

EAST AYRSHIRE COUNCIL**DEVELOPMENT SERVICES COMMITTEE****MINUTES OF SPECIAL MEETING HELD ON FRIDAY 11 OCTOBER 1996 AT 0930 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors George Turnbull, Drew McIntyre, Irene Reeves, Ronald Brailsford, John Knapp, Daniel Coffey, David Fulton, Eric Ross, David Sneller, George Smith and Tommy Farrell.

ATTENDING: David Montgomery, Chief Executive; Fiona Lees, Depute Chief Executive; Stephen Chorley, Director of Development Services; Alan Neish, Head of Planning and Building Control; Kate McVey, Head of Legal Services; Bill Walkinshaw, Principal Administrative Officer; David Morris, Development Promotions Manager; Colin McKee, Planning Officer; Alex Hewetson, Administrative Officer; and Christine Baillie, Administrative Assistant.

APOLOGIES: Councillors Douglas Reid, Wilma Doyle, Robert McDill and Jimmy Boyd.

CHAIR: Councillor George Turnbull.

PLANNING APPLICATION NO 96/0229/OL AND NOTICE OF PROPOSED DEVELOPMENT APPLICATION 96/0230/GD - SCOTTISH PRISON SERVICE (Item 17.1, Page 1173)

1.1 FORMAL PLANNING HEARING

The Chair welcomed all present to the Hearing which was being held to hear the objectors and applicants and to determine Application No 96/0229/OL - Outline planning permission for development of a prison and associated car parking and road access including formation of a new roundabout on the A76(T), at the Former Munitions Depot, Bowhouse, near Hurlford, Kilmarnock, by the Scottish Prison Service on behalf of the Secretary of State for Scotland; and Notice of Proposed Development Application No 96/0230/GD by the Scottish Prison Service on behalf of the Secretary of State for Scotland for development of a prison and associated car parking and road access including formation of a new roundabout on the A76(T), at the Former Munitions Depot, Bowhouse, near Hurlford, Kilmarnock.

There was submitted in respect of the applications, report dated 4 October 1996 (circulated) by the Director of Development Services summarising all relevant information in relation to the applications.

There was also submitted note of procedure (circulated) to be followed at the Hearing.

The Administrative Officer explained the procedure to be followed at the Hearing.

It was reported by the Head of Planning and Building Control:-

- (i) that 17 letters of objection had been received;
- (ii) on information recently received from the Scottish Office regarding a proposed major road improvement at the crossroads junction of the A76, anticipated to

be carried out within 2/3 years which timescale coincided with the planned completion of the proposed development; and

- (iii) the details of application 96/0229/OL and recommended that the outline planning application (a) should be approved subject to the notification of the Secretary of State for Scotland under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1988 and subject to conditions; and (b) Notice of Proposed Development application 96/0230/GD should be responded to and the Scottish Prison Service advised, on behalf of the Secretary of State, that the proposal was considered acceptable subject to conditions and subject to the notification of the Secretary of State (Scottish Office Environmental Department) under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1988.

