

## **REGULATORY PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 13th May 2015 at 10.00 a.m.

- Present: Councillors Peter Convery (Chair), Ian Cavana, Ian Douglas, Ann Galbraith, Sandra Goldie, William J. Grant and Hugh Hunter.
- Apology: Councillor Andy Campbell.
- Attending: C. Cox, Planning Manager; A. Brown, Co-ordinator (Legal Services, Property and Contracts); A. Cooke, Supervisory Planner; D. Clark, Supervisory Planner; and A. Gibson, Committee Services Officer.

### **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 [25th March](#) (Special) and [2nd April](#) 2015 (issued) were submitted and approved

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

There were submitted reports (issued) of April 2015 by the Executive Director – Economy, Neighbourhood and Environment on current applications for determination.

The Panel decided as follows:-

- (1) **12/00090/APPM – LENDALFOOT - Straid Farm – U48 from Junction A77T at Lendalfoot - via Knocklaugh to A714 near Pinmore Station** – Erection of 14 wind turbines, associated works and formation of associated access track ([link attached](#))

Having heard Councillor Oattes, local member, (in attendance for this item only), he left the meeting.

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

(a) **Landscape, visual and cumulative impact**

that the proposed development would be contrary to South Ayrshire Local Development Plan policies; 'Sustainable development', 'Renewable energy', 'Wind energy', 'Landscape quality' and 'Protecting the landscape' and Scottish Planning Policy & Advice in that the development proposal (including the access tracks) would have a direct and unacceptable impact on the sensitive landscape and scenic qualities of the area (individually and cumulatively) and the potential adverse effects cannot be satisfactorily addressed. There are no over-riding reasons to depart from development plan policy or government policy and guidance;

(b) **Tourism and Recreation**

that the application proposal is contrary to the South Ayrshire Local Development Plan policy on 'Sustainable development' and Scottish Planning Policy & Advice in that it is likely to have an unacceptably adverse impact on the important tourism and recreation resource in the locality of the application site. There are no over-riding reasons to depart from development plan policy or government policy and guidance;

(c) **Residential Amenity**

that due to the large scale and close proximity of the proposed turbines together with the extent and nature of the views involved, the proposal would have an unacceptably adverse impact on residential amenity including the following properties within 1.5km of the nearest turbine; Cundry Mains, Currarie, Straid Farm, Knockdaw, Knockbain, Carleton Mains, The Garth, Carn O'Mhor and properties in Lendalfoot (Smiddy House, Firth View, The Meidlum, New properties, Straid Cottages, School House and Roseland Cottage). Consequently the application proposal is considered to be contrary to South Ayrshire Local Development Plan policies; 'Sustainable development', 'Renewable energy' and 'Wind energy' and Scottish Planning Policy and Advice as it would have an adverse effect on residential amenity. There are no over-riding reasons to depart from development plan policy or government policy and guidance;

(d) **Community and Place**

that the large scale and close proximity of the proposed wind farm development to the village of Lendalfoot would be overbearing and would unacceptably adversely affect the qualities of Lendalfoot that contribute to its success as a place including its; distinct identity, safe and pleasant space, sense of welcome and beauty. Consequently the application proposal is considered to be contrary to South Ayrshire Local Development Plan policies; 'Sustainable development', 'Renewable energy' and 'Wind energy', Scottish Planning Policy and Creating Places: a Policy Statement on Architecture and Place for Scotland' as it would have an unacceptably adverse effect in terms of communities, residential amenity and placemaking. There are no over-riding reasons to depart from development plan policy or government policy and guidance; and

**(e) Coast**

that the large scale and prominence of the proposed windfarm development within this area of 'undeveloped' coast which is characterised by its relative remoteness and extensive open landscape is contrary to South Ayrshire Local Development Plan policy 'Coast' as it conflicts with the Coastal Development Guidance. Specifically, this large scale and prominent windfarm development; is not associated with an existing use, impinges to an unacceptable extent upon the surrounding landscape and does not have adequate regard to visual amenity. There are no over-riding reasons to depart from development plan policy.

**List of Determined Plans:**

Drawing - Reference No (or Description): PA01 Site Location Plan;  
 Drawing - Reference No (or Description): PA02 Location Plan;  
 Drawing - Reference No (or Description): PA03 Site Layout Plan;  
 Drawing - Reference No (or Description): PA04 Turbine Elevations;  
 Drawing - Reference No (or Description): PA05 Foundation design;  
 Drawing - Reference No (or Description): PA06 Crane hardstanding;  
 Drawing - Reference No (or Description): PA07 substation details;  
 Drawing - Reference No (or Description): PA08 Access track (section);  
 Drawing - Reference No (or Description): PA09 Site Access Junction;  
 Drawing - Reference No (or Description): PA10 abnormal loaf route;  
 Drawing - Reference No (or Description): PA11 Watercourse crossing  
 Other - Reference No (or Description): ENVIRONMENTAL STATEMENT Vol 1;  
 Other - Reference No (or Description): ENVIRONMENTAL STATEMENT Vol 2 (Figures);  
 Other - Reference No (or Description): ENVIRONMENTAL STATEMENT Vol 3 (Tech Appendices);  
 Other - Reference No (or Description): ENVIRONMENTAL STATEMENT Non technical summary;  
 Other - Reference No (or Description): PLANNING STATEMENT;  
 Other - Reference No (or Description): DESIGN AND ACCESS STATEMENT;  
 Other - Reference No (or Description): PAC REPORT Part 1;  
 Other - Reference No (or Description): PAC REPORT Part 2;  
 Other – Reference No (or Description): ENVIRONMENTAL STATEMENT ADDENDUM (20/10/14); and  
 Other – Reference No (or Description): ENVIRONMENTAL STATEMENT ADDENDUM (20/02/15).

