

**EAST AYRSHIRE COUNCIL**

**DEVELOPMENT SERVICES COMMITTEE**

**MINUTES OF MEETING HELD ON THURSDAY 6 MARCH 1997 AT 1400 HOURS  
IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK**

**PRESENT:** Councillors George Turnbull, Irene Reeves, Douglas Reid, Wilma Doyle, Ronald Brailsford, Daniel Coffey, Eric Ross, David Sneller, Jimmy Boyd and George Smith.

**ATTENDING:** Fiona Lees, Depute 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 and Transportation); Robert Griffiths, Building Control Manager; Bill Walkinshaw, Principal Administrative Officer and Alex Hewetson, Administrative Officer.

**APOLOGIES:** Councillors Drew McIntyre, Robert McDill and Tommy Farrell.

**CHAIR:** Councillor George Turnbull, Chair.

**MINUTES OF SUB-COMMITTEES**

1. There was submitted and approved both as a correct record and in respect of recommendations contained therein, the undernoted Sub-Committee Minutes (circulated) as detailed in Appendix I and II of these Minutes.
  - 1.1 **CHAIR'S SUB-COMMITTEE OF THE DEVELOPMENT SERVICES COMMITTEE OF 30 JANUARY 1997** - Appendix I.
  - 1.2 **PLANNING SUB-COMMITTEE OF THE DEVELOPMENT SERVICES COMMITTEE OF 30 JANUARY 1997** - Appendix II.

Councillor Boyd joined the meeting at this point.

**MONITORING REPORTS**

**2.1 UNEMPLOYMENT STATISTICS**

There was submitted a report (circulated) by the Director of Development Services providing recent statistics relating to unemployment figures in Scotland and East Ayrshire in particular as at January 1997.

It was agreed:-

- (i) to remit to the Director of Development Services:-
  - (a) to submit a supplement to the Unemployment Statistics report which includes estimates of total unemployment including people not registered in the official statistics released monthly; and
  - (b) to include, within future reports, a breakdown of rates of unemployment in East Ayrshire by Council Wards and Travel to Work Areas within Wards; and
- (ii) otherwise, to note the contents of the report.

**2.2 BUSINESS GRANTS AND LOAN SCHEME STATUS REPORT**

There was submitted and noted a report dated 19 February 1997 (circulated) by the Director of Development Services on grant and loan support awarded to companies during the period 1 January to 14 February 1997.

### **2.3 PLANNING AND BUILDING CONTROL PERFORMANCE STATISTICS**

There was submitted and noted a report dated 27 February 1997 (circulated) by the Director of Development Services on the Performance Indicators (PIs) for Development Promotion and Building Control within the Planning and Building Control Division for the period 1 April to 31 December 1996.

### **2.4 BUDGETARY CONTROL SUMMARY STATEMENT - DEVELOPMENT SERVICES TO 31 JANUARY 1997 (PERIOD 11)**

There was submitted and noted a report dated 17 February 1997 (circulated) by the Director of Finance on the current budgetary control summary statement of Development Services for the period ended 31 January 1997 (Period 11).

### **INDUSTRIAL AND COMMERCIAL PROPERTY POLICY REVIEW**

3. There was submitted a report dated 18 February 1997 (circulated) by the Director of Development Services seeking authority to:-
- (i) adopt a policy framework for the management of the portfolio of industrial and commercial premises and sites detailed within the Appendix to the report; and
  - (ii) adopt a policy framework for providing funding for the development of new industrial premises.

It was agreed:-

- C (i) to recommend approval of the key policy objectives for the management of the existing portfolio of industrial and commercial premises and sites detailed within the Appendix to the report as set out in paragraph 4 of the report; C
- C (ii) to recommend approval of the key policy objectives for supporting the development of new industrial accommodation, as set out in paragraph 6.2 of the report; and C
- (iii) to refer this report for consideration to the Finance and Property Sub-Committee of the Policy and Resources Committee.

### **INDUSTRIAL UNIT AND ASSOCIATED GROUND AT 29 FURNACE ROAD, MUIRKIRK**

4. There was submitted a report dated 20 February 1997 (circulated) by the Director of Development Services seeking authority to declare as surplus to the Department of Development Services operational requirements, an industrial unit and associated development land at 29 Furnace Road, Muirkirk.

