

## REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr  
on 11th December 2018 at 10.00 a.m.

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

Apology: Councillor Craig Mackay.

Attending: F. Mullen, Service Lead, Planning and Building Standards; A. Brown, Co-ordinator (Legal Services, Property and Contracts); D. Love, Supervisory Planner; and A. Gibson, Committee Services Officer.

### 1. Declarations of Interest.

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

### 2. Applications for Planning Permission.

There were submitted reports of November 2018 by the Director - Place on current applications for determination.

The Panel decided as follows:-

- (1) [18/00947/MSCM](#) – AYR – **Site Development, Dunure Road** – Application for approval of matters specified in conditions of outline planning permission 09/00683/OUT.

**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) notwithstanding the approved plans, the submitted Spine Road Layout Plans (Drawing numbers: 42264/5002/100 RevA and 42264/5002/101 RevA) are hereby not approved. Prior to the commencement of any works on site a revised layout, detailing an amended junction configuration at the northern most access point to Phase 5 (between plots 81 and 82), shall be submitted to and approved in writing by the Planning Authority; and

- (c) no development shall take place within a development phase 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 by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented for that phase 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.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interest of road safety and to ensure an acceptable standard of construction; and
- (c) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording.

**Advisory Notes:**

Ayrshire Roads Alliance were consulted on this application and have advised that an application to vary the road Construction Consent for this site should be submitted to and approved by the Ayrshire Roads Alliance prior to work commencing on site.

**List of Determined Plans:**

Drawing - Reference No (or Description): LOCATION PLAN 42264/5002/102

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 the neighbouring land and buildings.

- (2) [18/00736/MSCM](#) – AYR – Site Development, Dunure Road – Application for approval of matters specified in conditions of outline planning permission 09/00683/OUT.

**Decided:** to grant delegated powers to the Director – Place to approve this application for planning permission in principle subject to the signing of a S75 legal agreement and the following conditions:-

- (a) that the development hereby granted shall be implemented in accordance with the approved plans(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 before any work commences on site, a suitably scaled block plan showing:
  - (i) existing ground levels;
  - (ii) proposed ground levels; and
  - (iii) finished floor levels of each proposed dwellinghouse shall be submitted for the prior written approval of the Council as Planning authority;
- (c) 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;
- (d) no development shall take place within a development phase 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 by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented for that phase 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;
- (e) that notwithstanding the plans hereby approved, 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 required landscape scheme shall include the use of native nectar rich species and fruiting species such as Blackthorn (*Prunus spinose*), Crab apple (*Malus sylvestris*), Elder (*Sambucus nigra*), Hawthorn (*Crataegus monogyna*), Hazel (*Corylus avellana*), Holly (*Ilex aquifolium*), Rowan (*Sorbus aucuparia*) and Silver birch (*Betula pendula*). A suitable bond to cover fully the costs of landscaping shall be provided by the developer and approved in writing by the Planning Authority before works shall start on site. The scheme as approved shall be implemented with 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 the approved standard;

- (f) that should any vegetation require to be removed that this is undertaken outwith the breeding bird season, specifically March to August, inclusive. If this is not possible, and works are due to take place between March and August, then nesting bird checks should be undertaken by a suitably qualified ecologist, immediately prior to any tree or vegetation removal works commencing;
- (g) notwithstanding the approved plans, the submitted Appraisal Layout (Drawing number: SLP-001-A) is hereby not approved. Prior to the commencement of any works on site a revised layout, detailing an amended junction configuration between plots 81 and 82, the removal of the cycle/pedestrian link between plots 24 and 25 and reconfigured plot sizes and house types, shall be submitted to and approved in writing by the Planning Authority;
- (h) that before the 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 developments 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;
- (i) 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;
- (j) that a factoring agreement and maintenance schedule shall be put in place for all trees and planting within public road limits. Thereafter the maintenance schedule shall be adhered to at all times by the nominated factor for the site, and no changes shall be undertaken within the prior written approval of the Council as Roads Authority;
- (k) that off road parking spaces shall be provided in accordance with the Council's Roads Development Guide within the site boundaries prior to completion of the dwellinghouse(s);
- (l) 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;
- (m) 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;

