

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 5 SEPTEMBER 1996 AT 1400 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors George Turnbull, Douglas Reid, Wilma Doyle, Ronald Brailsford, John Knapp, David Fulton, Robert McDill, Eric Ross, David Sneller, Jimmy Boyd and George Smith.

ATTENDING: David Montgomery, Chief Executive; Fiona Lees, Depute Chief Executive; Stephen Chorley, Director of Development Services; Roddy Wallace, Head of Administration; Robert Paton, Head of Economic Development; Bill Taylor, Head of Roads and Transportation; Dave Morris, Development Promotion Manager; Joan Kendall, Principal Solicitor; Alex Hewetson, Administrative Officer; and Hugh Melvin, Planning Technician.

APOLOGIES: Councillors Drew McIntyre, Irene Reeves, Daniel Coffey and Tommy Farrell.

CHAIR: Councillor George Turnbull, Chair.

MONITORING REPORTS

1.1 Unemployment Statistics

There was submitted a report dated July 1996 (circulated) by the Director of Development Services providing recent statistics relating to unemployment figures in Scotland and East Ayrshire in particular.

Councillor Ross expressed concern at the implications to the unemployed of the introduction of job seekers allowance in place of Unemployment Benefit and in particular the requirement for attendance in person of unemployed people to register for a job interview at Job Centres fortnightly.

It was agreed:

- (i) to remit to the Director of Development Services:-
 - (a) to bring forward a report on the financial implications for the unemployed in East Ayrshire of the requirement to register for a job interview at Job Centres fortnightly; and
 - (b) upon establishing a basis to protest any aspects of the changes to the signing arrangements for the unemployed, to raise the issue with the local Members of Parliament with a view to the matter being raised in Parliament.
- (ii) to remit to the Director of Development Services to prepare and submit a ward by ward analysis of unemployment statistics in East Ayrshire; and
- (iii) otherwise to note the contents of the report.

1.2 Business Development Support Programmes - Status Report

There was submitted a report dated 22 August 1996 (circulated) by the Director of Development Services informing the Committee of the status of the Department's Business Development Loan and Grants Schemes for small and medium sized enterprises (SME's) for the period 1 April 1996 to 31 August 1996.

Having heard the Head of Economic Development in explanation, the Committee welcomed the consistent approach to business development in East Ayrshire and agreed:-

- (i) to remit to the Director of Development Services to submit reports on the outcome of the business development programme on a regular basis; and
- (ii) otherwise to note the contents of the report.

REVISIONS TO CAPITAL PROGRAMME (Item 20, Page 927)

- 2. There was submitted a report dated 28 August 1996 (circulated) by the Director of Development Services seeking the Committee's approval for modifications to the capital programme for Development Services.

Having heard the Director of Development Services in explanation, it was agreed to recommend approval to the revised capital programme as detailed within the report.

GRANTS AND SUBSCRIPTIONS TO PARTNERSHIPS AND SPECIAL PROJECTS (Item 9, Page 917)

- 3.1 There was submitted a report dated 22 August 1996 (circulated) by the Director of Development Services seeking approval for levels of grant support to partnerships and special projects falling within the remit of the Development Services Committee; and requesting representation on the management boards of organisations where appropriate.

It was agreed:-

- (i) to award grant/subscriptions to the undernoted organisations:

South West Forum	£1,000
Planning Exchange	£1,900 (additional payment)
Planning Aid for Scotland	£1,000
Regional Innovation Strategy	£2,000
Employee Ownership Scotland	£5,000 (ring-fenced for East Ayrshire)
Strathclyde Labour Market Information System (SLMIS)	£2,770

and,

- (ii) to recommend nomination of the undernoted Council Members to the following organisations:-

West Coast Rail 250	Councillor Turnbull and Councillor Ross (substitute)
Prestwick Airport Consultative Committee	Councillor George Smith and Councillor Doyle (substitute)
West of Scotland Archaeology Service	Councillor Reeves and Councillor Fulton (substitute)
Ayrshire Economic Forum	Councillor Ross (substitute)

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3.2 Scottish Accident Prevention Council - Nominations

There was submitted a report dated 29 August 1996 (circulated) by the Director of Community Services informing the Committee that the Scottish Accident Prevention Council (SAPC) have sought nominations from East Ayrshire Council for its three principal Committees; home safety; water and leisure safety; and road safety. One nomination was accordingly sought from a Member of the Development Services Committee.

It was agreed:-

- (i) to note that the Community Services Committee had agreed nominations to SAPC; and
- (ii) to recommend nomination of Councillor Fulton to be the representative from the Development Services Committee.

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SIGN POSTING AND TOURISM INFORMATION FOR AYRSHIRE

4. There was submitted a report dated 19 August 1996 (circulated) by the Director of Development Services:-
- (i) setting out the details of a 3 year phased project for sign posting and tourism information;
 - (ii) requesting that Committee agree to participate in the programme; and
 - (iii) that the Council take the lead role in its management.

It was agreed:-

- (i) that the Committee participate in the programme;
- (ii) that the Council take the lead role in its management; and
- (iii) otherwise to note the contents of the report.

PROPOSED STUDY ON RAILWAY DEVELOPMENTS IN SOUTH WEST SCOTLAND

Declaration of Interest

- 5.1 Councillors Knapp and Ross declared a non pecuniary interest in this application and took no part in its consideration.

Consideration of Item

- 5.2 There was submitted a report dated 23 August 1996 (circulated) by the Director of Development Services:-

- (i) recommending participation in a proposed study into improvements in the Diesel Rail Network serving South West Scotland; and
- (ii) seeking authority to make a contribution of up to £15,000 from the Economic Development budget if required.

It was agreed:-

- (i) to participate in the proposed study on improvements in the Diesel Rail Network within South West Scotland; and
- (ii) to authorise a contribution of up to £10,000 from the economic development budget in the current financial year and up to £5,000 in financial year 1997/98 depending on the specific brief proposed for the study.

STRATEGIC ROADS IN EAST AYRSHIRE

6. There was submitted a report dated 28 August 1996 (circulated) by the Director of Development Services seeking approval for action proposed to secure the development of both the A71 and the A70.

Having heard the Director of Development Services and the Head of Roads and Transportation in explanation, it was agreed:-

- (i) to remit to the Head of Roads and Transportation;-
 - (a) to prepare a Route Action Plan for the A71;
 - (b) draw up a detailed case for trunking the A71; and
- (ii) that the Council would wish the Scottish Office to give full consideration to the A70 Challenge Fund bid.