It was agreed:-

- (i) to declare the industrial unit and associated ground at 29 Furnace Road, Muirkirk, surplus to the operational requirements of the Department of Development Services; and
- (ii) to remit to the Director of Support Services to undertake the necessary action in respect of this matter.

5. There was submitted a report dated 18 February 1997 (circulated) by the Director of Support Services on implications for Elected Members/Officers appointed by the Council to serve on the Board of outside bodies in terms of their liabilities/responsibilities and the Council's Insurance cover.

It was agreed:-

- C** (i) to recommend that the Chair, Councillor George Turnbull, be the Member representative to the Board of the West of Scotland Loan Fund Limited subject to the company providing adequate and separate Officials and Members indemnity cover; **C**
- (ii) to refer this report to the Policy and Resources Committee with a recommendation that the Director of Finance in consultation with the Head of Legal Services approach the Accounts Commission and CoSLA for guidance on Local Authority participation in outside bodies in light of the recent English High Court decision in the Waltham Forest case; and
- (iii) to remit to the Head of Legal Services to undertake an examination of all outside bodies in which Members/Officers serve, to establish that separate and adequate indemnity cover was in place and submit a report on the findings to the next meeting of the Council.

#### **EQUAL OPPORTUNITIES ACTION PLAN (Item 2, Page 914)**

6. There was submitted a report dated 17 February 1997 (circulated) by the Director of Development Services seeking approval for the Development Services Departmental Equal Opportunities Action Plan to support the Council's strategic objectives.

It was agreed:-

- (i) to approve the Development Services Departmental Equal Opportunities Action Plan as detailed within the report; and
- (ii) that the Director of Development Services, in conjunction with the Head of Legal Services prepare a report, to a future meeting of this Committee, on the processes and practicalities of introducing Bye-laws for the provision and regulation of parking bays for the disabled within residence areas, including information on examples of such Bye-laws within other Local Authorities, and to obtain Strathclyde Police's views on such a proposal.

#### **REVIEW OF PLANNING APPLICATION SYSTEM**

7. There was submitted a report dated 25 February 1997 (circulated) by the Director of Development Services on the review of the operation of the planning application system and seeking authorisation to implement recommendations contained within the report.

It was agreed:-

- (i) that the number of Local Planning Committees would be reduced from seven to three in accordance with Option 2 identified in Section 6 of the report, namely:- Northern Area Local Planning Committee; Central Local Planning Committee and Southern Local Planning Committee;
- (ii) that the requirement to refer applications to the Development Services Committee in the undernoted circumstances would be deleted:-
- (a) when a Local Planning Committee was inquorate; and

- (b) when an application had generated significant local dispute or was beyond Area Significance;
- (iii) that reports to Local Planning Committees would identify whether or not a decision to approve an application would require to be considered by the Development Services Committee under the Scheme of Delegation;
- (iv) to recommend that the Scheme of Delegation be reviewed in accordance with Appendix II to the report, which would involve shifting applications from Development Services Committee to the Local Planning Committees and a shift in minor Conservation Listed Building consents and minor Tree Preservation Orders to the Head of Planning and Building Control;
- (v) that the revised Hearing procedure contained within Appendix III to the report would be adopted for Hearings at both Local Planning Committees and the Development Services Committee with Hearings requested by Development Services Committee being held separate from the main Committee;
- (vi) that prior to an application being considered by the Development Services Committee, having been referred to from a Local Planning Committee, a site visit would be held by the Development Services Committee prior to consideration of the application;
- (vii) that when the Development Services Committee agreed to a Hearing, a site visit would, where it was considered necessary, be held prior to consideration of the application by the Committee;
- (viii) that persons speaking at Hearings, and the organisations which they represented, would be recorded in the Minutes of that Hearing;
- (ix) that the aforementioned proposals would be built into a Council wide Code for Community Councils to be referred for consideration by the Policy and Resources Committee at a future date; and
- (x) to recommend that membership of Local Planning Committees be based upon Wards within the respective boundaries of the Local Committee areas detailed in Option 2 in Section 6 of the report, namely Northern Area Local Planning Committee (Irvine Valley and Northern Area); Central Local Planning Committee (Kilmarnock North, South and Central); and Southern Local Planning Committee (Doon Valley and Cumnock Area).

