

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr
on 26 February 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: F. Mullen, Service Lead - Planning and Building Standards; A. Brown, Co-ordinator (Legal Services, Property and Contracts); M. McClelland, Planning Co-ordinator, D. Love, Supervisory Planner; A Edgar, Supervisory Planner; and A. Gibson, Committee Services Officer.

1. Declarations of Interest.

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

2. Minutes of previous meetings.

The Minutes of 31 January 2019 ([issued](#)) were submitted and approved.

3. Application for Planning Permission.

There were submitted a report of February 2019 by the Director - Place on current applications for determination.

The Panel decided as follows:-

- (1) [14/00764/APPM](#) – LENDALFOOT – Millenderdale Farm, U48 from junction A77T at Lendalfoot – via Knocklaugh to A714 near Pinmore Station –erection of 5 wind turbines, meteorological mast, ancillary infrastructure and formation of associated access tracks.

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

Landscape, Visual and Cumulative Impact

- (a) that the proposed development would be contrary to Scottish Planning Policy, South Ayrshire Local Development Plan Policies 'Wind Energy', 'Landscape Quality' and 'Sustainable Development' and 'South Ayrshire Council Supplementary Guidance on Wind Energy 2015' as a result of its effects on the character of the remaining undeveloped Coastal Foothills character type and the effects on the Intimate Pastoral Valley of the upper Stinchar, including cumulative effects with other operational, under construction and consented wind farms. The proposed development would introduce large turbines into an area of open and diverse small hills and would diminish the sense of naturalness that can be experienced within the Coastal Foothills landscape character type. Furthermore the proposed development will result in significant adverse effects from the National Byway Girvan Loop recreational route. There is no over-riding reason to depart from Scottish Planning Policy, South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy; and

Residential Visual Amenity

- (b) that due to the large scale and close proximity of the proposed turbines together with the extent and nature of the views involved, the proposal would have an unacceptably adverse impact on residential amenity of the local residents at identified properties highlighted within 2km of the nearest turbine including those at Knocklaugh Lodge, High Letterpin Cottage, High Letterpin Farm and Currarie. Consequently the application proposal is considered to be contrary to South Ayrshire Local Development Plan policies; 'Sustainable development', 'Renewable Energy' and 'Wind Energy', 'South Ayrshire Council Supplementary Guidance on Wind Energy 2015' and Scottish Planning Policy as it would have an adverse effect on residential amenity. There is no over-riding reason to depart from Scottish Planning Policy, South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy.

List of Determined Plans:

- Other - Reference No (or Description): ES 3RD ADD'M June 2018;
 Other - Reference No (or Description): ES 4TH ADD'M October 2018;
 Drawing - Reference No (or Description): LAND OWNERSHIP PLAN Jun 2014;
 Drawing - Reference No (or Description): LOCATION PLAN Jun 2014;
 Drawing - Reference No (or Description): TURBINE FOUNDATION No.2, June 2014;
 Drawing - Reference No (or Description): CRANE HARDSTANDING No.3, June 2014;
 Drawing - Reference No (or Description): METEOROLOGICAL MAST ELEVATION No.4, June 2014;
 Drawing - Reference No (or Description): ACCESS TRACK CROSS SECTIONS No.5, June 2014;
 Drawing - Reference No (or Description): SUBSTATION/ CONTROL ROOM No.6, June 2014;
 Drawing - Reference No (or Description): ACCESS TRACK- WATER & DRAINAGE No.7 June 2014;

Drawing - Reference No (or Description): SITE ACCESS/ ENTRANCE PLAN No.8 June 2014;
 Drawing - Reference No (or Description): TEMPORARY CONSTRUCTION COMPOUND No.9 June 2014;
 Drawing - Reference No (or Description): TURBINE ELEVATIONS 1 REV A March 2016;
 Drawing - Reference No (or Description): SITE LAYOUT 10 REV A March 2016;
 Other - Reference No (or Description): ES NON TECHNICAL Volume 1 (Part 1) Jun14;
 Other - Reference No (or Description): ES MAIN REPORT Volume 2a & 2B Jun14;
 Other - Reference No (or Description): ES TECHNICAL APPENDICES Volume 3 Jun 14;
 Other - Reference No (or Description): ES LVIA WIRFRAME Volume 4a Jun 2014;
 Other - Reference No (or Description): ES LVIA PHOTOMONTAGES Volume 4B Jun 2014;
 Other - Reference No (or Description): PAC REPORT June 2014;
 Other - Reference No (or Description): DESIGN & ACCESS STATEMENT Mar 2016;
 Other - Reference No (or Description): ES ADD'M NON TECHNICAL SUMMARY Volume 1 March 2016;
 Other - Reference No (or Description): ES ADD'M Volume 3 Mar 2016;
 Other - Reference No (or Description): ES ADD'M Volume 4 Mar 2016;
 Other - Reference No (or Description): PLANNING STATEMENT Mar 2016; and
 Other - Reference No (or Description): ES 2ND ADD'M September 2017.

