

**EAST AYRSHIRE COUNCIL****DEVELOPMENT SERVICES COMMITTEE****MINUTES OF SPECIAL MEETING HELD ON TUESDAY 29 JULY 1997 AT 0904 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

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

**ATTENDING:** David Montgomery, Chief Executive; Fiona Lees, Depute Chief Executive; Bill Stafford, Director of Community Services; Stephen Chorley, Director of Development Services; Alan Neish, Head of Planning and Building Control; Robert McLeary, Head of Property Services; William Taylor, Head of Roads and Transportation; John Spooner, Business Development Manager; Bill Walkinshaw, Principal Administrative Officer; Tom Harris, Public Relations Manager; Anna Gallagher, Assistant Principal Solicitor; Colin McKee, Planning Officer; and Alex Hewetson, Administrative Officer.

**ALSO PRESENT:** Councillor Jim Kelly.

**APOLOGIES:** Councillors Douglas Reid, Wilma Doyle, Robert McDill and Tommy Farrell.

**CHAIR:** Councillor Drew McIntyre, Chair.

**BUSINESS GRANTS AND LOAN SCHEME STATUS REPORT**

1. There was submitted and noted a report dated 1 July 1997 (circulated) by the Director of Development Services on grant and loan support awarded to companies in East Ayrshire during the period 19 May to 30 June 1997.

**STRATEGIC ROAD DEVELOPMENTS****2.1 Declaration of Interest**

Councillor Sneller declared in terms of the National Code of Local Government Conduct an indirect pecuniary interest in Paragraph 6.5 of the report.

**2.2 Consideration of Item**

There was submitted a report dated 16 July 1997 (circulated) by the Director of Development Services on recent developments relating to strategic roads into East Ayrshire and seeking authority for the Director of Development Services to undertake initial steps to ensure an integrated programme of improvements to the A70.

The Committee noted:-

- (i) an amendment to line 3 of Paragraph 6.5(d) of the report; in addition, "(this would be in addition to contributions to the Minerals Trust)"; and
- (ii) that Councillor David Sneller, Councillor Drew McIntyre, David Montgomery, Chief Executive and Des Browne, M.P. had arranged to meet Malcolm Chisholm, M.P., Minister for Local Government and Transport, The Scottish Office, to discuss the A77 and other roads issues.

It was agreed:-

- (i) to support the Ayrshire Economic Forum in seeking the recognition of Prestwick Airport and the A70, as a "Trans-European Route", within the European Union's Trans-European Networks;
- (ii) to collaborate with the Ayrshire Economic Forum in making a submission to the Government's current transport review on the strategic road network in Scotland in support of improved strategic transport links to Ayrshire;
- (iii) to note the action taken to ensure that the Scottish Office would take into account all relevant technical considerations, together with the views of the local communities, before a decision would be taken on the phasing for construction of the M77 between Fenwick and Malletsheugh;
- (iv) to authorise the Director of Development Services to undertake preparatory actions on an integrated programme of improvements for the A70 as outlined in Paragraph 6.5 of the report, as amended; and
- (v) to remit to the Director of Development Services-
  - (a) to submit an update report on the Route Action Plan for the A71 to a future meeting of this Committee; and
  - (b) to undertake an origin and destination survey of eastward bound traffic at the A77/A71 Bellfield and the A76/A70 Cumnock roundabouts and submit a report on the findings to a future meeting of this Committee.

### **REVIEW OF NEIGHBOUR NOTIFICATION: SCOTTISH OFFICE DEVELOPMENT DEPARTMENT CONSULTATION PAPER**

3. There was submitted a report dated 16 July 1997 (circulated) by the Director of Development Services on proposals detailed in The Scottish Office Development Department Consultation Paper to amend Neighbour Notification Procedures; seeking approval of the suggested responses to the proposals; and seeking authority for the Head of Planning and Building Control to respond to The Scottish Office Department Consultation Paper accordingly.

It was agreed:-

- (i) to approve the responses by the Head of Planning and Building Control to The Scottish Office Development Department Consultation Paper recommendations 1 to 15, as detailed within the report; and
- (ii) to authorise the Head of Planning and Building Control to respond to the proposals in The Scottish Office Development Department Consultation Paper, in the terms as detailed within the report.

### **FLOOD PREVENTION (Item 3, Page 1546)**

- 4.1** There was submitted a report dated 9 July 1997 (circulated) by the Director of Development Services on the implications of the Flood Prevention and Land Drainage (Scotland) Act 1997, seeking authority to appoint a member of staff to deal with its obligations under the terms of that Act; and seeking approval to strengthen and repair walls along the west bank of the River Irvine from Old Street Bridge to Brewery Place, Kilmarnock.

The Committee noted an amendment to Paragraph 4.1 of the report; to read; "Under the Flood Prevention and Land Drainage Act 1997, East Ayrshire Council has a duty to assess and maintain water courses where their condition is likely to cause flooding to non-agricultural land where watercourses belong to more than one riparian owner".

