

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr
on 15th November 2018 at 10.00 a.m.

- Present: Councillors Brian Connolly (Chair), Andy Campbell, Ian Cavana, Peter Convery, Ian Fitzsimmons, Craig Mackay and Margaret Toner.
- Apology: Councillor Mary Kilpatrick.
- Attending: F. Mullen, Service Lead - Planning and Building Standards; K. Briggs, Service Lead – Legal and Licensing; M. McClelland, Planning Co-ordinator; D. Love, Supervisory Planner; K. Braidwood and S. Murray, Ayrshire Roads Alliance; 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. Minutes of previous meetings.

The Minutes of

- (1) [19th September 2018](#)
- (2) [2nd October 2018](#)

(issued) were submitted and approved.

3. Orders Under the Road Traffic Regulation Act 1984.

There was submitted reports (issued) of August 2018 by the Director – Place seeking approval to make Orders under the Road Traffic Regulation Act 1984, namely:-

- (1) South Ayrshire Council ([Braemore Wood, Troon](#)) (20 mph Speed Limit) Order 2018;
- (2) South Ayrshire Council ([A759 Main Street, Loans](#)) (20 mph Speed Limit) Order 2018; and
- (3) South Ayrshire Council ([Townend Road and Whitelees Road, Symington](#)) (30 mph and 40 mph Speed Limit) Order 2018.

Decided: to agree to make the above Traffic Regulation Orders.

5. 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) [17/00536/PPPM](#) – **DUNDONALD – land at Kilmarnock Road** – Application for planning permission in principle for the erection of residential development, associated access roads, open space, landscaping and other required infrastructure.

Decided: to approve this application subject to conditions as per the report to Regulatory Panel on 28th February 2018 with a revised wording to two conditions, namely (g) and (u) (amended text in bold); the omission of the advisory note number (1) regarding S75 planning obligations; and three additional conditions, namely (aa), (bb) and (cc):-

- (g) that all new roads infrastructure associated with the development shall require to 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) **and shall include a new crossing facility on the B750 Kilmarnock Road which will provide pedestrian access to new bus stops.** All roads infrastructure shall be constructed, as approved by condition and in conjunction with the necessary Roads Construction Consents, prior to occupation of any dwellings within an associated construction phase.

Reason: in the interest of road safety and to ensure an acceptable standard of construction;

- (u) that the applicant shall submit plans of all proposed new bus stops for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). **The bus stop details shall include the exact proposed location of the stops on the B750 Kilmarnock Road in addition to specifications of a flag and pole, associated bus boarder kerbing, tactiles and fully enclosed bus shelters with LED solar powered lighting.** All new bus stops shall be constructed, as approved, prior to completion of the development.

Reason: to provide accessible public transport;

(aa) no development shall take place on the site until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Planning Authority. The affordable housing on the site shall be provided in accordance with the approved scheme and shall meet the definition of 'affordable housing' (namely housing of a reasonable quality that is affordable to people on modest incomes) in the Scottish Government's 2014 'Scottish Planning Policy' or any future government policy that replaces it. The scheme shall take account of the Council's current guidance about affordable housing (the replacement (if any) of the Council's 2006 Supplementary Planning Guidance 'New Housing Developments and Affordable Housing: A Guideline for Developers') and shall include:

- provisions for such other agreements (if any) as may be necessary for the delivery of affordable housing on the site, which affordable housing shall comprise not less than 25 per cent of the total number of homes (market value homes plus affordable homes) built on the site and which affordable housing will be provided within each phase or identified sub-phase of the development on the site or an agreed alternative (such as payment of contributions towards the provision of affordable housing);
- the types of home (such as house, maisonette or flat) and the size of the proposed affordable homes for rent; the density of the affordable homes; the design code (such as 'Housing for Varying Needs – A Design Guide' Parts 1 (Houses and Flats) and 2 (Housing with Integral Support))(if any) for the proposed homes; the types of tenure for the affordable homes (namely, 'social rented', 'low cost housing for sale' (both subsidised and unsubsidised) and 'mid-market or intermediate rent' as those terms are defined in the Scottish Government's Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits or any future Scottish Government document that replicates that advice) and the location of the affordable housing provision to be made on site;
- the timing of the occupation of the market homes within each phase or sub-phase of the site and the delivery of the affordable homes in the relevant phase or sub-phase of the site;
- the arrangements for the transfer of affordable homes to an affordable housing provider or for the management of the affordable homes;
- the factoring and/or common maintenance regime (including charges) for affordable homes;
- the arrangements to ensure that any affordable home is affordable for both first and subsequent occupiers of the affordable home; and
- the occupancy criteria to be used for determining the identity of occupiers of the affordable homes and the means by which such occupancy criteria shall be enforced.

