

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 22nd November 2016 at 2.00 p.m.

Present: Councillors Hugh Hunter (Chair), Andy Campbell, Ian Cavana, Ian Douglas, Ann Galbraith, Sandra Goldie and William J. Grant.

Apology: Councillor Peter Convery.

Attending: M. Vance, Solicitor (Legal Adviser); A. Cooke, Planning Co-ordinator (Priority Projects); K. Campbell, Planning Development Case Officer; S. Smith, Administrative Assistant; and D. Moore, Committee Services Assistant.

1. Appointment of Chair.

The Panel agreed that, in Councillor Convery's absence, Councillor Hunter would take the Chair for this meeting.

2. Declarations of Interest.

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

3. Minutes of previous meeting.

The minutes of 2nd November 2016 were submitted and approved ([issued](#)).

With regard to item 4 below, Councillor Goldie did not take part in consideration of the Review as she had not been present when the case had previously been considered and Councillor Cavana did not take part as he had not been present at the site inspection.

4 Continuation of Review – Change of use, alterations and extension of existing annex building to form baby nursery, erection of nursery school building, formation of outdoor play area and formation of vehicular access and parking area at Adamton Nursery C106 Junction of B739 – C138 Junction south of Langlands north-east of Prestwick, Monkton.

Reference was made to the Minutes of 13th September 2016 (Page 1, paragraph 6) when it had been agreed that a Review relating to a request to vary the conditions imposed on a granted planning application for the change of use, alterations and extension of existing annex building to form baby nursery, erection of nursery school building, formation of outdoor play area and formation of vehicular access and parking area at Adamton Nursery C106 Junction of B739 – C138 Junction south of Langlands north-east of Prestwick, Monkton be continued to a further meeting of this Body to allow an accompanied site visit by Members of the Body, which had been held on 21st November 2016, and to allow the Applicant to provide comment on the Rural Business Procedure Note.

Having heard the Chair, the Legal Adviser to the Body and the Planning Adviser to the Body, the Body considered the [papers](#) relating to the Review with particular emphasis on the grounds on which conditions 2 and 3 had originally been imposed on the application.

Decided: following consideration, to vary the decision made by the appointed officer and to grant Planning Permission 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 development proposal and premises hereby granted planning permission are intended solely for Class 10 use as a crèche / day nursery and for the provision of education, unless granted planning permission;
- (3) that notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order, 1992 (or any Order revoking and re-enacting that Order) no development within Class 9C shall be undertaken without the prior written permission of the Planning Authority;
- (4) that before any works start on site a scheme of compensatory tree replanting scheme on a 1:1 basis shall be submitted for the prior written approval of the Planning Authority. The submitted scheme shall indicate the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding. The scheme as approved shall be implemented within 6 months / first planting season following the completion or occupation of the development, whichever is the sooner. The open space/landscaped area shall be retained as open space and to this approved standard;
- (5) that the existing trees, other than those agreed or approved for removal, shall be retained and protected in accordance with the current British Standard - Trees in relation to Construction, to the satisfaction 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 a Woodland Management Plan. Thereafter, the Woodland Management Plan shall be implemented to this agreed standard with any replanting being carried out within 6 months of the date of this permission, or the first available planting season following the completion or occupation of the development, whichever is the sooner;
- (7) that before the occupation and use 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). The Travel Plan shall identify the measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. It shall incorporate measures designed to encourage car sharing and cycling to and from the site;

- (8) that the proposed access shall be constructed in accordance with the specifications in the Council's Roads Development Guide, and be a minimum of 5.5 metres wide over its initial 10 metres, as measured from the rear of the public footway before development occupation;
- (9) 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;
- (10) that a 2 metre wide public footway shall be provided along the site frontage on the C106. In accordance with the specifications in the Council's Roads Development Guide before the occupation and use of the development;
- (11) that junction access visibility sightline splays of 2.5 metres by 90 metres shall be maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays;
- (12) that off street parking provision shall be provided within the site in accordance with the submitted and approved layout plan; and
- (13) that before any works start on site, a swept path analysis accommodating the largest size of vehicle expected to be used by, or serve the development shall be submitted to, and agreed by the Planning Authority. Thereafter, the proposal shall be constructed as per the approved specification, prior to the use and occupation of the development.

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 this permission;
- (3) to ensure that any further development at this site is assessed as part of a further planning permission in the interests of amenity;
- (4) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (5) in the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during works on site;
- (6) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (7) to encourage sustainable means of travel;
- (8) in the interest of road safety and to ensure an acceptable standard of construction;
- (9) in the interest of road safety;

- (10) in the interest of road safety and to ensure an acceptable standard of construction;
- (11) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (12) in the interest of road safety and to ensure adequate off-street parking provision. To reduce the potential for congestion and obstruction caused by off site car parking; and
- (13) in the interest of road safety.

