

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

Minutes of meeting in County Buildings, Wellington Square, Ayr
on 5th October 2016 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; K. Campbell, Temporary Supervisory Planner; D. Clark, Supervisory Planner; A. Brown, Co-ordinator (Legal Services, Property and Contracts); G. Senior, Ayrshire Roads Alliance; and A. Gibson, Committee Services Officer.

1. Declarations of Interest.

With regard to item 3/3 on the agenda relating to the planning application report for 81 High Street Ayr (Ref: 16/00727/APP), Councillor Douglas advised that although he knew the objector, he did not perceive there was a conflict of interest and would not leave the room when this item was being considered and would take part in discussions on this matter. In respect of the same application, Councillor Hunter asked for it to be noted that the Council was a member of the applicant partnership, being Ayr Renaissance LLP, but that he did not perceive there was a conflict of interest and he would not leave the room when this item was being considered and would take part in discussions on this matter.

2. Minutes of previous meeting.

The Minutes of 8th September 2016 ([issued](#)) were submitted and approved.

3. Applications for Planning Permission.

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

The Panel decided as follows:-

- (1) [16/00583/APP](#) – SYMINGTON - land opposite Townend Terrace/Main Street Junction, Main Street – Erection of retail unit (Class 1) with associated access, car parking, landscaping and service area.

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

Adjournment.

The time being 10.35 a.m., the Panel agreed to adjourn to allow a member of the Panel to seek clarification from the Council's Legal and Planning Officers with regard to a proposed Amendment to the Motion.

Resumption of meeting.

The Panel resumed at 10.46 a.m.

By way of Amendment Councillor Hunter moved that the application be continued to a future meeting of this Panel to allow for a retail impact assessment to be undertaken at the developer's expense, to address shopping patterns and the impact on existing shopping facilities in the local area. He failed to find a seconder and subsequently his Amendment fell.

Decided: Councillor Hunter dissenting, 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 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. For the avoidance of doubt, the proposed fence to the west of the unit, fronting onto Main Street is not hereby approved. The applicant shall submit details of the amended boundary treatment materials, which should either be natural or reconstituted stone for the prior written approval of the planning authority before any work commences on site;
- (c) that prior to 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 the for prior written approval of the Planning Authority. For the avoidance of doubt the windows in the northern and eastern elevations of the proposed unit shall include banding, precise details and specifications of which shall be submitted for the prior written approval of the planning authority before work commences on site;
- (d) 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;

- (e) 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;
- (f) the operation of this facility must not result in the existing ambient LAeq (1 hour) for the surrounding area being increased when measured at the nearest noise sensitive building. Before work commences on site an Acoustic Consultant's report showing how the applicant intends to comply with this condition shall be submitted for the prior written approval of the planning authority;
- (g) that all deliveries to the shop shall be between the hours of 7am and 11pm;
- (h) that no work shall commence on the proposed retail unit or car parking and access arrangements prior to the formation of the access road junction and bell mouth to Main Street up to base course level, as approved by planning consent reference numbers 14/01550/APPM and 15/01121/APPM. A block layout plan and explanatory statement demonstrating that the full extent of the required access road and junction up to base course level is in place shall be submitted for the prior written approval of the planning authority before any work commences on site. The proposed retail unit shall not be occupied prior to the completion of the access road junction and bell mouth to Main Street, as approved by planning consent reference numbers 14/01550/APPM and 15/01121/APPM, to the satisfaction of the planning authority;
- (i) that before occupation of the development a Travel Plan shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall identify the measures and initiatives to be implemented in order to encourage modes of travel to and from the development other than by single occupancy private car trips. The Travel Plan shall clearly define the system of management, monitoring, review, reporting and the duration of the plan;
- (j) that the applicant shall submit an infrastructure detail to deter on-street parking on the residential access road bounding the eastern edge of the proposed unit. The detail shall require the prior written approval of the planning authority, and be implemented prior to occupation of the development;
- (k) 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 Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site;
- (l) that defined parking bays and associated aisle widths shall accord with the dimensions as set out within paragraphs 3.6.2 and 3.6.3 of the National Roads Development Guide publication, adopted for use by the Council;

