

EAST AYRSHIRE COUNCIL**DEVELOPMENT SERVICES COMMITTEE****MINUTES OF MEETING HELD ON TUESDAY 27 JANUARY 1998 AT 1003 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Drew McIntyre, Irene Reeves, Douglas Reid, Wilma Doyle, Ronald Brailsford, John Knapp, Daniel Coffey, David Fulton, George Turnbull, Robert McDill, Eric Ross, Jimmy Boyd and George Smith.

ATTENDING: Fiona Lees, Depute Chief Executive; Stephen Chorley, Director of Development Services; Alan Neish, Head of Planning and Building Control; Bill Taylor, Head of Roads and Transportation; David Mitchell, Principal Solicitor; Karl Doroszenko, Policy and Projects Manager (Planning and Building Control Division); John Spooner, Business Development Manager (Economic Development); Bill Walkinshaw, Principal Administrative Officer; Jim Worley, Principal Planning Officer; Keith Orton, Principal Engineer (Traffic); Jim Kane, Chief Engineer (Design and Transportation); Lorna Service, Senior Accountant; Karen McLeod, Senior Solicitor; and Alex Hewetson, Administrative Officer.

APOLOGIES: Councillors David Sneller and Tommy Farrell.

CHAIR: Councillor Drew McIntyre, Chair.

PLANNING APPLICATIONS**1.1 APPLICATION NO 97/0403/OL: MR AND MRS W DUNCAN (Item 1.1, Page 2743)**

There was submitted a report dated 12 January 1998 (circulated) by the Director of Support Services on the decision of the Special Meeting of the Central Local Planning Committee held on 27 November 1997 regarding this planning application and requesting this Committee to consider and determine the planning application and a report dated 23 September 1997 (circulated) by the Head of Planning and Building Control on this outline planning application for proposed erection of a dwellinghouse at land adjacent to Woodside Cottage, Irvine Road, Crosshouse.

The Head of Planning and Building Control reported:-

- (i) the receipt and content of additional information in support of the application from the applicant; and
- (ii) that no letters of objection had been received.

The Head of Planning and Building Control summarised the planning considerations in respect of the application; and recommended:- Refusal for the following reasons, viz:- (1) The proposed development would constitute the erection of a new dwelling in the countryside without agricultural support and it would therefore not be in accordance with Policy HR1 of the Finalised Kilmarnock and Loudoun District Plan; (2) The proposal would constitute the erection of a dwelling in the countryside. In the absence of any specific locational need or any evidence of a deficiency in the housing land supply it would be contrary to Policies CAT 1, CAT 1A and RES 2A of the Adopted Strathclyde Structure Plan; (3) In the absence of specific circumstances to justify the development, it would be contrary to NPPG 3 "Land for Housing"; and

(4) The site selected is conspicuous in the landscape and the erection of a dwellinghouse thereon would be detrimental to the visual amenity of the countryside.

It was agreed, that as the environmental impact would not be too severe, to grant the application subject to appropriate conditions, the determination of which was remitted to the Head of Planning and Building Control.

1.2 APPLICATION NO 97/0814/FL: MR T MALONE (Item 1.7, Page 2861)

There was submitted a report dated 14 January 1998 (circulated) by the Director of Support Services on the decision of the Central Local Planning Committee held on 9 January 1998, regarding the above numbered planning application requesting this Committee to consider the recommendation by the Central Local Planning Committee that, in relation to the issue of street trading, there should be a review of policy by the Development Services Committee; and to consider the application, and a report dated 19 December 1997 (circulated) by the Head of Planning and Building Control on this retrospective planning application for the siting of a mobile hot food carry-out premises at the corner of St Marnock Street/Waterside Street, Kilmarnock.

It was agreed:-

- (i) to continue consideration of this planning application; and
- (ii) that the Director of Development Services prepare a policy framework in relation to the issue of street trading throughout East Ayrshire for consideration by this Committee.

1.3 APPLICATION NO 97/0778/FL: CRAIGENGILLEN ESTATES COMPANY LIMITED (Item 1.8, Page 2835)

There was submitted a report dated 8 January 1998 (circulated) by the Director of Development Services on a full planning application for residential development of 13 dwellinghouses, at the area of land south of Horn Factory, on the A713, Dalmellington.

The Head of Planning and Building Control reported that no letters of objection had been received; summarised the planning considerations in respect of the application; and recommended: Approval, subject to the following conditions, viz:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) The proposed development shall be carried out in accordance with the application form and plans submitted on 10 October 1997 as revised by the plans received by the Planning Authority on 7 November and 1 December 1997; (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 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; (5) The 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 commenced. This scheme shall include details of the provision to be made for the maintenance of soft and hard landscape areas and shall be maintained thereafter in accordance with these details. Any trees removed without consent of the Planning Authority or seriously damaged at any time thereafter, shall be replaced by trees of

similar size or species as may be agreed in writing with the Planning Authority; (6) Notwithstanding the plans hereby approved, details/samples of the render, facing brick and roof tiles shall be submitted to and approved by the Planning Authority prior to the commencement of development; (7) Notwithstanding the plans hereby approved the developer shall ensure the provision of the following:- (i) the formation and maintenance of visibility sightline splay area of 4.5m x 90m at the access to the site, with no obstruction greater in height than 1m allowed within these areas; (ii) a 2m wide pedestrian footway will be required to be provided by the developer across the full frontage of the site along the A713; (iii) an internal road layout designed to meet the standards of a Housing Road as laid down within the Roads Development Guide 1996 with gateways and traffic calming being incorporated within the design; (iv) a minimum of 2 off road car parking spaces per dwelling; and (v) all new signs and road markings and any alterations to existing signs, street furniture and public utility apparatus to be at the developers expense; and (8) Notwithstanding the approved plans, an entrance feature and boundary wall along the A713 Ayr Road shall be provided, details of the design shall be submitted to and approved by the Planning Authority before development commences on site; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to ensure that the development is carried out in accordance with the approved details; Condition (3) in the interest of public safety; Conditions (4), (6) and (8) in the interests of visual amenity; Condition (5) 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 (7) in the interest of highway safety.

