

EAST AYRSHIRE COUNCIL**DEVELOPMENT SERVICES COMMITTEE****MINUTES OF MEETING HELD ON TUESDAY 2 DECEMBER 1997 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Drew McIntyre, Douglas Reid, Ronald Brailsford, John Knapp, Daniel Coffey, David Fulton, Robert McDill, Eric Ross, 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; Alan Neish, Head of Planning and Building Control; Bill Taylor, Head of Roads and Transportation; Sandy Gillat, Chief Engineer (Roads and Transportation); David Morris, Development Promotion Manager; Bill Walkinshaw, Principal Administrative Officer; David Mitchell, Principal Solicitor; Alex Hewetson, Administrative Officer; and Christine Baillie, Administrative Assistant.

APOLOGIES: Councillors Irene Reeves and Wilma Doyle.

CHAIR: Councillor Drew McIntyre, Chair.

CONSIDERATION OF REFERRED LOCAL PLANNING APPLICATIONS**1. APPLICATION NOS 97/0627/FL AND 97/0629/LB: MR JOHN CAMPBELL (Item 1.2, Page 2671)**

The Administrative Officer advised of the procedure for informal Hearings.

There was submitted a report dated 26 November 1997 (circulated) by the Director of Support Services on the decision of the Southern Local Planning Committee held on 11 November 1997, regarding the above numbered planning applications; the requirement to hold a Hearing; and requesting the Committee to consider and determine these applications; and a report dated 20 October 1997 (circulated) by the Head of Planning and Building Control on the full planning application (97/0627/FL) for removal of Condition No 1 from planning consent 97/0069/FL and the listed building application (97/0629/LB) for removal of Condition No 1 from listed building consent 97/0448/LB, at the Dumfries Arms Hotel, Glaisnock Street, Cumnock.

It was noted that Members of the Development Services Committee had attended a site visit to the Dumfries Arms Hotel, Glaisnock Street, Cumnock.

The Head of Planning and Building Control reported that two letters of representation objecting to the applications had been received, details of which were contained within the report; summarised the planning considerations in respect of the applications; and gave the recommendation of the Head of Planning and Building Control: Refusal for the following reasons, viz:- (1) The installation of PVC replacement windows in the Category B Listed Building is considered to be detrimental to the character, appearance and architectural quality of the listed building and is therefore contrary to Policies ENV 1 and 4 of the Finalised Cumnock and Doon Valley District Wide Local Plan; (2) The use of PVC windows, in the Category B Listed Building is contrary to Policy 11(b) of the Council's adopted

Development Control Policies relating to Listed Buildings and Buildings within Conversation Areas which states "All replacement windows must be of timber construction with window frames being painted in colours to be agreed with the Planning Authority"; and (3) The installation of PVC replacement windows in the Category B Listed Building is considered to have an adverse impact on the visual character and amenity of Cumnock Conservation Area and the proposal is therefore contrary to Policy ENV 2 of the Finalised Cumnock and Doon Valley District Wide Local Plan.

Councillor Ross joined the meeting at this point.

The Committee then heard Ms Janet Kleboe, representative of The Architectural Heritage Society of Scotland and Ms Leigh Johnston, representative of The Scottish Civic Trust, who spoke in support of their respective organisation's letters of representation, objecting to the applications, and the applicant, Mr John Campbell, who spoke in support of the applications, all in accordance with the agreed Hearing procedure.

Councillor Boyd, seconded by Councillor George Smith, moved that as the construction of a new PVC conservatory at the Dumfries Arms Hotel, Glaisnock Street, Cumnock, had been previously approved, the use of similar materials should be approved for use for the remainder of the building, in the interests of consistency and that the application be granted subject to notification to the Secretary of State, under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, for a final decision.

Councillor McIntyre, seconded by Councillor Coffey, moved as an amendment that the application be refused for the reasons detailed.

On a division by a show of hands, the motion was carried by seven votes to five.

2. APPLICATION NO 97/0544/OL: SIOBHAN ORRETT (Item 1.1, Page 2641)

The Administrative Officer advised the Committee that as the applicant and objectors were not present a Hearing would not be held in relation to the above numbered planning application.

There was submitted a report dated 26 November 1997 (circulated) by the Director of Support Services on the decision of the Special Southern Local Planning Committee held on 29 October 1997 regarding this planning application; the requirement to hold a Hearing; and requesting this Committee to consider and determine the planning application and a report dated 15 September 1997 (circulated) by the Head of Planning and Building Control on the outline planning application (97/0544/OL) for proposed erection of a single dwelling bungalow, 52 Wellwood Street, Muirkirk.

