

SOUTH AYRSHIRE COUNCIL (SPECIAL).

Minutes of special meeting in County Buildings, Wellington Square, Ayr,
on 2nd October 2014 at 3.30 p.m.

- Present: Councillors Helen Moonie (Provost), Andy Campbell, Douglas Campbell, Ian Cavana, Alec Clark, Ian Cochrane, Peter Convery, Kirsty Darwent, Allan Dorans, Ian Douglas, Ann Galbraith, Bill Grant, William J. Grant, Mary Kilpatrick, John McDowall, Brian McGinley, Bill McIntosh, Rita Miller, Alec Oattes, Robin Reid, Margaret Toner and Corri Wilson.
- Apologies: Councillors John Allan, Brian Connolly, Hywel Davies, Sandra Goldie, John Hampton, Hugh Hunter, Nan McFarlane and Philip Saxton.
- Attending: V. Andrews, Executive Director – Resources, Governance and Organisation; L. Bloomer, Executive Director – Economy, Neighbourhood and Environment; C. Cox, Planning Manager; A. Browne, Supervisory Planner; and. D. Knight, Co-ordinator (Democratic Support).

1. **Provost.**

The Provost welcomed Members to this special meeting.

2. **Declarations of Interest.**

There were no declarations of interest by Members of the Council in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

3. **Application for Detailed Planning Permission (Ref: 14/00692/APPM) – Land to the east of Holmston Roundabout A77T Whitletts Roundabout – Holmston Roundabout, Ayr – Erection of retail unit (class 1) and formation of associated access, parking and landscaping.**

Following consideration of an application in respect of an application for planning permission for the erection of retail unit (class 1) and formation of associated access, parking and landscaping on land to the east of Holmston Roundabout A77T Whitletts Roundabout – Holmston Roundabout, Ayr at the pre-determination hearing held by the Regulatory Panel (Special) (Page 1, paragraph 2), immediately prior to consideration of this item, the Provost advised that the application would now be determined by this special meeting of the Council.

Councillor Convery indicated an intention to propose a Motion and, following advice from the Executive Director – Resources, Governance and Organisation.

Adjournment of Meeting.

The time being 3.40 p.m., the Council agreed to adjourn.

Resumption of Meeting.

The meeting reconvened at 4.00 p.m.

Councillor Convery advised that the Council recognised that Planning Applications required to be considered in accordance with the Local Development Plan but exceptions could and were made when material considerations overrode the Development Plan and that Elected Members had a wide discretion as to what was material consideration and therefore Councillor Convery, seconded by Councillor Reid, moved that the Council should

(1) approve the application for the following reasons:-

- sustainable economic growth is a pertinent material consideration in determining this application and what that means in practice for South Ayrshire is not only more jobs for local people, far greater choice which then generates strong competition thereby ensuring an attractive and vibrant shopping experience that encourages both locals and visitors from further afield to visit and revisit on a regular basis;
- although the Development Plan has just been adopted the evidence base dates from 2010/11 and there has been an unprecedented change in the retail industry and decision makers have to act in the real world of here and now and judge the merits of what is before them;
- jobs and retention of trade in Ayr from this development outweighs the need to protect the Greenbelt on a site that is sandwiched between the bypass and another retailer. These material considerations should outweigh the Development Plan presumption against development of this site;
- Ayr Town Centre is not reliant on food trade at this level and as such there can be no question that this development will add a superb retail attraction to Ayr that does not currently exist and will not harm the town centre;
- the Local Development Plan provides for Greenbelt exceptions and the site is in the Greenbelt but on the periphery thereof and it abuts another commercial site ie Dobbies also effectively within the Greenbelt. It should be considered an exception for economic reasons; and
- the Report of Handling concludes that the applicant has not assessed all potential, sequentially preferable sites, and disagrees with the reasons given by the applicant for rejecting a number of those sites, however, the opinions in the Report are subjective and this application should be considered an exception to sequential assessment on grounds of economic benefit.

- (2) grant delegated powers to the Executive Director – Economy, Neighbourhood and Environment to approve the application subject to appropriate conditions, including requiring a car park layout to meet the requirements of Scottish Gas and to accommodate a bus service into the site.