Reason: to ensure that satisfactory arrangements are made for the provision of affordable housing on the site (Adopted Local Development Plan Policies; 'Sustainable Development', 'Delivery Infrastructure', 'Affordable Housing', the Council's related 2006 Guidance 'new Housing Development and Affordable Housing: A Guideline for Developers') and Supplementary Guidance 'Housing Site Design Briefs');

- (bb) no development shall take place on site until a scheme to mitigate the impact of the development on education provision has been submitted to and approved in writing by the Planning Authority. The scheme shall detail the education contributions which will be payable to South Ayrshire Council.

The scheme shall include:

- provisions for such other agreements (if any) as may be necessary for payments to South Ayrshire Council of the necessary contributions for off-site educational facilities;
- details of the making, and amount, of payments including the appropriate time for instalment payments (linked to the commencement or development on site or the occupation of the number of homes on site, as the case may be for the necessary education facilities at an off-site non-denominational primary school (anticipated to be at Dundonald Primary School); and
- South Ayrshire Council reimbursing any unexpected contributions from the sums received by it with the repayment made within five years after the occupation of the last residential unit built on the site or such other period as may be agreed.

Reason: To ensure that satisfactory arrangements are made to mitigate the off-site educational impacts (Adopted Local Development Plan Policies; 'Sustainable Development' and 'Delivering Infrastructure' and Supplementary Guidance 'Housing Site Design Briefs'); and

- (cc) no development shall take place on the site until a scheme which encourages the use of public transport is submitted to and approved in writing by the Planning Authority. The scheme shall include provisions for such other agreements (if any) as may be necessary for the delivery of two adult annual season tickets for bus travel from Dundonald to Troon for each household located greater than 400m walking distance from the nearest bus stop. The tickets shall be made available only for the first occupants of the houses and only for the first year of occupancy.

Reason: To ensure that satisfactory arrangements are made to encourage the use of public transport in accordance with the objectives of South Ayrshire Local Development Plan policies Land Use and Transport and Public Transport.

- (2) [18/00585/PPPM](#) – COYLTON – land at Manse Road – Planning permission in principle for the erection of residential development with associated access roads, open space, landscaping and infrastructure.

Decided: to agree that the Director of Place be granted delegated powers to approve this application for planning permission in principle subject to the signing of a S75 legal agreement 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;
- (b) that this planning permission in principle, subject to the specified planning conditions, relates to the plan(s) as listed below. For the avoidance of doubt, the requirements of the conditions of this permission will necessitate an amendment to the plans listed below including the indicative masterplan/design statement;
- (c) that the proposed development shall be carried out strictly in accordance with the species protection plan as provided in the submitted in the Extended Phase 1 Habitat Survey dated 23rd March 2017;
- (d) that the development hereby permitted shall not exceed 53 units;
- (e) that at the first application for Approval of Matters Specified in Conditions (AMSC), the applicant shall submit the following information:
 - (i) a phasing plan which sets out the programme of works 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 Guidance on 'Open Space and Designing New Residential Development' and 'New Housing Developments and Affordable Housing' and Supplementary Guidance on 'Housing Site Design Briefs' (COY5) and shall include details of the pedestrian linkages which will be provided throughout the site and how these will link with the wider core path network;
 - (iii) suitably scaled block layout plans showing: existing ground levels, proposed ground levels 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 (eg wall 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 m². 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. The landscaping scheme shall ensure:-
- (A) that any native hedgerows are retained, or replaced with native species hedgerow enhancements consisting of hawthorn, with a mix of hazel, holly, dog rose, willow and elder;
 - (B) 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*); and
 - (C) the inclusion of bird and bat boxes within the development; and
- (v) a staged programme and plan showing the location of the points of access and connections with the existing public road network;
- (f) 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;

- (g) that all new roads infrastructure associated with the development shall require to 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 any dwellings within an associated construction phase;
- (h) 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. For the avoidance of doubt, the junction designs as set out within the supporting Transport Assessment document are not deemed to be approved by the Council as Roads Authority;
- (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 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;
- (k) 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;
- (l) that integral or detached garages 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;
- (m) that at the Approval of Matters Specified in Conditions stage, plans 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;
- (n) 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;

- (o) 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;
- (p) that the existing public footway on both sides of Manse Road shall be resurfaced from the proposed site access to the A70 to the satisfaction of the Council as Planning Authority (in consultation with the Council as Roads Authority);
- (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. 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 with the site;
- (s) prior to the occupation of the first dwellinghouse two bus stops located on A70 (Naptan reference numbers: 6190472 and 6190473) shall be upgraded to incorporate Real Time Passenger Information screens (RTPI) compatible with the existing Ayrshire Real Time system. This shall include supply and installation of an isolatable power source within a power termination pillar, the required ducting, a post retention socket compatible with a Trueform Elite pole, a Trueform Elite pole, and a 6 line bann display or equivalent, the cost of which to be met by the developer. The developer shall also be responsible for providing 5 years maintenance cover for the screens. The designs, locations and specifications of the RTPI screens associated with all new bus stop(s) shall be submitted for the written approval of the Roads Authority prior to their installation;
- (t) a 'Surface Water Management Plan' to be developed for the site in accordance with the guidelines as set out in the "Water Assessment and Drainage Assessment Guide" as produced by the Sustainable Urban Drainage Scottish Working Party and 'The SuDS Manual CIRIA C753. 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;

