

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr
on 2 October 2019 at 10.00 a.m.

- Present: Councillors Brian Connolly (Chair), Andy Campbell, Ian Cavana, Peter Convery, Ian Fitzsimmons, Mary Kilpatrick and Margaret Toner.
- Apology: Councillor Craig Mackay.
- Attending: L. Reid, Executive Manager (Place Directorate); K. Briggs, Service Lead (Legal and Licensing); M. McClelland, Planning Co-ordinator; N. Feggans, Planning Co-ordinator; A. Edgar, Supervisory Planner; K. Braidwood and D. Manson, 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 5 September 2019 ([issued](#)) were submitted and approved.

3. Applications for Planning Permission.

There were submitted reports (issued) of September 2019 by the Director – Place on current applications for determination.

The Panel decided as follows:-

- [19/00457/APPM](#) – **MONKTON** – **Proposed residential development, Kilmarnock Road,** – Erection of residential development, formation of access roads, associated landscaping and infrastructure.

The Panel adjourned, to allow Councillor Campbell to discuss with officers a possible Motion he may wish to make, which was contrary to the recommendation in the report. Upon reconvening, he moved that the application be refused for the reasons stated. He failed to find a seconder and subsequently his Motion fell.

Councillor Campbell dissenting, the Panel

Decided: to agree that the Director of Place be granted delegated powers to approve this application for planning permission subject to the following conditions and the completion of an Agreement under Section 75 of the Act for provision of affordable housing and a commuted sum, a contribution towards education provision and provision of sustainable transport measures:-

- (1) that the development hereby granted shall be implemented in accordance with the 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 prior to the commencement of development, a phasing plan setting out the sequence of construction of the land engineering works, roads, parking areas, hard and soft landscaped areas, public open spaces, equipped play areas, footpaths and SUDS features shall be submitted to and approved by the planning authority. The construction of the development shall thereafter proceed in accordance with the approved phasing plan, and no item shall be omitted, unless the prior written permission of the planning authority is received for an amendment to the approved phasing plan;
- (3) that notwithstanding approved drawings 135.120.01c, 135.120.02c, 135.120.03c, 135.120.04c, 135.120.05c, 135.120.06c, 135.120.07c, 135.120.08c, 135.120.09c, 135.120.10c, 135.120.11c, 135.120.12c, 135.120.13c and 135.120.14c the landscaping details are not hereby approved. Prior to the commencement of development, revised landscaping details shall be submitted to and approved by the Planning Authority, in consultation with Historic Environment Scotland. The revised landscaping details shall exclude planting and engineered pathways within the Whiteside Enclosure (Scheduled Monument, Index No. 5261) and omit screen planting within the vicinity of the Windmill, Whiteside (Category A Listed Building, LB 14252) and the Macrae's Monument (Category A Listed Building, LB14253) and which give consideration to site specific mitigation measures which retain connectivity between these listed buildings and their wider landscape setting. The revised landscaping proposals shall also have regard to the requirements of condition 33 of this permission. The revised details shall include a planting schedule for all common areas that are to be maintained by a factor, 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 within each phase 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;

- (4) that the landscaping scheme approved under condition 3 of this permission shall be implemented in a phased manner concurrent with construction of the housing. Prior to the commencement of development, a landscaping phasing plan shall be submitted to and approved by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the scheme as approved shall be implemented within the first planting season following the completion or occupation of the last house within the relevant phase of the development, whichever is the sooner;
- (5) that prior to the occupation of the first house a maintenance schedule for all areas to be landscaped in accordance with the details approved under conditions 3 and 4 of this permission shall be submitted to and approved by the Planning Authority. The landscaped areas shall be maintained for a period of five years from the date of completion of the landscaping within the relevant phase of the development;
- (6) that prior to the commencement of development, full details of the play equipment and safety surfacing materials to be installed within each of the three proposed play areas shall be submitted to and approved by the planning authority. Such details shall show a range of play equipment to cater for children of all ages, including dynamic items that are specifically designed for older children/teens. The play equipment should also include a number of 'inclusive' items installed to enable children of different levels of ability to play together;
- (7) that a performance bond or alternative financial mechanism, agreed by the Council, covering the cost of the landscaping of the development, as approved under conditions 3 and 4 of this permission and play facility scheme as approved under condition 6 of this permission, shall be submitted to, approved in writing by the planning authority and executed before any works commence within the relevant phase. For the purposes of calculating the landscape bond quantum, details of the landscaping works to be implemented within areas that are to be maintained by a factor, including the total length of hedging; the species, number and size of all plants to be included within the areas of shrub and herbaceous planting; the species, size and number of trees and details of ground preparation methods, topsoil quality and depth, planting methods, hole sizes and other materials such as mulches and stakes shall be submitted to the planning authority;
- (8) that prior to the commencement of development, a species protection plan for bats shall be submitted to and approved by the Planning Authority. This plan shall include full details of the means by which all structures (e.g. buildings and trees) with bat roost potential will be protected from disturbance of any kind (e.g. noise, vibration and direct disturbance) during the construction phase;

