

EAST AYRSHIRE COUNCIL**DEVELOPMENT SERVICES COMMITTEE****MINUTES OF SPECIAL MEETING HELD ON MONDAY 23 JUNE 1997 AT 1400 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

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

ATTENDING: Fiona Lees, Depute Chief Executive; Stephen Chorley, Director of Development Services; Kate McVey, Head of Legal Services; Alan Neish, Head of Planning and Building Control; Robert McLeary, Head of Property Services; Bill Walkinshaw, Principal Administrative Officer; and Alex Hewetson, Administrative Officer.

APOLOGIES: Councillors Wilma Doyle and George Smith.

CHAIR: Councillor Drew McIntyre, Chair.

PLANNING APPLICATION NO 97/0299/FL - BICC DEVELOPMENTS LIMITED/J.D. WETHERSPOON PLC

1. There was submitted a report dated 17 June 1997 (circulated) by the Director of Development Services on a full planning application for proposed erection of public house and restaurant, part amendment to Portland Gate Development (Planning Consent KL/E/FL/87/090H), at Unit 5, Portland Street/Wheatsheaf to rear, Portland Street, Kilmarnock.

The Head of Planning and Building Control reported the receipt and content of a petition of objection with 214 signatories.

The Head of Planning and Building Control summarised the planning considerations in respect of the application and gave the recommendation of 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 proposal shall be implemented as a part of the wider redevelopment of Portland Street under Planning Consent No KL/E/FL/87/090H and shall be carried out under the same single building contract and details of this contract shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development; (3) Notwithstanding the approved plans details of all external materials shall be submitted to and approved by the Planning Authority before development commences on site; (4) Notwithstanding the approved plans, the detailed design of all shop frontages, which shall incorporate the provision of a stall riser and doorways sufficient to allow access for persons using wheelchairs, shall be submitted to and approved by the Planning Authority before development commences on site; (5) Notwithstanding the approved plans, the design of any external security screens, roller shutters and associated housing is not hereby approved. Such features shall be located behind the forwardmost wall of any unit, details of which shall be submitted to and approved by the Planning Authority before development commences on site; (6) Notwithstanding the approved plans, the detailed design of all boundary walls and fences shall be submitted to and approved by the Planning Authority before development

commences on site; (7) Notwithstanding the submitted details the following roadworks are not approved in detail and further more comprehensive design information shall be submitted to and approved by the Planning Authority in relation to these specific items before the development commences (a) details of the junction layout at Green Street/Foregate Service Road and the signal installation, (b) the widening of Strand Street in the vicinity of the existing car park, (c) the widening of the carriageway on Dunlop Street and improvement of the radius at the corner of Strand Street and Dunlop Street, (d) the reconstruction and regrading of the carriageway on Dunlop Street, (e) the radius improvement at the corner of John Dickie Street and Strand Street, (f) the layout of the new service yards and the turning facility on the Foregate Service Road and yard, (g) the footway width along the West George Street frontage and at the entrance of the leisure unit; and (h) the construction of a footway on the corner of Croft Street and Strand Street; (8) All the works referred to in Condition (7) above shall be completed to the satisfaction of the Planning Authority before any part of the development is open for use and in the event of the junction at Green Street/Foregate Service Road being utilised for construction traffic the new signals shall be installed before any building works commences on site; (9) Notwithstanding the submitted plans, the first six parking bays adjacent to Croft Street, shall be removed to enable HGV's to enter/exit and manoeuvre within the Croft Street Service Area; (10) Prior to the commencement of development, details of a facility to indicate that the respective service yard is full, shall be submitted to and approved by the Planning Authority. The advance signage shall be in place and operational before the development opens for use; (11) Notwithstanding the submitted details, the surface treatment of Portland Street, Croft Street, Strand Street and Dunlop Street and the two car park areas shall be compatible in terms of quality and type of materials used with The Cross and King Street. Details of the final surface treatment of these areas shall be submitted to and approved by the Planning Authority before any commencement of development; (12) Notwithstanding the submitted details, a landscaping scheme shall be provided for the two car parking areas and for Portland Street and Croft Street, details of which shall be submitted to and approved by the Planning Authority before development commences on site and shall be implemented not later than the next planting season after the development is carried out. The scheme shall be maintained thereafter by the developer or those subsequently assuming responsibility for the management of the development all to the satisfaction of the Planning Authority. The scheme shall include details of the provision to be made for the maintenance of planted areas. Any trees/shrubs removed within the consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by trees/shrubs of similar species; (13) Prior to the commencement of development, full details of any street furniture, including lighting, bollards and seating in Portland Street, Croft Street and Strand Street shall be submitted to and approved by the Planning Authority. The design of the street furniture shall be compatible in quality and design to that used in The Cross and King Street; (14) A scheme showing the provision to be made for the disposal and collection of all refuse from retail units and the leisure unit throughout the site shall be submitted to and approved by the Planning Authority before the development commences; (15) Notwithstanding the provision of the General Development (Scotland) Order 1991, full details of the location of site compounds and of the location of the site access during the construction phase shall be submitted to and approved by the Planning Authority before the development commences; (16) At all times during the construction phase of the development, unobstructed access shall be maintained for fire fighting purposes to surrounding properties; (17) No development shall take place within the application site until the

developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the developer, agreed by the regional archaeology service, and approved by the Planning Authority; (18) Notwithstanding the approved plans, building features of the former Co-op building facade and the former Bank of Scotland shall be incorporated within the proposed development. Details of their location and incorporation shall be submitted to and approved by the Planning Authority before development commences on site; (19) The developer shall satisfy himself as to the stability of the site; and (20) Notwithstanding the approved plans, details of a boundary treatment to Wheatsheaf Hotel to prevent entry to the building shall be submitted to and approved by the Planning Authority, Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) to enable the Planning Authority to retain control over development of the site with a view to achieving an early and comprehensive conclusion in the interests of visual amenity; Conditions (3), (5), (6), (11), (12), (13) and (18) in the interests of visual amenity, Condition (4) to ensure the provision of public access; Conditions (7), (8) and (10) in the interests of road safety; Condition (14) in the interests of public safety and visual amenity; Conditions (15) and (20) in the interests of visual amenity and road safety; Conditions (16) and (19) in the interests of public safety; and Condition (17) to enable the appropriate archaeological investigations prior to the development of the site.

Councillor McIntyre, seconded by Councillor Sneller, moved that the planning application be approved subject to the conditions and for the reasons as detailed above.

Councillor Coffey, seconded by Councillor Brailsford, moved as an amendment that consideration of the planning application be continued and that a formal planning Hearing be held.

On a division by a show of hands, the motion was carried by 8 votes to 4.

EXCLUSION OF PRESS AND PUBLIC

2. Councillor McIntyre, seconded by Councillor Sneller, moved under Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, that 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 9 of Schedule 7A of the Act.

Councillor Coffey, seconded by Councillor Reid, moved the direct negative.

On a division by a show of hands, the motion was carried by 8 votes to 4.

DEVELOPMENT OF PORTLAND STREET, KILMARNOCK - REVISION TO LEGAL AGREEMENT

3. There was submitted a report dated 19 June 1997 (circulated) by the Director of Development Services seeking authorisation for the Head of Legal Services in consultation with the Director of Development Services and the Head of Planning and Building Control to vary the Legal Agreement with BICC Developments Limited relating to the Portland Street development, in order to secure early implementation of the development.

The Committee noted an amendment to line 6 of Paragraph 3.1 of the report; "requested", to read; "requested and approved".

Thereafter, Councillor McIntyre, seconded by Councillor Sneller, moved (i) to authorise the Head of Legal Services, in consultation with the Director of Development Services and Head of Planning and Building Control to modify the Legal Agreement with BICC Developments Limited to incorporate the principles detailed in Paragraph 4 of the report, subject to further negotiation with BICC Developments Limited on the details of the amendments required; and (ii) to authorise the Director of Development Services to deal with any subsequent application by BICC Developments Limited for modification of planning conditions.

Councillor Coffey, seconded by Councillor Reid, moved as an amendment (i) to authorise the Head of Legal Services in consultation with the Director of Development Services and Head of Planning and Building Control to enter into discussions to amend the Legal Agreement with BICC Developments Limited; (ii) that the Director of Development Services would submit a report on the proposed modified Legal Agreement for consideration to a future meeting of this Committee; and (iii) that any subsequent application by BICC Developments Limited for modification of planning conditions would be submitted to this Committee for consideration.

On a division by a show of hands, the motion was carried by 8 votes to 4.

IMPLEMENTATION OF STOPPING UP ORDER - PORTLAND STREET, KILMARNOCK

4. There was submitted a report dated 18 June 1997 (circulated) by the Director of Development Services on the progress of the Stopping Up Orders on Portland Street, Kilmarnock, and seeking authorisation for the Head of Legal Services to enter into a Minute of Agreement with BICC Developments Limited to satisfy the terms of an objection to the Stopping Up Orders.

Councillor McIntyre, seconded by Councillor Sneller, moved that the Council should enter into a Minute of Agreement with BICC Developments Limited in the terms detailed in Paragraph 3 of the report; and (ii) to authorise the Head of Legal Services to conclude the Minute of Agreement accordingly.

Councillor Reid, seconded by Councillor Coffey, moved as an amendment that the Council should enter into a Minute of Agreement with BICC Developments Limited in the terms detailed in Paragraph 3 of the report and to authorise the Head of Legal Services in consultation with the Chair of Development Services and the local Member to conclude the Minute of Agreement accordingly.

On a division by a show of hands, the motion was carried by 8 votes to 4.

The meeting terminated at 1445 hours.