

## **REGULATORY PANEL.**

Minutes of meeting held remotely  
on 13 May 2021 at 10.00 a.m.

Present: Councillors Brian Connolly (Chair), Andy Campbell, Iain Campbell, Ian Cavana, Alec Clark, Ian Fitzsimmons, Mary Kilpatrick, Craig Mackay and Margaret Toner.

Attending: K. Briggs, Service Lead – Legal and Licensing; J. Nicol, Service Lead – Planning and Building Standards; A. Edgar, Supervisory Planner; D. Clark, Supervisory Planner; K. Braidwood, Ayrshire Roads Alliance; and A. Gibson, Committee Services Officer.

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

The Chair 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. Minutes of previous meeting.**

The minutes of 1 April 2021 (issued) were submitted and approved.

### **4. Applications for Planning Permission.**

There were submitted reports ([issued](#)) of April 2021 by the Director - Place on planning applications for determination.

The Panel decided as follows:-

- (1) [20/01026/APP](#) – STRAITON – Bennan Farm, U31 from B741 junction near Straiton, south-west to U43 junction near Dyke – Erection of three holiday pods and associated works.

The Chair asked the Service Lead - Planning and Building Standards, to provide a summary of the representations 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.

The Panel adjourned to allow a mover and seconder of a possible Motion to discuss its terms with relevant officers who were present at the meeting.

Upon reconvening, the Panel

**Decided:-** to approve the application, subject to

- the removal of condition (3) in the report relating to three inter-visible parking places, and instead the inclusion of an amended Advisory Note on this matter, as the economic benefits to the village of Straiton and surrounding area outweighed any road safety concerns; 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, existing dwellinghouse and its curtilage, as defined on the approved drawings shall not be sold, assigned, disposed, leased or in any other way disposed of separately from the proposed holiday accommodation, and shall remain part of the same single inter-connected planning unit, unless granted planning permission for a sub-division of the plot;
  - (c) that the holiday accommodation units shall not be promoted, advertised, let or used for any purpose other than as holiday accommodation, and that the occupancy of the holiday accommodation by the same person, whether or not along with other persons, shall be strictly limited to a total of one month, in any year from 1st January in that year;
  - (d) that should the holiday accommodation become obsolete, the units shall be removed from the site, and the site shall be restored to its former condition in accordance with a written specification, including a timescale within which the works shall be implemented, to be submitted for the prior written approval of the Planning Authority. The restoration specification shall be submitted within 2 months of the date of the accommodation becoming obsolete;
  - (e) that off street parking provision shall be provided within the site in accordance with the submitted and approved layout plan;

- (f) that, prior to the operation of the holiday accommodation details shall be submitted of a portable supply of water serving the holiday accommodation. Thereafter, the development shall be implemented and connected to the agreed supply, for the lifetime of the development, to the satisfaction of the Planning Authority, in conjunction with the relevant authorities;
- (g) that, prior to any further works at the site a scheme of landscaping indicating 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, shall be submitted for the prior written approval of the Planning Authority. 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 landscaped area shall be retained to this approved standard; and
- (h) that, prior to any further works at the site, a cross section of the site shall be submitted at a suitably scaled plan which shows the existing site section, and the proposed site section, and details of any levelling required so as to form a level base on which to site the development. The site section information shall be agreed with the Planning Authority, and thereafter the development shall be implemented as agreed.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) to clarify the terms of this permission;
- (c) to clarify the terms of the permission, and to ensure that the accommodation is used for holiday purposes only;
- (d) in the interest of proper planning;
- (e) to adequately service the development;
- (f) to ensure the development is adequately serviced;
- (g) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality; and
- (h) to clarify the nature of the development.

**Advisory Notes:**

- 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 Council as Environmental Health Authority has advised that the new septic tank is to be constructed and installed in accordance with BS6297 Code of Practice for Design and Installation of drainage fields for use in wastewater treatment (as amended).
- Any private water supply serving these premises will require to fully comply with the requirements of the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017, or relevant updated legislation.

