

## REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr  
on 29th March 2018 at 10.00 a.m.

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

Attending: F. Mullen, Planning Manager; A. Brown, Co-ordinator (Legal Services, Property and Contracts), M. Horsley, Solicitor; A. Cooke, Planning Co-ordinator (Priority Projects); D. Love, Supervisory Planner; A. Edgar, Supervisory Planner; D. Clark, Supervisory Planner; and A. Gibson, Committee Services Officer.

### 1. Declarations of Interest.

In terms of Council Standing Order No. 17, the Councillors' Code of Conduct and with regard to:-

- (1) item 4 of this minute entitled "Application for Planning Permission continued from the Regulatory Panel (Site Visit) of 22nd March 2018:- Change of use, alterations and extension to offices (class 2) to form residential development and associated landscaping works at 50 Racecourse Road, Ayr (Ref: 01381/APP)" Councillor Kilpatrick advised that as she had previously declared an interest in this application, she would not participate during consideration of this application; and
- (2) item 5(3) of this minute entitled "Applications for Planning Permission - land opposite Towned Terrace, Main Street Junction, Symington – proposal to amend condition 5 of planning permission 17/00120/APPM to allow the use of brick (17/01380/FURM)", Councillor Campbell advised that, as he had previously objected to this application, he would leave the room during consideration thereof.

### 2. Minutes of previous meetings.

The Minutes of 28th February 2018 ([issued](#)) were submitted and approved.

**As Councillors Campbell, Convery and Mackay had not been present when the following two planning applications had previously been considered at the Regulatory Panel or at the Regulatory Panel (Site Visit) they did not take part in the consideration of items 3 and 4 of this minute:-**

3. **Application for Planning Permission continued from the Regulatory Panel (Site Visit) of 22nd March 2018:- Alterations to dwellinghouse and erection of linked garage, erection of dwellinghouse, double garage and fence and formation of access at ground floor left, the Shieling, 10 Racecourse Road, Ayr (Ref: 17/01369/APP).**

Reference was made to the Minutes of 28th February 2018 (Page 2, paragraph 4(1)) when it had been agreed to continue consideration of the [application](#) for alterations to a dwellinghouse and erection of linked garage, erection of dwellinghouse, double garage and fence and formation of access at ground floor left, the Shieling, 10 Racecourse Road, Ayr to allow a site visit to be conducted with a Regulatory Panel (Site Visit) having taken place on 22nd March 2018.

**Decided:** to approve the application 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 the existing off road parking provision shall be retained within the curtilage of the donor property;
- (3) that off street parking provision shall be provided within the site in accordance with the submitted and approved layout plan;
- (4) that the existing trees, other than those agreed or approved for removal, shall be retained and protected in accordance with the specification and methodology prescribed in the submitted Tree Survey, Tree Protection Plans and Arboricultural Method Statement, to the satisfaction of the Planning Authority;
- (5) that the development shall be undertaken in accordance with the submitted methodology prescribed in the Arboricultural Method Statement; and
- (6) that details of any proposed surface water drainage within the site shall be submitted for the prior approval of the Planning Authority.

**Reasons:**

- (1) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (2) in the interest of road safety and to ensure adequate off-street parking provision;
- (3) in the interest of road safety and to ensure adequate off-street parking provision. To reduce the potential for congestion and obstruction caused by off-site car parking;
- (4) in the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during works on site;
- (5) in the interests of visual amenity and to ensure that all trees worthy of retention are satisfactorily protected before and during works on site; and
- (6) in the interests of the protection of trees within the site.

**List of Determined Plans:**

Drawing - Reference No (or Description): LOC-01;  
 Drawing - Reference No (or Description): PL 01;  
 Drawing - Reference No (or Description): PL 02;  
 Drawing - Reference No (or Description): PL 03;  
 Drawing - Reference No (or Description): Tree Protection Plan 1; and  
 Drawing - Reference No (or Description): Tree Protection Plan 2.

**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.

Councillor Kilpatrick, having previously declared an interest in the following planning application, withdrew from the meeting at this point.