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

1.4 APPLICATION NO 97/0596/FL: RACKWOOD COLLIERY COMPANY LIMITED

There was submitted a report dated 6 January 1998 (circulated) by the Director of Development Services on a full planning application for revision of sight boundary and method of work at Skares Road Opencast Coal Site, Skares, near Cumnock.

The Head of Planning and Building Control reported that 15 letters of objection, 2 of which were subsequently withdrawn, had been received and that details of outstanding objections, including a request for a Planning Hearing, were contained within the report; summarised the planning considerations in respect of the application; and recommended: (i) that the request for a Planning Hearing is not acceded to in this case; (ii) 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 development hereby permitted shall enure for the benefit of the applicant only, and shall be commenced within twelve months of the date of the issued notice of decision and that the approved operations shall be completed within twelve years of the commencement date of the operations, or at such other time as may be agreed with the Planning Authority; (3) That the applicant shall give notice to the Planning Authority, in writing, of the commencement of operations on site, one month prior to the commencement; (4) That the site access roads shall be constructed to the standards required in the SRC Guidelines for Development Roads, 1995, for industrial use: the 10.5 metres radii of the access road must be kerbed and the site accesses must be widened to 7.3 metres and surfaced for a minimum distance of 20 metres from the edge of the public road to

prevent any overcarry of loose material and road markings shall be provided at the junction of the public road; (5) That sightlines of 9m x 215m (Darntaggart site access) be formed and maintained at the junction of the access with the public road B7046 from which access is taken, and that no obstruction greater than one metre in height be permitted within these areas; (6) That measures to prevent mud, dirt, slurry, coal, or stones being carried onto the highway shall be taken and that such steps shall include the provision and use of hardstanding and wheel/vehicle washing facilities as necessary for the cleaning of all lorries, dump trucks, other heavy vehicles and plant leaving the site, all in accordance with the Development Description which accompanied the planning application; (7) That the public road adjacent to the site shall be kept clear of mud or other deposited materials at all times; (8) That prior to any road vehicle loaded with coal or other materials leaving the site, the load shall be suitably covered with a tarpaulin to ensure there is no escape of materials; (9) That a site inspection shall be carried out by representatives of the developer and the Planning Authority to agree the condition of the public roads prior to commencement of the works; (10) That prior to excavation works commencing on site statutory undertakers' apparatus shall be protected and diverted as required, to the satisfaction of the respective statutory undertakers and at the expense of the developer; (11) That the developer shall make stockproof and maintain, until the restoration of the site is complete, all the existing perimeter hedges and fences and shall protect these from damage during operation of works. Where the site boundary does not coincide with an existing hedge or fence, then the developer shall provide/maintain stockproof fencing with gates or cattle grids at every opening. Where the developer has the right to do so, undisturbed hedgerows, within or bounding the site, shall be maintained, the hedgerows to be cut and trimmed at the proper season throughout the period of working and restoration of the site; (12) That top-soil must be stripped when the soils are sufficiently dry so that when moved no damage will be done to the structure of the soils. Apart from the works required to enclose the site, no operations shall be carried out until the topsoil is stripped in accordance with the phased programme of extraction as described in the Development Description which forms part of the planning application; (13) That top-soils be stripped to full available depths from all areas within the site except those areas designated in the approved plans as topsoil dumps. Following topsoil stripping operations from any area of land, subsoil shall be stripped as a separate operation to a depth, where possible, to achieve topsoil and subsoil cover not less than 0.9m at restoration; (14) That the developer shall give at least two working days notice to the Planning Authority before work commences on the stripping of topsoil and subsoil. The Planning Authority reserves the right to suspend operations during adverse conditions or to impose any conditions as it sees fit for the safe keeping of topsoil and subsoil; (15) That bind free soil forming material found during the course of the operations shall be reserved where practicable and stored for later use in the final restoration of the land. This material shall be used to replace shortages of subsoil or topsoil, or otherwise used to cap overburden mounds; (16) That topsoil and subsoil and overburden shall be carefully stored in separate dumps and prevented from mixing. Topsoil dumps shall not exceed 3 metres in height. Topsoil dumps and subsoil dumps shall be evenly graded and tops shaped to prevent water ponding. Subsoil dumps shall not exceed 5m in height and overburden dumps shall not exceed 25m in height; (17) That in the first available seeding season following their formation, all mounds of topsoil, subsoil and soil making material shall be seeded in grass and shall be so maintained until the soils are required for use in the restoration of the site except as may be otherwise