- That the applicant is made aware that works should not lead to contravention of either the Protection of Badgers Act 1992 or the Wildlife & Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004; (this includes ensuring that any foraging badger would not become trapped /injured during construction).
- That the applicant is made aware that works should not lead to contravention of the Habitats Directive/Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).
- That the area of construction be checked prior to the commencement of any works for any ground nesting birds or nesting hare, thereby ensuring that they are not contravening the Wildlife & Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004.
- If there is a requirement for any tree felling then it may be appropriate for the developer to conduct a survey (in season) for potentially roosting bats / nesting birds.
- If a bat survey demonstrates that bats and / or a known roost are likely to be affected by the proposed development and planning permission is to be granted then a condition should be placed on the decision notice requiring the developer to apply for, and obtain, a European Protected Species Licence (EPS) before work commences.
- If a bat survey demonstrates that development is likely to affect bat foraging and/or commuting habitat then where possible linear features such as tree lines should be retained, and compensatory planting should be considered.
- If there are any woodland edges likely to provide important foraging habitat, where possible an experienced ecologist should provide input to the lighting schemes so as not to impact on foraging bats and provide darkened corridors for commuting and foraging.
- Any temporary lights used during construction should be fitted with shades to prevent light spillage outside the working area. Temporary lights should not illuminate any tree lines or hedgerows due to lighting potentially affecting wildlife commuting and foraging.
- Where possible the developer considers the inclusion of bird and bat boxes within the development.
- If there are any woodland edges likely to provide important foraging habitat, where possible an experienced ecologist provides input to the lighting schemes so as not to impact on foraging bats and provide darkened corridors for commuting and foraging.
- If an EPS licence is required further survey will be required in order to gain sufficient information in order to supply a sufficient baseline and to inform the necessary mitigation plan required to support a licence application. Application forms can be found on the SNH website along with guidance.
- Should any EPS be found either prior to or during the period of development then a qualified ecological consultant should be contacted immediately for advice before proceeding with works. Advice from SNH may be required and the ecologist should be able to determine this.
- Should any European EPS be found either prior to or during the period of development then the need for EPS licensing should be reviewed.

- Should any vegetation require to be removed this should be undertaken outwith the breeding bird's season, specifically March to August, inclusive. If this is not possible, and works are due to take place between March and August, then nesting bird checks should be undertaken by a suitably qualified ecologist, immediately prior to any tree or vegetation removal works commencing.
- Where possible that any native hedgerows are retained, or replaced with native species hedgerow enhancements. This could consist of mostly hawthorn, with a mix of hazel, holly, dog rose, willow and elder.
- That where possible any landscape planting considers the use of native nectar rich species and fruiting species. These might include Blackthorn (*Prunus spinose*), Crab apple (*Malus sylvestris*), Elder (*Sambucus nigra*), Hawthorn (*Crataegus monogyna*), Hazel (*Corylus avellana*), Holly (*Ilex aquifolium*), Rowan (*Sorbus aucuparia*) and Silver birch (*Betula pendula*). \* Applicable to sites > 13km distance from Prestwick Airport.
- All holes and excavations greater than 1 m deep should be covered whilst unattended to prevent animals falling in, or ramps should be used in order to provide a means of trapped species to escape. Where this is not possible these areas should be fenced off to prevent accidental entry.
- The ends of any pipeline should be capped when unattended, or at the end of each working day to prevent animal access.
- The Ayrshire Roads Alliance has advised that 3 inter visible passing places shall be provided on the private access road in accordance with the Roads Development Guide.

**List of Determined Plans:**

Drawing - Reference No (or Description): 20025-01A Location plan;  
 Drawing - Reference No (or Description): 20025-01A Site plan;  
 Drawing - Reference No (or Description): 20025-04; and  
 Drawing - Reference No (or Description): 20025-03;

**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.

- (2) [21/00093/FURM](#) – AYR– Corton, A77T from Bankfield Roundabout - B7034 junction – Further application to vary conditions 8D, 13, 22 and 28 of planning permission in principle 14/01552/FURM to delete the reference to equestrian.

The Panel 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.

The Panel adjourned to allow a mover and seconder of a possible Motion to discuss its terms with relevant officers who were present at the meeting.

Upon reconvening, Councillor I. Campbell, seconded by Councillor Kilpatrick, moved that the application be refused on the grounds that the Corton development will result in increased traffic generation on the A77 within the vicinity of the site where horse riders cross the A77, therefore the bridge requires to be suitable for equestrian use in the interest of road safety.

By way of Amendment, Councillor Cavana, seconded by Councillor A. Campbell, moved the recommendation in the report, namely that the Director - Place be granted delegated powers to approve this application to vary conditions 8D, 13, 22 and 28 of planning permission in principle reference 14/01552/FURM (to delete reference to equestrian in respect of the overbridge crossing of A77 road) subject to a legal agreement and conditions, as listed in the report.

On a vote being taken, three Members voted for the Amendment and six for the Motion, which was accordingly declared to be carried.

**Decided:** that the application be refused on the grounds detailed above.

The meeting ended at 11.50 a.m.