements to seek an early meeting with Lord James Douglas Hamilton, M.P., Minister for Health and Home Affairs, for a deputation, to consist of Councillor Sneller, Leader of the Council and Councillor Turnbull, Chair, Private Sector Business interests, representatives from local organisations and appropriate Council Officials, to discuss further the Council's bid for Challenge Funds for 1998/99 in relation to the Route Action Plan for the A70 from Coalhall to Glenbuck.

PROPOSED IRVINE VALLEY BUSINESS CENTRE FEASIBILITY STUDY (Item 8.1, Page 1168)

5. There was submitted a report dated 19 November 1996 (circulated) by the Director of Development Services on a proposal, approved under delegated powers, to part fund, together with Enterprise Ayrshire, with each organisation contributing to a maximum level of £4,000, the cost of a feasibility study, to be commissioned by The

Newmilns Trust, into the viability of a proposed Business and Training Centre located in the Irvine Valley.

It was agreed:-

- (i) to confirm approval of the proposed co-funding of the feasibility study into the viability of a proposed Business Centre located in the Irvine Valley; and
- (ii) to note that the Council's contribution to the feasibility study, to a maximum of £4,000, would be met from the Department of Development Services Consultancy Budget for the current financial year.

INDUSTRIAL LAND SUPPLY (Item 15, Page 1399)

6. There was submitted a report dated 1 November 1996 (circulated) by the Director of Development Services on the industrial land supply within East Ayrshire following the most recent assessment and proposing recommendations to ensure that an adequate supply of quality industrial land was brought forward through the Local Plan to meet future requirements.

It was agreed:-

- (i) to note the conclusions of the work to date in assessing the industrial land supply; and
- (ii) that the Director of Development Services progress with the identification of industrial sites and:-
 - (a) clarify and list identification criteria for each type of industrial site detailed in Appendix I to the report;
 - (b) initiate a search for new sites in association with the Council's partners, in particular, East Ayrshire Business Partnership and Enterprise Ayrshire; and
 - (c) involve Local Committees in the identification of appropriate sites.

URBAN PROGRAMME PRIORITY PARTNERSHIP AREA (PPA) SUBMISSION - MINISTERIAL MEETING

7. There was submitted a report dated 27 November 1996 (circulated), which superseded previously circulated report dated 11 November 1996 by the Director of Development Services on the outcome of a meeting held on 26 November 1996 between the representatives of the East Ayrshire Partnership; Councillor David Sneller, Leader of the Council; Councillor George Turnbull, Chair of the Development Services Committee; the Chair of the North West Kilmarnock Community Council and the New Start Project; a Board Member of East Ayrshire Business Partnership; David Montgomery, Chief Executive; and Stephen Chorley, Director of Development Services, and Raymond Robertson, M.P., Minister of Education, Housing and Fisheries which sought reconsideration of the Government's decision not to support the Priority Partnership Area (PPA) submission by East Ayrshire Council.

It was agreed:-

- (i) to note that the Minister would be prepared to give further consideration to funding arrangements for regeneration initiatives in East Ayrshire given the context of the unique aspects of deprivation within East Ayrshire;

- (ii) to note that the Minister had agreed that Scottish Office Officials would meet with the East Ayrshire Partnership for further discussions at the earliest opportunity; and
- (iii) to remit to the Director of Development Services to make the necessary arrangements for the further discussions between East Ayrshire Partnership and Scottish Office Officials at the earliest possible opportunity.

ENVIRONMENTAL IMPROVEMENT PROJECTS (Item 2, Page 1166)

8. There was submitted a report dated 13 November 1996 (circulated) by the Director of Development Services seeking the Committee's approval to progress a total of four projects under the Department's Environmental Improvement Projects Capital Budget allocation.

Councillor Turnbull, seconded by Councillor Sneller, moved that the recommendations be agreed subject to the report being referred to Local Committees for information only, as undernoted:-

- (i) to approve the project proposals, viz:- Andrew Fisher Memorial at Crosshouse; Drongan Access Road; Newmilns Industrial Estate; and North West Kilmarnock Priority Partnership Area;
- (ii) to remit to the Director of Development Services to refer the report for information to the Doon Valley, Kilmarnock North, Kilmarnock Central and Irvine Valley Local Committees; and
- (iii) to remit to the Director of Development Services to engage the Department of Contracting and Technical Services to commence project design services, as appropriate.