4. **Application for Planning Permission continued from the Regulatory Panel (Site Visit) of 22nd March 2018:- Change of use, alterations and extension to offices (class 2) to form residential development and associated landscaping works at 50 Racecourse Road, Ayr (Ref: 01381/APP).**

Reference was made to the Minutes of 28th February 2018 (Page 2, paragraph 4(2)) when it had been agreed to continue consideration of the [application](#) for the change of use, alterations and extension to offices (class 2) to form residential development and associated landscaping works at 50 Racecourse Road, Ayr to allow a site visit to be conducted with a Regulatory Panel (Site Visit) having taken place on 22nd March 2018.

The time being 10.20 a.m., the Panel adjourned to allow a Panel Member to discuss the wording of a proposed Motion with the relevant Officers.

The Panel re-convened at 10.30 a.m.

**Decided:** to refuse the application on the grounds that the proposed development was contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP policies: Sustainable Development and, Residential Policy within Settlements, Release Sites and Windfall Sites by reason that the scale of the proposal represented inappropriate development in relation to its surroundings, resulting in an adverse impact on the amenity of the existing dwellinghouse located at 3 Bentfield Avenue, Ayr.

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

## 5. Applications for Planning Permission.

There were submitted reports (issued) of March 2018 by the Director - Place on current applications for determination.

The Panel decided as follows:-

- (1) [18/00012/APP](#) – AYR – 234 High Street– change of use of public open space to form a beer garden.

**Decided:** to approve the application subject to the condition 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.

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

### **List of Determined Plans:**

Drawing - Reference No (or Description): LOCATION PLAN;  
 Drawing - Reference No (or Description): 344-01;  
 Drawing - Reference No (or Description): 344-02(A); and  
 Drawing - Reference No (or Description): 3D VISUAL AS PROPOSED.

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

**Decided:** to approve this application subject to conditions as per the report to Regulatory Panel on 19th April 2017 with (a) condition 2 and the reason therefor amended to read “Details of the phasing of the development shall be submitted to the planning authority for approval, and no development shall begin on the site until the phasing scheme has been approved in writing. Following approval the development shall be implemented in accordance with the approved phasing scheme. Reason: In the interests of the proper planning in the area including the safeguarding of Holmston House and it being brought back into beneficial use and the amenity of the surrounding area”, (b) the omission of the advisory note number ‘1’ regarding s75 planning obligations and (c) the three additional planning conditions listed below:-

### **Education mitigation**

- (33) no development shall take place on the site until a scheme for payment to South Ayrshire Council of contributions to mitigate the impact of the development because it generates the need for new provisions for education at (i) an off-site denominational primary school; (ii) an off-site non-denominational primary school and (iii) an off-site non-denominational secondary school has been submitted to and approved in writing by the Planning Authority. These education contributions will be paid to South Ayrshire Council, in accordance with the approved scheme.

The scheme shall include:

- (a) 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;
- (b) 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 contributions at (i) an off-site denomination primary school (anticipated to be St John's Primary School); (ii) an off-site non-denominational primary school (anticipated to be Holmston Primary School) and (iii) an off-site non-denominational secondary school; and
- (c) South Ayrshire Council reimbursing any unexpended 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').

**Affordable housing provision**

- (34) 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:
- (a) 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 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 the payment of contributions towards the provision of affordable housing);
  - (b) 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 replaces that advice) and the location of the affordable housing provision to be made on the site;
  - (c) 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;
  - (d) the arrangements for the transfer of affordable homes to an affordable housing provider or for the management of the affordable homes;
  - (e) the factoring and/or common maintenance regime (including charges) for affordable homes;
  - (f) the arrangements to ensure that any affordable home is affordable for both first and subsequent occupiers of the affordable home; and
  - (g) 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', 'Delivering Infrastructure', 'Affordable Housing', the Council's related 2006 Guidance 'New Housing Developments and Affordable Housing: A Guideline for Developers') and Supplementary Guidance 'Housing Site Design Briefs').

### **Enabling Development**

(35) no development shall take place on the site until a scheme demonstrating that the 'enabling benefits' of the proposed care home are directed towards securing the restoration and re-use of the listed buildings on the site (i.e. the Holmston House building and outbuildings). The enabling benefits of the care home development shall be secured in accordance with the approved scheme. The scheme shall include provisions for such other agreements, bonds or mechanisms (if any) as may be necessary to demonstrate that the enabling benefits of the proposed care home are secured to ensure the restoration and re-use of the listed buildings on the site.

