

## **SOUTH AYRSHIRE COUNCIL (SPECIAL).**

Minutes of special meeting in County Buildings, Wellington Square, Ayr,  
on 27th January 2016 at 10.45 a.m.

Present: Councillors Helen Moonie (Provost), John Allan, Andy Campbell, Douglas Campbell, Ian Cavana, Alec Clark, Brian Connolly, Peter Convery, Kirsty Darwent, Allan Dorans, Ian Douglas, Ann Galbraith, Sandra Goldie, Bill Grant, William J. Grant, John Hampton, Mary Kilpatrick, John McDowall, Nan McFarlane, Brian McGinley, Rita Miller, Alec Oattes, Robin Reid, Philip Saxton, Margaret Toner and John Wallace.

Apologies: Councillors Ian Cochrane, Hywel Davies, Hugh Hunter and Bill McIntosh.

Attending: E. Howat, Chief Executive; 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 J. McClure, Committee Services Officer.

### **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. Section 42 Application to Vary Condition 2 of 14/00611/APPM to 2A that the goods sold in Unit 1 shall be limited to D.I.Y., Garden Products, Furniture, Carpets, Home Furnishings and Electrical Goods; 2B that the goods sold in Units 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 except in respect of a total area not exceeding 5341 m<sup>2</sup> gross within any of these Units in which any retail goods may be sold.**

Following consideration of a Section 42 Application to Vary Condition 2 of 14/00611/APPM to 2A that the goods sold in Unit 1 shall be limited to D.I.Y., Garden Products, Furniture, Carpets, Home Furnishings and Electrical Goods; 2B that the goods sold in Units 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 except in respect of a total area not exceeding 5341 m<sup>2</sup> gross within any of these Units in which any retail goods may be sold at the pre-determination hearing held by the Regulatory Panel (Special) immediately prior to this meeting, the Provost advised that the application would now be determined by this Special meeting of the Council.

**Decided:** to approve the application 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;
- (2A) that the goods sold in unit 1 as defined on drawing ref G2360 E(-- ) 100 Revision A shall be limited to DIY, garden products, furniture, carpets, home furnishings and electrical goods;
- (2B) that the goods sold in units 2A, 2B, 3, 4, 5, 6, 7&8, 9, 10, and 12 as defined on drawing ref G2360 E(-- ) 100 Revision A shall be limited to DIY, garden products, furniture, carpets, home furnishings and electrical goods except in respect of:-
  - (i) a maximum of 10% of the gross floorspace within each unit 2A, 2B, 3, 4, 5, 6, 7&8, 9, 10 and 12, from which it is permitted to sell any goods falling within class 1 of the Use Classes (Scotland) Order, 1997; and
  - (ii) whole singular units 2A, 2B, 3, 4, 5, 6, 7&8, 9, 10 and 12 are permitted to sell Homeware goods up to a gross cumulative floorspace equivalent to 20% of the total floorspace of all retail units within the application site boundary;

The applicant shall submit the following information for the written approval of the Planning Authority prior to the occupation of any such consented Homeware unit:-

  - (a) the unit numbers and total gross floorspace of the whole singular units (from units 2A, 2B, 3, 4, 5, 6, 7&8, 9, 10 and 12) from which "Homeware" goods will be sold; and
  - (b) a schedule of the list of goods to be sold within the identified "Homeware" units and the maximum percentage of the total net floorspace of each unit, for each type of goods within the Homeware definition;
- (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 units 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, DIY, 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.

### **List of Approved Plans:**

Drawing - Reference No (or Description): G2360 E(--)-100 Rev A: Location Plan;  
 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.

### **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 interest 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 interest of road safety and to ensure an acceptable standard of construction;

- (10) in the interest of road safety and to ensure adequate off-street parking provision;
- (11) in the interest 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. To encourage sustainable means of travel;
- (13) in the interest of road safety and 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 interest of road safety;
- (17) in the interest of road safety;
- (18) in the interest of road safety and to ensure adequate provision for public transport. To ensure that the results of detailed site investigation can be taken into consideration in the interest of road safety and the proper planning of the area; and
- (19) to accord with the provisions of the development plan.

### **Advisory Notes:**

- 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](http://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).

- 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](http://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](http://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 it's height exceeds 10m or that of the surrounding structures or trees (see attached procedure leaflet for further details). 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.

**Reason for Decision:**

The development hereby approved can be justified in terms of the Proposed Local Development Plan and Scottish Planning Policy, subject to appropriate conditions and there is no significant adverse impact on the amenity of neighbouring land and buildings.

It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments.

The meeting ended at 10.50 a.m.