- (n) 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. 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 prior to any movement of construction traffic associated within the site;
- (o) surface water from the site shall be treated in accordance with the principle of the Sustainable Urban Drainage Systems (SUDS). Full details of the methods to be employed, along with the details of how these measures will be maintained in perpetuity, shall be submitted for the approval in writing by the Council as Planning Authority prior to the commencement of any works on site. 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;
- (p) that footpath and cycle links as considered appropriate shall be provided within existing public roads and footways at locations to the satisfaction of the council as Planning Authority (in consultation with the Council as Roads Authority); and
- (q) that prior to any work commencing on site, a scheme demonstrating that the site can be suitably accessed should be submitted to and approved in writing by the Planning Authority.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of residential and visual amenity; to ensure that there is no significant detrimental impact on adjacent properties;
- (c) in the interests of visual amenity;
- (d) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
- (e) in the interest of biodiversity;
- (f) in the interest of protecting local wildlife;
- (g) in the interest of residential amenity, road safety and to ensure an acceptable standard of construction;
- (h) to encourage sustainable means of travel;
- (i) in the interest of road safety and to avoid the discharge of water onto the public road;
- (j) in the interest of road safety;
- (k) in the interest of road safety and to ensure adequate off street parking provision;
- (l) in the interests of road safety;
- (m) in the interest of road safety;
- (n) in the interest of road safety;
- (o) to ensure the site is drained in an acceptable and sustainable manner;
- (p) to encourage sustainable means of travel; and
- (q) to ensure suitable access is secured.

**Advisory Notes:**

- SAC Environmental Health were consulted on this application and have provided the following advice for the applicant:
  - (i) 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 the surrounding area must be taken;
  
- SAC Sustainability (Biodiversity) were consulted on this application and have provided the following advice for the applicant:
  - (i) works should not lead to the contravention of either the Protection of Badgers Act 1992 or the Wildlife & Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004; (this includes ensuring that foraging badger would not become trapped/injured during construction);
  - (ii) works should not lead to the contravention of the Habitats Directive/Conservation (Natural Habitats, &c.) Regulations 1994 (as amended);
  - (iii) that the area of construction be checked prior to the commencement of any works for any ground nesting birds or nesting hare;
  - (iv) should any European Protected Species (EPS) be found either prior to or during the period of development then a qualified ecological consultant should be contacted immediately for advice before proceeding with works. Advice from SNH may be required and the ecologist should be able to determine this;
  - (v) should any European Protected Species (EPS) be found either prior to or during the period of development then the need for EPS licensing should be reviewed;
  - (vi) if there is a requirement for any tree felling then it may be appropriate for the developer to conduct a survey (in season) for potentially roosting bats/nesting birds;
  - (vii) if a bat survey demonstrates that development is likely to affect bat foraging and/or commuting habitat. Linear features such as tree lines should be retained, and compensatory planting should be considered wherever possible;
  - (viii) if there are any woodland edges likely to provide important foraging habitat, where possible an experienced ecologist provides input to the lighting schemes so as not to impact on foraging bats and provide darkened corridors for commuting and foraging;
  - (ix) where possible the developer considers the inclusion of bird and bat boxes within the development;
  - (x) where possible that any native hedgerows are retained, or replaced with native species hedgerow enhancements. This could consist of mostly hawthorn, with a mix of hazel, holly, dog rose, willow and elder;
  - (xi) any temporary lights used during construction should be fitted with shades to prevent light spillage outside the working area. Temporary lights should not illuminate any tree lines or hedgerows due to lighting potentially affecting wildlife commuting and foraging; and

- (xii) all holes and excavations greater than 1m deep should be covered whilst unattended to prevent animals falling in, or ramps should be used in order to provide a means of escape. Where this is not possible there areas should be fenced off to prevent accidental entry; and
- Ayrshire Roads Alliance were consulted on this application and have provided the following advice for the applicant:
  - (i) 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;
  - (ii) 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;
  - (iii) in order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in associated 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;
  - (iv) 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;
  - (v) 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, and 20mph orders for all residential streets off the spine road;
  - (vi) 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;
  - (vii) 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; and
  - (viii) the Council as Roads Authority advises that all driveways within the development site shall be by way of dropped kerbs, in accordance with paragraph 3.1.2 of the Council's National Roads Development Guide.