EAST AYRSHIRE COMMUNITY REGENERATION PARTNERSHIP

7. There was submitted and noted a report dated 28 August 1996 (circulated) by the Director of Development Services informing the Committee of progress in preparing a multi-agency regeneration strategy for East Ayrshire and a Priority Partnership Area submission to the Scottish Office for Urban Programme resources.

IRVINE VALLEY

8.1 A Proposed Consultancy Study - Tourism Potential, Irvine Valley

There was submitted a report dated 27 August 1996 (circulated) by the Director of Development Services requesting that the Council contribute £4,000 towards the consultancy study on tourism potential for the Irvine Valley from its consultancy budget.

Having heard the Head of Economic Development in explanation, it was agreed:-

- (i) to authorise a contribution of £4,000 towards the study from the consultancy study;
- (ii) to note that the outcome of the study would be reported to Committee in due course; and
- (iii) otherwise to note the contents of the report.

8.2 Project Worker - Newmilns and Greenholm Initiative

There was submitted a report dated 28 August 1996 (circulated) by the Director of Development Services recommending action in relation to the future of the Newmilns and Greenholm Initiative, with particular reference to staffing.

Having heard the Head of Economic Development in explanation, it was agreed, subject to approval of the Personnel Sub-Committee:-

- (i) that the contract for the part-time Secretary be extended to the end of the current financial year with a view to further extension or conversion to permanent status depending on the outcome of work on the proposals detailed within the report;
- (ii) that the Council becomes the direct employer of the worker, if the contract was extended into financial year 1996/97, or made permanent;
- (iii) that the Director of Development Services submit a further report to the October Meeting of the Committee in the light of consultation with the Local Committee, regarding whether the working hours of the Project Worker would require to be extended for the remainder of the current year to support work on policy development and community consultation; and
- (iv) to approve the arrangements for managing the Awards Scheme as detailed in paragraph 4.2 of the report.

FORESTRY COMMISSION: REVIEW OF CONSULTATION ARRANGEMENTS

9. There was submitted a report dated 27 August 1996 (circulated) by the Director of Development Services outlining the revised procedures for consultation on woodland planting and felling proposals by the Forestry Commission which came into effect on 1 August 1996 and recommending how the Council might wish to respond to the Forestry Commission in terms of the new arrangements.

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

- (i) to respond to COSLA and the Forestry Commission in the terms detailed within the report;
- (ii) to arrange a meeting with the Forestry Commission to discuss the new arrangements for including forestry policies in the East Ayrshire District Wide Local Plan; and
- (iii) to initiate a consultation with the seven Local Committees to identify those sites within East Ayrshire considered to be sensitive for forestry purposes and where formal consultation should be carried out between the Forestry Commission and the Council.

WINTER MAINTENANCE

10. There was submitted a report dated 31 July 1996 (circulated) by the Director of Development Services outlining the Winter maintenance procedures and seeking Committee's approval of the proposed Treatment Priorities.

Having heard the Chief Executive, the Head of Roads and Transportation answered Members questions, it was agreed:-

- (i) to note;
 - (a) that the Winter maintenance of roads on the List of Public Roads would be funded from the roads and maintenance revenue budget;
 - (b) that the cost of treatment for Council roads in 1995/96 was £1,043,000; although the budget figure had been £700,000 and the budgeted figure for 1996/1997 was £730,000;
 - (c) that all costs for the treatment of trunk roads would be met by the Scottish Office;
 - (d) that the estimated budget figure for 1996/1997 of £730,000, due to uncertainty of predicting future weather conditions, cannot be cash-limited and may be exceeded, necessitating compensatory savings elsewhere within the Council budget; and
- (ii) to approve the priorities as detailed in Section 3 of the report for the winter maintenance of public roads and footways.

ROAD SAFETY STRATEGY (Item 3, Page 270)

11. There was submitted a report dated 20 August 1996 (circulated) by the Director of Development Services seeking approval for a road safety strategy and implementation arrangements and to approve proposals for the involvement of Local Committees in identifying road safety issues in the implementation of the Council's Road Safety Plan proposed for East Ayrshire.

Having heard the Head of Roads and Transportation in explanation, it was agreed:-

- (i) to approve the adoption of the strategy and the co-ordination arrangements as detailed within the report;
- (ii) to note that the Director of Development Services would submit a further report once the Road Safety Plan had been finalised; and
- (iii) to approve the proposals for the involvement of Local Committees in identifying road safety issues and in the implementation of the Road Safety Plan as detailed within the report.

TRAFFIC CALMING IN COMMUNITIES ON THROUGH ROUTES

12. There was submitted a report dated 8 August 1996 (circulated) by the Director of Development Services informing Committee of the contents of a report prepared by the Village Speed Control Working Group (VISP) concerning the speed of vehicles passing through villages and seeking approval for a preliminary assessment of villages on through routes in East Ayrshire prior to preparing a programme of traffic calming measures for 1997/98.

Having heard the Head of Roads and Transportation and in answer to Members questions it was agreed:-

- (i) to note the findings of the VISIP Working Group on speed reduction measures;
- (ii) to adopt a policy of traffic calming in communities on through routes in East Ayrshire; and
- (iii) in consultation with the seven Local Committees, approve an initial study of traffic conditions in communities on through routes in East Ayrshire, with a view to extension to other routes in due course.

ROAD SAFETY CAPITAL PROGRAMME (Item 1, Page 760)

13. There was submitted a report dated 27 August 1996 (circulated) by the Director of Development Services seeking approval for the Road Safety Capital Programme.

Having heard the Head of Roads and Transportation in explanation, it was agreed:-

- (i) to note that the total cost of the programme was £153,000 and that contribution towards the cost of the schemes in Muirkirk and Dean Road (Kilmarnock) would be sought from the mineral extractors and the European regional development fund respectively to reduce project costs;
- (ii) the programme would be phased in order that expenditure in the 1996/97 financial year would not exceed the approved budget of £100,000;
- (iii) to approve the Road Safety Capital Programme for implementation in 1996/97 as detailed within the report; and
- (iv) to remit to the Head of Roads and Transportation to continue to monitor the situation with regard to the poor accident records on both entrances to Hurlford.

SCHOOL CROSSING PATROLS

14. There was submitted a report dated 8 August 1996 (circulated) by the Director of Development Services seeking approval for the criteria to be used in the selection of the siting of School Crossing Patrollers as detailed in the Appendix "Guidelines for the Management Operation of School Patrol Service" jointly produced by the County Road Safety Officers' Association and the Royal Society for the Prevention of Accidents issued in August 1994.