It was agreed:-

- (i) to appoint a Technical Officer to carry out the Council's duties under the Flood Prevention and Land Drainage (Scotland) Act 1997 subject to approval by the Personnel Sub-Committee of the Policy and Resources Committee; and
- (ii) that, subject to approval from the relevant land owners, repairs and strengthening be carried out to the existing defences along the west bank of the River Irvine from Old Street Bridge to Brewery Place, Kilmarnock.

### **4.2 ADDITIONAL REPORT ON RETAINING WALL, FAIRYHILL ROAD, KILMARNOCK (Item 10, Page 2054)**

There was submitted a report dated 22 July 1997 (circulated) by the Director of Development Services providing details of tenders received; seeking approval in accordance with the Council's Financial Regulations for the acceptance of a tender for the construction of a retaining wall at Fairyhill Road, Kilmarnock, which exceeded the approved estimate by more than 10%; and providing details of the additional costs involved.

Having heard the Head of Roads and Transportation on the additional costs involved, it was agreed:-

- (i) to accept a tender price of approximately £415,000 to carry out the construction of a retaining wall at Fairyhill Road, Kilmarnock; and
- (ii) to remit to the Director of Support Services to accept the lowest suitable tender.

### **EUROPEAN FUNDING BIDS - OUTCOME (Item 9, Page 1892)**

- 5.** There was submitted a report dated 17 July 1997 (circulated) by the Director of Development Services on the outcome of applications submitted by the Department of Development Services to the Programme Management Committee for the Strathclyde European Partnership for European Funding support in 1997, for a wide range of training and business support measures.

It was agreed:-

- (i) to note that the Programme Management Committee for the Strathclyde European Partnership had approved all of East Ayrshire Council's applications, securing European Social Fund and European Regional

Development Grant funding of £1,142,200 for projects. The gross value, including partner contribution, totalled £2,791,957 as detailed in the Appendix to this Minute; and

- (ii) to note that progress reports on those projects approved would be submitted to the Committee and that further bids to the Programme Management Committee for the Strathclyde European Partnership would be submitted during the remainder of financial year 1997/98.

### **CONDUIT PROGRAMME**

- 6. There was submitted a report dated 17 July 1997 (circulated) by the Director of Development Services seeking approval for the operation of the "Conduit" Training Programme and seeking approval of funding to match European Finance and lever support from other agencies.

It was agreed:-

- (i) to approve the funding contribution of £30,000 by East Ayrshire Council towards the annual cost of £161,000 for the "Conduit" Training Programme as detailed below:-

Enterprise Ayrshire	£70,000
Kilmarnock New Start	£15,000
European Social Fund	£46,000
East Ayrshire Council	£30,000

- (ii) to acknowledge the potential of the Intermediate Labour Market model in addressing local unemployment; and
- (iii) otherwise to note the contents of the report.

### **PLANNING APPLICATIONS**

#### **7.1 APPLICATION NO 97/0425/LA - EAST AYRSHIRE COUNCIL**

There was submitted a report dated 10 July 1997 (circulated) by the Director of Development Services on a Notice of Intention to Develop for extension to Cemetery at Riccarton Cemetery, 1 Riccarton Road, Hurlford.

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) Notwithstanding the submitted plan, details of the proposed earth mound to be formed along the western boundary of the site and the screen planting along the northern and western boundaries shall be submitted to and approved by the Planning Authority prior to commencement of any development. The formation of the earth mound and screen planting shall be implemented not later than the next appropriate planting season after the development has been carried out; and (2) Notwithstanding the submitted plans, details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any

development commences on the site; Details (1) and (2) being proposed in the interests of visual amenity.

It was agreed to note that the application had deemed consent from the Secretary of State; and that the proposal as submitted was considered acceptable subject to the details and for the reasons referred to above.

## **7.2 APPLICATION NO 97/0428/LA - EAST AYRSHIRE COUNCIL**

There was submitted a report dated 8 July 1997 (circulated) by the Director of Development Services on a Notice of Intention to Develop for proposed extension to existing Cemetery at Kilmaurs Cemetery, Kirkton Road, Kilmaurs.

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) The development hereby approved shall not commence until sightlines at the junction of Kirkton Road/A735 of 2.5m x 90m or alterations to junction of the A735 to East Ayrshire Council Roads Division standards have been provided. The appropriate road safety measures shall be agreed with the Planning Authority and implemented prior to the use of the cemetery extension hereby approved; (2) Notwithstanding the submitted plans, details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site; (3) A landscaping scheme including the treatment of the boundary of the site/areas for public open space 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 landscaped areas, and shall be maintained thereafter in accordance with these details. Any trees removed without consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by trees of similar size or species as may be agreed in writing with the Planning Authority; (4) That prior to the commencement of works on the site, the applicant shall satisfy himself as to the suitability of the site for construction purposes; (5) The site should be operated so as to avoid the quality of the groundwater or surface waters being compromised to the satisfaction of the Planning Authority; Detail (1) being proposed in the interest of road safety; Detail (2) in the interests of visual amenity; Detail (3) to ensure that adequate provision of amenity open space is provided, to an adequate standard, and that it is subsequently maintained, in the interest of visual amenity; and Details (4) and (5) in the interest of public safety.

