

**Agenda Item No. 2****REGULATORY PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 17th November 2016 at 10.00 a.m.

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

Attending: A. Cooke, Co-ordinator (Priority Projects), M. McClelland, Development Management Co-ordinator; S. Curran, Acting Supervisory Planner; A. Brown, Co-ordinator (Legal Services, Property and Contracts); and A. Gibson, Committee Services Officer.

**1. Declarations of Interest.**

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

**2. Minutes of previous meeting.**

The Minutes of 5th October 2016 ([issued](#)) were submitted and approved.

**3. Applications for Planning Permission.**

There were submitted reports (issued) of November 2016 by the Executive Director – Economy, Neighbourhood and Environment on current applications for determination.

The Panel decided as follows:-

- (1) [16/00830/APP](#) – SYMINGTON – Harickhill, C93 north-west of Bogend at B730 – south-west to Brewlands Road, Symington, north-east from Symington – Erection of dwellinghouse and formation of associated access road.

**Decided:** to refuse the application (Councillor Galbraith abstaining) on the following grounds:-

- (a) that the development proposal is contrary to Scottish Planning Policy, the South Ayrshire Local Development Plan Policy in relation to Rural Housing and the related Supplementary Planning Guidance entitled Rural Housing in that the proposed house is sited on an excessively large plot that is untypical of residential development in the adjoining cluster area, separates and isolates agricultural land and fundamentally changes the rural setting and character at High Knockendale; and

- (b) that the development proposal is contrary to the South Ayrshire Local Development Plan Policy Sustainable Development, Scottish Planning Policy and Scottish Government Planning Advice Note 72 - Housing in the Countryside in that the proposed access road is not considered to be appropriate to the character and setting of the application site or High Knockendale.

**List of Determined Plans:**

Drawing - Reference No (or Description): 1863 L(00)002; and  
 Drawing - Reference No (or Description): DRAWING - ALL DETAILS.

- (2) [16/00927/MSCM](#) – **TROON - land to the north-east of Barassie Farm, Kilmarnock Road** – Approval of matters specified in conditions for planning permission in principle 11/00540/PPPM – erection of 50 residential units, associated works and landscaping.

**Decided:** to approve the application subject to the following conditions:-

- (a) 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;
- (b) that the housing development hereby approved shall accord with the conditions of the application for approval of matters specified in conditions 12/00163/MSCM in terms of the provision of the road and housing layout, earthworks strategy including agreed levels, drainage arrangements, provision of landscaping, both structural and internal to the site and provision of village greens and public open space and provision of footpaths within and linking to the surrounding area;
- (c) that no work shall commence on site before a Bird Mitigation Plan/Risk Assessment has been submitted and approved by the Planning Authority (in consultation with Glasgow Prestwick Airport). The required Bird Mitigation Plan/Risk Assessment shall set out the detailed arrangements that are to be put into place to; mitigate against the number of birds (gulls in particular) on disturbed land, commission a falcon contractor or similar during the clearance period(s) and prevent bird nesting and roosting on the roofs of buildings. All development on site shall adhere fully to the terms of the approved Bird Mitigation Plan and Risk Assessment unless otherwise approved in writing by the Planning Authority;
- (d) that prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority;

- (e) that before any work commences on site precise details and specifications of the play equipment and siting shall be submitted for the prior approval of the planning authority. For the avoidance of doubt equipment for toddlers and younger children should be installed on one side of the path whilst dynamic equipment designed for older children and teens should be installed on the opposite side of the path. The proposed Cradle swing/Nest swing unit shall be changed to a Flat seat swing/Nest swing unit and be installed along with the dynamic equipment for older children and teens. A separate Cradle seat swing unit shall be added to accommodate the toddlers and installed along with the rest of the toddlers' equipment accordingly;
- (f) that a performance bond shall be submitted to the Planning Authority for this phase of the development prior to the commencement of this part of the development to cover the costs of the following; (i) Structural landscaping for the landscape buffers and wildlife corridors of Barassie Burn and all internal landscaping including village greens within and any open space land associate with this phase of development; (ii) Landscape works, grassed and planted areas, including trees within and land within this phase of development; and (iii) Play equipment;
- (g) that the details of all street furniture within the public realm crossroads at the spine road, and all lighting shall be submitted to and approved by the Planning Authority prior to commencement of development;
- (h) that the approved landscaping for this phase of the development shall be implemented prior to the occupation of the last house to the satisfaction of the Planning Authority;
- (i) that all landscaping works and open space provision shall be retained as open space and maintained in accordance with the Landscape and Maintenance and Management Plan. Thereafter the maintenance schedule shall be adhered to at all times by the nominated factor for the site, and no changes shall be undertaken without the prior written approval of the Planning Authority;
- (j) that all works shall be carried out in accordance with the approved Ecological Management Plan (March 2012);
- (k) 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;