Councillor Reid, seconded by Councillor McDill moved as an amendment that the original recommendation, contained within the report, to remit the report to Local Committees, should stand.

On a division by a show of hands the motion was carried by ten votes to three.

AYRSHIRE TOURISM INDUSTRY FORUM - GATEWAY TOWNS PROJECT

9. There was submitted a report dated 15 November 1996 (circulated) by the Director of Development Services which assessed the relative merits of potential Gateway Towns to Ayrshire as part of an initiative being taken by the Ayrshire Tourism and Industry Forum (ATIF) and seeking a nomination by East Ayrshire Council of a pilot for the Gateway Town Project.

There was also submitted a further report dated 26 November 1996 (circulated) by the Director of Development Services on further developments in the consideration of this matter and proposing revised recommendations.

It was agreed:-

- (i) to nominate the Doon Valley and the Irvine Valley as "Gateway Valleys" to Ayrshire which would be based upon Doon Valley and Irvine Valley Local Committee areas;
- (ii) that all towns in those valleys receive appropriate promotion for potential tourism development in order that all may benefit; and

- (iii) to remit to the Director of Development Services to request that further discussion with ATIF on the concept of "Gateway Valleys" be formally raised at ATIF's Executive Committee Meeting on 3 December 1996.

PAN 37: STRUCTURE PLANNING: DRAFT FOR CONSULTATION

10. There was submitted a report dated 4 November 1996 (circulated) by the Director of Development Services which proposed appropriate action in response to the most recent draft Planning Advice Note (PAN) on Structure Planning from the Scottish Office which reflected the changed responsibilities brought about as a result of local government re-organisation and gave emphasis to how the Structure Plan system could contribute positively to the achievement of sustainable development as well as focusing on key development issues.

It was agreed:-

- (i) to remit to the Director of Development Services to respond directly to the Scottish Office in terms of Section 4 contained within the report;
- (ii) to remit to the Director of Development Services to arrange a presentation on the Structure Plan to all Elected Members; and
- (iii) otherwise to note the contents of the report.

EAST AYRSHIRE OPENCAST COAL SUBJECT PLAN PROGRESS REPORT

11.1 Declaration of Interest

Councillor Sneller declared a non-direct pecuniary interest in this item and left the meeting.

11.2 Consideration of Item

There was submitted a report dated 11 November 1996 (circulated) by the Director of Development Services on the proposed timetable for the preparation of the East Ayrshire Opencast Coal Subject Plan, advising the Committee of the ongoing work programme of the Planning and Building Control Division in this regard and outlining the general approach proposed for the formulation of the finalised version of the Subject Plan.

It was agreed:-

- (i) to note the action taken to date in the preparation of the East Ayrshire Opencast Coal Subject Plan as detailed within the report;
- (ii) to endorse the general approach suggested for the production of the finalised version of the East Ayrshire Opencast Coal Subject Plan; and
- (iii) to remit to the Director of Development Services to submit the Publicity and Consultation Document and the text of the Finalised East Ayrshire Opencast Coal Subject Plan to the Development Services Committee on 23 January 1997 for consideration.

Councillor Sneller re-joined the meeting.

AWARDING OF TENDERS

12. There was submitted and noted a report dated 12 November 1996 (circulated) by the Director of Support Services providing details of tenders which had been awarded to date in respect of the undernoted Development Services contracts:-

<u>Contract</u>	<u>Successful Contractor</u>	<u>Amount</u>
A77 Glasgow - Stranraer Trunk Road Improvement at Drumbooy	Tarstone Limited, Lancashire	£21,295
Painting of Road Lighting Plant	A.T. Engineering Services Ltd., Glasgow	£5,227
Doon Valley Regeneration and Tourism Development	Ian C.A. Parkin, Warwick	£9,750

