

EAST AYRSHIRE COUNCIL**DEVELOPMENT SERVICES COMMITTEE****MINUTES OF MEETING HELD ON TUESDAY 1 AUGUST 2000 AT 1001 HOURS
IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors Eric Ross, Daniel Coffey, Willie Coffey, Harry Wilson, Iain Linton, John Knapp, Jim Raymond, Finlay MacLean, Robert McDill, George Smith, Provost Jimmy Boyd and Councillors Robert Taylor and Jimmy Carmichael.

ATTENDING: Stephen Chorley, Director of Development Services; Alan Neish, Head of Planning and Building Control; Jim Kane, Head of Roads and Transportation; Bill Walkinshaw, Administration Manager; David Mitchell, Legal Manager; Karen McLeod, Solicitor; Graham Kerr, Public Relations Officer; Nicholas Duffy, Trainee Solicitor; and Alex Hewetson, Administrative Officer.

APOLOGIES: Councillors Stephanie Young, Douglas Reid, Drew McIntyre, Eric Jackson, Jimmy Kelly, Tommy Farrell and Julie Faulds.

CHAIR: Councillor Eric Ross, Chair.

ADDITIONAL ITEM/AMENDED REPORTS

1. Agreed to note an additional item: No 19; and that reports under Item Nos 6, 13 and 15 had been amended (all circulated).

PLANNING APPLICATION**2.1 APPLICATION NO 00/0257/FL: MR T GRAHAM (Item 1.2, Page 1113, 99/02)**

There was submitted a report dated 21 July 2000 (circulated) by the Depute Chief Executive/Director of Corporate Resources on the decision of the Southern Local Planning Committee held on 16 June 2000, which referred consideration of this planning application to this Committee, with a recommendation that the application be approved, as given the location and with satisfactory conditions regarding hours of operation and noise nuisance and a Section 75 Legal Agreement regarding sightline requirements, the business could operate without detriment to road safety and nearby house owners and in view of the scale of the operation there would be limited precedent set for other such proposals; and an executive summary sheet and a report dated 7 June 2000 (both circulated) by the Head of Planning and Building Control on this full planning application for proposed use of existing garage for commercial purposes (repair vehicles) at Lanochsyde, Whitehill Farm, Ochiltree.

The Head of Planning and Building Control reported that no letters of objection had been received; summarised the planning considerations in respect of the application; and recommended: Refusal for the following reasons, viz:- (1) The proposed development is not a sympathetic business development associated with rural activities and would therefore not be in accordance with Policy IND10 of the East Ayrshire Local Plan, Finalised Version; (2) The proposed development is not specifically related to a rural activity and would therefore not be in accordance with Policy IND7 of the Adopted Mauchline/Drongan/Ochiltree Local Plan; and (3) The

proposed development would set an undesirable precedent for the operation of similar uses within the countryside, to the general detriment of the rural environment.

Councillor Carmichael, seconded by Councillor Taylor moved:-

- (i) that given the location and with satisfactory conditions regarding hours of operation and noise nuisance and a Section 75 Legal Agreement regarding sightline requirements, the business could operate without detriment to road safety and nearby householders and in view of the scale of the operation there would be limited precedent set for other proposals, to grant the application subject to the imposition of appropriate conditions by the Head of Planning and Building Control; and
- (ii) that planning consent would not be issued until a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant in respect of securing control over the required visibility splays had been satisfactorily concluded between the Solicitor to the Council and the applicant.

Councillor McDill, seconded by Councillor D Coffey, moved as an amendment to refuse the application on the following grounds:-

- (i) the proposed development is not a sympathetic business development associated with rural activities and would therefore not be in accordance with Policy IND10 of the East Ayrshire Local Plan Finalised Version;
- (ii) the proposed development is not specifically related to a rural activity and would therefore not be in accordance with Policy IND7 of the Adopted Mauchline-Drongan-Ochiltree Local Plan; and
- (iii) the proposed development would set an undesirable precedent for the operation of similar uses within the countryside, to the general detriment of the rural environment.

On a division by a show of hands, the motion was carried by 7 votes to 6.