The Head of Planning and Building Control reported that two letters of objection had been received, details of which were contained within the report; 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 reason, viz:- The proposed development would result in a third dwellinghouse being erected at this location to the rear of Wellwood Street, and as the applicant is unable to provide a proper access road with street lighting as required by East Ayrshire Council as Roads Authority, the proposed development would be detrimental to public road safety.

Councillor McIntyre, seconded by Councillor Boyd, moved that the application be refused for the reason detailed.

Councillor George Smith, seconded by Councillor Ross, moved as an amendment, that as the access road serving the site was already serving two properties and access to a car parking area, approval of the application would not change the existing situation, the application be granted.

On a division by a show of hands, the motion was carried by eight votes to four.

BEST VALUE SUB-COMMITTEE OF THE POLICY AND RESOURCES COMMITTEE - MEMBERSHIP (Item 3.1.19, Page 2664)

3. It was agreed that the Chair of the Development Services Committee be the representative and that the Vice-Chair of the Development Services Committee be the substitute to serve on the Best Value Sub-Committee of the Policy and Resources Committee and that the Director of Support Services be advised accordingly.

MONITORING REPORTS

4.1 UNEMPLOYMENT STATISTICS

There was submitted and noted a report dated November 1997 (circulated) by the Director of Development Services providing statistics recently released by the Office for National Statistics relating to unemployment figures in Great Britain and Scotland, and East Ayrshire in particular, in October 1997.

4.2 BUSINESS GRANTS AND LOAN SCHEME STATUS REPORT

There was submitted and noted a report dated 17 November 1997 (circulated) by the Director of Development Services on grant and loan support awarded to companies in East Ayrshire during the period 1 October to 14 November 1997.

4.3 BUDGETARY CONTROL SUMMARY STATEMENT - DEVELOPMENT SERVICES TO 10 OCTOBER 1997 (PERIOD 7)

There was submitted and noted a report dated 12 November 1997 (circulated) by the Director of Finance on the current budgetary control position and the projected out-turn for the year of the Department of Development Services for the period ended 10 October 1997 (Period 7).

4.4 ROADS STATUTORY INDICATORS 1996/97

There was submitted a report dated 17 November 1997 (circulated) by the Director of Development Services on the Roads and Lighting Statutory Indicators for the year 1996/97.

It was agreed:-

- (i) to remit to the Head of Roads and Transportation to provide year-on-year comparison figures in future reports relating to Roads Statutory Indicators, to this Committee; and
- (ii) otherwise to note the contents of the report.

4.5 PLANNING AND BUILDING CONTROL PERFORMANCE STATISTICS

There was submitted a report dated 24 November 1997 (circulated) by the Director of Development Services on the level of performance achieved by the Planning and Building Control Division from 1 April to 30 September 1997.

It was agreed:-

- (i) to remit to the Head of Planning and Building Control to provide year-on-year comparison figures in future reports relating to Planning and Building Control Performance Statistics to this Committee; and
- (ii) otherwise to note the contents of the report.

AWARDING OF TENDERS

5. There was submitted and noted a report dated 18 November 1997 (circulated) by the Director of Support Services providing details of 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> |
|---|------------------------------|---------------|
| Carriageway Resurfacing - B7038 Dean Street, Kilmarnock | Barr Limited, Ayr | £38,826.61 |
| Carriageway Patching - North Area | Wallace Dick & Sons, Darvel | £30,000.00 |

DEVELOPMENT SERVICES DEPARTMENT - UPDATE OF DEVELOPMENT PLAN (Item 5, Page 1700)

6. There was submitted a report dated 28 November 1997 (circulated) by the Director of Development Services seeking approval of the Department of Development Services updated Development Plan; and supplementary information on Key Performance Statistics, for incorporation into the revised Corporate Plan to be submitted to the Policy and Resources Committee, for consideration.

It was agreed:-

- (i) to approve an additional element to the Performance Measures Development Projects section on Page 8 of Annex 1, to the report, viz:- Inward Investment and Promotion;
- (ii) to approve an additional element to the Performance Measures Strategies section on Page 9 of Annex 1, to the report, viz:- Kilmarnock Town Centre Regeneration Strategy;
- (iii) to approve the revised Development Services Action Plan as set out in Annex 1, as amended, to the report;
- (iv) to refer the supplementary information on Key Performance Statistics, as set out in Paragraphs 7 to 13 of the report for incorporation into the revised Corporate Plan to the Policy and Resources Committee, for consideration; and

- (v) otherwise to note the contents of the report; Annex 1, as amended; and Annex 2, to the report.