- (l) that no part of any phase of the development shall be occupied until the Sustainable Urban Drainage System (SUDS) to which that part of the development relates has been completed in accordance with the submitted and approved plans;
- (m) that the foul drainage arrangements for the site shall be to the satisfaction of the Planning Authority, in consultation with SEPA and Scottish Water;
- (n) 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;
- (o) that before occupation of the first dwelling, a Residential Travel Pack shall be submitted for the formal prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Residential Travel Pack shall provide information on pedestrian, cycling and public transport opportunities in the vicinity of the development site to encourage modes of travel other than private car. A residential travel pack shall be placed in each new residential unit prior to occupation;
- (p) that off road parking spaces shall be provided in accordance with the Council's Roads Development Guide within the existing site boundaries prior to completion of the dwellinghouse(s);
- (q) 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;
- (r) that junction access visibility sightline splays of 2 metres by 43 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;
- (s) no work shall be carried out on any phase of the development unless and until an effective vehicle wheel washing facility has been installed in accordance with details submitted to and approved by the planning authority prior to its installation if required for that phase. 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;

- (t) that the applicant/developer shall, prior to the commencement of work on site, submit a Construction Traffic Management Plan to the Roads Authority and Police Scotland. The plan shall detail the routing of all construction traffic to and from the development, and will include a programme of works detailing the anticipated number and classification of vehicle per month over the construction period. The Construction Traffic Management Plan shall require the written agreement of the Roads Authority and Police Scotland prior to commencement on site;
- (u) that the private access shall be surfaced for a minimum of 2 metres as measured from the rear of the public footway prior to occupation. Precise details and specifications of the required surfacing shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (v) that prior to completion of the development any gates shall open inwards away from the public roadway with 45° splays from the gate posts, or that any wall, fence or hedge bounding the site shall be not more than 1 metre in height (as measured from the adjoining road level) for a distance of 1.5 metres on both sides of the access;
- (w) that no dwellinghouse hereby granted planning permission shall be occupied unless:-
  - i) it has been served by a properly surfaces and adequate drained carriageway and footpath; ii) its respective access has been formed by a dropped kerb details; and iii) the adoptable road is illuminated by an approved street lighting scheme;
- (x) that driveways associated with dwellinghouses shall be designed in accordance with the standards as set out within the Council's Roads Development Guide, and be consistent with the design ethos as set out within Designing Streets;
- (y) that parking bays shall, depending on their type and orientation, be a minimum of:
  - Parking courts or perpendicular on-street bays: 4.8 metres x 2.5 metres with min aisle widths of 6 metres;
  - Parallel on-street parking bays: 6.0 metres x 2 metres;
  - Garages shall only be considered towards parking if an internal dimension of 7 metres x 3 metres can be demonstrated; and
  - All parking bays shall satisfy the design standards as set out within Designing Streets and the Council's Roads Development Guide; and
- (z) that a drainage impact assessment shall be submitted for the prior written approval of the Planning Authority, in consultation with SEPA and Scottish Water, to assess drainage capacity within the network. The implications of the drainage impact assessment on the strategic landscape plan for the site shall be fully addressed as part of this submission.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) to comply with the terms of the first formal application for matters specified in conditions 12/00163/MSCM;
- (c) in the interests of aviation safety;
- (d) in the interests of visual amenity;
- (e) to ensure an acceptable provision of play equipment in terms of age range and inclusiveness;
- (f) to ensure that the whole site is developed in an integrated manner and in the interests of visual amenity;
- (g) in the interests of visual amenity;
- (h) in the interest of biodiversity;
- (i) in the interests of visual amenity and biodiversity;
- (j) in the interest of biodiversity;
- (k) to attenuate surface water in the site;
- (l) to ensure the site is drained in an acceptable and sustainable manner;
- (m) in the interests of health and safety;
- (n) to ensure that all contamination within the site is dealt with;
- (o) to encourage sustainable means of travel;
- (p) in the interest of road safety and to ensure adequate off-street parking provision;
- (q) in the interest of road safety and avoid the discharge of water on to the public road;
- (r) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (s) in the interest of road safety;
- (t) in the interest of road safety;
- (u) in the interest of road safety and to ensure an acceptable standard of construction;
- (v) in the interest of road safety;
- (w) in the interest of road safety;
- (x) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (y) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning; and
- (z) in order to ensure the development is protected against flooding in an acceptable manner.

