

Agenda Item No. 2**REGULATORY PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 2nd June 2016 at 10.00 a.m.

- Present: Councillors Peter Convery (Chair), Andy Campbell, Ian Cavana, Ian Douglas and Hugh Hunter.
- Apologies: Councillors Ann Galbraith, Sandra Goldie and William J. Grant.
- Attending: C. Cox, Planning Manager; A. Brown, Co-ordinator (Legal Services, Property and Contracts); A. Cooke, Priority Projects Co-ordinator (Acting); F. Sharp, 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 27th April 2016 ([issued](#)) were submitted and approved.

3. Applications for Planning Permission.

There were submitted reports (issued) of May 2016 by the Executive Director – Economy, Neighbourhood and Environment on current applications for determination.

The Panel decided as follows:-

- (1) [13/00179/FURM](#) - LENDALFOOT – Straid Farm – Further application so as not to comply with condition 2 of planning permission P/95/0510.

Adjournment.

At this point, the time being 10.35 a.m., the Panel agreed to adjourn.

Resumption of meeting.

The Panel resumed at 10.50 a.m.

Decided: to agree that the Executive Director – Economy, Neighbourhood and Environment be given delegated powers to approve the application subject to the conclusion of a restoration bond and the following conditions together with an additional advisory note regarding parking of lorries:-

- (a) that the development to which this permission relates must be begun within five years from the date of this permission to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997;
- (b) that the lifespan of the extended tip shall expire on 1st April 2023. The development shall be undertaken in accordance with the application and Environmental Statement;
- (c) that the types of waste to be deposited shall be limited to "controlled waste" defined by the Environmental Protection Act 1990 and shall at no time include any special wastes as defined by the Control of Pollution (Special Waste) Regulations;
- (d) that all tipping operations shall be undertaken in a manner prescribed within a Waste Management Licence approved by the Scottish Environmental Protection Agency in pursuance of the Environmental Protection Act;
- (e) that an aftercare scheme requiring such steps as may be necessary to bring the restored land as referred to in para. 4.7 of Professor Smith's report to the required standard shall be submitted for the approval of the Head of Planning, six months prior to the completion of the development. The submitted aftercare scheme shall specify the steps to be taken for a period of 5 years from the completion of the tipping operations. The aftercare shall be carried out in accordance with the scheme, as may be approved, subject to any variations as may be agreed in writing;
- (f) that all measures for the treatment and discharge of leachate including the provision of treatment ponds/lagoons are to be to the satisfaction of the Scottish Environment Protection Agency;
- (g) that any noise, wind-blown refuse, vermin and odours emanating from the site are minimised and are contained to the satisfaction of the Head of Environmental Health Services;
- (h) that the operator shall submit details of the proposed fencing and boundary details for the approval of the Head of Planning prior to the tipping of waste;
- (i) that if the tip is not operated for a continuous period of one year, the expiry of that one year period will be the date of termination of this consent, and within 6 months of that date a restoration scheme as referred to in para. 4.7 of Professor Smith's Report and an aftercare scheme will be submitted and implemented to the satisfaction of the Head of Planning;
- (j) that the entire site shall be maintained in a tidy condition throughout the consented life of the tip, including any periods when tipping is not taking place, to the satisfaction of the Head of Planning;

- (k) that if the applicant intends to erect any buildings or structures, plant or machinery, the prior approval of the Head of Planning shall be obtained;
- (l) that the road alterations specified in the Roads Department letter of 24th February, 1986 (Appendix 4 of Professor Smith's submitted report) are carried out to the requirements of the Head of Infrastructure Services and to the satisfaction of the Head of Planning;
- (m) that the wheel cleaning facilities are provided within the site to the requirements of the Head of Infrastructure Services and to the satisfaction of the Head of Planning;
- (n) that no soil or sub-soil material for the use in the site management or restoration shall be obtained from areas within or affecting the Pinbain Burn - Cairnhill, Site of Special Scientific Interest; and
- (o) that the planning permission hereby granted shall enure solely for the benefit of the applicant.