CAPITAL PROGRAMME REVIEW (Item 3, Page 2052)

7. There was submitted a report dated 24 November 1997 (circulated) by the Director of Development Services seeking approval for modifications in allocations to specific projects within the overall Capital Programme allocation for 1997/98 to Development Services Committee.

It was agreed to approve the modified Capital Programme for 1997/98 as detailed in the Annex to the report.

NEW ENTERPRISE WORKSHOP, CUMNOCK (Item 7, Page 2054)

8. There was submitted a report dated 14 November 1997 (circulated) by the Director of Development Services seeking approval to close the New Enterprise Workshop in Cumnock, at the end of the current calendar year, or as soon as is practically possible and providing details of personnel implications.

It was agreed:-

- (i) to approve the closure of the New Enterprise Workshop at Cumnock, at the end of the current calendar year, or as soon as is practically possible; and
- (ii) to remit to the Director of Development Services to action the personnel issues relating to the closure of the New Enterprise Workshop, Cumnock, in consultation with the Director of Personnel Services and the appropriate Trade Unions.

STRATHCLYDE STRUCTURE PLAN 1995 (Item 12, Page 2055)

9. There was submitted a report dated 17 November 1997 (circulated) by the Director of Development Services on the approval of the Strathclyde Structure Plan 1995 by the Secretary of State, and presenting the final modifications made to and incorporated into the Strathclyde Structure Plan 1995 as they related to East Ayrshire.

It was agreed to note the modifications by the Secretary of State to the Strathclyde Structure Plan 1995, as detailed in the report and the Appendix to the report, as they related to East Ayrshire.

1998/99 PROGRAMME OF STRUCTURAL MAINTENANCE OF ROADS AND FOOTWAYS (Item 2, Page 761)

10. There was submitted a report dated 24 November 1997 (circulated) by the Director of Development Services seeking approval for the 1998/99 programme of inescapable schemes for the structural maintenance of roads and footways.

It was agreed:-

- (i) to approve the programme of inescapable schemes for the structural maintenance of roads and footways;
- (ii) to note the footway programme options which would be presented to Local Committees; and

- (iii) to authorise the Head of Roads and Transportation to accommodate any further reduction in the anticipated structural maintenance budget by reducing the footway resurfacing programme.

EAST AYRSHIRE EMPLOYMENT INITIATIVE (Item 3, Page 2430)

11. There was submitted a report dated 24 November 1997 (circulated) by the Director of Development Services seeking agreement to be a member of the new East Ayrshire Employment Limited and requesting nominations for Member representation on the East Ayrshire Employment Initiative Board.

It was agreed:-

- (i) to approve the set up of the new company; East Ayrshire Employment Initiative Limited;
- (ii) to remit to the Head of Legal Services to agree to the structure of the company's Memorandum and Articles of Association;
- (iii) to note that a Business Plan for the new organisation would be summarised and submitted to the Development Services Committee in January 1998, for consideration; and
- (iv) to recommend that the Leader of the Council and the Chair of the Development Services Committee be the Member representatives to the East Ayrshire Employment Initiative Board.

Councillors Ross and Fulton left the meeting.

EAST AYRSHIRE REGENERATION PARTNERSHIP AND STRATEGY (Item 7, Page 1547)

12. There was submitted a report dated 13 November 1997 (circulated) by the Director of Development Services on the development of the East Ayrshire Regeneration Partnership over the past year and on proposals to take its regeneration work forward.

It was agreed:-

- (i) to approve the recommendations by the Director of Development Services on the future role of the East Ayrshire Regeneration Partnership on the implementation of the East Ayrshire Regeneration Strategy as outlined in Paragraph 3.2 of the report; and
- (ii) to remit to the Director of Development Services to approach Scottish Office Ministers requesting that they-
- (a) consider East Ayrshire's position when the future of the Urban Programme was considered; and
- (b) consider how East Ayrshire could be helped to support Urban Aided projects due to time expire in the near future.

Councillor Ross re-joined the meeting.

FACTORY SHOP DEVELOPMENTS IN EAST AYRSHIRE

13. There was submitted a report dated 17 November 1997 (circulated) by the Director of Development Services on the opportunities for and issues resulting from the development of factory shopping in East Ayrshire.

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It was agreed to recommend the conclusions as detailed in Paragraph 10.1, as amended, viz:-

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- (i) the development of individual factory shops ancillary to manufacturing use should be supported within East Ayrshire;
- (ii) given the potential detrimental impact on the vitality and viability of town centres, Factory Outlet Centre development in Kilmarnock and Cumnock was unlikely to be acceptable; and
- (iii) outwith Kilmarnock and Cumnock where a sequential approach to site identification was adopted and where traffic and transport implications and design matters could be satisfactorily resolved, the principle of Factory Outlet Centre development could be supported; and
- (iv) that the aforementioned recommendations referred to in; (i); (ii); and (iii) would be reflected in the preparation of retailing policy for the East Ayrshire Local Plan and that in the interim, they would be used as a guide to determine any applications for factory shop outlets that may be received by the Council as the Planning Authority.