PLANNING APPLICATIONS

13.1 APPLICATION NO 96/0141/OL - G & M ESTATES (Item 17.3, Page 1174)/APPLICATION NO 96/0377/FL - STRATHFORD (Item 16.3, Page 1400)

There was submitted a report dated 19 November 1996 (circulated) by the Director of Development Services on the latest position on application no 96/0141/OL for outline planning permission by G & M Estates for car showrooms, cinema, drive-thru restaurant, bowling green and clubhouse, light industrial units, cricket square and improvement to rugby club complex on the North of Queen's Drive, which was approved by the Development Services Committee on 5 September 1996, subject to Notification to the Secretary of State in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1995 and on application no 96/0377/FL for full planning permission by Strathford for a motor showroom, service area and body shop on part of the aforementioned site (application no 96/0377/FL) which was approved by the Development Services Committee on 17 October 1996 subject to an appropriate Direction from the Secretary of State being received by G & M Estates in respect of application no 96/0377/FL.

It was reported that the Director of Development Services had received an amended submission on application no 96/0377/FL which proposed that the car showroom be moved 22 metres nearer to the rugby club on the North of Queen's Drive and that the Director was seeking authority under delegated powers to deal with the proposals subject to an appropriate Direction from the Secretary of State being received by G & M Estates.

It was agreed:-

- (i) to note progress on planning applications 96/0141/OL and 96/0377/FL as detailed in paragraphs 3.1 and 3.2 contained within the report; and
- (ii) that determination of the amended submission on application No 96/0377/FL be delegated to the Head of Planning and Building Control.

13.2 APPLICATION NO CD/95/0254/MIN - RACKWOOD COLLIERY CO LTD AND WILLIAM GRANT (MINING) LTD (Item 2, Page 979)

13.2.1 Declaration of Interest

Councillor Sneller declared a non-direct pecuniary interest in this matter and left the meeting.

13.2.2 Consideration of Item

There was submitted a report dated 19 November 1996 (circulated) by the Director of Development Services updating the Committee on the status of a Section 50 legal agreement associated with the proposal for the extraction of coal by opencast method at Skares Road, Skares, which had been agreed, following a Formal Planning Hearing, by the Development Services Committee on 6 June 1996.

It was agreed:-

- (i) that consent for planning application CD/95/0245/MIN be granted subject to the conditions agreed by the Development Services Committee on 6 June 1996 and that the consent be issued only once the Agreement specified in (ii) below had been recorded in the Register of Sasines and that in (iii) below had been registered in the Books of Council and Session;
- (ii) that the Council enter into a Section 50 Agreement with the developers and the landowners in respect of Phase 1 of the site;
- (iii) that the Council enter into a Minute of Agreement with the developers, committing the developers to:-
 - (a) enter into a Section 50 Agreement in respect of Phases 2-6, and
 - (b) not commence work on Phases 2-6 until the said Section 50 Agreement has been recorded in the Register of Sasines; and
- (iv) that the determination as to whether the two Section 50 Agreements referred to above fulfil the terms of the decision of the Development Services Committee of 6 June 1996 be delegated to the Head of Planning and Building Control and the Head of Legal Services.

Councillor Sneller re-joined the meeting.

13.3 APPLICATION NO 96/0406/FL - ASDA STORES LTD

There was submitted a report dated 8 November 1996 (circulated) by the Director of Development Services on a full planning application for proposed Class 1 retail superstore, petrol filling station and associated car parking facilities and service yard and construction of roundabout at Queens Drive/Little Bellsland Road, Kilmarnock.

The Head of Planning and Building Control reported that one letter of objection had been received the details of which were intimated to the Committee.