By way of Amendment, Councillor McDowall, seconded by Councillor McGinley, moved that the application for planning permission be refused for the reasons as recommended by the Planning Officer, as stated in the report.

A full debate took place regarding the terms of the Motion and the Amendment.

A Member requested that the vote be taken by calling the roll in accordance with Standing Order No. 23.8.

The Executive Director – Resources, Governance and Organisation then took the vote by calling the roll as follows:-

Helen Moonie	Amendment
Mary Kilpatrick	Motion
Andy Campbell	Amendment
Douglas Campbell	Motion
Ian Cavana	Motion
Alec Clark	Motion
Ian Cochrane	Motion
Peter Convery	Motion
Kirsty Darwent	Motion
Allan Dorans	Motion
Ian Douglas	Motion
Ann Galbraith	Motion
Bill Grant	Motion
William J. Grant	Motion
John McDowall	Amendment
Brian McGinley	Amendment
Bill McIntosh	Motion
Rita Miller	Motion
Alec Oattes	Amendment
Robin Reid	Motion
Margaret Toner	Motion
Corri Wilson	Motion

Five Members voted for the Amendment and seventeen Members for the Motion which was accordingly declared to be carried.

Decided: to approve the terms of the Motion and that delegated powers be granted to the Executive Director – Economy, Neighbourhood and Environment to approve the application for planning permission subject to conditions for the erection of retail unit (class 1) and formation of associated access, parking and landscaping on land to the east of Holmston Roundabout A77T Whitletts Roundabout – Holmston Roundabout, Ayr.

List of Determined Plans:

Drawing - Reference No (or Description): E2553/P(--)01 Location Plan;
 Drawing - Reference No (or Description): E2553/P(--)02 Existing Site Plan;
 Drawing - Reference No (or Description): E2553/P(--)03 REV. B Proposed Site Plan 1:500;
 Drawing - Reference No (or Description): E2553/P(--)04 REV. A Proposed Site Sections;
 Drawing - Reference No (or Description): E2553/P(--)06 REV. B Proposed Roof Plan;
 Drawing - Reference No (or Description): E2553/P(--)07 REV. E Proposed Elevations;
 Drawing - Reference No (or Description): WH-C-(90)-01 Proposed Site Levels;
 Drawing - Reference No (or Description): E2553/P(--)01 Location Plan;
 Drawing - Reference No (or Description): E2553/P(--)02 Existing Site Plan;
 Drawing - Reference No (or Description): E2553/P(--)03 REV. B Proposed Site Plan 1:500;
 Drawing - Reference No (or Description): E2553/P(--)08 Perspective View; and
 Drawing - Reference No (or Description): E2553/P(--)05 REV. H Proposed Ground Floor Plan.

Adjournment of Meeting.

The time being 4.20 p.m., the Council agreed to adjourn for ten minutes and thereafter the meeting of the Regulatory Panel (Special) would be re-convened for a pre-determination hearing in respect of a further application.

Councillor Douglas Campbell left the meeting at this point.

Resumption of the Special Meeting of the Council.

The special meeting of the Council reconvened at 5.30 p.m.

4. Application for Detailed Planning Permission (Ref: 14/00611/APPM) – Land at Heathfield Retail Park, Liberator Drive, Ayr – Erection of retail development comprising new retail units and extensions to existing retail units for food and non-food goods sales, landscaping, servicing and ancillary development.

Following consideration of an application in respect of an application for planning permission for the erection of retail development comprising new retail units and extensions to existing retail units for food and non-food goods sales, landscaping, servicing and ancillary development on land at Heathfield Retail Park, Liberator Drive, Ayr at the pre-determination hearing held by the Regulatory Panel (Special) (Page 1, paragraph 2), immediately prior to consideration of this item, the Provost advised that the application would now be determined by this special meeting of the Council.

Councillor Convery, seconded by Councillor Toner, moved that the Council should approve the recommendations as detailed in the report subject to the following:-

- Condition (2) is removed for units 2B, 4, 7 and 8; and
- Condition (3) is amended to allow two kiosk units (14 and 15) to be free from restrictions.

By way of Amendment, Councillor Bill Grant, seconded by Councillor Andy Campbell, moved that the application be approved subject to the conditions as recommended by the Planning Officer, as stated in the report.