- (2) [18/01094/FURM](#) – **TARBOLTON - Moss Landfill Site, U87 from B730 at Fail Mill – north-east to junction with U86** - Section 42 application to vary condition 12 of planning permissions 09/00846/FUL, 15/00507/FURM and 16/01079/FURM to allow temporary use of part of the site for external storage of reclaimed/processed material - Moss Landfill Site U87 from B730 at Fail Mill – north-east to junction with U86.

Decided: to approve this application and that planning permissions 09/00846/FUL, 15/00507/FURM and 16/01079/FURM be varied as per the following conditions:-

- (a) that the development hereby permitted shall be begun within three years of the date of this permission;
- (b) 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;
- (c) that the carriageway shall be resurfaced along the site frontage on U87 in accordance with the specifications in the Council's Roads Development Guide before completion of the development;

- (d) 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;
- (e) 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;
- (f) that junction access visibility sightline splays of 4.5 metres by 90 metres shall be maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays;
- (g) 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;
- (h) 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;
- (i) that before any works start on site a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earth-mounding, shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented within one year / 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;
- (j) that prior to the commencement of development, details of any external lighting shall be submitted for the prior written approval of the Planning Authority;
- (k) that no waste material shall be stored outside the building. Reclaimed or processed material shall only be stored in external Storage Bays prior to export. For a temporary period of three years beginning with the date of this consent inert soils, hardcore, brick and stones reclaimed or processed through the WRTF can be stored in the temporary storage area shown on Drawing TSA-05 up to a maximum height of 83 AOD. That the proposed additional planting shown in Landscaping Plan 5a, December 2016, shall be implemented within the first planting season following approval. Following the expiry of the three year temporary period the site shall be reinstated to its original state immediately prior to the development;

- (l) that with the exception of the Anaerobic Digestion process and essential maintenance, outwith the hours of 0700 to 1800 Monday to Friday and the hours of 0700 to 1300 on Saturdays all waste processing operations shall take place within the building with the roller shutter doors closed;
- (m) that the delivery of waste and materials to the site, and the dispatch of waste and materials from the site shall be restricted to between the hours of 0700 and 1800 Monday to Friday, and between the hours of 0700 and 1300 on Saturdays. No delivery or dispatch to or from the site shall take place on Sundays or Bank Holidays;
- (n) that the site shall be restricted to the receipt of 100,000 tonnes total maximum of waste and materials per annum and that the combined total number of HGV vehicle movements to the site and adjacent Tarbolton landfill site shall not exceed 60 per day;
- (o) that unless otherwise agreed with the Planning Authority in consultation with SEPA, only residual waste (i.e. waste remaining after all practicable and reasonable efforts have been made to extract recyclable and, where appropriate, compostable material) shall be treated in the anaerobic digestion element of the facility hereby approved;
- (p) that the plant is designed and constructed to enable the export of electricity in accordance with the approved plans prior to commencement of the operation of the plant;
- (q) that prior to the acceptance of any waste materials into the anaerobic digestion element of the facility, the materials recycling and sorting facilities (post autoclave) must be fully operational. These facilities shall be implemented in accordance with the approved plans prior to the operation of the development hereby approved and all waste going into the anaerobic digestion plant shall. Where appropriate, first be pre-treated and sorted in the materials sorting and recycling facilities;
- (r) that the applicant treats surface water from the site in accordance with the principles of the CIRIA SUDS Manual (C697) published in 2007;
- (s) that before any development commences on site, details of a Site Waste Management Plan should be submitted to and approved by the Planning Authority in consultation with SEPA and implemented thereafter in accordance with the approved details during the construction of the development;
- (t) that no development can commence on site until a full site specific construction method statement (CMS) is submitted and approved by the determining authority, in consultation with SEPA. The CMS should incorporate detailed pollution avoidance and mitigation measures for all the construction elements potentially capable of giving rise to pollution including issues relating to the construction of the building, impacts on hydrogeology and disposal of contaminated land. Specifically the statement should address the following and the construction of the development should be carried out in accordance with the agreed details:

