

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 23 JANUARY 1997 AT 1400 HOURS 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 and George Smith.

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

APOLOGIES: Councillors Daniel Coffey, Eric Ross, Jimmy Boyd and Tommy Farrell.

CHAIR: Councillor George Turnbull, Chair.

ADDITIONAL ITEM

1. EAST AYRSHIRE OPENCAST COAL SUBJECT PLAN: PUBLICITY AND CONSULTATION STATEMENT AND FINALISED PLAN

The Chair agreed that this additional item be considered to enable early detailed examination of the East Ayrshire Opencast Coal Subject Plan: Publicity and Consultation Statement and Finalised Plan.

It was agreed:-

- (i) to remit detailed examination of the East Ayrshire Opencast Coal Subject Plan: Publicity and Consultation Statement and Finalised Plan to the Planning Sub-Committee of the Development Services Committee; and
- (ii) that the Planning Sub-Committee report their recommendations to this Committee in due course.

MINUTES OF SUB-COMMITTEE

2. There was submitted and approved both as a correct record and in respect of recommendations contained therein, the undernoted Chair's Sub-Committee Minutes (circulated) as detailed in Appendix I of these Minutes.
- 2.1 **CHAIR'S SUB-COMMITTEE OF THE DEVELOPMENT SERVICES COMMITTEE OF 7 JANUARY 1997** - Appendix I .

MONITORING REPORTS

3.1 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 November 1996.

3.2 BUSINESS GRANTS AND LOAN SCHEME STATUS REPORT

There was submitted a report dated 7 January 1997 (circulated) by the Director of Development Services on companies which had received grant and loan support during the period 1 April to 31 December 1996.

It was agreed:-

- (i) that future reports on grant and loan support to companies would detail new awards only;
- (ii) that an annual report detailing all grant and loan support to companies would be submitted at the end of each financial year; and
- (iii) otherwise to note the contents of the report.

3.3 WINTER MAINTENANCE

There was submitted a report dated 6 January 1997 (circulated) by the Director of Development Services on the Winter maintenance operation to date and the budget implications.

It was agreed:-

- (i) to note the current situation of the Winter maintenance operation;
- (ii) to note that there is potential for a substantial overspend, which currently cannot be quantified, in the Winter maintenance budget unless the remainder of the Winter weather improves; and
- (iii) to note that the Director of Development Services would be submitting a report on the Winter Maintenance operation in due course.

3.4 BUDGETARY CONTROL SUMMARY STATEMENT - DEVELOPMENT SERVICES TO 6 DECEMBER 1996 (PERIOD 9)

There was submitted and noted a report dated 6 January 1997 (circulated) by the Director of Finance on the current budgetary position statement of Development Services for the period ended 6 December 1996 (period 9).

3.5 ROAD SAFETY IN EAST AYRSHIRE

There was submitted a report dated 7 January 1997 (circulated) by the Director of Development Services on the trends in road casualties in East Ayrshire and seeking authority for the Director of Development Services to prepare further Road Safety Reports in September and on a six monthly basis thereafter.

It was agreed:-

- (i) to approve the proposal to carry out accident analysis as part of the Road Safety Strategy;
- (ii) to remit to the Director of Development Services to prepare a further Road Safety Report in September 1997 and on a six monthly basis thereafter; and

- (iii) otherwise to note the contents of the report.

STRUCTURAL MAINTENANCE - ROADS AND FOOTWAYS

4.1 1996/97 BUDGET REPORT

There was submitted a report dated 13 January 1997 (circulated) by the Director of Development Services on the current budget situation and the implications for the roads and footways structural maintenance programme in 1996/97.

It was agreed:-

- (i) to approve the proposal to curtail the approved structural maintenance programme to bring costs back into line;
- (ii) to approve that schemes not completed in 1996/97 be given priority in financial year 1997/98; and
- (iii) to note the current status and budget projections detailed within the report.