It was agreed to note that the application had deemed consent from the Secretary of State; and that the proposal as submitted was considered acceptable subject to the details and for the reasons referred to above.

## **7.3 APPLICATION NO 97/0411/LA - EAST AYRSHIRE COUNCIL**

There was submitted a report dated 10 July 1997 (circulated) by the Director of Development Services on a Notice of Intention to Develop for proposed new

Library/Museum and Local Area Office at Kilmaurs Primary School/Library, Irvine Road, Kilmaurs.

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

The Head of Planning and Building Control recommended: That a Notice of Intention to Develop be forwarded to the Secretary of State in accordance with the Town and Country Planning Development by Planning Authorities (Scotland) Regulations 1981-84 and the proposal was considered to be acceptable subject to further details being agreed with the Head of Planning and Building Control, viz:- (1) Notwithstanding the submitted plans, the man-made slates, red sandstone colour brick/block base coursing and proprietary panel system are not hereby approved. Details/samples of man-made slates, red sandstone colour brick/block base-coursing and proprietary panel system shall be submitted to and approved by the Planning Authority before any development commences on the site; (2) Notwithstanding the plans hereby submitted, sightlines of 2.5m x 90m shall be achieved to be maintained free from obstruction greater than 1.0m in height at all times; (3) Notwithstanding the plans hereby submitted, street lighting columns R5 and R6 located on Irvine Road will require to be moved to accommodate changes in footway/access crossing. The relocation of these lighting columns shall conform with East Ayrshire Council roads/lighting standards and shall be implemented in accordance with East Ayrshire Council Roads advice; (4) Notwithstanding the plans hereby submitted, alterations to the road drainage at the drop off lay-by shall be implemented in accordance with East Ayrshire Council Roads Division Standards; (5) Notwithstanding the plans hereby submitted, a disabled parking space shall be provided within the parking area, which conforms with East Ayrshire Council standards; Detail (1) being proposed in the interest of visual amenity; Details (2), (3) and (4) in the interest of road safety; and Detail (5) to ensure adequate car parking is provided.

It was agreed that a Notice of Intention to Develop be forwarded to the Secretary of State in accordance with the Town and Country Planning Development by Planning Authorities (Scotland) Regulations 1981-84 and that the proposal was considered to be acceptable subject to the details for the reasons referred to above.

Councillor Turnbull left the meeting during consideration of this item.

#### **7.4 APPLICATION NO 97/0284/LA - EAST AYRSHIRE COUNCIL**

There was submitted a report dated 10 July 1997 (circulated) by the Director of Development Services on a Notice of Intention to develop for proposed 5 classroom extension and associated works at Stewarton Academy, Cairnduff Place, Stewarton.

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 recommended: That a Notice of Intention to Develop be forwarded to the Secretary of State in accordance with the Town and Country Planning Development by Planning Authorities (Scotland) Regulations 1981-84 and the proposal was considered to be acceptable subject to further detail being agreed with the Head of Planning and Building Control, viz:- Notwithstanding the plans hereby approved the external appearance of all materials to be used in the construction of the extension shall match the materials of the original building; this detail being proposed in the interest of visual amenity.

It was agreed that a Notice of Intention to Develop be forwarded to the Secretary of State in accordance with the Town and Country Planning Development by Planning Authorities (Scotland) Regulations 1981-84 and that the proposal was considered to be acceptable subject to the detail and for the reason referred to above.

## **7.5 APPLICATION NO 97/0281/FL - DALGARVEN CONSTRUCTION**

There was submitted a report dated 14 July 1997 (circulated) by the Director of Development Services on a full planning application for proposed residential development at New Farm Primary School, MacKellar Place, Kilmarnock.

The Head of Planning and Building Control reported:-

- (i) that one letter of objection had been received, details of which were contained within the report; and
- (ii) the receipt and content of an objection by New Farm Loch Community Council.

The Head of Planning and Building Control summarised the planning considerations in respect of the application and recommended: Approval, subject to the notification of the Secretary of State for Scotland under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 and 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) Notwithstanding the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, the development to which this permission relates must be begun within two years from date of this consent; (3) The proposed development shall be carried out in accordance with the application form and plans submitted on 16 April 1997 as revised by the site layout plan (B365 - CO1) received by the Planning Authority on 24 June 1997; (4) Details of the external materials of the dwellings and the surfacing of all parking areas shall be submitted to and approved by the Planning Authority prior to the commencement of the development hereby approved. Details of the means of maintenance of parking areas to the rear of pavements shall also be submitted to and approved by the Planning Authority; (5) Details of traffic calming measures to be incorporated in the access roads shall be submitted to and approved by the Planning Authority prior to the commencement of development and shall thereafter be provided on site prior to the occupation of any of the dwellings; (6) All rear garden areas shall be enclosed by means of a fence no less than 1.8m in height prior to the occupation of the dwelling to which they relate. Details of the fencing shall be submitted to and approved by the Planning Authority prior to the commencement of development; and (7) A landscaping scheme, including details of the treatment of the general open space area and the equipment provision on the play area, shall be submitted to and approved by the Planning Authority prior to the commencement of development. The scheme shall include details of its implementation and the provision for its future maintenance, and the scheme shall be implemented and maintained in accordance with such details as are approved; Condition (1) being imposed to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972; Condition (2) to secure the early commencement of development on site in the interests of residential and visual amenity; Condition (3) to ensure that the development is carried out in accordance with the approved details; Condition (4) in the interest of visual amenity; Condition (5) in the interest of road safety; Condition (6) in the interest of residential amenity; and Condition (7) to ensure that the open space and play equipment is

provided on the site and is subsequently maintained in the interest of residential amenity.

