

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr
on 9th May 2018 at 10.00 a.m.

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

Apology: Councillor Andy Campbell.

Attending: F. Mullen, Service Lead, Planning and Building Standards; K. Briggs, Legal and Licensing Manager; M. McClelland, Planning Co-ordinator; N. Feggans, Planning Co-ordinator; D. Love, Supervisory Planner; S. Turner, Ayrshire Roads Alliance; and A. Gibson, Committee Services Officer.

1. Opening Remarks.

- (1) The Chair advised those present at the meeting of the role of the Members who sat on the Regulatory Panel.
- (2) A Conservative Group Member who sat on this Panel advised of the position regarding an article that had been published in a local newspaper last week.

2. Declarations of Interest.

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

- (1) item 5(1) of this minute entitled "Applications for Planning Permission – Struthers Primary School, Staffin Road, Troon (Ref 18/00226/APP)", Councillor Mackay advised that one of his children attended this school and that he would not participate during consideration thereof.

3. Minutes of previous meetings.

The Minutes of [22nd March 2018](#) (Site Visits) and [29th March 2018](#) (issued) were submitted and approved.

4. **Order Under the Road Traffic Regulation Act 1984.**

There was submitted a report ([issued](#)) of 25th April 2018 by the Director – Place seeking approval to make an Order under the Road Traffic Regulation Act 1984, namely “South Ayrshire Council (Hillhouse Gardens, Troon) (Prohibition of Waiting) Order 2018”.

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

5. **Applications for Planning Permission.**

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

The Panel decided as follows:-

Having previously declared an interest, Councillor Mackay did not participate in the consideration of the following planning application.

- (1) [18/00226/APP](#) – TROON – Struthers Primary School, Staffin Road, Troon– Alterations and extension to primary school and formation of car parking.

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, 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;
- (c) 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;
- (d) that off street parking provision shall be provided within the site in accordance with the submitted and approved layout plan;
- (e) that parking bays shall be a minimum 4.8 metres x 2.5 metres with minimum aisle widths of 6 metres; and
- (f) 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.

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) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (d) 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;
- (e) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning; and
- (f) to enable service vehicles to enter and leave the site in forward gear and in the interests of road safety.

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 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 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.
- An effective vehicle wheel washing facility is required during construction, details of which shall be submitted to and approved by the Roads Authority prior to its installation. 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.
- 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.
- The applicant/developer shall submit a Construction Traffic Management Plan for the written approval of the Council as Roads Authority and Police Scotland. The plan shall describe the methodology for the movement of construction traffic to and from the site.
- That sufficient additional off road parking spaces for the construction staff shall be provided within the existing site boundary in accordance with the Council's Roads Development Guide. Precise details and specifications of the required parking provision shall be submitted for the prior written approval of the Council as Roads Authority.
- That the discharge of water onto the public road carriageway shall be prevented by drainage or other means.

List of Determined Plans:

Drawing - Reference No (or Description): (00)002;
 Drawing - Reference No (or Description): L(00)001;
 Drawing - Reference No (or Description): L(01)001;
 Drawing - Reference No (or Description): (00)003 C;
 Drawing - Reference No (or Description): (01)002 C;
 Drawing - Reference No (or Description): L(02)001;
 Drawing - Reference No (or Description): L(02)002 D;
 Drawing - Reference No (or Description): L(03)001; and
 Drawing - Reference No (or Description): L(03)100.

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 Mackay rejoined the meeting at this point.

- (2) [17/01387/MSCM](#) – AYR – Site Development, Dunure Road – approval of matters specified in conditions of outline planning permission 09/00683/OUT.

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

- (a) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (b) that before any work commences on site a suitably scaled block layout plan showing:-
 - (i) Existing ground floor levels;
 - (ii) Proposed ground floor levels; and
 - (iii) Finished floor levels of each proposed dwellinghouse
 shall be submitted for the prior written approval of the Council as Planning Authority;
- (c) that the discharge of water onto the public road carriage way 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;
- (d) that the private access shall be surfaced for a minimum of 2 metres as measured from the rear of the public footway prior to occupation. Precise details and specifications of the required surfacing shall be submitted for the prior written approval of the Planning Authority before any work commences on site;

- (e) that off road parking spaces shall be provided in accordance with the Council's Roads Development Guide within the site boundary prior to occupation of the dwellinghouse(s);
- (f) that parking bays shall be a minimum 5.5 metres x 3.0 metres;
- (g) that before any works commence on site, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for the approval in writing by the Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details; and
- (h) prior to the commencement of any development on site, a revised plan amending garden boundaries to meet the standards as detailed in the Supplementary Guidance 'Open Space and Designing New Residential Developments' shall be submitted for the approval in writing by the Planning Authority.

