

SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 11th September 2018 at 2.00 p.m.

Present: Councillors Brian Connolly (Chair), Craig Mackay, Andy Campbell, Ian Cavana, Peter Convery, Ian Fitzsimmons, Mary Kilpatrick and Margaret Toner.

Attending: L. McPartlin, Solicitor (Legal Adviser); A. Cooke, Planning Co-ordinator (Planning Adviser); and D. Mulgrew, Committee Services Assistant.

1. Declarations of Interest.

There were no declarations of interest by Members of the Body in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

2. Minutes of previous meeting.

The minutes of 21st August 2018 (issued) were submitted and approved.

Councillors Campbell and Mackay did not participate in consideration of the following Review as they had not been present at the Local Review Body meeting of 21st August 2018 when this Review had been considered and subsequent site visit.

3. Continuation of Review - Erection of dwellinghouse and alterations to boundary wall to form vehicular access at 56 Midton Road, Ayr (17/01208/APP).

Reference was made to the Minutes of 21st August 2018 (Page 3, paragraph 4) when it had been agreed that the Review be continued to a further meeting of this Body to allow an accompanied site visit to assess the application site in its setting and the surrounding area.

Having heard the Chair, the Legal Adviser to the Body and the Planning adviser to the Body, the Body again considered the papers relating to the Review.

Decided: to uphold the decision made by the Appointed Officer, and refuse planning permission.

Councillors Campbell and Mackay re-joined the meeting at this point.

4. New Case for Review – Change of use of agricultural land to Class 10, erection of nursery school, and formation of access road, car park and play area at Laigh Kyleston Farm, Fisherton, Ayr (17/01386/APP)

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse a planning application for change of use of agricultural land to Class 10, erection of nursery school, and formation of access road, car park and play area at Laigh Kyleston Farm, Fisherton, Ayr.

Having heard the Chair, the Legal Adviser to the Body and the Planning Adviser to the Body, the Body considered the papers relating to the Review.

Decided: to overturn the decision of the Appointed Officer and to grant planning permission subject to the following conditions;

- (1) 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;
- (2) that this permission relates to a Class 10 nursery school only, as defined by the Town and Country Planning Use Classes Order (Scotland) 1997;
- (3) that the development proposal hereby granted planning permission shall not be sold, assigned, disposed, or in any other way disposed of separately from the adjacent farm park and associated buildings at Laigh Kyleston, as defined on the approved drawings;
- (4) that the development hereby granted planning permission shall form part of the single planning unit associated with the adjacent farm park and associated buildings at Laigh Kyleston, as defined on the approved drawings, unless granted planning permission for a sub-division;
- (5) that notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order, 1992 (or any Order revoking and re-enacting that Order) no development within Class 9C shall be undertaken without the prior written permission of the Planning Authority;
- (6) that prior to the commencement of development, an operating plan shall be submitted by the applicant as owner, for the prior written approval of the Planning Authority. The operating plan shall provide details of the operator of the premises, the days of the week and hours of operation of the facility, the maximum number of children intended to utilise the facility. Thereafter, the premises shall operate as per the agreed terms of the operating plan, to the satisfaction of the Planning Authority;
- (7) 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;
- (8) 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;

- (9) that before occupation of the development a Staff 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;
- (10) that before occupation of the development a Nursery 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 Nursery Travel Pack shall include information on walking, cycling and public transport facilities and services along principle routes to and from the development. The Travel Pack shall be distributed to all parents/ guardians making use of the nursery facility;
- (11) that the proposed access shall be constructed in accordance with the specifications in the Council's National Roads Development Guide and be a minimum of 6 metres wide over the initial 10 metres as measured from the rear of the public roadway. The access shall be constructed, as approved, prior to completion of the development;
- (12) that the private access shall be surfaced for a minimum of 10 metres as measured from the rear of the public roadway, prior to development operation. Precise detail and specifications of the required surfacing 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;
- (13) that junction access visibility sightline splays of 2.5 metres by 215 metres shall be maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metres in height within the visibility sightline splays;
- (14) that prior to occupation of the development any gates shall be set back a minimum of 10 metres from the rear of the public roadway, and open inwards away from the public roadway;
- (15) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means;
- (16) that footway/ footpath provision shall be provided to create a safe and convenient route from the point of termination of the footway on the northern side of the A719 at the Heads of Ayr Farm Park access, through the donor property, to the proposed nursery entrance. 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 development opening;

- (17) 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;
- (18) that a total of 65 off-road parking spaces shall be provided within the existing site boundary, consisting of 60 standard bays, 3 disabled access bays and 2 motorcycle bays. This provision is required to satisfy provision levels as defined within the Council's adopted National Roads Development Guide. Details of parking layouts 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);
- (19) that cycle parking accommodating a minimum of 11 cycles shall be provided within the site boundary. 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;
- (20) 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;
- (21) the applicant/developer shall, prior to the occupation of any unit, submit a Service Management Plan for the written approval of the Council as Roads Authority, and Planning Authority. The plan shall provide details of the servicing arrangements for the nursery development, including management of deliveries and bin collections and shall require the agreement of the Council as Roads Authority.

