

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE

**MINUTES OF MEETING HELD ON TUESDAY 3 JUNE 1997 AT 1002 HOURS IN
THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors Drew McIntyre, Douglas Reid, Ronald Brailsford, Robert McDill, David Sneller, Jimmy Boyd, George Smith and Tommy Farrell.

ATTENDING: David Montgomery, Chief Executive; Stephen Chorley, Director of Development Services; Robert Paton, Head of Economic Development; Kate McVey, Head of Legal Services; Alan Neish, Head of Planning and Building Control; William Taylor, Head of Roads and Transportation; James Kane, Chief Engineer (Roads); Karl Doroszenko, Policy and Projects Manager; Bill Walkinshaw, Principal Administrative Officer; and Alex Hewetson, Administrative Officer.

APOLOGIES: Councillors Irene Reeves, Wilma Doyle, John Knapp, Daniel Coffey, David Fulton and George Turnbull.

CHAIR: Councillor Drew McIntyre, Chair.

REPRESENTATIONS ON OUTSIDE BODIES

1. It was reported and noted that this item had been withdrawn.

MONITORING REPORTS

2.1.1 UNEMPLOYMENT STATISTICS

There was submitted and noted a report dated 19 May 1997 (circulated) by the Director of Development Services providing statistics recently released by the Office for National Statistics (ONS) relating to unemployment figures in Scotland and East Ayrshire in particular as at April 1997.

2.1.2 JETSTREAM, PRESTWICK

Councillor McIntyre appraised the Committee of the announcement by British Aerospace of substantial job losses of highly qualified Engineers/Draftsmen at Jetstream in Prestwick.

He maintained that the Council would be working in partnership with Ayrshire Economic Forum to ensure that pressure could be brought to ensure that as many of the affected employees as possible found alternative employment, and that new inward investment was secured in view of the large pool of skilled labour that was now available in the area.

It was agreed to note and endorse Councillor McIntyre's regret that the job losses at Jetstream, Prestwick, were in the manufacturing sector and would result in many highly qualified workers being placed on the dole.

2.2 BUSINESS GRANTS AND LOAN SCHEME STATUS REPORT

There was submitted and noted a report dated 19 May 1997 (circulated) by the Director of Development Services on grant and loan support awarded to companies in East Ayrshire during the period 1 April to 16 May 1997.

2.3 WINTER MAINTENANCE SERVICES IN THE 1996/97 SEASON (Item 3.3, Page 1699)

There was submitted and noted a report dated 12 May 1997 (circulated) by the Director of Development Services on the operation of the Winter maintenance service in the 1996/97 season.

CAPITAL PROGRAMME - ROADS

3.1 BRIDGE STRENGTHENING (Item 3, Page 2052)

There was submitted a report dated 22 May 1997 (circulated) by the Director of Development Services seeking authority to carry out the strengthening of bridges which failed their structural assessment.

It was agreed:-

- (i) to approve the programme of bridge strengthening and estimates for 1997/98 of £125,000, comprising £87,000 for new projects in 1997/98, detailed in Paragraph 4.2 of the report, and £38,000 of carry forward to complete projects started in 1996/97;
- (ii) that in the event of unavoidable delay in the implementation of the full programme a reserve bridge strengthening project would be undertaken, as detailed in Paragraph 4.2 of the report;
- (iii) to remit to the Head of Roads and Transportation to inspect the A719 bridge at Dallars to establish its current condition and report in due course; and
- (iv) otherwise to note the contents of the report.

3.2 STREET LIGHTING CAPITAL PROGRAMME (Item 3, Page 2052)

There was submitted a report dated 22 May 1997 (circulated) by the Director of Development Services seeking authority to implement the Capital Lighting Programme.

It was agreed:-

- (i) to approve the Street Lighting Capital Programme - Lighting Capital Works for 1997/98 of £215,000, comprising £70,000 for new projects in 1997/98, £105,000 to continue the three year replacement programme of Cohen Lighting Columns, detailed in Paragraph 3 of the report and £40,000 of carry forward to complete projects started in 1996/97; and
- (ii) to note that the reserve programme for 1997/98 and early programme for 1998/99 detailed in Paragraph 4 of the report would be funded from slippage from the capital programme 1997/98 or from the capital programme 1998/99 at a cost of £80,000.

3.3 ROAD SAFETY CAPITAL PROGRAMME (Item 3, Page 2052)

There was submitted a report dated 16 May 1997 (circulated) by the Director of Development Services seeking approval of proposed informal public consultations on

the Road Safety Capital Programme schemes and seeking authority to implement the Road Safety Capital Programme.

It was agreed:-

- (i) to approve the informal public consultations on the Road Safety Capital Programme schemes, as detailed in Paragraph 5 of the report;
- (ii) that subject to there being no unresolved objections, to approve the Road Safety Capital Programme 1997/98 schemes summarised in Paragraph 3.1 of the report and detailed in Appendix I to the report, at a cost of £150,000;
- (iii) to note that the Road Safety Capital Programme schemes specified in Paragraph 3.2 of the report would be constructed out of slippage in financial year 1997/98 or early in financial year 1998/99 at a cost of £58,000;
- (iv) to note the findings of the initial study of communities on through traffic routes in East Ayrshire detailed in Appendix II to the report;
- (v) to note that Local Committees would be invited to advise on local issues and their approval would be sought for the detailed layout of schemes prior to their implementation;
- (vi) that any unresolved local issues would be the subject of a future report to this Committee; and
- (vii) that fatal accident and serious injury statistics should be incorporated into future Road Safety reports.