A full debate took place regarding the terms of the Motion and the Amendment.

A Member requested that the vote be taken by calling the roll in accordance with Standing Order No. 23.8.

Helen Moonie	Amendment
Mary Kilpatrick	Motion
Andy Campbell	Amendment
Ian Cavana	Motion
Alec Clark	Motion
Ian Cochrane	Motion
Peter Convery	Motion
Kirsty Darwent	Amendment
Allan Dorans	Amendment
Ian Douglas	Motion
Ann Galbraith	Motion
Bill Grant	Amendment
William J. Grant	Motion
John McDowall	Amendment
Brian McGinley	Amendment
Bill McIntosh	Amendment
Rita Miller	Amendment
Alec Oattes	Amendment
Robin Reid	Amendment
Margaret Toner	Motion
Corri Wilson	Motion

Eleven Members voted for the Amendment and ten Members for the Motion. The Amendment was accordingly declared to be carried.

Decided: that the application for planning permission be approved subject to the following conditions:-

- (1) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (2) that the goods to be sold within retail unit 1, 2A, 2B, 3, 4, 5, 6, 7 & 8, 9, 10, 11 and 12 shall be limited to D.I.Y., garden products, furniture, carpets, home furnishings and electrical goods to the satisfaction of the Council;

- (3) that the goods to be sold within retail unit 13, 14, and 15 shall be limited to the sale of food or drink for consumption on the premises as defined under Class 3 of the Use Classes order (Scotland) 1997, or for the sale of hot food for consumption off the premises, or for the sale of D.I.Y., garden products, furniture, carpets, home furnishings and electrical goods to the satisfaction of the Council;
- (4) that a plan showing all retail floorspace within retail unit 16, 17 and 18 shall be submitted to, and approved in writing by the Planning Authority. The retail floor space for non food sales (excluding household, D.I.Y., furniture, carpets, electrical and gardening goods) within any of the units shall be limited to 10% of the gross retail floorspace of that unit;
- (5) that no unit shall be sub-divided or amalgamated without the prior written approval of the Planning Authority;
- (6) that, prior to the commencement of works on site, details shall be submitted for the written approval of the Planning Authority of the airfield memorial;
- (7) that the presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the Planning Authority;
- (8) that before the occupation and completion of the development, a Travel Plan shall be submitted for the formal prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority and Transport Scotland). The Travel Plan shall set out proposals for reducing dependency on the private car and identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan;
- (9) that the reconfigured car park layout shall be designed to adoptable standards in accordance with the Council's Roads Development Guide before completion of the development. The precise details and specifications of the required road design shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (10) that 643 off-road parking spaces shall be provided within the existing site boundary in accordance with the national policy document Scottish Planning Policy (SPP) before completion of the development. Precise details and specifications of the required parking provision shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (11) that parking bays shall be a minimum 4.8 metres x 2.5 metres with minimum aisle widths of 6 metres;
- (12) that a lockable and covered cycle stand, accommodating a minimum of 26 cycles, shall be provided within the site boundaries. Precise details of the siting and specifications of the required cycle stand shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site;

- (13) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (14) surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007. Full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures will be maintained in perpetuity, shall be submitted for approval in writing by this Planning Authority prior to the commencement of any works on site;
- (15) that before any works start on site, details shall be submitted to the Planning Authority showing the design and specification of a turning area capable of accommodating the largest size of vehicle expected to be used by or serve the development. The turning area shall be constructed as approved prior to the development being occupied;
- (16) that prior to occupation of the development any gates shall be set back a minimum distance of 6 metres from the rear of the public footway, and open inwards away from the public roadway;
- (17) that the applicant shall submit a swept path analysis accommodating the largest size of vehicle expected to be used by or serve the development for the formal prior written approval of the Planning Authority;
- (18) that two bus stops, the specific stops to be located in the vicinity of the application site and agreed with the Planning Authority, shall be upgraded to include provision for Real Time Passenger Information. The precise design details and specifications shall be submitted for the prior written approval of the Planning Authority before any work commences on site. All bus stop upgrade work shall be implemented in accordance with the approved plans prior to the occupation of any part of the development unless alternative measures are approved in writing by the Council as Planning Authority; and
- (19) that notwithstanding the provisions of the Town and Country Planning Use Classes Order (Scotland) 1997, (or any order revoking and re-enacting the Order), the change of use of any hot food takeaway to form a Class 1 use, shall be the subject of a formal application for planning permission.

