

**REGULATORY PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr  
on 2nd February 2017 at 10.00 a.m.

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

Attending: F. Mullen, Planning Manager; A. Brown, Co-ordinator (Legal Services, Property and Contracts); A. Cooke, Priority Projects Co-ordinator; M. McClelland, Planning Co-ordinator; and A. Gibson, Committee Services Officer.

Also  
Attending: G. Senior, Ayrshire Roads Alliance.

**1. Opening Remarks.**

The Panel welcomed Fiona Mullen, Planning Manager to her first meeting of this Panel.

**2. Declarations of Interest.**

With regard to item 4(1) of this minute entitled "Applications for Planning Permission – 102 Dalmellington Road, Ayr" Councillor Douglas advised that the applicant had contacted him regarding this application but that he had no discussion with him on the matter and subsequently would participate in its consideration.

**3. Minutes of previous meeting.**

The Minutes of 14th December 2016 ([issued](#)) were submitted and approved.

**4. Applications for Planning Permission.**

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

The Panel decided as follows:-

- (1) [16/01024/APP](#) – STRAITON – Temporary High Wind Monitoring Meteorological Mast C1 Newton Stewart Road, Straiton – South to Council Boundary – Erection of a temporary 70 metre high meteorological mast.

The Panel heard from Councillors Clark and Oattes, local members (in attendance for this item only) regarding this application. They then left the meeting at this point.

Councillor Campbell, seconded by Councillor Convery, moved that the application be approved, as detailed in the report.

By way of an Amendment, Councillor Hunter seconded by Councillor Grant, moved that the application be refused on the grounds stated.

On a vote being taken by a show of hands, three members voted for the Amendment and five for the Motion, which was accordingly declared to be carried.

**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 the approval for the proposed use is limited to 5 years at which date the use of the meteorological mast shall be terminated and the site shall be restored to its former condition in accordance with a written specification, including a timescale within which the works shall be implemented, to be submitted for the prior written approval of the Planning Authority. The restoration specification shall be submitted within 2 months of the date of this planning approval;
- (c) that the meteorological mast shall be fitted with infrared aviation lighting equivalent to 25 candela omni-directional flashing red light at the highest practicable point of the structure. Precise details of the proposed lighting shall be submitted to, and approved in writing by, the planning authority, before the mast is erected. Thereafter, the lighting shall be installed and operated in accordance with the approved layout and specification and retained in situ in an effective operating condition for the lifetime of the development; and
- (d) that bird deflector disks shall be installed on all of the guy wires, and that these disks shall thereafter be maintained for the lifetime of the mast.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) the use of the land is of a temporary nature and is only acceptable as a temporary expedient;
- (c) in order to ensure that external light(s) do not adversely impact upon the interests of the Dark Sky Park, to safeguard this national tourism asset and in the interests of aviation safety; and
- (d) to reduce the chance of bird strike.

**List of Determined Plans:**

Drawing - Reference No (or Description): CLH-P-009 REV. B Site Layout Plan;  
 Drawing - Reference No (or Description): CLH-P-010 REV. A Elevation Plan;  
 Drawing - Reference No (or Description): CLH-P-011 REV. A Plan View Drawing; and  
 Drawing - Reference No (or Description): CLH-P007 REV. B Location Plan.

**Reason for Decision:**

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

- (2) **16/01079/FURM** – **TARBOLTON – Moss Landfill Site, U87 from B730 at Fail Mill – north-east to junction with U86** – further application under Section 42 of the Town and Country Planning (Scotland) Act 1997, as amended, to vary conditions 3, 12, 13 and 14 of planning permissions 09/00846/FUL and 15/00507/FURM.

**Decided:** to approve this application and that planning permissions 09/00846/FUL and 15/00507/FURM be varied subject to the following conditions:-

- (a) that the development hereby permitted shall be begun within three years of the date of this permission;
- (b) 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;
- (c) condition omitted;
- (d) that the carriageway shall be resurfaced along the site frontage on U87 in accordance with the specifications in the Council's Roads Development Guide before completion of the development;

- (e) 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;
- (f) 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;
- (g) that junction access visibility sightline splays of 4.5 metres by 90 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;
- (h) 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;
- (i) 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;
- (j) 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 earth-mounding, shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented within one year / 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;
- (k) that prior to the commencement of development, details of any external lighting shall be submitted for the prior written approval of the Planning Authority;
- (l) that no waste material shall be stored outside the building unless it is reclaimed or processed material and it shall only be stored in external Storage Bays prior to export. That the proposed additional planting shown in Landscaping Plan 5a, December 2016, shall be implemented within the first planting season following approval;