3.4 REPLACEMENT OF TOWN/VILLAGE SIGNS IN EAST AYRSHIRE (Item 3, Page 2052)

There was submitted a report dated 12 May 1997 (circulated) by the Director of Development Services seeking approval for the phasing of a programme to replace existing town and village signs and to erect up to 15 East Ayrshire boundary signs following consultation with Local Committees on their location.

It was agreed:-

- (i) to approve the replacement of all town and village signs in the Cumnock Area and the Doon Valley Local Committee areas together with those other badly damaged or missing signs and up to 15 East Ayrshire signs in financial year 1997/98;
- (ii) to approve the replacement of all other town and village signs in financial year 1998/99;
- (iii) that each Local Committee would be consulted on the message to be incorporated on the bottom line of the signs within the area with the proviso that, for uniformity, the three Kilmarnock Local Committees would be requested to reach a consensus on a common message; and
- (iv) that those Local Committees with East Ayrshire boundaries would be consulted on the possible location of East Ayrshire signs.

ENVIRONMENTAL IMPROVEMENT PROJECTS (Item 3, Page 2052)

4. There was submitted a report dated 22 May 1997 (circulated) by the Director of Development Services seeking approval of proposals for the allocation of the 1997/98 approved capital expenditure of £70,000 for Environmental Improvement Projects.

It was agreed:-

- (i) to approve the carry forward of the Andrew Fisher Memorial Environmental Improvement Project as a commitment of £13,000 into the 1997/98 capital budget;
- (ii) to approve the project proposals contained within Paragraphs 4, 5, 6 and 7 of the report;
- (iii) to approve the identification of an Environmental Improvement Design Consultancy Budget of £7,000;
- (iv) to approve delegated authority to the Head of Planning and Building Control to determine allocation of the Environmental Improvement Design Consultancy Budget to individual projects as they are identified; and
- (v) to remit to the Director of Development Services to submit a report to a future meeting of this Committee on an assessment of the future maintenance implications on Environmental Improvements and possible measures that could be undertaken within current maintenance contracts on inherited environmental improvement schemes.

CAPITAL PROGRAMME 1997/98 - PARTNERSHIP DEVELOPMENTS (Item 3, Page 2052)

5. There was submitted a report dated 28 May 1997 (circulated) by the Director of Development Services seeking authority to commit capital expenditure to "Partnership Developments" projects.

It was agreed:-

- (i) to note that the total proposed expenditure for "Partnership Development" projects was £8,600 in excess of the allocated budget of £90,000 (due to additional unanticipated acquisition costs associated with the Muirkirk Industrial Site) and therefore it would be necessary to delay some expenditure until financial year 1998/99 unless further funds became available; and
- (ii) to approve the capital expenditure proposals on the "Partnership Development" projects as summarised in the table in Paragraph 3 of the report, to be contained within the capital allocations for 1997/98 and 1998/99.

EAST AYRSHIRE LOCAL PLAN: STRATEGY STATEMENT (Item 15, Page 1399)

6. There was submitted a report dated 27 May 1997 (circulated) by the Director of Development Services seeking approval of strategic principles to be incorporated into the consultative draft of the East Ayrshire Local Plan.

It was agreed:-

- (i) to approve the Draft Strategy Statement;

- (ii) that the principles of the Draft Strategy Statement, as detailed in an Appendix to the report, be incorporated into the draft East Ayrshire Local Plan for consultation; and
- (iii) to note that the Director of Development Services would submit the Draft East Ayrshire Local Plan to a future meeting of this Committee.

AYRSHIRE ECONOMIC FORUM: OPEN GOLF CHAMPIONSHIP 1997

7. There was submitted a report dated 28 May 1997 (circulated) by the Director of Development Services seeking approval to participate, in partnership with Enterprise Ayrshire, South Ayrshire Council and North Ayrshire Council, in an industrial promotion event as part of the Open Golf Championship from 17-20 July 1997 at Royal Troon Golf Course, Troon.

It was agreed:-

- (i) to contribute two thirds of the cost of the event, i.e. £16,600 from Development Services Promotions/Advertising budgets;
- (ii) to remit consideration of a contribution to meet the balance of the cost, i.e. £8,400, from the Public Relations Section of the Support Services Department to the Policy and Resources Committee;
- (iii) to approve the proposed composition of attendees as detailed in Paragraph 3.3 of the report; and
- (iv) to note that Members would be fully briefed by the Department of Development Services to take an active role in business promotions at the event.

STRUCTURAL ASSESSMENT OF ROAD BRIDGES OWNED BY RAILTRACK

8. There was submitted a report dated 12 May 1997 (circulated) by the Director of Development Services seeking authorisation for the Head of Roads and Transportation to enter into an agreement with Railtrack for the Roads and Transportation Division to carry out structural assessment of road bridges owned by Railtrack.

It was agreed to authorise the Head of Roads and Transportation to enter into an agreement with Railtrack for the Roads and Transportation Division to carry out the structural assessment of road bridges owned by Railtrack as detailed within the Appendix to the report.