Recommendation by Head of Planning and Building Control: (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 proposed development shall be carried out in accordance with the application form and plans submitted on 5 September 1996 revised by the amended plans received by the Planning Authority on 4 November 1996; (3) The gross floorspace of the superstore shall be limited to 6,325 sq ms with a net sales area of 2,790 sq ms for convenience goods only and net sales area of 929 sq ms for comparison goods only; (4) Notwithstanding the submitted information, details of all external materials relating to the superstore and petrol filling station shall be submitted to and approved by the Planning Authority before development commences on site; (5) Notwithstanding the

approved plans, the parking areas shall be delineated from the general circulation areas by the use of paviers and shall be of a similar treatment to the adjacent non-food retail warehouse park; (6) A scheme showing the provision to be made for the disposal of refuse shall be submitted to and approved by the Planning Authority before development commences on site; (7) Details of the following items shall be submitted to and approved by the Planning Authority before development commences on site; (8) No storage of goods or other materials shall take place in the service yard; (9) No customer car parking shall take place in the service yard; (10) Any loading or unloading of vehicles which may be required in connection with deliveries to the superstore shall take place within the curtilage of the service yard; (11) The developer of this site shall ensure that adequate and continuing measures are taken to ensure that roads and footpaths adjoining the site are maintained free from mud and other material carried from the site by construction and any other vehicles; (12) Notwithstanding the submitted plans, the disabled parking bays shall have an access area of 1.2m hatched in yellow. The disabled parking bays shall be marked with yellow lines and a yellow wheelchair symbol provided to the rear of or within each space; (13) Notwithstanding the approved plans, a footway shall be provided across the mouth of the former line of Little Bellsland Road at its junction with Queens Drive once Little Bellsland has been realigned to the satisfaction of the Planning Authority; (14) Notwithstanding the approved plans, the minimum carriageway width shall be 7.5m on all adaptable roads and the minimum corner radii shall be 7m; (15) Notwithstanding the approved plans, a forward visibility of 60m shall be provided at the roundabouts and a temporary turning facility shall be provided at the end of Little Bellsland Road until the turning circle within the non-food retail development is constructed; (16) A landscaping scheme including the treatment of the boundary of the site/areas for public open space 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 areas, and shall be maintained thereafter in accordance with these details; Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) to enable the Planning Authority to retain control over the development of the site; Condition (3) in order to safeguard the viability and vitality of the Town Centre; Conditions (4), (5), (6) and (7) in the interests of visual amenity; Conditions (8), (9), (10), (11), (13), (14) and (15) in the interests of road safety; Condition (12) to enable access to the development for all members of the community; and Condition (16) 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 visual amenity; and (ii) that the decision notice should be issued only following the satisfactory signing of the Section 50 Agreement and the subsequent recording of the Agreement in the Register of Sasines.

It was agreed:-

- (i) to grant the application subject to the conditions and for the reasons detailed; and
- (ii) the decision notice only being issued following the satisfactory signing of the Section 50 Agreement and subsequent recording of the Agreement in the Register of Sasines.

13.4 APPLICATION NO 96/0262/OL - CALEDONIA MOTOR GROUP LTD

There was submitted a report dated 11 November 1996 (circulated) by the Head of Planning and Building Control on an outline planning application for proposed single motor showroom dealership with associated workshops, bodyshops, offices and motor display areas at land bounded by A71 and B7064 to south of roundabout at Moorfield, Kilmarnock.

The Head of Planning and Building Control reported that no objections or representations had been received.

It was agreed to continue consideration of this application to the next meeting of the Committee to allow the Head of Planning and Building Control to submit a report on the current industrial use of the land surrounding the vicinity of the site at Moorfield, Kilmarnock.

13.5 APPLICATION NO KL/E/OL/89/143B - MR A BELL AND APPLICATION NO KL/E/OL/95/251A - TEXACO PLC

The Head of Planning and Building Control reported that there was a need to seek legal advice on a Court of Session decision which may have a bearing on consideration of this planning application and requested deferral of these applications to a future meeting of the Committee.

It was agreed to defer consideration of the applications to a future meeting of the Committee.

13.6 APPLICATION NO 96/0452/FL - McLEAN HOMES

There was submitted a report dated 8 November 1996 (circulated) by the Director of Development Services on a full planning application for proposed erection of 63 two-storey dwellings and associated works at Southcraigs, Kilmarnock.

It was reported by the Head of Planning and Building Control that one petition with 12 signatures objecting to the application had been received.