It was agreed:-

- (i) to grant the application subject to the notification of the Secretary of State for Scotland under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 and to the conditions and for the reasons detailed above;
- (ii) to remit to the Director of Community Services and Director of Support Services in consultation with the Director of Development Services to investigate the need for community services in New Farm Loch area and submit a report on the outcome to the appropriate Committee in due course; and
- (iii) to note that Councillor Sneller would raise the issue of health care services in New Farm Loch in the course of on-going discussions with Ayrshire and Arran Health Board and the Community Health Care Trust.

## **7.6 APPLICATION NO 96/0670/FL - THE SCOTTISH COAL COMPANY LIMITED**

### **7.6.1 Declaration of Interest**

Councillor Sneller declared an indirect pecuniary interest in terms of the National Code of Local Government Conduct in this application and left the meeting.

### **7.6.2 Consideration of Item**

There was submitted a report dated 17 July 1997 (circulated) by the Director of Development Services on a full planning application for extraction of coal by opencast methods, removal of dereliction and enhancement of landscape and nature conservation interests at Spireslack, Glenbuck, by Muirkirk.

The Committee noted an amendment to Paragraph 7.9(A)(viii) of the report; to read; The infrastructure requirements for the A70 road shall be the subject of early discussions with the Planning Authority and Roads Authority.

The Head of Planning and Building Control reported:-

- (i) that two letters of objection had been received, details of which were contained within the report; and
- (ii) the receipt and content of an additional objection by one objector referred to in (i) above.

The Head of Planning and Building Control summarised the planning considerations in respect of the application and recommended: (i) 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 enure for the benefit of the applicant only, and shall be commenced within 12 months of the issued notice of decision and that the approved operations shall be completed within 10 years of the commencement date of the operations or at such other time as may be agreed with the Planning Authority; (3) That the application shall give notice to the Planning Authority, in writing, of the commencement of operations on site, one month prior to their commencement; (4) No development shall take place on site until an assessment has been carried out to