It was agreed to employ the criteria detailed within Appendix A for the assessment of requests for new crossing patrols within existing available budgets.

AWARDING OF TENDERS

15. There was submitted and noted a report dated 8 August 1996 (circulated) by the Director of Support Services providing details of tenders which had been awarded in respect of roads contracts.

PLANNING - COMMENTS ON CONSULTATION REPORTS

16.1 Scottish Office Draft Circular

16.1.1 Declaration of Interest

Councillor Sneller declared a non - direct pecuniary interest in this matter and did not participate in the discussion.

16.1.2 Consideration of Item

There was submitted a report dated 21 August 1996 (circulated) by the Director of Development Services requesting that the Committee note the provisions of the Scottish Office Development Draft Circular XX/1996, as it pertained to the Environment Act 1985: Section 96 which dealt with the Review of Mineral Planning Permissions.

It was agreed to (i) note the contents of the Draft Circular and (ii) approve the terms of the provisional response submitted to the Scottish Office.

16.2 NPPG3 Land for Housing Consultation Draft Revised 1996 PAN 38 Structure Plans: Housing Land Requirements Consultation Draft Revised 1996

There was submitted a report dated 27 August 1996 (circulated) by the Director of Development Services seeking approval for comments on revisions to the Scottish Office Environment Department's Planning Advice Note 38 and National Planning Policy Guideline 3, pertaining to Housing Land Requirements in relation to East Ayrshire.

It was agreed:-

- (i) to support the proposed revision to PAN 38 and NPPG3;
- (ii) to forward a copy of the report to the Ayrshire Structure Plan Team and the Scottish Office Development Department; and
- (iii) that the 1995 Structure Plan Written Statement should not be re-considered.

16.3 Green Paper: Protecting the Built Heritage

There was submitted a report dated 15 August 1996 (circulated) by the Director of Development Services identifying those issues, relevant to East Ayrshire, contained in the Green Paper, on which Historic Scotland sought comments.

It was agreed:-

- (i) to welcome the proposed extensions of control over various buildings of architectural or historic interests subject to suitable staff and funding resources being made available;
- (ii) to authorise the Director of Development Services to send copies of the report to Historic Scotland and COSLA; and
- (iii) otherwise to note the contents of the report.

16.4 Review of the Town and Country Planning System in Scotland: Town and Country Planning (Use Classes) (Scotland) Order 1989

There was submitted a report dated 16 August 1996 (circulated) by the Director of Development Services seeking approval in respect of a response to a request by the Scottish Office Development Department on a consultation paper proposing changes

to the Town and Country Planning (Use Classes) (Scotland) Order 1989, which had been submitted by the deadline laid down by the Scottish Office.

Having heard the Director of Development Services report that the Committee had the opportunity to amend those comments submitted to the Scottish Office, it was agreed to approve the comments contained in the report.

16.5 Review of the Town and Country Planning System in Scotland: Inquiries Procedures

There was submitted a report dated 19 August 1996 (circulated) by the Director of Development Services seeking approval in respect of a response to a request by the Scottish Office Development Department on a consultation paper proposing changes to the Town and Country Planning (Inquiries Procedures) (Scotland) Role 1980, which had been submitted by the deadline laid down by the Scottish Office.

Having heard the Director of Development Services report that the Committee had the opportunity to amend or vary these comments if it so wished, the Committee agreed to approve the comments contained in the report.

PLANNING APPLICATIONS

17.1 APPLICATION NOS 96/0229/OL AND 96/0230/GD: SCOTTISH PRISON SERVICE

There was submitted a report dated 29 August 1996 (circulated) by the Director of Development Services in respect of the following:-

Application No 96/0229/OL: 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 96/0230/GD: Notice of Proposed Development 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

It was agreed to continue consideration of both applications to a Special Meeting of the Committee to allow a formal public Hearing in accordance with the procedures agreed by Council to hear the objectors and applicants.

17.2 APPLICATION NO 96/0320/FL - CORE TECHNOLOGIES LIMITED

There was submitted a report dated 22 August 1996 (circulated) by the Director of Development Services on an application for full planning permission for the proposed erection of a Class 4 pharmaceutical production and administrative facility with associated access, parking service yard and landscaping at Plot B6, Rowallan Business Park, Glasgow Road, Kilmarnock.

It was reported by the Development Promotion Manager that one letter of objection and one letter of representation had been received, details of which were contained within the report.

Recommendation by Head of Planning and Building Control: Approval subject to the following conditions, viz:- 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 submitted on 24 July 1996 and plans submitted on 30 July 1996 as revised by the location plan

received by the Planning Authority on 19 August 1996; (3) 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 area, and shall be maintained thereafter in accordance with these details; (4) 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; (5) the approval relates to a use within the Use Class "4" in the Town and Country Planning Use Classes (Scotland) Order 1989 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order; (6) the business shall operate only between the hours of 8.00 a.m. and 6.00 p.m. on Monday - Friday; and (7) the Class 4 pharmaceutical production and administration 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 entrances; 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 carried out in accordance with the approved details; Condition (3) 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 (4) in the interests of visual amenity; Condition (5) to safeguard the residential amenity of the area; Condition (6) to prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interests of residential amenity; and Condition (7) internal infrastructure shall be completed prior to occupancy and operation of the production facility.

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

17.3 APPLICATION NO 96/0141/OL - G & M ESTATES

There was submitted a report dated 28 August 1996 (circulated) by the Director of Development Services on an application for outline planning permission for Car Showrooms, Cinema, Drive Thru Restaurant, Bowling Green and Clubhouse, Light Industrial Units, Cricket Square and Improvements to Rugby Club Complex Access, Grounds to North of Queen's Drive, Kilmarnock, under the Scheme of Delegation because it did not accord with the development plan and it was a large scale development.

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

- (i) that four letters of objections and one objection by consultees had been received, details of which were contained within the reports;
- (ii) that the Scottish Environmental Protection Agency had submitted an additional response querying some of the assumptions contained in a flooding study in support of the application which the Director of Development Services reported would be fully explored at the detail stage of the application; and
- (iii) one further representation objecting to bingo or undefined leisure uses had been received which the Development Promotion Manager reported had been deleted from the original proposal.