- (9) that prior to the commencement of development, an updated species protection plan for otter shall be submitted to and approved by the Planning Authority. This plan shall include the measures contained within the submitted Otter Protection Plan and Otter Survey Report dated April 2019 submitted with the application. The updated species protection plan shall include a proposal to undertake a pre-construction survey as close to the intended start date for development and in any case not more than eight months in advance of development commencing. This survey shall include all watercourses and water features within 200m upstream and downstream of the proposed development, including the proposed peripheral footpath proposed along the eastern edge of the development;
- (10) that no ground or vegetation clearance works shall be undertaken outwith the main bird nesting season (March to August inclusive), unless the development site has been inspected by a suitably experienced ecologist, before work commences, to determine the presence of any nesting birds. If nesting birds are found, a suitably sized buffer zone shall be set up around the nest and no work shall be commenced within this zone until the young have fledged or the nest is no longer in use;
- (11) that no development shall commence on the site until an updated Drainage Impact Assessment has been submitted to and approved by the Planning Authority, in consultation with Scottish Environment Protection Agency (SEPA). The updated DIA shall demonstrate whether the proposed development will have any adverse impacts on the Bathing Waters of Ayr. Should any adverse impacts be identified through the DIA, the developer shall identify and present to the Planning Authority, in consultation with SEPA, the measures required to negate the risks;
- (12) that prior to the occupation of the first house within the development hereby approved or at a later date as may be agreed under condition 2 of this permission, a public footway shall be constructed on the southern side of Kilmarnock Road which shall link the pedestrian footway on the west side of the proposed access road to be formed onto Kilmarnock Road to the existing public footway located on the southern side of Kilmarnock Road. Prior to the construction of the footway, full details of its design and width shall be submitted to and approved by the Planning Authority in consultation with the Council as Roads Authority. Any details submitted pursuant to this condition shall show a pedestrian footway forming a continuous pedestrian route from the development site to Monkton village;
- (13) that prior to the occupation of the first house within the development hereby approved, or at a later date as may be agreed under condition 2 of this permission, an uncontrolled pedestrian crossing point shall be constructed on Kilmarnock Road to facilitate safe pedestrian access from the proposed access road to be formed onto Kilmarnock Road from the development to the existing pedestrian footway located on the northern side of Kilmarnock Road. Details of the design and location of the uncontrolled pedestrian crossing shall be submitted to and approved by the Planning Authority, in consultation with the Roads Authority, prior to construction of the crossing;

- (14) that prior to the occupation of the first house within the development hereby approved, a public footway and uncontrolled pedestrian crossing point shall be constructed to link the pedestrian footway on the west side of the proposed access road to be formed onto Baird Road / Tarbolton Road to the existing pedestrian footway on the southern side of Baird Road / Tarbolton Road. Prior to the construction of the footway and uncontrolled pedestrian crossing point details of their design and location shall be submitted to and approved by the Planning Authority, in consultation with the Council as Roads Authority;
- (15) that all new roads infrastructure associated with the development shall 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 commencement of works on site;
- (16) 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;
- (17) that off-road parking provision and on-street visitor spaces within the existing site boundary shall be provided generally in line with the submitted site layout plan. Details of parking layouts designed to comply with the guidance set out in the Council's National Roads Development Guide, and Designing Streets as National Policy, shall be submitted for the written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority), prior to the commencement of work on site;
- (18) 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;
- (19) 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) prior to the commencement of development;

- (20) that prior to the commencement of development, the applicant/ developer shall submit a Construction Traffic Management Plan (CTMP) for the written approval of the Planning Authority, in consultation with the Council as Roads Authority. The plan shall provide all relevant information pertaining to traffic implications associated with construction, including details of the methodology for the movement of construction traffic to and from the site. The CTMP shall require the agreement of the Council as Planning Authority prior to any movement of construction traffic associated with the site;
- (21) that no construction 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;
- (22) that prior to 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;
- (23) that prior to the commencement of development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to and approved by the Planning Authority in consultation with Transport Scotland;
- (24) that there shall be no drainage connection to the trunk road drainage network;
- (25) that prior to the commencement of the development details of the lighting within the site shall be submitted to and approved by the Planning Authority, in consultation with Transport Scotland;
- (26) that prior to the commencement of any development on site, details of the barrier proposal along the trunk road boundary shall be submitted to and approved by the Planning Authority, in consultation with Transport Scotland;
- (27) 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 by the applicant 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;