agreed with the Planning Authority; (18) That all weeds on the site, particularly those on the topsoil and subsoil storage dumps, shall be treated with weed killer or cut to prevent spreading within the site or onto adjoining agricultural land; (19) That the location of baffle embankments be generally as indicated on the approved plans. Their specific location should be chosen to assist in the visual screening of the site and their form should be such as to present a natural looking feature, particularly adjacent to any road; (20) That the subsoil and overburden storage mounds shall be so formed as to have minimal visual intrusion on the surrounding landscape; (21) That where the soils are to be used in the restoration of land to forestry, then the stripping and storage of soils shall be to the general requirements and specifications of the Forestry Commission; (22) That all water treatment areas/settlement ponds shall be enclosed by one metre high stock proof fence; (23) That throughout the period of working, agricultural restoration and after-care, the developer shall protect and maintain or divert any ditch, stream, watercourses or culvert passing through the site so as not to impair the flow nor render less effective drainage onto and from adjacent lands; (24) That provision shall be made at all times to ensure that under drainage is maintained for land outwith the working areas. Standing water must not be allowed to gather in any area where the topsoil and subsoil has been stripped; (25) That alternative arrangements be made for any interruption to adjacent drainage systems. New interceptor leaders shall be laid, or ditches cut, where required, to ring the site and bleed in existing lateral drains from adjoining undisturbed land; (26) That all contaminated drainage and run-off from the site roadways, interception ditches, overburden and other tips, coal handling and stocking areas, the working areas of the excavations and pump mine water shall receive adequate and appropriate treatment prior to being discharged to any watercourse, such treatment being to the satisfaction of the Planning Authority; (27) That precautions shall be taken to prevent the discharge of oil from fuelling, oil storage, plant maintenance and vehicles wash areas within the site; (28) That any fuel, oil or other chemical storage tanks shall be sited on impervious bases and surrounded by oil tank bund walls and the bunded areas shall be capable of containing 110% of the tank's volume and shall enclose all fill and draw pipes; (29) That all foul drainage from sanitary facilities, canteen, etc shall be treated prior to discharge to a soakaway system. In the event that percolation tests indicated that the ground is not suitable for discharge to soakaway system, then additional treatment will be necessary in order to discharge sewage effluent to any watercourse; (30) That no surface water from the site shall be permitted to discharge onto the public road and all surface water from the topsoil and overburden mounds shall be prevented from reaching the road by cut-off ditches or other means outwith the highway boundary. These cut-off drains and ditches must not connect into the roadside drainage; (31) That the formation of overburden areas shall be carried out, as far as practicable, behind mounds in order to reduce noise nuisance to a minimum, and, wherever possible, during the hours of darkness, warning lights shall be used instead of beepers as a warning device on plant and maintenance vehicles; (32) That the operational conduct of the site shall be generally as indicated in the Development Description which forms part of the application; (33) That a blast monitoring programme be agreed with the Planning Authority and undertaken using appropriate equipment and recording devices, the result and records to be made available to the Planning Authority on a monthly basis during the operational life of the site, or on the request of the Planning Authority; (34) That the blasting operations shall be carried out in such a manner that no component of the peak particle velocity to any blast, measured at any point immediately adjacent to any building outside the

boundaries of the site, exceeds 6mm per second. Prior to any works commencing on site, the developer shall conduct test blasting to ensure the design of safe controlled and minimal blasting. A programme of blast monitoring shall thereafter be carried out with all data being submitted to the Planning Authority, on a monthly basis; (35) That any explosives magazines shall be located, designated and bunded to the satisfaction of the Planning Authority; (36) That except in the case of emergency or as otherwise agreed with the Planning Authority, blasting operations will be carried out only within two set hourly periods between 1000 hours and 1600 hours in daylight Monday to Fridays. The hours of blasting shall be advertised locally in accordance with the provisions contained within the Development Description; (37) That except in the case of emergency, the hours of working in site will be confined between 0700 and 1900 hours daily Mondays to Fridays, 0800 and 1200 hours on a Saturday and, with the exception of maintenance work, not at all on Sundays; (38) That except in cases of emergency the despatch of coal from the site shall be confined between 0800 hours and 1700 hours Mondays to Fridays with no despatch of coal on Saturdays or Sundays; (39) That the conduct of the site and method of operation shall comply with British Standards 5228 and Part 3 of the Code of Practice for Noise Control Application to Surface Coal Extraction by Opencast Methods. Except during the formation and removal of baffle mounds and the stripping and replacement of soils, the noise limit during daytime (0700 - 1900 hours) shall not exceed 55dBA LAaq, 1h at noise sensitive dwellings. During the formation and removal of baffle mounds and the stripping and replacement of soils in the vicinity of noise sensitive properties, the noise limit shall not exceed 70dB LAaq, 1h and that such operations shall only be undertaken during daylight hours and shall only be conducted within a time period not exceeding 8 weeks in any year; (40) That a noise monitoring programme be undertaken during the operational life of the site the details of which shall be agreed with the Planning Authority using appropriate equipment and recording devices, the results of which shall be made available to the Planning Authority on a monthly basis, or on the request of the Planning Authority; (41) That opencast machinery not in use shall be parked, as far as practicable, in an inconspicuous position and shall not be parked astride soil or overburden mounds; (42) That rubbish and scrap materials generated on the site, as far as practicable, shall be kept in a screened position until disposed of in an approved manner as may be agreed by the Planning Authority; (43) That with regard to other measures for the protection of the amenity concerning dust, noise and lighting, these shall be as described in the Environmental Statement which forms part of the application. With respect to dust, the applicant shall undertake a dust monitoring programme during the life of the site with the results being provided to the Planning Authority on a monthly basis; (44) That the site shall be progressively restored generally in accordance with the scheme submitted with the planning application this scheme shall be developed throughout the operational life of the site and shall include provision for the service area to be restored to a suitable condition, the restoration of the remaining area of the site for agriculture or forestry or nature conservancy or natural and man-made heritage interpretation or other appropriate uses as approved by the Planning Authority, that the scheme shall also include the reinstatement of any access roads/rights of way at present in existence and the procedures for replacement or overburden, subsoil and topsoil shall generally accord with those indicated in the Development Description and to the satisfaction of the Planning Authority; (45) That no materials for filling shall be introduced to the site from sources external to it without the prior approval of the Planning Authority; (46) That the