Recommendation by Head of Planning and Building Control: Approval subject to notification to the Secretary of State in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1995 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 application form and plans received on 28 May 1996 and the fax letter of 29 July 1996; (4) that the indicative layout submitted along with the application is for information purposes only and shall not be treated as forming part of the issued consent; (5) 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; (6) notwithstanding the Use Classes (Scotland) Order 1989, or any order revoking and re-enacting that order, further applications for planning consent are to be sought from the Planning Authority before any other use is undertaken which lies within the same Use Class, or before any change to another class (in the said order) as would normally be permitted; (7) details to be submitted under Condition 5 shall include details of facilities for accommodating public transport and coaches and a Safety Audit shall be provided; (8) before work on the site is commenced details of the following matters shall be submitted to and agreed by, and thereafter implemented to the satisfaction of, the Planning Authority, (a) measures to ensure the avoidance of flooding of the site of the proposed development and to prevent any consequential flooding effects on any other land and buildings outwith the site; (b) soil and ground conditions including details of any contaminants to be removed; (9) that prior to the commencement of works on the site the applicants shall satisfy themselves as to the stability of the site; (10) the details to be submitted under Condition 5 shall allow for the provision of semi-mature trees, ornamental trees, shrubs and planting particularly within the site, along the Queen's Drive frontage, the River Irvine and the boundary with the playing fields. A river walkway shall also be provided; (11) details to be submitted under Condition 5 shall allow for one access to the application site and the closure of all existing accesses; (12) the details to be submitted under Condition 5 shall allow for the two playing fields and tennis courts on the former Strathclyde Regional Council site to be relocated within the application site; (13) prior to the commencement of trading of any of the new units, the roundabouts at the junction of Lawson Street and Welbeck Street and the junction of Queen's Drive and Hurlford Road shall be upgraded to the satisfaction of the Planning Authority, i.e. 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 Queen's Drive, shall be provided; Conditions (1) and (2) being imposed to comply with Section 39 of the Town and Country Planning (Scotland) Act 1972; Condition (3) to ensure that the development is carried out in accordance with the approved details; Conditions (4) and (5) approval is in outline only; Condition (6) to ensure that the Planning Authority retains control over the

future development of the site in the interests of the vitality and viability of the town centre; Condition (7), (11) and (13) in the interests of road safety; Condition (8) in the interests of public safety and residential amenity; Condition (9) in the interests of public safety; Condition (10) in the interests of visual amenity; Condition (12) in the interests of improving and retaining sports facilities in the area.

Councillor McDill seconded by Councillor Brailsford moved that the application be refused on the grounds that the proposed development would be detrimental to visual amenity.

As an amendment, Councillor Sneller seconded by Councillor Ross moved that the application be approved subject to notification to the Secretary of State in terms of the Town and Country Planning (Notification of Appeals) (Scotland) Direction 1995 and to the conditions and for the reasons detailed above.

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

17.4 APPLICATION NO KL/E/OL/79/384Q - DAWN DEVELOPMENTS

There was submitted a report dated 20 August 1996 (circulated) by the Director of Development Services in respect of outline planning application for Restaurants with Fast Food Drive Thru, Car Showrooms and Servicing Facilities & Leisure Development Consisting of Cinema, Bowling, Sports Club, Land Bounded by River Irvine, Queens Drive and Little Bellsland Road, Kilmarnock, under the Scheme of Delegation because it is a large scale development.

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

- (i) that two objections and one representation had been received, details of which were contained within the report;
- (ii) that one further letter of objection relating to bingo or undefined leisure issues had been received which the Development Promotion Manager reported had been deleted from the application; and
- (iii) that a decision could take place without there first being a public Hearing as the concern of the objector was not one where there was legislative guidance promoting such a Hearing.

The Committee agreed to continue consideration to allow the Director of Development Services to seek clarification on an adjoining proprietors concern over potential detriment to their current business activities.

17.5 APPLICATION NO CD/96/0097/MIN - L.A.W. MINING LIMITED

Declaration of Interest

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

Consideration of Application

There was submitted a report dated 23 August 1996 in respect of full planning application for the extraction of coal, sand and gravel by opencast method at Tardoes Farm, Muirkirk.

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

hereby permitted shall ensure for the benefit of the applicant only, and shall be commenced within six months of the date of issued notice of decision and that the approved operations shall be completed within four years of the commencement date of the operations, or at such other time as may be agreed with the Planning Authority; (3) that the applicant shall give notice to the Planning Authority, in writing, of the commencement of operations on site, one month prior to their commencement; (4) that the site access roads shall be constructed to the standards required in the SRC Guidelines for Development Roads, 1995, for industrial use; the access road shall be surfaced for a minimum distance of 20 metres from the edge of the public road to prevent any overcarry of loose material and road markings shall be provided at the junction of the public road; (5) that sightlines of 4.5m x 215m be formed and maintained at the junction of the site access with the public road A70, and that no obstruction greater than one metre in height be permitted within this area; (6) that measures to prevent mud, dirt, dust, slurry, coal or stones being carried onto the highway shall be taken and that such steps shall include the provision and use of hardstanding and wheel/vehicle washing facilities as necessary for the cleaning of all lorries, dump trucks, other heavy vehicles and plant leaving the site, all in accordance with the Written Statement which accompanied the planning application, (7) that the public road adjacent to the site shall be kept clear of mud or other deposited materials at all times; (8) that prior to any road vehicle loaded with coal or other minerals leaving the site, the load shall be suitably covered with a tarpaulin to ensure there is no escape of materials; (9) that a site inspection shall be carried out by representatives of the developer and the Planning Authority to agree the condition of the public roads prior to commencement of the work; (10) that prior to excavation works commencing on 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; (11) that the developer shall make stockproof and maintain, until the restoration of the site is completed, all the existing perimeter hedges and fences and shall protect these from damage during operational works. Where the site boundary does not coincide with an existing hedge or fence, the developer shall provide and maintain stockproofing fencing with gates or cattle grids at every opening. Where the developer has the right to do so, undisturbed hedgerows, within or bounding the site, shall be maintained, the hedgerows to be cut and trimmed at the proper season throughout the period of working and restoration of the site. Where dry stone dykes are to be removed, the stone shall be stored and later re-used in the restoration of these dykes in accordance with the provisions of the Project Description which accompanies the application; (12) that top soil and sub-soil must only be stripped when the soils are sufficiently dry so that when moved no damage will be done to the structure of the soils. Apart from the works required to enclose the site, no operations shall be carried out until the top soil is fully stripped in accordance with the phased programme of extraction as described in the Written Statement which forms part of the planning application; (13) that top soils be stripped to full available depth from all areas within the site except those areas designated in the approved plans as top soil dumps. Following top soil stripping operations from any areas of land, sub-soil shall be stripped as a separate operation to a depth, where possible, to achieve top soil and sub-soil not less than 0.9 metre at restoration; (14) that the developer shall give at least two working days notice to the Planning Authority before work commences on the stripping of top soil and sub-soil. The Planning Authority reserves the right to suspend operations during adverse conditions or to impose any conditions as it sees