EAST AYRSHIRE REGENERATION STRATEGY - IRVINE VALLEY LOCAL PARTNERSHIP (Item 7, Page 1309)

9. There was submitted a report dated 27 March 1997 (circulated) by the Director of Support Services seeking approval for the operation and resourcing of the Irvine Valley Regeneration Partnership which is in accordance with the Council's Economic Strategy for the development of a series of Local Regeneration Strategies involving local communities for the whole of East Ayrshire.

It was agreed:-

- (i) to note the composition of the Irvine Valley Local Regeneration Partnership as follows:- Private Sector - 5 (Manufacturing 1, Leisure 1, Retailing 1, Service 1, Industry and Construction 1), Community Councils 5, Local Voluntary Organisations 1, Ayrshire Wide Regional or National Voluntary Organisations working in the Irvine Valley 1, Educational Organisations 1, Ward Councillors 5 and Enterprise Ayrshire 1;
- (ii) to note that an application for registration as the Irvine Valley Rural Partnership had been made to the Scottish Office Rural Strategic Support Fund;
- (iii) that the final meeting of the Newmilns and Greenholm Initiative would be held to wind up the Initiative. The Council would be represented by Councillor Drew McIntyre, Chair of Development Services Committee and Provost Robert Stirling;
- (iv) that provision be made to transfer the remaining assets of the Newmilns and Greenholm Initiative (comprising the 1997/98 grant of £11,808 some carry forward from 1996/97 and office equipment) to this Council to be used in the running of the Irvine Valley Local Regeneration Partnership and its activities; and
- (v) that subject to (a) the current review by the Department of Development Services Strategy and Partnership Section of staffing within the Newmilns and Greenholm Initiative; and (b) to consideration by the Personnel Sub-Committee; that the Newmilns and Greenholm Initiative Project Secretary be transferred from the Scottish Civic Trust to the Council.

DEVELOPMENT PROMOTION CHARTER

10. There was submitted a report dated 8 May 1997 (circulated) by the Director of Development Services seeking approval for the adoption of a proposed Development Promotion Charter.

It was agreed that the Development Promotion Charter, detailed in Appendix A to the report be adopted by East Ayrshire Council as the basis for the operation of the Development Promotion function.

LOCAL LIAISON FORUM - EGGER (BARONY) LIMITED (Item 1, Page 1716)

11. There was submitted a report dated 20 May 1997 (circulated) by the Director of Development Services seeking approval for the set-up of a Local Liaison Forum for the new chipboard plant presently under construction at Auchinleck, East Ayrshire, and requesting Member representation on the Local Liaison Forum.

With regard to appointment of Council representatives, Councillor McIntyre, seconded by Councillor Boyd, moved that the Members for Wards 24, 25 and 29 and the Chair of Development Services Committee or nominee, be the East Ayrshire Council Members representatives on the Local Liaison Forum.

Councillor Reid, seconded by Councillor McDill, moved as an amendment that the composition of the East Ayrshire Council Member representation on the Local Liaison Forum include one Member of the Opposition.

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

It was also agreed:-

- (i) to otherwise approve the structure of the Local Liaison Forum, as detailed in the report; and
- (ii) to note the range of measures undertaken by the Council, Enterprise Ayrshire and East Ayrshire Business Partnership, working with Egger to ensure maximum economic benefit to the local economy.

LACE TRAINING CENTRE

- 12.** There was submitted a report dated 20 May 1997 (circulated) by the Director of Development Services seeking nominations for Member representation on the Managing Agency for the proposed Lace Training Centre in the Irvine Valley.

It was agreed:-

- (i) that Member representation on the Managing Agency for the proposed Lace Training Centre in the Irvine Valley be increased to two Members;
- C (ii) to recommend that Councillors George Turnbull and Councillor Robert McDill would represent the Council on the Lace Training Centre Managing Agency; and
- (iii) otherwise to approve the terms of the report.

C

TOURISM STRATEGY

- 13.** There was submitted a report dated 19 May 1997 (circulated) by the Director of Development Services on the preparation of a Tourism Strategy for the whole of Ayrshire and Arran, on Action Plans for East Ayrshire, seeking approval of the Draft Ayrshire and Arran Tourism Strategy and the East Ayrshire Action Plan and seeking authority for Officers to take action to implement the approach to tourism development set out in the Draft Ayrshire and Arran Tourism Strategy and the East Ayrshire Action Plan.

It was agreed:-

- (i) to approve the Draft Ayrshire and Arran Tourism Strategy and the East Ayrshire Action Plan;
- (ii) to refer this report to the Community Services Committee for its particular interests in its implementation;
- (iii) to authorise Officials to take action to implement the approach to tourism development set out in the Draft Ayrshire and Arran Tourism Strategy and the East Ayrshire Action Plan; and
- (iv) to note that reports would be submitted to the relevant Committee(s) as and when required.

STRATHCLYDE PASSENGER TRANSPORT AUTHORITY ISSUES

14.1 GUIDELINE CRITERIA FOR THE PROVISION OF SUBSIDISED LOCAL BUS SERVICES (Item 9, Page 1397)

There was submitted a report dated 19 May 1997 (circulated) by the Director of Development Services on progress on work on the Strathclyde Passenger Transport Authority (SPTA) review of the Guideline Criteria for the Provision of Subsidised Local Bus Services.

It was agreed:-

- (i) to note the issues addressed in the review of the Guideline Criteria for subsidised local bus services; and
- (ii) to note that, when completed, the revised Guidelines would form part of the full Public Transport Policy and Strategy Review Document.