Councillor Sneller, seconded by Councillor Boyd, moved to recommend to Council, the nominations for the Chairs and Vice-Chairs of the Local Planning Committees as detailed below:-

	<b>CHAIR</b>	<b>VICE-CHAIR</b>
CENTRAL	Councillor Jane Darnbrough	Councillor Gordon Cree
NORTHERN AREA	Councillor David Fulton	Councillor James O'Neill
SOUTHERN	Councillor Eric Ross	Councillor John Smith

Councillor Brailsford, seconded by Councillor Reid, moved as an amendment to recommend to Council that, in respect of the Central and Northern Area Local Planning Committees, the nominations for Chairs and Vice-Chairs as detailed below:-

	<b>CHAIR</b>	<b>VICE-CHAIR</b>
CENTRAL AREA	Councillor Daniel Coffey	Councillor Douglas Reid
NORTHERN AREA	Councillor Kim Nicoll	Councillor Robert McDill

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

**PROPOSED PRISON AT BOWHOUSE BY THE SCOTTISH PRISON SERVICE -  
COMMUNITY LIAISON (Item 1.3, Page 1383)**

8. There was submitted a report dated 25 February 1997 (circulated) by the Director of Development Services updating the Committee on progress of the schedule relating to this development and informing the Committee of how liaison with the local community was being pursued.

It was agreed:-

- (i) to note that the Director of Development Services would continue to progress the setting up of a Community Liaison Group and would report on the detailed arrangements to a future meeting of the Committee;
- (ii) that the Director of Development Services seek the views of Irvine Valley Local Committee and the Local Member on liaison arrangements with the Local community; and
- (iii) otherwise to note the contents of the report.

**APPLICATION TO THE EUROPEAN SOCIAL FUND - FEBRUARY 1997**

9. There was submitted a report dated 18 February 1997 (circulated) by the Director of Development Services on applications submitted by the Department of Development Services seeking support from the European Social Fund (ESF) for a wide range of training and business support measures.

It was agreed:-

- (i) to note the applications submitted in the February 1997 round of ESF bids as detailed below:-

- (a) Ayrshire Operational Skills Improvement Scheme (AOSIS);
  - (b) East Ayrshire: Native and Community Woodlands Initiative;
  - (c) Dalmellington Information Technology Project;
  - (d) East Ayrshire Conduit Information Technology Project;
  - (e) Waterside Dunaskin Training Scheme;
  - (f) Young Persons' Development Programme - Jumpstart;
  - (g) Short Route into Employment;
  - (h) Employment Grant Scheme;
  - (i) Youth Training Employment Initiative (YETI); and
  - (j) Signposts: Youth Labour Market Access Project; and
- (ii) to note that a further report would be submitted on the outcomes of the bids to a future meeting of the Committee.

#### **EMPLOYMENT AND TRAINING SUPPORT MEASURES**

- 10.** There was submitted a report dated 25 February 1997 (circulated) by the Director of Development Services seeking authority to implement revisions in the guidelines for grants given to Small/Medium Sized Enterprise's (SME's) for recruiting long-term unemployed persons and for the promotion of training of staff in aspects of business operational improvement.

It was agreed to approve the revised criteria and new operating procedures detailed in Paragraph 3 of the report.

#### **TOURISM SIGNPOSTING STRATEGY (Item 4, Page 1167)**

- 11.** There was submitted a report dated 4 February 1997 (circulated) by the Director of Development Services requesting that additions to the joint Tourism Signposting Strategy between the three Ayrshire Councils, the Scottish Tourist Board and Ayrshire and Arran Tourist Board, as detailed within the Appendix to the report be adopted as Council Policy.

C It was agreed to recommend that the Tourism Signposting Strategy Document be adopted as Council Policy. C

#### **STREET LIGHTING MAINTENANCE STANDARDS (Item 12, Page 1398)**

- 12.** There was submitted a report dated 4 February 1997 (circulated) by the Director of Development Services seeking authority to vary response times to carry out work specified in the Street Lighting Maintenance Contract.

It was agreed to approve the variations of response times for work carried out under the Street Lighting Maintenance Contract as detailed within Paragraph 3.1 of the report.

### **KILMARNOCK TOWN CENTRE CAR PARKING**

- 13.** There was submitted a report dated 11 February 1997 (circulated) by the Director of Development Services seeking authority:-
- (i) to prepare an East Ayrshire Order for charging car parks and within that Order extend the number of car parks in Kilmarnock for which charges were made;
  - (ii) following consultation, to designate certain of these car parks as short-stay; and
  - (iii) to consult on the desirability of introducing on-street parking charges and a residents' parking permit scheme in central Kilmarnock.

