

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE

**MINUTES OF MEETING HELD ON TUESDAY 22 APRIL 1997 AT 1000 HOURS IN
THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors George Turnbull, Ronald Brailsford, David Fulton, Robert McDill, Eric Ross, David Sneller and George Smith.

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; John Spooner, Business Development Manager; Karl Doroszenko, Policy and Projects Manager; James Lally, Senior Administrative Officer; and Alex Hewetson, Administrative Officer.

APOLOGIES: Councillors Drew McIntyre, Douglas Reid, Wilma Doyle, Daniel Coffey, Jimmy Boyd and Tommy Farrell.

CHAIR: Councillor George Turnbull, Chair.

MINUTES OF CHAIR'S SUB-COMMITTEE - 13 MARCH 1997

1. There was submitted and approved both as a correct record and in respect of recommendations contained therein, the Minutes of the Chair's Sub-Committee held on 13 March 1997 (circulated) as detailed in Appendix I of these Minutes.

MONITORING REPORTS

2.1 UNEMPLOYMENT STATISTICS (Item 2.1, Page 1888)

There was submitted a report dated 8 April 1997 (circulated) by the Director of Development Services providing recent statistics released by the Office for National Statistics (ONS) relating to unemployment figures in Scotland and East Ayrshire in particular as at February 1997 and statistics by the Centre for Regional, Economic and Social Research (Sheffield Hallam University) relating to the number of unemployed people not recorded in the official statistics.

It was agreed:-

- (i) to remit to the Director of Development Services to establish if The Benefits Agency could provide statistics, based on geographical area, relating to persons who had been reclassified permanently sick and transferred to invalidity or incapacity benefit and to include that classification, by Ward, in future reports; 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 7 April 1997 (circulated) by the Director of Development Services on grant and loan support awarded to companies in East Ayrshire during the period 17 February to 31 March 1997.

2.3 PLANNING AND BUILDING CONTROL PERFORMANCE STATISTICS

There was submitted and noted a report dated 8 April 1997 (circulated) by the Director of Development Services on the Performance level of the Planning and Building Control Division in the first year of the Council, in terms of the quantity and speed of processing of planning applications and building warrants with regard to Performance Indicators set by the Scottish Office.

1997/98 CAPITAL PLAN PROPOSALS (Item 2, Page 1885)

3. There was submitted a report dated 14 April 1997 (circulated) by the Director of Development Services seeking approval for the Department of Development Services proposed Capital Plan for the three years 1997/98 to 1999/2000 in accordance with proposals for the Council's overall Capital Plan approved by Council on 6 March 1997.

It was agreed to approve the Development Services Capital Plan for the three years 1997/98 to 1999/2000 as summarised in Appendix I to the report and detailed in Appendix 2 to the report.

LOCAL DEVELOPMENT ORGANISATIONS

4. There was submitted a report dated 8 April 1997 (circulated) by the Director of Development Services seeking approval to support consultation on rationalisation of Local Development Organisation (LDO's) in East Ayrshire to provide a more progressive and integrated approach to job counselling and training support to the youth and long-term unemployed.

It was agreed:-

- (i) to support the consultation process on the rationalisation of LDO's involved in Training and Employment Initiatives in East Ayrshire, the broad principles of which were outlined in the report;
- (ii) to note that a report on the outcome of the consultation exercise and outlining the way forward would be submitted to the Committee on 9 September 1997; and
- (iii) otherwise to note the contents of the report.

BOX CHURCH, TANYARD, CUMNOCK - FEASIBILITY STUDY FOR RENOVATION/CONVERSION

5. There was submitted a report dated 7 April 1997 (circulated) by the Director of Development Services on:-
 - (i) the current position regarding the preparation of an initial feasibility study for the renovation and conversion of the Box Church, Tanyard, Cumnock, which is owned by East Ayrshire Council, in order to provide central accommodation for the Cumnock based East Ayrshire Business Partnership, Local Economic

Development staff, including open access and the possible creation of a managed office suite and bureau development; and

- (ii) seeking authority to implement more detailed associated physical and financial studies.

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

- (i) to formally express an interest in the Box Church, Tanyard, Cumnock, to the Head of Property Services;
- (ii) to request that the Head of Property Services postpone further marketing of the property for three months; and
- (iii) to incur the capital costs of a detailed physical study of the property and the preparation of a business plan for the proposal.

