

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 29th June 2016 at 10.00 a.m.

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

Apologies: Councillors Andy Campbell and Sandra Goldie.

Attending: R. Riddiough, Head of Legal and Democratic Services; M. McClelland, Planning Co-ordinator; A. Cooke, Priority Projects Co-ordinator (Acting); K. Campbell, Planning Development Caser Officer; and A. Gibson, Committee Services Officer.

Also Attending: S. Turner, E. Kelty and D Manson (Ayrshire Roads Alliance).

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 2nd June 2016 ([issued](#)) were submitted and approved.

3. Traffic Regulation Orders for Residents Parking and Waiting Restrictions within Prestwick.

There was submitted a report ([issued](#)) of 25th May 2016 by the Executive Director – Economy, Neighbourhood and Environment seeking formal approval to make two Traffic Regulation Orders under the Road Traffic Regulation Act 1984, to introduce Residents Parking and Waiting Restrictions in Prestwick.

The Panel discussed when the implementation of the Orders would take place, the design of the permits and how they would be distributed, the proposal to employ an additional parking attendant and the lack of parking within Prestwick Town Centre.

Decided:

- (1) to approve the making of the following Orders:-
 - (a) South Ayrshire Council (Prestwick Town Centre) (Residents Parking and Waiting Restrictions) (Amendment) Order 2016; and
 - (b) South Ayrshire Council (Prestwick Town Centre) (Residents Permit Parking) (Amendment) Order 2016; and
- (2) to agree that following a three month period to allow the new parking patterns to take effect, the Ayrshire Roads Alliance review the Prestwick Town Centre area to determine whether any additions or amendments should be made to the Parking Orders.

4. Applications for Planning Permission.

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

The Panel decided as follows:-

- (1) [15/01380/APP](#) – **COYLTON – land to the rear of Coylton Primary School, Highpark Road** – Erection of residential development and associated infrastructure.

Decided: to agree that the Executive Director - Economy, Neighbourhood and Environment be given delegated powers to approve the application subject to the signing of a S75 legal agreement relating to the provision of a path link to the A70, a commuted sum in lieu of on-site affordable housing provision, an education contribution and 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 no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to, and approved by the Planning Authority, in agreement with the West of Scotland Archaeology Service. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service;

- (c) that prior to the commencement of development, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted to the Planning Authority for written approval;
- (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 the existing trees, other than those agreed or approved for removal, shall be retained and protected in accordance with BS5837:2005 Trees in relation to Construction, to the satisfaction of the Planning Authority;
- (f) that before any works start on site, the developer shall submit, details and specifications of the protective measures necessary to safeguard the trees on the site during operations. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery;
- (g) that all landscaping works and open space provision shall be completed in accordance with the approved landscape drawings prior to the occupation of the last house in the approved development. The open space/landscaped area shall be retained as open space and to this approved standard. For the avoidance of doubt, the landscape scheme shall include mulching of shrub beds and a native shrub mix of 1.5 - 2 plants / m²;
- (h) that a landscape bond and a play equipment bond relating to the approved landscaping and play facility scheme for this development proposal shall be submitted to, and approved in writing by, the Planning Authority before any work commences on site. For the landscape bond calculation purposes a map with only factored areas shall be submitted, with all planting details, such as: area, plant species, sizes and densities;
- (i) that before any works start on site, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details;
- (j) 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;

- (k) that before any works start on site, the applicant shall submit a swept path analysis accommodating the largest size of vehicle expected to be used by or serve the development (Pantehnicon, or equivalent) for the formal prior written approval of the Council as Planning Authority;
- (l) 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 shall 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';
- (m) 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;
- (n) 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;
- (o) that private accesses shall be surfaced for a minimum of 2 metres as measured from the rear of the public footway/service strip 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;
- (p) that junction access visibility sightline splays of 2.4 metres by 31.0 metres shall be maintained in both directions at the junction with the public road network, There shall be no obstacle greater than 1.05 metres in height within the visibility sightline splays;
- (q) that prior to commencement of work on site details of all on-street and off-street parking spaces provided within the curtilage of the development shall be submitted for the written approval of the Council as Roads Authority. The parking details shall be in accordance with an appropriate level of provision as set out within the Council's Roads Development Guide, and designed to satisfy Designing Streets policy;
- (r) that parking bays shall, depending in their type and orientation, be a minimum of: Parking courts or perpendicular on-street bays: 4.8 metres x 2.5 metres with minimum aisle widths of 6m; Parallel on-street parking bays: 6.0 metres x 2 metres. All parking bays shall satisfy the design standards as set out within Designing Streets and the Council's Roads Development Guide;

