

## **REGULATORY PANEL.**

Minutes of meeting held in County Buildings, Wellington Square, Ayr and remotely  
on 24 June 2020 at 10.00 a.m.

Present: Councillor Brian Connolly (Chair).

Present

Remotely: Councillors Andy Campbell, Ian Cavana, Alec Clark, Peter Convery, Ian Fitzsimmons, Mary Kilpatrick, Craig Mackay and Margaret Toner.

Attending: K. Briggs, Service Lead – Legal and Licensing; and A. Gibson, Committee Services Officer.

Attending

Remotely: J. Nicol, Service Lead – Planning and Building Standards; A. Cooke, Co-ordinator (Planning); A. McGibbon, Supervisory Planner; and K. Braidwood, Ayrshire Roads Alliance.

### **1. Opening Remarks.**

The Chair took the sederunt and confirmed that today's meeting was not open to the press and public, which was permissible under the COVID-19 legislation. He also confirmed to Members the procedures to conduct this meeting.

### **2. 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.

### **3. Applications for Planning Permission.**

There was submitted a report of May 2020 by the Director - Place on a current application for determination.

The Panel decided as follows:-

- (1) [20/00119/MSCM](#) – DUNDONALD – Land at Kilmarnock Road - Approval of Matters Specified in Conditions in relation to conditions 1, 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29 of Planning Permission in Principle 17/00536/PPPM including details for the erection of 63 residential units and associated roads, footpaths and landscaping in Phase 1 of the development.

The Chair asked the Service Lead - Planning and Building Standards, to provide a summary of the representations/objections raised, and following this, heard from the Supervisory Planner in respect of the application.

The Panel confirmed that they had sufficient information before them to make a decision today.

**Decided:** to agree that the Director - Place be given delegated powers to approve the application subject to the signing of a S75 legal agreement relating to education contributions, affordable housing provision and sustainable transport measures and 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 discharge of conditions through this consent relates only to the Phase 1 red line site;
- (c) that prior to commencement of the development, a plan highlighting the siting of a footpath within the site extending to the boundary of Dundonald Primary School to the north shall be submitted for the written agreement of the Planning Authority and thereafter shall be implemented to the satisfaction of the Planning Authority;
- (d) that before commencement of any works on site, details and specifications of all proposed play equipment and safe surfacing shall be submitted for the prior written approval of the Planning Authority;
- (e) that the development shall be carried out in accordance with the submitted Landscape Management Plan. A Landscape Bond, or a suitable alternative financial arrangement, relating to the approved landscaping scheme for this development proposal shall be submitted to, and approved in writing by, the Planning Authority prior to the commencement of development on site and in order to calculate this figure, the following information shall be submitted: total number of proposed trees, shrubs and herbaceous plants (per sizes), total number of hedging plants, total length of the proposed hedging as well as shrub beds, woodland buffer area and grass areas in m<sup>2</sup>. The details should cover only areas that will be maintained by a factor;
- (f) 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 for the whole site in Phase 1 in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. 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;

- (g) that the public road along the full length of the development frontages on both the B750 Kilmarnock Road and the B730 Tarbolton Road shall be resurfaced to the specification as provided by the Council as Roads Authority, prior to completion of the development;
- (h) that public footways with a minimum width of 2m shall be provided along the site frontage(s) on the B750 Kilmarnock Road and the B730 Tarbolton Road, to be designed in accordance with the specifications as set out within the Council's National Roads Development Guide. The footways shall be constructed, as approved, prior to completion of the development;
- (i) no work shall be carried out on phase 1 of the development unless the vehicle wheel washing facility has been installed in accordance with the approved details. This 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;
- (j) the applicant shall submit full detailed design drawings which shall include specifications of a flag and pole, associated bus boarder kerbing, tactiles and fully enclosed bus shelters with LED solar powered lighting for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). All new bus stops shall be constructed, as approved, prior to completion of the development;
- (k) that all new bus stops shall be required to incorporate Real Time Passenger Information screens (RTPI) compatible with the existing Ayrshire Real Time system, prior to the completion of the development. This shall include supply and installation of an isolatable power source within a power termination pillar, the required ducting, a post retention socket compatible with a Trueform Elite pole, a Trueform Elite pole, and a 6 line bann display or equivalent, the cost of which to be met by the developer. The developer shall also be responsible for providing 5 years maintenance cover for the screens. The designs, locations and specifications of the RTPI screens associated with all new bus stop(s) shall be submitted for the written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) prior to their installation;
- (l) that prior to commencement of development on site, further details of a suitable Sustainable Urban Drainage System, to an adoptable Scottish Water standard, detailing how it is to be maintained in perpetuity, together with details of the surface water overland flow management system, shall be submitted for the prior formal written approval of the Council as Planning Authority;
- (m) The presence of any previously unsuspected or un-encountered 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;