- (u) that prior to the commencement of any works on site, a comprehensive contaminated land investigation shall be submitted for the formal prior written approval of the Council as Planning Authority. The investigation shall be completed in accordance with a recognised Code of Practice such as British Standards Institution 'The Investigation of Potentially Contaminated Sites - Code of Practice (BS10175 2001). The report shall include a site specific risk assessment of all relevant pollutant linkages, as required in Scottish government Planning Advice Note 33. Where the risk assessment identifies any unacceptable risk or risk as defined under Part IIA of the Environmental Protection Act 1990, a detailed remediation strategy shall be submitted for the formal prior written approval of the Council as planning authority. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Planning Authority;
- (v) remediation of the site shall be carried out in accordance with the approved remediation plan, prior to the commencement of development. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority;
- (w) 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;
- (x) prior the commencement of any works on site an updated and valid habitat survey shall be submitted for the written approval of the Council as Planning Authority;
- (y) 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 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 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;
- (z) prior to the commencement of any works on site, protective fencing should be erected along the east and south east boundaries of the site and maintained for the duration of the works. The fenced area will protect the Ancient Woodland Inventory and should not be used for the storage of materials, fuels, machinery or plant equipment;
- (aa) 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;

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 ensure the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) in the interest of protecting local wildlife;
- (d) in the interest of the proper planning of the area;
- (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;
- (f) to encourage sustainable means of travel;
- (g) in the interest of road safety and to ensure an acceptable standard of construction;
- (h) in the interest of road safety and to ensure an acceptable standard of construction;
- (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 and to ensure that there is adequate space for manoeuvring and turning;
- (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) to reasonably avert the reversing of vehicles onto the main road, and in the interest of road safety;
- (n) in the interest 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 provide accessible public transport;
- (t) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (u) to ensure potential risks arising from previous site uses have been fully addressed;
- (v) to ensure remedial works are carried out to the agreed protocol;
- (w) to ensure all contamination within the site is dealt with;
- (x) in the interest of protecting local wildlife;
- (y) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
- (z) in order to ensure no damage is caused to trees adjacent to the site during development operations; and
- (aa) in the interest of protecting local wildlife.

Advisory Notes:

The Council as Roads Authority advises as follows:-

- 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 roads 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) form 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 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.
- That during the construction phase, the normal hours of operation shall be between 0700 to 1900 hours Monday to Friday and 0700 and 1200 hours on Saturday with no working on Sundays.

The South Ayrshire Sustainable Development Service advises as follows:-

- that works should not lead to 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 any foraging badger would not become trapped/injured during construction).
- That works should not lead to contravention of the Habitats Directive/Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).
- That the area of construction be checked prior to the commencement of any works for any ground nesting birds or nesting hare, thereby ensuring that they are not contravening the Wildlife & Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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 these areas should be fenced off to prevent accidental entry.

SEPA advise the following:-

- Where stabilisation works are identified as being required to facilitate the development, if the use of either cement based or cement/PFA grout is proposed for the stabilisation of mine workings, then an appropriate risk assessment is produced prior to this activity being undertaken on site. If any other materials are to be used then SEPA should be reconsulted to ensure that there will be no risk to the water environment.
- The pouring of grout below the water table is a controlled activity under General Binding Rule (GBR) 16 of the Water Environment (Controlled Activities)(Scotland) Regulations 2011 (CAR). GBR 16 includes a requirement that no material coming into contact with groundwater shall cause pollution of the water environment. SEPA considers that an assessment should be undertaken to assess whether the use of PFA grout will meet the requirements of GBR 16. If the activity causes pollution, SEPA may take enforcement action in accordance with these regulations.

Scottish Wildlife Trust advise the following:-

- Measures should be put in place to ensure the storage and movement of heavy items such as building materials and vehicles is directed away from any tree root systems that may encroach on the site.
- Any ground clearance work should be done outwith the breeding bird season or the area should be checked for nests by a competent ornithologist.
- Support is offered to the planting of native species and it is suggested that flowers for pollinating insects and berries for autumn birds should be considered in the planting scheme. If scope exists a wildflower area would benefit butterflies and bees.

