

## REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr  
on 19th April 2017 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: F. Mullen, Planning Manager; K. Briggs, Legal and Licensing Manager; A. Cooke, Priority Projects Co-ordinator; D. Clark, Supervisory Planner; J. Esslemont, Strategic Planner; G. Senior, Ayrshire Roads Alliance; and L. Sands, Committee Services Officer.

### 1. Declarations of Interest.

Councillor Cavana declared an interest in agenda item 4(3) below, namely “Applications for Planning Permission – Craigie Estate, Craigie Road, Ayr”, as he himself was an objector to the application and he was also representing another objector.

### 2. Minutes of previous meeting.

The Minutes of 30th March 2017 ([issued](#)) were submitted and approved.

### 3. Consultation on further information in respect of an application to construct and operate under Section 36 of the Electricity Act 1989 and the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations the proposed Chirmorie Wind Farm, South of Barrhill, South Ayrshire: 15/01385/DEEM.

With reference to the minutes of this Panel of 2nd March 2016 (Page 1, paragraph 3) there was submitted a report ([issued](#)) of 19th April 2017 by the Executive Director – Economy, Neighbourhood and Environment advising that this Council had received further information in respect of a proposal to construct and operate an 80MW wind farm on land at Chirmorie, approximately 5.5km south west of Barrhill.

Having noted their displeasure with the proposals but also having noted that the Scottish Government was the determining authority in respect of this application and not this Council, the Panel

**Decided:**

- (1) to withdraw the Council's previous objection which had been lodged with the Scottish Government;
- (2) to agree that the contents of this report now form the Council's response to the Scottish Government's consultation; and
- (3) to agree that the Executive Director – Economy, Neighbourhood and Environment be given delegated authority to conclude planning conditions with the energy consents unit should the Scottish Government be minded to grant consent.

**4. Applications for Planning Permission.**

There were submitted reports (issued) of April 2017 by the Executive Director – Economy, Neighbourhood and Environment on current applications for determination.

The Panel decided as follows:-

- (1) [17/00033/APP](#) – **PRESTWICK – 3 St Quivox Road** – Change of use and alterations and extension to garage/car sales building to form 7 no. shops and 4 no. offices.

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

- (a) that the development proposal is contrary to the Adopted South Ayrshire Local Development Plan policy in relation to Sustainable Development due to having an adverse impact on the local road network due to the lack of sufficient and adequate parking within the site boundaries, which would result in increased demand for on-street parking and congestion in the locality, which would; impede the free flow of traffic within public road limits, and restrict pedestrian movement at this location due to a narrowing of the public footpath, to the overall detriment of road safety, and amenity at this location;
- (b) that the development proposal is contrary to the Adopted South Ayrshire Local Development Plan policy in relation to Land Use and Transport due to having an adverse impact on the local road network due to the lack of sufficient and adequate parking within the site boundaries, which would result in increased demand for on-street parking and congestion in the locality, which would impede the free flow of traffic within public road limits, to the overall detriment of road safety, and amenity at this location; and
- (c) that the development proposal by virtue of constituting an intensification of commercial activity shall result in increased demand for on-street parking and congestion in the locality, which would; impede the free flow of traffic within public road limits, and restrict pedestrian movement at this location due to a narrowing of the public footpath, to the overall detriment of road safety, and amenity at this location.

**List of Determined Plans:**

Drawing - Reference No (or Description): LOCATION PLAN;  
 Drawing - Reference No (or Description): EXISTING GROUND FLOOR;  
 Drawing - Reference No (or Description): EXISTING FIRST FLOOR;  
 Drawing - Reference No (or Description): EXISTING FRONT ELEVATION;  
 Drawing - Reference No (or Description): EXISTING SIDE AND REAR ELEVATION;  
 Drawing - Reference No (or Description): PROPOSED BLOCK PLAN;  
 Drawing - Reference No (or Description): PROPOSED GROUND FLOOR PLAN;  
 Drawing - Reference No (or Description): FIRST FLOOR AS PROPOSED;  
 Drawing - Reference No (or Description): PROPOSED FRONT ELEVATION; and  
 Drawing - Reference No (or Description): PROPOSED REAR AND SIDE ELEVATION.

**Councillor Hunter left the meeting during consideration of the undernoted item.**

- (2) [15/01216/APPM](#) – land at Clauchrie Hill approx. 4km south of Cloyntie, Maybole, South Ayrshire, centred at NGR (235665, 601509) Ayrshire (Knockskae Wind Farm – nr Straiton) – Erection of wind farm comprising 11 wind turbines 126 metres high to tip and associated access tracks and ancillary infrastructure including crane pads, control building and substation compound, erection of 1 no. permanent anemometer mast, 2 no. temporary anemometer masts and temporary formation of construction compound for operational life of 25 years.

