

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 31st March 2016 at 10.00 a.m.

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

Apologies: Councillors Andy Campbell and Sandra Goldie.

Attending: C. Cox, Planning Manager; R. Riddiough, Head of Legal and Democratic Services; A. Cooke, Priority Projects Co-ordinator (Acting); 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 2nd March 2016 ([issued](#)) were submitted and approved

3. Applications for Planning Permission.

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

The Panel decided as follows:-

- (1) **15/01421/MSCM – AYR – Land at Corton, A77T Bankfield Roundabout – B7034 Junction** – Application for the approval of matters specified in conditions of planning permission in principle 14/01552/FURM – Erection of business unit, access, parking, associated works and landscaping ([link attached](#)).

Decided: to agree that the Executive Director of Economy, Neighbourhood and Environment be granted delegated powers to approve this application for approval of matters specified in conditions subject to the conditions listed below and the conclusion of the necessary legal agreement:-

- (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 site shall be restricted to a use within Classes 2 or 4 of the Schedule of the Town and Country Planning (Use Classes)(Scotland) Order 1997. For the avoidance of doubt and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 (or any Order amending or revoking and re-enacting that Order) no development within Class 1 shall be undertaken without the prior written permission of the Planning Authority;
- (c) that prior to occupation of the proposed business unit the boundary wall to the east side of the unit and car park shall be completed. Prior to the commencement of development, precise 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. For the avoidance of doubt the boundary wall shall be designed and externally finished to complement the external finishes of the business unit building and incorporate architectural articulation and detailing;
- (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. For the avoidance of doubt the proposed finishes in the submitted plans are generally acceptable;
- (e) that before development occupation a Travel Plan shall be submitted for the formal prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall identify the measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. It shall incorporate measures designed to encourage modes of travel other than private car;
- (f) 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 10 metres, as measured from the rear of the public footway before development occupation;
- (g) 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;
- (h) that junction access visibility sightline splays of 2.4 metres by 32.0 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;
- (i) that off-street parking provision of 16 spaces shall be provided within the site in accordance with the submitted and approved layout plan;
- (j) that parking bays shall be a minimum 4.8 metres x 2.5 metres with minimum aisle widths of 6 metres;

- (k) 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 service vehicles. The turning area shall be constructed as approved prior to the development being occupied;
- (l) that the development shall not commence trading until such time as the road infrastructure linking the car park access to the A77(T) is in place;
- (m) that before any works start on site 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. 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 submitted landscape details are generally acceptable;
- (n) 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; and
- (o) prior to occupation of the proposed business unit the applicant shall notify the planning authority which energy efficiency model is to be incorporated within the building.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in order to retain proper planning control over the use of the property;
- (c) in the interests of residential and visual amenity. To enhance the visual interest and appeal of the required boundary wall;
- (d) in the interests of visual amenity;
- (e) to encourage sustainable means of travel;
- (f) in the interest of road safety and to ensure an acceptable standard of construction;
- (g) in the interest of road safety and avoid the discharge of water on to the public road;
- (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. To reduce the potential for congestion and obstruction caused by off-site car parking;
- (j) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (k) to enable service vehicles to enter and leave the site in forward gear and in the interests of road safety;
- (l) in the interest of road safety and to ensure an acceptable standard of construction;
- (m) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;

- (n) 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; and
- (o) in order to reduce CO₂ emissions from the proposed business unit in accordance with the applicant's 'Low Carbon Development Statement'.

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 in the interest of road safety and to ensure an acceptable standard of construction.
- Section 75 Obligation (SE) - There is an obligation entered into under section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) in connection with this decision. This obligation can be inspected during office opening hours at the Planning Service, South Ayrshire Council, Burns House, Burns Statue Square, Ayr, KA7 1UT.