- (28) that no development shall commence until temporary barrier fencing has been erected around the entire perimeter of the Whiteside Enclosure Scheduled Monument (Index No. 5261). Prior to such fencing being erected, details of the type and position of the fencing to be used shall be agreed in writing with the Council as Planning Authority. Unless the Planning Authority's written permission has been obtained in advance, the approved fencing shall be maintained in place until completion of the development, whereupon the fencing shall be removed within one month of the date of completion, all to the satisfaction of the Planning Authority;
- (29) that no development shall commence until proposals for the enhancement of pedestrian access, interpretation, protection and future management of the Whiteside Enclosure, Monkton Windmill and Macraes Monument have been submitted to and approved by the Planning Authority in consultation with Historic Environment Scotland. Any details pursuant to this condition shall include a phasing plan for the implementation of the approved enhancements, which shall show these being implemented upon completion of the phase of house building nearest to the relevant heritage feature;
- (30) that prior to the commencement of development, details of the refuse bin storage arrangements for the proposed flatted properties shall be submitted to and approved by the Planning Authority. The approved bins storage areas shall be implemented prior to the occupation of the related flatted properties;
- (31) that notwithstanding approved drawing number DL-001 "Development Layout", the plot boundaries and house types for plots 229, 230 and 231 are not hereby approved. Prior to the commencement of development, revised details of the boundaries and/or house types for these plots shall be submitted to and approved by the Planning Authority. Such details shall show proposals which comply with the Planning Authority's published Guidance on Open Space and Designing New Residential Developments;
- (32) 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. Such details shall comply with the details contained in Section 4 of the Design and Access Statement submitted with the planning application.
- (33) 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 (including the proposed SUDS facilities) shall be submitted to the Planning Authority for written approval. In relation to plots 1, 29, 30, 39, 23, 16, 49, 54, 66, 73, 74, 204, 205, 187, 188, 197, 129, 161, 102, 117, 118, 119 and 120 such details shall show masonry walling or a combination of masonry walling and timber fencing or timber fencing with screen planting between the fence and the public road/parking area. In relation to plots 8, 9 and 24, such details shall show masonry walling or a combination of masonry walling and timber fencing to the satisfaction of the planning authority;

- (34) that notwithstanding the approved plans, revised elevations shall be submitted for plots 132, 137 and 207 showing habitable room windows overlooking the adjacent footpaths;
- (35) that notwithstanding the approved plans, revised elevations shall be submitted for plots 116, 66, 83, 58, 54, 46, 1 and 8 showing habitable room windows in all elevations fronting onto a road;
- (36) 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;
- (37) 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. The 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;
- (38) that prior to the commencement of work, a plan of the earthworks strategy for the whole site shall be submitted to and approved by the Planning Authority. This plan shall show the existing and indicative proposed ground levels within the site and cross-sections across the site, with particular attention to any areas of infill of and the areas of cut exceeding 1m. Wherever possible, ground modelling across the site shall not exceed 2 metres above the existing ground levels. Any variation to the approved ground levels shall not be implemented without the prior written approval of the Planning Authority; and
- (39) that prior to the commencement of work, details of the soil storage arrangements within the site shall be submitted to and approved by the Planning Authority. Such details shall confirm the location and height of any storage bunds and the means of controlling injurious weeds.

Reasons:

- (1) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (2) to ensure that all elements of the proposed development are provided at an appropriate stage in the development in the interest of the proper planning of the area;
- (3) to ensure that the landscaping proposals for the development do not adversely affect the scheduled monument and listed buildings and their landscape settings within the site and to ensure that any rear garden boundaries are appropriately landscaped where they front a road in the interest of visual amenity;
- (4) to ensure the approved landscaping details are implemented at an appropriate time and no areas are left in an unsatisfactory condition in respect to landscaping for an unacceptable length of time in the interest of visual amenity;