4.2 1997/98 PROGRAMME

There was submitted a report dated 8 January 1997 (circulated) by the Director of Development Services seeking approval for the 1997/98 programme of 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 remit to the Director of Development Services to present options on footway re-surfacing to Local Committees; and
- (iii) to remit to the Director of Development Services to identify an appropriate point in the cycle of Local Committee meetings when Local Committees could be requested to make suggestions on structural maintenance programmes of roads and footways to assist the forward planning process.

SERVICE DEVELOPMENT PLAN

- 5. There was submitted a report dated 8 January 1997 (circulated) by the Director of Development Services seeking approval for the Service Development Plan for the Development Services Department.

It was agreed:-

- (i) to approve the Service Development Plan for the Development Services Department; and
- (ii) to remit to the Director of Development Services to report to this Committee issues raised and proposals taken forward on traffic and road safety, for referral to the Policy and Resources Committee to consider the corporate issues from a Council wide perspective.

TRANSPORT IMPACT ASSESSMENT OF DEVELOPMENT PROPOSALS

6. There was submitted a report dated 13 January 1997 (circulated) by the Director of Development Services on guidance given to developers regarding the provision of additional information on traffic and road safety matters in support of planning applications, and seeking approval to increase charges for traffic data in line with the Retail Price Index.

It was agreed:-

- (i) to approve the requirements for Transport Impact Assessment in accordance with the "Roads Development Guide" in support of planning applications for larger developments;
- (ii) that Transport Impact Assessments should be required to take account of other proposals which already had planning permission or which were submitted prior to the application in question but where a decision had still to be made (including the outcome of a public inquiry);
- (iii) to approve the proposals for funding any necessary roadworks by developers as detailed below:-
 - (a) where a development would result in the need for improved roads infrastructure, which would otherwise not have been necessary, the work should be implemented at the expense of the developer; and
 - (b) where it would be necessary for roadworks programmed by East Ayrshire Council to be brought forward, the matter would be referred to the Development Services Committee for consideration of the funding implications prior to determination of the planning application; and
- (iv) to approve the revised scale of charges for traffic data supplied by East Ayrshire Council.

AYRSHIRE ECONOMIC FORUM INTEGRATED MARKETING STRATEGY FOR AYRSHIRE

7. There was submitted a report dated 13 January 1997 (circulated) by the Director of Development Services seeking authority to make a financial contribution towards the cost of a project being developed under the patronage of the Ayrshire Economic Forum.

It was agreed to approve a grant contribution of up to £10,000 towards the total cost of £60,000 for the Integrated Marketing Strategy for Ayrshire project.

ECONOMIC DEVELOPMENT PROJECTS

8.1 PROPOSED FACTORY DEVELOPMENT, CUMNOCK AREA

There was submitted a report dated 13 January 1997 (circulated) by the Director of Development Services seeking authority to support a private sector development of a new build factory unit in the Cumnock Area.

It was agreed:-

- (i) to approve the principle of providing proportional financial support to the project costs as detailed below:-

Developer	50%	£307,500
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European Union via RECHAR	45%	£276,750
East Ayrshire Council	5%	£ <u>30,500</u> (Approx)
		<u>£614,750</u>

- (ii) to approve a capital contribution to the project of approximately £30,500, subject to a successful application for European Union Structural Funding (RECHAR) support; and
- (iii) to remit to the Head of Property Services to negotiate provisional terms and conditions which would be required to support the development to achieve the level of return normally required by a commercial developer, subject to a report to the Finance and Property Sub-Committee.

8.2 PROPOSED DEVELOPMENT PROJECT BY AYRSHIRE RAILWAY PRESERVATION GROUP, NEAR DUNASKIN, DOON VALLEY

There was submitted a report dated 7 January 1997 (circulated) by the Director of Development Services on a proposed development by the Ayrshire Railway Preservation Group at Dunaskin, Doon Valley, to initiate a regular passenger steam rail service between the Dunaskin Heritage Centre and the Scottish Industrial Railway Museum at Minnivey, and seeking authority to provide financial support for the project from East Ayrshire Council.

It was agreed:-

- (i) to financially support the development to a maximum of 25% or £12,500 of the total project costs; and
- (ii) to remit to the Director of Development Services to assist in the preparation and submission of an associated European Union Structural Funding (RECHAR) application.