GRANTS AND SUBSCRIPTIONS TO PARTNERSHIPS AND SPECIAL PROJECTS (Item 1.2, Page 1863)

- 6. There was submitted a report dated 14 April 1997 (circulated) by the Director of Development Services seeking approval to reduce levels of grant support to partnerships and special projects to meet the overall savings target approved by the Committee at their Special Meeting on 27 February 1997.

It was agreed:-

- (i) to approve the specific reductions in payments to partnerships and special projects to the organisations detailed below:-

<u>Name of Organisation</u>	<u>Amount</u>
Structure Plan Committee	£4,000
Ayrshire and Arran Tourist Board	£15,000
Local Initiatives	£18,000
Dalmellington and District Conservation Trust	£4,000
Regional Archaeological Services	£500
South West Forum	£1,000
Employee Ownership Scotland	£5,000
Planning Exchange	£5,900
Scottish Council (Development and Industry)	£500
Subscriptions and One year Payments	£22,250

- (ii) to remit to the Director of Development Services to inform the affected organisations accordingly;
- (iii) to authorise the Director of Development Services to make minor alterations in payments to reflect detailed requests and negotiations with the affected organisations; and
- (iv) that the Director of Development Services would submit to the Committee, in due course, a detailed report showing the effect of the reductions on Local Initiatives.

**ENGINEERING TRAINING PROJECT, NEW ENTERPRISE WORKSHOP -
CUMNOCK**

7. There was submitted a report dated 14 April 1997 (circulated) by the Director of Development Services seeking approval for the Council to participate as a partner in association with East Ayrshire Business Partnership, Kilmarnock College and the European Union, through the RECHAR II Programme, in a new Engineering Training Project in Cumnock and seeking authority to meet the Council's contribution to the cost by an allocation from existing Development Services budgetary resources.

It was agreed:-

- (i) to recommend that the Council participate as a partner in association with East Ayrshire Business Partnership, Kilmarnock College and the European Union, through the RECHAR II Programme in a new Engineering Training Project in Cumnock;
- (ii) to approve the allocation of current operating costs of the New Enterprise Workshops to the project from Development Services budget for 1997/98; and
- (iii) to authorise the secondment of a member of Development Services staff to the project subject to approval by the Personnel Sub-Committee of the Policy and Resources Committee.

AWARDING OF TENDER

8. There was submitted and noted a report dated 9 April 1997 (circulated) by the Director of Support Services advising that the contract Route A70: Wellwood Bridge - Bridge Strengthening had been awarded to Chemcem Scotland Limited, Falkirk, who submitted the lowest satisfactory offer of £97,310.65.

**ELECTRICITY SUPPLY AGREEMENT FOR STREET LIGHTING AND STREET
FURNITURE**

9. There was submitted a report dated 8 April 1997 (circulated) by the Director of Development Services seeking authority to extend the current electrical supply agreement with Scottish Power Plc for Street Lighting and Street Furniture until 31 March 1999.

It was agreed to authorise the Director of Development Services to accept the offer from Scottish Power Plc for electricity supply for Street Lighting and Street Furniture until 31 March 1999 on the terms detailed in the report.

**FLOOD PREVENTION - RIVER IRVINE AND KILMARNOCK WATER (Item 3, Page
1545)**

10. There was submitted a report dated 4 April 1997 (circulated) by the Director of Development Services seeking authority to enter into public consultation on, and thereafter implement, flood prevention schemes in the Kilmarnock area.

It was agreed:-

- (i) to approve the public consultation exercise on the Costed Early Action Projects as detailed within Paragraph 7.1 of the report;
- (ii) to approve the implementation of the Costed Early Action Projects at Fairyhill Road, Burnside Street and Riverbank Place on the basis of the legal powers

detailed in Paragraph 6.1 of the report, subject to satisfactory responses to the public consultation process; and

- (iii) that the Uncosted Early Action Projects at BMK Factory, Glenfield Works, Glencairn Works, Glencairn Industrial Estate, Crookedholm and Galston Flood Attenuation Scheme, as detailed in the report, be designed, costed and submitted for approval to a future meeting of the Committee.

NATURAL HERITAGE DESIGNATIONS REVIEW DISCUSSION PAPER

11. There was submitted a report dated 1 April 1997 (circulated) by the Director of Development Services seeking approval of initial observations by the Director of Community Services and the Head of Planning and Building Control on the main provisions of the Scottish Office discussion paper; "A Review of Heritage Designations in Scotland", which were communicated to The Scottish Office prior to 31 March 1997.