- i) how contaminated land will be dealt with; treated and disposed of as necessary;
 - ii) details of how disturbance to groundwater will be minimised, including any de-watering proposals;
 - iii) details of the storage of construction fuels, materials, raw materials and by-production;
 - iv) temporary SUDS measures; and
 - v) dust mitigation methods; and
- (u) that should work not commence before April 2010, a revised survey be undertaken with regard to the detection and mitigation measures for the possible presence of otter, water vole and badger be undertaken to the written satisfaction of Scottish Natural Heritage and the Planning Authority.

Reasons:

- (a) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by section 21 of the Planning Etc. (Scotland) Act 2006;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) in the interest of road safety;
- (d) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
- (e) in the interests of visual amenity;
- (f) in the interest of road safety and to ensure acceptable visibility at road junction;
- (g) in the interest of road safety and avoid the discharge of water on to the public road;
- (h) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (i) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (j) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (k) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (l) in the interests of residential amenity;
- (m) in the interests of residential amenity;
- (n) in the interests of residential amenity;
- (o) in the interests of ensuring that only residual waste is treated in the energy from waste plant in accordance with SEPA's Thermal Treatment of Waste Guidelines 2009 and Government policy;
- (p) in the interest of ensuring that the facility has the capacity to export electricity generated by the operation of the plant;
- (q) in the interest of ensuring that the facility operates in accordance with the approved plans;
- (r) to ensure the site is drained in an acceptable sustainable manner and the drainage infrastructure is properly maintained;
- (s) to ensure that the waste on site is managed in an acceptable manner;
- (t) to protect the water environment from any damage arising from the construction and operation of this facility; and

- (u) to identify the presence of protected species and provide measures to mitigate the impact of development on those species.

Advisory Notes:

SEPA has advised that the existing Waste Management Licence will require to be modified in order to modify the licence conditions relating to waste quantities, maximum duration of storage and infrastructure.

List of Determined Plans:

Drawing - Reference No (or Description): 09/00846/FUL APPROVED PLANS;
 Drawing - Reference No (or Description): 15/00507/FURM APPROVED PLANS;
 Drawing - Reference No (or Description): 16/01079/FURM APPROVED PLANS;
 Drawing - Reference No (or Description): TSA-03 SITE LAYOUT EXISTING;
 Drawing - Reference No (or Description): TSA-05 TEMP STORE AREA PROPOSED;
 Drawing - Reference No (or Description): TSA-01 LOCATION PLAN;
 Drawing - Reference No (or Description): TSA-02 LOCATION PLAN 1:7500;
 Drawing - Reference No (or Description): TSA-02 SITE BOUNDARY; and
 Drawing - Reference No (or Description): TSA-04 EXIST SITE LAYOUT.

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.

- (3) **18/00934/FURM** – AYR - Land at Heathfield Retail Park, Liberator Drive - Further application to delete condition 2A and amend condition 2B of planning permission 15/00428/FURM.

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 the goods to be sold in units 1A, 1B, 2A, 2B, 3, 4, 5, 6, 7, 9, 10, 12, 17, 18 and 19, as defined on drawing SK 190117-01 dated 17.01.2019 shall be limited as follows:-