fit for the safe keeping of top soil and sub-soil; (15) that bind free soil forming material found during the course of the operations shall be reserved where practicable and stored for later use in the final restoration of the land. This material shall be used to replace shortages of sub-soil or top soil, or otherwise used to cap overburden mounds; (16) that top soil, sub-soil and overburden shall be carefully stored in separate dumps and prevented from mixing. Top soils shall not exceed 3 metres in height. Top soil dumps and sub-soil dumps shall be evenly graded and tops shaped to prevent water ponding. Sub-soil dumps shall not exceed 5 metres in height and overburden dumps shall not exceed 25 metres in height; (17) that in the first available seeding season following their formation, all mounds of top soil, sub-soil and soil making materials shall be seeded in grass and shall be so maintained until the soils are required for use in the restoration of the site except as may be otherwise agreed with the Planning Authority; overburden tips shall be hydroseeded in accordance with the Written Statement; (18) that all weeds on the site, particularly those on the top soil and sub-soil storage dumps, shall be treated with weed killer or cut to prevent spreading within the site or onto adjoining agricultural land; (19) that the location of baffle embankments be generally as indicated on the approved plans. Their specific location should be chosen to assist in the visual screening of the site and their form should be such as to present a natural looking feature, particularly adjacent to the A70 public road; (20) that the sub-soil and overburden storage mounds shall be so formed as to have minimal visual intrusion on the surrounding landscape; (21) that where the soils are to be used in the restoration of land to forestry, then the stripping and storage of soils shall be to the general requirements and specifications of the Forestry Commission; (22) that all water treatment areas/settlement ponds shall be enclosed by a one metre high stock proof fence; (23) that throughout the period of working, agricultural restoration and after-care, the developer shall protect and maintain or divert 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; (24) that provision shall be made at all times to ensure that underdrainage is maintained for land outwith the working areas. Standing water must not be allowed to gather in any area where the top soil and sub-soil has not been stripped; (25) that alternative arrangements be made for any interruption of adjacent drainage systems. New interceptor leaders shall be laid, or ditches cut, where required, to ring the site and bleed in existing lateral drains from adjoining undisturbed land; (26) that all contaminated drainage and run-off from the site roadways, interception ditches, overburden and other tips, coal handling and stocking areas, the working areas of the excavations and pump mine water shall receive adequate and appropriate treatment prior to being discharged to any watercourse, such treatment being to the satisfaction of the Planning Authority; (27) that precautions shall be taken to prevent the discharge of oil from fueling, oil storage plant maintenance and vehicle wash areas within the site; (28) that any fuel, oil or other chemical storage tanks on the site shall be sited on impervious bases and surrounded by oil tank bund walls and the bunded areas shall be capable of containing 110% of the tank's volume and shall enclose all fill and draw pipes; (29) that all foul drainage from sanitary facilities, canteens, etc shall be treated prior to discharge to a soakaway system. In the event that percolation tests indicate that the ground is not suitable for discharge to soakaway system then additional treatment will be necessary in order to discharge sewage effluent to any watercourse; (30) that no surface water from the site shall be permitted to discharge onto the public road and all surface water from the topsoil and overburden mounds shall be prevented fro

m reaching the road by cut-off ditches or other means outwith the highway boundary. These cut-off drains and ditches must not connect into the roadside drainage; (31) that the formation of overburden areas shall be carried out, as far as practicable, behind mounds in order to reduce noise nuisance to a minimum and, whenever possible, during the hours of darkness, warning lights shall be used instead of beepers as a warning device on plant and maintenance vehicles, or other appropriate warning devices as may be agreed with the Planning Authority; (32) that the operational conduct of the site shall be generally as indicated in the Project Description which forms part of the application; (33) that a dust monitoring programme be agreed with the Planning Authority and undertaken using appropriate equipment and recording devices, the results and records to be made available to the Planning Authority on a monthly basis during the operational life of the site; (34) that no blasting operations shall be carried out on site except in cases of emergency and only then with the prior approval of the Planning Authority; (35) that except in the case of emergency, the hours of working on site, will be confined between 0700 hours and 1900 hours daily Mondays to Fridays, 0800 and 1200 hours on a Saturday and, with the exception of maintenance work, not at all on Sundays; (36) that except in cases of emergency the despatch of coal or sand and gravel from the site shall be confined between 0800 hours and 1700 hours Mondays to Fridays with no despatch of coal on Saturdays or Sundays; (37) that the conduct of the site and method of operation shall comply with British Standards 5228 and Part 3 of the 1984 Code of Practice for Noise Control Application to Surface Coal Extraction by Opencast Methods. During the formation of baffle mounds and the stripping and replacement of soils, the 12 hour leq (average noise levels) attributable to the site working, measured at any point on the site boundary, shall not exceed 70dBA and 55dBA for general site operations including cut and backfilling and at no time shall the maximum noise level exceed 85dBA at the site boundary, or such other levels as may be agreed with the developers and the Planning Authority; (38) that a noise monitoring programme be undertaken during the operational life of the site the details of which shall be agreed with the Planning Authority using appropriate equipment and recording devices, the results of which shall be made available to the Planning Authority on a monthly basis; (39) that opencast machinery not in use shall be parked, as far as practicable, in an inconspicuous position and shall not be astride soil or overburden mounds; (40) that rubbish and scrap materials generated on the site, as far as practicable, shall be kept in a screened position until disposed of in an approved manner as may be agreed by the Planning Authority; (41) that the site shall be progressively restored generally in accordance with the scheme submitted with the planning application; this scheme shall be developed throughout the operational life of the site and shall include provision for the service area to be restored to a suitable condition, the restoration of the remaining area of the site for agriculture or forestry or nature conservancy or natural and man-made heritage interpretation or other appropriate uses as approved by the Planning Authority; that the scheme shall also include the reinstatement of any access roads/rights of way at present in existence and the procedures for replacement of overburden, sub-soil and top soil shall generally accord with those indicated in the Project Description and to the satisfaction of the Planning Authority; (42) that no materials for filling shall be introduced to the site from sources external to it without the prior approval of the Planning Authority; (43) that the restored site shall be progressively landscaped generally in accordance with the scheme submitted with the planning application; this scheme shall be development throughout the operational life of the site and shall

