

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 4th March 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. Browne, Supervisory Planner; F. Sharp, Supervisory Planner; J. Esslemont, Strategic Planner; and A. Gibson, Committee Services Officer.

Also attending: S. Turner, Head of Roads - Ayrshire Roads Alliance.

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 17th December 2014 (issued) ([link attached](#)) were submitted and approved.

3. Order Under the Road Traffic Regulation Act 1984.

There was submitted a report (issued) ([link attached](#)) of February 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 (Town of Ayr) (Waiting Restrictions) (Consolidation) Order 2015."

Clarification was provided by the Head of Roads - Ayrshire Roads Alliance as to the need for this proposed Order to consolidate various Orders already made.

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

4. **Application to construct and operate under Section 36 of the Electricity Act 1989 and the Electricity Works (Environmental impact Assessment) (Scotland) Regulations the proposed Linfairn Farm, south of the village of Straiton (Ref: 13/01130/DEEM).**

There was submitted a report (issued) ([link attached](#)) of 4th March 2015 by the Executive Director – Economy, Neighbourhood and Environment advising that this Council had been consulted by the Scottish Government, under section 36 of the Electricity Act 1989, on an application by WillowWind Linfairn Ltd. for the erection of a windfarm and associated ancillary development at Linfairn, south of Straiton village.

Decided: to agree that the contents of the report form this Council’s submission to the Scottish Government as the basis of an objection to the proposed development.

5. **Applications for Planning Permission.**

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

The Panel decided as follows:-

- (1) **14/01203/APP – BALLANTRAE - Balsalloch Farm A77 Lendalfoot – Main Street, north of Ballantrae** – Erection of wind turbine, associated infrastructure and formation of associated access track ([link attached](#)).

Decided: to refuse the application on the following grounds and that delegated powers be given to the Executive Director – Economy, Neighbourhood and Environment to conclude if an additional reason for refusal be included relating to noise impact:-

- (a) that the proposed development is contrary to LDP policy “Sustainable Development” as it does not respect the character of the landscape by reason of its scale and location;
- (b) that the proposed development is contrary to LDP policy: “Landscape Quality” as it does not respect the character of the landscape by reason of its scale and location;
- (c) that the proposed development is contrary to LDP policy: “Protecting the Landscape” as it does not respect the character of the landscape, by reason of its scale and location;
- (d) that the proposed development is contrary to LDP policy “Wind Energy” as it does not respect the character of the landscape by reason of its scale and location and that it has a significant detrimental visual impact by reason of views experienced from public roads and viewpoints;

- (e) that the proposed development is contrary to the principles of Scottish Planning Policy as it does not respect the character of the landscape and has a significant detrimental visual impact, by reason of its scale and location; and
- (f) that the proposed development is contrary to “The South Ayrshire Landscape Wind Capacity Study” as it does not respect the character of the landscape and has a significant detrimental visual impact, all by reason of its scale and location.

List of Determined Plans:

Drawing - Reference No (or Description): 111559-DB-06-03 Rev. A Location Plan;
 Drawing - Reference No (or Description): 111559-DB-06-02 Rev. B Site Plan; and
 Drawing - Reference No (or Description): 111559-DB-06-01 Rev. A Turbine Elevations.

- (2) **14/01311/MSC –AYR – Plot 9 – The Citadel, Esplanade** – Approval of Matters specified in conditions of planning permission in principle 13/00031/PPP ([link attached](#)).

Having heard from Councillor Bill Grant, Local Member, regarding the application, he withdrew from the meeting when the Panel considered the application.

A motion to approve the application subject to conditions was made and seconded. An amendment to the motion was proposed and seconded, but the Legal Advisor deemed it not competent.

Adjournment.

The time being 11.35 a.m., the Panel agreed to adjourn to allow various Members to be briefed in relation to the competency of the proposed amendment in respect of the application.

Resumption of meeting.

The Panel resumed at 11.50 a.m.

The proposed amendment, being deemed not competent, did not proceed.

Decided: to approve the application (Councillors Douglas, Galbraith, Grant and Hunter abstaining) 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 finished ground floor level of the residential care home building shall be 5.5 m AOD;

- (c) that with regard to conditions 4 and 5 in planning permission in principle 13/00031/PPP (Contaminated land investigation and the Remediation strategy for risks) the recommendations within the April 2010 Initial Chemical Contamination and Gas Emissions Investigation Report shall be implemented;
- (d) remediation of the site shall be carried out in accordance with the approved remediation plan. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority;
- (e) that the presence of any previously unsuspected or unencountered 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;
- (f) that intrusive investigation works recommended within the Report on the Mineral Position shall be undertaken prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings and/or any other mitigation measures (e.g. gas protection) to ensure the safety and stability of the proposed development, these works shall also be undertaken prior to commencement of development;
- (g) that all surface water drainage shall discharge to the public sewerage system vested by Scottish Water to the complete satisfaction of Scottish Water;
- (h) that 18 off-road parking spaces shall be provided within the existing site boundary in accordance with the Council's Roads Development Guide as shown on the submitted plan, prior to completion of the development;
- (i) 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;
- (j) that parking bays shall be a minimum 4.8 metres x 2.5 metres with minimum aisle widths of 6 metres. Dimensions of allocated disabled parking bays shall meet the requirements of the Roads Development Guide 7.7.3;
- (k) that junction access visibility sightline splays of 4.5 metres by 35 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;
- (l) that the proposed access shall be kerbed and surfaced for a minimum distance of 10 metres from the public road channel over a minimum width of 5.5 metres. Kerb radii at the access shall be a minimum of 4.5 metres. The access shall be completed to this specification before completion of the development;