- (5) to ensure that the approved landscaping details are properly maintained for a sufficient length of time to ensure that all areas of planting are established in the interest of visual amenity;
- (6) to ensure that adequate play equipment is provided to meet the needs of residents of the development and no such details having been provided with the application;
- (7) to ensure that the approved landscaping and play equipment are implemented in the event that the developer is unable to complete the development;
- (8) in the interest of nature conservation;
- (9) in the interest of nature conservation;
- (10) in the interest of nature conservation;
- (11) to ensure that the site is drained in an acceptable and sustainable manner;
- (12) in the interest of road safety and to ensure that adequate provision is made for pedestrians;
- (13) in the interest of road safety and to ensure that adequate provision is made for pedestrians;
- (14) in the interest of road safety and to ensure that adequate provision is made for pedestrians;
- (15) in the interest of road safety and to ensure an acceptable standard of construction;
- (16) in the interest of road safety and to avoid the discharge of water onto the public road;
- (17) in the interest of road safety and to ensure adequate off-street parking provision;
- (18) in the interest of road safety and to ensure adequate off-street parking provision;
- (19) in the interest of road safety;
- (20) in the interest of road safety;
- (21) in the interest of road safety;
- (22) to encourage sustainable means of travel;
- (23) in the interest of trunk road safety;
- (24) in the interest of trunk road safety;
- (25) in the interest of trunk road safety;
- (26) in the interest of trunk road safety;
- (27) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
- (28) to ensure no accidental damage occurs to the scheduled monument;
- (29) to enhance the provision of public access and to help ensure maintenance of the cultural heritage assets within the site;
- (30) to ensure adequate provision is made for storage of refuse;
- (31) to ensure that all dwellings within the development have appropriate provision of private open space, in accordance with the Planning Authority's published guidance;
- (32) in the interest of visual amenity and place making;
- (33) in the interest of visual amenity and place making;
- (34) in the interest of public safety and place making;
- (35) in the interest of visual amenity and place making by avoiding windowless elevations fronting onto main access junctions in prominent locations;
- (36) in the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during works on site;
- (37) in order to ensure that no damage is caused to the existing trees during development operations;
- (38) to avoid excessive landscape changes in the interest of the proper planning of the area and visual amenity; and
- (39) to protect the soil resource within the site.

Advisory Notes:

- (a) Work should be carried out in accordance with SEPA's Pollution Prevention Guidelines to prevent negative impacts from the discharge of surface water into any watercourses within the site.
- (b)
 - i) Pre-construction surveys should be carried out to determine the presence or absence of any other protected species, including, but not restricted to badger and water vole. The surveys should be undertaken as close to the commencement date of the development as possible and in any case not more than 8 months prior to the commencement of development.
 - ii) Should any Non Native Invasive Species (e.g. Giant Hogweed, Japanese Knotweed, few-flowered leek and Himalayan Balsam) be identified within the development site, it is advised that the appropriate measures are undertaken to eradicate INNS from the site and prevent the spread of into neighbouring land.
 - iii) The applicant should be aware 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).
 - iv) If there are any woodland edges likely to provide important foraging habitat, where possible an experienced ecologist should provide input to the lighting schemes so as not to impact on foraging bats and provide darkened corridors for commuting and foraging.
 - v) 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.
 - vi) Where possible the developer considers the inclusion of bird and bat boxes within the development.
 - vii) Where possible that any native hedgerows are retained, or replaced with native species hedgerow enhancements. This could consist of mostly hawthorn, with a mix of hazel, holly, dog rose, willow and elder.
 - viii) Pipe work etc. if stored in the open, should be capped or sealed or blocked up during storage so as to prevent it being used by animals.
- (c) 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 BS5228: Noise Control on Construction and Open Sites and the Control of Pollution Act 1974.

- (d) The range of play equipment to be installed within the equipped play areas should cater for children of all age groups, including older children/teens. In addition it is vital that there are some 'inclusive' items installed to enable children of different levels of ability to all play together alongside each other. There should be no 'wheelchair roundabouts' or 'wheelchair swings' proposed as these items are actually exclusive and are specifically designed only for wheelchair users. Flush-mounted 'inclusive roundabouts' proposed such as the Sutcliffe Play 'Inclusive Scooter Roundabout' or the Wicksteed 'Swirl' roundabout, or the Inclusive Play 'Wheelspin' roundabout are suitable as these items cater for able-bodied children and wheelchair users so can be enjoyed by all children together. Inclusive swings/basket swings are very popular with children of all ages and can also be used by disabled children. Inclined dish roundabouts fitted with a rim, such as the Sutcliffe Play 'Oyster' roundabout, or the Inclusive Play 'Revolve' roundabout are ideal as they enable easier transfer from wheelchair to the dish and vice versa and are also very popular with able bodied children too.
- (e) Notification of the use of cranes and associated equipment during the construction phase shall be given to the Safeguarding Officer, Glasgow Prestwick Airport Ltd, Aviation House, Prestwick, KA9 2PL, for any cranes located within 6km of the aerodrome and exceeding 10 metres in height or that are higher than the surrounding structures or trees.
- (f) Flood Risk Caveats and Additional Information: The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland. SEPA refers the applicant to the document entitled: "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood Risk Assessments. Please note that this document should be read in conjunction with Policy 41 (Part 2). The SEPA Flood Risk Assessment Checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist SEPA review process. Please note that SEPA is reliant on the accuracy and completeness of any information supplied by the applicant in undertaking its review, and can take no responsibility for incorrect data or interpretation made by the authors. The flood risk advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to South Ayrshire Council as Planning Authority in terms of the said Section 72 (1).