- (2) **15/00250/APP – CRAIGIE – 5 Main Street** – Change of use of restaurant to form dwellinghouse ([link attached](#)).

**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 proposed access shall be constructed in accordance with the specifications in the Council's Roads Development Guide, and be a minimum of 5.5 metres wide over its initial ten metres, as measured from the rear of the public footway before occupation of the development;
- (c) 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;
- (d) that the private access shall be surfaced for a minimum of two metres as measured from the rear of the public footway prior to occupation of the development. 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;
- (e) that junction access visibility sightline splays of two metres by twenty metres shall be maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays;
- (f) that off-road parking spaces shall be provided in accordance with the Council's Roads Development Guide (i.e. 2 spaces for a 3 bedroom property) within the existing site boundaries prior to occupation of the dwellinghouse(s);
- (g) that parking bays shall be a minimum 4.8 metres x 2.5 metres with minimum aisle widths of six metres;
- (h) that before the house is occupied, a turning area shall be provided within the site boundary in order that vehicles can enter and leave the site in a forward gear. A detailed plan showing the design and specification to a scale not less than 1:500 shall be submitted for the prior written approval of the Planning Authority before any work commences; and
- (i) that prior to occupation of the development any gates shall open inwards away from the public roadway.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interest of road safety and to ensure an acceptable standard of construction;
- (c) in the interest of road safety and to avoid the discharge of water on to the public road;
- (d) in the interest of road safety and to ensure an acceptable standard of construction;
- (d) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (f) in the interest of road safety and to ensure adequate off-street parking provision;
- (g) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (h) to reasonably avert the reversing of vehicles onto the main road and in the interests of road safety; and
- (i) in the interest of road safety.

**Advisory Notes:**

- 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 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 all costs incurred with crossing existing footway to be borne by the applicant/developer and carried out to SAC specification.
- The Council as Roads Authority advises that any alterations to the existing footway crossing require to comply with the specification issued by the Roads and Transport Service.
- The Council as Roads Authority advises that a Road Opening Permit will be required for any work within the public road limits.
- 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.
- 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:**

Drawing - Reference No (or Description): 2548/PL/01;  
 Drawing - Reference No (or Description): 2548/PL/03;  
 Drawing - Reference No (or Description): 2548/PL/05;  
 Drawing - Reference No (or Description): 2548/PL/06;  
 Drawing - Reference No (or Description): 2548/PL/07;  
 Drawing - Reference No (or Description): 2548/PL/08; and  
 Drawing - Reference No (or Description): 2548/PL/10.

**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) **15/00251/PPP – CRAIGIE – 5 Main Street** – Planning permission in principle for erection of dwellinghouse ([link attached](#)).

**Decided:** to approve the application subject to the following conditions:-

- (a) that formal application(s) for the Approval of Matters Specified in Conditions shall be submitted to, and approved by, the Council before commencement of development. Such application(s) shall be made not later than three years from the date of this permission or, if later, within six months from when an earlier approval for the same matters was refused or dismissed on appeal. The proposed development shall commence within two years from the approval of the requisite Matters Specified in Condition application, or in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained;
- (b) that this planning permission in principle, subject to the specified planning conditions, relates to the plan(s) as listed below;
- (c) that full details of the proposed development, including the siting, design, external appearance, means of access, landscaping measures, and any other matters specified in conditions below, shall be submitted for the approval of the Planning Authority as outlined in Advisory Notes (1a) and (1b) of this planning permission;
- (d) that the dwellinghouse shall comply with the Council's Supplementary Guidance 'Open Space and Designing New Residential Developments'. At the Approval of Matters Specified in Conditions stage, detailed supporting information illustrating compliance with the Supplementary Guidance shall be submitted for the approval of the Planning Authority;
- (e) that any proposed access shall be constructed in accordance with the specifications in the Council's Roads Development Guide (7.4.8/Fig 7.12) before completion of the development;

- (f) 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;
- (g) that the private access shall be surfaced for a minimum of 2 metres as measured from the rear of the public footway prior to occupation of the development. 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;
- (h) that junction access visibility sightline splays shall meet the requirements of the Roads development Guide and shall be maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays;
- (i) that off-road parking spaces shall be provided within the site boundary in accordance with the Council's Roads Development Guide (Table 7.4) 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;
- (j) that parking bays shall be a minimum 4.8 metres x 2.5 metres with minimum aisle widths of 6 metres;
- (k) that at the Approval of Matters Specified in Conditions stage plans shall be submitted to show turning heads provided within the site in accordance with the Roads Development Guide;
- (l) that prior to occupation of the development any gates shall open inwards away from the public roadway; and
- (m) 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.