restored site shall be progressively landscaped generally in accordance with the scheme submitted with the planning application, this scheme shall be developed throughout the operational life of the site and shall include details of field patterns, forestry planting, shelter belt creation, hedgerows, nature habitat creation including additional wetland areas and, if appropriate, broadleaved species in the design of shelter belts and the creation of imaginative walkways and nature trails; (47) That the landscaped areas shall be subsequently managed in accordance with an aftercare scheme to be submitted and approved by the Planning Authority prior to work commencing in each phase; (48) That there shall be an annual formal review to consider all the operations which have taken place on the land during the previous year and to consider the programme for the ensuing year and that the parties shall include the applicant, the Mineral Operator, the owners of the land and the Planning Authority; and (49) That two weeks prior to the annual formal review an updated plan will be forwarded to the Planning Authority indicating the years work on the site and showing the anticipated work programme for the ensuing year; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) the development is acceptable only because of the individual circumstances pertaining to the applicant and on a temporary basis; Condition (3) to ensure that the development is undertaken in accordance with the submitted plans and conditions, in the interests of visual and residential amenity; Conditions (4), (5),(6), (7), (8), (9) and (30) in the interest of road safety; Condition (8) in the interest of road safety and visual amenity; Conditions (11), (13), (16), (24), (25), (26), (27), (34) and (35) in the interest of public safety; Condition (12) to ensure that the topsoil and subsoil will be suitable for the restoration of the site following storage; Condition (14) to ensure that the topsoil and subsoil to be stored will be suitable for use during restoration of the site; Conditions (17) and (18) to safeguard the appearance of the site; Condition (21) in the interest of the restoration of the site; Condition (22) in the interest of site safety; Condition (23) in the interest of public safety and to prevent a detrimental affect upon adjacent operations; Conditions (28) and (29) to prevent contamination of water courses; Conditions (31), (32), (33) and (39) in the interests of residential amenity; Conditions (36), (37), (38) and (43) to safeguard the amenity of the area; Condition (40) to ensure compliance with the prescribed noise limits for the operations; Conditions (44) and (45) to enable the Planning Authority to retain control over the development of the site; Condition (46) to improve the appearance of the site; and Conditions (48) and (49) to enable the Planning Authority to update the operating of the site in the light of difficulties encountered; and (iii) that the issue of the Decision Notice be withheld until the appropriate Section 75 Agreement, in the terms outlined in Paragraph 9.8 of the report, has been presented for registration with the Keeper of the Register of Sasines.

Councillor McIntyre, seconded by Councillor Boyd moved:

- (i) that the Committee do not accede to the request for a Planning Hearing on this application;
- (ii) approval of the application subject to the conditions and for the reasons detailed above; and
- (iii) that the issue of the Decision Notice be withheld until the appropriate Section 75 Agreement in the terms detailed in paragraph 9.8 of the report, had been presented for registration with the Keeper of the Register of Sasines.

Councillor McDill, seconded by Councillor Brailsford, moved as an amendment, that consideration of the application be continued and that a Planning Hearing be held.

On a division by a show of hands, the motion was carried by 7 votes to 5.

1.5 APPLICATION NO 97/0749/FL: CLAY COLLIERY COMPANY LIMITED

There was submitted a report dated 13 January 1998 (circulated) by the Director of Development Services on a full retrospective planning application for an amendment to approved transportation route at Burnfoot Moor Opencast Coal Site, Muirkirk.

The Head of Planning and Building Control reported the receipt, prior to the commencement of the meeting, and content, of a late letter of objection from Muirkirk Action Group, including a request for a Planning Hearing; summarised the planning considerations in respect of the application; and recommended: (i) that the request for a Planning Hearing is not acceded to in this case; (ii) Approval subject to the following conditions, viz:- (1) The development to which this permission relates must be begun within five years from the date of this permission; and (2) that Condition 31 of planning consent CD/94/0300/MIN dated 17 April 1996 be amended to read as follows: "that the operational conduct of the site shall be as indicated in the Written Statement which forms part of the application, as amended by the revised Coal Transportation Route Statement submitted to the Planning Authority on 5 September 1997"; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and Condition (2) to take account of the revised coal transportation route for the Burnfoot Moor site; (iii) that the Decision Notice be withheld pending discussion with the applicant on the proposed Section 75 Agreement on co-operation with the Council on possible proposals for the upgrading of the A70 road; and (iv) that, meantime, the applicant be allowed to continue operating the new vehicle routes until the end of March 1998.

Councillor McIntyre, seconded by Councillor Boyd, moved:-

- (i) to continue consideration of this application to the Development Services Committee to be held on 14 April 1998;
- (ii) to remit to the Director of Development Services:-
 - (a) to submit a report to that Committee on the outcome of discussions with the applicant on the proposed Section 75 Agreement on co-operation with the Council on possible proposals for the upgrading of the A70 road; and
 - (b) to submit a report to that Committee on enforcement action options; and
- (iii) that Muirkirk Action Group would have the opportunity to provide any further comments on the application to the Director of Development Services and the Director would cover any issues raised by the group in his aforementioned report.