- (i) Unit 1A shall be limited to the following ranges of goods. The maximum floorspace to be occupied by each range of goods shall be limited to the percentage identified in brackets after each goods range, and is expressed as a percentage of the net floorspace of the unit: Food and Drink (up to 49%), DIY and Gardening (Up to 100%), Household Textiles and Decorations (Up to 100%), Furniture (Up to 100%), Carpets and Other Floor Coverings (Up to 100%), Electrical Products (Up to 100%), Household Cleaning (Up to 100%), Sports and Leisure (Up to 10% excluding sports and leisure clothing and footwear), Stationary/ Papers (Up to 10% excluding reading books), Clothing and Footwear (Up to 10%), Personal (Up to 10%), Toys/ Games/ Crafts (Up to 10%), Pets (Up to 10% excluding live animals, veterinary services and grooming services), Kitchenware (Up to 10%), Other (which excludes any goods falling within any of the above categories) (Up to 10%);
- (ii) Unit 1B. shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (iii) Unit 2A shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (iv) Unit 2B shall be limited to the following ranges of goods. The maximum floorspace to be occupied by each range of goods shall be limited to the percentage identified in brackets after each goods range, and is expressed as a percentage of the net floorspace of the unit: Food and Drink (up to 49%), DIY and Gardening (Up to 100%), Household Textiles and Decorations (Up to 100%), Furniture (Up to 100%), Carpets and Other Floor Coverings (Up to 100%), Electrical Products (Up to 100%), Household Cleaning (Up to 100%), Sports and Leisure (Up to 10% excluding sports and leisure clothing and footwear), Stationary/ Papers (Up to 10% excluding reading books), Clothing and Footwear (Up to 10%), Personal (Up to 10%), Toys/ Games/ Crafts (Up to 10%), Pets (Up to 10% excluding live animals, veterinary services and grooming services), Kitchenware (Up to 10%), Other (which excludes any goods falling within any of the above categories) (Up to 10%);
- (v) Unit 3 shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;

- (vi) Unit 4 shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (vii) Unit 5 shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (viii) Unit 6 shall be limited to car parts and accessories and bicycles and bicycle parts and accessories except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (ix) Unit 7 shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (x) Unit 9 shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (xi) Unit 10 shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (xii) Unit 12 shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (xiii) Unit 17 shall be limited to food & convenience goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;

- (xiv) Unit 18 shall be limited to the following ranges of goods. The maximum floorspace to be occupied by each range of goods shall be limited to the percentage identified in brackets after each goods range, and is expressed as a percentage of the net floorspace of the unit: Food and Drink (up to 49%), DIY and Gardening (Up to 100%), Household Textiles and Decorations (Up to 100%), Furniture (Up to 100%), Carpets and Other Floor Coverings (Up to 100%), Electrical Products (Up to 100%), Household Cleaning (Up to 100%), Sports and Leisure (Up to 10% excluding sports and leisure clothing and footwear), Stationary/ Papers (Up to 10% excluding reading books), Clothing and Footwear (Up to 10%), Personal (Up to 10%), Toys/ Games/ Crafts (Up to 10%), Pets (Up to 10% excluding live animals, veterinary services and grooming services), Kitchenware (Up to 10%), Other (which excludes any goods falling within any of the above categories) (Up to 10%); and
- (xv) Unit 19 shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (c) that Unit 8 shall be used for Class 11 use as a gymnasium only in accordance with the provisions of the Town and Country Planning Use Classes (Scotland) Order 1997;
- (d) that Units 14, 15 and 16 shall be used for any purpose falling within Class 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 or for a sui generis hot food takeaway use or for the sale of D.I.Y products, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (e) that no unit shall be sub-divided or amalgamated without the prior written approval of the Planning Authority;
- (f) that, prior to the commencement of works on site, details shall be submitted for the written approval of the Planning Authority of the airfield memorial;
- (g) that the presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the Planning Authority;

- (h) that before the occupation and completion of the development a Travel Plan, shall be submitted for the formal prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority and Transport Scotland). The Travel Plan shall set out proposals for reducing dependency on the private car and identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan;
- (i) that the reconfigured car park layout shall be designed to adoptable standards in accordance with the Council's Roads Development Guide before completion of the development. The precise details and specifications of the required road design shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (j) that 643 off road parking spaces shall be provided within the existing site boundary in accordance with the national policy document Scottish Planning Policy (SPP) before completion of the development. Precise details and specifications of the required parking provision shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (k) that parking bays shall be a minimum 4.8 metres x 2.5 metres with minimum aisle widths of 6 metres;
- (l) that a lockable and covered cycle stand, accommodating a minimum of 26 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;
- (m) 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;
- (n) 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;
- (o) 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. The turning area shall be constructed as approved prior to the development being occupied;