It was agreed:-

- (i) that a Traffic Regulation Order for East Ayrshire charging car parks be promoted;
- (ii) that the Order include existing charging car parks serving Kilmarnock Town Centre and any other appropriate ones in East Ayrshire's ownership;
- (iii) that following consultation with the three Kilmarnock Local Committees, local business interests and other relevant organisations, the Order would designate suitable Kilmarnock Town Centre car parks as short-stay; and
- (iv) if, after public consultation, it was considered desirable, Traffic Regulation Orders be promoted to charge for on-street parking in central Kilmarnock and to restrict appropriate residential areas to residents with parking permits at a cost to be reported for consideration to a future meeting of the Committee.

### **PROPOSALS TO DEVOLVE THE SETTING OF BUILDING CONTROL CHARGES TO INDIVIDUAL COUNCILS**

- 14.** There was submitted a report dated 27 January 1997 (circulated) by the Director of Development Services on proposals by the Scottish Office to de-regulate the setting of Building Control charges and to allow Councils to set their own fees and recommending options within the Appendix to the report to formulate the Council's views on this matter.

It was agreed:-

- (i) to approve options (iv) and (vi) contained within the Appendix to the report as detailed below:-
  - (iv) use the existing table, but grant specific freedom to Local Authorities, such as the power to take a larger fee for particular types of application that are expensive to process; and
  - (vi) retain the existing table as a guide but give Councils the ability to set different fee scales, linked to published local standards of service; and
- (ii) to remit to the Director of Development Services to write to CoSLA to support the concept of flexibility in fee setting to reflect local circumstances provided that was not combined with a system which would undermine the independent and accountable role of Building Control within Local Government.

## PLANNING APPLICATIONS

### 15.1 CONSIDERATION OF PLANNING APPLICATION SUBMITTED IN RESPECT OF THE DEVELOPMENT OF MOTORWAY SERVICE AREAS AT KINGSWELL JUNCTION, FENWICK

There was submitted a report dated 25 February 1997 (circulated) by the Director of Development Services presenting for determination two applications for planning permission for similar developments; advising on the most appropriate method of determination; and making recommendations in respect of the proposals.

The Head of Planning and Building Control:-

- (i) reported that further submissions had been received from both applicants the contents of which were reported to the Committee;
- (ii) reported that a request to hold a Hearing had been received from one applicant, but in this case, the request was made by a rival developer and therefore deemed inappropriate, as the wider public interest would not be served;
- (iii) recommended the deletion of the proposal contained within Paragraph 5 of the report which required a Section 50 Agreement between the applicants, the Council and other interested parties in the terms; "the development of the applications hereby granted shall not be commenced without there first being in place a Signage Agreement authorised by the Scottish Office Roads Directorate";
- (iv) recommended an additional condition on both applications; "the development of the applications shall not be commenced without there first being in place a Signage Agreement authorised by the Scottish Office Roads Directorate relating to the application sites"; and
- (v) a further additional condition on application no KL/E/OL/95/251A; "at no time shall blasting take place on the site".

#### 15.1.1 APPLICATION NO KL/E/OL/95/251A - PROPOSED ERECTION OF A MOTORWAY SERVICE STATION INCLUDING A LODGE, RESTAURANT, SHOP, PETROL FILLING STATION, CAR PARKS AND LORRY PARKS AT HARELAW, BY FENWICK - TEXACO LIMITED

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

Recommendation by the Head of Planning and Building Control: Approval subject to notification to the Secretary of State under the Town and Country Planning (Development Contrary to Development Plans) Direction 1988 and subject to the following conditions, viz:- (1) In the case of the reserved matters specified below, application for approval must be made not later than the expiration of three years beginning with the date of this permission; (2) That the development to which this permission relates must be begun not later than the expiration of five years from the date of this permission or within the expiration of two years from the final approval of all reserved matters, whichever is the later; (3) The development shall be undertaken in accordance with the detail of the Environmental Statement associated with the application (including the addendum thereto); (4) All components of the permission hereby granted shall be available for use by visiting members of the public upon the first operation of the development, unless agreed in advance with the Planning Authority in writing; (5) The facilities shall not be available for use until the Motorway

