

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr
on 31 January 2019 at 10.00 a.m.

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

Attending: F. Mullen, Service Lead - Planning and Building Standards; A. Brown, Co-ordinator (Legal Services, Property and Contracts), M. McClelland, Planning Co-ordinator; 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 [15 November](#) and [11 December 2018](#) (issued) were submitted and approved.

3. Applications for Planning Permission.

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

The Panel decided as follows:-

- (1) [18/00629/PPP](#) – MAUCLINE– Willow Grove Springs, C2 from A70 south-east of Belston – via B742 – Council Boundary south of Laigh Dalmore, north of Coynton – Planning permission in principle for the erection of 3 no. detached dwellinghouses.

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

- (a) that the development proposal is contrary to the 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 of 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

- (b) that the development proposal is contrary to the South Ayrshire Local Development Plan Policy in relation to Rural Housing and the related Supplementary Planning Guidance entitled Rural Housing in that the development does not represent; development within a clearly defined and nucleated housing cluster, or the infilling of a gap site which would consolidate existing dwellings.

List of Determined Plans:

Drawing - Reference No (or Description): 608/L1;
 Drawing - Reference No (or Description): 608/S1; and
 Drawing - Reference No (or Description): 608/S2.

- (2) [18/00955/APP](#) – **TROON – Troon Marina, Harbour Road**– Change of use of retail unit to form 2 no. holiday apartments, erection of 8 no. holiday apartments, erection of plant building, erection of wall and associated landscaping works.

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

- (a) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (b) that prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority;
- (c) that the development unit shall not be promoted, advertised, let or used for any purpose other than as holiday accommodation, and that the occupancy of the holiday accommodation by the same person, whether or not along with other persons, shall be strictly limited to a total of one month, in any year from 1st January in that year;
- (d) that the holiday accommodation hereby granted planning permission shall remain part of the single planning unit associated with the larger area of land comprising the marina as identified on the submitted and approved drawings, unless granted planning permission for a sub-division of the plot;

- (e) that the presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested, and which shall be submitted for the formal prior written approval of the Council as planning authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution 'The investigation of potentially contaminated sites- Code of Practice' (BS 10175: 2001, or as may be amended). The report shall include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33 (or as may be amended). Any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, shall be the subject of a detailed remediation strategy which shall be submitted for the formal prior written approval of the Council as planning authority. Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the occupation of the development. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority;
- (f) the proposed development may introduce a noise sensitive development to an area affected by noise from nearby commercial and industrial developments. Prior to the commencement of works on-site, a noise assessment shall be undertaken and submitted so as to determine the likelihood of noise nuisance on the new development. The assessment shall be carried out by a suitably qualified acoustic consultant or other competent person, and shall include all relevant noise sources that may impact on the proposed development using the current British Standard (or as may be amended). The results of the assessment together with any noise mitigation measures shall be submitted for the formal prior written approval of the Planning Authority/ before any work commences on site. For the avoidance of doubt all noise measurements shall be carried out by a suitably qualified acoustic consultant or other competent person. Maximum Target Noise Levels within the noise sensitive receptor to be used are as follows:-

LAEQ16hrs	35dB	(0700-2300)	internal noise level;
LAEQ 8hrs 30dB		(2300-0700)	internal noise level;
LAMAX	45dB	(2300-0700)	internal noise level; and
LAEQ 16hrs	50dB	(0700-2300)	outside amenity space.

In addition the significance of effect to be no greater than neutral as per Technical Advice Note Assessment of Noise (TAN) Table 3.5 page 20.

Internal noise levels to be achieved, where possible, with windows open sufficiently for ventilation. Noise reduction to be taken as 10dB from outside to inside with window open;

- (g) that prior to the commencement of work on-site, details shall be submitted for a minimum of 10 parking spaces to be provided within the existing boundaries of the site in accordance with the Council's Roads Development Guide. Thereafter, the spaces shall be implemented as per the agreed specification, prior to the occupation of the development, and shall be retained for the lifetime of the development;

- (h) that parking bays shall be a minimum 4.8 metres x 2.5 metres with minimum aisle widths of 6 metres; and
- (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 earthmounding, shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented within the first 6 months / 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.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of visual amenity;
- (c) to clarify the terms of the permission, and to ensure that the accommodation is used for holiday purposes only;
- (d) to clarify the terms of this permission;
- (e) to ensure all contamination within the site is dealt with;
- (f) to avoid noise disturbance in the interests of residential amenity;
- (g) in the interest of road safety and to ensure adequate off-street parking provision;
- (h) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning; and
- (i) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

Advisory Notes:

- The Council as Roads Authority advises that any costs associated with the relocation of any street furniture will require to be borne by the applicant/developer.
- The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.
- In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads authority and the relevant utility companies.
- that a Road Opening Permit shall be applied for, and obtained from the Roads Authority, for any work within the public road limits prior to works commencing on site.

- The applicant/developer shall, prior to the movement of any construction traffic to or from the site, submit a Construction Traffic Management Plan for the written approval of the Council as Roads Authority, and Police Scotland. The plan shall describe the methodology for the movement of construction traffic to and from the site and shall require the agreement of the Council as Roads Authority and Police Scotland prior to any movement of construction traffic associated with the site.
- An effective vehicle wheel washing facility is required during construction, details of which shall be submitted to and approved by the Roads Authority prior to its installation. When required such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which will cause a nuisance or hazard to the road system in the locality.