THE BANKHOUSE PLANTATION, DARVEL (PROVISIONAL) TREE PRESERVATION ORDER 2000 (Item 9, Page 357, 99/02)

3. There was submitted a report dated 20 July 2000 (circulated) by the Director of Development Services on progress regarding an agreement on the future management of the Bankhouse Plantation, Darvel, with the owners of the Plantation; and which sought approval for confirmation of the Bankhouse Plantation, Darvel (Provisional) Tree Preservation Order 2000.

It was agreed to authorise the Head of Planning and Building Control to request the Solicitor to the Council to confirm the existing Bankhouse Plantation, Darvel (Provisional) Tree Preservation Order 2000, subject to the Forestry Commission indicating formally what action it would consider to be good forestry practice in terms of the felling/maintenance of trees within the plantation.

CONSULTATION ON THE REFORM OF THE BUILDING CONTROL SYSTEM IN SCOTLAND

4. There was submitted a report dated 7 July 2000 (circulated) by the Director of Development Services which sought comment on a consultation from the Scottish

Executive on “Improving Building Standards; A Consultation Paper inviting ideas on the Reform of the Building Control System in Scotland”.

It was agreed:-

- (i) to approve the Appendix to the report, as East Ayrshire Council’s response to the Scottish Executive consultation document: “Improving Building Standards; A Consultation Paper inviting ideas on the Reform of the Building Control System in Scotland”;
- (ii) that representations be made to CoSLA to request they promote the development of a governmental-funded facility for the costs of repairs to dangerous or dilapidated buildings thus avoiding such costs falling to Councils; and
- (iii) that a report on the outcome of the representations to CoSLA be submitted to this Committee in due course.

**REVISED MINUTE OF AGREEMENT - AYRSHIRE JOINT STRUCTURE PLAN
AND TRANSPORTATION COMMITTEE (Item 2, Page 449, 99/02)**

5. There was submitted a report dated 17 July 2000 (circulated) by the Solicitor to the Council which sought a recommendation for approval of a revised Minute of Agreement between East, North and South Ayrshire Councils and which incorporated the alterations necessary to extend the remit of the Ayrshire Joint Structure Plan Committee to include strategic transportation.

It was agreed:-

- | | | |
|----------|--|----------|
| C | <ul style="list-style-type: none"> (i) to recommend approval of the draft Minute of Agreement between East, North and South Ayrshire Councils in respect of the Ayrshire Joint Structure Plan and Transportation Committee as described in an Appendix to the report; and (ii) that the Solicitor to the Council facilitate the formal signing of the revised Minute of Agreement between the three Local Authorities. | C |
|----------|--|----------|

**FRAMEWORK FOR ECONOMIC DEVELOPMENT IN SCOTLAND - “THE WAY
FORWARD”**

6. There was submitted a revised report dated 20 July 2000 (circulated) by the Director of Development Services on the recently published report by the Scottish Executive: “The Way Forward”, which presented a framework for economic development in Scotland; and which recommended action to take forward issues arising from the document.

It was agreed that representations be made to Henry McLeish, MSP, Minister for Enterprise and Lifelong Learning to welcome the Framework for Economic Development and to ask for a commitment to develop an explicit policy for regional development within Scotland.

**AYRSHIRE STRATEGY FOR JOBS MONITORING AND EVALUATION
FRAMEWORK**

7. There was submitted and noted a report dated 24 July 2000 (circulated) by the Director of Development Services on the recently completed Monitoring and Evaluation Study on the first year of operation of the Ayrshire Strategy for Jobs.

**THE FULL PUBLIC TRANSPORT STRATEGY FOR THE STRATHCLYDE
PASSENGER AREA - CONSULTATIVE DRAFT JUNE 2000**

8. There was submitted a report dated 16 July 2000 (circulated) by the Director of Development Services on the publication, in June 2000, of Strathclyde Passenger Transport's consultation document: "The Draft Full Public Transport Strategy for the Strathclyde Passenger Transport Area".

It was agreed:-

- (i) to note the publication of Strathclyde Passenger Transport Strategy Consultative Draft June 2000;
- (ii) to note the goals, objectives and general questions posed within the Consultative Draft June 2000;
- (iii) that the Director of Development Services would amend the answer to Question 2 in Paragraph 6.1 of the report to place more emphasis on the rapid introduction of quality contracts and to seek consideration of the extension of the SPTA area to include the whole of East Ayrshire to the benefit of rural communities outwith the current zone; and
- (iv) to approve the responses, as amended, to the 6 general questions as posed within the Consultative Draft June 2000, described in Paragraph 6.1 of the report.