Reasons:

- (b) in the interests of local environmental quality;
- (c) in the interests of local environmental quality, and to prevent the development becoming detrimental to the amenity of the area;
- (d) in the interests of local environmental quality, and to prevent the development becoming detrimental to the amenity of the area;
- (e) in the interests of local environmental quality;
- (f) in the interests of local environmental quality, in order to protect the water courses from pollution;
- (g) in the interests of local environmental quality, and to prevent the development becoming detrimental to the amenity of the area;
- (h) in the interests of local environmental quality, and to prevent the development becoming detrimental to the amenity of the area;
- (i) in the interests of local environmental quality;
- (j) in the interests of local environmental quality, and to prevent the development becoming detrimental to the amenity of the area;
- (k) in the interests of local environmental quality, and to prevent the development becoming detrimental to the amenity of the area;
- (l) in the interests of road safety;
- (m) in the interests of road safety;
- (n) in the interests of local environmental quality, and to prevent the development becoming detrimental to the amenity of the area; and
- (o) in the interests of the proper planning of the site.

Advisory Notes:

- SEPA advises that implementation of the ZWP should see the amount of waste being landfilled reducing further and it may take longer than originally planned for landfill operators to source sufficient waste to achieve required site restoration levels. Operators may therefore have to apply for planning permission to extend the operational lifetime of the site. It is the planning authority's role to consider this need and SEPA will not comment on this specific aspect of the consultation. SEPA will however continue to advise on the key areas it regulates i.e. ongoing restoration and monitoring under the SEPA licensing regime, and at what point the site is considered to be restored. SEPA will advise the applicant to ensure that their licence is fit for purpose.

SEPA will not be enforcing the current licence (PPC/W/1000116) requirements relating to closure procedures and will be reviewing this issue to take account of the extended time necessary to fulfil licence requirements. SEPA envisages a considerable reduction in quantities of waste entering landfill and recognise the implications of this affecting the timing of remediation works.

Details of regulatory requirements and good practice advice for the applicant can be found on our website at www.sepa.org.uk/planning.aspx. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at: Ayr Office, 31 Miller Road, Ayr, KA7 2AX, Tel: 01292 294000.

- The Council as Roads Authority advises that a Road Opening Permit will be required for any work within the public road limits.
- The applicant is advised that, if the proposals hereby approved are altered in any way, for example as a result of obtaining any of the other statutory consents or for any other reason, they should so inform the Planning Authority and submit copies of the amended proposals in order that a view may be taken as to whether the alterations are material or not and whether a fresh application will be required.

List of Determined Plans:

Drawing - Reference No (or Description): ESID1 Location Plan; and
Other – Environmental Statement.

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.

- (2) [15/00786/APP](#) – AYR – North Park, Monument Road – Formation of allotments, associated works and car parking area.

Decided: to agree that that the Executive Director – Economy, Neighbourhood and Environment be given delegated powers to approve this application subject to referral of the application to Scottish Ministers 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 inter-visible passing places shall be provided on the private access road in accordance with the Roads Development Guide prior to operation. Before any work commences on site details and specifications of the required inter-visible passing places (including construction, siting and layout) shall be submitted for the prior written approval of the Planning Authority;
- (c) that 2 no. off road parking spaces per every 10 no. allotments (or part thereof) 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;
- (d) 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; and
- (e) that a lockable and covered cycle stand accommodating a minimum of 5 cycles per every 10 allotments (or part thereof) 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.

Reasons:

- (a) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006;
- (b) in the interest of road safety and to avoid the possibility of unnecessary reversing of vehicles, particularly onto the public road;
- (c) in the interest of road safety and to ensure adequate off-street parking provision;
- (d) to reasonably avert the reversing of vehicles onto the main road and in the interests of road safety; and
- (e) to ensure adequate provision of lockable and covered cycle storage on site. To encourage sustainable means of travel.

Advisory Notes:

- 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 co-ordinated 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.

List of Determined Plans:

Drawing - Reference No (or Description): NP/ALLOT/DL/A3/1;
 Drawing - Reference No (or Description): BLOCK PLAN;
 Drawing - Reference No (or Description): LOCATION PLAN; and
 Drawing - Reference No (or Description): LOCATION PLAN 1:10000.

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) [16/00297/APP](#) – AYR – 11 Abbots Way – Erection of dwellinghouse.

