

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 2nd April 2015 at 10.00 a.m.

Present: Councillors Peter Convery (Chair), Andy Campbell, Ian Cavana, Ian Douglas, Ann Galbraith, Sandra Goldie, William J. Grant and Hugh Hunter.

Attending: C. Cox, Planning Manager; A. Brown, Co-ordinator (Legal Services, Property and Contracts); C. Parish, Planning Development Group Leader; M. McClelland, Development Management Team Leader; and A. Gibson, Committee Services Officer.

Also attending: G. Senior and B. Wyllie, Ayrshire Roads Alliance.

1. Declarations of Interest.

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct, Councillor Campbell declared an interest in relation to the planning application being considered at item 5 (1) below as he wished to address the Panel as a Local Member.

2. Minutes of previous meeting.

The Minutes of 4th March 2015 (issued) ([link attached](#)) were submitted.

Following discussion by Panel Members regarding the detail of what had been minuted in relation to the planning application for Plot 9, the Citadel, Esplanade, Ayr (Page 3 paragraph 5 (2)), the Panel agreed to continue consideration of this minute to the conclusion of this meeting.

3. Variation in Order of Business.

In terms of Council Standing Order 13(2), the Panel agreed to vary the order of business as hereinafter minuted.

4. Order Under the Road Traffic Regulation Act 1984.

There was submitted a report (issued) ([link attached](#)) of 4th March 2015 by the Executive Director – Economy, Neighbourhood and Environment seeking approval to make an Order under the Road Traffic Regulation Act 1984, namely "South Ayrshire Council (Main Street, Prestwick) (Limited Waiting Restrictions Amendment) Order 2015."

Clarification was provided by a representative from the Ayrshire Roads Alliance that the Order would be in place by June 2015.

Decided: to approve the making of the above-named Order.

5. Applications for Planning Permission.

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

The Panel decided as follows:-

Councillor Campbell, having previously declared an interest in the following planning application did not participate in the consideration thereof:-

- (1) **14/01550/APPM – SYMINGTON – land opposite Townend Terrace/Main Street Junction, Main Street** – Erection of residential development, formation of access roads, associated landscaping and infrastructure ([link attached](#)).

The Panel heard Councillor Andy Campbell, local member who then left the room thereafter.

Councillor Hunter, seconded by Councillor Grant, moved that the application be refused on the grounds of the traffic impact on the village of Symington, and particularly on Main Street, Symington, with insufficient mitigation measures having been provided in the application.

By way of an Amendment, Councillor Convery, seconded by Councillor Galbraith, moved that the Executive Director – Economy, Neighbourhood and Environment be given delegated powers to approve the application subject to all matters relating to traffic management and mitigation being referred back to this Panel for further consideration and approval and in addition the signing of a S75 legal agreement relating to an education contribution, affordable housing provision and off-site traffic management, and the conditions as detailed in the report.

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

Decided: by a majority, to agree that the Executive Director – Economy, Neighbourhood and Environment be given delegated powers to approve the application subject to all matters relating to traffic management and mitigation being referred back to this Panel for further consideration and approval and in addition the signing of a S75 legal agreement relating to an education contribution, affordable housing provision and off-site traffic management, 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 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 prior to the commencement of development, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted to the Planning Authority for written approval;
- (d) 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;
- (e) that notwithstanding the plans hereby approved, all proposed materials to be used on external surfaces shall respect the character of the traditional materials found in the adjacent conservation area to the satisfaction of the Planning Authority. For the avoidance of doubt this will involve slate or a good quality slate substitute on the roofs of residential units fronting Main Street and Townend Brae and render and/or stone or a suitable stone substitute on the walls of all residential units. Brick is not hereby approved;
- (f) that all surface water drainage shall discharge to the public sewerage system vested by Scottish Water to the complete satisfaction of Scottish Water. No work shall start on site prior to technical approval from Scottish Water in respect of water and drainage. A copy of the requisite technical approval documentation from Scottish Water shall be provided to the Planning Authority before work commences on site;
- (g) that before any works start on site a scheme of landscaping indicating the siting, numbers, species, densities 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 the first planting season following the completion or occupation of the development, whichever is the sooner. The open space/landscaped area shall be retained as open space and to this approved standard. For the avoidance of doubt the proposed hedge and tree planting shall be native species and where possible nectar rich species. Note that where possible any native hedgerows shall be maintained, or replaced with native species hedgerow enhancements. This could consist of mostly hawthorn, with a mix of hazel, holly, dog rose, willow and elder;