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

**Landscape and Visual**

- (a) that the proposed development would be contrary to South Ayrshire Local Development Plan policies 'wind energy' and 'landscape quality' and South Ayrshire Council Supplementary Guidance on Wind Energy. It is considered that due to the scale, prominent position, its impact on the skyline, its impact on landmark hills, the wider visibility of the turbines and the absence of any appropriate mitigating landscape factors, that the proposed development cannot be accommodated in the landscape in a manner which respects its main features and character and will have a significant adverse landscape and visual impact. Furthermore it is considered that the proposal will have a detrimental visual impact, taking into account views experienced from surrounding residential properties, public roads and paths, significant public viewpoints and important recreational assets and tourist attractions. There is no over-riding reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy;

**Aviation**

- (b) that the proposed development would be contrary to South Ayrshire Local Development Plan policy 'wind energy' and South Ayrshire Council Supplementary Guidance on Wind Energy in that, in the absence of an agreed mitigation solution, it will adversely affect aviation interests. There is no over-riding reason to depart from

South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy;

### **Cumulative**

- (c) that the proposed development would be contrary to South Ayrshire Local Development Plan policies 'Wind energy' and 'Protecting the landscape' and South Ayrshire Council Supplementary Guidance on Wind Energy in that, when considered in combination with other existing and approved wind energy developments, and those for which applications for approval have already been submitted that the impacts would not be acceptable. Furthermore, there would be a significant adverse impact on the Scenic Area, particularly landscape and visual effects. There is no over-riding reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy;

### **Historic Environment**

- (d) that the proposed development would be contrary to South Ayrshire Local Development Plan policy 'Historic environment' and South Ayrshire Council Supplementary Guidance on Wind Energy on the grounds that it would have significant indirect effects on the setting of heritage assets in the area: these include the impacts which would affect the setting of the conservation villages of Crosshill and Straiton and the associated listed buildings of architectural and historic interest within them; the gardens and designed landscapes of Blairquhan and Kilkerran; Colonel Hunter Blair's Monument, Highgate Hill. There is no over-riding reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy;

### **Water Environment**

- (e) that the proposed development would be contrary to the South Ayrshire Local Development Plan policy 'Water environment' in that the proposal has not demonstrated that it will not harm the water environment and local domestic water supplies. There is no over-riding reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy; and

### **Residential Amenity**

- (f) that the proposed development is contrary to LDP policy, Wind Energy Criterion c), LDP policy Sustainable Development, LDP policy Air Noise and Light Pollution by reason that the applicant has not demonstrated that the proposal would not result in unacceptable cumulative noise and visual impacts on residential amenity. There is no over-riding reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy.

**List of Determined Plans:**

Other - Reference No (or Description): Pre Application Consultation Report;  
 Other - Reference No (or Description): Design and Access Statement;  
 Other - Reference No (or Description): Environmental Statement, figures, visualisations and updates;  
 Other - Reference No (or Description): Figure 1.1 Location Plan;  
 Other - Reference No (or Description): Figure 3.1 Application Boundary;  
 Other - Reference No (or Description): Figure 3.3 Turbine Development Layout; and  
 Other - Reference No (or Description): Planning Statement and update.

**Councillor Hunter re-joined the meeting at this point.**

**Adjournment.**

The time being 12.05 p.m., the Panel agreed to adjourn for ten minutes.

**Resumption of meeting.**

The Panel resumed at 12.15 p.m.

**Having previously declared an interest in this application, Councillor Cavana did not participate in consideration of the undernoted item.**

- (3) [16/00721/PPPM](#) – AYR – Craigie Estate, Craigie Road – planning permission in principle for erection of residential development with associated landscaping, servicing and access.

Having heard Councillor Cavana address the Panel, he left the meeting at this point.

**Decided:** to agree that the Executive Director of Economy, Neighbourhood and Environment be granted delegated powers to approve this application for planning permission in principle subject to the signing of a S75 legal agreement relating to affordable housing, an education contribution and the following conditions:-

- (a) that full details of the proposed development, including the siting, design, external appearance, means of access, landscaping measures, and any other matters specified in conditions below, shall be submitted for the approval of the Planning Authority as outlined in Advisory Notes (1a) and (1b) of this planning permission;
- (b) that this planning permission in principle, subject to the specified planning conditions, relates to the plan(s) as listed below;
- (c) that the development hereby permitted shall not exceed 102 dwellings;