Reasons:

- (a) to ensure that the work is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of residential and visual amenity to ensure that there is no significant detrimental impact on adjacent properties;
- (c) in the interest of road safety and to avoid the discharge of water on to the public road;
- (d) in the interest of road safety and to ensure an acceptable standard of construction;
- (e) in the interest of road safety and to ensure adequate off-street parking provision;
- (f) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (g) to ensure adequate measures are put in place to protect the landscaping and planting in the long term; and
- (h) in the interests of residential amenity.

Advisory Notes:

SEPA were consulted on this application and have provided the following advice for the applicant:-

- Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs);
- Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes;

- You may need to apply for a construction site licence under CAR for water management across the whole construction site. These will apply to sites of 4ha or more in area, sites 5 km or more in length or sites which contain more than 1ha of ground on a slope of 25 degrees or more or which cross over 500m of ground on a slope of 25 degrees or more. It is recommended that you have pre-application discussions with a member of the regulatory team in your local SEPA office.

Scottish Water were consulted on this application and have provided the following advice for the applicant:-

- There is currently sufficient capacity in the Bradan Water Treatment Works. However, further investigations may be required to be carried out once a formal application has been submitted to Scottish Water;
- The proposed development will be serviced by Meadowhead Waste Water Treatments Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the application completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of the PDE Application Form, and other useful guides, from Scottish Water's website at the following link:
www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-process-and-applications-forms/pre-development-application; and
- The applicant should be aware that Scottish Water are unable to reserve capacity at their water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, Scottish Water will review the availability of capacity at that time and advise the applicant accordingly.

List of Determined Plans:

- Drawing - Reference No (or Description): HOUSE TYPE PLANNING LAYOUT (PL)101;
- Drawing - Reference No (or Description): LOCATION PLAN 000/200 Rev A;
- Drawing - Reference No (or Description): LANDSCAPE PROPOSALS 1 OF 4 0151/SL-04 Rev H;
- Drawing - Reference No (or Description): LANDSCAPE PROPOSALS 2 OF 4 0151/SL-05 Rev H;
- Drawing - Reference No (or Description): LANDSCAPE PROPOSALS 3 OF 4 0151/SL-06 Rev H;
- Drawing - Reference No (or Description): LANDSCAPE PROPOSALS 4 OF 4 0151/SL-07 Rev H;
- Drawing - Reference No (or Description): SITE FINISHES PLAN 0294/203 Rev J
- Drawing - Reference No (or Description): SITE DEVELOPMENT PLAN PHASE 2B 0294/208;
- Drawing - Reference No (or Description): SITE PHASING PLAN 0294/209;
- Drawing - Reference No (or Description): PLANNING LAYOUT - BRYCE 03(PL)101;
- Drawing - Reference No (or Description): PLANNING LAYOUT - HUGHES 06(PL)101;
- Drawing - Reference No (or Description): PLANNING LAYOUT - MACLAREN 08(PL)101;

Drawing - Reference No (or Description): PLANNING LAYOUT - SALMON 10(PL)101;
 Drawing - Reference No (or Description): PLANNING LAYOUT - DOUGLAS 15(PL)101;
 Drawing - Reference No (or Description): PLANNING LAYOUT - BRUCE 19(PL)102;
 Drawing - Reference No (or Description): PLANNING LAYOUT - BRUCE BRICK 19(PL)102;
 Drawing - Reference No (or Description): PLANNING LAYOUT - DREW 20(PL)101;
 Drawing - Reference No (or Description): PROPOSED SITE ELEVATIONS 204 Rev B;
 Drawing - Reference No (or Description): DESIGN STATEMENT; and
 Drawing - Reference No (or Description): SCHEDULE OF EXTERNAL FINISHES.

Reason for Decision:

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

The time being 10.30 a.m., the Panel agreed to adjourn.

The Panel resumed at 10.40 a.m.

- (3) [18/00094/MSCM](#) – AYR – 8-48 High Street – application for the approval of matters specified in conditions of planning permission in principle 16/01133/PPPM for erection of office, formation of public urban realm and associated infrastructure.

After having heard from Councillor Brown, local member (in attendance for this item only) she withdrew from the meeting.

The time being 12.15 p.m., the Panel adjourned for lunch.

The Panel resumed at 12.45 p.m.

The time being 1.30 p.m., the Panel adjourned to allow a Panel Member to discuss the wording of a proposed Motion with the relevant Officers.

The Panel resumed at 1.40 p.m.

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

- (a) that, by virtue of the scale, design and massing, the proposed development was not in accordance with:-
- (i) the approved Masterplan for the site;
 - (ii) Local Development Plan Policies “sustainable development” and “historic environment”;

- (iii) supplementary guidance on historic environment; and
- (iv) Scottish Planning Policy;
- (b) that the proposal would have an adverse impact on the appearance and character of the conservation area; and
- (c) that there was no overriding reason to depart from the Local Development Plan, supplementary guidance and Scottish planning policy

The meeting ended at 1.43 p.m.