include details of field patterns, forestry planting, shelter belt creation, hedgerows, nature habitat creation including additional wetland areas and, if appropriate, broadleaf species in the design of shelter belts and the creation of imaginative walkways and nature trails; (44) that the landscaped area shall be subsequently managed in accordance with an aftercare scheme to be submitted and approved by the Planning Authority prior to work commencing in each phase; (45) that there shall be an annual formal review to consider all the operations which have taken place on the land during the previous year and to consider the programme for the ensuing year and that the parties shall include the applicant, the Mineral Operator, the owners of the land and the Planning Authority; and (46) that two weeks prior to the annual formal review an updated plan will be forwarded to the Planning Authority indicating the years work on the site and showing the anticipated work programme for the ensuing year; Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) the development is acceptable only because of the individual circumstances pertaining to the applicant and on a temporary basis; Condition (3) to ensure that the development is undertaken in accordance with the submitted plans and conditions, in the interests of visual and residential amenity; Conditions (4), (5), (6), (7), (8), (9) and (30) in the interests of road safety; Conditions (10), (13), (16), (21), (22), (24), (25), (26), (27), (28), (29) and (34) in the interests of public safety; Conditions (11), (15), (19), (20), (39), (40) and (44) in the interests of visual amenity; Condition (12) to ensure that the top soil and sub-soil will be suitable for the restoration of the site following storage; Condition (14) to ensure that the top soil and sub-soil to be stored will be suitable for use during restoration of the site; Conditions (17) and (18) to safeguard the appearance of the site; Condition (23) in the interests of public safety and to prevent a detrimental effect upon adjacent operations; Conditions (31), (33), (37) and (38) in the interests of residential amenity; Condition (32) to ensure that the development is undertaken in accordance with the details approved; Conditions (35) and (36) to safeguard the amenity of the area; Conditions (41) and (42) to enable Planning Authority to retain control over development of site; Condition (43) to improve the appearance of the site; Condition (45) to enable Planning Authority to update the operating of the site in the light of difficulties encountered; and Condition (46) to assess the operational status of the site.

The Committee agreed:-

- (i) that there was no necessity to hold a public Hearing in respect of the application;
- (ii) that the application be approved subject to the conditions and for the reasons show above; and
- (iii) that issue of the decision notice be withheld until such time as a Section 50 Agreement in the terms outlined in the Head of Planning and Building Controls report had been recorded in the Register of Sasines.

Councillor Sneller rejoined the meeting.

17.6 APPLICATION NO 96/0348/LA - DIRECTOR OF EDUCATION, EAST AYRSHIRE COUNCIL

There was submitted a report dated 22 August 1996 by the Director of Development Services in respect of application which was subject to the "Notification of Intention to Develop" Regulations in respect of proposed extension to existing Primary School to

form additional classroom accommodation at Gargieston Primary School, Dundonald Road, Kilmarnock.

The application had been advertised under the Development by Planning Authorities (Scotland) Regulations 1981-1984.

The Director of Development Services intimated that the period for receipt of objections had not yet expired.

Recommendation by Director of Development Services (a) if no objections are received prior to the due date, the Director of Education be advised that planning permission is deemed to be granted and that the development is acceptable subject to the external appearance of all materials to be used in the construction of the extension matching the materials of the original building and the provision of close boarded fencing, to a height of 2m along the east boundary of the site where it abuts the boundary of Nos 40 and 42 Moorfield Avenue; and (b) that should objections remain outstanding or be received following the Committee and prior to the expiry of the due period that a Special Meeting of the Development Services Committee be convened as a matter of urgency to consider the representations made.

It was agreed that the recommendations, in respect of this application, by the Director of Development Services as shown above be approved.

17.7 APPLICATION NO KL/W/OL/85/236C - MR DUNCAN WELSH

There was submitted a report by the Director of Support Services informing the Committee of the outcome of the Special Meeting of the Northern Area Local Planning Committee held on Thursday 1 August 1996. The original report by the Director of Development Services was tabled as a substitute for the report in Appendix A.

Recommendation of the Local Planning Committee was that an application for outline planning permission for proposed agricultural dwellinghouse for farm worker, West Broadmoss Farm, Stewarton, be referred to the Development Services Committee for determination, in accordance with the Scheme of Delegation for planning applications with a recommendation that the application be approved, contrary to the terms of NPPG3, Land for Housing, Policy CAT 1A of the Strathclyde Structure Plan and Policy HR2 of the Kilmarnock and Loudoun Finalised District Plan, on the basis:-

- (i) that the boundaries of the existing farm were insufficiently secure and the erection of a new dwellinghouse would rectify the current situation;
- (ii) that access to the existing farm house was particularly difficult due to the poor condition of the shared access road surface, narrow width and excessive length;
- (iii) that the existing property was in close proximity to overhead electric power cables carried by pylons;
- (iv) of the undernoted conditions:-
 - (a) occupancy of the dwellinghouse limited to agricultural worker and family;
 - (b) suitable design of the dwellinghouse commensurate to its location in the countryside; and

- (c) a standard condition requesting the submission of a reserved matters application.

The Development Promotions Manger confirmed that one representation had been received from the applicant, details of which were contained in the report. The Development Promotion Manager then summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning and Building Control: Refusal for the following reasons, viz:- (1) the proposed development would constitute the erection of a new dwelling in the countryside which would constitute sporadic development and is therefore contrary to the terms of NPPG 3, Land for Housing; (2) the proposed dwelling, by virtue of its location, would have an adverse environmental impact and would therefore be contrary to Policy CAT 1A of the Strathclyde Structure Plan; and (3) the proposed dwelling would be sited in a conspicuous location and isolated from any building group and would therefore be contrary to Policy HR 2 of the Kilmarnock and Loudoun Finalised District Plan.

It was agreed:-

- (i) to undertake a site visit; and
- (ii) to continue consideration of the application to the Special Meeting of the Development Services Committee to be held in relation to item 17.4 above.