**Reason:** to ensure that satisfactory arrangements are made to secure the enabling benefits of the proposed care home to ensure the restoration and re-use of the listed buildings on the site. The package of proposals presented within the application make it clear that financial receipts from the care home allow for the restoration and re-use of the listed buildings on the application site. The overall extent of the development proposal is only acceptable in planning policy terms on the basis that it enables the works to Holmston House to take place and to bring the listed buildings back into use. (Adopted Local Development Plan Policies; 'Sustainable Development', Supplementary Guidance 'Housing Site Design Briefs' and Guidance 'Open Space and Designing New Residential Developments').

Having previously declared an interest, Councillor Campbell left the meeting at this point.

(3) **17/01380/FURM** - **SYMINGTON - land opposite Towned Terrace, Main Street Junction, Main Street** – proposal to amend condition 5 of planning permission 17/00120/APPM to allow the use of brick.

**Decided:** that the Director - Place be granted delegated powers to approve the application subject to; the signing of a S75 legal agreement relating to an education contribution, affordable housing provision, off-site traffic management and the conditions set out below.

(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 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;
- (c) 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;
- (d) that prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority;
- (e) that notwithstanding the plans hereby approved, all proposed materials to be used on external surfaces on houses fronting Main Street and Townend Road shall respect the character of the traditional materials found in the adjacent conservation area to the satisfaction of the Planning Authority. For the avoidance of doubt this will involve slate or a good quality slate substitute on the roofs and render and/or stone or a suitable stone substitute on the walls of all residential units fronting Main Street and Townend Road. The use of brick is acceptable for all other residential units;
- (f) that before any works start on site a scheme of landscaping indicating the siting, numbers, species, densities and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for the prior written approval of the Planning Authority. 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. For the avoidance of doubt the proposed hedge planting shall be native species and where possible nectar rich species. Note that where possible any native hedgerows shall be 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;
- (g) that before any works start on site, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details. For the avoidance of doubt this includes a maintenance regime for the proposed landscaping and planting areas as well as for the areas that are to be retained, including the peripheral landscaped strips;



- (h) that the existing trees, other than those agreed or approved for removal, shall be retained and protected in accordance with BS5837:2005 Trees in relation to Construction, to the satisfaction of the Planning Authority;
- (i) that before any works start on site, the developer shall submit, details and specifications of the protective measures necessary to safeguard the trees on the site during operations. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery;
- (j) before any work commences on site full details and specifications of the size and location of the proposed play areas shall be submitted for the prior approval of the planning authority. The required details include; the sizes and detailed play proposals. For the avoidance of doubt two toddler/junior play areas are required and an area for older children and teenagers with age appropriate dynamic equipment, ideally in the southern corner of the development;
- (k) that a landscape bond and a play equipment bond relating to the approved landscaping and play facility scheme for this development proposal shall be submitted to, and approved in writing by, the Planning Authority before any work commences on site. For the landscape bond calculation purposes a map with only factored areas shall be submitted, with all planting details, such as: areas, plant species, sizes and densities;
- (l) before any work commences on site precise details and specifications of the measures to ensure adequate surveillance of the area of open space in the south west corner of the site in particular from the houses on plots 94 and 95 shall be submitted for the prior approval of the planning authority. For the avoidance of doubt this will include measures to ensure an open aspect from the ground floor of the houses on these plots and details of the peripheral path running through the area of open space;
- (m) the applicant shall upgrade 2 x bus stops on Symington Road North, and 1 x bus stop at the Symington Road North turning circle to incorporate Real Time Passenger Information screens (RTPI) compatible with the existing Ayrshire Real Time system, prior to the occupation of the development. This shall include supply an installation of an isolatable power source within a power termination pillar, the required ducting, a post retention socket and pole (to the satisfaction of the planning authority), and a 6 line bann display or equivalent. 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 the aforementioned bus stops shall be agreed to by the Planning Authority prior to their installation;