- (p) that prior to occupation of the development any gates shall be set back a minimum distance of 6 metres from the rear of the public footway, and open inwards away from the public roadway;
- (q) 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;
- (r) that two bus stops the specific stops to be located in the vicinity of the application site and agreed with the Planning Authority, shall be upgraded to include provision for Real Time Passenger Information. The precise design details and specifications shall be submitted for the prior written approval of the Planning Authority before any work commences on site. All bus stop upgrade work shall be implemented in accordance with the approved plans prior to the occupation of any part of the development unless alternative measures are approved in writing by the Council as planning authority; and
- (s) that notwithstanding the provisions of the Town and Country Planning Use Classes Order (Scotland) 1997, (or any order revoking and re-enacting the Order), the change of use of any hot food takeaway to form a Class 1 use, shall be the subject of a formal application for planning permission.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) to clarify the terms of the permission and to ensure protection of the vitality and viability of town centres;
- (c) to clarify the terms of the permission and to ensure protection of the vitality and viability of town centres;
- (d) to clarify the terms of the permission and to ensure protection of the vitality and viability of town centres;
- (e) in order to retain proper control over the development and to accord with the provisions of the Development Plan;
- (f) in the interest of visual amenity;
- (g) to ensure the proposed remediation plan is suitable;
- (h) to encourage sustainable means of travel and to be consistent with the requirements of Scottish Planning Policy and PAN 75 Planning for Transport;
- (i) in the interest of road safety and to ensure an acceptable standard of construction;
- (j) in the interest of road safety and to ensure adequate off-street parking provision;
- (k) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (l) to ensure adequate provision of lockable and covered cycle storage on site. To encourage sustainable means of travel;
- (m) in the interest of road safety and avoid the discharge of water on to the public road;
- (n) to ensure the site is drained in an acceptable and sustainable manner;
- (o) to reasonably avert the reversing of vehicles onto the main road and in the interests of road safety;
- (p) in the interest of road safety;
- (q) in the interest of road safety;

- (r) to ensure adequate provision for public transport; and
- (s) to accord with the provisions of the development plan.

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 proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.
- Notification of the use of cranes and associated equipment (as per Article 55 of the ANO) during construction phase would have to be granted permission in advance by the Airport if the crane is to be used within 6km of the aerodrome/airfield and its height exceeds 10m or that of the surrounding structures or trees (see attached procedure leaflet for further details). Please refer to the Crane Operating Approval Procedure at Glasgow Prestwick Airport. Telephone Contact (01292) 511114.
- To minimise the number of birds attracted to the area consideration of the type of waste bins used on site should be made to discourage the number of birds in the vicinity, fully enclosed or covered skips must be used.
- That no permission is hereby granted for any external advertisements, which shall require to be the subject of a separate application for advertisement consent for approval by the Planning Authority.

List of Determined Plans:

Drawing - Reference No (or Description): AL(0)001 REV. D : Location Plan.

Plans Submitted With Original Application Ref 14/00611/APP

Drawing - Reference No (or Description): E(--)-102 REV A Existing Elevations;
 Drawing - Reference No (or Description): E(--)-105 Existing Sections;
 Drawing - Reference No (or Description): E(--)-200 Existing Site Plan;
 Drawing - Reference No (or Description): P(--)-102 REV D Proposed Site Plan;
 Drawing - Reference No (or Description): P(--)-103 REV D Entrance and canopy;
 Drawing - Reference No (or Description): P(--)-104 REV A Proposed Elevations;
 Drawing - Reference No (or Description): P(--)-106 Units 4,7 and 8;
 Drawing - Reference No (or Description): P(--)-107 Proposed Sections;
 Drawing - Reference No (or Description): P(--)-108 Proposed Surface Finish;
 Drawing - Reference No (or Description): P(--)-201 REV C Proposed Plan;

Drawing - Reference No (or Description): P(--)-202 REV B Proposed Elevations (Pro);
 Drawing - Reference No (or Description): P(--)-202 REV B Proposed Retail Restrict;
 Drawing - Reference No (or Description): VIEW 002 A Visualisation;
 Drawing - Reference No (or Description): P(--)-203 Proposed Plan;
 Drawing - Reference No (or Description): P(--)-204 REV B Proposed Elevations 2; and
 Drawing - Reference No (or Description): P(--)-205 Proposed Sections.