It was agreed:-

- (i) to formally endorse the observations by the Director of Community Services and the Head of Planning and Building Control, as detailed in the report, on the main provisions of the Scottish Office discussion paper; "A Review of Heritage Designations in Scotland", as the Council's comments on the discussion paper and to note that these observations had been forwarded to the Scottish Office; and
- (ii) to remit to the Head of Planning and Building Control to advise The Scottish Office and CoSLA accordingly.

STRATHCLYDE STRUCTURE PLAN 1995: DRAFT MODIFICATIONS

12. There was submitted a report dated 8 April 1997 (circulated) by the Director of Development Services on draft modifications which the Secretary of State proposed to make to the Strathclyde Structure Plan 1995; to ascertain the views on those proposed modifications; and to recommend a suggested response to the Secretary of State on those modifications relating to East Ayrshire.

It was agreed:-

- (i) to approve the comments contained within the report in respect of those proposed modifications by the Secretary of State to the Strathclyde Structure Plan 1995, relating to, or having policy implications for East Ayrshire Council;
- (ii) to remit to the Director of Development Services to forward a copy of the report to the Secretary of State as a record of East Ayrshire Council's formal views on the proposed modifications to the Strathclyde Structure Plan 1995;
- (iii) to endorse those objections relating to the points highlighted in Paragraphs 3, 9, 10 and 12 of the report;
- (iv) to note that the implications for the Ayrshire Joint Structure Plan would be considered by a Chair's Sub-Committee of the Joint Ayrshire Structure Plan Committee on Friday 25 April 1997; and
- (v) to note the potential of a delay in the production of the Ayrshire Joint Structure Plan and a corresponding delay in the preparation of the Local Plan.

**REVIEW OF SCALE OF CHARGES IN PLANNING AND BUILDING CONTROL
(Item 3, Page 1886)**

13. There was submitted a report dated 1 April 1997 (circulated) by the Director of Development Services seeking approval for increases in charges for services in Planning and Building Control to meet savings agreed by the Special Meeting of the Council on 6 March 1997.

It was agreed to approve the revised scale of charges for services in Planning and Building Control, as detailed within the report, for implementation from 1 May 1997.

PLANNING APPLICATIONS

14.1 APPLICATION NO 97/0117/RM - DAWN DEVELOPMENTS LIMITED (Item 1.2, Page 1263)

There was submitted a report dated 15 April 1997 (circulated) by the Director of Development Services on a reserved matters application for proposed erection of 37,000 sq ft multiplex cinema on land bounded by River Irvine, Wellbeck Street/Queens Drive, Kilmarnock.

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 one further letter of objection and one further letter of representation had been received both of which requested a delay in the determination of the application;
- (iii) reported that one letter requesting a Public Hearing had been received;
- (iv) intimated details of a letter of support from the applicant; and
- (v) recommended, that having considered the requests for delay and a Public Hearing the Committee should proceed to determine the application without delay.

Recommendation by Head of Planning and Building Control: Approval subject to the following conditions, viz:- (1) the proposed development shall be carried out in accordance with the application form and plans submitted on 21 February 1997 as revised by the location and layout plans received by the Planning Authority on 17 and 26 March 1997; (2) notwithstanding the plans hereby approved, details/samples of all external materials to be used on the Multiplex Cinema shall be submitted to and approved by the Planning Authority before development commences on site; (3) notwithstanding the plans hereby approved, amended elevational details, including further design features at either of the building, shall be submitted to and approved by the Planning Authority before development commences on site; (4) notwithstanding the approved plans, the parking areas shall be delineated from the general circulation areas by the use of paviers and shall be of a similar treatment to the nearby Queens Drive retail development; (5) details of light fittings and directional signage within the application site shall be submitted to and approved by the Planning Authority before development commences on site; (6) the development of this site shall ensure that adequate and continuing measures are taken to ensure that roads and footpaths adjoining the site are maintained free from mud and other material carried from the site by construction and any other vehicles; (7)