8.3 DALMELLINGTON "A SCOTTISH BOOK TOWN"

There was submitted a report dated 7 January 1997 (circulated) by the Director of Development Services on the progress and present position regarding the establishment of Dalmellington as a "Scottish Book Town".

It was agreed:-

- (i) to approve the actions taken to date to progress the establishment of Dalmellington as a "Scottish Book Town"; and
- (ii) otherwise to note the contents of the report.

GRANTS AND SUBSCRIPTIONS TO PARTNERSHIPS AND SPECIAL PROJECTS

9. There was submitted a report dated 7 January 1997 (circulated) by the Director of Development Services seeking approval for levels of grant support to partnerships and special projects falling within the remit of the Development Services Committee and representation on the Management Boards of organisations where appropriate.

It was agreed:-

- (i) to award grant/subscriptions to the undernoted organisations:-

Ayr College East, Cumnock - Ayrshire Textile Technology Testing Centre	£5,000
Ayrshire Telematics Partnership	£5,000
Ayrshire Marketing Executive (AME)	£3,600

and;

- (ii) to note that no Member involvement in these projects was thought to be required.

WEST OF SCOTLAND LOAN FUND LIMITED (Item 10, Page 764)

10. There was submitted a report dated 7 January 1997 (circulated) by the Director of Development Services on the management arrangements and Board representation on the West of Scotland Loan Fund Limited.

It was agreed:-

- (i) to note the structure of the fund;
- (ii) to note the management arrangements for the fund;
- (iii) to note the Council's interest in the fund;
- (iv) to note that six monthly reports would be submitted to this Committee highlighting the activities of the Council's interest in the fund;
- (v) to remit to the Head of Legal Services in consultation with the Director of Finance to report to this Committee on the implications for Elected Members appointed by the Council to serve on the board of such agencies in terms of their liabilities/responsibilities and the Council's Insurance cover; and
- (vi) to express the Council's interest in respect of representation on the Management Board of the Fund but to continue consideration of nomination of an Elected Member to the Board pending the Committee's consideration of the report referred to under (v) above.

EAST AYRSHIRE NATIVE AND COMMUNITY WOODLAND INITIATIVE

11. There was submitted a report dated 15 January 1997 (circulated) by the Director of Development Services on the successful progress in securing £2m of project funding regarding the establishment of the East Ayrshire Native and Community Woodland Initiative; the outlay and benefits that would accrue to local unemployed persons and the physical improvements that would benefit the East Ayrshire Area.

It was agreed:-

- (i) to note the successful outcome of securing the project funds;
- (ii) to note actions taken to date; and
- (iii) to note the provisional list of sites identified by the Steering Group for completion in 1997.

INDUSTRIAL ESTATE ENHANCEMENT PROJECT

12. There was submitted a report dated 6 January 1997 (circulated) by the Director of Development Services on the development of a programme of industrial estate enhancement proposals, outlining the criteria being applied in selecting the priorities for action within the programme and seeking approval to progress towards the preparation of a 3 year rolling programme of works in close collaboration with Enterprise Ayrshire.

It was agreed:-

- (i) to note progress made to date in developing a programme of industrial estates enhancement and the criteria being applied in selecting the priorities for action;
- (ii) to approve in principle the development of a phased three year programme of works in close collaboration with Enterprise Ayrshire with priority being given to those sites detailed below:-
 - (a) Moorfield, Kilmarnock and Caponacre, Cumnock, being the major strategic sites;
 - (b) Bonnyton, Kilmarnock, Waterside, New Cumnock and Dalmellington Industrial Estate, being estates located in high profile central areas, on major roads where the Council owns or has an interest in the land; and
 - (c) Loreny Estate, Kilmarnock, located in a high profile situation on the main southern route into Kilmarnock; and
- (iii) to note that a further report would be brought to a future meeting of this Committee seeking agreement to the programme and to a financial commitment from the Council to progress to the implementation stage.

DEVELOPMENT APPLICATION AND LOCAL PLAN PROTOCOL

13. There was submitted a report dated 31 December 1996 (circulated) by the Director of Development Services outlining the contents of the Development Application and Local Plan Protocol agreed by the Ayrshire Joint Structure Plan Committee and seeking approval that it be adopted by East Ayrshire Council.