- (s) 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;
- (t) 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.
- (u) that the proposed vehicle connection to Highpark Road shall be amended to include a gateway feature to control vehicle speeds and provide a safe means of pedestrian crossing prior to occupation of the first dwellinghouse all to the satisfaction of the Ayrshire Roads Alliance. Written approval from the Council as Roads Authority shall be required prior to commencement of work on site, and construction of the gateway feature shall be completed prior to occupation of the first dwelling within the development;
- (v) that the full extent of the safe route to school footpath in the north western part of the site (shown on plan 6258/PL-001) shall be provided up to the boundary of the site with the school to the satisfaction of the Council as Roads Authority prior to occupation of the first dwellinghouse;
- (w) 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 and updated guidance contained within CIRIA C753; and
- (x) that vegetation removal shall be undertaken outwith the breeding bird season, specifically March - August and any excavations shall be covered at night to prevent animals from falling in or becoming trapped.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
- (c) in the interests of visual and residential amenity;
- (d) in the interests of visual amenity;
- (e) in the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during works on site;
- (f) in order to ensure that no damage is caused to the existing trees during development operations;
- (g) to ensure landscaping works are completed at an appropriate stage in the development of the site;
- (h) to ensure that the site is adequately landscaped and incorporates adequate play facilities, in the interests of amenity;
- (i) in the interests of visual amenity; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term;
- (j) to ensure all contamination within the site is dealt with;

- (k) in the interests of road safety; and
- (l) in the interests of road safety
- (m) to encourage sustainable means of travel;
- (n) in the interest of road safety and to avoid the discharge of water on to the public road;
- (o) in the interest of road safety and to ensure an acceptable standard of construction;
- (p) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (q) in the interest of road safety and to ensure adequate off-street parking provision;
- (r) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (s) in the interests of road safety;
- (t) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (u) in the interests of vehicle and pedestrian movement;
- (v) in the interests of pedestrian movement;
- (w) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained; and
- (x) in the interests of natural heritage

Advisory Notes:

- The applicant is reminded of their obligations under the terms of the Protection of Badgers Act 1992, the Wildlife _ Countryside Act 1981, as amended by the Nature Conservation (Scotland) Act 2004 and the Habitats Directive / Conservation (Natural Habitats, _c.) Regulations 1994 (as amended).
- SEPA advises that the applicants and their contractors should be fully aware of the relevant requirements relating to the transport of controlled waste by registered carriers and the furnishing and keeping of duty of care waste transfer notes. Construction phase run off must not be discharged to final phase SUDS and must be dealt with separately. It is a requirement of The Water Environment (Controlled Activities)(Scotland) Regulations 2011 (as amended) (CAR) to provide a SUD system throughout the construction phase of the development to ensure adequate protection of the water environment. The system should comply with the Rules detailed in GBR's 10 & 11. Suitable pollution control measures should be employed wherever there is an identifiable risk to the water environment. This should give particular consideration to contaminated surface water run off arising from earthworks, roads, drainage, compounds, concrete batching facilities and any other associated infrastructure. Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of SEPA's website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at: 31 Miller Road, Ayr, KA7 2AX, Tel: 01292 294000.
- SP Distribution has an overhead line in the vicinity of the application site, and SP Distribution advises that they reserve the right to protect and/or deviate apparatus/cables, the cost of which will require to be borne by the applicant/developer.

- 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.
- 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 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 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.
- That prior to any work commencing on-site the applicant / developer shall obtain technical approval from Ayrshire Roads Alliance for any retaining feature which supports the proposed public road or retains any private land from falling onto the proposed public road.

- Please note that Construction Consent from the Roads Authority will be required for the formation of any new road and that traffic calming measures will be required. 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 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.
- Section 75 Obligation: 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.
- The Council as Roads Authority advises that access to the site shall be by way of dropped kerbs, in accordance with the Council's Roads Development Guide before completion of the development.

List of Determined Plans:

Other - Reference No (or Description): DESIGN AND ACCESS STATEMENT;
 Other - Reference No (or Description): ARCHAEOLOGICAL ASSESSMENT;
 Other - Reference No (or Description): ECOLOGICAL ASSESSMENT;
 Other - Reference No (or Description): PAC REPORT;
 Other - Reference No (or Description): PLANNING STATEMENT;
 Other - Reference No (or Description): TRANSPORT STATEMENT;
 Other - Reference No (or Description): TREE SURVEY;
 Drawing - Reference No (or Description): 14017-LAHW-P001 Play Area;
 Drawing - Reference No (or Description): 14017-ST-P006-A Tree Survey;
 Drawing - Reference No (or Description): 1621.LYN-130 Roads General;
 Drawing - Reference No (or Description): 1621LYN-131 Roads Horizontal;
 Drawing - Reference No (or Description): 1621.LYN-132 Roads Vertical;
 Drawing - Reference No (or Description): 1621.LYN-135 Earthworks General;
 Drawing - Reference No (or Description): 1621-LYN-136 Earthworks Section 1;
 Drawing - Reference No (or Description): 1621.LYN-137 Earthworks Section 2;
 Drawing - Reference No (or Description): 1621.LYN-140 Drainage;
 Drawing - Reference No (or Description): 6258-ELE-001 Proposed Site Sections;
 Drawing - Reference No (or Description): 6258/EX-01 Existing Site Layout;
 Drawing - Reference No (or Description): 6258/LOC-01 Location Plan;
 Drawing - Reference No (or Description): 6258/PL-001 Proposed Site Layout;