List of Determined Plans:

Drawing - Reference No (or Description): 12070 P(00)01 REV C location and site plan;
 Drawing - Reference No (or Description): 12070-U01 A(00)10 REV C Business unit site;
 Drawing - Reference No (or Description): 12070-U01 A(00)11 REV A Business unit elevations;
 Drawing - Reference No (or Description): 14015-LAGA-P004-A Landscape - Gen arrange;
 Drawing - Reference No (or Description): 14015-MP-P007-D illust MP- access;
 Drawing - Reference No (or Description): 14015-MP-P011-H Illust MP - option 14;
 Drawing - Reference No (or Description): 4317-TRACK 01 vehicle tracking;
 Other - Reference No (or Description): CONSTRUCTION TRAFFIC management plan;
 Other - Reference No (or Description): DESIGN AND ACCESS STATEMENT;
 Other - Reference No (or Description): NOISE ASSESSMENT;
 Other - Reference No (or Description): LIGHTING STRATEGY;
 Other - Reference No (or Description): LOW CARBON DEVELOPMENT Statement;
 Other - Reference No (or Description): DB/DC COMPLIANCE Statement;
 Other - Reference No (or Description): LHMP COMPLIANCE Statement; and
 Other - Reference No (or Description): SUDS STRATEGY.

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) **16/00120/MSCM – AYR – Land at Corton, A77T Bankfield Roundabout – B7034 Junction** – Application for the approval of matters specified in condition 29 of planning permission 14/01552/FURM ([link attached](#)).

Decided: to agree that the Executive Director of Economy, Neighbourhood and Environment be granted delegated powers to approve this application for approval of matters specified in conditions subject to the conditions listed below and the conclusion of the necessary legal agreement:-

- (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; and
- (b) that no development shall take place on site until the applicant has submitted detailed proposals satisfactory to the Planning Authority of arrangements for a regular and structured schedule of meetings between the applicant / developer and Network Rail and the Council (including Ayrshire Roads Alliance) to consider and address all of the issues outlined in the supporting letter dated 5th February 2016 and the statement on Access Rights accompanying this application. For the avoidance of doubt the required schedule of meetings shall relate to; Under-bridge 162/061 (Glengall Under-Bridge), Over-bridge 162/060 (High Glengall Over-Bridge) and Over-bridge 162/062 (Corton Over-Bridge) and the issues outlined below:-

Issues to be considered for under-bridge 162/061 (Glengall) -

- The arrangements and timescales for the conclusion of the fixed term temporary licence agreement proposed by Network rail, to ensure continued use of the under-bridge, together with details of any essential physical works required to ensure the continued safety of the bridge structure for continued public use.
- The specification of works (including detailed layout and construction plans) required to improve the surface of the path in Network Rail ownership (between the application site and hospital land) to adoptable standard.
- The procedure for securing necessary rights to allow for the path in Network Rail ownership (between the application site and hospital land) to be adopted.
- The timescale for upgrading and adopting the path in Network Rail ownership (between the application site and hospital land).
- Any other point that may arise through these discussions which requires to be considered.

Issues to be considered for over-bridge 162/060 (High Glengall) -

- Security measures required to prevent access to the existing over-bridge prior to occupation of the Alton phase of SE Ayr (including the following detailed plans; existing block plan, proposed block plan, typical elevation plans and cross-sections).
- The detailed physical works required in order to make the existing bridge safe for public use (including detailed plans showing surfacing, bridge construction and parapet design).
- The rights of access once improvements are complete.
- The Network Rail position on retention of ownership / liability.
- Actions required should Network Rail not wish to retain ownership and liability.
- The process to be followed should the upgrading of the existing over-bridge crossing prove to be undeliverable.
- The procedure/actions required if a new over-bridge is required, including an indicative location and design of a replacement over-bridge and agreeing / signing a bridge agreement. For the avoidance of doubt any replacement bridge is required to connect directly to Alton.
- The safeguarding arrangements for any land required on the Corton side of the railway line for the landfall of a replacement bridge and an inclusively designed public access thereto.
- The relationship of the safeguarded land for a replacement bridge, if any, to the delivery of the future rail halt.

Issues to be considered for over-bridge 162/062 (Corton) -

- Security measures required to prevent access to the existing over-bridge prior to occupation of the Cockhill phase of SE Ayr (including detailed plans; existing block plan, proposed block plan, typical elevation plans and cross-sections).
- The detailed physical works required in order to make the existing bridge safe for public use (including detailed plans showing surfacing, bridge design and parapet design).
- The rights of access once improvements are complete.
- The Network Rail position on retention of ownership/liability.
- Actions required should Network Rail not wish to retain ownership and liability.
- The process to be followed should the upgrading of the existing over-bridge crossing prove to be undeliverable.
- The procedure/actions required if a new over-bridge is required including an indicative location and design of a replacement over-bridge and agreeing/signing a bridge agreement. For the avoidance of doubt any replacement bridge is required to connect directly to Cockhill.
- The safeguarding arrangements for any land required on the Corton side of the railway line for the landfall of a replacement bridge and an inclusively designed public access thereto, prior to commencement of any residential development on phases H7, H8 or H9
- The relationship of the safeguarded land for a replacement bridge, if any, to the delivery of the future rail halt
- Any other point that may arise through these discussions which requires to be considered.