investigate the use of the site by otters and other mammals affected by the proposed development. This assessment shall provide if necessary recommendations for mitigation proposals for the safeguarding of any protected species during the operational life of the site. This assessment shall be submitted to the Planning Authority for approval, subject to consultation with Scottish Natural Heritage; (5) Prior to any work taking place in the vicinity of the Glenbuck Ironworks scheduled monument, the scheduled area including an agreed buffer zone, shall be securely fenced off and be taken across or set up within this area, no access taken across it or material or soil stored within the area. The buffer zone shall be agreed with the Planning Authority subject to consultation with Historic Scotland prior to works commencing on site; (6) Structural strengthening works shall be undertaken at the Airdsgreen site access location to the satisfaction of the Roads Division and the Planning Authority; (7) That measures to prevent mud, dirt, dust, slurry, coal or stones being carried onto the highway shall be taken as agreed with the Planning Authority prior to the commencement of development 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; (8) That the public road adjacent to the site shall be kept clear of mud or other deposited material at all times; (9) 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; (10) 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; (11) 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; (12) That the approval of the layout of the proposed Glenbuck site service area and details of any proposed surface buildings shall be obtained from the Planning Authority before any buildings, plant or machinery are erected on site; (13) 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, then the developer shall provide and maintain stockproof 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; (14) A turning head shall be provided, at the applicants expense, at the limit of the remaining section of the C38 public road, to the satisfaction of the Roads Division and the Planning Authority; (15) Prior to any excavation in the vicinity of Stottencleugh, the applicant shall undertake a limited archaeological excavation of this feature, in consultation with the West of Scotland Archaeology Service; (16) The applicant shall undertake recording of identified archaeological resources within the development site to the satisfaction of the Planning Authority; (17) No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, this scheme to be submitted for approval by the Planning Authority following consultation and agreement with the West of Scotland Archaeology Service; (18) 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 endorse 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; (19) 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; (20) 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; (21) 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; (22) That top soil, sub-soil and peat shall be carefully stored in separate dumps and prevent from mixing. Top soil dumps shall not exceed 5 metres in height. Top soil dumps and sub-soil dumps shall be evenly graded and tops shaped to prevent water ponding; (23) 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; (24) Sub-soil dumps shall not exceed 10 metres in height; (25) 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 on to adjoining agricultural land; (26) 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 road; (27) That the sub-soil storage mounds shall be so formed as to have minimal visual intrusion on the surrounding landscape; (28) 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 Committee; (29) That all water treatment areas/settlement ponds shall be enclosed by a one metre high stock proof fence; (30) 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; (31) That provision shall be made at all times to ensure that under drainage 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; (32) 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; (33) 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; (34) That precautions shall be taken to prevent the discharge of oil from fuelling, oil, storage plant maintenance and vehicle wash areas within the site; (35) 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; (36) 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 then additional treatment will be necessary in order to discharge sewage effluent to any watercourse; (37) That no surface water from the site shall be permitted to discharge onto the public road and all surface water from the top soil and overburden mounds shall be prevented from 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; (38) 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; (39) Prior to works commencing on site, the applicant shall submit to the Planning Authority details of the audible reversing alarms fitted to machinery which shall be to the complete satisfaction of the Planning Authority; (40) That the operational conduct of the site shall be generally as indicated in the written statement which forms part of the application; (41) That noise, dust and blasting monitoring programmes shall be undertaken, as agreed with the Environmental Health Division and the Planning Authority, 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; (42) That any blasting operations shall be carried out in such a manner that no component of the peak particle velocity attributable to any blast, measured at any point immediately adjacent to any building outside the boundaries of the site, exceeds 6mm per second; (43) 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. Except during the formation and removal of baffle mounds and the stripping and replacement of soils, the noise limit during daytime (0700 - 1900 hours) shall not exceed 55 dB LAeq 1h and 42 dB LAeq 1 hr at night time (1900 - 0700 hours) at noise sensitive dwellings. During the formation and removal of bafflemounds and the stripping and replacement of soils in the vicinity of noise sensitive properties, the noise limit shall not exceed 70dB LAeq, 1h, and that such operations shall only be undertaken during daylight hours and shall only be conducted within a time period not exceeding 8 weeks in any year; (44) That any explosives magazines shall be located, designed and bunded to the satisfaction of the Planning Authority; (45) That except in the case of emergency or as otherwise agreed with the Planning Authority, blasting operations will be carried out only within two hourly periods between 0900 hours and 1700 hours in daylight Monday to Fridays. On Saturdays, blasting will be restricted to between 1000 hours and 1200 hours; (46) That except in the case of emergency and with prior agreement of the Planning Authority, the hours of working for the site shall be confined between 0700 hours on Mondays and 1600 hours on Saturdays (24 hour continuous working). With the exception of maintenance work, no work shall take place on Sundays; (47) That except in the case of emergency and with prior agreement of the Planning Authority, despatch of coal from the site shall be confined to between 0800 hours and 1700 hours Mondays to Fridays inclusive. No lorries laden with coal shall depart from the site before 0800 hours or after 1700 hours; (48) That the stocking of coal shall be in accordance with a detailed scheme to be approved by the Planning Authority and that such a scheme shall indicate the location, dimension, screening proposals and

treatment of stocking areas; (49) That opencast machinery not in use shall be parked, as far as practicable, in any inconspicuous position and shall not be astride soil or overburden mounds; (50) That the site shall be progressively restored in accordance with a scheme to be approved by the Planning Authority prior to work commencing; that the scheme shall include provision for the service areas 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 Written Statement and to the satisfaction of Planning Authority; (51) That no materials for filling shall be introduced to the site from sources external to it without the prior approval of the Planning Authority; (52) That the restored site shall be progressively landscaped in accordance with a scheme to be approved by the Planning Authority within 4 years of works commencing on site; that such a scheme 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; (53) 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; (54) 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; (55) That two weeks prior to the annual formal review an updated plan will be forwarded to the Local Authority indicating the years work on the site and showing the anticipated work programme for the ensuing year; and (56) Following restoration of the site groundwater arising from the site, if contaminated, shall be treated prior to discharge to any controlled water to the satisfaction of the Planning Authority; 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; Condition (4) in the interests of protecting the natural heritage of the site; Condition (5) in the interests of protecting the scheduled monument; Conditions (6), (11), (12), (19), (28), (31), (32), (33), (34), (35), (36), (42) and (44) in the interests of public safety; Conditions (7), (8), (10) and (37) in the interest of road safety; Condition (9) in the interests of road safety and visual amenity; Conditions (13), (21), (24), (26), (27), (29), (38), (48), (49) and (53) in the interest of visual amenity; Condition (14) in the interests of public road safety; Condition (15) to resolve any potential conflict with this feature and the proposed earthworks; Conditions (16) and (17) in the interest of recording the archaeology of the site; Condition (18) to ensure that the top soil and sub-soil will be suitable for the restoration of the site following storage; Condition (20) to ensure that the top soil and sub-soil to be stored will be suitable for use during restoration of the site; Condition (22) to prevent damage occurring to soils; Conditions (23) and (25) to safeguard the appearance of the site; Condition (30) in the interest of public safety and to prevent a detrimental affect upon adjacent operations; Conditions (39), (41) and (43) in the

interest of residential amenity; Condition (40) to ensure that the development is undertaken in accordance with the details approved; Conditions (45), (46) and (47) to safeguard the amenity of the area; Conditions (50) and (51) to enable Planning Authority to retain control over development of site; Condition (52) to improve the appearance of the site; Condition (54) and (55) to enable Planning Authority to update the operating of the site in the light of difficulties encountered; and Condition (56) to prevent pollution of watercourses; and (ii) that the issue of the Decision Notice be withheld until the appropriate Section 75 Agreements, in the terms outlined in Paragraph 7.9 of the report, as amended, have been concluded.