It was agreed to approve the Ayrshire Joint Structure Plan Committee Development Application and Local Plan Protocol as referred to in section 3 and detailed within the Appendix to the report.

AYRSHIRE JOINT STRUCTURE PLAN - ISSUES AND OPPORTUNITIES 1996

14. There was submitted a report dated 31 December 1996 (circulated) by the Director of Development Services on the Ayrshire Joint Structure Plan: Issues and Opportunities 1996 Report, prepared by the Ayrshire Joint Structure Plan Team on behalf of the three Ayrshire Councils.

It was agreed:-

- (i) to note the contents of the Ayrshire Joint Structure Plan Issues and Opportunities Report; and
- (ii) to remit to the Director of Development Services to co-ordinate a joint response on behalf of all relevant Council Departments by 14 February 1997.

**PART 11A ENVIRONMENTAL PROTECTION ACT 1990: CONTAMINATED LAND -
CONSULTATION ON DRAFT STATUTORY GUIDANCE**

15. There was submitted a report dated 8 January 1997 (circulated) by the Director of Development Services detailing the main provisions of the Part 11A Environmental Protection Act 1990: Contaminated Land - Consultation on Draft Statutory Guidance and reporting on the response made by the Planning and Building Control Division, in consultation with the Head of Protective Services, to the Scottish Office regarding the possible implications for the Council and, in general terms, of carrying out the Draft Statutory Guidance.

It was agreed:-

- (i) to approve the report as a formal endorsement of joint observations by the Planning Division and Department of Community Services on behalf of the Council, made to the Scottish Office on 18 December 1996;
- (ii) to remit to the Head of Planning and Building Control to advise the Scottish Office and CoSLA of the Council's formal endorsement; and
- (iii) to remit to the Head of Planning and Building Control to write to the Scottish Office emphasising the onerous nature of the draft statutory guidance regulations for Councils should they become mandatory, without additional financial resources being made available.

**VARIATION OF SECTION 50 AGREEMENT BETWEEN THE FORMER
KILMARNOCK AND LOUDOUN DISTRICT COUNCIL AND MR J MILLAR
OF CESSNOCK FARM, GALSTON**

16. There was submitted a report dated 8 January 1997 (circulated) seeking approval to vary a Section 50 Agreement at Cessnock Farm, Galston.

It was agreed:-

- (i) that to ensure unnecessary and unwarranted intrusions into the countryside, the Section 50 Agreement be amended by:
 - (a) the deletion of the agricultural occupancy condition on the converted dwellinghouse known as Ashgrove, Cessnock Farm, Galston; and
 - (b) inclusion of a prohibition preventing the citing of an agricultural justification for the lands of Cessnock Farm, Galston, for any future dwellinghouse to be erected on the said lands; and
- (ii) that the necessary arrangements be remitted to the Director of Development Services in consultation with the Head of Legal Services.

AWARDING OF TENDERS

17. There was submitted and noted a report dated 9 January 1997 (circulated) by the Director of Support Services providing details of tenders which had been awarded in respect of the undernoted Development Services contracts:-

<u>Contract</u>	<u>Successful Contractor</u>	<u>Amount</u>
Kilmarnock South Dean Road Area Column Replacement	AT Engineering Services Ltd., Greenock	£58,294
Kilmarnock MacLeod Drive Area Column Replacement	Lightways (Contractors) Ltd., Larbert	£38,860.37
A76 Trunk Road - Dumfries to Kilmarnock - New Cumnock Traffic Calming	East Ayrshire Council Commercial Operations Department	£300,145.32
Bridge Assessment Programme - Work Package No 1	Messrs Peter Fraenkel & Partners, Glasgow	£4,420.88 (Lump sum fee)
Bridge Assessment Programme - Work Package No 2	Halcrow Scotland, Glasgow	£15,030

PLANNING APPLICATIONS

18.1 APPLICATION NO 96/0476/FL - MANSEFIELD SHOE GROUP PLC

There was submitted a report dated 23 December 1996 (circulated) by the Director of Development Services on a full planning application for change of use of part of factory to form 6 retail units, Mansefield Shoe Factory, Craighens Road, Cumnock.

