

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 9 SEPTEMBER 1997 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

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

ATTENDING: Fiona Lees, Depute Chief Executive; Stephen Chorley, Director of Development Services; Robert Paton, Head of Economic Development; Kate McVey, Head of Legal Services; William Taylor, Head of Roads and Transportation; Alan Neish, Head of Planning and Building Control; Robert Griffiths, Building Control Manager; David Morris, Development Promotion Manager; Tom Harris, Public Relations Manager; Bill Walkinshaw, Principal Administrative Officer; Ian Arnott, Chief Accountant; Lorna Service, Senior Accountant; Colin McKee, Planning Officer; and Alex Hewetson, Administrative Officer.

APOLOGIES: Councillors Douglas Reid, Wilma Doyle and George Turnbull.

CHAIR: Councillor Drew McIntyre, Chair.

MONITORING REPORTS

1.1 UNEMPLOYMENT STATISTICS

There was submitted and noted a report dated August 1997 (circulated) by the Director of Development Services providing statistics recently released by the Office for National Statistics relating to unemployment figures in Great Britain, and Scotland and East Ayrshire in particular in June/July 1997.

1.2 BUSINESS GRANTS AND LOAN SCHEME STATUS REPORT

There was submitted and noted a report dated 31 August 1997 (circulated) by the Director of Development Services on grant and loan support awarded to companies in East Ayrshire during the period 1 July to 31 August 1997.

1.3 STATISTICAL ANALYSIS OF DEVELOPMENT PROMOTION ACTIVITIES: 1 APRIL 1996 - 31 MARCH 1997

There was submitted and noted a report dated 1 September 1997 (circulated) by the Director of Development Services on a statistical analysis and commentary in respect of the operation of the Local Planning Committees in the first year of the Council; the Enforcement Activities of the Department of Development Services; and the job creation related to planning applications approved during that period, many of which were of severe complexity, urgency and controversy.

1.4 ROADS MAINTENANCE OPERATIONS IN 1996/97

There was submitted a report dated 26 August 1997 (circulated) by the Director of Development Services on the performance of roads maintenance operations in 1996/97.

It was agreed:-

- (i) to note that discussions were taking place in relation to establishing a Service Level Agreement with Scottish Power on Street Lighting Apparatus and that a report by the Director of Development Services on the outcome would be submitted, for consideration, to a future meeting of this Committee; and
- (ii) otherwise to note the contents of the report.

1.5 BUDGETARY CONTROL SUMMARY STATEMENT - DEVELOPMENT SERVICES TO 18 JULY 1997 (PERIOD 4)

There was submitted and noted a report dated 22 August 1997 (circulated) by the Director of Finance on the current budgetary control summary statements and the projected out-turn for the year for the Department of Development Services for the period ended 18 July 1997 (Period 4).

AWARDING OF TENDERS

2. There was submitted and noted a report dated 27 August 1997 (circulated) by the Director of Support Services providing details of tenders which had been awarded in respect of the undernoted Department of Development Services contracts:-

<u>CONTRACT</u>	<u>SUCCESSFUL CONTRACTOR</u>	<u>AMOUNT</u>
Footway Works, Kilmarnock North, Glasgow Road etc	Alaistair Dick Contracts, Darvel	£31,423.70
Carriageway Resurfacing, B769 - Stewarton to Irvine Road	Hillhouse Quarry Company Ltd., Troon	£23,855.55
Carriageway Resurfacing, A713 - Ayr to Patna	Barr Limited, Ayr	£31,536.67
Footway Resurfacing, Bellfield, Kilmarnock	Commercial Operations Department, Cumnock	£18,182.55
Route A70, Hawburn Bridge Masonary Repairs	I H Borland (Contractors), Kilmarnock	£25,611.33
Kilmarnock - Grange Estate Column Replacement - Phase 2	BEI Lighting, Dundonald	£36,318.20
Kilmarnock - Cohen Column Replacement	BEI Lighting, Dundonald	£25,935.00
Fairyhill Road Retaining Wall, Kilmarnock	John Mowlen & Co plc, Glasgow	£410,907.04

WELFARE TO WORK PROPOSALS

3. There was submitted a report dated 2 September 1997 (circulated) by the Director of Development Services on the Government's newly launched Welfare to Work proposals and how the Council may respond to the opportunities that were available for the benefit of the target client groups.