notwithstanding the submitted plans, the disabled parking bays shall have an access area of 1.2m hatched in yellow. The disabled parking bays shall be marked with yellow lines and a yellow wheelchair symbol provided to the rear of or within each space; (8) 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; (9) the details to be submitted under Condition 6 shall allow for the provision of semi-mature trees, shrubs and planting particularly within the site along the Queens Drive frontage, and adjacent to Little Bellsland Road and the River Irvine; (10) notwithstanding the plans hereby approved, all work associated with the reduction, refurbishment and upgrading of the Glenfield and Kennedy buildings shall, to the satisfaction of the Planning Authority, be completed prior to the commencement on site of any development hereby approved; (11) the commercial operation of the Multiplex Cinema shall not commence before the roundabouts at the junction of Lawson Street and Welbeck Street and the junction of Queens Drive and Hurlford Road have been upgraded to the satisfaction of the Planning Authority: in the first case, kerb line alterations to accommodate an inscribed circle diameter of 26.5 metres and in the second case alterations to existing kerbs on the west leg of Queens Drive shall have been provided; (12) the applicant shall ensure that the floor levels of the proposed development will be compatible with floor levels indicated in the Thorburn Colquhoun's report dated March 1997 on Kilmarnock - Proposed Floor Levels; (13) a turning facility within the site shall be provided having a 26 metre diameter with a 2 metre wide clearance strip for overhanging vehicles. No parking bays shall be provided within this area. Markings shall be provided indicating that this area is for turning purposes only; (14) bus drop off points shall be clearly marked on the carriageway and on signs, with the route to the turning facilities being similarly indicated; (15) the applications shall, within the curtilage of the site provide a bus shelter at the existing Queens Drive bus bay prior to the commencement of operation of the multiplex cinema; (16) notwithstanding the submitted plans, the footway over the frontage of the development to Queens Drive shall be provided to a width of 3 metres with crossing points being provided at the roundabout where joined by the site access road; Condition (1) to ensure that the development is carried out in accordance with the approved details; Conditions (2), (4), (5) and (9) in the interest of visual amenity; Conditions (3), (11), (13) and (14) in the interest of road safety; Condition (7) to enable access to the development for all members of the community; Condition (8) to ensure the provision and maintenance of landscaping in the interest of visual amenity; Condition (10) in the interests of visual amenity, and to ensure the continued operation of the adjacent industrial premises; Condition (12) in the interests of public safety and residential amenity; Condition (15) in the interest of road safety and to cater for the increased numbers of persons who will utilise public transport at this location; and Condition (16) to facilitate integration of the development with future cycleway provision.

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

14.2 APPLICATION NO 97/0032/FL - TILCON (SCOTLAND) LIMITED

There was submitted a report dated 15 April 1997 (circulated) by the Director of Development Services on a full planning application for proposed extraction of sand and gravel and subsequent restoration to low level agriculture at Loudounhill Quarry, Strathaven Road, Darvel.

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

Recommendation by Head of Planning and Building Control: Approval subject to the following conditions, viz:- (1) the development to which this permission relates must be begun within five years from the date of this permission; (2) the development shall be undertaken in full accordance with the details of the supporting information submitted with the application; (3) the conditions relating to the existing Loudounhill Quarry site, as attached to planning approval KL/E/FL/94/288A with the exception of Condition Nos. 1, 2, 3, 6, 9, 10, 11, 12, 13 and 18 shall apply to the site subject of this application; (4) permission is hereby granted for a limited period of six months from the date of this consent. All extraction working shall cease by 22 October 1997 and thereafter the site shall be restored in accordance with the submitted details; (5) no development shall take place within the proposed site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme investigation which has been submitted by the developer, agreed by the West of Scotland Archaeology Service and approved by the Planning Authority; (6) 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 into and from adjacent lands; and (7) the wheels of all trucks transporting sand and gravel over the A71 for processing shall be washed prior to crossing the A71; 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) in the interest of visual amenity, residential amenity, road safety and to ensure adequate control of pollution; Condition (4) to enable the Planning Authority to review the situation in the light of the progress of extraction of sand and gravel from the site; Condition (5) there is a record of a cairn near the centre of the current application area for which substantial archaeological remains may survive below ground level and therefore an archaeological evaluation should be carried out; Condition (6) to ensure proper drainage of the site and to avoid pollution; and Condition (7) to ensure that the A71 is maintained in a clean condition in the interests of road safety.

It was agreed:-

- (i) to grant the application subject to the conditions and for the reasons detailed; and
- (ii) that the Director of Development Services investigate the possibility of establishing a Minerals Trust Fund similar to the Cumnock and Doon Valley Minerals Trust Fund for the remainder of East Ayrshire when considering the East Ayrshire Local Plan.