- (m) that with the exception of the Anaerobic Digestion process and essential maintenance, outwith the hours of 0700 to 1800 Monday to Friday and the hours of 0700 to 1300 on Saturdays all waste processing operations shall take place within the building with the roller shutter doors closed;
- (n) that the delivery of waste and materials to the site, and the dispatch of waste and materials from the site shall be restricted to between the hours of 0700 and 1800 Monday to Friday, and between the hours of 0700 and 1300 on Saturdays. No delivery or dispatch to or from the site shall take place on Sundays or Bank Holidays;
- (o) that the site shall be restricted to the receipt of 100,000 tonnes total maximum of waste and materials per annum and that the combined total number of HGV vehicle movements to the site and adjacent Tarbolton landfill site shall not exceed 60 per day;
- (p) that unless otherwise agreed with the Planning Authority in consultation with SEPA, only residual waste (i.e. waste remaining after all practicable and reasonable efforts have been made to extract recyclable and, where appropriate, compostable material) shall be treated in the anaerobic digestion element of the facility hereby approved;
- (q) that the plant is designed and constructed to enable the export of electricity in accordance with the approved plans prior to commencement of the operation of the plant;
- (r) that prior to the acceptance of any waste materials into the anaerobic digestion element of the facility, the materials recycling and sorting facilities (post autoclave) must be fully operational. These facilities shall be implemented in accordance with the approved plans prior to the operation of the development hereby approved and all waste going into the anaerobic digestion plant shall. Where appropriate, first be pre-treated and sorted in the materials sorting and recycling facilities;
- (s) that the applicant treats surface water from the site in accordance with the principles of the CIRIA SUDS Manual (C697) published in 2007;
- (t) that before any development commences on site, details of a Site Waste Management Plan should be submitted to and approved by the Planning Authority in consultation with SEPA and implemented thereafter in accordance with the approved details during the construction of the development;

- (u) that no development can commence on site until a full site specific construction method statement (CMS) is submitted and approved by the determining authority, in consultation with SEPA. The CMS should incorporate detailed pollution avoidance and mitigation measures for all the construction elements potentially capable of giving rise to pollution including issues relating to the construction of the building, impacts on hydrogeology and disposal of contaminated land. Specifically the statement should address the following and the construction of the development should be carried out in accordance with the agreed details:-
  - (i) how contaminated land will be dealt with; treated and disposed of as necessary;
  - (ii) details of how disturbance to groundwater will be minimised, including any de-watering proposals;
  - (iii) details of the storage of construction fuels, materials, raw materials and by-production;
  - (iv) temporary SUDS measures; and
  - (v) dust mitigation methods; and
- (v) that should work not commence before April 2010, a revised survey be undertaken with regard to the detection and mitigation measures for the possible presence of otter, water vole and badger be undertaken to the written satisfaction of Scottish Natural Heritage and the Planning Authority.

**Reasons:**

- (a) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by section 21 of the Planning Etc. (Scotland) Act 2006;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) reason omitted;
- (d) in the interest of road safety;
- (e) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
- (f) in the interests of visual amenity;
- (g) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (h) in the interest of road safety and avoid the discharge of water on to the public road;
- (i) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (j) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (k) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (l) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (m) in the interests of residential amenity;
- (n) in the interests of residential amenity;
- (o) in the interests of residential amenity;
- (p) in the interests of ensuring that only residual waste is treated in the energy from waste plant in accordance with SEPA's Thermal Treatment of Waste Guidelines 2009 and Government policy;

- (q) in the interest of ensuring that the facility has the capacity to export electricity generated by the operation of the plant;
- (r) in the interest of ensuring that the facility operates in accordance with the approved plans;
- (s) to ensure the site is drained in an acceptable sustainable manner and the drainage infrastructure is properly maintained;
- (t) to ensure that the waste on site is managed in an acceptable manner;
- (u) to protect the water environment from any damage arising from the construction and operation of this facility; and
- (v) to identify the presence of protected species and provide measures to mitigate the impact of development on those species.

**Advisory Note:**

SEPA has advised that the existing waste licence will require to be modified.

**List of Determined Plans:**

Drawing - Reference No (or Description): SITE LOCATION PLAN;  
 Drawing - Reference No (or Description): SITE BOUNDARY;  
 Drawing - Reference No (or Description): PROPOSED PUSH BACK BAY LAYOUT 2059(2-)010b;  
 Drawing - Reference No (or Description): SITE ELEVATIONS 2059(2-)012;  
 Drawing - Reference No (or Description): EXISTING SITE LAYOUT (BUILT AND);  
 Drawing - Reference No (or Description): LANDSCAPE PLAN;  
 Drawing - Reference No (or Description): LOCATION PLAN;  
 Drawing - Reference No (or Description): PROPOSED SITE PLAN;  
 Drawing - Reference No (or Description): PROPOSED PUSH BACK BAY ELEVATION 2059(2-)011b;  
 Drawing - Reference No (or Description): PROPOSED SITE ELEVATIONS 2059(2-)013a;  
 Drawing - Reference No (or Description): PROPOSED SITE LAYOUT; and  
 Other - Reference No (or Description): SUPPORTING STATEMENT

**Reason for Decision:**

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

- (3) [16/01143/APP](#) – AYR – 102 Dalmellington Road – Alterations and sub-division of Class 1 retail unit to form hot food takeaway.