PUBLIC TRANSPORT FUND 2001/02

9. There was submitted a report dated 18 July 2000 (circulated) by the Director of Development Services on the announcement by the Scottish Executive of procedures for Local Authorities and Strathclyde Passenger Transport Authority to apply to the Public Transport Fund as part of the capital allocation arrangements for projects commencing in 2001/2; and which sought approval for a project to form the basis of a bid for an allocation from the Public Transport Fund.

It was agreed:-

- (i) to note that the Scottish Executive had announced the procedures for the next round of applications to the Public Transport Fund; and
- (ii) to approve the submission of a bid for an additional capital allocation, for cycling and walking routes in Kilmarnock.

**DRAFT REVISION OF NATIONAL PLANNING POLICY GUIDELINE (NPPG) 6:
RENEWABLE ENERGY**

10. There was submitted a report dated 20 July 2000 (circulated) by the Director of Development Services on the contents of NPPG 6: Renewable Energy which indicated the essential differences between that document and the original NPPG 6 and which set out the implications of the draft revision for the general consideration of renewable energy proposals in the context of the East Ayrshire Finalised Local Plan.

It was agreed:-

- (i) to include within the response to NPPG 6: Renewable Energy, a reference to encouraging small/single users of these technologies with particular reference

to the provision of grants to positively encourage schemes involving alternative or renewable energy; and

- (ii) to authorise the Head of Planning and Building Control to respond to the Scottish Executive on the contents of the draft revised NPPG6: Renewable Energy in the terms, as amended, described in Paragraphs 4 and 6 of the report.

**1999/0483/AL: CERTIFICATE OF APPROPRIATE ALTERNATIVE
DEVELOPMENT - CUMNOCK BYPASS - APPLICATION BY DUMFRIES
ESTATES**

11. There was submitted a report dated 18 July 2000 (circulated) by the Director of Development Services which presented for determination an application for a Certificate of Appropriate Alternative Development.

It was agreed to approve the application for a Certificate of Appropriate Alternative Development in respect of the business/industrial/warehousing development within Clauses 4, 5 and 11 of the Town and Country Planning (Use Classes) (Scotland) Order 1989 in respect of By-pass land between the A70 Ayr Road and Shankston Wood and an area hatched A on a plan attached to the report.

**AYRSHIRE LOCATION SERVICE - TRAINING FOR NEW AND EXPANDING
COMPANIES**

12. There was submitted a report dated 17 July 2000 (circulated) by the Director of Development Services which sought authority for a final funding contribution of £18,600 towards the cost of the 1998 training programme instituted by the Ayrshire Economic Forum and operated under the auspices of the Ayrshire Location Service until its completion in mid 1999.

It was agreed:-

- (i) to note the completion of the training programme instituted by the Ayrshire Economic Forum; and
- (ii) to approve the final funding contribution of £18,600, to be met from within the 2000/1 Business Grants Budget, to be paid to Scottish Enterprise Ayrshire.

LOCAL EMPLOYMENT FUNDS

13. There was submitted a revised report dated 17 July 2000 (circulated) by the Director of Development Services on the nature of the funds approved by the Employment Services for targeted employment support measures in East Ayrshire.

It was agreed:-

- (i) that representations be made to John Reid, MP, Secretary of State for Scotland on permitting access by all unemployed persons in East Ayrshire outwith the designated areas, to the facilities offered therein;
- (ii) that a report highlighting the outputs of the pilot scheme would be submitted to this Committee in six months time; and
- (iii) otherwise, to note the contents of the report.

**LAND SURPLUS TO REQUIREMENTS AT THE REAR OF
4 AND 6 WALLACE VIEW, KILMARNOCK**

14. There was submitted a report dated 25 July 2000 (circulated) by the Director of Development Services which sought approval for land at rear of 4 and 6 Wallace View, Kilmarnock, to be declared surplus to operational requirements.

It was agreed to declare the two areas of land at the rear of 4 and 6 Wallace View, Kilmarnock, surplus to operational requirements.

ROAD INFRASTRUCTURE ASSET VALUES AND MAINTENANCE FUNDING

15. There was submitted a revised report dated 20 June 2000 (circulated) by the Director of Development Services on the asset value of the Council's road infrastructure and related current level of funding.