- (d) that the applicant / developer shall make provision of mitigation in the form of localised widening of the Craigie Way approach to the Craigie Road / Craigie Way / Craigie Avenue signalised junction, prior to occupation of the first dwellinghouse. The precise details and specifications of all infrastructure improvements 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;
- (e) that at the Approval of Matters Specified in Conditions (AMSC) application stage, the applicant shall submit the following information:-
- (i) a phasing plan which sets out the programme of works shall be submitted detailing the proposed phasing for the provision of the roads, housing, structural landscaping, provision of play equipment and other associated works for each phase of the development, all to the satisfaction of and the approval of the Planning Authority;
  - (ii) a Design and Access Statement demonstrating compliance with the requirements of the Local development plan and government policy including 'Creating Places' and 'Designing Streets' together with the Council's supplementary Planning Guidelines on 'Open Space and Designing New Residential Developments' and 'New Housing Developments and affordable Housing';
  - (iii) suitably scaled block layout plans showing: existing ground levels, proposed ground level and finished floor levels of each proposed dwellinghouse together with cross-sectional plans indicating the extent of the development site, the proposed finished floor levels, and the ridge level of the proposed development, the levels of all adjacent land and buildings and their relationship to the proposed development and any existing or proposed screening measures (e.g. walls or fencing);
  - (iv) a detailed landscaping scheme for soft and hard landscaping within the application site, which includes a schedule of works and completion dates for said soft and hard landscaping, play area(s) and play equipment; and, details of future landscaping maintenance, management and aftercare within the application site. The scheme of landscaping and play provision shall be suitably secured by the provision of a financial bond, or other means agreed with the planning authority, covering the cost of works, to be lodged prior to the granting of formal permission. The detailed landscape plans shall be at a recognised metric scale and be accompanied by a planting schedule which details the genus, species and variety or cultivar of all plants, bulbs, seeds and turf. The size and specification of all plant material shall be detailed, together with total plant numbers and densities per m<sup>2</sup>. The location of all plant material shall be clearly identified on the landscape drawing. Ground preparation methods, topsoil quality and depth, planting methods, hole sizes and other materials such as mulches and stakes shall also be specified. Construction details for paved or other hard surfaces shall be provided together with details of any fences for inclusion as part of the landscape scheme. 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;

- (v) a detailed survey and tree protection plan, in accordance with the current British standards, to be carried out by a qualified arboriculturist of all trees existing on the site and all trees adjacent to or overhanging the site and submit details of those trees proposed to be felled or lopped and those to be retained. A plan at a recognised scale shall be submitted showing the proposed development and the precise location of all trees. The survey shall contain details of tree species, height, crown spread, diameter at breast height (DBH), age, physiological condition, general condition and management recommendations. The approved tree protection plan shall be implemented and no trees shall be felled, topped, lopped or have roots cut or damaged without the prior written approval of this Planning Authority. For the avoidance of doubt, the existing trees, other than those agreed or approved for removal, shall be retained and protected in accordance with BS5837:2005 Trees in relation to Construction, to the satisfaction of the Planning Authority;
  - (vi) a detailed ecology survey of the existing site and the impact of the proposals on the site; the survey to include detailed surveys of bats and otters,
  - (vii) a staged programme and plan showing the location of the points of access and connections with the existing public road network; and
  - (viii) detailed layout plans which demonstrate that the proposed housing site layout includes provision for pedestrian/cycle access to Craigie Way, pedestrian access to the path leading to Hayhill (opposite the junction with Churchill Crescent) via the open ground to the east of the site and access to paths along the River Ayr and through Craigie Estate woodlands via the open ground to the east of the site;
- (f) that prior to the commencement of the development hereby permitted, a detailed plan of public access over the site - as existing, during construction and after completion of the development - shall be submitted to, and approved in writing by, the planning authority, such plan to identify:-
- all existing paths, tracks and rights of way and any areas of land currently outwith or excluded from statutory access rights, under part 1 of the Land Reform (Scotland) Act 2003;
  - (i) any areas of land proposed for exclusion from statutory access rights after construction of the development, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;
  - (ii) all paths and tracks proposed for construction, for use by walkers, cyclists, horse riders et cetera; and
  - (iii) any paths proposed for diversion - whether temporary or permanent - for the purposes of facilitating the development;

the approved plan shall then be implemented to the satisfaction of the planning authority, prior to the occupation of any of the dwellinghouses hereby permitted.

- (g) 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 of the find. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the Planning Authority;
- (h) 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;
- (i) that at the Approval of Matters Specified in Conditions stage, plans detailing junction layouts shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The junction layouts shall require to accord with the Council's National Roads Development Guide, and with Designing Streets as National Policy;
- (j) 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;
- (k) that an integral or detached garage within the curtilage of a property intended to form part of the parking provision for the dwelling shall have internal garage dimensions of a minimum of 7m x 3m, per vehicle;
- (l) that off-road parking spaces shall be provided within the existing site boundary to satisfy provision levels as defined within the Council's adopted National Roads Development Guide, with parking layouts designed to comply with the guidance set out in the National Roads Development Guide, and within the Designing Streets publication as National Policy;
- (m) 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;
- (n) that at the Approval of Matters Specified in Conditions stage, plans showing turning areas shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The turning areas shall require to accord with paragraph 3.1.3 of the Council's National Roads Development Guide;