Recommendation by Head of Planning and Building Control: 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 application form and plans submitted on 5 September 1996 as revised by the Planning Layout (Drawing No Arch - 01 Rev C) plan received by the Planning Authority on 24 October 1996; (3) None of the dwellings hereby approved shall be constructed until (i) the access adjacent to plots 1 and 64 is formed including sightlines of 4.5m x 90m, free from obstruction greater than 1m in height; and (ii) there is formed an uninterrupted link to Glasgow Road, to a standard suitable for adoption by the East Ayrshire Council Roads Section; (4) Notwithstanding the plans hereby approved, the junction with the distributor road will require to be widened as required in table 5.2 of the roads development guidelines. The width of the roads within the development site shall be 5.5m wide, except at the junction indicated; (5) Notwithstanding the submitted plans hereby approved, a continuous two metre wide footway shall be provided except at the junction with the distributor road where a strengthened three metre wide footway is required to accommodate emergency vehicles; (6) Notwithstanding the submitted plans hereby approved, the use of speed bends requires over run areas on bends as

indicated in 6.6.4 (16) of the guidelines. Similarly, as the development is a traffic calmed scheme, a gateway feature must be provided on the access road from the main distributor road as detailed on 6.6.4 (25); (7) Notwithstanding the submitted plans hereby approved, sightlines for junctions at internal layout roads will be 2.5m x 35m free from obstruction greater than 1m in height, shall be provided and maintained and corner radii shall be 4.5m minimum. In addition forwarded sight distances must be observed throughout the development; (8) Notwithstanding the submitted plans hereby approved, all four bedroom house types shall provide three parking spaces within their respective curtilages and three bedroom house types shall provide two parking spaces within their respective curtilages. Details of the arrangement of this provision shall be submitted to and approved by the Planning Authority prior to the erection of the dwellings concerned; (9) Notwithstanding the submitted plans hereby approved, eight non allocated visitor spaces shall be provided. Details of their location shall be submitted to and approved by the Planning Authority prior to the commencement of the development; (10) Notwithstanding the submitted plans, the facing, roofing and surfacing materials, including those used in the traffic calming features are not hereby approved. Details/samples of same shall be submitted to and approved by the Planning Authority prior to the commencement of development; (11) A landscaping scheme including the following details shall be submitted to and approved by the Planning Authority prior to the commencement of development; (i) the provision of planting in the areas of open space (ie land outwith any house plot); (ii) the provision of play equipment in the open space adjacent to plots 1-4; (iii) the means of maintenance of the planting/play equipment; (iv) the implementation of the landscaping/play equipment in relation to the progression of the site; (v) the provision of a five metre wide mounded landscape buffer along the boundary of the site outwith any residential curtilage; (12) Notwithstanding the submitted plans, details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site; and (13) No demolition, site clearance or building operations shall be commenced until chestnut pale fencing of a height not less than 1.2m has been erected around the trees 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 five metres from the trunk of the tree, whichever is the greater. Such fencing shall be maintained during the course of the development and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed; Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) to ensure that the development is carried out in accordance with the approved details; Conditions (3) to (9) in the interests of road safety; Condition (10) in the interests of visual/residential amenity; Condition (11) to ensure the open areas/play equipment are appropriately provided in relation to the development of the houses; Condition (12) in the interests of visual amenity; and Condition (13) to ensure the retention of the maximum number of trees on the site and their protection from damage in the interests of visual amenity.

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

13.7 APPLICATION NO 96/0487/RM - WIMPEY HOMES SCOTLAND WEST

There was submitted a report dated 19 November 1996 (circulated) by the Director of Development Services on a reserved matters application for proposed development of 84 residential dwellings and associated works at Southcraigs, Glasgow Road, Kilmarnock.

It was reported by the Head of Planning and Building Control that no representations had been received.