**Advisory Notes:**

- (The Council as Environmental Health Authority has advised that in order to minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works, the plant and machinery used should be in accordance with BS 5228; Noise Control on Construction and Open Sites and the Control of Pollution Act 1974. To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.

- (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 below:  
Glasgow Prestwick Airport  
Aviation House  
Prestwick  
Ayrshire  
KA9 2PL  
Tel: 01292 511012  
[www.glasgowprestwick.com](http://www.glasgowprestwick.com)
- Section 75 Obligation (SE)  
There is an obligation entered into under section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) in connection with this decision. This obligation can be inspected during office opening hours at the Planning Service, South Ayrshire Council, Burns House, Burns Statue Square, Ayr, KA7 1UT.
- On completion, the dwelling(s) must meet the tolerable standard as described in Section 87 of the Housing (Scotland) Act 1987 (as amended), be provided with all standard amenities and meet the requirements of Scottish Water.
- Proposed street lighting or any floodlights comply with the Institution of Lighting Professionals' "Guidance Notes for the Reduction of Obtrusive Light".
- Please note that Construction Consent from the Roads Authority will be required for the formation of any new road. The formation of any new road will require to comply with the specifications of the Roads Authority which are detailed in the latest Roads Development Guide publication.
- The Council as Roads Authority advises that the rights of the utilities to enter the enclosed area in order to gain access to their services in accordance with their rights under law should be maintained.
- 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 driveway access points within the site shall be by way of dropped kerbs, in accordance with the Council's Roads Development Guide 5.2.4 before completion of the development.
- 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 the applicant / developer will be responsible for the reinstatement of the public footway along the entire frontage of the site in compliance with Council's Roads Development Guide. The completed footway will be adopted by the Council as Roads Authority.
- 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 only signs complying with the requirements of 'The Traffic Signs Regulations and General Directions 2002' are permitted within public road limits.
- 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 for addressing 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.
- 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.



**List of Determined Plans:**

Drawing - Reference No (or Description): LOCATION PLAN BFT-AFF-002;  
 Drawing - Reference No (or Description): LANDSCAPE DRAWING 127-84-01a;  
 Drawing - Reference No (or Description): LANDSCAPE DRAWING 127-84-02;  
 Drawing - Reference No (or Description): LANDSCAPE DRAWING 127-84-03;  
 Drawing - Reference No (or Description): PLAY AREA LAYOUT 00310T – 01;  
 Drawing - Reference No (or Description): BIN AND CYCLE STORE DETAIL BFT;  
 Drawing - Reference No (or Description): HOUSE TYPE A BFT-AFF-01;  
 Drawing - Reference No (or Description): HOUSE TYPE B BFT-AFF-02;  
 Drawing - Reference No (or Description): HOUSE TYPE C BFT-AFF-03;  
 Drawing - Reference No (or Description): HOUSE TYPE D BFT-AFF-04;  
 Drawing - Reference No (or Description): HOUSE TYPE E BFT-AFF-05;  
 Drawing - Reference No (or Description): HOUSE TYPE F BFT-AFF-06;  
 Drawing - Reference No (or Description): DEVELOPMENT LAYOUT (AH) BFT-AFF/001;  
 Drawing - Reference No (or Description): PLANNING SITE SECTION BFT-AFF~022;  
 Drawing - Reference No (or Description): METAL RAILINGS BFT-ARC-611;  
 Drawing - Reference No (or Description): RADIUS SEATING AREA BFT-ARC-634;  
 Drawing - Reference No (or Description): TYPICAL EXTERNAL WORKS DETAIL BFT-D-2S-EW;  
 Drawing - Reference No (or Description): SCREEN FENCE DETAIL BFT-SD-05-01;  
 Drawing - Reference No (or Description): ENGINEERING LAYOUT E10908-1001A;  
 Drawing - Reference No (or Description): SWEPT PATH E10908-1501B;  
 Drawing - Reference No (or Description): DRAINAGE LAYOUT E10908-2001;  
 Drawing - Reference No (or Description): TIMBER SCREEN FENCE W20-SD-05-01;  
 Drawing - Reference No (or Description): TIMER SCREEN FENCE WITH GATE W20-SD-05-02;  
 Drawing - Reference No (or Description): 450MM HIGH POST & WIRE FENCE W20-SD-05-03;  
 Drawing - Reference No (or Description): HIGH POST & WIRE FENCE W20-SD-05-04;  
 Other - Reference No (or Description): DESIGN STATEMENT SEPT 2016; and  
 Other - Reference No (or Description): TOPOGRAPHICAL SURVEY JULY 2008.

**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 10.55 a.m.