- (o) that the applicant shall submit a swept path analysis accommodating the largest size of vehicle expected to be used by or serve the development for the formal prior written approval of the Council as Planning Authority;
- (p) that applications for approval of matters specified in conditions shall demonstrate appropriate footpath and cycle links to existing public roads and footways;
- (q) no work shall be carried out on any phase of the development 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, if required for that phase. 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;
- (r) 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;
- (s) that 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. At the Approval of Matters Specified in Conditions stage full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures will be maintained in perpetuity, shall be submitted for the formal prior written approval of the Council as Planning Authority before any work commences on site;
- (t) that at Approval of Matters Specified in Conditions stage a detailed flood risk assessment report shall be submitted for the prior written approval of the Council as Planning Authority, in consultation with SEPA, before any work commences on site;
- (u) that at Approval of Matters Specified in Conditions stage an updated drainage impact assessment shall be submitted for the prior written approval of the Planning Authority, in consultation with SEPA and Scottish Water, to assess drainage capacity within the network. The implications of the drainage impact assessment on the strategic landscape plan for the site shall be fully addressed as part of this submission;
- (v) that all new roads infrastructure associated with the development shall be designed and constructed to adoptable standards, as specified by the Council's National Roads Development Guide, and take full cognisance of the principles of Designing Streets as National Policy. The precise details and specifications of all new roads infrastructure shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). All roads infrastructure shall be constructed, as approved by condition and in conjunction with the necessary Roads Construction Consents, prior to occupation of the first dwellinghouse;

- (w) that before occupation of the first dwelling within the development a Residential Travel Pack shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Pack shall include information on walking, cycling and public transport facilities and services within the vicinity of the development sites, including journey times by sustainable modes of transport to key local destinations. The Travel Pack shall be distributed to all new residents within the development; and
- (x) that vegetation shall only be removed outwith the breeding bird season, specifically March- August.

**Reasons:**

- (a) to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning Etc. (Scotland) Act 2006. In order to retain proper control over the development proposal;
- (b) to clarify the extent of the planning permission and to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning etc. (Scotland) Act 2006;
- (c) in order to clarify the terms of the permission, to comply with Local Development Plan policies and in the interests of the proper planning of the area;
- (d) for the purposes of road safety and the functional operation of the local road network;
- (e) in order to retain proper control over the development proposal, to ensure compliance with the Local Development Plan and Supplementary Guidance and in the interests of residential, visual amenity, natural heritage and accessibility. Due also to the sloping nature of the site and to ensure that there is no significant detrimental impact on adjacent properties;
- (f) to ensure adequate provision for public access and active travel across the site and into the wider path network, in the interests of amenity and the proper access planning of the area;
- (g) to ensure all contamination within the site is dealt with;
- (h) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
- (i) in the interest of road safety and to ensure an acceptable standard of construction;
- (j) in the interest of road safety and to avoid the discharge of water onto the public road;
- (k) in the interest of road safety and to ensure adequate off-street parking provision;
- (l) in the interest of road safety and to ensure adequate off-street parking provision;
- (m) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (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;
- (p) to encourage sustainable means of travel;
- (q) in the interest of road safety;
- (r) in the interest of road safety;
- (s) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (t) in order to ensure the development is protected against flooding in an acceptable manner;

- (u) in order to ensure the development is protected against flooding in an acceptable manner;
- (v) in the interest of road safety and to ensure an acceptable standard of construction;
- (w) to encourage sustainable means of travel; and
- (x) interest of protecting natural environment.

**Advisory Notes:-**

- 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. A summary of the terms of the Section 75 agreement are set out within the report of handling of the application which can be inspected during office opening hours at the Planning Service, South Ayrshire Council, Burns House, Burns Statue Square, Ayr, KA7 1UT.
- SEPA was consulted on this application and have provided the following advice for the applicant:-
  - The proposed surface water drainage strategy is not clear from the information supplied with this planning application. Please note that should surface water be proposed to be discharged to the water environment this must be in accordance with the principles of the SUDS Manual (C753) which was published by CIRIA in November 2015;
  - The discharge of surface water must comply with the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Further information on this matter can be found on the SEPA website at [http://www.sepa.org.uk/water/water\\_publications.aspx](http://www.sepa.org.uk/water/water_publications.aspx). The design of the drainage system must be site specific and dependent upon the contaminants at the site, the remediation strategy and the risks posed by any residual contamination, in addition to the normal design considerations;
  - No formal authorisation is needed or provided by SEPA. The applicant/agent should satisfy themselves that the proposed SUDS are adequate and comply with the legislation/ guidance as above;
  - The applicant should deal directly with Scottish Water to ensure that the additional flow arising from this development can be accommodated in the sewer network without causing or contributing to the premature operation of consented storm overflows;
  - Construction/demolition works associated with the development of the site must be carried out with due regard to the guidelines on avoidance of pollution. Reference should be made to the relevant Pollution Prevention Guidance (PPG) Notes available on the SEPA website at [www.sepa.org.uk](http://www.sepa.org.uk) and to the CIRIA publication C715 "Environmental Good Practice On Site - Pocket Book".
  - Any waste materials imported to the site during construction must be stored and used only in accordance with a waste management licence or exemption under the Waste Management Licensing (Scotland) Regulations 2011. Similarly, any waste materials removed from the site must be disposed of at a suitably licensed or exempt waste management facility in accordance with these Regulations;
  - The applicants and their contractors should also be fully aware of the relevant requirements relating to the transport of controlled waste by registered carriers and the furnishing and keeping of duty of care waste transfer notes;