- (n) that the applicant shall make provision of a courtesy crossing facility at Main Street, Symington, at a point known locally as Coates Corner, prior to the occupation of the development. Final designs shall be agreed with the Planning Authority prior to work commencing on site;
- (o) that the applicant shall submit a swept path analysis accommodating the largest size of vehicle expected to be used by or serve the development (Pantehnicon, or equivalent) for the formal prior written approval of the Council as Planning Authority before any work commences on site;
- (p) that the applicant/developer shall, prior to the commencement of work on site, submit a Construction Traffic Management Plan which has been produced in consultation with the Roads Authority and the Police Service. The plan shall describe the routing of all construction traffic to and from the development, and shall require the approval of the Planning Authority (in consultation with the Roads Authority and Police) prior to commencement on site;
- (q) that before occupation of the first dwelling, a Residential Travel Pack shall be submitted for the formal prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Residential Travel Pack shall provide information on pedestrian, cycling and public transport opportunities in the vicinity of the development site to encourage modes of travel other than private car;
- (r) 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;
- (s) that junction access visibility sightline splays of 4.5 metres by 35.0 metres shall be maintained in both directions at all development junctions with the public road network, onto both Townend Road and Townend Brae. There shall be no obstacle greater than 1.05 metres in height within the visibility sightline splays;
- (t) that before the proposed development is occupied on street and off street parking spaces shall be provided within the curtilage of the development in accordance with an appropriate level of provision as set out within the Council's Roads Development Guide, and designed to satisfy Designing Streets policy;
- (u) that parking bays shall, depending on their type and orientation, be a minimum of: Parking courts or perpendicular on-street bays: 4.8 metres x 2.5 metres with minimum aisle widths of 6m; Parallel on-street parking bays: 6.0 metres x 2 metres. All parking bays shall satisfy the design standards as set out within Designing Streets and the Council's Roads Development Guide;

- (v) that driveways associated with dwellinghouses shall be designed in accordance with the standards as set out within the Council's Roads Development Guide, and be consistent with the design ethos as set out within Designing Streets;
- (w) that before any works start on site, details shall be submitted to the Planning Authority showing the design and specification of a turning area capable of accommodating the largest size of vehicle expected to be used by or serve the development (Pantehnicon, or equivalent). The turning area shall be constructed as approved prior to the development being occupied;
- (x) that the proposed vehicle connection to Townend Place shall be provided before occupation of the houses on plots 67 to 75;
- (y) that before any work commences on site a detailed layout plan showing a minimum of a 5.5metre wide carriageway access spur up to the south western site boundary between plots 75 and 84 shall be submitted for the prior written approval of the Planning Authority. The required access spur shall be provided up to the site boundary before occupation of the houses on plots 73 to 75 and 84 to 87;
- (z) that any planting located within roads intended for future adoption by the Council as Roads Authority shall be covered by a factoring agreement. Details of the factoring agreement shall be submitted for the written approval of the Council as Planning Authority in consultation with the Council as Roads Authority prior to occupation of the first dwellinghouse;
- (aa) that all roads within the development shall be designed to adoptable standards;
- (bb) that should any vegetation require to be removed this shall be undertaken outwith the breeding bird's season, specifically March - August. If there is a requirement for any tree felling the developer shall conduct a survey (in season) for potentially roosting bats / nesting birds. The applicant / developer shall include bat and bird boxes within the development, the precise details and specifications of which shall be submitted for the prior written approval of the Planning Authority before work commences on site. The applicant shall submit evidence to demonstrate that a suitably qualified ecologist has contributed to any lighting schemes to ensure that they do not impact on foraging bats. A further pre-construction ecological / habitat survey shall be undertaken before any development construction work is undertaken, the outcome of which shall be submitted for the prior written approval of the Planning Authority before work commences on site;
- (cc) that prior to the commencement of development a public access strategy for the construction phase of development shall be submitted to and approved by the Planning Authority. On completion of the construction works, public access as shown on the approved drawings and public access strategy, including paths through the peripheral landscaped strips and alongside the SUDS detention basin connecting to the footpath network in the application site, shall be retained in perpetuity;