List of Determined Plans:

Drawing - Reference No (or Description): 6393 LOC 01 A;
 Drawing - Reference No (or Description): 6393 EX 01;
 Drawing - Reference No (or Description): 6393 PL 01;
 Drawing - Reference No (or Description): 6393 EX 04;
 Drawing - Reference No (or Description): 6393 PL 04; and
 Drawing - Reference No (or Description): 6393 PL 02 A.

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) **18/01028/PPP – MONKTON – Woodend, C106 junction of B739-C138 junction south of Langlands, north-east of Prestwick** – Planning permission in principle for erection of 4 no. dwellinghouses.

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

- (a) that this planning permission in principle, subject to the specified planning conditions, relates to the plan(s) as listed below;
- (b) that at the Approval of Matters Specified in Conditions stage full details of the proposed residential development, including the siting, design, external appearance, means of access, landscaping measures, and any other matters specified in conditions below, shall be submitted for the approval of the Planning Authority as outlined in Advisory Notes (1a) and (1b) of this planning permission;

- (c) that the dwellinghouses shall comply with the Council's supplementary planning guidance in relation to 'Open Space and Designing New Residential Developments' and/ or any subsequent document prepared by the Council in relation to the provision of open space for residential areas. At the Approval of Matters Specified in Conditions stage detailed supporting information illustrating compliance with this supplementary planning guidance shall be submitted for the approval of the Planning Authority;
- (d) that at the Approval of Matters Specified in Conditions stage details shall be submitted of the proposed Sustainable Urban Drainage Systems (SUDS) which shall be prepared in accordance with the provisions of Scottish Environment Protection Agency (SEPA) Guidance Note No.8;
- (e) that at the Approval of Matters Specified in Conditions stage details shall be submitted of the all the proposed boundary treatments;
- (f) that the proposed access to serve the existing house shall be constructed in accordance with the specifications in the Council's Roads Development Guide, and be a minimum of 3.6 metres wide over its initial 5 metres, as measured from the rear of the public footway prior to operation;
- (g) that the existing access to serve the 4 houses shall be widened to a minimum of 5.5m in width for a distance of 10.0m, and be surfaced for a distance of at least 10.0m, as measured from the rear of the public road carriageway in accordance with the Council's Roads Development Guide prior to occupation;
- (h) 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;
- (i) that junction access visibility sightline splays of 2.4 metres by 43 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;
- (j) that off road parking spaces shall be provided within the existing site boundary in accordance with the Council's Roads Development Guide before development commences on site. 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 off road parking spaces shall be provided within the existing site boundary in accordance with the Council's Roads Development Guide prior to occupation. 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;

- (l) that at the Approval of Matters Specified in Conditions stage plans shall be submitted to show turning heads provided within the site in accordance with the Roads Development Guide;
- (m) that at the Approval of Matters Specified in Conditions stage plans shall be submitted to show turning heads provided within the site in accordance with the Roads Development Guide;
- (n) that bin collection points shall be located a maximum of 15 metres from the public carriageway before occupation of the development. Details and specifications of the siting and design of bin collection points shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site;
- (o) 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; and
- (p) that the public footway shall be resurfaced along the site frontage to the junction with Adamton Estate to the specification as provided by the Council as Roads Department, prior to completion of the development.

Reasons:

- (a) to clarify the extent of the planning permission and to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning etc. (Scotland) Act 2006;
- (b) to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning Etc. (Scotland) Act 2006. In order to retain proper control over the development proposal;
- (c) to comply with the Council's supplementary planning policy guidance in relation to open space and in the interests of the proper planning of the area;
- (d) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (e) in the interests of visual amenity;
- (f) in the interest of road safety and to ensure an acceptable standard of construction;
- (g) in the interest of road safety and to ensure an acceptable standard of construction;
- (h) in the interest of road safety and avoid the discharge of water on to the public road;
- (i) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (j) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (k) in the interest of road safety and to ensure adequate off-street parking provision;
- (l) in the interest of road safety and to ensure adequate off-street parking provision;
- (m) to reasonably avert the reversing of vehicles onto the main road;
- (n) in the interest of road safety and to ensure that adequate provision is made for pedestrians;
- (o) in the interest of road safety; and
- (p) in the interest of road safety and to promote sustainable travel.

Advisory Notes:

- The Council as Roads Authority advises that any costs associated with the relocation of any street furniture will require to be borne by the applicant/developer.
- In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads authority and the relevant utility companies.
- The Council as Roads Authority advises that the Council will not be liable to adopt the drainage system as it is wholly contained within private ownership.
- That a Road Opening Permit shall be applied for, and obtained from the Roads Authority, for any work within the public road limits prior to works commencing on site.

List of Determined Plans:

Drawing - Reference No (or Description): 003A;
Drawing - Reference No (or Description): 004A; and
Drawing - Reference No (or Description): 001A.

Reason for Decision:

The principle of the development hereby approved can be justified in terms of the development plan, and subject to appropriate conditions and the submission of application(s) for the Approval of Matters Specified in Conditions, there is no significant adverse impact on the amenity of neighbouring land and buildings.

The meeting ended at 11.05 a.m.