It was agreed that the asset values of the Council's road infrastructure and the shortfall in maintenance expenditure which the Council could allocate within current overall budget constraints be drawn to the attention of CoSLA.

TRAFFIC SIGNAL MAINTENANCE TERM CONTRACT

16. There was submitted a report dated 31 May 2000 (circulated) by the Director of Development Services which sought approval of (i) a term contract for the maintenance of traffic signals in conjunction with North Ayrshire, South Ayrshire and Inverclyde Councils; and (ii) Inverclyde Council as lead Authority for the issue and return of tender documents, subject to appropriate legal agreement.

It was agreed:-

- (i) to approve the issue of a Traffic Signal Maintenance Term Contract in August 2000 to commence from 1 October 2000 for a period of 30 months with an option to extend a further 24 months; and
- (ii) to approve Inverclyde Council as lead Authority, for the issue and return of tender documents, subject to appropriate legal agreement.

**2000/01 ROADS STRUCTURAL MAINTENANCE PROGRAMME - LOCATIONS
FOR ADDITIONAL CARRIAGEWAY RESURFACING**

17. There was submitted a report dated 20 July 2000 (circulated) by the Director of Development Services which requested that a scheme or schemes be selected from the list in the Appendix to the report, up to a value of £30,000, for inclusion in the 2000/01 roads structural maintenance programme.

It was agreed:-

- (i) that the Director of Development Services would select a scheme or schemes from the list in the Appendix to the report on the basis of a logical extension to the core programme of roads structural maintenance previously approved by this Committee; and
- (ii) that a report identifying the selected scheme(s) would be submitted to this Committee in due course.

AWARDING OF TENDERS

18. There was submitted and noted a report dated 18 July 2000 (circulated) by the Depute Chief Executive/Director of Corporate Resources which provided details of the lowest satisfactory tenders which had been accepted in terms of the undernoted Department of Development Services' contracts:-

<u>CONTRACT</u>	<u>SUCCESSFUL CONTRACTOR</u>	<u>AMOUNT</u>
Footway Slurry Seal	Colas Ltd, Crawley	£38,924.62
Patching Works to A70 and the A713 - No 1	J H Moodie, Dalmellington	£29,250.27
Patching North Area - No 2	Lightways Contractors Ltd, Larbert	To a maximum of £50,000
Carriageway Surface Dressing - A71, A735 and B769	East Ayrshire Council, Contracts Section, Kilmarnock	£41,380.49
Undergrounding of Scottish Power Services 2000/01	Lightways Contractors Ltd, Larbert	£77,605.87

EUROPEAN COMMISSION DECISION ON U.K. ASSISTED AREAS MAP

19. There was submitted a report dated 28 July 2000 (circulated) by the Director of Development Services on an announcement by the European Commission on the future Assisted Areas Map for the U.K.; and which sought approval for further representations to the Government.

It was agreed to submit further representations to Henry McLeish, MSP, Minister for Enterprise and Lifelong Learning to seek support for a programme of economic development support measures for the areas of East Ayrshire which no longer benefit from Assisted Area status.

EXCLUSION OF PRESS AND PUBLIC

20. 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.

Councillor Raymond left the meeting at this point.

FUNDING REQUEST - CUMNOCK COMPANY

21. There was submitted a report dated 17 July 2000 (circulated) by the Director of Development Services on a funding request to support the expansion of a business.

It was agreed to continue consideration of this report, pending further discussions between Officers and the applicant, to an appropriate Committee of the Council.

Councillor Wilson left the meeting during consideration of the above item.

REQUEST FOR GRANT FUNDING ASSISTANCE

22. There was submitted a report dated 25 July 2000 (circulated) by the Director of Development Services seeking approval for grant funding assistance.

It was agreed:-

- (i) to confirm interest in and support for the development of a film industry based in Ayrshire, as a potentially new industry which could contribute significantly to the diversification of the Ayrshire economy;
- (ii) approve the grant of £25,000, to be met from within the business grants budget 2000/01; and
- (iii) to authorise the Director of Development Services in consultation with the Solicitor to the Council and any other public sector funding partners to prepare satisfactory legal agreements to cover the investment made on a basis of a potential refund of the full amount together with appropriate royalty premium payment.

Councillor Wilson re-joined the meeting during consideration of the above item.

The meeting terminated at 1147 hours.