- (dd) that the precise details and specifications of the road layout (including material finishes and street tree planting arrangements) shall be submitted for the prior written approval of the planning authority before any work commences on site; and
- (ee) that a package of information shall be submitted and agreed by the Planning Authority, in consultation with the Ayrshire Roads Alliance, prior to the commencement of development, detailing the mitigation measures to be implemented within the village as a result of the development.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
- (c) in the interests of visual and residential amenity;
- (d) in the interests of visual amenity;
- (e) in the interests of visual amenity;
- (f) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (g) in the interests of visual amenity; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term;
- (h) in the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during works on site;
- (i) in order to ensure that no damage is caused to the existing trees during development operations;
- (j) in order to ensure an adequate provision of play facilities;
- (k) to ensure that the site is adequately landscaped and incorporates adequate play facilities, in the interests of amenity;
- (l) to ensure adequate surveillance of open space;
- (m) to provide accessible public transport;
- (n) for the purposes of road safety and functional operation of the local road network.
- (o) in the interest of road safety;
- (p) in the interest of road safety;
- (q) to encourage sustainable means of travel;
- (r) in the interest of road safety and avoid the discharge of water on to the public road;
- (s) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (t) in the interest of road safety and to ensure adequate off-street parking provision;
- (u) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (v) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (w) to reasonably avert the reversing of vehicles onto the main road and in the interests of road safety;
- x) in the interests of vehicle and pedestrian movement;
- (y) in order to ensure that the development of the application site does not prejudice a potential future link road to Kerrix Road;
- (z) for the purposes of road safety and functional operation of the local road network;
- (aa) in the interest of road safety and to ensure an acceptable standard of construction;
- (bb) in the interests of safeguarding and enhancing natural heritage;

- (cc) in order to facilitate and encourage pedestrian movement;
- (dd) in order to retain proper control over the development proposal, to ensure consistency with 'Designing Streets' and an appropriate standard of construction; and
- (ee) in the interests of road safety.

**Advisory Notes:**

- The Council as Roads Authority advises that any costs associated with the relocation of any street furniture will require to be borne by the applicant/developer.
- The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development will require to be fully funded by the applicant - including any relevant road signs and markings.
- 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.
- Please note that Construction Consent from the Roads Authority will be required for the formation of any new road. The formation of any new road will require to comply with the specifications of the Roads Authority which are detailed in the latest Roads Development Guide publication.
- The Council as Roads Authority advises that only signs complying with the requirements of 'The Traffic Signs Regulations and General Directions 2002' are permitted within public road limits.
- The Council as Roads Authority advises that at the detailed application stage the plans should include a stage 2 Road Safety Audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Roads Authority & the applicant. No later than 1 month after completion of the development, unless an alternative time period is approved, a Stage 3 Road Safety audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges should be submitted to the Roads Authority. The requirement to complete a Road Safety Audit includes a requirement to address the recommendations contained within the audit report.
- 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 access to the site shall be by way of dropped kerbs, in accordance with the Council's Roads Development Guide before completion of the development.
- That a Road Opening Permit shall be applied for, and obtained from the Roads Authority, for any work within the public road limits prior to works commencing on site.
- There is an obligation entered into under section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) in connection with this decision. A summary of the terms of the Section 75 agreement are set out within the report of handling of the application which can be inspected during office opening hours at the Planning Service, South Ayrshire Council, Burns House, Burns Statue Square, Ayr, KA7 1UT.

**List of Determined Plans:**

Drawing - Reference No (or Description): 17/00120/APPM APPROVED DRAWINGS; and  
 Drawing - Reference No (or Description): SITE 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.

Councillor Campbell re-joined the meeting at this point.

- (4) [17/01335/FURM](#) - AYR – land to east of Holmston Roundabout A77T Whitletts Roundabout – Holmston Roundabout– further application to vary condition 4 of planning permission 14/00692/APPM to amend trading hours.