Councillor Fulton, seconded by Councillor G Smith, moved as an amendment:-

- (i) to continue consideration of the application to the Development Services Committee to be held on 14 April 1998 and that a Planning Hearing be held;
- (ii) to remit to the Director of Development Services:-

- (a) to submit a report to that Committee on the outcome of discussions with the applicant on the proposed Section 75 Agreement on co-operation with the Council on possible proposals for the upgrading of the A70 road; and
- (b) to submit a report to that Committee on enforcement action options.

On a division by a show of hands, the amendment was carried by 7 votes to 6.

1.6 APPLICATION NO 97/0727/FL: SCOTTISH COAL

There was submitted a report dated 14 January 1998 (circulated) by the Director of Development Services on a full planning application for alteration to approved time limit for development permitted under Condition 1 of planning consent 96/0014/FL from 18 months to 36 months at Viaduct/Ellwood, near Muirkirk.

The Head of Planning and Building Control reported:-

- (i) the receipt and content of a late letter of objection which also requested that a Planning Hearing be held;
- (ii) that the planning application failed to meet the agreed requirements for a Planning Hearing to be held; and
- (iii) that no other letters of objection had been received.

The Head of Planning and Building Control summarised the planning considerations in respect of the application; and recommended: (i) that the request for a Planning Hearing is not acceded to in this case; and (ii) Approval, subject to the following conditions, viz:- (1) The development to which this permission relates must be begun within five years from the date of this permission; and (2) That Condition 1 of planning consent 96/0014/FL dated 15 October 1996 shall be amended to read as follows: "The development hereby permitted shall enure for the benefit of the applicant only and shall be completed within three years of the commencement date of the operations or at such other time as may be agreed with the Planning Authority"; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and Condition (2) the development is acceptable only because of the individual circumstances pertaining to the applicant and on a temporary basis.

Councillor McIntyre, seconded by Councillor Boyd, moved:-

- (i) that the Committee do not accede to a Planning Hearing on this application and
- (ii) to grant the application subject to the conditions and for the reasons detailed.

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

- (i) that the Director of Development Services should further consult local groups on this application; and
- (ii) that a Planning Hearing be held at the Development Services Committee to be held on 14 April 1998.

On a division by a show of hands, the motion was carried by 9 votes to 4.

1.7 APPLICATION NO 97/0798/FL: ANVIL ENGINEERING LIMITED, KILMAURS

There was submitted a report dated 31 December 1997 (circulated) by the Director of Development Services on a full planning application for proposed erection of metal work manufacturing unit largely producing agricultural related products with offices and ancillary accommodation, south of Stewarton.

The Head of Planning and Building Control reported that no objections or representations had been received; and summarised the planning considerations in respect of the application.

It was agreed to defer consideration of this application to the next meeting of this Committee, to enable a site visit.

1.8 APPLICATION NO 97/0534/OL: CARTER COMMERCIAL DEVELOPMENTS LIMITED

There was submitted a report dated 6 January 1998 (circulated) by the Director of Development Services on demolition of existing buildings and proposed development of land for retail foodstore, car parking and landscape proposal at Curries Distribution Depot, Orchard Road, Auchinleck.

The Head of Planning and Building Control:-

- (i) reported that 2 letters of objection had been received, details of which were contained within the report; and
- (ii) reported an amendment to Condition 6, to read; "the gross internal floor space of the proposed retail foodstore shall not exceed 27,500 m²."

The Head of Planning and Building Control summarised the planning considerations in respect of the application; and recommended: Approval subject to the following conditions, viz:- (1) In the case of the reserved matters specified below, application for approval must be made not later than the expiration of three years, beginning with the date of this permission; (2) That the development to which this permission relates must be begun not later than the expiration of five years from the date of this permission or within the expiration of two years from the final approval of all reserved matters, whichever is later; (3) 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 building; (c) the means of drainage and sewage disposal; (d) details of the access arrangements; (e) the provision of car parking; (f) the layout of service areas; (g) the boundary walls/fences to be erected; (h) the landscaping of the site; and (i) finished levels on site; (4) The indicative layout plan submitted along with the application is for information purposes only and shall not be treated as forming part of the issued consent; (5) 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; (6) The gross internal floorspace of the proposed retail foodstore shall not exceed 27,500m²; (7) The details to be submitted under Condition 3(e) above shall provided for a minimum of 205 car parking spaces within the development; (8) The details to be submitted under Condition 3(d) above shall be in accordance with the Traffic Impact Assessment report dated 18 September 1997 submitted in support of the proposed development. The details shall be to the complete satisfaction of East Ayrshire Council's Roads Division and the Planning Authority; (9) The details to be submitted under Condition

3(f) shall provide details of the means of storage and disposal of waste generated by the development, including any proposed waste recycling facility; and (10) During demolition works, the developer shall take appropriate measures to maintain any existing sewerage services crossing the development site and to prevent silt or debris from entering the system; Conditions (1) and (2) being imposed to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997; Conditions (3) and (4) the approval is in outline only; Condition (5) in the interest of public safety; Condition (5) the outline application has been determined on the basis of this scale of development; Condition (7) to ensure that adequate provision is made for car parking and to prevent on-street car parking, in the interest of road safety; Condition (8) in the interests of public road safety; Condition (9) in the interests of amenity and to ensure adequate provision for the disposal of waste; and Condition (10) to prevent damage occurring to the sewerage system.

