

**EAST AYRSHIRE COUNCIL****DEVELOPMENT SERVICES COMMITTEE****MINUTES OF SPECIAL MEETING HELD ON THURSDAY 3 OCTOBER 1996  
AT 1400 HRS IN THE MEETING ROOM. COUNCIL HEADQUARTERS,  
LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors George Turnbull, Irene Reeves, Wilma Doyle, Ronald Brailsford, John Knapp, Daniel Coffey, Robert McDill, Eric Ross, David Sneller, Jimmy Boyd and Tommy Farrell.

**ATTENDING:** David Montgomery, Chief Executive; Stephen Chorley, Director of Development Services; Alan Neish, Head of Planning and Building Control; Kate McVey, Head of Legal Services; David Morris, Development Promotion Manager; Bill Walkinshaw, Principal Administrative Officer; Pamela Clifford, Planning Officer; Alex Hewetson, Administrative Officer; and Christine Baillie, Administrative Assistant.

**APOLOGIES:** Councillors Drew McIntyre, Douglas Reid, David Fulton and George Smith.

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

**PLANNING APPLICATION NO KL/E/FL/87/090H -  
BICC DEVELOPMENTS LTD (Item 15.1, Page 920)****1.1 FORMAL PLANNING HEARING**

The Chair welcomed all present to the Hearing which was being held to hear the objectors and applicant and to determine the planning application for full planning permission for proposed retail and bingo hall and social club with ancillary parking and servicing including part retention of Wheatsheaf building within the development (amended proposal) at land surrounding Portland Street, Kilmarnock

There was submitted in respect of the application, report dated 27 September 1996 (circulated) by the Director of Development Services summarising all relevant information in relation to the application.

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.

The Head of Planning and Building Control reported:

- (i) that 14 letters and one petition (seven signatures) of objection, three objections from consultees and three representations had been received;
- (ii) that one further letter of objection had been received and intimated to the Hearing; and
- (iii) the details of the application and recommended that the decision notice was not issued until the satisfactory signing of an amended legal agreement expediting and rendering comprehensive the development by requiring that it should be commenced within two years and completed within a further two years.

Recommendation by Head of Planning and Building Control: (i) The application should be approved subject to the following conditions and the application referred to the Secretary of State in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1995, viz:- (1) The development of the leisure unit to which this permission relates must be begun within two 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 18 March 1996 as revised by the amended plans received by the Planning Authority on 21 August 1996 and 5 September 1996; (3) The complete development shall be carried out under one building contract and details of this contract shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development. The retail units shall be constructed within a two year time period from the completion of the leisure unit to the satisfaction of the Planning Authority; (4) Notwithstanding the approved plans details of all external materials shall be submitted to and approved by the Planning Authority before development commences on site; (5) Notwithstanding the approved plans, the detailed design of all shop frontages, which shall incorporate the provision of a stall riser and doorways sufficient to allow access for persons using wheelchairs, shall be submitted to and approved by the Planning Authority before development commences on site; (6) Notwithstanding the approved plans, the design of any external security screens, roller shutters and associated housings is not hereby approved. Such features shall be located behind the forwardmost wall of any unit, details of which shall be submitted to and approved by the Planning Authority before development commences on site; (7) Notwithstanding the approved plans, the detailed design of all boundary walls and fences shall be submitted to and approved by the Planning Authority before development commences on site; (8) Notwithstanding the submitted details the following roadworks are not approved in detail and further more comprehensive design information shall be submitted to and approved by the Planning Authority in relation to these specific items before the development commences: (a) details of the junction layout at Green Street/Foregate Service Road and the signal installation; (b) the widening of Strand Street in the vicinity of the existing car park; (c) the widening of the carriageway on Dunlop Street and improvement of the radius at the corner of Strand Street and Dunlop Street; (d) the reconstruction and regrading of the carriageway on Dunlop Street; (e) the radius improvement at the corner of John Dickie Street and Strand Street; (f) the layout of the new service yards and the turning facility on the Foregate Service Road and yards; (g) the footway width along the West George Street frontage and at the entrance of the leisure unit; and (h) the construction of a footway on the corner of Croft Street and Strand Street; (9) All the works referred to in Condition (8) shall be completed to the satisfaction of the Planning Authority before any part of the development is open for use and in the event of the junction at Green Street/Foregate Service Road being utilised for construction traffic the new signals shall be installed before any building works commence on site; (10) Notwithstanding the submitted plans the first six parking bays adjacent to Croft Street shall be removed to enable HGV's to enter/exit and manoeuvre within the Croft Street service area; (11) Notwithstanding the submitted plans, 10 disabled car parking spaces shall be provided in the larger car park. They shall be 2.4 metres in width with an access area hatched in yellow of 1.2 metres in width. These spaces shall be defined by yellow lines and marked with a yellow wheelchair symbol; (12) No customer car parking shall take place in the service yards; (13) No storage of goods or other materials shall take place in the two service