from Fenwick to Floak is completed and open to the public; (6) Access arrangements at the sliproads at the eastern side of the motorway and at the western side to enable access to the MSA hereby approved shall be completed prior to the opening to the public of any of the facilities hereby approved; (7) Notwithstanding the plans hereby approved, the roundabout within the site shall be designed so as to prevent 'U-turns' and a cycleway shall be incorporated into the design of the roundabout providing access into the site. Details of the above shall be submitted to the Planning Authority prior to the commencement of development; (8) Details of the landscaping, including its maintenance and its implementation in relation to the progression of the development, shall be submitted to and approved by the Planning Authority prior to the commencement of development; (9) the development of the application site shall not be commenced without there first being in place a Signage Agreement authorised by the Scottish Office Roads Directorate relating to the application site; and (10) at no time shall blasting take place on the site; Conditions (1) and (2) being imposed to comply with Section 39 of the Town and Country Planning (Scotland) Act 1972; Condition (3) to ensure the development is undertaken in accordance with the approved details and to ensure no unduly detrimental environmental impacts result; Conditions (4) and (5) in the interest of road safety and because permission for facilities not comprising a comprehensive MSA would not be justified; Conditions (6) and (7) in the interest of road safety; Condition (8) to ensure that the development is satisfactorily mitigated against undue visual impact, in the interest of visual amenity; Condition (9) to ensure that only one MSA is developed at this junction in the interest of visual amenity and in order to comply with the terms of NPPG9; and Condition (10) to ensure the development is carried out in accordance with the submitted details.

**15.1.2 APPLICATION NO KL/E/OL/89/143B - ERECTION OF A MOTORWAY SERVICE AREA CONSISTING OF RESTAURANT, SHOP, TOURIST INFORMATION AREA, OVERNIGHT ACCOMMODATION, BUSINESS FACILITIES, PICNIC AND PLAY AREA, NATURE CONSERVATION AREA, PARKING AND REFUELLING FACILITIES AND LANDSCAPING AT HARELAW, BY FENWICK - MR A BELL**

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

Recommendation by the Head of Planning and Building Control: Approval, subject to notification to the Secretary of State under the Town and Country Planning (Development Contrary to Development Plans) Direction 1988, and 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 buildings; (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) The development shall be undertaken in accordance with the detail of the Environmental Statement submitted with the application including all matters and amendments in the "addendum" and "addendum 2"; (5) All components of the development hereby approved shall be available for use by visiting members of the

public upon the first operation of the development, unless agreed in advance with the Planning Authority in writing; (6) Details submitted under Condition 3 above shall include a combined footway and cycleway in the access junction; (7) The development shall comply with the provisions of NPPG9, in terms of the provision of facilities (including parking) in the site; (8) Details of the landscaping submitted under Condition 3 above shall include the maintenance and implementation of all landscaping in relation to the progression of the development; (9) The facilities shall not be available for use by the public until the motorway from Fenwick to Floak is constructed and open to the public; and (10) the development of the application shall not be commenced without there first being in place a Signage Agreement authorised by the Scottish Office Roads Directorate relating to the application site; 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 the development is undertaken in accordance with the approved details and to ensure that no unduly detrimental impacts on the environment result; Conditions (5) and (7) in the interest of road safety and because planning permission for facilities not comprising a comprehensive MSA would not be justified; Conditions (6) and (9) in the interest of road safety; a Condition (8) to ensure the development is satisfactorily mitigated against undue visual impact, in the interest of visual amenity; and Condition (10) to ensure that only one MSA is developed at this junction in the interest of visual amenity and in order to comply with the terms of NPPG9.

It was agreed to grant both applications subject to notification to the Secretary of State under the Town and Country Planning (Development Contrary to Development Plans) Direction 1988, and to the conditions and for the reasons detailed.

## **15.2 APPLICATION NO 96/0623/OL - KITWOOD ESTATES LIMITED**

There was submitted a report dated 25 February 1997 (circulated) by the Director of Development Services on an outline planning application for proposed residential development and access road at the corner of MacKinlay Place/Nursery Avenue, Kilmarnock.

The applicants had requested that the application be withdrawn from consideration by this Committee at its meeting on 23 January 1997 as the applicants required a consent for a specific number of units and were not in a position to submit a layout for the proposed development.

The applicants had now appealed to the Secretary of State for the non-determination of this application. As an appeal had been lodged, the Committee were unable to formally determine the application and were requested to take a view on the merits of the application as part of the appeal process.

It was reported that no objections or representations had been received.