- (m) that 16 off-road parking spaces and 1 off-road disabled parking bay shall be provided within the site boundary to satisfy provision levels as defined within the Council's adopted National Roads Development Guide;
- (n) that no work shall be carried out unless and until an effective vehicle wheel washing facility has been installed in accordance with details that shall be submitted for the written approval of the Council as Roads Authority prior to its installation. When required, such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which will cause a nuisance or hazard to the road system in the locality;
- (o) that the applicant/developer shall, prior to the movement of any construction traffic to or from the site, submit a Construction Traffic Management Plan for the written approval of the Council as Roads Authority, and Police Scotland. The plan shall describe the methodology for the movement of construction traffic to and from the site and shall require the agreement of the Council as Roads Authority and Police Scotland prior to any movement of construction traffic associated with the site; and
- (p) that the applicant/developer shall, prior to the occupation of the development, submit a Service Management Plan for the written approval of the Council as Roads Authority. The plan shall describe the best practice methodology for the movement of delivery traffic associated with the development including delivery timings, routing, banksmen requirements and other related matters. The SMP shall require the agreement of the Council as Roads Authority prior to occupation of the development.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (b) in the interests of visual amenity;
- (c) in the interests of visual and residential amenity;
- (d) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (e) 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;
- (f) in order to prevent noise nuisance;
- (g) in the interests of residential amenity;
- (h) in the interests of road safety and to ensure that the required road infrastructure is in place before any work commences on the application proposal;
- (i) to encourage sustainable means of travel;
- (j) for the purposes of road safety and the functional operation of the local road network;
- (k) in the interest of road safety and to avoid the discharge of water onto the public road;
- (l) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (m) in the interest of road safety and to ensure adequate off-street parking provision;
- (n) in the interests of road safety;
- (o) in the interests of road safety; and
- (p) in the interests of road safety.

Advisory Notes:

- The applicant is reminded of their obligations under the terms of the Protection of Badgers Act 1992, the Wildlife & Countryside Act 1981, as amended by the Nature Conservation (Scotland) Act 2004 and the Habitats Directive/Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).
- Any vegetation removal should be undertaken out with the breeding bird's season, specifically March - August.
- That any excavations are covered at night to prevent animals from falling in or becoming trapped.
- 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.
- That a Road Opening Permit shall be applied for, and obtained from the Council as Roads Authority, for any work within the public road limits, prior to works commencing on site.
- The Council as Roads Authority advises that only signs complying with the requirements of 'The Traffic Signs Regulations and General Directions 2016' are permitted within public road limits.
- 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.

List of Determined Plans:

Drawing – Reference No (or Description): (PL)100 site layout;
 Drawing – Reference No (or Description): (PL)101 location plan;
 Drawing – Reference No (or Description): (PL)110 Site Location Plan;
 Drawing – Reference No (or Description): (SK) 103.3 Transport plan;
 Drawing – Reference No (or Description): (PL)101 Retail unit layout;
 Drawing – Reference No (or Description): (PL)102 Retail unit elevations;
 Drawing – Reference No (or Description): (PL)103 Retail unit sections;
 Drawing – Reference No (or Description): TP142 FIGURE 1 Transport location plan; and
 Drawing – Reference No (or Description): TP142 FIGURE 2 T'port access 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.

- (2) **16/00699/APP**– AYR – 4 **The Loaning** – Alterations and extension to dwellinghouse.

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 notwithstanding the plans hereby approved, all proposed materials to be used on external surfaces shall match the existing dwellinghouse to the satisfaction of the Planning Authority; and
- (c) that notwithstanding the plans hereby approved, no window openings shall be formed within the southern upper floor gable elevation of the proposed extension 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 ensure that materials are appropriate for the site and in the interests of visual amenity; and
- (c) in the interests of visual amenity.

List of Determined Plans:

Drawing - Reference No (or Description): 15.09.LP;
 Drawing - Reference No (or Description): 15.09.BP;
 Drawing - Reference No (or Description): 15.09.01;
 Drawing - Reference No (or Description): 15.09.02; and
 Drawing - Reference No (or Description): 15.09.03.

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) [16/00727/APP](#) – AYR – 81 High Street – Alterations and change of use of public house to form indoor market and office accommodation.

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, any slate to be replaced during the implementation of this permission shall match the existing slate in terms of size, colour and thickness, to the satisfaction of the Council as Planning Authority;
- (c) that prior to the commencement of development on site all details of materials and finishes to be used shall be agreed in writing with the Planning Authority;
- (d) that the underside of the projecting sign shall be a minimum of 2.25 metres above the public footway; and
- (e) that prior to completion of the development any doors 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 visual amenity;
- (c) to safeguard the character and appearance of the conservation area;
- (d) in the interest of road safety; and
- (e) 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.

- 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): 7700/01 REV. A;
 Drawing - Reference No (or Description): 7700/02 REV. A;
 Drawing - Reference No (or Description): 7700/03 REV. A;
 Drawing - Reference No (or Description): 7700/04 REV. A;
 Drawing - Reference No (or Description): 7700/05 REV. A;
 Drawing - Reference No (or Description): 7700/06 REV. D;
 Drawing - Reference No (or Description): 7700/07 REV. B;
 Drawing - Reference No (or Description): 7700/08 REV. B;
 Drawing - Reference No (or Description): 7700/09; and
 Drawing - Reference No (or Description): 7700/LOC.

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. Concluding Remarks.

The Chair, on behalf of the Panel, congratulated Chris Cox, Planning Manager on her recent appointment to a promoted post within Stirling Council and wished her well for the future. She responded in suitable terms.

The meeting ended at 11:25 a.m.