14.2 BUS INFRASTRUCTURE ISSUES (Item 10, Page 1398)

There was submitted a report dated 19 May 1997 (circulated) by the Director of Development Services on the current position of the provision of bus stops and shelters and the status of the bus shelter advertising contract.

It was agreed:-

- (i) to note the improvements to bus infrastructure completed during 1996/97 detailed in the Appendix to the report;
- (ii) to approve the proposed arrangements for provision of bus-stops and shelters in 1997/98; and
- (iii) to note the latest position regarding the bus shelter advertising contract.

AWARDING OF TENDERS

15. There was submitted and noted a report dated 21 May 1997 (circulated) by the Director of Support Services providing details of tenders which had been awarded in respect of the undernoted Department of Development Services contracts:-

<u>CONTRACT</u>	<u>SUCCESSFUL CONTRACTOR</u>	<u>AMOUNT</u>
Carriageway Resurfacing - B7082 Grassyards Road, Kilmarnock	Hillhouse Quarry Company Limited, Troon	£32,797.44
Removal, Supplying and Laying of Superimposed Road Marking Materials and the Supplying and Fixing of Road Studs, Annual Contract 1997/98	Wilson & Scott (Highways) Limited, Slough	£53,121.95

**NATIONAL PLANNING POLICY GUIDELINES 8: RETAILING CONSULTATIVE
DRAFT**

16. There was submitted a report dated 13 May 1997 (circulated) by the Director of Development Services on new Draft Guidelines to the National Planning Policy Guidelines (NPPG) 8: Retailing, published by The Scottish Office in April 1996 and seeking authority for the Director of Development Services to respond accordingly to the proposed amendments by The Scottish Office.

It was agreed:-

- (i) to support the proposed amendments by The Scottish Office to the Draft Guidelines to the National Planning Policy Guidelines (NPPG) 8: Retailing, as detailed in Paragraph 2 of the report; and
- (ii) to remit to the Director of Development Services to respond accordingly to The Scottish Office on the new Draft Guidelines to the National Planning Policy Guidelines (NPPG) 8: Retailing.

SCOTTISH TRANSPORT GREEN PAPER - "KEEP SCOTLAND MOVING"

17. There was submitted a report dated 6 May 1997 (circulated) by the Director of Development Services on the contents of the Green Paper, "Keep Scotland Moving" and on comments made by the Department of Development Services on the Green Paper which had been forwarded to the Scottish Office.

It was agreed:-

- (i) to note the contents of the Green Paper, "Keep Scotland Moving" as detailed in Appendix A to the report;
- (ii) to note the response made to the Scottish Office on the Green Paper, "Keep Scotland Moving" by the Department of Development Services as detailed in Appendix B and Annexation A to the report; and
- (iii) to note that the Department of Development Services was actively trying to pursue many of the policies on the Green Paper, "Keep Scotland Moving" but that its efforts were being restrained by lack of financial resources from Central Government.

A LAND USE STRATEGY FOR MOORFIELD

18. There was submitted a report dated 22 May 1997 (circulated) by the Director of Development Services on the formulation of a non-statutory land use strategy for Moorfield which would serve to produce a policy framework to allow development decisions to be taken until the East Ayrshire Local Plan was produced.

It was agreed to approve the non-strategy land use strategy for Moorfield as outlined in the report.

KILMARNOCK TOWN CENTRE ENVIRONMENTAL IMPROVEMENT SCHEME

19. There was submitted a report dated 14 May 1997 (circulated) by the Director of Development Services on issues regarding the integrity and ongoing maintenance implications of specific areas of street surfaces within Kilmarnock Town Centre and seeking approval for proposed action to address these issues.

It was agreed:-

- (i) to approve the proposals contained in Paragraphs 4 of the report;
- (ii) that there would be consultation on the proposals with the relevant Local Committee and the Disability Forum;
- (iii) to remit to the Director of Development Services to carry out the required works on a phased basis; and
- (iv) to note that future reports would detail the costs of such works.

PLANNING APPLICATIONS

20.1 APPLICATION NO 96/0262/OL - CALEDONIA MOTOR GROUP LIMITED

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

The Head of Planning and Building Control reported that no objections had been received and that one letter of representation from the applicant in support of the application had been received.

The Head of Planning and Building Control summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Approval subject to the following conditions, viz:- (1) 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) 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; (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, the use of the property hereby approved shall not be changed to a use within Class 1 of the Use Classes (Scotland) Order 1989; (5) Details submitted under condition no 1 above shall include an access arrangement such that the land bounding the site to the south and west is not prevented from obtaining access from the B7064; Conditions (1) and (2) being imposed to comply with Section 39 of the Town and Country Planning (Scotland) Act 1972; Condition (3) is in outline only; Condition (4) the use of the premises for these purposes would have a detrimental impact upon Kilmarnock Town Centre and would be contrary to NPPG8 and Policy SKL of Kilmarnock Finalised District Plan; and Condition (5) to ensure that the development does not prohibit the future implementation of the Moorfield Land Use Strategy.

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

20.2 APPLICATION NO 96/0357/OL - ALLSEASONS DEVELOPMENTS LIMITED

There was submitted a report dated 16 May 1997 (circulated) by the Director of Development Services on an outline planning application for proposed crannog/chalet units, landscaping, paths, access road and parking at "The Meadows", A71 by Galston.