Recommendation by Head of Planning and Building Control: 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 application form and plans submitted on 4 October 1996 as revised by the amended layout (drawing No 02-01 REV 03) plan received by the Planning Authority on 14 November 1996; (3) None of the dwellings hereby approved shall be constructed until (i) the access adjacent to plots 1 and 92 is formed, including sightlines of 4.5m x 90m free from obstruction greater than 1m in length and (ii) there is formed an uninterrupted link to Glasgow Road, to a standard suitable for adoption by the Highways Authority; (4) Details/samples of facing, roofing and surfacing (including those used in the traffic calming features) shall be submitted to and approved by the Planning Authority before any development commences on the site; (5) A landscaping scheme, including the following matters, shall be submitted to and approved by the Planning Authority prior to the commencement of development; and (6) Sightlines of 2.5m x 35m, free from obstruction greater than 1m in height, shall be provided and maintained at all road junctions within the site; Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) to ensure that the development is carried out in accordance with the approved details; Conditions (3) and (6) in the interests of road safety; Condition (4) in the interests of visual/residential amenity; and Condition (5) to ensure the open areas/play equipment is appropriately provided in relation to the development of the houses.

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

LOCAL PLANNING APPLICATIONS

14.1 APPLICATION NO 96/0048/FL - MR WILLIAM MURDOCH (Item 17.1, Page 1403)

There was submitted a report dated 20 November 1996 (circulated) by the Director of Support Services presenting for determination a detailed planning application for a one storey dwellinghouse, Burnton Cottage, Lesterhill, Dalrymple. The planning application was placed before the Doon Valley Local Committee on 27 September 1996 and referred to the Development Services Committee for determination, in accordance with the Scheme of Delegation for planning applications with a recommendation that the application be approved on the basis that to do so would be consistent with advice offered to the applicant on behalf of the Planning Committee of Cumnock and Doon Valley District Council, that a house at this location would be acceptable provided the proposal was submitted in detail and said details were compatible with the design of the adjacent cottage, which these details were considered to be.

The planning application was placed before the Development Services Committee on 17 October 1996 when it was agreed that consideration be deferred for a site visit which was held on 30 October 1996.

The Head of Planning and Building Control confirmed that one letter of representation had been received, details of which were contained within the report.

The Head of Planning and Building Control summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Refusal for the following reasons, viz:- (1) The proposed development would be contrary to Policies CAT1 of the Strathclyde Structure Plan and RES13 of the Cumnock and Doon Valley District Wide Local Plan which presume against residential development in the Countryside Around Towns, unless there is a proven specific locational need; (2) The proposed development would be contrary to Policy RES11 of the Cumnock and Doon Valley District Wide Local Plan which presumes against backland development; (3) The proposed development, if approved, would set an undesirable precedent for further sporadic development along unlit minor roads to the detriment of the rural environment, and would be contrary to Policy RES14 of the Cumnock and Doon Valley District Wide Local Plan; (4) The proposed development would be detrimental to the visual amenity and character of the rural environment, and would be contrary to Policy RES14 of the Cumnock and Doon Valley District Wide Local Plan; (5) The applicant had not identified a specific locational need for the dwellinghouse in order to justify approval; (6) The Council has already identified adequate sites for housing development in the Cumnock and Doon Valley District Wide Local Plan, which covers the general area within which the site lies; and (7) The proposed development site constitutes a backland development which is contrary to good planning principles.

Councillor Smith, seconded by Councillor Fulton, moved that the application for detailed planning permission be approved contrary to Council policy on the undernoted grounds:-

- (i) the location of the proposed dwellinghouse, would be within an orchard and therefore inconspicuous;
- (ii) there was no loss of agricultural land; and
- (iii) it did not constitute a backland development.

Councillor Turnbull, seconded by Councillor McIntyre, moved as an amendment that the application be refused for the reasons given by the Head of Planning and Building Control, as detailed.

On a division by a show of hands, the motion was carried by ten votes to two.

Thereafter, it was also agreed that it would be delegated to the Head of Planning and Building Control to draft appropriate conditions relating to matters raised through consultation with the Roads Division and SEPA.