Councillor McIntyre, seconded by Councillor Boyd, moved:-

- (i) to note the outline of the Government's 'New Deal' programmes for unemployed (6 months or more) 18-24 year olds, and the outline of the budgetary resources available as detailed within the report;
- (ii) to agree in principle to the set up of the East Ayrshire Employment Initiative (EAEI), subject to the outcome of detailed consideration and consultation on its potential activities, with Enterprise Ayrshire, the Employment Service and other stakeholder organisations including representatives from the business community, local Colleges, Voluntary Organisations and East Ayrshire Business Partnership;
- (iii) to agree to consult with the other partners; Voluntary Organisations, East Ayrshire Business Partnership, Further Education Colleges, the Chamber of Commerce and the Employment Service, in drawing up Local Strategies;
- (iv) to agree in principle to investigate in detail the possible merger of Open Access and New Start into the EAEI see (ii) above;
- (v) to note that the New Start Organisation was a separate limited company and would require Board approval to the proposal (iv) above; and
- (vi) to remit to the Director of Development Services to produce an operating plan for the first year of the 1998/99 programme which, together with (iii) above would be submitted to this Committee for consideration in due course.

Councillor Coffey, seconded by Councillor Brailsford, moved as an amendment that the Committee:-

- (i) note the outline of the Government's 'New Deal' programmes, as detailed within the report; and
- (ii) agree to consult with others in drawing up Local Strategies.

On a division by a show of hands, the motion was carried by 8 votes to 3.

Councillor Ross joined the meeting during discussion of the above item.

REVIEW OF TRAVEL TO WORK AREAS

4. There was submitted a report dated 22 August 1997 (circulated) by the Director of Development Services on proposed Government modifications in the statistical areas designated as "Travel to Work Areas" (TTWAs) and seeking endorsement of the Director of Development Services submission to the Government recommending a single TTWA covering the whole of East Ayrshire.

It was agreed:-

- (i) to endorse the Director of Development Services technical submission to the Government on the proposed revisions to TTWA boundaries, i.e: - a single TTWA covering the whole of East Ayrshire;
- (ii) to remit to the Director of Development Services to advise Members of Parliament and Members of the European Parliament, whose constituencies

included East Ayrshire of the possible consequences for Government and European regional policies; and

- (iii) otherwise to note the contents of the report.

STRATHCLYDE PASSENGER TRANSPORT AUTHORITY (SPTA) DEVELOPMENTS

5. There was submitted and noted a report dated 25 August 1997 (circulated) by the Director of Development Services on recent public transport developments as reported to the Committees of the Strathclyde Passenger Transport Authority (SPTA).

HM PRISON, BOWHOUSE, KILMARNOCK - LIAISON COMMITTEE

6. There was submitted a report dated 2 September 1997 (circulated) by the Director of Development Services seeking agreement on the structure of a Liaison Committee with Premier Prison Services Limited, the appointed preferred contractor for the design, build and management of the proposed prison at Bowhouse, Kilmarnock, and requesting Member representation on the Liaison Committee.

It was agreed:-

- (i) to note the positive steps that were being taken, together with Premier Prison Services Limited, to secure the maximum benefit from the project for the local economy; and
- (ii) to approve the structure and membership of H.M. Prison, Bowhouse Liaison Committee as follows:- East Ayrshire Council (4); consisting of Chair of Development Services Committee and Councillors David Fulton, David Macrae and Kim Nicoll; Enterprise Ayrshire (1); East Ayrshire Business Partnership (1); Community Councils (2) and Premier Prison Services Ltd (3).

EAST AYRSHIRE LOCAL PLAN

7. There was submitted a report dated 29 August 1997 (circulated) by the Director of Development Services on progress to date in the preparation of the East Ayrshire Local Plan and requesting that a Seminar be held to present the details of the Draft Local Plan to provide an opportunity for all Elected Members to contribute to the formulation of policies and the selection of sites for development.