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

MAXHOLM, KILMARNOCK - SECTION 75 LEGAL AGREEMENT (Item 1.2, Page 2667)

2. There was submitted a report dated 15 January 1998 (circulated) by the Director of Development Services on developments further to this Committee's decision to grant application number 97/0517/OL: outline planning permission for the erection of residential development and conversion of derelict farm to form retail units at Maxholm, Kilmarnock, by McCabe and McCrae, subject to conditions and in particular, subject to the registration with the Keeper of the Register of Sasines of a Section 75 Legal Agreement designed to secure desirable off-site road infrastructure improvements.

It was agreed:-

- (i) to note that following determination of the application by the Development Services Committee on 7 November 1997 and whilst finalising the terms of the Section 75 Legal Agreement, it became apparent that such Agreement might potentially be open to legal challenge on the basis of it not being a competent requirement; and
- (ii) to note that following consultation between the Director of Development Services, Director of Support Services and Acting Head of Legal Services that the most appropriate course of action was the issue of the planning consent, which had been effected, without completion of the Section 75 Legal Agreement.

MONITORING REPORTS

3.1 BUDGETARY CONTROL SUMMARY STATEMENT - DEVELOPMENT SERVICES TO 7 NOVEMBER 1997 (PERIOD 8)

There was submitted and noted a report dated 12 January 1998 (circulated) by the Director of Finance on the current budgetary control position and the projected out-turn for the year for the Department of Development Services for the period ended 7 November 1997 (Period 8).

3.2 UNEMPLOYMENT IN EAST AYRSHIRE - NOVEMBER 1997

There was submitted and noted a report dated 16 January 1998 (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 November 1997.

3.3 BUSINESS GRANTS AND LOAN SCHEME STATUS REPORT

There was submitted and noted a report dated 16 January 1998 (circulated) by the Director of Development Services on grant and loan support awarded to companies in East Ayrshire during the period 18 November 1997 to 10 January 1998.

3.4 ROADS STATUTORY INDICATORS - 1996/97

There was submitted and noted a report dated 16 January 1998 (circulated) by the Director of Development Services on the Roads and Lighting Statutory Indicators for the 6 month period ending 30 September 1997.

AWARDING OF TENDERS

4. There was submitted and noted a report dated 13 January 1998 (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>
Moorfield Industrial Estate, Upgrading Works	Kelburne Construction Limited, Kilmarnock	£141,968.11
Burnside Street/Riverbank Place Retaining Wall	Farrans (Construction) Limited, West Lothian	£1,459,822.50

CONSULTATIVE DRAFT EAST AYRSHIRE LOCAL PLAN (Item 13, Page 770)

5. There was submitted a report dated 20 January 1998 (circulated) by the Director of Development Services seeking approval of the Draft East Ayrshire Local Plan and arrangements for public consultation.

It was agreed:-

- (i) to approve the Draft East Ayrshire Local Plan for the purposes of public consultation;
- (ii) to agree that a two stage consultation exercise involving firstly, all Local Committees and latterly (between May and July, 1998) all members of the public through Community Forum meetings, public exhibitions and the distribution of the Draft East Ayrshire Local Plan and Draft East Ayrshire Local Plan sheets to all Council Libraries and Local Offices;
- (iii) to note that background supporting information to the Draft East Ayrshire Local Plan would be circulated in March 1998; and
- (iv) to note the opportunities for preparing promotional material.

PROPOSED ALTERATION TO THE STRATHCLYDE STRUCTURE PLAN

6. There was submitted a report dated 22 January 1998 (circulated) by the Director of Development Services on a proposal by the Glasgow and Clyde Valley Structure Plan Committee to undertake an alteration to the Strathclyde Structure Plan, 1995 and seeking authority for the Director of Development Services to discuss with The Scottish Office the proper procedures to be used and the best way to protect Ayrshire's interest in relation to that proposal.

The Director of Development reported an amendment to recommendation 8.1(i) to read; 'to continue, primarily through discussions with The Scottish Office that the Glasgow and Clyde Valley Structure Plan Committee proposal to alter policy IND 7 of the Strathclyde Structure Plan, 1995, would not prejudice work to bring forward a site in East Ayrshire as a "single user" in the Ayrshire Joint Structure Plan'.

It was agreed to authorise the Director of Development Services:-

- (i) to continue, primarily through discussions with The Scottish Office that the Glasgow and Clyde Valley Structure Plan Committee proposal to alter policy IND 7 of the Strathclyde Structure Plan, 1995, would not prejudice work to bring forward a site in East Ayrshire as a "single user" in the Ayrshire Joint Structure Plan;
- (ii) to assess jointly with the Ayrshire Joint Structure Plan Team and the Glasgow and Clyde Valley Structure Plan Team whether the interests of Ayrshire would be assisted by the preparation of a formal alteration proposal to the Strathclyde Structure Plan, 1995, at this stage; and
- (iii) to lodge an objection to the proposal if required, following implementation of (i) and (ii) above.

POSSIBLE ENVIRONMENTAL IMPROVEMENT - SCOTTISH POWER SITE, HOLMQUARRY ROAD, KILMARNOCK

7. There was submitted a report dated 7 January 1998 (circulated) by the Director of Development Services on discussions which had taken place to date with Scottish Power regarding possible environmental improvements on land owned by Scottish Power at Holmquarry Road/Low Glencairn Street, Kilmarnock, and making recommendations for progressing the environmental improvement scheme.