yards; (14) Full details of the manner of operating and/or taking payment in respect of the use of the car parks adjacent to the leisure unit shall be submitted to and approved by the Planning Authority before the development commences; (15) Prior to the commencement of development, details of a facility to indicate that the respective service yard is full, shall be submitted to and approved by the Planning Authority. The advanced signage shall be in place and operational before the development opens for use; (16) Notwithstanding the submitted details, the surface treatment of Portland Street, Croft Street, Strand Street and Dunlop Street and the two car park areas shall be compatible in terms of quality and type of materials used with The Cross and King Street. Details of the final surface treatment of these areas shall be submitted to and approved by the Planning Authority before the commencement of development; (17) Notwithstanding the submitted details, a landscaping scheme shall be provided for the two car parking areas and for Portland Street and Croft Street, details of which shall be submitted to and approved by the Planning Authority before development commences on site and shall be implemented not later than the next planting season after the development is carried out. The scheme shall be maintained thereafter by the developer or those subsequently assuming responsibility for the management of the development, all to the satisfaction of the Planning Authority. The scheme shall include details of the provision to be made for the maintenance of planted areas. Any trees/shrubs removed without the consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by trees/shrubs of similar species as may be agreed in writing with the Planning Authority; (18) Prior to the commencement of development, full details of any street furniture, including lighting, bollards and seating in Portland Street, Croft Street and Strand Street shall be submitted to and approved by the Planning Authority. The design of the street furniture shall be compatible in quality and design to that used in The Cross and King Street; (19) A scheme showing the provision to be made for the disposal and collection of all refuse from retail units and the leisure unit throughout the site shall be submitted to and approved by the Planning Authority before the development commences; (20) Notwithstanding the provision of the General Development (Scotland) Order 1991, full details of the location of site compounds and of the location of the site access during the construction phase shall be submitted to and approved by the Planning Authority before the development commences; (21) At all times during the construction phase of the development, unobstructed access shall be maintained for fire fighting purposes to surrounding properties; (22) No development shall take place within the application site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the developer, agreed by the Regional Archaeology Service, and approved by the Planning Authority; (23) Notwithstanding the approved plans, building features of the former Co-op building facade and the former Bank of Scotland shall be incorporated within the proposed development. Details of their location and incorporation shall be submitted to and approved by the Planning Authority before development commences on site; (24) The developer shall satisfy himself as to the stability of the site; (25) The bingo operator shall submit details for approval of passenger pick-up points and dropping off points for coaches using the bingo unit; (26) Notwithstanding the approved plans, details of a boundary treatment to Wheatsheaf Hotel to prevent entry to the building shall be submitted to and approved by the Planning Authority before development commences on site; and (27) Details of measures to be taken regarding the area to the rear of Unit 14