Recommendation by the Head of Planning and Building Control: That the Secretary of State be informed that the Council had been minded to approve the application 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); (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 submitted plans, details in relation to the number of residential units to be permitted on this site are not hereby approved and shall be reserved for further approval of the Planning Authority under Condition 1 above; (5) Notwithstanding the plans hereby approved the developer shall ensure the provision of (i) a T-junction access to the site with 4.5 metre radii and a 5.5 metre carriageway, this junction must be no closer than 25 metres to any existing junction; (ii) sightlines at this junction shall be 2.5 metres by 35.0 metres; (iii) footways on Nursery Avenue/MacKinlay Place are to be retained or upgraded; (6) The details to be submitted under Condition 1 above shall comply in all respects with the Council's approved policy on the provision of open space/design guidance as contained in the Plan; (7) The details to be submitted under Condition 1 above shall provide for a type of "novel layout" that is to say a layout designed for maximum residential amenity allowing greater priority to pedestrians, with varied and well designed house types integrated with the open space provision. Dwellings shall form "clusters" around cul-de-sac or courtyards (differentiated in design and materials from the main access road) with individual access being taken to as many houses as possible from these cul-de-sac or courtyards; and (8) The details to be submitted under Condition 1 above shall provide for the height of all buildings on the site to be restricted to 2 storeys, Conditions (1) and (2) being imposed to comply with Section 39 of the Town and Country Planning (Scotland) Act 1972; Condition (3) the approval is in outline only; Condition (4) the approval is in outline only, and no details of how many residential units can be developed on this site has been submitted to the Planning Authority; Condition (5) in the interest of highway safety; Condition (6) to ensure that sufficient open space is provided within the development, in the interests of visual amenity and residential amenity; Condition (7) in the interest of residential amenity; and Condition (8) in the interest of visual and residential amenity.

It was agreed:-

- (i) that the Secretary of State be advised that the Council had been minded to grant the application subject to the conditions and for the reasons detailed; and
- (ii) that the report be used as the basis of the Council's case for the appeal.

### **15.3 APPLICATION NO 96/0664/FL - THE SANDWICH COMPANY**

There was submitted a report dated 17 February 1997 (circulated) by the Director of Development Services on a full planning application for proposed construction of 1500m<sup>2</sup> food manufacturing unit at Plot A2, Rowallan Business Park, Glasgow Road, Kilmarnock.

It was reported that an objection had been submitted since the report was lodged, the contents of which were reported to the Committee by the Head of Planning and Building Control.

Recommendation by Head of Planning and Building Control:- Approval subject to the following conditions, viz:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) A landscaping scheme including the treatment of the boundary of the site shall be submitted to and approved by the Planning Authority prior to commencement of any development and shall be implemented not later than the next appropriate planting season after the development has been carried out. The scheme shall include details of the provision

to be made for the maintenance of soft and hard landscaped areas and shall be maintained thereafter in accordance with these details; (3) Notwithstanding the plans hereby approved, details/samples of the external materials to be used shall be submitted to and approved by the Planning Authority before the development commences on site; (4) The Class 5 manufacturing and office facility hereby approved shall not be operational until the formation of an appropriate access road from the roundabout into the Rowallan Business Park to the application site entrance; (5) Notwithstanding the plans hereby approved, the goods exit shall be increased to comply with the relevant East Ayrshire Council Roads Division standards; and (6) Notwithstanding the plans hereby approved, 3 Nos parking spaces suitable for disabled drivers, shall be provided adjacent to the main entrance; Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) to ensure that adequate provision of open space is provided, to an adequate standard, and that it is subsequently maintained, in the interest of residential and visual amenity; Condition (3) in the interest of visual amenity; Condition (4) internal infrastructure shall be completed prior to occupancy and operation of the production facility; and Conditions (5) and (6) in the interest of road safety.

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

#### **15.4 APPLICATION NO 96/0400/FL - SCOTTISH COAL**

##### **15.4.1 Declaration of Interest**

Councillor Sneller, declared an indirect pecuniary interest in this application and left the meeting.

##### **15.4.2 Consideration of Item**

There was submitted a report dated 27 February 1997 (circulated) on a full planning application for proposed extension to existing permitted opencast coal site including the diversion of River Nith at House of Water Opencast Site, Daleagles, New Cumnock.