Reasons:

- (1) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (2) to clarify the terms of the permission and to accord with the provisions of the Development Plan;
- (3) to clarify the terms of the permission and to accord with the provisions of the Development Plan;
- (4) to clarify the terms of the permission and to accord with the provisions of the Development Plan;
- (5) in order to retain proper control over the development and to accord with the provisions of the Development Plan;

- (6) in the interests of visual amenity;
- (7) to ensure the proposed remediation plan is suitable;
- (8) to encourage sustainable means of travel and to be consistent with the requirements of Scottish Planning Policy and PAN 75 Planning for Transport;
- (9) in the interests of road safety and to ensure an acceptable standard of construction;
- (10) in the interests of road safety and to ensure adequate off-street parking provision;
- (11) in the interests of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (12) to ensure adequate provision of lockable and covered cycle storage on site and to encourage sustainable means of travel;
- (13) in the interests of road safety and to avoid the discharge of water on to the public road;
- (14) to ensure the site is drained in an acceptable and sustainable manner;
- (15) to reasonably avert the reversing of vehicles onto the main road and in the interests of road safety;
- (16) in the interests of road safety;
- (17) in the interests of road safety;
- (18) in the interests of road safety and to ensure adequate provision for public transport and to ensure that the results of detailed site investigation can be taken into consideration in the interests of road safety and the proper planning of the area; and
- (19) to accord with the provisions of the development plan.

Advisory Notes:

- Please note that work should be undertaken in compliance with legislation and guidance relating to Scottish Environment Protection Agency (SEPA) Guidance Note No.8 which can be found at the website of SEPA as follows: www.sepa.org.uk.
- The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.
- Notification of the use of cranes and associated equipment (as per Article 55 of the ANO) during construction phase would have to be granted permission in advance by the Airport if the crane is to be used within 6km of the aerodrome / airfield and its height exceeds 10m or that of the surrounding structures or trees. Please refer to the Crane Operating Approval Procedure at Glasgow Prestwick Airport. Telephone Contact (01292) 511114.
- To minimise the number of birds attracted to the area consideration of the type of waste bins used on site should be made to discourage the number of birds in the vicinity, fully enclosed or covered skips must be used.

- That no permission is hereby granted for any external advertisements which shall require to be the subject of a separate application for advertisement consent for approval by the Planning Authority.

List of Determined Plans:

Drawing - Reference No (or Description): E(--)100 REV A Location Plan;
 Drawing - Reference No (or Description): E(--)102 REV A Existing Elevations;
 Drawing - Reference No (or Description): E(--)105 Existing Sections;
 Drawing - Reference No (or Description): E(--)200 Existing Site Plan;
 Drawing - Reference No (or Description): P(--)102 REV D Proposed Site Plan;
 Drawing - Reference No (or Description): P(--)103 REV D Entrance and canopy;
 Drawing - Reference No (or Description): P(--)104 REV A Proposed Elevations;
 Drawing - Reference No (or Description): P(--)106 Units 4,7 & 8;
 Drawing - Reference No (or Description): P(--)107 Proposed Sections;
 Drawing - Reference No (or Description): P(--)108 Proposed Surface Finish;
 Drawing - Reference No (or Description): P(--)201 REV C Proposed Plan;
 Drawing - Reference No (or Description): P(--)202 REV B Proposed Elevations (Pro;
 Drawing - Reference No (or Description): P(--)202 REV B Proposed Retail Restrict;
 Drawing - Reference No (or Description): VIEW 002 A Visualisation;
 Drawing - Reference No (or Description): P(--)203 Proposed Plan;
 Drawing - Reference No (or Description): P(--)204 REV B Proposed Elevations 2;
 Drawing - Reference No (or Description): P(--)205 Proposed Sections; and
 Drawing - Reference No (or Description): VIEW 001 A Visualisation.

Reason for Decision:

The development hereby approved can be justified in terms of the development plan, and subject to appropriate conditions, there is no significant adverse impact on the amenity of neighbouring land and buildings.

The meeting ended at 5.55 p.m.