Recommended conditions in both applications by the Head of Planning and Building Control: (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 car parking; (f) the boundary walls/fences to be erected; (g) the landscaping of the site; and (h) finished site levels/floor levels; (4) notwithstanding the submitted plans, the indicative layout is for information purposes only and shall not be treated as forming part of this consent; (5) the details to be submitted under Condition 1(b) above shall ensure that the building(s), predominantly, are no more than 3 storey in height and that they have pitched roofs, and that the buildings and perimeter wall are finished in compatible materials; (6) the details to be submitted under Condition 1 (c) above shall ensure that: (i) if it is decided that foul drainage from the development shall be connected to the public sewer then it shall be designed not to cause premature operation of downstream stormwater overflows. The construction of any sewer connection shall be at cost to the developer where it exceeds the normal reasonable cost parameters laid down by the West of Scotland Water Authority; (ii) surface water from car parking areas will require to pass through suitably sized oil interceptors prior to discharge to any watercourse; (iii) construction work shall be carried out in accordance with the Scottish Environment Protection Agency's special requirements for working near watercourses; (iv) the Scottish Environment Protection Agency is consulted prior to disposal of any standing water on the site; (v) any waste or contaminated soil removed from the site shall be in accordance with the relevant Waste Management Legislation; (vi) a separate application is made to the West of Scotland Water Authority if the provision of site water mains is required; (7) the details to be submitted under Condition 1(d) and (f) above shall ensure that: (i) the roundabout and associated realignment of the trunk road shall be designed in accordance with current Technical Memorandum and to the satisfaction of the Planning Authority; (ii) the roundabout shall be constructed prior to the opening of the prison; (iii) the roundabout and associated realignment shall be subject to safety audits at the appropriate pre-design and post-construction

phases; (iv) an appropriate level of parking provision for both staff and visitors shall be provided ; (v) a bus drop-off, lay-by and turning area shall be provided within the site; (8) the details to be submitted under Condition 1 (h) above shall require the submission of a landscaping scheme including the treatment of the boundary of the site, including mounding. This landscaping scheme 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 developer shall submit details of the proposals for the decontamination of the land. These details shall be approved by the Planning Authority prior to commencement of development; (10) the developers shall submit a lighting scheme which shall be designed to minimise its impact on the rural appearance of this area and in particular its impact on the residential properties within the vicinity of the site. This lighting scheme shall be approved by the Planning Authority prior to the commencement of development; (11) no development shall take place within the site until the applicant has secured the implementation of a full competent professional archaeological survey (assessment of documentary sources, plans, elevations, photographs etc) of the remains of the munitions depot, such survey to be carried out at the developer's expense and deposited in the National Monuments Record for Scotland; Conditions (1) and (2) being imposed to comply with Section 39 of the Town and Country Planning (Scotland) Act 1972; Conditions (3) and (4) approval is in outline only; Condition (5) in the interest of visual amenity; Condition (6) in the interest of public health and residential amenity; Condition (7) in the interest of highway and public safety; Condition (8) to reduce the visual impact of the proposed development and to ensure that the landscaping is laid out in a proper manner to an adequate standard, and that it is subsequently maintained; Condition (9) to ensure that the contamination can be contained so that it does not present a health and safety risk either during the construction phase or on completion of the work; Condition (10) to reduce the visual impact of the proposed development on this rural location and upon the residential properties within the vicinity of the proposed development; and Condition (11) there is considerable public interest in wartime features and as the site is a former munitions depot active during WW II, a record of the site is required to be preserved for future reference.

The objectors were then heard in support of their objections.

The Committee proceeded to put questions to the objectors for clarification of certain points.

The applicants representative was heard in support of the application.

The Committee put questions to the applicants representative for clarification of certain points.

The objectors responded to issues raised by the applicant.

The applicants representatives responded to new issues raised by the objectors.

The Chair then closed the Hearing and the Committee proceeded to consider the applications.

1.2 DECLARATION OF INTEREST

Councillor Knapp declared an interest in terms of paragraph 12(b) of the National Code Of Local Government Conduct as the Council's representative on the Prison (and Legalised Police Cells) Visiting Committee.

1.3 DETERMINATION OF APPLICATIONS

The Head of Planning and Building Control reported on the planning issues which had been raised during the Hearing.

It was agreed:-

- (i) to approve the outline application subject to the Notification of the Secretary of State for Scotland under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1988 and subject to the conditions and for the reasons detailed; and
- (ii) to agree that the Consultation should be responded to and the Scottish Prison Service advised, on behalf of the Secretary of State, that the proposal is considered acceptable subject to the conditions and for the reasons detailed within the report and subject to the Notification of the Secretary of State (Scottish Office Environmental Department) under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1988.

The meeting terminated at 1125 hours.