17.8 APPLICATION NO CD/96/0066/OPP - T C FINDLAY (Item 4.9, Page 1074)

There was submitted a report dated 30 August 1996 (circulated) by the Director of Support Services presenting for determination an outline planning application for the erection of 2 dwellings at Dalgig Road, Wellhill, New Cumnock. The application was considered by a Special Meeting of the Cumnock Area Local Planning Committee on Thursday 13 June when it was agreed to recommend to the Development Services Committee that the application be approved contrary to Policy RES 14 of the Cumnock and Doon Valley Finalised Local Plan on the basis that while the development would occupy locally important agricultural land as identified in the plan, the loss of this ground would have no effect on the local availability of useable agricultural land.

The application was placed before the Development Services Committee on 1 August 1996 when it was agreed that consideration be deferred for a site visit which took place on Monday 26 August 1996.

It was confirmed by the Development Promotion Manager that two letters of objection had been received, details of which were contained within the report and gave the recommendation of the Head of Planning and Building Control: Refusal for the following reasons, viz:- (i) the proposed development, by virtue of the occupation of locally important agricultural land and its prominent location in close proximity to the Benston-New Cumnock (Route C36) road would be contrary to Policy RES 14 of the Cumnock and Doon Valley Finalised Local Plan and Policy RRA 1 of the Strathclyde Structure Plan; and (ii) the dwellings would constitute unduly prominent development in the countryside, to the detriment of the visual amenity of the area.

It was agreed:-

- (i) to approve the application for outline planning permission contrary to Council policy for the reasons indicated by the Local Planning Committee; and

- (ii) to remit to the Director of Development Services to draft appropriate conditions to the outline planning permission.

17.9 APPLICATION KL/E/FL/95/262A - THE ROYAL INCORPORATION OF THE BUCHANAN BEQUEST (Item 5.3, Page 1077)

17.9.1 Declaration of Interest

Councillor Knapp, declared a non-pecuniary interest in the undernoted application.

17.9.2 Consideration of Item

There was submitted a report dated 30 August 1996 (circulated) by the Director of Support Services presenting for determination a full planning application for proposed change of use from agricultural to residential purposes, Kaimshill Farm, Kilmarnock. The planning application was placed before the Development Services Committee on 1 August 1996 when it was agreed that consideration be deferred for a site visit which was held on Tuesday 20 August 1996 and in accordance with the Scheme of Delegation for planning applications the Development Services Committee was requested to determine the application.

The Development Promotion Manager confirmed that:-

- (i) one letter of objection had been received, details of which were contained in the reports;
- (ii) that a petition signed by 34 people had been received in support of the application; and
- (iii) a late consultation had been received from the Department of Community Services on the protection of trees which necessitated an additional condition.

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 received on 6 December 1995 and the amended plans received by the Planning Authority on 21 June 1996; (3) formal application for planning permission in respect of detailed plans of any proposed new buildings or extensions or alterations (including building materials), and any new accesses, shall be submitted to and approved by the Planning Authority before any such development commences; (4) a scheme for car parking shall be submitted to and approved by the Planning Authority before any such development commences on the site. The car park shall be defined in accordance with this scheme and implemented before the use hereby approved commences; (5) notwithstanding the submitted plans the junction of the new road with the existing public road shall have a horizontal radius of a minimum of 10 metres and the full length of the access road shall be 5.5 m wide with a footway on one side; (6) details of a scheme of street lighting including along the access road shall be submitted to and approved by the Planning Authority before the use commences on site; (7) notwithstanding the plan(s) hereby approved should a septic tank be provided to serve the development it shall be sited in such a position as will enable it to be emptied by the tanker; (8) this approval relates to the change of use of the farm buildings to residential purposes only and not to the construction of any new dwellings or glazed corridors; and (9) prior to the commencement of development, details shall be submitted to and approved by the Planning Authority of the measures that shall be taken on site to protect adjacent trees during the

development process; Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) to ensure that development is carried out in accordance with the approved details; Condition (3) the approval relates to a change of use only; Condition (4) in the interests of residential amenity and road safety; Conditions (5) and (6) in the interests of road safety; Condition (7) in the interests of public safety; Condition (8) to ensure that the development relates to the change of use of buildings to residential property, rather than their new construction; and Condition (9) to further safeguard trees the subject of a Tree Preservation Order.

It was agreed to grant the application subject to:-

- (i) the inclusion of an additional condition in relation to the protection of trees; and
- (ii) the conditions and for the reasons detailed.

17.10 APPLICATION NO 96/0065/FL - I WATT (Item 2, Page 1090)

There was submitted a report dated 30 August 1996 (circulated) by the Director of Support Services informing the Committee of the outcome of the Special Meeting of the Cumnock Area Local Planning Committee held on Monday 26 August 1996. The original report by the Director of Development Services was tabled as a substitute for the report in Appendix A. Recommendation of the Local Planning Committee was that a full planning application for proposed erection of a garage for haulage vehicles at Meadowview, Mansfield Road, New Cumnock, be referred to the Development Services Committee for determination in accordance with the Scheme of Delegation for planning applications with a recommendation that the application be approved contrary to Policy ENV9 of the Cumnock and Doon Valley District Wide Local Plan:

- (i) on the basis that the use of the site for proposed development would assist in retaining an established business within the local area;
- (ii) subject to the undernoted conditions:-
 - (a) that the external finishes of the development shall be in keeping with the location;
 - (b) that the development shall be appropriately screened;
 - (c) that the applicant shall comply with the requirements of the Roads Authority in connection with the development; and
 - (d) that the use of the garage will be restricted to the applicant only;
- (iii) on the basis that with reference to Policy IND 9, a high proportion of the applicant's business is directly related to agricultural purposes;
- (iv) on the basis that with reference to Policy ENV 8 the proposed development does not constitute a ribbon development since the site is located immediately adjacent to an existing dwellinghouse and since an adjacent farm access road provides a logical boundary for any further development along Mansfield Road; and
- (v) on the basis that with reference to Policy ENV 14, the nature of the business to which the proposed development relates is most appropriately suited to its intended location rather than within the town of New Cumnock.