14.2 APPLICATION NO 96/0376/FL - ALEXANDER McANESPIE (Item 2.1, Page 1513)

There was submitted a report dated 21 November 1996 (circulated) by the Director of Support Services presenting for determination a detailed planning application for proposed change of use from ground floor flat to form a shop, of shop to public house and upper floor to a flat, erection of rear extension to public house and flat and internal alterations to 1/3 Kilmaurs Road, Knockentiber. The planning application was placed before a Special Meeting of the Kilmarnock Central Local Planning Committee on 20 November 1996 and referred to the Development Services Committee for determination, in accordance with the Scheme of Delegation

for planning applications, with a recommendation that the application be approved contrary to the recommendation of the Head of Planning and Building Control and contrary to Policy C1 of the Finalised District Plan, on the basis:-

- (i) that to do so would be to fulfil a social need which was otherwise not met in this particular settlement;
- (ii) that it was considered the social need was already met in other similarly sized settlements within the area; and
- (iii) that it was considered the proposed design of the roof, parking provision and likely levels of noise and disturbance were acceptable.

The Head of Planning and Building Control reported that eight letters of objection had been received with ten signatories, one letter in support, plus a petition in support of the application with 204 signatures.

The Head of Planning and Building Control summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Refusal for the following reasons, viz:- (1) The proposed development would detract from the residential amenity of the area; (2) The proposed development would not provide satisfactory accommodation within the planning site for the parking of vehicles; (3) The proposed development would be contrary to Policy C1 of the Finalised District Plan which permits Class 3 uses (i.e. public house) only within town centres, shopping areas; and (4) The design of the proposed extension, so far as the roof is concerned, is not in keeping with the existing building.

It was agreed to approve the application for proposed change of use contrary to Council policy for the reasons indicated by the Local Planning Committee, as detailed.

14.3 APPLICATION NO 96/0413/FL - CALEDONIAN CMT (Item 2.3, Page 1514)

There was submitted a report dated 21 November 1996 (circulated) by the Director of Support Services presenting for determination a detailed planning application for proposed erection of a new extension to factory at 11A Rugby Road, Kilmarnock. The planning application was placed before the Kilmarnock Central Local Planning Committee on 20 November 1996 which lacked the necessary quorum of Members who were also present at a Hearing in respect of the application on 1 November 1996. In accordance with the Scheme of Delegation for planning applications, therefore, the application was referred to the Development Services Committee for consideration.

The Head of Planning and Building Control reported that four letters of objection had been received, details of which were contained within the report.

The Head of Planning and Building Control summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: 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 submitted plans, the external materials are not hereby approved. Details/samples of the facing brick and roofing shall be submitted to and approved by the Planning Authority before any development commences on the site; (3) The developer shall ensure that all

excavations within 12 metres of the horse chestnut tree shall be carried out by hand and the main roots should be protected during this process. The developer shall advise the planning authority prior to commencement of the excavations as to the proposed site supervision particularly in relation to the protection of the horse chestnut tree. Other than where these excavations are taking place, no storage of materials or other operations linked to the development process shall take place within a 5m radius of the trunk of the retained trees; (4) The use hereby approved shall operate without detriment to adjoining properties by reason of noise, dirt, grit, smell or general disturbance; Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Conditions (2) and (3) in the interests of visual amenity; and Condition (4) to safeguard the amenity of the area.

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

14.4 APPLICATION NO 96/0366/FL - MISS J LIGHTBODY (Item 2.2, Page 1514)

There was submitted a report dated 21 November 1996 (circulated) by the Director of Support Services presenting for determination a detailed planning application for proposed removal of two stone mullions to install new windows and painting of back and front exterior walls at 24 Wilson Avenue, Kilmarnock. The planning application was placed before a Special Meeting of the Kilmarnock Central Local Planning Committee on 20 November 1996 which lacked the necessary quorum of Members who were also present at the Hearing in respect of the application on 1 November 1996. In accordance with the Scheme of Delegation for planning applications, therefore, the application was referred to the Development Services Committee.

The Head of Planning and Building Control reported that one letter of objection and 13 letters of support, containing 15 signatures had been received, details of which were contained within the report.

The Head of Planning and Building Control summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: 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 submitted forms, the colour of the paint is not hereby approved. Details of alternative paint and colour shall be submitted for approval to the Planning Authority within one month of this permission and shall be applied within three months of the date of the approval of such details; Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; and Condition (2) in the interests of visual amenity.

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

The meeting terminated at 1538 hours.