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

Recommendation by Head of Planning and Building Control: Refusal for the following reasons, viz:- (1) the proposed development being located on the periphery of Cumnock town would be contrary to Policy SHOP 1 of the Finalised Cumnock and Doon valley District Wide Local Plan which states that all retail developments will be resisted in locations which are not within or adjoining established town centres; (2) the proposed development would result in the loss of existing industrial floorspace and would therefore be contrary to Policy IND2 of the Finalised Cumnock and Doon Valley District Wide Local Plan which states that there shall be a general presumption that existing industrial buildings will be retained for industrial use; (3) the proposed development would set an undesirable precedent, not only for further retail expansion within the existing factory premises, but also for similar out-of-town centre retail developments within industrial estates peripheral to town centres elsewhere within East Ayrshire; and (4) the proposed development is contrary to National Planning Policy Guideline 8 which presumes in favour of individual retail outlets adjacent to factories if they are an ancillary use to the main manufacturing use and if they would not affect the viability of nearby town centres.

It was agreed to refuse the application for the reasons detailed.

18.2 APPLICATION NO 96/0552/LA - DIRECTOR OF HOUSING, EAST AYRSHIRE COUNCIL

There was submitted a report dated 23 December 1996 (circulated) by the Director of Development Services on a full planning application for change of use of dwellinghouses and clinic to form a hostel at 95-97 Back Rogerton Crescent, Auchinleck.

Recommendation by Head of Planning and Building Control that as the application had been advertised under the Town and Country Planning Development by Planning Authorities (Scotland) Regulations 1981-84 and as no objections had been received; the proposed development had deemed consent from the Secretary of State and the proposals as submitted were acceptable subject to the following conditions; viz:- (1) notwithstanding the detailed plans hereby approved, three car parking spaces shall be provided within the curtilage of the proposed hostel; (2) any vehicular access gates shall open inwards away from the public road; (3) the proposed access ramp to be constructed shall not encroach within the existing public footway; Conditions (1) and (2) being imposed in the interests of public road safety; and Condition (3) in the interests of pedestrian safety.

It was agreed:-

- (i) to note that the application had deemed consent from the Secretary of State; and
- (ii) that the proposal as submitted was acceptable subject to the conditions and for the reasons detailed.

18.3 APPLICATION NO 96/0385/OL - MORRISON DEVELOPMENTS LIMITED

There was submitted a report dated 19 December 1996 (circulated) by the Director of Development Services on an application for demolition of existing BMK Office Building and erection of non-food retail units with associated car parking and service yard, on land adjacent to Safeway Store, Burnside Street, Tannock Street, Kilmarnock.

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

Recommendation by Head of Planning and Building Control: Approval subject to the following conditions, viz:- (1) in the case of the reserved matters specified below, application for approval must be made not later than the expiration of three years beginning with the date of this permission; (2) that the development to which this permission relates must be begun not later than the expiration of five years from the date of this permission or within the expiration of two years from the final approval of all reserved matters, whichever is the later; (3) the proposed development shall be carried out in accordance with the application form and plans submitted on 6 August 1996 as revised by the various plans received by the Planning Authority on 27 November 1996 and 16 December 1996; (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