The Development Promotion Manager then summarised the planning considerations in respect of the application and gave the recommendation of the Head of Planning

and Building Control: Refusal for the following reasons, viz:- (1) the proposed development would be contrary to Policy IND9 of the Cumnock and Doon Valley District Wide Local Plan which gives priority in the rural area to those industries specifically related to agriculture and forestry; (2) the proposed development would constitute ribbon development which would be contrary to the provisions of SDD Circular 24/1985 and Policy ENV8 of the Adopted Cumnock and Doon Valley District Wide Local Plan; (3) the proposed development would be contrary to Policy ENV9 of the Cumnock and Doon Valley District Wide Local Plan which presumes against industrial development on locally important agricultural land which cannot be justified against the criteria of specific locational need; (4) the proposed development would be contrary to Policy ENV14 of the Cumnock and Doon Valley District Wide Local Plan which states that there will be a general presumption in favour of development which has been shown to have a specific locational need or are related to uses appropriate to countryside areas; (5) if approved, the proposed development will be detrimental to the amenity of dwellinghouses in the vicinity of the application site and those dwellinghouses along Mansfield Road and Pathhead; and (6) if approved, the proposed development would create an undesirable precedent which will lead to further ribboning of development along Mansfield Road.

Councillor Turnbull, seconded by Councillor McDill moved that consideration be continued for a site visit.

Councillor Boyd seconded by Councillor George Smith moved as an amendment that consent be granted contrary to Council policy for the reasons indicated by the Local Planning Committee and subject to suitable conditions to be delegated to the Head of Planning and Building Control.

On a division by a show of hands the amendment was carried by 6 votes to 4.

17.11 APPLICATION NO CD/96/0323/FL AND CD/96/0324/LB - DALDORCH ESTATES LIMITED

There was submitted a report dated 2 September 1996 (circulated) by the Director of Development Services on a full planning application 96/0323/FL, and a listed building consent application 96/9324/LB to be considered by the Development Services Committee under the Scheme of Delegation as proposed development will have considerable job creation potential.

Application No 96/0323/FL - Alterations and Extensions to Existing Building, Erection of New Buildings and Re-routing of Existing Driveway for the Purposes of a Special School

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 received on 11 July 1996 and the amended plans received by the Planning Authority on 3 September 1996; (3) notwithstanding the submitted plans, the concrete roof tiles on the proposed residential blocks and gymnasium/dining complex are not hereby approved. Details and samples of alternative roof finishes shall be submitted to and approved by the Planning Authority before any development commences on the site. Such alternatives shall be of a high standard appropriate adjacent to a listed building; (4) no trees shall be felled, lopped or have roots cut on the site without the written consent of the Planning Authority (5) no demolition, site clearance or building

operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected around the trees shown on the approved plans as being retained on the site. The fencing shall enclose either: (a) the area described by the limit of the spread of the branches of the tree; or (b) a radius of 5 metres from the trunk of the tree, whichever is the greater. Such fencing shall be maintained during the course of development, and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed; (6) the proposed 1.8 metres high chain link fence shall be screened by supplementary shrubs/hedge planting, the details of which shall be submitted to the Planning Authority for approval prior to the erection of the proposed fence. Such planting shall be provided during the next appropriate planting season following the completion of development; (7) notwithstanding the plan(s) hereby approved any septic tank provided to serve the development shall be sited in such a position as will enable it to be emptied by the tanker; (8) the drainage arrangements for the site shall be completed to the satisfaction of the Planning Authority; (9) notwithstanding the submitted plans, the applicant shall, prior to the commencement of development, provide details of the type of imitation slate to be used on the roof of the new office block. Such details shall themselves be approved prior to the commencement of development, by the Planning Authority; and (10) work on the eight residential units hereby approved shall not be commenced until such time as a contract has been let, and a copy passed to the Planning Authority, for the restoration works to be grade 'B' listed building, Daldorch House; Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) to ensure that development is carried out in accordance with the approved details; Conditions (3), (4), (6) and (9) in the interests of visual amenity; Condition (5) to ensure the retention of the maximum number of trees on the site and their protection from damage in the interests of visual amenity; Condition (7) in the interests of public safety; Condition (8) to ensure proper drainage of the site; and Condition (10) to ensure that the restoration of Daldorch House is achieved by the consent hereby granted.

Application No 96/0324/LB - Alterations and Extension of Existing House to Form a Special Needs School, Daldorch House, Daldorch Estate, Catrine

The Development Promotion Manager reported 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 proposed development shall be carried out in accordance with the application form received on 11 July 1996 and the amended plans received by the Planning Authority on 3 September 1996; (3) the application shall, following removal of the internal debris from the house, undertake a survey of the property, the details of which shall be submitted to the Planning Authority for record purposes; (4) the applicant shall ensure that during the removal of the internal structure of the listed dwellinghouse, any salvageable features or materials shall be carefully removed and set aside. Such materials shall be deposited within a recognised salvage store for possible re-use. All other debris shall be removed from the site to a licensed waste disposal facility; and (5) notwithstanding the submitted plan, the applicant shall, prior to the commencement of development, provide details of the type of imitation slate to be used on the roof of the new office block. Such details shall themselves be approved prior to the commencement of development, by the Planning Authority; Condition (1)

being imposed to comply with Section 54A of the Town and Country Planning (Scotland) Act 1972; Condition (2) to ensure that development is carried out in accordance with the approved details; Condition (3) to retain a record of original layout and original features of the listed building; Condition (4) in order to retrieve materials and features not being used in the renovation of the listed building for use in other buildings, and to ensure that debris is removed from the site; and Condition (5) in the interests of visual amenity.

The Committee agreed to grant both applications subject to the conditions and the reasons detailed above.

DEPARTMENT OF DEVELOPMENT SERVICES HEALTH AND SAFETY POLICY

18. There was submitted a report dated 23 August 1996 (circulated) by the Director of Development Services seeking approval of a Health and Safety Policy for the Department of Development Services.

It was agreed to approve the Health and Safety Policy for the Development Services Department as attached to the report subject to minor amendments to be agreed with the Director of Personnel Services.

EXCLUSION OF PRESS AND PUBLIC

19. 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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 9 of Schedule 7A of the Act.

ROWALLAN BUSINESS PARK, KILMARNOCK - PLOT B6 - NEGOTIATION OF HEAD LEASE

20. There was submitted a report dated 22 August 1996 (circulated) by the Director of Development Services seeking authority to negotiate terms of a head lease and subsequent sub-tenancy in respect of a development plot (plot B6) at the Rowallan Business Park, Kilmarnock.

Having heard the Director of Development Services in explanation, it was agreed:-

- (i) to remit to the Director of Support Services to negotiate provisional terms and conditions of the head lease and sub-lease of the development plot (B6) at the Rowallan Business Park, Kilmarnock;
- (ii) to refer the matter to the Finance and Property Sub-Committee of the Policy and Resources Committee for approval; and
- (iii) that any further reports on head lease proposals should contain an estimate of the capital value of the asset which is the subject of the lease.

The meeting terminated at 1531 hours.