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

- (a) that the proposed hot food takeaway is contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Residential Policy within Settlements, Release Sites and Windfall Sites and LDP Policy: Town Centres, by reason that a hot food takeaway does not represent an appropriate or compatible use within a residential area, that the proposed hot food takeaway will have a significant adverse impact on the amenity of residential properties as a result of increased noise and disturbance particularly during early morning and late evening; and
- (b) that no information has been submitted with this application to demonstrate that the proposed hot food takeaway will not have an adverse impact on residential amenity in the locale by way of noise or smell nuisance.

**List of Determined Plans:**

Drawing - Reference No (or Description): A001; and

Drawing - Reference No (or Description): A002.

- (4) [16/01177/PPP](#) – AYR – Land at Britannia Place – planning permission in principle for erection of residential development.

**Decided:** to approve the application subject to the following conditions:-

- (a) that this planning permission in principle, subject to the specified planning conditions, relates to the plan(s) as listed below;
- (b) that at the Approval of Matters Specified in Conditions stage full details of the proposed residential 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;
- (c) that the housing development shall comply with the Council's supplementary planning guidance in relation to 'Open Space and Designing New Residential Developments' and/ or any subsequent document prepared by the Council in relation to the provision of open space for residential areas. At the Approval of Matters Specified in Conditions stage detailed supporting information illustrating compliance with this supplementary planning guidance shall be submitted for the approval of the Planning Authority;



- (d) that the housing development shall accord with the Council's supplementary planning guidance in relation to the Council's Adopted Supplementary Planning Guidance entitled 'New Housing Development and Affordable Housing' - A Guideline for Developers, or subsequent updated guidance, and shall be to the satisfaction of the Council;
- (e) that at the Approval of Matters Specified in Conditions stage a design statement shall be submitted which demonstrates how the design and siting of the development takes cognisance of the character of the surrounding area;
- (f) that at the Approval of Matters Specified in Conditions stage details shall be submitted of the proposed Sustainable Urban Drainage Systems (SUDS) which shall be prepared in accordance with the provisions of Scottish Environment Protection Agency (SEPA) Guidance Note No.8;
- (g) that at the Approval of Matters Specified in Conditions stage details shall be submitted of the all the proposed boundary treatments;
- (h) that at the Approval of Matters Specified in Conditions stage, detailed landscape plans at a recognised metric scale shall be submitted for the consideration and assessment of the Planning Authority. The plans shall include details of all hard and soft landscaping, indicating, genus, species and varieties of all plant material, and the proposed future management and aftercare arrangements;
- (i) that at the Approval of Matters Specified in Conditions stage the detailed plans shall clearly illustrate, in cross-section form, the existing ground level, the extent of any underbuilding, the finished floor level of the proposed development in relation to the levels of adjacent land and buildings (including windows of buildings within 18 metres) and any intervening existing or proposed screening (walls or fences). The floor levels shall clearly relate to a Fixed Datum Point on or nearby the site such as a road or pavement which shall be identified on the submitted plans;
- (j) that at the Approval of Matters Specified in Conditions stage, a Transport Statement shall be submitted for the consideration and approval of the Planning Authority, in conjunction with the Ayrshire Roads Alliance. The scope of the Transport Statement shall be agreed with the Ayrshire Roads Alliance, prior to being submitted;
- (k) that at the Approval of Matters Specified in Conditions stage the applicant shall submit details of a layout which takes cognisance of the National Roads Development Guide, currently adopted by the Council, and the Designing Streets publication as National Policy and which has been agreed with the Ayrshire Roads Alliance. The review process shall address; parking, servicing and turning, cycle storage provision, visibility splays, the intended extent of any adopted roads/footways, drainage, service strip location and street lighting; and

- (l) that at the Approval of Matters Specified in Conditions stage, a phasing plan detailing the proposed sequence and timing of the residential development and the provision of associated infrastructure shall be submitted for the consideration, and assessment of the Planning Authority.

**Reasons:**

- (a) 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;
- (b) 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;
- (c) to comply with the Council's supplementary planning policy guidance in relation to open space and in the interests of the proper planning of the area;
- (d) to comply with the Council's policy on the provision of affordable housing;
- (e) in the interests of proper planning and in order to retain the character and amenity of the area;
- (f) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (g) that at the Approval of Matters Specified in Conditions stage details shall be submitted of the all the proposed boundary treatments;
- (h) in the interests of visual and residential amenity and to ensure a satisfactory standard of local environmental quality;
- (i) in the interests of residential and visual amenity; to ensure that there is no significant detrimental impact on adjacent properties and to avoid excessive underbuilding;
- (j) for the purposes of road safety and functional operation of the local road network;
- (k) for the purposes of road safety and functional operation of the local road network; and
- (l) to ensure the proper development of the site.

**List of Determined Plans:**

Drawing - Reference No (or Description): LOCATION PLAN.

**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.

The meeting ended at 11.10 a.m.