The Head of Planning and Building Control:-

- (i) reported that one letter of objection had been received, details of which were contained within the report;
- (ii) reported that a further objection had been received from the Nith District Salmon Fishery Board, which the Head of Planning and Building Control advised would be satisfied by the inclusion of the phrase "and on salmon habitats" being included in Paragraph 7.5(c) of the report in relation to a Section 50 Agreement; and
- (iii) recommended a further condition; "prior to any works commencing on site, a further hydrological report should be submitted to the Planning Authority to examine the impact of a 1:100 year flood. Measures should be identified to ensure that there is no additional flooding of any properties including those in New Cumnock and these measures shall be implemented to the satisfaction of the Planning Authority prior to any works commencing on site".

Recommendation by Head of Planning and Building Control: Approval subject to the following conditions, viz:- (i) (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 full accordance with the details of the supporting

information submitted with the application and the applicant's letter dated 19 December 1996 the clay liner from the proposed new route of the river, with the exception of the hours of operation specified; (3) Details of a scheme to ensure the protection of peregrine falcons in the vicinity of the site shall be submitted to and approved by the Planning Authority prior to the commencement of development; (4) The conditions relating to the existing House of Water Opencast Site, is attached to planning approval CD/94/0072/MIN (as amended), with the exception of condition nos 1, 3, 4, 8, 10, 11, 24 and 36, shall apply to the site the subject of this application; (5) The conduct of the site and method of operation shall ensure that except during the soil stripping and mound construction processes, noise levels between the hours of 0800 - 1900 hours shall not exceed 55 dB L Aeq. 1hr (free field) and the hours of 1900 - 0800 hours shall not exceed 42 dB L Aeq. 1hr (free field) as measured within the curtilage of Dalgig Farm, Burnton or Craigman; (6) The development hereby approved, together with that approved under permission no CD/94/0072/MIN shall be completed within 13 years of the date that operations commenced at the House of Water Site, unless otherwise agreed by the Planning Authority; (7) Throughout the period of working, agricultural restoration and aftercare, the developer shall protect and maintain 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; and (8) prior to any works commencing on site, a further hydrological report should be submitted to the Planning Authority to examine the impact of a 1:100 year flood. Measures should be identified to ensure that there is no additional flooding of any properties including those in New Cumnock and these measures shall be implemented to the satisfaction of the Planning Authority prior to any works commencing on site. Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) to ensure that the development is undertaken in accordance with the approved details; Condition (3) to ensure the protection of the species which are listed as a protected species; Condition (4) in the interest of visual amenity, residential amenity, road safety and to ensure adequate control of pollution; Condition (5) in the interest of residential amenity and advised by PAN 50; Condition (6) to ensure that works are undertaken over a specified period and that adverse impact are not permanent; Condition (7) to ensure the proper drainage of the site, and to avoid pollution; and Condition (8) to ensure that the authority retains sufficient control over the future development of the site by safeguarding against the impact of flooding; and (ii) that the decision notice should be issued only following the satisfactory signing of a Section 50 Agreement , in the terms outlined in the report as amended, and the subsequent recording of the Agreement in the Register of Sasines.

It was agreed:-

- (i) to grant the application subject to the conditions and for the reasons detailed;
- (ii) the decision notice only being issued following the satisfactory signing of the Section 50 Agreement, in the terms outlined in the report as amended, and subsequent recording of the Agreement in the Register of Sasines; and
- (iii) to include within the Section 50 Agreement that a liaison committee would be established to enable the views of the local community to be considered in the future development of the site.

## **REVIEW OF ARRANGEMENTS FOR SUBMISSION OF LATE OBJECTIONS TO PLANNING APPLICATIONS**

16. Arising from discussion during the above item, it was agreed to remit to the Head of Legal Services to submit a report on a review of the provision for the submission of late objections to planning applications.

Councillor Sneller rejoined the meeting at this point.

#### **EXCLUSION OF PRESS AND PUBLIC**

17. The Committee resolved that under Section 50A(4) of the Local Government (Scotland) Act 1973 as amended, that Press and public be excluded from the meeting for the following item of business on the ground that it involved the likely disclosure of exempt information as defined in paragraph 6 of Schedule 7A of the Act.

#### **FUNDING REQUEST - CUMNOCK COMPANY**

18. There was submitted a report dated 25 February 1997 (circulated) by the Director of Development Services seeking agreement to contribute to joint financial support for a company in Cumnock.

It was agreed to approve the contribution of £60,000 subject to the commitment of other source funding as detailed within paragraph 6.2 of the report.

The meeting terminated at 1532 hours.