

## **REGULATORY PANEL.**

Minutes of meeting held remotely  
on 4 February 2021 at 10.00 a.m.

Present

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

Attending

Remotely: K. Briggs, Service Lead – Legal and Licensing; J. Nicol, Service Lead – Planning and Building Standards; M. McClelland, Co-ordinator (Planning); A. Edgar, Supervisory Planner; K. Braidwood, Ayrshire Roads Alliance; and A. Gibson, Committee Services Officer.

### **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. Minutes of previous meetings.**

The minutes of [22 October](#) (Special) and [9 December](#) 2020 (issued) were submitted and approved.

### **4. Traffic Regulation Orders.**

There was submitted report (issued) of January 2021 by the Director – Place seeking approval to make the following Orders under the under the Road Traffic Regulation Act 1984, namely:-

- (1) [South Ayrshire Council \(Morrison Gardens, Ayr\) \(20mph Speed Limit\) Order 2021 and South Ayrshire Council \(Town of Ayr\) \(One-Way Streets, Bus Lanes, Cycle Lanes, Prohibited Turns, Compulsory Movements, Prohibition of Driving and Vehicle Lengths Restriction Orders\) \(Consolidation\) Order 2012 Amendment Order 2021;](#)

- (2) [South Ayrshire Council \(Various Roads, Crosshill\) \(20mph and 30mph Speed Limit\) \(Amendments and Revocations\) Order 2021;](#)
- (3) [South Ayrshire Council \(Various Roads, Dundonald\) \(20mph, 30mph and 40mph Speed Limit\) \(Amendments and Revocations\) Order 2021;](#)
- (4) [South Ayrshire Council \(Various Roads, Kirkmichael\) \(20mph and 30mph Speed Limit\) \(Amendments and Revocations\) Order 2021;](#) and
- (5) [South Ayrshire Council \(Various Roads, Straiton\) \(20mph and 30mph Speed Limit\) \(Amendments and Revocations\) Order 2021.](#)

**Decided:** to approve the making of the above Orders.

**Councillor Cavana lost wi-fi connection and did not participate in consideration of the Orders relating to (3) to (5) above. He then re-joined the meeting for items 5(1) and 5(2) below.**

## 5. **Applications for Planning Permission.**

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

The Panel decided as follows:-

- (1) [20/00948/APP](#) – **GIRVAN - Sacred Heart Primary School, 17 Henrietta Street** - Erection of primary school with associated landscaping.

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 Co-ordinator (Planning) in respect of the application.

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

**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 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;

- (c) 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;
- (d) that before occupation of the extended school an updated Travel Plan shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall include information on existing pedestrian facilities on the principal walking routes to and from the school within the catchment, and highlight appropriate areas for "park and stride" trips to reduce the parking impacts in the vicinity of the school entrance. The Travel Plan shall identify the measures and initiatives to be implemented in order to encourage modes of travel to and from the development other than by private car, and set targets for modal shift. The Travel Plan shall clearly define the system of management, monitoring, review, reporting and the duration of the plan;
- (e) that before occupation of the extended nursery facility a School Travel Pack shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The School Travel Pack shall include information on walking, cycling and public transport facilities and services along principle routes within the catchment area. Additionally the pack shall provide advice on "park and stride" opportunities in the vicinity of the school to mitigate vehicle impacts at the school gate. The Travel Pack shall be distributed to all pupils upon initial opening of the school, and to new pupils as part of the new intake annually thereafter;
- (f) that, prior to the commencement of development, details shall be submitted for the prior written approval of the planning authority of the bin store, cycle store and new boundary wall. Thereafter, the development shall be implemented as per the agreed specification; and
- (g) that, prior to commencement of the development, a Construction Traffic Management Plan (CTMP) shall be submitted to, and approved by, the Planning Authority. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed Plan.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of visual amenity;
- (c) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (d) to encourage sustainable means of travel;
- (e) to encourage sustainable means of travel;
- (f) to clarify the terms of this permission; and
- (g) in the interest of safety and free flow of traffic on the trunk road.

**Advisory Notes:**

That, the development shall be implemented as per the mitigation measures outlined in the ecological constraints survey.