dwellinghouse(s)/building(s); (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; (i) finished site levels/floor levels; (5) that the indicative layout and elevational plans submitted along with the application are for information purposes only and shall not be treated as forming part of the issued consent; (6) notwithstanding the plans hereby approved and the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and Country Planning (Use Classes) (Scotland) Order 1989 or any order revoking and re-enacting that order. No individual retail unit within the development shall be less than 500 sq metres in size; (7) notwithstanding the plans hereby approved, the developer shall ensure that pedestrian access to Burnside Street is restricted to one location; (8) the developer shall ensure that if the surface water from the proposed car parking areas are to be discharged to the Kilmarnock water it shall first pass through a suitability sized oil interceptor; (9) further to condition 4 above details of the floor levels of the units and of the proposed site levels, shall be submitted and approved by the Planning Authority. Such details shall comply with those contained in the Flood Risk Assessment submitted by Montgomery Watson on 9 January 1997 and amended by fax on the 13 January 1997 and shall ensure that full account has been taken of the periodic flooding of the site and the need to preclude adverse off site impact resulting from diversion of flood waters; Conditions (1) and (2) being imposed to comply with Section 39 of the Town and Country Planning (Scotland) Act 1972; Condition (3) to ensure that the development is carried out in accordance with the approved details; Conditions (4) and (5) approval is in outline only; Condition (6) to safeguard the vitality and viability of the town centre; Condition (7) in the interest of highway safety; Condition (8) in the interest of public health and to protect the water quality in the Kilmarnock Water; and Condition (9) in the interest of public safety and to safeguard the adjacent properties.

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

18.4 APPLICATION NO 96/0616/FL - STRATHCLYDE FIRE BRIGADE

It was reported by the Head of Planning and Building Control that the applicant had withdrawn the planning application for proposed fire training centre including the refurbishment of Glaisnock House as a residential and training centre, construction of a garage/store, sports hall, hot-fire training building, breathing apparatus building, high reach training building, briefing building, oil fire simulation tanks and motorway training area at Glaisnock House Estate, Benston Road, Cumnock.

18.5 APPLICATION 96/0642/FL - MR A BOYD

There was submitted a report dated 23 December 1996 (circulated) by the Director of Development Services on a full planning application for proposed licensed roadhouse, meeting rooms with associated parking and landscaping at Southcraigs, Glasgow Road, Kilmarnock.

It was reported by the Head of Planning and Building Control that no objections or 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 received on 2 December 1996 and the amended plans received by the Planning Authority on 30 December 1996; (3) Details/samples of external building materials shall be submitted to and approved by the Planning Authority before any development commences on the site; (4) 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; Structural planting consisting of not less than 3 rows of trees of predominantly heavy standard specimens along all boundaries of this site; (5) notwithstanding the plans hereby approved, vehicular access must be taken directly from the adjacent industrial access/roundabout, requiring an amendment to construction consent and planning permission; Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Conditions (2) and (3) in the interest of visual amenity; Condition (4) 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; and Condition (5) in the interests of road safety.

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

18.6 APPLICATION NO 96/0620/FL - TAY HOMES (SCOTLAND) LIMITED

There was submitted a report dated 24 December 1996 (circulated) by the Director of Development Services on a full planning application for proposed erection of 47 dwellinghouses and all associated roads and open spaces at Toponthank (Phase 1B), Craufurdland Road, Kilmarnock.

It was reported by the Head of Planning and Building Control that no objections or 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 received 19 November 1996 and the amended plans received by the Planning Authority 8 January 1997; (3) the first two metres of each driveway shall be surfaced in a bituminous (or other impervious) material, details of the surfacing materials shall be submitted to and approved by the Planning Authority prior to the commencement of the development; (4) a pedestrian access point shall be provided at the junction of the new access road with Craufurdland Road; (5) details/samples of facing and roofing materials shall be submitted to and approved by the Planning Authority before any development commences on the site; (6) details/samples of surfacing materials shall be submitted to and approved by the Planning Authority before any development commences on site; (7) details/samples of all fencing and walls shall be submitted to and approved by the Planning Authority before any development commences on site; Condition (1) being imposed to comply with Section 38 of the

Town and Country Planning (Scotland) Act 1972; Condition (2) to ensure that development is carried out in accordance with the approved details; Conditions (3) and (4) in the interest of road safety; Conditions (5), (6) and (7) in the interest of residential amenity.

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

18.7 APPLICATION NO 96/0650/FL - DAWN DEVELOPMENTS

There was submitted a report dated 18 December 1996 (circulated) by the Director of Development Services on a full planning application for 4 2,500 sq ft industrial units at Little Bellsland Road, Kilmarnock.