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

- (i) to undertake the necessary arrangements for a Seminar to be held for all Elected Members at an early date to discuss the Draft Local Plan; and
- (ii) to remit to the Director of Development Services to submit, following the Seminar, the consultative draft version of the Local Plan, for consideration, to this Committee in due course.

TERRITORIAL EMPLOYMENT PACTS

8. There was submitted a report dated 14 August 1997 (circulated) by the Director of Development Services on the proposal in 1996, by the European Commission, that Member States develop Territorial Employment Pacts (TEP) to bring together the public and private sectors to establish relevant Employment Strategies, particularly in areas of high unemployment, which may realise limited additional European Union funding.

It was agreed:-

- (i) to note the terms of the Territorial Employment Pacts Initiative; and
- (ii) to note that reports on the development of strategic economic partnerships would be submitted on a regular basis to this Committee.

**DOON VALLEY TOURISM DEVELOPMENT STRATEGY -
DRAFT REPORT (Item 1, Page 1759)**

9. There was submitted a report dated 1 September 1997 (circulated) by the Director of Development Services on progress in the preparation of the Draft Doon Valley Tourism Development Strategy and seeking approval of the Draft Strategy for further consultation purposes and to take appropriate action on specific projects identified within the Strategy.

It was agreed:-

- (i) to approve the Draft Doon Valley Tourism Development Strategy and its associated recommendations for further consultation purposes;
- (ii) to agree to the implementation of a further public participation exercise on the Draft Doon Valley Tourism Development Strategy following its publication;
- (iii) to agree to the timeous submission of applications for funding to realise actions identified within the Draft Doon Valley Tourism Development Strategy, in particular the progression of an European Regional Development Fund application for the Chalmerston Forest Park proposal which would be considered by the Doon Valley Local Committee on 17 September 1997;
- (iv) to recommend to the Doon Valley Rural Partnership that an appropriate structure be established to progress the Action Plan identified within the Draft Doon Valley Tourism Development Strategy;
- (v) to agree to the servicing of the Doon Valley Rural Partnership within the confines of the existing Development Services budgets; and
- (vi) to agree to support and to participate in the Dalmellington Book Town Management Trust, also within the confines of existing budgets.

**REQUEST FOR FUNDING SUPPORT FROM AYRSHIRE
MARKETING EXECUTIVE**

10. There was submitted a report dated 1 September 1997 (circulated) by the Director of Development Services seeking approval of grant support to the Ayrshire Marketing Executive in the current year, 1997/98, and succeeding financial years and requesting nomination for Member representation on the Ayrshire Marketing Executive Board.

It was agreed:-

- (i) to approve a revenue grant payment of £10,000 to the Ayrshire Marketing Executive in the current financial year (1997/98), drawn from the "Business Loans and Grants" budget subject to equal amounts of grant support being made available through both North Ayrshire and South Ayrshire Councils and also grant support of £40,000 being provided by Enterprise Ayrshire;

- (ii) to note that in the event that any of the partners should reduce their commitment as detailed in (i) above, the grant from East Ayrshire Council would be reduced on a pro-rata basis;
- (iii) that subject to the approval of a European Regional Development Fund application which would be lodged within the next few weeks, ongoing grant support should be awarded to the Ayrshire Marketing Executive of £6,000 in each of the full financial years 1998/1999 and 1999/2000, with a further pro-rata allocation being made in the year 2000 to cover the period from 1 April 2000 until the end of the project at June 2000 with the funds being drawn from the "Business Loans and Grants" budget, in each of these years;
- (iv) that in the event that the application for European Regional Development Fund was unsuccessful, no further direct funding would be provided by East Ayrshire Council; and
- (v) to approve that the Board of Ayrshire Marketing Executive be re-constituted to allow for the direct representation of East Ayrshire Council by an Elected Member.

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Councillor Sneller, seconded by Councillor Boyd, moved to recommend that the Chair of the Development Services Committee be the Member representative to the Board of the Ayrshire Marketing Executive.

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Councillor Coffey, seconded by Councillor Brailsford, moved as an amendment to recommend that Councillor Robert McDill would be the representative to the Board of the Ayrshire Marketing Executive.

On a division by a show of hands, the motion was carried by 9 votes to 3.