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

The Head of Planning and Building Control summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Approval subject to the following conditions, viz:- (1) 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) 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(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 including mounding and the ground contours; (i) finished site levels/floor levels; (j) details of the implementation of the landscaping scheme in relation to the erection of the chalet/crannog units; (4) The chalet/crannog units hereby approved shall be used only for holiday/leisure accommodation and shall not be occupied as a main or permanent residence; (5) None of the chalet/crannog units shall be occupied for a continuous period of greater than 3 months by the same party and no party shall resume occupation of any unit within 3 months of the same party having terminated occupation of the same unit; (6) Details submitted made Condition 1 above shall provide for: (i) a layout of low density, set in an extensive landscaped setting; (ii) design of chalets/crannogs sympathetic to their rural surroundings; (iii) a Traffic Impact Assessment to accompany the details of the access, including the details of the size and form of the access to the A71; (7) The developer shall satisfy him/herself on the stability of the site prior to the commencement of development; and (8) Details of the construction of the chalet/crannog units in relation to the implementation of the leisure facilities approved under KL/E/OL/92/253D shall be submitted to and approved by the Planning Authority prior to the commencement of development; Conditions (1) and (2) being imposed to comply with Section 39 of the Town and Country Planning (Scotland) Act 1972; Condition (3) is in outline only; Condition (4) to ensure that the units are not residential property, which would be unacceptable at this location; Condition (6) to ensure that the development is of a design appropriate to its location and would not create an undue environmental impact, and to ensure the means of access is appropriate; Condition (7) to ensure the stability of the site; and Condition (8) the units are acceptable only in association with and as an integrated part of a comprehensive leisure and tourism development, and would otherwise be contrary to Policy TM5 of the Kilmarnock Finalised District Plan and CAT 1 of the Strathclyde Structure Plan.

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

20.3 APPLICATION NO 96/0359/FL - ALLSEASONS DEVELOPMENTS LIMITED

There was submitted a report dated 16 May 1997 (circulated) by the Director of Development Services on a full planning application for removal of minerals to form lochan at "The Meadows", A71 by Galston.

The Head of Planning and Building Control reported that no objections had been received and reported the receipt and content of a late consultation reply from the Scottish Wildlife Trust.

The Head of Planning and Building Control summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Approval subject to the following conditions, viz:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) The development shall be undertaken in accordance with the "Environmental Statement" submitted to the Council on 17 December 1996 and the "Supplementary Information" submitted on 17 April 1997; (3) Details of the construction of the lochan in relation to the progression of the construction and planting of the perimeter bund shall be submitted to and approved by the Planning Authority prior to the commencement of development; and (4) Details of the formation and planting of the 8 km of wetland to the west end of the site in relation to the progression of construction of the lochan shall be submitted to and approved by the Planning Authority within 3 months of the date of this consent; Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) to ensure the development is undertaken in accordance with the approved details; Condition (3) to ensure the embankment is constructed to optimise its mitigation of the visual impact of mineral extraction; and Condition (4) to ensure against long term loss of wetland habitat.

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

20.4 APPLICATION NO 96/0496/FL - SCOTTISH COAL COMPANY LIMITED

20.4.1 Declaration of Interest

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

20.4.2 Consideration of Item

There was submitted a report dated 16 May 1997 (circulated) by the Director of Development Services on a full planning application for extraction of coal by opencast methods, erection of coal handling and preparation facility, removal of dereliction and enhancement of landscape and nature conservation interest at Gasswater, Cronberry, by Cumnock.

The Head of Planning and Building Control:-

- (i) reported that there was one outstanding objection, details of which were contained within the report, including a request for a Planning Hearing; and
- (ii) recommended that having considered the request for a Planning Hearing, the Committee should proceed to determine the application.

The Head of Planning and Building Control summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: (i) Approval subject to the application being formally notified to and cleared by the Secretary of State for Scotland in terms of the Town and Country Planning (Notification of Application for the Extraction of Coal by Opencast Methods

at Gasswater, Cronberry, Ayrshire) Direction 1996; and 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 12 months of the issued notice of decision and that the approved operations shall be completed within 8 years of the commencement 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 their commencement;
- (4) No development shall take place on site until an assessment has been made of the likely disturbance to otters moving along water courses affected by the proposed development. This assessment shall provide recommendations for the introduction of cover or artificial shelters for otters and on the design of structures to be erected across the water courses. This assessment shall be submitted to the Planning Authority for approval, subject to consultation with the Scottish Natural Heritage;
- (5) A right turn lane and access designed to the requirements of the Design Manual for Roads and Bridges, shall be provided at the site access to the satisfaction of the Roads Authority and the Planning Authority;
- (6) That sightlines of 9 metres by 215 metres be formed and maintained at the junction of the site access road with the public road from which access is taken, and that no obstruction greater than one metre in height be permitted within this area;
- (7) That measures to prevent mud, dirt, dust, slurry, coal or stones being carried onto the highway shall be taken as agreed with the Planning Authority prior to the commencement of development 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;
- (8) That the public road adjacent to the site shall be kept clear of mud or other deposited material at all time;
- (9) That prior to any road vehicle loaded with coal or other minerals leaving the site, the load shall be suitably covered with a tarpaulin to ensure there is no escape of materials;
- (10) That a site inspection shall be carried out by representatives of the developer, the Roads Authority and the Planning Authority to agree the condition of the public roads prior to commencement of the work;
- (11) 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;
- (12) That the approval of the layout of the site service area and of the proposed surface buildings shall be obtained from the Planning Authority before any buildings, plant or machinery are erected on site;
- (13) That the developer shall make stockproof and maintain, until the restoration of the site is completed, all the existing perimeter hedges and fences and shall protect these from damage during operational works. Where the site boundary does not coincide with an existing hedge or fence, then the developer shall provide and 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;
- (14) Notwithstanding condition 13 above, the location and standard of the proposed boundary fencing shall be the subject of consultation and agreement with Scottish Natural Heritage, to the satisfaction of the Planning Authority;
- (15) Within the overall site boundary, boundaries of the individual operational areas shall be clearly marked on site with clear instructions being given to operatives of plant and machinery not to stray outwith the designated operational areas;
- (16) No soil stripping operations shall take place between 1 April and 30 June inclusive;
- (17) No