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

- (a) that the development proposal is contrary to the South Ayrshire Local Development Plan, specifically policies in relation to; Sustainable Development and Residential Development within settlements by reason that the; sub-division of the plot creates a limited plot which is not sympathetic or characteristic of development in the locality which is characterised by medium and large properties within large plots, and the siting of the proposed house being closer to the public road than the neighbouring properties at Knoweholm to the detriment of the existing balanced rhythm of the streetscene and townscape along Knoweholm, and the loss of garden ground for the donor property at 11 Abbots Way;

- (b) that the development proposal is contrary to the Council's Supplementary Planning Guidance in relation to Open Space and Designing New Residential Developments by virtue of the loss garden ground for the donor property at 11 Abbots Way, and the inadequate provision of garden ground for the proposed new house which is not commensurate with the private garden ground provision of neighbouring properties; and
- (c) that the development proposal is contrary to Scottish Planning Policy objectives in relation to Sustainability and Placemaking in so far as the proposal will erode the distinctiveness of the site and its townscape setting which is formed by a series of detached properties set back from Knoweholm Road. The siting and positioning of a dwellinghouse forward of the line established by the adjacent properties would interrupt and unbalance the regular rhythm of the streetscene at this location to the detriment of the visual amenity of the locality.

List of Determined Plans:

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

- (4) [16/00227/MSCM](#) – AYR – land at Greenan, Dunure Road – Approval of matters specified in conditions of outline planning permission 09/00683/OUT.

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. This consent relates to plot numbers 40; 73; 74; 92; 93; 96; 83; 105; and 107 as defined by drawing reference 0294/202;
- (b) that before any work commences on site a suitably scaled block layout plan showing the finished floor levels of each proposed dwellinghouse shall be submitted for the prior written approval of the Council as Planning Authority;
- (c) 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; and

- (d) 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.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of residential and visual amenity; to ensure that there is no significant detrimental impact on adjacent properties;
- (c) in the interests of visual amenity; and
- (d) in the interest of road safety and to ensure an acceptable standard of construction.

List of Determined Plans:

Drawing - Reference No (or Description): 000/200 REV. A Location Plan;

Drawing - Reference No (or Description): 0151/SL-05 REV. B Planting Plan (2 of 4);

Drawing - Reference No (or Description): 0151/SL-07 REV. B Planting Plan (4 of 4);

Drawing - Reference No (or Description): 0294/202 Site Development Plan;

Drawing - Reference No (or Description): 0294/202 REV. A Site Development Plan;

Drawing - Reference No (or Description): 0294/203 REV. A Site Finishes Plan;

Drawing - Reference No (or Description): 204 Proposed Site Elevations;

Drawing - Reference No (or Description): 400 A House Type: Burnett OPP;

Drawing - Reference No (or Description): 400 A House Type: McLaren OPP;

Drawing - Reference No (or Description): 400 A House Type: Tait OPP;

Drawing - Reference No (or Description): 400 A House Type: The Bryce AS;

Drawing - Reference No (or Description): 400 B House Type: Hughes AS;

Drawing - Reference No (or Description): 400 B House Type: Lorimer AS;

Drawing - Reference No (or Description): 400 B House Type: Spence AS;

Drawing - Reference No (or Description): 400 REV. B House Type: The Adam (A);

Drawing - Reference No (or Description): 0151/SL-04 REV. B Planting Plan (1 of 4);

Drawing - Reference No (or Description): 0151/SL-06 REV. B Planting Plan (3 of 4);

Drawing - Reference No (or Description): 0294/201 REV. A Overall Site Development Plan;

Drawing - Reference No (or Description): 400 A House Type: Burnett AS;

Drawing - Reference No (or Description): 400 A House Type: McLaren AS;

Drawing - Reference No (or Description): 400 A House Type: Tait AS;

Drawing - Reference No (or Description): 400 A House Type: The Bryce OP;

Drawing - Reference No (or Description): 400 B House Type: Anderson AS;

Drawing - Reference No (or Description): 400 B House Type: Anderson OPP;

Drawing - Reference No (or Description): 400 B House Type: Hughes OPP;

Drawing - Reference No (or Description): 400 B House Type: Lorimer OPP;

Drawing - Reference No (or Description): 400 B House Type: Spence OPP;

Drawing - Reference No (or Description): 400 REV. B OPP House Type: The Adam (A);

Drawing - Reference No (or Description): GV2/110 Street Elevations;

Drawing - Reference No (or Description): GV2/110 Street Elevations;

Other - Reference No (or Description): FINISHES SCHEDULE; and

Drawing - Reference No (or Description): 264.30/PA/SP02 Location Plan.

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 11.45 a.m.