- (m) that a lockable and covered cycle stand shall be provided within the site boundaries in accordance with Roads development Guide 7.8. 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;
- (n) 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;
- (o) that bin collection points shall be located a maximum of 15 metres from the public carriageway before completion of the development. Details and specifications of the siting and design of bin collection points shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site;
- (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 Glasgow Prestwick Airport shall be notified of the use of cranes and associated equipment during the construction phase if the crane is to be used within 6km of the aerodrome/airfield and its height exceeds 10 metres or that of the surrounding structures or trees;
- (r) that the approved landscape scheme 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;
- (s) that a landscape bond relating to the approved landscaping scheme for this development proposal shall be submitted to, and approved in writing by the Planning Authority before any work commences on site;
- (t) the site shall be used solely for the use applied for (Care home). The use of the site for any other purpose, including another purpose in Class 8 of the Schedule to the Town and Country Planning (Use Classes)(Scotland) Order, 1997, will require to be the subject of a further planning application to and approved by this Planning Authority; and
- (u) that the proposed timber boundary fence is not hereby approved. Full details and specifications of the precise siting, design, material, construction and finish of any boundary treatment shall be submitted for the formal prior written approval of the planning authority before any work commences on site.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in order to minimise the risk to the development from flooding;
- (c) to ensure potential risks arising from previous site uses have been fully assessed and to ensure the proposed remediation plan is suitable;
- (d) to ensure remedial works are carried out to the agreed protocol;
- (e) to ensure all contamination within the site is dealt with;
- (f) to demonstrate that the application site is, or can be made, safe and stable for the proposed development;
- (g) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained. In order to ensure the development is protected against flooding in an acceptable manner;
- (h) in the interest of road safety and to ensure adequate off-street parking provision;
- (i) in the interest of road safety and to avoid the discharge of water on to the public road;
- (j) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (k) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (l) in the interest of road safety and to ensure an acceptable standard of construction;
- (m) to ensure adequate provision of lockable and covered cycle storage on site. To encourage sustainable means of travel;
- (n) to reasonably avert the reversing of vehicles onto the main road and in the interests of road safety;
- (o) in the interest of road safety and to ensure that adequate provision is made for pedestrians;
- (p) in the interest of road safety;
- (q) in the interests of aviation safety;
- (r) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (s) to ensure that the site is adequately landscaped, in the interests of amenity;
- (t) to retain control over future changes of use, in the interests of the proper planning of the area; and
- (u) in the interests of placemaking and maintaining the environmental quality of the public realm.

Advisory Notes:

In addition to the advisory notes incorporated within planning permission in principle 13/00031/PPP, The Council as Roads Authority advises that all costs incurred with crossing existing footway / verge are to be borne by the applicant / developer and carried out to SAC specification and that any alterations to the existing footway crossing require to comply with the specification issued by the Roads Authority.

List of Determined Plans:

Drawing - Reference No (or Description): LOCATION PLAN;
 Drawing - Reference No (or Description): GB 9334/P/10A Site Plan as Existing;
 Drawing - Reference No (or Description): 01 REV A LANDSCAPE LAYOUT;
 Drawing - Reference No (or Description): GB 9334/P/11 Proposed site plan;
 Drawing - Reference No (or Description): GB/9334/P/12 Proposed ground floor;
 Drawing - Reference No (or Description): GB 9334/P/14 2nd floor proposed;
 Drawing - Reference No (or Description): GB 9334/P/15 3rd floor proposed;
 Drawing - Reference No (or Description): GB 9334/P/16 Roof plan proposed;
 Drawing - Reference No (or Description): GB 9334/P/17 East _ North Elev;
 Drawing - Reference No (or Description): GB 9334/P/18B West _ South Elev;
 Drawing - Reference No (or Description): GB 9334/P/19 Street elevations;
 Other - Reference No (or Description): SW1 A Surface water drainage;
 Other - Reference No (or Description): MINING STABILITY REPORT;
 Other - Reference No (or Description): PLANNING AND DESIGN STATEMENT;
 Other - Reference No (or Description): GROUND ASSESSMENT RPT preliminary;
 Drawing - Reference No (or Description): GB 9334/P/13 First floor proposed;
 Other - Reference No (or Description): SW2 REVB Further attenuation deta; and
 Other - Reference No (or Description): RO11/A proposed care home drain.

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) **14/01487/APP –AYR – Brickrow Farm, Auchincruive** – Part change of use of agricultural shed to industrial unit (Class 5), erection of two No. Flues and siting of kiln ([link attached](#)).

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 within two months of the date of this permission, 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. Thereafter, the turning area shall be constructed as approved; and
- (c) that all parking associated with this development shall be contained within the existing site boundaries to the satisfaction 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 reasonably avert the reversing of vehicles onto the main road and in the interests of road safety; and
- (c) in the interest of road safety and to ensure adequate off-street parking provision.

List of Determined Plans:

Drawing - Reference No (or Description): LOCATION PLAN, SITE PLAN _ELEVATIONS;
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.

- (4) **14/01635/APP –AYR – 47 Craigie Road** – Erection of student accommodation [\(link attached\)](#).

Councillor Convery, seconded by Councillor Douglas, moved that the application be approved subject to the conditions as stated in the report.

By way of an Amendment, Councillor Cavana, seconded by Councillor Goldie, moved that the application be refused on the grounds of the height, massing and over-intensive use of land of the proposed development.

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 refuse the application on the grounds of the height, massing and over-intensive use of land of the proposed development.

The meeting ended at 1.15 p.m.