It was reported by the Head of Planning and Building Control that no objections or 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 approval of the industrial units relates to a use within Use Classes 4 and 11 in the Town and Country Planning Use Classes (Scotland) Order 1989; (3) no storage of materials or articles shall take place on the premises outside a building; (4) no materials shall be burned on the site at any time; (5) notwithstanding the submitted plans, the block plans are not hereby approved. Details/samples of panels, flashings and doors shall be submitted to and approved by the Planning Authority before any development commences on the site; (6) a landscaping scheme including the treatment of the boundary of the site especially adjacent to A71 and Kirkstyle Cricket Ground, 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 immediately upon the completion of the houses. 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; (7) details of the floor levels of the units shall be submitted to and approved by the Planning Authority before development commences on site. Such details shall confirm that full account has been taken on the periodic flooding of the site and the need to preclude adverse off site impact resulting from diversion of flood waters; (8) details of the treatment of the car parking areas shall be submitted to and approved by the Planning Authority before development commences on site; (9) notwithstanding the submitted plans details of the design and construction of all fences and walls to be erected on the site; (10) notwithstanding the approved plans, satisfactory details regarding the relationship between the boundary of the site of the industrial units and Kirkstyle Cricket Ground and its treatment shall be submitted to and approved by the Planning Authority before development commences on site; (11) notwithstanding the plans hereby approved the developer shall ensure: (i) the provision of a 4.5 x 60 metre sightline at the junction of the industrial road, the corner radii of the junction shall be 9.0 metres; (ii) that the access to the site is 7.3 metres wide; 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; Conditions (3) and (4) to safeguard the residential amenity

of the area and in the interest of highway safety; Conditions (5), (8) and (9) in the interest of visual amenity; Condition (6) in the interest of visual amenity and to ensure that it is subsequently maintained, in the interest of visual amenity; Condition (7) in the interests of public safety; Condition (10) in the interests of public safety and visual amenity.

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

18.8 APPLICATION NO 96/0506/FL AND APPLICATION NO 96/0507/LB - L F K INVESTMENTS LTD

There was submitted a report dated 6 January 1997 (circulated) by the Director of Development Services on a full planning application 96/0506/FL and a listed building consent application 96/0507/LB.

It was reported by the Head of Planning and Building Control that one letter of objection had been received, details of which were contained within the report.

APPLICATION NO 96/0506/FL - REFURBISHMENT OF EXISTING BUILDING, EXTENSION TO EXISTING BUILDING AND ERECTION OF TERRACED HOUSES AT NETHER CATRINE HOUSE, NEWTON STREET/TOWNHEAD, CATRINE

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 10 October 1996 as revised by the amended plans submitted to the Planning Authority on 20 December 1996; (3) that prior to the commencement of works on the site, the applicant shall satisfy himself as to the suitability of the site for construction purposes; (4) a landscaping scheme shall be submitted to and approved by Planning Authority prior to the commencement of any development and shall be implemented not later than the 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; (5) notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, (or any order or enactment, replacing this) no extensions or garages (unless forming part of the approved layout plan) shall be erected on the site (unless a further specific planning application is submitted and approved by the Planning Authority); (6) the access road and car parking areas shall be to the requirements of East Ayrshire Council's Roads Division and to the satisfaction of the Planning Authority; (7) the existing junction visibility splay at Newton Street/Townhead must be maintained with no object greater than 1 metre in height within an area of 4.5 metres by 90 metres; (8) the existing proposed kerb access and public footway on Townhead shall be reinstated by the developer; (9) junction sightlines at the new access point of 4.5 metres by 60 metres shall be provided with no object greater than 1 metre in height being allowed within this splay area; (10) any alterations to statutory undertakers apparatus shall be carried out to the requirements and complete satisfaction of the respective statutory undertakers; 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; Condition (3) in the interest of public safety; Condition (4) 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 (5) in the interests of visual amenity; Condition (6) in the interests of amenity; Conditions (7) and (9) in the interests of public road safety; Condition (8) in the interests of pedestrian and public road safety; and Condition (10) in order to protect statutory undertakers apparatus in the interests of public safety.