Advisory Notes:

- In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this planning permission lapses on the expiration of a period of 3 years beginning with the date on which the permission is granted unless development to which the permission relates is begun before that expiration.
- A site notice to be displayed in accordance with Section 27C(1) of The Town and Country Planning (Scotland) Act 1997 and Regulation 38 and Schedule 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 shall be completed, printed on durable material, and be displayed in a prominent place (readily visible to members of the public) at or in the vicinity of the site while the development hereby approved is in progress. This requirement is in order to ensure that members of the public are made aware of the background to the development in progress and have access to the necessary contact details. A template for the Site Notice is attached to this decision notice. An electronic version is also available on the Council's web site as follows www.south-ayrshire.gov.uk/planning/forms.aspx. 'Notice to be displayed while development is in progress'.
- The person who intends to carry out the development hereby approved shall, as soon as practicable after deciding on a date on which to initiate the development, complete the attached form entitled 'Notification of Initiation of Development' and submit it to the Planning Authority before commencement of the development. For the avoidance of doubt, failure to submit the required notice would constitute a breach of planning control under S123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended). This notification is required to ensure compliance with the requirements of planning legislation as contained in Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended).
- The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written 'Notification of Completion of Development' as soon as practicable after the development has been completed. This notification shall include the reference number of the planning permission, the site address and the date of completion. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

- The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written Notification of Completion of Phases of Development as soon as practicable after completion of each phase of the development and subsequently a Notification of Completion of Development as soon as practicable after the whole development has been completed. These notifications shall include the reference number of the planning permission, the site address and the date of completion of the relevant phase. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) and Section 27B(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- The Council as Roads Authority advises that any costs associated with the relocation of any street furniture will require to be borne by the applicant/developer.
- The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development will require to be fully funded by the applicant - including any relevant road signs and markings.
- The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.
- The Council as Roads Authority advises that at the detailed application stage the plans should include a stage 2 Road Safety Audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Roads Authority & the applicant. No later than 1 month after completion of the development, unless an alternative time period is approved, a Stage 3 Road Safety audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges should be submitted to the Roads Authority. The requirement to complete a Road Safety Audit includes a requirement to address the recommendations contained within the audit report.
- In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads authority and the relevant utility companies.
- An effective vehicle wheel washing facility is required during construction, details of which shall be submitted to and approved by the Roads Authority prior to its installation. When required such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which will cause a nuisance or hazard to the road system in the locality.
- That a Road Opening Permit shall be applied for, and obtained from the Roads Authority, for any work within the public road limits prior to works commencing on site.

- That the discharge of water onto the public road carriageway shall be prevented by drainage or other means.
- 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
- 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. The developer must contact Glasgow Prestwick Airport, contact details: Glasgow Prestwick Airport, Aviation House, Prestwick, Ayrshire, KA9 2PL, Tel: 01292 511012 www.glasgowprestwick.com
- 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
- The applicant is advised to consider the safety of children at the site boundaries and particularly in relation the A77.

Reason for Decision:

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

At this point, Councillors Cavana and Goldie re-joined the meeting.

5. New Case for Review – Alteration and Extension to Dwellinghouse at 11 Kenmore, Troon.

There were submitted the relevant papers ([issued](#)) relating to an application that had been granted planning permission with conditions imposed, for the alteration and extension to a dwellinghouse at 11 Kenmore, Troon.

Having heard the Chair, the Legal Adviser to the Body and the Planning Adviser to the Body, the Body considered the papers relating to the Review.

Councillor Douglas, seconded by Councillor Grant, moved that the decision of the Appointed Officer be varied and the review be upheld with condition 2 of planning permission 16/00483/APP being deleted.

By way of an amendment, Councillor Campbell, seconded by Councillor Hunter, moved that the Appointed Officer's decision be upheld.

On a vote being taken by a show of hands, three Members voted for the Amendment and four for the Motion which was accordingly declared carried.

Decided: to vary the decision made by the appointed officer, and to approve the application on the grounds 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.

Reasons:

to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

List of Approved Plans:

Drawing - Reference No (or Description): Approved NO 2 FERGUSON;
Drawing - Reference No (or Description): Approved NO 4 FERGUSON;
Drawing - Reference No (or Description): Approved NO 1 FERGUSON; and
Drawing - Reference No (or Description): Approved NO 3 FERGUSON.

Advisory Notes:

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- The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written Notification of Completion of Phases of Development as soon as practicable after completion of each phase of the development and subsequently a Notification of Completion of Development as soon as practicable after the whole development has been completed. These notifications shall include the reference number of the planning permission, the site address and the date of completion of the relevant phase. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) and Section 27B(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).

Reason for Decision:

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

The meeting ended at 2.55 p.m.