CHARTER FOR LOCAL PLANNING

11. There was submitted a report dated 29 August 1997 (circulated) by the Director of Development Services seeking approval for the proposed Charter for Local Planning.

It was agreed:-

- (i) to note an amendment to the standard response time for complaints detailed within Paragraph 5 of the Charter for Local Planning, "five working days", to read; "seven working days"; and
- (ii) to approve the Charter for Local Planning, as amended, as a basis for Local Plan preparation within East Ayrshire.

**ENHANCEMENT OF SCHEME OF DELEGATION AND PLANNING
APPLICATION SYSTEM (Item 7, Page 1890)**

12. There was submitted a report dated 2 September 1997 (circulated) by the Director of Development Services proposing enhancements to the Scheme of Delegation and the operation of the planning application system as part of the Department of Development Services' policy of encouraging continuous improvements to its operational procedures.

It was agreed:-

- (i) to note an amendment to Paragraph 6.1.4 of the report; "... representations and objections submitted to the Development Services Committee", to read; "... representations and objections submitted to the Development Services Committee and Local Planning Committees,";
- (ii) to recommend to Council that within the Scheme of Delegation, the powers of determination delegated to the Development Services Committee; Paragraph C, in respect of "applications involving a change of policy" and "major development which have a strategic significance" be amended to read as follows; "applications involving a significant departure from the Development Plan or raising a significant new planning issue";
- (iii) to approve that in addition to the Council's duty to consider requests that planning applications be the subject of a Hearing, objectors would be offered the opportunity to speak to the Development Services Committee irrespective of Officer recommendations where:-
 - (a) the proposal represents a significant departure from the Development Plan, subject to one or more objections;
 - (b) the proposal represents a significant new planning issue, subject to one or more objections;
 - (c) the proposal is subject to a substantial number of objections;
- (iv) to approve that any requests by members of the public for a Hearing be considered against the criteria detailed within the criteria in (iii) (a), (b) and (c), above;
- (v) to approve that Members not serving on the Development Services Committee may request their written observations on a planning application to be summarised in the report submitted to this Committee by the Director of Development Services;
- (vi) to approve that a cut-off date in the current statutory notification and advertisement procedure, be introduced with regard to the consideration of representations and objections submitted to the Development Services Committee and Local Planning Committees and that publicity would be given to the fact that representations/objections received outwith that period would only be considered under exceptional circumstances, which would be determined as a question of fact in each case;
- (vii) to recommend to Council that an additional paragraph of the Scheme of Delegation, Head of Planning and Building Control be amended to include the following paragraph, viz: "Initiate and confirm Road Stopping Up procedures following approval of related planning consents";

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- (viii) to agree that Members continue to make use of the opportunities presented by the weekly statutory list of applications received, to request that a specific application be considered by the Development Services Committee or a Local Planning Committee;
- (ix) to agree that Members, without prejudice to any request that they may still make at Committee, would be encouraged to make early contact with the Director of Development Services should they wish a site visit in respect of an application before a Local Planning Committee;
- (x) to agree that the Director of Development Services in consultation with the Chair(s) of Local Planning Committee(s) may seek to arrange a site visit prior to consideration of a planning application; and
- (xi) to note that the facility of Members to seek information regarding objectors from both the planning application file at the Development Services Committee and from the Council's two Planning and Building Control Division Offices, prior to a meeting of the Development Services Committee, remained unaltered and that given these opportunities, no additional procedures would be appropriate.

FOYER PROPOSALS FOR EAST AYRSHIRE

- 13.** There was submitted a report dated 2 September 1997 (circulated) by the Directors of Housing and Development Services seeking approval to jointly fund with Scottish Homes, East Ayrshire Business Partnership, Kilmarnock College and Enterprise Ayrshire, a feasibility study to examine the needs for a Foyer Style development within East Ayrshire at an estimated maximum cost of £20,000; recommend an appropriate model to meet those identified needs; and develop a Business Plan in order to detail the finance required, and its sources, to develop and implement a possible scheme.