Reason for Decision:

The proposal has been assessed against the relevant policies of the South Ayrshire Town Centre and Retail Local Development Plan. Notwithstanding the conflict with LDP Policy: Town Centre First Principle, LDP Policy: Network of Centres, LDP Policy: General Retail and LDP Policy: Commercial Centres (Heathfield), it is considered that the planning history provides justification for permitting a departure to these policies.

- (4) **18/00935/FURM** – AYR - Land at Heathfield Retail Park, Liberator Drive - Further application to delete condition 2A and amend conditions 2 and 4 of planning permission 15/00428/FURM.

Councillor Connolly, seconded by Councillor Convery, moved that the recommendation, as contained in the report, to approve the application, subject to conditions, be approved.

By way of an Amendment, Councillor Campbell moved that the application be refused, but failed to find a seconder and subsequently his Amendment fell.

Decided: Councillor Campbell dissenting, 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 the goods to be sold in units 1A, 1B, 2A, 2B, 3, 4, 5, 6, 7, 9, 10, 12, 17, 18 and 19, as defined on drawing SK 190117-01 dated 17.01.2019 shall be limited as follows:-

- (i) Unit 1A shall be limited to the following ranges of goods. The maximum floorspace to be occupied by each range of goods shall be limited to the percentage identified in brackets after each goods range, and is expressed as a percentage of the net floorspace of the unit: Food and Drink (up to 49%), DIY and Gardening (Up to 100%), Household Textiles and Decorations (Up to 100%), Furniture (Up to 100%), Carpets and Other Floor Coverings (Up to 100%), Electrical Products (Up to 100%), Household Cleaning (Up to 100%), Sports and Leisure (Up to 10% excluding sports and leisure clothing and footwear), Stationary/ Papers (Up to 10% excluding reading books), Clothing and Footwear (Up to 10%), Personal (Up to 10%), Toys/ Games/ Crafts (Up to 10%), Pets (Up to 10% excluding live animals, veterinary services and grooming services), Kitchenware (Up to 10%), Other (which excludes any goods falling within any of the above categories) (Up to 10%);
- (ii) Unit 1B shall be limited to food & convenience goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (iii) Unit 2A shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (iv) Unit 2B shall be limited to the following ranges of goods. The maximum floorspace to be occupied by each range of goods shall be limited to the percentage identified in brackets after each goods range, and is expressed as a percentage of the net floorspace of the unit: Food and Drink (up to 49%), DIY and Gardening (Up to 100%), Household Textiles and Decorations (Up to 100%), Furniture (Up to 100%), Carpets and Other Floor Coverings (Up to 100%), Electrical Products (Up to 100%), Household Cleaning (Up to 100%), Sports and Leisure (Up to 10% excluding sports and leisure clothing and footwear), Stationary/ Papers (Up to 10% excluding reading books), Clothing and Footwear (Up to 10%), Personal (Up to 10%), Toys/ Games/ Crafts (Up to 10%), Pets (Up to 10% excluding live animals, veterinary services and grooming services), Kitchenware (Up to 10%), Other (which excludes any goods falling within any of the above categories) (Up to 10%);
- (v) Unit 3 shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;

- (vi) Unit 4 shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (vii) Unit 5 shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (viii) Unit 6 shall be limited to car parts and accessories and bicycles and bicycle parts and accessories except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (ix) Unit 7 shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (x) Unit 9 shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (xi) Unit 10 shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (xii) Unit 12 shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (xiii) Unit 17 shall be limited to food & convenience goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;