- It is a requirement of CAR to provide a SUDS system throughout the construction phase of the development to ensure adequate protection of the water environment. The system should comply with the Rules detailed in GBR's 10 and 11. Suitable pollution control measures should be employed wherever there is an identifiable risk to the water environment. This should give particular consideration to contaminated surface water run-off arising from earthworks, roads, drainage, compounds, concrete batching facilities and any other associated infrastructure; and
  - Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of the SEPA website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at: 31 Miller Road, Ayr, KA7 2AX Tel: 01292 294 000.
- The Council as Environmental Health Authority has advised that in order to minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works, the plant and machinery used should be in accordance with BS 5228; Noise Control on Construction and Open Sites and the Control of Pollution Act 1974. To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.
  - That the applicant is made aware that works should not lead to contravention of either the Protection of Badger 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. That the area of construction be checked prior to commencement of any works for any ground nesting birds or nesting hare thereby they are not contravening the Wildlife & Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004. Should any European Protected Species be found prior or during the period of development then a qualified ecologist should be contacted immediately for advice before proceeding with works. Advice from SNH may be required and if necessary EPS licensing should be reviewed. Any excavations should be covered at night to prevent animals falling in or becoming trapped. The applicant is made aware that works should not lead to contravention of the Habitats Directive/ Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).
  - The Council as Roads Authority advises as follows:-
    - Any costs associated with the relocation of any street furniture shall require to be borne by the applicant/developer;
    - Promotion of Traffic Regulation Orders resulting from this development shall require to be fully funded by the applicant - including any relevant road signs and markings;
    - 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;
    - Roads Construction Consent (RCC) from the Council as Roads Authority shall be required for the formation of any new road. The formation of any new road shall require to comply with the specifications of the Council's National Roads Development Guide and Designing Streets as National Policy;

- 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 for addressing the recommendations contained within the audit report;
- Access to residential driveways within the site shall be by way of dropped kerbs, in accordance with paragraph 3.1.2 of the Council's National Roads Development Guide;
- 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; and
- 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.

**List of Determined Plans:**

Drawing - Reference No (or Description): LOCATION PLAN;  
 Drawing - Reference No (or Description): SITE LAYOUT PLAN;  
 Other - Reference No (or Description): DESIGN STATEMENT;  
 Other - Reference No (or Description): PRE-APPLICATION REPORT;  
 Other - Reference No (or Description): TRANSPORT ASSESSMENT; and  
 Other - Reference No (or Description): SUPPORTING STATEMENT.

**Reason for Decision:**

The principle of the development hereby approved can be justified in terms of the development plan, and subject to appropriate conditions and the submission of application(s) for the Approval of Matters Specified in Conditions, there is no significant adverse impact on the amenity of neighbouring land and buildings.

**Councillor Galbraith left the meeting and Councillor Cavana re-joined the meeting as a member of the Panel at this point.**

- (4) [17/00004/APPM](#) – AYR – Holmston House, 3 Holmston Road – Proposed change of use and conversion of Holmston House to form 30 residential dwellings, conversion of 3 outlying buildings to form 3 residential bungalows and the erection of a 66-bed care home including formation of associated access, parking and landscaping.

**Decided:** to agree that the Executive Director of Economy, Neighbourhood and Environment to approve the application subject to agreement and implementation of an enabling bond, the signing of a S75 legal agreement relating to the provision of an affordable housing contribution in accordance with the Council's adopted policy, an education contribution and a mechanism for triggering the drawing down of the enabling bond 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 prior to the commencement of development, the applicant shall submit a detailed phasing plan for the prior written approval of the Planning Authority and thereafter implement the development in accordance with the approved phasing plan. For the avoidance of doubt, the phasing plan shall show the phasing of works to Holmston House, the three outbuildings and the care home and that works on Holmston House will be progressing concurrent with works on the care home;
- (c) that the conversion of the window to door to the east of the main entrance door to Holmston House is not hereby approved. Before any work commences on site, amended floor and elevation plans showing an alternative access arrangement to plot 8 in a manner which allows for the retention of the window to the east of the main entrance shall be submitted for the prior written approval of the Planning Authority;
- (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 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;
- (f) that before any works start on site, detailed landscape plans at a recognised metric scale shall be submitted for the prior written approval of the Planning Authority. Plans shall be accompanied by a planting schedule which details the genus, species and variety or cultivar of all plants, bulbs, seeds and turf. The size and specification of all plant material shall be detailed, together with total plant numbers and densities per m<sup>2</sup>. The location of all plant material shall be clearly identified on the landscape drawing. Ground preparation methods, topsoil quality and depth, planting methods, hole sizes and other materials such as mulches and stakes shall also be specified. Construction details for paved or other hard surfaces shall be provided together with details of any fences for inclusion as part of the landscape scheme. 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;