It was agreed:-

- (i) to approve the joint funding, to a maximum of £20,000, with Scottish Homes, East Ayrshire Business Partnership, Kilmarnock College and Enterprise Ayrshire, of a feasibility study to examine the need for a Foyer style project in East Ayrshire and the production of a fully costed Business Plan and Development Strategy;
- (ii) to approve a contribution to the feasibility study of £5,000 from East Ayrshire Council shared equally between the Departments of Housing and Development Services; and
- (iii) otherwise to note the contents of the report.

DEVELOPMENT SERVICES PROPERTY PORTFOLIO - COMMERCIAL SERVICES POLICY REVIEW (Item 3, Page 1889)

- 14.** There was submitted a report dated 27 August 1997 (circulated) by the Directors of Development Services and Support Services seeking approval to adopt a policy framework for the management of the portfolio of commercial properties (offices, shops and sites), held in the Development Services Accounts and to implement a revised mechanism for the collection of rentals due to the Development Services Account, by the establishment of a new post within the Property Services Section of the Department of Support Services.

It was agreed:-

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- (i) to recommend approval of the key policy objectives for the management of the existing portfolio of commercial properties as detailed in Paragraph 4 of the report;
 - (ii) to approve the proposals for the amended system of rental collection, as detailed in Paragraph 6 of the report;
 - (iii) to refer this report to the Finance and Property Sub-Committee of the Policy and Resources Committee for consideration; and
 - (iv) to refer the establishment of a new post within the Property Services Section of the Department of Support Services, for consideration, to the Personnel Sub-Committee of the Policy and Resources Committee.
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ENVIRONMENTAL ASSESSMENT (EA): IMPLEMENTATION OF EC DIRECTIVE (97/11/EC) - CONSULTATION PAPER

15. There was submitted a report dated 1 September 1997 (circulated) by the Director of Development Services on a Consultation Paper detailing proposals by the European Community to update EC Directive 85/337/EEC which resulted in the Environmental, Assessment (Scotland) Regulations 1988 and seeking authority for the Head of Planning and Building Control to submit responses to The Scottish Office on EC Directive 97/11/EC and on the consequent proposed revisions to the Environmental Assessment Regulations.

It was agreed:-

- (i) to approve the responses by the Head of Planning and Building Control to EC Directive 97/11/EC on the consequent proposed revisions to the Environmental Assessment Regulations detailed in Paragraph 3 of the report; and
- (ii) otherwise to agree the contents of the report.

CONFIRMATION OF STOPPING UP ORDERS, PORTLAND STREET, WEST GEORGE STREET, KILMARNOCK

16. There was submitted a report dated 26 August 1997 (circulated) by the Director of Development Services seeking homologation of action taken by the Head of Planning and Building Control to confirm Stopping Up Orders for Portland Street, West George Street, Kilmarnock.

It was agreed to homologate the action taken by the Head of Planning and Building Control to confirm the Stopping Up Orders for Portland Street, West George Street, Kilmarnock.

SUPPORT FOR ENVIRONMENTAL PROJECT - BROWNS INSTITUTE, NEWMILNS

17. There was submitted a report dated 27 August 1997 (circulated) by the Director of Development Services seeking approval for a proposal by the St Vincent Trust to undertake a feasibility study on a proposal to renovate and convert the Browns Institute, Newmilns, into flatted accommodation.

It was agreed:-

- (i) to support, in principle, the proposal by the St Vincent Trust to carry out a feasibility study on the renovation and conversion of the Browns Institute, Newmilns, into flats, at no cost to the Council;
- (ii) to note that a report by the Director of Development Services on the development options and implications for the Council would be submitted to this Committee in due course; and
- (iii) to refer the outcome of the feasibility study by St Vincent Trust, to the Finance and Property Sub-Committee of the Policy and Resources Committee for its consideration.

BUILDING SCOTLAND (ACT) 1959 - DEMOLITION OF KILMARNOCK INFIRMARY BUILDING

18. There was submitted a report dated 3 September 1997 (circulated) by the Director of Development Services on the progress of an Order under Section 13 of the Building Scotland Act 1959 to demolish the former Nurse's Residence in Kilmarnock Infirmary and seeking authority for the Director of Development Services to undertake the appropriate works for and the Head of Legal Services to prepare a Charging Order on the land with a view to recovering appropriate expenses.