Drawing - Reference No (or Description): 6259.HT-03 House Type 3;
 Drawing - Reference No (or Description): 6259.HT-05 House Type 5;
 Drawing - Reference No (or Description): 6259.HT-06 House Type 6;
 Drawing - Reference No (or Description): 6259.HT-07 House Type 7;
 Drawing - Reference No (or Description): 6259.HT-08 House Type 8;
 Drawing - Reference No (or Description): 6259.HT-08F House Type 8F;
 Drawing - Reference No (or Description): 6259.HT-09 House Type 9;
 Drawing - Reference No (or Description): 6259.HT-10 House Type 10;
 Drawing - Reference No (or Description): 6259.HT-11 House Type 11;
 Drawing - Reference No (or Description): 6259.HT-11F House Type 11F;
 Drawing - Reference No (or Description): 6259.HT-11 F PLOT 32 House Type 11 (Plot 32); and
 Drawing - Reference No (or Description): 14017-LAGA-P001-I Landscape.

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.

- (2) **16/00318/APP** – AYR - land adjacent to number 27 Greenfield Avenue, Ayr – Erection of dwellinghouse and garage.

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, prior to the commencement of works of on site, details shall be submitted for the written approval of the Planning Authority of the landscape boundary treatment along the northern boundary of the site. The details shall include species, and sizes of the proposed landscaping. Thereafter the agreed boundary treatment shall be implemented as per the agreed specification, prior to the occupation of the dwellinghouse, and shall be retained for the lifetime of the development, to the satisfaction of the Planning Authority;
- (c) that, prior to the commencement of development of the proposed dwellinghouse and garage, 2 inter-visible passing places shall be provided on the private access road in accordance with the Roads Development Guide. Before any work commences on site, details and specifications of the required inter-visible passing places (including construction, siting and layout) shall be submitted for the prior written approval of the Planning Authority;

- (d) 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;
- (e) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means; and
- (f) the garage shall be used solely for domestic purposes incidental to the use of the dwellinghouse and no commercial activities shall be undertaken to the satisfaction of the Planning Authority.

Reasons:

- (a) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006;
- (b) to clarify the terms of this permission and in the interest of residential amenity;
- (c) in the interest of road safety and to avoid the possibility of unnecessary reversing of vehicles, particularly onto the public road;
- (d) to reasonably avert the reversing of vehicles onto the main road and in the interests of road safety;
- (e) in the interest of road safety and avoid the discharge of water on to the public road; and
- (f) in the interests of residential amenity.

Advisory Notes:

- 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 the Council will not adopt the road on its completion.
- The Council as Roads Authority advises that the Council will not be liable to adopt the drainage system as it is wholly contained within private ownership.

- 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.
- The Council as Roads Authority advises that access to the site shall be by way of dropped kerbs, in accordance with the Council's Roads Development Guide before completion of the development.
- That a phase 1 habitat survey including a bat survey, and nesting bird survey, will be required if work is to be undertaken to the remaining trees within the boundaries of the site, or to the boundary walls. The surveys shall include details of any mitigation measures required. The survey and mitigation measures shall be submitted to, and agreed with the Council as Planning Authority, prior to undertaking any works which are outwith the terms permitted under this planning permission, and thereafter shall be implemented as per the agreed specification.

List of Determined Plans:

Drawing - Reference No (or Description): 15-0123/PL/L01 REV. A;
Drawing - Reference No (or Description): 15-0123/PL/L02 REV. B;
Drawing - Reference No (or Description): 15-0123/PL/L03;
Drawing - Reference No (or Description): 15-0123/PL/L04;
Drawing - Reference No (or Description): 15-0123/PL/L05;
Drawing - Reference No (or Description): 15-0123/PL/L07;
Drawing - Reference No (or Description): 15-0123/PL/L08;
Drawing - Reference No (or Description): 15-0123/PL/L06; and
Drawing - Reference No (or Description): 15-0123/PL/L09.

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.

- (3) [16/00435/PPP](#) – DALRYMPLE - B7034 junction with A77T at Carcluie Cottage – council boundary – Planning permission in principle for erection of a dwellinghouse.

Decided: to refuse the application on the following grounds:-

- (a) that the development proposal is contrary to the Rural Housing Policy the Adopted South Ayrshire Local Development Plan in that it has not been demonstrated to the satisfaction of the Council that the business is economically viable and cannot operate without continuous on site attendance and that there are no alternative means of operating the business, and or providing alternative additional accommodation have been investigated and proven to be inappropriate for the operation of that business; and
- (b) that the development proposal is contrary to the Council's Supplementary Guidance in relation to Rural Housing Policy in that it has not been demonstrated to the satisfaction of the Council that the business is economically viable and cannot operate without continuous on site attendance and that there are no alternative means of operating the business, and or providing alternative additional accommodation have been investigated and proven to be inappropriate for the operation of that business.

List of Determined Plans:

Drawing - Reference No (or Description): 0444 PPP 01 REV. B.

The meeting ended at 11.15 a.m.