development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, this scheme to be submitted for approval by the Planning Authority following consultation and agreement with the West of Scotland Archaeology Service; (18) That top soil and sub-soil must only 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 endorse the site, no operations shall be carried out until the top soil is fully stripped in accordance with the phased programme of extraction as described in the Written Statement which forms part of the planning application; (19) That top soils be stripped to full available depth from all areas within the site except those areas designated in the approved plans as top soil dumps. Following top soil stripping operations from any areas of land, sub-soil shall be stripped as a separate operation to a depth, where possible, to achieve top soil and sub-soil not less than 0.9 metre at restoration; (20) That the developer shall give at least two working days notice to the Planning Authority before work commences on the stripping of top soil and sub-soil. 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 top soil and sub-soil; (21) 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 sub-soil or top soil, or otherwise used to cap overburden mounds; (22) That topsoil, sub-soil, peat and overburden shall be carefully stored in separate dumps and prevented from mixing. Top soil dumps shall not exceed 6 metres in height. Top soil dumps and sub-soil dumps shall be evenly graded and tops shaped to prevent water ponding; (23) That in the first available seeding season following their formation, all mounds of top soil, sub-soil and soil making materials 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; (24) No dumping of overburden shall take place until a detailed alignment and management proposal for the buffer strip of land, between the overburden mound and the area of deep peat which lies adjacent, has been agreed with Scottish Natural Heritage and the Planning Authority; (25) That all weeds on the site, particularly those on the top soil and sub-soil storage dumps, shall be treated with weed killer or cut to prevent spreading within the site or onto adjoining agricultural land; (26) 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 the road; (27) That the sub-soil storage mounds shall be so formed as to have a minimal visual intrusion on the surrounding landscape; (28) 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; (29) That all water treatment areas/settlement ponds shall be enclosed by a one metre high stock proof fence; (30) That throughout the period of working, agricultural restoration and after-care, the developer shall protect and maintain or divert any ditch, stream, watercourse or culvert passing through the site so as not to impair the flow nor render less effective drainage onto and from adjacent lands; (31) 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 top soil and sub-soil has not been stripped; (32) That alternative arrangements be made for any interruption of 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; (33) That all contaminated drainage and run-off from the site roadways, interception ditches, overburden and other tops, 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; (34) That precautions shall be taken to prevent the discharge of oil from fuelling, oil, storage plant maintenance and vehicle wash areas within the site; (35) That any fuel, oil or other chemical storage tanks on the site 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; (36) That all foul drainage from sanitary facilities, canteens, etc shall be treated prior to discharge to a soakaway system. In the event that percolation tests indicate 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; (37) 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; (38) 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; (39) Prior to works commencing on site, the applicant shall submit to the Planning Authority details of the audible reversing alarms fitted to machinery which shall be to the complete satisfaction of the Planning Authority; (40) That the operational conduct of the site shall be generally as indicated in the written statement which forms part of the application; (41) That noise, dust and blasting monitoring programmes shall be undertaken, as agreed with the Environmental Health Division and the Planning Authority, using appropriate equipment and recording devices, the results and records to be made available to the Planning Authority on a monthly basis during the operational life of the site; (42) That any blasting operations shall be carried out in such a manner that a component of the peak particle velocity attributable to any blast, measured at any point immediately adjacent to any building outside the boundaries of the site, exceeds 12mm per second; (43) That the conduct of the site and method of operation shall comply with British Standards 5228 and Part 3 of the 1984 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 55 DB Laeq, 1h and 42 DB Laeq, 1h at night-time (1900 - 0700 hours) at noise sensitive dwellings; (44) That any explosives magazines shall be located, designed and bunded to the satisfaction of the Planning Authority; (45) That except in the case of emergency or as otherwise agreed with the Planning Authority blasting operations will be carried out only within two hourly periods between 0900 hours and 1700 hours in daylight Mondays to Fridays. On Saturdays, blasting will be restricted to between 1000 hours and 1200 hours; (46) That except in the case of emergency and with the prior agreement of the Planning Authority, the hours of working for the site shall be confined between 0700 hours on Mondays and 1600 hours on Saturdays (24 hour continuous working). With the exception of maintenance work, no work shall take place on Sundays; (47) That except in the case of emergency and with the prior agreement of the Planning Authority, despatch of coal from the site shall be confined to between 0800 hours and 1700 hours Mondays to Fridays inclusive, No lorries laden with coal shall depart