It was agreed:-

- (i) to authorise the Director of Development Services to invite a representative from Scottish Power to make a presentation to this Committee at the meeting to be held on 11 March 1998, on possible environmental improvements at Holmquarry Road/Low Glencairn Street; and
- (ii) to note that a proposal by the Director of Development Services on a financial contribution towards the possible environmental improvements at Holmquarry Road/Low Glencairn Street, would, depending on the outcome of the presentation referred to in (i) above, be submitted to a future meeting of this Committee.

WESTGATE CO-OP, NEWMILNS

8. There was submitted a report dated 19 January 1998 (circulated) by the Director of Development Services on local community concerns about the condition and appearance of the former Westgate Co-op and associated land at 20 High Street, Newmilns, and their desire that the Council utilises all available powers to instigate the building's renovation.

It was agreed to remit to the Director of Development Services, in association with the Head of Legal Services:-

- (i) to serve a Repairs Notice in terms of Section 43 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, on the owners of the Westgate Co-op;
- (ii) to proceed to purchase compulsorily the Westgate Co-op, in terms of Section 42 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, subject to authorisation by the Secretary of State, if the owners thereof fail to comply with the repairs notice; and
- (iii) to enter into a Minute of Agreement with the Strathclyde Building Preservation Trust (SBPT) to include the restoration to be carried out to the Westgate Co-op and to transfer ownership to SBPT.

INDUSTRIAL SITES AND FACTORY DEVELOPMENT PROGRAMME

9. There was submitted a report dated 16 January 1998 (circulated) by the Director of Development Services on physical development projects which will be prepared for inclusion in the Capital Programme in future years, under the heading of "Partnership Development Projects".

It was agreed to authorise the Director of Development Services, in association with Enterprise Ayrshire and appropriate private sector interests, to develop each of the projects detailed within Paragraph 4 of the report and to submit reports on a project by project basis, to future meetings of this Committee.

NATIONAL TRIAL OF ADVISORY 20 MPH ZONES

10. There was submitted a report dated 20 January 1998 (circulated) by the Director of Development Services on the promotion by the Society of Chief Engineers for Transportation Scotland (SCOTS) of a National Trial Programme of Advisory 20 mph speed limits in residential areas and seeking approval for 3 sites in East Ayrshire to be included in the National Trial and for 3 sites to be held in reserve.

It was agreed:-

- (i) to note that SCOTS was promoting a National Trial Programme of advisory 20 mph speed limits in residential areas;
- (ii) to approve the sites in Logan, Gilfoot (Newmilns) and Lainshaw (Stewarton) as indicated in plans attached to the report, to be included in the National Trial Programme; and
- (iii) to approve reserve sites; Crookedholm, Bellsbank and Riccarton, as identified in the plans attached to the report, for inclusion in the National Trial Programme, only if it is necessary to replace any of the schemes approved in (ii) above.

**FLOOD PREVENTION - KILMARNOCK AND CROOKEDHOLM
(Item 3, Page 1545)**

11. There was submitted a report dated 13 January 1998 (circulated) by the Director of Development Services on progress to date on flood prevention in Kilmarnock and Crookedholm; informing the Committee that The Scottish Office have been asked to supplement the £1.88m awarded from the Challenge Fund by £864,000; and seeking approval for the phasing of the remaining key schemes.

It was agreed:-

- (i) to note the progress to date on flood prevention measures in Kilmarnock and Crookedholm;
- (ii) to note that The Scottish Office had been asked for a supplementary bid of £864,000;
- (iii) to approve the order of phasing for the remaining key schemes as detailed in Paragraph 5 of the report; and
- (iv) following an enquiry from Councillor Doyle, to note that Crosshouse would be considered in a future report on flood prevention.

SUNDAY PARKING IN KILMARNOCK

12. There was submitted a report dated 20 January 1998 (circulated) by the Director of Development Services seeking approval to waive parking charges for the surface car parks in Kilmarnock on Sundays during a trial period of Sunday opening of the majority of the town centre businesses.

It was agreed:-

- (i) to approve Sunday charges of zero pence per hour for the surface car parks in Kilmarnock from mid-March to September 1998; and
- (ii) to note that the Director of Development Services would submit a report on the outcome of the trial period to this Committee on 1 September 1998.

M77 FENWICK TO MALLETSHEUGH - PHASING OPTIONS

13. There was submitted a report dated 23 January 1998 (circulated) by the Director of Development Services requesting re-affirmation of support for the construction of both phases of the M77 between Fenwick and Malletsheugh to The Scottish Office and seeking Committee's approval to authorise the Director of Development Services to object if the Glasgow Southern Orbital is to be constructed before the M77 is upgraded.

Councillor McIntyre, seconded by Councillor Ross, moved:-

- (i) that the Council re-affirm its overriding support for both phases of the M77 between Fenwick and Malletsheugh;
- (ii) to authorise the Director of Development Services to express the Council's view on the priority attaching to the Southern section of the M77;
- (iii) to authorise the Director of Development Services to object in any forum relevant to the construction of the Glasgow Southern Orbital road if it is

proposed to be completed before the M77 is upgraded between Kingswell and Malletsheugh; and

- (iv) to request that The Scottish Office confirm, that if despite the Council's representation they do proceed with the Northern section first, they will:-
 - (a) consult fully with East Ayrshire Council on proposals for the Eaglesham and Galston junctions; and
 - (b) set out a provisional programme for the competition of the full road upgrading between Fenwick and Malletsheugh.