Reasons:

- (1) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (2) to clarify the terms of this permission;
- (3) to clarify the terms of this permission;
- (4) to clarify the terms of this permission;
- (5) to ensure that any further development at this site is assessed as part of a further planning permission in the interests of amenity;
- (6) to clarify the terms of this permission;
- (7) in the interests of visual amenity;
- (8) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (9) to encourage sustainable means of travel;

- (10) to encourage sustainable means of travel;
- (11) in the interest of road safety and to ensure an acceptable standard of construction;
- (12) in the interest of road safety and to ensure an acceptable standard of construction;
- (13) 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;
- (14) in the interest of road safety;
- (15) in the interest of road safety and to avoid the discharge of water onto the public road;
- (16) to encourage sustainable means of travel;
- (17) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (18) in the interest of road safety and to ensure adequate off-street parking provision;
- (19) to ensure adequate provision of cycle parking on site, and encourage sustainable means of travel;
- (20) to reasonably avert the reversing of vehicles onto the main road, and in the interests of road safety;
- (21) in the interest of road safety.

Advisory Notes:

- In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this planning permission lapses on the expiration of a period of 3 years beginning with the date on which the permission is granted unless development to which the permission relates is begun before that expiration.
- A site notice to be displayed in accordance with Section 27C(1) of The Town and Country Planning (Scotland) Act 1997 and Regulation 38 and Schedule 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 shall be completed, printed on durable material, and be displayed in a prominent place (readily visible to members of the public) at or in the vicinity of the site while the development hereby approved is in progress. This requirement is in order to ensure that members of the public are made aware of the background to the development in progress and have access to the necessary contact details. A template for the Site Notice is attached to this decision notice. An electronic version is also available on the Council's web site as follows www.south-ayrshire.gov.uk/planning/forms.aspx 'Notice to be displayed while development is in progress'.
- The person who intends to carry out the development hereby approved shall, as soon as practicable after deciding on a date on which to initiate the development, complete the attached form entitled '*Notification of Initiation of Development*' and submit it to the Planning Authority before commencement of the development. For the avoidance of doubt, failure to submit the required notice would constitute

a breach of planning control under S123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended). This notification is required to ensure compliance with the requirements of planning legislation as contained in Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended).

- The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written 'Notification of Completion of Development' as soon as practicable after the development has been completed. This notification shall include the reference number of the planning permission, the site address and the date of completion. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written Notification of Completion of Phases of Development as soon as practicable after completion of each phase of the development and subsequently a Notification of Completion of Development as soon as practicable after the whole development has been completed. These notifications shall include the reference number of the planning permission, the site address and the date of completion of the relevant phase. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) and Section 27B(2) of the Town and Country Planning (Scotland) Act 1997 (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 prior to the commencement of works to construct any new or amended roads infrastructure; a Stage 2 Road Safety Audit in compliance with HD 19/03 of the Standard for Highways Design

Manual for Roads and Bridges shall be completed and submitted for the prior written approval of the Council as Roads Authority. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Council as Roads Authority & the applicant.

- 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 & the applicant. The requirement to complete a Road Safety Audit includes for addressing the recommendations contained within the audit report.
- 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.

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.

List of Approved Plans:

Drawing - Reference No (or Description): 710-01;
Drawing - Reference No (or Description): 710-01 Block Plan;
Drawing - Reference No (or Description): 710-02;
Drawing - Reference No (or Description): 700/05;
Drawing - Reference No (or Description): 700/05 Proposed Floor Plan; and
Drawing - Reference No (or Description): 700/06.

5. **New Case for Review – Planning permission in principle for erection of dwellinghouse at 13 Belston Holdings, Ayr (18/00135/PPP).**

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse a planning application for planning permission in principle for erection of dwellinghouse at 13 Belston Holdings, Ayr

Having heard the Chair, the Legal Adviser to the Body and the Planning Adviser to the Body, the Body considered the papers relating to the Review.

Decided:

- (1) to hold an accompanied site visit to assess the application site in its setting and the surrounding area; and
- (2) that thereafter the Review be continued to a future meeting of the Review Body for further consideration and decision.

The meeting ended at 3.20 p.m.