Regulatory requirements: 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. It is suggested that as part of the site's CEMP that a waste management plan be drawn up and implemented in order to ensure that waste materials either leaving site, or in an instance where waste soil is required to be imported under the relevant waste management exemption, be segregated and tracked accordingly. As part of Duty of Care regulations, all contactors and sub-contractors will be required to hold on to the relevant waste transfer notes, or Special Waste Consignment Notes (where hazardous waste is concerned) to show where waste movement has taken place on or off site.

A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which: is more than 4 hectares, is in excess of 5km, or includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25 degrees. See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office. Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition. Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of the SEPA website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: SEPA Ayr, 31 Miller Road, Ayr, KA7 2AX

- (g) Road Opening Permit: 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.

Roads (Scotland) Act: 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.

New Roads and Street Works Act 1991: 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. Costs of Street Furniture: 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.

Costs of TROs: The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development shall require to be fully funded by the applicant - including any relevant road signs and markings.

Signage to TSRGD 2016: 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.

Roads Construction Consent: Please note that Roads Construction Consent (RCC) from the Council as Roads Authority shall be required for the formation of any new road. The formation of any new road shall require to comply with the specifications of the Council's National Roads Development Guide and Designing Streets as National Policy.

RSA Stage 2: 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.

RSA Stage 3: 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 prior to the occupation of the first dwelling, 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.

List of Determined Plans:

Drawing - Reference No (or Description): Colour Layout Plan;
 Drawing - Reference No (or Description): AL(SK)110B Location b;
 Drawing - Reference No (or Description): DL-001-01 Site Layout L;
 Drawing - Reference No (or Description): DL-001 Development Layout Plan;
 Drawing - Reference No (or Description): 135.120.01 Landscape Index Plan c;
 Drawing - Reference No (or Description): 135.120.02 Landscape Sheet 2 c;
 Drawing - Reference No (or Description): 135.120.03 Landscape Sheet 3 c;
 Drawing - Reference No (or Description): 135.120.04 Landscape Sheet 4 c;
 Drawing - Reference No (or Description): 135.120.05 Landscape Sheet 5 c;
 Drawing - Reference No (or Description): 135.120.06 Landscape Sheet 6 c;
 Drawing - Reference No (or Description): 135.120.07 Landscape Sheet 7 c;
 Drawing - Reference No (or Description): 135.120.08 Landscape Sheet 8 c;
 Drawing - Reference No (or Description): 135.120.09 Landscape Sheet 9 c;
 Drawing - Reference No (or Description): 135.120.10 Landscape Sheet 10 c;
 Drawing - Reference No (or Description): 135.120.11 Landscape Sheet 11 c;
 Drawing - Reference No (or Description): 135.120.12 Landscape Sheet 12 c;
 Drawing - Reference No (or Description): 135.120.13 Landscape Sheet 13 c;
 Drawing - Reference No (or Description): 135.120.14 Landscape Sheet 14 c;
 Drawing - Reference No (or Description): 2416-20-0 Drainage Sheet 1 a;
 Drawing - Reference No (or Description): 2416-21-01 Drainage Sheet 2 a;
 Drawing - Reference No (or Description): 2416-30-0 Levels Sheet 1 a;
 Drawing - Reference No (or Description): 2416-31-0 Levels Sheet 2 a;
 Drawing - Reference No (or Description): 2416-32-0 Levels Sheet 3 a;
 Drawing - Reference No (or Description): V6-TF-1126d(ST)501 Aberlour;