**Decided:** to approve the application subject to this Council issuing a direction under Section 58(2) of the Town and Country Planning Act limiting the period for implementation of the permission to one year from the date permission was granted and 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 notwithstanding the Plans hereby approved, the western elevation of the building is not approved. Revised elevational treatment to incorporate additional brick and glazing features shall be submitted for the prior written approval of the 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) condition omitted;
- (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 before any works start on site, detailed landscape plans at a recognised metric scale shall be submitted for the prior written approval of the Planning Authority. Plans shall be accompanied by a planting schedule which details the genus, species and variety or cultivar of all plants, bulbs, seeds and turf. The size and specification of all plant material shall be detailed, together with total plant numbers and densities per m<sup>2</sup>. The location of all plant material shall be clearly identified on the landscape drawing. Ground preparation methods, topsoil quality and depth, planting methods, hole sizes and other materials such as mulches and stakes shall also be specified. Construction details for paved or other hard surfaces shall be provided together with details of any fences for inclusion as part of the landscape scheme. The scheme as approved shall be implemented within six months / first planting season following the store opening to trade, whichever is the sooner. The open space/landscaped area shall be retained as open space and to this approved standard;
- (g) that before any works start on site, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details;
- (h) that before any works start on site, the developer shall institute an accurate survey and tree protection plan, in accordance with the current British standards, to be carried out by a qualified arboriculturist of all trees existing on the site and all trees adjacent to or overhanging the site and submit details of those trees proposed to be felled or lopped and those to be retained. A plan at a recognised scale shall be submitted showing the proposed development and the precise location of all trees. The survey shall contain details of tree species, height, crown spread, diameter at breast height (DBH), age, physiological condition, general condition and management recommendations. The approved tree protection plan shall be implemented and no trees shall be felled, topped, lopped or have roots cut or damaged (beyond that approved in the tree protection plan) without the prior written approval of this Planning Authority;
- (i) 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. 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 approval in writing by this Planning Authority prior to the commencement of any works on site;
- (j) that prior to the commencement of development, a suitably scaled metric block layout plan showing:-
- Existing ground levels;
  - Proposed ground levels; and
  - Finished floor levels of the supermarket building,
- shall be submitted for the prior written approval of the Planning Authority;

- (k) that notwithstanding the plans hereby approved, prior to the commencement of development, a floor plan showing all retail floorspace within the supermarket shall be submitted to, and approved in writing by the Planning Authority. The net sales area (including cafe area and external horticultural sales area) shall not exceed 2323 sqm. The net sales area for comparison goods shall not exceed 696sqm (30%) of which no more than 232sqm shall be for furniture, floor coverings, DIY, electrical or household goods;
- (l) that notwithstanding the plans hereby approved, the layout of the carpark and internal circulation roads within the site are not approved. Revised plans, which shall incorporate provision for bus access and circulation within the site, shall be submitted for the prior written approval of the Planning Authority, in consultation with the Ayrshire Roads Alliance and Scottish Gas Networks;
- (m) the applicant shall provide a profiler, detectors, counter cabinet, post, batteries, connectors and solar panel at the A70 in vicinity of the site access junction. The counter shall be capable of recording vehicular traffic travelling in both directions on the A70, as well as pedestrian and cyclist traffic on the shared use footway contiguous to the site frontage. Precise details of the siting and specifications of the count site shall be submitted for the formal prior written approval of the Planning Authority and Roads Authority before any work commences on site;
- (n) the applicant shall upgrade the two bus stops on the A70 immediately adjacent to the application site with the provision of real time passenger information (consisting of screens compatible with the existing Ayrshire Real Time system, provision of an isolatable power supply, power termination pillar, associated ducting, a compatible bus stop pole and a compatible post retention socket). The developer shall provide fully inclusive maintenance for each real time screen for a period of 5 years from the date of commissioning. The passenger information screens shall be commissioned prior to the occupation of the development. The designs, locations and specifications of the passenger information infrastructure to be agreed to by the Roads Authority prior to their installation;
- (o) footpath and cycle links shall be provided to the A70 public road and footway at locations to the satisfaction of the Planning Authority, the Roads Authority and Transport Scotland, prior to the occupation of the development;
- (p) 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;