Having heard the local Member in terms of Standing Order 45(i); it was agreed:-

- (i) to grant the application subject to the conditions and for the reasons detailed; and
- (ii) that the issue of the Decision Notice be withheld until the appropriate Section 75 Agreements, in the terms outlined in Paragraph 7.9 of the report, as amended, have been concluded.

Councillor Sneller re-joined the meeting.

#### **7.7 APPLICATION NO KL/E/OL96/059A - MR G MARSHALL**

There was submitted a report dated 22 July 1997 (circulated) by the Director of Development Services on an outline planning application for proposed country clubhouse and motor sport track at land north-west of Moorfield Roundabout, by Kilmarnock.

It was agreed to continue consideration of the application to a future meeting of the Committee to enable a site visit to take place.

#### **7.8 APPLICATION NO 97/0181/FL - GAULD PROPERTIES**

There was submitted a report dated 8 July 1997 (circulated) by the Director of Development Services on a full planning application for proposed demolition of existing garage premises and erection of 5 flatted dwellings at Rigg Street/New Street, Stewarton.

The Head of Planning and Building Control reported that three letters of objection, with four signatories, and one consultation objection from The Architectural Heritage Society had been received, details of which were contained within the report.

The Head of Planning and Building Control summarised the planning considerations in respect of the application and recommended: 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 13 February 1997 and the amended plans received by the Planning Authority on 9 July 1997; (3) Notwithstanding the plans hereby approved, details of boundary walls/fencing along the boundaries of the site shall be submitted to and approved by the Planning Authority, prior to the commencement of development on site; (4) Notwithstanding the submitted plans, the roof tiles, Quoin Stones and base course are not hereby approved. Details/samples of roof tiles, Quoin Stones and base course shall be submitted to and approved by the Planning Authority before any development commences on the site. The quality of these materials shall be such as to reflect the

site's location bordering a Conservation Area; (5) Notwithstanding the plan(s) hereby approved, the external surface of the walls shall be rendered or roughcast in a colour to be agreed in writing with the Planning Authority; (6) Notwithstanding the plans hereby approved the existing adjacent footways shall be renewed after construction of the development in accordance with East Ayrshire Roads Standards; (7) Notwithstanding the plans hereby approved, the access to the parking area shall be formed by dropped kerb construction, NOT radius kerb junction, to East Ayrshire Roads Standards; (8) Notwithstanding the plans hereby approved, parking provision should be 1.65 spaces per dwelling; (9) Notwithstanding the plans hereby approved, a 1.0 metre deep turning area is required at the end of the parking area; (10) Notwithstanding the plans hereby approved, a bin store shall be provided within the curtilage of the development; and (11) The developer shall afford access at all reasonable times to any archaeological organisation acceptable to the Planning Authority and shall allow them to observe work in progress and record items of interest and finds. Notification of the commencement date, information as to whom the Regional Archaeologist should contact on site and the name of the archaeological organisation retained by the developer shall be given to the Planning Authority in writing not less than 14 days before development commences; 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), (5) and (6) in the interests of visual amenity; Conditions (7), (8) and (9) in the interests of road safety, Condition (10) in the interests of public health; and Condition (11) to ensure that appropriate cognisance of archaeological features is taken.

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

## 7.9 APPLICATION NO 97/0249/FL - GAULD PROPERTIES

There was submitted a report dated 8 July 1997 (circulated) by the Director of Development Services on a full planning application for erection of 15 flats and demolition of existing garage premises at Rigg Street, Stewarton.

The Head of Planning and Building Control reported that three letters of objection, with four signatories, and a consultation objection from The Architectural Heritage Society had been received, details of which were contained within the report.