Drawing - Reference No (or Description): V6-TF-1126d(ST)502 Aberlour handed;
 Drawing - Reference No (or Description): V6-TF-1126d(ST)50 Aberlour full facing;
 Drawing - Reference No (or Description): V6-TF-1217d(ST)501 Balerno brick/render;
 Drawing - Reference No (or Description): V6-TF-1217d(ST)502 Balerno Handed Brick/Render;
 Drawing - Reference No (or Description): V6-TF-1217d(ST)506 Balerno Full Brick;
 Drawing - Reference No (or Description): V6-TF-1217d(ST)507 Balerno Full Brick Handed;
 Drawing - Reference No (or Description): BF4 Braemar;
 Drawing - Reference No (or Description): V6-TF-0886t(ST)501 Brodick Facing brick/render;
 Drawing - Reference No (or Description): V6-TF-0886t(ST)502 Full Facing Brick;
 Drawing - Reference No (or Description): V6-TF-0886t(ST)503 Brodick Handed Facing Brick/Render;
 Drawing - Reference No (or Description): V6-TF-0886t(ST)504 Brodick Handed Full Facing Brick;
 Drawing - Reference No (or Description): V6-TF-957d(ST)702 Elgin;
 Drawing - Reference No (or Description): V6-TF-1212d(ST)501 Ettrick;
 Drawing - Reference No (or Description): V6-TF-1212d(ST)502 Ettrick Handed;
 Drawing - Reference No (or Description): V6-TF-1212d(ST)503 Ettrick Full Facing Brick;
 Drawing - Reference No (or Description): V6-TF-1212d(ST)504 Ettrick Handed Full Facing Brick;
 Drawing - Reference No (or Description): TF-GLAMIS(16)V6-02 Glamis GF Plan;
 Drawing - Reference No (or Description): TF-GLAMIS(16)V6-03 Glamis FF Plan;
 Drawing - Reference No (or Description): TF-GLAMIS(16)V6-05 Glamis Elevations;
 Drawing - Reference No (or Description): V6-TF-0931d(ST)501;
 Drawing - Reference No (or Description): V6-TF-0931d(ST)501 Kearn;
 Drawing - Reference No (or Description): V6-TF-0931d(ST)502 Kearn Handed;
 Drawing - Reference No (or Description): V6-TF-1033d(ST)501 Leith Brick/Render;
 Drawing - Reference No (or Description): V6-TF-1033d(ST)502 Leith Handed Brick/Render;
 Drawing - Reference No (or Description): V6-TF-1033d(ST)506 Leith Full Facing Brick;
 Drawing - Reference No (or Description): V6-TF-1033d(ST)506 Leith Handed Full Facing Brick;
 Drawing - Reference No (or Description): V6-TF-1239d(ST)501 Lismore Face Brick/Render;
 Drawing - Reference No (or Description): V6-TF-1239d(ST)505 Lismore Handed Full Face Brick;
 Drawing - Reference No (or Description): V6-TF-1239d(ST)502 Lismore Handed Brick/Render;
 Drawing - Reference No (or Description): V6-TF-1239d(ST)504 Lismore Handed Full Facing Brick;
 Drawing - Reference No (or Description): V6-TF-0799t(ST)501 Newmore;
 Drawing - Reference No (or Description): V6-TF-0799t(ST)502 Newmore Handed;
 Drawing - Reference No (or Description): V6-TF-0799t(507) Newmore Full Facing Brick;
 Drawing - Reference No (or Description): V6-TF-0799t(ST)508 Newmore Handed Full Facing Brick;
 Drawing - Reference No (or Description): V6-TF-0805s(ST)501 Newton Brick/Render;
 Drawing - Reference No (or Description): V6-TF-0805s(ST)502 Newton Full Facing Brick;
 Drawing - Reference No (or Description): TF-THREAVE(16)V6-02 Threave GF Plan;
 Drawing - Reference No (or Description): TF-THREAVE(16)V6-03 Threave FF Plan;

Drawing - Reference No (or Description): TF-THREAVE(16)V6-05 Threave Elevations Full Facing Brick;

Drawing - Reference No (or Description): TF-THREAVE(16)V6-07 Threave Elevations Render/Facing Brick;

Drawing - Reference No (or Description): V6-TF-1481d(ST)501 Warriston Facing Brick/Render Finish;

Drawing - Reference No (or Description): V6-TF-1481d(ST)502 Warriston Handed Facing Brick/Render Finish;

Drawing - Reference No (or Description): V6-TF-1481d(ST)504 Warriston Full Facing Brick Finish;

Drawing - Reference No (or Description): V6-TF-1481d(ST)505 Warriston Handed Full Facing Brick Finish;

Drawing - Reference No (or Description): V6-TF-1407d(ST)501 Whithorn Facing Brick/Render Finish;

Drawing - Reference No (or Description): V6-TF-1407d(ST)502 Whithorn Handed Facing Brick/Render Finish;