It was agreed:-

- (i) to authorise the Director of Development Services to proceed to demolish the building under the terms of Section 13 of the Building (Scotland) Act 1959 subject to confirmation by the Policy and Resources Committee that funding was available; and
- (ii) to recommend to the Policy and Resources Committee to authorise the Head of Legal Services to prepare a Charging Order under the terms of the legislation on the owners of the land with a view to recovering appropriate expenses.

ACCESS TO AYRSHIRE STUDY - CONSIDERATION BY SCOTTISH OFFICE (Item 2.2, Page 2316)

19. There was submitted a report dated 4 September 1997 (circulated) by the Director of Development Services on the results of a study by The Scottish Office on "Access to Ayrshire" carried out in 1994/95 and the decision by Malcolm Chisholm, MP, Minister for Roads and Transportation not to proceed with trunking of the A71.

It was agreed:-

- (i) to note the continuing work carried out by the Director of Development Services in drawing up improvement proposals for the A70 and A71 which might be funded without incorporation of the roads into the national trunk roads network;
- (ii) to note that the Ayrshire Economic Forum would continue to draw up an Economic Development Strategy for Ayrshire and that the strategic transport requirements to support that strategy would be submitted to the Government for consideration through the current strategic transport review;
- (iii) that the Director of Development Services would investigate whether the Council could make a special claim for additional funding allocations on the basis of the length of roads within the Authorities area which carry high

volumes and/or strategic traffic without access to trunk roads funding for maintenance and upgrading; and

- (iv) to remit to the Director of Development Services to invite Malcolm Chisholm, MP, Minister for Local Government and Transport to attend the appropriate Local Forum(s) to address his decision not to proceed with trunking of the A71.

PLANNING APPLICATIONS

20.1 APPLICATION NO KL/W/OL/96/059A - MR G MARSHALL (Item 7.7, Page 2328)

There was submitted a report dated 25 August 1997 (circulated) on an outline planning application for proposed country clubhouse and motor sport track at land north-west of Moorfield Roundabout, by Kilmarnock. It was noted that a site visit had taken place on 5 September 1997.

The Head of Planning and Building Control reported that two objections had been received, details of which were contained within the report; summarised the planning considerations in respect of the application and recommended:- Refusal for the following reasons, viz:- (1) The proposed development would be contrary to and would be detrimental to the objectives of the non-statutory East Ayrshire "Land Use Strategy for Moorfield" approved on 3 June 1997; and (2) The proposal would constitute leisure development outwith the urban boundary of Kilmarnock and not associated with a hotel, motel or holiday village and would therefore be contrary to Policy C2 of the Finalised Kilmarnock and Loudoun District Plan.

Councillor McIntyre, seconded by Councillor Knapp, moved to refuse the application for the reasons detailed.

Councillor Sneller, seconded by Councillor Coffey, moved as an amendment that the application be granted as the application was not detrimental to the objectives of the Land-Use Plan especially as the development of the adjacent sites had not commenced, subject to the Director of Development Services applying appropriate conditions including a five year temporary consent and the securing of unrestricted access to the potential industrial development sites to the west of the proposed site.

On a division by a show of hands the motion was carried by 7 votes to 4.

20.2 APPLICATION NO 97/0546/LA - EAST AYRSHIRE COUNCIL

There was submitted a report dated 25 August 1997 (circulated) by the Director of Development Services on a Notice of Intention to Develop for proposed new Social Work area and Adult Training Centre, 9 Balmoral Road, Kilmarnock.

The Head of Planning and Building Control reported that as the application had been advertised under the Town and Country Planning Development by Planning Authorities (Scotland) Regulations 1981-84 and as no objections had been received; the proposed development had deemed consent from the Secretary of State and the proposal as submitted was considered acceptable subject to further details being agreed with the Head of Planning and Building Control, viz:- (1) Prior to the commencement of work on site details of landscaping and boundary treatments shall be agreed with the Head of Planning and Building Control; and (2) Notwithstanding the details of the plans hereby approved, the width of the road between the dedicated disabled parking spaces shall be increased to 6.0m.