- (h) that before any works start on site, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. Thereafter, the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details. For the avoidance of doubt this includes a maintenance regime for the proposed landscaping and planting areas as well as for the areas that are to be retained, including the peripheral landscaped strips;
- (i) 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;
- (j) 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, and adjacent to it, 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;
- (k) before any work commences on site full details and specifications of the size and location of the proposed play areas shall be submitted for the prior approval of the planning authority. The required details include; the sizes and detailed play proposals. For the avoidance of doubt two toddler play areas are required and an area for older children and teenagers with age appropriate dynamic equipment, ideally in the southern corner of the development;
- (l) that a landscape bond and a play equipment bond relating to the approved landscaping and play facility scheme for this development proposal shall be submitted to, and approved in writing by, the Planning Authority before any work commences on site. For the landscape bond calculation purposes a map with only factored areas shall be submitted, with all planting details, such as: areas, plant species, sizes and densities;
- (m) before any work commences on site precise details and specifications of the measures to ensure adequate surveillance of the area of open space in the south west corner of the site in particular from the houses on plots 94 and 95 shall be submitted for the prior approval of the planning authority. For the avoidance of doubt this will include measures to ensure an open aspect from the ground floor of the houses on these plots and details of the peripheral path running through the area of open space;
- (n) that before any work commences on site, amended plans demonstrating an adequate inter-relationship between the roof form of the proposed houses shall be submitted for the prior written approval of the planning authority. For the avoidance of doubt this relates in particular to house plots; 44, 46, 91, 92, 93, 100, 101, 102, 111, 112, 119, 141 and 142;

- (o) the applicant shall upgrade 2 x bus stops on Symington Road North, and 1 x bus stop at the Symington Road North turning circle to incorporate Real Time Passenger Information screens (RTPI) compatible with the existing Ayrshire Real Time system, prior to the occupation of the development. This shall include supply an installation of an isolatable power source within a power termination pillar, the required ducting, a post retention socket and pole (to the satisfaction of the planning authority), and a 6 line bann display or equivalent. 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 the aforementioned bus stops shall be agreed to by the Planning Authority prior to their installation;
- (p) that the applicant shall make provision of a courtesy crossing facility at Main Street, Symington, at a point known locally as Coates Corner, prior to the occupation of the development. Final designs shall be agreed with the Planning Authority prior to work commencing on site;
- (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 (Pantehnicon, or equivalent) for the formal prior written approval of the Council as Planning Authority before any work commences on site;
- (r) that the applicant / developer shall, prior to the commencement of work on site, submit a Transport Management Plan which has been produced in consultation with the Roads Authority and the Police Service. The plan shall describe the routing of all construction traffic to and from the development, and shall require the approval of the Planning Authority (in consultation with the Roads Authority and Police) prior to commencement on site;
- (s) that before occupation of the first dwelling, a Residential Travel Pack shall be submitted for the formal prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Residential Travel Pack shall provide information on pedestrian, cycling and public transport opportunities in the vicinity of the development site to encourage modes of travel other than private car;
- (t) 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;
- (u) that junction access visibility sightline splays of 4.5 metres by 35.0 metres shall be maintained in both directions at all development junctions with the public road network, onto both Townend Road and Townend Brae. There shall be no obstacle greater than 1.05 metres in height within the visibility sightline splays;

- (v) that before the proposed development is occupied on street and off-street parking spaces shall be provided within the curtilage of the development in accordance with an appropriate level of provision as set out within the Council's Roads Development Guide, and designed to satisfy Designing Streets policy;
- (w) that parking bays shall, depending on their type and orientation, be a minimum of: Parking courts or perpendicular on-street bays: 4.8 metres x 2.5 metres with minimum aisle widths of 6m; Parallel on-street parking bays: 6.0 metres x 2 metres. All parking bays shall satisfy the design standards as set out within Designing Streets and the Council's Roads Development Guide;
- (x) that driveways associated with dwellinghouses shall be designed in accordance with the standards as set out within the Council's Roads Development Guide, and be consistent with the design ethos as set out within Designing Streets;
- (y) 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 (Pantehnicon, or equivalent). The turning area shall be constructed as approved prior to the development being occupied;
- (z) that the proposed vehicle connection to Townend Place shall be provided before occupation of the houses on plots 49 to 54 and plots 81 to 83;
- (aa) that before any work commences on site a detailed layout plan showing a minimum of a 5.5metre wide carriageway access spur up to the south western site boundary between plots 83 and 84 shall be submitted for the prior written approval of the Planning Authority. The required access spur shall be provided up to the site boundary before occupation of the houses on plots 81 to 83 and 84 to 87;
- (bb) that should any vegetation require to be removed this shall be undertaken outwith the breeding bird's season, specifically March to August. If there is a requirement for any tree felling the developer shall conduct a survey (in season) for potentially roosting bats / nesting birds. The applicant / developer shall include bat and bird boxes within the development, the precise details and specifications of which shall be submitted for the prior written approval of the Planning Authority before work commences on site. The applicant shall submit evidence to demonstrate that a suitably qualified ecologist has contributed to any lighting schemes to ensure that they do not impact on foraging bats. A further pre-construction ecological / habitat survey shall be undertaken before any development construction work is undertaken, the outcome of which shall be submitted for the prior written approval of the Planning Authority before work commences on site; and
- (cc) that prior to the commencement of development a public access strategy for the construction phase of development shall be submitted to and approved by the Planning Authority. On completion of the construction works, public access as shown on the approved drawings and public access strategy, including paths through the peripheral landscaped strips and alongside the SUDS detention basin connecting to the footpath network in the application site, shall be retained in perpetuity.