14.3 APPLICATION NO 97/0053/FL - MILLER MINING

14.3.1 Declaration of Interest

Councillor Sneller declared an indirect pecuniary interest in terms of the National Code of Local Government Conduct in this matter and left the meeting.

14.3.2 Consideration of Item

There was submitted a report dated 26 March 1997 (circulated) by the Director of Development Services on a full planning application for extension to permitted excavation area so as to extract underlying shallow coal reserves at Hall of Auchincross Opencast Coal Site, Benston Road, near New Cumnock.

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

Recommendation by 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 proposed development shall be carried out in accordance with the application form and plans received on 27 January 1997 and the letter received by the Planning Authority on 23 January 1997; (3) the conditions of planning consent number CD/95/0268/MIN relating to the existing Hall of Auchincross Opencast Site (attached to this planning approval) shall apply to the site the subject of this application; and (4) that prior to excavation works commencing on this 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; Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Conditions (2) and (3) to enable the Planning Authority to retain control over the development of the site in the interests of amenity; and Condition (4) in the interests of public safety.

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

Councillor Sneller re-joined the meeting.

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

There was submitted a report dated 27 March 1997 (circulated) by the Director of Development Services on an outline planning application for erection of a dwellinghouse and use of existing shed to provide garage accommodation, plot to the rear of Cronberry Stop Restaurant, A70 Cumnock - Muirkirk Road, Cronberry.

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

Recommendation by Head of Planning and Building Control: Approval subject to the following conditions, viz:- (1) In the case of the reserved matters specified below, application for approval must be made not later than the expiration of three years beginning with the date of this permission; (2) That the development to which this permission relates must be begun not later than the expiration of five years from the date of this permission or within the expiration of two years from the final approval of all reserved matters, whichever is the later; (3) The proposed development shall be carried out in accordance with the plans and application forms received on 18 November 1996 and the additional parking/landscaping plan received on 27 February 1997; (4) Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved, (a) the layout of the site; (b) the size, height, design and external appearance of the proposed dwellinghouse; (c) the means of drainage and sewage disposal; (d) details of the access arrangements; (e) the provision for open space; (f) the provision for car parking; (g) the boundary walls/fences to be erected; (h) the landscaping of the site; (i) finished site levels/floor levels; (5) that prior to the commencement of works on the site, the applicant shall satisfy himself as to the suitability of the site for construction purposes; (6) the details to be submitted under Condition 1(b) shall be such that all the windows shall be timber, traditionally proportioned, sash and case windows, or window with an appearance similar to this arrangement; (7) the details plans to be submitted shall include details of the proposed conversion of the existing outbuilding within the application site to form garage accommodation; (8) the details to be submitted under Condition 1(f) above shall provide for a minimum of three spaces within the development; and (9) the details to be submitted under Condition 1(b) above in respect of the design and external appearance of the proposed dwellinghouse shall take cognisance of and reflect the design and external finishes of the adjacent buildings in the locality of 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) to ensure the development is carried out in accordance with the approved details; Condition (4) the approval is in outline only; Condition (5) in the interest of public safety; Conditions (6) and (7) in the interests of visual amenity; and Conditions (8) and (9) in the interests of amenity.

Councillor Sneller, seconded by Councillor Turnbull, moved approval of the application subject to the conditions as detailed above.

Councillor Fulton, seconded by Councillor Ross, moved as an amendment to continue consideration of this application to the next meeting of the Committee to enable a site visit to take place.

On a division by a show of hands, the amendment was carried by 5 votes to 2.

EXCLUSION OF PRESS AND PUBLIC

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

SUPPORT FOR BUSINESS EXPANSION PROJECT

16.1 Declaration of Interest

Councillor McDill declared a non-pecuniary interest in terms of the National Code of Local Government Conduct.

16.2 Consideration of Item

There was submitted a report dated 7 April 1997 (circulated) by the Director of Development Services seeking authorisation to provide capital funding support to a company which is developing its operations and employment opportunities by diversification and expansion.

It was agreed to approve, in principle, funding support of £23,600 to the project subject to an award of grant assistance for ERDF support under the RETEX 11 Programme.

DEVELOPMENT OF ADVANCE FACTORY UNIT

17. There was submitted a report dated 14 April 1997 (circulated) by the Director of Development Services seeking authorisation to participate in the provision of financial support, if required, for the development of an advance factory unit.

It was agreed to approve the provision of rental guarantee support to the proposed development project up to a maximum of £120,000 per annum over three years.

The meeting terminated at 1115 hours.