It was agreed:-

- (i) to note that the application had deemed consent from the Secretary of State; and
- (ii) that the proposal as submitted was considered acceptable subject to the details and for the reasons referred to above.

20.3 APPLICATION NO 97/0573/LB - BICC DEVELOPMENTS LIMITED

There was submitted a report dated 25 August 1997 (circulated) by the Director of Development Services on a Listed Building Application for proposed removal of Condition 1 of Listed Building Consent KL/W/LB/87/059C (requiring entire development to be carried out under the same single building contract) at the Wheatsheaf Hotel, 15 Croft Street, Kilmarnock.

The Head of Planning and Building Control reported that three letters of objection had been received, details of which were contained within the report.

The Head of Planning and Building Control further reported:-

- (i) the receipt and content of a late letter of objection;
- (ii) the receipt and content of a late consultation objection from the Architectural Heritage Society of Scotland;
- (iii) the receipt and content of a letter from Historic Scotland withdrawing its objections; and
- (iv) the receipt and content of a letter from The Scottish Civic Trust withdrawing its objections, which altered their position specified in the report.

The Head of Planning summarised the planning considerations in respect of the application and recommended: Approval subject to Notification of Historic Scotland under the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 and subject to the following condition, viz:- The demolition hereby approved shall not be carried out until the Planning Authority has been contacted in writing by the developer and has indicated in writing its acceptance that a contract has been placed for that part of the Portland Street Development that will incorporate the facade and gable walls of the former Wheatsheaf Hotel which are to be retained; imposed too ensure that the part of the property is not demolished until a suitable redevelopment incorporating the elements of the building to be retained is imminent in the interests of visual amenity.

Councillor McIntyre, seconded by Councillor Sneller, moved that the application be approved subject to Notification of Historic Scotland under the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, and to the conditions and for the reasons detailed.

Councillor Coffey seconded by Councillor Brailsford moved as an amendment that a formal planning Hearing take place within the next 28 days.

On a division by a show of hands, the motion was carried by 7 votes to 3.

20.4 APPLICATION NO 97/0575/FL - BICC DEVELOPMENTS LIMITED/J D WETHERSPOON, KILMARNOCK

There was submitted a report dated 25 August 1997 (circulated) by the Director of Development Services on a full planning application for proposed removal of Condition 1 of the Planning Consent 97/0299/FL (requiring entire development to be

carried out under the same single building contract), at Unit 5, Portland Street/Wheatsheaf to Rear, Portland Street, Kilmarnock.

The Head of Planning and Building Control reported that three letters of objection had been received, details of which were contained within the report.

The Head of Planning and Building Control further reported:-

- (i) the receipt and content of a late letter of objection;
- (ii) the receipt and content of a late consultation objection from the Architectural Heritage Society of Scotland;
- (iii) the receipt and content of a letter from Historic Scotland withdrawing its objections; and
- (iv) the receipt and content of a letter from The Scottish Civic Trust withdrawing its objections, which altered their position specified in the report.

The Head of Planning and Building Control summarised the planning considerations in respect of the application and recommended: (i) Approval; and (ii) the issue of the Decision Notice be withheld until after the signing of the Legal Agreement, in the terms detailed in Paragraph 6.3 of the report had been concluded.

Councillor McIntyre, seconded by Councillor Sneller, moved (i) that the application be granted; and (ii) the issue of the Decision Notice be withheld until after the signing of the Legal Agreement, in the terms detailed in paragraph 6.3 of the report.

Councillor Coffey seconded by Councillor Brailsford moved as an amendment that a formal planning Hearing take place within the next 28 days.

On a division by a show of hands, the motion was carried by 7 votes to 3.

20.5 APPLICATION NO 97/0580/FL - BICC DEVELOPMENTS LIMITED

There was submitted a report dated 25 August 1997 (circulated) by the Director of Development Services on a full planning application for proposed removal of Condition 3 from application no KL/E/FL/87/090H (requiring entire redevelopment to be carried out under the same building contract), on land surrounding Portland Street, Kilmarnock.

The Head of Planning and Building Control reported that three letters of objection had been received, details of which were contained within the report.