- (xiv) Unit 18 shall be limited to the following ranges of goods. The maximum floorspace to be occupied by each range of goods shall be limited to the percentage identified in brackets after each goods range, and is expressed as a percentage of the net floorspace of the unit: Food and Drink (up to 49%), DIY and Gardening (Up to 100%), Household Textiles and Decorations (Up to 100%), Furniture (Up to 100%), Carpets and Other Floor Coverings (Up to 100%), Electrical Products (Up to 100%), Household Cleaning (Up to 100%), Sports and Leisure (Up to 10% excluding sports and leisure clothing and footwear), Stationary/ Papers (Up to 10% excluding reading books), Clothing and Footwear (Up to 10%), Personal (Up to 10%), Toys/ Games/ Crafts (Up to 10%), Pets (Up to 10% excluding live animals, veterinary services and grooming services), Kitchenware (Up to 10%), Other (which excludes any goods falling within any of the above categories) (Up to 10%); and
- (xv) Unit 19 shall be limited to DIY, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (c) that Unit 8 shall be used for Class 11 use as a gymnasium only in accordance with the provisions of the Town and Country Planning Use Classes (Scotland) Order 1997;
- (d) that Units 14, 15 and 16 shall be used for any purpose falling within Class 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 or for a sui generis hot food takeaway use or for the sale of D.I.Y products, garden products, furniture, carpets & other floor-coverings, home furnishings and electrical goods except in respect of a maximum of 10% of the gross floorspace from which it is permitted to sell any goods falling within Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (e) that no unit shall be sub-divided or amalgamated without the prior written approval of the Planning Authority;
- (f) that, prior to the commencement of works on site, details shall be submitted for the written approval of the Planning Authority of the airfield memorial;
- (g) that the presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the Planning Authority;

- (h) that before the occupation and completion of the development a Travel Plan, shall be submitted for the formal prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority and Transport Scotland). The Travel Plan shall set out proposals for reducing dependency on the private car and identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan;
- (i) that the reconfigured car park layout shall be designed to adoptable standards in accordance with the Council's Roads Development Guide before completion of the development. The precise details and specifications of the required road design shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (j) that 643 off road parking spaces shall be provided within the existing site boundary in accordance with the national policy document Scottish Planning Policy (SPP) before completion of the development. Precise details and specifications of the required parking provision shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (k) that parking bays shall be a minimum 4.8 metres x 2.5 metres with minimum aisle widths of 6 metres;
- (l) that a lockable and covered cycle stand, accommodating a minimum of 26 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;
- (m) 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;
- (n) 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;
- (o) 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. The turning area shall be constructed as approved prior to the development being occupied;

- (p) that prior to occupation of the development any gates shall be set back a minimum distance of 6 metres from the rear of the public footway, and open inwards away from the public roadway;
- (q) 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;
- (r) that two bus stops the specific stops to be located in the vicinity of the application site and agreed with the Planning Authority, shall be upgraded to include provision for Real Time Passenger Information. The precise design details and specifications shall be submitted for the prior written approval of the Planning Authority before any work commences on site. All bus stop upgrade work shall be implemented in accordance with the approved plans prior to the occupation of any part of the development unless alternative measures are approved in writing by the Council as planning authority; and
- (s) that notwithstanding the provisions of the Town and Country Planning Use Classes Order (Scotland) 1997, (or any order revoking and re-enacting the Order), the change of use of any hot food takeaway to form a Class 1 use, shall be the subject of a formal application for planning permission.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) to clarify the terms of the permission and to ensure protection of the vitality and viability of town centres;
- (c) to clarify the terms of the permission and to ensure protection of the vitality and viability of town centres;
- (d) to clarify the terms of the permission and to ensure protection of the vitality and viability of town centres;
- (e) in order to retain proper control over the development and to accord with the provisions of the Development Plan;
- (f) in the interest of visual amenity;
- (g) to ensure the proposed remediation plan is suitable;
- (h) to encourage sustainable means of travel and to be consistent with the requirements of Scottish Planning Policy and PAN 75 Planning for Transport;
- (i) in the interest of road safety and to ensure an acceptable standard of construction;
- (j) in the interest of road safety and to ensure adequate off-street parking provision;
- (k) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (l) to ensure adequate provision of lockable and covered cycle storage on site. To encourage sustainable means of travel;
- (m) in the interest of road safety and avoid the discharge of water on to the public road;
- (n) to ensure the site is drained in an acceptable and sustainable manner;
- (o) to reasonably avert the reversing of vehicles onto the main road and in the interests of road safety;

- (p) in the interest of road safety;
- (q) in the interest of road safety;
- (r) to ensure adequate provision for public transport; and
- (s) to accord with the provisions of the development plan.