The Head of Planning and Building Control summarised the planning considerations in respect of the application and recommended: 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 2 April 1997 and the amended plans received by the Planning Authority on 9 July 1997; (3) Notwithstanding the plans hereby approved, details of boundary wall/fencing along the boundaries of the site shall be submitted to and approved by the Planning Authority, prior to the commencement of the development on site; (4) Notwithstanding the submitted plans, the roof tiles, quoin stones and base course are not hereby approved. Details/samples of roof tile, quoin stones and base course shall be submitted to and approved by the Planning Authority before any development commences on the site. The quality of these materials shall be such as to reflect the sites location bordering a Conservation Area; (5) Notwithstanding the plans hereby approved, the external surface of the walls shall be rendered or roughcast in a colour to be agreed in writing by the Planning Authority prior to the commencement of development; (6) Notwithstanding the plans hereby approved, the existing adjacent footways shall be renewed after construction of the building in accordance with East Ayrshire Roads Standards; (7) Notwithstanding the plans hereby approved, the access crossing at the bend shall be by drop kerb to comply with East Ayrshire Roads standards; (8) Notwithstanding the plans hereby approved, parking provision should be 1.65 spaces per dwelling; (9) Notwithstanding the plans hereby approved, a bin store must be provided within the curtilage of the development; and (10) The developer shall afford access at all reasonable times to any archaeological organisation acceptable to the Planning Authority, and shall allow them to observe work in progress and record items of interest and finds. Notification of the commencement date, information as to whom the Regional Archaeologist should contact on site and the name of the archaeological organisation retained by the developer shall be given to the Planning Authority in writing not less than 14 days before development commences; 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) in the interests of residential amenity; Conditions (4), (5) and (6) in the interest of visual amenity; Conditions (7) and (8) in the interest of road safety; Condition (9) in the interests of public health; and Condition (10) to ensure that appropriate cognisance of archaeological features is taken.

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

## 7.10 APPLICATION NO 97/0319/FL - KLIN CONTRACTS

There was submitted a report dated 8 July 1997 (circulated) by the Director of Development Services on a full planning application for proposed erection of 16 two storey terraced housing at 8/16 Fullarton Street, Kilmarnock.

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

The Head of Planning and Building Control summarised the planning considerations in respect of the application and recommended: 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 and plans submitted on 17 April 1997 as revised by the amended plans received by the Planning Authority; (3) Notwithstanding the plans hereby approved, the following shall be provided prior to the occupation of the first dwelling:- (a) a 5.5 metres wide access road with 4.5 metre radii at the junction with Fullarton Street; (b) sightlines of 2.5 x 35 metres at the junction with Fullarton Street, (c) the existing footway on Fullarton Street shall be maintained with dropped kerbs provided to allow access to the parking bays which will require a change in level to the adjacent carriageway; (4) Notwithstanding the plans hereby approved, details/samples of the paviers shall be submitted to and approved by the Planning Authority. No houses shall be occupied until the roads, footpaths and car parking spaces are completed and the road drainage system is installed; (5) A landscaping scheme including both hard and soft landscaping and the individual house boundaries and main boundary of the site shall be submitted to and approved by the Planning Authority prior to the commencement of any development and shall be implemented prior to the occupation of the first dwelling, with the exception of the soft landscaping which shall be implemented not later than one year from the commencement of development. The scheme shall include details of the provision to be made for the maintenance of soft and hard landscaping, and shall be maintained thereafter in accordance with these details. Any trees or shrubs which form part of the landscaping scheme removed without the consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by trees of a similar size and species as may be agreed in writing with the Planning Authority; (6) Details of the Management Service Agent appointed to manage the maintenance of any common areas within the development site shall be submitted to and approved by the Planning Authority prior to commencement of development on this site; (7) Details/samples of all external finishing materials and of the design and location of boundary fencing shall be submitted to and approved by the Planning Authority before any development commences on the site. The fencing shall be provided on site prior to the first occupation of any of the houses; and (8) Prior to the commencement of development, details shall be submitted to and approved by the Planning Authority of a traffic calming feature to be located at the entrance of the access road and of a bin store for refuse collection. These features shall be in place prior to the first occupation of any of the houses hereby approved; 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) in the interest of highway safety; Condition (4) in the interests of highway safety and residential amenity; Condition (5) to ensure that the site is adequately landscaped and that it is subsequently maintained in the interest of residential and visual amenity; Condition (6) to ensure

that all common areas are maintained in a proper manner in the interest of residential amenity; Condition (7) in the interest of visual and residential amenity; and Condition (8) in the interest of road safety and public health.

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

#### **7.11 APPLICATION NO 97/0080/FL - DAWN DEVELOPMENTS LIMITED (Item 20.5, Page 2209)**

There was submitted (all circulated):-

- (i) an updated report dated 8 July 1997 (circulated) by the Director of Development Services on a full planning application for proposed change of use to a Class 1 Retail Warehouse for the sale of pets and pet produce at Unit 4, Queen's Drive, Kilmarnock;
- (ii) a report (previously circulated) to the Development Services Committee on 3 June 1997 dated 28 May 1997 by the Director of Development Services on a full planning application for proposed change of use to a Class 1 Retail Warehouse for the sale of pets and pet produce at Unit 4, Queen's Drive, Kilmarnock;
- (iii) Extract of Minutes of Development Services Committee of 3 June 1997;
- (iv) a report recommending refusal of the planning application by the Manager, Ayrshire Joint Structure Plan Committee; and
- (v) draft Minutes of Chair's Sub-Committee of the Joint Ayrshire Structure Plan Committee of 19 June 1997.