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 to allow for archaeological excavation and recording;
- (c) in the interests of visual and residential amenity;
- (d) in the interests of visual amenity;
- (e) in the interests of visual amenity;
- (f) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained. In order to mitigate against flood risk;
- (g) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (h) in the interests of visual amenity; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term;
- (i) in the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during works on site;
- (j) in order to ensure that no damage is caused to the existing trees during development operations;
- (k) in order to ensure an adequate provision of play facilities;
- (l) to ensure that the site is adequately landscaped and incorporates adequate play facilities, in the interests of amenity;
- (m) to ensure adequate surveillance of open space;
- (n) in the interests of placemaking and to achieve a better inter-relationship between the roof forms of the proposed houses;
- (o) to provide accessible public transport;
- (p) for the purposes of road safety and functional operation of the local road network.
- (q) in the interest of road safety;
- (r) in the interest of road safety;
- (s) to encourage sustainable means of travel;
- (t) in the interest of road safety and avoid the discharge of water on to the public road;
- (u) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (v) in the interest of road safety and to ensure adequate off-street parking provision;
- (w) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (x) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (y) to reasonably avert the reversing of vehicles onto the main road and in the interests of road safety;
- (z) in the interests of vehicle and pedestrian movement;
- (aa) in order to ensure that the development of the application site does not prejudice a potential future link road to Kerrix Road;
- (bb) in the interests of safeguarding and enhancing natural heritage; and
- (cc) in order to facilitate and encourage pedestrian movement.

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 promotion of Traffic Regulation Orders resulting from this development will require to be fully funded by the applicant - including any relevant road signs and markings.
- 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.
- Please note that Construction Consent from the Roads Authority will be required for the formation of any new road and that traffic calming measures will be required. The formation of any new road will require to comply with the specifications of the Roads Authority which are detailed in the latest Roads Development Guide publication.
- The Council as Roads Authority advises that only signs complying with the requirements of “The Traffic Signs Regulations and General Directions 2002” are permitted within public road limits.
- The Council as Roads Authority advises that at the detailed application stage the plans should include a stage 2 Road Safety Audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Roads Authority & the applicant. No later than 1 month after completion of the development, unless an alternative time period is approved, a Stage 3 Road Safety audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges should be submitted to the Roads Authority. The requirement to complete a Road Safety Audit includes a requirement to address the recommendations contained within the audit report.
- 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.
- 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.

- The Council as Roads Authority advises that a Road Opening Permit will be required for any work within the public road limits.
- The applicant should note 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). Should any European Protected Species (EPS) be found during further survey or construction works then the need for EPS licensing should be reviewed. The area of construction should 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 and Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004.

List of Determined Plans:

Drawing - Reference No (or Description): (EX)01 Existing Site Plan;
 Drawing - Reference No (or Description): (PL)04 Proposed Site Levels;
 Drawing - Reference No (or Description): LOCATION PLAN;
 Drawing - Reference No (or Description): (PL)1 House type B;
 Drawing - Reference No (or Description): (PL)12 House type B1;
 Drawing - Reference No (or Description): (PL)13 House type C;
 Drawing - Reference No (or Description): (PL)14 House type C terrace;
 Drawing - Reference No (or Description): (PL)15 House type E;
 Drawing - Reference No (or Description): (PL)18 House type J;
 Drawing - Reference No (or Description): (PL)28 Garages;
 Drawing - Reference No (or Description): (RSL)01 Affordable housing plan;
 Drawing - Reference No (or Description): 06.185-TB02 Regrade proposals;
 Drawing - Reference No (or Description): 06.185-TB06 Road construction;
 Drawing - Reference No (or Description): TERRACE Elevs / floor plans;
 Drawing - Reference No (or Description): TOPOGRAPHICAL SURVEY;
 Drawing - Reference No (or Description): 62001208/L01 Landscape Proposals;
 Other - Reference No (or Description): REPORT Ecology April 14;
 Other - Reference No (or Description): REPORT Ecology 2013;
 Other - Reference No (or Description): REPORT Engineering Assessment;
 Other - Reference No (or Description): REPORT Tree survey;
 Drawing - Reference No (or Description): (PL)01 site layout (wider);
 Drawing - Reference No (or Description): (PL)02 site layout;
 Drawing - Reference No (or Description): (PL)03 Amenity space review;
 Drawing - Reference No (or Description): (PL)10 House type A;
 Drawing - Reference No (or Description): (PL)16 House type F;
 Drawing - Reference No (or Description): (PL)17 House type F2;
 Drawing - Reference No (or Description): (PL)19 House type K;
 Drawing - Reference No (or Description): 06.185-TB01 Regrade proposals;
 Drawing - Reference No (or Description): 06.185-TB03 surfacing proposals;
 Drawing - Reference No (or Description): 06.185-TB04 Drainage proposals;
 Drawing - Reference No (or Description): 06.185-TB05 swept path analysis;