- (g) that all landscaping works and open space provision shall be completed in accordance with the approved landscape drawings prior to the occupation of the last house in the approved development. The open space/landscaped area shall be retained as open space and to this approved standard;
- (h) that within 6 months of occupation of the Care Home element of the development, a detailed 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 include the results of a staff travel survey, identify appropriate targets for modal shift away from the private car, and set out the measures and initiatives to be implemented in order to encourage modal shift in the pursuit of achieving the mode shift targets. The Travel Plan shall clearly define the system of management, monitoring, review, reporting and the duration of the plan;
- (i) that before occupation of the first dwelling within the development a Residential Travel Pack shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Pack shall include information on walking, cycling and public transport facilities and services within the vicinity of the development sites, including journey times by sustainable modes of transport to key local destinations. The Travel Pack shall be distributed to all new residents within the development;
- (j) that prior to the commencement of any part of the development the applicant shall implement a "Keep Clear" road marking, along with any associated traffic management costs, at the Holmston Road/ Mill Brae junction in accordance with details to be submitted for the prior written approval of the Planning Authority;
- (k) that before occupation of the first dwelling within the development a road marking scheme for the site access junction from the residential element of the development onto Mill Brae shall be implemented, consisting of appropriate white lining and associated signing. A sketch shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) prior to the implementation of any lining or signing;
- (l) that the public road on Mill Brae in the vicinity of both points of vehicular access from the site shall be resurfaced to the specification as provided by the Council as Roads Department, prior to completion of the development;
- (m) that precise details and specifications for the provision of one inter-visible passing place (including construction, siting and layout) on the access road to the residential element of the development shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The passing place shall be constructed in accordance with the Council's National Roads Development Guide, and shall be completed prior to occupation of the first dwellinghouse;

- (n) 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;
- (o) that the existing stepped level change on the pedestrian route from Mill Brae into the residential element of the development shall be replaced by a ramped access prior to occupation of any residential unit. The design of the ramped access shall require to conform to the standards as set out within the Council's National Roads Development Guide, and shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any works commence on site;
- (p) 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;
- (q) details of the parking layout designed to comply with the guidance set out in the Council's National Roads Development Guide, and Designing Streets as National Policy, shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority), prior to the commencement of work on site. The proposed layout for the residential element of the development shall not be less than 55 parking spaces;
- (r) details of the parking layout designed to comply with the guidance set out in the Council's National Roads Development Guide, and Designing Streets as National Policy, shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority), prior to the commencement of work on site. The proposed layout for the care home element of the development shall not be less than 22 parking spaces;
- (s) that cycle parking for the occupants of the residential units accommodating a minimum of 34 cycles shall be provided within the site boundary prior to occupation of any residential unit. Precise details of the siting and specifications of the cycle stand(s) 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;
- (t) that cycle parking for the care home accommodating a minimum of 2 cycles shall be provided within the site boundary prior to occupation. Precise details of the siting and specifications of the cycle stand(s) 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;
- (u) that plans, supplemented by swept path analysis of the largest vehicle type reasonably expected to be serving the development, shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority), and shall require to accord with paragraph 3.1.3 of the Council's National Roads Development Guide. The turning areas shall be constructed, as approved, prior to completion of the development;

- (v) that designated bin collection points shall be located a maximum of 15 metres from the public carriageway, before occupation of the development. Details and specification of the siting and design of bin collection points 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;
- (w) that no work shall be carried out on any phase of the development 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, if required for that phase. 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;
- (x) 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, (in consultation with 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;
- (y) that none of the dwellings shall be occupied until the Sustainable Urban Drainage System (SUDS) has been completed in accordance with the submitted and approved plans;
- (z) that in the event that proposed works have not begun within 18 months from the date of the existing bat survey, or are amended to include works within the roof voids, an updated bat survey shall be submitted for the prior approval of the Planning Authority;
- (aa) that the presence of any previously unsuspected or un-encountered 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;
- (bb) that ventilation within the kitchen and café areas of the care home requires to be adequate and suitable for the food handling/cooking carried out therein. The ventilation system in this area must be provided with suitable means of filtration e.g., grease and charcoal filters and extended ducting terminating at least one metre above eaves level of any building within 20m of the building housing the commercial kitchen, or alternatively the operation of the premises is limited to enclosed unit cooking;
- (cc) that should any European Protected Species be found either prior to or during the period of development then a qualified ecologist shall be contacted immediately for advice before proceeding with the works. Advice from Scottish Natural Heritage may be required and the ecologist should be able to determine this;