APPLICATION NO 96/0507/LB - REFURBISHMENT AND EXTENSION TO EXISTING PREMISES TO PROVIDE FLATTED DWELLINGS AT NETHER CATRINE HOUSE, NEWTON STREET/TOWNHEAD, CATRINE

Recommendation by Head of Planning and Building Control: Approval subject to the notification of the application to Historic Scotland under the Listed Building and Buildings in Conservation Areas (Scotland) Regulations 1987 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 and plans submitted on 10 October 1996 as revised by the amended plans submitted to the Planning Authority on 20 December 1996; (3) that prior to the commencement of works on the site, the applicant shall satisfy himself as to the suitability of the site for construction purposes; (4) notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, (or any order or enactment replacing this) no extensions or garages (unless forming part of the approved layout plan) shall be erected on the site (unless a further specific planning application is submitted and approved by the Planning Authority); (5) prior to the commencement of works to the listed building, the developer shall undertake a comprehensive photographic survey, both internal and external, with two sets of the photographic records being submitted to the Planning Authority; Condition (1) being imposed to comply with Section 54A 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; Condition (3) in the interest of public safety; Condition (4) in the interests of visual amenity; and Condition (5) to record the existing condition of the listed building for historical purposes.

It was agreed:-

- (i) to grant Listed Building Application 96/0507/LB subject to notification and subject to the conditions and for the reasons detailed;
- (ii) to grant full planning application 96/0506/FL subject to the conditions and for the reasons detailed; and
- (iii) that the full planning permission decision notice be withheld until such time as the notification of the application for the listed building consent has been cleared by Historic Scotland.

18.9 APPLICATION NO 96/0262/OL - CALEDONIA MOTOR GROUP LIMITED (Item 13.4, Page 1553)

There was re-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, and a supplementary report dated 7 January 1997 (circulated) by the Director of Development Services on the current industrial use of the land surrounding the application site.

The Head of Planning and Building Control confirmed that no objections had been received and intimated details of a letter of support from the applicant.

Recommendation by Head of Planning and Building Control: Refusal for the following reasons, viz:- (1) the proposed development lies outwith the urban envelope of Kilmarnock as defined in the Adopted Kilmarnock Local Plan and would therefore not be in accordance with Policy 4.3.4 and 5.10.12; (2) the proposed development would be contrary to Policies CAT1 and CAT1A in the Strathclyde Structure Plan approved by the Secretary of State for Scotland; (3) the proposed development would set as undesirable precedent for similar developments in the countryside; and (4) the proposed development would be likely to prejudice the Council's attempts to direct car showroom development to land identified at Queen's Drive as depicted in the Land Use Strategy.

Councillor McIntyre, seconded by Councillor Reid, moved (i) that the application be granted and the reason for departure from the existing Finalised District Plan for Kilmarnock and Loudoun was that since the adoption of the current District Plan, the area had been the subject of various developments or proposed developments and taking into consideration the current land use in the area, the site was no longer deemed to be in the countryside; and (ii) that it be remitted to the Director of Development Services in consultation with the Chair to impose appropriate planning conditions.

Councillor Sneller, seconded by Councillor Doyle, moved as an amendment that the application be continued for further consideration pending the review of the District Plans within East Ayrshire which would be concluded in May/June 1997.

On a division by a show of hands the amendment was carried by seven votes to four. Councillors David Sneller and Drew McIntyre left the meeting at this point.

EXCLUSION OF PRESS AND PUBLIC

- 19.** 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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 13 of Schedule 7A of the Act.

LISTING OF PROPERTY, KILMARNOCK

20. There was submitted a report dated 31 December 1996 (circulated) by the Director of Development Services on the proposed listing of a building of special architectural or historic interest identified in the report.

Councillor Doyle, seconded by Councillor G Smith, moved against supporting that the building should be listed, on the grounds that the later extensions to the original building were not considered to be of sufficient architectural merit and that Historic Scotland be advised accordingly.

Councillor McDill, seconded by Councillor Brailsford, moved as an amendment that the Council:-

- (i) agree Historic Scotland's proposal to list the identified building at Kilmarnock; and
- (ii) remit to the Director of Development Services to advise Historic Scotland appropriately.

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

The meeting terminated at 1539 hours.