from the site between 0800 hours or after 1700 hours; (48) That the stocking of coal shall be in accordance with a detailed scheme to be approved by the Planning Authority and that such a scheme shall indicate the location, dimension, screening proposals and treatment of stocking areas; (49) That opencast machinery not in use shall be parked, as far as practicable, in any inconspicuous position and shall not be astride soil or overburden mounds; (50) That the site shall be progressively restored in accordance with a scheme to be approved by the Planning Authority; that the scheme 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 of overburden, sub-soil and top soil generally accord with those indicated in the Written Statement and to the satisfaction of the Planning Authority; (51) That no materials for filling shall be introduced to the site from sources external to it without the prior approval of the Planning Authority; (52) That the restored site shall be progressively landscaped in accordance with a scheme to be approved by the Planning Authority prior to restoration commencing; that such a scheme shall include details of field patterns, forestry planting, shelter belt creation, hedgerows, nature habitat creation including additional wetland areas and, if appropriate, broadleaf species in the design of shelter belts and the creation of imaginative walkways and nature trails. In particular the restoration of the site shall provide for enhanced areas of habitat for breeding wader birds; (53) That the landscaped areas shall be subsequently managed in accordance with an aftercare scheme to be submitted and approved by the Planning Authority; (54) 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 (55) That two weeks prior to the annual formal review an updated plan will be forwarded to the Local 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 38 of the Town and Country Planning (Scotland) Act 1972; 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; Condition (4) and (14) in the interests of protecting the natural heritage of the site; Conditions (5), (11), (12), (28), (33), (34), (35), (36), (42) and (44) in the interests of public safety; Conditions (6), (7), (8), (10) and (37) in the interest of road safety; Condition (9) in the interests of road safety and visual amenity; Condition (13), (21), (26), (27), (29), (48) and (49) in the interests of visual amenity; Condition (15) to prevent any unnecessary affect or damage to natural heritage interests within the application site; Condition (16) to ensure the breeding ground nesting birds are protected from destruction and disturbance; Condition (17) in the interest of recording the archaeology of the site; Condition (18) to ensure that the top soil and sub-soil will be suitable for the restoration of the site following storage; Condition (19) in the interest of proper restoration of the site; Condition (20) to ensure that the top soil and sub-soil to be stored will be suitable for use during restoration of the site; Condition (22) to ensure that no damage occurs to soils to be used in site restoration; Conditions (23) and (25) to safeguard the appearance of the site; Condition (24) in order to protect active blanket peat bog within the application

site; Condition (30) in the interest of public safety and to prevent a detrimental affect upon adjacent operations; Conditions (31) and (32) to ensure proper drainage of land; Conditions (38), (39), (41) and (43) in the interests of residential amenity; Condition (40) to ensure that the development is undertaken in accordance with the details approved; Conditions (45), (46) and (47) to safeguard the amenity of the area; Conditions (50) and (51) to enable the Planning Authority to retain control over development of the site; Condition (52) to improve the appearance of the site; Conditions (54) and (55) to enable the Planning Authority to update the operating of the site in the light of difficulties encountered; (ii) the issue of the decision notice be withheld until appropriate Section 50 Agreements, in the terms detailed in Paragraph 7.11 of the report have been concluded; and (iii) that the Committee do not accede to the request for a planning hearing on the application.

Councillor Farrell, seconded by Councillor Boyd moved (i) that the Committee do not accede to the request for a planning hearing on the application; (ii) Approval subject to the application being formally notified to and cleared by the Secretary of State for Scotland in terms of the Town and Country Planning (Notification of Application for the Extraction of Coal by Opencast Methods at Gasswater, Cronberry, Ayrshire) Direction 1996, and subject to conditions as detailed above; and (iii) the issue of the decision notice be withheld until appropriate Section 50 Agreements, in the terms detailed in Paragraph 7.11 of the report had been concluded.

Councillor McDill, seconded by Councillor Brailsford, moved as an amendment that a formal planning hearing take place and that road traffic impact and road safety studies should be undertaken and reported on by the Head of Planning and Building Control.

On a division by a show of hands there were 3 votes for the motion and 3 votes for the amendment. There being an equality of votes, the Chair, exercised his casting vote in favour of the motion.

Councillor Sneller rejoined the meeting.

20.5 APPLICATION NO 97/0080/FL - DAWN DEVELOPMENTS LIMITED

There was submitted a report dated 28 May 1997 (circulated) by the Director of Development Services on a full planning application for proposed change of use to a class 1 retail warehouse for the sale of pets and pet produce at Unit 4, Queen's Drive Retail and Leisure Park, Queen's Drive, Kilmarnock.

The Head of Planning and Building Control:-

- (i) reported that two letters of objection had been received, details of which were contained within the report; and
- (ii) reported an amendment to the recommendation contained within Paragraph 8(ii) of the report, i.e. Delegate approval to the Director of Development Services in consultation with Councillor McIntyre, Chair of Development Services Committee following appropriate consultation with the Ayrshire Joint Structure Plan Committee.