Timescales -

- That prior to commencement of development, a timescale shall be agreed with the Council for the submission of a detailed report explaining the outcomes of the required engagement with Network Rail, together with the detailed and indicative plans specified. No occupation of development on the application site is permitted prior to written approval of the required report and plans.
- That prior to commencement of any development other than the development approved by application reference number 15/01039/MSCM (Supermarket and petrol station) and development approved by application reference number 15/01042/MSCM (site infrastructure), and unless otherwise approved in writing by the planning authority, the path through under-bridge 162/061 (Glengall) under the railway line shall be upgraded to adoptable standard and public access rights shall be secured.
- That unless otherwise approved in writing by the planning authority, security measures agreed through the process of engagement with Network Rail to prevent access to the existing over-bridge 162/060 (High Glengall) shall be implemented before occupation of any development on the Corton application site.
- That unless otherwise approved in writing by the planning authority, security measures agreed through the process of engagement with Network Rail to prevent access to the existing over-bridge 162/062 (Corton) shall be implemented before occupation of any development on phases H7, H8 or H9 of the Corton application site.
- That prior to commencement of development, the land required on the Corton application site for the landfall of a replacement over-bridge for over-bridge 162/060 (High Glengall), between Corton and Alton and an inclusively designed public access thereto, shall be safeguarded to the satisfaction of the Council.
- That, unless otherwise approved in writing, prior to commencement of residential development on phases H7, H8 or H9, the land required on the Corton application site for the landfall of a replacement over-bridge for over-bridge 162/062 (Corton), between Corton and Cockhill and an inclusively designed public access thereto, shall be safeguarded to the satisfaction of the Council.

Anderson land -

- That notwithstanding the terms of this condition, no later than the first formal application for Approval of Matters Specified in Conditions for residential development on any of the phases H7, H8 or H9, there shall be submitted full details of the arrangements to be put in place in order to secure the required additional servitude rights of access/bridge agreements from Network Rail for the creation of footpath links at over-bridge 162/062 (Corton Bridge), or the safeguarding of land for inclusively designed public access to, and landfall of, an alternative new bridge crossing over the Ayr to Stranraer railway line, for the prior written approval of the Planning Authority. For the avoidance of doubt this will include timescale and any necessary physical improvement measures to surfacing and bridge construction (including parapet design) of the existing over-bridge or full details of the land to be safeguarded and the mechanism for safeguarding land for a replacement railway crossing and no consented residential development on phases H7, H8 or H9 shall start prior to either the necessary Corton over-bridge upgrades taking place or the appropriate land being safeguarded to the satisfaction of the Council.

Reasons:

- (1) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (2) in the interests of sustainable development and the proper planning of the area. In order to ensure safe crossings existing over and under the railway line to ensure provision for walking, cycling and equestrian connection between Ayr and the remaining parts of the SE Ayr strategic growth area.

Advisory Note:

Section 75 Obligation (SE) - There is an obligation entered into under section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) in connection with this decision. This obligation can be inspected during office opening hours at the Planning Service, South Ayrshire Council, Burns House, Burns Statue Square, Ayr, KA7 1UT.

List of Determined Plans:

Drawing - Reference No (or Description): 12006-PLBD-P003 location plan;
 Drawing - Reference No (or Description): 14015-PH-P142-I combined phase plan;
 Other - Reference No (or Description): 15 12 11 REV N phasing schedule;
 Other - Reference No (or Description): WSP REPORT;
 Other - Reference No (or Description): SUPPORT LETTER dated 5th Feb 2016; and
 Other - Reference No (or Description): STATEMENT Access Rights.

Reason for Decision:

The proposals hereby approved are 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 10.25 a.m.