- (n) that the wind turbine immediately outwith the northern site boundary shall be removed prior to occupation of any of the approved residential units, unless alternative noise mitigation measures are submitted to and approved in writing by the Planning Authority and are thereafter implemented on site to a satisfactory degree; and
- (o) that notwithstanding the plans hereby approved, the boundary treatment is not approved for the following plots: 1, 2, 20 and between 20 and 21. Details of soft boundary treatments for each plot (post and wire fencing and hedging) shall be submitted for the prior written approval of the Planning Authority prior to the commencement of development.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in order to clarify the extent of the consent and in order to retain proper planning control over the development proposal;
- (c) in order to provide potential for a future pedestrian link to the Primary School;
- (d) in the interests of amenity and to ensure a high quality public realm;
- (e) to ensure that the whole site is developed in an integrated manner and in the interests of visual amenity;
- (f) to establish whether there are any archaeological interests on the southern part of the Phase 1 site and allow for archaeological excavation and recording;
- (g) in the interest of road safety and to ensure an acceptable standard of construction;
- (h) in the interest of road safety and to ensure that adequate provision is made for pedestrians;
- (i) in the interest of road safety;
- (j) these details have not been provided and to provide accessible public transport;
- (k) to provide accessible public transport;
- (l) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (m) to ensure all contamination within the site is dealt with;
- (n) in the interests of residential amenity; and
- (o) in the interests of visual amenity.

**Advisory Notes:**

- 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. A summary of the terms of the Section 75 agreement are set out within the report of handling of the application which can be inspected during office opening hours at the Planning Service, South Ayrshire Council, County Buildings, Wellington Square, Ayr, KA7 1DR or, if the office is closed to the public, a copy of the Report of Handling may be obtained by contacting the Planning Service.

- Scottish Water has provided advice for the applicant in its consultation response. This can be obtained by contacting Scottish Water at: Scottish Water, Development Operations, The Bridge, Buchanan Gate Business Park, Cumbernauld Road, Stepps, Glasgow, G33 6FB –DevelopmentOperations@scottishwater.co.uk – 0800 389 0379.
- SEPA were consulted on this application and has provided advice for the applicant in its consultation response. This can be obtained by contacting a member of the SEPA regulatory services team in the local SEPA office at: 31 Miller Road, Ayr, KA7 2AX Tel: 01292 294000.
- Ayrshire Roads Alliance advises as follows:
  - That a Road Opening Permit shall be applied for, and obtained from the Council as Roads Authority, for any work within the public roads limits, prior to works commencing on site.
  - The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirement of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.
  - 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 any costs associated with the relocation of any street furniture shall require to be borne by the applicant/developer.
  - The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development shall require to be fully funded by the applicant - including any relevant road signs and markings.
  - The Council as Roads Authority advises that only signs complying with the requirements of 'The Traffic Signs Regulations and General Directions 2016' are permitted within public road limits.
  - Please note that Roads Construction Consent (RCC) from the Council as Roads Authority shall be required for the formation of any new road. The formation of any new road shall require to comply with the specifications of the Council's National roads Development Guide and Designing Streets as National Policy.