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 proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.
- Notification of the use of cranes and associated equipment (as per Article 55 of the ANO) during construction phase would have to be granted permission in advance by the Airport if the crane is to be used within 6km of the aerodrome / airfield and its height exceeds 10m or that of the surrounding structures or trees (see attached procedure leaflet for further details). Please refer to the Crane Operating Approval Procedure at Glasgow Prestwick Airport. Telephone Contact (01292) 511114.
- To minimise the number of birds attracted to the area consideration of the type of waste bins used on site should be made to discourage the number of birds in the vicinity, fully enclosed or covered skips must be used.
- That no permission is hereby granted for any external advertisements, which shall require to be the subject of a separate application for advertisement consent for approval by the Planning Authority.

List of Determined Plans:

Drawing - Reference No (or Description): AL(0)001 REV. D : Location Plan;
 Drawing - Reference No (or Description): E(--)-102 REV A Existing Elevations;
 Drawing - Reference No (or Description): E(--)-105 Existing Sections;
 Drawing - Reference No (or Description): E(--)-200 Existing Site Plan;
 Drawing - Reference No (or Description): P(--)-102 REV D Proposed Site Plan;
 Drawing - Reference No (or Description): P(--)-103 REV D Entrance and canopy;
 Drawing - Reference No (or Description): P(--)-104 REV A Proposed Elevations;
 Drawing - Reference No (or Description): P(--)-106 Units 4,7 and 8;
 Drawing - Reference No (or Description): P(--)-107 Proposed Sections;
 Drawing - Reference No (or Description): P(--)-108 Proposed Surface Finish;
 Drawing - Reference No (or Description): P(--)-201 REV C Proposed Plan;

Drawing - Reference No (or Description): P(--)-202 REV B Proposed Elevations (Pro);
 Drawing - Reference No (or Description): P(--)-202 REV B Proposed Retail Restrict;
 Drawing - Reference No (or Description): VIEW 002 A Visualisation;
 Drawing - Reference No (or Description): P(--)-203 Proposed Plan;
 Drawing - Reference No (or Description): P(--)-204 REV B Proposed Elevations 2;
 Drawing - Reference No (or Description): P(--)-205 Proposed Sections; and
 Drawing - Reference No (or Description): VIEW 001 A Visualisation.

Reason for Decision:

The proposal has been assessed against the relevant policies of the South Ayrshire Town Centre and Retail Local Development Plan. Notwithstanding the conflict with LDP Policy: Town Centre First Principle, LDP Policy: Network of Centres, LDP Policy: General Retail and LDP Policy: Commercial Centres (Heathfield), it is considered that the planning history provides justification for permitting a departure to these policies.

- (5) **18/01089/APP** – STRAITON - Bennan Farm, U31 from B741 near Straiton – southwest to U43 near Dyke – erection of agricultural shed.

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): 2018-54-01 REVISION B; and
 Drawing - Reference No (or Description): 2018-54-02 REVISION.

Reason for Decision:

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

- (6) [18/01103/APP](#) – KILKERRAN – Ladyburn House Hotel – U45 from junction with B741 near Ruglen – via Ladyburn Bridge to U27at Auchalton Old Toll –change of use of hotel to dwellinghouse.

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): A89/04/04;
 Drawing - Reference No (or Description): A89/04/05;
 Drawing - Reference No (or Description): BLOCK PLAN; and
 Drawing - Reference No (or Description): 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.

- (7) [18/01127/APP](#) – BALLANTRAE – Fernwell, A77T Lendalfoot – Main Street, Ballantrae, north of Ballantrae – part change of use of residential land and erection of agricultural shed.

Councillor Campbell, seconded by Councillor Convery, moved that the recommendation, as contained in the report, to approve the application, subject to conditions, be approved.

By way of an Amendment, Councillor Kilpatrick, seconded by Councillor Toner, moved that the application be refused.

On a vote being taken by a show of hands, three members voted for the Amendment and four for the Motion, which was accordingly declared to be carried.

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; and
- (b) that the existing dwellinghouse and the agricultural shed hereby granted planning permission shall remain part of the same single inter-connected planning unit. Once the shed has been constructed, neither the existing dwellinghouse nor the shed shall be sold, leased or otherwise disposed of for the use as a separate unit without the submission of a further planning application.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (b) in order to retain full planning control over the development.

List of Determined Plans:

Drawing - Reference No (or Description): 2018-58-01;
Drawing - Reference No (or Description): 2018-58-02; and
Drawing - Reference No (or Description): 2018-58-03.

Reason for Decision:

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

The meeting ended at 11.45 a.m.