Drawing - Reference No (or Description): V6-TF-1407d(ST)506 Whithorn Full Facing Brick Finish;

Drawing - Reference No (or Description): V6-TF-1407d(ST)506 Whithorn Handed Full Facing Brick Finish;

Other - Reference No (or Description): Aerodrome Safeguarding Plan;

Other - Reference No (or Description): EIA Addendum;

Other - Reference No (or Description): Energy Statement;

Other - Reference No (or Description): Otter Species Protection Plan;

Other - Reference No (or Description): PAC Report;

Other - Reference No (or Description): Preliminary Ecological Appraisal;

Other - Reference No (or Description): Transport Assessment;

Other - Reference No (or Description): Otter Survey Report;

Other - Reference No (or Description): Design _ Access Statement;

Other - Reference No (or Description): EIA Non Technical Summary;

Other - Reference No (or Description): Quality Management;

Other - Reference No (or Description): Sage 1 Geoenvironmental Investigation Report;

Other - Reference No (or Description): Summary of Significant Residual Effects;

Other - Reference No (or Description): Supporting Statement Part 2 of 2;

Other - Reference No (or Description): Supporting Statement Part 1 of 2;

Other - Reference No (or Description): Update Preliminary Ecological Appraisal;

Other - Reference No (or Description): Photomontages;

Drawing - Reference No (or Description): 2416-SK06 SUDS Basin Details;

Drawing - Reference No (or Description): M-CS-01 SUDS Cross Sections;

Other - Reference No (or Description): Drainage Impact Assessment Feb 2019; and

Other - Reference No (or Description): Letter Kaya Consulting dated 11 June 2019.

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.

- [19/00526/APP](#) – KIRKMICHAEL - McCosh Hall, 17 Patna Road, – Part change of use of existing community hall to form shop and cafe.

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; and
- (2) that the approval for the proposed use is limited to 3 years when the use of the shop/ cafe shall be terminated and the former use of the premises shall be reinstated.

Reasons:

- (1) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (2) to define the terms of the permission.

List of Determined Plans:

Drawing - Reference No (or Description): 019/01;
 Drawing - Reference No (or Description): 019/02; and
 Drawing - Reference No (or Description): 019/01A.

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.

- [19/00597/PPP](#) – SYMINGTON – 23 Kilmarnock Road – Planning permission in principle for the erection of residential development and retail/food and drink units.

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

- (1) that the proposed development is contrary to the Adopted South Ayrshire Local Development Plan policies relating to Spatial Strategy and Core Investment Area due to the site being located out of the settlement boundary and in an area of countryside, rather than being an allocated development site, and no justification has been provided to warrant a departure from this policy;
- (2) that the proposed development is contrary to the Adopted South Ayrshire Local Development Plan policy in relation to Sustainable Development due to being at odds with its surroundings and resulting in an inappropriate ribboning out of the settlement at this location, which is not considered to consolidate, complement or enhance the built framework of the settlement of Symington at this location, and no justification has been provided to warrant a departure from this policy;

- (3) that the proposed development is contrary to the Adopted South Ayrshire Local Development Plan policy in relation to Delivering Infrastructure due to the lack of provision of affordable housing and open space so as to meet with the Council's Affordable Housing and Open Space, and no justification has been provided to warrant a departure from this policy;
- (4) that the proposed development is contrary to the Adopted South Ayrshire Local Development Plan policy entitled Residential Policy within Settlements, Release Sites and Windfall Sites due to not being within a settlement, or a designated release site, or a windfall site and not providing an acceptable residential environment, and no justification has been provided to warrant a departure from this policy;
- (5) that the proposed development is contrary to the Adopted South Ayrshire Local Development Plan policy and related Guidance in relation to Affordable Housing due to the lack of affordable housing provision, and no justification has been provided to warrant a departure from this policy;
- (6) that the proposed development is contrary to the Adopted South Ayrshire Local Development Plan policy and Guidance in relation to Open Space due to the lack of communal open space and equipped play area so as to meet the needs of residents of the development, and no justification has been provided to warrant a departure from this policy;
- (7) that the development proposal is contrary to the South Ayrshire Local Development Plan Policy in relation to General Retail: Retail Development Outwith Town Centres, in that the proposal: is not for the sale of craft goods, or other products made or produced on-site: does not involve the reuse of an existing building, and the sale of Class 1 retail goods in this out of centre location has the potential to adversely impact on retail provision within a settlement, and no justification has been provided to warrant a departure from this policy;
- (8) that the development proposal is contrary to the provisions of Scottish Planning Policy in terms of embracing the qualities of a successful place, due to being at odds with its surroundings and resulting in an inappropriate ribboning out of the settlement at this location, which is not considered to consolidate, complement or enhance the built framework of the settlement of Symington at this location, and no justification has been provided to warrant a departure from this policy;
- (9) that the development proposal is contrary to the South Ayrshire Council Local development Plan policy in relation to rural housing and Supplementary Guidance entitled Rural Housing due to Symington being a small settlement that contains an undeveloped LDP1 housing site, as well as the proposal not being small scale and being at odds with its surroundings and resulting in an inappropriate ribboning out of the settlement at this location, which is not considered to consolidate, complement or enhance the built framework of the settlement of Symington at this location, and no justification has been provided to warrant a departure from this policy; and