- The Council as Roads Authority advises that prior to the commencement of works to construct any new or amended roads infrastructure; a Stage 2 Road Safety Audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges shall be completed and submitted for the written approval of the Council as Roads Authority. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 agreement with the Council as Roads Authority and the applicant.
- The Council as Roads Authority advises that a Stage 3 Road Safety audit in compliance with HD 19/03 of the Standard Highways Design Manual for Roads and Bridges should be submitted to the prior written approval of the Council as Roads Authority no later than 1 month after completion of the development, unless an alternative time period is approved. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Roads Authority and the applicant. The requirement to complete a Road Safety Audit includes for addressing the recommendations contained with the audit report.

**List of Determined Plans:**

Drawing - Reference No (or Description): 1610-PLA-001;  
 Drawing - Reference No (or Description): 1610-PLA-005 REV B;  
 Drawing - Reference No (or Description): 1610-PLA-004 REV C;  
 Drawing - Reference No (or Description): DDD-001E;  
 Drawing - Reference No (or Description): 17178-SK-27 REV C;  
 Drawing - Reference No (or Description): 17178-SK-28 REV A;  
 Drawing - Reference No (or Description): 17178-SK-30 REV A;  
 Drawing - Reference No (or Description): 1922-SK-12;  
 Drawing - Reference No (or Description): PL-002 REV H;  
 Drawing - Reference No (or Description): PL-004 REV A;  
 Drawing - Reference No (or Description): 19112/SK/01 REV D;  
 Drawing - Reference No (or Description): 19112/SK/02 REV G;  
 Drawing - Reference No (or Description): PL-003 REV B;  
 Drawing - Reference No (or Description): TWHC\_DUN 10J;  
 Drawing - Reference No (or Description): TWHC\_DUN 11J;  
 Drawing - Reference No (or Description): TWHC\_DUN 12F;  
 Drawing - Reference No (or Description): TWHC\_DUN 13F;  
 Drawing - Reference No (or Description): TWHC\_DUN 14F;  
 Drawing - Reference No (or Description): TWHC\_DUN 15C;  
 Drawing - Reference No (or Description): TWHC\_DUN 16E;  
 Drawing - Reference No (or Description): TWHC\_DUN 17E;  
 Drawing - Reference No (or Description): TWHC\_DUN 18F;  
 Drawing - Reference No (or Description): TWHC\_DUN 19E;  
 Drawing - Reference No (or Description): TWHC\_DUN 20H;  
 Drawing - Reference No (or Description): TWHC\_DUN 21F;  
 Drawing - Reference No (or Description): TWHC\_DUN 22H;  
 Drawing - Reference No (or Description): TWHC\_DUN 23;  
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 Drawing - Reference No (or Description): TWHC\_DUN 42;  
 Drawing - Reference No (or Description): TWHC\_DUN 43;  
 Drawing - Reference No (or Description): TWHC\_DUN 44A;  
 Drawing - Reference No (or Description): DTR-100B;  
 Drawing - Reference No (or Description): DTR-101;  
 Drawing - Reference No (or Description): DTR-102;  
 Drawing - Reference No (or Description): TWHC\_DUN-PLAN 1 REV B;  
 Drawing - Reference No (or Description): TWHC\_DUN 03;  
 Other - Reference No (or Description): Landscape Management Plan;  
 Other - Reference No (or Description): Design and Access Statement;  
 Other - Reference No (or Description): Design and Access Statement - Phase 1;  
 Other - Reference No (or Description): Drainage Strategy Report (May 2020);  
 Other - Reference No (or Description): Noise Impact Assessment;  
 Other - Reference No (or Description): Flood Risk Assessment;  
 Other - Reference No (or Description): Written Scheme of Investigation (WSI);  
 Other - Reference No (or Description): Data Structure Report (Archaeology); and  
 Other - Reference No (or Description): Construction Traffic Management Plan (CTMP).

**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 explanation for reaching this view is set out in the Report of Handling and which forms a part of the Planning Register.

The meeting ended at 11.05 a.m.