- (q) that before occupation of the development a Travel Plan, shall be submitted for the formal prior written approval of the Council as Planning Authority (in consultation with Ayrshire Roads Alliance as Roads Authority and Transport Scotland as the Trunk Roads Authority). The Travel Plan shall satisfy the following:-
- Set modal shift targets aimed at promoting sustainable travel over trips borne by private car;
  - Identify specific measures/ initiatives to be implemented;
  - Clarification on the level of funding commitment from the developer (per annum, for a period of 5 years) for the measures/ initiatives required to meet defined mode targets.
  - Implement a system of plan management including the appointment of a Travel Plan Coordinator;
  - Set out the content, format and submission deadlines for a review report, to be submitted annually to Ayrshire Roads Alliance; and
  - Agree an annual monitoring/ review regimen with the Council covering a period of no less than 5 years from the date of development opening to discuss the findings of the annual review report, and identify ongoing/ future measures and initiatives;
- (r) 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;
- (s) that a total of 223 off-road parking spaces shall be provided within the existing site boundary in accordance with the Council's Roads Development Guide, prior to the store opening to trade, unless otherwise agreed in writing with the Planning Authority. The total parking provision shall comprise 205 standard parking bays, 6 parent and child bays, 10 disabled bays and 2 bays for electrical vehicle charging;
- (t) that standard parking bays shall be a minimum 4.8 metres x 2.5 metres with minimum aisle widths of 6m. Disabled bays and parent/ child bays within the development curtilage shall be designed to comply with the Council's Roads Development Guide;
- (u) that before any works start on site, details shall be submitted to the Planning Authority showing the design and specification of a turning area capable of accommodating service vehicles. The turning area shall be constructed as approved prior to the development being occupied;
- (v) that a lockable and covered cycle stand accommodating a minimum of 10 cycles shall be provided within the site boundaries. Precise details of the siting and specifications of the required cycle stand shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site;
- (w) details of the lighting within the site shall be submitted for the approval of the Planning Authority, and Ayrshire Roads Alliance as Roads Authority after consultation with Transport Scotland as the Trunk Road Authority;

- (x) that details of the position, height and lighting of any signage shall be submitted for the formal written approval of the Planning Authority prior to the store opening to trade;
- (y) prior to the occupation of any of the consented development the works / arrangements for
- (i) improvement of the A77 trunk road infrastructure to dual carriageway standard between Whitletts roundabout and Holmston roundabout to provide additional link capacity shall be constructed and completed to the satisfaction of the Planning Authority after consultation with Transport Scotland (TS-TRBO) and in compliance with the Design manual for Roads and Bridges (DMRB); or
  - (ii) A section 48 Agreement (Roads Scotland Act 1984) between the applicant and Transport Scotland for an agreed proportionate contribution to the cost of the Whitletts/Holmston A77 Dualling must be concluded.
- (z) A. No development or construction work shall take place on site until a detailed plan at 1:500 scale, showing the proposed pedestrian and cycle accessibility improvements to the A77(T) southbound approach at Holmston Roundabout, has been submitted to, and approved in writing by, the Planning Authority in consultation with Transport Scotland. The specific measures to be incorporated will include:
- Pedestrian / cycle guard rail
  - Upgraded / relocated pedestrian / cycle signage
  - Skid resistant surfacing on the A77 southbound approach
  - Tactile paving at existing dropped kerb crossing on A77 Southbound arm
  - Extension of existing footway on east side of A77 to link Holmston Roundabout to Core path network
- B. Prior to occupation of any part of the development hereby permitted, pedestrian and cycle modifications to the A77(T) southbound approach at Holmston roundabout shall be implemented in accordance with the details of the approved plans to the satisfaction of the Planning Authority and Transport Scotland;
- (aa) prior to the commencement of development, details of the frontage treatment of the development site along the A77 trunk road boundary shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland as the Trunk Roads Authority;
- (bb) there shall be no drainage connections to the trunk road drainage system;
- (cc) that no development shall take place on site until a detailed design and specification for the formation of a traffic signal controlled junction at its access with the A70, to include for the provision and maintenance of a Microprocessor Optimised Vehicle Actuation (MOVA) traffic management system and incorporating a CCTV traffic signal camera, has been submitted to and approved by the Planning Authority, the Roads Authority and Transport Scotland. All associated costs for the signalled junction/MOVA/CCTV installation shall be borne by the developer and shall include provision for such other agreements (if any) as may be necessary for the ongoing maintenance of all the junction equipment for a period of 5 years from the date of commissioning utilising the Council's ongoing traffic signal maintenance contract agreement;

- (dd) that no development shall take place on the site until a scheme for the provision of an extension of the public bus service "no 42 Ayr "Coylton-Drongan-Auchinleck-Cumnock Service" on the A70 (the "enhanced bus service") has been submitted to, and approved in writing by the Planning Authority. The scheme for the enhanced bus service shall include provision for:
- A frequency of every 30 minutes between the hours of 10.30 and 20.00 on Sunday;
  - Marketing and promotion of the enhanced bus service;
  - A start date of the enhanced bus service no later than the first Sunday after the opening of the store; and
  - Provision for guarantees or such other agreements (if any) as may be necessary for funding to assure the delivery of the enhanced bus service for a period of 1 year from the date of the opening of the store.