**List of Determined Plans:**

Drawing - Reference No (or Description): PLANNING LAYOUT TYPE F 2016A;  
Drawing - Reference No (or Description): PLANNING LAYOUT TYPE F(MID) 2016A;  
Drawing - Reference No (or Description): PLANNING LAYOUT TYPE G 2016A;  
Drawing - Reference No (or Description): PLANNING LAYOUT TYPE G(MID) 2016A;  
Drawing - Reference No (or Description): TOPO SURVEY May 2018;  
Drawing - Reference No (or Description): LANDSCAPE PROPOSAL 1 OF 4 012.109.01b;  
Drawing - Reference No (or Description): LANDSCAPE PROPOSAL 2 OF 4 012.109.02b;  
Drawing - Reference No (or Description): LANDSCAPE PROPOSAL 012.109.03b;  
Drawing - Reference No (or Description): LANDSCAPE PROPOSAL 4 OF 4 012.109.04b;  
Drawing - Reference No (or Description): HOUSETYPE - BLAIR BLR-PD1 Rev B;  
Drawing - Reference No (or Description): HOUSETYPE -BLAIR BLR-PD2;  
Drawing - Reference No (or Description): HOUSETYPE - CLELAND CLE-PD1.2 Rev A;  
Drawing - Reference No (or Description): HOUSETYPE - CLELAND CLE-PD2.2 Rev A;  
Drawing - Reference No (or Description): HOUSETYPE - COLVILLE COL-PD1.2 Rev A;  
Drawing - Reference No (or Description): HOUSETYPE - COLVILLE COL-PD2.2 RevA;  
Drawing - Reference No (or Description): HOUSETYPE - DARROCH DAR-PD1.2 Rev A;  
Drawing - Reference No (or Description): HOUSETYPE - DARROCH DAR-PD2.2 Rev A;  
Drawing - Reference No (or Description): HOUSETYPE - DEWAR IC DEW-PD1.2 - IC Rev C;  
Drawing - Reference No (or Description): HOUSETYPE - DEWAR SE DEW-PD1.2 - SE Rev C;  
Drawing - Reference No (or Description): HOUSETYPE - DEWAR VERSION IC DEW-PD2.2 – IC Rev B;  
Drawing - Reference No (or Description): HOUSETYPE - DEWAR VERSION SE DEW-PD2.2 – SE Rev B;  
Drawing - Reference No (or Description): ENGINEERING LAYOUT E11544/1001 Rev A;  
Drawing - Reference No (or Description): SWEPT PATH ANALYSIS E11544/1501 Rev A;  
Drawing - Reference No (or Description): DRAINAGE LAYOUT E11544-2001 Rev A;  
Drawing - Reference No (or Description): EXISTING SITE PLAN EXS-001;  
Drawing - Reference No (or Description): HOUSETYPE - GARVIE GAR-PD1.2 Rev A;  
Drawing - Reference No (or Description): HOUSETYPE - GARVIE GAR-PD2.2 Rev A;  
Drawing - Reference No (or Description): HOUSETYPE - KENNEDY B2R KEN-PD1.2-B2R Rev C;  
Drawing - Reference No (or Description): HOUSETYPE - KENNEDY VERSION B2R KEN-PD2.2 – B2R Rev A;  
Drawing - Reference No (or Description): HOUSETYPE - LEWIS LEW-PD1.2 Rev B;  
Drawing - Reference No (or Description): HOUSETYPE - LEWIS LEW-PD2.2;  
Drawing - Reference No (or Description): HOUSETYPE - LOGAN LOG-PD1.2 Rev A;  
Drawing - Reference No (or Description): HOUSETYPE - LOGAN LOG-PD2.2 Rev A;  
Drawing - Reference No (or Description): HOUSETYPE - MELVILLE VERSION IC MEL-PD1.2-IC Rev A;  
Drawing - Reference No (or Description): HOUSETYPE - MELVILLE VERSION SE MEL-PD1.2-SE Rev A;  
Drawing - Reference No (or Description): HOUSETYPE - MELVILLE VERSION IC MEL-PD2.2 – IC Rev A;



Drawing - Reference No (or Description): HOUSETYPE - MELVILLE VERSION SE MEL-PD2.2 – SE Rev A;  
Drawing - Reference No (or Description): HOUSETYPE - MONCRIEF MON-PD1.2 Rev C;  
Drawing - Reference No (or Description): HOUSETYPE - MONCRIEF MON-PD.2.2 Rev A;  
Drawing - Reference No (or Description): SITE LOCATION PLAN SLP-001;  
Drawing - Reference No (or Description): OPEN/GREEN SPACE 012.109.05;  
Other - Reference No (or Description): DEVELOPMENT & DESIGN BRIEF;  
Other - Reference No (or Description): PRELIMINARY ECOLOGICAL ASSESS APRIL 2018;  
Other - Reference No (or Description): TREE SURVEY REPORT; and  
Other - Reference No (or Description): AERIAL BAT ASSESSMENT AUGUST 2018.

**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 the neighbouring land and buildings.

The meeting ended at 10.15 a.m.