**Reasons:**

- (a) to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 21 of the Planning Etc. (Scotland) Act 2006;
- (b) to clarify the extent of the planning permission and to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning etc. (Scotland) Act 2006;
- (c) to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning Etc. (Scotland) Act 2006 in order to retain proper control over the development proposal;
- (d) to comply with Local Development Plan policies and Supplementary Guidance and in the interests of the proper planning of the area;
- (e) in the interest of road safety and to ensure an acceptable standard of construction;
- (f) in the interest of road safety and avoid the discharge of water on to the public road;
- (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 acceptable visibility at road junctions;
- (i) in the interest of road safety and to ensure adequate off-street parking provision;
- (j) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (k) to reasonably avert the reversing of vehicles onto the main road;
- (l) in the interest of road safety; and
- (m) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording.

**Advisory Notes:**

- 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 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 all costs incurred with crossing existing footway to be borne by the applicant/developer and carried out to SAC specification.
- The Council as Roads Authority advises that any alterations to the existing footway crossing require to comply with the specification issued by the Roads and Transport Service.
- The Council as Roads Authority advises that a Road Opening Permit will be required for any work within the public road limits.
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- 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.
- 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:**

Drawing - Reference No (or Description): 2548/PL/02; and  
 Drawing - Reference No (or Description): 2548/PL/04.

**Reason for Decision:**

The principle of the development hereby approved can be justified in terms of the development plan, and subject to appropriate conditions and the submission of application(s) for the Approval of Matters Specified in Conditions, there is no significant adverse impact on the amenity of neighbouring land and buildings.

- (4) **14/01591/APP – MAYBOLE – Badgers Keep, U63 from C122 – North via Sauchrie to A719 near Genoch** - Erection of Dwellinghouse ([link attached](#)).

Councillor Hunter, seconded by Councillor Goldie, moved that the application be approved subject to the conditions as detailed in the report and an additional condition, namely “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”.

By way of an Amendment, Councillor Grant, seconded by Councillor Galbraith, moved that the application be continued to a re-convened meeting of this Panel to allow a site visit to be conducted.

On a vote being taken by a show of hands, two Members voted for the Amendment and five for the Motion, which was accordingly declared to be carried.

**Decided:** by a majority, 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 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 the existing trees, other than those agreed or approved for removal, shall be retained and protected in accordance with BS5837:2012 Trees in relation to Construction, to the satisfaction of the Planning Authority;
- (d) 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;
- (e) that the proposed access shall be constructed in accordance with the specifications in the Council's Roads Development Guide, and be a minimum of 5.5 metres wide over its initial 6 metres, as measured from the rear of the public footway. Precise details and specifications of the site access shall be submitted for the prior written approval of the Planning Authority before any work commences on site, and the required works shall be undertaken prior to the occupation of the dwellinghouse;
- (f) that the private access shall be surfaced for a minimum of 2 metres as measured from the rear of the public footway. 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, and the required works shall be undertaken prior to the occupation of the dwellinghouse;
- (g) that junction access visibility sightline splays of 2.5 metres by 90 metres shall be maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metres in height within the visibility sightline splays;
- (h) that before the proposed dwelling is occupied a minimum of three off-street parking spaces shall be provided within the curtilage in accordance with the Roads Development Guide;
- (i) 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; and
- (j) 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.

**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 amenity and to ensure that all trees worthy of retention are satisfactorily protected before and during works on site;
- (d) in order to ensure that no damage is caused to the existing trees during development operations;
- (e) in the interest of road safety and to ensure an acceptable standard of construction;
- (f) in the interest of road safety and to ensure an acceptable standard of construction;
- (g) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (h) in the interest of road safety and to ensure adequate off-street parking provision;
- (i) in the interest of road safety; and
- (j) in the interests of visual amenity.

**Advisory Notes:**

- In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should Scottish Water become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at The Bridge, Buchanan Gate Business Park, Cumbernauld Road, Stepps, Glasgow, G33 6FB, 0141 414 7660.
- If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.
- There may be contaminated land issues relevant to the development of this site. The developer must ensure that satisfactory precautionary measures are taken to protect public water and sewer pipes from any possible contamination. The developer may have to submit a full soil investigation report to Scottish Water. Customer Connections will be able to provide advice on this subject on request.

- Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel- 0845 601 8855.
- 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.
- 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 coordinated 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 a Road Opening Permit shall be applied for, and obtained from the Roads Authority, for any work within the public road limits prior to works commencing on site.
- That the discharge of water onto the public road carriageway shall be prevented by drainage or other means.

**List of Determined Plans:**

Drawing - Reference No (or Description): LOCATION PLAN 1:1250;  
Drawing - Reference No (or Description): EXISTING SITE PLAN;  
Drawing - Reference No (or Description): PROPOSED SITE PLAN;  
Drawing - Reference No (or Description): PROPOSED FLOOR PLANS; and  
Drawing - Reference No (or Description): PROPOSED ELEVATIONS.

**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 meeting ended at 11.50 a.m.