- (10) that it has not been demonstrated that the development proposal can be adequately, and appropriately accessed via the existing infrastructure including, a connection to the public road network to meet with the requirements of the Ayrshire Roads Alliance and the National Roads Development Guide, and also via a suitable connection to the existing public drainage system to meet with the requirements of the Ayrshire Roads Alliance in their capacity as Flood Risk Management Authority.

List of Determined Plans:

Drawing - Reference No (or Description): 001; and

Drawing - Reference No (or Description): 002.

- **19/00659/APP** – DUNDONALD – land to the south of Fairfield Nursery, B730 Bogend A77T – Tarbolton Road - Erection of highway services area to include petrol filling station (sui generis) with associated retail store (class1) and coffee shop with drive-thru (class 3)

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

- (1) that the development proposal is contrary to the South Ayrshire Local Development Plan: Spatial Strategy in that the development proposal represents development outwith the boundaries of a settlement, and which has not demonstrated a site specific requirement for a rural based location, and no justification has been provided for a departure from this policy;
- (2) that the development proposal is contrary to the South Ayrshire Local Development Plan: Core Investment Area policy in that the proposal is not considered to represent: residential development of an allocated housing site, (shown in the settlement maps), sustainable economic growth of Glasgow Prestwick Airport, the Enterprise Zone, other airport-related industry and infrastructure; promotion rural diversification and tourism, non-residential re-use of a substantially intact building, which will benefit the local environment, and promotion and improvement the environmental quality and range of amenities within town centres, and no justification has been provided for a departure from this policy;
- (3) that the development proposal is contrary to the Local Development Plan policy in relation to Business and Industry in that it has not been demonstrated to the satisfaction of the Planning Authority that the development proposal has an economic benefit which would out-weigh the provisions of the development plan, and no justification has been provided to warrant a departure from this policy;

- (4) that the development proposal is contrary to the South Ayrshire Local Development Plan Policies in relation to Sustainable Development and Land Use and Transport in that it has not been demonstrated to the satisfaction of the Council that the proposal is acceptable in terms of its siting and setting and will not adversely impact on the rural setting and visual amenity of the locality, and is in an accessible location with opportunities for travel by a choice of modes of transport, and no justification has been provided for a departure from this policy;
- (5) that the development proposal is contrary to the South Ayrshire Local Development Plan Policy in relation to General Retail: Retail Development Outwith Town Centres, in that the proposal: is not for the sale of craft goods, or other products made or produced on-site: does not involve the reuse of an existing building, and the sale of Class 1 retail goods in this out of centre location has the potential to adversely impact on retail provision within a settlement;
- (6) that the development proposal is contrary to the provisions of Scottish Planning Policy in that the proposal does not constitute business and industrial development in the form of: home-working, a live-work unit, a micro-businesses, or a community hub, and no justification has been provided for a departure from this policy; and
- (7) that there has been no need identified at a strategic level for further roadside services, over and above those which currently exist in proximity of the application site. It is not considered that an additional roadside facility at the application site is justified, or required, given the proximity of existing 24 hour service areas on the A77 at Dutch House and Bellfield.

List of Determined Plans:

Drawing - Reference No (or Description): 439_001 (Rev. B);
 Drawing - Reference No (or Description): 439_001 (Rev. C);
 Drawing - Reference No (or Description): 439_005 (Rev. B);
 Drawing - Reference No (or Description): 439_005 (Rev. D);
 Drawing - Reference No (or Description): 439_006 (Rev. C);
 Drawing - Reference No (or Description): 439_007 (Rev. E);
 Drawing - Reference No (or Description): 439_008 (Rev. C);
 Drawing - Reference No (or Description): 439_009 (Rev. B); and
 Drawing - Reference No (or Description): 439_010 (Rev. C).

The meeting ended at 12.45 p.m.