THE BOX KIRK, CUMNOCK (Item 5, Page 2052)

14. There was submitted a report dated 25 November 1997 (circulated) by the Director of Development Services seeking approval that the Department of Development Services does not proceed with the proposed conversion to offices of the Box Kirk, Cumnock.

It was agreed:-

- (i) to note the survey report carried out by the Council's Technical Services Department, on the Box Kirk, Cumnock;
- (ii) to advise the Head of Property Services that the Department of Development Services no longer had an interest in the conversion to offices of the Box Kirk, Cumnock; and
- (iii) to remit to the Head of Property Services:-
 - (a) to determine the action which would be required to demolish the Box Kirk, Cumnock;
 - (b) to ensure the preservation of the stained-glass windows of the Box Kirk, Cumnock, with a view to presenting them to the Old Church, The Square, Cumnock; and
 - (c) to submit a report thereon to the Finance and Property Sub-Committee of the Policy and Resources Committee, for consideration.

FLOOD PREVENTION (Item 4.1, Page 2318)

15. There was submitted and noted a report dated 17 November 1997 (circulated) by the Director of Development Services on the East Ayrshire Council, Initial Report - November 1997 specifying the measures East Ayrshire Council considered it

required to take to prevent or mitigate the flooding of non-agricultural land in East Ayrshire, which was published by East Ayrshire Council to conform with the Flood Prevention and Land Drainage (Scotland) Act 1997.

**EAST AYRSHIRE OPENCAST COAL SUBJECT PLAN STATUS UPDATE
(Item 1, Page 1903)**

16.1 Declaration of Interest

Councillor Sneller declared a non-pecuniary interest in terms of the National Code of Local Government Conduct in this item and left the meeting.

16.2 Consideration of Item

There was submitted a report dated 20 November 1997 (circulated) on current progress in the preparation of the East Ayrshire Opencast Coal Subject Plan.

It was agreed:-

- (i) to remit to the Director of Development Services to arrange for a Seminar for Elected Members to be held:-
 - (a) to consider details of the data base on opencast sites currently being prepared by the Department of Development Services;
 - (b) to discuss the representations received in respect of the East Ayrshire Opencast Coal Subject Plan; and
 - (c) to debate areas of specific concern raised through the consultation process, regarding opencast operations in general;
- (ii) to agree that a limited number of public information meetings would be held inviting further comment on the East Ayrshire Opencast Coal Subject Plan from the general public and other interested parties;
- (iii) that following the Seminar and the public information meetings and notwithstanding the decision by the Development Services Committee of 21 October 1997, that the Opencast Coal Subject Plan should not be finalised until new national guidance was received and that the finalised version of the Opencast Coal Subject Plan would be prepared as a matter of priority and progressed to adoption through the necessary statutory procedures; and
- (iv) otherwise to note the contents of the report.

Councillor Sneller re-joined the meeting.

**INVESTIGATION INTO WILLIAM WALLACE'S CONNECTIONS WITH EAST
AYRSHIRE AND IMPLICATIONS FOR ECONOMIC DEVELOPMENT
THROUGH TOURISM (Item 4, Page 2583)**

17. There was submitted a report dated 17 November 1997 (circulated) by the Director of Development Services on proposals for linking William Wallace's connection with East Ayrshire to implementation of the Economic Strategy and making proposals for clarification on the issue of his birthplace.

It was agreed:-

- (i) that detailed proposals would be prepared for a tourist trail based on the themes discussed in Paragraph 4 of the report;

- (ii) that funding proposals for the development of a tourist trail would be developed in accordance with the provisions detailed in Paragraph 6.2 of the report;
- (iii) that Members would write to the Director of Development Services on any additional historical associations which might be linked to the themes outlined in Paragraph 4.4 of the report;
- (iv) that research would be commissioned into William Wallace's links with East Ayrshire, with the particular intention of investigating whether it was possible to provide authoritative confirmation of Ellerslie, near Kilmarnock, as his birthplace; and
- (v) to approve in principle that expenditure of up to £6,000, would be met from within the approved budgetary resources of the Department of Development Services, for commissioning the research referred to in (iv) above.

RURAL FORUM - RURAL INITIATIVES SCOTLAND SCHEME, 1997

- 18.** There was submitted a report dated 17 November 1997 (circulated) by the Director of Development Services on the objectives of the Rural Initiatives Scotland Scheme, 1997 and seeking authority to support the Scheme financially.