**List of Determined Plans:**

Drawing - Reference No (or Description): SAC-AHR-S0-XX-DR-L-90-001 Rev.B;  
 Drawing - Reference No (or Description): SHP-AHR-S0-XX-DR-L-90-001 Rev.P10;  
 Drawing - Reference No (or Description): SHP-AHR-S0-XX-DR-L-90-009 Rev.P20;  
 Drawing - Reference No (or Description): SHP-AHR-S0-XX-DR-L-90-010 Rev.P01;  
 Drawing - Reference No (or Description): SHP-AHR-XX-00-DR-A-20-001 Rev.H;  
 Drawing - Reference No (or Description): SHP-AHR-XX-01-DR-A-20-002 Rev.I;  
 Drawing - Reference No (or Description): SHP-AHR-XX-02-DR-A-20-003 Rev H;  
 Drawing - Reference No (or Description): SHP-AHR-XX-XX-DR-A-20-100 Rev; and  
 Drawing - Reference No (or Description): SHP-AHR-XX-XX-DR-A-20-200 Rev.E

**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.

**At this point, Councillor Toner lost wi-fi connection and did not participate in item (2) below.**

- (2) **[20/00376/FURM](#) – AYR - Land at Heathfield Retail Park, Liberator Drive - Further application to vary conditions 2 and 5 of planning permission 18/00935/FURM to allow the amalgamation of units 2a/2b/3 and for the unit to sell 'homewares' goods.**

The Chair asked the Service Lead - Planning and Building Standards, to provide a summary of the representations/objections raised. She confirmed that none had been received. Following this, 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.

**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 goods to be sold in units 1A, 1B, 2A/2B/3, 4, 5, 6, 7, 9, 10, 12, 17, 18 and 19, as defined on drawing AL(0)501 Rev 1 dated 01.07.2020 shall be limited as follows:-

- (i) Unit 1A shall be limited to the following ranges of goods. The maximum floorspace to be occupied by each range of goods shall be limited to the percentage identified in brackets after each goods range, and is expressed as a percentage of the net floorspace of the unit: Food and Drink (up to 49%), DIY and Gardening (Up to 100%), Household Textiles and Decorations (Up to 100%), Furniture (Up to 100%), Carpets and Other Floor Coverings (Up to 100%), Electrical Products (Up to 100%), Household Cleaning (Up to 100%), Sports and Leisure (Up to 10% excluding sports and leisure clothing and footwear), Stationary/ Papers (Up to 10% excluding reading books), Clothing and Footwear (Up to 10%), Personal (Up to 10%), Toys/ Games/ Crafts (Up to 10%), Pets (Up to 10% excluding live animals, veterinary services and grooming services), Kitchenware (Up to 10%), Other (which excludes any goods falling within any of the above categories) (Up to 10%);
- (ii) Unit 1B shall be limited to food & convenience goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (iii) Amalgamated "Unit 2A/2B/3" occupied as a single unit in accordance of condition 5 of this permission, shall be limited to the following ranges of goods. The maximum floorspace to be occupied by each range of goods shall be limited to the percentage identified in brackets after each goods range, and is expressed as a percentage of the net floorspace of the unit. The net retail floorspace, of amalgamated Unit 2A/2B/3 shall be limited to 2446 square metres: Food and Drink (up to 5%), DIY and Gardening (Up to 100%), Household Textiles and Decorations (Up to 100%), Furniture (Up to 100%), Carpets and Other Floor Coverings (Up to 100%), Electrical Products (Up to 100%), Household Cleaning (Up to 5%), Sports and Leisure (Up to 1% excluding sports and leisure clothing and footwear), Stationary/ Papers (Up to 5% excluding reading books), Clothing and Footwear (Up to 1%), Personal (Up to 1%), Toys/ Games/ Crafts (Up to 5%), Pets (Up to 5% excluding live animals, veterinary services and grooming services), Kitchenware (Up to 5%), Other (which excludes any goods falling within any of the above categories) (Up to 10%);
- (iv) Unit 4 shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;