The Head of Planning and Building Control further reported:-

- (i) the receipt and content of a late letter of objection;
- (ii) the receipt and content of a late consultation objection from the Architectural Heritage Society of Scotland;
- (iii) the receipt and content of a letter from Historic Scotland withdrawing its objections; and
- (iv) the receipt and content of a letter from The Scottish Civic Trust withdrawing its objections, which altered their position specified in the report.

The Head of Planning and Building Control summarised the planning considerations in respect of the application and recommended: (i) Approval; and (ii) the issue of the Decision Notice be withheld until after the signing of the Legal Agreement, in the terms detailed in Paragraph 6.3 of the report had been concluded.

Councillor McIntyre, seconded by Councillor Sneller, moved (i) that the application be granted; and (ii) the issue of the Decision Notice be withheld until after the signing of the Legal Agreement, in the terms detailed in paragraph 6.3 of the report.

Councillor Coffey seconded by Councillor McDill, moved as an amendment that a formal planning Hearing take place within the next 28 days.

On a division by a show of hands the motion was carried by 7 votes to 3.

20.6 APPLICATION NO 97/0589/LB - BICC DEVELOPMENTS LIMITED

There was submitted a report dated 25 August 1997 (circulated) by the Director of Development Services on a Listed Building application for proposed removal of Condition 1 of Listed Building Consent KL/W/LB/80/315G (requiring a contract to be placed for redevelopment of the site prior to demolition), at G A Dunn & Co's building, 20-24 Portland and 1-3 Croft Street, Kilmarnock.

The Head of Planning and Building Control reported that three letters of objection had been received, details of which were contained within the report.

The Head of Planning and Building Control further reported:-

- (i) the receipt and content of a late letter of objection;
- (ii) the receipt and content of a late consultation objection from the Architectural Heritage Society of Scotland;
- (iii) the receipt and content of a letter from Historic Scotland withdrawing its objections; and
- (iv) the receipt and content of a letter from The Scottish Civic Trust withdrawing its objections, which altered their position specified in the report.

The Head of Planning and Building Control summarised the planning considerations in respect of the application and recommended: (i) Approval subject to the Notification of Historic Scotland under the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

Councillor McIntyre, seconded by Councillor Sneller, moved that the application be granted subject to the Notification of Historic Scotland under the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

Councillor Coffey seconded by Councillor Brailsford, moved as an amendment that a formal planning Hearing take place within the next 28 days.

On a division by a show of hands the motion was carried by 7 votes to 3.

LISTING OF TURBINE HOUSE, SORN CASTLE, SORN (Item 24, Page 2212)

21. There was submitted and noted a report dated 1 September 1997 (circulated) by the Director of Development Services advising the Committee that Historic Scotland has listed the Turbine House as Category C(S).

EXCLUSION OF PRESS AND PUBLIC

22. 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 3 of Schedule 7A of the Act.

ENFORCEMENT NOTICE (WASTELAND) AND DANGEROUS BUILDING NOTICE (Item 23, Page 2212)

23. There was submitted a report dated 20 August 1997 (circulated) by the Director of Development Services on progress made towards securing compliance with an Enforcement Notice and Dangerous Building Notice.

It was agreed:-

- (i) to note the compliance with the Section 63 Wasteland Enforcement Notice and the measures taken thus far by the Department of Development Services towards compliance with the Dangerous Buildings Notice; and
- (ii) to remit to the Director of Development Services to submit a report on subsequent progress on this matter to a future meeting of this Committee.

PROPOSED TREE PRESERVATION ORDERS: TPO NO 1/1997 (PROVISIONAL) - KNOCKROON, AUCHINLECK

24. There was submitted a report dated 12 August 1997 (circulated) by the Director of Development Services on a number of trees which were considered worthy of being included under Tree Preservation Orders, viz:-

TPO No 2/1996 (Provisional) - London Road (East), Kilmarnock, TPO No 3/1997 (Provisional) - Springhill Gardens, Kilmarnock, TPO (Provisional) - Garden Street, Dalrymple, and TPO Caprington Avenue, Kilmarnock

It was agreed to remit to the Director of Planning and Building Control to effect the action identified in Paragraph 3.1 of the report.

The meeting terminated at 1145 hours.