- (dd) that vegetation removal shall be undertaken outwith the breeding bird season, specifically March – August. If this is not possible it is advised that trees and vegetation to be cleared should first be inspected by a competent ecologist, to check for nesting birds, and appropriate measures put in place to safeguard any that are found. Any excavations shall be covered at night to prevent animals from falling in or becoming trapped;
- (ee) that prior to commencement of any works, full details of the size and location of the proposed play area, including equipment, shall be submitted for the prior written approval of the planning authority. For the avoidance of doubt a play area is required which caters for a wide age range of children, incorporating dynamic play equipment; and
- (ff) 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 works 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.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of proper planning in the area;
- (c) to safeguard the character and appearance of the listed building;
- (d) to ensure that materials are appropriate for the site and in the interests of visual amenity;
- (e) in the interests of visual and residential amenity;
- (f) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (g) to ensure landscaping works are completed at an appropriate stage in the development of the site;
- (h) to encourage sustainable means of travel;
- (i) to encourage sustainable means of travel;
- (j) in order to offset the impacts of additional traffic attempting to turn right out of Mill Brae onto Holmston Road at peak periods for the purposes of road safety and the functional operation of the local road network;
- (k) for the purposes of road safety and the functional operation of the local road network;
- (l) in the interest of road safety and to ensure an acceptable standard of construction;
- (m) in the interest of road safety and to ensure an acceptable standard of construction; To avoid the possibility of unnecessary reversing of vehicles onto the public road;
- (n) in the interest of road safety and avoid the discharge of water on to the public road;
- (o) in the interest of road safety and to ensure that adequate provision is made for pedestrians;
- (p) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (q) in the interest of road safety and to ensure adequate off-street parking provision;
- (r) in the interest of road safety and to ensure adequate off-street parking provision;

- (s) to ensure adequate provision of cycle parking on site, and encourage sustainable means of travel;
- (t) to ensure adequate provision of cycle parking on site, and encourage sustainable means of travel;
- (u) to reasonably avert the reversing of vehicles onto the main road and in the interests of road safety;
- (v) in the interest of road safety;
- (w) in the interest of road safety;
- (x) in the interest of road safety;
- (y) to ensure the site is drained in an acceptable and sustainable manner;
- (z) in the interest of natural heritage;
- (aa) to ensure all contamination within the site is dealt with;
- (bb) in order to prevent the occurrence of a smell nuisance;
- (cc) in the interest of natural heritage;
- (dd) in the interest of natural heritage;
- (ee) in order to ensure an adequate provision of play facilities; and
- (ff) to ensure that the site is adequately landscaped and incorporates adequate play facilities, in the interests of amenity.

**Advisory Notes:**

- 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. A summary of the terms of the Section 75 agreement are set out within the report of handling of the application which can be inspected during office opening hours at the Planning Service, South Ayrshire Council, Burns House, Burns Statue Square, Ayr, KA7 1UT.
- Tree felling and vegetation clearance should only be carried out outwith the main bird breeding season (April to August inclusive). If this is not possible it is advised that trees and vegetation to be cleared should first be inspected by a competent ecologist, to check for nesting birds, and appropriate measures put in place to safeguard any that are found.
- Any proposed discharge of surface water to the water environment this must be in accordance with the principles of the SUDS Manual (C753) which was published by CIRIA in November 2015.
- Notification of the use of cranes and associated equipment (as per Article 55 of the ANO) during construction phase would have to be granted permission in advance by the Airport if the crane is to be used within 6km of the aerodrome/airfield and its height exceeds 10m or that of the surrounding structures or trees. The developer must contact Glasgow Prestwick Airport, contact details below:

Glasgow Prestwick Airport  
 Aviation House  
 Prestwick  
 Ayrshire  
 KA9 2PL  
 Tel: 01292 511012  
[www.glasgowprestwick.com](http://www.glasgowprestwick.com)

- It is recommended that mitigation measures are implemented to protect against disturbing any bats that may be present during the construction phase. If night lighting is required, this should be kept to a minimum and fitted with appropriate shading to avoid illuminating excessively away from the intended location in roof and loft spaces. The use of sodium lamps would be most appropriate in this instance. It is also advised that the applicant explores opportunities for the inclusion of bird and bat boxes within any appropriate trees within the site and the creation of a small meadow sown with nectar-rich native wildflower species. 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).
- 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 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.
- The Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant / developer.
- The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development shall require to be fully funded by the applicant – including any relevant road signs and markings.
- 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.
- Please note that Roads Construction Consent (RCC) from the Council as Roads Authority shall be required for the formation of any new road. The formation of any new road shall require to comply with the specifications of the Council’s National Roads Development Guide and Designing Streets as National Policy.
- The Council as Roads Authority advises that 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 for the prior written approval of the Council as Roads Authority no later than 1 month after completion of the development, unless an alternative time period is approved. This applies to all proposed new roads and

any alterations to existing roads carried out under a Section 56 Agreement with the Roads Authority and the applicant. The requirement to complete a Road Safety Audit includes for addressing the recommendations contained within the audit report.