and the side of Unit 13 shall be submitted to and approved by the Planning Authority before development commences on site; Condition (1) to enable the Planning Authority to retain control over the future development of the site and to review the situation should the developer fail to implement the consent within the specified time period; Condition (2) to ensure that the development is carried out in accordance with the approved details; Condition (3) to enable the Planning Authority to retain control over development of the site with a view to achieving an early and comprehensive conclusion in the interests of visual amenity; Conditions (4), (5), (6), (7), (16), (17), (18) and (23) in the interests of visual amenity; Conditions (8), (9), (10), (12) to (15) and (25) in the interests of road safety; Condition (11) to enable access to development for all members of the community; Condition (19) in the interests of public safety and visual amenity; Conditions (20) and (26) in the interests of visual amenity and road safety; Condition (22) to enable the appropriate archaeological investigations prior to the development of the site; and Condition (24) and (27) in the interests of public safety; and (ii) The decision notice should be issued only following the satisfactory signing of the amended legal agreement between the Council and BICC/VICO to ensure that the development is comprehensive and that all elements are built on site in accordance with Conditions (1), (2) and (3).

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 applicant's representative was heard in support of the application.

The Committee put questions to the applicant's representative for clarification of certain points.

The objectors responded to issues raised by the applicant.

The applicant's representatives responded to new issues raised by the objectors.

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

## **1.2 DETERMINATION OF APPLICATION**

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

Councillor Sneller, seconded by Councillor Farrell, moved:-

- (i) that the application be approved subject to the conditions and for the reasons detailed and that the application be referred to the Secretary of State in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1995; and
- (ii) the decision notice should be issued only following the satisfactory signing of the amended legal agreement between the Council and BICC/VICO to ensure that the development is comprehensive and that all elements are built on site in accordance with Conditions (1), (2) and (3).

Councillor Coffey, seconded by Councillor Brailsford, moved as an amendment that the Committee refuse the application on the following grounds:-

- (i) the proposed development is not acceptable in townscape terms;

- (ii) the proposed scheme is not of an acceptable design quality which will be compatible with the surrounding buildings; and
- (iii) the proposed development is contrary to the Policies of the Adopted Local Plan.

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

## **PLANNING APPLICATION**

### **2. APPLICATION NO KL/W/LB/059C: BICC DEVELOPMENTS LTD (Item 15.2, Page 920)**

There was submitted a report dated 27 September 1996 (circulated) by the Head of Planning and Building Control on a Listed Building application for the partial demolition of Wheatsheaf Hotel (amended proposal), 15 Croft Street, Kilmarnock.

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

- (i) that eight letters of objection and two objections by consultees had been received, details of which were contained within the report; and
- (ii) that the partial demolition should not be carried out until the Planning Authority has had sight of and has in writing acceptance of legal and binding contracts placed for the complete redevelopment of the entire Portland Street site, such contracts to be in respect of a detailed Planning Consent issued for the comprehensive redevelopment of Portland Street retaining Portland Street as an open public street. Details of the treatment of the area to be left once the extension was demolished should be submitted at a later stage. It was recommended that this treatment was in keeping with the treatment of the remainder of the building.

Recommendation by Head of Planning and Building Control: Approval subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1987 and 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 demolition hereby approved shall not be carried out until the Planning Authority has been contacted in writing to confirm and has indicated in writing its acceptance that contracts have been placed for the comprehensive redevelopment of the site in accordance with a planning permission allowing for the retention of Portland Street as a public street; and (3) Details of the treatment of the area to be left following the removal of the left wing extension and roof treatment shall be submitted to and approved by the Planning Authority before demolition commences on site; Condition (1) being imposed to comply with Section 54A of the Town and Country Planning (Scotland) Act 1972; Condition (2) to ensure that the part of the property is not demolished until a suitable redevelopment is imminent all in the interests of visual amenity; and Condition (3) in the interests of visual amenity.

Councillor Sneller, seconded by Councillor Farrell, moved that the application be granted subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1987 and subject to the conditions and for the reasons detailed.

Councillor Coffey, seconded by Councillor Brailsford, moved that the application be refused as the proposal would be incompatible with the existing townscape of the

Town Centre and that an alternative use of the building as a historical heritage centre be investigated.

On a division by a show of hands the motion as carried by eight votes to three.

The meeting terminated at 1558 hrs.