It was agreed:-

- (i) that the Department of Development Services would support the Rural Initiatives Scotland Scheme, during 1997, with a contribution of £500, to be met from within the approved budgetary resources of the Department of Development Services; and
- (ii) otherwise to note the contents of the report.

IRVINE VALLEY LOCAL REGENERATION PARTNERSHIP - CONSTITUTION (Item 10, Page 1793)

- 19.** There was submitted a report dated 17 November 1997 (circulated) by the Director of Development Services on the progress of the Irvine Valley Local Regeneration Partnership; its requirement to adopt a Constitution; and seeking approval to cover the costs of establishing the Irvine Valley Local Regeneration Partnership as a company limited by guarantee.

It was agreed:-

- (i) that the work of the Irvine Valley Local Regeneration Partnership be supported; and
- (ii) that the costs of formalising the Irvine Valley Local Regeneration Partnership's Constitution would be met from within the approved budgetary resources of the Department of Development Services.

VARIATION OF SECTION 50 AGREEMENT BETWEEN THE FORMER KILMARNOCK AND LOUDOUN DISTRICT COUNCIL AND MR J MILLER OF CESSNOCK FARM, GALSTON (Item 16, Page 1705)

- 20.** There was submitted a report dated 19 November 1997 (circulated) by the Director of Development Services on a request by Mr J Miller of Cessnock Farm, Galston, to

vary a Section 50 Agreement at Cessnock Farm, Galston, which involved the removal of an agricultural occupancy condition.

It was agreed that to ensure that unnecessary and unwarranted intrusions into the countryside were resisted, the application to vary the Minute of Agreement between the former Kilmarnock and Loudoun District Council and Mr J Miller of Cessnock Farm, Galston, to remove an agricultural occupancy condition, be refused.

PLANNING APPLICATION NO 97/0686/FL: MR J C J READMAN (Item 4.3, Page 2596)

21.1 Declaration of Interest

Councillor Sneller declared a non-pecuniary interest in terms of the National Code of Local Government Conduct in this item and left the meeting.

21.2 Consideration of Item

There was submitted a report dated 19 November 1997 (circulated) by the Director of Development Services on a full planning application for variation of Condition No 1 of planning consent CD/95/0254/MIN, dated 13 March 1997, to effect transfer of beneficial permission from William Grant (Mining) Limited to the Miller Group at Milzeoch Farm, land to the south of Skares Road, near Cumnock.

The Head of Planning and Building Control summarised the planning considerations in respect of the application and recommended:- (i) Approval subject to the following condition, viz:- The development hereby permitted shall enure for the benefit of Rackwood Mining Company Limited and the Miller Group only and that the approved operations shall be completed within 12 years of the commencement date of the operations, or by such other time as may be agreed with the Planning Authority; being imposed as the development is acceptable only because of the individual circumstances pertaining to the applicants and because the operations are of a temporary nature; and (ii) that the planning permission not be issued until a formal Minute of Agreement had been presented for registration with the Keeper of the Register of Sasines transferring the name of the beneficiary of the consent from William Grant (Mining) Limited to the Miller Group.

It was agreed:-

- (i) to approve the application subject to the condition and for the reason detailed; and
- (ii) that the planning permission not be issued until a formal Minute of Agreement had been presented for registration with the Keeper of the Register of Sasines transferring the name of the beneficiary of the consent from William Grant (Mining) Limited to the Miller Group.

Councillor Sneller re-joined the meeting.

EXCLUSION OF PRESS AND PUBLIC

- 22.** The Committee resolved that under Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the Press and public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 4 of Schedule 7A of the Act.

FUNDING REQUEST - MAUCLINE COMPANY

23. There was submitted a report dated 18 November 1997 (circulated) by the Director of Development Services requesting consideration of a funding request, outwith the terms of Officer Delegation, from a Mauchline Company.

Having noted that the funding request would be met from within the approved budgetary resources of the Department of Development Services it was agreed to approve the funding request proposed in respect of the Mauchline Company subject to the terms and conditions as detailed in the report.

FUNDING REQUEST - STEWARTON COMPANY (Item 2, Page 2354)

24. There was submitted a report dated 1 December 1997 (circulated) by the Director of Development Services requesting consideration of funding support in respect of a Stewarton Company.

Having noted that the revised funding support would be met from within the approved budgetary resources of the Department of Development Services it was agreed to approve the revised rescue package proposed in respect of a Stewarton Company subject to the terms and conditions as detailed in the report.

The meeting terminated at 1207 hours.