The Head of Planning and Building Control summarised the planning considerations in respect of the application and recommended: (i) that notwithstanding the comments of the Chair's Sub-Committee of the Ayrshire Joint Structure Plan Committee, the application be approved subject to the notification to the Secretary of State for Scotland under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 and 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 and plans submitted on 5 February 1997 as revised by the various plans received by the Planning Authority on 1 April 1997; and (3) Notwithstanding the provisions of the Town and Country Planning Use Classes (Scotland) Order 1989, the use of the site shall be limited to Class 1 Retail Warehouse for the sale of pets and pet produce only. The further express permission of the Planning Authority shall be required in respect of the sale of any other goods, unless ancillary to the sale of pets and pet produce; 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; and Condition (3) to enable the Planning Authority to retain control over future development on the site, to ensure that the goods sold do not have an adverse impact on the vitality and viability of Kilmarnock Town Centre; (ii) that Dawn Developments Limited sign a formal undertaking that the first letting of the three other units would be approved to COM 4 Uses; and (iii) that the Ayrshire Joint Structure Plan Committee should be advised of the decision of this Committee.

Councillor McIntyre, seconded by Councillor Sneller, moved (i) that the application be approved subject to the notification of the Secretary of State for Scotland under the Town and Country (Notification of Applications) (Scotland) Direction 1997 and to the conditions and for the reasons detailed above; (ii) that Dawn Developments Limited sign a formal undertaking that the first letting of the three other units would be approved to COM 4 Uses; and (iii) that the Ayrshire Joint Structure Plan Committee be advised of the decision of this Committee.

Councillor Brailsford, seconded by Councillor Coffey, moved as an amendment to refuse the application as it was contrary to COM 4 of the Strathclyde Structure Plan.

On a division by a show of hands, the motion was carried by 7 votes to 2.

### **STOPPING-UP ORDERS**

#### **8.1 LITTLE BELLSLAND ROAD, KILMARNOCK (Item 13.3, Page 1551)**

There was submitted a report dated 9 July 1997 (circulated) by the Director of Development Services seeking approval to confirm the stopping-up of highways (Little Bellsland Road, Kilmarnock) Order 1997.

It was agreed to confirm the Stopping-Up of Highways (Little Bellsland Road, Kilmarnock) Order 1997.

#### **8.2 ASHDALE ROAD AND INVERCLOY PLACE, KILMARNOCK**

There was submitted a report dated 16 July 1997 (circulated) by the Director of Development Services seeking authorisation for the Director of Development Services to instigate a Stopping-Up Order for Ashdale Road and part of Invercloy Place in the Altonhill area of Kilmarnock.

It was agreed to authorise the Director of Development Services to undertake the necessary procedures to enable the issue of a Stopping-Up of Highways Order for Ashdale Road and Invercloy Place, Kilmarnock.

### **EXCLUSION OF PRESS AND PUBLIC**

9. 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.

### **SALE OF FACTORY**

10. There was submitted a report dated 14 July 1997 (circulated) by the Director of Development Services seeking approval to give up the Council's interest in a 20,000 sq ft Industrial Property at Cumnock Business Park to the sitting tenant.

It was agreed:-

- (i) to declare the Council's interest in the property surplus to requirements;
- (ii) to remit to the Head of Property Services and the Head of Legal Services to negotiate, together with Enterprise Ayrshire, with the sitting tenant, Caledonian Bottlers Plc, to maximise the Council's financial interest in the property; and

- (iii) to note that a further report would if required be submitted on financial arrangements for the proposed factory extension.

The meeting terminated at 1002 hours.

**APPENDIX I**

<b>PROGRAMME</b>	<b>EAST AYRSHIRE COUNCIL £</b>	<b>EUROPEAN SOCIAL FUND/EUROPEAN REGIONAL DEVELOPMENT GRANT (ESF/ERDF)  £</b>	<b>EAC/ESF  £</b>	<b>PARTNER CONTRIBUTIO N  £</b>	<b>OVERALL PROJECT COST  £</b>
Youth Training Employment Initiative (YETI)	20295	16605	36900	-	36900
Ayrshire Operational Skills Improvement Scheme (AOSIS)	129143	105662	234805	58701	293506
Employment Grant Scheme 5.2 Economic and Social Cohesion	67060	54867	121927	-	121927
Employment Grant Scheme 1.4 Business Development	27456	22464	49920	-	49920
Jumpstart	36727	30049	66776	43000	109776
Dalmellington I.T.	8603	7000	15603	3600	19203
East Ayrshire Conduit (IT)	44227	57072	101299	132196	233495
Dunaskin Waterside	64474	105533	170007	116668	286675
Short Route	22033	18027	40060	-	40060
Community Woodland	131904	107921	239825	24570	264395
Signposts	16000	7000	23000	12000	35000
<b>Total ESF</b>	<b>567922</b>	<b>532200</b>	<b>1100122</b>	<b>390735</b>	<b>1490857</b>
West of Scotland Loan Fund	200000	321000	521000	-	521000
Factory Building/Capital Works	50500	289000	339500	440600	780100
<b>Total ERDF</b>	<b>250500</b>	<b>610000</b>	<b>860000</b>	<b>440600</b>	<b>1301100</b>
<b>Gross Total</b>	<b>818422</b>	<b>1142200</b>	<b>1960622</b>	<b>831335</b>	<b>2791957</b>