Councillor Reid, seconded by Councillor Coffey, moved as an amendment:-

- (i) that the Council re-affirm its overriding support for both phases of the M77 between Fenwick and Malletsheugh;
- (ii) to re-affirm this Council's preference that the M77 should be programmed as it was originally scheduled, i.e. Southern section, Fenwick to Floak, should be phased first;
- (iii) to authorise the Director of Development Services to object in any forum relevant to the construction of the Glasgow Southern Orbital road if it is proposed to be completed before the M77 is upgraded between Kingswell and Malletsheugh;
- (iv) that this Council condemns the new Labour Government's failure to implement the upgrading of the A77 to motorway status as originally scheduled;
- (v) that this Council meets Scottish Office Ministers urgently to express that view, and call for an all-party delegation to meet the Minister as a matter of urgency;
- (vi) to remit to the Director of Development Services to lobby accordingly, local Councils and MP's; and
- (vii) to request that The Scottish Office confirm, that if despite the Council's representation they do proceed with the Northern section first, they will:-
 - (a) consult fully with East Ayrshire Council on proposals for the Eaglesham and Galston junctions; and
 - (b) set out a provisional programme for the competition of the full road upgrading between Fenwick and Malletsheugh.

On a division by a show of hands, the motion was carried by 9 votes to 4.

SCOTTISH POWER PROTOCOL ON STREET LIGHTS (Item 12, Page 1893)

14. There was submitted a report dated 13 January 1998 (circulated) by the Director of Development Services on progress of the Service Level Agreement between Scottish Power plc and the Road Lighting Authorities in Scotland.

It was agreed to note that discussions were ongoing between Scottish Power and the Road Lighting Authorities through the Society of Chief Officers of Transportation in Scotland and that a final agreement was expected early in 1998.

STREET LIGHTING - BELLSBANK, DALMELLINGTON (Item 3.2, Page 2194)

15. There was submitted a report dated 13 January 1998 (circulated) by the Director of Development Services seeking authority to replace street lights in Bellsbank, Dalmellington.

It was agreed to approve the letting of a contract to replace street lighting apparatus in the Ness Glen area of Bellsbank, Dalmellington.

BUS SHELTER ADVERTISING CONTRACT (Item 10, Page 1398)

16. There was submitted a report dated 15 January 1998 (circulated) by the Director of Development Services on the renewal of the Bus Shelter Advertising Contract and seeking approval for the Head of Roads and Transportation to authorise Strathclyde Passenger Transport to invite a tender for the Bus Shelter Advertising Contract, covering all twelve Local Authorities in the former Strathclyde area; and individual tenders for each Council (or groups of Councils) as a comparison, and potential alternative to the Strathclyde-wide contract; and to extend the existing advertising contract agreement to facilitate the tender process.

It was agreed to authorise the Head of Roads and Transportation to authorise Strathclyde Passenger Transport:-

- (i) to invite a tender for the Bus Shelter Advertising Contract, covering all twelve Local Authorities in the former Strathclyde area;
- (ii) to invite individual tenders for each Council (or groups of Councils) as a comparison, and potential alternative to the Strathclyde-wide contract; and
- (iii) to extend the existing advertising contract agreement to facilitate the tender process.

EXCLUSION OF PRESS AND PUBLIC

17. 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.

FLOOD PREVENTION - FINANCIAL CONTRIBUTION

18. There was submitted a report dated 16 January 1998 (circulated) by the Director of Development Services seeking approval to make a financial contribution to private firms with sites at Queen's Drive, Kilmarnock, towards the cost of flood prevention works.

It was agreed:-

- (i) to approve a contribution of £78,600, from the Capital Budget for flooding to private firms with sites at Queen's Drive, Kilmarnock, towards the cost of flood prevention works.

AYRSHIRE AND ARRAN TOURIST BOARD

19. There was submitted a report dated 20 January 1998 (circulated) by the Director of Development Services on the current financial position of the Ayrshire and Arran

Tourist Board (AATB), making recommendations on borrowing powers for the AATB and on operational issues relating to the Kilmarnock Tourist Information Centre.

It was agreed:-

- (i) to note the AATB's current financial position;
- (ii) to advise the AATB that the Council would wish them to renew the lease for the Kilmarnock Tourist Information Centre for a further year with an option to renew it for a subsequent year;
- (iii) advise the AATB that closure of the Kilmarnock Tourist Information Centre during the winter months would be unacceptable prior to decisions on future development of tourist information services within East Ayrshire;
- (iv) to note that the Director of Development Services would continue discussions with the AATB on options for improved tourist information services within East Ayrshire; and
- (v) to advise The Scottish Office that East Ayrshire Council would support the extension of borrowing powers to the Tourist Boards subject to clarification of any consequential liabilities which might fall to Local Authorities as a result.

DALMELLINGTON AND DISTRICT CONSERVATION TRUST

20. There was submitted a report dated 20 January 1998 (circulated) by the Director of Development Services on the current financial position of the Dalmellington and District Conservation Trust and development proposals currently under consideration.

It was agreed:-

- (i) to approve that the revenue contributions to the Dalmellington and District Conservation Trusts operating costs would be retained at the current level, less 4%, subject to final decisions taken on the Council's budget for the financial year 1998/99;
- (ii) to authorise the Director to make available £20,000 from the Department of Development Services Capital Programme, if required, to complete the Dunaskin Visitor Centre;
- (iii) to note that the Director of Development Services would continue to monitor closely the financial position of the Dalmellington and District Conservation Trust; and
- (iv) to advise the Dalmellington and District Conservation Trust that the Council would wish to carry out an independent assessment of the economic regeneration impact of the Dunaskin Open Air Museum in 2 years time (after the 1999 season) to provide a basis for consideration of future financial support.

The meeting terminated at 1150 hours.