- The Council as Roads Authority advises that the Council will not be liable to adopt the drainage system as it is wholly contained within private ownership.

**List of Determined Plans:**

Drawing - Reference No (or Description): 600 REV A Existing Site Plan;  
 Drawing - Reference No (or Description): LP Location Plan @1:1250;  
 Other - Reference No (or Description): BAT SCOPING SURVEY;  
 Other - Reference No (or Description): FLOOD RISK ASSESSMENT;  
 Other - Reference No (or Description): HERITAGE STATEMENT: ARCHAEOLOGY;  
 Other - Reference No (or Description): PUBLIC CONSULTATION COMMENTS;  
 Other - Reference No (or Description): TREE SURVEY;  
 Drawing - Reference No (or Description): 001 REV A Holmston House – Image;  
 Drawing - Reference No (or Description): 101 REV B Holmston House – Image;  
 Drawing - Reference No (or Description): 103 REV B Holmston House – Image;  
 Other - Reference No (or Description): PAC REPORT;  
 Other - Reference No (or Description): ECOLOGICAL SURVEY;  
 Drawing - Reference No (or Description): 220 REV A Proposed Sections;  
 Drawing - Reference No (or Description): 100 REV A Existing Site Plan;  
 Drawing - Reference No (or Description): 102 REV A Existing Ground Floor Pl;  
 Drawing - Reference No (or Description): 104 REV A Existing Attic Floor Pla;  
 Drawing - Reference No (or Description): 105 Existing Joint Site Plan;  
 Drawing - Reference No (or Description): 201 REV A Proposed Basement Floor;  
 Drawing - Reference No (or Description): 202 REV A Proposed Ground Floor Pl;  
 Drawing - Reference No (or Description): 205 Proposed Joint Site Plan;  
 Drawing - Reference No (or Description): 300 REV A P&E (West Lodge);  
 Drawing - Reference No (or Description): 400 REV A P&E (South Lodge);  
 Drawing - Reference No (or Description): 500 REV A P&E (East Lodge);  
 Drawing - Reference No (or Description): 601 REV A Proposed Site Plan;  
 Drawing - Reference No (or Description): 602 REV A Proposed Ground & First;  
 Drawing - Reference No (or Description): 603 REV A Proposed Second Floor Pl;  
 Drawing - Reference No (or Description): 604 REV C Proposed Elevations (1);  
 Drawing - Reference No (or Description): 605 Proposed Elevations (2);  
 Drawing - Reference No (or Description): EXA\_1658\_PL\_500 REV A Planting Plan (Sheet 1 o);  
 Drawing - Reference No (or Description): EXA\_1658\_PL\_501 REV A Planting Plan (Sheet 2 o);  
 Drawing - Reference No (or Description): LP Location Plan 1:2500;  
 Other - Reference No (or Description): DESIGN STATEMENT;  
 Other - Reference No (or Description): NOISE IMPACT ASSESSMENT;  
 Other - Reference No (or Description): TRANSPORT STATEMENT;  
 Other - Reference No (or Description): TRAVEL PLAN  
 Other - Reference No (or Description): HERITAGE STATEMENT;  
 Drawing - Reference No (or Description): 002 REV A Holmston House – Image;  
 Drawing - Reference No (or Description): 003 REV A Holmston House – Image;  
 Drawing - Reference No (or Description): 102 REV B Holmston House – Image;  
 Drawing - Reference No (or Description): 100 REV A Existing Site Plan;

Drawing - Reference No (or Description): 101 REV A Existing Basement Floor;  
Drawing - Reference No (or Description): 103 REV A Existing First Floor Pla;  
Drawing - Reference No (or Description): 200 REV A Proposed Site Plan;  
Drawing - Reference No (or Description): 203 REV A Proposed First Floor Pla;  
Drawing - Reference No (or Description): 204 REV A Proposed Attic Floor Pla;  
Drawing - Reference No (or Description): 210 REV A Existing Elevations (1);  
Drawing - Reference No (or Description): 211 REV A Existing Elevations (2);  
Drawing - Reference No (or Description): 212 REV B Proposed Elevations (1);  
Drawing - Reference No (or Description): 213 REV B Proposed Elevations (2); and  
Drawing - Reference No (or Description): 214 REV A Proposed Site Elevations.

**Reason for Decision:**

The siting and design of the development hereby approved is considered to broadly accord with the provisions of the development plan with the exception of a shortfall in the level of amenity spaces provision which is justified in this case on the basis of the enabling nature of the care home component of the development, the potential for the restoration and sustainable re-use of the listed buildings, the town centre location and the accessibility to areas of open space in the locality. Furthermore, there is no significant adverse impact on the amenity of neighbouring land and buildings.

The meeting ended at 1.05 p.m.