The Head of Planning and Building Control summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: (i) May be approved subject to the notification of the Secretary of State for Scotland under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 and to the following conditions, viz:- (1) The development to which this permission relates must be begun within five years from

the date of this permission; (2) The proposed development shall be carried out in accordance with the application form and plans submitted on 5 February 1997 as revised by the various plans received by the Planning Authority on 1 April 1997; and (3) Notwithstanding the provisions of the Town and Country Planning Use Classes (Scotland) Order 1989, the use of the site shall be limited to Class 1 Retail Warehouse for the sale of pets and pet produce only. The further express permission of the Planning Authority shall be required in respect of the sale of any other goods, unless ancillary to the sale of pets and pet produce; 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; and Condition (3) to enable the Planning Authority to retain control over future development on the site, to ensure that the goods sold do not have an adverse impact on the vitality and viability of Kilmarnock Town Centre; (ii) Dawn Developments Limited signing a formal undertaking that the first letting of the three other units would be approved to COM 4 Uses; and (iii) that approval be delegated to the Director of Development Services in consultation with the Chair following consultation with the Ayrshire Joint Structure Plan Committee.

Councillor McIntyre, seconded by Councillor Sneller, moved (i) That the application may be approved subject to the notification of the Secretary of State for Scotland under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 and the conditions detailed above; (ii) Dawn Developments Limited signing a formal undertaking that the first letting of the three other units would be approved to COM 4 Uses; and (iii) that approval be delegated to the Director of Development Services in consultation with the Chair following consultation with the Ayrshire Joint Structure Plan Committee.

Councillor Brailsford, seconded by Councillor Reid, moved as an amendment to refuse the application as it was contrary to COM 4 of the Strathclyde Structure Plan.

On a division by a show of hands, the motion was carried by 5 votes to 3.

20.6 APPLICATION NO 97/0024/OL - MR F GILLINGHAM

There was submitted a report dated 20 May 1997 (circulated) by the Director of Development Services on an outline planning application for proposed erection of one dwellinghouse at land at junction B7073 and A76, Near Bowhouse, Hurlford.

The Head of Planning and Building Control reported that no objections had been received and that the applicant had submitted a letter in support of his application.

The Head of Planning and Building Control summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control:- Refusal for the following reasons, viz:- (1) The proposed development would be contrary to Policy CAT1 and CAT1A in the Strathclyde Structure Plan approved by the Secretary of State since there is no specific locational need for the development. No justification has been provided to allow isolated development without a specific locational need to be in the countryside; (2) The proposed development would constitute the erection of a new dwelling in the countryside without agricultural support, and would therefore not be in accordance with Policy HR1 of the Finalised District Plan. The personal circumstances of the applicant do not justify approval of the application contrary to the development plan; (3) The proposed development would set an undesirable precedent for the erection of a new dwelling in the countryside without any agricultural justification. Personal circumstances and ownership of land in the countryside should not be sufficient to

permit development in the countryside since this would lead to a proliferation of scattered developments within the countryside and subsequently undermine urban renewal and regeneration; and (4) The proposed development would be detrimental to road safety by reason of the inability to achieve the necessary sightlines as required by the Roads and Transportation Division.

Councillor McIntyre, seconded by Councillor Farrell, moved refusal of the application for the reasons detailed.

Councillor Sneller, seconded by Councillor Reid, moved as an amendment that given that Bowhouse Prison had been approved, adjacent to the application site, and therefore there was no significant environmental impact upon the area, to grant the application subject to a suspensive condition to ensure satisfactory site access and other conditions as considered appropriate by the Planning and Building Control Division

On a division by a show of hands there were 4 votes for the motion and 4 votes for the amendment. There being an equality of votes, the Chair exercised his casting vote in favour of the motion.

20.7 APPLICATION NO 96/0594/OL - MRS F AHMAD

The Head of Planning and Building Control reported that the planning application had been withdrawn by the applicant.

Councillor Sneller left the meeting at this point.

EXCLUSION OF PRESS AND PUBLIC

21. 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 it involved the likely disclosure of exempt information as defined in the Paragraphs of Schedule 7A of the Act as shown against each item.

Councillor Sneller rejoined the meeting at this point.

**DEVELOPMENT OF PORTLAND STREET, KILMARNOCK (Item 1.1, Page 1338)
(PARAGRAPH 9)**

22. There was submitted a report dated 28 May 1997 (circulated) by the Director of Development Services on the up-to-date position regarding the development of Portland Street, Kilmarnock.

It was agreed:-

- (i) to endorse the action which had been taken by Council Officials in respect of the current approach by the developer;
- (ii) to remit to the Director of Development Services to commission a marketing study into the viability of further retail development in the Kilmarnock Town Centre; and
- (iii) to submit a report on the findings of the marketing study to a future meeting of the Committee.

**ENFORCEMENT NOTICE (WASTELAND) AND DANGEROUS BUILDING NOTICE
(PARAGRAPH 13)**

23. There was submitted a report dated 16 May 1997 (circulated) by the Director of Development Services requesting authority to take the necessary steps as detailed in the Enforcement Notice (Wasteland) and Dangerous Building Notice and to recover the costs from the owner.

It was agreed:-

- (i) that the works as detailed within Paragraph 6 of the report be carried out by the Council;
- (ii) that the costs should be recovered from the owner of the property; and
- (iii) to remit to the Head of Legal Services to prepare the necessary Charging Order and arrange for this to attach to the title of the property owner.

PROPOSED LISTING (PARAGRAPH 13)

24. There was submitted a report dated 14 May 1997 (circulated) by the Director of Development Services on Historic Scotland's proposal to list a property in Sorn identified within the report.

It was agreed that in terms of its architectural and historic value:-

- (i) to approve the proposal to list the property at Sorn, identified within the report, as Category C(S); and
- (ii) to authorise the Director of Development Services to respond directly to Historic Scotland.

The meeting terminated at 1203 hours.