**Reasons:**

- (a) 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;
- (b) in the interest of visual amenity;
- (c) in the interest of visual amenity;
- (d) reason omitted;
- (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 and to ensure a satisfactory standard of local environmental quality;
- (g) in the interests of visual amenity, to ensure that adequate measures are put in place to protect the landscaping and planting in the long term;
- (h) in the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during works on site;
- (i) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (j) in the interest of visual amenity
- (k) to retain proper control over the development.
- (l) in the interest of providing an acceptable layout and to facilitate bus access within the site;
- (m) in the interest of monitoring traffic flow generated by the development and in the interest of road safety;
- (n) to provide accessible public transport;
- (o) to encourage sustainable means of travel;
- (p) in the interest of road safety;
- (q) to encourage sustainable means of travel;
- (r) in the interest of road safety and avoid the discharge of water on to the public road;
- (s) in the interest of road safety and to ensure adequate off-street parking provision;

- (t) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (u) to enable service vehicles to enter and leave the site in forward gear and in the interests of road safety;
- (v) to ensure adequate provision of lockable and covered cycle storage on site. To encourage sustainable means of travel;
- (w) to ensure that there will be no distraction or dazzle to drivers on the roads and that the safety of the traffic on the roads will not be diminished;
- (x) in the interest of road safety and visual amenity;
- (y) to ensure that the development supports the longer term aim of providing the capacity improvements necessitated by the traffic impacts of the development;
- (z) A. to ensure that appropriate facilities are provided for the non-vehicle users generated by the development, without interfering with the safety and free flow of traffic on the trunk road; and  
B. to ensure that the standard of infrastructure modification proposed to the trunk road complies with the current standards, and that the safety and free flow of traffic on the trunk road is not diminished;
- (aa) to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential impact on highway safety;
- (bb) to ensure that the efficiency of the existing trunk road drainage network is not affected;
- (cc) to ensure that the safety and free flow of traffic on the A77 Trunk Road is not diminished and for the purposes of road safety and functional operation of the local road network; and
- (dd) to encourage sustainable means of travel

**Advisory Notes:**

- South Ayrshire Council direct that subsection (2) of section 58 of the Town and Country Planning (Scotland) Act 1997 applies as respects the permission with the substitution for the period of 3 years referred to in that subsection of the period of 1 year.
- Ayrshire Roads Alliance advises the following  
that a Road Opening Permit shall be applied for, and obtained from the Roads Authority, for any work within the public road limits prior to works commencing on site; and  
that the detailed design of the access junction, including any alterations to the existing local road network or Trunk Road network, shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site.

**List of Determined Plans:**

Drawing - Reference No (or Description): E2553/P(--)-01 LOCATION PLAN;

**Approved Plans 14/00692/APPM**

Drawing - Reference No (or Description): E2553/P(--)-02 EXISTING SITE PLAN;

Drawing - Reference No (or Description): E2553/P(--)-03 PROPOSED SITE PLAN B;

Drawing - Reference No (or Description): E2553/P(--)-04 PROPOSED SITE SECT A;

Drawing - Reference No (or Description): E2553/P(--)-05 PROP GF PLAN H;

Drawing - Reference No (or Description): E2553/P(--)-06 PROP ROOF PLAN B;

Drawing - Reference No (or Description): E2553/P(--)-07 PROP ELEVATIONS E;

Drawing - Reference No (or Description): E2553/P(--)-08 PERSPECTIVE VIEW; and

Drawing - Reference No (or Description): WH-C-(90)-01 PROP SITE LEVELS.

**Reason for Decision:**

The proposal to amend condition 4 of planning permission 14/00692/APPM to vary the opening hours is consistent with the Development Plan and the material considerations are supportive of the proposal.

The meeting ended at 11.05 p.m.