List of Determined Plans:

Drawing - Reference No (or Description): LOCATION PLAN 001;
 Drawing - Reference No (or Description): INDICATIVE MASTERPLAN 002 RevA;
 Drawing - Reference No (or Description): INDICATIVE PHASING PLAN 003 RevA;
 Drawing - Reference No (or Description): LANDSCAPE STRATEGY PPP STAGE MRC-001B;
 Other - Reference No (or Description): DRAINAGE STRATEGY REPORT June 2018;
 Other - Reference No (or Description): ECOLOGY REPORT 1.1;
 Other - Reference No (or Description): OUTLINE DESIGN MASTERPLAN;
 Other - Reference No (or Description): PAC REPORT June 2018;
 Other - Reference No (or Description): TRANSPORT STATEMENT June 2018; and
 Other - Reference No (or Description): SITE INVESTIGATION REPORT July 2018

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.

- (3) [18/00663/APP](#) – TROON – 26 Church Street – Change of use from Class1 (shop) to Class 2 (Professional Service).

Decided: Councillor Convery abstaining, to agree 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.

Reasons: to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

Advisory Notes:

The grant of planning permission does not remove the requirement for advertisement consent for signage at the premises.

List of Determined Plans:

Drawing - Reference No (or Description): LOCATION PLAN;
 Drawing - Reference No (or Description): FLOOR PLAN;
 Drawing - Reference No (or Description): 57-01;
 Drawing - Reference No (or Description): 57-01 A; and
 Other - Reference No (or Description): FRONT ELEVATION.

Reason for Decision:

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

- (4) [18/00679/APP](#) – **PRESTWICK – 132 Main Street** – Alterations and extension to restaurant/bar and part change of use to form delicatessan.

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 prior to the commencement of development, details 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; and
- (c) that the applicant/developer shall, prior to the commencement of works, submit a Service Management Plan for the written approval of the Council as Roads Authority. The plan shall describe the best practice methodology for the movement of delivery traffic associated with the development including delivery timings, routing, banksmen requirements and other related matters. The SMP shall require the agreement of the Council as Roads Authority prior to occupation of the development.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of visual amenity;
- (c) in the interest of road safety.

List of Determined Plans:

Drawing - Reference No (or Description): 6272/SK-01;
 Drawing - Reference No (or Description): 6352 EX-01;
 Drawing - Reference No (or Description): 6352 PL-01; and
 Drawing - Reference No (or Description): 6352 RO-01.

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.

- (5) **18/00772/APP** – **TROON –49 Academy Street** – erection of 2 No. class1 retail units.

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) 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;
- (c) that 200 off road parking spaces shall be provided within the existing car park. A layout designed in accordance with the Council's Roads Development Guide shall be submitted for the formal prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) prior to completion of the development;
- (d) that parking bays shall be a minimum 4.8 metres x 2.5 metres with minimum aisle widths of 6m. In addition, disabled bays shall be set out to satisfy the design requirements as contained within the Council's Roads Development Guide; and

- (e) 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, and which shall be submitted for the formal prior written approval of the Council as planning authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution 'The investigation of potentially contaminated sites- Code of Practice' (BS 10175: 2001, or as may be amended). The report shall include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33 (or as may be amended). Any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, shall be the subject of a detailed remediation strategy which shall be submitted for the formal prior written approval of the Council as planning authority. Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the occupation of the development. Any amendments to the approved remediation plan shall not be implemented unless 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) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (c) in the interest of road safety and to ensure adequate off-street parking provision;
- (d) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning; and
- (e) to ensure all contamination within the site is dealt with.

Advisory Notes:

- Please note that work should be undertaken in compliance with legislation and guidance relating to Scottish Environment Protection Agency (SEPA) Guidance Note No.8 which can be found at the website of SEPA as follows: www.sepa.org.uk
- 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 5228-1:2009 Code of Practice for noise and vibration control on construction and open sites - Part 1 : Noise, 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.

List of Determined Plans:

Drawing - Reference No (or Description): 01;
Drawing - Reference No (or Description): 02;
Drawing - Reference No (or Description): 03;
Drawing - Reference No (or Description): 04;
Drawing - Reference No (or Description): 05;
Drawing - Reference No (or Description): 06;
Drawing - Reference No (or Description): 07; and
Drawing - Reference No (or Description): 08

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.

- (6) [18/00786/APP](#) – PRESTWICK – 3E St Quivox Road – change of use from class1 retail to form class 3 food and drink.

Decided: to approve the application.

List of Determined Plans:

Drawing - Reference No (or Description): LOCATION PLAN
Drawing - Reference No (or Description): BLOCK PLAN
Drawing - Reference No (or Description): EXISTING FLOOR PLAN
Drawing - Reference No (or Description): PROPOSED FLOOR 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.

The meeting ended at 11.45 a.m.