- (v) Unit 5 shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (vi) Unit 6 shall be limited to car parts and accessories and bicycles and bicycle parts and accessories except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (vii) Unit 7 shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (viii) Unit 9 shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (ix) Unit 10 shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (x) Unit 12 shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (xi) Unit 17 shall be limited to food & convenience goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;

- (xii) Unit 18 shall be limited to the following ranges of goods. The maximum floorspace to be occupied by each range of goods shall be limited to the percentage identified in brackets after each goods range, and is expressed as a percentage of the net floorspace of the unit: Food and Drink (up to 49%), DIY and Gardening (Up to 100%), Household Textiles and Decorations (Up to 100%), Furniture (Up to 100%), Carpets and Other Floor Coverings (Up to 100%), Electrical Products (Up to 100%), Household Cleaning (Up to 100%), Sports and Leisure (Up to 10% excluding sports and leisure clothing and footwear), Stationary/ Papers (Up to 10% excluding reading books), Clothing and Footwear (Up to 10%), Personal (Up to 10%), Toys/ Games/ Crafts (Up to 10%), Pets (Up to 10% excluding live animals, veterinary services and grooming services), Kitchenware (Up to 10%), Other (which excludes any goods falling within any of the above categories) (Up to 10%); and
  - (xiii) Unit 19 shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (c) that Unit 8 shall be used for Class 11 use as a gymnasium only in accordance with the provisions of the Town and Country Planning Use Classes (Scotland) Order 1997;
  - (d) that Units 14, 15 and 16 shall be used for any purpose falling within Class 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 or for a sui generis hot food takeaway use or for the sale of D.I.Y products, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
  - (e) that no unit shall be sub-divided or amalgamated, with exception of amalgamated "Unit 2A/2B/3" which may be occupied as a single unit in accordance with condition 2 (c) of this permission, without the prior written approval of the Planning Authority;
  - (f) 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;

- (g) that 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;
- (h) 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;
- (i) 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;
- (j) 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;
- (k) that parking bays shall be a minimum 4.8 metres x 2.5 metres with minimum aisle widths of 6 metres;
- (l) 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;
- (m) 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;



- (n) 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;
- (o) 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;
- (p) 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;
- (q) 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 Council as Planning Authority;
- (r) 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
- (s) 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

**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 the permission and to ensure protection of the vitality and viability of town centres;
- (c) to clarify the terms of the permission and to ensure protection of the vitality and viability of town centres;

- (d) to clarify the terms of the permission and to ensure protection of the vitality and viability of town centres;
- (e) in order to retain proper control over the development and to accord with the provisions of the Development Plan;
- (f) in the interest of visual amenity;
- (g) to ensure the proposed remediation plan is suitable;
- (h) to encourage sustainable means of travel and to be consistent with the requirements of Scottish Planning Policy and PAN 75 Planning for Transport;
- (i) in the interest of road safety and to ensure an acceptable standard of construction;
- (j) in the interest of road safety and to ensure adequate off-street parking provision;
- (k) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (l) to ensure adequate provision of lockable and covered cycle storage on site. to encourage sustainable means of travel;
- (m) in the interest of road safety and avoid the discharge of water on to the public road;
- (n) to ensure the site is drained in an acceptable and sustainable manner;
- (o) to reasonably avert the reversing of vehicles onto the main road and in the interests of road safety;
- (p) in the interest of road safety;
- (q) in the interest of road safety;
- (r) to ensure adequate provision for public transport; and
- (s) to accord with the provisions of the development plan.

**List of Determined Plans:**

Drawing - Reference No (or Description): AL(0)501 Location Plan; and  
 Other - Reference No (or Description): Planning Statement.

**Reason for Decision:**

The proposal has been assessed against the relevant policies of the South Ayrshire Local Development Plan and the South Ayrshire Town Centre & Retail Local Development Plan. Whilst the proposal is not fully in accordance with LDP Policy: Commercial Centres (Heathfield) in so far as the 'homewares' element is not within a singular unit, the proposal will result in less floorspace used for retailing these types of goods with a corresponding decrease in the potential adverse impact on the vitality and viability of the surrounding town centres.

The meeting ended at 10.45 am.