Drawing - Reference No (or Description): STREET ELEVATION proposed;
 Drawing - Reference No (or Description): VIEW OF SITE existing and proposed;
 Drawing - Reference No (or Description): TOPOGRAPHIC SURVEY tree canopies;
 Other - Reference No (or Description): REPORT Community consultation;
 Other - Reference No (or Description): REPORT transport assessment;
 Other - Reference No (or Description): REPORT Design statement;
 Drawing - Reference No (or Description): (PL)20 1B2P-2B3P Flat;
 Drawing - Reference No (or Description): (PL)21 1B2P Flat - 2B3P Cottage;
 Drawing - Reference No (or Description): (PL)22 1B2P Flat - 2B3P Cottage;
 Drawing - Reference No (or Description): (PL)23 2B4P Semi-Terrace;
 Drawing - Reference No (or Description): (PL)24 3B4P - 2B4P Terrace;
 Drawing - Reference No (or Description): (PL)25 2B3P-3B4P-2B4P Terrace;
 Drawing - Reference No (or Description): (PL)26 2B3P-3B4P-2B4P Terrace;
 Drawing - Reference No (or Description): (PL)27 3B5P - Semi-Terrace; and
 Drawing - Reference No (or Description): (PL) 29 2B4P Terrace

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.

Adjournment.

The time being 12.20 p.m., the Panel agreed to adjourn.

Resumption of meeting.

The Panel resumed at 12.35 pm.

- (2) **14/01667/APP – AYR – Crofthead Caravan Park, C74 from B742 north-east of Bowmanston – A70 at Old Toll, east of Ayr** – Change of use of agricultural land to form extension to caravan park ([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 caravans shall not be promoted, advertised, let or used for any purpose other than as holiday accommodation;

- (c) that 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 and implemented within a timescale to be agreed in writing with the planning authority before occupation of any of the proposed caravans. For the avoidance of doubt this shall include the planting of native tree species to the south east of the site and in the location of the stances indicatively marked as 17 and 18 on the approved plan;
- (d) that off-street parking provision shall be provided within the site in accordance with the submitted and approved layout plan;
- (e) 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; and
- (f) that, notwithstanding the provisions of Condition 1, above, or the terms of any site license that may be granted, this permission relates solely to the siting of no more than twenty two static caravans within the area of indicative stances numbered 1 - 16, and 19 - 24, on the approved plan and within the western portion of the site. No permission is hereby granted for the siting of caravans beyond this area, or for the formation of an access road to the south and east of the site.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) the site lies within a rural area where the Planning Authority considers that new residential development is appropriate when justified as contributing towards tourism growth within South Ayrshire;
- (c) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (d) in the interest of road safety and to ensure adequate off-street parking provision. To reduce the potential for congestion and obstruction caused by off site car parking;
- (e) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained; and
- (f) to clarify the terms of this permission and in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

Advisory Notes:

That this permission relates to the siting of twenty two static caravans on the western portion of the site as per the approved drawings only.

List of Determined Plans:

Drawing - Reference No (or Description): 14.149:LP01;
Drawing - Reference No (or Description): 14.149:EX01;
Drawing - Reference No (or Description): 14.149:P01; and
Drawing - Reference No (or Description): 14.149:P02.

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.

At this point, Councillor Galbraith left the meeting.

6. Adjournment.

The time being 12.40 p.m., the Panel agreed to adjourn.

7. Resumption of meeting.

The Panel resumed at 1.00 pm.

8. Minutes of previous meeting.

With reference to item 2 above, Councillor Convery, seconded by Councillor Goldie, moved that the Minutes of 4th March 2015 (issued) ([link attached](#)) be approved.

By way of an Amendment, Councillor Hunter, seconded by Councillor Grant, moved that in relation to the minute for the planning application for Plot 9, the Citadel, Esplanade, Ayr (Page 3 paragraph 5 (2)) it be amended to include the names of the mover and seconder of the incompetent amendment and the detail of that incompetent amendment.

On a vote being taken by a show of hands, three Members voted for the Amendment and three for the Motion. The Chair exercised his casting vote in favour of the Motion.

Decided: by a majority, to approve the minutes.

The meeting ended at 1.05 p.m.